



BY EMAIL (harmful-sub-consultation@fehd.gov.hk) & BY POST

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Views on the Public Consultation on the Proposed Amendments to the Harmful Substances in Food Regulations (Cap. 132AF)

I. Introduction

The Hong Kong Infant and Young Child Nutrition Association (The Association) welcomes the proposed amendment from the Food and Health Bureau and the Centre for Food Safety of the regulation of harmful substances in food which includes milk formula products. We support the Government's initiative in safeguarding public health, especially that of infants and young children.

Members of the Association are global players in the infant formulas and food industry. We always put the health of infants and young children in the first place. Our members have been closely monitoring the international regulation and the Codex standard for infant formulas ingredients and exercise strict control of the production process to ensure the quality and safety of the products.

II. Feedback to the Latest Proposed Amendments

1. Suggest to state clearly the status of “product as sold” or “product as consumed”

There are several substances related to the infant formula being included in the proposed amendments. However, whether the Maximum Level (ML) applies to finished product as sold or product as consumed are not clearly stated in the consultation document regarding the substances indicated. We would suggest the authority to state this clear on each substance indicated.

For example, according to the explanation given during the online technical meeting with the trade, the authority stated that for “aflatoxins, total” and “aflatoxin B₁” both would be treated as “product as sold”. Referencing the European Union Regulation, for products that require reconstitution prior to be consumed, both the “aflatoxins, total” and “aflatoxin B₁” limit should apply to products that are “product as consumed” instead of “product as sold”. Having “product as consumed” should cover all products, whether reconstitution is required or not. The Association would appreciate the authority to state clearly on each substance.

2. “Aflatoxins, total” is not commonly applied on infant formula, follow-up formula and dried milk



According to the proposed amendment, the ML of “aflatoxins, total”, which include Aflatoxins B₁+B₂+G₁+G₂, for any food other than specified food will be tightened up from 15µg/kg to 5µg/kg. While among international legislations, “aflatoxins, total” is not commonly applied on infant formula, follow-up formula and dried milk.

We note that the European Union Regulation ([EC 1881/2006](#)) for “aflatoxins, total” is only applied on nuts, dried fruits, cereal products and spices. The Codex General Standard ([CXS 193-1995](#)) on the same category is applied on nuts and dried fig only. The Association thus propose not to apply the ML of “aflatoxins, total” to infant formula, follow-up formula and dried milk.

3. “Aflatoxins B₁” is not applied on infant formula and follow-up formula

The authority takes reference from the European Union Regulation ([EC 1881/2006](#)) and propose the ML of “Aflatoxins B₁” to be 0.1µg/kg on any food intended to be consumed principally by persons under the age of 36 months (including the infant formula and follow-up formulae). However, as per the EU regulation, this limit does not apply to infant formula and follow-up formula. Hence, it is suggested not to impose ML of “Aflatoxins B₁” on infant formula and follow-up formula.

III. Conclusion

The Association believes in the importance of aligning international practice of infant formulas in local regulations update. We are open to continue working with the authority on food safety enhancement along this direction. Our members will strive to maintain the highest quality and safety of infant formula products so that parents can feel assured to feed their children.

Hong Kong Infant and Young Child Nutrition Association
12th March 2021

The Hong Kong Infant and Young Child Nutrition Association consists of the following members (in alphabetical order of the company names)

- *Abbott Laboratories Limited*
- *Danone Nutricia Early Life Nutrition (Hong Kong) Limited*
- *FrieslandCampina (Hong Kong) Limited*
- *Mead Johnson Nutrition (Hong Kong) Limited*
- *Nestle Hong Kong Limited*
- *Wyeth (Hong Kong) Holding Company Limited*