

TECHNICAL ISSUES ON NUTRITION LABELLING

– EXEMPTION LIST –

BACKGROUND

In November 2003, the Government proposed to introduce a labelling scheme on nutrition information for prepackaged food. It was proposed at that time that a list of items would be exempted (Annex I).

2. With comments received during the consultation exercise and during discussions with the trade in the technical meetings, the list of exemptions from nutrition labelling has been revised. Two criteria would be taken into consideration when deciding whether a prepackaged food item should be granted the exemption status:

- The information provided would not directly benefit the ultimate consumer; or
- It is practically difficult for the trade to provide the information.

PROPOSED AMENDMENTS TO THE DRAFT EXEMPTION LIST

Item for Deletion

- i. Vinegar which is derived by fermentation exclusively from a single basic product and to which no other ingredient has been added.
(Item No. 9 in the original exemption list)

The Administration has previously considered vinegar be exempted under the NL scheme because this item is exempted from the general labelling requirements of the existing regulation, and it is also exempted under NL schemes in Australia/New Zealand. However, the consumption pattern of vinegar in our local population may be different from that of western populations, and the nutrient content of vinegar is not considered insignificant. Hence vinegar should be

required to provide NL in our scheme. It is also noted that nutrient contents of vinegar do not change with time after bottling.

Items for Addition

- i. Prepackaged food not intended for sale to ultimate consumers, including those intended solely for use as an ingredient in the manufacture of other prepackaged products by food manufacturers, or in the cooking/production of foods served in the catering establishment; and those sold to food importers/distributors/packers of which repacking is required before selling to consumers.

(Item No. 8 in the revised exemption list)

The Administration is considering exempting items in this category because these food products are subject to further manufacturing or cooking process and the nutrient information, if provided, cannot benefit the ultimate consumers.

- ii. Prepackaged food with insignificant amount of energy and nutrients (i.e., the amount of energy and each and every core nutrient found in per 100g of the food equals to zero).

(Item No. 9 on the revised exemption list)

The Administration is considering exempting this item as to minimize the trade cost under this case. Typical examples are tea leaves, coffee beans, flavourings, some spice/herbs, some chewing gums, etc. The Administration is preparing a rounding rule as guideline for the trade.

- iii. Soup packs containing assorted ingredients.

(Item No. 12 on the revised exemption list)

The Administration is considering exempting this item as we recognize the practical difficulties of the trade in standardizing the nutrient content, as it is unlikely that the amount of each ingredient included in the packages is the same. Moreover, it is understood that these soup ingredients are not meant for direct consumption and may be cooked

with additional ingredients, e.g. pork. Hence, the nutrition information, if provided, may not reflect the nutrient intake of the food actually consumed.

Chinese herbal soup pack “中藥材湯包”, similar to other soup packs, is also recommended to be exempted.

- iv. Prepackaged foods sold only at a temporary special event for charity organized by a gazetted charitable organization.
(Item No. 13 in the revised exemption list)

The trade suggested exempting prepackaged foods sold only at a temporary special event, e.g., trade fair and food exhibitions. The Government does not think it is appropriate to accede to this request as these products need to comply with the general labelling requirements. Furthermore, the Administration sees no significant practical difficulties for the trade to label these products with nutrition information.

However, the Administration considers that exemption for “prepackaged foods sold only at a temporary special event for charity organized by gazetted charitable organizations” is feasible as these organizations can be clearly defined.

- v. Prepackaged foods produced and sold solely at the premise of a front-shop-back-factory or stand-alone shop-factory operation.
(Item No. 14 in the revised exemption list)

The above exemption was proposed to help those SMEs that may be adversely affected by the proposed labelling scheme. Similar exemption has been adopted overseas, e.g. Malaysia. Granting exemption for these SMEs will alleviate their compliance costs. That said, the Administration proposes to specify exemption only for prepackaged foods produced and sold solely at the premise of a front-shop-back-factory operation.

Items for Modification

- i. Prepackaged food prepared and sold at a catering establishment for immediate consumption. [Original wording: Prepackaged food sold at a catering establishment for immediate consumption.]
(Item No. 2 in the revised list)

Prepackaged food items prepared elsewhere but sold in a catering establishment will not be exempted.

- ii. Single unprocessed ingredient of raw meat, poultry, fish and seafood (except when ground). [Original wording: Raw meat, poultry (except when ground), fish and seafood.]
(Item No.10 in the revised exemption list)

Ground “meat, poultry, fish and seafood”, not just “poultry”, should not be exempted as various parts of meat, poultry, fish and seafood may have been ground together. Furthermore, other ingredients affecting the nutrient content of the food may have been added.

VIEWS SOUGHT

3. The revised list of exemption is attached as Annex II. Representatives from the trade are invited to comment on the revised proposal on exemptions.

Food and Environmental Hygiene Department
June 2005

Proposed Exemptions from Nutrition Labelling

(As stated in the Consultation Paper on
Labelling Scheme on Nutrition Information Nov 2003)

With reference to the list of items exempt from listing of ingredients on food labels (Schedule 4, Cap 132 Food and Drug (Composition and Labelling) Regulations), the following foods should be exempted from nutrition labelling. However, their exemption status will be lost if they carry nutrient-related claims –

1. Prepackaged drinks with an alcoholic strength by volume of more than 1.2% as determined under section 53 of the Dutiable Commodities Ordinance (Cap. 109);
2. Prepackaged food sold at a catering establishment for immediate consumption;
3. Individually wrapped confectionery products in a fancy form intended for sale as single items;
4. Individually wrapped preserved fruits which are not enclosed in any further packaging and which are intended for sale as single items;
5. Prepackaged food packed in a container of which the aggregated surface area is less than 100 cm²;
6. Fresh fruit and fresh vegetables;
7. Spring water, mineral water, carbonated water to which no ingredient other than carbon dioxide has been added;
8. Vinegar which is derived by fermentation exclusively from a single basic product and to which no other ingredient has been added;
9. Flavourings;
10. Raw meat, poultry (except when ground), fish and seafood; and
11. Raw prepackaged ready-to-cook dishes.

Revised Proposed Exemptions from Nutrition Labelling

1. Prepackaged food with alcoholic strength by volume of more than 1.2% as determined under section 53 of the Dutiable Commodities Ordinance (Cap. 109).
2. Prepackaged food prepared and sold at a catering establishment for immediate consumption.
3. Individually wrapped confectionery products in a fancy form intended for sale as single items.
4. Individually wrapped preserved fruits which are not enclosed in any further packaging and which are intended for sale as single items.
5. Small package with less than 100cm² total surface area.
6. Fresh fruit and fresh vegetables.
7. Spring water, mineral water, carbonated water to which no ingredient other than carbon dioxide has been added.
8. Prepackaged food not intended for sale to ultimate consumers, including those intended solely for use as an ingredient in the manufacture of other prepackaged products by food manufacturers, or in the cooking/production of foods served in the catering establishment; and those sold to food importers/distributors/packers of which repacking is required before selling to consumers.
9. Prepackaged food with insignificant amount of energy and nutrients (i.e., the amount of energy and each and every core nutrient found in per 100g of the food equals to zero).
10. Single unprocessed ingredient of raw meat, poultry, fish and seafood (except when ground).
11. Raw prepackaged ready-to-cook dishes.
12. Soup packs containing assorted ingredients.
13. Prepackaged foods sold only at a temporary special event for charity organized by a gazetted charitable organization.
14. Prepackaged foods produced and sold solely at the premise of a front-shop-back-factory or stand-alone shop-factory operation.