

Food and Environmental Hygiene Department

* * * * *

**Minutes of a Technical Meeting with Trade on
the Labelling Scheme on Nutrition Information (Food Retailers' Subgroup)
held on 22 June 2005 at 9:30 a.m. in Room 1007, Citibank Tower**

PRESENT:

Government Representatives

Dr HO Yuk-yin	Consultant (Community Medicine), FEHD	(Chairman)
Ms SHEA Wing-man	Assistant Secretary, HWFB	
Mr Stanley NG	Senior Administrative Officer (Food and Public Health), FEHD	
Dr Priscilla KWOK	Senior Medical Officer (Risk Assessment), FEHD	
Dr Stephen CHUNG	Senior Chemist (Food Research Laboratory), FEHD	
Mr YIP Ming-bor	Superintendent (Risk Assessment), FEHD	
Mr LI Ka-kei	Chief Health Inspector (Food Labelling), FEHD	
Ms Waiky WONG	Research Officer (Risk Assessment), FEHD	(Note-taker)
Ms Jacqueline FUNG	Scientific Officer (Risk Assessment), FEHD	(Note-taker)

Trade Representatives

Ms CHEUNG Lai-kuen	LegCo Member Assistant	
Mr Peter JOHNSTON	QA Manager, A.S. Watson Co. Ltd. - PARKnShop	
Mr Anthony CHEUNG	Deputy Officer, CR Care Co. Ltd. (China Resources Retail)	
Mr Douglas BROWN	Director, Group Procurement, Dairy Farm Company Ltd.	
Ms Angie CHAN	QA Manager, Dairy Farm Company Ltd.	
Ms Brenda CHAN	Buying Manager, Marks and Spencer (Asia Pacific) Ltd.	
Ms Anna YUEN	Head of Buying, Marks and Spencer (Asia Pacific) Ltd.	

Welcoming Remarks

Action

1. The Chairman opened the meeting by welcoming the trade representatives.

Agenda Item 1

Confirmation of Minutes

2. Minutes of the meeting held on 11 April 2005 were confirmed without amendments.

Agenda Item 2

Updates on Overseas Practice on Nutrition Information on Food Labels

3. Ms J FUNG presented the latest development on overseas nutrition labelling (NL) (Annex I). The Chairman supplemented that there were voices from some LegCo members urging the Administration to consider requiring labelling of additional nutrients, including trans fat and iodine.

4. As for trans fat labelling, the Chairman noticed that (i) an increasing number of countries required trans fat declaration on nutrition label; (ii) Codex provided an option for food authority to make declaration of trans fat if the product carried a fat or cholesterol claim mandatory. The Administration would consider requiring trans fat declaration, along with saturated fat, monounsaturated fat, polyunsaturated fat and cholesterol listings, in the presence of a fat or cholesterol claim. The Chairman welcomed the trade to share their views on labelling of trans fat.

5. A trade representative believed that it would be a disincentive for the trade to sell low fat/cholesterol foods if they were required to label trans fat. He also queried the impacts of trans fat on health and its relationship between fat and cholesterol, as these are of different chemical structures. Ms J FUNG explained that there was increasing scientific evidence that trans fat had similar effect on cardiovascular diseases as saturated fat, and there had been an increasing trend for overseas NL schemes to declare trans fat on nutrition labels. The Chairman

offered to prepare a paper on trans fat for the trade's information and further discussion. FEHD

Agenda Item 3 Technical Issues on Nutrition Labelling

(i) Exemption List

6. Dr P KWOK briefed the meeting on the proposed amendments to the draft exemption list found in the Consultation document released in November 2003 (Annex 2). The Chairman added that the Administration had received two additional suggestions from the trade on exemption: (i) exemption for low sales volume products, (ii) relaxing the limit of 100 cm² total surface area for imported small packaged products requiring stickers.

7. At the meeting, trade representatives commented/sought for clarifications on the followings:

Foods sold by catering establishments – A trade representative urged the Administration to consider requiring NL of foods sold by catering establishments as they contributed a significant proportion of local food consumption. Dr P KWOK responded that different strategies might be effective for different settings. The Chairman remarked that promotion of healthy eating was a much wider topic and the present meeting should focus on the implementation of the NL scheme for prepackaged food.

Small package with less than 100 cm² total surface area – The trade representatives urged the Administration to consider relaxing the 100 cm² limit. The Chairman agreed to look into the difficulties in fixing nutrition labels to small food packages, particularly those imported food products not targeted at the Hong Kong market.

HWFB/
FEHD

Single unprocessed ingredient of raw meat, poultry, fish and seafood (except when ground) – A trade representative queried why NL would be needed with grounding. Ms J FUNG explained that different parts of meat with different nutrition content might be mixed together during grounding, and many overseas NL schemes did not provide exemption for ground meat. Upon query, Mr KK LI explained that prepackaged ground meat fell within the definition of prepackaged food as laid down in the existing labelling legislation and therefore required the provision of

labelling information as in other prepackaged food items.

Ground meat – Two trade representatives queried the necessity of NL for prepackaged ground meat while ground meat without prepackaging did not require NL. The Chairman responded that the definition of prepackaged food had already been laid down in existing food labelling laws. This would provide a clear demarcation of the scope of implementation and enforcement for the NL scheme.

Raw prepackaged ready-to-cook dishes – A trade representative sought clarification on its definition. The Chairman replied that it referred to raw foods fully prepared and ready to be served with just simple cooking. However, partially cooked foods, requiring only reheating before serving, would not be exempted.

Individually wrapped confectionery products in a fancy form intended for sale as single items – A trade representative sought clarification on the definition of “fancy form”. Mr KK LI replied that there was no specific definition for fancy form and the basic principles were that the food container should be in irregular shape and the food was to be sold in that particular package as a single food item. The Chairman suggested the trade to provide NL in case of doubt.

Prepackaged foods sold temporarily during food promotion – A trade representative suggested the Administration to grant exemption for these products. The Chairman responded that the Administration might consider exemption for such products provided that they were imported by small importers and they were of low sales volume, in consistency with the motion passed by LegCo urging the Administration to support SMEs. Two representatives of the trade objected this proposal as it introduced discrimination against large enterprises, and might possibly create loopholes as large retailers would source products from small importers. Instead, they would support exemption for low sales volume products irrespective of whether they were imported by SMEs or not. The Chairman said that there was a need for the Administration to support SMEs and the Administration would study the details before taking the proposal forward.

Prepackaged foods produced and sold solely at the premise of a front-shop-back-factory or stand-alone shop-factory operation – Upon query, the Chairman clarified that a bakery in a stand-alone operation or in a supermarket

would be equally exempted provided that the foods were produced and sold solely in that bakery.

Herbal tea – Upon query, Dr P KWOK replied that exemption might be granted for herbal tea only if the amount of energy and each and every core nutrient found in per 100ml of the product equals to zero. However, if the product carried a nutrient-related claim or any nutrition information, exemption status would be lost.

(ii) Tolerance Limits

8. Ms J FUNG presented the proposal on tolerance limit (Annex 3).

9. A trade representative opined that the trade should not be prosecuted once they could prove that the difference between the actual and labeled nutrient values was due to factors beyond the trade's control, such as natural variation of animal species, husbandry practice, seasonal factors, etc. He also queried whether the labeled value should reflect the content at production, sale or after cooking process. Ms J FUNG clarified that the tolerance limits were intended to cover natural variation, including climatic and seasonal factors. The Chairman remarked that the tolerance limits of 20% were quite commonly adopted internationally. Ms J FUNG further added that the labeled value should reflect the nutrient content as purchased, i.e. any time within the shelf-life of the food. Moreover, for food products requiring cooking before consumption, the trade might choose to attach a suggested recipe, and provide nutrition information of food "as prepared" in addition to the "as purchased" information.

10. The Chairman invited trade's comments on whether the Administration should follow the Mainland on adopting similar tolerance limits. The trade representatives had no specific views on the proposed tolerance limits.

(iii) Rounding Rules

11. Ms J FUNG introduced the proposed rounding rules for the NL scheme (Annex 4). A trade representative asked if the Administration would consider adopting the rounding rules of the country of origin of a product. The Chairman

replied that as the rounding rules would not be included in the NL laws, the enforcement officer might consider the rounding rules of the country of origin, provided that such rules were made available to the Administration upon request. The Administration would further consider the suggestion and, if necessary, prescribe the details in the NL guide.

12. The Chairman invited trade representatives to comment on whether we should follow the Mainland in adopting similar rounding rules. The trade representatives had no specific views on the proposed approach.

Agenda Item 4

Proposed Contents of the Draft Guide on Labelling Scheme on Nutrition Information

13. Ms J FUNG briefed the meeting the outline of the draft NL guide (Annex 5). The Chairman said that the Administration aimed to release the draft guide for comment after the enactment of the nutrition labelling regulations. Subject to further comments from the trade, the guide would then be finalized. Furthermore, workshops for the trade, particularly for SMEs, would be conducted to facilitate their understanding of the regulations and making of accurate nutrition labels for the local market.

14. Trade representatives had no further addition to the proposed content of the NL guide.

Agenda Item 5

Any Other Business

15. A trade representative urged the Administration to evaluate the existing enforcement approach where the retailer would be predominantly liable for any irregularities found in food labels. Mr KK LI responded that according to existing food labelling legislations, the retailer would be held responsible for inaccuracy of food labelling information because he or she had the responsibility to verify the information marked on food labels prior to display sale. However, if there was sufficient evidence to prove that the importer/local manufacturer should also liable

for the offence, consideration might be given to take out prosecution against them.

16. The Chairman informed the trade representatives that the next round of technical meetings would be held around September 2005 covering other technical issues, including principles and/or conditions for nutrient-related claims; synonyms for nutrition claims; and simplified formats.

17. There being no further business, the meeting was adjourned at 12:25 PM.