

TECHNICAL ISSUES ON NUTRITION LABELLING

– NUTRITION CLAIM : NUTRIENT CONTENT CLAIM –

BACKGROUND

The number of prepackaged food products with claims has increased in the past few years. According to the market surveys conducted in 2001 and 2004¹, the prevalence of nutrient-related claims increased from 19% to 28%. Nutrition claims, i.e., nutrient content claim and nutrient comparative claims, are the ones most commonly found (Annex 1). In order to regulate misleading or deceptive nutrition claims, and to promote fair trade in the prepackaged food market, the Administration proposes to set conditions for nutrition claims as part of the Labelling Scheme on Nutrition Information.

NUTRITENT CONTENT CLAIMS UNDER THE LOCAL SCHEME

Subjects of Nutrient Content Claims

2. According to the NL proposal, the only nutrient content claims permitted shall be those relating to energy, protein, carbohydrate, and fat and components thereof (such as saturated fat), cholesterol, sugars, dietary fibre and sodium, plus vitamins and minerals for which Nutrient Reference Values (NRVs) have been laid down for nutrition labelling purpose.

3. Where a food is by its nature low in or free of the nutrient that is the subject of the claim, the term describing the level of the nutrition should be immediately precede the name of the food but should be in the form “a low (naming of the nutrient) food” or a (naming of nutrient)-free food”.

¹ Approximately 1,000 and 1930 products were randomly surveyed in 2001 and 2004, respectively.

Labelling Requirements

4. For all nutrient-related claims, the amount of claimed nutrients should be declared on the nutrition label. Furthermore, triggered cluster declarations are required for claim on fat/cholesterol and carbohydrate/sugars.

- Claims on fat / cholesterol – Where a claim is made regarding the amount and/or type of fat or the amount of cholesterol, the amounts of saturated fat, monounsaturated fat, polyunsaturated fat and cholesterol should be declared. Furthermore, in addition to the above, any fat or cholesterol claim should be accompanied by declaration of trans fat in Phase II.
- Claim on carbohydrate / sugars – Where a claim is made regarding the amount and/or type of carbohydrate, the amount of total sugars should be listed.

Conditions for Nutrient Content Claims

5. We propose to adopt conditions for nutrient content claims established by Codex (Annex 2). Apart from these conditions, we realized that some of the common claims appearing in the local market were not covered by Codex, such as high fibre, low sugars. In order to establish a comprehensive list, we propose to supplement the Codex list by considering the followings:

- i. Proposals found in Codex *draft* guidelines;
- ii. Conditions set or proposed by the Mainland's authorities (the General Standard for the Labelling of Prepackaged Foods for Special Dietary Uses (GB13432-2004) and the nutrition labelling proposal for general prepackaged foods released in October 2004); and
- iii. Relevant overseas regulations/guidelines.

Source of Dietary Fibre and High Dietary Fibre

6. The nutrition content claim conditions currently put up on the Codex agenda for discussion were “Source of fibre” and “High fibre”. According to the 2004 report, the key unresolved issue is the definition of dietary fibre. As the definition may affect the determination of fibre content, the Committee decided not to discuss the conditions of nutrient content claims for dietary fibre until the meeting agrees on the definition.

7. The Administration realized a great number of claims appearing in the local market is dietary fibre related (According to the survey conducted in 2001, 11% of claims was on dietary fibre). Therefore, there is a need to formulate the claim conditions for dietary fibre. The Administration compared the conditions proposed by Codex and the ones set by selected countries (Annex 3). We found that the Codex proposal on dietary fibre does not contradict the conditions set by others. Thus, the Administration proposed to adopt the Codex’s draft conditions for dietary fibre nutrient content claims, with a provision that amendment(s) will be made subject to the final decision by Codex.

Low Protein and Low Sugars

8. During the consultation exercise, the trade has repeatedly expressed their wish to have the same labelling scheme on nutrition information as the Mainland. Although the Mainland’s scheme is not yet forthcoming, they have already proposed a set of conditions for nutrient content claims. When comparing the conditions established or proposed by Codex and that found in the Mainland’s NL consultation document, the only two additional conditions that we propose for adoption are “Low protein ($\leq 5\%$ of energy)” and “Low sugars (≤ 5 g per 100 g or 100 ml)”.

Other Nutrient Content Claims to be Considered

9. Apart from the nutrient contents claims covered by Codex and the Mainland's NL proposal, there are other conditions set overseas. With reference to the results of the market survey, we propose to establish conditions for five additional claims, namely "100% fat free", "X% fat free", "No added sugars", "No added sweeteners/"Unsweetened", and "No added salt", which are found in the local market (Annex 4).

10. In summary, the Administration proposes a set of conditions for nutrient content claims taken into account the Codex Guidelines, the Mainland's proposal, overseas regulations and existing local market situation. Subject to the development in Codex and the Mainland, the Administration will update the conditions in due course.

VIEWS SOUGHT

11. Representatives from the trade are invited to comment on the proposed conditions for nutrient content claims (summarized in Annex 5) and to make other suggestions on nutrient content claims for the Labelling Scheme on Nutrition Information in Hong Kong.

Food and Environmental Hygiene Department

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Results of the Market Survey 2001Table 1 – Nutrition Claims

Descriptions	No. of claims	(%)
High / Good source / Rich / Excellent source / 100% daily value / 200ml contains not less than / Maximum / Plenty of / Very high / With a full day's requirement of	121	(32.9)
Low / Low source / Not a significant source of / Very low / Less than "specific amount of nutrient"	78	(21.2)
Free / No	61	(16.6)
Added / Enriched / Fortified / More / Plus	52	(14.1)
Contains / Source / With / Provides / A source of	29	(7.9)
Fewer / Less / Reduced / Light / Lite	16	(4.3)
No added	8	(2.2)
% Free	3	(0.8)
Total	368	(100.0)

Table 2. Subjects of Nutrition Claims

Nutrient	No. of claims involved	(%)
Total fat	64	(17.4)
Calcium	62	(16.8)
Dietary fibre	40	(10.9)
Sugars	35	(9.5)
Cholesterol	28	(7.6)
Vitamin C (Ascorbic acid)	13	(3.5)
Iron	12	(3.3)
Energy	10	(2.7)
Others	104	(28.3)
Total	368	(100.0)

Conditions for Nutrient Content Claims Adopted by Codex

Component	Claim	Conditions Not More Than
Energy	Low	40 kcal (170 kJ) per 100 g (solids); or 20 kcal (80 kJ) per 100 ml (liquids)
	Free	4 kcal per 100 ml (liquids)
Fat	Low	3 g per 100 g (solids) 1.5 g per 100 ml (liquids)
	Free	0.5 g per 100 g (solids) or 100 ml (liquids)
Saturated Fat	Low*	1.5 g per 100 g (solids) 0.75 g per 100 ml (liquids) and 10% of energy
	Free	0.1 g per 100 g (solids) or 100 ml (liquids)
Cholesterol	Low*	0.02 g per 100 g (solids) 0.01 g per 100 ml (liquids)
	Free	0.005 g per 100 g (solids) or 100 ml (liquids)
		and, for both claims: 1.5 g saturated fat per 100 g (solids) 0.75 g saturated fat per 100 ml (liquids) and 10% of energy of saturated fat
Sugars	Free	0.5 g per 100 g (solids) or 100 ml (liquids)
Sodium	Low	0.12 g per 100 g
	Very low	0.04 g per 100 g
	Free	0.005 g per 100 g

Component	Claim	Conditions Not Less Than
Protein	Source	10% of NRV per 100g (solids) 5% of NRV per 100ml (liquids) or 5% of NRV per 100 kcal (12% of NRV per 1 MJ) or 10% of NRV per serving
	High	2 times the values for “source”
Vitamins and Minerals	Source	15% of NRV per 100g (solids) 7.5% of NRV per 100ml (liquids) or 5% of NRV per 100 kcal (12% of NRV per 1 MJ) or 15% of NRV per serving
	High	2 times the values for “source”

* According to Codex, in the case of the claim “low in saturated fat”, trans fatty acids should be taken into account where applicable. This provision consequentially applies to foods claimed to be “low in cholesterol” and “cholesterol free”.

Annex 3

Nutrient Content Claim Conditions for Dietary Fibre

	Conditions for “Source of dietary fibre”			
	Per 100 g	Per 100 ml	Per serving	Per 100 kcal
Codex (proposal)	≥ 3 g	≥ 1.5 g	≥ 1.5 g	≥ 1.5 g
Mainland (proposal)	≥ 3 g	---	---	≥ 1.5 g
USA	---	---	≥ 2.5 g	---
Canada	---	---	≥ 2 g	---
Singapore	≥ 3 g	≥ 3 g	---	≥ 1.5 g
Australia	---	---	≥ 1.5 g	---
EU Proposal	≥ 3 g	---	---	≥ 1.5 g

	Conditions for “High dietary fibre”			
	Per 100 g	Per 100 ml	Per serving	Per 100 kcal
Codex (proposal)	≥ 6 g	≥ 3 g	≥ 3 g	≥ 3 g
Mainland (proposal)	≥ 6 g	---	---	≥ 3 g
USA	---	---	≥ 5 g	---
Canada	---	---	≥ 4 g	---
Singapore	≥ 6 g	≥ 6 g	≥ 4 g	≥ 3 g
Australia	---	---	≥ 3 g	---
EU (proposal)	≥ 6 g	---	---	≥ 3 g

Other Proposed Nutrient Content Claims

Component	Claim	Conditions
Fat	100% Fat free	Must meet the condition set for “free” (0.5 g per 100g (solids) or 100 ml (liquids))
	X% Fat free	Must meet the condition set for “low” (3 g per 100g (solids); 1.5 g per 100 ml (liquids))
Sugars / Sweeteners	No added sugars	Contains no added sugars and no ingredients containing added sugars or ingredients that contain sugars that functionally substitute for added sugars.
	No added sweeteners / Unsweetened	Containing no added sugars and no added honey, malt, malt extract or maltose, no added artificial sweetening substance and no added sugar alcohols.
Sodium	No added salt	Containing no added salt, other sodium salts, or ingredient that contain sodium that functionally substitute for added salt

Proposal on Conditions for Nutrient Content Claims

Component	Claim	Conditions
Energy	Low ¹	Not more than : 40 kcal (170 kJ) per 100 g (solids); or 20 kcal (80 kJ) per 100 ml (liquids)
	Free ¹	Not more than : 4 kcal per 100 ml (liquids)
Fat	Low ¹ X% Fat Free ⁴	Not more than : 3 g per 100 g (solids) 1.5 g per 100 ml (liquids)
	Free ¹ 100% Fat Free ⁴	Not more than : 0.5 g per 100 g (solids) or 100 ml (liquids)
Saturated Fat	Low ¹	Not more than : 1.5 g per 100 g (solids) and 10% of energy 0.75 g per 100 ml (liquids) and 10% of energy
	Free ¹	Not more than : 0.1 g per 100 g (solids) or 100 ml (liquids)
Cholesterol	Low ¹	Not more than : 0.02 g per 100 g (solids) 0.01 g per 100 ml (liquids)
	Free ¹	Not more than : 0.005 g per 100 g (solids) or 100 ml (liquids)
		and, for both claims: 1.5 g saturated fat per 100 g (solids) 0.75 g saturated fat per 100 ml (liquids) and 10% of energy of saturated fat

Component	Claim	Conditions
Sugars	Free ¹	Not more than : 0.5 g per 100 g (solids) or 100 ml (liquids)
	Low ³	Not more than : 5 g per 100 g (solids) or 100 ml (liquids)
	No added sugars ⁴	Contains no added sugars and no ingredients containing added sugars or ingredients that contain sugars that functionally substitute for added sugars.
	No added sweeteners ⁴ / Unsweetened ⁴	Containing no added sugars and no added honey, malt, malt extract or maltose, no added artificial sweetening substance and no added sugar alcohols.
Sodium	Low ¹	Not more than : 0.12 g per 100 g
	Very low ¹	Not more than : 0.04 g per 100 g
	Free ¹	Not more than : 0.005 g per 100 g
	No added salt ⁴	Containing no added salt, other sodium salts, or ingredient that contain sodium that functionally substitute for added salt
Protein	Source ¹	Not less than : 10% of NRV per 100g (solids) 5% of NRV per 100ml (liquids)
	High ¹	Not less than : 20% of NRV per 100g (solids) 10% of NRV per 100ml (liquids)
	Low ³	Not more than: 5% of energy

Component	Claim	Conditions
Dietary Fibre	Source ²	Not less than : 3 g per 100 g (solids) 1.5 g per 100 ml (liquids)
	High ²	Not less than : 6 g per 100 g (solids) 3 g per 100 ml (liquids)
Vitamins and Minerals	Source ¹	Not less than : 15% of NRV per 100g (solids) 7.5% of NRV per 100ml (liquids)
	High ¹	Not less than : 30% of NRV per 100g (solids) 15% of NRV per 100ml (liquids)

Note:

- A set of local Nutrient Reference Values (NRVs) will be established.
- Although Codex has conditions established for selected claims and nutrients based on per serving and/or per 100 kcal, the Administration proposed that all products must meet the per 100 g or per 100 ml claim condition when making claims. This approach is in line with the proposal released by the Mainland authority.

¹ Adopted from Codex Guidelines

² With reference to Draft Codex Guidelines

³ With reference to the Mainland's NL proposal issued Oct 2004

⁴ With reference to overseas regulations/guidelines