

**Food and Environmental Hygiene Department**

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**Minutes of a Technical Meeting with Trade on  
the Labelling Scheme on Nutrition Information (Food Retailers' Subgroup)  
held on 2 September 2005 at 2:30 p.m. in Room 1007, Citibank Tower**

**PRESENT:**

**Government Representatives**

Dr HO Yuk-yin	Consultant (Community Medicine), FEHD	(Chairman)
Ms Vivian KO	Principal Assistant Secretary, HWFB	
Ms Sally KAN	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 Jacqueline FUNG	Scientific Officer (Risk Assessment), FEHD	(Note-taker)

**Trade Representatives**

Mr Peter JOHNSTON	QA Manager, A.S. Watson Co. Ltd. - PARKnShop	
Ms Edith MOK	Food Technologist, A.S. Watson Co. Ltd – ParknShop	
Ms Rebecca LEI	Manager, Merchandise Dept., CR Care Co. Ltd (China Resources Retail)	
Mr Thomas CHAN	Deputy Officer, CR Care Co. Ltd. (China Resources Retail)	
Mr Anthony CHEUNG	Deputy Officer, CR Care Co. Ltd. (China Resources Retail)	
Ms Angie CHAN	QA Manager, Dairy Farm Company Ltd.	
Mr Sterling LEUNG	Factory Manager, HK Yamazaki Baking Co., Ltd.	
Mr LAM Wai-cheong	Kai Fat Food Co., Ltd.	

Ms Winnie AU	Buyer, Marks and Spencer (Asia Pacific) Ltd.
Ms Gloria YUEN	Buyer, Marks and Spencer (Asia Pacific) Ltd.
Ms Mabel KWOK	Nutritionist, Exprot and Marketing Dept., Pat Chun International Ltd.
Ms Edith PANG	Marketing Officer, Saint Honore Cake Shop Ltd.
Ns Stephanie SHUM	Assistant Manager, Quality Assurance Dept., Saint Honore Cake Shop Ltd.
Ms May LIANG	Quality Assurance Manager, Wing Wah Food Manufactory Ltd.
Mr Dennis LO	Product Manager, Wing Wah Food Manufactory 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 22 June 2005 were confirmed without amendments.

### **Agenda Item 2**

#### **Matters Arising**

3. Regarding the exemption for SMEs, Dr KWOK informed the meeting details of the latest proposal. With reference to the small business exemption offered in the U.S.A., a proposal with three criteria was suggested – (a) The importer concerned should be a small importer employing less than 10 employees; (b) The product line concerned should be of low volume of sales, i.e., not more than 10 000 units per year; and (c) The gross value of sales of all products (food and non-food items) traded by the importer should not be more than HK\$2 million.

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4. The Chairman noted that the proposed definition of low volume of sales was different from the one suggested by ParkN'Shop (a letter was sent by ParkN'Shop to HWFB in August 2005). In case the trade found this figure not agreeable, he urged the trade to provide the Administration with further information for defining the threshold for low sales volume.

5. A trade representative enquired whether exemption would be granted to food products with low sales volume which carried nutrient-related claim(s). The Chairman clarified that all prepackaged foods would lose their exemption status once they carried nutrient-related claim(s) or nutrition information.

### **Agenda Item 3 Technical Issues on Nutrition Labelling**

#### **(i) Trans Fat**

6. Ms FUNG briefed the trade representatives on the background information and actions taken on trans fat (Annex 1). After the presentation, the Chairman reiterated that the Administration planned to require trans fat labelling when the product carried a fat and/or cholesterol claim in Phase II. There was no objection to the suggestion and a trade representative considered that the proposal was reasonable.

#### **(ii) Nutrition Labelling Format**

7. Ms FUNG outlined the various options of nutrition labelling formats (Annex 2). The Chairman noted that the trade requested the Administration to consider relaxing the small package criteria at last meeting. He explained that if all products with total surface area less than 200 cm<sup>2</sup> were exempted, the market would have a large number of products with no nutrition labelling. Thus, instead of amending the definition of small package, the Administration proposed to accept linear format for small package with total surface area less than 200 cm<sup>2</sup>.

8. Some trade representatives urged the Administration to reconsider accepting per serving nutrition content expression. The Chairman explained that declaring the nutrition information using per 100g/ml expression was the minimum requirement under Codex and such expression would allow consumers to make easy comparisons. Furthermore, there was inadequate data for the Administration

to define various serving sizes. He also pointed out that the NRVs applied in North America would probably differ from the ones established locally. Therefore, changes on nutrition labels would be required for imported products from the U.S. and Canada, even if the Administration accepted per serving expression.

9. A trade representative enquired whether the information on serving size should be provided on nutrition label. The Chairman replied that such information would only be mandatorily required when per serving expression was used.

10. Another trade representative asked whether a charge would be laid if the nutrition label sticker inadvertently covered other required information. Mr LI agreed that an inadvertent act and a deliberate act should be treated differently; thus, the enforcement would consider each case separately.

### **(iii) Nutrient Content Claims**

11. Ms FUNG introduced the proposed conditions for nutrient content claims (Annex 3). She stressed that only permitted nutrients could be the subjects of nutrient-related claims. Claims with other food constituents, such as phytoestrogens, would continue to be subject to the general control under Cap 132 Section 61.

12. After the presentation, the Chairman told the meeting that the Administration intended to forbid nutrient content claims made outside the proposed list. However, the Administration would review and revise the list if new or revised condition was adopted by Codex.

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13. A trade representative pointed out that due to possible differences between local NRVs and overseas NRVs, some of the nutrient content claims might be unacceptable in Hong Kong, but could be found acceptable in other countries. The Chairman acknowledged this fact and agreed to take this into consideration when deriving the local NRVs.

**(iv) Nutrient Comparative Claims**

14. Ms FUNG briefed the meeting on the proposed principles for making nutrient comparative claims (Annex 4). A trade representative asked whether the proposed scheme covered advertising. The Chairman pointed out that the level of control on advertising would be the same as any nutrition information on the food label.

15. The Chairman recommended that the trade to examine the existing claims on their products and advertisement as changes might be required when the proposed scheme came into force.

**(v) Nutrition Claim Synonyms**

16. Ms FUNG illustrated the various use of nutrition claim synonyms (Annex 5). The Chairman told the meeting that the list of nutrition claim synonyms would be included in the NL Guide and he admitted that the list would not be exhaustive. However, to avoid possible disputes in the future, he urged the trade to apply the proposed synonyms when making claims. Also, he encouraged the trade to submit other synonyms and signs/symbols for the Administration's consideration.

**(vi) Nutrient Function Claims**

17. Ms FUNG gave a presentation on nutrient function claims (Annex 6). The Chairman emphasized that nutrient function claims should be based on long-established and non-controversial science and best to have scientific consensus reached at the international level, such as acknowledged by the WHO, etc.

18. A trade representative opined that there might be less healthy foods in the market in the future due to this proposed scheme. The Chairman acknowledged that the proposed scheme would have certain impacts on the prepackaged food market, but he assured the trade that the Administration would review the claims conditions and principles and update the scheme accordingly.

**Agenda Item 4**

**Any Other Business**

19. The Chairman indicated that the Administration planned to submit the Draft Drafting Instruction (DDI) to LegCo early next year. He anticipated that next technical meeting would be held around January 2006 before the DDI submission. By then, technical issues, such as tolerance limits, rounding rules, conditions for making claims, exemptions etc., should be finalized and these requirements/principles (but not the applications) would be incorporated into the NL guide for sight.

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20. The Chairman also informed the meeting that the Administration intended to establish a single set of nutrient reference values (NRVs) with the Mainland authority. If the process ran smoothly, the values would be made available at the end of 2005/early 2006.

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21. There being no further business, the meeting was adjourned at 4:45 PM.