

Food and Environmental Hygiene Department

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**Minutes of a Technical Meeting with Trade on
the Labelling Scheme on Nutrition Information (Importers'/Suppliers' Subgroup)
held on 5 September 2005 at 2:30 p.m.
in Room 4549, 45th Floor, Queensway Government Offices**

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 Ronald LAU	Vice President and Chairman, The Hong Kong Food Council	
Dr WONG Pak-yuen	Executive Committee Member, The Hong Kong Food Council	
Mr Albert TANG	Chairman, Hong Kong Suppliers Association Ltd.	
Ms Frenda WONG	Committee Member, Hong Kong Suppliers Association Ltd.	
Ms Michelle CHAN	Key Account Manager, Champion Fair Ltd.	
Ms Anne LEE	Marketing Manager, China Pacific Group Ltd.	
Ms Cherry WONG	Secretary, Friesland Foods Ltd.	
Ms Bonnie WONG	Senior Product Manager, Cheese & Viscous, Kraft Food Ltd.	

Ms CHENG Mian	R&D Manager, Kraft Food Ltd.
Ms Gloria YUEN	Buyer, Marks and Spencer (Asia Pacific) Ltd.
Mr Johnny LO	Manager, Metro Alliance Ltd.
Ms Betty LEUNG	Director, Hong Kong Operation, Sims Trading Co. 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 21 June 2005 were confirmed without amendments.

Agenda Item 2

Matters Arising

3. Regarding the exemption for SMEs, Dr KWOK told the meeting the 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 (counting all items having the same formula but with different packages) 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 stressed that the proposed system would be an honour system and the trade would be required to keep and provide relevant documents when queried by the enforcement staff. Also, he reminded the trade that all prepackaged foods would lose their exemption status once they carried nutrient-related claim(s) or any nutrition information.

5. A trade representative opined that lots of imported goods already carried NL and, according to the proposed exemption, these products would require relabelling if they carried nutrient-related claims and/or nutrition information. He urged the Administration to consider exempting imported small volume products from nutrition labelling even when the product carried claims or nutrition information. The Chairman replied that the Administration would stand firm on this issue as one of the underlying principles for introducing the proposed scheme was to standardized the content of NL and in turn facilitate the consumers to make healthy choices.

6. With regard to the definitions of SMEs, some trade representatives expressed that the definition adopted by the Trade and Industry Department was different from the one proposed (less than 50 employees vs. less than 10 employees). Furthermore, they had reservation on the proposed definition of low volume of sales. The Chairman reiterated that the exemption being considered was an attempt to support SMEs. He urged the trade to provide the Administration with further justification for an appropriate number for low sales volume.

7. The Chairman pointed out that there might be a situation where more than one SME imported the same food product and the sum of no. of units imported (i.e., the volume) might exceed the limit for qualifying for the small volume exemption. In that case, the exemption would be revoked. He told the meeting that the Administration would lay down the details when finalizing this exemption. In the meantime, he welcomed comments and suggestions from the trade.

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8. As for the issue on the Demerit Point System, Mr YIP reported that the Licensing Section of the Environmental Hygiene Branch had been informed about the concern and suggestion by the trade to exempt nutrition labelling from the Demerit Point System. The Licensing Section had not come to the final decision on this issue.

Agenda Item 3 Technical Issues on Nutrition Labelling

(i) Trans Fat

9. Ms FUNG briefed the trade representatives on the background information and actions taken by overseas countries on trans fat (Annex 1). She

informed that the Administration proposed to require trans fat labelling for products carrying a fat and/or cholesterol claim in Phase II.

10. A trade representative enquired about the cost and availability of trans fat analysis in Hong Kong. Dr CHUNG informed the meeting that some commercial laboratories were capable to perform trans fat analysis. He believed the analysis was at a reasonable price since saturated fat, monounsaturated fat, polyunsaturated fat and trans fat could be covered under one single AOAC method.

(ii) Nutrition Labelling Format

11. Ms FUNG outlined the various options of nutrition labelling formats (Annex 2). The Chairman noted in last meeting that the trade requested the Administration to consider relaxing the small package criteria as bilingual NL occupied more space and Chinese characters were more difficult to read if in small prints. He explained that if we exempted all products with total surface area less than 200 cm², 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 cm².

12. Regarding the issue on language of nutrition label, Mr LI clarified that the Administration would apply the same principle as for the ingredient list, i.e., if both English and Chinese were used in the labelling or marking of prepackaged food, the nutrition label should appear in both languages.

13. A trade representative 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.

(iii) Nutrient Content Claims

14. Ms FUNG introduced the proposed conditions for nutrient content claims (Annex 3). The Chairman added that the Administration intended to forbid HWFB /

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. FEHD

(iv) Nutrient Comparative Claims

15. Ms FUNG briefed the meeting on the proposed principles for making nutrient comparative claims (Annex 4). Instead of comparing the difference in nutrient contents, some trade representatives concerned whether a statement indicating that the content of a nutrient found in a product was equivalent to the content of the same nutrient found in another food/product (e.g., the amount of calcium in one slice of *ABC* cheese was equalled to the amount of calcium found in a cup of milk) would constitute a nutrient comparative claim. The Chairman agreed to study the scenario. FEHD

16. Mr NG remarked that, with reference to Cap 559 Section 18 Infringement of Registered Trade Mark, the trade should not quote trade names of other products on food labels and in advertising. He added that the level of control on advertising would be the same as any nutrition information on the food label.

17. Some trade representatives opined that requiring the statement of the amount of difference to be placed in close proximity to the nutrient comparative claim was impractical. They urged the Administration to relax such requirement by allowing the statement of difference to be placed anywhere on the label. HWFB / FEHD

(v) Nutrition Claim Synonyms

18. Ms FUNG illustrated the possible use of various 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

19. 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.

20. A trade representative enquired whether there would be a pre-approved system for nutrient function claims. As no prior approval would be required for making nutrient function claims, the Chairman suggested the trade to make reference to relevant overseas regulations before putting forward a nutrient function claim.

Agenda Item 4

Any Other Business

21. The Chairman said 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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22. There being no further business, the meeting was adjourned at 5:45 PM.