

CONSULTATION PAPER

Proposed Amendments to Food and Drugs (Composition and Labelling) Regulations Public Health and Municipal Services Ordinance, Cap. 132

Background

Food labelling is an important channel of communication between manufacturers and consumers. It serves as a tool for the food industry to inform and attract potential buyers on the one hand and assist consumers to make informed choices on the other.

2. Under Schedule 3 of the Regulations, prepackaged foods are required to be marked or labelled with the following information:

- (a) name or designation;
- (b) list of ingredients and food additives;
- (c) durability period;
- (d) special condition for storage or instruction for use;
- (e) name and address of manufacturer or packer; and
- (f) count, weight or volume.

3. As part of the Government's ongoing efforts to enhance food safety assurance for the protection of public health and consumer interests, we conduct regular reviews on legal provisions and requirements for food labelling. We also need to keep the local food legislation up to date and as far as possible tie in with the latest international development. In proposing any new additional labelling requirements, we should balance the need to enhance consumer information on the one hand and to guard against imposing unnecessary burden to the trade on the other. As a member of the World Trade Organization, HKSAR is obliged under the Agreement on Sanitary and Phytosanitary Measures to ensure that we do not enact food related legislation which would pose unnecessary barrier to international trade. Hence, our legislative reviews always take reference from international standards on food labelling developed by the Codex¹.

¹ Codex - Abbreviation for the Codex Alimentarius Commission. It is an organization under the United Nations and is recognized by the World Health Organization, the Food and Agriculture Organization and the World Trade Organization as the international authority for setting of food related standards.

The Proposal

4. We have completed a recent round of legislative review and have identified four areas in which the existing labelling legislation on prepackaged food should be improved :

- (a) food labels should declare the presence of substances which are known to cause allergy in some individuals;
- (b) food labels should specifically indicate the type of the food additives used, either in the additives' full name or identification code number;
- (c) the format required in marking the "best before" or "use by" date should be made more flexible to the trade and clearer to consumers; and
- (d) the labelling requirements on alcoholic drinks should be strengthened.

5. The rationale and justifications for each of the above proposals are set out in paragraphs 6 to 15 below.

Labelling of Allergenic Substances

6. The existing legislation does not impose specific requirements on labelling of ingredients or additives which may cause allergy to some individuals. To better prevent food allergies, we propose that the presence of 8 categories of substances should be declared in the list of ingredients of the food labels. The Codex has stated that these substances are known to cause allergies and has recommended that they should always be declared. The 8 categories are:

- (a) cereals containing gluten, i.e. wheat, rye, barley, oats, spelt or their hybridized strains and products of these;
- (b) crustacean and crustacean products;
- (c) eggs and egg products;
- (d) fish and fish products;
- (e) peanuts, soybeans and their products;
- (f) milk and milk products (lactose included);
- (g) tree nuts and nut products; and
- (h) sulphite in a quantity of 10 parts per million or more.

Labelling of Details of Food Additives Used

7. The existing Regulations require food labels to declare either the exact name of additives used, or just the general categories to which the additives

belong, such as preservative and colour. To provide consumers with more information, we propose that both the category and the exact name of the additives should be declared on food labels. For example, instead of stating “preservative” (which already fulfils the requirement of the existing legislation), detailed information such as “preservative (sodium nitrate)” should be declared. Minor amendments will also be made to the categorization of food additives in the existing regulation to dovetail with that of the Codex.

8. We appreciate that there may be practical difficulties for food manufacturers to list the full names of all the food additives used because of limited food label space. Therefore, we also propose that identification number of additives under the International Numbering System for Food Additives adopted by the Codex can be used as alternatives to full names; hence in the previous example, “preservative 251” will also be accepted. We will publish booklets and provide information on the Food and Environmental Hygiene Department’s homepage (<http://www.info.gov.hk/fehd>) on the International Numbering System for Food Additives for consumers and members of the food trade wishing to know more about this numbering system. We will also promulgate the numbering system through public education programmes. (A sample of the booklet on INS is enclosed for information.)

More Flexible Date Marking Format

9. The existing Regulations require the “best before” or the “use by” date of food products to be marked in both English and Chinese language, or in Arabic numerals in the strict order of the date followed by the month and then the year. While marking the date in English and Chinese words is straightforward, there are two problems associated with the strict order of date, month and year in the Arabic numeral option :

- (a) the date marking sequence of the products normally follows the convention of the country of origin. Products of some countries such as United States are marked in the sequence of the month followed by the date and then the year. Importers have complained about the unnecessary costs incurred due to the order requirement as they have to introduce additional food labels to replace the original ones in order to comply with our legislative requirement; and
- (b) the display of a sequence of Arabic numbers, though in line with the requirement of the present legislation, may confuse consumers who are not clear about the order of date, month and year laid down in the legislation. For example, a

consumer may not know whether the date mark “05 10 00” means 5 October 2000 or 10 May 2000.

10. To address the concerns of the trade and consumers, we propose that when Arabic numerals are used to show the durability period, the restriction on the order in which the day, the month and the year appear should be lifted but the exact sequence must be clearly declared in both Chinese and English words. Hence using the previous example, any one of the following date marks are acceptable :

00 10 05 年月日 yy mm dd	00 05 10 年日月 yy dd mm	10 05 00 月日年 mm dd yy	05 10 00 日月年 dd mm yy	10 00 05 月年日 mm yy dd	05 00 10 日年月 dd yy mm
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Labelling of Alcoholic Drinks be Strengthened

11. The existing Food and Drugs (Composition and Labelling) Regulations exempt alcoholic drinks (described as prepackaged foods with alcoholic strength by volume of more than 1.2%) from all marking and labelling requirements².

12. We have reviewed this existing pan exemption of alcoholic drinks from all labelling requirements. The recommendation/view of Codex is that alcoholic drinks should comply with all food labelling requirements with three exceptions :

- (i) drinks with alcoholic strength by volume of more than 10%;
- (ii) wines; and
- (iii) fruit wines.

For these three exceptions, no labelling of durability period is considered necessary. The reason is that these drinks are by nature much less vulnerable to quality deterioration due to aging.

13. We have recently received views from the beer industry that beers should not be exempted from the requirement of labelling durability period. They were of the view that unlike other alcoholic drinks, the quality of beer would deteriorate over time. They proposed that the labelling of “best before date” should be made a statutory requirement.

² If the trade chooses to label the ingredients of the alcoholic drink despite the exemption, then the drink must comply with all labelling requirements prescribed in the Food and Drugs (Composition and Labelling) Regulations, Cap. 132.

14. Taking into consideration the recommendations of Codex and the views of the beer industry, we propose to amend the Regulations to require alcoholic drinks, with the exception of alcoholic drinks with alcoholic strength by volume of more than 10 %, wines and fruit wines ³, to fulfil the statutory labelling requirement, except the labelling of ingredients requirement. (See paragraph 15)

15. For ingredient labelling of alcoholic drinks, we could find no country which imposes such a requirement. Neither is there any international guideline on how ingredients of alcoholic drinks should be labelled. One main reason is the practical difficulty in enforcement. Verification of truthfulness of ingredient labels normally relies on composition analysis of the final product. In the case of alcoholic drinks, input ingredients can differ significantly from output ones and composition of the final product might also change over time due to continued fermentation. We have therefore concluded that the existing exemption on labelling of ingredients should continue to apply for all alcoholic drinks, including those with alcoholic strength by volume of less than 10%.

Implementation Timetable

16. The implementation of the proposed amendments requires full co-operation from the trade. To allow sufficient time for the trade to prepare for the changes, and taking into account maximum shelf-lives for most pre-packaged foods, we propose to allow an 18-month grace period for the proposed amendments to take effect.

Regular Review of Food Labelling Requirements

17. The government is committed to protecting public health and providing consumers with more information. The above proposed amendments are part of an on-going effort to improve our food labelling requirements. We will continue to review the existing labelling legislations to keep up with the international and local demands.

Comments on the Proposal

18. We would like to seek your comments and views on the proposal described in paragraphs 4 to 15. You may wish to submit your views through any one of the following channels on or before **15 December 2000** :

³ "wines and fruit wines" - taking account of the definition of "wine" under Cap 109 Dutiable Commodities Ordinance and the international practice, we propose they to be defined as "drink obtained from the fermentation of fruits or must of fruits, whether or not that liquor is fortified with spirit or flavoured with aromatic extracts."

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October 2000