

**Economic and Employment Council  
Retail Task Force**

***Allergen and Nutrition Labelling***

**Purpose**

This paper informs members of the Government's response to the concerns of the trade on labelling of food allergens and the proposed Nutrition Labelling Scheme.

**Background**

2. The Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004 (the Amendment Regulation) was enacted on 9 July 2004, which brought changes to labelling of allergenic substances, food additives and date format. The presence of substances which are known to cause allergy, listed in Schedule 3 to the Food and Drugs (Composition and Labelling) Regulations (Cap. 132), is required to be declared on food labels. In order to assist the trade to adapt to the changes introduced by the Amendment Regulation, the Food and Environmental Hygiene Department has prepared a set of labelling guidelines in consultation with the trade.

3. In November 2003, the Administration launched a consultation document on Labelling Scheme on Nutrition Information for Prepackaged Foods. A public consultation, an opinion survey and a regulatory impact assessment (RIA) were subsequently conducted. Based on the views and comments collected, a revised proposal on the nutrition labelling (NL) scheme was presented to the LegCo in April 2005. Technical meetings were held with the trade in September to further consult their opinion on the proposed NL scheme.

4. The Administration has maintained close contact with the trade on implementing the legislative amendment on labelling of additives and allergens, as well as on the proposed NL scheme for prepackaged food.

## **Allergen Labelling**

5. The issue of legal requirements on labelling of allergenic substances had been discussed thoroughly at the Subcommittee of the Legislative Council (LegCo) in 2004. In particular, the concerns about the labelling of allergenic substances due to the inadvertent nature of cross contamination had been discussed during the scrutiny of the Amendment Regulation in LegCo. After deliberation and taken into consideration the concerns of the trade, a defence clause was included in the final version of Amendment Regulation. In order to assist the trade in complying with the requirements, the grace period has also been extended from 18 months to 36 months. To sum it all, the final version of the Food and Drugs (Composition and Labelling)(Amendment) Regulation 2004 (Amendment Regulation) had taken into consideration and catered for the concerns of the trade.

6. To facilitate compliance by the trade, the government also agreed to prepare Labelling Guidelines on Food Allergens, Food Additives and Date Format (Labelling Guidelines). We had sought comments from the trade in preparing the draft Labelling Guidelines and a discussion forum was held in June 2005 to exchange views and discuss the Labelling Guidelines.

7. We would like to point out that the Labelling Guidelines are intended for use as general reference only. Information contained in the Labelling Guidelines is by no means exhaustive and should not be taken as part of the legislation. Specific issues should be addressed on a case-by-case basis.

## **Nutrition Labelling**

8. Members of the trade have expressed concerns on the impact of the nutrition labelling (NL) scheme over small and medium enterprises and products with low sales volume. We understand that for products with low sales volume, the cost impact from compliance with the NL requirement would be relatively high. In order to reduce the impact on these products, the Administration has been studying the issue actively with the trade through technical meetings to understand their difficulties, in particular, the financial burden on small and medium enterprises. We are considering the feasibility of establishing a system to exempt those products with low sales volume in order to support small and medium enterprises (SMEs).

9. Concerning the difficulties in adhering labels on small packages, we have already proposed nutrition labelling exemption for small packaged products with total surface area less than 100 cm<sup>2</sup> in the public consultation document issued in 2003. In response to the trade's request to extend the scope of exemption for small packaged products, we propose that linear format (see the example below) could be allowed for products with total surface area less than 200 cm<sup>2</sup>. With such an extension, the trade will not find it difficult to comply with the requirements and our labelling scheme is on par with similar schemes of other economies.

<b>Nutrition Information per 100g</b>	
<b>Energy</b>	370 kcal, <b>Protein</b> 10 g, <b>Total fat</b> 9 g, <b>Saturated fat</b> 7 g,
<b>Cholesterol</b>	3 mg, <b>Carbohydrate</b> 63 g, <b>Sugars</b> 10 g,
<b>Dietary fibre</b>	1 g, <b>Sodium</b> 330 mg, <b>Calcium</b> 100 mg.

10. Under the proposed nutrition labelling scheme, nutrition information would be required to be provided in terms of absolute amount by weight. Provision of nutrition information in terms of nutrition reference values (NRVs) is optional and could be provided as additional information. However, if such information is to be provided, NRVs applicable to the local population should be adopted as NRVs set by overseas authorities may not be appropriate to be used locally. Otherwise, public understanding of the nutrition information may be hindered. Furthermore, allowing the application of different sets of NRVs on the market may cause confusion to the consumers. To address this problem, the Administration has set up an expert group to work with Mainland experts to develop a set of NRVs that is applicable to the Chinese population.

## **Conclusion**

11. The Administration will continue to maintain close contact with the trade on implementing the labelling on allergens and to seek further comments on the proposed NL Scheme.

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Food and Environmental Hygiene Department  
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