

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT
POLICY

Voluntary Public

Date: 1/19/2012

GAIN Report Number: HK1202

Hong Kong

Post: Hong Kong

HKG Pressured to Enforce Nutrition Labeling Regulation

Report Categories:

Agriculture in the News

FAIRS Subject Report

Market Development Reports

Approved By:

Erich Kuss

Prepared By:

Caroline Yuen

Report Highlights:

The Hong Kong government (HKG) is under pressure to tighten up enforcement of nutrition labeling regulation following Audit Commission's report critical of its implementation. In particular, the HKG is urged to work on the legibility issue of labels and enforcement of health claims.

Background

In late 2011 the Audit Commission released a report on the enforcement of Hong Kong's nutrition labeling regulation after a year's implementation since July 2010. The Commission put forward some recommendations urging the Food and Environmental Hygiene Department (FEHD) to consider extending the nutrition labeling regulation to infant formulas and food for special dietary uses which currently are not covered. The report also questioned the effectiveness in regulating health claims made by food under the existing food regulation. (FEHD is the government department responsible for the implementation of food regulations.)

The legibility of labels is also an area of concern for the Commission. The Hong Kong food regulation requires food labels of all pre-packaged food to contain certain product information, including product name; ingredient list; durability; storage conditions or instruction for use; count, weight or volume; name and address of manufacturer or packer; and nutrition content. However, the regulation has no specifications for legibility purposes.

Trade Guidelines on Preparation of Legible Food Label

In response to the comments of the Audit Commission's report, the FEHD swiftly issued a set of draft guidelines addressing on the legibility of Hong Kong's food labels. The guidelines would be voluntary in nature. The HKG does not intend to incorporate the guidelines into the labeling regulation. The trade is invited to provide comments on the draft guidelines before January 31, 2012. While it is voluntary in nature, it still encourages the trade to follow the guidelines once they are finalized.

The guidelines suggested the following key elements:

- 1) Suitable font size: The guidelines recommended a font size of 8 point (about 2.8 mm in height) or above. In case the total surface area of the package is less than 200 square cm, font size of 5 point (about 1.8 mm in height) is acceptable.
- 2) Good contrast : The guidelines suggested to use all black or single dark color type, printed on a white or other single light color contrasting background whenever practical, or vice versa.
- 3) Enough spacing: The guidelines recommended that words and characters should be displayed in such a manner that they never touch each other or the lines and borders surrounding or separating the information, if any.

Details of the draft guidelines are available at:

http://www.cfs.gov.hk/english/committee/Draft_Trade_Guidelines_on_NL_legibility.html

While the guidelines are voluntary meaning that it would **not be** an offence if the trade does not comply with them, the trade seemed very forthcoming in rendering their comments on the guidelines. One possible reason that the trade (particularly major local food manufacturers) wants the guidelines to be

practicable is so they could comply with them regardless of its voluntary nature and to demonstrate their cooperation with the Hong Kong food safety authority. Listed below are the comments provided by the trade at a recent trade forum held on December 9, 2011.

- Type size of 8 point is too stringent. It was quoted that a survey in the U.K found that 89 percent of the labels could not fulfill this requirement when 8 point was adopted.
- A font size of point 3 should be sufficient as far as eligibility is concerned.
- The font size should vary with the product size.
- Legibility not only depends on font size but also on printing quality. It has been proved that a font type of 0.9 mm in length is still legible provided that the printing quality is good.
- When the product size is too small to accommodate the font size suggested by the guidelines, the label information could be provided through a hotline or product/company webpage.
- The determination of font size should not depend on the total surface area of the package but on the printable area. A representative from a soft drink company said that their current practice is to print the label on the cap and not on the glass bottle in order to facilitate the recycling of glass bottles. He remarked that the guidelines of the food safety authority are not compatible with those of the environmental protection department or the global trend of recycling concept.

The government representatives at the trade forum noted all the comments and pledged to consider them when finalizing the guidelines.

Infant Formula

In response to the Commission's comments on FEHD's regulation over infant formula, the government department representative reported that between 2007 and 2010, they tested 590 samples for harmful substances such as preservatives, metallic contamination, hormones and melamine. All samples were found complying with the Hong Kong standard. Given the public's concern on the validity of nutrient information on formula labels, FEHD indicated that they would conduct such testing in the future. However, they admitted that they might not have legislative power to initiate any litigation since the nutritional regulation does not cover infant formula.

The FEHD representative also announced that they would publish voluntary guidelines for the nutrition content of infant formula and would consider whether there is a need to develop legislation regulating its nutrition labeling.

Food for Special Dietary Use

In view of the concern that some foods unnecessarily claimed being food for special dietary use in order to be exempted from nutrition labeling regulation, FEHD provided on its webpage its definition and examples. FEHD defined "food for special dietary use is those specially processed or formulated to satisfy particular dietary requirements which exist because of a particular physical or physiological

condition and/or specific disease and disorders.” “If a product is targeted to a particular group of consumers only as marketing strategy, but the composition is not significantly different from ordinary food, or if the product is added with nutrients which is of interest to a particular group of consumers who actually do not have special requirement on these nutrients as compared to the general population, the product is not considered as a food for special dietary use. “ Succinctly, the FEHD encouraged the trade to follow the guidelines for special dietary use provided by Codex.

Health Claims

Given the Commission’s comments on Hong Kong’s lack of regulation on health claims, the FEHD reminded the public that Hong Kong food regulation -Chapter 132, Section 61- stipulated regulation on “false labeling and advertisement of food or drugs”. They pledged to closely monitor to see if there are any unsubstantiated claims made on food labels. When considering the validity of claims, FEHD said they would make reference from the World Health Organization (WHO), Food and Agriculture Organization (FAO), the European Union (EU), etc. At the trade forum, the FEHD published a list of health claims rejected by the EU and distributed to the trade for easy reference.