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The Special Act on Children's Dietary Life Safety Management

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Report Highlights:

Korea established the Special Act on Children's Dietary Life Safety Management to improve the eating habits of children and to prevent obesity. The Special Act restricts the sales and advertising of high calorie and nutrient poor value foods, introduces color coded labeling system (or traffic light labeling system), and prohibits certain tar food colorings in children's foods. This report aims to clarify, as far as is possible, the scope of the Special Act and its implementing regulations.

General Information:

Disclaimer

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Seoul, Korea for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly

recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

The Special Act on the Safety Management of Children's Dietary Life (hereinafter referred to as the "Special Act") was established on March 21, 2008 by the National Assembly and went into effect on March 22, 2009. For enforcement of the Act, the Ministry for Health, Welfare and Family Affairs (MHWF) and the Korea Food & Drug Administration (KFDA) announced the following enforcement regulations:

Decree and Enforcement Regulations to the Special Act (SPS 307 and TBT 198)
Notice on Quality Certification Standards (SPS 315)
High Calorie and Nutrient Poor Foods: (TBT 205)
Draft Food Additive Code Revision: (SPS 316)

With the Special Act and these enforcement regulations, Korea will regulate the sales of commercial food products preferred by children.

Below is an explanation of the new requirements contained in the Special Act.

Definitions (Article 2 of the Special Act)

Children: Anyone who falls under the student category per Article 3 of the Child Welfare law. The student category is defined as anyone less than 18 years of age.

Children's Preferred Foods: Foods determined under the Enforcement Decree to be those frequently consumed by children in accordance with the Food Sanitation Act or Livestock Processing Act. See Scope below.

Schools: All elementary, secondary and special schools in accordance with Article 2 of Elementary and Special Education Act.

High-calorie, Nutrient-poor product criteria: Any foods preferred by children that may cause a nutritional imbalance, such as obesity, as determined by the KFDA Commissioner. See Criteria below.

Scope of Children's Preferred Foods (Annex 1 of the Enforcement Decree)

1. Processed foods – Following food categories classified in the Food Code and the Livestock Code are designated as children's preferred foods.

- A. Confectionary goods (includes cookies, biscuits, chips, snacks and others but excludes Korean traditional cookies called 'Hangwa')
- B. Chocolate products
- C. Candies
- D. Bakery goods (includes bread, pastry, donuts, cake, hot dog, pizza, and others)
- E. Ice candies (frozen dessert)
- F. Of dairy products: processed milk, fermented milk (excludes fermented butter oil and fermented milk powder) and ice cream products.
- G. Fish meat sausage
- H. Of noodles (limited to one in containers): oil-fried noodles and noodles
- I. Of beverages: fruit or vegetable juice, fruit or vegetable beverages, carbonated beverages, lactic acid beverages and mixed drinks
- J. Of ready-to-eat foods: rolled rice in sea weed, hamburgers, and sandwiches

2. Prepared foods – Following foods prepared and sold by food service establishments in accordance with Article 7-8 of the Enforcement Decree of the Food Sanitation Act are designate as children’s preferred food products.

A. Bakery goods (includes bread, pastry, donuts, and others)

B. Ice cream products

C. Hamburgers and pizzas

D. Ramen, dukboki (a Korean dish made of round rice sticks), skewers, fish meat cake, deep-fried foods, dumplings, hotdog, etc. cooked and sold within children’s food safety zone.

Product categories listed above are classified as children’s foods and restrictions relevant to children’s preferred foods will be applied although most of products are widely consumed by adult.

Designation of Children's Food Safety Zone (Article 5 of the Special Act)

In order to protect children, the mayor, country chief or ward chief may designate and maintain a children's food safety zone (hereinafter referred to as school zone) within 200 meters from school or school boundaries.

Selection of Outstanding Businesses (Article 7 of the Special Act)

The mayor, country chief or ward chief may designate businesses that have sanitary and safe facilities and do not provide foods that are high calorie, low nutritional value as "Outstanding Businesses for Children." These designated businesses may carry a specified logo in accordance with the Decree of the Ministry of Health and Welfare. In addition, applicants may qualify for assistance in improving or repairing their facilities in accordance with the Presidential Decree that provides government assistance programs or funds under Article 89 of the Food Sanitation Act.

Prohibition of High Calorie and Nutrient Poor Value Foods for Sale (Article 8 of the Special Act and the Decree)

The Korea Food and Drug Commissioner may establish the standards for high calorie and nutrient poor value foods. In addition, the KFDA Commissioner may limit or prohibit the sale of these foods in school and designated Outstanding Businesses for Children in the school zone.

School cafeterias, school stores that sell or prepare food and Outstanding Businesses for Children in the school zone shall not sell or display for the purpose of sale any foods that are considered to be high calorie and nutrient poor value foods.

The principles for determining a high calorie/low nutritional value food is as follows:

On May 8, 2009, KFDA announced that of the children’s preferred foods listed in Annex 1 of the Decree, the following foods will be subject to the high calorie and nutrient poor product sales ban:

A. Snacks

1) Processed food: (finished product from the manufacturer) Confectionary goods (includes cookies, biscuits, chips, snacks and others but excludes Korean traditional cookies called '*Hangwa*'), chocolate products, candies, bakery goods, ice candies, processed milk and fermented milk (excludes fermented butter oil and fermented milk powder), ice cream products, fish meat sausages, fruit or vegetable juice, fruit or vegetable beverages, carbonated beverages, lactic acid beverages and mixed drinks

prepared foods: (prepared in the retail outlet) bakery goods prepared at bakery and ice cream. (Please note that ramen, dukboki, and some other prepared foods were removed from the list.

B. Meal substitutes

1) Processed food: oil-fried noodles and noodles in a container, rolled rice in sea weed, hamburgers, and sandwiches

2) Prepared food: Hamburgers and pizza

1. Among the food products subject to high calorie and nutrient poor criteria, the difference between a meal substitute

and a snack is provided. Snacks are defined as generally being consumed between meals.

2. The nutrient criteria in the charts below determine what will be considered a high calorie and nutrient poor food for snacks and meals.

Chart 1: Steps to determine if a snack will be considered as a high calorie and nutrient poor value food (per serving size)

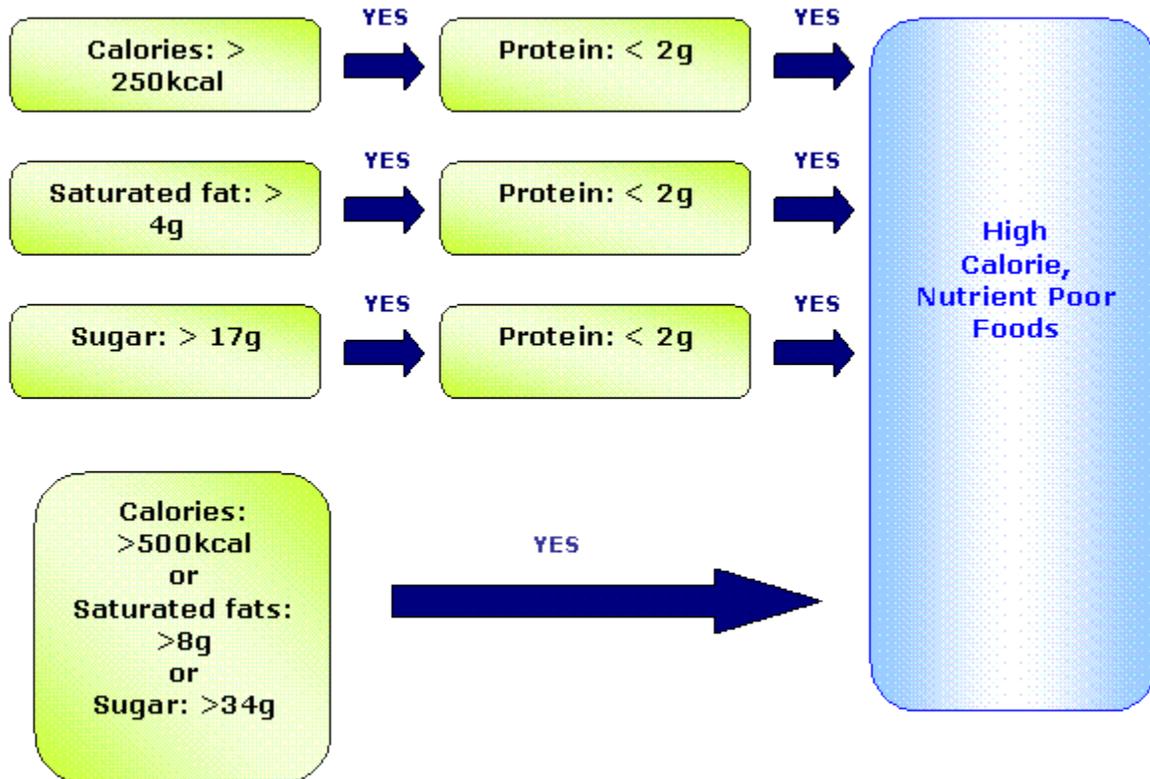
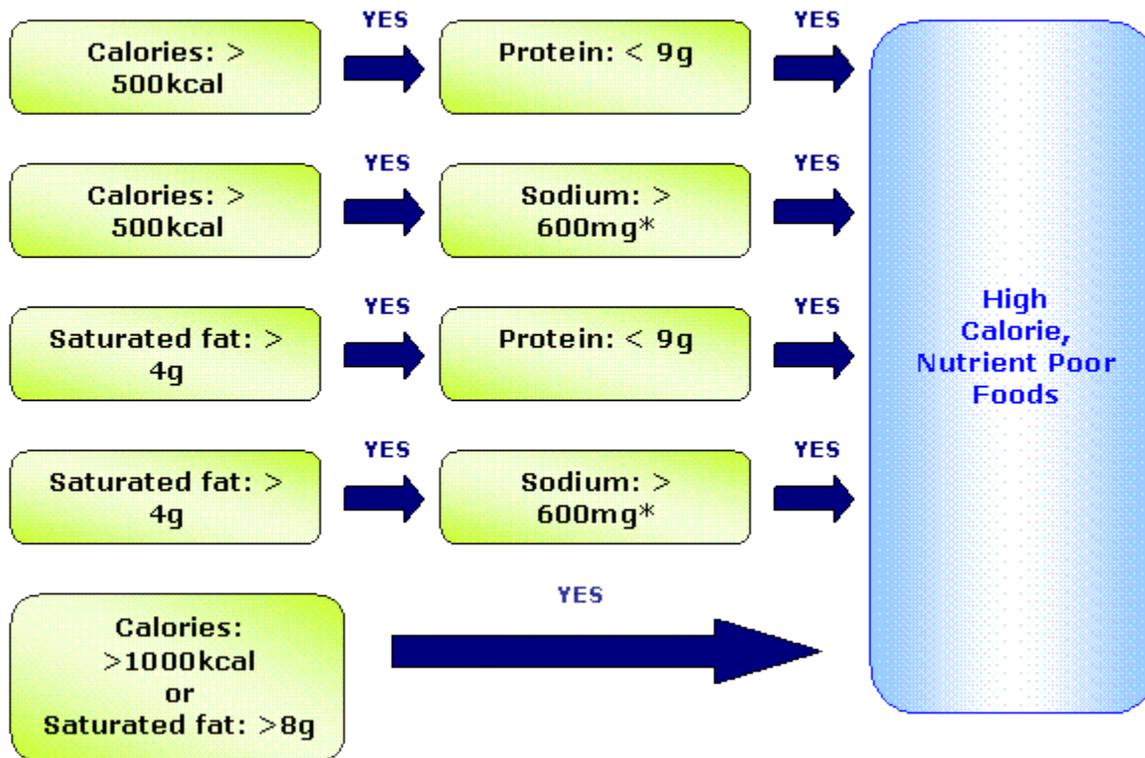


Chart 2: Steps to determine if a meal will be considered a high calorie and nutrient poor value meal



* In the final version of the regulation the applicable maximum sodium limit for oil-fried noodles and noodles in a container was raised to 1,000 mg.

Prohibition of the Sale of Food that is Harmful for Emotional Development (Article 9 of the Special Act)

The KFDA Commissioner may prohibit the sale, manufacturing for the purpose to sell, display or store foods that may stir speculative spirit or sexual contents that in turn will be harmful for the emotional well-being of children.

1. Money, gambling cards, cigarettes or liquor bottle shaped foods.
2. Foods that resemble certain body parts
3. Foods that are sold through gaming machines
4. All other foods that are specified by the KFDA Commissioner in accordance with Article 1 and 3.

The KFDA Commissioner shall publish a notification that will detail the shape, design and wording of foods that may be prohibited by Article 1 after deliberation in accordance with Article 25 of the Children's Safe Dietary Life Management Committee.

Limitation or Prohibition of Advertisements (Article 10 of the Special Act)

Anyone who manufactures, processes, imports, distributes or sells children preferred foods shall not advertise through broadcast, radio or internet that non-food items, such as toys will be given away to encourage consumption by children. If anyone listed above advertises high calorie and nutrient poor value foods through television advertisements in accordance with Article 2-1 of the Broadcasting Act, the KFDA Commissioner may limit or prohibit such advertisements starting from January 1, 2010. In order to limit certain parts of advertisements or prohibit them, the KFDA Commissioner shall designate food items among high calorie and nutrient poor products subject to limitation and shall provide more details in a notice.

At the initial stage, Korea planned to restrict the TV advertisement of high calorie and nutrient poor products of children's preferred foods during the hours between 5:00 pm and 9:00 pm. However, due to strong concern from local industry, the final regulation has been softened and it just gives the authority to the KFDA Commissioner that he may limit the advertisement.

Notice of Nutritional Value (Article 11)

Starting from January 1, 2010, any business that prepares and sells children's preferred foods such as fast food restaurants shall label the nutritional values. KFDA will notify standards for nutritional values and indication methods. Any restaurant or bakery business that has more than 100 stores (including direct and branch locations) that are operated under the Fair Transactions in Franchise Business Act are required to label the nutritional values of the foods they sell.

Color-Coding of Nutritional Values or Traffic Light Labeling (Article 12)

The KFDA Commissioner may set standards for nutrients including fat, sugar and sodium in children's foods. If certain foods meet these standards, they will be designated as good foods or quality foods and will be allowed to carry a green color-coded label. Food products classified as high calorie and nutrient poor products are not eligible for the green color labeling. The KFDA Commissioner will determine and announce the labeling methods for color-coding to include the location, the shape and the size of the label. This green color labeling system may start from January 1, 2010.

On April 29, 2009, the National Assembly passed a draft revision to the Special Act to include a traffic light labeling system for children's preferred foods. Though the full text has not been published yet, the summary of the revision explained by a lawmaker at the National Assembly meeting is as below:

- Introduction of the traffic light system is to combat the problem of childhood obesity.
- Colors including green, yellow, red, and others will be displayed.
- To minimize industry concern, this labeling system will be a recommended system and operated on a voluntary basis.
- This new system will start from January 1, 2011.

Since the National Assembly passed the proposed bill, it will be sent to the Ministry for Health, Welfare, and Family Affairs (MHWFA) for publication in the government gazette. If this revision is announced and goes into effect, then the above green labeling system will be no longer effective.

Quality Certification Standards (Article 14)

The KFDA Commissioner may grant a certification to children's food complying with the quality certification standards announced by the KFDA Commissioner to promote the manufacture/processing/distribution/sale of safe and nutritionally balanced children's foods (hereinafter referred to as the "quality certification standards"). Foods that meet the quality certification standards can carry yellow smile logo on the package.

KFDA announced the Notice on Quality Certification Standards for Children's Preferred Foods on May 8. The Notice includes standards for safety, nutrients, and additives. For imported food products, they must receive KFDA's pre-confirmation through on-site plant visit to meet the safety standards. As for food additive standards, no tar coloring (synthetic coloring) is permitted of use in making foods with yellow smile logo. Post will prepare another gain report covering quality certification standards.

Tar Coloring Restriction in Children's Preferred Foods

Although not included in the Special Act, these regulations are meant to complement the Special Act. KFDA announced a proposed revision to the Food Additive Code on March 2 to ensure the safety of children's preferred foods. The proposal is to ban the use of the below listed 14 tar colorings in children's preferred foods. KFDA has already banned the use of Food Red #2 (Amaranth) and its Aluminum Lake in children's preferred foods.

Tar colorings

1. Food Green #3 (Fast Green FCF)
2. Food Green #3 Aluminum Lake (Fast Green FCF Aluminum Lake)
3. Food Red #3 (Erythrosine)
4. Food Red #40 (Allura Red)
5. Food Red #40 Aluminum Lake (Allura Red AC Aluminum Lake)
6. Food Blue #1 (Brilliant Blue FCF)
7. Food Blue #1 Aluminum Lake (Brilliant Blue FCF Aluminum Lake)
8. Food Blue #2 (Indigocarmine)
9. Food Blue #2 Aluminum Lake (Indigocarmine Aluminum Lake)
10. Food Yellow #4 (Tartrazine)
11. Food Yellow #4 Aluminum Lake (Tartrazine Aluminum Lake)
12. Food Yellow #5 (Sunset Yellow FCF)
13. Food Yellow #5 Aluminum Lake (Sunset Yellow FCF Aluminum Lake)
14. Food Red #102 (New Occine, Ponceau 4R)

New food products that are added to the current positive list that are not permitted for use of the above listed food colorings are as below:

- Dairy products including ice cream, ice cream mix and ice cream powder
- Fruit and vegetable beverages
- Fish processed products
- Breads (including bread, pastry, donuts, cake, hot dog, pizza, and others)
- Ready to eat products
- Dry confectionary (including biscuits, cookies, crackers, chips and other but excluding Korean traditional cookies called '*Hangwa*')
- Candies
- Chocolates
- Ice candies
- Carbonated beverages
- Mixed beverages
- Toasted cereals flakes (so called breakfast cereal)

This proposal has not been finalized yet but KFDA has proposed to implement this new restriction from January 1, 2010.

For more information on these regulations, please contact the Agricultural Affairs Office in Seoul, Korea.

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