



HKSA submission\_Regulation on Nutrition and Health for under 36 month

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16/4/2015 09:13

From: @kwoondairy.com.hk  
To: <claims\_consultation@fehd.gov.hk>

1 個附件檔



HKSA submission on Regulation on Nutrition and Health for under 36 month.\_doc

Dear Sir,

The Hong Kong Suppliers Association (HKSA) would like to file a submission regarding the captioned Regulation.

Please find the attached for your handling.

Thanks.

Sent on behalf of Mr. Albert Tang, Chairman of HKSA

Information from ESET NOD32 Antivirus, version of virus signature database 11481 (20150415)

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April 17, 2015  
By Fax and by Mail

To: Centre for Food Safety  
(Attn.: Risk Assessment Section)  
Food and Environmental Hygiene Department  
43/F, Queensway Government Offices,  
66 Queensway,  
Hong Kong  
Facsimile: (852) 2893 3547

Dear Sir/Madam,

Re: Submission In Response to the Public Consultation on Proposed Regulatory Framework on Nutrition and Health Claims on Infant Formula, Follow-up Formula and Prepackaged Foods for Infants and Young Children Under the Age of 36 months in Hong Kong

We fully support the Administration in establishing a regulatory framework to enhance the regulation of nutrition and health claims on formula products and prepackaged foods for infants and young children under the age of 36 months (IYC foods) in Hong Kong.

Milk formula for babies under the age of 6 months old could be their only source of food and nutrition if a parent is unable to breastfeed or has chosen not to breastfeed. Infant and young children of ages 6 to 36 months are also at such tender ages that the Administration has an obligation to protect them against false, misleading and inappropriate claims on their food source. It is undoubtedly that claims on such source of food should be monitored and regulated appropriately.

On the other hand, we urge the Administration to allow substantiated claims to be made for two main reasons. Firstly, science-based product benefits and information, be it shown on food packaging or through any forms of advertisement, are vital information for consumers in making informed purchasing decision. Secondly, new formulations of food are being developed constantly. Most of these new formulations are for the improvement of existing products and some are for the health and nutrition improvement of targeted consumer, in this case our young children, based on latest scientific research. Our Administration must allow the trade to inform consumers on such substantiated claims on health and nutrition, keeping in mind that claims must be substantiated and not misleading or inappropriately presented. If not, the trade cannot inform the consumers of such benefit, the parents would be unable to select suitable products and our young children will be deprived of such scientifically designed products while the rest of the world can enjoy.

Taking reference to the international practices worldwide, we support an Inclusive Approach whereby substantiated claims can be made. We further agree, in general, with the

Administration on the mechanism to approve claims and establish corresponding conditions as stated in the Consultation Document. We hope, however, the Administration will discuss with the Trade and take into consideration the Trade's view on the fine points of the approval process.

Grace Period is always subject to debate even a newly proposed regulation is agreed and welcomed by all parties. For the Trade, we need time to make preparation and execution to comply with a new regulation. There are many internal discussion and preparation to be made in individual companies to meet the requirement of a new regulation. We hope the Administration and the public would understand our difficulties. In this case, a list of approved claims needs to be established. The Trade needs to submit application and the Centre for Food Safety needs time to approve. We suggest the Grace Period to be divided into three parts. Part One is the time allowed for submitting application. We suggest a deadline of six months from the time the new regulation is enacted for the Trade to submit and complete the application process. Part Two is the time for the Administration to approve the application. For the time needed for Part Two, the Administration must decide. Part Three is the time for the Trade to comply with the regulation after the list of approved claims is published by the Administration. We suggest a Grace Period of 18 months for Part Three to allow time for the Trade to change formulation, change packaging, change promotional material, clear stock, production of new products to comply, etc. as needed. Given the Trade is preparing for the compliance of the Food and Drugs (Composition and Labelling) (Amendment) (No.2) Regulations 2014, an insufficient grace period of the new regulation implemented shortly after the aforementioned one may bring potential negative impact on the smooth product transition as well as steady supply of affected products in the market.

We hope that the Administration would take the above opinion into positive consideration and we look forward to working with the Administration to finalize an appropriate regulatory framework that could best balance the interest of different sectors in the society.

Thank you for your attention.

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Albert Tang  
Chairman  
Hong Kong Suppliers Association