

# **Results of Public Consultation on the Proposed Amendments to the Preservatives in Food Regulation**

## **Purpose**

The Government conducted a four-month public consultation on the proposed amendments to the Preservatives in Food Regulation (Cap. 132BD) from 29 May to 30 September 2023. This paper provides an overview of the results of the public consultation and updates on the proposed amendments.

## **Background**

2. One of the initiatives set out in the Policy Measures of the Chief Executive's 2022 Policy Address is to review and update by phases the food safety legislation relating to additives in food. It was further set out in the Policy Measures of the Chief Executive's 2023 Policy Address that the Government would complete the legislative exercise to update the food safety standards of preservatives and antioxidants in food within 2024.

3. The Environment and Ecology Bureau (EEB) and the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department conducted a review on the regulation of preservatives and antioxidants in food under Cap. 132BD and came up with various proposed legislative amendments, with a view to aligning local and international food safety standards, enhancing consumer protection, and facilitating the food trade. By adopting a "positive list" approach, Cap. 132BD stipulates that any food being imported, manufactured for sale, or sold may only contain the specified permitted preservative or antioxidant, and in the proportion that does not exceed the specified maximum permitted level (MPL). Adopting the standards of the Codex Alimentarius Commission ("Codex")<sup>1</sup> as the backbone, and supplemented with the relevant standards of the Mainland and that of Hong Kong's other major food trading partners, including the European Union (EU), the United States, Australia, New Zealand, Singapore, etc., the

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<sup>1</sup> Codex, established by the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO) in 1960s, is the single most important international source of reference for consumers, food producers, processors, food control agencies and the international trade in developing food associated standards. Currently Codex has 189 member countries and 1 member organisation (the EU) and is recognised by the World Trade Organization as the standard-setting body for food safety.

proposed amendments to Cap. 132BD aim to:

- (i) Update the definitions of “preservative” and “antioxidant”;
- (ii) Update the list of permitted preservatives / antioxidants in the “positive list”; and
- (iii) Update / stipulate the MPLs of the permitted preservatives and antioxidants.

## **Public Consultation**

4. We consulted the Expert Committee on Food Safety<sup>2</sup> and the Legislative Council Panel on Food Safety and Environmental Hygiene on 6 March 2023 and 9 May 2023 respectively on the proposed amendments. Subsequently, a 4-month public consultation exercise was conducted between 29 May 2023 and 30 September 2023. Electronic copies of the consultation document were made available on the websites of the EEB and the CFS for public access. In addition to the issue of press release and emails, we had notified relevant stakeholders about the public consultation exercise via various channels including notification to the World Trade Organization, Government’s Business Consultation e-Platform and social media.

### Consultation forums and trade meetings

5. During the public consultation period, the CFS organised a total of seven meetings, including two consultation forums<sup>3</sup> with some 250 participants, a briefing for representatives of Consulate-Generals, three separate meetings with the trade / trade associations, and one technical meeting with the trade. We also consulted the Advisory Council on Food and Environmental Hygiene (ACFEH)<sup>4</sup> on the proposed amendments in July 2023; and presented the proposed amendments at the CFS’ routine Trade Consultation Forum on 20 September 2023.

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<sup>2</sup> Expert Committee on Food Safety, set up under the Centre for Food Safety, is responsible for advising the Director of Food and Environmental Hygiene in the formulation of food safety measures, review of food safety standards in light of international practices, trends and developments, as well as risk communication strategies.

<sup>3</sup> Two consultation forums in the form of physical meeting and online video conferencing were conducted on 9 and 29 June 2023 respectively.

<sup>4</sup> ACFEH, set up under the Environment and Ecology Bureau, advises the Secretary for Environment and Ecology on policies relating to food safety, environmental hygiene and veterinary public health.

## Written submissions

6. We received a total of 26 written submissions, of which about 70% were from various organisations and stakeholders of the food trade, and the remaining were from consumer group, interest group and individuals. The list of respondents is at Annex I.

## **Results of the Public Consultation**

7. The respondents generally welcomed and supported the proposed amendments. The major comments received in the public consultation and our responses are summarised in the following paragraphs.

### Updating / Stipulating MPLs of the Permitted Preservatives and Antioxidants

8. Taking into account the comments received on the proposed MPLs of the particular permitted preservatives and antioxidants in specified food, the following MPLs are fine-tuned:

#### (a) Sulphites in candied fruit

9. Representatives from two trade associations expressed that certain oriental-style candied fruits, e.g. the Chinese-style candied dates (蜜棗), are different from western-style candied / glazed fruits in their nature and processing; and asked the CFS to re-consider the proposed MPL for sulphites in the food sub-category “4.1.2.7 Candied fruit”. Having considered their views and making reference to the standards of the Mainland, we propose to revise the MPL of sulphites in candied fruit from 100 mg/kg to 350 mg/kg. The revised MPL would not pose a health concern to the local population based on the results of our risk assessment.

#### (b) Sodium ascorbate in infant formulae and follow-up formulae

10. Our original proposal mainly made reference to Codex’s General Standard for Food Additives (GSFA) as revised in 2021.<sup>5</sup> One of the written submissions pointed out that, during the revision in 2021, Codex did not take into account that sodium ascorbate, which possesses antioxidant properties, can also

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<sup>5</sup> The food sub-category “13.1.1 Infant formulae” has no MPL for sodium ascorbate, whereas the proposed MPL for sodium ascorbate in food sub-category “13.1.2 Follow-up formulae” is 50 mg/kg (on the ready-to-eat basis).

be applied to the coating of nutrient preparations containing polyunsaturated fatty acids (e.g. docosahexaenoic acid (DHA)) which are commonly used in food category 13 - “Food intended to be consumed principally by persons under the age of 36 months”. Besides, relevant maximum levels of sodium ascorbate for the above use have been established in the Codex Advisory Lists of Nutrient Compounds for Use in Foods for Special Dietary Uses Intended for Infants and Young Children (CAC/GL 10-1979) and the EU regulation on food additives. We also note that Codex subsequently, at its meeting held in late November 2023, updated MPLs for sodium ascorbate in infant formulae and follow-up formulae (i.e. 75 mg/L (on the ready-to-eat basis)) in its GSFA. In view of the above update and taking into account the trade’s comments, we propose to include the MPLs of sodium ascorbate in food sub-categories “13.1.1 Infant formulae” and “13.1.2 Follow-up formulae” at 75 mg/L (on the ready-to-eat basis). The said proposal has taken into consideration the safety assessment conducted by the Joint FAO/WHO Expert Committee on Food Additives (JECFA) <sup>6</sup> on sodium ascorbate<sup>7</sup>.

#### Exemption for “Food for Special Medical Purposes (FSMP)”

11. Some members of the trade suggested exempting FSMP<sup>8</sup> from the regulatory requirements of Cap. 132BD.

12. Since FSMP targets only a niche market, and that their supply to patients in need in Hong Kong relies on importation, and the relevant regulations on these products vary among our trading partners in terms of the regulatory scope and categorisation, we propose to exempt FSMP from the application of relevant provisions under Cap. 132BD so as to ensure a continuous and stable supply of FSMP to Hong Kong. The exemption should not affect the safe use of FSMP as these products should be used under medical supervision. Correspondingly, we

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<sup>6</sup> JECFA is the international food safety authority responsible for collecting and evaluating scientific data on food additives and allocate health-based guidance value (i.e. acceptable daily intake (ADI)) to the food additives evaluated.

<sup>7</sup> JECFA has conducted safety assessment on ascorbic acid and its sodium, potassium and calcium salts and categorized their ADI as “not specified”, i.e. their use in food will not pose any health concern to human.

<sup>8</sup> According to the Codex Standard for the Labelling of and Claims for Foods for Special Medical Purposes (Codex Stan 180-1991), FSMP refers to product “which is specially processed or formulated and presented for the dietary management of patients and to be used only under medical supervision”. FSMP is intended for the exclusive or partial feeding of patients with limited or impaired capacity to take, digest, absorb or metabolise ordinary foodstuffs or certain nutrients contained therein, or who have other special medically-determined nutrient requirements, whose dietary management cannot be achieved only by modification of the normal diet, by other foods for special dietary uses, or by a combination of the two.

also propose to remove the food sub-category 13.1.3 – “Formulae for special medical purposes intended for infants” under food category 13.1 – “Infant formulae, follow-up formulae, and formulae for special medical purposes for infants” and rename the latter to “Infant formulae and follow-up formulae”.

#### Use of “No Preservative Added” and “No Antioxidant Added” Wordings on Food Package

13. We propose to update the current definitions of “preservative” and “antioxidant” under Cap. 132BD with reference to those adopted by Codex, thereby broadening the “positive list” of permitted food additives to include 25 additional food additives that currently fall outside the definitions. As some of the newly added permitted food additives are multi-functional, some respondents were concerned about the labelling of food containing such multi-functional food additives, particularly whether the use of the “no preservative added” or “no antioxidant added” wordings would be allowed on the food package if the food additive is for a function other than preservation or antioxidation<sup>9</sup>.

14. According to labelling requirements stipulated in the Food and Drugs (Composition and Labelling) Regulations (Cap. 132W), the functional class of the additive should be suitably indicated on the product label (e.g. benzoic acid (preservative)) based on the technical effect intended to be achieved upon the use of the additive in food<sup>10</sup>. On this basis, and making reference to the practices of Canada, we propose to keep allowing the use of “no added preservatives” / “no added antioxidants” wordings on food packaging, provided that the intended functions (i.e. any functions other than preservation / antioxidation) of such multifunctional additives in food are stated clearly on the food label<sup>11</sup> in

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<sup>9</sup> For example, the newly added permitted food additive, citric acid (INS 330), is a multifunctional additive which can be used as acidity regulator, antioxidant or colour retention agent in food. The trade enquired whether the use of “no antioxidant added” label is permitted on the product if citric acid is added in an ice-cream product for acidity regulation, and the intended function is indicated in the ingredient list, i.e. “citric acid (acidity regulator)”.

<sup>10</sup> According to paragraphs 2(5) and (6) of Schedule 3 to the Food and Drugs (Composition and Labelling) Regulations (Cap. 132W), an additive constituting one of the ingredients of a food shall be listed by its functional class and -  
(a) its specific name; or  
(b) its identification number under the International Numbering System for Food Additives; or  
(c) its identification number under the International Numbering System for Food Additives with the prefix "E" or "e".

<sup>11</sup> It is pointed out in Codex’s Class Names and the International Numbering System for Food Additives (CXG 36-1989) that a single food additive could often be used for a range of technological purposes in a food, and it remained the responsibility of the manufacturer to declare the most descriptive functional class in the list of

accordance with Cap. 132W. In addition, the food concerned must comply with section 61(1) of the Public Health and Municipal Services Ordinance (Cap. 132), which stipulates that no person shall give or display a label which falsely describes the food or is calculated to mislead as to its nature, substance or quality. The CFS would provide further guidance to the trade to facilitate their compliance.

#### Addition of Preservatives / Antioxidants to the “Positive List”

15. We received several proposals regarding the permitted list of preservatives and antioxidants, including the requests of adding phytic acid, gamma-tocopherol and delta-tocopherol as permitted antioxidants. In addition, we received two suggestions related to the proposed addition of “phosphates”<sup>12</sup>. One proposed to regulate only the two alternative forms which have antioxidation / preservation function, whilst the other proposed to remove the whole “phosphates” group from the “positive list”.

16. As regards phytic acid, gamma-tocopherol and delta-tocopherol, JECFA has not yet evaluated their safety and their uses have not been permitted in the GSFA. Moreover, there are other permitted antioxidants in the “positive list” that can be used as alternatives to the said three antioxidants. After careful consideration, we would not include them in the proposed “positive list” of preservatives and antioxidants.

17. On the other hand, Codex has established maximum levels for “phosphates” as a whole, which the same maximum level applies to all forms of phosphates listed in the GSFA, regardless of their specific technological functions in various food products. Given that this legislative exercise is conducted with Codex’s standards as the backbone, we would keep our original proposal of adding the whole “phosphates” group to the list of permitted food additives, and that phosphoric acid and trisodium phosphate would be permitted for use under the amended Cap. 132BD.

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ingredients on the food label. For suspicious cases, CFS will request the food business to provide information to substantiate the technological purposes of the food additive in food.

<sup>12</sup> According to the GSFA, there are 30 alternative forms of “phosphates”. Among which, phosphoric acid and trisodium phosphate can be used as antioxidant and preservative respectively, whilst other forms are used for functions other than preservation or antioxidation.

## **Other Technical Amendments**

### **(a) Unit of MPLs**

18. Under the proposed amendments, the unit of MPL for specified “additive-food” pair would be changed from “ppm” to “mg/kg”. Such amendment has been made with reference to the latest Codex’s standards and would not affect the actual numerical value of the MPL.

19. A respondent suggested including the unit “mg/L” as appropriate for all additives under food sub-categories “13.1.1 Infant formulae” and “13.1.2 Follow-up formulae”. Under the original proposed amendments, all numerical MPLs of additives for these two food sub-categories are set “on the ready-to-eat basis”, i.e. liquid form. We agree with the suggestion and propose to add a note specifying that the MPLs for the above “additive-food” pairs are expressed as “mg/L”, taking into account adoption by Codex of such unit for formula products in late November 2023.

20. The updated proposed MPLs and other details of the additive-food pairs mentioned in paragraphs 9 to 12 and 18 to 19 above are at Annex II.

### **(b) Section 4 of Cap. 132BD – Food Containing Antioxidant Not to be Recommended for Babies and Young Children**

21. Currently, section 4 of Cap. 132BD prohibits the description or advertisement of any food as being food intended mainly for babies and young children (i.e. persons under the age of 36 months) if it has in it or on it any added antioxidant. In view of the fact that maximum levels for specific antioxidants (including those currently excluded from the definition of antioxidant under Cap. 132BD) in “Food intended to be consumed principally by persons under the age of 36 months” have been established in the GSFA, we propose to include the relevant “additive-food” pairs and their MPLs in the “positive list”. In other words, the Amendment Regulation will permit the addition of specific antioxidants in food intended to be consumed principally by persons under the age of 36 months, provided that their uses comply with the “positive list”. In this connection, we propose to make consequential amendments to section 4, so that food intended mainly for babies or young children which is lawfully added with specific antioxidants may be described and advertised accordingly.

### (c) Adopting Codex’s Terminology for Food Additives

22. Schedule 1A to the existing Cap. 132BD contains a list of “alternative forms” which may be used in place of permitted additives. With reference to the latest practice in the GSFA, certain permitted food additives specified in Schedule 1 to the Amendment Regulation would be listed in the form of “food additive group” and all the permitted food additives that constitute the “food additive group” (i.e. “participating additives”) would be listed in Schedule 1A<sup>13</sup>. The adoption of such terms and practice would explicitly illustrate the affiliation between the “food additive group” and its “participating additives” and is in line with Codex’s practice. The above proposed amendments would not affect the regulatory scope of the Amendment Regulation, the list of permitted preservatives / antioxidants and their MPLs in specified foods.

### (d) Treatment of Multi-functional Food Additives

23. As regards the adding of multi-functional food additives as suggested in the original proposal (see paragraph 13 above), some respondents were concerned whether the use of these multi-functional additives in food for functions other than preservation and antioxidation has to comply with the MPLs for preservatives and antioxidants stipulated in the amended Cap. 132BD.

24. During the public consultation period, the CFS had clarified with the trade that the existing Cap. 132BD already follows Codex’s recommended practices in regulating multi-functional food additives, i.e. for the purpose of consumer protection, each particular “additive-food” pair must comply with the same MPL stipulated in Cap. 132BD, whether or not the additive is used for preservation or antioxidation in the particular food item. This is the prevailing practice under the existing Cap. 132BD and would be maintained under the proposed amendments. In fact, under the existing Cap. 132BD, there are already some permitted additives which are capable of performing functions apart from preservation and antioxidation. For example, sulphur dioxide can be used as flour treatment agent besides being used as preservative and antioxidant; whilst nitrites can be used as preservative, they can also be used as colour retention agent. While we have proposed to update the definitions of “preservative” and “antioxidant” in the Amendment Regulation with reference to those adopted by

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<sup>13</sup> For example, the “participating additives” of the “food additive group” benzoates will be listed as benzoic acid, sodium benzoate, potassium benzoate, and calcium benzoate.



Codex, we would also retain the relevant wordings under the existing definitions (i.e. **capable of**) so as to reflect that substances **capable of** functioning as preservative or antioxidant, regardless of their actual function in food, would be caught by Cap. 132BD (see Annex III).

## **Transitional Period**

25. In the consultation paper, we originally proposed a transitional period of 18 months for the Amendment Regulation to take effect. A number of respondents (including trade organisations) considered that the proposed time period is insufficient for the trade to make necessary arrangements to comply with the Amendment Regulation. They expressed that the food trade would need time to review the preservatives and antioxidants added to their food items, possibly reformulating their products, sourcing from different suppliers and even amending the labels for their food items. They requested to extend the transitional period, with the proposed duration ranging from 24 months to at least 3 years.

26. We are of the view that the Amendment Regulation should be implemented as soon as practicable. Taking into account the need of allowing a longer time for the trade to get prepared for the updated food safety standards, and the need for the local testing laboratories to establish the capability for performing the related tests, and the longer shelf life of pre-packaged / processed foods to which preservatives or antioxidants might have been added, we suggest extending the transitional period to 24 months. During the transitional period, it would be legal for any single food item to comply wholly with the requirements of either the existing Cap. 132BD or the Amendment Regulation<sup>14</sup>. After the end of the transitional period, the trade should fully comply with the requirements of the Amendment Regulation.

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<sup>14</sup> All food additives contained in any food item must fully comply with either the existing Cap. 132BD or the Amendment Regulation, and shall not comply partly with the existing legislation and partly with the Amendment Regulation. If two food additives are added to a particular food item, it is not acceptable for one food additive to comply with the requirements of the existing Cap. 132BD and the other to comply with the requirements of the Amendment Regulation. CFS will provide guidance to the trade on the transitional arrangements in the relevant user guidelines.

## **Way Forward**

27. We consulted the Legislative Council Panel on Food Safety and Environmental Hygiene on 11 June 2024 on the results of the public consultation and updates on the proposed amendments. We plan to table the Amendment Regulation at the Legislative Council within this year for negative vetting, with a view to bringing it into operation within 2024. Meanwhile, we will continue engaging the trade and other relevant stakeholders via technical meetings to follow up technical issues related to the proposed amendments, and issue updated user guidelines at an appropriate time to assist the trade to better understand the amendments and facilitate their compliance. In the future, we would keep our food safety standards under review having regard to the latest international developments, so as to keep them on par with international standards.

**Environment and Ecology Bureau  
Food and Environmental Hygiene Department  
Centre for Food Safety**

**August 2024**

**List of Respondents Providing Written Comments  
During the Public Consultation Period  
(in order of date received)**

1	Lee Kum Kee International Holdings Ltd.
2	Claire KONG
3	Janet CHOW
4	KS
5	Vitasoy International Holdings Ltd.*
6	Mondelez International, China*
7	Mondelez International, China*
8	B & S Company
9	Maxims*
10	James Lung International Arts and Cultural Exchange Association
11	Hong Kong Health Food Association
12	Hong Kong Suppliers Association
13	Consumer Council
14	Danone
15	Mars Wrigley Asia
16	Maxims*
17	ALS Technichem (HK) Pty Ltd
18	Abbott Laboratories Limited
19	Kerry, Taste and Nutrition (APMEA)
20	Nestle Hong Kong Limited
21	Dairy Farm Company Limited (DFCL)
22	Sam SIU
23	Mr LEE
24	Wyeth (Hong Kong) Holding Company Limited
25	Vitasoy International Holdings Ltd.*
26	李玉容

\* More than one submission from the same company

## Updated Proposed MPLs for the “Additive-food Pairs”

Column 1		Column 2		Column 3	Column 4
No.	Food category or sub-category	Permitted food additives		Maximum permitted level (mg/kg, unless otherwise specified)	Note
		INS <sup>15</sup> no.	Name		
4.1.2.7	Candied fruit	200–203	Sorbates	500	Note 9
		210–213	Benzoates	1 000	Note 6
		214, 215, 218 & 219	Hydroxybenzoates, para-	1 000	Note 26
		220–228, 539 & –	Sulphites	350	Note 30
		334, 335(ii) & 337	Tartrates	20 000	Note 10
		338, 339(i)–(iii), 340(i)–(iii), 341(i)–(iii), 342(i) & (ii), 343(i)–(iii), 450(i)–(iii), (v)–(vii) & (ix), 451(i) & (ii), 452(i)–(v) & 542	Phosphates	10	Note 1
<b>13</b>	<b>Food intended to be consumed principally by persons under the age of 36 months</b>				
13.1	Infant formulae and follow-up formulae				
13.1.1	Infant formulae	290	Carbon dioxide	GMP	
		301	Sodium ascorbate	75	Notes 128 and 136
		304 & 305	Ascorbyl esters	10	Notes 128, 136 and 137
		307a, b & c	Tocopherols	10	Notes 128 and 136
		322	Lecithins	5 000	Notes 128 and 136

<sup>15</sup> INS means the system known as the “International Numbering System for Food Additives” that was adopted by the Codex Alimentarius Commission for identifying food additives in the list of ingredients of any pre-packaged food.

Column 1		Column 2		Column 3	Column 4
No.	Food category or sub-category	Permitted food additives		Maximum permitted level (mg/kg, unless otherwise specified)	Note
		INS <sup>15</sup> no.	Name		
		330	Citric acid	GMP	
		332(ii)	Tripotassium citrate	GMP	
		338, 339(i)–(iii), 340(i)–(iii), 341(i)–(iii), 342(i) & (ii), 343(i)–(iii), 450(i)–(iii), (v)–(vii) & (ix), 451(i) & (ii), 452(i)–(v) & 542	Phosphates	450	Notes 1, 128 and 136
		472c	Citric and fatty acid esters of glycerol	9 000	Notes 128, 136 and 138
13.1.2	Follow-up formulae	290	Carbon dioxide	GMP	
		300	Ascorbic acid, L-	50	Notes 128, 136 and 139
		301	Sodium ascorbate	75	Notes 128, 136, 139 and 140
		302	Calcium ascorbate	50	Notes 128, 136, 139 and 140
		304 & 305	Ascorbyl esters	50	Notes 128, 136, 137 and 139
		307a, b & c	Tocopherols	30	Notes 128 and 136
		322	Lecithins	5 000	Notes 128 and 136
		330	Citric acid	GMP	
		332(ii)	Tripotassium citrate	GMP	
				338, 339(i)–(iii), 340(i)–(iii), 341(i)–(iii), 342(i) & (ii), 343(i)–(iii), 450(i)–(iii), (v)–(vii) & (ix), 451(i) & (ii), 452(i)–(v) & 542	Phosphates

Column 1		Column 2		Column 3	Column 4
No.	Food category or sub-category	Permitted food additives		Maximum permitted level (mg/kg, unless otherwise specified)	Note
		INS <sup>15</sup> no.	Name		
13.2	Complementary foods for infants and young children, excluding products of food category 13.1 and its sub-categories (if applicable)	260	Acetic acid, glacial	5 000	Note 141
		261(i)	Potassium acetate	GMP	
		262(i)	Sodium acetate	GMP	
		263	Calcium acetate	GMP	
		290	Carbon dioxide	GMP	
		300	Ascorbic acid, L-	500	
		301	Sodium ascorbate	500	Note 140
		302	Calcium ascorbate	200	Note 140
		304 & 305	Ascorbyl esters	200	Notes 12 and 137
		307a, b & c	Tocopherols	300	Note 12
		322	Lecithins	5 000	Notes 143 and 144
		325	Sodium lactate	GMP	Note 142
		326	Potassium lactate	GMP	Note 142
		327	Calcium lactate	GMP	Note 142
		330	Citric acid	5 000	Note 141
		332(ii)	Tripotassium citrate	GMP	
		333(iii)	Tricalcium citrate	GMP	
		334, 335(ii) & 337	Tartrates	5 000	Note 10
		338, 339(i)-(iii), 340(i)-(iii), 341(i)-(iii), 342(i) &	Phosphates	4 400	Note 1

Column 1		Column 2		Column 3	Column 4
No.	Food category or sub-category	Permitted food additives		Maximum permitted level (mg/kg, unless otherwise specified)	Note
		INS <sup>15</sup> no.	Name		
		(ii), 343(i)–(iii), 450(i)–(iii), (v)–(vii) & (ix), 451(i) & (ii), 452(i)–(v) & 542			
		472c	Citric and fatty acid esters of glycerol	5 000	

Note	Description
Note 1	As phosphorus.
Note 6	As benzoic acid.
Note 9	As sorbic acid.
Note 10	As tartaric acid.
Note 12	The levels of ascorbyl esters, butylated hydroxyanisole, butylated hydroxytoluene, citric acid, dodecyl gallate, guaiac resin, octyl gallate, propyl gallate, stearyl citrate, tertiary butylhydroquinone, thiodipropionates and tocopherols are calculated against the weight of the fat or oil content of the food.
Note 26	As para-hydroxybenzoic acid.
Note 30	As residual sulphur dioxide.
Note 128	On the ready-to-eat basis.
Note 136	Maximum permitted level is expressed as mg additive/L of food.
Note 137	Ascorbyl palmitate only.
Note 138	Except that the maximum permitted level for use in powdered infant formula is 7 500 mg/kg.
Note 139	Ascorbic acid, sodium ascorbate, calcium ascorbate and ascorbyl palmitate can be used in combination only if the following condition is satisfied: when the quantity of each such food additive present in that food is expressed as a percentage of the maximum permitted level, the sum of those percentages does not exceed 100.
Note 140	As ascorbic acid.
Note 141	Except that use in processed cereal-based foods for infants and young children in accordance with GMP is permitted.
Note 142	L(+)-form only.
Note 143	For use in canned baby foods only.
Note 144	Except that the maximum permitted level for use in processed cereal-based foods for infants and young children is 15 000 mg/kg.

**Updated Proposed Definitions of “Antioxidant” and “Preservative” under the Amendment Regulation**

***Antioxidant*** (抗氧化劑)—

- (a) means a substance, not normally consumed as food by itself nor normally used as a typical ingredient of food, that, when added to, or used in or on, food at any stage of food processing, is **capable of** prolonging the shelf-life of the food by protecting against deterioration caused by oxidation; but
- (b) does not include any vitamins or minerals added to food as nutrients;

***Preservative*** (防腐劑)—

- (a) means a substance, not normally consumed as food by itself nor normally used as a typical ingredient of food, that, when added to, or used in or on, food at any stage of food processing, is **capable of** prolonging the shelf-life of the food by protecting against deterioration caused by microorganisms; but
- (b) does not include—
  - (i) common salt (sodium chloride);
  - (ii) sugars;
  - (iii) alcohol or potable spirits, isopropyl alcohol or monoacetin;
  - (iv) herbs or hop extract;
  - (v) spices or essential oils when used for flavouring purposes;
  - (vi) any substance added to food by the process of curing known as smoking; or
  - (vii) any vitamins or minerals added to food as nutrients.