

Re: 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

claims_cons
@danone.com to: ultation@feh
d.gov.hk

17/4/2015 14:37

From: @danone.com>
To: claims_consultation@feh.d.gov.hk

1 個附件檔



Danone Nutricia Submission - 17 April 2015.pdf

Dear Sir / Madam,

Danone Nutricia Early Life Nutrition (Hong Kong) Limited would like to take this opportunity to share our views on the "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". Please refer to the attached submission for your perusals.

Thanks You.

Regards.

Sandy Tse
Senior Medical & Public Affairs Manager
Danone Nutricia Early Life Nutrition



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17 April 2015

BY EMAIL (claims_consultation@fehd.gov.hk) & BY POST

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

SUBMISSION IN RESPONSE TO PUBLIC CONSULTATION OF
PROPOSED REGULATORY FRAMEWORK FOR 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

At Danone Nutricia Early Life Nutrition, we pioneer in specialised nutrition since 1896. We appreciate that pregnant and lactating women, infants and young children have specific requirements and need specialised nutrition to build the foundation for lifelong health. We are committed to providing safe, high quality, science-based nutritional solutions, services and education which meet parents' needs and ensure their children a healthy start in life.

Danone Nutricia Early Life Nutrition shares the same objective with the government to protecting the health of infants and young children.

Danone Nutricia Early Life Nutrition welcomes the government initiative to establish a regulatory framework to enhance nutrition and health claims regulation on formula products and infant & young child food (IYC). Of the five overarching principles, it is important that the government provides clear definitions on key terms to ensure legal clarity and fair competition for food business operators. It is suggested the new regulatory framework should not conflict with nutrition claims of general prepackaged food covered under "The Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008".

Our Principle: Health and nutrition information allows consumers to make an informed choice

Parents attach great importance to the health of their children and are becoming increasingly interested in achieving and maintaining well-being and a high quality of life. The latest scientific findings also show the clear impact of early life nutrition on health in later years. By providing information to parents, nutrition labels and health claims on products packaging have the potential to contribute to the achievement of public health objectives. The underlying principle is that claims should be based on factual and scientifically proven information that are not exaggerated or misleading.

1) Regulatory Approach

Danone Nutricia Early Life Nutrition endorses the approach of Hong Kong Infant and Young Child Nutrition Association

1.1.1 Referencing other countries practices is vital

Danone Nutricia Early Life Nutrition welcomes the government's referencing practices from other developed countries. Since Hong Kong relies heavily on imported goods, we would like to recommend to establish an approach that is harmonized with other major jurisdictions.

1.1.2 Information is needed to promote understanding of nutrition science

Danone Nutricia Early Life Nutrition invests heavily in research and development to design products that meet the specific needs of infants and young children in each of our markets. Small changes in a formula product can have a big impact on future health. Regulations should help promote a greater understanding of the science behind nutrition.

1.1.2 Evidence-based system would protect infants and young children and ensure fair competition

A proper evidence-based regulatory framework would ensure a high level of protection for infants and young children from unsubstantiated claims, while also ensuring legal clarity and fair competition for food business operators. The ultimate aim of the framework should be to enable the

industry and other stakeholders to work together to promote good feeding practices and improve nutrition for infants and young children in Hong Kong.

2) Regulatory options

2.1 Regulatory framework of claims on follow-up formula and Infant & Young Child foods could be the same

Danone Nutricia Early Life Nutrition endorses the position of the Hong Kong Infant and Young Child Nutrition Association.

From six months onward, infants and young children gradually move from a milk centric to a food centric diet. Formula milk and Infant & Young Child foods could be part of the balanced diet. Currently in Hong Kong, reference to Nutrition Labelling scheme for general prepackaged foods, nutrition and health claims are allowed, including for confectionary products with high-salt and high-fat content. Prohibiting claims on products with scientific support that is designated for specific age group of 6-36 months, would give mixed and misleading messages about healthy eating.

Danone Nutricia Early Life Nutrition shares the government's view that claims if properly apply, may help promote healthy diet. Therefore, claims permitted must be supported by scientific evidence, truthful and not misleading, and without any implication that the food or product can prevent or cure diseases.

3) Mechanism to approve and review claims under Inclusive approach by referencing other countries practices

Taking into account practices in other authorities, it is suggested to set up an expert committee to formulate an approval mechanism and relevant claims conditions which can ensure parents have access to the latest nutrition information. The committee could consist of academics, medical professionals and food experts, to form a "competent authority".

3.1 Establishing a positive-list of claims can reduce administrative burden

Danone Nutricia Early Life Nutrition welcomes the government suggestions to establish a list of approved claims based on authorized claims by other

jurisdictions or claims with sufficient scientific substantiation. A list of claims with their specific conditions of use that is regularly reviewed and updated by the Expert Committee, provides legal clarity to food manufacturers.

3.2 Set out a framework with clarity, highly transparent and consistent with case-by-case application on new claims

3.2.1 Scientific substantiation of health claims

Danone Nutricia Early Life Nutrition operates with a strong worldwide network of global and local preclinical and clinical partners. On scientific substantiation, there are different types of scientific studies, from biological observations, epidemiological data, preclinical studies and human intervention studies. Safety needs to be the initial assessment and then efficacy. Two relative strength of evidence are suggested: (1) human intervention studies or relevant scientific data on human subjects and (2) evidence from literature or general consensus among independent scientists. The government should give further consideration on the claimed beneficial effect that is relevant for long-term health and is based on a reasonable consumption as part of a balanced diet.

3.2.2 Authorization process

It is recommended that the government takes into account the following aspects for smooth adaptation of this new regulation:

- Clear roles and responsibilities
- Clear assessment criteria and priority
- Clear timeline at every stage
- Opportunity for dialogue with the regulators before and during the submission and clear appeal process

4) Grace period of 24 months

Establishment of Nutrition and health claims regulation is a complex process with many intricate details involved. If the government is going to adopt a negative vetting procedure, we wish to see clear mechanisms to approve claims are in place and sufficient grace period before the new regulation becomes effective to ensure industry is able to follow the new legislation. A 24 months grace period in addition to the approval

process is suggested by the industry to implement the approval result of claims, redesigning packaging, manufacturing and shipping. This is in-line with the practice of European Union and can minimize any potential risk of supply instability in the market

5) Establishment of DRI or NRV for Hong Kong is foundation of long term health policy

Danone Nutricia Early Life Nutrition welcomes government's suggestion to establish the DRI or NRV specially designed for Hong Kong. The Hong Kong Infant and Young Child Nutrition Association stance is endorsed.

Conclusions

Danone Nutricia Early Life Nutrition welcomes government regulation of nutrition and health claims on products for infants and young children of 0-36 months. Nutrition and health claims can be an effective means of helping consumers to understand the science behind nutrition, to make healthful food choices and improving dietary patterns. This is based on the principles for claims must be supported by scientific evidence, and must not be misleading.

Healthy dietary patterns rely largely on public education to facilitate making healthful choices. Danone Nutricia Early Life Nutrition advocates the importance of public private partnership with medical associations and the government to educate consumers on the approved health claims.

Danone Nutricia Early Life Nutrition (Hong Kong) Limited