



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

@hk.nestle.com to: ultation@feh
d.gov.hk

16/4/2015 18:58

Cc: @hk.nestle.com, @hk.nestle.com,
@hk.nestle.com

From: @hk.nestle.com>
To: "claims_consultation@fehd.gov.hk" <claims_consultation@fehd.gov.hk>
Cc: @hk.nestle.com>,
@hk.nestle.com>,
nestle.com>

1 個附件檔



Reply to CFS.pdf

Dear Sir,
Pls find attached for the comments of captioned topic.

Best Regards,
Ivy Kong
Regulatory & Scientific Affairs / Quality Assurance
Nestlé Hong Kong Ltd.

Centre for Food Safety
Food and Environmental Hygiene Department
43/F, Queensway Government Offices
66 Queensway, Hong Kong
Fax no.: 28933547
E-mail: claims_consultation@fehd.gov.hk

Your ref.

Our ref.

Hong Kong,
16 April, 2015

Dear Sir

Subject: Response To 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, Jan 2015

General Principle

1. In view of protecting the health of infants and young children in Hong Kong, we support the development of a regulatory framework to govern the nutrition and health claims on the formula products and foods for the above consumer groups. To enable the Trade to continue to bring innovative products to consumers for their benefits, we support an efficient, consistent, transparent and fair regulation.

Regulatory control

2. We agree to benchmark international practices, since all infant formula, follow-up formula and prepackaged foods for infants and young children products in HK are imported (e.g. from EU, AU/NZ, US, SG, etc.). The claims should be scientific substantiated and allowed in major jurisdictions.

Approval mechanism and time of claims

3. The Government should take reference to claims approved by international authorities, while the positive list shall remain open, i.e. a transparent review the list on a regular basis (e.g. monthly/quarterly). The approval mechanism should take reference of international practices, and the approval time (e.g. monthly/quarterly) should be clear.

Regulatory approach

4. Infant Formula: agree with CFS restrictive approach to follow Codex that no nutrition and health claims are allowed.
 - Infant Formula refers to a product for age 0 up to 12 months
 - The amended Food and Drugs (Composition and Labelling) Regulations have regulated the composition requirement of Infant Formula

5. Follow up formula and IYC food: propose inclusive approach that nutrition & health claims (except reduction of disease risk claim) are allowed, if the claim is factual, with scientific substantiation, and/or with major jurisdictions accepted.
- Consumer should have the freedom of choice. Allow consumer have access to fact based and updated information on packaging label to make the right choice
 - Current regulations (“Trade Description Ordinance (Unfair Trade Practices) (Amendment) Ordinance 2012” and “Cap. 132 Section 61 False labelling and advertisement of food or drugs”) have regulated all the claims should not be misleading
 - Consistency with other national authorities facilitates trade and ensure fair competition as well as ensure a high level of consumer protection

Examples of other markets follow inclusive approach:

- EU: on Follow Up Formula and IYC food (for age 4 to 36 months) for both nutrition and health claim.
Select nutrient content claims is allowed for both follow up formula and IYC foods, with criteria for making claims follow Regulation (EC) No 1924/2006. Health (function) claims are allowed for both follow up formula and IYC foods, which laid down in Articles 13 and 14 of the EC Regulation (EC) No 1924/2006 that taken into account EFSA's Scientific Opinion on the composition of these products. These claims include alpha-linolenic acid, iron, iodide, magnesium, vitamins A, B1, B2, B5, C, D, zinc, selenium and DHA.
- USA: on Food for Infants and Toddlers (< 24 months) for nutrient content claim, and on IYC food (for age 25 to 36 months) for both nutrition and health claim.
- Singapore: on IYC (for age 6 to 12 months) for nutrient content claim and other function claim, on general food (for age 13 to 36 months) for both nutrition and health claim.
Numerous nutrition content claims are allowed for all foods including products for infants and young children provided certain conditions are met. List of acceptable nutrient function claims specific to infant food and food for children (up to 6 years of age) are allowed include choline, DHA/AA, nucleotides, zinc, prebiotics and iron (Referenced to “A Handbook on Nutrition Labelling” by Singapore’s Health Promotion Board (HPB); Twelfth Schedule of the Food Regulations; regulations 251 to 254 of the Food Regulations; “A Guide to Food Labelling and Advertisements”).
- Australia and New Zealand: on IYC food (for age 4 months to 36 months) for nutrient content and health claim only
- Mainland China: nutrition and nutrient function claims are allowed for both Follow Up Formula and IYC food (for age 6 to 36 months). For follow up formula, function claims for energy, protein, fat, DHA (6-12 months only), vitamins A, D, E, B2, B6, B12, C, niacin, folic acid, pantothenic acid, calcium, magnesium, iron, zinc, iodine and fiber are allowed.

Definition of reduction of disease risk claims

6. “Prevent allergen”, “lower the risk of allergen”, “lactose intolerance” should be allowed as general claims, it should not classified as reduction of disease risk claims, because these claims are based on the properties of the formula.
CFS should provide concrete definition and example on the reduction of disease risk claims, as CFS proposes the reduction of disease risk claims on Infant Formula, Follow Up Formula and IYC foods are not allowed.

NRV

7. EU with a set of NRV for food intended for infants and young children on vitamins & minerals. Government may take reference of EU NRV.

Exemption

8. FSMP should be exempted, as it is under the supervision of Healthcare practitioner, and designed for special population who have special nutrition need.

Grace period

9. 24 months minimum to have sufficient time for the label change, production and only new label available at trade.

Yours faithfully,
Nestlé Hong Kong Limited

Joseph Ma
Director – Regulatory, Scientific Affairs &
Quality Assurance