



Re: Proposed Regulatory Framework on Nutrition and Health Claims on Infant Formula, Follow-up Formula, and Prepackaged Foods for Infant and Young Children Under the Age of 36 Months in Hong Kong

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1 個附件檔



Snow Brand Submission in Response to Regulatory Framework on Nutrition and Health Claims on IF_FF_IYC Food Under Age of 36 Months.pdf

To Whom it May Concern,

Attached please find the submission of Snow Brand Hong Kong Co., Ltd. pertaining to the above captioned. We will mail out the letter by post tomorrow as well.

Regards,

Virginia

Virginia Mo
General Manager - Sales & Marketing
Snow Brand Hong Kong Co., Ltd.



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

Food and Environmental Hygiene Department

43/F, Queensway Government Offices

66 Queensway, Hong Kong

Submission In Response to Public Consultation on

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

As a socially responsible Infant Formula and dairy products manufacturer, Snow Brand believes breast milk from the healthy mother is the best food for infants. We welcome Government's initiative to promote breastfeeding in the community and support its effort to establish a clear and common regulatory framework on nutrition and health claims on Infant Formula, Follow-up Formula, and Prepackaged Foods for Infants and Young Children (hereafter referred as "IYC Food") under the Age of 36 months for the industry players to follow.

Views on the Proposed Regulatory Framework

1. Snow Brand supports the "Inclusive Approach" for 2 main reasons:

- a. The inclusive approach has been widely implemented in a number of famous overseas jurisdictions such as the European Union, United States, Australia/New Zealand, Singapore and Japan. Given that Hong Kong is also a developed market with similar social structure, the regulation set on nutrition and health claims should be on the same page as other international practices. As our infant formula is imported from Australia and we are a Japanese corporation, we would like to quote the jurisdictions of these two markets as reference in the Appendix of this document.
- b. An inclusive regulatory framework bears the spirit of preserving consumers' right to gain access to evidence based nutrition and product information so as to arrive at informed purchase choices. This has been the core value of our society that we must cherish.



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2. Overall we agree with the five “Overarching Principles” as laid down in the regulatory framework except some minor changes we would like to suggest as the table below (“IYC Food” not included in the table).

| Category of claim | Type of claim | Inclusive approach |
|-------------------|---------------------------------|--------------------|
| Infant Formula | | |
| Nutrition claim | Nutrient content claim | Allowed* |
| | Nutrient comparative claim | Not allowed |
| Health claim | Nutrient function claim | Allowed |
| | Other function claim | Allowed |
| | Reduction of disease risk claim | Not allowed |
| Follow-up Formula | | |
| Nutrition claim | Nutrient content claim | Allowed |
| | Nutrient comparative claim | Allowed |
| Health claim | Nutrient functional claim | Allowed |
| | Other function claim | Allowed |
| | Reduction of disease risk claim | Not allowed |

* In Japan, nutrient content claim (quantitative, e.g. Contains choline 144mg/100g) is generally allowed on IF and FF by the Ministry of Health, Labour, and Welfare(MHLW) and Consumer Affairs Agency. However, the manufacturer is required to submit labelling artwork for approval prior to the product launch.

Moreover, since nutrient content information is mandatory to show on packaging label of IF according to the Codex Standard and the new labeling law which will take effect in December 2015, by highlighting some important nutrient content on the product will facilitate consumers’ purchase decision making process.

3. Establish a pre-approved list of nutrition and health claims for trade reference.

For claims that have been approved by reputable International jurisdictions such as the EU, FSANZ and Singapore, we suggest the Government to refer to these approved claims and establish a pre-approved list of claims applicable to Hong Kong with clear criteria and requirements for trade reference. This not only can streamline Government’s lengthy process in pre-approving the health and nutrition claims application filed by individual manufacturers, thus save administrative and operation costs involved; but also can shorten the long lead time of industry players in the



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preparation of product packaging labels as they can simply refer to this pre-approved checklist.

For claims that have been applied by other industry players and have been approved by the Government, it is suggested that such claims shall be opened to the whole industry to use provided that the specific requirements to make such claims are met. Hence we suggest the Government also publish a list of approved claims with specific claim requirements for trade reference.

4. Clear, Fair and Transparent Assessment Criteria

For claims that have approved in some jurisdictions but may not have gone through application in famous international jurisdictions such as the EU/US/FSANZ, we urge the Government to ensure the approval and review process shall be based on a fair and transparent principal by taking the scientific research substantiation and long history of successful application in the market into account.

Grace Period

We sincerely hope that the Government will provide a reasonable length of grace period (minimum 24 months after the pre-approved list of claims and official technical guidance is issued to the industry) for the industry to prepare. Take Australia and New Zealand as an example, a new Standard (Standard 1.2.7) to regulate nutrition content claims and health claims on food labels became law in early 2013 with 3 years grace period for food industries to make changes to comply the new law.

Conclusion

Snow Brand would like to reiterate that we welcome Government's decision to set up the regulatory framework on nutrition and health claims on Infant Formula, Follow-up Formula, and IYC Food under the age of 36 months, provide that this regulation is well balanced with 3 important factors, namely, aligning with international practices, preserving the consumer right in making informed choices and supporting the health and nutrition needs of Infant and young children and mothers in Hong Kong where there is still a long way to go in achieving a breastfeeding friendly socio-economic environment.

Snow Brand Hong Kong Company Limited

16 April 2015



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Appendix

Regulatory Control on nutrition and health claims in Japan and Australia/New Zealand

| Jurisdictions | Type | Age (month) | Nutrient content claim | Nutrient comparative claim | Nutrient function claim | Other function claim | Reduction of disease risk claim |
|---------------------------|--------------|------------------|------------------------|----------------------------|-------------------------|----------------------|---------------------------------|
| Japan | IF | 0 - 9 | O | X | X | X | X |
| | FF | 9 months onwards | O | O | X | X | X |
| Australia and New Zealand | IF | 0-6 | O* | X | X | X | X |
| | FF | 6-12 | O* | X | X | X | X |
| Zealand | Toddler Milk | 12 - 36 | O | O | O | O | O |

Japan

Nutrient content claim (quantitative, e.g. Contains choline 144mg/100g) is generally allowed on IF and FF and Nutrient comparative claim for FF by the Ministry of Health, Labour, and Welfare(MHLW) and Consumer Affairs Agency under the "Health Promotion Act" . However, the manufacturer is required to submit labelling artwork for approval prior to the product launch.

Australia and New Zealand

A new Standard (Standard 1.2.7) to regulate nutrition content claims and health claims on food labels and in advertisements became law on 18 January 2013 with 3 years grace period for food industries to make changes to ensure they are following the new rules.

Under Standard 2.9.1 Infant Formula Products, claims relating to lactose free and low lactose are permitted in infant formula products (0-12 months) including infant formula and follow-on formula that provided the words "lactose free" and "low lactose" is part of the name of lactose free formula and low lactose formula respectively.



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Also, approved nutrition content claim or permitted general level and high level health claim may be made on milk formula for young children (12-36 months) when the product satisfied specific conditions in Schedule 1-3 laid down in Standard 1.2.7.

General level health claim can base their claim on a food-health relationship that is either:

- ✓ pre-approved by FSANZ as listed in Schedule 3 of Standard 1.2.7 (there are more than 200 health claims on this pre-approved list), or
- ✓ self-substantiated, provided the claim has been established in accordance with the requirements set out in Schedule 6 of Standard 1.2.7.