

# Claims on Prepackaged Foods

**Centre for Food Safety  
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# Background

- There has been recent concern on the claims made on prepackaged food products
- Two types of claims:
  - Nutrition claims covered by the Nutrition Labelling Scheme
  - Other claims not regulated by the Nutrition Labelling Scheme

# Nutrition Claims

- Nutrition Labelling Scheme covers all prepackaged food, except formulae and food for children under the age of 36 months, and other foods for special dietary uses
- Nutrition claims are currently regulated under the Nutrition Labelling Scheme-
  - Nutrient content claims
  - Nutrient comparative claims
  - Nutrient function claims
- In order to make these claims, relevant conditions as stipulated in Cap.132W, including nutrient content in the product and other requirements, must be fulfilled

# Nutrition Claims Conditions

- Nutrient content claims:
  - Must fulfill the conditions in relation to content of relevant nutrients as laid down in Schedule 8 of Cap. 132w
  - E.g., “Low fat” claim:
    - $\leq 3\text{g}$  total fat per 100g of solid food; or
    - $\leq 1.5\text{g}$  total fat per 100mL of liquid food

# Nutrition Claims Conditions

- Nutrient comparative claims
  - The comparison must be on energy or those nutrients specified in Schedule 8 of Cap.132w for different versions of the same or similar foods and is based on the same quantity of food;
  - The description of the food being compared and the amount of difference must be stated in close proximity to the nutrient comparative claims; and
  - The comparison must meet the conditions concerning the “minimum relative difference” and “minimum absolute difference” values as stipulated in the regulation
    - E.g., “reduced sodium”: the difference in sodium content should be at least (i) 25% difference and (ii) 0.12g per 100g/mL

# Nutrition Claims Conditions

- Nutrient function claims:
  - Made on a nutrient with a NRV set out in Schedule 7 of Cap. 132w or with conditions for making nutrient content claims;
  - Based on scientific substantiation and scientific consensus;
  - Contain information on the physiological role of the claimed nutrient; and
  - The content of the claimed nutrients must meet the relevant condition of nutrient content claim for “source”, if applicable

# Other claims

- Other claims must be factual and not misleading
- Section 61 of Cap. 132 makes it an offence for any person to use or to display a food label which falsely describes the food or is calculated to mislead as to its nature, substance or quality; as well as for any person to publish, or to be a party to the publication of, an advertisements which falsely describes any food.

# Acceptance of other claims

- In order to fulfill the requirement of Section 61 of Cap. 132, claims of prepackaged food should only be made when there is substantiation on its truthfulness based on 2 principles:
  1. When a claim is made on the function of specific substance(s), the quantity of the substance(s) in the food product must be sufficient to provide the said function.
  2. The claim should be based on scientific substantiation and scientific consensus

# Acceptance of other claims

- In evaluation of these claims, CFS will make reference to decisions and information from renowned authorities and organizations, such as WHO, FAO, EU, etc.

# Overseas situation

- Overseas jurisdictions have different opinion on claims that are considered acceptable or not acceptable on prepackaged foods, as well as their condition of use
- For example, EU has reviewed a huge number of claims (a consolidated list of ~4600 health claims) recently and is accepting/rejecting a number of claims based on scientific information submitted to the European Food Safety Authority (EFSA) for assessment between 2006-2008.

# Example: EU claims

- EU has been compiling a Register for authorised/ rejected claims
- The Register is still in the process of updating
- Website:  
[http://ec.europa.eu/food/food/labellingnutrition/claims/community\\_register/index\\_en.htm](http://ec.europa.eu/food/food/labellingnutrition/claims/community_register/index_en.htm)

# EU rejected claims

- Health claims rejected by EU (excluding those concerning specific products) are shown below-
- (1) Health claims referring to the reduction of a risk factor in the development of a disease

Substance/ Food	Claim
Soy protein	Soy protein has been shown to lower/reduce blood cholesterol; blood cholesterol lowering may reduce the risk of (coronary) heart disease
Lycopene-whey complex	Lycopene-whey complex prevents oxidative damage of plasma lipoproteins, which reduces the build up of arterial plaques and reduces the risk of heart disease, stroke and other clinical complications of atherosclerosis

# EU rejected claims

- (2) Health claims referring to children's development and health

Substance/ Food	Claim
DHA & ARA	Docosahexaenoic acid (DHA) and arachidonic acid (ARA) contribute to the optimal brain development of infants and young children.
DHA & ARA	DHA & ARA support neural development of the brain and eyes.
Mixture of bifidobacteria	Probiotic bifidobacteria lead to a healthy intestinal flora comparable to the composition of the intestinal flora of breast-fed infants' intestine
Dairy products (milk, cheese and yoghurt)	Three portions of dairy food everyday, as part of a balanced diet, may help promote a healthy body weight during childhood and adolescence.
Dairy products (milk & cheese)	Dairy foods (milk and cheese) promote dental health in children.

# EU rejected claims

- (3) Health claims based on newly developed scientific evidence and/or including a request for the protection of proprietary data

Substance/ Food	Claim
Black tea from <i>Camellia sinensis</i>	Black tea helps you to focus attention

# Enforcement action

- Enforcement action will be considered if there is insufficient substantiation on a claim
- The trade will be requested to provide relevant information to facilitate our evaluation
- CFS will keep in view of the international development concerning the regulation of claims and make reference to the international situation when evaluating claims of prepackaged foods

~ End ~