

Centre for Food Safety
Food and Environmental Hygiene Department
Notes of the Thirty-seventh Meeting of the Trade Consultation Forum
held on 7 November 2012 at 2:30 p.m.
in Conference Room at Room 102, 1/F, New Wan Chai Market,
258 Queen's Road East, Wan Chai, Hong Kong

Present

Government Representatives

Dr. Y. Y. HO	Consultant (Community Medicine) (Risk Assessment & Communication)	(Chairman)
Dr. Shirley LEUNG	Assistant Director of Health (Family and Elderly Health Services)/Department of Health	
Dr. Rita HO	Principal Medical & Health Officer (Family Health Service) /Department of Health	
Dr. Winnie LAU	Senior Medical & Health Officer (Family Health Service) /Department of Health	
Dr. Allen CHAN	Senior Medical Officer (Risk Assessment)	
Dr. Ada WONG	Senior Medical Officer (Risk Communication)	
Mr. CHENG Wai Kit	Superintendent (Food Surveillance) ²	
Miss CHUNG Ho Yan	Scientific Officer (Contaminant)	
Ms. Joey KWOK	Scientific Officer (Food Additive)	
Dr. Violette LIN	Scientific Officer (Nutrition)	
Ms. Melissa LIU	Scientific Officer (Nutrition Labelling)	
Mr. CHIU Cheuk Ling	Chief Health Inspector (Food Labelling)	
Mr. MA Yuen Hung	Chief Health Inspector (Import/Export) ⁴	
Ms. CHUNG Sau Wai	Superintendent (Risk Communication)	(Secretary)

Trade Representatives

Mr. TSUI Hiu Leung	A-1 Bakery Co., (HK) Ltd.
Mr. Eric CHAN	Abbott Laboratories Limited
Ms. Caroline YUEN	American Consulate General Hong Kong Agricultural Trade Office
Mr. LAM Pak Wah	Best Harvest Food Limited

Mr. WONG Kai Man	Calbee Four Seas Co. Ltd.
Mr. TSANG Wah Him	Calbee Four Seas Co. Ltd.
Mr. Alan KWOK	Campbell Soup Asia Limited
Mr. George WONG	Campbell Soup Asia Limited
Mr. Dennis CHAN	City Super Limited
Ms. Grace Yee	City Super Limited
Ms. May KAN	Coca-Cola China Ltd.
Ms. Gülçin AYTEKIN	Consulate General of the Republic of Turkey Office of the Commercial Attaché
Ms. KONG Chui Shan	Dah Chong Hong Ltd.
Ms. Franda TONG	Danone Baby Nutrition (HK) Ltd.
Mr. LEUNG Chin Kin	DCH Food Mart
Ms. Karen CHIU	Eurofins Food Testing Hong Kong Limited
Mr. Roy HOU	Eurofins Food Testing Hong Kong Limited
Mr. Freddy FONG	Foodsan Analytics Ltd.
Ms. CHAU Siu Lo	Friesland Campina (Hong Kong) Ltd.
Ms. Easter YUEN	Friesland Campina (Hong Kong) Ltd.
Ms. Yvonne CHAN	General Mills HK Ltd.
Ms. B. HO	Gourmet House Limited
Ms. Heidi HO	GSI Hong Kong
Ms. Ada WONG	Herbalife
Mr. Peter Johnston	Hong Kong Retail Management Association
Ms. May LO	Hong Kong Retail Management Association
Mr. Marco LO	Institution of Dining Art
Ms. Alice WONG	Lee Kum Kee Int'l Holding Ltd.
Ms. Carmen NOU	LP Asia (HK) Ltd.
Mr. Parco TSUI	LP Asia (HK) Ltd.
Mr. Vincent WONG	Mannings
Mr. Stephen LAM	Mannings
Ms. LEE Kit Ying	Marks & Spencer
Ms. Rita HO	Maxim's Caterers Ltd.
Ms. CHAN Yuen Han	Maxim's Caterers Ltd.
Ms. LO Wai Ming	McDonald's APMEA
Ms. Eva POON	McDonald's Restaurants (HK) Ltd.
Ms. Amy CHU	Mead Johnson Nutrition (HK) Ltd.
Ms. Regina TAM	Mead Johnson Nutrition (HK) Ltd.
Ms. Eleanor CHAN	Nestle Hong Kong Ltd.
Mr. William KWONG	Nestle Hong Kong Ltd.

Ms. Ivy KONG	Nestle Hong Kong Ltd.
Ms. Marina NG	Netherlands Consulate General
Ms. German CHEUNG	Pappagallo Pacific Ltd.
Ms. WONG Yuk Kwan	Pappagallo Pacific Ltd.
Ms. Cactus LAI	ParknShop
Ms. Florence LAW	Procter & Gamble Hong Kong Ltd.
Mr. Tony AU	Sa Sa International Holdings Limited
Mr. Emanuel LAW	Sa Sa International Holdings Limited
Mr. Kenny SIU	Sims Trading Co. Ltd
Mr. Bees LEE	Sims Trading Co. Ltd
Ms. Jenny KIONG	Sun Yik Food Limited
Mr. Terry LAU	Sun Yik Food Limited
Mr. WONG Kam Chuen	Swire Coca-Cola HK Ltd.
Ms. Tess WONG	The Garden Co. Ltd.
Ms. Lorraine HO	The Garden Co. Ltd.
Mr. Perry SIT	The Hong Kong Health Food Association
Mr. Martin WONG	The Hong Kong Health Food Association
Ms. Kammy YEUNG	The Hong Kong Standards and Testing Centre Ltd.
Ms. Candy HON	The Hong Kong Standards and Testing Centre Ltd.
Ms. Abby WONG	Tingyi-Asahi Beverages Holding Co., Ltd.
Mr. Michael LAU	Trappist Dairy Ltd.
Mr. Andrew TSANG	Tung Chit Hong (H.K.) Ltd.
Mr. Attlee LAU	URC Hong Kong Co. Ltd.
Mr. CHAN Chi Kong	Vitasoy International Holdings Ltd
Mr. Kenneth KWAN	Watami (China) Co. Ltd.
Mr. Philip KWAN	Wrigley Asia Pacific Ltd.
Mr. Tony CHOW	Wyeth (Hong Kong) Holding Company Limited
Ms. Amy FU	Wyeth (Hong Kong) Holding Company Limited

In Attendance

Mr. Henry TSOI	Assistant Secretary for Food & Health (Food)6/Food and Health Bureau
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Opening Remarks

The Chairman welcomed all trade representatives to the meeting and introduced government representatives, including three representatives from Department of Health (DH).

Confirmation of the Notes of Last Meeting

2. The notes of last meeting were confirmed without amendments.

Matters Arising from Notes of Last Meeting

Inspection of Farms and Plants in Mainland China

3. Referring to paragraph 6 of the Notes of Thirty-sixth Meeting of the Trade Consultation Forum, Mr. MA Yuen Hung advised that under the administrative arrangement with the Mainland authority, the Centre for Food Safety (CFS) would conduct inspections to processing plants of chilled poultry and their associated farms as well as vegetable farms in the Mainland which supplied their products to Hong Kong. CFS would also arrange inspections to other food processing establishments in the Mainland on needed basis.

Agenda Item 1

Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants & Young Children

4. Dr. Winnie LAU introduced to the meeting the draft Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants & Young Children (the Code). The Code aimed to contribute to the protection of breastfeeding and provision of safe and adequate nutrition for infants and young children. On the belief that breastfeeding was fundamental to healthy eating, the Code was one of the actions in the Action Plan proposed by the Working Group on Diet and Physical Activities. The Action Plan was endorsed by the Steering Committee on Prevention and Control of Non-communicable Diseases in February 2010. Dr. Winnie LAU explained Articles 1 to 7 and Article 10 of the ten articles in the Code. The Code would be observed on a voluntary basis and non-compliance of the Code would not be announced publicly. Public consultation on the Code had started on 26 October 2012 and would last until the end of 2012. It was planned to roll out the Code in the second quarter of 2013 and to implement the Code in the fourth quarter of 2013 tentatively. Dr. Allen CHAN explained Article 8 – Labelling and Article 9 – Quality Standards of the Code. After the Code was explained, the Chairman

invited questions and views from the meeting. He advised that views offered at the meeting on the Code would be accounted for as views of trade.

5. In reply to enquiry from a trade representative, the Chairman advised that when prepackaged milk product did not declare that it was suitable for the consumption of infants and young children up to 36 months, this food product would come under the regulation of the current nutrition labelling legislation. On the other hand, if there was information to inform that the food product was suitable for consumption of infants and young children up to 36 months, it should comply with the requirements of the Code.

6. Questions and views from trade representatives on the Code and the corresponding answers and advice were as follows:

- a) Trade representative should be invited to join the Advisory Panel to deliver views of trade on monitoring the implementation of the Code as there was no representative of trade in the Taskforce on Hong Kong Code of Marketing of Breastmilk Substitutes – Dr. Shirley LEUNG advised that the views of inviting a representative from trade to the Advisory Panel could be offered in writing to DH for consideration.
- b) A contact point should be provided in DH for trade to raise enquiries and seek clarifications on the Code during the consultation and in the future implementation of the Code – Dr. Winnie LAU advised that the draft Code and proforma for offering views on the Code as well as contact information on enquiries about the Code were available from the website of Family Health Service of DH. The Chairman supplemented that CFS might also be contacted when there were enquiries on areas that came under the purview of CFS.
- c) The consultation period should be extended beyond the end of December 2012 – Dr. Shirley LEUNG considered that the consultation period was adequate.
- d) Trade should be informed of and discussed with on the timing on the implementation of the Code – Dr. Shirley LEUNG advised that it was planned to implement the Code six months after it was rolled out. Views from trade on the implementation of the Code could be offered in writing for consideration.
- e) A public forum should be held to discuss openly views from trade on the Code – Dr. Shirley LEUNG advised that views collected from trade during the consultation stage would be consolidated and published publicly. The Chairman advised that a consultation meeting was held on 5 November 2012 and another one would be held on 9 November 2012. Trade might discuss the Code openly at these consultation meetings.
- f) More places at consultation meeting should be offered to trade and additional

consultation meetings should be arranged to allow more opportunities to trade to be briefed of the Code – Dr. Winnie LAU advised that the Family Health Service could be contacted for more places at consultation meeting.

[Posting-Note: Formula milk companies were contacted before the second briefing and some more seats had been reserved for them.]

- g) Whether there was plan to enact the voluntary Code as law – The Chairman advised that, as Secretary for Food and Health pointed out earlier, the Government would expedite the legislation on nutritional composition and nutrition labelling of these products. The Legislative Council would discuss a legislative proposal on 20 November 2012. Starting from the same date, public consultation would commence on the content of the legislative proposal. A technical meeting would be held on 15 November 2012 to discuss with trade on the technicalities that might arise from the legislative proposal. Trade might have already received the invitation to attend the technical meeting. Representatives from manufacturers, retailers, wholesalers and chemical laboratories were welcomed to register with Risk Communication Section of CFS for joining this technical meeting. Dr. Shirley LEUNG advised that it was the plan of Government to assess the effectiveness of the voluntary compliance with the Code before considering the need of other actions and she welcomed trade to enrol more representatives to consultation meetings.
- h) Manufacturers of milk bottle were not aware of the impact from the Code on them – Dr. Winnie LAU advised that manufacturers of milk bottle were being invited to the consultation meeting to be held at the end of the week.
- i) The grounds of labelling requirements to “show one occurrence of either a company logo or a trade mark of the product” on the container of powdered infant formula as it would be difficult for trade to comply with this requirement – Dr. Allen CHAN and Dr. Winnie LAU noted the difficulty with trade. The World Health Organisation (WHO)’s International Code of Marketing of Breast-milk Substitutes had required neither the container nor the label should have pictures of infants, nor should they have other pictures or text which might idealise the use of infant formula.
- j) The grounds of reconstituting powdered follow-up formula targeted for young children exceeding 12 months at 70°C – The Chairman undertook to examine the need of reconstituting powdered infant formula for infants exceeding 12 months at 70°C.

[Post-meeting Note: The WHO “Guidelines for the safe preparation, storage and handling of powdered infant formula” recommend powdered infant formula should be reconstituted with water that is no less than 70 °C. It is stated in the guidelines that, in the absence of other guidelines, the preparation of follow-up formula and

formula for special medical purposes intended for infants should follow that of powdered infant formula for infants no more than 12 months.]

- k) Reference should be made to similar labelling requirements for powdered infant formula in other countries when finalising the Code;
- l) Against what principle was the restriction on obtaining personal particulars from mothers and distributing information to them upon their request – Dr. Winnie LAU advised that it was not encouraged to obtain personal particulars from mothers for the purpose of promoting designated products to them. Regarding the distribution of information to mothers, Dr. Winnie LAU advised that this might be suggested in writing for consideration.
- m) The reason for Article 4 of the Code not allowing manufacturers and distributors to promote breastfeeding – Dr. Winnie LAU advised that, according to literature, breastfeeding cessation increased significantly in the first 2 weeks in mothers who were given formula company-produced materials about infant feeding at the first antenatal visit, compared to those given breast-feeding promotion materials without formula advertising.
- n) Whether collection of personal particulars for home delivery of product would comply with the Code and whether it was permitted to answer questions raised by mothers in the course of the sales transaction – Dr. Winnie LAU advised that the collection of personal particulars for sales was allowed as the Code was intended to discourage the marketing of formula milk and not intended to control the sales. Questions raised during the sales transaction might therefore be answered and information might be provided at the same time.

7. The Chairman thanked representatives from DH for their introduction of the Code to the meeting and encouraged trade representatives to join the technical meeting.

Agenda Item 2

Report of Fatty Acid Esters of 3-monochloropropane-1,2-diol in Food

8. Miss CHUNG Ho Yan briefed the meeting on the report “Fatty Acid Esters of 3-monochloropropane-1, 2-diol in Food”. “3-Monochloropropane-1, 2-diol” (3-MCPD) was a type of process contaminant. It was produced naturally in foods during food manufacturing, cooking, and other processing activities, such as deep frying and roasting, and occurred in foods in its free form as well as in the bound form, i.e. fatty acid esters. The latter was the focus of analysis covered in this report. She went through the background and toxicology of 3-MCPD and its fatty acid esters. She stated that as CFS was a WHO Collaborating Centre for Risk Analysis of Chemicals in Food, the study was conducted with a view to giving WHO an overview of the level of fatty acid esters of

3-MCPD in foods in Hong Kong and assessing the potential health risk posed to the local population. The scope of study covered a wide range of products that were reported having higher level of fatty acid esters of 3-MCPD. These involved 300 individual samples. She went through details of laboratory analysis, data analysis and explained the limitation of the study.

9. Miss CHUNG Ho Yan concluded that the average and high consumers were unlikely to experience major toxicological effects of 3-MCPD. Findings in the current study did not provide sufficient justifications to warrant changes to the basic dietary advice on healthy eating, i.e. to maintain a balanced and varied diet which includes a wide variety of fruits and vegetables. In light of that refined oil was one of the major sources of 3-MCPD fatty acid esters, it was recommended to reduce consumption of fats and oils so as to further reduce the exposure to 3-MCPD fatty acid esters. On the other hand, food trade was advised to find ways to reduce the levels of 3-MCPD fatty acid esters in refined fats and oils while not impairing the quality of their products. Methods might include removal of precursors from the raw material, such as removal of chloride by washing, optimisation of the oil refining process and removal of 3-MCPD-esters from the product. However, it was noted that these possibilities would need to be assessed in future.

10. A trade representative noted that 3-MCPD fatty acid esters was reported containing in infant formula and sought advice on whether there was follow up action on infant formula in respect of 3-MCPD fatty acid esters. The Chairman advised that it was difficult to comprehend the effect of 3-MCPD fatty acid esters on infants as the provisional maximum tolerable daily intake of 3-MCPD was not applicable to infants and it was not conclusive of the effect of 3-MCPD fatty acid esters on human health. He suggested trade to note that Germany had conducted study on 3-MCPD fatty acid esters in infant formula many years ago but the result did not mention about the brands of infant formula.

11. Noting that there were no other views at the meeting on the report, the Chairman advised that the report was announced to the public by means of press release while the meeting was in progress. He advised that 3-MCPD was a matter of concern many years ago arising from soy and oyster sauce but the issue was resolved basically after the introduction of an enforcement level. No sample of food product tested was found to have exceeded the enforcement level. The information in Hong Kong would be shared with WHO for its reference and assessment.

Agenda Item 3

Trade Guidelines for Reducing Sugars and Fats in Foods

12. Dr. Violette LIN briefed the meeting on the development of Trade Guidelines for Reducing Sugars and Fats in Foods. This matter was shared with trade at the 34th Meeting of Trade Consultation Forum. The consultation on the guidelines had ended and the final version would be released in November 2012 on CFS website. She recapped in brief the content of the Trade Guidelines with the meeting and pointed out that views of trade on the guidelines had been incorporated into the current version.

13. In reply to an enquiry of a trade representative, the Chairman advised that the definitions for high sugar and high fat of foods were not covered by the Nutrition Labelling (NL) Scheme. Dr. Violette LIN reported that there was guidance by the National Health Service (NHS) in the United Kingdom (U.K.) on high levels of sugars and fat. The Chairman supplemented that there was guidance on the daily intake level for free sugars and fat, including saturated fats and trans fats, by WHO and this might be taken as reference to assess whether the intake level was high or not. Noting that there were no other views at the meeting on the guidelines, the Chairman suggested that trade should observe the trade guidelines when producing foods in future.

[Post meeting Note: The Trade Guidelines were released on 15 November 2012.]

Agenda Item 4

Nutrition Labelling in Restaurants

14. Ms. Melissa LIU briefed the meeting on nutrition labelling in restaurants. This issue was discussed because there was an increase of public awareness on nutrition and health and nutrition label was an important tool for consumers to understand the nutritive value of foods and make informed food choices. However, the current NL Scheme only covered prepackaged food products whereas consumers also wished to obtain nutrition information on restaurant foods, due to the frequent eating out habit of adults in Hong Kong. In this connection, restaurant foods contributed an important part of the local population's diet. It was of the view that the availability of nutrition information on restaurant foods would facilitate consumers planning their diet and making sensible food choices.

15. Ms. Melissa LIU shared with the meeting the global movement of requirements on nutrition labelling in restaurants and similar practices at United States of America (U.S.A.), Canada, Australia, U.K. and South Korea and quoted overseas examples in U.S.A. and Taiwan for reference. She advised that, in Hong Kong, some restaurants provided nutrition information of their foods on the menu but it was mainly for the energy value whereas some others provided nutrition information on their website, paper tray liner, etc. Examples of nutrition labelling in local restaurants were quoted for reference. It was recommended that,

restaurants, in particular large chain operators, should consider providing nutrition information of their food, information on nutrients of greater public interest, such as energy, sodium, sugar, fat, etc. on the menu, menu boards, in-store posters and displays, and additional information through other media, such as company website, telephone hotline, etc.

16. A trade representative opined that the overseas experience on the issue was not appropriate to the local situation in view that the dining culture in Hong Kong was different from western one. In Hong Kong, diners often shared mixed cuisines composing of many dishes. It served no useful purpose to provide nutrition information for individual dishes. The relation of nutrition and health depended more on whether there was a balanced diet instead of the level of nutrients in individual dishes. He suggested that Government should provide assistance to trade in training and equipping employees in the trade and cooks in restaurants with the necessary knowledge on nutrition and a scheme of nutrition supervisor, which was similar to the scheme of hygiene supervisor, should be introduced in restaurants. The Chairman advised that there were guidelines published to advise trade in reducing oil, salt and sugar in foods. On chemical analysis for mixed cuisines, the Food Research Laboratory had built up a database over years of experience for reference of nutrient contents of different foods. This database was now on CFS website to share with trade. Laboratories were welcomed to share their experience in this respect. Ms. Melissa LIU advised that education on nutrition in overseas countries was more focused on the overall public side. It was worth to note that the choice and the control of consumers for their food played a significant role in their intakes of nutrients. Restaurants providing nutrition information on their foods were able to assist consumers in choosing their foods to maintain a balanced diet.

17. The Chairman advised that it was the first time to discuss the issue with a view to arousing the awareness of trade. Restaurants were welcomed to introduce the recommended measures on a voluntary basis. In reply to enquiries from trade representatives, the Chairman advised that discrepancies observed from nutrition information provided voluntarily on menus in restaurants would lead to follow up actions that were similar to those on food claims. However, he trusted that restaurants should be able to provide accurate information and assured that there was no plan on hand to regulate nutrition labelling in restaurants by legislation. Even if there was legislation, it would take reference of overseas experience, which focused on large chain operators in the first stage.

Any Other Business

Implementation of Guidelines on the Use of Aluminium-containing Food Additives

18. Ms. Joey KWOK briefed the meeting on the latest international development of

regulatory control on aluminium-containing food additives, the key results of the risk assessment (RA) study on aluminium in food in 2009 and the implementation of Guidelines on the Use of Aluminium-containing Food Additives and relevant follow-up actions. The Joint FAO/WHO Expert Committee on Food Additives (JECFA) lowered drastically the provisional tolerable weekly intake (PTWI) from 7 mg/kg body weight (bw) to 1 mg/kg bw for aluminium from all sources in 2006 and then relaxed the PTWI for aluminium to 2 mg/kg bw in 2011. In the international arena, some aluminium-containing food additives were generally permitted in food in many countries and they had been included in the Codex General Standard for Food Additives (GSFA) while some were in the reviewing stage. In response to the latest revision of PTWI for aluminium to 2 mg/kg bw, there was a need to review the provisions for aluminium-containing food additives in the GSFA to ensure that their maximum use levels were compatible with the PTWI. The relevant discussions on allowing only numerical maximum levels for aluminium-containing food additives, revoking provisions and discontinuing work on draft provisions for some aluminium-containing food additives and the latest version of GSFA were available on the Codex Alimentarius Commission website.

19. Ms. Joey KWOK continued that, in Hong Kong under Public Health and Municipal Services Ordinance, all food for sale must be fit for human consumption but there was no specific standards set for the use and use level of aluminium-containing food additives. The Food and Drugs (Composition and Labelling) Regulations stated that if a prepackaged food contained a food additive including aluminium-containing food additive, such additive should be listed out with its specific name or INS number and the functional class of the food additive being used. She recapitulated the key results of the RA study on Aluminium in Food released in May 2009, which concluded that aluminium was unlikely to cause adverse health effect to the general population but the adverse health effect of aluminium for some population who regularly consumed foods added with aluminium-containing food additive could not be ruled out. Therefore, efforts should be made to reduce exposure to aluminium to protect public health. In this connection, a Working Group, comprising representatives from the trade and academia, had been set up to establish guidelines for traders' reference. After consultation, the Trade Guidelines were issued in June 2009, which had informed two basic principles as follows:

- a) The use of aluminium-containing food additives should be reduced or replaced with other alternatives in preparing food as far as possible; and
- b) Alternative techniques for food processing should be developed to reduce the use of aluminium-containing food additives.

20. Ms. Joey KWOK noted that some traders had actively adopted relevant measures and

re-formulated their products. Some products could now be produced without aluminium-containing food additives and had already been released into the market while some products were still pending suitable alternatives. Nevertheless, CFS urged traders to continue their effort to reduce aluminium content in food products and would continue to keep in view of the situation and international development.

21. The Chairman advised that previous studies revealed the levels of aluminium contained in the same group of food products varied greatly. This suggested that it was feasible to reduce the level of aluminium in these food products. However, the improvement was not satisfactory overall. He appealed to trade to pay attention to this matter and undertake to reduce the level of aluminium in food.

Date of Next Meeting

22. The next meeting would be held as far as possible before 20 January 2013, the ending date of consultation period for the Code.

23. There being no other business, the meeting was adjourned at 5:05 p.m.