



Nutrition and Health Claims in Hong Kong

Dr. HO Yuk-yin

Consultant (Community Medicine) (Risk Assessment & Communication)

Centre for Food Safety

Food and Environmental Hygiene Department, HKSAR





Overview

- What are nutrition claims and health claims?
- Current situation in Hong Kong
- Review of regulatory control
- Way forward





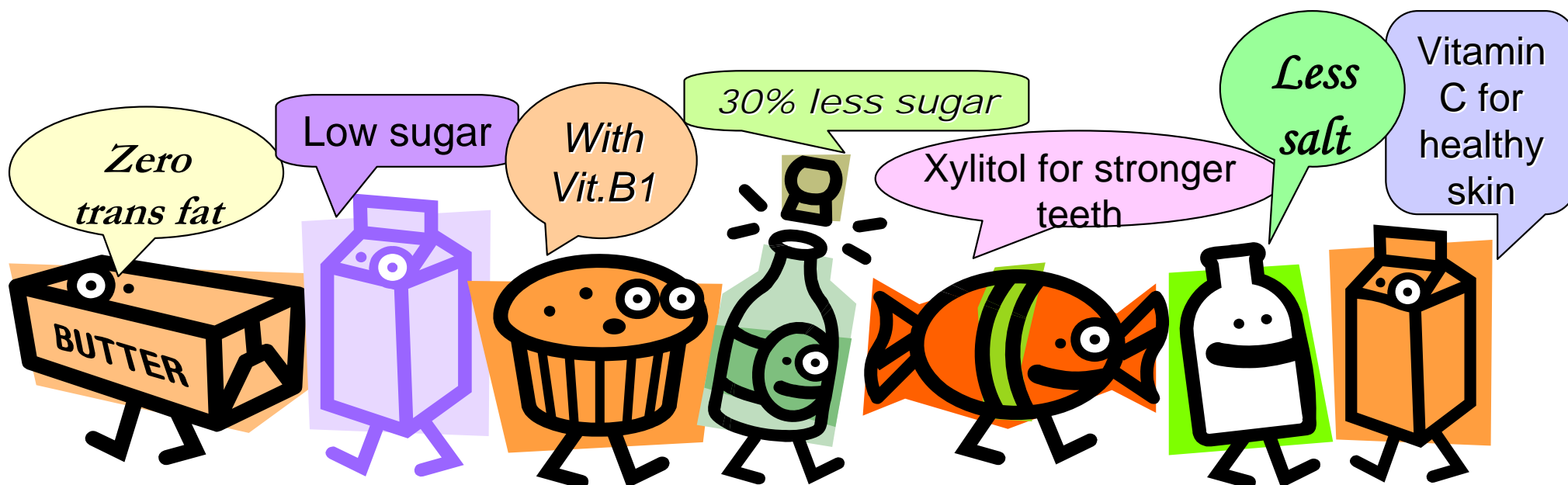
What are nutrition claims and health claims?





Nutrition and Health Claims

- Nutrition claims and health claims are-
 - representations which states, suggests or implies that a food has particular nutritional properties, or that a relationship exists between a food or its constituent and health



Codex Classification of Claims

- Nutrition claims
 - Nutrient content claims
 - Nutrition comparative claims
- Health claims
 - Nutrient function claims
 - Other function claims
 - Reduction of disease risk claims

GUIDELINES FOR USE OF NUTRITION AND HEALTH CLAIMS

CAC/GL 23-1997¹

Nutrition claims should be consistent with national nutrition policy and support that policy. Only nutrition claims that support national nutrition policy should be allowed.

Health claims should be consistent with national health policy, including nutrition policy, and support such policies where applicable. Health claims should be supported by a sound and sufficient body of scientific evidence to substantiate the claim, provide truthful and non-misleading information to aid consumers in choosing healthful diets and be supported by specific consumer education. The impact of health claims on consumers' eating behaviours and dietary patterns should be monitored, in general, by competent authorities. Claims of the type described in section 3.4 of the Codex General Guidelines on Claims are prohibited.

1. SCOPE

- 1.1 These guidelines relate to the use of nutrition and health claims in food labelling and, where required by the authorities having jurisdiction, in advertising.
- 1.2 These guidelines apply to all foods for which nutrition and health claims are made without prejudice to specific provisions under Codex standards or Guidelines relating to Foods for Special Dietary Uses and Foods for Special Medical Purposes.
- 1.3 These guidelines are intended to supplement the Codex General Guidelines on Claims and do not supersede any prohibitions contained therein.
- 1.4 Nutrition and health claims shall not be permitted for foods for infants and young children except where specifically provided for in relevant Codex standards or national legislation.

2. DEFINITIONS

- 2.1 **Nutrition claim** means any representation which states, suggests or implies that a food has particular nutritional properties including but not limited to the energy value and to the content of protein, fat and carbohydrates, as well as the content of vitamins and minerals. The following do not constitute nutrition claims:
 - (a) the mention of substances in the list of ingredients;
 - (b) the mention of nutrients as a mandatory part of nutrition labelling;
 - (c) quantitative or qualitative declaration of certain nutrients or ingredients on the label if required by national legislation.

¹ The Codex Guidelines for Use of Nutrition Claims were adopted by the Codex Alimentarius Commission at its 22nd Session (1997) and amended at its 24th Session (2001). The Guidelines were revised at its 27th Session (2004) with the insertion of provisions for health claims.





Codex Principles

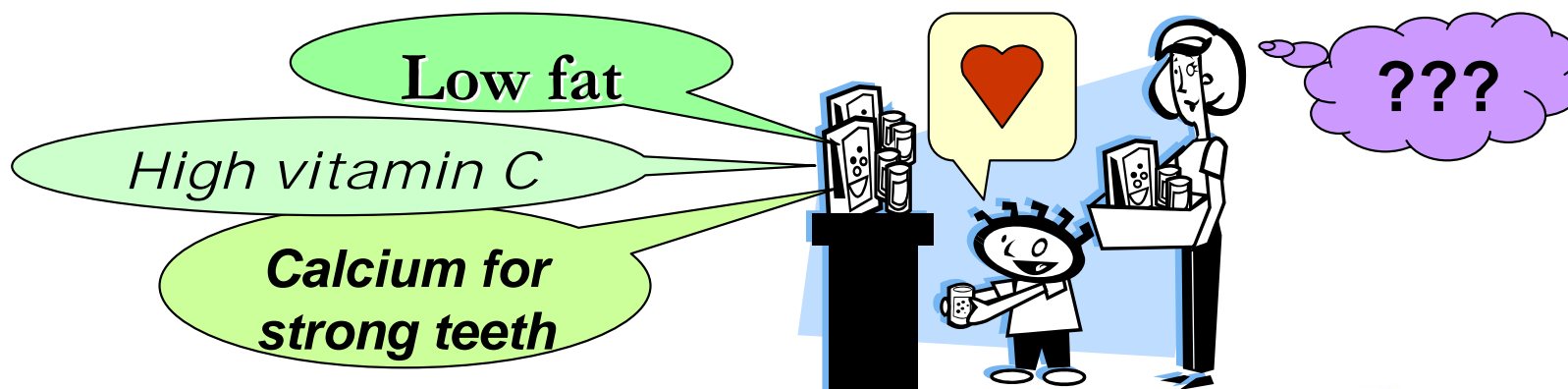
- Codex recommended that-
 - Nutrition claims should be consistent with national nutrition policy and only nutrition claims that support national nutrition policy should be allowed
 - Health claims should be consistent with national health policy, including nutrition policy, and support such policies where applicable





Use of claims

- Use of nutrition and health claims on food products is
 - Relevant to food safety
 - Influential to food choice of consumers-
 - Provides information of nutritional and health related properties of food products





Current Situation in Hong Kong





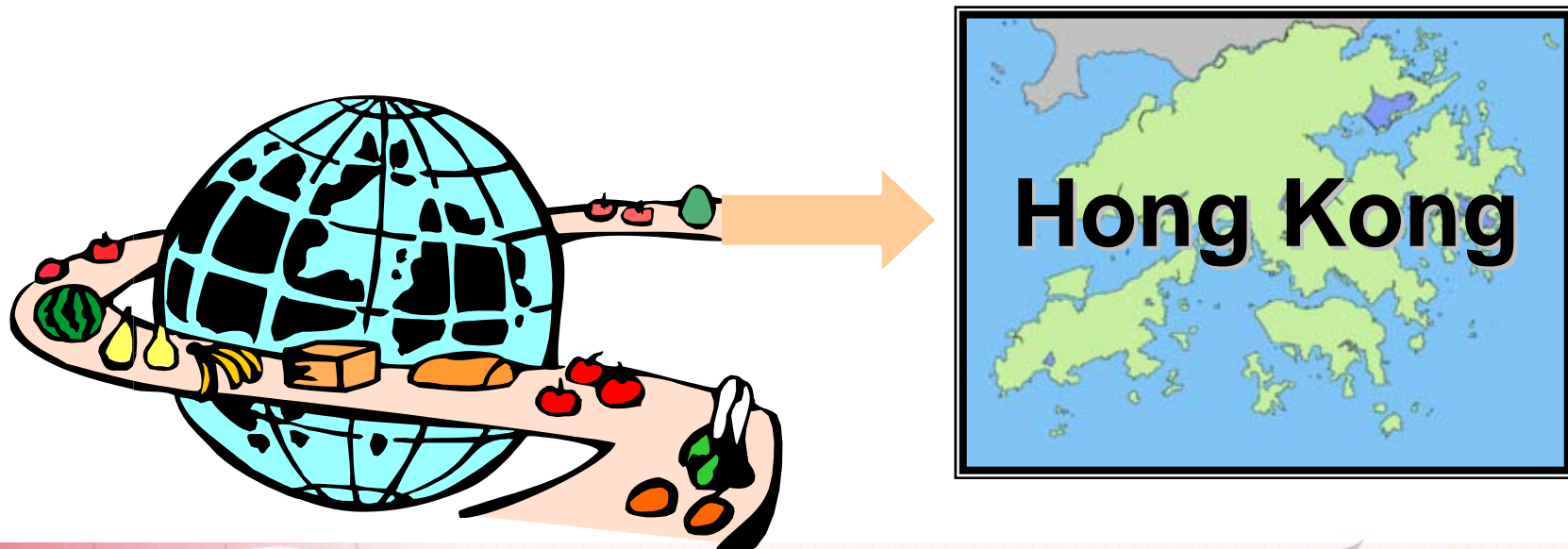
Local Profile

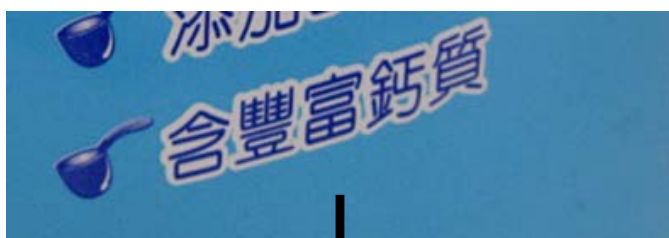
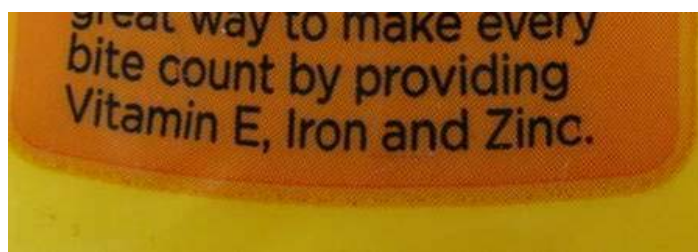
- Hong Kong is characterized by
 - 7 million people from different parts of the world
 - ~94% Chinese ethnicity
 - Remaining: Indonesian, Filipino, White, Indian, other Asian...
 - dominance of imported food >90%
 - Mainland is our most important food source
 - Also imported foods from various countries: US, EU, Thailand, Brazil, etc.



Market Situation

- >80% prepackaged food is imported from overseas
- Different types of nutrition and health claims were found on prepackaged foods and their advertisements in the local market





Added vitamin A, D, E

Rich in calcium

Low sugar



- Iron for Healthy Brain Development
- Vitamin E and Zinc for Natural Immune Support

Lactadherin is a very effective immune constituent against rotavirus and SIgA inhibits infection, colonization and replication of intestinal pathogens; TGF- β and Mucin promote growth of immune antibodies so as to protect your baby's immature intestine; **GLA** renews injured nerve cells and improves skin condition; **Lactoferrin** binds iron and thus inhibits growth and replication of harmful bacteria; **GMP** can inhibit the binding of pathogenic bacteria and virus in the mouth and intestines.

Healthy Growth

Vegetable Crisp
Calcium Builds Strong Bones

nutritionally supporting your baby's immune system

添加DHA及多種營養素，更含豐富鈣質，有助寶寶骨骼及牙齒發展。
Added DHA and multi nutrients and rich in calcium which helps babies' bone and teeth development.

• Excellent system of essential vitamins* and minerals* support healthy growth and development.
(Nutrition Information for detailed content)

contains 60% Less Sodium than ordinary Sea Salt. It may help reduce blood pressure as part of a reduced salt diet - as reported by the British M...



Website information

一癌症治療專用營養品

醫學臨床研究證明可提升癌症病人抵抗力

根據統計，

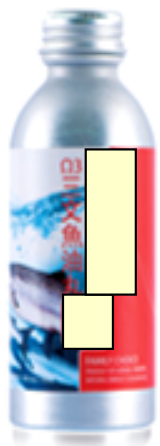
可有效改善以下癌症治療問題：

- 「血球數」檢驗不合格而需延遲或暫停治療
- 反胃嘔吐
- 口腔潰爛
- 食慾不振
- 體弱疲倦

是一種癌症治療專用營養品。為現時全球唯一同時含有 **Arginine**、**Nucleotides** 及 **Omega3 Fish Oil** 的專利配方，可顯著增加癌症病人的抵抗力，以緩和癌症治療的副作用。

➤ Arginine, nucleotides and omega 3 fish oil... increase cancer patient's defense and reduce the side effect of cancer treatment

➤ (product)... improves below problems in cancer treatment...vomiting and nausea, loss of appetite, mouth ulcer, weakness and fatigue



天然奧米加-3三文魚油丸

HKD 298.00

天然奧米加-3三文魚油丸的天然成份主要為奧米加-3；DHA和EPA。DHA可促進腦細胞接收訊息的能力，提高專注和溝通力，有強化腦細胞的作用，保持頭腦靈活清晰。EPA可以降低血液裏的低密度膽固醇(LDL)、降血脂，減少血管內壁膽固醇積聚，從而令心血管暢通，減少血栓形成，保持心臟健康。奧米加-3更有抗炎作用，對過敏體質及有關節磨損所引起的問題有良好幫助。因此，不論男女老幼都應該定期服用天然奧米加-3脂肪酸作為健康支柱。

DHA: increase focus and communication ability

EPA: maintain heart health

Omega 3: anti-inflammatory

查看全尺寸圖片



Public Awareness

- Increasing public attention on the appropriateness of the use of nutrition and health claims
- Concerns over-
 - Sufficiency of substantiation
 - Consensus on the declared properties



Regulatory Control (1)

- o Labelling of general prepackaged foods is regulated by the *Food and Drugs (Compositional and Labelling) Regulations (Cap 132w)*

食物名稱
Name of the food

- 須加上可閱標記，不得就食物的性質有虛假、誤導或詐騙成分。
- It shall be legibly marked and shall not be false, misleading or deceptive as to the nature of the food.

製造商或包裝商的名稱及地址
Name and address of manufacturer or packer

保質期的說明
Indication of durability

- “此日期或之前食用”或“此日期前最佳”
- “Use by” or “Best before” date.

數量、重量或體積
Count, weight or volume

配料表
List of ingredients

- 配料須按用於食物包裝時所佔的重量或體積，由大至小依次表列。
- 如含有法例中列明的食物致敏物，必須標示。
- 如使用添加劑，須標示其作用類別和其本身所用名稱或國際識別編號（不論是否以“E”或“e”為詞頭）。
- Ingredients should be listed in descending order of weight or volume determined as at the time of their use when the food was packaged.
- Allergenic substances stated in the law should be specified if they are present in the food.
- Functional class of an additive and its specific name or international identification number (with or without the prefix “E” or “e”) should be specified if it is used.

特別貯存方式或使用指示的陳述
Statement of special conditions for storage or instructions for use



Nutrition Label



Regulatory Control (2)

- Labelling requirements in *Cap 132w* is generally in line with major Codex requirements
- 1+7 nutrition labelling scheme
- Nutrition claims on general prepackaged foods covering-
 - nutrient content claims
 - nutrient comparative claims
 - nutrient function claims





Regulatory Control (3)

- Examples of acceptable/not acceptable nutrition claims

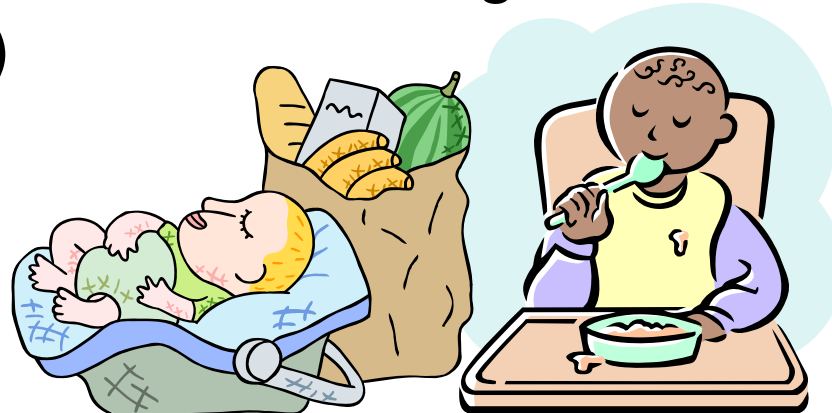
Type	Acceptable	Not acceptable *
Nutrient content claim	- High calcium - Trans fat free - Low sugar - High fibre	- High DHA - High energy
Nutrition comparative claim	- Higher iron - More calcium - Reduced saturated fat	- Increased omega-3 - 10% higher EPA
Nutrient function claim	- Calcium build strong bones - Iron for making red blood cell	- DHA for brain development - Omega-3 for maintaining heart health

- * No condition was established for these claims due to lack of-
- international consensus on the relevant claim condition, or
 - sufficient scientific substantiation on the claimed function, or
 - absence of nutrient reference value



Regulatory Control (4)

- However, there is currently no specific regulation on-
 - Health claims (i.e. reduction of disease risk claims and other function claims) on general prepackaged foods
 - Nutrition claims on formulae and foods for children < 36 months and other foods for special dietary uses (i.e. Nutrition Labelling Scheme not applicable to them)



Regulatory Control (5)

- As required by *Section 61 of the Public Health and Municipal Services Ordinance (Cap 132)*, claims are required to be factual and not misleading to consumers
- However, without claims conditions specified in the regulation, in case a claim is suspected to be misleading, assessment has to be made on a case-by-case basis
 - Burden on government to collect evidence and conduct evaluation on each case
 - Difficulty in enforcement





Advice to Trade (1)

- 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



Advice to Trade (2)

- Traders are strongly recommended to avoid using claims which are controversial, even if they have been supported by individual studies.
- Such claims might confuse consumers and might lead to complaint and criticism





Review of Regulatory Control



● ● ● | Reviewing Regulatory Control

- The Administration is considering to exercise specific regulatory control on nutrition and health claims of all prepackaged products, in order to-
 - Respond to the public's concern
 - Fill the gap in the existing regulation
 - Enhance public health protection





Overseas Experience

- Statutory requirements on nutrition and health claims have been introduced in many places in the world, such as -

European Union

Canada

United States



Singapore

Australia

New Zealand



Overseas Experience (2)

- Main emphases in these places vary-
 - from having formal mechanisms in place for reviewing claims related to specific functions of food or the nutrients
 - to specific regulatory measures for the category of functional foods
- In practice, management of issues related to claims regarding the contents or functions of the nutrients or the ingredients of food can be complicated





Global Movement



- Increasing awareness on the use of food claims in the international arena
- EU, Australia and Singapore have been updating or reviewing their regulations on claims
- Hong Kong is also following the global movement to review its regulatory approach





Considerations



- In formulating an appropriate regulatory approach, various factors have to be carefully considered-
 - Public health concern
 - Impact on food trade
 - Implication on food choices
 - Availability of resources
 - Technical aspects on implementation
 - International standards and overseas regimes



Public Health Concern (1)

- Nutrition-related diseases:
Disease such as coronary heart disease, diabetes and cancers are important public health problems
- Consumer's perception:
Nutrition and health claims
 - have important influence on consumers' perception of the nutritional quality of foods and
 - can affect their food choices



Public Health Concern (2)

- Food choice facilitation:
Regulation on claims should be carefully formulated to facilitate local consumers to
 - choose healthier foods and
 - limit those not suitable for their health needs
- Support local recommendations:
To consider how to regulate claims so that they would be
 - consistent with local nutrition and health concerns and
 - supporting local recommendations





Impact on Trade & Food Choice (1)

- To strike a balance between protecting public health and avoiding unnecessary impact on food trade and food choice of local consumers
- If the regulation is too stringent/ not consistent with the international practice
 - certain claims could no longer be made
 - may deter some products to be imported



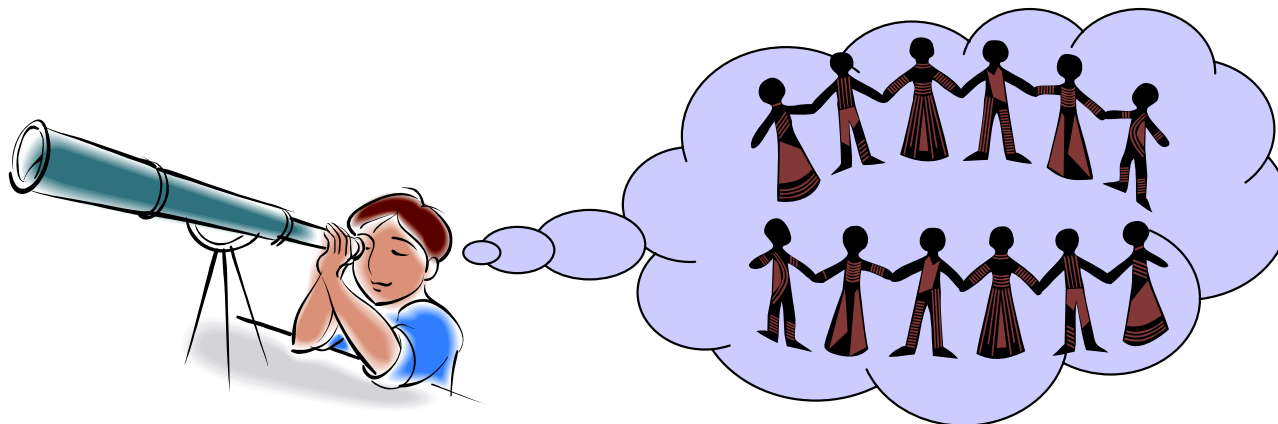
Impact on Trade & Food Choice (2)

- If the mechanism of approval of claim is too complicated or time-consuming
 - may create logistical problems and
 - defer the supply of food
- To consider whether certain sector of the food trade might be more affected by the regulation and would need additional assistance for compliance (e.g. SMEs, health food traders, etc.)



Resources & Implementation

- Regulation on claims is very technical and professionally demanding
- Possible problems are-
 - Availability of professional support
 - Implication on manpower
 - Implication on resources





Overseas Regimes

- Overseas control on claims should be examined to-
 - Make reference to the overseas practice
 - Keep up with the international development
 - Avoid unnecessary trade barrier for foods imported from overseas origins
- However, jurisdictions may adopt different levels of regulatory control, and may have conflicting views on specific claims and products
- Difficult to draw a conclusion when international consensus is absent





Way Forward





Hong Kong Code

- Department of Health has just issued a “Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants and Young Children (0-36 months)” (Hong Kong Code) for public consultation
 - with reference to the International Code of Marketing of Breastmilk Substitutes (WHO, 1981)
 - voluntary in nature
 - aims to contribute to the provision of safe and adequate nutrition for infants and young children without interfering with the sale of such products
 - provisions for use of nutrition and health claims are specified



Hong Kong Code-- Proposed scope of claims allowed

- Infant formula
 - No claim is allowed
- Follow-up formula
 - Nutrition claim is not allowed
 - Health claim is allowed
- Infant and young children foods
 - Nutrition claim on 4 groups of nutrients (sugars, sodium, vitamins and minerals) is allowed
 - Health claim is allowed
- Proposed claim conditions:
To follow Codex requirements, or to satisfy those of recognized national/international authority





Hong Kong Code-- Proposed scope of claims allowed

- The requirements on claims in the voluntary Hong Kong Code would serve as an interim measure to enhance the control of claims before the implementation of a specific regulatory control on claims for foods for infants and young children
- When specific regulation is established in the future, the claim conditions might be different from/ more stringent than those currently proposed in the Hong Kong Code





Learning from Experience

- Smooth implementation of regulation requires strong motivation, solid scientific support, understanding from the society and cooperation from the food trade
- Comments and experience on the issue would be valuable for establishing an appropriate regulatory approach for Hong Kong





~ Thank you ~

