

Nutrition and Health Claims on Prepackaged Foods

Centre for Food Safety
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Background

- There has been recent concern on nutrition and health claims made on prepackaged food products
- Traders have been reminded that nutrition claims covered by the Nutrition Labelling Scheme must fulfill conditions as stipulated in the NL regulation
- Other claims are regulated by Section 61 of Cap.132, and they must be factual and not misleading
- Traders would like to have more information concerning the regulation of claims not covered by the nutrition labelling regulation, e.g.,
 - nutrition claims and health claims made on formula and food for children under the age of 36 months;
 - Health claims made on various types of prepackaged food

[Acceptance of these 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 these 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.

Assessment approach

- When a certain claim was rejected by a renowned authority/organization or an overseas jurisdiction, and the claim has not been accepted by another renowned authority/organization or another overseas jurisdiction-
 - The claim is generally considered as not factual and/or misleading.
 - Such claim is generally not acceptable in Hong Kong

Assessment approach

- When a certain claim was rejected by a renowned authority/organization or an overseas jurisdiction, but a similar claim has been accepted by another renowned authority/ organization or an overseas jurisdiction-
 - It may be difficult to draw a clear conclusion
 - CFS does not encourage the use of such claims. Subject to thorough scientific assessment, CFS may consider enforcement action if required.

Assessment approach

- CFS will keep in view of international development on the regulation and scientific assessment of nutrition and health claims
- The assessment result of claims may change in response to the availability of new evidence or authoritative opinion on the claims

Enforcement action

- CFS will follow up the cases of suspected misleading nutrition and health claims on prepackaged foods detected during surveillance check and under food complaints /referrals.
- Enforcement action will be considered if there is insufficient substantiation on a claim
- In case of uncertainty, the trade will be requested to provide relevant information to facilitate our evaluation, e.g.,
 - Whether similar claim has been accepted/ rejected by overseas jurisdictions/authority
 - Other supporting documents

Recommendation to trade

- 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
- Traders should note the international development on regulation and scientific assessment on nutrition and health claims made on their products

Information for reference

- WHO publications
<http://www.who.int/publications/en/>
- Mainland China- Guidelines on Nutrition Labelling (食品營養標籤管理規範)
<http://www.moh.gov.cn/publicfiles/business/htmlfiles/mohwsjdj/s3593/200804/17001.htm>
- Mainland China- Standard on Nutrition Labelling of Prepackaged Food (預包裝食品營養標籤通則) (to be implemented on 2013)
<http://www.moh.gov.cn/publicfiles///business/cmsresources/mohjcg/cmsrsdocument/doc13261.pdf>
- Singapore: Food labelling and advertisements
<http://www.ava.gov.sg/FoodSector/FoodLabelingAdvertisement/>

Information for reference

- EU: Register for authorised/ rejected claims
http://ec.europa.eu/food/food/labellingnutrition/claims/community_register/index_en.htm
- European Food Safety Authority (EFSA) publications
<http://www.efsa.europa.eu/en/publications.htm>
- USA: Food Labeling & Nutrition--Guidance for Industry
<http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodLabelingNutrition/default.htm>
- Canada: Nutrition Labelling, Nutrition Claims and Health Claims
<http://www.inspection.gc.ca/english/fssa/labeti/nutrition-pagee.shtml>
- Australia/New Zealand: Nutrition and health related claims
<http://www.foodstandards.gov.au/consumerinformation/nutritionhealthandrelatedclaims/>

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