

**Centre for Food Safety**  
**Food and Environmental Hygiene Department**  
**Notes of the Twenty-fifth Meeting of the Trade Consultation Forum**  
**held on 10 September 2010 at 2:30 p.m.**  
**in Conference Room at Room 102, 1/F, 258 Queen's Road East, Wan Chai, Hong Kong**

**Present**

**Government Representatives**

Dr. Y. Y. HO	Consultant (Community Medicine) (Risk Assessment & Communication)	(Chairman)
Dr. Teresa CHOI	Principal Medical Officer (Risk Assessment & Communication)	
Mr. C. W. CHIU	Senior Superintendent (Centre for Food Safety)	1
Dr. Y. XIAO	Food Safety Officer (Risk Assessment)	1
Mr. Y. K. LAI	Superintendent (Food Surveillance)	2
Ms. S. M. CHOW	Scientific Officer (Biotechnology)	
Ms. Janny MA	Scientific Officer (Food Additive)	
Mr. C. L. CHIU	Chief Health Inspector (Food Labelling)	
Mr. L. C. TSE	Chief Health Inspector (Import/Export)	Special Duty
Ms. S. W. CHUNG	Superintendent (Risk Communication)	(Secretary)

**Trade Representatives**

Ms. Lina LIM	A S Watson Industries
Mr. Brian CHEUNG	A S Watson Industries
Ms. Catherine CHENG	Abbott Laboratories Limited
Ms. LEUNG Ka Yi	AIC Merchandising (Japan) Ltd.
Ms. Juliana CHAN	Arome Bakery
Mr. TSANG Wah-Him	Calbee-Fourseas Co., Ltd.
Ms. Ming CHEUNG	Campbell Soup Asia Ltd.
Ms. Dora YIN	Cerebos (Hong Kong) Limited
Ms. Grace YEE	City Super Limited
Ms. May KAN	Coca-Cola China Ltd.
Ms. Caroline HO	Coffee Concepts HK Ltd.
Ms. Mandy LAM	DCH Food Mart

Mr. LAY Po Wing	DCH Food Mart
Ms. Karen CHIU	Eurofins Hong Kong Ltd.
Mr. Stephen CHOI	Food Safety Services International
Mr. Freddy FONG	Foodsan Analytics Ltd.
Ms. Macy CHUI	Four Seas Mercantile Holdings Ltd.
Mr. Matthew KWOK	Four Seas Mercantile Holdings Ltd.
Mr. Henry CHENG	General Mills HK Ltd.
Mr. Jackie LIU	Glaxo Smith Kline Ltd.
Ms. Carol LING	Golden Resources Development Ltd.
Ms. Morna YUEN	Golden Resources Development Ltd.
Ms. Molly CHAN	Golden Resources Development Ltd.
Ms. Jolene MAN	Golden Resources Development Ltd.
Mr. Allen PANG	Home of Swallows Ltd.
Mr. Martin WONG	Hong Kong Health Food Association
Dr. FONG Lai-ying	Hong Kong Institute of Vocational Education
Mr. Peter JOHNSTON	Hong Kong Retail Management Association
Ms. Cactus LAI	Hong Kong Retail Management Association
Ms. Frenda WONG	Hong Kong Suppliers Association Ltd.
Mr. Albert TANG	Hong Kong Suppliers Association Ltd.
Ms. Corine LIU	Hong Kong Yakult Co., Ltd.
Mr. Michael WONG	Hong Kong Yee Yee Tong Chinese Medicine Merchants Assn Ltd.
Mr. CHAN Chi Ming	Hop Hing Oil Investment Ltd.
Ms. Catherine CHING	Institution of Dining Art
Mr. Kelvin YAU	Institution of Dining Art
Ms. Isabella LEUNG	IVE (CW)
Ms. WONG Wing Jok	Lee Kam Kee International Holdings Ltd.
Ms. Michelle KWAN	Mannings
Ms. Fenny LAM	Marks & Spencer (Asia Pacific) Ltd
Ms. Becky LAU	Mars Foods Inc.
Ms. Gloria LIU	Maxims Caterers Ltd.
Mr. Tommy LAM	Maxims Caterers Ltd.
Ms. Joyce WONG	McDonald's Restaurants (Hong Kong) Limited
Ms. Kennie SIU	McDonald's Restaurants (Hong Kong) Limited
Ms. Doris CHAN	Nestle Hong Kong Ltd.
Ms. Maggie LEE	Nestle Hong Kong Ltd.
Mr. Jonathan CHOW	Nikken's Japanese Food Co., Ltd.
Ms. German Cheung	Pappagallo Pacific Limited

Mr. Chris CHAN	Pat Chun International Ltd.
Ms. Karen LEE	Pfizer Corporation HK Ltd.
Ms. Veronica SZE	Pfizer Corporation HK Ltd.
Ms. Stephanie SHUM	Saint Honore Cake Shop Ltd.
Mr. Richard TSE	Saint Honore Cake Shop (SZ) Ltd.
Mr. Kenneth YEUNG	SAN Miguel Brewery HK Ltd.
Ms. Elaine HAU	Sino Group of Hotels
Mr. WONG Kam Chuen	Swire Coca-Cola HK Ltd.
Mr. James HO	The Asia Provisions Co., Ltd.
Mr. Paul LEUNG	The Direct Selling Association of Hong Kong Ltd.
Ms. YEUNG Ka Wai	The Garden Co., Ltd.
Mr. Samuel CHAN	The Garden Co., Ltd.
Ms. Caroline YUEN	U.S. Agricultural Trade Office
Mr. Eric AU	Unilever Hong Kong Ltd.
Mr. CHAN Chi Kong	Vitasoy International Holdings Ltd.
Ms. May LO	Wellcome Fresh Food Centre
Ms. Amelia YEUNG	YHS Hong Kong (2000) Pte Ltd.
Dr. Timothy WONG	Hong Kong Chinese Medicine Industry Association Limited
Mr. WONG Pak Yuen	Hong Kong Food Council
Ms. Yvonne CHAN	General Mills HK Ltd.
Ms. Connie LAU	Aeon

### **Opening Remarks**

The Chairman welcomed all trade representatives and introduced government representatives to the meeting. He noted that this was the first meeting of the Trade Consultation Forum (TCF) after the commencement of the Nutrition Labelling (NL) Scheme on 1 July 2010.

### **Confirmation of the Notes of Last Meeting**

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

## **Agenda Item 1**

### **Matters Arising from Notes of Last Meeting**

#### **Proposed Amendment Regulation on Sweeteners**

3. Referring to paragraph 22 of the notes of last meeting, the Chairman advised that there was no objection from the Legislative Council (LegCo) to the amendments of adding neotame and steviol glycosides as permitted sweeteners. The amendments took effect on 1 August 2010. The existence of neotame and steviol glycosides in food for sale in Hong Kong had become legal with effect from the same date.

#### **Progress of Working Group on Nutrition Labelling**

##### **Exemption items related to dried fruit and vegetable and meat and marine products**

4. Mr. C. L. CHIU said that Centre for Food Safety (CFS) had received enquiries recently on whether certain products were considered as fruit / vegetable / meat / aquatic life, and also whether these products could be exempted from the NL requirements. He advised that fruits or vegetables, whether fresh, chilled, frozen or dried satisfying these two conditions: packed in a container which contained no other ingredient and to which no other ingredient had been added, were exempted under Exemption item No. 6 of the NL legislation. Meat, marine or fresh water fish or any other forms of aquatic life commonly used for human consumption satisfying these three conditions: which was in a raw state, packed in a container which contained no other ingredient and to which no other ingredient had been

added, were exempted under Exemption item No. 10 of the NL legislation.

5. Mr. C. L. CHIU continued that there was no definition for ‘vegetable’ and ‘fruit’ in the Food and Drugs (Composition and Labelling) Regulations (Cap. 132W) and the Public Health Municipal Services Ordinance (Cap. 132). According to Exemption item No. 6, vegetables included Legumes, such as green peas, soybeans, Mushrooms, Seaweeds, Fungi, and Red chilli peppers, spring onion, and garlic in their fresh or dried form. Besides, Exemption item No. 6 regarded these foods as vegetable, if they were packed in a container which contained no other ingredient and to which no other ingredient had been added: Lingzhi (in whole or slice), Licorice (root), Chinese yam, Lily bulb, Chrysanthemum, Honey suckle, Rose flower. It regarded these foods as fruit if they were packed in a container which contained no other ingredient and to which no other ingredient had been added: Tangerine peel, Sea coconut, ‘Lo Han Guo’, South date, Red date, Chinese wolfberry, Longan, Figs. Under Exemption No. 10, items belonged to meat and marine products if they were in a raw state, packed in a container which contained no other ingredient and to which no other ingredient had been added: Deer tendon, ‘Luk Mei Ba’, Lubian, Hasma, Crocodile meat, Sea cucumber, Sea dragon, Sea horse, Whelk, Sliced whelk, Fish belly, Scallop, Abalone, Shark fin and Shark fin bone.

6. Mr. C. L. CHIU pointed out that foods could not be exempted if other ingredient had been added to them, such as Honey date. Foods which could not be exempted irrespective of addition of other ingredient include nuts, such as peanuts, almonds, cashew nuts, South Apricot and North Apricot, Seeds, such as Lotus seed, rice or other cereal grains, Bird’s nest and Bird’s nest cake. He suggested that trade representatives could refer to Frequently Asked Questions (FAQ) No. 6.2 and No. 6.3 on CFS website for details.

7. Mr. C. L. CHIU summed up that to determine whether certain products were considered as fruit / vegetable / meat / aquatic life and whether they could be exempted from the NL requirements, they should be assessed whether it was food, whether it was prepackaged, and whether it was one of the 15 exempted items under Schedule 6 of Cap. 132W. Even when prepackaged foods came under the NL requirements, those with annual sales volume not exceeding 30,000 units might apply for exemption from NL under the Small Volume Exemption (SVE) Scheme. A list of the exempted items was available at this link:

[http://www.legislation.gov.hk/blis\\_ind.nsf/CurAllEngDoc/E6FCFAC90A0E34E6482577520022792A?OpenDocument](http://www.legislation.gov.hk/blis_ind.nsf/CurAllEngDoc/E6FCFAC90A0E34E6482577520022792A?OpenDocument).

8. The Chairman reminded the meeting that dried fruit did not include Nuts. Nuts, such as peanuts, almonds, cashew nuts, South Apricot and North Apricot, etc., were not foods exempted from the NL Scheme. Nutrition label was required for these prepackaged foods.

#### Progress of Applications for Small Volume Exemption

9. Mr. C. L. CHIU reported that, as at 27 August 2010, about 29,818 applications for SVE were received. Among these applications, about 27,011 had been approved and about 1,638 rejected. There were 641 applications withdrawn.

#### Agenda Item 2

#### Draft Code of Practice on Record Keeping relating to Food Safety Bill

10. Mr. L. C. TSE briefed the meeting about the record keeping requirement under the Food Safety Bill (FSB), which aimed to enhance food traceability, in case of food incidents, where the problem food came from and where it went. The requirement formed part and parcel of the FSB which was published in the Gazette on 20 May 2010 and introduced into the LegCo on 2 June 2010. Under the FSB, food traders would be required to keep transaction records on where the food was obtained and the business to which it was supplied. To assist traders in complying with the requirement, a Code of Practice (CoP) would be issued to the food trade for reference. A draft CoP had been prepared and was tabled at the meeting for comments of the trade. The draft was also accessible from CFS website. He explained the main features and content of the draft CoP to the meeting paragraph-by-paragraph. Trade representatives were invited to offer comments on the draft CoP on or before 17 October 2010 (post meeting note: the closing date has been extended to 14 November 2010).

11. Views on the draft Code of Practice exchanged at the meeting were as follows:

- a) Role of Government in the tripartite collaboration – A trade representative opined that the tripartite collaboration among the Government, food trade and consumers should be developed among these three sectors. In this connection there was obligation with all Government departments to keep records on processing food for laboratory testing as well. This should include the retention of the original packaging materials of formal and informal samples of food products taken by government departments for laboratory testing as these packaging materials contained clear information on the source and origin of the products to be tested. It would be useful for tracing the origins of the food products that were found with problems. The Chairman agreed that the packaging materials would

provide useful information on traceability and they should be retained for that purpose.

- b) Time frame of the legislative process for the FS Bill – Mr. L. C. TSE advised that the FSB had been introduced into the LegCo on 2 June 2010. A Bills Committee was formed and had so far held two meetings to consider the bill. The next meeting would be held on 29 September 2010. It was difficult to tell the time required by LegCo to scrutinize the bill. The Chairman supplemented that the FSB would go through the legislative process for enactment as legislation. Normally, there was no specific time frame for such a process. It might take a short while or years for the process to complete.
- c) Legislative process for CoP – Mr. L. C. TSE advised that the CoP did not have to go through the legislative process as the FSB and was not required for scrutiny by the LegCo. However, this document might be submitted for reference of the LegCo members upon request. DFEH would, by notice published in the Gazette, identify the CoP and specify its effective date.
- d) Purpose of Item 1.3 in the CoP – Mr. L. C. TSE advised that Item 1.3 in the CoP was intended to state that it was not an offence for a trader who breached any provision of the CoP. However, the CoP was admissible to court as evidence for legal proceedings against the trader who had contravened the future FS Ordinance.
- e) Need of recording contact telephone number – Mr. L. C. TSE advised that “Contact tel no.” on the Template Records of the CoP formed part of the contact details as required under the FSB. The contact telephone number might not be required when other contact means could be provided to assist CFS to locate the food trader in question in case of a food incident. That said, there was a foot

note in the Template Records stating that they were for reference only and it was not a legal requirement for traders to follow.

- f) Degree of details to be recorded for description of food – Mr. L. C. TSE advised that the FSB didn't specify the degree of details to be recorded for the description of food. As pointed out in item 4.3 of the CoP, it would depend on the operational needs of individual traders with a view to facilitating them in tracing the food in case of problems detected from the food. For example, if a trader was trading different species of apples from various suppliers, it was recommended to record with more details. On the other hand, a simple description would suffice if the trader only sought one kind of apple or all kinds of apples that he sought come from the same supplier. This was a flexibility allowed by the legislation on this aspect.
- g) Relation of the FSB with legislation on food recall – Mr. L. C. TSE advised that the FSB provided new food safety control measures, including a registration scheme for food importers and distributors, a requirement for food traders to maintain proper transaction records to enhance food traceability, power to make regulations for tightening import control on specific food types and power for the authorities to make orders to prohibit the import and supply of problematic food and order the recall of such food. Amongst, the power to prohibit the import/supply of problematic food and to order a food recall had already been provided to DFEH under Part VA of Cap 132. That Part of Cap 132 would be transferred to the FSB.
- h) Need of recording product batch number – Mr. L. C. TSE advised that the FSB didn't require food traders to record the product batch number. Anyway, traders were recommended to do so for the purpose of internal traceability such that the

origins and destinations of food products in question could easily be identified when necessary. Moreover, the recording of batch number would also assist traders in complying with a food recall order in case of a food incident.

12. The Chairman remarked that there was a revision to the definition for “food” in the FSB. Food that did not previously come under regulation would be covered by the FSB, such as live aquatic products (including live amphibians) and edible ice. Consequential amendments would be made to definition of “food” under Cap 132.

### **Agenda Item 3**

#### **Food Colour & Hyperactivity in Children**

13. Ms Janny MA briefed the meeting about updated information on food colour and hyperactivity in children. A recent study conducted by the Southampton University in the United Kingdom had showed that some children consuming mixture of some artificial colouring matters plus sodium benzoate resulted in increased hyperactivity. The concerned six colouring matters, which were all permitted for use in food locally and in many countries were listed below:

	<u>Name</u>	<u>International Numbering System No.</u>	<u>Colour</u>
a)	Allura red AC	129	Red
b)	Carmoisine	122	Red
c)	Ponceau 4R	124	Red
d)	Quinoline yellow	104	Yellow
e)	Sunset yellow FCF	110	Yellow
f)	Tartrazine	102	Yellow

14. Ms Janny MA continued that the CFS had consulted the Expert Committee on Food Safety (ECFS) on the issue. ECFS advised that there were a number of limitations and scientific uncertainties associated with the study. They concluded that based on the current evidence a causal link between food colours and behavioural changes in children could not be established. Their views concurred with those of many overseas food authorities. Some overseas countries e.g. the United States of America, Australia and New Zealand had no plan to take any action as they viewed that simply taking these additives out of a child's diet might not eliminate hyperactivity symptoms. Other countries e.g. the European Union (EU) had taken precautionary measures. The EU issued a new regulation, which came into effect on 20 July 2010, requiring a warning statement "may have an adverse effect on activity and attention in children" on label if the concerned food colours were used. In the United Kingdom, the voluntary phasing out of the concerned colouring matters by the industry was promoted.

15. Ms Janny MA advised the trade to ensure all food products for sale should comply with local regulations, including food additives and labelling requirements and should observe Good Manufacturing Practice (GMP) when using food colours with the lowest possible level required. The trade was also advised to consider reducing the use of artificial food colours of concern or replacing them with natural food colours or other alternatives. The public was advised to maintain a balanced diet so as to avoid excessive exposure to certain food additives including food colours and read labels especially the ingredient list on prepackaged food so as to make discerning choices. More information on the issue was available on the CFS website: "Food Safety Focus Issue No. 48" published in July 2010.

16. The Chairman remarked that, although there was no adequate scientific evidence to sustain that the six colouring matters were hazardous, there were concerns among parents about the effects of these colouring matters on their children. He recommended the trade to comply with the requirement of declaring the colouring matters added to food on the label, avoid or reduce the use of these colouring matters, and appealed the trade to support the recommendations.

#### **Agenda Item 4**

#### **Nanotechnology and Food Safety**

##### Introduction

17. Ms. S. M. CHOW briefed the meeting about the risk assessment (RA) study on nanotechnology and food safety. In light of the advancement in technology over the last few decades, there were many revolutionary developments in food industry. Among these was the application of nanotechnology for the production of food and food contact materials. In view of that nano-sized materials behaved differently compared to their conventional counterparts and there was limited knowledge on the effects of these applications on human health, the RA study was therefore conducted. The objectives of this RA study were to present the basic principles of nanotechnology, to identify potential safety implications associated with the application of nanotechnology in the food sector and to review the strategies for RA of engineered nanoparticles.

##### Scope of Study

18. Ms. S. M. CHOW advised that nanoparticles (NPs) were present naturally in food. For example, proteins, carbohydrates and fats with sizes extending from large polymers down to nanoscale. In the RA study, only matters surrounding NPs or nanomaterials (NMs) that had been deliberately introduced in foodstuffs and food contact materials were covered. Internationally, there was no harmonized definition for nanotechnology. Nanotechnology usually refers to the process of controlling the size and shape of materials at atomic and molecular scale. Generally, nanotechnology deals with structures sized between approximately 1 and 100 nanometer (nm) in at least one dimension. The physiochemical properties of NPs and NMs might vary greatly from those of the original materials in the areas of optical properties (colour), material strength, conductivity, solubility and reactivity.

#### Application of Nanotechnology in Food and Food Contact Materials

19. Ms. S. M. CHOW continued that nanotechnology was applied largely to food contact materials through the incorporation of NPs into packaging materials of shaped objects and films. The addition of NPs had been shown to improve the properties, for example, durability, temperature resistance and optical properties, of packaging materials. The second largest area of applying nanotechnology in the food sector was nanoencapsulation of food ingredients and additives. It involved the use of nanocarriers to encapsulate food ingredients and additives with a view to masking unpleasant tastes and flavours, protecting ingredient from degradation, improving dispersion of insoluble ingredients and harnessing controlled delivery. The third application was in manufacturing nanostructured food ingredients and additives. This category of nanofood was being developed with claims that they offer improved taste, texture and consistency, enhanced bioavailability and allow mixing of “incompatible” ingredients in food matrix. Other indirect applications of

nanotechnology in food area included the development of nanosized agrochemicals and veterinary medicines. More information on products in the market applied with nanotechnology was available at the website of “Project on Emerging Nanotechnologies”.

#### Concerns on Nanotechnology in Food and Food Contact Materials

20. Ms. S. M. CHOW revealed that there were concerns on the health implications with nanotechnology. Among these were NPs as indirect sources of food contaminants, the alteration of absorption profile and body metabolism, unknown toxicity of NPs and the lack of effective analytical methods and predictive model to evaluate safety of NPs. However, there was no tenable evidence that food or food contact materials derived from nanotech was any safer or more dangerous than their conventional counterparts. Besides, there was no general conclusion on the safety of nanofood and food contact materials incorporated with NMs. Moreover, there was no evidence of instances where ingested NMs had harmed human health.

#### Regulation of Nanotechnology in Food and Food Contact Materials

21. Ms. S. M. CHOW presented the stance of other countries, such as Canada, United States of America, Australia and New Zealand, in regulating nanofood and food contact materials. She added that nanofood was available on the global market, mainly through internet trading but she was not aware of any country conducting RA on specific food products produced using nanotechnology.

#### Conclusions and Recommendations

22. Ms. S. M. CHOW summed up that there was currently no internationally agreed definition for ‘nanotechnology’ and related terms. She recommended that the trade should ensure products for sale were safe for human consumption and did not sell NMs that had not undergone safety assessment. For the public, she recommended that they should maintain a balanced diet and buy food from reliable suppliers.

### Questions and Answers

23. Questions raised by trade representatives at the meeting were answered as follows:

- a) Composition of NPs – The Chairman was not aware of any food product in Hong Kong that had been manufactured with nanotechnology. He noticed that there was a product claimed to contain nano-calcium. However, after clarification with the manufacturer, it was known that this product was not manufactured with the application of nanotechnology. The product was so named due to this product falling into a definition for nano, but the definition was not an internationally accepted one.
- b) Absorption of NPs by human body – Ms. S. M. CHOW advised that it was not conclusive on the easiness of NPs absorption by human body. The easiness of absorption would depend on the types of particles. Some particles were easier for human body to absorb while others were not. On excreting NPs, experiment with mouse did not suggest NPs would be retained in body of the experimental animals for a long period of time yet this was not conclusive in light of the limited studies on this.

- c) Definition for NPs – Ms. S. M. CHOW advised that there was no agreed definition for NPs. Generally speaking, NPs might refer to a particle of diameter shorter than 100 nm, a tube of diameter shorter than 100 nm, a slice of thickness less than 100 nm, etc. Mathematically, this was expressed as “-10<sup>9</sup>”.
- d) Instrument for detection of NPs – Ms. S. M. CHOW advised that the general microscopes commonly in use were not able to detect NPs clearly. There was one type of special microscope that might be able to detect them but it might not be able to do so when NPs were added to food.

24. The Chairman anticipated that the RA study would be announced in the coming two weeks in form of a press release and the report of the study would be uploaded to CFS website after the announcement. For this reason, there was no printed information on the study for tabling at the meeting. He noticed that there were benefits with nanotechnology in food and food contact materials yet there were concerns on food safety it might affect. The trade should therefore ensure that food and food contact materials applied with nanotechnology for sale would have gone through safety assessment. In case of food incident causing harms to the public, prosecution might be considered.

#### **Agenda Item 5**

#### **Any Other Business**

#### **Food Contact Materials**

25. Dr. Y. XIAO briefed the meeting that European Commission planned to strengthen control on the importation of food contact materials through legislation. The notifications from the rapid alert System for food and feed of the EU showed that there had been

non-compliant products from Hong Kong in recent years. These products included nylon kitchen ware, such as soup ladles, turners, and tongs, ceramic food ware, melamine food ware, and polyvinyl chloride bags, etc. They were alleged to release excessive amount of harmful substances. The main concerns of EU were the migration of primary aromatic amines from black nylon kitchen ware and formaldehyde from melamineware. Other concerns included heavy metals, such as lead, cadmium, migrated from ceramic and metal ware, and phthalates from plastic bags, as well as higher level of overall migration from food contact materials.

26. Dr. Y. XIAO continued that the planned new legislation aimed to strengthen control on the import of food contact materials. The new regulation would specify the target groups of materials subject to the new measures, the percentage of consignments subject to check, the specific control measures that the important ports should take, etc. The regulation applied to all food contact material consignments manufactured in the Mainland and the consignments exported / transhipped via Hong Kong or any port. According to the European Commission, the new legislation might be adopted by the end of 2010 or early 2011.

27. Dr. Y. XIAO advised that under the new legislation, Hong Kong traders might be required that when sourcing the products from the Mainland manufacturers, should inform the latter that the products were intended for the EU market and obtain relevant certificates from General Administration of Quality Supervision, Inspection and Quarantine of People's Republic of China (AQSIQ), and covered their subsequent re-export consignments from Hong Kong with the relevant certificates. For those export consignments that could not be traced, nor covered by certificates from AQSIQ, they could be covered by testing reports

issued by accredited laboratories in Hong Kong, as long as the testing and the accreditation were in line with EU standard.

28. Dr. Y. XIAO pointed out that EU Member States would reject the import of non-compliant products and request that they be destroyed. Traders of food contact materials exporting to EU should make sure their products comply with EU regulation. Moreover, when exporting food products to EU Member States, care should also be taken that the food contact materials used, such as packaging materials, utensils and containers, etc., were in compliance with EU standards. This was to ensure that no food safety and quality concerns would be caused by contamination from food contact materials. Further information about EU legislation on food contact materials was available on the website of European Commission Health and Consumers Directorate-General: [http://ec.europa.eu/food/food/chemicalsafety/foodcontact/index\\_en.htm](http://ec.europa.eu/food/food/chemicalsafety/foodcontact/index_en.htm).

29. The Chairman supplemented that the legislation was at its planning stage. There was not yet any concrete information on the time frame for introducing the legislation. However, laboratories should prepare themselves for the legislation as accreditation was required before laboratory testing on certain materials would be accepted by EU. The legislation could be a business opportunity to the laboratory service. In reply to an enquiry, he advised that there was no time table with CFS to introduce new legislation to regulate food contact materials in Hong Kong. Currently, reference was made to EU standard and that in the Mainland on cases of concern and samples would be taken for examination. In Hong Kong, the Customs and Excise Department was taking samples of these food contact materials for examination under a different scope and referring to the same standards of EU and the Mainland for reference. When there was further news on the legislation in EU, the trade

would be informed.

### **Enforcement of Nutrition Labelling**

30. Questions were raised by trade representatives at the meeting on the enforcement of NL and these were summarized below:

- a) Language of nutrient claims on nutrition label – Mr. C. L. CHIU advised that nutrient claims on nutrition label might be provided in either only Chinese, only English or bilingual languages of both Chinese and English. When any of the product descriptions on the package, either the general label or nutrition label, were in both Chinese and English, the nutrition label must be provided in bilingual languages of both Chinese and English.
- b) Format of “Expiry Date” on label – Mr. C. L. CHIU advised that the “Expiry Date” provided on the general label should be in the prescribed format under legislation of “dd/mm/yy” where “dd” stands for day, “mm” for month and “yy” of year and the item must be printed in bilingual languages of Chinese and English. The alphabets of “dd”, “mm” and “yy” might be in upper-case or lower- case. The format of “yyyy” was also acceptable. This was explained in the FAQ on CFS website. Mr. C. L. CHIU undertook to look into a case reported by a trade representative notifying trader on 30 August 2010 that the adoption of the format with only “yy” was suggested by CFS. He would clarify with the trade representatives on whether “yyyy” remained an acceptable format for “Expiry Date”.
- c) Nutrition Label for foods soaked in liquid solution – Mr. C. L. CHIU advised that

the nutrition label for foods soaked in oil or sauce should include nutrient content of the oil or sauce solution due to the fact that it was inevitable for consumers to consume the oil or sauce in the course of consuming the foods in a natural manner. They would not remove the oil or sauce solution. The purpose was to inform consumers the nutrient content of the prepackaged food and let them decide whether to consume. The Chairman remarked that laboratory testing was conducted normally for the whole prepackaged food product unless it was declared on the product that the oil or sauce solution or any portion of it would not be consumed.

- d) Letter on advising trader the termination of sale of products of non-compliance – Mr. Y. K. LAI advised that the letter advising the termination of sale for cases of non-compliance and seeking explanations on the non-compliance within 21 days was based on laboratory test of one sample. This offer of providing explanations on the non-compliance was part of the flexible arrangement in the 1<sup>st</sup> year of enforcement. The collection of 12 follow-up samples for laboratory testing would lead to prosecution immediately if non-compliance was detected from the result of laboratory testing with these 12 samples.
- e) Suggestion on informing trader of the value of laboratory testing for cases of non-compliance – Mr. Y. K. LAI agreed to follow-up on the suggestion of informing traders on the value of discrepancies detected from the laboratory test in future cases of non-compliance.
- f) Application of Tolerance limit – The Chairman advised that there was a tolerance limit provided in the Technical Guidance Notes for laboratory testing on nutrients but this would be considered together with the factor of uncertainty of different types of testing. This would lead to higher flexibility in enforcement. The

information was available on CFS website and details were provided in FAQ. The same issue was also discussed in previous meetings of TCF and notes of meetings of TCF recording the discussions were available on CFS website. The Chairman also advised that the tolerance limit of  $\pm 20\%$  would not apply to claims of nutrition fact. This limit was a general guide and might vary among nutrients. He suggested that traders should refer to the Technical Guidance Notes for reference.

- g) Declaration of measurement unit on nutrition label for drinks with solid materials – A trade representative sought clarification on the measurement unit of weight or volume that should be declared on the nutrition label for drinks, such as Swallow nest in liquid form, that had been added with solid materials, such as around 10% of Swallow nest in solid form to drinks of Swallow nest. The declaration in measurement unit of volume had been adopted for such products but products with such declaration were rejected by retail outlets quoting that the Technical Guidance Notes required declaration to be made in measurement unit of weight. The matter had been discussed with laboratories and written to CFS for advice but there was no conclusive answer for reference. The Chairman and Mr. C. L. CHIU suggested that, as a general rule, the nutrition label for drinks added with solid materials should be declared in measurement unit of volume due to the common practice of consuming such drinks in a state of liquid form but final advice could only be offered on a product-by-product basis. Mr. C. L. CHIU would seek more information from the trade representative and offer advice on the matter.

31. The Chairman expressed his appreciation of the trade to comply with the NL Scheme.

Since the commencement of the NL Scheme on 1 July 2010, law enforcement had been carried out over 10,000 products. Among these, the compliance rate exceeded 99%. Non-compliance was found from only a handful of them. He thanked the efforts of the trade to provide nutrition label to the public for reference. There was no case of prosecution so far, though some letters had been issued to traders who were not yet able to observe the NL requirement with a few warning letters issued as well.

### **Pesticide Residues in Food**

32. The Chairman advised that the preparation for regulating more than 300 pesticides and around 7,000 maximum residue limits would be completed by end of 2010 or early 2011. By then, a working group would be formed to exchange views with the trade on the technical details of the regulatory framework. Views of interested traders would be sought on the technical details.

### **Veterinary drugs in Animals**

33. The Chairman advised that work was being undertaken to expand the regulation of veterinary drugs in animals in order to regulate more veterinary drugs. The trade would be consulted on the extended regulatory framework later. He suggested that interested traders could keep in view the progress of this issue.

### **Microbiological Guidelines for Bottled Water**

34. A trade representative sought advice on the progress of testing capacity for

microbiological criteria on *Pseudomonas aeruginosa* and the related testing method that would be implemented for bottled water for reference of the trade. The Chairman advised that the testing capacity for this criterion was available. He undertook to inform the meeting of more details at the next meeting.

**Date of Next Meeting**

35. The next meeting would be held before end of 2010.

36. There being no other business, the meeting was adjourned at 4:25 p.m.