

Centre for Food Safety
Food and Environmental Hygiene Department
Notes of the Twenty-second Meeting of the Trade Consultation Forum
held on 22 February 2010 at 2:30 p.m.
in Room 105, 4 Hospital Road, Sai Ying Pun, Hong Kong

Present

Government Representatives

Dr. Y. Y. HO	Consultant (Community Medicine) (Risk Assessment & Communication)	(Chairman)
Dr. Anne FUNG	Principal Medical Officer (Risk Assessment & Communication)	
Mr. C. W. TAM	Senior Superintendent (Centre for Food Safety) ²	
Dr. Y. XIAO	Food Safety Officer ((Risk Assessment) ¹	
Mr. K. M. LIU	Superintendent (Import/Export) ³	
Miss Melissa LIU	Scientific Officer (Nutrition Labelling)	
Ms. Janny MA	Scientific Officer (Food Additive)	
Mr. K. W. CHUNG	Chief Health Inspector (Food Labelling)	
Mr. H. M. WONG	Superintendent (Risk Communication)	(Notes-taker)

Trade Representatives

Ms.	Nicole LO	7 - Eleven HK
Mr.	Justin WONG	7 - Eleven HK
Ms.	Alison MAK	A Top Consultants Ltd
Ms.	Lucilla LEUNG	Abbott Laboratories Ltd
Ms.	Janice WONG	AEON Stores (Hong Kong) Co., Limited
Ms.	Chloe LEUNG	AIC Merchandising (Japan) Ltd.
Ms.	Caroline YUEN	American Consulate General Hong Kong
Mr.	Raymond YAM	Arome Bakery
Ms.	Zoe WO	Arome Bakery
Mr.	LI Chun Shing	Bayern Gourmet Food Co., Ltd
Mr.	Arist WONG	BKT Groups Limited
Ms.	Ming CHEUNG	Campbell Soup Asia Ltd
Ms.	Samantha TSANG	China Resources Retail (Group) Co., Ltd

Mr.	Dennis CHAN	City Super Limited
Ms.	Grace YEE	City Super Limited
Ms.	May KAN	Coca-Cola China Ltd
Ms.	Caroline HO	Coffee Concepts HK Ltd.
Ms.	NG Wai Kee	Fairwood Holdings Limited
Mr.	Freddy FONG	Foodscan Analytics Ltd
Ms.	Jeannie LOK	Four Seas Mercantile Ltd.
Mr.	KWOK Chi Kin	Four Seas Mercantile Ltd.
Ms.	Yvonne CHAN	General Mills HK Ltd
Ms.	Jackie LIU	Glaxo Smith Kline Ltd
Mr.	Ivan NG	Godiva Chocolatier Asia
Mr.	Allen PANG	Home of Swallows Ltd
Mr.	Peter JOHNSTON	Hong Kong Retail Management Association
Mr.	Gray LO	Hong Kong Yakult Co., Ltd
Ms.	Corine LIU	Hong Kong Yakult Co., Ltd
Ms.	LAU Chi Ting	Kee Wah Bakery Limited
Ms.	AU YEUNG Hoi Yi	Kee Wah Bakery Limited
Mr.	Philip KWAN	Lee Kam Kee
Mr.	Michelle KWAN	Mannings
Mr.	Stephen LAM	Mannings
Ms.	Gloria YUEN	Marks & Spencer (Asia Pacific) Ltd
Ms.	TING Ka Wai	Master Kong (HK) Trading Co. Ltd
Ms.	KWOK Chi Wah	Maxims Caterers Limited
Ms.	Juliana CHAN	Maxims Caterers Limited
Mr.	Eugene WONG	McDonald's Restaurants (HK) Ltd
Mr.	Jonathan SO	McDonald's Restaurants (HK) Ltd
Ms.	Amy XU	MeadJohnson Nutrition
Mr.	Joseph MA	Nestle Hong Kong Ltd
Ms.	Doris CHAN	Nestle Hong Kong Ltd
Mr.	Jonathan CHOW	Nikken's Japanese Food Co., Ltd
Ms.	German CHEUNG	Pappagallo Pacific Ltd
Mr.	Kit LAM	Pappagallo Pacific Ltd
Ms.	Cactus LAI	Parknshop
Dr.	Ted NG	Pat Chun Int'l Ltd
Ms.	Jenny CHAN	Pfizer Corporation Hong Kong Limited (Legacy Wyeth)
Ms.	Grace YU	Procter & Gamble Hong Kong Ltd.
Ms.	Florence LAW	Procter & Gamble Hong Kong Ltd.
Mr.	Richard TSE	Saint Honore Cake Shop (Shenzhen) Co., Ltd.

Ms.	Fang WAN	Saint Honore Cake Shop (Shenzhen) Co., Ltd.
Ms.	Stephanie SHUM	Saint Honore Cake Shop Ltd.
Ms.	Nicole CHAN	SGS HK Ltd
Ms.	Elaine HAU	Sino Group of Hotels
Mr.	WONG Kam Chuen	Swire Coca-Cola HK Ltd
Mr.	Victor KOK	Tai Pan Bread & Cakes Co. Ltd
Mr.	Steve MA	The American Club
Ms.	Janice LAM	The American Club
Mr.	James HO	The Asia Provisions Co Ltd
Mr.	Allen HO	The Dairy Farm Group
Mr.	CHENG Chung Tak	The Garden Co. Ltd
Mr.	Perry SIT	The Hong Kong Health Food Association
Mr.	Martin WONG	The Hong Kong Health Food Association
Ms.	Wing CHEUNG	Unilever Hong Kong Limited
Mr.	Ivan CHAN	Vitasoy International Holdings Ltd
Ms.	Isabella LEUNG	VTC-HKIVE
Mr.	CHAN Tsz Chung	VTC-HKIVE
Mr.	FUNG Kwok Keung	Watson's Water
Ms.	Wendi CHAN	Wellcome Fresh Food Centre
Mr.	Kelvin CHAN	Wellcome Fresh Food Centre
Ms.	Amelia YEUNG	YHS Hong Kong (2000) PTE Ltd

Opening Remarks

The Chairman welcomed all trade representatives to the meeting and introduced Government Representatives. He wished all a happy and prosperous New Year.

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

Progress of Working Group on Nutrition Labelling

3. The Chairman invited Government Representatives to report progress of the respective issues discussed at the 3rd meeting of the Working Group (WG) on Nutrition Labelling (NL) held on 21 January 2010.

More Examples of Prepackaged Foods

4. Mr. C. W. TAM said that more examples of prepackaged foods were illustrated at the 3rd meeting of the WG on NL. These were summarized as follows:

- a) Food in a vacuum pack. Examples are some cheese / meat products;
- b) Food packed in a plastic bag and folded up with the opening securely fixed by sticker label. The content could not be tampered without breaking the label and opening the bag;
- c) Food wrapped in a plastic bag and folded up with the opening fixed by a piece of adhesive tape. The content could not be tampered without detaching the adhesive tape and opening the bag;
- d) Food packed in a self-adhesive bag with the opening securely fixed by a sticker label. The content could not be tampered without breaking the label and opening the bag;
- e) Sandwich packed in a paper box with the opening closed by a flap. The content could not be tampered without detaching the flap; and
- f) Prepackaged food items provided with proper labels packed inside a paper box which is not sealed up but partly enclosed by a paper strip. Though the food inside the box has been provided with proper label, a normal customer would not be expected to remove the paper strip and open the box to look for the label.

Therefore, the outer packaging should also be provided with proper label.

5. Mr. C. W. TAM also illustrated to the 3rd meeting of the WG on NL with more examples of non-prepackaged foods. These were summarized as follows:

- a) Food wrapped in plastic/paper sheet and packed in a plastic bag with the opening loosely folded up and fixed by a piece of adhesive tape. The content could still be tampered without detaching the adhesive tape or opening the bag; and
- b) The cover is loosely attached onto the container with a paper strip enclosing the whole package. Turning the package over would lead to spilling of the content. Examples are “Swiss rolls” in bakery shops.

6. Mr. C. W. TAM answered enquiries from trade representatives about various packaging methods that would constitute as “Prepackaged Food” or not. Among these was whether rice dumpling was regarded as prepackaged food. Mr. C. W. TAM advised that rice dumpling wrapped with leaves such as those sold during Tuen Ng Festival was not prepackaged food. The leaves wrapping the rice dumpling were considered as part of the dumpling giving the specific texture and flavour to the rice dumpling and were not packaging materials. Mr. C. W. TAM also advised that plastic containers with holes on the surface, such as those for holding eggs, blueberries, strawberries etc., were not packaging materials. The Chairman invited trade representatives to provide real examples for consideration if they would like to seek advice on whether individual packaging methods would constitute as “Prepackaged Food”.

Progress of Applications for Small Volume Exemption

7. Mr. K. W. CHUNG informed the meeting that, as at 12 February 2010, the Centre for Food Safety (CFS) had received about 15,070 applications for Small Volume Exemption (SVE). Among these, about 13,360 were approved whereas about 1,280 were rejected. There were 180 applications withdrawn by the applicants. Traders might continue to refer to the “Guide to Application for SVE” on CFS website or hard copy of the guide when applying SVE.

8. Mr. K. W. CHUNG said that, in response to request of the trade to treat products, such as cheese, sausage and ham in bulk, that required cutting and repacking at retail shops (with problem of cutting into exact weight) as same version for applying SVE, CFS had proposed to offer an option of allowing a maximum of 50% variation in weight. Products of various weights within the range could be regarded as same version for applying SVE and three examples were provided below:

- a) 50-100 g : $(100-50)/100 = 50\%$
- b) 100-200 g : $(200-100)/200 = 50\%$
- c) 80-150 g : $(150-80)/150 = 46.7\%$

9. Mr. K. W. CHUNG continued that, after considering the trade’s other views, CFS also proposed to offer a second option in which there was no restriction on the maximum percentage of variation in weight but to allow different weights, within a range, of the product, such as 50 g, 100 g, 200 g, etc. In adopting the second option, the choice of weights must be clearly stated on the SVE application form. Such products could be regarded as the same version for applying SVE. The WG on NL had not yet reached consensus on the preferred option at the 3rd meeting held on 21 January 2010. This issue was also discussed in the Retail Task Force Meeting held on 4 February 2010 where some

members of the meeting expressed that both options were unsatisfactory as they did not align with the trade practice though the first option was slightly better than the second one. The coming 4th meeting of the WG on NL to be held on 24 February 2010 would further discuss on the issue.

Frequently Asked Questions on Nutrition Labelling

10. Miss Melissa LIU said that Frequently Asked Questions (FAQs) had been prepared to assist trade to comply with the NL requirements commencing 1 July 2010. These FAQs were uploaded to the CFS website and they would be updated from time to time. Traders would be notified of the updated FAQs through the Rapid Alert System. The first notification was sent to the trade in mid-January 2010. There were five FAQs updated in December 2009 and one updated in January 2010. She briefed the meeting on these six updated FAQs as follows:

- a) Is the statement "This is not a sodium free product" acceptable? (Additional FAQ Part II, Q3) – Acceptable if it is factually correct, i.e. the food does not meet the claim condition of "sodium free", and is not considered as a nutrition claim on sodium provided that the whole presentation does not imply that the product contains particular nutritional properties related to sodium.
- b) Is it acceptable to list out the nutrient contents of a range of similar products on one package? (Additional FAQ Part II, Q12) – It is acceptable provided that there is clear indication on which product is contained in the package. The nutrition information of other similar products that are not contained in the package would be regarded as additional information for consumers' reference.
- c) How to prepare the nutrition label for "Siu-Mei" product? (Additional FAQ Part II,

Q13) – Prepackaged “Siu-Mei” products would require a nutrition label. “Siu-Mei” packed in a box or a tray with its cover loosely fixed with pieces of adhesive tapes or staples, and the contents could be tampered without opening the box is not considered a prepackaged product and will not require a nutrition label. Nutrition profiles in different parts of the same animal may vary greatly. Traders should label these "Siu-Mei" products according to parts and cooking methods that are representative and truly reflecting the nutrient profile of the product. They should adopt a suitable sampling plan to account for variations in raw materials, manufacturing processes, and characteristics of pig / poultry used. There are different points to note for different analysis as listed below:

- i) Laboratory analysis – For each product group, an average result of the product group and a range of values reflecting nutrient variation would be generated. As the variation in laboratory analysis of some "Siu-Mei" product groups may exceed the tolerance limit as specified in the Technical Guidance Notes, a higher tolerance limit after taking into account upper / lower span of test results may be accepted. This will be considered on a case-by-case basis provided that the testing results are made available to CFS for consideration.
- ii) Indirect nutrient analysis – Food composition databases provide nutrient information for different parts of an animal. Traders should make sure that suitable data from appropriate database is selected. They should also be fully satisfied that the indirect nutrient analysis is suitable for their products before employing this option.
- d) The nutrient content of a product cannot meet the definition of "0" (per 100 g/mL). However, as the product has small serving size, the nutrient content per serving is

very small (e.g. 0.04 g total fat per 5g serving). How to declare the nutrient content per serving? (Additional FAQ Part II, Q14) – It is not acceptable to declare "0 g total fat" on the nutrition label but acceptable to round the value to one decimal place (e.g. "0.0 g total fat per 5 g serving"). To provide clearer information and avoid any possible confusion, the trade may choose alternative presentations where appropriate, such as declaring the true value or rounding the value to more decimal places (e.g. 2 decimal place), or providing the nutrient information per 100 g/mL of food.

- e) Is there any difference between the values "0 g per serving" and "0.0 g per serving" as expressed in the nutrition label? (Additional FAQ Part II, Q15) – “0 g per serving” means the nutrient is absent in the product, or the nutrient is present in very small amount and can be rounded to “0 g” according the definition of “0” in Technical Guidance Notes. “0.0 g per serving” means the nutrient value has been rounded to the nearest 0.1 g. Taking trans fat as an example, if the content declared on nutrition label is "0g trans fat per serving", the product should contain no more than 0.3 g trans fat per 100 g of product (i.e., with reference to the definition of "0"). In case of "0.0 g trans fat per serving“, the product should contain less than 0.05 g trans fat per serving (otherwise it would be rounded up to "0.1 g trans fat per serving").
- f) Can the specified method in the Annex of the “Method Guidance Notes on Nutrition Labelling and Nutrition Claims” be used to test dairy products? (Additional FAQ Part II, Q33) – They are currently used by CFS for determining nutrients contents in indigenous mixed foods. Some of them are not suitable for dairy products. Analytical laboratories should adopt the most appropriate methods published by the AOAC International or other internationally / nationally recognized standard methods, e.g. ISO 8851-1/IDF 191-1:2004 is suitable for the

determination of fat content in butter.

11. There were questions from trade representatives on FAQs and these were answered by Miss Melissa LIU and Mr. C. W. TAM as follows:

- a) It was acceptable for prepackaged products to list out other nutrition information in addition to those mandatorily required under the NL Scheme, but such extra information must be factual and not misleading. This applied to prepackaged food products of assorted packs where different assorted packs contained different combinations of products. For such assorted pack products, it was acceptable to include the nutrition labels of all products on a package. However, the products being sold in the package must be clearly indicated to inform consumers exactly the products they were buying. The nutrition information of other products that were not containing in the package would be regarded as additional information for consumers' reference;
- b) It was acceptable to inform consumers by means of ticking correct boxes with product names described on the package of prepackaged food products the exact products being sold in the package;
- c) The statement "This is not a sodium free product." or "This product is not sodium free." alone by itself was not regarded as a nutrient claim. Such statements should not be declared when the product contained sodium;
- d) The statement "0 g trans fat per serving" was a quantitative declaration and not a nutrient claim;
- e) For products such as formula milk powder intended for consumption by children at ages 3 to 10, whether they were considered as "food for special dietary uses" would depend on whether they could satisfy certain principles as stated in the

Technical Guidance Notes, including whether they were presented as food for special dietary uses. This would have to be considered on a case-by-case basis;

- f) Statements such as “This product contains fat.”, “This product contains carbohydrates.”, “This product contains vitamins”, etc. were considered nutrition claims and must satisfy certain conditions governing such claims;
- g) Some health products may be considered as drug or pharmaceutical products rather than food. The regulation of drug / pharmaceutical product was handled by Department of Health (DH). DH should be approached for advice in this respect;
- h) For multi-packaged food products where there was nutrition label provided on the outer package, the inner packages did not require separate nutrition labels if they were not sold separately;
- i) The statement “Calcium added” provided on the package was a nutrient comparative claim and must fulfill certain criteria as explained in the Technical Guidance Notes; otherwise, the inappropriate statement should be blacked out;
- j) When making a nutrient comparative claim, if the food being compared refers to a particular product, it should be available for sale locally or overseas. On law enforcement, trader would be requested to provide information as evidence to support the claim; and
- k) The need of listing ingredients in descending order of quantity was legislative requirements under the Food and Drugs (Composition and Labelling) Regulations.

12. The Chairman noted that some traders had encountered difficulties in categorizing food for special dietary use. The definition of foods for special dietary use had been explained in the meeting. Some examples had also been illustrated in the trade workshop. Problems on

products would be discussed with individual traders and offer of general advice would be considered upon provision of detailed information.

13. The Chairman sought advice from trade representatives on the updated projection of prepackaged food products that would be withdrawn from the Hong Kong market after implementing the NL Scheme on 1 July 2010. A trade representative said that with the introduction of SVE, blacked out marks and nutritional testing, the situation had become much better than previously projected whilst prepackaged products that would be withdrawn from the market had dramatically reduced. However, it was not practicable to project the figures for the time being as it was a commercial decision that had yet to be made in many cases. The response of consumers to the withdrawal of a certain product from sale would also be a factor of consideration. Most important, it would depend on financial considerations in time to decide whether a product should continue to be sold. Other trade representatives said that it was still too early to offer information on the impact upon commencement of the NL Scheme and they would try to comply with all requirements under the scheme to reduce the withdrawal of products from the market.

Agenda Item 2

Draft Trade Guidelines on Safe Production of Chinese Cold Dish

14. Ms. Janny MA briefed the meeting about the Draft Trade Guidelines on Safe Production of Chinese Cold Dishes that were tabled at the meeting. She said that based on the findings from a recent joint study with the Consumer Council, some Chinese cold dishes e.g. Lo Shui and like products, jellyfish and bean curd with lime preserved eggs available in the local market might of sub-optimal microbiological quality and some might even be potentially hazardous to health. In connection with the findings, a set of Trade Guidelines was drafted

by the CFS aiming to help food trade implement food safety measures in their operations in order to produce and sell wholesome and safe Chinese cold dishes.

15. Ms. Janny MA highlighted some details of the draft guidelines i.e. the importance of Five Keys to Food Safety in producing Chinese cold dishes and tips for safe production of Lo Shui and like products, jellyfish and bean curd with lime preserved eggs.

16. Ms. Janny MA invited comments from trade on the draft trade guidelines which had been uploaded to the CFS website until the end of March 2010. The finalised version would be widely distributed and uploaded to the CFS website for trade reference.

Agenda Item 3

Proposed Amendment to Sweeteners in Food Regulations

17. Ms. Janny MA briefed the meeting about the proposed amendment to Sweeteners in Food Regulations (Cap. 132U). A Working Group on Amendment to Sweeteners in Food Regulations was formed under the Expert Committee on Food Safety (Expert Committee), consisting of academics, professionals, representatives from Government departments and members of the Expert Committee, to advise on the legislative review and amendment for sweeteners. The Working group, supported by the Expert Committee, recommended to amend the Regulations by adding neotame and steviol glycosides as permitted sweeteners in order to keep the local legislation abreast of the latest international and scientific developments. It was also recommended to use both sweeteners in accordance with Good Manufacturing Practice (GMP).

18. Ms. Janny MA further informed the meeting that after taking into full account of views

from the trade and other parties, the Government would finalise the proposed amendment and seek policy support to legislative amendment. It was planned to consult the Legislative Council (LegCo) Panel on Food Safety and Environmental Hygiene in March 2010.

19. The Chairman invited views from trade representatives on the proposed amendment. A trade representative enquired if a maximum permitted level be set for neotame and steviol glycosides after the amendment. The Chairman responded that like other permitted sweeteners, neotame and steviol glycosides should be used in accordance with GMP. He also recommended the trade to take into account the maximum permitted level established by Codex for reference.

20. A number of trade representatives expressed their positive comments on the proposal. The Chairman told the meeting that the support from trade representatives on the proposal would be reported to the LegCo for consideration. Subject to the legislative procedures, he expected that the amendment would be enacted by August 2010. More information would be provided in the next meeting after the LegCo had been consulted.

Agenda Item 4

Any Other Business

Uploading of NL Workshops on CFS Website

21. Mr. H. W. WONG said that a total 18 workshops, comprising 13 Basic and 5 Advanced, on NL had been organized from July 2008 to December 2009 to assist the trade in understanding the NL Scheme. The sound tracks and presentation materials of workshops were available on CFS website for reference and revision of the trade. The next Basic and

Advanced workshops on NL would be held on 31 March 2010 and 21 April 2010 respectively. Details on these two workshops were available on CFS website.

Regulatory Control of Red 2G

22. Mr. H. W. WONG said that following the scientific review of European Food Safety Authority in late 2007, it was concluded that Red 2 G was hazardous to food safety. Hence, CFS had notified the trade in writing in December 2007 to suspend the use of Red 2G and Red 2G as colours. After the enactment of Colouring Matter in Food (Amendment) Regulation 2008 by LegCo in mid-2008, CFS had notified the trade in writing again that “With effect from 1 December 2008, it will be an offence if a person sells, consigns or delivers, or imports into Hong Kong, any food intended for sale for human consumption that contains Red 2G; or sells or advertises for sale Red 2G for use in food.”

Trade Webzone

23. Mr. H. W. WONG advised that preparation of the Trade Webzone had been completed. It would be available on CFS website starting 1 March 2010. Trade representatives were welcomed to browse the Trade Webzone and search for information easily.

Date of Next Meeting

24. The next meeting would be held in late March or April 2010.

25. There being no other business, the meeting was adjourned at 4:35 p.m.