

Advanced Workshop on Nutrition Labelling

Questions on Exemption from Nutrition Labelling under the “Amendment Regulation”

What kind of products are regarded as “Food” ?

*** Regarded as Food ✓**

- ⊕ **Drink**
- ⊕ **Chewing gum**
- ⊕ **Articles and substances used as ingredients in the preparation of food or drink or such products**

*** Not regarded as Food ✗**

- ⊕ **Feeding stuffs for animals, birds or fish**
- ⊕ **Articles and substances used only as drugs**

What are “Prepackaged Food”?

- ✿ **Any food packaged, whether completely or partially, in such a way that**
 - (a) the contents cannot be altered without opening or changing the packaging; and**
 - (b) the food is ready for presentation to the ultimate consumer or a catering establishment as a single food item.**

Do bread and cakes sold in bakery shops require nutrition label or not ?

The following products do not require a nutrition label:

- ✿ Bread and cakes that are **not packed** and just put in packaging for customers at the point of sale
- ✿ Bread and cakes put in packaging that **the opening is neither sealed nor tied up** with metal wire, adhesive tape or date hook.

How to label small packs of food packed into a large pack for sale?

- ✿ The large pack should bear a proper label containing the same or consistent information (including nutrition information) as those of the small packs, unless its packaging material is transparent or designed in such a way that all the mandatory information on the small packs can be seen.

Questions on
Food items Exempted from
Nutrition Labelling
under Part 1 of Schedule 6
of the “Amendment Regulation”

Exempted Food Item 6

- ✿ **Fruit or vegetable**, whether fresh, chilled, frozen or dried –
 - (a) packed in a container which contains no other ingredient; and
 - (b) to which no other **ingredient** has been added.

Exempted Food Item 6

- “**vegetable**” includes mushrooms (e.g. winter mushroom), fungi (e.g. white fungus) and legumes (e.g. green peas, soybeans)
but not include nuts (e.g. tree nuts), seeds (e.g. peanuts), rice or other cereal grains.
- “**ingredients**” include sugar, salt and other food additives.

Exempted Food Item 14

- ✿ Prepackaged food –
 - (a) processed and sold to an ultimate consumer at the same premises; or
 - (b) processed at a place which is adjacent to, or in the **immediate vicinity** of, the premises where the food is sold to an ultimate consumer,
- and **not offered for sale outside the premises referred to in paragraph (a) or (b).**

Exempted Food Item 14

- ✿ **“immediate vicinity of the premises”**
refers to a nearby shop, a shop separated by a lane, or a unit at upper floor of the same or a nearby building, etc
- ✿ It will be determined on case-by-case basis

Exempted Food Item 14

- ✿ If the product is processed in one premise and sold in another premise outside (a) or (b) referred above, are the same products sold in (a) or (b) exempted?
- ✿ No. If the same products are also sold in other premises, all of them are not exempted.

Questions on
Small Volume Exemption Scheme
under Part 2 of Schedule 6
of the “Amendment Regulation”

How to define foods of same version?

- ✿ In determining whether certain foods are of the same version, the following characteristics will be taken into consideration:
ingredients, packing size, flavour, manufacturer/packer's particulars, container and other features.
- ✿ If any one of the characteristics is different, the foods are regarded as different versions.
Traders should submit separate applications for products of different versions.

Different Pack Sizes of Same Food are regarded as Different Versions



Different Flavours of Same Food are
regarded as *Different Versions*



How to define foods of same version?

- ✿ For products identical in all the characteristics mentioned above but with different packaging design or artwork, whether they are regarded as different versions will be determined on a case-by-case basis
- ✿ Traders should submit the product details and the package sample for consideration.

How to count the sales volume?

- ✿ Sales volume refer to that at **the manufacturer or importer level** (i.e. no. of units that are sold to the retailers or distributors).
- ✿ Not referring to those actually sold out by the retailers to the ultimate consumers.
- ✿ Selling unit refer to the unit of the pack size that is to be sold to the ultimate consumers, e.g. 250 mL x 6 packs. Traders should specify such in the application form.

Drink product sold in 6-unit bulk pack



How to count the sales volume?

- ✿ **When counting the sales volume for a product granted with exemption, it refers to the sum of the units sold by all the exemption grantees in respect of the product.**
- ✿ **It does not cover the sales volume for the same product being sold by other manufacturers or importers not granted with exemption.**

When would Centre for Food Safety (CFS) accept applications

- ✿ **The Amendment Regulation will take effect on 1.7.2010.**
- ✿ **CFS has commenced processing applications on 1.9.2009.**

Application Form

- ✿ **Application Forms (manual form and electronic form) can be downloaded from CFS website.**
- ✿ **Manual form can also be obtained from :**
 - ✦ **CFS Headquarters;**
 - ✦ **Food Labelling Office at 4 Hospital Road, Sai Ying Pun; and**
 - ✦ **Small Volume Exemption Office at M/F, Middle Road Carpark Building, Tsim Sha Tsui.**

<http://www.cfs.gov.hk>

Public Forms
公用表格

Latest News
最新消息

Nutrition Labelling Scheme
營養資料標籤制度

The screenshot shows the homepage of the Centre for Food Safety. At the top, there is a navigation bar with the logo and name of the Centre, and a search bar. Below this is a main banner for 'Seasonal Food Safety Tips' featuring images of food. The left sidebar contains a menu with items like 'Home', 'What's New', 'About Us', 'Press Release', 'Programme Areas', 'Committee and Forum', 'Import Control / Export Certification', 'Food Legislation / Guidelines', 'Multimedia Library', 'Nutrient Information Inquiry', 'Public Forms', 'Frequently Asked Questions', 'Links', and 'Contact Us'. The main content area is divided into several sections: 'Food Alerts' with a warning about peanut products, 'Food Safety Tips' with keys to food safety, 'Latest News' with a list of recent updates, and 'Consumer Zone' with various resources like 'Rapid Alert to Trade', 'Expert Committee on Food Safety', 'Trade Consultation Forum', 'Consumer Liaison Group', 'Food Safety Focus', 'Nutrition Labelling Scheme', 'Nutrient Information Inquiry System', and 'Food Safety Clinics'. A 'Public Forms' link is highlighted in the sidebar menu.



Food Alerts

- Warning on Peanut Products with Suspected Salmonella Contamination

More >

Food Safety Tips

- Five Keys to Food Safety: Protect You from Cholera
- Salmonella Food Poisoning
- Eating Puffer Fish Can Result in Poisoning

Latest News

- Human Swine Influenza and Food Safety
- Food Safety Focus (37th Issue, August 2009)
- Food Safety Bulletin for Consumers
- Food Safety Express for Food Traders
- Food Safety Report for June 2009
- Food Safety Charter 2009
- Food Hygiene Seminar 2009
- Targeted food surveillance on Microbiological Quality of ice-cream and Frozen Confections
- Nutrition Label Calculator
- Pre-Statutory Voluntary Registration Scheme for Food Importers / Distributors
- Advice to Travelers
- Application for Exemption from Nutrition Labelling under Small Volume Exemption Scheme

More >

Consumer Zone

Rapid Alert to Trade

Expert Committee on Food Safety

Trade Consultation Forum

Consumer Liaison Group

Food Safety Focus

Nutrition Labelling Scheme

Nutrient Information Inquiry System

Food Safety Clinics

Topical Issues

Information and Documents to be Provided

- ✿ Application can be made in the name of an **Individual** or a **Company**.
- ✿ Applicant should provide personal/company particulars; and
- ✿ submit a copy of valid Business Registration Certificate (BRC).
- ✿ For application made in the name of an **individual** – should also submit a copy of identity card in addition to copy of BRC.

Information and Documents to be Provided

Applicant should submit the product information including:

- ✿ brand name
- ✿ food name
- ✿ net weight/ volume/ count
- ✿ country of origin
- ✿ manufacturer/packer's particulars
- ✿ list of distribution (i.e. names and addresses of the distributors/retailers)

Information and Documents to be Provided

- ✿ Applicant should submit photos or scanned images of the product showing its **food name** and **brand name**, and the **bar code** (if available) that appears on the product package.
- ✿ Applicant can also submit an empty box or wrapper of the product as an alternative.

Return of Application Form

- ✿ **Completed Application Form together with prerequisite documents can be returned to Small Volume Exemption Office by email, post, fax or in person.**

Granting of Exemption

- ✿ As it is expected that a large number of applications would be received, CFS would try its best to inform the applicant the result of application **before 18.12.2009** for application submitted before the end of October 2009.
- ✿ Approval letter will provide the **Exemption Number** assigned to the product.

Effective Date of Exemption

- ✿ **The effective date of the exemption will fall on 1.7.2010.**
- ✿ **The applicant may also choose the first day of any month from August to December 2010 as the effective date.**

Validity of Exemption

- ✿ If more than one applicant apply for exemption for certain product at different time, the exemption granted to any applicant later on would only be valid :
 - up to the expiry date of the exemption granted to the **first applicant**; or
 - until the annual sales volume of the product has exceeded 30,000 units, whichever is earlier.

Payment of Exemption Fee

- ✿ For exemption to be effected on 1.7.2010, applicant should pay the annual exemption fee of \$345 within the period **from 2.7.2010 to 24.7.2010**.
- ✿ For other effective dates of exemption, payment should be made within a specified period before the respective effective date.

- *ENDS* -

Thank you !