

# Exemption from Nutrition Labelling

Under

## *Small Volume Exemption Scheme*

5.8.2009

# *Small Volume Exemption*

*Under the Food and Drugs (Composition and Labelling) (Amendment: Requirements for Nutrition Labelling and Nutrition Claim) Regulation 2008,*

- ✿ **Prepackaged foods of the same version with annual sales volume in HK not exceeding 30,000 units may be granted with exemption from providing nutrition labelling.**
- ✿ **Prior approval from Centre for Food Safety (CFS) of FEHD is required.**

# *Exemption Restrictions*

- ✿ If certain nutrition information is provided on the label, exemption can still be granted. However, such information should be accurate and not misleading.
- ✿ If any nutrition claim is made on the label or in any advertisement, **no exemption** will be granted.

# *Eligible Applicants*

- ⊕ **Importers** (for imported products)
- ⊕ **Manufacturers** (for local products)

✱ **For the same product, we can accept applications from more than one importer or manufacturer.**

# *How to define foods of same version?*

- ✿ In determining whether certain foods are of the same version, the following factors will be taken into consideration:  
ingredients, packing size, flavour, manufacturer/packer, container and other features.
- ✿ If any one of the factors 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 factors 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 those 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 no. of 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.**

# *Fee for Exemption*

As prescribed in the Amendment Regulation,

- ✿ Annual Fee for **first grant** of exemption is \$345
- ✿ Annual Fee for subsequent **renewal** of the exemption is \$335
- ✿ **Non-refundable** even if the exemption is revoked by CFS, or voluntarily cancelled by the grantee.

# *Conditions for Exemption*

- ✿ **The exemption will be granted/  
renewed subject to the  
observance of the **conditions**  
imposed by CFS**

# *Conditions for Exemption*

- (a) The exemption grantee should inform the distributors / retailers that the exempted products should each bear a specific label/sticker indicating the exemption status when they are displayed for sale.

# *Conditions for Exemption*

- (b) The exemption grantee should notify CFS any **changes** to the grantee's particulars, product particulars or the list of the distributors /retailers, within one month of such changes.**



# *Conditions for Exemption*

- (c) The exemption grantee should keep for at least two years a **record of distribution** of the exempted product.

Such record shall be made available for inspection upon request by CFS.

# *Conditions for Exemption*

- (d) The exemption grantee should report the **sales volume** of the exempted product within the first 10 days of each month; and to produce supporting documents including relevant **records or accounts** for inspection upon request by CFS.

# *Conditions for Exemption*

- (e) The exemption grantee should **allow any person appointed by CFS to inspect the records or accounts** related to the sales volume of the exempted product.

# *Conditions for Exemption*

- (f) The exemption grantee should not make any **nutrition claim** on the **label** of, or in any **advertisement** for, the exempted product.

# *Revocation of Exemption*

- ✿ If any condition is breached, CFS would issue a **warning letter** to the grantee for rectification within a specified period.
- ✿ If the warning is unheeded to, the exemption may be **revoked**.

# *Revocation of Exemption*

- ✿ If the exemption is **revoked** due to breach of condition(s), no exemption will be granted to the same grantee in respect of the same product within a period of **two years**.

# *Revocation of Exemption*

- When the annual sales volume of the exempted product exceeds 30,000 units, the exemption would be **revoked**.
- No exemption will be granted for the same product within a period of **two years**.



# *Renewal of Exemption*

- ✿ If the annual sales volume of the product has not exceeded 30,000 units, exemption may be renewed for the following year
- ✿ The sales volume recorded will be **reset to zero**
- ✿ All the grantees are required to pay the annual **renewal fee**
- ✿ The same exemption number will be used after renewal

# *Label for Exempted Product*

- ✿ The exempted product, when displayed for sale, should bear a label/sticker printed with the following wordings:

此乃豁免營養標籤產品  
Nutrition Labelling Exempted  
豁免編號 Exemption No. : \_\_\_\_\_

# *Label for Exempted Product*

✿ **The wordings shall be –**

- (a) in both Chinese and English languages;**
- (b) of the type size not smaller than 10 point  
(or not smaller than 6 point if the total surface  
area of the food package is less than 200 cm<sup>2</sup>);**

# *Label for Exempted Product*

The wordings shall be –

- (c) printed in dark block type upon a light-coloured ground or in light block type upon a dark-coloured ground; and
- (d) enclosed by a surrounding line in the shape of a **rectangle**, a **square** or a **circle**.

# *Label for Exempted Product*

- ✿ The label shall **only include the wordings** as specified above.
- ✿ The label shall be securely affixed to or form part of the package, and shall be so placed on a conspicuous position; on top, sides or bottom are all acceptable.

# *Label for Exempted Product*

- ✿ **The Exemption No. shall be put down on the label.**
- ✿ **Alternatively, it may be marked on a conspicuous place in close proximity to where the product is displayed for sale (e.g. on the display card for the food name and price put on the shelf)**

# *Label for Exempted Product*

- ✿ **The retailers must ensure that the exempted products are marked with the **specific label/sticker** and the **exemption number**, otherwise it would be a contravention of the Amendment Regulation.**



# *When will the Centre for Food Safety accept applications?*

- ✿ **The Amendment Regulation will take effect on 1.7.2010.**
- ✿ **CFS will accept applications starting from 1.9.2009.**

# *Application Form*

- ✿ **Application Forms will be available in mid-August 2009.**
  - ✿ **Traders could download the form from CFS's website; or**
  - ✿ **Obtain the form from CFS's main offices.**
  - ✿ **Completed application forms could be returned by email, post, fax or in person.**

# *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.

# *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*

- ✿ **Applicant should pay the annual exemption fee within specified period from 2.7.2010 to 24.7.2010.**

# *Arrangement after 1.7.2010*

- ✿ Upon the commencement of the Amendment Regulation on 1.7.2010, CFS will notify the applicant of the result of application within **14 working days**.
- ✿ Once payment of exemption fee is received from the successful applicant, CFS will issue approval letter within **7 working days**.
- ✿ The time between submission of application and obtaining approval is about one month.

# *Web-based system*

- ✿ CFS will set up a website serving as a **single platform** :
  - For the **traders** to submit applications for exemption;
  - For the **grantees** to have access to and report the sales volume of the exempted products;
  - For the **general public** to know which products are exempted.

# *Web-based system*

✿ **The system will alert CFS and the grantees when the sales volume of the product is :**

- **Approaching exemption limit (say 70% and 90%)**
- **Exceeding exemption limit**

**- End -**

***Thank You!***