Nutrition and Health Claims in Hong Kong

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Overview

- What are nutrition claims and health claims?
- Current situation in Hong Kong
- Review of regulatory control
- Way forward
What are nutrition claims and health claims?
Nutrition and Health Claims

- Nutrition claims and health claims are representations which states, suggests or implies that a food has particular nutritional properties, or that a relationship exists between a food or its constituent and health.
Codex Standards

- Codex Alimentarius Commission (Codex) was established in 1963 by the United Nations’ Food and Agricultural Organization and World Health Organization
- Membership comprises over 180 countries
- Codex develops foods standards, guidelines and related texts such as codes of practice for protecting health of the consumers and ensuring fair trade practices in the food trade
  - Including standards and guidelines related to nutrition and health claims
**Codex Classification of Claims**

- Nutrition claims
  - Nutrient content claims
  - Nutrition comparative claims
- Health claims
  - Nutrient function claims
  - Other function claims
  - Reduction of disease risk claims
Codex Principles

- Codex recommended that-
  - Nutrition claims should be consistent with national nutrition policy and only nutrition claims that support national nutrition policy should be allowed.
  - Health claims should be consistent with national health policy, including nutrition policy, and support such policies where applicable.
Use of claims

Use of nutrition and health claims on food products is

- Relevant to food safety
- Influential to food choice of consumers-
  - Provides information of nutritional and health related properties of food products
Current Situation in Hong Kong
Local Profile

Hong Kong is characterized by

- 7 million people from different parts of the world
  - ~94% Chinese ethnicity
  - Remaining: Indonesian, Filipino, White, Indian, other Asian…

- dominance of imported food >90%
  - Mainland is our most important food source
  - Also imported foods from various countries: US, EU, Thailand, Brazil, etc.
Market Situation

- >80% prepackaged food is imported from overseas
- Different types of nutrition and health claims were found on prepackaged foods and their advertisements in the local market
CRACKER

* Vegetarian Food
* No Cholesterol
* High Fibre

NO TRANS FAT
40% LESS FAT
Than other leading brands
Of potato chips

97% FAT FREE

Great way to make every bite count by providing Vitamin E, Iron and Zinc.

Addition of vitamin A, D, E

Rich in calcium

Low sugar
• Iron for Healthy Brain Development
• Vitamin E and Zinc for Natural Immune Support

Lactadherin is a very effective immune constituent against rotavirus and Siga inhibits infection, colonization and replication of intestinal pathogens; TGF-β and Mucin promote growth of immune antibodies so as to protect your baby’s immature intestine; GLA renews injured nerve cells and improves skin condition; Lactoferrin binds iron and thus inhibits growth of pathogenic bacteria and virus in the mouth and intestines.

Healthy Growth

Calcium Builds Strong Bones

nutritionally supporting your baby’s immune system

Added DHA and multi nutrients and rich in calcium which helps babies’ bone and teeth development.

contains 60% Less Sodium than ordinary Sea Salt. It may help reduce blood pressure as part of a reduced salt diet - as reported by the British Medical Association.

Excellent system of essential vitamins* and minerals* support healthy growth and development.

Note: Nutrition Information for detailed content.

食物養生：真理與迷思 Food Claims： Truth and Myth
- Arginine, nucleotides and omega 3 fish oil... increase cancer patient’s defense and reduce the side effect of cancer treatment
- (product)… improves below problems in cancer treatment...vomiting and nausea, loss of appetite, mouth ulcer, weakness and fatigue

DHA: increase focus and communication ability
EPA: maintain heart health
Omega 3: anti-inflammatory
Public Awareness

- Increasing public attention on the appropriateness of the use of nutrition and health claims

- Concerns over-
  - Sufficiency of substantiation
  - Consensus on the declared properties
Regulatory Control (1)

- Labelling of general prepackaged foods is regulated by the *Food and Drugs (Compositional and Labelling) Regulations (Cap 132w)*.
Regulatory Control (2)

- Labelling requirements in *Cap 132w* is generally in line with major Codex requirements
- 1+7 nutrition labelling scheme
- Nutrition claims on general prepackaged foods covering:
  - nutrient content claims
  - nutrient comparative claims
  - nutrient function claims
Examples of acceptable/not acceptable nutrition claims

<table>
<thead>
<tr>
<th>Type</th>
<th>Acceptable</th>
<th>Not acceptable *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nutrient content claim</td>
<td>- High calcium    - Low sugar</td>
<td>- High DHA</td>
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<tr>
<td></td>
<td>- Trans fat free - High fibre</td>
<td>- High energy</td>
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<tr>
<td>Nutrition comparative claim</td>
<td>- Higher iron - More calcium - Reduced saturated fat</td>
<td>- Increased omega-3</td>
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<td></td>
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<td>- 10% higher EPA</td>
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<tr>
<td>Nutrient function claim</td>
<td>- Calcium build strong bones - Iron for making red blood cell</td>
<td>- DHA for brain development</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Omega-3 for maintaining heart health</td>
</tr>
</tbody>
</table>

* No condition was established for these claims due to lack of:
  - international consensus on the relevant claim condition, or
  - sufficient scientific substantiation on the claimed function, or
  - absence of nutrient reference value
However, there is currently no specific regulation on-

- Health claims (i.e. reduction of disease risk claims and other function claims) on general prepackaged foods
- Nutrition claims on formulae and foods for children < 36 months and other foods for special dietary uses (i.e. Nutrition Labelling Scheme not applicable to them)
Regulatory Control (5)

- As required by *Section 61 of the Public Health and Municipal Services Ordinance (Cap 132)*, claims are required to be factual and not misleading to consumers.

- However, without claims conditions specified in the regulation, in case a claim is suspected to be misleading, assessment has to be made on a case-by-case basis:
  - Burden on government to collect evidence and conduct evaluation on each case.
  - Difficultly in enforcement.
Advice to Trade (1)

- 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
Advice to Trade (2)

- 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.
Review of Regulatory Control
Reviewing Regulatory Control

- The Administration is considering to exercise specific regulatory control on nutrition and health claims of all prepackaged products, in order to-
  - Respond to the public’s concern
  - Fill the gap in the existing regulation
  - Enhance public health protection
Overseas Experience

- Statutory requirements on nutrition and health claims have been introduced in many places in the world, such as -

  - European Union
  - Canada
  - United States
  - Singapore
  - Australia
  - New Zealand
Main emphases in these places vary-
- from having formal mechanisms in place for reviewing claims related to specific functions of food or the nutrients
- to specific regulatory measures for the category of functional foods

In practice, management of issues related to claims regarding the contents or functions of the nutrients or the ingredients of food can be complicated
Global Movement

- Increasing awareness on the use of food claims in the international arena
- EU, Australia and Singapore have been updating or reviewing their regulations on claims
- Hong Kong is also following the global movement to review its regulatory approach
Considerations

- In formulating an appropriate regulatory approach, various factors have to be carefully considered:
  - Public health concern
  - Impact on food trade
  - Implication on food choices
  - Availability of resources
  - Technical aspects on implementation
  - International standards and overseas regimes
Public Health Concern (1)

- **Nutrition-related diseases:**
  Disease such as coronary heart disease, diabetes and cancers are important public health problems.

- **Consumer’s perception:**
  Nutrition and health claims
  - have important influence on consumers’ perception of the nutritional quality of foods and
  - can affect their food choices.
Public Health Concern (2)

- **Food choice facilitation:**
  Regulation on claims should be carefully formulated to facilitate local consumers to
  - choose healthier foods and
  - limit those not suitable for their health needs

- **Support local recommendations:**
  To consider how to regulate claims so that they would be
  - consistent with local nutrition and health concerns and
  - supporting local recommendations
Impact on Trade & Food Choice (1)

- To strike a balance between protecting public health and avoiding unnecessary impact on food trade and food choice of local consumers
- If the regulation is too stringent/ not consistent with the international practice
  - certain claims could no longer be made
  - may deter some products to be imported
Impact on Trade & Food Choice (2)

- If the mechanism of approval of claim is too complicated or time-consuming → may create logistical problems and → defer the supply of food

- To consider whether certain sector of the food trade might be more affected by the regulation and would need additional assistance for compliance (e.g. SMEs, health food traders, etc.)
Resources & Implementation

- Regulation on claims is very technical and professionally demanding
- Possible problems are:
  - Availability of professional support
  - Implication on manpower
  - Implication on resources
Overseas Regimes

- Overseas control on claims should be examined to-
  - Make reference to the overseas practice
  - Keep up with the international development
  - Avoid unnecessary trade barrier for foods imported from overseas origins

- However, jurisdictions may adopt different levels of regulatory control, and may have conflicting views on specific claims and products

- Difficult to draw a conclusion when international consensus is absent
Way Forward
Department of Health has just issued a “Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants and Young Children (0-36 months)” (Hong Kong Code) for public consultation

- voluntary in nature
- aims to contribute to the provision of safe and adequate nutrition for infants and young children without interfering with the sale of such products
- provisions for use of nutrition and health claims are specified
Hong Kong Code-- Proposed scope of claims allowed

- Infant formula
  - No claim is allowed
- Follow-up formula
  - Nutrition claim is not allowed
  - Health claim is allowed
- Infant and young children foods
  - Nutrition claim on 4 groups of nutrients (sugars, sodium, vitamins and minerals) is allowed
  - Health claim is allowed
- Proposed claim conditions:
  To follow Codex requirements, or to satisfy those of recognized national/international authority
The requirements on claims in the voluntary Hong Kong Code would serve as an interim measure to enhance the control of claims before the implementation of a specific regulatory control on claims for foods for infants and young children.

When specific regulation is established in the future, the claim conditions might be different from/ more stringent than those currently proposed in the Hong Kong Code.
Learning from Experience

- Smooth implementation of regulation requires strong motivation, solid scientific support, understanding from the society and cooperation from the food trade.
- Comments and experience on the issue would be valuable for establishing an appropriate regulatory approach for Hong Kong.
~ Thank you ~