

# **Food Adulteration (Metallic Contamination) (Amendment) Regulation 2018**

**13 June 2018**

# Timetable

- **The Amendment Regulation**
  - **Publication in the Gazette – 8 June 2018**
  - **Tabling at the Legislative Council for negative vetting – 13 June 2018**
  - **Date of commencement – 1 November 2019**



# Existing Regulations

- Regulation 3(1) of the Regulations prohibits the import, consignment, delivery, manufacture or sale, for human consumption, of any food containing any metal in greater concentration than as prescribed in the First or Second Schedule to the Regulations, or in such amount as to be dangerous or prejudicial to health; and
- The First and Second Schedules to the Regulations stipulate 19 maximum permitted concentrations (MPCs) of seven metallic contaminants, namely arsenic, antimony, cadmium, chromium, lead, mercury and tin, in food.



# Principles for proposed amendments

- 1) to replace the existing food categories of “all food in solid form” and “all food in liquid form” with specific MLs targeting individual food / food groups, with a view to aligning with the Codex principle and modern international regulatory trends of specifying metallic contamination standards for individual food / food groups of significant dietary exposure;
- 2) to adopt Codex MLs unless otherwise justified;
- 3) to establish MLs for food / food groups which are of significance to the population in Hong Kong and for which there are no relevant Codex MLs;
- 4) to update the food descriptions and nomenclatures in the Regulations, with reference to the available Codex’s food descriptions and nomenclatures or those of other economies as appropriate; and
- 5) to incorporate interpretation of MLs into the Regulations, given that there is currently no interpretation in the Regulations on how the MPCs can be applied to food in a dried, dehydrated or concentrated form; as well as multi-ingredient products (i.e. compounded food).



# Overview of the proposed amendments

- **Total number of metallic contaminants increase from the existing 7 to 14**
  - Additional metals: barium, boron, copper, manganese, nickel, selenium and uranium
- **Total number of MLs increase from the existing 19 to 144**
  - Of these 144 MLs, 84 make reference to Codex standards.
  - Proposed MLs for cadmium in polished rice and methylmercury in predatory fish are more stringent than corresponding Codex standards.
  - Proposed ML on lead in processed tomato concentrate has been removed in view of latest Codex development.
    - The ML for “fruiting vegetables, other than cucurbits”, would apply instead, after adjustment with the appropriate concentration factor.



# The Amendment Regulation



# Commencement

- Comes into operation on 1 November 2019
  - For transitional period arrangement, see Regulation 7



# Interpretation

- **Amended definition**
  - **Metal includes antimony, arsenic, boron and selenium**
- **New definition**
  - **Maximum level**
- **Definitions of some other terms can be found in other regulations and Part 1 of the Schedule**





# Regulation 3 substituted (1)

- (1) A person must not import, consign, deliver, manufacture or sell for human consumption any specified food or compounded food which contains a specified metal in excess of the ML.



# Regulation 3 substituted (2)

**(2)(b) the maximum level of a specified metal in a specified food that has gone through a process of drying, dehydration or concentration is to be proportionally adjusted according to the change in the concentration of the metal in the food caused by the process.**

- **For example, dried vegetables, dried seafood, etc.**
- **Not applicable to MLs specifically set for food already in dried form, e.g. cereals, pulses, tea leaves, etc.**



# Regulation 3 substituted (3)

- (3) For paragraph (1), the maximum level of a specified metal in each specified food applies to –
- (a) the edible portion of the food; or
  - (b) if applicable, the portion of the food specified in, or the food in the form specified in, a note referred to column 4 of part 2 of the Schedule in relation to the food.
- See Notes 1-11 under Part 2 of the Schedule.
    - Example 1: Scallops – applies to edible portion after removal of shell and viscera;
    - Example 2: Applies to products that are, or are reconstituted to be, ready to drink.



# Regulation 3 substituted (4)

- (4) For paragraph (1), if all ingredients of a compounded food are specified food, the maximum level of a specified metal in the compounded food is the sum of the maximum level of the specified metal in each ingredient multiplied by the proportion, by weight, of the ingredient in the compounded food.
- Similar to Cap. 132BD and Cap. 132CM
  - Except that ingredient of a compounded food excludes food additive
    - e.g. A product containing dried apricot and sulphites only should comply with the ML for lead in fruits, with the application of dehydration factor as appropriate



# Regulation 3AA added

- Similar to existing Regulation 3
- CFS will conduct risk assessment for metallic contaminants in food which does not have a specific ML



# Regulation 7 added (1)

- The Amendment Regulation will take effect for certain types of fresh food on 1 November 2019 first
- These certain fresh foods are fruit and vegetable and their juice, meat and edible offal of animal and poultry, aquatic animal and poultry egg which –
  - Has not been subjected to a process of preservation; or
  - Has been preserved by chilling but not freezing.
- Those types of food have shorter durability and shelf life and can be identified easily
- Made reference to Cap. 132X and Cap. 132AK for the interpretation of “fresh”
  - Discussed in previous trade meetings; easier for the trade to understand



# Regulation 7 added (2)

- **Other food items**

- Continued application of old standard until 31 October 2020, i.e. the Amendment Regulation will apply to all other food items as well with effect from 1 November 2020
- Given that food types other than those fresh food items mentioned above normally have a longer shelf / storage life



# Schedule (1)

- Schedules 1 and 2 have been combined into a single schedule
- Part 1 - Interpretations
  - Aquatic animals
  - Follow-up formula
  - Infant formula
  - Milk
  - Secondary milk products





# Schedule (2)

## ● Part 2 - Maximum Level of Metal in Food

- 1) Antimony
- 2) Arsenic (expressed as total arsenic)
- 3) Arsenic (expressed as inorganic arsenic)
- 4) Barium
- 5) Boron
- 6) Cadmium
- 7) Chromium
- 8) Copper
- 9) Lead
- 10) Manganese
- 11) Mercury (expressed as methyl-mercury)
- 12) Mercury (expressed as total mercury)
- 13) Mercury (expressed as inorganic mercury)
- 14) Nickel
- 15) Selenium
- 16) Tin
- 17) Uranium



# Schedule (3)

## Part 2

### Maximum Level of Metal in Food

Column 1	Column 2	Column 3	Column 4
Metal	Food	Maximum Level (mg/kg)	Note
1. Antimony	Vegetables	1	
	Cereals	1	
	Meat of animal	1	Note 1
	Meat of poultry	1	Note 1
	Fish	1	Note 2
	Crabs, prawns and shrimps	1	Note 3
	Oysters	1	
	Bottled or packaged drinking waters, other than natural mineral waters	0.02	
	Natural mineral waters	0.005	



# Schedule (4)

- Note 1: Applies to edible portion after removal of bones (if any) and to fat from the meat.
- Note 2: Applies to edible portion after removal of the digestive tract.
- Note 3: Crabs—applies to whole commodity (including the gonads, liver and other digestive organs) after removal of shell and gills.
- Note 4: Cephalopods—applies to edible portion after removal of shell and viscera.
- Note 5: Scallops—applies to edible portion after removal of shell and viscera.
- Note 6: Sea cucumbers—applies to whole commodity after removal of viscera.
- Note 7: Applies to edible portion after removal of shell (if any) and viscera.
- Note 8: Applies to fruit juices (not concentrated) or products reconstituted to the original juice concentration that are ready to drink. Also applies to nectars that are ready to drink.
- Note 9: Applies to fruits or vegetables (as the case may be).
- Note 10: Applies to products that are, or are reconstituted to be, ready to drink.
- Note 11: Applies to beverages that are, or are reconstituted to be, ready to drink.”.



~ End ~

