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Nestle HK submission on the Proposed Amendments to the Food Adulteration (Metallic Contamination) Regulations\_Final.pdf

Dear Sir/ Madam,

In response to the Public Consultation of the Proposed Amendments to the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V), I am writing on behalf Nestlé Hong Kong Limited to submit our views as attached.

We would highly appreciate if the Centre for Food Safety will take our views into positive consideration.

For any questions in regard to our submission, please do not hesitate to contact me via email ( ) or phone ( ).

Yours faithfully,

**Melody CHAU**

Assistant Manager, Corporate Affairs and Sustainability  
Nestlé Hong Kong Limited



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雀巢香港有限公司  
Nestlé Hong Kong Limited

BY EMAIL ( )

Centre for Food Safety  
Food and Environmental Hygiene Department

## SUBMISSION IN RESPONSE TO PUBLIC CONSULTATION OF

### **Proposed Amendments to the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V)**

Nestlé Hong Kong Limited ("Nestlé Hong Kong"), as one of the major food and beverage companies in Hong Kong, welcomes the Centre for Food Safety ("CFS")'s efforts to further safeguard food safety and public health, which is also one of our shared objectives. Nestlé Hong Kong places the highest priority on the quality and safety of our products. The products sold by Nestlé Hong Kong complies with all relevant regulations in Hong Kong and the country where the products are being produced.

In response to the Consultation Paper on the Proposed Amendments to the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V) (hereinafter referred to as the "Proposed Amendments") published by the CFS on 16 December 2024, Nestlé Hong Kong would like to present our views as below.

#### **1. Propose to expand the scope of food item of "Infant formula and follow-up formula" to also include "formula for special medical purposes intended for infants"**

To align with various Hong Kong regulations, e.g. on nutritional information, additives, and labelling requirements, governing infant formula and follow-up formula, which also covers formulas for special medical purposes intended for infants comprehensively, and also to align with international standards including Codex, we would propose CFS to consider expanding





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the scope of food item at the Proposed Amendments to also include “formula for special medical purposes intended for infants”.

The presence of metallic contaminants is a critical factor in ensuring food safety and protecting the public, we encourage for the alignment with Codex standards to also include formulas for special medical purposes intended for infants under the scope of this food item.

## **2. Recommendation to establish Maximum Levels for food supplements**

Under current regulation, no Maximum Levels (“MLs”) on metallic contaminants has been established for food supplements. Manufacturers thus need to check every raw material on the product recipe to evaluate the safety of food supplements. In addition to practical difficulties during execution, it is also not ideal to conduct this individual risk assessment for each product, especially when no international MLs exist for certain raw materials.

This lack of specific MLs in Hong Kong may limit the choice for importing products from key manufacturing countries/areas such as Mainland China, Canada, ASEAN, Europe, where MLs for food supplements are already established. We thus ask for CFS’s consideration to establish MLs for food supplements based on data and scientific assessment.

## **3. Provide specific definitions and scopes for food items #15 and #16 in Annex 1 of the Proposed Amendments**

- a. For food item #15 – “Ready-to-eat complementary foods intended to be consumed principally by persons under the age of 36 months. (Other than cereal-based foods intended to be consumed principally by persons under the age of 36 months.)” in Annex 1, we observed the terminology used is different from that in the latest Codex standards which is “Ready-to-eat meals for infants and young children”<sup>1</sup>. For clarity purpose, it is suggested to align the terms as Codex standards or kindly specify the scope of this proposed food item.
- b. For food item #16 – “Honey and sugar-based candies”, which we found is also different with the food commodity name and scope in Codex standards which is “Candies, sugar-based”. In order to ensure the industry’s understanding, we recommend the provision of definitions or scopes on this newly added item, as well as the rationale for including this food items in the revised regulations.

## **4. Provide sufficient time for transition**

This Proposed Amendments outlines an 18-month transitional period following the enactment of the amended legislation.

Though the proposed changes are basically align with Codex standards and/or relevant international regulations, manufacturers need to align with suppliers across different markets, for example to fulfill the new MLs prior to the production and release of finished products. This is also added to the situation that some categories of products are actually undergoing changes in response to the Preservatives in Food Regulations that has just came into effect

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<sup>1</sup> General standard for contaminants and toxins in food and feed (CODEX STAN 193-1995); Codex standard for canned baby foods (CODEX STAN 73-1981).



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in December 2024, it thus will be helpful for extending the transitional period to 24 months to allow adequate time for the necessary adjustment.

It is appreciated if CFS would take our recommendations into positive consideration.

**Nestlé Hong Kong Limited**

