

1 Attachment

 [Submission to FEHD - Food Adulteration Regulations \(Cap 132V\).pdf](#)

Centre for Food Safety  
Food and Environmental Hygiene Department

Dear Sir/Madam,

Thank you for your email dated 16 December 2024 inviting the Council's views on the captioned public consultation.

Please find appended a link to the submission from the Consumer Council for your department's consideration.

Should you have any queries on the issue, please feel free to contact Ms Angel CHEUNG, Director of Research and Survey at tel:                      or via email:

Best regards,

Gilly WONG  
Chief Executive  
Consumer Council



消費者委員會 CONSUMER COUNCIL

Centre for Food Safety  
Food and Environmental Hygiene Department

Dear Sir/Madam,

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

Thank you for your email dated 16 December 2024 inviting the Council's views on the captioned public consultation.

Please find attached submission from the Consumer Council for your department's consideration.

Should you have any queries on the issue, please feel free to contact Ms Angel CHEUNG, Director of Research and Survey at tel: or via email:

Yours faithfully,

Gilly WONG  
Chief Executive  
Consumer Council

Encl.

Consumer Council Submission  
to the Centre for Food Safety (CFS) on the  
Proposed Amendments to  
Food Adulteration (Metallic Contamination) Regulations

Introduction

- 1 The Consumer Council (“the Council”) welcomes appropriate amendments to the Food Adulteration (Metallic Contamination) Regulations to account for the changes in relevant Codex requirements and to establish maximum limits (MLs) for foods commonly consumed in Hong Kong so that local consumers are better protected.

*MLs for methylmercury in fish species*

- 2 While the Council agrees in principle to maintaining the existing maximum level for methylmercury in most fish species at 0.5mg/kg, it expresses reservations regarding the proposed relaxation of regulatory limits for methylmercury in tuna, alfonsino, marlin, shark, orange roughy and pink cusk-eel.
- 3 High levels of methylmercury have been found in fish available in the local market. A fish sashimi test report published in April 2019 by the Council revealed that out of the 50 tested samples, 19 were tuna. The methylmercury contents in the tuna sashimi samples ranged from 0.11mg/kg to 1.48mg/kg, with 9 samples falling below the current maximum limit of 0.5mg/kg. This indicates that it is possible for the fish industry to supply tuna with lower methylmercury levels. The Council recommends retaining the current limit of 0.5mg/kg for all fish species to safeguard public health.
- 4 Although the authority believes that relaxing the maximum limit will not significantly impact local exposure to methylmercury, the health risks for pregnant women, fetuses and children could not be underestimated. It is understood that CFS will continue providing dietary advice to pregnant women to avoid those fish species that are high in methylmercury. However, given that some fish species have multiple common names, it can be challenging for consumers to identify them accurately based

solely on the names provided by retailers or by the appearance of a fish or its meat. There have been news reports that fish sold at retail market are misidentified or mislabelled by retailers. The aforementioned fish sashimi test report indicated that some samples were misidentified based on restaurant menus. The Council suggests that the authority conduct regular surveillance to prevent misidentification, ensuring safer consumption of fish.

#### *MLs for methylmercury in fish balls/fish cakes*

- 5 The Council welcomes the introduction of a maximum limit of methylmercury content in fish balls and fish cakes.
- 6 A meatball test report published in January 2022 by the Council detected methylmercury in 6 fish ball samples, 6 cuttlefish ball samples and 3 lobster ball samples. The highest methylmercury content 0.26mg/kg was found in a fish ball sample. These results demonstrate that methylmercury can be found in food products that may not explicitly be labelled as "fish balls", but which contain fish or seafood as ingredients. Therefore, it is necessary to define clearly the scope of "fish balls" in the regulations.

#### *MLs for cadmium in chocolate products*

- 7 The Council welcomes the introduction of a maximum limit of cadmium content in chocolate products.
- 8 A chocolate test report published in October 2023 by the Council found cadmium in all tested samples. In particular, in a sample claiming to be a "dark chocolate 70%" sample, the cadmium content was 0.937mg/kg, exceeding the proposed maximum limit of 0.9mg/kg for the category of chocolate containing or claiming to contain  $\geq 70\%$  total cocoa solids on a dry matter basis.
- 9 The proposed regulations set different limits for chocolate products containing or claiming to contain different percentage of total cocoa solids on a dry matter basis. While most chocolate products with higher cocoa solid percentages display the information on their packaging, some do not. Therefore, it is important for the authority to specify acceptable testing

methods for determining the cocoa percentages, to ensure that the correct maximum limits are applied in product assessments.

*MLs for lead in foods for infants and young children*

- 10 The Council welcomes the introduction of a maximum limit of lead content specifically for certain foods for infants and young children.
- 11 Although in a test report published by the Council in October 2021 found no lead in 17 models of cereal-based foods for infants and young children, the Council believes that establishing a maximum limit is essential for protecting these vulnerable groups.

*MLs for lead and cadmium in certain edible fungi*

- 12 The Council welcomes the introduction of maximum limits of lead in certain edible fungi (which in other words stricter ML), but has reservation about the proposed relaxation of the maximum limits of cadmium in 5 groups of edible fungi.
- 13 in 2023, the Council tested 28 samples of prepackaged dried edible fungi, including black fungus, white back black fungus and snow fungus. Lead was detected in all samples and cadmium was detected in all samples of black fungus and snow fungus. The highest lead and cadmium content detected in a black fungus sample were 2.56mg/kg and 0.32mg/kg respectively, exceeding the proposed ML of lead (1.0mg/kg) and reaching over 60% of proposed ML of cadmium (0.5mg/kg). The Council believes that introducing new maximum limits could help protect consumer health.
- 14 However, it is noticed that for the categories (1) Edible fungi unless otherwise specified, (2) *Lentinula edodes*, (3) *Morchella importuna*, *Sarcodon imbricatus*, *Russula virescens*, *Cantharellus* spp. and *Armillaria mellea*, (4) *Tricholoma matsutake*, "*Boletus bainiugan*, *Lanmaoa asiatica*, *Sutorius brunneissimus*, *Rugiboletus extremiorientalis*", *Termitomyces* spp. and *Lactarius volemus*, and (5) *Tuber* spp. and *Agaricus blazei*, the proposed MLs of cadmium for different species (ranging from 0.2mg/kg to 2mg/kg) are more lenient than the current ML (0.1mg/kg). Given the popularity of edible fungi in Chinese cuisine, the Council emphasizes that

the consumption amount and frequency should not be underestimated. The authority should review and reconsider the relaxed MLs and provide conversion factors for common and popular species in dried form.

*ML for lead in “Fat spreads and blended spreads” and “Edible fats and oils”*

- 15 The Council welcomes the update of the maximum limit of lead in “Fat spreads and blended spreads” and “Edible fats and oils”.
- 16 It is noted that the proposed ML for lead in “Edible fats and oils” has been tightened from 0.1mg/kg to 0.08mg/kg with reference to the updated MLs from Codex. In contrast, while the proposed limit of “Fat spreads and blended spreads” does not follow the prevailing limits of Codex (0.04mg/kg) and is set at the same level as that for “Edible fats and oils” (0.08mg/kg), considering that “Fat spreads and blended spreads” is made from the ingredient “Edible fats and oils” up to 90% fat.
- 17 Codex standards are internationally recognised. Therefore, the Council advocates for a more stringent limit of “Fat spreads and blended spreads” to align with the prevailing limits of Codex (0.04mg/kg). In an edible cooking oil test report published in 2017 by the Council, lead was not detected in all the tested samples, suggesting that most of “Fat spreads and blended spreads” samples could comply with a more stringent limit.

*ML for lead in “Salts, food grade (other than salt from marshes, food grade)”*

- 18 The Council welcomes the update of the maximum limit of lead in “Salts, food grade (other than salt from marshes, food grade)”.
- 19 An edible salt test report published in 2020 by the Council found that at least 1 metallic contaminant was detected in 25 samples (total 39 samples, 64.1%), of which the content of 23 of them did not exceed the current maximum limits set by Regulations and Codex standards. However, the lead content (3mg/kg) in 1 sample of rock salt exceeded the current (2mg/kg) and proposed limit (1mg/kg).
- 20 The Proposed Amendments to the Food Adulteration (Metallic Contamination) Regulations lacks a clear definition of “Salts from

marshes, food grade”. It is important to define this food commodity and set labelling rules to enable traders and consumers to identify the products that must meet the corresponding maximum limits.

## Conclusions

- 21 The Council supports most of the proposed amendments in principle.
- 22 The Council will be pleased to see a prompt implementation of the MLs.
- 23 The Council recommends the authority to conduct more frequent surveillance tests to consumer protection.

## Consumer Council

