

**Centre for Food Safety
Food and Environmental Hygiene Department**

**Notes of Third Technical Meeting with the Trade on
Proposed Amendments to the Preservatives in Food Regulations held
on 13 September 2007 at 2:30 pm at Conference Hall, 3/F,
3 Edinburgh Place, Central, Hong Kong**

Present

FEHD

Dr. Y. Y. HO	Consultant (Community Medicine) (Risk Assessment & Communication)	(Chairman)
Mr. F. W. LEE	Senior Chemist (Food Chemistry)	
Ms. S. C. CHEUNG	Chief Health Inspector (Food Surveillance)	
Mr. F. W. HUI	Chief Health Inspector (Risk Assessment)	
Mr. Johnny Y. K. CHU	Scientific Officer (Risk Assessment) ¹	(Secretary)

The Trade

Mr. Perry SIT	Hong Kong Health Food Association
Mr. Covington LEUNG	Hong Kong Health Food Association
Ms. Eleanor CHAN	Hong Kong Suppliers Association Ltd.
Mr. LEE Kwong-lam	Kowloon Chamber of Commerce
Mr. Ronald Y.F. LAU	The Hong Kong Food Council Ltd.
Ms. Sylvaine SIU	U.S. Dairy Export Council
Ms. Hannal CHO	Aeon Stores (HK) Co. Ltd.
Mr. Daniel C.C. POON	Aeon Stores (HK) Co. Ltd.
Mr. Tim TSAI	Ahead Global Limited
Mr. Peter JOHNSTON	A.S. Watson Group (HK) Limited
Mr. FUNG Kwok-keung	A.S. Watson Industries
Mr. CHEUNG Hiu-ming	Campbell Soup Asia Ltd.
Ms. Grace Yee Wei Jinan	City Super Limited
Ms. May KAN	Coca-Cola China Limited
Ms. Lilian IP	Dah Chong Hong Ltd.
Ms. Michelle KWAN	DFCL - Mannings
Mr. LAM Ka-po	Getz Bros & Co. (HK) Ltd.
Ms. Jovis LAU	IDS (HK) Ltd.

Mr. CHU Shu-tak	Lanxess (HK) Limited
Ms. Mona WONG	Lee Kum Kee International Holdings Ltd.
Ms. Doris CHAN	Nestle Hong Kong Ltd.
Mr. LAM Tsz-mau	Nissin Foods Co. Ltd.
Ms. LAI Sin-man	PARKn SHOP
Ms. Winnie YUEN	Sims Trading Co. Ltd.
Mr. WONG Kam-chuen	Swire Coca-Cola HK Ltd.
Mr. Lewis I.S. LING	Taikoo Sugar Ltd.
Mr. HO Kwok-ying	The Asia Provisions Co. Ltd.
Ms. May LO	The Dairy Farm Group
Ms. TSANG Mei-ying	The Garden Company Limited
Mr. Albert YAN	Unilever Hong Kong Ltd.
Ms. Christina YIP	Vitasoy International Holding Ltd.
Ms. Patricia M. Y. LEUNG	Wellcome Co Ltd.
Mr CHAN Wai-choi	Wing Wah Food Manufactory Ltd.

Opening Remarks

1. The Chairman welcomed all to the meeting and introduced staff of the Centre for Food Safety (CFS) to the trade representatives.

Agenda Item 1

Confirmation of the Notes of last Meeting

2. The notes of the meeting held on 20 June 2007 were confirmed without amendment.

Agenda Item 2

Matters arising from the notes of last meeting

3. Mr. Johnny CHU referred to the paragraph 14 of the notes of last meeting and reported that CFS met the supplier of Dimethyl Dicarbonate (DMDC) in last month. During the meeting, the supplier revealed that though DMDC dissolved in water to form carbon dioxide and methanol and no residual level of DMDC could be detected in the final product, the amount of methanol (as long as the level of natural occurring methanol was known) might be used to indicate the amount of DMDC added at the manufacturing level. The supplier would provide CFS with information on the levels of natural occurring methanol, where possible, in different types of beverages for reference. The

Chairman added that CFS was inclined to include DMDC into the proposed amendment when its testing method was sorted out.

Agenda Item 3

Highlights of the updated proposed Amendments to the Preservatives in Food Regulations

4. Mr. CHU presented the updated proposal for the Amendment of the Preservatives in Food Regulations (the Regulations) which had included those new standards adopted by Codex Alimentarius Commission (CAC) in July 2007. This proposal could also be accessed on the CFS's website.
5. Mr. CHU recapped the general principles of incorporating those preservative and antioxidants, as well as their permitted levels of use, in Codex General Standard on Food Additives (GSFA) into the Regulations. These principles were (a) if specific antioxidants and preservatives standards were present in GSFA (or Codex commodity standards), these standards would be adopted. If there were discrepancies of permitted levels between the GSFA and the Regulations, the ones listed in the GSFA would be considered for the sake of harmonisation of local and international standards, unless there were strong justifications to adopt a different standard. (b) In situation where there were local standards for specific preservatives and antioxidants in specified food items but there were no corresponding Codex standards, those permitted ones currently in the Regulations would continue, where appropriate, to be allowed.
6. Mr CHU quoted “unripened cheese”, “dried fruit”, “candied fruit”, “dried vegetables”, “candied vegetables” and “sugar” as examples to illustrate the lowering of the level of use of preservatives (i.e. nitrate and sulphur dioxide) in these food categories in the proposed amendment as compared to the existing regulation.
7. Mr. CHU recapitulated the inclusion of parabens and gallates in the Regulations and pointed out that the preservative, propyl para-hydroxybenzoate, which had been evaluated by Joint FAO/WHO Expert Committee on Food Additives (JECFA) to have significant toxicological concern, would not be included in the proposed

amendment.

8. Mr. CHU pointed out that the existing permitted level for benzoic acid in fruit juice (800 ppm) and water-based flavoured drinks (160 ppm) would be maintained in the proposed amendment. This was because Note 122 of Codex GSFA stated that the maximum level of benzoates in fruit juice should be subject to national legislation of the importing country and the maximum level of benzoates in water-based flavoured drinks was an interim level, to be reviewed next year.
9. The Chairman supplemented that after taking into consideration of the result of a risk assessment study on “Dietary Exposure to Benzoic Acid from Prepackaged Non-alcoholic Beverages of Secondary School Students” completed recently by CFS, CFS decided to maintain the existing regulatory standards for benzoic acid in fruit juice and water-based flavoured drinks in the new Regulations as an interim measure for the time being.

Agenda Item 4

Guidelines (Food Category Descriptors) to the Trade

10. Mr. CHU presented the draft guidelines to the trade which was made reference to the Codex’s Food Category Descriptors. He invited the trade to download the said document from CFS’s website and study the document carefully. He welcomed comments from the trade on the document.
11. The Chairman revealed that the proposed Food Category Descriptors to the trade in the form of guidelines could be admissible as evidence in court proceedings subject to clearance of Department of Justice. [Post-meeting note: the guidelines would not be admissible as evidence in court proceedings.]

Agenda Item 5

Discussion on the proposed amendment

12. One trade representative wished to know how many new preservatives / antioxidants other than DMDC would be included in the new Regulations and the impact to those foods with permitted levels lowered after adopting the Codex’s standards.

13. The Chairman replied that the proposed amendment would allow the use of 11 additional preservatives and antioxidants, including DMDC. The proposed amendments were in general a relaxation of requirements, since the trade would be allowed to use a wider range of preservatives and antioxidants in a broader range of food items. Meanwhile, the comparison between standards of the proposed amendment and the existing regulation was also available in CFS's website.
14. One trade representative queried about the proposed level of sulphur dioxide (40 ppm) in brown sugar (赤沙糖), which was lower than the existing level (70 ppm). He claimed that since brown sugar was a by-product of white sugar (plantation white sugar), its residual sulphur dioxide level was inevitably higher than that of in white sugar. According to the China's standard (GB 13104-2005), the residual sulphur dioxide level in white sugar and brown sugar should not exceed 30 ppm and 70 ppm respectively.
15. Mr. CHU replied that the maximum level of sulphites in brown sugar (40 ppm) in the GSFA (Food Category No.112) was adopted in the proposed amendment, unless there were strong justifications to adopt a different standard. He also reported that there were 33 sugar samples of Chinese origin taken for detection of sulphur dioxide in the past few years. Only 1 sample were detected with the presence of sulphur dioxide exceeding 70 ppm. In response to the trade enquiry, CFS had taken 9 brown sugar samples for analysis recently. The result revealed that one sample failed with sulphur dioxide level of 190 ppm.
16. Mr. F.W. LEE replied to the trade representative that the detection limit in the testing of sulphur dioxide conducted by Government Laboratory was 10 ppm.
17. The Chairman invited the trade representative to provide technical information in connection with the manufacture of brown sugar as well as other overseas regulatory information for consideration.
18. One trade representative concerned about the responsibility of importer over the manufacturer in compliance with the labelling requirements

when the new Regulations came into effect.

19. Ms. S.C. CHEUNG replied that any food products intended for sale for human consumption should comply with the labelling requirements stipulated in the Food and Drugs (Composition and Labelling) Regulations and other relevant food regulations, including the Preservatives in Food Regulations. The Chairman remarked that the trade had obligation to inform the manufacturer of the proposed regulatory changes.
20. The trade representative further enquired whether food supplement would be controlled under the new Regulations or not.
21. The Chairman replied that any food products intended for human consumption and were not considered by Department of Health (DH) as pharmaceutical products or Chinese medicinal products would be subject to control by the Regulations. These food products should not be allowed to contain any preservatives / antioxidants if the said products could not fit into an appropriate food category in the food category system of the new Regulations.
22. One trade representative enquired the reason why Codex Food Category No. 16 for “Composite foods” (those foods that could not be placed in other food categories) was not included in the proposed amendments.
23. Mr. CHU replied that the carry-over principle for preservatives and antioxidants in the compounded food had already existed in the existing legislative provisions. The Chairman emphasized that from risk assessment perspective, there would have risk of over-consumption of preservatives / antioxidants in the food by the consumers if same food category was maintained in the proposed amendments.
24. One trade representative enquired about use of vitamin E in fish oil products as an antioxidant and wondered about the control of these health products by DH instead of under the Regulations.
25. Mr. CHU replied that tocopherols was not regulated as antioxidant in the existing regulation and the proposed amendments. However, the trade

had to declare its functional use as an antioxidant in the label if the function of tocopherols was antioxidant.

26. The Chairman further explained that if DH considered that the health products were pharmaceutical products or Chinese medicinal products and should be controlled by them, these products would not be controlled by the food legislations under Cap.132.
27. One trade representative enquired that should the tocopherols (INS No. 306) be considered as a permitted antioxidant in the positive list system of the proposed amendments.
28. Mr. CHU replied that under the existing regulation, some preservatives/antioxidants (e.g. sulphur dioxide, benzoic acid and sorbic acid) were defined as preservatives/antioxidants and some (e.g. acetic acid, tocopherols, etc.) were not considered to be preservatives or antioxidants and were not regulated by the Preservatives in Food Regulations. Though the use of the later group of substances e.g. tocopherols in food was not controlled by the Regulations, the manufacturers had the responsibility to ensure that the food so produced was fit for human consumption. The Chairman added that CFS would explore, where appropriate, in the new Regulations to requesting the trade to adopt Good Manufacturing Practice condition in the use of this group of substances.
29. One trade representative wanted to clarify the permitted level of sulphur dioxide in raisin with other dried fruits in the new Regulations.
30. Mr. CHU confirmed that raisin was a dry fruit and the permitted level of sulphur dioxide for use in raisin would follow the Codex GSFA and should be 1500 ppm as highlighted in the Food Category No.4.3.4.
31. One trade representative enquired whether CFS would follow CAC in updating the Codex GSFA every year.
32. The Chairman replied that CFS had to work according to the work priorities and might take some time to revise the standards accordingly.

A.O.B.

33. The Chairman invited the trade to study the subject documents in CFS's website and to give opinion as soon as possible. The proposed guidelines would be discussed with the trade later while the date of submission of the proposed amendments to Legislative Council was not yet fixed, but tentatively within this year.

Adjournment

34. There being no other business, the meeting was adjourned at 4:15pm.

Risk Assessment Section

FEHD/CFS 8/10/11/2/5