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Hong Kong

Food and Agricultural Import Regulations and Standards

FAIRS UPDATE – HK to go Nutrition Labeling

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Report Highlights:

The Hong Kong government intends to implement mandatory nutrition labeling for pre-packaged foods by 2010. Some differences exist between current U.S. nutrition labeling requirements and Hong Kong's proposed rule. As this new rule may impact exporters who sell prepackaged foods to Hong Kong, they are strongly encouraged to review Hong Kong's proposal and submit comments before the end of the consultation period, which is January 31, 2004.

Includes PSD Changes: No
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Summary

The Hong Kong government intends to implement mandatory nutrition labeling for prepackaged food products in two phases.

Phase One Food suppliers who choose on a voluntary basis to carry nutrient-related claims on their prepackaged food products will be required to follow the prescribed set of nutrition labeling requirements stipulated in Hong Kong's proposed legislation.

Phase Two All prepackaged food products are required to have nutrition labeling, except for those exempted from the requirements.

A two-year grace period will be allowed for phase one implementation after the enactment of the legislation. Phase two will be implemented three years after the full implementation of phase one. In other words, U.S. exporters who have been providing nutrient-related claims on their export products to Hong Kong will be required to change the nutrition labeling according to Hong Kong's requirements as soon as the two-year grace period lapses.

Differences exist between the U.S. and Hong Kong nutrition labeling requirements. The proposed rule makes close reference to the Codex system. Nutrient amounts must be provided in absolute amount per 100 g or 100 ml.

U.S. exporters are encouraged to review the proposed Hong Kong requirements and make necessary preparations. Meanwhile, the Hong Kong government has launched a public consultation period on its nutrition labeling proposal until January 31, 2004. If U.S. exporters/trade associations have any comments on the proposal, Agricultural Trade Office, Hong Kong, can assist in relaying the comments to the Hong Kong government.

Background

Currently, Hong Kong does not have any labeling requirements on nutrition. Food products are allowed to provide nutrient-related claims in whatever format. U.S. products, therefore, can be exported to Hong Kong with U.S. nutrition labeling specifications. However, Hong Kong's food labeling regulation, which is applied for prepackaged foods, requires the following information on the packaging.

- Name of the food
- List of Ingredients
- Indication of "best before" or "use by" date
- Statement of Special Conditions for Storage or Instruction for Use
- Name and Address of Manufacturer or Packer
- Count, Weight or Volume

The marking or labeling of prepackaged food can be in either the English or the Chinese language (Hong Kong government accepts both simplified or complicated characters) or in both languages. However, if both the English and Chinese languages are used in the labeling or marking of pre-packaged food, the name of food and the list of ingredients shall appear in both languages.

For more information on Hong Kong labeling requirements, please refer to Gain Report#HK3024.

The Proposal on Nutrition Labeling

Reasons for Introducing Nutrition Labeling

In view of the fact that food nutrition has a significant impact on public health, the Hong Kong government plans to introduce nutrition labeling. The new measure aims to achieve three primary objectives: 1) facilitate consumers to make healthy food choices; 2) encourage food manufacturers to apply sound nutrition principles in the formulation of foods which would benefit public healthy and 3) regulate misleading or deceptive labels and claims.

Products Covered

In phase one, prepackaged food products may choose to provide nutrition labeling voluntarily, however, the format has to follow Hong Kong's requirements. In phase two, all prepackaged food products must have nutrition labeling with the following exemptions:

- Prepackaged drinks with an alcoholic strength by volume of more than 1.2 percent;
- Prepackaged food sold at a catering establishment for immediate consumption;
- Individually wrapped confectionery products;
- Individually wrapped preserved fruits;
- Prepackaged food packed in a container of which the aggregated surface area is less than 100cm²;
- Fresh fruit and fresh vegetables;
- Spring water, mineral water, carbonated water to which no ingredient other than carbon dioxide has been added;
- Vinegar which is derived by fermentation exclusively from a single basic product;
- Flavorings;
- Raw meat, poultry (except when ground), fish and seafood; and
- Raw prepackaged ready-to-cook dishes.

Similar to the scope covered by the Codex guidelines on nutrition labeling, the proposed scheme would not be applicable to infant/follow-up formulae, foods for infants and young children, and other foods for special dietary uses.

Formula and baby food for children over three years old will be subject to the new regulation.

Nutrients Labeled

According to the proposal, a nutrition label should list out the contents of energy plus nine core nutrients namely protein, available carbohydrate (i.e. carbohydrate excluding dietary fiber); total fat; saturated fat; cholesterol; sugars; sodium; dietary fiber; and calcium. Other nutrients may also be listed on the nutrition label voluntarily. For vitamins and minerals, they must be present in amounts greater than 5 percent of the NRV (Nutrient Reference Values) per 100 g or per 100 ml, if declaration is being made. Hong Kong intends to establish a set of NRVs by making reference to those recommended by Codex and other countries.

Nutrient Amount Expression

Energy/nutrients have to be expressed in either of the following manner:

- In absolute amount in kilocalories/metric unit per 100 g (or per 100 ml) of food; and/or

- In absolute amount in kilocalories/metric unit per package, if the package contains only a portion.

Nutrient-related Claims

Nutrient-related claims refer to nutrient content claims, nutrient comparative claims or nutrient function claims. The proposal allows claims relating to energy, protein, carbohydrate, fat and components thereof, cholesterol, sugars, dietary fiber and sodium, plus vitamins and minerals for which NRVs have been set for nutrition labeling purposes, and those meeting the Codex's principles and conditions for making such claims. The regulation covering nutrient-related claims is proposed to make close reference to the Codex system.

Time Frame

The consultation period for the proposed labeling system already commenced and will end on January 31, 2004. The Hong Kong government will consider submitted comments and modify the proposal as necessary. It intends to enact the legislation in 2005.

The proposal suggested a two-year grace period before implementing phase one of the proposed labeling scheme. The phase two proposal would be implemented three years after the implementation of phase one. In other words, Hong Kong would implement mandatory nutrition labeling in 2010, i.e. five years after the enactment of the relevant legislation in 2005.

Implications on U.S. Exporters

In the United States, nutrition labeling is mandatory for most foods. Under the label's "Nutrition Facts" panel, manufacturers are required to provide information on fourteen core components, namely, total calories, calories from fat, total fat, saturated fat, cholesterol, sodium, total carbohydrate, dietary fiber, sugars, protein, vitamin A, vitamin C, calcium and iron (trans fat will be added to the core list in 2006 making the number of nutrients on the list to fifteen). This list already encompasses the required components listed under Hong Kong's nutrition labeling proposal. However, there are some areas that U.S. exporters may want to note, as differences between the U.S. and the Hong Kong systems do exist.

- 1) U.S. food products have to provide absolute amount of nutrients per serving. Products sold in Hong Kong, according to the proposal, have to provide absolute amount of nutrients per 100 g or 100 ml.
- 2) The requirements for labeling "daily allowance" guidelines are different between United States and Hong Kong. Hong Kong will establish a list of local NRVs for nutrition labeling purposes by making reference from the Codex list and other countries. Then, energy/nutrients may be expressed either in absolute amount in kilocalories/metric unit per serving; or in terms of percentages of the local NRVs per 100 g or per serving. Conversely, in the United States, all nutrients must be declared as percentages of the Daily Values. Though the proposed Hong Kong nutrition labeling scheme does not make the stating of "daily allowance" compulsory at this moment, if manufacturers choose to label such information for the Hong Kong market, it has to be done according to the set format.
- 3) While the United States has very stringent restrictions on nutrient content claims, the requirements in Hong Kong will follow Codex principles and guidelines in this area. U.S. exporters will need to pay close attention to the Hong Kong regulation before making claims on the packaging foods intended for the Hong Kong market.

- 4) Regarding language, the labeling can be in either English or Chinese (both simplified and complicated characters are acceptable). However, if some markings are labeled bilingually, nutrition labeling must be done this way as well.
- 5) Although there are two years of grace period after the enactment of nutrition labeling regulation, products that voluntarily provide nutrition information during the grace period must be labeled according to the set format. In other words, U.S. products already with U.S. nutrition labels on the packaging have to undergo some packaging modifications for the Hong Kong market right after the enactment of the regulation. For labeling purposes, Hong Kong government accepts stickers on the packaging.
- 6) According to the proposed legislation, certain products are exempted from upcoming nutrition labeling. If exempted products coming from the United States already carry nutrition information in the U.S. format, the information has to be either covered up with a sticker or revised in a format complying to the Hong Kong standard. (Since the proposed nutrition labeling is not applicable for infant/follow-up formulae, foods for infants and young children, and other foods for special dietary uses, such products do not have to comply with the enacted nutrition labeling regulation in the future. In other words, these U.S. products with U.S. nutrition labeling format can still be sold in the Hong Kong market without accommodating to the Hong Kong nutrition labeling requirements.)

Conclusion

Currently, the Hong Kong government is conducting a public consultation period on the proposed nutrition labeling scheme. Both support and opposition voices are heard. A legislator, who represents the catering industry, opined mandatory nutrition labeling would discourage food manufacturers from exporting to Hong Kong, which would undermine consumer choice. Another legislator viewed that the proposal should not fix a time for the scheme without considering the technical difficulties faced by food manufacturers. However, there are voices advocating for earlier implementation of mandatory nutrition labeling and inclusion of infant formula and foods for young children. A legislator has moved a motion for discussion in the upcoming Legislative Council meeting. The motion reads:

"That this Council urges the Government to expeditiously introduce a mandatory labeling scheme on nutrition information for prepackaged food and draw up a legislative timetable to implement, in three years' time, the first and second phases of the scheme as proposed in the consultation paper, so as to facilitate consumers in choosing foods that are beneficial to health; besides, as the international community has not yet arrived at a consensus on how to regulate foods for infants and foods prepared for people with special dietary needs, this Council also asks the Government to carry out a study as soon as possible, to explore the feasibility of including these food products in the scheme."

The Hong Kong government conducted an open forum in mid-December to solicit views from the public regarding the nutrition labeling proposal. There were opposition voices from the audience. Retailers indicated that some overseas exporters would withdraw supplies because Hong Kong market is not big enough for them to have the incentive to accommodate all the packaging changes as a result of the nutrition labeling regulation. Also, opposition arguments included increased cost burden. Nonetheless, there has been strong and wide support for the proposed nutrition labeling scheme among health care professionals, nutritionists, consumers, etc.

It is very likely that Hong Kong will be introducing a nutrition labeling system in the future. However, the Hong Kong government officials advise that the proposal is a guideline and comments are welcome.

In view of the possible impact of Hong Kong's labeling regulation on U.S. food exports to Hong Kong, U.S. exporters are strongly encouraged to look into the proposed changes and submit their comments to the Hong Kong government during the consultation period. The Hong Kong government reiterates that the proposal is open to comments and suggestions. For example, the proposal does not specify how to label core nutrients existing in insignificant amount. In the United States, certain nutrients may be summarized in a sentence instead of showing "0 g" on the "Nutrition Facts" label. U.S. exporters are encouraged to submit their views on the new proposed regulation.

All submissions can be made to the Hong Kong Agricultural Trade Office at ATOHongKong@usda.gov by the end of January 2004. A copy of the public consultation documents can be downloaded from <http://www.hwfb.gov.hk>.