

1 Attachment



2023_0824_Ltr to CFS - Food Regulation (Cap 132BD).pdf

Centre for Food Safety
Food and Environmental Hygiene Department

Dear Sir/Madam,

The captioned public consultation refers. The Consumer Council is pleased to submit its views for Centre for Food Safety's consideration.

Should you have any queries on the issue, please feel free to contact Ms. Angel CHEUNG, Chief Research & Survey Officer via email: _____ or at tel: _____.

Yours faithfully,

Gilly WONG
Chief Executive
Consumer Council



消費者委員會 CONSUMER COUNCIL

電話總機：
圖文傳真：
電子郵箱：
網址：www.consumer.org.hk

Main Exchange：
Fax：
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Centre for Food Safety
Food and Environmental Hygiene Department

By Email & Post:

Dear Sir/Madam,

**Re: Public Consultation on Proposed Amendments
to the Preservatives in Food Regulation (Cap. 132BD)**

The captioned public consultation refers. The Consumer Council is pleased to submit its views for Centre for Food Safety's consideration.

Should you have any queries on the issue, please feel free to contact Ms. Angel CHEUNG, Chief Research & Survey Officer via email: or at tel:

Yours faithfully,

Gilly WONG
Chief Executive
Consumer Council

Encl.

Submission to Public Consultation on Proposed Amendments to the Preservatives in Food Regulation (Cap. 132BD)

The Consumer Council (the Council) is pleased to provide views concerning the Public Consultation from the Centre for Food Safety (CFS) regarding the proposed amendments to the Preservatives in Food Regulation (Cap. 132BD) (the Regulation):

1. Food Safety has been one of the key pillars in the Council's work on consumer protection and product safety testing. For many years, the Council has been working closely with CFS on the food product testing and imposing more stringent requirements on food safety to safeguard consumers.
2. The Council supports the proposed amendments to the Regulation by enhancing the control over food preservatives and to maintain local standards of preservatives and antioxidants in food on par with international standards.

Preservatives and Antioxidants

3. Preservatives and Antioxidants are major classes of food additives essential to prolong the shelf-life of food products.
4. The proposed definitions of the term "preservative" and "antioxidant" do align with the descriptions under the Codex Alimentarius Commission (Codex) and will provide a clearer definition of the terms.
5. The introduction of 29 new additives as permitted preservatives / antioxidants will help to grant flexibility for traders and food manufacturers in producing new products. 20 out of the 29 new additives were already listed as GMP additives under Codex General Standard for Food Additives (GSFA). Therefore, the proposed amendment should not have any great impact on current traders.

Preservative Findings in Previous Works

6. Preservatives were detected in considerable amounts in a wide range of food products among some of the Council's previous food testing projects. Some products contained amounts exceeding the current regulatory stipulations, while in other samples the preservative(s) detected was/were not listed in their ingredient list. Below is the summary of the Council's key findings from food safety projects over the past 5 years:

Vegetarian Meat (2019 August Edition of CHOICE)

Among 35 tested vegetarian meat samples, 6 were detected with preservatives, of which 3 were detected with benzoic acid while the remaining 3 samples were detected with sorbic acid which is not permitted for use in soy protein powder and its mixture under the current Regulation. Among those 3 samples containing sorbic acid, 1 was labelled with "no preservative" claim on its packaging.

Cheese (2021 May Edition of CHOICE)

Among 40 tested pre-packaged cheese samples, 45% (18 samples) were found to

contain benzoic acid, 2 samples contained propionic acid, and 9 samples had sorbic acid. Furthermore, 2 samples of prepackaged cheese did not indicate on their packaging the presence of propionic acid and sorbic acid, although it was not possible to determine whether the preservatives were artificially added or had occurred naturally.

Dried fruit (2021 August Edition of CHOICE)

4 dried cranberries samples were detected with benzoic acid, the levels ranging from 77.37 mg/kg to 189.46 mg/kg, lower than the maximum permitted level (800mg/kg) in dried fruit as laid out in the Preservatives in Food Regulation. However, all 4 samples did not specify the relevant preservative in the ingredients list.

Biscuits (2021 October Edition of CHOICE)

Among 60 pre-packaged biscuit samples, 8 were detected with preservatives and/or antioxidants, in which 5 samples did not list out such ingredients in their labels.

Ham and turkey slices (2021 December Edition of CHOICE)

Amongst the 30 tested samples, 7 were detected with nitrate and 1 with nitrite, while another 22 were found to contain both nitrate and nitrite. The detected amounts of nitrate ranged from 1.78 mg/kg to 18.3 mg/kg, a difference of 9 times, while that for nitrite ranged from 0.423 mg/kg to 33.2 mg/kg, a difference of 77 times. Although all levels did not exceed the legal limit, 2 samples of ham did not specify the relevant contents in the ingredients list; and another 2 turkey slice samples prominently displayed “no nitrates or nitrites” or “no nitrates or nitrites added” claims on their packaging. Moreover, 4 other samples displayed claims of “no nitrates or nitrites added” but nitrates or nitrites were found in the ingredient list of the samples.

Meat Ball (2022 January Edition of CHOICE)

9 meatball samples were detected with sorbic acid, benzoic acid or sodium nitrite. 4 of these samples contained sorbic acid, with the highest amount being 303 mg/kg in 1 sample of beef balls. However, sorbic acid is not allowed to be used in beef balls according to the Preservatives in Food Regulation.

Fish oil supplement (2022 November Edition of CHOICE)

1 sample was detected with 430.6 mg/kg of butylated hydroxytoluene (BHT), higher than the permitted level of 200 mg/kg as set out in the Preservatives in Food Regulation.

Dried edible fungi (2023 February Edition of CHOICE)

Sulphur dioxide was detected in 2 samples. Although the levels did not exceed the permitted upper limit stipulated in the Preservatives in Food Regulation, the information was not included in the list of ingredients according to the Food and Drugs (Composition and Labelling) Regulation.

Dried meat snack (2023 March Edition of CHOICE)

7 samples were detected with benzoic acid but there was no information in their list of ingredients. 2 beef jerky samples were detected with highest level of sorbic

acid, which were 1,710mg/kg and 1,870mg/kg respectively. These levels are believed to have been directly added to the products and did not originate from other ingredients.

Preserved vegetable (2023 July Edition of CHOICE)

Sulphur dioxide was detected in 2 gherkin samples, while sorbic acid or benzoic acid was detected in 8 samples. All samples had met the stipulations of the Preservatives in Food Regulation. However, 2 samples contained no preservative information in their list of ingredients in accordance with the Food and Drugs (Composition and Labelling) Regulations.

Suggestions from the Council

7. From previous studies, it was found that preservatives were detected in food products at various levels but it was uncertain whether they were naturally occurring or intentionally added by manufacturers. In the Regulation, no benchmark or reference level has been set for preservatives that occur naturally in food. The Council suggests that maximum levels for naturally occurring preservatives in different food products shall be set as a benchmark for the industry to follow.
8. As revealed by the Council's previous food testing projects, from time to time there were food products in the market that failed to meet the stipulations in the Regulation. Therefore, the Council opines that the Government has to step up food surveillance programmes on preservative test to safeguard the interests of consumers.
9. Currently, Colouring Matter in Food Regulations (Cap. 132H) sets out the permitted coloring matter without specifying the food categories or the maximum permitted level except that no colouring matter is permitted to be added to meat, game, poultry, fish, fruit or vegetable in a raw and unprocessed state. The Council is aware that Codex GSFA, European union, and the Mainland have already set out the maximum permitted level for specific colouring matter based on specified food categories. To protect public health and keep up with international standards, the Council suggests that the Government is to consider a review and tighten the control of food colourants.
10. On top of amendments to the existing food regulations, the Council looks forward to having more consumer education programmes on food safety and enhancement in local food supply chain control to further safeguard the consumers in Hong Kong.
11. Apart from food safety, sustainability in food production is another critical issue in the worldwide. While Hong Kong has been heavily relying on imported food from different parts of the world, the Government shall establish a close relationship with the Greater Bay Area (GBA) on food production and food safety, not only to reduce the carbon footprint associated with the transportation of food but also help to maintain a more stable food price and food supply due to the high transportation and logistics cost.

Conclusion

12. The Council supports the Government's initiatives to review and update by phases the food safety legislation relating to additives in food to further enhance food safety and believes that it is important to align local regulations with international standards to allow the smooth importing of food products from different regions in the world.

13. One of the initiatives set out in the Policy Measures of the Chief Executive's 2022 Policy Address is to review and update by phases the food safety legislation relating to additives in food to further enhance food safety. Apart from the Preservatives in Food Regulation, the Council looks forward to a timeline on the different phases in regulatory update for food safety.

August 2023
Consumer Council