

1 Attachment



Consultation Submission_Wyeth (HK) Holding Company Limited.pdf

Dear Sir/ Madam,

In response to the Public Consultation of the Proposed Amendments to the Preservatives in Food Regulation (Cap. 132BD), I am writing on behalf of Wyeth (Hong Kong) Holding Company 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,

Michelle Fung

Assistant Manager, Corporate Affairs and Sustainability

Wyeth (Hong Kong) Holding Company Limited

BY EMAIL

Centre for Food Safety
Food and Environmental Hygiene Department

Dear Sir / Madam,

**SUBMISSION IN RESPONSE TO PUBLIC CONSULTATION OF
Proposed Amendments to the Preservatives in Food Regulation (Cap. 132BD)**

Wyeth (Hong Kong) Holding Company Limited (“Wyeth Nutrition”), a leading nutrition company in Hong Kong supplying quality nutrition products, welcomes the Centre for Food Safety (“CFS”)’s direction in taking extra steps to protect public health which we share the same goal.

In response to the Public Consultation of Proposed Amendments to the Preservatives in Food Regulation (Cap. 132BD) (“Proposed Amendments”) released in May 2023, Wyeth Nutrition would like to put forward our views in this submission for CFS’s consideration.

(1) It is proposed to add a food category, Food Supplement, to the revised list of maximum permitted levels for Preservatives and Antioxidants in Food in accordance with the Codex Alimentarius Commission (CODEX) standards

The aging population in Hong Kong is becoming more serious, and the number of people with special dietary needs, such as pregnant woman, infant, and some other specific diseases that required to have food supplement, including oral nutritional supplements or metabolic products, products that can be fed orally or catheterized etc.^{1,2} Special medical foods or food supplements are commonly used in different healthcare facilities, including hospitals, nursing homes or communities, the demand is huge and increasing³.

Food supplements meet the definition of food under Cap. 132 and prepackaged food under Cap. 132W of the Hong Kong Labelling Ordinance and are subject to food-related regulations. Antioxidants such as tocopherols (INS307a, b, c) and ascorbate (INS304), which are commonly used in dietary supplements, will be changed from ingredient not included in the definition of "antioxidants" in the current legislation to the proposed amended list of permitted preservatives/antioxidants. Which will

¹ General standard for the labelling of and claims for prepackaged foods for special dietary uses. CODEX STAN 146-1985. Available at : [Standards | CODEXALIMENTARIUS FAO-WHO](#)

² Foods for Special Dietary Uses (FSDU) and Front of Pack Nutrition Labelling (FOPNL), International Special Dietary Foods Industries, October 2022. Available at [NutritionLabelling_EN.pdf \(isdi.org\)](#).

³ *Food for Special Medical Purpose (FSMP) market trends 2023-2030 (2023) MarketWatch*. Available at: <https://www.marketwatch.com/press-release/food-for-special-medical-purpose-fsmp-market-trends-2023-2030-2023-05-16> (Accessed: 26 July 2023).

therefore become antioxidants subject to the Amendment Ordinance. However, the permitted list of proposed amendments does not cover food supplement. Therefore, after the proposed amendment comes to effective, food supplement containing antioxidants/preservatives will not be able to import or sell in Hong Kong. This will seriously affect the rights and needs of patients and those in need and will not be fully in line with international standards, contrary to the original intention of legislation to protect consumers.

On the other hand, food supplement products (such as fish oil products) had been tested under the surveillance test program (including contaminants, nutritional table rules). In which the fish oil supplement is being tested as classified as food in Cap 132. At the same time, this category of food will not be regulated in the amended CAP 132BD.

It thus proposed to add a food category, Food Supplement, to the revised list of maximum permitted levels for Preservatives and Antioxidants in Food in accordance with the Codex Alimentarius Commission (CODEX) standards.

(2) Clarify the range of food additives covered in the 132BD proposed amendment

To most trade's understanding as per the existing Cap. 132BD legislation as well as the proposed amendments and some of its public consultation meetings that the proposed amendments only regulate preservatives and antioxidants, even if additives in the permitted list, rather than as non-preservatives and antioxidant functions, do not fall into the scope of the legislation and the proposed amendments. However, at the technical meeting on 23 August 2023 and trade forum on 20 September 2023, CFS mentioned that no matter what the technical function of those listed additives is, shall comply with the maximum permit level in the proposed amendments.

If additives other than preservatives and antioxidants need to be regulated under the CAP 132BD, it is advised to add this clause or requirement clearly to the Proposed Amendment.

(3) Provide sufficient grace period for the trade to allow for formula adjustments, minimize unnecessary waste and ensure that consumer supply is not affected

The proposed amendment document provides that the amendment regulation will be introduced into the Legislative Council in late 2023 or early 2024, with an 18-month transitional period after its passage. As this amendment involves the regulation and placement of a large number of antioxidants and preservatives currently commonly used internationally in the "Permitted List", and at the same time changes a large number of relevant maximum permitted content, there are many affected products that need to change labels and formulas, and the 18-month transition period is obviously not enough to replace the formula design, product trial production, stability and shelf life testing, label design, label and packaging material production of products being produced or sold before the consumption deadline.

The antioxidants and preservatives involved in such products currently available in the market without safety risk and there is no urgency to change or ban them, and the Proposed Amendment only mentions the updated standards is according to the Codex Alimentarius Commission standards supplemented by the standards of the Mainland and other major food trading partners, but does not specify the criteria on which those changes are based, which greatly increases the time and difficulty of the assessment.

The Proposed Amendment will affect the ingredient list and related claims of packaging, which involves many product packaging label modifications, raw material replacements and even product formula modification and harmonization between countries as shared formula, etc., and the process involves coordination with different manufacturers and suppliers around the world. Product formula renovation needed verification, so product trials and trial production will take a long time. As some of the affected products have a valid shelf life of two years or more, Wyeth Nutrition strongly recommends that the Proposed Amendment should come into effect 36 months after the amendment regulation after gazette, which will not only reduce the unnecessary waste of a large amount of food and packaging materials caused by the amendment of the Ordinance, but also provide sufficient and reasonable grace period to allow the industry sufficient time to prepare for the latest requirements, smooth market transition and protect the rights and interests of consumers.

In addition, given that the provisions of the labelling requirements are scheduled to come into effect on 1 June 2023 and 1 December 2023 respectively after the earlier Gazette of the Hazardous Substances in Food (Amendment) Regulation 2021 (the "Amendment Regulation"), the industry has invested a lot of resources to review and have just completed the formulation and labelling changes, and if the transition period for this amendment is only 18 months, it is not sufficient to cause unnecessary waste of the newly updated product after it is sold out in the market, which is not necessary.

Finally, Wyeth Nutrition reiterates that the Centre for Food Safety should ensure that its food safety standards and regulations are in line with international standards to safeguard food safety and consumer health, while maintaining the smooth operation of the market and providing safe food to consumers with the industry. It will be grateful if CFS would take our recommendations into positive consideration.

Yours faithfully,

Wyeth (Hong Kong) Holding Company Limited