

1 Attachment



RE Proposed Amendments to Cap. 132BD (Vitasoy).pdf

Dear Sir/Madam,

I am writing in response to the proposed amendments to the Preservatives in Food Regulation (Cap. 132BD). Please refer to attached letter for detail.

Thanks for your attention.

Best regards,
Aya Cheung

19th Jul, 2023

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

Dear Food and Environmental Hygiene Department,

Thanks for arranging and involving us for the *Public Consultation Forums on Proposed Amendments to the Preservatives in Food Regulation (Cap. 132BD)* on 9 Jun and the online video conferencing on 29 June. The consultation forums provided the necessary information for trades and related stakeholders to understand the background, principles and backbone of proposed amendment to the Preservatives in Food Regulation (Cap. 132BD). Therefore, I am writing in response to proposed amendments to the Preservatives in Food Regulation (Cap. 132BD).

Firstly, the redefining preservative and anti-oxidant would cause relabeling of existing pre-packed food. Ingredients which current defined to exclude from preservative and anti-oxidant (Section 1.4.2, 2008 amendment version) are proposed to move to *the List of Permitted Preservatives and Antioxidant as well as their Alternative Form* (Annex III, 2023 proposed version), which lead to relabeling. This would require extra labor work cost or professional for supporting relabeling and redefining the function of ingredient. Furthermore, additional cost to write-off mislabeled product may be possible, which would create burden and challenge to trade. Regard to above issue, it is suggested to further review another food regulation, e.g. Cap. 132W in this case, if necessary. In addition, more technical guideline would be required to reduce trade's burden.

Secondly, relabeling involve redefining function class of ingredient on label as abovementioned, which cause difficulty for trade to follow. According to currently valid *Cap. 132W Food and Drug (composition and Labelling) Regulation*, any ingredient act as additive constituting one of the ingredients of a food shall be listed by its functional class and its specific name or INS number with or without "E" or "e" [*Cap. 132W Food and Drug (composition and Labelling) Regulation* Schedule 3, 2(5)]. When trade decide the functional class of ingredient would usually refer to current guideline "The Consumer Guide to Food Additives", where this consumer guide is rather outdated and did not follow the currently Codex food additive. In addition, functional class of additive for the purpose of subsection (5) are specified to 23 types [*Cap. 132W Food and Drug (composition and Labelling) Regulation* Schedule 3, 2(6)]. Regard to above concerns, it is suggested to further review and timely update on currently guideline "The Consumer Guide to Food Additives".

Thirdly, defining preservative and anti-oxidant lead to duo- or trio- role of the ingredient when act as food additives, it may further affect the product claim related to preservative such as "no added preservative" claim or related. For example, citric acid will become preservative and anti- oxidant in the proposed amendment. While trade used citric acid as acidity regulator or emulsifying agent, accordingly to "The Consumer Guide to Food Additives", consumer may consider citric acid is kind of antioxidant/preservative and violate

the claim of “no added preservative” or related because of its duo-role of antioxidant. Regard to this concerns, it is suggested that to provide guideline and education to consumer that claim related to preservative free, e.g. “no added preservative” should align with what it is declared as its functional class in ingredient list.

Finally, the proposed 18 months transitional period is rather too short for trade to sell-out the current complied product. FEHD will scheduled the enactment of the amended legislation on early 2024, since the product that containing preservative already have a long shelf-life such as 18-24 months, 18 months transitional period is too short for trade to re-label and sell-out existing product in the market. Any product without proper labelled after the transition period, but still in its shelf-life period and not yet sell-out may violate the proposed regulation and eventually need to write-off. Those write-off reason without safety issue lead to food waste, which violate against food waste reduction, one of the sustainable development goal, which set by United Nation/WHO, the 2030 Agenda for sustainable development. To tackle this issue, it was suggested to extend the transitional period from 18 months to 24 months or more.

In conclusion, because of the great amount of comments for the proposed amendment to the Preservatives in Food Regulation (Cap. 132BD), it is suggested that FEHD would open second or even third phase of public consultation forum to further narrow down the gap between FEHD and trade understanding. In each public consultation forum, it would be also good for trade to know the previously comments, which would help trade to understand more about FEHD thought and easier for alignment.

Thanks for your time and attention.

For and on behalf of
Vitasoy International Holdings Limited

Aya Cheung
Group Assistant Manager, Regulatory Affairs