



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF HEALTH
BUREAU OF FOOD AND DRUGS
Civic Drive, Filinvest Corporate City
Alabang, Muntinlupa City



2 August 2004

BUREAU CIRCULAR

No. // s. 2004

TO : ALL BFAD DIVISION CHIEFS
ALL FOOD MANUFACTURERS, EXPORTERS,
DISTRIBUTORS AND OTHER CONCERNED

SUBJECT : Food and Drugs (Composition and Labeling Amendment)
Regulation 2004 issued by Hongkong Food and
Environmental Hygiene Department

Attached for information and guidance is a copy of a letter from Bureau of Export Trade Promotion regarding the communication from Ms. Cheung Sui-chun, Director of Food and Environmental Hygiene Department, Queensway, Hongkong on the Food and Drugs (Composition and Labeling Amendment) Regulation 2004 which took effect on 9 July 2004.

Dissemination of the information to all concerned is desired.

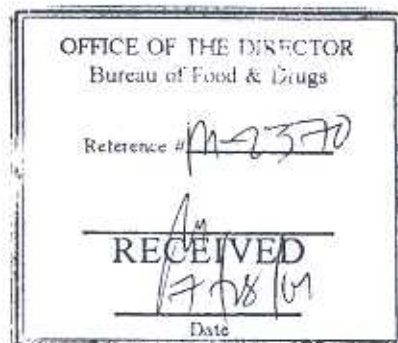

PROF. LETICIA BARBARA B. GUTIERREZ, M.S.
Director IV



**BUREAU OF
EXPORT TRADE
PROMOTION**

19 July 2004

Ref.: FOOD/pcb#32-07-2004



Prof. Leticia-Barbara B. Gutierrez, M.S.
Director
BUREAU OF FOOD AND DRUGS
Alabang, Muntinlupa, Metro Manila

Dear Director Gutierrez:

We refer to the attached letter of Ms. Cheung Sui-chun, Food and Environmental Hygiene Department, Queensway, Hong Kong furnishing a copy of the Amendment Regulation 2004, on the HKSAR Food and Drugs (Composition and Labelling) Regulation which took effect on 9 July 2004.

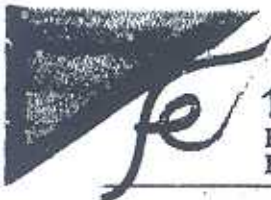
The information was transmitted to this Office by Ms. Carmela P. Panes, Philippine Trade and Investment Promotion Office, Hong Kong.

We would appreciate if you could disseminate the information to your industry network.

Very truly yours,


MA. TERESA D. REGINIO
Assistant Director

Encl.: a/s



本署檔號 Our Ref: (66) FEHD/FPH 3/10/55/1 II
來函檔號 Your Ref:

14 May 2004

Consul-General
Consulate General of Philippines
Room 602, 6 floor
United Centre
95 Queensway
Admiralty

Dear Sir/Madam,

Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004

I write to inform you that the Government has published the Food and Drugs (Composition and Labelling) (Amendment) Regulation 2004 in today's Gazette. A copy of the Amendment Regulation is enclosed for your easy reference. The Amendment Regulation is expected to come into operation on 9 July 2004.

The Amendment Regulation aims to amend the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg.) on various aspects with outlines as follows:

- (a) To require food labels to declare the presence of certain substances which are known to cause allergy (new paragraph 2(4E) of Schedule 3).
- (b) To require food labels to list both the functional class (i.e. the category) of the food additive used and its specific name (or its identification number under the International Numbering System for Food Additives).
- (c) To update the functional class of additives for labelling purposes in line with the new guidelines adopted by the Codex Alimentarius Commission.
- (f) To require the "best before" and "use by" dates shown in Arabic numerals to indicate their sequences in English letterings and Chinese characters and removes the requirement for the dates to be listed in the strict order of the day, the month and the year.

- (e) To exempt drinks with an alcoholic strength by volume of more than 1.2% but less than 10% from the requirements in respect of a list of ingredients but requires other prepackaged food which was previously exempted to comply with the requirements in Schedule 3
- (f) To exempt wines and other drinks with an alcoholic strength by volume of 10% or more from certain requirements in Schedule 3.
- (h) To relax the restrictions on the inclusion of additives in certain milk products in line with the new guidelines adopted by the Codex Alimentarius Commission.

You may make reference to the Codex website: http://www.codexalimentarius.net/standard_list.asp, for the comprehensive list of the International Numbering System but should bear in mind that it shall be read in conjunction with the current food legislation in Hong Kong to make sure that the additives used are permitted in Hong Kong.

In order to allow sufficient time for the trade to change the labels of their prepackaged food products where necessary, a grace period of 18 months will be provided under the Amendment Regulation. However, the relaxation of additives in milk products will take immediate effect after the enactment of the Amendment Regulation.

Should you have any enquiries on the amendment regulations, please feel free to contact our Food Labelling Sub-unit on 2368 8270.

Yours sincerely,



(Ms CHEUNG Sui-chun)
for Director of Food and Environmental Hygiene

**FOOD AND DRUGS (COMPOSITION AND LABELLING)
(AMENDMENT) REGULATION 2004**

(Made under section 55(1) of the Public Health and
Municipal Services Ordinance (Cap. 132))

1. Commencement

This Regulation shall come into operation on 9 July 2004.

2. Interpretation

Regulation 2(1) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) is amended by adding -

"Codex Alimentarius Commission" (食品法典委員會) means the body created in 1963 by the World Health Organization and the Food and Agriculture Organization to develop food standards, guidelines and related texts;

"International Numbering System for Food Additives" (食物添加劑國際編碼系統) means the numbering system adopted by the Codex Alimentarius Commission for identifying food additives in a list of ingredients of prepackaged food;"

3. Schedule 1 amended

Schedule 1 is amended, in Part II -

- (a) in item 14, by adding ", salt (sodium chloride) and any additive specified in column 2 of Division 1 of Part III of this Schedule not exceeding the level specified opposite to the additive in column 3 of that Division" after "except sugar";
- (b) in item 15, by adding ", salt (sodium chloride) and any additive specified in column 2 of Division 1 of

- Part III of this Schedule not exceeding the level specified opposite to the additive in column 3 of that Division" after "than sugar";
- (c) in item 16, by adding "except salt (sodium chloride) and any additive specified in column 2 of Division 1 of Part III of this Schedule not exceeding the level specified opposite to the additive in column 3 of that Division" after "substance";
- (d) in item 18, by repealing "and permitted colouring matter" and substituting ", permitted colouring matter and any additive specified in column 2 of Division 2 of Part III of this Schedule not exceeding the level specified opposite to the additive in column 3 of that Division";
- (e) by adding -

"PART III

ADDITIVES IN CERTAIN MILK PRODUCTS

Division 1

**Additives in sweetened condensed or evaporated milk,
sweetened condensed skimmed or separated milk and
unsweetened condensed or evaporated milk**

| Item | Additive | Maximum Level |
|-----------------------|--------------------|--|
| Firming Agents | | |
| 1. | Potassium chloride | 2 grams per kilogram |
| 2. | Calcium chloride | singly or 3 grams per kilogram in combination, expressed as anhydrous substance |

Stabilizers

- | | | |
|----|--------------------|-------------------------|
| 3. | Sodium citrates | 2 grams per kilogram |
| 4. | Potassium citrates | singly or 3 grams per |
| 5. | Calcium citrates | kilogram in |
| | | combination, expressed |
| | | as anhydrous substances |

Acidity Regulators

- | | | |
|-----|----------------------|-------------------------|
| 6. | Calcium carbonates | 2 grams per kilogram |
| 7. | Sodium phosphates | singly or 3 grams per |
| 8. | Potassium phosphates | kilogram in |
| 9. | Calcium phosphates | combination, expressed |
| 10. | Diphosphates | as anhydrous substances |
| 11. | Triphosphates | |
| 12. | Polyphosphates | |
| 13. | Sodium carbonates | |
| 14. | Potassium carbonates | |

Thickener

- | | | |
|-----|-------------|--------------------|
| 15. | Carrageenan | 150 milligrams per |
| | | kilogram |

Emulsifier

- | | | |
|-----|-----------|------------------------|
| 16. | Locithins | Limited by good |
| | | manufacturing practice |

Division 2**Additives in butter**

| | | |
|------|----------|---------------|
| Item | Additive | Maximum Level |
|------|----------|---------------|

Acidity Regulators

- | | | |
|----|-------------------|----------------------|
| 1. | Sodium phosphates | 2 grams per kilogram |
|----|-------------------|----------------------|

- | | | |
|---------------------------------|---|---|
| 2. Sodium carbonate | } | Limited by good manufacturing practice |
| 3. Sodium hydrogen carbonate | | |
| 4. Sodium hydroxide | | |
| 5. Calcium hydroxide | | |

For the purposes of this Part, "good manufacturing practice" (優良製造規範) includes a manufacturing practice which complies with the following requirements -

- a) the quantity of the additive added to food is limited to the lowest possible level necessary to accomplish its desired effect;
- b) the quantity of the additive that becomes a component of food as a result of its use in the manufacturing, processing or packaging of a food and which is not intended to accomplish any physical, or other technical effect in the food itself, is reduced to the extent reasonably possible; and
- c) the additive is prepared and handled in the same way as a food ingredient."

4. Marking and labelling of prepackaged foods

Schedule 3 is amended -

- (a) in paragraph 2 -

- (i) by adding -

"(4E) (a) If a food consists of or contains any of the following substances -

- (i) cereals containing gluten (namely wheat, rye, barley, oats, spelt, their hybridized strains and their products);
- (ii) crustacea and crustacean products;
- (iii) eggs and egg products;
- (iv) fish and fish products;
- (v) peanuts, soyabeans and their products;
- (vi) milk and milk products (including lactose);
- (vii) tree nuts and nut products.

shall be specified in the list of ingredients.

- (b) If a food consists of or contains sulphite in a concentration of 10 parts per million or more, the functional class of the sulphite and its name shall be specified in the list of ingredients.";

- (ii) in sub-paragraph (5), by repealing everything after "additive" and substituting -

"(except an additive specified in sub-paragraph (7)) constituting one of the ingredients of a food shall be listed by its functional class and -

- (a) its specific name; or

- (b) its identification number under the International Numbering System for Food Additives; or

- (c) its identification number under the International Numbering System for Food Additives with the prefix "E" or

"e".;

(iii) in sub-paragraph (6) -

- (A) by repealing "categories" and substituting "functional classes";
- (B) by repealing "Flavour enhancer (味道強化劑)", "Flavouring (調味劑)", "Flour improver (麵粉改良劑)" and "Modified starch (改性澱粉)";
- (C) by adding -

- "Bulking agent (增體劑)
- Colour retention agent (護色劑)
- Firming agent (固化劑)
- Flavour enhancer (增味劑)
- Flour treatment agent (麵粉處理劑)
- Foaming agent (發泡劑)
- Humectant (水分保持劑)
- Propellant (推進劑)";

(iv) by adding -

"(7) An additive which constitutes one of the ingredients of a food and falls in any of the following classes shall be listed by the appropriate class title -

- (a) flavour and flavouring (調味料及調味劑);
- (b) modified starch (改性澱粉),

and the expression "flavour" may be qualified by "natural". "natural

of these words as appropriate.";

(b) in paragraph 4 -

(i) in sub-paragraph (4) -

(A) by repealing ", in that order,";

(B) in sub-sub-paragraph (a), by
repealing ", in that order";

(C) in sub-sub-paragraphs (b) and (c),
by repealing ", in that order,";

(ii) in sub-paragraph (5) -

(A) by repealing ", in that order,";

(B) by repealing ", in that order";

(iii) by repealing sub-paragraph (7) and
substituting -

"(7) Where the "best before" (此
日期前最佳) date or the "use by" (此日
期前食用) date is shown in Arabic
numerals -

(a) the day shall be
indicated by the
words "DD", "dd", "D"
or "d" in English
lettering and "日" in
Chinese character;

(b) the month shall be
indicated by the
words "MM", "mm", "M"
or "m" in English
lettering and "月" in
Chinese character;

"e".;

(iii) in sub-paragraph (6) -

- (A) by repealing "categories" and substituting "functional classes";
- (B) by repealing "Flavour enhancer (味道強化劑)", "Flavouring (調味劑)", "Flour improver (麵粉改良劑)" and "Modified starch (改性澱粉)";
- (C) by adding -

- "Bulking agent (增體劑)
- Colour retention agent (護色劑)
- Firming agent (固化劑)
- Flavour enhancer (增味劑)
- Flour treatment agent (麵粉處理劑)
- Foaming agent (發泡劑)
- Humectant (水分保持劑)
- Propellant (推進劑)";

(iv) by adding -

"(7) An additive which constitutes one of the ingredients of a food and falls in any of the following classes shall be listed by the appropriate class title -

- (a) flavour and flavouring (調味料及調味劑);

- (b) modified starch (改性澱粉),

and the expression "flavour" may be qualified by "natural", "natural

and

- (c) the year shall be indicated by the words "YY", "yy", "Y" or "y" in English lettering and "年" in Chinese character,

and the day, month and year can appear in any order.";

- (c) in paragraph 8(1), by repealing "and (5)" and substituting ", (5) and (7)".

5. Items exempt from Schedule 3

Schedule 4 is amended -

- (a) by repealing the first item and substituting -

| | |
|------------------------|-----------|
| "Drinks with an | Paragraph |
| alcoholic strength by | 2"; |
| volume of more than | |
| 1.2% but less than 10% | |
| as determined under | |
| section 53 of the | |
| Dutiable Commodities | |
| Ordinance (Cap. 109) | |

(b) by adding -

| | |
|---|-------------------------|
| "Wines, liqueur wines, sparkling wines, aromatised wines, fruit wines, sparkling fruit wines and other drinks with an alcoholic strength by volume of 10% or more as determined under section 53 of the Dutiable Commodities Ordinance (Cap. 109) | Paragraphs 2 and 4". |
|---|-------------------------|

6. Transitional provision

It shall not be an offence under regulation 5(1) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) ("principal Regulations") to advertise for sale, sell or manufacture for sale on or before 9 January 2006 any prepackaged food which is not labelled in accordance with paragraphs 2 and 4 of Schedule 3 to the principal Regulations as amended by this Regulation, if that prepackaged food is labelled in accordance with what would have been the requirements of paragraphs 2 and 4 of Schedule 3 to the principal Regulations had this Regulation not come into operation.

and

- (c) the year shall be indicated by the words "YY", "yy", "Y" or "y" in English lettering and "年" in Chinese character,

and the day, month and year can appear in any order.";

- (c) in paragraph 8(1), by repealing "and (5)" and substituting ", (5) and (7)".

5. Items exempt from Schedule 3

Schedule 4 is amended -

- (a) by repealing the first item and substituting -

| | |
|------------------------|-----------|
| "Drinks with an | Paragraph |
| alcoholic strength by | 2"; |
| volume of more than | |
| 1.2% but less than 10% | |
| as determined under | |
| section 53 of the | |
| Dutiable Commodities | |
| Ordinance (Cap. 109) | |

Explanatory Note

* This Regulation amends the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) in a number of ways. It -

- (a) relaxes the restrictions on the inclusion of additives in certain milk products in line with the new guidelines adopted by the Codex Alimentarius Commission;
- (b) requires food labels to declare the presence of certain substances which are known to cause allergy (new paragraph 2(4E) of Schedule 3);
- (c) requires food labels to list both the functional class (i.e. the category) of the food additive used and its specific name (or its identification number under the International Numbering System for Food Additives);
- (d) updates the functional class of additives for labelling purposes in line with the new guidelines adopted by the Codex Alimentarius Commission;
- (e) requires the "best before" and "use by" dates shown in Arabic numerals to indicate their sequences in English letterings and Chinese characters and removes the requirement for the dates to be listed in the strict order of the day, the month and the year;
- (f) exempts drinks with an alcoholic strength by volume of more than 1.2% but less than 10% from the requirements in respect of a list of ingredients

previously exempted to comply with the requirements in Schedule 3; and

- (g) exempts wines and other drinks with an alcoholic strength by volume of 10% or more from certain requirements in Schedule 3.