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HKG Audit Report Critical of Nutrition Labeling Implementation

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Report Highlights:

The HKG Audit Commission released a report on the implementation and surveillance of the newly introduced nutrition labeling regulation. The report indicated a compliance rate for the nutrition labeling regulations enacted in July 2010 of 40 percent, in stark contrast to the 99.3 percent compliance rate released earlier by the food safety authority that has the oversight responsibility for the regulation. The Commission put forward some recommendations which were agreed by the food safety authority.

Summary

The Audit Commission of the Hong Kong government released an audit report recently challenging the Food and Environmental Hygiene Department's (FEHD) claim of smooth implementation of the nutrition labeling regulation. Its report indicated that 60 percent of packaged foods failed to comply with the nutrition labeling regulation which came into force in July 2010, sharply different from the 0.7 percent non-compliance rate reported by the FEHD. The Commission ascribed the high compliance rate concluded by the FEHD to the fact that samples were mostly drawn from established supermarkets where the risk of non-compliance was generally low. The Commission highlighted some shortcomings in the implementation and enforcement of the nutrition labeling regulation and put forward some recommendations such as urging the FEHD to consider extending the nutrition labeling regulation to infant formulas and food for special dietary uses which currently are not covered.

Background

Hong Kong's first ever nutrition labeling regulation became effective July 1, 2010. Hong Kong's nutrition labeling regulation requires all prepackaged food sold in Hong Kong to label energy content plus seven nutrients namely, protein, carbohydrate, fat, saturated fat, trans fat, sodium and sugars. Products selling less than 30,000 units a year can apply for small volume exemption (SVE) provided that the products do not carry any nutrition claims. Traders applying for exemption have to pay HK\$345 (US\$44) per product variety for the first year and HK\$335 (US\$43) for annual renewal.

Compliance Rate Reported by FEHD

In mid-2011, the FEHD reported that the first year of implementation of its first ever nutrition labeling regulation passed smoothly. The FEHD had checked about 16,200 food products to see if the products carried the required nutrition format and found a compliance rate of 99.3 percent.

The Audit Commission Findings

The Audit Commission of the Hong Kong government provides independent audit services to help various government departments enhance public sector performance and accountability. Its report released in November 2011 revealed its review of FEHD's implementation of nutrition labeling regulation.

The Audit Commission's report on the nutrition labeling, however, was quite different from the findings of FEHD. According to the report, visual checking of nutrition labels in 55 retail outlets in three districts found 46 of them to have committed one or more non-compliance violations in their

food products. The Commission also commissioned a local university to provide accredited laboratory services for testing selected food samples purchased from the market. Of the 70 samples tested, 42 (60%) were suspected to be non-compliant. One product sample contained sodium at a level 10 times higher than the label reading. The Commission report further pointed out that the same product sample was tested by FEHD but the sodium content had not been analyzed.

Audit concluded that FEHD's survey was subject to limitations, including: (a) most of the food samples selected for visual checking were chosen from large chain supermarkets, which generally had a lower risk of non-compliance; (b) of the 505 food samples chosen for chemical analysis, only 30 (6%) had been tested for "1+7", with 70% tested for only one nutrient; (c) the nutrients selected for chemical analysis were not necessarily the most essential ones or of higher risk of non-compliance; for example, the amount of sugar was not tested in a soy milk drink claiming low-sugar.

Furthermore, the Commission noted that the FEHD staff had not taken proactive actions to verify the validity of nutrition claims made by food traders, particularly those in advertisements. The report revealed that they had examined about 30 prepackaged foods with nutrition claims on food labels and some advertisements with claims. Of these 30 the Commission found 17 cases which might have breached the nutrition regulation while FEHD had only identified 12 inappropriate nutrition claims during its first year routine surveillance.

In view of the findings, the Audit Commission urged FEHD to improve its compliance tests for both visual checking and chemical analysis and adopt a more risk-based approach in selecting food samples and nutrients to be tested. More samples from food outlets like ethnic shops, snack shops and health shops should be taken. Also, the Commission has recommended FEHD to step up its enforcement efforts on nutrition claims made on food labels and in advertisements.

The Commission also touched on the illegibility of some labels given that the existing labeling regulation does not specify font size requirements. It called for the FEHD to address this issue in order to ensure effective implementation of the regulation.

Infant and Special Dietary Foods

Hong Kong's nutrition labeling does not cover infant and special dietary foods. The Commission in its audit report commented that these foods are important because they are targeted at infants and the more vulnerable subgroups of the population with special dietary needs. The report noted that the FEHD neither had taken proactive actions to verify the validity of claims nor stopped traders from using the claims.

The Audit Commission examined selected infant and special dietary foods marketed in Hong Kong to ascertain the accuracy of the nutrition information displayed on their food labels. Results showed that some products do not carry accurate labels. The nutrient value on the label does not comply with the nutrient contents. The Commission questioned the effectiveness of relying on the trade to continue to be self-regulated. Instead, it urged the government to "to critically consider introducing appropriate law or regulations to govern nutritional composition and labeling of infant and special

dietary foods marketed in Hong Kong”.

A full report could be retrieved at the link: http://www.aud.gov.hk/eng/pubpr_arpt/rpt_57.htm