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Subcommittee on Food and Drug (Composition and Labelling) (Amendment) (No.2)
Regulation 2014

BY EMAIL (pyyoong@legco.gov.hk)

RESPONSE TO SUBSIDIARY LEGISLATION ON FOOD AND DRUGS (COMPOSITION AND LABELLING) (AMENDMENT) (NO.2) REGULATION 2014

FrieslandCampina has had a presence in Hong Kong for over 75 years and we are proud to be a responsible member of the Hong Kong business community. We are also a member of the Hong Kong Infant and Young Child Nutrition Association (“HKIYCNA”) with the mission to support appropriate and adequate infant and young child nutrition in Hong Kong.

Together with HKIYCNA, FrieslandCampina supports to govern the requirements and standards of nutritional composition and labelling for formula products and prepackaged food for infants and young children under the age of 36 months (“covered products”) in Hong Kong on legislation basis. We wish to highlight the following points for the subcommittee’s consideration in order to ensure the legislation is implemented in a practical way and mitigate the potential impact to local consumers.

I. A 24 months grace period for all covered products

As an experienced manufacturer and distributor of infant and toddler formula with long heritage of expertise, we strongly recommend a grace period of 24 months as raised in our submission made on January 21, 2013 and April 3, 2014. It is essential to allow sufficient time for manufacturers to review and apply the new requirements and therefore, to ensure full compliance.

Efforts required for infant formula and follow up products are exactly the same and therefore, one grace period for all covered products is a realistic approach. To summarize,

Steps	Lead time
Adjust recipes or recipes reformulation	3 months
Shelf-life test to ensure the accuracy of new formula	3 months
Recipe validation	1 month
Label revise and artwork approval	7 months
Mass production of formula	2 months
Inspection by government authorities in the Netherlands to obtain export certificate and Shipment to Hong Kong	2 months
Market phase in and phase out	6 months
TOTAL	24 months

A 24 months grace period is therefore necessary to ensure the completion of the whole process by applying the highest professional standards required for infant formula, provided that all necessary information that may influence the recipe validation and reformulation is publicized. The current subsidiary legislation in negative vetting without provision of technical guideline creates unnecessary delay. A shortened grace period implies insufficient time for manufacturers to complete the changing process, however, may result in failure to comply, or in the worst scenario, an increased possibility of supply stability challenge of certain brands that may create inconvenience for and anxiety to consumers. We urge the government to publish the technical guideline that enables manufacturers to take immediate action.

II. Grace period based on product manufacturing date

FrieslandCampina supports the implementation of the new legislation at the most practical methods to address the ease of investigation and operation procedures by the government and by the manufacturers. To reference international practice (e.g. China, Taiwan), a grace period based on manufacturing date enables implementation and investigation simplicity that, manufacturers will follow a timeline based at the time of production, disregarding variance of shipment timeline or the pace of market

consumption. Unnecessary wastage or supply concern could therefore be avoided. This also allows straightforward investigation by the government by referring to the production date as printed on the product.

III. Establishing consistent testing methods for nutritional composition and testing result variance against label requirement

Different levels of variation in test results occur as the inevitable result of the use of different laboratories, equipment, testing methods, operators and even the nature of the nutrients themselves. Variation of testing results could obtain result that is above or below the declared value. In order to achieve comparable and reliable test results between government laboratories and manufacturers' laboratories, and to ensure proper management of risk communication, we suggest the Centre for Food Safety to share a comprehensive list of testing methods to be used when testing ingredients of infant and follow-up formula for the industry reference.

FrieslandCampina agrees that nutritional composition and nutrition labeling are crucial in protecting consumers. As a responsible company, we would cooperate with the government to ensure smooth transition with practical implementation as much as we could.

FrieslandCampina (Hong Kong) Limited
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