



## Comments on Hong Kong Code

to:

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21/12/2012 12:25

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### 2 Attachments



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Dear Air / Madam,

We would like to provide our views on the Draft HK Code:

#### Key areas of concern

##### 1- Labelling

Although the Code is supposed to be voluntary, the following labelling requirements stipulated in the Code under article 8.2 for **infant and follow-up formulas** are a concern:

- Article 8.2.1 (a) is more restrictive than the WHO Code of Marketing of Breast Milk Substitutes.
- Statements such as *"...Use of breast-milk substitutes may put infants and children at risk of diarrhoea, chest infections and other illnesses and their mothers at a higher risk of breast cancer."* to be displayed on labels as per article 8.2.1 (d), are alarmist in our view and could unduly concern and distress some consumers.
- We do not support the inclusion of statements on labels to declare a product is made in accordance with specific standards (eg Codex), as required under articles 8.2.1 (ix) and (x), because standards change over time and specific references to any standards can quickly become obsolete leading to an ongoing need to update labels over time. In addition, this type of statement is not necessarily meaningful to most consumers. Requirements for compliance with such standards should be covered in compositional regulations not labeling requirements.
- There are also a number of concerns associated with the prescribed statement and recommendation of using hot water (not less than 70°C) for preparing feeds under article 8.2.1 (f) (iii), namely:
  - Loss of nutrients (i.e. heat sensitive vitamins, probiotics),
  - Risk of scalding of infant or person preparing the feed.

With the labeling requirements of particular information, important notice, warning, statements and font size, there should be exemptions for those packaging with smaller surface areas.

##### 2- Product categorisation

Based on our reading of the document, it is not clear to us whether growing-up milks for children above 1 year of age will now be considered and fall under the follow-up formula product category. The labelling requirements proposed for follow-up formulas are not necessary nor usually applied for products for children over 1 year of age. If such requirements were to be applied for this age group, they would have a major impact on the labels of growing-up milks.

We consider that Growing Up Milk Powders are a substitute for cow's milk and are to complement a diversified diet and **NOT** Breast Milk Substitutes

##### 3- Implementation

It is our understanding that entry in force is to occur 6 months from date of publication. Although the Code is supposed to be voluntary, in general terms longer grace periods are warranted.

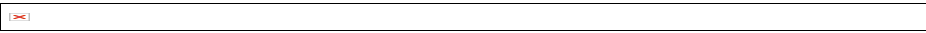
Our recommendation is that the following minimum grace periods are applied to ensure continuity of product supply: a minimum grace period of one year where labelling changes may be required and a minimum of two years where product formulation changes may be required.

We would like to hear from you to the above concerns.

Debby Law  
Marketing Manager  
Fonterra Brands (Hong Kong) Limited



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