

CONSULTATION ON DRAFT FOOD (AMENDMENT NO. X) REGULATIONS 2022 (LABELLING REQUIREMENTS FOR PREPACKED FOODS)

Posted on : 28 September 2022 | **Closing Date:** 27 November 2022

Aim

1. The Singapore Food Agency (SFA) is seeking feedback from the food industry and interested parties on the draft Food (Amendment No. X) Regulations 2022 (Labelling requirements for prepacked foods), which is targeted to come into effect in the second quarter of 2023.

Background

2. SFA previously initiated a public consultation exercise from 15 October to 20 November 2020 on the proposed amendments to the Food Regulations on labelling requirements for prepacked foods (hereinafter referred to as “2020 consultation”). Comments were sought from stakeholders (industry associations, local food manufacturers, retailers and importers), as well as interested parties on the proposed amendments.
3. At the close of the 2020 consultation, SFA received comments from 40 respondents. SFA has responded to these comments in the document “*Responses to the comments received from the public consultation on proposed amendments to the Food Regulations regarding general labelling requirements for prepackaged food products*”. A copy of the document can be downloaded from [SFA’s website](#).
4. SFA has considered the feedback from stakeholders during the 2020 consultation and benchmarked against the international standards established by the Codex Alimentarius Commission (hereinafter referred to as “Codex”).

Summary of Amendments

5. A detailed description of the proposed amendments in the draft Food (Amendment No. X) Regulations 2022 can be found in the **ANNEX**. The legal text of the amendments can be downloaded from SFA’s website at:

<https://www.sfa.gov.sg/legislation> (select “Sale of Food Act”, then click on “Draft Food (Amendment No. X) Regulations 2022 (Labelling requirements for prepacked foods)”)

Request for comments

6. SFA invites views and comments on the draft Food (Amendment No. X) Regulations 2022 (Labelling requirements for prepacked foods). All submissions should be clearly and concisely written and should provide explanation(s) for any proposed revisions.
7. Submissions should reach SFA **no later than 6.00pm (Singapore time; UTC+8), 27 November 2022** through email, to the following address: neo_mui_lee@sfa.gov.sg.

PROPOSED AMENDMENTS TO THE FOOD REGULATIONS

The draft Food (Amendment No. X) Regulations 2022 (Labelling requirements for prepacked foods) contains the following amendments to the Food Regulations.

A. To amend Regulation 5 to adopt labelling requirements in relevant sections of the Codex General Standard for the Labelling of Prepackaged Foods (CXS 1-1985)

1. The proposed amendments to Regulation 5 of the Food Regulations would facilitate traceability and trade (viz import and export) of prepacked foods, as well as better enable consumers to make informed food choices when purchasing the food.
2. The proposed amendments translate into national legislation the specific labelling requirements stipulated in Sections 4.2.1.1, 4.2.1.2, 4.2.1.5, 4.2.2, 4.2.3.1, 4.2.4, 4.5, 4.6 and 4.8 of CXS 1-1985, and took into consideration the comments garnered from the 2020 consultation. Specifically, the proposed amendments are to –
 - a) require the declaration of lot identification that identifies the producing factory and the production lot of the food;
 - b) require the declaration of directions of use or handling¹ of food where incorrect manner of use or handling of the food would render the food unsafe or unsuitable;
 - c) require the name of the country of origin of the food to be accompanied by suitable words (e.g. “Country of origin:”; “Product of”; “Manufactured in”, etc) and for prepacked food manufactured in Singapore to be declared with the country of origin;
 - d) amend the requirements for declaration of statement of ingredients as follows:
 - i. mandate the declaration of statement of ingredients under an appropriate heading (e.g. “Ingredients”); and for the ingredients to be listed in descending order based on the ingoing weight at the time of manufacture.
 - ii. mandate the declaration of added water under the statement of ingredients except when:
 1. water forms part of an ingredient such as brine, syrup or broth used in a compound food and declared as such in the list of ingredients;
 2. water is evaporated in the course of manufacture;
 3. water makes up less than 5% of the finished product; and
 4. water is used to reconstitute dehydrated ingredients where the amount of water added is equal to the water originally removed in the making of the dehydrated ingredient.
 - iii. stipulate that processing aids which do not have a technological function in the prepacked food do not need to be declared in the statement of ingredients;

¹ Under Section 2 of the Sale of Food Act, “handling” includes any one or more of the following:

- (i) making or manufacturing the food;
- (ii) processing or preserving the food;
- (iii) cooking, defrosting, heating or preparing the food;
- (iv) storing, packing or labelling the food;
- (v) transporting or delivering the food;
- (vi) displaying the food;
- (vii) serving the food,

but does not include primary food production.

- iv. mandate the declaration of the presence of any allergen obtained through the use of biotechnology involving a food and ingredients known to cause hypersensitivity to individuals (i.e. those listed under Regulation 5(4)(ea)) ; and
- v. update the list of permitted general terms under the First Schedule of the Food Regulations (see table below) and revoke Regulation 6(4) since it is no longer required with the proposed changes to the First Schedule.

	Substance	Generic Terms
1.	Any type of caseinate	Caseinate
2.	Any type of cheese or mixture of cheese when forming an ingredient of another food, where the labelling and presentation of the food does not refer to a specific type of cheese	Cheese
3.	Pressed, expeller or refined cocoa butter	Cocoa butter
4.	Colouring, when forming an ingredient of some other food	Colouring or colouring matter
5.	Any crystallised fruit or mixture of crystallised fruits not exceeding 10% of the weight of the food	Crystallised fruit
6.	Anhydrous dextrose and dextrose monohydrate	Dextrose or glucose
7.	Any of the following gums: Acacia, karaya, tragacanth, carob, gellan, ghatti, guar and xanthan gums	Edible gum
8.	Any emulsifier or stabiliser, when forming an ingredient of some other food	Emulsifier/stabiliser or emulsifying/stabilising agent
9.	Any refined fat, other than pork fat, lard and beef fat	Fat, qualified by the word "vegetable" or "animal" if appropriate
10.	Any species of fish when forming an ingredient of another food, where the labelling and presentation of the food does not refer to a specific species of fish	Fish
11.	Flavouring, when forming an ingredient of some other food	Flavour or flavouring, qualified by the words "natural", "nature identical" or "artificial", or a combination of any of these words, if appropriate
12.	Any herb, part of a herb or mixture of herbs not exceeding 2% by weight either singly or in combination in the food	Herbs or mixed herbs as appropriate
13.	Imitation cream when forming an ingredient of some other food	Imitation cream

	Substance	Generic Terms
14.	Any milk product containing a minimum of 50% milk protein (mass/mass) in dry matter	Milk protein
15.	Any of the following modified starches: Dextrin roasted starch, acid-treated starch, alkaline-treated starch, bleached starch, oxidised starch, enzyme-treated starch, monostarch phosphate, distarch phosphate, phosphated distarch phosphate, acetylated distarch phosphate, starch acetate, acetylated distarch adipate, hydroxypropyl starch, hydroxypropyl distarch phosphate, starch sodium octenyl succinate and acetylated oxidised starch	Modified starch
16.	Any type of poultry meat when forming an ingredient of another food, where the labelling and presentation of the food does not refer to a specific type of poultry meat	Poultry meat
17.	Any spice, spice extract or mixture of spices or spice extracts not exceeding 2% by weight either singly or in combination in the food	Spice, spices or mixed spices as appropriate
18.	Starch, other than any chemically modified starch	Starch
19.	Any type of sucrose	Sugar
20.	Any deodorised edible vegetable oil that is fully hydrogenated or not hydrogenated, when forming an ingredient of any food other than edible fats and oils	Vegetable oil or vegetable fat, qualified by the words “fully hydrogenated” if appropriate”.

3. During the 2020 consultation, SFA proposed to adopt Section 6 of CXS 1-1985 for prepacked foods packed in small units to be exempted from declaring the statement of ingredients, lot identification, date marking and storage instructions, and instructions for use, for practical reasons. However, there were concerns that such information would be important to consumers, in particular, those who have hypersensitive reactions to certain food ingredients. Such information is also important to consumers in general, to assist in the identification of food in the case of a food recall.
4. In view of the concerns raised previously, SFA proposes to amend Regulation 6 to exempt food packed in small units, where the largest surface area is less than 10 cm², from the declaration of the following information on the label, provided that the information is made accessible to a prospective purchaser through a physical document or a website or other electronic record:
 - a) statement of ingredients (including declaration of tartrazine, ingredients known to cause hypersensitivity to individuals)
 - b) lot identification
 - c) statement for food containing aspartame
 - d) directions of use, preparation, handling or storage of food

B. To amend Regulations 9 and 9A to include the prohibited claims under Section 3 of the Codex General Guidelines on Claims (CXG 1-1979)

5. Regulation 9 of the Food Regulations currently prohibits the use of claims that are false, misleading or deceptive or is likely to create an erroneous impression regarding the value, merit or safety of the food. Claims to suggest that a food has therapeutic or prophylactic action; or that a food will prevent, alleviate or cure any disease or condition affecting the human body; or that health or improve physical condition may be achieved by consuming the food; or claims that may be interpreted as advice of a medical nature from any person, are also prohibited.
6. In addition to the existing prohibited claims, SFA proposes to translate into national legislation the claims that are prohibited under section 3 of CXG 1- 1979 by amending Regulations 9 and 9A of the Food Regulations to prohibit the use of claims or suggestion in relation to food that implies –
 - a) that other foods are unsafe for consumption;
 - b) that an ingredient permitted by the Food Regulations in food is unsafe for consumption;
 - c) the food does not contain a food additive that is not permitted by the Food Regulations; or
 - d) the food does not contain any substance that is prohibited in food.

The proposed amendments will provide greater clarity to food businesses and consumers on what constitutes a misleading claim.

C. To require relevant information to be provided for prepacked food advertised or sold online

7. SFA notes that the draft Codex “Guidance on the food information requirements for prepackaged foods to be offered via e-commerce” is still under discussion at the Codex Committee on Food Labelling. However, with the increasing trend of prepacked food being purchased online, SFA sees the need to mandate certain information to be provided such that consumers are able to make informed food choices when purchasing the food.
8. SFA proposes to include a new Regulation 12A to require that any person who advertises or sells prepacked food online must ensure the declaration of the following information on the sales listing of the prepacked food. The information can be presented either in the form of a photograph of the product label or declared on the online sales platform.
 - a) Name of food
 - b) List of ingredients (including the declaration of tartrazine and food known to cause hypersensitivity)
 - c) Net contents and drained weight
 - d) Name and address of the Singapore manufacturer, packer, distributor, importer, export or vendor of the food
 - e) Name of the country of origin
 - f) Directions of use or handling of food

The proposed requirements are only applicable to persons and food businesses based or registered in Singapore and are not intended to have extra-territorial effect.

D. To adopt relevant sections of the Codex Standard for Foods for Special Dietary Use for Persons Intolerant to Gluten (CXS 118-1979)

9. Cereals containing gluten is listed as one of the ingredients that are known to cause hypersensitivity in individuals and are required to be declared under the statement of ingredients (Regulation 5(4)(ea) of the Food Regulations).
10. To address the needs of consumers suffering from such a condition, food businesses have been producing and selling “gluten-free” foods. However, the Food Regulations currently does not stipulate standards for foods that are labelled and sold as “gluten-free”. In view of the potential adverse health effects should consumers who are hypersensitive to gluten consume food that is mislabelled as “gluten-free” when it is not in fact gluten-free, SFA proposes to enact a new Regulation 250B to translate into national legislation the following specific definitions and requirements for gluten-free food in Sections 2, 3.3 and 4 of CXS 118-1979:

- a) To define “gluten” and “gluten-free food” and associated terms:

Terms	Definitions / Criteria
Gluten	“gluten” means a protein fraction from a cereal, to which some persons are hypersensitive, and that is insoluble in water or 0.5M NaCl, that is, 0.5 molar sodium chloride solution
“Gluten-free food”	“Gluten-free food” means food — (a) that is not or does not contain a cereal and contains 20 mg/kg or less of gluten by weight of the food as sold to the purchaser; or (b) that is or contains a cereal but has been processed so that it contains 20 mg/kg or less of gluten by weight of the food as sold to the purchaser
“Naturally gluten-free food”	“Naturally gluten-free food” means food that is not or does not contain a cereal and contains 20 mg/kg or less of gluten by weight of the food as sold to the purchaser
“Reduced gluten food”	“Reduced gluten food” means food that is or contains a cereal but has been processed so that it contains more than 20 mg/kg but less than or equal to 100 mg/kg by weight of the food as sold to the purchaser.
Cereal (in the context of the new Regulation 250B)	(a) barley; (b) oat; (c) rye (d) wheat — that is, durum wheat, khorasan wheat, spelt or any other <i>Triticum</i> species; (e) a hybridised strain of a cereal mentioned in (a), (b), (c) or (d); and (f) a product of a cereal mentioned in (a), (b), (c) or (d).

- b) To require that gluten-free food or reduced gluten food that is intended to replace any food as a source of any key nutrient (such as carbohydrates, protein, fats or essential vitamins and minerals) must contain approximately the same amounts of vitamins and minerals as the replaced food.
- c) To require that the terms “gluten-free food”, “gluten-free”, “naturally gluten-free food” and “reduced gluten food” be immediately preceded by, or followed by the name of the food.

- d) To specify that food that is naturally gluten-free must not be labelled with the words “special dietary” or “special dietetic” or any words of similar meaning. This is in view that naturally gluten-free food has not been specially processed to modify its gluten content to suit the dietary needs of consumers who are hypersensitive to gluten.

-- End of consultation paper --