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SALE OF FOOD ACT (CHAPTER 283)

FOOD (AMENDMENT NO. 2) REGULATIONS 2021

In exercise of the powers conferred by section 56(1) of the Sale of Food Act, the Minister for Sustainability and the Environment makes the following Regulations:

Citation and commencement

1. These Regulations are the Food (Amendment No. 2) Regulations 2021 and come into operation on 30 December 2022.

Amendment of regulation 2

2. Regulation 2(1) of the Food Regulations (Rg 1) is amended —
 - (a) by inserting, immediately before the definition of “container”, the following definition:

““automated beverage dispenser” means a machine that dispenses a non-prepacked beverage according to a pre-fixed formula, with no option for a prospective purchaser of the beverage to customise the amount of any ingredient in the beverage;”;
 - (b) by inserting, immediately after the definition of “infant”, the following definition:

““Nutri-Grade beverage” has the meaning given by regulation 184A;”; and
 - (c) by inserting, immediately after the definition of “premises”, the following definition:

““total sugar”, in respect of any Nutri-Grade beverage, means any monosaccharide and disaccharide in the Nutri-Grade beverage;”.

New regulations 184A to 184F

3. The Food Regulations are amended by inserting, immediately after regulation 184, the following heading and regulations:

“NUTRI-GRADE REQUIREMENTS FOR BEVERAGES**Nutri-Grade beverages**

184A.—(1) In these Regulations, “Nutri-Grade beverage” means any beverage (including any powder or concentrate meant to be reconstituted or diluted with fluids before consumption as a beverage) other than the following:

- (a) a beverage that contains more than 0.5% (v/v) alcohol at 20°C;
- (b) a beverage that is prepared by hand at the place or premises where it is sold;
- (c) a beverage for which a prospective purchaser may customise the amount of any ingredient in the beverage;
- (d) a beverage mentioned in paragraph (2).

(2) A Nutri-Grade beverage does not include any special purpose food —

- (a) for a special medical purpose and that is labelled as being for use under medical supervision;
- (b) supplied solely to hospitals, hospices and other residential care facilities like nursing homes for the purpose of providing services to patients in those facilities;
- (c) that is infant formula;
- (d) that is follow-up formula, that is, food intended for use as a liquid part of the weaning for an infant 6 months or older or young children;
- (e) that is formula food for use in a weight control diet, that is, formula food presented as a replacement for a person’s total daily diet;

- (f) that is diabetic food; or
- (g) for a person who requires a specific intake of sugar (including but not limited to sucrose) or saturated fat in the person's diet as a result of a disease, disorder or other condition.

(3) In this regulation, "special medical purpose", in relation to special purpose food, means special purpose food specially processed or formulated and presented for use under medical supervision for the dietary management of a patient —

- (a) who has —
 - (i) limited or impaired capacity to take, digest, absorb or metabolise ordinary food or certain nutrients contained in ordinary food; or
 - (ii) any other special medically-determined nutrient requirement; and
- (b) whose dietary management cannot be achieved only by modifying that patient's normal diet or by other special purpose food or both.

Nutri-Grade grading system

184B.—(1) The following persons must ensure that a Nutri-Grade beverage intended for sale by retail in Singapore is graded "A", "B", "C" or "D" according to the grading system specified in the Sixteenth Schedule:

- (a) if the Nutri-Grade beverage is manufactured in Singapore for sale by retail in Singapore — its manufacturer;
- (b) if the Nutri-Grade beverage is imported for sale by retail in Singapore — its local importer;
- (c) in any other case — its distributor.

(2) In these Regulations, a reference to the grade of a Nutri-Grade beverage refers to its grade according to that grading system.

Nutrition information of Nutri-Grade beverages

184C.—(1) A person required by regulation 184B(1) to ensure a prepacked Nutri-Grade beverage intended for sale by retail in Singapore is graded must ensure the package of the Nutri-Grade beverage is labelled with a nutrition information panel that —

- (a) is in the form specified in the Twelfth Schedule or in any other similar form that may be acceptable to the Director-General;
 - (b) specifies the energy value, the amounts of protein, carbohydrate and fat in the Nutri-Grade beverage;
 - (c) unless the Nutri-Grade beverage contains no carbohydrates, specifies the amount of total sugar according to either or both of the following proportions:
 - (i) in grams per 100 ml of the Nutri-Grade beverage;
 - (ii) if the number of servings per package and serving size are stated, in grams per serving of the Nutri-Grade beverage;
 - (d) unless the Nutri-Grade beverage contains no fat, specifies the amount of saturated fat according to either or both of the proportions mentioned in sub-paragraph (c)(i) and (ii); and
 - (e) where the nutrition information panel specifies the amount of lactose or galactose, specifies the amount according to either or both of the proportions mentioned in sub-paragraph (c)(i) and (ii).
- (2) Where the prepacked Nutri-Grade beverage mentioned in paragraph (1) is a powder or concentrate meant to be reconstituted or diluted with fluids before consumption as a beverage, the person must (in addition to complying with that paragraph) ensure —

(a) the nutrition information panel —

- (i) specifies the information that is required under that paragraph on the basis that the Nutri-Grade beverage is prepared according to the manufacturer's instructions on how to prepare the Nutri-Grade beverage; and
- (ii) if that information is expressed as grams per 100 ml of the Nutri-Grade beverage, states that the information is on the basis that the Nutri-Grade beverage is prepared according to those instructions; and

(b) the package of the Nutri-Grade beverage is labelled with those instructions.

(3) For the purpose of paragraph (1), where more than one unit of prepacked Nutri-Grade beverage is packaged for sale as a single item, the requirement to ensure the package is labelled under that paragraph may be satisfied by —

- (a) ensuring the package of each unit of the prepacked Nutri-Grade beverage is labelled; or
- (b) ensuring the package to be sold as a single item is labelled in respect of each type of Nutri-Grade beverage within the package and the package includes a statement that each unit in the package must not be sold separately or a statement to the like effect.

(4) Where a Nutri-Grade beverage is sold by retail from an automated beverage dispenser, the retailer of the Nutri-Grade beverage must ensure the information that would have been required to be labelled on the Nutri-Grade beverage's package under paragraphs (1) and (2), if the Nutri-Grade beverage were sold in prepacked form, is available (in a form described in paragraph (5)) to any person who wishes to view the information.

- (5) The information mentioned in paragraph (4) must be —
- (a) clearly displayed on, or near to, the automated beverage dispenser;
 - (b) on a website or other electronic record that is viewable by the person; or
 - (c) on a physical document that is shown or given to the person on the person's request.
- (6) This regulation does not apply in respect of —
- (a) any prepacked Nutri-Grade beverage that has a total surface area of less than 100 square centimetres and bears a label that includes a statement of the quantity of total sugar and saturated fat; or
 - (b) any of the following Nutri-Grade beverages, if the Nutri-Grade beverage does not contain any calories, protein, fat, saturated fat, carbohydrate and sugar:
 - (i) coffee or a preparation of coffee;
 - (ii) drinking water;
 - (iii) a herbal infusion;
 - (iv) tea or a preparation of tea.

Nutri-Grade mark

184D.—(1) In these Regulations, “Nutri-Grade mark” means a mark indicating the following information for a Nutri-Grade beverage:

- (a) its grade;
 - (b) its percentage of sugar content per 100 ml, rounded to the nearest whole number.
- (2) For the purpose of paragraph (1)(b) —
- (a) a Nutri-Grade beverage’s sugar content is the grams of total sugar per 100 ml of the Nutri-Grade beverage minus the grams of lactose and galactose per 100 ml of the Nutri-Grade beverage; and

(b) in determining the sugar content —

- (i) subject to sub-paragraphs (ii) and (iii), the grams of total sugar, lactose and galactose per 100 ml of the Nutri-Grade beverage are determined —
 - (A) for a prepacked Nutri-Grade beverage — by the information on the nutrition information panel on its package; or
 - (B) for a Nutri-Grade beverage sold by retail from an automated beverage dispenser — by the information that would have been required on the nutrition information panel on its package under regulation 184C(1) and (2), if the Nutri-Grade beverage were sold in prepacked form;
- (ii) if the information does not state the grams of total sugar, the grams of total sugar is taken to be zero grams; and
- (iii) if the information does not state the grams of lactose or galactose, the grams of lactose or galactose (as the case may be) is taken to be zero grams.

(3) A person required by regulation 184B(1) to ensure a prepacked Nutri-Grade beverage intended for sale by retail in Singapore is graded —

- (a) may label, or cause to be labelled, the package of a Nutri-Grade beverage with a Nutri-Grade mark if the Nutri-Grade beverage's grade is "A" or "B";
- (b) must ensure the package of a Nutri-Grade beverage is labelled with a Nutri-Grade mark if the Nutri-Grade beverage's grade is "C" or "D"; and
- (c) if the package is labelled in accordance with sub-paragraph (a) or (b), must ensure the

Nutri-Grade mark is labelled on the front-of-pack (called in this regulation the FOP) of the package, that is, the face of the package —

- (i) where the Nutri-Grade beverage's name and brand (if there is a brand) appear; and
- (ii) that is in a prospective purchaser's principal field of vision.

(4) For the purpose of paragraph (3), where more than one unit of prepacked Nutri-Grade beverage is packaged for sale as a single item, the requirement to ensure the FOP of the package is labelled under that paragraph may be satisfied —

- (a) by ensuring the FOP of the package to be sold as a single item is labelled with a Nutri-Grade mark in respect of each type of Nutri-Grade beverage within the package and the package includes a statement that each unit in the package must not be sold separately or a statement to the like effect; or
- (b) where the package to be sold as a single item is wholly transparent, by ensuring the FOP of each unit within the transparent package is labelled and ensuring that the Nutri-Grade mark is clearly visible through the transparent package.

(5) A Nutri-Grade mark must comply with the specifications in the document known as "Specifications of the Nutri-Grade mark" published by the Health Promotion Board, as in force from time to time.

Display of image of Nutri-Grade mark

184E.—(1) Subject to paragraph (3), a person who sells a Nutri-Grade beverage by retail online, from a vending machine (if the Nutri-Grade beverage is sold in prepacked form) or from a purchaser-facing automated beverage dispenser —

- (a) may display, or cause to be displayed, an image of a Nutri-Grade mark so a prospective purchaser may see

the image, if the Nutri-Grade beverage's grade is "A" or "B"; and

- (b) must ensure an image of a Nutri-Grade mark is displayed so a prospective purchaser may see the image, if the Nutri-Grade beverage's grade is "C" or "D".

(2) For the purpose of paragraph (1), the requirement to ensure an image of the Nutri-Grade mark is displayed is satisfied —

- (a) where the Nutri-Grade beverage is sold online — by ensuring the image is clearly displayed next to or in direct relation to the online image or text listing of the Nutri-Grade beverage;

- (b) where the Nutri-Grade beverage is sold in prepacked form from a vending machine —

- (i) by ensuring that the Nutri-Grade mark on the package of the Nutri-Grade beverage is clearly visible through a window on the vending machine; or

- (ii) by ensuring the image is clearly displayed next to or in direct relation to the image or text listing or price tag of the Nutri-Grade beverage; and

- (c) where the Nutri-Grade beverage is sold from a purchaser-facing automated beverage dispenser —

- (i) by ensuring the image is clearly displayed on, or near to, the automated beverage dispenser; and

- (ii) if more than one beverage is available from the automated beverage dispenser, by ensuring the image is displayed next to or in direct relation to the image or text listing of the Nutri-Grade beverage.

(3) Despite paragraph (1), a person who sells a Nutri-Grade beverage by retail while carrying on a retail food business —

- (a) at an eating establishment; or

- (b) at a catering establishment used to provide a catering service in accordance with paragraph 2 of the First Schedule to the Environmental Public Health Act 1987,

need not ensure an image of a Nutri-Grade mark is displayed for a Nutri-Grade beverage that is sold online.

(4) In this regulation, “purchaser-facing automated beverage dispenser” means an automated beverage dispenser that shows an image or text listing of what beverage may be dispensed and is placed —

- (a) at or behind a sales counter in a way that allows a prospective purchaser to see the image or text listing;
- (b) to allow a prospective purchaser to dispense a beverage of his choice, based on the image or text listing; or
- (c) in any other way that allows a prospective purchaser to see the image or text listing.

Prohibition on advertisements relating to Nutri-Grade beverages graded “D”

184F.—(1) A person must not publish, cause to be published, or take part in the publication of, any advertisement used or apparently used to promote, directly or indirectly, the sale of a Nutri-Grade beverage graded “D”.

(2) Paragraph (1) does not apply to any advertisement —

- (a) that does not contain a recommendation relating to the consumption of the Nutri-Grade beverage and is published by means of a catalogue, price list or other document for the purpose of supplying the Nutri-Grade beverage by wholesale;
- (b) that provides information about the name and price of the Nutri-Grade beverage but does not otherwise promote its sale and is published —

- (i) on the corporate website of a manufacturer, an importer, a distributor or a retailer of the Nutri-Grade beverage;
 - (ii) as part of a product launch that is not accessible to any member of the general public other than an invited guest; or
 - (iii) in the form of a press or media release; or
- (c) that complies with both of the following requirements:
- (i) the advertisement is published —
 - (A) if the Nutri-Grade beverage is sold while carrying on a retail food business — at the food establishment where that business is carried on;
 - (B) if the Nutri-Grade beverage is sold in prepacked form from a vending machine — on the vending machine;
 - (C) if the Nutri-Grade beverage is sold from an automated beverage dispenser — on the automated beverage dispenser; or
 - (D) if the Nutri-Grade beverage is sold online — at the online location of sale;
 - (ii) the advertisement displays an image of the Nutri-Grade beverage's Nutri-Grade mark, except that an advertisement that involves communication in an audible message need not display the image but must include the audible message that "The Nutri-Grade of this product is D".

(3) In this regulation, "corporate website" means an Internet website of a manufacturer, an importer, a distributor or a retailer that is accessible by the public and through which the public may obtain information about the manufacturer, importer, distributor or retailer and its products.".

New Sixteenth Schedule

4. The Food Regulations are amended by inserting, immediately after the Fifteenth Schedule, the following Schedule:

“SIXTEENTH SCHEDULE

Regulation 184B(1)

NUTRI-GRADE GRADING SYSTEM

1. A Nutri-Grade beverage may be graded “A”, “B”, “C” or “D” in accordance with paragraphs 2 to 6.
2. Subject to paragraphs 5 and 6, the grade of the Nutri-Grade beverage is the lower of the following:

- (a) the sugar content grade determined according to paragraph 3;
- (b) the saturated fat content grade determined according to paragraph 4.

3. The sugar content grade is determined according to the following table:

Grade	A	B	C	D
Sugar content (g per 100 ml)	Not exceeding one	Exceeding one but not exceeding 5	Exceeding 5 but not exceeding 10	Exceeding 10

4. The saturated fat content grade is determined according to the following table:

Grade	A	B	C	D
Saturated fat (g per 100 ml)	Not exceeding 0.7	Exceeding 0.7 but not exceeding 1.2	Exceeding 1.2 but not exceeding 2.8	Exceeding 2.8

5. Even though a Nutri-Grade beverage’s sugar content grade and saturated fat content grade is “A”, the grade of the Nutri-Grade beverage is “B” if the Nutri-Grade beverage contains any aspartame, sugar alcohol, carbohydrate alcohol, polyhydric alcohol, or any other substance added in place of sugar to provide a sweet taste.

6. For the purpose of paragraphs 3 and 4 —

- (a) the Nutri-Grade beverage's sugar content is the grams of total sugar per 100 ml of the Nutri-Grade beverage minus the grams of lactose and galactose per 100 ml of the Nutri-Grade beverage;
- (b) the Nutri-Grade beverage's saturated fat content is the grams of saturated fat per 100 ml of the Nutri-Grade beverage; and
- (c) in determining the sugar content and saturated fat content
 - (i) subject to sub-paragraphs (ii), (iii) and (iv), the grams of total sugar, lactose, galactose and saturated fat per 100 ml of the Nutri-Grade beverage are determined —
 - (A) for a prepacked Nutri-Grade beverage — by the information on the nutrition information panel on its package; or
 - (B) for a Nutri-Grade beverage sold by retail from an automated beverage dispenser — by the information that would have been required on the nutrition information panel on its package under regulation 184C(1) and (2), if the Nutri-Grade beverage were sold in prepacked form;
 - (ii) if the information does not state the grams of total sugar or saturated fat, the grams of total sugar or saturated fat (as the case may be) is taken to be zero grams;
 - (iii) if the information does not state the grams of lactose or galactose, the grams of lactose or galactose (as the case may be) is taken to be zero grams; and
 - (iv) for a Nutri-Grade beverage meant to be reconstituted or diluted with fluids before consumption, “100 ml” means 100 ml of the Nutri-Grade beverage prepared according to the manufacturer’s instructions on how to prepare the beverage.”.

*[G.N. Nos. S 515/2006; S 195/2011; S 175/2012;
S 444/2012; S 493/2013; S 816/2014; S 49/2016;
S 152/2017; S 302/2017; S 146/2018; S 59/2019;
S 580/2019; S 237/2020; S 424/2020; S 704/2020;
S 813/2020; S 695/2021]*

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(To be presented to Parliament under section 56(4) of the Sale of Food Act).