

**Paper IX: : PROPOSED REQUIREMENTS FOR NUTRITION LABELLING:
PART II**

by Tee E Siong, PhD

Dr E-Siong Tee, PhD, is the Head of the Division of Human Nutrition of the Institute for Medical Research (IMR) in Kuala Lumpur, Malaysia. He joined the IMR in 1972 as a Nutrition Officer and was promoted to the present position of Head of the Division in 1984. Dr Tee's main areas of interest and research are in community nutrition, nutritional value of foods and food standards. He has published some 130 scientific articles and papers and made 130 presentations on various aspects of food and nutrition in seminars and conferences within and outside the country.

Dr Tee serves on various technical and expert committees in the country. He is Chairman of the following committees: (a) Technical Working Group on Research of the National Coordinating Committee on Food and Nutrition; (b) National Codex Sub-committee on Nutrition and Foods for Special Dietary Uses; and (c) Ministry of Health Task Force on Nutrition Labelling, Claims and Advertising. He is a member of the following committees: (a) National Coordinating Committee on Food and Nutrition; (b) Malaysian Food Regulations Technical Committee; (c) National Codex Committee; and (d) National Codex Sub-Committee on Food Labelling. He is also a member of the Scientific Board of Directors to the International Life Sciences Institute (Southeast Asia Branch).

Dr Tee is also currently the President of the Nutrition Society of Malaysia.

Abstract

Besides nutrition labelling requirements, the proposed regulations also provide clear requirements on nutrition claims for foods. This is deemed important as it would spell out clearly the permitted claims. Under the proposed regulations, nutrition claims include the following: (a) Nutrient Content Claim; (b) Nutrient Comparative Claim; (c) Nutrient Function Claim and (d) Claim for enrichment, fortification, or other similar meaning.

A nutrient content claim is a claim that describes the level of a nutrient contained in a food. There are specific conditions which must be met before a nutrient content claim can be made. There are basically two types of content claims. The first type allows a food to claim that it is "low in" or "free" of certain nutrient or food component. The second type of claims allows for a food to claim that it is a "source of" or "rich in" certain nutrients.

Comparative claim is a claim that compares the nutrient levels and/or energy value of two or more foods. Under these claims, a food may bear a statement in the label that compares the level of a nutrient in the food with the level of a nutrient in a reference food in the following forms - "reduced", "less than", "fewer", "increased", "more than", "light", "extra".

A nutrient function claim is a nutrition claim that describes the physiological role of the nutrient in growth, development and normal functions of the body. For the present moment, only those nutrient function claims that are listed will be permitted to be used by the industry.

For each of these types of nutrition claims, details of the conditions that must be met before claims can be made, as well as examples of these claims will be described in the presentation.

Details of presentation given in Content of the Proposed Regulations for Second Public Comments, pages 73-80.

**CONTENT OF THE REVISED PROPOSED REGULATIONS
FOR SECOND PUBLIC COMMENT**

No.	Regulation	Content
1	18(7) Matter forbidden on any label.	<p>1. To add new paragraph : (7)</p> <p>- Claims which are prohibited :</p> <p>(a) Claims stating that any given food will provide an adequate source of all essential nutrients.</p> <p>(b) Claims implying that a balanced diet or ordinary foods cannot supply adequate amounts of all nutrients.</p> <p>(c) Claims which cannot be substantiated.</p> <p>(d) Claims as to the suitability of a food for use in the prevention, alleviation, treatment or cure of a disease, disorder, or particular physiological condition unless they are permitted in these regulation.</p> <p>(e) Claims which could give rise to doubt about the safety of similar food or which could arouse or exploit fear in the consumer.</p>
2	(New) 18A Claims on the label	<p>1. Claims which highlight the absence or non-addition of particular substances to food may be used provided that they are not misleading and provided that the substance:</p> <p>(a) is not subject to specific requirements in this regulation;</p> <p>(b) is one which consumers would normally expect to find in the food;</p> <p>(c) has not been substituted by another giving the food equivalent characteristics unless the nature of the substitution is clearly stated with equal prominence; and</p> <p>(d) is one whose presence or addition is permitted in the food.</p> <p>2. Claims which highlight the absence or non-addition of one or more nutrients should be regarded as nutrition claims and requires mandatory nutrient declaration.</p>

No.	Regulation	Content
		<p>3. Nutrition claims include the following :</p> <ul style="list-style-type: none"> (a) Nutrient Content Claim (b) Nutrient Comparative Claim (c) Nutrient Function Claim (d) Claim for enrichment, fortification, or other similar meaning as specified in regulation 26(7).
3	(New) Regulation 18B Nutrition Labelling	<p>1. Definition of nutrition labelling :</p> <ul style="list-style-type: none"> - a description intended to inform the consumer of nutrient content of a food. <p>2. The nutrient content shall be required for food products as specified in regulation 64 to 75, 84 to 87, 89 to 99, 113, 135, 149, 151, 161, 220, 233 to 242, 344, 345 and 348 to 358 of the Food Regulations 1985.</p> <p>3. The declaration of nutrient content on the label and in labelling of food should contain :</p> <ul style="list-style-type: none"> - Information about the level of energy, protein, available carbohydrate (excluding dietary fibre) and fat. - Information on energy value expressed in kcal per 100 g (optionally in kJ) <u>or</u> 100 ml <u>or</u> per package if the package contains only a single portion, and also per serving as quantified on the label. - Information on the amounts of protein, carbohydrate and fat in the food should be expressed in g per 100 g or per 100 ml or per package if the package contains only a single portion. This information should be given per serving as quantified on the label. <p>4. For foods which are prescribed in Regulation 348 to 358, the amount of total sugars in the form :</p> <p>"Total sugarsg".</p>

No.	Regulation	Content																				
		<p>5. Where a claim is made regarding the amount and/or type of fatty acids, the amounts of saturated, monounsaturated, polyunsaturated and transfatty acid should be declared in the following forms :</p> <table data-bbox="655 454 1150 628"> <tr> <td>Fat</td> <td>..... g</td> </tr> <tr> <td>of which monounsaturated</td> <td>..... g</td> </tr> <tr> <td>of which polyunsaturated</td> <td>..... g</td> </tr> <tr> <td>saturated</td> <td>..... g</td> </tr> <tr> <td>and trans fatty acid</td> <td>..... g</td> </tr> </table> <p>6. The amount of energy should be calculated by using the following conversion factors :</p> <table data-bbox="692 760 1187 934"> <tr> <td>Carbohydrates</td> <td>4 kcal/g (17 kJ)</td> </tr> <tr> <td>Protein</td> <td>4 kcal/g (17 kJ)</td> </tr> <tr> <td>Fat</td> <td>9 kcal/g (37 kJ)</td> </tr> <tr> <td>Alcohol (Ethanol)</td> <td>7 kcal/g (29 kJ)</td> </tr> <tr> <td>Organic acid</td> <td>3 kcal/g (13 kJ)</td> </tr> </table> <p>- The amount of protein should be calculated using the formula:</p> <p style="padding-left: 40px;">Protein = Total Kjeldahl Nitrogen x 6.25</p> <p>7. Declaration on vitamins and minerals may also be included in accordance, with the following criteria :</p> <p>(a) Only vitamins and minerals which are recommended in the Malaysian Recommended Intakes and have been established and/or which of nutritional importance.</p> <p>(b) Only those vitamins and minerals which are present in significant amount* may be declared.</p> <p>8. The numerical information on vitamins and minerals should be expressed in metric units and/or as a percentage of the Nutrient Reference Value (NRV) per 100 g or per 100 ml, or per package if the package contains only a single portion. In addition, this information should be given per serving as quantified on the label.</p>	Fat g	of which monounsaturated g	of which polyunsaturated g	saturated g	and trans fatty acid g	Carbohydrates	4 kcal/g (17 kJ)	Protein	4 kcal/g (17 kJ)	Fat	9 kcal/g (37 kJ)	Alcohol (Ethanol)	7 kcal/g (29 kJ)	Organic acid	3 kcal/g (13 kJ)
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		<p>9. The following Nutrient Reference Values (NRV) should be used for labelling purposes</p> <p style="text-align: center;"><u>Nutrient Reference Values (NRV)</u></p> <table border="0" style="width: 100%;"> <tr><td>Vitamin A</td><td>(µg)</td><td>800</td></tr> <tr><td>Vitamin D</td><td>(µg)</td><td>53</td></tr> <tr><td>Vitamin C</td><td>(mg)</td><td>60</td></tr> <tr><td>Thiamin</td><td>(mg)</td><td>1.4</td></tr> <tr><td>Riboflavin</td><td>(mg)</td><td>1.6</td></tr> <tr><td>Niacin</td><td>(mg)</td><td>18</td></tr> <tr><td>Vitamin B₆</td><td>(mg)</td><td>2</td></tr> <tr><td>Folic acid</td><td>(µg)</td><td>200</td></tr> <tr><td>Vitamin B₁₂</td><td>(µg)</td><td>1</td></tr> <tr><td>Calcium</td><td>(mg)</td><td>800</td></tr> <tr><td>Magnesium</td><td>(mg)</td><td>300</td></tr> <tr><td>Iron</td><td>(mg)</td><td>14</td></tr> <tr><td>Zinc</td><td>(mg)</td><td>15</td></tr> <tr><td>Iodine</td><td>(µg)</td><td>150</td></tr> </table> <p>10. The amount of cholesterol may also be declared, expressed in mg per 100 g or per 100 ml or per package if the package contains only a single portion. In addition, this information may be given per serving as quantified on the label.</p> <p>11. Where a food makes a nutrition claim it is mandatory to include a nutrition labelling and the amount of any other nutrient for which a nutrition claim is made in respect of the food.</p> <p>*Note: as a rule, 5% of the recommended intake supplied by a serving as quantified on the label should be taken into consideration in deciding what constitutes a significant amount</p>	Vitamin A	(µg)	800	Vitamin D	(µg)	53	Vitamin C	(mg)	60	Thiamin	(mg)	1.4	Riboflavin	(mg)	1.6	Niacin	(mg)	18	Vitamin B ₆	(mg)	2	Folic acid	(µg)	200	Vitamin B ₁₂	(µg)	1	Calcium	(mg)	800	Magnesium	(mg)	300	Iron	(mg)	14	Zinc	(mg)	15	Iodine	(µg)	150
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4	(New) Regulation 18C Nutrient Content Claim	<p>1. Definition of 'Nutrient Content Claim'</p> <p style="padding-left: 20px;">- A claim that describes the level of a nutrient contained in a food.</p> <p>2. The conditions specified in Table I and II for that claim should apply when a nutrient content claim is made.</p> <p>3. Where a food is by its nature low in or free of a nutrient, the term describing the level of the nutrient should not immediately precede the name of the food but should be in the form "a low (naming the nutrient) food" or "a (naming the nutrient) - free food".</p>																																										

No.	Regulation	Content
5	<p>(New) Regulation 18D Nutrient Comparative Claims</p>	<ol style="list-style-type: none"> 1. Definition of 'comparative claim' <ul style="list-style-type: none"> - A claim that compares the nutrient levels and/or energy value of two or more foods. 2. A food may bear a statement in the label that compares the level of a nutrient in the food with the level of a nutrient in a reference food in the following forms or any other words of the same significance - <p>"reduced"; "less than"; "fewer", "increased", "more than", "light", extra".</p> 3. Comparative claims can only be used on the label subject to the following conditions and based on the food as sold, taking into account further preparation required for consumption according to the instructions for use on the label : <ol style="list-style-type: none"> (a) The food being compared should be different versions of the same food or similar foods. The foods being compared should be clearly identified; and (b) A statement of the amount of difference in the energy value or nutrient content should be given. The following information should appear in close proximity to the comparative claim : <ul style="list-style-type: none"> - The amount of difference related to the same quantity, expressed as a percentage, fraction, or an absolute amount. Full details of the comparison should be given. - The identity of the food(s) to which the food is being compared. The food(s) should be described in such a manner that it (they) can be readily identified by consumers; and (c) The comparison should be based on a relative difference of at least 25% in the energy value or nutrient content, except for micronutrients where a 10% difference in the NRV would be acceptable, between the compared foods and a minimum absolute difference in the energy value or nutrient content equivalent to the figure defined as "low" or as a "source" in the Table II and III; and

No.	Regulation	Content
		<p>d) The use of the word "light" should follow the same criteria as for "reduced" and include an indication of the characteristics which make the food "light".</p>
6	<p>(New) Regulation 18E Nutrient Function Claim</p>	<p>1. Definition on "nutrient function claim"</p> <ul style="list-style-type: none"> - A nutrition claim that describes the physiological role of the nutrient in growth, development and normal functions of the body. <p>2. Nutrient function claims are allowed, provided the following conditions are fulfilled:</p> <ul style="list-style-type: none"> (a) Only those essential nutrients for which recommended intakes have been established and/or which are of nutritional importance may be subject of nutrient function claim; (b) The food for which the nutrient function claim is made should contain at least the amount of nutrient in the level to be considered as "a source of that nutrient per reference amount as specified in table II (c) Only the following function claim or any other words of similar meaning are permitted; <ul style="list-style-type: none"> (i) Calcium aids in the development of strong bones and teeth. (ii) Protein helps build and repair body tissues. (iii) Iron is a factor in red blood cell formation. (iv) Vitamin E protects the fat in body tissues from oxidation. (v) Folic acid contributes to the normal growth of the fetus (vi)} (vii)} <i>Industries/agencies are</i> (viii)} <i>invited to add/propose</i> (ix)} <i>other function claims</i> (x)} (d) Nutrient function claims should not imply or include any statement to the effect that the nutrient would afford a cure or treatment for or protection from disease

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7	Reg. 11(1) Particulars in labelling	To delete subregulation - 11(i) (h) (i) and - 11(i) (h) (ii)																																									
8	(New) Fifth A Schedule	<p>To introduce table for nutrition content claims –</p> <p style="text-align: center;">TABLE I</p> <p style="text-align: center;">CONDITIONS FOR NUTRIENT CONTENTS FOR USE OF NUTRITION CLAIMS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th data-bbox="619 766 794 825">COMPONENT</th> <th data-bbox="794 766 991 825">CLAIM</th> <th data-bbox="991 766 1305 825">CONDITIONS</th> </tr> </thead> <tbody> <tr> <td colspan="3" data-bbox="619 825 1305 891" style="text-align: center;">A. NOT MORE THAN</td> </tr> <tr> <td data-bbox="619 891 794 1083" rowspan="2">Energy</td> <td data-bbox="794 891 991 978">Low</td> <td data-bbox="991 891 1305 978">40 kcal (170 kJ) per 100 g (solids)</td> </tr> <tr> <td data-bbox="794 978 991 1083">Free</td> <td data-bbox="991 978 1305 1083">or 20 kcal (80 kJ) per 100 ml (liquids) 4 kcal per 100 ml (liquids)</td> </tr> <tr> <td data-bbox="619 1083 794 1203" rowspan="2">Fat</td> <td data-bbox="794 1083 991 1159">Low</td> <td data-bbox="991 1083 1305 1159">3g per 100 g (solids) 1.5 g per 100 ml (liquids)</td> </tr> <tr> <td data-bbox="794 1159 991 1203">Free</td> <td data-bbox="991 1159 1305 1203">0.15 g per 100g or per 100 ml</td> </tr> <tr> <td data-bbox="619 1203 794 1399" rowspan="2">Saturated Fat</td> <td data-bbox="794 1203 991 1334">Low</td> <td data-bbox="991 1203 1305 1334">1.5 g per 100 g (solids) 0.75 g per 100 ml (liquids) and 10% of total energy of the food</td> </tr> <tr> <td data-bbox="794 1334 991 1399">Free</td> <td data-bbox="991 1334 1305 1399">0.1 g per 100 g (solids) 0.1 g per 100 ml (liquids)</td> </tr> <tr> <td data-bbox="619 1399 794 1541" rowspan="2">Cholesterol</td> <td data-bbox="794 1399 991 1476">Low</td> <td data-bbox="991 1399 1305 1476">0.02 g per 100 g (solids) 0.01 g per 100 ml (liquids)</td> </tr> <tr> <td data-bbox="794 1476 991 1541">Free</td> <td data-bbox="991 1476 1305 1541">0.005 g per 100 g (solids) 0.005 g per 100 ml (liquids)</td> </tr> <tr> <td data-bbox="619 1541 794 1738" rowspan="2">Trans Fatty Acid</td> <td data-bbox="794 1541 991 1662">Low</td> <td data-bbox="991 1541 1305 1662">1.5 g per 100 g (solids) 0.75 g per 100 ml (liquid) and 10% of total energy of the food</td> </tr> <tr> <td data-bbox="794 1662 991 1738">Free</td> <td data-bbox="991 1662 1305 1738">0.1 g per 100 g (solids) 0.1 g per 100 ml (liquids)</td> </tr> <tr> <td data-bbox="619 1738 794 1814">Sugars</td> <td data-bbox="794 1738 991 1814">Free</td> <td data-bbox="991 1738 1305 1814">0.5 g per 100 g or per 100 ml</td> </tr> <tr> <td data-bbox="619 1814 794 1915" rowspan="3">Sodium</td> <td data-bbox="794 1814 991 1858">Low</td> <td data-bbox="991 1814 1305 1858">0.12 g per 100 g</td> </tr> <tr> <td data-bbox="794 1858 991 1902">Very Low</td> <td data-bbox="991 1858 1305 1902">0.04 g per 100 g</td> </tr> <tr> <td data-bbox="794 1902 991 1915">Free</td> <td data-bbox="991 1902 1305 1915">0.005 g per 100 g</td> </tr> </tbody> </table>	COMPONENT	CLAIM	CONDITIONS	A. NOT MORE THAN			Energy	Low	40 kcal (170 kJ) per 100 g (solids)	Free	or 20 kcal (80 kJ) per 100 ml (liquids) 4 kcal per 100 ml (liquids)	Fat	Low	3g per 100 g (solids) 1.5 g per 100 ml (liquids)	Free	0.15 g per 100g or per 100 ml	Saturated Fat	Low	1.5 g per 100 g (solids) 0.75 g per 100 ml (liquids) and 10% of total energy of the food	Free	0.1 g per 100 g (solids) 0.1 g per 100 ml (liquids)	Cholesterol	Low	0.02 g per 100 g (solids) 0.01 g per 100 ml (liquids)	Free	0.005 g per 100 g (solids) 0.005 g per 100 ml (liquids)	Trans Fatty Acid	Low	1.5 g per 100 g (solids) 0.75 g per 100 ml (liquid) and 10% of total energy of the food	Free	0.1 g per 100 g (solids) 0.1 g per 100 ml (liquids)	Sugars	Free	0.5 g per 100 g or per 100 ml	Sodium	Low	0.12 g per 100 g	Very Low	0.04 g per 100 g	Free	0.005 g per 100 g
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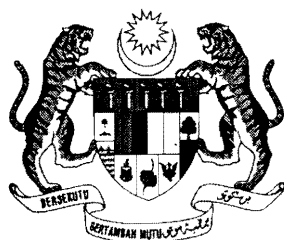
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