

**PUBLIC CONSULTATION ON PROPOSED AMENDMENTS TO THE  
FOOD REGULATIONS REGARDING LABELLING AND  
ADVERTISING OF INFANT FORMULA**  
**Summary of Comments and Revised Scope of Amendments**

This document provides:

- (A) a summary of SFA's response to the feedback received from stakeholders during the public consultation exercise on the proposed amendments to the Food Regulations regarding labelling and advertising of infant formula, which was conducted from 10 November to 15 December 2017; and
- (B) a summary of the finalised amendments to the Food Regulations, taking into consideration the feedback received from the public consultation.

**(A) SFA's response to comments received from consultation on proposed amendments to the Food Regulations on labelling and advertising of infant formula**

1. Following the amendments to the Sale of Food Act (SOFA) in November 2017 to strengthen consumer protection, the Singapore Food Agency (SFA) had proposed amendments to the Food Regulations to tighten labelling and advertising requirements for infant formula.
2. SFA conducted a public consultation during the period of 10 November to 15 December 2017 on the proposed amendments to the Food Regulations regarding the labelling and advertising of formula milk for infants (i.e. a person not more than 12 months of age).
3. A total of 7 comments were received at the close of the public consultation exercise. SFA has responded to all the comments provided by stakeholders. SFA has considered and reviewed each submission, and has examined the key issues identified. SFA's response to these comments are made available at **Annex I**.

**(B) Scope of the finalised amendments to the Food Regulations regarding the labelling and advertising of infant formula**

4. The scope of the amendments to the Food Regulations relating to the labelling and advertising of infant formula is summarised below.

5. Certain types of claims or representations will **not** be allowed on the label or advertisements of infant formula; these include:

- (a) a claim which states, suggests or implies that the infant formula<sup>1</sup> has, or may have, a health effect. Details of what would constitute a “health effect” will be set out in the amended Food Regulations;
- (b) a claim which compares the infant formula to breast milk;
- (c) any of the following:
  - (i) a representation of an infant or infants (whether or not accompanied by text);
  - (ii) a representation of a pregnant woman or nursing woman (whether or not accompanied by text);
  - (iii) a word like “humanised” or “maternalised”, or words of similar import;
  - (iv) a claim which idealises the use or effect of the infant formula
- (d) a claim which states, suggests, or implies the energy, carbohydrate and other nutritive property of any ingredient of the infant formula, other than those listed under Regulation 252(5) and (6) of the Food Regulations; and
- (e) a claim which states, suggests, or implies that the infant formula is enriched or fortified, or is an excellent source of the ingredients listed under Regulation 252(5) and 252(6) of the Food Regulations.

6. In addition, the label on any package for infant formula **will be** required to contain:

- (a) statements, preceded by the words “Important Notice” or words of similar import, to ensure that consumers understand that
  - (i) breastmilk is best for infants; and
  - (ii) infant formula should be used on the advice of a doctor or healthcare practitioner; and
- (b) a warning statement about the health hazards of improper use, preparation or storage of infant formula.

7. The draft legal text of the amendments to the Food Regulations regarding labelling and advertising of infant formula will be made available at [www.sfa.gov.sg/legislation](http://www.sfa.gov.sg/legislation).

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<sup>1</sup> For the purposes of this document, the term “infant formula” also includes any component, ingredient, constituent, or any other feature of the infant formula.

## Annex I: SFA's response to comments provided by stakeholders

Issues raised	SFA's response
<p>1. Request for a clear and detailed set of criteria from SFA to</p> <p>(i) guide the industry in providing vital and appropriate information to parents and caregivers; and</p> <p>(ii) help the industry to assess the impact that the proposed regulation will have on claims that contain certain words or pictorial illustrations that are already part of a trademark.</p> <p>2. Clarification required on whether the prohibition of "health claims" on labels and advertisements could conflict with a trademark owner's right under domestic and international law.</p>	<ul style="list-style-type: none"> <li>• Claims that state, suggest or imply that the infant formula has, or may have, a health effect, will not be allowed on the label or advertisement of infant formula. Details of what would constitute a "health effect" will be set out in the amended Food Regulations.</li> <li>• At this point in time, the prohibition of health effect related claims is not applicable to trademarks.</li> </ul>
<p>3. Clarification required on whether the prohibition of "nutrition claims" on labels and advertisements could conflict with a trademark owner's right under domestic and international law</p> <p>4. Request for parameters for on prohibition of claims on presence of ingredients</p> <p>5. Request for clear criteria and detailed examples for "absence of ingredients"</p>	<ul style="list-style-type: none"> <li>• Prohibited claims on labels and advertisements of infant formula include the following: <ul style="list-style-type: none"> <li>• Claims which state, suggest, or imply the energy, carbohydrate and other nutritive property of any ingredient of the infant formula, other than those listed under Regulation 252(5) and (6) of the Food Regulations.</li> <li>• Claims which state, suggest or imply that the infant formula is enriched or fortified, or is an excellent source of the ingredients listed under Regulation 252(5) and 252(6).</li> </ul> </li> <li>• At this point in time, the prohibition of such claims is not applicable to trademarks.</li> </ul>
<p>6. Clarification on use of texts and images of feeding bottles, teats and pacifiers on labels of infant formula.</p>	<ul style="list-style-type: none"> <li>• The prohibition on idealisation of the use or effect of infant formula will not extend to the use of texts and images of feeding bottles, teats and pacifiers in the upcoming amendments to the Food Regulations.</li> </ul>

<p>7. Sought clarification on whether the use of company's mascot would fall under (i) pictures of carers and (ii) pictures to imply that happiness is associated with the formula.</p> <p>8. Request for clarity on what constitutes "Pictures or text which imply that infant health, happiness, well-being or enhanced abilities (eg. intellect), or the health, happiness and wellbeing of carers, is associated with infant formula.</p>	<ul style="list-style-type: none"> <li>• The prohibition of the use of pictorial or graphic representation or text which imply that infant happiness or well-being, or the health, happiness and wellbeing of carers, is associated with infant formula will for the moment not be included in the upcoming amendments to the Food Regulations.</li> </ul>
<p>9. Request for clear and consistent examples that best illustrate the types of pictures that would be perceived as making comparisons to breast milk.</p>	<ul style="list-style-type: none"> <li>• Claims that may suggest a comparison of infant formula with breast milk includes examples like "moving on from breastfeeding", "closer to/inspired by breastmilk", "{name of ingredient} sourced/obtained from breastmilk", "maternalised/"humanised" milk or "{name of ingredient} similar to breastmilk".</li> </ul>