

RESPONSE TO COMMENTS RECEIVED FROM THE PUBLIC CONSULTATION ON PROPOSED AMENDMENTS TO THE FOOD REGULATIONS TO DELETE STANDARDS OF IDENTITY

The Singapore Food Agency (SFA) initiated a public consultation from 21 June to 20 August 2021 on the proposed amendments to the Food Regulations to delete standards of identity.

Comments were sought from stakeholders (industry associations, local food manufacturers, retailers and importers), as well as interested parties, on the proposed amendments.

At the close of the public consultation exercise, SFA received comments from **18** respondents on the proposed deletion of standards of identity. SFA's response to the comments received from the 18 respondents are summarised in the **ANNEX**.

SFA appreciates the time taken by all parties to submit feedback and comments which contribute to the decision-making process. Following this consultation, SFA will review the proposed amendments, taking into consideration the comments received.

SFA would like to encourage all parties to actively participate in future calls for comments.

ANNEX

(A) Comments expressing support for the proposed deletion of standards of identity	SFA's response
<p>1) A total of four respondents expressed support, of which two respondents expressed general support for the deletion of the standards of identity.</p> <p>2) The third respondent expressed support for the deletion of the standards of identity for cocoa and chocolate products in Regulations 163 – 170 as the existing standards are not aligned with international standards.</p> <p>3) The fourth respondent expressed support for the deletion of the standard of identity for bread (Regulations 48 and 53), noting that bread is increasingly made without yeast and can be made from a variety of flours, not just wheat.</p>	<p>SFA thanks the respondents for their support on the proposed amendments.</p>
(B) Comments concerning impact on quality of food products	SFA's response
<p>4) Seven respondents were concerned that the quality of food products in general would be affected or could not be guaranteed with the deletion of standards of identity. They were of the view that standards of identity are essential for consumer information when purchasing and consuming food products. Consumers have the right to expect that products with common terms such as “flour”, “butter”, “wine”, “cream”, “tea” etc.</p>	<p>Removing the standards of identity from the Food Regulations creates opportunities for the industry to formulate or source for products that will meet consumer demand. This would allow for product innovation, which would otherwise be stifled if the industry continues to have to conform to a fixed standard of identity. However, the industry should ensure that the consumer is adequately and correctly informed of the true nature of the food based on the</p>

<p>meet a certain standard. Consequently, consumers could be misled if products of different quality used the same term.</p> <p>5) Concerns were raised regarding impact on quality for specific food products: chicken essence, royal jelly, whisky, gin, brandy, rum and other alcoholic beverages, as there are no relevant Codex standards¹ or Singapore Standards for such products for industry to take reference from.</p>	<p>name and/or description as labelled on the product.</p> <p>Under regulation 5(4)(a) of the Food Regulations, the common name, or a description (in the case where a suitable common name is not available) must be sufficiently labelled to indicate the true nature of the food. For example, plant-based patty cannot be labelled as “hamburger” alone, there has to be a qualifying term such as “plant-based”.</p> <p>Food businesses have the responsibility to ensure that the common name or description adequately informs the consumer of the nature of the food, and that the food is of the nature demanded by the purchaser, failing which SFA may take regulatory action against the food businesses under Sections 17 and 18 of the Sale of Food Act. The current penalties upon conviction of offences are a fine not exceeding \$5,000 in the case of a first offence and, in the case of a second or subsequent conviction, a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.</p>
<p>(C) Comments on counterfeit and food fraud issues, loss of tax revenue and reputational loss for brand owners</p>	<p>SFA’s response</p>
<p>6) Four respondents were concerned that the deletion of standards of identity would give rise to counterfeit and food fraud issues,</p>	<p>The proposed deletion of the standards of identity does not compromise food safety. SFA will take regulatory action in the case of unsafe foods, or for non-compliance</p>

¹ Codex standards are a set of international food standards, guidelines and codes of practice adopted by the Codex Alimentarius Commission. The Commission was established by the Food and Agriculture Organization of the United Nations (FAO) and World Health Organization (WHO) to protect consumer health and promote fair trade practices in food trade.

<p>which may have the following repercussions:</p> <ul style="list-style-type: none"> a) food safety issues b) loss of tax revenue for the authorities c) reputational loss for brand owners 	<p>with food safety requirements as stipulated in the legislation.</p> <p>The industry is responsible for ensuring that the name or product descriptor as labelled is accurate and sufficient to reflect the true nature and contents of the prepacked food product; and to ensure that the food does not carry claims or suggestions that are false, misleading or deceptive, or are likely to create an erroneous impression regarding the value, merit or safety of the food. SFA may take regulatory action under Sections 17 and 18 of the Sale of Food Act should the industry fail to do so. Please refer to SFA's response in Section B of this document on the penalties for offences.</p> <p>For guidance on product formulation, quality criteria and other product issues not related to food safety, the industry may refer to any of the following:</p> <ul style="list-style-type: none"> • The commodity standards (which are essentially standards of identity) established by the Codex Alimentarius Commission; • relevant Singapore Standards or industry standards • standards of identity in the country of origin (for imported products); or • standards of identity in the country that they intend to export the products to. <p>Consumers are advised to contact the food businesses directly to resolve the matter should they have any issues with a product that is not related to food safety.</p> <p>With regard to the comment on loss of tax revenue, Singapore Customs has advised that the deletion of standards of identity for alcoholic drinks, including information</p>
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	<p>on the minimum alcohol content, will not affect the duties payable on imported alcoholic drinks administered by Singapore Customs. This is as the duties payable on alcoholic drinks are calculated based on the specific percentage of alcoholic strength, which is declared by the importers during the application of import permits with supporting documents.</p>
(D) Comments on concerns on loss of protection (in the context of alcoholic beverages)	SFA's response
<p>7) Three respondents were concerned that product names such as "whisky" would no longer be protected.</p>	<p>Product names for wines and spirits products, among others, may qualify to be protected as geographical indications (GIs) under the Geographical Indications Act. Where protected, rights holders may undertake the relevant enforcement measures against unauthorised use.</p> <p>For more information about the nature and protection of GIs in Singapore, please refer to the Intellectual Property Office of Singapore's website at: https://www.ipos.gov.sg/about-ip/geographical-indications.</p>
(E) Comments on reference to Codex standards and Singapore Standards	SFA's response
<p>8) Eight respondents submitted comments on this issue. Respondents thought that SFA intended to replace the deleted standards of identity with Codex standards and/or Singapore Standards and raised a number of concerns, such as:</p>	<p>SFA does not intend to replace the deleted standards of identity with Codex Standards or Singapore Standards. There are other existing guidelines on product formulation, quality criteria and other product issues not related to food safety, which the industry may refer to for guidance, such as:</p> <ul style="list-style-type: none"> • the commodity standards (which are essentially standards of identity)

<p>a) Uncertainty over which Codex standard(s) to map to the standard(s) of identity proposed to be deleted from the Food Regulations</p> <p>b) Whether it would be mandatory to comply with Codex standards or Singapore Standards in future, and if deviations from these standards would be permitted by SFA</p> <p>c) In addition to Codex standards or Singapore Standards, whether standards established by other international bodies (e.g. ISO) or by other countries would be acceptable to SFA</p> <p>d) Whether Singapore Standards could be made publicly available since SFA is advising industry to take reference from Singapore Standards in future</p>	<p>established by the Codex Alimentarius Commission</p> <ul style="list-style-type: none"> • relevant Singapore Standards or industry standards • standards of identity in the country of origin (for imported products); or • standards of identity in the country that they intend to export the products to. <p>Consumers are advised to contact the food businesses directly to resolve the matter should they have any issues with a product that is not related to food safety.</p> <p>Codex Commodity Standards are available for download at the Codex website: http://www.fao.org/fao-who-codexalimentarius/codex-texts/all-standards/en/.</p> <p>Regarding the comment on making the relevant Singapore Standards publicly available, Enterprise Singapore (ESG), as the national standards body, shared that it is unable to offer the standards for free due to prevailing copyright agreements with overseas standards bodies; and due to the support it provides for the development and promotion of standards.</p> <p>To make it easily accessible, businesses can access the standards at https://www.singaporestandardseshop.sg at a nominal fee. ESG has also made its standards available for free viewing at all branches of the National Library Board (NLB).</p>
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(F) Comments on the standards of identity that SFA is proposing to retain in the Food Regulations	SFA's response
<p>9) Two respondents provided comments, which largely centred on the following standards of identity that SFA proposed to retain in the Food Regulations:</p> <ul style="list-style-type: none"> a) "Milk" (Regulation 93), b) "Pasteurised milk" (Regulation 94) c) "Ultra-heat treated milk" (Regulation 95) <p>10) The respondents suggested that SFA could consider</p> <ul style="list-style-type: none"> a) a revised definition for "Milk" that is similar to the Australia New Zealand Food Standards Code (ANZFC) section 2.5.1, where both protein content and milkfat are defined b) allowing equivalent heat treatment regimes to those specified in the existing Regulations 94 and 95. This would be consistent with Codex Standard CXC/RCP 57-2004: which states 'the minimum pasteurization conditions are those having bactericidal effects equivalent to heating every particle of the milk to 72 °C for 15 seconds (continuous flow pasteurization) or 63 °C for 30 minutes (batch pasteurization) c) removing the words "only once" from Regulation 94(1), as milk could be heated more than once and achieve the same food safety outcome. 	<p>In SFA's consultation document, we mentioned that we intend to delete the compositional and quality criteria for milk that are currently specified in Regulations 93(1)(a), (b) and (c) of the Food Regulations. Therefore, SFA will not include requirements on minimum protein and milkfat contents for milk as these are related to composition and quality.</p> <p>SFA will assess the comments in 10b and 10c on treatment requirements for milk as these are food safety related. SFA will engage relevant industry members in the process. Once we have completed the assessment, we will make amendments to the Food Regulations if needed.</p>

(G) Comments on the proposed food category system and impact of the deletion of standards of identity on the food additive provisions in the Food Regulations	SFA's response
<p>11) Five respondents provided comments, which largely centred around the following issues:</p> <ul style="list-style-type: none"> a) timeframe for implementation of the food category system a) requests for flexibility in the usage of food additives in certain food products (e.g. wine) when developing the food category system b) requests to be engaged / consulted when SFA develops the food category system c) requests for SFA to conduct training to help the industry to understand and comply with the food category system <p>12) Two respondents also enquired whether the deletion of the standards of identity would affect existing food additive provisions for specific food products and whether they can refer to Codex standards for the food additive provisions should the standard of identity be deleted from the Food Regulations.</p>	<p>The proposed deletion of the standards of identity does not affect existing food safety standards. All food products imported, manufactured and sold in Singapore must comply with prevailing food safety standards in the Food Regulations, such as use of food additives and maximum limits for incidental constituents.</p> <p>SFA will develop a food category system (with associated food category descriptors), to provide clarity to the industry regarding the food additive provisions. The food category system would be based on the Codex General Standard for Food Additives (CODEX STAN 192-1995). The descriptors for each food category will provide information on the types of food products that belong in the category.</p> <p>SFA will work closely with the industry to develop the food category system with the associated descriptors. We will reach out to the industry in due course.</p> <p>SFA will take a two-phased approach to the deletion of standards of identity.</p> <ul style="list-style-type: none"> • Phase 1, which is tentatively targeted for end 2022, will see the deletion of 59 standards of identity that do not contain any food additive provisions, or are not required to interpret the food categories in the existing regulations or Schedules of the Food Regulations which specify

	<p>the food additive provisions or maximum limits for incidental constituents.</p> <ul style="list-style-type: none"> • The remaining 152 standards of identity will be deleted in Phase 2, which is tentatively scheduled for 2023, after SFA has developed the food category system and migrated all food additive provisions to the food category system. This will address concerns on the impact of the deletion of standards of identity on food additive provisions.
<p>(H) Comments on the effective date on which the proposed deletion of standards of identity would take effect</p>	<p>SFA's response</p>
<p>13) Two respondents provided comments on this issue as they thought that SFA intended to replace the standards of identity in the Food Regulations with Codex Standards or Singapore Standards, and requested for a transition period of 2 - 3 years, in order for them to carry out the necessary product reformulation / label changes to comply with the relevant Codex Standards or Singapore Standards.</p>	<p>The proposed amendments to the Food Regulations to delete standards of identity are planned to come into effect in two phases, with the first phase tentatively targeted by end of 2022.</p> <p>SFA does not intend to replace the deleted standards of identity with Codex Standards or Singapore Standards. Please refer to SFA's response in Section D of this document on references to Codex and Singapore Standards.</p>