

## RESPONSES TO COMMENTS RECEIVED FROM THE PUBLIC CONSULTATION ON THE FOOD SAFETY AND SECURITY BILL

The Ministry of Sustainability and the Environment (MSE), the Singapore Food Agency (SFA) and the Ministry of Health (MOH) initiated a public consultation (REACH) on the Food Safety and Security Bill (FSSB) from *15 March – 6 Sep 2024* on the following topics in the FSSB:

- Defined food and pre-market approval [*15 Mar 2024 – 14 May 2024*]
- Provision of non-packaged drinking water [*21 Mar 2024 – 20 May 2024*]
- Food businesses, Import, Export and Transshipment, Agri-food production inputs (animal feed and plant pesticides), and Strengthening resilience of food supply [*8 Aug 2024 – 29 Aug 2024*]
- Health promotion and marketing offences [*16 Aug 2024 – 6 Sep 2024*] (led by MOH)

2 SFA has also been engaging the industry since 2023 via a series of in-person engagement sessions during the drafting of the Bill. A total of 1,500 companies, associations and entities have been consulted.

3 MSE, SFA and MOH have considered the feedback received and appreciate the time taken by stakeholders to submit feedback and comments on the proposed provisions in the Bill. This document details the feedback received and agencies' responses.

### SUMMARY OF RESPONSES TO FEEDBACK (MAR-SEP 2024)

4 At the close of the public consultation exercise, MSE and SFA received feedback from 112 respondents (via REACH) and 260 participants who attended the in-person engagement session<sup>1</sup>. MOH, MSE and SFA also received feedback from 17 respondents from the REACH consultation for health promotion and marketing offences. The feedback mainly sought clarifications on the Bill and its implementation, and covered the following topics/ issues:

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<sup>1</sup> During the in-person engagements, SFA conducted straw polls with industry stakeholders to gather preliminary opinions on key FSSB provisions.

- a. Implementation
- b. Administration
- c. Penalties
- d. Food businesses
- e. Import, Export and Transshipment
- f. Agri-food production inputs (animal feed and plant pesticides)
- g. Defined food and pre-market approval
- h. Provision of non-packaged drinking water
- i. Food and health promotion
- j. Misleading or deceptive conduct and other marketing offences
- k. Strengthening resilience of food supply

5 The summary of the feedback and responses are highlighted as follows:

### **(A) IMPLEMENTATION**

6 Respondents sought clarity on when the new requirements (e.g. Farm Control Plan, record keeping for traceability and recall) will be implemented. SFA plans to implement the new requirements in phases over the next few years, starting from 2025. To ensure smooth transition for the industry, SFA will inform the industry before the start of each phase, giving sufficient lead time for companies to make adjustments where necessary.

### **(B) ADMINISTRATION**

7 The key feedback were related to the disqualification framework and traceability obligations.

#### Disqualification framework

8 There was consensus on the need to apply the **new** disqualification framework for revoked ex-licensees, with suggestions for the period to range from 3 months to 5 years, or even permanent disqualification for cases resulting in the death of consumers. In addition, there was feedback on: (i) the need for clarity for what would constitute egregious non-compliances, (ii) the impact of the framework on livelihoods, and (iii) whether disqualification should apply to other outlets under the same management.

9 MSE and SFA will strike a careful balance among the key considerations raised. To prevent recalcitrant or egregious persons from running food-related businesses, the Bill prescribes the disqualification period to be up to 3 years. Second, disqualification will only apply to food business operators and traders who had their licences revoked. The grounds for licence revocation would include (i) infringements that posed severe risks to food safety or public health in the existing term of licence, which had resulted in court conviction, (ii) non-compliance to a direction issued by the Director General (Food Administration), or (iii) fraud. The grounds for licence revocation are prescribed in the FSSB. Third, disqualification will not apply to the disqualified licensee's existing food business operations at other outlets, should they hold multiple food business licences.

## Traceability obligations

10 Most of the respondents agreed that the recall and record document provision timeframes are reasonable. Some suggested alternative timeframes ranging from 48 to 72 hours to provide documentation and complete recalls directed by SFA. This is due to the complexity of retail operations involving many stores and suppliers, as well as challenges in tracing loosely packed fresh and raw produce. Further, there were also clarifications on the type of food and additives included, documents needed, retention period, and the scope of recalls.

11 The FSSB will have **new** provisions to require food businesses to provide records relating to recalled food within 24 hours when requested. The 24-hour timeframe is set to quickly identify where are the unsafe food circulating in the market to protect consumers against food safety risks. To support timely compliance, the details of records to be kept will be prescribed in subsidiary legislation and guidance documents. SFA is also developing a portal to facilitate the submission of requested information.

12 Currently, SFA will provide food businesses up to 48 hours to remove the implicated products from retail shelves so that there is no further sale of the implicated products. SFA will maintain this timeframe for food safety reasons. The 48 hours to complete the recalls will not be stipulated in the FSSB but in a direction issued under Part 7. SFA will consider, on a case-by-case basis, requests for more time beyond the 48 hours, if there are valid reasons, to fully complete recall for logistical consolidation, transport, and disposal.

13 There was also a clarification on whether companies have to inform SFA in the event of a voluntary food withdrawal. The company must inform SFA if the food withdrawal is due to a food safety concern. SFA will then identify other companies who may have imported the implicated food and if necessary, to initiate a recall to ensure that these products are not available for sale to consumers.

14 SFA welcomes sharing by the industry on relevant best practices as we scope out the details to be prescribed in subsidiary legislation, e.g. duration to keep records.

### **(C) PENALTIES**

15 Respondents generally supported a common maximum penalty and provided feedback that (i) penalties imposed for offences should factor in severity of offence (such as food poisoning incidents or risk level of the food involved and recalcitrance) and the benefits gained by the offender, (ii) non-individual offenders, such as corporates, should face higher penalties as they have better resources and means to assure food safety.

16 The FSSB will introduce an **enhanced** maximum penalty (i.e. upper bound) framework for offences, which the courts will use to determine the eventual sentence. Penalties will be enhanced for offences relating to food safety and tiered based on severity and culpability. The penalty framework is designed to serve as a deterrent, while factoring the food safety risks and severity of the offences, i.e. higher maximum penalties will apply for repeat offenders and corporate entities. Offences involving unsafe food, which causes illness, harm and physical injury will also incur higher penalties. The maximum penalties are also differentiated based on whether the offender is an individual or an entity, with a custodial punishment for individuals, and a higher maximum fine for offenders which are entities. The differentiation adopted for offences and penalties is necessary to support a calibrated approach to contraventions.

## (D) FOOD BUSINESSES

17 Majority of respondents were supportive of the new provisions related to food businesses, such as requirement for selected licensable food businesses to keep records on food manufactured or supplied, contingency plans to ensure business continuity, and to prohibit food businesses that do not need to hold a licence from conducting certain higher risk activities.

### Licensing and licensing conditions - Farm Management Plan and Food Control Plan

18 The majority of respondents supported the **new** Farm Management Plan (FMP) and Food Control Plan (FoCP) requirements. These plans provide businesses with the flexibility to put in place preventive measures tailored to their operational needs, while allowing SFA to move away from imposing prescriptive requirements and having point-in-time detection of non-compliances. For farms, SFA is committed to supporting appointed personnel with adequate training and recognising equivalent expertise to oversee the FMP implementation (i.e. developing courses in partnership with training providers).

### Definition of unsafe and unsuitable food

19 There were comments that the definition of “unsafe food” may result in food waste, as food that has passed its best before date may not be unsafe.

20 The definition of “unsafe” food in the FSSB will remain substantially unchanged from what is currently in the Sale of Food Act with **two new considerations**. Firstly, food that is outdated (past its “best before” date) or contains an ingredient that is outdated food would be considered “unsuitable food” under the FSSB. Secondly, the supply, including donation, of unsafe and unsuitable food is an offence under the FSSB. SFA is studying the feasibility of differentiating between the different types of date-marks (i.e. “best before” versus “use by”, etc.) to balance the possible impact on support organisations involved in donation/distribution of free food. More updates will be provided in due course.

### Food delivery

21 There was a question on the responsibilities of companies which are involved only in food delivery. There will be no requirement for these businesses to be licensed nor for the food delivery workers to attend Food Safety Course Level 1. However, delivery of food is considered part of food handling under the FSSB. Food delivery companies are therefore accountable for the safe supply of food, and food delivery workers must handle food in a manner that does not make it unsafe. It will be an offence for a food delivery operator who knowingly adopts practices leading to the contamination of delivered food and causing food poisoning incidents.

## Food workers and food handling

22 There were concerns raised about servers, wait staff, promoters, or market stall operators selling non-ready-to-eat food items like raw vegetables being not covered as food workers. To avoid being overly onerous, SFA takes a risk-based approach in imposing requirements on food workers. Servers, wait staff, promoters or market stall operators selling non-ready-to-eat food carry lower food safety risk, thus they are not subject to the same level of requirements.

23 SFA currently requires food businesses to ensure that food workers adhere to good personal hygiene such as wearing clean attire and masks or spit guards when preparing food. Food workers should also use gloves or other implements such as tongs when handling cooked or ready-to-eat food.

24 Currently, food businesses must also ensure that food workers they deploy are trained. As part of SFA's inspections, SFA conducts checks on food workers to ensure that they have complied with the requisite training requirements and their food handling practices. The FSSB will have a **new** provision to require licensed food businesses to ensure their food workers attend refresher training and are kept up to date with their training.

25 In addition, SFA will have **enhanced** powers in the FSSB to directly mandate recalcitrant food workers to improve food handling practices or undergo training/re-training, instead of issuing such directions through food business licensees today.

## **(E) IMPORT, EXPORT AND TRANSHIPMENT**

26 Respondents were supportive of the key provisions related to the regulation of import, export and transshipment such as having contingency plans to ensure business continuity and the requirement for licensed importers of food, pre-packed food additive preparation, regulated food contact articles and animal feed to keep records of imported controlled items.

27 There were clarifications on whether certain provisions apply to consignments of meat and meat products that stay in the port or are transiting through Singapore. Currently, a person/business transshipping meat and meat products is required to obtain an annual licence and a permit for every consignment, if the goods are unloaded in Singapore (e.g. transferred from one Free Trade Zone to another, changing of conveyance). There will be no change to this requirement with the new Bill as it allows SFA to impose requirements requested by the destination country, hence facilitating trade.

28 MSE and SFA took in a comment to add the term "packing" to the definition of food additive in place of "packaging" for clarity.

## **(F) CERTAIN AGRI-FOOD PRODUCTION INPUTS (ANIMAL FEED AND PLANT PESTICIDES)**

### Animal feed

29 Respondents had mixed views regarding the requirement for businesses which manufacture feed for both food producing and non-food producing animals to obtain separate licences from SFA and NParks respectively with the enactment of the FSSB. SFA regulates feed for food producing animals to ensure that it will not pose food safety risks or compromise local production of food derived from animals. NParks regulates feed for non-food producing animals to ensure that it does not pose a risk to their health. The separation in legislation will provide greater legal clarity for the industry and should also facilitate access to international markets.

30 Respondents generally agreed that businesses should have a feed control plan, a **new** requirement in the FSSB, as it is necessary to minimise risks and ensure fitness of animal feed in production processes.

31 On when a licence is required, an import licence is required for importing animal feed, which includes feed additives, in the course of business. It is the responsibility of importers to know the requirements on what animal feed is allowed to be imported and will be fit for purpose. In addition, the importer will need to obtain a permit for every consignment of animal feed imported, including trade samples, so that SFA can impose specific conditions on the animal feed (e.g. feed containing animal products may not be allowed from certain sources due to disease outbreak), and can take a risk-based approach to inspect and test the animal feed before they enter the Singapore market (e.g. problem sources).

32 An animal feed production licence is required for the production of feed in Singapore, regardless of whether the feed is wholly exported. This is to ensure that any feed produced in Singapore, which might inadvertently be fed to food producing animals in Singapore, is fit for purpose.

### Plant pesticides

33 Respondents generally agreed that pesticides used in the cultivation of edible plants supplied for human consumption need to be regulated.

34 There was feedback on whether predatory insects would be considered as plant pesticides and thus be subjected to pesticide registration and pesticide operator certification requirements. Respondents also asked if the use of physical management tools such as sticky tape, glues, insect traps, coloured netting or LED lightings, etc, were also considered plant pesticides. Currently, SFA does not regulate predatory insects and predatory mites, parasitoids, and nematodes that prey on and eliminate plant insects, as pesticides as their food safety risk is low. This will continue to be the case in the FSSB. The exclusion of these organisms (i.e. predatory insects and predatory mites, parasitoids, and nematodes that prey on and eliminate plant insects) as plant pesticide would be prescribed in subsidiary legislation. In addition, plant pesticide as defined in FSSB does not include physical management tools.

35 Given the feedback on pest control using predatory insects, predatory mites, parasitoids and nematodes, MSE and SFA will provide in the FSSB for Minister to declare by order in the *Gazette* any substance or a mixture of substances that are not plant pesticides.

### **(G) DEFINED FOOD AND PRE-MARKET APPROVAL**

36 The FSSB provides **new** powers to formalise the regulatory frameworks for defined food. The majority of respondents agreed with the proposed definitions for "defined food" and "novel food". Some respondents sought clarification on whether novel food would include food additives and provided suggestions to improve clarity of the text.

37 MSE and SFA have taken in the feedback and adjusted the definition of novel food to provide greater clarity (i.e. to include bacteria and yeast that has not been used as food previously, and exclude material of mineral origin such as rock salt which has a history of safe consumption).

38 The proposed definition for novel food could include novel substances that are intended to be used as food additives. This is because it cannot be ruled out that some novel substances may be intended to be used as both food additives and as a novel food. SFA will provide the industry with further clarity through direct engagements and guidance documents.

39 There were comments about the pre-market approval process for novel and genetically modified (GM) foods, with requests for clarity on the safety assessment process and timelines for approval. Scientific knowledge and perspectives on safety aspects of novel foods, GM foods, and insects evolve over time, which can affect the food safety assessment process. SFA will continue to update safety assessment guidelines on SFA's website related to novel foods, genetically modified foods, and insects, to provide for agility in adopting up-to-date food safety assessment processes.

40 There was a comment to include an additional clause in the meaning of "GM food" to explicitly exclude genome edited foods. Genome editing is able to generate new organisms that can either be equivalent to organisms bred through conventional breeding and are thus of equivalent safety as conventional food, or organisms that could not have occurred naturally or been bred through conventional breeding and are thus considered to be of safety concern. SFA's pre-market approval process is designed to address food safety concerns over GM food that contain foreign genetic material that could not have occurred naturally or produced through traditional breeding and selection. The current proposed definition of "GM food" adequately covers for this intent, and hence will be retained.

### **(H) PROVISION OF NON-PACKAGED DRINKING WATER**

41 The majority of respondents supported the proposed provisions in the draft Bill on non-packaged drinking water.



42 There was a suggestion for SFA to provide guidance for drinking water providers or suppliers on how they could adequately discharge their duties under the FSSB, including surveillance and testing of drinking water. SFA currently provides such guidance through the Code of Practice on Drinking Water Sampling and Safety Plans and would continue to do so after Part 6 of the FSSB comes into operation.

43 There was also feedback to include requirements on water filters, including meeting the claims made by suppliers of such filters. MSE/SFA has assessed that it is not necessary to regulate water filters as Singapore's tap water is suitable for drinking without any further filtration. There are existing measures and laws such as the Consumer Protection (Fair Trading) Act 2003 (CPFTA) which allows consumers to seek recourse from suppliers who engage in unfair practices, such as making false claims about water filters.

## **(I) FOOD AND HEALTH PROMOTION**

44 On whether MOH should be provided with **new** power to make food-related regulations for health promotion, there were differing views between respondents who represented consumers and researchers, and those who represented businesses and industry associations.

45 Among consumers, a majority were either supportive or neutral. The remaining consumers who were not supportive had concerns over stricter regulations such as those that prohibit or restrict the way the public access or acquire food, and held the view that such measures may overly restrict consumer choice. They emphasised that such measures should be evidence-based and enforceable. The sole respondent who represented researchers was supportive of all measures.

46 In contrast, respondents representing businesses or industry associations were either neutral or not supportive. More respondents were neutral about measures that prohibit or restrict the import of food and regulate labelling and advertising of foods, while more were not supportive of measures that prohibit or restrict the way the public access or acquire food and prohibit or restrict the way foods are manufactured, prepared, distributed, supplied, or used in manufacture or preparation of other foods. Respondents who were not supportive cited similar concerns that regulations for health promotion should be evidence-based and not disproportionately restrict consumer choice. They also cited possible impact on food security and businesses as other areas of concern. These respondents suggested that MOH consider other non-regulatory approaches and to consult the industry before the implementation of new regulations.

47 On the **new** power for MOH to issue remedial notices to persons to rectify a contravention of Part 9 Regulations, majority of respondents found this useful. Among those who did not were respondents representing consumers, who held the view that businesses should be held accountable, even after the contravention has been remedied in accordance to the remedial notice.

## **(J) MISLEADING OR DECEPTIVE CONDUCT AND OTHER MARKETING OFFENCES**

48 The majority of respondents had no concerns with the definition of who might be considered a “publisher” and what might constitute as “publishing”. There was also strong consensus on having the same measures apply on advertising for food and food contact articles. A good proportion of respondents were also supportive of extending the responsibility for ensuring that advertisements are compliant beyond food business proprietors and the need to differentiate criminal responsibility between advertisers with control over the content versus those who did not.

49 About half of the respondents were supportive of restrictions and requirements on advertising content. Of the remainder who were not, there was an equal divide between those who felt that the measures were inadequate or excessive. All respondents who felt that the measures were inadequate represented consumers or researchers, while most respondents who felt that the measures were excessive represented businesses or industry associations. Respondents who felt that the measures were inadequate cited potential gaps observed in the market today, and questioned if the provisions were sufficient to address novel advertising forms. Those who felt that the measures were excessive held the view that there was insufficient evidence on the impact of food advertising bans or warning statements in advertising content on health outcomes and advocated for the Government to focus on non-regulatory approaches, such as public education and industry self-regulation.

50 Some respondents disagreed with limiting criminal liability for non-compliant advertisements to publishers that are in Singapore on the consideration that the same treatment should be applied to all advertisers, whether they are based locally or overseas.

51 MSE, SFA and MOH currently regulate advertising in the food industry through the Sale of Food Act. Requirements and restrictions that are already in force today will be preserved, after reviewing to take in latest scientific and industry developments. Other **enhancements** in the FSSB take into consideration the growing prevalence of digital advertising and e-commerce. Given that the FSSB does not have jurisdiction overseas, control measures are provided at appropriate junctures in the advertising process on Singapore-linked persons or entities, so that public exposure to non-compliant advertisements can be contained or restricted, even if they originate from overseas. While the responsibility for compliant advertising will be imposed on other parties besides food business proprietors, the responsibility is calibrated to prevent an overreach and those who authorise the content of the advertisement remain primarily accountable.

## **(K) STRENGTHENING RESILIENCE OF FOOD SUPPLY**

52 Respondents generally supported the **new** measures and changes to strengthen resilience of food supply. There were some clarifications and suggestions as follows:

53 On the definition of terms, there was suggestion to take into consideration the definition of 'emergencies' proposed by the United States at the Codex Committee on Food Labelling (CCFL) on Guidelines on the Application of Food Labelling Measures in Emergencies, in the definition of the "food security factors". The FSSB contains a definition of "food security factors" which already encompass issues that may affect Singapore's supply of food including global food availability, supply sources for food, resilience of the agri-food supply chain in response to natural or man-made disasters, climate change severe disturbances in agricultural markets and other disruptions in the supply of food, and food safety and consumer confidence in food.

54 On Minimum Stockholding Requirement (MSR) scheme, there were requests for more details on the MSR scheme. MSR may be imposed on selected entities ("MSR entity") which undertake a specific activity ("MSR activity") along the agri-food supply chain (e.g. import / manufacturing) involving a certain food item or agri-food production input ("MSR product"). Ahead of imposing the MSR on entities undertaking a specific MSR activity involving a specific MSR product, the MSR product and MSR activity will be published in subsidiary legislation which is publicly accessible. Entities who will be required to comply with the MSR will be notified via a trigger notice, and the entities will be given a reasonable amount of time to comply. Prior to the implementation for each specified MSR product and MSR activity, SFA will engage the entities who will be subject to the MSR, to help them understand the MSR and provide clarifications. In the lead up to the transition of the existing Rice Stockpile Scheme to the MSR scheme for rice, SFA will organise focused consultations in small group settings to provide tailored clarification and support, e.g. clarifying the administrative processes and required documents to be submitted.

55 There was also clarification sought on the type of information to be collected. The Government may require data from those in or closely connected with the agri-food supply chain as approved by the Minister for Sustainability and the Environment, such as information on in-country MSR stock levels and stock locations. The data will support early sensemaking and management of national food stockpiles. Similar to the MSR, the relevant information on the specific information, purpose for which the information is required, and how and when the information is to be provided, will be made known to the relevant person(s) ahead of imposing the requirement. Given the commercial sensitivity of such data, its nature and usage will be scoped by law and kept in strict confidence.

56 The detailed responses to the feedback received and adjustments made to the draft Bill are reflected in Annex 1 to 9 in the subsequent pages.

## **ANNEX 1 – FEEDBACK TO PROVISIONS RELATING TO FOOD BUSINESSES**

Comments were received from a total of 42 respondents, comprising 31 food businesses (10 retail food businesses and 21 non-retail food businesses including 8 farms), 2 industry associations, 6 food charities, 1 delivery business, 1 food worker and 1 consumer.

About 100 participants attended the in-person engagement for Food Business held in Aug 2024. During the engagement session, SFA also invited attendees to respond to polls to seek views on specific provisions in the FSSB.

All in all, respondents to the REACH consultation as well as participants for in-person sessions, as applicable:

- a) were able to identify the type of licensable activity within the First Schedule that their operation belongs to (25 out of 34 respondents<sup>2</sup>; 74%);
- b) supported a common maximum penalty for all food types in situations where handling of food in a manner that causes food to become unsafe, leading to food-borne incidents (22 out of 35 respondents; 63%);
- c) supported disqualifying ex-licensees who had their licences revoked from operating the same type of licensable activity (98 out of 124 respondents; 79%); of these, more than two-thirds (19 out of 27 respondents; 70%) supported a time-limited disqualification period;
- d) agreed that it is necessary to prohibit food businesses that do not need to hold a licence from conducting certain higher risk activities (31 out of 35 respondents; 89%);
- e) supported the new Farm Management Plan and Food Control Plan requirements so as to move away from prescriptive requirements and point-in-time detection of non-compliances to preventive measures devised and operationalised by food businesses (114 out of 136 respondents; 84%);
- f) supported requiring select licensable food businesses to have contingency plans to ensure business continuity (96 out of 120 respondents; 80%);

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<sup>2</sup> Blank responses have been omitted from the denominator to more accurately reflect the feedback received.

- g) supported requiring select licensable food businesses to keep records relating to food manufactured or supplied (110 out of 127 respondents; 87%) to enable traceability for recall purposes;
- h) agreed that the recall and record document provision timeframes to be reasonable (26 out of 35 respondents; 74%); and
- i) agreed that the monitoring and investigating powers accorded to SFA are proportionate and adequate (31 out of 34 respondents; 92%).

A third of respondents (4 out of 12) also indicated that they, as consumers patronising food businesses, have not or will not consider suing the food business to recover costs if they fell ill from consuming food at a food business.

**No adjustments were needed for the draft Bill as the comments were aligned with the draft Bill and chiefly sought clarifications and details on Bill implementation.** Below is a summary of the feedback received and MSE/SFA's responses.

Feedback	MSE/SFA's Response
<b>A. Definitions</b>	
<p>4 respondents provided feedback and posed questions on definitions used in the Bill, specifically:</p> <ul style="list-style-type: none"> <li>• That the definition of “unsafe food” may result in food waste as food that has passed its best before date may not be unsafe</li> <li>• Whether “sell” and “supply” covers companies only conducting food delivery</li> <li>• Whether predatory insects would be considered as plant pesticides and thus be subject to registration and operator certification requirements in the FSSB.</li> </ul>	<p><u>Definition of unsafe and unsuitable food</u>  The definition of “unsafe” food currently exists in the Sale of Food Act (SOFA) and will remain substantially unchanged in the FSSB, with “unsafe” food defined as food that is likely to cause physical harm to an individual who might later consume it. However, food that is outdated (past its “best before” date) or contains an ingredient that is outdated food would be considered “unsuitable food” under the FSSB. This is new.</p> <p>Currently, we do not differentiate date-marks (i.e. “Use By” and “Best Before” are both used to indicate the expiry date of food products, beyond which the food product is not permitted to be sold in Singapore).</p> <p>Singapore is a small market which imports 90% of our food. Standardising date-marks to a specific term (e.g. “Best Before”) could lead to higher compliance costs for businesses and inadvertently reduce food import sources to Singapore.</p> <p><u>Food Delivery</u>  The definition of “sell” and “supply” will include companies with food delivery as their key</p>

	<p>business. However, as these food businesses do not carry out any cooking, preparation or handling of food, these businesses will not need to be licensed and there is no need for the food delivery workers to attend Food Safety Course Level 1. Nevertheless, the food delivery workers must handle food in a manner that does not make it unsafe.</p> <p><u>Plant Pesticides and Predatory Insects</u>  Currently, SFA does not regulate predatory insects and predatory mites, parasitoids, and nematodes that prey on and eliminate plant insects, as pesticides and we will continue with this position going forward. Imports of such organisms are regulated under NParks for phytosanitary purposes.</p> <p>The exclusion of these organisms (i.e. predatory insects and predatory mites, parasitoids, and nematodes that prey on and eliminate plant insects) from the scope of “plant pesticides” will be prescribed in subsidiary legislation under the FSSB.</p>
<b>B. Bill implementation</b>	
<p>3 respondents asked for more details about Bill implementation, specifically:</p> <ul style="list-style-type: none"> <li>• For more clarity on how new requirements will be communicated and implemented</li> <li>• Whether SFA plans to leverage technology in implementation of new requirements</li> <li>• Whether monitoring and enforcement requirements are too expansive for SFA to manage given current resources</li> </ul>	<p>SFA would like to assure food businesses that any new requirements will be implemented progressively and in close consultation with food businesses.</p> <p>To facilitate implementation, monitoring and enforcement, SFA will continue to leverage technology and partner with relevant government agencies. For instance, we will continue to leverage GoBusiness as Government’s one-stop shop for business e-services to facilitate applications for authorisations under FSSB. Further, since 2022, SFA has adopted a data-driven targeted inspection regime which focuses on food businesses with a higher propensity for lapses, which has helped to maximise resource deployment and efficiency in our inspections.</p>
<b>C. Food workers</b>	
<p>5 respondents provided feedback on the regulation of food workers, specifically:</p>	<p>SFA currently requires food businesses to ensure that food workers adhere to good personal hygiene, such as wearing clean attire and masks or spit guards in the course</p>

<ul style="list-style-type: none"> <li>• That food businesses should be required to provide adequate attire/uniform (safety shoes/shirts/pants) to their food workers</li> <li>• That food workers should be subject to more stringent controls, including more frequent inspections on their activities</li> <li>• That there would be a regulatory gap as food workers did not cover servers, wait staff, promoters or market stall operators selling non-RTE food, such as raw vegetables</li> </ul>	<p>of food preparation activities. Food workers should also use gloves or other implements such as tongs when handling cooked or ready-to-eat food.</p> <p>Currently, food businesses must also ensure that food workers they deploy are properly trained. As part of SFA's inspections, SFA conducts checks on food workers to ensure that they have complied with the requisite training requirements and their food handling practices. The FSSB will have a new provision to require licensed food businesses to ensure their food workers attend refresher training and are kept up to date with their training.</p> <p>In addition, SFA will have enhanced powers in FSSB to directly mandate recalcitrant food workers to improve food handling practices or undergo training/re-training, instead of issuing such directions through food business licensees today.</p> <p>To avoid being overly onerous, SFA takes a risk-based approach in imposing requirements on food workers. Servers, wait staff, promoters or market stall operators selling non-RTE food carry lower food safety risk, thus they are not subject to the same level of requirements.</p>
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**D. Licensable food businesses**

<p>1 respondent asked whether the manufacturing of food additives is considered a licensable activity.</p>	<p>Yes, food businesses that manufacture food additives that can be sold directly to end consumers (e.g. in retail packs) will be licensed.</p>
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**E. Home-based food businesses**

<p>1 respondent provided feedback that unlicensed home-based food businesses are unregulated.</p>	<p>Home-based food businesses currently do not require an SFA licence to operate. This approach will continue with the FSSB. Given their scale of operations, home-based food businesses pose lower food safety risks compared to restaurants and other food businesses which require a licence by SFA.</p> <p>However, SFA will retain regulatory control over food businesses that conduct activities which do not require a licence, such as home-</p>
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	<p>based food businesses. For example, SFA continues to be able to investigate into incidents of food poisoning and serve directions to food businesses that do not hold a licence, should the situation warrant. This allows us to require preventive or corrective action to be taken.</p> <p>We will also be able to prescribe activities that non-licensable food businesses, such as home-based food businesses, must not undertake such as the sale of high-risk food (e.g. ready-to-eat raw fish), non-compliance to which would constitute an offence. This is to strengthen the suite of regulatory tools to better manage food safety risks while balancing the need to support other food business models that emerge.</p>
<b>F. Rationalised penalties</b>	
<p>8 respondents provided feedback on the maximum penalties, specifically:</p> <ul style="list-style-type: none"> <li>• That penalties imposed for offences should factor severity of offence (including food poisoning incidents) and recalcitrance</li> <li>• That non-individual offenders, such as corporates, should face higher penalties as they have better resources and means to assure food safety</li> </ul>	<p>Complementing the move to decriminalise less egregious breaches, the Bill will rationalise the penalties across existing Acts. Currently, the penalties for food safety offences are markedly different across different Acts even though the offences are similar in substance.</p> <p>While the FSSB introduces a maximum penalty (i.e., upper bound) for offences, it is up to the courts to determine the sentence.</p> <p>Higher maximum penalties will apply for repeat offenders and corporate entities. Offences involving unsafe food, which causes illness, harm and physical injury will also have higher penalties.</p>
<b>G. Disqualification framework</b>	
<p>23 respondents provided feedback on the disqualification of ex-licensees who had their licences revoked, specifically:</p> <ul style="list-style-type: none"> <li>• That the disqualification decision should factor severity of situation and recalcitrance (repeat offending) and allow for representations on corrective actions taken / to be taken</li> </ul>	<p>Given the potential impact on livelihoods, the disqualification framework is reserved for situations that warrant regulatory action of particular severity.</p> <p>This is why MSE and SFA have struck a careful balance. First, the FSSB limits the disqualification period to up to 3 years. Second, disqualification will only apply to ex-licensees who had their licences revoked. Grounds for licence revocation would include</p>



<ul style="list-style-type: none"> <li>• That the types of egregious non-compliances should be specified</li> <li>• That disqualification can be permanent if it results in death</li> <li>• That disqualification period should range from 3 months to 5 years</li> <li>• That disqualification should not affect other outlets under the same management</li> <li>• That disqualification should not just be tied to the ex-licensee as operators are able to form new companies</li> <li>• That a balanced approach is needed to factor impact on livelihoods</li> </ul>	<p>(i) infringements that posed severe risks to food safety or public interest during the previous or existing terms of licence that had resulted in court conviction, (ii) non-compliance to a direction issued by the Director General (Food Administration), or (iii) fraud. The grounds for licence revocation are prescribed in the FSSB. Third, there will be no impact on the disqualified ex-licensee's existing food business operations at other outlets, should the ex-licensee hold multiple food business licences.</p> <p>To deter disqualified ex-licensees from making use of associates to perpetuate their involvement in the operation of a new licensable food business or attempt to circumvent the disqualification by setting up new corporate vehicles, the FSSB will introduce controls. One, the disqualified ex-licensee will not be allowed to take on a new managerial role to direct the operation at another new licensable food business of the same licence type during the period of disqualification. Two, associates of disqualified persons will also have that association taken into consideration when SFA assesses whether a licence should be granted.</p>
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#### **H. Traceability obligations / record keeping**

<p>3 respondents requested for a longer timeframe to provide information and complete recalls. Of these, one shared the specific challenges for tracing loosely packed fresh and raw produce.</p> <p>Another respondent agreed with the 24-hour time-frame but suggested that SFA establish detailed guidelines to support timely and accurate compliance, including identify key nodes or "critical tracking events", defining key data elements in the records to be kept, and standardising the reporting structure and format.</p> <p>1 respondent also sought to clarify:</p>	<p><u>Scope and application of requirements</u></p> <p>SFA will only impose the requirement on the following groups when the Bill is implemented, as they are key distribution nodes for food:</p> <ul style="list-style-type: none"> <li>• SFA-licensed importers of food, pre-packed food additives and regulated food contact articles. Pre-packed food additives will be scoped to any food additive that is imported for retail sale.</li> <li>• SFA-licensed food processing establishments and slaughterhouses.</li> <li>• SFA-licensed importers and producers of animal feed.</li> </ul> <p><u>Timeframe for providing records to SFA and for carrying out SFA-initiated safety recall</u></p>
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- The scope of food and if pre-packed food additives will be included
- The documents needed and the retention period
- The scope of voluntary recalls to be included

The FSSB will have new provisions to require food businesses described above to provide records within 24 hours when requested.

The 24-hour timeframe is set to quickly identify where are the unsafe food circulating in the market to protect consumers against food safety risks. The timeframe is in line with international practices, e.g. in the United States and New Zealand. Based on the poll responses, most (74%) apart from 8 respondents indicated that the 24-hour timeframe to provide SFA with the required information to be reasonable. To support timely compliance, the details of records to be kept will be prescribed in subsidiary legislation and guidance documents. SFA is also developing a portal to facilitate submission of requested information.

Currently, SFA will provide food businesses up to 48 hours to remove the implicated products from retail shelves. The 48 hours to complete the recalls will not be stipulated in FSSB but in a direction issued under Part 7.

SFA will also permit the food business more time beyond the 48 hours for logistical consolidation, transport and disposal.

Records to be kept

Information to be kept include: (i) information to identify, locate and trace the incoming ingredients or products (“one step back”); and (ii) information to identify, locate and trace where the outgoing products are distributed to (“one step forward”), unless the transaction is to final consumers. The detailed requirements will be prescribed in subsidiary legislation.

SFA notes the feedback on challenge of record keeping for loosely packed fresh and raw produce. SFA will further engage food businesses on how to deal with such produce when we work out the requirements to be prescribed in subsidiary legislation

Standardised submission portal

When a food recall is initiated, activated/implicated SFA licensees can

	<p>access the portal to input the required information. This will only be when a food processing establishment or slaughterhouse has produced or supplied an implicated food product which is the subject of a food safety recall initiated by SFA.</p> <p><u>Duration to keep the records</u> Preliminarily, the records will need to be kept either (i) 6 months after datemarking on products or (ii) 6 months after point of transaction to next entity in the supply chain (i.e. one step forward) for products without date marks. SFA welcomes companies to share with us relevant industry best practices, which we may take into account as we scope out the details. These details will be prescribed in subsidiary legislation.</p> <p><u>Scope of voluntary recalls</u> Food businesses only need to notify SFA of voluntary recalls when there is a likelihood of unsuitable or unsafe food (e.g. undeclared allergens) and not for recalls related to quality issues. In addition, food businesses only need to notify SFA of the voluntary recalls that it initiates, and not those it is implicated in (i.e. if an upstream supplier initiates the voluntary food safety recall, the onus is on the upstream supplier to keep SFA informed).</p>
<p><b>I. Farm management plan</b></p>	
<p>5 respondents submitted queries about the farm management plan, specifically:</p> <ul style="list-style-type: none"> <li>• For more details on the elements of the farm management plan, the Appointed Person, and regulatory action that will be taken for non-compliances</li> <li>• Whether production output is a component of the FMP</li> <li>• For more details on management of carcasses</li> <li>• Whether there would be a prescribed list of forbidden chemicals for seafood farms</li> </ul>	<p>The Farm Management Plan (FMP) will cover components such as biosecurity and disease management, feed management; stock or crop management, waste, carcass or pest management; and water quality monitoring of discharges (for closed containment aquaculture systems only). Implementation of FMP requirements will be phased to allow time for existing farms to transit. The eventual state is that farms will not be granted a licence without an acceptable FMP and will be subject to regulatory action if they do not follow the documented processes in their FMP.</p> <p><u>Appointed Personnel (AP)</u> The Appointed Personnel (AP) plays a crucial role in overseeing the implementation of the Farm Management Plan. As part of the FMP</p>

	<p>requirements, each farm will need to designate an AP, who can be the licensee themselves or another individual within the farm.</p> <p>To support APs in their responsibilities, SFA is developing a course in partnership with training providers. We understand that some individuals may already possess relevant expertise. As such, SFA will recognise equivalent training or experience that adequately prepares APs for their role. Our goal is to ensure that all APs are well-equipped to effectively implement and manage the FMP, whether through our dedicated course or through other relevant qualifications.</p> <p><u>Production output</u> This is not a part of FSSB or an FMP.</p> <p><u>Management of carcasses</u> SFA will flesh out specific details in the next few years and provide a guidance document to support farms in developing and implementing the FMP.</p> <p><u>Forbidden chemicals</u> There is currently a directive regarding drug usage on farms. Under FSSB, the regulation of use of chemicals on farms will be prescribed in subsidiary legislation.</p>
<p><b>J. Food control plan</b></p>	
<p>1 respondent suggested that food safety management systems should be imposed on all food businesses so as to empower certifying bodies to facilitate industry self-regulation.</p>	<p>SFA agrees with the importance of strengthening joint responsibility for food safety. This is why, through the new Food Control Plan (FoCP) requirement, SFA is moving away from the traditional approach of prescriptive, “one-size-fits-all” requirements and detection of point-in-time non-compliances towards one where preventative measures tailored to specific operational models and needs are devised by the food businesses themselves to be put in place upstream and operationalised consistently.</p> <p>There are currently no plans to extend the requirement for Food Safety Management Systems as part of a food business’ FoCP</p>

	beyond food businesses approved to conduct catering activities.
<b>K. Contingency plan requirements</b>	
1 respondent asked for more clarity about the types of licensable food businesses that will need to have plans to manage disruptive events, as well as an outline of the plans for the industry's reference.	There are no plans to impose the requirement on new groups of licensees at this point. SFA will engage affected licensees and provide relevant support and time before implementing such requirements.

## **ANNEX 2 - FEEDBACK TO PROVISIONS RELATING TO IMPORT/EXPORT/TRANSHIPMENT**

Comments were received from a total of 23 respondents, which included 20 industries/businesses, 1 overseas competent authority, 1 industry association, 1 overseas scientific organization. About 100 participants attended the in-person engagement relating to Import/Export/Transshipment, held in Aug 2024.

During engagement sessions, MSE/SFA also invited attendees to respond to polls to seek views on specific provisions in the Bill.

MSE/SFA received feedback on the proposed legislation particularly on the following:

- i. Penalty framework
- ii. Disqualification framework
- iii. Contingency plan
- iv. Traceability obligation/record keeping
- v. Definition of terms

In general, stakeholders:

- a) supported a common maximum penalty for importing unsafe food, or importing food without a licence or permit (18 out of 21 respondents; 86%);
- b) supported disqualifying ex-licensees who had their licences revoked from operating the same type of licensable activity (93 out of 107 respondents; 87%); of these, more than two-thirds (13 out of 18) supported a time-limited disqualification period;
- c) supported requiring licensed importers of certain selected controlled items to have contingency plans to ensure business continuity (86 out of 111 respondents; 77%);
- d) supported requiring licensed importers of food, pre-packed food additive preparation, regulated food contact articles and animal feed to keep records relating to the imported controlled item for traceability for recall (101 out of 111 respondents; 91%);
- e) agreed that the recall and document record provision timeframes to be reasonable (16 out of 21 respondents; 76%); and
- f) agreed that the monitoring and investigating powers accorded to SFA are proportionate and adequate (21 out of 21 respondents; 100%)

19% of respondents (4 out of 21) also indicated that they, as consumers patronising the importer, have not or will not consider suing the importer to recover costs if they fell ill from consuming imported food.

**MSE/SFA took in a comment to adjust a definition in the Bill for clarity (i.e. addition of the term “packing” to the definition of food additive in place of “packaging”). The rest of the comments were aligned with the draft Bill and**

chiefly sought clarifications and details on Bill implementation. Below is a summary of the feedback received and MSE/SFA's responses.

Feedback	MSE/SFA's Response
<b>A. Penalty framework</b>	
<p>3 respondents provided feedback on the penalty framework, specifically:</p> <ul style="list-style-type: none"> <li>• Penalties must be in line with the benefits gained from the act and not a maximum quantum, akin to fines for tax fraud to be up to say 3 times the amount cheated.</li> <li>• Prefer a penalty framework with a common maximum penalty if the food is rendered unsafe and this is regardless of the type of the food. However, the risk level for meat and seafood will be higher as compared to fruit and vegetables and penalties could be adjusted for the offence of importation without licence or permit.</li> <li>• Prefer a penalty framework which is largely dependent on the scale and severity of the offence.</li> </ul>	<p>Complementing the move to decriminalise less egregious breaches, the FSSB will rationalise the penalties across existing Acts. Currently, the penalties for food safety offences are markedly different across different Acts even though the offences are similar in substance.</p> <p>While the FSSB introduces a maximum penalty (i.e. upper bound) for offences, ultimately it is still up to the courts to determine the sentence.</p> <p>Higher maximum penalties will apply for repeat offenders and corporate entities. Offences involving unsafe food, which causes illness, harm and physical injury will also have higher penalties.</p>
<b>B. Disqualification framework</b>	
<p>16 respondents provided feedback on the disqualification of ex-licensees who had their licences revoked, specifically:</p> <ul style="list-style-type: none"> <li>• That disqualification period should range from 3 months to 5 years or "long term".</li> </ul>	<p>Given the potential impact on livelihoods, the disqualification framework is reserved for situations that warrant regulatory action of particular severity.</p>

<ul style="list-style-type: none"> <li>• That disqualification would allow food businesses sufficient time to implement measures to prevent future non-compliance or food-borne incidents. That SFA should consider investigating the incident to make sure it is not an inadvertent incident before revoking the licence. SFA should also take into consideration the severity of the case before revoking the licence.</li> <li>• That a suspension is sufficient as opposed to a disqualification.</li> <li>• That FSSB should provide for the definition of the specified types of egregious non-compliances or implication in severe food-borne incidents for better clarity.</li> </ul>	<p>First, the FSSB limits the disqualification period to up to 3 years. Second, disqualification will only apply on ex-licensees who had their licences revoked. Reasons for licence revocation would include (i) infringements that posed severe risks to food safety or public interest during the previous or existing terms of licence resulting in Court conviction, (ii) non-compliance to a direction issued by DG(FA), and (iii) fraud. The grounds for licence revocation are prescribed in the FSSB. Third, disqualification will not apply to the disqualified licensee's existing food business operations at other outlets, should they hold multiple food business licences.</p>
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### **C. Contingency plan**

<p>1 respondent commented that the controlled items in the draft provision refers to any food, any pre-packed food additive preparation, and any regulated food contact article, and it is not feasible to establish/have procurement plans for all of them. To assist the industry, the respondent further suggested that SFA may:</p> <ul style="list-style-type: none"> <li>• define and specify the type of controlled items.</li> <li>• provide/consult with an outline of the plan for such disruptive events before implementation.</li> </ul>	<p>At this time, there are no plans to impose the requirement beyond egg importers. SFA will engage affected licensees and provide relevant support before implementing such requirements on new groups of licensed importers.</p>
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### **D. Traceability obligation /record keeping**



1 respondent sought clarification on when the new regulation to require the industry to maintain records will commence.

With regard to fresh and raw produce:

- 1 respondent provided feedback that the requirement to label food e.g. fresh produce that is weighed, counted, or measured in the presence of the purchaser, as well as loosely packed food in the retailer's premises, is exempted under clause 6 of the food regulations. This exemption poses challenges in maintaining the necessary records.
- 1 respondent provided feedback that backward traceability will be challenging from a retailer standpoint for the fresh, raw produce and food contact articles as there are multiple sources of purchase and consolidators to their company for same items.

4 respondents provided alternative timeframes as follows:

- 48-hour timeframe to provide documentation for recalls directed by SFA
- 72-hour timeframe to complete recalls directed by SFA
- 48 hours to complete the paperwork but 2 working days timeframe to complete the recall, i.e. physically withdrawing back all items.

#### Implementation timeline

The implementation of the record keeping and traceability requirements is expected to be in 2027 to allow sufficient lead time for licensees to transit.

#### Fresh and raw produce

SFA has noted the feedback on the challenge of record keeping for loosely packed fresh and raw produce. Lot information is only required to be kept by importers if available. The detailed requirements of information to be kept will be prescribed in subsidiary legislation and guidance documents will be provided to help importers. These include: (i) information to identify, locate and trace the incoming ingredients or products ("one step back"); and (ii) information to identify, locate and trace where the outgoing products are distributed to ("one step forward"), unless the transaction is to final consumers. SFA will further engage importers on how to deal with such produce when we work out the requirements to be prescribed in subsidiary legislation.

- 72-hours to complete recall as retail business like supermarkets have many stores and suppliers involved.
- Room for negotiation on the timeframes depending on the seriousness of the incident to allow a better timeframe for industry to arrange the necessary action.

2 respondents, while agreeing to the timeframes, provided feedback that for the successful implementation of the timeframes (24-hour, 48-hour) for recall, SFA can consider the following:

- To define the specific data collection requirements that food businesses are expected to collect based on specific data points and key data elements.
- To streamline the process of data sharing and interpretation between entities, it is important to codify how data should be recorded and structured.
- To provide clarity on the duration required for the industry to maintain traceability records as well as the type of traceability information required.

1 respondent sought clarification on the 48-hour timeframe to complete recalls directed by SFA, and whether it only applied to the Singapore market. For organisations that exported the products globally, the 48-hour timeframe to complete recalls would not be feasible, as the actual timeline to complete physical recall in the overseas countries will differ depending on the transport and logistics system in the market.

1 respondent sought clarification on voluntary withdrawal, specifically:

- whether it is necessary to notify SFA if the withdrawal happens before the product is sent to retail shelf (at warehouse / at port).

Timeframe for providing records to SFA and for carrying out SFA-initiated safety recall

The FSSB will have new provisions to require importers to provide records within 24 hours when requested.

The 24-hour timeframe is set to quickly identify where are the unsafe food circulating in the market to protect consumers against food safety risks. The timeframe is in line with international practices like in the United States and New Zealand. Based on the poll responses, 76% indicated that the 24-hour timeframe to provide SFA with the required information to be reasonable. To support timely compliance, the details of records to be kept will be prescribed in subsidiary legislation and guidance documents. SFA is also developing a portal to facilitate submission of requested information.

Currently, SFA will provide importers up to 48 hours to remove the implicated products from retail shelves. The 48 hours to complete the recalls will not be stipulated in the FSSB but in as a direction issued under Part 7. The 48 hours to complete the recalls will only apply in the context of the Singapore market.

SFA will also permit the importer more time beyond the 48 hours for logistical consolidation, transport, and disposal.

Standardised data submission

SFA is developing a portal to facilitate the submission of requested information. When a food recall is initiated, activated/implicated SFA licensees can access the portal to input the required information. This will only be when an importer has imported food which is the subject of a food safety recall initiated by SFA.

<ul style="list-style-type: none"> <li>• whether it is necessary to notify SFA if a product is withdrawn to readjust the label</li> <li>• Whether industry is bound by any timeframe to complete a voluntary withdrawal that is initiated by them.</li> </ul>	<p><u>Duration to keep the records</u> Preliminarily, the records will need to be kept either (i) 6 months after datemarking on products or (ii) 6 months after point of transaction to next entity in the supply chain (i.e. one step forward) for products without date marks.</p> <p>SFA welcomes companies to share with us relevant industry best practices, which we will consider as we scope out the details in the subsidiary legislation.</p> <p><u>Voluntary Withdrawal</u> Importers only need to notify SFA of voluntary recalls when there is a likelihood of unsuitable or unsafe food (e.g. undeclared allergens) and not for recall related to quality issues. Companies should notify SFA regardless of when the issue is detected. This is to safeguard food safety as SFA will conduct a check to identify other companies that may have imported the implicated food.</p>
<p><b>E. Definition of terms</b></p>	
<p>1 respondent sought clarification on the concept of "supply", whether it includes free sampling food to consumers.</p>	<p>The term "supply" covers distribution of food and will include giving out food to consumers for free tasting.</p>

1 respondent suggested to avoid self-referencing by replacing the word “business” with “activity” under part (c) of the definition as shown below:

*“business” includes —*  
*(a) a venture or concern in trade or commerce, whether or not conducted on a regular, repetitive or continuous basis;*  
*(b) carrying out an activity as a self-employed person, but not as an employee; and*  
*(c) any business, whether or not carried on for profit, and the fact that an unincorporated association provides services to its members does not prevent those services from being services provided in the course of a business;*

“Business” is used in (c) is to provide clarity that it refers to what was included in (a) and (b). “Activity” can be carried out as a self-employed person or an employee. Activity carried out by an employee is not considered “business” in the Bill.

1 respondent provided feedback on the definition for “food additive” to be aligned with the Codex General Standard for Food Additives (shown below), and highlighted specific texts in the Codex definition which should be included in the definition:

“food additive” means any substance not normally consumed as a food in itself and not normally used as a **typical characteristic** ingredient of food, whether or not it has nutritive value, the intentional addition of which to food for a technological purpose in the manufacture, processing, preparation, treatment, **packing**, packaging, transport or storage of such food results, or may be reasonably expected to result, in it or its by-products becoming directly or indirectly a component of **or otherwise affecting the characteristics** of such foods. **The term does not include contaminants or substances added to food for maintaining or improving nutritional qualities.**

While not identical, the definition of “food additive” in the FSSB is consistent with Codex as we have factored in our local context and regulatory framework for food additives.

On the proposal to replace “characteristic” with “typical”: In our local context, food additives are typically added to foods. For example, colouring matter is typically added to steamed buns (“pau”) to distinguish between the different flavours (green for pandan flavour, purple for yam flavour etc.) Another example would be “kuehs” where colouring matters are typical ingredients (e.g. “png kueh” is pink, “ang ku kueh” is red). Hence it would not be appropriate to replace “characteristic” with “typical” in the definition of food additives under the FSSB.

On including the word “packing”: SFA notes that the meaning of the term “packing” is wider than the term “packaging” and will add “packing” to the definition of food additive in place of “packaging”.

On including the phrase “or otherwise affecting the characteristics”: The phrase “or otherwise affecting the characteristics” is not necessary, as it is evident that by adding food additives to food, the characteristics of the food may be affected (e.g. extension of shelf-life through use of preservatives, change of flavours through use of flavouring agents).

On including the sentence “The term does not include contaminants or substances added to food for maintaining or improving nutritional qualities.”: The definition of “contaminant” in the FSSB already excludes any food production substance for that food. (A food additive is a type of food production substance). Hence there

	<p>is no need to exclude contaminants from the definition of food additives.</p> <p>In the current Food Regulations, “nutrient supplements”, namely vitamins, minerals and amino acids, that are added to food to improve or enrich the nutrient content of food are regulated as food additives. They will continue to be regulated as food additives under the FSSB. Therefore “substances added to food for maintaining or improving nutritional qualities” will be included in the definition of food additives.</p>
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<p>1 respondent sought clarification on the definition of “non-retail food business” as it is ambiguous and potentially inconsistent with the mention of ancillary retail activities. The respondent further suggested to enhance clarity by providing examples of non-retail food businesses, directly referencing the “retail food business” and directing readers to First Schedule.</p>	<p>The First Schedule sets out the different activities that constitute either retail or non-retail food businesses.</p>
<p>1 respondent sought clarification on:</p> <ul style="list-style-type: none"> <li>• Whether this provision will apply to consignments that stay in the port and which are not cleared through customs into Singapore.</li> <li>• whether this provision will apply to meat going to the European Union via Singapore, where the European Union has approved Singapore for the transit of fresh meat from New Zealand arriving in Singapore as airfreight and departing as sea freight. This is a transit operation supervised by the Singapore Food Agency with the unloading and reloading taking place at a store approved for the purpose by the European Union.</li> </ul>	<p>Currently, SFA regulates the transshipment of meat and meat products through a two-tier regulatory regime where it (1) requires the person/business to obtain an annual licence and (2) a permit for every consignment. It is the responsibility of the licence applicant to meet the requirements on what can be transhipped. The granting of permits allows SFA to impose consignment-specific food safety requirements. These will help to ensure that transhipped meat and meat products meet the requirements of the destination country, hence facilitating trade. There is no change to this requirement with the enactment of the Bill.</p> <p>For meat and meat products that are transhipped through Singapore from New Zealand via airfreight and depart as sea freight, the person/business will have to apply for an annual licence and a permit from SFA for the consignment.</p>
<p>1 respondent provided feedback that the definition of “sample” under (b) should refer to a portion taken from the original sample.</p> <p>“Sample” includes –</p> <ul style="list-style-type: none"> <li>(a) a specimen; and</li> <li>(b) a part of a sample (including a portion taken from a specimen)</li> </ul>	<p>A part of a sample will already include a portion taken from the sample.</p>

1 respondent provided feedback to retain in FSSB, the portion of “communications of personal opinion made by an individual (for no commercial gain) to the public or a section of the public in relation to any goods or services, brand or goods or services, or person who provides good and services” under the current definition of “advertisement” in Sale of Food Act 1973.

The current text in the Sale of Food Act 1973 regarding communications of personal opinion made by an individual for no commercial gain is included in Clause 7(4)(a) of the FSSB (extracted below for reference). In addition, Clause 7(4) lists a more comprehensive scope of activities that are excluded from “**advertising**”, taking into consideration innovations in communications technology.

7(4) However, none of the following, of itself, amounts to advertising by an individual or a person concerned:

- (a) **an individual communicating —**
  - (i) **to the general public of his or her personal opinion in relation to any goods or services or any person who provides goods or services; and**
  - (ii) **without the individual receiving or agreeing to receive, and without the individual contracting for, any money or money’s worth, for or in connection with his or her communication;**

1 respondent provided feedback to include the content of draft clause 8(4) and 8(5) into draft clause 4 “Meaning of Food” to provide a comprehensive definition of “food” within the Act.

Draft clause 8(4) and 8(5) provides clarity on what is considered “sell” or “supply” while draft clause 4 provides clarity on what is considered “food” in the Bill.



<p>1 respondent provided feedback for the definition of “handling” to exclude primary food production within the definition.</p>	<p>In the FSSB, handling is defined in relation to food. The definition of primary production activity already excludes (i) any process involving significantly changing the condition or nature of food (for example, manufacturing or canning), regardless of whether the process is carried out in the premises on which the food was grown, raised, cultivated, picked, harvested, collected or caught; or (ii) the sale or service of food directly to the general public. Thus, there is no need to provide for the exclusion.</p> <p>There are offences relating to handling food causing the food to be unsafe and unsafe primary produce from primary production activity.</p>
<p>1 respondent clarified on the meaning of “outdated food” and recommends that the definition should be aligned to “expiry date” for consistency.</p>	<p>The term “outdated food” in the FSSB is used to describe food that is unused or not consumed (i) within the period recommended by the manufacturer of the food (e.g. voluntary date marking of prepacked food by manufacturers); or (ii) before the end of the period that is required by regulations made under Part 15 of FSSB that prescribe the date-marking requirement (e.g. mandatory date marking of prepacked food, time stamping of catered food). This includes catered food that is passed its time stamp (which specifies the date and time by which the food was first prepared for consumption and the date and time by which the food should be consumed).</p> <p>Food that is outdated or contains an ingredient that is an outdated food is “unsuitable” food. The supply of unsuitable food will be an offence under the FSSB.</p> <p>As “outdated food” covers more than just the expiry date on pre-packed foods, it would not be correct to equate “outdated food” with expiry date marking.</p>

<p>1 respondent sought clarification if the definition of “contaminant” for food would include harmful chemicals present in food contact articles that may migrate into food.</p>	<p>Chemicals that are present in food contact articles which may migrate into the food will be covered under the FSSB.</p> <p>Currently, Regulation 37 of the Food Regulations prescribes standards for food contact articles including maximum limits for substances that are allowed to migrate from the food contact article into the food. Regulation 37 also requires that a food contact article must not impart harmful substances to the food in contact with it. These standards will be transferred to the subsidiary legislation under the FSSB. SFA will engage relevant stakeholders should there be intention to revise the standards for food contact articles in future.</p> <p>In addition, Clause 69(2) of the FSSB provides powers to ban the import of a regulated food contact article if there are reasonable grounds to believe that it is particularly dangerous to use with food by reason of its construction. For example, a container that is made up of materials from which harmful chemicals are likely to migrate into the food <b>at quantities which could endanger human health.</b></p>
<p>1 respondent provided feedback to address all definitions prior to draft clause 123 so that the necessary context is provided before delving into the regulatory specifics.</p>	<p>Not all the definitions are defined upfront in Part 1 of the Bill. A definition that is applicable to a specific Part of the Bill will be set out in that Part.</p>
<p>1 respondent provided feedback if the definition of sample can be all collapsed into draft clause 3(1) instead of having them defined at another draft clause e.g. draft clause 241(6).</p>	<p>The definition in draft clause 241(6) is only applicable to that clause and clause 238.</p>
<p><b>F. Other general comments</b></p>	

<p>1 respondent suggested for SFA to mandate temperature tracking for all shipments.</p>	<p>The temperature requirements for delivery and storage of certain food products are specified in the regulations. SFA does not prescribe how the temperature of food products should be tracked. However, the final temperature of the food product must comply with the stated temperature range in the regulations.</p>
<p>1 respondent proposed for SFA to consider regulations to ensure the safe use of recycled materials in food contact articles, noting the increase in regulatory approvals for the use of such recycled materials in other markets. Furthermore, Codex had also issued a Circular Letter in March 2024 to gather further inputs for the investigation and development of guidance for the use of recycling materials in food packaging.</p>	<p>The Food Regulations require that food contact articles must not impart harmful substances to the food in contact with it. This requirement will be retained under the FSSB. SFA will monitor developments internationally and participate in the development of such standards at Codex (if any). We may introduce specific standards for recycled materials used in food contact articles in future, if there is sufficient scientific evidence to do so. New standards will be included in the subsidiary legislation under the FSSB and the industry will be consulted before implementation.</p> <p>SFA had provided inputs to the Codex Circular Letter on “Request for information on a proposal for the investigation and development of recycling guidance in Codex Alimentarius” (CL 2024/20-CAC, March 2024), and expressed our interest to participate in the development of a guidance on food safety considerations related to the use of recycled material in food packaging.</p>

**ANNEX 3 - FEEDBACK TO PROVISIONS RELATING TO ANIMAL FEED**

Comments were received from a total of 6 respondents, which included 1 consumer and 5 animal feed companies. A total of 13 participants attended the in-person engagement with the animal feed industry held in Aug 2024.

During the engagement session, SFA also invited attendees to respond to polls to seek views on specific provisions in the bill.

MSE/SFA received feedback on the proposed legislation, on the following new measures or changes:

- i. Definition of “physical harm”
- ii. Regulatory requirements
- iii. Feed control plan
- iv. Licence validity
- v. Implementation timeline

In general, stakeholders:

- a) strongly agreed that animal feed producers should put up and implement a Feed Control Plan unique to their business (13 out of 14 respondents, 93%);
- b) strongly supported the requirement for animal feed producers and importers to keep records relating to the produced or imported feed (13 out of 13 respondents, 100%); and
- c) expressed mixed views regarding the requirement for animal feed companies that produce feed for both food producing animals and non-food producing animals to obtain separate licences from SFA and NParks.

**No adjustments were needed for the draft Bill as the comments were aligned with the draft Bill and chiefly sought clarifications and details on Bill implementation.** Below is a summary of the feedback received and MSE/SFA’s responses.

Feedback	MSE/SFA’s Response
<b>A. Definition of “physical harm”</b>	
1 respondent sought clarification on the definition of “physical harm” within the definition of “not fit for purpose”.	The definition of “physical harm” includes any illness and any injury. For example, if a feed contains foreign material like glass pieces, it would cause physical harm to the animal that consumed it, and would be deemed “not fit for purpose”.

## B. Regulatory requirements

<p>1 respondent sought clarification on whether businesses which manufacture feed additives for both food producing animals and non-food producing animals are required to obtain separate licenses from SFA and NParks.</p> <p>Respondents had mixed views regarding the requirement for businesses which manufacture feed for both food producing and non-food producing animals need to obtain separate licenses from SFA and NParks respectively.</p> <p>1 respondent indicated that the requirement for businesses which manufacture feed for both food producing animals and non-food producing animals to obtain separate licenses from SFA and NParks might result in an increase in operational downtimes during site inspection times from both agencies and possible confusion during product registrations with overseas authorities for export.</p>	<p>Feed additives are included in the definition of animal feed in the FSSB. Businesses which produce feed, including feed additives, for both food producing and non-food producing animals are required to obtain licenses from SFA and NParks under the FSSB and Feeding Stuffs Act respectively.</p> <p>SFA regulates feed for food producing animals in order to ensure that it will not pose food safety risks or compromise local production of food derived from animals. NParks regulates feed for non-food producing animals to ensure that it does not pose a risk to their health. The separation in legislation would provide greater legal clarity for the industry and should facilitate access to international markets.</p> <p>SFA will work with NParks to conduct joint inspections as far as possible to minimise operational disruption to the licensees.</p>
<p>1 respondent sought clarification on whether a business which farms black soldier flies to produce protein to feed food producing animals (snails) would be considered a feed producer.</p>	<p>The business would be considered an animal feed producer in the FSSB.</p>

<p>4 respondents sought clarification on the requirements for SFA's licenses.</p> <p>Respondents asked whether import licenses are required:</p> <ul style="list-style-type: none"> <li>• To import enzymes for feed</li> <li>• To import trade samples for lab analysis. It was suggested that trade samples are typically imported in small quantities for research and analysis purposes, and thus should not require a licence.</li> </ul> <p>Respondents asked whether animal feed production licenses are required:</p> <ul style="list-style-type: none"> <li>• For the production of insect protein as an ingredient in animal feed for export</li> <li>• For the production of feed to be exported to a country whereby the species of animal to be fed is not considered a food producing animal in Singapore</li> </ul>	<p>The definition of animal feed includes feed additives. Feed additives are substances or a combination of substances that are not normally consumed as animal feed by itself, but are intentionally added as an ingredient to animals feed, in order to affect the characteristics of the animal feed. As enzymes come under the scope of feed additives, import licences would be required to import enzymes for feed.</p> <p>An annual import licence is required for importing animal feed in the course of business. An import consignment permit is required for importing each consignment of animal feed. A company in the business of importing animal feed will already need to hold an import licence. If the company also imports trade samples for lab analysis in the course of business, e.g. to research into a new feed, it will need to apply for an import permit each time a consignment of trade sample is imported.</p> <p>With regard to export of feed produced in Singapore, as long as a business produces animal feed in Singapore, it will require an animal feed production licence, regardless of whether the feed is wholly exported. This is to ensure that any feed produced in Singapore, which might inadvertently be fed to food producing animals in Singapore, is fit for purpose. If it is a requirement by overseas competent authority, SFA can consider issuing an export certificate to certify that the animal feed produced in Singapore is fit for purpose to facilitate trade.</p> <p>Companies that export feed to a country that is fed to a species of animal that is not considered a food producing animal in Singapore, are advised to check with the importing countries' requirements for the import of that feed.</p>
<p><b>C. Feed control plan</b></p>	

<p>Respondents generally agreed that businesses should have a feed control plan as it is necessary to minimize risks and assure fitness of animal feed in production processes.</p> <p>1 respondent sought clarification on whether a feed control plan is required if the feed produced goes through the same manufacturing line as food additives, as the manufacture of food additives would already require a HACCP.</p>	<p>As the hazards affecting animals and humans may be different, the risk analysis for the feed additive production process may be different from the risk analysis for the food additive manufacturing process. For example, Glucosinolates (derived from vegetables like broccoli) are safe for humans but may be harmful to fish when ingested in high levels. Thus, a separate HACCP in the feed control plan may be required to ensure the feed additive is fit for purpose in addition to not introducing food safety risks to consumers who consume the animal products derived from animals that are fed with the feed additives.</p>
<p>1 respondent suggested that SFA provide clarity on the exact expectations of a feed control plan closer to implementation date, such that businesses are able to prepare the plan in accordance with SFA's requirements.</p>	<p>SFA would like to assure businesses that SFA will engage the industry prior to implementation for a smooth transition and to ensure that businesses are able to meet the requirements of the feed control plan.</p>
<p><b>D. Licence validity</b></p>	
<p>1 respondent sought clarification on whether there will be a change in the licence validity period of 1 year, as draft clause 194 states that the licence validity period should not exceed 5 years.</p>	<p>There are currently no plans to change the licence validity period from the current 1 year. The clause in the FSSB has been included to allow SFA the flexibility to issue licences of longer duration in the future.</p>

**E. Implementation timeline**

2 respondents asked about the implementation timeline of the Bill.

SFA will implement the FSSB in phases over the next few years starting from 2025. SFA would like to assure businesses that this will be done in close consultation with industry.



**ANNEX 4 - FEEDBACK TO PROVISIONS RELATING TO PLANT PESTICIDES**

Comments were received from a total of 6 respondents, which included 4 consumers and 2 Industry players.

MSE and SFA received feedback on the proposed legislation on the following new measures or changes:

- a) Definitions of “plant pesticide”
- b) Pesticide regulation/Control of Plants Act (COPA) amendments

Respondents generally agreed that plant pesticides for use in the cultivation of edible plants intended for supply for human consumption should be regulated.

**There was an adjustment made to allow Minister to declare by order in the Gazette any substance or a mixture of substances are not plant pesticides. The rest of the comments were aligned with the draft Bill and chiefly sought clarifications on the Bill.** Below is a summary of the feedback received and MSE/SFA’s responses.

Feedback	MSE/SFA's Response
<b>A. Definition of “plant pesticide”</b>	
<p>3 respondents provided feedback and posed questions on the definition of “plant pesticide”:</p> <ul style="list-style-type: none"> <li>• Whether predatory insects would be considered as plant pesticides and thus be subject to pesticide registration and operator certification requirements.</li> <li>• Whether physical management tools such as sticky tape, glues, insect traps, colored netting or LED lightings, etc, are considered as plant pesticides.</li> </ul>	<p>Currently, SFA does not regulate predatory insects and predatory mites, parasitoids, and nematodes that prey on and eliminate plant insects, as pesticides. This will remain the case in the FSSB. Imports of such organisms are regulated under NParks for phytosanitary purposes. The exclusion of the organisms (i.e predatory insects and predatory mites, parasitoids, and nematodes that prey on and eliminate plant insects) as plant pesticides would be prescribed in subsidiary legislation under the FSSB.</p> <p>In addition, plant pesticide as defined in FSSB does not include physical management tools.</p>

<b>B. Pesticide regulation / Control of Plant Act (COPA) amendments</b>	
<p>1 respondent disagreed that pesticides used on edible plants which are supplied for human consumption need to be regulated.</p>	<p>The FSSB will regulate plant pesticides for use in the cultivation of edible plants intended for human consumption. To ensure that pesticide used in local food production will not compromise food safety, SFA will continue to regulate the use of plant pesticides in food crop production (e.g. fruits, vegetables) intended for supply (including sale) for human consumption.</p>
<p>1 respondent commented that pesticides for non-edible ornamental plants should continue to be registered, under an appropriate legislation for public and environmental safety.</p>	<p>Pesticides for use on non-edible plants (currently registered under the Control of Plant Act (COPA)) will no longer require registration after the FSSB is enacted as NParks will not require registration of pesticides for use in the cultivation of plants not intended for human consumption. The COPA will be amended accordingly to reflect this.</p> <p>However, the use of pesticide in non-edible plant farms is still subject to NParks' and other agencies' requirements to ensure worker and environment safety.</p>

## ANNEX 5 - FEEDBACK TO PROVISIONS RELATING TO DEFINED FOOD AND PRE-MARKET APPROVAL

Comments were received from a total of 20 respondents, which included 10 consumers, 7 industry players and 3 international trading partners.

The majority of respondents agreed with the proposed definitions for “defined food”, “novel food” and “catalogued insect-like species”.

MSE and SFA received feedback on the proposed legislation including:

- a) Proposed definitions for the terms “defined food”, “novel food”, “genetically modified food”, and “catalogued insect-like species”
- b) Regulatory requirement for the pre-market approval of novel food and genetically modified food

**MSE/SFA had adjusted the definition of novel food to take in comments received for better clarity. The rest of the comments were aligned with the draft Bill and chiefly sought clarifications and details on Bill implementation.** The following table summarises feedback received and MSE/SFA’s response to them.

Feedback	MSE/SFA’s Response
<b>A. Comments on whether the proposed definition for “defined food” provide clarity for the industry.</b>	
1 respondent sought clarification on whether food flavours and food additives would be covered under “defined foods”, even if they were to be produced by precision fermentation.	<p>The novel food definition has been drafted in a way that could potentially include novel substances that are intended to be used as food additives. This is because we cannot rule out that some novel substances may be intended to be used as both food additives and novel food.</p> <p>Food additives must also be approved by SFA for use in food. SFA has a separate regulatory framework for new food additives.</p> <p>SFA will ensure that sufficient clarity is provided to industry through direct engagements with novel food companies as well as through guidance documents on SFA’s website on whether their product should go through the novel food regulatory framework or the framework for food additive.</p>
<b>B. Comments on whether the proposed definition for novel food provide clarity for the industry</b>	

<p>1 respondent suggested edits to include bacteria and yeast as further examples to the definition:</p> <p>a substance (which may consist of, be isolated from or produced from, cell culture or tissue culture derived from animals, plants, micro-organisms, fungi, or algae, <b>bacteria or yeast</b>) that has not been used to a significant degree as food for a period of at least 20 years, whether within or outside Singapore;</p> <p>Another respondent suggested that the definition be edited such that the concept of 20 years of consumption be associated with food consisting or, isolated from or produced from material of mineral origin. The rationale for this suggestion was to exclude commonly consumed substances such as rock salt from the definition for novel food.</p> <p>1 respondent sought clarification on whether the existing documents on novel food published on SFA's website would be updated to be aligned with the proposed text.</p>	<p>SFA will incorporate the suggestions into the FSSB as they provide further clarity to trade.</p> <p>SFA regularly updates the guidance document on novel food on the SFA website. We will continue to do so to align them with the FSSB requirements when the Bill is enacted.</p>
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**C. Comments on whether the proposed definition for genetically modified food provide clarity for the industry.**

<p>1 respondent asked for an additional clause in the meaning of "genetically modified food" to explicitly exclude genome edited foods.</p>	<p>SFA's intention for "defined foods" is to ensure that potential food safety risks from such foods are adequately addressed through a pre-market approval process. Genome editing is able to generate new organisms that can either be equivalent to organisms bred through conventional breeding or organisms that could not have been bred through conventional breeding. Therefore, SFA will not exclude all organisms derived from genome editing from pre-market approval requirements so as to better protect consumers.</p> <p>SFA notes that the current proposed meaning of "genetically modified food" already clarifies that these refer to food from organisms "that could not have</p>
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	<p>occurred naturally or could not have been produced by traditional breeding and selection”. This definition is aligned with SFA’s regulatory framework for genome edited crops.</p>
<p><b>D. Comments on whether the proposed definition for “catalogued insect-like species” provide clarity for the industry.</b></p>	
<p>Respondents were in agreement with the proposed definition for “catalogued insect-like species”.</p>	
<p><b>E. Regulatory requirement for the pre-market approval of novel food and genetically modified food.</b></p>	
<p>1 respondent sought clarification on the “other relevant matters” that would be considered as part of pre-market approval.</p>	<p>SFA’s pre-market approval process focuses on the safety of a novel food or genetically modified food. Where applicable, “Other relevant matters” related to safety assessment may be needed and SFA will provide clarifications in SFA guidance documents on SFA’s website.</p>
<p>2 respondents asked to provide clarity in the Bill that defined foods that have obtained pre-market approval will no longer be subject to penalties related to supply of defined food.</p>	<p>The meaning of “defined food” as currently written refers to novel food and genetically modified food that have yet to receive pre-market approval, as well as insect-like species that have not been catalogued. Novel food and genetically modified food that have received pre-market approval, or insect-like species that have been catalogued will no longer be defined food.</p>
<p>1 respondent asked SFA to provide clarity on the safety assessment process in the Bill or subsidiary legislation, such as the timelines for approval.</p>	<p>Scientific knowledge and perspectives on safety aspects of novel foods, genetically modified (GM) foods, and insects evolve over time, which may require adjustments to the food safety assessment process. To keep pace with developments in technology, SFA will continue to regularly update safety assessment guidelines related to novel foods, GM foods, and insect-like species on SFA’s website.</p>
<p>1 respondent asked SFA to separate provisions applicable to novel food from genetically modified foods.</p>	<p>The FSSB only sets out the requirement to require developers of novel foods and genetically modified (GM) food to seek pre-market approval from SFA prior to</p>

	<p>selling or offering such foods in Singapore to ensure food safety. There are separate regulatory frameworks for novel food and GM food which consider different safety assessment aspects and processes. SFA will continue to give clarity on these specific aspects and processes through documents made available on SFA's website.</p>
<p>1 respondent asked SFA to include a "grandfather" clause in the Bill so that approvals granted by SFA do not become unapproved.</p>	<p>SFA would like to clarify that novel foods and genetically modified foods that SFA has permitted for use prior to the enactment of the FSSB will remain as approved.</p>
<p>1 respondent suggested that SFA consider an approach where applicants who pay an application fee be subject to shorter timelines for evaluation and approval, similar to approaches implemented by FSANZ and Health Canada.</p>	<p>SFA does not have a fast-track mechanism. For novel foods, SFA estimates that the review of a safety assessment dossier will take about 9-12 months from the date of its complete submission.</p>
<p>2 respondents sought clarification on whether approved novel food and genetically modified (GM) food would be made known publicly.</p>	<p>SFA currently already publishes information on approved GM food and will also be publishing information on the identities of approved novel foods on the SFA website. This is intended to help interested consumers and industry to better identify these approved novel food and GM food.</p>
<p>1 respondent expressed concern that an approved genetically modified (GM) food may unexpectedly revert to being a "defined food" due to a delay in transfer in ownership</p>	<p>Pre-market approval for a GM food would only be cancelled based on the conditions stated in Section 10 – Cancelling pre-market approval. A delay in change of ownership will not cause a pre-market approval to be cancelled.</p>
<p>1 respondent noted that multiple scientific evaluations of genetically modified (GM) foods to date have not resulted in any identification of food safety concerns and emphasized that policies relating to GM foods should be based on sound science. The respondent also sought clarification on GM food testing methods and labelling requirements.</p>	<p>Singapore conducts pre-market approval for GM foods to ensure food safety and the need to protect against toxins or disease-causing organisms in food. Regulatory evaluation will be based on Codex principles and guidelines on the risk assessment of GM food.</p> <p>SFA will use validated methods to monitor the market for unapproved GM</p>

	<p>foods. Singapore currently does not require GM foods to be specifically labelled as such.</p>
<p><b>F. Other comments</b></p>	
<p>2 respondents opined that all genetically modified (GM) foods should be labelled.</p>	<p>There is currently no international consensus on mandatory labelling of GM food and food that contains GM ingredients. Many countries adopt the view that GM labelling need not be made mandatory, as there is no substantial difference between GM food and their conventional counterparts. In countries where GM labelling is mandatory, it is meant to enable consumers to make informed choices and is not intended to convey information about food safety.</p> <p>In line with the Codex's principles, the current Singapore Food Regulations do not require GM food and food that contains GM ingredients to be specifically labelled as such. Food products for sale in Singapore can be voluntarily labelled as "GM" or "non-GM", as long as it is factual and not misleading.</p> <p>SFA will continue to keep abreast of the latest developments on GM foods and implement the necessary measures, in line with international standards.</p>
<p>3 respondents sought clarification from SFA on an acceptable threshold of unapproved genetically modified (GM) food under which penalties would not apply, i.e. Low Level Presence (LLP) threshold. Reasons provided for such low levels of GM food being present included the presence due to unavoidable contamination as well as residues present in highly refined foods.</p>	<p>SFA notes that currently there are no Codex or other international standards on tolerance levels for low level presence of unapproved GM food in food products. SFA currently takes a risk-based approach towards management of unapproved GM food and will monitor international developments.</p>
<p>1 respondent expressed concerns that insects may not be suitable for human consumption, whilst another respondent opined that the consumption of insects which are important to the ecosystem should be avoided.</p>	<p>The safety of food consumed in Singapore, including insects, is SFA's priority. SFA has put in place systems and programmes to ensure that insects produced for human consumption are safe.</p>

	<p>To ensure food safety, insects intended for human consumption are required to be farmed in regulated establishments, and not be collected from the wild. This also ensures that insects in the wild are not removed from the ecosystem for purposes of food.</p> <p>For live insects, the National Parks Board (NParks) will conduct risk assessments and will not allow insects species which are high risk to plant health, biodiversity or ecosystems to be imported into Singapore.</p>
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## ANNEX 6 - FEEDBACK TO PROVISIONS RELATING TO NON-PACKAGED DRINKING WATER

Comments were received from a total of 12 respondents, from the consumers and industry.

MSE and SFA received feedback on the proposed legislation, on the following new measures or changes:

- i. Definitions and scope
- ii. Clauses and requirements
- iii. Safety of water filters
- iv. Others - businesses charging for water, use of plastic and sustainability issues

Summary of Feedback:

- a) 8 respondents replied that the proposed provisions provided clarity to the industry on the coverage of drinking water producer and drinking water service. Out of the 8 respondents:
  - i. One respondent added that the proposed provisions provided good coverage.
  - ii. Another respondent commented that the provisions would ensure safety of drinking water and effective hydration across Singapore.
  - iii. One respondent suggested that SFA provide a short and practical summary.
- b) 10 respondents replied that the proposed provisions provided clarity for the part relating to issuing of direction to any person in the event of a water quality incident.

**No adjustments were needed for the draft bill as the comments were aligned with the draft Bill and chiefly sought clarifications.** Below is a summary of the feedback received and MSE/SFA's responses.

Feedback	MSE/SFA's Response
<b>A. Definitions and scope</b>	
1 respondent proposed to make amendments to the definition of "drinking water", which are reflected in bold fonts below. "drinking water" means – (a) water that is intended for human consumption or for purposes connected with human consumption (such as the washing, preparation or cooking of food or the making of ice intended for human	Drinking water supplied by a drinking water service provider from a distribution network or a tanker will fall under the meaning of the terms, "reticulation system" and "in bulk", respectively, in Part 6 of the FSSB, and will be regulated as non-packaged drinking water. Drinking water that is packaged into bottles, including natural mineral water, will be regulated as packaged drinking water under Parts 3

<p>consumption, or for the preservation of unpackaged food), <del>whether or not the water includes use for other purposes</del> regardless of whether it is supplied from a distribution network, supplied from a tanker or packaged into bottles or containers, excluding natural mineral water defined in clause 183A-(1) of the Food Regulations;</p>	<p>(for import) and 4 (for processing establishments) of the FSSB.</p>
<p>1 respondent proposed to use a single term "drinking water service provider" to cover the parties regulated under this legislation, rather than the proposed 2 terms – "drinking water producer" and "drinking water service".</p> <p>Another respondent suggested the use of the term "drinking water supplier", and proposed excluding the scope of production from the definition of the "supplier", with the following amendments (reflected in bold fonts) to the definition of "drinking water service" in FSSB:</p> <p>"drinking water <del>service supplier</del>" means <del>a service an undertaking</del> that involves –</p> <p><del>(1) drinking water production;</del>  <b>and</b>  <b>(2) supplying</b> providing to another the drinking water obtained from drinking water production <del>in paragraph (a)</del> –</p> <p>(i) by a reticulation system; or  (ii) in bulk;</p> <p>1 respondent commented that the proposed definition for "Drinking water production" is too broad.</p>	<p>The terms "drinking water producer" and "drinking water service provider" refer to persons (including entities) engaging in two separate activities. The rationale behind this differentiation is to delineate the responsibilities of the persons who only produce drinking water, and those who provide drinking water services that involves production and supplying of drinking water.</p> <p>Having these two terms in the FSSB will provide SFA with the flexibility to impose tailored requirements that are specific to the roles and responsibilities of the relevant categories of the persons, and thus ensure there is a more targeted and effective regulatory framework in place. Nonetheless, the current policy intent is to only impose requirements on those who are providing drinking water services, since they should be held responsible for the quality of drinking water they supply to others.</p> <p>MSE/SFA does not intend to regulate entities involved in only the production of drinking water or only the supply of drinking water.</p> <p>The clause on "Drinking water production" in Part 6 of FSSB is meant</p>

	to be comprehensive enough to cover various possible ways of drinking water production, considering that, raw water can be harvested or collected from diverse sources such as rainwater, reservoir, sea, etc.
1 respondent enquired if the proposed provisions in FSSB would address the scenario in which a household acquires its own water filtration system to produce drinking water at micro-level within household for its own or others' consumption.	The FSSB will not impose any regulatory requirements if a household acquires its own water filtration/purification system and produces drinking water from any source and makes such water available for use by family members or guests within the household. This is the same as existing policy under Part 9 of the Environmental Public Health Act.
<b>B. Clauses and requirements</b>	
<p>1 respondent commented that there should be guidance provided by the authority to provider or supplier on how they could adequately discharge their duties. This would include (a) ensuring surveillance of critical designated drinking water draw-off points, (b) ensuring there is maintenance and (c) testing of drinking water quality from designated water draw-off points.</p> <p>1 respondent enquired if the provisions include regular testing to always ensure the quality of drinking water.</p>	<p>Currently, there are regulatory requirements pertaining to duties of the drinking water providers, stipulated in Part 9 of the Environmental Public Health Act and its subsidiary legislation to ensure the provision of safe drinking water, including regulatory requirements on regular water testing.</p> <p>To provide drinking water providers with the guidance on fulfilment of relevant regulatory duties, SFA has published a Code of Practice on Drinking Water Sampling and Safety Plans which covers surveillance, sampling and testing of drinking water from various points in the water treatment and supply systems including designated locations.</p> <p>The EPHA, its subsidiary legislation, and the Code of Code of Practice on Drinking Water Sampling and Safety Plans, are available for download from the SFA's website. SFA will continue to prescribe the requirements in subsidiary legislation under the FSSB</p>

	<p>and publish SFA's Code of Practice on Drinking Water Sampling and Safety Plans.</p>
<p>1 respondent commented that the regulations should require the service provider or product provider to clearly indicate the draw-off points for drinking water. Any draw-off points not designated for drinking must not be used for drinking water purpose. There must be regulations to also penalise individuals or provider who intentionally contaminate designated drinking water draw off points. There must also be public education to guide public to be responsible and not to contaminate designated drinking water draw-off points.</p>	<p>The installation and use of water fittings in potable water service installations must adhere to the Code of Practice for Water Services. Only Licensed Plumbers who are regulated under the Public Utilities Act by PUB, are allowed to design and install potable water terminal fittings systems, ensuring that piped water originates only from draw-off points for potable usage.</p> <p>Existing draw-off points in public places are only for potable water, unless expressly indicated by existing signage. The Code of Practice for Water Services also stipulates that potable water pipes shall be clearly differentiated from non-potable water pipes. As such, draw-off points for drinking water will not be regulated under FSSB.</p> <p>Nonetheless, in situations where there is intentional contamination of drinking water, the Penal Code has powers to take action against the party found guilty of such act.</p>
<p>Another respondent commented that the parties who may be issued directions for unwholesome drinking water incident, are too broad and may potentially catch many private individuals. As such, the regulations should only include entities that provide the service or product as part of a licensed business activity or event, and entities or individuals that provide the product or service to the general public. Private individuals within their household or part of a private event should be carved out</p>	<p>There will be no requirement imposed on private individuals if they are only producing drinking water for consumption by their families and guests, or for a private event within their households.</p> <p>Under the FSSB, a direction to stop supply of contaminated drinking water can be issued by Director-General of Food Administration to a proprietor of food business, building management that supplies drinking water, or who has a duty to control any common property comprising any network infrastructure for distributing drinking water to</p>

	<p>occupants of premises in a subdivided building.</p> <p>The directions are meant to protect public health from any water quality incidents arising from supply of drinking water as part of a business activity.</p>
<b>C. Safety of water filters</b>	
<p>1 respondent commented that the proposed coverage of drinking water producer and drinking water service should include the approved types of acceptable water filters (and machines and frequency of change/service).</p> <p>Another respondent raised a comment on the need to have a tight and stringent control over the standard of water filters, including a standard labelling system to ensure the accuracy of claims made by manufacturers and suppliers, on the performance of these water filtration accessories..</p>	<p>Singapore's tap water is suitable for drinking directly from the tap without any further filtration. Please refer to PUB, Singapore's National Water Agency's website (<a href="https://www.pub.gov.sg/Public/WaterLoop/Water-Treatment">https://www.pub.gov.sg/Public/WaterLoop/Water-Treatment</a>) for more information. As such, water filters and machines will not be regulated under the FSSB.</p> <p>There are existing measures and laws such as under the Consumer Protection (Fair Trading) Act 2003 (CPFTA) for consumers to seek recourse and which can protect consumers from errant suppliers who engage in unfair practices, such as making false claims about water filters and machines. Consumers can provide feedback to the Competition and Consumer Commission of Singapore (CCCS) on any misleading claims made by manufacturers or suppliers of water filters.</p>
<b>D. Others - businesses charging for water, use of plastic and sustainability issues</b>	
<p>2 respondents commented on the need to prevent abuse by merchants to upsell or charge for plain water and profiteering by the food and beverage industry and retailers.</p> <p>1 respondent commented on the need to discourage the use of single use plastic bottles for drinking water and include ways</p>	<p>The charging for drinking water is a business decision by food establishments and does not fall within the scope of the FSSB. Should a customer feel that he or she is unfairly charged for drinking water, the customer may highlight the matter to</p>

<p>for the industry to cut down on plastic waste.</p> <p>1 respondent commented that the provisions related to drinking water producer and drinking water services should include the types of receptacles that would be used, as part of sustainability and reduce the use of plastic bottles.</p>	<p>the Consumers Association of Singapore (CASE).</p> <p>To encourage sustainable consumption, and encourage good recycling practices, NEA has introduced various zero waste initiatives. For more information, please refer to <a href="http://www.nea.gov.sg/our-services/towards-zero-waste">www.nea.gov.sg/our-services/towards-zero-waste</a>.</p>
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## **ANNEX 7 – FEEDBACK ON PROVISIONS RELATING TO FOOD AND HEALTH PROMOTION**

Comments were received from a total of 17 respondents, which included consumers (9), industry/businesses (5), industry associations (2) and academic/researcher (1). All feedback for this segment were received through REACH.

MOH received feedback on the proposed provisions, in particular on the following:

- a) Clarifications on definitions
- b) Measures that prohibit or restrict (i) import of food, (ii) the way food is manufactured, prepared, distributed, supplied, or used in manufacture or preparation of other foods, and (iii) access or acquisition of food by the public
- c) Advertising and labelling measures
- d) Usefulness of remedial notices

In general, there were differences in views between respondents representing consumers / researchers and businesses / industry associations:

- a) Of the consumers who responded, most supported or were neutral about providing MOH with the power to make various food-related regulations for health promotion purposes<sup>3</sup>. Of the remaining respondents who were not supportive, more were not supportive of measures that prohibit or restrict the way the public access or acquire food (3 out of 9), followed by measures that prohibit or restrict the import of food and the way food is manufactured, prepared, distributed, supplied, or use in manufacture of preparation of other foods (2 out of 9 respectively), and measures that regulate advertising or labelling of food (1 out of 9). These respondents who were not supportive cited that the stricter measures are potentially excessive and could impinge consumer choice, and that measures should be evidence-based and enforceable. The sole respondent who represented researchers was supportive of all measures.
- b) Of the businesses / industry associations who responded, all were either not supportive or neutral. There were more respondents who were not supportive of measures that prohibit or restrict the way the public access or acquire food (5 out of 7), followed by measures that prohibit or restrict the way food is manufactured, prepared, distributed, supplied, or used in manufacture of preparation of other foods (4 out of 7), measures that prohibit or restrict the import of food and regulate advertising and labelling of food (3 out of 7 respectively). Respondents commented that regulations for health promotion should be evidence-based and should not disproportionately impinge on consumer choice, impact food security, and affect businesses. Respondents also highlighted other non-regulatory approaches that the Government can take to promote health and called for the Government to consult the industry when

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<sup>3</sup> 4 out of 9 consumers were supportive of measures that prohibit or restrict the import of food, the way food is manufactured, distributed, supplied or used in manufacture / preparation of other foods, and the way the public acquires or accesses food. 5 out of 9 consumers were supportive of labelling and advertising measures.

determining target foods and non-communicable diseases of public health interest.

- c) On the power to issue remedial notices to persons who contravened a food-related regulation for health promotion purposes, 12 out of 17 respondents found it useful. Among those who did not, respondents cited the need to hold food businesses accountable, even after the contravention has been remedied.

**No adjustments were needed for the draft bill as the comments were aligned with the draft Bill and chiefly sought clarifications.** Below is a summary of the feedback received and MOH’s response.

Key feedback	MOH’s response
<b>A. Clarification on definitions</b>	
<p><u>Definition and determination of “Target Food”</u></p> <p>A respondent commented that “target food” lacks a clear definition as there are many foods that contribute to increase risks of chronic conditions when consumed in excess and sought clarification if these would typically be foods that compositionally contain high levels of nutrients of concern such as free/added sugars, saturated fats, trans fats, and sodium.</p> <p>A respondent commented that multi-stakeholder input is essential when developing and implementing effective policies targeting improved public health, and would therefore like to implore that a collaborative and transparent approach be taken to determine “target foods”. Active participation of all stakeholders, including the F&amp;B industry, government bodies, academia and other relevant parties is required to ensure a balanced, science-based approach is taken. Extensive consultation is required to guarantee all relevant scientific literature is appropriately reviewed.</p>	<p>Target foods may include foods that compositionally contain high level of nutrients of concern whose consumption contributes or might contribute to the occurrence of a non-communicable disease (NCD) of public health interest, as per the meaning of “food” under Part 1, Section 4 and the definition of “target food” in Part 9, Section 172.</p> <p>MOH is committed to ensure that the determination of a “target food” takes into account scientific evidence and that stakeholders, including those from industry, are appropriately consulted. As drafted, the FSSB does not preclude a collaborative and transparent approach in determining a “target food”.</p>
<p><u>Determination of “Non-Communicable Disease of Public Health Interest”</u></p> <p>A respondent similarly implored that a collaborative and transparent approach is taken to determining “non-</p>	<p>The determination of NCDs of public health interest falls under the remit of the Government, who would determine a NCD of public health interest based on available scientific evidence and data.</p>



<p>communicable disease of public health interest". The respondent also suggested that the determined list of NCDs of public interest is made publicly available.</p>	<p>Nevertheless, as drafted, the FSSB does not preclude a collaborative approach in determining the identifiable food(s) whose consumption contributes to the occurrence of the NCD of public health interest. In this regard, the Government is committed to appropriately consult the stakeholders, including those from the industry.</p> <p>MOH is also committed to ensuring transparency in our determination of a NCD of public health interest. Part 9 Section 173(3) will require the publication of a notice of the making of the determination of a NCD of public health interest in the Government Gazette or in any other manner that will secure adequate publicity for the fact of the making of the determination.</p>
<p><b>B. Measures that prohibit or restrict (i) import of food, (ii) the way food is manufactured, prepared, distributed or supplied, or used in manufacture or preparation of other foods and (iii) access or acquisition of food by the public</b></p>	
<p>A respondent noted that S174(2)(a) states that MOH would have powers to "prohibit the import of target foods or restrict the import of other food" and sought clarification on the definition of "other food" and the rationale for its inclusion in this provision.</p>	<p>S174(2)(a) in Part 9 distinguishes between an import prohibition and an import restriction, where the former is deemed to be more stringent and thus scoped only to target foods, while the latter may be applied to all foods, including target foods. The meaning of "food" is defined in Part 1, Section 4.</p> <p>The FSSB defines "restrict" to include allow on conditions. An example of a possible future Part 9 Regulation that may be promulgated to restrict import of foods for health promotion purposes would be to only allow the import of foods that meets our labelling requirements.</p> <p>For avoidance of doubt, the example above is hypothetical and meant to clarify what import restrictions could entail. MOH and the Health Promotion Board (HPB) will appropriately consult the industry prior to the implementation of any new measures, to ensure that they are practicable and implementable.</p>

<p>Respondents who were not supportive of providing MOH with the powers for these measures cited the following:</p> <p>a) <u>Consideration for international trade rules.</u> The authority to block or restrict imports typically falls under trade-related agencies, whose role is to ensure compliance with international trade agreements and manage market access.</p> <p>b) <u>Negative impact of measures that prohibit / restrict supply of food.</u> Policies targeting improved public health should be evidence-based and proportionate. Measures that prohibit / restrict the supply of food could lead to higher prices for consumers and reduce consumer choice. They could also contribute to food insecurity, nutritional deficiencies, have an impact on cultural identity, and stifle growth and innovation in the industry.</p> <p>c) <u>Existence of other non-regulatory approaches.</u> The Government should focus on comprehensive nutrition education programmes, promoting physical activity, supporting industry's proactive reformulation efforts for healthier products.</p>	<p>The World Trade Organization considers health as a legitimate objective for countries to restrict trade but require that such measures do not create unnecessary obstacles to trade. In this regard, MOH closely consults other government agencies, including our trade-related agencies, when developing measures for health promotion purposes that may have an impact on trade.</p> <p>As per our current practice, MOH and HPB is committed to ensure that our measures take into account scientific evidence and will appropriately consult the industry prior to the implementation of any new measures, to ensure that they are practicable and implementable.</p> <p>Finally, MOH recognises that there are various approaches to promote healthier diets. In this regard, HPB has implemented various public education campaigns, national programmes, and industry support schemes. However, these approaches do not preclude regulations, which remain a viable approach for the Government to achieve the policy objectives of ensuring better health and nutrition for the population.</p>
<p><b>C. Advertising and labelling measures</b></p>	
<p><u>Clarification on scope of measures</u></p> <p>A respondent sought clarification on:</p> <p>a) why displays in or on the premises of a food business, including menus, do not amount to advertising under Part 1, Section 7(4)(e), when Part 9 Regulations may be made to require the placement or display of dietary and nutritional information, including in</p>	<p>The FSSB enables the Government to set different requirements for advertising and labelling measures. This is required for current measures such as the Nutri-Grade measures for beverages, where any materials on the premises of food businesses (e.g. menus) are not considered advertisements and the advertising prohibition on beverages that are graded "D" does not apply to these materials. However, these materials need to comply with Nutri-Grade labelling requirement where beverages graded "C"</p>

<p>a menu, at food premises under Part 9, Section 174(2)(f);</p> <p>b) whether advertising and labelling measures will apply to online platforms (e.g. social media pages or websites of food companies), given that Part 1 defines “premises” as physical locations;</p> <p>c) whether food sold via automated food dispensers are subjected to regulations; and</p> <p>d) whether the regulations apply to companies whose primary function does not involve food preparation (e.g., e-commerce platforms with cloud kitchens).</p>	<p>and “D” must be labelled with the Nutri-Grade mark.</p> <p>Advertising and labelling measures may apply to online platforms. This is provided for by the definitions of “label”, “content”, “advertise” and their associated terms, even though the definition of “premises” is confined to physical locations.</p> <p>Food sold via automated food dispensers may be subjected to regulations, as provided for by the definition of “food vending machine” and its associated terms.</p> <p>Companies who are not involved in food preparation and acts as an intermediary between two parties that are trading in food (e.g. a consumer and a food business) are not considered food businesses and thus not subjected to regulations for food businesses. These companies may be subjected to advertising measures if they fall under the definition of “publishers”, but are allowed to put up a defence that they have no control over the content of the material and are publishing in the ordinary course of business, with no financial interest in the food or regulated food article featured.</p>
<p>Respondents who were not supportive of providing MOH with the powers for these measures cited the following:</p> <p>a) <u>Limitations of warning labels.</u> Warning labels may cause the unwarranted negation of the contribution of a food to a healthy and balanced diet due to the beneficial nutrients they may contain. This could lead to the underconsumption of certain essential nutrients, potentially resulting in micronutrient deficiencies and/or malnutrition. Furthermore, warning labels do not provide an indication of level of risk and are unable to account for levels</p>	<p>MOH notes the industry’s comments on warning labels and food marketing restrictions.</p> <p>MOH also notes that the WHO’s recommendation to implement mandatory policies that restrict marketing of foods with high levels of nutrients of concerns to protect children of all ages was conditional. As explained by the WHO, the evidence from their systematic review was considered “very low certainty” because the relevant policy evaluations were all observational studies and variations in how policies were designed had led to inconsistency in their effect on health outcomes. Nevertheless, when comparing between studies on voluntary policies and</p>

<p>of consumption and likely elicit consumer confusion instead of aiding consumers in making informed choices. In addition, to date scientific evidence backing the use of warning labels to improve long-term public health is lacking.</p> <p>b) <u>Limitations of food marketing restrictions.</u> Current evidence supporting the effectiveness of food marketing bans in producing positive health outcomes is weak. The World Health Organization (WHO) has stated that there is “very low certainty” that restrictions on food marketing led to improved dietary choices or reduce diet-related NCDs. Imposing such stringent and broad measures, without solid evidence of their impact, risks creating unnecessary regulatory burdens on businesses without guaranteeing meaningful public health benefits.</p> <p>c) <u>Existence of other non-regulatory approaches.</u> Instead of blanket restrictions and mandates, a more balanced approach that includes industry self-regulation, education, and targeted measures would be more effective in protecting consumers. An example is the effective, well-established, and comprehensive food advertising guidelines, which were developed through a public-private partnership via the Committee on Guidelines for Food Advertising to Children, that has been in place for industry self-regulation since 2015.</p>	<p>those on mandatory policies, mandatory policies remain more effective in limiting the exposure and power of food marketing on children.</p> <p>MOH recognises that there are various approaches, ranging from public education to industry self-regulation, that can be taken to ensure responsible advertising and protect consumers. MOH acknowledges the strong industry support that has enabled the implementation of the Guidelines for Food Advertising to Children.</p> <p>However, these approaches do not preclude regulations, which remain a viable approach for the Government to achieve the policy objectives of ensuring better health and nutrition for the population.</p> <p>As per our current practice, MOH and HPB is committed to ensure that our measures take into account scientific evidence and will appropriately consult the industry prior to the implementation of any new measures, to ensure that they are practicable and implementable.</p>
<p><b>D. Usefulness of remedial notices</b></p>	
<p>Respondents who were not supportive held the view that the person or entity that contravened a regulation should still be held accountable even after the contravention has been rectified.</p>	<p>Section 176 in Part 9 provides MOH with the option of issuing a remedial notice to a person who has contravened any Part 9 Regulations, if we deemed that the matter relating to the contravention can be remedied and it is appropriate to give the</p>

	<p>person an opportunity to remedy the situation. Failure to comply with the remedial notice without a reasonable excuse is an offence.</p> <p>It remains an option for MOH to prosecute a person for the contravention of a Part 9 Regulation without first giving a remedial notice for the contravention. This will be determined based on the facts of the case.</p>
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## **ANNEX 8 – FEEDBACK ON PROVISIONS RELATING TO MISLEADING OR DECEPTIVE CONDUCT AND OTHER MARKETING OFFENCES**

Comments were received from a total of 17 respondents, which included 9 consumers, 5 industries/businesses, 2 industry associations, and 1 academic/researcher. All feedback for this segment were received through REACH.

MSE, SFA and MOH received feedback on the proposed provisions, in particular, on the following:

- i. Extension of responsibility beyond food business proprietors to publishers.
- ii. Advertising and labelling requirements
- iii. Limiting criminal liability to Singapore-linked persons and companies

In general, stakeholders:

- a) 82% (14 out of 17) of the respondents were supportive of extending responsibility for ensuring advertisements of food/food contact article are compliant to anyone who publishes, or causes or authorises to be published, in Singapore, an advertisement about food or a food contact article. 59% (10 out of 17) of the respondents agreed that there was a need to differentiate the criminal responsibility between advertisers with control over the content versus those who did not, citing the need to impose responsibility according to the role they play in the advertising process.
- b) 53% (9 out of 17) of the respondents were supportive of the requirements and restrictions on advertising. Of the remaining respondents, there was an equal divide (4 respondents each) on whether the measures were inadequate or excessive. All respondents who felt that the measures were inadequate were consumers or researchers, while most (3 out of 4) respondents who felt that the measures were excessive represented businesses or industry associations. 35% (6 out of 17) respondents were of the view that labelling requirements were inadequate.
- c) 88% (15 out of 17) of the respondents supported having the same measures on advertising for food and food contact articles.
- d) Almost all respondents supported the refined definitions of “publishers” and “publishing”.
- e) 65% of the respondents agreed with limiting criminal liability for non-compliant advertisements to publishers that are Singapore-linked persons or entities. Those who disagreed were of the view that the same treatment should apply to all advertisers, regardless if they are based locally or overseas.

**No adjustments were needed for the draft Bill as the comments were aligned with the draft Bill and chiefly sought clarifications.** Below is a summary of the feedback received and MSE/SFA/MOH’s responses.

Feedback	MSE/SFA/MOH's Response
<b>A. Extending responsibility for non-compliant advertising beyond food proprietors</b>	
<p>While majority of respondents (10 out of 17) agreed that there should be a differentiation in criminal responsibilities between advertisers who have direct control over advertisement content versus those who do not, 3 respondents disagreed with extending the responsibility for non-compliant advertising of food/food contact article beyond food business proprietors for the following reasons:</p> <ul style="list-style-type: none"> <li>a) It will affect small and medium sized e-commerce sellers.</li> <li>b) Not all entities in the publication of advertisements should be considered “advertisers”. Publishers should not be held responsible in specific cases whereby the advertisement is authorised by the food business proprietor. Publishers should only be held accountable if the advertisement is not authorised by the food business proprietor.</li> </ul>	<p>Under the FSSB, all food business proprietors remain accountable for responsible and compliant advertising. This is the same treatment as per the present-day Sale of Food Act.</p> <p>The list of offenders is expanded to require publishers involved in the publication of the advertisement to carry the responsibility of ensuring that correct information is conveyed. In calibration with their involvement, publishers who do not have direct control over the advertisement content will be provided a defence to be excluded from immediate responsibility (i.e. it will not be an offence if they can prove that they are not aware of the advertisement’s non-compliance). These publishers will only be held liable for an offence if they willfully continue to publish the non-compliant advertisement after being informed of the non-compliance.</p>
<b>B. Advertising and labelling requirements</b>	

8 respondents disagreed that the requirements for advertising content were adequate in ensuring accurate information to protect consumers and help them make informed choices.

Among the 8 respondents, 4 felt that the measures were inadequate, and 4 felt that the measures were excessive.

Respondents who felt that the measures were inadequate were consumers or researchers who cited the following:

- a) Lack of verification on the accuracy of information provided, such as country of origin.
- b) The measures may not control for novel forms of advertisements.

Respondents who felt that the measures were excessive mostly represented businesses or industry association, and cited the following:

- a) There is no need to squeeze excessive information/details into an advertisement and waste advertising space on text that a vast majority will not care to read/see in detail.
- b) The size and relative importance of the impact of food marketing and any demonstrable impact on health outcomes are important research questions that to date have not been settled.
- c) Warning statements in improving public health in the long-term is not backed by scientific evidence, and may cause unwarranted negation of the contribution of a food/beverage to a healthy and balanced diet due to the beneficial nutrients they may contain.
- d) Effective, well-established and comprehensive food advertising guidelines, developed for

The FSSB enables the setting of standards and requirements for advertisements and labelling of food. These requirements include those that restrict or prohibit certain content, require certain information to be carried in advertising, or prescribe the form of the content required and how it is displayed.

These are currently already in effect. For example, food labels and/or advertisements are not allowed to make claims or suggestions in relation to food that implies that

- a) the food has therapeutic/prophylactic action;
- b) the food will prevent, alleviate or cure any disease or condition affecting the human body or
- c) that health or an improved physical condition can be achieved by consuming the food.

The FSSB enables SFA and MOH to prescribe advertising and labelling requirements on food and regulated food contact articles in the subsidiary legislation. MSE, SFA and MOH will consider the available scientific evidence and continue to engage industry before implementing any new or revised advertising requirements in the subsidiary legislation.

On the specific comment about lack of verification on the accuracy of information provided, such as country of origin, consumers who come across any prepacked food product carrying any inaccurate declaration of country of origin can provide feedback (with the specific details) through <https://csp.sfa.gov.sg/feedback>. The country of origin is a mandatory piece of information which must be present on the labels of prepacked food products to facilitate traceability of the food. The country of origin refers to the place where the handling of the food last took place



<p>industry self-regulation, are already in place in Singapore. Self-regulation has evolved and strengthened over time and can continue to do so, ideally with all key players, including regulators, public health bodies, research institutions, the advertising sector and F&amp;B industry at the table.</p> <p>Most respondents agreed with having the same measures apply to advertising for food contact articles. 2 respondents who disagreed shared the following:</p> <ul style="list-style-type: none"><li>a) Food contact articles are “closer” to the source of food, and therefore should have a slightly stringent requirement for labelling and provision of nutritional information.</li><li>b) While there is no in-principle objection to apply the same measures to food contact articles, the same considerations shared for food advertising apply.</li></ul>	<p>(for e.g. the last place where the food was packed into its primary packaging).</p> <p>Please refer to Annex 7 for MOH’s response to specific comments on the impact of food advertising measures and health.</p>
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6 respondents gave feedback that labelling requirements are inadequate. Concerns shared include:

- a) There remains food packaging that do not have ingredient lists.
- b) It would be useful to have labelling laws extend to foods which are displayed on digital platforms in a manner which is easily visible, very accessible, clear and consistent.

Prepacked food products must be labelled with the statement of ingredients. Should consumers come across any prepacked food products without the statement of ingredients, please provide your feedback (with the specific details) through <https://csp.sfa.gov.sg/feedback>.

The SS687:2022 on the Guidelines for E-Commerce by Industry provides useful information for products that are made available for sale via e-commerce platforms (such as information to include in sale listings). We encourage industry partners to adopt this voluntary standard for food labeling on digital platforms.

Where required to achieve our policy intent, the Government also ensures that labelling laws extend to foods on digital platforms. An example is the Nutri-Grade labelling requirement for beverages, where materials on digital platforms that inform a consumer that a Nutri-Grade beverage is for sale must also be labelled with the Nutri-Grade mark, if the beverage is graded "C" or "D".

The Government would also like to remind consumers to exercise caution when purchasing food online.

**C. Limiting criminal liability to Singapore-linked persons and companies**

6 respondents disagreed with limiting criminal liability for non-compliant advertisements to publishers which are Singapore-linked to be adequate in protecting and promoting human health through accurate advertising. Concerns raised include:

- a) The risk of non-Singapore-linked publishers taking advantage of their lack of criminal liability, which could increase non-compliant behaviour.
- b) A consideration is whether having regulations that are limited to only Singapore-linked companies result in industry movements to non-regulated places, limiting the effectiveness of policy. There may also be economic implications for Singapore, as industries shift in response to these policies, however this must be balanced against the health benefits and reduced health care spending due to improvements in dietary quality.

The FSSB does not have legislative powers to prosecute offenders overseas. However, we recognise the borderless nature of online advertising, where advertisements originating from overseas may remain accessible by the local audience. The proposed measures are intended to ensure that there remains a mechanism to take actions against non-compliant advertisements that originate overseas but are published for access by the audience in Singapore through a Singapore-linked intermediary. For example, it would be an offence for the Singapore-linked intermediary to continue publishing a non-compliant advertisement that originate overseas after being informed by SFA or MOH that the advertisement is non-compliant.

Notwithstanding the limitations on cross-border controls, SFA and MOH will continue to engage overseas food proprietors to remove any non-compliant advertisements when detected.

## ANNEX 9 - FEEDBACK TO PROVISIONS RELATING TO STRENGTHENING RESILIENCE OF FOOD SUPPLY

Comments were received from a total of 3 respondents, from the industry and associations.

MSE and SFA received feedback on the proposed legislation, on the following new measures or changes:

- i. Definition of terms
- ii. Minimum Stockholding Requirement (MSR) scheme
- iii. Information to be collected
- iv. Appeals
- v. Support for industry

**No adjustments were needed for the draft Bill as the comments were aligned with the draft Bill and chiefly sought clarifications.** Below is a summary of the feedback received and MSE/SFA's responses.

Feedback	MSE/SFA's Response
<b>A. Definition of terms</b>	
1 respondent suggested taking into consideration the definition of 'emergencies' proposed by the United States at the Codex Committee on Food Labelling (CCFL) on Guidelines on the Application of Food Labelling Measures in Emergencies, in the definition of the "food security factors". The United States proposed that human pandemics, animal disease outbreaks, natural disasters, climate change, disruption of critical infrastructure networks, war, famine, as well as combinations of these and other scenarios, can cause significant disruption to the international, regional, national or local food supply chain, in whole or part.	The FSSB contains a definition of "food security factors" which already encompass issues that may affect Singapore's supply of food including global food availability, supply sources for food, resilience of the agri-food supply chain in response to natural or man-made disasters, climate change severe disturbances in agricultural markets and other disruptions in the supply of food, and food safety and consumer confidence in food.

**B. Minimum Stockholding Requirement (MSR) scheme**

1 respondent sought clarification on the details of the MSR scheme (e.g. MSR entity, MSR activity, MSR product, penalties).

The MSR may be imposed on selected entities (“MSR entity”) which undertake a specific activity (“MSR activity”) along the agri-food supply chain (e.g. import / manufacturing) involving a certain food item or agri-food production input (“MSR product”).

To illustrate this using the example of rice which is currently stockpiled under the Rice Stockpile Scheme (RSS), “rice” is the MSR product. “Importing” is the MSR activity and “rice importers” are the MSR entities. Ahead of imposing the MSR on entities undertaking a specific MSR activity involving a specific MSR product, the MSR product and MSR activity will be published in subsidiary legislation which is publicly accessible. Entities who will be required to comply with the MSR will be notified via a trigger notice and provided reasonable amount of time to comply. Prior to the actual implementation for each specified MSR product and MSR activity, MSE/SFA will also engage entities who will be subject to the MSR, to help them understand the MSR and provide clarifications. For rice importers who will transit from the existing RSS to the MSR scheme, MSE/SFA will conduct focused consultations in small group settings to provide tailored clarification and support.

Penalties for failure to comply with MSR are provided for in the draft Bill. Broadly, non-compliance with average and daily MSR will incur an MSR charge that is equivalent to the product of the MSR shortfall and a rate which will be published in subsidiary legislation. Intentional and reckless non-compliance with daily MSR will be an offence which may include a fine not exceeding \$25,000 or the product of the MSR shortfall and the abovementioned rate, whichever is higher. Non-compliance to information collection provisions may be subject a fine of up to \$5,000 for individuals and \$10,000 for non-individuals.

<b>C. Information to be collected</b>	
1 respondent sought clarification on the type of information to be collected by the DG(FS).	<p>The Government may require data from those in or closely connected with the agri-food supply chain as approved by the Minister for Sustainability and the Environment, such as information on in-country MSR stock levels and stock locations. The data will support early sensemaking and management of national food stockpiles.</p> <p>Similar to the MSR, the relevant information on the specific information, purpose for which the information is required, and how and when the information is to be provided, will be made known to the relevant person(s) ahead of imposing the requirement. Given the commercial sensitivity of such data, its nature and usage will be scoped by law and kept in strict confidence.</p>
<b>D. Appeals</b>	
1 respondent shared their view that appeals are an important mechanism in ensuring fairness, and their removal should be balanced with a transparent and accountable decision-making process.	The final Bill will make clear which decisions are appealable under the FSSB.
<b>E. Support for the industry</b>	
1 participant suggested that SFA hold regular consultation sessions for the industry to clarify details of the MSR scheme and other administrative processes.	SFA will continue to support rice importers in the transition from the existing Rice Stockpile Scheme (RSS) to the future Minimum Stockholding Requirement (MSR) scheme. In the lead up to the transition of the existing RSS to the MSR scheme for rice, SFA will organise focused consultations in small group settings to provide tailored clarification and support, e.g. clarifying the required documents to be submitted.