

FOOD (AMENDMENT) (NO 2) REGULATIONS 2009

PU(A) 306/2009

IN exercise of the powers conferred by section 34 of the **Food Act 1983**[*Act 281*], the Minister makes the following regulations:-

24 August 2009

1. Citation and commencement

(1) These regulations may be cited as the **Food (Amendment) (No. 2) Regulations 2009**.

(2) These Regulations come into operation on 1 January 2010.

2. General amendment

The **Food Regulations 1985**[*P.U. (A) 437/1985*], which are referred to as the "principal Regulations" in these Regulations, are amended:-

(a) by substituting for the words "nutrient supplement" wherever it appears therein the words "added nutrient".

(b) in the national language text by substituting for the words "zat makanan" wherever it appears therein the words "nutrien".

3. Amendment of regulation 11

Regulation 11 of the principal Regulations is amended:-

(a) by inserting after paragraph (1)(e) the following paragraph:-

"(ea) where the food contains an ingredient known to cause hypersensitivity, a statement indicating that the food may cause hypersensitivity;" and

(b) by inserting after subregulation (4) the following subregulation:-

"(5) For the purpose of paragraph (ea) of subregulation (1), the specific food or ingredients known to cause hypersensitivity are as follows:

(a) cereal containing gluten including wheat, rye, barley and oat;

(b) nut and nut product including peanut and soybean;

(c) fish and fish product;

(d) milk and milk product (including lactose); and

(e) egg and egg product."

10. Amendment of regulation 18E

Regulation 18E of the principal Regulations is amended:-

(a) by substituting for subregulation (4) following subregulation:-

"(4) Except as otherwise provided in these Regulations, only the following nutrient function claims or any other words of similar meaning shall be permitted:-

(a) Folic acid:-

(i) Folic acid is essential for growth and division of cells;

(ii) Folate plays a role in the formation of red blood cells;

(iii) Folate helps to maintain the growth and development of the foetus;

(b) Sialic acid:-

Sialic acid is an important component of the brain tissue;

(c) Iron:-

(i) Iron is a factor in red blood cell formation;

(ii) Iron is a component of hemoglobin in red blood cell which carries oxygen to all parts of the body;

(d) Inulin and oligofructose (fructo-oligosaccharide):-

(i) Inulin helps increase intestinal bifidobacteria and helps maintain a good intestinal environment;

(ii) Oligofructose (fructo-oligosaccharide) helps increase intestinal bifidobacteria and helps maintain a good intestinal environment;

(iii) Inulin is bifidogenic;

(iv) Oligofructose (fructo-oligosaccharide) is bifidogenic;

(e) Iodine:-

Iodine is essential for the formation of thyroid hormone;

(f) Calcium:-

Calcium aids in the development of strong bones and teeth;

(g) Magnesium:-

Magnesium promotes calcium absorption and retention;

(h) Niacin:-

Niacin is needed for the release of energy from proteins, fats and carbohydrates;

(i) Protein:-

(i) Protein helps build and repair body tissues;

(ii) Protein is essential for growth and development;

(iii) Protein provides amino acids necessary for protein synthesis;

(j) Oat Soluble fibre (b-glucan) Oat soluble fibre (b-glucan) helps lower or reduce cholesterol;

(k) Plant sterol or plant stanol:-

Plant sterol or plant stanol helps lower or reduce cholesterol;

(l) Vitamin A:-

(i) Vitamin A aids in maintaining the health of the skin and mucous membrane;

(ii) Vitamin A is essential for the functioning of the eye;

(m) Vitamin B1/Thiamine:-

Vitamin B1/Thiamine is needed for the release of energy from carbohydrate;

(n) Vitamin B2/Riboflavin:-

Vitamin B2/Riboflavin is needed for release of energy from proteins, fats and carbohydrates;

(o) Vitamin B12/Cyanocobalamin:-

Vitamin B12/Cyanocobalamin is needed for red blood cell production;

(p) Vitamin C:-

(i) Vitamin C enhances absorption of iron from nonmeat sources;

(ii) Vitamin C contributes to the absorption of iron from food;

(q) Vitamin D:-

(i) Vitamin D helps the body utilise calcium and phosphorus;

(ii) Vitamin D is necessary for the absorption and utilization of calcium and phosphorus;

(r) Vitamin E:-

Vitamin E protects the fat in body tissues from oxidation; and

(s) Zinc:-

Zinc is essential for growth.";

(b) by inserting after subregulation (4) the following subregulations:-

"(4A) For the purpose of paragraph 4(b), the claim may only be made in infant formula and follow-up formula as prescribed in regulations 389 and 389A respectively.

(4B) For the purpose of paragraph 4(k):-

(a) there shall be written on the label of food making such nutrient claim the following statements:-

(i) "Not recommended for pregnant and lactating women, and children under the age of five years";

(ii) "Persons on cholesterol-lowering medication must seek medical advice before consuming this product";

(iii) a statement to the effect that the product is consumed as part of a balanced and varied diet and shall include regular consumption of fruits and vegetables to help maintain the carotenoid level; and

(iv) "With added plant sterols" or "With added plant stanols" in not less than ten point lettering;

(b) the total amount of plant sterol or plant stanol contained in the product shall be expressed in metric units per 100 g or per 100 ml or per package if the package contains only a single portion and per serving as quantified on the label;

(c) only the terms "plant sterols" or "plant stanols" shall be used in declaring the presence of such components; and

(d) the claim may only be made for milk, milk product, soya bean milk and soya bean drink as prescribed in regulations 82, 83, 357 and 358 respectively."

11. Amendment of regulation 20

Regulation 20 of the principal Regulations is amended by inserting after subregulation (5) the following subregulation:-

"(6) Notwithstanding paragraph (g) of subregulation (1) of regulation 11, where sulphite or sulphur dioxide has been added and the amount of sulphite or sulphur dioxide as a permitted preservative is more than 10 mg/kg, there shall be written on the label the words "contains sulphur dioxide."

12. Amendment of regulation 22

Paragraph 22(2)(a) of the principal Regulations is amended by inserting after the word "vegetable" the words ", fruit".

13. Amendment of regulation 25

Regulation 25 of the principal Regulations is amended:-

(a) in subregulation (1), by inserting after the word "solvents" the words ", glazing agents"; and

(b) by inserting after subregulation (5) the following subregulation:-

"(6) Notwithstanding paragraph (g) of subregulation (1) of regulation 11, where a permitted food conditioner has been added to any food, there shall be written in the label on a package containing such food the words "contains (state the class name of the food conditioner) as permitted food conditioner".".

14. Amendment of regulation 26

Regulation 26 of the principal Regulations is amended by substituting for regulation 26 the following regulation:-

"26. (1) In these Regulations, "added nutrient" includes any mineral, vitamin, amino acid, fatty acid, nucleotide or other food components which, when added singly or in combination to food, improves the nutritional value of the food.

(2) The added nutrients specified in Table I to the Twelfth Schedule shall be the permitted added nutrient within the meaning of and for the purposes of these Regulations.

(3) Except as otherwise provided in these Regulations, permitted added nutrient may be added to any food.

(4) No person shall sell any food to which added nutrient other than a permitted added nutrient has been added.

(5) No person shall import, manufacture or advertise for sale or sell, as suitable for use in food, any added nutrient other than a permitted added nutrient.

(6) Every package containing food to which an amino acid, fatty acid, nucleotide or other food components has been added shall be labelled with:-

(a) the name of the amino, fatty acid, nucleotide or other food components, as the case may be, added to the food; and

(b) the amount of the added amino acid, fatty acid, nucleotide or other food components, as the case may be, that is contained in a specified quantity of the food.

(7) No label on a package containing any food shall bear a claim that such food is enriched, fortified, vitaminised, supplemented or strengthened, or shall contain any statement that may or is likely to convey the same meaning, unless a reference to the quantity of the food as specified in column (1) of Table II to the Twelfth Schedule provided not less than the amount of vitamin or mineral, as the case may be, specified in relation thereto in columns (2) to (17) of the said Table, that is derived from the source of added nutrient specified in Table I to the Schedule.

(8) Notwithstanding subregulation (7), the label on a package of food to which amino acid or fatty acid or both has been added may bear a claim that the food is enriched or supplemented with amino acid or fatty acid or both, and where such claim is made it shall be expressed on the label in the following form or other words of similar meaning:-

"This food is (state the quality as aforesaid) with (state the amount in miligram) of (state whether amino acid, fatty acid or both).".

(9) Where any food is claimed to possess the quality as specified in subregulation (7) there shall be written in the label on a package containing such food, the words "This food is (state the quality claimed as in subregulation (7)) with (state the vitamins or minerals or both and their amounts in units as expressed in Table II to the Twelfth Schedule)" or other words of similar meaning.

(10) No food shall contain vitamin and mineral in an amount which exceeds the amount specified in Table III to the Twelfth Schedule."

15. New regulation 125A

The principal Regulations are amended by inserting after regulation 125 the following regulation:-

125A. (1) Trehalose dihydrate shall be a product of white or almost white crystals and is a non-reducing disaccharide made from liquified starch by a multistep enzymatic process.

(2) Trehalose dihydrate shall:-

(a) be not less than 98 per cent on a dry basis;

(b) have a melting point of 97°C; and

(c) yield not more than:-

(i) 0.05 per cent ash; and

(ii) 1.5 per cent water on drying at 60°C for 5 hours.

(3) Trehalose dihydrate may be added to food and the maximum permitted proportion in food shall be governed by good manufacturing practice."

16. Amendment of regulation 134

Regulation 134 of the principal Regulations is amended:-

(a) in subregulation (1), by inserting after the word "sucralose" the words ", erythritol"; and

(b) by inserting after subregulation (3) the following subregulation:-

"(3A) Erythritol that complies with the standard set out in Table II of the Twentieth A Schedule may be added to low energy food and the maximum permitted proportion of erythritol shall be governed by good manufacturing practice."

17. Amendment of regulation 136

Regulation 136 of the principal Regulations is amended by substituting for subregulation (2) the following subregulation:-

"(2) Sugar confection may contain permitted colouring substance, permitted flavouring substance, permitted food conditioner and acesulfame potassium not exceeding 3,500 mg/kg as permitted non-nutritive sweetening substance."

18. Amendment of regulation 223

Subregulation 223(2) of the principal Regulations is amended by inserting after the words "permitted food conditioner" the words "including succinic acid in a proportion not exceeding 5 g/kg."

19. Amendment of regulation 224

Regulation 224 of the principal Regulations is amended by substituting for subregulation (2) the following subregulation:-

"(2) Soup stock may contain:-

(a) spices, spice oil, mint and vinegar; and

(b) caramel and permitted colouring substance of vegetable origin, permitted flavouring substance, permitted flavour enhancer and permitted food conditioner, including succinic acid provided that the final product after dilution does not contain more than 5 g/kg of succinic acid."

20. Amendment of regulation 233

Subregulation 233(1) of the principal Regulations is amended by inserting after the word "sugar" the words ", invert sugar, refiner's syrup, glucose or dried glucose syrup".

21. Amendment of regulation 253

The principal Regulations are amended by substituting for regulation 253 the following regulation:-

"253. (1) Coconut milk shall be the dilute emulsion extracted from the matured kernel of the fruit of *Cocos nucifera*.

(2) Coconut milk shall:-

(a) contain not less than:-

(i) 12.7 per cent and not more than 25.3 per cent of total solid;

(ii) 2.7 per cent of non-fat solid; and

(iii) 10 per cent of fat; and

(b) have a pH of not less than 5.9; and

(c) be free from kernel residue.

(3) Coconut milk may contain the following food conditioner:-

(a) sucrose esters of fatty acid in a proportion not exceeding 1,500 mg/kg;

(b) any polyoxyethylene sorbitan fatty acid esters in a proportion not exceeding 1,000 mg/kg;

(c) monoglycerides and diglycerides; and

(d) guar gum, xanthan gum, sodium carboxymethyl cellulose and gellan gum."

37. Amendment of Fifth A Schedule

The Fifth A Schedule to the principal Regulations is amended:-

(a) in Table I:-

(i) in the heading of the national language text, by substituting for the words "18A" the words "18C";

(ii) by substituting for the item "Sugar" and the particulars relating to it the following item and particulars:-

Component	Claim	Conditions
A.		Not more than
"Sugar	Low	5 g per 100 g (solids)
		2.5 g per 100 ml (liquids)
	Free	0.5 g per 100 g (solids)
		0.5 g per 100 ml (liquids)"

; and

(iii) by substituting for the item "Sodium" and the particulars relating to it the following item and particulars:-

Component	Claim	Conditions
A.		Not more than
"Sodium	Low	0.12 g per 100 g (solids)
		0.06 g per 100 ml (liquids)
	Very low	0.04 g per 100 g (solids)
		0.02 g per 100 ml (liquids)
	Free	0.005 g per 100 g (solids)

	0.005 g per 100 ml (liquids)"
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; and

(b) in Table II:-

(i) in the English text, by substituting for the words "Not more than" the words "Not less than";

(ii) by inserting after the item "Vitamins and Minerals" and the particulars relating to it the following items and particulars:-

Component	Claim	Conditions
"B.		Not less than
Total Dietary Fibre	Source	3 g per 100 g (solids) 1.5 g per 100 ml (liquids)
	High	6 g per 100 g (solids) 3 g per 100 ml (liquids)
Oat Soluble Fibre (b:- glucan)**	Source	2 g per 100 g (solids)
Total Sialic Acid	Source	Not less than:- 36 mg per 100 kcal (24 mg per 100 ml)
		Not more than:- 67 mg per 100 kcal (45 mg per 100 ml)
Plant Sterol/ Plant Stanol @	Source	1.3 g per 100 g (solids) 160 mg per 100 ml (liquids) (where the product is added with plant sterol or plant stanol, the daily serving provide more than 3 g plant sterol or plant stanol per day)
Inulin	Source	2 g per serving
Oligofructose	Source	1.25 g per serving"

; and

(iii) in the "Note", by inserting after item "Protein (g) 50" the following items:-

" (**) for "Oat Soluble Fibre" nutrient function claim, the food shall also contain total dietary fibre of not less than an amount required to claim as "Source";

(@) only in milk, milk products, soya bean milk and soya bean drink."