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## **No. S 580**

### **SALE OF FOOD ACT (CHAPTER 283)**

#### **FOOD (AMENDMENT NO. 2) REGULATIONS 2019**

In exercise of the powers conferred by section 56(1) of the Sale of Food Act, the Minister for the Environment and Water Resources makes the following Regulations:

#### **Citation and commencement**

1. These Regulations are the Food (Amendment No. 2) Regulations 2019 and come into operation on 1 September 2019.

#### **Amendment of regulation 252**

2. Regulation 252 of the Food Regulations (Rg 1) is amended by inserting, immediately after paragraph (6), the following paragraph:

“(7) In the case of infant formula that is sold or to be sold as infant formula which is lactose free, low lactose or words of similar import, the total lactose content must not be greater than 10 mg per 100 kcal.”.

#### **Amendment of regulation 254**

3. Regulation 254 of the Food Regulations is amended —

(a) by inserting, immediately after sub-paragraph (a) of paragraph (2), the following sub-paragraph:

“(aa) a warning statement about the health hazards of improper use, preparation or storage of infant formula;”;

(b) by deleting the word “and” at the end of paragraph (2)(e);

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(c) by deleting the full-stop at the end of sub-paragraph (f) of paragraph (2) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(g) prominently displayed statements, starting with the words “IMPORTANT NOTICE” or words of similar import, to ensure that a consumer understands that —

(i) breast milk is best for infants; and

(ii) the infant formula should be used on the advice of a doctor or healthcare practitioner.”; and

(d) by inserting, immediately after paragraph (2), the following paragraphs:

“(3) Without limiting paragraph (2), the label on a package of any infant formula for infants, or an advertisement about any infant formula for infants, must not (and without affecting regulations 8A, 9, 9A, 9B, 11 and 12) contain —

(a) a claim which states, suggests or implies that the infant formula or a component, ingredient, constituent or other feature of the infant formula, has, or may have, a health effect;

(b) a claim which directly or indirectly compares the infant formula, or a component, ingredient, constituent or other feature of the infant formula, to breast milk;

(c) any of the following prohibited matter:

(i) a pictorial, graphic or symbolic representation of an infant or infants (whether or not accompanied by text);

- (ii) a pictorial, graphic or symbolic representation of a pregnant woman or nursing woman (whether or not accompanied by text);
- (iii) a word like “humanised” or “maternalised”, or words of similar import;
- (iv) a claim which directly or indirectly idealises the use or effect of the infant formula;

*Example of idealisation claims*

A representation which suggests or implies that the use or consumption of the infant milk formula results in exaggerated health or other effect.

- (d) a claim which states, suggests or implies the energy, carbohydrate and other nutritive property of any ingredient of the infant formula which is not mentioned in regulation 252(5) and (6), except to the extent permitted by paragraph (4) or (5);

*Examples of prohibited text claims*

- (a) “Contains vitamin D”.
- (b) “Contains essential nutrients”.
- (c) “Added with vitamins and minerals”.
- (d) “Enriched with iron”.

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- (e) where the infant formula contains any ingredient mentioned in regulation 252(5) or (6), a claim which states, suggests or implies that the infant formula is enriched or fortified, or is an excellent source of these ingredients;

*Examples of prohibited text claims*

(a) “Excellent source of DHA”.

(b) “25% higher in DHA”.

(c) “High in nucleotides”.

(d) “Enriched with nucleotides”.

(4) A label on any package of any infant formula, or an advertisement about any infant formula, may contain a claim which states, suggests or implies the presence of hydrolysed milk protein or whey protein in the infant formula.

(5) Without limiting paragraph (2), the label on a package of any infant formula which is sold or to be sold as lactose free or low lactose must (and without affecting regulations 8A, 9, 9A, 9B, 11 and 12) include —

- (a) the words “lactose free” or “low lactose”, or words of similar import;
- (b) a statement within the nutrition information panel on the label, specifying the exact amount of lactose in the infant formula; and
- (c) the words “Not suitable for infants with galactosaemia” in the same font and size as, and in close proximity to, the words mentioned in sub-paragraph (a), if the infant formula is manufactured from protein sources other than soya protein isolates.

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(6) In paragraphs (3) and (4) —

“claim” means any message or representation, and includes a pictorial, graphic or symbolic representation;

“health effect” means an effect on the human body, including an effect on one or more of the following:

(a) growth and development;

(b) physical performance;

(c) mental performance;

(d) a biochemical process or outcome;

(e) a physiological process or outcome;

(f) a functional process or outcome;

“pictorial representation” includes a graphic representation and an anthropomorphic or humanlike depiction.”.

*[G.N. Nos. S 515/2006; S 195/2011; S 175/2012; S 444/2012; S 493/2013; S 816/2014; S 49/2016; S 152/2017; S 302/2017; S 146/2018; S 59/2019]*

Made on 27 August 2019.

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(To be presented to Parliament under section 56(4) of the Sale of Food Act).