

July 18, 2014



Dr. Ko Wing-man, BBS, JP
Secretary for Food & Health
Food and Health Bureau
18/F, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong

The American Chamber
of Commerce in Hong Kong
1904 Bank of America Tower
12 Harcourt Road, Hong Kong

Dear Dr. Ko,

RE: Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants and Young Children

The American Chamber of Commerce in Hong Kong (“AmCham”) would like to express its appreciation for the HKSAR Government’s effort in regulating nutrition labeling and claims of formula products and food for infants and young children, as well as promoting, protecting and supporting breastfeeding in Hong Kong.

We understand that the Government will share the consultation result of the Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants and Young Children (“Hong Kong Code”) at the meeting of the Panel on Health Services of the Legislative Council on July 21, 2014. In addition to the submission in response to the public consultation of the Hong Kong Code during the consultation period, we would like to take this opportunity to further share our views as below.

1. The Hong Kong Code should align with the WHO Code and global best practices

Taking reference to the International Code of Marketing of Breast-milk Substitutes (WHO Code), which encourages exclusive breastfeeding for infants during their first 6 months after birth, and the practices in developed countries with similar social and economic conditions to Hong Kong, AmCham believes that any biased or over-regulation of marketing activities, i.e. regulating related products intended for children aged up to 36 months, will be contrary to the long-standing value of Hong Kong as an open and free market economy.

2. Parents’ right to access information should be upheld

Considering the fundamental right of consumers to information, any ban on marketing and promotional activities should be limited to products for infants aged under 6 months. Otherwise, the capability of parents who need to provide complementary food to their children to make informed choices will be undermined.

3. Manufacturers’ right to provide information should be respected

Undoubtedly, exaggerated or misleading information should be prevented. Nevertheless, for responsible industry players who comply with all relevant regulations in Hong Kong, AmCham supports that their right to communicate evidence-based information should be respected. Such information provision is regarded as fair participation in the free economy of Hong Kong.

4. A voluntary code may bring confusion and unfairness

A voluntary code may bring unfairness and inequity in the market, and confuse consumers. Instead, legislative enactment will bring greater fairness and a level playing field. To ensure full compliance of the Hong Kong code, AmCham urges the Government to consider incorporating it into the legislation. Only with a mandatory approach will a level playing field for industry participants be ensured, and will consumers be provided with confidence and certainty.

In summary, AmCham supports the Government's effort to promote breastfeeding and we welcome opportunities to further discuss with the Government regarding the Hong Kong Code. We look forward to working with the Government to formulate a suitable regulation that will truly protect the mutual benefits of all parties, including the trade and the consumers.

Thank you for your attention. If you have any questions, please feel free to contact Ms. Ming-Lai Cheung, Director, Government Relations and Public Affairs at 2530 6927 or via email: mcheung@amcham.org.hk.

Yours sincerely,



Peter Levesque
Chairman 2014



Richard Vuylsteke
President

CC: Legislative Council Panel on Health Services
Legislative Council Secretariat, Legislative Council Complex
1 Legislative Council Road, Central, Hong Kong

The American Chamber of Commerce in Hong Kong is the largest international chamber in Hong Kong and represents a broad and diverse membership.