



Navigating Asia Pacific Food Laws

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Site Search



Guide to Navigating Asia Pacific Food Laws **2017**

Population growth, rising incomes, changing diets and an increased desire for premium imported food and beverage products across Asia Pacific presents significant opportunities for the food and agribusiness sector across the region.

As tariffs, quotas and other traditional barriers to trade gradually decline with the growth in free trade agreements, the focus on entering the Asia Pacific market has increased significantly. However, the regulatory regimes in many Asia Pacific jurisdictions are complex and sometimes unpredictable. This in itself creates a barrier to trade.

The purpose of this searchable and comparative microsite is to summarise food law regulation in 11 jurisdictions across Asia Pacific and to help food businesses navigate the complex regulatory area. Topics covered in the guide include local language and basic labelling requirements, country of origin labelling, mandatory warnings, product registration, import permit and clearance requirements. Changes to the local laws and regulations in some of these areas occur frequently. Whilst we endeavour to keep the site updated, we invite you to seek specific and current advice as needed from appropriate Baker McKenzie contacts.

To get started, click on **Select a Jurisdiction** or the **Compare** buttons.

Access the Guide

Select a Jurisdiction



Compare Jurisdictions and Topics



Search by Keyword



Adjust Comparison >

Australia x

China x

Hong Kong x

Indonesia x

Malaysia x

Thailand x



	Australia	China	Hong Kong	Indonesia	Malaysia	Thailand
Nutrition content claims and health claims	Nutrition content claims Claims about the presence or absence of specific nutritional properties (including...	Claims about nutritional contents for pre-packaged food products are regulated by compulsory national standard...	Nutrition content claims are subject to the conditions laid out in Schedule 5 of the Food and Drugs (Composition and...	Based on GR 69, all food that contains vitamins, minerals and/or other kinds of nutritional supplements must ...	Under the Regulations, claims which highlight the absence or non-addition of a particular substance in or to...	Nutrition claims Notification No. 182 divides nutritional claims into 3 categories, namely: nutrient content...
Mandatory warnings and advisory statements	The Food Standards Code requires mandatory warning statements to be displayed on all labels for foods that contain...	Food labels should contain cautionary statements in Chinese if the food products are known to be harmful to specific...	Schedule 3 of the Food and Drugs (Composition and Labeling) Regulations (Cap. 132W) ("FDR") states that the list of...	The following are major warning and advisory statements required by Indonesian food laws and...	The Regulations provide that if a food contains ingredients known to cause hypersensitivity, the ingredients must be...	Notification No. 367 provides that if the ingredients of the food cause certain types of allergies, i.e., nuts, eggs, fish, dairy...
Inspection of imported foods	Food entering Australia is subject to the Imported Food Control Act 1992 (Cth), which provides for the inspection...	Imported food products are subject to compulsory inspection by local Entry-Exit Inspection and Quarantine Bureau...	Please refer to the section on "import permit" on foods that can be subject to inspection/testing.	All imported processed foods must have a Market Authorization Permit. Market Authorization Permits are regulated under...	Imported foods will first be checked by MAQIS officers or another relevant body (depending on the identity of the foods...	Foods imported for sale in Thailand are subject to inspection at the border by the FDA and/or Customs under the Notice of Food...
Penalties for non-compliance	Australian Consumer Law (schedule 2 of the Competition and Consumer Act 2010 (Cth)) Section 18:...	PRC Food Safety Law (2015) Article 122: engage in food production/sale or food additive production activities...	Part V of the Public Health and Municipal Services Ordinance (Cap. 132) ("PHMSO") Section 50: Offenses in connection with...	GR 48 Article 47: violation in the field of processed food Administrative action such as a written...	Under MQISA Section 11: Requirement for permit, license and certificate Fine not exceeding...	Food Act B.E. 2522 (A.D. 1979) Section 6: quality and standard of foods and container of foods. Sections 47 - 51:...

Overview

- What are the most common NTBs to trade in APAC?
- Nutrition labelling
 - Case Study: Thailand, China, Indonesia and Singapore
- Pre-market product registration
- Enforcement
- Key lessons from experience



Non tariff barriers to trade in APAC

- Non harmonised nutrition labelling
- Pre-market product registration
- Import/export certification
- Changing customs requirements in foreign markets



Nutrition labelling

Common Challenges

- Variations in Nutrition Information Panel (NIP) format
- Variances in NRVs/RDIs/RDAs used to support packaging claims and NIP format
- Different min/max limits for vitamins and minerals
- Variances in tolerance levels

Nutrition Information 營養資料			
Servings Per Package/每包裝所含食用分量數目: 3			
Serving Size/食用分量: 5 pieces (50g) /5 塊 (50 克)			
	Per Serving 每食用分量	Per 100g 每 100 克	% Chinese NRV Per 100g 每 100 克的 中國營養參 考值
Energy /熱量	220 kcal/千卡 924 kJ/千焦	440 kcal/千卡 1848 kJ/千焦	22%
Protein /蛋白質	5.5 g/克	11 g/克	18%
Fat, total /脂肪總量	8 g/克	16 g/克	27%
- Saturated fat /飽和脂肪	3.5 g/克	7 g/克	35%
- Trans fat /反式脂肪	0 g/克	0 g/克	
Carbohydrates /碳水化合物	31 g/克	62 g/克	23%
- Sugars /糖	1 g/克	2 g/克	
Sodium /鈉	365 mg/毫克	730 mg/毫克	37%

Case Study

- Pre-packaged milk for export to China, Singapore, Thailand and Indonesia
- Contains an average of 285mg calcium and 10g of protein per 250ml
- Product makes claims of “**Good Source of Calcium**” and “**High Protein**” on packaging sold in Australia
- Can the same claims be made in export markets?



Issue 1

Disparity in regulation of nutrient content claims

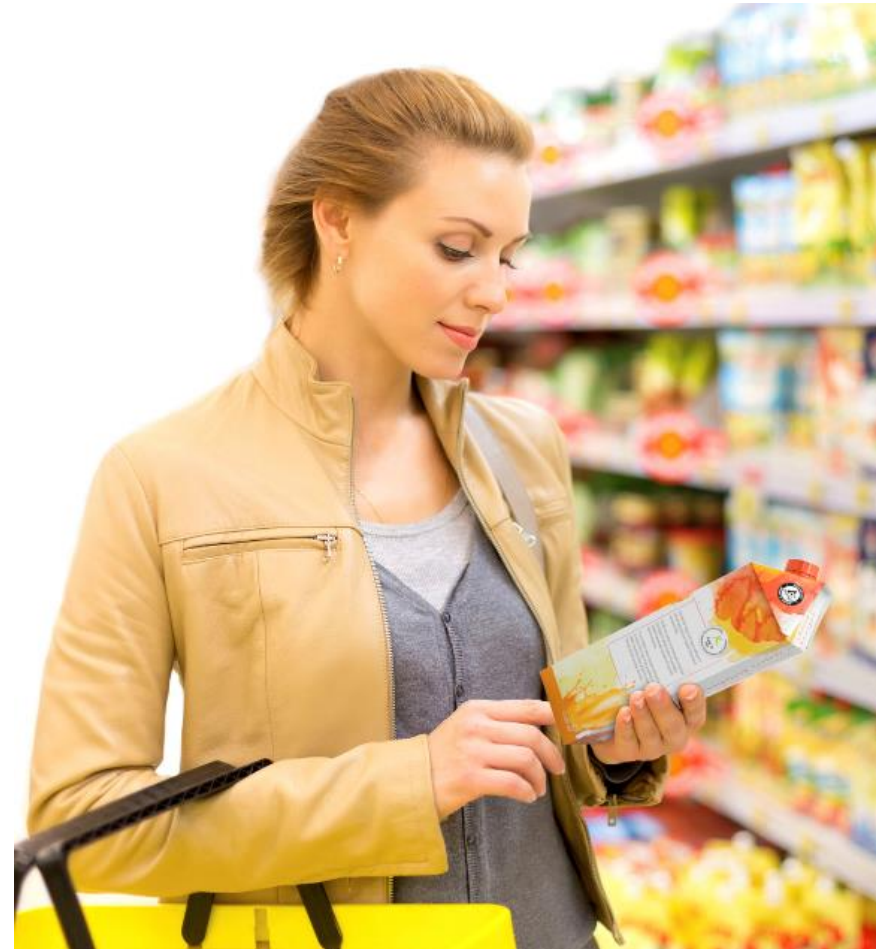
	Thailand	Singapore	China	Indonesia
Can the calcium claim be made?	YES	NO	YES	YES
Can the protein claim be made?	NO	YES	NO	NO

Issue 2

Different NIP format requirements

- What nutrients must be listed?
 - How must nutritional amounts be expressed?
 - Per serving
 - Per 100g/100ml
 - as a % of RDI/NRV/DI?
- eg: Thailand, Indonesia, China

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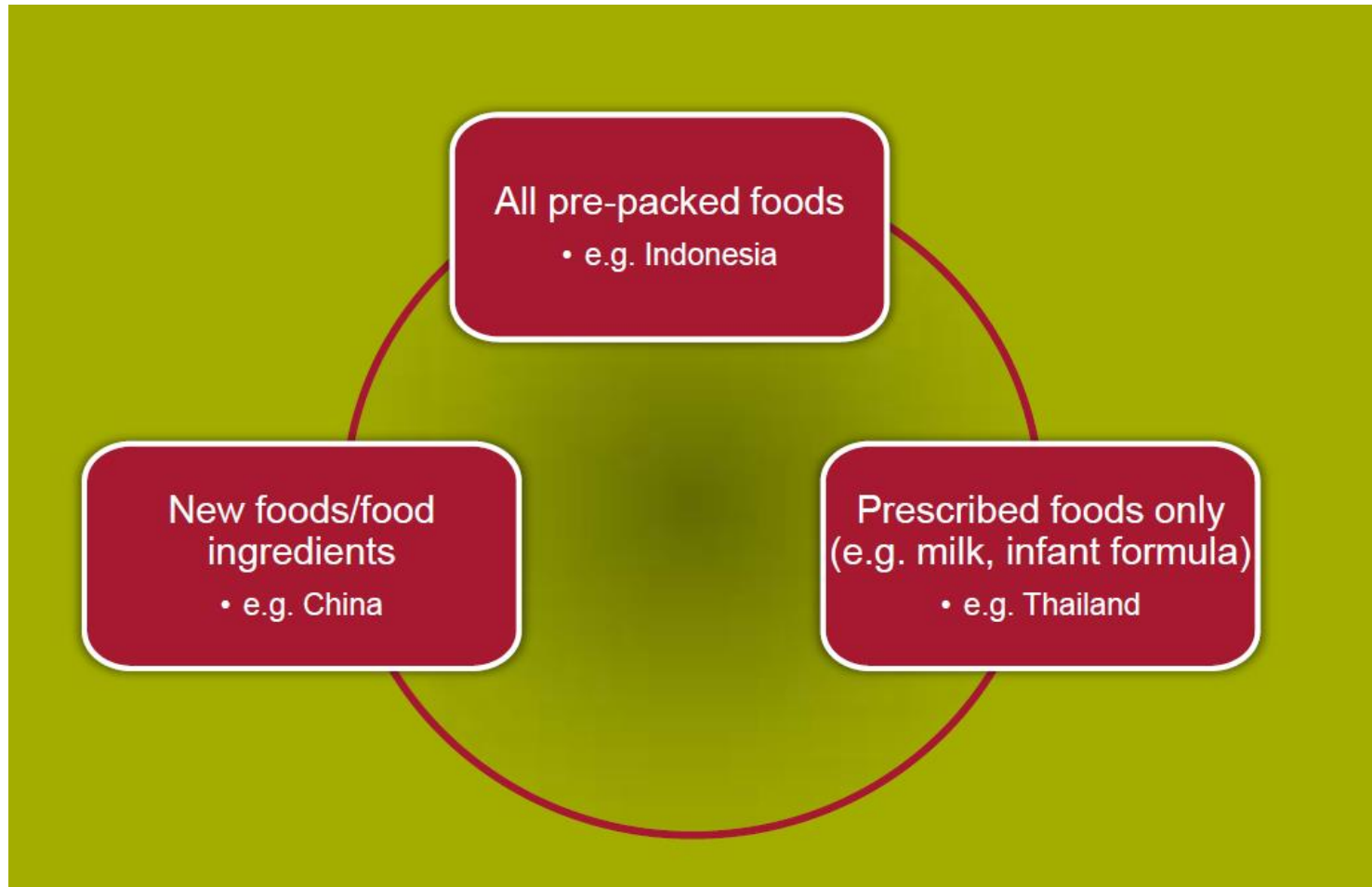


Issue 2

Different NIP format requirements

	Thailand	Indonesia	China	Singapore
What nutrients must be listed in the NIP?	Total energy Energy from fat Total fat Saturated fat Cholesterol Protein Total carbohydrate Dietary fibre Sugar Sodium Vit A Vit B1 Vit B2 Iron Calcium	Total energy Energy from fat Energy from protein Energy from carbohydrate Total fat Saturated fat Cholesterol Total carbohydrate Fibre Sugar Protein Vitamins Minerals	Energy Protein Carbohydrate Fat Sodium PLUS Any other nutrient for which a nutrient content claim is made	Energy Protein Fat Carbohydrate PLUS Any other nutrient for which a nutrient content claim is made
How must amounts of nutrients be expressed?	Nutritional amounts must be expressed: a) per one serving; b) as a % of daily recommended quantity; and c) as a % of Thai RDI	Nutritional information must be stated per serving and as a % of Indonesian Nutrient Reference Value.	Nutritional information must be stated per 100g (or 100ml) AND as a % of Chinese Nutrient Reference Value.	Nutritional amounts can be expressed per 100g (or 100ml) and/or per serving.

Pre-market product registration



Pre-market product registration (continued)



Source: Food Industry Asia, Technical Barriers to Trade in ASEAN

Enforcement

Australia

- Health and safety risks versus technical labelling
- Negotiated outcomes
- No potential for imprisonment

Compare to:

- Hong Kong
- China



[Adjust Comparison](#)


Indonesia



Malaysia



Singapore


**Enforcement
authorities and key
responsibilities**


Indonesia

The main bodies/agencies responsible for enforcement of food related laws in Indonesia are...

Malaysia

The main bodies/agencies responsible for enforcement of food-related laws in Malaysia are...

Singapore

There are five main authorities responsible for the enforcement of food-related laws and regulations.
1...


**Penalties for non-
compliance**


Indonesia

GR 48
Article 47: violation in the field of processed food
Administrative action such as a written...

Malaysia

Under MQISA
Section 11:
Requirement for permit, license and certificate
Fine not exceeding...

Singapore

SFA
Sections 16 and 49:
selling food which is not labelled in accordance with the SFA and the Sale of...

Key Lessons from experience

- Know exactly what you want to do first (product, pack size, route to market, entry port)
- Get pre-approval for a draft label with local regulatory input
- A single export label is likely impossible. Oversticking by the market is usual and usually preferable to creating new export packs
- On pack nutrition claims create problems
- Don't change packs too often
- Focus advice on specific draft labels or products, not general regulatory issues

Asia Pacific Food Law Guide 2017 Navigating Asia Pacific's Food Laws

Tariffs, quotas and other traditional trade barriers are gradually declining with the growth in free trade agreements. As the regional market gains strength in this sector, the Asia Pacific Food Law Guide offers key insights on food laws in 11 jurisdictions across Asia Pacific.

Some of the topics include:

- Local language and mandatory labelling requirements
- Country of origin labelling
- Mandatory warnings
- Product registration
- Import permit and clearance requirements
- Changes to local laws and regulations

The guide is an easy-to-search, online comparative summary of food laws, which aims to assist food businesses that wish to enter and compete in the ever-evolving Asia Pacific market.



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