

## ANNEX

Table 2. Responses to key comments raised by respondents

1) Key comments on the proposed new regulation 184A <sup>1</sup> (regarding the scope of “Nutri-Grade beverage”)		MOH/HPB’s response
1.1	Some respondents felt that milk should not be considered as a “beverage”, taking reference from Codex standards.	The term “food” in the Codex standards generally means any substance meant for human consumption. This would include beverages. We are unaware of any Codex definition on “beverages”.
1.2	Some respondents pointed out that fountain beverages would be included within the scope of “Nutri-Grade beverages”, whereas other freshly prepared beverages that are often sold side-by-side with fountain beverages would not be. These respondents requested to either exempt fountain beverages from, or to include all freshly prepared beverages within, the scope of “Nutri-Grade beverages”.	<p>The measures will apply to beverages dispensed from automated beverage dispensers, because they are similar to other prepacked beverages in that they have a pre-fixed formula, with no option for a prospective consumer to customise the amount of any ingredient in the beverage.</p> <p>MOH/HPB acknowledged the importance of a level playing field with the freshly prepared beverage sector. For this reason, MOH announced in March 2020 that we would be extending the measures to freshly prepared beverages. The extended measures will require further deliberation and consultation, especially on the application of the Nutri-Grade grading system and implementation of the measures on freshly prepared beverages that do not have a pre-fixed formula. MOH and HPB intend to conduct implementation consultation on the details of the extended measures in the coming months.</p>
1.3	<p>Respondents also sought clarification on whether the following were included within the scope of “Nutri-Grade beverage”:</p> <ul style="list-style-type: none"> <li>(i) Drinking water, coffee and tea</li> <li>(ii) 3-in-1/ 2-in-1 instant coffee or tea beverages</li> <li>(iii) 0% alcohol beverages</li> <li>(iv) Beverages sold from automated beverage dispensers</li> </ul>	<p>Pursuant to the new regulation 184A, a “Nutri-Grade beverage” includes products (i) to (iv)<sup>2</sup>, while the rest are <u>not</u> included if they meet the conditions specified in the paragraph below.</p> <p>The following products are <u>not</u> considered a “Nutri-Grade beverage” if the specified conditions are met:</p> <ul style="list-style-type: none"> <li>- Infant formula, as defined in Regulation 252 of the Food Regulations [see new regulation 184A(2)(c)]</li> </ul>

<sup>1</sup> In this document, references to “new regulation” refers to the proposed new regulation to be introduced under the Amendment Regulations.

<sup>2</sup> For (iv), please note that the labelling requirements will only apply to automated beverage dispensers if the face of the dispenser containing the image or text listing of the available beverages is visible to purchasers. We intend to clarify this in the Amendment Regulations.

	<ul style="list-style-type: none"> <li>(v) Infant formula</li> <li>(vi) Follow-up formula, or growing-up milk</li> <li>(vii) Meal replacement drinks and supplements</li> <li>(viii) Alcoholic beverages</li> <li>(ix) Products such as evaporated milk, condensed milk, whey, cream, butter, cheese, yoghurt and ghee</li> <li>(x) Foods for Special Dietary Uses, as defined in the Codex “General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses” (CXS 146-1985)</li> </ul>	<ul style="list-style-type: none"> <li>- Follow-up formula, as in food intended for use as a liquid part of the weaning diet for an infant between 6 to 12 months of age or young children [see new regulation 184A(2)(d)]. “Young children” refers to persons from the age of more than 12 months up to the age of three years (36 months) [see the Codex Standard for Follow-up formula (CXS 156-1987)]</li> <li>- Products intended to replace a person’s total daily diet</li> <li>- Products that are not regarded as “food” under Section 2A(3) of the Sale of Food Act</li> <li>- Health supplements that are regulated by the Health Sciences Authority</li> <li>- Alcoholic beverages with more than 0.5% (v/v) alcohol at 20°C [see new regulation 184A(1)(a)]</li> <li>- Evaporated milk, condensed milk, whey, cream, butter, cheese, yoghurt and ghee, as these are not considered beverages.</li> </ul> <p>Only special purpose foods that fulfil one or more criteria listed in the new regulation 184A(2)(a) to (g) are excluded from the definition of “Nutri-Grade beverage”. This may not include all products covered under the Codex General Standard for the Labelling of and Claims for Prepackaged Foods for Special Dietary Uses (CXS 146-1985).</p>
<b>2) Key comments on the proposed new regulation 184B and Sixteenth Schedule (regarding the Nutri-Grade grading system)</b>		<b>MOH/HPB’s response</b>
2.1	Respondents pointed out that Nutri-Grade beverages such as full-fat milk and 100% juices would receive a poor grade due to the high amount of naturally occurring sugar or saturated fat, even though they may have perceived health benefits. Such beverages may also be graded poorer or on par with other beverages with low or no nutritional value, such as diet drinks and drinks with added sugar. They felt that this may confuse consumers, given that a poor grade might be	<p><u>(i) and (ii) On the nutrients considered in the grading system</u></p> <p>There is currently no international standard for Front-of-Pack Labelling (FOPL) schemes. FOPL schemes adopted in some countries focus on nutrients of concern of which consumption should be limited e.g. sugar and saturated fat.</p> <p>Saturated fat is included as a criterion in the Nutri-Grade grading system, as it is a key nutrient of concern, in addition to sugar, in beverages within the local beverage market. High intake of saturated fat impairs insulin action<sup>3</sup> and can increase the risk of diabetes. Moreover, including saturated fat as a criterion in the system would help to reduce the risk of substitution of sugar with saturated fat</p>

<sup>3</sup> UK Scientific Advisory Committee on Health: Saturated fats and health (2018); Meyer et al (2001); Riserus, Willett and Hu (2009); Rivellese and Lilli (2003).

<p>interpreted to mean “unhealthy”, which may contradict dietary recommendations. Some of these beverages also face challenges in reformulation, as the sugar and saturated fat content are naturally present.</p> <p>These respondents suggested the following:</p> <ul style="list-style-type: none"> <li>(i) Include beneficial nutrients within the grading system (e.g. protein, fibre, calcium)</li> <li>(ii) Remove saturated fat as a criterion</li> <li>(iii) Separate the scoring systems for dairy and non-dairy beverages</li> <li>(iv) Exempt such beverages (e.g. plain milk) from the Amendment Regulations</li> <li>(v) Exempt naturally occurring fruit sugars from the calculation of sugar content</li> </ul>	<p>when the industry reformulates their beverages, given that saturated fat is often used to substitute sugar to help maintain the mouthfeel of the product.</p> <p><u>(iii), (iv) and (v) On applying the same set of thresholds to all Nutri-Grade beverages</u></p> <p>The decision to apply the measures and the same set of sugar and saturated fat thresholds to all Nutri-Grade beverages, including full-fat milk and juices, was made after a series of consultations with experts, the industry and the public, and aligns with international standards. In particular, the measures are designed to: -</p> <ul style="list-style-type: none"> <li>- <u>Achieve our policy intent.</u> The policy intent is to provide consumers with information on the sugar and saturated fat content in pre-packaged non-alcoholic beverages, and to encourage the industry to develop lower-sugar, lower-fat alternatives so that consumers can make more informed choices across all beverages and have healthier options to choose from.</li> <li>- <u>Align with the World Health Organization (WHO) and local and overseas dietary recommendations.</u> The WHO recommends reducing intake of all free sugars<sup>4</sup> and saturated fat, and to opt for low-fat options<sup>5</sup>. Locally, Singapore recommends that adults and children after the age of two should opt for low-fat over full-fat milk. Singapore also recommends consuming whole fruits over juices. Naturally occurring sugar in juices have similar impact on blood sugar level as added sugar when consumed, as there is no chemical difference between the two. This is aligned with the current dietary guidelines from many overseas health authorities.</li> <li>- <u>Ensure uniformity across pre-packaged non-alcoholic beverage categories.</u> It is important to maintain a level playing field across the industry and ensure that consumers do not end up switching to consume more sugar and saturated fat from unregulated beverage categories.</li> </ul>
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<sup>4</sup> The WHO recommends a reduced intake of free sugars throughout the life course, with “free sugar” defined as all monosaccharides and disaccharides added to foods and beverages by the manufacturer, cook or consumer, and sugars naturally present in honey, syrups, fruit juices and fruit juice concentrates. This excludes sugars from milk (i.e. lactose, galactose). (Source: WHO (2015) *Guideline: sugars intake for adults and children.*)

<sup>5</sup> The WHO recommends reducing intake of saturated fats to less than 10% of total energy intake, which can be achieved by eating reduced-fat dairy foods. (Source: WHO (2020) *Healthy Diet*. Accessible at: <https://www.who.int/news-room/fact-sheets/detail/healthy-diet> )

		<p>At the same time, the measures do not detract from our ability to recognize the important and beneficial nutrients for targeted population segments. The Nutri-Grade mark objectively grades a beverage based on its sugar and saturated fat content. It is intended to work in tandem with public education efforts and HPB's other programmes to promote healthier diets.</p> <p>MOH and HPB recognise the nutritional benefits of full-fat milk and 100% juices, and intend to highlight these as part of our public educational efforts. These beverages may also continue to display positive nutrition and health claims (e.g. "source of protein") on the product packaging, subject to Singapore's prevailing laws and regulations.</p>
2.2	Some respondents commented that Nutri-Grade beverages could reduce sugar content by substituting sugar with sugar substitutes (e.g. sweetening agents, sugar alcohols) and were concerned about the safety of sugar substitutes.	Sugar substitutes allowed for use in Singapore have been assessed to be safe by the international scientific expert panel, the Joint FAO/WHO Expert Committee on Food Additives (JECFA). The Singapore Food Agency (SFA) also sets regulatory standards (or maximum levels) for permitted sugar substitutes in foods by taking reference from the international food standards setting body, the Codex Alimentarius Commission (CAC). When international standards are not available, SFA takes reference from other developed countries. Notwithstanding, as sugar substitutes could condition our palates to demand sweet food and drinks, drinks with sugar substitutes <sup>6</sup> would not be given a Grade 'A' even if they have no sugar.
2.3	We received comment to postpone the mandatory nutrition labelling requirement until the Codex Guidelines on Front of Pack Nutrition Labelling is established, to ensure alignment with international standards	There are currently no international standard or guidelines on FOPL schemes. Even as the Codex Committee on Food Labelling explores the development of such guidelines, other jurisdictions that share similar public health concerns as Singapore have gone ahead to implement various forms of FOPL schemes. The Nutri-Grade mark and grading system was designed after carefully considering feedback from experts, the industry and the public, existing overseas and local evidence, FOPL schemes adopted in other jurisdictions and international standards (e.g. Codex Guidelines on Nutrition Labelling). We will continue to monitor international developments, including any changes in Codex standards,

<sup>6</sup> The term "sugar substitutes" refers to any aspartame, sugar alcohols, carbohydrate alcohols, polyhydric alcohols or any other substance added in place of sugar to provide a sweet taste, as stated within paragraph 5 of the new Sixteenth Schedule. "Any other substance added in place of sugar to provide a sweet taste" in paragraph 5 of the new Sixteenth Schedule, refers to permitted sweetening agents as described in Regulation 18 of the Food Regulations.

		and review our regulations where necessary, bearing in mind the need to minimise disruption to the industry.
2.4	<p>Respondents also sought clarification on the following:</p> <ul style="list-style-type: none"> <li>(i) The basis and rationale used to establish the nutrient thresholds</li> <li>(ii) The definition of “total sugar” and whether sugar substitutes counted towards it</li> <li>(iii) The treatment for sugar substitutes</li> <li>(iv) A Nutri-Grade beverage with flavourings could obtain Grade A</li> <li>(v) The calculation of nutrient content for Nutri-Grade beverages that are powders or concentrates that require reconstitution before consumption</li> <li>(vi) Whether all forms of lactose and galactose would not count towards the sugar content for the purpose of grading</li> <li>(vii) Entities that could grade a Nutri-Grade beverage, as well as the entity that would be responsible for the grading of the Nutri-Grade beverage</li> <li>(viii) Rounding rules</li> </ul>	<p><u>(i) On the basis for the nutrient thresholds</u> The nutrient thresholds in the grading system were determined after performing a market analysis of free sugar and saturated fat content of Nutri-Grade beverages in the Singapore market, from which we identified appropriate nutrient thresholds that could serve as feasible, stepwise reformulation targets for the industry. This approach is also commonly adopted by other jurisdictions that have implemented mandatory measures on beverages.</p> <p><u>(ii), (iii), (iv) On the definition of “total sugar” and treatment for sugar substitutes and flavourings</u> The definition of “total sugar”, in respect of Nutri-Grade beverages, is any monosaccharides and disaccharides. Substances that are not monosaccharides or disaccharides, do not fall within the definition of “total sugar”.</p> <p>Nutri-Grade beverages that contain [“any aspartame, sugar alcohols, carbohydrate alcohols, polyhydric alcohols or any other substance added in place of sugar to provide a sweet taste”], will be graded “B” instead of “A” even if it meets the sugar and saturated fat thresholds for Grade “A” (see the new Sixteenth Schedule). “Any other substance added in place of sugar to provide a sweet taste” refers to permitted sweetening agents as described in Regulation 18 of the Food Regulations.</p> <p>A Nutri-Grade beverage that contains flavourings, but none of the substances in square brackets in the paragraph above, may obtain Grade “A” if it meets the sugar and saturated fat thresholds set out in paragraphs 3 and 4 of the new Sixteenth Schedule to be introduced under the Amendment Regulations.</p> <p><u>(v) On the treatment for powders or concentrates</u> For Nutri-Grade beverages that are powders or concentrates that require reconstitution, the nutrient values to be used for the purpose of grading are the grams of sugar and saturated fat per 100 ml of the Nutri-Grade beverage as prepared according to instructions indicated by the manufacturer (see paragraph 6(c)(iv) of the new Sixteenth Schedule).</p>

		<p><u>(vi) On whether all forms of lactose and galactose would not count towards the sugar content for the purpose of grading</u></p> <p>The amounts of lactose and galactose as declared on the NIP, regardless of form, will be subtracted from the amount of total sugar, for the purpose of calculating the sugar content to be applied in the grading system (see the new Sixteenth Schedule) and the Nutri-Grade mark [see new regulation 184D(2)]. This facilitates implementation of the measures, as chemical analysis would not be able to distinguish lactose and galactose by source. We will continue to monitor developments in this area and adjust the requirements in the future if necessary.</p> <p><u>(vii) On responsibilities</u></p> <p>Any entity may grade a Nutri-Grade beverage. However, MOH/HPB intend to impose the primary responsibility for ensuring that the Nutri-Grade beverage is graded on:</p> <ul style="list-style-type: none"> <li>- if the Nutri-Grade beverage is manufactured in Singapore for sale by retail in Singapore — its manufacturer;</li> <li>- if the Nutri-Grade beverage is imported for sale by retail in Singapore — its local importer; or</li> <li>- in any other case — its distributor.</li> </ul> <p><u>(viii) On rounding rules</u></p> <p>HPB intends to release industry guidance after the Amendment Regulations are published in the Gazette, on rounding rules to facilitate understanding and implementation of the measures.</p>
<b>3) Key comments on the proposed new regulation 184C (regarding the NIP for Nutri-Grade beverages)</b>		<b>MOH/HPB's response</b>
3.1	Some respondents requested that the NIP only be required for Nutri-Grade beverages that are graded “C” or “D”. This is given that applying the NIP for all Nutri-Grade beverages would be challenging and complex, as package labels were shared across markets.	Regardless of the grading, a Nutri-Grade beverage must be labelled with a NIP. This is given that the nutrition information of all Nutri-Grade beverage must be available, in order for consumers and the authorities to verify the Nutri-Grade marks and determine which Nutri-Grade beverages are required to carry the Nutri-Grade mark or are prohibited from advertising. These Amendment Regulations are aligned with the relevant international guidelines under the Codex Guidelines on Nutrition Labelling (CXG 2-1985).

3.2	Some respondents suggested that herbal/botanical beverages be exempt from the NIP requirements as well, as they are similar to tea/tea leaves and do not contain sugar or fat.	We noted the feedback that there are herbal/botanical beverages that are similar to tea/tea leaves do not contain ingredients that modify the amount of calories, protein, fat, saturated fat, carbohydrate or total sugars in the beverage. We will review this suggestion as we work towards finalising the Amendment Regulations.
3.3	We received comment that the NIP for Nutri-Grade beverages only require declaration of the sugar and saturated fat content, given that those were the only components of the grading system.	Although the grading system of the Nutri-Grade mark is based on sugar and saturated fat content, the NIP must indicate the amount of protein, carbohydrate, fat etc., in accordance with Regulation 8A of the Food Regulations. The Amendment Regulations are in line with relevant international guidelines, under the Codex Guidelines on Nutrition Labelling (CXG 2-1985).
3.4	We received comment to allow variations of the statement “Not to be sold separately”, for the purpose of the new regulation 184D(4)(a).	We will review this suggestion as we work towards finalising the Amendment Regulations.
3.5	We received comment to mandate the declaration of lactose and galactose on the NIP.	<p>It is not mandatory for the NIP to specify the amount of lactose and galactose, to mitigate the cost of implementation of the measures.</p> <p>Where lactose and galactose are declared on the NIP, their amounts can be subtracted from the amount of total sugar, for the purpose of calculating the sugar content to be applied in the grading system (see the new Sixteenth Schedule) and on the Nutri-Grade mark [see new regulation 184D(2)]. Where lactose and galactose are not declared on the NIP, their respective amounts are taken as zero.</p>
3.6	<p>Respondents also sought clarification on the following:</p> <p>(i) Whether sticker labels could be used to apply the NIP on package labels</p> <p>(ii) The treatment for multi-packs</p> <p>(iii) The nutrients that were required to be declared in the NIP (e.g. whether declaration of lactose and galactose was mandatory, whether saturated fat/ sugar was mandatory)</p> <p>(iv) Whether additional information could be provided on the NIP, such as declarations of ‘added sugar’ and ‘sucrose’, declarations of</p>	<p><u>(i) On sticker labels</u> Sticker labels may be used to apply the Nutri-Grade mark and NIP on product packages. Companies should ensure that sticker labels, if used, do not cover other mandatory information to be declared under the Food Regulations.</p> <p><u>(ii) On multi-packs</u> Labelling requirements for multi-packs can be found within the new regulation 184C(3).</p> <p><u>(iii) and (iv) On the information in the NIP</u> The Amendment Regulations do not modify Regulation 8A, but set out requirements <i>in addition</i> to Regulation 8A. The NIP must indicate the amount of</p>

	<p>nutrient content per 100 g or nutrient content as sold</p> <p>(v) The acceptable forms for the NIP for both prepacked products and automated beverage dispensers</p> <p>(vi) Whether the reconstitution/preparation instructions could be in another language or pictorial form</p> <p>(vii) The entity that would be responsible for applying the NIP</p> <p>(viii) The entity that would be responsible if retailers sold the individual units in a multi-pack separately, despite the multi-pack being labelled with the statement “Not to be sold separately”</p> <p>(ix) Whether chemical analysis to justify the nutrient values on the NIP was necessary</p> <p>(x) Whether there would be a tolerance variance for nutrient values of beverages</p> <p>(xi) Rounding rules for nutrient values</p>	<p>energy, protein, carbohydrate and fat, in accordance with regulation 8A of the Food Regulations. Additionally, the nutrition information panel must:</p> <ul style="list-style-type: none"> <li>- Specify the amount of sugar, if the Nutri-Grade beverage contains carbohydrate; and</li> <li>- Specify the amount of saturated fat, if the Nutri-Grade beverage contains fat</li> </ul> <p>(see the new regulation 184C).</p> <p>The new regulation 184C does not prohibit the specifying of additional information such as added sugar, sucrose or fructose, and nutrient information in terms of grams per 100 g or ‘as sold’. For declaration of lactose and galactose, please see section 3.5.</p> <p><u>(v) and (vi) On the form of the NIP and other information on packaging</u></p> <p>Requirements for the form of the NIP for prepacked beverages are set out in Regulation 8A. The Amendment Regulations do not modify Regulation 9B(3) of the Food Regulations, which states requirements for pictorial illustrations on how to serve the food. Moreover, Regulation 5 of the Food Regulations states that the particulars, statements, information and words on the package label of prepacked food, as are required by the Act and these Regulations, must be in English.</p> <p>For automated beverage dispensers, the new regulation 184C(4) allows for some flexibility in how retailers make available the nutrition information. An example of an “electronic record” could include but is not limited to QR codes with a link to the nutrition information hosted at an online location. Examples of a “physical document” could include but are not limited to a signage placed near the dispenser or a physical document presented to the person upon request.</p> <p><u>(vii) and (viii) On responsibilities</u></p> <p>Any entity may label a Nutri-Grade beverage with the NIP. However, MOH/HPB intend to impose the primary responsibility for ensuring that the Nutri-Grade beverage is labelled with the NIP on:</p> <ul style="list-style-type: none"> <li>- if the Nutri-Grade beverage is manufactured in Singapore for sale by retail in Singapore — its manufacturer;</li> </ul>
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		<ul style="list-style-type: none"> <li>- if the Nutri-Grade beverage is imported for sale by retail in Singapore — its local importer; or</li> <li>- in any other case — its distributor.</li> </ul> <p>In the case where a retailer sells a multi-pack of Nutri-Grade beverages separately, despite it being labelled with a statement “Not to be sold separately”, the manufacturer, importer or distributor will be viewed as having fulfilled its regulatory obligations as long as it has labelled the package of a Nutri-Grade beverage with the NIP and/or Nutri-Grade mark, in accordance with the Amendment Regulations. We will continue to monitor developments in this area and adjust the requirements in the future if necessary.</p> <p><u>(ix), (x), (xi) Others</u>  HPB intends to release industry guidance after the Amendment Regulations are published in the Gazette, to facilitate understanding and implementation of the measures (e.g. information on how to determine nutrient content for the NIP, tolerance limits and rounding rules).</p>
<b>4) Key comments on the proposed new regulation 184D (regarding the Nutri-Grade mark)</b>		<b>MOH/HPB’s response</b>
4.1	<p>Some respondents pointed out the additional costs required to comply with the mandatory labelling requirement, given that:</p> <ul style="list-style-type: none"> <li>(i) It would require dedicated production lines for the Singapore market</li> <li>(ii) Manual stickering on packaging would incur additional cost and time, which in turn reduces the shelf-life of products, and increase waste</li> <li>(iii) It would be challenging for importers to convince overseas suppliers to amend the package label for a small market like Singapore.</li> </ul> <p>This may lead to some companies delisting products from the Singapore market or increasing retail prices. These respondents also felt that</p>	<p>MOH/HPB sought to minimise the costs to comply with the proposed measures as far as possible. For example, we have made it optional for beverages graded “A” or “B” to carry the Nutri-Grade mark. The industry could take this opportunity to bring in more lower-sugar and lower-fat beverages into the Singapore market that meet grade “A” or “B” thresholds, which are exempted from mandatory labelling of the Nutri-Grade mark.</p> <p>In addition, sticker labels may be used to apply the Nutri-Grade mark and NIP on product packages. Companies should ensure that sticker labels, if used, do not cover other mandatory information to be declared under the Food Regulations. While stickering may be challenging for some companies, it was an alternative that was strongly requested by the industry at large and which Singapore has accepted in order to accord greater flexibility in the implementation of the measures.</p> <p>We affirm our continued commitment to Singapore’s obligations under the WTO Agreement on TBT. We will accord an imported beverage treatment no less</p>

	given the above, the mandatory labelling requirements favoured firms with product lines dedicated to the Singapore market.	favourable than that accorded to a like beverage originating in Singapore or any other country.
4.2	<p>Some respondents requested that MOH/HPB exercise a reasonable degree of flexibility in the enforcement of the precise colour components of the Nutri-Grade mark. This would allow companies to use existing colours on their package labels where possible, without adding new colours which adds cost.</p> <p>One respondent also suggested allowing sticker labels as a possible lower cost option.</p>	<p>MOH/HPB intend to exercise a reasonable degree of flexibility in the enforcement of the precise colours of the Nutri-Grade mark labelled on product packages, as long as the key elements of the mark (including the core colours of each respective grade on the Nutri-Grade mark, i.e. dark green, light green, amber, red) are intact.</p> <p>Sticker labels may be used to apply the Nutri-Grade mark on product packages.</p>
4.3	We received comment that declaring the sugar percentage on the Nutri-Grade mark would be challenging, given the wide range of affected products. They suggested removing the sugar declaration from the Nutri-Grade mark, and have sugar content indicated solely on the NIP.	As MOH announced in March 2020 at the Committee of Supply speech, the Nutri-Grade mark will state the grade of the Nutri-Grade beverage, as well as its sugar level in the form of percentage. This enables consumers to make more informed choices, as they can compare the sugar levels across beverages within the same grade.
4.4	We received comment to make the Nutri-Grade mark mandatory only for Nutri-Grade beverages graded “D”, and to provide a ‘neutral’ zone in Grade “C” given that beverages graded “A” and “B” would most likely carry the Healthier Choice Symbol.	The Nutri-Grade mark will be mandatory for Nutri-Grade beverages graded “C” and “D”, to achieve our policy intent of helping consumers identify beverages that are higher in sugar and saturated fat. This is mandatory because overseas experiences show that less healthy products generally do not adopt voluntary labels <sup>7</sup> .
4.5	<p>Respondents also sought clarification on the following:</p> <p>(i) Whether the following products were exempt from the Nutri-Grade labelling requirements</p> <ol style="list-style-type: none"> <li>a. Products intended for export</li> <li>b. Bulk ingredients intended for foodservice or for further processing</li> </ol>	<p><i>(i) On scope of products subject to Nutri-Grade labelling requirements</i></p> <p>The labelling requirements and the advertising prohibition under the new regulations 184D(3), 184E(1) and 184F(1) are intended to apply only to Nutri-Grade beverages that are sold by retail in Singapore. As such, these regulations do not apply to products intended for export, bulk ingredients destined for food service or for further processing, or sample packs not intended for retail sale.</p>

<sup>7</sup> More information on these studies can be found in paragraph 20 of the public consultation paper, accessible at: <https://www.reach.gov.sg/participate/public-consultation/ministry-of-health/epidemiology-and-disease-control-division/public-consultation-on-possible-measures-for-pre-packaged-sugar-sweetened-beverages>

	<p>c. Small packages d. Sample packs</p> <p>(ii) Whether sticker labels could be used to apply the Nutri-Grade mark on package labels</p> <p>(iii) The treatment for multi-packs</p> <p>(iv) The operational process of obtaining the Nutri-Grade mark artwork and whether pre-approval from MOH/HPB was necessary</p> <p>(v) Graphic specifications of the Nutri-Grade mark and when they will be released</p> <p>(vi) Entities that could apply the Nutri-Grade mark, as well as the entity that would be responsible for the application of the Nutri-Grade mark</p>	<p>For products with a total surface area of less than 100 square centimetres, Regulation 8A(4) of the Food Regulations would apply. Regulation 8A(4) states that prepacked food with a total surface area of less than 100 square centimeters need only include a statement of the quantity of each nutrient in respect of which the nutrition claim is made or where applicable, a statement of the energy yield of the food.</p> <p><u>(ii) On sticker labels</u> Please see section 4.1.</p> <p><u>(iii) On multi-packs</u> Labelling requirements for multi-packs can be found within the new regulation 184D(4).</p> <p><u>(iv) and (v) On the operational process of applying the mark</u> The artwork for the Nutri-Grade mark will be provided by the HPB for the industry to use and adopt, after the Amendment Regulations are published in the Gazette. Companies will not be required to register any product artwork or submit any test result prior to applying the Nutri-Grade mark. Post-market surveillance will be conducted by the relevant authorities to ensure that the Amendment Regulations are complied with.</p> <p>In addition, the draft 'Specifications of the Nutri-Grade mark' document, referred to in the new regulation 184D(5), is currently available on the Singapore Food Agency website<sup>8</sup> for reference. HPB will release the final 'Specifications of the Nutri-Grade mark' document after the Amendment Regulations are published in the Gazette. We will issue a Gazette notice to the industry, with information on how and where to access the final document.</p> <p><u>(vi) On responsibilities</u> Any entity may label a Nutri-Grade beverage with the Nutri-Grade mark. However, MOH/HPB intends to impose the primary responsibility for ensuring that the Nutri-Grade beverage is labelled with the Nutri-Grade mark (if grades "C" or "D") on:</p>
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<sup>8</sup> <https://www.sfa.gov.sg/legislation> (Select "Sale of Food Act")

		<ul style="list-style-type: none"> <li>- if the Nutri-Grade beverage is manufactured in Singapore for sale by retail in Singapore — its manufacturer;</li> <li>- if the Nutri-Grade beverage is imported for sale by retail in Singapore — its local importer; or</li> <li>- in any other case — its distributor.</li> </ul>
<b>5) Key comments on the proposed new regulation 184E (regarding the display of an image of the Nutri-Grade mark at online locations of sale, vending machines and automated beverage dispensers)</b>		<b>MOH/HPB's response</b>
5.1	<p>We received comment that brand owners should not be held responsible for the display of the image of Nutri-Grade marks on online platforms, as there could be other entities involved (e.g. online seller, platform service provider, reseller).</p>	<p>For Nutri-Grade beverages sold online, MOH/HPB intend to impose the primary responsibility of ensuring that Regulation 184E(2)(a) is met on the person who sells the Nutri-Grade beverage via the online platform, i.e. the person who puts the beverage up for sale and fulfills the sale order. When necessary, we may request that online platforms take down non-compliant content. We intend to include this information in industry guidance documents, that will be published by the HPB after the Amendment Regulations are published in the Gazette.</p>
5.2	<p>Respondents also sought clarification on the following:</p> <ul style="list-style-type: none"> <li>(i) Whether the requirement to display the image of the Nutri-Grade mark applied to all automated beverage dispensers, or only those which are self-serve</li> <li>(ii) The graphic specifications for displaying the Nutri-Grade mark online, on vending machines and on automated beverage dispensers</li> <li>(iii) Whether it was allowed, or mandatory, to display the Nutri-Grade mark on other materials (e.g. marketing materials)</li> <li>(iv) The entity that would be responsible for displaying the Nutri-Grade mark at online locations of sale</li> <li>(v) The definitions of “eating establishment” and “catering establishment”</li> </ul>	<p><u>(i) On automated beverage dispensers</u> MOH/HPB intend to apply the labelling requirements only to automated beverage dispensers if the face of the dispenser containing the image or text listing of the available beverages is visible to purchasers. We intend to clarify this in the Amendment Regulations.</p> <p><u>(ii) and (iii) On the graphic specifications for display of the mark</u> Please refer to the new regulation 184E(2) for details on how the Nutri-Grade mark can be displayed at online locations of sale, vending machines and automated beverage dispensers. MOH/HPB intend to exercise a reasonable degree of flexibility in the enforcement of what constitutes a clear display of the Nutri-Grade mark, provided the Nutri-Grade mark is substantially visible and legible to most persons who may purchase the beverage. HPB intends to provide industry guidance after the Amendment Regulations are published in the Gazette, to provide ‘best practice’ examples of how the Nutri-Grade mark can be displayed across different settings.</p> <p>For settings not stated in the proposed new regulation 184E, the display of the Nutri-Grade mark is optional.</p>

		<p><i>(iv) and (v) On responsibilities</i></p> <p>Please see section 5.1. The terms “retail food business”, “eating establishment” and “catering establishment” bear the same meaning as they are used in the Sale of Food Act and the Environmental Public Health Act.</p>
<b>6) Key comments on the proposed new regulation 184F (regarding the prohibition on advertisements)</b>		<b>MOH/HPB’s response</b>
6.1	Some respondents requested that the Amendment Regulations, or published written guidance documents, expressly state that general brand advertising was permissible. This includes advertisements for brands that may be synonymous with Grade D beverages.	General brand advertising is permissible, as long as the Grade D Nutri-Grade beverage is not featured. We intend to include this information in industry guidance documents, that will be published by the HPB after the Amendment Regulations are published in the Gazette.
6.2	We received comment that the scope of the proposed new regulation 184F(1) was too broad and would include neutral advertising intermediaries who may not be able to detect non-compliant content. They suggested to amend regulations 184F(1) and 184F(3), to reflect that the primary responsibility for ensuring the advertising requirements are met falls on entities who sell, promote or appear to promote the Nutri-Grade beverage.	The new regulation 184F to be introduced under the Amendment Regulations is not inconsistent with s16A of the Sale of Food Act (Cap. 283). We will review this suggestion as we work towards finalising the Amendment Regulations.
6.3	We received comment that the following be exempt from the advertising prohibition, given that they are considered “points-of-sale”: (i) Cross-selling (recommendation of add-on products) at the check-out page (ii) Offer of free gifts	MOH/HPB consider cross-selling (recommendation of add-on) of goods at the check-out page on online locations of sale, to be similar to the placement of goods near the cashiers at in-store retail outlets. Also, the notice of free gifts is similar to the act of providing a free gift, at in-store retail outlets. Both placement of goods and the act of providing free gifts do not fall within the scope of the advertising prohibition in the new regulation 184F. However, advertisements of such free gifts, such as on websites or in newspapers, are subject to the prohibition if they feature Nutri-Grade beverage(s) graded “D”.

6.4	<p>We received comment that small listings of Nutri-Grade beverages be exempt from the requirement to display the image of the Nutri-Grade mark, as it would be impractical and infeasible to do so.</p>	<p>The new regulation 184E(2)(a) states that where a Nutri-Grade beverage is sold online, an image of the Nutri-Grade mark should be displayed next to or in direct relation to the online image or text listing of the Nutri-Grade beverage. MOH/HPB intend to provide industry guidance on what constitutes a “listing”, after the Amendment Regulations are published in the Gazette. We also intend to exercise a reasonable degree of flexibility in the enforcement of what constitutes a clear display of the Nutri-Grade mark, provided the Nutri-Grade mark is substantially visible and legible to most persons who may purchase the beverage.</p>
6.5	<p>Respondents also sought clarification on the following:</p> <ul style="list-style-type: none"> <li>(i) The rationale for the advertising prohibition</li> <li>(ii) Whether the following would fall within scope of the prohibition: price discounts, bundle offers and brand discounts</li> <li>(iii) The graphic specifications for displaying the Nutri-Grade mark on advertisements</li> <li>(iv) The entity that would be responsible for displaying the Nutri-Grade mark on advertisements at points-of-sale (i.e. falls within the scope of new regulation 184F(2)(c)(i)(A-C)</li> </ul>	<p><u>(i) On the rationale for the advertising prohibition</u>  The proposed advertising prohibition for Nutri-Grade beverages graded “D” seeks to reduce the influence of advertising on consumer preferences, to encourage consumers to make healthier choices and to spur the industry to reformulate their beverages.</p> <p><u>(ii) On the scope of the prohibition</u>  The act of offering price promotions (e.g. price discounts, bundle offer, brand discounts) does not fall within the scope of the advertising prohibition. However, advertisements of price promotions, such as on websites or in newspapers, are subject to the prohibition if they feature Nutri-Grade beverage(s) graded “D”.</p> <p><u>(iii) On the specifications for displaying the Nutri-Grade mark on advertisements</u>  HPB intends to provide industry guidance after the Amendment Regulations are published in the Gazette, to provide ‘best practice’ examples of how the Nutri-Grade mark can be displayed across advertisements.</p> <p><u>(iv) On responsibilities</u>  The new regulation 184F(1) states that a person must not publish, cause to be published, or take part in the publication of, any advertisements of a Nutri-Grade beverage graded “D”. As such, any person who does any of those acts will be liable under regulation 184F, unless they fall within the exceptions in regulation 184F(3).</p>

<b>7) Key comments on the proposed implementation timeline</b>		<b>MOH/HPB's response</b>
7.1	<p>Some respondents requested for a longer implementation runway, to allow more time for the industry to deplete existing stock. This is given that:</p> <ul style="list-style-type: none"> <li>(i) The NIP is required for all Nutri-Grade beverages regardless of grade</li> <li>(ii) COVID-19 has resulted in significant supply chain disruptions</li> <li>(iii) Companies typically would not begin reformulation or repackaging efforts until the final regulations are published</li> <li>(iv) There would be logistical challenges and costs related to withdrawing stock and potential wastage if products with remaining shelf-life are not permitted to be sold</li> <li>(v) Smaller companies have less frequent container shipments to Singapore, and thus would have to write-off much of the existing stock which are non-compliant to the new regulations.</li> </ul>	<p>MOH/HPB have balanced between the benefits of implementing the Amendment Regulations as soon as possible and ensuring that our stakeholders have sufficient time to adapt to the new requirements. The Amendment Regulations for the measures were originally planned to come into effect at the end of 2021. However, the industry has requested more time to comply with the measures due to disruptions caused by the COVID-19 pandemic, which had resulted in delays in the reformulation process. After careful consideration of the industry's feedback and the local situation, Singapore has extended the implementation date of the measures from end 2021 to August 2022. With this extension, the industry would have more than 2 years' notice of the proposed measures since the announcement in March 2020 to understand and adapt to the new requirements.</p> <p>MOH/HPB intend to publish the Amendment Regulations in the Gazette, 12 months before they are intended to come into effect in August 2022. The implementation date of August 2022 applies to both new and existing products. In other words, by August 2022, all Nutri-Grade beverages that are sold by retail in Singapore (e.g. available on retail shelves), regardless of manufacture date, must meet the Nutri-Grade labelling and advertising requirements within the Amendment Regulations to be lawfully sold. This 12-month transitional period is aligned with Section 56(5) of the <i>Sale of Food Act</i>, which allows companies 12 months from the date of publication in the Gazette to sell products that are part of the existing stock-in-trade and non-compliant to the requirements within the Act and its regulations.</p>
7.2	<p>Respondents sought clarification on whether the intended effective date for the measures of June 2022, applied to both new and existing products.</p>	
<b>8) Other key comments</b>		<b>MOH/HPB's response</b>
8.1	<p>Some respondents pointed out that the name "Nutri-Grade" could be misleading, as the grading system only considered sugar and saturated fat and not other nutrients. They pointed out that consumers would perceive beverages with grade A or B as "nutritious".</p>	<p>The name "Nutri-Grade" was determined based on consumer studies and industry consultations. Consumers and companies have found the name to be relevant and relatable. In particular, there were positive feedback that commended the clear reference of "Nutri" to nutrients in a beverage. Companies also preferred the use of "Nutri" instead of other jurisdictions' use of words such as "health". Nonetheless, we are committed to ensuring that consumers understand how to interpret and use the Nutri-Grade mark and would be dedicated to public education efforts.</p>

8.2	Some respondents suggested adopting front-of-pack labels that provided information on the amounts of individual nutrients in the product, such as traffic light labels or Nutri-Inform. They felt such labels would provide objective information to consumers.	We had considered alternative front-of-pack labelling schemes which provide information on the amounts of individual nutrients, such as traffic light labels, during the public consultation conducted from 4 December 2018 to 25 January 2019 <sup>9</sup> . Respondents generally found interpretive labels easier to understand and better facilitated purchase and consumption decisions, whereas some level of nutritional knowledge was required to interpret nutrient-specific labels. Studies conducted globally also found that nutrient-summary labels are more effective in helping consumers make healthier choices <sup>10</sup> . After careful consideration of the feedback received and review of existing overseas and local evidence, Singapore decided to introduce a nutrient-summary label as opposed to a nutrient-specific label <sup>11</sup> .
8.3	We received comment for the authorities to grant the industry 60 days to rectify any non-compliance and to retain similar penalties for offences as per the existing Food Regulations.	We will take this into consideration as we review the enforcement approach. The penalties for offences will be aligned with those stated in Regulation 261 of the Food Regulations.
8.4	Respondents also sought clarification on the following: (i) Whether nutrition claims were permissible (ii) Whether there were prohibitions against the inclusion of other labels on the package	The Amendment Regulations do not prohibit the inclusion of additional information on product package labels, such as nutrient claims and other labels, subject to Singapore's prevailing laws and regulations.

<sup>9</sup> MOH and HPB had consulted a wide range of public, industry and expert stakeholders during the public consultation on possible measures for pre-packaged beverages and possible formats for the measures (more information available at footnote 12). This included possible formats of the mandatory front-of-pack nutrition label, such as: (a) non-interpretive labels such as nutrient-specific labels (e.g. traffic light labels, guideline daily amounts); and (b) interpretive labels such as nutrient-summary labels (e.g. Nutri-Score and Health Star Rating) and warning labels.

<sup>10</sup> More information on these studies can be found in paragraph 18 and 19 of the public consultation paper, accessible at the link in footnote 12.

<sup>11</sup> More information on MOH's decision to introduce measures on pre-packaged beverages and the findings from the public consultation can be found at

[https://www.moh.gov.sg/docs/librariesprovider5/default-document-library/press-release---ssb-measuresd949138164cd4d7295c78c00263f7b18.pdf?sfvrsn=e264501d\\_2](https://www.moh.gov.sg/docs/librariesprovider5/default-document-library/press-release---ssb-measuresd949138164cd4d7295c78c00263f7b18.pdf?sfvrsn=e264501d_2)