

ANNEX

Table 2. Summary of responses to key comments from respondents

1) Comments on the existing regulation 184A (regarding the scope of “Nutri-Grade beverage”)		MOH/HPB’s response
1.1	<p>Respondents sought clarification on whether the following will be included within the scope of “Nutri-Grade beverage”:</p> <ul style="list-style-type: none"> (i) Special medical purpose food (ii) Alcoholic beverages 	<p>The intention is to retain existing regulation 184A, under which a “Nutri-Grade beverage” does <u>not</u> include (i) any food for a special medical purpose and that is labelled as being for use under medical supervision, and (ii) alcoholic beverages with more than 0.5% (v/v) alcohol at 20°C.</p>
2) Comments on the existing regulation 184B and Sixteenth Schedule (regarding the Nutri-Grade grading system for pre-packaged Nutri-Grade beverages)		MOH/HPB’s response
2.1	<p>Respondents pointed out that Nutri-Grade beverages such as full-fat milk and 100% juices 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 are graded poorer or on par with other beverages with low or no nutritional value, such as diet drinks and drinks with added sugar or sugar substitutes. They felt that this may confuse consumers, given that a poor grade might be interpreted to mean “unhealthy”, which may contradict dietary recommendations. Concerns were also raised about the consumption of sugar substitutes.</p> <p>These respondents suggested the following:</p> <ul style="list-style-type: none"> (i) Having reserved grading for milk (grade A for skim and low-fat milk, grade B for full-fat milk) (ii) Including beneficial nutrients within the grading system (e.g. protein, calcium) 	<p><u>(i) On including beneficial nutrients for selected beverage categories</u></p> <p>The decision to apply the Nutri-Grade measures to all pre-packaged non-alcoholic beverages and freshly prepared beverages, including full-fat milk and freshly squeezed juices, was made after a series of consultations with experts, the industry and the public, and aligns with international standards, guidelines and recommendations. In particular, the measures are designed to: -</p> <ul style="list-style-type: none"> - <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. - <u>Align with the World Health Organization (WHO) and local and overseas dietary recommendations.</u> The WHO recommends

	<p>(iii) Educating consumers about naturally occurring fruit sugars and sugar substitutes</p>	<p>reducing intake of all free sugars¹ and saturated fat, and to opt for low-fat options². 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. This is aligned with the current dietary guidelines from many overseas health authorities.</p> <p>- <u>Ensure uniformity across 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.</p> <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><u>(ii) On educating consumers about natural sugars and sugar substitutes</u></p> <p>MOH/HPB recognise the nutritional benefits of full-fat milk and 100% juices and 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>
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¹ 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.*)

² 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>)

		Sugar substitutes are a viable strategy for industry's reformulation efforts to reduce free sugar intake. 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 the developed countries. Notwithstanding the above, as sugar substitutes could condition our palates to demand sweet food and drinks, and are not long-term solutions for weight control, drinks with sugar substitutes ³ would not be given a Grade 'A' even if they have no sugar.
3) Comments on the existing regulation 184C <i>(regarding nutrition information panel requirements for pre-packaged Nutri-Grade beverages)</i>		MOH/HPB's response
3.1	One respondent enquired if it will be sufficient to state the sugar and saturated fat content in place of a full Nutrition Information Panel ("NIP") for a pre-packaged beverage with a total surface area of less than 100cm ² , and if there is a specific format or location where the statement of sugar and saturated fat content should be.	According to Regulation 184C(6)(a), which entered into effect in December 2022, pre-packaged beverages with a total surface area of less than 100cm ² and a label that includes a statement of the quantity of total sugar and saturated fat, do not need to be labelled with a NIP. There is no specified format or location where this label should be on the packaging. More information can be found in the industry guidance document ⁴ .
4) Comments on the proposed revised Sixteenth Schedule and its accompanying industry guidance⁵ <i>(regarding grading requirements for freshly prepared beverages)</i>		MOH/HPB's response
4.1	One respondent pointed out that the proposed grading of iced beverages based on the nutrient content of the	The proposed grading criteria for Nutri-Grade beverages served with ice, is intended to spur industry reformulation of the more concentrated,

³ 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 Sixteenth Schedule. "Any other substance added in place of sugar to provide a sweet taste" in paragraph 5 of the Sixteenth Schedule, refers to permitted sweetening agents as described in Regulation 18 of the Food Regulations.

⁴ Available at <https://www.hpb.gov.sg/healthy-living/food-beverage/nutri-grade#resources>

⁵ In this document, references to "new regulation" refers to the proposed new regulation to be introduced under the Amendment Regulations.

	<p>beverage before dilution with ice, does not work across industries. The rationale is that some industries are using more concentrated ingredients for beverages, to take into account subsequent dilution with ice.</p>	<p>base beverage recipe, regardless of subsequent dilution from any added ice. This also ensures uniformity and consistency in grading all beverages served with ice, maintaining a level playing field across the beverage industry.</p>
4.2	<p>Respondents enquired about the grading and labelling of freshly prepared beverages, where consumers are able to:</p> <ul style="list-style-type: none"> a) request sugar and milk to be added to the beverage; b) add sugar or creamer after they are served the beverage; or c) add toppings which result in a change in grade. 	<p>The grading and labelling of the Nutri-Grade mark will first depend on whether these beverages have a default preparation. If there is a default preparation for the beverage, the grading will be based on the default preparation, which includes the default amount of ingredients used (e.g., number of pumps of syrup). If there is no default preparation and consumers are required to state their preference for selected ingredients at the point of ordering, the grading will be based on the customised preparation with the poorest grade.</p> <p>In all scenarios a) to c), any additional ingredients that consumers can add on as toppings or add on their own on the side are excluded from the grading of the beverage (e.g., requests for sugar or milk in addition to the default beverage served, sugar served separately that consumers choose to add in).</p> <p>Additional ingredients available on the side and not listed on menus, posters, signs or other materials used to inform prospective consumers that such additional ingredients may be added to a Nutri-Grade beverage, are not subject to the sugar declaration requirement under the measures. If these additional ingredients are listed, a sugar declaration with respect to those additional ingredients must be included.</p>
<p>5) Comments on the proposed revised regulation 184C and its accompanying industry guidance <i>(regarding nutrition information panel requirements)</i></p>		<p>MOH/HPB's response</p>
5.1	<p>One respondent enquired if an NIP:</p> <ul style="list-style-type: none"> a) will be mandatory for online menus; b) could be available through a link or QR code; and c) must be on the same page as the online menu. 	<p>Nutrition information of a freshly prepared beverage must be made available, to any person who wishes to view the information. This could be through a website or other electronic record (e.g., a link or QR code) that is viewable by the person. That is, the NIP does not need to be on the online menu itself, or on the same page as the menu item; it could</p>

		be on an external site, which a prospective consumer can access in relation to the menu item.
5.2	One respondent enquired if the saturated fat content of a topping has to be made available to any person who wishes to view the information.	Under the proposed Regulation 184C(4B), only sugar declaration for toppings will be needed. It will not be mandatory to declare the saturated fat content of toppings as part of the proposed measures.
6) Comments on the proposed revised regulation 184D and its accompanying industry guidance <i>(regarding labelling requirements)</i>		MOH/HPB's response
6.1	One respondent highlighted that the proposed deletion of Regulation 184E, the substance of which will be encompassed within amended Regulation 184D, results in confusion regarding whether Nutri-Grade beverages sold online will still be required to be labelled.	The requirement that Nutri-Grade beverages graded "C" or "D" must be labelled on e-commerce platforms remains unchanged. We note the feedback and will take this into consideration as we review the regulations.
6.2	One respondent sought clarification on whether the Nutri-Grade mark needs to be displayed on online ordering systems for freshly prepared beverages graded "C" or "D", and whether the display of Nutri-Grade mark for beverages graded "A" or "B" will continue to be optional.	In the draft Food (Amendment No. X) Regulations 2023, the Nutri-Grade mark will continue to be mandatory for beverages graded "C" and "D", and optional for beverages graded "A" and "B". According to the new regulation 184D(4A), a Nutri-Grade beverage graded "C" or "D" will be required to have its corresponding Nutri-Grade mark labelled next to a menu, poster, sign or other material that is used to inform a prospective consumer that the Nutri-Grade beverage is for sale. This requirement extends to an online ordering system.
6.3	One respondent enquired if the Simplified Nutri-Grade mark can be used for menu items of pre-packaged beverages and beverages from non-customisable automated beverage dispensers.	The Simplified Nutri-Grade mark may be used in situations where there are more than one pre-packaged or freshly prepared beverage option listed, such as physical and electronic menus, posters, signs or other materials used to inform prospective consumers that the Nutri-Grade beverage is for sale, and on customisable and non-customisable automated beverage dispensers.
6.4	One respondent sought clarification on how the Nutri-Grade mark should be labelled for app interfaces where only one image of a customisable beverage is allowed, and if Nutri-Grade mark is not able to be appended for each customization dropdown option.	Each listing of the Nutri-Grade beverage (on a menu, poster, sign or other material that is used to inform a prospective consumer that the Nutri-Grade beverage is for sale) has to be labelled with a Nutri-Grade mark, if the beverage's grade is "C" or "D". If there is only one listing provided for a beverage, the Nutri-Grade mark displayed on the listing shall be based on the default preparation of the

		<p>beverage. If there is no default preparation, then the Nutri-Grade mark displayed should be based on the customised preparation of the beverage with the poorest grade. If there is more than one preparation in the poorest grade, the grading will be based on the preparation with the poorest grade and highest percentage of sugar content per 100ml.</p> <p>If the beverage is displayed with each customisation option listed separately, the Nutri-Grade mark should be displayed next to or in direct relation to each listed option that is graded “C” or “D”. If the app platform does not allow the Nutri-Grade mark to be displayed next to or in direct relation to each customisation option, the industry can either:</p> <ul style="list-style-type: none"> (i) consider other ways of listing Nutri-Grade “C” or “D” beverages as separate menu items from the Nutri-Grade “A” or “B” beverages, taking into consideration the platform’s specific technological capabilities and limitations; or (ii) display one Nutri-Grade mark on the listing, based on the customisation with the poorest grade (as customers have to choose a customisation option and there is no default preparation).
6.5	<p>One respondent suggested indicating the Sugar Declaration for Toppings mark as part of the menu description on digital app menus, instead of as an additional image, as the latter would require more time and resources for system updates.</p>	<p>MOH/HPB recognise the constraints in updating online and app systems. We have allowed an alternative plain text display for the Sugar Declaration for Toppings mark, which captures the key components to enable consumers to make informed choices (i.e., the incremental amount of sugar from the toppings, reflected in terms of % per 100g of toppings). This is set out in the “Specifications of the Nutri-Grade mark and Sugar Declaration”, referred to in Regulation 184D(5).</p>
6.6	<p>One respondent suggested that freshly prepared beverages made with pre-packaged Nutri-Grade beverages as an ingredient should indicate clearly on the menu that the F&B operators had added more ingredients such as sugar and condensed milk to the beverage.</p> <p>They were concerned that the additional ingredients added by F&B operators does not accurately reflect the grading of the original pre-packaged Nutri-Grade beverage.</p>	<p>MOH/HPB have noted this concern. The grading of freshly prepared Nutri-Grade beverages depends on their default preparation or the customised preparation with the poorest grade, according to the F&B establishment's recipe.</p> <p>The provision of additional details beyond a Nutri-Grade mark alongside individual listing of beverages on menus, posters, signs or other materials that inform prospective consumers that the beverages are for sale is subject to the F&B establishments’ discretion. Upstream</p>

		manufacturers/suppliers of pre-packaged beverages may wish to work with their F&B clients selling freshly prepared beverages on beverage-specific information, additional to what is required under the measures, that could be included to facilitate more informed consumer choices.
6.8	<p>One respondent suggested revising the proposed requirements to grade and label generic menu items (e.g., “canned drinks”) based on the beverage option with the highest sugar and saturated fat content.</p> <p>Suggestions include: -</p> <ul style="list-style-type: none"> a) In F&B establishments where pre-packaged beverages are displayed in a visible manner to consumers: to remove labeling requirements for generic beverage items; and b) For other F&B establishments: to recommend these establishments to update menu, posters, signs, or other materials with individual product names. 	<p>We will retain the proposed requirement to grade and label generic beverage items based on the beverage option with the highest sugar and saturated fat content. This requirement is intended to:</p> <ul style="list-style-type: none"> a) Encourage industry to offer lower sugar and lower saturated fat beverage options by default. Labelling of generic beverage items on menus, posters, signs or other materials that inform prospective consumers that beverages are for sale will not be required, if all the beverage options under the generic item are lower in sugar and saturated fat (i.e., Grade A or B); and b) Ensure informed consumer choices, as consumers are still able to order the beverage directly from beverage listings without referring to the beverage’s front-of-pack (even if pre-packaged beverages are displayed visibly to the consumer). <p>While we welcome industry’s voluntary efforts to update materials with individual product names, we will leave this decision to the discretion of the individual establishments, based on what is best suited to their business needs.</p>
7) Comments on proposed revised regulation 184F and its accompanying industry guidance (regarding advertisement prohibition)		MOH/HPB’s response
7.1	One respondent enquired if price cards in retail stores are not required to display the Nutri-Grade mark for products graded “D”.	The labelling requirement applies to advertisements at point-of-sale (“POS”) platforms that promote the sale of pre-packaged Nutri-Grade beverages that are graded “D”. It does not apply to informational statements (e.g., name tags, price tags, price cards). Price cards are still allowed to be displayed in stores and the price cards need not display the Nutri-Grade mark.
7.2	One respondent enquired if the proposed amendments to Regulation 184F(c) and 184F(d) would mean a relaxation of the Nutri-Grade advertising prohibition, such that	Exceptions to the advertising prohibition for Nutri-Grade beverages graded “D” are not new, and currently apply to POS platforms as long as the Nutri-Grade mark is displayed. This exemption was part of the measures implemented in December 2022, after considering industry

	<p>advertisements of Grade “D” beverages in retail settings are no longer prohibited.</p>	<p>feedback that they generally rely on POS platforms to clear their stock of pre-packaged beverages.</p> <p>The proposed amendment to Regulation 184F(2)(c) retains this exemption for POS advertisements of pre-packaged Nutri-Grade beverages available at supermarkets and online supermarkets⁶.</p> <p>The proposed Regulation 184F(2)(d) is <u>not</u> intended to be a relaxation of the advertisement prohibition. Materials stated within the proposed Regulation 184F(2)(d) are subject to the mandatory labelling requirements in Regulation 184D. Together, the proposed labelling requirements and advertising prohibition serve to help consumers make more informed, healthier choices.</p>
8) Comments on proposed compliance requirements		MOH/HPB’s response
8.1	<p>One respondent enquired if the authorities would accept reports/ calculations provided by suppliers at the point of time of initial testing/ calculation, and if there is a tolerance for any deviations. They cited challenges in nutritional value of ingredients varying due to environmental changes, and human handling for freshly prepared beverages.</p>	<p>Audit checks will be conducted by the relevant authorities to monitor compliance. These may include, but are not limited to, (a) conducting lab analysis of the freshly prepared Nutri-Grade beverages to determine their sugar and saturated fat content and grades, and (b) requesting information from establishments to support the information displayed on the Nutri-Grade mark and NIP. The authorities will accept an appropriate tolerance range for nutrient content. HPB has provided further industry guidance on the forms of supporting documents and tolerance levels for nutrient declarations. This can be found within the industry guidance resources available on the HPB website.</p>
9) Comments on the proposed timeline		MOH/HPB’s response
9.1	<p>Respondents suggested adjustments to the proposed timeline to implement the additional measures. The suggestions include:</p> <p>a) Longer runway between the date of publication and implementation date for the additional measures, due to time required to test the nutrient content of</p>	<p>After careful consideration, our position remains that the proposed regulations effecting the additional measures will come into force, 6 months after publication in the Government Gazette. The measures were designed after conducting consumer studies across demographics, and incorporating feedback from members of the public, experts and the F&B industry.</p>

⁶ Please note that while the term “supermarkets” and “online supermarkets” are used within public consultation document released in February 2023, the regulations for the finalized measures use the term “variety shops” and “online variety shops” respectively.

	<p>beverages, and redesign and reproduce the menus, posters and other materials;</p> <p>b) Longer runway after the implementation of the Nutri-Grade measures for pre-packaged beverages (30 Dec 2022);</p> <p>c) Staggered approach by freshly prepared beverage sectors; and</p> <p>d) Specific timeline for small entities to comply with the additional measures.</p>	<p>We encourage establishments to begin reformulating beverages, preparing beverages' nutrition information, and revising menus, posters and other materials, ahead of the gazettal.</p> <p>We will further review and consider the timeline for extension to small entities.</p>
10) Other comments		MOH/HPB's response
10.1	One respondent suggested that Chinese Proprietary Medicine products, which are not covered under the Nutri-Grade measures, should be displayed under the medicinal products section at retail outlets instead of the beverages section.	This feedback has been conveyed to the appropriate regulatory body, the Health Sciences Authority, for consideration.
10.2	<p>One respondent suggested encouraging consumers' consideration of the Nutri-Grade grading as the first step in their beverage selection process, via requiring:</p> <p>(i) retail shelves with clearly defined sections selling Grade "A" and "B" beverages;</p> <p>(ii) online and physical menus with separate sections for listing Grade "A" and "B" beverages, followed by Grade "C" and "D" beverages; and</p> <p>(iii) online menus which allow consumers to filter beverages by grades.</p>	We will continue to monitor the implementation of the Nutri-Grade measures and review it as appropriate. Some F&B establishments have started menu redesigns to visually display beverages based on their grades.
10.3	One respondent enquired if the Government will provide subsidies or grants to cushion additional costs for complying with the Nutri-Grade measures.	MOH and HPB have sought to minimise the costs to comply with the measures as far as possible, by making it optional for beverages graded "A" or "B" to carry the Nutri-Grade mark on materials that are used to inform prospective customers that the beverages are for sale. While there are no subsidies or grants for implementation of the measures, F&B establishments can, and are strongly encouraged to, come onboard HPB's Healthier Dining Programme, under which we provide end-to-end product development and commercialisation support for the industry to develop healthier food products, including healthier drink options.

10.4	One respondent suggested that F&B establishments provide information to consumers on healthier beverage customisations, to facilitate informed consumer choices.	We welcome the F&B industry to voluntarily provide information on healthier beverage customisations, in addition to what is required under the measures.
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