

Amendments¹ have been made to the notified draft text, as detailed below: -

- a) **Throughout the Amendment Regulations:** Throughout the final Amendment Regulations (“**Final Text**”), the following amendments have been made (where appropriate):
- (i) Minor editorial edits;
 - (ii) Standardisation where possible, of all terms to singular² form; and
 - (iii) Standardisation where possible, of the use of the term “prospective purchaser” to represent other variations of this term (e.g. “prospective consumer”, “any person who may purchase the Nutri-Grade beverage”) that refer to a person that has yet to purchase the beverage.
- b) **Paragraph (1), (2) and (3) of the proposed new Regulation 184A:** The Final Text:
- (i) clarifies the definition of special purpose food for a special medical purpose;
 - (ii) clarifies the intention to exclude formula food for use in weight control diets instead of for the purpose of weight reduction; and
 - (iii) clarifies that the exclusion of special purpose food meant for a person who requires a specific intake of sugar, covers all forms of sugar, and not just sucrose as stated in Regulation 147 of the Food Regulations.

184A.—(1) In these Regulations, “Nutri-Grade beverage” means any beverage (including any powder or **concentrate concentration** meant to be reconstituted or diluted with fluids before consumption as a beverage) other than the following:

- (a) a beverage that contains more than 0.5% (v/v) alcohol at 20°C;
- (b) a beverage that is prepared by hand at the place or premises where it is sold;
- (c) a beverage for which a prospective purchaser may customise the amount of any ingredient in the beverage;
- (d) a beverage mentioned in paragraph (2).

(2) A Nutri-Grade beverage does not include any special purpose food —

- (a) for **a special medical purposes as described in section 2 of the Codex Standard for the Labelling of and Claims for Foods for Special Medical Purposes (CODEX STAN 180-1991)**, and that is labelled as being for use under medical supervision;
- (b) supplied solely to hospitals, hospices and other residential care facilities like nursing homes for the purpose of providing services to patients in those facilities;
- (c) that is infant formula;
- (d) that is follow-up formula, that is, food intended for use as a liquid part of the weaning for an infant 6 months or older or young children;
- (e) **that is formula food for use in an energy restricted diet for a weight reduction, control diet, that is, formula food presented and if used by a person as instructed by the manufacturer, replaces the as a replacement for a person’s total daily diet;**
- (f) that is diabetic food; or
- (g) for a person who requires a specific intake of sugar **(including but not limited to sucrose)** or saturated fat in the person’s diet as a result of a disease, disorder or other condition.

¹ Amendments made to the notified draft text are marked-up in **yellow**.

² Under section 2 of Singapore’s Interpretation Act, words in the singular form include the plural form and vice versa.

(3) In this regulation, “special medical purpose”, in relation to special purpose food, means special purpose food specially processed or formulated and presented for use under medical supervision for the dietary management of a patient —

(a) who has —

(i) limited or impaired capacity to take, digest, absorb or metabolise ordinary food or certain nutrients contained in ordinary food; or

(ii) any other special medically-determined nutrient requirement; and

(b) whose dietary management cannot be achieved only by modifying that patient’s normal diet or by other special purpose food or both.

- c) **Paragraph (1) of the proposed new Regulation 184B:** The Final Text replaces the obligation to grade the Nutri-Grade beverage, with the obligation to ensure that the Nutri-Grade beverage is graded. This provides greater flexibility to the grading process.

184B.—(1) The following persons must ensure that a Nutri-Grade beverage intended for sale by retail in Singapore is graded “A”, “B”, “C” or “D” according to the grading system specified in the Sixteenth Schedule —

(a) if the Nutri-Grade beverage is manufactured in Singapore for sale by retail in Singapore — by its manufacturer;

(b) if the Nutri-Grade beverage is imported for sale by retail in Singapore — by its local importer; or

(c) in any other case — by its distributor.

- d) **Paragraphs (1), (2) and (3) of the proposed new Regulation 184C:** The Final Text:
- (i) provides greater flexibility to the labelling process by replacing the obligation to label the Nutri-Grade beverage with an NIP, with the obligation to ensure that the Nutri-Grade beverage is labelled with an NIP;
 - (ii) clarifies that the NIP of Nutri-Grade beverages must be in the form specified in the Twelfth Schedule of the Food Regulations and specify the energy value and the amounts of protein, carbohydrate and fat in the Nutri-Grade beverage;
 - (iii) clarifies that Nutri-Grade beverages in powder or concentrate form must comply with the proposed new Regulations 184(C)(1) and 184(C)(2);
 - (iv) clarifies that the manufacturer’s instructions referred to in the proposed new Regulation 184(C)(2)(a) are instructions on how to prepare the beverage, and that such instructions must be labelled on the package of the beverage and not necessarily on the NIP; and
 - (v) is less prescriptive on the wording of the statement required where more than one unit of prepacked Nutri-Grade beverage is packaged for sale as a single item.

184C.—(1) Subject to regulation 8A, a person required by regulation 184B(1) to ensure grade a prepacked Nutri-Grade beverage intended for sale by retail in Singapore is graded must ensure label the package of the Nutri-Grade beverage is labelled with a nutrition information panel that —

(a) complies with regulation 8A is in the form specified in the Twelfth Schedule or in any other similar form that may be acceptable to the Director-General;

(b) specifies the energy value, the amounts of protein, carbohydrate and fat in the Nutri-Grade beverage;

(b)(c) unless the Nutri-Grade beverage contains no carbohydrates, specifies the amount of total sugar according to either or both of the following proportions:

- (i) in grams per 100 ml of the Nutri-Grade beverage;
- (ii) if the number of servings per package and serving size are stated, in grams per serving of the Nutri-Grade beverage;

~~(e)~~(d) unless the Nutri-Grade beverage contains no fat, specifies the amount of saturated fat according to either or both of the proportions mentioned in sub-paragraph ~~(bc)~~(i) and (ii); and

~~(e)~~(e) where the nutrition information panel specifies the amount of lactose or galactose, specifies the amount according to either or both of the proportions mentioned in sub-paragraph ~~(bc)~~(i) and (ii).

(2) Where the prepacked Nutri-Grade beverage mentioned in paragraph (1) is a powder or concentrate concentration meant to be reconstituted or diluted with fluids before consumption as a beverage, the nutrition information panel mentioned person must (in addition to complying with that paragraph~~(4)~~) ensure—

(a) ~~must contain~~ the nutrition information for panel —

(i) specifies the information that is required under that paragraph on the basis that the Nutri-Grade beverage on the basis that it is prepared according to the manufacturer's instructions indicated by the manufacturer on a label on how to prepare the Nutri-Grade beverage's package beverage; and

~~(b)~~(ii) if that information is expressed as grams per 100 ml of the Nutri-Grade beverage, must states that the information is on that the basis that the Nutri-Grade beverage is prepared according to those instructions; and

~~(c) must be accompanied~~(b) the package of the Nutri-Grade beverage is labelled with those instructions

(3) For the purpose of paragraph (1), where more than one unit of prepacked Nutri-Grade beverage is packaged for sale as a single item, the requirement to ~~label~~ ensure the package is labelled under that paragraph may be satisfied by —

(a) ensuring labelling the package of each unit of the prepacked Nutri-Grade beverage is labelled; or

(b) ensuring labelling the package to be sold as a single item is labelled with a label in respect of each type of Nutri-Grade beverage within the package and the package includes a statement that each unit in the package must not be sold separately or a statement to the like effect including the statement "Not to be sold separately" on the package.

e) **Paragraphs (4) and (5) of the proposed new Regulation 184C:** The Final Text:

- (i) replaces the phrase "on a nutrition information panel" with "to be labelled on the Nutri-Grade beverage's package", which is a consequential amendment to the clarification made in proposed new Regulation 184C(2) where the manufacturer's instructions do not necessarily have to be labelled in the NIP;
- (ii) provides greater flexibility in the manner in which the information required in the NIP for automated beverage dispensers is made available.

Some information that was previously in paragraph 4 of the proposed new Regulation 184C has been shifted to paragraph 5. The previous paragraph 5 has now been renumbered as paragraph 6 [see paragraph (f) of this document].

(4) Where a Nutri-Grade beverage is sold by retail from an automated beverage dispenser, the retailer of the Nutri-Grade beverage must ensure the information that would have been required ~~on a nutrition information panel~~ to be labelled on the Nutri-Grade beverage's package under paragraphs (1) and (2), if the Nutri-Grade beverage were sold in prepacked form, is available ~~to a person on request either~~ (in a form described in paragraph (5)) to any person if that person wishes to view the information.

(5) The information mentioned in paragraph (4) must be —

(a) clearly displayed on a, or near to, the automated beverage dispenser;

~~(a)~~(b) on a website or other electronic record that is viewable by the person; or

~~(b)~~(c) on a physical document that is shown or given to the person on the person's request.

f) **Paragraph (6) of the proposed new Regulation 184C:** The Final Text:

- (i) clarifies that the beverages listed in the proposed new Regulation 184C(6) are exempted from the obligations of the proposed new Regulation 184C but they are nonetheless Nutri-Grade beverages and therefore subjected to the Nutri-Grade labelling scheme and the advertising prohibitions;
- (ii) expands the Nutri-Grade beverages that fall within the exemption, to include herbal infusions; and
- (iii) clarifies that the exemption only includes Nutri-Grade beverages that either:
 - A. are prepacked and have a total surface area of less than 100 square centimetres, and bears a label that includes a statement of its total sugar and saturated fat content, or
 - B. do not contain any calories, protein, fat, saturated fat, carbohydrate and sugar, and not Nutri-Grade beverages that do not contain added ingredients that would modify the nutritional content of the beverages.

(6) This regulation does not apply ~~to~~ in respect of —

(a) any prepacked Nutri-Grade beverage that has a total surface area of less than 100 square centimetres and bears a label that includes a statement of the quantity of total sugar and saturated fat; or

(b) any of the following Nutri-Grade beverages, if the Nutri-Grade beverage does not contain any calories, protein, fat, saturated fat, carbohydrate and sugar:

(i) coffee, ~~tea~~, or a preparation of coffee or ~~tea~~, if there are no ingredients that modify the amount of calories, protein, fat, saturated fat, carbohydrate or total sugars added in the coffee, ~~tea~~ or preparation of coffee or ~~tea~~;

(ii) drinking water, if there are no ingredients that modify the amount of calories, protein, fat, saturated fat, carbohydrate or total sugars added in the drinking water; or

(iii) a herbal infusion;

(iv) tea or a preparation of tea.

g) **Paragraphs (3) and (4) of the proposed new Regulation 184D:** The Final Text:

- (i) provides greater flexibility to the labelling process by giving the option to label or cause to be labelled the Nutri-Grade beverages with the Nutri-Grade mark if the Nutri-Grade beverage's grade is "A" or "B". For Nutri-Grade beverages graded "C" or "D", the Final Text replaces the obligation to label the Nutri-Grade mark, with the obligation to ensure that the Nutri-Grade mark is labelled; and

- (ii) is less prescriptive on the wording of the statement required where more than one unit of prepacked Nutri-Grade beverage is packaged for sale as a single item.

(3) A person required by regulation 184B(1) to **ensure grade** a prepacked Nutri-Grade beverage ~~intended for sale to be sold~~ by retail in Singapore **is graded** —

- (a) may label, **or cause to be labelled**, the package of a Nutri-Grade beverage with a Nutri-Grade mark if the Nutri-Grade beverage's grade is "A" or "B";
- (b) must **ensure label** the package of a Nutri-Grade beverage **is labelled** with a Nutri-Grade mark if the Nutri-Grade beverage's grade is "C" or "D"; and
- (c) if the ~~person labels~~ a package **is labelled** in accordance with sub-paragraph (a) or (b), must **ensure label** the Nutri-Grade mark **is labelled** on the front-of-pack (called in this regulation the FOP) of the package, that is, the face of the package —
 - (i) where the Nutri-Grade beverage's name and brand (if there is a brand) appear; and
 - (ii) that is in the ~~consumer's prospective purchaser's~~ principal field of vision.

(4) For the purpose of paragraph (3), where more than one unit of prepacked Nutri-Grade beverage is packaged for sale as a single item, the requirement to **ensure label** the FOP of the package **is labelled** under that paragraph may be satisfied —

- (a) by **ensuring labelling** the FOP of the package to be sold as a single item **is labelled** with a Nutri-Grade mark in respect of each type of Nutri-Grade beverage within the package and **the package includes a statement that each unit in the package must not be sold separately or a statement to the like effect including the statement "Not to be sold separately" on the package**; or
- (b) where the package to be sold as a single item is wholly transparent, by **ensuring labelling** the FOP of each unit within the transparent package **is labelled** and ensuring that the Nutri-Grade mark is clearly visible through the transparent package.

h) **Paragraphs (1), (2), (3) and (4) of the proposed new Regulation 184E:** The Final Text:

- (i) provides greater flexibility to the display requirements by giving the person who sells a Nutri-Grade beverage by retail the option to display or cause to be displayed an image of a Nutri-Grade mark if the Nutri-Grade beverage's grade is "A" or "B". For Nutri-Grade beverages graded "C" or "D", the Final Text replaces the obligation to display an image of a Nutri-Grade mark, with the obligation to ensure that the Nutri-Grade mark is displayed;
- (ii) clarifies that the requirement to display an image of a Nutri-Grade mark is only in the three situations in the proposed new Regulations 184E(2)(a) to (c). In the case of Nutri-Grade beverages sold from an automated beverage dispenser, the requirements only apply to purchaser-facing automated beverage dispensers that show an image or text listing of what beverages may be dispensed and that are placed at any of the locations stated in the new Regulations 184E(4)(a) to (c); and
- (iii) clarifies that eating and catering establishments need not ensure that an image of a Nutri-Grade mark is displayed on online locations of sale.

Display of image of Nutri-Grade mark

184E.—(1) Subject to paragraph (3), A person who sells a Nutri-Grade beverage by retail online, from a vending machine (if the Nutri-Grade beverage is sold in prepacked form) or from a purchaser-facing automated beverage dispenser—

- (a) may display, or cause to be displayed, an image of a Nutri-Grade mark to any person who may purchase the Nutri-Grade beverage so a prospective purchaser may see the image, if the Nutri-Grade beverage's grade is "A" or "B"; and
- (b) must ensure display an image of a Nutri-Grade mark is displayed to any person who may purchase the Nutri-Grade beverage so a prospective purchaser may see the image, if the Nutri-Grade beverage's grade is "C" or "D".

(2) For the purpose of paragraph (1), the requirement to ensure display an image of the Nutri-Grade mark is displayed is satisfied —

- (a) where the Nutri-Grade beverage is sold online — by ensuring clearly displaying the image is clearly displayed next to or in direct relation to the online image or text listing of the Nutri-Grade beverage;
- (b) where the Nutri-Grade beverage is prepacked and sold in prepacked form from a vending machine —
 - (i) by ensuring that the Nutri-Grade mark on the package of the Nutri-Grade beverage is clearly visible through a window on the vending machine; or
 - (ii) by ensuring clearly displaying the image is clearly displayed next to or in direct relation to the image or text listing or price tag of the Nutri-Grade beverage; and
- (c) where the Nutri-Grade beverage is sold from a purchaser-facing automated beverage dispenser —
 - (i) by ensuring clearly displaying the image is clearly displayed on, or near to, the automated beverage dispenser so that it is visible to a person who may purchase the Nutri-Grade beverage; and
 - (ii) if more than one beverage is available from the automated beverage dispenser, by ensuring the image must be is displayed next to or in direct relation to the image or text listing of the Nutri-Grade beverage.

(3) Despite paragraph (1), a person who This regulation does not apply to a person that sells a Nutri-Grade beverage by retail while carrying on a retail food business —

- (a) at an eating establishment; or
- (b) at a catering establishment used to provide a catering service in accordance with paragraph 2 of the First Schedule to the Environmental Public Health Act 1987 (Cap. 95),

need not ensure an image of a Nutri-Grade mark is displayed for a Nutri-Grade beverage that is sold online.

(4) In this regulation, “purchaser-facing automated beverage dispenser” means an automated beverage dispenser that shows an image or text listing of what beverage may be dispensed and is placed —

- (a) at or behind a sales counter in a way that allows a prospective purchaser to see the image or text listing;
- (b) to allow a prospective purchaser to dispense a beverage of his choice, based on the image or text listing; or
- (c) in any other way that allows a prospective purchaser to see the image or text listing.

- i) **Paragraph (2) and (3) of the proposed new Regulation 184F:** The Final Text:
- (i) expands the scope of exemption from the advertising prohibitions by including automated beverage dispensers as a point-of-sale; and
 - (ii) removes paragraph 3 which sets out the defences to the proposed new Regulation 184F to avoid unnecessary repetition, given that section 16A of the Sale of Food Act (which sets out the same defences) applies to the proposed new Regulation 184F.

184F.—(1) ~~Subject to this regulation, a~~ A person must not publish, cause to be published, or take part in the publication of, any advertisement used or apparently used to promote, directly or indirectly, the sale of a Nutri-Grade beverage graded “D”.

(2) Paragraph (1) does not apply to any advertisement —

- (a) that does not contain a recommendation relating to the consumption of the Nutri-Grade beverage and is published by means of a catalogue, price list or other document for the purpose of supplying the Nutri-Grade beverage by wholesale;
- (b) that provides information about the name and price of ~~its the~~ Nutri-Grade beverage but does not otherwise promote its sale and is published —
 - (i) on the corporate website of a manufacturer, an importer, a distributor or a retailer of the Nutri-Grade beverage;
 - (ii) as part of a product launch that is not accessible to any member of the general public other than an invited guest; or
 - (iii) in the form of a press or media release; or
- (c) that complies with both of the following requirements:
 - (i) the advertisement is published —
 - (A) if the Nutri-Grade beverage is sold while carrying on a retail food business — at the food establishment where that business is carried on;
 - (B) if the Nutri-Grade beverage is ~~prepacked and~~ sold in prepacked form from a vending machine — on the vending machine; ~~or~~
 - (C) if the Nutri-Grade beverage is sold from an automated beverage dispenser — on the automated beverage dispenser; or
 - ~~(C)~~(D) if the Nutri-Grade beverage is sold online — at the online location of sale;

- (ii) the advertisement displays an image of the Nutri-Grade beverage's Nutri-Grade mark, except that an advertisement that involves communication in an audible message need not display the image but must include the audible message that "The Nutri-Grade of this product is D."

~~(3) Where a person is charged with an offence for contravening paragraph (1) in relation to an advertisement, it is a defence for the person charged to prove that —~~

~~(a) the person was acting in the course of a business of delivering, transmitting or broadcasting communications (in whatever form or by whatever means) or making data available, and the nature of the business is such that persons undertaking it have no control over the nature or content of the communications or data; or~~

~~(b) the person did not know and had no reason to believe that the advertisement was of a Nutri-Grade beverage graded "D".~~

~~(4)~~(3) In this regulation, "corporate website" means an Internet website of a manufacturer, an importer, a distributor or a retailer that is accessible by the public and through which the public may obtain information about the manufacturer, importer, distributor or retailer and its products."

- j) **Paragraph (5) and (6) of the proposed new Sixteenth Schedule:** The Final Text is standardised with the language used in the proposed new Regulation 184C(2) with regard to manufacturers' instructions.

6. For the purpose of paragraphs 3 and 4 —

- (a) the Nutri-Grade beverage's sugar content is the grams of total sugar per 100 ml of the Nutri-Grade beverage minus the grams of lactose and galactose per 100 ml of the Nutri-Grade beverage;
- (b) the Nutri-Grade beverage's saturated fat content is the grams of saturated fat per 100 ml of the Nutri-Grade beverage; and
- (c) in determining the sugar content and saturated fat content —
 - (i) subject to sub-paragraphs (ii), (iii) and (iv), the grams of total sugar, lactose, galactose and saturated fat per 100 ml of the Nutri-Grade beverage are determined —
 - (A) for a prepacked Nutri-Grade beverage — by the information on the nutrition information panel on its package; or
 - (B) for a Nutri-Grade beverage sold by retail from an automated beverage dispenser — by the information that would have been required on the nutrition information panel on its package under regulation 184C(1) and (2), if the Nutri-Grade beverage were sold in prepacked form;
 - (ii) if the information does not state the grams of total sugar or saturated fat, the grams of total sugar or saturated fat (as the case may be) is taken to be zero grams;
 - (iii) if the information does not state the grams of lactose or galactose, the grams of lactose or galactose (as the case may be) is taken to be zero grams; and

(iv) for a Nutri-Grade beverage meant to be reconstituted or diluted with fluids before consumption, “100 ml” means 100 ml of the Nutri-Grade beverage as prepared according to the manufacturer’s instructions indicated by the manufacturer according on how to prepare the information beverage.”.
