Perspective of Nutrition Labelling Systems in Japan

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Topics

• About Consumer Affairs Agency

• Perspective of nutrition labelling
  – Current acts concerning food labelling
  – A newly promulgated act: the Food Labelling Act of 2013
  – Introduction of mandatory nutrition labelling

• Perspective of a new system for health claims
About Consumer Affairs Agency

Perspective of nutrition labelling
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Perspective of a new system for health claims
Consumer Affairs Agency (CAA)

- An external organ of the Cabinet Office
- Established on September 1, 2009
Our mission

- To protect and promote consumer’s interest and benefit
- To ensure the voluntary and rational choice of goods and services
- To ensure fair labelling of the goods closely related to consumers’ life
Organization of Consumer Affairs Agency (As of 2014/7/1)

Prime Minister
Minister of State for Consumer Affairs

Senior Vice-Minister
Parliamentary Secretary of Cabinet Office

Secretary General

Deputy Secretary General

4 Director-General

Counselor

Councils

Consumer Safety Investigation Commission

Consumer Education Promotion Council

301 personnel

General Affairs Division
• Personnel, accounting, organization, bill screening, Diet-related matters, general affairs.
• Information systems, Policy Evaluation, Public relations.

Policy Planning Division
• Planning/promoting the basic policies including Consumer Basic Plan.
• Policy Coordination with relevant ministries and agencies.
• Collecting, analyzing and disseminating information concerning consumer troubles and Administrative action for "niche area case" that cannot be addressed by any other law, pursuant to the Consumer Safety Act (relating to property).

Legal System Planning Division
• Organizing Relief System of the Damaged Consumers.
• Holding jurisdictions over the Whistle Blower Protection Act, Act on the Protection of personal Information.

Consumer Education and Local Cooperation Division
• Consumer education, raising awareness and disseminating information to consumers.
• Policy Planning relating to local consumer policy and assisting/Promoting local consumer administration.
• Handling over the matter relating to NCAC.

Consumer Research Division
• Researching and Issuing the White Paper on consumer affairs.
• Disseminating information to businesses.

Consumer Safety Division
• Collecting, analyzing and disseminating information concerning consumer troubles and Administrative action for "niche area case" that cannot be addressed by any other law, pursuant to the Consumer Safety Act (relating to life and body injuries).
• Reporting serious product accidents according to the Consumer Product Safety Act.
• Planning of basic policy measures and coordinating risk communication based on the Food Safety Basic Act.
• Secretariat of Consumer Safety Investigation Commission Survey of consumer accident to support the Commission (relating to life and body injuries).

Consumer Transaction Division
• Holding jurisdictions of Act on Specified Commercial Transactions, Act on Regulation of Transmission of Specified Electronic Mail, etc.

Representation Division
• Holding jurisdiction of representation, such as the Act against Unjustifiable Premiums and Misleading Representations, Housing Quality Assurance Act and the Household Goods Quality Labeling Act.

Food Labeling Division
• Holding jurisdiction of food labeling, such as the Act on Standardization and Proper Quality Labeling of Agricultural and Forestry Products (JAS), Food Sanitation Act, Health Promotion Act, etc.

There are other specialized offices or teams such as:
“Office of Personal Information Protection”, “Cross-Division Team for enhancing the understanding of consumers related to food and radioactivity to prevent harmful rumors”, etc.
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## Current Acts concerning food labelling in Japan

### Issue 1: There have been a number of various notifications under the three Acts.

<table>
<thead>
<tr>
<th>Act</th>
<th>Purpose</th>
<th>Other concerns</th>
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<tbody>
<tr>
<td><strong>Food Sanitation Act</strong></td>
<td>- To prevent the sanitation hazards resulting from eating and drinking</td>
<td>- Set general policies</td>
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<tr>
<td><strong>Japan Agricultural Standard Act</strong></td>
<td>- To improve quality of agricultural and forestry products</td>
<td>- Implementation of the national health and nutrition survey</td>
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<tr>
<td><strong>Health Promotion Act</strong></td>
<td>- To help consumers choose products by enforcing proper quality labeling of them</td>
<td>- Prevention of passive smoking</td>
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<td>- Establishment of the necessary criteria for the labelling of food to serve for the purpose of marketing (Article 19)</td>
<td>- License pertaining to Food for Special Dietary Uses</td>
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<td>- Enforcing the regulations concerning Food and Additives, Apparatus and Containers and Packaging</td>
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<td>- Prohibition of sales of products which do not conform to the standards and/or criteria</td>
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<td>- Giving approval to a person who intends to conduct business from the prefectural governor</td>
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<td>- Enactment of labeling standards to be observed by Manufacturer, etc. (Article 19-13)</td>
<td>- etc.</td>
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<td></td>
<td>- Compliance with Standards for Quality Labeling (Article 19-13-2)</td>
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<td></td>
<td>- Enactment of Japanese Agricultural Standards</td>
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<td>- Grading in accordance with Japanese Agricultural Standards etc.</td>
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<td></td>
<td>- Enactment of nutrition labeling standards (Article 31)</td>
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<td></td>
<td>- Compliance with Standards (Article 31-2)</td>
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<td></td>
<td>- etc.</td>
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*Act on Standardization and Proper Quality Labeling of Agricultural and Forestry Products*
Issue 2: Several definitions differ among the three Acts.

Issue 3: Nutrition labelling is voluntary in the current system.

Diagram of the current Acts concerning food labelling in Japan.

JAS Act: Japan Agricultural Standard Act

Health Promotion Act (Nutrition Labelling is voluntary)
To address these issues:
1. Some different definitions among Acts
2. Many and various notifications under Acts
3. Voluntary nutrient labelling

One-year roundtable discussion
(From Sep. 2011 to Aug. 2012)

Report
(Aug. 2012)

Food Labelling Bill

Cabinet approval
(June 14, 2013)

Proclamation
(June 28, 2013)
Objectives:

• To ensure food safety while eating and drinking
• To ensure general consumers’ opportunities to select food subjectively and rationally
Areas of focus:

• Establishment of a comprehensive system regarding food labelling:
  : some different definitions among Acts are standardized
    (e.g. “fresh food” and “processed food”)

• Introduction of mandatory nutrition labelling
Specific rules under the new Act

Food Labelling Standard
(By June 2015)
Points of discussion, which Consumer Affairs Agency has been considering on:

1. Which nutrients should be mandatory?
2. What kinds of food should be exempted?
3. What kinds of manufacturers should be exempted?
Points of discussion (cont.)

4. Whether breakdown of the declarations should be introduced or not?

<table>
<thead>
<tr>
<th>Energy</th>
<th>Protein</th>
<th>Fat</th>
<th>Carbohydrate</th>
<th>Sodium</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Saturated Fatty Acid</td>
<td></td>
</tr>
</tbody>
</table>

OR

| Energy | Protein | Fat | Carbohydrate | Sodium |

5. Whether amounts of sodium should be declared as sodium or salt equivalents?

6. Reviewing Nutrient Reference Values (NRVs)
Practical steps for enforcement of the new Food Labeling Act (under consideration)

1. **Food Labeling Act**
   - One year round-table discussion
   - Draft the legislation
   - Establish and Promulgate

2. **Food Labeling Standard etc.**
   - Draft the standard
   - Promulgate
   - Deliberation on the mandatory nutrition labelling

3. **Others**
   - Review subjects of future investigation, esp. on the management of the followings:
     - Labelling on ready-to-eat food and in a restaurant (e.g., labelling for food allergy), and in the Internet sales
     - Labelling of genetically modified food and food additive.
     - Labelling of country of origin for the ready-to-eat food

4. **Enforcement**
   - In a separately specified period: 1-2 years (P)
   - The full transition to label based on the new Act

5. **Mandatory Nutrition Labelling**
   - The timing of introduction of the mandatory nutrition labelling will be determined based on the progress of the environmental improvement, while aiming to approx. five years after the enforcement of the new law.
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• Perspective of a new system for health claims
Current System of Health Claims

Only the following two categories are approved for health claims in Japan:

• Food with Nutrient Function Claims (FNFC)
  – Allowed to indicate nutrient function claims. Self-certification according to the national standards

• Food for Specified Health Uses (FOSHU)
  – Allowed to indicate structure/function claims and reduction of disease risk claims. Approved individually by Consumer Affairs Agency
FNFC: Food with Nutrient Function Claims
FOSHU: Food for Specified Health Uses

*Note: “Food” means all food and drinks except drugs and quasi-drugs (section 4 of the Food Sanitation Act)
Issues

FNFC

• Limited to claim only for the selected nutrients: 12 vitamins and 5 minerals

FOSHU

• Required scientific substantiation from human (intervention) studies, which may generally necessitate large amounts of time and costs, to evaluate its safety and function for approval

⇒ High burden especially for small and medium-sized industries

FNFC: Food with Nutrient Function Claims
FOSHU: Food for Specified Health Uses
A new system under which fresh and processed foods can make health claims should be developed. (Implementation by the end of March 2015)

The new system lays major emphases on:

- Industries will take responsibilities on the health claims, like the system of dietary supplements in the U.S.
- Safety assurance of a product will be primary considered.

<Background>

- To respond to the public need to reduce diseases burdens and promote health so as to live longer
- To lead the world as the longest longevity society

Cabinet approval: June 14th, 2013
FNFC: Food with Nutrient Function Claims
FOSHU: Food for Specified Health Uses

*Industries can indicate health claims under their own responsibility, if their food meets certain requirements
Outline of the New System

【Safety】Target Food Products and Substances
① Evaluate the history of use
② If not sufficient, safety is verified by tests
(excluding alcohol-containing products, products leading to the excessive consumption of sugar and salt)

【Safety】Intake levels/Production, Manufacturing, and Quality control
① Establish a product specification with intake levels
② Analyse final products (verifying its specification)

【Effectiveness】Levels of Scientific Evidence
① Clinical trials of a final product
② Systematic reviews on a final product or substances
Based on either of them, evaluate the evidence of claims

【Effectiveness】Target Population and Permitted Statement
① As a general rule, target healthy individuals
(excluding diseased person, minors, pregnant and lactating women)
② Maintenance and enhancement of health with names of body parts
(excluding claims stating the cure or prevention of diseases)

【Effectiveness・Safety】Making Claims Not Misleading Consumers
① Display a disclaimer stating that the gov. has not evaluated the claim and the product is not intended to cure any diseases
② Disclose information on scientific evidence of safety and effectiveness

【Government’s Involvement】Food Labelling System
① Requiring premarket notifications of product information, scientific evidence of safety and effectiveness, and labelling requirements, etc

Products enter the market

【Safety】Collecting Information on Adverse Health Effects, etc
① Business operators: create a system for collecting information on adverse health effects (e.g. set up a customer service center)
② Government: collect information efficiently (e.g. strengthen a support system at consumer affairs centers)

【Safety】Measures to Prevent Distribution of Dangerous Products, etc
① Issue consumer alerts
② Issue a product recall, an injunction, etc
Thank you very much for your attention.

Official mascot of Consumer Affairs Agency