《食物內染色料規例》 (第132章,附屬法例H)

Colouring Matter in Food Regulations

(Cap. 132 sub. leg. H)

版本日期 Version date 23.7.2020

經核證文本 Verified Copy

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尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料,可於「電子版香港法例」(https://www.elegislation.gov.hk) 閱覽。

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制定史

本為 1960 年 A72 號政府公告 —— 1965 年第 107 號法律公告,1970 年第 146 號法律公告,1976 年第 102 號法律公告,1979 年第 89 號法律公告,1982 年第 376 號法律公告,1985 年第 67 號法律公告,1986 年第 10 號,1986 年編正版,1987 年第 326 號法律公告,1993 年第 368 號法律公告,1996 年第 (C)36 號法律公告(中文真確本),1996 年第 177 號法律公告,1997 年第 362 號法律公告,1999 年第 78 號,2000 年第 29 號,2008 年第 98 號法律公告,2018 年第 17 號,2020 年第 4 號編輯修訂紀錄

Enactment History

Originally G.N.A. 72 of 1960 — L.N. 107 of 1965, L.N. 146 of 1970, L.N. 102 of 1976, L.N. 89 of 1979, L.N. 376 of 1982, L.N. 67 of 1985, 10 of 1986, R. Ed. 1986, L.N. 326 of 1987, L.N. 368 of 1993, L.N. (C) 36 of 1996 (Chinese authentic version), L.N. 177 of 1996, L.N. 362 of 1997, 78 of 1999, 29 of 2000, L.N. 98 of 2008, 17 of 2018, E.R. 4 of 2020

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《食物內染色料規例》 (第132章,附屬法例H) 目錄

Colouring Matter in Food Regulations

(Cap. 132 sub. leg. H)

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《食物內染色料規例》

(第132章第55條)

[1960年11月11日] 1960年 A132 號政府公告 (格式變更——2020年第 4 號編輯修訂紀錄)

1. 引稱

本規例可引稱為《食物內染色料規例》。

2. 釋義

在本規例中,除文意另有所指外 ——

- 加工處理 (processed) 包括燻製以及能導致食物自然狀態實質改變的任何處理方法或工序,但不包括去骨、削皮、研磨、切割、清潔或切除表面部分,而未經加工處理 (unprocessed) 一詞須據此解釋;
- **色素索引編號** (Colour Index Number) 指在英國漂染師及印染師學會*及美國紡織化學師與印染師協會#所擬備的《色素索引》中所使用的識別號碼; (1993 年第 368 號法律公告)
- **准許染色料** (permitted colouring matter) 指附表 1 所指明的染色 料或多於一種該類染色料的混合物;
- **航空過境貨物** (air transit cargo) 指在進口及托運出口時均是以 飛機運載的過境物品; (2000 年第 29 號第 5 條)
- **航空轉運貨物** (air transhipment cargo) 具有《進出口條例》(第60章)第2條給予該詞的涵義; (2000年第29號第5條)
- **售賣** (sell) 包括為出售而展示、要約出售或為出售而管有,而 **出售** (sale) 一詞須據此解釋;
- **過境物品** (article in transit) 具有《進出口條例》(第60章)第2 條給予該詞的涵義; (2000年第29號第5條)

Colouring Matter in Food Regulations

(Cap. 132, section 55)

[11 November 1960] G.N.A. 132 of 1960 (Format changes—E.R. 4 of 2020)

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1. Citation

Regulation 1

These regulations may be cited as the Colouring Matter in Food Regulations.

2. Interpretation

In these regulations, unless the context otherwise requires—

- air transhipment cargo (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60); (29 of 2000 s. 5)
- air transit cargo (航空過境貨物) means any article in transit that is both imported and consigned for export in an aircraft; (29 of 2000 s. 5)
- article in transit (過境物品) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60); (29 of 2000 s. 5)
- cargo transhipment area of Hong Kong International Airport (機 場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60); (29 of 2000 s. 5)
- Colour Index Number (色素索引編號) means the identifying number used in the Colour Index compiled by the British Society of Dyers and Colourists and the American Association of Textile Chemists and Colourists; (L.N. 368 of 1993)

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機場貨物轉運區 (cargo transhipment area of Hong Kong International Airport) 具有《進出口條例》(第60章)第2條 給予該詞的涵義; (2000年第29號第5條; 2020年第4號編輯修訂紀錄)

蔬菜 (vegetable) 包括豆類。 (2020 年第 4 號編輯修訂紀錄) (2020 年第 4 號編輯修訂紀錄)

編輯附註:

- * "英國漂染師及印染師學會"乃 "British Society of Dyers and Colourists" 之譯名。
- # "美國紡織化學師與印染師協會"乃"American Association of Textile Chemists and Colourists"之譯名。

3. 限制使用准許染色料以外的染色料

擬供出售給人食用的食物,不得含有並非准許染色料的添加 染色料,而任何人不得將該等不符合本條條文的食物售賣、 託付、交付或輸入香港。

(1986年第10號第32(2)條)

4. 禁止在某些商品中使用染色料

(1) 未經烹煮及未經加工處理的肉類、野味、家禽、魚、水 果或蔬菜,如擬供出售給人食用,則除非是作為標記用 途,否則不得加進或加上任何染色料:

但如已按下述規定辦理,柑橘屬的水果可加進或加上准許染色料——

- (a) 在該類水果皮上以准許染色料標明"加有色素"字 樣;及
- (b) 該等字樣印寫清楚可閱,大小明顯易見。

permitted colouring matter (准許染色料) means any colouring matter specified in the First Schedule or any combination of more than one such colouring matter;

processed (加工處理) includes curing by smoking and any treatment or process resulting in a substantial change in the natural state of any food, but does not include boning, paring, grinding, cutting, cleaning or trimming, and the word unprocessed (未經加工處理) shall be construed accordingly;

sell (售賣) includes expose or offer for sale or have in possession for sale, and the word sale (出售) shall be construed accordingly;

vegetable (蔬菜) includes pulses.

3. Restriction on use of colouring matter other than permitted colouring matter

No food intended for sale for human consumption shall contain any added colouring matter which is not a permitted colouring matter, and no person shall sell, consign or deliver, or import into Hong Kong, any such food which does not comply with the provisions of this regulation.

(10 of 1986 s. 32(2))

4. Prohibition on the use of colouring matter in the case of certain commodities

(1) No meat, game, poultry, fish, fruit or vegetable in a raw and unprocessed state which is intended for sale for human consumption shall have in or upon it, otherwise than for the purpose of marking, any added colouring matter:

Provided that citrus fruit may have in or upon it added permitted colouring matter if—

(a) the words "colour added" are marked on the skin of such fruit in permitted colouring matter; and

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(2) 任何人不得將第(1)款提述而不符合該款條文的食物售賣、託付、交付或輸入香港。(1986年第10號第32(2)條)

5. 限制出售或宣傳准許染色料以外的染色料

- (1) 任何人不得售賣或為出售而宣傳任何用於食物而並非准 許染色料的染色料。
- (2) 在就第(1)款所訂的與發布宣傳品有關的罪行而提起的法律程序中,被告人如證明其本人的業務是發布或安排發布宣傳品,而有關的宣傳品是其本人在通常業務運作中收受以作發布的,即為免責辯護。
- (3) 任何人不得售賣、託付或交付用於食物的任何染色料或任何色素及調味化合物,但載於附有符合附表2規定的標籤的容器內者,則不在此限。

5A. 對航空過境或航空轉運貨物的適用

- (1) 如第 3 及 4(2)條所述的食物屬航空過境貨物或航空轉運 貨物,則該兩條不適用於該食物的輸入;但如該食物自 其被帶進至運出香港的期間內被移離機場貨物轉運區, 則為施行第 3 及 4(2)條(視屬何情況而定)——
 - (a) 該食物須當作是在被如此移離該區時輸入的;及
 - (b) 將該食物作為航空過境貨物或航空轉運貨物而帶進 香港或致使該食物被如此帶進香港的人,須當作在 該食物被移離該區時是輸入該食物的人,

- (b) such words are distinctly and legibly printed and of such size as to be conspicuously visible.
- (2) No person shall sell, consign or deliver, or import into Hong Kong, any food referred to in paragraph (1) which does not comply with the provisions of that paragraph. (10 of 1986 s. 32(2))

5. Restriction on sale or advertisement of colouring matter other than permitted colouring matter

- (1) No person shall sell or advertise for sale any colouring matter for use in food which is not a permitted colouring matter.
- (2) In any proceedings for an offence against paragraph (1) in relation to the publication of an advertisement, it shall be a defence for the defendant to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.
- (3) No person shall sell, consign or deliver for use in food any colouring matter or any colouring and flavouring compound except in a container bearing a label in accordance with the provisions of the Second Schedule.

5A. Application to air transit or air transhipment cargo

- Regulations 3 and 4(2) do not apply in relation to the import of any food referred to in those regulations that is air transit cargo or air transhipment cargo; but if at any time between its being brought into and taken out of Hong Kong such food is removed from the cargo transhipment area of Hong Kong International Airport then, for the purposes of regulation 3 or 4(2), as the case may be—
 - (a) the food is deemed to be imported at the time of such removal; and

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而除非是在 (a) 或 (b) 段所指的範圍內,第 3 及 4(2) 條 (視 (b) the person who brought the food

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(2) 在檢控某人犯第6條所訂的罪行的法律程序中,如 ——

(a) 該法律程序關乎輸入第3或4(2)條所述並屬航空過 境貨物或航空轉運貨物的食物;及

屬何情況而定)須在猶如本款不曾制定的情況下具有效力。

(b) 控方需證明該食物自其被帶進至運出香港的期間內 被移離機場貨物轉運區,

則該人如證明他已採取所有合理步驟和已盡了合理的努力以避免該食物被如此移離該區,則可以此作為免責辯護。

- (3) 在任何法律程序中,凡第 (2) 款所訂的免責辯護涉及一項 指稱,謂該罪行的發生是——
 - (a) 另一人的作為或過失所致;或
 - (b) 倚賴另一人所提供的資料所致,

則被告人如沒有法院的許可,不得引用該免責辯護,但如被告人於聆訊該法律程序前 10 天或之前,已向檢控人送達書面通知,提供被告人在送達該通知時所知悉的關於——

- (i) 該另一人的一切詳情;及
- (ii) 該作為、過失或資料的一切詳情,

則屬例外。

- (4) 任何人如擬引用第 (2) 款所訂的免責辯護,而所據的理由 是他倚賴另一人所提供的資料,則除非他證明有鑑於整 體情況,尤其是在顧及以下事宜後,倚賴該資料實屬合 理,否則不得引用該免責辯護——
 - (a) 他為核實該資料而已採取的步驟,及為核實該資料 而理應已採取的步驟;及
 - (b) 他是否有任何理由不相信該資料。

(2000年第29號第5條)

(b) the person who brought the food, or caused it to be brought, into Hong Kong as air transit cargo or air transhipment cargo is deemed to be the person who imports the food at the time of its removal,

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and, except to that extent, those regulations have effect as if this paragraph had not been enacted.

- (2) In proceedings against a person for an offence under regulation 6, being proceedings—
 - (a) in relation to the import of any food referred to in regulation 3 or 4(2) that is air transit cargo or air transhipment cargo; and
 - (b) in which it is necessary for the prosecution to prove that, at any time between its being brought into and taken out of Hong Kong, the food was removed from the cargo transhipment area of Hong Kong International Airport,

it is a defence for the person to show that he took all reasonable steps and exercised reasonable diligence to avoid such removal occurring.

- (3) Where in any proceedings the defence provided by paragraph (2) involves an allegation that the commission of the offence was due to—
 - (a) the act or default of another person; or
 - (b) reliance on information given by another person,

the defendant is not, without the leave of the court, entitled to rely on the defence unless, not less than 10 days before the hearing of the proceedings, he has served a notice in writing on the prosecutor giving all particulars of—

- (i) the person who committed the act or default or gave the information; and
- (ii) the act, default or information,

最後更新日期 23.7.2020

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Last updated date Verified Copy 23.7.2020

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of which he is aware at the time he serves the notice.

- (4) A person is not entitled to rely on the defence provided by paragraph (2) by reason of his reliance on information supplied by another person, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular to—
 - (a) the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and
 - (b) whether he had any reason to disbelieve the information.

(29 of 2000 s. 5)

6. 罪行及罰則

任何人違反第3、4或5(1)或(3)條的任何條文,即屬犯罪, 一經循簡易程序定罪,可處第5級罰款及監禁6個月;如該 罪行屬持續的罪行,則就該罪行持續期間內的每一天,罰款 \$300。

(1987年第 326 號法律公告; 1996年第 177 號法律公告)

7. 提出法律程序時可用的名義

在不損害與檢控刑事罪行有關的其他成文法則的條文,以及 在不損害律政司司長關於檢控刑事罪行的權力的原則下,就 本規例任何條文所訂罪行而作出的檢控,均可以食物環境衞 生署署長的名義提出。

(1965 年第 107 號法律公告; 1997 年第 362 號法律公告; 1999 年第 78 號第 7 條)

6. Offences and penalties

Any person who contravenes any of the provisions of regulation 3, 4 or 5(1) or (3) shall be guilty of an offence and shall be liable on summary conviction to a fine at level 5 and to imprisonment for 6 months, and, where the offence is a continuing offence, to a fine of \$300 for each day during which the offence continues.

(L.N. 326 of 1987; L.N. 177 of 1996)

7. Name in which proceedings may be brought

Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences, and without prejudice to the powers of the Secretary for Justice in relation to the prosecutions of criminal offences, prosecutions for an offence under any of the provisions of these regulations may be brought in the name of the Director of Food and Environmental Hygiene.

(L.N. 107 of 1965; L.N. 362 of 1997; 78 of 1999 s. 7)

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 附表 1 —— 第 I 部
 First Schedule—Part I
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[第2條]

附表1

First Schedule

[reg. 2]

准許染色料

第I部

煤焦油色素

Permitted Colouring Matter

Part I

Coal Tar Colours

色素常用 名稱 日落黃 FCF	科學名稱 1- 對磺苯偶氮基 -2- 萘酚基 -6- 磺酸二鈉鹽。	色素索 引編號 (1982) 15985	Common Name of Colour	Scientific Name	Colour Index Number (1982)
立索玉紅 BK	3- 羥基 -4-[(2- 磺基 - 對甲苯甲酰) 偶氮基]-2- 萘甲酸二鈉鹽。	15850	Allura Red AC	disodium salt of 6-hydroxy-5-[(2-methoxy-5-methyl-4-sulphophenyl)-azo]-2-naphthalene-sulphonic acid.	16035
朱 古 力 棕 HT 赤蘚紅(BS)	2:4- 二	20285 45430	Amaranth	trisodium salt of 1-(4-sulpho-1-naphthylazo)-2-naphthol-3: 6-disulphonic acid.	16185
亮藍 FCF (亮藍 FD 及 C 第 1 號)	4-{(4-(N- 乙基 - 對磺苯甲氨基)- 苯基)-(2-	42090	Black PN (Brilliant Black BN)	tetrasodium salt of 8-acetamido-2-(7-sulpho-4-p-sulphophenylazo-1-naphthylazo)-1-naphthol-3:5-disulphonic acid.	28440
酒石黃	5- 羥基 -1- 對磺苯基 -4- 對磺苯偶氮基 - 吡唑 -3- 羧酸三鈉鹽。	19140	Brilliant Blue FCF	disodium salt of 4-{(4-(N-ethyl-p-sulphobenzylamino)-phenyl)-(2-	42090
專利藍 V	(4-[α-(對(二乙氨)苯基)-5- 羥基-2,4- 二磺苯亞甲基]-2,5- 環已二烯-1- 亞基)二乙基- 氫氧化銨內鈣鹽。	42051	(Brilliant Blue FD & C No. 1)	sulphoniumphenyl)-methylene $\}$ -(1-(N-ethyl-N-p-sulphobenzyl)- $\triangle 2$, 5-cyclohexadienimine).	

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First Schedule—Part I

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色素常用 名稱 淡紅	科學名稱 2-(4- 磺基 -1- 萘偶氮基)-1- 萘酚基 -4- 磺酸	色素索 引編號 (1982) 14720	Common Name of Colour	Scientific Name	Colour Index Number (1982)
次紅	2-(4-	14/20	Brown FK	a mixture consisting essentially of the disodium	
棕FK	混合物,基本成分為1:3-二氨基-4:6-二 -(對磺苯偶氮基)苯的二鈉鹽和2:4-二 氨基-5-(對磺苯偶氮基)甲苯的鈉鹽。	_	210 112 12	salt of 1:3-diamino-4:6-di-(p-sulphophenylazo) benzene and the sodium salt of 2:4-diamino-5-(p-sulphophenylazo) toluene.	
黑 PN	8- 乙酰氨基 -2-(7- 磺基 -4- 對磺苯偶氮基 -1-	28440	Carmoisine	disodium salt of 2-(4-sulpho-l-naphthylazo)-l-	14720
(亮黑 BN)	萘偶氮基)-1-萘酚基-3:5-二磺酸四鈉鹽。			naphthol-4 -sulphonic acid.	
綠 S	二 -(對二甲氨苯基)-2- 羥基 -3:6- 二磺萘甲醇酐鈉鹽。	44090	Chocolate Brown HT	disodium salt of 2:4-dihydroxy-3:5-di-(4-sulphol-naphthylazo) benzyl alcohol.	20285
酸性喹啉黃	2-(2 喹啉基)-1,3- 茚滿二酮的二磺酸二鈉鹽。	47005	Erythrosine	disodium or dipotassium salt of 2:4:5:7-tetra-	45430
靛藍	靛藍 -5:5'- 二磺酸二鈉鹽。	73015	(BS)	iodo-fluorescein.	
(靛藍洋 紅) 雞冠花紅; 莧菜紅;	1-(4- 磺基 -1- 萘偶氮基)-2- 萘酚基 -3:6- 二 磺酸三鈉鹽。	16185	Green S	sodium salt of di-(p-dimethylaminophenyl)-2-hydroxy-3:6-disulphonaphthylmethanol andydride.	44090
藍光酸性紅	唤ty → 刈1·皿		Indigotine (Indigo	disodium salt of indigotin-5:5'-disulphonic acid.	73015
麗春紅 4R	1-(4- 磺基 -1- 萘偶氮基)-2- 萘酚基 -6:8- 二磺	16255	Carmine)		
Allura 紅 AC	酸三鈉鹽。 6- 羥基 -5-[(2- 甲氧基 -5- 甲基 -4- 磺苯基)- 偶 氦基]-2- 萘磺酸二鈉鹽。	16035	Lithol Rubine BK	disodium salt of 3-hydroxy-4-[(2-sulpho-p-tolyl) azo]-2-naphthoic acid.	15850
	5 146 號法律公告;1976 年第 102 號法律公告; 告;1993 年第 368 號法律公告;2008 年第 98 號		Patent Blue V	calcium salt of (4-[α-(p-(diethylamino) phenyl)-5-hydroxy-2, 4-disulphobenzylidene]-2, 5-cyclohexadien-1-ylidene) diethyl -ammonium hydroxide inner salt.	42051

Common Name of Colour	Scientific Name	Colour Index Number (1982)
Ponceau 4R	trisodium salt of 1-(4-sulpho-l-naphthylazo)-2-naphthol-6:8-disulphonic acid.	16255
Quinoline Yellow	disodium salt of disulphonic acid of 2-(2 quinolyl)-1, 3-indandione.	47005
Sunset Yellow FCF	disodium salt of 1-p-sulphophenylazo-2-naphthol-6-sulphonic acid.	15985
Tartrazine	trisodium salt of 5-hydroxy-1-p-sulphophenyl-4-p-sulphophenylazo-pyrazole-3-carboxylic acid.	19140

(L.N. 146 of 1970; L.N. 102 of 1976; L.N. 376 of 1982; L.N. 368 of 1993; L.N. 98 of 2008)

第II部 其他色素

類別	色素索 引編號 (1982)
醬色	_
胭脂蟲紅(胭脂紅酸)	75470
食用水果或蔬菜的天然染色料,或從該等天然色素分離出來或人工合成的純色素,並包括——	

Part II
Other Colours

Description	Colour Index Number (1982)
Caramel	_
Cochineal (Carminic acid)	75470

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類別	色素索 引編號 (1982)
(a) 胭脂樹橙	75120
(b) 木炭	_
(c) 胡蘿蔔素	75130
(d) β- 衍 -8'- 胡蘿蔔醛	40820
(e) β- 衍 -8'- 胡蘿蔔酸乙醋	40825
(f) 葉綠素及葉綠酸	75810
包括銅的絡合物	75815
(g) 藏花	75100
(h) 薑黃(薑黃素)	75300
氧化鐵	77491
二氧化鈦	77891
只供糖衣藥丸外用染色及糖衣粉製甜點裝飾用的箔狀或粉 狀銀、金及鋁	_
附表所列可溶於水的任何色素的鋁鹽或鈣鹽(色澱)	_
/1002 年等 260 歩汁須八生・2010 年等 17 9	多等 57 kg \

(1993 年第 368 號法律公告;	2018 年第 17 號第 57 條	(i
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Description	Colour Index Number (1982)
Colouring matter natural to edible fruits or vegetables or their pure colouring principles whether isolated from such natural colours or produced synthetically and including—	
(a) Annatto	75120
(b) Vegetable Black	_
(c) Carotenes	75130
(d) β-Apo-8'-carotenal	40820
(e) β-Apo-8'-carotenoic acid ethyl ester	40825
(f) Chlorophylls and Chlorophyllins	75810
including Copper complexes	75815
(g) Saffron	75100
(h) Turmeric (Curcumin)	75300
Iron Oxides	77491
Titanium dioxide	77891
Silver, Gold and Aluminium in leaf or powder form solely for external colouring of dragees and decoration of sugar-coated flour confectionery	_
The Aluminium or Calcium salts (lakes) of any of the scheduled water-soluble colours	

(L.N. 368 of 1993; 17 of 2018 s. 57)

 S2-1
 附表 2
 Second Schedule
 S2-2

 第 132H 章
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附表 2

[第5(3)條]

染色料、色素及調味化合物的標籤

1. 第 5(3) 條所關乎的容器,每個均須附有標籤,按以下其中一項聲明格式,以中英文印上真實的陳述 —— 就染色料而言 ——

THIS FOOD COLOUR CONFORMS
TO THE LEGAL REQUIREMENTS
OF HONG KONG
此食品色素符合香港法例規定

就色素及調味化合物而言 ——

THE FOOD COLOUR IN THIS
COMPOUND CONFORMS TO THE
LEGAL REQUIREMENTS OF
HONG KONG

此化合物内之食品色素符合 香港法例規定

但容器裝載分量如少於100克或100毫升(視屬何情況而定),則標籤上以中英文清楚可閱地印有"食物色素"(FOOD COLOUR)、"食物色素及調味化合物"(FOOD COLOUR AND FLAVOURING COMPOUND)(視屬何情況而定)或意思相同的聲明,即已足夠。(1979年第89號法律公告)

Second Schedule

[reg. 5(3)]

Labelling of Colouring Matter and Colouring and Flavouring Compounds

1. Each container to which regulation 5(3) relates shall bear a label on which is printed in English lettering and Chinese characters a true statement in the form of one of the following declarations—

In the case of colouring matter—

THIS FOOD COLOUR CONFORMS
TO THE LEGAL REQUIREMENTS
OF HONG KONG
此食品色素符合香港法例規定

In the case of colouring and flavouring compounds—

THE FOOD COLOUR IN THIS
COMPOUND CONFORMS TO THE
LEGAL REQUIREMENTS OF
HONG KONG
此化合物內之食品色素符合

此化合物内之食品色素符合 香港法例規定

Provided that it shall be sufficient if the labels on containers of quantities of less than 100 g or 100 mL, as the case may be, bear distinctly and legibly printed thereon in English lettering and Chinese characters the declaration "FOOD COLOUR" (食物色素) or "FOOD COLOUR AND FLAVOURING COMPOUND" (食物

S2-3 附表 2 Second Schedule 第 132H 章

- 2. 所有聲明均須以深色楷體字清楚可閱地印在淺色底上;按照前段但書所規定處理者除外,每項聲明均須印於圍線內,而圍線內不得印有任何其他東西。裝載分量超過1公斤或1升(視屬何情況而定)的容器,所用字體高度不得少於5毫米,裝載分量少於1公斤或1升但超過100克或100毫升(視屬何情況而定)的容器,所用字體高度則不得少於3毫米。(1979年第89號法律公告)
- 3. 標籤須穩固地貼在包裹物或容器上,或為包裹物或容器的一部分,而在任何情況下,均須貼放在清楚可見的位置,以及須為主要標籤的一部分或為貼近主要標籤的獨立標籤。

- 色素及調味化合物), as the case may be, or a declaration to the like effect. (L.N. 89 of 1979)
- 2. The declaration shall in each case be distinctly and legibly printed in dark block type upon a light coloured ground and, except in the case of a declaration in accordance with the proviso to the preceding paragraph, shall be so printed within a surrounding line, and no other matter shall be printed within such surrounding line. The type used for containers of quantities of more than 1 kg or 1 L, as the case may be, shall be not less than 5 mm in height, and the type used for containers of quantities of less than 1 kg or 1 L, as the case may be, but more than 100 g or 100 mL, as the case may be, shall be not less than 3 mm in height. (L.N. 89 of 1979)
- 3. The label shall be securely affixed to or be part of the wrapper or container, and in every case shall be so placed as to be clearly visible and shall either be part of any main label or a separate label placed in close proximity thereto.

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