

Trade

## Nutri-Grade Requirements to be Extended to Freshly Prepared Beverages - Consultation on Proposed New Legislation

### Introduction

In 2022, Singapore introduced a system of Nutri-Grade measures which imposed mandatory nutrition labels and advertising prohibitions for designated beverages. The measures aim to address the serious health concern of diabetes in Singapore by helping consumers identify beverages that are higher in sugar and saturated fat, and to reduce the influence of advertising.

While the measures currently apply only to beverages sold in Singapore in pre-packaged form and from automated beverage dispensers ("**existing Nutri-Grade beverages**"), from end-2023, these requirements are set to be extended to freshly prepared beverages for sale in specified settings in Singapore ("**freshly prepared Nutri-Grade beverages**"). This would include bubble tea, freshly brewed coffee or tea, and freshly squeezed juices.

Additional labelling requirements will also be introduced. These will apply to both beverages under the current Nutri-Grade measures as well as freshly prepared Nutri-Grade beverages.

To facilitate the new measures, the Ministry of Health ("**MOH**") and the Health Promotion Board ("**HPB**") have launched a consultation to seek feedback on the proposed new legislation under the Sale of Food Act 1973. Businesses involved in the production and sale of such beverages should be aware of the proposed measures and how it may affect their operations, and should submit any relevant feedback before the consultation ends on 13 April 2023.

This Update provides a summary of the key changes under the new measures and the proposed new legislation.

### Nutri-Grade Framework and New Measures

The Nutri-Grade framework sets out a grading framework, labelling requirements and advertising prohibitions for prescribed beverages. The new measures will apply to existing Nutri-Grade beverages and freshly prepared Nutri-Grade beverages sold in specified settings, which include:

- retail settings such as food and beverage outlets and catering establishments; and
- non-retail settings such as hotels, workplaces, educational institutions, healthcare institutions and childcare facilities.



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#### Grading

Currently, the measures apply to existing Nutri-Grade beverages, which are beverages sold in Singapore in pre-packaged form and from non-customisable automated beverage dispensers. They are graded for sugar and saturated fat content as follows:

| Grade                                   | A                   | B           | C           | D    |
|---|---------------------|-------------|-------------|------|
| Sugar Content (grams per 100ml)         | ≤1 and no sweetener | >1 to 5     | >5 to 10    | >10  |
| Saturated Fat Content (grams per 100ml) | ≤0.7                | >0.7 to 1.2 | >1.2 to 2.8 | >2.8 |

Moving forward, **freshly prepared Nutri-Grade beverages** will also be included in the Nutri-Grade grading system. They will be graded as "A", "B", "C", or "D" as follows:

- If the beverage is prepared by hand at a place or premises, the seller must ensure that it is graded accordingly.
- If the beverage is sold from a customisable automated beverage dispenser, the person who calibrates the dispenser must ensure that it is graded accordingly.

#### Labelling and advertising prohibitions

New Nutri-Grade labelling requirements and advertising prohibitions will be introduced to existing Nutri-Grade beverages as well as extended to freshly prepared Nutri-Grade beverages. The key changes are highlighted below.

#### Labelling

Currently, **existing Nutri-Grade beverages intended for sale in a retail setting** graded "C" or "D" must be labelled with a Nutri-Grade mark on the front of pre-packaged beverages or next to beverages listed on non-customisable automated beverage dispensers. Labelling is optional for Nutri-Grade beverages graded "A" or "B".

Moving forward, the labelling requirement will extend to **existing Nutri-Grade beverages for sale in non-retail settings**. Also, new labelling requirements will apply to both **existing Nutri-Grade beverages** as well as to **freshly prepared Nutri-Grade beverages**, which include:

- For **existing Nutri-Grade beverages for sale in non-retail settings**, the current labelling requirements applicable to Nutri-Grade beverages for sale in retail settings will apply. Hence,

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the Nutri-Grade mark must similarly be labelled on the front of pre-packaged beverages or next to beverages listed on non-customisable automated beverage dispensers.

- For **freshly prepared Nutri-Grade beverages** from customisable automated beverage dispensers, the Nutri-Grade mark must be labelled next to the beverage listed on the dispenser.
- For both **existing and freshly prepared Nutri-Grade beverages** intended for sale in a specified setting, the Nutri-Grade mark must be labelled next to beverages listed for sale at their point of purchase, such as on physical or online menus, posters, signs, or other material informing consumers that the beverage is for sale. In this regard, a simplified Nutri-Grade mark has been developed.

The labelling of Nutri-Grade beverages graded "A" or "B" will remain optional.

#### ***Provision of nutrition information***

Currently, **existing Nutri-Grade beverages intended for sale in a retail setting** are required to be provided with its nutrition information, specifying the energy value, the amounts of protein, carbohydrate, total sugar, fat and unsaturated fat. This must be labelled on pre-packaged beverages, or made available either by an electronic record or a physical copy for beverages from non-customisable automated beverage dispensers.

Moving forward, this requirement will extend to **existing Nutri-Grade beverages for sale in non-retail settings**, as well as **freshly prepared Nutri-Grade beverages**, which include:

- For **existing Nutri-Grade beverages for sale in non-retail settings**, the current requirements for provision of nutrition information applicable to retail settings will apply. Hence, the nutrition information must similarly be labelled on the front of pre-packaged beverages or made available for beverages from non-customisable automated beverage dispensers.
- For **freshly prepared Nutri-Grade beverages**, the nutrition information must be made available to any person who wishes to view the information either by an electronic record or a physical copy. In this regard:
  - For toppings added to a freshly prepared Nutri-Grade beverage, the sugar declaration for the topping must be made available to any person who wishes to view the information.
  - For beverages dispensed from a customisable automated beverage dispenser, information that would have been required on a nutrition information panel must be clearly displayed on, or near to, the dispenser.

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#### **Advertising**

Currently, advertisements of **existing Nutri-Grade beverages** graded "D" are prohibited across all media platforms, such as broadcast, print, or online. They are only allowed at point-of-sale platforms, provided that the Nutri-Grade mark is displayed.

Moving forward, the advertising prohibition over grade "D" beverages will extend to **all freshly prepared Nutri-Grade beverages**.

#### **Concession**

MOH and HPB have indicated that they will provide a concession to individuals and entities running smaller food businesses that involve the sale or supply of freshly prepared Nutri-Grade beverages. Such businesses must satisfy the following conditions:

- They must earn a revenue of not more than S\$1 million in the latest financial year; and
- They must sell or supply those beverages at fewer than 10 food premises.

These businesses will be exempt from the Nutri-Grade framework requirements. However, they will still be required to comply with the measures for existing Nutri-Grade beverages in pre-packaged form or dispensed from vending machines and non-customisable automatic beverage dispensers.

This concession is intended to alleviate the challenges such businesses may face, such as a lack of resources to determine the grading of the beverages being sold. MOH and HPB have indicated that they will review this concession over time and make the necessary adjustments.

#### **Concluding Words**

MOH and HPB are working towards publishing the new measures in the Government Gazette in mid-2023, and are intending to make effective the measures six months thereafter in end-2023.

Businesses involved in the supply and sale of beverages must review the proposed changes and determine how the new measures will apply to them. The changes will impact businesses' allocation of resources to determine the grading of the beverages, what and how information needs to be brought to the consumers' attention, as well as the rules of engagement on advertising, including for those beverages graded "D". Last, businesses should also ascertain if they fall within the scope of concessions provided by MOH and HPB. Note that the concessions are not permanent as they are expected to be adjusted over time.

Parties wishing to submit any feedback for the consultation, or otherwise discuss any issue in this regard, may feel free to contact our team.

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Please click on the following links for more information (available on the MOH website [www.moh.gov.sg](http://www.moh.gov.sg) and the Reach website [www.reach.gov.sg](http://www.reach.gov.sg)):

- [Extension of Nutri-Grade Requirements to Freshly Prepared Beverages from End 2023](#)
- [Consultation on Draft Food \(Amendment No X\) Regulations 2023 and Sale of Food \(Freshly Prepared Nutri-Grade Beverages - Exemption\) Order 2023: Additional Measures for Nutri-Grade Beverages](#)
- [Summarised New Requirements of the Nutri-Grade Measures](#)

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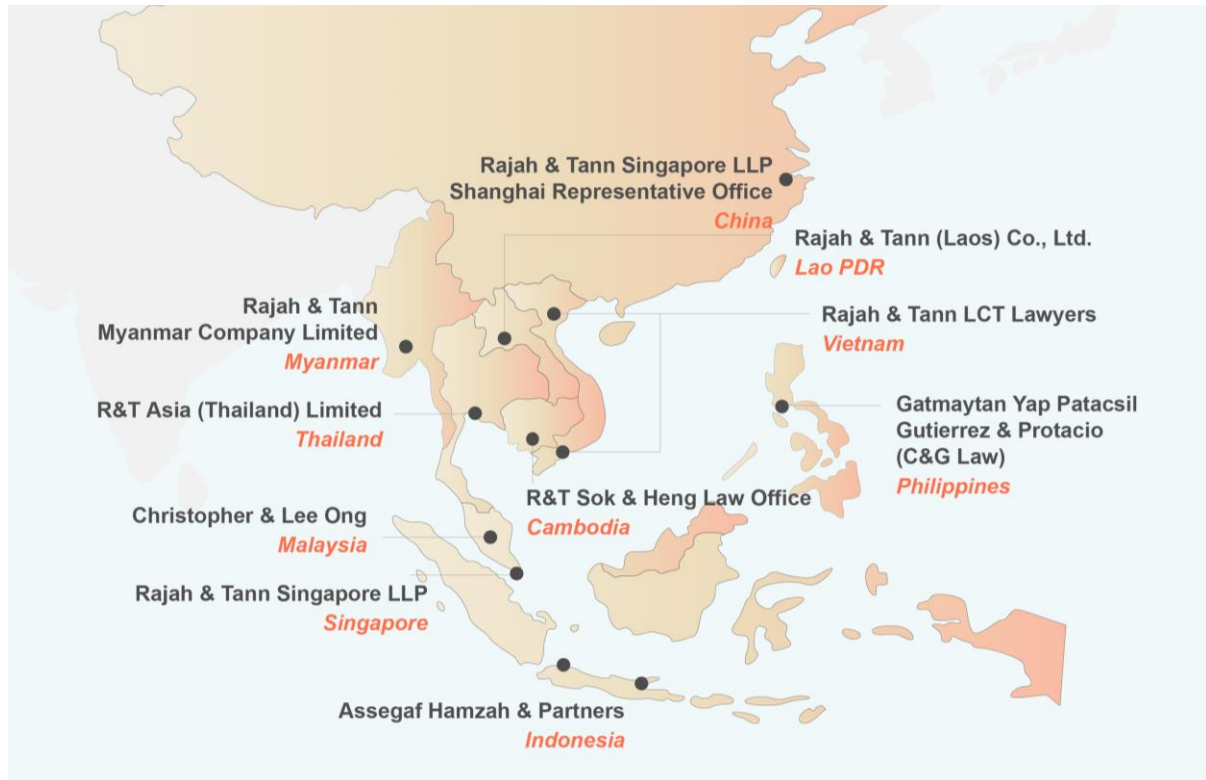
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