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SALE OF FOOD ACT (CHAPTER 283)

FOOD (AMENDMENT NO. 2) REGULATIONS 2021

In exercise of the powers conferred by section 56(1) of the Sale of Food Act, the Minister for Sustainability and the Environment makes the following Regulations:

Citation and commencement

1. These Regulations are the Food (Amendment No. 2) Regulations 2021 and come into operation on 30 December 2022.

Amendment of regulation 2

2. Regulation 2(1) of the Food Regulations (Rg 1) is amended —

(a) by inserting, immediately before the definition of “container”, the following definition:

““automated beverage dispenser” means a machine that dispenses a non-prepacked beverage according to a pre-fixed formula, with no option for a prospective purchaser of the beverage to customise the amount of any ingredient in the beverage;”;

(b) by inserting, immediately after the definition of “infant”, the following definition:

““Nutri-Grade beverage” has the meaning given by regulation 184A;” and

(c) by inserting, immediately after the definition of “premises”, the following definition:

““total sugar”, in respect of any Nutri-Grade beverage, means any monosaccharide and disaccharide in the Nutri-Grade beverage;”.

New regulations 184A to 184F

3. The Food Regulations are amended by inserting, immediately after regulation 184, the following heading and regulations:

“NUTRI-GRADE REQUIREMENTS FOR BEVERAGES

Nutri-Grade beverages

184A.—(1) In these Regulations, “Nutri-Grade beverage” means any beverage (including any powder or concentrate 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 purpose 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 a weight control diet, that is, formula food presented 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.

(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.

Nutri-Grade grading system

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 — its manufacturer;
- (b) if the Nutri-Grade beverage is imported for sale by retail in Singapore — its local importer;
- (c) in any other case — its distributor.

(2) In these Regulations, a reference to the grade of a Nutri-Grade beverage refers to its grade according to that grading system.

Nutrition information of Nutri-Grade beverages

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

- (a) 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;
- (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;
- (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 (c)(i) and (ii); and
- (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 (c)(i) and (ii).

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

(a) the nutrition information panel —

- (i) specifies the information that is required under that paragraph on the basis that the Nutri-Grade beverage is prepared according to the manufacturer's instructions on how to prepare the Nutri-Grade beverage; and
- (ii) if that information is expressed as grams per 100 ml of the Nutri-Grade beverage, states that the information is on the basis that the Nutri-Grade beverage is prepared according to those instructions; and

(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 ensure the package is labelled under that paragraph may be satisfied by —

- (a) ensuring the package of each unit of the prepacked Nutri-Grade beverage is labelled; or
- (b) ensuring the package to be sold as a single item is labelled 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.

(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 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 (in a form described in paragraph (5)) to any person who wishes to view the information.