First published in the Government *Gazette*, Electronic Edition, on 30 June 2023 at 5 pm.

No. S 451

SALE OF FOOD ACT 1973

FOOD (AMENDMENT NO. 2) REGULATIONS 2023

In exercise of the powers conferred by section 56(1) of the Sale of Food Act 1973, the Minister for Sustainability and the Environment makes the following Regulations:

Citation and commencement

1. These Regulations are the Food (Amendment No. 2) Regulations 2023 and come into operation on 30 December 2023.

Amendment of regulation 2

2. In the Food Regulations (Rg 1), in regulation 2 —

(*a*) in paragraph (1), replace the definition of "automated beverage dispenser" with —

"" "automated beverage dispenser" means a machine that dispenses a non-prepacked beverage that is —

(*a*) a customisable beverage, that is, with an option for a prospective consumer of the beverage to customise the amount of any ingredient in the beverage; or

(*b*) a non-customisable beverage, that is, without the option described in paragraph (*a*);

"consumer-facing automated beverage dispenser" means an automated beverage dispenser that is —

(*a*) accompanied by an image or a text listing of what beverage may be dispensed from it; and

(*b*) placed in a way that allows a prospective consumer to see the image or text listing, whether or not the prospective consumer is himself or herself allowed to dispense a beverage from the automated beverage dispenser of his or her choice based on the image or text listing;";

(*b*) in paragraph (1), after the definition of "food additive", insert —

" "freshly prepared", in relation to any Nutri-Grade beverage, means a Nutri-Grade beverage —

(*a*) that is prepared by hand —

(i) at the place or premises where it is sold; or

(ii) at any place or premises in connection with a sale of the Nutri-Grade beverage online; or

(*b*) for which a prospective consumer may customise the amount of at least one ingredient in the Nutri-Grade beverage;";

(*c*) in paragraph (1), after the definition of "premises", insert —

" "specified setting", in relation to the sale of any Nutri-Grade beverage, means —

(*a*) the sale of the Nutri-Grade beverage by a retail food business;

(*b*) the sale of the Nutri-Grade beverage from an automated beverage dispenser or from a vending machine;

(*c*) the supply of the Nutri-Grade beverage under a contract (whether or not the contract is made with the consumer of the Nutri-Grade beverage), together with any accommodation, service or entertainment, in consideration of an inclusive charge for the Nutri-Grade beverage and the accommodation, service or entertainment;

(*d*) the supply of the Nutri-Grade beverage (whether or not for consideration) in the course of providing services —

(i) to patients in hospitals, hospices and other residential care facilities like nursing homes;

(ii) to children or other individuals in the care or custody of the supplier by virtue of any Act; or

(iii) to prisoners or inmates in prisons or other places for the detention of individuals under any Act; or

(*e*) the supply of the Nutri-Grade beverage as part of providing amenities at a place of work;

"sugar declaration", in relation to a topping to a freshly prepared Nutri-Grade beverage, means a declaration of the sugar content of the Nutri-Grade beverage with the topping less

the sugar content without the topping, made in accordance with paragraph (3);

"topping", in respect of a freshly prepared Nutri-Grade beverage, means caramel syrup, ice cream, pudding, tapioca pearls, whipped cream or any other ingredient added to the Nutri-Grade beverage for decoration or to enhance flavour;"; and

(*d*) after paragraph (2), insert —

"(3) For the purpose of the definition of "sugar declaration" in paragraph (1) —

(*a*) the Nutri-Grade beverage's sugar content (with or without a topping) is the grams of total sugar per 100 ml of the Nutri-Grade beverage less the grams of lactose and galactose per 100 ml of the Nutri-Grade beverage; and

(*b*) in determining the sugar content —

(i) subject to sub-paragraph (ii), the grams of total sugar, lactose and galactose per 100 ml of the Nutri-Grade beverage are determined by the information that would have been required to be labelled on the Nutri-Grade beverage's package under regulation 184C(1) and (2), if the Nutri-Grade beverage were sold as a prepacked beverage that is not freshly prepared; and

(ii) 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.".

Amendment of regulation 184A

3. In the Food Regulations, in regulation 184A(1), delete sub-paragraphs (*b*) and (*c*).

Amendment of regulation 184B

4. In the Food Regulations, in regulation 184B(1) —

(*a*) replace "a Nutri-Grade beverage intended for sale by retail in Singapore is" with "the following Nutri-Grade beverages are"; and

(*b*) replace sub-paragraphs (*a*), (*b*) and (*c*) with —

"(*a*) a Nutri-Grade beverage that is not freshly prepared and is intended for sale in a specified setting —

(i) if the Nutri-Grade beverage is manufactured in Singapore — its manufacturer;

(ii) if the Nutri-Grade beverage is imported — its local importer; and

(iii) in any other case — its distributor;

(*b*) a Nutri-Grade beverage that is freshly prepared and is intended for sale in a specified setting —

(i) if the Nutri-Grade beverage is prepared by hand at any place or premises — its seller; and

(ii) if the Nutri-Grade beverage is sold from an automated beverage dispenser for customisable beverages — the person who calibrates the automated beverage dispenser to be able to dispense beverages according to inputs given by a prospective consumer of the beverage.".

Amendment of regulation 184C

5. In the Food Regulations, in regulation 184C —

(*a*) in paragraph (1), replace "intended for sale by retail in Singapore" with "that is not freshly prepared and is intended for sale in a specified setting,";

(*b*) replace paragraph (4) with —

"(4) If —

(*a*) a person is required by regulation 184B(1) to ensure a Nutri-Grade beverage intended for sale in a specified setting is graded; and

(*b*) the Nutri-Grade beverage is freshly prepared or sold from an automated beverage dispenser for non-customisable beverages,

then the person must ensure that a nutrition information panel for the Nutri-Grade beverage that satisfies the requirements in paragraph (1) is made available (in any manner described in paragraph (5)) to any person who wishes to view the nutrition information panel.

(4A) For the purpose of paragraph (4) —

(*a*) where there is a preparation of the freshly prepared Nutri-Grade beverage offered to a prospective consumer who does not customise the amount of any ingredient in the Nutri-Grade beverage (called the default preparation) — the nutrition information panel must be based on the default preparation; or

(*b*) where the freshly prepared Nutri-Grade beverage does not have a default preparation and a prospective customer must customise the amount of any one or more ingredients in the Nutri-Grade

beverage, the nutrition information panel must be based on —

(i) the customised preparation of the Nutri-Grade beverage with the poorest grade from amongst all possible customised preparations of the Nutri-Grade beverage offered to prospective consumers; and

(ii) if there is more than one such customised preparation with that grade, the customised preparation with the poorest grade and the highest percentage of sugar content per 100 ml, determined according to paragraph 6 of the Sixteenth Schedule.

(4B) Where —

(*a*) a topping may be added to a freshly prepared Nutri-Grade beverage intended for sale in a specified setting; and

(*b*) the topping is listed on a menu, poster, sign or other material that is used to inform a prospective consumer that the topping may be added to the Nutri-Grade beverage,

then the person mentioned in paragraph (4) must (in addition to complying with that paragraph) ensure that a sugar declaration for each topping that may be added to the freshly prepared Nutri-Grade beverage —

(*c*) complies with the requirements for a nutrition information panel mentioned in paragraph (1); and

(*d*) is available in any manner described in paragraph (5) to any person who wishes to view the information.

(4C) The requirement in paragraph (4B) may be satisfied in relation to a topping by a sugar declaration for the topping when the topping is added to any freshly prepared Nutri-Grade beverage sold in the specified setting, even if the person allows the topping to be added to more than one type of such beverage.";

(*c*) in paragraph (5), replace "paragraph (4)" with "paragraphs (4) and (4B)";

(*d*) in paragraph (5), replace sub-paragraph (*a*) with —

"(*a*) if the Nutri-Grade beverage is sold from an automated beverage dispenser, clearly displayed on, or near to, the automated beverage dispenser;"; and

(*e*) in paragraph (6)(*a*), after "Nutri-Grade beverage that", insert "is not freshly prepared,".

Amendment of regulation 184D

6. In the Food Regulations, in regulation 184D —

(*a*) in paragraph (1)(*b*), after "per 100 ml," insert "determined according to paragraph 6 of the Sixteenth Schedule and";

(*b*) delete paragraph (2);

(*c*) in paragraph (3), replace "intended for sale by retail in Singapore" with "that is not freshly prepared and is intended for sale in a specified setting";

(*d*) in paragraph (3)(*c*)(ii), replace "purchaser's" with "consumer's";

(*e*) after paragraph (4), insert —

"(4A) Where a person is required by regulation 184B(1) to ensure a Nutri-Grade beverage intended for sale in a specified setting is graded and the person uses a menu, poster, sign or other material to inform a prospective consumer that the Nutri-Grade beverage is for sale —

(*a*) if the Nutri-Grade beverage's grade is "A" or "B" — the person may label, or cause to be labelled, each listing of the Nutri-Grade beverage in the menu, poster, sign or other material with a Nutri-Grade mark that is either next to or in direct relation to each listing; or

(*b*) if the Nutri-Grade beverage's grade is "C" or "D" — the person must ensure that each listing of the Nutri-Grade beverage in the menu, poster, sign or other material is labelled with a Nutri-Grade mark that is either next to or in direct relation to each listing.

(4B) Where a person labels, or causes to be labelled, a menu, poster, sign or other material in accordance with paragraph (4A)(*a*), or is required to ensure a menu, poster, sign or other material is labelled in accordance with paragraph (4A)(*b*), the person must ensure —

(*a*) if the Nutri-Grade beverage is one for which a prospective consumer may customise the amount of at least one ingredient in the Nutri-Grade beverage — that the menu, poster, sign or other material includes a description of how the Nutri-Grade beverage that the Nutri-Grade mark is based on is customised; and

(*b*) if a topping may be added to the freshly prepared Nutri-Grade beverage — that the menu, poster, sign or other material includes a sugar declaration in relation to the topping.

(4C) The requirement in paragraph (4B)(*b*) may be satisfied in respect of a topping by a sugar declaration

for the topping when the topping is added to any freshly prepared Nutri-Grade beverage listed on the menu, poster, sign or other material, even if the person allows the topping to be added to more than one type of such beverage.

(4D) Where a person sells a Nutri-Grade beverage in a specified setting from a consumer-facing automated beverage dispenser —

(*a*) if the Nutri-Grade beverage's grade is "A" or "B" — the person may label, or cause to be labelled, the Nutri-Grade beverage with a Nutri-Grade mark in accordance with paragraph (4E); and

(*b*) if the Nutri-Grade beverage's grade is "C" or "D" — the person must ensure that the Nutri-Grade beverage is labelled with a Nutri-Grade mark in accordance with paragraph (4E).

(4E) For the purpose of paragraph (4D) —

(*a*) the label must be on, or near to, the automated beverage dispenser; and

(*b*) if more than one beverage is available from the automated beverage dispenser, the label must be next to or in direct relation to the image or text listing of the Nutri-Grade beverage."; and

(*f*) in paragraph (5), replace "must comply with the specifications in the document known as "Specifications of the Nutri-Grade mark"" with ", and any sugar declaration under paragraph (4B)(*b*), must comply with the specifications in the document known as "Specifications of the Nutri-Grade mark and Sugar Declaration"".

Deletion of regulation 184E

7. In the Food Regulations, delete regulation 184E.

Amendment of regulation 184F

8. In the Food Regulations, in regulation 184F —

(*a*) in paragraph (2)(*b*), replace "name and price of the Nutri-Grade beverage" with "Nutri-Grade beverage's name or price or both";

(*b*) in paragraph (2)(*b*), replace sub-paragraph (i) with —

"(i) on the corporate website of —

(A) a manufacturer, an importer or a distributor of a Nutri-Grade beverage that is not freshly prepared; or

(B) a seller of a freshly prepared Nutri-Grade beverage;";

(*c*) in paragraph (2)(*b*)(iii), delete "or" at the end;

(*d*) in paragraph (2), replace sub-paragraph (*c*) with —

"(*c*) that complies with all of the following requirements:

(i) the advertisement is published at a variety shop or an online variety shop;

(ii) the advertisement is for a prepacked Nutri-Grade beverage that is not freshly prepared;

(iii) 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"; or

(*d*) that is a menu, poster, sign or other material labelled in accordance with regulation 184D(4A) and (4B)."; and

(*e*) replace paragraph (3) with —

"(3) In this regulation —

"corporate website" means an Internet website of a manufacturer, an importer, a distributor or a seller (called in this definition *A*) that is accessible by the public and through which the public may obtain information about *A* or *A*'s products, but does not include a specified online location;

"online variety shop" means an online location of sale that sells mainly the variety of things referred to in the definition of "variety shop";

"specified online location" means any part of an online location of sale where a prospective consumer is able to select for purchase a Nutri-Grade beverage intended for sale in a specified setting;

"variety shop" includes a convenience store, grocery shop, supermarket or other establishment however named that sells mainly a variety of food, small household items, toiletries and other small consumer goods.".

Amendment of Sixteenth Schedule

9. In the Food Regulations, in the Sixteenth Schedule —

(*a*) replace the Schedule reference with —

"Regulations 184B(1), 184C(4A) and 184D(1)";

(*b*) in paragraph 1, after "with paragraphs 2 to 6", insert ", with "A" being the best grade and "D" being the poorest grade";

(*c*) in paragraph 2, replace "lower" with "poorer";

(*d*) in paragraph 6(*c*)(i)(A), after "Nutri-Grade beverage", insert "that is not freshly prepared"; and

(*e*) in paragraph 6(*c*)(i), replace sub-paragraph (B) with —

"(B) for a Nutri-Grade beverage that is freshly prepared or sold from an automated beverage dispenser for non-customisable beverages — by the information that is required on a nutrition information panel for the Nutri-Grade beverage under regulation 184C(4);".

[G.N. Nos. S 515/2006; S 195/2011; S 175/2012; S 444/2012; S 493/2013; S 816/2014; S 49/2016; S 152/2017; S 302/2017; S 146/2018; S 59/2019; S 580/2019; S 237/2020; S 424/2020; S 704/2020; S 813/2020; S 695/2021; S 993/2021; S 606/2022; S 760/2022; S 203/2023]

Made on 19 June 2023.

STANLEY LOH KA LEUNG
Permanent Secretary,
Ministry of Sustainability and
the Environment,
Singapore.

[030/01/114; AG/LEGIS/SL/283/2020/1 Vol. 7]

(To be presented to Parliament under section 56(8) of the Sale of Food Act 1973).