

ANNEX

Food Safety Law of the People's Republic of China**Comparison between versions of 2009, 2013, 2014**

COMMENTS:

Please find below a translation of Food Safety Law 2014 version, in a comparison format.

The very original Food Safety Law is called 2009 version

The revision which the EU has commented last year is called 2013 version

The revision which is newly published by the State Council for the 2nd round comments until 31 July 2014 is called 2014 version.

The **black bold** part means the newly added contents in 2014 version

The **red bold** part means the changes in 2014 version which is made based on the black bold parts in 2013 version.

The translation of 2013 version is provided by NZ embassy.

The translation of 2014 version is made basing on the translation of 2013 version – kindly provided by the EU Delegation in Beijing.

Comments on 2014 version have been sent via:

- 1) NPC Website (www.npc.gov.cn)
- 2) By courier to NPC Legal Affairs Committee (address: 北京市西城区前门西大街1号, postcode: 100805), with specifying食品安全法修订草案征集意见 on the envelope.

| Original 2009 | 1st Amended 2013 | 2st Amended 2014 |
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| Chapter 1: General Provisions | Chapter 1: General Provisions | Chapter 1: General Provisions |
| Article 1 This Law is formulated to assure food safety and safeguard people's health and life. | Article 1 This Law is formulated to assure food safety and safeguard people's health and life. | Article 1 This Law is formulated to assure food safety and safeguard people's health and life. |
| <p>Article 2 The following business activities carried out within the territory of the People's Republic of China shall abide by this law:</p> <p>1) Food production and processing (hereinafter referred to as "Food Production"); food distribution and catering service (hereinafter referred to as "Food Trading");</p> <p>2) Production and trading of food additives;</p> <p>3) Production and trading of packing materials, vessels, detergents and disinfectants for food, as well as utensils and equipment used in food production and trading (hereafter referred to as "Food-Related Products");</p> <p>4) Food additives and food-related products used by food producers and traders;</p> <p>5) Safety management of food, food additives</p> | <p>Article 2 The following business activities carried out within the territory of the People's Republic of China shall abide by this law:</p> <p>1) Food production and processing (hereinafter referred to as "Food Production"); food distribution and catering service (hereinafter referred to as "Food Trading");</p> <p>2) Production and trading of food additives;</p> <p>3) Production and trading of packing materials, vessels, detergents and disinfectants for food, as well as utensils and equipment used in food production and trading (hereafter referred to as "Food-Related Products");</p> <p>4) Food additives and food-related products used by food producers and traders;</p> <p>5) Safety management of food, food additives</p> | <p>Article 2 The following business activities carried out within the territory of the People's Republic of China shall abide by this law:</p> <p>1) Food production and processing (hereinafter referred to as "Food Production"); food distribution and catering service (hereinafter referred to as "Food Trading");</p> <p>2) Production and trading of food additives;</p> <p>3) Production and trading of packing materials, vessels, detergents and disinfectants for food, as well as utensils and equipment used in food production and trading (hereafter referred to as "Food-Related Products");</p> <p>4) Food additives and food-related products used by food producers and traders;</p> <p>5) Safety management of food, food additives</p> |

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| <p>and food-related products.</p> <p>The quality and safety management of primary agricultural products for consumption (hereinafter referred to as "Edible Agricultural Products") shall abide by the Law of the People's Republic of China on Quality and Safety of Agricultural Products. However, this Law must be observed when developing quality and safety standards and releasing food safety information on edible agricultural products.</p> | <p>and food-related products.</p> <p>The quality and safety management of primary agricultural products for consumption (hereinafter referred to as "Edible Agricultural Products") shall abide by the Law of the People's Republic of China on Quality and Safety of Agricultural Products. However, this Law must be observed if it is otherwise provided for in this law.</p> | <p>and food-related products.</p> <p>The quality and safety management of primary agricultural products for consumption (hereinafter referred to as "Edible Agricultural Products") shall abide by the Law of the People's Republic of China on Quality and Safety of Agricultural Products. However, making quality and safety standards on relevant edible agricultural products and publishing relevant information on the edible agricultural products shall abide by relevant regulations of this Law.</p> |
| | <p>Article 3 Food safety regulatory work shall abide by the principles of "putting prevention first, risk management, whole-process control, and making efforts by the whole society".</p> | <p>Article 3 Food safety related work shall implement prevention first, risk management, whole-process control, make efforts by the whole society, and establish the most stringent supervision and management scheme.</p> |
| <p>Article 3 Food producers and traders shall strictly follow relevant laws, regulations and food safety standards in their business activities, be responsible for the public, ensure the food safety, receive the supervision of the public, and bear the social responsibility.</p> | <p>Article 4 Food producers and traders are the first persons responsible for food safety, shall strictly follow relevant laws, regulations and food safety standards in their business activities, be honest and self-disciplined, be responsible for the public, ensure the food safety, receive the supervision of the public, and bear the social responsibility.</p> | <p>Article 4 Food producers and traders shall follow relevant laws, regulations and food safety standards in their business activities to ensure food safety and to be honest and self-disciplined, be responsible for the society and public, ready for public supervision, and bear the social responsibility.</p> <p>Food producers and traders are the first persons responsible for food safety, bearing management responsibility for the food produced and traded, bearing compensation</p> |

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| | | <p>responsibility for damage to person, to property and other damages, and bearing legal responsibility in accordance with law if severe damage to the society is occurred.</p> |
| <p>Article 4 The State Council shall establish a Food Safety Committee whose responsibilities will be determined by the State Council.</p> <p>The executive department of health under the State Council is responsible for the overall food safety coordination, risk assessment of food safety, formulation of food safety standards, release of food safety information, development of accreditation criteria for food testing agencies and testing specifications, and the organization of investigation of and response to major food safety accidents.</p> <p>The regulatory departments for quality supervision, industry and commerce administration, and food and drug administration under the State Council shall regulate food production, food distribution, and catering service, respectively, in accordance with this law and the responsibilities identified by the State Council.</p> | <p>Article 5 The State Council shall establish a Food Safety Committee whose responsibilities will be determined by the State Council.</p> <p>The Food and Drug Regulatory Department under State Council, in accordance with this law and the responsibilities identified by the State Council, is responsible for the overall food safety coordination, and responsible for regulating food production and trading activities.</p> <p>The Health Administrative Department under State Council, in accordance with this law and the responsibilities identified by the State Council, is responsible for risk assessment of food safety and formulation of food safety standards.</p> <p>The Quality Supervision, Inspection and Quarantine Department under State Council, in accordance with this law and the responsibilities identified by the State Council, is responsible for regulating food-related production activities and food</p> | <p>Article 5 The State Council shall establish a Food Safety Committee whose responsibilities will be determined by the State Council.</p> <p>The Food and Drug Regulatory Department under State Council, in accordance with this law and the responsibilities identified by the State Council, is responsible for regulating food production and trading activities, and for managing daily routine work of the State Council Food Safety Committee.</p> <p>The Health Administrative Department under State Council, in accordance with this law and the responsibilities identified by the State Council, is responsible for organising and conducting risk assessment of food safety and formulation of food safety standards.</p> <p>Other relevant authorities under the State Council shall perform their corresponding duties in accordance with this law and</p> |

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| | <p>import and export activities.</p> <p>The Public Security Department under the State Council, in accordance with this law and the responsibilities identified by the State Council, is responsible for organizing the investigation work of food safety crime cases.</p> <p>Other departments related to food safety work under the State Council, shall perform their corresponding duties in accordance with this law and relevant provisions of the State Council.</p> | <p>responsibilities defined by the State Council, to undertake food safety related work.</p> |
| <p>Article 5 Local people's governments at and above the county level shall take integrated responsibility, leadership, organization, and coordination roles in regulating food safety within their jurisdiction and shall establish and hone a mechanism on the regulation of food safety during the whole food chain; take the integrated leadership and guidance role in dealing with food safety emergencies; develop and enforce a food safety accountability system that evaluates and examines the regulatory agencies related to food safety.</p> <p>The local People’s Government at the county</p> | <p>Article 6 Local people's governments at and above the county level shall take integrated responsibility, leadership, organization, and coordination roles in regulating food safety within their jurisdiction and shall establish and hone a mechanism on the regulation of food safety during the whole food chain; incorporate food safety work into the local economic and social development plan; enhance food safety regulation capacity building, and provide guarantees for food safety regulation work; take the integrated leadership and guidance role in dealing with food safety emergencies; develop and enforce a food safety</p> | <p>Article 6 Local people's governments at and above the county level bear highest responsibility to regulate food safety within their respective jurisdiction, shall take integrated responsibility, leadership, organisation, and coordinate roles in regulating food safety and coping with food safety emergencies within their jurisdiction and shall establish and hone a mechanism on the regulation of food safety during the whole food chain. And incorporate food safety work into the local economic and social development plan; enhance food safety regulation capacity building, and provide guarantees</p> |

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| <p>level or above shall define the regulatory responsibilities relating to food safety for the executive departments on health, agriculture, quality supervision, industry and commerce, and food and drug administration in accordance with this Law and the State Council regulations. The relevant departments shall be responsible for the regulatory work on food safety within their respective jurisdiction.</p> <p>Agencies that are established by subordinate administrative divisions of a higher level government and are located in a lower level administrative region shall carry out the regulatory responsibilities of food safety under the integrated organization and coordination of the lower level government.</p> | <p>accountability system, and evaluate and examine food safety work.</p> <p>The local People’s Government at the county level or above shall define the regulatory responsibilities relating to food safety for the executive departments at their own levels on food and drug administration, quality supervision, inspection and quarantine, agriculture, and health in accordance with this Law and the State Council regulations. The relevant departments shall be responsible for the regulatory work on food safety within their respective jurisdiction.</p> <p>Agencies that are established by subordinate administrative divisions of a higher level government and are located in a lower level administrative region shall carry out the regulatory responsibilities of food safety under the integrated organization and coordination of the lower level government.</p> <p>County-level food and drug regulatory departments can establish food and drug regulatory resident agencies in townships or districts.</p> <p>Township people’s government and community offices are responsible for food safety work in their own districts, and</p> | <p>for food safety regulation work.</p> <p>The local People’s Government at the county level or above shall define the regulatory responsibilities relating to food safety for the executive departments at their own levels on food and drug administration, health administrative departments and other relevant departments in accordance with this Law and the State Council regulations. The relevant departments shall be responsible for the regulatory work on food safety within their respective jurisdiction.</p> |
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| | <p>responsible for works such as organizing food safety hidden hazards screening, information reporting, law enforcement assistance, publicity and public education.</p> | <p>County-level food and drug regulatory departments can establish food and drug regulatory resident agencies in townships or specific districts.</p> <p>Article 7 The local people's governments at the county level or above enforce food safety accountability system. The higher-level people's governments evaluate and examine food safety work of the lower-level people's governments. The local people's governments at the county level or above are in charge of evaluating and examining the regulating work performed by the food and drug administration and other food safety related departments at their own levels.</p> <p>Article 8 The local people's governments at the county level shall incorporate food safety work into the economic and social development plan at their own levels; list the expense of conducting food safety related work to the financial budget of the</p> |
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| | | <p>government at the same level; enhance food safety regulation capacity building, and provide guarantees for food safety regulation work.</p> <p>The local people's governments at the county level shall integrate food safety inspection and information resources to realise resources sharing.</p> |
| <p>Article 6 The administrative departments of health, agriculture, quality supervision, industry and commerce, and food and drug administration at the county level or above shall enhance communication, coordination, exercise the rights and bear the responsibilities in accordance with their respective duties.</p> | <p>Article 7 Food safety administrative departments and other departments related to food safety work at the county level or above shall enhance communication, coordination, exercise the rights and bear the responsibilities in accordance with their respective duties.</p> | <p>Article 9 Food safety administrative departments and other departments related to food safety work under the local people's governments at the county level or above shall enhance communication, coordination, exercise the rights and bear the responsibilities in accordance with their respective duties on regulating food safety.</p> |
| <p>Article 7 Food industry associations shall tighten the self-discipline of the industry, and guide food producers and traders to produce and trade according to law, facilitate the construction of industry creditability, and publicize and spread</p> | <p>Article 8 Food industry associations shall tighten the self-discipline of the industry, and guide food producers and traders to produce and trade according to law, facilitate the construction of industry creditability, and publicize and spread</p> | <p>Article 10 Food industry associations shall tighten the self-discipline of the industry, and guide food producers and traders to produce and trade according to law, facilitate the construction of industry creditability, and publicize and spread</p> |

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| <p>knowledge related to food safety.</p> | <p>knowledge related to food safety.</p> | <p>knowledge related to food safety.</p> |
| <p>Article 8 The State encourages social and community groups to conduct educational activities regarding food safety laws and regulations, food safety standards and knowledge, to advocate healthy diets, and to raise consumers’ food safety awareness and self-protection ability.</p> <p>The media shall publicize food safety laws, regulations, standards and knowledge for free and provide public oversight on acts that violate the Law.</p> | <p>Article 9 The State incorporates food safety knowledge into national quality education, popularizes food safety laws, regulations, and relevant standards and knowledge, and carries out food safety public awareness advocacy.</p> <p>The State encourages social and community groups to conduct educational activities regarding food safety laws and regulations, food safety standards and knowledge, to advocate healthy diets, and to raise consumers’ food safety awareness and self-protection ability.</p> <p>The media shall publicize food safety laws, regulations, standards and knowledge for free, report food safety issues in an objective and just manner, and provide public oversight on acts that violate the Law.</p> | <p>Article 11 Local people's governments at county levels or above shall enhance publicity and education on food safety, popularize food safety knowledge; encourage social communities and autonomous mass organisations at the grass-roots level to conduct education on food safety laws, regulations, standards and knowledge; advocate healthy diets, and to raise consumers' food safety awareness and self-protection ability.</p> <p>The media shall publicize food safety laws, regulations, standards and knowledge for free, and provide public oversight on acts that violate the Law.</p> <p>Reports on food safety issues shall be objective, honest and fair.</p> |
| <p>Article 9 The State encourages and supports basic and applied research related to food safety and encourages and supports food producers and traders to adopt advanced technologies and management practices for the sake of enhanced food safety.</p> | <p>Article 10 The State encourages and supports basic and applied research related to food safety and encourages and supports food producers and traders to adopt advanced technologies and management practices for the sake of enhanced food safety.</p> | <p>Article 12 The State encourages and supports basic and applied research related to food safety and encourages and supports food producers and traders to adopt advanced technologies and management practices for the sake of enhanced food safety.</p> |
| <p>Article 10 Any organization or individual has the right to report any act during food production and trade that violates this Law and has the right</p> | <p>Article 11 Any organization or individual has the right to report any act during food production and trade that violates this Law and has the right to inquire food safety information from relevant</p> | <p>Article 13 Any organization or individual has the right to report any act during food production and trade that violates this Law and has the right to inquire food safety information from relevant</p> |

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| <p>to inquire food safety information from relevant agencies and provide comments and suggestions about food safety regulation.</p> | <p>agencies and provide comments and suggestions about food safety regulation.</p> | <p>agencies and provide comments and suggestions about food safety regulation.</p> |
| <p>Chapter 2: Surveillance and Assessment of Food Safety Risks</p> | <p>Chapter 2: Surveillance, Assessment and Communication of Food Safety Risks</p> | <p>Chapter 2: Surveillance, Assessment and Communication of Food Safety Risks</p> |
| <p>Article 11 A national surveillance system for food safety risks shall be established to monitor food-borne diseases, food contamination and other food-related hazards.</p> <p>The executive department of health under the State Council, in conjunction with other relevant departments of the State Council, shall formulate and enforce a national surveillance plan on food safety risks. The executive departments of health at the people’s governments of provinces, autonomous regions and municipalities directly under the central government shall formulate and enforce surveillance plans on food safety risks within their respective jurisdiction in accordance with the national surveillance plan on food safety risks and taking into account regional particularities.</p> | <p>Article 12 A national surveillance system for food safety risks shall be established to monitor food-borne diseases, food contamination and other food-related hazards.</p> <p>The executive department of health under the State Council, in conjunction with food and drug regulatory department and other departments under the State Council, shall formulate and enforce a national surveillance plan on food safety risks. The executive departments of health at the people’s governments of provinces, autonomous regions and municipalities directly under the central government, in conjunction with food and drug regulatory departments and other departments at the same level, shall formulate and enforce surveillance plans on food safety risks within their respective jurisdiction in accordance with the national surveillance plan on food safety risks and taking into account regional particularities.</p> | <p>Article 14 A national surveillance system for food safety risks shall be established to monitor food-borne diseases, food contamination and other food-related hazards.</p> <p>The executive department of health under the State Council, in conjunction with food and drug regulatory department, quality supervision department and other departments under the State Council, shall formulate and enforce a national surveillance plan on food safety risks, based on the needs of the work such as food safety risk assessment, the formulation and enforcement of food safety standards and food safety regulation. The executive departments of health at the people’s governments of provinces, autonomous regions and municipalities directly under the central government, in conjunction with food and drug regulatory departments, quality supervision department and other departments at the same level, shall formulate and enforce surveillance plans on food safety risks within their respective jurisdiction in accordance with the national surveillance plan on</p> |

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| | | <p>food safety risks and taking into account regional particularities. The food safety risk assessment plan should report to the executive department of health under the State Council with file-recording.</p> |
| <p>Article 12 The executive departments on agriculture, quality supervision, industry and commerce, and food and drug administration under the State Council shall immediately report to the executive department of health under the State Council after hearing any information on food safety risks. The executive department of health under the State Council shall in a timely manner adjust the surveillance plan on food safety risks upon verification of the information with other relevant authorities.</p> | <p>Article 13 The food and drug regulatory department under the State Council shall immediately report to the executive department of health under the State Council after hearing any information on food safety risks. The executive department of health under the State Council shall in a timely manner adjust the surveillance plan on food safety risks, if found necessary after verification of the information with other relevant authorities.</p> | <p>Article 15 After hearing any information on food safety risks, the food and drug regulatory department and other related departments under the State Council shall immediately verify the information and report to the executive department of health under the State Council. The executive department of health under the State Council shall in a timely manner adjust the surveillance plan on food safety risks, if found necessary after verification of the information with other relevant authorities.</p> <p>Regarding the information about foodborne disease and food poisoning reported by medical institutions, the executive department of health shall conduct analysis and research with other related departments under the State Council and adjust the surveillance plan on food safety risks if found necessary.</p> <p>After the surveillance plan on food safety risks is adjusted, the executive departments of health at the people’s governments of provinces, autonomous regions and municipalities directly under</p> |

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| | | <p>the central government with other related departments shall adjust the surveillance plan on food safety risks accordingly in respective regions, according to the regional particularities.</p> |
| | | <p>Article 16 Technical institutions responsible for the surveillance of food safety risk shall conduct the surveillance according to the plan on food safety risk surveillance, ensuring that the surveillance data is true and accurate, and report the surveillance data and analysis result according to the surveillance plan on food safety risks. The execution of the surveillance on food safety risks should respect the job specifications formulated by the executive department of health and other related departments under the State Council.</p> <p>Staffs of the surveillance on food safety risks are permitted to enter the edible agro-product plantations and food production business sites to collect samples and relevant data. Collected samples shall be paid according to the market price.</p> |
| | | <p>Article 17 Regarding the possible hidden peril indicated by the analysis result of the surveillance on food safety risks, the executive department of health of people's governments at county level or above shall</p> |

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| | | <p>report the information to the food and drug regulatory department at the same level in a timely manner, and report to the people's government at the same level and the executive department of health at a higher level. The food and drug regulatory department and other departments shall organize further investigation about the possible safety problem for food indicated by the risk surveillance.</p> |
| <p>Article 13 A national assessment mechanism for food safety risks shall be established to assess the risks on biological, chemical and physical hazards in foods and food additives.</p> <p>The executive department of health under the State Council shall be responsible for organizing food safety risk assessments. An expert committee on food safety risk assessment which is composed of experts on medical science, agriculture, food, and nutrition, shall be established to conduct the food safety risk assessment.</p> <p>The safety assessment of pesticides, fertilizers, growth regulators, animal drugs, feed and feed additives shall be attended by experts from the expert committee on food safety risk assessment.</p> <p>The food safety risk assessment shall be</p> | <p>Article 14 A national assessment mechanism for food safety risks shall be established to assess the risks on biological, chemical and physical hazards in foods, food additives, and food related products.</p> <p>The executive department of health under the State Council shall be responsible for organizing food safety risk assessments. An expert committee on food safety risk assessment which is composed of experts on medical science, agriculture, grain, food, and nutrition, shall be established to conduct the food safety risk assessment.</p> <p>The safety assessment of pesticides, fertilizers, animal drugs, feed and feed additives shall be attended by experts from the expert committee on food safety risk assessment.</p> <p>The food safety risk assessment shall be</p> | <p>Article 18 A national assessment mechanism for food safety risks shall be established to assess the risks on biological, chemical and physical hazards in foods, food additives, and food related products.</p> <p>The executive department of health under the State Council shall be responsible for organizing food safety risk assessments. An expert committee on food safety risk assessment which is composed of experts on medical science, agriculture, grain, food, and nutrition, shall be established to conduct the food safety risk assessment.</p> <p>The safety assessment of pesticides, fertilizers, animal drugs, feed and feed additives shall be attended by experts from the expert committee on food safety risk assessment.</p> <p>The food safety risk assessment shall be</p> |

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| <p>conducted on the basis of scientific methods, information of food safety risk surveillance, scientific data, and other relevant information.</p> | <p>conducted on the basis of scientific methods, information of food safety risk surveillance, scientific data, and other relevant information.</p> | <p>conducted on the basis of scientific methods, information of food safety risk surveillance, scientific data, and other relevant information.</p> <p>Risk assessment for food safety must not receive money from enterprises. The collected samples shall be paid according to the market price.</p> |
| <p>Article 14 The executive department of health under the State Council, upon discovering any possible safety problem through food safety risk surveillance or reports of other parties, shall immediately organize inspection and food safety risk assessment.</p> | <p>Article 15 The executive department of health under the State Council, upon discovering any possible safety problem for food, food additives, and food related products through food safety risk surveillance or reports of other parties, shall verify and inspect the matters in conjunction with food safety regulatory department under the State Council in a timely manner. For those requiring risk assessments, the health executive department under the State Council shall immediately organize food safety risk assessment.</p> | <p>Article 19 Risk assessment for food safety should be conducted under any one of the following circumstances:</p> <p>(1) The executive department of health under the State Council, upon discovering any possible safety problem for food, food additives, and food related products through food safety risk surveillance or reports of other parties;</p> <p>(2) Risk assessment is necessary for providing scientific basis for the formulation or revision of the food safety GB standards;</p> <p>(3) Risk assessment is necessary to determine the important fields and species for supervision;</p> <p>(4) To discover new factors that may endanger food safety;</p> <p>(5) To determine whether a particular factor causes possible safety problem for</p> |

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| | | <p>food;</p> <p>(6) Other circumstances that the executive department of health under the State Council observes the necessity of risk assessment.</p> |
| <p>Article 15 The executive departments for agriculture, quality supervision, industry and commerce administration, and food and drug administration under the State Council shall make suggestions on food safety risk assessment and provide the relevant information and documents.</p> <p>The executive department of health under the State Council shall inform the relevant departments of the State Council of the food safety risk assessment results in a timely manner.</p> | <p>Article 16 The food safety regulatory department under the State Council shall make suggestions to the health executive department under the State Council on food safety risk assessment and provide the relevant information and documents.</p> <p>The executive department of health under the State Council shall inform the relevant departments of the State Council of the food safety risk assessment results in a timely manner.</p> | <p>Article 20 The food safety regulatory department, quality supervision department, executive department of agriculture and other departments under the State Council shall make suggestions to the health executive department under the State Council on food safety risk assessment and provide the following relevant information and documents, when observing circumstances that require food safety risk assessment:</p> <ul style="list-style-type: none"> (1) The origin and nature of the risk; (2) Related testing data and conclusions; (3) The scope of the risk; (4) Other relevant information and documents. <p>If the executive department of health under the State Council considers the food safety risk assessment to be necessary, the assessment should be conducted with respect to this law in a timely manner. The executive department of health under the State</p> |

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| | | <p>Council shall inform the relevant departments of the State Council of the food safety risk assessment results.</p> |
| | | <p>Article 21 The executive department of health and agriculture at people's governments at the province level or above shall inform each other of the relevant information about food safety risk surveillance, quality and safety risk assessment of edible agro-product, etc., in a timely manner.</p> <p>The executive department of health and agriculture under the State Council shall inform each other of the relevant information about food safety risk surveillance, quality and safety risk assessment of edible agro-product, etc., in a timely manner.</p> <p>The surveillance and assessment of the risks of edible agro-product quality and safety shall be conducted by the executive department of agriculture with respect to the specifications of the <i>Law of the Quality and Safety of Agro-product of People's Republic of China</i>.</p> |
| <p>Article 16 Food safety risk assessment results</p> | <p>Article 17 Food safety risk assessment results</p> | <p>Article 22 Food safety risk assessment results</p> |

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| <p>shall be the scientific basis for developing and modifying food safety standards, as well as regulating food safety.</p> <p>In case the food safety risk assessment concludes that a food is unsafe, the executive departments for quality supervision, industry and commerce, and food and drug administration under the State Council shall immediately take corresponding actions within their respective duties to ensure termination of the food production and trade inform consumers to stop consumption of the food; if necessary, the executive department of health under the State Council shall immediately formulate or modify the relevant food safety national standards.</p> | <p>shall be the scientific basis for developing and modifying food safety standards, as well as regulating food safety.</p> <p>In case the food safety risk assessment concludes that a food, food additive, or food related product is unsafe, the food safety regulatory department under the State Council shall immediately take corresponding actions within their respective duties to instruct the producers and traders to terminate the food production and trade, and inform consumers to stop consumption or usage of the food; if necessary, the executive department of health under the State Council shall immediately formulate or modify the relevant food safety national standards.</p> | <p>shall be the scientific basis for developing and modifying food safety standards, as well as regulating food safety.</p> <p>In case the food safety risk assessment concludes that a food, food additive, or food related product is unsafe, the food safety regulatory department, quality supervision department, and other departments under the State Council shall immediately take corresponding actions within their respective duties to ensure that the production of certain food, food additives and food-related products is terminated, and to inform consumers to stop consumption or usage of the food; if necessary, the executive department of health under the State Council shall immediately formulate or modify the relevant food safety national standards.</p> |
| <p>Article 17 The executive department of health under the State Council shall, in conjunction with relevant State Council departments, conduct comprehensive analyses of the food safety situation according to the result of food safety risk assessments and food safety regulatory information. For foods with high potential risks as a result of the comprehensive analyses, the executive department of health under the State Council shall issue food safety alerts to the public in a timely manner.</p> | <p>Article 18 Food and Drug Regulatory Department under the State Council shall, for foods with high potential risks as shown by the result of food safety risk assessments and food safety regulatory information, make food safety alerts in a timely manner, and issue to the public.</p> <p>Food and Drug Regulatory Department under the State Council shall, in conjunction with relevant State Council departments, conduct comprehensive analyses of the food safety situation according to the result of food safety</p> | <p>Article 23 Food and Drug Regulatory Department under the State Council shall, in conjunction with relevant State Council departments, conduct comprehensive analyses of the food safety situation according to the result of food safety risk assessments and food safety regulatory information. For foods with high potential risks as shown by analysis, Food and Drug Regulatory Department under the State Council shall make food safety alerts in a</p> |

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| | risk assessments and food safety regulatory information. | timely manner and issue to the public. |
| | Article 19 The state establishes food safety risk communication system. Food safety regulatory departments and food safety risk assessment institutions organize and carry out food safety risk communication in a scientific, objective, timely and open principle. | Article 24 Food and Drug Regulatory Department, other relevant departments and institutions for food safety risk assessment shall organize food production operators, enterprise associations, technical institutions, consumer association, press, etc., to carry out food safety risk communication in a scientific, objective, timely and open principle. |
| Chapter 3: Food Safety Standards | Chapter 3: Food Safety Standards | Chapter 3: Food Safety Standards |
| Article 18 The food safety standards shall be intended to safeguard the public health, to be scientific, reasonable, safe and reliable. | Article 20 The food safety standards shall be intended to safeguard the public health, to be scientific, reasonable, open, transparent, safe and reliable. | Article 25 The food safety standards shall be intended to safeguard the public health, to be scientific, reasonable, open, transparent, safe and reliable. |
| Article 19 Food safety standards are mandatory. Except for the food safety standards, no other mandatory standards for food shall be developed. | Article 21 Food safety standards are mandatory. Except for the food safety standards, no other mandatory standards for food shall be developed. | Article 26 Food safety standards are mandatory. Except for the food safety standards, no other mandatory standards for food shall be developed. |
| Article 20 Food safety standards shall include the following: 1) The limits of pathogenic microorganisms, pesticide residues, veterinary drug residues, heavy metals, contaminants, and other substances hazardous to human health in food | Article 22 Food safety standards shall include the following: 1) The limits of pathogenic microorganisms, pesticide residues, veterinary drug residues, heavy metals, biotoxins, contaminants, radioactive substances, and other substances | Article 27 Food safety standards shall include the following: 1) The limits of pathogenic microorganisms, pesticide residues, veterinary drug residues, heavy metals, biotoxins, contaminants, radioactive substances, and other substances |

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| <p>and food-related products;</p> <p>2) Varieties, scope of application, and dose of food additives;</p> <p>3) Requirements for nutritional ingredients in staple and supplementary food dedicated to babies and other specific populations;</p> <p>4) Requirements for labeling, identification and instructions relevant to food safety and nutrition;</p> <p>5) Hygienic requirements for food production and trading processes;</p> <p>6) Quality requirements related to food safety;</p> <p>7) Methods and procedures for food testing; and</p> <p>8) Other particulars necessary for developing food safety standards.</p> | <p>hazardous to human health in food, food additives and food-related products;</p> <p>2) Varieties, scope of application, and dose of food additives;</p> <p>3) Requirements for nutritional ingredients in staple and supplementary food dedicated to babies and other specific populations;</p> <p>4) Requirements for labeling, identification and instructions relevant to food safety and nutrition;</p> <p>5) Quality requirements related to food safety;</p> <p>6) Methods and procedures for food testing; and</p> <p>7) Other particulars necessary for developing food safety standards.</p> | <p>hazardous to human health in food, food additives and food-related products;</p> <p>2) Varieties, scope of application, and dose of food additives;</p> <p>3) Requirements for nutritional ingredients in staple and supplementary food dedicated to babies and other specific populations;</p> <p>4) Requirements for labeling, identification and instructions relevant to food safety and nutrition;</p> <p>5) The sanitary requirement for food production process</p> <p>6) Quality requirements related to food safety;</p> <p>7) Methods and procedures for food testing;</p> <p>8) Other particulars necessary for developing food safety standards.</p> |
| <p>Article 21 The executive department of health under the State Council shall be responsible for developing and publicizing national food safety standards and the standardization administrative department under the State Council shall provide the national standard number.</p> <p>The limits of pesticide residue and veterinary drug residue in food and their testing methods and procedures shall be developed by the</p> | <p>Article 23 The executive department of health under the State Council shall be responsible for developing and publicizing national food safety standards and the standardization administrative department under the State Council shall provide the national standard number.</p> <p>The executive department of health under the State Council shall be responsible for developing and publicizing national food safety standards</p> | <p>Article 28 The executive department of health under the State Council shall be responsible for developing and publicizing national food safety standards and the standardization administrative department under the State Council shall provide the national standard number.</p> <p>The executive department of health under the State Council shall be responsible for developing and publicizing national food safety standards</p> |

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| <p>executive department of health and agriculture under the State Council.</p> <p>The testing procedures for slaughtering livestock and poultry shall be developed by the competent authorities under the State Council in conjunction with the executive department of health under the State Council.</p> <p>In case a product's national standard involves the national food safety standard, it shall be consistent with the national food safety standard.</p> | <p>and the standardization administrative department under the State Council shall provide the national standard number. The testing procedures for slaughtering livestock and poultry shall be developed by agricultural executive department under the State Council in conjunction with the executive department of health under the State Council.</p> <p>In case a product's national standard involves the national food safety standard, it shall be consistent with the national food safety standard.</p> | <p>and the standardization administrative department under the State Council shall provide the national standard number. The testing procedures for slaughtering livestock and poultry shall be developed by agricultural executive department under the State Council in conjunction with the executive department of health under the State Council.</p> <p>In case a product's national standard involves the national food safety standard, it shall be consistent with the national food safety standard.</p> |
| <p>Article 22 The executive department of health under the State Council shall consolidate the mandatory standards among existing quality and safety standards for edible agricultural products, food hygiene standards, food quality standards, and relevant industry standards related to food and issue unified national food safety standards.</p> <p>Before issuance of the national food safety standards specified in the Law, food producers and traders shall produce or trade food based on existing quality and safety standards for edible agricultural products, food hygiene standards, food quality standards, and relevant industry standards related to food.</p> | <p>Article 24 The executive department of health under the State Council shall consolidate the mandatory standards among existing quality and safety standards for edible agricultural products, food hygiene standards, food quality standards, and relevant industry standards related to food and issue unified national food safety standards.</p> <p>Before issuance of the national food safety standards specified in the Law, food producers and traders shall produce or trade food based on existing quality and safety standards for edible agricultural products, food hygiene standards, food quality standards, and relevant industry standards related to food.</p> | <p>Article 29 The executive department of health under the State Council shall expedite the consolidation of the mandatory standards among existing quality and safety standards for edible agricultural products, food hygiene standards, food quality standards, and relevant industry standards related to food and issue unified national food safety standards. Other departments under the State Council should provide active cooperation.</p> <p>Before issuance of the national food safety standards specified in the Law, food producers and traders shall produce or trade food based on existing quality and safety standards for edible agricultural products, food hygiene standards, food quality standards, and relevant industry standards related to food.</p> |

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| <p>Article 23 The national food safety standards shall be reviewed and approved by the national food safety standard evaluation committee which is composed of experts in medicine, agriculture, food, and nutrition as well as representatives from relevant departments under the State Council.</p> <p>The formulation of national food safety standards shall base on the results of food safety risk assessments and take full account of the results of quality and safety risk assessments for edible agricultural products, shall reference to the relevant international standards and the results of international food safety risk assessments, and shall solicit extensively the opinions from food producers, traders, and consumers.</p> | <p>Article 25 The national food safety standards shall be reviewed and approved by the national food safety standard evaluation committee which is composed of experts in medicine, agriculture, grain, food, and nutrition as well as representatives from relevant departments under the State Council, food industry associations, and consumer associations.</p> <p>The formulation of national food safety standards shall base on the results of food safety risk assessments and take full account of the results of quality and safety risk assessments for edible agricultural products, shall reference to the relevant international standards and the results of international food safety risk assessments, and shall solicit extensively the opinions from food producers, traders, and consumers.</p> | <p>Article 30 The formulation of national food safety standards shall base on the results of food safety risk assessments and take full account of the results of quality and safety risk assessments for edible agricultural products, shall reference to the relevant international standards and the results of international food safety risk assessments, and shall solicit extensively the opinions from food producers, traders, consumers, and relevant departments.</p> <p>The executive department of health under the State Council should publish the draft of the national food safety standards and receive comments in public.</p> <p>The national food safety standards shall be reviewed and approved by the national food safety standard evaluation committee which is composed of experts in medicine, agriculture, grain, food, and nutrition as well as representatives from relevant departments under the State Council, food industry associations, and consumer associations. The national food safety standard evaluation committee is responsible for the examination of the scientific nature and pragmatic nature of the draft of the national food safety standard.</p> |
| <p>Article 24 In the absence of a national food safety standard, a local food safety standard may</p> | <p>Article 26 In the absence of a national food safety standard, a local food safety standard may be</p> | <p>Article 31 In the absence of a national food safety standard, the executive departments of</p> |

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| <p>be developed.</p> <p>The executive departments of the people’s governments at the provincial, autonomous region, and municipal levels shall organize the drafting of local food safety standards with reference to the provisions of this Law regarding formulation of national food safety standards and report to the executive department of health under the State Council for record.</p> | <p>developed.</p> <p>The executive departments of the people’s governments at the provincial, autonomous region, and municipal levels shall organize the drafting of local food safety standards with reference to the provisions of this Law regarding formulation of national food safety standards and report to the executive department of health under the State Council for record. The executive department of health under the State Council shall make timely announcements.</p> | <p>health at the people’s governments of provinces, autonomous regions and municipalities directly under the central government may formulate and publish a local food safety standard; after the national food safety standard is formulated, the local food safety standard is immediately abolished.</p> <p>The organization of the drafting of local food safety standards should be respect to the provisions of this Law regarding formulation of national food safety standards and report to the executive department of health under the State Council for record. The executive department of health under the State Council shall make timely announcements about the file-recorded enterprise standards.</p> |
| <p>Article 25 In the absence of a national or local food safety standard, the food enterprise may develop an enterprise standard as this basis for production. The State encourages food enterprises to develop enterprise standards more stringent than the national or local food safety standards. The enterprise standard is applicable only to the enterprise and shall be reported to the executive department of health at the provincial level for record.</p> | <p>Article 27 In the absence of a national or local food safety standard, the food enterprise may develop an enterprise standard as this basis for production. The State encourages food enterprises to develop enterprise standards more stringent than the national or local food safety standards. The enterprise standard is applicable only to the enterprise and shall be reported to the executive department of health at the provincial level for record. The executive departments of health at the provincial level shall make timely announcements.</p> | <p>Article 32 The State encourages food enterprises to develop enterprise standards more stringent than the national or local food safety standards. The enterprise standard is applicable only to the enterprise and shall be reported to the executive departments of health at the people’s governments of provinces, autonomous regions and municipalities directly under the central government. The executive departments of health at the people’s governments of provinces, autonomous regions and municipalities</p> |

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| | | <p>directly under the central government shall make timely announcements about the file-recorded enterprise standards.</p> |
| <p>Article 26 Food safety standards shall be accessible by the public for free.</p> | <p>Article 28 Food safety standards shall be accessible by the public for free.</p> | <p>Article 33 Food safety standards shall be accessible and downloaded by the public for free. The executive department of health of people's governments at province level or above shall publish the food safety standards on their websites.</p> <p>For the problems in the implementation of the food safety standards, the executive department of health of people's governments at county level and above shall provide instructions and answers with other relevant departments in a timely manner.</p> |
| | | <p>Article 34 The executive department of health of people's governments at province level and above, together with food and drug regulatory department, quality supervision department, the executive department of agriculture and other departments at the same level, shall follow and evaluate the implementation of the national food safety standards and the local standards and organize revision of food safety standards according to the evaluation result at proper time.</p> <p>Food and drug regulatory department,</p> |

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| | | <p>quality supervision department, the executive department of agriculture and other departments of people's governments at province level and above shall collect the problems in the implementation of food safety standards and inform the executive department of health at the same level in a timely manner.</p> <p>If any problem in the implementation of food safety standard is observed by food production operators and food industry associations, they shall immediately report the problems to the executive department of health.</p> |
| <p>Chapter 4: Food Production and Trade</p> | <p>Chapter 4: Food Production and Trade</p> | <p>Chapter 4: Food Production and Trade</p> |
| <p>Article 27 Any food production or trading activities shall comply with food safety standards and the following requirements:</p> <p>1) Have appropriate places for raw material treatment and food processing, packaging, and storage that are suitable for the variety and quantity of the food being produced or traded, make the environment tidy, and keep a required distance away from toxic or hazardous places, and other contamination sources.</p> | <p>Article 29 Any food production or trading activities shall comply with food safety standards, good practices for food production and trade, and the following requirements:</p> <p>1) Have appropriate places for raw material treatment and food processing, packaging, and storage that are suitable for the variety and quantity of the food being produced or traded, make the environment tidy, and keep a required distance away from toxic or hazardous places,</p> | <p>Article 35 Any food production or trading activities shall comply with food safety standards, and the following requirements:</p> <p>1) Have appropriate places for raw material treatment and food processing, packaging, and storage that are suitable for the variety and quantity of the food being produced or traded, make the environment tidy, and keep a required distance away from toxic or hazardous places,</p> |

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| <p>2) Have appropriate production or trading equipment or facilities that are suitable for the variety and quantity of the food being produced or traded, have appropriate equipment or facilities for disinfection, changing clothes, cleansing, lighting, ventilation, anticorrosion, dust-proofing, fly-proofing, rat-proofing, pest-proofing, washing, and drainage of wastewater, and deposit of garbage and wastes.</p> <p>3) Have technical staff on food safety, management personnel, and the rules and regulations to ensure food safety;</p> <p>4) Have reasonable equipment layout and operational flow to prevent cross-contamination between unprocessed foods and direct consumption foods, between raw materials and finished products, and to avoid food contacting with toxic or dirty items;</p> <p>5) Wash and sterilize the tableware, kitchenware, and containers holding direct consumption food before use, and wash and clean the kitchenware and utensils after use;</p> <p>6) Use safe and harmless containers, tools, and equipment for food storage, transportation, and loading/unloading, keep them clean and avoid food contamination, comply with special requirements such as temperature for food safety purposes, and never transport food with toxic or</p> | <p>and other contamination sources.</p> <p>2) Have appropriate production or trading equipment or facilities that are suitable for the variety and quantity of the food being produced or traded, have appropriate equipment or facilities for disinfection, changing clothes, cleansing, lighting, ventilation, anticorrosion, dust-proofing, fly-proofing, rat-proofing, pest-proofing, washing, and drainage of wastewater, and deposit of garbage and wastes.</p> <p>3) Have technical staff on food safety, management personnel, and the rules and regulations to ensure food safety;</p> <p>4) Have reasonable equipment layout and operational flow to prevent cross-contamination between unprocessed foods and direct consumption foods, between raw materials and finished products, and to avoid food contacting with toxic or dirty items;</p> <p>5) Wash and sterilize the tableware, kitchenware, and containers holding direct consumption food before use, and wash and clean the kitchenware and utensils after use;</p> <p>6) Use safe and harmless containers, tools, and equipment for food storage, transportation, and loading/unloading, keep them clean and avoid food contamination, comply with special</p> | <p>and other contamination sources.</p> <p>2) Have appropriate production or trading equipment or facilities that are suitable for the variety and quantity of the food being produced or traded, have appropriate equipment or facilities for disinfection, changing clothes, cleansing, lighting, ventilation, anticorrosion, dust-proofing, fly-proofing, rat-proofing, pest-proofing, washing, and drainage of wastewater, and deposit of garbage and wastes.</p> <p>3) Have full time or part time technical staff on food safety, management personnel, and the rules and regulations to ensure food safety;</p> <p>4) Have reasonable equipment layout and operational flow to prevent cross-contamination between unprocessed foods and direct consumption foods, between raw materials and finished products, and to avoid food contacting with toxic or dirty items;</p> <p>5) Wash and sterilize the tableware, kitchenware, and containers holding direct consumption food before use, and wash and clean the kitchenware and utensils after use;</p> <p>6) Use safe and harmless containers, tools, and equipment for food storage, transportation, and loading/unloading, keep them clean and avoid food contamination, comply with special</p> |
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| <p>harmful items ;</p> <p>7) Use small packages or nontoxic and clean packaging materials and tableware for direct consumption food;</p> <p>8) Food producers and traders shall maintain personal hygiene, clean their hands, and dress in clean clothing and cap; use sterilized and clean vending tools for direct consumption food without a package;</p> <p>9) Use water that complies with the national hygienic standard for drinking water;</p> <p>10) Use detergents and disinfectors that are safe and harmless to the human body;</p> <p>11) Other requirements stipulated by laws and regulations.</p> | <p>requirements such as temperature for food safety purposes, and never transport food with toxic or harmful items ;</p> <p>7) Use small packages or nontoxic and clean packaging materials and tableware for direct consumption food;</p> <p>8) Food producers and traders shall maintain personal hygiene, clean their hands, and dress in clean clothing and cap; use sterilized and clean vending tools for direct consumption food without a package;</p> <p>9) Use water that complies with the national hygienic standard for drinking water;</p> <p>10) Use detergents and disinfectors that are safe and harmless to the human body;</p> <p>11) Other requirements stipulated by laws and regulations.</p> <p>Good practices for food production and trade is formulated by food and drug regulatory department under the State Council.</p> | <p>requirements such as temperature for food safety purposes, and never transport food with toxic or harmful items ;</p> <p>7) Use small packages or nontoxic and clean packaging materials and tableware for direct consumption food;</p> <p>8) Food producers and traders shall maintain personal hygiene, clean their hands, and dress in clean clothing and cap; use sterilized and clean vending tools for direct consumption food without a package;</p> <p>9) Use water that complies with the national hygienic standard for drinking water;</p> <p>10) Use detergents and disinfectors that are safe and harmless to the human body;</p> <p>11) Other requirements stipulated by laws and regulations.</p> <p>The food and drug regulatory authorities under the State Council shall make relevant good practices for food production and trade according to economic and social development level, the production and operation scare and technical conditions.</p> |
| <p>Article 28 Production and trading of the following foods are prohibited:</p> | <p>Article 30 The following activities in food production and trade are prohibited:</p> | <p>Article 36 The following food are prohibited from production and trade:</p> |

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| <p>1) Food made with non-food raw material or added with chemicals other than food additives or other substances possibly hazardous to human health, or food produced from recycled food as raw materials;</p> <p>2) Food with content of pathogenic microorganisms , pesticide residues, veterinary drug residues, heavy metals, contaminants, and other substances of possible hazards to human health exceeding the limits of the food safety standards;</p> <p>3) The nutritional ingredients for staple and supplementary food dedicated to babies and other specific populations fail to comply with food safety standards;</p> <p>4) Food which is rotten or spoiled, has rancid fat, contains mold or insects, is dirty or contaminated, contains foreign matters, has been adulterated, or displays abnormal sensory indication;</p> <p>5) Meat or meat products of poultry, livestock, animals, or aquatic animals that die from disease, poison, or any unidentified causes;</p> <p>6) Meat or meat products that have not been inspected and quarantined by animal health supervisory agencies or have failed to pass such</p> | <p>1) To produce food with non-food raw materials, or to produce food with recycled food or expired food as raw materials;</p> <p>2) To add chemicals other than food additives or other substances possibly hazardous to human health;</p> <p>3) To purchase or store inedible substances that could be illegally added to food as announced by the State;</p> <p>4) To use food additives beyond allowed scope or higher than the allowed amount;</p> <p>5) To produce and trade food with content of pathogenic microorganisms , pesticide residues, veterinary drug residues, heavy metals, biotoxins, contaminants, radioactive substances, and other substances of possible hazards to human health exceeding the limits of the food safety standards;</p> <p>6) To produce and trade staple and supplementary food dedicated to babies and other specific populations with nutritional ingredients failing to comply with food safety</p> | <p>1) To food produced by non-food raw materials, or by adding chemical ingredients which are not food additives and by adding other ingredients which endanger human being's heath, or produced with recycled food as raw materials;</p> <p>2) The food containing pathogenic microorganisms, pesticide residues, veterinary drug residues, heavy metals, biotoxins, contaminants, radioactive substances, and other substances of possible hazards to human health exceeding the limits of the food safety standards;</p> <p>3) The food containing additives beyond allowed scope or higher than the allowed amount;</p> <p>4) Staple and supplementary food dedicated to babies and other specific populations with nutritional ingredients failing to comply with food safety standards;</p> <p>5) The food which is rotten or spoiled, has rancid fat, contains mold or insects, is dirty or contaminated, contains foreign matters, has been adulterated, or displays abnormal sensory indication;</p> <p>6) meat or meat products of poultry, livestock, animals, or aquatic animals that die from</p> |
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| <p>inspection and quarantine;</p> <p>7) Food contaminated by packaging materials, containers or means of transport;</p> <p>8) Food exceeding the shelf life;</p> <p>9) Pre-packaged products without labels;</p> <p>10) Food expressly prohibited by the State from production and trading for special purposes such as disease prevention;</p> <p>11) Other food failing to meet food safety standards or requirements.</p> | <p>standards;</p> <p>7) To produce and trade food which is rotten or spoiled, has rancid fat, contains mold or insects, is dirty or contaminated, contains foreign matters, has been adulterated, or displays abnormal sensory indication;</p> <p>8) To produce and trade meat or meat products of poultry, livestock, animals, or aquatic animals that die from disease, poison, or any unidentified causes;</p> <p>9) To produce and trade meat or meat products that have not been inspected and quarantined or have failed to pass such inspection and quarantine;</p> <p>10) To produce and trade food contaminated by packaging materials, containers, means of transport, or tableware and kitchenware;</p> <p>11) To trade food, food additives or food related products that exceed the shelf life;</p> <p>12) To produce and trade pre-packaged food without labels, or with labels or instructions failing to meet relevant requirements, or bulk food that fail to be marked as required;</p> <p>13) To produce and trade food expressly prohibited by the State from production and trading for special purposes such as disease</p> | <p>disease, poison, or any unidentified causes;</p> <p>7) meat or meat products that have not been inspected and quarantined or have failed to pass such inspection and quarantine;</p> <p>8) The food contaminated by packaging materials, containers, means of transport, and so on;</p> <p>9) The food being labeled with false production date, or beyond expire date.</p> <p>10) The pre-package food without labels</p> <p>11) The food expressly prohibited by the State from production and trading for special purposes such as disease prevention;</p> <p>12) Other food failing to meet the food safety standards and requirements.</p> |
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| | <p>prevention;</p> <p>14) To use discarded or recycled materials or other materials failing to meet requirements to produce food related products;</p> <p>15) To forge or alter licenses, labels, marks, instructions, inspection reports, quarantine certificates, etc.;</p> <p>16) Other activities failing to meet the requirements in laws and regulations.</p> | |
| <p>Article 29 The State implements a licensing system for food production and trading. Any organization or individual shall obtain a food production license, food distribution license, or catering service license according to law before engaging in food production, food distribution, or catering service.</p> <p>Food producers having a food production license are not required to obtain a food distribution license when selling foods produced by themselves at their production premises; catering service providers having a catering service license are not required to obtain a food production or distribution license when selling foods produced by themselves at their service premises; farmers are not required to obtain a food distribution license when selling edible</p> | <p>Article 31 The State implements a licensing system for food production and trading. Any organization or individual shall obtain a food production and trading license before engaging in food production and trading activities.</p> <p>Small food workshops, small food grocery stores, small restaurants, food vendors and such that engage in food production and trading activities shall comply with the food safety requirements of the Law suitable for their production or trading scale and conditions ensure that the food being produced or traded are clean, nontoxic and harmless. The relevant authorities shall strengthen the supervision and management over these individuals. Detailed management measures shall be developed in</p> | <p>Article 37 The State implements a licensing system for food production and trading. Any organization or individual shall obtain a license before engaging in food production, food circulation and catering services. The scope of production and trade needs to be stated on the license. The edible agricultural products sold and produced by farmers themselves are exempted from obtaining a license.</p> <p>Small food workshops, small food grocery stores, small restaurants, food vendors and such that engage in food production and trading activities shall comply with the food safety requirements of the Law suitable for their production or trading scale and conditions ensure that the food being produced or traded are clean,</p> |

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| <p>agricultural products produced by themselves.</p> <p>Small food workshops and food vendors that engage in food production and trading activities shall comply with the food safety requirements of the Law suitable for their production or trading scale and conditions ensure that the food being produced or traded are clean, nontoxic and harmless. The relevant authorities shall strengthen the supervision and management over these individuals. Detailed management measures shall be developed in accordance with the Law by the standing committees of the People’s Congress at the provincial, autonomous region, and municipal levels.</p> | <p>accordance with the Law by the standing committees of the People’s Congress or the people’s governments at the provincial, autonomous region, and municipal levels.</p> | <p>nontoxic and harmless. The relevant food and drug regulatory authorities shall strengthen the supervision and management over these individuals. Detailed management measures shall be developed in accordance with the Law by the standing committees of the People’s Congress at the provincial, autonomous region, and municipal levels.</p> <p>The people's governments at county level or above shall take comprehensive measures to small food workshops, food vendors, enhance services and integrated plan, improve production and trade environments, encourage and support food vendors to trade in fixed locations, such as centralised markets and shops.</p> |
| <p>Article 30 The People’s Governments at the county level or above shall encourage small food workshops to improve the production conditions and encourage food vendors to trade in fixed locations, such as centralized markets and shops.</p> | <p>Article 32 The People’s Governments at the county level or above shall encourage and support small food workshops, small food grocery stores, small restaurants, food vendors to improve the production conditions and encourage and support food vendors to trade in fixed locations, such as centralized markets and shops.</p> | |
| <p>Article 31 The executive departments of health, agriculture, quality supervision, industry and commerce, and food and drug administration at the county level or above shall review applicants’</p> | <p>Article 33 Food safety regulatory departments at the county level or above shall review applicants’ documents as required by this Law in accordance with the Law of the People’s</p> | <p>Article 38 Food and drug regulatory departments under the people's governments at the county level or above shall review applicants’ documents as required</p> |

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| <p>documents as required by Article 27.1 – 4 of the Law in accordance with the Law of the People’s Republic of China on Administrative Licensing, and shall inspect the applicant’s production or trading place if necessary. For applicants that comply with the requirements, a license shall be granted; for those that fail to comply with the requirements, a license shall not be granted with reasons in writing.</p> | <p>Republic of China on Administrative Licensing, and shall inspect the applicant’s production or trading place. For applicants that comply with the requirements, a license shall be granted; for those that fail to comply with the requirements, a license shall not be granted with reasons in writing.</p> | <p>by Clause 1 to 4 of Article 35 of this Law in accordance with the Law of the People’s Republic of China on Administrative Licensing, and shall inspect the applicant’s production or trading place if necessary. For applicants that comply with the requirements, a license shall be granted; for those that fail to comply with the requirements, a license shall not be granted with reasons in writing.</p> |
| <p>Article 32 Food producers and traders shall establish a food safety management system, strengthen the training of the employees on food safety knowledge, assign the full-time or part-time food safety management personnel, properly conduct inspection of the foods for operation and conduct the food production and trading according to law.</p> | <p>Article 34 Food producers and traders shall establish and improve its own food safety management system, establish a food safety management system and identify the person in charge, properly conduct inspection of the foods for operation, and conduct the food production and trading according to law.</p> | <p>Article 39 Food producers and traders shall establish and improve its own food safety management system, enhance trainings to their staff on food safety knowledge, and be equipped with full time or part time food safety management staff, establish a food safety management system and identify the person in charge, properly conduct inspection of the foods for operation, and conduct the food production and trading according to law.</p> <p>Food producers and traders shall enhance training on their own food safety management staff, ensure that the staff master the necessary food safety laws and regulations, food safety standards, food safety expertise, and possess corresponding capability of food safety management; food safety management staff need to be examined before they assume their posts by</p> |

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| | | <p>food producers and traders, those who don't have relevant knowledge and capability are not allowed to assume posts.</p> <p>Food and drug regulatory departments shall implement random inspection and sampling examination on in-position food safety management staff and publish the result accordingly. Food and drug management departments under the State Council shall make training guidance and rules of sampling examination, for food safety management staff in food producers and traders, for free public consultation. It's not allowed to charge any fees while making inspection and sampling examination.</p> |
| | <p>Article 35 The State establishes food safety management personnel professional qualifications system. The specific measures related are formulated by food and drug regulatory department under the State Council and the human resources and social security department under the State</p> | |

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| | <p>Council.</p> <p>Food producers and traders shall have full-time or part-time food safety management personnel according to relevant state provisions.</p> <p>Food producers and traders shall set up a food practitioner training system. Food practitioners can only assume their posts after receiving training and passing examinations. The food practitioner training and examination management measures are formulated by food and drug regulatory department under the State Council.</p> | |
| <p>Article 33 The State encourages food producers and traders to comply with good manufacturing practices (GMP) and to implement the Hazard Analysis and Critical Control Point (HACCP) system in order to improve food safety management level.</p> <p>For food enterprises having been certified with GMP and HACCP, the certification institutions shall conduct the follow-up investigations according to law; for those failing to comply with the certification requirements, the certification institutions shall cancel the certificate according to law and report in a timely manner to the authorities of quality supervision, industry and commerce, and food and drug administration,</p> | <p>Article 36 The State encourages food producers and traders to implement advanced food safety management systems including the Hazard Analysis and Critical Control Point (HACCP) system in order to improve food safety management level.</p> <p>For food enterprises having been certified with an advanced food safety management system including HACCP, the certification institutions shall conduct the follow-up investigations according to law; for those failing to comply with the certification requirements, the certification institutions shall cancel the certificate according to law and report in a timely manner to relevant food safety regulatory departments, and</p> | <p>Article 40 The State encourages food producers and traders to be compliant with good practices of food production and implement advanced food safety management systems including the Hazard Analysis and Critical Control Point (HACCP) system in order to improve food safety management level.</p> <p>For food enterprises having passed good practices of food production and have been certified with HACCP, the certification institutions shall conduct the follow-up investigations according to law; for those failing to comply with the certification requirements, the certification institutions shall cancel the certificate according to law and report in a timely manner to relevant</p> |

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| <p>and notify the public. The certification institution shall not charge any fees for the follow-up investigation.</p> | <p>notify the public. The certification institution shall not charge any fees for the follow-up investigation.</p> | <p>food safety regulatory departments, and notify the public. The certification institution shall not charge any fees for the follow-up investigation.</p> |
| | | <p>Article 41 Food Producers shall establish and implement food safety management system including raw materials acceptance check, safety management in production process, storage management, equipment management, non-compliant product management, constantly improve food safety safeguard system and ensure food safety.</p> <p>Food producers shall create and implement control requirements on following process, and ensure that the produced food are compliant with food safety standards:</p> <p>1) controls on raw materials, such as purchase of raw materials, acceptance check on raw materials, and charge the raw materials;</p> <p>2) controls on key production process, including production procedures, equipment, storage and package.</p> <p>3) inspection controls, such as inspection on raw materials, inspection on semi-finished products, inspection on finished products</p> |

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| | | <p>before sales;</p> <p>4) controls on transportation and delivery.</p> |
| | | <p>Article 42 Producers of producing staple or supplementary food specially for infants and young children and specific group of people shall establish corresponding production quality management system according to the requirements of good practices of food production. Food producers shall implement self-check regularly on the operation situation of its production quality management system, and submit reports on the self-check results to local people's governments at the county level.</p> |
| <p>Article 34 Food producers and traders shall establish and implement an employee health management system. Anyone who suffers from an infectious disease of digestive tract, such as dysentery, typhoid, or virus hepatitis, active tuberculosis, and purulent or weeping skin diseases that adversely affect food safety must not engage in work in direct contact with food for consumption.</p> <p>The personnel involved in food production and trading shall take a medical check-up each year, and can work only after they have obtained a health certificate.</p> | <p>Article 37 Food producers and traders shall establish and implement an employee health management system. The personnel involved in food production and trading shall take a medical check-up each year, and can engage in food production and trading activities only after they have obtained a satisfactory health certificate.</p> <p>Anyone who suffers from an infectious disease of digestive tract, such as dysentery, typhoid, or virus hepatitis, active tuberculosis, and purulent or weeping skin diseases that adversely affect food safety must not engage in work in direct</p> | <p>Article 43 Food producers and traders shall establish and implement an employee health management system. Anyone who suffers from disease of digestive tract, such as dysentery, typhoid, or virus hepatitis, active tuberculosis, and purulent or weeping skin diseases which is considered by the health administrative departments under the State Council incompatible with food safety must not engage in work in direct contact with food consumption.</p> <p>The personnel involved in food production and trading shall take a medical check-up each year, and can assume post only after they have</p> |

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| | <p>contact with food for consumption.</p> | <p>obtained a satisfactory health certificate.</p> |
| <p>Article 35 The producers of edible agricultural products shall apply agricultural inputs such as pesticides, fertilizers, , veterinary drugs, feed, and feed additives in accordance with food safety standards and relevant State regulations. Enterprises and specialized farmer cooperatives that produce edible agricultural products shall establish a production record for the edible agricultural product.</p> <p>The executive department of agriculture at the county level or above shall enhance the management and guidance on the application of agricultural inputs and establish and improve a safe application system for agricultural inputs.</p> | <p>Article 38 The producers of edible agricultural products shall apply agricultural inputs such as pesticides, fertilizers, veterinary drugs, feed, and feed additives in accordance with food safety standards and relevant State regulations, to ensure the safety of agricultural products. Enterprises and specialized farmer cooperatives that produce edible agricultural products shall establish a production and sales record for the edible agricultural product, and provide the purchasers with inspection certificate and certificate of origin.</p> <p>The executive department of agriculture at the county level or above shall enhance the management and guidance on the application of agricultural inputs and establish and improve a safe application system for agricultural inputs.</p> | <p>Article 35 44 The producers of edible agricultural products shall apply agricultural inputs such as pesticides, fertilizers, veterinary drugs, feed, and feed additives in accordance with food safety standards and relevant State regulations, to ensure the safety of agricultural products. Enterprises and specialized farmer cooperatives that produce edible agricultural products shall establish a production and sales record for the edible agricultural product, and provide the purchasers with inspection certificate and certificate of origin.</p> <p>The people's governments at the county level or above shall enhance the management and guidance on the application of agricultural inputs and establish and improve a safe application system for agricultural inputs.</p> |
| | <p>Article 39 Food producers and traders shall establish food traceability management systems, to ensure that food is traceable.</p> <p>Food producers and traders are encouraged and supported to adopt information technology measures to realize food traceability.</p> | <p>Article 45 The State shall establish whole-process food traceability management systems. Food and drug administrative departments under the State Council, together with agricultural administrative departments under the State Council shall establish food and edible agricultural products whole-process collaborative traceability systems.</p> |

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| | | <p>Food producers and traders shall establish food traceability systems according to the Law, and ensure the food is traceable. Food producers and traders are encouraged and supported to adopt information technology measures to create food traceability system.</p> |
| <p>Article 36 Food producers shall check the license of the supplier and compliance certificate of the product when purchasing food raw materials, food additives, and food related products. In the absence of a compliance certificate, the food raw material shall be tested in accordance with food safety standards. Food producers shall not purchase or use raw materials, food additives, and food-related products that do not comply with the food safety standards.</p> <p>Food producers shall establish a verification record for incoming food raw materials, food additives, and food-related products, indicating such information as name, specification, quantity, supplier name and contact information, and purchase date of food raw materials, food additives, and food-related products.</p> <p>The verification record for food raw material, food additives, and food-related products shall be true and be kept for at least two years.</p> | <p>Article 40 Food producers shall establish a purchase inspection and recording system for food raw materials, food additives, and food related products. They shall check the license of the supplier and compliance certificate of the product when purchasing food raw materials, food additives, and food related products, keep relevant certification documents, and faithfully record such information as name, specification, quantity, purchase date, supplier name, address and contact information of food raw materials, food additives, and food-related products. In the absence of a compliance certificate, the food raw material shall be tested in accordance with food safety standards. Food producers shall not purchase or use raw materials, food additives, and food-related products that do not comply with the food safety standards.</p> <p>The verification record for food raw material, food additives, and food-related products shall be true and be kept for at least two years.</p> | <p>Article 46 Food producers shall check the licenses of the suppliers and the compliance certificate of the product when purchase food raw materials, food additives and food related products. In the absence of a compliance certificate, the food raw material shall be tested in accordance with food safety standards. Food producers shall not purchase or use raw materials, food additives, and food-related products that do not comply with the food safety standards.</p> <p>Food producers shall establish a purchase inspection and recording system for food raw materials, food additives, and food related products, and faithfully record such information as name, specification, quantity, production date or production batch number, expiration date, purchase date, supplier name, address and contact information of food raw materials, food additives, and food-related products, and keep relevant certification documents. The file recording and relevant certification documents shall be kept no less than 6</p> |

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| | | <p>months after the expiration date; in the absence of expiration date, they are required to be kept no less than two years.</p> |
| <p>Article 37 Food producers shall establish and maintain an inspection record for outgoing food that verifies inspection certificates and safety status of the outgoing food. It shall truly record such information as name, specification, quantity, production date, batch number, inspection certificate number, name and contact information of the purchaser, and sale date.</p> <p>The inspection record for outgoing food shall be true and be kept for at least two years.</p> | <p>Article 41 Food producers shall establish and maintain an inspection record for outgoing food that verifies inspection certificates and safety status of the outgoing food. It shall truly record such information as name, specification, quantity, production date, batch number, inspection certificate number, name and contact information of the purchaser, and sale date.</p> <p>The inspection record for outgoing food shall be true and be kept for at least two years.</p> | <p>Article 47 Food producers shall establish and maintain an inspection record for outgoing food that verifies inspection certificates and safety status of the outgoing food. It shall truly record such information as name, specification, quantity, production date or batch number, expiration date, inspection certificate number, sale date, name, address, and contact information of the purchaser. The relevant certificate documents shall be kept. The file recording and relevant certification documents shall be kept no less than 6 months after the expiration date; in the absence of expiration date, they are required to be kept no less than two years.</p> <p>The inspection record for outgoing food shall be true and be kept for at least two years.</p> |
| <p>Article 38 Producers of food raw materials, food additives, or food-related products shall inspect the food raw materials, food additives, or food-</p> | <p>Article 42 Producers of food raw materials, food additives, or food-related products shall inspect the food raw materials, food additives, or food-</p> | <p>Article 48 Food producers shall establish and maintain an inspection record for outgoing food that verifies inspection certificates and safety</p> |

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| <p>related products being produced in accordance with food safety standards and the products can exit the factory or be sold only after they have passed the inspections.</p> | <p>related products being produced in accordance with food safety standards and the products can exit the factory or be sold only after they have passed the inspections.</p> | <p>status of the outgoing food. It shall truly record such information as name, specification, quantity, production date, batch number, inspection certificate number, name and contact information of the purchaser, and sale date.</p> <p>The inspection record for outgoing food shall be true and be kept for at least two years.</p> |
| <p>Article 39 Food traders shall check the license of the supplier and compliance certificate of the food when purchasing a food item.</p> <p>Food trading enterprises shall establish and maintain an inspection record for incoming food that truly indicate such information as name, specification, quantity, production date, batch number, shelf life, name and contact information of the supplier, and purchase date.</p> <p>The inspection record for incoming food shall be true and be kept for at least two years.</p> <p>For food trading enterprises that adopt a centralized distribution model, the headquarters of the enterprises may centrally check the license of the supplier and compliance certificates of the food and create an inspection record for incoming food products.</p> | <p>Article 43 Food traders shall establish a purchase inspection and recording system, check the license of the supplier, compliance certificate of the food, and product identification, keep relevant certification documents, and maintain an inspection record for incoming food that truly indicate such information as name, specification, quantity, production date, shelf life, purchase date, and name, address and contact information of the supplier.</p> <p>The inspection record for incoming food shall be true and be kept for at least two years.</p> <p>For food trading enterprises that adopt a centralized distribution model, the headquarters of the enterprises may centrally check the license of the supplier and compliance certificates of the food, create an inspection record for incoming food products, and keep relevant certification documents. The food purchase inspection records shall be accessible at other chain</p> | <p>Article 49 Food traders shall check the license of the supplier, compliance certificate of the food.</p> <p>Food traders shall establish a purchase inspection and recording system, and maintain an inspection record for incoming food that truly indicate such information as name, specification, quantity, production date or batch number, shelf life, purchase date, and name, address and contact information of the supplier, and shall keep the relevant certificate documents. The file recording and relevant certification documents shall be kept no less than 6 months after the expiration date; in the absence of expiration date, they are required to be kept no less than two years.</p> <p>For food trading enterprises that adopt a centralized distribution model, the headquarters</p> |

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| | <p>stores.</p> | <p>of the enterprises may centrally check the license of the supplier and compliance certificates of the food, create an inspection record for incoming food products, and keep relevant certification documents. The food purchase inspection records shall be accessible at other chain stores.</p> |
| | | <p>Article 50 Food whole-sale enterprises shall honestly record the name, specification, quantity, production date or batch number, shelf life, purchase date , and name, address and contact information of the supplier of the wholesale food, and shall keep the relevant certificate documents. The file recording and relevant certification documents shall be kept no less than 6 months after the expiration date; in the absence of expiration date, they are required to be kept no less than two years.</p> |
| <p>Article 40 Food traders shall store food in accordance with food safety assurance requirements, and regularly check the food in storage and remove the spoiled or outdated food</p> | <p>Article 44 Food producers and traders shall store, transport and deliver food in accordance with food safety assurance requirements, and regularly check the food in storage and remove</p> | <p>Article 51 Food producers and traders shall store, transport and deliver food, and regularly check the food in storage and remove the spoiled or outdated food in a timely manner in accordance with food safety assurance</p> |

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| <p>in a timely manner.</p> | <p>the spoiled or outdated food in a timely manner.</p> | <p>requirements.</p> |
| <p>Article 41 Food traders shall indicate at the storage facility such information as food name, production date, shelf life, and name and contact information of the producer when storing food in bulk.</p> <p>Food traders shall indicate on the container or external package the food name, production date, shelf life, and name and contact information of the trader when selling food in bulk.</p> | <p>Article 45 Food traders shall indicate at the storage facility or on the container or external package such information as food name, production date, shelf life, and name and contact information of the producer when storing food in bulk.</p> <p>Food traders shall indicate on the container or external package the food name, ingredients or composition sheet, production date, shelf life, and name and contact information of the trader when selling food in bulk.</p> | <p>Article 52 Food traders shall indicate at the storage facility or on the container or external package such information as food name, production date or batch number, shelf life, and name, address, contact information of the producer when storing food in bulk.</p> <p>Food traders shall indicate on the container or external package the food name, ingredients or composition sheet, production date, shelf life, and name, address and contact information of the trader when selling food in bulk.</p> |
| <p>Article 42 Pre-packaged food shall be labeled on the package, which indicate the following:</p> <ol style="list-style-type: none"> 1) Name, specification, net content, and date of production; 2) Table of ingredients or formulation; 3) Producer name, address and contact information; 4) Shelf life; 5) Code of product standard(s); 6) Storage requirements; 7) Generic name of the food additives as used in | <p>Article 46 Pre-packaged food shall be labeled on the package, which indicate the following:</p> <ol style="list-style-type: none"> 1) Name, specification, net content, and date of production, place of origin; 2) Table of ingredients or formulation; 3) Producer name, address and contact information; 4) Shelf life; 5) Code of product standard(s); 6) Storage requirements; 7) Generic name of the food additives as used in | <p>Article 53 Pre-packaged food shall be labeled on the package, which indicate the following:</p> <ol style="list-style-type: none"> 1) Name, specification, net content, and date of production, place of origin; 2) Table of ingredients or formulation; 3) Producer name, address and contact information; 4) Shelf life; 5) Code of product standard(s); 6) Storage requirements; 7) Generic name of the food additives as used in |

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| <p>the national standard;</p> <p>8) Production License Number; and</p> <p>9) Other information that must be indicated in accordance with applicable laws, regulations, and food safety standards.</p> <p>The labels of staple and supplementary food dedicated to babies and other specific populations shall also indicate main nutritional ingredients and their contents.</p> | <p>the national standard;</p> <p>8) Production License Number; and</p> <p>9) Other information that must be indicated in accordance with applicable laws, regulations, and food safety standards.</p> <p>The labels of staple and supplementary food dedicated to babies and other specific populations shall also indicate main nutritional ingredients and their contents.</p> | <p>the national standard;</p> <p>8) Production License Number; and</p> <p>9) Other information that must be indicated in accordance with applicable laws, regulations, and food safety standards.</p> <p>Information such as production date and shelf life shall be indicated at a distinguishing place in the label. For staple and supplementary food which is designed for infants and young babies and specific group of people, the notorious ingredients and contents need also to be indicated in the label.</p> <p>If there is a specific labelling regulation on a specific food in the national food safety standard, such national food safety standard should be respected.</p> |
| | | <p>Article 54 Food catering service providers shall make and implement control requirements on purchased raw materials. It is prohibited from purchasing raw materials which are not compliant with food</p> |

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| | | <p>safety standards.</p> <p>Food catering service providers shall inspect food and raw materials to be processed during the production process, in case of discovering food spoilage or other abnormal sensory properties, it is not allowed to be processed or used.</p> |
| | | <p>Article 55 Food Catering service enterprises shall regularly maintain the facilities and equipment for food production, storage and presentation; regularly clean, check the thermal insulations, and facilities of refrigerator-freezer.</p> <p>Food catering service providers shall clean and disinfect kitchenware according to relevant requirements; it is not allowed to use the kitchenware haven't been cleaned and disinfected; If the food catering service provider has sub-contractor to clean and disinfect kitchenware, the sub-contractor who provides fix venue to clean and disinfect kitchenware shall be compliant with this Law.</p> |
| <p>Article 43 The State adopts a licensing system for</p> | <p>Article 47 The State adopts a licensing system for</p> | <p>Article 56 The State adopts a licensing system for</p> |

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| <p>the production of food additives. The conditions and procedures of applying for a food additive production license shall be implemented in accordance with the relevant State regulations governing the administration of production licensing for industrial products.</p> | <p>the production and trading of food additives. Food additives production and trading license should be obtained according to law before engaging in food additives production and trading activities.</p> <p>Food additives production and trading activities shall abide by provisions specific for food additives in the law, as well as relevant requirements on food production and trading activities.</p> | <p>the production and trading of food additives. For engaging in food additives production, the appropriate venue, production equipment or facilities, professional technical staff and management system shall be in place and shall obtain the food additive production license according to the procedures laid down in Article 38 of this Law.</p> <p>Food additives traders shall check the compliance certificate when purchase food additives to ensure that the to be sold food additives are produced by compliant food additive producers, and shall faithfully record the name, specification, quantity, production date or batch number, shelf life, purchase date and name, address, contacts of the provider, and keep the relevant certificate documents.</p> <p>The file recording and relevant certification documents shall be kept no less than 6 months after the expiration date; in the absence of expiration date, they are required to be kept no less than two years.</p> |
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| <p>Article 44 Any organization or individual applying for production of novel foods, new food additive varieties, or new food-related products shall submit the assessment materials relative to the product to the executive department of health under the State Council. The executive department of health under the State Council shall organize a review of the safety assessment materials within sixty (60) days upon receipt of the application. For applications that comply with food safety requirements, a license shall be granted and made public. For applications that fail to comply with the safety requirements, a license shall not be granted with an explanatory note in writing.</p> | <p>Article 48 Any organization or individual applying for production of novel foods, new food additive varieties, or new food-related products shall submit the assessment materials relative to the product to the executive department of health under the State Council. The executive department of health under the State Council shall organize a review of the safety assessment materials within sixty (60) days upon receipt of the application. For applications that comply with food safety requirements, a license shall be granted and made public. For applications that fail to comply with the safety requirements, a license shall not be granted with an explanatory note in writing.</p> | <p>Article 57 The State adopts a licensing system for the production and trading of food additives. Food additives production and trading license should be obtained according to law before engaging in food additives production and trading activities.</p> <p>Food additives production and trading activities shall abide by provisions specific for food additives in the law, as well as relevant requirements on food production and trading activities.</p> |
| <p>Article 45 A food additive can be incorporated into the scope permitted for use only after it is technically required and proven to be safe and reliable through the risk assessment. The executive department of health under the State Council shall timely revise the standards on varieties, scope of application, and dosage levels of food additives in accordance with technical necessity and the results of food safety assessments.</p> | <p>Article 49 A food additive can be incorporated into the scope permitted for use only after it is technically required and proven to be safe and reliable through the risk assessment. The executive department of health under the State Council shall timely revise the standards on varieties, scope of application, and dosage levels of food additives in accordance with technical necessity and the results of food safety assessments.</p> | <p>Article 58 A food additive can be incorporated into the scope permitted for use only after it is technically required and proven to be safe and reliable through the risk assessment. The executive department of health under the State Council shall timely revise the standards on varieties, scope of application, and dosage levels of food additives in accordance with technical necessity and the results of food safety assessments.</p> |
| <p>Article 46 Food producers shall apply food additives in accordance with food safety</p> | <p>Article 50 Food producers and traders shall apply food additives in accordance with food</p> | <p>Article 59 Food producers and traders shall apply food additives in accordance with food safety</p> |

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| <p>standards governing food additive varieties, scope of application and dosage levels and must not use any chemical substances other than food additives or other substances with possible hazards to human health during food production.</p> | <p>safety standards governing food additive varieties, scope of application and dosage levels.</p> | <p>standards governing food additive varieties, scope of application and dosage levels. It is not allowed to add chemical substances which are not food additives or other substances which could endanger human being's health.</p> |
| <p>Article 47 Food additives must be provided with a label, instructions and packaging. The instructions shall include the information required in Article 42.1.1~6, 8 and 9 of the Law and the scope of application, dosage levels, and application methods of the food additives, and the words "Food Additive" shall be indicated on the label.</p> | <p>Article 51 Food additives must be provided with a label, instructions and packaging. The instructions shall include the information required in Article 46.1.1~6, 8 and 9 of the Law and the scope of application, dosage levels, and application methods of the food additives, and the words "Food Additive" shall be indicated on the label.</p> | <p>Article 60 Food additives must be provided with a label, instructions and packaging. The instructions shall include the information required in Article 53.1.1~6, 8 and 9 of the Law and the scope of application, dosage levels, and application methods of the food additives, and the words "Food Additive" shall be indicated on the label.</p> |
| <p>Article 48 Labels, instructions and packaging of food and food additives shall not contain false or exaggerated information, nor shall they make statements about disease prevention and treatment functions. Food producers shall undertake legal liability for declarations on the label, instructions and packaging.</p> | <p>Article 52 Labels, instructions and packaging of food and food additives shall not contain false or exaggerated information, nor shall they make statements about disease prevention and treatment functions. Food producers shall undertake legal liability for declarations on the label, instructions and packaging.</p> | <p>Article 61 Labels, instructions and packaging of food and food additives shall not contain false or exaggerated information, nor shall they make statements about disease prevention and treatment functions. Food producers shall undertake legal liability for declarations on the label, instructions and packaging.</p> |
| <p>Labels and instructions of food and food additives shall be clear, visible, and easy to read.</p> | <p>Labels and instructions of food and food additives shall be clear, visible, and easy to read.</p> | <p>Labels and instructions of food and food additives shall be clear, visible, and easy to read.</p> |
| <p>Food or food additives that are not consistent with the information indicated in the label and instructions shall not be marketed.</p> | <p>Food or food additives that are not consistent with the information indicated in the label and instructions shall not be marketed.</p> | <p>Food or food additives that are not consistent with the information indicated in the label and instructions shall not be marketed.</p> |

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| | <p>Article 53 The State adopts a safety evaluation and examination system for the production of food related products. The producers of food related products shall produce safety assessment documents for food related products and their production process. The quality supervision, inspection and quarantine departments evaluate and examine the safety assessment documents. Safety evaluation and examination norms for food related products are formulated by the quality supervision, inspection and quarantine department under the State Council. .</p> | <p>Article 62 Producing food-related products shall be compliant with laws and regulations and ensure that he product is compliant with relevant food safety standards. National production license for producing industrial products shall be implemented for producing food-related products which possess relatively high risk, such as food contact package materials. The quality supervision, inspection and quarantine departments shall enhance supervision on production of food-related products.</p> |
| <p>Article 49 Food traders shall market pre-packaged foods according to the warning mark, warning notes, or precautions on the food label.</p> | <p>Article 54 Food traders shall market pre-packaged foods according to the warning mark, warning notes, or precautions on the food label.</p> | <p>Article 63 Food traders shall market pre-packaged foods according to the warning mark, warning notes, or precautions on the food label.</p> |
| <p>Article 50 Food producers shall not add any medicine to food, unless the added substance is traditionally considered as both food and Chinese medicine. The catalogue of the substances traditionally considered as both food and Chinese medicine shall be developed and published by the executive department of health under the State Council.</p> | <p>Article 55 Food producers shall not add any medicine to food, unless the added substance is traditionally considered as both food and Chinese medicine.</p> <p>When adding substances traditionally considered as both food and Chinese medicine to food, food producers and traders shall strictly abide by the catalogue developed by the executive department of health under the State Council.</p> | <p>Article 64 Food producers shall not add any medicine to food, unless the added substance is traditionally considered as both food and Chinese medicine.</p> <p>It is up to health administrative departments under the State Council to make and publish the catalogue of both food and Chinese medicine in tradition.</p> |
| <p>Article 51 The State executes strict regulation</p> | <p>Article 56 The State executes strict regulation</p> | <p>Article 65 The State executes strict regulation on</p> |

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| <p>over food with claims of special health functions. The relevant regulatory departments shall execute duties and assume responsibilities according to law. Detailed management measures shall be developed by the State Council.</p> <p>Food with claims of special health functions shall not cause acute, sub-acute, or chronic hazard to human body. The label and instructions shall not involve in disease prevention or treatment functions, and the content must be true and indicate clearly the suitable and unsuitable groups, functional ingredients or significant ingredients and their content. Product functions and ingredients shall be consistent with that indicated in the label and instructions.</p> | <p>over health food. For new type of health food sold for the first time, health food using new raw materials and health food imported for the first time, registration management applies; for other food with claims of special health functions, recording management applies. The specific management measures are formulated by the State Council.</p> <p>Health food shall not cause acute, sub-acute, or chronic hazard to human body. The label and instructions' content must be true, indicate clearly the suitable and unsuitable groups, functional ingredients or significant ingredients and their content, and state clearly that "this product does not have the functions of disease prevention and treatment". Product functions and ingredients shall be consistent with that indicated in the label and instructions.</p> <p>Health food producers are held responsible for the authenticity and effectiveness of the claimed product functions.</p> | <p>food claiming to have specific healthy effect (hereinafter referred to as health food). Health food shall not cause acute, sub-acute, or chronic hazard to human body. The label and instructions' content must not mention function of disease prevention and treatment and must be true, and indicate clearly the suitable and unsuitable groups, functional ingredients or significant ingredients and their content; Product functions and ingredients shall be consistent with that indicated in the label and instructions. Health food imported for the first time shall get marketing approval from the export country (or region).</p> <p>The raw materials used to produce health food shall be safe to human bodies and harmless. The functional effects claimed by the health food shall be scientifically based. The catalogue of ingredients which can only be used to produce health food and cannot be used to produce other products (hereinafter referred to as catalogue of health food raw materials) and functional effects can be claimed by health food shall be made, adjusted and published by food and drug regulatory departments under the State Council, by consulting with health administrative departments under the State</p> |
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| | | <p>Council and National traditional medicine administrative departments.</p> |
| | | <p>Article 66 For new type of health food sold for the first time, health food using new raw materials and health food imported for the first time, registration with food and drug administrative departments applies; However, for the raw materials of health products whose safety and health effects can be evaluated by national standards and regulations, file-recording applies, the specific catalogue shall be made, adjusted and published by State food and drug administrative departments. Other health food shall be file-recorded by food and drug regulatory departments of people's governments at province, autonomous region and municipality levels.</p> <p>For the registration of health food, applicant shall submit materials and samples, such as R&D report, product ingredients, processing procedures, safety proof, evaluation on</p> |

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| | | <p>health effects, label and instruction, and other relevant supporting documents. Food and drug regulatory departments under the State Council shall organize technical evaluation and get the health food registered if it is compliant with safety requirements and consistent to the claimed health effects; For those which are not compliant, shall not get it registered and reasons in writing shall be provided. If the health food containing new raw materials is registered, the new raw materials shall be included in the health food raw materials catalogue in a timely manner.</p> <p>For the health food file-recording submitter, applicants shall provide product ingredients, production procedures, label, instruction and materials to testify the safety and health effects of the health food.</p> <p>The applicants and file-recording submitter shall be responsible for the truth of the submitted materials.</p> <p>Food and drug regulatory departments of</p> |
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| | | <p>people's governments at provincial level or above shall publish to the society the registered or file-recorded health food catalogue in a timely manner.</p> |
| | | <p>Article 67 Health food producers shall establish corresponding production quality and management system according to good production practice and make sure the system can be functioning effectively. Health food producers shall make self-check on the operational situation of the production quality and management system regularly and submit self-check report to local food and drug administrative departments under people's government at county level.</p> <p>Health food producers shall conduct production according to the technical requirements, such product ingredients, and production procedures as approved in the registration materials or stated in the filed record, and shall make the technical requirements of registered or file-recorded product ingredients and production</p> |

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| | | <p>procedures as the enterprise standards, and report them to food and drug regulatory departments under the people's governments in provinces, autonomous regions and municipalities.</p> |
| | | <p>Article 68 The specific regulatory rules are set by food and drug administrative department under the State Council.</p> |
| | <p>Article 57 The State executes strict regulation over infant and young children formula food.</p> <p>For the production of infant and young children formula food, food producers shall report the raw materials, product formula and labels to food safety regulatory departments for recording.</p> <p>Infant and young children formula foods are not allowed to be produced in the means of sub-contracting, OEM, or sub-packaging.</p> | <p>Article 69 The State executes strict regulation over infant and young children formula food.</p> <p>Infant and young children formula food producers shall establish production quality management system according to Article 42 of this Law and implement whole-process control from the entry of the raw materials and exit of the finished products, and implement batch-to-batch test on infant and young baby formula food, in order to ensure the safety of infant and young baby formula food.</p> <p>The fresh milk, supplementary substances</p> |

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| | | <p>and food additives used to produce infant and young baby formula food shall be compliant with laws, administrative regulations and food safety national standards. The produced infant and young baby formula product shall ensure the necessary nutritious ingredients for the growth and development of infants and young babies.</p> <p>Infant and young baby formula food producers shall send product raw materials, product ingredients and label to food and drug regulatory departments under the people's governments in provinces, autonomous regions and municipalities for file-recording.</p> <p>Infant and young children formula foods are not allowed to be produced in the means of sub-contracting, OEM, or sub-packaging. It is not allowed to produce infant and young baby formula products in different brands by using the same formula.</p> |
| | | <p>Article 70 Centralised dinning orgnaisations,</p> |

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| | | <p>like schools, kindergartens and construction sites</p> <p>, which have cafeterias, shall strictly abide by the relevant laws, regulations of the Law and implement food safety standards, to ensure food safety.</p> <p>Centralised dinning orgnaisations, like schools, kindergartens and construction sites, which order food from third parties shall order food from the enterprises which have got food production and trade license. Third-party food providers shall process food at current meal, and ensure the food is safe and compliant with nutritious requirements.</p> <p>The competent authority for supervising organisations with centralised dining facilities shall enhance education on food safety and routine management, decrease the food safety risks and diminish potential food safety risks.</p> |
| | | <p>Article 71 Organisations who provide consolidated sterilization services for kitchenwares shall have appropriate working venues, clean and disinfection equipment or facilities, the detergents,</p> |

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| | | <p>disinfectants and production water used shall be compliant with national standards and hygiene regulations.</p> <p>Third-parties who provide consolidated kitchenware disinfection services shall implement batch-to-batch test on disinfected kitchenware, only the compliant disinfected kitchenware are allowed to be provided to clients, and satisfactory disinfection certificate shall be affiliated. The individual package of disinfected kitchenware shall be indicated with information, such as name, address and contacts of the third party, disinfection date, and expiration date.</p> |
| <p>Article 52 Consolidated trading market operators, stall leasers, and trade fair organizers shall review the license of the admitted food traders, specify the food safety management responsibilities of the admitted food traders, and regularly inspect the trading environment and conditions of the admitted food traders. Upon finding of any activity in breach of this Law, they shall immediately stop the activity and report to the local industry and commerce department or</p> | <p>Article 58 Consolidated trading market operators, stall leasers, and trade fair organizers shall review the license of the admitted food traders, assume the food safety management responsibilities of the admitted food traders, and regularly inspect the trading environment and conditions of the admitted food traders. Upon finding of any activity in breach of this Law, they shall immediately stop the activity and report to the local food and drug regulatory</p> | <p>Article 72 Consolidated trading market operators, stall leasers, and trade fair organizers shall review the license of the admitted food traders, be clear with the food safety management responsibilities of the admitted food traders, and regularly inspect the trading environment and conditions of the admitted food traders. Upon finding of any activity in breach of this Law, they shall immediately stop the activity and report to the local food and drug regulatory departments</p> |

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| <p>food and drug administration at the county level.</p> <p>Consolidated trading market operators, stall leasers, and trade fair organizers who fail to fulfill the obligations stated in the proceeding paragraph shall take a joint liability in the event of a food safety incident occurred in their respective marketplace.</p> | <p>departments at the county level.</p> <p>Consolidated trading market operators, stall leasers, and trade fair organizers who fail to fulfill the obligations stated in the proceeding paragraph shall take a joint liability in the event of a food safety incident occurred.</p> | <p>at the county level.</p> <p>Consolidated trading market operators, stall leasers, and trade fair organizers who fail to fulfill the obligations stated in the proceeding paragraph shall take a joint liability in the event of a food safety incident occurred in their respective marketplace.</p> |
| | <p>Article 59 Online food trading third-party platform providers shall obtain food production and trading license.</p> <p>Online food trading third-party platform providers shall examine the license of food traders who use their platform, and assume food safety management responsibilities.</p> <p>Online food trading third-party platform providers, upon spotting activities violating this law’s provisions by food traders using their platform, shall stop them in a timely manner, and immediately report to food and drug regulatory department of the locality where the platform provider was issued the food production and trading license.</p> <p>Online food trading third-party platform providers, if failing to perform their duties as stipulated and resulting in the consumer’s legitimate rights being harmed, shall assume joint liability, and shall</p> | <p>Article 73 Online food trading third-party platform providers shall implement real-name registration on food traders joining the online trading platform, be clear with food safety management responsibilities of food traders joining the online platform, and examine their licenses if food production and trade licenses are required.</p> <p>Online food trading third-party platform providers shall examine the license of food traders who use their platform, and assume food safety management responsibilities.</p> <p>Online food trading third-party platform providers, upon spotting activities violating this law’s provisions by food traders using their platform, shall stop them in a timely manner, and immediately report to the local food and drug regulatory departments of where the platform provider was issued the</p> |

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| | <p>advance compensation.</p> <p>The food and drug regulatory departments of the locality where online food trading third-party platform providers are issued the food production and trading license are responsible for regulating these platform providers.</p> | <p>food production and trading license; online platform service shall be stopped to be provide to those who have significant illegal behaviors.</p> <p>If consumers' legitimate rights are harmed because of purchasing food from online third-party platform, consumers can ask for compensation from food traders who use the online platform or food producer. In the absence of real name, address and effective contacts of food trader who use the online platform, the online third party platform shall provide compensations. Online third-party platforms have the right to ask for compensations from food traders or food producers who use its online platform. If online third-party platform providers make favorable promise to consumers, such promises shall be respected.</p> <p>Online third-part food trade platform who fail to respect the liability laid down in 1st and 2nd Clauses of this Article and cause infringement to consumers' legitimate rights, shall bear joint liability and shall advance compensation.</p> |
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| | <p>Article 60 Food producers and traders shall establish a food safety self-examination system, and regularly examine and record their own food safety situation.</p> <p>Food producers and traders are encouraged to hire professional food safety institutions to regularly evaluate their own food safety management system.</p> <p>Food producers and traders, upon finding major food safety hidden hazards, shall take actions to handle the issue in a timely manner, and report to food safety regulatory departments at the county level or above.</p> | <p>Article 74 Food producers and traders shall establish a food safety self-examination system, and regularly examine and record record examine their own food safety situation. When production and trade conditions changed, the food producers and traders shall take corrective measures if the production and trade conditions are no longer meet the requirements; If there's potential food safety risks, food production and trade activities shall be stopped and be reported to local food and drug regulatory departments of people's government at county level.</p> |
| <p>Article 53 A food recall system shall be established in China. Where a food producer finds that the food being produced does not comply with food safety standards, the food producer shall immediately stop production of the food, recall the food product released to the market, notify relevant producers, traders and consumers, and create a record on recalls and</p> | <p>Article 61 A food recall system shall be established in China. Where a food producer finds that the food being produced does not comply with food safety standards, the food producer shall immediately stop production of the food, recall the food product released to the market, notify relevant producers, traders and consumers, and create a record on recalls and</p> | <p>Article 75 A food recall system shall be established in China. Where a food producer finds that the food being produced does not comply with food safety standards or is proved to be possibly harmful to human with evidence, the food producer shall immediately stop production of the food, recall the food product released to the market, notify relevant</p> |

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| <p>notifications.</p> <p>Where a food trader finds the food being traded does not comply with food safety standards, the food trader shall immediately stop trading of the food, notify relevant producers, traders and consumers, and create a record on the suspension of trading and notifications. Food that the producer deems necessary for recall shall be recalled immediately.</p> <p>Food producers shall take actions such as remedy, removal of harm, or destruction of the recalled food, and report the food recall and treatment to the quality supervision department at the county level or above.</p> <p>In the event that a food producer or trader fails to recall or stop trading of the food that does not comply with the food safety standards as required in the Article, the executive departments of quality supervision, industry and commerce, and food and drug administration at the county level or above may order it to recall or stop trading of the food.</p> | <p>notifications.</p> <p>Where a food trader finds the food being traded does not comply with food safety standards, the food trader shall immediately stop trading of the food, notify relevant producers, traders and consumers, and create a record on the suspension of trading and notifications. Food that the producer deems necessary for recall shall be recalled immediately.</p> <p>Food safety regulatory departments, if spotting food failing to comply with food safety standards during routine supervision and inspection, can instruct the food producer and trader to recall the food they produce and trade.</p> <p>And the food producer and trader should report details on the recall and production and trading suspension to food safety regulatory departments at county level or above.</p> <p>In the event that a food producer or trader fails to recall or stop trading of the food that does not comply with the food safety standards as required in this Article, the food safety regulatory departments at the county level or above shall, in accordance with its division of duty, order it to recall or stop trading of the</p> | <p>producers, traders and consumers, and create a record on recalls and notifications.</p> <p>Where a food trader finds the food being traded does not comply with food safety standards or is proved to be possibly harmful to human with evidence, the food trader shall immediately stop trading of the food, notify relevant producers, traders and consumers, and create a record on the suspension of trading and notifications. Food that the producer deems necessary for recall shall be recalled immediately.</p> <p>Food producers shall take measures such as remediation, innocent treatment and destruction to revoked food, preventing the food from entering the market again. However, regarding the revoked food due to labels, logos or instructions that do not comply with the food safety standards, food producers can continue the sale under the circumstances of implementing remediation measures and ensuring the safety of the food; the remediation measures shall be notified to consumers during the selling.</p> <p>And the food producer and trader should report details on the recall and handling situation to food and drug regulatory departments at county level or above; in the case that the innocent treatment and</p> |
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| | <p>food.</p> | <p>destruction are necessary for the revoked food, the time and place of report should be earlier. If the food and drug regulatory department considers to be necessary, the on-site supervision can be implemented.</p> |
| | <p>Article 62 Food producers and traders shall take actions such as remedy, removal of harm, or destruction for food that have exited the market, such as recalled food and expired food.</p> <p>Local people’s governments at the county level or above encourage and support the building of harm-removal facilities for food failing to meet standards.</p> | <p>In the event that a food producer or trader fails to recall or stop trading of the food that does not comply with the food safety standards as required in this Article, the food and drug regulatory departments at the county level or above shall, in accordance with its division of duty, order it to recall or stop trading of the food.</p> |
| <p>Article 54 Food advertisements shall provide truthful information, shall not include any false or exaggerated information, and shall not claim any disease prevention or treatment functions.</p> <p>Food safety regulatory agencies or institutions undertaking food inspection and testing, food industry associations, or customer associations shall not recommend food to customers through advertisements or in any other forms.</p> | <p>Article 63 Food advertisements shall provide truthful information, shall not include any false or exaggerated information, and shall not claim any disease prevention or treatment functions. Food producers and traders shall be responsible for the authenticity and legality of the content of their food advertisements.</p> <p>In the event of designing, producing and issuing food advertisements, while the content of the advertisement is known or should be known to be untruthful, the designer, producer, issuer of the advertisement assumes joint liabilities with</p> | <p>Article 76 Food advertisements shall provide truthful information, shall not include any false or exaggerated information, and shall not claim any disease prevention or treatment functions. Food producers and traders shall be responsible for the authenticity and legality of the content of their food advertisements. Health food advertisements shall also get examination and permission from the food and drug regulatory department of people's governments at local province, autonomous regions and municipalities regions directly under the central governments. The food and drug regulatory department of people's governments at local province, autonomous</p> |

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| | <p>the food producer and trader.</p> <p>Food safety regulatory agencies or institutions undertaking food inspection and testing, food industry associations, or customer associations shall not recommend food to customers through advertisements or in any other forms.</p> | <p>regions and municipalities regions directly under the central governments shall publicize and update the permitted health food advertisement list and the permitted advertisement content in a timely manner.</p> <p>If the advertisement traders and promulgators design, make or publicize false food advertisement, harming the legal rights of consumers, shall take the joint responsibility with the food producers and traders.</p> <p>Food and drug regulatory agencies or institutions undertaking food inspection and testing, food industry associations, or customer associations shall not recommend food to customers through advertisements or in any other forms.</p> |
| <p>Article 55 Civil societies or other organizations or individuals who recommend a food to consumers in untruthful advertisements that has caused damages to the lawful rights and interests of the customers shall bear joint liabilities with the food producer and trader.</p> | <p>Article 64 Civil societies or other organizations or individuals who recommend a food to consumers in untruthful advertisements that has caused damages to the lawful rights and interests of the customers shall bear joint liabilities with the food producer and trader.</p> | <p>Article 77 Civil societies or other organizations or individuals who recommend a food to consumers in untruthful advertisements containing false publicity behaviors, which has caused damages to the lawful rights and interests of the customers shall bear joint liabilities with the food producer and trader.</p> |
| | <p>Article 65 The state establishes food safety liability mandatory insurance system. Food producers and traders should buy food safety liability mandatory insurance in</p> | <p>Article 78 The state encourages to establish food safety liability mandatory insurance system, supports food producers and traders to participate in food safety liability</p> |

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| | <p>accordance with the state’s relevant provision.</p> <p>The specific management measures for food safety liability mandatory insurance are formulated by the insurance regulatory department under the State Council in conjunction with the food and drug regulatory department under the State Council.</p> | <p>mandatory insurance in accordance with the state’s relevant provision.The specific management measures for food safety liability mandatory insurance are formulated by the insurance regulatory department under the State Council in conjunction with the food and drug regulatory department under the State Council.</p> |
| <p>Article 56 Local people’s governments at all levels shall encourage scale production and chain operation and distribution of food.</p> | <p>Article 66 Local people’s governments at all levels shall encourage scale production and chain operation and distribution of food.</p> | <p>Article 79 The industry, information, business and other departments shall formulate development plan and industry policy for food industry, with respect to their respective responsibilities, adopt measures to promote the improvement of industry structure, eliminate production skills, techniques and equipment that are not beneficial for food safety; enhance the instruction for the establishment of food industry credit system, and promote health development of food industry.</p> <p>Local people’s governments at all levels encourages scale production and chain-store operations and delivery.</p> |
| <p>Chapter 5: Food Testing</p> | <p>Chapter 5: Food Testing</p> | <p>Chapter 5: Food Testing</p> |
| <p>Article 57 Food testing agencies shall perform food testing only after they have been accredited in accordance with relevant State requirements on certification and accreditation, unless</p> | <p>Article 67 Food testing agencies shall perform food testing only after they have been accredited in accordance with relevant State requirements on certification and accreditation, unless</p> | <p>Article 80 Food testing agencies shall perform food testing only after they have been accredited in accordance with relevant State requirements on certification and accreditation, unless</p> |

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| <p>otherwise specified in other laws.</p> <p>The accreditation conditions and testing procedures for food testing agencies shall be determined by the executive department of health under the State Council.</p> <p>Food testing agencies which have been established by competent departments of the State Council or have been accredited before the implementation of the Law may continue to perform food testing activities based on the Law.</p> | <p>otherwise specified in other laws.</p> <p>The accreditation conditions and testing procedures for food testing agencies shall be determined by the food and drug regulatory department under the State Council, which shall also supervise their implementation.</p> <p>Food testing agencies which have been established by competent departments of the State Council or have been accredited before the implementation of the Law may continue to perform food testing activities based on the Law.</p> | <p>otherwise specified in other laws.</p> <p>The accreditation conditions and testing procedures for food testing agencies shall be determined by the food and drug regulatory department and the executive department of health under the State Council, which shall also supervise their implementation.</p> <p>Food testing agencies which have been established by competent departments of the State Council or have been accredited before the implementation of the Law may continue to perform food testing activities based on the Law.</p> |
| <p>Article 58 Food testing shall be performed independently by a food testing agency designated inspector.</p> <p>The inspector shall test the food based on laws, regulations, food safety standards, and inspection and testing procedures. The inspector shall follow the science, observe professional ethics, and make sure that the testing data and conclusions are objective and fair. He or she must not issue false inspection testing reports.</p> | <p>Article 68 Food testing shall be performed independently by a food testing agency designated inspector.</p> <p>The inspector shall test the food based on laws, regulations, food safety standards, and inspection and testing procedures. The inspector shall follow the science, observe professional ethics, and make sure that the testing data and conclusions are objective and fair. He or she must not issue false inspection testing reports.</p> | <p>Article 81 Food testing shall be performed independently by a food testing agency designated inspector.</p> <p>The inspector shall test the food based on laws, regulations, food safety standards, and inspection and testing procedures. The inspector shall follow the science, observe professional ethics, and make sure that the testing data and conclusions are objective and fair. He or she must not issue false inspection testing reports.</p> |
| <p>Article 59 The food testing agency and the inspector shall be responsible for the food testing. Food testing reports shall bear the</p> | <p>Article 69 The food testing agency and the inspector shall be responsible for the food testing. Food testing reports shall bear the official</p> | <p>Article 82 The food testing agency and the inspector shall be responsible for the food testing. Food testing reports shall bear the official</p> |

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| <p>official seal of the food testing agency and the signature or seal of the inspector. The food testing agency and the inspector shall be held responsible for the food testing report.</p> | <p>seal of the food testing agency and the signature or seal of the inspector. The food testing agency and the inspector shall be held responsible for the food testing report.</p> | <p>seal of the food testing agency and the signature or seal of the inspector. The food testing agency and the inspector shall be held responsible for the food testing report.</p> |
| <p>Article 60 The food safety regulatory departments shall not grant exemptions on food inspection.</p> <p>The executive departments of quality supervision, industry and commerce, and food and drug administration at the county level or above shall conduct sample testing regularly or irregularly on food products. They shall pay for the samples to be tested and shall not collect testing fees.</p> <p>In the event that a food testing is needed while performing their regulatory duties, the executive departments of quality supervision, industry and commerce, and food and drug administration at the county level or above shall entrust and pay for food testing agencies compliant with the requirements of the Law to conduct the food testing. In the case of disputes over testing results, re-testing shall be conducted in accordance with the law.</p> | <p>Article 70 The food safety regulatory departments shall not grant exemptions on food inspection.</p> <p>The food safety regulatory departments at the county level or above shall conduct sample testing regularly or irregularly on food products, and shall release the testing results according to relevant provisions.</p> <p>They shall pay for the samples to be tested and shall not collect testing fees.</p> <p>In the event that a food testing is needed while performing their regulatory duties, the food safety regulatory departments at the county level or above shall entrust and pay for food testing agencies compliant with the requirements of the Law to conduct the food testing.</p> <p>In the event that the testing results show that relevant food fails to meet the food safety requirements, the food producers and traders shall immediately suspend the production and trading.</p> | <p>Article 83 Food and drug regulatory departments shall not grant exemptions on food inspection.</p> <p>Food and drug regulatory departments at the county level or above shall conduct sample testing regularly or irregularly on food products, and shall release the testing results according to relevant provisions. They shall pay for the samples to be tested and shall not collect testing fees.</p> <p>In the event that a food testing is needed while performing their regulatory duties, the food and drug regulatory departments at the county level or above shall entrust and pay for food testing agencies compliant with the requirements of the Law to conduct the food testing.</p> <p>In the event that the testing results show that relevant food fails to meet the food safety requirements, the food producers and traders shall immediately suspend the production and trading.</p> |

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| | <p>Article 71 In the case that food producers and traders have disputes over testing results, they may, within 5 days after receiving the test results, apply for re-testing with the food safety regulatory department that organized and implemented the testing or its parent food safety regulatory department, and provide reasons.</p> <p>For such re-testing, if the results show the food meet standards, the fees are assumed by the sample testing departments; and if the results show food fail to meet standards, the fees are assumed by food producers and traders.</p> | <p>Article 84 In the case that there are disputes over the testing results implemented according to the third part of Article 83 of the Law, operators may, within 5 work-days after receiving the test results, choose a closest re-testing agency among the re-testing agency list and re-test, and inform the food and drug regulatory department. Food and drug regulatory department shall ask the initial testing agency to send the remaining samples to the re-testing agency in a timely manner. Re-testing results reported by the re-testing agency is the final testing result. Re-testing agency and initial testing agency must not be the same. The list of re-testing agency is jointly published by Certification and Accreditation Administration, food and drug regulatory department, the executive department of health, the executive department of agriculture and other departments.</p> |
| <p>Article 61 Food producers or traders may test the food produced by themselves or entrust testing agencies compliant with the requirements of this Law to conduct the testing.</p> <p>In the event that a food industry association or consumer needs to entrust a food testing agency to for food testing, they shall choose a food</p> | <p>Article 72 Food producers or traders may test the food produced by themselves or entrust testing agencies compliant with the requirements of this Law to conduct the testing.</p> <p>In the event that a food industry association or consumer needs to entrust a food testing agency to for food testing, they shall choose a food</p> | <p>Article 85 Food producers or traders may test the food produced by themselves or entrust testing agencies compliant with the requirements of this Law to conduct the testing.</p> <p>Food producers or traders may test the food produced by themselves or entrust testing agencies compliant with the requirements of this</p> |

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| testing agency compliant with the requirements of this Law. | testing agency compliant with the requirements of this Law. | Law to conduct the testing. |
| Chapter 6: Food Import and Export | Chapter 6: Food Import and Export | Chapter 6: Food Import and Export |
| | | Article 86 National Exit-Entry Inspection and Quarantine Agency supervises and regulates exit-entry food safety. |
| <p>Article 62 Imported food, food additives and food-related products shall comply with China’s national food safety standards.</p> <p>Imported food shall be inspected and cleared by the exit-entry inspection and quarantine agencies. Customs shall release the imported food upon receipt of a clearance certificate issued by the exit-entry inspection and quarantine agency.</p> | <p>Article 73 Imported food, food additives and food-related products shall comply with China’s national food safety standards.</p> <p>Imported food shall be inspected and cleared by the exit-entry inspection and quarantine agencies. Customs shall release the imported food upon receipt of a clearance certificate issued by the exit-entry inspection and quarantine agency.</p> <p>Imported food shall be accompanied by inspection certificates.</p> | <p>Article 87 Imported food, food additives and food-related products shall comply with China’s national food safety standards.</p> <p>Imported food and food additives shall be inspected and cleared by the exit-entry inspection and quarantine agencies with respect to the relevant laws about exit-entry product inspection and executive specifications. Customs shall release the imported food upon receipt of a clearance certificate issued by the exit-entry inspection and quarantine agency.</p> <p>Imported food and food additives shall be accompanied by inspection certificates with respect to the requirements by national exit-entry inspection and quarantine agency.</p> |
| Article 63 Importation of food without a national | Article 74 For importation of food without a | Article 88 For importation of a new food additive |

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| <p>food safety standard or importation of a new food additive variety or new food related product for the first time, the importer shall submit an application and relevant safety assessment materials to the executive department of health under the State Council. The executive department of health under the State Council shall decide whether to approve or reject such applications according to Article 44 of the Law and shall develop corresponding national food safety standard in a timely manner.</p> | <p>national food safety standard, the importers shall submit to the health executive department under the State Council documents including the relevant state food safety standards or international standards that food implement, food testing results, and documents supporting its legal production issued by the state of origin. The health executive department under the State Council organizes inspection, and identifies applicable standards if the importation is approved after the inspection.</p> <p>For importation of a new food additive variety or new food related product for the first time, the importer shall submit an application and relevant safety assessment materials to the executive department of health under the State Council. The executive department of health under the State Council shall decide whether to approve or reject such applications according to Article 48 of the Law and shall develop corresponding national food safety standard in a timely manner.</p> | <p>variety or new food related product for the first time, overseas exporters, overseas food production enterprises or its entrusted importers shall submit an application and relevant safety assessment materials to the executive department of health under the State Council. The executive department of health under the State Council shall decide whether to approve or reject such applications according to Article 57 of the Law and shall develop corresponding national food safety standard in a timely manner.</p> <p>For food, food additives and food-related products determined by import preceding paragraphs, the permission by the health executive department under the State Council shall be submitted to the exit-entry inspection and quarantine agency; the exit-entry inspection and quarantine agency implements inspections according to the requirements by the health executive department under the State Council.</p> |
| | <p>Article 75 Importers shall establish an examination and verification system for overseas exporter and overseas food production businesses, to ensure that imported food complies with this law, the provisions in other relevant laws and</p> | <p>Article 89 Overseas food exporters and overseas food production enterprises shall ensure that imported food to China complies with this law, the provisions in other relevant laws and regulations of the country, and the requirements of food safety state standards, and</p> |

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| | <p>regulations of the country, and the requirements of food safety state standards, and are responsible for the content in the labels and instructions of imported food.</p> | <p>are responsible for the content in the labels and instructions of imported food.</p> <p>Importers shall establish audit provisions for overseas exporters and overseas food production enterprises and particularly implement audit about the Preceding Paragraph. The export is not allowed if the audit is unqualified.</p> |
| <p>Article 64 In the event that a food safety incident occurs overseas and may impact China, or a major food safety problem has been detected in imported food, the national exit-entry inspection and quarantine department shall issue a risk alert or take control measures in a timely manner and notify the executive departments of health, agriculture, industry and commerce, and food and drug administration under the State Council. These departments shall take corresponding actions immediately after receiving the notification.</p> | <p>Article 76 In the event that a food safety incident occurs overseas and may impact China, or a major food safety problem has been detected in imported food, the national exit-entry inspection and quarantine department shall issue a risk alert or take control measures in a timely manner and notify the food and drug regulatory department, health executive department, and agricultural executive department under the State Council. These departments shall take corresponding actions immediately after receiving the notification.</p> | <p>Article 90 In the event that a food safety incident occurs overseas and may impact China, or a major food safety problem has been detected in imported food, food additives and food-related products, the national exit-entry inspection and quarantine department shall issue a risk alert or take control measures in a timely manner and notify the food and drug regulatory department, health executive department, and agricultural executive department under the State Council.</p> <p>Food and drug regulatory department supervises and regulates the imported food in domestic market. Upon the observation of major food safety problems, food and drug regulatory department under the State Council shall inform the national exit-entry inspection and quarantine agency in a timely manner.</p> <p>The department receiving notifications shall</p> |

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| | | <p>take corresponding actions immediately after receiving the notification.</p> |
| <p>Article 65 Exporters or agents exporting food to China shall be put on record at the national exit-entry inspection and quarantine department. Overseas food producers exporting food to China shall get registered at the national exit-entry inspection and quarantine agency.</p> <p>The national exit-entry inspection and quarantine department shall regularly publish the lists of exporters, agents or overseas food producers who have been recorded or registered.</p> | <p>Article 77 Exporters or agents exporting food to China, and importers importing food shall be put on record at the national exit-entry inspection and quarantine department. Overseas food producers exporting food to China shall get registered at the national exit-entry inspection and quarantine agency.</p> <p>The national exit-entry inspection and quarantine department shall regularly publish the lists of exporters, agents, importers, and overseas food producers who have been recorded or registered.</p> <p>The food safety regulatory department under the State Council may organize on-site inspections for overseas food producers that export food to China.</p> | <p>Article 91 Exporters or agents exporting food to China, and importers importing food shall be put on record at the national exit-entry inspection and quarantine department. Overseas food producers exporting food to China shall get registered at the national exit-entry inspection and quarantine agency. If the registered food producers provide false materials, or severe food safety accidents happen due to overseas food producers, national exit-entry inspection and quarantine agency shall revoke the registration and publish notifications.</p> <p>The national exit-entry inspection and quarantine department shall regularly publish the lists of overseas exporters, agents, importers, and overseas food producers who have been recorded or registered.</p> <p>National exit-entry inspection and quarantine agency may organize on-site inspections for overseas food producers that export food to China.</p> |

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| <p>Article 66 Imported pre-packaged food shall be provided with labels and instructions in Chinese. Labels and instructions shall comply with this Law and provisions of other laws, regulations and food safety standards of China and shall indicate country of origin and name, address, and contact information of the domestic agent. Pre-packaged food without labels or instructions in Chinese or their labels or instructions do not comply with the Law shall not be imported.</p> | <p>Article 78 Imported pre-packaged food shall be provided with labels and instructions in Chinese. Labels and instructions shall comply with this Law and provisions of other laws, regulations and food safety standards of China and shall indicate name, specification, net content, production date, ingredients or composition sheet, shelf life, storage conditions, applicable standards and country of origin of the food, as well as name, address, and contact information of the producer and the domestic agent. Pre-packaged food without labels or instructions in Chinese or their labels or instructions do not comply with the Law shall not be imported.</p> | <p>Article 92 Imported pre-packaged food shall be provided with labels and instructions in Chinese; if an instruction is required by laws, there shall be an instruction. Labels and instructions shall comply with this Law and provisions of other laws, regulations and food safety standards of China and shall indicate the country of origin of the food and the name, address and contact information of the domestic agent. Pre-packaged food without labels or instructions in Chinese or their labels or instructions do not comply with the Law shall not be imported.</p> |
| <p>Article 67 Food importers shall establish a food import and sale record, truthfully record information such as the product name, specification, quantity, production date, production or import batch number, shelf life, name and contact information of the exporter and buyer, and delivery date.</p> <p>The food import and sale record shall be true and shall be maintained for at least two years.</p> | <p>Article 79 Food importers shall establish a food import and sale record, truthfully record information such as the product name, specification, quantity, production date, production or import batch number, shelf life, name and contact information of the exporter and buyer, and delivery date.</p> <p>The food import and sale record shall be true and shall be maintained for at least two years.</p> | <p>Article 93 Food importers shall establish a food import and sale record, truthfully record information such as the product name, specification, quantity, production date, production or import batch number, shelf life, name and contact information of the overseas exporter and buyer, address, contact information and delivery date, and keep the relevant proof. The record and the proof must be maintained until at least six months after the best-before date of the food; the record and the proof must be maintained for at least two years if there is no clear best-before date.</p> <p>The food import and sale record shall be</p> |

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| | | <p>true and shall be maintained for at least two years.</p> |
| | <p>Article 80 In the case that imported food fails to comply with China’s food safety state standards, or may cause harm to human health or life security, the importers shall immediately stop importing such food, recall food already sold, inform relevant producers, traders and consumers, and report the recall and treatment situation to the state import and export inspection and quarantine department.</p> <p>For those failing to recall or stop importing such food according to relevant provisions, the state import and export inspection and quarantine departments shall order the food be recalled and stop being importing.</p> | <p>Article 94 In the case that imported food fails to comply with China’s food safety state standards, or may cause harm to human health-or-life security, the importers shall immediately stop importing such food and recall the food according to Article 75 of the Law. already sold, inform relevant producers, traders and consumers, and report the recall and treatment situation to the state import and export inspection and quarantine department.</p> <p>For those failing to recall or stop importing such food according to relevant provisions, the state import and export inspection and quarantine departments shall order the food be recalled and stop being importing.</p> |
| <p>Article 68 Exported food shall be supervised and randomly inspected by the exit-entry inspection and quarantine agencies. The customs shall release the products upon receipt of a clearance certificate issued by the exit-entry inspection and quarantine agencies.</p> <p>Producers of exported food, planting or breeding farms of raw materials for exported food shall be put on record at the national exit-entry</p> | <p>Article 81 Exported food shall be supervised and randomly inspected by the exit-entry inspection and quarantine agencies. Customs shall release the products upon receipt of a clearance certificate issued by the exit-entry inspection and quarantine agencies.</p> <p>Producers of exported food, exporters exporting food, and planting or breeding farms of raw materials for exported food shall be put on record at the national exit-entry inspection and</p> | <p>Article 95 Export food producers shall ensure that the export food complies with the standards or contract requirement of the import country (region). Exported food is supervised and sampling inspected by the exit-entry inspection and quarantine agency.</p> <p>Producers of exported food, exporters exporting food, and planting or breeding farms of raw materials for exported food shall be put on</p> |

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| <p>inspection and quarantine department.</p> | <p>quarantine department.</p> | <p>record at the national exit-entry inspection and quarantine department.</p> |
| <p>Article 69 The national exit-entry inspection and quarantine department shall collect and consolidate safety information on imported and exported food and notify it to relevant departments, institutions, and enterprises.</p> <p>The national exit-entry inspection and quarantine department shall establish and publish credit records of food importers, exporters, and export food producers and shall tighten inspection and quarantine on importers, exporters, and export food producers that have an unhealthy credit record.</p> | <p>Article 82 The national exit-entry inspection and quarantine department shall collect and consolidate safety information on imported and exported food and notify it to relevant departments, institutions, and enterprises.</p> <p>The national exit-entry inspection and quarantine department shall carry out credit management for food importers, exporters, and export food producers, establish and publish credit records; and shall tighten inspection and quarantine on importers, exporters, and export food producers that have an unhealthy credit record.</p> | <p>Article 96 The national exit-entry inspection and quarantine department shall collect and consolidate the following safety information on imported and exported food and notify it to relevant departments, institutions, and enterprises:</p> <ol style="list-style-type: none"> 1) the food safety information from the imported and exported food inspection and quarantine implemented by the exit-entry inspection and quarantine agency; 2) the import food safety information reported by industry associations and consumers; 3) the food safety information and the risk alert information published by international organizations and overseas government agencies, and the food safety information reported by organizations such as overseas industry associations and consumers; 4) other food safety information. <p>The national exit-entry inspection and quarantine department shall carry out credit management for food importers, exporters, and export food producers, establish and publish</p> |

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| | | credit records; and shall tighten inspection and quarantine on importers, exporters, and export food producers that have an unhealthy credit record. |
| | Article 83 The state import and export inspection and quarantine department may carry out assessment and inspection on the food safety management system and food safety situation of the countries or regions that export food to China, and determine relevant inspection and quarantine requirements in accordance with the assessment and inspection results. | Article 97 The state import and export inspection and quarantine department may carry out assessment and inspection on the food safety management system and food safety situation of the countries (regions) that export food to China, and determine relevant inspection and quarantine requirements in accordance with the assessment and inspection results. |
| Chapter 7: Handling of Food Safety Incidents | Chapter 7: Handling of Food Safety Incidents | Chapter 7: Handling of Food Safety Incidents |
| | Article 84 The state establishes a food safety incidents emergency handling policy; and in accordance with the principles of “categorized management, responsibility assigned to different levels, coordinating different categories and fields, and locality-based approach”, establishes a food safety emergency management system and operation mechanism. | Article 98 The State Council shall organize the formulation of emergency plans for national food safety incidents. Governments at the county level or above shall formulate emergency plans for food safety incidents within their jurisdiction based on relevant laws, regulations, and the emergency plan of the higher level government and the local situation and shall submit their plans to the |

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| <p>Article 70 The State Council shall organize the formulation of emergency plans for national food safety incidents.</p> <p>Governments at the county level or above shall formulate emergency plans for food safety incidents within their jurisdiction based on relevant laws, regulations, and the emergency plan of the higher level government and the local situation and shall submit their plans to the higher level government for the official record.</p> <p>Food producers and traders shall develop a response plan for food safety incidents, regularly inspect the implementation of preventive measures related to food safety, and eliminate potential food safety risks in a timely manner.</p> | <p>Article 85 The State Council shall organize the formulation of emergency plans for national food safety incidents.</p> <p>Governments at the county level or above shall formulate emergency plans for food safety incidents within their jurisdiction based on relevant laws, regulations, and the emergency plan of the higher level government and the local situation and shall submit their plans to the higher level government for the official record.</p> <p>Local people’s governments at county level or above shall enhance the food safety emergency capability development, establish emergency response teams, allocate facilities and equipment, and organize and carry out food safety emergency response drills.</p> <p>Food producers and traders shall develop a response plan for food safety incidents, regularly inspect the implementation of preventive measures related to food safety, and eliminate potential food safety risks in a timely manner.</p> <p>Food producers and traders are encouraged to carry out food safety emergency response drills.</p> | <p>higher level government for the official record.</p> <p>Local people’s governments at county level or above shall enhance the food safety emergency capability development, establish emergency response teams, allocate facilities and equipment, and organize and carry out food safety emergency response drills.</p> <p>The food safety incidents emergency handling policy shall make provisions about different levels of food safety incidents, mechanism and responsibilities of the organizations that handle the incidents, prevention and alert mechanism, handling procedure, emergency protection measures, etc.</p> <p>Food producers and traders shall develop a response plan for food safety incidents, regularly inspect the implementation of preventive measures related to food safety, and eliminate potential food safety risks in a timely manner.</p> <p>Food producers and traders are encouraged to carry out food safety emergency response drills.</p> |
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| <p>Article 71 The organization where a food safety incident has occurred shall take immediate actions to prevent the incident from spreading. The organization where the incident has occurred and institution that receives and treats the patients shall immediately report to the executive department of health at the county of jurisdiction.</p> <p>The executive departments of agriculture, quality supervision, industry and commerce, and food and drug administration shall report to the executive department of health upon discovering a food safety incident or hearing a report on food safety incident.</p> <p>In the event of a major food safety accident, the executive department of health at the county level having received the report shall report to the local People’s Government and the executive department of health at the higher People’s Government. The People’s Government of the county level and the executive department of health at the higher level shall report to higher authorities accordingly.</p> <p>Any organization or individual shall not conceal, lie, delay, or intentionally destroy the evidence of any food safety accident.</p> | <p>Article 86 The organization where a food safety incident has occurred shall take immediate actions to prevent the incident from spreading. The organization where the incident has occurred and institution that receives and treats the patients shall immediately report to the food and drug regulatory department and the executive department of health at the county of jurisdiction.</p> <p>The executive departments of agriculture and quality supervision departments shall report to the food and drug regulatory departments immediately upon discovering a food safety incident or hearing a report on food safety incident.</p> <p>In the event of a food safety incident, the food and drug regulatory department at the county level having received the report shall report to the local People’s Government and the food and drug regulatory department at the higher People’s Government. The People’s Government of the county level and the food and drug regulatory department at the higher level shall report to higher authorities accordingly.</p> <p>Any organization or individual shall not conceal, lie about, or delay the reporting of the food safety accident, or hide, forge or destroy</p> | <p>Article 99 The organization where a food safety incident has occurred shall take immediate actions to prevent the incident from spreading. The organization where the incident has occurred and institution that receives and treats the patients shall immediately report to the food and drug regulatory department and the executive department of health of people's governments at county level.</p> <p>The executive departments of agriculture and quality supervision, inspection and quarantine departments shall report to the food and drug regulatory departments immediately upon discovering a food safety incident or hearing a report on food safety incident.</p> <p>In the event of a food safety incident, the food and drug regulatory department of people's governments at the county level having received the report shall report to the local People’s Government and the food and drug regulatory department at the higher People’s Government according to the emergency policy. The People’s Government of the county level and the food and drug regulatory department at the higher level shall report to higher authorities according to the regulations of the emergency policy.</p> <p>Any organization or individual shall not</p> |
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| | relevant evidence. | conceal, lie about, or delay the reporting of the food safety accident, or hide, forge or destroy relevant evidence. |
| | | Article 100 If medical institutions find their patients with foodborne diseases, food poisoning, or possibly with foodborne diseases, possibly with food poisoning, the medical institutions shall report relevant disease information to the health executive department of the people's governments at the county level in a timely manner. If the health executive department of the people's governments at the county level finds any food-safety related information when it investigates and handles infectious diseases or other sudden public health incidents, it should report to the food and drug regulatory department at the same level in a timely manner. |

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| <p>Article 72 Upon receiving the food safety incident report, the executive department of health at the county level or above shall immediately work with the executive departments of agriculture, quality supervision, industry and commerce, and food and drug administration on investigation and handling of the incident and take the following measures prevent or mitigate the hazard to the public :</p> <p>1) Deploy emergent rescue and the executive department of health shall arrange first aid and treatment to the injured persons from the food safety accident;</p> <p>2) Seal up the food and raw materials likely causing the food safety accident and conduct immediate testing; for the confirmed food and raw material contamination, order the food producer and trader to recall, suspend operation, and destroy the product according to Article 53 of the Law;</p> <p>3) Seal up the contaminated food tools and devices, and order for cleaning and sterilization;</p> <p>4) Properly handle news releases on disclosing the food safety accident and the treatment, explaining and clarifying on possible hazards.</p> <p>In the event of a major food safety accident, the People’s Government at the county level or</p> | <p>Article 87 Upon receiving the food safety incident report, the local people’s government at the county level or above shall immediately organize food safety regulatory department and relevant departments to investigate and handle the incident and take the following measures to prevent or mitigate the hazard to the public :</p> <p>1) Deploy emergency rescue and the executive department of health shall arrange first aid and treatment to the injured persons from the food safety accident;</p> <p>2) Seal up the food and raw materials likely causing the food safety accident and conduct immediate testing; for the confirmed food and raw material contamination, order the food producer and trader to recall, suspend operation, and destroy the product according to Article 61 of the Law;</p> <p>3) Seal up the contaminated food tools and devices, and order their cleaning and sterilization;</p> <p>4) Properly handle news releases on disclosing the food safety accident and the treatment, explaining and clarifying on possible hazards.</p> <p>In the event of a food safety incident, the People’s Government at the county level or above shall, in accordance with relevant provisions,</p> | <p>Article 101 Upon receiving the food safety incident report, food and drug regulatory department of the local people’s government at the county level or above shall immediately organize the health executive department, agriculture executive department, quality supervision department, etc., to investigate and handle the incident and take the following measures to prevent or mitigate the hazard to the public :</p> <p>1) Deploy emergency rescue, arrange aid and treatment to the injured persons from the food safety accident;</p> <p>2) Seal up the food and raw materials likely causing the food safety accident and conduct immediate testing; for the confirmed food and raw material contamination, order the food producer and trader to recall, suspend operation, and destroy the product according to Article 75 of the Law;</p> <p>3) Seal up the contaminated food tools and devices, and order their cleaning and sterilization;</p> <p>4) 4) Properly handle news releases on disclosing the food safety accident and the treatment, explaining and clarifying on possible hazards.</p> <p>In the event of a food safety incident, the</p> |
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| <p>above shall immediately establish a commanding organization handling the food safety accident, activate the emergency plan, and handle the accident according to the above provisions.</p> | <p>immediately establish a commanding organization handling the food safety accident, activate the emergency plan, and handle the accident according to the above provisions.</p> | <p>disease prevention and control mechanism shall implement sanitary treatment at the site of accident and deploy epidemiology investigation regarding relevant factors of the food safety accident. Relevant departments shall provide assistance. The disease prevention and control agency at county level and above shall submit epidemiology investigation report to the food and drug regulatory department and health executive department at the same level.</p> <p>In the event of a food safety incident that requires implementation of the emergency plan, the People’s Government at the county level or above shall immediately establish a commanding organization handling the food safety accident, activate the emergency plan, and handle the accident according to the Article 1 of the Law and the emergency policy. in accordance with relevant provisions,</p> |
| <p>Article 73 In the case of a major food safety incident, the executive department of health at city level with subordinate districts or above shall work immediately with relevant departments on investigation of responsible parties of the incident, urge relevant departments to perform their duties, and submit an investigation report identifying responsibilities to the local</p> | <p>Article 88 In the case of a food safety incident, the food and drug regulatory department at city level with subordinate districts or above shall, in accordance with relevant provisions, work immediately with relevant departments on investigation of responsible parties of the incident, urge relevant departments to perform their duties, and submit an investigation report</p> | <p>Article 102 In the case of a food safety incident, the food and drug regulatory department at city level with subordinate districts or above shall, in accordance with relevant provisions, work immediately with relevant departments on investigation of responsible parties of the incident, urge relevant departments to perform their duties, and submit an investigation report</p> |

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| <p>government.</p> <p>In case a major food safety accident involves more than two provinces, autonomous regions, and municipalities, the executive department of health under the State Council shall organize the investigation on the responsibility of accident according to the provisions in the above paragraph.</p> | <p>identifying responsibilities to the local government.</p> <p>In case a major food safety accident involves more than two provinces, autonomous regions, and municipalities, the food and drug regulatory department under the State Council shall organize the investigation on the responsibility of accident according to the provisions in the above paragraph.</p> | <p>identifying responsibilities to the local government.</p> <p>In case a major food safety accident involves more than two provinces, autonomous regions, and municipalities, the food and drug regulatory department under the State Council shall organize the investigation on the responsibility of accident according to the provisions in the above paragraph.</p> |
| <p>Article 74 In the event of a major food safety incident, the disease control and prevention institutions at the county level or above shall assist the executive department of health and relevant departments in making hygiene treatment of the site and conducting the epidemiological investigation of factors related to the food safety accident.</p> | <p>Article 89 In the event of a major food safety incident, the disease control and prevention institutions at the county level or above shall assist the executive department of health and relevant departments in making hygiene treatment of the site and conducting the epidemiological investigation of factors related to the food safety accident.</p> <p>Disease prevention and control institutions shall submit epidemiological investigation reports to the executive department of health and the food and drug regulatory department.</p> | |
| <p>Article 75 In addition to identifying the liabilities of the organization where the food safety incident occurred, investigation shall also cover any negligence or misconduct by regulatory agencies on supervision and certification as well</p> | <p>Article 90 In addition to identifying the liabilities of the organization where the food safety incident occurred, investigation shall also cover any negligence or misconduct by regulatory agencies on supervision and certification as well as staff at certification institutions.</p> | <p>Article 103 Investigation shall insist on principles of truth and science, determine the nature and reason of the accident accurately in a timely manner, determine the liability of the accident, and propose improvement measures.</p> <p>In addition to identifying the liabilities of the</p> |

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| <p>as staff at certification institutions.</p> | | <p>organization where the food safety incident occurred, investigation shall also cover any negligence or misconduct by regulatory agencies on supervision and certification as well as staff at certification institutions.</p> |
| | | <p>Article 104 The food safety incident investigation department has the right to know the situations about the accident from relevant institutions and persons and to request relevant materials and samples. Relevant institutions and persons shall support the investigation and handling of the food safety accident and provide relevant materials and samples in accordance with the requirement, and they must not reject the request. Any institution or person must not obstruct or interfere in the investigation and handling of the food safety accidents.</p> |
| <p>Chapter 8: Supervision and Administration</p> | <p>Chapter 8 Supervision and Administration</p> | <p>Chapter 8 Supervision and Administration</p> |
| | <p>Article 91 The state establishes food safety risk categorization and grading regulatory system. The food safety regulatory department determines the regulation priority, methods, frequency, etc. based on the food safety risk levels.</p> | <p>Article 105 The food and drug regulatory department and quality supervision department of the people's governments at county level and above determine the regulation priorities, methods, frequency, etc. to implement risk grading regulatory system, according to the food safety risk inspection, risk assessment result, food safety circumstances, etc.</p> |
| | <p>Article 92 The State Council authorizes relevant departments to formulate the standards for food safety regulatory capacity building, and to clarify the requirements on food safety regulatory</p> | |

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| | <p>capacity building for people’s governments at different levels.</p> <p>Local people’s governments at county level or above should integrate food safety inspection resources, relevant information, etc., and realize resource sharing.</p> | |
| | <p>Article 93 Local people’s government at county level or above shall incorporate the expenditure for food safety regulation, sample testing, risk monitoring, education and publicity, and capacity building into the fiscal budget of the government at the same level.</p> | |
| <p>Article 76 The local People’s Government at the county level or above shall organize the executive departments of health, agriculture, quality supervision, industry and commerce, and food and administration to develop the annual plan of supervision and management on food safety within their respective jurisdiction and implement such work according to the plan.</p> | <p>Article 94 The local People’s Government at the county level or above shall organize food safety regulatory department at its own level to develop the annual plan of supervision and management on food safety within their respective jurisdiction and implement such work according to the plan.</p> | <p>Article 106 The local People’s Government at the county level or above shall organize food and drug regulatory department, agriculture executive department, quality supervision and other departments at its own level to develop the annual plan of supervision and management on food safety within their respective jurisdiction and implement such work according to the plan.</p> <p>The annual plan of supervision and management shall place the following issues as the priority of supervision and management:</p> <p>1) Special food such as major or</p> |

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| | | <p>complementary food particularly for infants and other certain groups;</p> <p>2) Addition in the production of health food, the production organized according to the registered or file-recorded technique, labels, instructions and other publicity materials about function of health food sold on the market;</p> <p>3) Food producers with high risks of food safety accidents;</p> <p>4) Items with possible food safety problems indicated by the food safety risk inspection result.</p> |
| <p>Article 77 The executive departments of quality supervision, industry and commerce, and food and drug administration at the county level or above have the right to take the following actions in the course of performing their respective duties of regulating food safety:</p> <p>1) Enter production and trading sites for field inspection;</p> <p>2) Conduct sample testing on food being produced or traded;</p> <p>3) Review and copy relevant contracts, documents, notebooks, and other information;</p> | <p>Article 95 The food safety regulatory departments at the county level or above have the right to take the following actions in the course of performing their respective duties of regulating food safety:</p> <p>1) Enter production and trading sites for field inspection;</p> <p>2) Conduct sample testing on food, food additives and food related products that are produced or traded;</p> <p>3) Review and copy relevant contracts, documents, notebooks, and other information;</p> | <p>Article 107 The food and drug regulatory department and quality supervision department of people's government at the county level or above have the right to take the following actions in the course of performing their respective duties of regulating food safety:</p> <p>1) Enter production and trading sites for field inspection;</p> <p>2) Conduct sample testing on food, food additives and food related products that are produced or traded;</p> <p>3) Review and copy relevant contracts,</p> |

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| <p>4) Seal up and detain food proven to violate food safety standards, illegally used food raw materials, food additives, and food-related products as well as equipment and tools contaminated or used for illegal production or trading; and</p> <p>5) Closing down places of illegal production and trading of food.</p> <p>The executive department of agriculture at the county level or above shall be responsible for regulating edible agricultural products in accordance with the Law of the People’s Republic of China on Agricultural Product Quality and Safety.</p> | <p>4) Seal up, detain and order the suspension of production and trading of food proven to violate food safety standards or proven by evidence to have hidden safety hazards, illegally used food raw materials, food additives, and food-related products as well as equipment and tools contaminated or used for illegal production or trading; and</p> <p>5) Closing down places of illegal production and trading of food.</p> | <p>documents, notebooks, and other information;</p> <p>4) Seal up and detain and order the suspension of production and trading of food proven to violate food safety standards or proven by evidence to have hidden safety hazards, illegally used food raw materials, food additives, and food-related products as well as equipment and tools contaminated or used for illegal production or trading; and</p> <p>5) Closing down places of illegal production and trading of food.</p> |
| | <p>Article 96 For food that has no food safety national standards applicable but has proven by evidence to have hidden safety hazards, the health executive department under the State Council shall, in conjunction with relevant departments, set a temporary limit for harmful substances in food in a timely manner.</p> | <p>Article 108 For food that has proven by evidence to have hidden safety hazards but has no corresponding regulations by the food safety national standards, before formulating and revising the food safety standards, the health executive department under the State Council shall, in conjunction with relevant departments under the State Council, set a temporary limit and testing method for harmful substances in food as a basis for production and supervision, in a timely manner.</p> |

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| | | <p>Article 109 The food and drug regulatory department may adopt fast testing methods recognized by the food and drug regulatory department under the State Council to conduct initial test when working on food safety supervision and regulation; for food that may not comply with food safety standards, indicated by the initial test result, further test should be implemented according to the third paragraph of Article 83 of this Law. The initial test result is not the basis for executive punishment or compulsory executive measures.</p> |
| <p>Article 78 The executive departments of health, quality supervision, industry and commerce, and food and drug administration at the county level or above shall record the results of supervision, inspection and punishment in the course of overseeing and inspecting food producers and traders. Such records shall be signed by supervision and inspection officers and food producers and traders before filing.</p> | <p>Article 97 The food safety regulatory departments at the county level or above shall record the results of supervision, inspection and punishment in the course of overseeing and inspecting food producers and traders. Such records shall be signed by supervision and inspection officers and food producers and traders before filing.</p> | <p>Article 110 The food and drug regulatory departments at the county level or above shall record the results of supervision, inspection and punishment in the course of overseeing and inspecting food producers and traders. Such records shall be signed by supervision and inspection officers and food producers and traders before filing.</p> |
| <p>Article 79 The executive departments of health, quality supervision, industry and commerce, and food and drug administration at the county level or above shall establish and maintain food safety credit records for food producers and traders, record issuance of licenses, results of routine supervision and inspection, and handling of</p> | <p>Article 98 The food safety regulatory departments at the county level or above shall establish and maintain food safety credit records for food producers and traders, record issuance of licenses, results of routine supervision and inspection, and handling of illegal activities; and shall increase the frequency of supervision and</p> | <p>Article 111 The food and drug regulatory departments at the county level or above shall establish and maintain food safety credit records for food producers and traders, record issuance of licenses, results of routine supervision and inspection, and handling of illegal activities; and shall increase the frequency of supervision and</p> |

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| <p>illegal activities; and shall increase the frequency of supervision and inspection on food producers and traders with unhealthy credit records based on the food safety credit records.</p> | <p>inspection on food producers and traders with unhealthy credit records based on the food safety credit records.</p> | <p>inspection on food producers and traders with unhealthy credit records based on the food safety credit records.</p> |
| | <p>Article 99 In the event that hidden safety hazards existing in food production and trading process has not been eliminated timely through certain measures, the food safety regulatory departments may arrange communication sessions to determine liabilities with the legal representative or main person in charge.</p> <p>In the event that a local people’s government fails to assume its food safety duties and fails to eliminate major regional food safety hidden hazards in a timely manner, the people’s government at the higher level may arrange communication sessions to determine liabilities with the main person in charge.</p> | <p>Article 112 In the event that hidden safety hazards existing in food production and trading process has not been eliminated timely through certain measures, the food and drug regulatory departments may arrange communication sessions to determine liabilities with the legal representative of food producers or main person in charge.</p> <p>In the event that the food and drug regulatory department does not discover the food safety systematic risks or does not eliminate the hidden safety hazards in regulatory regions in a timely manner, the people's governments at the same level may arrange communication sessions to determine liabilities with the main person in charge.</p> <p>In the event that a local people’s government fails to assume its food safety duties and fails to eliminate major regional food safety hidden hazards in a timely manner, the people’s government at the higher level may arrange communication sessions to determine liabilities</p> |

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| | | <p>with the main person in charge.</p> <p>Food producers, food and drug regulatory department, local people's government, whose legal representatives or main person in charge are arranged with communication sessions, shall take actions immediately to improve food safety and their regulatory work.</p> <p>Communication sessions about liabilities and improvement circumstances shall be involved in the food safety credit records for food producers and traders, work evaluation and testing records of the local people's governments and departments of food safety regulation.</p> |
| | <p>Article 100 For food producers and traders that are suspected to have violated the provisions of this law and may cause significant harm or major social impacts, the superior food safety regulatory departments may carry out non-notified on-site inspections of them.</p> | <p>Article 113 For food production and trading that may seriously violate laws or have significant food safety hidden hazards, indicated by the food safety risk inspection analysis result, complaints and other information, the superior food safety regulatory departments may carry out non-notified on-site inspections of relevant food producers and traders, and may supervise the work of food and drug regulatory department with supervision responsibilities.</p> |

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| <p>Article 80 Upon receiving any inquiry, complaint, or information, the executive departments of health, quality supervision, industry and commerce, and food and drug administration at the county level or above shall accept, promptly verify, and handle such an inquiry, complaint, or other information. The departments shall transfer matters beyond their duty and authority to other departments empowered to deal with such issues, which shall act immediately and not push responsibility to others. Matters relating to food safety incidents shall be handled according to Chapter 7 of the Law.</p> | <p>Article 101</p> <p>The state establishes food safety awarded reporting system. Food and drug regulatory departments at county level or above establish systems receiving food safety compliant and reporting, and the reporters will be awarded if the reporting has been verified to be true.</p> <p>Upon receiving any inquiry, complaint, or information, the food safety regulatory departments at the county level or above shall accept, promptly verify, and handle such an inquiry, complaint, or other information. The departments shall transfer matters beyond their duty and authority to other departments empowered to deal with such issues, which shall act immediately and not push responsibility to others. Matters relating to food safety incidents shall be handled according to Article 7 of the Law.</p> <p>Local people’s governments at the county level or above shall arrange special fiscal fund for such awarding.</p> | <p>Article 114 Food and drug regulatory department, quality supervision department and other departments of the people's governments at county level and above shall publicize their e-mail address or phone number, accepting inquiry, complaint, or information. Upon receiving any inquiry, complaint, or information, they shall promptly verify, and handle such an inquiry, complaint, or other information. The departments shall transfer matters beyond their duty and authority to other departments empowered to deal with such issues, which shall act immediately and not push responsibility to others. Matters relating to food safety incidents shall be handled according to Article 7 of the Law.</p> <p>For information verified to be true, the information provider should be awarded.</p> |
| <p>Article 81 The executive department of health, quality supervision, industry and commerce, and food and drug administration at the county level or above shall perform the regulatory duties on food safety according to their statutory authority</p> | <p>Article 102 Food safety regulatory departments at the county level or above shall perform the regulatory duties on food safety according to their statutory authority and procedures. They shall not impose two or more</p> | <p>Article 115 Food and drug regulatory departments, quality supervision department and other departments at the county level or above shall perform the regulatory duties on food safety according to</p> |

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| <p>and procedures. They shall not impose two or more administrative penalties on the same illegal food production or trading activity. Anyone suspected of violating criminal law shall be handed to the public security authorities according to law.</p> | <p>administrative penalties on the same illegal food production or trading activity. Anyone suspected of violating criminal law shall be handed to the public security authorities according to law.</p> | <p>their statutory authority and procedures. They shall not impose two or more administrative penalties on the same illegal food production or trading activity. Anyone suspected of violating criminal law shall be handed to the public security authorities according to law.</p> |
| | | <p>Article 116 Food and drug regulatory department, quality supervision department and other departments shall enhance the training for law enforcement personnel about food safety law and regulations, food safety standards, professional knowledge, law enforcement ability and other aspects, and organize examinations. The personnel who do not have corresponding knowledge and ability must not conduct food safety law enforcement.</p> <p>In the event that food producers and traders, industry associations, etc. find law enforcement personnel's action to be against laws, or unfair and irregular, they may complain and report to food and drug regulatory department, quality supervision department and other departments of the people's governments at high levels, and may complain or report to supervisory institutions. The departments or institutions that receive complaints and reports shall verify the information and inform the</p> |

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| | | <p>departments with law enforcement personnel of the verified circumstances; Any case that violates regulations shall be handled according to relevant regulations.</p> |
| | | <p>Article 117 The state establishes the food safety statistic investigation mechanism. Food and drug regulatory department of the State council, in conjunction with the food safety statistic standard system established by the statistic department of the State Council, organizes and deploys statistic investigation related to food safety, in order to ensure that the food safety data and materials are true, accurate, complete, and in time.</p> |
| <p>Article 82 The State shall establish a unified food safety information release system. The following information shall be centrally disclosed by the executive department of health under the State Council:</p> <ol style="list-style-type: none"> 1) Overall situation of food safety in the country; 2) Food safety risk assessment and food safety risk alert; 3) Information on major food safety incidents and the handling; and 4) Other important food safety information and | <p>Article 103 The State shall establish a unified food safety information release system. The following information shall be centrally disclosed by food and drug regulatory departments under the State Council:</p> <ol style="list-style-type: none"> 1) Overall situation of food safety in the country; 2) Food safety risk assessment and food safety risk alert; 3) Information on major food safety incidents and the handling; and 4) Other important food safety information and | <p>Article 118 The State shall establish a unified food safety information platform, implementing the unified food safety information release system. The following information shall be centrally disclosed by food and drug regulatory departments under the State Council:</p> <ol style="list-style-type: none"> 1) Overall situation of food safety in the country; 2) Food safety risk assessment and food safety risk alert; 3) Information on major food safety incidents |

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| <p>information identified by the State Council as requiring centralized disclosure.</p> <p>The information set forth in 2) and 3) may, if its impact is limited to particular regions, be disclosed by the health departments of the people’s governments of relevant provinces, autonomous regions and municipalities. The executive departments of agriculture, quality supervision, industry and commerce, and food and drug administration, shall disclose information on routine supervision and administration of food safety in accordance with their respective duties and responsibilities.</p> <p>The regulatory departments on food safety shall disclose information in a timely, objective, and accurate basis.</p> | <p>information identified by the State Council as requiring centralized disclosure.</p> <p>The information set forth in 2) and 3) may, if its impact is limited to particular regions, be disclosed by food and drug regulatory departments of the people’s governments of relevant provinces, autonomous regions and municipalities. The food safety regulatory departments at the county level or above shall disclose information on routine supervision and administration of food safety in accordance with their respective duties and responsibilities.</p> <p>The regulatory departments on food safety shall disclose information in a timely, objective, and accurate basis.</p> <p>The food and drug regulatory department under the State Council establishes a uniformed food safety information platform, and releases food safety information according to law.</p> <p>If without authorization, no organization or individual shall issue food safety information that is to be released by food safety regulatory departments according to law.</p> | <p>and the handling; and</p> <p>4) Other information identified by the State Council as requiring centralized disclosure.</p> <p>The information set forth in 2) and 3) may, if its impact is limited to particular regions, be disclosed by food and drug regulatory departments of the people’s governments of relevant provinces, autonomous regions and municipalities.</p> <p>The food and drug regulatory departments, agriculture executive departments and quality supervision departments at the county level or above shall disclose information on routine supervision and administration of food safety in accordance with their respective duties and responsibilities.</p> <p>Disclosing information shall be in a timely, objective, and accurate basis, provide explanations to the harm possibly caused by relevant food, and avoid misleading consumers and public opinions.</p> <p>If without authorization, no organization or individual shall issue food safety information that is to be released by food and drug regulatory departments according to law.</p> |
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| | | <p>Article 119 Food and drug regulatory department, in conjunction with agriculture executive department and quality supervision departments, shall establish information collection about actions violating food safety laws, record the information about the food producers and traders' actions that violate laws, publicize to the society and update in a timely manner; food producers and traders with actions that severely violate the laws may be reported to investment department, stock supervision regulatory institutions and other relevant financial institutions.</p> |
| <p>Article 83 Upon receiving information requiring central disclosure pursuant to Article 82 (1), the executive departments of health, agriculture, quality supervision, industry and commerce, and food and drug administration at the county level or above shall immediately report to their superior departments, which then shall immediately report to the executive department of health under the State Council, and, if necessary, they may directly report to the executive department of health under the State Council.</p> <p>The executive departments of health, agriculture, quality supervision, industry and commerce, and food and drug administration at the county level</p> | <p>Article 104 Upon receiving information requiring central disclosure pursuant to this law, the food safety regulatory departments at the county level or above shall immediately report to their superior departments, which then shall immediately report to the food and drug regulatory department under the State Council, and, if necessary, they may directly report to food and drug regulatory department under the State Council.</p> <p>The food safety regulatory departments at the county level or above shall notify each other of any food safety related information.</p> | <p>Article 120 Upon receiving information requiring central disclosure pursuant to this law, the food and drug regulatory departments, agriculture executive departments and quality supervision departments at the county level or above shall immediately report to their superior departments, which then shall immediately report to the food and drug regulatory department under the State Council, and, if necessary, they may directly report to food and drug regulatory department under the State Council.</p> <p>The food and drug regulatory departments, agriculture executive departments and quality supervision departments at the</p> |

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| <p>or above shall notify each other of any food safety related information.</p> | | <p>county level or above shall notify each other of any food safety related information.</p> |
| | <p>Article 105 The state establishes the food safety statistics system.</p> <p>The food and drug regulatory department under the State Council, in conjunction with relevant departments, establishes food safety statistics indicator system and organizes food safety statistics work.</p> <p>Food safety data shall be authentic and complete.</p> | |
| | <p>Article 106 Any organization or individual should verify with food producers and traders, industry associations, scientific research institutes, and food safety regulatory departments, before issuing food safety information that may bring significant impacts to the society or the food industry.</p> <p>No organization or individual shall issue food safety information that has not been verified, nor shall any of them forge and disseminate false food safety information.</p> | <p>Article 121 No organization or individual shall issue food safety information that has not been verified, nor shall any of them forge and disseminate false food safety information.</p> <p>Disclosing any food safety information that may bring significant impacts to the society or the food industry shall first verify the information with food and drug regulatory department of people's governments at city level and above. In the event that food and drug regulatory department needs assistance for verification from the health executive department, agriculture executive department, quality supervision department and other</p> |

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| | | <p>departments, relevant department shall provide cooperation according to their respective responsibilities.</p> <p>If food and drug regulatory department of people's governments at county level and above find any food safety information that may mislead consumers and public opinions, the department shall immediately organize relevant departments, professional institutions, relevant food producers and traders, etc. to verify and analyze the information and publicize the result in a timely manner.</p> |
| | <p>Article 107 The food safety regulatory department under the State Council and the public security department establish the coordination system for food safety administrative law enforcement and criminal justice work.</p> <p>The food safety regulatory departments, upon detecting suspected food safety crimes, shall transfer the case to the public security departments in a timely manner. For cases handed over by the food safety regulatory departments, the public security departments shall make inspections in a timely manner, and shall put the case on file for investigation and prosecution if the case</p> | <p>Article 122 The food and drug regulatory departments and quality supervision departments, upon detecting suspected food safety crimes, shall transfer the case to the public security departments in a timely manner according to the relevant provisions about executive law enforcement agencies transferring crime cases. For cases handed over by the food and drug regulatory departments and quality supervision departments, the public security departments shall make inspections in a timely manner; if the crime is indeed the truth and requires investigation for criminal responsibility, the case shall be put on file.</p> <p>The public security departments, if found</p> |

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| | <p>is deemed to be of such a level.</p> <p>The public security departments, if found cases that do not constitute crime in food safety criminal investigations, shall transfer the case to food safety regulatory departments in a timely manner; and relevant departments shall handle the case according to law.</p> <p>In the event that the public security departments request the assistance of food safety regulatory departments on providing examination, appraisal or identification, the food safety regulatory departments shall provide assistance.</p> | <p>cases with no criminal fact or slight criminal fact, which do not bear criminal responsibility but with executive responsibility according to the law, shall transfer the case to food and drug regulatory departments in a timely manner; and relevant departments, quality supervision departments and supervisory agencies; and relevant departments shall handle the case according to law.</p> <p>In the event that the public security departments request the assistance of food and drug regulatory departments, quality supervision departments and other departments on providing examination, appraisal or identification food and drug regulatory departments, quality supervision departments and other departments shall provide assistance and relevant examination results, appraisal, identification comments and other materials in a timely manner.</p> |
| | <p>Article 108 People’s governments at the provincial level or above, in accordance with relevant provisions of the State Council, should commend organizations and individuals that have made remarkable achievements in food safety work.</p> | |

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| Chapter 9: Legal Liabilities | Chapter 9: Legal Liabilities | Chapter 9: Legal Liabilities |
| | | Section 1: Responsibilities of Producers and Traders |
| <p>Article 84 Food producers or traders who violate the Law by engaging in unauthorized food production or trading activities or production of food additives shall have illegally gained benefits, including food or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading confiscated by the relevant authorities according to their respective duties and responsibilities, and be subject to a fine of RMB2,000 - 50,000 if the total value of the food or food additive is less than RMB 10,000 or a fine between 5 and 10 times of the total value of the commodity if the total value of the commodity exceeds RMB10,000.</p> | <p>Article 109 Food producers or traders who violate the Law by engaging in unauthorized production or trading activities of food and food additives shall have illegally gained benefits, including food or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading confiscated by the food safety regulatory departments according to their respective duties and responsibilities, and be subject to a fine of RMB2,000 - 50,000 if the total value of the food or food additive is less than RMB 10,000 or a fine between 5 and 10 times of the total value of the commodity if the total value of the commodity exceeds RMB10,000.</p> | <p>Article 123 Food producers or traders who violate the Law by engaging in unauthorized production or trading activities of food and food additives, or by producing or trading health food not registered according to this Law, food and drug regulatory department shall confiscate illegally gained benefits, including food or food additives illegally produced or traded, tools, equipment and food raw material, used for illegal production or trading, according to their respective duties and responsibilities; if the total value of the food or food additive is less than RMB 10,000, the fine is RMB 50,000 – 100,000; if the total value of the commodity exceeds RMB10,000, the fine is between 10 to 20 times of the total value of the commodity.</p> <p>If anyone provides sites of production and trade for food production and trade without permission, for food additives production without permission, or for production and trade of health food not registered according to this Law, food and drug regulatory department shall command termination of this illegal activity, confiscate</p> |

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| | | <p>illegally gained benefits, and impose a fine of RMB 50,000-100,000.</p> |
| <p>Article 85 In violation of the Law with one of the following circumstances, the food producer or trader shall have illegally gained benefits, including foods or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading confiscated by the relevant authorities according to their respective duties and responsibilities, and be subject to a fine of RMB2,000 - 50,000 if the total value of the commodity is less than RMB 10,000 or a fine between 5 and 10 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; and for serious cases, be revoked the business license</p> <p>1) Producing food with non-food raw material or adding chemicals other than food additives or other substances possibly hazardous to human health to food, or producing food with recovered food as raw materials;</p> <p>2) Producing or trading food which exceed food safety standard limits in content of pathogenic microorganisms, pesticide residues, animal medicine residues, heavy metals, contaminants, and other substances with possible hazardous to human health;</p> | <p>Article 110 In violation of the Law with one of the following circumstances, the food producer or trader shall have illegally gained benefits, including foods or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading confiscated by the food safety regulatory departments according to their respective duties and responsibilities, and be subject to a fine of RMB 50,000 - 150,000 if the total value of the commodity is less than RMB 10,000 or a fine between 15 and 30 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; for serious cases, the business license will be revoked, and the person directly responsible will be given administrative detention by the public security departments; and for cases constituting crime, the criminal responsibilities will be prosecuted according to law.</p> <p>1) Producing food with non-food raw material, or with recovered food or food exceeding shelf life as raw materials;</p> <p>2) Adding chemicals other than food additives or other substances possibly</p> | <p>Article 124 In violation of the Law with one of the following circumstances, the food and drug regulatory department shall revoke the permits, and confiscate illegally gained benefits, including foods or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading according to their respective duties and responsibilities. If the total value of the commodity is less than RMB 10,000, a fine is RMB 150,000; if the total value of the commodity exceeds RMB10,000, a fine is between 15 and 30 times the total value of the commodity:</p> <p>1) Producing food with non-food raw material, or adding chemicals other than food additives or other substances possibly hazardous to human health to food; producing food with recovered food as raw material or food exceeding shelf life;</p> <p>2) Producing or trading staple and supplementary food dedicated to babies or other specific populations the nutritional ingredients of which fail to comply with food safety standards;</p> <p>Anyone who consciously provides sites of production for actions violating the</p> |

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| <p>3) Producing or trading staple and supplementary food dedicated to babies or other specific populations the nutritional ingredients of which fail to comply with food safety standards;</p> <p>4) Food which is rotten or spoiled, has rancid fat, grows with molds or insects, is dirty or contaminated, contains foreign matters, has been adulterated, or displays abnormal sensory indication;</p> <p>5) Trading or producing meat or products of any poultry, livestock, animals, or waterborne animals which have been killed by disease, poison or any unidentified cause;</p> <p>6) Trading meat which have not been quarantined or inspected by animal health supervision authorities or fail to pass such quarantine or inspection; or producing or trading meat products meat which have not been quarantined or inspected or fail to pass such quarantine or inspection;</p> <p>7) Trading food exceeding the shelf life;</p> <p>8) Producing or trading food expressly prohibited by the State from production and trading for disease prevention and control purposes;</p> <p>9) Using new food materials to produce food, or producing new varieties of food additives and</p> | <p>hazardous to human health to food;</p> <p>3) Producing or trading staple and supplementary food dedicated to babies or other specific populations the nutritional ingredients of which fail to comply with food safety standards;</p> <p>4) Producing infant and young children formula foods in the means of sub-contracting, OEM, or sub-packaging;</p> <p>5) Producing meat or products of any poultry, livestock, animals, or waterborne animals which have been killed by disease, poison or any unidentified cause;</p> <p>6) Trading meat which have not been quarantined or inspected by animal health supervision authorities or fail to pass such quarantine or inspection; or producing or trading meat products meat which have not been quarantined or inspected or fail to pass such quarantine or inspection;</p> <p>7) Producing food that has been adulterated;</p> <p>8) Adding medicine in food production and trading activities.</p> <p>9) Claiming the functions of disease prevention and treatment in the label, instructions or advertisements for the produced food and food</p> | <p>preceding regulations, or anyone who sells inedible substance added in food that is published by the state, the food and drug regulatory department shall command termination of the illegal activities, confiscate illegally gained benefits, and impose a fine of between RMB 100,000 to RMB 200,000.</p> <p><i>(In this article, other paragraphs in 2013 amendment are all deleted in 2014 amendment.)</i></p> |
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| <p>food related products without a safety assessment;</p> <p>10) Refusing to recall or stop operations when relevant authorities order a recall or stop of operation of food that does not comply with foods safety standard.</p> | <p>additives;</p> <p>10) Producing or trading food expressly prohibited by the State from production and trading for disease prevention and control purposes;</p> <p>11) Producing and processing food related products with discarded materials, recycled materials, or other materials not complying with requirements;</p> <p>12) Forging or altering licenses, labels, marks, instructions, inspection reports, quarantine certificates, or other activities going against the honesty duties.</p> | |
| | <p>Article 111 In violation of the Law with one of the following circumstances, the food producers or traders shall have the food that was illegally obtained, or illegally produced or traded, confiscated by the food safety regulatory departments according to duties and responsibilities, and be subject to a fine of RMB 2,000 - 50,000 if the total value of the commodity is less than RMB 10,000 or a fine between 5 and 10 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; for serious cases, the business license will be revoked; and for cases constituting crime, the criminal</p> | <p>Article 125 In violation of the Law with one of the following circumstances, the food producers or traders shall have the food and food additives illegally obtained or illegally produced or traded, confiscated by the food and drug regulatory departments according to duties and responsibilities, and be subject to a fine of RMB 50,000 - 100,000 if the total value of the commodity is less than RMB 10,000, or a fine between 10 to 20 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; for serious cases, the business license will be revoked: and for cases constituting crime, the criminal</p> |

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| | <p>responsibilities will be prosecuted according to law.</p> <p>1) Producing or trading food which exceeds food safety standard limits in relation to pathogenic microorganisms, pesticide residues, animal medicine residues, heavy metals, biotoxins, contaminants, radioactive substances, and other substances hazardous to human health;</p> <p>2) Producing or trading food which is rotten or spoiled, has rancid fat, grows with molds or insects, is dirty or contaminated, contains foreign matter, or displays abnormal sensory indication;</p> <p>3) Trading food, food additives or food related products that have exceeded shelf life;</p> <p>4) Using new food materials to produce food, or producing new varieties of food additives and food related products without a safety assessment;</p> <p>5) Refusing to recall or stop production or trading when relevant authorities order a recall or the cessation of production and trading of food that does not comply with foods safety standard.</p> <p>6) Purchasing or storing inedible substances that could be illegally added to food as announced by the State;</p> | <p>responsibilities will be prosecuted according to law.</p> <p>1) Producing or trading food which exceeds food safety standard limits in relation to pathogenic microorganisms, pesticide residues, animal medicine residues, heavy metals, biotoxins, contaminants, radioactive substances, and other substances hazardous to human health;</p> <p>2) Trading staple and supplementary food dedicated to babies or other specific populations the nutritional ingredients of which fail to comply with food safety standards;</p> <p>3) Using food additives beyond allowed scope or higher than the allowed amount;</p> <p>4) Producing or Trading 4) Producing or Trading food which is rotten or spoiled, has rancid fat, grows with molds or insects, is dirty or contaminated, contains foreign matter or fake matter, or displays abnormal sensory indication;</p> <p>5) Trading birds, livestock, beast and aquatic animal that die from disease, poison or unclear reasons; or trading food made from birds, livestock, beast and aquatic animal that die from disease, poison or unclear reasons;</p> |
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| | <p>Punishment will be given in accordance with the provisions of Article 109 in this law, for food producers and traders who intentionally carry out activities stated in the preceding paragraph.</p> | <p>6) Trading meat not subject to quarantine or with unqualified quarantine; or producing and trading meat product not subject to inspection or with unqualified inspection;</p> <p>7) Producing and trading food or food additives with wrong production date; or trading food, food additives or food-related products that have exceeded shelf life;</p> <p>8) Producing or trading food, which is forbidden for production or trade by the state due to special requirements such as disease prevention;</p> <p>9) Health food producers organize production not in accordance with production formula, techniques and other skills that are registered or file-recorded;</p> <p>10) Producing infant and young children formula foods in the means of sub-contracting, OEM, or sub-packaging, or producing different brands of infant formula milk powder with one formula;</p> <p>11) Restaurant service providers do not check food and raw materials to be processed in accordance with the second paragraph of Article 54 of this Law; or processing food and raw materials that are already observed as rotten or spoiled or</p> |
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| | | <p>display abnormal sensory indication;</p> <p>12) Using new food materials to produce food or new varieties of food additives and food-related products without a safety assessment;</p> <p>13) Producing and trading food additives not complying with food safety standards;</p> <p>14) Refusing to recall or stop production or trading when food and drug regulatory department orders a recall or the cessation of production and trading according to the fifth paragraph of Article 75 of this Law. of food that does not comply with foods safety standard.</p> <p>Engaging in the production of new species of food-related product without safety assessment, the quality supervision department of the people's governments at county level and above shall impose punishment according to the preceding provision.</p> |
| <p>Article 86 In violation of the Law with one of the following circumstances, the food producer or trader shall have all illegal benefits, including food or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading confiscated by the relevant authorities according</p> | <p>Article 112 For food producers or traders in violation of the Law with one of the following circumstances, the food safety regulatory departments shall, according to their duties and responsibilities, order them to correct their activities and give warnings. The food producer or trader with serious offences shall</p> | <p>Article 126 For food producers or traders in violation of the Law with one of the following circumstances, the food and drug regulatory department shall, according to their duties and responsibilities, order them to correct their activities and give warnings. The food producer or trader with serious offences</p> |

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| <p>to their respective duties and responsibilities, and be subject to a fine of RMB2,000 - 50,000 if the total value of the commodity is less than RMB 10,000; or a fine between 2 and 5 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; and for the serious cases, be ordered to stop production or business or even revoked the business license:</p> <ol style="list-style-type: none"> 1) Trading the food contaminated with the packaging materials, container, transport means, etc.; 2) Producing or trading the pre-packaged food or food additives without label, or the food or food additives labels or instructions not in compliance with the Law; 3) Purchasing or using the food materials, food additives, or food related products not in compliance with food safety standards; 4) Adding medicine to food. | <p>have food illegally obtained, or illegally produced or traded confiscated; the food producer or trader shall be subject to a fine of RMB5,000 - 50,000 if the total value of the commodity is less than RMB 10,000; or a fine between 2 and 5 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; and for the serious cases, be ordered to stop production or business or even revoked the business license; and for cases constituting crime, the criminal responsibilities will be prosecuted according to law. :</p> <ol style="list-style-type: none"> 1) Producing or trading the food contaminated with the packaging materials, container, transport means, etc.; 2) Producing or trading the pre-packaged food or food additives without label, or the food or food additives labels or instructions not in compliance with the Law, or bulk food that fail to be marked as required; 3) Food producers and traders purchase or use the food materials, food additives, or food related products not in compliance with food safety standards; 4) Using food additives beyond allowed scope or higher than the allowed amount; 5) The food producers and traders fail to | <p>shall have confiscate illegally gained benefits, including foods or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading; the food producer or trader shall be subject to a fine of RMB5,000 - 50,000 if the total value of the commodity of food and food additives is less than RMB 10,000; or a fine between 5 to 10 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; and for the serious cases, be ordered to stop production or business or even revoked the business license; and for cases constituting crime, the criminal responsibilities will be prosecuted according to law.:</p> <ol style="list-style-type: none"> 1) Producing or Trading the food contaminated with the packaging materials, container, transport means, etc.; 2) Producing or trading the pre-packaged food or food additives without label, or the food or food additives labels or instructions not in compliance with the Law, or bulk food that fail to be marked as required; 3) Food producers and traders purchase or use the food materials, food additives, or food related products not in compliance with food safety |
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| | <p>perform the duties of recall according to law;</p> <p>6) Water used in food production and trading fails to meet relevant national requirements;</p> <p>7) Producing or trading other food, food additives, or food-related products that fail to meet food safety standards or requirements.</p> | <p>standards;</p> <p>4) Food producers and traders add drug into food;</p> <p>5) Enterprises that produce staple and supplementary food dedicated to babies or other specific populations and enterprises that produce health food do not establish production quality regulatory mechanism, or the mechanism does not efficiently function, or the enterprises do not submit self-examination report regularly;</p> <p>6) Food production enterprises do not formulate and implement the production control requirements in accordance with the second paragraph of Article 41 of this Law;</p> <p>7) Food service providers do not formulate and implement the control requirement for purchasing raw materials, according to the first paragraph of Article 54 of this Law;</p> <p>8) Food producers and traders do not take actions according to Article 74 of this Law when the production and trade conditions change.</p> <p>In the event that food and labels and instructions of food additives have flaws that however do not affect food safety, the</p> |
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| | | <p>food and drug regulatory department commands correction; if the command is refused, a fine less than RMB 2,000 is imposed.</p> |
| <p>Article 87 In violation of the Law with one of the following circumstances, the food producer or trader shall be ordered to make correction or warned by the relevant authorities according to their respective duties and responsibilities; when refusing to make correction, be subject to a fine of RMB2,000 - 20,000; and for the serious cases, be ordered to stop production or business, until revoked the business license</p> <ol style="list-style-type: none"> 1) Fail to test the purchased food materials, produced food, food additives, and food related products; 2) Fail to establish and observe the inspection record system and ex-factory inspection record system; 3) Fail to file for record of the enterprise food safety standard according to the Law; 4) Fail to store or sell food or clear off food in stock according to the regulations; 5) Fail to check the license or relevant | <p>Article 113 In violation of the Law with one of the following circumstances, the food producer or trader shall be ordered to make a correction or be warned by the food safety regulatory departments according to their respective duties and responsibilities; when refusing to make correction, be subject to a fine of RMB2,000 - 20,000; and for serious cases, be ordered to stop production or business, until revoked the business license</p> <ol style="list-style-type: none"> 1) Failing to allocate food safety management personnel as required, to set up food safety management institutions as required, or identify the person in charge; 2) The practitioners have not received training, or failed the training exam; 3) The food producers and traders allocate personnel who have not obtained satisfactory health certificate to engage in production and trade, or allocate personnel with diseases listed in the Law to execute the | <p>Article 127 In violation of the Law with one of the following circumstances, the food producer or trader shall be ordered to make a correction or be warned by the food and drug regulatory departments according to their respective duties and responsibilities; when refusing to make correction, be subject to a fine of RMB2,000 - 20,000; and for serious cases, be ordered to stop production or business, until revoked the business license:</p> <ol style="list-style-type: none"> 1) Food producers do not inspect the purchased raw materials or the produced food, food additives and food-related products; 2) Food production and trade enterprises do not allocate full-time or part-time food safety regulatory personnel in accordance with the requirement, or do not train the food safety regulatory personnel in accordance with the requirement; 3) Food production and trade enterprises and food additive traders do not establish or |

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| <p>certificates upon receiving incoming products;</p> <p>6) Claim the functions of disease prevention and treatment in the label and instructions for the produced food and food additives;</p> <p>7) Allow the person with diseases listed in Article 34 of the Law to execute the work contacting the food for direct consumption.</p> | <p>work contacting the food for direct consumption;</p> <p>4) Failing to establish and observe the inspection record system and ex-factory inspection record system; failing to formulate plans to handle food safety incidents.</p> <p>5) The producers for infant and young children formula food fail to report the production raw materials, product formula, labels, etc. to food safety regulatory departments for recording.</p> <p>6) Failing to inspect and record food, food additives, food related products produced.</p> <p>7) Failing to file for record of the enterprise food safety standard according to the Law;</p> <p>8) Failing to store or sell food or clear off food in stock according to the regulations;</p> <p>9) Failing to wash or sterilize the tableware, kitchenware, and containers holding direct consumption food before use, or the washing or sterilization failing to meet standards;</p> <p>10) Failing to regularly carry out self-inspection on food safety conditions and keep records;</p> <p>11) Failing to buy food safety liability</p> | <p>obey the incoming inspection record mechanism or the outgoing inspection record mechanism;</p> <p>4) Food producers do not establish or implement the food safety regulatory mechanism in accordance with the first paragraph of Article 41 of this Law;</p> <p>5) Food production and trade enterprises do not formulate the food safety accident handling plan</p> <p>6) Traders that engage in food wholesale business do not take records and maintain the sale information and the relevant receipts in accordance with Article 50 of this Law;</p> <p>7) Food service enterprises do not regularly protect, clean or inspect equipment according to the first paragraph of Article 55 of this Law;</p> <p>8) Allocating personnel with diseases that are identified as affecting food safety by the health executive department under the State Council to engage in the job about ready-to-eat food;</p> <p>9) The file-recording of health food is not accomplished in accordance with Article 66</p> |
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| | <p>mandatory insurance as required; and</p> <p>12) Other activities in violation of food production and trading management standards.</p> | <p>and Article 67 of this Law;</p> <p>10) Failing to wash or sterilize the tableware, kitchenware, and containers holding direct consumption food before use, or the washing or sterilization failing to meet standards;</p> <p>11) The certificate of permits and relevant certificates are not checked when the food producers and trader replenish the stock;</p> <p>12) The labels and instructions of food and food additives involve disease prevention and treatment;</p> <p>13) The producers for infant and young children formula food fail to report the production raw materials, product formula, labels, etc. to food and drug regulatory department for recording;</p> <p>14) Failing to wash or sterilize the tableware, kitchenware, and containers holding direct consumption food before use, or the washing or sterilization failing to meet standards;</p> <p>15) Food producers and traders fail to regularly carry out self-inspection on food safety conditions and keep records;</p> <p>16) Schools, kindergartens, construction sites and other organizations that have group meal fail to carry out the food safety</p> |
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| | | regulatory responsibilities regulated by this Law. |
| | | Article 128 The punishment of the illegal activities of food processing workshops, food vendors, etc. shall be implemented in accordance with the regulatory provisions formulated by the standing committees of the People’s Congress at the provincial, autonomous region, and municipal levels. |
| Article 88 In violation of the Law upon occurrence of any accident, the food producer or trader failing to make disposal or reporting shall be ordered to make correction or warned by the relevant authorities according to their respective duties and responsibilities; when destroying the evidence, be ordered to suspend the production or trading and subject to a fine of RMB2,000 - 100,000; and for the serious cases, be revoked the business license | Article 114 In violation of the Law upon occurrence of any accident, the food producer or trader failing to make disposal or reporting shall be ordered to make a correction or be warned by the relevant authorities according to their respective duties and responsibilities; when hiding, forging, or destroying the evidence, be ordered to suspend the production or trading, have profits gained illegally confiscated, and subject to a fine of RMB100,000 - 500,000; and for serious cases, be revoked the business license, and for cases constituting crime, be prosecuted for criminal liabilities. | Article 129 In violation of the Law upon occurrence of any accident, the food producer or trader failing to make disposal or reporting shall be ordered to make a correction or be warned by the relevant authorities according to their respective duties and responsibilities; when hiding, forging, or destroying the evidence, be ordered to suspend the production or trading, have profits gained illegally confiscated, and subject to a fine of RMB100,000 - 500,000; and for serious cases, be revoked the business license by the original certificate-issuing authority. and for cases constituting crime, be prosecuted for criminal liabilities. |
| Article 89 Under any of the following circumstances, any food producer or trader in violation of the Law, shall be given the punishment according to Article 85 herein: 1) Importing foods not meeting the national food | Article 115 Under any of the following circumstances, any food producer or trader in violation of the Law, shall be given the punishment according to Article 110, 111, 112, and 113 herein: | Article 130 Under any of the following circumstances in violation of the Law, the exit-entry inspection and quarantine agency shall give punishment according to |

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| <p>safety standard of China;</p> <p>2) Importing foods without applicable national food safety standard, or the new type of food additive and food related products, without safety assessment;</p> <p>3) Exporting foods in breach of the Law.</p> <p>The importer failing to establish and maintain the food import and sales record system, in violation of the Law, shall be subject to punishment specified in Article 87 herein.</p> | <p>1) Importing foods not meeting the national food safety standard of China, or food not accompanied with inspection certificate documents.</p> <p>2) Importing foods without applicable national food safety standard, without going through inspection and having applicable standards identified, or the new type of food additive and food related products, without safety assessment;</p> <p>3) Exporting foods in breach of the Law.</p> <p>4) Importers refuse to recall food not meeting food safety standards after relevant competent departments order them to recall;</p> <p>5) Imported pre-packaged food have no Chinese labels or Chinese instructions, or the labels or instructions fail to meet the requirements of this law, other laws and administrative regulations of China, and food safety national standards.</p> <p>6) The importer failing to establish and maintain the food import and sales record system, or the examination and verification system for overseas exporter or overseas food production businesses for imported food.</p> | <p>Article 125:</p> <p>1) Importing foods or food additives not meeting the national food safety standard of China, or not accompanied with inspection certificate documents according to the regulations;</p> <p>2) Importing foods without applicable national food safety standard, without going through inspection and having applicable standards identified, or the new type of food additive and food related products, without safety assessment;</p> <p>3) Exporting foods in breach of the Law.</p> <p>4) Importers refuse to recall food after relevant competent departments order them to recall food according this Law;</p> <p>In violation of this Law, The importer failing to establish and maintain the food import and sales record system, or the examination and verification system for overseas exporter or overseas food production businesses for imported food, the exit-entry inspection and quarantine agency give punishment in accordance with Article 127 of this Law.</p> |
| <p>Article 90 If any operators of central trading</p> | <p>Article 116 If any operators of central trading</p> | <p>Article 131 If any operators of central trading</p> |

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| <p>markets, stall leasers, and organizers of trade fair permit food traders without a license for food production, distribution or provision for catering services to sell food in the market in violation of this Law, or fails to perform their inspection or reporting obligations, the relevant authorities shall impose a fine between RMB2,000 and RMB 50,000 according to their respective duties and responsibilities, and, if serious consequences are caused, order suspension of operations for correction and revocation of its license by the original issuer.</p> | <p>markets, stall leasers, organizers of trade fair, and online food trading third party platform providers permit food traders without a license for food production, distribution or provision for catering services to sell food in the market or on the online trading platform in violation of this Law, or fails to perform real name registration, inspection or reporting obligations, the relevant authorities shall impose a fine between RMB2,000 and RMB 50,000 according to their respective duties and responsibilities, and, if serious consequences are caused, order suspension of operations for correction, or even revoke its license.</p> | <p>markets, stall leasers, organizers of trade fair, and online food trading third party platform providers permit food traders without a license for food production, distribution or provision for catering services to sell food in the market or on the online trading platform in violation of this Law, or fails to perform real name registration, inspection or reporting obligations, the food and drug regulatory department shall impose a fine of RMB 50,000 to 200,000; if serious consequences are caused, order suspension of operations for correction, or even revoke its license by the original license-issuing authority.</p> |
| | | <p>Article 132 In the case that online food trading third party platform providers fail to perform real-name registration and certification inspection for the online food traders, or fail to perform the obligations such as reporting and terminating online trading platform service in accordance with this Law, the food and drug regulatory system shall impose a fine between RMB 50,000 and RMB 200,000; if serious consequences are caused, order suspension of operations for correction, or even revoke its license by the original license-issuing authority.</p> |
| <p>Article 91 Where anyone or organization engages</p> | <p>Article 117 Where anyone or organization</p> | <p>Article 133 Where anyone or organization</p> |

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| <p>in food transportation activities in violation of this Law, the relevant authorities shall order immediate correction and give a warning; if correction is refused, order suspension of operations for correction and impose a fine between RMB 2,000 and RMB 50,000 according to their respective duties and responsibilities; and in serious circumstances, order revocation of its license by the original issuing department.</p> | <p>engages in food and food additives transportation and delivery activities in violation of this Law, the food and drug regulatory departments shall order immediate correction and give a warning; if correction is refused, order suspension of operations for correction and impose a fine between RMB 2,000 and RMB 50,000 according to their respective duties and responsibilities; and in serious circumstances, order revocation of its license.</p> | <p>engages in food and food additives transportation and delivery activities in violation of this Law, the food and drug regulatory departments according to their respective responsibilities shall order immediate correction and give a warning; if correction is refused, order suspension of operations for correction and impose a fine between RMB 2,000 and RMB 50,000 according to their respective duties and responsibilities; and in serious circumstances, order revocation of its license by the original license-issuing authority.</p> |
| | <p>Article 118 In the event that a food producer and trader refuses or obstructs the food safety regulatory departments and their personnel carrying out investigation and sampling tests, the food safety regulatory departments shall, according to their respective duties and responsibilities, order the suspension of production and business, and impose a fine between RMB 2,000 and RMB 50,000; in serious circumstances, order revocation of its license; and for those disrupting public order, punishment will be imposed by the public security departments in accordance with Public Security Administration Punishments Law of the People's Republic of China; and for those constituting crime, be prosecuted for</p> | <p>Article 134 In the event that a food producer and trader refuses or obstructs the food and drug regulatory departments and their personnel carrying out investigation, risk inspection, and sampling tests, the food and drug regulatory departments shall, according to their respective duties and responsibilities, order the suspension of production and business, and impose a fine between RMB 2,000 and RMB 50,000; in serious circumstances, order revocation of its license; the activities violating the public security regulations, the public security departments shall give public security regulatory punishment according to the law.</p> |

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| | <p>criminal liabilities.</p> | |
| <p>Article 92 For any organization whose license for food production, distribution or catering service has been revoked of, the direct responsible manager shall not be permitted for management of food production and/or trading activities within 5 years after the punishment.</p> <p>If any organization for food production/trading engages any person not permitted for management of food production and/or trading activities, the license shall be revoked by the original issuing authority.</p> | <p>Article 119 For any organization whose license for food production and trading has been revoked, the main person in charge and food safety management personnel shall not be permitted to manage food production and/or trading activities within 5 years after the punishment.</p> <p>Any person who has been sentenced to a fixed-term imprisonment or more severe penalty due to food safety crimes, shall not engage in food production and trading management work for life.</p> <p>If any organization for food production/trading engages any person not permitted for management of food production and/or trading activities, the license shall be revoked.</p> | <p>Article 135 For any organization whose license for food production and trading has been revoked, the directly responsible main person and food safety management personnel shall not be permitted to manage food production and/or trading activities within 5 years after the punishment.</p> <p>Any person who has been sentenced to a fixed-term imprisonment or more severe penalty due to food safety crimes, shall not engage in food production and trading management work for life.</p> <p>If any organization for food production/trading engages any person not permitted for management of food production and/or trading activities, the license shall be revoked.</p> |
| | <p>Article 120 In the event that a technological institution or personnel undertaking food safety risk inspection or assessment work issues false inspection or assessment reports in violation of this law, the main person directly in charge of the technological institution and the technological personnel shall be punished by removing from duty or dismissal, and if constituting crime, be prosecuted for</p> | <p>Article 136 Anyone in violation of this Law causing personal or property damage or other damages due to their produced food shall be liable for compensation. When the assets are not sufficient for payment, the civil compensation shall be executed first.</p> <p><u>(Revised based on Article 96 and Article 97 in 2009 version.)</u></p> |

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| | criminal liabilities. | |
| | | <p>Article 137 Producing food not complying with the food safety standards, which cause harm to traders and consumers, the producers bear the responsibility of compensation and shall pay for the product change or return of traders and consumers.</p> |
| | | <p>Article 138 Consumers harmed by the food that does not comply with the food safety standard may request compensation from traders and producers. Upon receiving the request of compensation from consumers, the producers and traders shall implement the initial responsibility, which is to pay the compensation first with no excuse allowed; if the responsibility belongs to producers, traders, after compensating the consumers, have the right to request compensation from producers; if the responsibility belongs to traders, producers, after compensating the consumers, have the right to request compensation from traders.</p> <p>Consumers who request compensation due to the food not complying with the food safety standard, may apply for property preservation according to the Law of Civil Procedure.</p> <p>If the producers produce food not</p> |

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| | | <p>complying with the food safety standard, or if the traders engage in the business of food not complying with the food safety standard, consumers may request compensation of 10 times the price or 3 times the loss besides requesting compensation of the loss.</p> |
| | | <p>Article 139 If the imported food cause personal, property or other loss for Chinese consumers, consumers may request compensation from import food traders and importers, and may also request compensation from overseas exporters and overseas food producers. If the responsibility belongs to overseas exporters and overseas food producers, the overseas exporters and overseas food producers shall compensate Chinese consumers, import food traders and importers.</p> |
| <p>Article 93 If any food inspection agency or personnel issues false inspection reports in violation of this Law, the original authorities or institution granting its qualification shall revoke its certificate of qualification. The manager and personnel directly responsible shall be removed from office or dismissed.</p> <p>Any food inspection personnel issuing false inspection reports in violation of this Law shall, if</p> | <p>Article 121 If any food inspection agency or personnel issues false inspection reports in violation of this Law, relevant departments shall confiscate all inspection fees that have been charged and impose a fine 3 to 5 times the inspection fees, the original authorities or institution granting its qualification shall revoke its certificate of qualification, the manager and personnel directly responsible shall be removed from office or dismissed; and if constituting</p> | <p>Article 140 In violation of this Law, the crime of producing and selling food not complying with food safety standard, or the crime of producing and selling poisoned and harmful food, or the crime of illegal trade, etc., shall be investigated for criminal responsibilities.</p> <p><i><u>(Revised according to Article 98 in 2009)</u></i></p> |

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| <p>he/she has been subject to criminal prosecution or removed from office or dismissed, be prohibited from any food inspection work within ten (10) years thereafter. Any food inspection agency employing any person prohibited from food inspection work will be subject to revocation of its certificate of qualification by the original authorities or institution granting its qualification.</p> | <p>crime, they shall be prosecuted for criminal liabilities.</p> <p>Any food inspection personnel issuing false inspection reports in violation of this Law shall, if he/she has been subject to criminal prosecution or removed from office or dismissed, be prohibited from any food inspection work within ten (10) years thereafter. Any food inspection agency employing any person prohibited from food inspection work will be subject to revocation of its certificate of qualification by the original authorities or institution granting its qualification</p> <p>In the event that food inspection institutions, by issuing false inspection reports, have harmed the consumers' legal rights and benefits, they shall assume the liability for damages.</p> | <p><u>version.)</u></p> |
| | <p>Article 122 In the event that a verification institution issues false certification conclusion in violation of this law, the certification and accreditation regulatory departments shall confiscate any certification fees charged, impose punishments including a fine 3 to 5 times the certification fees, the suspense of business or revocation of its certificate of qualification, and announce the punishments; the manager and personnel directly responsible for the certification</p> | |

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| | <p>shall be revoked of their practicing qualification; and if constituting crime, they shall be prosecuted for criminal liabilities.</p> <p>In the event that certification institutions, by issuing false certification conclusions, have harmed the consumers' legal rights and benefits, they shall assume the liability for damages.</p> | |
| <p>Article 94 Any advertising containing false publicity to cheat the consumers in violation of the Law shall result in punishment according to Advertising Law of the People's Republic of China.</p> <p>Any food safety regulatory authorities or institution for food inspection, food industry association, or consumer association, when recommending any food to consumers via advertising or other forms, in violation of the Law, shall be subject to confiscation of the illegal benefits by the relevant authorities, and the manager and other personnel directly responsible shall be given the punishment of recording a special demerit, demotion or removal from the office.</p> | <p>Article 123 Any advertising containing false publicity of food to cheat the consumers in violation of the Law shall result in punishment according to Advertising Law of the People's Republic of China.</p> <p>Any food safety regulatory authorities or institution for food inspection, food industry association, or consumer association, when recommending any food to consumers via advertising or other forms, in violation of the Law, shall be subject to confiscation of the illegal benefits by the relevant authorities, and the manager and other personnel directly responsible shall be given the punishment of recording a special demerit, demotion or removal from the office; for serious circumstances, the manager and other personnel directly responsible shall be expelled.</p> | |
| | <p>Article 124 Any fabricating and spreading false food safety information to cause</p> | |

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| | <p>disturbance of public order in violation of the law shall be punished by Public Security Departments in accordance with the provisions of "Public Security Administration Punishments Law of P.R.China"; if constituting crime, the person shall be subject to criminal prosecution.</p> <p>Any fabricating and spreading of false food safety information or publicity of unverified food safety information to cause infringement of lawful rights and interests of food producers and traders shall bear civil liability according to law.</p> | |
| | | <p>Section 2 Responsibilities of local people's governments and relevant departments</p> |
| <p>Article 95 If any local people's government at the county or above level fails to perform its duties pursuant to this Law in the course of supervising and administrating food safety, and food safety incidents occur with serious impact on society, both the government officials that bear responsibility and the executives directly responsible shall be punished by recording a special demerit against them or demoting or removing them from office.</p> | <p>Article 125 If any local people's government at the county or above level fails to perform its duties pursuant to this Law in the course of supervising and administrating food safety with one of the following circumstances, and a food safety incident occurs with a serious impact on society, both the government officials that bear responsibility and the executives directly responsible shall be punished by recording a special demerit against them or demoting or removing them from office; if constituting crimes, both the government officials that</p> | <p>Article 141 Upon one of the following activities of the people's governments at county level and above, both the government officials that bear responsibility and the executives directly responsible shall be punished by warning, recording a demerit against them or recording a special demerit against them; if serious consequences are caused, demotion or removal from the position shall be the punishment: if constituting crimes, both the government officials that bear responsibility and the executives directly</p> |

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| <p>If the executive departments of health, agriculture, quality supervision, industry and commerce, food and drug or other executive branches of the government at the country level or above fail to perform their duties under this Law, or abuse their authority, engage in self-seeking misconduct and cause serious consequences, the authorities for supervision or appointment and dismissal shall punish the people chiefly responsible, the people directly in charge and other people directly responsible by recording a special demerit or demotion; if serious consequences are caused, the people chiefly responsible, the people directly in charge and other people directly responsible shall be removed from office or dismissed; the chief principal shall acknowledge the blame and resign.</p> | <p>bear responsibility and the executives directly responsible shall be subject to criminal prosecution.</p> <p>1) Failing to implement the food safety regulation responsibility system, fails to carry out the food safety assessment and examination in accordance with the provisions of the regulations;</p> <p>2) Failing to implement the capacity building standards of food safety supervision in accordance with the regulations, or fails to ensure funding for food safety work in accordance with the regulations;</p> <p>3) Failing to organize the formulation and implementation of the annual food safety regulation plan;</p> <p>4) Failing to report and organize the disposal of food safety incident in accordance with the provisions of the regulations;</p> <p>5) Failing to perform other duties stipulated by laws and regulations.</p> <p>If the provisions of this law are violated, to cause, in the administrative region, significant food safety incident and serious social impact, key persons in charge of the local government should be investigated in accordance with the relevant provisions of</p> | <p>responsible shall be subject to criminal prosecution.</p> <p>1) Failure to establish and improve the regulatory mechanism of food safety complete supervision, or failure to transfer sufficient food safety work fund in a timely manner according to the financial budget;</p> <p>2) Failure to clarify the food safety regulatory responsibilities of the relevant departments of people's government at its level; failure to improve and implement the food safety regulatory responsibility; failure to evaluate and examine the food safety work of the food and drug regulatory department and other departments;</p> <p>3) Failure to establish the food safety accident emergency plan at its executive region, or failure to establish a commanding agency for food safety accident handling after serious food safety accidents, or failure to activate the emergency plan;</p> <p>4) Failure to formulate the food safety annual supervision plan at its executive region.</p> |
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| | <p>accountability.</p> | |
| | <p>Article 126 If any food safety regulatory departments at the county level or above or any other relevant administrations fails to perform its duties under this Law , or abuses its authority, neglects its duties, and plays favoritism and commits irregularities with one of the following circumstances, the people directly in charge and other people directly responsible shall be punished by recording a special demerit or demotion; if serious consequences are caused, the people directly in charge and other people directly responsible shall be removed from office or dismissed; if constituting crimes, the people directly in charge and other people directly responsible shall be subject to criminal prosecution.</p> <p>1) Failing to grant approval in accordance with the provisions of the conditions, resulting in serious consequences;</p> <p>2) Failing to carry out supervision and inspection, resulting in serious consequences;</p> <p>3) Failing to report or notify significant food safety information in accordance with the</p> | <p>Article 142 The people's governments at county level and above, in the case of one of the following activities, the directly responsible main person and other directly responsible person shall be given the punishment of recording a special merit against them; in slightly serious cases, the punishment of demotion or removal from the position shall be given; in serious cases, the punishment of dismiss shall be given; in cases with serious consequences, the main responsible person shall resign to assume responsibility:</p> <p>1) Upon the food safety accidents in its executive regions, fail to organize and coordinate relevant departments to deploy effective actions, causing negative influence or loss;</p> <p>2) Upon the regional food safety problem with multi-components in its executive region, fail to implement renovation in a timely manner, causing negative influence or loss;</p> <p>3) Concealment, falsity, delay and omission in</p> |

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| | <p>provisions of the regulations;</p> <p>4) Failing to investigate food safety incident in accordance with the provisions of the regulations, or accepts bribes when investigating food safety accident;</p> | <p>reporting significant-food safety incidents;</p> <p>4) Particularly significant food safety accidents or consecutive significant food safety accidents occur in its executive region.</p> |
| | <p>5) Concealment, falsity, delay and omission in reporting significant food safety incidents;</p> <p>6) Participating, harboring or conniving food safety crimes;</p> <p>7) Failing to perform other duties stipulated by laws and regulations.</p> <p>If the provisions of this law are violated, to cause significant food safety incident or serious social impact, key persons in charge of the relevant departments should be investigated in accordance with the relevant provisions of accountability.</p> | <p>Article 143 Upon one of the following activities of the food and drug regulatory department, quality supervision department, and agriculture executive department and other departments under the people's governments at county level and above, the directly responsible main person and other directly responsible person shall be given the punishment of dismiss; if serious consequences are cause, the main responsible person shall resign to assume responsibility:</p> <p>1) Concealment, falsity and omission in reporting significant food safety incidents;</p> <p>2) Accept bribes when investigating illegal behaviors about food safety and food safety accidents;</p> <p>3) Participating, harboring or conniving food safety crimes;</p> |

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| | | <p>Article 144 Upon one of the following activities of the food and drug regulatory department, health regulatory department, quality supervision department, and agriculture executive department and other departments under the people's governments at county level and above, the directly responsible main person and other directly responsible person shall be given the punishment of recording special demerit against them; in slightly serious cases, the punishment of demotion or removal from the position shall be given; in serious cases, the punishment of dismiss shall be given; in cases with serious consequences, the main responsible person shall resign to assume responsibility:</p> <p>1) Failure to investigate food safety accidents, or failure to handle the food safety accident report in a timely manner, causing the spread of the accident;</p> <p>2) Failure to take corresponding measures for the conclusions about unsafe food according to the food safety risk assessment, causing food safety accidents or negative public influence;</p> <p>3) In violation of this Law, give permissions to unqualified applicants, or give</p> |
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| | | <p>permissions beyond legitimate authority;</p> <p>4) Failure to perform the responsibility of food safety supervision according to this Law, causing food safety accidents.</p> |
| | | <p>Article 145 Upon one of the following activities that cause negative consequences by the food and drug regulatory department, health regulatory department, quality supervision department, and agriculture executive department and other departments under the people's governments at county level and above, the directly responsible main person and other directly responsible person shall be given the punishment of warning, recording demerit against them, or recording special demerit against them; in slightly serious cases, the punishment of demotion or removal from the position shall be given; in serious cases, the punishment of dismiss shall be given:</p> <p>1) Failure to organize training and examination according to the provisions for food safety law enforcement personnel in its system, or allocating unqualified personnel to engage in food safety law enforcement;</p> <p>2) Failure to formulate training instructions and sampling examination for food safety</p> |

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| | | <p>regulatory personnel in food production and trade enterprises;</p> <p>3) Failure to formulate and implement food safety risk inspection plan in its executive region in a timely manner;</p> <p>4) Failure to organize food safety risk assessment in a timely manner;</p> <p>5) Failure to propose and publish food safety risk alert;</p> <p>6) Failure to organize follow-up evaluation for the implementation of national and local food safety standards, and failure to organize revision of food safety standards, in a timely manner;</p> <p>7) Upon receiving of food safety information, fail to report the information to the competent department at high level and people's government at its own level, or fail to report the information to each other;</p> <p>8) Failure to publicize the food safety information according to provisions;</p> <p>9) Failure to perform legitimate authority or to cooperate with investigation of food safety illegal behaviors; or misfeasance, dereliction of the duty and committing</p> |
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| | | <p>illegalities for personal gains;</p> <p>10) Other behaviors of not performing food safety regulatory responsibilities regulated by this Law.</p> |
| | | <p>Article 146 During the performance of food safety regulatory responsibilities by food and drug regulatory department, quality supervision department and other departments, in the case of implementing measures such as inspection and enforcement illegally and causing loss for food producers and traders, compensation shall be given legally, and punishment shall be imposed on directly responsible main person and other directly responsible persons.</p> |
| <p>Article 96 Anyone in violation of this Law causing personal or property damage or other damages shall be liable for compensation.</p> <p>When any manufacturer produces any food not conforming to the food safety standards or sells any food knowing its nonconformity with the food safety standards, the customer can demand the manufacturer or the seller to pay a penalty 10 times of the paid amount, in addition to the compensation for the loss thereof.</p> | <p>Article 127 Anyone in violation of this Law causing personal or property damage or other damages shall be liable for compensation.</p> <p>When any manufacturer produces any food not conforming to the food safety standards or sells any food knowing its nonconformity with the food safety standards, the customer can demand the manufacturer or the seller to pay a penalty 10 times of the paid amount or three times of the loss, in addition to the compensation for the loss thereof. If the compensation amount is calculated less</p> | |

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| | than RMB1,000, the consumer should be paid with a compensation of RMB1,000. | |
| Article 97 Anyone in violation of this Law shall be liable for civil compensation and payment of penalties and fines, and when the assets are not sufficient for payment, the civil compensation shall be executed first. | Article 128 Anyone in violation of this Law shall be liable for civil compensation and payment of penalties and fines, and when the assets are not sufficient for payment, the civil compensation shall be executed first. | |
| Article 98 Anyone in violation of this Law shall, if the crime is committed, be subject to criminal prosecution. | | Article 147 If the state personnel commits behaviors such as neglect of responsibilities, misfeasance, and committing favoritism for personal gains when working on food safety supervision, constituting the crime of misfeasance and the crime of neglect of responsibilities, criminal responsibilities shall be investigated according to the relevant provisions of Criminal Law. |
| | | Section 3 Responsibilities of other institutions and personnel |
| | | Article 148 In violation of this Law, if the technical persons and technical institutions responsible for food safety risk inspection and risk assessment provide fake and wrong inspection and assessment reports, the punishment of demotion, removal from the position or dismissal shall be given to the directly responsible person of technical institutions and technical personnel; the certificate of practice shall be revoked by the original certificate-issuing authority, if |

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| | | <p>the person or the institution has such certificate of practice.</p> |
| | | <p>Article 149 If any food inspection agency or personnel issues false inspection reports in violation of this Law, the original authorities or institution granting its qualification shall revoke its certificate of qualification, confiscate the received inspection fee, and impose a fine of between 5 times and 10 times the inspection fee; The manager and personnel directly responsible shall be removed from office or dismissed; if significant food safety accident is cause, the manager of the institution and personnel directly responsible shall be dismissed.</p> <p>Any food inspection personnel issuing false inspection reports in violation of this Law shall, if he/she has been subject to criminal prosecution or removed from office or dismissed, be prohibited from any food inspection work within ten (10) years thereafter; any personnel subjected to criminal punishment due to illegal behaviors about food safety, or any personnel dismissed due to issuing false inspection reports that lead to significant food safety accidents, is prohibited from any food inspection work for the whole life. Any food inspection agency employing any person prohibited from food inspection work will be subject to revocation of its certificate of qualification by the original</p> |

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| | | <p>authorities or institution granting its qualification.</p> <p>If the food inspection agency issues false inspection report, harming the legitimate rights of consumers, the agency shall take the responsibility of compensation.</p> <p><i>(Revised according to Article 93 of 2009 version.)</i></p> |
| | | <p>Article 151 In violation of this law, if the certificate agency issues false accreditation conclusion, the certificate and accreditation department shall confiscate the received certificate fees and impose a fine of between 5 time and 10 times the certificate fees; if the certificate fee is less than RMB 10,000, the fine is between RMB 50,000 and RMB 100,000; in serious cases, the business must be terminated, even the permission documents by the certificate agency shall be revoked and publicized; the certificate of practice shall be revoked from the directly responsible person and the directly responsible certificate personnel.</p> <p>If the certificate agency issues false certificate conclusion, harming the legal rights of consumers and food producers and traders, the agency shall take the responsibility of compensation.</p> |

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| | | <p>Article 151 If the food inspection personnel and certificate agency personnel issues false inspection and certificate reports, in violation of this Law, constituting the crime of providing false proof document, the criminal responsibility shall be investigated according to the Criminal Law.</p> |
| | | <p>Article 152 Any advertising containing false publicity to cheat the consumers in violation of the Law, or publicizing documents without permission or health food advertisements with content inconsistent with the permitted documents, shall result in punishment according to Advertising Law of the People’s Republic of China.</p> <p>Any food and drug regulatory authorities or institution for food inspection, food industry association, or consumer association, when recommending any food to consumers via advertising or other forms, in violation of the Law, shall be subject to confiscation of the illegal benefits by the relevant authorities, and the manager and other personnel directly responsible shall be given the punishment of recording a special demerit, demotion or removal from the position; in serious cases, the punishment of dismiss shall be given.</p> <p>If the case of false food publicity is serious, the food and drug regulatory</p> |

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| | | <p>department of people's governments at province level and above shall decide to stop the sale of the food and publicize to the society; if the food is still sole, the food and drug regulatory department of people's governments at province level and above shall confiscate the illegally gained benefits and the illegally sold food and impose a fine of between RMB 5,000 and 20,000.</p> <p><i><u>(Revised according to Article 94 of the 2009 version.)</u></i></p> |
| | | <p>Article 153 In violation of this Law, with the behaviors of fabricating and spreading false food safety information, if violating public security regulations, the public security agency shall give public security regulatory punishment; if constituting crime, the criminal responsibility shall be investigated.</p> <p>Fabricating and spreading false food safety information, or publicizing unverified food safety information, harming the legal rights of food producers, traders and consumer, the civil responsibility shall be taken.</p> |

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| | | <p>The media that fabricates and spreads the false food safety information, harming the legal rights of citizens, legal representatives or other organizations, shall take the civil rights such as eliminating influence, rehabilitating reputation, compensating for loss and apology and other corresponding legal responsibilities.</p> |
| <p>Chapter 10: Supplementary Provisions</p> | <p>Chapter 10: Supplementary Provisions</p> | <p>Chapter 10: Supplementary Provisions</p> |
| <p>Article 99 For the purpose of this Law, the following terms shall have the meaning defined hereunder: Food means any substance that has been processed or not processed that is suitable for eating and/or drinking, including substances used as food and medicine, excluding substances solely used as medicine.</p> <p>Food Safety means the assurance that the food is nontoxic, harmless, and compliant with reasonable nutritional requirement, and will not cause any acute, chronic and potential hazards to human health.</p> <p>Pre-packaged Food means food which is prepackaged or made in containers or packaging materials, according to the fixed amount. Food Additive means any synthetic or natural substance used to improve the quality, color,</p> | <p>Article 129 For the purpose of this Law, the following terms shall have the meaning defined hereunder:</p> <p>Food means any substance that has been processed or not processed that is suitable for eating and/or drinking, including substances used as food and medicine, excluding substances solely used as medicine.</p> <p>Food Safety means the assurance that the food is nontoxic, harmless, and compliant with reasonable nutritional requirement, and will not cause any acute, chronic and potential hazards to human health.</p> <p>Health Foods refers to those which claim to have specific health functions, to be suitable for specific groups, and to be consumed at a specified quantity.</p> | <p>Article 154 For the purpose of this Law, the following terms shall have the meaning defined hereunder:</p> <p>Food means any substance that has been processed or not processed that is suitable for eating and/or drinking, including substances used as food and medicine, excluding substances solely used as medicine.</p> <p>Food Safety means the assurance that the food is nontoxic, harmless, and compliant with reasonable nutritional requirement, and will not cause any acute, chronic and potential hazards to human health.</p> <p>Health Foods refers to those which claim to have specific health functions, to be suitable for specific groups, and to be consumed at a specified quantity.</p> |

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| <p>fragrance, flavor of food, and used to add to the food or put together with the food for corrosion proof, keeping fresh or processing technology requirements.</p> <p>Food Container and Packaging Material means the products made of paper, bamboo, wood, metal, porcelain, plastic, rubber, natural fiber, chemical fiber, or glass and used to contain food or additives, or coating in direct contact with food or additives.</p> <p>Food Tools and Devices mean machines, pipes, conveyer belts, containers, appliances, tableware and other objects that have direct contact with food or additives during production, distribution and use of food or additives.</p> <p>Food Detergent and Disinfectant mean substances that are directly used to wash or sterilize food tableware, and tools and devices, or food containers and packaging materials that have direct contact with food.</p> <p>Shelf Life means the period prior to the “best before” date when the pre-packaged food remains in good quality under the storage conditions indicated on the label.</p> <p>Food Borne Disease means any infectious, toxic or other disease caused by pathogenic bacteria</p> | <p>Pre-packaged Food means food which is prepackaged or made in containers or packaging materials, according to a fixed quantity.</p> <p>Food Additive means any synthetic or natural substance used to improve the quality, color, fragrance, flavor of food, and used to add to the food or put together with the food to prevent deterioration, keep fresh or for processing technology requirements.</p> <p>Food Container and Packaging Material means the products made of paper, bamboo, wood, metal, porcelain, plastic, rubber, natural fiber, chemical fiber, or glass and used to contain food or additives, or coating in direct contact with food or additives.</p> <p>Food Tools and Devices mean machines, pipes, conveyer belts, containers, appliances, tableware and other objects that have direct contact with food or additives during production, distribution and use of food or additives.</p> <p>Food Detergent and Disinfectant mean substances that are directly used to wash or sterilize food tableware, and tools and devices, or food containers and packaging materials that have direct contact with food.</p> <p>The food safety risk monitoring, refers to</p> | <p>Pre-packaged Food means food which is prepackaged or made in containers or packaging materials, according to a fixed quantity.</p> <p>Food Additive means any synthetic or natural substance used to improve the quality, color, fragrance, flavor of food, and used to add to the food or put together with the food to prevent deterioration, keep fresh or for processing technology requirements.</p> <p>Food Container and Packaging Material means the products made of paper, bamboo, wood, metal, porcelain, plastic, rubber, natural fiber, chemical fiber, or glass and used to contain food or additives, or coating in direct contact with food or additives.</p> <p>Food Tools and Devices mean machines, pipes, conveyer belts, containers, appliances, tableware and other objects that have direct contact with food or additives during production, distribution and use of food or additives.</p> <p>Food Detergent and Disinfectant mean substances that are directly used to wash or sterilize food tableware, and tools and devices, or food containers and packaging materials that have direct contact with food.</p> <p>The food safety risk monitoring, refers to</p> |
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| <p>which enter the body through food.</p> <p>Food Poisoning means acute, sub-acute or other food-borne diseases that are caused by eating food contaminated by or containing poisonous or hazardous substances.</p> <p>Food Safety Incident means any incident that may be caused by food poisoning, food borne diseases, food contamination, or other incidents arising from food and hazardous to human health.</p> | <p>systematically and continually collecting monitoring data and relative information of food borne diseases, food contamination and harmful factors in food, and making a comprehensive analysis and timely notification.</p> <p>The food safety risk assessment, refers to scientific assessment of potential adverse effects on human health that may be caused by biological, chemical and physical hazards in food, food additives, and food related products, including hazard identification, hazard characterization, exposure assessment, and risk characterization.</p> <p>Food safety risk communication, refers to food safety regulatory departments and the food safety risk assessment agencies, in accordance with the scientific, objective, timely and open principle to organize food producers and traders, industry associations, technological institutions, media and consumer associations to exchange information on food safety risk assessment and food safety regulation.</p> <p>Catering services, refers to activities providing consumers with food, places and facilities of consumption, through instant processing, commercial sales and service</p> | <p>systematically and continually collecting monitoring data and relative information of food borne diseases, food contamination and harmful factors in food, and making a comprehensive analysis and timely notification.</p> <p>The food safety risk assessment, refers to scientific assessment of potential adverse effects on human health that may be caused by biological, chemical and physical hazards in food, food additives, and food related products, including hazard identification, hazard characterization, exposure assessment, and risk characterization.</p> <p>Food safety risk communication, refers to food safety regulatory departments and the food safety risk assessment agencies, in accordance with the scientific, objective, timely and open principle to organize food producers and traders, industry associations, technological institutions, media and consumer associations to exchange information on food safety risk assessment and food safety regulation.</p> <p>Catering services, refers to activities providing consumers with food, places and facilities of consumption, through instant processing, commercial sales and service</p> |
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| | <p>type labor.</p> <p>Shelf Life means the period prior to the “best before” date when the pre-packaged food remains in good quality under the storage conditions indicated on the label.</p> <p>Food Poisoning means acute, sub-acute or other food-borne diseases that are caused by eating food contaminated by or containing poisonous or hazardous substances.</p> <p>Food Borne Disease means any infectious, toxic or other disease caused by pathogenic bacteria which enter the body through food.</p> <p>Food Safety Incident means any incident that may be caused by food poisoning, food borne diseases, food contamination, or other incidents arising from food and hazardous to human health.</p> | <p>type labor.</p> <p>Shelf Life means the period prior to the “best before” date when the pre-packaged food remains in good quality under the storage conditions indicated on the label.</p> <p>Food Borne Disease means any infectious, toxic or other disease caused by pathogenic bacteria which enter the body through food.</p> <p>Food Poisoning means acute, sub-acute or other food-borne diseases that are caused by eating food contaminated by or containing poisonous or hazardous substances.</p> <p>Food Safety Incident means any incident that may be caused by food poisoning, food borne diseases, food contamination, or other incidents arising from food and hazardous to human health.</p> |
| <p>Article 100 If the food producer or trader has received the relevant license before the execution of this Law, such a license shall remain valid until expiration thereof.</p> | <p>Article 130 If the food producer or trader has received the relevant license before the execution of this Law, such a license shall remain valid until expiration thereof.</p> | <p>Article 155 If the food producer or trader has received the relevant license before the execution of this Law, such a license shall remain valid until expiration thereof.</p> |
| <p>Article 101 The food safety administration for dairy products, genetically modified foods, pig slaughtering, wines and common salt shall be in accordance with this Law; when there is separate</p> | <p>Article 131 The food safety administration for dairy products, genetically modified foods, livestock and poultry slaughtering, wines and common salt shall be in accordance with this Law; when there is separate regulations, such</p> | <p>Article 156 The food safety administration for dairy products, genetically modified foods, livestock and poultry slaughtering, wines and common salt shall be in accordance with this Law; when there is separate regulations, such</p> |

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| <p>regulations, such regulations shall apply.</p> | <p>regulations shall apply.</p> | <p>regulations shall apply.</p> |
| <p>Article 102 The measures for administration of food safety in the railway operations shall be developed by the health administration authorities under the State Council together with other relevant departments of the State Council. The measures for administration of food safety of the special foods and self-supplied foods in the army shall be developed by the Central Military Committee according to the Law.</p> | <p>Article 132 The measures for administration of food safety in the railway and aviation operations shall be developed by the food and drug regulatory department under the State Council together with other relevant departments of the State Council.</p> <p>The food safety regulation of grain acquisition, storage and policy processing, shall be implemented by state executive department of grain in accordance with this law.</p> <p>The measures for administration of food safety of the special foods and self-supplied foods in the army shall be developed by the Central Military Committee according to the Law.</p> | <p>Article 157 The measures for administration of food safety in the railway and civil aviation operations shall be developed by the food and drug regulatory department under the State Council together with other relevant departments of the State Council.</p> <p>The regulations of food-related production activities are formulated by the supervision department under the State Council according to this Law.</p> <p>The regulations for frontier port food are implemented by the exit-entry inspection and quarantine agency, in accordance with relevant laws and executive provisions.</p> <p>The food safety regulation of grain acquisition, storage and policy consumption shall be implemented by the exit-entry inspection and quarantine agency in accordance with this law, relevant laws and executive provisions.</p> <p>The measures for administration of food safety of the special foods and self-supplied foods in the army shall be developed by the Central Military Committee according to the Law.</p> |
| <p>Article 103 The State Council can make</p> | <p>Article 133 The State Council can make</p> | <p>Article 158 The State Council can make</p> |

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| adjustments of the supervision and administration system for food safety according to the actual requirements. | adjustments of the supervision and administration system for food safety according to the actual requirements. | adjustments of the supervision and administration system for food safety according to the actual requirements. |
| Article 104 This Law shall enter into force on June 1, 2009 and the Law of the People's Republic of China on Food Hygiene shall be abolished. | Article 134 This Law shall enter into force on xx xx, 20xx. | Article 159 This Law shall enter into force on xx xx, 20xx. |