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Food Safety Law of the People's Republic of China

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The Food Safety Law of the People's Republic of China, revised and adopted at the Fourteenth Session of the Standing Committee of the Twelfth National People's Congress of the People's Republic of China on April 24, 2015, is hereby promulgated and shall come into force as of October 1, 2015

Xi Jinping, President of the People's Republic of China
April 24, 2015

Food Safety Law of the People's Republic of China

(Adopted at the Seventh Session of the Standing Committee of the Eleventh National People's Congress on February 28, 2009 and revised at the Fourteenth Session of the Standing Committee of the Twelfth National People's Congress on April 24, 2015)

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Chapter 1: General Provisions

Article 1 This Law is formulated with a view to ensuring food safety and protecting the physical health and life safety of the public.

Article 2 This Law shall apply to the following activities carried out within the territory of the People's Republic of China:

- (1) Food production and processing (hereinafter referred to as "food production"), and food sale and catering services (hereinafter referred to as "food operation");
- (2) Production and operation relating to food additives;
- (3) Production and operation relating to packaging materials, containers, detergents and disinfectants

used for food, as well as the tools and equipment used for food production and operation (hereinafter referred to as the "food-related products");

(4) Use of food additives and food-related products by producers and business operators of food; and

(5) Storage and transportation of food; and

(6) Safety management of food, food additives and food-related products.

The quality and safety management of edible primary products derived from agriculture (hereinafter referred to as the "edible agricultural product") shall be governed by the [Law of the People's Republic of China on Quality and Safety of Agricultural Products](#), provided, however, that the marketing of the edible agricultural products, formulation of relevant quality and safety standards and the release of relevant safety information shall be subject to the provisions of this Law and that the provisions of this Law on agricultural inputs, if any, shall apply.

Article 3 The work in connection with food safety shall follow the principles of prevention first, risk management, whole-process control, and joint public oversight and a scientific and strict supervision and administration system shall be established.

Article 4 Producers and business operators of food shall be responsible for the safety of the food produced or operated by them.

Producers and business operators of food shall carry out production and operation in accordance with the laws, regulations and food safety standards, ensure food safety, uphold integrity and self-discipline, be accountable to the public and the society at large, accept public supervision and assume social responsibility.

Article 5 The State Council shall set up a food safety commission whose duties shall be prescribed by the State Council.

The food and drug administration of the State Council shall, according to the duties prescribed by this Law and the State Council, conduct supervision and administration over food production and operation

The health administrative department of the State Council shall, according to the duties prescribed by this Law and the State Council, organize and conduct the monitoring and assessment of food safety risks and formulate and promulgate the national food safety standards in conjunction with the food and drug administration of the State Council.

Other relevant departments of the State Council shall, according to the duties prescribed by this Law and the State Council, undertake relevant food safety work.

Article 6 Local people's governments at or above the county level shall take charge of, uniformly lead, organize and coordinate food safety supervision and administration work and responses to food safety emergencies within their respective administrative regions, and establish and improve the work mechanisms for whole-process supervision and administration over food safety and the mechanism for sharing information on food safety.

Local people's governments at or above the county level shall, in accordance with this Law and the provisions of the State Council, determine the responsibilities of the food and drug administrations, health administrative departments and other relevant departments at the same level. Relevant departments shall, within their respective scope of responsibilities, be responsible for the food safety supervision and administration work within their respective administrative regions.

Food and drug administrations of the people's governments at the county level may set up local offices in villages and towns or specific areas.

Article 7 The people's governments at or above the county level shall implement the accountability system for food safety supervision and administration. The people's government at higher level shall conduct appraisal and assessment of food safety supervision and administration work of the people's government at the next lower level. The people's government at or above the county level shall conduct appraisal and assessment of food safety supervision and administration work of the food and drug administration and other relevant departments at the same level.

Article 8 People's governments at or above the county level shall include food safety work into

their respective local national economic and social development planning, include in the their respective local government fiscal budgets the expenses needed for food safety work, build up food safety supervision and administration capacity to support food safety work.

Food and drug administrations and other relevant departments of the people's governments at or above the county level shall enhance communication and closely cooperate with one another, exercise power and bear responsibilities according to the division of their respective duties and pursuant to the law.

Article 9 Food industry associations shall strengthen industry self-discipline, establish and improve industry norms and reward and punishment mechanism according to the articles and association, provide information, technology and other services relating to food safety, guide and urge producers and business operators of food to engage in production and operation pursuant to the law, promote industry integrity building, and publicize and popularize food safety knowledge.

Consumer associations and other consumer organizations shall conduct social supervision pursuant to the law over the activities causing harm to the lawful rights and interests of consumers in violation of this Law.

Article 10 People's governments at all levels shall strengthen food safety publicity and education, popularize food safety knowledge, encourage social groups, grass-roots people's self-governance organizations and producers and business operators of food to carry out relevant work to popularize food safety laws, regulations, standards and knowledge, advocate a healthy diet, and enhance consumers' food safety awareness and self-protection capabilities.

News media shall carry out non-profit publicity of food safety laws, regulations, standards and knowledge and supervise violations of this Law by public opinions. The publicity and coverage of food safety issues shall be authentic and fair.

Article 11 The State encourages and supports basic research and applied research relating to food safety, and encourages and supports producers and business operators of food to adopt advanced technologies and advanced management practices to improve food safety levels.

The State shall apply strict management system to use of pesticides, accelerate the elimination of hyper toxic, highly toxic and highly residual pesticides, push forward the research, development and application of substitutes and encourage the use of the pesticides with high efficiency, low toxicity and low residual.

Article 12 Any organization or individual shall be entitled to report violations of food safety laws, inquire about food safety information from relevant departments, and put forward comments and suggestions on food safety supervision and administration work.

Article 13 The entities and individuals that make outstanding contribution in food safety work shall be commended and rewarded according to relevant provisions of the State.

Chapter 2: Monitoring and Assessment of Food Safety Risks

Article 14 The State shall establish a food safety risk monitoring system to monitor foodborne diseases, food contamination and harmful factors in food.

The health administrative department of the State Council shall formulate and implement the national food safety risk monitoring plan in conjunction with the food and drug administration, quality supervision department and other relevant departments of the State Council.

The food and drug administration and other relevant departments of the State Council shall immediately verify the food safety risk information that comes to their respective knowledge and notify the health administrative department of the State Council thereof. The health administrative department of the State Council shall, in conjunction with relevant departments of the State Council, conduct analysis and research of the food safety risk information notified by relevant departments and the information on foodborne diseases and other related diseases reported by medical institutions and adjust the national food safety risk monitoring plan in a timely manner if they consider it necessary.

The health administrative departments of the people's governments of all provinces, autonomous regions and municipalities directly under the Central Government shall, in conjunction with the food and drug administrations, quality supervision departments and other relevant departments at the same

level, formulate and adjust the food safety risk monitoring plans of their respective administrative regions according to the national food safety risk monitoring plan and in light of the specific situation of their respective administrative regions and submit to the health administrative department of the State Council for record-filing and implement such plans.

Article 15 The technical agencies undertaking the food safety risk monitoring work shall carry out the monitoring work according to the food safety risk monitoring plan and monitoring scheme, ensure the authenticity and accuracy of monitoring data and submit the monitoring data and analysis results according to the requirements of the food safety risk monitoring plan and monitoring scheme.

The staff members undertaking the food safety risk monitoring work shall have the right to enter the relevant edible agricultural product planting or breeding premises or food production and operation premises to collect samples or relevant data. The samples collected shall be paid for according to the market price.

Article 16 If the food safety risk monitoring and analysis results show that potential safety hazards may exist in food, the health administrative departments of the people's governments at or above the county level shall inform the food and drug administrations and other relevant departments at the same level of relevant information in a timely manner and report the same to the people's governments at the same level and the health administrative departments of the people's governments at higher level. Food and drug administrations and other relevant departments shall conduct further investigation.

Article 17 The State shall establish a food safety risk assessment system to assess the biological, chemical and physical hazards in food, food additives and food-related products by using scientific methods and according to food safety risk monitoring information, scientific data and other relevant information.

The health administrative department of the State Council shall be responsible for organizing food safety risk assessment, and shall establish a food safety risk assessment expert committee comprising experts from medicine, agriculture, food, nutrition, biology, environment and other fields to conduct food safety risk assessment. The result of food safety risk assessment shall be published by the health administrative department of the State Council.

Experts from the food safety risk assessment expert committee shall participate in the safety assessment of pesticides, fertilizers, veterinary drugs, feed and feed additives, etc.

Producers and business operators shall not be required to pay expenses for food safety risk assessment and the samples collected shall be paid for according to the market price.

Article 18 Food safety risk assessment shall be conducted in any of the following circumstances:

- (1) Where potential safety hazards in food, food additives or food-related products are discovered through food safety risk monitoring or by receiving relevant tip-offs;
- (2) Where risk assessment is required in order to provide scientific basis for formulating or revising the national food safety standards;
- (3) Where risk assessment is required in order to determine the key areas or key varieties of supervision and administration;
- (4) Where new factors that may harm the food safety are found;
- (5) Where it is necessary to judge whether a certain factor constitutes potential food safety hazards; and
- (6) Where there are other circumstances where risk assessment is deemed necessary by the health administrative department of the State Council.

Article 19 Where the food and drug administration, quality supervision department, agricultural administrative department or any other relevant department of the State Council find in supervision and administration any circumstances where food safety risk assessment is required, it shall propose suggestions on food safety risk assessment to the health administrative department of the State Council and provide the source and nature of the risks, relevant testing data and conclusion and other information and materials. Under the circumstances prescribed in Article 18 hereof, the health administrative department of the State Council shall conduct food safety risk assessment in a timely

manner and shall inform relevant departments of the State Council of the results of food safety risk assessment.

Article 20 The health administrative departments and the agricultural administrative departments of the people's governments at or above the provincial level shall notify each other of the information on safety risk monitoring of food and edible agricultural products in a timely manner.

The health administrative department and the agricultural administrative department of the State Council shall notify each other of the results of safety risk assessment of food edible agricultural products and other relevant information in a timely manner.

Article 21 Food safety risk assessment results shall serve as scientific basis for formulating and revising food safety standards and conducting food safety supervision and administration.

Where food safety risk assessment results show conclusions that certain food, food additives or food-related products are unsafe, the food and drug administration, quality supervision department and other relevant departments of the State Council shall, according to their respective duties, make public announcement informing consumers to stop eating or using the same, and take appropriate measures to ensure that the production and operation of such food, food additives or food-related products are stopped; where relevant national food safety standards need to be formulated or revised, the health administrative department of the State Council shall immediately formulate or revise such standards in conjunction with the food and drug administration of the State Council.

Article 22 The food and drug administration of the State Council shall, in conjunction with other relevant departments of the State Council, make comprehensive analysis of the food safety status according to the food safety risk assessment results or food safety supervision and administration information and shall promptly issue and publish food safety risk warnings against food shown to potentially have a higher degree of safety risks by the comprehensive analysis.

Article 23 The food and drug administrations and other relevant departments of the people's governments at or above the county level as well as the food safety risk assessment expert committees and the technical agencies thereof shall organize the food producers and business operators, food testing agencies, certification agencies, food industry associations, consumers associations and news media, etc. to exchange information on food safety risk assessment and the information on food safety supervision and administration in a scientific, objective, timely and open manner.

Chapter 3: Food Safety Standards

Article 24 Food safety standards shall be formulated with the aim of protecting the physical health of the public, and shall be scientific and reasonable, safe and reliable.

Article 25 Food safety standards are mandatorily enforceable standards. No other mandatory food standards may be formulated in addition to food safety standards.

Article 26 Food safety standards shall cover the following contents:

- (1) Provisions on the quantitative limits of the pathogenic microorganisms, pesticide residues, veterinary drug residues, biological toxins, heavy metals and other polluting substances, as well as other substances harmful to human health that are contained in food, food additives and food-related products;
- (2) The varieties, scope of use and dosage of food additives;
- (3) Requirements on the nutritional contents of primary and secondary food specifically for babies and infants and other specific groups of people;
- (4) Requirements on the labels, logos and instruction manuals related to hygiene, nutrition and other food safety requirements;
- (5) Hygiene requirements related to food production and operation process;
- (6) Quality requirements related to food safety;
- (7) Food testing methods and procedures related to food safety; and
- (8) Others contents that shall be formulated as food safety standards.

Article 27 National food safety standards shall be formulated and promulgated by the health

administrative department of the State Council in conjunction with the food and drug administration of the State Council. The standardization administrative department of the State Council shall assign codes to the national food safety standards.

Provisions on the quantitative limits of pesticide residues and veterinary drug residues in food, and the testing methods and procedures thereof shall be formulated by the health administrative department of the State Council and the agricultural administrative department of the State Council in conjunction with the food and drug administration of the State Council.

The testing procedures applicable to slaughtered livestock and poultry shall be formulated by the agricultural administrative department of the State Council in conjunction with the health administrative department of the State Council.

Article 28 In formulating national food safety standards, it is imperative to take food safety risk assessment results as the basis, take into full account the safety risk assessment results of edible agricultural products, refer to relevant international standards and international food safety risk assessment results, publish the draft of the national food safety standards to the public and extensively listen to the opinions of food producers and business operators, consumers and relevant departments, etc.

National food safety standards shall be examined and adopted by the national food safety standards evaluation committee organized by the health administrative department of the State Council. The national food safety standards evaluation committee shall consist of experts from medicine, agriculture, food, nutrition, biology, environment and other fields, as well as representatives from relevant departments of the State Council, food industry associations and consumer associations. The national food safety standards evaluation committee shall be responsible for examining the draft of national food safety standards in terms of the scientificity, practicality and other aspects thereof.

Article 29 In the absence of national food safety standards for local specialty food, the health administrative departments of people's governments of all provinces, autonomous regions and municipalities directly under the Central Government may formulate and promulgate local food safety standards which shall be submitted to the health administrative department of the State Council for record-filing. The local food safety standards shall be repealed upon the formulation of national food safety standards.

Article 30 The State encourages the enterprises engaging in production of food to formulate enterprises standards that are more stringent than national or local food safety standards which shall be applicable internally in the enterprises and be reported to the health administrative departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government for record-filing.

Article 31 The health administrative departments of the people's governments at or above the provincial level shall publish on their websites the national and local food safety standards as well as the enterprise standards already formulated and filed on record for public inspection and downloading free of charge.

For the problems in the implementation of food safety standards, the health administrative departments of the people's governments at or above the county level shall give instructions or explanations in conjunction with other relevant departments in a timely manner.

Article 32 The health administrative departments of the people's governments at or above the provincial level shall, in conjunction with the food and drug administrations, quality supervision departments, agricultural administrative departments and other relevant departments at the same level, conduct follow-up assessment of the implementation of the national and local food safety standards respectively and organize the revision of the food safety standards according to the assessment results in a timely manner.

The food and drug administrations, quality supervision departments, agricultural administrative departments and other relevant departments of the people's governments at or above the provincial level shall collect and summarize the problems existing in the implementation of food safety standards and notify the health administrative departments at the same level thereof in a timely manner.

Food producers and business operators as well as food industry associations shall report the problems

discovered in the implementation of food safety standards to the health administrative departments immediately.

Chapter 4: Food Production and Operation

Section 1: General Provisions

Article 33 A producer or business operator of food shall carry out food production or operation in accordance with food safety standards, and shall meet the following requirements:

- (1) The producer or business operator of food shall have premises for food raw materials processing, food processing, packaging, storage, etc. that are suitable for the varieties and quantities of food under production or operation, and shall keep such premises clean and tidy, and maintain a prescribed distance between such premises and toxic and hazardous sites and other sources of pollution;
- (2) The producer or business operator of food shall have production or operation equipment or facilities that are suitable for the varieties and quantities of food under production or operation, as well as corresponding equipment or facilities for disinfection, dressing, washing, lighting, illumination, ventilation, corrosion, dust, flies, rodents and pest control, cleaning, wastewater treatment, and garbage and waste storage;
- (3) The producer or business operator of food shall have in place food safety professional technical personnel and management personnel, as well as rules and regulations that ensure food safety;
- (4) The producer or business operator of food shall adopt a reasonable equipment layout and process to prevent cross-contamination between food pending processing and ready-to-eat food and between raw materials and finished products, and to prevent food from contact with toxic or unclean substances;
- (5) The producer or business operator of food shall wash and disinfect tableware, drinking utensils and containers containing ready-to-eat food before use, and wash and keep the cooking utensils and other utensils clean after use;
- (6) The producer or business operator of food shall ensure that the containers, tools and equipment used for storing, transporting and handling food are safe, harmless and kept clean to prevent food contamination, reach the temperature and humidity required for ensuring food safety and meet other special requirements, and refrain from storing and transporting food together with toxic or hazardous substances;
- (7) The producer or business operator of food shall ensure that non-toxic and clean packaging materials, tableware, drinking utensil and containers are used for ready-to-eat food;
- (8) Personnel engaging in food production and operation shall maintain personal hygiene, wash their hands and wear clean work uniforms and headgears when engaging in food production and operation, and use non-toxic and clean containers, sales tools and equipment when selling ready-to-eat food without packaging;
- (9) The producer or business operator of food shall comply with national health standards on drinking water in terms of its water usage;
- (10) The detergents and disinfectants used by the producer or business operator of food shall be safe and harmless to humans; and
- (11) The producer or business operator of food shall meet other requirements prescribed by laws and regulations.

Non-food producers and operators that engage in storage, transport and handling of food shall comply with Item (6) in the preceding paragraph.

Article 34 The following foods, food additives and food-related products are prohibited from production and operation:

- (1) Food produced by using non-food raw materials, or food with chemicals other than food additives and other substances that may be harmful to human health added or food produced with recycled food as raw materials;
- (2) Food, food additives and food-related products in which the pathogenic microorganisms, pesticide residues, veterinary drug residues, biological toxins, heavy metals and other polluting substances, as

well as other substances harmful to human health exceed the limits prescribed by food safety standards;

- (3) Food and food additives produced by using the food or food additives whose shelf life has expired;
- (4) Food that use food additives beyond the prescribed scope or in excess of the limited dosage;
- (5) Primary and secondary food specifically for babies and infants and other specific groups of people whose nutritional components fail to meet food safety standards;
- (6) Deteriorated food or food additives, food or food additives suffering from fat rancidity or mold infestation, filthy food or food additives, food or food additives mixed with foreign objects, adulterated food or food additives or food or food additives with abnormal sensory properties;
- (7) Meat and meat products of poultry, livestock, animals and aquatic animals that have died of diseases, poisoning or unknown causes;
- (8) Meat that has not undergone quarantine as required or has failed quarantine, or meat products that have not undergone testing or have failed testing;
- (9) Food or food additives contaminated by packaging materials, containers, transportation tools, etc.;
- (10) Food or food additives carrying false production date or shelf life or whose shelf life has expired;
- (11) Pre-packaged food products that have no label;
- (12) Food that is explicitly banned from production and operation by the State for disease prevention and other special needs; and
- (13) Other food products, food additives and food-related products not in compliance with laws, regulations or food safety standards or requirements.

Article 35 The State applies a licensing system to food production and operation. Whoever intends to engage in food production, food distribution and catering services shall obtain licensing in accordance with the law, provided, however, that licensing is not required for the sale of edible agricultural products.

Food and drug administrations of local people's governments at or above the county level shall, pursuant to the [Administrative Licensing Law of the People's Republic of China](#), examine relevant materials submitted by applicants as required by Items (1) through (4) of Paragraph 1 of Article 33 of this Law, and conduct on-site verification of the applicants' production and operation premises if necessary. The said administrations shall grant licensing if the applicants satisfy the required conditions; otherwise, they shall not grant licensing and shall explain the reasons therefor in writing.

Article 36 When engaging in food production and operation, small workshops for food production and processing and food vendors shall comply with the food safety requirements prescribed herein that are suitable for their respective scale and conditions of production and operation, and ensure that the food under their respective production and operation is hygienic, non-toxic and harmless. Food and drug administrations shall strengthen supervision and administration over the foregoing parties.

Local people's governments at or above the county level shall carry out comprehensive management of small workshops for food production and processing and food vendors, strengthen services and unified planning, improve production and operation environment, encourage and support them to improve production and operation conditions and carry out business operations in centralized markets, shops and other fixed places of business or in the temporary areas or time frames designated for operation.

Specific measures for the administration of small workshops for food production and processing and food vendors shall be formulated by the provinces, autonomous regions and municipalities directly under the Central Government in accordance with this Law.

Article 37 Where new food raw materials are used for production of food or for production of new varieties of food additives or food-related products, the safety assessment materials of relevant products shall be submitted to the health administrative department of the State Council which shall organize the examination of the said materials within 60 days upon receipt of the application. Where

relevant food safety requirements are met, the said department shall grant licensing and announce the same; otherwise, the said department shall refuse to grant licensing and shall explain the reasons therefor in writing.

Article 38 It is not allowed to add medicines into food under production and operation, provided that substances traditionally regarded as both food and traditional Chinese medicine may be added. The list of the substances traditionally regarded as both food and traditional Chinese medicine shall be formulated and promulgated by the health administrative department of the State Council in conjunction with the food and drug administration of the State Council.

Article 39 The State applies a licensing system to the production of food additives. Whoever intends to engage in the production of food additives shall have the premises, production equipment or facilities, professional technical personnel and management system commensurate to the varieties of the food additives produced and obtain licensing for production of food additives in accordance with Paragraph 2 of Article 35 of this Law.

The production of food additives shall comply with the laws, regulations and national food safety standards.

Article 40 Food additives shall be included in the list of usable food additives only where it is technically necessary and only after they are proved to be safe and reliable after risk assessment. Relevant national food safety standards shall be revised according to technical necessity and food safety risk assessment results in a timely manner.

Producers and business operators of food shall use food additives in accordance with the national food safety standards.

Article 41 The production of food-related products shall comply with laws, regulations and national food safety standards. Production licensing shall apply to the packaging materials that are in direct contact with food and other high-risk food-related products in accordance with the State's provisions on licensing management over the production of industrial products. Quality supervision departments shall strengthen the supervision and administration over the production of food-related products.

Article 42 The State shall maintain a system for whole-process traceability of food.

Producers and business operators of food shall each establish a food traceability system in accordance with this Law to ensure food traceability. The State encourages the producers and business operators of food to adopt information technology means to collect and retain production and business operation information and to establish food traceability system.

The food and drug administration of the State Council shall, in conjunction with the agriculture administrative department and other relevant departments of the State Council, establish a collaboration mechanism for whole-process traceability of food safety.

Article 43 Local people's governments at all levels shall take measures to encourage large-scale production, and franchised operation and distribution of food.

The State encourages the enterprises engaging in food production and operation to participate in food safety liability insurance.

Section 2: Production and Operation Process Control

Article 44 An enterprise engaging in food production or operation shall establish and improve its food safety management system, carry out the training of staff and workers on food safety knowledge, strengthen testing of food and engage in food production and operation pursuant to the law.

The primary person-in-charge of an enterprise engaging in food production and operation shall implement the food safety management system of enterprises and take overall responsibility for the food safety work of the enterprise.

An enterprise engaging in food production and operation shall be staffed with food safety management personnel and strengthen the training of such personnel. None of such personnel may take their jobs without having food safety management ability upon assessment. Food and drug administrations shall conduct supervision and assessment of the randomly selected food safety management personnel of enterprises engaging in food production and operation and publicize the

assessment results. No fee shall be charged for the supervision and random assessment.

Article 45 Producers and business operators of food shall establish and implement a health management system for practitioners. Persons suffering from the diseases that impede food safety as prescribed by the health administrative department of the State Council shall not engage in work in contact with ready-to-eat food.

Persons engaging in production and operation of ready-to-eat food shall undergo annual health checks, and obtain health certificates before taking jobs.

Article 46 An enterprise engaging in food production shall formulate and implement control requirements in respect of following matters and ensure that the food produced by it conform to the food safety standards:

- (1) Control in raw material purchase, raw material inspection and acceptance, materials feeding and other control in raw materials;
- (2) Control in production process, equipment, storage, packaging and other key production links;
- (3) Control in raw material inspection, semi-finished product inspection, ex-factory inspection of finished products and other inspection controls; and
- (4) Control in transportation and delivery.

Article 47 Producers and business operators of food shall each establish a food safety self-inspection system to conduct regular inspection and evaluation of their respective food safety conditions. Where the conditions for production and operation are changed and no longer satisfy the food safety requirements, producers and business operators of food shall immediately take rectification measures. Where there are potential risks of food safety accidents, producers and business operators of food shall immediately stop the food production and operation activities and report the same to the food and drug administrations of the county-level people's governments of the places where they are located.

Article 48 The State encourages enterprises engaging in food production and operation to meet the requirements of good manufacturing practice and adopt the hazard analysis and critical control point system to raise the level of food safety management.

A certification agency shall, in accordance with the law, conduct follow-up survey of an enterprise engaging in food production and operation that has passed the certification of the hazard analysis and critical control point system. Once the said enterprise no longer meets the certification requirements, the certification agency shall revoke the certification in accordance with the law, notify the relevant food and drug administration of the people's government at or above the county level of relevant information in a timely manner, and announce relevant situations to the public. The certification agency shall not charge any fees for follow-up survey.

Article 49 Producers of edible agricultural products shall use pesticides, fertilizers, veterinary drugs, feed and feed additives and other agricultural inputs in accordance with food safety standards and relevant State provisions and strictly adhere to the regulations on the intervals for application and withdrawal, and shall not use the agricultural inputs clearly prohibited by the State. It is prohibited to use the hyper toxic or highly toxic pesticides for vegetables, fruits, teas, Chinese medicinal herbs and other crops specified by the State.

Production enterprises and farmers' specialized cooperative economic organizations of edible agricultural products shall each establish a system to record the use of agricultural inputs.

Agricultural administrative departments of the people's governments at or above the county level shall strengthen the administration and guidance over the use of agricultural inputs, and establish and improve the safe use system for agricultural inputs.

Article 50 During the procurement of food raw materials, food additives and food-related products, a food producer shall inspect and verify the licenses and product quality conformity documents of suppliers. The food producer shall test food raw materials for which the quality conformity documents are unavailable in accordance with food safety standards, and shall not purchase or use food raw materials, food additives or food-related products that fail to meet food safety standards.

A food production enterprise shall establish a procurement inspection record system for food raw materials, food additives and food-related products, truthfully record the names, specifications, quantities, production date or batch numbers, shelf life and purchase date of the food raw materials, food additives and food-related products, as well as the names, addresses, contact details, etc. of their suppliers and retain relevant certificates. The records and certificates shall be kept for at least six months after the expiry of the shelf life of the product. If there is no shelf life, the records and certificates shall be kept for at least two years.

Article 51 An enterprise engaging in production of food shall establish a food ex-factory testing record system to examine the certificates of testing conformity and safety conditions of the food to be shipped out of the factory, truthfully record the names, specifications, quantities, production date or batch numbers, shelf life, serial numbers of the certificates of testing conformity, and sales date of the food products as well as the names, addresses and contact details, etc. of their purchasers and retain relevant certificates. The time periods for keeping the records and certificates shall comply with the provisions of Paragraph 2 of Article 50 hereof.

Article 52 Producers of food, food additives or food-related products shall test the food, food additives or food-related products produced in accordance with food safety standards, and ship the food, food additives and food-related products out of the factories or sell the same only after they have passed the testing.

Article 53 During the procurement of food, a food business operator shall inspect and verify the licenses, food ex-factory testing certificate and other quality conformity documents (hereinafter referred to as the “quality conformity documents”) of suppliers.

An enterprise engaging in food operation shall establish a procurement inspection record system, truthfully record the names, specifications, quantities, production date or batch numbers, shelf life and purchase date of the food products, as well as the names, addresses, contact details, etc. of their suppliers and retain relevant certificates. The time periods for keeping the records and certificates shall comply with the provisions of Paragraph 2 of Article 50 hereof.

An enterprise engaging in food operation by way of unified distribution may have the enterprise headquarters uniformly inspect and verify the licenses and food quality conformity documents of suppliers and record food procurement inspection.

A food operation enterprise engaging in wholesale of food products shall establish food sale record system and truthfully record the names, specifications, quantities, production date or batch numbers, shelf life and sales date of the food products, as well as the names, addresses, contact details, etc. of their purchasers and retain relevant certificates. The time periods for keeping the records and certificates shall comply with the provisions of Paragraph 2 of Article 50 hereof.

Article 54 Food business operators shall store food in accordance with the requirements on ensuring food safety, and conduct regular checks of food inventory to promptly clean up deteriorated food or food whose shelf life has expired.

To store bulk food, food business operators shall indicate the names, production date or batch numbers and shelf life of the food, the names and contact details of the producers and other relevant information in the storage locations.

Article 55 Catering services providers shall formulate and implement raw material control requirements and shall not purchase the food raw materials that fail to meet the food safety standards. It is advocated that catering services providers make the processing public and make public notification of the raw materials of food and the sources thereof as well as other relevant information

During processing, catering services providers shall inspect the food pending processing and the raw materials and shall not process or use the food or raw materials that are found to fall under the circumstances prescribed in Item (6) of Article 34 hereof.

Article 56 An enterprise providing catering services shall conduct regular maintenance of the food processing, storage and display facilities and equipment and other relevant facilities and equipment and wash and verify heat preservation facilities and refrigeration and freezing facilities on regular basis.

Catering services providers shall wash and disinfect tableware and drinking utensils according to

relevant requirements and shall not use tableware or drinking utensils that are not washed and disinfected. If a catering services provider intends to commission another party to wash and disinfect tableware and drinking utensils, such party shall be an entity that provides services of centralized disinfection of tableware and drinking utensils and meets the conditions prescribed by this Law.

Article 57 The canteen of a school, kindergarten, elderly care institution, construction site and other entity where people have dinner in centralized manner shall strictly comply with the laws, regulations and food safety standards; where such school, kindergarten, elderly care institution, construction site and other entity orders food from a food supplier, it shall order the food from an enterprise possessing the license for production and operation of food and inspect the ordered food as required. The food supplier shall strictly comply with the laws, regulations and food safety standards, process the food products when they are ordered and ensure that the food products are safe.

The competent authorities of schools, kindergartens, elderly care institutions and construction sites and other entities where people have dinner in centralized manner shall strengthen the food safety knowledge education and daily management in such entities to reduce food safety risks and eliminate potential food safety hazards promptly.

Article 58 Entities that provide services of centralized disinfection of tableware and drinking utensils shall possess appropriate workplaces, washing and disinfection equipment or facilities and use the water as well as detergents and disinfectants that meet relevant food safety standards and other national standards and hygiene specifications.

Entities that provide services of centralized disinfection of tableware and drinking utensils shall inspect the disinfected tableware and drinking utensils batch by batch. The ex-factory tableware and drinking utensils shall pass such inspection and be accompanied with disinfection certificates. The individual packages of disinfected tableware and drinking utensils shall indicate the entity's names, addresses and contact details, the disinfection date, service life and other relevant information.

Article 59 A food additives producer shall establish a food additives ex-factory testing record system to examine the certificates of testing conformity and safety conditions of the food additives to be shipped out of the factory, truthfully record the names, specifications, quantities, production date or batch numbers, shelf life, serial numbers of the certificates of testing conformity, and sales date of the food additives as well as the names, addresses and contact details, etc. of their purchasers and retain relevant certificates. The time periods for keeping the records and certificates shall comply with the provisions of Paragraph 2 of Article 50 hereof.

Article 60 During the procurement of food additives, a food additives business operator shall inspect and verify the licenses and product quality conformity documents of suppliers and truthfully record the names, specifications, quantities, production date or batch numbers, shelf life and purchase date of the food additives as well as the names, addresses and contact details, etc. of their suppliers and retain relevant certificates. The time periods for keeping the records and certificates shall comply with the provisions of Paragraph 2 of Article 50 hereof.

Article 61 Organizers of centralized transaction markets, lessors of counters and organizers of trade fairs shall examine the licenses of the food business operators who enter relevant markets, specify the responsibilities of such food business operators for the food safety management, and conduct regular inspection of their operating environment and conditions. Once such food business operators are found to have violated this Law, the said organizers and lessors shall promptly stop such violations and immediately report the same to the food and drug administrations of local county-level people's governments.

Article 62 Providers of third-party online food transaction platforms shall register the real names of food business operators using their platforms, specify the responsibilities of such business operators for food safety management, and examine their licenses if such licenses are required in accordance with the law.

Once a provider of third-party online food transaction platforms find food business operators using their platforms have violated this Law, it shall promptly stop such violations and immediately report relevant information to the food and drug administration of county-level people's governments at the place where it is located; if the violations are serious, the online food transaction platform services shall be stopped immediately.

Article 63 The State shall establish a food recall system. Once a food producer finds that the food produced fails to meet food safety standards or may harm human health as proved by evidence, it shall immediately stop production, recall the food already available for sale on the market, notify relevant producers, business operators and consumers, and record the recall and notification situations.

Once a food business operator finds that the food under its business operations falls under the circumstances specified in the preceding paragraph, it shall immediately stop business operation of the food, notify relevant producers, business operators and consumers, and record the cessation of business operations and notification situations. The food producer shall immediately recall the food if it deems a recall necessary. A food business operator shall recall the food that falls under the circumstances specified in the preceding paragraph due to reasons attributable to such food business operator.

Food producers and business operators shall take measures such as innocuous treatment or destruction of the food products that are recalled and prevent such products from entering the market again. However, the producers of the food recalled due to the label, logo or instruction manual not meeting food safety standards may continue to sell the food provided that they have taken remedial measures and can ensure the food safety. Remedial measures shall be expressly indicated to consumers during sale.

Food producers and business operators shall submit report on food recall and treatment to the food and drug administrations of local county-level people's governments. If the recalled food needs to be treated innocuously or destroyed, the time and place when and where such food is treated innocuously or destroyed shall be reported in advance and the food and drug administration concerned may conduct on-site supervision if it deems it necessary.

Where food producers and business operators fail to recall or stop the business operations of food in accordance with this Article, the food and drug administrations of the people's governments at or above the county level may order such producers and business operators to recall or stop the business operation of such food.

Article 64 The wholesale market of edible agricultural products shall be equipped with testing equipment and testing personnel or entrust the food testing agency conforming to the provisions of this Law with sampling testing of the edible agricultural products entering such wholesale market; if any edible agricultural products are found to be incompliant with food safety standards, the sellers shall be required to stop the sale of the products immediately and report the same to the food and drug administration concerned.

Article 65 A seller of edible agricultural products shall establish a procurement inspection record system, truthfully record the names, quantities, shelf life and purchase date of the edible agricultural products, as well as the names, addresses, contact details, etc. of their suppliers and retain relevant certificates. The records and certificates shall be kept for at least six months.

Article 66 The antistaling agents, preservatives and other food additives as well as the packaging materials and other food-related products used in the process of packaging, preservation, storage and transportation of the edible agricultural products entering the market shall be in conformity with the national food safety standards.

Section 3: Labels, Instruction Manuals and Advertisements

Article 67 The packaging of pre-packaged food shall contain labels that specify the following items:

- (1) The name, specifications, net weight, and production date of the food;
- (2) The ingredients or the list of ingredients of the food;
- (3) The name, address and contact details of the food producer;
- (4) Shelf life of the food;
- (5) The product standard code of the food;
- (6) The storage conditions of the food;

- (7) The generally-accepted names of the food additives used in the food as specified in national standards;
- (8) The serial number of the production license; and
- (9) Other items that shall be indicated as required by laws, regulations or food safety standards.

The labels of primary and secondary food specifically for babies and infants and other specific groups of people shall also indicate the main nutritional components and their contents.

If there are special provisions on items indicated in labels under the national food safety standards, such provisions shall prevail.

Article 68 To sell bulk food, food business operators shall indicate the names, production date or batch numbers and shelf life of the food, the names, addresses and contact details of the producers and business operators and other relevant information on the containers or outer packaging of the bulk food.

Article 69 For production and business operation of genetically-modified food, it shall be prominently indicated according to relevant provisions.

Article 70 Food additives shall have labels, instruction manuals and packaging. Labels and instruction manuals shall contain the matters required by Item (1) through to Item (6), Item (8) and Item (9) of Paragraph 1 of Article 67 herein, as well as the scope of use, dosage and methods of use of the food additives. In addition, the words "food additive" shall be stated on the labels.

Article 71 The labels and instruction manuals of food and food additives shall not contain false contents, and shall not involve information on disease prevention and treatment functions. Producers and business operators shall be accountable for the contents of the labels and instruction manuals they provide.

The labels and instruction manuals of food and food additives shall be clear and eye-catching and the items such as production date and shelf life shall be prominently indicated and easy to identify.

Food and food additives shall not be sold on the market if their actual conditions are inconsistent with the contents of their labels and instruction manuals.

Article 72 Food business operators shall sell food products in accordance with the warning signs, warning instructions or precautions indicated by food labels.

Article 73 The contents of food advertisements shall be true and lawful and shall not contain any false information or involve information on disease prevention and treatment functions. Producers and business operators of food shall be accountable for the truthfulness and legality of the contents of their food advertisements.

Food and drug administrations and other relevant departments of the people's governments at or above the county level as well as the food testing agencies and food industry associations shall not recommend food to consumers by advertisements or in other forms. Consumers organizations shall not recommend food to consumers by charging fees or in other profit-seeking forms.

Section 4: Special Food

Article 74 The State conducts robust supervision and administration over health care food, formula food for special medicine purposes, baby and infant formula food and other special food products.

Article 75 The health care functions that the health care food claims to have shall have scientific basis and shall not cause acute, sub-acute or chronic hazards on human body.

The list of the raw materials available for health care food and the list of the health care functions that health care food is allowed to claim shall be formulated, adjusted and promulgated by the food and drug administration of the State Council in conjunction with the health administrative department of the State Council and the State administration of traditional Chinese medicine.

The list of the raw materials available for health care food shall include the names, dosage and the corresponding effects of the raw materials; the raw materials included in the list of the raw materials available for health care food shall only be used for the production of health care food and shall not be used for producing other food.

Article 76 The health care food using the raw materials other than those in the list of the raw materials available for health food and the health care food imported for the first time shall be registered with the food and drug administration of the State Council. Of the health care food imported for the first time, the health food for supplementing vitamin, mineral substance and other nutrients shall be subject to record-filing with the food and drug administration of the State Council and other health care food shall be subject to the record-filing with the food and drug administrations of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

The imported health care food shall be the products approved to be sold on market by the competent authorities of the exporting countries (regions).

Article 77 For a health care food product required to registered under the laws, the research and development report, product formula, production process, safety and health care function evaluation, label, instruction manual and other materials as well as samples of the health care food product shall be submitted and relevant certification documents shall be provided for registration of such food product. The food and drug administration of the State Council shall organize technical evaluation and shall grant registration if the product satisfies the requirements of safety and function as claimed; otherwise, the said administration shall not grant registration and shall explain the reasons therefor in writing. If a health care food product using the raw materials other than those in the list of the raw materials available for health care food is granted registration, such raw materials shall be included in the list of raw materials available for health care food in a timely manner.

For a health care food product for which record-filing is required under the law, the product formula, production process, label, and instruction manual of the product as well as the materials showing the safety and health care functions of the product shall be submitted for record-filing of such food product.

Article 78 The labels and instruction manuals of a health care food product shall not involve disease prevention and treatment functions, shall contain truthful contents consistent with the registered or filed content, shall specify the groups of people for which the said product is suitable and not suitable respectively, its functional components or iconic components and their contents, etc. and shall state that "this product is not a substitute for drugs". The actual functions and components of the said product shall be consistent with its labels and instruction manuals.

Article 79 The content of a health care food product advertisement shall, in addition to complying with the provisions of Paragraph 1 of Article 73 hereof, state that "this product is not a substitute for drugs"; the content shall be examined and approved by the food and drug administration of the people's government of the province, autonomous region or municipality directly under the Central Government where the production enterprise is located. The food and drug administrations of the people's governments of all provinces, autonomous regions and municipalities directly under the Central Government shall promulgate and promptly update the list of the approved health care food advertisements and the approved advertising contents.

Article 80 Formula food for special medicine purposes shall be registered with the food and drug administration of the State Council. The product formula, production process, label, and instruction manual of the product as well as the materials showing the safety, nutritional adequacy and special medicine purpose clinical effect of the product shall be submitted for registration.

The advertisements of the formula food for special medicine purposes shall be governed by the [Advertising Law of the People's Republic of China](#) and the provisions on the administration of drug advertisements under other laws and administrative regulations.

Article 81 An enterprise engaging in the production of baby and infant formula food products shall apply quality control to the whole process from raw materials entering factory to finished products leaving factory. The ex-factory baby and infant formula food products shall be inspected batch by batch to ensure the safety of the products.

The raw and fresh milk, auxiliary materials and other food raw materials as well as food additives, etc. used for producing baby and infant formula food products shall comply with the provisions of laws and administrative regulations and meet the national food safety standards and shall ensure that the baby and infant formula food products contain the nutritional components necessary for the

growth of babies and infants.

An enterprise engaging in the production of baby and infant formula food shall submit information on the food raw materials, food additives, product formulas, labels, etc. to food and drug administrations of the people's governments of all provinces, autonomous regions and municipalities directly under the Central Government for record-filing.

The product formula of baby and infant milk powder shall be registered with the food and drug administration of the State Council. The product formula research and development report and other materials showing the scientificity and safety of the formula shall be submitted for registration..

Baby and infant formula food shall not be produced by way of sub-assembly and the same enterprise is not allowed to use the same formula to produce baby and infant milk powder of different brands.

Article 82 The applicants for registration or record-filing of health care food, formula food for special medicine purposes and baby and infant milk powder shall be responsible for the authenticity of the materials they submit.

The food and drug administrations of the people's governments at or above the provincial level shall publish the list of health care food, formula food for special medicine purposes and baby and infant milk powder already registered or filed on record in a timely manner and keep confidential the enterprises' trade secrets that come to their knowledge during registration and record-filing.

An enterprise engaging in the production of health care food, formula food for special medicine purposes and baby and infant milk powder shall organize production according to the technical requirements such as the product formula and production process as registered or filed.

Article 83 An enterprise engaging in the production of health care food, formula food for special medicine purposes and baby and infant milk powder shall, according to the requirements of good manufacturing practice, set up the production quality management system that is commensurate with the products under production, conduct regular self-inspection of the operation of the system and submit the self-inspection report to the food and drug administration of the county-level people's government of the place where it is located.

Chapter 5: Food Testing

Article 84 Unless otherwise prescribed by law, food testing agencies shall engage in food testing activities only after obtaining qualification accreditation in accordance with relevant provisions of the State on certification and accreditation.

The qualification accreditation criteria and testing standards of food testing agencies shall be prescribed by the food and drug administration of the State Council.

The testing reports issued by the food testing agencies complying with the provisions of this Law shall have same force and effect.

The people's governments at or above the county level shall integrate food testing resources and realize resource sharing.

Article 85 Food testing shall be conducted independently by inspectors designated by food testing agencies.

Inspectors shall test food in accordance with relevant laws, regulations, food safety standards and testing standards, respect science, abide by professional ethics, ensure that the testing data and conclusions issued are objective and impartial, and shall not issue false testing reports.

Article 86 Food testing agencies and inspectors shall be responsible for food testing. Food testing reports shall be stamped with the official seals of food testing agencies, and affixed with the signatures or seals of the inspectors concerned. Food testing agencies and inspectors shall be responsible for the food testing reports issued.

Article 87 Food and drug administrations of the people's governments at or above the county level shall carry out regular or ad hoc sampling testing of food, and announce testing results in accordance with relevant provisions. They shall not exempt any food from testing. Food and drug administrations of the people's governments at or above the county level shall purchase the samples for sampling testing, entrust the food testing agencies that comply with the provisions of this Law with testing and

pay relevant expenses. They shall not charge any testing fees and any other fees from producers and business operators of food.

Article 88 A producer or business operator of food that has objections to the conclusions of the testing conducted in accordance with this Law may, within seven working days from the date of receiving the testing conclusions, submit re-testing application to the food and drug administration that has conducted the sampling testing or the food and drug administration at its next higher level and the food and drug administration that accepts re-testing application shall determine randomly the re-testing agency from the published list of re-testing agencies to conduct re-testing. The re-testing conclusions issued by the re-testing agency shall be final testing conclusions. The re-testing agency and the initial testing agency shall not be the same agency. The list of re-testing agencies shall be published jointly by the certification and accreditation administration, food and drug administration, health administration, agricultural administration and other relevant departments.

Where the rapid detection method prescribed by the State is adopted to conduct random testing of edible agricultural products and the party subject to the random testing has objections to the results of the testing, the party may apply for re-testing within four hours from the receipt of the results of the testing. The rapid detection method may not be adopted for re-testing.

Article 89 Enterprises engaging in food production may test the food under production by themselves or by entrusting food testing agencies that meet the requirements herein with the testing.

Food industry associations, consumer associations and other organizations or consumers that need to entrust food testing agencies to test food shall entrust food testing agencies that meet the requirements herein.

Article 90 The testing of food additives shall be governed by the provisions on food testing under this Law.

Chapter 6: Food Import and Export

Article 91 State entry-exit inspection and quarantine authority shall carry out supervision and administration over the safety of imported and exported food.

Article 92 Imported food, food additives or food-related products shall meet the national food safety standards of China.

Imported food and food additives shall pass the testing by the entry-exit inspection and quarantine authorities in accordance with the laws and administrative regulations on entry-exit inspection of imported and exported commodities.

Imported food and food additives shall be accompanied by documents of testing compliance in accordance with the requirements of State entry-exit inspection and quarantine authority.

Article 93 To import food for which national food safety standards are currently unavailable, the overseas exporter, overseas food producer or the entrusted importer thereof shall submit the applicable standards of relevant countries (regions) or international standards to the health administrative department of the State Council. The health administrative department of the State Council shall conduct review of relevant standards. If it believes that the said standards meet the food safety requirements, the health administrative department of the State Council shall decide to apply the standards temporarily and formulate appropriate national food safety standards in a timely manner. The import of the food produced by using new raw materials of food or the import of new varieties of food additives or new varieties of food-related products shall be handled in accordance with Article 37 of this Law.

The entry-exit inspection and quarantine authority shall conduct inspection of the food, food additives and food-related products prescribed in the preceding paragraph. The testing results shall be published.

Article 94 Overseas exporters and overseas production enterprises shall ensure that the food, foods additives and food-related products exported to China conforms to this Law, other relevant Chinese laws and regulations, and national food safety standards, and shall be accountable for the contents specified in the labels and instruction manuals.

Importers shall each establish a review system for overseas exporters and overseas production

enterprises and the review shall focus on the contents specified in the preceding paragraph. The import is not allowed if relevant contents fail to pass the review.

Where it is found that imported food fails to meet China's national food safety standards, or may harm human health as proved by evidence, the importer concerned shall immediately stop the import and recall the food in accordance with Article 63 herein.

Article 95 Where food safety incidents occurred outside the territory of China may have an impact within the territory of China, or where serious food safety issues are detected in imported food, food additives or food-related products, the State entry-exit inspection and quarantine authority shall take prompt risk warning or control measures, and inform the food and drug administration, health administrative department and agricultural administrative department of the State Council of relevant information. The departments so informed shall take appropriate measures in a timely manner.

If, in supervision and administration, food and drug administrations of the people's governments at or above the county level detect any serious food safety issues in imported food or food additives sold at market in China, the food and drug administration of the State Council shall inform promptly the State entry-exit inspection and quarantine authority which shall take appropriate measures in a timely manner.

Article 96 Exporters that export food into the territory of China or the agents thereof, and importers that import food shall apply to the State entry-exit inspection and quarantine authority for record-filing. Overseas food production enterprises that export food into the territory of China shall be registered by the State entry-exit inspection and quarantine authority. Where a registered overseas food production enterprise has provided false materials or the imported food is involved in a major food safety accident due to reasons attributable to the overseas food production enterprise, the State entry-exit inspection and quarantine authority shall cancel the registration of such enterprise and make an announcement thereof.

The State entry-exit inspection and quarantine authority shall regularly publish the list of overseas exporters, agents and importers already filed on record, and the list of overseas food production enterprises already registered.

Article 97 Imported pre-packaged food or food additives shall have labels in Chinese and, if required by law, instruction manuals in Chinese. Such labels and instruction manuals shall be in compliance with this Law, other relevant Chinese laws and administrative regulations, as well as national food safety standards, and shall specify the origin of the food, and the names, addresses and contact details of the domestic agents. Pre-packaged food shall not be imported in the absence of labels and instruction manuals in Chinese, or if the labels and instruction manuals are not in compliance with this Article.

Article 98 Importers shall each establish the food and food additives import and sales record system to truthfully record the name, specifications, quantity, production date, production or import batch number, and shelf life of the food and food additives, the names, addresses and contact details of overseas exporters and purchasers, delivery date and other information and retain relevant certificates. The time periods for keeping the records and certificates shall comply with the provisions of Paragraph 2 of Article 50 hereof.

Article 99 Enterprises producing food for export shall ensure that their exported food complies with the standards of the imported country (region) or the requirements of the contract concerned.

Enterprises producing food for export and farms planting or breeding the raw materials of food for export shall go through record-filing procedures with the State entry-exit inspection and quarantine authority.

Article 100 The State entry-exit inspection and quarantine authority shall collect and summarize the following import and export food safety information, and promptly inform relevant departments, agencies and enterprises of the same.

(1) Food safety information discovered by entry-exit inspection and quarantine authorities in conducting inspection and quarantine of imported and exported food;

(2) Imported food safety information reflected by food industry associations, consumer associations

and other organizations as well as consumers;

(3) Risk warning information and other food safety information released by international organizations and overseas government agencies as well as the food safety information reflected by overseas industry associations, other relevant organizations and consumers; and

(4) Other food safety information.

The State entry-exit inspection and quarantine authority shall conduct integrity management of the importers and exporters engaging in food import and export, as well as enterprises producing food for export, and set up and make public their credit records in accordance with the law. The said authority shall strengthen the inspection and quarantine of the food imported and exported by importers, exporters and enterprises producing food for export that have unfavorable records.

Article 101 The State entry-exit inspection and quarantine authority may evaluate and review the food safety management systems and food safety situations of the countries (regions) that export food into the territory of China, and determine appropriate inspection and quarantine requirements based on the evaluation and review results.

Chapter 7: Handling of Food Safety Accidents

Article 102 The State Council shall organize the formulation of a national emergency response plan for food safety accidents.

Local people's governments at or above the county level shall formulate the emergency response plan for food safety accidents within their respective administrative regions in accordance with relevant laws, regulations and the emergency response plans for food safety accidents of superior people's governments, as well as in light of the actual situations in their respective administrative regions, and submit the same to the people's governments at the next higher level for record-filing.

Food safety accident emergency response plans shall decide on the grading of food safety accidents, organizational and command systems and responsibilities for handling of food safety accidents, prevention and warning mechanisms, handling procedures, emergency security measures and other relevant matters.

Enterprises engaging in food production and operation shall formulate their respective food safety accidents handling programs, regularly inspect the implementation of their respective food safety preventive measures, and promptly eliminate potential hazards of accidents.

Article 103 An entity in which a food safety accident has occurred shall immediately take measures to prevent the accident from spreading. The said entity and entities receiving patients for treatment shall promptly report relevant information to the food and drug administration and health administrative department of the county-level people's government at the place where the accident takes place.

The quality supervision departments, agricultural administrative departments and other relevant departments of the people's governments at or above the county level shall immediately inform food and drug administrations at the same level of relevant situations if they uncover food safety accidents during routine supervision and administration, or if they receive tip-offs against food safety accidents.

In the event of a food safety accident, the food and drug administration of the county-level people's government that receives the accident report shall report relevant situations to the people's government at the same level and the food and drug administration of the superior people's government in accordance with the emergency response plans, and the people's government at the county level and the food and drug administration of the superior people's government shall report relevant situations to higher-level authorities in accordance with the emergency response plans.

No entity or individual may conceal food safety accidents, make false reports of food safety accidents, delay the reporting of food safety accidents, or conceal, falsify and destroy relevant evidence.

Article 104 Where a medical institution finds that the disease of a patient it has received falls within foodborne diseases or suspected foodborne diseases, it shall promptly report relevant information to the health administrative department of the county-level people's government at the place where it is located. Where such health administrative department believes that such disease relates to food safety, it shall promptly notify the food and drug administration at the same level

thereof.

The health administrative department of the people's government at or above the county level shall notify the food and drug administration at the same level of the information relating to food safety it has discovered in investigating and handling infectious diseases or other public health emergencies.

Article 105 Upon receipt of reports on food safety accidents, food and drug administrations of the people's governments at or above the county level shall, in conjunction with the health administrative department, agricultural administrative department, quality supervision department and other relevant departments at the same level, immediately conduct investigation and accident handling, and take the following measures to prevent or mitigate the social harm of such accidents:

(1) They shall carry out emergency rescue, and organize the rescue and treatment of persons who suffer body injuries due to the food safety accidents;

(2) They shall seal up the food and its raw materials that may have led to the food safety accidents, and perform immediate testing; where the food and raw materials are confirmed to be contaminated, they shall order the relevant producers and business operators of food to recall, stop the business operations of, and destroy the food and raw materials in accordance with Article 63 herein;

(3) They shall seal up the contaminated food-related products, and order the same to be cleaned and disinfected; and

(4) They shall properly make information disclosure, release information on the food safety accidents and the handling thereof pursuant to the law, and explain the possible harm that may be caused by such accidents.

Where food safety accidents occur and it is necessary to activate emergency response plans, people's governments at or above the county level shall immediately form command headquarters for handling food safety accidents, activate emergency response plans, and handle such accidents in accordance with the provisions in the preceding paragraph.

In the event of a food safety accident, the relevant disease prevention and control institution at or above the county level shall conduct sanitation treatment of the accident scene, and carry out epidemiological investigation of the factors related to the accident and relevant departments shall assist. A disease prevention and control institution at or above the county level shall submit the epidemiological investigation report to the food and drug administration and the health administrative department at the same level.

Article 106 In the event of a food safety accident, the food and drug administration of the relevant people's government at or above the level of cities with districts shall investigate the liabilities for the said accident in conjunction with relevant departments, urge relevant departments to perform their duties, and submit an accident liability investigation and handling report to the people's government at the same level and the food and drug administration of the people's government at the next higher level.

In the case of a major food safety accident that involves two or more provinces, autonomous regions or municipalities directly under the Central Government, the food and drug administration of the State Council shall organize the investigation of the liabilities for the said accident in accordance with the preceding paragraph.

Article 107 During the investigation of a food safety accident, it is imperative to stick to the principles of seeking truth from facts and respecting science, ascertain the nature and cause of the accident in a timely and accurate manner, determine the liability for the accident and come up with rectification measures.

During the investigation of a food safety accident, it is imperative to ascertain both the liabilities of the entity in which the said accident occurs, and the liabilities of relevant supervision and administration departments, food testing agencies and certification agencies as well as the staff members thereof.

Article 108 The department conducting the investigation of a food safety accident shall have the right to ask relevant entities and individuals for information about the accident and require them to provide relevant materials and samples. Relevant entities and individuals shall cooperate and provide relevant materials and samples as required and shall not refuse to do so.

No entity or individual may obstruct or interfere with the investigation and handling of a food safety accident.

Chapter 8: Supervision and Administration

Article 109 The food and drug administrations and quality supervision departments of the people's governments at or above the county level shall determine the priorities, methods and frequency of supervision and management according to the results of food safety risk monitoring and risk assessment and food safety situation, etc.

Local people's governments at or above the county level shall organize food and drug administrations, agricultural administrative departments, quality supervision departments and other relevant departments at the same level to formulate the annual food safety supervision and administration plan within their respective administrative regions, and publish and organize the implementation of the said annual plan.

The annual food safety supervision and administration plan shall list following matters as the priorities of supervision and administration:

- (1) Primary and secondary food specifically for babies and infants and other specific groups of people;
- (2) Adding behavior in the course of health care food production and the situation about organizing production according to the requirements of registered or filed technical requirements and the situation about publicity of functions in the labels, instruction manuals and promotional materials of the health care food;
- (3) Producers and business operators of food with high risk of food safety accidents; and
- (4) Matters with potential food safety hazards as demonstrated by food safety risk monitoring results.

Article 110 Food and drug administrations and quality supervision departments of the people's governments at or above the county level shall fulfill their respective food safety supervision and administration responsibilities, and shall be entitled to take the following measures to supervise and inspect the compliance with this Law by producers and business operators:

- (1) To enter production and operation premises to conduct on-site inspection;
- (2) To conduct sampling testing of the food, food additives and food-related products under production and operation;
- (3) To inspect and duplicate relevant contracts, bills, account books and other relevant materials;
- (4) To seal up and seize the food, food additives or food-related products for which there is evidence to prove that they are not in compliance with food safety standards or that they have potential safety hazards, and that are used for illegal production and operation; and
- (5) To close down the premises for illegal food production and operation.

Article 111 Where there is evidence to prove the existence of potential safety hazards in certain food and it is necessary to formulate or revise food safety standards, the health administrative department of the State Council shall, prior to formulating or revising food safety standards, promptly work with relevant departments of the State Council to impose temporary quantitative limits on the harmful substances in the food and temporary inspection methods as the basis for production and operation as well as supervision and administration.

Article 112 In food safety supervision and administration, food and drug administrations of the people's governments at or above the county level may adopt the rapid detection method prescribed by the State to conduct random testing of food.

The food that is shown not to meet the food safety standards by the random testing results shall be inspected in accordance with Article 87 herein. Where the random testing results determine that relevant food fails to meet the food safety standards, such results may be used as the basis for administrative punishment accordingly.

Article 113 Food and drug administrations of the people's governments at or above the county level shall set up food safety credit files for producers and business operators of food to record the issuance of licenses, the results of routine supervision and inspection, the investigation and

punishment against illegalities and other relevant information, publish such information in accordance with the law and update the same on real-time basis. The said administrations shall increase the frequency of supervision and inspection over producers and business operators of food that have unfavorable credit records and may notify the competent authorities in charge of investment, securities regulatory departments and relevant financial institutions of the food producers and business operators that have committed serious violations of laws.

Article 114 Where a producer or business operator of food fails to take timely measures to eliminate the potential food safety hazards during food production and operation, the food and drug administration of the people's government at or above the county level may arrange regulatory talks with the legal representative or primary person-in-charge of the food producer or business operator. The food producer or business operator shall promptly take measures to make rectification and eliminate the potential hazards. The information on the regulatory talks and rectification shall be included in the food safety credit files of the food producers and business operators.

Article 115 Food and drug administrations, quality supervision departments and other relevant departments of the people's governments at or above the county level shall publish their email addresses or telephone numbers for receiving inquiries, complaints and tip-offs. Upon receipt of inquiries, complaints and tip-offs, the department concerned shall accept the inquiries, complaints and tip-offs if they fall under its responsibilities, and promptly issue replies or conduct verification or handling within statutory time limit; if the inquiries, complaints and tip-offs fall beyond its responsibilities, the department shall transfer the inquiries, complaints and tip-offs to the competent department and notify the party that submits the inquiries, complaints and tip-offs thereof. Such competent department shall promptly address the same within the statutory time limit without shifting the responsibilities and duties. The informers shall be rewarded once the complaints and tip-offs are verified to be true upon investigation.

Relevant departments shall keep confidential the information on informers and protect the lawful rights and interests of informers. Where an informer makes tip-offs against the enterprise where the informer works, such enterprise shall not retaliate upon the informer through revoking or revising the labor contract or by any other means.

Article 116 Food and drug administrations, quality supervision departments and other relevant departments of the people's governments at or above the county level shall strengthen the training of the law enforcement personnel in terms of food safety laws, regulations, standards and professional knowledge as well as law enforcement ability, etc. and organize assessment. The personnel that do not have appropriate knowledge and ability shall not engage in food safety law enforcement work.

Where producers and business operators of food, food industry associations and consumers associations, etc. find that any person engaging in food safety law enforcement commits violation of laws and regulations or carries out law enforcement in unregulated manner during law enforcement, they may submit complaints and tip-offs to the food and drug administrations, quality supervision departments and other relevant department of the people's governments at the same or higher level or to supervisory organs. The departments or organs receiving the complaints and tip-offs shall conduct verification and notify the department where the person engaging in food safety law enforcement works of the verification situation. Where the person is suspected of violating laws or disciplines, the violation shall be handled according to this Law and relevant provisions.

Article 117 Where a food and drug administration of the people's government at or above the county level fails to detect systematic risks in food safety or fails to promptly eliminate potential food safety hazards in its areas of supervision and administration, the people's government at the same level may arrange regulatory talks with the primary person-in-charge of the food and drug administration.

Where a local people's government fails to perform food safety responsibilities or to promptly eliminate potential major regional food safety hazards, the relevant superior people's government may arrange regulatory talks with the primary person-in-charge of the local people's government.

The food and drug administration or local people's government that is subject to regulatory talks shall promptly take measures to make rectification in respect of food safety and supervision and administration thereof.

The situation on regulatory talks and rectification shall be included in the performance appraisal and assessment records of local people's governments and relevant departments in respect of food safety supervision and administration.

Article 118 The State shall establish a unified food safety information platform and implement a unified food safety information release system. The food and drug administration of the State Council shall uniformly release the overall national food safety situations, food safety risk warning information, information on major food safety accidents and their investigation and handling and other information that shall be uniformly released as determined by the State Council. The food safety risk warning information or the information on major food safety accidents and their investigation and handling may be released by the food and drug administrations of the people's governments of relevant provinces, autonomous regions and municipalities directly under the Central Government if its impact is limited to specific regions. Release, without authorization, of the above information shall be prohibited.

Food safety administrations, quality supervision departments and agricultural administrative departments of the people's governments at or above the county level shall publish information on routine food safety supervision and administration according to their respective responsibilities.

Food safety information shall be released in an accurate and timely manner and necessary explanations shall be made to avoid misleading consumers and public opinions.

Article 119 Once the food and drug administration, health administrative department, quality supervision department or agricultural administrative department of a local people's government at or above the county level comes to know information that shall be uniformly released in accordance with this Law, it shall report such information to its superior authority which shall immediately report the same to the food and drug administration of the State Council; where necessary, it may directly report relevant information to the food and drug administration of the State Council.

Food and drug administrations, health administrative departments, quality supervision departments or agricultural administrative departments of the people's governments at or above the county level shall notify each other of the food safety information that comes to their respective knowledge.

Article 120 No entity and individual may fabricate and spread false food safety information.

Where the food and drug administration of a people's government at or above the county level finds any food safety information that may mislead consumers and public opinions, it shall immediately organize relevant departments, professional institutions and relevant food producers and business operators, etc. to conduct verification and analysis and release results thereof in a timely manner.

Article 121 The food and drug administration, a quality supervision department or any other department of a people's government at or above the county level shall promptly refer a case suspected of food safety crimes to the relevant public security organ in accordance with relevant provisions. The public security organ shall promptly examine a case referred thereto, and put the case on file for investigation if it believes that there are criminal facts and criminal liability is required to be imposed.

Where a public security organ, during investigation of a case of food safety crime, believes that there is no criminal fact or the criminal facts are obviously minor and the imposition of criminal liability is not necessary but administrative liability shall be imposed in accordance with the law, it shall transfer the case to the food and drug administration, quality supervision department and other relevant departments as well as the supervisory organ in a timely manner and the relevant departments shall handle the case in accordance with the law.

Where the public security organ requests the food and drug administration, quality supervision department, environmental protection department or other relevant departments to assist in providing testing conclusions, identification opinions, innocuous treatment of the items involved in the case, etc., such departments concerned shall provide the assistance in a timely manner.

Chapter 9: Legal Liabilities

Article 122 Whoever violates this Law and engages in the production and operation of food without licensing for production and business operation of food or engages in the production of food additives without licensing for production of food additives shall have its illegal gains, food or food

additives under illegal production and operation, as well as the tools, equipment, raw materials and other items used for illegal production and operation confiscated by food and drug administrations; and, a fine of not less than RMB 50,000 but not more than RMB 100,000 shall be concurrently meted out if the value of the food or food additives under illegal production and operation is less than RMB 10,000, if the value of such food or food additives is RMB 10,000 or more, a fine of not less than ten times but not more than twenty times the value thereof shall be concurrently meted out.

Whoever knowingly provides production and operation premises or other conditions for engaging in the illegal activities prescribed in the preceding paragraph shall be ordered by the food and drug administration of the people's government at or above the county level to stop illegal activities, have its illegal gains confiscated, and be subject to a fine of not less than RMB 50,000 but not more than RMB 100,000; where the lawful rights and interests of consumers are infringed upon, such party shall bear joint and several liability with the producer or business operator of the food or food additives.

Article 123 Whoever violates this Law, which falls under any of the following circumstances but does not constitute a criminal offense, shall have its illegal gains and food under illegal production and operation confiscated, and may have the tools, equipment, raw materials and other items used for illegal production and operation confiscated, by the food and drug administration of the people's government at or above the county level; a fine of not less than RMB 100,000 but not more than RMB 150,000 shall be concurrently meted out if the value of the food under illegal production and operation is less than RMB 10,000, while a fine of not less than 15 times but not more than 30 times the value of such food shall be concurrently meted out if the latter amount is RMB 10,000 or more; under grave circumstances, the license shall be revoked and the public security organ may impose a detention of not less than five days but not more than 15 days on its principal directly in charge and other directly responsible persons:

- (1) Using non-food raw materials for food production or adding chemicals other than food additives or other substances that may be harmful to human health in food or using recycled food as raw materials for food production, or engaging in the operation of above food products;
- (2) Producing primary and secondary food specifically for babies and infants and other specific groups of people whose nutritional components fail to meet food safety standards;
- (3) Engaging in the business operation of meat of poultry, livestock, animals and aquatic animals that have died of diseases, poisoning or unknown causes, or engaging in the production and operation of products thereof;
- (4) Engaging in the business operation of the meat that has not undergone quarantine as required or has failed quarantine, or engaging in the production and operation of the meat products that have not undergone testing or have failed testing;
- (5) Engaging in the production and operation of food that is explicitly banned from production and operation by the State for disease prevention and other special needs; and
- (6) Engaging in production and operation of the food with medicines added.

Whoever knowingly provides production and operation premises or other conditions for engaging in the illegal activities prescribed in the preceding paragraph shall be ordered by the food and drug administration of the people's government at or above the county level to stop illegal activities, have its illegal gains confiscated, and be subject to a fine of not less than RMB 100,000 but not more than RMB 200,000; where the lawful rights and interests of consumers are infringed upon, such party shall bear joint and several liability with the producer or business operator of the food.

Whoever uses the hyper toxic or highly toxic pesticides in violation of the laws shall be subject to the punishment in accordance with relevant laws and regulations and may be detained by the public security organ in accordance with the provisions in Paragraph 1.

Article 124 Whoever violates this Law, which falls under any of the following circumstances but does not constitute a criminal offense, shall have its illegal gains and the food and food additives under illegal production and operation confiscated, and may have the tools, equipment, raw materials and other items used for illegal production and operation confiscated, by the food and drug administration of the people's government at or above the county level; a fine of not less than RMB 50,000 but not more than RMB 100,000 shall be concurrently meted out if the value of the food under illegal production and operation is less than RMB 10,000, while a fine of not less than 10 times but

not more than 20 times the value of such food shall be concurrently meted out if the latter amount is RMB 10,000 or more; under grave circumstances, the license shall be revoked:

- (1) Engaging in the production and operation of food or food additives in which the pathogenic microorganisms, pesticide residues, veterinary drug residues, biological toxins, heavy metals and other polluting substances, as well as other substances harmful to human health exceed the limits prescribed by food safety standards;
- (2) Engaging in the production of food or food additives by using the food or food additives whose shelf life has expired, or engaging in the business operation of such food or food additives;
- (3) Engaging in the production and operation of food that use food additives beyond the prescribed scope or in excess of the limited dosage;
- (4) Engaging in production and operation of deteriorated food or food additives, food or food additives suffering from fat rancidity or mold infestation, filthy food or food additives, food or food additives mixed with foreign objects, adulterated food or food additives or food or food additives with abnormal sensory properties;
- (5) Engaging in production and operation of food or food additives carrying false production date or shelf life or whose shelf life has expired;
- (6) Engaging in production and operation of health care food, formula food for special medicine purposes and baby and infant milk powder that are not registered as required or failing to organize production according to the technical requirements such as the product formula and production process as registered.
- (7) Engaging production of baby and infant formula food by way of sub-assembly or using the same formula by the same enterprise to produce baby and infant milk powder of different brands;
- (8) Engaging in the production of food by using new food raw materials or the production of new varieties of food additives without passing safety assessment; and
- (9) Refusing by a producer or business operator of food to recall or stop the operation after being so ordered by the food and drug administration.

Apart from the circumstances prescribed in the preceding paragraph and Article 123 and Article 125 hereof, the production and operation of the food or food additives not in conformity with the laws, regulations or food safety standards shall be subject to punishment in accordance with the provisions in the preceding paragraph.

Production of new varieties of food-related products without passing safety assessment or production of food-related products not in conformity with food safety standards shall be subject to the punishment imposed by the quality supervision department of the people's government at or above the county level in accordance with the provisions in Paragraph 1.

Article 125 Whoever violates this Law and falls under any of the following circumstances shall have its illegal gains and food and food additives under illegal production and operation and may have the tools, equipment, raw materials and other items used for illegal production and operation confiscated by the food and drug administration of the people's government at or above the county level; a fine of not less than RMB 5,000 but not more than RMB 50,000 shall be concurrently meted out if the value of the food under illegal production and operation is less than RMB 10,000, while a fine of not less than five times but not more than ten times the value of such food shall be concurrently meted out if the latter amount is RMB 10,000 or more; under grave circumstances, the violator shall be ordered to stop production and operation or even be revoked of relevant licenses:

- (1) Engaging in the production and business operations of food or food additives contaminated by packaging materials, containers, transportation tools, etc.;
- (2) Engaging in the production and operation of pre-packaged food products or food additives that have no label, or food or food additives whose labels and instruction manuals fail to meet relevant requirements herein;
- (3) Engaging in production and business operation of genetically-modified food without indicating the same according to relevant provisions; and

(4) Purchasing or using, by a producer or business operator of food, the food raw materials, food additives or food-related products that fail to meet food safety standards;

Where the label or instruction manual of the food or food additives of a food producer or business operator has defect but neither affects food safety nor misleads consumers, the relevant food and drug administration of the people's government at or above the county level shall order the producer or business operator concerned to make correction. The producer or business operator that refuses to make correction shall be subject to a fine of not more than RMB 2,000.

Article 126 Whoever violates this Law and falls under any of the following circumstances shall be ordered to make correction and be given a warning by the food and drug administration of the people's government at or above the county level; where the violator refuses to correct, a fine of not less than RMB 5,000 but not more than RMB 50,000 shall be imposed; and under grave circumstances, the violator shall be ordered to stop production and operation, and may even be revoked of relevant license:

(1) Where the violator is a food or food additive producer that fails to inspect the food raw materials purchased or the food, food additives and food-related products produced as required;

(2) Where the violator is a food production or operation enterprise that fails to set up food safety management system or fails to have in place, train or assess food safety management personnel as required;

(3) Where the violator is a food or food additive producer or business operator that fails to inspect and verify the license and relevant certificates in procurement or fails to set up and comply with the procurement inspection record, ex-factory inspection record and sales record system;

(4) Where the violator is a food production or operation enterprise that fails to formulate food safety accidents handling programs;

(5) Where the violator fails to wash and disinfect tableware, drinking utensils and containers containing ready-to-eat food before use, or where such cleaning and disinfection fail to meet relevant standards or fails to maintain, wash and verify on regular basis the catering service facilities and equipment as required;

(6) Where the violator is a food producer or business operator that arranges for a person without health certificate or suffering from any of the diseases that impede food safety as prescribed by the health administrative department of the State Council to engage in work in contact with ready-to-eat food;

(7) Where the violator is a food business operator that fails to sell food according to relevant provisions and requirements;

(8) Where the violator is an enterprise engaging in the production of health care food that fails to go through record-filing with the food and drug administration or fails to organize production according to the technical requirements such as the product formula and production process as filed.

(9) Where the violator is an enterprise engaging in the production of baby and infant formula food that fails to submit information on the food raw materials, food additives, product formulas, labels, etc. to food and drug administration for record-filing;

(10) Where the violator is an enterprise engaging in the production of special food that fails to set up the production quality management system as required and to ensure the effective operation thereof or fails to submit self-inspection report on regular basis;

(11) Where the violator is a producer or business operator of food that fails to conduct regular inspection and evaluation of its food safety conditions or fails to handle as required when its conditions for production and operation are changed;

(12) Where the violator is a school, kindergarten, elderly care institution, construction site or any other entity where people have dinner in centralized manner that fails to perform food safety management responsibilities as required; and

(13) Where the violator is a food production enterprise or catering service provider that fails to formulate or implement production or operation process control requirements according to relevant provisions.

An entity that provides services of centralized disinfection of tableware and drinking utensils uses the water as well as detergents and disinfectants in violation of the provisions of this Law, or fails to inspect the ex-factory tableware and drinking utensils with the disinfection certificates accompanied therewith as required or fails to indicate relevant information on the individual packages of disinfected tableware and drinking utensils as required shall be subject to the punishment imposed by the health administrative department of the people's government at or above the county level in accordance with the provisions in the preceding paragraph.

A producer of food-related products that fails to inspect the produced food-related products as required shall be subject to the punishment imposed by the quality supervision department of the people's government at or above the county level in accordance with the provisions in Paragraph 1.

A seller of edible agricultural products that violates the provisions of Article 65 hereof shall be subject to the punishment imposed by the food and drug administration of the people's government at or above the county level in accordance with the provisions in Paragraph 1.

Article 127 The illegal activities of small workshops for food production and processing and food vendors shall be punished in accordance with the administrative measures formulated by provinces, autonomous regions and municipalities directly under the Central Government.

Article 128 Where an entity in which a food safety accident has occurred violates this Law and fails to handle and report the said accident after the accident has taken place, the relevant competent departments shall, according to the division of their respective responsibilities, order the said entity to make correction and give a warning to the same; where the said entity conceals, falsifies or destroys relevant evidence, it shall be ordered to stop production and operation, have its illegal gains confiscated, and be concurrently given a fine of not less than RMB 100,000 but not more than RMB 500,000; the said entity shall be revoked of the license if serious consequences are caused.

Article 129 Whoever violates this Law and falls under any of the following circumstances shall be punished by entry-exit inspection and quarantine authorities in accordance with Article 124 herein:

(1) Where the violator provides false materials and imports food, food additives or food-related products that fail to meet China's national food safety standards;

(2) Where the violator fails to submit the applicable standards and have such standards examined by the health administrative department of the State Council when importing food for which national food safety standards are currently unavailable or imports the food produced by using new raw materials of food or imports new varieties of food additives or new varieties of food-related products without passing safety assessment;

(3) Where the violator fails to abide by this Law in exporting food; and

(4) Where the perpetrator is an importer that still refuses to recall food that fails to meet food safety standards despite being so ordered by relevant competent departments.

Importers that violate this Law and fail to establish and abide by the food or food additives import and sales record system, the review system for overseas exporters or overseas production enterprises shall be punished by entry-exit inspection and quarantine authorities in accordance with Article 126 herein.

Article 130 Where, in violation of this Law, organizers of centralized transaction markets, lessors of counters, or organizers of trade fairs allow food business operators who have not obtained licensing in accordance with the law to enter relevant markets to sell food, or fail to perform the obligations of inspection, reporting, etc., they shall be ordered to make correction, have their illegal gains confiscated and given a fine of not less than RMB 50,000 but not more than RMB 200,000 by the food and drug administration of the people's government at or above the county level; they shall be ordered to suspend business operations, and may even be revoked of relevant licenses by original license issuing authorities if serious consequences are caused; if the lawful rights and interests of consumers are infringed upon, they shall bear joint and several liability with the business operators of food.

Where the wholesale market of edible agricultural products violates Article 64 of this Law, liability shall be imposed in accordance with the provisions in the preceding paragraph.

Article 131 Where, in violation of this Law, providers of third-party online food transaction platforms allow food business operators to use online transaction platforms without conducting

real-name registration or license examination, or fail to perform the obligations of reporting, stopping the online transaction platform services, etc., they shall be ordered to make correction, have their illegal gains confiscated and given a fine of not less than RMB 50,000 but not more than RMB 200,000 by food and drug administrations of the people's governments at or above the country level; they shall be ordered to suspend business operations, and may even be revoked of relevant licenses by original license issuing authorities if serious consequences are caused; if the lawful rights and interests of consumers are infringed upon, they shall bear joint and several liability with the business operators of food.

Where the lawful rights and interests of a consumer purchasing food via a third-party online food transaction platform are harmed, the consumer may demand compensation from the food business operator using the platform or the food producer. If the provider of the third-party online food transaction platform is unable to provide the real name, address and valid contact details of the food business operator using the platform, such provider shall be liable for compensation and shall have the right to seek recovery from the food business operator using the platform or the food producer. Where providers of third-party online food transaction platforms make undertakings more favorable to consumers, they shall fulfill such undertakings.

Article 132 Whoever violates this Law and fails to store, transport, load or unload food as required shall be ordered to make correction and be given a warning by the food and drug administration and other relevant departments according to the division of their respective responsibilities; where the violator refuses to correct, it shall be ordered to suspend production and operation, and be concurrently given a fine of not less than RMB 10,000 but not more than RMB 50,000; under grave circumstances, the perpetrator shall be revoked of relevant licenses.

Article 133 Whoever violates this Law and refuses to accept or obstructs the supervision and inspection, accident investigation and handling, risk monitoring or risk assessment carried out by relevant departments and agencies as well as their staff members in accordance with the law, relevant competent authorities shall, according to the division of their respective responsibilities, order the violator to suspend production and operation, and concurrently impose thereon a fine of not less than RMB 2,000 but not more than RMB 50,000; under grave circumstances, the violator shall be revoked of relevant licenses; and the violator shall be subject to penalties for administration of public security imposed by the relevant public security organ if its act constitutes violation of public security administration.

Whoever violates this Law and retaliates upon the informer through revoking or revising the labor contract or by any other means shall be subject to liability in accordance with the provisions of relevant laws.

Article 134 Where a producer or business operator of food violates this Law and is thus subject to the punishment other than being ordered to suspend production or operation or being revoked of licenses for three accumulative times within one year, such producer or business operator shall be ordered by the food and drug administration to suspend production or business operation and even be revoked of licenses.

Article 135 Where producer or business operator of food is revoked of the license, such producer or business operator and the legal representative, the principal directly in charge and other directly responsible persons thereof shall not apply for the license for food production and operation, engage in the management of food production and operation or act as the food safety management personnel of a food production or operation enterprise within five years from the date of the punishment decision.

A person who is sentenced to fixed-term imprisonment or heavier punishments due to food safety crimes shall not engage in the management of food production and operation or act as the food safety management personnel of a food production or operation enterprise for life.

Producers and business operators of food shall be revoked of their licenses by the food and drug administrations of the people's governments at or above the county level if they violate the provisions in the preceding two paragraphs in hiring persons.

Article 136 A business operator of food that has fulfilled the procurement inspection obligation, etc. prescribed by this Law, presents sufficient evidence to show that he is ignorant of the fact that the

purchased products do not conform to the food safety standards and gives true information about the source of the products may be exempted from punishment, provided that the food that do not conform to the food safety standards shall be confiscated in accordance with the law; such business operator shall be liable for compensation in accordance with the law if personal, property or other damage is caused.

Article 137 Where the technical agencies or technical personnel that undertake food safety risk monitoring or risk assessment work violate this Law and issue false monitoring or assessment information, the principal directly in charge of such technical agencies and the technical personnel shall be removed from their positions or expelled in accordance with the law, and have their practicing certificates revoked by the competent authority granting the certificates if they have practicing qualification

Article 138 Where a food testing agency or a food inspector violates this Law and issues false testing reports, the competent department or agency that grants qualifications to the food testing agency shall revoke the testing qualifications of the said food testing agency and confiscate the testing fees charged; a fine of not less than five times but not more than ten times the amount of the testing fees shall be concurrently meted out, while a fine of not less than RMB 50,000 but not more than RMB 100,000 shall be concurrently meted out if the amount of the testing fees is less than RMB 10,000. The principal directly in charge of the food testing agency and the food inspector shall be removed from their positions or expelled in accordance with the law; such principal directly in charge of the food testing agency and inspector shall be expelled if a major food safety accident occurs as a result.

A staff member of a food testing agency who is expelled due to violation of this Law shall not engage in food testing work within ten years from the date when the decision on expulsion is made. A staff member of a food testing agency who is sentenced to criminal punishments due to food safety illegalities or expelled due to issuance of false testing report causing major food safety accidents shall not engage in food testing work for life. Where a food testing agency hires a person banned from food testing work, the competent department or agency that grants qualifications to the food testing agency shall revoke the latter's testing qualifications.

A food testing agency shall bear joint and several liability with the producer or business operator of food if its issuance of false testing reports has damaged the consumers' legitimate rights and interests.

Article 139 Where a certification agency violates this Law and issues false certification conclusions, the relevant certification and accreditation administration shall confiscate the certification fees charged, impose a fine of not less than five times but not more than ten times the certification fees on the certification agency, while a fine of not less than RMB 50,000 but not more than RMB 100,000 shall be concurrently meted out if the amount of the certification fees is less than RMB 10,000, order the same to suspend business or revoke the approval documents of the certification agency, and announce relevant information to the public. The principal directly in charge and the directly responsible certification personnel shall be revoked of their practicing qualifications.

A certification agency shall bear joint and several liability with the producer or business operator of food if its issuance of false certification conclusions has damaged the legitimate rights and interests of consumers.

Article 140 Whoever violates this Law and deceives consumers by false publicity of food in advertisements or releases a health care food advertisement without obtaining approval document or with the advertising content inconsistent with the approval document shall be punished in accordance with the [Advertising Law of the People's Republic of China](#).

An advertising operator or publisher shall bear joint and several liability with the producer or business operator of food if it designs, produces or publishes false food advertisements, damaging the legitimate rights and interests of consumers.

A social group or any other organization or individual shall bear joint and several liability with the producer or business operator of food if it recommends food to consumers in false advertisements or other false publicity, damaging the legitimate rights and interests of consumers.

Where, in violation of this Law, food and drug administrations, food testing agencies, or food industry associations recommend food to consumers by advertisements or in other forms or consumer

organizations recommend food to consumers by charging fees or in other profit-seeking forms, relevant competent departments shall confiscate their illegal gains, record a major demerit of, or impose disciplinary sanctions of demotion or dismissal on, the principal directly in charge and other directly responsible persons in accordance with the law, and expel such persons under grave circumstances.

Whoever makes false publicity of food with serious circumstances shall suspend the sale of the food as decided by the food and drug administration of the people's government at or above the provincial level and be announced to the public. If it still sells the food, the food and drug administration of the people's government at or above the county level shall confiscate its illegal gains and the food under illegal sale and impose a fine of not less than RMB 20,000 but not more than RMB 50,000.

Article 141 Whoever violates this Law and fabricates or spreads false food safety information, which constitutes the violation of public security administration, shall be subject to punishment for public security administration by the relevant public security organ in accordance with the law.

Where a media fabricates or spreads false food safety information, relevant competent department shall impose punishment thereon and impose disciplinary sanctions on its principal directly in charge and other directly responsible persons in accordance with the law. Where its act damages the legitimate rights and interests of citizens, legal persons or other organizations, it shall bear civil liabilities such as eliminating the ill effects, rehabilitating reputation, compensating for loss and extending an apology and other appropriate legal liability in accordance with the law.

Article 142 Where a local people's government at or above the county level violates this Law and commits any of the following acts, the principal directly in charge and other directly responsible persons shall be given the disciplinary sanction of major demerit, be demoted or dismissed under relatively serious circumstances, or be expelled under serious circumstances; the primary person-in-charge shall take the blame and resign if serious consequence is caused:

- (1) Where the said government fails to organize and coordinate relevant departments to effectively handle a food safety accident occurring in its administrative region in a timely manner, causing adverse influence or loss;
- (2) Where the said government fails to organize in a timely manner the rectification of the regional food safety issues involving multiple links in its administrative region, causing adverse influence or loss;
- (3) Where the said government delays the reporting of, conceals or makes false reports of, food safety accidents; and
- (4) Where especially major food safety accident occurs or major food safety accidents occur successively in the administrative region of the said government.

Article 143 Where a local people's government at or above the county level violates this Law and commits any of the following acts, the principal directly in charge and other directly responsible persons shall be given warnings or the disciplinary sanction of demerit or major demerit, or, if serious consequence is caused, be demoted or dismissed:

- (1) Where the said government fails to specify the food safety supervision and administration responsibilities of its relevant departments, fails to establish and improve the work mechanism for whole-process supervision and administration over food safety and information sharing mechanism or fails to implement the food safety supervision and administration accountability system; and
- (2) Where the said government fails to formulate the emergency response plans of its administrative region or fails to form command headquarters for handling of food safety accidents and activate emergency response plans after the occurrence of a major food safety accident as required;

Article 144 Where, in violation of this Law, the food and drug administration, health administrative department, quality supervision department, agricultural administrative department or any other relevant department of a people's government at or above the county level commits any of the following acts, the principal directly in charge and other directly responsible persons shall be given the disciplinary sanction of major demerit, be demoted or dismissed under relatively serious circumstances, or be expelled under serious circumstances; the primary person-in-charge shall take the blame and resign if serious consequence is caused:

- (1) Where the said government delays the reporting of, conceals or makes false reports of, food safety accidents;
- (2) Where the said administration or department fails to investigate and handle food safety accidents in accordance with the relevant provisions or fails to handle in a timely manner a food safety accident upon receipt thereof, causing the accident to expand or spread;
- (3) Where the said administration or department fails to take in a timely manner appropriate measures when the food safety risk assessment concludes that the food, food additives or food-related products are not safe, thus causing food safety accidents or adverse social impact;
- (4) Where the said administration or department grants licensing to applicants that fail to satisfy relevant requirements or beyond statutory powers; and
- (5) Where the said administration or department fails to fulfill the food safety supervision and administration responsibilities, resulting in the occurrence of food safety accidents.

Article 145 Where, in violation of this Law, the food and drug administration, health administrative department, quality supervision department, agricultural administrative department or any other relevant department of a people's government at or above the county level commits any of the following acts, causing adverse consequence, the principal directly in charge and other directly responsible persons shall be given warnings or the disciplinary sanction of demerit or major demerit, be demoted or dismissed under relative serious circumstances, or be expelled under serious circumstances:

- (1) Where the said administration or department fails to report to the superior competent departments or the people's government at the same level or to notify the other relevant administrations or departments of the food safety information that comes to its knowledge in accordance with relevant provisions;
- (2) Where the said administration or department fails to publish food safety information in accordance with relevant provisions; and
- (3) Where the said administration or department fails to fulfill statutory duties or fails to cooperate in investigation and handling of illegal activities relating to food safety or abuses power, neglects duty or practices favoritism for personal gains

Article 146 Where any of the food and drug administration, quality supervision departments and other relevant departments illegally carries out inspection, compulsory measures or other law enforcement measures during food safety supervision and administration, causing loss to food producers and business operators, it shall pay compensation in accordance with the law and its principal directly in charge and other directly responsible persons shall be given disciplinary sanction in accordance with the law.

Article 147 Whoever violates this Law and causes personal injury, property damage or other damage shall be liable for compensation in accordance with the law. Where the assets of the producer or business operator are not sufficient for bearing the compensation liabilities and paying penalties at the same time, it shall first bear the civil compensation liabilities.

Article 148 Consumers that incur damage due to the food that fails to meet food safety standards may demand compensation for loss from business operators or from producers. The producers or business operators that receive the demand for compensation from consumers shall take the first liability and pay the compensation firstly without shifting their responsibilities and duties. If the producers are liable, business operators shall have the right to seek recovery from producers after making the compensation; if the business operators are liable, producers shall have the right to seek recovery from business operators after making the compensation

Where a producer produces food that fails to meet food safety standards or a business operator knowingly engages in business operation of such food, the affected consumer may, in addition to demanding compensation for losses, demand the producer or business operator to pay damages at ten times the price of the food or thrice the amount of the losses. The amount of the increased compensation, if less than RMB 1,000, shall be rounded up to RMB 1,000, except that the label or instruction manual of the food has defect that neither affects food safety nor misleads consumers.

Article 149 Whoever violates this Law, which constitutes a criminal offense, shall be subject to

criminal liability in accordance with the law.

Chapter 10: Supplementary Provisions

Article 150 For the purpose of this Law:

Food shall refer to a variety of finished products and raw materials for human consumption by eating or drinking, as well as substances traditionally regarded both as food and traditional Chinese medicinal materials, but shall exclude substances for therapeutic purposes.

Food safety shall mean that food is non-toxic and harmless, is in conformity to applicable nutritional requirements, and will not cause any acute, sub-acute or chronic hazards to human health.

Pre-packaged food shall refer to food that is pre-packaged or pre-produced in packaging materials and containers according to pre-determined quantities.

Food additives shall refer to synthetic or natural substances added into food to improve the quality and color, smell or taste of the food, and for preservation and processing needs, including nutrient supplements.

Packaging materials and containers used for food shall refer to paper, bamboo, wood, metal, enamel, ceramic, plastic, rubber, natural fiber, synthetic fiber, glass and other products used for packing or holding food or food additives, and coatings in direct contact with food or food additives.

Tools and equipment used for food production and operation shall refer to the machinery, pipes, conveyors, containers, utensils and tableware that are in direct contact with food or food additives during the production, sale and use of food or food additives.

Detergents and disinfectants used for food shall refer to the substances directly used for washing or disinfecting food, tableware, drinking utensils, tools or equipment in direct contact with food, or packaging materials and containers of food.

Shelf life of food shall refer to the period during which food may maintain its quality under the indicated storage conditions.

Foodborne diseases shall refer to infectious, toxic and other diseases caused by the entry of pathogenic factors in food into human body, including food poisoning.

Food safety accidents shall refer to foodborne diseases, food contamination and other accidents that originate from food and are or may be detrimental to human health.

Article 151 In the absence of the provisions on the food safety administration of genetically-modified food and salt, the provisions of other laws and administrative regulations shall apply.

Article 152 The administrative measures for food safety during railway and aviation transport operations shall be formulated by the food and drug administration of the State Council in conjunction with relevant departments of the State Council in accordance with this Law.

The specific measures for administration over health food products shall be formulated by the food and drug administration of the State Council in accordance with this Law.

The specific measures for administration over the production of food-related products shall be formulated by the quality supervision department of the State Council in accordance with this Law.

The supervision and administration over food at frontier or ports shall be conducted by entry-exit inspection and quarantine authorities in accordance with this Law and relevant laws and administrative regulations.

The administrative measures for food safety of food dedicated for military use and self-supplied military food shall be formulated by the Central Military Commission in accordance with this Law.

Article 153 The State Council may adjust the system of food safety supervision and administration according to actual needs.

Article 154 This Law shall come into effect on October 1, 2015.