



FOOD SAFETY LAW - PEOPLE'S REPUBLIC OF CHINA

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ASIA BRIEFING



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Chapter 1

General Provisions

Article 1

This Law is enacted with a view to securing food safety and ensuring public health and life safety.

Article 2

Anyone engaging in any of the following activities shall comply with this Law:

- (I) food production and processing (hereinafter referred to as "Food Production"), food sales and restaurant service (hereinafter referred to as "Food Distribution");
- (II) production and distribution of food additives;
- (III) production and distribution of packaging materials, containers, detergents and disinfectants used for food and of tools and equipment (hereinafter referred to as "Food-Related Products") used for Food Production and Distribution;
- (IV) application of food additives and Food-Related Products by food producers or distributors;
- (V) Storage and transportation of food; and
- (VI) Safety management of food, food additives, and Food-Related Products.

The quality and safety management on primary edible products derived from agriculture (hereinafter referred to as "Edible Agricultural Products") shall be subject to the provisions set forth in the *Law of the People's Republic of China on Quality and Safety of Agricultural Products*; provided however that the market sales, formulation of related quality and safety standards, and release of related safety information of Edible Agricultural Products, as well as agricultural inputs covered by this Law are subject to the provisions of this Law.

Article 3

Food safety shall first be subject to prevention, risk management, and full process control, as well as social governance, so as to

establish a set of scientific and stringent supervision and administration system.

Article 4

Food producers and distributors shall be liable for the safety of food they produced or distributed.

Food producers and distributors shall produce and distribute food in accordance with relevant laws, regulations, and food safety standards. They shall ensure food safety, be creditable and self-disciplined, and be accountable to society and the public. They shall be subject to social supervision and they shall take their social responsibilities.

Article 5

The State Council shall govern the Food Safety Committee, by which the committee's duties shall be prescribed.

The food and drug administration under the State Council shall supervise and administer food production and distribution according to the duties set forth in this Law and prescribed by the State Council.

The health-related ministries, commissions, and departments under the State Council shall organize the risk monitoring and assessment on food safety according to the duties set forth in this Law and prescribed by the State Council, and shall, together with the food and drug administration under the State Council, formulate and issue national food safety standards.

Other departments of the State Council shall do their parts in ensuring food safety according to the duties set forth in this Law and prescribed by the State Council.

Article 6

Local people's governments above the county level shall be in charge of the supervision and administration of food safety within their respective jurisdiction, and shall lead, organize, and coordinate the supervision and administration of food safety within their respective jurisdiction in a centralized manner, and cope with outbreak incidents relating to food safety, as well as establish and improve the working mechanism and information-sharing mechanism of full-process supervision and administration of food safety.

Local people's governments above county-level shall determine the duties of the Food and Drug Administration, the Health Administration, and other relevant departments at the same level in accordance with provisions of this Law and as prescribed by the State Council. Relevant departments shall, within their terms of reference, be in charge of the supervision and administration of food safety within their own jurisdiction.

County-level food and drug administrations may set up dispatched offices in towns or specific regions.

Article 7

The local people's governments above county level shall implement accountability systems for the supervision and administration of food safety. Superior people's governments shall review and assess the supervision and administration of food safety performed by their immediate subordinate people's governments. Local people's governments above the county level shall review and assess the supervision and administration of food safety performed by the Food and Drug Administration and other relevant departments at the same level.

Article 8

People's governments above the county level shall incorporate food safety into their national economic and social development plans, include expenditure for food safety into their government financial budget, and strengthen the supervision and administration capability of food safety, so as to secure food safety.

Food and drug administrations and other related departments of people's governments at the county level shall facilitate communication and closely cooperate with one another and shall perform their functions pursuant to the law and carry out their responsibilities within their terms of reference.

Article 9

Food industry associations shall strengthen industry self-discipline, establish and improve industry standards and award and punishment mechanisms pursuant to their articles of association, and provide services such as information and technology relating to food safety. They shall direct and supervise food

producers and distributors to produce and distribute food according to the law, drive the development of industry integrity, and promote and popularize knowledge on food safety.

Consumers' associations and other consumer organizations shall carry out social supervision of any act violating this Law and, thus, impairing the legitimate interests of consumers.

Article 10

People's governments at all levels shall strengthen the promotion and education on food safety, popularize knowledge on food safety, and encourage social organizations, mass autonomous organizations at the basic level, and food producers and distributors to popularize laws and regulations concerning food safety and standard knowledge on food safety. They shall initiate healthy dieting methods and enhance consumers' awareness of food safety and self-protection.

News media shall launch law campaigns, and establish regulations, standards and knowledge relating to food safety for the public interest and shall carry out public opinion supervision of illegal acts related to food safety. The publicity and reports of food safety shall be authentic and impartial.

Article 11

The State encourages and supports basic research and application studies relating to food safety and introduction of state-of-the-art technologies and management codes by food producers and distributors for improving food safety.

The State implements stringent administration rules for the use of pesticides, speeds up elimination of extremely or highly toxic pesticides with high residuals, and facilitates research and application of substitutive products, as well as encourages the use of highly efficient and low-toxic pesticides with low residuals.

Article 12

Any organization or individual may report illegal acts relating to food safety, obtain information on food safety from relevant departments, and make opinions and/or suggestions about the supervision and administration of food safety.

Article 13

Entities and/or individuals who made outstanding contribution to food safety shall be honored and awarded in accordance with relevant state provisions.

Chapter 2 Risk Monitoring and Assessment of Food Safety

Article 14

The State shall establish a risk monitoring system for food safety, monitoring food-borne diseases, food contamination, and harmful factors in food.

The health administration, under the State Council shall, together with the Food and Drug Administration and Quality Inspection Administration under the State Council, formulate and implement national risk monitoring plans for food safety.

The food and drug administration and other relevant departments under the State Council shall, after becoming aware of any risk information on food safety, forthwith verify it and report it to the health administration under the State Council. The health administration under the State Council shall, together with relevant departments under the State Council, analyze and study risk information about food safety circulated by such relevant department disease-related information such as food-borne diseases reported by medical institutions and, if necessary and at its discretion, forthwith adjust the national risk monitoring plan for food safety.

The health administrations of the people's governments at the provincial, autonomous region, or municipal levels, directly under the Central Government, shall, together with food and drug administrations, quality inspection administrations, and other relevant departments, formulate and adjust the risk monitoring plan for food safety in their jurisdiction, under the national risk monitoring plan for food safety, by taking into account the particularities of their jurisdiction, and shall submit it to the health administration under the State Council for recording and implementation.

Article 15

Technical institutions in charge of risk monitoring for food safety shall monitor food safety under the risk monitoring plans for food safety, ensure the authenticity and accuracy of monitored data, and submit the monitored data and analysis results pursuant to the risk monitoring plans for food safety.

Officials responsible for risk monitoring for food safety may have access to the premises of planting or cultivation of Edible Agricultural Products and food production and distribution premises to collect samples and relevant data. Samples collected shall be paid for at the market price.

Article 16

Where the food safety risk monitoring results suggest any possible risk of food safety, health administrations of the people's governments above county level shall circulate such information to food and drug administrations and other departments at the same level and shall report such information to the people's governments at the same level and health administrations of the superior people's governments. The Food and Drug Administration and other departments shall organize and launch a further investigation.

Article 17

The State shall establish a risk assessment system for food safety. Risk assessment shall be performed for biologically, chemically, and physically harmful factors in food, food additives, and Food-Related Products by scientific means and according to the risk monitoring information of food safety, scientific data, and other relevant information.

The health administration under the State Council shall be in charge of the organization of risk assessment on food safety and shall establish an expert committee of risk assessment on food safety consisting of experts with regard to medical science, agriculture, food, nutrition, biology, and environment to carry out risk assessments for food safety. The results of the risk assessment on food safety shall be made available by the health administration under the State Council.

The safety assessment on pesticides, fertilizers, veterinary drugs, forage, and forage

additives shall be carried out in the presence of experts from the expert committee on food safety risk assessment.

No fees shall be imposed upon producers and distributors for any food safety risk assessment; samples collected shall be paid for at the market price.

Article 18

Food safety risk assessments shall be carried out under any of the following circumstances:

- (I) There are possible safety risks in food, food additives, and Food-Related Products as detected by food safety risk monitoring or by reporting;
- (II) A risk assessment is required for provision of scientific evidence to facilitate the formulation of or amendment to national food safety standards;
- (III) A risk assessment is required for identification of key sectors and varieties to be supervised and administered;
- (IV) There are new possible factors which are harmful to food safety that have been detected;
- (V) A risk assessment is required for determining whether or not certain factors will impose a risk to food safety; or
- (VI) Other circumstances under which the health administration under the State Council believe a risk assessment should be made.

Article 19

If the food and drug administration, quality supervision administration, agricultural administration, and other departments under the State Council believe a food safety risk assessment should be made, they shall provide the health administration under the State Council with suggestions regarding food safety risk assessments and such information and materials as risk sources, relevant inspection data, and conclusion. Under the circumstances referred to in Article 18, the health administration under the State Council shall forthwith carry out a risk assessment on food safety and circulate the assessment's

results to the relevant departments under the State Council.

Article 20

The health administrations and agricultural administrations of the people's governments above the provincial level shall exchange risk monitoring information about the safety of food and Edible Agricultural Products in a timely manner.

The health administration and agricultural administration under the State Council shall exchange risk assessment results concerning the safety of food and Edible Agricultural Products in a timely manner.

Article 21

The risk assessment results concerning food safety are the scientific evidence for the formulation of an amendment to food safety standards and implementation of supervision and administration of food safety.

In the event that a food safety risk assessment concludes that any food, food additives, or Food- Related Products are not safe, the food and drug administration, quality inspection administration, and other relevant departments under the State Council shall, within their respective terms of reference, make such information available to the public, inform consumers to dispose of or cease using such food, food additives, or Food-Related Products, and take the corresponding measures so as to ensure the suspension of its production and distribution; in the event that any national standard for food safety is formulated or amended, the health administration under the State Council shall, together with the food and drug administration under the State Council, formulate and amend such national standard.

Article 22

The food and drug administration under the State Council shall, together with other relevant departments under the State Council, carry out a comprehensive analysis of food safety based on the risk assessment results concerning food safety and supervision and administration of food safety. Where such comprehensive analysis suggests that a food presents a high risk, the food and drug administration under the State Council shall

issue a food safety risk warning and make such information available to the public.

Article 23

The food and drug administration and other relevant departments of the people's governments above the county level and expert risk assessment commission on food safety and its technical institutions shall, in a scientific, objective and timely manner, and with open principles, organize food producers and distributors, food inspection institutions, certification institutions, food industry associations, consumers' associations, and news media to exchange information about food safety risk assessment and supervision and administration of food safety.

Chapter 3 Food Safety Standards

Article 24

Formulation of standards for food safety, which shall be scientific, reasonable, safe and reliable, and shall be aimed at ensuring public health.

Article 25

Food safety standards are compulsory standards. Except food safety standards, no compulsory standard for food may be formulated.

Article 26

Food safety standards shall include:

- (I) limits on such pollutants as invasive organisms, pesticide residues, veterinary drug residues, biotoxins and heavy metals, and other materials endangering human health contained in food, food additives, and Food-Related-Products;
- (II) varieties, applications, and dosage of food additives;
- (III) requirements for nutrient ingredients of primary and secondary foods for infants and other specific populations;
- (IV) requirements for labeling, marking, and specifications relating to safety requirements for health care and nutritional foods;

(V) hygiene requirements for food production and distribution;

(VI) quality requirements relating to food safety;

(VII) food inspection methods and specifications relating to food safety; and

(VIII) other contents that need to be codified in food safety standards.

Article 27

National food safety standards shall be formulated and issued by the health administration under the State Council, together with the food and drug administration under the State Council; the standardization administration under the State Council shall provide national standard information for such formulated and issued national food safety standards.

Provisions on the limits of pesticides and veterinary drug residues in food and their inspection methods and specifications shall be formulated by the health administration and agriculture administration under the State Council, together with the food and drug administration under the State Council.

Inspection specifications relating to the slaughter of animals and poultry shall be formulated by the agriculture administration under the State Council, together with the health administration under the State Council.

Article 28

The formulation of national food safety standards shall be based on the results of a food safety risk assessment, with full consideration for the results of the risk assessment of safety of Edible Agricultural Products and by reference to relevant international standards and the results of international food safety risk assessments; the draft national food safety standards shall be made available to the public to widely solicit opinions from food producers and distributors, consumers, and relevant departments.

National food safety standards shall be reviewed and adopted by the National Food Safety Standard Review Committee organized by the health administration under the State Council. The National Food Safety Standard Review Committee shall consist of experts in medical science, agriculture, food, nutrition,

biology, and environment, as well as representatives from relevant departments under the State Council, food industry associations, and consumers' associations to review the specificity and practicability of the draft national food safety standards.

Article 29

In the absence of national food safety standards designed for local foods, health administrations of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may formulate and issue local standards for food safety and shall file it with the health administration under the State Council, to be recorded. The local standards shall be annulled upon the release of relevant national food safety standards.

Article 30

The State encourages food production enterprises to formulate their enterprise standards much more stringently than national or local standards for food safety to be applied within the enterprises and to file with the health administrations of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, to be recorded.

Article 31

Health administrations of the people's governments at the provincial level and above shall publish formulated and filed national, local and enterprise food safety standards on their websites for free review and download by the public.

In the case that any questions arise from implementation of any food safety standard, the health administration of the people's governments at the county level and above shall, together with relevant departments, reply and answer such questions.

Article 32

Health administrations of the people's governments at the provincial level and above shall, together with food and drug administrations, quality inspection administrations, and agriculture administrations at the same level, follow up and assess the implementation of national and

local food safety standards, respectively and amend relevant food safety standards according to the results of an assessment.

Food and drug administrations, quality inspection administrations, and agriculture administrations of the people's governments at the provincial level and above shall collect and summarize issues existing in the implementation of food safety standards and circulate such issues to the health administrations at the same level.

Should any issues arise from the implementation of food safety standards, food producers and distributors and/or food industry associations shall forthwith report it to the health administration.

Chapter 4 Food Production and Distribution

Section 1 General Rules

Article 33

Food producers or distributors shall comply with relevant food safety standards and comply with the following requirements:

- (I) the food producers or distributors shall have premises for processing food raw materials and for processing, packaging, and storing food commensurate with the variety and quantity of food they produced or distributed. They shall keep such premises clean and tidy, and maintain it at a certain distance away from premises containing poisonous and harmful materials and other pollution sources;
- (II) the food producers or distributors shall have production and distribution equipment or facilities commensurate with the variety and quantity of food they produced or distributed, have equipment or facilities for sterilization, dressing, restroom maintenance, daylighting, lighting, ventilation, anti-corrosion, anti-dust, fly control, rat control, worm control, washing, disposing of wasted water, storing waste and discards;

- (III) food producers or distributors shall have full-time or part-time food safety technicians, food safety managers, and rules and systems for ensuring food safety;
- (IV) food producers or distributors shall have reasonable equipment layout and processing procedures so as to prevent food to be processed from being cross-contaminated with directly edible food, raw materials, and finished products and from contact with poisonous or unclean items;
- (V) food producers or distributors shall wash and sterilize the tableware, kitchenware, and containers containing food for direct consumption before use, and wash and clean the kitchenware and utensils after use;
- (VI) the food producers or distributors shall use safe and harmless containers, tools, and equipment for food storage, transportation, and loading/unloading, keep them clean and avoid food contamination, comply with special requirements such as temperature and humidity for food safety purposes, and never store or transport food with toxic or harmful items;
- (VII) food producers or distributors shall use non-toxic and clean packaging materials, tableware, and containers for food for direct consumption;
- (VIII) food production or distribution employees shall maintain personal hygiene, wash their hands, and dress in clean clothing and cap, and use sterilized and clean containers, vending tools, and equipment for food for direct consumption that does not have packaging;
- (IX) food producers or distributors shall use water that complies with the national hygienic standard for drinking water;
- (X) food producers or distributors shall use detergents and disinfectants that are safe and harmless to the human body;
- (XI) other requirements as stipulated by laws and regulations.

Any person other than food producers or distributors engaging in food storage, transportation, loading and unloading shall

comply with the provisions set forth in Item (VI) of the immediately preceding paragraph.

Article 34

No following food, food additives, or Food-Related Products may be produced or distributed:

- (I) food made with non-food raw material or added with chemicals other than food additives or other substances which may possibly be hazardous to human health, or food produced from recycled food as raw material;
- (II) food, food additives, and Food-Related Products containing pathogenic microorganisms, pesticide residues, veterinary drug residues, biotoxins, heavy metals, contaminants, and other substances which may possibly be hazardous to human health and which exceed the limits of the food safety standards;
- (III) food or food additives produced with expired raw materials or food additives;
- (IV) food with excessive food additives;
- (V) staple and supplementary food for babies and other specific populations of which the nutritional ingredients fail to comply with food safety standards;
- (VI) food or food additives that are rotten or spoiled, has rancid fat, contains mold or insects, is dirty or contaminated, contains foreign matter, has been adulterated, or displays abnormal sensory indication;
- (VII) meat or meat products from poultry, livestock, animals, or aquatic animals that die from disease, poison, or any unidentified cause;
- (VIII) meat or meat products that have not been inspected and quarantined or have failed to pass such inspection and quarantine;
- (IX) food or food additives contaminated by packaging materials, containers or means of transport;
- (X) food or food additives with false production date or shelf life, or which have exceeded their shelf life;
- (XI) pre-packaged food or food additives without labels;
- (XII) food expressly prohibited from production and trade by the State for

special purposes such as disease prevention; and
(XIII) other food, food additives, or Food-Related Products not in compliance with laws, regulations, and food safety standards;

Article 35

The State adopts a licensing system for the production and distribution of food.

Any organization or individual engaging in food production, food distribution, and catering service shall obtain the license. However, no license is required for the sale of edible agricultural products.

The food and drug administrations of the people's governments at the county level or above shall, in accordance with the Law of the People's Republic of China on Administrative Licensing, review applicants' documents as required by Items 1 through 4, Paragraph 1 of **Article 33** of this Law, and shall inspect the applicant's production or distribution premises if necessary. For applicants that comply with the requirements, a license shall be granted; otherwise, a license may not be granted and the reasons for such shall be provided in writing.

Article 36

Small food workshops and food vendors that engage in food production and distribution shall comply with the food safety requirements commensurate with their production or distribution scale and conditions and ensure that the food being produced or distributed is clean, non-toxic and harmless. The food and drug administrations shall strengthen the supervision and administration of these individuals.

The people's governments at the county level or above shall carry out comprehensive administration of small food workshops and food vendors, strengthen service and unified planning, and improve their production and distribution environment. The people's governments at the county level or above shall encourage and support them to improve production and distribution conditions and operate in fixed locations such as centralized markets or shops or specified temporary operation areas during a specified time period.

The specific administrative measures for small food workshops and food vendors shall be formulated by each province, autonomous region, and municipality directly under the Central Government.

Article 37

Any organization or individual applying for production of foods with new raw materials, new food additives or Food-Related Products, shall submit the assessment materials relating to the product to the health administration under the State Council. The health administration under the State Council shall organize a review of the safety assessment materials within sixty (60) days upon receipt of the application. For applicants that comply with the requirements, a license shall be granted. Otherwise, a license may not be granted and the reasons for such shall be provided in writing.

Article 38

No medicine may be added to any produced or distributed food, unless the added substance is traditionally considered as both food and Chinese medicine. The catalog of the substances traditionally considered as both food and Chinese medicine shall be developed and published by the health administration under the State Council, together with the food and drug administration under the State Council.

Article 39

The State adopts a licensing system for the production of food additives. Any organization or individual that engages in the production of food additives, shall have premises, production equipment or facilities, professional technicians and management systems commensurate with the variety of food additives it produces and shall, subject to the procedures set forth in Paragraph 2 of Article 35 of this Law, obtain a license for production of food additives.

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

Article 40

A food additive can be incorporated into the scope permitted for use only after it is

technically required and proven to be safe and reliable through the risk assessment. National food safety standards shall be revised on the basis of such technical necessity and the results of food safety assessments in a timely manner.

Food producers and distributors shall use food additives in accordance with national food safety standards.

Article 41

The production of Food-Related Products shall comply with laws, regulations, and national food safety standards. Food-Related Products with a high risk such as packaging materials that come in direct contact with food shall be subject to product licensing in accordance with the national provisions of the product license administration on relevant industrial products. The quality supervision administration shall strengthen the supervision and administration of production of Food-Related Products.

Article 42

The State shall establish a full traceability system for food safety.

Food producers and distributors shall establish the traceability system for food safety in accordance with this Law so as to ensure food traceability. The State shall encourage food producers and distributors to collect and preserve production and distribution information and to establish the traceability system for food safety by means of information technology.

The food and drug administration under the State Council shall, together with relevant departments such as the agriculture administration, under the State Council, establish a synergy mechanism for full traceability of food safety.

Article 43

Local people's governments at all levels shall take measures to encourage scale production and chain operation and distribution of food.

The State encourages food production and distribution enterprises to seek coverage under food safety liability insurance.

Section 2 Process Control of Production and Distribution

Article 44

Food production or distribution enterprises shall establish and improve the food safety management system, train employees on product safety knowledge, and strengthen food inspection, as well as engage in production and distribution pursuant to the law.

Lead persons-in-charge of food production or distribution enterprises shall implement the enterprise food safety management system and shall be fully responsible for the food safety of the enterprises.

Food production or distribution enterprises shall have food safety managers and strengthen training and assessment of such managers. Anyone who proves to lack competence of food safety management after assessment may not serve as a food safety manager. The food and drug administration shall perform random inspections and assessments of food safety managers of enterprises and make the results available to them. No fees may be charged for such inspection and assessment.

Article 45

Food producers and distributors shall establish and implement a health management system for their practitioners. No person which has a disease that may endanger food safety as prescribed by the health administration under the State Council may engage in any operation that requires contact with food for direct consumption.

A food producer or distributor engaging in operations that requires contact with food for direct consumption shall undergo a medical check-up each year, and can work only after they have obtained a health certificate.

Article 46

Food production enterprises shall establish and implement control requirements to ensure that the food it produces complies with food safety standards for:

- (I) purchase, inspection, and acceptance of raw materials, and control over raw materials;
- (II) control over key processes such as production, equipment, storage, and packaging;
- (III) control over inspection on raw materials, semi-finished products, and finished products; and
- (IV) control over transportation and delivery.

Article 47

Food producers or distributors shall establish a self-inspection system for food safety and inspect and assess food safety on a regular basis. In the case that food safety requirements are no longer be satisfied due to change of production or distribution conditions, food producers or distributors shall take rectification measures; in case of a potential risk relating to food safety, such producers or distributors shall forthwith cease the production or distribution and report to the food and drug administration of the people's governments in the location where they produce or distribute such food.

Article 48

The State encourages food producers and distributors to comply with good manufacturing practices (GMP) and to implement the Hazard Analysis and Critical Control Point (HACCP) system in order to improve the food safety management level.

For food enterprises that have been certified by GMP and HACCP, the certification institutions shall conduct the follow-up investigations according to the law; otherwise, the certification institutions shall cancel the certificate according to the law and report in a timely manner to the food and drug administrations of the people's governments at the county level or above and shall make such cancellation information available to the public. The certification institution shall not charge any fees for the follow-up investigation.

Article 49

Producers of edible agricultural products shall apply agricultural inputs such as pesticides, fertilizers, veterinary drugs, feed, and feed additives in accordance with food safety

standards and relevant State regulations and shall fully adhere to the provisions on application intervals and non- application of agricultural inputs. No extremely or highly poisonous pesticides may be applied to such agricultural products such as vegetables, melons and fruits, tea, and traditional Chinese medicinal herbs as specified by the State.

Enterprises and specialized farmer cooperatives that produce edible agricultural products shall establish a production record for edible agricultural products.

The agriculture administration of the people's governments at the county level or above shall enhance the administration and guidance on the application of agricultural inputs and establish and improve a safe application system for agricultural inputs.

Article 50

Food producers shall check the license of the supplier and compliance certificate of the product when purchasing food raw materials, food additives, and Food-Related Products. In the absence of a compliance certificate, the food raw material shall be tested in accordance with food safety standards. Food producers may not purchase or use raw materials, food additives, and Food-Related Products that do not comply with food safety standards.

Food producers shall establish a verification record for incoming food raw materials, food additives, and Food-Related Products, indicating such information as name, specification, quantity, production date or batch number, shelf life, purchase date, and supplier name and contact information of food raw materials, food additives, and Food-Related Products and shall keep relevant credentials. The records and credentials shall be kept for no less than 6 months after the expiration of shelf life; in the absence of an indicated shelf life, the preservation term shall, in no event, be less than two years.

Article 51

Food producers shall establish and maintain an inspection record for outgoing food that verifies the inspection certificates and safety status of the outgoing food. It shall correctly contain such information as name, specification, quantity, production date or

batch number, shelf life, inspection certificate number, sales date, name, address and contact information of the purchaser and shall also include relevant credentials. The preservation term of such records and credentials shall be subject to the provisions set forth in Paragraph 2 of Article 50 hereof.

Article 52

Producers of food raw materials, food additives, or food-related products shall inspect the food raw materials, food additives, or food-related products being produced in accordance with food safety standards. The products may exit the factory or be sold only after they have passed the inspections.

Article 53

Food distributors shall check the license and inspection certificate of outgoing food, or other quality certificates (hereinafter referred to as "Quality Certificates") of the suppliers when purchasing a food item.

Food distribution enterprises shall establish and maintain an inspection record for incoming food that correctly indicates such information as name, specification, quantity, production date or batch number, shelf life, purchase date, and name and contact information of the supplier and shall preserve relevant credentials. The preservation term of such records and credentials shall be subject to the provisions set forth in Paragraph 2 of Article 50 hereof.

For food distribution enterprises that adopt a centralized distribution model, the headquarters of the enterprises may centrally check the license of the supplier and compliance certificates of the food and create an inspection record for incoming food products.

Food distribution enterprises engaging in food wholesale business shall establish and maintain an inspection record for incoming food that correctly indicates such information as name, specification, quantity, production date or batch number, shelf life, sales date of such wholesale food and name, address and contact information of the supplier. All relevant credentials must be preserved. The preservation term of such records and credentials shall be subject to the provisions set forth in Paragraph 2 of Article 50 hereof.

Article 54

Food distributors shall store food in accordance with food safety assurance requirements, and regularly check the food in storage and remove the spoiled or outdated food in a timely manner.

Food distributors shall indicate at the storage facility such information as food name, production date or batch number, shelf life, and name and contact information of the producer when storing food in bulk.

Article 55

Catering service providers shall formulate and implement requirements for raw material control and may not purchase food raw materials that do not satisfy food safety standards.

Catering service providers are encouraged to ensure processing transparency and to publicize such information as food raw materials and their sources.

Catering service providers shall inspect the food and raw materials to be processed prior to processing them and may not process or use such food and raw materials that fall under any circumstances referred to in Item (VI) of Article 34 hereof.

Article 56

Catering service providers shall regularly maintain their food processing, storage, and displaying facilities and equipment, and clean and inspect their thermal insulation facilities and freezers.

Catering service providers shall clean and sterilize tableware in accordance with prescribed requirements and may not use tableware that have not been cleaned and sterilized. Catering service providers that entrust others to clean and sterilize tableware shall entrust qualified sterilization service providers that sterilize tableware in a unified manner.

Article 57

Cafeterias of schools, kindergartens, nursing houses, and construction sites shall fully comply with laws, regulations, and food safety standards; any organization or individual ordering meals from meal providers shall order meal from those who have the business

license of food production or distribution and shall inspect the food so ordered according to the requirements. Meal providers shall fully comply with laws, regulations, and food safety standards, process meals under the current order, and ensure food safety.

Competent authorities in charge of cafeterias of schools, kindergartens, nursing houses, and construction sites shall strengthen education and daily management of the food safety of the entities that have meals in a unified manner so as to mitigate risks to food safety and eliminate hidden risk to food safety in a timely manner.

Article 58

Service providers of sterilization of tableware shall have corresponding operation premises and cleaning and sterilization equipment or facilities. The water, washing agent or sterilization agent shall comply with relevant national food safety standards and other national standards and health specifications.

Service providers of sterilization of tableware shall inspect sterilized tableware batch by batch prior to delivery and provide a quality certificate of sterilization. The sterilized tableware shall be separately packaged, indicating name, address, contact information, and sterilization date, as well as use term.

Article 59

Food additive producers shall establish and maintain an inspection record for outgoing food that verifies the inspection certificates and safety status of the outgoing food additives. It shall correctly record such information as name, specification, quantity, production date or batch number, shelf life, inspection certificate number, and sales date of such food additives and name, address and contact information of the purchaser and shall keep relevant credentials. The preservation term of such records and credentials shall be subject to the provisions set forth in Paragraph 2 of Article 50 hereof.

Article 60

Food additive distributors shall inspect the license and quality certificate of the supplier when purchasing food additives. It shall truly record such information as name, specification, quantity, production date or

batch number, shelf life, purchase date of the food additives, and supplier name and contact information and shall keep relevant credentials. The preservation term of such records and credentials shall be subject to the provisions set forth in Paragraph 2 of Article 50 hereof.

Article 61

Consolidated trading market operators, stall leasers, and trade fair organizers shall review the license of the admitted food distributors according to the law, specify their food safety management responsibilities, and regularly inspect their distribution environment and conditions. Upon finding of any activity in breach of this Law, they shall immediately cease the activity and report to the food and drug administration of the competent people's government at the county level.

Article 62

Third-party platform providers for online food trade shall implement real-name registration of admitted food distributors, specify their food safety management responsibilities and, if they have lawfully obtained licensing, inspect their licenses.

Upon finding any activity in breach of this Law, they shall immediately stop the activity and report to the food and drug administration of the competent people's government at the county level; in case of a serious breach, they shall immediately stop providing online trading platform services.

Article 63

The State shall establish a food recall system. In the event that a food producer finds that the food being produced does not comply with food safety standards or is proven to likely endanger human health, the food producer shall immediately stop production of the food, recall the food product released to the market, notify relevant producers, distributors and consumers, and create a record on recalls and notifications.

In the event that a food distributor finds that the food being produced does not comply with food safety standards or is proven to likely endanger human health, the food distributor shall immediately cease processing the food, notify relevant producers, distributors and

consumers, and create a record of the suspension of distribution and notifications. Food that the producer deems necessary for recall shall be recalled immediately. Under the circumstances referred to in the immediately preceding paragraph and caused on account of a food distributor, the food distributor shall recall such food.

Food producers and distributors shall take unharmful and non-destructive measures regarding the recalled food in order to prevent it from entering the market again. This is provided however that food producers may continue to sell food that is recalled for the reason that the label, mark, or specification does not comply with food safety standards after taking remedial measures and ensuring food safety. Upon sale, the food producers shall inform consumers of the remedial measures.

Food producers or distributors shall report the recall and disposal of food to the food and drug administration of the competent people's government at the county level. In the case of unharmful disposal or destruction of recalled food, they shall report the time and place in advance. Food and drug administrations may carry out on-site supervision at their own discretion.

In the event that a food producer or distributor fails to recall or stop distribution in accordance with this Article, the quality administration of the competent people's government at the county level or above may order it to recall or stop trading the food.

Article 64

Wholesale markets of edible agricultural products shall have inspection equipment and inspectors or entrusted food inspection agencies specified by this Law to perform sampling inspections of such food in the wholesale markets for sale. In the event that any such food that does not comply with food safety standards, the markets shall require that the distributor cease to sell and report to food and drug administrations.

Article 65

Edible agricultural product distributors shall establish and maintain an inspection record for incoming edible agricultural food that correctly indicates such information as name,

quantity, purchase date of the edible agricultural products, and name, address and contact information of the supplier and shall preserve relevant credentials. The records and credentials shall be kept for no less than 6 months.

Article 66

Food-Related Products of food additives and packaging materials such as anti-staling agents and preservative agents used in packaging, preserving, storing, and transporting edible agricultural products that entered into market for sale, shall comply with national food safety standards.

Section 3 Labels, Descriptions, and Advertisements

Article 67

Pre-packaged food shall be labeled on the package, indicating the following:

- (I) Name, specification, net content, and date of production;
- (II) Table of ingredients or formulation;
- (III) Producer name, address and contact information;
- (IV) Shelf life;
- (V) Code of product standard(s);
- (VI) Storage requirements;
- (VII) Generic name of the food additives as determined by national standards;
- (VIII) Production License Number; and
- (IX) Other information that must be indicated in accordance with applicable laws, regulations, and food safety standards.

The labels of staple and supplementary food for babies and other specific populations shall also indicate main nutritional ingredients and their contents.

If there are separate provisions of national food safety standards, such provisions shall apply.

Article 68

Food distributors shall indicate on the container or external package, the food name, production date or batch number, shelf life, and name and contact information of the distributor when selling food in bulk.

Article 69

In the case of production or distribution of genetically modified foods, it shall be marked predominantly in accordance with the provisions.

Article 70

Food additives must be provided with a label, instructions and packaging. The instructions shall include the information required in Items I to VI, Item VIII, and Item IX of Paragraph 1 of Article 69 of this Law and the scope of application, dosage levels, and application methods of the food additives, and the words "Food Additive" shall be indicated on the label.

Article 71

Labels, instructions and packaging of food and food additives may not contain false or exaggerated information, nor may they make statements about disease prevention and treatment functions. Food producers or distributors shall undertake legal liability for declarations on the label, instructions and packaging.

Labels and instructions of food and food additives shall be clear, visible, and production date and shelf life shall be made easy to read.

Food or food additives that are not consistent with the information indicated on the label and instructions shall not be marketed.

Article 72

Food distributors shall market foods according to the warning label, warning notes, or precautions on the food label.

Article 73

Food advertisements shall provide truthful information, may not include any false information, and may not claim any disease prevention or treatment functions. Food producers or distributors shall be liable for the authenticity and legality of food advertisements.

Food and drug administrations of the people's government at the county level or above or institutions undertaking food inspection and testing, as well as food industry associations, may not recommend food to customers

through advertisements or in any other form. Consumers associations may not recommend food to consumers by charging fees or by other profitable means.

Section 4 Special Food

Article 74

The State implements stringent supervision and administration of special foods such health care food, foods for special medical purposes and infant formula food.

Article 75

The alleged health care function of health care food shall have scientific grounds and may not produce acute, sub-acute, or chronic diseases in humans.

The catalogs of raw materials of health care food and alleged health care functions of health care food shall be formulated, adjusted, and issued by the food and drug administration under the State Council, together with the health administration under the State Council and State administration of Chinese medicine.

The catalog of raw materials of health-care food shall include the name, dosage, and corresponding effects of raw materials. Raw materials included in the catalog shall be used for the production of health-care food only and may not be used for the production of other food.

Article 76

Health care food made of raw materials not included in the catalog of raw materials for health care and imported health care food shall be subject to registration with the food and drug administration under the State Council. In the event that the imported health care food is made of nutrient materials such as supplementary vitamins and minerals, it shall be filed with the food and drug administration under the State Council for record. Other health care food shall be filed with the food and drug administrations of the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government.

Imported health care food shall be products that are permitted to go to market by the

competent authorities of the exporting country (region).

Article 77

In the case of health care food that must be registered according to the law, such materials as research and development reports, product receipts, production processes, assessments on safety and health-care functions, labels, instructions and relevant samples, as well as relevant certificates, shall be furnished upon registration. If the health care food satisfies the safety requirements and alleged functions after the technical assessment organized by the food and drug administration under the State Council, the registration shall be granted; otherwise, it shall not be granted, with the reasons therefor provided in writing. If the registration of health care food made of raw materials not included in the catalog of raw materials of health care food is granted, such raw materials shall be included into the catalog of raw materials of health care food.

In the case of health care food that needs to be filed for record according to the law, product receipts, production process, labels, and instructions, as well as materials proving the product safety and health care function, shall be furnished upon being filed.

Article 78

The label and instructions of health care food may not include disease prevention and treatment functions, shall be real and consistent with the registered or filed content, and shall indicate suitable and non-suitable populations. In addition, effective elements or active ingredients and contents shall state the following: "this product may not replace medicine." The functions and ingredients of health care food shall be consistent with that contained in the label and instructions.

Article 79

In addition to the provisions set forth in Paragraph 1 of Article 73 of this Law, a health care food advertisement shall state that "this product may not replace medicine," of which the contents shall be examined and approved by the food and drug administrations of the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government where such

production enterprises are located, and shall be subject to the approval documents. Food and drug administrations of the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government shall issue and update approved catalogs of health care advertisements and their contents.

Article 80

Foods for special medical purposes shall be registered with the food and drug administration under the State Council. Product receipts, production processes, labels and instructions, as well as materials proving product safety, adequate nutrition, and clinical effects of special medical purposes shall be furnished upon such registration.

Advertisements of food for special medical purposes shall be subject to the provisions of the Advertising Law of the People's Republic of China and other laws and administrative regulations concerning the administration of drug advertisements.

Article 81

Enterprises that produce infant formula shall implement full-process quality control from incoming materials to outgoing finished products and inspect the outgoing infant formula food batch by batch, so as to ensure food safety.

Raw materials and food additives such as fresh milk and ancillary materials used in the production of infant formula food shall comply with laws, administrative regulations, and national food safety standards so as to ensure that the nutrient ingredients necessary for the growth of infants are included.

Enterprises that produce infant formula shall file the food raw materials, food additives, product receipts, and labels with food and drug administration of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

Product receipts of infant formula milk powder shall be registered with the food and drug administration under the State Council. Receipt research and development reports and other materials proving scientificity and safety shall be furnished upon filing.

Infant formula milk powder may not be produced in of sub-assembly and the same enterprise may not produce infant formula milk powder of different brands with the same receipt.

Article 82

The registrant or filer of health care food, food for special medical purposes, and infant formula powder shall be liable for the authenticity of materials it submitted.

Food and drug administrations of the people's governments at the provincial level or above shall issue the catalogs of registered or filed health care food, food for special medical purposes, and infant formula milk powder and shall maintain the confidentiality of business secrets made known by registration or filing.

The enterprises that produce health care food, food for special medical purposes, and infant formula milk powder shall organize their production according to the technical requirements of their registered or filed product receipts and production processes.

Article 83

Enterprises that produce health care food, food for special medical purposes, infant formula and other staple and supplementary food for specific populations, shall regularly conduct self-inspections of system operations in accordance with GMP and the production quality management system suitable for the food they produced so as to ensure their effective operation, and shall submit the self-inspection reports to the food and drug administration of the competent people's governments at the county level.

Chapter 5 Food Inspection

Article 84

Food testing agencies shall perform food testing only after they have been accredited in accordance with relevant State requirements on certification and accreditation, unless otherwise specified in other laws.

The accreditation conditions and testing procedures for food testing agencies shall be

determined by the health administration under the State Council.

Testing reports issued by food testing agencies that comply with this Law shall have the same effect.

The people's governments at the county level or above shall integrate all food testing resources and share such resources.

Article 85

Food testing shall be performed independently by a designated inspector of a food testing agency.

The inspector shall test the food based on laws, regulations, food safety standards, and inspection and testing procedures. The inspector shall follow science, observe professional ethics, and make sure that the testing data and conclusions are objective and fair. He or she must not issue false inspection testing reports.

Article 86

The food testing agency and the inspector shall be responsible for the food testing. Food testing reports shall be affixed with the official seal of the food testing agency and the signature or seal of the inspector. The food testing agency and the inspector shall be held responsible for the food testing report.

Article 87

Food and drug administrations of the people's governments at the county level or above shall carry out sample testing on food regularly or at any time and shall publicize the test results according to relevant provisions; no exemption may be made for any food. They shall pay for the samples to be tested and shall not collect testing fees. Relevant food testing agencies compliant with the requirements of this Law shall be entrusted and paid to conduct the food testing; no testing or other fees may be charged to food producers or distributors.

Article 88

In the case of disputes over test results concluded under this Law, food producers or distributors may, within 7 working days after the receipt of such results, apply with the food and drug administration that conducts such sampling inspection or its superior food and

drug administration for re-testing and the food and drug administration that accepts such application shall specify a re-testing agency from the issued list of re-testing agencies at random for such re-testing. The re-testing results concluded by the re-testing agency shall be the final inspection conclusion. The re-testing agency and the preliminary testing agency may not be the same agency. The list of re-testing agencies shall be jointly issued by the certification and accreditation supervision administration, food and drug administration, health administration, and agriculture administration under the State Council.

In the case of any dispute over the test results concluded by spot testing on edible agricultural products in the method of fast testing as prescribed by the State, the food producer or distributor may apply for re-testing within 4 hours after the receipt of such results. The re-testing may not be carried out by means of fast testing.

Article 89

Food producing enterprises may test the food produced by themselves or entrust testing agencies compliant with the requirements of this Law to conduct the testing.

In the event that a food industry association, consumer association or consumer needs to entrust a food testing agency to for food testing, they shall choose a food testing agency compliant with the requirements of this Law.

Article 90

The testing of food additives shall be subject to the provisions on food testing prescribed in this Law.

Chapter 6 Food Import and Export

Article 91

The state entry-exit inspection and quarantine administration shall implement the safety supervision and administration of the imported or exported food.

Article 92

Imported food and food additives and Food-Related Products shall comply with China's national food safety standards.

Imported food and food additives shall be inspected by entry-exit inspection and quarantine administrations in accordance with relevant laws and administrative regulations.

Imported food and food additives shall be accompanied with a quality certificate as required by state entry-exit inspection and quarantine administration.

Article 93

In the case of importing food for which national food safety standards are not available, overseas exporters, overseas producing enterprises, or their entrusted importers shall submit their implemented national (regional) standards or international standards to the health administration under the State Council. The health administration under the State Council shall review relevant standards and decide whether to temporarily apply such standards if they comply with the requirements for food safety. Likewise, they shall formulate corresponding national food safety standards in a timely manner. The importation of food made of new food raw materials or imports of a new variety of food additive or Food-Related Products shall be subject to Article 37 hereof.

The entry-exit inspection and quarantine administration shall inspect the food, food additives, and Food-Related Products referred to in the immediately-preceding paragraph in accordance with the requirements of the health administration under the State Council. Inspection results shall be made available to the public.

Article 94

Overseas exporters and producing enterprises shall ensure that food, food additives, and Food-Related-Products exported to China comply with this Law and other Chinese laws and administrative regulations as well as national food safety standards and shall be liable for the contents of labels and instructions.

Importers shall establish a review system for overseas exporters and producing

enterprises, with emphasis on contents referred to in the immediately preceding paragraph. Unqualified food, food additives, and Food-Related Products may not be imported.

If an importer finds that the food being imported does not comply with food safety standards or is proven to likely endanger human health, the importer shall immediately stop importing such food and shall recall these food items in accordance with Article 63 hereof.

Article 95

In the event that a food safety incident occurs overseas that may impact China, or a major food safety problem has been detected in imported food, food additives, or Food-Related Products, the state entry-exit inspection and quarantine administration shall issue a risk alert or take control measures in a timely manner and notify the food and drug administration, health administration, and agriculture administration under the State Council. These departments shall take the corresponding actions immediately after receiving the notification.

Food and drug administrations of the people's governments at the county level or above shall supervise and administer imported food, food additives, and Food-Related Products available for sale in domestic markets. In the event that any serious food safety issues are discovered, the food and drug administration under the State Council shall forthwith circulate the them to the state entry-exit inspection and quarantine administration. The state entry-exit inspection and quarantine shall take the corresponding actions immediately.

Article 96

Overseas exporters or agents exporting food to China and importers of imported food shall be put on record at the state entry-exit inspection and quarantine administration. Overseas food producers exporting food to China shall be registered with the state entry-exit inspection and quarantine administration. If a registered overseas food-producing enterprise provides false materials, or the imported food causes a major food safety

incident, the state entry-exit inspection and quarantine administration shall cancel such registration and make the relevant announcement.

The state entry-exit inspection and quarantine administration shall regularly publish the lists of overseas exporters, agents, importers, and overseas food producers who have been recorded or registered.

Article 97

Imported pre-packaged food shall be provided with labels and instructions in Chinese and, if required under the law, instructions in Chinese. Labels and instructions shall comply with this Law, other Chinese laws, administrative regulations and national food safety standards and shall indicate country of origin and name, address, and contact information of the domestic agent. Pre-packaged food without labels or instructions in Chinese or their labels or instructions that do not comply with the Law shall not be imported.

Article 98

Food importers shall establish a import and sale record of food, food additives, and Food-Related Products, and shall truthfully record information such as the product name, specification, quantity, production date, production or import batch number, shelf life, name and contact information of the exporter and buyer, as well as the delivery date, and shall preserve relevant credentials. The preservation term of such records and credentials shall be subject to the provisions set forth in Paragraph 2 of Article 50 hereof.

Article 99

Enterprises that produce food for export shall ensure that the food it exports complies with the standards of the import country (region) or contractual requirements.

Producers of exported food, planting or breeding farms of raw materials for exported food shall be put on record at the national entry-exit inspection and quarantine department.

Article 100

The state entry-exit inspection and quarantine administration shall collect and consolidate

safety information on imported and exported food and notify relevant departments, institutions, and enterprises thereof:

- (I) food safety information of imported or exported food obtained from inspection by the entry-exit inspection and quarantine administration;
- (II) imported food safety information reported by food industry associations, consumer associations, and consumers;
- (III) risk pre-warning information and other food safety information issued by international organizations and overseas governmental authorities, as well as food safety information reported by overseas food industry associations and consumers; and
- (IV) other food safety information.

The state entry-exit inspection and quarantine administration shall establish and publish credit records of importers, exporters, and producers of food for export and shall tighten inspections and quarantines of importers, exporters, and producers of food for export that have an unhealthy credit record.

Article 101

The state entry-exit inspection and quarantine administration may assess and review the food safety management system and food safety status of countries (regions) that export food to China and determine the corresponding inspection and quarantine requirements based on the assessment and review results.

Chapter 7 Settlement of Food Safety Incidents

Article 102

The State Council shall organize the formulation of emergency plans for national food safety incidents.

Governments at the county level or above shall formulate emergency plans for food safety incidents within their jurisdiction based on relevant laws, regulations, and the emergency plan of the higher-level government and the local situation and shall

submit their plans to the higher level government for official record.

The emergency plan for food safety incidents shall include provisions on the grading of food safety incidents, organizational demand system and duties in case of incidents, prevention and pre-warning mechanisms, disposal procedures, and emergency counter measures.

Food producers and distributors shall develop a response plan for food safety incidents, regularly inspect the implementation of preventive measures related to food safety and eliminate potential food safety risks in a timely manner.

Article 103

The organization in which a food safety incident has occurred shall take immediate actions to prevent the incident from spreading. The organization in which the incident has occurred and the institution that receives and treats the patients shall immediately report to the health administration of the competent people's government at the county level.

The quality inspection administration and agriculture administration of the people's governments at the county level or above shall report to the food and drug administration of the same level upon discovering a food safety incident or hearing a report on a food safety incident.

In the event of food safety incidents, the food and drug administration of the people's government at the county level that has received the report shall report to the people's government of the same level and the food and drug administration of the people's government of a higher level in accordance with the emergency plan. The people's government at the county level and the food and drug administrations of higher levels of the people's government shall report to their superior authorities in accordance with the emergency plans.

No organization or individual may conceal, lie, or delay, forge or destroy the evidence of any food safety accident.

Article 104

Any medical institution that discovers that a patient is a food-borne disease patient or is

suspected to be such a patient, shall report such information to the health administration of the competent people's government in accordance with the relevant provisions. If the health administration of the people's government believes that it is related to food safety, it shall forthwith report to the food and drug administration of the same level.

If the health administration of the people's government at the county level or above detects any information related to food safety upon investigation into infectious diseases or other sudden public health incidents, it shall forthwith report it to the food and drug administration of the same level.

Article 105

Upon receiving the food safety incident report, the food and drug administration of the people's government at the county level or above shall immediately work in tandem with the health administration, quality supervision, and agriculture administration of the same level on the investigation and handling of the incident and shall take the following measures to prevent or mitigate the hazard to the public:

- (I) Deploy emergent rescue for the persons affected by the food safety accident;
- (II) Seal up the food and raw materials likely causing the food safety accident and conduct immediate testing and the confirmed contamination of food and raw material, order the food producer and distributor to recall or suspend operations according to Article 63 of the Law;
- (III) Seal up the contaminated Food-Related Products, and order its cleaning and sterilization;
- (IV) Properly handle news releases disclosing the food safety accident and the treatment, explaining and clarifying possible hazards.
- (V) In the case of a major food safety accident that requires the initiation of an emergency plan, the people's government at the county level or above shall immediately establish a commanding organization to handle the food safety accident, activate the emergency plan, and handle the

accident in accordance with the preceding paragraph.

In the case of a major food safety incident, the disease control and prevention institutions at the county level or above shall perform hygiene treatment of the site and conduct an epidemiological investigation of factors related to the food safety accident with assistance from related departments. The disease prevention and control institution at the county level or above shall submit the epidemiological investigation report to the food and drug administration and health administration of the same level.

Article 106

In the event of a food safety incident, the food and drug administration of the people's government at the city level, along with the relevant districts, shall work immediately in tandem with relevant departments on investigation of responsible parties of the incident, urge relevant departments to perform their duties, and submit an investigation report identifying responsibilities to the people's government of the same level and the health and drug administration of the people's government of a higher level.

In the case that a major food safety accident involves more than two provinces, autonomous regions, or municipalities directly under the Central Government, the health administration under the State Council shall organize an investigation to discover the party responsible for the accident according to the provisions in the above paragraph.

Article 107

Investigations of food safety incidents shall be performed on the basis of fact and science so as to accurately ascertain the nature and cause of such an accident in a timely manner and determine the liabilities and take rectification measures.

In addition to identifying the liabilities of the organization where the food safety incident occurred, the investigation shall also cover regulatory authorities, food inspection agencies, certification institutions, and their working personnel.

Article 108

Investigating agencies may obtain information related to the incident from the relevant organization and individual and require the submission of relevant materials and samples. Such organization and individual shall cooperate and submit the materials and samples as required.

No organization or individual may impede or intervene with the investigation of food safety incidents.

Chapter 8 Supervision and Administration

Article 109

The food and drug administration and quality supervision administration of the people's government at the county level and above shall identify the key aspects, methods, and intervals of supervision and administration and implement risk classification administration based on the risk monitoring of food safety, risk assessment results, and food safety status.

The local people's government at the county level or above shall organize the food and drug administration, quality supervision administration, and agriculture administration to develop the annual plan of supervision and administration on food safety within their respective jurisdiction, make it available to the public, and organize its implementation.

The annual supervision and administration of food safety plan shall focus on the following issues:

- (I) Staple and supplementary foods for infants and other specific populations;
- (II) Additions to health care food, production in accordance with registered or filed technical requirements, and function advertisement of health care food labels, instructions, and advertising materials;
- (III) food producers and distributors with a high food safety risk; and
- (IV) potential food safety risks as suggested by risk monitoring results of food safety.

Article 110

The food and drug administration and quality supervision administration of the people's governments at the county level and above shall perform their respective duties in respect of supervision and administration of food safety and may take the following actions to supervise and inspect the compliance of producers and distributors pursuant to this Law:

- (I) Enter production and trading sites for field inspection;
- (II) Conduct sample testing on food, food additives, and Food-Related Products being produced or traded;
- (III) Review and copy relevant contracts, documents, notebooks, and other information;
- (IV) Seal and seize any food, food additives, and Food-Related Products that do not comply with food safety standards or that have hidden safety risk or are used for illegal production or distribution as supported by evidence;
- (V) Close down premises of illegal production and distribution of food.

Article 111

If any food has hidden safety risk as proven by risk assessment of food safety and relevant food safety standards are necessary to be formulated or amended, the health administration under the State Council shall, together with the related departments under the State Council, specify the temporary limits and inspection methods of harmful substances contained in food as the basis of production, distribution, supervision, and administration, prior to formulating or amending such food safety standards.

Article 112

The food and drug administration of the people's governments at the county level and above shall perform spot inspection of food by the fast testing method as prescribed by the State during supervision and administration of food safety.

In the case of food that might not comply with the food safety standard as proven by the

results of such spot inspection, it shall be tested in accordance with Article 87 hereof. If any food item does not comply with food safety standards as proven by results of spot inspection, such results may serve as the basis of administrative punishment.

Article 113

The food and drug administrations of the people's governments at the county level and above shall establish and maintain food safety credit records for food producers and distributors, record issuance of licenses, results of routine supervision and inspection, and handling of illegal activities, as well as make such information available to the public and maintain it updated pursuant to the law. It shall increase the frequency of supervision and inspection of food producers and distributors with unhealthy credit records based on the food safety credit records. In the case of food producers and distributors with serious illegal acts, such violation shall be circulated to the competent authorities in charge of investment, the security regulatory administration, and the related financial institutions.

Article 114

In the event that any food producer or distributor fails to take actions to eliminate hidden food safety risks during food production or distribution, if any, the food and drug administrations of the people's governments at the county level and above may hold an interview with the legal representative or major principals of such food producers or distributors regarding their responsibilities. Food producers and distributors shall immediately take remedial actions, make rectifications, and eliminate such hidden risks. The interview and rectification shall be included in the safety credit records of such food producers or distributors.

Article 115

The food and drug administrations and quality supervision administrations of the people's government at the county level or above shall publicize their emails or telephone number to accept consultancy, complaints, and reports. Consultancy, complaints, and reports that fall

within its duties shall be replied to, verified, and managed within the statutory time limit; if not, such consultancy, complaints, and reports shall be referred to competent authorities and the consulting person, complaint filer, and reporter shall be notified in writing. The competent authorities shall manage such consultancy, complaints, and reports within the statutory time limit. In the event that the report is verified as true, the reporter shall be awarded.

Related departments shall keep the information of such reports confidential so as to protect the reporter's lawful rights and interests. The employer of such reporter may not retaliate such reporter by rescinding or changing their employment contract or by other means.

Article 116

The food and drug administrations and quality supervision administrations of the people's governments at the county level and above shall strengthen the training of laws, regulations, and standards relating to food safety, professional knowledge, and law enforcement competence of law enforcement officials and shall organize assessment of such law enforcement officials. Those who do not have the corresponding knowledge and competence may not engage in law enforcement regarding food safety.

Food producers or distributors, food industry associations, and consumer associations may complain or report to the food and drug administration, quality supervision administration, and supervision administration of the people's governments at the same or higher level regarding any violation of laws and regulations or unlawful law enforcement by any food safety law enforcement officials. Any department or authority that has received a complaint or report shall verify such complaint or report and shall circulate the verified information to the department to which the law enforcement officials belong. In the case of violation of laws or disciplines, such officials shall be dealt with in accordance with this Law or relevant provisions.

Article 117

If food and drug administrations of the people's governments at the county level and

above fail to detect systematic risks relating to food safety or eliminate hidden risk of food safety within their jurisdiction in a timely manner, the people's government at the same level may hold an interview with their major principals for liabilities.

In the event that local people's governments fail to perform their duties in respect of food safety as well as to eliminate regional major hidden risk of food safety in a timely manner, the higher people's governments may hold an interview regarding liabilities with their major principals.

The interviewed food and drug administration and other departments, as well as the local people's governments, shall immediately take measures to rectify their supervision and administration of food safety.

The interview and rectification shall be included in the review and assessment records of supervision and administration of local people's governments and relevant departments dealing with food safety.

Article 118

The State shall establish a unified information platform for food safety and implement the unified publication system of food safety information. The national overall food safety, risk warning information on food safety, major food safety incidents and their investigation and handling, as well as other information that needs to be published in a unified manner as determined by the State Council shall be published by the food and drug administration under the State Council in a unified manner. If the influence of the risk warning information regarding food safety, major food safety incidents, and their investigation and handling are limited within a specific region, such information may also be published by the food and drug administration of the people's government of the relevant province, autonomous region, or municipality directly under the Central Government. No such information may be published without authorization.

Food and drug administrations, quality supervision administrations, and agriculture administrations of the people's government at the county level or above shall publish routine supervision and administration information

about food safety within their respective terms of reference.

The published food safety information shall be accurate and timely, with the necessary explanation so as to avoid misleading consumer and public opinions.

Article 119

Upon receiving information requiring unified publication under this Law, the food and drug administration, health administration, quality supervision administration, and agriculture administration of the local people's governments at the county level or above shall immediately report to their superior departments, which then shall immediately report to the food and drug administration under the State Council, and, if necessary, they may directly report to the food and drug administration under the State Council.

Food and drug administrations, health administrations, quality supervision administrations, and agriculture administrations of the people's government at the county level or above shall exchange routine supervision and administration information about food safety.

Article 120

No organization or individual may fabricate or disseminate false food safety information.

Upon discovering food safety information that might mislead consumers and public opinions, food and drug administrations of the people's governments at the county level and above shall organize relevant departments, professional agencies, related food producers and distributors to verify and analyze such information and shall publish the results of verification and analysis in a timely manner.

Article 121

Upon discovering any suspected crime in connection with food safety, food and drug administrations and quality supervision administrations of the people's governments at the county level or above shall refer the case to the public security authorities. In the event of referred case, the public security authorities shall examine in a timely manner whether there is any fact of crime, criminal liabilities shall be charged, and the case shall be put on file for investigation.

In the event that the public security authorities believe that there is no fact of crime, or the crime is slight and shall be charged for administrative liabilities other than criminal liabilities, the public security authorities shall refer such case to the food and drug administration, quality supervision administration and supervision administration, which shall deal with such case in accordance with the law.

If the public security authorities request the food and drug administrations, quality supervision administrations, and environment protection administrations to provide test results, inspection opinions, and assistance with the non-harmful disposal of food involved in the case, such administrations shall provide support and give assistance.

Chapter 9 Legal Liabilities

Article 122

Food producers or distributors who violate the Law by engaging in unauthorized food production, distributing activities or production of food additives, shall have their illegal benefits, including food or food additives illegally produced or distributed, as well as tools, equipment and food-related raw material which is used for illegal production or distribution, confiscated by the food and drug administrations of the people's governments at the county level and above, and shall be subject to a fine of RMB 50,000 - 100,000 if the total value of the food or food additive is less than RMB 10,000 or a fine between 10 and 20 times the total value of the commodity if the total value of the commodity exceeds RMB 10,000.

Anyone who provides production or distribution premises or other conditions for those engaging in the illegal acts referred to in the preceding paragraph shall be ordered to stop such illegal acts and confiscated of the illegal gains by the food and drug administrations of the people's governments at the county level and above, and shall be subject to a fine of RMB 50,000 to RMB 100,000. If the lawful rights and interests of consumers are damaged, such person shall,

together with producers and distributors of food and food additives, be held jointly and severally liable.

Article 123

If found to be in violation of the Law due to one of the following circumstances without committing any crime, the food producer or distributor shall have their illegal benefits, including food or food additives illegally produced or traded, as well as tools, equipment and food-related raw material which is used for illegal production or distribution, confiscated by the food and drug administrations of the people's governments at the county level and above, and shall be subject to a fine of RMB 100,000 - 150,000 if the total value of the commodity is less than RMB 10,000 or a fine between 15 and 30 times the total value of the commodity if the total value of the commodity exceeds RMB 10,000. In serious cases, their business license may be revoked and the principal that is directly responsible and in charge, as well as other directly responsible persons, may be detained for 5 to 15 days by the public security authorities:

- (I) Producing food with non-food raw material or adding chemicals other than food additives or other substances that may possibly be hazardous to human health to food, or producing food from recycled food as raw materials, or distributing said food;
- (II) Producing or distributing staple and supplementary food for infants or other specific populations whose nutritional ingredients fail to comply with food safety standards;
- (III) Distributing meat or meat products of poultry, livestock, animals, or aquatic animals that die from disease, poison, or any unidentified causes, or producing or distributing products derived from them;
- (IV) Distributing meat or meat products which have not been quarantined or inspected or producing or distributing meat or meat products which fail to pass such quarantine or inspection;
- (V) Producing or distributing food expressly prohibited from being produced or traded by the State for disease prevention and control purposes; and

(VI) Producing or distributing food containing added medicine.

An one who provides production or distribution premises or other conditions for those engaging in the illegal acts referred to in the preceding paragraph shall be ordered to cease such illegal acts and confiscated of the illegal earnings by the food and drug administrations of the people's governments at the county level and above, and shall be subject to a fine of RMB 100,000 to RMB 200,000. If the lawful rights and interests of consumers are damaged, such person shall, together with the producers and distributors of the food and food additives, be held jointly and severally liable.

In addition to the punishment prescribed by laws and regulations, anyone who illegally uses extremely, or highly poisonous pesticides may be detained by the public security authority in accordance with Item (I) hereof.

Article 124

If found to be in violation of the Law due to one of the following circumstances without committing any crime, the food producer or distributor shall have the illegal benefits, including food or food additives illegally produced or traded, as well as tools, equipment and food raw material, used for illegal production or distribution confiscated by the food and drug administrations of the people's governments at the county level and above, and shall be subject to a fine of RMB 50,000 - 100,000 if the total value of the commodity is less than RMB 10,000 or a fine between 10 and 20 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; and in serious cases, they shall have their business license revoked:

(I) Producing or distributing food or food additives which exceed food safety standard limits in content of pathogenic microorganisms, pesticide residues, animal medicine residues, heavy metals, contaminants, and other substances which may possibly be hazardous to human health;

(II) Producing or distributing food or food additives produced with expired raw materials or food additives;

(III) Producing or distributing food with excessive food additives;

(IV) Producing or distributing food which is rotten or spoiled, has rancid fat, mold or insects, is dirty or contaminated, contains foreign matters, has been adulterated, or displays abnormal sensory indication;

(V) Producing or distributing food or food additives with a false production date or shelf life, or exceeding the shelf life;

(VI) Producing or distributing health care food, food for special medical purposes, and infant formula milk powder that have not been registered or failing to organize their production according to the registered product receipts and production processes;

(VII) Producing infant formula milk powder in the through sub-assembly and through the same enterprise, or producing infant formula milk powder of different brands with the same receipt by the same producer;

(VIII) Producing foods with new raw materials or new food additives that failed to pass safety assessment; and

(IX) Refusing to recall or stop operations when food and drug administration's order a recall or cease of operation.

Except for the circumstances referred to in Article 123 and Article 125 of this Law, anyone who produces or distributes food or food additives that do not comply with laws, regulations, or food safety standards shall be punished in accordance with the preceding paragraph.

Anyone who produces new varieties of Food-Related Products that have not passed safety assessment or that do not comply with food safety standards shall be punished by the quality supervision administrations of the people's governments at the county level in accordance with Paragraph 1.

Article 125

If found to be in violation of the Law due to one of the following circumstances, the food producer or distributor shall have the illegal

benefits, including food or food additives illegally produced or traded, as well as tools, equipment and food raw material, used for illegal production or distribution confiscated by the food and drug administrations of the people's governments at the county level and above, and be subject to a fine of RMB 5,000 - 50,000 if the total value of the commodity is less than RMB 10,000 or a fine between 5 and 10 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; and in serious cases, ordered to cease production or their business license revoked:

- (I) Producing or distributing food or food additives contaminated by the packaging materials, container, or transport means;
- (II) Producing or distributing pre-packaged food or food additives without a label, or including food or food additive labels or instructions which are not in compliance with the Law;
- (III) Producing or distributing genetically modified foods that have not been marked as required; and
- (IV) Purchasing or using food materials, food additives, or Food Related Products which are not in compliance with food safety standards.

If the labels and instructions of produced or distributed food and food additives have defects that will not affect the food safety or mislead consumers, the producers or distributors shall be ordered to rectify by the food and drug administrations of the people's governments at the county level and above; producers or distributors who refuse to rectify shall be fined no more than RMB 2,000.

Article 126

If found to be in violation of the Law due to one of the following circumstances, the food producer or distributor shall be ordered to rectify or warned by the food and drug administrations of the people's governments at the county level and above. If they refuse to rectify, they shall be subject to a fine of RMB 5,000 - 50,000; and in serious cases, be ordered to cease production or business, and their business license revoked:

- (I) Producers of food or food additives that fail to test the purchased food materials, produced food and food additives;
- (II) Food producers or distributors that fail to establish a food safety management system as required, or that fail to properly equip, train, or assess food safety managers;
- (III) Food producers or distributors of food or food additives that fail to inspect the license and relevant certificate upon purchasing, or that fail to establish and abide by purchasing inspection records, ex-factory inspection records and sales record systems as required;
- (IV) Food producers or distributors that fail to formulate an emergency food safety incident plan;
- (V) Tableware and containers which contain food for direct consumption are not cleaned, sterilized, or the cleaning or sterilization is not qualified, or catering service facilities or equipment are not regularly maintained, cleaned, and checked;
- (VI) Food producers or distributors contract any person who has not obtained a health certificate or has developed diseases which endanger food safety as prescribed by the health administration under the State Council for any operation that requires contact with food for direct consumption;
- (VII) Food distributors that fail to distribute food as required;
- (VIII) Producers of health-care food that fail to file with the food and drug administration for record, or that fail to organize production according to the filed technical requirements, such as product receipts or production process;
- (IX) Producers of infant formula that fail to file the food raw materials, food additives, product receipts, and labels with the food and drug administration;
- (X) Producers of special food that fail to establish a production quality management system and maintain its effective operation as required, or that fail to regularly submit a self-inspection report;
- (XI) Food producers or distributors that fail to carry out self-inspection assessments of

food safety, or that fail to deal with any change in production or distribution conditions;

- (XII) Schools, kindergartens, nursing homes and construction fields that have a centralized cafeteria fail to perform their management responsibilities of food safety; and
- (XIII) Food producers and catering service providers fail to formulate and implement process control over production and distribution.

In the event that centralized sterilization service providers of tableware use water, detergents or disinfectants in violation of this Law, or the outgoing tableware are not inspected as required and are not accompanied along with a sterilization certificate, or relevant contents are not indicated on the independent packaging, such service providers shall be punished by the health administrations of the people's governments at the county level or above in accordance with the preceding paragraph.

Any producer of Food-Related Products that fails to inspect its produced Food-Related Products shall be punished by the quality supervision administrations of the people's governments at the county level in accordance with Paragraph 1.

Any distributor of edible agriculture products who violates Article 65 hereof shall be punished by the food and drug administrations of the people's governments at the county level and above in accordance with Paragraph 1.

Article 127

The punishment of illegal acts of small food workshops and food vendors shall be subject to the specific administrative measures of each province, autonomous region, and municipality directly under the Central Government.

Article 128

If found to be in violation of the Law upon occurrence of any incident, the food producer or distributor that fails to properly dispose or report shall be ordered to make corrections or warned by the relevant authorities according to their respective duties and responsibilities.

If they conceal, forge, or destroy the evidence, they shall be ordered to suspend production or distribution and shall be subject to a fine of RMB 100,000 - 500,000; and in cases, they shall have their business license revoked.

Article 129

Due to any of the following circumstances, any food producer or distributor in violation of the Law shall be punished by the entry-exit inspection and quarantine administration according to Article 124 hereof:

- (I) Providing false materials or importing food, food additives, or Food-Related Products that do not comply with Chinese national standards for food safety;
- (II) Importing foods for which the national food safety standards are unavailable, failing to submit the applicable standards and having them examined by the health administration of the State Council, or importing food made of new food raw materials, or a new variety of food additives or Food-Related Products that have not passed the safety assessment;
- (III) Exporting food in breach of this Law; or
- (IV) In the case of importers, refusing to recall imported food that are ordered to be recalled under this Law by the competent authorities.

The importer that fails to establish and maintain an import and sales record system of food and food additives and an overseas exporter or producer examination system in violation of this Law, shall be punished by the entry-exit inspection and quarantine administration in accordance with Article 126.

Article 130

If any operators of central trading markets, stall leasers, and organizers of trade fairs permit food distributors without a license for food production, distribution or provision of catering services to sell food in the market in violation of this Law, or fails to perform their inspection or reporting obligations, the food and drug administrations of the people's governments at the county level and above may order them to rectify, confiscate illegal gains, and concurrently impose a fine between RMB 50,000 and RMB 200,000, and,

if serious consequences are caused, order suspension of operations for rectification and revocation of its license by the original issuer. In the case that the lawful rights and interests of consumers are damaged, such operators shall be held jointly and severally liable with the food producers and operators.

Any wholesale market of edible agriculture products which violates Article 64 hereof shall be held liable in accordance with the preceding paragraph.

Article 131

If any third party platform provider of online food trading fails to conduct real-name registration with admitted food distributors, examine their licenses, or fails to perform reporting obligations and cease provision of services in violation of this Law, the food and drug administrations of the people's governments at the county level and above may order them to rectify, confiscate illegal gains, and concurrently impose a fine between RMB 50,000 and RMB 200,000, and, if serious

consequences are caused, order the suspension of operations for rectification and revocation of its license by the original issuer. In the case that the lawful rights and interests of consumers are damaged, such operators shall be held jointly and severally liable with the food producers and operators.

Any consumer whose lawful rights and interests are damaged due to purchase of food via any third-party platform of online food trading may claim indemnification against the distributor or producer of such admitted food. If the third-party platform provider of online food trading fails to provide the real name, address, and valid contact of the admitted food distributor, such provider shall be liable for indemnification. After indemnification, the third-party platform provider of online food trading may recover its loss from the admitted food distributor or food producer. In the event that such provider made any commitment in favor of consumers, such commitment shall be maintained.

Article 132

In the event that any entity or organization engages in food storage, transportation,

loading and unloading activities in violation of this Law, the food and drug administrations of the people's governments at the county level and above shall order immediate rectification and give a warning. If rectification is refused, suspension of operations for rectification shall be ordered and a fine of between RMB 10,000 and RMB 50,000 imposed; and in serious circumstances, the revocation of its license shall also be ordered.

Article 133

Anyone who refuses, impedes, or intervenes with relevant departments, authorities, and their officials in carrying out supervision and inspection of food safety, investigation and handling of incidents, risk monitoring and risk assessment, shall be ordered to suspend operation or business according to the respective terms of reference and shall be concurrently fined RMB 2,000 to RMB 50,000; and in serious circumstances, revoked of its license. If it violates public security regulations, the relevant public security punishment shall be carried out by the public security authorities.

Anyone who retaliates against reporters by rescinding or changing employment contracts or by other means in violation of this Law shall be held liable in accordance with the relevant laws.

Article 134

Any food producer or distributor who has been punished in a way other than suspending its operation or business or by revoking its license for a total of three times within one year shall be ordered to suspend its operation and business and may have its license revoked by the food and drug administrations.

Article 135

The food producer or distributor whose license is revoked including its legal representative, direct principal in charge, and other direct principals, may not apply for a food production or distribution license, engage in the management of food production or distribution, or act as safety managers for food producers or distributors.

Those who have been sentenced to prison due to any crime related to food safety may not engage in the management of food

production and distribution or act as safety managers for food producers or distributors.

Any food producer or distributor who employs such person in violation of the preceding two paragraphs shall be revoked of its license by the food and drug administrations of the people's governments at the county level and above.

Article 136

In the event that the food producer or distributor who has performed its obligations in respect of inspecting purchased food under this Law, is not aware that the purchased food is inconsistent with food safety standards as supported by sufficient evidence, and is able to truthfully indicate the source, such food producer may be exempted from punishment, but shall be confiscated of its food that does not comply with food safety standards. In the case of any personal damage, property damage, or other damage, it shall still be liable for indemnification.

Article 137

In the event that technical institutions and technical personnel engaging in risk monitoring of food safety and risk assessment provide false monitoring and assessment information in violation of this Law, the direct principals and technicians of such technical institutions shall be removed and dismissed under the law and shall be revoked of their practicing certificate (if any) by the competent authority granting such certificate.

Article 138

If any food inspection agency or personnel issues false inspection reports in violation of this Law, the original authorities or institution granting its qualification shall revoke its certificate of qualification, confiscate its charged inspection fees, and fine such agency 5 to 10 times the charged inspection fees or, if less than RMB 10,000, RMB 50,000 to RMB 100,000. The principal in charge as well as the food inspector shall be removed from office or dismissed. In the case of a major food safety incident, the principal in charge and food inspector shall be dismissed.

An inspector for a food inspection agency who is dismissed due to violation of this Law may not engage in food inspection within ten years

following the dismissal decision. An inspector for a food inspection agency who is dismissed due to criminal sanction for illegal acts relating to food safety or provision of reports containing false inspection, causing a major food safety incident, may not engage in food inspection during the rest of their lifetime. Any food inspection agency employing any person prohibited from food inspection work will be subject to revocation of its qualification certificate by the original authorities or institution granting such qualification.

In the event that a food inspection agency provides false inspection reports, causing damage to lawful rights and interests of consumers, such agency shall be held jointly and severally liable with the food producer or distributor.

Article 139

Any certification agency that provides false certification in violation of this Law, shall be confiscated of charged certification fees by the certification and accreditation administrations and shall be fined 5 to 10 times the charged certification fees or, if less than RMB 10,000, RMB 50,000 or RMB 100,000. In serious circumstances, it shall be ordered to suspend operation and revoke certification agency approval documents with an announcement to the public. The direct principal in charge as well as the certifier directly responsible shall be revoked of their practicing qualifications.

Any false certification that has been issued and that causes damage to the lawful rights and interests of the customers shall be held jointly and severally liable with the food producer and distributor.

Article 140

Anyone who makes false advertisements to cheat consumers or that releases health care food advertisements without approval documents, or which are inconsistent with the approval documents shall result in punishment in accordance with the Advertising Law of the People's Republic of China.

Any advertiser or publisher who designs, directs, or publishes false food advertisements that cause damage to the lawful rights and interests of the customers shall be held jointly and severally liable with the food producer and distributor.

Civil societies or other organizations or individuals who recommend a food to consumers in untruthful advertisements or other false promotion that has caused damage to the lawful rights and interests of the customers shall be held jointly and severally liable with the food producer and distributor.

Any food and drug administration, institution for food inspection, or food industry association that recommends food to consumers via advertising or any other form, or consumer association that recommends food to consumers by charging fees or by other profitable means in violation of the Law, shall be subject to confiscation of the illegal benefits by the relevant competent authorities, and the manager and other personnel directly responsible shall be punished by means of a special demerit, demotion or removal from office; in serious circumstances, they shall be dismissed.

In the case of false promotion of food with serious circumstances, the food and drug administrations of the people's governments at the provincial level and above shall order the suspension of the sale of such food and disclose such order to the public. In the event that the sale of such food is continued, the food and drug administrations of the people's governments at the county level and above shall confiscate the illegal earnings and illegally sold food and shall impose a fine of RMB 20,000 to RMB 50,000.

Article 141

Anyone who fabricates or disseminates false food safety information in violation of this Law, constituting a violation of public security administration rules, shall undergo public security punishment by the public security authority in accordance with the law.

Any media outlet which fabricates or disseminates false food safety information shall be punished by the relevant competent authority and its direct principal and other directly responsible persons shall also be punished. If the lawful rights and interests of any citizen, legal entity, or other organizations are damaged, such media outlet shall be civilly liable for eliminating influence, restoring reputation, indemnifying loss, and extending apologies.

Article 142

In the event that the local people's governments at the county level or above fall under any of the following circumstances, the direct principal in charge as well as the other directly responsible persons shall be punished by means of a special demerit, demotion or removal in gross circumstances, or dismissal in serious circumstances. In the case of significant consequences, the principal in charge shall resign:

- (I) The local people's governments at the county level or above fail to organize and coordinate with the relevant department to effectively cope with any food safety incident within their jurisdiction in a timely manner, causing adverse influence or loss;
- (II) The local people's governments at the county level or above fail to organize the rectification of regional food safety issues concerning several links within their jurisdiction, causing adverse influence or loss;
- (III) The local people's governments at the county level or above conceal, lie, or delay reporting in regard of any food safety incident; or
- (IV) There is an especially significant food safety incident or several consecutive major food safety incidents in their jurisdiction.

Article 143

In the event that the local people's governments at the county level or above fall under any of the following circumstances, the direct principal in charge as well as the other directly responsible persons shall be punished by means of a warning, demerit, special demerit, or demotion or removal in gross circumstances:

- (I) The local people's governments at the county level or above fail to determine the supervision and administration responsibilities of relevant departments regarding food safety, establish or improve the full process of the supervision and administration working mechanism and the information-sharing mechanism for food safety, and implement the accountability system for

- the supervision and administration of food safety; or
- (II) The local people's governments at the county level or above fail to formulate the emergency plans for food safety incidents within their jurisdiction or fail to establish commanding incident management headquarters and activate such emergency plans in accordance with the relevant provisions after the occurrence of food safety incidents.

Article 144

In the event that the food and drug administrations, health administrations, quality supervision administrations, and agriculture administrations of the local people's governments at the county level or above fail under any of the following circumstances, the direct principal in charge as well as the other directly responsible persons shall be punished by means of a special demerit, demotion or removal in gross circumstances, or dismissal in serious circumstances. In the case of significant consequences, the principal in charge shall resign:

- (I) The food and drug administrations, health administrations, quality supervision administrations, and agriculture administrations of the local people's governments at the county level or above conceal, lie, or delay reporting of any food safety incident; or
- (II) The food and drug administrations, health administrations, quality supervision administrations, and agriculture administrations of the local people's governments at the county level or above fail to investigate and deal with food safety incidents or fail to cope with any reported food safety incident, causing the expansion or spreading of such incident;
- (III) The food and drug administrations, health administrations, quality supervision administrations, and agriculture administrations of the local people's governments at the county level or above fail to take corresponding measures after risk assessment on food safety of any food, food additives, and Food- Related Products that are not safe;

- (IV) The food and drug administrations, health administrations, quality supervision administrations, and agriculture administrations of the local people's governments at the county level or above grant a
- (V) license to any applicant that does not comply with the requirements or if said license is beyond the terms of reference; or
- (VI) The food and drug administrations, health administrations, quality supervision administrations, and agriculture administrations of the local people's governments at the county level or above fail to perform their duties of supervision and administration of food safety, causing a food safety incident.

Article 145

In the event that the food and drug administrations, health administrations, quality supervision administrations, and agriculture administrations of the local people's governments at the county level or above fall under any of the following circumstances, the direct principal in charge as well as the other directly responsible persons shall be punished by means of a warning, demerit, special demerit, or demotion or removal in gross circumstances, or dismissal in serious circumstances:

- (I) The food and drug administrations, health administrations, quality supervision administrations, and agriculture administrations of the local people's governments at the county level or above fail to report to their superior competent administration or the people's government at the same level or, after becoming aware of food safety information, fail to circulate such information among themselves;
- (II) The food and drug administrations, health administrations, quality supervision administrations, and agriculture administrations of the local people's governments at the county level or above fail to disclose food safety information; or
- (III) The food and drug administrations, health administrations, quality supervision administrations, and

agriculture administrations of the local people's governments at the county level or above fail to perform their statutory duties, refuse to cooperate in investigation and handling of illegal acts relating to food safety, abuse their authority, or neglect or engage in malpractice for personal gains.

Article 146

In the event that food and drug administrations and quality supervision administrations take illegal and compulsory law-enforcement measures during the performance of their duties regarding the supervision and administration of food safety, causing damage to producers or distributors, they shall indemnify such loss and their direct principal in charge as well as any other directly responsible persons, shall be punished in accordance with the law.

Article 147

Anyone in violation of this Law that causes personal or property damage or other types of damage shall be liable for indemnification. In the case that the property of any producer or distributor is insufficient to concurrently cover the civil compensation and payment of fines and penalties, the civil compensation shall be executed first.

Article 148

Any consumer that is damaged by food that does not comply with food safety standards may claim compensation against either the distributor or producer. Any producer or distributor that receives claims for compensation from consumers shall be liable for compensation first and may not refuse to compensate. If it is attributable to the producer, the distributor may recover such compensation from the producer; if attributable to the distributor, the producer may recover such compensation from the distributor.

In the event that any manufacturer produces food that does not conform to food safety standards or distributes food while being aware of its nonconformity with food safety standards, the customer can demand the producer or distributor to pay a penalty of 10 times the paid amount or 3 times of the loss,

in addition to the compensation for the loss thereof. If the additional compensation is less than RMB 1,000, such additional compensation shall be increased to RMB 1,000; unless the defects are contained in labels and instructions of food that will neither affect food safety nor mislead consumers.

Article 149

Anyone in violation of this Law shall, if the crime is committed, be subject to criminal prosecution.

Chapter 10 Supplementary Provisions

Article 150

For the purpose of this Law, the following terms shall have the meaning defined hereunder:

Food means any substance that has been processed or not processed that is suitable for eating and/or drinking, including substances used as food and traditional Chinese medicine, excluding substances solely used as medicine.

Food Safety means the assurance that the food is nontoxic, harmless, and compliant with reasonable nutritional requirements, and will not cause any acute, chronic and potential hazards to human health.

Pre-packaged Food means food which is prepackaged or made in containers or packaging materials, according to the fixed amount.

Food Additive means any synthetic or natural substance used to improve the quality, color, fragrance, flavor of food, and which is added to the food or contained together with the food to prevent corrosion, maintain freshness or due to processing technology requirements, including nutrient supplements.

Food Container and Packaging Material means products made of paper, bamboo, wood, metal, porcelain, plastic, rubber, natural fiber, chemical fiber, or glass and which are used to contain food or additives or serve as coating in direct contact with food or additives.

Food Tools and Devices means machines, pipes, conveyor belts, containers, appliances,

tableware and other objects that come into direct contact with food or additives during production, distribution and use of food or additives.

Food Detergent and Disinfectant means substances that are directly used to wash or sterilize food tableware, and tools and devices, or food containers and packaging materials that come into direct contact with food.

Food Shelf Life means the period prior to the "best before" date when the food remains in good quality under the storage conditions indicated on the label.

Food Borne Disease means any infectious, toxic or other disease caused by pathogenic bacteria which enter the body through food, including food poisoning.

Food Safety Incident means any incident that may be caused by food borne diseases, food contamination, or other incidents arising from food and which are hazardous to human health.

Article 151

The food safety administration on genetically modified foods and cooking salt not covered hereunder shall be subject to other laws and administrative regulations.

Article 152

Administrative measures for food safety in railway and civil aviation operations shall be developed by the food and drug administration under the State Council together with other relevant departments under the State Council.

The specific administrative measures for health care food shall be developed by the food and drug administration under the State Council.

The specific administrative measures for production activities of food-related products shall be developed by the food and drug administration under the State Council.

The supervision and administration of food in ports of entry shall be carried out by the entry-exit inspection and quarantine administrations under this Law, other laws, and administrative regulations.

Measures for the administration of food safety of special foods and self-supplied foods in the

army shall be developed by the Central Military Committee according to this Law.

Article 153

The State Council may make adjustments to the food safety supervision and administration system according to current requirements.

Article 154

This Law shall enter into force on October 1, 2015.