

Food Safety Law of the People's Republic of China

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President of the People's Republic of China

Hu Jintao

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Food Safety Law of the People's Republic of China

(adopted at the 7th Session of the 11th Standing Committee of the National People's Congress of the People's Republic of China on February 28, 2009)

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Food Safety Law of the People's Republic of China

Chapter 1: General Provisions

Article 1 This Law is formulated to assure food safety, and safeguard people's health and life.

Article 2 Whenever the following activities are carried out in the territory of the People's Republic of China, this Law must be observed:

- 1) Food production and processing (referred to as "Food Production" hereafter); food distribution and catering service (referred to as "Food Trading" hereafter);
- 2) Production and trading of food additives;
- 3) Production and trading of packing materials, vessels, detergents and disinfectants for food as well as utensils and equipment used in food production and trading (referred to as "Food-Related Products" hereafter);
- 4) Food additives and food-related products used by food producers and traders;
- 5) Safety management of food, food additives and food-related products.

The quality and safety management of primary agricultural products for consumption (hereinafter referred to as "Edible Agricultural Products") shall be in accordance with the Quality and Safety of Agricultural Products Law. However, this Law must be observed in developing quality and safety standards for edible agricultural products and releasing safety information on edible agricultural products.

Article 3 Food producers and traders shall strictly follow relevant laws and regulations and food safety standards in their food business activities, be responsible for the public, ensure the food safety, receive the supervision of the public and bear the social responsibility.

Article 4 The State Council shall establish the Food Safety Committee, with the responsibilities determined by the State Council.

The health authorities under the State Council is responsible for the overall coordination for food safety, and food safety assessment, development of food safety standards, publishing of food safety information, development of the certification conditions for qualification of the food inspection and testing agencies and the specification of inspection and testing, and organization for investigation and treatment of the significant food safety accidents.

The authorities for quality supervision, administration of industry and commerce and FDA under the State Council shall be responsible for supervision and management of the food production, food distribution and catering service respectively according to the Law and the requirements of the State Council.

Article 5 Local people's governments at and above county level shall take overall responsibility for, lead, organize and coordinate the supervision and management of food safety in their jurisdiction; establish and hone food safety coordination mechanisms for the inspection and management of food safety, take the leading and commanding role in dealing with food safety emergencies, develop a food safety accountability system, and review and evaluate the performance of food safety regulatory agencies.

The local People's Government at the county level or above shall define the responsibilities of the administrative departments for health, agriculture, quality supervision, industry and commerce and FDA for supervision and management of food safety, according to the Law and the requirements of the State Council. The relevant authorities shall be in charge of the supervision and management of food safety in the respective jurisdiction.

The subordinate administrative divisions set up below a higher level people's government must be under the unified coordination of the lower level government in carrying out their food safety inspection and management.

Article 6 The administrative departments for health, agriculture, quality supervision, industry and commerce and FDA at the county level or above shall strengthen communication and close cooperation, exercise the right and bear the responsibilities according to the work division.

Article 7 The related food industry associations shall strengthen their self-discipline, and guide food producers and traders to conduct production and operation according to law, enhance the construction of the industrial credit, and publicize and disseminate the food safety knowledge.

Article 8 Civil society and community groups are encouraged to conduct food safety educational activities on understanding of food safety, laws, regulations and standards, to advocate healthy diets and to raise consumer awareness of food safety and looking after their health.

The media shall publicize food safety information, laws, regulations and standards and knowledge free of charge, and provide the supervision of public opinion regarding the act in violation of the Law.

Article 9 The State encourages and supports basic and applied food-related research, and encourages and supports food producers and traders to apply advanced technologies and good management practices in order to improve food safety.

Article 10 Any organization or individual has the right to report and indict behavior in violation of the Law, to request information from relevant agencies, and to propose comments and suggestions on food safety inspection and management. Consumers also have the right to demand compensation according to law for any physical and property damage caused by consumption of food, food additives or food-related products.

Chapter 2: Surveillance and Assessment of Food Safety Risks

Article 11 A surveillance system for food safety shall be established nationwide for surveillance over food-borne disease, food contamination and other food-related hazards to human health.

The health administrative departments of the State Council shall establish and implement plans for the surveillance of national food safety in conjunction with other departments of the State Council. The health administrative departments of governments of provinces, autonomous regions and municipalities directly under the central government shall establish and implement, according to the national plans for food safety surveillance and taking into consideration regional particularities, the plans and schemes for the surveillance of food safety within their respective jurisdictions.

Article 12 The authorities for agriculture, quality supervision, administration of industry and commerce and FDA under the State Council shall, upon knowledge of any information on food safety risk, report to the relevant authorities under the State Council. The health authorities under the State Council, in conjunction with other relevant authorities, shall verify the information and timely adjust the food safety risk surveillance plan.

Article 13 A mechanism to assess food safety risks shall be established nationwide to assess risks of biological, chemical and physical hazards in foods and food additives.

The assessment of food safety risk shall be the responsibility of a food safety risk assessment committee composing experts in medicine, agriculture, food, nutrition and other fields invited by the health authorities under the State Council.

The assessment of food safety risk for pesticide, fertilizer, growth regulator, animal remedy, animal feed and feed additives, etc. shall be attended with the experts of the food safety risk assessment expert committee.

The assessment of food safety risk shall be conducted by utilizing the scientific methods, based on the information of food safety risk surveillance, the scientific data and other relevant information.

Article 14 The health authorities under the State Council, upon discovering any possible safety problem through food safety risk surveillance or reporting of other parties, shall immediately organize inspection and assessment of food safety risk.

Article 15 The authorities for agriculture, quality supervision, administration of industry and commerce and FDA under the State Council shall propose the suggestions on assessment of the food safety risk, and provide the relevant information.

The health authorities under the State Council shall timely report the results of the food safety risk assessment to the relevant authorities under the State Council.

Article 16 Food safety risk assessment results shall be the scientific basis for developing and modifying food safety standards, and overseeing and administering food safety.

If the result of a food safety risk assessment proves food to be unsafe, the authorities for quality supervision, industry and commerce and FDA under the State Council shall promptly take appropriate measures to ensure food producers or traders to suspend or cease trading of such food, and inform consumers to stop use according to their respective duties and responsibilities; if necessary, immediately amend or develop any food safety standard.

Article 17 The health authorities under the State Council shall, in conjunction with relevant State Council departments, conduct comprehensive analyses of the food safety situation according to the result of food safety risk assessments and food safety supervision and administration information and draw attention to food safety risks in high risk food.

Chapter 3: Food Safety Standards

Article 18 The food safety standards shall be intended to safeguard the health of the public, to be scientific, reasonable, safe and reliable.

Article 19 Food safety standards are mandatory. Except for the food safety standards, no other mandatory standards for food shall be developed.

Article 20 The food safety standards shall specify:

- 1) The limits to the content or concentration of pathogenic micro organisms, pesticide residues, veterinary medicine residue, heavy metals, contaminants, and other substances that may be hazardous to human health in food;
- 2) The type, scope of application and dose of allowed food additives;
- 3) The nutritional ingredients requirements for staple and supplementary food exclusively for babies and other specific populations;
- 4) The requirements for labels, identification and instructions relevant to food safety and nutrition;
- 5) The health requirements for food production and trading processes;
- 6) The quality requirements related to food safety;
- 7) The methods and procedures for food inspection and testing; and
- 8) Other particulars necessary for developing food safety standards.

Article 21 The State Council authorized health administrative department shall be responsible for developing and publicizing the national food safety standards; and the standardization authorities under the State Council shall provide the national standard number.

The limit of pesticide residue and animal remedy residue in foods, and the inspection methods and procedures shall be developed by the health and agricultural authorities under the State Council.

The inspection procedures for slaughtering livestock and poultry shall be developed by the competent authorities under the State Council in conjunction with the health authorities under the State Council.

The relevant national product standards, if involving the national food safety standard, shall be consistent with the national food safety standard.

Article 22 The health authorities under the State Council shall integrate the compulsory standards in the applicable edible agricultural product quality and safety standards, food hygiene standards, food quality standards and relevant industrial standards related to foods, and issue a unified national food safety standard.

Before issuance of the national food safety standards specified in the Law, the food producers and traders shall produce or trade foods according to the applicable edible agricultural product quality and safety standards, food hygiene standards, food quality standards and relevant industrial standards related to foods.

Article 23 The national food safety standards shall be reviewed and approved by the committee for evaluating national food safety standards comprising experts in medicine, agriculture, food, nutrition and other fields and the representatives from the health authorities under the State Council.

National food safety standards shall be developed based on the results of food safety risk assessments and full consideration of the results of quality and safety risk assessments of edible agricultural products, as well as the relevant international standards and international food safety risk assessment results. Due consideration shall also be given to a broad range of opinions of food producers and traders.

Article 24 When there is no national food safety standard in any aspect, the local food safety standard may be developed.

The health administrative departments of provinces, autonomous regions and municipalities directly under the central government shall develop local food safety standards with reference to articles in this Law relating to development of national food safety standards, and report to the health authorities under the State Council responsible for recording.

Article 25 When there is no national or local food safety standard for the food produced by a company, the company may develop the company standard as the basis for the production. The State encourages food producers and traders to develop in-house standards more stringent than the national or local food safety standards. The enterprise standard shall be reported to the provincial level health administration department for filing, and be applicable in the enterprise.

Article 26 The food safety standards shall be provided for the free reference of the public.

Chapter 4: Food Production and Trade

Article 27 Any food production or trading activities shall meet the food safety standard and be subject to the following conditions:

- 1) Having appropriate facilities for raw material treatment and food packaging and storage that are sufficient for the variety and quantity of food to be produced or traded, keeping the facilities clean and making sure that appropriate distance has been maintained between such facilities and toxic or hazardous locations and/or other contamination or contaminating sources.
- 2) Having appropriate production or trading equipment and facilities that are sufficient for the variety

and quantity of food to be produced or traded, and having appropriate equipment and facilities for disinfection, gowning, washing, lighting, ventilation, anticorrosion, dust-proofing, fly-proofing and rat/pest-proofing and drainage of wastewater and other wastes.

- 3) Having food safety technical professionals, management personnel and the rules and systems to ensure the food safety;
- 4) Having the reasonable equipment and facility layout and operation procedures, to avoid cross contamination between the food to be produced and the food for direct consumption, raw materials and finished products, and the food contacting the toxic or dirty matters;
- 5) Washing and sterilizing the tableware and containers of foods for direct consumption before use, and washing and keeping clean after use ;
- 6) Using the safe and harmless container, tool and equipment for storage, transport and loading/unloading of foods, keeping them clean to avoid food contamination, and meeting the special requirements on temperature and others required for food safety, and not transporting the food with toxic or harmful goods ;
- 7) Using the small package or nontoxic and clean packaging materials and tableware for the foods for direct consumption ;
- 8) Causing the personnel to maintain the personal hygiene, wash hand and put on the clean clothing and cap during work; and using the sterile and clean vending tools for the foods for direct consumption without package ;
- 9) Using water according to the national living water hygiene standard ;
- 10) Using the detergents and disinfectors safe and harmless to human body ;
- 11) Conforming to other requirements set forth in laws and regulations.

Article 28 Production and trading of the following foods are prohibited :

- 1) Food made with non-food raw material or adding non-edible chemicals or other substances possibly hazardous to human health to food, or producing food with recovered food as raw materials;
- 2) Food which exceed food safety standard limits in content or concentration of pathogenic microorganisms, pesticide residues, animal medicine residues, heavy metals, contaminants, and

other substances that in food may be hazardous to human health;

- 3) Staple and supplementary food exclusively for babies or other specific population, the nutritional ingredients of which fail to meet food safety standards;
- 4) Food which is rotten or spoilt, or has rancid fat, mildew or insects, or is contaminated or dirty, or contains foreign material or displays any other organoleptic irregularity;
- 5) Meat or products of any bird, livestock, beast, or waterborne animal which has been killed by disease, poison or any unidentified cause,;
- 6) Meat or meat products which have not been quarantined or inspected by animal health supervision authorities or fail to pass such quarantine or inspection;
- 7) Food contaminated by packaging materials, containers or transportation means;
- 8) Food exceeding the shelf life ;
- 9) Pre-packaged products without labels;
- 10) Food expressly prohibited by the State from production and trading for disease prevention and control purposes;
- 11) Other food failing to meet food safety standards or requirements.

Article 29 The State implements a licensing system for food production and trading. Any organization or individual shall obtain the food production license, food distribution license or catering service license before starting the food production, food distribution or catering service.

The food producer having the food production license is not required to obtain the food distribution license when selling foods produced by itself at its production premises; the catering service provider having the catering service license is not required to obtain the food production/distribution license when selling foods produced by itself at its service premises, and the farmer when selling the self produced edible agricultural products is not required to obtain the food distribution license.

Small food workshops and food vendors shall conduct the food related activities according to the food safety requirements corresponding to their production/trading scale and conditions in the Law, and ensure the foods at the sites are clean, nontoxic and harmless. The relevant authorities shall strengthen the supervision and management, with the specific management measures developed by the standing committee of the People's Congress of the provinces, autonomous regions and municipalities directly under the control of the Central Government according to the Law.

Article 30 The local People's Governments at the county level or above shall encourage the small food workshops to improve the production conditions, and encourage the food vendors to go for operations in the centralized market, the shops and other fixed marketplaces.

Article 31 The administrative departments for health, agriculture, quality supervision, industry and commerce and FDA at the county level or above shall review materials submitted by the applicants according to Article 27.1 – 4 herein and Administrative License Law of The People's Republic of China, and check the places of production and/or trading of the applicants if necessary. Any applicant that meets the conditions shall be granted a permit and issued a license for food production, distribution or provision of catering services; and any applicant failing to meet the licensing conditions will be rejected and given a written explanation of the reasons.。

Article 32 Food producers and traders shall establish the food safety management system, strengthen the training of the employees on food safety knowledge, assign the full-time or part-time food safety management personnel, properly conduct inspection of the foods for operation and conduct the food production and trading according to law.

Article 33 Food producers shall conform to good manufacturing practices. The State encourages food producers to implement the Hazard Analysis and Critical Control Point System to improve food safety management.

For those food enterprises passing the certification of GMP and HACCP, the certification institutions shall conduct the follow-up investigation according to law; and for those failing to conform to the certification requirements, cancel the certificate according to law, timely report to the authorities of quality supervision, administration of industry and commerce and FDA, and notify the public. The certification institution shall not charge any fee for the follow-up investigation.

Article 34 Producers and traders of food shall establish and implement an employee health management system. No person who has a digestive tract infection including dysentery, typhus, viral hepatitis A, and active pulmonary tuberculosis, purulent or weeping skin diseases that adversely affect food safety shall work in direct contact with food for consumption.

The personnel for food production and operations shall have the physical examination every year, and shall be allowed to work after obtaining the health certificate.

Article 35 The edible agricultural product producer shall use the pesticide, fertilizer, growth regulator, animal remedy, animal feed, animal feed additives and others according to the food safety standard and the relevant national requirements. The manufacturer and farmer cooperative organization for edible agricultural products shall establish the edible agricultural product record system.

The agricultural authorities at or above the county level shall strengthen the management and guidance of the use of the agricultural inputs, and establish and improve the safety use system of agricultural inputs.

Article 36 The food producer shall check the license and compliance certificate of the suppliers when purchasing the food raw material, food additives, and food-related products. For the food raw material without the compliance certificate, the test shall be conducted according to the food safety standard. Any food raw material, food additives, and food-related products that do not meet food safety

standards shall not be purchased or used.

Food producers shall establish the incoming product verification systems for food raw material, food additives, and food-related products, correctly recording such information as the name, specification, quantity, supplier name and contact information, and purchase date of the food raw material, food additives, and food-related products.

The verification records for food raw material, food additives, and food-related products shall not be altered or forged, and shall be maintained for at least two years.

Article 37 Food producers shall establish and maintain records of outgoing food inspections, check inspection certificates and the safety condition of outgoing food. They shall correctly record such information as the name, specification, quantity, production date, batch number, inspection certificate number, purchaser name and contact information, and sale date.

Outgoing food inspection records shall not be altered or forged, and shall be maintained for at least two years.

Article 38 The producer of food raw material, food additives, and food-related products shall inspect the food raw material, food additives, and food-related products produced according to the food safety standard, and allow release of the products only after the successful inspection.

Article 39 The food trader shall check the license and compliance certificate of the suppliers when purchasing the foods.

Food traders shall establish and maintain incoming food inspection records and correctly record such information as the name, specification, quantity, production date, batch number, shelf life, supplier name and contact information, and purchase date.

Incoming food inspection records shall not be altered or forged, and shall be maintained for at least two years

For the food traders with the centralized distribution, the headquarters may centrally check the license and compliance certificate of the suppliers, and maintain the incoming product verification record.

Article 40 Food traders shall store food in accordance with food safety assurance requirements, and regularly check food in storage and promptly remove spoilt or outdated food.

Article 41 Food traders shall, when storing food in bulk, indicate such information as the food product name, production date, shelf life, and producer name and storage place contact information.

Food traders shall, when selling bulk food, indicate on the container and external package thereof the food product name, production date, shelf life, producer name and contact information, and trader name and contact information.

Article 42 Pre-packaged food shall be provided with a label on its package, indicating:

- 1) The name, specification, net content and date of production;
- 2) Ingredients or formulation;
- 3) Producer name, address and contact information;
- 4) Shelf life;
- 5) Product standard(s) code;
- 6) Storage conditions;
- 7) Generic name of the food additives used in the national standard;
- 8) Food Production License Number; and
- 9) Other information to be indicated in accordance with applicable legislation, regulation and national food safety standards.

The labels on staple and supplementary food exclusively for babies and other specific populations shall indicate the main nutritional ingredients and their contents.

Article 43 The State implements a licensing system for production of food additives. The conditions and application procedures for food additive production licenses shall be subject to the relevant administrative regulations governing licenses for the production of industrial product

Article 44 Any organization or individual applying to produce new types of foods, food additives and/or food-related products with new food materials shall submit the safety assessment materials of the new products to the health authorities under the State Council. The safety assessment materials shall be reviewed within sixty (60) days of application. If the food safety requirements are met, a license shall be granted and a public announcement made. If the application is rejected a written response will be given explaining the reasons why the food safety requirements were not met.

Article 45 Any food additive can be listed into the scope permitted for use only after it is technically required and proven to be safe and reliable through the risk assessment. The health authorities under the State Council shall, according to the technical necessity and the results of the food safety assessment results, timely revise the standard for the types, scope of use and dosage of food additives.

Article 46 The food producer shall use the food additives according to the types, scope of use and dosage of food additives in the food safety standard; and shall not use any chemical substances other than the food additives or other substances likely hazardous to human health in producing foods.

Article 47 Food additives must be provided with a label, instructions and packaging. The instructions shall include the information required in Article 42.1.1~6, 8 and 9, and the scope of use, dosage and application of the food additive, with the words “Food Additive” indicated on the label.

Article 48 Labels, instructions and packaging for food and food additives shall not contain false or exaggerated information. They shall not make statements concerning the function of the food in preventing, treating or diagnosing any disease. Food producers shall undertake legal liability for declarations on the label, instructions and packaging.

Labels and instructions for food and food additives shall be made clear and conspicuous.

Any food inconsistent with the label information, instructions shall not be released on the market for sale.

Article 49 Food traders shall sell the pre-packaged foods according to the warning mark, warning notes or precautions on the food label.

Article 50 Food producers shall not add any medicine to food, unless the added substance is conventionally deemed both food and traditional Chinese medicine. The catalogue of the substances conventionally deemed both food and Chinese traditional medicine shall be developed and publicized by the health authorities under the State Council.

Article 51 The State execute the strict control of the food with the claim for specific healthcare functions. The relevant regulatory authorities shall execute the duty and assume the responsibility according to law. The State Council shall develop the specific management measures.

The food with the claim for specific healthcare functions shall not cause acute, sub-acute or chronic hazard to human body, and its label and instructions shall not state the functions for prevention or treatment of diseases, include the true and correction introduction, and indicate clearly the suitable and unsuitable population, effective ingredients or representative ingredients and the content; and the function and ingredients shall be consistent with those in the label and instructions.

Article 52 Central trading market operators, stall leasers, and organizers of trade fairs shall review the license of the admitted food traders for food distribution and catering service; specify the admitted food traders food safety management responsibilities; regularly inspect the operating environment and conditions of the admitted food traders. Immediately upon detection of any activity in breach of this Law, they shall prevent any trading of related food and promptly report the incident to the local administration of industry and commerce and FDA at the county level.

Any food safety incident caused by any food traded in such marketplaces, not fulfilling the obligations in the above paragraph, will result in joint and several liabilities of such operators of central trading markets, stall leasers, and organizers of trade fairs.

Article 53 A food callback system shall be established in China. Where a food producer detects production of any food not meeting the food safety standard, the food producer shall immediately stop production, call back products released to the market, notify relevant producers and traders and consumers, and record all callbacks.

Where finding out the trade of any unsafe food, the food trader shall immediately stop trading, notify relevant producers and traders to cease production and trade of such food, notify consumers to cease consumption of such food, and record all notifications. Any food that the producer deems necessary for callback shall be immediately called back.

Food producers shall remedy, or destroy or render harmless the recalled food, and report the callback and treatment to the quality supervision authorities at or above the county level.

When any food producer/trader fails to call back or stop operation of the food not meeting the food safety standard as required in the Article, the authorities of quality supervision, administration of industry and commerce and FDA at or above the county level may order it to call back or stop operation.

Article 54 Food advertisements shall provide truthful information and shall not include any false or exaggerated information or any statement of functions for treating or diagnosing any disease.

The food safety regulatory authorities or the institutions for food inspection and testing, food industry association or customer association shall not recommend foods to customers through advertising or other forms.

Article 55 The civil society or other organizations or individuals, when recommending foods to customers in the false advertising, causing damage to the lawful rights and interests to customers, shall bear joint and several liabilities with the food producer/trader.

Article 56 Local people's governments at all levels shall take actions to encourage the mass production and chain operation and distribution of foods.

Chapter 5: Inspection and Testing of Food

Article 57 Food inspection and testing agencies accredited and/or recognized according to relevant requirements of certification and accreditation in China may perform food inspection or testing, unless this Law or other laws otherwise provide.

The conditions that qualify such agencies for food inspection and testing as well as inspection and test specifications shall be developed by health authorities under the State Council.

Food inspection and testing agencies which have been accredited and/or recognized by the State Council competent department before the implementation of this Law may continue to perform inspection and/or testing of food in accordance with this Law.

Article 58 Food inspection and testing shall be independently conducted by food inspector(s) designated by the inspection and testing agency.

The inspectors shall inspect and test food in accordance with the applicable legislation, regulations, food safety standards and inspection specifications. The inspectors shall act scientifically and conform to professional ethics, and assure objective and fair inspection data and conclusions, and shall not issue

any false inspection report.

Article 59 Food inspection agencies and inspectors shall be responsible for food inspection and testing. The food inspection report shall bear the official seal of the food inspection agency and the signature or seal of the inspector. The food inspection agency and inspector shall be held responsible and liable for the food inspection report issued.

Article 60 The food safety regulatory authorities shall not permit inspection exemption for food products.

The authorities for quality supervision, administration of industry and commerce and FDA at the county level or above shall conduct the sampling inspection at fixed or unfixed intervals, without charging any cost or expenses for inspection.

The authorities or quality supervision, administration of industry and commerce and FDA at the county level or above shall, during the oversight and administrative activities, have the inspection and/or testing of food done by inspection and test institutions accredited and/or recognized as aforesaid at the cost of respective departments if such inspection or test is required. In the case of any disputed inspection or test result, the re-inspection and re-testing shall be conducted according to law.

Article 61 Any food producer or trader may inspect or test the foods produced by itself, or engage inspection and testing agencies for inspection and testing conforming to the requirements of this Law.

Where any trade association or food consumer engages inspection and testing agencies for inspection and testing, such agencies shall conform to the requirements of this Law.

Chapter 6: Food Import and Export

Article 62 Imported food, food additives and food-related products shall comply with China's national food safety standards.

Imported food shall be inspected and approved by the exit-entry inspection and quarantine authority. Customs shall only allow products with an exit-entry inspection and quarantine authority inspection certificates to be imported.

Article 63 In respect of new types of food additives and/or food-related products imported for the first time, or food imported for the first time which are not covered by existing national food safety standards, the importer thereof shall submit an application for import accompanied by relevant safety assessment materials to the health authorities under the State Council. The health authorities under the State Council shall decide whether to approve or reject such applications at its discretion, and develop the relevant national food safety standard timely.

Article 64 Where any food safety incident that occurs outside China may impact within China, or any imported food is detected with a serious food safety problem, the national exit-entry inspection and quarantine authorities shall promptly take action to alert risk and notify administrative departments for health, agriculture, industry and commerce and FDA under the State Council. The notified departments

shall promptly take appropriate action.

Article 65 Exporters or agents exporting food to China shall file a record with the national authorities for exit-entry inspection and quarantine in China. Overseas food producers exporting food to China shall apply for registration with the national authorities for exit-entry inspection and quarantine in China.

The national exit-entry inspection and quarantine authorities shall regularly release the list of exporters and agents and registered overseas food producers.

Article 66 Imported pre-packaged food shall be provided with Chinese labels and Chinese instructions. Such labels and instructions shall conform to this Law and other applicable Chinese legislation and regulations and national food safety standards. Labels and instructions shall indicate the food place of origin and the domestic agent's name, address and contact information. Pre-packaged food without Chinese labels or Chinese instructions or whose labels and instructions fail to meet requirements shall not be imported.

Article 67 Food importers shall establish and maintain import and sales records, correctly record such information as the product name, specification, quantity, production date, production or import batch number, shelf life, exporter name and contact information, purchaser name and contact information, and delivery date.

The food import and sales records shall not be true and correct, and shall be maintained for at least two years.

Article 68 Food to be exported shall be supervised and tested by sampling by the authority for exit-entry inspection and quarantine. Customs shall only allow products with the inspection certificate issued by the authority for exit-entry inspection and quarantine to be exported.

Producers of exported food, plantations and breeding farms for food raw material for exported food shall file a record with the national authorities for exit-entry inspection and quarantine.

Article 69 The national authorities for exit-entry inspection and quarantine shall collect and summarize information on the safety of imported and exported food and notify the same to all relevant departments, institutions and enterprises.

The national authorities for exit-entry inspection and quarantine shall establish and publicize good and bad records, as the case may be, of importers, exporters, and producers of exported food. Importers, exporters, or producers of exported food with bad records shall be subject to more stringent inspection and quarantine of imported or exported food.

Chapter 7: Prevention of and Response to Food Safety Incidents

Article 70 The State Council shall make emergency plans for national food safety incidents.

Governments at the county level or above shall make emergency response plans for food safety incidents within their respective jurisdictions based on the particulars of the locality and the superior

government's emergency response plans and shall submit their plans to their superior government agency to record

Food producers and traders shall make individual food safety incidents response plans. They shall regularly inspect the implementation of food safety measures to promptly avoid potential food safety incidents.

Article 71 The organization where a food safety incident has occurred, shall promptly take effective actions to control the extent of the incident. The incident shall be reported immediately to local health authorities in the county level where the incident happened.

The administration for agriculture, quality supervision, industry and commerce and FDA shall, upon discovering any food safety accident, or receiving reporting of the accident, report to the health authorities.

Upon occurrence of the significant food safety accident, the health authorities of the county level receiving the report shall report to the People's Government of the same level and the health authorities of the higher People's Government according to the requirements. The People's Government of the county level and the health authorities of the higher People's Government shall report to higher management according to the requirements.

Any organization or individual shall not conceal, lie, delay, or intentionally destroy the scene or evidence of any food safety accident.

Article 72 The health authorities at or above the county level receiving the report of food safety accident shall immediately conduct investigation and take the following measures, together with the relevant administration for agriculture, quality supervision, industry and commerce and FDA, to avoid or mitigate the hazard to the public :

- 1) Make the emergent rescue, and provide first aid and treatment to the injured persons from the accident ;
- 2) Seal up the foods and raw materials likely to cause food safety accident, and conduct the inspection immediately; for the confirmed contaminated foods and raw materials, order the producer/trader to call back, suspend operations or destroy the products according to Article 53 of the Law ;
- 3) Seal up the contaminated food tools and devices, and order for cleaning and sterilization ;
- 4) Properly conduct the news release, to disclose the food safety accident and treatment, and explain and clarify the condition likely to cause hazard.

Upon occurrence of the significant food safety accident, the People's Government at or above the county level shall immediately establish the food safety accident treatment command, trigger the emergency plan and make treatments according to the measures in the above paragraphs.

Article 73 In the case of a major food safety incident, the health administrative department of the cities or at higher levels with subordinate districts shall, together with relevant departments, investigate immediately, urge relevant departments to fulfill their responsibilities, and submit an investigation report identifying responsibilities to the government at the same level.

When the significant food safety accident involves 2 or more provinces, autonomous regions and municipalities under the direct control of the Central Government, the health authorities under the State Council shall organize the investigation of the responsibility of accident according to the provision in the above paragraph.

Article 74 Upon occurrence of the food safety incident, the CDC at or above the county level shall assist the health authorities and relevant authorities to make hygiene treatment of the site, and conduct the epidemiological investigation on the related factors.

Article 75 Investigation of food safety incidents shall, in addition to identifying the liabilities of the organization where the incident occurred, also investigate any negligence or misconduct by supervision and administration department officers responsible for approval, supervision and administration.

Chapter 8: Supervision and Administration

Article 76 The local People's Government at the county level or above shall organize the administrative departments for health, quality supervision, industry and commerce and FDA of the same level to develop the annual plan of supervision and management of food safety in the jurisdiction, and execute the work according to the plan.

Article 77 The administrative departments for health, quality supervision, industry and commerce and FDA at the county level or above may take the following actions in the course of performing their respective duties of supervising and administrating food safety:

- 1) Entering production and trading sites for field inspection;
- 2) Conducting sampling inspection of the food produced or traded ;
- 3) Reviewing, copying, seizing and detaining relevant contracts, documents and books and other relevant information;
- 4) Seizing and detaining food proven unsafe, illegally used food raw material, food additives and food-related products, and equipment and tools contaminated or used for illegal production or trading; and
- 5) Closing down places of illegal production and trading of food.

The agricultural authorities at the county level or above shall be responsible for supervision and management of the edible agricultural products according to the responsibilities in Law of the People's Republic of China on Agricultural Product Quality and Safety.

Article 78 The administrative departments for health, quality supervision, industry and commerce and FDA at the county level or above shall record the results of supervision, inspection and punishment, if any, in the course of overseeing and inspecting food producers and traders. Such records shall be signed by supervision and inspection officers and food producers and traders before filing.

Article 79 The administrative departments for health, quality supervision, industry and commerce and FDA at the county level or above shall establish and maintain food safety credit records for food producers and traders, record issuance of licenses, results of daily supervision and inspection, and punishment of illegal activities; and shall increase the frequency of supervising and inspecting food producers and traders with bad credit records in line with such food safety credit records.

Article 80 The administrative departments for health, quality supervision, industry and commerce and FDA at the county level or above shall, upon receiving any inquiry, complaint or information from a whistle-blower, accept, promptly verify, and deal with such an inquiry, complaint or other information and reply. These departments shall transfer matters beyond their duty and authority to other departments empowered to deal with such matters, which shall act immediately and not shift responsibility to others; and those food safety incident shall be handled according to Article 7 herein.

Article 81 The administrative departments for health, quality supervision, industry and commerce and FDA at the county level or above shall oversee and administer food safety according to their statutory authority and procedures. They shall not impose two or more administrative penalty fines on the same illegal food producer or trader activity. Anyone suspected of activities that require criminal investigation shall be transferred to public security authorities according to the law.

Article 82 The State shall establish a unified food safety information system. The following information shall be centrally disclosed by State Council authorized health administrative departments:

- 1) Overall situation of food safety in China ;
- 2) Food safety risk evaluation information and food safety risk alert information;
- 3) Information on significant food safety incident and treatment; and
- 4) Other important food safety information and information identified by the State Council as requiring widespread disclosure.

The information set forth in the 2) and 3) may, if its impact is limited to particular regions, be disclosed by the health departments of the people's governments of relevant provinces, autonomous regions and municipalities directly under the central government. The administrative department for agriculture, quality supervision, industry and commerce and FDA, shall disclose information on daily supervision and administration of food safety in accordance with their duties and responsibilities.

The department responsible for supervision and management of food safety shall disclose information on a timely, objective and accurate basis.

Article 83 The administrative departments for health, agriculture, quality supervision, industry and commerce and FDA at the county level or above shall, immediately upon receiving information requiring central disclosure pursuant to Article 82 (1), report to their superior departments, which then shall immediately report to the health authorities under the State Council, and, if necessary, they may directly report to the health authorities under the State Council.

The administrative departments for health, agriculture, quality supervision, industry and commerce and FDA at the county level or above shall notify each other of any food safety related information.

Chapter 9: Legal Liabilities

Article 84 Any food producer or trader in violation of the Law, engaged in food production or trading activities without a license, or producing food additives, shall have any and all illegal benefits, including foods or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading confiscated by the relevant authorities according to their respective duties and responsibilities, and be subject to a fine of RMB2,000 - 50,000 if the total value of the commodity is less than RMB 10,000; and subject to a fine between 5 and 10 times the total value of the commodity if the total value of the commodity exceeds RMB10,000.

Article 85 Under any of the following circumstances, any food producer or trader in violation of the Law, shall have any and all illegal benefits, including foods or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading confiscated by the relevant authorities according to their respective duties and responsibilities, and be subject to a fine of RMB2,000 - 50,000 if the total value of the commodity is less than RMB 10,000; and subject to a fine between 5 and 10 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; and for the serious cases, be revoked the business license :

- 1) Producing food with non-food raw material or adding non-edible chemicals or other substances possibly hazardous to human health to food, or producing food with recovered food as raw materials;
- 2) Producing or trading food which exceed food safety standard limits in content or concentration of pathogenic microorganisms, pesticide residues, animal medicine residues, heavy metals, contaminants, and other substances that in food may be hazardous to human health;
- 3) Producing or trading staple and supplementary food exclusively for babies or other specific population, the nutritional ingredients of which fail to meet food safety standards;
- 4) Trading food which is rotten or spoiled, or has rancid fat, mildew or insects, or is contaminated or dirty, or contains foreign material or displays any other organoleptic irregularity;
- 5) Trading or producing meat or products of any bird, livestock, beast, or waterborne animal which has been killed by disease, poison or any unidentified cause,;

- 6) Trading or producing meat or meat products which have not been quarantined or inspected by animal health supervision authorities or fail to pass such quarantine or inspection;
- 7) Trading food exceeding the shelf life ;
- 8) Producing or trading food expressly prohibited by the State from production and trading for disease prevention and control purposes;
- 9) Using new food materials to produce food, or producing new types of food additives and food related products, but failing to pass the safety assessment ;
- 10) Refusing to call back or stop operations when the relevant authorities order to call back or stop operations of foods not conforming to foods safety standard.

Article 86 Under any of the following circumstances, any food producer or trader in violation of the Law, shall have any and all illegal benefits, including foods or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading confiscated by the relevant authorities according to their respective duties and responsibilities, and be subject to a fine of RMB2,000 - 50,000 if the total value of the commodity is less than RMB 10,000; and subject to a fine between 5 and 10 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; and for the serious cases, be ordered to stop production or business till revoked the business license :

- 1) Trading the foods contaminated with the packaging materials, container, transport means, etc.;
- 2) Producing and trading the pre-packaged food or food additives without label, or food or food additives with the label or instructions not conforming to the Law ;
- 3) Purchasing or using the food materials, food additives or food related products not conforming to the food safety standard ;
- 4) Adding medicine to food.

Article 87 Under any of the following circumstances, any food producer or trader in violation of the Law, shall be ordered to make correction, given the warning, by the relevant authorities according to their respective duties and responsibilities; when refusing to make correction, be subject to a fine of RMB2,000 - 20,000; and for the serious cases, be ordered to stop production or business, till revoked the business license :

- 1) Fail to test the purchased food materials and produced food, food additives and food related products ;
- 2) Fail to establish and maintain the inspection record system, and outgoing product record system ;
- 3) Fail to file for record of the enterprise food safety standard according to the Law ;
- 4) Fail to store or sell foods or clear off the foods in stock according to the requirements ;
- 5) Fail to check the license or relevant certificates upon receiving incoming products ;
- 6) Claim the functions of prevention and treatment of diseases in the label and instructions for the produced food and food additives ;
- 7) Allow the person with diseases listed in Article 34 herein to execute the work contacting the food for direct use.

Article 88 Upon occurrence of any accident, any food producer or trader failing to make disposal or reporting in violation of the Law, shall be ordered to make correction, given the warning, by the relevant authorities according to their respective duties and responsibilities; when destroying the evidence, be ordered to suspend the production or trading and subject to a fine of RMB2,000 - 100,000; and for the serious cases, be revoked the business license

Article 89 Under any of the following circumstances, any food producer or trader in violation of the Law, shall be given the punishment according to Article 85 herein :

- 1) Importing foods not meeting the national food safety standard of China ;
- 2) Importing foods without applicable national food safety standard, or the new type of food additive and food related products, without safety assessment ;
- 3) Exporting foods in breach of the Law.

The importer failing to establish and maintain the food import and sales record system, in violation of the Law, shall be subject to punishment specified in Article 87 herein.

Article 90 If any operators of central trading markets, stall leasers, and organizers of trade fair permit food traders without a license for food production, distribution or provision for catering services to sell food in the market in violation of this Law, or fails to perform their inspection or reporting obligations, the relevant authorities shall impose a fine between RMB2,000 and RMB 50,000 according to their respective duties and responsibilities, and, if serious consequences are caused, order suspension of operations for correction and revocation of its license by the original issuer.

Article 91 Where anyone or organization engages in food transportation activities in violation of this Law, the relevant authorities shall order immediate correction and give a warning; if correction is refused, order suspension of operations for correction and impose a fine between RMB 20,000 and RMB 50,000 according to their respective duties and responsibilities; and in serious circumstances, order revocation of its license by the original issuing department.

Article 92 For any organization whose license for food production, distribution or catering service has been revoked of, the direct responsible manager shall not be permitted for management of food production and/or trading activities within 5 years after the punishment.

If any organization for food production/trading engages any person not permitted for management of food production and/or trading activities, the license shall be revoked by the original issuing authority.

Article 93 If any food inspection agency or personnel issues false inspection reports in violation of this Law, the original authorities or institution granting its qualification shall revoke its certificate of qualification. The manager and personnel directly responsible shall be removed from office or dismissed.

Any food inspection personnel issuing false inspection reports in violation of this Law shall, if he/she has been subject to criminal prosecution or removed from office or dismissed, be prohibited from any food inspection work within ten (10) years thereafter. Any food inspection agency employing any person prohibited from food inspection work will be subject to revocation of its certificate of qualification by the original authorities or institution granting its qualification.

Article 94 Any advertising containing false publicity to cheat the consumers in violation of the Law shall result in punishment according to Advertising Law of the People's Republic of China.

Any food safety regulatory authorities or institution for food inspection, food industry association, or consumer association, when recommending any food to consumers via advertising or other forms, in violation of the Law, shall be subject to confiscation of the illegal benefits by the relevant authorities, and the manager and other personnel directly responsible shall be given the punishment of recording a special demerit, demotion or removal from the office.

Article 95 If any local people's government at the county or above level fails to perform its duties pursuant to this Law in the course of supervising and administrating food safety, and food safety incidents occur with serious impact on society, both the government officials that bear responsibility and the executives directly responsible shall be punished by recording a special demerit against them or demoting or removing them from office.

If the administrative department at the county or above level for health, agriculture, quality supervision,

industry and commerce, food and drug, or other executive branches of the government fail to perform their duties under this Law, or abuse their authority, engage in self-seeking misconduct and cause serious consequences, the authorities for supervision or appointment and dismissal shall punish the people chiefly responsible, the people directly in charge and other people directly responsible by recording a special demerit or demotion; if serious consequences are caused, the people chiefly responsible, the people directly in charge and other people directly responsible shall be removed from office or dismissed; the chief principal shall acknowledge the blame and resign.

Article 96 Anyone in violation of this Law causing personal or property damage or other damages shall be liable for compensation.

When any manufacturer produces any food not conforming to the food safety standards or sells any food knowing its nonconformity with the food safety standards, the customer can demand the manufacturer or the seller to pay a penalty 10 times of the paid amount, in addition to the compensation for the loss thereof.

Article 97 Anyone in violation of this Law shall be liable for civil compensation and payment of penalties and fines, and when the assets are not sufficient for payment, the civil compensation shall be executed first.

Article 98 Anyone in violation of this Law shall, if the crime is committed, be subject to criminal prosecution.

Chapter 10: Supplementary Provisions

Article 99 For the purpose of this Law, the following terms shall have the meaning defined hereunder:

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

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

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, colour, fragrance, flavour of food, and used to add to the food or put together with the food for corrosion proof, keeping fresh or processing technology requirements.

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

Food Tools and Devices mean machines, pipes, conveyer belts, containers, appliances, tableware and

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

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

Shelf Life means the period prior to the “best before” date when the pre-packaged food remains in good quality under the storage conditions indicated on the label.

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

Food Poisoning means acute, sub-acute or other food-borne diseases that are caused by eating food contaminated by or containing poisonous or hazardous substances.

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

Article 100 If the food producer or trader has received the relevant license before the execution of this Law, such a license shall remain valid until expiration thereof.

Article 101 The food safety administration for dairy products, genetically modified foods, pig slaughtering, wines and common salt shall be in accordance with this Law; when there is separate regulations, such regulations shall apply.

Article 102 The measures for administration of food safety in the railway operations shall be developed by the health administration authorities under the State Council together with other relevant departments of the State Council.

The measures for administration of food safety of the special foods and self-supplied foods in the army shall be developed by the Central Military Committee according to the Law.

Article 103 The State Council can make adjustments of the supervision and administration system for food safety according to the actual requirements.

Article 104 This Law shall enter into force on June 1, 2009 and the Law of the People’s Republic of China on Food Hygiene shall be abolished.