

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

Voluntary - Public

**Date:** 5/5/2010

**GAIN Report Number:** CH10021

## China - Peoples Republic of

**Post:** Beijing

### Labeling of Prepackaged Foods

**Report Categories:**

FAIRS Subject Report

**Approved By:**

Michael Woolsey

**Prepared By:**

Mark Petry and Wu Bugang

**Report Highlights:**

On April 21, 2010, China notified the WTO of the "National Food Safety Standard for the Labeling of Prepackaged Foods" as TBT/N/CHN/733. This measure "prescribes the basic requirements for the labeling of pre-packaged foods." The date for submission of final comments to the WTO is June 21, 2010. The proposed date of entry is not determined.

## **General Information:**

### **Summary**

On April 21, 2010, China notified the WTO of the "National Food Safety Standard for the Labeling of Prepackaged Foods" as TBT/N/CHN/733. This "standard prescribes the basic requirements for the labeling of pre-packaged foods. It applies to the labeling of all pre-packaged foods directly or indirectly offered to consumers. This standard does not apply to the labeling of food package for transportation or marking of food in bulk". The date for submission of final comments to the WTO is June 21, 2010. The proposed date of entry is not determined.

Thanks go to the Embassy of New Zealand in China for assistance with translating this measure.

This report contains an UNOFFICIAL translation of National Food Safety Standard for the Labeling of Prepackaged Foods.

BEGIN TRANSLATION

## **Standard for the labeling of prepackaged foods**

### **1. Scope**

This standard prescribes the followings: basic requirements for the labeling of prepackaged foods, applied to the labeling of prepackaged foods to be offered directly or indirectly as such to consumers.

This standard is not applied to the labeling of foods in bulk or food packaged for transportation.

### **2 Normative references**

The references are necessary for the application of this standard. For dated references, only the dated edition of the normative referred to applies. For undated references, the latest edition of the normative document referred to applies.

### **3 Terms and definitions**

The following terminologies and definitions shall apply in this standard.

### **3.1 Prepackaged Food**

Prepackaged foods means foods prepackaged or made up in advance with a measured quantity in a container, including: 1) prepackaged foods ready for direct offer to the consumer; 2) prepackaged foods for indirect offer to the consumer.

### **3.2 Food Packaged for Transportation**

Food packaged for transportation means a package for product protection during transportation and the content of the label is for the sake of storage and transportation.

### **3.3 Food in Bulk**

Food in bulk means the food direct offer to the consumer with package or without, the distribution unit of which is not predefined, and the price of which is made by basic measure unit. Food in Bulk excludes fresh fruits, vegetables and grain which need to produce after washing, also excludes frozen livestock and aquatic products, etc.

### **3.4 Food Label**

Food label means any words, images, marks or other descriptive matter on the package or the container of food.

### **3.5 Ingredients**

Ingredient means any substance (not including processing aid), including food additive, used in the manufacture or preparation of a food and present in the final product although possibly in a modified form.

### **3.6 Date of Manufacture**

Date of package means the date on which the food becomes the final product.

### **3.7 Date of Minimum Durability (Best Before)**

Date of minimum durability (best before date) means the date which signifies the end of the period under any stated storage conditions on the label of the prepackaged food during which the quality of the product will be maintained and the product will remain fully marketable and retain any specific qualities for which tacit or express claims have been made.

### **3.8 Configuration**

Configuration means the descriptions of the relationship between total net weight and units when prepackaged food contains more than one prepackaged foods.

## **4 Basic requirements**

4.1 The labeling of prepackaged food shall be in accordance with the requirements of the state laws and regulations, and the related food safety standard.

4.2 The labeling of prepackaged food shall be clear, prominent, indelible and readily legible.

4.3 The labeling of prepackaged food shall be easily understood by the public, precise and supported by scientific evidence. Any indications, which are superstitious, pornographic, debasing other products, or unscientific, shall be prohibited.

4.4 The labeling of prepackaged food shall not be described or presented in a manner that is false, misleading or deceptive; or is likely to create an erroneous impression by means of different word size or color contrast.

4.5 The labeling of prepackaged food shall not be described or presented by words, images or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food or its certain property might be confused.

4.6 Labels in prepackaged foods shall be applied in such a manner that they cannot become separated from the container.

4.7 The words used on the label of the prepackaged food shall be in normal Chinese characters, which does not include registered trademark. Artistic characters of different kinds used for decorating must be written correctly and readily legible, including handwriting characters, artistic characters, anamorphosis character, seal characters, clerical script, and cursive style of

calligraphy and so on.

4.7.1 In addition to Chinese characters, the Chinese pinyin and/or languages of minority ethnic groups may also be used on the label of prepackaged food, but the size of words shall not be larger than the corresponding Chinese characters.

4.7.2 In addition to Chinese characters, foreign languages may also be used corresponding to the Chinese characters (except the name and address of the manufacturer of the imported food; the name and address of the overseas distributor; and website address). The foreign letters shall not be larger than the corresponding Chinese characters (except for registered trademarks).

4.8 Where the largest surfaces area of a package (container) of prepackaged food is more than 35 cm<sup>2</sup>, the minimum size of the words, symbols and numerals in the mandatory labeling information shall not be less than 1.8 mm in height. (The method of calculation for the largest surfaces area is referred to appendix A)

4.9 Where through an outer wrapper, the whole or part of the mandatory labeling information can be clearly distinguished in the inner package (or container), or the outer wrapper is readily opened for labeling information distinguished, the same labeling information may not be repeated on the outer wrapper.

4.10 Where the inner package (container) is covered by an outer wrapper as selling unite for direct delivery to consumers, and the inner package (container) is not a selling unite, the mandatory labeling information may only be indicated on the outer wrapper.

## **5 Labeling information**

### **5.1 Labeling information of prepackaged food for direct delivery to consumers**

#### **5.1.1 The name of the food**

5.1.1.1 The specific name of the food shall be presented in the prominent place of the label, and shall clearly indicate the true nature of the food.

5.1.1.1.1 Where a name or several names have been established in respect of a certain food under a national, trade, or local standard, one of these names or an equivalent name shall be

selected for use.

5.1.1.1.2 In the absence of any such name, either a common or usual name which is not misleading or confusing to the consumer shall be used.

5.1.1.2 A "coined", "fanciful", "transliterated", "brand" name, "folk" name or "trade mark" may be used, provided it in the same display panel one of the names provided in Section 5.1.1.1.

5.1.1.2.1 When a "coined", "fanciful", "transliterated", "brand" name, "folk" name or "trade mark" contains misleading words or terminologies, a specific name which indicates the true nature of the food in the same word size, shall be used in close proximity to this name.

5.1.1.2.2 When a specific name, which indicates the true nature of the food, is misleading as to the nature of the food due to the different size of the words, the same word size shall also be used to indicate the specific name.

5.1.1.3 There shall appear on the label either before or after the name of the food, such additional words or phrases as necessary to avoid misleading or confusing the consumer in regard to the true nature, physical condition of the food, or method of preparation of the food; for example dried, concentrated, reconstituted, smoked, fried, powdery, granular.

## **5.1.2 List of ingredients**

5.1.21 A list of ingredients of the prepackaged food shall be declared on the label.

5.1.2.1.1 The list of ingredients shall bear the title of "Ingredients" or "List of ingredients".

5.1.2.1.2 All ingredients shall be listed in descending order of their weights added in the process of manufacture or preparation of the food; those ingredients constituting less than 2% of the food may not be listed in descending order.

5.1.2.1.3 Where an ingredient is itself the product of two or more ingredients, such a compound ingredient may be declared, as such, in the list of ingredients, provided that it is immediately accompanied by a list, in brackets, of its primary ingredients in descending order of proportion. Where a compound ingredient (for which a name has been established in a national, trade or provincial standard) constitutes less than 25% of the food, its primary ingredients need

not be declared.

The food additives in ingredients in accordance with GB2760, which do not serve a technological function in the finished product, need not be declared.

5.1.2.1.4 Water added during preparation or processing of the food shall be declared in the table of ingredients. Water or other volatile ingredients evaporated in the course of manufacture need not be declared.

5.1.2.1.5 The edible package shall also be declared in the table of ingredients, for example, edible capsule, edible paper of candies.

5.1.2.2 A specific name shall be used for ingredients in accordance with Section 5.1.1 except for the following situations.

5.1.2.2.1 The names of food additives shall be declared in general names in accordance with GB2760, except for nutrition fortifier, edible flavors and gum base for chewing gum. When two or more additives are used in a food, their class name shall be declared, followed by, in brackets, the specific names shall be declared, for example: colorants (tumeric yellow, allura red AC, rosa laevigata michx brown) and so on . (refer to appendix B)

5.1.2.2.2 The food additives may be declared in the position of the ingredients list as one of the following forms. (refer to appendix B)

Form 1: considering with other ingredients, declare as requirements in Section 5.1.2.1.2 and Section 5.1.2.1.3.

Form 2: establish the item of food additives in ingredients list, and in this item all the food additives directly used in the food shall be declared, the position of this item is depended on the total weight of the food additives added. Nutrition fortifier, edible flavors and gum base for chewing gum may not be declared in the item of food additives, while in the ingredients list. The food additives in compound ingredients shall be declared as the requirements in Section 5.1.2.1.3.

5.1.2.2.3 The following ingredients may be declared in accordance with the class names as stated in Table 1.

Table 1

Ingredient classes	Names
Vegetable oils or refined vegetable oils,  other than olive oil	"oil" together with either the term "vegetable", or "refined", qualified by the term "hydrogenated" or "partially-hydrogenated", as appropriate
Starches, other than chemically modified starches	"starch"
All spices and spice extracts not exceeding 6% by weight either singly or in combination in the food	"spice", "spices" or "mixed spices", as appropriate
All seasonings not exceeding 6% by weight in the food	"seasoning"
Dairy product, the minimum content of protein in it is 50% on dry matter basis	"milk protein"
All types of gum preparations used in the manufacture of gum base for chewing gum	"gum base"
All preserved fruits not exceeding 10% of the weight of the food	"preserved fruit"

5.1.2.2.4 The following food and product may bring response of allergy, and readily legible name should be declared in the ingredient list or prompt accompanied with the ingredient list.

- Grain and its product containing gluten protein: for example wheat, rye, barley, spelt or their

crossbreeding products.

- Crustacean animal and its products: for example shrimp, lobster, crab and so on
- Egg and its products
- Peanut and its products
- Soybean and its products
- Milk and dairy products (including lactose)
- Nut and its products

5.1.2.2.5 If the food or its product in Section 5.1.2.2.4 may be introduced during processing, it shall be declared near the ingredient list.

5.1.2.3 If the raw materials used in the preparation process are converted into other ingredients (refers to the fermented products such as wine, soy sauce, vinegar), the “raw materials” or “raw materials and supplementary materials” may be used to substitute “ingredients” and “ingredients list”, and the various raw materials, supplementary materials, and food additives shall be listed in accordance with Section 5.1.2.1 and Section 5.1.2.2.

5.1.2.4 The processing aids used in preparation and processing of the foods need not be indicated in the list of ingredients.

### **5.1.3 Quantitative labeling of the ingredients**

5.1.3.1 Where the labeling of a food places special emphasis on the presence of or adding one or more valuable and/or characterizing ingredients or components, the percentage of the emphasized ingredients added at the time of manufacture or the content of the emphasized components shall be declared.

5.1.3.2 Similarly, where the labeling of a food places special emphasis on the low content of one or more ingredients or components, the percentage of the emphasized ingredient or component in the final product shall be declared.

5.1.3.3 A reference in the name of a food to a particular ingredient or component shall not of itself constitute the placing of special emphasis. A reference in the labeling of a food to an ingredient used in a small quantity and only for flavoring purpose shall not of itself constitute the placing of special emphasis.

#### **5.1.4 Net Weight and Configuration**

5.1.4.1 The net weight declaration shall be expressed using net weight, numerals and the official unit of measurement. (refer to appendix B)

5.1.4.2 The net weight of the packaged food shall be declared in accordance with the official unit of measurement, in the following manner:

- a. For liquid foods, by volume – L (l) or mL (ml);
- b. For solid foods, by weight – g or kg;
- c. For semi-solid or viscous foods, either by weight or volume.

5.1.4.3 The unit of measurement for net weight shall be declared in accordance with Table 2.

Table 2

Measurement method	Range of net weight Q	Unit of measurement
Volume	Q < 1000 mL Q ≥ 1000 mL	mL (ml) L (l)
Weight	Q < 1000 g Q ≥ 1000 g	g kg

5.1.4.4 The minimum font size of net weight declaration shall be in accordance with Table 3.

Table 3

Range of net weight Q	Minimum height of font / mm
$Q \leq 50 \text{ mL}; Q \leq 50\text{g}$	2
$50 \text{ mL} < Q \leq 200 \text{ mL}; 50 \text{ g} < Q \leq 200\text{g}$	3
$200 \text{ mL} < Q \leq 1\text{L}; 200 \text{ g} < Q \leq 1 \text{ kg}$	4
$Q > 1 \text{ kg}; Q > 1 \text{ L}$	6

5.1.4.5 The net weight and the name of the food shall be presented in the same display panel of the package (container).

5.1.4.6 In the case of a solid food packed in a liquid medium, the solid food is the main ingredient, in addition to the declaration of net contents, the drained (solid) contents shall also be declared, in weight or percentage. (refer to appendix B)

5.1.4.7 For prepackaged food containing small units of prepackaged food, in addition to the declaration of net weight, the configuration shall also be declared on the outer package, except for those the inner pack does not be sold as individual units, for example, bits of candies, packets of cookies, pouches of succade and so on. The declaration of configuration consists of net weight of the prepackaged food and the number of inner individual food units, or only the number of inner individual food units, the word "configuration" may not be declared. For prepackaged food with no inner packs, the configuration means net weight. (refer to appendix B)

#### **5.1.5 Name, address and contact information of the manufacturer and distributor**

5.1.5.1 The registered name and address of the manufacturer, packer or distributor shall be declared, whereas in the circumstances, the labeling shall be made according to the following requirement.

5.1.5.1.1 Any group company or its branch office (subsidiary) which by law bears independent statutory responsibilities shall have their respective name and address declared separately.

5.1.5.1.2 Any branch office (subsidiary) or production facility of a group company which by law does not bear independent statutory responsibilities may have the names and addresses of the group company and its branch office (production facility) declared; or may only have the name and address of the group company declared.

5.1.5.1.3 In the case of contract packer authorized to produce the prepackaged food but is not responsible for the sale and marketing of the product, the name and address of the company that authorizes the contract packer shall be declared.

5.1.5.2 The contact information of manufacturer or distributor which by law bears independent statutory responsibilities shall be declared including at least one item in the following: telephone number, fax number, sales hotline, contact information on web and so on, or post address declared accompanied with address.

5.1.5.3 For imported prepackaged food, the country or region (Hong Kong, Macao or Taiwan) of origin, and the name, address and contact information of the agent, importer or distributor registered in the People's Republic of China, shall be declared. The declaration of name, address and contact information of the manufacturer shall be exempt.

#### **5.1.6 Date marking**

5.1.6.1 The date of manufacture and the date of minimum durability shall be clearly declared. Where the date is indicated by making reference to a specific place of the package, this specific place of the package shall be indicated. There shall be no pasted – over, supplement, or amendment to the declared date. (refer to appendix B)

5.1.6.2 For individually wrapped and prepackaged food units contained in the same large prepackage, the date of minimum durability declared on the large prepackage shall be calculated by the earliest date of minimum durability of the individually wrapped and prepackaged food unit; the date of manufacture declared on the large prepackage shall be calculated by the earliest date of manufacture of the individually wrapped and prepackaged food unit or the date of the large

prepackage made into selling unit; or the date of manufacture and the date of minimum durability of the individually wrapped and prepackaged food units shall be declared separately on the large prepackage.

5.1.6.3 The date coding shall be marked in the sequence of the year, month and day, otherwise the order of the date coding shall be declared. (refer to appendix B)

#### **5.1.7 Conditions for the storage**

Any special conditions for the storage of the food shall be declared on the label. (Refer to appendix B)

#### **5.1.8 Food production license number**

For the prepackaged food which need to claim the food production license number (exclude imported prepackaged food), the declared form shall be in accordance with the relevant regulations.

#### **5.1.9 Code of the product standard**

The code and the order number of the national standard, trade standard, local standard or registered enterprise standard of the prepackaged food which is domestically produced and distributed (exclude imported prepackaged food) shall be declared.

#### **5.1.10 Other mandatory labeling information**

##### **5.1.10.1 Irradiated foods**

5.1.10.1.1 The label of a food which has been treated with ionizing radiation shall be marked "irradiated food" in close proximity to the name of the food.

5.1.10.1.2 Any ingredient which has been treated with ionizing radiation shall be declared in the table of ingredients.

##### **5.1.10.2 Genetically modified foods**

The labeling of the genetically modified foods shall be made in accordance with the regulations of

the related laws and rules.

## **5.2 Labeling information of prepackaged food distributed to the consumers indirectly**

The name, configuration, net weight, date of manufacture, date of minimum durability and conditions for the storage of prepackaged food distributed to the consumers indirectly shall be declared on the label in accordance with the requirements as Section 5.1, and other information not declared on the label shall be declared in the specification or contract.

## **5.3 Exemptions from labeling information**

5.3.1 The following prepackaged foods can be exempted from declaring the date of minimum durability:

Alcoholic beverages in which the alcohol content is 10% or over, where vinegar, salt, and sugar is in solid form or monosodium glutamate.

5.3.2 For prepackaged food, if the package or container of prepackaged food whose largest surface area is less than 10 cm<sup>2</sup>, the name of the product, net weight and the name and address of the manufacturer or distributor may only be declared. For imported prepackaged food, the name of the country or region (Hong Kong, Macao and Taiwan) of origin; and the name and address of the agent, importer or distributor registered in the People's Republic of China shall be declared. (The method of calculation for the largest surface area is referred to appendix A)

## **5.4 Non-mandatory labeling information**

### **5.4.1 Batch identification**

The batch number of the product identification may be declared if necessary.

### **5.4.2 Instructions for use**

Instructions for use, like opening method, consumption method, intake amount per day/per meal, preparation method, method of reconstitution and other instructions which are helpful for consumers may be declared if necessary.

## 6. Others

Appendix A of this standard is a normative appendix and Appendix B is informative appendix.

This standard issued and implemented replaces GB 7718-2004 "General standard for the labeling of prepackaged food".

### Appendix A

(Normative)

Method of calculation for the largest surface area of package (container)

#### A.1 Method of calculation for rectangular package (container)

In the case of a rectangular package (container), the product of the height (cm) of the side with the largest area times the width (cm) of that side.

#### A.2 Method of calculation for cylindrical or nearly cylindrical package (container)

In the case of a cylindrical or nearly cylindrical package (container), 40 percent of the product of the height (cm) of the container times the circumference (cm).

#### A.3 In the case of any otherwise shaped package (container), 40 percent of the total surface of the package (container).

If the package (container) presents an obvious "principal display panel", the area of this "principal display panel" shall be used as the largest surface area.

Note: For package bag and so on, when determining the surface area, the area of seal shall be excluded. In the case of bottle- shaped or can-shaped, when determining the surface area, the shoulders, necks, and the flanges at the tops and bottoms are excluded.

## **Appendix B**

(Informative)

Recommendatory form of the partial items declared on the label

Recommendatory forms of the partial items on the label are in this appendix for datum.

Relevant items may be declared in recommendatory forms. In the case of adjusted according to the character of food or package, the recommendatory form shall be in accordance with basic meaning of recommendatory form, and shall be readily legible.

### **B.1 Food additives declared in the list of ingredients**

B.1.1 The food additives without added directly and only in the compound ingredients, the labeling information of the same food can be declared in one of the following manners:

List of ingredients: compound ingredients (ingredient 1, ingredient 2, food additive 1, ingredient 3, food additive 2, ingredient 4, ingredient 5, food flavor)

B.1.2 Only food additives added directly, the labeling information of the same food can be declared in one of the following manners:

Form 1: List of ingredients: ingredient 1, ingredient 2, ingredient 3, food additive 1, ingredient 4, food additive 2, ingredient 5, food flavor

Form 2: List of ingredients: ingredient 1, ingredient 2, ingredient 3, food additive food additive1, food additive 2), ingredient 4, ingredient 5, food flavor

B.1.3 the food additives added directly and also in the compound ingredient, the labeling information of the same food can be declared in one of the following manners:

Form 1: List of ingredients: compound ingredient (ingredient 1, ingredient 2, food additive1, ingredient 3, food additive 2), ingredient 4, ingredient 5, food additive 3, ingredient 6, food

additive 4, food flavor

Form 2: List of ingredient: compound ingredient (ingredient 1, ingredient 2, food additive 1, ingredient 3, food additive 2), ingredient 4, ingredient 5, food additive (food additive 3, food additive 4), ingredient 6, food flavor

(Note: the name of the food additive does not include method of its manufacture)

## B.2 labeling information of net weight and configuration

B.2.1 the net weight of individual prepackaged food may be declared in one of the following manners:

net weight: 450g

net weight 450g

net weight/configuration: 450g

net weight: 225g (200g + largest 25g)

net weight: 200g + largest 25g

net weight: 200g + 25g

net weight: (200 + 25) g

B.2.2 net weight and drained contents (solid) may be declared in one of the following manners (for example canned pear in syrup):

net weight: 425g      drained content (or solid or pear slices): not less than 255g (or not less than 60%)

net weight: 425g

drained content (or solid or pear slices): not less than 255g (or not less than 60%)

B.2.3 For individually wrapped and identical or different kind of prepackaged food units with

identical net weights contained in the same large prepackage, the net weight and configuration may be declared in one of the following manners:

net weight: 200g (5×40g);

net weight: 200g (40g×5);

net weight: 200g (5units);

net weight/configuration:200g (5×40g);

net weight/configuration:200g (40g×5);

net weight/configuration:200g (5units);

net weight:200g      configuration:5×40g;

net weight:200g      configuration:40g×5;

net weight:200g      configuration:5units;

net weight:200g (product A 40g×3, product B 40g×2);

net weight: 200g (40g×3, 40g×2);

B.2.4 For individually wrapped and identical or different kind of prepackaged food units with different net weights contained in the same large prepackage, the net weight and configuration may be declared in one of the following manners:

net weight: 200g (100g + 50g×2);

net weight: 200g (80g×2 + 40g);

net weight/configuration:200g (100g + 50g×2);

net weight/configuration:200g (80g×2 + 40g);

net weight:200g configuration:100g + 50g×2;

net weight:200g configuration:80g×2 + 40g;

net weight:100g product A, 50g×2 product B, 50g product C;

net weight: product A:100g, product B:50g×2, product C:50g;

net weight/configuration:100g (product A), 50g×2 (product B), 50g (product C);

net weight/configuration: product A 100g, product B 50g×2, product C 50g;

### B.3 date coding:

2010 年 3 月 20 日;

2010 03 20; 2010/03/20; 20100320;

(note: separated by space, separated by diagonal, hyphen, full stop and so on, or not separated);

20 日 3 月 2010 年;3 月 20 日 2010 年;

(month/day/year) :03 20 2010; 03/20/2010; 03202010;

( (note: separated by space, separated by diagonal, hyphen, full stop and so on, or not separate)

The year shall be marked in a four digit number, and a two digit number may be used for small package. The month and day shall be marked in a two digit number.

### B.4 The date of minimum durability shall be declared in one of the following manners:

“best before...”

“the date of minimum durability up to...”

“the date of minimum durability of ... months” (days, weeks, or years)

### B.5 The conditions of storage shall be declared in one of the following manners:

The conditions of storage shall be titled as "conditions of storage", "method of storage" and so on, or without title. The conditions of storage shall be declared in one of the following manners:

Preserved in normal temperature

Preserved at  $\times\times - \times\times$  °C

Preserve at freezing temperatures;

Preserve at cold temperatures;

Preserved away from light;

Preserved in cool and dry conditions;

Preserved at normal temperature, refrigeration after opened;

temperature:  $\times\times$  °C; humidity:  $\times\times$  %

END TRANSLATION