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### **Food Safety Law Draft for Comment (Compared with the 2009 Food Safety Law)**

**Report Categories:**

Policy and Program Announcements

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**Report Highlights:**

On October 29, 2013, China Food and Drug Administration (CFDA) released the Food Safety Law (Draft for Review) to the State Council. The deadline for submitting comments is November 29, 2013.

Stakeholders are invited to submit comments on the Draft Law via three channels:

1. Visit the website <http://www.chinalaw.gov.cn>, submit comments through the “Comment Collection System” on right side of the screen;
2. Send comments to “No.2067 Mail Box, Beijing” (Postcode 100035); please indicate “Comments on the Food Safety Law” on the envelop;
3. Send comments via email to [spaq@chinalaw.gov.cn](mailto:spaq@chinalaw.gov.cn).

This report provides an unofficial translation of the Draft Food Safety Law and compares it with the 2009 Food Safety Law.

**General Information:**

Comparison between Amended Draft and Current Provisions  
—Food Safety Law of the People’s Republic of China

Original (2009 Food Safety Law)	Amended
Chapter 1: General Provisions	Chapter 1: General Provisions
Article 1 This Law is formulated to assure food safety and safeguard people's health and life.	Article 1 This Law is formulated to assure food safety and safeguard people's health and life.
<p>Article 2 The following business activities carried out within the territory of the People's Republic of China shall abide by this law:</p> <p>1) Food production and processing (hereinafter referred to as “Food Production”); food distribution and catering service (hereinafter referred to as “Food Trading”);</p> <p>2) Production and trading of food additives;</p> <p>3) Production and trading of packing materials, vessels, detergents and disinfectants for food, as well as utensils and equipment used in food production and trading (hereafter referred to as “Food-Related Products”);</p> <p>4) Food additives and food-related products used by food producers and traders;</p> <p>5) Safety management of food, food additives and food-related products.</p> <p>The quality and safety management of primary agricultural products for consumption (hereinafter referred to as “Edible Agricultural Products”) shall abide by the Law of the People’s Republic of China on Quality and Safety of Agricultural Products. However, this Law must be observed when developing quality and safety standards and releasing food safety information on edible agricultural products.</p>	<p>Article 2 The following business activities carried out within the territory of the People's Republic of China shall abide by this law:</p> <p>1) Food production and processing (hereinafter referred to as “Food Production”); food distribution and catering service (hereinafter referred to as “Food Trading”);</p> <p>2) Production and trading of food additives;</p> <p>3) Production and trading of packing materials, vessels, detergents and disinfectants for food, as well as utensils and equipment used in food production and trading (hereafter referred to as “Food-Related Products”);</p> <p>4) Food additives and food-related products used by food producers and traders;</p> <p>5) Safety management of food, food additives and food-related products.</p> <p>The quality and safety management of primary agricultural products for consumption (hereinafter referred to as “Edible Agricultural Products”) shall abide by the Law of the People’s Republic of China on Quality and Safety of Agricultural Products. However, this Law must be observed if <b>it is otherwise provided for in this law.</b></p>
	Article 3 <b>Food safety regulatory work shall abide by the principles of “putting prevention first, risk management, whole-process control, and making efforts by the whole society”.</b>
Article 3 Food producers and traders shall strictly follow relevant laws, regulations and food safety standards in their business activities, be responsible for the public, ensure the food safety, receive the supervision of the public, and bear the social responsibility.	Article 4 Food producers and traders <b>are the first persons responsible for food safety,</b> shall strictly follow relevant laws, regulations and food safety standards in their business activities, <b>be honest and self-disciplined,</b> be responsible for the public, ensure the food safety, receive the supervision of the public,

	and bear the social responsibility.
<p>Article 4 The State Council shall establish a Food Safety Committee whose responsibilities will be determined by the State Council. The executive department of health under the State Council is responsible for the overall food safety coordination, risk assessment of food safety, formulation of food safety standards, release of food safety information, development of accreditation criteria for food testing agencies and testing specifications, and the organization of investigation of and response to major food safety accidents. The regulatory departments for quality supervision, industry and commerce administration, and food and drug administration under the State Council shall regulate food production, food distribution, and catering service, respectively, in accordance with this law and the responsibilities identified by the State Council.</p>	<p>Article 5 The State Council shall establish a Food Safety Committee whose responsibilities will be determined by the State Council.</p> <p><b>The Food and Drug Regulatory Department under State Council, in accordance with this law and the responsibilities identified by the State Council, is responsible for the overall food safety coordination, and responsible for regulating food production and trading activities.</b></p> <p><b>The Health Administrative Department under State Council, in accordance with this law and the responsibilities identified by the State Council, is responsible for risk assessment of food safety and formulation of food safety standards.</b></p> <p><b>The Quality Supervision, Inspection and Quarantine Department under State Council, in accordance with this law and the responsibilities identified by the State Council, is responsible for regulating food-related production activities and food import and export activities.</b></p> <p><b>The Public Security Department under the State Council, in accordance with this law and the responsibilities identified by the State Council, is responsible for organizing the investigation work of food safety crime cases.</b></p> <p><b>Other departments related to food safety work under the State Council, shall perform their corresponding duties in accordance with this law and relevant provisions of the State Council.</b></p>
<p>Article 5 Local people's governments at and above the county level shall take integrated responsibility, leadership, organization, and coordination roles in regulating food safety within their jurisdiction and shall establish and hone a mechanism on the regulation of food safety during the whole food chain; take the integrated leadership and guidance role in dealing with food safety emergencies; develop and enforce a food safety accountability system that evaluates and examines the regulatory agencies related to food safety. The local People's Government at the county level or above shall define the regulatory</p>	<p>Article 6 Local people's governments at and above the county level shall take integrated responsibility, leadership, organization, and coordination roles in regulating food safety within their jurisdiction and shall establish and hone a mechanism on the regulation of food safety during the whole food chain; <b>incorporate food safety work into the local economic and social development plan; enhance food safety regulation capacity building, and provide guarantees for food safety regulation work;</b> take the integrated leadership and guidance role in dealing with food safety emergencies; develop and enforce</p>

<p>responsibilities relating to food safety for the executive departments on health, agriculture, quality supervision, industry and commerce, and food and drug administration in accordance with this Law and the State Council regulations. The relevant departments shall be responsible for the regulatory work on food safety within their respective jurisdiction.</p> <p>Agencies that are established by subordinate administrative divisions of a higher level government and are located in a lower level administrative region shall carry out the regulatory responsibilities of food safety under the integrated organization and coordination of the lower level government.</p>	<p>a food safety accountability system, and evaluate and examine food safety <b>work</b>. The local People's Government at the county level or above shall define the regulatory responsibilities relating to food safety for the executive departments at their own levels on <b>food and drug administration, quality supervision, inspection and quarantine, agriculture, and health</b> in accordance with this Law and the State Council regulations. The relevant departments shall be responsible for the regulatory work on food safety within their respective jurisdiction.</p> <p>Agencies that are established by subordinate administrative divisions of a higher level government and are located in a lower level administrative region shall carry out the regulatory responsibilities of food safety under the integrated organization and coordination of the lower level government.</p> <p><b>County-level food and drug regulatory departments can establish food and drug regulatory resident agencies in townships or districts.</b></p> <p><b>Township people's government and community offices are responsible for food safety work in their own districts, and responsible for works such as organizing food safety hidden hazards screening, information reporting, law enforcement assistance, publicity and public education.</b></p>
<p>Article 6 The administrative departments of health, agriculture, quality supervision, industry and commerce, and food and drug administration at the county level or above shall enhance communication, coordination, exercise the rights and bear the responsibilities in accordance with their respective duties.</p>	<p>Article 7 <b>Food safety administrative departments and other departments related to food safety work</b> at the county level or above shall enhance communication, coordination, exercise the rights and bear the responsibilities in accordance with their respective duties.</p>
<p>Article 7 Food industry associations shall tighten the self-discipline of the industry, and guide food producers and traders to produce and trade according to law, facilitate the construction of industry creditability, and publicize and spread knowledge related to food safety.</p>	<p>Article 8 Food industry associations shall tighten the self-discipline of the industry, and guide food producers and traders to produce and trade according to law, facilitate the construction of industry creditability, and publicize and spread knowledge related to food safety.</p>
<p>Article 8 The State encourages social and community groups to conduct educational activities regarding food safety laws and regulations, food safety standards and knowledge, to advocate healthy diets, and to</p>	<p>Article 9 <b>The State incorporates food safety knowledge into national quality education, popularizes food safety laws, regulations, and relevant standards and knowledge, and carries out food safety public</b></p>

<p>raise consumers' food safety awareness and self-protection ability.</p> <p>The media shall publicize food safety laws, regulations, standards and knowledge for free and provide public oversight on acts that violate the Law.</p>	<p><b>awareness advocacy.</b></p> <p>The State encourages social and community groups to conduct educational activities regarding food safety laws and regulations, food safety standards and knowledge, to advocate healthy diets, and to raise consumers' food safety awareness and self-protection ability.</p> <p>The media shall publicize food safety laws, regulations, standards and knowledge for free, <b>report food safety issues in an objective and just manner</b>, and provide public oversight on acts that violate the Law.</p>
<p>Article 9 The State encourages and supports basic and applied research related to food safety and encourages and supports food producers and traders to adopt advanced technologies and management practices for the sake of enhanced food safety.</p>	<p>Article 10 The State encourages and supports basic and applied research related to food safety and encourages and supports food producers and traders to adopt advanced technologies and management practices for the sake of enhanced food safety.</p>
<p>Article 10 Any organization or individual has the right to report any act during food production and trade that violates this Law and has the right to inquire food safety information from relevant agencies and provide comments and suggestions about food safety regulation.</p>	<p>Article 11 Any organization or individual has the right to report any act during food production and trade that violates this Law and has the right to inquire food safety information from relevant agencies and provide comments and suggestions about food safety regulation.</p>
<p><b>Chapter 2: Surveillance and Assessment of Food Safety Risks</b></p>	<p><b>Chapter 2: Surveillance, Assessment and Communication of Food Safety Risks</b></p>
<p>Article 11 A national surveillance system for food safety risks shall be established to monitor food-borne diseases, food contamination and other food-related hazards. The executive department of health under the State Council, in conjunction with other relevant departments of the State Council, shall formulate and enforce a national surveillance plan on food safety risks. The executive departments of health at the people's governments of provinces, autonomous regions and municipalities directly under the central government shall formulate and enforce surveillance plans on food safety risks within their respective jurisdiction in accordance with the national surveillance plan on food safety risks and taking into account regional particularities.</p>	<p>Article 12 A national surveillance system for food safety risks shall be established to monitor food-borne diseases, food contamination and other food-related hazards. The executive department of health under the State Council, in conjunction with <b>food and drug regulatory department and other departments under the State Council</b>, shall formulate and enforce a national surveillance plan on food safety risks. The executive departments of health at the people's governments of provinces, autonomous regions and municipalities directly under the central government, <b>in conjunction with food and drug regulatory departments and other departments at the same level</b>, shall formulate and enforce surveillance plans on food safety risks within their respective jurisdiction in accordance with the national surveillance plan on food safety risks and taking into account regional particularities.</p>
<p>Article 12 The executive departments on</p>	<p>Article 13 <b>The food and drug regulatory</b></p>

<p>agriculture, quality supervision, industry and commerce, and food and drug administration under the State Council shall immediately report to the executive department of health under the State Council after hearing any information on food safety risks. The executive department of health under the State Council shall in a timely manner adjust the surveillance plan on food safety risks upon verification of the information with other relevant authorities.</p>	<p><b>department</b> under the State Council shall immediately report to the executive department of health under the State Council after hearing any information on food safety risks. The executive department of health under the State Council shall in a timely manner adjust the surveillance plan on food safety risks, <b>if found necessary</b> after verification of the information with other relevant authorities.</p>
<p>Article 13 A national assessment mechanism for food safety risks shall be established to assess the risks on biological, chemical and physical hazards in foods and food additives. The executive department of health under the State Council shall be responsible for organizing food safety risk assessments. An expert committee on food safety risk assessment which is composed of experts on medical science, agriculture, food, and nutrition, shall be established to conduct the food safety risk assessment.</p> <p>The safety assessment of pesticides, fertilizers, growth regulators, animal drugs, feed and feed additives shall be attended by experts from the expert committee on food safety risk assessment.</p> <p>The food safety risk assessment shall be conducted on the basis of scientific methods, information of food safety risk surveillance, scientific data, and other relevant information.</p>	<p>Article 14 A national assessment mechanism for food safety risks shall be established to assess the risks on biological, chemical and physical hazards in foods, food additives, <b>and food related products</b>.</p> <p>The executive department of health under the State Council shall be responsible for organizing food safety risk assessments. An expert committee on food safety risk assessment which is composed of experts on medical science, agriculture, <b>grain</b>, food, and nutrition, shall be established to conduct the food safety risk assessment.</p> <p>The safety assessment of pesticides, fertilizers, animal drugs, feed and feed additives shall be attended by experts from the expert committee on food safety risk assessment.</p> <p>The food safety risk assessment shall be conducted on the basis of scientific methods, information of food safety risk surveillance, scientific data, and other relevant information.</p>
<p>Article 14 The executive department of health under the State Council, upon discovering any possible safety problem through food safety risk surveillance or reports of other parties, shall immediately organize inspection and food safety risk assessment.</p>	<p>Article 15 The executive department of health under the State Council, upon discovering any possible safety problem for food, <b>food additives, and food related products</b> through food safety risk surveillance or reports of other parties, shall <b>verify</b> and inspect the matters <b>in conjunction with food safety regulatory department under the State Council in a timely manner. For those requiring risk assessments, the health executive department under the State Council shall immediately organize food safety risk assessment.</b></p>
<p>Article 15 The executive departments for agriculture, quality supervision, industry and commerce administration, and food and drug administration under the State Council shall make suggestions on food safety risk</p>	<p>Article 16 <b>The food safety regulatory department under the State Council</b> shall make suggestions to the health executive department under the State Council on food safety risk assessment and provide the</p>

assessment and provide the relevant information and documents. The executive department of health under the State Council shall inform the relevant departments of the State Council of the food safety risk assessment results in a timely manner.	relevant information and documents. The executive department of health under the State Council shall inform the relevant departments of the State Council of the food safety risk assessment results in a timely manner.
Article 16 Food safety risk assessment results shall be the scientific basis for developing and modifying food safety standards, as well as regulating food safety. In case the food safety risk assessment concludes that a food is unsafe, the executive departments for quality supervision, industry and commerce, and food and drug administration under the State Council shall immediately take corresponding actions within their respective duties to ensure termination of the food production and trade inform consumers to stop consumption of the food; if necessary, the executive department of health under the State Council shall immediately formulate or modify the relevant food safety national standards.	Article 17 Food safety risk assessment results shall be the scientific basis for developing and modifying food safety standards, as well as regulating food safety. In case the food safety risk assessment concludes that a food, <b>food additive, or food related product</b> is unsafe, <b>the food safety regulatory department</b> under the State Council shall immediately take corresponding actions within their respective duties to <b>instruct the producers and traders</b> to terminate the food production and trade, and inform consumers to stop consumption <b>or usage</b> of the food; if necessary, the executive department of health under the State Council shall immediately formulate or modify the relevant food safety national standards.
Article 17 The executive department of health under the State Council shall, in conjunction with relevant State Council departments, conduct comprehensive analyses of the food safety situation according to the result of food safety risk assessments and food safety regulatory information. For foods with high potential risks as a result of the comprehensive analyses, the executive department of health under the State Council shall issue food safety alerts to the public in a timely manner.	Article 18 <b>Food and Drug Regulatory Department</b> under the State Council shall, for foods with high potential risks as shown by the result of food safety risk assessments and food safety regulatory information, make food safety alerts in a timely manner, and issue to the public. <b>Food and Drug Regulatory Department</b> under the State Council shall, in conjunction with relevant State Council departments, conduct comprehensive analyses of the food safety situation according to the result of food safety risk assessments and food safety regulatory information.
	Article 19 <b>The state establishes food safety risk communication system. Food safety regulatory departments and food safety risk assessment institutions organize and carry out food safety risk communication in a scientific, objective, timely and open principle.</b>
<b>Chapter 3: Food Safety Standards</b>	<b>Chapter 3: Food Safety Standards</b>
Article 18 The food safety standards shall be intended to safeguard the public health, to be scientific, reasonable, safe and reliable.	Article 20 The food safety standards shall be intended to safeguard the public health, to be scientific, reasonable, <b>open, transparent,</b>

	safe and reliable.
Article 19 Food safety standards are mandatory. Except for the food safety standards, no other mandatory standards for food shall be developed.	Article 21 Food safety standards are mandatory. Except for the food safety standards, no other mandatory standards for food shall be developed.
<p>Article 20 Food safety standards shall include the following:</p> <ol style="list-style-type: none"> <li>1) The limits of pathogenic microorganisms, pesticide residues, veterinary drug residues, heavy metals, contaminants, and other substances hazardous to human health in food and food-related products;</li> <li>2) Varieties, scope of application, and dose of food additives;</li> <li>3) Requirements for nutritional ingredients in staple and supplementary food dedicated to babies and other specific populations;</li> <li>4) Requirements for labeling, identification and instructions relevant to food safety and nutrition;</li> <li>5) Hygienic requirements for food production and trading processes;</li> <li>6) Quality requirements related to food safety;</li> <li>7) Methods and procedures for food testing; and</li> <li>8) Other particulars necessary for developing food safety standards.</li> </ol>	<p>Article 22 Food safety standards shall include the following:</p> <ol style="list-style-type: none"> <li>1) The limits of pathogenic microorganisms, pesticide residues, veterinary drug residues, heavy metals, <b>biotoxins</b>, contaminants, <b>radioactive substances</b>, and other substances hazardous to human health in food, <b>food additives</b> and food-related products;</li> <li>2) Varieties, scope of application, and dose of food additives;</li> <li>3) Requirements for nutritional ingredients in staple and supplementary food dedicated to babies and other specific populations;</li> <li>4) Requirements for labeling, identification and instructions relevant to food safety and nutrition;</li> <li>5) Quality requirements related to food safety;</li> <li>6) Methods and procedures for food testing; and</li> <li>7) Other particulars necessary for developing food safety standards.</li> </ol>
<p>Article 21 The executive department of health under the State Council shall be responsible for developing and publicizing national food safety standards and the standardization administrative department under the State Council shall provide the national standard number.</p> <p>The limits of pesticide residue and veterinary drug residue in food and their testing methods and procedures shall be developed by the executive department of health and agriculture under the State Council.</p> <p>The testing procedures for slaughtering livestock and poultry shall be developed by the competent authorities under the State Council in conjunction with the executive department of health under the State Council.</p> <p>In case a product's national standard involves the national food safety standard, it shall be consistent with the national food safety standard.</p>	<p>Article 23 The executive department of health under the State Council shall be responsible for developing and publicizing national food safety standards and the standardization administrative department under the State Council shall provide the national standard number.</p> <p>The limits of pesticide residue and veterinary drug residue in food and their testing methods and procedures shall be developed by the executive department of health and agriculture under the State Council.</p> <p>The testing procedures for slaughtering livestock and poultry shall be developed <b>by agricultural executive department</b> under the State Council in conjunction with the executive department of health under the State Council.</p> <p>In case a product's national standard involves the national food safety standard, it shall be consistent with the national food safety standard.</p>
Article 22 The executive department of health	Article 24 The executive department of health



<p>under the State Council shall consolidate the mandatory standards among existing quality and safety standards for edible agricultural products, food hygiene standards, food quality standards, and relevant industry standards related to food and issue unified national food safety standards.</p> <p>Before issuance of the national food safety standards specified in the Law, food producers and traders shall produce or trade food based on existing quality and safety standards for edible agricultural products, food hygiene standards, food quality standards, and relevant industry standards related to food.</p>	<p>under the State Council shall consolidate the mandatory standards among existing quality and safety standards for edible agricultural products, food hygiene standards, food quality standards, and relevant industry standards related to food and issue unified national food safety standards.</p> <p>Before issuance of the national food safety standards specified in the Law, food producers and traders shall produce or trade food based on existing quality and safety standards for edible agricultural products, food hygiene standards, food quality standards, and relevant industry standards related to food.</p>
<p>Article 23 The national food safety standards shall be reviewed and approved by the national food safety standard evaluation committee which is composed of experts in medicine, agriculture, food, and nutrition as well as representatives from relevant departments under the State Council. The formulation of national food safety standards shall base on the results of food safety risk assessments and take full account of the results of quality and safety risk assessments for edible agricultural products, shall reference to the relevant international standards and the results of international food safety risk assessments, and shall solicit extensively the opinions from food producers, traders, and consumers.</p>	<p>Article 25 The national food safety standards shall be reviewed and approved by the national food safety standard evaluation committee which is composed of experts in medicine, agriculture, <b>grain</b>, food, and nutrition as well as representatives from relevant departments under the State Council, <b>food industry associations, and consumer associations.</b></p> <p>The formulation of national food safety standards shall base on the results of food safety risk assessments and take full account of the results of quality and safety risk assessments for edible agricultural products, shall reference to the relevant international standards and the results of international food safety risk assessments, and shall solicit extensively the opinions from food producers, traders, and consumers.</p>
<p>Article 24 In the absence of a national food safety standard, a local food safety standard may be developed.</p> <p>The executive departments of the people's governments at the provincial, autonomous region, and municipal levels shall organize the drafting of local food safety standards with reference to the provisions of this Law regarding formulation of national food safety standards and report to the executive department of health under the State Council for record.</p>	<p>Article 26 In the absence of a national food safety standard, a local food safety standard may be developed.</p> <p>The executive departments of the people's governments at the provincial, autonomous region, and municipal levels shall organize the drafting of local food safety standards with reference to the provisions of this Law regarding formulation of national food safety standards and report to the executive department of health under the State Council for record. <b>The executive department of health under the State Council shall make timely announcements.</b></p>
<p>Article 25 In the absence of a national or local food safety standard, the food enterprise may develop an enterprise standard as this basis for</p>	<p>Article 27 In the absence of a national or local food safety standard, the food enterprise may develop an enterprise standard as this basis</p>

production. The State encourages food enterprises to develop enterprise standards more stringent than the national or local food safety standards. The enterprise standard is applicable only to the enterprise and shall be reported to the executive department of health at the provincial level for record.	for production. The State encourages food enterprises to develop enterprise standards more stringent than the national or local food safety standards. The enterprise standard is applicable only to the enterprise and shall be reported to the executive department of health at the provincial level for record. <b>The executive departments of health at the provincial level shall make timely announcements.</b>
Article 26 Food safety standards shall be accessible by the public for free.	Article 28 Food safety standards shall be accessible by the public for free.
<b>Chapter 4: Food Production and Trade</b>	<b>Chapter 4: Food Production and Trade</b>
<p>Article 27 Any food production or trading activities shall comply with food safety standards and the following requirements:</p> <ol style="list-style-type: none"> <li>1) Have appropriate places for raw material treatment and food processing, packaging, and storage that are suitable for the variety and quantity of the food being produced or traded, make the environment tidy, and keep a required distance away from toxic or hazardous places, and other contamination sources.</li> <li>2) Have appropriate production or trading equipment or facilities that are suitable for the variety and quantity of the food being produced or traded, have appropriate equipment or facilities for disinfection, changing clothes, cleansing, lighting, ventilation, anticorrosion, dust-proofing, fly-proofing, rat-proofing, pest-proofing, washing, and drainage of wastewater, and deposit of garbage and wastes.</li> <li>3) Have technical staff on food safety, management personnel, and the rules and regulations to ensure food safety;</li> <li>4) Have reasonable equipment layout and operational flow to prevent cross-contamination between unprocessed foods and direct consumption foods, between raw materials and finished products, and to avoid food contacting with toxic or dirty items;</li> <li>5) Wash and sterilize the tableware, kitchenware, and containers holding direct consumption food before use, and wash and clean the kitchenware and utensils after use;</li> <li>6) Use safe and harmless containers, tools, and equipment for food storage,</li> </ol>	<p>Article 29 Any food production or trading activities shall comply with food safety standards, <b>good practices for food production and trade</b>, and the following requirements:</p> <ol style="list-style-type: none"> <li>1) Have appropriate places for raw material treatment and food processing, packaging, and storage that are suitable for the variety and quantity of the food being produced or traded, make the environment tidy, and keep a required distance away from toxic or hazardous places, and other contamination sources.</li> <li>2) Have appropriate production or trading equipment or facilities that are suitable for the variety and quantity of the food being produced or traded, have appropriate equipment or facilities for disinfection, changing clothes, cleansing, lighting, ventilation, anticorrosion, dust-proofing, fly-proofing, rat-proofing, pest-proofing, washing, and drainage of wastewater, and deposit of garbage and wastes.</li> <li>3) Have technical staff on food safety, management personnel, and the rules and regulations to ensure food safety;</li> <li>4) Have reasonable equipment layout and operational flow to prevent cross-contamination between unprocessed foods and direct consumption foods, between raw materials and finished products, and to avoid food contacting with toxic or dirty items;</li> <li>5) Wash and sterilize the tableware, kitchenware, and containers holding direct consumption food before use, and wash and clean the kitchenware and utensils after use;</li> </ol>

<p>transportation, and loading/unloading, keep them clean and avoid food contamination, comply with special requirements such as temperature for food safety purposes, and never transport food with toxic or harmful items ;</p> <p>7) Use small packages or nontoxic and clean packaging materials and tableware for direct consumption food;</p> <p>8) Food producers and traders shall maintain personal hygiene, clean their hands, and dress in clean clothing and cap; use sterilized and clean vending tools for direct consumption food without a package;</p> <p>9) Use water that complies with the national hygienic standard for drinking water;</p> <p>10) Use detergents and disinfectors that are safe and harmless to the human body;</p> <p>11) Other requirements stipulated by laws and regulations.</p>	<p>6) Use safe and harmless containers, tools, and equipment for food storage, transportation, and loading/unloading, keep them clean and avoid food contamination, comply with special requirements such as temperature for food safety purposes, and never transport food with toxic or harmful items ;</p> <p>7) Use small packages or nontoxic and clean packaging materials and tableware for direct consumption food;</p> <p>8) Food producers and traders shall maintain personal hygiene, clean their hands, and dress in clean clothing and cap; use sterilized and clean vending tools for direct consumption food without a package;</p> <p>9) Use water that complies with the national hygienic standard for drinking water;</p> <p>10) Use detergents and disinfectors that are safe and harmless to the human body;</p> <p>11) Other requirements stipulated by laws and regulations.</p> <p><b>Good practices for food production and trade is formulated by food and drug regulatory department under the State Council.</b></p>
<p>Article 28 Production and trading of the following foods are prohibited:</p> <p>1) Food made with non-food raw material or added with chemicals other than food additives or other substances possibly hazardous to human health, or food produced from recycled food as raw materials;</p> <p>2) Food with content of pathogenic microorganisms , pesticide residues, veterinary drug residues, heavy metals, contaminants, and other substances of possible hazards to human health exceeding the limits of the food safety standards;</p> <p>3) The nutritional ingredients for staple and supplementary food dedicated to babies and other specific populations fail to comply with food safety standards;</p> <p>4) Food which is rotten or spoiled, has rancid fat, contains mold or insects, is dirty or contaminated, contains foreign matters, has been adulterated, or displays abnormal sensory indication;</p> <p>5) Meat or meat products of poultry, livestock, animals, or aquatic animals that die from disease, poison, or any unidentified causes;</p>	<p>Article 30 <b>The following activities in food production and trade are prohibited:</b></p> <p>1) To produce food with non-food raw materials, or to produce food with recycled food or <b>expired food</b> as raw materials;</p> <p>2) <b>To add chemicals other than food additives or other substances possibly hazardous to human health;</b></p> <p>3) <b>To purchase or store inedible substances that could be illegally added to food as announced by the State;</b></p> <p>4) <b>To use food additives beyond allowed scope or higher than the allowed amount;</b></p> <p>5) <b>To produce and trade</b> food with content of pathogenic microorganisms , pesticide residues, veterinary drug residues, heavy metals, <b>biotoxins</b>, contaminants, <b>radioactive substances</b>, and other substances of possible hazards to human health exceeding the limits of the food safety standards;</p> <p>6) <b>To produce and trade</b> staple and supplementary food dedicated to babies and other specific populations with nutritional ingredients failing to comply with food safety standards;</p>

<p>6) Meat or meat products that have not been inspected and quarantined by animal health supervisory agencies or have failed to pass such inspection and quarantine;</p> <p>7) Food contaminated by packaging materials, containers or means of transport;</p> <p>8) Food exceeding the shelf life;</p> <p>9) Pre-packaged products without labels;</p> <p>10) Food expressly prohibited by the State from production and trading for special purposes such as disease prevention;</p> <p>11) Other food failing to meet food safety standards or requirements.</p>	<p>7) <b>To produce and trade</b> food which is rotten or spoiled, has rancid fat, contains mold or insects, is dirty or contaminated, contains foreign matters, has been adulterated, or displays abnormal sensory indication;</p> <p>8) <b>To produce and trade</b> meat or meat products of poultry, livestock, animals, or aquatic animals that die from disease, poison, or any unidentified causes;</p> <p>9) <b>To produce and trade</b> meat or meat products that <b>have not been inspected and quarantined</b> or have failed to pass such inspection and quarantine;</p> <p>10) <b>To produce and trade</b> food contaminated by packaging materials, containers, means of transport, or <b>tableware and kitchenware</b>;</p> <p>11) <b>To trade</b> food, <b>food additives or food related products</b> that exceed the shelf life;</p> <p>12) <b>To produce and trade</b> pre-packaged food without labels, <b>or with labels or instructions failing to meet relevant requirements, or bulk food that fail to be marked as required</b>;</p> <p>13) <b>To produce and trade</b> food expressly prohibited by the State from production and trading for special purposes such as disease prevention;</p> <p>14) <b>To use discarded or recycled materials or other materials failing to meet requirements to produce food related products</b>;</p> <p>15) <b>To forge or alter licenses, labels, marks, instructions, inspection reports, quarantine certificates, etc.;</b></p> <p>16) <b>Other activities failing to meet the requirements in laws and regulations.</b></p>
<p>Article 29 The State implements a licensing system for food production and trading. Any organization or individual shall obtain a food production license, food distribution license, or catering service license according to law before engaging in food production, food distribution, or catering service.</p> <p>Food producers having a food production license are not required to obtain a food distribution license when selling foods produced by themselves at their production premises; catering service providers having a catering service license are not required to</p>	<p>Article 31 The State implements a licensing system for food production and trading. Any organization or individual shall obtain a <b>food production and trading license</b> before engaging in <b>food production and trading activities</b>.</p> <p>Small food workshops, <b>small food grocery stores, small restaurants</b>, food vendors <b>and such</b> that engage in food production and trading activities shall comply with the food safety requirements of the Law suitable for their production or trading scale and conditions ensure that the food being</p>

<p>obtain a food production or distribution license when selling foods produced by themselves at their service premises; farmers are not required to obtain a food distribution license when selling edible agricultural products produced by themselves. Small food workshops and food vendors that engage in food production and trading activities shall comply with the food safety requirements of the Law suitable for their production or trading scale and conditions ensure that the food being produced or traded are clean, nontoxic and harmless. The relevant authorities shall strengthen the supervision and management over these individuals. Detailed management measures shall be developed in accordance with the Law by the standing committees of the People's Congress at the provincial, autonomous region, and municipal levels.</p>	<p>produced or traded are clean, nontoxic and harmless. The relevant authorities shall strengthen the supervision and management over these individuals. Detailed management measures shall be developed in accordance with the Law by the standing committees of the People's Congress or <b>the people's governments</b> at the provincial, autonomous region, and municipal levels.</p>
<p>Article 30 The People's Governments at the county level or above shall encourage small food workshops to improve the production conditions and encourage food vendors to trade in fixed locations, such as centralized markets and shops.</p>	<p>Article 32 The People's Governments at the county level or above shall <b>encourage and support</b> small food workshops, <b>small food grocery stores, small restaurants, food vendors</b> to improve the production conditions and encourage <b>and support</b> food vendors to trade in fixed locations, such as centralized markets and shops.</p>
<p>Article 31 The executive departments of health, agriculture, quality supervision, industry and commerce, and food and drug administration at the county level or above shall review applicants' documents as required by Article 27.1 – 4 of the Law in accordance with the Law of the People's Republic of China on Administrative Licensing, and shall inspect the applicant's production or trading place if necessary. For applicants that comply with the requirements, a license shall be granted; for those that fail to comply with the requirements, a license shall not be granted with reasons in writing.</p>	<p>Article 33 <b>Food safety regulatory departments</b> at the county level or above shall review applicants' documents as required <b>by this Law</b> in accordance with the Law of the People's Republic of China on Administrative Licensing, and shall inspect the applicant's production or trading place if necessary. For applicants that comply with the requirements, a license shall be granted; for those that fail to comply with the requirements, a license shall not be granted with reasons in writing.</p>
<p>Article 32 Food producers and traders shall establish a food safety management system, strengthen the training of the employees on food safety knowledge, assign the full-time or part-time food safety management personnel, properly conduct inspection of the foods for operation and conduct the food production and trading according to law.</p>	<p>Article 34 Food producers and traders shall establish and improve its own food safety management system, <b>establish a food safety management system and identify the person in charge</b>, properly conduct inspection of the foods for operation, and conduct the food production and trading according to law.</p>

	<p>Article 35 <b>The State establishes food safety management personnel professional qualifications system. The specific measures related are formulated by food and drug regulatory department under the State Council and the human resources and social security department under the State Council.</b></p> <p><b>Food producers and traders shall have full-time or part-time food safety management personnel according to relevant state provisions.</b></p> <p><b>Food producers and traders shall set up a food practitioner training system. Food practitioners can only assume their posts after receiving training and passing examinations. The food practitioner training and examination management measures are formulated by food and drug regulatory department under the State Council.</b></p>
<p>Article 33 The State encourages food producers and traders to comply with good manufacturing practices (GMP) and to implement the Hazard Analysis and Critical Control Point (HACCP) system in order to improve food safety management level. For food enterprises having been certified with GMP and HACCP, the certification institutions shall conduct the follow-up investigations according to law; for those failing to comply with the certification requirements, the certification institutions shall cancel the certificate according to law and report in a timely manner to the authorities of quality supervision, industry and commerce, and food and drug administration, and notify the public. The certification institution shall not charge any fees for the follow-up investigation.</p>	<p>Article 36 The State encourages food producers and traders to implement <b>advanced food safety management systems</b> including the Hazard Analysis and Critical Control Point (HACCP) system in order to improve food safety management level. For food enterprises having been certified with an <b>advanced food safety management system</b> including HACCP, the certification institutions shall conduct the follow-up investigations according to law; for those failing to comply with the certification requirements, the certification institutions shall cancel the certificate according to law and report in a timely manner to relevant <b>food safety regulatory departments</b>, and notify the public. The certification institution shall not charge any fees for the follow-up investigation.</p>
<p>Article 34 Food producers and traders shall establish and implement an employee health management system. Anyone who suffers from an infectious disease of digestive tract, such as dysentery, typhoid, or virus hepatitis, active tuberculosis, and purulent or weeping skin diseases that adversely affect food safety must not engage in work in direct contact with food for consumption. The personnel involved in food production and trading shall take a medical check-up each</p>	<p>Article 37 Food producers and traders shall establish and implement an employee health management system. The personnel involved in food production and trading shall take a medical check-up each year, and <b>can engage in food production and trading activities</b> only after they have obtained a <b>satisfactory</b> health certificate. Anyone who suffers from an infectious disease of digestive tract, such as dysentery, typhoid, or virus hepatitis, active tuberculosis,</p>

year, and can work only after they have obtained a health certificate.	and purulent or weeping skin diseases that adversely affect food safety must not engage in work in direct contact with food for consumption.
<p>Article 35 The producers of edible agricultural products shall apply agricultural inputs such as pesticides, fertilizers, , veterinary drugs, feed, and feed additives in accordance with food safety standards and relevant State regulations. Enterprises and specialized farmer cooperatives that produce edible agricultural products shall establish a production record for the edible agricultural product.</p> <p>The executive department of agriculture at the county level or above shall enhance the management and guidance on the application of agricultural inputs and establish and improve a safe application system for agricultural inputs.</p>	<p>Article 38 The producers of edible agricultural products shall apply agricultural inputs such as pesticides, fertilizers, veterinary drugs, feed, and feed additives in accordance with food safety standards and relevant State regulations, to <b>ensure the safety of agricultural products</b>. Enterprises and specialized farmer cooperatives that produce edible agricultural products shall establish a production <b>and sales</b> record for the edible agricultural product, and <b>provide the purchasers with inspection certificate and certificate of origin</b>.</p> <p>The executive department of agriculture at the county level or above shall enhance the management and guidance on the application of agricultural inputs and establish and improve a safe application system for agricultural inputs.</p>
	<p>Article 39 <b>Food producers and traders shall establish food traceability management systems, to ensure that food is traceable. Food producers and traders are encouraged and supported to adopt information technology measures to realize food traceability.</b></p>
<p>Article 36 Food producers shall check the license of the supplier and compliance certificate of the product when purchasing food raw materials, food additives, and food related products. In the absence of a compliance certificate, the food raw material shall be tested in accordance with food safety standards. Food producers shall not purchase or use raw materials, food additives, and food-related products that do not comply with the food safety standards.</p> <p>Food producers shall establish a verification record for incoming food raw materials, food additives, and food-related products, indicating such information as name, specification, quantity, supplier name and contact information, and purchase date of food raw materials, food additives, and food-related products.</p> <p>The verification record for food raw material,</p>	<p>Article 40 Food producers <b>shall establish a purchase inspection and recording system for food raw materials, food additives, and food related products</b>. They shall check the license of the supplier and compliance certificate of the product when purchasing food raw materials, food additives, and food related products, <b>keep relevant certification documents</b>, and faithfully record such information as name, specification, quantity, purchase date, supplier name, <b>address</b> and contact information of food raw materials, food additives, and food-related products. In the absence of a compliance certificate, the food raw material shall be tested in accordance with food safety standards. Food producers shall not purchase or use raw materials, food additives, and food-related products that do not comply with the food safety standards.</p>

food additives, and food-related products shall be true and be kept for at least two years.	The verification record for food raw material, food additives, and food-related products shall be true and be kept for at least two years.
Article 37 Food producers shall establish and maintain an inspection record for outgoing food that verifies inspection certificates and safety status of the outgoing food. It shall truly record such information as name, specification, quantity, production date, batch number, inspection certificate number, name and contact information of the purchaser, and sale date. The inspection record for outgoing food shall be true and be kept for at least two years.	Article 41 Food producers shall establish and maintain an inspection record for outgoing food that verifies inspection certificates and safety status of the outgoing food. It shall truly record such information as name, specification, quantity, production date, batch number, inspection certificate number, name and contact information of the purchaser, and sale date. The inspection record for outgoing food shall be true and be kept for at least two years.
Article 38 Producers of food raw materials, food additives, or food-related products shall inspect the food raw materials, food additives, or food-related products being produced in accordance with food safety standards and the products can exit the factory or be sold only after they have passed the inspections.	Article 42 Producers of food raw materials, food additives, or food-related products shall inspect the food raw materials, food additives, or food-related products being produced in accordance with food safety standards and the products can exit the factory or be sold only after they have passed the inspections.
Article 39 Food traders shall check the license of the supplier and compliance certificate of the food when purchasing a food item. Food trading enterprises shall establish and maintain an inspection record for incoming food that truly indicate such information as name, specification, quantity, production date, batch number, shelf life, name and contact information of the supplier, and purchase date. The inspection record for incoming food shall be true and be kept for at least two years. For food trading enterprises that adopt a centralized distribution model, the headquarters of the enterprises may centrally check the license of the supplier and compliance certificates of the food and create an inspection record for incoming food products.	Article 43 Food traders shall establish a <b>purchase inspection and recording system</b> , check the license of the supplier, compliance certificate of the food, <b>and product identification, keep relevant certification documents</b> , and maintain an inspection record for incoming food that truly indicate such information as name, specification, quantity, <b>production date</b> , shelf life, purchase date, and name, <b>address</b> and contact information of the supplier. The inspection record for incoming food shall be true and be kept for at least two years. For food trading enterprises that adopt a centralized distribution model, the headquarters of the enterprises may centrally check the license of the supplier and compliance certificates of the food, create an inspection record for incoming food products, and <b>keep relevant certification documents. The food purchase inspection records shall be accessible at other chain stores.</b>
Article 40 Food traders shall store food in accordance with food safety assurance requirements, and regularly check the food in storage and remove the spoiled or outdated food in a timely manner.	Article 44 Food <b>producers</b> and traders shall store, <b>transport and deliver</b> food in accordance with food safety assurance requirements, and regularly check the food in storage and remove the spoiled or outdated food in a timely manner.



<p>Article 41 Food traders shall indicate at the storage facility such information as food name, production date, shelf life, and name and contact information of the producer when storing food in bulk.</p> <p>Food traders shall indicate on the container or external package the food name, production date, shelf life, and name and contact information of the trader when selling food in bulk.</p>	<p>Article 45 Food traders shall indicate at the storage facility <b>or on the container or external package</b> such information as food name, production date, shelf life, and name and contact information of the producer when storing food in bulk.</p> <p>Food traders shall indicate on the container or external package the food name, <b>ingredients or composition sheet</b>, production date, shelf life, and name and contact information of the trader when selling food in bulk.</p>
<p>Article 42 Pre-packaged food shall be labeled on the package, which indicate the following:</p> <ol style="list-style-type: none"> <li>1) Name, specification, net content, and date of production;</li> <li>2) Table of ingredients or formulation;</li> <li>3) Producer name, address and contact information;</li> <li>4) Shelf life;</li> <li>5) Code of product standard(s);</li> <li>6) Storage requirements;</li> <li>7) Generic name of the food additives as used in the national standard;</li> <li>8) Production License Number; and</li> <li>9) Other information that must be indicated in accordance with applicable laws, regulations, and food safety standards.</li> </ol> <p>The labels of staple and supplementary food dedicated to babies and other specific populations shall also indicate main nutritional ingredients and their contents.</p>	<p>Article 46 Pre-packaged food shall be labeled on the package, which indicate the following:</p> <ol style="list-style-type: none"> <li>1) Name, specification, net content, and date of production, <b>place of origin</b>;</li> <li>2) Table of ingredients or formulation;</li> <li>3) Producer name, address and contact information;</li> <li>4) Shelf life;</li> <li>5) Code of product standard(s);</li> <li>6) Storage requirements;</li> <li>7) Generic name of the food additives as used in the national standard;</li> <li>8) Production License Number; and</li> <li>9) Other information that must be indicated in accordance with applicable laws, regulations, and food safety standards.</li> </ol> <p>The labels of staple and supplementary food dedicated to babies and other specific populations shall also indicate main nutritional ingredients and their contents.</p>
<p>Article 43 The State adopts a licensing system for the production of food additives. The conditions and procedures of applying for a food additive production license shall be implemented in accordance with the relevant State regulations governing the administration of production licensing for industrial products.</p>	<p>Article 47 The State adopts a licensing system for the production <b>and trading</b> of food additives. <b>Food additives production and trading license should be obtained according to law before engaging in food additives production and trading activities. Food additives production and trading activities shall abide by provisions specific for food additives in the law, as well as relevant requirements on food production and trading activities.</b></p>
<p>Article 44 Any organization or individual applying for production of novel foods, new food additive varieties, or new food-related products shall submit the assessment materials relative to the product to the executive department of health under the State Council. The executive department of health under the State Council shall organize a review of the safety assessment materials within sixty (60)</p>	<p>Article 48 Any organization or individual applying for production of novel foods, new food additive varieties, or new food-related products shall submit the assessment materials relative to the product to the executive department of health under the State Council. The executive department of health under the State Council shall organize a review of the safety assessment materials</p>

days upon receipt of the application. For applications that comply with food safety requirements, a license shall be granted and made public. For applications that fail to comply with the safety requirements, a license shall not be granted with an explanatory note in writing.	within sixty (60) days upon receipt of the application. For applications that comply with food safety requirements, a license shall be granted and made public. For applications that fail to comply with the safety requirements, a license shall not be granted with an explanatory note in writing.
Article 45 A food additive can be incorporated into the scope permitted for use only after it is technically required and proven to be safe and reliable through the risk assessment. The executive department of health under the State Council shall timely revise the standards on varieties, scope of application, and dosage levels of food additives in accordance with technical necessity and the results of food safety assessments.	Article 49 A food additive can be incorporated into the scope permitted for use only after it is technically required and proven to be safe and reliable through the risk assessment. The executive department of health under the State Council shall timely revise the standards on varieties, scope of application, and dosage levels of food additives in accordance with technical necessity and the results of food safety assessments.
Article 46 Food producers shall apply food additives in accordance with food safety standards governing food additive varieties, scope of application and dosage levels and must not use any chemical substances other than food additives or other substances with possible hazards to human health during food production.	Article 50 Food producers <b>and traders</b> shall apply food additives in accordance with food safety standards governing food additive varieties, scope of application and dosage levels.
Article 47 Food additives must be provided with a label, instructions and packaging. The instructions shall include the information required in Article 42.1.1~6, 8 and 9 of the Law and the scope of application, dosage levels, and application methods of the food additives, and the words “Food Additive” shall be indicated on the label.	Article 51 Food additives must be provided with a label, instructions and packaging. The instructions shall include the information required in <b>Article 46</b> .1.1~6, 8 and 9 of the Law and the scope of application, dosage levels, and application methods of the food additives, and the words “Food Additive” shall be indicated on the label.
Article 48 Labels, instructions and packaging of food and food additives shall not contain false or exaggerated information, nor shall they make statements about disease prevention and treatment functions. Food producers shall undertake legal liability for declarations on the label, instructions and packaging. Labels and instructions of food and food additives shall be clear, visible, and easy to read. Food or food additives that are not consistent with the information indicated in the label and instructions shall not be marketed.	Article 52 Labels, instructions and packaging of food and food additives shall not contain false or exaggerated information, nor shall they make statements about disease prevention and treatment functions. Food producers shall undertake legal liability for declarations on the label, instructions and packaging. Labels and instructions of food and food additives shall be clear, visible, and easy to read. Food or food additives that are not consistent with the information indicated in the label and instructions shall not be marketed.
	Article 53 <b>The State adopts a safety evaluation and examination system for the</b>

	<p><b>production of food related products. The producers of food related products shall produce safety assessment documents for food related products and their production process. The quality supervision, inspection and quarantine departments evaluate and examine the safety assessment documents. Safety evaluation and examination norms for food related products are formulated by the quality supervision, inspection and quarantine department under the State Council. .</b></p>
Article 49 Food traders shall market pre-packaged foods according to the warning mark, warning notes, or precautions on the food label.	Article 54 Food traders shall market 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 traditionally considered as both food and Chinese medicine. The catalogue of the substances traditionally considered as both food and Chinese medicine shall be developed and published by the executive department of health under the State Council.	<p>Article 55 Food producers shall not add any medicine to food, unless the added substance is traditionally considered as both food and Chinese medicine.</p> <p><b>When adding substances traditionally considered as both food and Chinese medicine to food, food producers and traders shall strictly abide by the catalogue developed by the executive department of health under the State Council.</b></p>
<p>Article 51 The State executes strict regulation over food with claims of special health functions. The relevant regulatory departments shall execute duties and assume responsibilities according to law. Detailed management measures shall be developed by the State Council.</p> <p>Food with claims of special health functions shall not cause acute, sub-acute, or chronic hazard to human body. The label and instructions shall not involve in disease prevention or treatment functions, and the content must be true and indicate clearly the suitable and unsuitable groups, functional ingredients or significant ingredients and their content. Product functions and ingredients shall be consistent with that indicated in the label and instructions.</p>	<p>Article 56 The State executes strict regulation over <b>health food. For new type of health food sold for the first time, health food using new raw materials and health food imported for the first time, registration management applies; for other food with claims of special health functions, recording management applies. The specific management measures are formulated by the State Council.</b></p> <p><b>Health food</b> shall not cause acute, sub-acute, or chronic hazard to human body. The label and instructions' content must be true, indicate clearly the suitable and unsuitable groups, functional ingredients or significant ingredients and their content, <b>and state clearly that “this product does not have the functions of disease prevention and treatment”.</b> Product functions and ingredients shall be consistent with that indicated in the label and instructions.</p> <p><b>Health food producers are held responsible for the authenticity and effectiveness of the claimed product functions.</b></p>

	<p><b>Article 57 The State executes strict regulation over infant and young children formula food.</b></p> <p><b>For the production of infant and young children formula food, food producers shall report the raw materials, product formula and labels to food safety regulatory departments for recording. Infant and young children formula foods are not allowed to be produced in the means of sub-contracting, OEM, or sub-packaging.</b></p>
<p>Article 52 Consolidated trading market operators, stall leasers, and trade fair organizers shall review the license of the admitted food traders, specify the food safety management responsibilities of the admitted food traders, and regularly inspect the trading environment and conditions of the admitted food traders. Upon finding of any activity in breach of this Law, they shall immediately stop the activity and report to the local industry and commerce department or food and drug administration at the county level. Consolidated trading market operators, stall leasers, and trade fair organizers who fail to fulfill the obligations stated in the proceeding paragraph shall take a joint liability in the event of a food safety incident occurred in their respective marketplace.</p>	<p>Article 58 Consolidated trading market operators, stall leasers, and trade fair organizers shall review the license of the admitted food traders, <b>assume</b> the food safety management responsibilities of the admitted food traders, and regularly inspect the trading environment and conditions of the admitted food traders. Upon finding of any activity in breach of this Law, they shall immediately stop the activity and report to the local <b>food and drug regulatory departments</b> at the county level.</p> <p>Consolidated trading market operators, stall leasers, and trade fair organizers who fail to fulfill the obligations stated in the proceeding paragraph shall take a joint liability in the event of a food safety incident occurred in their respective marketplace.</p>
	<p><b>Article 59 Online food trading third-party platform providers shall obtain food production and trading license.</b></p> <p><b>Online food trading third-party platform providers shall examine the license of food traders who use their platform, and assume food safety management responsibilities.</b></p> <p><b>Online food trading third-party platform providers, upon spotting activities violating this law's provisions by food traders using their platform, shall stop them in a timely manner, and immediately report to food and drug regulatory department of the locality where the platform provider was issued the food production and trading license.</b></p> <p><b>Online food trading third-party platform providers, if failing to perform their duties as stipulated and resulting in the consumer's legitimate rights being harmed,</b></p>

	<p>shall assume joint liability, and shall advance compensation.</p> <p><b>The food and drug regulatory departments of the locality where online food trading third-party platform providers are issued the food production and trading license are responsible for regulating these platform providers.</b></p>
	<p>Article 60 <b>Food producers and traders shall establish a food safety self-examination system, and regularly examine and record their own food safety situation.</b></p> <p><b>Food producers and traders are encouraged to hire professional food safety institutions to regularly evaluate their own food safety management system.</b></p> <p><b>Food producers and traders, upon finding major food safety hidden hazards, shall take actions to handle the issue in a timely manner, and report to food safety regulatory departments at the county level or above.</b></p>
<p>Article 53 A food recall system shall be established in China. Where a food producer finds that the food being produced does not comply with food safety standards, the food producer shall immediately stop production of the food, recall the food product released to the market, notify relevant producers, traders and consumers, and create a record on recalls and notifications.</p> <p>Where a food trader finds the food being traded does not comply with food safety standards, the food trader shall immediately stop trading of the food, notify relevant producers, traders and consumers, and create a record on the suspension of trading and notifications. Food that the producer deems necessary for recall shall be recalled immediately.</p> <p>Food producers shall take actions such as remedy, removal of harm, or destruction of the recalled food, and report the food recall and treatment to the quality supervision department at the county level or above.</p> <p>In the event that a food producer or trader fails to recall or stop trading of the food that does not comply with the food safety standards as required in the Article, the executive departments of quality supervision, industry</p>	<p>Article 61 A food recall system shall be established in China. Where a food producer finds that the food being produced does not comply with food safety standards, the food producer shall immediately stop production of the food, recall the food product released to the market, notify relevant producers, traders and consumers, and create a record on recalls and notifications.</p> <p>Where a food trader finds the food being traded does not comply with food safety standards, the food trader shall immediately stop trading of the food, notify relevant producers, traders and consumers, and create a record on the suspension of trading and notifications. Food that the producer deems necessary for recall shall be recalled immediately.</p> <p><b>Food safety regulatory departments, if spotting food failing to comply with food safety standards during routine supervision and inspection, can instruct the food producer and trader to recall the food they produce and trade.</b></p> <p><b>And the food producer and trader should report details on the recall and production and trading suspension to food safety regulatory departments at county level or</b></p>

and commerce, and food and drug administration at the county level or above may order it to recall or stop trading of the food.	<p><b>above.</b></p> <p>In the event that a food producer or trader fails to recall or stop trading of the food that does not comply with the food safety standards as required in this Article, <b>the food safety regulatory departments</b> at the county level or above <b>shall, in accordance with its division of duty</b>, order it to recall or stop trading of the food.</p>
	<p><b>Article 62 Food producers and traders shall take actions such as remedy, removal of harm, or destruction for food that have exited the market, such as recalled food and expired food.</b></p> <p><b>Local people's governments at the county level or above encourage and support the building of harm-removal facilities for food failing to meet standards.</b></p>
<p>Article 54 Food advertisements shall provide truthful information, shall not include any false or exaggerated information, and shall not claim any disease prevention or treatment functions.</p> <p>Food safety regulatory agencies or institutions undertaking food inspection and testing, food industry associations, or customer associations shall not recommend food to customers through advertisements or in any other forms.</p>	<p>Article 63 Food advertisements shall provide truthful information, shall not include any false or exaggerated information, and shall not claim any disease prevention or treatment functions. <b>Food producers and traders shall be responsible for the authenticity and legality of the content of their food advertisements.</b></p> <p><b>In the event of designing, producing and issuing food advertisements, while the content of the advertisement is known or should be known to be untruthful, the designer, producer, issuer of the advertisement assumes joint liabilities with the food producer and trader.</b></p> <p>Food safety regulatory agencies or institutions undertaking food inspection and testing, food industry associations, or customer associations shall not recommend food to customers through advertisements or in any other forms.</p>
Article 55 Civil societies or other organizations or individuals who recommend a food to consumers in untruthful advertisements that has caused damages to the lawful rights and interests of the customers shall bear joint liabilities with the food producer and trader.	Article 64 Civil societies or other organizations or individuals who recommend a food to consumers in untruthful advertisements that has caused damages to the lawful rights and interests of the customers shall bear joint liabilities with the food producer and trader.
	Article 65 <b>The state establishes food safety liability mandatory insurance system. Food producers and traders should buy food safety liability mandatory insurance in</b>

	<p><b>accordance with the state’s relevant provision.</b></p> <p><b>The specific management measures for food safety liability mandatory insurance are formulated by the insurance regulatory department under the State Council in conjunction with the food and drug regulatory department under the State Council.</b></p>
Article 56 Local people’s governments at all levels shall encourage scale production and chain operation and distribution of food.	Article 66 Local people’s governments at all levels shall encourage scale production and chain operation and distribution of food.
<b>Chapter 5: Food Testing</b>	<b>Chapter 5: Food Testing</b>
<p>Article 57 Food testing agencies shall perform food testing only after they have been accredited in accordance with relevant State requirements on certification and accreditation, unless otherwise specified in other laws.</p> <p>The accreditation conditions and testing procedures for food testing agencies shall be determined by the executive department of health under the State Council.</p> <p>Food testing agencies which have been established by competent departments of the State Council or have been accredited before the implementation of the Law may continue to perform food testing activities based on the Law.</p>	<p>Article 67 Food testing agencies shall perform food testing only after they have been accredited in accordance with relevant State requirements on certification and accreditation, unless otherwise specified in other laws.</p> <p>The accreditation conditions and testing procedures for food testing agencies shall be determined <b>by the food and drug regulatory department under the State Council, which shall also supervise their implementation.</b></p> <p>Food testing agencies which have been established by competent departments of the State Council or have been accredited before the implementation of the Law may continue to perform food testing activities based on the Law.</p>
<p>Article 58 Food testing shall be performed independently by a food testing agency designated inspector.</p> <p>The inspector shall test the food based on laws, regulations, food safety standards, and inspection and testing procedures. The inspector shall follow the science, observe professional ethics, and make sure that the testing data and conclusions are objective and fair. He or she must not issue false inspection testing reports.</p>	<p>Article 68 Food testing shall be performed independently by a food testing agency designated inspector.</p> <p>The inspector shall test the food based on laws, regulations, food safety standards, and inspection and testing procedures. The inspector shall follow the science, observe professional ethics, and make sure that the testing data and conclusions are objective and fair. He or she must not issue false inspection testing reports.</p>
Article 59 The food testing agency and the inspector shall be responsible for the food testing. Food testing reports shall bear the official seal of the food testing agency and the signature or seal of the inspector. The food testing agency and the inspector shall be held responsible for the food testing report.	Article 69 The food testing agency and the inspector shall be responsible for the food testing. Food testing reports shall bear the official seal of the food testing agency and the signature or seal of the inspector. The food testing agency and the inspector shall be held responsible for the food testing report.

<p>Article 60 The food safety regulatory departments shall not grant exemptions on food inspection.</p> <p>The executive departments of quality supervision, industry and commerce, and food and drug administration at the county level or above shall conduct sample testing regularly or irregularly on food products. They shall pay for the samples to be tested and shall not collect testing fees.</p> <p>In the event that a food testing is needed while performing their regulatory duties, the executive departments of quality supervision, industry and commerce, and food and drug administration at the county level or above shall entrust and pay for food testing agencies compliant with the requirements of the Law to conduct the food testing. In the case of disputes over testing results, re-testing shall be conducted in accordance with the law.</p>	<p>Article 70 The food safety regulatory departments shall not grant exemptions on food inspection.</p> <p><b>The food safety regulatory departments</b> at the county level or above shall conduct sample testing regularly or irregularly on food products, and <b>shall release the testing results according to relevant provisions.</b> They shall pay for the samples to be tested and shall not collect testing fees.</p> <p>In the event that a food testing is needed while performing their regulatory duties, the <b>food safety regulatory departments</b> at the county level or above shall entrust and pay for food testing agencies compliant with the requirements of the Law to conduct the food testing.</p> <p><b>In the event that the testing results show that relevant food fails to meet the food safety requirements, the food producers and traders shall immediately suspend the production and trading.</b></p>
	<p>Article 71 <b>In the case that food producers and traders have disputes over testing results, they may, within 5 days after receiving the test results, apply for re-testing with the food safety regulatory department that organized and implemented the testing or its parent food safety regulatory department, and provide reasons.</b></p> <p><b>For such re-testing, if the results show the food meet standards, the fees are assumed by the sample testing departments; and if the results show food fail to meet standards, the fees are assumed by food producers and traders.</b></p>
<p>Article 61 Food producers or traders may test the food produced by themselves or entrust testing agencies compliant with the requirements of this Law to conduct the testing.</p> <p>In the event that a food industry association or consumer needs to entrust a food testing agency to for food testing, they shall choose a food testing agency compliant with the requirements of this Law.</p>	<p>Article 72 Food producers or traders may test the food produced by themselves or entrust testing agencies compliant with the requirements of this Law to conduct the testing.</p> <p>In the event that a food industry association or consumer needs to entrust a food testing agency to for food testing, they shall choose a food testing agency compliant with the requirements of this Law.</p>
<p><b>Chapter 6: Food Import and Export</b></p>	<p><b>Chapter 6: Food Import and Export</b></p>
<p>Article 62 Imported food, food additives and</p>	<p>Article 73 Imported food, food additives and</p>



<p>food-related products shall comply with China's national food safety standards. Imported food shall be inspected and cleared by the exit-entry inspection and quarantine agencies. Customs shall release the imported food upon receipt of a clearance certificate issued by the exit-entry inspection and quarantine agency.</p>	<p>food-related products shall comply with China's national food safety standards. Imported food shall be inspected and cleared by the exit-entry inspection and quarantine agencies. Customs shall release the imported food upon receipt of a clearance certificate issued by the exit-entry inspection and quarantine agency.</p> <p><b>Imported food shall be accompanied by inspection certificates.</b></p>
<p>Article 63 Importation of food without a national food safety standard or importation of a new food additive variety or new food related product for the first time, the importer shall submit an application and relevant safety assessment materials to the executive department of health under the State Council. The executive department of health under the State Council shall decide whether to approve or reject such applications according to Article 44 of the Law and shall develop corresponding national food safety standard in a timely manner.</p>	<p>Article 74 For importation of food without a national food safety standard, <b>the importers shall submit to the health executive department under the State Council documents including the relevant state food safety standards or international standards that food implement, food testing results, and documents supporting its legal production issued by the state of origin. The health executive department under the State Council organizes inspection, and identifies applicable standards if the importation is approved after the inspection.</b></p> <p>For importation of a new food additive variety or new food related product for the first time, the importer shall submit an application and relevant safety assessment materials to the executive department of health under the State Council. The executive department of health under the State Council shall decide whether to approve or reject such applications according to <b>Article 48</b> of the Law and shall develop corresponding national food safety standard in a timely manner.</p>
	<p>Article 75 <b>Importers shall establish an examination and verification system for overseas exporter and overseas food production businesses, to ensure that imported food complies with this law, the provisions in other relevant laws and regulations of the country, and the requirements of food safety state standards, and are responsible for the content in the labels and instructions of imported food.</b></p>
<p>Article 64 In the event that a food safety incident occurs overseas and may impact China, or a major food safety problem has been detected in imported food, the national exit-entry inspection and quarantine</p>	<p>Article 76 In the event that a food safety incident occurs overseas and may impact China, or a major food safety problem has been detected in imported food, the national exit-entry inspection and quarantine</p>

department shall issue a risk alert or take control measures in a timely manner and notify the executive departments of health, agriculture, industry and commerce, and food and drug administration under the State Council. These departments shall take corresponding actions immediately after receiving the notification.	department shall issue a risk alert or take control measures in a timely manner and notify <b>the food and drug regulatory department</b> , health executive department, and agricultural executive department under the State Council. These departments shall take corresponding actions immediately after receiving the notification.
Article 65 Exporters or agents exporting food to China shall be put on record at the national exit-entry inspection and quarantine department. Overseas food producers exporting food to China shall get registered at the national exit-entry inspection and quarantine agency. The national exit-entry inspection and quarantine department shall regularly publish the lists of exporters, agents or overseas food producers who have been recorded or registered.	Article 77 Exporters or agents exporting food to China, <b>and importers importing food</b> shall be put on record at the national exit-entry inspection and quarantine department. Overseas food producers exporting food to China shall get registered at the national exit-entry inspection and quarantine agency. The national exit-entry inspection and quarantine department shall regularly publish the lists of exporters, agents, <b>importers</b> , and overseas food producers who have been recorded or registered. <b>The food safety regulatory department under the State Council may organize on-site inspections for overseas food producers that export food to China.</b>
Article 66 Imported pre-packaged food shall be provided with labels and instructions in Chinese. Labels and instructions shall comply with this Law and provisions of other laws, regulations and food safety standards of China and shall indicate country of origin and name, address, and contact information of the domestic agent. Pre-packaged food without labels or instructions in Chinese or their labels or instructions do not comply with the Law shall not be imported.	Article 78 Imported pre-packaged food shall be provided with labels and instructions in Chinese. Labels and instructions shall comply with this Law and provisions of other laws, regulations and food safety standards of China and shall indicate <b>name, specification, net content, production date, ingredients or composition sheet, shelf life, storage conditions, applicable standards</b> and country of origin of the food, as well as name, address, and contact information of <b>the producer</b> and the domestic agent. Pre-packaged food without labels or instructions in Chinese or their labels or instructions do not comply with the Law shall not be imported.
Article 67 Food importers shall establish a food import and sale record, truthfully record information such as the product name, specification, quantity, production date, production or import batch number, shelf life, name and contact information of the exporter and buyer, and delivery date. The food import and sale record shall be true and shall be maintained for at least two years.	Article 79 Food importers shall establish a food import and sale record, truthfully record information such as the product name, specification, quantity, production date, production or import batch number, shelf life, name and contact information of the exporter and buyer, and delivery date. The food import and sale record shall be true and shall be maintained for at least two years.
	Article 80 <b>In the case that imported food</b>

	<p>fails to comply with China's food safety state standards, or may cause harm to human health or life security, the importers shall immediately stop importing such food, recall food already sold, inform relevant producers, traders and consumers, and report the recall and treatment situation to the state import and export inspection and quarantine department.</p> <p><b>For those failing to recall or stop importing such food according to relevant provisions, the state import and export inspection and quarantine departments shall order the food be recalled and stop being importing.</b></p>
Article 68 Exported food shall be supervised and randomly inspected by the exit-entry inspection and quarantine agencies. The customs shall release the products upon receipt of a clearance certificate issued by the exit-entry inspection and quarantine agencies. Producers of exported food, planting or breeding farms of raw materials for exported food shall be put on record at the national exit-entry inspection and quarantine department.	Article 81 Exported food shall be supervised and randomly inspected by the exit-entry inspection and quarantine agencies. Customs shall release the products upon receipt of a clearance certificate issued by the exit-entry inspection and quarantine agencies. Producers of exported food, <b>exporters exporting food</b> , and planting or breeding farms of raw materials for exported food shall be put on record at the national exit-entry inspection and quarantine department.
Article 69 The national exit-entry inspection and quarantine department shall collect and consolidate safety information on imported and exported food and notify it to relevant departments, institutions, and enterprises. The national exit-entry inspection and quarantine department shall establish and publish credit records of food importers, exporters, and export food producers and shall tighten inspection and quarantine on importers, exporters, and export food producers that have an unhealthy credit record.	Article 82 The national exit-entry inspection and quarantine department shall collect and consolidate safety information on imported and exported food and notify it to relevant departments, institutions, and enterprises. The national exit-entry inspection and quarantine department shall <b>carry out credit management for</b> food importers, exporters, and export food producers, establish and publish <b>credit</b> records; and shall tighten inspection and quarantine on importers, exporters, and export food producers that have an unhealthy credit record.
	Article 83 <b>The state import and export inspection and quarantine department may carry out assessment and inspection on the food safety management system and food safety situation of the countries or regions that export food to China, and determine relevant inspection and quarantine requirements in accordance with the assessment and inspection results.</b>
<b>Chapter 7: Handling of Food Safety Incidents</b>	<b>Chapter 7: Handling of Food Safety Incidents</b>

	<p>Article 84 <b>The state establishes a food safety incidents emergency handling policy; and in accordance with the principles of “categorized management, responsibility assigned to different levels, coordinating different categories and fields, and locality-based approach”, establishes a food safety emergency management system and operation mechanism.</b></p>
<p>Article 70 The State Council shall organize the formulation of emergency plans for national food safety incidents. Governments at the county level or above shall formulate emergency plans for food safety incidents within their jurisdiction based on relevant laws, regulations, and the emergency plan of the higher level government and the local situation and shall submit their plans to the higher level government for the official record. Food producers and traders shall develop a response plan for food safety incidents, regularly inspect the implementation of preventive measures related to food safety, and eliminate potential food safety risks in a timely manner.</p>	<p>Article 85 The State Council shall organize the formulation of emergency plans for national food safety incidents. Governments at the county level or above shall formulate emergency plans for food safety incidents within their jurisdiction based on relevant laws, regulations, and the emergency plan of the higher level government and the local situation and shall submit their plans to the higher level government for the official record. <b>Local people’s governments at county level or above shall enhance the food safety emergency capability development, establish emergency response teams, allocate facilities and equipment, and organize and carry out food safety emergency response drills.</b> Food producers and traders shall develop a response plan for food safety incidents, regularly inspect the implementation of preventive measures related to food safety, and eliminate potential food safety risks in a timely manner. <b>Food producers and traders are encouraged to carry out food safety emergency response drills.</b></p>

<p>Article 71 The organization where a food safety incident has occurred shall take immediate actions to prevent the incident from spreading. The organization where the incident has occurred and institution that receives and treats the patients shall immediately report to the executive department of health at the county of jurisdiction.</p> <p>The executive departments of agriculture, quality supervision, industry and commerce, and food and drug administration shall report to the executive department of health upon discovering a food safety incident or hearing a report on food safety incident.</p> <p>In the event of a major food safety accident, the executive department of health at the county level having received the report shall report to the local People's Government and the executive department of health at the higher People's Government. The People's Government of the county level and the executive department of health at the higher level shall report to higher authorities accordingly.</p> <p>Any organization or individual shall not conceal, lie, delay, or intentionally destroy the evidence of any food safety accident.</p>	<p>Article 86 The organization where a food safety incident has occurred shall take immediate actions to prevent the incident from spreading. The organization where the incident has occurred and institution that receives and treats the patients shall immediately report <b>to the food and drug regulatory department</b> and the executive department of health at the county of jurisdiction.</p> <p>The executive departments of agriculture and <b>quality supervision, inspection and quarantine departments</b> shall report <b>to the food and drug regulatory departments</b> immediately upon discovering a food safety incident or hearing a report on food safety incident.</p> <p>In the event of a <b>food safety incident, the food and drug regulatory department</b> at the county level having received the report shall report to the local People's Government and <b>the food and drug regulatory department</b> at the higher People's Government. The People's Government of the county level and <b>the food and drug regulatory department</b> at the higher level shall report to higher authorities accordingly.</p> <p>Any organization or individual shall not conceal, lie about, or delay the reporting of the food safety accident, or <b>hide, forge or</b> destroy relevant evidence.</p>
<p>Article 72 Upon receiving the food safety incident report, the executive department of health at the county level or above shall immediately work with the executive departments of agriculture, quality supervision, industry and commerce, and food and drug administration on investigation and handling of the incident and take the following measures prevent or mitigate the hazard to the public :</p> <p>1) Deploy emergent rescue and the executive department of health shall arrange first aid and treatment to the injured persons from the food safety accident;</p> <p>2) Seal up the food and raw materials likely causing the food safety accident and conduct immediate testing; for the confirmed food and raw material contamination, order the food producer and trader to recall, suspend operation, and destroy the product according</p>	<p>Article 87 Upon receiving the food safety incident report, <b>the local people's government</b> at the county level or above shall immediately <b>organize food safety regulatory department and relevant departments</b> to investigate and handle the incident and take the following measures to prevent or mitigate the hazard to the public :</p> <p>1) Deploy emergency rescue and the executive department of health shall arrange first aid and treatment to the injured persons from the food safety accident;</p> <p>2) Seal up the food and raw materials likely causing the food safety accident and conduct immediate testing; for the confirmed food and raw material contamination, order the food producer and trader to recall, suspend operation, and destroy the product according to <b>Article 61</b> of the Law;</p> <p>3) Seal up the contaminated food tools and</p>

<p>to Article 53 of the Law;</p> <p>3) Seal up the contaminated food tools and devices, and order for cleaning and sterilization;</p> <p>4) Properly handle news releases on disclosing the food safety accident and the treatment, explaining and clarifying on possible hazards.</p> <p>In the event of a major food safety accident, the People's Government at the county level or above shall immediately establish a commanding organization handling the food safety accident, activate the emergency plan, and handle the accident according to the above provisions.</p>	<p>devices, and order their cleaning and sterilization;</p> <p>4) Properly handle news releases on disclosing the food safety accident and the treatment, explaining and clarifying on possible hazards.</p> <p>In the event of a <b>food safety incident</b>, the People's Government at the county level or above shall, <b>in accordance with relevant provisions</b>, immediately establish a commanding organization handling the food safety accident, activate the emergency plan, and handle the accident according to the above provisions.</p>
<p>Article 73 In the case of a major food safety incident, the executive department of health at city level with subordinate districts or above shall work immediately with relevant departments on investigation of responsible parties of the incident, urge relevant departments to perform their duties, and submit an investigation report identifying responsibilities to the local government.</p> <p>In case a major food safety accident involves more than two provinces, autonomous regions, and municipalities, the executive department of health under the State Council shall organize the investigation on the responsibility of accident according to the provisions in the above paragraph.</p>	<p>Article 88 In the case of a <b>food safety incident, the food and drug regulatory department</b> at city level with subordinate districts or above shall, <b>in accordance with relevant provisions</b>, work immediately with relevant departments on investigation of responsible parties of the incident, urge relevant departments to perform their duties, and submit an investigation report identifying responsibilities to the local government.</p> <p>In case a major food safety accident involves more than two provinces, autonomous regions, and municipalities, <b>the food and drug regulatory department</b> under the State Council shall organize the investigation on the responsibility of accident according to the provisions in the above paragraph.</p>
<p>Article 74 In the event of a major food safety incident, the disease control and prevention institutions at the county level or above shall assist the executive department of health and relevant departments in making hygiene treatment of the site and conducting the epidemiological investigation of factors related to the food safety accident.</p>	<p>Article 89 In the event of a major food safety incident, the disease control and prevention institutions at the county level or above shall assist the executive department of health and relevant departments in making hygiene treatment of the site and conducting the epidemiological investigation of factors related to the food safety accident.</p> <p><b>Disease prevention and control institutions shall submit epidemiological investigation reports to the executive department of health and the food and drug regulatory department.</b></p>
<p>Article 75 In addition to identifying the liabilities of the organization where the food safety incident occurred, investigation shall also cover any negligence or misconduct by regulatory agencies on supervision and certification as well as staff at certification</p>	<p>Article 90 In addition to identifying the liabilities of the organization where the food safety incident occurred, investigation shall also cover any negligence or misconduct by regulatory agencies on supervision and certification as well as staff at certification</p>

institutions.	institutions.
<b>Chapter 8: Supervision and Administration</b>	<b>Chapter 8 Supervision and Administration</b>
	Article 91 <b>The state establishes food safety risk categorization and grading regulatory system. The food safety regulatory department determines the regulation priority, methods, frequency, etc. based on the food safety risk levels.</b>
	Article 92 <b>The State Council authorizes relevant departments to formulate the standards for food safety regulatory capacity building, and to clarify the requirements on food safety regulatory capacity building for people's governments at different levels.</b> <b>Local people's governments at county level or above should integrate food safety inspection resources, relevant information, etc., and realize resource sharing.</b>
	Article 93 <b>Local people's government at county level or above shall incorporate the expenditure for food safety regulation, sample testing, risk monitoring, education and publicity, and capacity building into the fiscal budget of the government at the same level.</b>
Article 76 The local People's Government at the county level or above shall organize the executive departments of health, agriculture, quality supervision, industry and commerce, and food and administration to develop the annual plan of supervision and management on food safety within their respective jurisdiction and implement such work according to the plan.	Article 94 The local People's Government at the county level or above shall organize <b>food safety regulatory department</b> at its own level to develop the annual plan of supervision and management on food safety within their respective jurisdiction and implement such work according to the plan.
Article 77 The executive departments of quality supervision, industry and commerce, and food and drug administration at the county level or above have the right to take the following actions in the course of performing their respective duties of regulating food safety: 1) Enter production and trading sites for field inspection; 2) Conduct sample testing on food being produced or traded; 3) Review and copy relevant contracts, documents, notebooks, and other information; 4) Seal up and detain food proven to violate	Article 95 The <b>food safety regulatory departments</b> at the county level or above have the right to take the following actions in the course of performing their respective duties of regulating food safety: 1) Enter production and trading sites for field inspection; 2) Conduct sample testing on food, <b>food additives and food related products</b> that are produced or traded; 3) Review and copy relevant contracts, documents, notebooks, and other information; 4) Seal up, detain and <b>order the suspension of production and trading of</b> food proven to

<p>food safety standards, illegally used food raw materials, food additives, and food-related products as well as equipment and tools contaminated or used for illegal production or trading; and</p> <p>5) Closing down places of illegal production and trading of food.</p> <p>The executive department of agriculture at the county level or above shall be responsible for regulating edible agricultural products in accordance with the Law of the People's Republic of China on Agricultural Product Quality and Safety.</p>	<p>violate food safety standards <b>or proven by evidence to have hidden safety hazards</b>, illegally used food raw materials, food additives, and food-related products as well as equipment and tools contaminated or used for illegal production or trading; and</p> <p>5) Closing down places of illegal production and trading of food.</p>
	<p>Article 96 <b>For food that has no food safety national standards applicable but has proven by evidence to have hidden safety hazards, the health executive department under the State Council shall, in conjunction with relevant departments, set a temporary limit for harmful substances in food in a timely manner.</b></p>
<p>Article 78 The executive departments of health, quality supervision, industry and commerce, and food and drug administration at the county level or above shall record the results of supervision, inspection and punishment in the course of overseeing and inspecting food producers and traders. Such records shall be signed by supervision and inspection officers and food producers and traders before filing.</p>	<p>Article 97 The <b>food safety regulatory departments</b> at the county level or above shall record the results of supervision, inspection and punishment in the course of overseeing and inspecting food producers and traders. Such records shall be signed by supervision and inspection officers and food producers and traders before filing.</p>
<p>Article 79 The executive departments of health, quality supervision, industry and commerce, and food and drug administration at the county level or above shall establish and maintain food safety credit records for food producers and traders, record issuance of licenses, results of routine supervision and inspection, and handling of illegal activities; and shall increase the frequency of supervision and inspection on food producers and traders with unhealthy credit records based on the food safety credit records.</p>	<p>Article 98 The <b>food safety regulatory departments</b> at the county level or above shall establish and maintain food safety credit records for food producers and traders, record issuance of licenses, results of routine supervision and inspection, and handling of illegal activities; and shall increase the frequency of supervision and inspection on food producers and traders with unhealthy credit records based on the food safety credit records.</p>
	<p>Article 99 <b>In the event that hidden safety hazards existing in food production and trading process has not been eliminated timely through certain measures, the food safety regulatory departments may arrange communication sessions to determine liabilities with the legal</b></p>



	<p><b>representative or main person in charge. In the event that a local people's government fails to assume its food safety duties and fails to eliminate major regional food safety hidden hazards in a timely manner, the people's government at the higher level may arrange communication sessions to determine liabilities with the main person in charge.</b></p>
	<p><b>Article 100 For food producers and traders that are suspected to have violated the provisions of this law and may cause significant harm or major social impacts, the superior food safety regulatory departments may carry out non-notified on-site inspections of them.</b></p>
<p>Article 80 Upon receiving any inquiry, complaint, or information, the executive departments of health, quality supervision, industry and commerce, and food and drug administration at the county level or above shall accept, promptly verify, and handle such an inquiry, complaint, or other information. The departments shall transfer matters beyond their duty and authority to other departments empowered to deal with such issues, which shall act immediately and not push responsibility to others. Matters relating to food safety incidents shall be handled according to Chapter 7 of the Law.</p>	<p>Article 101</p> <p><b>The state establishes food safety awarded reporting system. Food and drug regulatory departments at county level or above establish systems receiving food safety compliant and reporting, and the reporters will be awarded if the reporting has been verified to be true.</b></p> <p>Upon receiving any inquiry, complaint, or information, <b>the food safety regulatory departments</b> at the county level or above shall accept, promptly verify, and handle such an inquiry, complaint, or other information. The departments shall transfer matters beyond their duty and authority to other departments empowered to deal with such issues, which shall act immediately and not push responsibility to others. Matters relating to food safety incidents shall be handled according to Article 7 of the Law.</p> <p><b>Local people's governments at the county level or above shall arrange special fiscal fund for such awarding.</b></p>
<p>Article 81 The executive department of health, quality supervision, industry and commerce, and food and drug administration at the county level or above shall perform the regulatory duties on food safety according to their statutory authority and procedures. They shall not impose two or more administrative penalties on the same illegal food production or trading activity. Anyone suspected of violating criminal law shall be handed to the public security authorities according to law.</p>	<p>Article 102 <b>Food safety regulatory departments</b> at the county level or above shall perform the regulatory duties on food safety according to their statutory authority and procedures. They shall not impose two or more administrative penalties on the same illegal food production or trading activity. Anyone suspected of violating criminal law shall be handed to the public security authorities according to law.</p>

<p>Article 82 The State shall establish a unified food safety information release system. The following information shall be centrally disclosed by the executive department of health under the State Council:</p> <ol style="list-style-type: none"> <li>1) Overall situation of food safety in the country;</li> <li>2) Food safety risk assessment and food safety risk alert;</li> <li>3) Information on major food safety incidents and the handling; and</li> <li>4) Other important food safety information and information identified by the State Council as requiring centralized disclosure.</li> </ol> <p>The information set forth in 2) and 3) may, if its impact is limited to particular regions, be disclosed by the health departments of the people's governments of relevant provinces, autonomous regions and municipalities. The executive departments of agriculture, quality supervision, industry and commerce, and food and drug administration, shall disclose information on routine supervision and administration of food safety in accordance with their respective duties and responsibilities.</p> <p>The regulatory departments on food safety shall disclose information in a timely, objective, and accurate basis.</p>	<p>Article 103 The State shall establish a unified food safety information release system. The following information shall be centrally disclosed by food and drug regulatory departments under the State Council:</p> <ol style="list-style-type: none"> <li>1) Overall situation of food safety in the country;</li> <li>2) Food safety risk assessment and food safety risk alert;</li> <li>3) Information on major food safety incidents and the handling; and</li> <li>4) Other important food safety information and information identified by the State Council as requiring centralized disclosure.</li> </ol> <p>The information set forth in 2) and 3) may, if its impact is limited to particular regions, be disclosed by <b>food and drug regulatory departments</b> of the people's governments of relevant provinces, autonomous regions and municipalities. <b>The food safety regulatory departments</b> at the county level or above shall disclose information on routine supervision and administration of food safety in accordance with their respective duties and responsibilities.</p> <p>The regulatory departments on food safety shall disclose information in a timely, objective, and accurate basis.</p> <p><b>The food and drug regulatory department under the State Council establishes a uniformed food safety information platform, and releases food safety information according to law.</b></p> <p><b>If without authorization, no organization or individual shall issue food safety information that is to be released by food safety regulatory departments according to law.</b></p>
<p>Article 83 Upon receiving information requiring central disclosure pursuant to Article 82 (1), the executive departments of health, agriculture, quality supervision, industry and commerce, and food and drug administration at the county level or above shall immediately report to their superior departments, which then shall immediately report to the executive department of health under the State Council, and, if necessary, they may directly report to the executive department of health under the State Council.</p> <p>The executive departments of health,</p>	<p>Article 104 Upon receiving information requiring central disclosure pursuant to this law, <b>the food safety regulatory departments</b> at the county level or above shall immediately report to their superior departments, which then shall immediately report to <b>the food and drug regulatory department</b> under the State Council, and, if necessary, they may directly report to <b>food and drug regulatory department</b> under the State Council.</p> <p><b>The food safety regulatory departments</b> at the county level or above shall notify each other of any food safety related information.</p>

agriculture, quality supervision, industry and commerce, and food and drug administration at the county level or above shall notify each other of any food safety related information.	
	<p><b>Article 105 The state establishes the food safety statistics system.</b></p> <p><b>The food and drug regulatory department under the State Council, in conjunction with relevant departments, establishes food safety statistics indicator system and organizes food safety statistics work. Food safety data shall be authentic and complete.</b></p>
	<p><b>Article 106 Any organization or individual should verify with food producers and traders, industry associations, scientific research institutes, and food safety regulatory departments, before issuing food safety information that may bring significant impacts to the society or the food industry.</b></p> <p><b>No organization or individual shall issue food safety information that has not been verified, nor shall any of them forge and disseminate false food safety information.</b></p>
	<p><b>Article 107 The food safety regulatory department under the State Council and the public security department establish the coordination system for food safety administrative law enforcement and criminal justice work.</b></p> <p><b>The food safety regulatory departments, upon detecting suspected food safety crimes, shall transfer the case to the public security departments in a timely manner. For cases handed over by the food safety regulatory departments, the public security departments shall make inspections in a timely manner, and shall put the case on file for investigation and prosecution if the case is deemed to be of such a level.</b></p> <p><b>The public security departments, if found cases that do not constitute crime in food safety criminal investigations, shall transfer the case to food safety regulatory departments in a timely manner; and relevant departments shall handle the case according to law.</b></p> <p><b>In the event that the public security departments request the assistance of food safety regulatory departments on</b></p>

	<b>providing examination, appraisal or identification, the food safety regulatory departments shall provide assistance.</b>
	<b>Article 108 People's governments at the provincial level or above, in accordance with relevant provisions of the State Council, should commend organizations and individuals that have made remarkable achievements in food safety work.</b>
<b>Chapter 9: Legal Liabilities</b>	<b>Chapter 9: Legal Liabilities</b>
Article 84 Food producers or traders who violate the Law by engaging in unauthorized food production or trading activities or production of food additives shall have illegally gained benefits, including food or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading confiscated by the relevant authorities according to their respective duties and responsibilities, and be subject to a fine of RMB2,000 - 50,000 if the total value of the food or food additive is less than RMB 10,000 or a fine between 5 and 10 times of the total value of the commodity if the total value of the commodity exceeds RMB10,000.	Article 109 Food producers or traders who violate the Law by engaging in unauthorized production or trading activities of food and food additives shall have illegally gained benefits, including food or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading confiscated by the <b>food safety regulatory departments</b> according to their respective duties and responsibilities, and be subject to a fine of RMB2,000 - 50,000 if the total value of the food or food additive is less than RMB 10,000 or a fine between 5 and 10 times of the total value of the commodity if the total value of the commodity exceeds RMB10,000.
Article 85 In violation of the Law with one of the following circumstances, the food producer or trader shall have illegally gained benefits, including foods or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading confiscated by the relevant authorities according to their respective duties and responsibilities, and be subject to a fine of RMB2,000 - 50,000 if the total value of the commodity is less than RMB 10,000 or a fine between 5 and 10 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; and for serious cases, be revoked the business license 1) Producing food with non-food raw material or adding chemicals other than food additives or other substances possibly hazardous to human health to food, or producing food with recovered food as raw materials; 2) Producing or trading food which exceed	Article 110 In violation of the Law with one of the following circumstances, the food producer or trader shall have illegally gained benefits, including foods or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading confiscated by <b>the food safety regulatory departments</b> according to their respective duties and responsibilities, and be subject to <b>a fine of RMB 50,000 - 150,000</b> if the total value of the commodity is less than RMB 10,000 or a fine <b>between 15 and 30 times the total value of the commodity if the total value of the commodity exceeds RMB10,000</b> ; for serious cases, the business license will be revoked, <b>and the person directly responsible will be given administrative detention by the public security departments; and for cases constituting crime, the criminal responsibilities will be prosecuted according to law.</b>

<p>food safety standard limits in content of pathogenic microorganisms, pesticide residues, animal medicine residues, heavy metals, contaminants, and other substances with possible hazardous to human health;</p> <p>3) Producing or trading staple and supplementary food dedicated to babies or other specific populations the nutritional ingredients of which fail to comply with food safety standards;</p> <p>4) Food which is rotten or spoiled, has rancid fat, grows with molds or insects, is dirty or contaminated, contains foreign matters, has been adulterated, or displays abnormal sensory indication;</p> <p>5) Trading or producing meat or products of any poultry, livestock, animals, or waterborne animals which have been killed by disease, poison or any unidentified cause;</p> <p>6) Trading meat which have not been quarantined or inspected by animal health supervision authorities or fail to pass such quarantine or inspection; or producing or trading meat products meat which have not been quarantined or inspected or fail to pass such quarantine or inspection;</p> <p>7) Trading food exceeding the shelf life;</p> <p>8) Producing or trading food expressly prohibited by the State from production and trading for disease prevention and control purposes;</p> <p>9) Using new food materials to produce food, or producing new varieties of food additives and food related products without a safety assessment;</p> <p>10) Refusing to recall or stop operations when relevant authorities order a recall or stop of operation of food that does not comply with foods safety standard.</p>	<p>1) Producing food with non-food raw material, or with recovered food <b>or food exceeding shelf life</b> as raw materials;</p> <p>2) <b>Adding chemicals other than food additives or other substances possibly hazardous to human health to food;</b></p> <p>3) Producing or trading staple and supplementary food dedicated to babies or other specific populations the nutritional ingredients of which fail to comply with food safety standards;</p> <p>4) <b>Producing infant and young children formula foods in the means of sub-contracting, OEM, or sub-packaging;</b></p> <p>5) <b>Producing</b> meat or products of any poultry, livestock, animals, or waterborne animals which have been killed by disease, poison or any unidentified cause;</p> <p>6) Trading meat which have not been quarantined or inspected by animal health supervision authorities or fail to pass such quarantine or inspection; or producing or trading meat products meat which have not been quarantined or inspected or fail to pass such quarantine or inspection;</p> <p>7) <b>Producing food that has been adulterated;</b></p> <p>8) <b>Adding medicine in food production and trading activities.</b></p> <p>9) Claiming the functions of disease prevention and treatment in the label, instructions or <b>advertisements</b> for the produced food and food additives;</p> <p>10) Producing or trading food expressly prohibited by the State from production and trading for disease prevention and control purposes;</p> <p>11) <b>Producing and processing food related products with discarded materials, recycled materials, or other materials not complying with requirements;</b></p> <p>12) <b>Forging or altering licenses, labels, marks, instructions, inspection reports, quarantine certificates, or other activities going against the honesty duties.</b></p>
	<p>Article 111 <b>In violation of the Law with one of the following circumstances, the food producers or traders shall have the food that was illegally obtained, or illegally produced or traded, confiscated by the food safety regulatory departments</b></p>

	<p>according to duties and responsibilities, and be subject to a fine of RMB 2,000 - 50,000 if the total value of the commodity is less than RMB 10,000 or a fine between 5 and 10 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; for serious cases, the business license will be revoked; and for cases constituting crime, the criminal responsibilities will be prosecuted according to law.</p> <p>1) <b>Producing or trading</b> food which exceeds food safety standard limits in relation to pathogenic microorganisms, pesticide residues, animal medicine residues, heavy metals, <b>biotoxins</b>, contaminants, <b>radioactive substances</b>, and other substances hazardous to human health;</p> <p>2) <b>Producing or trading</b> food which is rotten or spoiled, has rancid fat, grows with molds or insects, is dirty or contaminated, contains foreign matter, or displays abnormal sensory indication;</p> <p>3) Trading food, <b>food additives or food related products</b> that have exceeded shelf life;</p> <p>4) Using new food materials to produce food, or producing new varieties of food additives and food related products without a safety assessment;</p> <p>5) Refusing to recall or stop <b>production</b> or trading when relevant authorities order a recall or the cessation of <b>production</b> and trading of food that does not comply with foods safety standard.</p> <p>6) <b>Purchasing or storing inedible substances that could be illegally added to food as announced by the State;</b></p> <p><b>Punishment will be given in accordance with the provisions of Article 109 in this law, for food producers and traders who intentionally carry out activities stated in the preceding paragraph.</b></p>
Article 86 In violation of the Law with one of the following circumstances, the food producer or trader shall have all illegal benefits, including food or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading confiscated by the relevant authorities according to their	Article 112 For food producers or traders in violation of the Law with one of the following circumstances, <b>the food safety regulatory departments</b> shall, according to their duties and responsibilities, <b>order them to correct their activities and give warnings.</b> The food producer or trader <b>with serious offences</b> shall have food illegally obtained, or illegally

<p>respective duties and responsibilities, and be subject to a fine of RMB2,000 - 50,000 if the total value of the commodity is less than RMB 10,000; or a fine between 2 and 5 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; and for the serious cases, be ordered to stop production or business or even revoked the business license:</p> <ol style="list-style-type: none"> <li>1) Trading the food contaminated with the packaging materials, container, transport means, etc.;</li> <li>2) Producing or trading the pre-packaged food or food additives without label, or the food or food additives labels or instructions not in compliance with the Law;</li> <li>3) Purchasing or using the food materials, food additives, or food related products not in compliance with food safety standards;</li> <li>4) Adding medicine to food.</li> </ol>	<p>produced or traded confiscated; the food producer or trader shall be subject to a fine of <b>RMB5,000</b> - 50,000 if the total value of the commodity is less than RMB 10,000; or a fine between 2 and 5 times the total value of the commodity if the total value of the commodity exceeds RMB10,000; and for the serious cases, be ordered to stop production or business or even revoked the business license; <b>and for cases constituting crime, the criminal responsibilities will be prosecuted according to law. :</b></p> <ol style="list-style-type: none"> <li>1) <b>Producing</b> or trading the food contaminated with the packaging materials, container, transport means, etc.;</li> <li>2) Producing or trading the pre-packaged food or food additives without label, or the food or food additives labels or instructions not in compliance with the Law, or <b>bulk food that fail to be marked as required;</b></li> <li>3) Purchasing or using the food materials, food additives, or food related products not in compliance with food safety standards;</li> <li>4) <b>Using food additives beyond allowed scope or higher than the allowed amount;</b></li> <li>5) <b>The food producers and traders fail to perform the duties of recall according to law;</b></li> <li>6) <b>Water used in food production and trading fails to meet relevant national requirements;</b></li> <li>7) <b>Producing or trading other food, food additives, or food-related products that fail to meet food safety standards or requirements.</b></li> </ol>
<p>Article 87 In violation of the Law with one of the following circumstances, the food producer or trader shall be ordered to make correction or warned by the relevant authorities according to their respective duties and responsibilities; when refusing to make correction, be subject to a fine of RMB2,000 - 20,000; and for the serious cases, be ordered to stop production or business, until revoked the business license</p> <ol style="list-style-type: none"> <li>1) Fail to test the purchased food materials, produced food, food additives, and food related products;</li> <li>2) Fail to establish and observe the inspection record system and ex-factory inspection record system;</li> </ol>	<p>Article 113 In violation of the Law with one of the following circumstances, the food producer or trader shall be ordered to make a correction or be warned by <b>the food safety regulatory departments</b> according to their respective duties and responsibilities; when refusing to make correction, be subject to a fine of RMB2,000 - 20,000; and for serious cases, be ordered to stop production or business, until revoked the business license</p> <ol style="list-style-type: none"> <li>1) <b>Failing to allocate food safety management personnel as required, to set up food safety management institutions as required, or identify the person in charge;</b></li> <li>2) <b>The practitioners have not received training, or failed the training exam;</b></li> </ol>

<p>3) Fail to file for record of the enterprise food safety standard according to the Law;  4) Fail to store or sell food or clear off food in stock according to the regulations;  5) Fail to check the license or relevant certificates upon receiving incoming products;  6) Claim the functions of disease prevention and treatment in the label and instructions for the produced food and food additives;  7) Allow the person with diseases listed in Article 34 of the Law to execute the work contacting the food for direct consumption.</p>	<p>3) <b>The food producers and traders allocate personnel who have not obtained satisfactory health certificate to engage in production and trade, or allocate personnel with diseases listed in the Law to execute the work contacting the food for direct consumption;</b>  4) <b>Failing to establish and observe the inspection record system and ex-factory inspection record system; failing to formulate plans to handle food safety incidents.</b>  5) <b>The producers for infant and young children formula food fail to report the production raw materials, product formula, labels, etc. to food safety regulatory departments for recording.</b>  6) <b>Failing to inspect and record food, food additives, food related products produced.</b>  7) <b>Failing to file for record of the enterprise food safety standard according to the Law;</b>  8) <b>Failing to store or sell food or clear off food in stock according to the regulations;</b>  9) <b>Failing to wash or sterilize the tableware, kitchenware, and containers holding direct consumption food before use, or the washing or sterilization failing to meet standards;</b>  10) <b>Failing to regularly carry out self-inspection on food safety conditions and keep records;</b>  11) <b>Failing to buy food safety liability mandatory insurance as required; and</b>  12) <b>Other activities in violation of food production and trading management standards.</b></p>
<p>Article 88 In violation of the Law upon occurrence of any accident, the food producer or trader failing to make disposal or reporting shall be ordered to make correction or warned by the relevant authorities according to their respective duties and responsibilities; when destroying the evidence, be ordered to suspend the production or trading and subject to a fine of RMB2,000 - 100,000; and for the serious cases, be revoked the business license</p>	<p>Article 114 In violation of the Law upon occurrence of any accident, the food producer or trader failing to make disposal or reporting shall be ordered to make a correction or be warned by the relevant authorities according to their respective duties and responsibilities; <b>when hiding, forging, or destroying the evidence, be ordered to suspend the production or trading, have profits gained illegally confiscated, and subject to a fine of RMB100,000 - 500,000;</b> and for serious cases, be revoked the business license, <b>and for cases constituting crime, be prosecuted for criminal liabilities.</b></p>
<p>Article 89 Under any of the following</p>	<p>Article 115 Under any of the following</p>



<p>circumstances, any food producer or trader in violation of the Law, shall be given the punishment according to Article 85 herein:</p> <p>1) Importing foods not meeting the national food safety standard of China;</p> <p>2) Importing foods without applicable national food safety standard, or the new type of food additive and food related products, without safety assessment;</p> <p>3) Exporting foods in breach of the Law.</p> <p>The importer failing to establish and maintain the food import and sales record system, in violation of the Law, shall be subject to punishment specified in Article 87 herein.</p>	<p>circumstances, any food producer or trader in violation of the Law, shall be given the punishment according to <b>Article 110, 111, 112, and 113</b> herein:</p> <p>1) Importing foods not meeting the national food safety standard of China, <b>or food not accompanied with inspection certificate documents.</b></p> <p>2) Importing foods without applicable national food safety standard, <b>without going through inspection and having applicable standards identified</b>, or the new type of food additive and food related products, without safety assessment;</p> <p>3) Exporting foods in breach of the Law.</p> <p>4) <b>Importers refuse to recall food not meeting food safety standards after relevant competent departments order them to recall;</b></p> <p>5) <b>Imported pre-packaged food have no Chinese labels or Chinese instructions, or the labels or instructions fail to meet the requirements of this law, other laws and administrative regulations of China, and food safety national standards.</b></p> <p>6) The importer failing to establish and maintain the food import and sales record system, or the <b>examination and verification system for overseas exporter or overseas food production businesses for imported food.</b></p>
<p>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.</p>	<p>Article 116 If any operators of central trading markets, stall leasers, organizers of trade fair, and <b>online food trading third party platform providers</b> permit food traders without a license for food production, distribution or provision for catering services to sell food in the market or <b>on the online trading platform</b> in violation of this Law, or fails to perform <b>real name registration</b>, inspection or reporting obligations, the relevant authorities shall impose a fine between RMB2,000 and RMB 50,000 according to their respective duties and responsibilities, and, if serious consequences are caused, order suspension of operations for correction, or even <b>revoke its license.</b></p>
<p>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</p>	<p>Article 117 Where anyone or organization engages in food and <b>food additives</b> transportation and <b>delivery</b> activities in violation of this Law, the <b>food and drug</b></p>

<p>warning; if correction is refused, order suspension of operations for correction and impose a fine between RMB 2,000 and RMB 50,000 according to their respective duties and responsibilities; and in serious circumstances, order revocation of its license by the original issuing department.</p>	<p><b>regulatory departments</b> shall order immediate correction and give a warning; if correction is refused, order suspension of operations for correction and impose a fine between RMB 2,000 and RMB 50,000 according to their respective duties and responsibilities; and in serious circumstances, order revocation of its license.</p>
	<p>Article 118 <b>In the event that a food producer and trader refuses or obstructs the food safety regulatory departments and their personnel carrying out investigation and sampling tests, the food safety regulatory departments shall, according to their respective duties and responsibilities, order the suspension of production and business, and impose a fine between RMB 2,000 and RMB 50,000; in serious circumstances, order revocation of its license; and for those disrupting public order, punishment will be imposed by the public security departments in accordance with Public Security Administration Punishments Law of the People's Republic of China; and for those constituting crime, be prosecuted for criminal liabilities.</b></p>
<p>Article 92 For any organization whose license for food production, distribution or catering service has been revoked of, the direct responsible manager shall not be permitted for management of food production and/or trading activities within 5 years after the punishment.</p> <p>If any organization for food production/trading engages any person not permitted for management of food production and/or trading activities, the license shall be revoked by the original issuing authority.</p>	<p>Article 119 For any organization whose <b>license for food production and trading</b> has been revoked, <b>the main person in charge and food safety management personnel</b> shall not be permitted to manage food production and/or trading activities within 5 years after the punishment.</p> <p><b>Any person who has been sentenced to a fixed-term imprisonment or more severe penalty due to food safety crimes, shall not engage in food production and trading management work for life.</b></p> <p>If any organization for food production/trading engages any person not permitted for management of food production and/or trading activities, <b>the license shall be revoked.</b></p>
	<p>Article 120 <b>In the event that a technological institution or personnel undertaking food safety risk inspection or assessment work issues false inspection or assessment reports in violation of this law, the main person directly in charge of the technological institution and the technological personnel shall be punished</b></p>

	<p><b>by removing from duty or dismissal, and if constituting crime, be prosecuted for criminal liabilities.</b></p>
<p>Article 93 If any food inspection agency or personnel issues false inspection reports in violation of this Law, the original authorities or institution granting its qualification shall revoke its certificate of qualification. The manager and personnel directly responsible shall be removed from office or dismissed. Any food inspection personnel issuing false inspection reports in violation of this Law shall, if he/she has been subject to criminal prosecution or removed from office or dismissed, be prohibited from any food inspection work within ten (10) years thereafter. Any food inspection agency employing any person prohibited from food inspection work will be subject to revocation of its certificate of qualification by the original authorities or institution granting its qualification.</p>	<p>Article 121 If any food inspection agency or personnel issues false inspection reports in violation of this Law, <b>relevant departments shall confiscate all inspection fees that have been charged and impose a fine 3 to 5 times the inspection fees</b>, 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; <b>and if constituting crime, they shall be prosecuted for criminal liabilities.</b> 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 <b>In the event that food inspection institutions, by issuing false inspection reports, have harmed the consumers' legal rights and benefits, they shall assume the liability for damages.</b></p>
	<p>Article 122 <b>In the event that a verification institution issues false certification conclusion in violation of this law, the certification and accreditation regulatory departments shall confiscate any certification fees charged, impose punishments including a fine 3 to 5 times the certification fees, the suspense of business or revocation of its certificate of qualification, and announce the punishments; the manager and personnel directly responsible for the certification shall be revoked of their practicing qualification; and if constituting crime, they shall be prosecuted for criminal liabilities.</b> <b>In the event that certification institutions, by issuing false certification conclusions, have harmed the consumers' legal rights</b></p>

	<b>and benefits, they shall assume the liability for damages.</b>
<p>Article 94 Any advertising containing false publicity to cheat the consumers in violation of the Law shall result in punishment according to Advertising Law of the People's Republic of China.</p> <p>Any food safety regulatory authorities or institution for food inspection, food industry association, or consumer association, when recommending any food to consumers via advertising or other forms, in violation of the Law, shall be subject to confiscation of the illegal benefits by the relevant authorities, and the manager and other personnel directly responsible shall be given the punishment of recording a special demerit, demotion or removal from the office.</p>	<p>Article 123 Any advertising containing false publicity <b>of food</b> to cheat the consumers in violation of the Law shall result in punishment according to Advertising Law of the People's Republic of China.</p> <p>Any food safety regulatory authorities or institution for food inspection, food industry association, or consumer association, when recommending any food to consumers via advertising or other forms, in violation of the Law, shall be subject to confiscation of the illegal benefits by the relevant authorities, and the manager and other personnel directly responsible shall be given the punishment of recording a special demerit, demotion or removal from the office; <b>for serious circumstances, the manager and other personnel directly responsible shall be expelled.</b></p>
	<p><b>Article 124 Any fabricating and spreading false food safety information to cause disturbance of public order in violation of the law shall be punished by Public Security Departments in accordance with the provisions of "Public Security Administration Punishments Law of P.R.China"; if constituting crime, the person shall be subject to criminal prosecution.</b></p> <p><b>Any fabricating and spreading of false food safety information or publicity of unverified food safety information to cause infringement of lawful rights and interests of food producers and traders shall bear civil liability according to law.</b></p>
<p>Article 95 If any local people's government at the county or above level fails to perform its duties pursuant to this Law in the course of supervising and administrating food safety, and food safety incidents occur with serious impact on society, both the government officials that bear responsibility and the executives directly responsible shall be punished by recording a special demerit against them or demoting or removing them from office.</p> <p>If the executive departments of health,</p>	<p>Article 125 If any local people's government at the county or above level fails to perform its duties pursuant to this Law in the course of supervising and administrating food safety with one of the following circumstances, and a food safety incident occurs with a serious impact on society, both the government officials that bear responsibility and the executives directly responsible shall be punished by recording a special demerit against them or demoting or removing them from office; <b>if constituting crimes, both the government officials that bear</b></p>

<p>agriculture, quality supervision, industry and commerce, food and drug or other executive branches of the government at the country level or above fail to perform their duties under this Law, or abuse their authority, engage in self-seeking misconduct and cause serious consequences, the authorities for supervision or appointment and dismissal shall punish the people chiefly responsible, the people directly in charge and other people directly responsible by recording a special demerit or demotion; if serious consequences are caused, the people chiefly responsible, the people directly in charge and other people directly responsible shall be removed from office or dismissed; the chief principal shall acknowledge the blame and resign.</p>	<p><b>responsibility and the executives directly responsible shall be subject to criminal prosecution.</b></p> <p><b>1) Failing to implement the food safety regulation responsibility system, fails to carry out the food safety assessment and examination in accordance with the provisions of the regulations;</b></p> <p><b>2) Failing to implement the capacity building standards of food safety supervision in accordance with the regulations, or fails to ensure funding for food safety work in accordance with the regulations;</b></p> <p><b>3) Failing to organize the formulation and implementation of the annual food safety regulation plan;</b></p> <p><b>4) Failing to report and organize the disposal of food safety incident in accordance with the provisions of the regulations;</b></p> <p><b>5) Failing to perform other duties stipulated by laws and regulations.</b></p> <p><b>If the provisions of this law are violated, to cause, in the administrative region, significant food safety incident and serious social impact, key persons in charge of the local government should be investigated in accordance with the relevant provisions of accountability.</b></p> <p><b>Article 126 If any food safety regulatory departments at the county level or above or any other relevant administrations fails to perform its duties under this Law , or abuses its authority, neglects its duties, and plays favoritism and commits irregularities with one of the following circumstances, the people directly in charge and other people directly responsible shall be punished by recording a special demerit or demotion; if serious consequences are caused, the people directly in charge and other people directly responsible shall be removed from office or dismissed; if constituting crimes, the people directly in charge and other people directly responsible shall be subject to criminal prosecution.</b></p> <p><b>1) Failing to grant approval in accordance with the provisions of the conditions, resulting in serious consequences;</b></p> <p><b>2) Failing to carry out supervision and</b></p>
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	<p>inspection, resulting in serious consequences;</p> <p>3) Failing to report or notify significant food safety information in accordance with the provisions of the regulations;</p> <p>4) Failing to investigate food safety incident in accordance with the provisions of the regulations, or accepts bribes when investigating food safety accident;</p> <p>5) Concealment, falsity, delay and omission in reporting significant food safety incidents;</p> <p>6) Participating, harboring or conniving food safety crimes;</p> <p>7) Failing to perform other duties stipulated by laws and regulations.</p> <p>If the provisions of this law are violated, to cause significant food safety incident or serious social impact, key persons in charge of the relevant departments should be investigated in accordance with the relevant provisions of accountability.</p>
<p>Article 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.</p>	<p>Article 127 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 <b>or three times of the loss</b>, in addition to the compensation for the loss thereof. <b>If the compensation amount is calculated less than RMB1,000, the consumer should be paid with a compensation of RMB1,000.</b></p>
<p>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.</p>	<p>Article 128 Anyone in violation of this Law shall be liable for civil compensation and payment of penalties and fines, and when the assets are not sufficient for payment, the civil compensation shall be executed first.</p>
<p>Article 98 Anyone in violation of this Law shall, if the crime is committed, be subject to criminal prosecution.</p>	
<p><b>Chapter 10: Supplementary Provisions</b></p>	<p><b>Chapter 10: Supplementary Provisions</b></p>
<p>Article 99 For the purpose of this Law, the following terms shall have the meaning defined hereunder: Food means any substance</p>	<p>Article 129 For the purpose of this Law, the following terms shall have the meaning defined hereunder:</p>

<p>that has been processed or not processed that is suitable for eating and/or drinking, including substances used as food and medicine, excluding substances solely used as medicine.</p> <p>Food Safety means the assurance that the food is nontoxic, harmless, and compliant with reasonable nutritional requirement, and will not cause any acute, chronic and potential hazards to human health.</p> <p>Pre-packaged Food means food which is prepackaged or made in containers or packaging materials, according to the fixed amount.</p> <p>Food Additive means any synthetic or natural substance used to improve the quality, color, fragrance, flavor of food, and used to add to the food or put together with the food for corrosion proof, keeping fresh or processing technology requirements.</p> <p>Food Container and Packaging Material means the products made of paper, bamboo, wood, metal, porcelain, plastic, rubber, natural fiber, chemical fiber, or glass and used to contain food or additives, or coating in direct contact with food or additives.</p> <p>Food Tools and Devices mean machines, pipes, conveyer belts, containers, appliances, tableware and other objects that have direct contact with food or additives during production, distribution and use of food or additives.</p> <p>Food Detergent and Disinfectant mean substances that are directly used to wash or sterilize food tableware, and tools and devices, or food containers and packaging materials that have direct contact with food.</p> <p>Shelf Life means the period prior to the “best before” date when the pre-packaged food remains in good quality under the storage conditions indicated on the label.</p> <p>Food Borne Disease means any infectious, toxic or other disease caused by pathogenic bacteria which enter the body through food.</p> <p>Food Poisoning means acute, sub-acute or other food-borne diseases that are caused by eating food contaminated by or containing poisonous or hazardous substances.</p> <p>Food Safety Incident means any incident that may be caused by food poisoning, food borne diseases, food contamination, or other</p>	<p>Food means any substance that has been processed or not processed that is suitable for eating and/or drinking, including substances used as food and medicine, excluding substances solely used as medicine.</p> <p>Food Safety means the assurance that the food is nontoxic, harmless, and compliant with reasonable nutritional requirement, and will not cause any acute, chronic and potential hazards to human health.</p> <p><b>Health Foods refers to those which claim to have specific health functions, to be suitable for specific groups, and to be consumed at a specified quantity.</b></p> <p>Pre-packaged Food means food which is prepackaged or made in containers or packaging materials, according to a fixed quantity.</p> <p>Food Additive means any synthetic or natural substance used to improve the quality, color, fragrance, flavor of food, and used to add to the food or put together with the food to prevent deterioration, keep fresh or for processing technology requirements.</p> <p>Food Container and Packaging Material means the products made of paper, bamboo, wood, metal, porcelain, plastic, rubber, natural fiber, chemical fiber, or glass and used to contain food or additives, or coating in direct contact with food or additives.</p> <p>Food Tools and Devices mean machines, pipes, conveyer belts, containers, appliances, tableware and other objects that have direct contact with food or additives during production, distribution and use of food or additives.</p> <p>Food Detergent and Disinfectant mean substances that are directly used to wash or sterilize food tableware, and tools and devices, or food containers and packaging materials that have direct contact with food.</p> <p><b>The food safety risk monitoring, refers to systematically and continually collecting monitoring data and relative information of food borne diseases, food contamination and harmful factors in food, and making a comprehensive analysis and timely notification.</b></p> <p><b>The food safety risk assessment, refers to scientific assessment of potential adverse effects on human health that may be</b></p>
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incidents arising from food and hazardous to human health.	<p><b>caused by biological, chemical and physical hazards in food, food additives, and food related products, including hazard identification, hazard characterization, exposure assessment, and risk characterization.</b></p> <p><b>Food safety risk communication, refers to food safety regulatory departments and the food safety risk assessment agencies, in accordance with the scientific, objective, timely and open principle to organize food producers and traders, industry associations, technological institutions, media and consumer associations to exchange information on food safety risk assessment and food safety regulation.</b></p> <p><b>Catering services, refers to activities providing consumers with food, places and facilities of consumption, through instant processing, commercial sales and service type labor.</b></p> <p>Shelf Life means the period prior to the “best before” date when the pre-packaged food remains in good quality under the storage conditions indicated on the label.</p> <p>Food Poisoning means acute, sub-acute or other food-borne diseases that are caused by eating food contaminated by or containing poisonous or hazardous substances.</p> <p>Food Borne Disease means any infectious, toxic or other disease caused by pathogenic bacteria which enter the body through food.</p> <p>Food Safety Incident means any incident that may be caused by food poisoning, food borne diseases, food contamination, or other incidents arising from food and hazardous to human health.</p>
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 130 If the food producer or trader has received the relevant license before the execution of this Law, such a license shall remain valid until expiration thereof.
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 131 The food safety administration for dairy products, genetically modified foods, <b>livestock and poultry</b> 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	Article 132 The measures for administration of food safety in the railway and <b>aviation</b> operations shall be developed by <b>the food</b>



<p>authorities under the State Council together with other relevant departments of the State Council. The measures for administration of food safety of the special foods and self-supplied foods in the army shall be developed by the Central Military Committee according to the Law.</p>	<p><b>and drug regulatory department under the State Council</b> together with other relevant departments of the State Council.  <b>The food safety regulation of grain acquisition, storage and policy processing, shall be implemented by state executive department of grain in accordance with this law.</b>  The measures for administration of food safety of the special foods and self-supplied foods in the army shall be developed by the Central Military Committee according to the Law.</p>
<p>Article 103 The State Council can make adjustments of the supervision and administration system for food safety according to the actual requirements.</p>	<p>Article 133 The State Council can make adjustments of the supervision and administration system for food safety according to the actual requirements.</p>
<p>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.</p>	<p>Article 134 This Law shall enter into force on xx xx, 20xx.</p>