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## **China - Peoples Republic of**

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### **Food Safety Law (Draft for Public Comments)**

**Report Categories:**

Policy and Program Announcements

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**Report Highlights:**

The Chinese National People's Congress published the Food Safety Law draft for public comments from July 1 to July 31.

The draft can be found at [http://www.npc.gov.cn/npc/lfzt/spaqfxd/2014-06/30/content\\_1869710.htm](http://www.npc.gov.cn/npc/lfzt/spaqfxd/2014-06/30/content_1869710.htm), which also provides the on-line form for commenting.

This GAIN report provides unofficial translation of the Law.

## **General Information:**

### **BEGIN TRANSLATION**

#### Chapter 1: General Provisions

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

Article 2 The following business activities carried out within the territory of the People's Republic of China shall abide by this law:

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

The quality and safety management of primary agricultural products for consumption (hereinafter referred to as “Edible Agricultural Products”) shall abide by the Law of the People’s Republic of China on Quality and Safety of Agricultural Products. However, developing quality safety standards of relevant edible agricultural products and publishing information of safety of edible agricultural products shall abide by this law.

Article 3 Food safety work shall abide by the principles of “putting prevention first, risk management, whole-process control, and making efforts by the whole society”, aiming to establish the strictest regulatory system.

Article 4 Food producers and traders shall follow laws, regulations and food safety standards in their production and trading activities. They are required to ensure the food safety, be honest and self-disciplined, be responsible for the society and the public, be supervised by the public, and bear the social responsibilities.

Food producers and traders are the first persons responsible for food safety. They shall take management responsibilities of their production and trading activities; they shall take the safety responsibility of their produced and traded foods; they shall take the compensation responsibility to the health, assets, or other damages caused by their produced or traded foods; they shall take other legal responsibilities for their activities that cause serious harm to the society.

Article 5 The State Council establishes the Food Safety Committee; the Committee's responsibilities will be determined by the State Council.

The China food and drug regulatory department (CFDA) under the State Council, in accordance with this law and the responsibilities identified by the State Council, is responsible for regulating food production and trading activities, and undertakes the daily work of the Food Safety Commission.

The National Health and Family Planning Commission (NHFPC) under the State Council, in accordance with this law and the responsibilities identified by the State Council, conducts food safety risk surveillance, risk assessment, develops and publishes national food safety standards.

Other ministries under the State Council shall undertake relevant food safety work in accordance with this law and responsibilities designated by the State Council.

Article 6 Governments at and above the county level shall take the overall responsibility of food safety regulatory work of the region. They shall take the integrate leadership, organization, and coordination roles in food safety regulatory work in the region, as well as respond to food safety incidents, and establish and hone a mechanism for food safety supervision throughout the whole process.

Governments at and above the county level, in accordance with this law and provisions of the State Council, shall define the responsibilities of the food and drug regulatory department, the health department and relevant departments at their own levels. Relevant departments shall be responsible for food safety regulatory work within their respective jurisdiction.

The food and drug regulatory department of the county-level government can establish food and drug regulatory resident agencies in townships or certain districts.

Article 7 Enforce the food safety accountability system at governments at and above the county level. Higher level government evaluates and appraises the food safety regulatory work by the lower level governments. Governments at and above the county level shall evaluate and appraise food safety regulatory work by the food and drug regulatory department and other agencies of the same level.

Article 8 Governments at and above the county level shall incorporate food safety work into the local economic and social development plan; the expenses for food safety work shall be included into the government financial budget; enhance capacity building to support safety regulatory work.

Governments at and above the county level shall consolidate the resources of food safety inspection and information for shared use.

Article 9 The food and drug regulatory department and other departments related to food safety work at and above the county level shall enhance communication, coordination, exercise the rights and bear the responsibilities in accordance with their respective duties.

Article 10 Food industry associations shall tighten the self-discipline of the industry, and guide food producers and traders to operate according to law; they shall promote the construction of industry creditability, publicize and spread knowledge related to food safety.

Article 11 Governments at and above the county level shall strengthen public education of food safety knowledge; 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.

The media shall publicize food safety laws, regulations, standards and knowledge, and provide public oversight on acts that violate the Law.

Publicity and reports of food safety issues shall be objective, true and just.

Article 12 The State encourages and supports basic and applied research related to food safety; food producers and traders are encouraged and supported to adopt advanced technologies and management practices for the sake of enhanced food safety.

Article 13 Any organization or individual has the right to report practice violating of this law in food production and trading; they have the right to inquire food safety information from relevant agencies and provide comments and suggestions about food safety regulatory work.

## Chapter 2: Food Safety Risk Surveillance and Assessment

Article 14 China establishes the food safety risk surveillance system, which monitors food-borne diseases, food contamination and other food-related hazards.

Formulation and enforcement of the national food safety risk surveillance plan shall be jointly carried out by the NHFPC, CFDA, AQSIQ and other State Council departments in accordance with needs of the food safety risk assessment, food safety standard development/revision, and food safety regulatory work, etc. Based on the national surveillance plan, the provincial-level health department, in conjunction with the food and drug regulatory department and the quality supervision department at the same level, shall formulate and enforce the food safety risk surveillance plan that takes into account the regional particularities. The surveillance plans shall be filed to the NHFPC for records.

Article 13 CFDA and other departments shall verify the food safety risk information they receive, and immediately report the information to the NHFPC. NHFPC and relevant State Council departments shall, in a timely manner, adjust the surveillance plan on food safety risks, if finding the adjustment is necessary.

NHFPC shall, jointly with other State Council departments, analyze the food-borne diseases and food poisoning information submitted by the medical institutes; if necessary, NHFPC will adjust the national food safety risk surveillance plan.

Provincial health departments shall, consider the local situation, work with relevant agencies to adjust the food safety risk surveillance plan of the region once the national food safety risk surveillance plan is adjusted.

Article 16 The technical institute undertaking the food safety risk surveillance work shall conduct surveillance work pursuant to the food safety risk surveillance plan and work program; the surveillance data shall be true and accurate. The surveillance data and analysis results shall be reported pursuant to the food safety risk surveillance plan and the surveillance work program. The food safety risk surveillance work shall follow the working regulations developed by the NHFPC and other State Council departments.

Food safety risk surveillance officials could collect samples and data in the edible agricultural product growing/breeding farm, as well as food production and trading facilities. The collected sample shall be paid at market price.

Article 17 If food safety risk surveillance analysis result reveals hidden food safety risk, the county and above level health department shall notify relevant information to the food and drug regulatory department and the government of the same level, and to the health department of the higher level. The food and drug regulatory department shall conduct further investigation into the hidden food safety risks detected in risk surveillance.

Article 18 China establishes the food safety risk assessment mechanism to assess the risks on biological, chemical and physical hazardous factors in foods, food additives, and food related products.

NHFPC 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.

The safety assessment of pesticides, fertilizers, vet drugs, feed and feed additives shall be attended by experts from the expert committee on food safety risk assessment.

The food safety risk assessment shall use science-based methods, and shall be conducted based on food safety risk surveillance information, scientific data, and other relevant information.

(Government) shall not charge fees from companies for food safety risk assessment; samples collected shall be paid at market price.

Article 19 Food safety risk assessment shall be conducted when the following situation occur:

1. Food safety risk surveillance or report reveal possible safety problem for food, food additives, and food related products;
2. Need to provide science basis for developing or revising national food safety standards;
3. Risk assessment is necessary to identify prioritized area or (food) variety in regulatory work;
4. Discovered factors that may cause harm to food safety;
5. Need to judge whether a factor constitutes food safety risk;
6. Other situations the NHFPC deems necessary to conduct risk assessment.

Article 20 CFDA, AQSIQ and MOA, finding it is necessary to conduct food safety risk assessment in their regulatory work, shall propose to NHFPC to conduct food safety risk assessment to NHFPC, and provide the following information and materials:

1. Source and nature of the risk;
2. Relevant testing data and conclusions;
3. Scope of the risk;
4. Other relevant information and materials.

If NHFPC deems it is necessary, it shall conduct food safety risk assessment in accordance with this Law in a timely manner, and report the assessment results to the relevant State Council department.

Article 21 Health and agriculture administrative agencies in the provincial or above level governments shall timely inform each other the food safety risk assessment and edible agricultural product quality safety risk assessment information.

The NHFPC and MOA shall timely inform each other the food safety risk assessment results and the edible agriculture product quality safety risk assessment results.

MOA shall conduct the edible agricultural products quality safety risk surveillance and assessment pursuant to provisions of the Agricultural Product Quality Safety Law.

Article 22 Food safety risk assessment results shall be the scientific basis for developing and modifying food safety standards, as well as food safety regulatory work.

In case the food safety risk assessment concludes that a food, a food additive, or a food related product is unsafe, CFDA and AQSIQ shall immediately take actions, make sure production and trading activity of the food, food additive and food-related product are terminated; they shall inform consumers to stop consumption or usage of the product; if necessary, NHFPC shall immediately formulate or modify the relevant food safety national standards.

Article 23 CFDA shall work with relevant State Council departments to conduct comprehensive analysis of the food safety situation based on food safety risk assessment results and the food safety regulatory work. For foods with high risks as shown by the comprehensive analysis, CFDA shall issue food safety risk alerts in a timely manner, and announce the alert to the public.

Article 24 CFDA, other (State Council) departments and food safety risk assessment institutes shall carry out exchanges with food producers, traders, industry associations, technical institutes, consumer associations and media on food safety risk assessment information and food safety regulatory information. The exchange and communication shall be science based, objective, timely and open.

### Chapter 3: Food Safety Standards

Article 25 Developing the food safety standards shall aim to safeguard the public health; it shall be science-based, reasonable, safe and reliable.

Article 26 Food safety standards are mandatory. Except for the food safety standards, no other mandatory food standards shall be developed.

Article 27 Food safety standards shall include the following standards:

- 1) The limits of pathogenic microorganisms, pesticide residues, veterinary drug residues, heavy metals, biotoxins, contaminants, and other substances hazardous to human health in food, food additives and food-related products;
- 2) Varieties, scope of application, and dose of food additives;
- 3) Requirements for nutritional ingredients in staple and supplementary food dedicated to infants and other specific populations;
- 4) Requirements for labeling, identification and instructions relevant to food safety and nutrition;
- 5) Hygienic requirements related to food production and trading;
- 6) Quality requirements related to food safety;
- 7) Methods and procedures for food testing; and
- 8) Other items necessary for developing food safety standards.

Article 28 NHFPC shall be responsible for developing and publicizing national food safety standards; the Standardization Committee of the State Council shall provide the national standard number.

The limits of pesticide residue and veterinary drug residue in foods, testing methods and procedures shall be developed by NHFPC and the MOA.

The testing procedures for livestock and poultry slaughtering shall be developed by MOA in conjunction with the NHFPC.

In case a product's national standard involves the national food safety standard, it shall be consistent with the national food safety standard.

Article 29 NHFPC shall accelerate consolidating the mandatory standards among existing quality and safety standards for edible agricultural products, food hygiene standards, food quality standards, and relevant industry standards; the standards shall be consolidated to the national food safety standards. Other State Council departments shall cooperate with NHFPC for the work.

Before issuance of the national food safety standards specified in the Law, food producers and traders shall follow existing quality and safety standards for edible agricultural products, food hygiene standards, food quality standards, and relevant industry standards in their operation.

Article 30 The formulation of national food safety standards shall refer to the results of food safety risk assessments and take full account of the quality and safety risk assessments for edible agricultural products, as well as refer to relevant international standards and the international food safety risk assessment results; opinions from food producers, traders, and consumers shall be considered.

NHFPC shall publish the national food safety standard drafts to the public for public comments.

The national food safety standards shall pass review by the National Food Safety Standard Evaluation Committee. The Committee members are experts in medicine, agriculture, food, and nutrition; as well as representatives from relevant departments under the State Council, the food industry associations, and consumer associations. The Committee reviews the scientific aspects and practicality of the national food safety standard drafts.

Article 31 In the absence of a national food safety standard, provincial health department could develop and publish local food safety standards. Once a national food safety standard is developed, the local food safety standard would be eliminated.

Developing of local food safety standards shall refer to provisions of this Law regarding formulation of national food safety standards; the standard developed shall be reported to NHFPC for record. NHFPC shall make timely announcements of the documented local food safety standards.

Article 32 The State encourages food producers to develop enterprise standards more stringent than the national or local food safety standards. The enterprise standard shall be reported to the provincial health department for record, and is applicable only to the enterprise. The provincial health department shall make timely announcements of the documented enterprise standards.

Article 33 Food safety standards shall be publicly available, and could be downloaded for free. The provincial health department shall publish the developed food safety standards in its website.

For problems emerge in food safety standard implementation, the county and above level health department shall work with relevant agencies to provide guidance and answers.

Article 34 The provincial and above level health department, together with food and drug regulatory department, quality supervision department, and agriculture department of the same level, track and evaluate the implementation of national and local food safety standards; based on which, the food safety standards could be revised at an appropriate time.

The provincial and above level food and drug regulatory department, together with the quality supervision department and agriculture department quality supervision, and agriculture administrative agencies shall collect problems occur in food safety standard implementation, and inform the problems to the health department of the same level.

Food producers, traders, and food industry association, upon finding problems in food safety standard implementation, shall report the problems to the health department.

Chapter 4: Food Production and Trade

Article 35 Any food production or trading activities shall comply with food safety standards, and shall meet the following requirements:

- 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.
- 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.
- 3) Have full-time or part-time technical staff on food safety, management personnel, and the rules and regulations to ensure food safety;
- 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;
- 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;
- 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 ;
- 7) Use nontoxic and clean packaging materials and tableware for direct consumption food;
- 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;
- 9) Use water that complies with the national hygienic standard for drinking water;
- 10) Use detergents and disinfectors that are safe and harmless to the human body;
- 11) Other requirements stipulated by laws and regulations.

CFDA shall, pursuant to economic and social development, size of production, and technical conditions, develop the good practices for food production and trade.

Article 36 It is prohibited to produce the following foods:

- 1) Foods produced with non-food material, or added chemical substance other than food additive, or other substances of possible hazards to human health , or food produced with recycled food or expired food as raw materials;

- 2) Food with content of pathogenic microorganisms , pesticide residues, veterinary drug residues, heavy metals, biotoxins, contaminants, and other substances of possible hazards to human health exceeding the limits of the food safety standards;
- 3) Food with food additives beyond allowed scope or excessive amount;
- 4) Principal and supplementary foods for infants and particular group of people that have nutrition content failing to comply with food safety standards;
- 5) 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;
- 6) Meat or meat products of poultry, livestock, animals, or aquatic animals that die from disease, poison, or any unidentified causes;
- 7) Meat or meat products that have not been inspected and quarantined or have failed to pass such inspection and quarantine;
- 8) Food contaminated by packaging materials, containers, means of transport, or tableware and kitchenware;
- 9) Foods labelled with fake production date or have expired the shelf life;
- 10) Prepackaged foods without label;
- 11) Food expressly prohibited by the State from production and trading for special purposes such as disease prevention;
- 12) Other foods that fail to comply with foods safety standards or requirements.

Article 37 The State implements a licensing system for food production and trading. Any organization or individual shall obtain a food production and trading license before engaging in food production, circulation, and catering services; the license shall indicate scope of business. Farmers do not need to obtain the license for selling edible agricultural products they grow.

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 and 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.

Article 38 Food and drug regulatory departments at and above the county level shall review applicants' documents as required by Article 35.1-4 of this 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, and the rejection shall be accompanied by written explanations.

Article 39 Food producers and traders shall establish and improve its own food safety management system, strengthen training of food safety to staffs, have 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.

Food producers and traders shall strengthen trainings to food safety management staffs in the company; make sure they have mastered the food safety laws, regulations, standards, and professional knowledge of food safety, as well as equipped competent food safety management capability; before the food safety management staffs formally start work, the food producers and traders shall assess their professional knowledge and competence, the staffs shall not start work if they fail to pass the evaluation.

The food and drug regulatory department shall conduct random evaluation to the food safety management staffs in the food producers and traders, and publish the evaluation results. CFDA shall develop and publish the guidance and random evaluation measures for food safety management staffs in the food producers and traders; the guidance and measures shall be publicly available. The random evaluation shall not charge any fees.

Article 40 The State encourages food producers and traders to comply with good manufacturing practice, and implement advanced food safety management systems in order to improve food safety management level.

For food enterprises having been passed the good manufacturing practice and certified with 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 food and drug regulatory departments, and notify the public. The certification institution shall not charge any fees for the follow-up investigation.

Article 41 Food producers shall establish and implement the food safety management system that covers raw material inspection and acceptance, production process, storage, unqualified products, etc., continuously improve the food safety safeguard system to guarantee food safety.

Food producers shall develop and implement the control requirements for the following issues to guarantee products produced comply with food safety standards:

- 1) Raw material control, which covers raw material purchase, acceptance and feeding;
- 2) Critical point control, including production procedure, equipment, storage and packaging;
- 3) Inspection control, including inspection of the raw materials, half-finished products and finished products;
- 4) Control over transportation and product delivery.

Article 42 Producers of staple and supplementary food dedicated to infants and other specific populations shall comply with the good manufacturing practice, establish the quality management system that match its produced products, and guarantee its effective operation. Producers shall conduct self-inspection of the production quality management on a regular basis, and submit the self-inspection report to the food and drug regulatory department at the county-level government.

Article 43 Food producers and traders shall establish and implement an employee health management system. People having diseases listed by the NHFPC as diseases hindering 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 year, and can engage in food production and trading activities only after they have obtained a health certificate.

Article 44 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.

The agriculture bureaus at and above the county level shall enhance the management and guidance on the application of agricultural inputs and establish and improve a safe application system for agricultural inputs.

Article 45 China establishes the food traceability systems that cover the whole process. CFDA will work with MOA and relevant departments to establish the coordinated traceability system for the whole process of food and edible agriculture products.

Food producers and traders shall establish the food traceability system pursuant to provisions of this Law to guarantee traceability of foods. They are encouraged to adopt information technology measures in establishing the food traceability system.

Article 46 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 product. 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.

Food producers shall establish a purchase inspection and recording system for food raw materials, food additives, and food related products; they shall truly record information such as name, specification, quantity, production date or batch number, shelf life, purchase date of the purchased raw materials, food additives, and food related products, as well as name, address and contact information of the supplier. The records and documents shall be kept at least till six months after the product's shelf-life ends, or at least two years for products that do not have a definite shelf life.

Article 47 Food producers shall establish and maintain an inspection record for outgoing food and verify inspection certificates and safety status of the outgoing food. It shall truly record information such as name, specification, quantity, production date or batch number, shelf life, inspection certificate number, date of sale, as well as name, address, and contact information of the purchaser. The records and documents shall be kept at least till six months after the product's shelf-life ends, or at least two years for products that do not have a definite shelf life.

Article 48 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 49 Food traders, in purchasing foods, shall check the suppliers' license and compliance certificate of the food.

Food traders shall establish a purchase inspection and recording system. They shall truly record information such as name, specification, quantity, production date or batch number, shelf life, purchase date, as well as name, address and contact information of the supplier. The records and documents shall be kept at least till six months after the product's shelf-life ends, or at least two years for products that do not have a definite shelf life.

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.

Article 50 Food traders engage in wholesale business shall truly record information such as name, specification, quantity, production date or batch number, shelf life, sale date of the wholesale foods, as well as name, address and contact information of the buyers. The records and documents shall be kept at least till six months after the product's shelf-life ends, or at least two years for products that do not have a definite shelf life.

Article 51 Food producers and traders shall store, transport 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 52 Food traders shall indicate at the storage facility information such as food name, production date or batch number, shelf life, as well as name and contact information of the producer when storing food in bulk.

Food traders shall indicate on the container or external package the food name, production date or batch number and shelf life, as well as name, address and contact information of the trader when selling food in bulk.

Article 53 Pre-packaged food shall be labeled on the package, which indicates the following:

- 1) Name, specification, net content, and date of production;
- 2) Table of ingredients or formulation;
- 3) Producer name, address and contact information;
- 4) Shelf life;
- 5) Code of product standard(s);
- 6) Storage requirements;
- 7) Generic name of the food additives as used in the national standard;

8) Production License Number; and

9) Other information that must be indicated in accordance with applicable laws, regulations, and food safety standards.

Items including date of production and shelf life shall be marked at the prominent place of the label. The labels of staple and supplementary food dedicated to infants and other specific populations shall also indicate main nutritional ingredients and their contents.

If the national food safety standard sets special requirements on labeling of special food variety, such requirements shall be followed.

Article 54 Catering service providers shall develop and implement requirements for material purchase; they shall not purchase raw materials that fail to comply with food safety standards.

Catering service providers shall check the foods and materials to be processed; foods or material that are rotten or spoiled, or displays abnormal sensory indication shall not be processed or used.

Article 55 Catering service providers shall maintain the facilities for food processing, storage and display regularly; they shall regularly clean and adjust the thermal insulations, and facilities of refrigerator-freezer.

Catering service provider shall wash or sterilize the tableware, kitchenware as required; they shall not use the tableware, kitchenware that have not been washed or sterilized. Catering service providers, if outsourcing tableware and kitchenware to be washing and sterilized by another company, shall outsource the business to companies that wash and sterilize kitchenware and meet requirements set by this law.

Article 56 The State adopts a licensing system for the production of food additives. Food additives production shall have venue, equipment/facilities, professionals and management system that match the produced food additive variety, the producer shall, in accordance with the procedure of Article 38 of this law, obtain the food additive producing license.

Food additives traders shall check the product compliance certificate to make sure the traded food additives are products of legal producers. They shall truly record information such as name, specification, quantity, production date or batch number, shelf life, purchase date of the food additives, as well as name, address and contact information of the supplier. The records and documents shall be kept for traceability of the food additives. The records shall be kept at least till six months after the food additives' shelf-life ends, or at least two years for food additives that do not have a definite shelf life.

Article 57 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 NHFPC. NHFPC shall organize a review of the safety assessment materials 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 58 A food additives 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. NHFPC 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 59 Food producers and traders shall apply food additives in accordance with food safety standards governing food additive varieties, scope of application and dosage levels. Chemical substance other than food additives or substance that may cause harm to human health shall not be used in food production and trading.

Article 60 Food additives must be provided with a label, instructions and packaging. The instructions shall include the information required in Article 53.1.1~6, 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 61 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 shall not be marketed if they are not consistent with the information indicated in the label and instructions.

Article 62 Producing food related products shall comply with provisions of laws and regulation, and make sure the products meet relevant food safety standards. Food related products of higher risks, such as packaging materials that directly contact foods, are subject to production licensing of relevant industrial products. The quality supervision authorities shall strengthen regulatory work over production activities of food related products.

Article 63 Food traders shall market pre-packaged foods according to the warning mark, warning notes, or precautions on the food label.

Article 64 It is prohibited to add medicine to food produced or traded, unless the added substance is traditionally considered as both food and Chinese medicine. The catalogue of substance traditionally considered as both food and Chinese medicine is developed and published by the NHFPC

Article 65 The State executes strict regulation over health food that claim to have health functions (hereinafter refer to as health food). Health food shall not cause acute, sub-acute, or chronic hazard to human body. The label and instructions shall not involve prevention or treatment of diseases; content of the label and instruction shall 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. Health foods imported for the first time shall have obtained sales permission by the competent authority of the exporting country.

Raw material for health food production shall be safe and harmless to human health. The health function claimed by the health food shall have science basis. The catalogue of substances for health food production but not for production of other foods (hereinafter referred to as the "Catalogue of raw materials for health food production" will be developed, adjusted and published jointly by the CFDA, NHFPC and the National traditional medicine administrative departments

Article 66 A health food imports for the first time is subject to record filing if the safety and health function of its ingredients and materials could pass the general requirements (i.e. national standard and regulations). The catalogue will be developed, adjusted and published by the CFDA. Other health foods are subject to the record filing management by the food and drug regulatory department of the provincial government.

To register a health food, the applicant shall submit such information as R&D report, formula, production techniques, assessment of safety and health functions, label, and instructions, product sample and relevant supporting documents. The CFDA, after technical review, will register products that comply with safety and claimed health functions; products fail to meet such requirements will not be registered with explanation in writing. If a health food using new materials is registered, the new material shall be included into the health food raw material catalogue.

To file record of a health food, the applicant shall submit to the food and drug regulatory department such information as product formula, production techniques, label, introduction and materials indicating product safety and health function

The registration and record filing applicants shall be responsible for truth of the submitted material.

Provincial and above level food and drug regulatory department shall timely publish the catalogue of registered or recorded health products.

Article 67 Producers of health foods shall follow the good manufacturing practice and establish the quality management system that match its products, and guarantee effective operation of the system. Producers shall conduct self-inspection of the production quality management system on a regular basis, and submit the self-inspection report to the county level food and drug regulatory department.

The health food producer shall carry out production pursuant to the formula and production techniques in the registration material or record filing document, which have passed review by the food and drug regulatory department; such technical requirements, including product formula and production techniques, will be developed to enterprise standards, and submitted for record filing to the provincial food and drug regulatory department.

Article 68 Specific management measures of health food will be developed by the CFDA.

Article 69 The State executes strict regulation over infant and infant formula food.

Infant formula food producers shall establish the quality management system pursuant to article 42 of this law, and implement the whole process quality control from raw material purchase to exit of finished products; each batch of infant formula products exit the factory shall be inspected to guarantee safety.

The raw milk, supplementary substances, and food additives used for infant formula production shall comply with laws, regulations and provisions, as well as national food safety standards. Production of the infant formula foods shall guarantee sufficient nutritional content for infant growth and development.

Infant formula food producers shall report the raw materials, product formula and labels to provincial food and drug regulatory department for recording.

Infant formula foods are not allowed to be produced in the means of sub-contracting, OEM, or sub-packaging. It is not allowed to produce infant formula powder of different brands by using the same formula.

Article 70 Entities which have cafeterias and provide centralized dining, such as schools, kindergartens and construction sites, shall strictly abide by the relevant laws, regulations and food safety standards, to ensure food safety.

Centralized dining organizations, like schools, kindergartens and construction sites, which order food from third parties, shall order food from the enterprises that have obtained food production and trade licenses. Third-party food providers shall process food at current meal, and ensure the food is safe and compliant with nutritious requirements.

The competent authority supervising organizations that provide centralized dining shall enhance education on food safety and routine management, mitigate the food safety risks and diminish potential food safety risks.

Article 71 Organizations who provide kitchenware sterilization services shall have appropriate working venues, clean and disinfection equipment or facilities; the detergents, disinfectants and water shall be compliant with national standards and hygiene regulations.

Entities providing consolidated kitchenware sterilization services shall implement batch-to-batch inspection on sterilized kitchenware, only the kitchenware pass the inspection are allowed to exit factory, with the satisfactory disinfection certificate. The individual package of disinfected kitchenware shall be indicated with information, such as name, address and contacts of the third party, disinfection date, and expiration date.

Article 72 Consolidated trading market operators, stall leasers, and trade fair organizers shall review the license of the admitted food traders, clearly define 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 county level food and drug regulatory department where the market locates.

Consolidated trading market operators, stall leasers, and trade fair organizers who fail to fulfill the obligations stated in the previous paragraph shall take a joint liability in the event of a food safety incident occurred in their respective marketplace.

Article 73 Third-party online food trading platform providers shall require real-name registration by food traders that use the platform, and shall clearly elaborate the traders' responsibilities; the platform shall also examine the food production and trading license if the producer or trader is required to obtain such licenses.

Third-party online food trading platform providers, upon spotting trader violating this law's provisions, shall stop the activity in a timely manner, and immediately report the violation to the food and drug regulatory department where the platform provider locates; the platform shall immediately terminate the online trading service if it discovers activities that seriously violate laws.

Consumers purchasing foods through the third-party online food trading platform shall demand compensation to the trader using the platform if their legitimate rights suffer loss. The platform shall provide compensation to the consumer if it could not provide real name, address and contact information; afterwards, the third-party online trading platforms have the right to ask for compensations from food traders or food producers who use its online platform. Third-part online food trading platform shall honor its commitment to consumers if it offers more favorable compensation.

Third-part online food trading platform providers, if failing to perform their duties as stipulated in clause 1 and 2 of this Article, and cause harm to consumer's legitimate rights, shall assume joint liability.

Article 74 Food producers and traders shall establish a food safety self-examination system, and regularly examine their own food safety situation. If the production and trading condition changes and do not comply with food production and trading requirements, the producer and trader shall immediately take rectification measures; if potential food safety incident risk exists, the producer/trader shall immediately terminate production and trade, and report to the county level food and drug regulatory department where it locates.

Article 75 China establishes the food recall system. Where a food producer finds that the food being produced does not comply with food safety standards, or have evidence the food may harm human health, the food producer shall immediately stop production, recall the food product released to the market, notify relevant producers, traders and consumers, and create a record of recalls and notifications.

Where a food trader finds the food being traded does not comply with food safety standards, or have evidence the food may harm human health, the food trader shall immediately stop trading of the food, notify relevant producers, traders and consumers, and create a record of the trading suspension and notifications. The food producer shall recall food it deems necessary for recall.

Food producers and traders shall take actions such as remedy, removal of harm, or destruction for foods that have exited the market to prevent its re-entering into the market. However, products recalled due to incompliant label, mark or instructions could be sold after the producers take remedy measures and guarantee safety of the food; such remedy measures shall be informed to consumers while the product is sold.

Food producer and trader should report details of the recall and disposal to the county level food and drug regulatory department; the producer shall inform the food and drug regulatory department time and location if the harm removal or destruction action shall be taken on the recalled foods. The food and drug regulatory department could supervise the action if necessary.

In the event that a food producer or trader fails to recall or stop trading of the food, the county and above level food and drug regulatory departments could order it to recall or stop trading of the food.

Article 76 Food advertisements shall provide truthful information, shall not include any false or exaggerated information, and shall not claim any disease prevention or treatment functions. Food producers and traders shall be responsible for the authenticity and legality of the advertisements for their food products.

Advertisements for health food shall be reviewed and approved by the provincial food and drug regulatory department where the producer locates, and obtain the health food advertisement approval document. The provincial food and drug regulatory department shall publish and timely update the approved health food advertisement catalogue, as well as content of the advertisements.

Advertising agent and publisher who design, produce or publish false food advertisement, which harm the consumers' legitimate rights shall assumes joint liabilities with the food producer and trader.

Food and drug regulatory department, other government departments, and food inspection and testing institutes, as well as food industry associations and customer associations shall not recommend food to customers through advertisements or in any other forms.

Article 77 Civil societies or other organizations or individuals, perform false propaganda activity in advertisement to consumers, and cause damages to the legitimate rights and interests of the customers shall bear joint liabilities with the food producer and trader.

Article 78 China encourages the establishment of food safety liability insurance system, and supports food producers and traders to buy food safety liability insurance. Specific measures will be jointly developed by the CFDA and the China Insurance Regulatory Committee.

Article 79 The Ministry of Industry and Information Technology, Ministry of Commerce will formulate development plans and policies according to their portfolios. Take measures to optimize industry structure, eliminate production technologies, techniques and equipment that may harm food safety; guide the construction of the credit system of the food industry and promote its health development.

Local governments at all levels shall encourage scale production, and chain operation and distribution of food.

## Chapter 5: Food Testing

Article 80 Food testing agencies shall perform food testing only after they have been accredited in accordance with relevant State requirements on certification and accreditation, unless otherwise specified in other laws.

The accreditation conditions and testing procedures for food testing agencies shall be determined by the CFDA and NHFPC.

Food testing agencies established or accredited by competent departments of the State Council before implementation of this Law may continue to perform food testing activities based on the Law.

Article 81 Food testing shall be performed independently by an inspector designated by the testing agency.

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.

Article 82 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 signature or seal of the inspector. The food testing agency and the inspector shall be held responsible for the food testing report.

Article 83 The food and drug regulatory departments shall not grant exemptions on food inspection.

The county and above level food and drug regulatory departments shall conduct sample testing regularly or irregularly on food products, and shall release the testing results according to relevant provisions. They shall pay for the randomly selected samples and shall not collect testing fees.

In the event that food testing is needed while performing their regulatory duties, the county and above level food and drug regulatory departments shall entrust a food testing agencies that comply with this Law to conduct the food testing, and pay for testing conducted.

Article 84 In the case that food producers and traders disagree with results of testing conducted pursuant to Article 83.3 of this Law, they may, within 5 working days after receiving the test results, select the nearby institute on the public catalogue of re-testing institutes, and have the product re-tested; they shall inform the food and drug regulatory department of the re-test at the same time. The food and drug regulatory department shall inform the original test institute to deliver the kept sample to the re-test institute. The re-test result would be the final testing conclusion. The original and the re-rest institutes shall be different institutes. The catalogue of re-test institutes will be jointly published by CNCA, CFDA, NHFPC and MOA.

Article 85 Food producers or traders may test their food products or entrust testing agencies that comply with the requirements of this Law to conduct the testing.

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

## Chapter 6: Food Import and Export

Article 86 AQSIQ regulates safety of food imports and exports.

Article 87 Imported foods, food additives and food-related products shall comply with China's national food safety standards.

Imported foods and food additives shall pass inspection by the exit-entry inspection and quarantine agencies (CIQ) pursuant to laws and administrative regulations.

Imported foods and food additives shall be accompanied by inspection certificates, as required by AQSIQ.

Article 88 In the event of the first time importation of food without a national food safety standard, a new food additive variety, or a new food related product, the overseas exporter/producer, or a Chinese importers shall file an application to the NHFPC, attached with relevant food safety assessment materials. NHFPC, in accordance with provisions of Article 57 of this law, makes the decision of permitting importation or not and timely develop national food safety standard accordingly.

For importation of aforementioned foods, food additives, and food related products, the NHFPC's the permission for imports shall be submitted to the CIQ, and CIQ shall follow NHFPC's requirements in inspection.

Article 89 Overseas exporter and producers shall guarantee that the products exported to China comply with requirements of this Law, other Chinese laws, regulations and the national food safety standard; they shall be responsible for content of the food label and instructions.

Importers shall establish an examination and verification system for overseas exporter and producers; they shall, with emphasis, review the aforementioned items. Products fail to pass the review shall not be imported.

Article 90 In the event that a food safety incident occurs overseas and may impact China, or a major food safety problem is detected in imported food, food additive or food related products, AQSIQ shall issue a risk alert or take control measures in a timely manner and notify the CFDA, NHFPC, and MOA.

The food and drug regulatory department regulates imported foods and food additives sold in the domestic market. Detecting serious food safety problems, CFDA shall timely inform the AQSIQ.

AQSIQ shall take actions upon receipt of such notification.

Article 91 Overseas exporters or agents exporting food to China, and importers shall be put on record at the AQSIQ. Overseas food producers exporting food to China shall get registered at AQSIQ. The registered overseas food producers, if providing false material, or cause serious food incidents, will be removed from the registration list by AQSIQ, and the removal will be announced by public notice.

AQSIQ regularly publishes the lists of exporters, agents, importers, and overseas food producers who have been recorded or registered.

AQSIQ may organize on-site inspections to overseas food producers that export foods to China.

Article 92 Imported pre-packaged food and food additive shall have Chinese labels. If instruction is required by laws or regulations, the instruction in Chinese shall be provided. Labels and instructions shall comply with this Law and provisions of other laws, regulations and food safety standards; the instructions shall indicate county of origin, Chinese domestic agent's name, and contact information. Pre-packaged food without Chinese labels or instructions, or their labels or instructions do not comply with the Law shall not be imported.

Article 93 Food importers shall establish a food import and sale record; faithfully 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 records and documents shall be kept at least till six months after the product's shelf-life ends, or at least two years for products that do not have a definite shelf life.

Article 94 In the case that imported food fails to comply with national food safety standards, or have evidence that the food may cause harm to human health, the importer shall immediately stop importing such food, and recall the products pursuant to provisions of Article 75 of this Law.

Article 95 Food producers that export products shall guarantee its foods comply with standards of the exporting country (region) or meet contract requirements. Exported foods are subject to CIQ supervision and random inspection.

Producers of exported food, and planting or breeding farms of raw materials for exported food shall be put on record with AQSIQ.

Article 96 AQSIQ shall collect and consolidate the following safety information on imported and exported food and notify it to relevant departments, institutions, and enterprises:

- 1) the food safety information from the imported and exported food inspection and quarantine implemented by the exit-entry inspection and quarantine agency;
- 2) the import food safety information reported by industry associations and consumers;
- 3) the food safety information and the risk alert information published by international organizations and overseas government agencies, and the food safety information reported by organizations such as overseas industry associations and consumers;
- 4) Other food safety information.

AQSIQ shall carry out credit management for food importers, exporters, and export food producers; establish and publish credit records; and shall tighten inspection and quarantine on importers, exporters, and export food producers that have bad credit record.

Article 97 AQSIQ 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; based on the assessment and inspection results, AQSIQ determines inspection and quarantine requirements.

#### Chapter 7: Handling of Food Safety Incidents

Article 98 The State Council shall organize the formulation of national emergency plans for food safety incidents.

Based on relevant laws, regulations, and the emergency plan of the higher level government, as well as considering the local situation, county and above level governments shall formulate emergency plans for food safety incidents in the prefecture; the plan shall be filed to the higher level government for record.

The emergency plan shall have provisions for grading of incidents, commanding system for incident handling and its responsibilities, prevention and early warning system, incident handling procedure and measures guarantee enabling the emergency incident handling.

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

Article 99 The entity having a food safety incident shall take immediate actions to prevent spreading of the incident. The entity and medical institutes receiving/treating patients shall immediately report to the county level food and drug regulatory department and health department where the incident takes place.

Upon discovering a food safety incident or hearing a report on food safety incident, the agriculture department and quality supervision department shall report to the food and drug regulatory immediately.

In the event of outbreak of a food safety incident, the county level food and drug regulatory department, following the emergency plan, shall report to the local government and the food and drug regulatory department of the higher level. The county level government and the higher level food and drug regulatory department shall report the incident to their superiors according to the emergency plan.

Any entity or individual shall not conceal, lie about, or delay the reporting of the food safety accident, or hide, forge or destroy relevant evidence.

Article 100 Medical institute, discovering patients caused by food-borne disease, food poisoning, or possible food-bourne disease and food poisoning, shall timely report to the county-level health department. The county-level the health department, believing the disease is related to food safety, shall inform the food and drug regulatory department of the same level. The health department, discovering food safety related problem in investigating into infectious disease or other public health incident outbreak, shall inform the food and drug regulatory department of the same level.

Article 101 Upon receiving the food safety incident report, the county and above level food and drug regulatory department shall immediately conducts investigations into the incident, jointly with the health department, the agriculture department and the quality supervisory department of the same level; they shall take the following measures to prevent or diminish the harm to the public :

- 1) Deploy emergency rescue, arrange first aid and treatment to the persons injured in the food safety accident;
- 2) Seal up the food and raw materials likely causing the food safety accident and conduct immediate testing; for the food and raw material that are confirmed to be contaminated, order the food producer and trader to recall, suspend operation, and destroy the product according to Article 75 of the Law;
- 3) Seal up the contaminated tools and devices, issue order to have the tools and devices cleaned and sterilized;
- 4) Properly handle news release; disclose information of food safety accidents and the treatment thereof in accordance with laws, provide explanations and clarifications n possible harms.

In the event of a food safety incident, the county and above level CDC shall implement sanitary treatment at the site and deploy epidemiology investigation into relevant factors of the incident, which shall be assisted by relevant departments. The county and above level CDC shall submit epidemiology investigation report to the food and drug regulatory department and health department of the same level.

In the event of a food safety incident that activate the emergency plan, the county and above level government shall immediately establish a commanding organization handling the food safety incident, activate the emergency plan, and handle the incident according to the clause 1 of this Article and the emergency plan.

Article 102 In the event of outbreak of a food safety incident, the city and above level government shall immediately work with relevant departments and carry out investigations to determine responsible party of the incident; they shall urge relevant departments to perform their duties, and submit an investigation report identifying responsibilities to the government of the same level.

In case a major food safety accident involves more than two provinces, the CFDA shall organize the investigation into responsibility of incident according to the provisions in the above paragraph.

Article 103 Investigation into food safety incident shall be honest, based on science; it is required to timely and accurately determine the nature and reason of the incident, identify responsible party of the incident, and propose improvement measures.

In addition to identifying the responsible party for the food safety incident, the investigation shall also identify any negligence or misconduct by regulatory and licensing/certification departments, as well as the responsible staff within the licensing/certification institutions.

Article 104 The food safety incident investigating agency is entitled rights to collect information from relevant entities or individual persons about the incident, and request them to provide relevant documents and samples.

Relevant entities and individual persons shall be cooperative for the investigation, and provide documents and samples as required; they shall not reject such request.

No entity or individual person shall impede or disturb investigation and handling of food safety incidents.

## Chapter 8 Regulatory Work

Article 105 County level and above food and drug regulatory department and quality supervision departments, pursuant to risk surveillance, risk assessment results and food safety situation, shall determine the priority, methods and frequency of regulatory work; the risks shall be graded.

Article 106 County and above level government organizes the food and drug regulatory department, quality supervision department, and agriculture department of the same level to develop the annual food safety regulatory work plan of the region; the work plan shall be followed in their work.

The annual food safety regulatory work plan shall include the following items as the regulatory priority:

- 1) Special food, such as staple and supplementary food dedicated to infants and other specific populations;
- 2) Health food production: substances adding, and production according to the registered/recorded technical requirements; introduction of function in product label, instruction and publicity materials of health foods sold in market;
- 3) Food producers and traders with higher food safety incident risks;
- 4) Food safety risk surveillance results show that the item presents higher food safety risk potential;

Article 107 The county and above level food and drug regulatory departments and quality supervision department take the following actions in performing their respective duties of regulating food safety:

- 1) Enter production and trading sites for field inspection;
- 2) Conduct sample testing on food that are produced or traded;
- 3) Review and copy relevant contracts, documents, notebooks, and other information;
- 4) Seal up and detain foods proven to violate food safety standards or proven by evidence to have hidden safety hazards, 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
- 5) Close down places of illegal production and trading of food.

Article 108 For food that present potential safety risks while the existing food safety standards do not have provisions for, NHFPC shall work with other State Council departments and set a temporary limit and testing method of the harmful substance, which shall be followed in production and trading, as well as regulatory work.

Article 109 The food and drug regulatory department could adopt the fast testing methods recognized by the CFDA in preliminary screening test of foods; if the preliminary screening test result shows the product might not comply with food safety standard, the product shall be tested pursuant to provisions of Article 83.3 of this law. The preliminary test result shall not be used as basis for administrative punishments or mandatory administrative measures.

Article 110 The food and drug regulatory departments at and above the county level 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.

Article 111 The county and above level food and drug regulatory departments shall establish the food safety credit records for food producers and traders, which will record issuance of licenses, results of routine supervision and inspection, and handling of illegal activities; referring to the credit record, the food and drug regulatory department shall increase the frequency of inspection on food producers and traders with unhealthy credit records.

Article 112 In the event that hidden safety hazards exist in food production and trading process, which has not been eliminated timely, the food and drug regulatory departments may arrange communication sessions to determine liabilities with the legal representative or main person in charge.

In the event that the food and drug regulatory department fails to timely discover system-wide food safety risks, or fail to timely eliminate the hidden safety hazards in the region, the municipal government of the same level may arrange communication sessions to determine liabilities with the 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 municipal government at the higher level may arrange communication sessions to determine liabilities with the main person in charge.

Food producers, traders, food and drug regulatory departments, and local governments whose legal representatives or main person in charge invited for the communication sessions shall take immediate measures to rectify their food safety work, or food safety regulatory work.

The communication session and the rectification measures shall be included into the food producer and trader's credit record, and the evaluation and appraisal record of the local government and the food and drug regulatory department.

Article 113 Discovering serious law violation activity or food safety risks through risk assessment or complaints, the food and drug regulatory department of the higher level municipal government could conduct non-notified on-site inspection to relevant food producers or traders; they could also supervise the work of the food and drug regulatory department that shall take responsibility.

Article 114 County and above level food and drug regulatory departments and quality supervision departments shall publish their email or telephone numbers for inquires, complaints and reports. Upon receiving inquiry, complaint, or information that falls into their portfolio, the food and drug regulatory departments 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 shall not dodge responsibility to others. Matters relating to food safety incidents shall be handled according to Chapter 7 of this Law. Awards shall be granted to people whose submitted reports are verified to be true.

Article 115 County and above level food and drug regulatory departments and quality supervision departments 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.

Article 116 Food and drug regulatory department, quality supervision department and other departments shall enhance the training for law enforcement personnel about food safety law and regulations, food safety standards, professional knowledge, law enforcement ability and other aspects, and organize examinations. The personnel who do not have corresponding knowledge and competence must not engage in food safety law enforcement.

In the event that food producers and traders, industry associations, etc. find law enforcement personnel's behavior to be against laws, unfair, or not standardized, they may complain and report such behavior to food and drug regulatory department, quality supervision department and other departments of the high level; they could also complain or report the behavior to the discipline supervisory departments. The departments that receive complaints and reports shall verify the information and inform the law enforcement department; once the complaints or reports are verified to be true, the law enforcement department will be informed; the person violating rules and disciplines shall be handled according to relevant regulations.

Article 117 China establishes the food safety statistics system. The CFDA, in conjunction with the statistics department, establishes food safety statistics indicator system, and organizes food safety statistics work. Food safety data and documents shall be real, accurate, complete and timely.

Article 118 China establishes a unified food safety information release platform and implements the unified food safety information publication mechanism. The following information shall be disclosed by CFDA

- 1) Overall situation of food safety in the country;
- 2) Food safety risk alert;
- 3) Information on major food safety incidents and the handling; and
- 4) Other information identified by the State Council to be disclosed by the centralized platform.

The information set forth in the clause 2 and 3 may, if its impact is limited to particular regions, be disclosed by the provincial food and drug regulatory department.

The county and above level food and drug regulatory departments, agriculture department, and quality supervision departments shall disclose food safety information as a part of their routine supervision and administration work.

Food safety information released shall be accurate, timely and objective; provide explanations for possible harm caused by relevant foods to avoid misleading to consumers and the public opinion.

Without authorization, no organization or individual shall issue food safety information that is required to be released by food and drug regulatory departments.

Article 119 Food and drug regulatory departments, together with the agriculture department and the quality supervision department, establishes the food safety law violation database, which records law violating activities by food producers and traders. The information will be released to the public and updated real-time. Food producers and traders who severely violate laws will be notified to investment regulatory department, securities regulatory committee, and relevant financial institutes.

Article 120 Upon receiving information requiring centralized disclosure pursuant to this law, the county and above level food and drug regulatory departments, agriculture departments and quality supervision departments shall immediately report to their superior departments, which then shall immediately report to the CFDA; if necessary, the county level departments could directly report to CFDA

The county and above level food and drug safety regulatory departments, agriculture department, and quality supervision department shall notify each other of food safety related information.

Article 121 No organization or individual shall make up and disseminate false food safety information.

Foreseeing that the released information may cause significant impact to the society or the food industry, the publisher shall verify the information with the city and above level food and drug regulatory department; the food and drug regulatory department shall get assistance by the health department, the agriculture department and the quality supervision departments, these departments in verifying the information.

The county and above level food and drug regulatory department, upon finding food safety information that might mislead consumers and the public, shall immediately organize verification and analysis of the information with relevant departments, specialized institutes, relevant food producers and traders; the result shall be published in a timely manner.

Article 122 The food and drug regulatory departments and the quality supervision department, upon detecting suspected food safety crimes, shall timely transfer the case to the public security departments; the transfer shall follow provisions for suspects transfer by the administrative regulatory departments. For cases handed over by the food and drug safety regulatory departments and the quality supervision department, the public security departments shall make inspections in a timely manner, and shall put the case on file for investigation and prosecution if the crime requires investigation for criminal responsibility.

The public security departments, if found cases with no criminal fact or slight criminal fact, which do not bear criminal responsibility but have administrative responsibility according to the law, shall transfer the case to food and drug regulatory departments in a timely manner; relevant departments shall handle the case according to law.

In the event that the public security departments request the assistance by the food and drug regulatory departments or quality supervision department to provide testing, appraisal or identification, the food and drug regulatory departments and the quality supervision department shall timely provide materials such as testing results, appraisal opinion, or the determinations, etc.

## Chapter 9: Legal Liabilities

### Section 1 Liabilities of producers and traders

Article 123 The food and drug regulatory department will confiscate the illegally gain of benefits and food, food additives, tools and equipment used in production and trading, and materials used by food producers or traders who violate the Law by engaging in unauthorized production or trading activities of food and food additives, or engaging in production or trading of health food that has not yet registered in accordance with this law. The illegally produced or traded foods and food additives are subject to a fine of RMB50,000 - 100,000 if its value is less than RMB 10,000; they are subject to a fine between 10 and 20 times of the total value of the commodity if the total value of the commodity exceeds RMB10,000.

The food and drug regulatory department shall order the entity or person to terminate the law violation activity, confiscate its illegal gain of benefits, and impose a fine between RMB 50,000 to RMB 100,000 if the entity or person provides space for unauthorized food and food additives production/trading, or unregistered health food production/trade.

Article 124 In violation of the Law with one of the following circumstances, the food producer or trader's business license will be revoked, and have their illegally gained benefits, foods or food additives illegally produced or traded, and tools, equipment and food raw material used for illegal production or trading confiscated by the food and drug regulatory departments. The producer or trader is also subject to a fine of RMB 150,000 if the total value of the commodity is less than RMB 10,000 or a fine between 15 and 30 times if the total value of the commodity exceeds RMB10,000.

- 1) Producing food with non-food raw material, or add chemical substances other than food additives, or substances that may cause harm to human health, or use recovered food as raw materials;
- 2) Producing staple and supplementary food dedicated to infants or other specific populations, while the nutritional ingredients of which fail to comply with food safety standards;

The entity or person is aware of the above activity, but still provides space for production, or sell non-food use substances that might be illegally added into foods, the food and drug regulatory department shall order the entity or person to terminate the law violation activity, confiscate its illegal gain of benefits, and impose a fine between RMB 100,000 to RMB 200,000.

Article 125 In violation of the Law with one of the following circumstances, the food producer or trader will have their illegally gained benefits, foods or food additives illegally produced or traded, and tools, equipment and food raw material, used for illegal production or trading, confiscated by the food and drug regulatory departments, and be subject to a fine of RMB 50,000 if the total value of the illegally produced or traded commodity is less than RMB 10,000, or a fine between 10 and 20 times the total value of the illegally produced or traded commodity exceeds RMB10,000; for serious violation, the business license will be revoked

- 1) Producing or trading food which exceeds food safety standard limits in relation to pathogenic microorganisms, pesticide residues, vet drugs residues, heavy metals, biotoxins, contaminants and other substances hazardous to human health;
- 2) Trading staple and supplementary food dedicated to infants or other specific populations, while the nutritional ingredients of which fail to comply with food safety standards;
- 3) Using food additives beyond allowed scope or excessively use of food additives;
- 4) Producing or trading food which is rotten or spoiled, has rancid fat, grows with molds or insects, is dirty or contaminated, contains foreign matter, adulterated with alien substances, or displays abnormal sensory indication;
- 5) Trading meat of any poultry, livestock, animals, or waterborne animals which have been killed by disease, poison or any unidentified cause; or producing and trading products produced by meat of any poultry, livestock, animals, or waterborne animals which have been killed by disease, poison or any unidentified cause;
- 6) Trading meat which have not been quarantined by animal health supervision authorities or fail to pass such quarantine; or producing or trading meat products which have not been inspected or fail to pass such inspection;
- 7) Producing or trading foods, food additives labelled with fake production date, or trading food and food additives that have expired the shelf life;
- 8) Producing or trading food expressly prohibited by the State from production and trading for disease prevention and control purposes;

9) Health food producer fail to produce product according to the registered or recorded formula and techniques;

10) Producing infant formula powder in the means of sub-contracting, OEM, or sub-packaging, or producing infant formula powder of different brands by using the same formula.

11) Catering service providers fail to check the foods and materials to be processed pursuant to Article 54.2 of this law; or process and use foods or materials that are rotten or spoiled, or displays abnormal sensory indication;

12) Using new food materials to produce food, or producing new varieties of food additives and food related products without a safety assessment;

13) Producing or trading food additives that do not comply with food safety standards;

14) Food producer or trader refuse to call back products or stop operation upon instruction by the food and drug regulatory department in accordance with Article 75.5 of this law.

The county and above level quality supervision department shall impose penalty pursuant to this article on production of new variety food that have not passed safety assessment.

Article 126 In violation of the Law with one of the following circumstances, the food and drug regulatory departments shall confiscate illegally gain of benefit, the illegally produced or traded food and food additives, tools, equipment and materials used in production and trading. The producer or trader is also subject to a fine of RMB 5,000 - 50,000 if the total value of the illegally produced/traded food and food additive is less than RMB 10,000, or a fine between 5 and 10 times the total value of the illegally produced/traded food and food additive exceeds RMB10,000; for serious cases, the producer or trader will be instructed to suspend operation, and the business license will be revoked for very serious violation;

1) Producing or trading food contaminated by the packaging materials, container, transport means, etc.;

2) Producing or trading the pre-packaged food or food additives without label; or the labels or instructions do not comply with the Law;

3) Food producer purchasing or using the food materials, food additives, or food related products not in compliance with food safety standards;

4) Food producer or trader adding medicine into foods;

5) Producers of staple and supplementary food dedicated to infants or other specific populations, or producers of health food fail to establish the quality management system and keep its effective operation, or fail to regularly submit self-inspection report;

6) Food producer fail to develop and implement the production process control requirement pursuant to Article 41.2 of this law;

7) Catering service provider fails to develop and implement the raw material purchase control requirements pursuant to Article 54.1 of this law.

8) Food producers and traders fail to take actions pursuant to Article 74 of this law when their production and trading condition changes;

Upon instruction by the food and drug regulatory departments, producers or traders of food and food additives shall correct the mistakes in the label or instruction that do not impact food safety; a fine less than RMB 2,000 will be imposed if they refuse to correct the problem.

Article 127 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 the food and drug regulatory departments; when refusing to make correction, they are subject to a fine of RMB2,000 - 20,000; and for serious cases, they shall be ordered to stop production or business; business license will be revoked for very serious violation:

1) Food producer fail to inspect the purchased food materials, and the produced foods, food additives, and food related products;

2) Food producers and traders fail to designate full-time or part-time food safety management personnel as required, and fail to train the safety management personnel as required;

3) The food and food additive producers and traders fail to establish the purchase inspection and recording system, and the ex-factory inspection record system;

4) The food producer fail to establish and implement the food safety management system as required by Article 41.1 of this Law;

5) The food prouder or trader fail to formulate plans to handle food safety incidents;

6) The food trader engage in wholesale business fail to record and keep transaction information and documents as required by Article 50 of this law;

7) Catering service provider fail to maintain, clean and adjust the facilities and equipment as required by Article 55.1 of this law;

8) Assign a person to engage in food contact work, while the person has diseases the NHFPC deems harmful for food safety;

9) Fail to file for record the health foods as required by Article 66 and 67 of this law;

10) Fail to store or sell food, or clear off food in stock according to the regulations;

11) A food producer or trader fail to check license and relevant document in purchase;

12) Claiming the functions of disease prevention and treatment in the label and instructions of produced food and food additives;

13) The producers for infant and young children formula food fail to file the production raw materials, product formula, labels, etc. to food and drug regulatory departments for recording.

14) Fail to wash or sterilize the tableware, kitchenware, and containers before use, which hold food for direct consumption; or the washing or sterilization does not meet requirements;

15) The food producer or trader fail to regularly carry out self-inspection on food safety conditions;

16) A school, kindergarten, and a construction site that provide centralized dining fail to comply with food safety management responsibilities as required by this Law.

Article 128 The standing committees of the provincial People's Congress will formulate measures for punishments of small food workshops and food vendors' law violation activities.

Article 129 Relevant authorities shall instruct the entity that fail to handle and report food safety incident to take correction measures, and place a warning on the entity; the entity will be instructed to suspend the production or trading for hiding, forging, or destroying the evidence, be confiscated its illegal gain of benefit, and is subject to a fine of RMB100,000 - 500,000; and for serious cases, be revoked the business license.

Article 130 In violation of the Law upon occurrence of following circumstances, CIQs shall impose punishment according to Article 125 of this Law:

1) Importing foods and food additives not complying with the national food safety standard of China, or the imported foods and food additives are not accompanied with certification documents;

2) Importing foods without applicable national food safety standard; or importing new variety of food additive and food related products, without safety assessment;

3) Exporter exporting foods in breach of the Law.

4) Importers refuse to recall food not complying with food safety standards after relevant competent departments ordered recall of the product;

The CIQ will impose punishment, pursuant to Article 127 of this Law, to importers who fail to establish and maintain the food import and sales record system, the overseas food exporter and producer verification system, which violates provision of this Law.

Article 131 If any operators of central trading markets, stall leasers and organizers of trade fair permits food traders without a license for food production, distribution or provision for catering services to sell food in the market, or fails to perform the inspection or reporting obligations, the food and drug regulatory department shall impose a fine between RMB50,000 and RMB 200,000; and, if serious consequences are caused, order suspension of operations for correction, or even revoke its license.

Article 132 If a third party online trading platform, in violation of this Law, fails to conduct real name registration and license inspection, or fail to perform the obligation of reporting or suspending on-line trading platform services, the food and drug regulatory department shall impose a fine between RMB50,000 and RMB 200,000 on it; and, if serious consequences are caused, order suspension of operations for correction, or even revoke its license.

Article 133 For food transportation violating this Law and not complying with relevant requirements, the food and drug regulatory department 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 ; and in serious circumstances, revoke its license.

Article 134 In the event that a food producer and trader refuses or obstructs the food and drug regulatory departments and their personnel carrying out investigation, risk surveillance and sampling tests, the food and drug regulatory departments shall order the suspension of production and business, and impose a fine between RMB 2,000 and RMB 50,000; in serious circumstances, revoke its license; and for those disrupting public order, punishment will be imposed by the public security departments.

Article 135 For any organization whose license for food production and trading is revoked, the main person in charge and food safety management personnel shall not be permitted to engage in food production and/or trading management within 5 years after the punishment.

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.

Food producer/trade hiring persons not permitted for management of food production and/or trading activities will be revoked of its business license.

Article 136 Anyone in violation of this Law causing harm to human health or property damage or other damages shall be liable for compensation. When the assets are not sufficient for penalty and fine, the civil compensation shall be executed first.

Article 137 Producer shall compensate losses of traders and consumers caused by its products that do not meet food safety standards; it shall also undertake expenses paid by traders and consumers for changing or returning of the product.

Article 138 Consumers could request compensation to traders, and/or producers for harms caused by food that does not meet food safety standards. Upon the request for compensation, the producer/trader shall follow the first asking responsibility principle, make the compensation; they shall not dodge responsibilities. If the producer is liable of the responsibility, the trader, after compensating the consumer, shall request recovery of the compensation; vice versa.

Consumer could apply for property preservation in accordance with the Civil Procedure Law for harm caused by the food that does not meet food safety standards.

Consumer could request for compensation for harm caused by production or trading of foods not meeting food safety standards; in addition, the customer could demand the producer or the trader to pay compensation of 10 times the product price, or three times of the loss.

Article 139 Consumers could request for compensation from import food traders and importers for health, assets, or other harms caused by import foods; they could also request compensation from the overseas exporter and overseas food producers. If the overseas exporter and/or producer is liable for the harm, it shall compensate the Chinese consumer, trader of the import food, and the importer.

Article 140 People violating this law, and constitute the crime of manufacturing or selling foodstuffs not qualified for safety standards, or the crime of producing and trading of poisonous and harmful food, or the crime of illegal business operations, shall be prosecuted for criminal liabilities.

## Section 2 Liabilities of other departments and personnel

Article 141 Per governments at and above the county level, with one of the following circumstances, both the government officials that bear responsibility and the executives directly responsible shall be punished by warning, recording a demerit, or recording a special demerit against them; causing serious consequences, they shall be demoted or removed from office:

- 1) Fail to establish and improve the whole process food safety regulatory working system, or fail to appropriate fund for food safety work according to financial budget;
- 2) Fail to clarify the food safety regulatory responsibilities of relevant departments in the government of the same level; fail to improve and enforce the food safety regulatory responsibility system; or fail to comment on/appraise food safety work by the food and drug regulatory departments;
- 3) Fail to develop food safety emergency plan for the region, or fail to establish the commanding organization immediately after significant food safety incident outbreak and activate the emergency plan;
- 4) Fail to formulate the annual food safety regulatory work plan.

Article 142 Government at the county or above level, with one of the following circumstances, both the government officials that bear responsibility and the executives directly responsible shall be punished by recording a special demerit against them; for serious cases, they shall be demoted or removed from office; when severe consequences occur, key persons in charge of the government shall admit responsibility and resign.

- 1) Fail to take organize and coordinate relevant departments to take effective measures to handle the food safety incidents in the region, which causes adverse effect or harm;
- 2) Fail to organize the rectification measures to regional food safety problem involving multiple links, which causes adverse effect or harm;
- 3) Delay, conceal, or falsely report food safety incidents;

4) Occurrence of significant food safety incident, or continuous occurrence of significant food safety incidents in the region;

Article 143 The Food and drug regulatory department and agriculture department at the county or above level, with one of the following circumstances, both the government officials that bear responsibility and the executives directly responsible shall be expelled; when severe consequences occur, key persons in charge of the department shall admit responsibility and resign.

1) Conceal, or falsely report food safety incidents;

2) Accepts bribes in investigating into activities violating the food safety law or investigating into food safety incidents;

3) Participating, harboring or conniving food safety crimes.

Article 144 The food safety regulatory department, the quality supervision department and the agriculture department at the county or above level, with one of the following circumstances, both the government officials that bear responsibility and the executives directly responsible shall be punished by recording a special demerit against them; for bad cases, they shall be demoted or removed from office; in very serious cases, the person shall be expelled; when severe consequences occur, key persons in charge of the government shall admit responsibility and resign:

1) Fail to investigate into food safety incidents, or fail to take timely measures to handle food safety incidents after receiving reporting, which caused expansion or spread of the incident;

2) Fail to take appropriate measures when food safety risk assessment draws negative result, which caused food safety incident, or adverse social influence;

3) In violation of this Law, grant permissions to unqualified applicants, or give permissions beyond legitimate authority;

4) Fail to perform food safety regulatory duty provided by this Law, which causes food safety accidents.

Article 145 The food safety regulatory department, the quality supervision department and the agriculture department at the county or above level, with one of the following circumstances, both the government officials that bear responsibility and the executives directly responsible shall be punished by warning, recording a demerit, or recording a special demerit against them; for bad cases, they shall be demoted or removed from office; for very serious cases, they shall be expelled:

1) Fail to organize training and examination for food safety law enforcement personnel in its system, or assign unqualified personnel to engage in food safety law enforcement;

2) Fail to formulate training instructions and sampling review measures for food safety management personnel of the food producers and traders;

3) Fail to formulate and implement food safety risk surveillance plan of the region in a timely manner;

- 4) Fail to organize and conduct food safety risk assessment in a timely manner;
- 5) Fail to propose and publish food safety risk alert;
- 6) Fail to organize follow-up evaluation for the implementation of national and local food safety standards, and fail to organize revision of food safety standards in a timely manner;
- 7) Upon receiving of food safety related information, fail to report the information to the competent department at high level and to the government of the same level, or fail to report the information to other government departments;
- 8) Fail to publish the food safety information according to provisions;
- 9) Fail to perform legitimate duties, uncooperative in investigation of law violation activities; or misfeasance, dereliction of the duty and committing illegalities for personal gains;
- 10) Other activities that fail to perform food safety regulatory responsibilities provided by this Law.

Article 146 While performing food safety regulatory responsibilities, the food and drug regulatory department, quality supervision department and other departments, in the case of conducting enforcement measures, such as illegal inspection and taking forcing actions, which cause damage to the food producers and traders, shall compensate the losses; the person in charge and other directly responsible persons shall be punished according to law.

Article 147 Government officials with behaviors such as neglect of responsibilities, misfeasance, and committing favoritism for personal gains in food safety law enforcement, and constitute the crime of misfeasance and the crime of neglect of responsibilities, shall be prosecuted for criminal responsibilities according to the relevant provisions of Criminal Law.

### Section 3 Responsibilities of other institutions and personnel

Article 148 In violation of this Law, if the technical persons and technical institutions undertaking food safety risk surveillance and risk assessment issue fake surveillance and assessment reports, the technical person and the person in charge of the institution are subject to punishment of demotion, removal from the position or be expelled; the person's qualification certificate for the profession shall be revoked, if the person or the institution has such certificate of practice.

Article 149 In violation of this Law, if the food inspection institution or food inspector issues false inspection reports, the supervising authority will cancel the institution's inspection qualification, confiscate the gained inspection fee, and impose a fine between five to ten times the inspection fee; the institution is also subject to a fine of RMB 50,000 - 100,000 if the inspection fee is less than RMB 10,000. The person in charge of the institution and the inspector shall be removed from position or expelled; if causing significant food safety incident, the person in charge of the institution and the inspector shall be expelled.

The food inspector expelled pursuant to this Law shall not engage in food inspection work from the day of the punishment decision made; food inspection institution staff subject to criminal prosecution for violating food safety law, or expelled for issuing false inspection report that caused significant food safety incident, is prohibited from engaging in any food inspection work for life. A food inspection institution hiring a person prohibited from food inspection work will be subject to revoked of its qualification certificate by the certifying authority.

The food inspection institution, issuing false inspection report, and harming the legitimate rights of consumers, shall take the responsibility of compensation.

Article 150 In violation of this law, if the certificate institution issues false certification conclusion, the supervising authority shall confiscate the received certification fees, and impose a fine of five to ten times the certification fees; the institution is also subject to a fine of RMB 50,000 to 100,000 if the certification fee is less than RMB 10,000; in serious cases, the institution is subject to punishment of suspension of operation, or public announcement of revoking of the certificate it issued; qualification certificate for the profession of the person in charge of the institution and the directly responsible person will be revoked.

If the certificate institution issues false certificate conclusion, cause harm to the legitimate rights of consumers, food producers and traders, the institution shall take the responsibility of compensation.

Article 151 Food inspectors and certification institution staffs issuing false inspection and certification reports, in violation of this Law, which constitute the crime of providing false proof document, they shall be prosecuted for criminal responsibility according to the Criminal Law.

Article 152 Advertisement of health food, in violation of this Law, containing false publicity, cheating the consumers, or failing to obtain permission, or the advertisement content is inconsistent with the permitted documents, shall be punished according to the Advertising Law of the People's Republic of China.

Food and drug regulatory department, food inspection institution, food industry associations, or consumer associations recommending food to consumers via advertising or other forms, which is in violation of this Law, shall be confiscated of the illegal gain of benefits by the competent authority. The person in charge of the entity and the person responsible for the activity are subject to punishment of recording a special demerit, demotion or removal from the position; in serious cases, they shall be expelled.

If the case of severe false food publicity, the provincial food and drug regulatory department shall suspend sale of the food, and make public announcement to the public; if the food is still sold in market, the provincial food and drug regulatory department shall confiscate the illegally gained benefits and the illegally traded food; the trader is also subject to a fine of RMB 5,000 and 20,000.

Article 153 In violation of this Law, persons making up and spreading false food safety information, which constitute behavior disrupting public order, are subject to public security regulatory punishment by the public security agency; if the behavior constitute crime, the person shall be prosecuted for criminal responsibility.

Persons making up and spreading false food safety information, or publishing unverified food safety information, which harm the legitimate rights of food producers, traders and consumer, shall take the civil law responsibility.

Media making up and spreads false food safety information, which harm the legitimate rights of citizens, legal representatives or other organizations, shall take the civil law liabilities, such as eliminating influence, rehabilitating reputation, compensating for loss and apology, etc.

#### Chapter 10: Supplementary Provisions

Article 154 For the purpose of this Law, the following terms shall have the meaning defined hereunder:

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

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

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

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.

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.

Food Tools and Devices mean machines, pipes, conveyer belts, containers, appliances, tableware and other objects that have direct contact with food or additives during production, distribution and use of food or additives.

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

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

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

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

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

Article 155 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 156 The food safety administration for dairy products, genetically modified foods, livestock and poultry slaughtering, wines and common salt shall be in accordance with this Law; when there is separate regulations, such regulations shall apply.

Article 157 The measures for administration of food safety in the railway and aviation operations shall be developed by the CFDA together with other relevant departments of the State Council.

The regulatory measures of food related products production shall be developed by the AQSIQ.

The regulatory work at the border and customs shall be carried out by the CIQs pursuant to this law and provisions of relevant laws and administrative regulations.

The acquisition, storage and policy processing of grains shall be regulated by the Grain Bureau in accordance with this law.

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

Article 158 The State Council can make adjustments of the supervision and administration system for food safety according to the actual requirements.

Article 159 This Law shall enter into force on xx xx, xxxx

**END OF TRANSLATION**