



LAW &
INTELLECTUAL
PROPERTY

Food Safety Law of the People's Republic of China (2015)

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Chapter I General Provisions

Article 1 This Law is developed to ensure food safety and protect the physical health and life safety of the public

Article 2 Those engaging in the following activities in 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") and food sales and catering services (hereinafter referred to as "food trade").

(2) Production of and trade in food additives.

(3) Production of and trade in packing materials, containers, detergents, and disinfectants for food and utensils and equipment for food production and trade (hereinafter referred to as "food-related products").

(4) Use of food additives and food-related products by food producers and traders.

(5) Storage and transport of food.

(6) Safety management of food, food additives, and food-related products.

The quality and safety management of edible primary products sourced from agriculture (hereinafter referred to as "edible farm produce") shall be governed by the Farm Produce Quality and Safety Law of the People's Republic of China. However, the marketing of edible farm produce, the development of relevant quality and safety standards, the release of relevant safety information, and, as provided for by this Law, agricultural inputs, shall be governed by the relevant provisions of this Law.

Article 3 In the food safety work, priority shall be given to prevention, risk management and full process control shall be implemented, the whole society shall participate, and a scientific and rigid regulatory system shall be established.

Article 4 Food producers and traders shall be responsible for the safety of the food which they produce or deal in. Food producers and traders shall engage in production and trade in accordance with laws, regulations, and food safety standards, ensure food safety, have integrity and self-discipline, take responsibility to the society and the public, accept supervision from the society, and assume social responsibilities.

Article 5 The State Council shall establish a Food Safety Commission, with its functions prescribed by the State Council. The food and drug administrative department

of the State Council shall supervise and administer food production and trade activities in accordance with this Law and its functions prescribed by the State Council.

The health administrative department of the state Council shall, in accordance with this Law and its functions prescribed by the State Council, organize food safety risk monitoring and assessment, and develop and publish national food safety standards in conjunction with the food and drug administrative department of the State Council.

The other relevant departments of the State Council shall undertake the relevant food safety work in accordance with this Law and their respective functions prescribed by the State Council.

Article 6 The local people's governments at and above the county level shall be responsible for the food safety regulatory work within their respective administrative regions, lead, organize, and coordinate in a unified manner the food safety regulatory work and the work on responding to food safety emergencies, and establish and improve the full-process regulatory mechanism and the information sharing mechanism for food safety.

A local people's government at or above the county level shall, in accordance with this Law and the relevant State Council provisions, determine the functions of the food and drug administrative department, the health administrative department, and the other relevant departments at the same level. The aforesaid departments shall be responsible for the food safety regulatory work within the administrative region according to their respective functions.

The food and drug administrative department of a people's government at the county level may establish offices in townships or towns or particular areas.

Article 7 The local people's governments at and above the county level shall implement an accountability system of food safety supervision and administration. The people's governments at a higher level shall review and evaluate the food safety regulatory work of the people's governments at a lower level. A local people's government at or above the county level shall review and evaluate the food safety regulatory work of the food and drug administrative department and other relevant departments at the same level.

Article 8 A people's government at or above the county level shall include the food safety work in its comprehensive plan for national economic and social development, list food safety work funding in its fiscal budgets, strengthen the building of food safety

regulatory capability, and provide safeguards for the food safety work.

The food and drug administrative department and other relevant departments of a people's government at or above the county level shall strengthen communication, closely cooperate with each other, and exercise power and take responsibility according to the division of functions.

Article 9 Food industry associations shall strengthen industry self-regulation, establish and improve industry norms and punishment and reward mechanisms in accordance with their respective articles of association, provide food safety information, technology, and other services, guide and supervise food producers and traders in legally engaging in production and trade, enhance integrity in the industry, and publicize and disseminate food safety knowledge.

Consumers' associations and other consumers' organizations shall, according to the law, conduct social supervision against activities in violation of this Law or damaging the lawful rights and interests of consumers.

Article 10 The people's governments at all levels shall strengthen food safety publicity and education, disseminate food safety knowledge, encourage social groups, basic-level autonomous mass organizations, and food producers and traders to disseminate food safety laws, regulations, standards, and knowledge, advocate healthy diet styles, and enhance consumers' food safety awareness and self-protection capability.

News media shall publicize food safety laws, regulations, standards, and knowledge for the public good, and through public opinion, conduct supervision in respect of illegal activities related to food safety. News reports on food safety shall be true and impartial.

Article 11 The state shall encourage and support food safety-related basic research and application research, and encourage and support the adoption of advanced technologies and advanced management norms by food producers and traders to enhance their food safety levels.

The state shall apply rigid management rules to the use of pesticides, accelerate the elimination of extreme-toxic, high-toxic, and high-persistent pesticides, promote the research, development, and application of substitute products, and encourage the use of efficient, low-toxic, and low-persistent pesticides.

Article 12 Any entity or individual shall have the right to report illegal activities related to food safety, the right to obtain food safety information from the

relevant departments according to the law, and the right to offer opinions and suggestions on the food safety regulatory work.

Article 13 Entities and individuals with outstanding contributions to the food safety work shall be commended and rewarded in accordance with the relevant state provisions.

Chapter II Food Safety Risk Monitoring and Assessment

Article 14 The state shall establish a food safety risk monitoring system to monitor food-borne diseases, food contamination, and harmful factors in food.

The health administrative department of the State Council shall, in conjunction with the food and drug administrative department, the quality supervision department, and the other relevant departments of the State Council, develop and implement a national food safety risk monitoring plan.

After obtaining the relevant food safety risk information, the food and drug administrative department or any other relevant department of the State Council shall immediately verify it and notify the health administrative department of the State Council. For the food safety risk information in the notification from the relevant departments and the information reported by medical institutions on food-borne and other diseases, the health administrative department of the State Council shall conduct analysis and research in conjunction with the relevant departments of the State Council, and as it deems necessary, adjust the national food safety risk monitoring plan in a timely manner.

The health administrative department of the people's government of a province, autonomous region, or municipality directly under the Central Government shall, in conjunction with the food and drug administrative department, the quality supervision department, and other relevant departments at the same level, develop or adjust the food safety risk monitoring plan for the administrative region in view of the specific circumstances of the administrative region, and report the plan to the health administrative department of the State Council for recordation before implementation.

Article 15 Technical institutions undertaking food safety risk monitoring work shall conduct the monitoring work according to the food safety risk monitoring plan and protocols, ensure the veracity and accuracy of the monitoring data, and submit monitoring data and analysis results according to the requirements of the food safety risk monitoring plan and protocols.

Food safety risk monitoring workers shall have the right to enter the relevant planting and breeding places of edible farm produce and the places of food production and trade to take samples or collect the relevant data. Payments shall be made at the market price for the samples taken.

Article 16 Where the food safety risk monitoring results show that there may be any potential food safety hazards, the health administrative department of the people's government at or above the county level shall, in a timely manner, notify the food and drug administrative department and other relevant departments at the same level, and report it to the people's government at the same level and the health administrative department of the people's government at a higher level. The food and drug administrative department and other relevant departments shall organize further investigations.

Article 17 The state shall establish a food safety risk assessment system to conduct risk assessment of the biological, chemical, and physical hazards in food, food additives, and food-related products in scientific methods on the basis of food safety risk monitoring information, scientific data, and other relevant information.

The health administrative department of the State Council shall be responsible for organizing the food safety risk assessment work, and form a Food Safety Risk Assessment Expert Committee consisting of experts in medical science, agriculture, food, nutrition, biology, environment, and other fields to assess food safety risks. Food safety risk assessment results shall be published by the health administrative department of the State Council.

The safety assessment of pesticides, fertilizers, veterinary medicines, feeds, and feed additives, among others, shall be conducted with the participation of experts from the Food Safety Risk Assessment Expert Committee.

No fees for food safety risk assessment shall be charged to producers and traders, and payments shall be made at the market price for the samples taken.

Article 18 Under any of the following circumstances, a food safety risk assessment shall be conducted:

(1) Through food safety risk monitoring or after receipt of a report, it is discovered that there may be any potential food safety hazards in food, food additives, or food-related products.

(2) A risk assessment is needed to provide a scientific basis for developing or revising national food safety standards.

(3) A risk assessment is needed to determine the key fields and key varieties in supervision and administration.

(4) Any new factor that may harm food safety is discovered.

(5) A judgment needs to be made on whether a factor posts a potential food safety hazard.

(6) Any other circumstance under which the health administrative department of the State Council deems a risk assessment needed.

Article 19 Where the food and drug, the quality supervision, the agricultural, or any other department of the State Council determines in the regulatory work that it is necessary to conduct a food safety risk assessment, it shall recommend the assessment to the health administrative department of the State Council and provide information on the source of risks and the relevant inspection data and conclusions, among others. If it is any of the circumstances as set out in Article 18 of this Law, the health administrative department of the State Council shall conduct the assessment in a timely manner and notify the relevant department of the State Council of the assessment result.

Article 20 The health administrative department and the agricultural administrative department of the people's government at or above the provincial level shall, in a timely manner, notify each other of the safety risk monitoring information on food and edible farm produce.

The health administrative department and the agricultural administrative department of the State Council shall, in a timely manner, notify each other of the results of safety risk assessment of food and edible farm produce and other information.

Article 21 Food safety risk assessment results are the scientific basis for developing and revising food safety standards and conducting food safety supervision and administration.

If a food safety risk assessment concludes that a food, food additive, or food-related product is unsafe, the food and drug administrative department, the quality supervision department, or any other relevant department of the State Council shall, according to its functions, immediately announce the conclusion to the public, informing consumers of stopping eating or using it, and take corresponding measures to ensure that the production of and trade in the food, food additive, or food-related product ceases; and if it is necessary to develop or revise the relevant national food safety standards, the health administrative department of the State Council shall immediately do so in conjunction

with the food and drug administrative department of the State Council.

Article 22 The food and drug administrative department of the State Council shall, in conjunction with the relevant departments of the State Council, comprehensively analyze the food safety status on the basis of the food safety risk assessment results and the food safety regulatory information. If the analysis shows that any food may have a relatively high safety risk, the food and drug administrative department of the State Council shall, in a timely manner, issue a food safety risk alert to the public.

Article 23 The food and drug administrative department and other relevant departments of a people's government at or above the county level and the food safety risk assessment expert committee and its technical institution shall, under the principles of "scientific, objective, timely, and open," organize food producers and traders, food inspection institutions, certification bodies, food industry associations, consumers' associations, and news media to exchange food safety risk assessment information and food safety regulatory information.

Chapter III Food Safety Standards

Article 24 The primary purpose of developing food safety standards shall be to protect the physical health of the public, and food safety standards shall be scientific and reasonable to ensure safety and reliability.

Article 25 Food safety standards shall be standards for mandatory execution. No mandatory food standards other than food safety standards may be developed.

Article 26 Food safety standards shall contain:

(1) limits of pathogenic microorganisms, pesticide residues, residues from veterinary medicines, biological toxins, heavy metals, and other pollutants, and other substances hazardous to human health in food, food additives, and food-related products;

(2) varieties, range of application, and dosages of food additives;

(3) nutritional composition requirements for staple and supplementary food exclusively for infants and other particular groups of people;

(4) requirements for labels, marks, and instructions related to health, nutrition, and other food safety requirements;

(5) hygienic requirements for the process of food production or trade;

- (6) quality requirements related to food safety;
- (7) food inspection methods and procedures related to food safety; and
- (8) others which need to be developed into food safety standards.

Article 27 National food safety standards shall be developed and published by the health administrative department of the State Council in conjunction with the food and drug administrative department of the State Council, to which the standardization administrative department of the State Council shall assign national standard serial numbers.

The provisions on the limits of pesticide residues and veterinary medicine residues in food and the inspection methods and procedures for such residues shall be developed by the health administrative department and the agricultural administrative department of the State Council in conjunction with the food and drug administrative department of the State Council.

The inspection procedures for slaughtered livestock and poultry shall be developed by the agricultural administrative department of the State Council in conjunction with the health administrative department of the State Council.

Article 28 National food safety standards shall be developed according to the food safety risk assessment results and by taking into full account the safety risk assessment results of edible farm produce and referring to the relevant international standards and international food safety risk assessment results, the drafts of national food safety standards shall be published, and opinions shall be widely solicited from food producers and traders, consumers, and the relevant departments, among others.

National food safety standards shall be examined and adopted by the National Food Safety Standard Review Board organized by the health administrative department of the State Council. The National Food Safety Standard Review Board, which consists of experts in medical science, agriculture, food, nutrition, biology, environment, and other fields and representatives from the relevant departments of the State Council, food industry associations, and consumers' associations, shall examine the drafts of national food safety standards to determine whether the standards are scientific and practicable, among others.

Article 29 For local specialties without national food safety standards, the health administrative department of the people's government of a province, autonomous region, or municipality directly under the Central

Government may develop and publish local food safety standards, which shall be reported to the health administrative department of the State Council for recordation and be repealed immediately after the relevant national food safety standards are issued.

Article 30 The state shall encourage food production enterprises to develop standards more stringent than the national or local food safety standards for their own application, and report such standards to the health administrative department of the people's government of the province, autonomous region, or municipality directly under the Central Government for recordation.

Article 31 The health administrative department of a people's government at or above the provincial level shall publish the issued national or recorded local and enterprise food safety standards on its website for the public to consult and download free of charge.

For issues raised in the implementation of food safety standards, the health administrative department of a people's government at or above the county level shall, in a timely manner, provide guidance and answers in conjunction with the relevant departments.

Article 32 The health administrative department of a people's government at or above the provincial level shall, in conjunction with the food and drug, quality supervision, agricultural, and other administrative departments at the same level, conduct follow-up evaluations of the implementation of national food safety standards and local food safety standards respectively and, on the basis of the evaluation results, revise food safety standards in a timely manner.

The food and drug, quality supervision, agricultural, and other administrative departments of a people's governments at or above the provincial level shall gather and summarize the issues existing in the implementation of food safety standards and, in a timely manner, notify the health administrative department at the same level of such issues.

Food producers and traders and food industry associations shall immediately report issues discovered in the implementation of food safety standards to the health administrative departments.

Chapter IV Food Production and Trade

Section 1 General Rules

Article 33 A food producer or trader shall comply with food safety standards and satisfy the following requirements:

(1) It shall have places for food raw material treatment and food processing, packaging, and storage, among others, suitable for the varieties and quantities of the food which it produces or deals in, keep the environment of these places tidy and clean, and ensure that these places maintain a prescribed distance from toxic and hazardous sites and other pollution sources.

(2) It shall have production or trade equipment or facilities suitable for the varieties and quantities of the food which it produces or deals in, and have the corresponding equipment or facilities for disinfection, changing clothes, toilet, day-lighting, illumination, ventilation, anti-corrosion, anti-dust, anti-fly, rat proof, mothproof, washing, disposal of waste water, and storage of garbage and waste.

(3) It shall have full-time or part-time professional food safety technicians and food safety managerial personnel and rules and regulations for ensuring food safety.

(4) It shall have a reasonable equipment layout and technical flowchart to prevent cross pollution between the food to be processed and ready-to-eat food and between raw materials and finished products and prevent food from contacting toxic substances or unclean items.

(5) Cutlery, drinking sets, and containers for ready-to-eat food shall be washed clean and disinfected prior to use, and kitchenware and utensils shall be washed clean after use and kept clean.

(6) Containers, tools, and equipment for storing, transporting, loading, and unloading food shall be safe, innocuous, and kept clean to prevent food pollution and satisfy the necessary temperature, moisture, and other special requirements for food safety, and food may not be transported together with toxic or harmful items.

(7) Innocuous and clean packing materials, cutlery, drinking sets, and containers shall be used for ready-to-eat food.

(8) Persons engaging in the production of or trade in food shall maintain personal hygiene, wash their hands clean, and wear clean work clothes and hats in the process of production or trade; and use innocuous and clean containers, vending devices, and equipment in the sale of unpacked ready-to-eat food.

(9) The water used shall be in compliance with the hygiene standards for drinking water of the state.

(10) The detergents and disinfectants used shall be safe and innocuous to human body.

(11) Other requirements as prescribed by any law or regulation.

A non-food producer or trader engaging in the storage, transportation, loading, and unloading of food shall comply with the provision of item (6) of the preceding paragraph.

Article 34 The following food, food additives, and food-related products shall be prohibited from production and trade:

(1) Food produced with non-food raw materials, food to which any non-food additive chemical or other substance potentially hazardous to human health is added, or food produced with recycled food as raw materials.

(2) Food, food additives, and food-related products in which pathogenic microorganisms, pollutants such as pesticide residues, veterinary medicine residues, biotoxins, and heavy metals, and other substances hazardous to human health exceed the limits specified in food safety standards.

(3) Food and food additives produced with food raw materials and food additives whose shelf-life has expired.

(4) Food using food additives beyond the approved scope or limit.

(5) Staple or supplementary food exclusively for infants and other particular groups of people in which the nutrient ingredients fail to meet food safety standards.

(6) Food and food additives that are putrid or deteriorated, spoiled by rancid oil or fat, moldy, infested with pest, contaminated and dirty, mixed with foreign objects, adulterated and impure, or abnormal in sensory properties.

(7) Meat of poultry, livestock, beasts, and aquatic animals that died from disease, poisoning, or unknown causes and the products made thereof.

(8) Meat that has not been quarantined as legally required or has failed quarantine or meat products that have not been inspected or have failed inspection.

(9) Food and food additives contaminated by packing materials, containers, or means of transport.

(10) Food and food additives with a false production date or shelf life or whose shelf-life has expired.

(11) Pre-packed food and food additives without labels.

(12) Food expressly prohibited by the state from production and trade for disease prevention and other special needs.

(13) Other food, food additives, and food-related products that do not comply with laws, regulations, or food safety standards.

Article 35 The state shall adopt a licensing system for food production and trade. Those intending to engage in the production or sale of food or the catering services shall legally obtain a permit. However, a permit is not required for the sale of edible farm produce.

The food and drug administrative department of a local people's government at or above the county level shall, in accordance with the Administrative Licensing Law of the People's Republic of China, examine the relevant materials submitted by an applicant under items (1) to (4), paragraph 1, Article 33 of this Law, and if necessary, conduct an on-site inspection of the applicant's place for production or trade. If the applicant meets the prescribed conditions, a permit shall be granted; or if the applicant does not meet the prescribed conditions, a decision not to grant a permit shall be made, with a written explanation of the reasons for the decision.

Article 36 To engage in food production or trade, a small food production or processing workshop or a food vendor shall meet the food safety requirements of this Law suitable for its production or trade scale and conditions, and ensure that the food which it produces or deals in is hygienic, nontoxic, and innocuous. The food and drug administrative departments shall strengthen the supervision and administration of them.

The local people's governments at and above the county level shall put small food production or processing workshops and food vendors under comprehensive control, enhance services and unified planning, improve the production and trade environment of them, and encourage and support their improvement of production and trade conditions and operation at fixed places such as centralized trading markets and stores or within the specified temporary business areas and hours.

The specific measures for the administration of food production or processing workshops and food vendors shall be developed by a province, autonomous region, or municipality directly under the Central Government.

Article 37 For the production of food with new food raw materials or for the production of a new variety of food additive or food-related product, safety assessment documents on the relevant product shall be submitted to the health administrative department of

the State Council, which shall, within 60 days of receipt of an application, organize an examination and, if the food safety requirements are satisfied, decide to grant a permit and announce it to the public or, if the food safety requirements are not satisfied, decide not to grant a permit, and provide a written explanation of the reasons for the decision.

Article 38 No medicine may be added to food under production or trade, but substances that are traditionally both food and traditional Chinese medicinal materials may be added. The list of substances that are traditionally both food and traditional Chinese medicinal materials shall be developed and published by the health administrative department of the State Council in conjunction with the food and drug administrative department of the State Council.

Article 39 The state shall adopt a licensing system for the production of food additives. Those intending to engage in the production of food additives shall have the sites, production equipment or facilities, professional technicians, and management rules suitable for the varieties of food additives produced, and shall obtain a permit for the production of food additives under the procedure as set out in paragraph 2, Article 35 of this Law.

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

Article 40 No food additives may be included in the scope of permitted food additives unless it is technically necessary and is proved to be safe and reliable by risk assessment; and the relevant national food safety standards shall be revised in a timely manner according to the technical necessity and food safety risk assessment results.

Food producers and traders shall use food additives in compliance with national food safety standards.

Article 41 The production of food-related products shall comply with laws, regulations, and national food safety standards. The production of food-related products with a relatively high risk such as packing materials that directly contact food shall be subject to production licensing in accordance with the relevant state provisions on the administration of production licenses for industrial products. The quality supervision departments shall strengthen the supervision and administration of the production of food-related products.

Article 42 The state shall establish a whole process food safety tracing system.

Food producers and traders shall, in accordance with this Law, establish a food safety tracing system to ensure the traceability of food. The state shall encourage food producers and traders to gather and retain production and trade information by digital means to establish a food safety tracing system.

The food and drug administrative department of the State Council shall establish a whole process food safety tracing cooperation mechanism in conjunction with the agricultural administrative department and other relevant departments of the State Council.

Article 43 The local people's governments at all levels shall take measures to encourage the mass production of food and the chain food operation or distribution.

The state shall encourage food producers and traders to participate in food safety liability insurance.

Section 2 Production and Trade Process Control

Article 44 A food production or trade enterprise shall establish and improve its food safety management rules, provide food safety training for its employees, strengthen food inspection, and legally engage in food production or trade.

The primary person in charge of a food production or trade enterprise shall ensure the implementation of the food safety management rules of the enterprise and be fully responsible for the food safety work of the enterprise.

A food production or trade enterprise shall employ food safety management personnel, and strengthen the training and assessment of them. Those who have been proven by assessment to be incompetent in food safety management may not hold such positions. The food and drug administrative departments shall randomly select the food safety management personnel of enterprises for supervisory assessment and publish the assessment results, but may not charge any fees for such supervisory assessment.

Article 45 A food producer or trader shall establish and implement a health management system for employees. Persons suffering from any disease that may jeopardize food safety as specified by the health administrative department of the State Council may not engage in work involving contact with ready-to-eat food.

Food production and trade employees who engage in work involving contact with ready-to-eat food shall take a medical examination every year and may not hold their positions unless a health certificate is obtained.

Article 46 A food production enterprise shall develop and implement control requirements for the following matters to ensure that the food produced by it meets the food safety standards:

(1) Control over raw materials, including but not limited to the purchase, inspection, and feeding of raw materials.

(2) Control over key production links, such as production process, equipment, storage, and packaging.

(3) Control over inspection, including but not limited to the inspection of raw materials, inspection of semi-finished product inspection, and ex-factory inspection of finished products.

(4) Control over transport and delivery.

Article 47 A food producer or trader shall establish food safety self-inspection rules to inspect and evaluate the food safety status on a regular basis. Where a food producer or trader no longer satisfies the food safety requirements for changes in its food production or trade conditions, it shall immediately take corrective measures; and if there is any potential risk of a food safety accident, it shall immediately stop food production or trade and file a report with the food and drug administrative department of the local people's government at the county level.

Article 48 The state shall encourage food production or trade enterprises to satisfy the requirements of good manufacturing practices and implement a hazard analysis and critical control point system to improve their food safety management.

For a food production or trade enterprise that has passed the certification of good manufacturing practices and a hazard analysis and critical control point system, the certification body shall conduct a follow-up according to the law. If the enterprise no longer satisfies the certification requirements, the certification body shall revoke the certification according to the law, notify in a timely manner the food and drug administrative department of the people's government at or above the county level, and announce it to the public. The certification body shall not charge any fees for the follow-up.

Article 49 The producers of edible farm produce shall use pesticides, fertilizers, veterinary medicines, feeds, feed additives, and other agricultural inputs in accordance with the food safety standards and relevant provisions of the state, and strictly implement the provisions on the interval or withdrawal period for the safe use of agricultural inputs, and may not use any agricultural input expressly prohibited by the state. It shall be prohibited to use extremely or highly toxic

pesticides on vegetables, fruits, tea leaves, Chinese medicinal herbs, and other crops specified by the state.

Production enterprises of edible farm produce and specialized farmers' cooperative economic organizations shall maintain records of use of agricultural inputs.

The agricultural administrative department of a people's government at or above the county level shall strengthen the supervision, administration, and guidance of the use of agricultural inputs and establish and improve rules for the safe use of agricultural inputs.

Article 50 In the purchase of food raw materials, food additives, and food-related products, a food producer shall check a supplier's permit and compliance certificate of products. It shall, in accordance with the food safety standards, inspect food raw materials for which the supplier is unable to provide a compliance certificate. It shall not purchase or use any food raw material, food additive, or food-related product that does not meet the food safety standards.

A food production enterprise shall establish a record system for checking the purchased food raw materials, food additives, and food-related products, honestly record the names, specifications, quantities, dates or batch numbers of production, shelf lives, and dates of purchase of food raw materials, food additives, and food-related products, and the names, addresses, and contact methods of suppliers, among others, and retain the relevant vouchers. The retention period of records and vouchers shall not be less than six months after the expiry of the shelf-life of products; or shall not be less than two years for products without a clear shelf life.

Article 51 A food production enterprise shall establish a record system for checking ex-factory food, check the inspection certificates and safety conditions of ex-factory food, honestly record the name, specifications, quantity, date or batch number of production, shelf life, inspection certificate number, and date of sale of food and the names, addresses, and contact methods of purchasers, and retain the relevant vouchers. The retention period of records and vouchers shall be governed by paragraph 2, Article 50 of this Law.

Article 52 A producer of food, food additives, or food-related products shall inspect the food, food additives, or food-related products produced by it in accordance with the food safety standards, and the food, food additives, or food-related products may leave the factory or be sold only after passing inspection.

Article 53 In the purchase of food, a food trader shall check a supplier's permit and ex-factory inspection certificate or any other compliance certificate of food

(hereinafter referred to as "compliance certification documents").

A food trade enterprise shall establish a record system for checking the purchased food, honestly record the name, specifications, quantity, date or batch number of production, shelf life, and date of purchase of food and the names, addresses, and contact methods of suppliers, and retain the relevant vouchers. The retention period of records and vouchers shall be governed by paragraph 2, Article 50 of this Law.

For a food trade enterprise operating in the form of centralized distribution, the headquarters of the enterprise may, in a centralized manner, check a supplier's permit and compliance certification documents of food and keep records of checking the purchased food.

A food trade enterprise engaging in food wholesale shall establish a food sales record system, honestly record the name, specifications, quantity, date or batch number of production, shelf life, and date of sales of the wholesaled food and the names, addresses, and contact methods of purchasers, and retain the relevant documents. The retention period of records and documents shall be governed by paragraph 2, Article 50 of this Law.

Article 54 A food trader shall store food according to the requirements for ensuring food safety, check food in stock on a regular basis, and clear up in a timely manner food which has spoiled or whose shelf life has expired.

To store bulk food, a food trader shall clearly indicate the name, date or batch number of production, and shelf life of the food and the name and contact methods of the producer, among others, at the place of storage.

Article 55 Catering service providers shall develop and implement raw material control requirements, and shall not purchase food raw materials that do not meet the food safety standards. Catering service providers are encouraged to open their processing operations and publish information on food raw materials and their sources.

Catering service providers shall, during their processing operations, check the food and raw materials to be processed, and shall not process or use any food or raw material that is discovered to be under any of the circumstances as described in item (6), Article 34 of this Law.

Article 56 Catering service providers shall maintain their facilities and equipment for food processing, storage, and display, among others, on a regular basis,

and clean and check their heat preservation facilities and cooling and refrigeration facilities on a regular basis.

Catering service providers shall clean and disinfect cutlery and drinking sets according to the relevant requirements, and shall not use those that are not cleaned and disinfected. To outsource the cleaning and disinfection of cutlery and drinking sets, a catering service provider shall employ a centralized cutlery and drinking set disinfection service provider that meets the conditions as set out in this Law.

Article 57 The canteens of schools, kindergartens and nurseries, elderly care service providers, construction sites, and other entities with centralized dining shall strictly comply with laws, regulations, and food safety standards. To order food from food suppliers, the entities shall select those with a food production or trade permit and check the ordered food according to the relevant requirements. Food suppliers shall strictly comply with laws, regulations, and food safety standards, process food freshly for each meal, and ensure food safety.

The authorities in charge of schools, kindergartens and nurseries, elderly care service providers, construction sites, or other entities with centralized dining shall strengthen the food safety education and daily management of such entities, reduce food safety risks, and eliminate potential food safety hazards in a timely manner.

Article 58 Centralized cutlery and drinking set disinfection service providers shall have corresponding operation sites and cleaning and disinfection equipment or facilities, and use water, detergents, and disinfectants in compliance with the relevant national food safety standards and other national standards and hygienic norms.

Centralized cutlery and drinking set disinfection service providers shall inspect each batch of disinfected cutlery and drinking sets, and only those that pass inspection may leave the factory, with a disinfection inspection certificate attached to them. The name, address, and contact methods of the disinfection service provider, the date of disinfection, the service life, and other relevant information shall be indicated on the independent packages of disinfected cutlery and drinking sets.

Article 59 A food additive producer shall establish a record system for checking ex-factory food additives, check the inspection certificates and safety status of ex-factory products, honestly record the names, specifications, quantities, dates or batch numbers of production, shelf lives, inspection certificate numbers, and dates of sale of food additives and the names,

addresses, and contact methods of purchasers, and retain the relevant vouchers. The retention period of records and vouchers shall be governed by paragraph 2, Article 50 of this Law.

Article 60 In the purchase of food additives, a food additive trader shall, as legally required, check a supplier's permit and compliance certification documents of products, honestly record the names, specifications, quantities, dates or batch numbers of production, shelf lives, and dates of purchase of food additives and the names, addresses, and contact methods of suppliers, and retain the relevant vouchers. The retention period of records and vouchers shall be governed by paragraph 2, Article 50 of this Law.

Article 61 The sponsor of a centralized trade market, the lessor of food booths, or the organizer of a trade fair shall, as legally required, check the permits of the admitted food traders, define their food safety management responsibilities, and on a regular basis, check their operation environment and conditions. If it discovers that any admitted food trader violates this Law, it shall stop the violation in a timely manner, and immediately file a report with the food and drug administrative department of the local people's government at the county level.

Article 62 The provider of a third-party online food trading platform shall register the legal names of food traders admitted to the platform and define their food safety management responsibilities; and check the permits of those that are required to obtain permits.

Where the provider of a third-party online food trading platform discovers that any food trader admitted to the platform violates this Law, it shall stop the violation in a timely manner and immediately file a report with the food and drug administrative department of the local people's government at the county level; and if it discovers any serious illegal act, it shall immediately stop providing online trading platform services.

Article 63 The state shall establish a food recall system. Where a food producer discovers that any food produced by it does not meet the food safety standards or there is evidence that the food is potentially hazardous to human health, it shall immediately stop the production of the food, recall all such food already on the market, notify the relevant producers, traders, and consumers, and record the recall and notification.

Where a food trader discovers that any food that it deals in falls under either of the circumstances as mentioned in the preceding paragraph, it shall immediately stop dealing in the food, notify the relevant producers, traders, and consumers, and

record the stop of dealing in the food and notification. If the food producer deems it necessary to recall the food, it shall recall the food immediately. If any food that a food trader deals in falls under either of the circumstances as mentioned in the preceding paragraph and it is caused by the food trader, the food trader shall recall the food.

A food producer or trader shall take measures such as innocuous disposal and destruction of the recalled food to prevent such food from entering the market again. However, a food producer may continue to sell food which is recalled because the food's labels, marks, or instructions fail to meet the food safety standards, provided that it has taken remedial measures and is able to ensure food safety; and in the sale of such food, it shall expressly indicate the remedial measures to the consumers.

A food producer or trader shall report information on a recall and the disposal of food to the food and drug administrative department of the local people's government at the county level. If it needs to make innocuous disposal of or destroy the recalled food, it shall report the time and location in advance, and the food and drug administrative department may, as it deems necessary, oversee the disposal or destruction on the site.

Where a food producer or trader fails to recall any food or stop dealing in any food as required in this Article, the food and drug administrative department of the people's government at or above the county level may order it to recall the food or stop dealing in the food.

Article 64 An edible farm produce wholesale market shall have inspection equipment and personnel or employ a food inspection institution that satisfies the requirements as set out in this Law to conduct random inspection of edible farm produce sold on the wholesale market. Once it discovers any produce that fails to meet the food safety standards, the market shall require the seller to immediately stop selling the produce, and file a report with the food and drug administrative department.

Article 65 An edible farm produce seller shall establish a record system for checking the purchased edible farm produce, honestly record the names, quantities, and dates of purchase of the edible farm produce and the names, addresses, and contact methods of suppliers, and retain the relevant vouchers. The retention period of records and vouchers shall not be less than six months.

Article 66 Where food additives such as anti-staling agents and preservatives, packing materials, and other food-related products are used for edible farm produce

to be on the market in the course of packaging, fresh-keeping, storage, or transport, the national food safety standards shall be met.

Section 3 Labels, Instructions and Advertisements

Article 67 The packages of pre-packed food shall be labeled. A label shall indicate:

- (1) the name, specifications, net content, and date of production;
- (2) a table of ingredients or components;
- (3) the name, address, and contact methods of the producer;
- (4) the shelf life;
- (5) the product standard code;
- (6) the storage requirements;
- (7) the common names of the used food additives in the national standards;
- (8) the serial number of the production permit; and
- (9) other information as required by laws, regulations, and food safety standards.

The labels of staple and supplementary food exclusively for infants and other particular groups of people shall also indicate main nutrient ingredients and their contents.

Where the national food safety standards provide otherwise for matters to be indicated on labels, such provisions shall apply.

Article 68 To sell bulk food, a food trader shall clearly indicate the name, date or batch number of production, and shelf life of the food and the names, addresses, and contact methods of the producer and trader on the containers or outer packages of the bulk food.

Article 69 Conspicuous indications shall be made as legally required in the production of or trade in genetically modified food.

Article 70 Food additives shall have labels, instructions, and packages. The labels and instructions shall contain information as set out in items (1) to (6), (8) and (9), paragraph 1, Article 67 of this Law and the extents of use, dosages, and use methods of food additives, and the labels shall state the words "Food Additive."

Article 71 No food or food additive labels or instructions may contain any false information or involve disease prevention or treatment functions.

Producers and traders shall be responsible for the contents of the labels and instructions provided by them.

The labels and instructions of food and food additives shall be clear and conspicuous, and the date of production, shelf life, and other information shall be conspicuously indicated for easy identification.

No food or food additive which is inconsistent with the contents of its labels or instructions shall be placed on the market.

Article 72 A food trader shall sell food according to the requirements of the caution signs, caution instructions, or notes on the food labels.

Article 73 Food advertisements shall be true and legal, and shall not contain any false information or involve disease prevention or treatment functions. Food producers and traders shall be responsible for the truth and legality of the contents of food advertisements.

The food and drug administrative department and other relevant departments of the people's government at or above the county level, food inspection institutions, and food industry associations may not recommend food to consumers by advertisement or other means. Consumers' organizations may not recommend food to consumers by charging fees or other means to seek benefits.

Section 4 Special Food

Article 74 The state shall conduct strict supervision and administration of special food such as dietary supplements, formula food for special medical purposes, and formula food for infants.

Article 75 Dietary supplements that claim to have any health protection functions shall have a scientific basis, and shall not cause any acute, sub-acute, or chronic damage to the human body.

The list of raw materials for dietary supplements and the list of health protection functions which dietary supplements may claim shall be developed, adjusted, and published by the food and drug administrative department of the State Council in conjunction with the health administrative department of the State Council and the traditional Chinese medicine administrative department of the state.

The list of raw materials for dietary supplements shall specify the names, dosages, and corresponding effects of raw materials; and the raw materials included in the list may only be used for the production of dietary supplements and may not be used for the production of other food.

Article 76 Dietary supplements that use raw materials not in the list of raw materials for dietary supplements and dietary supplements that are imported for the first time shall be registered with the food and drug administrative department of the State Council. However, dietary supplements that are nutrient supplements such as vitamin or mineral substance supplements, if imported for the first time, shall be reported to the food and drug administrative department of the State Council for recordation. Other dietary supplements shall be reported to the food and drug administrative department of a province, autonomous region, or municipality directly under the Central Government for recordation.

Imported dietary supplements shall be products permitted by the competent authority of the exporting country (or region) for sale on the market.

Article 77 For dietary supplements legally required to be registered, its research and development report, formula, production technique, safety and health protection function evaluation documents, labels, instructions, and other materials and samples shall be submitted, together with the relevant certification documents, at the time of registration. The food and drug administrative department of the State Council shall organize a technical review. Those meeting the safety and function claim requirements shall be granted registration; and those failing to meet such requirements shall be denied registration, and a written explanation of the reasons for the denial shall be provided. Where a decision to grant registration is made for any dietary supplements that use any raw material not included in the list of raw materials for dietary supplements, the raw material used shall be included in the list of raw materials for dietary supplements in a timely manner.

For dietary supplements legally required to be recorded, the formula, production technique, labels, and instructions of the product, as well as materials proving the safety and health protection functions of the product, shall be submitted at the time of recordation.

Article 78 The labels or instructions of dietary supplements shall not involve disease prevention or treatment functions, and their contents shall be true and consistent with the registered or recorded contents, indicate the appropriate groups of people, inappropriate groups of people, and functionality ingredients or marker ingredients and the content thereof, among others, and state that "This product is not a substitute of medicine." The functionality and ingredients of dietary supplements shall be consistent with the indications in the labels and instructions.

Article 79 In addition to compliance with paragraph 1, Article 73 of this Law, dietary supplement advertisements shall state that “This product is not a substitute of medicine”; their contents shall be subject to the approval of the food and drug administrative department of the people’s government of the province, autonomous region, or municipality directly under the Central Government where the production enterprises are located, and a dietary supplement advertisement approval document shall be obtained. The food and drug administrative department of the people’s government of a province, autonomous region, or municipality directly under the Central Government shall publish, and update in a timely manner, the list of approved dietary supplement advertisements and the approved contents of advertisements.

Article 80 Formula food for special medical purposes shall be registered with the food and drug administrative department of the State Council. The formula, production techniques, labels, and instructions of such food, as well as the materials proving their safety, nutritional sufficiency, and clinical effects for special medical purposes, shall be submitted at the time of registration.

The advertisements of formula food for special medical purposes shall be governed by the provisions on the administration of drug advertisements in the Advertising Law of the People’s Republic of China and other relevant laws and administrative regulations.

Article 81 An infant formula food production enterprise shall conduct whole process quality control from the entry of raw materials into the factory to the departure of finished products from the factory, and inspect each batch of ex-factory infant formula food to ensure food safety.

The raw and fresh milk, supplemental materials, and other food raw materials and food additives used for the production of infant formula food shall comply with the provisions of laws and administrative regulations and the national food safety standards to ensure the nutritional ingredients necessary for the growth and development of infants.

An infant formula food production enterprise shall report its food raw materials, food additives, formula, labels, and other matters to the food and drug administrative department of the people’s government of the province, autonomous region, or municipality directly under the Central Government for recordation.

The formula of an infant formula milk powder product shall be registered with the food and drug administrative department of the State Council. The research and development report and other materials

proving that the formula is scientific and safe shall be submitted at the time of registration.

Infant formula milk powder may not be produced in the form of sub-packaging, and an enterprise may not produce different brands of infant formula milk powder with the same formula.

Article 82 An applicant for the registration or recordation of dietary supplements, formula food for special medical purposes, or infant formula milk powder shall be responsible for the truth of the materials submitted.

The food and drug administrative department of a people’s government at or above the provincial level shall, in a timely manner, publish the lists of registered or recorded dietary supplements, formula food for special medical purposes, and infant formula milk powder, and shall keep confidential the trade secrets of enterprises known in the course of registration or recordation.

An enterprise producing dietary supplements, formula food for special medical purposes, or infant formula milk powder shall organize production according to the registered or recorded formula, production technique, and other technical requirements.

Article 83 An enterprise producing dietary supplements, formula food for special medical purposes, infant formula milk powder, or other staple or supplementary food exclusively for particular groups of people shall establish a production quality control system suitable for the food produced by it according to the requirements of good manufacturing practices, conduct self-inspections of the operation of the system on a regular basis to ensure its effective operation, and submit self-inspection reports to the food and drug administrative department of the local people’s government at the county level.

Chapter V Food Inspection

Article 84 A food inspection institution may engage in food inspection activities only after it has been accredited according to the relevant certification and accreditation provisions of the state, except as otherwise provided for by the law.

The accreditation conditions and inspection norms for food inspection institutions shall be prescribed by the food and drug administrative department of the State Council.

Inspection reports issued by food inspection institutions that satisfy the requirements of this Law shall be equally effective.

The people's governments at and above the county level shall consolidate food inspection resources to realize the sharing of resources.

Article 85 Food inspection shall be independently conducted by the inspectors designated by a food inspection institution.

The inspectors shall inspect food in accordance with the provisions of relevant laws and regulations and the food safety standards and inspection norms, respect science, adhere to professional ethics, and ensure the objectiveness and impartiality of the issued inspection data and conclusions, and shall not issue any false inspection report.

Article 86 In food inspection, a responsibility system of food inspection institutions and inspectors shall be implemented. The official seal of a food inspection institution and the signatures or seals of inspectors shall be affixed to a food inspection report. The food inspection institution and inspectors shall be responsible for the food inspection report issued.

Article 87 The food and drug administrative department of a people's government at or above the county level shall, on a regular or unscheduled basis, conduct sampling inspections of food and publish the inspection results according to the relevant provisions, and shall not exempt any food from such inspection. For a sampling inspection, the randomly selected samples shall be purchased, a food inspection institution that satisfies the requirements of this Law shall be employed to conduct inspection, and the relevant fees shall be paid. No inspection fees and other fees may be charged to food producers and traders.

Article 88 A food producer or trader raising any objection to the conclusion of an inspection conducted under this Law may, within seven working days of receipt of the inspection conclusion, apply to the food and drug administrative department conducting the sampling inspection or the food and drug administrative department at the next higher level for re-inspection, and the food and drug administrative department accepting the application shall randomly select a re-inspection agency in the list of re-inspection agencies to conduct re-inspection. The re-inspection conclusion issued by the re-inspection agency shall be final. The agency conducting the re-inspection shall not be the one conducting the original inspection. The list of re-inspection agencies shall be jointly published by the certification and accreditation, food and drug, health, agricultural, and other administrative departments of the State Council.

An inspectee raising any objection to the result of a sampling test of edible farm produce conducted in a

rapid testing method prescribed by the state may apply for a retest within four hours of receipt of the test result. The retest may not be conducted in a rapid testing method.

Article 89 A food production enterprise may itself inspect the food produced by it or employ a food inspection institution that satisfies the requirements of this Law to do so.

Where an organization such as a food industry association or a consumers' association or a consumer needs to employ a food inspection institution to inspect any food, the organization or consumer shall select a food inspection institution that satisfies the requirements of this Law to conduct the inspection.

Article 90 The inspection of food additives shall be governed by the provisions of this Law on food inspection.

Chapter VI Import and Export of Food

Article 91 The entry-exit inspection and quarantine department of the state shall conduct supervision and administration of the safety of imported and exported food.

Article 92 Imported food, food additives, and food-related products shall meet the national food safety standards of China.

Imported food and food additives shall pass the inspection conducted by the entry-exit inspection and quarantine institutions in accordance with the relevant laws and administrative regulations on the inspection of imported and exported commodities.

Imported food and food additives shall be accompanied with inspection certificates as required by the entry-exit inspection and quarantine department of the state.

Article 93 For the import of food for which the national food safety standards have not been developed, the overseas exporter or overseas production enterprise or the importer authorized by it shall submit the implemented standards of the relevant country (or region) or international standards to the health administrative department of the State Council. The health administrative department of the State Council shall examine the standards and, if they satisfy the food safety requirements, decide to temporarily apply such standards, and develop the corresponding national food safety standards in a timely manner. The import of food produced with any new food raw material or the import of a new variety of food additive or food-related product shall be governed by the provisions of Article 37 of this Law.

Entry-exit inspection and quarantine institutions shall, according to the requirements of the health administrative department of the State Council, inspect the food, food additives, and food-related products as mentioned in the preceding paragraph. The inspection results shall be published.

Article 94 Overseas exporters and overseas production enterprises shall undertake that the food, food additives, and food-related products exported to China comply with this Law, other relevant laws and administrative regulations of China, and the national food safety standards of China, and shall be responsible for the contents of labels and instructions.

Importers shall establish a review system for overseas exporters and overseas production enterprises, with an emphasis on matters as mentioned in the preceding paragraph; and no import from those failing the review shall be permitted.

Once discovering that any imported food fails to meet the national food safety standards of China or, as shown by evidence, is potentially hazardous to human health, an importer shall immediately stop importing the food and recall the food under Article 63 of this Law.

Article 95 Where a food safety incident occurring abroad may have an impact in China, or a serious food safety problem is discovered in any imported food, food additive, or food-related product, the entry-exit inspection and quarantine department of the state shall, in a timely manner, take risk warning or control measures, and notify the food and drug, health, and agricultural administrative departments of the State Council. The departments that have received the notification shall take corresponding measures in a timely manner.

The food and drug administrative departments of the people's governments at and above the county level shall conduct supervision and administration of the imported food and food additives sold on the domestic market. If any serious food safety problem is discovered, the food and drug administrative department of the State Council shall notify the entry-exit inspection and quarantine department of the state in a timely manner. The entry-exit inspection and quarantine department of the state shall take corresponding measures in a timely manner.

Article 96 An overseas exporter or agent that exports food to China or an importer that imports food to China shall undergo the recordation procedure with the entry-exit inspection and quarantine department of the state. To export food to China, an overseas food production enterprise shall be registered with the entry-exit inspection and quarantine department of the

state. Where a registered overseas food production enterprise provides any false materials or causes any serious food safety accident involving the imported food for its own fault, the entry-exit inspection and quarantine department of the state shall cancel its registration and announce it to the public.

The entry-exit inspection and quarantine department of the state shall, on a regular basis, announce the lists of the recorded overseas exporters, agents, and importers and the registered overseas food production enterprises.

Article 97 The imported pre-packed food and food additives shall have labels in Chinese and as legally required, instructions in Chinese. The labels and instructions shall comply with the provisions of this Law and other relevant laws and administrative regulations of China and the requirements of the national food safety standards of China, and state the place of origin of the food, as well as the name, address, and contact methods of the domestic agent. Pre-packed food which does not have labels in Chinese and/or instructions in Chinese or whose labels or instructions do not comply with the provision of this Article may not be imported.

Article 98 An importer shall establish a record system for the import and sale of food and food additives, honestly record the names, specifications, quantities, dates of production, batch numbers of production or import, and shelf lives of food and food additives, the names, addresses, and contact methods of the overseas exporters and the purchasers, and the dates of delivery, among others, and retain the relevant vouchers. The retention period of records and vouchers shall be governed by paragraph 2, Article 50 of this Law.

Article 99 A production enterprise of exported food shall undertake that their exported food meets the standards of the imported countries (or regions) or satisfies the contractual requirements.

The production enterprises of exported food and the raw material planting or breeding farms of exported food shall undergo the recordation procedure with the entry-exit inspection and quarantine department of the state.

Article 100 The entry-exit inspection and quarantine department of the state shall gather and summarize the following imported and exported food safety information, and notify the relevant departments, institutions, and enterprises in a timely manner:

(1) The food safety information discovered by the entry-exit inspection and quarantine institutions in the

inspection and quarantine of imported and exported food.

(2) The imported food safety information reported by organizations such as food industry associations and consumers' associations, as well as consumers.

(3) The risk warning information and other food safety information released by international organizations and overseas governmental institutions and the food safety information reported by overseas organizations such as overseas food industry associations and overseas consumers

(4) Other food safety information.

The entry-exit inspection and quarantine department of the state shall conduct integrity management of importers, exporters, and production enterprises of exported food, maintain integrity records of them, and publish such records according to the law. For importers, exporters, and production enterprises of exported food with a bad record, the entry-exit inspection and quarantine department of the state shall strengthen the inspection and quarantine of their imported and exported food.

Article 101 The entry-exit inspection and quarantine department of the state may evaluate and review the food safety management system and food safety status of a country (or region) exporting food to China, and determine the corresponding inspection and quarantine requirements according to the evaluation and review results.

Chapter VII Handling of Food Safety Accidents

Article 102 The State Council shall organize the development of a national food safety emergency response plan.

A local people's government at or above the county level shall, in accordance with the provisions of the relevant laws and regulations, the food safety emergency response plan of the people's government at a higher level, and the actual local circumstances, develop a food safety emergency response plan for its own administrative region and submit it to the people's government at the next higher level for recordation.

A food safety emergency response plan shall provide for the grading of food safety accidents, the accident handling organization and command system and responsibilities, the prevention and early warning mechanisms, the handling procedure, and emergency safeguards, among others.

A food production or trade enterprise shall develop a plan for handling food safety accidents and, on a

regular basis, check the implementation of its food safety preventative measures to eliminate a potential risk of accident in a timely manner.

Article 103 An entity in which a food safety accident occurs shall immediately take measures to prevent it from expansion. The entity in which the accident occurs and the entities receiving patients for medical treatment shall, in a timely manner, report to the food and drug administrative department and the health administrative department of the people's government at the county level at the place where the accident occurs.

The quality supervision, agricultural, and other departments of a people's government at or above the county level shall, if discovering any food safety accident or receiving a report of a food safety accident, immediately notify the food and drug administrative department at the same level.

In the event of a food safety accident, the food and drug administrative department of the people's government at the county level shall, after receipt of a report, report to the people's government at the same level and the food and drug administrative department of the people's government at a higher level in accordance with the emergency response plan. The people's government at the county level and the food and drug administrative department of the people's government at a higher level shall report the accident to superior authorities in accordance with the emergency response plan.

No entity or individual may conceal, make false report, or delay the report of any food safety accident or conceal, forge, or destroy the relevant evidence.

Article 104 Where a medical institution discovers that any patient received by it has contracted or is suspected of contracting a food-borne disease, it shall, in a timely manner, report the relevant information to the health administrative department of the local people's government at the county level as legally required. The health administrative department of the people's government at the county level shall, in a timely manner, notify the food and drug administrative department at the same level if deeming that it is related to food safety.

The health administrative department of a people's government at or above the county level shall, if discovering any food safety-related information in the course of investigating and handling any infectious disease or any other public health emergency, notify the food and drug administrative department at the same level in a timely manner.

Article 105 After receipt of a report of a food safety accident, the food and drug administrative department of a people's government at or above the county level shall immediately investigate and handle the accident in conjunction with the health, quality supervision, agricultural, and other relevant departments at the same level, and take the following measures to prevent or mitigate its harm to the society:

(1) Conducting emergency rescue and organizing the rescue and medical treatment of persons suffering bodily injuries in the food safety accident.

(2) Sealing up the food and its raw materials that may have caused the food safety accident and conducting inspection immediately; ordering the food producer or trader to recall or stop dealing in the contaminated food and raw materials under Article 63 of this Law if the contamination is confirmed.

(3) Sealing up the contaminated food-related products and ordering the cleaning and disinfection thereof.

(4) Effectively conducting information disclosure, releasing information on the food safety accident and the handling thereof according to the law, and providing explanations and statements on the possible harm.

Where an emergency response plan needs to be activated for the occurrence of a food safety accident, the people's government at or above the county level shall immediately form a command center to handle the accident, activate the emergency response plan, and handle the accident according to the provision of the preceding paragraph and the emergency response plan.

In the event of a food safety accident, the disease prevention and control institution at or above the county level shall conduct sanitary treatment at the scene of the accident and an epidemiological investigation into factors relating to the accident, and the relevant departments shall provide assistance. The disease prevention and control institution at or above the county level shall submit an epidemiological investigation report to the food and drug administrative department and the health administrative department at the same level.

Article 106 In the event of a food safety accident, the food and drug administrative department of a people's government at or above the level of a districted city shall, in conjunction with the relevant departments, investigate the liability for the accident, urge the relevant departments to perform their functions, and submit a report on the accident liability investigation and handling to the people's government at the same

level and the food and drug administrative department of the people's government at the next higher level.

Where a serious food safety accident involves two or more of provinces, autonomous regions, and municipalities directly under the Central Government, the food and drug administrative department of the State Council shall organize an accident liability investigation according to the provision of the preceding paragraph.

Article 107 The principles of seeking truth and respecting science shall be followed during the investigation of a food safety accident, the nature and cause of the accident shall be established in a timely and accurate manner, the liability for the accident shall be determined, and corrective measures shall be proposed.

In the investigation of a food safety accident, in addition to the liability of the entity in which the accident occurs, the liability of the relevant regulatory department, food inspection institution, and certification body and their staff members shall be established.

Article 108 The departments investigating a food safety accident shall have the authority to gather information on the accident from the relevant entities and individuals and require them to provide relevant materials and samples. The relevant entities and individuals shall be cooperative and provide relevant materials and samples as required, and shall not refuse to do so.

No entity or individual shall obstruct or interfere with the investigation and handling of a food safety accident.

Chapter VIII Supervision and Administration

Article 109 The food and drug administrative department and the quality supervision department of a people's government at or above the county level shall, according to the food safety risk monitoring and risk assessment results and the food safety status, among others, determine the priorities, modes, and frequencies of supervision and administration, and conduct graded risk management.

A local people's government at or above the county level shall organize the food and drug, quality supervision, agricultural, and other departments at the same level to develop an annual food safety supervisory plan for its own administrative region, publish the plan, and organize the implementation thereof.

An annual food safety supervisory plan shall list the following as priorities in supervision:

(1) The staple and supplementary food exclusively for infants and other particular groups of people.

(2) Addition of substances during the production of dietary supplements, organization of production according to the registered or recorded technical requirements, and descriptions of functions in the labels, instructions, and publicity materials of dietary supplements.

(3) Food producers and traders with a higher risk of food safety accidents.

(4) Matters where there may be any potential food safety hazards as shown by the food safety risk monitoring results.

Article 110 The food and drug administrative department and the quality supervision department of a people's government at or above the county level shall, in performing their respective food safety supervision and administration functions, have the power to conduct supervisory inspections on the compliance of producers and traders with this Law by taking the following measures:

(1) Conducting on-site inspections by entering the production and trade premises.

(2) Conducting sampling inspections of the food, food additives, and food-related products produced or dealt in.

(3) Consulting and copying the relevant contracts, bills, and account books, and other relevant materials.

(4) Seizing or impounding food, food additives, and food-related products which, as evidenced, do not meet the food safety standards, carry any potential safety hazards, or are used for illegal production or trade activities.

(5) Seizing the premises where illegal production or trade activities are conducted.

Article 111 Where, as shown by the food safety risk assessment results, any food carries any potential safety hazards, for which the food safety standards need to be developed or revised, before developing or revising the food safety standards, the health administrative department of the State Council shall, in conjunction with the relevant departments of the State Council, determine the temporary limits and temporary detection methods for the hazardous substances in the food as the basis for production, trade, and supervision and administration.

Article 112 The food and drug administrative department of a people's government at or above the county level may, in food safety supervision and administration, adopt a rapid testing method prescribed by the state to conduct random testing of food.

Food that, as shown by the random testing results, may fail to meet the food safety standards shall be inspected under Article 87 of this Law. Where it is determined according to the random testing results that the food fails to meet the food safety standards, such results may be used as a basis for imposing an administrative punishment.

Article 113 The food and drug administrative department of a people's government at or above the county level shall maintain food safety credit files for food producers and traders to record the issuance of permits, routine supervisory inspection results, investigation and handling of illegal acts, and other information, which shall be made public and updated in real time. For food producers and traders with bad credit records, the supervisory inspection frequency shall be increased, and for food producers and traders with serious illegal acts, the competent investment department, the securities regulatory authority, and relevant financial institutions shall be notified.

Article 114 Where no measure is taken in a timely manner to eliminate potential food safety hazards in the production of or trade in food, the food and drug administrative department of the people's government at or above the county level may hold a liability interview with the legal representative or the primary person in charge of the food producer or trader. The food producer or trader shall immediately take corrective measures to eliminate the potential hazards. The interview and the corrective measures taken shall be included in the food safety credit files of the food producer or trader.

Article 115 The food and drug, quality supervision, and other relevant departments of a people's government at or above the county level shall publish their respective e-mail addresses or telephone numbers to receive consultation requests, complaints, and tips. If the received requests, complaints, and tips are within their respective functions, they shall accept them, make replies to, verify, and handle them within a statutory period; for those not within their functions, they shall transfer them to the competent departments and notify in writing the persons submitting such consultation requests, complaints, and tips. The competent departments shall handle them in a timely manner within the statutory period, and shall not decline. The providers of tips that are substantiated shall be rewarded.

The relevant departments shall keep all tip provider information confidential to protect the lawful rights and interests of them. Where a person informs on the enterprise where the person works, the enterprise may not retaliate against the whistleblower by rescinding or modifying the employment contract with the person or any other means.

Article 116 The food and drug, quality supervision, and other relevant departments of a people's government at or above the county level shall strengthen the training of law enforcement personnel on food safety laws, regulations, standards, and expertise and law enforcement capability, among others, and organize assessments. Those without the required knowledge and capability may not engage in food safety law enforcement.

Where a food producer or trader, a food industry association, or a consumers' association, among others, discovers any violations of laws and regulations in the process of law enforcement by the food safety law enforcement personnel or any irregularities in the law enforcement, it may file complaints with or report to the food and drug, quality supervision, and other departments of the people's government or the supervisory agency at or above the same level. The departments or agencies shall verify the complaints or reports received, and inform the departments where the alleged food safety law enforcement personnel work of the verification results; and those suspected of violating law or discipline shall be handled in accordance with this Law and the relevant provisions.

Article 117 Where the food and drug or any other department of a people's government at or above the county level fails to discover in a timely manner any systemic risk in food safety or fails to eliminate in a timely manner any potential food safety hazards within its region of supervision and administration, the people's government may hold a liability interview with the primary person in charge of the department.

Where a local people's government fails to perform its food safety duties or fails to eliminate any major potential regional food safety hazards, the people's government at a higher level may hold a liability interview with the primary person in charge of the local people's government.

The interviewed food and drug or other department or local people's government shall immediately take corrective measures in the food safety regulatory work.

The liability interview and corrective measures taken shall be included in the food safety regulatory work discussion and evaluation records of the local people's government and the relevant departments.

Article 118 The state shall establish a unified food safety information platform, and adopt a uniform food safety information release system. The overall national food safety status, food safety risk warning information, information on serious food safety accidents and their investigation and handling, and other information requiring unified release as determined by the State Council shall be released by the food and drug administrative department of the State Council in a unified manner. Food safety risk warning information or information on serious food safety accidents and their investigation and handling may also be released by the food and drug administrative department of the people's government of the relevant province, autonomous region, or municipality directly under the Central Government if the impact of such information is limited to a particular region. The aforesaid information may not be released without authorization.

The food and drug, quality supervision, and agricultural administrative departments of a people's government at or above the county level shall publish information on routine food safety supervision and administration according to their respective functions.

Food safety information shall be published in an accurate and timely manner, with necessary explanations, to avoid misleading consumers and public opinions.

Article 119 Where the food and drug, health, quality supervision, or agricultural administrative department of a local people's government at or above the county level acquires any information requiring unified release under this Law, it shall report to its superior authority, which shall immediately report to the food and drug administrative department of the State Council; and when necessary, it may directly report to the food and drug administrative department of the State Council.

The food and drug, health, quality supervision, and agricultural administrative departments of a people's government at or above the county level shall, by notification, provide each other with the food safety information acquired.

Article 120 No entity or individual may fabricate or disseminate false food safety information.

Where the food and drug administrative department of a people's government at or above the county level discovers any food safety information that may mislead consumers and public opinions, it shall immediately organize verification and analysis by the relevant departments, specialized institutions, and the involved food producers and traders, and publish the results in a timely manner.

Article 121 Where the food and drug, the quality supervision, or any other department of a people's government at or above the county level discovers any party suspected of a food safety crime, it shall, in a timely manner, transfer the case to the public security authority according to the relevant provisions. The public security authority shall examine the case in a timely manner, and if it believes that there are criminal facts and the offender shall be held criminally liable, it shall open a formal criminal investigation.

Where, in the process of investigating a food safety crime, the public security authority holds that that no crime is actually committed or the criminal facts are evidently petty and the offender need not be held criminally liable but shall be held administratively liable according to the law, it shall transfer the case to the food and drug, the quality supervision, or any other department and the supervisory agency, and the relevant department shall handle it according to the law.

Where the public security authority requests the food and drug, quality supervision, environmental protection, and other departments to provide inspection conclusions, determination opinions, harmless disposal of the items involved in the case, and other assistance, the relevant departments shall provide the same in a timely manner.

Chapter IX Legal Liability

Article 122 Where anyone, in violation of this Law, engages in food production or trade activities without a food production or trade permit or engages in the production of food additives without a food additive production permit, the food and drug administrative department of the people's government at or above the county level shall confiscate its illegal income, the food or food additives illegally produced or dealt in, and the tools, equipment, raw materials, and other items used for illegal production or operation; and impose a fine of not less than 50,000 yuan but not more than 100,000 yuan on it if the goods value of the food or food additives illegally produced or dealt in is less than 10,000 yuan or a fine of not less than ten times but not more than 20 times the goods value if the goods value is 10,000 yuan or more.

Where anyone knowingly provides production or trade premises or other conditions for the illegal acts mentioned in the preceding paragraph, the food and drug administrative department of the people's government at or above the county level shall order it to stop the illegal act, confiscate its illegal income, and impose a fine of not less than 50,000 yuan but not more than 100,000 yuan on it; and if any damage to the lawful rights and interests of consumers is caused,

it shall assume joint and several liability with the food or food additive producer or trader.

Article 123 Where anyone, in violation of this Law, falls under any of the following circumstances, if it is not criminally punishable, the food and drug administrative department of the people's government at or above the county level shall confiscate its illegal income and the food illegally produced or dealt in, and may also confiscate the tools, equipment, raw materials, and other items used for illegal production or trade; shall impose a fine of not less than 100,000 yuan but not more than 150,000 yuan on the violator if the goods value of the food illegally produced or dealt in is less than 10,000 yuan or a fine of not less than 15 times but not more than 30 times of the goods value if the goods value is 10,000 yuan or more; and if the circumstances are serious, shall revoke its permit, and the public security authority may also detain its directly liable supervising executive and other directly liable persons for five to 15 days:

(1) It produces food with non-food raw materials, adds any non-food-additive chemical or other substances potentially hazardous to human health to food, produces food with recycled food as raw materials, or deals in the aforesaid food.

(2) It produces or deals in staple or supplementary food exclusively for infants and other particular groups of people, the nutrient ingredients of which fail to meet the food safety standards.

(3) It deals in the meat of poultry, livestock, beasts, and aquatic animals that died from disease, poisoning, or unknown causes, or produces or deals in the products made thereof.

(4) It deals in meat that has not been quarantined as required or has failed quarantine, or produces or deals in meat products that have not been inspected or have failed inspection.

(5) It produces or deals in food expressly prohibited by the state from production or trade for disease prevention purpose or other special needs.

(6) It produces or deals in food to which medicine is added.

Where anyone knowingly provides production or trade premises or other conditions for the illegal acts mentioned in the preceding paragraph, the food and drug administrative department of the people's government at or above the county level shall order it to stop its illegal act, confiscate its illegal income, and impose a fine of not less than 100,000 yuan but not more than 200,000 yuan on it; and if any damage is caused to the lawful rights and interests of consumers,

it shall assume joint and several liability with the food producer or trader.

Whoever illegally uses extremely or highly toxic pesticides may be detained by the public security authority under paragraph 1 of this article, in addition to being punished under the relevant laws and regulations.

Article 124 Where anyone, in violation of this Law, falls under any of the following circumstances, if it is not criminally punishable, the food and drug administrative department of the people's government at or above the county level shall confiscate its illegal income and the food or food additives illegally produced or dealt in, and may also confiscate the tools, equipment, raw materials, and other items used for illegal production or trade; shall impose a fine of not less than 50,000 yuan but not more than 100,000 yuan on it if the goods value of the food or food additives illegally produced or dealt in is less than 10,000 yuan or a fine of not less than ten times but not more than 20 times of the goods value if the goods value is 10,000 yuan or more; and if the circumstances are serious, shall revoke its permit:

(1) It produces or deals in food or food additives in which pathogenic microorganisms, pollutants such as pesticide residues, veterinary medicine residues, biotoxins, and heavy metals, and other substances hazardous to human health exceed the limits specified in food safety standards.

(2) It produces food or food additives with food raw materials or food additives whose shelf life has expired, or deals in the aforesaid food or food additives.

(3) It produces or deals in food in which food additives are used beyond the approved scope or limit.

(4) It produces or deals in food or food additives which are putrid or deteriorated, spoiled by rancid oil or fat, moldy, infested with pest, contaminated and dirty, mixed with foreign objects, adulterated and impure, or abnormal in sensory properties.

(5) It produces or deals in food or food additives with a false production date or shelf life or whose shelf life has expired.

(6) It produces or deals in dietary supplements, formula food for special medical purposes, or infant formula milk powder not registered as required, or fails to organize the production in accordance with the registered formulas, production techniques, and other technical requirements.

(7) It produces infant formula milk powder by subpackaging, or produces different brands of infant formula milk powder with the same formula.

(8) It produces food with new food raw materials or produces new varieties of food additives without passing the safety assessment.

(9) It, as a food producer or trader, refuses to recall or cease trade after being ordered by the food and drug administrative department to do so.

Whoever produces or deals in food or food additives failing to comply with laws and regulations or meet the food safety standards, not under the circumstances as mentioned in the preceding paragraph and Articles 123 and 125, shall be punished under the preceding paragraph.

The production of any new variety of food-related products without passing the safety assessment or the production of any food-related product failing to meet the food safety standards shall be punished by the quality supervision department of the people's government at or above the county level under paragraph 1 of this article.

Article 125 Where anyone, in violation of this Law, falls under any of the following circumstances, the food and drug administrative department of the people's government at or above the county level shall confiscate its illegal income and the food or food additives illegally produced or dealt in, and may also confiscate the tools, equipment, raw materials, and other items used for illegal production or trade; shall impose a fine of not less than 5,000 yuan but not more than 50,000 yuan on it if the goods value of the food or food additives illegally produced or dealt in is less than 10,000 yuan or a fine of not less than five times but not more than ten times the goods value if the goods value is 10,000 yuan or more; and if the circumstances are serious, shall order it to stop production or trade, or even revoke its permit:

(1) It produces or deals in food or food additives contaminated by packing materials, containers, or means of transport.

(2) It produces or deals in pre-packed food or food additives without label, or food or food additives of which the labels or instructions do not comply with this Law.

(3) It produces or deals in genetically modified food without indications as required.

(4) It, as a food producer or trader, purchases or uses food raw materials, food additives, or food-related products which do not meet the food safety standards.

Where the labels or instructions of the food or food additives produced or dealt in are flawed but will neither impair food safety nor mislead consumers, the food and drug administrative department of the people's government at or above the county level shall order it to take corrective action; and if it refuses to do so, impose a fine of not more than 2,000 yuan.

Article 126 Where anyone, in violation of this Law, falls under any of the following circumstances, the food and drug administrative department of the people's government at or above the county level shall order it to take corrective action, and issue a warning to it; if it refuses to take corrective action, shall impose a fine of not less than 5,000 yuan but not more than 50,000 yuan on it; and if the circumstances are serious, shall order it to stop production or trade, or even revoke its permit:

(1) A food or food additive producer fails to inspect the food raw materials purchased by it and the food or food additive produced by it as required.

(2) A food production or trade enterprise fails to establish food safety management rules as required, or fails to employ, train, or assess food safety management personnel as required.

(3) A food or food additive producer or trader fails to check the permit and relevant certification documents when purchasing goods, or fails to establish and implement the record system for checking purchased goods, the record system for checking ex-factory goods, or the sales record system as required.

(4) A food production or trade enterprise fails to develop a plan for handling food safety accidents.

(5) The cutlery, drinking sets, and containers for ready-to-eat food are not washed clean and disinfected prior to use or fail to pass inspection after cleaning or disinfection, or the facilities and equipment for catering services are not maintained, cleaned, and checked on a regular basis as required.

(6) A food producer or trader assigns persons without a health certificate or suffering from any disease that may jeopardize food safety as specified by the health administrative department of the State Council to engage in work involving contact with ready-to-eat food.

(7) A food trader fails to sell food as required.

(8) A dietary supplement production enterprise fails to undergo recordation with the food and drug administrative department, or fails to organize production according to the recorded formula,

production technique, and other technical requirements.

(9) An infant formula food production enterprise fails to report its food raw materials, food additives, formula, labels, and other matters to the food and drug administrative department for recordation.

(10) A special food production enterprise fails to establish and maintain the effective operation of a production quality management system, or fails to submit self-inspection reports on a regular basis.

(11) A food producer or trader fails to inspect and evaluate its food safety status on a regular basis, or fails to take action as required when there is any change in its production or trade conditions.

(12) A school, kindergarten or nursery, elderly care service provider, construction site, or any other entity with centralized dining fails to perform its food safety management responsibilities as required.

(13) A food production enterprise or catering service provider fails to develop and implement production or trade process control requirements as required.

Where a centralized cutlery and drinking set disinfection service provider uses water, detergents, or disinfectants in violation of this Law, fails to inspect the cutlery and drinking sets leaving its factory or attach a disinfection certificate thereto as required, or fails to indicate the relevant information on independent packages as required, the health administrative department of the people's government at or above the county level shall punish it under the preceding paragraph.

Where a food-related product producer fails to inspect its food-related products as required, the quality supervision department of the people's government at or above the county level shall punish it under paragraph 1 of this article.

Where an edible farm produce seller violates the provision of Article 65 of this Law, the food and drug administrative department of the people's government at or above the county level shall punish it under paragraph 1 of this article.

Article 127 The punishment of the illegal acts of small food production or processing workshops and food vendors shall be governed by the specific administrative measures developed by each province, autonomous region, or municipality directly under the Central Government.

Article 128 Where, after the occurrence of a food safety accident, the entity in which the food safety

accident occurs, in violation of this Law, fails to handle or report the accident, the competent departments shall, according to their respective functions, order the entity to take corrective action, and issue a warning to it; if the entity conceals, forges, or destroys relevant evidence, shall order it to cease production or trade, confiscate its illegal income, and impose a fine of not less than 100,000 yuan but not more than 500,000 yuan on it; and if there is any serious consequence, shall revoke its permit.

Article 129 Where anyone, in violation of this Law, falls under any of the following circumstances, the exit-entry quarantine and inspection institution shall punish it under Article 124 of this Law:

(1) It provides any false materials to import any food, food additive, or food-related product which does not meet the national food safety standards of China.

(2) It imports any food for which the national food safety standards have not been developed and fails to submit the adopted standards for examination by the health administrative department of the State Council, or imports any food produced with new food raw materials or imports any new variety of food additive or food-related product without undergoing a safety assessment.

(3) It exports food in violation of this Law.

(4) It, as an exporter, refuses to recall imported food after being ordered by the competent department to recall food under this Law.

Where an importer, in violation of this Law, fails to establish and implement the food or food additive import and sale record system or the overseas exporter or producer review system, the exit-entry inspection and quarantine institution shall punish it under Article 126 of this Law.

Article 130 Where, in violation of this Law, the sponsor of a centralized trade market, the lessor of food booths, or the organizer of a trade fair allows a food trader without a permit to enter the market to sell food, or fails to perform its obligations such as inspection and reporting, the food and drug administrative department of the people's government at or above the county level shall order it to take corrective action, confiscate its illegal income, and impose a fine of not less than 50,000 yuan but not more than 200,000 yuan on it; if there is any serious consequence, it shall be ordered to cease operations, or its permit shall be revoked by the original permit-issuing department; and if any damage is caused to the lawful rights and interests of consumers, it shall assume joint and several liability with the food trader.

An edible farm produce wholesale market which violates the provision of Article 64 of this Law shall assume liability under the preceding paragraph.

Article 131 Where the provider of a third-party online food trading platform, in violation of this Law, fails to register the legal name of food traders admitted to the platform or examine their permits, or fails to fulfill its obligations such as reporting and ceasing providing online trading platform services, the food and drug administrative department of the people's government at or above the county level shall order it to take corrective action, confiscate its illegal income, and impose a fine of not less than 50,000 yuan but not more than 200,000 yuan on it; if there is any serious consequence, it shall be ordered to cease operations, or its permit shall be revoked by the original permit-issuing department; and if any damage is caused to the lawful rights and interests of consumers, it shall assume joint and several liability with the food trader.

Consumers purchasing food through a third-party online food trading platform may claim damages against the food trader admitted to the platform or the food producer if any damage is caused by such purchase to their lawful rights and interests. If the provider of the third-party online food trading platform cannot provide the legal name, address, and valid contact methods of the food trader admitted to the platform, the provider of the third-party online food trading platform shall compensate consumers. After making compensation, the provider of the third-party online food trading platform shall be entitled to recovering it from the food trader admitted to the platform or the food producer. If the provider of the third-party online food trading platform has made any commitments more favorable to consumers, it shall fulfill such commitments.

Article 132 Where anyone, in violation of this Law, fails to store, transport, load, or unload food as required, the food and drug administrative department and other departments of the people's government at or above the county level shall, according to their respective functions, order it to take corrective action, and issue a warning to it; if it refuses to take corrective action, order it to cease production or trade, and impose a fine of not less than 10,000 yuan but not more than 50,000 yuan on it; and if the circumstances are serious, revoke its permit.

Article 133 Where anyone, in violation of this Law, refuses, obstructs, or interferes with any food safety supervisory inspection, accident investigation and handling, risk monitoring, or risk assessment legally conducted by the relevant department or institution or the staff members thereof, the competent departments shall, according to their respective

functions, order it to stop production or trade, and impose a fine of not less than 2,000 yuan but not more than 50,000 yuan on it; and if the circumstances are serious, shall revoke its permit; and if it is a violation of public security administration, the public security authority shall impose a public security administration punishment according to the law.

Where an enterprise, in violation of this Law, retaliates against a whistleblower by rescinding or modifying the employment contract with the person or any other means, it shall assume liability under the relevant laws.

Article 134 Where, for its violations of this Law, a food producer or trader has cumulatively received three punishments other than being ordered to cease production or trade or revocation of its permit in a year, the food and drug administrative department shall order it to cease production or trade, or even revoke its permit.

Article 135 Where the permit of a food producer or trader is revoked, the food producer or trader or its legal representative, directly liable supervising executive, or other directly responsible persons shall, within five years after the punishment decision is made, be prohibited from applying for a food production or trade permit, engaging in the management of food production or trade, or serving as the food safety management personnel of any food production or trade enterprise.

Those sentenced to fixed-term imprisonment or a severer criminal penalty for food safety-related crimes shall be prohibited for life from engaging in the management of food production or trade nor serving as the food safety management personnel of food production or trade enterprises.

Where a food producer or trader violates the preceding two paragraphs in its employment, the food and drug administrative department of the people's government at or above the county level shall revoke its permit.

Article 136 Where a food trader has fulfilled its obligation of inspecting purchased goods as required by this Law, has sufficient evidence to prove that it did not know that the purchased food failed to meet the food safety standards, and is able to honestly explain the source of the goods purchased, it may be exempt from punishment, but its food which does not meet the food safety standards shall be confiscated; and if any bodily, property, or other damage is caused, it shall assume compensatory liability according to the law.

Article 137 Where, in violation of this Law, a technical institution or technician undertaking food safety risk monitoring or assessment provides any false monitoring or assessment information, the disciplinary action of

removal from office or dismissal shall be taken against the directly liable supervising executive of the technical institution or the technician; and his or her practicing certificate, if any, shall be revoked by the competent department qualifying him or her to practice.

Article 138 Where, in violation of this Law, a food inspection institution or food inspector issues any false inspection report, the competent department or institution accrediting the food inspection institution shall revoke its inspection qualification, confiscate its inspection fees collected, and impose a fine of not less than five times but not more than ten times the inspection fees on it or if the amount of inspection fees is less than 10,000 yuan, a fine of not less than 50,000 yuan but not more than 100,000 yuan; the disciplinary action of removal from office or dismissal shall be taken against the directly liable supervising executive of the food inspection institution or the food inspector; and if any serious food safety accident is caused, the disciplinary action of dismissal shall be taken against the directly liable supervising executive or the food inspector.

A food inspection institution's employee who is dismissed for his or her violation of this Law shall be prohibited from engaging in food inspection work within ten years after the disciplinary action decision is made; and one who receives a criminal punishment for his food safety-related illegal act or who is dismissed for issuance of a false inspection report which results in any serious food safety accident shall be prohibited for life from engaging in food inspection work. Where a food inspection institution employs anyone prohibited from engaging in food inspection work, the competent department or institution accrediting the institution shall revoke its inspection qualification.

Where a food inspection institution issues a false inspection report which causes any damage to the lawful rights and interests of consumers, it shall assume joint and several liability with the food producer or trader.

Article 139 Where, in violation of this Law, a certification body issues any false certification conclusion, the certification and accreditation administrative department shall confiscate its certification fees collected, and impose a fine of not less than five times but not more than ten times the certification fees or if the amount of certification fees is less than 10,000 yuan, a fine of not less than 50,000 yuan but not more than 100,000 yuan; if the circumstances are serious, order it to cease operations, or even revoke its approval document, and announce it to the public; and revoke the practice qualifications of the directly liable supervising executive and directly liable certification personnel.

Where a certification body issues a false certification conclusion which causes any damage to the lawful rights and interests of consumers, it shall assume joint and several liability with the food producer or trader.

Article 140 Where anyone, in violation of this Law, cheats consumers by making misrepresentations on food in an advertisement, or releases a dietary supplement advertisement for which no approval document has been obtained or whose content is inconsistent with the approval document shall be punished in accordance with the Advertising Law of the People's Republic of China.

Where an advertising agent or publisher designs, produces, or publishes any false food advertisement which causes any damage to the lawful rights and interests of consumers, it shall assume joint and several liability with the food producer or trader.

A social group or any other organization or an individual which recommends food to consumers in any false advertisement or other false publicity, which causes any damage to the lawful rights and interests of consumers, shall assume joint and several liability with the food producer or trader.

Where, in violation of this Law, a food and drug administrative department or any other department, a food inspection institution, or a food industry association recommends food to consumers by advertisement or other means, or a consumers' organization recommends food to consumers by charging fees or otherwise seeking interests, the competent authority shall confiscate its illegal income, and according to the law, take the disciplinary action of serious demerit, demotion, or removal from office against the directly liable supervising executive and other directly liable persons; and if the circumstances are serious, dismiss them.

Where anyone makes misrepresentations on food and the circumstances are serious, the food and drug administrative department of the people's government at or above the provincial level shall make a decision to suspend the sale of the food, and announce it to the public; if anyone still sells the food, the food and drug administrative department of the people's government at or above the county level shall confiscate its illegal income and the illegally sold food, and impose a fine of not less than 20,000 yuan but not more than 50,000 yuan on it.

Article 141 Where anyone, in violation of this Law, fabricates or disseminates any false food safety information, if it is a violation of public security administration, the public security authority shall

impose a public security administration punishment on it according to the law.

Where any media fabricates or disseminates any false food safety information, the competent authority shall punish it according to the law, and take disciplinary action against the directly liable supervising executive and other directly liable persons; if any damage is caused to the lawful rights of any citizen, legal person, or other organization, it shall assume civil liability by elimination of adverse effects, rehabilitation of reputation, compensation for losses, and apology, among others.

Article 142 Where, in violation of this Law, a local people's government at or above the county level falls under any of the following circumstances, the disciplinary action of serious demerit shall be taken against the directly liable supervising official and other directly liable persons; if the circumstances are relatively serious, the disciplinary action of demotion or removal from office shall be taken against them; if the circumstances are serious, they shall be dismissed; and if there is any serious consequence, the primary person in charge of it shall resign to assume responsibility:

(1) Failing to organize and coordinate the relevant departments in effectively handling a food safety accident that has occurred in its administrative region, which has any adverse effect or has caused any loss.

(2) Failing to address a regional food safety issue involving multiple aspects within its administrative region, which has any adverse effect or has caused any loss.

(3) Concealing, falsely reporting, or delaying the reporting of a food safety accident.

(4) An especially serious food safety accident has occurred or a series of serious food safety accidents have occurred in its administrative region.

Article 143 Where, in violation of this Law, a local people's government at or above the county level falls under any of the following circumstances, the disciplinary action of warning, demerit, or serious demerit shall be taken against the directly liable supervising official and other directly liable persons; and if there is any serious consequence, they shall be demoted or removed from office:

(1) Failing to determine the food safety regulatory duties of the relevant departments, failing to establish and improve the full-process food safety regulatory mechanism and the information sharing mechanism, or failing to implement an accountability system of food safety supervision and administration.

(2) Failing to develop a food safety emergency response plan for its administrative region, or failing to immediately form a command center or activate the emergency response plan as required after a food safety accident occurs.

Article 144 Where, in violation of this Law, the food and drug, the health, the quality supervision, the agricultural, or any other department of a people's government at or above the county level falls under any of the following circumstances, the disciplinary action of serious demerit shall be taken against the directly liable supervising official and other directly liable persons; if the circumstances are relatively serious, they shall be demoted or removed from office; if the circumstances are serious, they shall be dismissed; and if there is any serious consequence, the primary person in charge of it shall resign to assume responsibility:

(1) Concealing, falsely reporting, or delaying the reporting of a food safety accident.

(2) Failing to investigate a food safety accident as required, or failing to handle a food safety accident after receiving a report thereof, which has caused the expansion or spread of the accident.

(3) After a food safety risk assessment concludes that any food, food additive, or food-related product is unsafe, failing to take corresponding measures in a timely manner, which has caused a food safety accident or has any adverse social effect.

(4) Granting a permit to an applicant which does not meet the prescribed conditions or granting a permit beyond its statutory powers.

(5) Failing to perform its food safety regulatory duties, which has caused a food safety accident.

Article 145 Where, in violation of this Law, the food and drug, the health, the quality supervision, the agricultural, or any other department of a people's government at or above the county level falls under any of the following circumstances, if there is any adverse consequence, the disciplinary action of warning, demerit, or serious demerit shall be taken against the directly liable supervising official and other directly liable persons; if the circumstances are relatively serious, they shall be demoted or removed from office; and if the circumstances are serious, they shall be dismissed:

(1) After acquiring relevant food safety information, failing to report to the superior authority and the people's government at the same level as required, or failing to notify other departments as required.

(2) Failing to publish food safety information as required.

(3) Failing to perform statutory duties, failing to cooperate in the investigation of any illegal act concerning food safety, or abusing powers, neglecting duties, practicing favoritism, or making falsification.

Article 146 Where a food and drug, a quality supervision, or any other department illegally takes law enforcement measures such as inspection or compulsion in the course of performing food safety regulatory duties, if it has caused any loss to a producer or trader, it shall make compensation according to the law, and disciplinary action shall be taken against its directly liable supervising official and other directly liable persons.

Article 147 Where any violation of this Law has caused any bodily, property, or other damage, the violator shall assume compensatory liability according to the law. If the assets of a producer or trader are insufficient for it to assume the civil compensatory liability and pay an administrative or criminal fine, it shall firstly assume the civil compensatory liability.

Article 148 Consumers who have suffered any loss from food failing to meet the food safety standards may claim damages against the trader or producer. The producer or trader, whichever is the first to receive such a claim, shall pay damages in advance, and shall not shuffle off the responsibility onto the other. If it is the liability of the producer, the trader shall have the right to recover the amount of damages from the producer after paying damages; or if it is the liability of the trader, the producer shall have the right to recover the amount of damages from the trader after making damages.

In addition to claiming damages, a consumer may require a producer of food failing to meet the food safety standards or a trader knowingly dealing in such food to pay an indemnity of ten times the price paid or three times the loss; or if the amount of the additional compensation is less than 1,000, it shall be 1,000 yuan, except for a defect in the labels or instructions of the food which neither impairs food safety nor misleads consumers.

Article 149 Where a violation of this Law is criminally punishable, the offender shall be held criminally liable.

Chapter X Supplemental Provisions

Article 150 The following terms in this Law shall have the following meanings:

“Food” means the finished products and raw materials for people to eat or drink, as well as items which are

traditionally both food and Chinese medicinal materials, excluding items used for the purpose of treatment.

“Food safety” means that food is nontoxic and innocuous, satisfies the necessary nutritional requirements, and is free of any acute, sub-acute, or chronic hazards to human health.

“Pre-packed food” means food which is packed or made in packing materials or containers in a predetermined fixed quantity.

“Food additive” means any synthetic or natural substance added to food for improving its quality, color, flavor, or taste or as needed by antiseptic, freshness-keeping, or processing techniques, including nutrient supplements.

“Packing materials and containers” used for food means paper, bamboo, wood, metal, enamel, ceramic, plastic, rubber, natural fiber, chemical fiber, glass, and other products used for packing and containing food or food additives and paints that directly contact food or food additives.

“Tools” and “equipment” for food production or trade include the machinery, pipes, conveyors, containers, utensils, and cutlery, among others, which directly contact food or food additives in the course of production, distribution, and use of food or food additives.

“Detergents and disinfectants” used for food means substances which are directly used for washing or disinfecting food, cutlery, drinking sets, and tools, equipment, or food packing materials and containers that directly contact food.

“Shelf life” of food means the term of quality guarantee of food under the storage conditions indicated.

“Food-borne disease” means any infectious, poisoning, or other disease resulting from the entry of pathogenic factors in food into the human body, including food poisoning.

“Food safety accident” means an accident which stems from food and is or may be hazardous to the human body, such as food-borne disease or food contamination.

Article 151 Where this Law is silent regarding the food safety administration of genetically modified food and common salt, the provisions of other laws and administrative regulations shall apply.

Article 152 The measures for the administration of food safety in railway and civil aviation operations shall be developed by the food and drug administrative

department of the State Council in conjunction with the other relevant departments of the State Council in accordance with this Law.

The specific measures for the administration of dietary supplements shall be developed by the food and drug administrative department of the State Council in accordance with this Law.

The specific measures for the administration of the production of food-related products shall be developed by the quality supervision department of the State Council in accordance with this Law.

The supervision and administration of food at frontier ports shall be conducted by exit-entry inspection and quarantine institutions in accordance with this Law and other relevant laws and administrative regulations.

The measures for the food safety administration of the food exclusively for the armed forces and self-supplied food of the armed forces shall be developed by the Central Military Commission in accordance with this Law.

Article 153 The State Council may, when necessary, adjust the food safety supervision and administration system.

Article 154 This Law shall come into force on October 1, 2015.