Food Safety Law of the People's Republic of China

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Chapter I — General Provisions

Article 1. This Law is enacted for the purposes of ensuring food safety and protecting the health and safety of the public.

Article 2. The following activities within the territory of the People's Republic of China shall comply with this Law:

(1) Food production and processing, and food sales and catering services;

(2) Production and trading of food additives;

(3) Production and trading of packaging materials, containers, detergents, and disinfectants for food, and tools and equipment used in food production and trading;

(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.

Article 3. Food safety efforts shall be based on prevention first, risk management, whole-process control, and public participation, and shall establish a scientific and strict oversight and management system.

Article 4. Food producers and traders shall be responsible for the safety of the food they produce or trade. Food producers and traders shall engage in production and trading activities in accordance with laws, regulations, and food safety standards, ensure food safety, be honest and self-disciplined, be responsible to the public, accept social supervision, and assume social responsibility.

Article 5. The State Council shall establish a food safety committee, the functions and responsibilities of which shall be prescribed by the State Council. The food and drug administration department of the State Council shall supervise and administer food safety in accordance with the provisions of this Law and the functions and responsibilities prescribed by the State Council. Other relevant departments of the State Council shall undertake food safety-related work within the scope of their respective functions and responsibilities.

Article 6. The food and drug administration department of the State Council shall supervise and administer food safety in accordance with the provisions of this Law and the functions and responsibilities prescribed by the State Council. The health administration department of the State Council shall, in accordance with the provisions of this Law and the functions and responsibilities prescribed by the State Council, organize food safety risk monitoring and assessment and, in conjunction with the food and drug administration department and other relevant departments, formulate and publish national food safety standards. Other relevant departments of the State Council shall undertake food safety-related work in accordance with the provisions of this Law and the functions and responsibilities prescribed by the State Council.

Article 7. Local people's governments at or above the county level shall implement a food safety supervision and administration responsibility system. The food and drug administration and other relevant departments of local people's governments at or above the county level shall, in accordance with the provisions of this Law and the functions and responsibilities prescribed by the people's government at the corresponding level, be responsible for food safety supervision and administration within their respective administrative regions. The people's governments at or above the county level shall, in accordance with the provisions of this Law and the relevant provisions of the State Council, determine the food safety supervision and administration functions of the food and drug administration, health administration, and other relevant departments at the corresponding level. The relevant departments shall strengthen communication and close cooperation in the performance of their respective functions and exercise powers and undertake responsibilities according to their respective division of functions.

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Article 8. The food and drug administration department of the people's government at or above the county level and other relevant departments shall strengthen communication and close cooperation in the performance of their respective functions, exercise powers and undertake responsibilities according to their respective division of functions.

Article 9. Food industry associations shall strengthen industry self-discipline, establish sound industry standards and rules and award and punishment mechanisms in accordance with their articles of association, provide food safety information, technology, and other services, guide and urge food producers and traders to produce and trade in accordance with law, promote the development of industry integrity, and publicize and popularize food safety knowledge.

Article 10. People's governments at all levels shall strengthen food safety publicity and education, popularize food safety knowledge, encourage social organizations, grassroots self-governing mass organizations, and food producers and traders to conduct education on food safety laws, regulations, and standards and food safety knowledge, advocate healthy eating practices, and raise the food safety awareness and self-protection capacity of consumers.

Article 11. The State shall encourage and support basic and applied research related to food safety and encourage and support food producers and traders to adopt advanced technologies and advanced management practices to improve food safety. The State shall implement strict management of pesticide use, accelerate the phase-out of highly toxic and highly residual pesticides, promote the research, development, and application of alternative products, and encourage the use of highly efficient, low-toxicity, and low-residue pesticides.

Article 12. Any organization or individual shall have the right to report violations of this Law, obtain food safety information from the relevant authorities, and offer opinions and suggestions on food safety supervision and administration.

Article 13. The State shall reward organizations and individuals that have made outstanding contributions in food safety work in accordance with the relevant provisions of the State.

Chapter II — Food Safety Risk Monitoring and Assessment

Article 14. The State shall establish a food safety risk monitoring system to monitor foodborne diseases, food contamination, and harmful factors in food. The health administration department of the State Council shall, in conjunction with the food and drug administration, quality supervision, and other relevant departments of the State Council, formulate and implement a national food safety risk monitoring plan.

Article 15. The health administration departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in conjunction with the food and drug administration and quality supervision departments at the corresponding level and on the basis of the national food safety risk monitoring plan and in consideration of the specific circumstances of their respective administrative regions, formulate and adjust food safety risk monitoring plans for their respective administrative regions and report the same to the health administration department of the State Council for the record before implementation.

Article 16. Food safety risk monitoring results shall be subject to regular reporting. The health administration department of the State Council shall regularly report the food safety risk monitoring results to the departments concerned. Where the results of food safety risk monitoring indicate that there may be food safety hazards, the health administration department shall, in accordance with the provisions of this Law, inform the relevant departments of the monitoring results as well as any recommendations for corrective measures in a timely manner.

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

Article 18. A food safety risk assessment shall be conducted in any of the following circumstances:

(1) Where food safety risk monitoring or the investigation or handling of a food safety incident indicates that a risk assessment is necessary;

(2) Where the formulation or revision of a national food safety standard requires a risk assessment;

(3) Where new technology, new processes, new raw materials, or new varieties present potential food safety hazards;

(4) Where a risk assessment is otherwise required for the purposes of ensuring food safety.

Article 19. The State Council shall establish a food safety risk assessment expert committee composed of experts in medicine, agriculture, food, nutrition, biology, environment, and other relevant fields to conduct food safety risk assessments. The food safety risk assessment expert committee shall conduct risk assessments independently, and no department, organization, or individual shall interfere with the expert committee's risk assessment work.

Article 20. Where the health administration department of the State Council deems it necessary upon analysis of the food safety situation, or where it receives information on food safety risks that requires an assessment, it shall immediately organize an inspection and a food safety risk assessment.

Article 21. Where the results of a food safety risk assessment indicate that food is unsafe, the food and drug administration and quality supervision departments of the State Council shall, in accordance with their respective functions and responsibilities, immediately make a public announcement, inform consumers to cease eating and buying such food, and formulate plans to lift the ban on sales and use of the relevant products, if any, and take corresponding measures to ensure that the food subject to the prohibition of production and trading is recalled. Where it is necessary to revise or establish food safety standards, the health administration department shall do so immediately.

Article 22. The food and drug administration departments of the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in accordance with the results of food safety risk assessments and the food safety status, determine the focus, methods, and frequency of supervision and administration and implement risk classification management.

Article 23. Food safety risk assessment results shall be the basis for the formulation and revision of food safety standards and the implementation of food safety supervision and administration. Where food safety risk assessment results indicate that food is unsafe and a food safety standard needs to be formulated or revised, the health administration department of the State Council shall immediately formulate or revise the standard.

Chapter III — Food Safety Standards

Article 24. The establishment of food safety standards shall be scientific, reasonable, safe, and reliable.

Article 25. Food safety standards are mandatory standards. In addition to food safety standards, no other mandatory food standards shall be established.

Article 26. Food safety standards shall include the following:

(1) Limits of pathogenic microorganisms, pesticide residues, veterinary drug residues, biotoxins, heavy metals, and other pollutants and other substances hazardous to human health in food, food additives, and

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food-related products;

(2) Types, scope of use, and amounts of use of food additives;

(3) Requirements for nutritional content in staple and supplementary foods intended specifically for infants and young children and other specific populations;

(4) Requirements for labels, markings, and instructions relating to food safety and nutrition;

(5) Hygiene requirements in the process of food production and trading;

(6) Quality requirements relating to food safety;

(7) Food testing methods and procedures relating to food safety; and

(8) Other matters necessary for the establishment of food safety standards.

Article 27. The health administration department of the State Council shall, in conjunction with the food and drug administration department of the State Council, formulate and publish national food safety standards. The standardization administration department of the State Council shall provide the national standard numbers for national food safety standards. The formulation of national food safety standards shall be subject to review by the food safety national standards review committee composed of experts from the relevant departments, food industry associations, and other relevant fields in medicine, agriculture, food, nutrition, biology, environment, and other areas.

Article 28. When formulating national food safety standards, the health administration department of the State Council shall, in accordance with the provisions of the relevant laws and administrative regulations, solicit opinions from food producers and traders, consumers, and relevant departments, and shall conduct a review of the necessity and scientific basis of the standards.

Article 29. Where no national food safety standard exists for a local specialty food, the health administration department of the people's government of the province, autonomous region, or municipality directly under the Central Government may establish and publish a local food safety standard, which shall be filed with the health administration department of the State Council for the record. Upon the publication of a national food safety standard, the corresponding local food safety standard shall cease to have effect.

Article 30. Food producers shall be encouraged to establish enterprise standards stricter than national or local food safety standards, and such standards shall apply within the enterprise and be filed with the provincial health administration department for the record.

Article 31. The provincial or higher health administration department shall make national and local food safety standards available to the public free of charge for their reference and compliance.

Article 32. The provincial or higher people's government health administration department shall track and evaluate the implementation of national and local food safety standards and may, based on the evaluation results and in accordance with prescribed procedures, propose recommendations for the revision or abolition of food safety standards.

Chapter IV — Food Production and Trading

Section 1: General Provisions

Article 33. Food production and trading shall comply with food safety standards and meet the following requirements:

(1) Having a place for the processing, production, packaging, and storage of food raw materials and food products that is suitable for the variety and quantity of food products produced or traded, and keeping such place clean and tidy and at the prescribed distance from toxic and hazardous sites and other sources of

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contamination;

(2) Having production and trading equipment or facilities suitable for the variety and quantity of food products produced or traded, and having corresponding equipment or facilities for disinfection, changing rooms, daylighting, lighting, ventilation, anti-corrosion, dust-proof, fly-proof, rodent-proof, insect-proof, washing, wastewater treatment, and garbage and waste storage;

(3) Having full-time or part-time food safety professionals and technical personnel, food safety management personnel, and rules and regulations to ensure food safety;

(4) Having a reasonable equipment layout and process flow to prevent cross-contamination between food to be processed and directly-consumed food, between raw materials and finished products, and to prevent food from coming into contact with toxic substances or unclean articles;

(5) Tableware, kitchenware, and containers for directly-consumed food shall be washed and disinfected before use. Kitchenware and utensils shall be washed after use and kept clean;

(6) Containers, tools, and equipment for the storage, transport, loading, and unloading of food shall be safe and harmless and kept clean to prevent food contamination;

(7) Food for direct consumption shall be in small packages or made of non-toxic and clean packaging materials and tableware;

(8) Food production and trading personnel shall maintain personal hygiene, wash their hands and wear clean work clothes and caps when producing or trading food, and use non-toxic and clean containers, sales tools, and equipment for selling unpackaged directly-consumed food;

(9) Water shall comply with the hygiene standards for drinking water prescribed by the State;

(10) Detergents and disinfectants used shall be safe and harmless to the human body; and

(11) Other requirements provided for by laws and regulations.

Article 34. The production and trading of the following food, food additives, and food-related products are prohibited:

(1) Food produced with non-food raw materials, food with chemical substances other than food additives added, or food produced with recycled food as raw materials;

(2) Food, food additives, and food-related products with pathogenic microorganisms, pesticide residues, veterinary drug residues, biotoxins, heavy metals, and other pollutants and other substances hazardous to human health exceeding the food safety standards;

(3) Food and food additives produced with nutritional ingredients that do not meet the food safety standards, and food and food additives intended specifically for infants and young children and other specific populations;

(4) Food that has gone bad, with spoilage, mold contamination, or pests, unclean, mixed with foreign substances, adulterated, or with abnormal sensory properties;

(5) Poultry, livestock, game, and aquatic products and their meat products that have died from disease, poisoning, or unknown causes;

(6) Meat and meat products that have not been quarantined or have failed to pass quarantine inspection;

(7) Food and food additives contaminated by packaging materials, containers, transport vehicles, or other means;

(8) Food and food additives with their shelf life expired;

(9) Prepackaged food and food additives without labels;

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(10) Food explicitly prohibited by the State from production and trading for special purposes such as disease prevention; and

(11) Other food, food additives, and food-related products that do not comply with any law, regulation, or food safety standard.

Article 35. The State shall implement a licensing system for food production and trading. Any entity or individual engaged in food production, food sales, or catering services shall obtain a license in accordance with law. However, this shall not apply to the sale of edible agricultural products. The food and drug administration department at or above the county level shall, in accordance with the provisions of the Administrative Licensing Law of the People's Republic of China, examine the relevant materials submitted by the applicant and conduct an on-site inspection of the applicant's production or business premises. Where the applicant meets the prescribed conditions, a license shall be granted.

Article 36. Small food production and processing workshops, food vendors, and other small-scale food producers and traders engaged in food production or trading activities shall meet the food safety requirements commensurate with their scale and conditions of production and trading and ensure that the food they produce or trade is hygienic, non-toxic, and harmless. The food and drug administration departments shall strengthen supervision and administration of the same. The specific administrative measures for small food production and processing workshops, food vendors, and other small-scale producers and traders shall be formulated by the standing committees of the people's congresses of provinces, autonomous regions, and municipalities directly under the Central Government in accordance with this Law.

Article 37. New food raw materials produced using new production processes, new food additive varieties, and new food-related product varieties shall be subject to safety assessment before being placed on the market. The health administration department of the State Council shall be responsible for organizing the relevant safety assessment reviews.

Article 38. Where food producers and traders develop new food raw materials and new food additive varieties using new technologies or new processes, they shall submit the safety assessment materials for such products to the health administration department of the State Council. The health administration department of the State Council shall, within 60 working days of receiving the application, organize a review. Where the product meets food safety requirements, a license shall be granted for production and trading; where it fails to meet the requirements, a written decision shall be made not to grant the license, with reasons stated.

Article 39. The State shall implement a strict management system for food additives. The production of food additives shall comply with national food safety standards and relevant requirements. The State shall encourage the research and development of new food additive varieties and new technologies for food additive production, as well as the replacement of food additives with those that are safer and healthier.

Article 40. The use of food additives shall be technologically necessary and confirmed by risk assessment to be safe and reliable before being approved for use. Food producers and traders shall use food additives in accordance with national food safety standards.

Article 41. The production of food-related products shall comply with national food safety standards. Food-related products shall pass inspection before leaving the factory or being sold.

Article 42. The State shall establish a food safety traceability system. Food producers and traders shall, in accordance with the provisions of this Law, establish a food safety traceability system to ensure that food can be traced. The State shall encourage food producers and traders to use information technology to collect and retain production and trading information and establish a food safety traceability system.

Article 43. Local people's governments at all levels shall take measures to encourage large-scale, standardized, and chain operation of food production and trading. The State shall encourage food production and trading enterprises to implement hazard analysis and critical control point systems in accordance with good manufacturing practices to improve food safety management. Food production and trading enterprises that have passed good manufacturing practice certification, hazard analysis and critical control point system certification, or other third-party certifications may display the relevant certification marks in appropriate locations.

Article 44. Food production and trading enterprises shall establish and improve their food safety management systems, strengthen food safety training and education for their employees, conduct food safety knowledge training, and ensure food safety. A food production and trading enterprise that has a relatively large number of employees shall be staffed with food safety management personnel. The food safety management personnel shall undergo food safety training and assessment and shall have relevant food safety knowledge.

Article 45. Food production and trading enterprises shall establish and implement a health management system for their employees. Personnel suffering from diseases that the health administration department of the State Council has prescribed as rendering them unfit for contact with directly-consumed food shall not engage in work involving contact with directly-consumed food. Food production and trading personnel engaged in contact with directly-consumed food shall undergo annual health examinations and may only commence work after obtaining a health certificate.

Section 2: Production and Trading Process Control

Article 46. Food producers shall establish and implement a raw material inspection and acceptance system, a supplier evaluation system, a critical control point monitoring system, a finished product inspection and testing system, and other process control requirements to ensure that food produced complies with food safety standards.

Article 47. Food production and trading enterprises shall implement a food safety self-inspection system, regularly inspect and evaluate food safety conditions, and take corrective measures when production or trading conditions change or are no longer in compliance with food safety requirements. Food production and trading enterprises shall truthfully record and file their self-inspection and corrective measures.

Article 48. The State shall encourage food production and trading enterprises to meet the requirements of good manufacturing practices and implement hazard analysis and critical control point systems to improve food safety management. Food production enterprises that have passed good manufacturing practice certification or hazard analysis and critical control point system certification shall, in accordance with the prescribed requirements, conduct regular self-inspections or entrust third-party institutions to conduct inspections to ensure continuous compliance.

Article 49. Edible agricultural product producers shall, in accordance with food safety standards and relevant State regulations, use agricultural inputs such as pesticides, fertilizers, veterinary drugs, feed, and feed additives, strictly observe the safe interval and withdrawal period for the use of agricultural inputs, and shall not use agricultural inputs that are explicitly prohibited by the State from use. It is prohibited to use highly toxic and highly residual pesticides on vegetables, fruits, tea, Chinese herbal medicines, and other crops in accordance with the prescribed scope. Enterprises producing edible agricultural products, specialized farmer cooperatives, and other economic organizations shall establish inspection and testing systems for edible agricultural products.

Article 50. When purchasing food raw materials, food additives, and food-related products, food producers shall inspect the supplier's license and product certification documents. Where a product cannot be supplied with a certification document, the food producer shall inspect such product in accordance with food safety standards. Food producers shall establish a system for inspecting the incoming goods, truthfully recording

the names, specifications, quantities, production dates or batch numbers, shelf life, supplier names and contact information, and purchase dates of food raw materials, food additives, and food-related products, and keep the relevant vouchers.

Article 51. Food production enterprises shall establish a food factory inspection and recording system, inspect the factory food, truthfully record the names, specifications, quantities, production dates or batch numbers, shelf life, inspection certificate numbers, dates of sale, and the names, addresses, and contact information of purchasers of the food, and keep the relevant vouchers. The record and voucher retention period shall comply with the provisions of the second paragraph of Article 50 of this Law.

Article 52. Producers of food, food additives, and food-related products shall inspect the food, food additives, and food-related products in accordance with food safety standards before they leave the factory or are sold. Products that have passed inspection may leave the factory or be sold.

Article 53. When purchasing food, food traders shall inspect the supplier's license and food factory inspection certificates or other certification documents. Food trading enterprises shall establish a food purchase inspection and recording system, truthfully recording the names, specifications, quantities, production dates or batch numbers, shelf life, purchase dates, and the names, addresses, and contact information of suppliers of the food, and keep the relevant vouchers.

Article 54. Food traders shall store food in accordance with the requirements for ensuring food safety, regularly inspect the food in stock, and promptly remove from the shelves food that has deteriorated, has an expired shelf life, or otherwise fails to comply with food safety standards. Food trading enterprises shall truthfully record the names, specifications, quantities, production dates or batch numbers, shelf life, supplier name and contact information, and the dates of commencement and cessation of storage.

Article 55. Catering service providers shall formulate and implement a raw material procurement control system. They shall not purchase food raw materials that do not comply with food safety standards. Catering service providers shall also ensure that the processing, storage, and display of food and food-related products comply with food safety standards and shall make public their food processing procedures and prominently display food safety-related information in prominent locations within their business premises.

Article 56. Catering service providers shall, in accordance with requirements, clean and disinfect tableware and kitchenware and shall not use tableware and kitchenware that have not been cleaned or disinfected. Catering service providers that entrust cleaning and disinfection services shall entrust qualified centralized tableware and kitchenware cleaning and disinfection service units.

Article 57. Centralized tableware and kitchenware disinfection service units shall meet the following requirements:

(1) The workplace shall be correspondingly isolated from potentially contaminated areas and the distance between them shall not be less than as prescribed;

(2) The production equipment and facilities shall be arranged in accordance with the process flow to prevent cross-contamination;

(3) The water and detergents and disinfectants for washing and disinfection shall comply with relevant national food safety standards and other national standards and regulations;

(4) The disinfected tableware and kitchenware shall be inspected batch by batch and may only leave the factory after passing inspection, and shall be accompanied by a disinfection certificate;

(5) The packaging of disinfected tableware and kitchenware shall indicate the name, address, contact information, disinfection date, and shelf life of the unit; and

(6) An inspection and recording system shall be established.

Article 58. Catering service providers shall not procure or use tableware or kitchenware from centralized tableware and kitchenware disinfection service units that have not obtained the relevant health and safety certification. Catering service providers that provide their own tableware and kitchenware disinfection facilities shall meet the relevant national standards and requirements.

Article 59. Food additive producers shall establish a system for inspecting the incoming goods and a food additive factory inspection and recording system. Food additive traders shall establish a food additive purchase inspection and recording system to ensure that the food additives purchased comply with national food safety standards.

Article 60. Food additives shall be labeled with the words “Food Additive” on their labels, instructions, and packaging. The label and instructions of food additives shall indicate the scope and amount of use and method of use and shall state on the label the words “Food Additive.”

Article 61. Centralized trading market operators, counter lessors, and trade fair organizers shall examine the licenses of the food traders entering the market and their food safety management files, specify the food safety management responsibilities of the food traders entering the market, inspect the food safety conditions of the food traders in the market on a regular basis, and immediately stop any illegal activities discovered and report the same to the local food and drug administration department.

Article 62. Third-party online food trading platform providers shall require real-name registration of food traders entering the platform, expressly specify their food safety management responsibilities, and examine the licenses of food producers and traders entering the platform in accordance with law. Where a third-party online food trading platform provider discovers that a food trader entering the platform has committed an act in violation of the provisions of this Law, it shall immediately stop such act and report the same to the local food and drug administration department. Where a third-party online food trading platform provider discovers a serious violation, 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 the food it produces does not comply with food safety standards or there is evidence that the food may be harmful to human health, it shall immediately stop production, recall all food of the same batch that has been placed on the market, notify the relevant producers, traders, and consumers, and record the recall and notification. Where a food trader discovers any of the circumstances specified in the preceding paragraph, it shall immediately stop trading, notify the relevant producers, traders, and consumers, and record the cessation of trading and notification.

Article 64. Where food producers decide to recall food, or food traders decide to stop trading, they shall report to the local food and drug administration department. Where food is recalled, the food producer shall take remedial, harmless treatment, destruction, or other measures and report the recall and handling results to the local food and drug administration department. Food recalls shall be subject to the supervision of the food and drug administration department.

Article 65. Edible agricultural product wholesale markets shall be equipped with inspection equipment and inspectors or entrust food inspection institutions meeting the requirements of this Law to conduct sampling inspections of edible agricultural products sold in the wholesale markets. Where non-compliance with food safety standards is discovered, the seller shall be required to immediately stop sales and shall be reported to the food and drug administration department.

Article 66. Edible agricultural products entering the market for sale shall be packaged or have labels indicating the name, place of origin, producer, production date, and other information in accordance with relevant State regulations. Where preservatives, additives, or other materials are used, the names of such preservatives, additives, or other materials shall also be indicated.

Section 3: Labeling, Instructions, and Advertising

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Article 67. The label of prepackaged food shall indicate the following:

(1) Name, specification, and net content;

(2) List of ingredients or formula;

(3) Name, address, and contact information of the producer;

(4) Shelf life;

(5) Code of the product standard;

(6) Storage conditions;

(7) Common name of the food additive as used in the national standard;

(8) Production license number; and

(9) Other matters required to be indicated by laws, regulations, or food safety standards.

The label of staple and supplementary foods intended specifically for infants and young children and other specific populations shall also indicate the main nutritional ingredients and their content.

Article 68. Food and food additive traders selling bulk food shall indicate the food name, production date or batch number, shelf life, producer name, and contact information on the containers and outer packaging of the bulk food.

Article 69. The labels and instructions of food and food additives shall not contain false or exaggerated content and shall not involve disease prevention or treatment functions. Food producers and traders shall be responsible for the truthfulness and lawfulness of the content of food and food additive labels and instructions. The labels and instructions of food and food additives shall be clear and conspicuous, and the production dates and shelf life shall be prominently indicated and easily identifiable. Food and food additives whose labels or instructions do not conform to the provisions of this Article shall not be placed on the market.

Article 70. Genetically modified food shall be prominently labeled in accordance with the relevant State regulations.

Article 71. The food and drug administration and quality supervision departments shall not, in any form, recommend food to the public or require food producers or traders to accept food inspection by designated inspection institutions. Consumer organizations shall not, by charging fees or by any other means, recommend food to the public.

Article 72. The labels and instructions of health foods, formula foods for special medical purposes, and infant formula foods shall not involve disease prevention or treatment functions, and the content thereof shall be truthful and consistent with the registered or filed content, and shall indicate the appropriate populations, inappropriate populations, functional ingredients or symbolic ingredients and the content thereof, etc.

Article 73. Food advertising content shall be truthful and lawful, shall not contain any false information, and shall not involve disease prevention or treatment functions. Food producers and traders shall be responsible for the truthfulness and lawfulness of the content of food advertisements. The food and drug administration department and other relevant departments of the people’s government at or above the county level, as well as food inspection institutions and food industry associations, shall not recommend food to consumers through advertisements or in any other form. Consumer organizations shall not recommend food to consumers by charging fees or through any other profit-making means.

Section 4: Special Foods

Article 74. The State shall exercise strict supervision and administration over special foods such as health foods, formula foods for special medical purposes, and infant formula foods.

Article 75. Health foods that claim health functions shall have scientific evidence and may only be produced and imported after being registered with or filed with the food and drug administration department of the State Council. The catalogue of health food raw materials and the catalogue of permitted health food claims shall be formulated, adjusted, and published by the food and drug administration department of the State Council in conjunction with the health administration department and the traditional Chinese medicine administration department of the State Council. Health food raw materials included in the catalogue of health food raw materials may only be used in the production of health foods, and no other substances shall be added or used in excess of the prescribed amounts.

Article 76. The labels and instructions of health foods shall be consistent with the registered or filed content and shall state the appropriate populations, inappropriate populations, functional ingredients or symbolic ingredients and the content thereof, etc. The functions of health foods shall have scientific evidence, and the labels and instructions of health foods shall indicate that the product cannot replace medicine.

Article 77. Health food producers shall, in accordance with the requirements of the laws and administrative regulations on advertising, conduct advertising in accordance with the approved advertising content. Health food advertisements shall also indicate the words that the product cannot replace medicine.

Article 78. Where health foods are produced using new food raw materials and new food additive varieties, the health administration department of the State Council shall organize a safety assessment, and the food and drug administration department of the State Council shall be responsible for registration or filing. The food and drug administration department of the State Council may require a health food producer to conduct a re-evaluation of the safety of its health food products in accordance with relevant regulations.

Article 79. The labels and instructions of health foods, formula foods for special medical purposes, and infant formula foods shall be submitted for filing in accordance with the relevant State regulations. The food and drug administration department of the people’s government at or above the provincial level shall publish the labels and instructions filed with it.

Article 80. Health foods shall not cause any acute, sub-acute, or chronic harm to the human body. Labels and instructions of health foods shall not involve disease prevention or treatment functions, and the content thereof shall be truthful, and shall indicate the appropriate populations, inappropriate populations, functional ingredients or symbolic ingredients and the content thereof, etc. The functions and ingredients of health foods shall be consistent with the information indicated on the labels and instructions.

Article 81. Infant formula food-producing enterprises shall implement whole-process quality control from the entry of raw materials to the delivery of finished products, and conduct batch-by-batch inspection of infant formula food before the food leaves the factory to ensure food safety. Infant formula food-producing enterprises shall report the raw materials, food additives, product formulas, labels, and other matters of the food to the provincial food and drug administration department for the record.

Article 82. The registration or filing applicant for health foods, formula foods for special medical purposes, and infant formula foods shall be responsible for the authenticity of the materials submitted by it. The food and drug administration department of the people’s government at or above the provincial level shall, in a timely manner, publish the list of enterprises that have obtained registration or filed for the record for health foods, formula foods for special medical purposes, and infant formula foods, and the information on the relevant product formulas.

Article 83. Enterprises producing health foods, formula foods for special medical purposes, infant formula foods, and other special dietary foods shall, in accordance with good manufacturing practices, establish production quality management systems commensurate with the products they produce, conduct self-inspection on a regular basis to ensure their effective operation, and submit self-inspection reports to the food and drug administration department at the county level of their locality.

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Chapter V — Food Inspection

Article 84. Food inspection institutions shall engage in inspection activities in accordance with the relevant national accreditation provisions. Food inspection institutions shall obtain qualification accreditation in accordance with the relevant national accreditation provisions before they may engage in food inspection activities, unless otherwise provided for by law. The qualification accreditation conditions and inspection and testing rules for food inspection institutions shall be prescribed by the food and drug administration department of the State Council.

Article 85. Food inspection shall be conducted independently by inspectors designated by the inspection institution. Inspectors shall inspect food in accordance with relevant laws, regulations, and food safety standards and inspection rules, respect science, abide by professional ethics, and ensure that the inspection data and conclusions issued are objective and fair.

Article 86. Food inspection institutions and inspectors shall be responsible for the inspection reports and inspection conclusions they issue. Food inspection institutions and inspectors shall not issue false inspection reports. The persons in charge of food inspection institutions and the inspectors shall be responsible for the inspection reports.

Article 87. Food inspection shall be conducted independently by inspectors designated by the inspection institution. Inspectors shall inspect food in accordance with relevant laws, regulations, and food safety standards and inspection rules, respect science, abide by professional ethics, and ensure that the inspection data and conclusions issued are objective and fair, and shall not issue false inspection reports.

Article 88. Where a food producer or trader has an objection to the inspection results of a food inspection conducted in accordance with the provisions of this Law, it may apply for a re-inspection within seven working days of receiving the inspection results, and the food and drug administration department that organized the inspection shall accept the re-inspection application. Where the applicant has an objection to the re-inspection conclusion, the food and drug administration department shall not accept another re-inspection application. The food and drug administration department of the State Council shall, in conjunction with the relevant departments, determine and publish the list of re-inspection institutions.

Article 89. Food production enterprises may conduct self-inspection of the food they produce, or may entrust food inspection institutions meeting the requirements of this Law to conduct inspections. Food production enterprises shall inspect their food before it leaves the factory or is sold in accordance with food safety standards, and the food that has passed inspection may leave the factory or be sold.

Chapter VI — Import and Export of Food

Article 90. Imported food, food additives, and food-related products shall comply with the national food safety standards of China. Imported food and food additives shall pass the inspection by the entry-exit inspection and quarantine authority in accordance with the relevant laws and administrative regulations. Imported food and food additives shall be accompanied by inspection and quarantine certificates in accordance with the requirements of the entry-exit inspection and quarantine authority.

Article 91. The entry-exit inspection and quarantine authority of the State shall be responsible for the supervision and administration of imported and exported food safety. The entry-exit inspection and quarantine authority of the State shall collect and compile information on imported and exported food safety and notify the relevant departments, food industry associations, and enterprises in a timely manner.

Article 92. Imported food, food additives, and food-related products shall comply with the national food safety standards of China. Imported food and food additives shall pass the inspection by the entry-exit inspection and quarantine authority in accordance with the relevant laws and administrative regulations. Imported food and food additives shall be accompanied by inspection and quarantine certificates in accordance with the

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requirements of the entry-exit inspection and quarantine authority.

Article 93. Where there is no national food safety standard in China for imported food for which it is necessary to rely on an international standard or the standard of the exporting country (region), the overseas exporter or the overseas production enterprise or its entrusted importer shall submit the relevant standard documentation of the exporting country (region) or the relevant international standard to the health administration department of the State Council. The health administration department of the State Council shall review the relevant standards and may, if deemed to meet food safety requirements, decide to apply them on a temporary basis and formulate corresponding national food safety standards.

Article 94. Overseas exporters and overseas production enterprises shall ensure that the food, food additives, and food-related products exported to China comply with the requirements of this Law and other relevant laws and administrative regulations of China and the national food safety standards of China, and shall be responsible for the contents of the labels and instructions of such products. Importers shall establish an examination and verification system for overseas exporters and overseas production enterprises, focusing on the examination of the matters specified in the preceding paragraph.

Article 95. Where an overseas food safety incident occurs that may affect the territory of China, or where a major food safety problem is discovered in imported food, food additives, or food-related products, the entry-exit inspection and quarantine authority of the State shall take risk early warning measures such as suspension of import in a timely manner, and may implement control measures such as increasing the proportion of supervision and random inspection of the relevant imported food. The entry-exit inspection and quarantine authority of the State shall, in a timely manner, notify the relevant departments, food industry associations, and enterprises of the risk early warning and control measures taken.

Article 96. Where an overseas food safety incident occurs that may affect the territory of China, or where a major food safety problem is discovered in imported food, food additives, or food-related products, the entry-exit inspection and quarantine authority of the State shall take risk early warning measures such as suspension of import in a timely manner, and may implement control measures such as increasing the proportion of supervision and random inspection of the relevant imported food.

Article 97. Prepackaged imported food shall have labels in Chinese, and instructions shall be in Chinese. Labels and instructions for imported food shall comply with the requirements of this Law and other relevant laws and administrative regulations of China and the national food safety standards of China, and shall state the country of origin of the food and the name, address, and contact information of the domestic agent. Where prepackaged food does not have labels in Chinese or instructions in Chinese, it shall not be imported.

Article 98. Importers shall establish a food and food additive import and sales record system, truthfully recording the names, specifications, quantities, production dates, production or import batch numbers, shelf life, names and contact information of overseas exporters and buyers, and dates of delivery of the food and food additives, and keep the relevant vouchers.

Article 99. The entry-exit inspection and quarantine authority of the State shall conduct credit management of food importers, establish credit records, publish the credit status of importers to the public in accordance with law, and implement dynamic management with respect to the inspection and quarantine of imported food on the basis of the credit status.

Chapter VII — Handling of Food Safety Incidents

Article 100. The State shall establish a food safety incident emergency response system. The State Council shall organize the formulation of a national emergency response plan for food safety incidents. Local people’s governments at or above the county level shall, in accordance with the provisions of relevant laws and regulations and the food safety emergency response plan of the people’s government at the next higher level and in consideration of the actual circumstances of their respective administrative regions, formulate

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food safety emergency response plans for their respective administrative regions and report the same to the people's government at the next higher level for the record.

Article 101. People's governments at or above the county level shall establish a food safety incident emergency response command organization, which shall be responsible for organizing and coordinating emergency response work for food safety incidents within their respective administrative regions. The food safety incident emergency response plan shall specify the classification of food safety incidents, the emergency response command system and its functions, the procedures for prevention, early warning, and handling, and emergency support measures.

Article 102. The State Council shall organize the formulation of a national emergency response plan for food safety incidents. Local people's governments at or above the county level shall, in accordance with the provisions of relevant laws and regulations and the food safety emergency response plan of the people's government at the next higher level and in consideration of the actual circumstances of their respective administrative regions, formulate food safety emergency response plans for their respective administrative regions and report the same to the people's government at the next higher level for the record.

Article 103. Upon the occurrence of a food safety incident, the entity where the incident occurs shall immediately take measures such as sealing up the food and food raw materials, tools, equipment, and facilities that caused or may cause the incident and reporting the incident to the relevant authorities within two hours. The health administration department shall immediately organize an investigation into the cause of the food safety incident.

Article 104. Upon receiving a report of a food safety incident, the food and drug administration department of the people's government at or above the county level shall immediately conduct an investigation and handling of the incident in conjunction with the health administration, quality supervision, agriculture, and other relevant departments, and take the following measures to prevent or mitigate social harm:

(1) Provide emergency medical treatment and assistance to persons injured as a result of the food safety incident;

(2) Seal up the food and raw materials that caused or may cause the food safety incident and conduct immediate inspection;

(3) Seal up contaminated food-related products and order them to be cleaned and disinfected;

(4) Disseminate information, provide risk warnings, and make a public announcement regarding the cause of the incident; and

(5) Take other necessary measures in accordance with the requirements of the emergency response plan.

Article 105. Where a food safety incident occurs, the food and drug administration department of the people's government at or above the county level shall immediately, in conjunction with the relevant departments, investigate the cause of the incident, assess the impact of the incident, urge the entity where the incident occurred to recall the problematic food, order it to cease production, and take measures to prevent the situation from escalating. The health administration department of the people's government at or above the county level shall immediately, in conjunction with the relevant departments, investigate and handle the food safety incident, and take measures to prevent or mitigate social harm.

Article 106. Where a food safety incident occurs, the food safety incident emergency response command organization established by the people's government at or above the county level shall uniformly, accurately, and promptly release information on the progress of the incident, including the cause, the food involved, the number of persons affected, the measures being taken, and any warnings to the public.

Article 107. The people's governments at or above the county level and their relevant departments shall, after the conclusion of the emergency response to a food safety incident, carry out rehabilitation work,

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summarize and analyze the causes and lessons of the food safety incident, and propose improvement measures.

Article 108. Food safety incident emergency response plans shall be subject to regular drills to test and improve their operability and effectiveness. The food safety incident emergency response command organizations shall organize drills of the emergency response plans at least once a year.

Chapter VIII — Supervision and Administration

Article 109. The food and drug administration and quality supervision departments of people's governments at or above the county level shall, on the basis of the food safety risk monitoring and assessment results and the food safety status, determine the focus, methods, and frequency of supervision and administration and implement risk classification management.

Article 110. The food and drug administration and quality supervision departments of people's governments at or above the county level shall have the power to take the following measures when performing their respective food safety supervision and administration functions:

(1) Entering the production or business premises to conduct on-site inspections;

(2) Conducting sampling inspections of food, food additives, and food-related products produced or traded;

(3) Inspecting and copying relevant contracts, bills, account books, and other materials;

(4) Seizing or attaching food, food additives, and food-related products for which there is evidence of non-compliance with food safety standards, or for which there is evidence of safety hazards, and for which illegal production or trading is suspected;

(5) Sealing up premises used for illegal production or trading.

Article 111. Where it is necessary to take emergency control measures against food safety risks, the food and drug administration and quality supervision departments of people's governments at or above the county level shall order the relevant food producers and traders to take measures such as suspending production or trading, recalling food, or destroying food. Where circumstances warrant, the relevant departments may seal up food, food additives, and food-related products that fail to meet food safety standards and impose restrictions on the relevant production or trading premises.

Article 112. The food and drug administration department of the people's government at or above the county level may conduct random inspections of food and regularly publish the random inspection results. No fees shall be charged for random inspection. Sampling shall be conducted by food safety supervisors in accordance with law, and the samples shall be purchased at the market price and the relevant expenses shall be borne by the finance department at the corresponding level. The food and drug administration department shall entrust food inspection institutions meeting the requirements of this Law to conduct the inspection and pay the relevant inspection fees.

Article 113. Where a food producer or trader is subject to administrative penalties for multiple violations of food safety laws and regulations within one year, or where a violation causes a major food safety incident, the food and drug administration department of the people's government at or above the county level may impose heavier penalties in accordance with law. Where the circumstances are serious, the relevant authorities may order the food producer or trader to suspend production or business for rectification or even revoke its license. The directly responsible person in charge and other directly responsible persons may be prohibited from engaging in food production, trading, or management work for a certain period of time or even for life.

Article 114. The food and drug administration department of the people's government at or above the county level shall establish a food safety supervision and administration information platform. The food and drug

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administration department of the people's government at or above the county level shall promptly release food safety information to the public through government websites, news media, and other channels, including food safety standards, risk assessment results, food safety supervision and random inspection information, administrative penalty information, and information on major food safety incidents.

Article 115. The food and drug administration and quality supervision departments of people's governments at or above the county level shall publish their contact details such as email addresses and telephone numbers to receive consultations, complaints, and reports. Where a consultation, complaint, or report falls within the scope of the department's functions, it shall be accepted and a reply shall be given within the statutory time limit. Matters that do not fall within the department's functions shall be referred in writing to the competent department and the complainant or reporter shall be notified. The department that received the consultation, complaint, or report shall keep the identity of the complainant or reporter confidential.

Article 116. The State shall establish a unified food safety information platform, implement a food safety information sharing mechanism and a food safety information release system. The food and drug administration department of the State Council shall be responsible for the overall planning, guidance, and coordination of the national food safety information work, and shall organize the formulation and implementation of a national food safety information plan.

Article 117. Local people's governments at or above the county level shall assume overall responsibility for food safety supervision and administration within their respective administrative regions, uniformly lead, organize, and coordinate food safety supervision and administration work and food safety incident response work within their respective administrative regions, establish and improve a whole-process food safety supervision and administration working mechanism and an information sharing mechanism. The food and drug administration and other relevant departments of local people's governments at or above the county level shall strengthen communication and close cooperation in the performance of their respective food safety supervision and administration functions.

Chapter IX — Legal Liability

Article 118. Where a food safety incident occurs, the entity where the incident occurs shall immediately take measures to prevent the situation from escalating. Where the entity where the incident occurs fails to report the incident or fails to take measures, the relevant competent department shall order it to take corrective action and issue a warning. Where the entity conceals, falsely reports, or delays reporting the food safety incident, or destroys relevant evidence, it shall be ordered to suspend production or business and its license shall be revoked. The directly responsible person in charge and other directly responsible persons shall be subject to corresponding administrative sanctions in accordance with law. Where the entity causes the spread or escalation of a food safety incident, or causes additional serious consequences, it shall be ordered to suspend production or business and its license shall be revoked in accordance with law.

Article 119. Where a food safety incident occurs, the food and drug administration department and the relevant departments of the people's government at or above the county level shall immediately organize an investigation and handling of the incident in accordance with their respective functions and responsibilities. Where a food producer or trader causes a food safety incident, it shall bear the corresponding legal liability.

Article 120. Any entity or individual shall not conceal, falsely report, or delay reporting a food safety incident, and shall not destroy relevant evidence. Where any entity or individual violates the provisions of the preceding paragraph, the relevant competent department shall, in accordance with the provisions of the relevant laws and administrative regulations, impose penalties.

Article 121. Where a food producer or trader, in violation of the provisions of this Law, uses food raw materials, food additives, or food-related products that fail to comply with food safety standards, the food and drug administration department of the people's government at or above the county level shall, in accordance

with their respective functions and responsibilities, confiscate the illegal gains and the food, food additives, and food-related products illegally produced or traded. Where the value of the illegally produced or traded food is less than CNY 10,000, a fine ranging from CNY 5,000 to CNY 50,000 shall be imposed. Where the value is CNY 10,000 or more, a fine ranging from five to 10 times the value shall be imposed. Where the circumstances are serious, the license shall be ordered to be suspended or revoked.

Article 122. Where any person, without obtaining a food production or trading license, engages in food production or trading activities, the food and drug administration department of the people's government at or above the county level shall confiscate the illegal gains and the food, food additives, and tools, equipment, raw materials, and other articles used for illegal production or trading. Where the value of the food or food additives illegally produced or traded is less than CNY 10,000, a fine ranging from CNY 50,000 to CNY 100,000 shall be imposed. Where the value is CNY 10,000 or more, a fine ranging from 10 to 20 times the value shall be imposed.

Article 123. Where any person produces or trades in food using non-food raw materials, recycled food as raw materials, or food with chemical substances other than food additives added, the food and drug administration department of the people's government at or above the county level shall confiscate the illegal gains and the food and food additives illegally produced or traded, and may confiscate the tools, equipment, raw materials, and other articles used for illegal production or trading. Where the value of the food illegally produced or traded is less than CNY 10,000, a fine ranging from CNY 100,000 to CNY 150,000 shall be imposed. Where the value is CNY 10,000 or more, a fine ranging from 15 to 30 times the value shall be imposed. Where the circumstances are serious, the license shall be revoked, and the public security authority may detain the directly responsible person in charge and other directly responsible persons for not less than five days but not more than 15 days.

Article 124. Where any food producer or trader commits any of the following acts in violation of the provisions of this Law and the value of the food illegally produced or traded is less than CNY 10,000, the food and drug administration department of the people's government at or above the county level shall confiscate the illegal gains and the food and food additives illegally produced or traded, and may confiscate the tools, equipment, raw materials, and other articles used for illegal production or trading. A fine ranging from CNY 50,000 to CNY 100,000 shall be imposed. Where the value is CNY 10,000 or more, a fine ranging from 10 to 20 times the value shall be imposed. Where the circumstances are serious, the license shall be revoked:

(1) Producing or trading in food and food additives with pathogenic microorganisms, pesticide residues, veterinary drug residues, biotoxins, heavy metals, and other pollutants and other substances hazardous to human health exceeding the food safety standards;

(2) Producing or trading in food with its shelf life expired, food raw materials with their shelf life expired, or food additives with their shelf life expired;

(3) Producing or trading in food with food additives used beyond the scope or in excess of the limit;

(4) Producing or trading in food that has gone bad, with spoilage, mold contamination, or pests, unclean, mixed with foreign substances, adulterated, or with abnormal sensory properties;

(5) Producing or trading in food or food additives with false production dates or shelf life, or food or food additives with their shelf life expired;

(6) Producing or trading in food for which inspection or quarantine has not been conducted as required, or food for which inspection or quarantine has been refused;

(7) Producing or trading in food or food additives contaminated by packaging materials, containers, transport vehicles, etc.;

(8) Producing or trading in food or food additives with false labels or instructions; or

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(9) Producing or trading in food additives without labels or instructions.

Article 125. Where any food producer or trader commits any of the following acts in violation of the provisions of this Law, the food and drug administration department of the people's government at or above the county level shall order it to take corrective action and issue a warning. Where it refuses to take corrective action, a fine ranging from CNY 5,000 to CNY 50,000 shall be imposed. Where the circumstances are serious, the license shall be ordered to be suspended or revoked:

(1) Failure to inspect the supplier's license and relevant certification documents when purchasing food, food additives, and food-related products;

(2) Failure to establish and comply with the incoming goods inspection and recording system, the factory inspection and recording system, or the sales recording system as required;

(3) Failure to formulate and implement a food safety management system as required;

(4) Failure to establish and implement a food safety self-inspection system as required;

(5) Failure to conduct food safety training and assessment for employees as required; or

(6) Failure to establish and implement a health management system for employees or arranging for personnel suffering from diseases that render them unfit for contact with directly-consumed food to engage in such work.

Article 126. Food and drug administration departments of people's governments at or above the county level shall, in the course of food safety supervision and administration, impose administrative penalties in accordance with law for food safety violations that do not constitute crimes. Where a food safety violation constitutes a crime, criminal liability shall be pursued in accordance with law.

Article 127. Where a food producer or trader, in the course of food production and trading, commits any act in violation of the provisions of this Law that constitutes a crime, criminal liability shall be pursued in accordance with law. Where a food safety violation is not serious enough to constitute a crime but food safety supervisors or other staff members of relevant departments have committed any of the following acts, the directly responsible person in charge and other directly responsible persons shall be subject to demerit recording, demotion, or removal from office in accordance with law:

(1) Any act of shielding or condoning food safety violations;

(2) Failure to investigate and handle food safety violations in accordance with law upon discovery;

(3) Failure to take measures in a timely manner upon discovery of a major food safety hazard; or

(4) Failure to report a food safety incident in a timely manner or concealment or false reporting of the same.

Article 128. Where a centralized trading market operator, counter lessor, or trade fair organizer violates the provisions of this Law by allowing a food trader without a license to enter the market to sell food, or failing to perform inspection and reporting obligations, the food and drug administration department of the people's government at or above the county level shall order it to take corrective action, confiscate its illegal gains, and impose a fine ranging from CNY 50,000 to CNY 200,000. Where serious consequences are caused, the license shall be revoked.

Article 129. Where a third-party online food trading platform provider violates the provisions of this Law by failing to require real-name registration of food traders entering the platform, failing to examine the licenses of food traders, or failing to fulfill reporting and cessation obligations, the food and drug administration department of the people's government at or above the county level shall order it to take corrective action, confiscate its illegal gains, and impose a fine ranging from CNY 50,000 to CNY 200,000. Where serious consequences are caused, the license shall be revoked.

Article 130. Where a food producer or trader fails to recall or stop trading food in accordance with the provisions of this Law, the food and drug administration department of the people's government at or above the county level may order it to recall or stop trading. Where the food producer or trader refuses to comply, it shall be ordered to take corrective action and a fine ranging from CNY 50,000 to CNY 200,000 shall be imposed.

Article 131. Where a food inspection institution or inspector issues a false inspection report in violation of the provisions of this Law, the food and drug administration department of the people's government at or above the county level shall revoke its qualification for inspection. The institution shall be fined not less than CNY 100,000 but not more than CNY 200,000. The directly responsible person in charge and the food inspector shall be fined not less than CNY 50,000 but not more than CNY 100,000, and shall be removed from office or dismissed in accordance with law. The food inspector shall be prohibited from engaging in food inspection for five years from the date of the penalty decision. Where the false inspection report causes damage to the lawful rights and interests of a food producer, trader, or consumer, the food inspection institution shall bear joint and several liability for compensation in accordance with law.

Article 132. Where a food inspection institution issues a false inspection report, in addition to the penalties provided for in the preceding Article, where the case constitutes a crime, criminal liability shall be pursued in accordance with law. Where the food inspection institution issues a false inspection report and thereby causes damage to the lawful rights and interests of food producers, traders, or consumers, the institution shall bear joint and several civil liability in accordance with law.

Article 133. Where a food producer or trader obstructs food safety supervision or inspection by refusing, obstructing, or interfering with the lawful performance of duties by the relevant authorities or their staff members, the relevant competent department shall order it to take corrective action and impose a fine of not more than CNY 50,000 on the entity. Where the case constitutes a violation of public security administration, the public security authority shall impose public security administrative penalties in accordance with law.

Article 134. Where a food producer or trader has been subject to administrative penalties for violation of food safety laws and regulations more than three times within one year, the food and drug administration department of the people's government at or above the county level shall order it to suspend production or business for rectification or even revoke its license. Where the circumstances are serious, the food and drug administration department may directly revoke its license.

Article 135. Where the license of a food producer or trader is revoked, the directly responsible person in charge and other directly responsible persons shall be prohibited from engaging in the management of food production or trading enterprises for five years from the date of the penalty decision. Where a food safety crime is committed and a criminal penalty is imposed, the offender shall be prohibited from engaging in the management of food production or trading enterprises for life.

Article 136. Where any entity or individual, without obtaining a license, engages in the production of food additives, the food and drug administration department of the people's government at or above the county level shall confiscate the illegal gains and the food additives, tools, equipment, raw materials, and other articles illegally produced. Where the value of the illegally produced food additives is less than CNY 10,000, a fine ranging from CNY 50,000 to CNY 100,000 shall be imposed. Where the value is CNY 10,000 or more, a fine ranging from 10 to 20 times the value shall be imposed.

Article 137. Where any food producer or trader commits any of the following acts, the food and drug administration department of the people's government at or above the county level shall confiscate the illegal gains and the food, food additives, and food-related products illegally produced or traded, and may confiscate the tools, equipment, raw materials, and other articles used for illegal production or trading. Where the value of the illegally produced or traded food is less than CNY 10,000, a fine ranging from CNY 5,000 to CNY 50,000 shall be imposed. Where the value is CNY 10,000 or more, a fine ranging from five to

10 times the value shall be imposed. Where the circumstances are serious, the license shall be ordered to be suspended or revoked:

(1) The labels or instructions of food or food additives involve disease prevention or treatment functions;

(2) The labels or instructions of health foods, formula foods for special medical purposes, or infant formula foods do not comply with the provisions of this Law;

(3) Health foods are produced without registration or filing as required, or the labels or instructions of health foods are inconsistent with the registered or filed content; or

(4) Genetically modified food is not labeled as required.

Article 138. Where a food producer or trader causes a food safety incident, it shall bear the corresponding legal liability. Where the food safety incident causes damage to personal or property rights, the food producer or trader shall bear civil liability for compensation in accordance with law. Where serious consequences such as major food safety incidents or serious social impact occur, the directly responsible person in charge and other directly responsible persons shall also bear corresponding legal liability.

Article 139. Where a food safety incident occurs, the food and drug administration department of the people's government at or above the county level shall immediately, in conjunction with the relevant departments, investigate and handle the incident. Where a food safety incident occurs, the food safety incident emergency response command organization shall uniformly organize and coordinate the emergency response work.

Article 140. Where any staff member of the food and drug administration, health administration, quality supervision, agriculture, or other relevant department of a people's government at or above the county level abuses their power, neglects their duties, or engages in malpractice for personal gain, and the case constitutes a crime, criminal liability shall be pursued in accordance with law. Where the case is not serious enough to constitute a crime, the relevant competent department shall impose administrative sanctions in accordance with law.

Article 141. Where any food and drug administration, health administration, quality supervision, agriculture, or other relevant department fails to perform its food safety supervision and administration functions in accordance with law, abuses its power, neglects its duties, or engages in malpractice for personal gain, the directly responsible person in charge and other directly responsible persons shall be subject to administrative sanctions of demerit recording, demotion, or removal from office in accordance with law. The principal responsible person shall take the blame and resign.

Article 142. Where a food and drug administration, health administration, quality supervision, agriculture, or other relevant department conceals, falsely reports, or delays reporting a food safety incident, the directly responsible person in charge and other directly responsible persons shall be subject to administrative sanctions of demotion or removal from office in accordance with law. Where serious consequences are caused, the principal responsible person shall take the blame and resign. Where the case constitutes a crime, criminal liability shall be pursued in accordance with law.

Article 143. Where a local people's government at or above the county level commits any of the following acts in food safety supervision and administration work, the directly responsible person in charge and other directly responsible persons shall be subject to administrative sanctions of demerit recording, demotion, or removal from office in accordance with law. Where serious consequences are caused, the principal responsible person shall also take the blame and resign:

(1) Concealing, falsely reporting, or delaying reporting a food safety incident;

(2) Failing to determine the functions of the relevant departments or failing to establish a coordination mechanism as required, resulting in a major food safety incident;

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(3) Failing to organize investigation and handling of a food safety incident as required; or

(4) Other acts of failure to perform food safety supervision and administration functions in accordance with law.

Article 144. Where any violation of the provisions of this Law causes damage to the personal or property rights of consumers or other victims, compensation shall be made in accordance with law. Where a food producer or trader causes damage to consumers or other victims in the course of food production or trading, it shall bear civil liability for compensation in accordance with law.

Article 145. Where a food producer or trader violates the provisions of this Law and causes damage, the food producer or trader shall bear compensatory liability unless it can prove that it was not at fault. Where a food producer or trader is in violation of food safety standards, the consumer may, in addition to claiming compensation for losses, claim punitive damages in accordance with the provisions of this Law.

Article 146. The food and drug administration department of the people's government at or above the county level shall, in accordance with the provisions of this Law, impose administrative penalties for food safety violations. Where the illegal gains are relatively large or the circumstances are serious, the food and drug administration department may, in accordance with the provisions of this Law, report the case to the public security authority for handling or transfer the case to the judicial authority.

Article 147. Where any person violates the provisions of this Law and causes a food safety incident, the food and drug administration department of the people's government at or above the county level shall order it to take corrective action and may impose a fine in accordance with the relevant provisions. The directly responsible person in charge and other directly responsible persons shall be subject to corresponding legal liability in accordance with law.

Article 148. Where a consumer suffers damage from food that does not comply with food safety standards, the consumer may claim damages from the trader or the producer. Where a producer produces food that does not comply with food safety standards, or a trader knowingly trades in food that does not comply with food safety standards, the consumer may, in addition to claiming compensation for losses, claim punitive damages equal to 10 times the purchase price or three times the amount of the loss, whichever is higher, from the producer or trader. However, this shall not apply to defects in the label or instructions of food that do not affect food safety and do not mislead consumers.

Article 149. Where any person violates the provisions of this Law and the case constitutes a crime, criminal liability shall be pursued in accordance with law. Where the violation does not constitute a crime but constitutes a violation of public security administration, public security administrative penalties shall be imposed in accordance with law. Where any damage is caused, civil liability for compensation shall be borne in accordance with law.

Chapter X — Supplementary Provisions

Article 150. For the purposes of this Law, the following terms shall have the meanings respectively defined below:

"Food" means finished products and raw materials intended for human consumption, and articles that are traditionally both food and medicinal materials, but does not include articles intended solely for therapeutic purposes.

"Food safety" means that food is non-toxic and harmless, meets the necessary nutritional requirements, and does not cause any acute, sub-acute, or chronic harm to human health.

"Prepackaged food" means food that is prepackaged in a container or prepared or made available in packaging material in advance.

“Food additive” means an artificially synthesized or natural substance added to food for the purposes of improving food quality, color, aroma, and taste, and for the purposes of preservation, freshness, and processing technology.

“Shelf life” means the period during which prepackaged food, under the storage conditions specified on the label, maintains its quality.

“Foodborne disease” means infectious, toxic, or other diseases caused by pathogenic factors entering the human body through food, including food poisoning.

“Food safety incident” means an incident caused by food that is or may be hazardous to human health, such as food poisoning, foodborne disease, or food contamination.

Article 151. The safety administration of edible agricultural products shall comply with the provisions of the Law of the People’s Republic of China on the Quality and Safety of Agricultural Products. However, the sale of edible agricultural products, the formulation of relevant safety standards, the publication of safety information, and the provisions of this Law on agricultural inputs shall comply with the relevant provisions of this Law.

Article 152. The specific measures for the administration of food safety in the railway and civil aviation operations shall be separately formulated by the food and drug administration department of the State Council in conjunction with the relevant departments of the State Council in accordance with the provisions of this Law. The specific measures for the administration of food safety of health foods shall be separately formulated by the food and drug administration department of the State Council in accordance with the provisions of this Law. The specific measures for the administration of food safety of food production and processing small workshops, food vendors, and similar small-scale food producers and traders shall be formulated in accordance with the provisions of Article 36 of this Law.

Article 153. The food safety administration of genetically modified food and edible salt shall be governed by the provisions of this Law. Where laws and administrative regulations provide otherwise, such provisions shall prevail. The specific measures for the administration of food safety of the military shall be formulated by the Central Military Commission in accordance with the provisions of this Law.

Article 154. This Law shall enter into force as of 1 June 2009. The Food Hygiene Law of the People’s Republic of China shall be repealed simultaneously.

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