# Measures for the Administration of Online Food Business Operations of the PRC

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## Chapter I — General Provisions

Article 1 — These Measures are formulated in accordance with the Food Safety Law of the People's Republic of China and other laws and regulations for the purpose of regulating online food business operations, strengthening the supervision and administration of online food business safety, and ensuring food safety for the public.

Article 2 — These Measures apply to online food business operators and third-party platform providers engaged in online food business activities within the territory of the People's Republic of China.

Online food business operators shall obtain a food production and operation license or food business registration in accordance with the law, except where the sale of edible agricultural products is concerned.

Article 3 — The China Food and Drug Administration shall be responsible for supervising and guiding the administration of online food business safety nationwide. The food and drug administrative departments of



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local people's governments at or above the county level shall be responsible for the supervision and administration of online food business safety within their respective administrative regions.

Article 4 — Online food business operators and third-party platform providers shall assume the primary responsibility for online food safety and shall establish and improve food safety management systems in accordance with the law.

Article 5 — Any organization or individual shall have the right to report any illegal acts in online food business operations to the food and drug administrative departments.

## Chapter II — Obligations of Online Food Business Operators

Article 6 — Online food business operators shall truthfully disclose their food production and operation license information or food business registration information on their business activity homepage in a conspicuous position; where such information changes, they shall update it in a timely manner.

Article 7 — Food sold online shall have labels, marking instructions, and product names that are consistent with the actual content of the food. Labels and marking instructions shall comply with the provisions of the Food Safety Law and other laws and regulations.

Article 8 — Online food business operators shall, in accordance with the requirements for food storage, transportation and delivery, store, transport and deliver food, and shall ensure that food is not contaminated during the storage, transportation and delivery process.

Article 9 — Online food business operators providing catering services online shall also comply with the following provisions: (1) obtain a food business license, and disclose their food business license on their business activity homepage in a conspicuous position; (2) the name, address, and other information disclosed online shall be consistent with the information stated on the food business license; (3) food processing, storage and delivery equipment and facilities shall be cleaned and disinfected regularly; (4) food shall be processed in compliance with food safety requirements; (5) food delivery containers and packaging materials shall be safe and non-toxic and shall be kept clean; (6) delivery personnel shall hold valid health certificates and maintain personal hygiene.

Article 10 — Online food business operators shall keep records of food purchase inspection, sales records, and other relevant information. The retention period for records and vouchers shall be not less than 6 months after the expiry date of the product; where there is no clear expiry date, the retention period shall be not less than 2 years.

Article 11 — Online food business operators shall cooperate with the food and drug administrative departments in supervision and inspection, spot checks and testing, truthfully provide relevant information, and shall not refuse, obstruct or interfere.

## Chapter III — Obligations of Third-Party Platform Providers

Article 12 — Third-party platform providers shall file with the food and drug administrative departments at the provincial level and obtain a filing number. The filing information shall include the domain name, IP address, telecommunications business operation license, enterprise name, legal representative or person in charge, and other information.

Article 13 — Third-party platform providers shall establish a food safety management system, designate full-time or part-time food safety management personnel, and examine and verify the food production and operation licenses and other materials of online food business operators operating on the platform.

Article 14 — Third-party platform providers shall establish a system for the registration and examination of the real-name information of online food business operators operating on the platform.



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Article 15 — Third-party platform providers shall establish an online food business operator file to record the basic information of online food business operators, food safety management personnel information, and food business license information.

Article 16 — Third-party platform providers shall establish an online food safety self-inspection system. If any conduct in violation of food safety laws and regulations is discovered, the platform shall promptly stop providing online trading platform services to the offending operator and report to the food and drug administrative department at the county level in the place where the offending operator is located.

Article 17 — If a consumer suffers personal injury or property damage as a result of purchasing food through a third-party platform, and the third-party platform provider is unable to provide the true name, address and valid contact details of the online food business operator operating on the platform, the third-party platform provider shall provide compensation. After providing compensation, it may seek recovery from the online food business operator.

Article 18 — Third-party platform providers shall record and preserve food transaction information online. The retention period for data information and transaction records shall be not less than 6 months after the expiry date of the product; where there is no clear expiry date, the retention period shall be not less than 2 years.

Article 19 — Third-party platform providers shall establish a food safety complaint and report handling mechanism, publicly disclose the complaint and report methods, and provide consumers with access channels for safeguarding their rights.

## Chapter IV — Supervision and Administration

Article 20 — The food and drug administrative departments shall strengthen the supervision and inspection of online food business safety and may conduct on-site inspections, sampling tests, and data access and retrieval.

Article 21 — The food and drug administrative departments shall establish and improve the credit file management system for online food business operators and third-party platform providers, and implement dynamic credit management.

Article 22 — The food and drug administrative departments at the county level shall conduct random inspections and on-site inspections of online food business operators and third-party platform providers, and deal with illegal acts found in accordance with the law.

Article 23 — For online food safety violations across provinces, autonomous regions, and municipalities directly under the Central Government, the food and drug administrative departments shall strengthen cooperation and coordination, share information and conduct joint investigations.

## Chapter V — Legal Liability

Article 24 — Where an online food business operator engages in online food business operations without obtaining a food production and operation license in accordance with the law, the food and drug administrative department at or above the county level shall impose penalties in accordance with the provisions of the Food Safety Law.

Article 25 — Where an online food business operator violates the provisions of Articles 6, 7, 8, 9, 10, or 11 of these Measures, the food and drug administrative department at or above the county level shall order the operator to make corrections and give a warning; where the operator refuses to make corrections, a fine of not less than RMB 5,000 but not more than RMB 30,000 shall be imposed.

Article 26 — Where a third-party platform provider violates the provisions of Articles 12, 13, 14, 15, 16, 18, or 19 of these Measures, the food and drug administrative department at or above the county level shall order it



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to make corrections and give a warning; where it refuses to make corrections, a fine of not less than RMB 5,000 but not more than RMB 30,000 shall be imposed.

Article 27 — Where a third-party platform provider violates the provisions of these Measures and causes serious consequences, the food and drug administrative department at or above the county level shall order the platform to cease providing online trading platform services, and shall impose a fine of not less than RMB 50,000 but not more than RMB 200,000.

## Chapter VI — Supplementary Provisions

Article 28 — For the purposes of these Measures: "Online food business operators" refers to natural persons, legal persons or other organizations that engage in food business operations through the internet; "Third-party platform providers" refers to legal persons or other organizations that provide online food business platform services.

Article 29 — The sale of edible agricultural products online shall comply with the relevant provisions of the state.

Article 30 — These Measures shall be interpreted by the China Food and Drug Administration.

Article 31 — These Measures shall come into force on October 1, 2015.

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