



EU-China Trade Project

中国-欧盟世界贸易项目

THE PRC FOOD SAFETY LAW (DRAFT AS OF 20 APRIL 2008)

中华人民共和国食品安全法 (草案：2008年4月20日)

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第一章 总则

第一条 为了防止、控制和消除食品污染以及食品中有害因素对人体的危害，预防和减少食源性疾病的发生，保证食品安全，保障人民群众生命安全和身体健康，增强人民群众体质，制定本法。

第二条 在中华人民共和国境内从事下列活动，应当遵守本法：

- (一) 食品生产和加工（以下称食品生产），食品流通和餐饮服务（以下称食品经营）；
- (二) 食品添加剂的生产、经营；
- (三) 用于食品的包装材料、容器、洗涤剂、消毒剂和用于食品生产经营的工具、设备（以下称食品相关产品）的生产、经营；
- (四) 食品生产经营者使用食品添加剂、食品相关产品；
- (五) 对食品、食品添加剂和食品相关产品的安全管理。

供食用的源于农业的初级产品（以下称食用农产品）的质量安全管理，遵守农产品质量安全法的规定。但是，制定有关食用农产品的质量安全标准、公布食用农产品安全有关信息，应当遵守本法的有关规定。

转基因食品的安全管理，还应当遵守有关行政法规的规定。

第三条 食品生产经营者应当严格依照本法和其他有关法律、法规的规定和食品安全标准从事生产经营活动，不得生产经营不安全食品；生产经营不安全食品的，依照本法必须承担法律责任。

Chapter 1: General Provisions

Article (1) This Law is formulated to prevent, control and eliminate food contamination and hazards to human to prevent and reduce the occurrence of food-borne diseases, to assure food safety, to safeguard people's life and health, and to enhance people's health.

Article (2) Whenever the following activities are carried out in the territory of the People's Republic of China this Law must be observed:

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

The quality and safety management of primary agricultural products for consumption (hereinafter referred to as "Edible Agricultural Products") shall be in accordance with the Quality and Safety of Agricultural Products Law. However, this Law must be observed in developing quality and safety standards for edible agricultural products and releasing safety information on edible agricultural products.

The safety management of genetically modified food shall also be in accordance with relevant administrative rules and regulations.

Article (3) Food producers and traders shall strictly follow this Law and other relevant laws and regulations and food safety standards in their food business activities, and shall not produce and trade unsafe food products. Whoever produces or trades unsafe food products must bear legal liability under this Law.

第四条 县级以上地方人民政府对本行政区域的食品安全监督管理负总责，统一领导、协调本行政区域的食品安全监督管理工作，建立健全食品安全监督管理协调机制；统一领导、指挥食品安全突发事件应对工作；建立食品安全监督管理责任制，对食品安全监督管理部门进行评议、考核。

上级人民政府所属部门在下级行政区域设置的机构应当在所在地人民政府的统一协调下，依法做好食品安全监督管理工作。

第五条 县级以上食品生产、流通、餐饮服务监督管理部门依据本法和国务院规定的职责，对食品生产经营活动实施监督管理。

食品安全风险评估、食品安全标准制定、食品安全信息公布、食品安全事故的调查和处理，以及有关食品检验机构的资质认定条件和检验规范的制定，由国务院授权的部门负责。

国务院根据实际需要，可以对食品安全监督管理体制作出调整。

第六条 有关食品行业协会应当加强行业自律，加强食品安全知识的宣传、普及，引导消费者购买合法食品生产者生产经营者生产经营的食品以及有符合法律要求的标签、标识的食品。

第七条 国家鼓励社会团体、基层群众性自治组织开展食品安全知识和食品安全法律、法规、标准知识的普及工作，倡导健康的饮食方式，增强消费者的食品安全意识和自我保护能力。

新闻媒体应当无偿开展食品安全知识和食品安全法律、法规、标准知识的公益宣传。

Article (4) Local people's governments at and above county level shall take overall responsibility for the inspection and management of food safety in their jurisdiction, lead and coordinate the inspection and management of food safety in their jurisdiction; establish and hone food safety coordination mechanisms for the inspection and management of food safety, take the leading and commanding role in dealing with food safety emergencies, develop a food safety accountability system, and review and evaluate the performance of food safety regulatory agencies.

The subordinate administrative divisions set up below a higher level people's government must be under the unified coordination of the lower level government in carrying out their food safety inspection and management.

Article (5) The regulatory agencies for food production, distribution and catering services at and above county level will inspect and manage food production and trading activities pursuant to this Law and obligations assigned by the State Council.

Food safety risk assessment, safety standards development, information dissemination, investigation of, and response to, food safety incidents, as well as the development of qualification criteria for food testing agencies and test specification are the responsibility of the agencies authorized by the State Council.

The food safety regulatory system may be modified by the State Council in line with actual needs.

Article (6) The related food industry associations shall strengthen their self-discipline, strengthen dissemination of food safety, and guide consumers to purchase food produced by legitimate producers and food with legitimate labels.

Article (7) Civil society and community groups are encouraged to conduct food safety educational activities on understanding food safety, laws, regulations and standards, to advocate healthy diets and to raise consumer awareness of food safety and looking after their health.

Food safety information, laws, regulations and standards shall be publicized by the media free of charge.

第八条 国家鼓励和支持开展与食品安全有关的基础研究和应用研究,鼓励和支持食品生产经营者为提高食品安全水平采用先进技术和先进管理规范。

地方各级人民政府应当采取措施鼓励食品规模化生产和连锁经营、配送。

第九条 食品消费者有权检举、控告侵害消费者权益的行为,有权向有关部门了解食品安全信息,对食品安全监督管理工作提出意见和建议;因食品、食品添加剂或者食品相关产品遭受人身、财产损害的,有依法获得赔偿的权利。

任何单位和个人有权举报食品生产经营中的违法犯罪行为。举报经查证属实的,有关的安全监督管理部门应当对举报人给予奖励。

第二章 食品安全风险监测和评估

第十条 国家建立食品安全风险监测制度,对食源性疾病、食品污染以及食品中的有害因素进行监测。

国务院授权的部门会同国务院其他有关部门制定、实施国家食品安全风险监测计划。省、自治区、直辖市人民政府确定的部门根据国家食品安全风险监测计划,结合本行政区域的具体情况,组织制定、实施本行政区域的食品安全风险监测方案。

Article (8) The State encourages and supports basic and applied food-related research, and encourages and supports food producers and traders to apply advanced technologies and good management practices in order to improve food safety.

Local people's governments at all levels shall take measures to encourage larger scale food production and chain distribution and trade.

Article (9) Consumers have the right to report and indict behaviour harmful to the rights and interests of consumers, to request information from relevant agencies, and to propose comments and suggestions on food safety inspection and management. Consumers also have the right to demand compensation according to law for any physical and property damage caused by consumption of food, food additives or food-related products.

Any institution or individual has the right to report any violation of laws or criminal activities in food production and trade business. Once the reporting is verified, the relevant food regulatory agency shall reward the reporting institution or individual.

Chapter 2: Surveillance and Assessment of Food Safety Risks

Article (10) A surveillance system for food safety shall be established nationwide for surveillance over food-borne disease, food contamination and other food-related hazards to human health.

The administrative departments authorized by the State Council shall establish and implement plans for the surveillance of national food safety in conjunction with other departments of the State Council. The administrative departments designated by governments of provinces, autonomous regions and municipalities directly under the central government shall establish and implement, according to the national plans for food safety surveillance and taking into consideration regional particularities, the plans and schemes for the surveillance of food safety within their respective jurisdictions.

第十一条 国家建立食品安全风险评估制度，对食品中生物性、化学性和物理性危害进行风险评估。

食品安全风险评估工作由食品安全风险评估专家委员会具体负责。食品安全风险评估专家委员会由国务院授权的部门会同国务院其他有关部门聘请卫生、农业等方面的技术专家组成。

国务院有关部门有权向国务院授权负责食品安全风险评估的部门提出风险评估的建议，并提供有关信息和资料。

国务院授权负责食品安全风险评估的部门应当及时向国务院有关部门通报食品安全风险评估的结果。

第十二条 食品安全风险评估专家委员会应当运用科学方法，根据食品安全风险监测信息、科学数据以及其他有关信息进行食品安全风险评估。

第十三条 食品安全风险评估结果应当作为制定、修订食品安全标准和对食品安全实施监督管理的科学依据。

食品安全风险评估结果证明食品不安全，需要修订、制定食品安全标准的，国务院授权负责食品安全标准制定的部门应当立即修订、制定食品安全标准；在新修订、制定的食品安全标准公布实施之前，国务院食品生产、流通、餐饮服务监督管理部门应当依据各自职责，要求食品生产经营者停止生产经营该食品。

Article (11) A mechanism to assess food safety risks shall be established nationwide to assess risks of biological, chemical and physical hazards in food.

The assessment of food safety risk shall be the responsibility of a food safety risk assessment committee composing experts in technical health, agriculture and other fields invited by the State Council authorised administrative department in conjunction with other relevant departments of the State Council.

Relevant departments of the State Council shall be entitled to propose suggestions on risk assessment and provide relevant information to the administrative department for assessment of food safety risks authorized by the State Council

The State Council authorised administrative department for assessment of food safety risk shall promptly inform relevant departments of the State Council of the results of food safety risk assessments.

Article (12) The food safety risk assessment committees shall assess food safety risks using scientific methods and according to information on surveillance of food safety risks, scientific data, and other relevant information.

Article (13) Food safety risk assessment results shall be the scientific basis for developing and modifying food safety standards, and overseeing and administering food safety.

If the result of a food safety risk assessment proves food to be unsafe and the need to amend or develop any food safety standard, the administrative department responsible to develop food safety standards authorized by the State Council shall promptly amend or develop the appropriate food safety standard. Before the amended or newly developed food safety standard is released and implemented, the State Council administrative department for supervision and administration of food production, distribution and provision of catering services, shall order food producers or traders to suspend or cease trading of such food according to their respective duties and responsibilities.

国务院授权负责食品安全风险评估的部门应当会同国务院有关部门,根据食品安全风险评估结果、食品安全监督管理信息,对食品安全状况进行综合分析,对可能发生较高程度安全风险的食品提出食品安全风险警示,由国务院授权负责食品安全信息公布的部门予以公布。

第十四条 对农药、肥料、生长调节剂、兽药、饲料和饲料添加剂等的安全性评估,应当有食品安全风险评估专家委员会的专家参加。

屠宰畜、禽的检验规程,由国务院有关主管部门会同国务院授权负责食品安全风险评估的部门制定。

第三章 食品安全标准

第十五条 食品安全标准是强制执行的标准,分为国家标准和地方标准;没有国家标准的,可以制定地方标准。除食品安全标准外,不得制定其他有关食品的强制性标准。

第十六条 食品安全标准应当包括下列内容:

- (一) 食品、食品相关产品中的致病性微生物、农药残留、兽药残留、重金属、污染物质以及其他危害人体健康物质的限量规定;
- (二) 食品添加剂的品种、使用范围、用量;
- (三) 专供婴幼儿的主辅食品的营养成分要求;
- (四) 对与食品安全、营养有关的标签、标识、说明书的要求;

The State Council authorized administrative department responsible for assessment of food safety risk shall, in conjunction with relevant State Council departments, conduct comprehensive analyses of the food safety situation and draw attention to food safety risks in high risk food. This information will be publicized by the administrative department responsible for publicizing food safety information authorized by the State Council, according to the result of food safety risk assessments and food safety supervision and administration information.

Article (14) Experts from the food safety risk assessment committee shall be invited to participate in the safety assessment of pesticide, fertilizer, growth regulator, veterinary medicine, feed and feed additives.

The inspection procedures for slaughtering livestock and poultry shall be developed by the competent administrative department of the State Council in conjunction with the State Council authorized administrative department responsible for food safety risk assessment.

Chapter 3: Food Safety Standards

Article (15) Food safety standards are mandatory and consist of national standards and local standards. Local standards may be developed if no national standard is available. Except for the food safety standards, no other mandatory standards for food shall be developed.

Article (16) The food safety standards shall specify:

- 1) The limits to the content or concentration of pathogenic micro organisms, pesticide residues, veterinary medicine residue, heavy metals, contaminants, and other substances that may be hazardous to human health in food;
- 2) The type, scope of application and dose of allowed food additives;
- 3) The nutritional ingredients requirements for staple and supplementary food exclusively for babies;
- 4) The requirements for labels, identification and instructions relevant to food safety and nutrition;

- (五) 食品生产经营过程的卫生要求;
- (六) 与食品安全有关的质量要求;
- (七) 食品检验方法与规程;
- (八) 其他需要制定为食品安全标准的内容。

第十七条 国务院授权的部门负责制定、公布食品安全国家标准。

制定、修订食品安全国家标准，应当依据食品安全风险评估结果并充分考虑食用农产品质量安全风险评估结果，参照相关的国际标准，与我国经济、社会和科学技术发展水平相适应，并广泛听取食品生产经营者和其他有关单位和个人的意见。

第十八条 食品安全国家标准应当经食品安全国家标准审评委员会审查通过。食品安全国家标准审评委员会由国务院授权负责食品安全标准制定的部门商国务院其他有关部门聘请的卫生、农业等方面的专家，以及国务院农业主管部门和国务院食品生产、流通、餐饮服务监督管理部门的代表组成。

国务院授权负责食品安全标准制定的部门应当通过新闻媒体公布食品安全国家标准。公众可以免费查阅食品安全国家标准。

第十九条 本法规定的食品安全国家标准实施前，食品生产经营者应当按照现行食品卫生标准、食品质量标准及有关行业标准生产经营食品。

食品安全国家标准以外的其他有关产品国家标准涉及本法第十六条所列内容的，应当符合食品安全国家标准。

- 5) The health requirements for food production and trading processes;
- 6) The quality requirements related to food safety;
- 7) The methods and procedures for food inspection and testing; and
- 8) Other particulars necessary for developing food safety standards.

Article (17) The State Council authorized administrative department shall be responsible for developing and publicizing the national food safety standards.

National food safety standards shall be developed or amended based on the results of food safety risk assessments and full consideration of the results of quality and safety risk assessments of agricultural products. Due consideration shall also be given to a broad range of opinions of food producers and traders and other relevant organizations and individuals, and with the economic, social and technological development of China.

Article (18) The national food safety standards shall be reviewed and approved by the committee for evaluating national food safety standards comprising health, agriculture and other experts appointed by the State Council authorized department in charge of developing food safety standards in consultation with other State Council departments as well as representatives from the competent State Council agricultural department and the State Council departments responsible for overseeing and administering food production, distribution and catering services.

The State Council authorized administrative department responsible for developing food safety standards shall publicize the national food safety standards through the news media. The public may have access to national food safety standards free of charge.

Article (19) Before the national food safety standards under this Law are implemented, food producers and traders shall produce or trade food in accordance with the existing food hygiene standards, food quality standards and relevant trade standards.

Any national standard on products other than national food safety standards involving Article 16 shall conform to the national food safety standards.

第二十条 省、自治区、直辖市人民政府负责食品安全标准制定的部门组织制定、修订食品安全地方标准，应当参照执行本法有关食品安全国家标准制定、修订的规定，并报国务院授权负责食品安全标准制定的部门备案。

第二十一条 国家鼓励食品生产经营企业制定严于食品安全国家标准、地方标准的标准，在企业内部适用。

第四章 食品检验

第二十二条 食品检验机构经国务院认证认可监督管理部门依法进行资质认定，方可从事食品检验活动；未经资质认定的检验机构出具的食品检验结果，不具有法律效力。本法或者其他法律另有规定的除外。

食品检验机构资质认定的条件和检验规范，由国务院授权的部门制定。

本法施行前经国务院有关主管部门批准设立或者经依法认定的食品检验机构，可以依照本法继续从事食品检验活动。

第二十三条 食品检验由食品检验机构指定的检验人独立进行。

检验人应当依照有关法律、法规的规定，并按照食品安全标准和检验规范，对食品进行检验，尊重科学，恪守职业道德，保证出具的检验数据和结论客观、公正，不得出具虚假的检验报告。

Article (20) The administrative departments responsible for developing food safety standards for provinces, autonomous regions and municipalities directly under the central government shall develop or amend local food safety standards with reference to articles in this law relating to development of, or amendment to, national food safety standards, and report to the State Council administrative department responsible for developing food safety standards for recording.

Article (21) The State encourages food producers and traders to develop in-house standards more stringent than the national or local food safety standards.

Chapter 4: Inspection and Testing of Food

Article (22) Food inspection and testing agencies accredited and/or recognized by the State Council administrative department for the supervision and administration of certification and accreditation may perform food inspection or testing. The inspection or test result issued by any agency not so accredited or designated shall have no legal effect, unless this Law or other laws otherwise provide.

The conditions that qualify such agencies for food inspection and testing as well as inspection and test specifications shall be developed by State Council authorized department.

Food inspection and testing agencies which have been accredited and/or recognized by the State Council competent department before the implementation of this Law may continue to perform inspection and/or testing of food in accordance with this Law.

Article (23) Food inspection and testing shall be independently conducted by food inspection and testing agency designated inspectors.

The inspectors shall inspect and test food in accordance with the applicable legislation, regulations, food safety standards and inspection specifications. The inspectors shall act scientifically and conform to professional ethics, and assure objective and fair inspection data and conclusions, and shall not issue any false inspection report.

第二十四条 食品检验实行食品检验机构与检验人负责制。食品检验报告应当加盖食品检验机构公章，并有检验人的签名或者盖章。食品检验机构和检验人对出具的食品检验报告负责。

第二十五条 食品生产、流通、餐饮服务监督管理部门依法履行职责需要对食品进行检验的，应当委托符合本法规定的食品检验机构进行检验，并支付相关费用。对检验结论有异议的，食品生产经营者、食品消费者或者有关的食品安全监督管理部门应当委托符合本法规定的其他食品检验机构复检。微生物指标不得复检。

对复检结论仍有异议的，由国务院授权负责制定食品检验机构资质认定的条件和检验规范的部门确定的可以从事食品检验活动的国家实验室再次进行复检。国家实验室的检验结论为最终结论。

第二十六条 食品生产经营者、行业协会、食品消费者需要委托食品检验机构对食品进行检验的，应当委托符合本法规定的食品检验机构进行检验。

Article (24) Food inspection agencies and inspectors shall be responsible for food inspection and testing. The food inspection report shall bear the official seal of the food inspection agency and the signature or seal of the inspector. The food inspection agency and inspector shall be held responsible and liable for the food inspection report issued.

Article (25) The departments responsible for supervision and administration of food production and distribution and the provision of catering services shall, during the oversight and administrative activities, have the inspection and/or testing of food done by inspection and test institutions accredited and/or recognized as aforesaid at the cost of respective departments if such inspection or test is required. In the case of any disputed inspection or test result, the food producer or trader, food consumer or the department responsible for food safety supervision and administration shall engage other inspection and testing agencies accredited and/or recognized for re-inspection and re-testing. The microbial indicator shall not be re-inspected or re-tested.

If the re-inspection or re-testing result is still disputed, a third inspection and test shall be conducted by a national laboratory qualified for food inspection and/or testing. This laboratory shall be recognized by the State Council authorized department to develop the conditions that qualify such agencies for food inspection and testing as well as inspection and test specifications. The inspection and test result of such a national laboratory shall be final.

Article (26) Where any food producer or trader, trade association or food consumer engages inspection and testing agencies for inspection and testing, such agencies shall conform to the requirements of this Law.

第五章 食品生产经营

第二十七条 国家对食品生产经营实行许可制度；未经许可，任何单位或者个人不得从事食品生产经营活动。但是，获得食品生产许可的食品生产者在其生产场所销售其生产的食品，不需要获得食品流通的许可；获得餐饮服务许可的餐饮服务提供者在其餐饮服务场所出售其制作加工的食品，不需要获得食品生产和流通的许可；农民个人销售其自产的食用农产品，不需要获得食品流通的许可；生产者生产在本乡（镇）行政区域内销售的食品，不需要获得食品生产的许可。

第二十八条 从事食品生产经营活动，应当具备下列条件：

- （一）有与拟生产经营的食品品种、数量相适应的食品原料处理和食品包装、储存等场所，并确保该场所与有毒、有害场所以及其他污染源保持规定的距离；
- （二）有与拟生产经营的食品品种、数量相适应的生产经营设备或者设施，有相应的消毒、采光、通风、防腐、防尘、防蝇、防鼠以及排放废水、废弃物的设备或者设施；
- （三）有与生产经营规模相适应的食品安全专业技术人员、管理人员；
- （四）有与拟生产经营的食品品种、数量相适应的符合防止食品污染要求的设备、设施布局 and 操作流程；
- （五）有保证食品安全的规章制度；
- （六）符合食品安全标准规定的其他要求。

Chapter 5: Food Production and Trade

Article (27) An appropriate license shall be required for the production and trade of food. No organization or individual shall produce or trade food without such a license or permit except in circumstances where: 1) a food producer that has obtained the license for food production sells the food it produces at its place of production, in which case a license for food distribution is not required; 2) the provider of catering services that has obtained the license for provision of catering services sells the food it makes and processes at its place of catering services, in which case the license for food production and distribution is not required; 3) individual farmers that sell edible agricultural products they produce, in which case a license for food distribution is not required; and 4) the food producer produces food that is sold within the jurisdiction of its home town (village), in which case the license for food production is not required.

Article (28) Any food production or trading activities shall be subject to the following conditions:

- 1) Having appropriate facilities for raw material treatment and food packaging and storage that are sufficient for the variety and quantity of food to be produced or traded and making sure that appropriate distance has been maintained between such facilities and toxic or hazardous locations and/or other contamination or contaminating sources.
- 2) Having appropriate production or trading equipment and facilities that are sufficient for the variety and quantity of food to be produced or traded, and having appropriate equipment and facilities for disinfection, lighting, ventilation, anticorrosion, dust-proofing, fly-proofing and rat-proofing and drainage of wastewater and other wastes.
- 3) Having food safety technical professionals and management personnel sufficient for the size of production or trading;
- 4) Having equipment and facility layout and operation procedures that are sufficient for the variety and quantity of food to be produced or traded and meeting requirements for food contamination prevention;
- 5) Having rules and regulations to assure food safety; and
- 6) Conforming to other requirements set forth in food safety standards.

第二十九条 国家对食品、食品添加剂和食品相关产品实行监管码制度。具体实施办法和步骤由国务院有关部门制定。

第三十条 申请从事食品生产经营活动的单位和人，应当向所在地县级以上食品生产、流通、餐饮服务监督管理部门提交能够证明其具备本法第二十八条规定条件的相关资料。

县级以上食品生产、流通、餐饮服务监督管理部门应当依照行政许可法的规定并在各自职责范围内，对申请人提交的相关资料进行审核，必要时应当对申请人的生产、经营场所进行现场核查；对符合规定条件的，决定准予许可并颁发食品生产、流通或者餐饮服务许可证，对已经实行食品安全监管码管理的食品的生产者，颁发食品生产许可证的部门还应当同时发给申请人食品安全监管码码段；对不符合规定条件的，决定不予许可并书面说明理由。

第三十一条 国家对食品添加剂、食品相关产品的生产实行许可制度；未经许可，任何单位或者个人不得从事食品添加剂、食品相关产品生产活动。

申请食品添加剂、食品相关产品生产许可的条件、程序，依照有关工业产品生产许可证管理的行政法规执行。

第三十二条 申请从事食品添加剂新品种、食品相关产品新品种生产活动的单位和个人，应当向国务院授权负责食品安全风险评估的部门提交相关产品的安全性评估材料。国务院授权负责食品安全风险评估的部门应当自收到申请之日起60日内组织对相关产品的安全性评估材料进行审查；对符合食品安全要求的，决定准予许可并予以公布；对不符合食品安全要求的，决定不予许可并书面说明理由。

Article (29) The State implements a supervision code system for food, food additives and food-related products. Particular measures and procedures of implementation shall be developed by relevant State Council departments.

Article (30) Any organization or individual applying to produce and/or trade food shall submit the relevant materials to the food production supervision and administration departments for distribution and provision of catering services at the county level or above that prove such organization or individual meets the conditions set forth in Article 28.

The administrative department for supervision and administration of food production, distribution and provision of catering services, at or above the county level, shall review materials submitted by the applicants within their respective duties and responsibilities, and check the places of production and/or trading of the applicants as necessary. Any applicant that meets the conditions shall be granted a permit and issued a license for food production, distribution or provision of catering services. The food production license issuer shall also issue a range of food safety supervision codes to food producers that operate under the food safety supervision code system. Any applicant failing to meet the licensing conditions will be rejected and given a written explanation of the reasons.

Article (31) The State implements a licensing system for food additive and food-related product production. No organization or individual shall produce food additives or food-related products without a license.

The conditions and application procedures for food additive and food-related product production licenses shall be subject to the relevant administrative regulations governing licenses for the production of industrial products.

Article (32) Any organization or individual applying to produce new types of food additives and/or food-related products shall submit the safety assessment materials of the new products to the State Council authorized administrative department responsible for food safety risk assessment. The safety assessment materials shall be reviewed within sixty (60) days of application. If the food safety requirements are met, a license shall be granted and a public announcement made. If the application is rejected a written response will be given explaining the reasons why the food safety requirements were not met.

第三十三条 食品生产企业应当符合良好生产规范要求。国家鼓励食品生产经营企业实施危害分析与关键控制点体系，提高食品安全管理水平。

第三十四条 食品生产经营者应当建立并执行从业人员健康管理制度。患有痢疾、伤寒、甲型病毒性肝炎等消化道传染病的人员，以及患有活动性肺结核、化脓性或者渗出性皮肤病等有碍食品安全的疾病的人员，不得从事接触直接入口食品的工作。

第三十五条 食品生产经营者不得在食品中添加药品，但是，可以添加按照传统既是食品又是中药材的物质。按照传统既是食品又是中药材的物质的目录由国务院授权的部门制定、公布。

销售的食品添加剂、食品相关产品或者生产食品所使用的食品添加剂、食品相关产品应当经检验合格。食品生产者使用食品添加剂应当符合食品安全标准并向县级食品生产监督管理部门备案。

第三十六条 食品生产经营者生产经营的食品，有食品安全标准的，应当符合食品安全标准；没有食品安全标准的，应当无毒、无害，符合应当有的营养要求和本法规定的其他要求。

第三十七条 禁止任何单位或者个人从事下列食品生产经营活动：

- (一) 生产经营含有国家明令禁用物质的食品或者国家为防病等特殊需要明令禁止生产经营的食品；

Article (33) Food producers shall conform to good manufacturing practices. The State encourages food producers to implement the Hazard Analysis and Critical Control Point System to improve food safety management.

Article (34) Producers and traders of food shall establish and implement an employee health management system. No person who has a digestive tract infection including dysentery, typhus, viral hepatitis A, active pulmonary tuberculosis, purulent or weeping skin diseases that adversely affect food safety shall work in direct contact with food for consumption.

Article (35) Food producers shall not add any medicine to food, unless the added substance is conventionally deemed both food and traditional Chinese medicine. The catalogue of the substances conventionally deemed both food and Chinese traditional medicine shall be developed and publicized by the State Council authorised administrative department.

Food additives and food-related products on the market, or the food additives and food-related products used for food production shall be inspected and approved. Food additives used by food producers shall conform to food safety standards and be reported to, and recorded by, the administrative department for supervision and administration of food production at the county level.

Article (36) Food produced or traded by food producers or traders shall conform to food safety standards if such standards are available, or shall be non-toxic, harmless and meet reasonable nutritional and other requirements hereunder if no such standards are available.

Article (37) No organization or individual shall engage in the following food production and trading activities:

- 1) Producing or trading food containing substances expressly prohibited by the State or food expressly prohibited by the State from production and trading for disease prevention and control purposes;

- (二) 经营病死、毒死或者死因不明的禽、畜、兽、水产动物肉类，或者生产经营病死、毒死或者死因不明的禽、畜、兽、水产动物肉类的制品；
- (三) 用非食品原料生产食品或者在食品中添加非食品用化学物质，或者用回收食品作为原料生产食品；
- (四) 生产经营营养成分不符合食品安全标准的专供婴幼儿的主辅食品；
- (五) 经营腐败变质、油脂酸败、霉变、生虫、污秽不洁、混有异物或者感官性状异常的食品；
- (六) 生产经营致病性微生物、农药残留、兽药残留、重金属、污染物质以及其他危害人体健康的物质含量超过国家标准限量的食品；
- (七) 生产经营未经动物卫生监督机构检疫或者检疫不合格的肉类，或者生产经营未经检验或者检验不合格的肉类制品；
- (八) 生产经营掺假、掺杂的食品；
- (九) 经营被包装材料、容器、运输工具污染的食品；
- (十) 生产经营无标签的预包装食品；
- (十一) 生产经营其他不符合食品安全要求的食品。

第三十八条 食品生产者应当建立食品原料、食品添加剂、食品相关产品查验记录制度，查验食品原料、食品添加剂、食品相关产品供货者的食品生产许可证或者食品流通许可证、营业执照、食品出厂的检验报告或者其他有关食品合格的证明文件，并如实记录食品原料、食品添加剂、食品相关产品的名称、规格、数量、供货者名称及其联系方式、进货日期等内容；对已经实行食品安全监管码管理的食品原料、食品添加剂、食品相关产品，还应当查验食品安全监管码；不得采购或者使用不符合食品安全标准的食品原料、食品添加剂、食品相关产品。

- 2) Trading meat of any bird, livestock, beast, or waterborne animal which has been killed by disease, poison or any unidentified cause, or producing or trading products from meat of any bird, livestock, beast, or waterborne animal which has been killed by disease, poison or any unidentified cause;
- 3) Producing food with non-food raw material or adding non-edible chemicals to food, or producing food with recovered food as raw materials of;
- 4) Producing or trading staple and supplementary food exclusively for babies, the nutritional ingredients of which fail to meet food safety standards;
- 5) Trading food which is rotten or spoilt, or has rancid fat, mildew or insects, or is contaminated or dirty, or contains foreign material or displays any other organoleptic irregularity;
- 6) Producing or trading food which exceed national standard limits in content or concentration of pathogenic micro organisms, pesticide residues, animal medicine residues, heavy metals, contaminants, and other substances that in food may be hazardous to human health;
- 7) Producing or trading meat or meat products which have not been quarantined or inspected by animal health supervision authorities or fail to pass such quarantine or inspection;
- 8) Producing or trading adulterated or forged food;
- 9) Trading food contaminated by packaging materials, containers or transportation means;
- 10) Producing or trading pre-packaged products without labels;
- 11) Producing or trading other food failing to meet food safety requirements.

Article (38) Food producers shall establish verification systems for food raw material, food additives, and food-related products to verify food production or distribution licenses, business licenses, inspection reports for outgoing food and other certificates supporting acceptability of food from suppliers of food raw material, food additives, or food-related products. They shall correctly record such information as the name, specification, quantity, supplier name and contact information, and purchase date of the food raw material, food additives, and food-related products. In respect of food raw material, food additives, and food-related products subject to the food safety supervision code

食品原料、食品添加剂、食品相关产品查验记录不得涂改、伪造，其保存期限不得少于2年。

第三十九条 预包装食品的包装上应当有标签。标签应当标明下列事项：

- (一) 名称、规格、净含量、生产日期；
- (二) 成分或者配料表；
- (三) 生产者的名称、地址、联系方式；
- (四) 保质期；
- (五) 产品标准代号；
- (六) 保存条件；
- (七) 所使用的食品添加剂；
- (八) 食品生产许可证编号；
- (九) 法律、法规或者食品安全标准规定必须标明的其他事项。

专供婴幼儿的主辅食品，其标签还应当标明主要营养成分及其含量；已经实行食品安全监管码管理的食品，其标签还应当标明食品安全监管码。

第四十条 获得食品安全监管码的食品生产者，应当在其生产的食品上市之前，向颁发食品生产许可证的食品生产监督管理部门报送食品的生产日期、产品检验合格信息以及实时更新的其他信息。

第四十一条 食品添加剂应当有标签、说明书和包装，其说明书或者标签应当标明本法第三十九条第（一）项至第（六）项、第（八）项、第（九）项规定的事项，以及食品添加剂的使用范围、用量、使用方法，并在标签上标明“食品添加剂”字样。

system, the food safety supervision code shall be verified.

Any food raw material, food additives, and food-related products that do not meet food safety standards shall not be purchased or used.

The verification records for food raw material, food additives, and food-related products shall not be altered or forged, and shall be maintained for at least two years.

Article (39) Pre-packaged food shall have a label on its package. The label shall indicate:

- 1) The name, specification, net content and date of production;
- 2) Ingredients or formulation;
- 3) Producer name, address and contact information;
- 4) Shelf life;
- 5) Product standard(s) code;
- 6) Storage conditions;
- 7) Food additives used;
- 8) Food Production License Number; and
- 9) Other information to be indicated in accordance with applicable legislation, regulation and national food safety standards.

The labels on staple and supplementary food exclusively for babies shall indicate the main nutritional ingredients and their contents. Food subject to the food safety supervision code system shall have a label indicating the food safety supervision code.

Article (40) Food producers that operate under the food safety supervision code system shall at all times, prior to the market release of produced food, report the production date, food inspection and other information to the administrative department for supervision and administration of food production that issues the food production license.

Article (41) Food additives must have a label, instructions and packaging. The instructions or label must include the information required in Article 39.1~6, 8 and 9, and the scope of use, dosage and application of the food additive, with the words “Food Additive” indicated on the label.

第四十二条 食品和食品添加剂的标签、说明书、包装，不得含有虚假、夸大的内容，不得涉及疾病预防、治疗、诊断功能。食品生产者对标签、说明书、包装上的声称承担法律责任。

食品和食品添加剂的标签、说明书应当清楚，容易辨识。

第四十三条 食品生产者应当建立食品出厂检验记录制度，查验出厂食品的检验合格证和安全状况，并如实记录食品的名称、规格、数量、生产日期、生产批号、检验合格证号、购货者名称及其联系方式、销售日期等内容；对不符合食品安全标准以及与食品标签、说明书、包装所标明的内容不符的食品，不得上市销售。

食品出厂检验记录不得涂改、伪造，其保存期限不得少于2年。

第四十四条 食品经营者采购食品，对已经实行食品安全监管码管理的，应当查验食品安全监管码；对尚未实行食品安全监管码管理的，应当查验下列事项：

- (一) 供货者有无食品生产许可证或者食品流通许可证、营业执照；
- (二) 有无食品出厂的检验报告或者其他有关食品合格的证明文件。

第四十五条 食品经营者应当建立食品进货查验记录制度，如实记录食品的名称、规格、数量、生产日期、生产批号、保质期、供货者名称及其联系方式、进货日期等内容。

食品进货查验记录不得涂改、伪造，其保存期限不得少于2年。

Article (42) Labels, instructions and packaging for food and food additives shall not contain false or exaggerated information. They shall not make statements concerning the function of the food in preventing, treating or diagnosing any disease. Food producers shall undertake legal liability for declarations on the label, instructions and packaging.

Labels and instructions for food and food additives shall be made clear and conspicuous.

Article (43) Food producers shall establish and maintain records of outgoing food inspections, check inspection certificates and the safety condition of outgoing food. They shall correctly record such information as the name, specification, quantity, production date, batch number, inspection certificate number, purchaser name and contact information, and sale date. Any food failing to meet food safety standards or inconsistent with the label information, instructions or food packaging shall not be released on the market for sale.

Outgoing food inspection records shall not be altered or forged, and shall be maintained for at least two years.

Article (44) Food traders shall, when purchasing food subject to the food safety supervision code system, verify the food safety supervision code thereof, or verify the following items when purchasing food not subject to the food safety supervision code system:

- 1) Whether the supplier has a food production license or food distribution and business license; and
- 2) Whether an outgoing inspection report or another certificates supporting the acceptability of the food is provided.

Article (45) Food traders shall establish and maintain incoming food inspection records and correctly record such information as the name, specification, quantity, production date, batch number, shelf life, supplier name and contact information, and purchase date.

Incoming food inspection records shall not be altered or forged, and shall be maintained for at least two years.

第四十六条 食品经营者应当按照保证食品安全的要求储存食品，定期检查库存食品，及时清理变质的食品。

第四十七条 食品经营者储存散装食品，应当在储存位置标明食品的名称、生产日期、保质期、生产者名称及其联系方式等内容。

食品经营者销售散装食品，应当在散装食品的容器、外包装上标明食品的名称、生产日期、保质期、生产者名称及其联系方式和经营者名称及其联系方式。

第四十八条 食品经营者应当按照食品标签或者说明书标示的警示标志、警示说明或者注意事项的要求，销售预包装食品。

食品经营者应当向消费者承诺其销售的食品符合食品安全要求，并对所作的承诺承担相应的责任。

第四十九条 在集中交易市场、柜台出租场所和展销会内从事食品经营活动的，应当具备本法第二十八条规定的条件。

集中交易市场的开办者、柜台出租者和展销会举办者，应当审查入场食品经营者的食品流通、餐饮服务许可证，明确入场食品经营者的食品安全管理责任，定期对入场食品经营者的经营环境、条件、内部食品安全管理制度是否符合法定要求和经营的食物是否安全进行检查，发现食品经营者经营不安全食品或者有其他违反本法规定的行为的，应当及时制止并立即报告所在地县级食品流通、餐饮服务监督管理部门；因本市场经营的食物造成食品安全事故的，应当承担连带责任。

第五十条 运输食品的，应当使用安全、无毒、无害、清洁的运输工具，符合保证食品安全所需的温度等特殊要求，不得将食品与有毒、有害物质一同运输。

Article (46) Food traders shall store food in accordance with food safety assurance requirements. They shall regularly check food in storage and promptly remove spoiled food.

Article (47) Food traders shall, when storing food in bulk, indicate such information as the food product name, production date, shelf life, and producer name and storage place contact information.

Food traders shall, when selling bulk food, indicate on the container and external package thereof the food product name, production date, shelf life, producer name and contact information, and trader name and contact information.

Article (48) Food traders shall sell pre-packaged food in accordance with the usage, instructions or precautions indicated on labels or in the food instructions.

Food traders shall undertake to consumers that the food they sell conforms to food safety requirements and assume relevant responsibilities and liabilities for such undertaking they have made.

Article (49) Food traded in central trading markets, stall-leasing places and trade fairs shall meet conditions provided in Article 28.

Central trading market operators, stall leasers, and organizers of trade fairs shall review the admitted food traders food distribution and catering service permits. They shall specify the admitted food traders food safety management responsibilities. They shall regularly inspect the legal compliance of the operating environment, admitted food traders conditions and internal food safety management systems, as well as the safety of food traded. Immediately upon detection, they shall prevent any trading of unsafe food or any other activities in breach of this Law and promptly report the incident to the local administrative department for supervision and administration of food distribution and provision of catering services at the county level. Any food safety incident caused by any food traded in such marketplaces will result in joint and several liabilities of such operators of central trading markets, stall leasers, and organizers of trade fairs.

Article (50) Food shall be transported by safe, non-toxic, risk-free and clean transportation means that meet special requirements, such as temperature, necessary to assure food safety. Food shall not be transported together with toxic or hazardous products.

第五十一条 国家建立食品召回制度。食品生产者发现其生产的食品不安全，应当立即停止生产，向社会公布有关信息，通知相关生产经营者停止生产经营该食品、消费者停止使用该食品，召回已经上市销售的食品，并记录召回情况。

食品经营者发现其经营的食品不安全，应当立即停止经营，通知相关生产经营者停止生产经营该食品、消费者停止使用该食品，并记录通知情况。

食品生产经营者对召回的食品应当采取销毁、无害化处理等措施，防止该食品再次流入市场。

第五十二条 食品广告的内容应当真实，不得含有虚假、夸大的内容，不得涉及疾病预防、治疗、诊断功能。

第五十三条 县级以上地方人民政府应当采取措施，鼓励食品摊贩进入集中交易市场、店铺等固定场所经营。

食品摊贩的管理办法由省、自治区、直辖市人民代表大会常务委员会根据本法制定。

第六章 食品进出口

第五十四条 进口的食品、食品添加剂以及食品相关产品应当符合我国食品安全国家标准。

对首次进口的食品添加剂新品种、食品相关产品新品种，或者首次进口的尚无食品安全国家标准且无相关国际标准、条约、协定要求的食品，其进口商应当向国务院 授权负责食品安全风险评估的部门提出申请并提交相关的安全性评估材料。国务院授权负责食品安全风险评估的部门依照本法第三十二条的规定作出是否准予许可的 决定。

Article (51) A food recall system shall be established. Where a food producer detects production of any unsafe food, the food producer shall immediately stop production and disclose relevant information to the public, notify relevant producers and traders to cease production and trade of such food, notify consumers to cease consumption of such food, recall such food released to the market, and record all recalls.

Where a food trader detects the trade of any unsafe food, the food trader shall immediately stop trading, notify relevant producers and traders to cease production and trade of such food, notify consumers to cease consumption of such food, and record all notifications.

Food producers and traders shall destroy or render harmless recalled food to prevent re-entry into the market.

Article (52) Food advertisements shall provide truthful information and shall not include any false or exaggerated information or any statement of functions for treating or diagnosing any disease.

Article (53) Local people's governments above county level shall take actions to encourage food vendors to trade in fixed marketplaces, such as central trading markets or shops.

Food vendor administration measures shall be developed by the standing committees of people's congresses of provincial, autonomous region and municipalities directly under the central government, pursuant to this Law.

Chapter 6: Food Import and Export

Article (54) Imported food, food additives and food-related products shall comply with China's national food safety standards.

In respect of new types of food additives and/or food-related products imported for the first time, or food imported for the first time which are not covered by existing national food safety standards or international standards, treaties or agreements, the importer thereof shall submit an application for import accompanied by relevant safety assessment materials to the State Council authorized food safety risk assessment administrative department. The State Council shall authorize the food safety risk assessment administrative department to approve or reject such applications at its discretion.

进口食品应当经出入境检验检疫机构检验合格。海关凭出入境检验检疫机构签发的通关证明放行。

第五十五条 境外发生的食品安全事件可能对我国境内造成影响，或者在进口食品中发现严重食品安全问题的，国务院出入境检验检疫主管部门应当及时采取风险预警措施，并向国务院食品生产、流通、餐饮服务监督管理部门以及国务院授权负责食品安全风险评估的部门通报。接到通报的部门应当及时采取相应措施。

第五十六条 向我国境内出口食品的出口商或者代理商应当向国务院出入境检验检疫主管部门备案。向我国境内出口食品的境外食品生产企业应当经国务院出入境检验检疫主管部门注册。

国务院出入境检验检疫主管部门应当定期公布已经备案的出口商、代理商和已经注册的境外食品生产企业名单。

第五十七条 进口的预包装食品应当有中文标签、中文说明书。标签、说明书应当符合本法以及我国其他有关法律、行政法规的规定和食品安全国家标准的要求，标明食品的原产地以及境内代理商的名称、地址、联系方式。预包装食品没有中文标签、中文说明书或者标签、说明书不符合要求的，不得进口。

Imported food shall be inspected and approved by the exit-entry inspection and quarantine authority. Customs shall only allow products with a exit-entry inspection and quarantine authority inspection certificates to be imported.

Article (55) Where any food safety incident that occurs outside China may impact within China, or any imported food is detected with a serious food safety problem, the State Council administrative department for exit-entry inspection and quarantine shall promptly take action to avert risk and notify administrative departments for supervision and administration of food production, distribution and provision of catering services as well as the State Council authorized administrative department for food safety risk assessment. The notified departments shall promptly take appropriate action.

Article (56) Exporters or agents exporting food to China shall file a record with the State Council administrative department for exit-entry inspection and quarantine. Overseas food producers exporting food to China shall apply for registration with the State Council administrative department for exit-entry inspection and quarantine.

The State Council administrative department for exit-entry inspection and quarantine shall regularly release the list of exporters and agents and registered overseas food producers.

Article (57) Imported pre-packaged food shall have Chinese labels and Chinese instructions. Such labels and instructions shall conform to this Law and other applicable Chinese legislation and regulations and national food safety standards. Labels and instructions shall indicate the food place of origin and the domestic agent's name, address and contact information. Pre-packaged food without Chinese labels or Chinese instructions or whose labels and instructions fail to meet requirements shall not be imported.

第五十八条 进口商应当建立食品进口和销售记录制度，如实记录食品的名称、规格、数量、生产日期、生产或者进口批号、保质期、出口商名称及其联系方式、购货者名称及其联系方式、交货日期等内容；食品进口和销售记录不得涂改、伪造，其保存期限不得少于2年。

发现进口食品不安全的，该食品的进口商或者境外出口商应当依照本法第五十一条的规定召回该进口食品。

第五十九条 出口的食品应当符合进口国（地区）的强制性要求，并经出入境检验检疫机构检验合格。海关凭出入境检验检疫机构签发的通关证明放行。

出口食品生产企业和出口食品原料种植、养殖场应当向国务院出入境检验检疫主管部门备案。

第六十条 国务院出入境检验检疫主管部门应当收集、汇总进出口食品安全信息，并及时通报相关部门、机构和企业。

国务院出入境检验检疫主管部门应当建立进出口食品的进口商、出口商和出口食品生产企业良好记录和不良记录，并予以公布。对有不良记录的进口商、出口商和出口食品生产企业，应当加强对其进、出口食品的检验检疫。

第六十一条 我国与食品进出口国（地区）缔结的条约、协定对食品的进出口检验检疫等有规定的，还应当遵守该条约、协定的规定。

Article (58) Food importers shall establish and maintain import and sales records, correctly record such information as the product name, specification, quantity, production date, production or import batch number, shelf life, exporter name and contact information, purchaser name and contact information, and delivery date. The food import and sales records shall not be altered or forged, and shall be maintained for at least two years.

If any imported food is detected as unsafe, the importer or exporter thereof shall recall such imported food pursuant to Article 51.

Article (59) Food to be exported shall comply with the compulsory requirements of the importing country (or region), and be tested and approved by the authority for exit-entry inspection and quarantine. Customs shall only allow products with the inspection certificate issued by the authority for exit-entry inspection and quarantine to be imported.

Producers of exported food, plantations and breeding farms for food raw material for exported food shall file a record with the State Council administrative department for exit-entry inspection and quarantine.

Article (60) The State Council administrative department for exit-entry inspection and quarantine shall collect and summarize information on the safety of imported and exported food and notify the same to all relevant departments, institutions and enterprises.

The State Council administrative department for exit-entry inspection and quarantine shall establish and publicize good and bad records, as the case may be, of importers, exporters, and producers of exported food. Importers, exporters, or producers of exported food with bad records shall be subject to more stringent inspection and quarantine of imported or exported food.

Article (61) If any concluded international treaty to which China is a party or other agreement or protocol signed between China and other countries (or regions) provides otherwise on the import and export of food, the provisions of the international treaty, agreement, or protocol shall prevail.

第七章 食品安全事故预防和处置

第六十二条 国务院组织制定国家食品安全事故应急预案。

县级以上地方人民政府应当根据有关法律、法规的规定和上级人民政府的食品安全事故应急预案以及本地区的实际情况，制定本行政区域的食品安全事故应急预案，并报上一级人民政府备案。

食品生产经营企业应当制定食品安全事故处置方案，定期检查本企业各项食品安全防范措施的落实情况，及时消除食品安全事故隐患。

第六十三条 发生食品安全事故，事故单位负责人应当立即按照食品安全事故处置方案予以处置，防止事故扩大，并立即向事故发生地县级负责食品安全事故调查和处理的部门，食品生产、流通、餐饮服务监督管理部门以及疾病预防控制机构报告，不得隐瞒、谎报、缓报，不得故意破坏事故现场、毁灭有关证据。

第六十四条 县级以上疾病预防控制机构接到发生食品安全事故的报告后，应当对事故现场进行卫生处理，并对食品生产经营活动中与食品安全事故有关的因素开展流行病学调查。对由寄生虫、传染性病原微生物引发的食品安全事故，负责流行病学调查的疾病预防控制机构应当依照传染病防治法的规定报告；对由非传染性食源性疾病引发的食品安全事故，应当查明原因，并将调查结果通报食品生产、流通、餐饮服务监督管理部门；对由食用农产品引发的食品安全事故，还应当将调查结果通报农业主管部门。

Chapter 7: Prevention of, and Response to, Food Safety Incidents

Article (62) The State Council shall make emergency plans for national food safety incidents.

Governments at the county level or above shall make emergency response plans for food safety incidents within their respective jurisdictions based on the particulars of the locality and the superior government's emergency response plans and shall submit their plans to their superior government agency to record.

Food producers and traders shall make individual food safety incidents response plans. They shall regularly inspect the implementation of food safety measures to promptly avoid potential food safety incidents.

Article (63) The organization chief executive where a food safety incident has occurred, shall promptly take effective actions to control the extent of the incident in accordance with the food safety incident response plan. The incident shall be reported immediately to departments for investigation and management of food safety incidents, administrative departments for supervision and administration of food production, distribution and provision of catering services and authorities for disease prevention and control in the county where the incident happened, without concealing, lying, delaying, or intentionally destroy the scene or evidence.

Article (64) The authority for disease prevention and control at the county level or above shall, upon receiving food safety incident reports, hygienically treat the incident site and make an epidemiological investigation into the food production and trading activities and other factors relating to the food safety incident. If the incident is confirmed as being caused by parasitic or infectious microorganisms, it shall be reported by the authority for epidemiological investigation in accordance with the infectious disease prevention and control legislation. If the incident is caused by other non-infectious food borne diseases, the causes shall be identified and the investigation result shall be reported to the administrative department for supervision and administration of food production, distribution and provision of catering services. In the case of any food safety incident caused by edible agricultural products, the investigation result shall be reported to the administrative department for agriculture.

食品生产、流通、餐饮服务监督管理部门应当对疾病预防控制机构的调查予以配合。疾病预防控制机构认为需要采取控制措施的，应当向食品生产、流通、餐饮服务 监督管理部门提出建议。有关部门应当依照本法第六十九条的规定立即采取相应的措施，防止或者减轻社会危害；食品安全事故导致人体伤害的，县级以上人民政府 卫生主管部门应当组织开展救治工作。

第六十五条 发生重大食品安全事故，设区的市级以上人民政府负责食品安全事故调查和处理的部门应当立即会同有关部门进行事故责任调查，督促有关部门履行职责，向本级人民 政府提出事故责任调查报告；必要时，报请本级人民政府批准或者受本级人民政府指派，可以独立开展事故责任调查，并提出事故责任调查报告。

第六十六条 调查食品安全事故，除了查明事故单位的责任，还应当查明负有审批和监督管理职责的监督管理部门的工作人员失职、渎职情况。

第八章 监督管理

第六十七条 县级以上地方人民政府组织本级食品生产、流通、餐饮服务监督管理部门，根据本行政区域上一年度食品安全状况，制定本行政区域的安全年度监督管理计划。

县级以上地方食品生产、流通、餐饮服务监督管理部门应当按照本行政区域的安全年度监督管理计划开展工作。

The administrative departments for overseeing food production, distribution, and provision of catering services shall cooperate with the disease prevention and control authority and the latter shall propose actions to the former as it deems necessary. The relevant administrative departments shall take appropriate controls in accordance with Article 69 to prevent or mitigate hazards to the larger community. In the case of personal injuries due to food safety incidents, the administrative department for health in the government at the county or higher level shall organize rescue and treatment.

Article (65) In the case of a major food safety incident, the administrative department for the investigation and management of food safety incidents of the cities or at higher levels with subordinate districts shall, together with relevant departments, investigate immediately, urge relevant departments to fulfill their responsibilities, and submit an investigation report identifying responsibilities to the government at the same level. They may, if necessary and subject to approval of the government at the same level, undertake an independent investigation into these liabilities and submit a report identifying them.

Article (66) Investigation of food safety incidents shall, in addition to identifying the liabilities of the organization where the incident occurred, also investigate any negligence or misconduct by supervision and administration department officers responsible for approval, supervision and administration.

Chapter 8: Supervision and Administration

Article (67) Local people's governments at the county level or above shall organize the administrative department for supervision and administration of food production, distribution and provision of catering services, at the same level to draft an annual plan for food safety supervision and administration within their jurisdictions according to the particular food safety situations within their jurisdictions.

The local administrative departments for supervision and administration of food production, distribution and provision of catering services at the county level or above shall carry out work in accordance with the annual plan for supervision and administration of food safety within their jurisdictions.

第六十八条 对通过良好生产规范、危害分析与关键控制点体系认证的食品生产经营企业，认证机构应当依法实施跟踪调查；对不再符合认证要求的企业，应当依法撤销认证，并及时向相关的食品生产、流通、餐饮服务监督管理部门通报。

第六十九条 食品生产、流通、餐饮服务监督管理部门履行各自食品安全监督管理职责，有权采取下列措施：

- (一) 进入生产经营场所实施现场检查；
- (二) 查阅、复制、查封、扣押有关合同、票据、账簿以及其他有关资料；
- (三) 查封、扣押有证据证明不安全的食品，违法使用的食品原料、食品添加剂、食品相关产品以及用于违法生产经营或者被污染的工具、设备；
- (四) 查封违法从事食品生产经营活动的场所。

第七十条 食品生产、流通、餐饮服务监督管理部门需要对食品进行抽查检验的，应当购买抽取的样品，不得收取抽查检验费和其他任何费用。

对食品生产、流通、餐饮服务监督管理部门已经抽查检验并获得合格证明文件的食品，其他食品生产、流通、餐饮服务监督管理部门不得另行抽查检验。

食品生产、流通、餐饮服务监督管理部门可以采用国务院有关部门认定的快速检测方法，对食品进行抽查检验。

Article (68) Food producers and traders certified for good manufacturing practices and the Hazard Analysis and Critical Control Point (HACCP) system shall be subject to follow-up surveys from certification agencies pursuant to law. Certification of anyone previously certified but no longer meeting certification requirements, shall be cancelled and notified to the relevant administrative departments for supervision and administration of food production, distribution and provision of catering services.

Article (69) Administrative departments for supervision and administration of food production, distribution and provision of catering services may take the following actions in the course of performing their respective duties of supervising and administrating food safety:

- 1) Entering production and trading sites for field inspection;
- 2) Reviewing, copying, seizing and detaining relevant contracts, documents and books and other relevant information;
- 3) Seizing and detaining food proven unsafe, illegally used food raw material, food additives and food-related products, and equipment and tools contaminated or used for illegal production or trading; and
- 4) Closing down places of illegal production and trading of food.

Article (70) Where administrative departments for supervision and administration of food production, distribution and provision of catering services need to sample and inspect food, they shall purchase sample products and will not charge any inspection fee or any other costs and expenses.

Once food has been sampled, inspected and issued a certificate of acceptance by an administrative department for supervision and administration of food production, distribution and provision of catering services, other administrative departments for supervision and administration of food production, distribution and provision of catering services shall not conduct another sampling and inspection.

The administrative department for supervision and administration of food production, distribution and provision of catering services may sample and inspect food with quick testing methods approved by relevant State Council departments.

第七十一条 食品生产、流通、餐饮服务监督管理部门对食品生产经营者进行监督检查，应当记录监督检查的情况和处理结果。监督检查记录经监督检查人员和食品生产经营者签字后归档。

第七十二条 食品生产、流通、餐饮服务监督管理部门应当建立食品生产经营者食品安全信用档案，记录许可证颁发、日常监督检查结果、违法行为查处等情况。

食品生产、流通、餐饮服务监督管理部门应当根据食品安全信用档案的记录，对有不良信用记录的食品生产经营者增加监督检查频次。

第七十三条 县级以上食品生产、流通、餐饮服务监督管理部门接到咨询、投诉、举报，对属于本部门职责的，应当受理，并及时进行核实、处理、答复；对不属于本部门职责的，应当书面通知并移交有权处理的部门处理。有权处理的部门应当立即处理，不得推诿。

第七十四条 县级以上食品生产、流通、餐饮服务监督管理部门实施食品安全监督管理，应当按照法定权限和程序履行职责，做到公开、公平、公正；对生产经营者同一违法行为，不得给予2次以上罚款的行政处罚，对涉嫌构成犯罪、依法需要追究刑事责任的，应当依法向公安机关移送。

Article (71) The administrative department for supervision and administration of food production, distribution and provision of catering services, shall record the results of supervision, inspection and punishment, if any, in the course of overseeing and inspecting food producers and traders. Such records shall be signed by supervision and inspection officers and food producers and traders before filing.

Article (72) The administrative department for supervision and administration of food production, distribution and provision of catering services, shall establish and maintain food safety credit records for food producers and traders, record issuance of licenses, results of daily supervision and inspection, and punishment of illegal activities.

The administrative department for supervision and administration of food production, distribution and provision of catering services, shall increase the frequency of supervising and inspecting food producers and traders with bad credit records in line with such food safety credit records.

Article (73) The administrative department for supervision and administration of food production, distribution and provision of catering services, at the county level or above shall, upon receiving any inquiry, complaint or information from a whistleblower, accept, promptly verify, and deal with such an inquiry, complaint or other information and reply. These departments shall transfer matters beyond their duty and authority to other departments empowered to deal with such matters, which shall act immediately and not shift responsibility to others.

Article (74) The administrative department for supervision and administration of food production, distribution and provision of catering services, at the county level or above shall oversee and administer food safety on an open, fair and just basis according to their statutory authority and procedures. They shall not impose two or more administrative penalty fines on the same illegal food producer or trader activity. Anyone suspected of activities that require criminal investigation shall be transferred to public security authorities according to the law.

第七十五条 国家建立食品安全信息统一公布制度。下列信息由国务院授权负责食品安全信息公布的部门统一公布：

- (一) 食品安全风险警示信息；
- (二) 食品安全事故信息；
- (三) 其他可能引起消费者恐慌的食品安全信息和国务院确定的需要统一公布的其他信息。

前款规定的信息，其影响限于特定区域的，也可以由有关省、自治区、直辖市人民政府确定的部门公布。食品生产、流通、餐饮服务监督管理部门依据各自职责公布食品安全日常监督管理信息。

国务院授权负责食品安全信息公布的部门或者省、自治区、直辖市人民政府确定的部门发布信息，应当做到及时、客观、准确，并对不安全食品可能产生的危害加以解释、说明，避免引起消费者恐慌。

第七十六条 县级以上农业和食品生产、流通、餐饮服务监督管理部门获知本法第七十五条第一款规定的需要统一公布的信息，应当立即向上级主管部门报告，由上级主管部门立即报告国务院授权负责食品安全信息公布的部门；必要时，可以直接向国务院授权负责食品安全信息公布的部门报告。

县级以上农业和食品生产、流通、餐饮服务监督管理部门应当相互通报获得的食品安全信息。

Article (75) The State shall establish a unified food safety information system. The following information shall be centrally disclosed by State Council authorized administrative departments responsible for publishing food safety information:

- 1) Food safety risk alert information;
- 2) Food safety incident information; and
- 3) Other food safety information that may cause customer panic and information identified by the State Council as requiring widespread disclosure.

The information set forth in the previous paragraph may, if its impact is limited to particular regions, be disclosed by the departments designated by the people's governments of relevant provinces, autonomous regions and municipalities directly under the central government. The administrative department for supervision and administration of food production, distribution and provision of catering services, shall disclose information on daily supervision and administration of food safety in accordance with their duties and responsibilities.

The State Council authorized administrative department responsible for disclosing food safety information, or the departments designated by the people's governments of provinces, autonomous regions and municipalities directly under the central government, to avoid consumer panic shall disclose information on a timely, objective and accurate basis, and provide explanations for, and descriptions of, any possible hazards from unsafe food.

Article (76) The administrative departments for agriculture and the administrative departments for supervision and administration of food production, distribution and provision of catering services at the county level or above shall, immediately upon receiving information requiring central disclosure pursuant to Article 75(1), report to their superior departments, which then shall immediately report to the State Council authorized administrative department responsible for disclosing food safety information, and, if necessary, they may directly report to the State Council authorized administrative department responsible for disclosing food safety information.

Any administrative departments for agriculture or administrative departments for supervision and administration of food production, distribution and provision of catering services at the county level or above must notify each other of any food safety related information.

第七十七条 依照本法规定负有食品安全信息报告、通报职责的有关部门，应当按照规定的时间报告、通报食品安全信息，不得隐瞒、谎报、缓报。

第九章 法律责任

第七十八条 违反本法规定，未取得食品生产、流通或者餐饮服务许可证从事食品生产经营活动，或者未经许可生产食品添加剂、食品相关产品，构成非法经营罪的，依照刑法第二百二十五条的规定追究刑事责任；尚不构成犯罪的，由县级以上食品生产、流通、餐饮服务监督管理部门依据各自职责，没收违法所得、违法生产经营的食品和用于违法生产经营的工具、设备、食品原料等物品，货值金额不足1万元的，并处10万元罚款；货值金额1万元以上的，并处货值金额10倍以上20倍以下的罚款。

食品生产经营者依法取得食品生产、流通或者餐饮服务许可证后，不再具备本法规定的生产经营条件仍从事食品生产经营活动，构成非法经营罪，或者生产、销售不符合卫生标准的食品罪，或者生产、销售有毒、有害食品罪的，依照刑法第二百二十五条、第一百四十三条或者第一百四十四条的规定追究刑事责任；尚不构成犯罪的，由县级以上食品生产、流通、餐饮服务监督管理部门依据各自职责，没收违法所得、违法生产经营的食品和用于违法生产经营的工具、设备、食品原料等物品，货值金额不足5000元的，并处5万元罚款；货值金额5000元以上不足1万元的，并处10万元罚款；货值金额1万元以上的，并处货值金额10倍以上20倍以下的罚款；造成严重后果的，由原发证部门吊销其食品生产、流通或者餐饮服务许可证。

Article (77) Administrative departments responsible for reporting and notifying food safety information under this Law shall report and notify food safety information as scheduled without concealing, lying or delaying.

Chapter 9: Legal Liabilities

Article (78) Any food producer or trader engaged in food production or trading activities without a license for food production, distribution or provision of catering services, or producing food additives or food-related products without permit in violation of this Law shall: 1) if the crime of illegal business operation is committed, be subject to criminal prosecution pursuant to Article 225 of the Criminal Law; 2) if no crime is committed, have any and all illegal benefits, including food illegally produced or traded, and tools, equipment and food raw material, among others, used for illegal production or trading of food confiscated by the administrative department for supervision and administration of food production, distribution and provision of catering services, at the county level or above according to their respective duties and responsibilities, and be subject to a fine of RMB 100,000 if the total value of the commodity is less than RMB 10,000; and 3) be subject to a fine between 10 and 20 times the total value of the commodity if the total value of the commodity exceeds RMB 10,000.

Any food producer or trader engaged in food production or trading activities who is disqualified from food production or trading under this Law after obtaining a license for food production, distribution or provision of catering services shall: 1) if the crime of illegal business operation, or the crime of producing or selling food failing to meet health standards, or the crime of producing or selling toxic or hazardous food is committed, be subject to criminal prosecution pursuant to Articles 225, 143 and 144 of the Criminal Law; 2) if no crime is committed, the administrative department for supervision and administration of food production, distribution and provision of catering services, at the county level or above according to their respective duties and responsibilities shall confiscate any and all illegal benefits, food illegally produced or traded, and tools, equipment and food raw material, among others, used for illegal production or trading of food, and the food producer or trader shall and be subject to a fine of RMB 50,000 if the total value of the commodity is less than RMB 5,000; 3) be subject to a fine of RMB 100,000 if the total value of commodity is above RMB 5,000 and less than RMB 10,000; 4) be subject to a fine between 10 and 20

第七十九条 有下列情形之一，构成生产、销售不符合卫生标准的食品罪或者生产、销售有毒、有害食品罪的，依照刑法第一百四十三条或者第一百四十四条的规定依法追究刑事责任；尚不构成犯罪的，由县级以上食品生产、流通、餐饮服务监督管理部门依据各自职责，没收违法所得、违法生产经营的食品和用于违法生产经营的工具、设备、食品原料等物品，货值金额不足1万元的，并处10万元罚款；货值金额1万元以上的，并处货值金额10倍以上20倍以下的罚款，有食品生产、流通或者餐饮服务许可证的，还应当吊销其许可证：

- (一) 生产经营含有国家明令禁用物质的食品或者国家为防病等特殊需要明令禁止生产经营的食品；
- (二) 经营病死、毒死或者死因不明的禽、畜、兽、水产动物肉类，或者生产经营病死、毒死或者死因不明的禽、畜、兽、水产动物肉类的制品；
- (三) 用非食品原料生产食品或者在食品中添加非食品用化学物质，或者用回收食品作为原料生产食品；
- (四) 生产经营营养成分不符合食品安全标准的专供婴幼儿的主辅食品；
- (五) 经营腐败变质、油脂酸败、霉变、生虫、污秽不洁、混有异物或者感官性状异常的食品；

times the total value of the commodity if the total value of the commodity exceeds RMB 10,000; and 5) be subject to revocation of any license for food production, distribution or provision of catering services by the original issuing department if serious consequences are caused.

Article (79) In any of the following cases, the food producer or trader shall: 1) be subject to criminal prosecution pursuant to Articles 143 or 144 of the Criminal Law if the crime of producing or selling food failing to meet health standards or the crime of producing or selling toxic or hazardous food is committed; 2) if no crime is committed, the administrative department for supervision and administration of food production, distribution and provision of catering services, at the county level or above according to their respective duties and responsibilities shall confiscate any and all illegal benefits, food illegally produced or traded, and tools, equipment and food raw material, among others, used for illegal production or trading of food, and the food producer or trader shall be subject to a fine of RMB 100,000 if the total value of the commodity is less than RMB 10,000; and 3) be subject to a fine between 10 and 20 times the total value of the commodity if the total value of the commodity exceeds RMB 10,000, and have their license revoked, if any license for food production, distribution or provision of catering services has been granted:

- 1) Producing or trading food containing substances expressly prohibited by the State or food expressly prohibited by the State from production and trading for disease prevention and control purposes;
- 2) Trading meat of any bird, livestock, beast, or waterborne animal which has been killed by disease, poison or any unidentified cause, or producing or trading products from meat of any bird, livestock, beast, or waterborne animal which has been killed by disease, poison or any unidentified cause;
- 3) Producing food with non-food raw material or adding non-edible chemicals to food, or producing food with recovered food as food raw material;
- 4) Producing or trading staple and supplementary food exclusively for babies whose nutritional ingredients fail to meet food safety standards;
- 5) Trading food which is rotten or spoilt, has rancid fat, mildew or insects, is contaminated or dirty, or contains foreign material or displays any other organoleptic irregularity;

- (六) 生产经营致病性微生物、农药残留、兽药残留、重金属、污染物质以及其他危害人体健康的物质含量超过国家标准限量的食品;
- (七) 生产经营未经动物卫生监督机构检疫或者检疫不合格的肉类, 或者生产经营未经检验或者检验不合格的肉类制品;
- (八) 生产经营掺假、掺杂的食品。

第八十条 有下列情形之一的, 由县级以上食品生产、流通、餐饮服务监督管理部门依据各自职责, 没收违法所得、违法生产经营的食品和用于违法生产经营的工具、设备、食品原料等物品, 有违法所得的, 并处货值金额5倍以上10倍以下的罚款; 没有违法所得的, 处5000元以上10万元以下的罚款; 情节严重的, 有食品生产、流通或者餐饮服务许可证的, 责令停产停业整顿, 直至吊销其许可证; 构成生产、销售不符合卫生标准的食品罪或者生产、销售有毒、有害食品罪的, 依照刑法第一百四十三条或者第一百四十四条的规定依法追究刑事责任:

- (一) 经营被包装材料、容器、运输工具污染的食品;
- (二) 生产经营无标签的预包装食品或者其他不符合本法规定的食品安全要求的食品;
- (三) 销售未经检验合格的食品添加剂、食品相关产品, 或者食品生产者违反本法规定采购、使用不符合食品安全标准的食品原料、食品添加剂、食品相关产品, 或者不按照食品安全标准使用食品添加剂;
- (四) 食品生产经营者未依照本法规定召回不安全食品或者采取相应措施;

- 6) Producing or trading food which exceeds the national standard limits for content or concentration of pathogenic micro organisms, pesticide residues, animal medicine residues, heavy metals, contaminants, and other substances that may be hazardous to human health in food;
- 7) Producing or trading meat or meat products which have not been quarantined or inspected by the authorities for supervision of animal health or have failed to pass such quarantine or inspection;
- 8) Producing or trading adulterated or forged food;

Article (80) In any of the following cases, the administrative department for supervision and administration of food production, distribution and provision of catering services, at the county level or above according to their respective duties and responsibilities shall confiscate any and all illegal benefits, food illegally produced or traded, and tools, equipment and food raw material, among others, used for illegal production or trading of food, and the food producer or trader shall: 1) if any illegal benefits are obtained, be subject to a fine between 5 and 10 times the total value of the commodity; 2) if no illegal benefits are obtained, be subject to a fine between RMB 5,000 and RMB 100,000; 3) in serious circumstances, be ordered to suspend operations for correction or have their license revoked, if any license for food production, distribution or provision of catering services has been granted; 4) be subject to criminal prosecution pursuant to Articles 143 or 144 of the Criminal Law if the crime of producing or selling food failing to meet health standards or the crime of producing or selling toxic or hazardous food is committed.

- 1) Trading food contaminated by packaging materials, containers or transportation tools;
- 2) Producing or trading pre-packaged food without labels or other food failing to meet food safety requirements set forth in this Law;
- 3) Selling food additives or food-related products that have failed inspection. Food producers purchasing or using food raw materials, food additives or food-related products failing to meet food safety standards in breach of this Law, or food producers failing to use food additives in compliance with food safety standards;
- 4) The food producer or trader fails to recall unsafe food or take appropriate actions pursuant to this Law;

- (五) 获得食品安全监管码的食品生产者未依照本法规定报送有关信息;
- (六) 食品生产经营者违反本法规定在食品中添加药品;
- (七) 食品生产经营者安排患有本法第三十四条所列疾病的人员从事接触直接入口食品的工作。

- 5) The food producer subject to the food safety supervision code system fails to report relevant information pursuant to this Law;
- 6) The food producer or trader adds medicine to food in breach of this Law; or
- 7) The food producer or trader employs persons suffering from any of the diseases set forth in Article 34 of this Law to undertake any work which involves direct contact with food for consumption.

第八十一条 有下列情形之一的，由县级以上食品生产、流通、餐饮服务监督管理部门依据各自职责，责令立即改正，给予警告；拒不改正的，处2000元以上2万元以下的罚款；情节严重的，责令停产停业整顿，直至吊销其食品生产、流通或者餐饮服务许可证：

Article (81) In any of the following cases, the administrative department for supervision and administration of food production, distribution and provision of catering services, at the county level or above shall, according to their duties and responsibilities, 1) order immediate correction and give a warning; 2) if corrective action is not taken, impose a fine between RMB 2,000 and RMB 20,000; 3) in serious circumstances, order suspension of operations or revoke the license for food production, distribution or provision of catering services:

- (一) 食品生产经营者未依照本法规定建立并执行查验记录制度;
- (二) 食品生产者使用食品添加剂未依照本法规定备案;
- (三) 食品经营者未依照本法规定储存、销售食品或者清理库存食品;
- (四) 食品经营者进货时未依照本法规定查验食品安全监管码或者相关证明文件;
- (五) 食品生产者生产的食品的标签、说明书、包装涉及疾病预防、治疗、诊断功能。

- 1) The food producer or trader fails to establish and implement the inspection record system pursuant to this Law;
- 2) The food producer fails to file food additives for record pursuant to this Law;
- 3) The food trader fails to store or sell food or manage food in storage pursuant to this Law;
- 4) The food trader fails to inspect the food safety supervision code or relevant certificates of incoming products pursuant to this Law; or
- 5) The label, instructions or package of the food produced by the food producer refers to the function of the food in preventing, treating or diagnosing any disease.

第八十二条 食品生产经营者一年内实施同一违法行为累计超过3次的，由原发证部门吊销其食品生产、流通或者餐饮服务许可证。

Article (82) Any food producer or trader that conducts the same illegal activity more than three times in any one year shall have its license for food production, distribution or provision of catering services by the original issuing department revoked.

第八十三条 发生食品安全事故，事故单位负责人未依照本法规定进行处置、报告的，由县级以上食品生产、流通、餐饮服务监督管理部门依据各自职责，责令改正，给予警告；违反本法规定破坏事故现场、毁灭证据的，责令停产停业整顿，处2万元以上10万元以下的罚款；造成严重后果的，由原发证部门吊销其食品生产、流通或者餐饮服务许可证。

第八十四条 有下列情形之一的，依照本法第七十九条的规定给予处罚：

- (一) 进口不符合我国食品安全国家标准食品；
- (二) 首次进口食品添加剂新品种、食品相关产品新品种，或者首次进口尚无食品安全国家标准且无相关国际标准、条约、协定要求的食品，未依照本法规定履行审批手续；
- (三) 出口商未遵守本法的规定出口食品或者出口的食品不符合本法规定的要求。

进口商未依照本法规定召回不安全的进口食品的，依照本法第八十条的规定给予处罚。

进口商未依照本法规定建立并执行食品进口和销售记录制度的，依照本法第八十一条的规定给予处罚。

第八十五条 食品生产经营者依照本法规定履行了不安全食品召回义务，未造成严重后果的，免于处罚。

第八十六条 依照本法规定被吊销食品生产、流通或者餐饮服务许可证的单位，其直接负责的主管人员5年内不得从事食品生产经营管理工作。

食品生产经营者聘用不得从事食品生产经营管理工作的人员承担管理工作的，由原发证部门吊销其食品生产、流通或者餐饮服务许可证。

Article (83) If the chief executive of the organization where any food safety incident occurs fails to handle and report such incident pursuant to this Law, the administrative department for supervision and administration of food production, distribution and provision of catering services, at the county level or above shall, according to their duties and responsibilities, 1) order immediate correction and give a warning; 2) order suspension of operations to allow for corrective action and impose a fine between RMB 20,000 and RMB 100,000 if evidence is destroyed in violation of this law; and 3) in serious circumstances, order revocation of the license for food production, distribution or provision of catering services by the original issuing department.

Article (84) In any of the following cases, punishment shall be imposed pursuant to Article 79:

- 1) Food that does not meet the China's national food safety standards is imported;
- 2) New types of food additives and/or food-related products imported for the first time, or food imported for the first time which is not yet covered by existing national standards for food safety or international standards, treaties or agreements, are not examined or approved pursuant to this Law; or
- 3) The exporter fails to export food in compliance with this Law or the food exported does not meet requirements hereunder.

Any importer failing to recall unsafe imported food in accordance with this Law shall be punished pursuant to Article 80.

Any importer failing to establish and implement the food import and sale records system shall be punished pursuant to Article 81.

Article (85) Any food producer or trader fulfilling their obligation to recall unsafe food pursuant to this Law without causing any serious consequences may be exempted from punishment.

Article (86) Executives of any organization for food production, distribution or provision for catering service under this Law, whose licence has been revoked shall not engaged in management of food production or trading.

Where any food producer or trader engages any person prohibited from management of food production or trading to undertake management work, its license for food production, distribution or provision for catering services shall be revoked by the original issuing department.

第八十七条 集中交易市场的开办者、柜台出租者、展销会的举办者违反本法规定，允许未取得食品流通、餐饮服务许可证的食品经营者进入市场销售食品，或者未履行检查、报告等义务的，由县级以上食品流通、餐饮服务监督管理部门依据各自职责处以1000元以上5万元以下的罚款；造成严重后果的，责令停业整顿，有许可证的，由原发证部门吊销其许可证。

第八十八条 违反本法规定从事食品运输活动的，由县级以上食品生产、流通、餐饮服务监督管理部门依据各自职责责令立即改正，给予警告；拒不改正的，责令停业整顿，并处2万元以上5万元以下的罚款；情节严重的，由原发证部门吊销其许可证。

第八十九条 被原发证部门依照本法规定吊销许可证的，由工商行政管理部门吊销其营业执照或者取消生产经营食品项目。

违反本法第五十二条规定的，依照广告法的规定给予处罚。

第九十条 食品生产经营者违反本法规定，给消费者造成人身、财产损害的，应当依法承担赔偿责任。

食品经营者以假充真或者销售不安全食品，除赔偿消费者的损失以外，消费者还可以要求其支付价款10倍的赔偿金。

Article (87) If any operators of central trading markets, stall leasers, and organizers of trade fair permit food traders without a license for food production, distribution or provision for catering services to sell food in the market in violation of this Law, or fails to perform their inspection or reporting obligations, the administrative departments for supervision and administration of food production, distribution and provision of catering services at the county level or above shall impose a fine between RMB 1,000 and RMB 50,000 according to their respective duties and responsibilities, and, if serious consequences are caused, order suspension of operations for correction and revocation of its license by the original issuer.

Article (88) Where anyone engages in food transportation activities in violation of this Law, the administrative departments of administrative departments for supervision and administration of food production, distribution and provision of catering services at the county level or above shall: 1) order immediate correction and give a warning; 1) if correction is refused, order suspension of operations for correction and impose a fine between RMB 20,000 and RMB 500,000 according to their respective duties and responsibilities; and 3) in serious circumstances, order revocation of its license by the original issuing department.

Article (89) Any organization whose license has been revoked of by the original issuing department under this Law shall also be subject to revocation of its business license or cancellation of permitted food production and/or trading activities by the authority for industrial and commercial administration.

Anyone in violation of Article 52 shall be punished in accordance with the Advertisement Law.

Article (90) Any food producer or trader who violates this Law causing personal injury or property damage to consumers shall be liable to pay compensation according to the law.

If any food producer or trader sells false or unsafe food, the consumers may claim damages ten times the price paid in addition to compensation for loss incurred to the consumers.

第九十一条 违反本法规定公布食品安全信息，给食品生产经营者、消费者造成损失的，应当依法承担赔偿责任。

捏造并散布虚假事实，损害食品生产经营者的商业信誉、食品声誉，造成损失，尚未构成犯罪的，应当依法承担赔偿责任；构成损害商业信誉、商品声誉罪的，依照刑法第二百二十一条的规定追究刑事责任。

第九十二条 地方各级人民政府在食品安全监督管理中未依照本法的规定履行职责，本行政区域一年内多次出现食品安全事故、造成严重社会影响的，由监察机关或者任免机关依法对政府的主要负责人和直接负责的主管人员给予记大过、降级或者撤职的处分。

食品生产、流通、餐饮服务监督管理部门或者其他有关行政部门不履行本法规定的职责或者滥用职权、造成后果的，由监察机关或者任免机关依法对其主要负责人、直接负责的主管人员和其他直接责任人员给予记大过或者降级的处分；造成严重后果的，对其主要负责人、直接负责的主管人员和其他直接责任人员给予撤职或者开除的处分；其主要负责人、直接负责的主管人员和其他直接责任人员构成滥用职权罪、玩忽职守罪的，依照刑法第三百九十七条的规定追究刑事责任。

第九十三条 发生食品安全事故，疾病预防控制机构未依照本法规定进行卫生处理、开展流行病学调查和通报调查结果，或者需要向有关部门提出控制措施建议而未提出的，由县级以上人民政府卫生主管部门责令改正，通报批评，给予警告；情节严重的，对负有责任的主管人员和其他直接责任人员，依法给予降级、撤职、开除的处分。

Article (91) Anyone disclosing food safety information in violation of this Law and causing loss to food producers or traders or consumers shall be liable to pay compensation according to law.

Anyone making and disseminating misrepresented facts that damage the business reputation and food reputation of and cause losses to a food producer or trader shall: 1) if no crime is committed, be liable to pay compensation according to law; and 2) if the crime of damaging the business reputation and commodity reputation is committed, be subject to criminal prosecution pursuant to Article 221 of the Criminal Law.

Article (92) If any local people's government at any level fails to perform its duties pursuant to this Law in the course of supervising and administrating food safety, and repeated food safety incidents occur in the same year with serious impact on society, the authorities for supervision or appointment and dismissal shall punish both the government officials that bear responsibility and the executives directly responsible by recording a special demerit against them or demoting or removing them from office.

If the administrative department for supervision and administration of food production, distribution and provision of catering services, or other executive branches of the government fail to perform their duties under this Law, or abuse their authority and cause serious consequences, the authorities for supervision or appointment and dismissal shall punish the people chiefly responsible, the people directly in charge and other people directly responsible by recording a special demerit or demotion; if serious consequences are caused, the people chiefly responsible, the people directly in charge and other people directly responsible shall be removed from office or dismissed; if the people chiefly responsible, the people directly in charge and other people directly responsible have committed the crime of abusing authorities and/or the crime of dereliction, they shall be subject to criminal prosecution pursuant to Article 397 of the Criminal Law.

Article (93) If any food safety incident occurs and the authorities for disease prevent and control fail to conduct hygiene counter measures, undertake epidemiological investigation under this Law, or publicize the investigation result, or fail to propose control measures to relevant administrative departments, if such proposals are necessary, the administrative department for health of the people's government at the county or higher level shall order corrective action, circulate a censure notice and

第九十四条 食品检验机构违反本法规定，出具虚假检验报告的，由国务院认证认可监督管理部门或者授予其资质的国务院其他部门吊销其资质证。食品检验人员违反本法规定，出具虚假检验报告，构成提供虚假证明文件罪的，依照刑法第二百二十九条的规定追究刑事责任；尚不构成犯罪的，依法给予撤职或者开除的处分。受到刑事处罚或者开除处分的人员，10年内不得从事食品检验工作。食品检验机构聘用不得从事食品检验工作的人员的，由国务院认证认可监督管理部门或者授予其资质的国务院其他部门吊销其资质证。

食品检验机构违反本法规定出具虚假检验报告，给当事人造成损失的，依法承担赔偿责任。

第十章 附 则

第九十五条 本法下列用语的含义：

食品，指用于人食用或者饮用的经加工或者未经加工的物质，包括饮料、口香糖和已经添加、残留于食品中的物质，但不包括只作为药品使用的物质。

预包装食品，指预先包装或者制作在包装材料和容器中，可直接提供给消费者或者直接用于餐饮服务的食品。

不安全食品，指有证据证明对人体健康造成危害或者可能造成危害的食品。

食品添加剂，指为改善食品品质和色、香、味，以及为防腐、保鲜和加工工艺的需要而加入食品中的人工合成或者天然物质。

give a warning and, in serious circumstances, demote, or remove from office or dismiss the executives held responsible and other persons directly responsible.

Article (94) If any food inspection agency issues false inspection reports in violation of this Law, the State Council administrative department for certification and accreditation administration or any other department of the State Council granting its qualification shall revoke its certificate of qualification. Any food inspection personnel issuing false inspection reports in violation of this Law shall, if the crime of providing false certificates is committed, be subject to criminal prosecution pursuant to Article 229 of the Criminal Law, or, if no crime is committed, be removed from office or dismissed according to law and prohibited from any food inspection work within ten (10) years thereafter. Any food inspection agency employing any person prohibited from food inspection work will be subject to revocation of its certificate of qualification by the State Council administrative department for certification and accreditation administration or any other department of the State Council granting its qualification.

Any food inspection agency issuing any false inspection report in violation of this Law and causing any loss to any party shall be liable for paying damages and/or compensation.

Chapter 10: Supplementary Provisions

Article (95) For the purpose of this Law, the following terms shall have the meaning defined hereunder:

Food means any substance that has been processed or not processed that is suitable for eating and/or drinking, including drinks, chewing gum, and substances added to or remaining in food, excluding substances solely used as medicine.

Pre-packaged Food means food which is pre-packaged or made in containers or packaging materials, and supplied to consumers and food and catering services directly.

Unsafe food means food that has been proven to be hazardous or potentially hazardous to human health.

Food Additive means any synthetic or natural substance used to improve the quality, colour, fragrance, flavour of food, and used to add to the food or put together with the food for processing technology requirements.

用于食品的包装材料和容器，指包装、盛放食品或者食品添加剂用的纸、竹、木、金属、搪瓷、陶瓷、塑料、橡胶、天然纤维、化学纤维、玻璃等制品和直接接触食品或者食品添加剂的涂料。

用于食品生产经营的工具、设备，指在食品或者食品添加剂生产、流通、使用过程中直接接触食品或者食品添加剂的机械、管道、传送带、容器、用具、餐具等。

用于食品的洗涤剂、消毒剂，指直接用于洗涤或者消毒食品，用于食品生产经营的工具、设备，或者食品包装材料和容器的物质。

食品流通，指食品的采购、储存、运输、供应、销售。

餐饮服务，指通过即时制作加工、商业销售、服务性劳动等手段，向消费者提供食品、消费场所及设施的食品加工、销售和消费服务活动。

食品摊贩，指在街头或者其他公共场所不定点销售食品或者提供餐饮服务的经营者。

良好生产规范，指为保证食品安全、质量而制定的贯穿食品生产全过程的一系列措施、方法和技术要求。

危害分析与关键控制点体系，指通过系统地确定具体危害及其关键控制措施，以保证食品安全的体系，包括对食品的不同生产、流通和餐饮服务环节进行危害分析，确定关键控制点，制定控制措施和程序。该体系适用于食品生产、流通、餐饮服务中的食品安全、质量控制。

食品安全风险评估，指对食品中生物性、化学性和物理性危害对人体健康可能造成的不良影响所进行的科学评估，包括危害识别、危害特征描述、暴露评估、风险特征描述4个部分。

保质期，即最佳食用期，指预包装食品在标签指明的贮存条件下保持品质的期限。在此期限内，产品完全适于销售，并保持标签中不必说明或已经说明的特有品质。

Food Container and Packaging Material means the products made of paper, bamboo, wood, metal, porcelain, plastic, rubber, natural fibre, chemical fibre, or glass and used to contain food or additives, or coating in direct contact with food or additives.

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

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

Food Distribution means purchase, storage, transport, supply and sale of food.

Catering Service means the activities of product processing, product sale and provision of food consumption services intended to provide food and consumption places and facilities to consumers by means of immediate production, processing, commercial sale and service labour.

Food Vendor means persons who sell food or provide catering service in the street or other public areas without a fixed place of business.

Good Manufacturing Practices means a series of measures, methods and technical requirements covering the whole process of food production for the purpose of ensuring safety and quality of food

Hazard Analysis and Critical Control Point System (HACCP System) means a system that systematically determines specific hazards and critical control measures to ensure food safety, including hazard analysis on food production, distribution and provision of catering services, determining critical control points and developing control measures and procedures. The system applies to safety and quality control of food in food production, distribution and provision of catering services.

Food Safety Risk Assessment means evaluation of the possible adverse impact upon human beings of biologic, chemical and physical hazards in food. It includes four steps: identifying hazards, describing the features of hazards, exposure evaluation, and describing risk characteristics.

Shelf Life means the period prior to the "best before" date when the pre-packaged food remains in good quality under the storage conditions indicated on the label. During this time the product is fully marketable and retains the characteristics indicated or not necessarily indicated on the label.

食品安全，指食品无毒、无害、符合应当有的营养要求，对人体健康不造成任何急性、慢性和潜在性的危害。

食源性疾病，指食品中致病因素进入人体引起的感染性、中毒性疾病以及其他疾病。

食品安全事故，指食物中毒、食源性疾病、食品污染等源于食品，对人体健康有危害或者可能有危害的事故。

食物中毒，指食用了被有毒有害物质污染的食品或者食用了含有有毒有害物质的食品后出现的急性、亚急性以及其他食源性疾病。

第九十六条 食品生产经营者在本法施行前已经取得相应的许可证明文件的，该许可证明文件在有效期届满前继续有效；许可证明文件有效期届满、需要办理延续手续的，有关的安全监督管理部门应当依照本法的规定办理。

第九十七条 生猪屠宰、酒类、食盐和清真食品的管理办法由国务院制定；按照传统工艺生产的食品的管理办法由省、自治区、直辖市人民代表大会常务委员会另行制定。

第九十八条 本法自 年 月 日起施行。1995年10月30日公布施行的《中华人民共和国食品卫生法》同时废止。

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

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

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

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

Article (96) If the food producer or trader has received the relevant license before the execution of this Law, such a license shall remain valid until expiration thereof. If such a license expires and the holder wishes to extend its validity, the relevant department for food safety supervision and administration shall handle such an extension in compliance with this Law.

Article (97) The measures for administration of pig slaughtering, wines and liquors, common salt and Islamic food shall be developed by the State Council. The measures for administration of food produced with conventional technologies shall be separately developed by the standing committees of people's congresses of provinces, autonomous regions and municipalities directly under the central government.

Article (98) This Law shall enter into force on _____(day) _____(month)_____ (year) and the Law of the People's Republic of China on Food Hygiene dated October 30, 1995 shall be repealed.