

Voluntary Report – Voluntary - Public Distribution

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Report Name: PRC Calls for Comments on Addition of Liquid Formula Milk to Food Safety Law

Country: China - People's Republic of

Post: Beijing

Report Category: FAIRS Subject Report, Sanitary/Phytosanitary/Food Safety, Dairy and Products, Trade Policy Monitoring

Prepared By: FAS China Staff

Approved By: Adam Branson

Report Highlights:

On January 19, 2024, China's State Administration for Market Regulation (SAMR) released a letter soliciting public comments on an update to the Food Safety Law. The revision added new registration requirements for liquid formula milk for infants and young children. Among the major revisions, the product formulas must now be registered with SAMR. The draft revision has not been notified to the WTO as of January 30, 2024. This report contains an unofficial translation of the revised draft law for comments. Stakeholders should conduct their own review of the regulation and provide comments before the February 19, 2024 due date.

Report Summary:

On January 19, 2024, SAMR released an [Announcement Soliciting Public Comments for the Food Safety Law of the People's Republic of China \(revised draft for comments\)](#) (link in Chinese).

The revision added new registration requirements for liquid formula milk for infants and young children. The product formulas must be registered with SAMR under the guise of ensuring product safety. According to industry contacts, there is no production of liquid formula milk for infants and young children in China at present due to shelf life and pricing challenges and lack of familiarity or customary eating habits of local people. Products currently on the market are all imported. The regulations and the newly revised food safety law could impact domestic market development of liquid formula milk for infants and young children.

Prior to issuing the revised food safety law, the [Good Manufacturing Practices for Infant Formula Foods](#) (GB 23790-2023) published on September 25, 2023 set forth production requirements for liquid infant formula foods; this standard will enter into force on September 6, 2024. On November 1, 2023 SAMR published [Review Rules for Production Permit of Liquid Infant Formula Milk \(Open for Comments\)](#), which include production and formula registration requirements for domestic manufacturers.

Written comments regarding the revised Food Safety Law must be submitted to SAMR before February 19, 2024 via the following methods:

- Log in to SAMR's [official website](#) to send comments under "Interaction" of "Soliciting Survey" column on the home page,
- Send email to tsspsypzcc@samr.gov.cn indicating in the subject line as "Food Safety Law (revised draft for comments) soliciting public comments,"
- Or Mail the comments letter to the following address:
Special Food Department of SAMR,
No. 9 East Road, Haidian District, Beijing, 100088.

Please indicate on the envelop "Food Safety Law (revised draft for comments) soliciting public comments."

Please refer to FAS GAIN [Report CH15016](#) for the full translation of China's Food Safety Law (2015), or refer to the recent FAS [Food and Agricultural Import Regulations and Standards Reports](#) for more information on China's food safety regulations.

This report contains an unofficial translation of the revised draft law for comments. Stakeholders should conduct their own review of the regulation. The draft revision has not been WTO notified as of January 30, 2024.

BEGIN UNOFFICIAL TRANSLATION

**Food Safety Law of the People's Republic of China
(Revised draft for comments)**

In order to strictly implement President Xi Jinping’s “Four Most Strict” requirements for food safety and given that formula liquid milk for infants and young children (hereinafter referred to as liquid infant formula) has higher quality and safety control requirements than formula milk powder for infants and young children, it is planned to include liquid infant formula in the registration management. “Formula milk powder for infants and young children” is changed to “Formula liquid milk for infants and young children” in Articles 81, 82, and 124 of the “Food Safety Law of the People's Republic of China” (hereinafter referred to as the “Food Safety Law”). The specific changes are as follows:

Food Safety Law Regulation	After Revision
<p>Article 81 Paragraph 4 The product formula of infant formula milk powder shall be registered with the food safety supervision and administration department of the State Council. When registering, a formula research and development report and other materials showing the scientific nature and safety of the formula should be submitted.</p> <p>Paragraph 5 Infant formula milk powder shall not be produced in subpackages, and the same enterprise shall not use the same formula to produce infant formula milk powder of different brands.</p>	<p>Article 81 Paragraph 4 The product formula of infant formula milk powder (liquid milk) shall be registered with the food safety supervision and administration department of the State Council. When registering, a formula research and development report and other materials showing the scientific nature and safety of the formula should be submitted.</p> <p>Paragraph 5 Infant formula milk powder (liquid milk) shall not be produced in subpackages, and the same enterprise shall not use the same formula to produce infant formula milk powder (liquid milk) of different brands.</p>
<p>Article 82 Registrants or filers of health foods, formula foods for special medical purposes, and infant formula milk powder shall be responsible for the authenticity of the materials they submit.</p> <p>The food safety supervision and administration department of the people's government at or above the provincial level shall promptly publish the catalog of registered or filed health foods, formula foods for special medical purposes, and infant formula milk powder, and keep confidential the business secrets of enterprises learned</p>	<p>Article 82 Registrants or filers of health foods, formula foods for special medical purposes, and infant formula milk powder (liquid milk) shall be responsible for the authenticity of the materials they submit.</p> <p>The food safety supervision and administration department of the people's government at or above the provincial level shall promptly publish the catalog of registered or filed health foods, formula foods for special medical purposes, and infant formula milk powder (liquid milk), and keep confidential the business secrets of enterprises</p>

<p>during registration or filing.</p> <p>Enterprises producing health foods, formula foods for special medical purposes, and infant formula milk powder shall organize production in accordance with registered or filed product formulas, production processes, and other technical requirements.</p>	<p>learned during registration or filing.</p> <p>Enterprises producing health foods, formula foods for special medical purposes, and infant formula milk powder (liquid milk) shall organize production in accordance with registered or filed product formulas, production processes, and other technical requirements.</p>
<p>Article 124 In case of violation of the provisions of this Law and any of the following circumstances, which does not constitute a crime, the food safety supervision and administration department of the people's government at or above the county level shall confiscate the illegal income and illegally produced and operated foods and food additives, and may confiscate tools, equipment, raw materials, and other items used in illegal production and operation. If the value of illegally produced and operated foods and food additives is less than 10,000 yuan, a fine of not less than 50,000 yuan but not more than 100,000 yuan shall be imposed. If the value of illegally produced and operated foods and food additives is more than 10,000 yuan, a fine of not less than 10 times but not more than 20 times of the value of the goods will be imposed. If the circumstances are serious, the production license will be revoked:</p> <p>(6) Producing and operating health foods, formula foods for special medical purposes, and infant formula milk powder that are not registered in accordance with regulations, or failing to organize production in accordance with registered product formulas, production processes, and other technical requirements;</p> <p>(7) Producing infant formula milk powder in subpackages, or the same enterprise producing infant formula milk powder of different brands with the same formula;</p>	<p>Article 124 In case of violation of the provisions of this Law and any of the following circumstances, which does not constitute a crime, the food safety supervision and administration department of the people's government at or above the county level shall confiscate the illegal income and illegally produced and operated foods and food additives, and may confiscate tools, equipment, raw materials, and other items used in illegal production and operation. If the value of illegally produced and operated foods and food additives is less than 10,000 yuan, a fine of not less than 50,000 yuan but not more than 100,000 yuan shall be imposed. If the value of illegally produced and operated foods and food additives is more than 10,000 yuan, a fine of not less than 10 times but not more than 20 times of the value of the goods will be imposed. If the circumstances are serious, the production license will be revoked:</p> <p>(6) Producing and operating health foods, formula foods for special medical purposes, and infant formula milk powder (liquid milk) that are not registered in accordance with regulations, or failing to organize production in accordance with registered product formulas, production processes, and other technical requirements;</p> <p>(7) Producing infant formula milk powder (liquid milk) in subpackages, or the same enterprise producing infant formula milk powder (liquid milk) of different brands with the same formula;</p>

Attachments:

No Attachments.