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Report Highlights:

On October 10, 2026, China published a draft revision of the Food Safety Law, which is the first major revision of the law since 2015. The draft is open for public comments until November 10, 2026. China has not notified this draft to the World Trade Organization. This report provides an unofficial translation of the revised law and information on how to submit comments.

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FAS China provides this reporting and analysis as a service to U.S. farmers, ranchers, rural communities, and agribusinesses in support of a worldwide agricultural information system and a level playing field for U.S. agricultural products.

Summary:

On October 10, 2026, China's State Administration for Market Regulation (SAMR) announced (link in Chinese) a draft revision of the Food Safety Law, soliciting public comments until November 10, 2026. China has not notified this draft to the World Trade Organization.

The public can submit comments in the following ways:

1. **SAMR website**: Visit SAMR's official website at http://www.samr.gov.cn. Select "Interaction" (互动) from the main navigation menu, then choose "Public Consultation and Surveys" (征集调查) to complete and submit the online form.
2. **Email**: Send comments to hongle@samr.gov.cn. Use the following subject line: "Public Consultation on the Draft Revision of the Food Safety Law" (中华人民共和国食品安全法（修订草案征求意见稿）公开征求意见).
3. **Postal mail**: Send written comments to the Department of Food Coordination, the State Administration for Market Regulation, No. 9 Madian East Road, Haidian District, Beijing, China (Postal Code: 100088). Mark the envelop with the following wording: "Public Consultation on the Draft Revision of the Food Safety Law" (中华人民共和国食品安全法（修订草案征求意见稿）公开征求意见).

This report provides an unofficial translation of the draft law. Stakeholders should conduct their own review of the regulations to assess any market or regulatory impacts on their business.

BEGIN UNOFFICIAL TRANSLATION

Food Safety Law of the People's Republic of China

(Draft Revision for Public Comments)

Table of Contents

Chapter II Food Safety Risk Monitoring and Assessment 5

Chapter III Food Safety Standards 8

Chapter IV Food Production and Business Operation 10

Section 1 General Provisions 10

Section 2 Control over Production and Business Operation Processes 16

Section 3 Labels, Instructions and Commercial Promotion 22

Section 4 Special Foods 23

Section 5 Food Safety in Schools 26

Section 6 Online Food Business Operations 27

Chapter V Food Inspection 29
Chapter VI Import and Export of Food 31
Chapter VII Response to Food Safety Incidents 34
Chapter VIII Supervision and Administration 36
Chapter IX Legal Liability 41
Chapter X Supplementary Provisions 55

Chapter I General Provisions

Article 1 This Law is enacted for the purpose of ensuring food safety and safeguarding public health and life safety.

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

(1) Food production and processing (hereinafter referred to as food production), and food sales and catering services (hereinafter referred to as food business operation);

(2) Production and business operation of food additives;

(3) Production and business operation of food-contact materials and articles such as packaging materials and containers for food, tools and equipment used in food production and business operation, as well as detergents and disinfectants for food (hereinafter referred to as food-related products);

(4) Use of food additives and food-related products by food producers and business operators;

(5) Storage, transportation, loading and unloading, posting, delivery and distribution of food and food additives;

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

(7) Food safety management within premises by operators of centralized trading markets, counter lessors, and organizers of trade fairs;

(8) Food safety management by online food trading platform operators with respect to food businesses operating on their platforms.

The quality and safety management of edible agricultural products shall comply with the Agricultural Product Quality Safety Law of the People's Republic of China. Nevertheless, the marketing and sales of edible agricultural products, the formulation of relevant quality and safety standards, the release of relevant safety information, and provisions of this Law governing agricultural input materials shall comply with this Law.

Article 3 Food safety work shall adhere to the leadership of the Communist Party of China, follow the principles of prevention first, risk management, whole-process control, and social governance, and establish a scientific and stringent supervision and administration system.

Article 4 Food producers and business operators shall be responsible for the safety of the food they produce and operate.

Food producers and business operators shall engage in production and business activities in accordance with laws, regulations, and food safety standards, ensure adequate resources investment in food safety management, ensure food safety, uphold integrity and exercise self-discipline, be accountable to society and the public, accept social supervision, and fulfill their social responsibilities.

Operators of centralized food trading markets, counter lessors, organizers of food exhibitions and trade fairs, online food trading platform operators and other relevant parties shall carry out food safety management activities in accordance with laws, regulations, and food safety standards, fulfil food safety management responsibilities, and prevent and control food safety risks within their respective premises or platforms.

Article 5 The State Council shall establish a Food Safety Commission, whose responsibilities shall be prescribed by the State Council.

The market regulation department of the State Council shall, in accordance with this Law and duties prescribed by the State Council, exercise supervision and administration over the production and business operation of food and food additives.

The competent department for agriculture and rural affairs of the State Council shall, in accordance with this Law and responsibilities prescribed by the State Council, exercise supervision and administration over the quality and safety of edible agricultural products from planting and breeding stages until their entry into wholesale and retail markets or food production and processing enterprises.

The administrative department for national health of the State Council shall, in accordance with this Law and responsibilities prescribed by the State Council, organize food safety risk monitoring and assessment, and jointly formulate and publish national food safety standards with the market regulation department of the State Council.

Customs shall, in accordance with this Law and responsibilities prescribed by the State Council, exercise supervision and administration over the safety of import and export of food, food additives, and food-related products.

Other relevant departments of the State Council shall perform food safety work in accordance with this Law and responsibilities prescribed by the State Council.

Article 6 Local people's governments at or above the county level shall be responsible for food safety supervision and administration within their respective administrative regions; they shall uniformly lead, organize, and coordinate food safety supervision and administration as well as response to food safety emergencies, and establish and improve whole chain food safety supervision and administration mechanisms and information sharing mechanisms.

Local people's governments at or above the county level shall, in accordance with this Law and provisions of the State Council, define the duties of market regulation departments, health administrative departments, and other relevant departments at the same levels. Relevant departments shall conduct food safety supervision and administration within their respective scope of duties in their respective administrative regions.

Market regulation departments of people's governments at the county level may establish local offices in townships or designated regions.

Article 7 Local governments at or above the county level shall implement the accountability system for food safety supervision and administration. People's governments at higher levels shall assess and review food safety supervision and administration work of local governments at the next lower level. Local governments at or above the county level shall assess and review the food safety supervision and administration work of market regulation departments and other relevant departments at the same level.

Article 8 Local governments at or above the county level shall incorporate food safety work into relevant plans for national economic and social development at the corresponding level, include food safety funds in the fiscal budgets of the governments at the corresponding level, strengthen capacity building for food safety supervision and administration, and provide support for food safety work.

Market regulation departments and other relevant departments of local governments at or above the county level shall strengthen communication, closely cooperate with one another, and exercise functions and powers in accordance with the law, and assume responsibilities in accordance with their respective division of responsibilities.

Article 9 Local governments at or above the county level shall accelerate the application of "Internet Plus Artificial Intelligence (AI)" in the field of food safety to improve supervision and administration efficiency.

Article 10 Relevant food industry associations shall strengthen industry self-discipline, establish and improve industry norms as well as reward and punishment mechanisms in accordance with their articles of association, provide services such as food safety information, training, and technology, guide and urge food producers and business operators and other relevant parties to fulfil food safety responsibilities, strengthen production and business management in accordance

with the law, promote industry integrity development, and publicize and popularize food safety standards and knowledge.

Consumer associations and other consumer organizations shall conduct social supervision in accordance with the law against acts in violation of this Law that harm consumers' legitimate rights and interests.

Article 11 Local governments at all levels shall strengthen public education and awareness on food safety, promote public understanding of food safety standards and knowledge They shall encourage social organizations, local mass organizations, volunteers, and food producers and business operators to disseminate knowledge of food safety laws, regulations, standards, and related matters, advocate healthy dietary patterns, and raise consumers' awareness of food safety and self-protection capabilities.

News media shall conduct public-interest publicity on food safety laws, regulations, standards, and related knowledge, and exercise public opinion supervision over violations of food safety laws and regulations. Reports concerning food safety shall be truthful and impartial.

Article 12 The basic and applied research related to food safety, and advanced technologies and management specifications for improving food safety adopted by food producers and business operators are encouraged and supported.

China implement a strict management system for pesticide use, accelerate the phase-out of acutely toxic, highly toxic and high-residue pesticides, promote the research, development, and application of alternative products, and encourage the use of pesticides that are highly efficient and have low toxicity and low residue levels.

Article 13 Any organization or individual shall have the right to report illegal food safety acts, obtain food safety information from relevant departments in accordance with the law, and put forward opinions and suggestions for food safety supervision and administration.

Article 14 Units and individuals that have made outstanding contributions to food safety work shall be commended and rewarded in accordance with relevant national provisions.

Chapter II Food Safety Risk Monitoring and Assessment

Article 15 China establish a food safety risk monitoring system to monitor food-borne diseases, food contamination, and harmful factors in food, food additives, and food related products.

The health administrative department of the State Council shall, jointly with the State Council's market regulation department, national grain and reserve administration department, Customs and other departments, formulate and implement the national food safety risk monitoring plan.

After obtaining food safety risk information, the market regulation department of the State Council and other relevant departments shall immediately verify and notify such information to

the health administrative department of the State Council. For food safety risk information notified by relevant departments and disease information such as food-borne diseases reported by medical institutions, the health administrative department of the State Council shall conduct analysis and research jointly with relevant departments of the State Council; where deemed necessary, it shall adjust the national food safety risk monitoring plan in a timely manner.

Health administrative departments of people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, jointly with departments such as market regulation at the same level, formulate and adjust food safety risk monitoring plans for their respective administrative regions in light of local conditions based on the national food safety risk monitoring plan, and submit such plans to the health administrative department of the State Council for filing before implementation.

Article 16 Technical institutions undertaking food safety risk monitoring shall conduct monitoring in accordance with food safety risk monitoring plans and programs, ensure the truthfulness and accuracy of monitoring data, and submit monitoring data and analysis results as required by such plans and programs.

Personnel conducting food safety risk monitoring shall have the right to enter relevant premises where edible agricultural products are grown and raised, or where food is produced or handles, to collect samples and gather relevant data. Samples collected shall be paid for at market prices.

Article 17 Where food safety risk monitoring results indicate potential food safety hazards, health administrative departments of people's governments at or above the county level shall promptly notify relevant information to departments such as market regulation at the same level, and report to local governments at the same level and health administrative departments of governments at higher levels. Departments such as market regulation shall organize further investigations.

Article 18 A food safety risk assessment system shall be established. Scientific methods shall be adopted to conduct risk assessment on biological, chemical, and physical hazardous factors in food, food additives, and food-related products, based on food safety risk monitoring information, scientific data, and other relevant information.

The health administrative department of the State Council shall be responsible for organizing food safety risk assessment work, and establishing a food safety risk assessment expert committee composed of experts in medicine, agriculture, food, nutrition, biology, environment, and other fields to conduct food safety risk assessments. Results of food safety risk assessment shall be published by the health administrative department of the State Council.

Safety assessment of pesticides, fertilizers, veterinary drugs, feeds and feed additives shall involve experts from the food safety risk assessment expert committee.

Food safety risk assessment shall not charge fees from producers and business operators; samples collected shall be paid for at market prices.

Article 19 Food safety risk assessment shall be conducted under any of the following circumstances:

(1) Potential safety hazards in food, food additives, or food related products are identified through food safety risk monitoring or upon receipt of reports;

(2) Risk assessment is needed to provide scientific basis for formulating or revising national food safety standards;

(3) Risk assessment is needed to identify key areas and key varieties for supervision and administration;

(4) New factors that may endanger food safety are discovered;

(5) It is necessary to judge whether a certain factor constitutes a food safety hazard;

(6) Other circumstances under which the health administrative department of the State Council deems risk assessment necessary.

Article 20 Where market regulation, agriculture and rural affairs competent departments, and other departments of the State Council identify the need for food safety risk assessment during the supervision and administration work, they shall put forward proposals for food safety risk assessment to the health administrative department of the State Council and provide information and materials such as risk sources, relevant inspection data, and conclusions. Where the circumstances fall under Article 19 of this Law, the health administrative department of the State Council shall conduct food safety risk assessment in a timely manner and notify assessment results to relevant departments of the State Council.

Article 21 Health administrative and agriculture and rural affairs competent departments of local governments at or above the provincial level shall promptly notify each other of food and edible agricultural product safety monitoring information.

Health administrative and agriculture and rural affairs competent departments of the State Council shall promptly notify each other of food and edible agricultural product safety risk assessment results and other information.

Article 22 Food safety risk assessment results shall serve as the scientific basis for formulating and revising food safety standards and implementing food safety supervision and administration.

Where food safety risk assessment concludes that food, food additives, or food related products are unsafe, the health administrative, market regulation, and other relevant departments of the State Council shall, in accordance with their respective responsibilities, immediately make public announcements to inform consumers to stop consuming or using products concerned, and take

corresponding measures to ensure that the production and business operations of such food, food additives or food-related products cease. Where relevant national food safety standards need to be formulated or revised, the health administrative department of the State Council shall immediately formulate or revise such standards jointly with the market regulation department of the State Council.

Article 23 The market regulation department of the State Council shall, jointly with relevant departments of the State Council, conduct comprehensive analysis of food safety status on the basis of food safety assessment results and food safety supervision and administration information. For food with relatively high potential safety risks identified through comprehensive analysis, the market regulation department of the State Council shall promptly issue food safety risk warnings and make them known to the public.

Article 24 Market regulation departments and other relevant departments of the local governments at or above the county level, food safety risk assessment expert committees, and their technical institutions shall, in accordance with the principles of science, objectivity, timeliness, and openness, organize food producers and business operators, food inspection institutions, certification bodies, relevant food industry associations, consumer associations, news media, and other parties to exchange information on food safety risk assessment and food safety supervision and administration.

Chapter III Food Safety Standards

Article 25 Formulation of food safety standards shall aim to protect public health and be scientific, reasonable, safe, and reliable.

Article 26 Food safety standards are mandatory standards. No other mandatory standards for food shall be formulated apart from food safety standards.

Article 27 Food safety standards shall cover the following contents:

(1) Control measures and limit requirements for pathogenic microorganisms, pesticide residues, veterinary drug residues, biological toxins, heavy metals and other substances hazardous to human health in food, food additives, and food related products;

(2) Varieties, quality specifications, scope of application, and usage dosage of food additives;

(3) Varieties and application conditions of food related products; scope of application and usage dosage of additives for food related products;

(4) Nutritional component requirements for staple and supplementary foods specially for infants and young children and other specific groups;

(5) Requirements for labels, marks, and instructions related to food safety, including hygiene, nutrition, and allergens;

(6) Hygiene requirements for food production and business operation processes;

(7) Quality requirements relevant to food safety;

(8) Inspection methods and procedures relevant to food safety;

(9) Other contents that need to be formulated as food safety standards.

Article 28 National food safety standards shall be formulated and promulgated by the health administrative department of the State Council jointly with the market regulation department of the State Council; the standardization administrative department of the State Council shall assign national standard numbers.

The limits for pesticide residues and veterinary drug residues in foods, as well as the methods and procedures for testing, shall be formulated by the health administration department of the State Council and the agriculture and rural affairs competent department of the State Council jointly with the market regulation department of the State Council.

The inspection procedures for the slaughter of livestock and poultry shall be formulated by the agricultural and rural affairs competent department of the State Council jointly with the health administrative department of the State Council.

Article 29 Formulation of national food safety standards shall be based on food safety risk assessment results and consider risk assessment results for edible agricultural products; reference shall be made to relevant international standards and international food safety risk assessment results. Draft national food safety standards shall be released to the public for extensive comments from food producers and business operators, consumers, relevant departments, and other parties.

National food safety standards shall be reviewed and approved by the National Food Safety Standards Review Committee organized by the health administrative department of the State Council. The Review Committee shall consist of experts in medicine, agriculture, food, nutrition, biology, environment, and other fields as well as representatives from relevant departments of the State Council, food industry associations, and consumer associations, and shall examine the scientific soundness and practical applicability of draft national food safety standards.

Article 30 Where no national food safety standards exist for local characteristic foods, health administrative departments of local governments of provinces, autonomous regions, and municipalities directly under the Central Government may formulate and promulgate local food safety standards and submit them to the health administrative department of the State Council for filing. Upon formulation of corresponding national food safety standards, such local standards shall be repealed.

Article 31 It is encouraged for food production enterprises to formulate enterprise standards stricter than national or local food safety standards, which shall apply within the enterprises, and

be filed with health administrative departments of local governments for provinces, autonomous regions, and municipalities directly under the Central Government.

Article 32 Health administrative departments of the local governments at or above the provincial level shall publish formulated and filed national food safety standards, local food safety standards, and enterprise standards on their websites for free public access and download.

Health administrative departments of the local governments at or above the county level shall, jointly with relevant departments, conduct publicity and implementation, and provide training on food safety standards, and give timely guidance and answers to questions arising in the implementation of food safety standards.

Article 33 Health administrative departments of the local governments at or above the provincial level shall, jointly with departments such as market regulation and agricultural and rural affairs competent departments at the same level, conduct follow-up evaluation on the implementation of national and local food safety standards respectively, and revise food safety standards in a timely manner based on evaluation results.

Market regulation, agricultural and rural affairs competent departments and other relevant departments of the local governments at or above the provincial level shall collect and summarize problems arising in the implementation of food safety standards and notify such problems to health administrative departments at the same level in a timely manner.

Where food production and business operating enterprises, food relevant industry associations, food inspection institutions, and other parties identify problems in the implementation of food safety standards, they shall immediately report to health administrative departments.

Chapter IV Food Production and Business Operation

Section 1 General Provisions

Article 34 Food production and business operation shall comply with food safety standards and satisfy the following requirements:

(1) Having premises for raw material processing, food processing, packaging, and storage matching the variety and quantity of food produced or operated; premises shall be kept clean and tidy and maintain prescribed distances from toxic hazardous sites and other pollution sources;

(2) Having production and business operation equipment or facilities matching the variety and quantity of food produced or operated, as well as corresponding equipment or facilities for disinfection, changing clothes, washing, natural lighting, illumination, ventilation, corrosion prevention, dust prevention, fly prevention, rodent control, insect prevention, cleaning, wastewater treatment, and garbage and waste storage;

(3) Having full-time or part-time food safety technical personnel, food safety management personnel, and rules and systems for ensuring food safety;

(4) Having reasonable equipment layout and production processes to prevent cross contamination between food to be processed and ready-to-eat food, as well as between raw materials and finished products, and to prevent food from coming into contact with toxic or unclean substances;

(5) Tableware, drinking utensils, and containers holding ready-to-eat food shall be cleaned and disinfected before use. Cooking utensils and other implements shall be cleaned after use and kept clean;

(6) Containers, tools, and equipment for food storage, transportation, loading and unloading, posting, delivery, and distribution shall be safe, harmless, and kept clean to prevent food contamination, and shall meet special requirements such as temperature and humidity necessary for ensuring food safety. Food shall not be stored, transported, posted, delivered, or distributed together with toxic or hazardous articles;

(7) Ready-to-eat food shall be packed with non-toxic and clean packaging materials, tableware, drinking utensils, and containers;

(8) Personnel engaged in food production and business operations shall maintain personal hygiene; when producing or handling food, they shall wash their hands and wear clean work clothes and caps. When selling unpackaged ready-to-eat food, non-toxic and clean containers, sales tools, and equipment shall be used;

(9) Water used shall comply with national hygienic standards for drinking water;

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

(11) Other requirements prescribed by laws and regulations.

Non-food producers and business operators engaged in food storage, transportation, loading and unloading, posting, delivery, and distribution shall comply with Item (6) of the preceding paragraph and relevant State provisions.

Article 35 Production and business operation of the following food, food additives, and food related products are prohibited:

(1) Food produced from non-food raw materials; food added with chemical substances other than food additives, or other substances that may be harmful to human health; or food produced from recycled food as raw materials;

(2) Food, food additives, and food related products in which the levels or migration amounts of pathogenic microorganisms, pesticide residues, veterinary drug residues, biotoxins, heavy

metals, and other contaminants or substances hazardous to human health exceed the limits specified in food safety standards;

(3) Food or food additives produced using expired food raw materials or food additives;

(4) Food with food additives used beyond the permitted scope or dosage;

(5) Staple and supplementary foods specially for infants and young children and other specific groups whose nutritional components fail to meet food safety standards;

(6) Food and food additives that are spoiled or deteriorated, have rancid fats or oils, are moldy or infested with insects, are filthy or unclean, contain foreign objects, have been adulterated or contaminated, or have abnormal sensory properties;

(7) Animal products and their products from animals that have died of illness, poisoning, or unknown causes;

(8) Animal products and their products without required meat quality inspection or animal quarantine, or failing such inspection or quarantine;

(9) Food and food additives contaminated by packaging materials, containers, transport tools, and other articles;

(10) Food and food additives bearing false production dates, shelf lives, or shelf-life expiry dates, or that have exceeded their shelf lives;

(11) Unlabeled pre-packaged food, food additives, and food related products;

(12) Food whose production and business operation are explicitly prohibited for special purposes such as disease prevention;

(13) Other food, food additives, and food-related products that fail to comply with laws, regulations, or food safety standards.

Article 36 China implement a licensing system for food production and business operations. Licenses shall be obtained in accordance with law for engaging in food production, food sales, or catering services. However, no license is required for selling edible agricultural products or selling pre-packaged food. Entities only selling pre-packaged food shall file records with market regulation departments of local governments at or above the county level at their locality.

Market regulation departments of local governments at or above the county level shall, in accordance with the Administrative Licensing Law of the People’s Republic of China, examine relevant materials submitted by applicants corresponding to Items 1 to 4 of Paragraph 1 of Article 34 of this Law, and conduct on-site inspection of production and business operation premises of applicants when necessary. Where conditions are met, licenses shall be granted; where conditions are not met, licenses shall be denied and written reasons shall be given.

Article 37 Food production small workshops, small-scaled catering businesses, small grocery stores, food stalls, and other entities engaged in food production and business operations shall meet food safety requirements of this Law commensurate with their production and business operation scale and conditions, ensure that food produced or operated is hygienic, non-toxic, and harmless. Market regulation departments shall strengthen supervision and administration over them.

Local governments at or above the county level shall conduct comprehensive governance for food production small workshops, small-scaled catering businesses, small grocery stores, food stalls, and other entities, strengthen services and unified planning, improve their production and business operation environment, encourage and support them to improve production and business operation conditions, operate in fixed premises such as centralized trading markets or shops, or operate in designated temporary business zones and time periods.

Criteria for identification and specific administrative measures for food production small workshops, small-scales catering businesses, small grocery stores, and food stalls shall be formulated by provinces, autonomous regions, and municipalities directly under the Central Government.

Article 38 For production of new food raw materials, new varieties of food additives, or new varieties of food related products, safety assessment materials for relevant products shall be submitted to the health administrative department of the State Council. The health administrative department of the State Council shall organize reviews within sixty days upon receipt of applications. Where food safety requirements are satisfied, approval shall be granted and published; where food safety requirements are not satisfied, approval shall be denied and written reasons shall be given.

Article 39 Medicinal products shall not be added to food produced or operated, except for substances that, according to traditional use, are recognized as both food and Chinese medicinal materials. The catalog of substances traditionally regarded as both food and Chinese medicinal materials shall be formulated and published by the health administrative department of the State Council jointly with the market regulation department of the State Council.

Article 40 China implement a licensing system for food additive production. To engage in food additives production, entities shall have premises, equipment, or facilities, professional technical personnel, and management systems matching the varieties of food additives to be produced and obtain food-additive production licenses in accordance with procedures specified in Paragraph 2 of Article 36 of this Law.

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

Entities selling food additives shall file records with market regulation departments of local governments at or above the county level at their locality.

Article 41 Food additives may be included in the permitted use list only where their use is technically necessary and proven safe and reliable through risk assessment; relevant national food safety standards shall be revised in a timely manner according to technical necessity and food safety risk assessment results.

Food producers and business operators shall use food additives in accordance with national food safety standards.

Article 42 Production of food related products shall comply with laws, regulations, and national food safety standards. For high-risk food related products such as food contact materials and articles, production licenses shall be implemented in accordance with relevant national provisions for industrial product production license administration. Market regulation departments shall strengthen supervision and administration over production activities of food related products.

Article 43 China implement a licensing system for bulk transportation by road of key liquid food. Road transport operators engaging in road bulk transportation of key liquid food shall have special transport containers, operating personnel, and management systems satisfying food safety requirements, and obtain transportation permits issued by market regulation departments of local governments at or above the county level in accordance with the law.

For bulk transportation by road of key liquid food, the consignors shall examine transport permits of road transport operators and verify whether transport containers satisfy food safety requirements. Consignees shall examine transport permits and transport records of road transport operators and verify whether lead seals of transport containers are intact. Road transport operators shall spray special food marks on prominent positions of transport containers, use transport containers in accordance with relevant national provisions and clean them in a timely manner, and are strictly prohibited from transporting substances other than food.

No entity or individual may forge, alter, or use forged or altered documents, such as road bulk transport records or certificates of cleaning of transport containers for key liquid food.

Specific administrative provisions for bulk transportation by road of key liquid food shall be formulated by the market regulation department of the State Council jointly with relevant departments of the State Council. The catalog of key liquid food shall be formulated and adjusted by the market regulation department of the State Council jointly with relevant departments of the State Council and published upon submission to and approval by the State Council.

Article 44 China establish a whole chain food safety traceability system.

Food producers and business operators shall establish food safety traceability systems in accordance with provisions of this Law to ensure food traceability. It is encouraged for food

producers and business operators to adopt information-based means to collect and retain production and business operation information and build food safety traceability systems.

The market regulation department of the State Council shall establish a whole-chain food safety traceability coordination mechanism jointly with departments such as the agriculture and rural affairs competent department.

Article 45 Postal enterprises and courier enterprises shall implement real name mail receipt, receipt inspection, and machine screening security check systems to guard against illegal food related activities conducted via posting and delivery channels.

Article 46 Where the production of food or food additives is entrusted to another party, the entrusting party shall obtain a food or food additive production and sales license, or complete the filing required for the sale of prepackaged food or food additives only. The entrusted party shall obtain a production license for food or food additives.

Both the entrusting party and the entrusted party shall report the entrusted production arrangements to the market regulation department at the county level in their respective localities.

Article 47 Local governments at all levels shall adopt measures to encourage large-scaled food production, chain-operation, and distribution.

It is encouraged for food production and business operation enterprises and operators of online food trading platforms to participate in food safety liability insurance.

Article 48 Group corporations of food production enterprises, headquarters of food sales chain operation enterprises, and headquarters of catering service chain operation enterprises shall possess corresponding capacities for food production management, food sales chain management, and catering service chain management, and assume management responsibilities for food safety of their subsidiaries, branches, and stores.

Article 49 Producers of edible agricultural products shall use agricultural input materials such as pesticides, fertilizers, veterinary drugs, feeds, and feed additives in accordance with food safety standards and relevant national provisions, strictly implement safety interval or withdrawal period provisions for agricultural input material use, and shall not use agricultural input materials explicitly prohibited by China. Use of highly toxic and acutely toxic pesticides on crops specified such as vegetables, fruits, tea, fungi, and Chinese medicinal herbs is prohibited.

Food production enterprises for edible agricultural products, farmers' professional cooperatives, and agricultural social service organizations shall establish agricultural input material use record systems.

Agricultural and rural affairs competent departments of local governments at or above the county level shall strengthen supervision, administration, and guidance over the use of agricultural input materials, and establish and improve systems for safe use of agricultural input materials.

Article 50 Sellers of edible agricultural products shall establish purchase inspection and record systems for edible agricultural products, truthfully record the name, quantity and purchase date of edible agricultural products, as well as the name, address, and contact information of suppliers, and preserve relevant vouchers. Records and vouchers shall be retained for no less than six months.

Article 51 Food additives, such as fresh-keeping agents and preservatives, and food-related products, such as packaging materials, used in the packaging, preservation, storage, and transportation of edible agricultural products placed on the market for sale shall comply with national food safety standards.

Article 52 Wholesale markets for edible agricultural products shall be equipped with testing equipment and personnel or entrust food inspection institutions complying with provisions of this Law to conduct sampling inspection or rapid testing on edible agricultural products entering such wholesale markets for sale. Where edible agricultural products failing to meet food safety standards are discovered, sellers shall be required to cease sales immediately and reports shall be submitted to market regulation departments.

Article 53 Where spot-check testing of edible agricultural products is conducted using rapid testing methods prescribed by national provisions, any person subject to such testing who disagrees with the test results may apply for re-testing within four hours of receiving the results. Rapid testing methods shall not be used for the re-testing.

Section 2 Control over Production and Business Operation Processes

Article 54 Food production and business operation enterprises shall establish and improve food safety management systems, provide employees with training on food safety laws, regulations, and standards, strengthen food inspection work, and engage in production and operation activities in accordance with the law.

Principal people in charge of food production and business operation enterprises shall implement enterprise food safety management systems and be fully responsible for food safety of their respective enterprises.

Food production and operation enterprises shall appoint food safety directors, food safety officers, and other food safety management personnel as required, define their post responsibilities, and strengthen their training and assessment. Personnel failing assessment and lacking food safety management competence shall not be permitted to work at the food safety positions. Food production and operation enterprises shall establish archives for food safety

training and assessment, truthfully record training time, contents, participants, and assessment results. Market regulation departments shall conduct random supervision and spot check assessment on food safety management personnel of enterprises and publish assessment results. No fees shall be charged for supervision and spot check assessment.

Article 55 Food producers and business operators shall establish and implement employee health management systems. Persons suffering from diseases impairing food safety specified by the health administrative department and disease prevention and control department of the State Council shall not engage in work involving contact with ready-to-eat food.

Personnel engaged in work involving contact with ready-to-eat food shall undergo annual health examinations and obtain health certificates prior to taking up posts.

Article 56 Food production enterprises shall formulate and implement control requirements for the following matters to ensure food produced complies with food safety standards:

(1) Raw material control including raw material procurement, acceptance, and feeding;

(2) Control of key critical stages of production, including production processes, equipment, storage, and packaging;

(3) Inspection control covering raw material inspection, semi-finished product inspection, and finished product exiting factory inspection;

(4) Control over transportation and delivery.

Article 57 Food producers and business operators shall establish food safety self-inspection systems and regularly inspect and evaluate food safety status. Where production and business operation conditions change and no longer satisfy food safety requirements, food producers and business operators shall adopt rectification measures immediately. Where potential risks of food safety incidents exist, they shall cease food production and business operation immediately and report to local market regulation departments of local governments at county level.

Article 58 It is encouraged for food production and business operation enterprises to comply with good manufacturing practice requirements and implement hazard analysis and critical control point systems to raise food safety management levels.

For food production and business operation enterprises certified for compliance with good manufacturing practice and hazard analysis and critical control point systems, certification bodies shall conduct follow-up investigations in accordance with the law. Where enterprises no longer satisfy certification requirements, certifications shall be revoked in accordance with the law, timely notifications shall be sent to market regulation departments at or above county level, and results shall be published to the public. Certification bodies shall not charge fees for follow-up investigations.

Article 59 When purchasing food ingredients, food additives, and food related products, food producers shall examine suppliers' licenses and product qualification certificates. For food raw materials for which qualification certificates cannot be provided, inspections shall be conducted in accordance with food safety standards. Purchase or use of food ingredients, food additives, and food related products failing to meet food safety standards is prohibited.

Food production enterprises shall establish purchase inspection and record systems for food ingredients, food additives, and food related products, truthfully record the name, specification, quantity, production date, or batch number, shelf-life, purchase date of food ingredients, food additives, and food related products, as well as the name, address, and contact information of suppliers, and preserve relevant vouchers. Records and vouchers shall be retained for no less than six months after expiry of product shelf-life; where no explicit shelf-life is specified, retention period shall be no less than two years.

Article 60 Food production enterprises shall establish production process control record systems, truthfully record product formulas, production input, control of critical stages, cleaning and disinfection of equipment and facilities, disposal of non-conforming products, and preserve relevant vouchers. Retention periods for records and vouchers shall comply with Paragraph 2 of Article 59 of this Law.

Article 61 Food production enterprises shall establish exiting factory inspection and record systems for food, examine inspection qualification certificates and safety status of exit factory food, truthfully record the name, specification, quantity, production date, or batch number, shelf-life or shelf-life expiry date, inspection qualification certificate number, sales date of food, as well as the name, address, and contact information of purchasers, and preserve relevant vouchers. Retention periods for records and vouchers shall comply with Paragraph 2 of Article 59 of this Law.

Article 62 Producers of food, food additives, and food related products shall inspect food, food additives, and food related products they produce in accordance with food safety standards; such products may leave factories or be sold only upon passing inspection.

Article 63 When purchasing food, food additives, and food related products, food business operators shall examine suppliers' licenses and other qualifications as well as exiting factory inspection qualification certificates or other qualification certification documents (hereinafter referred to as qualification certification documents).

Food business operation enterprises shall establish incoming food inspection and record systems, truthfully record the name, specification, quantity, production date, or batch number, shelf-life, purchase date of food, as well as the name, address, and contact information of suppliers, and preserve relevant vouchers. Retention periods for records and vouchers shall comply with Paragraph 2 of Article 59 of this Law.

For food business operation enterprises adopting unified distribution modes, their headquarters may conduct unified examination of suppliers' licenses and food qualification certification documents and keep incoming food inspection records.

Business operation enterprises engaged in food wholesale shall establish food sales record systems, truthfully record the name, specification, quantity, production date, or batch number, shelf-life, sales date of wholesale food, as well as the name, address, and contact information of purchasers, and preserve relevant vouchers. Retention periods for records and vouchers shall comply with Paragraph 2 of Article 59 of this Law.

Article 64 Food business operators shall store food in compliance with food safety requirements, regularly inspect stock food, and clear out deteriorated or expired food in a timely manner.

Where food business operators store bulk food, food name, production date, or batch number, shelf-life or shelf-life expiry date, name and contact information of producers shall be marked on storage positions, containers, or packages.

Article 65 Food production and business operation enterprises shall install monitoring equipment at key risk stages of food production and business operation and connect real-time monitoring video information to systems of local governments at or above county level.

Article 66 Catering service providers shall formulate and implement raw material control requirements and shall not purchase or use raw materials failing to meet food safety standards. Catering service providers are encouraged to make food processes open to the public and disclose information about the food raw materials and their sources.

During food processing, catering-service providers shall inspect food and raw materials to be processed. If any of the circumstances specified in Item (6) of Article 35 of this Law are identified, such food or raw materials shall not be processed or used.

Article 67 Catering service providers shall regularly maintain facilities and equipment for food processing, storage, and display; regularly clean and calibrate heat preservation facilities as well as refrigeration and freezing facilities.

Catering service providers shall clean and disinfect tableware and drinking utensils as required and shall not use uncleaned or undisinfected tableware and drinking utensils. Where catering service providers entrust cleaning and disinfection of tableware and drinking utensils, they shall entrust centralized tableware and drinking utensil disinfection service units complying with provisions of this Law.

Article 68 Collective dining units including schools, kindergartens, elderly care institutions, and construction sites shall establish and implement long-term mechanisms for fulfilling their primary responsibilities for food safety They shall strengthen administration over their own canteens, contracted operation enterprises, and food service providers, strictly comply with laws,

regulations, and food safety standards, and ensure their principal persons in charge bears overall responsibility for food safety in their respective canteens.

Where ordering meals from food service providers, meals shall be ordered only from enterprises holding corresponding food production and business operation licenses, and ordered food shall be inspected as required. Food service providers should strictly abide by laws, regulations, and food safety standards, and process food onsite to ensure food safety.

Competent departments of collective dining units such as schools, kindergartens, elderly care institutions, and construction sites shall strengthen food safety education and daily administration for collective dining units, reduce food safety risks, and eliminate hidden food safety hazards in a timely manner.

Article 69 Centralized tableware and drinking utensil disinfection service units shall possess corresponding operation premises, cleaning-and-disinfection equipment or facilities. Water, detergents and disinfectants used, as well as finished tableware and drinking utensils leaving factories shall comply with relevant national food safety standards and other national standards and hygienic norms.

Centralized tableware and drinking utensil disinfection service units shall conduct batch-by-batch inspection of disinfected tableware and drinking utensils; such articles may leave factories only upon passing inspection and shall be accompanied by disinfection qualification certificates. Disinfected tableware and drinking utensils shall bear marks on independent packages indicating unit name, address, contact information, disinfection method, disinfection date, and batch number as well as service-life period and other contents.

Article 70 Food additive producers shall establish exiting factory inspection and record systems for food additives, examine inspection qualification certificates and safety status of exiting factory products, truthfully record the name, specification, quantity, production date, or batch number, shelf-life, inspection qualification certificate number, sales date of food additives, as well as the name, address and contact information of purchasers, and preserve relevant vouchers. Retention periods for records and vouchers shall comply with Paragraph 2 of Article 59 of this Law.

Article 71 When purchasing food additives, food-additive business operators shall examine suppliers' licenses and product qualification certification documents in accordance with law, truthfully record the name, specification, quantity, production date or batch number, shelf life, purchase date of food additives, as well as the name, address, and contact information of suppliers, and preserve relevant vouchers. Retention periods for records and vouchers shall comply with Paragraph 2 of Article 59 of this Law.

Article 72 Operators of centralized trading markets, counter lessors, and organizers of food fairs shall examine qualifications of food business operators entering the market in accordance with

the law, establish records for such operators, define their food safety management responsibilities, regularly inspect their business operation environment and conditions. Where violations of this Law are discovered, they shall promptly stop such violations and reports shall be immediately submitted to local market regulation departments of local governments at county level.

Article 73 China establishes a food recall system. Where food producers discover the food they produce fails to comply with food safety standards or has evidence proving potential hazards to human health, they shall cease production immediately, recall food already released into markets, notify relevant producers, business operators and consumers, and record recall and notification conditions.

Where food business operators discover food they operate falls under circumstances specified in the preceding paragraph, they shall cease business operation immediately, notify relevant producers, business operators, and consumers, and record cessation of business and notification status. Where food producers deem recalls necessary, recalls shall be implemented immediately. Where circumstances specified in the preceding paragraph arise from reasons attributable to food business operators, food business operators shall conduct recalls.

Where operators of centralized trading markets, counter lessors, organizers of food fairs, and operators of online food trading platforms discover food entering markets or entering platform falls under circumstances specified in Paragraph 1, they shall require food producers and business operators to cease business operation immediately and cooperate with food producers and business operators in implementing recalls.

Food producers and business operators shall adopt measures such as harmless treatment or destruction for recalled food to prevent it re-entry into markets. However, if food is recalled merely due to non-compliance of labels, marks, or instructions, food producers may continue sales after adopting remedial measures provided food safety can be guaranteed; remedial measures shall be explicitly indicated to consumers upon sales.

Food producers and business operators shall report food recall and disposal circumstances to local market regulation departments of local governments at county level. Where recalled food needs harmless treatment or destruction, time and place shall be reported in advance. Market regulation departments may conduct on-site supervision where deemed necessary.

Where food producers and business operators fail to conduct recalls or cease business operations in accordance with provisions of this Article, market regulation departments of local governments at or above county level may order them to conduct recalls or cease business operations.

The recall of food additives shall apply provisions of this Article.

Section 3 Labels, Instructions and Commercial Promotion

Article 74 Pre-packaged food shall bear labels on packages. Labels shall indicate the following items:

(1) Name, specification, net content, and production date;

(2) Components or ingredient list;

(3) Name, address, and contact information of producers. For food produced under a contract manufacturing arrangement, the labels shall also indicate the name, address, and contact information of entrusting parties as well as the name and address of entrusted parties;

(4) Shelf life or shelf-life expiry date;

(5) Product standard code;

(6) Storage conditions;

(7) Generic names of food additives used as specified in national standards;

(8) Production license number;

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

For staple and supplementary foods specially for infants and young children, and other specific groups, labels shall also indicate major nutritional components and their contents.

Where national food-safety standards contain other provisions for label and marking items, such provisions shall prevail.

Article 75 When selling bulk food, food business operators shall mark the name, production date or batch number, shelf life or shelf-life expiry date of food as well as the name, address, and contact information of producers and business operators on containers or outer packages for bulk food.

Article 76 Genetically modified food produced or operated shall be marked conspicuously in accordance with their provisions.

Article 77 Food additives shall bear labels, instructions, and packages. Labels and instructions shall specify items listed in Items (1) to (6), item (8) and (9) of Paragraph 1 of Article 74 of this Law, as well as the scope of application, dosage, and usage methods of food additives, and shall bear the words “Food Additive” on labels.

Article 78 Labels and instructions for food and food additives shall not contain false or misleading content and shall not involve disease prevention or therapeutic functions. Producers and business operators shall be responsible for contents of labels and instructions they provide.

Labels and instructions for food and food additives shall be clear and prominent; items such as production dates and shelf lives shall be marked conspicuously for easy identification.

Where food or food additives are inconsistent with contents of their labels or instructions, they shall not be released for sale.

Unless explicitly prescribed by laws, administrative regulations, or national food safety standards, labels of pre-packaged food shall not claim suitability for specific groups such as minors, pregnant women, and lactating women.

Article 79 Food business operators shall sell food in compliance with warning marks, warning instructions, or notes indicated on food labels.

Article 80 Contents of food commercial promotion shall be truthful and lawful; they shall not contain false or misleading contents and shall not involve disease prevention or therapeutic functions. Food producers and business operators shall be responsible for the truthfulness and lawfulness of contents of food commercial promotion.

Market regulation departments and other relevant departments of local governments at or above county level, food inspection institutions, and relevant food industry associations shall not recommend food to consumers. Consumer organizations shall not recommend food to consumers by charging fees or seeking other interests.

Section 4 Special Foods

Article 81 China implements stringent supervision and administration over special foods including health food, formula food for special medical purposes, formula food for infants and young children and supplementary food for infants and young children.

Article 82 Health function claims for health food shall be supported by scientific evidence and shall not cause acute, sub-acute, or chronic harm to human bodies.

Catalog of raw materials for filed health food and catalog of permitted health function claims for health food shall be formulated, adjusted and published by the market regulation department of the State Council jointly with the health administrative department of the State Council and the State Administration of Traditional Chinese Medicine.

The catalog of raw materials for filed health food shall include names of raw materials or their compatibility, functions, technical requirements, dosage, suitable groups, unsuitable groups, and precautions.

The market regulation department of the State Council shall formulate, adjust and publish the catalog of substances that may be illegally added to health food.

Article 83 Health food using raw materials outside the catalog of raw materials for filed health food and health food imported for the first time shall be subject to registration by the market regulation department of the State Council. However, among health food for the first time, those used for supplementing nutrients such as vitamins and minerals shall be filed with the market

regulation department of the State Council. Other health foods shall be filed with market regulation departments of the local governments of provinces, autonomous regions and municipalities directly under the Central Government.

Permitted auxiliary materials, dosage forms, processes, and technical requirements for filed health food shall be formulated, adjusted, and published by the market regulation department of the State Council.

Imported health food shall be products permitted for market sales by competent authorities of exporting countries (regions).

Article 84 For health food subject to mandatory registration, research and development reports, product formulas, production processes, technical requirements, safety and health function evaluation, samples of labels and instructions, product samples and relevant certification documents shall be submitted upon registration. The market regulation department of the State Council shall organize technical evaluation, conduct registration on-site inspection based on risk classification and grading, grant registration where safety, function claim and quality controllability requirements are satisfied; deny registration and give written reasons where requirements are not met. Where registration approval is granted for health food using raw materials outside the catalog of raw materials for filed health food, such raw materials shall be incorporated into the catalog of raw materials for filed health food in a timely manner.

For health food imported for the first time using raw materials within the catalog of raw materials for filed health food and complying with filing requirements, registration, evaluation and approval procedures may be appropriately simplified, except for those supplementing vitamins, minerals and other nutrients. Where new function suggestions and corresponding registration applications for new function health food are submitted simultaneously, priority evaluation and approval procedures may apply.

For health food subject to mandatory filing, product formulas, raw and auxiliary materials, production processes, product dosage forms, technical requirements, samples of labels and instructions as well as materials demonstrating product safety and health functions shall be submitted upon filing.

Article 85 Labels and instructions for health food shall not involve disease prevention or therapeutic functions; their contents shall be truthful, consistent with registered or filed contents, specify suitable groups, unsuitable groups, functional ingredients, or marker ingredients and their contents, and include the statement: “Health food is not medicine and cannot replace medicine for disease treatment.” Functions and ingredients of health food shall be consistent with its labels and instructions.

Article 86 In addition to complying with Paragraph 1 of Article 80 of this Law, contents of health food advertisements shall be examined and approved by market regulation departments of

the local governments of provinces, autonomous regions and municipalities directly under the Central Government at the locality of registrants, filers or import agents, and advertisement approval documents shall be obtained. Market regulation departments of the local governments of provinces, autonomous regions, and municipalities directly under the Central Government shall publish and update catalogs of approved advertisements and approved advertisement contents in a timely manner.

Contents of health food advertisements shall also contain the statement: “Health food is not medicine and cannot replace medicine for disease treatment.” Advertisements for formula food for special medical purposes shall additionally contain the statement: “This product shall be used under the guidance of physicians or clinical dietitians.”

Article 87 Except as explicitly specified by national food safety standards, no food other than formula food for infants and young children and supplementary food for infants and young children may claim suitability for infants and young children.

Formula food for infants and young children and supplementary food for infants and young children shall not claim complete or partial replacement of breast milk.

Article 88 Formula food for special medical purposes shall be subject to registration by the market regulation department of the State Council. Upon registration, product formulas, production processes, labels, instructions as well as materials demonstrating product safety, nutritional adequacy and clinical effects for special medical purposes shall be submitted.

Advertisements for formula food for special medical purposes shall apply provisions of the Advertising Law of the People’s Republic of China and other laws and administrative regulations governing pharmaceutical advertisements.

Article 89 Producers of formula food for special medical purposes, formula food for infants and young children, and supplementary food for infants and young children shall implement whole process quality control from raw material incoming inspection to finished product exit factory inspection, and conduct batch-by-batch inspection for exit factory products to ensure food safety.

Raw materials and food additives used in producing formula food for infants and young children and supplementary food for infants and young children shall comply with provisions of laws and administrative regulations as well as national food safety standards and ensure nutritional components necessary for infant growth and development.

Producers of formula food for infants and young children and supplementary food for infants and young children shall file matters including food raw materials, food additives, product formulas, production processes, labels and packaging materials in direct contact with food with market regulation departments of local governments of provinces, autonomous regions, and municipalities directly under the Central Government as required.

Product formulas for formula milk powder for infants and young children and formula liquid milk for infants and young children shall be subject to registration by the market regulation department of the State Council. Upon registration, formula research and development reports and other materials demonstrating formula scientific soundness and safety shall be submitted.

Production of formula milk powder for infants and young children or formula liquid milk for infants and young children by repackaging is prohibited. The same enterprise shall not produce different brands of formula milk powder or formula liquid milk for infants and young children with the same formula.

Article 90 Registrants or filers of health food, formula food for special medical purposes, formula milk powder for infants and young children, formula liquid milk for infants and young children, and supplementary food for infants and young children shall be responsible for truthfulness of materials they submit.

Market regulation departments of the local governments at or above provincial level shall promptly publish catalogs of registered or filed health food, formula food for special medical purposes, formula milk powder and formula liquid milk for infants and young children, and supplementary food for infants and young children, and keep confidential business secrets of enterprises obtained during registration or filing.

Producers of health food, formula food for special medical purposes, formula milk powder and formula liquid milk for infants and young children, and supplementary food for infants and young children shall organize production in accordance with registered or filed product formulas, production processes, and other technical requirements.

Article 91 Enterprises producing health food, formula food for special medical purposes, formula food for infants and young children, and other staple and supplementary food for specific groups shall establish production quality management systems suitable for food they produce in accordance with good manufacturing practice requirements, conduct regular self-inspection on system operation to guarantee effective operation, and submit self-inspection reports to local market regulation departments of the local governments at county level.

Section 5 Food Safety in Schools

Article 92 School principals (kindergarten directors) shall be the first persons-in-charge for school food safety; the principal (director) responsibility system shall be implemented.

Schools shall establish, improve and implement food safety management systems prescribed by this Law, regularly organize food safety risk investigations, and eliminate food safety hazards in a timely manner.

Article 93 Self-operated school canteens shall adhere to public welfare principles and shall not aim at profit making. Canteens of rural compulsory education schools implementing nutrition

improvement programs shall not be operated under contracted or entrusted arrangements. Schools with appropriate conditions are encouraged to operate and administer canteens independently.

Article 94 School canteens shall appoint food safety directors, food safety officers, and other food safety management personnel as required and define their post responsibilities.

Food safety directors shall be personnel from internal management of respective entities.

Article 95 Schools shall standardize procurement of food materials; bulk food materials procurement shall be jointly inspected by two or more people. Where government procurement is involved, provisions of government procurement laws, regulations, and systems shall apply.

Article 96 Schools shall strictly administer contracted operation of school canteens, establish and implement management mechanisms for qualification examination, public announcement of selected enterprises, assessment evaluation and exit for canteen contracting enterprises. Enterprises contracted to operate school canteens shall not conduct subcontracting or re-contracting.

Article 97 The market regulation department of the State Council shall, jointly with the education department, formulate catalogues of food prohibited from procurement, processing, and sale in schools.

Article 98 Primary and secondary schools and kindergartens shall establish accompanying meal systems for collective dining.

Article 99 Education departments shall guide and urge schools to establish and improve management systems related to food safety and nutrition health, strengthen overall administration and guidance for canteen construction, food material procurement, meal supply and determination of external food supply units, and take school food safety as important content for on-campus inspections responsibility to strengthen daily supervision.

Health administrative departments shall take campus food safety risks as key monitoring targets and strengthen monitoring and reporting of food borne diseases.

Market regulation departments shall conduct regular inspections of school canteens, food supply units, in-school food business operators and bulk food material suppliers.

Section 6 Online Food Business Operations

Article 100 Operators of online food trading platforms shall, within thirty working days upon approval by competent communications authorities, file records with market regulation departments of the local governments of provinces, autonomous regions and municipalities directly under the Central Government at their locality and obtain filing numbers.

Food producers and business operators conducting transactions via self-built websites shall, within thirty working days upon approval by competent communications authorities, file records with local market regulation departments at municipal or county level and obtain filing numbers.

Operators of online food trading platforms shall establish branches or offices in provincial level regions where online food trading businesses are carried out, and within thirty working days upon establishment, file records with market regulation departments of the local governments of provinces, autonomous regions and municipalities directly under the Central Government at their locality and obtain filing numbers.

Article 101 Operators of online food trading platforms shall define food safety responsibilities and obligations of operators of online food trading platforms, in-platform food producers and business operators, live stream operation entities, live stream marketing personnel, and live stream marketing personnel service institutions via service agreements and transaction rules.

Operators of online food trading platforms shall regularly submit information on in-platform operators to market regulation departments of the local governments of provinces, autonomous regions, and municipalities directly under the Central Government at their locality. Contents of specific information shall be formulated by the market regulation department of the State Council.

Article 102 Operators of online food trading platforms shall formulate management specifications for actual operation institutions, define work duties of actual operation institutions, provide training and administration for actual operation institutions and their relevant personnel, and urge them to fulfil food safety responsibilities.

Article 103 Operators of online food trading platforms shall set up dedicated food safety administration institutions, appoint food safety directors, food safety officers, and other management personnel as required, strengthen their training and assessment. Personnel failing assessment and lacking food safety management competence shall not be permitted to work as food safety officer. Market regulation departments shall conduct random supervision and spot-check assessment on food safety management personnel of operators of online food trading platforms and publish assessment results. No fees shall be charged for supervision and spot-check assessment.

Article 104 Operators of online food trading platforms shall establish and implement registration and examination systems for in-platform operators, conduct real name registration for in-platform operators; where licenses or filings are required by law, they shall conduct substantive examination of license and filing certification materials. Operators of online food trading platforms shall verify and update aforesaid information at least once every six months. Relevant registration and examination circumstances shall be filed for future reference with retention periods of no less than two years.

Article 105 Operators of online food trading platforms shall establish and implement food safety training systems and provide food safety knowledge training for in-platform operators.

Article 106 Operators of online food trading platforms shall establish and implement disposal systems for illegal food safety acts. Where violations of this Law committed by in-platform operators are discovered, cease of business shall be ordered and reports shall be immediately submitted to local market regulation departments of the local governments at county level; corresponding disposal measures shall be taken in accordance with platform rules. Where business operation qualifications of in-platform operators are revoked, cancelled, suspended, or expired, provision of online trading platform services shall be terminated immediately.

Article 107 Operators of online food trading platforms shall provide technical support for in-platform operators to perform obligations such as information disclosure and video display in accordance with law.

Article 108 In-platform operators and food producers and business operators conducting sales via self-built websites shall continuously display food production and business operation license and filing information or link marks for such information in prominent positions on their homepages, and display label information of pre-packaged food on commodity detail pages.

For sales of edible agricultural products, commodity detail pages shall prominently mark names, origins, contact information, and business addresses. Display of compliance commitment certificates for edible agricultural products and traceability mark information on commodity detail pages is encouraged.

Article 109 Cross-border e-commerce (CBEC) enterprises shall assume primary responsibilities for safety of imported food, food additives, and food related products for CBEC; they shall entrust domestic qualified producers and business operators of food, food additives, and food related products to assume recall responsibilities and advertiser responsibilities and submit entrustment information to operators of online food trading platforms.

Operators of online food trading platforms shall urge CBEC enterprises to strengthen food safety risk prevention and control and food recall. Where CBEC enterprises refuse to conduct recalls, operators of online food trading platforms shall suspend services and conduct advance recalls, operators of online food trading platforms shall have the right to claim compensation from CBEC enterprises.

CBEC enterprises shall mark items specified in Article 74 of this Law in Chinese on platform transaction pages.

Article 110 Internet-access catering service providers shall publicly broadcast food processing and make processes in real-time via video to the public and accept social supervision.

Chapter V Food Inspection

Article 111 Food inspection institutions may engage in food inspection activities only after obtaining qualifications in accordance with the relevant national provisions on certification and accreditation, unless otherwise provided by law.

Food inspection institutions shall ensure that their technical capabilities continuously meet the conditions and requirements for qualification accreditation.

The conditions for qualification accreditation and the inspection specifications applicable to food inspection institutions shall be prescribed by the market regulation department under the State Council.

Inspection reports issued by food inspection institutions that comply with this Law shall have equal legal effect.

Local governments at or above the county level shall integrate food inspection resources to facilitate resource sharing.

Article 112 Food inspections shall be conducted independently by inspectors designated by food inspection institutions.

Inspectors shall inspect food in accordance with relevant laws and regulations, food safety standards, and inspection specifications. They shall respect scientific principles, adhere to professional ethics, ensure that the inspection data and conclusions they issue are objective and impartial, and shall not issue false inspection reports.

Article 113 Food inspection shall operate under a system of responsibility for food inspection institutions and inspectors.

Food inspection reports shall bear the official seal of the food inspection institution and the signature or seal of the inspector. Food inspection institutions and inspectors shall be responsible for the food inspection reports they issue.

Article 114 Market regulation departments of people's governments at or above the county level shall conduct regular or random sampling inspections of food and publish the inspection results in accordance with relevant provisions. No food shall be exempted from inspection.

For sampling inspections, the samples collected shall be purchased, and the inspections shall be entrusted to food inspection institutions that comply with this Law. The relevant costs shall be paid by the authorities conducting the inspections. Food producers and business operators shall not be charged inspection fees or other fees.

Article 115 Where a food producer or business operator objects to an inspection conclusion issued pursuant to this Law, it may apply for re-inspection within seven working days of receiving the inspection conclusion. The application shall be submitted to the market regulation department that conducted the sampling inspection or to the market regulation department at the next higher administrative level.

The market regulation department accepting the application shall randomly select a re-inspection institution from the published list of eligible re-inspection institutions to conduct the re-inspection. The conclusion issued by the re-inspection institution shall be the final inspection conclusion.

The re-inspection institution shall not be the same institution that conducted the initial inspection.

The list of eligible re-inspection institutions shall be jointly published by the relevant departments under the State Council responsible for certification and accreditation, market regulation, health, and agriculture and rural affairs.

Article 116 Food production and business enterprises may inspect the food they produce or handle themselves, or entrust food inspection institutions that comply with this Law to conduct the inspections.

Food related industry associations, consumer associations, and other organizations, as well as consumers, that wish to entrust food inspection institutions with food inspections shall engage institutions that comply with this Law.

The party commissioning an inspection shall reasonably explain the source of the samples submitted for inspection and shall be responsible for the authenticity of that information. No organization or individual may use commissioned inspection data, results, or reports to engage in exaggerated publicity, advertising, or other marketing activities, or publish such data, results, or reports without authorization.

No organization or individual may forge or alter, or use forged or altered, quality inspection and testing reports or other quality certification documents relating to food, food additives, or food related products.

Article 117 The provisions of this Law concerning food inspection shall also apply to the inspection of food additives.

The inspection of raw grain shall be conducted in accordance with relevant national provisions.

Chapter VI Import and Export of Food

Article 118 Imported food, food additives, and food related products shall comply with China's national food safety standards, unless otherwise provided by laws or administrative regulations.

Importers shall be responsible for the safety of imported food, food additives, and food related products.

Imported food, food additives, and food related products shall undergo conformity assessment by Customs in accordance with the law.

Imported food, food additives, and food related products shall be accompanied by supporting documents certifying their compliance with applicable requirements, in accordance with requirements of the Customs authorities.

Article 119 Where food is imported for which no food safety standard has yet been established, the overseas exporter, overseas manufacturer, or importer entrusted by either party shall submit the relevant national or regional standards, or international standards, to the health administrative department under the State Council. The health administrative department under the State Council shall review the relevant standards. If it determines that they meet food safety requirements, it shall decide that they may be applied provisionally and shall promptly formulate the corresponding national food safety standards. The import of food produced using new food raw materials, new varieties of food additives, or new varieties of food related products shall be handled in accordance with Article 38 of this Law.

Customs shall inspect the food, food additives, and food related products referred to in the preceding paragraph in accordance with the requirements of the health administrative department under the State Council. The inspection results shall be made public.

Article 120 Overseas exporters and overseas manufacturers shall ensure that the food, food additives, and food related products they export to China comply with this Law, other relevant Chinese laws and administrative regulations, and China's national food safety standards. They shall be responsible for the content of product labels and instructions.

Importers shall establish a system for reviewing overseas exporters and overseas manufacturers, with particular emphasis on verifying compliance with the requirements set out in the preceding paragraph. Products shall not be imported if the review is unsuccessful.

Where an importer discovers that imported food, food additives, or food related products do not comply with China's national food safety standards, lack applicable national or regional standards or international standards that have been approved for provisional application, or are supported by evidence indicating that they may endanger human health, the importer shall immediately suspend imports and conduct a recall in accordance with Article 73 of this Law. The importer shall also report the recall and subsequent handling of the products to the local Customs office and the market regulation department of the local government at the same administrative level.

Article 121 Where a food safety incident occurring outside China may affect China, or serious food safety issues are discovered in imported food, food additives, or food related products, the General Administration of Customs of China (GACC) shall promptly implement risk alerts or control measures and notify the market regulation, health administrative, and agriculture and rural affairs departments under the State Council. The departments receiving such notifications shall promptly take corresponding measures.

Market regulation departments of the local governments at or above the county level shall supervise and regulate imported food, food additives, and food related products sold in the domestic market. Where serious food safety issues are identified, the market regulation

department under the State Council shall promptly notify GACC, which shall take corresponding measures without delay.

Article 122 Overseas exporters or their agents exporting food or food additives to China, as well as importers of food and food additives, shall file records with GACC. Overseas food production enterprises exporting food or food additives to China shall be subject to registration by GACC. GACC shall determine, adjust, and publish the scope of overseas food production enterprises required to register. GACC may revoke the registration of an overseas food production enterprise that no longer meets the registration requirements and shall make the revocation public.

GACC shall publish the lists of overseas exporters, agents, and importers that have filed records, as well as overseas food and food additive production enterprises that have been registered.

Article 123 Imported prepackaged food, food additives, and food related products shall bear labels in Chinese. Where instructions are required by law, they shall also be provided in Chinese. Labels and instructions shall comply with this Law, other relevant Chinese laws and administrative regulations, and China's national food safety standards. Prepackaged food, food additives, and food related products that lack Chinese labels or Chinese instructions, where required, or whose labels or instructions do not comply with this Article shall not be imported.

Article 124 Importers shall establish recordkeeping systems for the import and sale of food, food additives, and food related products. They shall accurately record import and sales information and retain the relevant supporting documents for food, food additives, and food related products. The retention period for records and supporting documents shall comply with Paragraph 2 of Article 59 of this Law.

Article 125 Export food production enterprises shall conduct the production, processing, storage, and transportation of export food in accordance with bilateral or multilateral agreements or the requirements of the importing country or region. They shall establish a comprehensive, traceable food safety and hygiene control system to ensure that their export food complies with the laws and regulations of the importing country or region, or with applicable contractual requirements.

Exporting food manufacturers and farms that grow or raise raw materials for export food shall file records with GACC.

Where the importing country or region requires registration of Chinese export food production enterprises and requires GACC to recommend such enterprises for registration, the export food production enterprises concerned shall apply to Customs for registration recommendation in accordance with the law.

GACC shall establish a catalog of export products subject to mandatory inspection. Customs shall inspect export food products included in this catalog.

Article 126 GACC shall collect and compile the following import and export food safety information and promptly notify the relevant departments, institutions, and enterprises:

1. Food safety information identified by Customs during the inspection and quarantine of imported and exported food and food additives;
2. Imported food safety information reported by food related industry associations, consumer associations, and other organizations, as well as consumers;
3. Risk alerts and other food safety information published by international organizations and overseas government agencies, as well as food safety information reported by overseas food related industry associations and other organizations, and consumers;
4. Other food safety information.

Article 127 In accordance with Article 140 of this Law, Customs shall implement an import and export food safety credit management system for importers of imported food and food additives, exporters of exported food, and export food production enterprises.

Article 128 GACC may assess and review the food safety management systems and food safety conditions of countries or regions exporting food and food additives to China. Based on the results of such assessments and reviews, GACC shall determine the corresponding inspection and quarantine requirements.

Chapter VII Response to Food Safety Incidents

Article 129 The State Council shall organize the formulation of the national emergency response plan for food safety incidents.

Local governments at or above the county level shall formulate emergency response plans for food safety incidents within their respective administrative regions in accordance with relevant laws and regulations, the emergency response plans for food safety incidents of the local governments at higher levels, and local conditions, and shall file such plans with the local governments at the next higher level for record.

Emergency response plans for food safety incidents shall specify the classification of food safety incidents, the organizational and command system for incident response, operational mechanisms, emergency support, and other matters.

Food production and operation enterprises shall formulate response plans for food safety incidents, regularly inspect the implementation of their food safety prevention measures, and eliminate potential risks of incidents in a timely manner.

Article 130 Any entity in which a food safety incident occurs shall immediately take measures to prevent the incident from escalating. The entity concerned and any entity receiving patients for treatment shall promptly report the incident to the market regulation department and the health administrative department of the people's government at the county level where the incident occurred.

Where departments responsible for agriculture and rural affairs and other relevant departments of local governments at or above the county level discover a food safety incident or receive a report of such an incident in the course of routine supervision and administration, they shall immediately notify the market regulation department at the same level.

Where a food safety incident occurs, the market regulation department of the local government at the county level receiving the report shall report it to the local government at the same level and the market regulation department of the local government at the next higher level in accordance with the emergency response plan. The local government at the county level and the market regulation department of the government at the next higher level shall submit further reports in accordance with the emergency response plan.

No entity or individual may conceal, make a false report of, or delay reporting a food safety incident, or conceal, forge, or destroy relevant evidence.

Article 131 Where a medical institution discovers that a patient it has received suffers from or is suspected of suffering from a foodborne disease, it shall promptly report the relevant information to the health administrative department of the government at the county level where it is located, in accordance with the applicable provisions. Where the health administrative department of the government at the county level considers the case to be related to food safety, it shall promptly notify the market regulation department at the same level.

Where health administrative departments of the local governments at or above the county level discover information related to food safety while investigating and handling infectious diseases or other public health emergencies, they shall promptly notify the market regulation department at the same level.

Article 132 Upon receiving a report of a food safety incident, the market regulation department of the government at or above the county level shall immediately conduct an investigation and handle the incident jointly with the health administrative department, the department responsible for agriculture and rural affairs, and other relevant departments at the same level, and take the following measures to prevent or mitigate harm to the public:

(1) Carry out emergency rescue operations and organize medical treatment for persons injured as a result of the food safety incident;

(2) Seal and detain food and food raw materials that may have caused the incident and immediately conduct inspections. Where food or food raw materials are confirmed to be contaminated, the food production or operation entity concerned shall be ordered to recall them or cease their sale in accordance with Article 73 of this Law;

(3) Seal and detain contaminated food-related products and order their cleaning and disinfection;

(4) Ensure the proper release of information, publish information on the food safety incident and its handling in accordance with the law, and explain and clarify any potential hazards.

Where a food safety incident requires activation of an emergency response plan, the local government at or above the county level shall immediately establish an emergency command body, activate the emergency response plan, and handle the incident in accordance with the preceding paragraph and the emergency response plan.

Where a food safety incident occurs, the disease prevention and control agency at or above the county level shall carry out sanitary treatment of the incident site and conduct an epidemiological investigation into factors related to the incident. Relevant departments shall provide assistance. The disease prevention and control agency at or above the county level shall submit an epidemiological investigation report to the market regulation department and the health administrative department at the same level.

Article 133 Where a food safety incident occurs, the market regulation department of the government at or above the city level divided into districts shall immediately investigate responsibility for the incident jointly with relevant departments, urge the relevant departments to perform their duties, and submit a report on the investigation and handling of responsibility for the incident to the government at the same level and the market regulation department of the government at the next higher level.

For a major food safety incident involving two or more provinces, autonomous regions, or municipalities directly under the Central Government, the market regulation department under the State Council shall organize the investigation into responsibility for the incident in accordance with the preceding paragraph.

Article 134 Investigations into food safety incidents shall adhere to the principles of seeking truth from facts and respecting science, promptly and accurately ascertain the nature and causes of the incidents, determine responsibility, and propose corrective measures.

In investigating a food safety incident, the responsibilities of the relevant regulatory departments, food inspection agencies, certification bodies, and their personnel shall also be investigated, in addition to those of the entity in which the incident occurred.

Article 135 Departments responsible for investigating food safety incidents shall have the authority to obtain information relating to an incident from relevant entities and individuals and require them to provide relevant materials and samples. Relevant entities and individuals shall cooperate and provide the materials and samples as required, and shall not refuse to do so.

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

Chapter VIII Supervision and Administration

Article 136 The market regulation departments of the local governments at or above the county level shall determine the priorities, methods, and frequency of supervision and administration based on food safety risk monitoring and assessment results, the overall food safety situation, and other relevant factors, and shall implement risk-based classification management.

Local governments at or above the county level shall organize the market regulation departments, departments responsible for agriculture and rural affairs, and other relevant departments at the same level to formulate annual food safety supervision and administration plans for their respective administrative regions, publish the plans to the public, and organize their implementation.

Annual food safety supervision and administration plans shall prioritize the following matters:

(1) Staple and supplementary foods specifically intended for infants and young children and other specific population groups;

(2) The addition of substances during the production of health foods, compliance with registered or filed technical requirements during production, and functional claims in the labels, instructions, and promotional materials of health foods;

(3) Food production and operation enterprises that face a relatively high risk of food safety incidents;

(4) Matters that food safety risk monitoring results indicate may present food safety hazards.

Article 137 In performing their food safety supervision and administration duties, the market regulation departments of the governments at or above the county level shall have the authority to take the following measures to inspect the compliance of food production and operation entities, online food trading platform operators, and other relevant parties with this Law:

(1) Enter production and operation premises to conduct on-site inspections;

(2) Conduct sampling inspections of food, food additives, and food related products produced or sold;

(3) Consult and copy relevant contracts, invoices, account books, electronic data, transaction records, logistics records, and other relevant materials;

(4) Seal and detain food, food additives, and food related products for which there is evidence of non-compliance with food safety standards, evidence of potential safety hazards, or which are used in illegal production or operation;

(5) Seal premises used for illegal production or operation;

(6) Conduct online inspections, dynamic monitoring, evidence collection, and verification by means of the Internet of Things, artificial intelligence, video surveillance, and other technologies.

Article 138 Where food safety risk assessment results demonstrate that food presents safety hazards and food safety standards need to be formulated or revised, the health administrative department under the State Council shall, together with relevant departments under the State Council, promptly establish temporary limits for hazardous substances in food and temporary testing methods before the relevant food safety standards are formulated or revised. These limits and methods shall serve as the basis for production, operation, supervision, and administration.

Article 139 The market regulation departments of the local governments at or above the county level may use rapid testing methods prescribed by the State to conduct spot checks on food during food safety supervision and administration.

Where spot-check results indicate that food may not comply with food safety standards, the food shall be inspected in accordance with Article 114 of this Law. Where the results confirm that the food does not comply with food safety standards, they may serve as the basis for administrative penalties.

Article 140 The State shall implement a food safety credit management system. The market regulation departments of the governments at or above the county level shall establish food safety credit records for food production and operation entities and online food trading platform operators, recording matters such as the issuance of licenses, routine supervision and inspection results, investigation and handling of violations, regulatory interviews concerning accountability, and corrective actions. Such records shall be disclosed to the public in accordance with the law, and the frequency of supervision and inspection shall be increased for food production and operation entities with high credit risk ratings.

Food production and operation entities, online food trading platform operators, and their legal representatives, principal responsible persons, and other persons directly responsible who seriously violate this Law shall be included by the market regulation departments of people's governments at or above the county level in the list of seriously untrustworthy entities in the field of market regulation. Such information shall be disclosed to the public in accordance with the law and reported to relevant competent departments, securities regulatory authorities, and financial institutions, and corresponding sanctions for serious credit violations shall be imposed in accordance with the law. Entities included on the list may apply for credit restoration in accordance with the law and have the relevant sanctions lifted if, within the prescribed period, they voluntarily rectify their violations and breaches of trust, eliminate food safety hazards, and fulfill administrative penalty decisions.

Article 141 Where potential food safety hazards arise during food production or operation and are not promptly eliminated, the market regulation departments of the governments at or above the county level may conduct regulatory interviews with the legal representatives or principal responsible persons of the relevant food production and operation entities or online food trading platform operators concerning their accountability. The food production and operation enterprises concerned shall immediately take corrective measures and eliminate the hazards. Records of such regulatory interviews and corrective actions shall be included in the food safety credit records of the relevant food production and operation enterprises.

Article 142 The market regulation departments and other relevant departments of the local governments at or above the county level shall publicize the channels through which they receive inquiries, complaints, and reports. Upon receiving an inquiry, complaint, or report, a department shall accept and handle it promptly within the statutory time limit if it falls within the department’s responsibilities. If it falls outside the department’s responsibilities, the matter shall be transferred to the department with the relevant authority, and the person making the inquiry, complaint, or report shall be informed. The department with the relevant authority shall handle the matter promptly within the statutory time limit and shall not evade its responsibilities. Rewards may be granted to persons reporting substantiated violations in accordance with relevant provisions. No entity or individual may abuse complaint or reporting procedures to seek illegal profits or make malicious complaints or reports.

Relevant departments shall keep the information of whistleblowers confidential and protect their legitimate rights and interests. Where a whistleblower reports violations by the enterprise for which they work, the enterprise shall not retaliate by terminating or modifying the employment contract or by any other means.

Article 143 The State shall establish a food safety inspector system and strengthen the professionalization and specialization of the inspector workforce to carry out food safety inspections.

The market regulation departments and other relevant departments of the governments at or above the county level shall strengthen training for law enforcement personnel in food safety laws, regulations, standards, professional knowledge, and law enforcement capabilities, and shall organize assessments. Personnel who lack the requisite knowledge and capabilities shall not engage in food safety law enforcement.

Where food production and operation entities, food related industry associations, consumer associations, or other parties discover that food safety law enforcement personnel have violated laws or regulations or engaged in improper law enforcement, they may file complaints or reports with the market regulation department or other relevant department of the government at the same level or a higher level, or with the supervisory authority. The department or authority receiving the complaint or report shall verify the relevant circumstances and, in accordance with the applicable provisions, notify the department to which the food safety law enforcement personnel belong of the verified findings. Suspected violations of laws or disciplinary rules shall be handled in accordance with this Law and relevant provisions.

Article 144 Where the market regulation departments and other relevant departments of the governments at or above the county level fail to identify systemic food safety risks in a timely manner or fail to eliminate food safety hazards within their respective administrative regions in a timely manner, the government at the same level may conduct regulatory interviews with their principal responsible persons concerning accountability.

Where a local government fails to perform its food safety duties and fails to eliminate major regional food safety hazards in a timely manner, the government at the next higher level may conduct a regulatory interview with its principal responsible person concerning accountability.

The market regulation departments and other relevant departments, or local governments, subject to such interviews shall immediately take corrective measures to improve food safety supervision and administration.

Records of regulatory interviews and corrective actions shall be included in the assessment records of food safety supervision and administration performed by local governments and relevant departments.

Article 145 The State shall establish a unified food safety information platform and implement a unified system for the release of food safety information. The overall national food safety situation, food safety risk alerts, information on major food safety incidents and their investigation and handling, and other information designated by the State Council for unified

release shall be published centrally by the market regulation department under the State Council. Where food safety risk alerts or information on major food safety incidents and their investigation and handling affect only a specific region, they may also be published by the market regulation department of the relevant government of a province, autonomous region, or municipality directly under the Central Government. Such information shall not be released without authorization.

The market regulation departments and departments responsible for agriculture and rural affairs of the governments at or above the county level shall publish routine food safety supervision and administration information within the scope of their respective responsibilities.

Food safety information shall be published accurately and promptly, accompanied by necessary explanations and clarifications to avoid misleading consumers or public opinion.

Article 146 Where the market regulation departments, health administrative departments, or departments responsible for agriculture and rural affairs of the local governments at or above the county level obtain information that must be published centrally under this Law, they shall report it to the competent department at the next higher level, which shall immediately report it to the market regulation department under the State Council. Where necessary, they may report directly to the market regulation department under the State Council.

The market regulation departments, health administrative departments, and departments responsible for agriculture and rural affairs of the local governments at or above the county level shall notify one another of food safety information they obtain.

Article 147 No entity or individual may fabricate or disseminate false food safety information. When publishing food safety information, the source shall be accurately identified, and the time and place of the incident shall be clearly specified.

Online platforms, public accounts operated by internet users, and internet information content multi-channel distribution service providers shall strictly review food safety content they disseminate and shall not publish false, exaggerated, misleading, or otherwise untrue information.

Where the market regulation departments of the governments at or above the county level discover food safety information that may mislead consumers or public opinion, they shall immediately organize relevant departments, professional institutions, and the food production and operation entities concerned to verify and analyze the information, and promptly publish the results.

Article 148 Where the market regulation departments or other relevant departments of the governments at or above the county level discover suspected food safety crimes, they shall promptly transfer the cases to public security organs in accordance with the relevant provisions. Public security organs shall promptly review transferred cases and initiate criminal investigations where they determine that criminal conduct has occurred and criminal liability should be pursued.

Where, during the investigation of a food safety crime, a public security organ determines that no criminal conduct has occurred, or that the criminal conduct is manifestly minor and does not warrant criminal liability, but administrative liability should be pursued in accordance with the law, it shall promptly transfer the case to the market regulation department or another relevant department, which shall handle the matter in accordance with the law.

Where a public security organ requests assistance from the market regulation department, the ecological environment department, or other relevant departments in providing inspection conclusions, determinations, or assistance with the harmless treatment of items involved in a case, the relevant departments shall promptly provide such assistance. Where no food safety testing standards or temporary or supplementary testing methods are available, the market regulation departments and other relevant departments may entrust an institution with the requisite testing capabilities to conduct testing using scientifically validated methods that comply with relevant national provisions and issue testing conclusions. Where such methods still fail to produce a clear conclusion, the market regulation department of a local government at or above the prefecture-level city shall organize experts to assess and determine the nature of the food involved. Testing conclusions and expert determinations may be used as evidence in law enforcement and judicial proceedings.

Article 149 Where a violation of this Law harms national interests or public interests, the People’s Procuratorate may initiate a public interest lawsuit in accordance with the relevant provisions of the Civil Procedure Law and the Administrative Litigation Law.

Chapter IX Legal Liability

Article 150 Where a person engages in the production or operation of food or food additives without obtaining the required production or operation license or completing the required filing in violation of this Law, the market regulation department of the government at or above the county level shall confiscate the illegal gains, the illegally produced or operated food and food additives, and any tools, equipment, raw materials, or other items used for the illegal production or operation. Where the value of the illegally produced or operated food or food additives is less than RMB 10,000, a fine of not less than five times but not more than ten times the value shall also be imposed. Where the value is less than RMB 1,000, it shall be calculated as RMB 1,000. Where the value is RMB 10,000 or more, a fine of not less than ten times but not more than twenty times the value shall be imposed.

Where a person knowingly or when they should have known that another party was engaging in the illegal conduct specified in the preceding paragraph nevertheless provides premises or other conditions for such production or operation, the market regulation department of the people's government at or above the county level shall order the person to cease the illegal conduct, confiscate the illegal gains, and impose a fine of not less than RMB 5,000 but not more than RMB 500,000. Where the legitimate rights and interests of consumers are harmed, the person shall bear joint and several liability with the food or food additive producer or operator.

Article 151 Where any of the following circumstances occurs in violation of this Law and the conduct does not constitute a crime, the market regulation department of the government at or

above the county level shall confiscate the illegal gains and illegally produced or operated food, and may confiscate the tools, equipment, raw materials, and other items used for the illegal production or operation. Where the value of the illegally produced or operated food is less than RMB 10,000, a fine of not less than ten times but not more than fifteen times its value shall also be imposed. Where the value is less than RMB 1,000, it shall be calculated as RMB 1,000. Where the value is RMB 10,000 or more, a fine of not less than fifteen times but not more than thirty times its value shall be imposed. In serious cases, the license shall be revoked, and the public security organ may impose detention of not less than five days but not more than fifteen days on the persons in charge and other persons directly responsible:

(1) Producing food using non-food raw materials, adding chemicals other than food additives or other substances that may endanger human health to food, using recovered food as raw material to produce food, or operating any of the above-mentioned food;

(2) Producing or operating staple or supplementary foods specifically intended for infants and young children or other specific population groups whose nutritional composition fails to comply with food safety standards;

(3) Operating animal products or their derivatives from animals that have died of disease, been poisoned, or died of unknown causes;

(4) Operating animal products or their derivatives that have not undergone the required meat quality inspection or animal quarantine, or that have failed such inspection or quarantine;

(5) Producing or operating food that the State has expressly prohibited for special needs such as disease prevention;

(6) Producing or operating food containing added medicinal substances.

Where a person knowingly provides premises or other conditions for the illegal conduct specified in the preceding paragraph, the market regulation department of the people's government at or above the county level shall order the person to cease the illegal conduct, confiscate the illegal gains, and impose a fine of up to RMB 500,000. Where the legitimate rights and interests of consumers are harmed, the person shall bear joint and several liability with the food producer or operator.

In addition to penalties imposed in accordance with relevant laws and regulations, the public security organ may impose detention in accordance with the first paragraph of this Article for the illegal use of highly toxic or highly hazardous pesticides.

Article 152 Where any of the following circumstances occurs in violation of this Law and the conduct does not constitute a crime, the market regulation department of the people's government at or above the county level shall confiscate the illegal gains and the illegally produced or operated food, food additives, and food-related products, and may confiscate the tools, equipment, raw materials, and other items used for the illegal production or operation. Where the value of the illegally produced or operated food, food additives, or food-related products is less than RMB 10,000, a fine of not less than five times but not more than ten times its value shall also be imposed. Where the value is less than RMB 1,000, it shall be calculated as

RMB 1,000. Where the value is RMB 10,000 or more, a fine of not less than ten times but not more than twenty times its value shall be imposed. In serious cases, the license shall be revoked:

(1) Producing or operating food or food additives in which pathogenic microorganisms, pesticide residues, veterinary drug residues, biological toxins, heavy metals, or other substances harmful to human health exceed the limits prescribed by food safety standards;

(2) Producing food or food additives using expired food raw materials or food additives, or operating food or food additives produced in this manner;

(3) Producing or operating food containing food additives used beyond the permitted scope or in excess of the permitted amounts;

(4) Producing or operating food or food additives that are rotten or spoiled, have rancid fats or oils, are moldy or infested with insects, are dirty or unhygienic, contain foreign matter, are adulterated or contaminated, or have abnormal sensory properties;

(5) Producing or operating food or food additives bearing false production dates, shelf-life periods, or expiration dates, or food or food additives that have exceeded their shelf life;

(6) Producing or operating health foods, foods for special medical purposes, infant formula milk powder, or infant formula liquid milk that have not been registered as required, or failing to organize production in accordance with registered product formulas, production processes, or other technical requirements;

(7) Producing infant formula milk powder or infant formula liquid milk by repackaging, or producing infant formula milk powder or infant formula liquid milk under different brands using the same formula within the same enterprise;

(8) Producing food using new food raw materials or producing new varieties of food additives without completing a safety assessment;

(9) Food production and operation entities refusing to recall food or cease its sale after being ordered to do so by the market regulation department;

(10) Producing or operating food whose actual characteristics do not correspond to the information stated on its labels, instructions, or promotional materials.

Except for the circumstances specified in the preceding paragraph and Articles 151 and 153 of this Law, any production or operation of food or food additives that does not comply with laws, regulations, or food safety standards shall be penalized in accordance with the preceding paragraph.

Where a person produces a new variety of food related product without completing a safety assessment or produces a food related product that does not comply with food safety standards, the market regulation department of the people's government at or above the county level shall impose penalties in accordance with the first paragraph of this Article.

Article 153 Where any of the following circumstances occurs in violation of this Law, the market regulation department of the government at or above the county level shall confiscate the illegal gains and illegally produced or operated food and food additives, and may confiscate the tools, equipment, raw materials, and other items used for the illegal production or operation. Where the value of the illegally produced or operated food or food additives is less than RMB 10,000, a fine of not less than two times but not more than five times its value shall also be imposed. Where the value is less than RMB 1,000, it shall be calculated as RMB 1,000. Where the value is RMB 10,000 or more, a fine of not less than five times but not more than ten times its value shall be imposed. In serious cases, the entity shall be ordered to suspend production or operation until its license is revoked:

(1) Producing or operating food or food additives contaminated by packaging materials, containers, loading or unloading equipment, means of transport, or other sources;

(2) Producing or operating prepackaged food, food additives, or food related products without labels, or whose labels or instructions do not comply with this Law;

(3) Producing or operating genetically modified food without labeling it as required;

(4) Food production and operation entities purchasing or using food raw materials, food additives, or food related products that do not comply with food safety standards.

Where the labels or instructions of food, food additives, or food related products produced or operated contain defects that do not affect food safety and do not mislead consumers, the market regulation department of the government at or above the county level shall order correction within a specified time limit. Failure to make corrections within the time limit shall result in a fine of up to RMB 2,000.

Article 154 Where any of the following circumstances occurs in violation of this Law, the market regulation department of the government at or above the county level shall order correction within a specified time limit and issue a warning, and may impose a fine of up to RMB 50,000. Failure to make corrections within the time limit shall result in a fine of not less than RMB 50,000 but not more than RMB 100,000. In serious cases, the entity shall be ordered to suspend production or operation until its license is revoked:

(1) Food or food additive producers failing to inspect purchased food raw materials or the food or food additives they produce as required;

(2) Food production and operation enterprises, online food trading platform operators, or entities providing meals to groups, such as schools, kindergartens, elderly care institutions, and construction sites, failing to establish food safety management systems or failing to appoint, train, or assess food safety management personnel as required;

(3) Food or food additive producers or operators failing to verify licenses, filing status, or relevant supporting documents when purchasing goods, or failing to establish and comply with systems for purchase inspection records, production process control records, factory inspection records, and sales records as required;

(4) Food production and operation enterprises failing to formulate response plans for food safety incidents;

(5) Tableware, drinking utensils, or containers used to hold food for direct consumption not being cleaned and disinfected before use, or failing to meet cleaning and disinfection requirements, or food service facilities and equipment not being maintained, cleaned, or calibrated regularly as required;

(6) Food production and operation enterprises assigning persons who have not obtained health certificates, or who suffer from diseases that may affect food safety as prescribed by the health administrative department under the State Council, to work in positions involving direct contact with food for direct consumption;

(7) Food operators failing to sell food in accordance with the applicable requirements;

(8) Health food manufacturers failing to file with the market regulation department as required or failing to organize production in accordance with the filed product formulas, production processes, or other technical requirements;

(9) Manufacturers of infant formula foods or infant complementary foods failing to file their food raw materials, food additives, product formulas, production processes, labels, and packaging materials in direct contact with food with the market regulation department as required;

(10) Special food manufacturers failing to establish and effectively operate a production quality management system or failing to submit self-inspection reports regularly;

(11) Food production and operation enterprises failing to regularly inspect and assess food safety conditions, or failing to take the required measures when their production or operation conditions change;

(12) Entities providing meals to groups, such as schools, kindergartens, elderly care institutions, and construction sites, and their contracted operators failing to fulfill their food safety management responsibilities as required;

(13) Food production enterprises or catering service providers failing to formulate or implement production and operation process control requirements as required;

(14) Parties to a commissioned production arrangement failing to report the commissioned production arrangements to the market regulation department at the county level where they are located;

(15) Online food trading platform operators failing to submit information to the market regulation department of the government of the relevant province, autonomous region, or municipality directly under the Central Government as required;

(16) Unauthorized publication of commissioned inspection data, results, or reports causing adverse effects;

(17) Other circumstances violating this Law.

Where a centralized tableware and drinking utensil disinfection service provider violates this Law regarding the water used, the detergents or disinfectants used, or the required inspection and certification of disinfected tableware and drinking utensils before delivery, or fails to label independent packaging as required, or delivers tableware and drinking utensils that do not comply with national food safety standards, or fails to establish and comply with a factory inspection record system as required, the health administrative department of the people's government at or above the county level shall impose penalties in accordance with the preceding paragraph.

Where a producer of food related products fails to inspect the food related products it produces as required, the market regulation department of the government at or above the county level shall impose penalties in accordance with the first paragraph of this Article.

Where a seller of edible agricultural products violates Article 50 of this Law, the market regulation department of the government at or above the county level shall impose penalties in accordance with the first paragraph of this Article.

Article 155 Penalties for violations committed by small food production and processing workshops, small catering businesses, small food shops, food vendors, and similar entities shall be imposed in accordance with the specific administrative measures formulated by the provinces, autonomous regions, and municipalities directly under the Central Government.

Article 156 Where an operator of a centralized trading market for edible agricultural products fails to verify the relevant credentials and information of vendors entering the market and the edible agricultural products they sell, or permits edible agricultural products without quality compliance certificates to enter the market for sale without first passing sampling inspections, the market regulation department of the local government at or above the county level shall order correction within a specified time limit. Failure to make corrections within the time limit shall result in a fine of not less than RMB 5,000 but not more than RMB 30,000.

Article 157 Where primary or secondary schools or kindergartens fail to establish a system requiring responsible personnel to accompany students during meals, the education department of the local government at or above the county level shall order correction within a specified time limit.

Article 158 Where an entity involved in a food safety incident fails to take response measures or report the incident after it occurs, the relevant competent department shall, within the scope of its respective responsibilities, order correction within a specified time limit and issue a warning. Where the entity conceals, forges, or destroys relevant evidence, it shall be ordered to suspend production or operation, its illegal gains shall be confiscated, and a fine of not less than RMB 100,000 but not more than RMB 500,000 shall be imposed. Where serious consequences result, its license shall be revoked.

Article 159 Where any of the following circumstances occurs in violation of this Law, Customs shall impose penalties in accordance with Article 152 of this Law:

(1) Providing false materials to import food, food additives, or food related products that do not comply with China's national food safety standards;

(2) Importing food for which no national food safety standard exists without submitting the standard to be applied for review by the health administrative department under the State Council, or importing food produced using new food raw materials, new varieties of food additives, or new varieties of food related products without completing a safety assessment;

(3) Exporting food in violation of this Law;

(4) Importers refusing to recall imported food, food additives, or food related products after being ordered by the relevant competent department to do so in accordance with this Law.

Where an importer violates this Law by failing to establish and comply with systems for import and sales records of food, food additives, and food related products, or systems for reviewing overseas exporters or manufacturers, or failing to report recall and handling information in accordance with Article 120 of this Law, Customs shall impose penalties in accordance with Article 154 of this Law.

Article 160 Where an operator of a centralized trading market, a stall lessor, or an organizer of an exhibition or food fair allows food operators who have not lawfully obtained the required food operation qualifications to sell food, or fails to fulfill inspection, reporting, or other obligations in violation of this Law, the market regulation department of the government at or above the county level shall order correction within a specified time limit, confiscate the illegal gains, and impose a fine of not less than RMB 5,000 but not more than RMB 50,000. Where serious consequences result, the entity shall be ordered to suspend business until its license is revoked by the original licensing authority. Where the legitimate rights and interests of consumers are harmed, the entity shall bear joint and several liability with the food operator.

Where a wholesale market for edible agricultural products violates Article 52 of this Law, it shall bear liability in accordance with the preceding paragraph.

Article 161 Where a food production or operation enterprise fails to install monitoring equipment at critical food safety risk points in the production process and connect the video information to the information system of the market regulation department of the government at or above the county level, in violation of this Law, the market regulation department of the local government at or above the county level shall order correction within a specified time limit. Failure to make corrections within the time limit shall result in a fine of not less than RMB 5,000 but not more than RMB 30,000.

Article 162 Where an online food trading platform operator or a food production or operation enterprises trading through its own website fails to fulfill the applicable filing obligations in violation of this Law, the market regulation department of the local government at or above the county level shall order correction within a specified time limit and issue a warning. Failure to make corrections within the time limit shall result in a fine of not less than RMB 5,000 but not more than RMB 30,000.

Where an online food trading platform operator fails to establish a branch or representative office in a provincial level administrative region where it conducts online food trading, or fails to fulfill the relevant filing obligations, penalties shall be imposed in accordance with the preceding paragraph.

Article 163 Where an online food trading platform operator violates this Law by failing to conduct real name registration of in-platform operators or livestream operators, failing to examine their licenses or fulfill substantive review and verification obligations, failing to provide technical support for in-platform operators to fulfill information disclosure and video display obligations on sales pages, or failing to fulfill reporting obligations or suspend platform services as required, the market regulation department of the government at or above the county level shall order correction within a specified time limit, confiscate the illegal gains, and impose a fine of not less than RMB 50,000 but not more than RMB 200,000. Where serious consequences result, the operator shall be ordered to suspend business until its license is revoked by the original licensing authority. Where the legitimate rights and interests of consumers are harmed, the operator shall bear joint and several liability with the in-platform operator and the livestream operator.

Where consumers suffer harm to their legitimate rights and interests as a result of purchasing food through an online food trading platform, they may claim compensation from the in-platform operator, the livestream operator, the food producer, or the online food trading platform operator. After paying compensation, the online food trading platform operator shall have the right to seek recourse against the in-platform operator, livestream operator, or food producer. Where the online food trading platform operator has made a commitment more favorable to consumers, it shall fulfill that commitment.

Article 164 Where an online food trading platform operator fails to formulate service agreements and trading rules as required by this Law, the market regulation department of the government at or above the county level shall order correction within a specified time limit and issue a warning. Failure to make corrections within the time limit shall result in a fine of not less than RMB 20,000 but not more than RMB 100,000. In serious cases, the operator shall be ordered to suspend production or operation and fined not less than RMB 100,000 but not more than RMB 500,000.

Article 165 Where a in-platform operator fails to fulfill its obligations to disclose information or display videos on sales pages as required by this Law, the market regulation department of the government at or above the county level where the operator is located shall order correction within a specified time limit and issue a warning. Failure to make corrections within the time limit may result in a fine of up to RMB 10,000.

Article 166 Where postal enterprises or express delivery enterprises fail to implement the systems for real name mailing, inspection of items accepted for mailing, and security screening by inspection equipment, in violation of this Law, penalties shall be imposed in accordance with the Postal Law of the People’s Republic of China.

Article 167 Where a person fails to store, transport, or load and unload food in accordance with the requirements of this Law, the market regulation department or other relevant department of

the government at or above the county level shall, within the scope of its respective responsibilities, order correction within a specified time limit and issue a warning, and may impose a fine of up to RMB 50,000. Failure to make corrections within the time limit shall result in an order to suspend production or operation and a fine of not less than RMB 50,000 but not more than RMB 100,000. In serious cases, the license shall be revoked.

Where a road transport operator violates this Law by failing to meet the requirements for bulk road transportation of key liquid foods, penalties shall be imposed in accordance with the preceding paragraph. In serious cases, in addition to revocation of the license, a fine of not less than RMB 50,000 but not more than RMB 500,000 shall be imposed.

Where a person engages in bulk road transportation of key liquid foods without obtaining the required transport permit in violation of this Law, the market regulation department of the people's government at or above the county level shall order the person to cease such transportation operations, confiscate the illegal gains, and impose a fine of not less than RMB 50,000 but not more than RMB 500,000.

Where a person forges, alters, or uses forged or altered documents such as bulk road transportation records for key liquid foods or cleaning certificates for transport containers, or fails to fulfill the relevant inspection and verification obligations, in violation of this Law, the market regulation department or other relevant department of the government at or above the county level shall, within the scope of its respective responsibilities, order correction within a specified time limit and issue a warning. Failure to make corrections within the time limit shall result in a fine of not less than RMB 10,000 but not more than RMB 100,000.

Article 168 Where a person refuses, obstructs, or interferes with relevant departments, institutions, or their personnel in lawfully conducting food safety supervision and inspection, investigating and handling incidents, or carrying out risk monitoring and assessment, or provides false information during such activities in violation of this Law, the relevant competent department shall, within the scope of its respective responsibilities, order the suspension of production or operation and impose a fine of up to RMB 200,000, with a fine of up to RMB 20,000 imposed on individuals. In serious cases, the license shall be revoked, and a fine of not less than RMB 200,000 but not more than RMB 1 million shall be imposed, with a fine of not less than RMB 20,000 but not more than RMB 100,000 imposed on individuals. Where the conduct constitutes a violation of public security administration, the public security organ shall impose public security administration penalties in accordance with the law.

Where a person retaliates against a whistleblower by terminating or modifying the employment contract or by other means in violation of this Law, the person shall bear liability in accordance with relevant laws.

Article 169 Where a food production or operation enterprise is subjected, within one year, to three or more penalties for violations of this Law, excluding orders to suspend production or operation and revocations of licenses, the market regulation department shall order the entity to suspend production or operation until its license is revoked.

Article 170 Food production and operation enterprises whose licenses have been revoked, as well as their legal representatives, principal responsible persons, persons directly in charge, and other persons directly responsible, shall not apply for food production or operation licenses, engage in food production or operation management, or serve as food safety management personnel in food production and operation enterprises for five years from the date on which the penalty decision is made.

Any person sentenced to fixed-term imprisonment or a more severe criminal penalty for a food safety crime shall be permanently prohibited from engaging in food production or operation management or serving as food safety management personnel in food production and operation enterprises.

Where a food production or operation enterprise employs a person in violation of either of the preceding two paragraphs, the market regulation department of the government at or above the county level shall revoke the enterprise' license.

Article 171 Where a food operator has fulfilled its obligations under this Law, including purchase inspection obligations, possesses sufficient evidence that it was unaware that the food purchased did not comply with laws, regulations, or food safety standards, and can truthfully identify the source of the purchased food, it may be exempted from penalties. However, the food that does not comply with food safety standards shall be confiscated in accordance with the law. Where personal injury, property damage, or other losses result, the operator shall bear compensation liability in accordance with the law.

Article 172 Where any of the following circumstances occurs in violation of this Law, the legal representatives, principal responsible persons, food safety directors, food safety officers, and other persons directly in charge or directly responsible of food production and operation enterprises, entities providing meals to groups, online food trading platforms, and other relevant entities shall be fined an amount equal to not less than one time but not more than ten times their income from the entity in the preceding year:

(1) Intentionally committing the violation;

(2) Committing a violation of a particularly egregious nature;

(3) Causing serious consequences through the violation.

The preceding paragraph shall not apply to the circumstances specified in the second paragraph of Article 153 of this Law.

Article 173 Where technical institutions or technical personnel responsible for food safety risk monitoring or assessment provide false monitoring or assessment information in violation of this Law, the persons directly responsible for the technical institutions and the technical personnel shall be removed from their positions or dismissed in accordance with the law. Where they hold professional qualifications, the competent department that granted the qualifications shall revoke their professional certificates.

Article 174 Where a food inspection institution or food inspection personnel issue false inspection reports in violation of this Law, the market regulation department of the people's government at or above the county level shall confiscate the inspection fees collected and impose a fine of not less than five times but not more than ten times those fees. Where the inspection fees are less than RMB 10,000, a fine of not less than RMB 50,000 but not more than RMB 100,000 shall be imposed. The competent department or institution that granted the qualifications shall revoke the food inspection institution’s inspection qualifications, and the persons directly responsible and food inspection personnel shall be removed from their positions or dismissed in accordance with the law. Where a major food safety incident results, the persons directly responsible and food inspection personnel shall be dismissed.

Personnel of food inspection institutions who issue false inspection reports in violation of this Law shall be prohibited from engaging in food inspection work for ten years from the date of the penalty decision. Personnel who receive criminal punishment for food safety violations or disciplinary sanctions for causing a major food safety incident by issuing false inspection reports shall be permanently prohibited from engaging in food inspection work. Where a food inspection institution employs personnel prohibited from engaging in food inspection work, the competent department or institution that granted its qualifications shall revoke its inspection qualifications.

Where a food inspection institution issues false inspection reports that harm the legitimate rights and interests of consumers, it shall bear joint and several liability with the food production or operation entity.

Article 175 Where a certification body issues false certification conclusions in violation of this Law, the certification and accreditation regulatory department shall confiscate the certification fees collected and impose a fine of not less than five times but not more than ten times those fees. Where the certification fees are less than RMB 10,000, a fine of not less than RMB 50,000 but not more than RMB 100,000 shall be imposed. In serious cases, the certification body shall be ordered to suspend business until its approval documents are revoked, and the decision shall be made public. The professional qualifications of the persons directly responsible and the certification personnel directly responsible shall be revoked.

Where a certification body issues false certification conclusions that harm the legitimate rights and interests of consumers, it shall bear joint and several liability with the food production or operation entity.

Article 176 Where a person violates Article 80 of this Law by conducting false or exaggerated commercial publicity, or by making commercial claims about disease prevention or treatment functions, and the label content is inconsistent with the relevant claims, penalties shall be imposed in accordance with the Anti-Unfair Competition Law of the People’s Republic of China.

Where a person deceives consumers through advertising in violation of this Law, or publishes advertisements for health foods without the required approval documents or with content inconsistent with the approved documents, penalties shall be imposed in accordance with the Advertising Law of the People’s Republic of China.

Where advertising operators or publishers design, produce, or publish false food advertisements that harm the legitimate rights and interests of consumers, they shall bear joint and several liability with the food production or operation entity.

Where social organizations, other organizations, or individuals recommend food to consumers through false advertisements or other forms of false publicity, thereby harming consumers' legitimate rights and interests, they shall bear joint and several liability with the food production or operation entity.

Where market regulation departments or other relevant departments, food inspection institutions, or food related industry associations recommend food to consumers through advertisements or other means in violation of this Law, or consumer organizations recommend food to consumers in exchange for fees or other benefits, the relevant competent departments shall confiscate the illegal gains and impose disciplinary sanctions, including recording a major demerit, demotion, or removal from office, on the persons directly responsible. In serious cases, dismissal shall be imposed.

Where false publicity about food is particularly serious, the market regulation department of the government at or above the provincial level may decide to suspend sales of the food and make the decision public. If the food continues to be sold, the market regulation department of the government at or above the county level shall confiscate the illegal gains and the food sold illegally and impose a fine of not less than RMB 20,000 but not more than RMB 50,000.

Article 177 Where fabricating or disseminating false food safety information in violation of this Law constitutes a violation of public security administration, the public security organ shall impose public security administration penalties in accordance with the law.

Where the media fabricate or disseminate false food safety information, the relevant competent departments shall impose penalties in accordance with the law and impose disciplinary sanctions on the persons directly responsible. Where the conduct harms the legitimate rights and interests of citizens, legal persons, or other organizations, the media shall bear civil liability, including eliminating adverse effects, restoring reputation, compensating for losses, and making an apology.

Article 178 Where a local government at or above the county level commits any of the following acts in violation of this Law, the persons directly in charge and other persons directly responsible shall receive a major demerit. Where the circumstances are relatively serious, they shall be demoted or removed from office. Where the circumstances are serious, they shall be dismissed. Where serious consequences result, the principal responsible person shall also resign and accept responsibility:

(1) Failing to promptly organize and coordinate relevant departments to effectively handle a food safety incident occurring within its administrative region, thereby causing adverse effects or losses;

(2) Failing to promptly organize rectification of regional food safety problems involving multiple stages within its administrative region, thereby causing adverse effects or losses;

(3) Concealing, making false reports of, or delaying reporting of a food safety incident;

(4) A particularly serious food safety incident occurring within its administrative region, or major food safety incidents occurring consecutively.

Article 179 Where a local government at or above the county level commits any of the following acts in violation of this Law, the persons directly in charge and other persons directly responsible shall receive a warning, a demerit, or a major demerit. Where serious consequences result, they shall be demoted or removed from office:

(1) Failing to determine the food safety supervision and administration responsibilities of relevant departments, establish and improve a full-chain food safety supervision and administration mechanism and information-sharing mechanism, or implement a food safety supervision and administration accountability system;

(2) Failing to formulate an emergency response plan for food safety incidents within its administrative region, or failing to immediately establish an incident response command body and activate the emergency response plan as required after a food safety incident occurs.

Article 180 Where the market regulation departments, health administrative departments, departments responsible for agriculture and rural affairs, or other relevant departments of people's governments at or above the county level commit any of the following acts in violation of this Law, the persons directly in charge and other persons directly responsible shall receive a major demerit. Where the circumstances are relatively serious, they shall be demoted or removed from office. Where the circumstances are serious, they shall be dismissed. Where serious consequences result, the principal responsible person shall also resign and accept responsibility:

(1) Concealing, making false reports of, or delaying reporting of a food safety incident;

(2) Failing to investigate and handle a food safety incident as required, or failing to act promptly after receiving a report of a food safety incident, thereby causing the incident to escalate or spread;

(3) Failing to take corresponding measures promptly after a food safety risk assessment concludes that food, food additives, or food-related products are unsafe, thereby causing a food safety incident or adverse social effects;

(4) Granting a license to an applicant who does not meet the required conditions, or granting a license beyond the legally prescribed authority;

(5) Failing to perform food safety supervision and administration duties, thereby causing a food safety incident.

Article 181 Where the market regulation departments, health administrative departments, departments responsible for agriculture and rural affairs, or other relevant departments of people's governments at or above the county level commit any of the following acts in violation of this Law and cause adverse consequences, the persons directly in charge and other persons directly responsible shall receive a warning, a demerit, or a major demerit. Where the

circumstances are relatively serious, they shall be demoted or removed from office. Where the circumstances are serious, they shall be dismissed:

(1) Failing to report information to the competent department at the next higher level and the people's government at the same level, or failing to notify one another as required, after obtaining relevant food safety information;

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

(3) Failing to perform statutory duties, failing to cooperate in investigating and handling food safety violations, or abusing authority, neglecting duties, or engaging in malpractice for personal gain.

Article 182 Where market regulation departments or other relevant departments unlawfully conduct inspections, impose compulsory measures, or take other law enforcement measures while performing food safety supervision and administration duties, thereby causing losses to production or operation entities, they shall provide compensation in accordance with the law, and the persons directly responsible shall be subject to disciplinary sanctions in accordance with the law.

Article 183 Any person who causes personal injury, property damage, or other losses in violation of this Law shall bear compensation liability in accordance with the law. Where the property of a production or operation entity is insufficient to cover both civil compensation and the payment of fines or criminal fines, civil compensation shall be given priority.

Article 184 Where consumers suffer harm from food that does not comply with food safety standards, they may claim compensation for their losses from either the operator or the producer. The production or operation entity receiving a consumer's compensation claim shall implement a first-responsibility system, pay compensation in advance, and shall not evade its responsibilities. Where the producer is responsible, the operator shall have the right to seek recourse against the producer after paying compensation. Where the operator is responsible, the producer shall have the right to seek recourse against the operator after paying compensation.

Where a consumer purchases food for personal consumption that was produced in violation of food safety standards, or knowingly operated despite not complying with food safety standards, the consumer may, in addition to claiming compensation for losses, demand punitive damages from the producer or operator equal to ten times the purchase price or three times the losses. Where the increased compensation is less than RMB 1,000, it shall be RMB 1,000. However, this shall not apply where the food labels or instructions contain defects that neither affect food safety nor mislead consumers.

Where conduct specified in the preceding paragraph harms the public interest, the People's Procuratorate may claim punitive damages in a civil public interest lawsuit.

Article 185 Where a violation of this Law constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 186 Where producers or operators of agricultural products sell agricultural products that do not comply with agricultural product quality and safety standards, the provisions of the Agricultural Product Quality and Safety Law of the People's Republic of China shall apply.

Violations relating to edible agricultural products after they enter wholesale or retail markets or food production and processing enterprises shall be penalized by the market regulation departments of local governments at or above the county level in accordance with this Law.

Chapter X Supplementary Provisions

Article 187 The following terms used in this Law shall have the meanings specified below:

Food refers to finished products and raw materials intended for human consumption or drinking, as well as substances traditionally used both as food and as Chinese medicinal materials, but excludes substances intended for therapeutic purposes.

Edible agricultural products refers to primary products derived from planting, forestry, animal husbandry, fisheries, and other agricultural activities for human consumption, namely plants, animals, microorganisms, and their products obtained through agricultural activities for human consumption, excluding products and derivatives of wild animals whose consumption is prohibited by laws and regulations.

Food safety refers to the condition in which food is non-toxic and harmless, meets its required nutritional requirements, and causes no acute, subacute, or chronic harm to human health.

Prepackaged food refers to food that is prepackaged or prepared by food producers in packaging materials or containers. This includes food that is prepackaged or prepared in predetermined quantities in packaging materials or containers and bears a uniform indication of weight, volume, or length within a specified range. It also includes food prepackaged or prepared in packaging materials or containers and sold by measurement, including by weight or by individual unit.

Food additives refers to synthetic or natural substances added to food to improve its quality, color, aroma, or taste, or to meet requirements for preservation, freshness retention, or processing technology, including nutritional fortifiers.

Packaging materials and containers for food refers to products made of paper, bamboo, wood, metal, enamel, ceramics, plastics, rubber, natural fibers, chemical fibers, glass, and other materials that are used to package or contain food or food additives, as well as coatings, inks, adhesives, and other coating materials that directly or indirectly come into contact with food or food additives.

Tools and equipment used in food production and operation refers to machinery, pipelines, conveyor belts, containers, utensils, tableware, and other items that come into contact with food or food additives during their production, sale, or use.

Detergents and disinfectants for food refers to substances used directly to wash or disinfect food, or tools, equipment, packaging materials, or containers that come into direct contact with food.

Shelf life of food refers to the period during which food maintains its quality under the specified storage conditions.

Foodborne disease (food poisoning) refers to infectious, toxic, or other diseases caused by pathogenic factors entering the human body through the consumption of food.

Food safety incident refers to an incident originating from food, such as foodborne disease or food contamination, that causes or may cause harm to human health.

Centralized trading markets for edible agricultural products refers to wholesale and retail markets for edible agricultural products, including farmers' markets and other centralized retail markets.

Market sales of edible agricultural products refers to the sale of edible agricultural products through centralized trading markets, shopping malls, supermarkets, convenience stores, and other fixed premises, excluding the purchase or acquisition of edible agricultural products.

Online food trading platform operators refers to legal persons or unincorporated organizations that provide online business premises, transaction facilitation, information publication, order generation, and other services to two or more parties in online transactions, enabling the parties to independently conduct online food trading activities.

Health foods refers to foods that claim and possess health functions or are intended to supplement vitamins, minerals, and other nutrients.

Health functions refers to claims about benefits intended to supplement dietary nutrients, maintain or improve the body's health status, or reduce risk factors for disease, rather than to replace medicines or claim disease prevention or treatment functions.

Internet information content multi-channel distribution service providers refers to organizations that provide planning, production, distribution, marketing, promotion, brokerage, and other services for the production and publication of information content by public accounts operated by internet users.

Adulteration refers to the intentional addition of low-quality, inexpensive, or non-food substances, or the removal of certain nutritionally valuable components, during food production, processing, storage, or sale, for purposes such as passing off inferior products as superior ones, increasing weight, concealing defects, or otherwise deceiving consumers.

Article 188 Where this Law does not provide for the food safety management of genetically modified food or salt, the provisions of other laws and administrative regulations shall apply.

Article 189 The market regulation department under the State Council, together with relevant departments under the State Council, shall formulate measures for food safety management in railway, civil aviation, and water transport operations in accordance with this Law.

The market regulation department under the State Council shall formulate specific administrative measures for health foods in accordance with this Law.

The market regulation department under the State Council shall formulate specific administrative measures for the production of food-related products in accordance with this Law.

Customs shall supervise and administer food safety at ports open to foreign countries in the People's Republic of China in accordance with this Law and relevant laws and administrative regulations.

The Central Military Commission shall formulate measures for food safety management of food for exclusive military use and food supplied by the military itself in accordance with this Law.

Article 190 The State Council may adjust the food safety supervision and administration system as necessary in light of actual circumstances.

Article 191 This Law shall come into force on [year] [month] [day].

END UNOFFICIAL TRANSLATION

Attachments:

No Attachments.