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## China's New Food Safety Law Draft

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China put its first Food Safety Law into effect on June 1, 2009. However, over the past 4 years, food safety issues still abound. On October 29, 2013, China's Food and Drug Administration (CFDA) released a revised draft of the new Food Safety Law on its website, asking for public comments until November 29, 2013.

To submit comments, interested parties can visit: <http://www.chinalaw.gov.cn> or directly email: [spaq@chinalaw.gov.cn](mailto:spaq@chinalaw.gov.cn).

Below, the U.S. - China Health Products Association has translated the relevant portions that are directed towards foreign imports and health products.

The entirety of the original Chinese text, which consists of over twenty thousand characters, is available here:

<http://www.sfda.gov.cn/WS01/CL0782/93682.html>

The twenty-two thousand-word draft document draws fifty percent of its content from the previous law. The revised or newly added wording focuses on the following aspects:

**The Role of Government at all Levels:** It states clearly that CFDA is the main agency to take charge of food safety. The Ministry of Health (MOH) is responsible for the risk assessment and standard setting, the Administration of Quality Supervision Inspection and Quarantine (AQSIQ) is in charge of food import and exports, the Ministry of Public Security (MPS) is in charge of policing companies or individuals that break the law. For provincial, municipal and county level government, food safety should be counted in their local GDP, social

development plan, and annual financial budget. This is the first time the government has explained clearly in writing the roles of these agencies in light of the developing food safety standards in China.

**The Responsibility of Companies:** The draft states clearly that the manufacturer is the "first responsible entity" in maintaining the country's food safety. Food manufacturers and distributors should incorporate tracking systems to ensure each batch of food is traceable.

**The Role of Online Retailors:** Websites which conduct online sales of food products should check the business license of the food manufacturers prior to selling and take the joint liability for the safety of the food products they sell. If a consumer's rights become violated, the online retailer will be the first to make compensation.

**Supervision Implementation:** This aspect is being borrowed from foreign experience and follows the rules of, "prevent first, risk management, process control and utilize society as part of the overall supervision process. The draft requires more surprise audits of food producing manufacturers, distributors and retailers. Media is required to check with the manufacturers, industrial associations, scientific institutions, and CFDA at nation and local levels before reporting any food safety issues.

**Penalty for Breaking Food Safety Regulations:** The fine for illegally adding unapproved or hazardous ingredients to food can be 15 - 30 times the cost of the product, instead of 5 - 10 times in the previous law. Consumers can ask for compensation of 10 times the payment or 3 times of the lost or at at minimum one thousand Yuan (\$167) if they purchase products that break the law.

**Public Education:** The draft emphasizes implementation of public education on food safety, standards and related laws.

**Health Food Products:** The draft does not mention the term "dietary supplement" (膳食补充剂), but it gives general description of health food products (保健食品), which are products that are registered with CFDA and carry the blue hat logo.

China gives strict supervision and administration on health food. For new species, ingredients, products or first time imported health food, they must be registered

and validate their individual claim. The State Council will formulate the detailed implementation regulations at a later date.

The health food products should not cause any acute or chronic hazards to human health. The labels and instructions should be accurate and true, stating clearly "groups that the product is suitable or unsuitable for as well as listing the functional ingredients and other ingredients. Every health food product should state, "The product can't prevent or cure disease" on the label. The function and supplement facts of the products should match both label and instructions. The health food manufacturers are responsible for the truth and effectiveness of the product's functional claims.

**Imported Health Products:** Currently, many foreign health food products are imported to China as general food. This practice will be more difficult to do in the future. Any imported food should be inspected by AQSIQ and Customs to determine if the product's certificates / registrations match the product.

The drafts states to import any food which has no related regulation and standards in China, the importer should submit the food safety standard, international standards, inspection results, documents of legal manufacturing from the country of origin to MOH, which will then decide to apply those standards or not.

To import new species of food additives or food related products, importers should submit application to MOH as well as safety assessment documents. Importers should check the quality of the overseas exporters and manufacturers to ensure the food imported is in accordance with China's laws and regulations on food safety. The importers are responsible for the content on the labels and instructions of imported food products.

AQSIQ maintains an overseas manufacturers list and has the right to visit any foreign facilities to conduct an audit and/or stop the import of any food products that violate China's regulations or standards.

The pre-package imported food products should contain Chinese labels and instructions, which should follow China's regulations and laws. The labels and instructions should state the product name, size, net weight, manufacturing date, supplement facts, ingredients, shelf life, storage, suitable group, original country and the company name, address and contact information of both manufacturer

and distributor. Importers should keep a record for import and sales. The record should be kept on file for at least two years.

*The U.S. – China Health Products Association is working towards the development of China’s natural health product industry by advocating for a more open and transparent regulatory environment. The association is committed to increasing the trade and availability of its member’s products, which will benefit the health and wellbeing of both industry and consumers alike.*



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