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Measures on management of health food labelling
(Soliciting Opinions)

保健食品标识管理办法
（征求意□稿）

Chapter 1 General Provisions

Article 1 [Basis] This law is based on Food Safety Law and Health Food Registration and Filing Management Regulations, formulated to regulate the management of health food labelling.

Article 2 [Scope] Health food labelling and their management activities carried out within the territory of the People's Republic of China shall abide by this law.

Article 3 [Definition] Health food labelling in this law is a general term of all characters, symbols, numbers and patterns which are used to describe product and business basic information, including instructions, labels and symbols.

Health Food label means words, figures, numbers, symbols and other identifications attached to product package, which are used to present characteristics, functions and warnings of health food.

Health food instruction means identification made by registrants, which can further describe the product information and it does exist separately.

Health food symbol means unified identification attached to product and can be used to distinguish this specific product from others.

Article 4 [Regulatory Responsibilities] CFDA is responsible for making administrative regulations as well as the supervision and management of national health food labelling.
Relevant department of local CFDA above county level is responsible for regulating the health food labelling in their Administrative areas.

Article 5 [Main Responsibility] Health food manufacturers should be responsible for the legitimacy and authenticity of health food labelling.

Manufacturers of imported health food should be responsible for the legitimacy and authenticity of imported health food labelling.

Chapter 2: Content Requirements of Labelling

Article 6 [Content Requirement] Health food labelling should list manufacturer information, product information, usage information, storage information and any other information regulated by relevant laws and regulations. Contents should be true, accurate and easy to understand.

Article 7 [Enterprises Information] Enterprises information on the labelling should comply with the following requirements:

(1) Name, address, contact information and product license number of legally registered health food production and management enterprises;

(2) For entrusted health food, it should separately mark the name and address of commission enterprise and entrusted enterprise; and it should also mark the production license number of entrusted enterprise;

(3) Besides marking address and zip code, it also need mark at least one of the following contact information: telephone, fax and network contact information;

(4) Imported health food labels should also mark the country of origin and name, address and contact information of offices or agencies in the territory of China.

Article 8 [Product Information] Production information on the labelling should contain the following information and comply with related requirements:

(1) Product name: it should be consisted of trademark name, general name and property name. Trade Mark name is a unique name which indicates that this specific product is different from others. General name should be named after the main functional ingredients or other rules. Property name should be named after product formulations or food property;

(2) Ingredients: it should list all name of ingredients in accordance with approved content and order. If the original approved certificate does not include all the ingredients, the ingredients should be listed in descending order according to manufacturing procedure;

(3) Functional components / landmark composition and content: it should mark the name of functional components / landmark composition and the content according functional components / landmark composition of every unit mass or volume according to approved contents;

(4) Health Functions should be titled in specified description;

(5) Health food symbols should be the patterns, which are approved and regulated by CFDA;

(6) The license number or registration number of the health product should be in accordance with Health Product Registration Certificate;

(7) Product specification and net content: Product specification means the minimum preparation of every unit mass or volume. Net content means product quality or volume of every sales package;

(8) Manufacturing date, expiration date and batch number;

(9) Radiation health food or heal food using irradiated raw materials should indicate “Radiation health food” or “XX materials irradiated”;

(10) Nutrition supplements should indicate “nutrition supplements” on the label and indicate “XX nutrient supplement” in the function items;

(11) Health food using GM ingredient should be indicated according to the related regulations.

Article 9 [Usage Information] Usage information on the labelling should contain the following contents:
(1) Suggested use and consumption value
(2) Suitable and unsuitable groups
(3) Attentions
(4) Declaration of “the product is not a substitute of medicine”; filing products should indicate that “this product is not reviewed and approved by CFDA”.

Article 10 [Storage Information] Storage information should include the information of storage temperature, humidity and conditions.

Article 11 [Other Information] Health food labelling should also mark other information if required by related laws, regulations and national standards.

Article 12 [Instructions and Label Content Requirements] Instructions should include product name, ingredients, active components and the relevant contents, health function, suitable and unsuitable groups, suggested use, size, expiration date, storage conditions and attentions.
If all the contents of instructions are included in the label, the instructions are not indispensable.

Article 13 [Conformance Requirements] Contents on the labels and instructions should be consistent; it should cover instructions attachment content of health food approval certificate and that should be consist with approval content.

Article 14 [Active Modify] Health food production and management enterprises should strengthen post-marketing surveillance of health food safety and health functions. When needs to modify the content of labelling, it shall be changed in accordance with related provisions.

Article 15 [Passive Modify] In accordance with the progress of scientific research, new food safety issues and the change of technical standards and norms, CFDA can require health food enterprises to

modify health food labelling contents. Health food enterprises should finish registration and filing for label content change according to CFDA requirements.

Chapter 3 Formal requirements of health food labelling

Article 16 [Printing Requirements] The content of Health food labelling should be clear, prominent, indelible, readily identifiable and recognizable.

Article 17 [Language Requirements] The content of Health food labelling should be written in standard Chinese characters published by National Language Work Committee. When Chinese pinyin, minority language and other foreign language are used as well, the contents should be directly corresponding to the Chinese characters, and be written correctly.

Article 18 [Font Requirements] The font of characters, symbols and numbers shall meet the following requirements:

(1) The font height shall not be less than 1.8 mm;

(2) The font size of Chinese pinyin, minority language or other foreign language should be less than or equal to the font of corresponding Chinese character fonts;

(3) When using other trademark in addition to product name in the labelling, the font size should not be larger than a half of the font size of product name in an individual character area;

(4) Unsuitable group, storage method with special requirements, attentions, the statement of “This product is not a substitute of medicine” and “This product has not been reviewed by food and drug administrative department” shall be marked in a prominent place. The font size should be bigger than the font size of "suitable group ".

Article 19 [Color Requirements] The colors of labelling should conform to the following requirements:

(1) The font, background and base color should be in contrasting colors. The brightness contrast should be more than 70%;

(2) Color for every font of product name and property name should be consistent;

(3) The font color of the statement of “This product is not a substitute of medicine” and “This product has not been reviewed by food and drug administrative department” should be different from surrounding characters and in a more highlighted color.

Article 20 [Layout Requirements] The layout format of health food labelling should meet the following requirements:

(1) The symbol, name and approval number should be marked on the visible page of the health food package (container) (hereinafter referred to as main display page);

(2) Health food symbol shall be marked on the upper left the layout according to pattern proportion set by CFDA, which is clear and easily identified. When the surface area of the layout is more than 100 square centimeters, the width of health food symbol shall not be less than 2 cm at its widest point. When the surface area of the layout is no more than 100 square centimeters, the width of health food symbol shall not be less than 1 cm at its widest point. Health food approval number shall be marked below the health food symbol, and should be connected to the health food symbol, easy to be identified clearly;

(3) Unsuitable group, storage method with special requirements, attentions, the statement of "This product is not a substitute of medicine" and "This product has not been reviewed by food and drug administrative department" should be placed right after "Suitable group";

(4) The net content and specification of product shall be placed on the main display page, and should be in parallel with the bottom line of main display page;

(5) "Nutritional Supplement" should be labeled near product name on the main display page for nutritional supplement products;

(6) "This product has been irradiated" should be labeled near product name on the main display page for irradiated health food.

Article 21 [Label Content Requirements] The content of label shall meet the following requirements:

(1) When the maximum surface area of the packaging of a product applicable for separate selling is less than 10 cm square centimeters, it should at least mark health food symbol, product name, approval number, specification, shelf life, precautious, storage conditions, manufacturer, production license number, product standard, production date and batch number;

(2) The packaging of products not for separate sales shall mark at least health food name, net content, production date and manufacturer name;

(3) When sales package contains multiple independent and applicable for separate selling product packages, the specification of individual small packages should be marked separately;

(4) If the outer package is easy to open or the labeling contents on the inner package can be clearly identified from outside, the labeling contents on the outer package are not indispensable;

(5) When sales package contains multiple independent and applicable for separate selling product packages, net weight and size for separate package should be labeled. When the production dates and expiration dates are different for separate packages, the expiration date and production date labeled on the outer package should be in accordance with the earliest expiration date and production date for separate packages;

(6) For active ingredient or characteristic ingredient and the content, of per 100 g or 100 ml or of product marking the component content shall be marked in per 100g, 100ml or the minimum preparation unit;

(7) The specification shall be marked in accordance with the smallest unit of preparation, such as: g/pill, ml/bottle;

(8) Production date and shelf life shall be marked in sequence of year, month, day, or month year. If it's not marked in this order, the marking order should be also marked. Shelf life can be labeled as "XX months".

Article 22 [Products Use for Free] The labelling requirements for health food, which is free for consumers, should be the same as the products produced to be sold.

Article 23 [Measurement Unit Requirements] Measurement units shall adopt the national statutory measurement units.

Article 24 [Area Calculation Requirements] The calculation of layout area and packaging area shall be in accordance with relevant State regulations.

Chapter 4 Prohibitive Requirements for Labelling

Article 25 [Basic Requirements] Label may not have any of the following circumstances:

(1) Separate with packaging (container);
(2) Conditions such as edible print or unfirmed paste;
(3) Make amendments or supplements by the methods of cutting and altering.
(4) Modify the content that may affect product safety and functions.

Article 26 [Exclusion Clause] Label may not indicate the following contents:

(1) Express or imply the contents of having the effect of disease prevention and treatment.
(2) False, exaggerated, misleading consumer or fraudulent text or graphics;
(3) The contents of non-production enterprise, such as "supervised by XX", "cooperated with XX", "recommended by XX ",.
(4) Trademark which is false, exaggerated, and easy to mislead consumers.
(5) Falsely exaggerating raw materials, active ingredient component / characteristic ingredient and content, and the healthcare function;
(6) Forge or falsely use other's name and address
(7) Contents with superstition, pornography, or against scientific knowledge;
(8) Content prohibited to be marked by laws, regulations and standard criteria

Article 27 [Product Name] Health food name shall not use the following contents:
(1) False, exaggerated, or absolute terms;
(2) Terms express or imply treatment functions;
(3) Terms express or imply healthcare functions;
(4) Person's name, place name, Chinese pinyin;
(5) Individual letters and numbers, except vitamin and raw materials with letters or numbers as otherwise stipulated by law.

(6) Symbols except “® ”
(7) Terms which are hard to be understood by consumers and local dialect;
(8) Vulgar or words with superstition;
(9) Human tissues and organs and other words;
(10) Using the same generic name and attribute name (except with marks of color, flavor and specific population) for different products applied by the same applicant;
(11) Using multiple brands for a same product;
(12) Health product name without approval, product name with other trademarks or trade names.
(13) Other terms that will mislead consumers.

Article 28 [Generic Name] Generic names shall not use the following contents:

(1) Medicine names of approved pharmaceuticals, except products with a single raw material formula and are named after the single raw material. Or the names which are similar in pronunciation or form with approved pharmaceuticals.
(2) Names of specific populations.
(3) Function name, or words related to expressing product function;
(4) Abbreviated names of raw material without authorization;
(5) Nutritional supplements named after some vitamins or minerals.

Chapter 5 Legal Liabilities

Article 29 [Basic Requirements] Violations of this measure, which breach the provisions of “food safety law” shall be punished in accordance with the relevant regulations.

Article 30 [Penalties In Terms of Production Date] Violations of altering, falsely marking production date and shelf life, shall be punished in accordance with the provision of article 124 of "food safety law".

Article 31 [Penalties In Terms of Packaging, Text, Content And So Forth] Violations of article 6, article 7 paragraph 1 and paragraph 3 to 5, , article 8 to article 13, article 16 to 18, article 20 to 22, article 25 and article 26, shall be punished in accordance with the provisions of article 125 of "food safety law".

Article 32 [Penalties In Terms of Commission Enterprise Mark] Violations of article 7, paragraph 2 of this measure shall be penalized a fine ranges from 2,000 to 30,000 RMB

Article 33 [Penalties In Terms of Color Contrast] Violations of article 19 of this measure, shall be penalized a fine ranges from 1,000 to 20,000 RMB

Article 34 [Penalties In Terms of Flaws] If the product labelling and specification exist some flaws without affecting food safety and function, and don’t mislead consumers, shall be punished in accordance with the provision of article 125 paragraph 2 of "food safety law”.

Article 35 [Penalties In Terms of Recall Remedial Measures] The recalled products with labelling which does not comply with the food safety standards, health food producers may continue the sale of the product in taking remedial measures and guaranteeing food safety. Remedies should be explicated to consumers. Breaches of not explicating remedies to consumers shall be ordered to make correction within a limited duration. An overdue no change will be fined range from 1,000-20,000 RMB. A violation of altering production date when adopting remedies shall be punished in accordance with article 124 of "food safety law".

Article 36 [Penalties for Supervisors] The violations of dereliction of duty, abuse of power, shielding and indulgence of the staff engaging in health food supervision and management, shall be imposed by administrative sanctions according to law.

Chapter 6 Supplementary Provisions

Article 37 [Regulation Enforcement] This measure enters into force on the date of 20XX-XX-XX

Original Chinese Version

第一章 总 则

第一条［制定依据］为规范保健食品标识管理，根据《中华人民共和国食品安全法》（以下简称《食品安全法》）及其实施条例，《保健食品注册和备案管理办法》制定本办法。

第二条［适用范围］在中华人民共和国境内生产经营保健食品的标识及其管理，适用本办法。

第三条［定义］本办法所称保健食品标识，是指用以表达产品和企业基本信息的文字、符号、数字、图案等总称，如说明书、标签、标志等。

保健食品标签，是指依附于产品销售包装上的用于识别保健食品特征、功能以及安全警示等信息的文字、图形、符号及一切说明物。

保健食品说明书，是指由保健食品注册人或备案人制作的单独存在的、进一步解释说明产品信息的材

料。

保健食品标志，是指统一的依附于产品并足以与其他食品相区分的符号。

第四条［监管职责］国家食品药品监督管理总局负责制定保健食品标识管理规定，指导全国保健食品标识的监督管理。

县级以上地方人民政府食品药品监督管理部门负责本行政区域内生产经营的保健食品标识的监督管理工作。

第五条［主体责任］保健食品生产经营者对其保健食品标识的合法性和真实性负责。

进口保健食品生产经营者对其进口的保健食品标识的合法性和真实性负责。

第二章　标识的内容要求

第六条［内容要求］保健食品标识应当标注生产企业信息、产品信息、使用信息、贮存信息以及法律法规规定的其他信息等。

标识内容应当真实准确、容易理解。

第七条［企业信息］标识的企业信息应当符合以下要求：

（一）依法登记注册的生产企业名称、生产许可证地址，生产许可证编号，生产企业联系方式；

（二）委托生产的保健食品，应当分别标注委托企业及联系方式、受委托企业的名称和地址以及受委托企业的生产许可证编号；

（三）联系方式除标注地址外，还应当标注以下至少一项内容：电话、传真、网络联系方式等；

（四）进口保健食品标签还应当标注原产地，以及境内代理商的名称、地址和联系方式。

第八条［产品信息］标识的产品信息，应当包括以下内容并符合相关要求：

（一）产品名称，应当由商标名、通用名和属性名组成。商标名应当是产品独有的、表明产品区别于其

他同类产品的名称。通用名应当采用主要功能性原料命名或其他方式命名。属性名应当采用产品剂型或食品属性命名；

（二）原料和辅料，应当按照批准或备案内容与顺序分别列出全部原料和辅料名称。原批准证书内容未包括全部原辅料名称的，应当根据实际生产情况按照加入量的递减顺序分别列出原料和辅料；

（三）功效成分/标志性成分及含量，应当按照批准内容标注功效成分/标志性成分名称、规定单位质量或体积产品中的功效成分/标志性成分含量；

（四）保健功能，应当采用规范的功能名称；

（五）保健食品标志，应当为国家食品药品监督管理总局规定的图案；

（六）保健食品批准文号或备案登记号，应当为《保健食品注册证书》上载明的批准文号或备案时获得的登记号；

（七）产品规格和净含量，产品规格为最小制剂单位质量或体积，净含量为销售包装中所含产品质量或者体积；

（八）生产日期和保质期，生产批号；

（九）经辐照的保健食品或使用了经辐照原辅料的，应当标示“本产品经辐照”或者“XX 原料经辐照”内容；

（十）营养素补充剂产品应当标示 “营养素补充剂”字样，并在保健功能项中标示“补充 XX 营养素”；

（十一）使用了转基因原料的保健食品应当按照有关规定标注。

第九条 [使用信息] 标识的使用信息应当包括以下内容：

（一）食用方法及食用量；

（二）适宜人群、不适宜人群；

（三）注意事项；

（四）“本品不能代替药物”的声明；备案产品还应当标示“本品未经食品药品监督管理部门评价”。

第十条［贮存信息］标识的贮存信息应当包括贮藏温度、湿度等贮藏条件、方法的信息。

第十一条［其他信息］保健食品标识还应当标注按照法律、法规或者食品安全国家标准规定需要标明的其他事项或信息。

第十二条［说明书标签内容要求］说明书内容应当包括产品名称、原料和辅料、功效成分/标志性成分及含量、保健功能、适宜人群、不适宜人群、食用量与食用方法、规格、保质期、贮藏方法和注意事项等。

标签已涵盖说明书全部内容的，可不另附说明书。

第十三条［一致性要求］保健食品说明书和标签对应的内容应当一致，涉及保健食品批准证书内容的，应与批准内容一致。

第十四条［主动变更］保健食品生产经营企业应当加强上市后保健食品的安全性、保健功能的监测，需要对保健食品说明书标签等标识内容进行修改的，应当及时按照规定进行变更。

第十五条［被动变更］根据科学研究的进展、新出现的食品安全情况、技术标准规范的改变，国家食品药品监督管理总局也可以要求企业修改保健食品标识内容。企业应当按照国家食品药品监督管理总局有关要求办理标识内容变更的注册或备案。

第三章　标识的形式要求

第十六条［印刷要求］保健食品标识内容应当清晰、醒目、持久、易于辨认和识读。

第十七条［文字要求］保健食品标识内容应当使用国家语言工作委员会公布的规范化汉字，需要同时使用汉语拼音、少数民族文字或者外文的，应当与汉字内容有直接对应关系，且书写准确。

第十八条［字体要求］标识的文字、符号、数字的字体应当符合以下要求：

（一）字体高度不得小于1.8毫米；

（二）汉语拼音、少数民族文字或者外文，字体应当小于或等于相应的汉字字体；

（三）标识使用除产品名称以外商标的，字体以单字面积计不得大于产品名称字体的二分之一；

（四）不适宜人群、贮藏方法、注意事项、“本品不能代替药物”以及备案产品“本品未经食品药品监督管理部门评价”的声明，应当显著标注，字体大于“适宜人群”字体。

第十九条 ［颜色要求］标识的颜色应当符合以下要求：

（一）字体、背景和底色应当采用对比色，并且亮度对比应当在 70% 以上；

（二）产品名称中通用名、属性名字体的颜色应当一致；

（三）“本品不能代替药物”、备案产品“本品未经食品药品监督管理部门评价”的声明内容应当采用与周围文字不同、效果更为突出的颜色。

第二十条［版面要求］保健食品标识版面形式应当符合以下要求：

（一）保健食品标志、产品名称和批准文号应当标注在保健食品包装物（容器）上容易被观察到的版面（以下称主要展示版面）；

（二）保健食品标志，应当按照国家食品药品监督管理总局规定的图案等比例标注在版面的左上方，清晰易识别。当版面的表面积大于 100 平方厘米时，保健食品标志最宽处的宽度不得小于 2 厘米。当版面的表面积小于等于 100 平方厘米时，保健食品标志最宽处的宽度不得小于 1 厘米。保健食品批准文号应当标注在保健食品标志下方，并与保健食品标志相连，清晰易识别；

（三）不适宜人群、有特殊要求的贮藏方法、注意事项、“本品不能代替药物”以及备案产品“本品经食品药品监督管理部门备案”的声明，应当紧邻“适宜人群”并列在其后标注；

（四）产品净含量及规格应当在主要展示版面标注，且应当与主要展示版面的底线相平行；

（五）营养素补充剂产品，应当在主要展示版面的产品名称附近标注“营养素补充剂”；

（六）经辐照保健食品，应当在主要展示版面的产品名称附近标注“本品经辐照”。

第二十一条 [标注内容要求] 标识标注的内容应当符合以下要求：

（一）销售包装最大表面面积小于 10 平方厘米的，应当至少标注保健食品标志、产品名称、批准文号、规格、保质期、注意事项、贮存条件、生产企业、生产许可证编号、产品标准、生产日期、生产批号；

（二）非单独销售的包装至少应当标注保健食品名称、净含量、生产日期、生产企业名称；

（三）一个销售单元包装中含有不同产品、多个独立包装可单独销售的产品，每件独立包装的标识应当分别标注；

（四）若外包装易于开启识别或透过外包装能清晰识别内包装物上标注内容的，可不在外包装物上重复标注相应内容；

（五）销售包装内含有多个独立可单独销售产品包装时，在标注净含量的同时还应当标注单独小包装规格。当单件小包装产品标注的生产日期及保质期不同时，外包装上标注的保质期应当按最早到期的单件小包装产品计算；外包装上标注的生产日期应当为最早生产的单件小包装的生产日期；

（六）功效成分或者标志性成分及含量，以每 100g 或 100ml 或最小制剂单位的产品标示其含量；

（七）产品规格应当按照最小制剂单位标注，如：g/片、g/粒、ml/瓶；

（八）生产日期和保质期应当按年、月、日或者年、月的顺序标注日期，如果不按此顺序标注，应注明日期标注顺序。保质期可标示为“XX 个月”。

第二十二条［免费使用商品］供消费者免费使用的保健食品，其标识规定与生产销售的产品一致。

第二十三条［计量单位要求］计量单位应当采用国家法定计量单位。

第二十四条［面积计算要求］版面面积和包装表面积按照国家有关规定计算。

第四章 标识的禁止性要求

第二十五条 [基本要求] 标签标识不得存在下列情形：

（一）与包装物（容器）分离；

（二）印字脱落或者粘贴不牢等现象；

（三）以剪切、涂改等方式进行修改或者补充；

（四）擅自变更可能影响产品安全、功能的内容。

第二十六条［排除条款］标签标识不得标注下列内容：

(一) 明示或者暗示具有预防、治疗疾病作用的内容；

(二) 虚假、夸大、使消费者误解或者欺骗性的文字或者图形；

(三) “XX 监制”、“XX 合作”、“XX 推荐”等非生产企业信息的内容；

(四) 具有欺骗性、夸大宣传的描述以及违反广告法、商标法的内容；

(五) 虚假夸大标注原辅料、功效成分/标志性成分及含量、保健功能的；

(六) 伪造、冒用他人名称、地址的；

(七) 封建迷信、色情、违背科学常识的内容；

(八) 法律法规和标准规范禁止标注的内容。

第二十七条［产品名称］保健食品名称不得使用下列内容：

（一）虚假、夸大或绝对化的词语；

（二）明示或者暗示治疗作用的词语；

（三）明示或者暗示保健功能的词语；

（四）人名、地名、汉语拼音；

（五）字母及数字，维生素及国家另有规定的含字母及数字的原料除外；

（六）除“®”之外的符号；

（七）消费者不易理解的词语及地方方言；

（八）庸俗或带有封建迷信色彩的词语；

（九）人体组织器官等词语；

（十）同一申请人申报的不同产品，使用相同通用名和属性名（需要标注颜色、口味、特定人群的除外）；

（十一）一个产品名称使用多个商标名；

（十二）未经批准的保健食品名称，或产品名称擅自添加其他商标或者商品名；

（十三）其他误导消费者的词语。

第二十八条［通用名］通用名不得使用下列内容：

（一）已经批准注册的药品名称，配方为单一原料并以原料名称命名的除外；或者与已经批准注册的药品名称音、形相似的名称；

（二）特定人群名称；

（三）功能名称或者与表述产品功能相关的文字；

（四）擅自简写原料命名；

（五）营养素补充剂产品，以部分维生素或矿物质命名。

第五章　法律责任

第二十九条［基本要求］违反本办法，构成违反《食品安全法》规定的，依照有关规定予以处罚。

第三十条［生产日期处罚］涂改、虚假标注生产日期、保质期的，依照《食品安全法》第一百二十四条的规定进行处罚。

第三十一条［包装、文字、内容等处罚］违反本办法第六条、第七条第一项、第三至五项、第八条至第十三条、第十六条至第十八条、第二十条至第二十二条、第二十五条、第二十六条规定的，依照《食品安全法》第一百二十五条的规定处理。

第三十二条［委托企业标注处罚］违反本办法第七条第二项规定的，处二千元以上三万元以下罚款。

第三十三条［颜色对比度处罚］违反本办法第十九条规定的，处一千元以上二万元以下罚款。

第三十四条［瑕疵处罚］生产销售的保健食品标识、说明书存在瑕疵但不影响食用安全、功能且不会对消费者造成误导的，依照《食品安全法》第一百二十五条第二款的规定进行处理。

第三十五条［召回补救措施处罚］标识不符合食品安全标准而被召回的产品，保健食品生产者在采取补救措施且能保证食品安全的情况下可以继续销售，销售时应当向消费者明示补救措施。违反本法规定，不向消费者明示补救措施的，责令限期改正；逾期不改的，处一千元以上二万元以下罚款。采取补救措施时更改生产日期的，依照《食品安全法》第一百二十四条的规定进行处罚。

第三十六条［监管人员处罚］从事保健食品标识监督管理的工作人员有玩忽职守、滥用职权等违法行为的，由有权机关依法给予行政处分。

第六章 附　则

第三十七条［实施日期］本办法自　年 月 日起实施。