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Label Inspection Rules for Import and Export Prepackaged Food

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Chapter 1. General Provision

Article 1. This regulation is set up in accordance with the Food Safety Law of the People’s Republic of China and its implementing regulations, the Law of the People’s Republic of China on Import and Export Commodity Inspection and its implementing regulations, Special provisions of the State Council on strengthening supervision and management food and product safety, as well as Import and export food safety management, to strengthen label inspection of import and export prepackaged food, and guarantee the quality of import and export prepackaged food.

Article 2. This regulation applies to the inspection and management of import and export prepackaged food label (instruction book included).

Article 3. Labels of imported prepackaged food shall align with relevant Chinese laws, regulations as well as the national standards of food safety. Exported prepackaged food shall abide by the rules, regulations, standards, and other requirements of the importing country (region); in the event that the importing country (region) has no such rules, the exported prepackaged food shall abide by Chinese laws, regulations, as well as the national standards of food safety.

Article 4. AQSIQ is in charge of the inspection and management of import and export prepackaged food labels on the nationwide scale. Entry-exit inspection and quarantine agencies at all locations are in charge of the inspection and management of import and export prepackaged food labels within their jurisdictions.

Article 5. Business operator of import and export food shall make sure that the labels of their import and export prepackaged food are in consistence with Article 3 of this regulation, abide by good faith rules, provide relevant materials, take responsibilities for the society and the public, accept supervision by the society, as well as undertake social responsibilities.

Chapter 2. Label Inspection

Article 6. Companies importing food for the first time shall turn in required materials when reporting for inspection and quarantine, along with the other label inspection related materials as follows with official seal on them:

- (1) the original label sample and its translated version;
- (2) the Chinese label sample of the prepackaged food;
- (3) business license of the importers, distributors or retailers listed in the label;
- (4) When prepackaged food labels are stressing one aspect, such as the awards, certificates, the production location, geographical indication, or a special ingredient, companies should provide relevant certified documents; when nutrients are labeled, companies shall also provide conformity certified documents.
- (5) Other certificates or certified documents that shall be attached. Label sample and its translated version shall also be given when reporting for inspection and quarantine, alongside an announcement that labels align with the second requirement of Article 3 of this regulation.

Article 7. Inspection and quarantine agencies shall have an inspection over the labels' format, and carry out a conformity test over the contents of the labels. Conformity tests and the daily inspection and management work shall go side by side. No separate sampling is spared for conformity tests.

Article 8. As for the food imported for the first time, inspection and quarantine agencies will grant record certificate when its Chinese labels are confirmed up to standard.

Article 9. Import prepackaged food, once found in inspection of the following incidents, will be dismissed as substandard:

- (1) No Chinese label is given on the imported prepackaged food;
- (2) The label format of the imported prepackage food is found substandard or inconsistent with Chinese laws, rules and regulations, and national standards of food safety of China.
- (3) The conformity tests show inconsistency between the label contents and the results.

Article 10. Once Import pre – packaged food labels are tested substandard, inspection and quarantine agencies shall inform the importers or retailers of the contents to be corrected. As for those who cannot meet safety, health or environmental protection requirements, inspection and quarantine agencies shall give the importer or retailer a destroy order or returning order by which the importer or retailer will return the shipment by themselves. If there is any other items substandard, the importer or retailer are allowed to have technical processing under the supervision of the agencies. Those who cannot make it on the spot or are

found substandard will get a destroy order or returning order from the inspections and quarantine agencies.

Article 11. Export prepackaged food found substandard, shall have technical process under the supervision of inspection and quarantine agencies; those who could not have technical process or those found still substandard after process are not allowed access to foreign market.

Article 12. Prepackaged food imported for the first time and confirmed up to standard are only in need of providing record certificate and the Chinese label sample when imported again. Certified documents required by item 3-5 in Article 6 are not necessary.

Article 13. Inspection and quarantine agencies shall make a record of the inspection results and keep them on file. The file retention period shall be no less than 2 years.

Chapter 3. Supervision and Management

Article 14. Making use of the information-based platform AQSIQ will exercise uniform management of the inspection of the import prepackaged food labels. Inspection and quarantine agencies at all locations shall take charge of the implementation work and keep a record of those import food labels confirmed up to standard.

Article 15. Labels of Import and export prepackaged food found substandard and in need of further technical process, shall have to be reserved in the designated places by inspection and quarantine agencies. No group or individual is allowed to use them without prior permission.

Article 16. Inspection and quarantine agencies at all locations shall report to AQSIQ, once they find substandard labels in the inspection and management process of prepackaged food labels.

Chapter 4. Supplementary Articles

Article 17. The import and export food serving as non-trade samples, gifts, freebies, or exhibitions, the import food for free-tax business (the island tax rebate program is excluded) and personal use of embassies and consulates, the export food for personal use of embassies, consulates and ambassadors, are allowed for application of free label inspection of import and export prepackaged food.

Article 18. The entry of labels of prepackaged food brought with passengers or through mail, express mail, or other channels shall abide by the relevant rules of China.

Article 19. Labels of genetically modified food shall accord with the relevant laws, rules and regulations of China.

Article 20. This regulation will come into effect as of June 1st, 2012.

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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