

Remarks:

The Chinese version is regarded as authentic, the English version is for reference only.

**The Food Hygiene Law of the
People's Republic of China**

**No.59 Order of the President of the
People's Republic of China**

October 30, 1995

The Food Hygiene Law of the People's Republic of China was adopted by the 16th Session of the Standing Committee of the Eighth National People's Congress of the People's Republic of China on October 30, 1995. It is hereby promulgated and goes into effect from the day of promulgation.

Jiang Zemin
President, the People's
Republic of China

The Food Hygiene Law of the People's Republic of China

Adopted by the 16th Session of the Standing Committee of the
Eighth National People's Congress on October 30, 1995

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CHAPTER 1 General Provisions

ARTICLE 1 This law is hereby formulated in order to ensure food safety, prevent food contamination and hazardous factors from doing harm to humans, guarantee people's health and improve people's physique.

ARTICLE 2 The state institutes a food safety inspection and supervision system.

ARTICLE 3 The health administrative department under the State Council is in charge of the nation's food safety inspection and supervision and control activity.

The relevant departments of the State Council are responsible for the food safety control work within the scope of their respective official duties.

ARTICLE 4 Those engaged in food manufacturing, managing and selling within the territory of the People's Republic of China shall abide by this Law.

This Law is applicable to all foods, food additives, food containers, packaging materials, as well as food utensils, equipment, detergents and disinfectants; it is also applicable to sites, facilities and related environment for food manufacturing, managing and selling.

ARTICLE 5 The state encourages and protects the social supervision exercised by public organizations and individuals over food hygiene.

Anyone has the right to report on and charge against violations of this Law.

CHAPTER 2 The Safety of Food

ARTICLE 6 Food shall be non-toxic, harmless and meet the inherent nutrition requirements and present the corresponding organoleptic properties, such as color, smell, taste, etc.

ARTICLE 7 The staple and non-staple foods specially for infants shall meet the nutrition and hygienic standards set by the health administrative department under the State Council.

ARTICLE 8 Food manufacturing, management and selling shall comply with the following hygienic requirements:

(1) Maintaining internal and external environmental cleanness and neatness, adopting measures to eliminate flies, mice, cockroaches and other harmful insects as well as their breeding conditions, and keeping the process at a specified distance from toxic and harmful sites;

(2) Food production and management enterprises shall have factory buildings or sites for the treatment, processing, packaging and storing of foods and raw materials appropriate to the variety and quantity of the products;

(3) There shall be relevant facilities for sterilization, changing clothes, washing, lighting, illumining, ventilating, dust proof, protecting against flies and mice, cleansing, sewage discharging, storing rubbish and wastes;

(4) Facilities layout and technological process shall be rational, in order to prevent cross contamination between food waiting to be processed and food for directly consumption, and between raw materials and finished products; food shall not come into contact with toxic and hazardous materials;

(5) Tableware, drinking ware and containers for food for direct consumption must be washed and sterilized before use; cooking utensils and other utensils must be washed after use and kept clean;

(6) Containers, packages, utensils, equipment and environment for storing, transporting and loading and unloading food must be safe, harmless, kept clean and preventing food from contamination;

(7) Food for direct consumption shall be in small packages or use non-toxic and clean packaging materials;

(8) Personnel engaged in food production and management shall often maintain personal hygiene, when producing and selling food, they must wash their hands and wear clean work clothes and hats; when selling food for direct consumption, they shall use tools;

(9) The water used shall meet the national hygienic standard for urban and rural drinking water; and

(10) The detergents and disinfectants used shall be safe and harmless to human health.

The hygienic requirements for food vendors and food dealers in urban and rural market fairs in the process of producing, managing and selling foods shall be stipulated specifically in accordance with this Law by the standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the central government.

ARTICLE 9 The manufacturing, managing and selling of the following foods shall be prohibited:

(1) Putrid, rancid, moldy, wormy, polluted and filthy foods, and foods with foreign matter or other abnormal organoleptic properties which may be harmful to people's health;

(2) Foods containing toxic and harmful substance or food contaminated by toxic and harmful substances;

(3) Foods containing pathogenic parasites and microorganisms, or the microbial toxin content exceed the criteria stipulated by the state;

(4) Meat and its products that have not been subjected to veterinary inspection or failed in inspection;

(5) Poultry, livestock, animals, aquatic animal and its products died of illness, poisoned to death or the cause of death is unclear;

(6) Foods with filth or seriously damaged containers and packages or contaminated by dirty transportation facilities;

(7) Adulterated or counterfeited food that adversely affects nutrition and safety;

(8) Foods processed with non-food raw materials; food processed with non-food chemical substances, or non-food stuffs used as food;

(9) Foods exceeding the quality assurance period;

(10) In order to meet the special need of disease prevention, the sales of certain foods are prohibited according to the special stipulations laid down by the health administrative department of the State Council or by the people's governments of provinces, autonomous regions and municipalities directly under the central government;

(11) Food containing additives not approved by the health administrative department of the State Council, or pesticide residues exceeding the national maximum limits; and

(12) Other foods which do not meet the food hygienic standards and hygienic requirements.

ARTICLE 10 Medicine is not allowed to be added into foods, but those traditionally referred as both medicine and food used as raw materials, condiments or nutrition fortificants are excluded.

CHAPTER 3 The Safety of Food Additives

ARTICLE 11 The manufacturing, marketing and use of food additives shall conform with the stipulations of the hygienic standard for the use of food additives and the regulation for food additives; food additives which do not conform with the hygienic standard for the use of food additives and hygienic regulation for food additive shall not be marketed and used.

CHAPTER 4 The Sanitation and Safety of Food Containers, Packaging Materials, Utensils and Equipment

ARTICLE 12 Food containers, packaging materials, utensils and equipment shall conform with the stipulations of the corresponding hygienic standards and regulations.

ARTICLE 13 Only raw and semi-finished materials meeting the hygienic requirements shall be used in the production of food containers, packaging materials, utensils and equipment. The products should be easily washed and disinfected.

CHAPTER 5 The Formulation of Food Hygienic Standards and Regulations

ARTICLE 14 The national hygienic standards, regulations and laboratory testing procedures related to food, food additives, food containers, packaging materials, utensils and equipment, and detergents and disinfectants used in washing foods, food utensils and equipment, as well as the permissible level of contaminants and radioactive substances in foods shall be formulated or approved and promulgated by the health administrative department under the State Council.

ARTICLE 15 With regard to food for which hygienic standard has not as yet been formulated by the state, the people's governments of provinces, autonomous regions and municipalities directly under the central government may set their local hygienic standards and report to the health administrative department under the State Council and the competent standardization administrative department under the State Council for the record.

ARTICLE 16 The criteria with health significance in the national product quality standard for food additives shall be reviewed and approved by the health administrative department under the State Council.

The safety evaluation of pesticides, chemical fertilizers and other agricultural chemical substances shall be reviewed and approved by the health administrative department under the State Council.

The veterinary health inspection procedures for the slaughter of livestock and poultry shall be formulated by the relevant administrative department under the State Council jointly with the health administrative department under the State Council.

CHAPTER 6 Food Safety Control

ARTICLE 17 Management departments for food manufacturing and marketing under the people's governments at various levels shall strengthen the food safety control activities and check the enforcement of this Law.

The people's governments at various levels shall encourage and support efforts to improve food processing technology, so as to promote the improvement of the hygienic quality of foods.

ARTICLE 18 Enterprises engaged in food production, management and sale shall perfect their own food safety control system, assign full-time or part-time food safety control personnel, and strengthen laboratory testing work related to the foods they produce and sell.

ARTICLE 19 Site selection and design for newly built, expanded and reconstructed construction works carried out by enterprises engaged in food manufacturing, managing and selling shall comply with corresponding hygienic requirements, the review of the design, and examination and acceptance of construction works shall have the participation of the health administrative department.

ARTICLE 20 With regard to the new food varieties and new food additives produced from new sources, before putting them into production, the enterprises engaged in manufacturing shall submit necessary information needed for the safety and nutrition evaluation of the products; with regard to the new food containers, packaging materials, utensils and equipment produced with new raw and semi-finished materials, the enterprises engaged

in manufacturing, before putting them into production, shall submit necessary information needed for the safety evaluation of the products. Before the above-mentioned new varieties are put into production, samples are required to be provided and be submitted to the higher authorities for review and approval in accordance with the review and approval procedures based on the stipulated food hygienic standard.

ARTICLE 21 Prepackaged foods and food additives are required that the product name, production place, factory name, date of production, batch number or code number, specifications, formulation or major ingredients, the quality guarantee period, and the methods of use shall be indicated in the label of the package or the product use instructions, according to the requirements stipulated for different products. The use instructions for food and food additives shall not have exaggerating or deceiving promoting information.

The label of the food package shall be clearly printed and easy to read. Foods sold on domestic markets shall have labels in Chinese.

ARTICLE 22 With regard to food claimed to have specific health functions, the products and use instructions shall be submitted to the health administrative department under the State Council for review and approval; and its hygienic standards and regulations for the control of manufacturing and marketing shall be formulated by the health administrative department under the State Council.

ARTICLE 23 Food claimed to have specific health functions shall not be hazardous to human health; the content of use instruction of the product shall be true, and the functions and ingredients of the product shall be identical with the information described in the use instructions, and there shall be no deceiving.

ARTICLE 24 Food, food additives and containers, packaging materials and other utensils specially used for food can be released out of the factory or sold only after the producers have carried out examination and showed that the products are in compliance with the corresponding hygienic standards and regulations.

ARTICLE 25 While purchasing foods and raw materials, the food manufacturer shall ask for the certificate of inspection or laboratory test in accordance with national stipulations, and the seller shall provide these without fail. The varieties of foods and raw materials required certificates shall be stipulated by the health administrative department under the people's governments of provinces, autonomous regions and municipalities directly under the central government.

ARTICLE 26 Personnel engaged in food manufacturing, managing and selling shall undertake medical examination each year; personnel who newly and temporarily participate in food manufacturing, managing and selling shall undertake medical examination, they can participate in work only after obtaining a health certificate.

Those who are contracted with dysentery, typhoid fever, virus hepatitis and other alimentary tract infectious diseases (including pathogen carriers), active lung tuberculosis, purulent or exudative skin disease as well as other diseases adversely affecting food hygiene are not allowed to participate in the work contacting food for direct consumption.

ARTICLE 27 Enterprises engaged in food manufacturing, managing and selling, and food vendors shall first obtain a hygiene license issued by the health administrative department before they can apply for registration with the administrative department for industry and commerce. Without first obtaining a hygienic license, they are not allowed to engage in food production and operational activities.

Food producer and manager are not allowed to forge, alter and lend the hygiene license.

Regulations for the issuance of hygiene license shall be formulated by the health administrative departments under the people's governments of provinces, autonomous regions and municipalities directly under the central government.

ARTICLE 28 Those who run the various types of food markets shall be responsible for the food safety control activities of the markets, set up necessary public sanitary facilities within the markets, and maintain good environmental health conditions.

ARTICLE 29 The industrial and commercial administrative department is responsible for the food safety control activities related to urban and rural market fairs, and the health administrative department is responsible for food safety control and inspection work.

ARTICLE 30 Imported foods, food additives, containers, packaging materials, utensils and equipment shall conform with the national hygienic standards and regulations.

The imported products listed in the preceding provision are subjected to safety control and inspection conducted by the imported food safety control and inspection agency of the entry port. Only those proved to be qualified through inspection are allowed to be imported and will be given clearance by the customs on the basis of the inspection certificate.

The importer, while applying for inspection, shall provide relevant information and laboratory test report related to pesticides, additives and fumigants used by the exporting country (region).

Imported products listed in the first provision shall be subjected to inspection in accordance with the national hygienic standards. In case of national hygienic standard is unavailable, the importer shall provide the safety evaluation information by health authority or organization of the exporting country (region) which, after being reviewed and inspected by the importing food safety control and inspection agency at the port, shall be further submitted to the health administrative department under the State Council for final approval.

ARTICLE 31 Exported foods shall be subjected to safety control and inspection conducted by the state administration of import and export commodity inspection.

The customs gives clearance on the basis of the certificate issued by the state administration of import and export commodity inspection.

CHAPTER 7 Food Safety Inspection and Supervision

ARTICLE 32 The health administrative department under the local people's government at or above the county level shall exercise its food safety inspection and supervision responsibility within its jurisdiction. The food safety supervision agency set up by competent railway and communications administrative departments shall exercise the food safety inspection and

supervision responsibility stipulated jointly by the health administrative department under the State Council and concerned departments under the State Council.

ARTICLE 33 The responsibilities of food safety inspection and supervision are:

- (1) Conducting food safety monitoring and inspection, and providing technical guidance;
- (2) Assisting in the training of personnel involved in food manufacturing, managing and selling, and supervising the medical examination of personnel involved in food manufacturing, managing and selling.
- (3) Publicizing food hygiene and nutritional knowledge, conducting food safety evaluation and announcing food hygiene status;
- (4) Conducting hygienic examination of site selection and design for the newly built, expanded and reconstructed construction works of the enterprise engaged in food manufacturing, managing and selling, and participating in the final acceptance of the construction work;
- (5) Conducting investigation into food poisoning outbreaks and food contamination events, and enforcing control measures;
- (6) Carrying out repeated inspection and supervision in case of violations of this Law;
- (7) Finding out where the responsibility lies regarding violation of this Law, and imposing disciplinary sanctions according to relevant provisions of the law; and
- (8) Undertaking responsibilities for other matters related to food safety control.

ARTICLE 34 The health administrative department under the people's government at or above the county level shall assign food safety inspectors. The food safety inspectors shall be qualified professionals to whom a certificate shall be issued by the health administrative department at the same level.

A certificate shall be issued to railway and communications food safety inspector by the competent department at the next higher level.

ARTICLE 35 Food safety inspectors shall carry out the tasks assigned to them by the health administrative department.

Food safety inspectors shall justly enforce the law, be devoted to their duties and refrain from abusing their power for personal gain.

Food safety inspectors, while carrying out their tasks, may make inquiries from the food producer, manager and seller, ask for necessary materials and enter the production and operational site to conduct inspection and take samples without compensation according to relevant regulations. The producer, manager and seller shall not refuse or conceal the facts.

Food safety inspectors are obliged to maintain secrecy of the technical data provided by the producer, manager or seller.

ARTICLE 36 The health administrative departments under the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the central government may, in light of necessity, shall designate qualified units as food safety testing laboratories to conduct food hygiene laboratory testing and issue reports.

ARTICLE 37 The health administrative department under the local people's government at or above the county level, in dealing with food poisoning accident or possibilities leading to food poisoning accident with proven evidence, may adopt the following temporary control measures against the food producer, manager or seller:

(1) Handling the food and its raw materials that cause food poisoning or may lead to food poisoning; and

(2) Handling contaminated food tools and utensils and ordering that they be washed and disinfected.

Food proved to be contaminated through laboratory testing shall be destroyed, and those uncontaminated foods shall be released from holding.

ARTICLE 38 The unit where food poisoning occurs and unit which treats the poisoned patients shall, besides adopting therapeutic measures, promptly report to local health administrative department in accordance with relevant national regulations.

The health administrative department under local people's government at or above the county level, upon receiving the report, shall promptly conduct investigation and enforce control measures.

CHAPTER 8 Legal Liability

ARTICLE 39 Those who violate the stipulations of this Law by manufacturing and marketing food not up to the hygienic standard and thus causing food poisoning or other food-borne diseases shall be ordered to stop manufacturing and marketing their food, destroy the foods caused food poisoning or other food-borne diseases, confiscate their illegal gain and they shall be punished by a fine 1-5 times of their illegal gain; those who receive no illegal gain shall be fined 1,000-50,000 RMB

Those who violate the stipulations of this Law by manufacturing and marketing food not up to hygienic standard and thus causing serious food poisoning or other serious food-borne diseases, causing serious harm to human health, or who add toxic and harmful non-food raw materials into the food they produce and market, shall be prosecuted for their criminal liability.

Those who commit one of the acts listed in this article shall have their hygiene license withdrawn.

ARTICLE 40 Those who violate the stipulations of this Law by engaging in food manufacturing, managing and selling, and without obtaining a hygiene license or forging a hygiene license shall be banned, will have their illegal gain confiscated and be given a fine 1-5 times their illegal gain; those who receive no illegal gain shall be fined from more than 500 RMB to less than 30,000 RMB. Those who alter and lend hygiene license shall have their hygiene license seized and their illegal gain confiscated and they shall be given a fine one to three times their illegal gain; those who receive no illegal gain shall be fined from more than 500 RMB to 10,000 RMB.

ARTICLE 41 Those who violate the stipulations of this Law by failing to meet the hygienic requirements in the process of food production and marketing shall be ordered to correct and given a warning and can be fined up to less than 5,000 RMB; those who refuse to correct or have other serious cases shall have their hygiene license withdrawn.

ARTICLE 42 Those who violate the stipulations of this Law by producing and selling foods which are prohibited from production and marketing shall be ordered to stop production and marketing, to immediately make a public announcement on product recall, destroy the above-said food, their illegal gain shall be confiscated and they shall be given a fine

somewhere between 1-5 times their illegal gain; those who receive no illegal gain shall be fined from more than 1,000 RMB to less than 50,000 RMB. Those cases are serious shall have their hygiene license withdrawn.

ARTICLE 43 Those who violate the stipulations of this Law by producing and marketing in staple and non-staple infant foods which do not conform to nutrition and hygienic standards shall be ordered to stop production and selling, to immediately make a public announcement on product recall and to destroy the food, their illegal gain shall be confiscated and they shall be given a fine 1-5 times of their illegal gain; those who receive no illegal gain shall be fined from more than 1,000 RMB to less than 50,000 RMB. Those cases are serious shall have their hygienic license withdrawn.

ARTICLE 44 Those who violate the stipulations of this Law by producing, selling or using food additives, containers, packaging materials, utensils and equipment as well as detergents and disinfectants which do not conform to the hygienic standard and regulations shall be ordered to stop production or use, their illegal gain shall be confiscated and they shall be given a fine somewhere between 1-3 times their illegal gain; those who receive no illegal gain shall be fined less than 5,000 RMB.

ARTICLE 45 Those who violate the stipulations of this Law by producing and selling food claimed to have specific health functions without review and approval from the health administrative department under the State Council, or the content of the product use instructions provide false information shall be ordered to stop production and management, their illegal gain shall be confiscated and they shall be given a fine ranging from more than one time to less than five times their illegal gain; those who receive no illegal gain shall be fined from more than 1,000 RMB to less than 50,000 RMB. Those cases are serious shall have their hygiene license withdrawn.

ARTICLE 46 Those who violate the stipulations of this Law by failing to fulfill the prescribed matters, including failing to provide information on the dates of production and/or the duration of quality assurance, etc. or providing false information on these items on the label or use instructions of prepackaged foods or food additives, or failing to label in Chinese, shall be ordered to correct and can be fined from more than 500 RMB to less than 10,000 RMB.

ARTICLE 47 Those who violate the stipulations of this Law by producers, managers or sellers engaging in food production, managing and selling before obtaining a health certificate, or contracted with certain diseases and are prohibited from contacting food for direct consumption and yet are not transferred to other posts according to stipulations shall be ordered to correct and can be fined up to less than 5,000 RMB.

ARTICLE 48 Those who violate the stipulations of this Law by causing food poisoning accidents or other diseases due to factors pertinent to the source of food, or who act against this Law and thus causing harm to others shall bear civil liability for compensation.

ARTICLE 49 The disciplinary sanctions specified in this Law shall be decided by the health administrative department under local people's government at or above the county level. Other government agencies authorized to exercise the right of food safety control and inspection as stipulated in this Law shall, within the scope of their official duties, make the disciplinary sanctions in accordance with the stipulations of this Law.

ARTICLE 50 The concerned person who refuses to accept the decision on disciplinary sanctions may file an application for reconsideration to the government agency at the next higher level of the one which made the decision on penalty within 15 days after receiving the notice concerning penalty; the concerned person may directly sue to the people's court within 15 days after receiving the notice on penalty.

The reconsidering organization shall make a decision based on reconsideration within 15 days after receiving the application for reconsideration. The person concerned who again refuses to accept the reconsidered decision may file a suit to the people's court within 15 days after receiving the reconsidered decision.

When the person concerned fails to apply for reconsideration or sue to the people's court by exceeding the time limit, and fails to execute the decision on penalty, the agency made the penalty decision may apply to the people's court for compulsory execution.

ARTICLE 51 With regard to a health administrative department which issues a hygienic license to unqualified producer and manager in violation of

the stipulations of this Law, the person directly responsible shall be given disciplinary sanctions; those who accept bribes and constitute a crime shall be given criminal sanctions according to law.

ARTICLE 52 Food safety inspectors or control personnel who abuse their power, neglect their duties and engage in malpractice for their own benefit which result in major events and constitute a crime shall be given criminal sanctions according to law; if which are not so serious as to constitute a crime, the personnel concerned shall be given administrative sanctions according to law.

ARTICLE 53 Those who resort to violence and threat to prevent food safety inspectors and control personnel from legally performing their official duties shall be subjected to criminal sanctions; those who refuse and prevent food safety inspectors and control personnel from legally performing their official duties but have not used violence and threat to do so shall be given punishment by the public security agencies in accordance with the stipulations of the Security Administration Punishment Act.

CHAPTER 9 Supplementary Provisions

ARTICLE 54 Definition of the following terms used in this Law:

Foods: refer to all kinds of finished products and materials for human consumption, as well as goods traditionally used both as food and medicine, but do not include those used for the purpose of medical treatment.

Food additives: refer to chemical synthetic or natural substances added to food in order to improve the quality, color, smell and taste of the food and to meet the needs of antisepsis and processing technology.

Nutrition fortificants: refers to food additives coming under the scope of natural nutrients either natural or artificial synthetic elements added to food in order to improve the nutrition composition.

Food containers and packaging materials: refer to materials used for packing and holding foods, such as paper, bamboo, wood, metal, enamel, ceramics, plastics, rubber, natural fiber, synthetic fiber and glass, as well as lacquer which contacts food.

Tools and equipment used for food: refer to machinery, pipeline, conveyor belt, container, utensil and table-ware which contact food in the process of food production and operation.

Food manufacturing, managing and selling: refer to the activities involved in the manufacturing (excluding farming and aqua-culture), collecting, purchasing, processing, storage, transportation, display, supply and selling of all kinds of food.

Food manufacturer, manager and seller: refer to all units or individuals engaged in food production and management, including staff canteens and food vendors.

ARTICLE 55 The regulations for the control of exported foods will be formulated separately by the state import and export commodity inspection agency jointly with the health administrative department under the State Council and other relevant administrative departments.

ARTICLE 56 The regulations for the control of special foods and self-supply foods for the military forces shall be formulated by the Central Military Commission in accordance with this Law.

ARTICLE 57 This Law goes into effect from the day of promulgation. The Food Hygiene Law of the People's Republic of China (provisional) shall be abolished at the same time.