

Food Labeling Act (Article 10-2 and Article 21, item (3) Not in Force)

(Act No. 70 of June 28, 2013)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is, in light of the important role that food labeling plays in ensuring the safety of food for ingestion and aiding the public in making informed and independent food choices, to ensure proper food labeling by establishing standards and specifying other necessary information regarding the labeling of food intended for sale (including transfer other than that for sale to numerous unspecified persons; the same applies hereinafter), thereby promoting the interests of general consumers, and also to contribute to the protection and promotion of the health of the Japanese public, the smooth production and distribution of food, and the promotion of food production in response to consumer demand, in combination with the measures implemented under the Food Sanitation Act (Act No. 233 of 1947), the Health Promotion Act (Act No. 103 of 2002), and the Act on Japanese Agricultural Standards (Act No. 175 of 1950).

(Definitions)

Article 2 (1) The term "food" as used in this Act means all kinds of food and drink (excluding the medicines specified in Article 2, paragraph (1) of the Act on Securing Quality, Efficacy and Safety of Pharmaceuticals, Medical Devices, Regenerative and Cellular Therapy Products, Gene Therapy Products, and Cosmetics (Act No. 145 of 1960), the quasi-pharmaceutical products specified in paragraph (2) of that Article, and the regenerative medical products specified in paragraph (9) of that Article, and including the additives specified in Article 4, paragraph (2) of the Food Sanitation Act (simply referred to as "additives" in

Article 4, paragraph (1), item (i) and Article 11)).

- (2) The term "liquor" as used in this Act means the liquor specified in Article 2, paragraph (1) of the Liquor Tax Act (Act No. 6 of 1953).
- (3) The term "person engaged in food-related business, etc." means a person that falls under either of the following items:
- (i) a person engaged in the manufacturing, processing (including preparation and sorting) or importing of food in the course of trade (excluding those that are not engaged in the sale of that food) or a person engaged in the sale of food in the course of trade (hereinafter referred to as a "person engaged in food-related business"); or
 - (ii) in addition to the person set forth in the preceding item, a person engaged in the sale of food.

(Fundamental Principles)

- Article 3 (1) Measures for ensuring proper labeling of food intended for sale must be implemented as part of the consumer policies specified in Article 2, paragraph (1) of the Basic Act on Consumer Policies (Act No. 78 of 1968), in accordance with the fundamental principles of providing consumer safety, and the opportunity to make informed and independent food choices, respecting the rights of consumers to be provided with necessary information, as well as supporting self-reliance in order to aid consumers in making informed and independent decisions to protect and promote their own interests.
- (2) Measures for ensuring proper labeling of food that is intended for sale must be implemented based on present conditions and the future prospects of production of, transaction of, or consumption of food, and taking into consideration the impact on the business activities of persons engaged in food-related business on a small scale, and the need to ensure fair competition among persons engaged in food-related business.

Chapter II Food Labeling Standards

(Establishment of Food Labeling Standards)

- Article 4 (1) For each category of food and of type of person engaged in food-related business, etc., the Prime Minister must establish, by Cabinet Office Order, standards for the labeling of food that is intended for sale which must contain, among the following information, that considered necessary to ensure the safety of food for ingestion and aid consumers in making informed and independent food choices for each of those categories:
- (i) the name, allergen (meaning the substance that causes food allergy; the same applies in Article 6, paragraph (8) and Article 11), preservation method, expiration date (meaning a time limit for the safe ingestion of food; the same

- applies in Article 6, paragraph (8) and Article 11), ingredients, additives, nutritional value and caloric value, country of origin, and other information that persons engaged in food-related business, etc. should display when selling food; and
- (ii) the method of labeling and other matters that persons engaged in food-related business, etc. should comply with when displaying the information set forth in the preceding item.
- (2) If the Prime Minister intends to establish standards for the labeling of food that is intended for sale pursuant to the provisions of the preceding paragraph, the Prime Minister must in advance consult with the Minister of Health, Labour and Welfare, the Minister of Agriculture, Forestry and Fisheries, and the Minister of Finance, and hear the opinions of the Consumer Commission.
- (3) If the Minister of Health, Labour and Welfare finds that the establishment of standards for labeling food that is intended for sale under the provisions of paragraph (1) will aid the protection or promotion of public health, the Minister may request the Prime Minister to establish those standards by providing a draft thereof.
- (4) If the Minister of Agriculture, Forestry and Fisheries finds that the establishment of standards for the labeling of food that is intended for sale under the provisions of paragraph (1) will aid the smooth production or distribution of food (excluding liquor) or the promotion of production of that food in response to consumer demand, the Minister may request the Prime Minister to establish those standards by providing a draft thereof.
- (5) If the Minister of Finance finds that the establishment of standards for the labeling of food that is intended for sale under the provisions of paragraph (1) will aid the smooth production or distribution of liquor or the promotion of production of that liquor in response to consumer demand, the Minister may request the Prime Minister to establish those standards by providing a draft thereof.
- (6) The provisions of paragraph (2) through the preceding paragraph apply *mutatis mutandis* to the change of standards for the labeling of food that is intended for sale established under the provisions of paragraph (1) (hereinafter referred to as the "Food Labeling Standards").

(Compliance with Food Labeling Standards)

Article 5 Persons engaged in food-related business, etc. must not sell food that is not labeled according to the Food Labeling Standards.

Chapter III Measures against Improper Labeling

(Instructions)

Article 6 (1) If any person engaged in food-related business sells food (excluding liquor; hereinafter the same applies in this paragraph) without displaying the information set forth in Article 4, paragraph (1), item (i) specified by the Food Labeling Standards (hereinafter referred to as the "information on labeling"), or fails to comply to the matters set forth in paragraph (1), item (ii) of that Article, specified by the Food Labeling Standards (hereinafter referred to as "matters to be complied with") when displaying the information on the labeling of food intended for sale, the Prime Minister or the Minister of Agriculture, Forestry and Fisheries (or if the information specified by Cabinet Office Order and Order of the Ministry of Agriculture, Forestry and Fisheries is not displayed, or the matters to be complied with as specified by Cabinet Office Order and Order of the Ministry of Agriculture, Forestry and Fisheries are not being complied with, the Prime Minister) may instruct the person engaged in food-related business to display the relevant information on labeling or to comply with relevant matters.

(2) If the minister set forth in each of the following items intends to independently give instructions under the provisions of the preceding paragraph (regarding the minister set forth in item (i), excluding the instruction to be given when the information on labeling specified by Cabinet Office Order and Order of the Ministry of Agriculture, Forestry and Fisheries referred to in that paragraph is not displayed, or the matters to be complied with specified by Cabinet Office Order and Order of the Ministry of Agriculture, Forestry and Fisheries referred to in that paragraph are not being complied with), the minister is to notify the other minister specified in the relevant item on the content of the instructions in advance:

- (i) the Prime Minister: the Minister of Agriculture, Forestry and Fisheries; and
- (ii) the Minister of Agriculture, Forestry and Fisheries: the Prime Minister.

(3) If any person engaged in food-related business conducts the sale of liquor and doesn't display information on labeling, or fails to comply with the matters to be complied with when displaying the information on labeling of liquor that is intended for sale, the Prime Minister or the Minister of Finance (or if the information on labeling specified by Cabinet Office Order and Order of the Ministry of Finance is not displayed, or the matters to be complied with as specified by Cabinet Office Order and Order of the Ministry of Finance are not being complied with, the Prime Minister) may instruct the person engaged in food-related business to display the information on labeling or to comply with the matters to be complied with.

(4) If the minister set forth in each of the following items intends to independently give instructions under the provisions of the preceding paragraph (regarding the minister set forth in item (i), excluding instructions to be given when the information on labeling specified by Cabinet Office Order

and Order of the Ministry of Finance referred to in that paragraph is not displayed, or the matters to be complied with specified by Cabinet Office Order and Order of the Ministry of Finance referred to in that paragraph are not being complied with), the minister is to notify the other minister specified in the relevant item on the content of the instructions in advance:

(i) the Prime Minister: the Minister of Finance; and

(ii) the Minister of Finance: the Prime Minister.

(5) If a person that has received an instruction under the provisions of paragraph (1) or paragraph (3) does not take the measures under that instruction without just cause, the Prime Minister may order that person to take those measures.

(6) If the Minister of Agriculture, Forestry and Fisheries has given an instruction under the provisions of paragraph (1), and the person that has received that instruction does not take the measures under that instruction without just cause, the Minister may request the Prime Minister to order that person to take those measures, pursuant to the provisions of the preceding paragraph.

(7) If the Minister of Finance has given an instruction under the provisions of paragraph (3), and the person that has received that instruction does not take the measures under that instruction without just cause, the Minister may request the Prime Minister to order that person to take those measures, pursuant to the provisions of paragraph (5).

(8) If a person engaged in food-related business, etc. sells or intends to sell food that is not labeled according to the Food Labeling Standards regarding allergens, expiration dates, whether or not the food needs to be heated for safe ingestion, or any other information that may have a material impact on the safety of ingestion of food specified by Cabinet Office Order, and the Prime Minister finds it to be urgently necessary in order to prevent the occurrence or spread of harm to the lives or health of consumers, the Prime Minister may order the person engaged in food-related business, etc. to recall the food and take other necessary measures or to suspend all or part of their business for a designated period.

(Public Announcements)

Article 7 If the Prime Minister, the Minister of Agriculture, Forestry and Fisheries or the Minister of Finance has given an instruction or issued an order pursuant to the provisions of the preceding Article, the relevant minister must make a public announcement to that effect.

(On-Site Inspections)

Article 8 (1) If the Prime Minister finds it necessary to ensure proper labeling of food intended for sale, they may request a person engaged in food-related business, etc. or any other person engaged in related business to submit

reports or its books, documents and any other items as necessary regarding the labeling of that food, or have officials enter the office, place of business or any other place, inspect the labeling of food intended for sale, that food or ingredients thereof, or the books, documents or any other items of that business, question its employees or any other persons concerned, or take a sample of food or ingredients thereof as necessary for testing without giving compensation.

- (2) If the Minister of Agriculture, Forestry and Fisheries, regarding any information on labeling other than that specified by Cabinet Office Order and Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 6, paragraph (1) or any matters to be complied with other than those specified by Cabinet Office Order and Order of the Ministry of Agriculture, Forestry and Fisheries referred to in that paragraph, finds it necessary to ensure proper labeling of food (excluding liquor; hereinafter the same applies in this paragraph) that is intended for sale, the Minister may request a person engaged in food-related business or any other person engaged in related business to submit necessary reports or its books, documents or any other items regarding the labeling of food intended for sale, or have officials enter that person's office, place of business or any other place, inspect the labeling of that food, the food itself or ingredients thereof, or the books, documents or any other items of that business, or question its employees or any other persons concerned.
- (3) If the Minister of Finance, regarding any information on labeling other than those specified by Cabinet Office Order and Order of the Ministry of Finance referred to in Article 6, paragraph (3) or any matters to be complied with other than those specified by Cabinet Office Order and Order of the Ministry of Finance referred to in that paragraph, finds it necessary in order to ensure proper labeling of liquor intended for sale, the Minister may request a person engaged in food-related business or any other person engaged in related business to submit reports or its books, documents or any other items as necessary regarding labeling of liquor intended for sale, or have the officials enter that person's office, place of business or any other place, inspect the labeling of liquor intended for sale, the liquor itself or ingredients thereof, or the books, documents or any other items of that business, or question its employees or any other persons concerned.
- (4) Officials who conduct on-site inspections, questioning or sampling under the provisions of the preceding three paragraphs must carry identification, and present it if asked to by a relevant party.
- (5) The authority under the provisions of paragraphs (1) through (3) must not be construed as being granted for the purpose of criminal investigation.
- (6) The sampling under the provisions of paragraph (1) is to be assigned to a food

sanitation inspector specified in Article 30, paragraph (1) of the Food Sanitation Act.

- (7) The Prime Minister may entrust the functions related to testing on the food taken as samples pursuant to the provisions of paragraph (1) to a registered inspection body specified in Article 4, paragraph (9) of the Food Sanitation Act, and entrust the part of those functions related to the nutritional value or caloric value of Food to the National Institute of Biomedical Innovation, Health and Nutrition.
- (8) If the Prime Minister has independently exercised the authority under the provisions of paragraph (1), they are to promptly notify the Minister of Agriculture, Forestry and Fisheries of the result of the inspection of the labeling of food (excluding liquor) intended for sale, or to the Minister of Finance, of the result of the inspection of the labeling of liquor intended for sale.
- (9) If the Minister of Agriculture, Forestry and Fisheries or the Minister of Finance has independently exercised the authority under the provisions of paragraph (2) or paragraph (3), the relevant minister is to promptly notify the Prime Minister of the result.

(On-Site Inspections by the Center)

- Article 9 (1) If the Minister of Agriculture, Forestry and Fisheries may have officials conduct an on-site inspection or questioning pursuant to the provisions of paragraph (2) of the preceding Article, and finds it to be necessary, the minister may have an official of the Food and Agricultural Materials Inspection Center (hereinafter referred to as the "Center") enter the office, place of business or any other place of a person engaged in food-related business or other related business, inspect the labeling of food (excluding liquor; hereinafter the same applies in this paragraph) intended for sale, that food or ingredients thereof, or its books, documents or any other items, question its employees or any other persons concerned, or take a sample of food or ingredients thereof without compensation as necessary for testing.
- (2) If the Minister of Agriculture, Forestry and Fisheries has the Center conduct an on-site inspection or questioning pursuant to the provisions of the preceding paragraph, the Minister is to designate the date, place and other necessary information for the on-site inspection or questioning.
 - (3) If the Center has conducted an on-site inspection or questioning pursuant to the provisions of paragraph (1) in accordance with the instruction given under the provisions of the preceding paragraph, it must report the results to the Minister of Minister of Agriculture, Forestry and Fisheries, as provided by Order of Agriculture, Forestry and Fisheries.
 - (4) If the Minister of Agriculture, Forestry and Fisheries has received a report

under the provisions of the preceding paragraph regarding the on-site inspection or questioning conducted under the provisions of paragraph (1), the Minister is to promptly notify the Prime Minister of the content of the report.

(5) The provisions of paragraphs (4) and (5) of the preceding Article apply mutatis mutandis to the on-site inspection or questioning under the provisions of paragraph (1).

(Orders to the Center)

Article 10 If the Minister of Agriculture, Forestry and Fisheries finds it necessary in order to ensure proper implementation of the operations in the on-site inspection or questioning under the provisions of paragraph (1) of the preceding Article, the Minister may issue an order to the Center as may be necessary for those operations.

(Notification of Food Recalls)

Article 10-2 (1) If a person engaged in food-related business, etc. has sold food that is not labeled according to the Food Labeling Standards with regard to the information specified by Cabinet Office Order referred to in Article 6, paragraph (8) and recalls the food (excluding cases in which the person recalls the food after receiving an order under the same paragraph and cases specified by Cabinet Office Order as those in which there is no risk of the occurrence of harm to the lives or health of consumers), the person must notify the Prime Minister of this fact without delay, as provided by Cabinet Office Order.

(2) If a notification has been made under the provisions of the preceding paragraph, the Prime Minister must make a public announcement to that effect.

Chapter IV Request for Injunctions and Reports

(Right of Qualified Consumer Organization to Request an Injunction)

Article 11 If any person engaged in food-related business displays or is likely to display false information regarding the name, allergens, preservation method, expiration date, ingredients, additives, nutritional value or caloric value, or country of origin, to many and unspecified persons, in violation of Food Labeling Standards, a qualified consumer organization specified in Article 2, paragraph (4) of the Consumer Contract Act (Act No. 61 of 2000) may request that the person ceases that action, does not take that action, or take any other necessary measures to cease that action or not to take that action, such as publicizing the fact it has displayed this false information.

(Reporting to the Prime Minister)

- Article 12 (1) Any person that finds that the interests of general consumers are being harmed due to improper labeling of food (excluding liquor; hereinafter the same applies in this paragraph) that is intended for sale may report this to the Prime Minister or the Minister of Agriculture, Forestry and Fisheries (or if that improper labeling of food involves only the information on labeling or matters to be complied with as specified by Cabinet Office Order and Order of the Ministry of Agriculture, Forestry and Fisheries referred to in Article 6, paragraph (1), the Prime Minister) and request that minister to take appropriate measures, by way of the procedures specified by Cabinet Office Order and Order of the Ministry of Agriculture, Forestry and Fisheries.
- (2) Any person that finds that the interests of general consumers are being harmed due to improper labeling of liquor that is intended for sale may report this to the Prime Minister or the Minister of Finance (or if that improper labeling of liquor involves only the information on labeling or matters to be complied with as specified by Cabinet Office Order and Order of the Ministry of Finance referred to in Article 6, paragraph (3), the Prime Minister) and request that minister to take appropriate measures, by way of the procedures specified by Cabinet Office Order and Order of the Ministry of Finance.
- (3) Upon receiving the report under the provisions of the preceding two paragraphs, the Prime Minister, the Minister of Agriculture, Forestry and Fisheries or the Minister of Finance must conduct necessary investigation, and if the minister finds the content of that report to be true, take measures under the provisions of Article 4 or Article 6 or any other appropriate measures.

Chapter V Miscellaneous Provisions

(Provisions of Materials to the Prime Minister)

Article 13 If the Prime Minister finds it necessary in order to achieve the purpose of this Act, they may seek materials, explanations and any other necessary cooperation from the Minister of Health, Labour and Welfare, the Minister of Agriculture, Forestry and Fisheries or the Minister of Finance.

(Application of the Act against Unjustifiable Premiums and Misleading Representations)

Article 14 The provisions of this Act must not be construed to preclude the application of the Act against Unjustifiable Premiums and Misleading Representations (Act No. 134 of 1962).

(Delegation of Authority)

Article 15 (1) The Prime Minister delegates the authority under the provisions of this Act (excluding the authority specified by Cabinet Order) to the

Commissioner of the Consumer Affairs Agency.

- (2) All or part of the authority of the Minister of Finance specified in this Act may be delegated to the Commissioner of the National Tax Agency, as provided by Cabinet Order.
- (3) All or part of the authority of the Minister of Agriculture, Forestry and Fisheries specified in this Act and of the authority delegated to the Commissioner of the National Tax Agency pursuant to the provisions of the preceding paragraph may be delegated to the heads of the relevant local branch offices, as provided by Cabinet Order.
- (4) Part of the functions under the authority of the Minister of Agriculture, Forestry and Fisheries specified in this Act may be assigned to prefectural governors or the mayors of the designated cities referred to in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) as provided by Cabinet Order.
- (5) Part of the functions under the authority delegated to the Commissioner of the Consumer Affairs Agency pursuant to the provisions of paragraph (1) may be assigned to prefectural governors, mayors of the cities specified by Cabinet Order referred to in Article 5, paragraph (1) of the Community Health Act (Act No. 101 of 1947) (referred to as a "city operating a health center" in the following Article) or mayors of special wards, as provided by Cabinet Order.

(Requests for Re-examination)

- Article 16 (1) A person that is dissatisfied with a determination on a request for administrative review filed against a disposition made by the mayor of a city operating a health center or the mayor of a special ward pursuant to the provisions of paragraph (5) of the preceding Article (limited to a disposition concerning Item (i) Statutory Entrusted Function specified in Article 2, paragraph (9), item (i) of the Local Autonomy Act (simply referred to as "item (i) statutory entrusted function" in the following paragraph)) may file a request for re-examination with the Prime Minister.
- (2) If the mayor of a city operating a health center or the mayor of a special ward has delegated the authority to make a disposition regarding item (i) statutory entrusted function among the functions assigned thereto pursuant to the provisions of paragraph (5) of the preceding Article to the official serving as the mayor's subsidiary, or to the head of the administrative agency under the management of the mayor, and a determination is made on a request for re-examination filed under Article 255-2, paragraph (2) of the Local Autonomy Act against a disposition made by that official or head of the administrative agency with the delegated authority, any person that is dissatisfied with the determination may file a request for further examination with the Prime Minister, in accordance with the same rules as those provided in Article 252-

17-4, paragraphs (5) through (7) of that Act.

Chapter VI Penal Provisions

Article 17 A person who has violated an order issued under Article 6, paragraph (8) is subject to imprisonment for not more than three years or a fine of not more than three million yen, or both.

Article 18 A person who has sold food that is not labeled with the information specified by Cabinet Office Order referred to in Article 6, paragraph (8) in accordance with the Food Labeling Standards, is subject to imprisonment for not more than two years or a fine of not more than two million yen, or both.

Article 19 A person who has sold food that is falsely labeled regarding the country of origin (including the country of origin of ingredients), which should have been displayed under the Food Labeling Standards, is subject to imprisonment for not more than two years or a fine of not more than two million yen.

Article 20 A person who has violated an order issued under the provisions of Article 6, paragraph (5) is subject to imprisonment for not more than one year or a fine of not more than one million yen.

Article 21 A person who falls under any of the following items is subject to a fine of not more than 500,000 yen:

- (i) a person who has failed to submit reports or items pursuant to the provisions of Article 8, paragraphs (1) through (3); has submitted false reports or false items; has refused, obstructed or avoided the inspection under the provisions of paragraphs (1) through (3) of that Article or Article 9, paragraph (1); or has failed to give an answer or given false answers to the questions under those provisions;
- (ii) a person who has refused, obstructed, or avoided the sampling under the provisions of Article 8, paragraph (1); or
- (iii) a person who has not made a notification under the provisions of Article 10-2, paragraph (1) or who has made a false notification.

Article 22 (1) If a representative or administrator of a corporation (including an association or foundation without legal personality for which a representative or administrator is designated; hereinafter the same applies in this paragraph), or an agent, an employee or any other worker of a corporation or an individual commits a violation of the provisions set forth in the following items in relation

to the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in the relevant item:

- (i) Article 17: a fine of not more than 300 million yen;
 - (ii) Articles 18 through 20: a fine of not more than 100 million yen; and
 - (iii) the preceding Article: a fine referred to in that Article.
- (2) When the provisions of the preceding paragraph apply to an association or foundation without legal personality, its representative or administrator represents the association or foundation in its procedural acts, and the provisions of laws concerning criminal procedure in which a corporation is accused or suspected apply *mutatis mutandis*.

Article 23 If the Center violates an order issued under the provisions of Article 10, the officer of the Center who has committed that violation is subject to a civil fine of not more than 200,000 yen.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation; provided, however, that the provisions of the following Article and Article 18 of the Supplementary Provisions come into effect as of the date of promulgation.

(Preparatory Actions)

Article 2 (1) Even before this Act comes into effect, the Prime Minister may establish standards for the labeling of food that is intended for sale, in accordance with the same rules as those provided in Article 4.

(2) The standards for the labeling of food intended for sale which are established under the provisions of the preceding paragraph are deemed to have been established under the provisions of Article 4, paragraph (1) as of the day on which this Act comes into effect.

(Transitional Measures)

Article 16 Any disposition or other action that is made, before this Act comes into effect, pursuant to the provisions of the Food Sanitation Act prior to the amendment by Article 4 of the Supplementary Provisions, the Act on Standardization and Proper Quality Labeling of Agricultural and Forestry Products prior to the amendment by Article 6 of the Supplementary Provisions, or the Health Promotion Act prior to the amendment by Article 11 of the Supplementary Provisions, for which the corresponding provisions exist in this

Act, is deemed to have been made pursuant to those corresponding provisions.

(Transitional Measures Concerning Application of Penal Provisions)

Article 17 Prior laws continue to govern the application of penal provisions to any acts committed before this Act comes into effect

(Delegation to Cabinet Order)

Article 18 Beyond what is specified in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 19 If three years have elapsed since this Act comes into effect, and the government finds it necessary in consideration of the status of the enforcement of this Act, the government is to review the provisions of this Act and take necessary measures based on the result of the review.