

# Procedures of Shanghai Municipality on the Implementation of the Food Safety Law of the People's Republic of China

(Adopted at the 28th Session of the Standing Committee of the 13th Shanghai Municipal

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## Chapter I General Provisions

### Article 1

With a view to ensuring food safety and guaranteeing the health and life safety of the general public, these Procedures are formulated in accordance with the Food Safety Law of the People's Republic of China (hereinafter referred to as the Food Safety Law), the Implementation Regulations of the Food Safety Law of the People's Republic of China, and other relevant laws and administrative regulations, and in the light of the actual circumstances of this Municipality.

### Article 2

Food producers and business operators shall follow the relevant laws, regulations and food safety standards when engaging in food production and operation, establish and improve the food safety management system, be responsible for the safety of the food produced and operated and to the general public, subject themselves to social supervision, and assume social responsibilities.

### Article 3

The municipal and district/county people's governments shall undertake the overall responsibility for, and uniformly lead, organize, and coordinate the work of food safety supervision and administration within their respective administrative areas, establish and improve a sound whole-process food safety supervision and administration mechanism, exercise unified leadership and command in response to food safety emergencies, improve and execute the accountability system of food safety supervision and administration, appraise and evaluate the performance of

the food safety supervision and administration departments, and strengthen the building of food safety supervision and administration capabilities, so as to provide support for food safety supervision and administration.

The municipal and district/county people's governments shall respectively establish their food safety committee to undertake the following functions and duties:

1. to study, deploy, coordinate, plan and guide the food safety work;
2. to formulate policies and measures for food safety supervision and administration;
3. to supervise the fulfillment of food safety supervision and administration responsibilities;
4. to organize investigation and handling of major food safety accidents;
5. to study, coordinate and arbitrate matters concerning the supervision duties of the relevant departments; and
6. other duties as authorized by the municipal and district/county people's governments.

An office is set up under the food safety committee to undertake the routine work of the committee.

The town/township people's government and the sub-district office shall do well the food safety supervision and administration work in accordance with the provisions of these Procedures and the Municipal People's Government.

#### Article 4

The food and drug supervision and administration departments shall undertake the comprehensive coordination in food safety, be responsible for food safety risk assessments, formulation of the local standards for food safety, release of food safety information, organization of the investigation and handling of major food safety accidents, and be responsible for supervision and administration over food service activities.

The quality and technical supervision department shall be responsible for the supervision and administration over the food production activities.

The industry and commerce administration department shall be responsible for the supervision and administration over the food distribution activities.

The agriculture department and other departments shall, according to the provisions of relevant laws and regulations, be responsible for the supervision and administration over the quality and safety of edible agricultural products.

The administrative departments of city management & administration execution, public health, commerce, and entry-exit inspection and quarantine shall, according to their respective functions and duties, jointly do well the supervision and administration of food safety.

The specific functions and duties of the administrative departments of food and drug supervision and administration, quality and technical supervision, industry and commerce administration, and agriculture shall be defined and publicized by the Municipal People's Government.

#### Article 5

The administrative departments of food and drug supervision and administration, quality and technical supervision, industry and commerce administration, agriculture, and entry-exit inspection and quarantine shall strengthen communication and closely cooperate with each other, and exercise powers and assume responsibilities according to their respective functions and duties.

#### Article 6

The relevant trade associations of food shall strengthen the industrial self-discipline, direct food producers and business operators to engage in production and business operation according to law, boost the industrial trustworthiness, publicize and popularize knowledge on food safety, and put forward opinions and suggestions to the government to improve the food safety administration system.

#### Article 7

Social groups and grassroots autonomous mass organizations are encouraged to popularize food safety laws, regulations, standards and knowledge as well as conduct social supervision over food safety.

Broadcast, television, newspapers and periodicals, websites, and other news media shall publicize food safety laws, regulations, standards and knowledge for the public good, report food safety information in a timely, comprehensive and accurate manner, and conduct public-opinion supervision over violations of food safety laws and regulations.

## Chapter II Ordinary Provisions

### Article 8

The municipal food and drug supervision and administration department shall, jointly with the municipal quality and technical supervision department, the municipal industry and commerce administration department, and the municipal public health department, and in accordance with the requirements of the State and this Municipality on food safety risk monitoring and risk assessment, strengthen the building of food safety risk monitoring and risk assessment capability, and establish and improve the food safety risk monitoring and risk assessment system.

### Article 9

The municipal food and drug supervision and administration department shall organize the municipal administrative departments of quality and technical supervision, industry and commerce administration, agriculture, public health, and entry-exit inspection and quarantine to formulate and implement the food safety risk monitoring program of this Municipality in accordance with the national food safety risk monitoring plan, and the actual circumstances of this Municipality.

The administrative departments of food and drug supervision and administration, quality and technical supervision, industry and commerce administration, agriculture, public health, and entry-exit inspection and quarantine shall conduct food safety risk monitoring in accordance with their respective duties and the requirements of the program.

The municipal food and drug supervision and administration department shall collect and summarize the risk monitoring data, analyze the results, and circulate a notice to other relevant departments.

### Article 10

The municipal food and drug supervision and administration department shall, according to the State's requirements on food safety risk assessment, be responsible for organizing the food safety risk assessment work in this Municipality, forming the food safety risk assessment expert committee composed of experts in medical science, agriculture, food, or nutrition to assess food safety risks.

The result of the food safety risk assessment shall be taken as the basis for exercising food safety supervision and administration, formulating and revising local food safety standards, or releasing food safety risk warnings.

#### Article 11

In the absence of national standards for food safety, the municipal food and drug supervision and administration department may organize the formulation and publication of the local food safety standards of this Municipality, and the quality and technical supervision department shall provide the serial numbers for the standards. The local food safety standards shall be formulated in accordance with the results of the food safety risk assessment of this Municipality and extensive solicitation of opinions from food producers, business operators, and consumers. The local food safety standards shall be available for free consultation of the general public.

In the absence of national or local safety standards for the foods produced by an enterprise, such enterprise shall formulate the enterprise standards, and take them as the basis for production. Food producers are encouraged to formulate their enterprise standards that are more stringent than the national or local safety standards for the foods. The enterprise standards shall be applied within the enterprise after it reports them to the municipal food and drug supervision and administration department for record.

#### Article 12

When purchasing food, food raw materials, food additives, and food-related products, the food producer or business operator shall check and verify the supplier's license and product compliance certification document, establish the check and inspection record system, faithfully record the items as required by laws and regulations, and keep the purchase notes bearing the relevant information. Such records and purchase notes shall be preserved for at least two years.

#### Article 13

It is forbidden to produce or operate foods mentioned in Article 28 of the Food Safety Law and the following foods:

1. foods processed or produced by using non-food-additive chemicals or any other substances which are potentially hazardous to the health of the general public;
2. foods using poisonous or harmful animals or plants as raw materials;

3. foods processed or produced by using waste edible oils and fats;
4. foods using expired foods as raw materials; and
5. foods prohibited by the Municipal People's Government from production and operation in order to prevent diseases or control major food safety risks.

The food service providers shall not provide customers with tableware and drinkware that are not in compliance with the food safety standards and requirements.

#### Article 14

Food producers and business operators shall strictly restrict the use of food additives.

In case of using food additives, the food producers and business operators shall use them according to the varieties, extent of use, and dosages provided by the food safety standards, and set up a record of the use of food additives.

Food producers and business operators shall not use expired food additives.

The food safety supervision and administration departments shall strengthen guidance and supervision of food production and operation enterprises in using food additives.

#### Article 15

Food producers and business operators shall not falsely mark the food's production date and shelf life.

Food producers and business operators shall register the foods recovered. The foods recovered are prohibited from being used as raw materials to produce various foods, or being sold in other forms through changed packing.

Food producers and business operators are encouraged to establish a tip system for those foods near the end of their shelf-life, separately display and sell such foods, and make eye-catching tips for consumers.

Food producers and business operators shall take measures such as dyeing or disfiguring to destroy the expired food, and record the disposal results. The record shall be kept for at least two years.

The food safety supervision and administration department shall inspect the registration and disposal of the foods recovered.

#### Article 16

Food production and operation enterprises shall establish and improve their internal management system for their food safety problems, appoint full-time or part-time food safety managerial officials, and do well the inspection work over the foods produced or operated.

Social third-party food inspection institutions are encouraged to conduct inspection over food safety.

#### Article 17

Food producers and business operators shall organize by themselves or entrust social training agencies to conduct pre-service training and in-service training on food safety knowledge for their employees to study food safety laws, rules and regulations, standards and other food safety knowledge, and establish the training archives. The food safety supervision and administration departments and the trade associations shall strengthen the organization of and guidance to the training of food safety knowledge.

The municipal food and drug supervision and administration department shall assess and appraise the training for the persons in charge of food service providers, the managerial officials of food safety, and the operating personnel of key links. The assessment and appraisal shall be free of charge.

#### Article 18

In the case of food production entrustment, the food producers and business operators shall entrust only enterprises with a food production permit and the required production conditions and capabilities.

The entrusted enterprises shall accept only the food production entrustment that falls within the category listed on the production permit, and report to the local district/county quality and technical supervision department.

The entrusted enterprise shall clearly mark its name, address, contact information, and the serial number of the food production permit on the label attached to the foods produced under entrustment.

#### Article 19

The containers, tools and equipment that are used to store or transport foods shall be safe, harmless, and be kept clean to prevent foods from pollution. Temperatures and other special requirements for food safety shall be complied with, and foods shall not be transported together with poisonous or harmful materials.

#### Article 20

In the case of producing or selling bulk foods, the containers or outer package of the bulk foods shall indicate the foods' name, date of production, shelf life, and the producer's name and contact information.

#### Article 21

The municipal and district/county people's governments shall, according to the provisions of relevant laws and regulations, and the higher people's government's emergency pre-plan for food safety accidents, and in the light of the actual circumstances of their respective regions, formulate their respective emergency pre-plan for food safety accidents, and report the same to the higher people's government for record.

In case of food safety accidents, the people's government at all levels and the relevant departments shall carry out the emergency handling in accordance with the emergency pre-plan.

#### Article 22

The food producers or business operators shall, according to laws, regulations, national standards or technical norms of food safety, formulate and execute the food-safety precautionary measures, so as to promptly eliminate hidden food-safety perils, and prevent food safety accidents such as food poisoning.

After the occurrence of a food safety accident, the food producer or business operator shall immediately handle the case to prevent the exacerbation of the accident, take control measures such as sealing up the foods, raw materials, tools, and equipment that cause or may cause food safety accidents, and report to the local district/county food and drug supervision and administration department within two hours after the occurrence of the accident.

Upon the receipt of the food safety accident report, the food and drug supervision and administration department shall, jointly with the administrative departments of quality and technical supervision, industry and commerce, agriculture, and public health, conduct investigation and handling, and take measures according to law, so as to prevent or mitigate the harm to society.

#### Article 23

For foods which are found, in testing, not in conformity with the food safety standards and requirements, and may cause fairly great harm to people's health, the municipal administrative departments of food and drug supervision and administration, agriculture, quality and technical supervision, industry and commerce administration, and commerce, shall handle the matter according to the provisions of relevant laws, rules and regulations. Where it is necessary, corresponding control measures against relevant enterprises and like foods produced within the region may be adopted upon the approval of the Municipal People's Government.

#### Article 24

The organizer of major public activities shall take effective supporting measures to ensure the food safety during the activities.

The administrative departments of agriculture, quality and technical supervision, industry and commerce administration, and food and drug supervision and administration shall conduct guidance and supervision according to law.

The organizer of major public activities is encouraged to employ social professional agencies to provide supporting services for food safety in major public activities.

#### Article 25

The producers and business operators of infant foods or raw aquatic products, the distributing units for large catering business or collective dining, and the units undertaking the food supply for major public activities are encouraged to insure food safety liability insurance.

### Chapter III Food Production or Processing Workshops & Food Vendors

## Section I Food Production or Processing Workshops

### Article 26

The people's governments at all levels shall, in the light of the actual requirements and through overall planning and rational distribution, construct centralized food processing sites which are suitable for the food production or processing workshops to engage in food production or processing activities. The food production or processing workshops are encouraged to conduct food production or processing in those centralized food processing sites.

The food production or processing workshops shall improve the production conditions, and ensure that the foods produced or operated are hygienic, innocuous and harmless.

The quality and technical supervision department shall strengthen guidance, supervision, and administration over the food safety of food production or processing workshops.

### Article 27

This Municipality adopts category management of the foods produced or processed by food production or processing workshops; the categories shall be compiled by the municipal quality and technical supervision department, and then be submitted to the Municipal Food Safety Committee for approval before they are made public and implemented.

### Article 28

A food production or processing workshop that engages in food production or processing shall meet the following conditions:

1. having production or processing places that suit the varieties and quantities of the food to be produced or processed, keeping the environment of such places tidy and clean, and ensuring that they are at a provided safe distance from toxic and hazardous sites and other pollution sources;

2. having production, processing and hygienic equipment or facilities required for the varieties and quantities of the food it produces and operates;

3. having rules and regulations on ensuring the food safety; and

4. having a rational equipment layout and technological process flow.

#### Article 29

This Municipality adopts the production permit system for food production or processing workshops. The one who wants to establish a food production or processing workshop shall meet the conditions provided in Article 28 of these Procedures, apply to the administrative department of industry and commerce for the verification and registration of the workshop's name, apply to the local district/county quality and technical supervision department for the Permit for Food Production or Processing Workshops (hereinafter referred to as the Production Permit), and go through the industrial and commercial registration according to law.

The district/county quality and technical supervision department shall examine and verify according to law the materials submitted by the applicant, solicit the opinions of the local town/township people's government or the sub-district office, and conduct on-the-spot inspection over the applicant's production or processing sites in case of necessary; for those who meet the conditions as provided, the production shall be approved, the Production Permit shall be issued, and the related town/township people's government or sub-district office shall be informed; in the case of those who fail to meet the conditions, the application for the Production Permit shall be denied, and reasons shall be stated in a written notice.

The one who fails to obtain the Production Permit and go through the industry and commerce registration is prohibited from food production or processing. The food production or processing workshops shall produce or process only foods that fall within the approved food category, and shall not produce or process foods beyond the approved food category.

The Production Permit is valid for three years. Where extension of the valid period is needed, the party concerned shall apply to the original issuing department for an extension 30 days before the expiration.

#### Article 30

The production activities of a food production or processing workshop shall observe the following requirements:

1. The employees shall have a valid health certificate;
2. The food raw materials and food additives used shall meet the food safety standards;
3. The foods to be processed shall be separately stored from ready-to-eat foods, and raw materials shall be separately stored from the end products, so as to prevent cross-contamination, and avoid exposure to toxic or dirty materials;
4. Innocuous, harmless and clean food packaging materials shall be used, and innocuous and clean selling tools shall be used when unpacked ready-to-eat foods are sold;
5. The employees shall maintain personal hygiene, and wash their hands and wear clean work clothes and caps during the process of production or business operation;
6. The food production and processing places shall be strictly separated from the personal-life places; the tools, containers and equipment for foods shall be strictly separated from personal supplies.
7. The water used shall conform to the national hygiene standards for drinking water;
8. Detergents and disinfectants used shall be safe and innocuous to human beings; insecticides and rodenticides shall be properly kept to prevent pollution to foods; and
9. Other requirements provided by laws, rules and regulations.

For the foods produced by food production or processing workshops, relevant food safety standards shall be formulated by taking reference to the provisions of Clause 2 of Article 11 of these Procedures.

#### Article 31

The food production or processing workshops shall faithfully record such contents of the purchased foods, food additives and food-related products as the name, specifications, quantity, production batch number, production date, shelf life, supplier's name and contact information, and purchasing date, and keep the notes and vouchers that bear the relevant information. The food production or processing workshops shall keep the relevant records, notes and vouchers for at least two years.

The food production or processing workshops shall also establish the food sales records to faithfully record such contents as the food's name, specifications, quantity, production date, purchaser's name and contact information, and sales date, and keep the records for at least two years.

## Article 32

The food production or processing workshops shall pack the foods produced or processed, and attach to the package a label that clearly states the following contents:

1. the name, production date, shelf life, and storage requirements of the food;
2. the name, address, and contact information of the food production or processing workshop;
3. the serial number of the Production Permit; and
4. the list of the food components or ingredients, and the food additives' name as given in the national standards.

Where a food production or processing workshop conducts pre-packing for foods produced or processed, it shall also meet the requirements of food safety laws and regulations and food safety standards on the label for pre-packed food.

## Section II Food Vendors

## Article 33

The district/county people's government shall, according to the principles of facilitation for the public and rational distribution, determine comparatively fixed operation places and formulate relevant incentives to direct food vendors to conduct business operation in fixed places such as centralized trading markets or shops.

The district/county people's government may, according to the actual needs, designate, according to law, temporary areas (sites) and fixed time periods for food vendors to conduct business operation, and make public the relevant information. The temporary areas (sites) and the designated time periods shall not have a negative impact on safety, traffic, and city appearance.

The food vendors who conduct business operation in the areas (sites) and in the fixed time period provided in the preceding clause shall register the relevant information with the local town/township people's government or the sub-district office. The town/township people's government or the sub-district office shall inform the local district/county administrative departments of food and drug supervision and administration, and industry and commerce administration of the registered information of the food vendors.

#### Article 34

Food vendors engaging in food operation shall meet the following conditions:

1. The straight-line distance between the booth and the pollution sources such as open-type toilets, manure pools, septic-tanks, cesspools, wasteyards (stations) shall be at least 25 meters;
2. Food vendors shall have production, processing, storage, cleaning, sterilization, and refrigeration equipment or facilities that are suitable for the varieties and quantities of foods operated; and
3. Food vendors shall have rain-proof, dust-proof, anti-pollution, insect-and-fly prevention facilities, and capped or sealed waste collection containers.

Food vendors are prohibited from installing booths and conducting business operation within 100 meters from kindergartens, primary schools and middle schools.

#### Article 35

The food vendors engaged in food operation shall observe the following requirements:

1. having valid health certificates;
2. using innocuous, harmless and clean food packing materials, containers and selling tools;

3. the employees shall maintain personal hygiene, wash their hands and wear clean work clothes and caps;
4. the water used shall conform to the national hygienic standards for drinking water; the detergents and disinfectants used shall be safe and innocuous for human beings, and be properly kept to prevent pollution to foods; and
5. other requirements provided by laws, rules and regulations.

The food vendors shall observe the relevant provisions on city appearance and environmental sanitation administration.

#### Article 36

The food vendors shall keep the notes and vouchers of the purchased foods, food additives, and food-related products for at least 30 days.

#### Article 37

The foods sold by food vendors shall be hygienic, innocuous and harmless. The food vendors shall not sell raw foods such as raw aquatic products, and foods that do not conform to the provisions of laws, rules, regulations or food safety standards.

#### Article 38

The administrative departments of industry and commerce administration, and food and drug supervision and administration shall, according to their respective duties, strengthen guidance, supervision and administration over the food vendors in observing the provisions on food safety administration.

The administrative law enforcement department of city management shall strengthen the supervision and administration over the food vendors in observing the provisions on city appearance and environment sanitation administration.

The town/township people's governments and the sub-district offices shall coordinate the relevant departments in their respective administrative areas, conduct supervision and administration over food vendors in their respective

administrative areas, and, in case of finding food vendors' illegal acts, notify the relevant departments to investigate and handle the case.

## Chapter IV Supervision and Administration

### Article 39

The municipal and district/county people's governments shall respectively organize the administrative departments of agriculture, quality and technical supervision, industry and commerce administration, and food and drug supervision and administration at the same level to formulate the annual food safety supervision and administration plan of their own administrative areas, and carry out the relevant work according to the annual plan.

The administrative departments of agriculture, quality and technical supervision, industry and commerce administration, and food and drug supervision and administration shall conduct sampling inspection according to the annual food safety supervision and administration plan, and lay emphasis on the sampling inspection of foods with comparatively large consumption volume and comparatively high safety risks as well as main and secondary foods for specific groups such as infants, aged, and patients.

### Article 40

The administrative departments of agriculture, quality and technical supervision, industry and commerce administration, and food and drug supervision and administration shall strengthen the construction of law enforcement contingents, take various measures to strengthen on-the-spot inspections, carry out, according to law, routine supervision and administration over the food production or business operation activities within their own administrative areas, stress the supervision and administration over those food production or business operation activities with higher risks of food safety accidents, and promptly discover and handle those acts violating the food safety laws and regulations.

The administrative departments of agriculture, quality and technical supervision, industry and commerce administration, and food and drug supervision and administration shall faithfully record the supervision and inspection, and make public the results thereof.

The food safety supervision and administration department shall use modern technology to conduct supervision and administration over food production and business operation activities.

#### Article 41

The administrative departments of quality and technical supervision, industry and commerce administration, and food and drug supervision and administration shall establish food-safety credit records of food producers and business operators, and record the issuance of the Permit, results of the routine supervision and inspection, and investigation and handling of the illegal acts; they shall also, according to the food-safety credit records, increase the frequency of supervision and inspection over the food producers or business operators with a bad credit, and strengthen their guidance on rectification.

#### Article 42

The administrative departments of quality and technical supervision, industry and commerce administration, and food and drug supervision and administration shall strengthen the supervision and administration over the on-site food production and sale.

The quality and technical supervision department shall supervise and administrate, according to law, the food production enterprises and food production or processing workshops that sell foods at their production places. The industry and commerce administration department shall supervise and administrate, according to law, the food operation enterprises that sell foods at circulation places such as shopping malls and supermarkets. The food and drug supervision and administration department shall supervise and administrate, according to law, the food service providers that sell foods produced on-site at food and beverage service places. The Municipal People's Government shall define the supervision and administration duties for on-site produced and sold food where it is necessary.

#### Article 43

The administrative departments of quality and technical supervision, industry and commerce administration, and food and drug supervision and administration shall, according to their respective duties, investigate and handle the acts of engaging in food production or business operation without obtaining relevant licenses.

#### Article 44

Where a production enterprise with the production permit for foods, food additives and food-related products or a food production or processing workshop with the Production Permit intends to resume production after a suspension of production for more than a year within the validity of the permit, the enterprise or workshop shall report to the local district/county quality and technical supervision department before resumption of its production.

The district/county quality and technical supervision department shall, upon the receipt of the report, check the production conditions of the relevant production enterprise or food production or processing workshop, and shall order the one that fails to meet the production requirements to make rectifications; the production can be resumed only after the production requirements are met upon rectification.

#### Article 45

The administrative departments of quality and technical supervision, industry and commerce administration, and food and drug supervision and administration shall strengthen the supervision and administration of food safety around the kindergartens, primary schools and middle schools, investigate and handle, according to law, the food production or business operation activities that may affect the health or life safety of children or students.

#### Article 46

The office of the Municipal Food Safety Committee shall set up a unified informants' hot-line telephone, and make public the telephone number.

Any unit or individual may make complaints or tip-offs through the phone upon finding illegal acts in food production and business operation, or may make complaints or tip-offs to the relevant food safety supervision and administration department.

The food safety supervision and administration departments shall handle the consultations, complaints or tip-offs received. If the case falls within its responsibilities, it shall make prompt verification, handling and reply. If the case falls outside its responsibilities, it shall notify the informer in two working days and transfer the case to the department with authority. The department with authority shall handle the case in a timely manner instead of shirking the responsibility. In the case of a food accident, it shall be handled according to law. The department receiving the complaints or tip-offs shall keep the complainants or informers confidential, and safeguard their legitimate rights and interests.

The food safety supervision and administration departments shall reward the informers who make true reports or tip-offs, or provide clues and evidence for investigating and handling the illegal food-safety cases.

#### Article 47

This Municipality establishes a unified system for food safety information release, and makes public through the system the following food safety information that is closely related to public health:

1. general situation of food safety in this Municipality;
2. food safety risk assessment information and warnings of food safety risks in this Municipality;
3. major food safety accidents and related handling information in this Municipality; and
4. other important food safety information that the Municipal People's Government decides to release in a unified manner.

The municipal administrative departments of agriculture, quality and technical supervision, industry and commerce administration, and food and drug supervision and administration department shall immediately report it to the Municipal Food Safety Committee upon learning the food safety information that needs to be released in a unified manner as provided in the preceding clause; the municipal food and drug supervision and administration department shall promptly release the food safety information that needs to be released in a unified manner as decided by the Municipal Food Safety Committee.

The municipal administrative departments of agriculture, quality and technical supervision, industry and commerce administration, and food and drug supervision and administration department shall, according to their respective duties, establish and improve the food safety information system, and release the routine supervision and administration information on food safety.

#### Article 48

In the case of acts that are suspected to constitute a food safety crime, the administrative departments of agriculture, quality and technical supervision, industry and commerce administration, and food and drug supervision and administration department shall transfer the case to the public security department at the same level, which shall handle the case in a timely manner.

#### Chapter V Legal Liability

## Article 49

For acts that violate the provisions of these Procedures, and where other laws and regulations have relevant punishment provisions, such provisions shall prevail.

## Article 50

In the case of food producers or business operators who, in violation of the provisions of Clause 1 of Article 13 of these Procedures, produce or operate foods that are prohibited to be produced or operated, the administrative departments of quality and technical supervision, industry and commerce administration, and food and drug supervision and administration shall, according to their respective duties, confiscate the illegal gains, the illegally produced or operated foods, and the tools, equipment and raw materials used in the illegal production or operation; where the value of illegally produced or operated foods is not more than 10,000 yuan, a fine of not less than 2,000 yuan but not more than 50,000 yuan shall be cumulatively imposed; where the foods' value is not less than 10,000 yuan, a fine of not less than 5 times of the foods' value but not more than 10 times of the foods' value shall be cumulatively imposed; where the case is serious, the permit or the Production Permit shall be revoked.

In the case of food service providers who, in violation of the provisions of Clause 2 of Article 13 of these Procedures, provide customers with tableware and drinkware that are not in compliance with the food safety standards and requirements, the administrative department of food and drug supervision and administration shall order a correction within a prescribed time limit, and issue a warning; where the wrongdoer fails to make corrections within the prescribed time limit, a fine of not less than 2,000 yuan but not more than 20,000 yuan shall be imposed; where the case is serious, an order shall be made for suspension of the production or operation or even for revocation of the license.

In the case of food producers and business operators who, in violation of the provisions of Clause 1 of Article 15 of these Procedures, falsely mark the food's production date and the shelf life, the administrative departments of quality and technical supervision, industry and commerce administration, and food and drug supervision and administration shall, according to their respective duties, confiscate the illegal gains, the illegally produced or operated foods, and the tools, equipment and raw materials used in the illegal production or operation; where the value of illegally produced or operated foods is not more than 10,000 yuan, a fine of not less than 2,000 yuan but not more than 50,000 yuan shall be cumulatively imposed; where the foods' value is not less than 10,000 yuan, a fine of not less than 5 times of the foods' value but not more than 10 times of the foods' value shall be cumulatively imposed; where the case is serious, an order shall be made for suspension of the production or operation or even for revocation of the license or the Production Permit.

In the case of food producers and business operators who, in violation of the provisions of Clause 2 or 4 of Article 15 of these Procedures, use recovered foods as raw materials to produce foods, or change the packing of such foods and sell them in other forms, or fail to take measures such as dyeing or disfiguring to destroy the expired food, the administrative departments of quality and technical supervision, industry and commerce administration, and food and drug supervision and administration shall, according to their respective duties, confiscate the illegal gains, the illegally produced or operated foods, and the tools, equipment and raw materials used in the illegal production or operation;

where the value of illegally produced or operated foods is not more than 10,000 yuan, a fine of not less than 2,000 yuan but not more than 50,000 yuan shall be cumulatively imposed; where the foods' value is not less than 10,000 yuan, a fine of not less than 5 times of the foods' value but not more than 10 times of the foods' value shall be cumulatively imposed; where the case is serious, an order shall be made for suspension of the production or operation or even for revocation of the license or the Production Permit.

#### Article 51

In the case of food producers and business operators who, in violation of the provisions of Article 14 of these Procedures, violate the food safety standards and use food additives that exceed the provided varieties, extent of use, or dosages, or use expired food additives, the administrative departments of quality and technical supervision, industry and commerce administration, and food and drug supervision and administration shall, according to their respective duties, confiscate the illegal gains, the illegally produced or operated foods, and the tools, equipment and raw materials used in the illegal production or operation; where the value of illegally produced or operated foods is not more than 10,000 yuan, a fine of not less than 2,000 yuan but not more than 50,000 yuan shall be cumulatively imposed; where the foods' value is not less than 10,000 yuan, a fine of not less than 2 times of the foods' value but not more than 5 times of the foods' value shall be cumulatively imposed; where the case is serious, an order shall be made for suspension of the production or operation or even for revocation of the license or the Production Permit.

#### Article 52

In the case of food producers and business operators who, in violation of the provisions of Clause 1 of Article 18 of these Procedures, entrust producers or business operators who do not meet the food-producing requirements, the administrative departments of quality and technical supervision, industry and commerce administration, and food and drug supervision and administration shall, according to their respective duties, confiscate the illegal gains, and the illegally produced or operated foods; where the value of illegally produced or operated foods is not more than 10,000 yuan, a fine of not less than 2,000 yuan but not more than 50,000 yuan shall be cumulatively imposed; where the foods' value is not less than 10,000 yuan, a fine of not less than 5 times of the foods' value but not more than 10 times of the foods' value shall be cumulatively imposed;

In the case of entrusted enterprises who, in violation of the provisions of Clause 3 of Article 18 of these Procedures, fail to mark the relevant information on the label attached to the foods produced under entrustment, the administrative department of quality and technical supervision shall order a correction within a prescribed time limit, and issue a warning; where the wrongdoer fails to make corrections within the prescribed time limit, a fine of not less than 2,000 yuan but not more than 20,000 yuan shall be imposed.

#### Article 53

In the case of food producers or business operators who, in violation of the provisions of Clause 1 of Article 22 of these Procedures, have caused food safety accidents such as food poisoning, the administrative departments of quality and technical supervision, industry and commerce administration, and food and drug supervision and

administration shall, according to their respective duties, confiscate the illegal gains, the illegally produced or operated foods, and the tools, equipment and raw materials used in the illegal production or operation; where the value of illegally produced or operated foods is not more than 10,000 yuan, a fine of not less than 2,000 yuan but not more than 50,000 yuan shall be cumulatively imposed; where the foods' value is not less than 10,000 yuan, a fine of not less than 5 times of the foods' value but not more than 10 times of the foods' value shall be cumulatively imposed; where the case is serious, an order shall be made for revocation of the license or the Production Permit.

#### Article 54

In the case of food production or processing workshops that, in violation of the provisions of Clause 3 of Article 29 of these Procedures, engage in food production or processing activities without obtaining the Production Permit or exceed the approved food category, the administrative department of quality and technical supervision shall confiscate the illegal gains, the illegally produced or processed foods, and the tools, equipment and raw materials used in the illegal production or processing; where the value of illegally produced or processed foods is not more than 10,000 yuan, a fine of not less than 2,000 yuan but not more than 50,000 yuan shall be cumulatively imposed; where the foods' value is not less than 10,000 yuan, a fine of not less than 5 times of the foods' value but not more than 10 times of the foods' value shall be cumulatively imposed

#### Article 55

In the case of food production or processing workshops that, in violation of the provisions of Article 30 of these Procedures, fail to meet the requirements on production activities, the administrative department of quality and technical supervision shall order a correction within a prescribed time limit, and issue a warning; where the wrongdoer fails to make corrections within the prescribed time limit, a fine of not more than 5,000 yuan shall be imposed; where the case is serious, an order shall be made for suspension of the production or business or even for revocation of the license or the Production Permit.

#### Article 56

In the case of food production or processing workshops that, in violation of the provisions of Article 31 or Clause 1 of Article 32 of these Procedures, fail to observe the provisions on the requirements for keeping the purchasing records, sales records, and shelf life, or the requirements for food packing and labels, the administrative department of quality and technical supervision shall order a correction within a prescribed time limit, and issue a warning; where the wrongdoer fails to make corrections within the prescribed time limit, a fine of not less than 2,000 yuan but not more than 20,000 yuan shall be imposed.

#### Article 57

In the case of food vendors who violate the provisions of Article 13, Article 34, Article 36, or Article 37, the administrative departments of industry and commerce administration, and food and drug supervision and administration shall, according to their respective duties, order a correction within a prescribed time limit, and issue a warning; where the wrongdoer fails to make corrections within the prescribed time limit, a fine of not less than 50 yuan but not more than 500 yuan shall be imposed, and the foods that fail to meet the food safety standards and requirements shall be confiscated.

The administrative departments of industry and commerce administration, and food and drug supervision and administration may detain the vendors' foods that meet the food safety standards and the tools related to the illegal acts, and ask the wrongdoer to accept handling at the designated places within a prescribed time limit. After the food vendors accept the handling, the relevant competent administrative departments shall promptly return the detained foods and tools to the vendors. The relevant competent administrative department shall properly keep the detained foods and tools; as for perishable or easy-decaying foods or other foods unsuitable to be preserved, proper treatment shall be conducted according to the actual situation after collecting the evidence.

#### Article 58

In the case of production enterprises with the production permit for foods, food additives and food-related products or food production or processing workshops with the Production Permit that, in violation of the provisions of Article 44 of these Procedures, suspend production for more than a year within the valid period of the relevant permit, fail to report to the administrative department of quality and technical supervision before the resumption of production, the administrative department of quality and technical supervision shall order a correction within a prescribed time limit, and issue a warning; where the wrongdoer fails to make corrections within the prescribed time limit, a fine of not less than 2,000 yuan but not more than 20,000 yuan shall be imposed; where the case is serious, an order shall be made for suspension of the production or operation or even for revocation of the license or the Production Permit.

#### Article 59

Where the administrative departments of quality and technical supervision, industry and commerce administration, and food and drug supervision and administration find, upon investigation, that it is difficult or impossible to determine the value of the illegally produced or operated foods at the time of conducting a punishment on the acts violating these Procedures, the case shall be handled by assuming the food's value is not more than 10,000 yuan.

#### Article 60

Where the municipal or district/county people's government fails to perform its statutory duties of food safety supervision and administration, and a major food safety accident occurs in its administrative areas and causes a serious social consequence, administrative sanctions such as a serious demerit record, demotion, removal from the post, or even expulsion from the job shall be imposed on the person directly in charge and other directly liable persons; where the act constitutes a crime, the wrongdoer shall be prosecuted for criminal liability according to law.

Where the person directly in charge of or other persons directly liable of the administrative departments of agriculture, quality and technical supervision, industry and commerce administration, and food and drug supervision and administration abuse the power, neglect the duty, play favoritism and commit irregularities, or fail to perform the statutory duties of food safety supervision and administration, or fail to conduct properly the routine supervision and inspection, the unit he/she works in or the superior administrative department shall impose administrative sanctions such as a serious demerit record or demotion; where serious results are incurred, administrative sanctions such as removal from the post or expulsion from the job shall be imposed, and the main responsible person-in-charge shall resign; where the act constitutes a crime, the wrongdoer shall be prosecuted for criminal liability according to law.

## Chapter VI Supplementary Provisions

### Article 61

The supervision and administration of healthcare food shall be conducted according to the provisions of relevant laws and regulations.

### Article 62

These Procedures shall be effective as of September 1, 2011.