

Administrative Provisions on Food Labeling

Promulgation date: 08-27-2007 Department: State Administration of Quality Supervision, Inspection and Quarantine

Effective date: 09-01-2008 Subject: Health and Sanitation

Order of the General Administration of Quality Supervision, Inspection and Quarantine
(No.102)

The Administrative Provisions on Food Labeling, which were deliberated and adopted at the executive meeting of the General Administration of Quality Supervision, Inspection and Quarantine on July 24th, 2007, are hereby promulgated and shall come into force as of September 1st, 2008. The Provisions on Punishing Food Labeling Violations as promulgated by the former State Bureau of Technical Supervision shall be abolished simultaneously.

Director Li Changjiang

August 27th, 2007

Administrative Provisions on Food Labeling

Chapter I General Provisions

Article 1 For the purpose of strengthening the supervision over and administration of food labels, regulating food labeling activities, preventing quality-related fraudulence and safeguarding the legitimate rights and interests of enterprises and consumers, these Provisions are formulated in accordance with the Product Quality Law of the People's Republic of China, the Food Hygiene Law of the People's Republic of China, the Special Provisions of the State Council on Strengthening the Supervision over and Administration of the Security of Food and Other Products, the Administrative Regulation of the People's Republic of China on the License for Manufacturing Industrial Products and other laws and regulations.

Article 2 These Provisions shall apply to the labeling of food produced (sub-packaged) and distributed within the borders of the People's Republic of China and the administration thereof.

Article 3 The term "food labeling" as mentioned in these Provisions all labels and other written, printed, numerical, or graphic matter on or accompanying a food or its wrappers to tell its name, quality degree, quantity, using method and the information about the manufacturer or the distributor.

Article 4 The General Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as the State Administration of Quality Inspection) shall, within its scope of functions and powers, take charge of the supervision and administration of food labeling throughout the whole nation.

The local quality technical supervision departments at or above the county level shall take charge of the supervision and administration work of food labeling within their respective jurisdictions.

Chapter II Food Labeling Statements

Article 5 Food products or their packages shall be attached with labels, unless it is otherwise provided by any law or administrative regulation.

The contents of a food label shall be authentic, accurate, exoteric, easy to understand, scientific and legal.

Article 6 A food label shall indicate the name of the food.

The food name shall tell the true nature and quality of the food and satisfy the following requirements:

1. where one or several names have been established in respect of a certain food by the state or trade standards, one of these names shall be selected for use;
2. in the absence of any such name, a common or usual name which is not misleading or confusing to the consumer shall be used;
3. when a "coined", "fanciful", "transliterated", "brand", "folk", "trade mark" name or any other such name which would cause consumers misunderstand the nature of the food is used, another name which is determined in accordance with the preceding two paragraphs or the class name of the food shall be used in proximity to the aforesaid name in the same word size;
4. as for a food made of two or more foodstuffs which are physically mixed together, have an even and identical appearance and can't be separate from each other, the name of the food shall tell its mixture nature and its class; and
5. as for a food which is made from animal or plant foodstuffs by a special processing technique and is used for imitating the individual, organ, tissue or any other characteristic of any other organism, such term as "ARTIFICIAL", "IMITATIVE" or "MAIGRE" shall be prefixed to the name of the food, and the class name indicating the true nature of the food shall also be stated.

Article 7 A food label shall state the place of production of the food.

The place of production shall be detailed to a prefecture-level city.

Article 8 A food label shall state the name and address of the manufacturer, which shall have been legally registered and bear the liabilities for product quality.

Under any of the following circumstances, the name and address of the manufacturer shall be stated in accordance with the following provisions:

1. a company which by law bears independent legal liability or any of its subsidiary companies shall have its name and address declared;
2. a branch of a company which by law does not bear independent legal liability or the production base of the company shall have the name and address of the company declared either solely or together with those of the branch (production base);
3. in the case of a contract manufacturer/processor authorized to manufacture/process the food but is not responsible for the sale and marketing of the product, the name and address of the authorizing enterprise shall be declared; if the food is subject to the manufacturing license administration and the authorizing enterprise has the license for manufacturing the food, the name and address of the authorizing enterprise shall be declared either solely or together with the name of the contract enterprise; or
4. as for a sub-packaged food, the name and address of the sub-packaging enterprise shall be declared, and the term "sub-packaged" shall also be stated.

Article 9 A food label shall distinctly state the date of production and the date of expiration of the food.

If the date of expiration of the food is related to its storage requirements, such requirements shall also be stated. While beverage wine, table vinegar, edible salt and solid sugar which contain 10% or more ethanol may be exempt from stating the date of expiration.

A date shall be stated pursuant to the state standards or in the form of "year/month/date."

Article 10 A food label for prepackaged food with fixed content shall declare the net quantity of contents. As for food containing both solid and liquid substances, in addition to the net quantity of contents, the drained (solid) contents shall also be stated.

The net quantity of contents and the food name shall be put on the same display panel of the wrapper of the food. The net quantity of contents shall be stated pursuant to the Measures for the Measurement Supervision and Administration of Prepackaged Commodities with Fixed Content.

Article 11 A food label shall bear an ingredient declaration of the food.

Ingredients shall be listed in a descending order of the quantity of each ingredient used in manufacturing/processing the food. The specific methods shall be in line with the state standards.

The specific names of sweeteners, preservatives and colorants used in manufacturing/processing the food shall be declared under food additives in the ingredient declaration. If any other food additive is used, the name, class or code of such additive shall be stated. The scope and quantity of use of each food additive shall be in line with the state standards.

Article 12 A food label shall state the number of the state standards, trade standards or local standards the manufacture/processor has followed or the registered enterprise standard number.

Article 13 If the standards followed explicitly require to state the quality degree or processing technique of the food, such information shall be stated accordingly.

Article 14 As for a food subject to the manufacturing license administration, the food label shall state the serial number of its manufacturing license and the sign “QS.”

In the case of a contract manufacturer/processor of a food subject to the manufacturing license administration, if the authorizing enterprise has the license for manufacturing the food, the serial number of the manufacturing license of the authorizing or contract enterprise shall be stated.

Article 15 Where it is easy for a non-edible product to be mistaken, misused or cause personal injuries when it is mixed with a food, a warning sign or Chinese warning statement shall be stated on its label.

Article 16 Where a food is under any of the following circumstances, a corresponding explanation shall be placed on its label in Chinese:

1. it is clinically proved to be easy to cause harm to special groups;
2. it has been treated with ionizing radiation or ionization energy;
3. it is a genetically modified food or contains statutory genetically modified raw materials; or
4. Chinese explanations are required by other laws, regulations and state standards.

Article 17 Where any such words as “nutritious” and “enriched” is stated in the name or description of a food, the nutrients and the heat quantity of each nutrient shall be declared, and the quantitative labeling provisions as provided in the state standards shall be observed.

Article 18 A food label may not contain any of the following contents:

1. indicating or suggesting that the food is intended to prevent or treat disease;
2. indicating or suggesting that the food which is not a health food has health functions;
3. describing or introducing the food in a deceptive or misleading way;
4. the attached description does not have proved basis;
5. the characters or graphics disrespect ethnic custom or bear discriminative descriptions;
6. using the national flag, national emblem or RMB; or
7. other contents prohibited by other laws and regulations.

Article 19 Any of the following food labeling violations shall be prohibited:

1. fabricating or falsely stating the date of production and the date of expiration;
2. fabricating the place of production of the food, or fabricating the name and address of the manufacturer or using those of others;
3. fabricating or altering the sign and serial number of the manufacturing license or using those of others; or
4. other behaviors prohibited by laws and regulations.

Chapter III Food Labeling Ways

Article 20 A food label shall not be separated from the wrapper (container) of the food.

Article 21 A food label shall be directly tagged on the minimum marketing unit (wrapper).

Article 22 Where there are different varieties of foods packaged separately in a marketing unit, each separately packaged food shall be labeled in accordance with these Provisions.

If, through the outer wrapper of the marketing unit of a food, it is impossible to clearly identify some or all mandatory labeling information on each separate package of the food, such information shall be stated on the outer wrapper of the marketing unit, unless the outer wrapper is easy to be opened and identified. If some or all mandatory labeling information on each separate package of the food can be clearly identified, it is not required to repeat the same labeling information on the outer wrapper.

Article 23 The labeling of a food shall be clear and prominent and the background color and the fundamental color shall be contrasting so that the food label is readily noticed and legible by consumers.

Article 24 Words used on the label of a food shall be in normal Chinese, but a registered trademark shall be exempt from such requirement.

In addition to the Chinese characters, the Chinese pinyin and/or languages of minority ethnic groups may also be used on the label of a food, but the size of words shall not be larger than the corresponding Chinese characters. But a registered trademark shall be exempt from such requirement

Article 25 If the area of the largest surface of the wrapper (container) of a food is more than 20 square centimeters, the size of the characters, symbols and numbers used in the mandatory labeling statements shall be not less than 1.8mm in height.

If the area of the largest surface of the wrapper (container) of a food is less than 10 square centimeters, the label may only state the name of the food, the name and address of the manufacturer, the net quantity of contents, and the date of production and the date of expiration. Information required by laws and administrative regulations shall be labeled accordingly.

Chapter IV Legal Liabilities

Article 26 Where any entity violates Article 5 (1) of these Provisions by failing to label a food or its package, it shall be ordered to correct within a certain time limit imposed a fine of not more than 10,000 yuan.

Article 27 Where any entity violates Article 6 through Article 8 or Article 11 through Article 13 of these Provisions by failing to state the required labeling information, it shall be ordered to correct within a certain time limit; if it fails to do so, it shall be imposed a fine of not less than 500 yuan but not more than 10,000 yuan.

Article 28 Where any entity violates Article 9 or Article 15 of these Provisions by failing to state the date of production and the date of expiration, warning signs or Chinese warning statement in

accordance with the relevant requirements, it shall be punished pursuant to the provision of Article 54 of the Quality Law of the People's Republic of China.

Article 29 Where any entity violates Article 10 of these Provisions by failing to state the net quantity of contents, it shall be punished pursuant to the Measures for the Measurement Supervision and Administration of Prepackaged Commodities with Fixed Content.

Article 30 Where any entity fails to state the serial number and the sign of the manufacturing license on food subject to the manufacturing license administration, it shall be punished pursuant to the provision of Article 47 of the Administrative Regulation of the People's Republic of China on the License for Manufacturing Industrial Products.

Where any entity forges or alters the serial number and the sign of the manufacturing license, or uses those of others, it shall be punished pursuant to the provision of Article 51 of the Administrative Regulation of the People's Republic of China on the License for Manufacturing Industrial Products.

Article 31 Where any entity violates Article 17 of these Provisions by failing to state the nutriments, the heat quantity of each nutriment, or the quantitative labeling information of the food in accordance with the relevant requirements, it shall be ordered to correct within a certain time limit; if it fails to do so, it shall be imposed a fine of not more than 5,000 yuan.

Article 32 Where any entity violates Article 18 of these Provisions by labeling any prohibited content on food, it shall be ordered to correct within a certain time limit; if it fails to do so, it shall be imposed a fine of not more than 10,000 yuan. If it violates the relevant laws and regulations, it shall be punished pursuant to such laws and regulations.

Article 33 Where any entity forges or falsely label the date of production or the date of expiration of food, it shall be ordered to correct within a certain time limit and imposed a fine of not less than 500 yuan but not more than 10,000 yuan. If the circumstances are serious and consequences have been caused, it shall be punished in accordance with the relevant laws and administrative regulations.

Article 34 Where any entity forges the place of production of food, or forges the name and address of the manufacturer or use those of others, it shall be punished in accordance with the provision of Article 53 of the Product Quality Law of the People's Republic of China.

Article 35 Where any entity violates Article 20 of these Provisions by separating food labels from food or packages, it shall be ordered to correct within a certain time limit and imposed a fine of not more than 5000 yuan.

Article 36 Where any entity violates Article 21, 22(2) 24 or 25 of these Provisions, it shall be ordered to correct within a certain time limit; if it fails to do so, it shall be imposed a fine of not more than 10,000 yuan.

Article 37 Where any entity violates Article 22 (1) of these Provisions, it shall be punished pursuant to these Provisions.

Article 38 Where any worker engaging in food labeling supervision and administration has any malpractice, abuses his powers, or harbor and indulge violators, he shall be subject to administration penalty according to law; in the case of any crime, he shall be subject to corresponding criminal liabilities.

Article 39 The administrative punishments provided in this Chapter shall be executed by the local quality technical supervision departments at or above the county level within their respective authorized scope of functions and duties.

If it is otherwise provided on administrative punishment, such provisions shall apply.

Chapter V Supplementary Provisions

Article 40 The entry and exit inspection and quarantine organs shall take charge of the administration of the labeling of imported and exported food in accordance with the relevant provisions of the General Administration of Quality Inspection.

Article 41 The power to interpret these Provisions shall remain with the General Administration of Quality Inspection.

Article 42 These Provisions shall come into force as of September 1st, 2008. The Provisions on Punishing Food Labeling Violations as promulgated by the former State Bureau of Technical Supervision shall be abolished simultaneously.