

Measures for the Supervision and Administration of Food Safety in the Circulation Links

| | | | |
|--------------------|------------|-------------|--|
| Promulgation date: | 07-30-2009 | Department: | State Administration for Industry and Commerce |
| Effective date: | 07-30-2009 | Subject: | Health and Sanitation |

Order of the State Administration for Industry and Commerce
(No.43)

The Measures for the Supervision and Administration of Food Safety in the Circulation Links, which have been deliberated and adopted at the executive meeting of the State Administration for Industry and Commerce of the People's Republic of China, are hereby promulgated, and shall come into force on the date of promulgation.

Director Zhou Bohua
July 30, 2009

Measures for the Supervision and Administration of Food Safety in the Circulation Links

Chapter I General Provisions

Article 1 To strengthen the supervision and administration of food safety in the circulation links and maintain a good order of the food market, these Measures are formulated according to the Food Safety Law of the People's Republic of China (hereinafter referred to as the Food Safety Law), the Regulation on the Implementation of the Food Safety Law of the People's Republic of China (hereinafter referred to as the Implementation Regulation) and other laws and regulations.

Article 2 The food business operations in the circulation links within the People's Republic of China shall be governed by these Measures.

Article 3 Food business operators shall operate the food business according to the relevant laws, regulations and food safety standards, work out food safety management rules and take effective control measures to guarantee food safety.

Food business operators shall be responsible to the general public for the safety of their foods and undertake corresponding social responsibilities.

Article 4 The administrative departments for industry and commerce shall supervise and administer food safety in the circulation links within their functions and duties prescribed by laws, regulations and the State Council provisions and according to these Measures.

Article 5 The local administrative departments for industry and commerce at or above the county level shall, under the unified leadership of the local people's governments, be responsible for the supervision and administration of food safety in the circulation links within their respective jurisdictions.

Article 6 The local administrative departments for industry and commerce at or above the county level and other food regulatory departments shall strengthen communication and cooperation with each other, and exercise powers and undertake responsibilities within their respective functions and duties.

Article 7 Food business operators are encouraged to apply advanced technologies and management norms to improve the food safety level.

Article 8 The local administrative departments for industry and commerce at or above the county level shall, according to the laws, regulations and these Measures, disclose food safety information and provide convenience for the general public to make inquiries, complaints and tip-offs. All organizations and individuals have the right to tip off food business operations in violation of these Measures to the administrative departments for industry and commerce, to access food safety information in the circulation links and to give opinions and suggestions on the supervision and administration of food safety in the circulation links.

Chapter II Food Business Operation

Article 9 Food business operators are prohibited from operating the following foods:

1. foods produced with non-food raw materials, foods containing non-food-additive chemical substances or any other substance that may be hazardous to human health, or foods produced with recycled food as raw materials;
2. foods in which the pathogenic microorganisms, pesticide residues, veterinary medicine residues, heavy metals, pollutants and other substances hazardous to human health exceed the limits as prescribed in the food safety standards;
3. staple or supplementary foods exclusively for infants and other particular groups of people, of which the nutrient ingredients do not meet the food safety standards;
4. foods that are putrid or deteriorated, spoiled by rancid oil or fat, moldy, infested with pest, contaminated and dirty, mixed with strange objects, adulterated and impure, or abnormal in sensory properties;
5. meat of poultry, livestock, beasts and aquatic animals that died from disease or poisoning or for some unknown cause, and the products made thereof;
6. meat that has not been quarantined by the animal health inspection institution or has failed the quarantine or meat products that have not been inspected or have failed the inspection;
7. foods that are contaminated by packing materials, containers or transport vehicles;
8. foods whose shelf-life has expired;
9. pre-packed foods without labels;
10. foods whose the production and business operation is expressly banned by the state for anti-disease purposes or for other special needs;
11. foods whose labels or instructions do not conform to Paragraph 3 of Article 48 of the Food Safety Law;
12. imported pre-packed foods with no Chinese labels or instructions or whose Chinese labels or instructions do not conform to Article 66 of the Food Safety Law; and
13. other foods which do not meet the food safety standards or requirements.

Where any food is prohibited from sale because its labels, marks or instructions fail to live up to the food safety standards, its sale can continue if the producer has taken remedial measures and can guarantee the safety of the food, but the remedial measures that have been taken shall be expressly disclosed to consumers.

Article 10 Food business operators shall obtain a Food Circulation Permit according to law and, upon the strength of the permit, handle the industrial and commercial registration formalities and obtain a business license. No one may operate the food business without a Food Circulation Permit and the business license.

Where the operating conditions of any food business operation change and as a result do not meet the requirements for operating the food business, the food business operator shall immediately take rectification measures. If there is a risk that any food safety accident may occur, it shall immediately stop the food business operations and report it to the local administrative department for industry and commerce at the county level. When necessary, it shall handle the permit formalities anew.

Article 11 An enterprise engaging in the business operation of food shall establish and improve its

food safety management rules, organize its employees to participate in food safety knowledge trainings to acquaint them with knowledge in food safety laws, regulations, rules, standards and other food safety knowledge, set up training archives, be equipped with full-time or part-time food safety managers and do a good job in food inspection so as to engage in the food business according to law.

Article 12 Food business operators shall set up a health examination system and a health filing system for employees and put such systems into effect. Persons engaging in the food business shall take a health examination every year, and may not engage in the business without a health certificate. The items to be examined shall be determined according to the provisions of the provinces, autonomous regions and municipalities directly under the Central Government where they are situated. Persons suffering from any disease prescribed in the Food Safety Law or the Implementation Regulation and thus prohibited from holding any post in direct contact with ready-to-eat food may not hold such posts.

Article 13 When purchasing food, a food business operator shall check the supplier's permit, business license and food certificate.

An enterprise engaging in the food business shall establish a check and record system for the purchased food so as to faithfully record the name, specification, quantity, production batch number and shelf-life of the food, the name and contact information of the supplier, the purchase date, etc.

Other food business operators are encouraged to set up a check and record system according to the preceding paragraph.

For enterprises engaging in the food business by means of centralized distribution, the headquarters of the enterprises may check and verify the suppliers' permits, business licenses and food certificates and make records of the purchased food in a centralized way. It can provide the photocopies of the relevant materials to the enterprises concerned for future reference or establish a network connections through information technology for future reference.

Article 14 An enterprise engaging in the wholesale of foods shall truthfully record the name, specification, quantity, production batch number and shelf life of the foods sold by wholesale, the name and contact information of the purchasers, the sale date, etc., or keep the sales receipts which bear the said information.

An enterprise engaging in the wholesale of foods shall issue sales receipts or checklists which bear the information prescribed in the preceding paragraph to purchasers and affix them with seal or signature.

Article 15 The purchase records, wholesale records and relevant receipts shall be authentic and kept for at least two years.

Article 16 Food business operators are encouraged to adopt advanced technological means to record information required by the laws, regulations and the present Measures.

Article 17 The containers, utensils and equipment used by food business operators to store, transport, load and unload foods shall be safe, harmless and clean, shall prevent the foods from being contaminated and shall meet the temperature requirements and other special requirements for guaranteeing food safety. No food may be transported together with any toxic or hazardous substances.

Article 18 A food business operator shall periodically check the production date and shelf life of the foods in storage or sale, sort out those foods which are deteriorated, have passed the shelf life or fail

to meet the food safety standards, put them off the shelf and make corresponding records.

Article 19 When storing unpacked food, a food business operator shall mark the name, production date and shelf life of the food, the name and contact information of the producer and other information at the place where the food is stored.

When selling unpacked food, a food business operator shall mark the name, production data and shelf life of the food, the name and contact information of the producer or business operator and other information on the container or the external packing of the food.

When selling fresh food or cooked food, a food business operator shall meet the temperature requirements, spatial isolation requirements and other special requirements for food safety so as to prevent cross contamination.

Article 20 The packages of pre-packed food sold by food business operators shall have labels which bear information prescribed in Article 42 of the Food Safety Law.

No food labels or instructions may have any false or exaggerated content or involve any disease prevention and treatment functions.

The labels and instructions of food shall be clear and easy to identify.

Food business operators shall sell pre-packed food according to the warning signs, warning instructions or notes for attention as given on the food labels or instructions.

Article 21 Food business operators shall voluntarily provide sales receipts to consumers and fulfill the obligation of replacing or taking back the food that fails to reach the food safety standards.

A food business operator is encouraged to add special identity marks on the packages of foods it sells so as to distinguish the foods it sells from those sold by other food business operators.

Article 22 The sponsor of a food trade market, the lessor of food booths and the organizer of a food trade fair shall fulfill the following management obligations:

1. examining the Food Circulation Permits and business licenses of the food business operators involved;
2. clarifying the food safety management responsibilities of the food business operators involved;
3. periodically checking the operating environment and conditions of the food business operators involved;
4. setting up archives about the food business operators and record the basic information about the food business operators in the market as well as their major source of supply, product type, brand and supplier;
5. establishing and improving the food business operation and management rules and strengthening the training of food business operators;
6. providing the medium for timely disclosing information about the foods in the market or information released by the administrative organs; and
7. other food safety management obligations that shall be fulfilled.

The sponsor of a food trade market, the lessor of booths and the organizer of a food trade fair shall, when finding any food business operator without the prescribed qualification, ban it from entering the site; when finding any food business operator without the necessary operating environment and conditions, suspend or cancel its qualification for entering the site; and when finding the trading of any food that fails to reach the food safety standards or any other illegal act, immediately stop it and report it to the competent administrative department for industry and commerce.

Article 23 A food business operator shall establish and implement the out-of-market system for food that fails to reach the food safety standards. A food business operator shall, once discovering any food that fails to reach the food safety standards, immediately stop its sale, remove it from the shelf, store it separately, notify the relevant producer, business operators and consumers, record the business suspension and notification situations and report the relevant information to the competent administrative department for industry and commerce.

Where a food business operator fails to stop the sale of the foods that fail to reach the food safety standards, the competent administrative department for industry and commerce can order it to stop their sale.

Article 24 The contents of food ads shall be authentic and legal. No food ad may have any false or exaggerated content or involve any disease prevention and treatment functions.

No food ad may have any content about the recommendation of food to consumers by any food regulatory department, agency undertaking the food inspection functions, food industrial association or consumer's association.

Article 25 Where any social group or any other organization or individual recommends any food to consumers in a misleading ad, which damages the legitimate rights and interests of consumers, the producer and business operator of the food shall assume joint and several liability.

Article 26 An enterprise engaging in the food business shall make a plan for handling food safety accidents and periodically check whether its food safety protection measures have been implemented so as to eliminate hidden risks of food safety accidents in time.

A food business operator which has incurred a food safety accident shall, for the food, raw materials, utensils, equipment and other articles that have caused or are suspected of having caused the accident, seal them up or take other control measures and, within two hours after the accident occurs, report it to the health administrative department of the local people's government at the county level.

Article 27 The sponsors of food trade markets, lessor of food booths, organizers of food trade fairs and enterprises engaging in the food business with the right conditions are encouraged to equip themselves with necessary testing devices to make self-inspections on food or send food to the relevant inspection agencies for inspection.

Chapter III Supervision and Administration

Article 28 The local administrative departments for industry and commerce at or above the county level shall carry out their work according to the annual food safety supervision and administration plans made by the local people's governments for their respective administrative regions.

Article 29 The local administrative departments for industry and commerce at or above the county level shall have the right to take the measures prescribed in Article 77 of the Food Safety Law when performing their functions of food safety supervision and administration in the circulation links.

Article 30 The local administrative departments for industry and commerce at or above the county level shall undertake their respective responsibilities for food safety supervision and administration and supervise and inspect the food markets. Food business operators shall accept and assist the supervision and inspection from the administrative departments for industry and commerce.

Article 31 The local administrative departments for industry and commerce at or above the county level shall, at the time of supervision and inspection, note down the process of supervision and

inspection. Any illegal act shall be recorded according to the facts, put on files upon signature of the supervisors or inspectors and the food business operator and investigated according to law. If the case shall be placed on file or transferred to any other organ, it shall be correspondingly marked in the supervision and inspection records.

The term for keeping the supervision and inspection records shall be determined according to the relevant archives management provisions.

Article 32 The local administrative departments for industry and commerce at or above the county level shall set up food safety credit archives for food business operators, which shall include information about the issuance of permits, the routine supervision and inspection results, the investigation and punishment of illegal acts, the prohibition on food business operators from trading the foods that fail to live up to the food safety standards, etc. By taking advantage of the Golden Credit Project, the food safety credit status of food business operators shall be an important part of the enterprise credit classification management system, the individual industrial and commercial household classification management system and the market credit classification management system. The administrative departments for industry and commerce shall inspect food business operators with bad credit record more frequently so as to strengthen the supervision and administration thereof.

Article 33 The local administrative departments for industry and commerce at or above the county level shall strengthen the routine supervision and inspection of the business operations of food business operators; for those who fail to meet the food business operation requirements, order them to immediately correct and give corresponding punishments to them; and for those who do not meet the permit conditions any more, cancel their permits according to law.

Article 34 The local administrative departments for industry and commerce at or above the county level shall take corresponding measures to supervise and administer the non-food chemical substances that have been added or may be added to food and other substances that may be hazardous to human health according to the list of such substances as published by the health administrative department under the State Council.

Where any local administrative department for industry and commerce at or above the county level finds any food that fails to meet the food safety standards in the process of supervision and inspection, it shall, after ordering the food business operator concerned to stop its sale, immediately find out the source and circulation route of the food; if any other place is involved, it shall report to the administrative department for industry and commerce at the higher level and inform in writing the administrative department for industry and commerce at the other place to investigate.

Article 35 Where any local administrative department for industry and commerce at or above the county level finds that any food business operator sells any food which fails to reach the food safety standards, if the cause of its failure to reach the food safety standards occurs in any link other than the circulation links, the department shall immediately notify the competent department in writing.

Article 36 The local administrative departments for industry and commerce at or above the county level shall disclose their e-mail addresses or telephone numbers for consultation, complaints and tip-offs. They shall reply, verify and handle the inquiries, complaints and tip-offs they receive according to Article 80 of the Food Safety Law, record the relevant information and keep such records according to law.

Article 37 The local administrative departments for industry and commerce at or above the county level shall make periodic or aperiodic sample inspections on the foods in the circulation links according to the relevant provisions of the Food Safety Law and the food monitoring plans of the local people's governments.

Considering the foods highlighted in the annual food safety supervision and administration plans made by the local people's governments for their respective administrative regions, the foods receiving relatively more complaints and tip-offs from consumers and the foods with relatively more problems discovered in the market supervision and inspection, the local administrative departments for industry and commerce at or above the county level shall, in light of the investigation result of the relevant cases and the information reported by the relevant departments, make aperiodic sample inspections on the foods in the circulation links to check whether they reach the food safety standards.

Article 38 Where a local administrative department for industry and commerce at or above the county level needs to inspect any food in the process of law enforcement, it shall hire a food inspection agency meeting the requirements of the Food Safety Law to do the inspection and pay the relevant fees to it.

Article 39 Where a local administrative department for industry and commerce at or above the county level needs to make a sampling inspection or rapid testing on food, it shall purchase samples and pay the relevant prices. No inspection fee or any other fee shall be charged against any food business operator. All expenses needed shall be paid by the public finance at the same level.

Article 40 Where a local administrative department for industry and commerce at or above the county level makes a sample inspection on food, it shall record the inspection process as well as the relevant receipts, sources, quantity, inventory and sales volume of the foods under inspection. It shall ask the inspection agency to take samples according to the prescribed sampling rules of the state and notify the food producer of the sampling inspection results.

Article 41 Where a local administrative department for industry and commerce at or above the county level makes a sample inspection on food according to law, the operator under inspection shall provide assistance for the inspection by truthfully providing the relevant receipts, sources, quantity, inventory, sales volume and other information of the food under inspection.

Article 42 A re-inspection can be carried out if there is any objection to the sampling inspection results. In this case, the business operator or producer under the sampling inspection shall apply to a food inspection agency undertaking the re-inspection to make a re-inspection and give corresponding reasons.

The catalogue of re-inspection agencies shall be subject to the supervision and administration of the State Council by way of authentication or certification and be jointly published by the administrative departments of health and agriculture under the State Council. The re-inspection results given by re-inspection agencies shall be final.

A re-inspection applicant has the right to choose the re-inspection agency under the principle that the re-inspection agency is not the agency which makes the preliminary inspection.

If the food passes the re-inspection, the re-inspection fees shall be paid by the department which makes the sampling inspection; otherwise, the fees shall be paid by the food producer or business operator.

Article 43 A local administrative department for industry and commerce at or above the county level which makes a sampling inspection shall, within 5 workdays after receiving the inspection results, notify the inspectee of the results, order it to stop selling the foods which fail to reach the food safety standards, urge other food business operators to remove the food produced in the same batch from the shelf and the market, and accurately, timely and objectively disclose the sampling inspection information as required.

Article 44 Where a local administrative department for industry and commerce at or above the county level, in the process of making a sampling inspection, finds clues to any food safety case outside its jurisdiction, it shall report them to the administrative department for industry and commerce which has jurisdiction over the case in writing or transfer the case to the competent law enforcement organ.

Article 45 The local administrative departments for industry and commerce at or above the county level can, for purposes of supervision and administration of food safety, adopt the rapid testing methods as prescribed in Article 50 of the Implementation Regulation to preliminarily inspect foods and, based on the preliminary inspection results, subject the foods suspected of failing the food safety standards to the inspection as prescribed in Paragraph 3 of Article 60 of the Food Safety Law. The preliminary inspection results may not be used as the basis for law enforcement.

Article 46 Where any overseas food safety accident has any potential impact on the food safety in China or there is any serious food safety problem in any imported food, the local administrative department for industry and commerce at or above the county level shall, after being notified by the entry-exit inspection and quarantine department of the state, take corresponding control measures.

The local administrative departments for industry and commerce at or above the county level shall, after receiving imported and exported food safety information from the entry-exit inspection and quarantine departments of the state, take corresponding control measures when necessary.

Where a local administrative department for industry and commerce at or above the county level finds any imported food safety problem, it shall immediately report it to the competent entry-exit inspection and quarantine department of the state.

Article 47 The local administrative departments for industry and commerce at or above the county level are encouraged to set up food business operator databases, supervision and inspection databases and typical case databases, use the “12315” administrative law enforcement network and apply advanced technological means to strengthen food supervision and inspection and improve the food safety supervision and administration level.

Article 48 Where a local administrative department for industry and commerce at or above the county level finds any food safety accident in the routine supervision and administration or receives any food safety accident report, it shall immediately report it to the local health administrative department.

Where a food safety accident occurs, the local administrative department for industry and commerce of the place where the accident occurs shall, according to the food safety accident investigation and handling measures formulated by the relevant department under the State Council, under the unified leadership of the local people’s government and in cooperation with the health administrative department and other relevant departments, immediately take measures to control the situation and report it to the administrative department for industry and commerce at the higher level.

Food safety accidents shall be investigated under the principle of seeking truth from facts and respecting science so as to timely and accurately find out the nature and cause of the accidents, determine the responsibilities and put forward rectification measures.

No entity or individual may conceal, misreport or delay the report of food safety accidents, or destroy any evidence thereabout.

Article 49 Where a local administrative department for industry and commerce at or above the county level participates in the investigation of a food safety accident, it has the right to interrogate

the relevant entities and individuals about the relevant information and demand them to provide the relevant materials and samples. The entities and individuals shall provide assistance for the investigation of the food safety accident and, when so requested, provide the relevant materials and samples.

No entity or individual may impede or interfere in the investigation and handling of food safety accidents.

Article 50 The local administrative departments for industry and commerce at or above the county level can release the following information about the routine supervision and administration of food safety:

1. information on the issuance of administrative licenses under the Food Safety Law;
2. catalogues of foods, food additives and food-related products whose business operation has been ordered to stop;
3. information on the investigation and punishment of the illegal acts of food business operators;
4. information on the special investigation and rectification campaigns; and
5. other information on the routine supervision and administration of food safety as prescribed by laws and administrative regulations.

The local administrative departments for industry and commerce at or above the county level shall release information on the routine supervision and administration of food safety within their respective functions. Information involving the functions of other food safety regulatory departments shall be released jointly with such departments.

Information on the routine supervision and administration of food safety shall be released accurately, timely and objectively, and explanations shall be made on the potential harm of certain food.

The specific management rules on the release of information on the routine supervision and administration of food safety shall be formulated by the administrative departments for industry and commerce at the provincial level.

Article 51 The local administrative departments for industry and commerce at or above the county level shall, after learning anything that shall be uniformly released under Paragraph 1 of Article 82 of the Food Safety Law, report it to the higher administrative departments for industry and commerce which shall immediately report it to the health administrative department under the State Council. When necessary, the local administrative departments for industry and commerce at or above the county level can directly report to the health administrative department under the State Council.

The local administrative departments for industry and commerce at or above the county level and other food safety regulatory departments shall notify each other of their respective food safety information.

Article 52 The administrative department for industry and commerce of a province, autonomous region or municipality directly under the Central Government shall assist the health administrative department at the same level in making the food safety risk monitoring plan of the administrative region.

The local administrative departments for industry and commerce at or above the county level shall provide assistance for the collection of food safety risk evaluation information as prescribed in Paragraph 1 of Article 13 of the Implementation Regulation.

The administrative department for industry and commerce of a province, autonomous region or municipality directly under the Central Government shall assist the health administrative department

at the same level in following up and evaluating the implementation of the national food safety standards and the local food safety standards respectively.

The administrative department for industry and commerce of a province, autonomous region or municipality directly under the Central Government shall gather up the problems existing in the implementation of the food safety standards and report them to the health administrative department at the same level in a timely manner.

Chapter IV Legal Responsibility

Article 53 For a violator of Item 1, 2, 3, 4, 5, 6, 8, 10 or 13 of Paragraph 1 of Article 9 or Paragraph 2 of Article 23 of the present Measures, the illegal gains, the illegally traded foods and the utensils, equipment and raw materials used for illegal business operations shall be confiscated. If the monetary value of the illegally traded foods is less than 10,000 yuan, the violator shall be concurrently fined 2,000 yuan up to 50,000 yuan; or if the monetary value of the illegally traded foods is 10,000 yuan or more, the violator shall be concurrently fined 5 times up to 10 times the value. If the circumstances are serious, the violator's permit shall be revoked.

Article 54 Where a violator of Article 10 of these Measures engages in food business operation without a permit, the illegal gains, the illegally trade foods and the utensils, equipment and other articles used for illegal business operations shall be confiscated. If the monetary value of the illegally traded food is less than 10,000 yuan, the violator shall be fined 2,000 yuan up to 50,000 yuan; or if the monetary value of the illegally traded foods is 10,000 yuan or more, the violator shall be concurrently fined 5 times up to 10 times the value.

Article 55 For a violator of Article 12 of the present Measures who appoints any person suffering from any disease as listed in Article 34 of the Food Safety Law or Article 23 of the Implementation Regulation to any job in direct contact with ready-to-eat food, or a violator of Paragraph 1 or 2 of Article 13, Paragraph 1 of Article 14, Article 15, Article 18, Article 19 or Paragraph 2 of Article 20 of these Measures, it shall be ordered to correct and be given a warning. If it refuses to correct, it shall be fined 2,000 yuan up to 20,000 yuan. If the circumstances are serious, it shall be ordered to stop production or business operations or even have its permit revoked.

Article 56 For a violator of Item 7, 9, 11 or 12 of Paragraph 1 of Article 9 or Paragraph 1 of Article 20 of the present Measures, the illegal gains, the illegal traded foods and the utensils, equipment and other articles used for illegal business operation shall be confiscated. If the monetary value of the illegally traded food is less than 10,000 yuan, the violator shall be fined 2,000 yuan up to 50,000 yuan; or if the monetary value of the illegally traded food is 10,000 yuan or more, the violator shall be concurrently fined 2 times up to 5 times the value. If the circumstances are serious, it shall be ordered to stop production or business operations or even have its permit revoked.

Article 57 Where an enterprise engaging in the food business operations, in violation of Article 17 of these Measures, fails to transport food as required, it shall be ordered to correct and be given a warning. If it refuses to correct, it shall be ordered to stop production or business operation and fined 2,000 yuan up to 50,000 yuan. If the circumstances are serious, the original permit-issuing authority shall revoke its permit.

Article 58 A violator of Item 1, 2 or 3 of Paragraph 1 or Paragraph 2 of Article 22 of these Measures shall be fined 2,000 yuan up to 50,000 yuan. If the circumstances are serious, it shall be ordered to stop business operations, and the original permit-issuing authority shall revoke its permit.

Article 59 A violator of Paragraph 1 of Article 24 of these Measures shall be ordered to stop its advertising and pay an amount equivalent to the advertisement expenses to make a public correction to eliminate the adverse impacts and be fined one up to five times the advertisement expenses. For a

violator of Paragraph 2 of Article 24 of these Measures, its illegal gains shall be confiscated, and the directly liable person in-charge and all other directly liable persons shall be given a special demerit for the record, demoted or dismissed from post.

Article 60 Where an enterprise engaging in food business operations, in violation of Paragraph 2 of Article 26 of these Measures, fails to handle or report a food safety accident it has incurred, it shall, within the functions and duties of the competent administrative department for industry and commerce, be ordered to correct and be given a warning. If it has destroyed any evidence, it shall be ordered to stop business operations and fined 2,000 yuan up to 100,000 yuan. If the consequences are serious, the original permit-issuing authority shall revoke its permit.

Article 61 Where any food business operator fails to fulfill its obligation under Paragraph 2 of Article 10 of these Measures after its operating conditions change, it shall be ordered to correct and be given a warning. If the consequences are serious, it shall be punished according to Article 85 of the Food Safety Law.

Article 62 Where any food business operator commits any of the following acts, it shall be ordered to correct and, if it refuses to correct, fined not more than 10,000 yuan:

1. hiring any person without a health certificate to engage in food business operations;
2. failing to voluntarily issue sales receipts to consumers or refusing to fulfill the obligation of replacing or taking back any food that fails to meet the food safety standards; or
3. refusing to accept the supervision and inspection of the administrative department for industry and commerce.

Article 63 Where any entity or individual commits any of the following acts in violation of these Measures, the competent authority shall order it/him to correct; if it/him refuses to correct, a fine not more than 10,000 yuan shall be imposed upon it; if the circumstances are serious, a fine of 10,000 yuan up to 30,000 yuan shall be imposed upon it:

1. an enterprise engaging in the wholesale business of food fails to issue sales receipts or checklist to purchasers; or
2. the sponsor of a food trade market, a lessor of food booths or the organizer of a food trade fair fails to set up archives about the food business operators and record the basic information about the food business operators in the market as well as their major source of supply, product type, brand and supplier, or fails to provide medium to timely disclose information about the foods in the market or information released by the administrative organs.

Article 64 Where any food business operator voluntarily eliminates or mitigates the harm caused by its illegal act or falls under any other statutory circumstances, it shall be given a lighter or mitigated punishment.

If the illegal act is minor and has been immediately corrected and no harm is done, the offender shall be exempted from punishment.

Article 65 Where a local administrative department for industry and commerce at or above the county level, in the process of supervision and inspection, finds any food business operator violating these Measures and being suspected of being involved in any crime, it shall transfer the case to the public security organ according to law.

Article 66 Where a local administrative department for industry and commerce at or above the county level fails to perform the statutory duty of food safety supervision and administration, fails to make routine supervision and inspection as required, abuses its power, neglects its duties or engages in malpractice for personal gains, the directly liable person in charge and all other directly liable persons shall be given a special demerit for the record or demoted. If the consequences are serious, they shall be dismissed from post or employment. The chief person in charge shall take the blame

and resign.

Chapter V Supplementary Provisions

Article 67 The supervision and administration of edible agricultural products shall be governed by the Agricultural Product Quality Safety Law of the People's Republic of China.

Article 68 The power to interpret these Measures shall remain with the State Administration for Industry and Commerce.

Article 69 These Measures shall come into force on the date of promulgation.