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# 中华人民共和国食品安全法（2018修正）

# Food Safety Law of the People's Republic of China (2018 Revision)

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（2009年2月28日第十一届全国人民代表大会常务委员会第七次会议通过 2015年4月24日第十二届全国人民代表大会常务委员会第十四次会议修订 根据2018年12月29日第十三届全国人民代表大会常务委员会第七次会议《关于修改〈中华人民共和国产品质量法〉等五部法律的决定》修正）

(Adopted at the 7th session of the Standing Committee of the 11th National People's Congress of the People's Republic of China on February 28, 2009; revised at the 14th session of the Standing Committee of the 12th National People's Congress of the People's Republic of China on April 24, 2015; and revised according to the Decision on Revising Five Laws including the Product Quality Law of the People's Republic of China adopted at the 7th session of the Standing Committee of the 13th National People's Congress on December 29, 2018)

第一章 总 则

Chapter 1 General Provisions

第一条   为了保证食品安全，保障公众身体健康和生命安全，制定本法。

Article 1 This Law is formulated for the purposes of ensuring food safety and safeguarding public health and life safety.

第二条   在中华人民共和国境内从事下列活动，应当遵守本法：

Article 2 Persons engaging in the following activities within the territory of the People's Republic of China shall comply with this Law:

（一）食品生产和加工（以下称食品生产），食品销售和餐饮服务（以下称食品经营）；

1. food production and processing (hereinafter referred to as "food production"), and food sales and catering services (hereinafter referred to as "food trading");

（二）食品添加剂的生产经营；

2. production of and trading of food additives;

（三）用于食品的包装材料、容器、洗涤剂、消毒剂和用于食品生产经营的工具、设备（以下称食品相关产品）的生产经营；

(III) production of and trading in food packaging materials, containers, detergents, and disinfectants, and tools and equipment that are used in the production of and trading in food (hereinafter referred to as "food- related products");

（四）食品生产经营者使用食品添加剂、食品相关产品；

4. use of food additives and food- related products by food producers or traders; and

（五）食品的贮存和运输；

(V) storage and transportation of food; and

（六）对食品、食品添加剂、食品相关产品的安全管理。

(VI) safety management of food, food additives and food- related products.

供食用的源于农业的初级产品（以下称食用农产品）的质量安全管理，遵守《中华人民共和国农产品质量安全法》的规定。但是，食用农产品的市场销售、有关质量安全标准的制定、有关安全信息的公布和本法对农业投入品作出规定的，应当遵守本法的规定。

The quality and safety management of edible primary products sourced from agriculture (hereinafter referred to as the "edible agricultural products") shall comply with the provisions of the Law of the People's Republic of China on Agricultural Product Quality and Safety. However, marketing of edible agricultural products, formulation of the relevant quality and safety standards, announcement of relevant safety information and provisions of this Law on agricultural inputs shall comply with the provisions of this Law.

第三条   食品安全工作实行预防为主、风险管理、全程控制、社会共治，建立科学、严格的监督管理制度。

Article 3 A scientific and strict supervision and administration system featuring prevention first, risk management, whole-process control and social governance shall be established for food safety work.

第四条   食品生产经营者对其生产经营食品的安全负责。

Article 4 Food producers and traders shall be responsible for the safety of the food produced or traded by them.

食品生产经营者应当依照法律、法规和食品安全标准从事生产经营活动，保证食品安全，诚信自律，对社会和公众负责，接受社会监督，承担社会责任。

Food manufacturers and business operators shall engage in manufacturing and business activities pursuant to the laws, regulations and food safety standards, ensure food safety, act with integrity and self-discipline, be accountable to the society and the public, accept public supervision and bear social responsibility.

第五条   国务院设立食品安全委员会，其职责由国务院规定。

Article 5 The State Council shall establish a food safety commission whose duties shall be defined by the State Council.

国务院食品安全监督管理部门依照本法和国务院规定的职责，对食品生产经营活动实施监督管理。

The food safety supervision and administration department of the State Council shall, pursuant to this Law and the duties stipulated by the State Council, implement supervision and administration of food manufacturing and food business operations.

国务院卫生行政部门依照本法和国务院规定的职责，组织开展食品安全风险监测和风险评估，会同国务院食品安全监督管理部门制定并公布食品安全国家标准。

The health administration authorities of the State Council shall, pursuant to this Law and the duties stipulated by the State Council, organise food safety risk monitoring and risk assessment, and jointly with the food safety supervision and administration department of the State Council, formulate and announce food safety standards of the State.

国务院其他有关部门依照本法和国务院规定的职责，承担有关食品安全工作。

Other relevant departments of the State Council shall, pursuant to this Law and the duties stipulated by the State Council, undertake the relevant food safety work.

第六条   县级以上地方人民政府对本行政区域的食品安全监督管理工作负责，统一领导、组织、协调本行政区域的食品安全监督管理工作以及食品安全突发事件应对工作，建立健全食品安全全程监督管理工作机制和信息共享机制。

Article 6 Local People's Governments of county level and above shall be responsible for food safety supervision and administration within their administrative region, lead, organise and coordinate on a unified basis food safety supervision and administration and handling of food safety emergencies within their administrative region, establish and improve upon a food safety full process supervision and administration work mechanism and information sharing mechanism.

县级以上地方人民政府依照本法和国务院的规定，确定本级食品安全监督管理、卫生行政部门和其他有关部门的职责。有关部门在各自职责范围内负责本行政区域的食品安全监督管理工作。

Local People's Governments of county level and above shall, pursuant to this Law and the provisions of the State Council, determine the duties of their food safety supervision and administration authorities, health administration authorities and other relevant authorities. The relevant authorities shall be responsible for food safety supervision and administration within their administrative region according to their respective scope of duties.

县级人民政府食品安全监督管理部门可以在乡镇或者特定区域设立派出机构。

The food safety supervision and administration department of the county People's Government may establish branches in villages or specific regions.

第七条   县级以上地方人民政府实行食品安全监督管理责任制。上级人民政府负责对下一级人民政府的食品安全监督管理工作进行评议、考核。县级以上地方人民政府负责对本级食品安全监督管理部门和其他有关部门的食品安全监督管理工作进行评议、考核。

Article 7 Local People's Governments of county level and above shall implement a food safety supervision and administration accountability system. Higher-level people's governments shall review and assess the food safety supervision and administration performed by their subordinate people's governments. Local People's Governments of county level and above shall be responsible for assessment and appraisal of food safety supervision and administration work of their food safety supervision and administration authorities and other relevant authorities.

第八条   县级以上人民政府应当将食品安全工作纳入本级国民经济和社会发展规划，将食品安全工作经费列入本级政府财政预算，加强食品安全监督管理能力建设，为食品安全工作提供保障。

Article 8 People's Governments of county level and above shall include food safety work in their national economic and social development plan, include food safety working budget in their government fiscal budget, strengthen development of food safety supervision and administration capacity, and provide assurance for food safety work.

县级以上人民政府食品安全监督管理部门和其他有关部门应当加强沟通、密切配合，按照各自职责分工，依法行使职权，承担责任。

The food safety supervision and administration department of the People's Governments of county level and above and other relevant departments shall strengthen communication, cooperate closely, implement division of work pursuant to their respective duties, exercise official powers pursuant to the law and bear liability.

第九条   食品行业协会应当加强行业自律，按照章程建立健全行业规范和奖惩机制，提供食品安全信息、技术等服务，引导和督促食品生产经营者依法生产经营，推动行业诚信建设，宣传、普及食品安全知识。

Article 9 Food industry associations shall strengthen industry self-governance, establish and improve upon industry standards and reward and punishment mechanism pursuant to their articles of association, provide food safety information and technology services, guide and supervise food manufacturers and business operators to carry out manufacturing and business operation pursuant to the law, push forth development of industry creditworthiness, publicise and popularise food safety knowledge.

消费者协会和其他消费者组织对违反本法规定，损害消费者合法权益的行为，依法进行社会监督。

Consumer associations and other consumer organisations shall implement public supervision pursuant to the law for violations of the provisions of this Law and acts which harm the legitimate consumer rights and interests.

第十条   各级人民政府应当加强食品安全的宣传教育，普及食品安全知识，鼓励社会组织、基层群众性自治组织、食品生产经营者开展食品安全法律、法规以及食品安全标准和知识的普及工作，倡导健康的饮食方式，增强消费者食品安全意识和自我保护能力。

Article 10 All levels of People's Government shall strengthen propaganda and education for food safety, popularise food safety knowledge, encourage social organisations, grassroots autonomous mass organisations and food producers and business operators to carry out popularisation of food safety laws and regulations and food safety standards and knowledge, advocate healthy diet, and strengthen food safety awareness and self-protection capacity of consumers.

新闻媒体应当开展食品安全法律、法规以及食品安全标准和知识的公益宣传，并对食品安全违法行为进行舆论监督。有关食品安全的宣传报道应当真实、公正。

News media shall launch public propaganda for food safety laws and regulations and food safety standards and knowledge, and carry out public opinion supervision for illegal acts pertaining to food safety. Reports on food safety shall be truthful and impartial.

第十一条   国家鼓励和支持开展与食品安全有关的基础研究、应用研究，鼓励和支持食品生产经营者为提高食品安全水平采用先进技术和先进管理规范。

Article 11 The State encourages and supports basic research and applied research relating to food safety, encourages and supports adoption of advanced technologies and advanced management practices by food manufacturers and business operators to improve food safety level.

国家对农药的使用实行严格的管理制度，加快淘汰剧毒、高毒、高残留农药，推动替代产品的研发和应用，鼓励使用高效低毒低残留农药。

The State shall implement a stringent administrative system for use of pesticides, expedite elimination of hyper toxic, highly toxic and high residue pesticides, promote research and development and application of substitute products, and encourage use of efficient, low toxicity and residue pesticides.

第十二条   任何组织或者个人有权举报食品安全违法行为，依法向有关部门了解食品安全信息，对食品安全监督管理工作提出意见和建议。

Article 12 Any organisation or individual shall have the right to report an illegal act pertaining to food safety, enquire food safety information with the relevant authorities pursuant to the law, and give opinions and recommendations on food safety supervision and administration.

第十三条   对在食品安全工作中做出突出贡献的单位和个人，按照国家有关规定给予表彰、奖励。

Article 13 Organisations and individuals with outstanding contributions in food safety work shall be commended and rewarded pursuant to the relevant provisions of the State.

第二章 食品安全风险监测和评估

Chapter 2 Food Safety Risk Monitoring and Assessment

第十四条   国家建立食品安全风险监测制度，对食源性疾病、食品污染以及食品中的有害因素进行监测。

Article 14 The State shall establish a food safety risk monitoring system to monitor food-borne diseases, food contamination and harmful factors in food.

国务院卫生行政部门会同国务院食品安全监督管理等部门，制定、实施国家食品安全风险监测计划。

The health administration department of the State Council shall, jointly with the food safety supervision and administration department etc of the State Council, formulate and implement a food safety risk monitoring plan of the State.

国务院食品安全监督管理部门和其他有关部门获知有关食品安全风险信息后，应当立即核实并向国务院卫生行政部门通报。对有关部门通报的食品安全风险信息以及医疗机构报告的食源性疾病等有关疾病信息，国务院卫生行政部门应当会同国务院有关部门分析研究，认为必要的，及时调整国家食品安全风险监测计划。

The food safety supervision and administration department and other relevant departments of the State Council shall, upon becoming aware of the relevant food safety risk information, forthwith verify and report to the health administration department of the State Council. The health administration authorities of the State Council shall, jointly with the relevant authorities of the State Council, analyse and study food safety risk information reported by the relevant authorities and information on foodborne illnesses etc reported by medical institutions, and promptly make adjustment to the food safety risk monitoring plan of the State where necessary.

省、自治区、直辖市人民政府卫生行政部门会同同级食品安全监督管理等部门，根据国家食品安全风险监测计划，结合本行政区域的具体情况，制定、调整本行政区域的食品安全风险监测方案，报国务院卫生行政部门备案并实施。

The health administration authorities of the People's Governments of provinces, autonomous regions and centrally-administered municipalities shall, jointly with the food safety supervision and administration authorities etc of counterpart level, formulate and adjust the food safety risk monitoring scheme of their administrative region pursuant to the food safety risk monitoring plan of the State, taking into account the specific conditions of their administrative region, and file the scheme or scheme with the health administration authorities of the State Council for record and implement such scheme or scheme.

第十五条   承担食品安全风险监测工作的技术机构应当根据食品安全风险监测计划和监测方案开展监测工作，保证监测数据真实、准确，并按照食品安全风险监测计划和监测方案的要求报送监测数据和分析结果。

Article 15 Technical organisations undertaking food safety risk monitoring shall conduct monitoring pursuant to the food safety risk monitoring plan and the monitoring scheme, ensure the veracity and accuracy of monitoring data, and submit monitoring data and analysis findings pursuant to the requirements of the food safety risk monitoring plan and the monitoring scheme.

食品安全风险监测工作人员有权进入相关食用农产品种植养殖、食品生产经营场所采集样品、收集相关数据。采集样品应当按照市场价格支付费用。

Food safety risk monitoring personnel have the right to enter plantation and breeding premises of the relevant edible agricultural products and food manufacturing and food business operations premises to collect samples and the relevant data. The payment for sample collection shall be based on market prices.

第十六条   食品安全风险监测结果表明可能存在食品安全隐患的，县级以上人民政府卫生行政部门应当及时将相关信息通报同级食品安全监督管理等部门，并报告本级人民政府和上级人民政府卫生行政部门。食品安全监督管理等部门应当组织开展进一步调查。

Article 16 Where the food safety risk monitoring findings indicate possible food safety hazards, the health administration authorities of People's Governments of county level and above shall promptly notify the food safety supervision and administration authorities of counterpart level of the relevant information, and report to the People's Government of counterpart level and the health administration authorities of the higher-level People's Government. The food safety supervision and administration authorities etc shall organise and conduct further investigation.

第十七条   国家建立食品安全风险评估制度，运用科学方法，根据食品安全风险监测信息、科学数据以及有关信息，对食品、食品添加剂、食品相关产品中生物性、化学性和物理性危害因素进行风险评估。

Article 17 The State shall establish a food safety risk assessment system, apply scientific methods to conduct risk assessment of biological, chemical and physical hazards in foodstuffs, food additives and food- related products based on food safety risk monitoring information, scientific data and the relevant information.

国务院卫生行政部门负责组织食品安全风险评估工作，成立由医学、农业、食品、营养、生物、环境等方面的专家组成的食品安全风险评估专家委员会进行食品安全风险评估。食品安全风险评估结果由国务院卫生行政部门公布。

The health administration authorities of the State Council shall be responsible for organisation of food safety risk evaluation, and shall establish a food safety risk evaluation experts committee comprising medical, agricultural, food, nutrition, biological, environmental experts etc to carry out food safety risk evaluation. Food safety risk assessment findings shall be announced by the health administration authorities of the State Council.

对农药、肥料、兽药、饲料和饲料添加剂等的安全性评估，应当有食品安全风险评估专家委员会的专家参加。

Experts from the food safety risk assessment expert committee shall be invited to participate in the safety assessment for pesticides, fertilizers, veterinary medicines, feed and feed additives.

食品安全风险评估不得向生产经营者收取费用，采集样品应当按照市场价格支付费用。

No fees shall be charged to producers or traders for food safety risk assessment and the payment for samples collected shall be based on market prices.

第十八条   有下列情形之一的，应当进行食品安全风险评估：

Article 18 Under any of the following circumstances, food safety risk assessment shall be conducted:

（一）通过食品安全风险监测或者接到举报发现食品、食品添加剂、食品相关产品可能存在安全隐患的；

1. where food, food additives and food- related products may have potential safety risks as a result of food safety risk monitoring or receiving a report;

（二）为制定或者修订食品安全国家标准提供科学依据需要进行风险评估的；

2. the risk assessment is required for providing scientific basis for the formulation or revision of the national standards for food safety;

（三）为确定监督管理的重点领域、重点品种需要进行风险评估的；

3. the risk assessment is required for determining the key fields and key varieties to be supervised and administered;

（四）发现新的可能危害食品安全因素的；

(IV) new factors that may endanger food safety are found;

（五）需要判断某一因素是否构成食品安全隐患的；

(V) It is necessary to judge whether certain factors are food safety hazards; and

（六）国务院卫生行政部门认为需要进行风险评估的其他情形。

(VI) other circumstances under which the health administrative department under the State Council considers risk assessment is required.

第十九条   国务院食品安全监督管理、农业行政等部门在监督管理工作中发现需要进行食品安全风险评估的，应当向国务院卫生行政部门提出食品安全风险评估的建议，并提供风险来源、相关检验数据和结论等信息、资料。属于本法第十八条规定情形的，国务院卫生行政部门应当及时进行食品安全风险评估，并向国务院有关部门通报评估结果。

Article 19 Where the food safety supervision and administration department, agricultural administration department etc of the State Council discovers in the course of supervision and administration that food safety risk assessment is required, they shall recommend food safety risk assessment to the health administration department of the State Council, and provide information and materials such as risk sources, the relevant inspection data and conclusion etc. For circumstances stipulated in Article 18 of this Law, the health administration authorities of the State Council shall promptly carry out food safety risk assessment, and report the assessment findings to the relevant authorities of the State Council.

第二十条   省级以上人民政府卫生行政、农业行政部门应当及时相互通报食品、食用农产品安全风险监测信息。

Article 20 The health administrative departments and agricultural administrative departments of the people's governments at the provincial level or above shall promptly inform each other of the safety risk monitoring information about food and edible agricultural products.

国务院卫生行政、农业行政部门应当及时相互通报食品、食用农产品安全风险评估结果等信息。

The health administration department and agricultural administration department of the State Council shall promptly notify each other of safety risk assessment findings of foodstuffs and edible agricultural products.

第二十一条   食品安全风险评估结果是制定、修订食品安全标准和实施食品安全监督管理的科学依据。

Article 21 The food safety risk assessment results shall be the scientific basis for the formulation and revision of food safety standards and the implementation of food safety supervision and administration.

经食品安全风险评估，得出食品、食品添加剂、食品相关产品不安全结论的，国务院食品安全监督管理等部门应当依据各自职责立即向社会公告，告知消费者停止食用或者使用，并采取相应措施，确保该食品、食品添加剂、食品相关产品停止生产经营；需要制定、修订相关食品安全国家标准的，国务院卫生行政部门应当会同国务院食品安全监督管理部门立即制定、修订。

Where the food safety risk assessment concludes that the foodstuffs, food additives and food- related products are unsafe, the food safety supervision and administration department etc of the State Council shall, pursuant to their respective duties, forthwith make public announcement, notify consumers to stop consumption or use, and adopt the corresponding measures to ensure cessation of manufacturing and business operation of the foodstuffs, food additives and food- related products; where it is necessary to formulate and revise the relevant food safety standards of the State, the health administration department of the State Council shall, jointly with the food safety supervision and administration department of the State Council, forthwith formulate and revise.

第二十二条   国务院食品安全监督管理部门应当会同国务院有关部门，根据食品安全风险评估结果、食品安全监督管理信息，对食品安全状况进行综合分析。对经综合分析表明可能具有较高程度安全风险的食品，国务院食品安全监督管理部门应当及时提出食品安全风险警示，并向社会公布。

Article 22 The food safety supervision and administration department of the State Council shall, jointly with the relevant departments of the State Council, carry out integrated analysis of food safety conditions based on the food safety risk assessment findings, food safety supervision and administration information. The food safety supervision and administration department of the State Council shall promptly issue a food safety risk warning for foodstuffs which may have a higher level of safety risks based on the integrated analysis, and announce to the public.

第二十三条   县级以上人民政府食品安全监督管理部门和其他有关部门、食品安全风险评估专家委员会及其技术机构，应当按照科学、客观、及时、公开的原则，组织食品生产经营者、食品检验机构、认证机构、食品行业协会、消费者协会以及新闻媒体等，就食品安全风险评估信息和食品安全监督管理信息进行交流沟通。

Article 23 The food safety supervision and administration department of the People's Governments of county level and above and other relevant authorities, the food safety risk assessment experts committee and its technical organisations shall, based on the principles of science, objectivity, timeliness and transparency, organise food manufacturers and business operators, food inspection organisations, accreditation agencies, food industry associations, consumer associations, news media etc to exchange and communicate food safety risk assessment information and food safety supervision and administration information.

第三章 食品安全标准

Chapter 3 Food Safety Standards

第二十四条   制定食品安全标准，应当以保障公众身体健康为宗旨，做到科学合理、安全可靠。

Article 24 The assurance of public health shall be the principle for the formulation of food safety standards. All food safety standards shall be scientific, reasonable, safe and reliable.

第二十五条   食品安全标准是强制执行的标准。除食品安全标准外，不得制定其他食品强制性标准。

Article 25 Food safety standards are mandatory. Except for food safety standards, no other mandatory food standards shall be formulated.

第二十六条   食品安全标准应当包括下列内容：

Article 26 Food safety standards shall include the following contents:

（一）食品、食品添加剂、食品相关产品中的致病性微生物，农药残留、兽药残留、生物毒素、重金属等污染物质以及其他危害人体健康物质的限量规定；

1. provisions on the limits of pollutants, such as pathogenic micro-organisms, residues of pesticides or veterinary medicines, biotoxin and heavy metals, and other substances hazardous to human health in food, food additives and food- related products;

（二）食品添加剂的品种、使用范围、用量；

(II) Types, scope of application and dosage of food additives;

（三）专供婴幼儿和其他特定人群的主辅食品的营养成分要求；

3. nutritional ingredient requirements for staple foods and supplementary foods exclusively for infants and other designated groups;

（四）对与卫生、营养等食品安全要求有关的标签、标志、说明书的要求；

(IV) requirements for labels, marks and descriptions related to food safety requirements for hygiene, nutrition and others;

（五）食品生产经营过程的卫生要求；

(V) hygiene requirements for food production or marketing;

（六）与食品安全有关的质量要求；

(VI) quality requirements relating to food safety; and

（七）与食品安全有关的食品检验方法与规程；

(VII) food inspection methods and procedures relating to food safety;

（八）其他需要制定为食品安全标准的内容。

(VIII) other contents necessary for formulating food safety standards.

第二十七条   食品安全国家标准由国务院卫生行政部门会同国务院食品安全监督管理部门制定、公布，国务院标准化行政部门提供国家标准编号。

Article 27 Food safety standards of the State shall be formulated and announced by the health administration department of the State Council jointly with the food safety supervision and administration department of the State Council, and the standardisation administration department of the State Council shall provide the reference codes for the national standards.

食品中农药残留、兽药残留的限量规定及其检验方法与规程由国务院卫生行政部门、国务院农业行政部门会同国务院食品安全监督管理部门制定。

The health administrative department and agricultural administrative department under the State Council shall, in concert with the food safety supervision and administration department under the State Council, formulate provisions on the limits of pesticide and veterinary drug residues in food and the inspection methods and procedures.

屠宰畜、禽的检验规程由国务院农业行政部门会同国务院卫生行政部门制定。

The agricultural administrative department under the State Council shall, in concert with the health administrative department under the State Council, formulate inspection procedures for livestock and poultry slaughtering.

第二十八条   制定食品安全国家标准，应当依据食品安全风险评估结果并充分考虑食用农产品安全风险评估结果，参照相关的国际标准和国际食品安全风险评估结果，并将食品安全国家标准草案向社会公布，广泛听取食品生产经营者、消费者、有关部门等方面的意见。

Article 28 Formulation of food safety standards of the State shall be based on the food safety risk assessment findings and take into full consideration of the safety risk assessment findings of edible agricultural products, and make reference to the relevant international standards and international food safety risk assessment findings, the draft food safety standards of the State shall be announced to the public, and the opinions of the food manufacturers and business operators, consumers, the relevant authorities etc shall be sought.

食品安全国家标准应当经国务院卫生行政部门组织的食品安全国家标准审评委员会审查通过。食品安全国家标准审评委员会由医学、农业、食品、营养、生物、环境等方面的专家以及国务院有关部门、食品行业协会、消费者协会的代表组成，对食品安全国家标准草案的科学性和实用性等进行审查。

The national food safety standards shall be reviewed and approved by the Review Committee for national food safety standards organized by the health administrative department under the State Council. The committee, comprising medical, agricultural, food, nutrition, biological, environmental and other experts and representatives of the relevant departments under the State Council, the food industry association and the consumer association, reviews the scientificity and practicability of the draft national food safety standards.

第二十九条   对地方特色食品，没有食品安全国家标准的，省、自治区、直辖市人民政府卫生行政部门可以制定并公布食品安全地方标准，报国务院卫生行政部门备案。食品安全国家标准制定后，该地方标准即行废止。

Article 29 Where there are no national food safety standards for local specialty foodstuffs, the health administration authorities of the People's Governments of provinces, autonomous regions and centrally-administered municipalities may formulate and announce local food safety standards, and file the same with the health administration authorities of the State Council for record. Upon formulation of food safety standards of the State, the said local standards shall forthwith be repealed.

第三十条   国家鼓励食品生产企业制定严于食品安全国家标准或者地方标准的企业标准，在本企业适用，并报省、自治区、直辖市人民政府卫生行政部门备案。

Article 30 The State shall encourage food manufacturing enterprises to formulate enterprise standards which are stricter than the food safety standards of the State or the local standards and apply such enterprise standards in the enterprise, and file the same with the health administration authorities of the People's Governments of provinces, autonomous regions and centrally-administered municipalities.

第三十一条   省级以上人民政府卫生行政部门应当在其网站上公布制定和备案的食品安全国家标准、地方标准和企业标准，供公众免费查阅、下载。

Article 31 The health administration authorities of People's Governments of provincial level and above shall announce formulated and filed food safety standards of the State, local standards and enterprise standards on their website for free reading and download by the public.

对食品安全标准执行过程中的问题，县级以上人民政府卫生行政部门应当会同有关部门及时给予指导、解答。

The health administration authorities of People's Governments of county level and above shall, jointly with the relevant authorities, promptly provide guidance and solutions for issues encountered in the course of implementation of food safety standards.

第三十二条   省级以上人民政府卫生行政部门应当会同同级食品安全监督管理、农业行政等部门，分别对食品安全国家标准和地方标准的执行情况进行跟踪评价，并根据评价结果及时修订食品安全标准。

Article 32 The health administration authorities of People's Governments of provincial level and above shall, jointly with the food safety supervision and administration authorities, agricultural administration authorities, etc of counterpart level, conduct follow-up assessment of implementation of food safety standards of the State and the local standards, and promptly revise food safety standards in accordance with the assessment findings.

省级以上人民政府食品安全监督管理、农业行政等部门应当对食品安全标准执行中存在的问题进行收集、汇总，并及时向同级卫生行政部门通报。

The food safety supervision and administration department, agricultural administration department etc of the People's Governments of provincial level and above shall gather and compile problems which exist in the implementation of food safety standards, and promptly notify the health administration department of counterpart level.

食品生产经营者、食品行业协会发现食品安全标准在执行中存在问题的，应当立即向卫生行政部门报告。

Food manufacturers and business operators and food industry associations shall forthwith report to the health administration authorities upon discovery of any problem in the implementation of food safety standards.

第四章 食品生产经营

Chapter 4 Food Production and Trading

第一节 一般规定

Section 1 General Provisions

第三十三条   食品生产经营应当符合食品安全标准，并符合下列要求：

Article 33 Food production and trading shall conform to food safety standards as well as the following requirements:

（一）具有与生产经营的食品品种、数量相适应的食品原料处理和食品加工、包装、贮存等场所，保持该场所环境整洁，并与有毒、有害场所以及其他污染源保持规定的距离；

1. Have the premises for raw- food materials handling, and food processing, packaging and storage that are appropriate for the variety and quantity of food which they produce or operate, keep the environment of such premises clean and tidy, and maintain the prescribed distance from toxic and hazardous premises and other sources of pollution;

（二）具有与生产经营的食品品种、数量相适应的生产经营设备或者设施，有相应的消毒、更衣、盥洗、采光、照明、通风、防腐、防尘、防蝇、防鼠、防虫、洗涤以及处理废水、存放垃圾和废弃物的设备或者设施；

(II) having appropriate production or trading equipment or facilities that are sufficient for the variety and quantity of food to be produced or traded in; and having appropriate equipment or facilities for disinfection, dressing, sanitation, lighting, illumination, ventilation, anti-corrosion, dust-proofing, fly-proofing, rat-proofing, insect-proofing, cleaning, sewage disposal, and garbage and waste storage;

（三）有专职或者兼职的食品安全专业技术人员、食品安全管理人员和保证食品安全的规章制度；

(III) having full-time or part-time professional food safety technicians and management personnel; and having rules and regulations to ensure food safety;

（四）具有合理的设备布局和工艺流程，防止待加工食品与直接入口食品、原料与成品交叉污染，避免食品接触有毒物、不洁物；

4. having reasonable equipment layout and technological processes to prevent the cross-contamination between to-be- processed food and ready-to-eat food and raw materials and finished products, and to avoid food from contacting toxic or unclean substances; and

（五）餐具、饮具和盛放直接入口食品的容器，使用前应当洗净、消毒，炊具、用具用后应当洗净，保持清洁；

(V) tableware, kitchenware and containers for ready-to-eat food must be washed and disinfected before use; kitchenware and other utensils must be washed after use and kept clean;

（六）贮存、运输和装卸食品的容器、工具和设备应当安全、无害，保持清洁，防止食品污染，并符合保证食品安全所需的温度、湿度等特殊要求，不得将食品与有毒、有害物品一同贮存、运输；

(VI) containers, utensils and equipment used for the storage, transportation, and loading and unloading of food must be safe, harmless and clean and avoid food contamination; the temperature, humidity and other special requirements shall be met to ensure food safety; no storage or transportation of food shall be conducted with toxic or hazardous materials; and

（七）直接入口的食品应当使用无毒、清洁的包装材料、餐具、饮具和容器；

(VII) non-toxic and clean packaging materials, tableware, kitchenware and containers shall be used for ready-to-eat food;

（八）食品生产经营人员应当保持个人卫生，生产经营食品时，应当将手洗净，穿戴清洁的工作衣、帽等；销售无包装的直接入口食品时，应当使用无毒、清洁的容器、售货工具和设备；

(VIII) food producers and traders shall maintain their personal hygiene; wash their hands and wear clean work clothes and hats in the course of food production or trading; and use non-toxic and clean containers, utensils and equipment for the sale of ready-to-eat food without packaging;

（九）用水应当符合国家规定的生活饮用水卫生标准；

(IX) the water used shall meet the national hygienic standards for drinking water;

（十）使用的洗涤剂、消毒剂应当对人体安全、无害；

(X) detergents and disinfectants used shall be safe and harmless to human health;

（十一）法律、法规规定的其他要求。

11. other requirements stipulated by laws and regulations.

非食品生产经营者从事食品贮存、运输和装卸的，应当符合前款第六项的规定。

Non- food manufacturers and business operators engaging in storage, transportation, loading and unloading of foodstuffs shall comply with the provisions of item (6) of the preceding paragraph.

第三十四条   禁止生产经营下列食品、食品添加剂、食品相关产品：

Article 34 Production of and trading in the following food, food additives and food- related products shall be prohibited:

（一）用非食品原料生产的食品或者添加食品添加剂以外的化学物质和其他可能危害人体健康物质的食品，或者用回收食品作为原料生产的食品；

1. food produced by non- food raw materials; or food to which chemical substances other than food additives or other substances hazardous to human health have been added; or food having recycled food as raw materials;

（二）致病性微生物，农药残留、兽药残留、生物毒素、重金属等污染物质以及其他危害人体健康的物质含量超过食品安全标准限量的食品、食品添加剂、食品相关产品；

2. food, food additives and food- related products with pathogenic micro-organisms, residues of pesticides or veterinary medicines, biotoxin, heavy metals and other pollutants as well as other substances hazardous to human health exceeding the limits set out in the food safety standards;

（三）用超过保质期的食品原料、食品添加剂生产的食品、食品添加剂；

(III) food and food additives produced with raw- food materials and food additives exceeding their best before date;

（四）超范围、超限量使用食品添加剂的食品；

(IV) food with food additives exceeding the scope and limit;

（五）营养成分不符合食品安全标准的专供婴幼儿和其他特定人群的主辅食品；

(V) staple foods and supplementary foods exclusively for infants and other designated groups with nutritional ingredients that do not conform to the food safety standards;

（六）腐败变质、油脂酸败、霉变生虫、污秽不洁、混有异物、掺假掺杂或者感官性状异常的食品、食品添加剂；

(VI) food and food additives that are rotten, rancid, moldy, decayed, unclean, mixed with foreign objects, adulterated, doped or perceived by the senses as being abnormal;

（七）病死、毒死或者死因不明的禽、畜、兽、水产动物肉类及其制品；

(VII) meat or meat products of any poultry, livestock, game or aquatic animals which have died of illness, poisoning or unidentified causes;

（八）未按规定进行检疫或者检疫不合格的肉类，或者未经检验或者检验不合格的肉类制品；

(VIII) meat that has not been quarantined in accordance with regulations or has failed quarantine, or meat products that have not been inspected or have failed inspection;

（九）被包装材料、容器、运输工具等污染的食品、食品添加剂；

(IX) food and food additives that are contaminated by packaging materials, containers or means of transport;

（十）标注虚假生产日期、保质期或者超过保质期的食品、食品添加剂；

(X) food and food additives with false production dates and best before dates or exceeding their best before dates;

（十一）无标签的预包装食品、食品添加剂；

(XI) unlabeled prepacked food or food additives;

（十二）国家为防病等特殊需要明令禁止生产经营的食品；

(XII) food expressly banned by the State for special reasons, including disease prevention; and

（十三）其他不符合法律、法规或者食品安全标准的食品、食品添加剂、食品相关产品。

(XIII) other food, food additives and food- related products that do not conform to the law, regulations or food safety standards.

第三十五条   国家对食品生产经营实行许可制度。从事食品生产、食品销售、餐饮服务，应当依法取得许可。但是，销售食用农产品，不需要取得许可。

Article 35 The State shall implement a licensing system for food manufacturing and food business operations. A person who engages in food production, sales or catering services shall obtain the license in accordance with the law. However, permission is not required for the sale of edible agricultural products.

县级以上地方人民政府食品安全监督管理部门应当依照《中华人民共和国行政许可法》的规定，审核申请人提交的本法第三十三条第一款第一项至第四项规定要求的相关资料，必要时对申请人的生产经营场所进行现场核查；对符合规定条件的，准予许可；对不符合规定条件的，不予许可并书面说明理由。

The food safety supervision and administration department of the local People's Governments of county level and above shall, pursuant to the provisions of the Law of the People 's Republic of China on Administrative Licensing, examine the relevant materials submitted by the applicant as required by item (1) to item (4) of the first paragraph of Article 33 of this Law, and conduct on-site inspection of the manufacturing and business premises of the applicant where necessary; applicants which satisfy the stipulated criteria shall be granted a permit; applicants which do not satisfy the stipulated criteria shall not be granted a permit and the reason shall be stated in writing.

第三十六条   食品生产加工小作坊和食品摊贩等从事食品生产经营活动，应当符合本法规定的与其生产经营规模、条件相适应的食品安全要求，保证所生产经营的食品卫生、无毒、无害，食品安全监督管理部门应当对其加强监督管理。

Article 36 Small food manufacturing and processing workshops and food hawkers engaging in food manufacturing and food business activities shall comply with food safety requirements stipulated by this Law which correspond to their scale of manufacturing and business and business conditions, and ensure that their foodstuffs are hygienic, non-toxic and harmless; the food safety supervision and administration authorities shall strengthen supervision and administration thereof.

县级以上地方人民政府应当对食品生产加工小作坊、食品摊贩等进行综合治理，加强服务和统一规划，改善其生产经营环境，鼓励和支持其改进生产经营条件，进入集中交易市场、店铺等固定场所经营，或者在指定的临时经营区域、时段经营。

Local People's Governments of county level and above shall implement comprehensive governance for small food manufacturing and processing workshops, food hawkers, etc, strengthen services and unified planning, improve upon their manufacturing and business environment, encourage and support improvement of their manufacturing and business conditions, operate in fixed premises such as centralised markets and shops, or operate in designated temporary business regions and hours.

食品生产加工小作坊和食品摊贩等的具体管理办法由省、自治区、直辖市制定。

Detailed administrative measures on small food manufacturing and processing workshops, food hawkers etc shall be formulated by provinces, autonomous regions and centrally-administered municipalities.

第三十七条   利用新的食品原料生产食品，或者生产食品添加剂新品种、食品相关产品新品种，应当向国务院卫生行政部门提交相关产品的安全性评估材料。国务院卫生行政部门应当自收到申请之日起六十日内组织审查；对符合食品安全要求的，准予许可并公布；对不符合食品安全要求的，不予许可并书面说明理由。

Article 37 For manufacturing of foodstuffs using new food ingredients, or manufacturing of new types of food additives or new types of food- related products, safety assessment materials for the relevant products shall be submitted to the health administration authorities of the State Council. The health administration authorities of the State Council shall organise examination within 60 days from the date of receipt of an application; where the application complies with food safety requirements, a permit shall be granted and announcement shall be made; where the application does not comply with food safety requirements, no permit shall be granted and the reason shall be stated in writing.

第三十八条   生产经营的食品中不得添加药品，但是可以添加按照传统既是食品又是中药材的物质。按照传统既是食品又是中药材的物质目录由国务院卫生行政部门会同国务院食品安全监督管理部门制定、公布。

Article 38 No medicine shall be added to food in the course of production or trading. However, materials that are traditionally considered as both food and traditional Chinese medicine are allowed. A list of substances deemed traditionally as foodstuff cum Chinese herbal medicine shall be formulated and announced by the health administration department of the State Council jointly with the food safety supervision and administration department of the State Council.

第三十九条   国家对食品添加剂生产实行许可制度。从事食品添加剂生产，应当具有与所生产食品添加剂品种相适应的场所、生产设备或者设施、专业技术人员和管理制度，并依照本法第三十五条第二款规定的程序，取得食品添加剂生产许可。

Article 39 The State shall implement a licensing system for manufacturing of food additives. Manufacturers of food additives shall be equipped with premises and manufacturing equipment or facilities, employ professional technical personnel and establish management systems that correspond to the types of food additives they manufacture, and obtain a manufacturing permit for food additives in accordance with the procedures stipulated in the second paragraph of Article 35 of this Law.

生产食品添加剂应当符合法律、法规和食品安全国家标准。

Manufacturing of food additives shall comply with the laws, regulations and food safety standards of the State.

第四十条   食品添加剂应当在技术上确有必要且经过风险评估证明安全可靠，方可列入允许使用的范围；有关食品安全国家标准应当根据技术必要性和食品安全风险评估结果及时修订。

Article 40 Food additives shall be used where technically necessary and proven safe and reliable through risk assessment before they can be included in the scope of permitted use; the relevant food safety standards of the State shall be promptly revised in accordance with technical necessity and food safety risk assessment findings.

食品生产经营者应当按照食品安全国家标准使用食品添加剂。

Food producers and traders shall use food additives in accordance with national food safety standards.

第四十一条   生产食品相关产品应当符合法律、法规和食品安全国家标准。对直接接触食品的包装材料等具有较高风险的食品相关产品，按照国家有关工业产品生产许可证管理的规定实施生产许可。食品安全监督管理部门应当加强对食品相关产品生产活动的监督管理。

Article 41 Manufacturing of food- related products shall comply with laws, regulations and food safety standards of the State. Food- related products with higher risks such as packaging materials etc which come into direct contact with foodstuffs shall be subject to manufacturing licensing pursuant to the relevant provisions of the State on administration of manufacturing permit for industrial products. Food safety supervision and administration departments shall strengthen the supervision and administration over the production activities of food- related products.

第四十二条   国家建立食品安全全程追溯制度。

Article 42 The State shall establish a food safety full process tracing system.

食品生产经营者应当依照本法的规定，建立食品安全追溯体系，保证食品可追溯。国家鼓励食品生产经营者采用信息化手段采集、留存生产经营信息，建立食品安全追溯体系。

Food producers and traders shall, in accordance with the provisions herein, establish a food safety traceability system to ensure food traceability. The State encourages food manufacturers and business operators to adopt information technology to collect and retain manufacturing and business operation information, and establish a food safety tracing system.

国务院食品安全监督管理部门会同国务院农业行政等有关部门建立食品安全全程追溯协作机制。

The food safety supervision and administration department of the State Council shall, jointly with the agricultural administration department etc of the State Council, establish a food safety full process tracking collaboration mechanism.

第四十三条   地方各级人民政府应当采取措施鼓励食品规模化生产和连锁经营、配送。

Article 43 All levels of local People's Government shall adopt measures to encourage large-scale food manufacturing and chain operation and distribution.

国家鼓励食品生产经营企业参加食品安全责任保险。

The State encourages food manufacturing and food business operation enterprises to participate in food safety liability insurance.

第二节 生产经营过程控制

Section 2 Control of Production and Operation Processes

第四十四条   食品生产经营企业应当建立健全食品安全管理制度，对职工进行食品安全知识培训，加强食品检验工作，依法从事生产经营活动。

Article 44 Food manufacturing and food business operation enterprises shall establish a proper food safety management system, conduct food safety knowledge training for their employees, strengthen food inspection work, and engage in manufacturing and business operation pursuant to the law.

食品生产经营企业的主要负责人应当落实企业食品安全管理制度，对本企业的食品安全工作全面负责。

The key person (s) -in-charge of food manufacturing and food business operation enterprises shall implement the enterprise's food safety management system, and be fully accountable for the enterprise's food safety work.

食品生产经营企业应当配备食品安全管理人员，加强对其培训和考核。经考核不具备食品安全管理能力的，不得上岗。食品安全监督管理部门应当对企业食品安全管理人员随机进行监督抽查考核并公布考核情况。监督抽查考核不得收取费用。

Food production and trading enterprises shall have food safety management personnel, and strengthen the training and assessment thereof. Those who have no food safety management capabilities after assessment shall not take up the post. The food safety supervision and administration authorities shall conduct random sampling inspection appraisal of food safety management personnel of enterprises and announce the appraisal findings. No fees shall be charged for the supervision and spot check assessment.

第四十五条   食品生产经营者应当建立并执行从业人员健康管理制度。患有国务院卫生行政部门规定的有碍食品安全疾病的人员，不得从事接触直接入口食品的工作。

Article 45 Food producers and traders shall establish and implement an employee health management system. A person who has diseases provided by the health administrative department under the State Council that may adversely affect food safety shall not engage in work relating to ready-to-eat food.

从事接触直接入口食品工作的食品生产经营人员应当每年进行健康检查，取得健康证明后方可上岗工作。

Persons engaging in food production or trading who have contact with ready-to-eat food shall have an annual physical check and shall not engage in food production or trading until obtaining a health certificate.

第四十六条   食品生产企业应当就下列事项制定并实施控制要求，保证所生产的食品符合食品安全标准：

Article 46 Food manufacturing enterprises shall formulate control requirements for the following matters and implement control requirements to ensure that their foodstuffs comply with food safety standards:

（一）原料采购、原料验收、投料等原料控制；

1. the control over raw materials such as raw material procurement, raw material acceptance and feeding of raw materials;

（二）生产工序、设备、贮存、包装等生产关键环节控制；

(II) control of key production links including production process, equipment, storage and package;

（三）原料检验、半成品检验、成品出厂检验等检验控制；

(III) control over inspection such as raw material inspection, inspection on semi-finished products and inspection on finished products for delivery; and

（四）运输和交付控制。

(IV) Transport and delivery control.

第四十七条   食品生产经营者应当建立食品安全自查制度，定期对食品安全状况进行检查评价。生产经营条件发生变化，不再符合食品安全要求的，食品生产经营者应当立即采取整改措施；有发生食品安全事故潜在风险的，应当立即停止食品生产经营活动，并向所在地县级人民政府食品安全监督管理部门报告。

Article 47 Food producers and business operators shall establish a food safety self-inspection system, and conduct inspection and assessment of food safety conditions on a regular basis. Where the production and trading conditions change and no longer meet the food safety requirements, food producers and traders shall immediately take rectification measures; where there is any potential risk of food safety accidents, food producers and traders shall immediately suspend food production and trading activities and report to the food safety supervision and administration departments of the people's governments at the county level at the places where they are located.

第四十八条   国家鼓励食品生产经营企业符合良好生产规范要求，实施危害分析与关键控制点体系，提高食品安全管理水平。

Article 48 The State encourages food manufacturing enterprises and food business enterprises to comply with good manufacturing practices, implement a system for hazard analysis and key control points, and raise food safety management level.

对通过良好生产规范、危害分析与关键控制点体系认证的食品生产经营企业，认证机构应当依法实施跟踪调查；对不再符合认证要求的企业，应当依法撤销认证，及时向县级以上人民政府食品安全监督管理部门通报，并向社会公布。认证机构实施跟踪调查不得收取费用。

Accreditation agencies shall conduct follow-up investigations in accordance with the law into food production and trading enterprises which have been certified as having good production practices and hazard analysis and critical control point systems. The accreditation agencies shall revoke the certification of enterprises that cease to meet the certifications in accordance with the law, notify the food safety supervision and administration department of the people's government at the county level or above in a timely manner and announce the same to the public. The accreditation agencies shall not collect any fees for such follow-up investigations.

第四十九条   食用农产品生产者应当按照食品安全标准和国家有关规定使用农药、肥料、兽药、饲料和饲料添加剂等农业投入品，严格执行农业投入品使用安全间隔期或者休药期的规定，不得使用国家明令禁止的农业投入品。禁止将剧毒、高毒农药用于蔬菜、瓜果、茶叶和中草药材等国家规定的农作物。

Article 49 Manufacturers of edible agricultural products shall use agricultural inputs such as pesticides, fertilisers, veterinary drugs, feeds and feed additives, etc, pursuant to food safety standards and the relevant provisions of the State, strictly implement the provisions on safety intervals or withdrawal period for agricultural inputs, and shall not use agricultural inputs prohibited by the State. Hyper toxic and highly toxic pesticides shall not be used on crops stipulated by the State such as vegetables, fruits, tea leaves and Chinese medicinal herbs.

食用农产品的生产企业和农民专业合作经济组织应当建立农业投入品使用记录制度。

Manufacturing enterprises of edible agricultural products and specialised cooperative economic organisations of farmers shall establish a system to record use of agricultural inputs.

县级以上人民政府农业行政部门应当加强对农业投入品使用的监督管理和指导，建立健全农业投入品安全使用制度。

The agricultural administration authorities of the People's Governments of county level and above shall strengthen supervision, administration and guidance for use of agricultural inputs, establish and improve upon an agricultural inputs safe use system.

第五十条   食品生产者采购食品原料、食品添加剂、食品相关产品，应当查验供货者的许可证和产品合格证明；对无法提供合格证明的食品原料，应当按照食品安全标准进行检验；不得采购或者使用不符合食品安全标准的食品原料、食品添加剂、食品相关产品。

Article 50 In the course of purchasing raw- food materials, food additives or food- related products, food producers shall inspect the licenses and product certificates of suppliers. Food producers shall inspect those raw- food materials that do not have a product certificate in accordance with food safety standards. Food producers shall not purchase or use raw-food materials, food additives or food- related products that do not conform to food safety standards.

食品生产企业应当建立食品原料、食品添加剂、食品相关产品进货查验记录制度，如实记录食品原料、食品添加剂、食品相关产品的名称、规格、数量、生产日期或者生产批号、保质期、进货日期以及供货者名称、地址、联系方式等内容，并保存相关凭证。记录和凭证保存期限不得少于产品保质期满后六个月；没有明确保质期的，保存期限不得少于二年。

Food production enterprises shall establish an inspection recording system for incoming raw- food materials, food additives and food- related products to faithfully record the names, specifications, quantities, production dates or batch numbers, best before dates, dates of purchase, suppliers' names, addresses and contact information and other contents related to raw- food materials, food additives and food- related products and keep the relevant vouchers. Such records and certificates shall be kept for at least six months after the expiration of the best before date of products; where the best before date is not specified, such records and certificates shall be kept for at least two years.

第五十一条   食品生产企业应当建立食品出厂检验记录制度，查验出厂食品的检验合格证和安全状况，如实记录食品的名称、规格、数量、生产日期或者生产批号、保质期、检验合格证号、销售日期以及购货者名称、地址、联系方式等内容，并保存相关凭证。记录和凭证保存期限应当符合本法第五十条第二款的规定。

Article 51 Food manufacturing enterprises shall establish an inspection records system for ex-factory foodstuffs, inspect the inspection certificate and safety conditions of ex-factory foodstuffs, truthfully record the description, specifications, quantity, date of manufacture or production batch, shelf life, inspection certificate number, date of sale and the name, address and contact details of the buyer etc, and retain the relevant documentation. The retention period of records and documentation shall comply with the provisions of the second paragraph of Article 50 of this Law.

第五十二条   食品、食品添加剂、食品相关产品的生产者，应当按照食品安全标准对所生产的食品、食品添加剂、食品相关产品进行检验，检验合格后方可出厂或者销售。

Article 52 Producers of food, food additives and food- related products shall inspect self-produced food, food additives and food- related products in accordance with food safety standards and shall only deliver or sell those that pass the inspection.

第五十三条   食品经营者采购食品，应当查验供货者的许可证和食品出厂检验合格证或者其他合格证明（以下称合格证明文件）。

Article 53 Food business operators purchasing foodstuffs shall check the supplier's permit and foodstuffs ex- factory inspection certificate or other qualification proof (hereinafter referred to as the "qualification proof documents").

食品经营企业应当建立食品进货查验记录制度，如实记录食品的名称、规格、数量、生产日期或者生产批号、保质期、进货日期以及供货者名称、地址、联系方式等内容，并保存相关凭证。记录和凭证保存期限应当符合本法第五十条第二款的规定。

Food business operators shall establish an inspection records system for purchased foodstuffs, truthfully record the description, specifications, quantity, date of manufacture or production batch, shelf life and date of purchase of foodstuffs, as well as the name, address and contact details of the supplier etc, and retain the relevant documentation. The retention period of records and documentation shall comply with the provisions of the second paragraph of Article 50 of this Law.

实行统一配送经营方式的食品经营企业，可以由企业总部统一查验供货者的许可证和食品合格证明文件，进行食品进货查验记录。

Food trading enterprises having centralized distribution systems may conduct the inspection of suppliers' licenses and product certificates of food and keep inspection records of incoming food at their headquarters.

从事食品批发业务的经营企业应当建立食品销售记录制度，如实记录批发食品的名称、规格、数量、生产日期或者生产批号、保质期、销售日期以及购货者名称、地址、联系方式等内容，并保存相关凭证。记录和凭证保存期限应当符合本法第五十条第二款的规定。

Business enterprises engaging in wholesale of foodstuffs shall establish a records system for sale of foodstuffs, truthfully record the description, specifications, quantity, date of manufacture or production batch, shelf life and date of sale of wholesale foodstuffs as well as the name, address and contact details of buyers etc, and retain the relevant documentation. The retention period of records and documentation shall comply with the provisions of the second paragraph of Article 50 of this Law.

第五十四条   食品经营者应当按照保证食品安全的要求贮存食品，定期检查库存食品，及时清理变质或者超过保质期的食品。

Article 54 Food business operators shall store foodstuffs pursuant to the requirements of ensuring food safety, inspect foodstuffs in inventory on a regular basis, and promptly dispose deteriorated foodstuffs or foodstuffs with expired shelf life.

食品经营者贮存散装食品，应当在贮存位置标明食品的名称、生产日期或者生产批号、保质期、生产者名称及联系方式等内容。

Food traders shall, with regard to bulk storage of food, label the food in bulk with the names, production dates or batch numbers, best before dates, producers' names and contact information and other contents at the place of storage.

第五十五条   餐饮服务提供者应当制定并实施原料控制要求，不得采购不符合食品安全标准的食品原料。倡导餐饮服务提供者公开加工过程，公示食品原料及其来源等信息。

Article 55 Catering service providers shall formulate and implement control requirements for raw materials and shall not purchase food raw materials not conforming to food safety standards. It is advocated that catering service providers should publicize the processing process and publicize the information such as raw- food materials and their sources.

餐饮服务提供者在加工过程中应当检查待加工的食品及原料，发现有本法第三十四条第六项规定情形的，不得加工或者使用。

Food and beverage service providers shall, in the processing process, inspect foodstuffs and ingredients to be processed, and shall not process or use foodstuffs and ingredients which fall under the circumstances stipulated in item (6) of Article 34 of this Law.

第五十六条   餐饮服务提供者应当定期维护食品加工、贮存、陈列等设施、设备；定期清洗、校验保温设施及冷藏、冷冻设施。

Article 56 Catering service providers shall regularly maintain the facilities and equipment for food processing, storage and display; and regularly clean and calibrate insulation facilities and refrigeration facilities.

餐饮服务提供者应当按照要求对餐具、饮具进行清洗消毒，不得使用未经清洗消毒的餐具、饮具；餐饮服务提供者委托清洗消毒餐具、饮具的，应当委托符合本法规定条件的餐具、饮具集中消毒服务单位。

Food and beverage service providers shall clean and disinfect tableware and kitchenware pursuant to the requirements, and shall not use tableware and kitchenware which have not been cleaned and disinfected; where a food and beverage service provider entrusts cleaning and disinfection of tableware and kitchenware, it shall entrust a centralised disinfection service provider for tableware and kitchenware which satisfies the criteria stipulated in this Law.

第五十七条   学校、托幼机构、养老机构、建筑工地等集中用餐单位的食堂应当严格遵守法律、法规和食品安全标准；从供餐单位订餐的，应当从取得食品生产经营许可的企业订购，并按照要求对订购的食品进行查验。供餐单位应当严格遵守法律、法规和食品安全标准，当餐加工，确保食品安全。

Article 57 Centralised canteens of schools, nurseries, nursing homes, construction sites etc shall strictly comply with laws, regulations and food safety standards; canteens ordering from caterers shall order from enterprises which have obtained a food manufacturing and food business operations permit, and inspect ordered foodstuffs pursuant to the requirements. Caterers shall strictly abide by laws, regulations and food safety standards, process current meal and ensure food safety.

学校、托幼机构、养老机构、建筑工地等集中用餐单位的主管部门应当加强对集中用餐单位的食品安全教育和日常管理，降低食品安全风险，及时消除食品安全隐患。

The department in charge of centralised canteens of schools, nurseries, nursing homes, construction sites etc shall strengthen food safety education and day-to-day management of the centralised canteen, reduce food safety risks, and promptly eliminate food safety hazards.

第五十八条   餐具、饮具集中消毒服务单位应当具备相应的作业场所、清洗消毒设备或者设施，用水和使用的洗涤剂、消毒剂应当符合相关食品安全国家标准和其他国家标准、卫生规范。

Article 58 Tableware and kitchenware centralised disinfection service providers shall be equipped with the corresponding operation premises, cleaning and disinfection equipment or facilities, water consumption and the detergents and disinfectants used shall comply with the relevant food safety standards of the State and other standards and health norms of the State.

餐具、饮具集中消毒服务单位应当对消毒餐具、饮具进行逐批检验，检验合格后方可出厂，并应当随附消毒合格证明。消毒后的餐具、饮具应当在独立包装上标注单位名称、地址、联系方式、消毒日期以及使用期限等内容。

Tableware and kitchenware centralised disinfection service providers shall conduct batch inspection of disinfected tableware and kitchenware, and shall only deliver disinfected tableware and kitchenware which passed inspection and are attached with a disinfection certificate. The tableware and kitchenware after disinfection shall be labeled with the employer's name, address, contact information, date of disinfection, service life and other contents on the independent packaging.

第五十九条   食品添加剂生产者应当建立食品添加剂出厂检验记录制度，查验出厂产品的检验合格证和安全状况，如实记录食品添加剂的名称、规格、数量、生产日期或者生产批号、保质期、检验合格证号、销售日期以及购货者名称、地址、联系方式等相关内容，并保存相关凭证。记录和凭证保存期限应当符合本法第五十条第二款的规定。

Article 59 Producers of food additives shall establish an inspection recording system for outgoing food additives to inspect the product certificates and safety conditions of outgoing products, and honestly record the names, specifications, quantities, production dates or batch numbers, best before dates, numbers of product certificates, dates of sale, names of the purchasers and their addresses and contact information and other relevant contents related to the food additives, and keep relevant certificates. The retention period of records and documentation shall comply with the provisions of the second paragraph of Article 50 of this Law.

第六十条   食品添加剂经营者采购食品添加剂，应当依法查验供货者的许可证和产品合格证明文件，如实记录食品添加剂的名称、规格、数量、生产日期或者生产批号、保质期、进货日期以及供货者名称、地址、联系方式等内容，并保存相关凭证。记录和凭证保存期限应当符合本法第五十条第二款的规定。

Article 60 In the course of purchasing food additives, business operators of food additives shall inspect the licenses and product certificates of suppliers in accordance with the law, faithfully record the names, specifications, quantities, production dates or batch numbers, best before dates, dates of purchase, suppliers' names, addresses and contact information and other contents related to the food additives, and keep relevant certificates. The retention period of records and documentation shall comply with the provisions of the second paragraph of Article 50 of this Law.

第六十一条   集中交易市场的开办者、柜台出租者和展销会举办者，应当依法审查入场食品经营者的许可证，明确其食品安全管理责任，定期对其经营环境和条件进行检查，发现其有违反本法规定行为的，应当及时制止并立即报告所在地县级人民政府食品安全监督管理部门。

Article 61 Organisers of centralised trading markets, lessors of counters and organisers of trade fairs shall examine the permits of participating food business operators pursuant to the law, specify their food safety management responsibilities, and conduct inspection of business environment and conditions on a regular basis; and shall, upon discovery of any violation of the provisions of this Law, promptly stop the offender and forthwith report to the food safety supervision and administration department of the county People's Government at the locality.

第六十二条   网络食品交易第三方平台提供者应当对入网食品经营者进行实名登记，明确其食品安全管理责任；依法应当取得许可证的，还应当审查其许可证。

Article 62 Online third-party food trading platform providers shall conduct real-name registration for the online food traders and define the food traders' food safety management responsibilities; where the food traders shall obtain licenses in accordance with the law, the providers shall also review the licenses.

网络食品交易第三方平台提供者发现入网食品经营者有违反本法规定行为的，应当及时制止并立即报告所在地县级人民政府食品安全监督管理部门；发现严重违法行为的，应当立即停止提供网络交易平台服务。

Online third-party food trading platform providers shall, upon discovering the acts of online food traders in violation of the provisions hereof, promptly stop and immediately report to the food safety supervision and administration departments of the people's governments at the county level at the places where they are located. Once discovering serious illegal acts, online food trading platform providers shall immediately stop providing online trading platform services.

第六十三条   国家建立食品召回制度。食品生产者发现其生产的食品不符合食品安全标准或者有证据证明可能危害人体健康的，应当立即停止生产，召回已经上市销售的食品，通知相关生产经营者和消费者，并记录召回和通知情况。

Article 63 The State shall establish a food recall system. Upon discovery of foods produced not conforming to food safety standards or if there is any evidence proving that such foods may endanger human health, food producers shall immediately cease production, recall foods in the market, notify the relevant food producers, traders and consumers thereof, and keep records of the recall and notification status.

食品经营者发现其经营的食品有前款规定情形的，应当立即停止经营，通知相关生产经营者和消费者，并记录停止经营和通知情况。食品生产者认为应当召回的，应当立即召回。由于食品经营者的原因造成其经营的食品有前款规定情形的，食品经营者应当召回。

Upon discovery of foods traded in falling under the circumstance specified in the preceding paragraph, food traders shall immediately cease trading, notify the relevant food producers, traders and consumers thereof, and keep records of the cessation and notification status. Where the food manufacturer deems that recall of the foodstuffs is necessary, a recall shall be made forthwith. Where a food business operator is responsible for causing the foodstuffs in its business operation to fall under the description in the preceding paragraph, the food business operator shall recall the foodstuffs.

食品生产经营者应当对召回的食品采取无害化处理、销毁等措施，防止其再次流入市场。但是，对因标签、标志或者说明书不符合食品安全标准而被召回的食品，食品生产者在采取补救措施且能保证食品安全的情况下可以继续销售；销售时应当向消费者明示补救措施。

Food producers and traders shall take measures on the recalled foods, such as harmless disposal or destruction, to prevent them from entering into the market again. However, in the case of a recall due to the label's, logo's or instructions' non-compliance of food safety standards, the food manufacturer may continue to sell the foodstuffs if it adopts remedial measures and is able to ensure food safety; the remedial measures shall be shown clearly to consumers at the time of sale.

食品生产经营者应当将食品召回和处理情况向所在地县级人民政府食品安全监督管理部门报告；需要对召回的食品进行无害化处理、销毁的，应当提前报告时间、地点。食品安全监督管理部门认为必要的，可以实施现场监督。

Food manufacturers and business operators shall report information on recall and handling of foodstuffs to the food safety supervision and administration department of the county People's Government at the locality; where it is necessary to carry out innocuous treatment and destruction of recalled foodstuffs, the time and venue shall be reported beforehand. Where the food safety supervision and administration authorities deem necessary, onsite supervision may be implemented.

食品生产经营者未依照本条规定召回或者停止经营的，县级以上人民政府食品安全监督管理部门可以责令其召回或者停止经营。

Food manufacturers and business operators which failed to recall foodstuffs or cease business operation pursuant to the provisions of this Article may be ordered by the food safety supervision and administration department of the People's Governments of county level and above to recall foodstuffs or cease business operation.

第六十四条   食用农产品批发市场应当配备检验设备和检验人员或者委托符合本法规定的食品检验机构，对进入该批发市场销售的食用农产品进行抽样检验；发现不符合食品安全标准的，应当要求销售者立即停止销售，并向食品安全监督管理部门报告。

Article 64 Wholesale markets of edible agricultural products shall be equipped with inspection equipment and employ inspectors or entrust a food inspection organisation which complies with the provisions of this Law to conduct random sampling inspection of edible agricultural products sold in the wholesale market. Upon discovery of edible agricultural products which do not comply with food safety standards, the seller shall be required to stop selling the products immediately, and a report shall be made to the food safety supervision and administration authorities.

第六十五条   食用农产品销售者应当建立食用农产品进货查验记录制度，如实记录食用农产品的名称、数量、进货日期以及供货者名称、地址、联系方式等内容，并保存相关凭证。记录和凭证保存期限不得少于六个月。

Article 65 Sellers of edible agricultural products shall establish an inspection recording system for purchased edible agricultural products to faithfully record the name, quantity and date of purchase of edible agricultural products, as well as the name, address and contact details of the supplier etc, and retain the relevant documentation. Such records and vouchers shall be kept for at least six months.

第六十六条   进入市场销售的食用农产品在包装、保鲜、贮存、运输中使用保鲜剂、防腐剂等食品添加剂和包装材料等食品相关产品，应当符合食品安全国家标准。

Article 66 Food additives such as anti-stalling agents, preservatives etc used in the packaging, preservation, storage and transportation of edible agricultural products sold in the market and food- related products such as packaging materials etc shall comply with food safety standards of the State.

第三节 标签、说明书和广告

Section 3 Label, Instructions and Advertising

第六十七条   预包装食品的包装上应当有标签。标签应当标明下列事项：

Article 67 The packaging of pre-packed foodstuffs shall be labelled. The label shall indicate the following items:

（一）名称、规格、净含量、生产日期；

1. name, specification, net weight, and production date;

（二）成分或者配料表；

(II) a list of ingredients;

（三）生产者的名称、地址、联系方式；

(III) the name, address and contact information of the producer;

（四）保质期；

(IV) quality guarantee period;

（五）产品标准代号；

(V) product standard code;

（六）贮存条件；

(VI) storage conditions;

（七）所使用的食品添加剂在国家标准中的通用名称；

(VII) generic names of food additives used under the national standards;

（八）生产许可证编号；

(VIII) the serial number of the production license;

（九）法律、法规或者食品安全标准规定应当标明的其他事项。

(IX) other items that are required by laws, regulations and food safety standards.

专供婴幼儿和其他特定人群的主辅食品，其标签还应当标明主要营养成分及其含量。

The labels of staple and supplementary food exclusively for infants, young children and other specific groups shall also indicate the main nutritional components and their contents.

食品安全国家标准对标签标注事项另有规定的，从其规定。

Where the national standards for food safety have other provisions on label matters, such provisions shall prevail.

第六十八条   食品经营者销售散装食品，应当在散装食品的容器、外包装上标明食品的名称、生产日期或者生产批号、保质期以及生产经营者名称、地址、联系方式等内容。

Article 68 Food traders shall, with regard to bulk sales of food, label the name, production date or batch number, best before date, name, address and contact information of producer and trader and other contents on the container or the outer packaging thereof.

第六十九条   生产经营转基因食品应当按照规定显著标示。

Article 69 Manufacturers and business operators of genetically modified foodstuffs shall include prominent labels pursuant to the provisions.

第七十条   食品添加剂应当有标签、说明书和包装。标签、说明书应当载明本法第六十七条第一款第一项至第六项、第八项、第九项规定的事项，以及食品添加剂的使用范围、用量、使用方法，并在标签上载明“食品添加剂”字样。

Article 70 Food additives shall have labels, instructions and packaging. The label and instructions shall state the matters stipulated in item (1) to item (6), item (8) and item (9) of the first paragraph of Article 67 of this Law, and the scope of use, dosage and method of use of food additives, and the wording "food additives" shall be stated on the label.

第七十一条   食品和食品添加剂的标签、说明书，不得含有虚假内容，不得涉及疾病预防、治疗功能。生产经营者对其提供的标签、说明书的内容负责。

Article 71 The label and instructions of foodstuffs and food additives shall not contain false contents, or claim to have disease prevention and treatment function. The producer and operator shall be responsible for the contents of labels and instructions provided by them.

食品和食品添加剂的标签、说明书应当清楚、明显，生产日期、保质期等事项应当显著标注，容易辨识。

The labels and instructions for foodstuffs and food additives shall be clear and prominent, and information such as date of manufacture and shelf life shall be labelled prominently and easily identified.

食品和食品添加剂与其标签、说明书的内容不符的，不得上市销售。

Food and food additives that do not conform to the contents stated on their labels and descriptions shall not be sold in the market.

第七十二条   食品经营者应当按照食品标签标示的警示标志、警示说明或者注意事项的要求销售食品。

Article 72 Food business operators shall sell foodstuffs in accordance with the requirements of the warning sign, warning note or highlighted matters stated on the foodstuffs' label.

第七十三条   食品广告的内容应当真实合法，不得含有虚假内容，不得涉及疾病预防、治疗功能。食品生产经营者对食品广告内容的真实性、合法性负责。

Article 73 The contents of food advertisements shall be true and legitimate, shall not contain false contents and shall not mention disease prevention or treatment functions. Food producers and traders shall be responsible for the authenticity and legitimacy of the contents of food advertisements.

县级以上人民政府食品安全监督管理部门和其他有关部门以及食品检验机构、食品行业协会不得以广告或者其他形式向消费者推荐食品。消费者组织不得以收取费用或者其他牟取利益的方式向消费者推荐食品。

The food safety supervision and administration department of the People's Governments of county level and above and other relevant authorities, as well as food inspection organisations and food industry associations, shall not recommend foodstuffs to consumers through advertisements or any other form. Consumer organisations shall not recommend foodstuffs to consumers by way of collecting fees or seeking other gains.

第四节 特殊食品

Section 4 Special food

第七十四条   国家对保健食品、特殊医学用途配方食品和婴幼儿配方食品等特殊食品实行严格监督管理。

Article 74 The State implements strict supervision and administration over health foods, formula foods for special medical purposes, infant formula foods and other special foods.

第七十五条   保健食品声称保健功能，应当具有科学依据，不得对人体产生急性、亚急性或者慢性危害。

Article 75 Health function asserted by health food shall be based on scientific basis, and shall not cause acute, sub-acute or chronic harm to human health.

保健食品原料目录和允许保健食品声称的保健功能目录，由国务院食品安全监督管理部门会同国务院卫生行政部门、国家中医药管理部门制定、调整并公布。

The list of raw materials for health food and the health function alleged by health food allowed shall be formulated, adjusted and announced by the food safety supervision and administration department of the State Council jointly with the health administration department and traditional Chinese medicine administration department of the State Council.

保健食品原料目录应当包括原料名称、用量及其对应的功效；列入保健食品原料目录的原料只能用于保健食品生产，不得用于其他食品生产。

The list of health food ingredients shall include description and dosage of ingredients and the corresponding efficacy; the ingredients included in the list of health food ingredients shall only be used for manufacturing of health food, and shall not be used for manufacturing of other foodstuffs.

第七十六条   使用保健食品原料目录以外原料的保健食品和首次进口的保健食品应当经国务院食品安全监督管理部门注册。但是，首次进口的保健食品中属于补充维生素、矿物质等营养物质的，应当报国务院食品安全监督管理部门备案。其他保健食品应当报省、自治区、直辖市人民政府食品安全监督管理部门备案。

Article 76 Health food using ingredients other than those included in the list of Health food ingredients and first-time imported Health food shall be registered with the food safety supervision and administration department of the State Council. However, where the health foods imported for the first time are used to supplement vitamins, minerals and other nutrients, such foods shall be reported to the food safety supervision and administration department under the State Council for filing. Other health food shall be filed with the food safety supervision and administration department of the People's Governments of provinces, autonomous regions and centrally-administered municipalities.

进口的保健食品应当是出口国（地区）主管部门准许上市销售的产品。

Imported health food shall be products allowed by the authorities of the exporting country (region) to be sold.

第七十七条   依法应当注册的保健食品，注册时应当提交保健食品的研发报告、产品配方、生产工艺、安全性和保健功能评价、标签、说明书等材料及样品，并提供相关证明文件。国务院食品安全监督管理部门经组织技术审评，对符合安全和功能声称要求的，准予注册；对不符合要求的，不予注册并书面说明理由。对使用保健食品原料目录以外原料的保健食品作出准予注册决定的，应当及时将该原料纳入保健食品原料目录。

Article 77 For health food required to be registered pursuant to the law, the research and development report, product formula, manufacturing process, safety and health function evaluation, label, instructions etc of the health food shall be submitted at the time of registration, and the relevant proof documents shall be provided. The food safety supervision and administration department of the State Council shall, upon technical review, grant registration for applications which satisfy the requirements of safety and function assertion; where an application does not satisfy the requirements, registration shall not be granted and the reason shall be stated in writing. In the event of a decision to grant registration for health food other than those included in the list of health food ingredients, the said ingredients shall be promptly included in the list of health food ingredients.

依法应当备案的保健食品，备案时应当提交产品配方、生产工艺、标签、说明书以及表明产品安全性和保健功能的材料。

For health food required to be filed pursuant to the law, the product formula, manufacturing process, label, instructions and materials stating the product's safety and health function shall be submitted at the time of filing.

第七十八条   保健食品的标签、说明书不得涉及疾病预防、治疗功能，内容应当真实，与注册或者备案的内容相一致，载明适宜人群、不适宜人群、功效成分或者标志性成分及其含量等，并声明“本品不能代替药物”。保健食品的功能和成分应当与标签、说明书相一致。

Article 78 The labels and instructions of health food shall not mention disease prevention and treatment functions, the contents shall be true and consistent with the contents registered or filed, the specific suitable and unsuitable population, functional ingredients or symbolic ingredients and their contents etc shall be stated, and the statement "this product does not replace medicine" shall be included. The functions and ingredients of the health food shall be consistent with the contents of the labels and instructions.

第七十九条   保健食品广告除应当符合本法第七十三条第一款的规定外，还应当声明“本品不能代替药物”；其内容应当经生产企业所在地省、自治区、直辖市人民政府食品安全监督管理部门审查批准，取得保健食品广告批准文件。省、自治区、直辖市人民政府食品安全监督管理部门应当公布并及时更新已经批准的保健食品广告目录以及批准的广告内容。

Article 79 Health food advertisements shall, in addition to complying with the provisions of the first paragraph of Article 73 of this Law, state that "this product does not serve as a substitute for medicine"; the contents shall be examined and approved by the food safety supervision and administration department of the People's Government of the province, autonomous region or centrally-administered municipality where the manufacturing enterprise is located, and shall obtain an approval document for health food advertisement. The food safety supervision and administration authorities of the People's Governments of provinces, autonomous regions and centrally-administered municipalities shall announce and promptly update the list of approved health food advertisements and the approved advertisement contents.

第八十条   特殊医学用途配方食品应当经国务院食品安全监督管理部门注册。注册时，应当提交产品配方、生产工艺、标签、说明书以及表明产品安全性、营养充足性和特殊医学用途临床效果的材料。

Article 80 The Food shall be registered with the food safety supervision and administration department under the State Council. The product formula, manufacturing process, label, instructions and materials stating the product's safety, nutritional adequacy and clinical results of special medical purposes shall be submitted at the time of registration.

特殊医学用途配方食品广告适用《中华人民共和国广告法》和其他法律、行政法规关于药品广告管理的规定。

The provisions of the Advertising Law of the People's Republic of China and other laws and administrative regulations on administration of drug advertisements shall apply to advertisements for special formula foodstuffs for special medical purposes.

第八十一条   婴幼儿配方食品生产企业应当实施从原料进厂到成品出厂的全过程质量控制，对出厂的婴幼儿配方食品实施逐批检验，保证食品安全。

Article 81 Infant formula manufacturing enterprises shall implement whole-process quality control from purchase of ingredients to ex-factory; and implement batch inspection for ex-factory infant formula to ensure food safety.

生产婴幼儿配方食品使用的生鲜乳、辅料等食品原料、食品添加剂等，应当符合法律、行政法规的规定和食品安全国家标准，保证婴幼儿生长发育所需的营养成分。

Food ingredients and food additives such as raw fresh milk and auxiliary ingredients used for manufacturing of infant formula shall comply with the provisions of laws and administrative regulations and food safety standards of the State to ensure necessary nutrients for infant growth and development.

婴幼儿配方食品生产企业应当将食品原料、食品添加剂、产品配方及标签等事项向省、自治区、直辖市人民政府食品安全监督管理部门备案。

Infant formula manufacturing enterprises shall file food ingredients, food additives, product formula and label etc with the food safety supervision and administration department of the People's Government of the province, autonomous region or centrally-administered municipality.

婴幼儿配方乳粉的产品配方应当经国务院食品安全监督管理部门注册。注册时，应当提交配方研发报告和其他表明配方科学性、安全性的材料。

The product formula of infant formula milk powder shall be registered with the food safety supervision and administration department of the State Council. In registering, formula research and development report and other materials indicating the scientificity and safety of the formula shall be submitted.

不得以分装方式生产婴幼儿配方乳粉，同一企业不得用同一配方生产不同品牌的婴幼儿配方乳粉。

Manufacturing of infant formula milk powder shall not adopt separate packaging method, and an enterprise shall not use the same formula to manufacture different brands of infant formula milk powder.

第八十二条   保健食品、特殊医学用途配方食品、婴幼儿配方乳粉的注册人或者备案人应当对其提交材料的真实性负责。

Article 82 Persons applying for registration or filing of health food, special formula foodstuffs for special medical purposes, and infant formula milk powder shall be responsible for the veracity of the materials submitted by them.

省级以上人民政府食品安全监督管理部门应当及时公布注册或者备案的保健食品、特殊医学用途配方食品、婴幼儿配方乳粉目录，并对注册或者备案中获知的企业商业秘密予以保密。

The food safety supervision and administration department of the People's Governments of provincial level and above shall promptly announce the list of registered or filed health food, special formula foodstuffs for special medical purposes, and infant formula milk powder, and keep confidentiality of commercial secrets which have come into their knowledge during the registration or filing process.

保健食品、特殊医学用途配方食品、婴幼儿配方乳粉生产企业应当按照注册或者备案的产品配方、生产工艺等技术要求组织生产。

Health food, special formula foodstuffs for special medical purposes, and infant formula milk powder manufacturing enterprises shall organise manufacturing pursuant to registered or filed technical requirements such as product formula and manufacturing process.

第八十三条   生产保健食品，特殊医学用途配方食品、婴幼儿配方食品和其他专供特定人群的主辅食品的企业，应当按照良好生产规范的要求建立与所生产食品相适应的生产质量管理体系，定期对该体系的运行情况进行自查，保证其有效运行，并向所在地县级人民政府食品安全监督管理部门提交自查报告。

Article 83 Enterprises manufacturing health food, special formula foodstuffs for special medical purposes, infant formula and staple and supplementary food specifically for other specific population groups shall establish a manufacturing quality management system corresponding to the foodstuffs they manufacture pursuant to the requirements of good manufacturing practice, conduct self-inspection of the system's operation on a regular basis, ensure effective operation of the system, and submit self-inspection reports to the food safety supervision and administration department of the county People's Government at the locality.

第五章 食品检验

Chapter 5 Food Inspection

第八十四条   食品检验机构按照国家有关认证认可的规定取得资质认定后，方可从事食品检验活动。但是，法律另有规定的除外。

Article 84 Food inspection organisations may engage in food inspection activities only upon obtaining accreditation pursuant to the relevant accreditation provisions of the State. Unless otherwise provided by laws.

食品检验机构的资质认定条件和检验规范，由国务院食品安全监督管理部门规定。

Accreditation requirements and inspection practices for food inspection agencies shall be formulated by the food safety supervision and administration department under the State Council.

符合本法规定的食品检验机构出具的检验报告具有同等效力。

Inspection reports issued by food inspection organisations which comply with the provisions of this Law shall have equal validity.

县级以上人民政府应当整合食品检验资源，实现资源共享。

People's Governments of county level and above shall consolidate food inspection resources to materialise sharing of resources.

第八十五条   食品检验由食品检验机构指定的检验人独立进行。

Article 85 Food inspection shall be conducted independently by inspectors designated by the food inspection agencies.

检验人应当依照有关法律、法规的规定，并按照食品安全标准和检验规范对食品进行检验，尊重科学，恪守职业道德，保证出具的检验数据和结论客观、公正，不得出具虚假检验报告。

Inspectors shall carry out food inspection pursuant to the provisions of the relevant laws and regulations and in accordance with food safety standards and inspection norms, respect science, uphold professional ethics, and ensure that the inspection data and conclusion issued are objective and equitable, and shall not issue false inspection reports.

第八十六条   食品检验实行食品检验机构与检验人负责制。食品检验报告应当加盖食品检验机构公章，并有检验人的签名或者盖章。食品检验机构和检验人对出具的食品检验报告负责。

Article 86 Food inspection organisations and inspectors shall be accountable for food inspection. Food inspection reports shall be affixed with the official seal of the food inspection organisation, and signed or sealed by the inspector. Food inspection agencies and inspectors shall be responsible for food inspection reports issued.

第八十七条   县级以上人民政府食品安全监督管理部门应当对食品进行定期或者不定期的抽样检验，并依据有关规定公布检验结果，不得免检。进行抽样检验，应当购买抽取的样品，委托符合本法规定的食品检验机构进行检验，并支付相关费用；不得向食品生产经营者收取检验费和其他费用。

Article 87 The food safety supervision and administration department of the People's Governments of county level and above shall conduct random sampling inspection of foodstuffs on a regular or ad hoc basis, and announce inspection findings pursuant to the relevant provisions, and shall not exempt inspection. Samples shall be purchased for random sampling inspection, and a food inspection organisation which complies with the provisions of this Law shall be entrusted to carry out inspection, and the relevant fees shall be paid; no inspection fee and other fees shall be collected from food manufacturers and business operators.

第八十八条   对依照本法规定实施的检验结论有异议的，食品生产经营者可以自收到检验结论之日起七个工作日内向实施抽样检验的食品安全监督管理部门或者其上一级食品安全监督管理部门提出复检申请，由受理复检申请的食品安全监督管理部门在公布的复检机构名录中随机确定复检机构进行复检。复检机构出具的复检结论为最终检验结论。复检机构与初检机构不得为同一机构。复检机构名录由国务院认证认可监督管理、食品安全监督管理、卫生行政、农业行政等部门共同公布。

Article 88 Food manufacturers and business operators who disagree with the conclusion of an inspection carried out pursuant to the provisions of this Law may apply to the food safety supervision and administration department which conducts the random sampling inspection or the higher-level food safety supervision and administration department for re-inspection within seven working days from receipt of the conclusion of inspection, and the food safety supervision and administration department which accepts the application for re-inspection shall randomly select a re-inspection organisation from the list of re-inspection organisations to carry out the re-inspection. The re-inspection conclusion issued by the re-inspection agency is the final inspection conclusion. The re-inspection organisation shall not be the organisation which carries out the preliminary inspection. The list of re-inspection organisations shall be jointly announced by the accreditation supervision and administration, food safety supervision and administration, health administration, agricultural administration authorities, etc of the State Council.

采用国家规定的快速检测方法对食用农产品进行抽查检测，被抽查人对检测结果有异议的，可以自收到检测结果时起四小时内申请复检。复检不得采用快速检测方法。

Random sampling inspection of edible agricultural products shall adopt the rapid inspection method stipulated by the State; a party being inspected who disagrees with the inspection results may apply for re-inspection within four hours from receipt of the inspection results. Re-inspection shall not adopt the rapid inspection method.

第八十九条   食品生产企业可以自行对所生产的食品进行检验，也可以委托符合本法规定的食品检验机构进行检验。

Article 89 Food manufacturing enterprises may conduct inspection of foodstuffs manufactured by them, or entrust a food inspection organisation which complies with the provisions of this Law to carry out inspection.

食品行业协会和消费者协会等组织、消费者需要委托食品检验机构对食品进行检验的，应当委托符合本法规定的食品检验机构进行。

Food industry associations, consumer associations etc shall entrust a food inspection organisation which complies with the provisions of this Law when the consumers require an entrusted food inspection organisation to carry out food inspection.

第九十条   食品添加剂的检验，适用本法有关食品检验的规定。

Article 90 The provisions of this Law on food inspection shall apply to inspection of food additives.

第六章 食品进出口

Chapter 6 Import and Export of Food

第九十一条   国家出入境检验检疫部门对进出口食品安全实施监督管理。

Article 91 The national entry-exit inspection and quarantine department exercises supervision and administration over the safety of imported and exported food.

第九十二条   进口的食品、食品添加剂、食品相关产品应当符合我国食品安全国家标准。

Article 92 Imported foodstuffs, food additives and food- related products shall comply with food safety standards of the State.

进口的食品、食品添加剂应当经出入境检验检疫机构依照进出口商品检验相关法律、行政法规的规定检验合格。

Imported foodstuffs and food additives shall pass inspection conducted by inbound and outbound inspection and quarantine agencies pursuant to the provisions of the relevant laws and administrative regulations on inspection of imports and exports.

进口的食品、食品添加剂应当按照国家出入境检验检疫部门的要求随附合格证明材料。

Imported foodstuffs and food additives shall be attached with proof of compliance pursuant to the requirements of the inbound and outbound inspection and quarantine authorities of the State.

第九十三条   进口尚无食品安全国家标准的食品，由境外出口商、境外生产企业或者其委托的进口商向国务院卫生行政部门提交所执行的相关国家（地区）标准或者国际标准。国务院卫生行政部门对相关标准进行审查，认为符合食品安全要求的，决定暂予适用，并及时制定相应的食品安全国家标准。进口利用新的食品原料生产的食品或者进口食品添加剂新品种、食品相关产品新品种，依照本法第三十七条的规定办理。

Article 93 In the case of imported foodstuffs for which the food safety standards of the State do not apply, the overseas exporter, overseas manufacturing enterprise or the entrusted importer shall submit the applicable standards of the relevant country (region) or the international standards to the health administration authorities of the State Council. The health administration authorities of the State Council shall examine the relevant standards and decide to apply the standards temporarily if they are deemed to satisfy food safety requirements, and shall promptly formulate the corresponding food safety standards of the State. Importation of foodstuffs manufactured using new food ingredients or importation of new types of food additives or new types of food- related products shall be handled pursuant to the provisions of Article 37 of this Law.

出入境检验检疫机构按照国务院卫生行政部门的要求，对前款规定的食品、食品添加剂、食品相关产品进行检验。检验结果应当公开。

Entry-exit inspection and quarantine institutions shall, according to the requirements of the health administrative department under the State Council, conduct the inspection on food, food additives, and food- related products specified in the preceding paragraph. Inspection results shall be made public.

第九十四条   境外出口商、境外生产企业应当保证向我国出口的食品、食品添加剂、食品相关产品符合本法以及我国其他有关法律、行政法规的规定和食品安全国家标准的要求，并对标签、说明书的内容负责。

Article 94 Overseas exporters and overseas manufacturing enterprises shall ensure that foodstuffs, food additives and food- related products exported to the State comply with the provisions of this Law and other relevant laws, administrative regulations and the requirements of food safety standards of the State, and shall be responsible for the contents of the labels and instructions.

进口商应当建立境外出口商、境外生产企业审核制度，重点审核前款规定的内容；审核不合格的，不得进口。

Importers shall establish a review system for overseas exporters and overseas manufacturing enterprises, and focus on review of the contents stipulated in the preceding paragraph; no importation shall be allowed if they are found to be unqualified in the review.

发现进口食品不符合我国食品安全国家标准或者有证据证明可能危害人体健康的，进口商应当立即停止进口，并依照本法第六十三条的规定召回。

Upon discovery of imported foodstuffs which do not comply with food safety standards of the State or where there is evidence to prove that the imported foodstuffs may endanger human health, the importer shall forthwith cease importation and recall the imported foodstuffs pursuant to the provisions of Article 63 of this Law.

第九十五条   境外发生的食品安全事件可能对我国境内造成影响，或者在进口食品、食品添加剂、食品相关产品中发现严重食品安全问题的，国家出入境检验检疫部门应当及时采取风险预警或者控制措施，并向国务院食品安全监督管理、卫生行政、农业行政部门通报。接到通报的部门应当及时采取相应措施。

Article 95 Where a food safety incident occurred overseas may have an impact in China, or upon discovery of a serious food safety issue in imported foodstuffs, food additives and food- related products, the inbound and outbound inspection and quarantine authorities of the State shall promptly adopt risk warning or control measures, and notify the food safety supervision and administration department, health administration department and agricultural administration department of the State Council. The relevant departments shall take corresponding measures promptly upon notification.

县级以上人民政府食品安全监督管理部门对国内市场上销售的进口食品、食品添加剂实施监督管理。发现存在严重食品安全问题的，国务院食品安全监督管理部门应当及时向国家出入境检验检疫部门通报。国家出入境检验检疫部门应当及时采取相应措施。

The food safety supervision and administration department of the People's Governments of county level and above shall implement supervision and administration of imported foodstuffs and food additives sold on the domestic market. Upon discovery of a serious food safety issue, the food safety supervision and administration department of the State Council shall promptly notify the inbound and outbound inspection and quarantine authorities of the State. The national entry-exit inspection and quarantine department shall take corresponding measures in a timely manner.

第九十六条   向我国境内出口食品的境外出口商或者代理商、进口食品的进口商应当向国家出入境检验检疫部门备案。向我国境内出口食品的境外食品生产企业应当经国家出入境检验检疫部门注册。已经注册的境外食品生产企业提供虚假材料，或者因其自身的原因致使进口食品发生重大食品安全事故的，国家出入境检验检疫部门应当撤销注册并公告。

Article 96 Foreign exporters or agents that export food to our country and importers that import food shall file a record with the national entry-exit inspection and quarantine department. Overseas food manufacturing enterprises exporting foodstuffs to our country shall be registered with the inbound and outbound inspection and quarantine authorities of the State. The inbound and outbound inspection and quarantine authorities of the State shall revoke registration of registered overseas food manufacturing enterprises guilty of providing false materials or causing a serious food safety incident due to their own reason, and make an announcement.

国家出入境检验检疫部门应当定期公布已经备案的境外出口商、代理商、进口商和已经注册的境外食品生产企业名单。

The inbound and outbound inspection and quarantine authorities of the State shall announce the list of filed overseas exporters, agents and importers and registered overseas food manufacturing enterprises on a regular basis.

第九十七条   进口的预包装食品、食品添加剂应当有中文标签；依法应当有说明书的，还应当有中文说明书。标签、说明书应当符合本法以及我国其他有关法律、行政法规的规定和食品安全国家标准的要求，并载明食品的原产地以及境内代理商的名称、地址、联系方式。预包装食品没有中文标签、中文说明书或者标签、说明书不符合本条规定的，不得进口。

Article 97 Imported packaged food and food additives shall have labels in Chinese; if they shall have instructions in accordance with the law, they shall also have instructions in Chinese. The labels and instructions shall comply with the provisions of this Law and other relevant laws and administrative regulations of the State and the requirements of food safety standards of the State, and state the place of origin of the foodstuffs and the name, address and contact details of the domestic agent. Pre-packed foodstuffs which do not carry Chinese labels and instructions or which do not comply with the provisions of this Article shall not be imported.

第九十八条   进口商应当建立食品、食品添加剂进口和销售记录制度，如实记录食品、食品添加剂的名称、规格、数量、生产日期、生产或者进口批号、保质期、境外出口商和购货者名称、地址及联系方式、交货日期等内容，并保存相关凭证。记录和凭证保存期限应当符合本法第五十条第二款的规定。

Article 98 Importers shall establish an import and sales record system for food and food additives to faithfully record the names, specifications, quantities, production dates, production or import batch numbers, best before dates, names, addresses and contact information of foreign exporters and purchasers, dates of delivery and other contents related to the food and food additives, and keep the relevant vouchers. The retention period of records and documentation shall comply with the provisions of the second paragraph of Article 50 of this Law.

第九十九条   出口食品生产企业应当保证其出口食品符合进口国（地区）的标准或者合同要求。

Article 99 Manufacturing enterprises of exported foodstuffs shall ensure that their exported foodstuffs comply with the standards of the importing country (region) or contractual requirements.

出口食品生产企业和出口食品原料种植、养殖场应当向国家出入境检验检疫部门备案。

Production enterprises of exported food and plantations and breeding farms of exported raw materials for food shall file a record with the national entry-exit inspection and quarantine department.

第一百条   国家出入境检验检疫部门应当收集、汇总下列进出口食品安全信息，并及时通报相关部门、机构和企业：

Article 100 The national entry-exit inspection and quarantine department shall collect and summarize food safety information on imported and exported food and notify relevant departments, institutions and enterprises thereof on a timely basis:

（一）出入境检验检疫机构对进出口食品实施检验检疫发现的食品安全信息；

1. the food safety information found in the inspection and quarantine conducted by the entry-exit inspection and quarantine institutions over imported and exported food;

（二）食品行业协会和消费者协会等组织、消费者反映的进口食品安全信息；

(II) the imported food safety information reflected by food industry associations, consumer associations and other organizations and consumers;

（三）国际组织、境外政府机构发布的风险预警信息及其他食品安全信息，以及境外食品行业协会等组织、消费者反映的食品安全信息；

(III) risk warning information and other food safety information released by international organizations and overseas government agencies, as well as food safety information reflected by overseas food industry associations and other organizations and consumers; and

（四）其他食品安全信息。

(IV) other food safety information.

国家出入境检验检疫部门应当对进出口食品的进口商、出口商和出口食品生产企业实施信用管理，建立信用记录，并依法向社会公布。对有不良记录的进口商、出口商和出口食品生产企业，应当加强对其进出口食品的检验检疫。

The inbound and outbound inspection and quarantine authorities of the State shall implement creditworthiness administration for importers and exporters of imported and exported foodstuffs and food manufacturing enterprises exporting their products, establish creditworthiness records, and announce to the public pursuant to the law. For importers, exporters and production enterprises of exported food with bad records, the said department shall strengthen the inspection and quarantine over the food imported and exported thereby.

第一百零一条   国家出入境检验检疫部门可以对向我国境内出口食品的国家（地区）的食品安全管理体系和食品安全状况进行评估和审查，并根据评估和审查结果，确定相应检验检疫要求。

Article 101 The inbound and outbound inspection and quarantine authorities of the State may evaluate and examine the food safety administration system and food safety conditions of countries (regions) exporting foodstuffs to our country, and determine the corresponding inspection and quarantine requirements based on the evaluation and examination findings.

第七章 食品安全事故处置

Chapter 7 Handling of Food Safety Incidents

第一百零二条   国务院组织制定国家食品安全事故应急预案。

Article 102 The State Council shall organise the formulation of a national emergency plan for food safety incidents.

县级以上地方人民政府应当根据有关法律、法规的规定和上级人民政府的食品安全事故应急预案以及本行政区域的实际情况，制定本行政区域的食品安全事故应急预案，并报上一级人民政府备案。

Local People's Governments of county level and above shall formulate emergency plans for food safety incidents in their administrative region pursuant to the provisions of the relevant laws and regulations and the emergency plans for food safety incidents formulated by the higher-level People's Governments, taking into account the actual conditions of their administrative region, and file their emergency plans with the higher-level People's Government for record.

食品安全事故应急预案应当对食品安全事故分级、事故处置组织指挥体系与职责、预防预警机制、处置程序、应急保障措施等作出规定。

Contingency plans for food safety incidents shall stipulate on grading of food safety incidents, command system and duties of the incident handling organisation, prevention and early warning mechanisms, handling procedures, emergency safeguard measures etc.

食品生产经营企业应当制定食品安全事故处置方案，定期检查本企业各项食品安全防范措施的落实情况，及时消除事故隐患。

Food manufacturing enterprises and food business enterprises shall formulate action plans for food safety incidents, inspect the status of implementation of all their food safety precautionary measures on a regular basis, and promptly eliminate hazards.

第一百零三条   发生食品安全事故的单位应当立即采取措施，防止事故扩大。事故单位和接收病人进行治疗的单位应当及时向事故发生地县级人民政府食品安全监督管理、卫生行政部门报告。

Article 103 On the occurrence of a food safety incident, the enterprise concerned shall take immediate measures to prevent the spread of such incident. The organisation and the organisation receiving patients for treatment shall promptly report to the food safety supervision and administration department and the health administration department of the county People's Government at the place of occurrence of the accident.

县级以上人民政府农业行政等部门在日常监督管理中发现食品安全事故或者接到事故举报，应当立即向同级食品安全监督管理部门通报。

Upon discovery of a food safety incident in the course of day-to-day supervision and administration or upon receipt of a report of an incident, the agricultural administration etc of the People's Governments of county level and above shall forthwith notify the food safety supervision and administration authorities of counterpart level.

发生食品安全事故，接到报告的县级人民政府食品安全监督管理部门应当按照应急预案的规定向本级人民政府和上级人民政府食品安全监督管理部门报告。县级人民政府和上级人民政府食品安全监督管理部门应当按照应急预案的规定上报。

When a food safety incident occurs, the food safety supervision and administration department of the county People's Government which receives the report shall report to the People's Government of counterpart level and the food safety supervision and administration department of the higher-level People's Government pursuant to the provisions of the contingency plan. The food safety supervision and administration department of the county People's Government and the higher-level People's Government shall report to the higher-level authorities pursuant to the provisions of the contingency plan.

任何单位和个人不得对食品安全事故隐瞒、谎报、缓报，不得隐匿、伪造、毁灭有关证据。

No organisation or individual shall conceal, make false report or delay reporting of a food safety incident, or conceal, forge or destroy the relevant evidence.

第一百零四条   医疗机构发现其接收的病人属于食源性疾病病人或者疑似病人的，应当按照规定及时将相关信息向所在地县级人民政府卫生行政部门报告。县级人民政府卫生行政部门认为与食品安全有关的，应当及时通报同级食品安全监督管理部门。

Article 104 Where a medical institution discovers or suspects that its patient (s) is/are suffering from a foodborne disease, it shall promptly report the relevant information to the health administration authorities of the county People's Government at the locality pursuant to the provisions. Where the health administration authorities of the county People's Government deem that the case relates to food safety, it shall promptly notify the food safety supervision and administration authorities of counterpart level.

县级以上人民政府卫生行政部门在调查处理传染病或者其他突发公共卫生事件中发现与食品安全相关的信息，应当及时通报同级食品安全监督管理部门。

Where the health administration authorities of People's Governments of county level and above discover food safety-related information in the course of investigation and handling of a contagious disease or a public health emergency, it shall promptly notify the food safety supervision and administration authorities of counterpart level.

第一百零五条   县级以上人民政府食品安全监督管理部门接到食品安全事故的报告后，应当立即会同同级卫生行政、农业行政等部门进行调查处理，并采取下列措施，防止或者减轻社会危害：

Article 105 The food safety supervision and administration department of the People's Governments of county level and above shall, upon receipt of a report of food safety incident, forthwith carry out investigation and take action jointly with the health administration department and agricultural administration department of counterpart level, and adopt the following measures to prevent or mitigate social harm:

（一）开展应急救援工作，组织救治因食品安全事故导致人身伤害的人员；

1. carry out emergency rescue and organize the rescue and treatment of personnel who suffer personal injuries in food safety incidents;

（二）封存可能导致食品安全事故的食品及其原料，并立即进行检验；对确认属于被污染的食品及其原料，责令食品生产经营者依照本法第六十三条的规定召回或者停止经营；

2. seize the food and raw materials thereof that may have caused the food safety incident and immediately carry out inspection; such departments shall order the food producer or trader to recall or cease trading in contaminated food and raw materials thereof upon the confirmation in accordance with Article 63 of the Law;

（三）封存被污染的食品相关产品，并责令进行清洗消毒；

(III) seize the contaminated food- related products and order their cleaning and disinfection; and

（四）做好信息发布工作，依法对食品安全事故及其处理情况进行发布，并对可能产生的危害加以解释、说明。

(IV) Do a good job in information release, release the food safety incidents and the handling thereof in accordance with the law, and explain and illustrate the possible hazards.

发生食品安全事故需要启动应急预案的，县级以上人民政府应当立即成立事故处置指挥机构，启动应急预案，依照前款和应急预案的规定进行处置。

When a food safety incident occurs and the emergency plan needs to be activated, the people's governments at the county level or above shall immediately establish a command center for incident disposal, activate an emergency plan and handle the incident in accordance with the provisions of the preceding paragraph and the emergency plan.

发生食品安全事故，县级以上疾病预防控制机构应当对事故现场进行卫生处理，并对与事故有关的因素开展流行病学调查，有关部门应当予以协助。县级以上疾病预防控制机构应当向同级食品安全监督管理、卫生行政部门提交流行病学调查报告。

In the event of a food safety incident, the disease prevention and control agencies of county level and above shall conduct sanitisation of the incident site, and conduct epidemiological investigation on factors relating to the incident, and the relevant authorities shall render assistance. The disease prevention and control agency of county level and above shall submit an epidemiological investigation report to the food safety supervision and administration authorities and health administration authorities of counterpart level.

第一百零六条   发生食品安全事故，设区的市级以上人民政府食品安全监督管理部门应当立即会同有关部门进行事故责任调查，督促有关部门履行职责，向本级人民政府和上一级人民政府食品安全监督管理部门提出事故责任调查处理报告。

Article 106 When a food safety incident occurs, the food safety supervision and administration department of the People's Government of the municipality divided into districts and above shall, jointly with the relevant departments, forthwith investigate into the incident liability, supervise the relevant departments to perform their duties, and submit an investigation into the incident liability report to the People's Government of counterpart level and the food safety supervision and administration department of the higher-level People's Government.

涉及两个以上省、自治区、直辖市的重大食品安全事故由国务院食品安全监督管理部门依照前款规定组织事故责任调查。

For a serious food safety incident involving two or more provinces, autonomous regions or centrally-administered municipalities, the food safety supervision and administration department of the State Council shall organise investigation of incident liability pursuant to the provisions of the preceding paragraph.

第一百零七条   调查食品安全事故，应当坚持实事求是、尊重科学的原则，及时、准确查清事故性质和原因，认定事故责任，提出整改措施。

Article 107 Investigation of food safety incidents shall adhere to the principles of pragmatism and respect for science, investigate the nature and reason for the incident promptly and accurately, determine accident liability, and propose rectification measures.

调查食品安全事故，除了查明事故单位的责任，还应当查明有关监督管理部门、食品检验机构、认证机构及其工作人员的责任。

In the investigation of a food safety incident, in addition to determination of the liability of the organisation in which the incident occurs, the liability of the relevant supervision and administration authorities, food inspection organisations, accreditation authorities and their personnel shall also be determined.

第一百零八条   食品安全事故调查部门有权向有关单位和个人了解与事故有关的情况，并要求提供相关资料和样品。有关单位和个人应当予以配合，按照要求提供相关资料和样品，不得拒绝。

Article 108 The authorities investigating into a food safety incident shall have the right to find out the relevant information from the relevant organisations and individuals, and require them to provide the relevant materials and samples. The relevant organisations and individuals shall cooperate and provide the relevant materials and samples in accordance with the requirements, and shall not refuse.

任何单位和个人不得阻挠、干涉食品安全事故的调查处理。

No organisation or individual shall hinder or interfere with the investigation and handling of a food safety incident.

第八章 监督管理

Chapter 8 Supervision and Administration

第一百零九条   县级以上人民政府食品安全监督管理部门根据食品安全风险监测、风险评估结果和食品安全状况等，确定监督管理的重点、方式和频次，实施风险分级管理。

Article 109 The food safety supervision and administration department of the People's Governments of county level and above shall, based on food safety risk monitoring, risk assessment findings and food safety status etc, determine the priority, method and frequency for supervision and administration, and implement administration of risks by grade.

县级以上地方人民政府组织本级食品安全监督管理、农业行政等部门制定本行政区域的食品安全年度监督管理计划，向社会公布并组织实施。

People's Governments of county level and above shall organise their food safety supervision and administration department, agricultural administration department etc to formulate the annual supervision and administration plan for food safety of their administrative region, announce to the public and organise implementation of the plan.

食品安全年度监督管理计划应当将下列事项作为监督管理的重点：

The annual supervision and administration plan for food safety shall take the following matters as the key points of supervision and administration:

（一）专供婴幼儿和其他特定人群的主辅食品；

1. staple foods and supplementary foods exclusively for infants and other designated groups;

（二）保健食品生产过程中的添加行为和按照注册或者备案的技术要求组织生产的情况，保健食品标签、说明书以及宣传材料中有关功能宣传的情况；

(II) the behavior of adding in the process of health food production and the information on the organization and production according to the technical requirements registered or filed as well as the publicity of functions in labels, descriptions and publicity materials of health food;

（三）发生食品安全事故风险较高的食品生产经营者；

3. food manufacturers and traders with higher risks of food safety incidents; and

（四）食品安全风险监测结果表明可能存在食品安全隐患的事项。

(IV) matters that may have potential food safety hazards as indicated in the food safety risk monitoring results.

第一百一十条   县级以上人民政府食品安全监督管理部门履行食品安全监督管理职责，有权采取下列措施，对生产经营者遵守本法的情况进行监督检查：

Article 110 The food safety supervision and administration department of the People's Governments of county level and above performing food safety supervision and administration duties shall have the right to adopt the following measures to carry out supervision and inspection of compliance by food manufacturers and business operators with this Law:

（一）进入生产经营场所实施现场检查；

1. entering production and operating sites for field inspection;

（二）对生产经营的食品、食品添加剂、食品相关产品进行抽样检验；

(II) conducting sampling inspection of food produced or traded, food additives and food- related products;

（三）查阅、复制有关合同、票据、账簿以及其他有关资料；

(III) consulting and copying relevant contracts, notes, account books and other relevant materials; and

（四）查封、扣押有证据证明不符合食品安全标准或者有证据证明存在安全隐患以及用于违法生产经营的食品、食品添加剂、食品相关产品；

(IV) seize and detain food, food additives and food- related products that are proved to be non-conforming to the food safety standards, have potential safety hazards or be used in illegal production and trading; and

（五）查封违法从事生产经营活动的场所。

(V) seal up the places where illegal production and operation activities are conducted.

第一百一十一条   对食品安全风险评估结果证明食品存在安全隐患，需要制定、修订食品安全标准的，在制定、修订食品安全标准前，国务院卫生行政部门应当及时会同国务院有关部门规定食品中有害物质的临时限量值和临时检验方法，作为生产经营和监督管理的依据。

Article 111 Where the food safety risk assessment findings prove that there are safety hazards in the foodstuffs and there is a need to formulate and revise food safety standards, prior to formulation and revision of food safety standards, the health administration department of the State Council shall, jointly with the relevant departments of the State Council, promptly stipulate the provisional restriction of quantity and provisional inspection method for harmful substances in foodstuffs, to serve as the basis for manufacturing and business operation and supervision and administration.

第一百一十二条   县级以上人民政府食品安全监督管理部门在食品安全监督管理工作中可以采用国家规定的快速检测方法对食品进行抽查检测。

Article 112 The food safety supervision and administration department of the People's Governments of county level and above may, in the food safety supervision and administration work, adopt quick detection methods stipulated by the State to conduct random sampling inspection of foodstuffs.

对抽查检测结果表明可能不符合食品安全标准的食品，应当依照本法第八十七条的规定进行检验。抽查检测结果确定有关食品不符合食品安全标准的，可以作为行政处罚的依据。

Where the random sampling inspection findings show that the foodstuffs may not comply with food safety standards, inspection shall be carried out pursuant to the provisions of Article 87 of this Law. Where the random sampling inspection findings confirm that the relevant foodstuffs do not comply with food safety standards, the findings may serve as the basis for administrative punishment.

第一百一十三条   县级以上人民政府食品安全监督管理部门应当建立食品生产经营者食品安全信用档案，记录许可颁发、日常监督检查结果、违法行为查处等情况，依法向社会公布并实时更新；对有不良信用记录的食品生产经营者增加监督检查频次，对违法行为情节严重的食品生产经营者，可以通报投资主管部门、证券监督管理机构和有关的金融机构。

Article 113 The food safety supervision and administration department of the People's Governments of county level and above shall establish food safety integrity files for food manufacturers and business operators, record information such as issuance of permits, day-to-day supervision and inspection findings, investigation and punishment of illegal acts, announce to the public pursuant to the law, and update the records real-time; food manufacturers and business operators with poor integrity records shall be subject to increased supervision and inspection frequency, and the investment administration authorities, securities regulatory authorities and the relevant financial institutions shall be notified of food manufacturers and business operators who have committed serious illegal acts.

第一百一十四条   食品生产经营过程中存在食品安全隐患，未及时采取措施消除的，县级以上人民政府食品安全监督管理部门可以对食品生产经营者的法定代表人或者主要负责人进行责任约谈。食品生产经营者应当立即采取措施，进行整改，消除隐患。责任约谈情况和整改情况应当纳入食品生产经营者食品安全信用档案。

Article 114 Where a food manufacturer or business operator does not promptly adopt measures to eliminate food safety hazards in its food manufacturing or food business operation, the food safety supervision and administration department of the People's Governments of county level and above may schedule an accountability interview with the legal representative or key person (s) -in-charge of the food manufacturer or business operator. Food producers and traders shall take immediate measures to make rectification and eliminate hidden dangers. The accountability interview and rectification information shall be included in the food safety integrity file of the food manufacturer or business operator.

第一百一十五条   县级以上人民政府食品安全监督管理等部门应当公布本部门的电子邮件地址或者电话，接受咨询、投诉、举报。接到咨询、投诉、举报，对属于本部门职责的，应当受理并在法定期限内及时答复、核实、处理；对不属于本部门职责的，应当移交有权处理的部门并书面通知咨询、投诉、举报人。有权处理的部门应当在法定期限内及时处理，不得推诿。对查证属实的举报，给予举报人奖励。

Article 115 The food safety supervision and administration department etc of the People's Governments of county level and above shall announce their email address or telephone number to accept enquiries, complaints and reports. Upon receipt of a consultation, complaint or report which falls under the department's duties, the consultation, complaint or report shall be accepted, and the department shall promptly reply, verify and handle the consultation, complaint or report within the statutory period; where the consultation, complaint or report does not fall under the department's duties, the case shall be forwarded to the relevant authorities for handling, and the person who lodges the consultation, complaint or report shall be notified in writing. The authorities which have the authority to handle the case shall promptly handle the case within the statutory period and shall not shirk responsibilities. If a report is verified to be true, the reporter shall be rewarded.

有关部门应当对举报人的信息予以保密，保护举报人的合法权益。举报人举报所在企业的，该企业不得以解除、变更劳动合同或者其他方式对举报人进行打击报复。

The relevant authorities shall keep confidentiality of the information of whistleblowers, and protect the legitimate rights and interests of whistleblowers. Where an informant reports his/her employer, the enterprise shall not retaliate against the informant by rescission, change of labour contract or via any other method.

第一百一十六条   县级以上人民政府食品安全监督管理等部门应当加强对执法人员食品安全法律、法规、标准和专业知识与执法能力等的培训，并组织考核。不具备相应知识和能力的，不得从事食品安全执法工作。

Article 116 The food safety supervision and administration department etc of the People's Governments of county level and above shall strengthen training for enforcement personnel for food safety laws, regulations, standards and professional knowledge, enforcement capability etc, and organise examinations. Persons who do not possess the corresponding knowledge and capability shall not engage in food safety law enforcement work.

食品生产经营者、食品行业协会、消费者协会等发现食品安全执法人员在执法过程中有违反法律、法规规定的行为以及不规范执法行为的，可以向本级或者上级人民政府食品安全监督管理等部门或者监察机关投诉、举报。接到投诉、举报的部门或者机关应当进行核实，并将经核实的情况向食品安全执法人员所在部门通报；涉嫌违法违纪的，按照本法和有关规定处理。

Food manufacturers and business operators, food industry associations, consumer associations etc may lodge a complaint or report any violation of laws, regulations and irregularity in enforcement by food safety enforcement personnel in the enforcement process to the food safety supervision and administration department of the People's Government or the higher-level People's Government or the surveillance authorities. The departments or organs receiving the complaints or reports shall verify the situation and inform the department to which the food safety law enforcement officer belongs of the information verified; if the said officer is suspected of being involved in the violation of laws and regulations, such matter shall be handled in accordance with the Law and relevant provisions.

第一百一十七条   县级以上人民政府食品安全监督管理等部门未及时发现食品安全系统性风险，未及时消除监督管理区域内的食品安全隐患的，本级人民政府可以对其主要负责人进行责任约谈。

Article 117 Where the food safety supervision and administration department etc of the People's Governments of county level and above failed to promptly discover food safety systemic risks or failed to promptly eliminate food safety hazards within their supervision and administration region, the People's Government may arrange an accountability interview with the key person (s) -in-charge of the department.

地方人民政府未履行食品安全职责，未及时消除区域性重大食品安全隐患的，上级人民政府可以对其主要负责人进行责任约谈。

Where a local People's Government does not perform food safety duties and failed to promptly eliminate serious regional food safety hazards, the higher-level People's Government may arrange an accountability interview with the key person (s) -in-charge of the local People's Government.

被约谈的食品安全监督管理等部门、地方人民政府应当立即采取措施，对食品安全监督管理工作进行整改。

The food safety supervision and administration authorities etc and the local People's Government which have undergone an interview shall forthwith adopt measures to rectify food safety supervision and administration.

责任约谈情况和整改情况应当纳入地方人民政府和有关部门食品安全监督管理工作评议、考核记录。

The accountability interview and rectification information shall be included in the food safety supervision and administration assessment and appraisal records of the local People's Government and the relevant authorities.

第一百一十八条   国家建立统一的食品安全信息平台，实行食品安全信息统一公布制度。国家食品安全总体情况、食品安全风险警示信息、重大食品安全事故及其调查处理信息和国务院确定需要统一公布的其他信息由国务院食品安全监督管理部门统一公布。食品安全风险警示信息和重大食品安全事故及其调查处理信息的影响限于特定区域的，也可以由有关省、自治区、直辖市人民政府食品安全监督管理部门公布。未经授权不得发布上述信息。

Article 118 The State shall establish a unified food safety information platform, and implement a unified announcement system for food safety information. Overall food safety information of the State, food safety risk warning information, information on serious food safety incidents and investigation and handling thereof and any other information to be announced on a unified basis as determined by the State Council shall be announced by the food safety supervision and administration department of the State Council on a unified basis. Where the impact of food safety risk warning information and information on serious food safety incidents and investigation and handling thereof is limited to a specific region, announcement may be made by the relevant food safety supervision and administration department of the People's Government of province, autonomous region or centrally-administered municipality. No such information shall be released without authorization.

县级以上人民政府食品安全监督管理、农业行政部门依据各自职责公布食品安全日常监督管理信息。

The food safety supervision and administration department and the agricultural administration department of the People's Governments of county level and above shall announce day-to-day food safety supervision and administration information in accordance with their respective duties.

公布食品安全信息，应当做到准确、及时，并进行必要的解释说明，避免误导消费者和社会舆论。

Announcement of food safety information shall be accurate and timely, and the necessary explanation shall be provided to avoid misleading consumers and the public.

第一百一十九条   县级以上地方人民政府食品安全监督管理、卫生行政、农业行政部门获知本法规定需要统一公布的信息，应当向上级主管部门报告，由上级主管部门立即报告国务院食品安全监督管理部门；必要时，可以直接向国务院食品安全监督管理部门报告。

Article 119 Upon receipt of information which is required to be announced on a unified basis pursuant to the provisions of this Law, the food safety supervision and administration, health administration, and agricultural administration authorities of the local People's Governments of county level and above shall report to their higher-level authorities, and the higher-level authorities shall forthwith report to the food safety supervision and administration department of the State Council; where necessary, the report may be made directly to the food safety supervision and administration department of the State Council.

县级以上人民政府食品安全监督管理、卫生行政、农业行政部门应当相互通报获知的食品安全信息。

The food safety supervision and administration department, health administration department and agricultural administration department of the People's Governments of county level and above shall exchange food safety information obtained.

第一百二十条   任何单位和个人不得编造、散布虚假食品安全信息。

Article 120 No organisation or individual shall fabricate or disseminate false food safety information.

县级以上人民政府食品安全监督管理部门发现可能误导消费者和社会舆论的食品安全信息，应当立即组织有关部门、专业机构、相关食品生产经营者等进行核实、分析，并及时公布结果。

The food safety supervision and administration department of the People's Governments of county level and above shall, upon discovery of food safety information which may mislead consumers and the public, forthwith organise the relevant authorities, professional organisations, the relevant food manufacturers and business operators etc to conduct verification and analysis, and promptly announce the outcome.

第一百二十一条   县级以上人民政府食品安全监督管理等部门发现涉嫌食品安全犯罪的，应当按照有关规定及时将案件移送公安机关。对移送的案件，公安机关应当及时审查；认为有犯罪事实需要追究刑事责任的，应当立案侦查。

Article 121 Upon discovery of an alleged food safety crime, the food safety supervision and administration department etc of the People's Governments of county level and above shall promptly forward the case to the public security authorities pursuant to the relevant provisions. The public security organ shall timely examine the case transferred; and shall put the case on file for investigation if it believes that there are criminal facts and the criminal liability shall be investigated.

公安机关在食品安全犯罪案件侦查过程中认为没有犯罪事实，或者犯罪事实显著轻微，不需要追究刑事责任，但依法应当追究行政责任的，应当及时将案件移送食品安全监督管理等部门和监察机关，有关部门应当依法处理。

Where the public security authorities conclude during investigation of a food safety criminal case that there is no criminal fact or that the criminal fact is evidently minor and there is no need to pursue criminal liability but there is a need to pursue administrative liability pursuant to the law, the case shall be promptly forwarded to the food safety supervision and administration authorities etc and the surveillance authorities, and the relevant authorities shall handle the case pursuant to the law.

公安机关商请食品安全监督管理、生态环境等部门提供检验结论、认定意见以及对涉案物品进行无害化处理等协助的，有关部门应当及时提供，予以协助。

Where the public security authorities consult the food safety supervision and administration authorities, the ecological environment authorities etc and request for assistance such as provision of inspection conclusion or opinion, as well as conducting innocuous treatment of the items involved in the case etc, the relevant authorities shall promptly provide assistance.

第九章 法律责任

Chapter 9 Legal Liabilities

第一百二十二条   违反本法规定，未取得食品生产经营许可从事食品生产经营活动，或者未取得食品添加剂生产许可从事食品添加剂生产活动的，由县级以上人民政府食品安全监督管理部门没收违法所得和违法生产经营的食品、食品添加剂以及用于违法生产经营的工具、设备、原料等物品；违法生产经营的食品、食品添加剂货值金额不足一万元的，并处五万元以上十万元以下罚款；货值金额一万元以上的，并处货值金额十倍以上二十倍以下罚款。

Article 122 For persons who violate the provisions of this Law in engaging in food manufacturing and food business operations without obtaining a food manufacturing and food business operations permit or engaging in manufacturing of food additives without obtaining a food additives manufacturing permit, the food safety supervision and administration department of the People's Governments of county level and above shall confiscate the illegal income and foodstuffs and food additives from the illegal manufacturing or business operations, tools, equipment, raw materials etc used in the illegal manufacturing or business operations; where the value of the foodstuffs or food additives from the illegal manufacturing or business operations is less than RMB10,000, a fine ranging from RMB50,000 to RMB100,000 shall be imposed; where the value of the foodstuffs or food additives is RMB10,000 or more, a fine ranging from 10 to 20 times the value of the foodstuffs or food additives shall be imposed.

明知从事前款规定的违法行为，仍为其提供生产经营场所或者其他条件的，由县级以上人民政府食品安全监督管理部门责令停止违法行为，没收违法所得，并处五万元以上十万元以下罚款；使消费者的合法权益受到损害的，应当与食品、食品添加剂生产经营者承担连带责任。

Persons who provide manufacturing or business premises or any other facilitation when they are aware that the food manufacturer or business operator is committing an illegal act stipulated in the preceding paragraph shall be ordered by the food safety supervision and administration department of the People's Governments of county level and above to stop the illegal act, the illegal income shall be confiscated and a fine ranging from RMB50,000 to RMB100,000 shall be imposed; where the illegal act harms the legitimate rights and interests of consumers, such persons shall bear joint and several liability with the food manufacturer or business operator of foodstuffs and/or food additives.

第一百二十三条   违反本法规定，有下列情形之一，尚不构成犯罪的，由县级以上人民政府食品安全监督管理部门没收违法所得和违法生产经营的食品，并可以没收用于违法生产经营的工具、设备、原料等物品；违法生产经营的食品货值金额不足一万元的，并处十万元以上十五万元以下罚款；货值金额一万元以上的，并处货值金额十五倍以上三十倍以下罚款；情节严重的，吊销许可证，并可以由公安机关对其直接负责的主管人员和其他直接责任人员处五日以上十五日以下拘留：

Article 123 For violations of the provisions of this Law under any of the following circumstances which does not constitute a criminal offence, the food safety supervision and administration department of the People's Governments of county level and above shall confiscate the illegal income and foodstuffs from the illegal manufacturing or business activities, and may confiscate tools, equipment, raw materials etc used in the illegal manufacturing or business activities; where the value of the foodstuffs from the illegal manufacturing or business activities is less than RMB10,000, a fine ranging from RMB100,000 to RMB150,000 shall be imposed; where the value of the foodstuffs is RMB10,000 or more, a fine ranging from 15 to 30 times the value of the foodstuffs shall be imposed; in serious cases, the permit shall be revoked, and the public security authorities may detain the directly accountable person (s) -in-charge and other directly accountable personnel for a period of more than five days but less than 15 days:

（一）用非食品原料生产食品、在食品中添加食品添加剂以外的化学物质和其他可能危害人体健康的物质，或者用回收食品作为原料生产食品，或者经营上述食品；

1. the production of food with non- food raw materials, the adding into food of chemical substances other than food additives or other substances hazardous to human health, or the using of recycled food as the raw materials of food, or the trading in the above food;

（二）生产经营营养成分不符合食品安全标准的专供婴幼儿和其他特定人群的主辅食品；

2. the production of or trading in staple foods and supplementary foods exclusively for infants and other designated groups with nutritional ingredients that do not conform to food safety standards;

（三）经营病死、毒死或者死因不明的禽、畜、兽、水产动物肉类，或者生产经营其制品；

(III) the trading in the meat of any poultry, livestock, game or aquatic animals which have died from illness, poisoning or unidentified causes; or production of or trading in products thereof;

（四）经营未按规定进行检疫或者检疫不合格的肉类，或者生产经营未经检验或者检验不合格的肉类制品；

(IV) the trading in meat which has not been quarantined as required or has failed quarantine; or production of or trading in meat products which have not been inspected or have failed inspection;

（五）生产经营国家为防病等特殊需要明令禁止生产经营的食品；

(V) the production of or trading in food expressly banned by the State for special reasons, including disease prevention;

（六）生产经营添加药品的食品。

(VI) the production of or trading in food with drugs added.

明知从事前款规定的违法行为，仍为其提供生产经营场所或者其他条件的，由县级以上人民政府食品安全监督管理部门责令停止违法行为，没收违法所得，并处十万元以上二十万元以下罚款；使消费者的合法权益受到损害的，应当与食品生产经营者承担连带责任。

Persons who provide manufacturing or business premises or any other facilitation when they are aware that the food manufacturer or business operator is committing an illegal act stipulated in the preceding paragraph shall be ordered by the food safety supervision and administration department of the People's Governments of county level and above to stop the illegal act, illegal income shall be confiscated, and a fine ranging from RMB100,000 to RMB200,000 shall be imposed; where the illegal act compromises the legitimate rights and interests of consumers, such persons shall bear joint and several liability with the food manufacturer or business operator.

违法使用剧毒、高毒农药的，除依照有关法律、法规规定给予处罚外，可以由公安机关依照第一款规定给予拘留。

Persons who use hyper toxic or highly toxic pesticides illegally shall, in addition to being punished pursuant to the provisions of the relevant laws and regulations, be detained by the public security authorities pursuant to the provisions of the first paragraph.

第一百二十四条   违反本法规定，有下列情形之一，尚不构成犯罪的，由县级以上人民政府食品安全监督管理部门没收违法所得和违法生产经营的食品、食品添加剂，并可以没收用于违法生产经营的工具、设备、原料等物品；违法生产经营的食品、食品添加剂货值金额不足一万元的，并处五万元以上十万元以下罚款；货值金额一万元以上的，并处货值金额十倍以上二十倍以下罚款；情节严重的，吊销许可证：

Article 124 For violations of the provisions of this Law under any of the following circumstances which does not constitute a criminal offence, the food safety supervision and administration department of the People's Governments of county level and above shall confiscate the illegal income and foodstuffs and food additives from the illegal manufacturing or business activities, and may confiscate tools, equipment, ingredients used in the illegal manufacturing or business activities; where the value of the foodstuffs or food additives from the illegal manufacturing or business activities is less than RMB10,000, a fine ranging from RMB50,000 to RMB100,000 shall be imposed; where the value of the foodstuffs or food additives is RMB10,000 or more, a fine ranging from 10 to 20 times the value of the foodstuffs or food additives shall be imposed; in serious cases, the permit shall be revoked:

（一）生产经营致病性微生物，农药残留、兽药残留、生物毒素、重金属等污染物质以及其他危害人体健康的物质含量超过食品安全标准限量的食品、食品添加剂；

1. the production of or trading in food or food additives with pathogenic micro-organisms, residues of pesticides or veterinary medicines, biotoxin, heavy metals, pollutants and other substances hazardous to human health exceeding the limits set out in food safety standards;

（二）用超过保质期的食品原料、食品添加剂生产食品、食品添加剂，或者经营上述食品、食品添加剂；

(II) the production of food or food additives with raw- food materials or food additives beyond their best before dates or the trading in the above food or food additives;

（三）生产经营超范围、超限量使用食品添加剂的食品；

(III) the production of or trading in the food using food additives beyond the scope and limit;

（四）生产经营腐败变质、油脂酸败、霉变生虫、污秽不洁、混有异物、掺假掺杂或者感官性状异常的食品、食品添加剂；

(IV) the production of or trading in food or food additives that are rotten, rancid, moldy, decayed, unclean, mixed with foreign objects, adulterated, doped or perceived by the senses as being abnormal;

（五）生产经营标注虚假生产日期、保质期或者超过保质期的食品、食品添加剂；

(V) the production of or trading in food or food additives with false production dates and best before dates or exceeding their best before dates;

（六）生产经营未按规定注册的保健食品、特殊医学用途配方食品、婴幼儿配方乳粉，或者未按注册的产品配方、生产工艺等技术要求组织生产；

(VI) the production of or trading in health foods, formula foods for special medical use and infant formula milk powder that are not registered as required or the production is not organized according to the registered product formula, production technology and other technical requirements;

（七）以分装方式生产婴幼儿配方乳粉，或者同一企业以同一配方生产不同品牌的婴幼儿配方乳粉；

(VII) The production of infant formula milk powder by way of sub-packaging, or the same enterprise using the same formula to produce infant formula milk powder of different brands;

（八）利用新的食品原料生产食品，或者生产食品添加剂新品种，未通过安全性评估；

(VIII) the use of new raw- food materials in the production of food, or the production of new food additives that have not passed a safety assessment;

（九）食品生产经营者在食品安全监督管理部门责令其召回或者停止经营后，仍拒不召回或者停止经营。

(IX) the food producer or trader fails to recall or suspend the trading in food after the recall or suspension is ordered by the food safety supervision and administration department.

除前款和本法第一百二十三条、第一百二十五条规定的情形外，生产经营不符合法律、法规或者食品安全标准的食品、食品添加剂的，依照前款规定给予处罚。

Except for circumstances stipulated in the preceding paragraph and Article 123 and Article 125 of this Law, manufacturing and business operations of foodstuffs and food additives which do not comply with laws, regulations or food safety standards shall be punished pursuant to the provisions of the preceding paragraph.

生产食品相关产品新品种，未通过安全性评估，或者生产不符合食品安全标准的食品相关产品的，由县级以上人民政府食品安全监督管理部门依照第一款规定给予处罚。

Persons who manufacture new types of food- related products which do not pass a safety assessment or who manufacture food- related products which do not comply with food safety standards shall be punished by the food safety supervision and administration department of the People's Governments of county level and above pursuant to the provisions of the first paragraph.

第一百二十五条   违反本法规定，有下列情形之一的，由县级以上人民政府食品安全监督管理部门没收违法所得和违法生产经营的食品、食品添加剂，并可以没收用于违法生产经营的工具、设备、原料等物品；违法生产经营的食品、食品添加剂货值金额不足一万元的，并处五千元以上五万元以下罚款；货值金额一万元以上的，并处货值金额五倍以上十倍以下罚款；情节严重的，责令停产停业，直至吊销许可证：

Article 125 For violations of the provisions of this Law under any of the following circumstances, the food safety supervision and administration department of the People's Governments of county level and above shall confiscate the illegal income and foodstuffs and food additives from the illegal manufacturing or business activities, and may at the same time confiscate tools, equipment, ingredients used in the illegal manufacturing or business activities; where the value of the foodstuffs or food additives from the illegal manufacturing or business activities is less than RMB10,000, a fine ranging from RMB5,000 to RMB50,000 shall be imposed at the same time; where the value of the foodstuffs or food additives is RMB10,000 or more, a fine ranging from five to 10 times the value of the foodstuffs or food additives shall be imposed at the same time; in serious cases, the offender shall be ordered to suspend manufacturing or business activities or at worst the permit shall be revoked:

（一）生产经营被包装材料、容器、运输工具等污染的食品、食品添加剂；

1. the production of or trading in food or food additives that are contaminated by packaging materials, containers or means of transport;

（二）生产经营无标签的预包装食品、食品添加剂或者标签、说明书不符合本法规定的食品、食品添加剂；

2. the production of or trading in packaged food or food additives without labels or food or food additives with labels or descriptions not conforming to the provisions of the Law;

（三）生产经营转基因食品未按规定进行标示；

(III) the production of or trading in genetically modified food fails to be marked as required;

（四）食品生产经营者采购或者使用不符合食品安全标准的食品原料、食品添加剂、食品相关产品。

(IV) the purchase or use of raw- food materials, food additives or food- related products which do not conform to food safety standards by food producers or traders.

生产经营的食品、食品添加剂的标签、说明书存在瑕疵但不影响食品安全且不会对消费者造成误导的，由县级以上人民政府食品安全监督管理部门责令改正；拒不改正的，处二千元以下罚款。

Manufacturers and business operators of foodstuffs and food additives with defective labels and instructions which do not affect food safety or mislead consumers shall be ordered by the food safety supervision and administration department of the People's Governments of county level and above to make correction; offenders who refuse to make correction shall be subject to a fine of not more than RMB2,000.

第一百二十六条   违反本法规定，有下列情形之一的，由县级以上人民政府食品安全监督管理部门责令改正，给予警告；拒不改正的，处五千元以上五万元以下罚款；情节严重的，责令停产停业，直至吊销许可证：

Article 126 If anyone, in violation of the provisions of the Law, falls under any of the following circumstances, the food safety supervision and administration department of the people's government at the county level or above shall order him/her to make corrections and give him/her a warning; in case of his/her refusal to make corrections, a fine not less than CNY5,000 but not more than CNY50,000 shall be imposed; in case of a serious circumstance, the production or trading shall be ordered to be suspended or even the license shall be revoked:

（一）食品、食品添加剂生产者未按规定对采购的食品原料和生产的食品、食品添加剂进行检验；

1. the producer of food or food additives fails to conduct the inspection on raw- food materials that are procured or food or food additives that are produced in accordance with the provisions;

（二）食品生产经营企业未按规定建立食品安全管理制度，或者未按规定配备或者培训、考核食品安全管理人员；

2. the food production or trading enterprise fails to establish a food safety management system as required, or fails to assign, train or assess food safety management personnel as required;

（三）食品、食品添加剂生产经营者进货时未查验许可证和相关证明文件，或者未按规定建立并遵守进货查验记录、出厂检验记录和销售记录制度；

(III) the producer or trader of food or food additives fails to inspect the license or relevant certificates for the purchase of food or food additives, or fails to establish and conform to the systems for inspection records for purchase of food or food additives, exit inspection records and sales records in accordance with the relevant provisions;

（四）食品生产经营企业未制定食品安全事故处置方案；

(IV) the food production or trading enterprise fails to formulate the disposal plan for food safety incidents;

（五）餐具、饮具和盛放直接入口食品的容器，使用前未经洗净、消毒或者清洗消毒不合格，或者餐饮服务设施、设备未按规定定期维护、清洗、校验；

(V) tableware, kitchenware and containers for ready-to-eat food are not washed and disinfected before use, or the cleaning or disinfection is unqualified, or catering service facilities and equipment are not regularly maintained, cleaned and calibrated in accordance with the provisions;

（六）食品生产经营者安排未取得健康证明或者患有国务院卫生行政部门规定的有碍食品安全疾病的人员从事接触直接入口食品的工作；

(VI) the food producer or trader arranges the personnel who have not obtained the health certificate or have the diseases provided by the health administrative department under the State Council that may adversely affect food safety to engage in the work relating to ready-to-eat food;

（七）食品经营者未按规定要求销售食品；

(VII) food traders' failure to sell food as required;

（八）保健食品生产企业未按规定向食品安全监督管理部门备案，或者未按备案的产品配方、生产工艺等技术要求组织生产；

(VIII) the production enterprise of health food fails to file with the food safety supervision and administration department as required, or fails to organize the production according to the product formula, production technology and other technical requirements filed;

（九）婴幼儿配方食品生产企业未将食品原料、食品添加剂、产品配方、标签等向食品安全监督管理部门备案；

(IX) the production enterprise of infant formula foods fails to report raw- food materials, food additives, product formula, labels and other matters to the food safety supervision and administration department for filing;

（十）特殊食品生产企业未按规定建立生产质量管理体系并有效运行，或者未定期提交自查报告；

(X) A special food production enterprise fails to establish a production quality management system and operate it effectively as required, or fails to regularly submit a self-inspection report;

（十一）食品生产经营者未定期对食品安全状况进行检查评价，或者生产经营条件发生变化，未按规定处理；

(XI) the food producer or trader fails to conduct the inspection and assessment of food safety conditions on a regular basis, or fails to handle the change of production or trading conditions as required;

（十二）学校、托幼机构、养老机构、建筑工地等集中用餐单位未按规定履行食品安全管理责任；

(XII) the schools, kindergartens, pension institutions, construction sites and other entities with concentrated dining fail to perform the food safety management responsibility as required;

（十三）食品生产企业、餐饮服务提供者未按规定制定、实施生产经营过程控制要求。

(XIII) the food production enterprise and catering service provider fail to formulate and implement the requirements for production and operation process control in accordance with the provisions.

餐具、饮具集中消毒服务单位违反本法规定用水，使用洗涤剂、消毒剂，或者出厂的餐具、饮具未按规定检验合格并随附消毒合格证明，或者未按规定在独立包装上标注相关内容的，由县级以上人民政府卫生行政部门依照前款规定给予处罚。

Where a tableware or kitchenware centralised disinfection service provider violates the provisions of this Law in water consumption or use of detergent, disinfectant, or where the delivered tableware and kitchenware do not pass inspection pursuant to the provisions and are not attached with a disinfection certificate, or where the relevant contents are not stated on independent packaging pursuant to the provisions, the health administration authorities of People's Governments of county level and above shall impose punishment pursuant to the provisions of the preceding paragraph.

食品相关产品生产者未按规定对生产的食品相关产品进行检验的，由县级以上人民政府食品安全监督管理部门依照第一款规定给予处罚。

Manufacturers of food- related products who failed to inspect food- related products manufactured by them pursuant to the provisions shall be punished by the food safety supervision and administration department of the People's Governments of county level and above pursuant to the provisions of the first paragraph.

食用农产品销售者违反本法第六十五条规定的，由县级以上人民政府食品安全监督管理部门依照第一款规定给予处罚。

Sellers of edible agricultural products who violate the provisions of Article 65 of this Law shall be punished by the food safety supervision and administration department of the People's Governments of county level and above pursuant to the provisions of the first paragraph.

第一百二十七条   对食品生产加工小作坊、食品摊贩等的违法行为的处罚，依照省、自治区、直辖市制定的具体管理办法执行。

Article 127 Punishment for small food manufacturing and processing workshops, food hawkers etc who have committed an illegal act shall be implemented pursuant to the detailed administrative measures formulated by the province, autonomous region or centrally-administered municipality.

第一百二十八条   违反本法规定，事故单位在发生食品安全事故后未进行处置、报告的，由有关主管部门按照各自职责分工责令改正，给予警告；隐匿、伪造、毁灭有关证据的，责令停产停业，没收违法所得，并处十万元以上五十万元以下罚款；造成严重后果的，吊销许可证。

Article 128 Organisations which failed to take action for or report a food safety incident shall be ordered by the relevant authorities in charge to make correction based on their respective duties and be subject to a warning; organisations guilty of concealing, forgery and destroying the relevant evidence shall be ordered to cease operation, illegal income shall be confiscated, and a fine ranging from RMB100,000 to RMB500,000 shall be imposed; where the consequences are serious, the permit shall be revoked.

第一百二十九条   违反本法规定，有下列情形之一的，由出入境检验检疫机构依照本法第一百二十四条的规定给予处罚：

Article 129 In case anyone violates the provisions of the Law and is under any of the following circumstances, the entry-exit inspection and quarantine organ shall give it/him punishment in accordance with the provisions of Article 124 of the Law:

（一）提供虚假材料，进口不符合我国食品安全国家标准的食品、食品添加剂、食品相关产品；

1. providing false materials, or importing food, food additives and food- related products that do not meet the national food safety standards of the State;

（二）进口尚无食品安全国家标准的食品，未提交所执行的标准并经国务院卫生行政部门审查，或者进口利用新的食品原料生产的食品或者进口食品添加剂新品种、食品相关产品新品种，未通过安全性评估；

2. importing food without national food safety standards, not submitting the standards implemented for examination by the health administrative department under the State Council, importing food produced by using the new raw- food materials, or importing new food additives or food- related products not passing a safety assessment;

（三）未遵守本法的规定出口食品；

(III) failing to export food in accordance with the provisions of the Law; and

（四）进口商在有关主管部门责令其依照本法规定召回进口的食品后，仍拒不召回。

(IV) the importer fails to recall the food after the receipt of a recall order from the relevant supervisory department in accordance with the provisions of the Law.

违反本法规定，进口商未建立并遵守食品、食品添加剂进口和销售记录制度、境外出口商或者生产企业审核制度的，由出入境检验检疫机构依照本法第一百二十六条的规定给予处罚。

Importers who violate the provisions of this Law in failing to establish and implement a record system for importation and sale of foodstuffs and food additives and a examination and verification system for overseas exporters or manufacturing enterprises shall be punished by the inbound and outbound inspection and quarantine agencies pursuant to the provisions of Article 126 of this Law.

第一百三十条   违反本法规定，集中交易市场的开办者、柜台出租者、展销会的举办者允许未依法取得许可的食品经营者进入市场销售食品，或者未履行检查、报告等义务的，由县级以上人民政府食品安全监督管理部门责令改正，没收违法所得，并处五万元以上二十万元以下罚款；造成严重后果的，责令停业，直至由原发证部门吊销许可证；使消费者的合法权益受到损害的，应当与食品经营者承担连带责任。

Article 130 Organisers of centralised trading markets, lessors of counters and organisers of trade fairs who violate the provisions of this Law in allowing food business operators who have not obtained a permit pursuant to the law to sell foodstuffs at the markets or who fail to perform inspection and reporting obligations etc shall be ordered by the food safety supervision and administration department of the People's Governments of county level and above to make correction, illegal income shall be confiscated and a fine ranging from RMB50,000 to RMB200,000 shall be imposed simultaneously; where there are serious consequences, the offender shall be ordered to cease operation and the issuing authorities of the permit shall revoke the permit; where the legitimate rights and interests of consumers are harmed, the offender shall bear joint and several liability with the food business operator.

食用农产品批发市场违反本法第六十四条规定的，依照前款规定承担责任。

Wholesale markets of edible agricultural products which violate the provisions of Article 64 of this Law shall bear liability pursuant to the provisions of the preceding paragraph.

第一百三十一条   违反本法规定，网络食品交易第三方平台提供者未对入网食品经营者进行实名登记、审查许可证，或者未履行报告、停止提供网络交易平台服务等义务的，由县级以上人民政府食品安全监督管理部门责令改正，没收违法所得，并处五万元以上二十万元以下罚款；造成严重后果的，责令停业，直至由原发证部门吊销许可证；使消费者的合法权益受到损害的，应当与食品经营者承担连带责任。

Article 131 Third party platform providers of online transactions of foodstuffs who violate the provisions of this Law in failing to implement real name registration and examination of permit for participating food business operators, or failing to perform obligations such as reporting, ceasing to provide online trading platform services etc, shall be ordered by the food safety supervision and administration department of the People's Governments of county level and above to make correction, illegal income shall be confiscated, and a fine ranging from RMB50,000 to RMB200,000 shall be imposed at the same time; where the consequences are serious, the offender shall be ordered to cease operation and at worst the permit shall be revoked by the issuing authorities; where the legitimate rights and interests of consumers are harmed, the offender shall bear joint and several liability with the food business operator.

消费者通过网络食品交易第三方平台购买食品，其合法权益受到损害的，可以向入网食品经营者或者食品生产者要求赔偿。网络食品交易第三方平台提供者不能提供入网食品经营者的真实名称、地址和有效联系方式的，由网络食品交易第三方平台提供者赔偿。网络食品交易第三方平台提供者赔偿后，有权向入网食品经营者或者食品生产者追偿。网络食品交易第三方平台提供者作出更有利于消费者承诺的，应当履行其承诺。

Consumers whose legitimate rights and interests are harmed when they purchase foodstuffs through a third party platform for online transactions of foodstuffs may seek compensation from the participating food business operator or food manufacturer. Where the providers of third-party platforms for online food trading fail to provide real names, addresses and valid contact information of food traders, the said providers of third-party platforms for online food trading shall make the compensation. Upon making compensation, the online third party platform provider shall have the right to recover the compensation from the participating food business operator or food manufacturer. Where the providers of third-party platforms for online food trading make commitments more in favor of consumers, they shall fulfill their commitments.

第一百三十二条   违反本法规定，未按要求进行食品贮存、运输和装卸的，由县级以上人民政府食品安全监督管理等部门按照各自职责分工责令改正，给予警告；拒不改正的，责令停产停业，并处一万元以上五万元以下罚款；情节严重的，吊销许可证。

Article 132 Persons who violate the provisions of this Law in failing to carry out storage, transportation, loading and unloading of foodstuffs pursuant to the requirements shall be ordered by the food safety supervision and administration department etc of the People's Governments of county level and above to make correction based on their respective duties and be given a warning; offenders who refuse to make correction shall be ordered to suspend manufacturing or business operation and be subject to a fine ranging from RMB10,000 to RMB50,000; in serious cases, the permit shall be revoked.

第一百三十三条   违反本法规定，拒绝、阻挠、干涉有关部门、机构及其工作人员依法开展食品安全监督检查、事故调查处理、风险监测和风险评估的，由有关主管部门按照各自职责分工责令停产停业，并处二千元以上五万元以下罚款；情节严重的，吊销许可证；构成违反治安管理行为的，由公安机关依法给予治安管理处罚。

Article 133 Persons who violate the provisions of this Law in refusing, hindering and interfering with food safety supervision and inspection, investigation and handling of incident, risk monitoring and risk assessment carried out by the relevant authorities, organisations and personnel pursuant to the law shall be ordered by the relevant authorities in charge according to their respective duties to cease operation, and be subject to a fine ranging from RMB2,000 to RMB50,000; in serious cases, the permit shall be revoked; where the case constitutes a violation of public security administration, the offender shall be subject to public security administration punishment imposed by the public security authorities pursuant to the law.

违反本法规定，对举报人以解除、变更劳动合同或者其他方式打击报复的，应当依照有关法律的规定承担责任。

Offenders who violate the provisions of this Law in retaliating against a complainant by rescission or change of labour contract or by any other means shall be liable pursuant to the provisions of the relevant laws.

第一百三十四条   食品生产经营者在一年内累计三次因违反本法规定受到责令停产停业、吊销许可证以外处罚的，由食品安全监督管理部门责令停产停业，直至吊销许可证。

Article 134 Food manufacturers and business operators who are subject to punishment other than being ordered to suspend manufacturing or business operation or being subject to revocation of permit for violation of the provisions of this Law on three occasions cumulatively within a year shall be ordered by the food safety supervision and administration authorities to suspend manufacturing or business operation or be subject to revocation of permit.

第一百三十五条   被吊销许可证的食品生产经营者及其法定代表人、直接负责的主管人员和其他直接责任人员自处罚决定作出之日起五年内不得申请食品生产经营许可，或者从事食品生产经营管理工作、担任食品生产经营企业食品安全管理人员。

Article 135 Food manufacturers and business operators whose permit is revoked and their legal representative, directly accountable person (s) -in-charge and other directly accountable personnel shall not apply for a food manufacturing and food business operation permit within five years from the date of the punishment decision, or engage in management of food manufacturing and food business operations or be appointed as food safety management personnel of a food manufacturing or food business enterprise.

因食品安全犯罪被判处有期徒刑以上刑罚的，终身不得从事食品生产经营管理工作，也不得担任食品生产经营企业食品安全管理人员。

Whoever has been sentenced to fixed-term imprisonment or above for a food safety crime shall not engage in food production or trading management for life, nor act as a food safety manager in any food production or trading enterprise.

食品生产经营者聘用人员违反前两款规定的，由县级以上人民政府食品安全监督管理部门吊销许可证。

Where food producers and traders employ personnel in violation of the provisions of the preceding two paragraphs, the food safety supervision and administration departments of the people's governments at the county level or above shall revoke licenses.

第一百三十六条   食品经营者履行了本法规定的进货查验等义务，有充分证据证明其不知道所采购的食品不符合食品安全标准，并能如实说明其进货来源的，可以免予处罚，但应当依法没收其不符合食品安全标准的食品；造成人身、财产或者其他损害的，依法承担赔偿责任。

Article 136 Where a food business operator has performed the obligation of inspecting its purchases stipulated by this Law, has adequate evidence to prove that it is not aware that the purchased foodstuffs do not comply with food safety standards, and is able to state the source of the purchases truthfully, it may be exempted from punishment, but the foodstuffs which do not comply with food safety standards shall be confiscated pursuant to the law; where there are personal, property or other damages caused, compensation liability shall be borne pursuant to the law.

第一百三十七条   违反本法规定，承担食品安全风险监测、风险评估工作的技术机构、技术人员提供虚假监测、评估信息的，依法对技术机构直接负责的主管人员和技术人员给予撤职、开除处分；有执业资格的，由授予其资格的主管部门吊销执业证书。

Article 137 Where technical organisations undertaking food safety risk monitoring and risk assessment work and technical personnel violate the provisions of this Law in providing false monitoring and assessment information, the directly accountable person (s) -in-charge of the technical organisation and technical personnel shall be removed from job position or dismissed pursuant to the law; the practising certificate shall be revoked by the issuing authorities in charge.

第一百三十八条   违反本法规定，食品检验机构、食品检验人员出具虚假检验报告的，由授予其资质的主管部门或者机构撤销该食品检验机构的检验资质，没收所收取的检验费用，并处检验费用五倍以上十倍以下罚款，检验费用不足一万元的，并处五万元以上十万元以下罚款；依法对食品检验机构直接负责的主管人员和食品检验人员给予撤职或者开除处分；导致发生重大食品安全事故的，对直接负责的主管人员和食品检验人员给予开除处分。

Article 138 In the case of food inspection organisations, food inspection personnel that violate the provisions of this Law in issuing a false inspection report, the issuing authorities or organisation shall revoke the inspection qualification of the food inspection organisation, confiscate the inspection fees collected by the food inspection organisation, and at the same time impose a fine ranging from five to 10 times the amount of the inspection fees; where the amount of the inspection fees is less than RMB10,000, a fine ranging from RMB50,000 to RMB100,000 shall be imposed; the directly accountable person (s) -in-charge of the food inspection organisation and the food inspection personnel shall be removed from job position; where the violation causes a serious food safety incident, the directly accountable person (s) -in-charge and the food inspection personnel shall be dismissed.

违反本法规定，受到开除处分的食品检验机构人员，自处分决定作出之日起十年内不得从事食品检验工作；因食品安全违法行为受到刑事处罚或者因出具虚假检验报告导致发生重大食品安全事故受到开除处分的食品检验机构人员，终身不得从事食品检验工作。食品检验机构聘用不得从事食品检验工作的人员的，由授予其资质的主管部门或者机构撤销该食品检验机构的检验资质。

Personnel of food inspection organisations who are dismissed for violation of the provisions of this Law shall not engage in food inspection work within 10 years from the date of the punishment decision; personnel of food inspection organisations who are subject to criminal punishment for committing an illegal act pertaining to food safety or are dismissed for causing a serious food safety incident due to issuance of a false inspection report shall be permanently barred from engaging in food inspection work. The inspection qualification of a food inspection organisation which employs a person who is barred from engaging in food inspection work shall be revoked by the authorities in charge or the agency which grant (s) the qualification.

食品检验机构出具虚假检验报告，使消费者的合法权益受到损害的，应当与食品生产经营者承担连带责任。

Food inspection organisations issuing a false inspection report which causes harm to the legitimate rights and interests of consumers shall bear joint and several liability with the food manufacturer or business operator.

第一百三十九条   违反本法规定，认证机构出具虚假认证结论，由认证认可监督管理部门没收所收取的认证费用，并处认证费用五倍以上十倍以下罚款，认证费用不足一万元的，并处五万元以上十万元以下罚款；情节严重的，责令停业，直至撤销认证机构批准文件，并向社会公布；对直接负责的主管人员和负有直接责任的认证人员，撤销其执业资格。

Article 139 In the case of accreditation agencies which violate the provisions of this Law in issuing a false accreditation opinion, the accreditation supervision and administration authorities shall confiscate the accreditation fees collected, and at the same time impose a fine ranging from five to 10 times the amount of the accreditation fees; where the amount of the accreditation fees is less than RMB10,000, a fine ranging from RMB50,000 to RMB100,000 shall be imposed at the same time; in serious cases, the accreditation agency shall be ordered to cease operation, and at worst the approval document for accreditation agency shall be revoked and a public announcement shall be made; the practice qualifications of directly accountable person (s) -in-charge and directly accountable accreditation personnel shall be revoked.

认证机构出具虚假认证结论，使消费者的合法权益受到损害的，应当与食品生产经营者承担连带责任。

Accreditation agencies issuing a false accreditation conclusion which causes harm to the legitimate rights and interests of consumers shall bear joint and several liability with the food manufacturer or business operator.

第一百四十条   违反本法规定，在广告中对食品作虚假宣传，欺骗消费者，或者发布未取得批准文件、广告内容与批准文件不一致的保健食品广告的，依照《中华人民共和国广告法》的规定给予处罚。

Article 140 Persons who violate the provisions of this Law in making false promotion for foodstuffs in advertisements to defraud consumers, or in publishing health food advertisements for which an approval document has not been obtained and the advertisement contents are inconsistent with the approval document, shall be punished pursuant to the provisions of the Advertising Law of the People's Republic of China.

广告经营者、发布者设计、制作、发布虚假食品广告，使消费者的合法权益受到损害的，应当与食品生产经营者承担连带责任。

Where advertising agents and publishers design, produce and publish false food advertisements, damaging the legitimate rights and interests of consumers, they shall bear joint liabilities with food producers and traders.

社会团体或者其他组织、个人在虚假广告或者其他虚假宣传中向消费者推荐食品，使消费者的合法权益受到损害的，应当与食品生产经营者承担连带责任。

Where social groups or other organizations or individuals recommend food to consumers in false advertisements or other false publicity, damaging the legitimate rights and interests of consumers, they shall bear joint liabilities with food producers and traders.

违反本法规定，食品安全监督管理等部门、食品检验机构、食品行业协会以广告或者其他形式向消费者推荐食品，消费者组织以收取费用或者其他牟取利益的方式向消费者推荐食品的，由有关主管部门没收违法所得，依法对直接负责的主管人员和其他直接责任人员给予记大过、降级或者撤职处分；情节严重的，给予开除处分。

Where food safety supervision and administration authorities etc, food inspection organisations and food industry associations violate the provisions of this Law in recommending foodstuffs to consumers through advertisements or any other means, or where consumer organisations violate the provisions of this Law in recommending foodstuffs to consumers through collecting fees or seeking gains, the relevant authorities in charge shall confiscate the illegal income, and the directly accountable person (s) -in-charge and other directly accountable personnel shall be issued serious demerits, demoted or removed from their job position pursuant to the law; in serious cases, they shall be dismissed.

对食品作虚假宣传且情节严重的，由省级以上人民政府食品安全监督管理部门决定暂停销售该食品，并向社会公布；仍然销售该食品的，由县级以上人民政府食品安全监督管理部门没收违法所得和违法销售的食品，并处二万元以上五万元以下罚款。

In the case of false promotion of foodstuffs, where the case is serious, the food safety supervision and administration department of the People's Governments of provincial level and above shall decide to suspend sale of the said foodstuffs and make an announcement; persons who continue to sell the said foodstuffs shall have their illegal income and illegally sold foodstuffs confiscated by the food safety supervision and administration department of the People's Governments of county level and above and be subject to a fine ranging from RMB20,000 to RMB50,000.

第一百四十一条   违反本法规定，编造、散布虚假食品安全信息，构成违反治安管理行为的，由公安机关依法给予治安管理处罚。

Article 141 Persons who violate the provisions of this Law in fabricating and disseminating false food safety information shall be subject to public security administration punishment imposed by the public security authorities pursuant to the law if the violation constitutes a public security administration violation.

媒体编造、散布虚假食品安全信息的，由有关主管部门依法给予处罚，并对直接负责的主管人员和其他直接责任人员给予处分；使公民、法人或者其他组织的合法权益受到损害的，依法承担消除影响、恢复名誉、赔偿损失、赔礼道歉等民事责任。

Media fabricating and disseminating false food safety information shall be punished by the relevant authorities in charge pursuant to the law, and the directly accountable person (s) -in-charge and other directly accountable personnel shall be punished; where the legitimate rights and interests of citizens, legal persons or other organisations are harmed, the media shall bear civil liability such as elimination of impact, reinstatement of reputation, compensation of losses, apology, etc pursuant to the law.

第一百四十二条   违反本法规定，县级以上地方人民政府有下列行为之一的，对直接负责的主管人员和其他直接责任人员给予记大过处分；情节较重的，给予降级或者撤职处分；情节严重的，给予开除处分；造成严重后果的，其主要负责人还应当引咎辞职：

Article 142 Where local people's governments at the county level or above have any of the following acts in violation of the provisions of this Law, then the penalty of serious demerit shall be imposed on directly responsible persons in charge and other persons directly liable; in case of relatively serious circumstances, the penalty of demotion or removal shall be imposed; in case of serious circumstances, the penalty of dismissal shall be imposed; if serious consequences are caused, main persons in charge shall also take the blame and resign:

（一）对发生在本行政区域内的食品安全事故，未及时组织协调有关部门开展有效处置，造成不良影响或者损失；

1. fail to timely organize and coordinate the relevant departments to effectively handle food safety incidents occurring within their respective administrative regions, causing adverse effects or losses;

（二）对本行政区域内涉及多环节的区域性食品安全问题，未及时组织整治，造成不良影响或者损失；

2. fail to timely organize and handle regional food safety problems that involve multiple links in their respective administrative regions, resulting in adverse effects or losses;

（三）隐瞒、谎报、缓报食品安全事故；

(III) conceal, misrepresent, and delay the reporting of food safety incidents; and

（四）本行政区域内发生特别重大食品安全事故，或者连续发生重大食品安全事故。

(IV) there are particularly major food safety incidents in the administrative region, or there are consecutive major food safety incidents.

第一百四十三条   违反本法规定，县级以上地方人民政府有下列行为之一的，对直接负责的主管人员和其他直接责任人员给予警告、记过或者记大过处分；造成严重后果的，给予降级或者撤职处分:

Article 143 Where local people's governments at the county level or above have any of the following acts in violation of the provisions of this Law, then the penalty of warning, demerit or serious demerit shall be imposed on directly responsible persons in charge and other persons directly liable; if serious consequences are caused, then the penalty of demotion or dismissal shall be imposed:

（一）未确定有关部门的食品安全监督管理职责，未建立健全食品安全全程监督管理工作机制和信息共享机制，未落实食品安全监督管理责任制；

1. fail to determine the food safety supervision and administration responsibilities of the relevant departments, fail to establish and improve the whole food safety supervision and administration mechanism and information sharing mechanism or fail to implement food safety supervision and administration responsibility system;

（二）未制定本行政区域的食品安全事故应急预案，或者发生食品安全事故后未按规定立即成立事故处置指挥机构、启动应急预案。

2. fail to formulate an emergency plan for food safety incidents in their respective administrative regions, or fail to immediately set up a command center for incident disposal or activate an emergency plan as required after the occurrence of a food safety incident.

第一百四十四条   违反本法规定，县级以上人民政府食品安全监督管理、卫生行政、农业行政等部门有下列行为之一的，对直接负责的主管人员和其他直接责任人员给予记大过处分；情节较重的，给予降级或者撤职处分；情节严重的，给予开除处分；造成严重后果的，其主要负责人还应当引咎辞职：

Article 144 Where the food safety supervision and administration department, health administration department, agricultural administration department etc of a People's Government of county level and above violates the provisions of this Law in committing any of the following acts, the directly accountable person (s) -in-charge and other directly accountable personnel shall be issued serious demerits; in relatively serious cases, they shall be demoted or removed from job position; in serious cases, they shall be dismissed; where there are serious consequences, the key person (s) -in-charge shall take the blame and resign:

（一）隐瞒、谎报、缓报食品安全事故；

1. conceal, misrepresent, and delay the reporting of food safety incidents;

（二）未按规定查处食品安全事故，或者接到食品安全事故报告未及时处理，造成事故扩大或者蔓延；

(II) fail to investigate and handle food safety incidents in accordance with the provisions, or have received food safety incident reports but fail to timely handle the same, leading to the expansion or spread of the incident; and

（三）经食品安全风险评估得出食品、食品添加剂、食品相关产品不安全结论后，未及时采取相应措施，造成食品安全事故或者不良社会影响；

(III) fail to take appropriate measures in a timely manner after the food safety risk assessment with the conclusion that food, food additives and food- related products are unsafe, resulting in food safety incidents or adverse social impacts; or

（四）对不符合条件的申请人准予许可，或者超越法定职权准予许可；

(IV) Granting a license to an applicant not satisfying the statutory requirements or beyond its authority;

（五）不履行食品安全监督管理职责，导致发生食品安全事故。

(V) fail to perform food safety supervision and administration responsibilities, leading to the occurrence of food safety incidents.

第一百四十五条   违反本法规定，县级以上人民政府食品安全监督管理、卫生行政、农业行政等部门有下列行为之一，造成不良后果的，对直接负责的主管人员和其他直接责任人员给予警告、记过或者记大过处分；情节较重的，给予降级或者撤职处分；情节严重的，给予开除处分：

Article 145 Where food safety supervision and administration authorities, health administration authorities and agricultural administration authorities of People's Governments of county level and above have committed any of the following acts in violation of the provisions of this Law and caused adverse consequences, the directly accountable person (s) -in-charge and other directly accountable personnel shall be subject to a warning, demerit or major demerit; in relatively serious cases, they shall be demoted or removed from job position; in serious cases, they shall be dismissed:

（一）在获知有关食品安全信息后，未按规定向上级主管部门和本级人民政府报告，或者未按规定相互通报；

1. fail to report the relevant food safety information to the competent departments at the higher level and the people's government at the corresponding level as required after being informed, or fail to inform each other as required;

（二）未按规定公布食品安全信息；

(II) fail to publish food safety information as required;

（三）不履行法定职责，对查处食品安全违法行为不配合，或者滥用职权、玩忽职守、徇私舞弊。

(III) fail to perform statutory duties, fail to cooperate with investigation into and handling of food safety violations, or abuse powers and functions, neglect duties and play favoritism and commit irregularities.

第一百四十六条   食品安全监督管理等部门在履行食品安全监督管理职责过程中，违法实施检查、强制等执法措施，给生产经营者造成损失的，应当依法予以赔偿，对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 146 Where the food safety supervision and administration authorities etc implement enforcement measures such as inspection or enforcement against the law in the course of food safety supervision and administration and thus cause a food manufacturer or business operator to suffer losses, compensation shall be made pursuant to the law, and the directly accountable person (s) -in-charge and other directly accountable personnel shall be punished pursuant to the law.

第一百四十七条   违反本法规定，造成人身、财产或者其他损害的，依法承担赔偿责任。生产经营者财产不足以同时承担民事赔偿责任和缴纳罚款、罚金时，先承担民事赔偿责任。

Article 147 Persons who violate the provisions of this Law in causing personal, property or other damages shall bear compensation liability pursuant to the law. Where the assets of a manufacturer or business operator are inadequate for both civil compensation liability and payment of fines and penalties, civil compensation liability shall be borne first.

第一百四十八条   消费者因不符合食品安全标准的食品受到损害的，可以向经营者要求赔偿损失，也可以向生产者要求赔偿损失。接到消费者赔偿要求的生产经营者，应当实行首负责任制，先行赔付，不得推诿；属于生产者责任的，经营者赔偿后有权向生产者追偿；属于经营者责任的，生产者赔偿后有权向经营者追偿。

Article 148 Consumers who suffer damages due to foodstuffs which do not comply with food safety standards may seek compensation of losses from the business operator or the manufacturer. The producer or business operator, upon receipt of the compensation request of a consumer, shall be subject to the first-asking responsibility system, and shall make compensation first without buck-passing; where the manufacturer is liable, the business operator shall have the right to recover the compensation from the manufacturer after making compensation; where the business operator is liable, the manufacturer shall have the right to recover the compensation from the business operator after making compensation.

生产不符合食品安全标准的食品或者经营明知是不符合食品安全标准的食品，消费者除要求赔偿损失外，还可以向生产者或者经营者要求支付价款十倍或者损失三倍的赔偿金；增加赔偿的金额不足一千元的，为一千元。但是，食品的标签、说明书存在不影响食品安全且不会对消费者造成误导的瑕疵的除外。

In the case of manufacturing of foodstuffs which do not comply with food safety standards or business operators who trade in foodstuffs which they are aware to be non-compliant with food safety standards, consumers may, in addition to seeking compensation for losses, require the manufacturer or business operator to pay compensation based on 10 times the purchase price or three times the losses; where the additional compensation amount is less than RMB1,000, it shall be deemed RMB1,000. However, the exception is when the labels and instructions of foodstuffs are defective but do not affect food safety or mislead consumers.

第一百四十九条   违反本法规定，构成犯罪的，依法追究刑事责任。

Article 149 Where a violation of the provisions of this Law constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

第十章 附 则

Chapter 10 Supplementary Provisions

第一百五十条   本法下列用语的含义：

Article 150 Terms used in this Law are defined as follows:

食品，指各种供人食用或者饮用的成品和原料以及按照传统既是食品又是中药材的物品，但是不包括以治疗为目的的物品。

The term "food" refers to any kind of finished products or raw materials for human consumption or drinking, as well as those traditionally used as both food and traditional Chinese medicine.

食品安全，指食品无毒、无害，符合应当有的营养要求，对人体健康不造成任何急性、亚急性或者慢性危害。

Food safety shall mean that foodstuffs are non-toxic and harmless, comply with the requisite nutrient requirements, and do not cause any acute, sub-acute or chronic harm to human health.

预包装食品，指预先定量包装或者制作在包装材料、容器中的食品。

"Prepackaged food" refers to food which is packaged or made in packaging materials or containers in a predetermined quantity.

食品添加剂，指为改善食品品质和色、香、味以及为防腐、保鲜和加工工艺的需要而加入食品中的人工合成或者天然物质，包括营养强化剂。

Food additives shall mean synthetic or natural substances which are added to foodstuffs to improve food quality and colour, flavour and taste, and for preservation and anti-staling purposes and as required in the processing workflow, including nutritional fortifier.

用于食品的包装材料和容器，指包装、盛放食品或者食品添加剂用的纸、竹、木、金属、搪瓷、陶瓷、塑料、橡胶、天然纤维、化学纤维、玻璃等制品和直接接触食品或者食品添加剂的涂料。

Packaging materials and containers for foodstuffs shall mean products made of paper, bamboo, wood, metal, enamel, ceramics, plastic, rubber, natural fibre, chemical fibre, glass, etc, used for packaging or display of foodstuffs or food additives, and coatings which have direct contact with foodstuffs or food additives.

用于食品生产经营的工具、设备，指在食品或者食品添加剂生产、销售、使用过程中直接接触食品或者食品添加剂的机械、管道、传送带、容器、用具、餐具等。

"Tools or equipment used in the food production and trading" refer to machines, pipes, conveyer belts, containers, utensils, tableware and other objects that have direct contact with food or additives during the production, sales and use of food or additives.

用于食品的洗涤剂、消毒剂，指直接用于洗涤或者消毒食品、餐具、饮具以及直接接触食品的工具、设备或者食品包装材料和容器的物质。

"Food detergents and disinfectants" refer to substances that are used directly in the cleaning or sterilization of food, tableware and kitchenware as well as tools or equipment or food packaging materials and containers that have direct contact with food. "

食品保质期，指食品在标明的贮存条件下保持品质的期限。

The term "shelf life" refers to the period during which the quality of food is maintained under the storage conditions indicated.

食源性疾病，指食品中致病因素进入人体引起的感染性、中毒性等疾病，包括食物中毒。

Foodborne diseases refer to infectious and toxic diseases, including food poisoning, which are caused by pathogenic factors entering food.

食品安全事故，指食源性疾病、食品污染等源于食品，对人体健康有危害或者可能有危害的事故。

"Food safety incident" refers to a food originated incident that is or may be harmful to human health, such as food borne diseases and food contamination.

第一百五十一条   转基因食品和食盐的食品安全管理，本法未作规定的，适用其他法律、行政法规的规定。

Article 151 Where this Law does not stipulate on administration of food safety of genetically-modified foodstuffs and common salt, the provisions of other laws and administrative regulations shall apply.

第一百五十二条   铁路、民航运营中食品安全的管理办法由国务院食品安全监督管理部门会同国务院有关部门依照本法制定。

Article 152 Administrative measures on food safety in railway and civil aviation operations shall be formulated by the food safety supervision and administration department of the State Council jointly with the relevant department (s) of the State Council pursuant to this Law.

保健食品的具体管理办法由国务院食品安全监督管理部门依照本法制定。

Detailed administrative measures on health food shall be formulated by the food safety supervision and administration department of the State Council pursuant to this Law.

食品相关产品生产活动的具体管理办法由国务院食品安全监督管理部门依照本法制定。

Detailed administrative measures on manufacturing of food- related products shall be formulated by the food safety supervision and administration department of the State Council pursuant to this Law.

国境口岸食品的监督管理由出入境检验检疫机构依照本法以及有关法律、行政法规的规定实施。

Supervision and administration of foodstuffs at border ports shall be implemented by inbound and outbound inspection and quarantine agencies pursuant to the provisions of this Law and the relevant laws and administrative regulations.

军队专用食品和自供食品的食品安全管理办法由中央军事委员会依照本法制定。

Administrative measures on food safety of dedicated and self-supplied foodstuffs for the army shall be formulated by the Central Military Commission pursuant to this Law.

第一百五十三条   国务院根据实际需要，可以对食品安全监督管理体制作出调整。

Article 153 The State Council may adjust the system for food safety supervision and administration according to the actual needs.

第一百五十四条   本法自2015年10月1日起施行。

Article 154 The Law shall come into force as of October 1, 2015.