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## **Administrative Provisions on Food Labeling**

(AQSIQ Order No. 123)

食品标识管理规定

Issued on: October 22, 2009

### **Order of the General Administration of Quality Supervision, Inspection and Quarantine**

No. 123

The Decision of the General Administration of Quality Supervision, Inspection and Quarantine on Amending the “Administrative Provisions on Food Labeling”, which has been deliberated and adopted at the executive meeting of the General Administration of Quality Supervision, Inspection and Quarantine on August 28, 2009, is hereby issued and shall come into force on the date of issuance.

Director General

October 22, 2009

## **Decision of the General Administration of Quality Supervision, Inspection and Quarantine on Amending the “Administrative Provisions on Food Labeling”**

Under the Food Safety Law of the People's Republic of China and the implementation regulation thereof as well as other relevant provisions, the General Administration of Quality Supervision, Inspection and Quarantine has decided to amend the Administrative Provisions on Food Labeling as follows:

**I.** Article 1 is amended as: “For the purpose of strengthening the supervision over and administration of food labels, regulating food labeling activities, preventing quality-related fraudulence and safeguarding the legitimate rights and interests of enterprises and consumers, these Provisions are formulated in accordance with the Food Safety Law of the People's Republic of China, the Product Quality Law of the People's Republic of China, the Special Provisions of the State Council on Strengthening the Supervision over and Administration of the Security of Food and Other Products, and other laws and regulations.”

**II.** Subparagraph 1 of Article 8 is amended as: “The food label shall label the name, address and contact details of the producer. The name and address of the producer shall be the name and address of the producer who is legally registered and can bear the responsibility for product quality.”

**III.** Subparagraph 1 of Article 9 is amended as: “The food label shall clearly label the date of manufacture and shelf life of the food, and label the storage conditions in accordance with the relevant regulations.”

Subparagraph 2 of Article 9 is amended as: “Drinking wine, vinegar, edible salt, and solid sugar with an alcohol content of 10% or more (including 10%) can be exempted from labeling shelf life.”

**IV.** Subparagraph 1 of Article 10 is amended as: The quantitative packaged food label shall be labeled with a net content and labeled with specifications in accordance with relevant regulations. For foods containing solid and liquid two-phase substances, in addition to the net content, the content of the drain (solids) shall also be labeled.”

**V.** Subparagraph 1 of Article 11 is amended as: “The food label shall label the ingredient or ingredient list of the food.”

Add a subparagraph as Subparagraph 4 of Article 11 as: “The main and auxiliary foods for infants and other specific people shall also be labeled with the main nutrients and contents.”

## Administrative Provisions on Food Labeling

(Order No. 102 of the General Administration of Quality Supervision, Inspection and Quarantine was announced on August 27, 2007. It was amended based on Decision of the General Administration of Quality Supervision, Inspection and Quarantine on Amending the Administrative Provisions on Food Labeling on October 22, 2009)

### Chapter One -- General

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

**Article 2:** These Provisions apply to the labeling and management of foods produced (including sub-packaged) and sold within the territory of the People's Republic of China.

**Article 3:** The food label referred to in these Provisions is a general term for text, symbols, numbers, patterns, and other descriptions that are pasted, printed, labeled on food or on its packaging, used to indicate food name, quality level, quantity of goods, method of consumption or use, producer or seller, etc.

**Article 4:** The General Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as AQSIQ) is responsible for organizing the supervision and management of national food labeling within its scope of authority.

The local quality and technical supervision department at or above the county-level shall be responsible for the supervision and management of food labeling within its administrative area within its scope of authority.

for product quality.

In any of the following cases, the following provisions shall be labelled accordingly:

I. A company or its subsidiaries that independently assume legal responsibility according to law shall label their respective names and addresses.

II. A company branch or a company's production base that cannot legally assume legal responsibility independently shall label the name and address of the company, branch or production base, or the name and address of the company only.

III. If it is entrusted to produce processed food and is not responsible for external sales, it shall label the name and address of the entrusted enterprise. For the food subject to the production license management, if the entrusted enterprise has the food production license entrusted for processing, it shall label the name, address and the name of the entrusted enterprise, or the name and address of the entrusted enterprise only.

IV. The sub-packaged food shall be labelled with the name and address of the dispenser, indicating the word of sub-packaging.

**Article 9:** The food label shall clearly label the date of manufacture and shelf life of the food, and label the storage conditions in accordance with the relevant regulations.

Drinking wine, vinegar, edible salt, and solid sugar with an alcohol content of 10% or more (including 10%) can be exempted from labeling shelf life.

The method of labelling the date shall be in accordance with the national standard or by "year, month and day".

**Article 10** The quantitative packaged food label shall be labeled with a net content and labeled with specifications in accordance with relevant regulations. For foods containing solid and liquid two-phase substances, in addition to the net content, the content of the drain (solids) shall also be indicated.

The net content shall be on the same display page as the food name in the food packaging. The labeling of the net content shall comply with the provisions of the Measures for the Supervision and Administration of Quantitative Packaging Commodities Measurement.

**Article 11** The food label shall label the ingredient or ingredient list of the food.

The ingredients in the ingredient list shall be labeled in descending order of the amount added during the production of processed food. The specific labeling method is implemented in accordance with the provisions of national standards.

- I. that expresses or implies that it has the effect of preventing or treating diseases;
- II. that non-health food expresses or implies health care;
- III. that describes or introduces food in a deceptive or misleading manner;
- IV. that additional product descriptions cannot be substantiated;
- V. that words or patterns do not respect ethnic customs, with discriminatory descriptions;
- VI. that uses national flag, national emblem or renminbi to label;
- VII. that is prohibited by other laws, regulations and standards.

**Article 19** The following food label violations are prohibited:

- I. forgery or false labelling of production date and shelf life;
- II. forgery of food origin, forgery or fraudulent use of the names and addresses of other producers;
- III. forgery, fraudulent use, alteration of production license mark and number;
- IV. other acts prohibited by laws and regulations.

## Chapter Three -- Labeling form for food labelling

**Article 20** Food label must not be separated from food or its packaging.

**Article 21** Food label shall be labeled directly on the food of the smallest unit of sale or on its packaging.

**Article 22** In the packaging of a sales unit, when there are different varieties and multiple individually packaged foods, each individually packaged food label shall be labeled in accordance with these Provisions.

If through the outer packaging of the sales unit, it cannot clearly identify all or part of the mandatory labeling contents of the individually packaged food, it shall be labeled separately on the outer packaging of the sales unit, except that the outer packaging is easy to open and identify. If it can clearly identify all or part of the mandatory labeling contents of each individually packaged food, it may not repeat the corresponding content on the outer packaging.

**Article 23** Food label shall be clearly eye-catching. The background and

**Article 30** In case of violation of Article 17 of these Provisions, if food nutrients, calories and quantitative indications are not labeled as required, they shall be ordered to correct within a time limit. If it fails to correct within the time limit, it shall be fined not more than 5,000 yuan.

**Article 31** In case of violation of Article 18 of these Provisions, if the food label labels prohibited content, it shall be ordered to correct within a time limit. If it fails to correct within the time limit, it shall be fined not more than 10,000 yuan. Violation of relevant laws and regulations shall be dealt with in accordance with relevant laws and regulations.

**Article 32** If the date of production and the expiration date of the food are forged or falsely labeled, it shall be ordered to correct within a time limit, and a fine of not less than 500 yuan but not more than 10,000 yuan shall be imposed. If the circumstances are serious and the consequences are caused, the punishment shall be imposed in accordance with the relevant laws and administrative regulations.

**Article 33** For the forgery of food origin, forgery or fraudulent use of the names and addresses of other producers, penalties shall be imposed in accordance with Article 53 of the Product Quality Law of the People's Republic of China.

**Article 34** In case of violation of Article 20 of these Provisions, if the food label is separated from the food or its packaging, it shall be ordered to make corrections within a time limit and imposed a fine of not more than 5,000 yuan.

**Article 35** In case of violation of Articles 21, subparagraph 2 of Article 22, Article 24, and Article 25 of these Provisions, it shall be ordered to correct within a time limit. If it fails to correct within the time limit, it shall be fined not more than 10,000 yuan.

**Article 36** In case of violation of subparagraph 1 of Article 22 of these Provisions, it shall be punished in accordance with the relevant provisions of this Chapter.

**Article 37** Staff members engaged in the supervision and administration of food labels shall be given administrative sanctions according to laws if they neglect their duties, abuse their powers, or cover indulgences of illegal acts. If constituted a crime, they shall be held criminally responsible.

**Article 38** The administrative penalties prescribed in these Provisions shall be implemented by the local quality and technical supervision departments at or above the county-level within the scope of their functions and powers.

Where laws or administrative regulations provide otherwise for administrative penalties, it shall be in accordance with their provisions.

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