


Bajado por el CEDIL el día 26 de noviembre del 2014, de <http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=L0040001>

Law

Title	Act Governing Food Safety and Sanitation 
Amended Date	2014.02.05
Category	Ministry of Health and Welfare (衛生福利部) Chapter I General Principles
Article 1	This Act is enacted to govern the food sanitation, safety and quality, and protect the health of citizens.
Article 2	For purposes of this Act, the term "competent authority" shall mean the competent health and welfare authority at the central government level, the municipal governments at the municipal level, and the county/city governments at the county/city level.
Article 3	For purposes of this Act, the following terms shall have the meaning set forth below: 1. The term "foods" shall mean goods provided to people for eating, drinking, or chewing, and the raw materials of such goods. 2. The term "special dietary foods" shall mean infant and follow-up formula, formula for certain disease or other formula approved by the central competent authority to be consumed by people with special nutrient requirement. 3. The term "food additives" shall mean a single substance or combination of substances that are added to or brought into contact with foods for the purpose of coloring, seasoning, preserving, bleaching, emulsifying, flavoring, stabilizing quality, enhancing fermentation, increasing viscosity, enriching nutritional value, preventing oxidation or other necessary purpose. Contents of the food additive combinations shall be limited to food additives approved by the central competent authority. The single food additive shall be granted an approval number by the central competent authority. 4. The term "food utensils" shall mean

instruments, tools, or containers that come into direct contact with foods or food additives.

5. The terms "food containers or packaging" shall mean containers and packaging materials that come into direct contact with foods and food additives.

6. The term "food cleansers" shall mean substances used to disinfect or clean foods, food utensils, food containers and food packaging.

7. The term "food businesses" shall mean those businesses that engage in the manufacture, processing, preparation, packaging, transportation, storage, sale, import or export of foods, or engage in the manufacture, processing, import, export or sale of food utensils, food containers or packaging, or food cleansers.

8. The term "labels" shall mean wording, pictures, symbols or additional instruction sheet affixed to foods, food additives, food cleansers, food utensils, food containers or food packaging to indicate the product name or to give explanation.

9. The term "nutrition label" shall mean the nutrients, contents or nutrient claims of the food affixed to food containers or packaging.

10. The term "inspection" shall mean examination and testing.

11. The term "genetic modification" shall mean the transferring of genetic materials or implant of live cells or organisms via genetic engineering, molecular biotechnology, or other related technologies to produce genetic recombination, exogenous genetic characteristics, or to suppress certain genes of the recipient. However, this does not include traditional breeding methods or techniques such as the merging, hybridization, mutation, in-vitro fertilization, somaclonal variation, and chromosome doubling of plants of the same species and protoplasts.

Chapter II Risk Management for Food Safety

The actions taken by the competent authority in the governing of food safety shall base on risk assessment and shall align with satisfying the citizens' right to have healthy and safe food and the right to know, as well

Article 4

as the principles of scientific evidence, precaution, and information transparency. The competent authority shall establish a risk assessment and advisory system.

For the risk assessment mentioned in the preceding paragraph, the central competent authority shall assemble experts and scholars specialized in food safety, toxicology, risk assessment, and etc., as well as non-governmental organizations, to form a food risk assessment advisory committee.

The advisory system in Paragraph 1 shall refer to a council advisory committee comprising of experts and scholars specializing in food safety, nutrition, medicine, toxicology, risk management, agriculture, law, and humanities and social science to facilitate regulation of food sanitation and safety, nutrition, genetically modified foods, food advertising and labeling, and food testing methods.

The regulations governing the formation, proceedings, procedures, scope and other matters to be complied with for such council advisory committee shall be prescribed by the central competent authority.

Whenever necessary, the central competent authority may take the following actions on specified products and products from specified areas on the basis of the risk assessment or the epidemiological survey result when a significant or an unexpected food safety incident occurs:

1. to suspend import, manufacturing and processing of the specified products or products from specified areas, or to conduct control measures and requirements to restrict the import, manufacturing and processing of the specified products or products from specified areas.
2. to withdraw from the market, seal the products, recall within a prescribed time period, recondition within a prescribed time period, confiscate and destroy.

The competent authority at all levels shall establish a food sanitation and safety monitoring system based on scientific evidence. Upon discovery of incidents that may be harmful to food sanitation and safety during monitoring, an alert shall be issued or

other necessary measures shall be implemented.

The issuance of the alert or implementation of necessary measures referred to in the preceding paragraph include publishing testing results, ordering food businesses to perform testing itself and disclosing other relevant information.

The competent authority at all levels shall establish a reporting system, distinguishing poisoning caused by either food or infections, to be under the jurisdiction of either the Food and Drug Administration, Ministry of Health and Welfare or Centers for Disease Control, Ministry of Health and Welfare, and to collect and handle the reporting of suspicious food poisoning incidents.

Article 6

Upon diagnosing a patient suspected of food poisoning, a medical institution shall report to the local competent authority within 24 hours.

Chapter III Sanitary Control of Food Businesses

Food businesses shall implement self-management to ensure food sanitation and safety.

Upon discovery that food products may be harmful to sanitation and safety, the food businesses shall immediately cease manufacturing, processing, sale and recall such products voluntarily and report to the municipal or county/city competent authority.

Article 7

Food businesses shall test their raw materials, semi-products or end products on their own, or deliver them to other testing agency (institution), corporation, or organization for testing.

The central competent authority shall prescribe in a public announcement on the category and scale of the food businesses, the minimum testing cycle, and other relevant matters in the preceding paragraph.

Article 8

The personnel, operation sites, sanitation management of facilities and quality assurance system of food businesses shall meet the regulations on good hygiene practice for foods.

Food businesses belonging to a category and scale designated by the central competent

authority in a public announcement shall meet the regulations on food safety control system.

Food businesses belonging to a category and scale designated by the central competent authority in a public announcement may commence its business operation only after applying for registration with the central competent authority, the municipal or county/city competent authority.

The regulations on good hygiene practice for foods referred to in Paragraph 1, the regulations on food safety control system referred to in Paragraph 2 and the regulations governing the condition, procedure, and the matters to be registered for the application for registration and application for amendment, revocation or termination of registration and other matters to be complied with mentioned in the preceding paragraph shall be prescribed by the central competent authority.

The central competent authority may conduct the certification of sanitation and safety control of food businesses. Such certification may be commissioned to relevant certifying institutions when necessary.

The regulations governing the application procedure, certification method, the institution commissioned to perform such certification, commission procedure of the certification and other relevant matters mentioned in the preceding paragraph shall be prescribed by the central competent authority.

Food businesses belonging to a category and scale designated by the central competent authority in a public announcement shall establish their own traceability system for tracing the source and tracking the flow of the raw materials, semi-products and end products according to their respective industry modes.

Article 9

The regulations governing the establishment, matters to be recorded, examination and other matters to be complied with for the traceability system mentioned in the preceding paragraph shall be prescribed by the central competent authority.

Article 10

Factory registration of food businesses shall

be handled by the competent industrial authority in conjunction with the competent authority.

The construction and equipment of a food factory shall conform to the establishment standard, which shall be prescribed by the central competent authority in conjunction with the central competent industrial authority.

Food businesses belonging to a category and scale designated by the central competent authority in a public announcement shall have sanitation control personnel.

Article 11 The regulations governing the qualification, training, duty and other matters to be complied with for the sanitation control personnel of the preceding paragraph shall be prescribed by the central competent authority.

Food businesses belonging to a category and scale designated by the central competent authority in a public announcement shall have a certain percentage of professionals with vocational or technical certification in food, nutrition, catering etc. responsible for food sanitation and safety control.

Article 12 The regulations governing the placement, duty, execution of business, and management of professionals with vocational or technical certification mentioned in the preceding paragraph shall be prescribed by the central competent authority.

Food businesses belonging to a category and scale designated by the central competent authority in a public announcement shall take out product liability insurance.

Article 13 The insured amount and contents of the insurance contract of the preceding paragraph shall be prescribed by the central competent authority.

The regulations governing the sanitation of public food and beverage sites shall be prescribed by the municipal or county/city competent authority based on the various sanitation standards or laws promulgated by the central competent authority.

Article 14 Chapter IV Food Sanitation Control

Article 15 Foods or food additives with any one of the following circumstances shall not be

manufactured, processed, prepared, packaged, transported, stored, sold, imported, exported, presented as a gift or publicly displayed:

1. those that have deteriorated or rotten;
2. those that are unripe and thus harmful to human health;
3. those that are toxic or contain substances or foreign materials that are harmful to human health;
4. those that are contaminated by pathogenic organisms, or have been established by epidemiological survey to be cause of food poisoning;
5. those with pesticide or veterinary drugs residue exceeding the permissible tolerance;
6. those that have been contaminated by and contain nuclear fallout or radioactivity exceeding the permissible tolerance;
7. those that have been adulterated or counterfeited;
8. those that have passed their expiry date;
9. those that have never been provided for human consumption and proven to be harmless to human health;or
10. those that contain food additives that are not approved by the central competent authority.

The standards governing the permissible tolerance of pesticide or veterinary drugs residue, and the nuclear fallout or radioactivity mentioned in Subparagraphs 5 and 6 of the preceding paragraph shall be prescribed by the central competent authority through consultation with the relevant authorities.

Substance that is harmful to human health mentioned in Subparagraph 3 of Paragraph 1 includes skulls, brains, eyes, spinal marrow, ground beef, viscera and other related products from non-epidemic areas and countries still having Bovine Spongiform Encephalopathy or New Variant of Creutzfeldt-Jakob Disease cases in past ten years.

Beta-agonists shall not to be detected via tests in domestic and foreign meat products and other meat-related products, with the exception that the central competent authority may set a permissible tolerance of

Beta-agonists after assessing risks in accordance to the citizens' diet habits. In the event of food poisoning caused by consumption of meat products containing Beta-agonists of a permissible tolerance, the importation of meat products containing Beta-agonists shall be suspended immediately. If said domestic food poisoning case is confirmed, the government shall take responsibility to health care for such victims and assist them in seeking compensation from the attributable entities.

Food utensils, food containers or packaging, food cleansers under any of the following circumstances shall not be manufactured, sold, imported, exported or used:

- Article 16
1. those that are toxic;
 2. those that tend to cause unfavorable chemical reactions;
 3. those that are otherwise harmful to health;
- or
4. those that may be harmful to health through the risk assessment results.

Article 17

Foods, food cleansers, food utensils, food containers or packaging being sold shall conform to sanitation, safety and quality standards which are prescribed by the central competent authority.

The product names, specification, use and limitation of food additives shall conform to the standards prescribed by the central competent authority.

Article 18

The standards mentioned in the preceding paragraph shall be restricted to the minimum required for anticipated effect and shall be based on risk assessment of the citizen's diet habits while conforming to the provisions of specification standards.

Article 19

Before the standards stipulated by Paragraph 2 of Article 15 and the preceding two Articles have been promulgated, the central competent authority may prescribe a provisional standard for responding to unexpected emergency and where sufficient experimental data cannot be obtained.

Article 20

Hygienic examination of the slaughtering and cutting of livestock and poultry at the slaughterhouses shall be conducted by the competent agricultural authority in

accordance with relevant laws and regulations.

Hygienic examination of the carcasses, viscera and meat cuts in transport shall be made by the competent health authority after delivery to the food businesses.

The sanitation of the manufacture, processing, preparation, packaging, transportation, storage, sale, import or export of carcasses, viscera and meat cuts which are in the possession of food businesses shall be subject to the governance of the competent authority at all levels in accordance with this Act.

The direction of the hygienic examination of Paragraph 2 shall be prescribed by the central competent authority in conjunction with the central competent agricultural authority.

None of the foods, food additives, food cleansers, food utensils, food containers or packaging and food cleansers which are designated by the central competent authority in a public announcement shall be manufactured, processed, prepared, repacked, imported or exported without filing product registration with and procuring a permit document from the central competent authority. Any change in the registered matters shall be subject to the prior approval of the central competent authority. None of the genetically modified food raw materials shall be used as the food raw materials without being reviewed by the central competent authority in the health risk assessment, filing product registration with and procuring a permit document.

Article 21

Importers of genetically modified food raw materials, that have filed product registration with and procured a permit document from the central competent authority, shall establish a traceability system for tracing the source and tracking the flow of the genetically modified food raw materials in accordance to Paragraph 2 of Article 9.

The permits mentioned in the preceding paragraphs 1 and 2 shall be valid for a term of one year to five years subject to the decisions by the central competent authority. Application for extension shall be filed within three months prior to the expiration of

the term with the central competent authority if continued manufacture, processing, preparation, repacking, importation or exportation is desired after the expiration.

The term of each extension shall not exceed five years.

The regulations governing the revocation of the permits mentioned in Paragraphs 1 and 2, and issuance, replacement, re-issuance, extension, transfer, de-registration, and change in the registered matters of the permit document, etc. shall be prescribed by the central competent authority.

The product registration under Paragraphs 1 and 2 may be commissioned to another institution in accordance with regulations which are prescribed by the central competent authority.

For the unregistered genetically modified food raw materials mentioned in Paragraph 2 prior to the amendment of this Act on 28th January 2014, shall complete review and registration within two years after promulgation of this Act.

Chapter V Food Labeling and Advertisement

The container or external packaging of food shall conspicuously indicate in Chinese and common symbols the following matters:

1. product name;
2. name of the ingredients; those that contain two or more ingredients shall indicate the respective ingredients in descending order of proportion.
3. net weight, volume or quantity;
4. name of food additives; in the case of a mixture of two or more food additives which are named according to its function shall indicate the name of each additive separately;
5. name, telephone number and address of the manufacturer or that of the responsible domestic company;
6. country of origin;
7. expiry date;
8. nutrition label;
9. genetically modified food raw materials;
10. other matters designated by the central competent authority in a public announcement.

Article 22

Labeling of the ingredients mentioned in

Subparagraph 2 of the preceding paragraph, shall indicate the percentage of the main ingredient. The labeling of food items, main ingredient, labeling content, labeling method, and the implementation date of each product shall be prescribed by the central competent authority.

The compliance matters of the labels mentioned in Subparagraphs 8 and 9 of paragraph 1 shall be prescribed by the central competent authority in a public announcement.

Article 23

In the event that labeling pursuant to the preceding paragraphs prove to be difficult due to the dimension, material or other special circumstances of the food container or external packaging, the central competent authority may exempt part of the labeling or allow labeling with other methods through public announcement.

The container or external packaging of food additives shall conspicuously indicate in Chinese and common symbols the following matters:

1. product name and printed words “Food Additives”;
2. name of food additives or, in the case of a mixture of two or more ingredients, each of the ingredients shall be indicated separately;
3. net weight, volume or quantity;
4. name, telephone number and address of the manufacturer or that of the responsible domestic company;
5. expiry date;
6. scope of use, maximum allowance and limitation of use of food additives;
7. country of origin;
8. genetically modified food raw materials;
9. other matters designated by the central competent authority in a public announcement.

Article 24

The compliance matters of labels on the flavoring agents of food additives mentioned in Subparagraph 2 and in Subparagraph 8 of the preceding paragraph shall be prescribed by the central competent authority in a public announcement.

Article 25

The central competent authority may require food labeling showing country of origin in Chinese on specific food products supplied at

food vending locations. For specific bulk food vendors, the central competent authority may prescribe restrictions on the vending location and methods, or may require food labeling showing product name, country of origin, genetically modified food raw materials, manufacturing date, expiry dates and etcetera in Chinese.

The central competent authority shall prescribe in a public announcement on the items, labeling, methods and scope for specific food products; also the items, restrictions and labeling for specific bulk foods in the preceding paragraph.

Food utensils, food containers or packaging designated by the central competent authority in a public announcement shall conspicuously indicate in Chinese and common symbols the following matters:

- Article 26
1. product name ;
 2. name of materials and thermal resistance temperature or, in the case of a mixture of two or more materials, each of the materials shall be indicated separately;
 3. net weight, volume or quantity;
 4. name, telephone number and address of the responsible domestic company;
 5. country of origin;
 6. manufacturing date, and the expiry date or the term of validity if the product has a limited duration of stroage;
 7. precautions for use or microwavable and other warnings;
 8. other matters designated by the central competent authority in a public announcement.

The container or external packaging of food cleansers shall conspicuously indicate in Chinese and common symbols the following matters:

- Article 27
1. product name;
 2. chemical names of main ingredients or, in the case of a mixture of two or more ingredients, each of the ingredients shall be indicated separately;
 3. net weight or volume;
 4. name, telephone number and address of the responsible domestic company;
 5. country of origin;
 6. manufacturing date, and the expiry date or

the term of validity if the product has a limited duration of storage;
7. applicable targets or purpose;
8. method of use, precautions for use or warnings;
9. other matters designated by the central competent authority in a public announcement.

The labeling, promotion or advertisement of foods, food additives, food cleansers and food utensils, food containers or packaging designated by the central competent authority in a public announcement shall not be false, exaggerated or misleading.

Foods shall not be so labeled, promoted or advertised as having medical efficacy.

Article 28 The central competent authority may prescribe restrictions on the sales, promotion or advertising for special dietary foods or foods which easily lead to chronic diseases or are unsuitable for long term consumption for children and persons with special needs. The regulations governing the food items, restrictions on the sales promotion or advertising, prohibition of publishing and broadcasting and other matters to be complied with shall be prescribed by the central competent authority.

Article 29 Media businesses being commissioned by a principal to publish or broadcast an advertisement shall maintain the particulars of its principal, such as its name or trade name, national ID Card number, establishment registration document number of company, business, corporation or organization, domicile or residence, representative office or business offices and telephone number, etc., for six months from the date of such advertisement, and shall not evade, impede or refuse any request by the competent authority for such particulars.

Chapter VI Food Import Control

Article 30 Application for inspection with the central competent authority and declaration of the relevant information of the product are required and shall be in accordance with the customs commodity code and classification when importing foods, genetically modified food raw materials, food additives, food utensils, food containers or packaging and

food cleansers designated by the central competent authority in a public announcement.

The central competent authority may impose preferential measures to the food businesses with excellent performances in the import inspections referred to in the preceding paragraph.

The importation of products under Paragraph 1 that are not intended for sale and whose value and quantity are consistent with the public announcement of the central competent authority, or are approved by the central competent authority, may be exempt from applying for inspection.

Article 31 The central competent authority may authorize or commission relevant agency (institution), corporation or organization to conduct inspection and declaration of imported products of the preceding paragraph.

In order to investigate and prevent food sanitation and safety incidents, the competent authority may require food businesses or their representative to provide relevant records, documents and electronic files or databases of the imported products when necessary. In this case, the food businesses or their representative shall not evade, impede or refuse such requests.

Article 32 The food businesses shall retain the related records, documents, electronic files, or database of imported products and genetically modified food raw materials mentioned in the preceding paragraph for five years.

The central competent authority shall prescribe in a public announcement on the information to be retained, method and scope of retention in the preceding paragraph.

Article 33 Food businesses of imported products with special conditions due to their nature or inspection timeframe may apply for prior release of the imported goods and store them at a specific location. In the event where a deposit is deemed to be required after review by the inspection authority, the imported products may be granted prior release with provision of affidavit after payment of said deposit.

The storage location of the products granted prior release in accordance with the preceding paragraph may be designated by the food businesses or their representative. The products shall not be moved, used or sold before obtaining the import permit. The regulations governing the inspection, declaration, commission of the inspection and declaration, preferential measures of import inspections and declarations for businesses with excellent performances, conditions of application to prior release, the criteria for which applications for prior release shall pay the deposit, standard of amount for deposit as referred to Articles 30, 31 and Paragraph 1 of this Article, and other matters to be complied with, shall be prescribed by the central competent authority.

Article 34

In the event of significant food sanitation and safety incidents or in case of serious failure to comply upon inspection of imported products, the central competent authority may suspend the application for inspection of the relevant businesses, place of origin or product.

For the management and control of foods with a higher degree of safety risk, the central competent authority may perform systematic inspections before the importation thereof.

Article 35

The regulations governing the scope of products, procedures and other relevant matters for the systematic inspections referred to in the preceding paragraph shall be prescribed by the central competent authority.

According to the needs for source control or due to a specific food sanitation and safety incident, the central competent authority may send personnel abroad to conduct on-site inspection of the sanitation and safety management of the imported foods.

Article 36

When carrying into the territories any offshore foods, food additives, food utensils, food containers or packaging and food cleansers that have been designated by the central competent authority in a public announcement and which may be harmful to the body or health of the people, the

passenger shall declare the goods with the sanitation certificate issued by the health competent authority of the country of origin; if the item is seriously harmful to the body or health of the people, the central competent authority may prohibit the entry of such item in a public announcement.

Products violating the preceding paragraph, irrespective of who the owner is, shall be confiscated and destroyed.

Chapter VII Food Testing

The testing for foods, food additives, food utensils, food containers or packaging and food cleansers shall be performed by the competent authority at all levels or the authorized and appointed relevant agency (institution), corporation or organization with approval.

Article 37 The central competent authority may issue accreditation for the authorized and appointed relevant agency (institution), corporation or organization mentioned in the preceding paragraph. When necessary, the accreditation process may be commissioned to the authorized and appointed relevant agency (institution), corporation or organization.

The regulations governing the commission for testing, the accreditation conditions and procedures of the agency (institution), corporation or organization, the commission process of the accreditation and other relevant matters mentioned in the two preceding paragraphs shall be prescribed by the central competent authority.

Article 38 The method of test for foods, food additives, food utensils, food containers or packaging and food cleansers to be used by the competent authority at all levels shall be consulted with and advised by the Council Advisory Committee of Food Testing Methods and then be prescribed by the central competent authority; In the absence of any prescribed method, an internationally recognized method may be used.

Article 39 Where food businesses object to the testing results, it may apply for a retesting from the original sampling agency (institution) within fifteen (15) days upon the receipt of the relevant notification. The agency (institution)

receiving the application shall perform the retesting within three (3) days. However, specimen that is without appropriate methods of preservation may be rejected.

Article 40 When publishing testing information on food sanitation, the method of test, testing unit and the evidence used in interpreting the results shall be concurrently disclosed.

Chapter VIII Food Examination and Control

The municipal or county/city competent authority may take the following actions to ensure that foods, food additives, food utensils, food containers or packaging and food cleansers are in compliance with the provisions of this Act, and businesses shall not evade, impede or refuse:

1. entering the place of manufacturing, processing, preparation, packaging, transportation, storage and sales, performing on-site examination and conducting sampling and testing;
2. when conducting the examination or sampling and testing referred to in the preceding paragraph, it may be required for the food businesses of the place referred to in the preceding paragraph to provide the source and amount of raw materials or products, processing, quality assurance, sales counterpart, sales amount, other supporting information, evidence or records, and such may be reviewed, detained and copied;
3. foods, food additives, food utensils, food containers or packaging and food cleansers found to be not in compliance with the provisions of this Act according to the examination and testing results shall be sealed;
4. those with possible violations of Paragraph 1 of Article 8, Paragraphs 1 and 4 of Article 15, and Article 16, or standards prescribed by the central competent authority pursuant to Articles 17, 18 or 19, the food businesses may be ordered to suspend operations or cease such sales, and the products shall be sealed;
5. upon receipt of reports of food poisoning accidents, the relevant food businesses may be ordered to make correction within a prescribed time period or send the relevant food personnel to participate in at least four

hours of food poisoning prevention seminar at agencies (institutions) certified by the competent authority at all levels. During the investigation, it may be ordered to suspend operations, cease sales or undertake disinfection and seal such products.

Where necessary, the central competent authority may also execute the measures described in the preceding paragraph.

Article 42 The regulations governing the examination, testing and control measures and other matters to be complied with referred to in the preceding article shall be prescribed by the central competent authority.

The competent authority shall keep strictly confidential the particulars of, and may grant reward to, anyone informing against foods, food additives, food utensils, food containers or packaging, food cleansers, labels, promotional materials, advertisements or food businesses that are found to have violated the provisions of this Act.

Article 43 The regulations governing the granting of the above reward shall be prescribed by the central competent authority.
Confidentiality of identity of informants in Paragraph 1 shall be subject to the same requirements by throughout litigation procedures.

Chapter IX Penal Provisions

Anyone committing any of the following shall be fined between NT\$60,000 and NT\$50,000,000. In severe circumstances, the enterprise may be ordered to terminate business, suspend business for a certain period of time, revoke all or part of the items listed in the company registration, business registration or factory registration, or registration of the food businesses. If registration of the food businesses is

Article 44 revoked, re-application for new registration within one (1) year shall be prohibited:

1. violating Paragraph 1 or 2 of Article 8, and failing to correct the violation within the time limit prescribed;
2. violating Paragraph 1 or 4 of Article 15 or Article 16;
3. incompliance with order by the competent authority to recover or destruct in accordance to Paragraph 2 of Article 52;

4. violating the public announcement by the central competent authority to ban the manufacture, sale, import or export in accordance to Paragraph 1 of Article 54.

Those in violation of the preceding provisions whose benefit exceeds the amount of maximum statutory fine and are deemed as severe violators by the central competent authority may be sanctioned within the scope of the benefit gained.

Those with violations of Paragraph 1 of Article 28 or the regulations prescribed by the central competent authority pursuant to Paragraph 3 of Article 28 shall be fined between NT\$40,000 and NT\$400,000; violation of Paragraph 2 of such article shall be fined between NT\$600,000 and NT\$5,000,000. Where the offense is repeated the enterprise may be ordered to terminate business, suspend business for a certain period of time, revoke all or part of the items listed in the company registration, business registration or factory registration, or registration of the food businesses. If registration of the food businesses is revoked, re-application for new registration within one (1) year shall be prohibited.

Article 45 Food businesses in violation of the preceding food advertisement provisions shall be consecutively fined by such authority for each violation until the publication or broadcast is ceased.

Severe violation of any of the advertisement provisions under Article 28 shall not only be punished by the preceding two provisions, the competent authority shall order to halt all sale, supply or display; and shall publish or broadcast a specific number of corrective advertising in the same size and time period as the original within thirty (30) days of receiving the sanction order, which shall express regret and convey the message for elimination of error.

Violation of the preceding provisions by continuing to sell, supply, display or failure to publish or broadcast corrective advertising shall be fined between NT\$120,000 to NT\$600,000.

Article 46 Media businesses in violation of Article 29 shall be fined between NT\$60,000 to

NT\$300,000, and may be consecutively fined.

When the competent authority at the municipal level or county/city level impose fines in accordance with Paragraph 1 of the preceding article, the media businesses, and the relevant competent authority at the municipal or county/city level or industry competent authority shall be notified. The media businesses shall cease the broadcast or publication of the advertisement concerned from the day following its receipt of the above notification.

Media businesses continuing to publish or broadcast following the notification referred to in the preceding paragraph, in violation of Paragraphs 1 and 2 of Article 28 or any limit on advertisements or relevant regulations relating to the permanent suspension of advertisements prescribed by the central competent authority pursuant to Paragraph 3 of Article 28, shall be fined between NT\$120,000 and NT\$600,000 and shall be consecutively fined by such authority for each violation until the publication or broadcast is ceased.

When media businesses fail to cease publication or broadcasting following receipt of notification referred to in Paragraph 2, in addition to imposing fines in accordance with the preceding paragraph, the competent authority at the municipal level or county/city level shall also notify the competent authority of the media businesses at the municipal level or county/city level or its industry competent authority to address these issues.

Anyone committing any of the following shall be fined between NT\$30,000 and NT\$3,000,000. In severe circumstances, the enterprise may be ordered to terminate business, suspend business for a certain period of time, revoke all or part of the items listed in the company registration, business registration or factory registration, or registration of the food businesses. If registration of the food businesses is revoked, re-application for new registration shall not be permitted within one year:

Article 47

1. violating the public announcement

prescribed by the central competent authority pursuant to Article 4;

2. violating Paragraph 2 of Article 7;

3. in the event that the registered information, tracing or tracking information established pursuant to Paragraph 3 of Article 8 and Paragraph 1 of Article 9 is not true;

4. violating Paragraph 1 of Article 11 or Paragraph 1 of Article 12;

5. violating the provisions concerning product liability insurance prescribed by the central competent authority pursuant to Article 13;

6. violating the regulations concerning the sanitation of public food and beverage sites prescribed by the municipal or county/city competent authority pursuant to Article 14;

7. violating Paragraphs 1 and 2 of Article 21, Paragraph 1 or public announcement made pursuant to Paragraphs 2 and 3 of Article 22, Paragraph 1 or public announcement made pursuant to Paragraph 2 of Article 24, Article 26 or Article 27;

8. other than the provisions specified in Paragraph 4 of Article 48, violating the provisions concerning the specification, use and limitation of food additives prescribed by the central competent authority pursuant to the standard prescribed in Article 18;

9. violating the public announcement prescribed by the central competent authority pursuant to Paragraph 2 of Article 25;

10. evading, impeding or refusing an examination, testing, seizure or seal stipulated in this Act;

11. refusing to provide or providing false information for the information which are required to be submitted in accordance with the provisions specified in this Act;

12. failing to observe a suspension on operation or cease of sales in accordance with the provisions specified in this Act;

13. violating Paragraph 1 of Article 30 which fails to declare the information of imported goods or the information declared is false; or

14. violating Article 53.

Article 48 Anyone committing any of the following and failing to correct the violation within the time limit prescribed shall be fined between

NT\$30,000 and NT\$3,000,000. In severe circumstances, the enterprise may be ordered to terminate business, suspend business for a certain period of time, revoke all or part of the items listed in the company registration, business registration or factory registration, or the registration of the food businesses. If registration of the food businesses is revoked, re-application for new registration shall not be permitted within one year:

1. violating Paragraph 3 of Article 7;
2. violating Paragraph 3 of Article 8, failing to file registration;
3. violating Paragraph 1 of Article 9, failing to establish tracing or tracking system;
4. violating any of the standards prescribed by the central competent authority in accordance with Article 17 or Article 19; or
5. the products sold by the food businesses violating the specification, use and limitation of food additives prescribed by the central competent authority pursuant to the standard prescribed in Article 18.

Anyone committing any of the following shall be fined between NT\$30,000 and NT\$3,000,000 by the central competent authority. In severe circumstances, the enterprise may be ordered to suspend, terminate or revoke its commission or accreditation. Enterprise which commission has been terminated or accreditation has been revoked, shall not be re-commissioned and shall not re-apply for accreditation within one year:

- Article 48-1
1. enterprise which is commissioned in accordance with this Act for conducting the certification of sanitation and safety control of food businesses, violates provisions made pursuant to Paragraph 6 of Article 8;
 2. institution, corporation or organization which is accredited in accordance with this Act for testing, violates provisions concerning accreditation made pursuant to Paragraph 3 of Article 37;
 3. enterprise which is commissioned in accordance with this Act for conducting the accreditation of institution, corporation or organization for testing, violates provisions concerning accreditation commission made pursuant to Paragraph 3 of Article 37.

In the event that the acts described in Subparagraphs 7 and 10 of Paragraph 1 of Article 15 are committed, imprisonment of not more than five years, detention and/or a fine of not more than NT\$8,000,000 shall be imposed.

In the event that the acts described from Article 44 to the preceding article are committed to the detriment of human health, imprisonment of not more than seven years, detention and/or a fine of not more than NT\$10,000,000 shall be imposed.

Article 49 In the event that the acts described in the preceding paragraph results in death, a life imprisonment or imprisonment of not less than seven years, and a fine of not more than NT\$20,000,000 may be imposed. For such acts causing severe detriment of human body, imprisonment between three years and ten years, and a fine of not more than NT\$15,000,000 may be imposed.

Anyone committing any of the offenses described in Paragraphs 1 and 2 out of negligence shall be imprisoned for not more than one year, detained or fined NT\$6,000,000.

Where the representative of a legal entity or the agent, employees or other practitioners of a legal entity or natural person that commit the offenses from Paragraphs 1 to 3 during the performance of duties, not only shall the wrongdoer be punished but the legal entity or natural person shall also be fined not more than ten times of the fine stipulated in the respective preceding paragraphs.

Article 49-1 Any criminally obtained assets or property interests in the possession of those who have intentionally violated this Act shall be confiscated, with the exception of those which should be returned to the victims. If the above assets or property interests cannot be confiscated in whole or in part, the equivalent value thereof shall be indemnified either by demanding a payment from the offender or be offset by the property of the offender.

To ensure the assets or property interests mentioned in the preceding paragraph, an appropriate amount of properties shall be detained where necessary.

An employer may not discharge, transfer or otherwise take any adverse sanction against an employee who discloses an action which violates this Act to the competent authority or judicial authority, becomes witness of a litigation proceeding or refuses to participate in an action which violates this Act. Any dismissal, demotion or reduction of wage imposed by the employer or supervisory employees who exercise the managerial authority on behalf of the employer for reasons as prescribed in the preceding paragraph shall be null and void. For the person other than the employer who had participated in actions violating the provisions of this Act and under criminal responsibility but who discloses such action to the competent authority or judicial authority assisting the authority to uncover the violation of the employer, the penalty for such person shall be reduced or exempted. The competent authority may impose sanctions in the event of the following:

1. at the occurrence of the circumstances described in Paragraph 13 of Article 47, the application for inspection in accordance with Paragraph 1 of Article 30 from the food businesses or their representatives may be suspended. For the products which are already released, the food businesses may recall, destroy or return such products depending on the violation thereof.
2. in case of violation of Paragraph 3 of Article 30, for anyone who sells the products exempted from import inspection, application for inspection exemption may be suspended for one year.
3. in case of violation of Paragraph 2 of Article 33, for anyone who intentionally moves, uses or sells the products before receiving the import permit, or the confirmed storage location is inconsistent with the actual storage location. The competent authority may confiscate the deposit and temporarily suspend acceptance of an application for storage by the food businesses for one year. Anyone who sells the goods without authorization may be fined an amount that is between double and twenty times of the selling price of the goods.

The municipal or county/city competent authority shall impose the following punishment based on examination or testing results for foods, food additives, food utensils, food containers or packaging and food cleansers that have been examined or tested in accordance with Article 41:

1. those under any one of the circumstances listed in Paragraph 1 or 4 of Article 15 or Article 16 shall be confiscated and destroyed;

2. those not conforming to the standards prescribed by the central competent authority pursuant to Article 17 and Article 18, or those violating Paragraphs 1 and 2 of Article 21, the products or products containing such materials shall be confiscated and destroyed. However, if those can be edible or used or not affecting human health after disinfecting or appropriate safety measures are implemented, a notice shall be given for such disinfecting, reconditioning or measures to proceed within a prescribed time period; in case the notice is not complied with within the time limit, those goods shall be confiscated and destroyed;

Article 52

3. in case the labels violate Paragraph 1 or public announcement made pursuant to Paragraphs 2 and 3 of Article 22, Paragraph 1 or public announcement made pursuant to Paragraph 2 of Article 24, Article 26, Article 27 or Paragraph 1 of Article 28, a notice shall be given for the goods to be recalled and correction made within a prescribed time period; the goods in question shall not be sold before the violation is corrected. In case the notice is not complied with within the prescribed time limit or Paragraph 2 of Article 28 is violated, those goods shall be confiscated and destroyed; and

4. the punishment with respect to goods which are subject to a suspension of operation as well as cease of sales, and are sealed pursuant to Paragraph 1 of Article 41 shall, in the absence of any of the situations described in the preceding three subparagraphs, be cancelled, and such goods shall be unsealed.

The manufacturer, seller or importer of goods that are to be confiscated pursuant to

Subparagraphs 1 to 3 of the preceding paragraph shall immediately announce the termination of use or consumption of such goods and recall and destroy those said goods. Where necessary, the municipal or county/city competent authority may act for such recall and destruction with necessary charges.

Goods that shall be recalled and destroyed pursuant to the preceding paragraph shall be recalled and destroyed in accordance with regulations prescribed by the central competent authority.

The municipal or county/city competent authority shall officially publish the company name, address, name of the responsible person, and product name of as well as the circumstances of the violations by, any food businesses manufacturing, processing, preparing, packaging, transporting, selling, importing or exporting goods under Subparagraph 1 or 2 of Paragraph 1.

The central competent authority shall restrict the importation of goods under Paragraph 1 which are found to have failed to comply with provisions upon inspection at ports of entry, and may also impose the punishment under any of the subparagraphs of Paragraph 1 and under Paragraph 2 and the preceding Paragraph, with respect to such goods.

Article 53

After the products have been recalled and destroyed within a prescribed time period or taken with other necessary measures by the municipal or county/city competent authority pursuant to Paragraph 1 of the preceding article, the food businesses shall report the information in relation to the procedure, result, as well as the status of the above to the municipal or county/city competent authority for their review before the deadline.

Article 54

In addition to being handled pursuant to Article 52, foods, food additives, food utensils, food containers or packaging and food cleansers which are found to be under any of the circumstances described in Subparagraph 1 or 2 of Paragraph 1 of Article 52 may be subject to a ban by the central competent authority on manufacture, sale, import or export through a public

announcement.

Where a product that is subject to prohibition according to the preceding paragraph was registered and licensed by the central competent authority, the relevant license may be revoked.

Unless otherwise prescribed, the punishment prescribed in this Act shall be imposed by the municipal or county/city competent authority. The central competent authority may impose the punishment when necessary.

Article 55

However, upon the confirmation for the order of termination of business by the municipal or county/city competent authority, such order will be transferred to the industrial and business competent authority or other industry competent authority to revoke all or part of the items listed in the company registration, business registration or factory registration

Article 55-1

The determining standards of the number of administrative penalty made in violation of this Act shall be prescribed by the central competent authority.

Article 56

Consumers may claim a certain amount of monetary compensation, and may file for consumer litigation in accordance with the provisions specified from Article 47 to Article 55 of the Consumer Protection Law even without suffering property damage. In the event of difficulty for consumers to provide or inability to provide evidence to support the actual amount of damage, he/she may request the Court to determine the compensation in the amount between NT\$500 and NT\$30,000 for each case of damage per person based on the circumstances of such damage.

The municipal or county (city) government shall assist consumers in accordance with Article 50 of Consumer Protection Law, when receiving complaints concerning the damage from 20 or more consumers for a certain result of the same incident.

Article 56-1

The central competent authority may establish a food safety protection fund for protecting the consumer's right in the event of food safety and the fund may be commissioned to the authorized and appointed other agency (institution),

corporation or organization.

The sources of funds mentioned in the preceding paragraph are as follows:

1. funds from the partial appropriation of administrative fines in violation of this Act.
2. criminal fines, seized cash, proceeds from the sale of the confiscated property that are fined pursuant to this Act.
3. the partial appropriation of improper gains retrieved pursuant to Administrative Penalty Act.
4. accrued interest income generated by the fund.
5. revenues from donations.
6. appropriations made by the government through budgetary process.
7. Other related revenues.

The sources of funds mentioned in the subparagraphs 1 and 3 of paragraph 2 are applicable to the dispositions that become effective from the date after 21th June 2013.

The fund mentioned in Paragraph 1 is used for the following purposes:

1. to subsidize relevant fees for consumer litigation filed in accordance with Article 50 of the Consumer Protection Law and resulted from the food sanitation and safety incident.
2. to subsidize fees concerning human health risk assessment on specified food sanitation and safety incident which has been announced by a public notice.
3. to subsidize other relevant fees concerning food safety promotion and consumer litigation.

The central competent authority shall establish a supervision panel for management and utilization of the fund which composed of experts and scholars, consumer protection organizations, and impartial citizens to supervise the subsidizing affairs.

The regulation governing the recipients of the subsidies, application qualifications, review procedures, subsidization standard, revocation of subsidies of the fund mentioned in Paragraph 4, the formation and operation of the supervision panel for management and utilization of the fund mentioned in the preceding paragraph and other matters to be complied with shall be prescribed by the central competent

authority.

Chapter X Supplementary Provisions

Article 57 The provisions of this Act regarding food utensils and food containers shall apply mutatis mutandis to toys that are often directly placed into the mouth of children.

Article 58 The central competent authority shall charge a review fee, testing fee, and license fee with respect to applications by food businesses for review, testing and issuance of permits. The respective amount of such fees shall be prescribed by the central competent authority.

Article 59 The enforcement rules of this Act shall be prescribed by the central competent authority.

Article 60 Other than the declaration procedure specified in Article 30 and the provision concerning the receipt of deposit specified in Article 33, and Subparagraph 5 of Paragraph 1 of Article 22, Article 26 and Article 27, which are to be implemented one year after promulgation, this Act shall be implemented as of its being promulgated.

Subparagraph 4 of Paragraph 1 of Article 22 shall be implemented on 19th June 2014.

Paragraph 3 of Article 21 amended on 28th January 2014 shall be implemented one year after promulgation of this Act.

⋮

- [E-MAIL](#)
- VISITOR

4,987,122

- VISITOR OF THIS MONTH

64,474

- VISITOR ON WEBSITE NOW

1

- E-PAPER SUBSCRIBER

1,202

- [A+ ccessibility](#)

- This website does not provide legal counseling service, please contact with related public offices for more information.
- In case of any discrepancy between the English version and the Chinese version, the latter shall prevail.

This website can be best viewed at 1024 x 768 resolution. All Rights reserved. All Rights reserved .OPERATING BY THE WORKING GROUP OF THE R.O.C LAWS & REGULATIONS DATABASE, MINISTRY OF JUSTICE.