

Act Governing Food Safety and Sanitation

藥求安全 食在安心

**Food and Drug
Administration**

2014.06.04



衛生福利部食品藥物管理署

Food and Drug Administration,
Ministry of Health and Welfare

<http://www.fda.gov.tw/>

Summary of the report

Key
amendments to
Act Governing
Food and Safety
Sanitation

心

1. Surveillance, risk assessment and preventative measures
2. The obligations of food businesses on **self-management** and **proactive notification**.
3. Registration of **food businesses**
4. Traceability system for tracing the source and tracking the flow of the **products**
5. Professional **personnel** in food businesses
6. Food labelling and transparent information.
7. **Management at the source of the import food**
8. General requirements on **publishing the testing information**
9. **Harsh penalties against criminal behaviors**
10. **Heavy fines against illegal activities.**
11. **Protect consumer and informants.**
12. Strengthening the management on **food additives**
13. Strengthening the management **on genetic modified food**



衛生福利部
食品藥物管理署
Food and Drug Administration

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Amend to Act Governing Food Safety and Sanitation



10 amendments since its promulgation on 28 January 1975

	Previous act	Full amendment on 19 June 2013	Partial amendment (28 article) on 5 February 2014
Name of the act	Act Governing Food and Sanitation		Act Governing Food Safety and Sanitation
Chapter	7	10	10
Article	40	60	60 + 4 (§48-1, 49-1, 55-1, 56-1)





Act Governing Food Safety and Sanitation Structure

Current Act (10 Chapter/60+4 articles)

Previous Act (7 Chapter/40 articles)

Chapter I General Principle (§1~3)

Chapter I General Principle (§ 1~9)

Chapter II: Risk Management for Food Safety (§ 4~6)

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Chapter III: Sanitary Control for Food Businesses (§ 7~14)

Chapter IV: Sanitary Control for Food Businesses (§ 20~23)

Chapter IV: Food Sanitation Control (§15~21)

Chapter II: Food Sanitation Control (§ 10~16)

Chapter V: Food Labelling and Advertisement (§22~29)

Chapter III: Food Labelling and Advertisement (§ 17~19)

Chapter VI: Food Import Control (§ 30~36)

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Chapter VII: Food Testing (§ 37~40)

Chapter V: Examination and prohibition (§ 24~28)

Chapter VIII: Food Examination and Control (§ 41~43)

Chapter IX: Penal Provision (§ 44~56)

Chapter VI: Penal Provision (§ 29~36)

Chapter X: Supplementary Provisions (§ 57~60)

Chapter VII: Supplementary Provisions (§ 37~40)

Surveillance, risk assessment and preventative measures

(article 4~5)

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Previous Act

- ✓ Lack relevant provisions
- ✓ Food Safety Risk Assessment Council is established by case if necessary
- ✓ Invoke Consumer Protection Law to deal with unexpected or emergency incidences.

Current Act

- ✓ 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 as the **principles of scientific evidence, precaution, and information transparency**.
- ✓ The competent authority **shall establish a risk assessment and advisory system**.
- ✓ Establish surveillance system and issue the alert or implement necessary measures base on the results of the surveillance.

Food business self-management and regular product tests(article 7)

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Previous Act

- ✓ Recall or destruction ordered by Health Authority
- ✓ Food businesses self-recall and voluntarily report

Current Act

- ✓ Food businesses **shall implement self-management** to ensure food sanitation and safety.
- ✓ Shall immediately cease manufacturing, processing, sale and recall **voluntarily** and **report** if suspected food sanitation and safety problems found.
- ✓ Designated businesses **shall test** their **raw materials, semi-products or end products**.



Registration of food businesses (article 8)

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Previous Act

- ✓ Not mandatory
- ✓ Businesses register voluntarily
- ✓ Difficult for domestic health authorities to inspect

Current Act

- ✓ **Designated food businesses must register**
- ✓ Easy to control and track food businesses.

Traceability system for tracing the source and tracking the flow of the products

(article 9)

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Previous Act

- ✓ Not mandatory for food businesses to record product flow
- ✓ Difficult for domestic health authorities to track non-compliant products.

Current Act

- ✓ **Designated businesses must establish the traceability systems.**
- ✓ Easy to trace and track products

Professional personnel in food businesses(article 11~12)

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Previous Act

- ✓ Mandatory employment of sanitation control personnel limit to food manufacturing factory
- ✓ Staff do not have sufficient food safety and sanitation expertise.

Current Act

- ✓ Designated food businesses must employ sanitation control personnel
- ✓ Designated food businesses shall have a certain percentage of professionals with vocational or technical certification.

Food labeling and transparent information(article 22~28)

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Previous Act

- ✓ food additives labeled by their function, the ingredients are not transparent.
- ✓ Food ingredients are required to indicate in descending order of proportion.

Current Act

- ✓ Each food additive ingredient shall be labeled
- ✓ The percentage of main ingredients of designated products shall be indicated.

Management at the source of the import food (article 30~36)

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Previous Act

- ✓ No specified chapter and provisions for food import management
- ✓ Lack of the penalties against violation of food import regulations.

Current Act

- ✓ **Food Import Control, a new chapter with 7 articles**
- ✓ **Systematic inspections** for high risk products including on-site inspection.

General requirements on publishing the testing information (article 40)

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Previous
Act

✓ No such provision

Current
Act

✓ Require to **disclose the testing method, laboratory and the basis for determining the testing results** while publishing testing information.

Harsh penalties against criminal behaviors(article 44, 49)

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Previous Act

- ✓ Only fined NT\$30,000 ~ 150,000 for using prohibited additives. **No penalty may be imposed** if no damages can be proved.
- ✓ Investigated and punished **by health authorities.**

Current Act

- ✓ Illegally use prohibited additives, adulterate or counterfeit **may lead to imprisonment.**
- ✓ May be liable for fine of **NT\$ 50 million**
- ✓ Investigated **by prosecutors and judicial officers**

Heavy fines against illegal activities

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Articles	Provisions	2013.6.19	2014.2.5
44	<p>Poison or detriment to human health</p> <p>Overuse of agriculture chemical or veterinary drugs</p> <p>Adulterate or counterfeit</p> <p>Adding prohibited additives</p>	NT\$ 60,000-15 million	NT\$ 60,000-50 million
45	False, exaggerate or misleading label, advertisement or promotion	NT\$ 40,000-200,000	NT\$ 40,000 – 4 million
49	adulterate or counterfeit, adding additives prohibited by Central Competent Authority	Imprisonment not exceeding 3 years	Imprisonment not exceeding 5 years

Protect consumer and informants

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New provisions

- ◆ Restrictions on the sales, promotion or advertising for special dietary foods or foods (article 28)
- ◆ Add new articles to protect the informants. (article 43)
- ◆ Protect right to employment or indemnity for criminal responsibilities for informants (article 50).
- ◆ The consumers may request the Court to determine the compensation. (article 56)
- ◆ Establish Food Safety Protection Fund (article 56-1)

Strengthening the management on food additives(article 3)

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Previous Act

- ✓ Single substance or combination of substances in food additives were not clearly defined

Current Act

- ✓ **Clearly defines food additives**, including single or combination of substances.
- ✓ Clearly state that **additives used for food combination additives are restricted to the additives allowed** by Central Competent Authority. Single food additives mentioned above should have **approval number** given by central competent authority.

Strengthening the management on genetic modified food

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Previous Act

- ✓ Genetic modified food are not specifically regulated.

Current Act

- ✓ **Defines “genetic modified”** (article 3-11)
- ✓ **Labelling of genetic modified raw material** (article 22 、 24 、 25)
- ✓ **Establish traceability system** (article 21-3 、 60)

NEW ERA FOR FOOD MANAGEMENT

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**Prevention
from Source**

Compulsory registration,
tracking the product flow



**Safe Food
Reliable Food**

**Risk and
Precaution**

Food safety advisory
committee, inspection
institutions.

**Consumer
protection**

Label, Food Safety
Fund, informants

**Food Business
Control**

Increase fines, pursue
illegal profit, tracking and
tracing.



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Thank you for your attention.

