

## **Act Governing Food Safety and Sanitation**

1. Full text including 32 articles promulgated on January 28, 1975.
2. Full text including 38 articles amended and promulgated on November 11, 1983.
3. Amendment to Articles 17 and 38 of the Act Governing Food Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-8600104850 dated May 7, 1997.
4. Full text including 40 articles amended and promulgated on February 9, 2000.
5. Amendment to Articles 14, 27, 29~33, 35 and 36, addition of Article 29-1 of the Act Governing Food Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-09100020680 dated January 30, 2002.
6. Amendment to Articles 2, 11, 12, 17, 19, 20, 24, 29, 31~33 and 36, addition of Articles 14-1 and 17-1 of the Act Governing Food Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-09700080101 dated June 11, 2008.
7. Amendment to Article 11 of the Act Governing Food Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-09900015801 dated January 27, 2010.
8. Amendment to Articles 31 and 34 of the Act Governing Food Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-10000128141 dated June 22, 2011.
9. Amendment to Articles 11, 17-1 and 31 of the Act Governing Food Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-10100177741 dated August 8, 2012.
10. Full text including 60 articles amended and promulgated on June 19, 2013.
11. Amendment to the title (original title: Act Governing Food Sanitation) and Articles 3, 4, 6-8, 16, 21, 22, 24, 25, 30, 32, 37, 38, 43-45, 47, 48, 49, 50, 52, 56 and 60, addition of Articles 48-1, 49-1, 55-1 and 56-1 of the Act Governing Food Safety and Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-10300017801 dated February 5, 2014.
12. Amendment to Articles 5, 7, 9, 10, 22, 24, 32, 35, 43, 44, 47, 48, 49, 49-1, 56, 56-1 and 60, addition of Articles 2-1, 42-1 and 49-2 of the Act Governing Food Safety and Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-10300184621 dated December 10, 2014.
13. Amendment to Articles 8, 25 and 48 of the Act Governing Food Safety and Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-10400012551 dated February 4, 2015.
14. Amendment to Articles 41 and 48, addition of Article 15-1 of the Act Governing Food Safety and Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-10400146741 dated December 16, 2015.
15. Amendment to Articles 9, 21, 47, 48, 49-1, and 56-1 of the Act Governing Food Safety and Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-10600137341 dated November 15, 2017.

16. Amendment to Articles 28 of the Act Governing Food Safety and Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-10700007751 dated January 24, 2018.
17. Amendment to Articles 4 of the Act Governing Food Safety and Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-10800033101 dated April 3, 2019.
18. Amendment to Articles 3, 47 and 51, addition of Article 18-1 of the Act Governing Food Safety and Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-10800037111 dated April 17, 2019.
19. Addition of Article 46-1 of the Act Governing Food Safety and Sanitation per Presidential Decree No. Hua-Zhong-Yi-Yi-Zi-10800059261 dated June 12, 2019.

## 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 2-1 To enhance the coordination, monitoring, promotion, and inspection of national food safety affairs, the Executive Yuan shall establish the Food Safety Board. The Premier of the Executive Yuan shall serve as the convener with the participation of the heads of other relevant ministries and commissions, experts, scholars, and representatives of non-governmental organizations to take charge of inter-agency coordination for the food safety risk assessment and management measures as well as establish the alert and auditing system of food safety and sanitation. The Food Safety Board shall meet once at least every three months. When necessary, a temporary meeting may be convened. The convener shall appoint a Minister without Portfolio or a head of ministries and commissions to act as the Chief Executive of the Food Safety Board and the central competent authority shall be in charge of staff affairs.
- Each municipal/county/city government shall establish the Food Safety Board; the head of the municipality/county/city shall serve as the convener to take charge of inter-departmental coordination for the food

safety management measures. A meeting shall be convened once at least every three months.

Decisions made by the Food Safety Board in Paragraph 1 shall be carried out and implemented in compliance by relevant ministries and commissions. Each quarter the Executive Yuan shall announce the supervision results included in its administrative policies report to the Legislative Yuan every year.

The regulations governing the formation, tasks, parliamentary procedures and other matters to be complied with for such Food Safety Board in Paragraph 1 shall be prescribed by the Executive Yuan.

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.
12. The term “processing aid” shall mean any substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or its ingredients, to fulfill a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final product. Any residues of processing aids shall be removed before the food reaches its finished form and remaining in the food after processing should not perform a function in the final product.

## Chapter II Risk Management for Food Safety

Article 4 The actions taken by the competent authority in the governing of food safety and sanitation 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.

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. Each gender shall not be less than one-third of the total number of the committee members.

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. Each gender shall not be less than one-third of the total number of the committee members.

The members of the committee shall abide by the recusal regulation of Article 32 of the Administrative Procedure Act. 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 precautionary principle, 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.

Article 5 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 active inspection shall be conducted and an alert shall be issued or other necessary measures shall be implemented.

The issuance of the active inspection and alert or implementation of necessary measures referred to in the preceding paragraph which will be done by the competent authority shall include conducting sampling and testing, investigating the source of raw material and the flow of the product, publishing testing results, disclosing other relevant information and ordering food businesses to perform testing on their own.

Article 6 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.

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

Article 7 Food businesses shall implement self-management and enact food safety monitoring plan to ensure food sanitation and safety.

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.

Food businesses that are Exchange-Listed, OTC-Listed or belonging to a category and scale designated by the central competent authority in a public announcement shall be equipped with laboratories to perform said self-testing.

The central competent authority shall prescribe in a public announcement on the category and scale of the food businesses that shall enact the food safety monitoring plan in Paragraph 1 and conduct testing in Paragraph 2, the minimum testing cycle, and other relevant matters in paragraph 2.

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 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.

Food businesses belonging to a category and scale designated by the central competent authority in a public announcement shall obtain the certification of sanitation and safety management systems.

The certification in the preceding paragraph shall be performed by the institution accredited by the central competent authority. The regulations governing the condition or reason of the application, termination and revocation for accreditation; the charge, procedure, method for performing such certification; and other relevant matters shall be prescribed by the central competent authority.

**Article 9** Food businesses shall retain the related source documents of the raw materials, semi-products and end products.

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.

To govern the food safety, sanitation and quality, and ensure the information accuracy of food traceability system, the central competent authority shall require the businesses in the preceding paragraph to use electronic uniform invoices in a phased public announcement, according to the necessity of tracing the source.

The central competent authority shall establish the traceability system in Paragraph 2. Food businesses shall use electronic methods to declare the information of the traceability system. The electronic declaration method and specification shall be prescribed by the central competent authority.

The types of documents to be retained and the period of retention mentioned in Paragraph 1 and the regulations governing the establishment, matters to be recorded, examination and other matters to be complied with for the traceability system mentioned in Paragraph 2 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.

The food or food additive factory shall be independently established and shall not engage in non-food manufacturing, processing, or preparation at the same address and the same factory. However, this regulation shall not apply to those factories manufacturing both drug and food products, were examined and confirmed to conform to the Pharmaceutical Good Manufacturing Practice Regulations by the central competent authority.

For the factories mentioned in the preceding paragraph that were not independently established prior to the amendment of this Act on 18th November 2014, the central competent authority shall announce within six months after promulgation of this Act, and those factories shall complete independent establishment within one year after the announcement.

Article 11    Food businesses belonging to a category and scale designated by the central competent authority in a public announcement shall have sanitation control personnel.



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.

Article 12 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.

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.

Article 13 Food businesses belonging to a category and scale designated by the central competent authority in a public announcement shall take out product liability insurance.

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

Article 14 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.

#### 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.

Article 15-1 The central competent authority may restrict the methods or conditions of manufacture, processing and preparation, edible parts, usage quantity, product form or other matters of the raw materials provided for food use.

The central competent authority shall prescribe in a public announcement on the items and restrictions for the raw materials that shall be restricted in the preceding paragraph.

- Article 16 Food utensils, food containers or packaging, food cleansers under any of the following circumstances shall not be manufactured, sold, imported, exported or used:
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.

- Article 18 The product names, specification, use and limitation of food additives shall conform to the standards prescribed by the central competent authority.
- 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 18-1 The processing aids which are used in the processing of food or its raw materials by food businesses shall conform to safety, sanitation and quality standards which are prescribed by the central competent authority.
- The use of processing aids shall not include any circumstances that may be harmful to human health.

- 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.

Article 21 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.

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 5 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

Article 22 The container or external packaging of food and food raw materials 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. The tracing sources of the domestic certified agricultural products; and the production systems prescribed by the central agricultural competent authority in a public announcement;
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.

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.

For the food only labels the name of the responsible domestic company prescribed in Subparagraph 5 of Paragraph 1, its name, telephone number, address of the manufacturers, and those businesses that are entrusted to manufacture or importers shall be reported to the local competent authority. The competent authority shall open those information to other competent authority for reviewing.

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.

Article 24 The container or external packaging of food additives and their raw materials shall conspicuously indicate in Chinese and common symbols the following matters:

1. product name;
2. printed words “Food Additive” or “Food Additive Raw Material”;
3. name of food additives or, in the case of a mixture of two or more ingredients, each of the ingredients shall be indicated separately. The labeling of the name of food additives shall be handled in accordance with the food additive items prescribed in Paragraph 1 of Article 18 or the names commonly known prescribed by the central competent

- agency in a public announcement;
4. net weight, volume or quantity;
  5. name, telephone number and address of the manufacturer or that of the responsible domestic company;
  6. expiry date;
  7. scope of use, maximum allowance and limitation of use of food additives;
  8. country of origin;
  9. genetically modified food raw materials;
  10. other matters designated by the central competent authority in a public announcement.

The labeling of food additive raw materials are not regulated to be handled in accordance with Subparagraph 3, 7, and 9 in the preceding paragraph. The compliance matters of labels on the flavoring agents of food additives mentioned in Subparagraph 3 and in Subparagraph 9 of the preceding paragraph shall be prescribed by the central competent authority in a public announcement.

For the food only labels the name of the responsible domestic company prescribed in Subparagraph 5 of Paragraph 1, its name, telephone number, address of the manufacturers, and those businesses that are entrusted to manufacture or importers shall be reported to the local competent authority. The competent authority shall open those information to other competent authority for reviewing.

Article 25 The central competent authority may require food labeling showing country of origin and other matters ought to be labeled 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 other matters ought to be labeled in Chinese. The domestic certified agricultural products shall label the tracing sources, and the production systems if there are production systems prescribed by the central agricultural competent authority in a public announcement.

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.

The provision concerning the labeling of tracing sources or production systems specified in Paragraph 1 amended on 20th January 2015 shall be implemented six months after promulgation of this Act.

- Article 26 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:
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 storage;
  7. precautions for use or microwavable and other warnings;
  8. other matters designated by the central competent authority in a public announcement.

- Article 27 The container or external packaging of food cleansers shall conspicuously indicate in Chinese and common symbols the following matters:
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.

Article 28 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.

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.

The regulations governing the determining standards of the false, exaggerated or misleading labeling, promotion or advertisement referred to in Paragraph 1 and medical efficacy referred to in Paragraph 2, contents, methods of the promotion or advertisement 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.

Article 32 In order to investigate and prevent food sanitation and safety incidents, the competent authority may require food businesses, non-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, the non-food businesses, or their representatives shall not evade, impede or refuse such requests.

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.

Article 35 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.

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.

When food businesses import food additive combinations, they shall attach product ingredients report issued by the manufacturer or responsible manufacturer of the origin country and official sanitary certificate issued by the export country for the examination of the competent authority at all levels. However, this regulation shall not apply to flavoring agents.

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

- Article 37 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.
- 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

Article 41 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 cooperate with the competent authority and 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.

Article 42-1 In order to safeguard food safety and sanitation and effectively stem illicit behaviour of businesses, the police agency shall dispatch its personnel to assist the competent agency.

Article 43 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. If civil services disclose the confidential information, they will be punished with criminal and administrative responsibilities.

The regulations governing the jurisdiction of the complaints received by the competent authority, processing time period, confidentiality, reward to informant and other matters to be complied with mentioned in the preceding paragraph 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

Article 44 Anyone committing any of the following shall be fined between NT\$60,000 and NT\$200,000,000. 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 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.

The penalty standards of the fine mentioned in the preceding paragraph shall be prescribed by the central competent authority.

Article 45 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\$4,000,000; 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.

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.

Article 46-1 A person who disseminates a rumor or incorrect information concerning food safety and thus causes damage to the public or others shall be punished with imprisonment for not more than three years, detention, or a fine of not more than NT\$1,000,000.

Article 47 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:



1. violating the public announcement prescribed by the central competent authority pursuant to Article 4;
2. violating Paragraph 5 of Article 7;
3. in the event that the registered, established or declared information pursuant to Paragraph 3 of Article 8 and Paragraph 2 or 4 of Article 9 is false, or the incorrect electronic uniform invoices issued pursuant to Paragraph 2 of Article 9 to affect the examination of food tracing or tracking;
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 safety and sanitation of public food and beverage sites prescribed by the municipal or county/city competent authority pursuant to Article 14;
7. violating the standards prescribed by the central competent authority pursuant to Paragraph 1 of Article 18-1, and failing to correct the violation within the time limit prescribed;
8. 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;
9. other than the provisions specified in Paragraph 9 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;
10. violating the public announcement prescribed by the central competent authority pursuant to Paragraph 2 of Article 25;
11. evading, impeding or refusing an examination, testing, seizure or seal stipulated in this Act;
12. 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;
13. failing to observe a suspension on operation or cease of sales in accordance with the provisions specified in this Act;
14. violating Paragraph 1 of Article 30 which fails to declare the information of imported goods or the information declared is false; or
15. 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 1 of Article 7 for failing to enact food safety monitoring plan, or Paragraph 2 or Paragraph 3 for failing to be equipped with the laboratory;
2. violating Paragraph 3 of Article 8, failing to file registration; or violating Paragraph 5 of Article 8, failing to obtain certification;
3. violating Paragraph 1 of Article 9, failing to retain document or attain the required period of retention ;
4. violating Paragraph 2 of Article 9, failing to establish tracing or tracking system;
5. violating Paragraph 3 of Article 9, failing to issue electronic uniform invoices for the purpose of food tracing or tracking;
6. violating Paragraph 4 of Article 9, failing to declare in the electronic method or to declare according to the method and specification prescribed by the central competent authority;
7. violating Paragraph 3 of Article 10;
8. violating any of the standards prescribed by the central competent authority in accordance with Article 17 or Article 19;
9. 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;
10. violating Paragraph 4 of Article 22 or Paragraph 3 of Article 24, failing to report to the competent authority; or
11. violating Paragraph 4 of Article 35, failing to attach product ingredients report and official sanitation certificate issued by the export country.
12. violating the restrictions prescribed by the central competent authority in a public announcement pursuant to Paragraph 2 of Article 15-1.

Article 48-1 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:

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; or
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.

Article 49 In the event that the acts described in Subparagraphs 3, 7 and 10 of Paragraph 1 of Article 15 or Paragraph 1 of Article 16 are committed, imprisonment of not more than seven years, and a fine of not more than NT\$80,000,000 may be imposed. If the offense is light, 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 severe and may be sufficient to harmful to human health, imprisonment of not more than seven years, and a fine of not more than NT\$80,000,000 may be imposed. For such acts are committed to the detriment of human health, imprisonment between one year to seven years and a fine of not more than NT\$100,000,000 may be imposed.

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\$200,000,000 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\$150,000,000 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 two 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.

When imposing a fine, the provision specified in Article 58 of the Criminal Code shall be considered.

Article 49-1 The scope and value of the proceeds of crime in violating this Act may be based on an estimation if the valuation is deemed difficult. The regulation governing such estimation shall be established by the Executive Yuan.

Article 49-2 Food businesses belonging to a category and scale designated by the central competent authority in a public announcement violate the provisions specified in Paragraph 1 or 4 of Article 15 or Article 16, or perform the actions described from Article 44 to Article 48-1 causing detriment of human health, their acquired assets or property interests shall be forfeited or retrieved.

If there are considerable and sufficient reasons for the competent authority to believe that the penalized person transfers his/her assets or property interests to the third party for avoiding been punished pursuant to the preceding paragraph, the competent authority may forfeit or retrieve the transferred assets or property interests of the third party. If the above assets or property interests cannot be forfeited 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 forfeit or retrieve of assets or property interests and a levy on payments or property compensation in the preceding two paragraphs, the competent authority may perform detainment pursuant to this Act or request the administrative court for provisional seizure or provisional

disposition and is not required to provide guarantees.

The regulations governing the valuation of illegally obtained assets, property interests, a levy on payments or property compensation which forfeited or retrieved by the competent authority pursuant to this Article shall be prescribed by the Executive Yuan.

**Article 50** 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.

**Article 51** The competent authority may impose sanctions in the event of the following:

1. at the occurrence of the circumstances described in Paragraph 14 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.

Article 52      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;
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.

Article 55 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. 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 Should food businesses violate Subparagraph 3, 7, or 10 of Paragraph 1 of Article 15 or Paragraph 1 of Article 16 and result in harms to consumers, they shall bear the responsibilities for compensation. But if food businesses prove the harms are not caused by their manufacturing, processing, preparation, packing, shipment, storage, sales, import and export or have paid attention to preventing from the harms, they shall be exempted from the responsibilities.

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\$300,000 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.

Attorneys who represent the consumer protection organizations to litigate according to Paragraph 1 of Article 49 of the Consumer Protection Act shall request the litigation remuneration and shall not be applicable to the



latter part of Paragraph 2 of Article 49 of the Consumer Protection Act.

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 that are fined pursuant to this Act; and cash from confiscating or indemnifying or proceeds from the sale of the confiscated property due to the violation of this Act;
3. the partial appropriation of improper gains that are forfeited, retrieved, indemnified or offset pursuant to this Act or Administrative Penalty Act;
4. accrued interest income generated by the fund;
5. revenues from donations;
6. appropriations made by the government through budgetary process; or
7. other related revenues.

The sources of funds mentioned in the subparagraphs 1 and 3 of the preceding paragraph 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 consumer protection groups the remuneration fees for the attorneys and the relevant fees for consumer litigation filed in accordance with 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 employee the remuneration of attorneys and relevant litigation fees for restoring the original status, payment and damage compensation when an employee was fired, reassigned the jobs or otherwise took any adverse sanction by the employer due to

- disclosing the employers' behavior which violates this Act;
4. to subsidize rewards governed by the regulations in Paragraph 2 of Article 43; or
  5. 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.

The articles of this Act amended on 18th November 2014 shall be implemented as of its being promulgated. Other than the provision concerning the labeling of tracing sources or production systems specified in Subparagraph 5 of Paragraph 1 of Article 22 shall be implemented six months after promulgation of this Act; the provision concerning food businesses equipped with laboratories specified in Paragraph 3 of Article 7, Paragraph 4 of Article 22, the labeling of raw materials of food additives specified in Paragraph 1 of Article 24, Paragraph 3 of Article 24 and Paragraph 4 of Article 35 shall be implemented one year after promulgation of this Act.