



Federatie Voedingsindustrie Fédération de l'Industrie Alimentaire

# 'Main legal issues for the food industry in China'

## Food.be EXPORTBOOST CHINA 18 November 2014 – Affligem

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### FOOD SAFETY SYSTEM IN CHINA

Legal frame: tight and quickly growing

•Food safety law

#### Detailed regulations

(i) agriculture (ii) food additives (iii) food operating licenses (iv) health food (v) GB standards (vertical and horizontal)

#### •Consumer protection

(i) unfair competition law; (ii) consumer protection law; (iii) product quality law; (iv) advertising law

#### <u>Authority</u>

CFDA: main authority since 2013

AQSIQ: in charge for

-production; -Import food products -Packaging/labeling

**NHFPC:** replaces former Ministry of Health

safety standards unification and risk assessment

AIC: competition and consumer protection

Custom

#### Ministry of Agriculture

-Agriculture products safety -Fertilizers/agrochem



### **IMPORTING FOOD PRODUCTS**

Food products can be imported into China depending on the kind of product and country of origin

#### beef, fresh agricultural products

dairy products, pears, pork

others (chocolate, bakery, beverages..)

#### IMPORT PROCEDURE

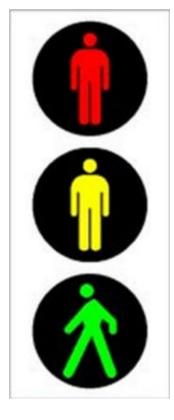
Importer's key-role

1) On-line registration

2) Required documents: -Contracts/invoices; -Packing list/bill of landing; -Certificate of origin; -Sanitary certificate -Fitosanitary certificate -Chinese label -Inspection certificate -others

3) Custom duties + VAT + consumption tax

4) Quality inspection





### FOOD LABELING

#### Label shall be in Chinese

#### Mandatory requirement:

Product name, ingredients, weight production date, shelf life;Importer's name, address, contacts;

#### Strict requirements:

additives indication
graphic requirements (fonts size, position)
Ingredient indication



ATTENTION: <u>Labeling requirements in</u> <u>China can be VERY different from HK</u> <u>and MACAU</u>

Eco-friendly certifications:









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### FOOD LABELING #2

Nutritional label mandatory except for:

- Fresh product
- Alcohol
- Unpacked food sold on production site
- Packaging largest surface <100 sq. cm</p>
- Daily intake <10ml/mg</p>

Fixed format (6 options)

Minimum content "1+4":

#### Energy

•Nutrients (proteins, fats, carbohydrates, sodium) •NRV%

#### **Optional content:**

 Other nutrients (out of list of 32) Claims (nutritional; comparative; functional)

#### Stringent requirements:

Graphics

www.hfgip.com

•"0", rounding





### SPECIAL FOOD PRODUCTS

#### ADDITIVES

Positive lists (GB 2760-2011; GB 14880-2011)

New additives to be preapproved by NHFPC

23 functional categories

Standards identify maximum level of use, residue, carry-over

Specific license for their production

HEALTH FOOD

-Claims (27+1)

-Registration procedure :

Tests (toxicology, hygiene, stability, functionality, composition, anti-doping, etc..)
Shall be sold overseas since >1 yr
Risk assessment
CFDA approval

#### NOVEL FOOD

Includes:

-New ingredients; -New additives; -Not used in China in the last 30 years

Registration procedure by CFDA



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### **RISKS YOU NEED TO AVOID...**

Professional consumers exploit and profit from product non-compliance:

- Rewarded by authorities for whistleblowing
- Punitive damages up to 1000% for noncompliance (mislabeling)
- Blackmail food companies and retailers
- Growing business (up to 90% of consumer litigation in Shanghai in 2012)

#### Most common issues are:

- Mislabeling (typos, wrong translation/definition, etc..)
- Misleading advertisement





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