

The Republic of China

Food Safety and Health Administration Act (effective as of Jan 2015)

Brief Summary

(*Only Articles relevant to the International Code of Marketing of Breastmilk Substitutes & relevant WHA resolutions are elaborated)

Chapter 1 – General outline

Article 1: Aim: for the administration of food hygiene, safety, and quality to protect the health of the citizens

Article 2: Responsible organizations - Central level: Ministry of Health and Welfare; Local levels: City and County governments

Article 3: Definitions

1) Food: means products and ingredients that are meant for eating and drinking or chewing

2) Special nutritional food: formula for infants and older infants, formula food for specific medical conditions, and other formula foods for people with special nutritional needs that are approved by the central government.

3) Food additives

4) Food appliances

5) Food containers and packaging

6) Detergent for food

7) Food industry

8) Label

9) Nutritional Label

10) Inspection and examination

11) Genetic mutation

Chapter 2 Food safety risk management (Articles 4 – 6)

Chapter 3 Food industry hygiene management (Articles 7-14)

Chapter 4 Food hygiene management (Articles 15-21)

Chapter 5 Food labeling and advertising management (Articles 22 – 29)

Article 28:

1. The labelling, promotion, and advertising of food, food additives, detergent for food, and food utensils, food container and packaging announced by the central government are not allowed to be false, exaggerating, or prone to misunderstanding.

2. There should be no health claims in food labelling, promotion, and advertisement.

3. The central government has to restrict the promotion and advertisement of *special nutritional foods, foods that lead to chronic diseases, foods that are inappropriate for long-term consumption by children or individuals with special needs. The food items, restriction and ban on publishing and broadcasting of promotion and advertisement, and other compliance matters, are determined by the central government.

**note: Definition of Special Nutritional Foods includes formula for infants and older infants.*

Chapter 6 Food import management (Articles 30-36)

Chapter 7 Food examination (Articles 37-40)

Chapter 8 Food inspection and control (Articles 41-43)

Article 45

Violation of article 28 item 1 or enforcement authority from central government as outlined in item 3 of article 28, will be fined within 40,000 and 4,000,000 new Taiwanese dollars as penalty. Violation of article 28 item 2, will be fined within 600,000 and 5,000,000 new Taiwanese dollars as penalty. Repeated offenders may be ordered to terminate their business for a certain period of time; and their partial or full registration of company, business, and factory may be revoked. Once revoked, re-registration will be not be allowed for one year.

Violation of advertising regulations in Article 28, should be penalized each time until termination of publishing and broadcasting. For serious violations of any regulations related to advertising, apart from penalties based on the 2 previous items, authorities should prohibit the sales, supply, or display (of products); and shall publish or broadcast a certain number of corrective advertisements in the same space and time slots containing expression of apology and message on correction of errors, within 30 days of issuance of decision letter. Violation of this article by continued sales, supply, and display; or failure to publish or broadcast corrective advertisements, will be fined 120,000 to 600,000 new Taiwanese dollars as penalty.