

Contents

Preface *XVII*

Notes on Contributors *XIX*

1	Argentina	<i>1</i>
	<i>Alejandro Ariosti and Margarita Olivera Carrión</i>	
1.1	Legal Framework	<i>1</i>
1.1.1	Introduction	<i>1</i>
1.1.2	Argentina in the MERCOSUR	<i>3</i>
1.2	Food Safety Authorities and Enforcement Procedures	<i>5</i>
1.2.1	Introduction	<i>5</i>
1.2.2	Food Processing Plants	<i>7</i>
1.2.3	Food Products	<i>8</i>
1.3	Basic Principles of Food Law	<i>9</i>
1.3.1	Positive Regulation	<i>9</i>
1.3.2	Traceability	<i>10</i>
1.3.3	Precautionary Principle	<i>10</i>
1.3.4	Responsibility Principle	<i>11</i>
1.4	Overview of Selected Regulation Areas	<i>11</i>
1.4.1	Mandatory Nutritional Labeling	<i>11</i>
1.4.2	Complementary Nutritional Labeling	<i>13</i>
1.4.3	Food Hygiene and Safety	<i>14</i>
1.4.4	Food Additives, Flavors, Enzymes, and Vitamins	<i>17</i>
1.4.5	Food Packaging	<i>20</i>
1.4.6	Genetically Modified and Novel Food	<i>21</i>
1.4.7	Import/Export Regulations	<i>23</i>
1.5	Accountability Regulations	<i>24</i>
1.6	Current Topics – Special Topics and Challenges	<i>25</i>
1.6.1	General Situation	<i>25</i>
1.6.2	Developments and Perspectives	<i>29</i>
	Appendix 1.A: Internet Sources	<i>29</i>
	Appendix 1.B: Abbreviations	<i>30</i>

2	Brazil	33
	<i>Anneliese Moritz and Christian Moritz</i>	
2.1	Introduction	33
2.2	Legal Framework	34
2.3	Food Safety Authorities and Enforcement Procedures	34
2.3.1	Competent Authorities for Food Regulation and Inspection Among the Authorities Responsible for Public Health	35
2.3.1.1	Federal Authorities	35
2.3.1.2	Local Authorities	37
2.3.2	Tasks of the Ministry of Agriculture	38
2.4	Basic Principles of Food Law	38
2.4.1	Food Registration	38
2.4.1.1	Registration with Anvisa	38
2.4.1.2	Information to the Health Authorities Prior to Manufacture	40
2.4.2	Traceability	40
2.4.3	Precautionary Principle	41
2.5	Overview on Selected Regulation Areas	41
2.5.1	Food Hygiene	41
2.5.2	Rules Applicable to Genetically Modified Food	42
2.5.3	Rules Applicable to Packaging	44
2.5.4	Rules Applicable to Labeling	45
2.5.5	Food Additives	46
2.5.6	Importation of Food	47
2.6	Accountability Regulations	48
2.6.1	Strict Product Liability	48
2.6.2	Tort Liability	48
2.6.3	Criminal Liability	49
2.7	Current Topics	49
2.7.1	Anvisa's Regulatory Power Being Criticized	49
2.7.2	Restrictions for the Acquisition by Foreigners of Rural Land in Brazil	50
	Appendix 2.A: Internet Sources	50
	Appendix 2.B: Abbreviations	51
3	Canada	53
	<i>John F. Blakney, Margot E. Patterson, Olivia Wright, and Jawaid Panjwani</i>	
3.1	Legal Framework	53
3.1.1	Division of Powers Overview	53
3.1.2	Federal Jurisdiction	54
3.1.3	Provincial Jurisdiction	55
3.1.4	Municipal Jurisdiction	55
3.2	Key Food Safety Authorities and Enforcement Procedures	55
3.2.1	Key Federal Departments and Agencies	55
3.2.1.1	Health Canada	56

3.2.1.2	Canadian Food Inspection Agency	56
3.2.1.3	Public Health Agency of Canada	56
3.2.1.4	Agriculture and Agri-Food Canada and the Department of Fisheries	56
3.2.1.5	Food Marketing Agencies	57
3.2.1.6	Advertising Standards Canada	57
3.2.2	Provincial Agencies	57
3.3	Basic Principles of Food Law	57
3.4	Overview of Selected Areas of Regulation	58
3.4.1	Food Labeling and Advertising	58
3.4.1.1	Food Labeling Requirements	59
3.4.1.2	Food Advertising Regulations	62
3.4.2	Food Safety	63
3.4.2.1	Federal Legislation Establishing Food Safety Standards	63
3.4.2.2	Regulation of Veterinary Drugs, Feeds, Pesticides, and Fertilizers	64
3.4.2.3	Federal Inspections and Hazard Analysis Critical Control Points Based Programs	65
3.4.3	Food Additives, Food Supplements, and Food Fortification	68
3.4.3.1	Food Additives	68
3.4.3.2	Food Fortification	69
3.4.3.3	Food Supplements	69
3.4.4	Novel Foods and Genetically Modified/Engineered Foods	69
3.4.4.1	Pre-Market Notification	69
3.4.4.2	Genetically Modified Foods	70
3.4.5	Import and Export Regulations	70
3.5	Liability	71
3.5.1	Regulatory Liability – Civil and Criminal	71
3.5.1.1	Fines and Monetary Penalties	71
3.5.1.2	Search, Seizures, and Food Recalls	72
3.5.2	Tort Liability	73
3.6	Current Topics	74
3.6.1	Specialized Conventional Foods	74
3.6.2	Relationship between Foods, Drugs, and Natural Health Products	75
3.6.3	Performance and Health-Related Claims for Food	75
3.6.4	Sodium Reduction Initiative	77
	Appendix 3.A: Internet Sources	78
	Appendix 3.B: Abbreviations	78
4	China	81
	<i>Yongmin Bian</i>	
4.1	Evolution of Food Safety Law and Current Legal Framework	81
4.1.1	Evolution of Food Safety Law: From Food Hygiene to Food Safety	81
4.1.2	Current Legal Framework	82
4.2	Food Safety Authorities and Enforcement Procedures	83
4.3	Main Systems of Food Law	84

4.3.1	Unifying National Food Safety Standards	84
4.3.2	Role of Voluntary Standards	86
4.3.3	Traceability	87
4.3.4	System on Monitoring and Assessment of Food Safety Risks	88
4.3.4.1	Monitoring	88
4.3.4.2	Assessment of Food Safety Risks	89
4.4	Overview on Selected Regulation Areas	89
4.4.1	Food Labeling Standards	89
4.4.1.1	Nutrition Facts and Health Claims	90
4.4.1.2	Food Additives	91
4.4.2	Enforcement Rules of Labeling Standards	92
4.4.3	Genetically Modified Food and Novel Food	93
4.4.3.1	Historical and Current Status of Genetically Modified Food in China	93
4.4.3.2	Regulations on the Safety of Genetically Modified Food	94
4.4.4	Import/Export Regulations	96
4.5	Accountability Regulations	97
4.5.1	Administrative Responsibility	97
4.5.2	Civil Liability	99
4.5.3	Criminal Liability	100
4.6	Current Topics and Challenges	102
4.6.1	Safety versus Security	102
4.6.2	Quality and Safety of Agricultural Products Faces Numerous Challenges	103
4.6.2.1	Environmental Pollution is Affecting the Safety of Agricultural Products	103
4.6.2.2	Rampant Abuse of Agricultural Chemicals and Veterinary Drugs	104
4.6.3	Consumers Have Lost Trust in the Safety of Their Food	105
4.6.4	Set Up an Efficient Implementation and Supervision Scheme	108
4.7	Conclusions	108
	Appendix 4.A: Internet Sources	109
	Appendix 4.B: Abbreviations	110
5	European Union	111
	<i>Tobias Baumgartner and Wesselina Uebe</i>	
5.1	Legal Framework	111
5.1.1	Historical Background	111
5.1.2	Impact of the European Court of Justice Judgment “Cassis de Dijon” on Food Law	113
5.1.3	Legislative Competences	114
5.1.3.1	Legal Harmonization in the Internal Market	114
5.1.3.2	Agricultural Policy	115
5.1.3.3	Public Health	115
5.1.3.4	Consumer Protection	116
5.2	Food Safety Authorities and Enforcement Procedures	117

5.2.1	Enforcement of Food Law	117
5.2.2	Food and Veterinary Office: Control of Implementation of EU Food Law	118
5.2.3	EFSA: Risk Analysis	118
5.2.4	Rapid Alert System for Food and Feed: Warning System	119
5.3	Basic Principles of Food Law	119
5.3.1	“From Stable to Table”	120
5.3.2	Risk Analysis	120
5.3.3	Food Traceability	121
5.3.4	Responsibility of Food Manufacturers	121
5.3.5	Precautionary Principle	122
5.4	Overview on Selected Regulation Areas	122
5.4.1	Food Labeling	122
5.4.1.1	New Food Information Regulation	123
5.4.1.2	Nutrition and Health Claims	130
5.4.1.3	Quality Descriptions and Protected Designations	133
5.4.2	Hygiene	133
5.4.2.1	General Rules for Food Hygiene	134
5.4.2.2	Specific Hygiene Rules for Food of Animal Origin	134
5.4.3	Food Additives	135
5.4.3.1	Definition	135
5.4.3.2	EU List	135
5.4.3.3	Labeling	136
5.4.4	Food Flavorings, Enzymes, and Vitamins	137
5.4.5	Genetically Modified Food	138
5.4.6	Novel Food	138
5.5	Accountability Regulations	139
5.6	Current Topics	140
	Appendix 5.A: Internet Sources	142
	Appendix 5.B: Abbreviations	142
6	Japan	143
	<i>Moritz Bälz and Gabriele Koziol</i>	
6.1	Legal Framework	143
6.2	Food Authorities	147
6.2.1	Organizational Structure of Food Safety Authorities	147
6.2.2	Food Safety Commission	147
6.2.3	Ministry of Health, Labor and Welfare	148
6.2.4	Ministry of Agriculture, Forestry and Fisheries	149
6.2.5	Consumer Affairs Agency	149
6.3	Basic Principles of Food Law	150
6.3.1	General Aims of Food Law and Definition of Food	150
6.3.2	Consumers as Primary Target for Protection	151
6.3.3	Appropriate Measures at Each Stage of the Food Supply Process (“from Farms to Tables”)	151

6.3.4	Risk Analysis	152
6.3.5	No (Express) Precautionary Principle	153
6.3.6	Limited Traceability	153
6.3.7	Responsibility of Food-Related Business Operators	155
6.4	Overview on Selected Regulation Areas	155
6.4.1	Labeling, Nutrition Facts, and Health Claims	155
6.4.1.1	General	155
6.4.1.2	Labeling to Ensure Food Safety	156
6.4.1.3	Quality Labeling	157
6.4.1.4	Nutrition Data and Health Claims	159
6.4.1.5	Other Labeling Requirements	160
6.4.2	Food Hygiene	160
6.4.3	Additives	162
6.4.4	Genetically Modified Food	164
6.4.5	Import Regulations	164
6.5	Accountability Regulations	165
6.5.1	General	165
6.5.2	Administrative Measures	166
6.5.3	Criminal Liability	166
6.5.4	Civil Liability	167
6.5.4.1	Consumer Protection Laws	167
6.5.4.2	Product Liability	168
6.6	Current Topics	169
6.6.1	Radioactive Contamination of Food	169
6.6.2	Revision of Measures against BSE	171
6.6.2.1	National Measures	171
6.6.2.2	Import of Beef and Cattle	173
	Appendix 6.A: Internet Sources	174
	Appendix 6.B: Abbreviations	174
7	Republic of Korea	177
	<i>Tom Pinansky, Ki Tai Park, April Kim, and Jin Hyuk Choi</i>	
7.1	Legal Framework	177
7.1.1	Brief Introduction to the Legal System of Korea	177
7.1.2	Division of Powers Overview	178
7.1.2.1	The Constitution	178
7.1.2.2	Acts, Emergency Orders, and Emergency Financial and Economic Actions	178
7.1.2.3	International Treaties and Rules of International Law	178
7.1.2.4	Orders	178
7.1.2.5	Administrative Rule	179
7.1.2.6	Local Laws and Regulations (Ordinances, Rules)	179
7.1.3	Sources of Food Law	179
7.2	Food Safety Authorities and Enforcement Procedures	180
7.3	Basic Principles of Food Law	182

7.4	Overview on Selected Regulation Areas	183
7.4.1	Food Traceability	183
7.4.2	Preventative Measures for Food Safety and Sanitation	184
7.4.2.1	Approval for Business	184
7.4.2.2	Responsibility for Food Sanitation	184
7.4.2.3	Prohibition of Sale of Hazardous Foods	185
7.4.2.4	Prohibition of Sale of Meat Affected by Disease	185
7.4.2.5	Notification of Standards and Specifications of Food, and So On	185
7.4.2.6	Prohibition of Sale and Use of Tainted Apparatus	185
7.4.3	Food Labels, Nutrition Facts, Health Claims, and Allergens	185
7.4.3.1	Food and Nutrition Labeling	185
7.4.3.2	Prohibition on False Labeling	186
7.4.4	Food Hygiene	186
7.4.5	Food Additives, Flavors, Enzymes, and Vitamins	188
7.4.6	Genetically Modified Food and Novel Food	189
7.4.7	Import/Export Regulations	189
7.5	Accountability Regulations	190
7.5.1	Liability under the Framework Act and Sanitation Act	190
7.5.2	Product Liability	191
7.6	Current Topics	192
7.6.1	Korean Food and Drug Administration's Response and Management Process in Relation to Radiation from the Japanese Nuclear Disaster	192
7.6.2	Benzopyrene	192
	Appendix 7.A: Internet Sources	193
	Appendix 7.B: Abbreviations	193
8	Russian Federation	195
	<i>Andreas Knaul and Oleg Zhabinski</i>	
8.1	Legal Framework	195
8.1.1	History of the Legislation	195
8.1.2	Main Legal Acts	196
8.1.2.1	Civil Code	196
8.1.2.2	Single Laws	196
8.1.2.3	Subordinated Acts and Regulations	197
8.1.2.4	Regulation at the Level of Individual Constituent Territories	197
8.2	Food Safety Authorities	197
8.2.1	Central Government	197
8.2.2	Ministries	198
8.2.3	State Authorities	198
8.2.4	Rospotrebnadzor	199
8.2.5	Non-Governmental Organizations	200
8.3	Basic Principles of Food Law	200
8.4	Overview on Selected Regulation Areas	202
8.4.1	General Requirements	202

8.4.2	Labeling of Foodstuffs	203
8.4.3	Packaging of Foodstuffs	205
8.4.4	Transportation of Foodstuffs	206
8.4.5	Food Hygiene	206
8.4.6	Food Additives and Flavors	208
8.4.7	Import/Export Regulations	211
8.4.7.1	Confirmation of Conformity of Foodstuffs	211
8.4.7.2	Applicable Technical Regulations	212
8.4.7.3	Non-Tariff Regulation of Trade in Foodstuffs	213
8.4.7.4	State Registration of Foodstuffs	214
8.5	Accountability Regulations	216
8.5.1	General Principles of Civil Law Liability	216
8.5.2	Liability Under Administrative Law	217
8.5.3	Liability Under Criminal Law	217
8.5.4	Consumer Protection and Product Liability	218
8.5.4.1	General Provisions	218
8.5.4.2	Liability for Infringements of Consumer Rights	219
8.5.4.3	Cost Reimbursement for Inferior Products	220
8.5.4.4	Claims with Regard to Infringement of Consumer Rights	221
8.6	Current Topics	222
8.6.1	Customs Union	222
8.6.2	Russia's Accession to the WTO	222
	Appendix 8.A: Internet Sources	223
	Appendix 8.B: Abbreviations	224
9	Switzerland	225
	<i>Evelyn Kirchsteiger-Meier</i>	
9.1	Legal Framework	225
9.1.1	Basic Information	225
9.1.2	Essential Features of Swiss Food Law	226
9.2	Food Safety Authorities and Enforcement Procedures	229
9.2.1	Competent Authorities at the Federal Level	229
9.2.2	Competent Authorities at the Cantonal Level	231
9.3	Basic Principles of Food Law	232
9.3.1	Reporting and Licensing Requirements	232
9.3.2	Self-Supervision	233
9.3.3	Positive Principle	234
9.4	Overview on Selected Regulation Areas	235
9.4.1	Food Labeling and Advertising	235
9.4.2	Food Hygiene and Safety	238
9.4.2.1	Good Operational Practices	238
9.4.2.2	HACCP	240
9.4.2.3	Traceability	241
9.4.3	Food Additives, Flavorings, and Food Supplements	241
9.4.3.1	Food Additives and Flavorings	241

- 9.4.3.2 Food Supplements 242
- 9.4.4 Genetically Modified Organisms 243
- 9.4.5 Import and Export Regulations 244
- 9.5 Accountability, Liability, and Criminal Law Provisions 245
- 9.6 Current Topics 247
 - 9.6.1 “Swissness” 247
 - 9.6.2 Impact of European Union Food Legislation on Swiss Food Legislation 250
 - 9.6.3 Planned Total Revision of the Foodstuffs Act 251
 - 9.6.4 New Federal Food Safety and Veterinary Office 254
 - Acknowledgment 254
 - Appendix 9.A: Internet Sources 255
 - Appendix 9.B: Abbreviations 258
- 10 Turkey 261**
 - Petek Ataman and Samim Saner*
 - 10.1 Legal Framework 261
 - 10.1.1 Background and Structure of Food Legislation in Turkey 261
 - 10.1.2 Period of EU Harmonization on Food Legislation (After 2004) 264
 - 10.2 Food Safety Authorities and Enforcement Procedures 265
 - 10.2.1 Ministry of Food, Agriculture and Livestock 265
 - 10.2.2 Ministry of Health 267
 - 10.3 Basic Principles of Food Law 267
 - 10.4 Overview on Selected Regulation Areas 270
 - 10.4.1 Food Labeling, Nutrition Facts, and Health Claims 270
 - 10.4.1.1 General Requirements 270
 - 10.4.1.2 Nutritional Labeling 270
 - 10.4.1.3 Health and Nutrition Claims 271
 - 10.4.1.4 Advertisements 271
 - 10.4.2 Food Hygiene, Registration or Approval, HACCP, Microbiological Criteria, and Hygiene Guides 272
 - 10.4.2.1 Food Hygiene 272
 - 10.4.2.2 Regulation of Special Hygiene Rules for Food of Animal Origin 272
 - 10.4.3 Food Additives 273
 - 10.4.4 Contaminants 273
 - 10.4.5 Genetically Modified Food 274
 - 10.4.6 Import/Export of Foodstuffs 275
 - 10.5 Accountability Regulations 276
 - 10.6 Current Topics 276
 - 10.6.1 Denouncing (Sharing) of Nonconformities Found in Official Controls with the Public 277
 - 10.6.2 Food Supplements and Herbal Preparations 277
 - Appendix 10.A: Internet Sources 278
 - Appendix 10.B: Abbreviations 278

11	United States of America	279
	<i>Gary Jay Kushner, Maile Gradison Hermida, and Brian D. Eyink</i>	
11.1	Legal Framework	279
11.2	Food Safety Authorities and Enforcement Procedures	279
11.2.1	Federal Agencies Regulating Food Products	280
11.2.1.1	FDA and FSIS	280
11.2.1.2	Other USDA Agencies	281
11.2.1.3	Federal Trade Commission	281
11.2.1.4	Additional Federal Agencies with Related Responsibilities	281
11.2.2	State Regulation of Foods	282
11.2.2.1	Intrastate versus Interstate Regulation of Products	282
11.2.2.2	Federal Preemption	282
11.2.2.3	States' Regulatory Roles	283
11.3	Basic Principles of Food Law	283
11.4	Overview of Selected Regulation Areas	285
11.4.1	Adulteration	285
11.4.1.1	Food Ingredients and Packaging	285
11.4.1.2	Food Sanitation and Safety	288
11.4.2	Misbranding	290
11.4.2.1	Mandatory Labeling	290
11.4.2.2	Voluntary Labeling	292
11.4.2.3	Labeling Exemptions and Special Requirements	295
11.4.2.4	Menu and Vending Labeling	295
11.4.3	Imports	296
11.4.3.1	Foreign Supplier Verification Program	296
11.4.3.2	Import Certifications	296
11.4.3.3	Voluntary Qualified Importer Program	297
11.4.4	FSIS Regulation of Meat and Poultry Products	297
11.5	Accountability Regulations	298
11.5.1	Inspections	299
11.5.2	Recalls	300
11.5.3	Food Defense	300
11.5.4	Enforcement	301
11.5.5	Private Litigation	302
11.6	Current Topic: FSMA Implementation	302
	Appendix 11.A: Internet Sources	303
	Appendix 11.B: Abbreviations	304
	Index	307