



China-Britain
Business Council
英中贸易协会

Written in collaboration with HFG.

HFG

LAW &
INTELLECTUAL
PROPERTY

China Labelling Regulations

1. OVERVIEW

China requires all food and drink products, including imported food products, to be labelled to comply with Chinese food labelling regulations.

For pre-packaged food and drink products, the two main labelling regulations are:

- **GB 7718 (General Principles)**
- **GB 28050 (Nutritional Food Product Labelling)**

As well as the above standards, there are also a number of specific labelling regulations which are included in certain vertical food safety standards¹.

China's specific labelling regulations require careful study by any company involved in distributing international food and drink products to China and within China. As a result, direct translation of a food/drink product's original label into Chinese is not recommended as this could easily lead to non-compliance with Chinese regulations.

¹ Vertical food safety standards are those that apply to a specific kind of food, for example: GB 25190 for sterilised milk or GB 4927 for beer, both of which include specific labelling provisions which apply only to these products.

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2. GENERAL LABELLING REQUIREMENTS

The labels of pre-packaged food and drink products imported into China should display the following information in Chinese:

- Product name;
- List of ingredients;
- Date of production;
- Best before date;
- Country of origin;
- Chinese importer or distributor and its contact details;
- Storage conditions;
- Net content.

For most food and drink products, it is not required to list the manufacturer on the product label. In addition, it is not required to include the batch number, instructions for use, and allergy advice on the label of a food product either, although this is recommended. However, these requirements may change in the future. In particular, a number of industry experts predict that information regarding allergy advice will become a mandatory component of food product labels within China in the future.

The list of ingredients within a food or drink product should be arranged in descending order of weight (except for ingredients accounting for less than 2% of the total weight of the product), and if any complex ingredients are used to make the product then the ingredients used to make each complex ingredient should be listed (unless the complex ingredient accounts for less than 25% of the total weight of the product).

Dates should be written in the form YYYY/MM/DD; any deviation from this should be clearly stated.

For illustrated examples please see below.

THE NAMING OF FOOD AND DRINK PRODUCTS

The name of a food or drink product is often the most difficult part of the Chinese label to write correctly. The official name of the product in Chinese should comply with relevant Chinese vertical food safety standards. It is also important to understand which category a product belongs to as this will also influence its Chinese name.

However, Chinese regulations do not cover every type of food or drink product; therefore sometimes a specific food or drink product will not have an official name translated into Chinese. This is particularly common with products from countries with very different culinary backgrounds to China, for example, traditional local specialties from Europe which do not easily fit into common food product categories, and which are not yet well-known in China.

In these cases, efforts should be made by the

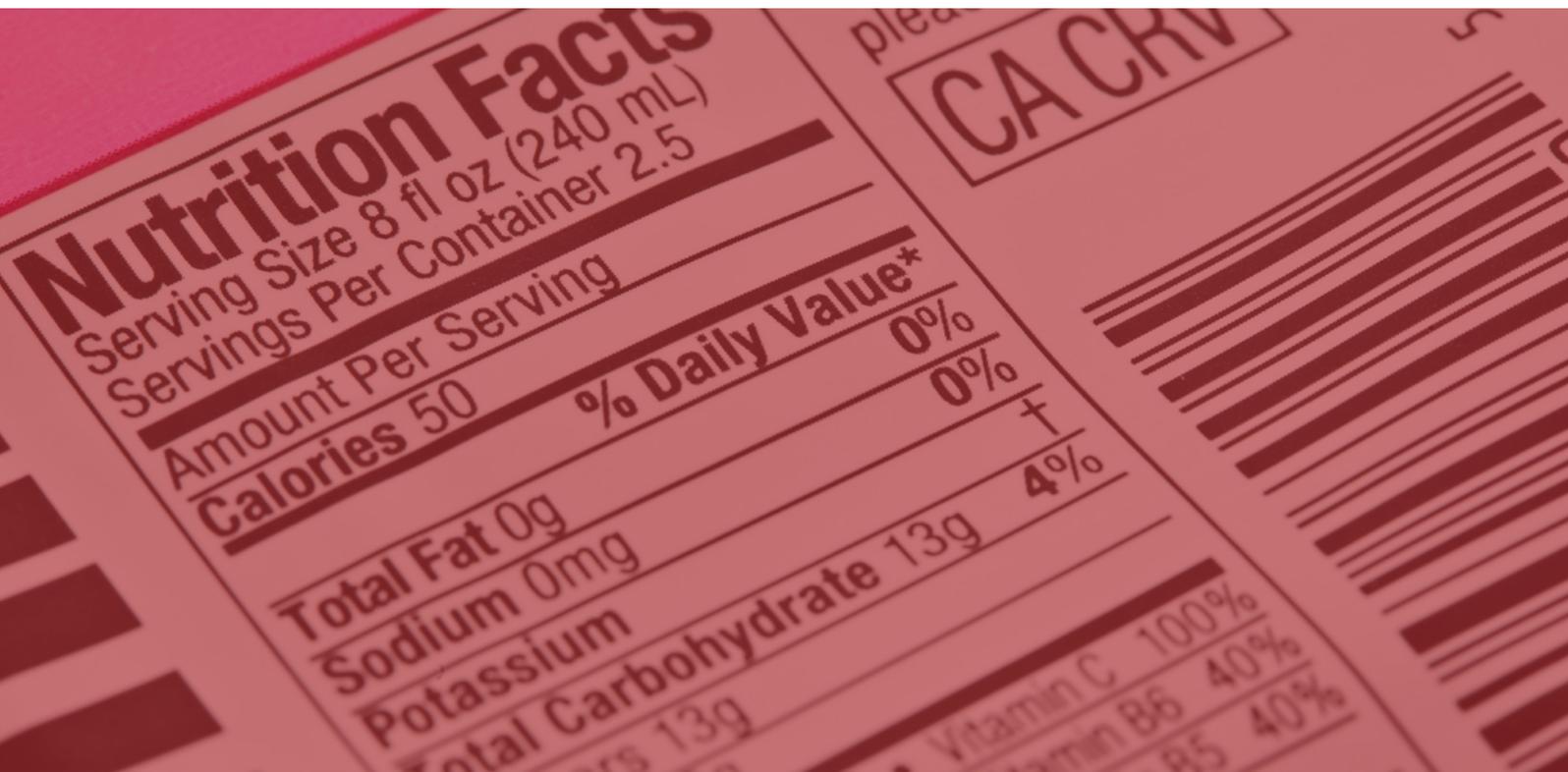
party labelling the product to both identify the correct food category which the product should be listed under, and to create a name which accurately conveys a description of what the food product is to Chinese consumers.

A good example of this is the UK speciality Marmite, which is not commonly eaten in China. It is usually translated as “Mami Yeast Essence” (“妈密酵母精华” in Chinese), within which “Mami” (“妈密” in Chinese) is a phonetic translation of the word “Marmite” and is intended to be taken to have that meaning, while “Yeast Essence” (“酵母精华” in Chinese) is a description of what Marmite is. It is also sometimes translated as “Mamai Sauce” (“马麦酱” in Chinese), within which “Mamai” (“马麦” in Chinese) is a phonetic translation of the word “Marmite” and is intended to be taken to have that meaning, while “Sauce” (“酱” in Chinese) is

a description of what Marmite is. Of these, the first translation is perhaps more accurate as it conveys a more complete description about the nature of this product to the Chinese customer; the second translation, however, assumes that the customer knows what “Mamai” means in relation to sauce.

Another example of this can be found in Ponte Vecchio’s balsamic vinegar from Italy, which is translated on some labels as “black balsamic vinegar and concentrated liquid condiment compound seasoning” (“黑香脂醋味浓缩调味品” in Chinese). Within this name, the phrase “black balsamic vinegar” (“黑香脂醋味” in Chinese) is based on a generic definition and is not regulated by the relevant Chinese standards, while “concentrated liquid condiment compound seasoning” (“浓缩调味品” in Chinese) corresponds to the appropriate official category under Chinese regulations.

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3. NUTRITIONAL INFORMATION LABELLING REQUIREMENTS

It is mandatory to include nutritional information on the labels of all food and drink products, except in the following cases: fresh food that is neither packaged nor processed; alcoholic beverages with an alcoholic content above 0.5%; food products in small packaging;² bottled water; and food or drink products for which the daily intake is less than or equal to 10g or 10 ml, such as dressings, spices, tea, and sweetening agents.

Nutritional information should include information about energy content, carbohydrates, proteins, fats, and sodium (often referred to

as the “big 4+1”). There are 32 other micronutrient elements that can also be declared, although in these cases declaration is optional. Nutritional reference value (“NRV”) percentages should be included within the nutritional information and all nutritional information should be written as being per 100g, per 100ml, or per serving, with the size of the serving being stated in the latter case.

There are also regulations governing the format of graphics, rounded values, NRV percentage calculations, and the definition of “zero” within nutritional information.

NUTRITIONAL CLAIMS

Nutritional claims are regulated, and are split into the following three categories:

- **Content claims:** Examples of this include “rich in”, “low in”, and “a good source of”;
- **Comparative claims:** An example of this is “a reduced amount of energy compared with”;

- **Function claims:** An example of this is “proteins contribute to tissue formation and growth”.

Such claims can be only used when specific conditions and/or thresholds are met; for example, the claim that a food product is “lactose-free” requires the lactose content to be less than or equal to 5% of the total content.

In the case of a claim concerning a micronutrient for which a declaration of nutritional content would not be mandatory, when a claim is made about such a micronutrient a declaration of the nutritional content becomes mandatory.

² Food products in small packaging are defined as those with packaging that has a total surface area of not more than 100 square centimetres, or where the largest surface area is not more than 20 square centimetres.

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4. HEALTH CLAIMS AND LABELLING REQUIREMENTS

References to a therapeutic or disease-preventing property are forbidden for ordinary food and drink products (i.e. non-health food products). There is a list of 28 health claims available for health food products that have been duly approved to be referred to as such by the China Food and Drug Administration (国家食品药品监督管理总局). Other references to the beneficial effects of certain ingredients should only be included if they are properly supported by scientific and official evidence, so as to avoid contravening regulations.

A food product can be labelled as organic in Chinese and English only if it has been certified as organic by the Certification and Accreditation Administration (中国国家认证认可监督管理委员会) now part of the State Administration for Market Regulation (SAMR). Without such certification, it is illegal to have any claim on the label that the food or drink product is organic, even if this claim is in English and/or if it refers to a certification given by a qualified body from another country, including the UK.

Other claims sometimes seen on the labels of food and drink products, such as that a product is “natural”, are not clearly regulated and their use should be carefully assessed on a case-by-case basis.

Food and drink product labels should also comply with general advertising regulations, most of which are drawn up by the Standing Committee of the National People’s Congress (全国人民代表大会常务委员会). Labels should avoid:

- Misleading information, including unclear and out-of-context health-related information not supported by scientific data;
- Claims of the food or drink product’s market share that are not supported by official data;
- False information or information that cannot be verified;
- Superlatives or any expressions that place the product above all others within its sector, such as “the best” or “the UK’s number one”.

5. THE RESULTS OF NON-COMPLIANCE WITH FOOD AND DRINK PRODUCT LABEL REGULATIONS

There are differing degrees of severity in the non-compliance of food product labelling, and associated ramifications vary in accordance to this.

Serious Non-Compliance

- Examples of serious non-compliance include: the use of an incorrect product name; the listing of an incorrect ingredient; product ingredients not being listed in descending order of weight; or incorrect nutritional amounts being given.
- Consumers can ask for a refund of the price paid for each food or drink product plus punitive damages up to the value of 1,000% of the price paid for each product multiplied by the number of items purchased, and this total should not be lower than RMB 1,000 in any case. A product recall may also be necessary, although it is likely that the product would be taken off the shelves by stockists before this occurs.

Less Serious Non-Compliance

- Examples of less serious non-compliance include: breaches which do not directly concern the safety of the food or drink product, and instead concern a form of promotion that is illegal.
- Consumers can ask for a refund of the price paid for each food or drink product plus punitive damages of 300% of the price paid for each product multiplied by the number of items purchased, as stated in China’s Consumer Protection Law (中华人民共和国消费者权益保护法). In addition, fines may also be issued by the State Administration for Industry and Commerce (中华人民共和国国家工商行政管理局) for false advertising; these can reach a value of RMB 1 million.

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6. THE BEST WAYS TO AVOID MISTAKES WHEN LABELLING FOOD AND DRINK PRODUCTS

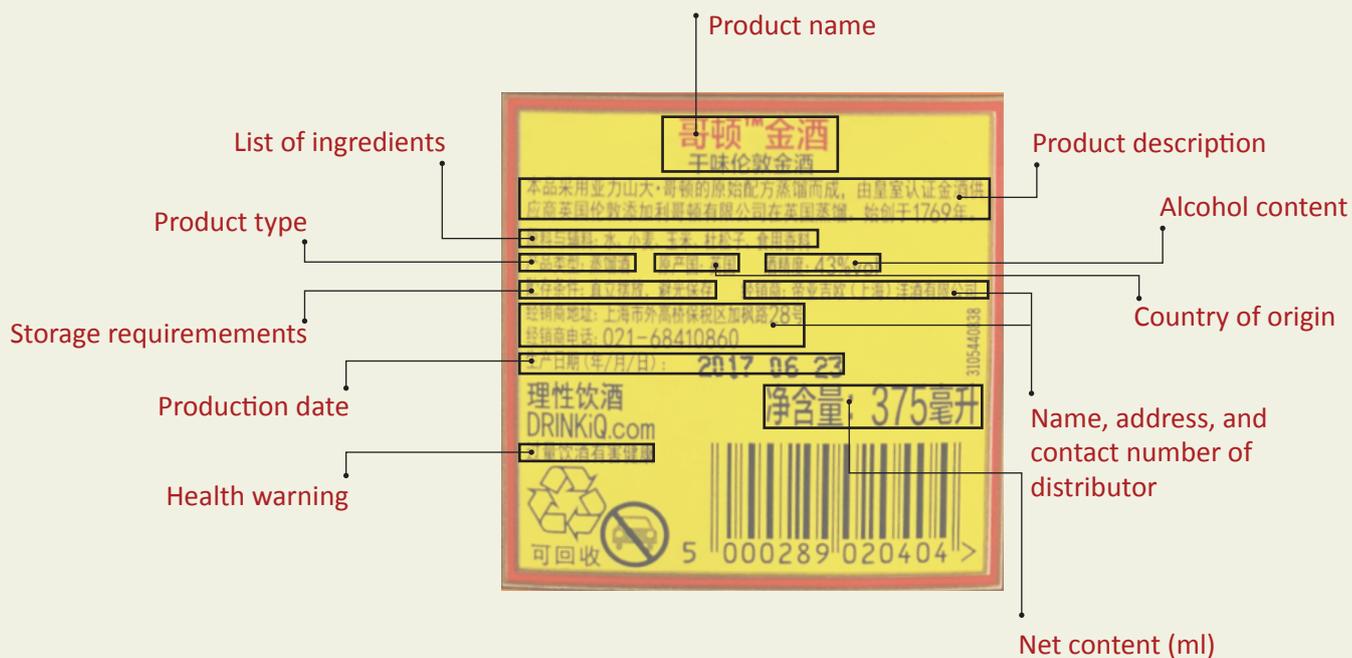
It is strongly recommended that producers and distributors of food and drink products:

- Carefully study all relevant regulations;
- Assess precedents of administrative and civil decisions by the relevant authorities and courts;
- Carefully research Chinese sources of relevant information;

- Have prior experience of operating in the Chinese food and drink market, or are able to acquire this knowledge through the use of a consultancy firm;
- Choose a suitable expert to advise them.

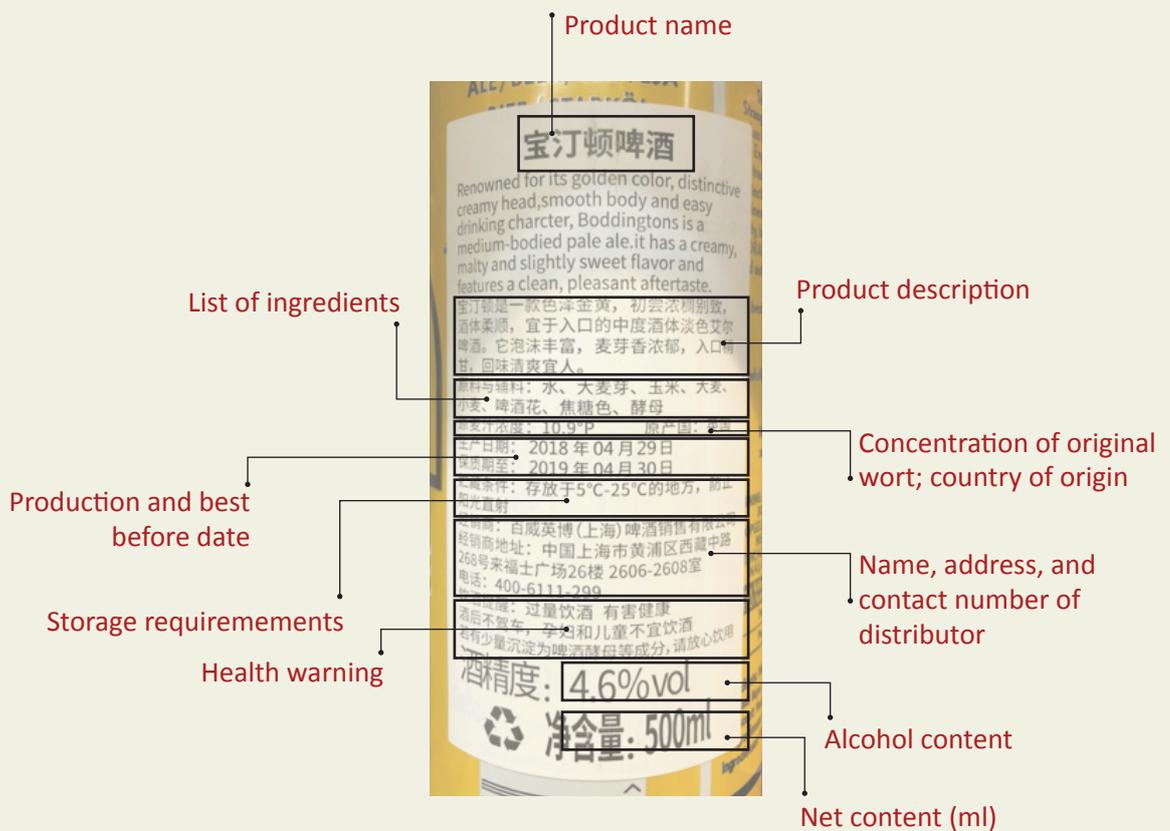
For further information and labelling advice please contact Nicola Aport at HFG, e-mail: naporti@hfgip.com or CBBC at: foodanddrink@cbbc.org

FIGURE 1: THE CHINESE LABELLING USED BY GORDON'S LONDON DRY GIN



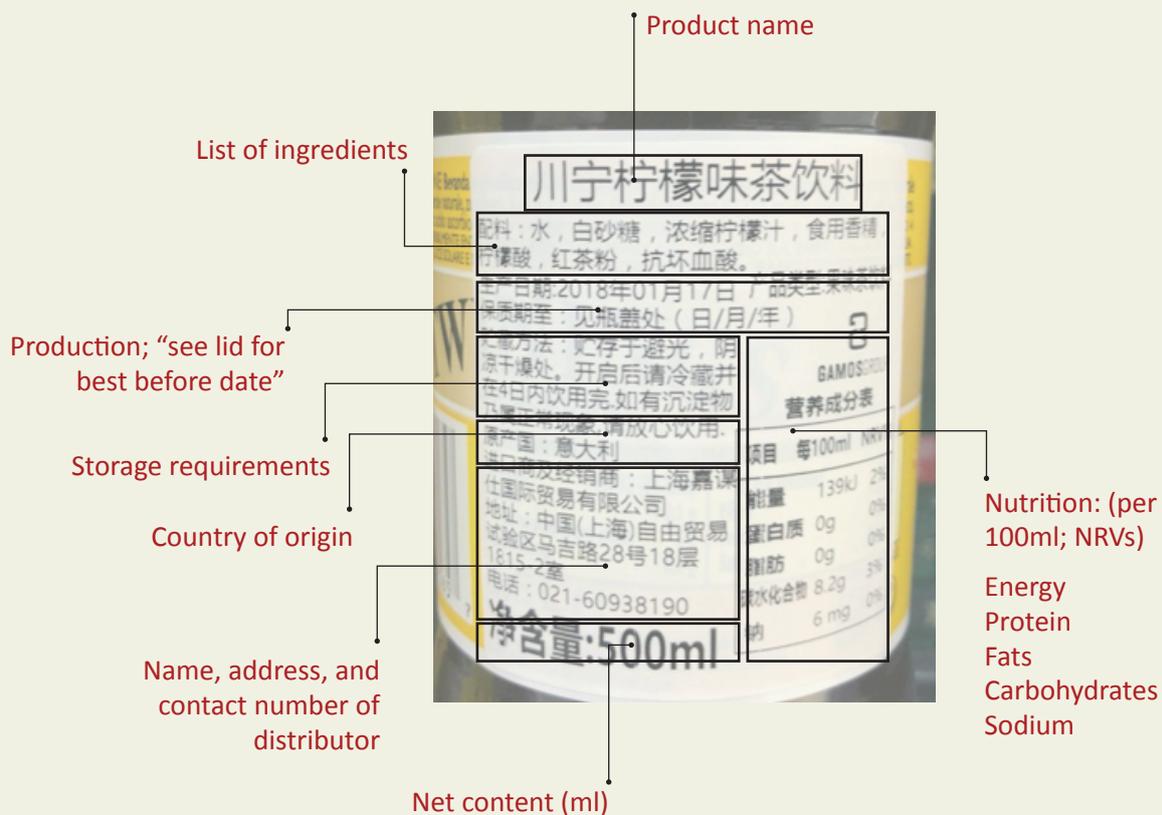
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FIGURE 2: THE CHINESE LABELLING USED BY BODDINGTONS PUB ALE



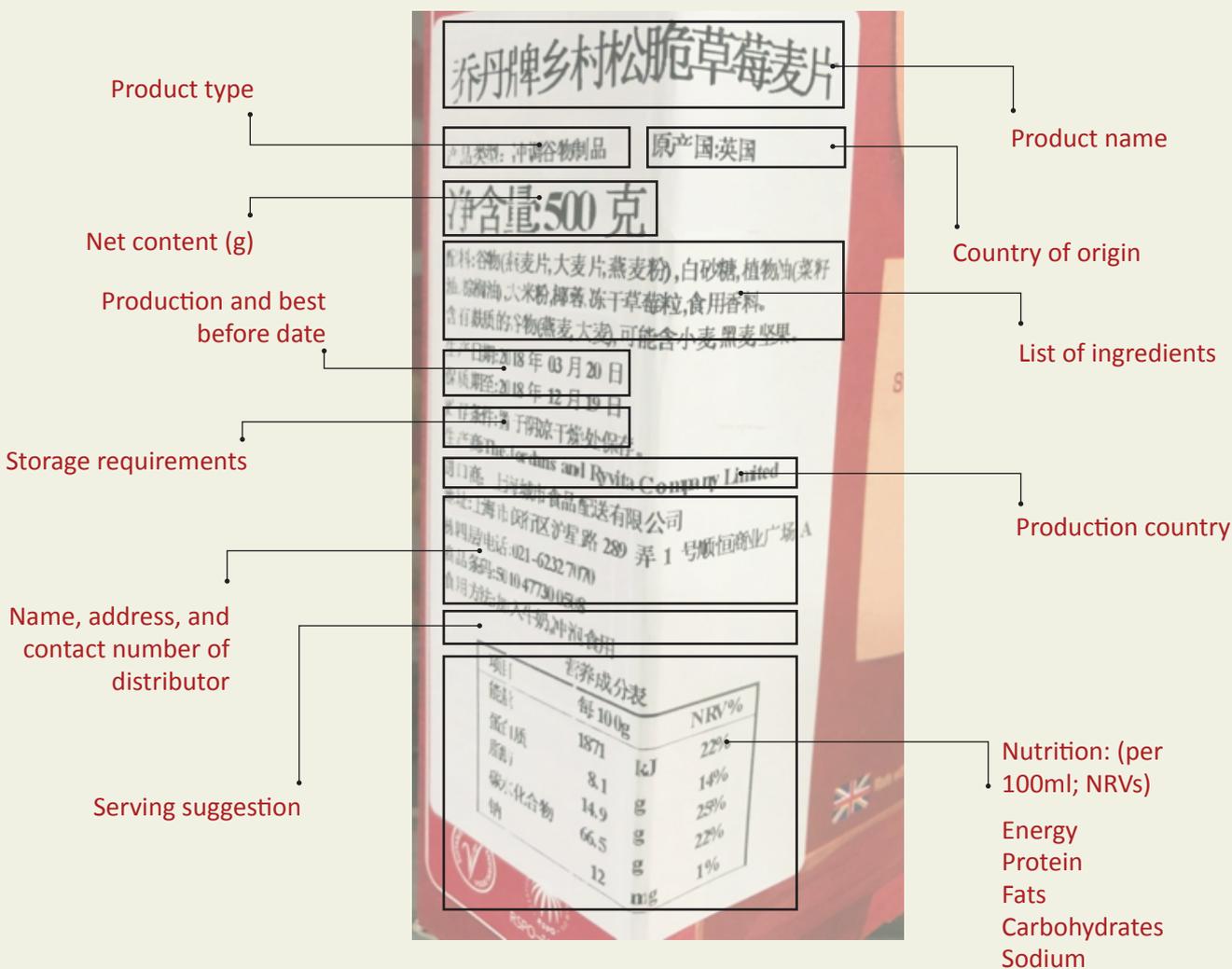
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FIGURE 3: THE CHINESE LABELLING USED BY TWININGS ICED TEA



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FIGURE 4: THE CHINESE LABELLING USED BY JORDANS COUNTRY CRISP



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