

Food export in China: legal compliance



ABOUT HFG



China Offices

- Shanghai
- Beijing



HFG Professionals

- 60 professionals with legal/scientific background
- Multi-national team
- Depth of experience (average 15 years)
- Languages spoken: EN, CH, FR, IT, JP, NL, RU



Client Base

- Multinational companies
- Small/medium enterprises
- Law firms
- IP agents/firms

OUR HISTORY

FOUNDATION

HFG consists of 3 integrated entities duly licensed by law for full legal practice:

**HFG Intellectual Property
Consulting Ltd.**
licensed by the State AIC

2003



**HFG Intellectual Property
Agency**
licensed by the State IPO

2006



2005



HFG Law Firm
licensed by Judicial Department.



LAW &
INTELLECTUAL
PROPERTY

I – CULTURAL ASPECTS

- Regulatory peculiarities (SAFE, etc...)
- Business is something personal
- Communication goes through chinese channels : wechat, weibo, ecc....
- A fast environment
- Unique cultural traditions
- Great concerns for food fraud and safety
- High reputation for imported food



II – IMPORT GENERAL REQUIREMENTS

- **Compliance parameters**
 - Product standard
 - Horizontal standard (label, additives, etc..)

- **Positive list required for producers of**
 - Meat products
 - Aquaculture products
 - Dairy products

- **CIQ clearance**
 - Label
 - Standard compliance
 - Other documents

II – IMPORT GENERAL REQUIREMENTS - sanctions

- **Non-compliance sanctions**

- Punitive damages (x10!)

- Fines (up to x20!)

- Black-list

- Damage to reputation

III - LABEL

dal 1886

VALORES NUTRICIONAIS MÉDICOS POR 100g / GEMIDDELE

得科意大利面 (#7扁身型)

始于1886年
超过100年的相同配方

原产国：意大利
配料表：硬质小麦，水
食用指南：在12升沸水中煮11分钟，可加入适量食盐，捞出装盆即可。
生产日期：
保质期：
贮藏条件：干燥、避光处存放
经销商：锦江麦德龙现购自运有限公司
地址：上海市真北路1425号
电话：021-22078888
生产商：F. LLI DE CECCO SpA
得科意大利面条特有的质量保证方法：选用上等小麦可令本品烹饪时更具韧性；更小颗粒的小麦有利于完整地保留面筋；在冷水(低于15℃)中轻揉本品可增加甜味及其韧性；使用专业模具加工成各种形状；理想的表面糙度利于拌酱入味。

净含量：1千克

项目	每100g	NRV%
能量	1470kJ	18%
蛋白质	13.0g	22%
脂肪	1.5g	3%
--饱和脂肪	0.3g	2%
碳水化合物	70.2g	23%
--糖	3.4g	
膳食纤维	2.9g	12%
钠	0mg	0%

PRODOTTO CERTIFICATO
SISTEMA PC-AGRO 3
No. CERT-141-
PC-BRI-DNV

De Cecco
pasta cer
qualità
numerosi parametri quali: many parameters such as:
.La selezione dei migliori The selection of the best durum

百味来
意大利面酱
番茄和罗勒风味

百味来，有着130多年历史的领先意大利面和面酱品牌，为您带来全新意大利面酱，带您探索纯正意大利风情。简便的袋装意大利面酱以严选天然食材，根据传统意大利食谱由顶级百味来大厨精心烹制。

百味来番茄罗勒风味意大利面酱由美味番茄、芳香罗勒和各种精选优质食材混合制成。可与螺旋形意大利面美妙搭配。

使用说明

- 将意大利面酱倒入锅中加热
- 加入干干的意面
- 加热一分钟，不时搅拌

包装不可置于微波炉中加热

净含量：250克

项目	每100克	营养素参考值%
能量	264千焦	3%
蛋白质	1.5克	3%
脂肪	2.0克	3%
碳水化合物	8.2克	3%
膳食纤维	1.0克	4%
钠	373毫克	19%

配料：水、番茄酱、洋葱、白砂糖、增稠剂(羟丙基二淀粉磷酸酯)、植物油、食盐、罗勒、香草料、食用香精。

过敏源声明：此生产线也可能生产含有麸质的谷物及其制品、鱼类及其制品、大豆及其制品、乳及乳制品、坚果及其果仁类制品的食品。

产品标准号：Q/MA8-H00045
生产许可证号：G63112 0901 2420
储存条件：存放于阴凉干燥处，常温避光保存，开封后需冷藏，并在5天内食用完。
产地：上海市闵行区
委托方：百味来(上海)贸易有限公司
地址：上海市港海中路381号中环广场830-830室
电话：8621 60237600
被委托方：上海大塚食品有限公司
地址：上海市闵行区莲花南路1949号
电话：8621 54400906

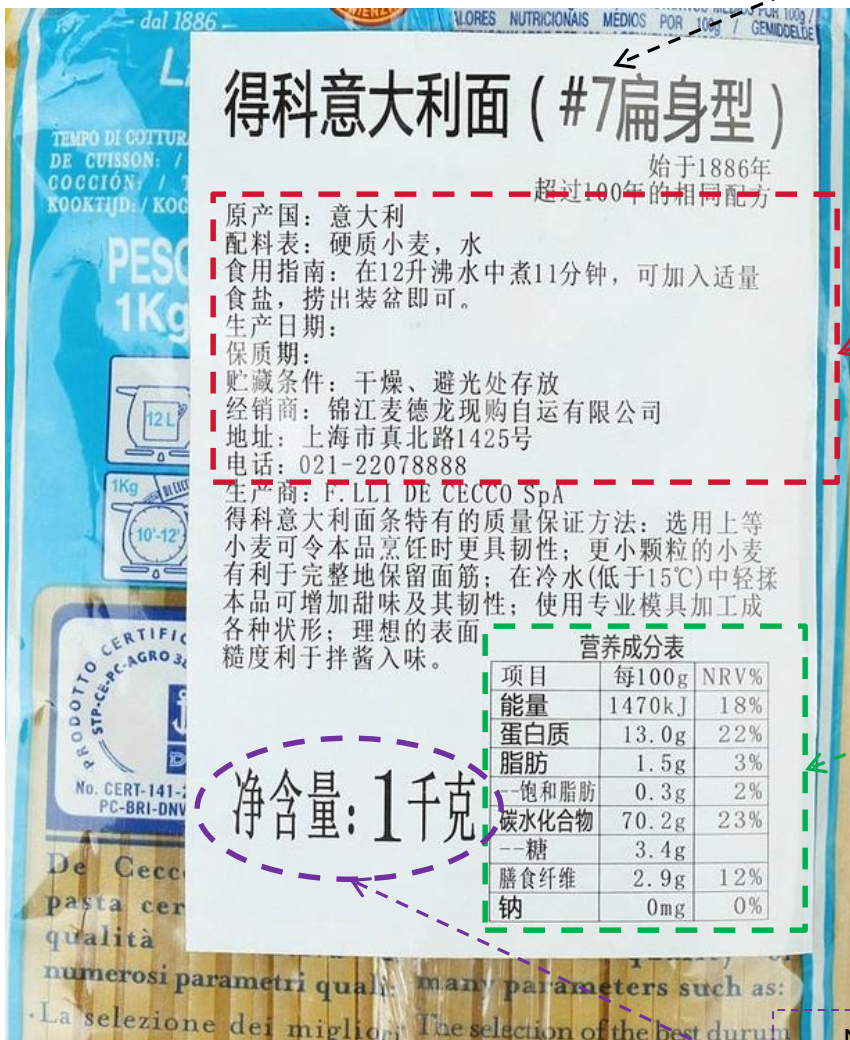
意大利品味
www.barilla.com.cn

保质期：年/月/日
20161027
20150427 05A
生产日期：年/月/日

III - LABEL

Name:

- Not smaller than fonts in original language
- prominent place of the label



Other mandatory content:

- Not smaller than fonts in original language
- At least 1.8 mm (if largest surface of packaging < 35cm²)

Nutritional label:

- Fixed format (can choose among 6)
- Visual difference between mandatory and non-mandatory content

Net content:

- fonts: 2, 3, 4 or 6 mm depending on the net content
- Same display panel as food name

III - LABEL

HEALTH FOOD

- Claims allowed only after CFDA registration (up to 2 years!) or record
- Only the (28) claims allowed by the law!
- Record possible for “white-list ingredients” + vitamins/minerals supplement



ORGANIC

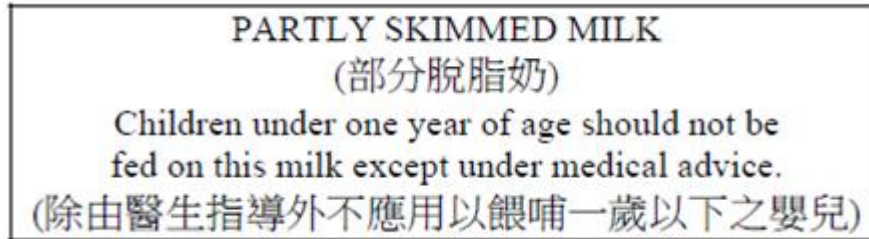
- Only if compliant with Chinese organic standard and certified as such by COFCC
(also for “**ORGANIC**” in foreign languages)



III – LABEL – HK/Macao vs Cina

HONG KONG and MACAU HAVE LABELING RULES COMPLETELY DIFFERENT FROM CHINA

For example:



- Less strict approach on synonyms, roundings
- Allowed English (HK) and Portuguese (Macau). However a few specific items shall be bilingual
- Different parameters: e.g., semi-skimmed milk in HK $1,5\% \leq \text{fat} \leq 1,8\%$; allergens lists include sulphite
- No requirements for font size
- Macau regulations very similar to HK's

III - LABEL - professional consumer

- End-users making profit from exploiting product non-compliance
 - A growing business model*:
 - ❑ account for 90% of consumer rights litigation in Shanghai (Jing'an Court, 2012)
 - ❑ account for 60% of consumer rights litigation in Beijing (Haidian Court, 2011)
 - ❑ average income: 200,000 RMB/year
- * Source: Beijing Morning Post

WANG HAI



More than 200 employees around China

5 entities, including lawyers and technical staff

Won a 5-million RMB case vs Nike in Beijing

Now also engaged as consultant for companies

LI XUE SONG

Specialized on food products
Set up a QQ discussion group

More than 600 users sharing food compliance problems

Accounts for up to 40% of certain Fortune-500 Co cases

Estimated income: > 6,000,000RMB/Year

III - LABEL - example #1

“WITH WHOLEGRAIN FIRST INGREDIENT”.

“CAN HELP LOWER CHOLESTEROL”.

LOWER



Non-compliant nutritional label

IV - IP - example #1

Company name
TM

Logo
TM + copyright

Decoration
Design + copyright

Picture
Copyright

Packaging shape
Design

Product name
TM

General aspect
Trade Dress + copyright

Label

Slogan
TM

Certification TM

Picture
Copyright



IV- IP - example #2

Decoration

Design + copyright



Company name

TM

Company name

TM

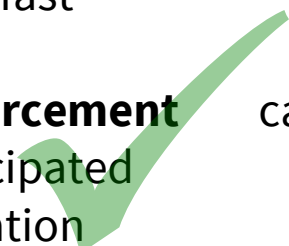
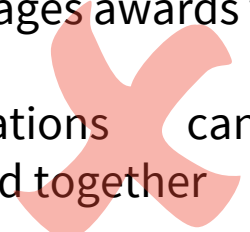
Label

Certification TM

Picture

Copyright

V- CONTRACTS

- Judicial procedures are very fast
- **Enforcement** can be anticipated before litigation 
- Decisions based on evidences
- Very formalistic system
- Damages awards very low
- Litigations cannot be joined together 

Q&A



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