

Content

Title : Regulations Governing the Sampling and Inspection of Foods Sold in Markets
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Date : 2014.02.11

Legislative : 1. Promulgation and enforcement of the full text of 10 Articles by Council of Agriculture, Executive Yuan order lun-lian-zi no. 1001093733 on 16 August, 2011.
2. Promulgation of the amendment to Article 7 by Council of Agriculture, Executive Yuan order lun-lian-zi no. 1031092130 on 11 February, 2014.

Content : **Article 1**

These regulations are prescribed pursuant to paragraph 2 of Article 15 of the Food Administration Act (hereinafter referred to as the “Act”)

Article 2

The spot-checks or inspection carried out by competent authorities with respect to foods sold in the market are as follows:

1. The labeling, promotion or advertising of foods pursuant to paragraph 1 and 2 of Article 14 of the Act.
2. The labeling spot-checks and quality inspection of foods sold in the market set forth under paragraph 1 of Article 15 of the Act.

Article 3

Personnel of the competent authority who conduct spot-checks or inspection of foods sold in the market shall produce certificates regarding performance of his/her duties to food merchants or retailers, and inform them of the reason for such check.

Article 4

Except for particular inspection purpose, the competent authority shall be able to randomly purchase samples of foods in performing the spot-checks or inspection of foods sold in the market.

Where evidence gathering regarding goods labeling is completed at the scene by the competent authority, the procedure of sampling can be skipped.

Article 5

When carrying out the spot-checks or inspection of foods sold in the market, the competent authority shall produce spot-checks or sampling records which have to be confirmed and signed by the practitioners, their representatives or operating persons at the selling site.

Should the foregoing selling site persons defined in the previous paragraph refuse to sign the record, the operational staff shall make a record of such fact, time executed and the premises.

Article 6

The competent authority shall, within 15 days from the date of sampling, complete the check (inspection), or send the samples, within three working days after sampling, to the entrusted inspection agency, legal person, academic or research institution (hereinafter referred to as “Entrusted Inspection Agency or Institution”), designated under paragraph 3 of Article 15 of the Act, for them to inspect.

The Entrusted Inspection Agency or Institution shall complete the inspection within twenty (20) days after receiving the above-mentioned samples.

Article 7

If food vendors have any objection to the inspection results of their food, they may apply to the competent authority in writing for re-check or re-inspection of the samples retained within seven (7) days after receiving the notification and after paying the inspection fees. Such application shall be limited to once only. The competent authority shall proceed with the re-check or re-inspection within five days after accepting the application, and inform applicants of the re-check or re-inspection results in writing.

Article 8

Spot-checks or inspection personnel shall keep in secret they know the trade secrets of the examinee.

Article 9

Personnel who perform spot-checks or inspection shall comply with the relevant regulations of recusal under the Administrative Procedure Act.

Article 10

These regulations shall become effective on the date of promulgation.

Data Source : MONISTRY OF AGRICULTURE Laws and Regulations Retrieving System