patriarchal mentality and unfavourable social environment they failed to accomplish their goal. The social engineering through law was not fully achieved, while some rights enshrined under the enactments were enjoyed and accepted by the society most of them remained only in papers due to lack of public support.

As it rightly said; by Wendell Phillips: "Law is nothing unless close behind it stands a warm living public opinion"

It is said that the law without the public opinion is nothing but a bundle of papers. The gap between the men and women cannot be bridged by just enacting laws without any public support as social engineering laws are different from penal laws which are just related to punishment and are deterrent in nature but social engineering laws enacted to uplift the norms of the society are progressive in nature and therefore it should be backed by the will of the people for whom it is enacted. It must be remembered that guaranteeing a right in law does not ensure the ability to access the right in reality.

Conclusion :

> "Just as a bird could not fly with one wing only, a nation would not march forward if the women are left behind." - *Swami Vivekananda*

Gender equity emphasizes that all human beings be it men or women are free to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles, political and other prejudices. Their different aspirations should be valued equally and they would be treated fairly according to their respective needs. But the law alone cannot do much. All sections of society have to work for this transformation and this is where NGOs, the media and the people's representatives have to play a major role. Gender justice is genuine equality among human beings where neither man is superior nor is a woman inferior.

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COMPARATIVE ANALYSIS OF FOOD SAFETY IN VARIOUS COUNTRIES[1]

By

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Food Safety has become a global phenomenon. The food industry is responsible for producing safe food. In a country, Government agencies are responsible for setting food safety standards, conducting inspections, ensuring that standards are met, and maintaining a strong enforcement program to deal with those who do not comply with standards. In world, every country is concentrating on food safety laws. The author focuses a comparative analysis of food safety existing in various countries.

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Food Safety in US

FDA Food Safety Modernization Act (FSMA), 2010

The Food Safety Modernization Act (FSMA), signed into law by President *Obama* on January 4, 2011 enables the Food and Drug Administration (FDA) to better protect public health by strengthening the food safety system. It allows FDA to focus more on preventing food safety problems, rather than reacting to problems after they occur. This Act is to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply. This Act enacted by the Senate and House of Representatives of the United States of America in Congress assembled. The Act deals with improving capacity to prevent Food Safety Problems[2]. The word 'adulterated food' has been defined and keeps the onus or burden to determine whether the food is adulterated or not. 'Adulterated food' means if the Secretary[3] has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected. The Title I of the FSMA Act provides the information relating to inspections of records, Registration of food facilities, Hazard analysis and risk-based preventive controls, Performance standards, Standards for produce safety, Protection against intentional adulteration, Authority to collect fees, National agriculture and food defense strategy, Food and Agriculture Coordinating Councils, Building domestic capacity, Sanitary transportation of food, Food allergy and anaphylaxis management, New dietary ingredients, Requirement for guidance relating to post harvest processing of raw oysters, Port shopping and Alcohol-related facilities. If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether there is a reasonable probability that the use of or exposure to the food will cause serious adverse health consequences or death to humans or animals. The owner, operator, or agent in charge of a facility shall— "(1) identify and evaluate known or reasonably foreseeable hazards that may be associated with the facility, including—"(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, decomposition, parasites, allergens, and unapproved food and colour additives; and "(B) hazards that occur naturally, or may be unintentionally introduced; and "(2) identify and evaluate hazards that may be intentionally introduced, including by acts of terrorism; and "(3) develop a written analysis of the hazards. The owner, operator, or agent in charge of a facility shall identify and implement preventive controls, including at critical control points, if any, to provide assurances. With respect to a food for which

2. Title I of the Act consists of Sections 101 to 116.

3. The Secretary shall be appointed by the President by and with the advice and consent of the Senate, and who shall receive compensation at the rate now or hereafter prescribed by law for the heads of executive departments. The department shall be administered under the supervision and direction of the Secretary.

a food packaging label is required by the Secretary under any other provision of this Act, include prominently and conspicuously on such label the name and business address of the facility where the food was manufactured or processed; or With respect to a food for which a food packaging label is not required by the Secretary under any other provisions of this Act, prominently and conspicuously display, at the point of purchase, the name and business address of the facility where the food was manufactured or processed, on a label, poster, sign, placard, or documents delivered contemporaneously with the food in the normal course of business, or, in the case of internet sales, in an electronic notice. The Secretary may, by regulation, exempt or modify the requirements for compliance under this section with respect to facilities that are solely engaged in the production of food for animals other than man, the storage of raw agricultural commodities (other than fruits and vegetables) intended for further distribution or processing, or the storage of packaged foods that are not exposed to the environment.

The Act provides the provisions improving capacity to detect and respond to food safety problems[4]. The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall maintain an agreement through which relevant laboratory network members, as determined by the Secretary of Homeland Security, shall—(1) agree on common laboratory methods in order to reduce the time required to detect and respond to foodborne illness outbreaks and facilitate the sharing of knowledge and information relating to animal health, agriculture, and human health; (2) identify means by which laboratory network members could work cooperatively—(A) to optimize national laboratory preparedness; and (B) to provide surge capacity during emergencies; and (3) engage in ongoing dialogue and build relationships that will support a more effective and integrated response during emergencies. In this Act, the term "foodborne illness outbreak" means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a certain food.

Food borne illness surveillance system: The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enhance foodborne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses by—

(A) coordinating Federal, State and local foodborne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(B) facilitating sharing of surveillance information on a more timely basis among Governmental agencies, including the Food and Drug Administration, the Department of Agriculture, the Department of Homeland Security, and State and local agencies, and with the public;

(C) developing improved epidemiological tools for obtaining quality exposure data and microbiological methods for classifying cases;

(D) augmenting such systems to improve attribution of a foodborne illness outbreak to a specific food;

(E) expanding capacity of such systems, including working toward automatic electronic searches, for implementation of identification practices, including fingerprinting strategies, for foodborne

4. Title II of the Act consists of Sections 201 to 211.

infectious agents, in order to identify new or rarely documented causes of food borne illness and submit standardized information to a centralized database;

(F) allowing timely public access to aggregated, deidentified surveillance data;

(G) at least annually, publishing current reports on findings from such systems;

(H) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(I) integrating foodborne illness surveillance systems and data with other biosurveillance and public health situational awareness capabilities at the Federal, State, and local levels, including by sharing foodborne illness surveillance data with the National Biosurveillance Integration Center; and

(J) other activities as determined appropriate by the Secretary.

Improving Food Safety and Defense capacity at the State and local level

The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve foodborne illness outbreak response and containment.

(B) Accelerate foodborne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of foodborne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(F) Strengthen the capacity of State and local agencies to achieve the goals.

Improving the safety of Imported Food[5]

The Act sets out the provisions relating to Foreign supplier verification program, Voluntary qualified importer program, Authority to require import certifications for food, Prior notice of imported food shipments, Building capacity of foreign Governments with respect to food safety, Inspection of foreign food facilities, Accreditation of third-party auditors, Foreign offices of the Food and Drug Administration and smuggled food.

Miscellaneous Provisions[6]

The Act deals with the contents of funding for food safety, employee protections, Jurisdiction; authorities, compliance with international agreements, determination of budgetary effects.

Food Safety Act, 1990 (U.K)[7]

The Author analyses The Food Safety Act 1990 of Great Britain. This Act is wide-ranging legislation on food safety and consumer protection in relation to food throughout Great Britain.

The main aims of the Act are:

5. Title III of the Act consists Sections 301 to 309.
6. Title IV of the Act consists of Sections 401 to 405.
7. Food Standards Agency available at http://www.food.gov.uk/foodindustry/regulation/foodlaw/ (Last visited on May 25, 2012).

1. to ensure that all food meets consumers' expectations in terms of nature, substance and quality and is not misleadingly presented;
2. to provide legal powers and specify offences in relation to public health and consumers' interest; and
3. to enable Great Britain to fulfil its part of the United Kingdom's responsibilities in the European Union.

Scope of the Act

The Act covers activities throughout the food distribution chain, from primary production through distribution to retail and catering. The Act gives the Government powers to make regulations on matters of detail. The Food Standards Agency is the principal Government department responsible for preparing specific regulations under the Act.

The General Food Regulations 2004 and the Food Safety Act 1990 (Amendment) Regulations 2004 make substantial amendments to the Food Safety Act 1990 to implement the requirements of Regulation (EC) 178/2002 and provide penalties for breaches of these requirements. Many of the key provisions in food law are contained in regulations on more specific areas, which may be made under the powers given in the Food Safety 1990 or other legislation such as the European Communities Act 1972. Food businesses also have responsibilities under these regulations. Particularly important are Regulations dealing with food labelling (*e.g.* the Food Labelling Regulations 1996), food hygiene (*e.g.* the Food Hygiene Regulations 2006) meat and meat products (such as those concerned with the examination for residues and maximum residue limits), food composition, novel foods food additives and packaging materials[8].

The Act covers operations involved in selling and possessing with a view to sale, free supply in the course of a business, consigning and delivering, presentation and labelling, storing, transporting and importing and exporting food.

The main offences are rendering food injurious to health[9], selling, to the purchaser's prejudice, food which is not of the nature or substance or quality demanded[10] and falsely or misleadingly describing or presenting food[11].

Penalties can be imposed under the Act

The Courts decide the level of penalties depending on the circumstances of each case, but the Act sets the maximum penalties available to the Courts. For offences in England and Wales (other than obstruction and related offences), Crown Courts may send offenders to prison for up to two years and/or impose unlimited fines. Magistrates' Courts may impose a fine of upto £5,000 per offence and/or a prison sentence of up to six months. For offences under Sections 7 and 14 of the Act, the maximum fine a Magistrates' Court may set for each offence is £20,000. There are also penalties for obstructing an authorised officer. In Scotland, the Sheriff Court has a maximum sentence of 12 months and there is a statutory maximum fine of £10,000. Regulations made under the Act may set their own level of penalties which will not exceed those listed above.

Enforcement of the Act

The day-to-day work of enforcement is, in the main, the responsibility of environmental health practitioners and trading standards officers from local (food) authorities. The Food Standards Agency

8. Food Standards Agency, 'THE FOOD SAFETY ACT 1990 – A GUIDE FOR FOOD BUSINESSES' available at http://food.gov.uk/foodindustry/regulation/foodlaw/ (Last visited on May 25, 2012).
9. Section 7 of the Act
10. Section 14 of the Act
11. Section 15 of the Act

enforces some regulations made under the Act (for example, licensing of irradiated food facilities) and has scope to become involved in certain emergency situations or where a local authority fails to discharge its responsibilities under the Act.

Role of the Food Standards Agency

The Food Standards Agency oversees the work of the local authorities. Most commonly, it advises them on enforcement, particularly through the issuing of statutory Food Law Codes of Practice – separate codes of practice are available for England, Scotland, Wales and Northern Ireland. The Agency has also issued separate Practice Guidance documents to complement the Codes. For instance, the Codes advise local authorities on the timing and frequency of inspections for food businesses.

Trading Standards

The principal responsibilities of trading standards officers are to ensure food is correctly and accurately labelled, that it contains legal ingredients and that any claims made are truthful. They also act on national food safety alerts and issue press releases to inform local businesses and consumers about product recalls or food alerts.

Environmental Health

The principal responsibilities of environmental health practitioners are hygiene, cases of microbiological contamination of foods, and with food which, for any reason including chemical contamination, is unsafe. They also act on national food safety alerts and issue press releases to inform local businesses and consumers about product recalls or food alerts.

Local Government in England

Generally in England, in two-tier authorities, trading standards work is carried out by the County Council food authorities and environmental health work by the District Councils. Where there is an imminent risk to public health, enforcement work is carried out by the District Councils in liaison with the County Council. In single tier authorities, food standards work is carried out by environmental health practitioners.

Local Government in Wales

In Wales, unitary authorities are responsible for both trading standards and environmental health functions.

Local Government in Scotland

In Scotland, all Councils are unitary and most food law enforcement is carried out by environmental health practitioners.

Roles of Public Analysts and Food Examiners

Throughout the United Kingdom, public analysts and food examiners are appointed by local authorities to provide advice and carry out food analysis and examination in consultation with enforcement teams.

The Act provides that authorized officers of food authorities can take samples of food and food ingredients, enter food premises unannounced to investigate possible offences and inspect food to see if it is safe.

Officers may also detain suspect food or seize it and make an application to a Justice of the Peace (JP) in England and Wales. In Scotland permission must be obtained from a Sheriff by way of a summary application. Authorized officers must be given the information and assistance which they reasonably require.

Powers of entry : To carry out their duties, officers have the right to enter any premises unannounced within their authority's area. They also have power, in certain circumstances, to enter food business

premises anywhere in the country. However, in practice, they only use this power when following up offences which have occurred in their own area. Authorized officers may inspect premises, processes and records and may seize or copy any relevant records and take samples of food for analysis or examination. They may also take their own visual records, such as still photographs and videos. In appropriate circumstances, for example when an initial request for entry has been refused, officers can apply to a JP/Sheriff for a warrant authorizing the officer to enter the premises. The definition of "premises" in the Act is very broad. It includes the obvious buildings where food is prepared, stored or sold, such as food processing plants, supermarkets or restaurants. It also covers farms and vehicles used for transporting or delivering food, ships, aircraft, road-side and market stalls and also private dwellings if used by food businesses.

Appeals procedure against actions under the Food Safety Act

Anyone running a food business can appeal to a Magistrates' Court or, in Scotland, to the Sheriff: (i) if an enforcement authority refuses to issue a certificate lifting an emergency prohibition order; or (ii) if an enforcement authority closes a business by refusing, cancelling, suspending or revoking registration.

When there is the right of appeal, this will be made clear in a written notice of the enforcement authority's decision, which will also give the period during which an appeal may be brought. This will normally be one month. If people appealing to Magistrates' Court are unhappy with its decision, they have the right of further appeal to the Crown Court or, in Scotland, to the Sheriff Principal or direct to the Court of Session. For instance, where a Magistrates' Court/Sheriff Court has dismissed an earlier appeal or where it has made a decision - such as the imposition of a prohibition order - which is disputed[12].

Food Standards Act 1999-UK

The introductory text of the Act provides that an Act to establish the Food Standards Agency and make provision as to its functions; to amend the law relating to food safety and other interests of consumers in relation to food; to enable provision to be made in relation to the notification of tests for food-borne diseases; to enable provision to be made in relation to animal feeding stuffs; and for connected purposes.

There shall be a body to be called the Food Standards Agency (referred to in this Act as "the Agency") for the purpose of carrying out the functions conferred on it by or under this Act. The main objective of the Agency in carrying out its functions is to protect public health from risks which may arise in connection with the consumption of food (including risks caused by the way in which it is produced or supplied) and otherwise to protect the interests of consumers in relation to food. The functions of the Agency are performed on behalf of the Crown[13].

Appointment of members etc

The Agency shall consist of a Chairman and Deputy Chairman and not less than eight or more than twelve other members, of whom—

(a) one member shall be appointed by the National Assembly for Wales;

(b) two members shall be appointed by the Scottish Ministers;

12. http://www.food.gov.uk/multimedia/pdfs/fsactguide.pdf

13. S.1 wholly in force at 1.4.2000; S. 1 not in force at Royal Assent see S. 43(2); S. 1(1) in force at 11.1.2000 by S.I. 2000/92, Art. 2(a); S. 1 in force at 1.4.2000 insofar as not already in force by S.I. 2000/1066, Art. 2

(c) one member shall be appointed by the Department of Health and Social Services for Northern Ireland; and

(d) the others shall be appointed by the Secretary of State.

(2) The chairman and deputy chairman shall be appointed by the appropriate authorities acting jointly and, before appointing a person as one of the other members of the Agency the authority making the appointment shall consult the other appropriate authorities.

(3) Before appointing a person as Chairman, Deputy Chairman or member of the Agency, the authorities or authority making the appointment shall—

(a) have regard to the desirability of securing that a variety of skills and experience is available among the members of the Agency (including experience in matters related to food safety or other interests of consumers in relation to food); and

(b) consider whether any person it is proposed to appoint has any financial or other interest which is likely to prejudice the exercise of his duties.

Appointment of chief executive and directors

(1) A chief executive shall be appointed for the Agency.

(2) The chief executive shall be responsible for (among other things) securing that the activities of the Agency are carried out efficiently and effectively.

(3) The first appointment under sub-section (1) shall be made by the appropriate authorities acting jointly; and subsequent appointments shall be made by the Agency, subject to the approval of each of those authorities.

(4) Directors shall be appointed for Wales, for Scotland and for Northern Ireland, each of whom shall be responsible under the chief executive for (among other things) securing that the activities of the Agency in Wales, Scotland or Northern Ireland (as the case may be) are carried out efficiently and effectively.

(5) The first appointment under sub-section (4) for Wales, for Scotland and for Northern Ireland shall be made by the appropriate authority for that part of the United Kingdom; and subsequent appointments shall be made by the Agency, subject to the approval of that authority.

(6) The chief executive and the directors appointed under sub-section (4) shall hold and vacate office in accordance with the terms of their appointments.

Provision of advice, information and assistance to other persons

(1) The Agency has the function of—

(a) providing advice and information to the general public (or any section of the public) in respect of matters connected with food safety or other interests of consumers in relation to food;

(b) providing advice, information or assistance in respect of such matters to any person who is not a public authority.

(2) The function under sub-section (1)(a) shall be carried out (without prejudice to any other relevant objectives) with a view to ensuring that members of the public are kept adequately informed about and advised in respect of matters which the Agency considers significantly affect their capacity to make informed decisions about food[14].

14. 'General functions in relation to food' S.7 of the Food Standards Act, 1999.

Acquisition and review of information

(1) The Agency has the function of obtaining, compiling and keeping under review information about matters connected with food safety and other interests of consumers in relation to food.

(2) That function includes (among other things)—

(a) monitoring developments in science, technology and other fields of knowledge relating to the matters mentioned in sub-section (1);

(b) carrying out, commissioning or co-ordinating research on those matters.

(3) That function shall (without prejudice to any other relevant objectives) be carried out with a view to ensuring that the Agency has sufficient information to enable it to take informed decisions and to carry out its other functions effectively[15].

Power to issue guidance on control of food-borne diseases

(1) The Agency may issue general guidance[16] to local authorities or other public authorities on matters connected with the management of outbreaks or suspected outbreaks of food-borne disease.

(2) Guidance issued under this section must identify the authority or authorities to which it is addressed.

(3) The Agency shall publish any guidance issued under this section in such manner as it thinks fit.

(4) Any authority to whom guidance under this section is issued shall have regard to the guidance in carrying out any functions to which the guidance relates.

(5) In this section "food-borne disease" means a disease of humans[17] which is capable of being caused by the consumption of infected or otherwise contaminated food.

(6) This section has effect without prejudice to any other powers of the Agency.

Consideration of objectives, risks, costs and benefits, etc

(1) In carrying out its functions the Agency shall pay due regard to the statement of objectives and practices.

(2) The Agency, in considering whether or not to exercise any power, or the manner in which to exercise any power, shall take into account (among other things)—

(a) the nature and magnitude of any risks to public health, or other risks, which are relevant to the decision (including any uncertainty as to the adequacy or reliability of the available information);

(b) the likely costs and benefits of the exercise or non-exercise of the power or its exercise in any manner which the Agency is considering; and

(c) any relevant advice or information given to it by an advisory committee (whether or not given at the Agency's request).

(3) The duty under sub-section (2)—

(a) does not apply to the extent that it is unreasonable or impracticable for it to do so in view of the nature or purpose of the power or in the circumstances of the particular case; and

(b) does not affect the obligation of the Agency to discharge any other duties imposed on it.

15. Section 8 of the Act

16. Section 20 of the Act

17. Section 23 of the Act

Notification of tests for food-borne disease[18]

(1) Regulations may make provision for requiring the notification of information about tests on samples taken from individuals (whether living or dead) for the presence of—

(a) organisms of a description specified in the regulations; or

(b) any substances produced by or in response to the presence of organisms of a description so specified.

(2) A description of organisms may be specified in the regulations only if it appears to the authority making the regulations that those organisms or any substances produced by them—

(a) are capable of causing disease in humans; and

(b) are commonly transmitted to humans through the consumption of food.

(3) The power to make the regulations is exercisable for the purpose of facilitating the carrying out of functions of the Agency or any other public authority which relate to the protection of public health.

(4) The regulations shall, as respects each specified description of organisms—

(a) specify the information to be notified about them and the form and manner in which it is to be notified;

(b) make provision for identifying the person by whom that information is to be notified; and

(c) specify the person to whom that information is to be notified;but the regulations may not require a person to notify information which is not in his possession, or otherwise available to him, by virtue of his position.

18. Section 27 of the Act

Food Safety in China

The State Food and Drug Administration (SFDA) declared that China will launch a campaign to check health food producers over food safety concerns[19]. The SFDA said in the statement that the campaign, which will run from the end of May to the end of September 2012, will check whether health foods meet the country's food safety criteria, especially those criteria on some heavy metals. The statement said the major targets of the campaign include health foods meant to help consumers lose weight, lower their blood sugar levels, ease fatigue and improve sleep, among others, as these products are prone to include illegal chemical additives.

Health foods made from spirulina, bee propolis, pearl powder and fish oil, those sold in capsule form and products with exaggerated and fraudulent advertisements are also among the major targets.

The statement said health food producers found violating laws and regulations will be ordered to either rectify their improper actions and improve in a fixed time or lose their production licences.

The SFDA urged local authorities to build and perfect an archival system to supervise health food producers, and it also urged health food producers to improve their quality control system.

Main Responsibilities of State Food and Drug Administration-China

1. To formulate policies and programs on the administration of drugs, medical devices, health food and cosmetics, as well as food safety at consumption stage (restaurant, cafeteria, *etc.*) and supervise their implementation; to bear

19. Xinhua, 'China to increase supervision over health food producers' available at http://english.peopledaily.com.cn/90882/7827012.html (Last visited on May 26, 2012)

a part in drafting relevant laws, regulations and normative documents;

2. To take charge of food hygiene licensing and food safety supervision at consumption stage;
3. To formulate good practice for food safety at consumption stage and supervise its implementation, carry out investigation and monitoring work of food safety at consumption stage, and release information related to supervision on food safety at consumption stage;
4. To take charge of health food, cosmetic hygiene licensing, hygiene supervision and relevant review and approval work;
5. To take charge of administrative and technical supervision of drugs and medical devices, take charge of formulating good practices for drugs, medical devices in aspects of research, production, distribution and use, and supervise their implementation;
6 To organize the investigation and punishment of illegal activities on food safety at consumption stage, and on research, production, distribution and use of drugs, medical devices, health food and cosmetics;
7. To direct relevant local work regarding food and drug administration, emergency response, inspection and informationalization;
8. To carry out international exchanges and cooperation related to food and drug regulation;
9. To undertake other work assigned by the State Council and the Ministry of Health.

In order to ensure scientific and standard naming of health foods and protect the legitimate rights and interests of consumers, the State Food and Drug Administration (SFDA) revised the Requirements on the naming of health food and formulated the Guide to the naming of health food in accordance with the Food Safety Law, the Regulation on the Implementation of the Food Safety Law, the Provisions for Health Food Registration (interim) and relevant laws and regulations. The Requirements and the Guide were issued recently[20]. In order to further strengthen the food safety supervision over catering chain enterprises, standardize the operation of catering chain enterprises, promote legitimate and honest operation, and ensure food safety in catering services, the State Food and Drug Administration (SFDA) recently issued the Notice on Further Strengthening Food Safety of Catering Chain Enterprises[21].

European Union

The European Union presently consists of 27 countries and has a total population of nearly 500 million citizens (497,198,740)[22].

The General Principles of Food Law (Articles 5 to 10) entered into force on 21 February 2002 and must be followed when measures are taken. Existing food law principles and procedures must be adapted by 1 January 2007 in order to comply with the general framework established by Regulation EC/178/2002.

General Objectives[23]

The food law aims at ensuring a high

20. 'SFDA issues Requirements on the Naming of Health Food and Guide to the Naming of Health Food' available at http://eng.sfda.gov.cn/WS03/CL0757/70050.html (Last visited on May 25, 2012)
21. 'SFDA requires further strengthening food safety of catering chain enterprises' available at http://eng.sfda.gov.cn/WS03/CL0757/70343.html (Last visited on May 25, 2012).
22. 'EU Country List' available at http://www.eucountrylist.com/ (Last visited on May 25, 2012).
23. 'General Food Law-Principles' available at http://ec.europa.eu/food/food/foodlaw/principles/index_en.htm (Last visited on May 25, 2012).

level of protection of human life and health, taking into account the protection of animal health and welfare, plant health and the environment. This integrated "farm to fork" approach is now considered a general principle for EU food safety policy.

Food law, both at national and EU level, establishes the rights of consumers to safe food and to accurate and honest information. The EU food law aims to harmonise existing national requirements in order to ensure the free movement of food and feed in the EU.

The food law recognises the EU's commitment to its international obligations and will be developed and adapted taking international standards into consideration, except where this might undermine the high level of consumer protection pursued by the EU.

Risk Analysis

The Regulation establishes the principles of risk analysis in relation to food and establishes the structures and mechanisms for the scientific and technical evaluations which are undertaken by the European Food Safety Authority (EFSA). Depending on the nature of the measure, food law, and in particular measures relating to food safety must be underpinned by strong science. The EU has been at the forefront of the development of the risk analysis principles and their subsequent international acceptance. Regulation EC 178/2002 establishes in EU law that the three inter-related components of risk analysis (risk assessment, risk management and risk communication) provide the basis for food law as appropriate to the measure under consideration. Clearly not all food law has a scientific basis, *e.g.* food law relating to consumer information or the prevention of misleading practices does not need a scientific foundation.

Scientific assessment of risk must be undertaken in an independent, objective and transparent manner based on the best available science.

Risk management is the process of weighing policy alternatives in the light of results of a risk assessment and, if required, selecting the appropriate actions necessary to prevent, reduce or eliminate the risk to ensure the high level of health protection determined as appropriate in the EU. In the risk management phase, the decision makers need to consider a range of information in addition to the scientific risk assessment. These include, for example, the feasibility of controlling a risk, the most effective risk reduction actions depending on the part of the food supply chain where the problem occurs, the practical arrangements needed, the socio-economic effects and the environmental impact. Regulation EC/178/2002 establishes the principle that risk management actions are not just based on a scientific assessment of risk but also take into consideration a wide range of other factors legitimate to the matter under consideration.

Transparency

Food safety and the protection of consumer interests are of increasing concern to the general public, non-Governmental organisations, professional associations, international trading partners and trade organisations. Therefore, the Regulation establishes a framework for the greater involvement of stakeholders at all stages in the development of food law and establishes the mechanisms necessary to increase consumer confidence in food law.

This consumer confidence is an essential outcome of a successful food policy and is therefore a primary goal of EU action related to food. Transparency of legislation and effective public consultation are essential elements of building this greater confidence. Better communication about food safety and the evaluation and explanation of potential

risks, including full transparency of scientific opinions, are of key importance.

Implementation Guidelines

A guidance document on the implementation of the General Food law main requirements has been developed by a working group of Member State experts. These requirements are traceability of food and feed products, responsibility of operators, withdrawal of unsafe food or feed from the market and notification to the competent authorities. Their implementation from 1st January 2005 has given rise to numerous questions in particular from E.U. food chain operators and third country trading partners. The guidance document aims to assist all players in the food chain to better understand and to apply correctly and in a uniform way the Regulation.

These guidelines have not addressed specific issues which relate only to a single type of food business operators. However, as regards the implementation of traceability requirements to charities, the Commission has presented its position following a request from the European Parliament

The Standing Committee on the Food Chain and Animal Health has approved the guidance document at its meeting of 20 December 2004 and considers that this useful procedure should continue in the light of the experience gained by the full application of the General food law main requirements from 1st January 2005.

Revised version of the guidance document

Since then, the guidance document has therefore been reviewed and complemented. A new section has been developed on food safety requirements, and the sections on traceability, withdrawal/recall and export of food and feed, have been redrafted with a view to simplifying, clarifying and completing them. The Standing Committee on the Food Chain and Animal Health has approved the revised version of the guidance document at its meeting of 26 January 2010[24].

Precautionary Principle[25]:

Article 7[26] formally establishes the Precautionary Principle as an option open to risk managers when decisions have to be made to protect health but scientific information concerning the risk is inconclusive or incomplete in some way.

The precautionary principle is relevant in those circumstances where risk managers have identified that there are reasonable grounds for concern that an unacceptable level of risk to health exists but the supporting information and data may not be sufficiently complete to enable a comprehensive risk assessment to be made. When faced with these specific circumstances, decision makers or risk managers, may take measures or other actions to protect health based on the precautionary principle while seeking more complete scientific and other data. Such measures have to comply with the normal principles of non-discrimination and proportionality and should be considered as provisional until such time that more comprehensive information concerning the risk can be gathered and analysed.

Traceability[27]

The identification of the origin of feed and food ingredients and food sources is of prime importance for the protection of

24. 'General Food Law-Implementation Guidelines' available at http://ec.europa.eu/food/food/foodlaw/guidance/index_en.htm (Last visited on May 25, 2012).
25. 'General Food Law-Precautionary Principle' available at http://ec.europa.eu/food/food/foodlaw/precautionary/index_en.htm (Last visited on May 25, 2012).
26. Regulation EC/178/2002
27. 'General Food Law-Traceability' available at http://ec.europa.eu/food/food/foodlaw/traceability/index_en.htm (Last visited on May 25, 2012).

consumers, particularly when products are found to be faulty. Traceability facilitates the withdrawal of foods and enables consumers to be provided with targeted and accurate information concerning implicated products.

Regulation EC/178/2002 defines traceability as the ability to trace and follow food, feed and ingredients through all stages of production, processing and distribution.

The Regulation contains general provisions for traceability (applicable from 1st January 2005) which cover all food and feed, all food and feed business operators, without prejudice to existing legislation on specific sectors such as beef, fish, GMOs *etc.* Importers are similarly affected as they will be required to identify from whom the product was exported in the country of origin. Unless specific provisions for further traceability exist, the requirement for traceability is limited to ensuring that businesses are at least able to identify the immediate supplier of the product in question and the immediate subsequent recipient, with the exemption of retailers to final consumers (one step back-one step forward).

Operator's Responsibilities

The Regulation establishes the basic principle that the primary responsibility for ensuring compliance with food law, and in particular the safety of the food, rests with the food business. Similarly this principle is applied to feed business. To complement and support this principle, there must be adequate and effective controls organized by the competent authorities of the Member States[28].

Regulation EC/178/2002[29] lays down different procedures in matters of food safety. In particular, it provides for the creation of the Rapid Alert System for Food and Feed (RASFF), the adoption of emergency procedures, crisis management, Regulatory Committee and Modus Operandi.

Food Labelling

In the European Union, rules are put in place on the labelling of foodstuffs to enable European consumers to get comprehensive information on the contents and the composition of food products. Labelling helps consumers to make an informed choice while purchasing their foodstuffs.

The new EU Regulation 1169/2011 on the provision of food information to consumers considerably changes existing legislation on food labelling including nutrition information on processed foods, Origin labelling of fresh meat from pigs, sheep, goats and poultry, Highlighting allergens *e.g.* peanuts or milk in the list of ingredients, Better legibility *i.e.* minimum size of text, Requirements on information on allergens also cover non pre-packed foods including those sold in restaurants and cafés. The new rules will apply from 13 December 2014[30]. The obligation to provide nutrition information will apply from 13 December 2016. The new law combines 2 Directives into one legislation:2000/13/EC - labelling, presentation and advertising of foodstuffs; 90/496/EEC - nutrition labelling for foodstuffs.

GM Food & Feed - Labelling

The EU recognises the consumers' right to information and labelling as a tool for making an informed choice. Since 1997 Community legislation has made labelling of

28. 'General Food Law-Operator's responsibilities' available at http://ec.europa.eu/food/food/foodlaw/responsibilities/index_en.htm (Last visited on May 25, 2012).

29. 'General Food Law Procedures-Notification' available at http://ec.europa.eu/food/food/foodlaw/procedures/index_en.htm (Last visited on May 25, 2012).

30. 'New EU law on food information to consumers' available at http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/proposed_legislation_en.htm (Last visited on May 25, 2012).

GM food mandatory for products that consist of GMO or contain GMO, products derived from GMO but no longer containing GMO if there is still DNA or protein resulting from the genetic modification present;

Latest regulation concerning GMO Labelling[31]

Regulation (EC) 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC were published in the Official Journal of the European Union.

Previously, the labelling of genetically modified foods was based on the provisions of Article 8 of Regulation (EC) 258/97 on novel foods and novel foods ingredients;

The labelling of GM maize varieties and GM soy varieties which did not fall under Regulation 258/97 are covered by Regulation (EC) 1139/98 concerning the compulsory indication of the labelling of certain foodstuffs produced from genetically modified organisms as amended by Regulation (EC) 49/2000.

In addition, all GM additives and GM flavourings have to be labelled according to Regulation (EC) 50/2000 on the labelling of foodstuffs and food ingredients containing additives and flavourings. In accordance with the general labelling rules of Directive 90/220/EEC, the labelling of 4 out of the 8 authorised GMOs for use in feed is mandatory. Genetically modified seed varieties must be labelled in accordance with Council Directive 98/95/EEC.

31. 'GM Food and Feed-Labelling' available at http://ec.europa.eu/food/food/biotechnology/gmfood/labelling_en.htm (May 25, 2012).

Food Safety-Japan

The purpose of the administrative work concerning food safety is to protect the health of the public through the strengthening measures for the assurance of food safety. The work is carried out under the Food Safety Basic Law (enacted in May 2003) and related laws including the Food Sanitation Law, the Abattoir Law, and the Poultry Slaughtering Business Control and Poultry Inspection Law. In addition, other related laws are necessary, including the Law of Temporary Measures for Enhancing the Control Method of the Food Production Process and the Health Promotion Law. The work includes various responsibilities. These include the regulation of the manufacture, import, and sale of food, food additives, and food apparatus and containers/packages. They also include the provision of related information to consumers and businesses.

Structure and responsibilities of the Department of Food Safety

The administration of food safety is under the jurisdiction of the Department of Food Safety under the Pharmaceutical and Food Safety Bureau. The structure and its main responsibilities are given below.

Department of Food Safety, Pharmaceutical and Food Safety Bureau

-Policy Planning and Communication Division (General coordination of responsibilities under the jurisdiction of the Department of Food Safety, risk communication), Office of International Food Safety (General coordination of international affairs under the jurisdiction of the department), Office of Port Health Administration (Quarantine business, inspection of imported food)

-Standards and Evaluation Division (Establishment of specifications/standards for food, food additives, pesticide residues,

animal drug residues, food containers, and food labelling), Office of Health Policy on Newly Developed Food (Labelling of specified uses, nutrition labelling standards, foods with health claims, dietary supplements, safety assessment of genetically modified foods)

-Inspection and Safety Division (Food inspection, health risk management such as measures for food poisoning, safety measures for poultry and livestock meat, dissemination and promotion of the HACCP approach, GLP, measures for environmental contaminants, sanitary control of rendering plants), Office of Import Food Safety (Assurance of import food safety)

Outline of the administration of food safety

The food safety administrative work is based on the Food Safety Basic Law (enacted in May 2003), the Food Sanitation Law, the Abattoir Law, the Poultry Slaughtering Business Control and Poultry Inspection Law, and other related laws. There has been a growing concern and distrust of food safety among the Japanese public, triggered by various problems involving the occurrence of BSE in 2001. Under such circumstances Japan has enacted the Food Safety Basic Law, a comprehensive law to ensure food safety for the purpose of protecting the health of the public, as well as has developed related laws. In the wake of the development of these laws, Japan has introduced a risk analysis approach to food safety work.

The approach is to scientifically assess risks (expressed as the probability and degree of adverse health effects) and develop necessary measures based on the risk assessment. The risk analysis consists of three components: risk assessment-assess risk scientifically; risk management-implement necessary measures based on risk assessment; and risk communication-exchange information and opinions among related people representing the people including public, Government, and academia. The Food Safety Basic Law is responsible for the risk assessment, and the Food Sanitation Law and other related laws are responsible for the risk management. The risk assessment is in practice conducted by the Food Safety Commission established under the Food Safety Basic Law (Diagram 2(PDF:96KB)).

The Food Sanitation Law covers various responsibilities. They include the establishment of standards/specifications for food, additives, apparatus, and food containers/ packages; inspection to see whether these established standards are met; the hygiene management of the manufacture and sale of food; and business licence. (Diagram 3(PDF:112KB)) The Abattoir Law and the Poultry Slaughtering Business Control and Poultry Inspection Law cover the regulation of livestock meat and fowl meat including inspection systems for meat. In addition, the publication of relevant information and international cooperation in study and research are an important part of the food safety work.

To achieve those responsibilities, local Governments play an important role, as well. The local Governments conduct inspection of and give advice to food-related businesses. They grant a licence to businesses that operate within the jurisdiction concerned, and suspend licensed businesses and/or revoke operation if they violate the law. They also conduct food testing. These activities are executed through health centers under the jurisdiction concerned.

Imported foods are inspected by 31 quarantine stations placed across Japan under the Central Government.

Conclusion:

Awareness of the significance of food safety has been greatly enhanced in the last two decades, and its impact on health,

marketing, and foreign trade are now recognized at different levels. Food safety issues have thus been at the core of extensive scientific and legal literature, with a focus on the most critical aspects of the subject and its intersection with other key legal issues (*e.g.* consumer protection, biotechnology and safety of genetically modified organisms, application of the precautionary principle, traceability of products, quality standards setting, responses to bioterrorist threats, freedom of public health risks).

Scientists and legal scholars have to pay special attention to the management of foodborne diseases, which are indeed a source of major concern for the whole international community.

These diseases encompass abroad spectrum of illnesses causing morbidity and mortality worldwide and their real overall health impact on the world population is yet unknown.

Moreover, globalization of trade has led to the rapid and widespread international marketing of food products, demanding that the most careful controls be carried out along the entire food-chain from "farm to fork". Whenever such controls fail – and food production and distribution fall short of complying with regulations and standards set either at national or international level – the potential likelihood of transboundary incidents involving tainted food increases, and global health is hence seriously put at risk.

For the reasons stated above, international food safety is perceived as a global challenge. In the wake of a trend towards more efficient food safety policies, the 2007 Beijing Declaration on Food Safety gives voice to the global community's concern that a comprehensive and integrated approach be adopted, prompting all stakeholders to take cooperative and concerted actions and strengthening links between the different sectors involved. The Declaration, in fact, recognizes that "integrated food safety systems are best suited to address potential risks across the entire food-chain from production to consumption" and that "oversight of food safety is an essential public health function that protects consumers from health risks". In this perspective, it mainly urges States to develop transparent regulation to guarantee safety standards; to ensure adequate and effective enforcement of food safety legislation using risk-based methods; to establish procedures, including tracing and recall systems in conjunction with industry; to rapidly identify, investigate and control food safety incidents and to alert the World Health Organization (WHO) of those events falling under the revised International Health Regulations. In short, the Declaration expresses the need to understand food safety as both a national and an international responsibility.

Moving from the consideration that food safety issues and the enhancement of health security are of growing international concern, it is interesting to inquire whether the international community is provided with the appropriate legal instruments to face foodborne hazards globally.

LAW RELATING TO FOOD PROCESSING

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Food processing is any deliberate change in a food that occurs before it's available for us to eat. It can be as simple as freezing or drying food to preserve nutrients and freshness, or as complex as formulating a frozen meal with the right balance of