



Newsletter

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Overview of the Food Labeling Act

1. Introduction

The Food Labeling Act came into effect in April 2015. The Food Labeling Act unifies regulations pertaining to food labeling including the "Food Sanitation Act" aimed at ensuring food safety, the "Japanese Agricultural Standards" which determines quality standards, and the "Health Promotion Act" that aims to maintain health and prevent modern ailments. Its purpose is to ensure food consumption safety, as well as the role to ensure that consumers are given the opportunity to make food choices rationally and of their own accord.

The Food Labeling Act had not been fully enforceable as it was subject to transitional grace period until April 1, 2022, on which date the period of transitional grace period concluded, and the Food Labeling Act became fully effective. In other words, at present, all foods sold for consumer consumption are subject to labeling rules under the Food Labeling Act, and all businesses are required to comply to said rules. This newsletter explains the labeling rules under the Food Labeling Act, and measures taken against acts of improper labeling.

A&S's Food and Agriculture Practice Group advises on the rules pertaining to food labeling, and other related matters. Our Practice Group is willing to support any issues related to the food labeling regulations.

2. Overview of labeling rules under the Food Labeling Act

(1) Content requiring labeling

Specific rules under the Food Labeling Act (hereinafter, the "Act") are set forth in the Food Labeling Standards (hereinafter, the "Standards"), established under Article 4 of the Act. Standards classify food into processed foods and perishable foods, and prescribe the food and additive information to be labeled on containers and packaging, etc. The breakdown of processed foods and perishable foods, and main items that are required to be labeled for each are as follows. In addition, foods that meet certain criteria must also indicate allergens, information pertaining to foods for specified health use and foods with functional claims, and country of origin.



	Food content	Items that are required for labeling when sold to general consumers:
Perishable foods	[Agricultural Products] Rice (*1), wheats, grains, beans, vegetables, fruits, and other agricultural products	-Name -Area of origin (items related to Article 18 Paragraph 1 of the Standards)
	[Livestock Products] Meats, dairy, eggs, and other agricultural products.	-Name -Area of origin (items related to Article 18 Paragraph 1 of the Standards)
	[Marine Products] Fish, shellfish, aquatic animals, marine mammals, sea kelp	-Name -Area of origin (items related to Article 18 Paragraph 1 of the Standards)
	[Brown Rice and Milled Rice] Brown rice, milled rice, glutinous milled rice, leavy milled rice, ingredient brown rice	-Name - Raw Material Brown Rice -Volume Processing period, milling period, or import period -Name or company name of person engaged in food-related business, etc., address, and telephone number (Related to Appendix Table 24 of the Standards)
Processed Foods	Processed vegetables and fruits, spices, noodles and breads, dairy products, snacks, seasonings and soup, drinks, etc. (*2)	-Name -How to store -Consumption date or best-before date -Ingredients -Additives -Volume or solid mass, and total volume -Nutrient amount and calories -Name or company name of person engaged in food-related business, etc., and address -Location of the manufacturing or processing plant and the name of the manufacturer or processor, etc. -Name or company name of person engaged in food-related business, etc., address, and telephone number (Items related to Article 3 Paragraph 1 of the Standards)

*1 "Items packaged in containers for the purpose of selling to consumers" is classified under "brown rice and milled rice."

*2 Foods that fall under the category of processed foods are listed in Appendix Table 1 of the Standards. An excerpt is listed here.

(2) Method of labeling (Article 22 of the Standards)

With regard to items that require labeling, aside from certain cases, perishable foods packaged in containers and packages must be labeled in an easily viewable and clearly visible location without opening the container or package. On the other hand, for perishable foods that are not packaged in containers or packages, placing labels in close proximity to the food, in an easily viewable location is sufficient.

3. Measures against improper labeling, etc. (Articles 6 through 10-2 of the Act)

Person engaged in food-related business, etc. whose labeling is improper will be subject to the following three measures:

(1) Directives and orders to include the necessary content on the label or comply with compliance matters.

Subject to orders to include the necessary content on the label, or comply with compliance matters (Article 6.1-6.4 of Act). The fact that orders were given will be made public (Article 7 of the Act). Failure to comply with these orders will result in further orders towards compliance (Article 6.5 of Act). The fact that the orders were given will be made public (Article 7 of Act), and violation of the order will be punishable by imprisonment or a fine (Articles 20 and 22.1, item2 of the Act).

(2) Order to suspend business, etc.

In the event that a food product is sold or attempted to be sold without labeling that conforms to the Standards for items that have a significant impact on food safety when consumed (allergens, expiration date, whether heating is required for safe consumption, etc.), the food product is subject to a recall or other necessary order, or order to suspend business (Article 6.8 of the Act), and the order will be made public (Article 7 of the Act). Failure to comply or violation of these orders to take measures or order to suspend business will be punishable by imprisonment or a fine (Articles 17 and 22.1, item 2 of the Act). In addition to person engaged in food-related business, etc., food retailers are also subject to such orders and business suspension orders (Article 2.3, item 2 of the Act)

(3) Onsite inspections

When a government body finds that confirming proper labeling of food products is necessary for food products intended for retail, person engaged in food-related business, etc., business operators or their employees who have a relationship with person engaged in food-related business, etc. regarding their business, are subject to on-site inspection, collection of reports, orders to submit documents, etc., questions, and removal (Articles 8 through 10 of the Act). Failure to comply with these orders is punishable by imprisonment or a fine (Articles 21 and 22.1, item 2 of the Act).

(4) Tort liability

For example, in the case of illegal allergy labeling, if a consumer who purchased the food product suffers health problems due to the illegal labeling, the consumer may claim compensation for damages based on tort (Civil Code Article 709).

4. Obligation to notify voluntary recalls

Voluntary recalls of food products not in compliance with food labeling standards for food safety must be notified to the administrative agency (Article 10.21 of the Act), and such notification will be made public (Article 10.2 of the Act). According to published examples of food recalls, most recalls are conducted voluntarily.

5. Measurement Act, etc.

Although the above are based on the Food Labeling Act, it should be noted that some types of products are subject to the Measurement Law and may be prohibited from using certain expressions, such as fair competition codes and organic labeling (Article 3 of Japan Agricultural Standards and Article 5 of the Japanese Agricultural Standards for Organic Agricultural Products).

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We are the only independent Japanese law firm which is located in New York, London and Frankfurt which together with our Tokyo head office enables us to provide real-time advice on Japanese law to our clients globally.

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