

LUẬT NHÃN MÁC HÀNG HÓA ĐÀI LOAN

Law Name : Commodity Labeling Act

Promulgated on January 22, 1982

Amended January 30, 1991

Amended on June 25, 2003

Law Content:

Article 1

This law is enacted for the purposes of promoting correct and proper commodity labeling, safeguarding the good standing of the business operators, protecting the rights and interests of consumers, and establishing a good commercial practice.

Article 2

The labeling of commodities shall be effected in accordance with the provisions of this Law, unless otherwise provided for in law.

Article 3

The term "competent authority" as used in this Law shall mean, in the case of the Central Government, the Ministry of Economic Affairs; in the case of special municipality, the municipal government concerned; in the case of a county or a city, the county government or the city government concerned.

Article 4

The following terms as used in this Law are defined as follows:

1. The term "labeling" as used in this Law shall refer to the expressions or descriptions made by the business operators on the body, the inner and/or the outer packages, and the instruction books or sales literature of any commodity while putting such commodity to display for sale thereof.
2. The term "business operator" as used in this Law shall refer to any person who engages in the business of production, manufacture, import and/or sale of commodities.

Article 5

Commodity labeling shall be characterized by the conspicuousness of the manner of labeling, and the consistency of the contents thereof.

Where the body, or the inner and/or outer packages of a commodity are not suitable for commodity labeling because the commodity is too small in size, or is to be sold in bulk, or otherwise is special in nature, labeling of this kind of commodities shall be made in conspicuous manner to the extent sufficient to be identified by consumers.

Article 6

The labeling of commodities shall not have any contents of the following nature:

- (i) containing incorrect, false and/or misleading information or claims;
- (ii) violating the mandatory and/or prohibitive requirements set out in laws;
- (iii) contrary to public order or good morals.

Article 7

In labeling commodities, the written words shall be written primarily in the Chinese language and may be supplemented by English language or any other foreign language(s).

Where the matter(s) contained in the commodity labeling can hardly be described in a proper manner with Chinese language, such matter(s) may be labeled using internationally accepted words or symbols.

Article 8

When an imported commodity is introduced for sale on domestic market, labeling and instruction book or sales literature written in Chinese language shall be added to the commodity by the importer of such commodity provided that the contents thereof shall not be simpler or so condensed than the contents of labeling made by the place of origin of such commodity.

The name/title and the address of the foreign manufacturer of an imported commodity to be labeled shall not be written in Chinese language.

Article 9

Where a commodity is introduced for sale on the market, the following particulars shall be labeled for the commodity by the producer, manufacturer or importer of such commodity:

1. Name of the commodity;
2. Name, telephone number and address of the producer or manufacturer, the place of origin of the commodity, and the name, telephone number and address of the importer in the case of imported commodity;
3. Contents or composition of the commodity;

- (1) Major components/ingredients or materials;
- (2) Net weight, volume or quantity, or measurements which shall be labeled in statutory measuring units, other measurements may be added , when it is deemed necessary;
4. Date of manufacture in Chinese calendar or Gregorian calendar; and the expiration date or the term of validity, if the commodity has a limited duration of storage; and
5. Other particulars as required by the Central Government Competent authority.

Article 10

Where a commodity is under any of the following circumstances, the scope of application, the methods of use and storage of such commodity, and other points requiring attention shall be indicated :

- (i) hazardous or dangerous in nature;
- (ii) related to health and safety;
- (iii) having special characteristics or requiring special handling.

Article 11

For specific commodities, the Central Competent Authority may, under the condition not to prejudice the proper labeling of the commodity and the interests of consumers, specify, per public notice, the particulars which must be contained in the labeling thereof and the methods of labeling, and such specific commodities may be free from the application of the provisions set out in Article 5 and Articles 8 through 10 of this Law.

Article 12

Sales business operators should not sell or display with intent to sell commodities which are not labeled in accordance with the provisions set out in this Law.

Article 13

The Competent Authority in a municipality government or a county (city) government shall be entitled to conduct a spot check ,on a non-periodical basis, against any commodity circulating on the market, to which spot check the sales business operators shall not evade, impede or otherwise repudiate, and instead they shall provide the relevant information pertaining to the supplier(s) of such commodity.

Officials or personnel of such Competent Authority shall show their respective credentials, while conducting the spot check(s) as set forth in the preceding Paragraph.

Article 14

Where a commodity is under any of the circumstances set forth in Article 6 of this Law, the Competent Authority under a special municipality or Hsien (city) government shall require, by giving a notice, the producer, manufacturer or importer of such commodity to rectify such defect within a given time limit; and if the producer, manufacturer or importer fails to do so upon expiry of the said time limit, it shall be imposed with a fine in an amount not less than New Taiwan Dollar Thirty Thousand (NTD 30,000) but not more than New Taiwan Dollar Three Hundred thousand (NTD 300,000), which fine may be assessed consecutively on a time-by-time basis until a satisfactory correction of such default; and the said producer, manufacturer or importer of such commodity may be suspended, by an administrative order, from doing business for a period of not more than six (6) months or a closedown of business operation, in the case of a serious violation of this Law.

Article 15

Where a commodity circulating on the market is found to be under any of the following circumstances, the Competent Authority under a special municipality or county (city) government, as the case may be, shall require, by giving a notice, the producer, manufacturer, or importer to rectify such defect within a given time limit; and if the producer, manufacturer, or importer fails to do so upon expiry of the given time limit, it may be imposed with a fine in an amount not less than New Taiwan Dollar Twenty Thousand (NTD 20,000) but not more than New Taiwan Dollar Two Hundred Thousand (NTD 200,000), and this fine may be assessed consecutively on a time-by-time basis until a satisfactory correction of such default:

1. Where the labeling of the commodity is made in a manner contrary to that as required in Paragraph One, Article 7 of this Law;
2. Where labeling and/or instruction booklet written in Chinese language are not provided as required in Paragraph One, Article 8 of this Law;
3. Where the labeling of the commodity is not made in accordance with the requirements set forth in Article 9 of this Law;
4. Where the labeling of commodity is not made in accordance with the requirements set forth in Article 10 of this Law; or
5. Where the specific particulars of labeling as required by a public notice given by the Competent Authority under Article 11 are not provided.

Article 16

Where a sales business operator has violated the provisions set out in Article 12 of this Law by selling or displaying with the intent to sell any commodity not labeled in accordance with the provisions of this Law, the Competent Authority under the

appropriate special municipal or county (city) government may notify the said sales business operator to stop selling or displaying such commodity within a given time limit; and may order the said business operator to immediately cease to sell or display such commodity, if the said commodity will cause immediate harm to the human body or health. If the said sales business operator refuses or disobeys such instruction or order, he shall be imposed with a fine in an amount not less than New Taiwan Dollar Twenty Thousand (NTD 20,000) but not more than New Taiwan Dollar Two Hundred Thousand (NTD 200,000), and this fine may be assessed consecutively on a time-by-time basis until the discontinuation of such displaying and/or selling act.

Article 17

A sales business operator who has violated the provisions set out in Paragraph One, Article 13 of this Law by evading, impeding or repudiating the spot check or refusing to provide relevant information pertaining to the commodity in question shall be imposed with a fine in an amount not less than New Taiwan Dollar Twenty Thousand (NTD 20,000) but not more than New Taiwan Dollar Two Hundred Thousand (NTD 200,000), and this fine may be assessed consecutively on a time-by-time basis.

Article 18

In enforcing the penal provisions set out in Article 14 through Article 16 of this Law, the Competent Authority may, when necessary, publish, on mass communication media, the name and address of the law-violating sales business operator, and the commodity in question, or may take any other necessary punitive measures.

Article 19

In case a violator has been required, per a notice, to pay the fine imposed upon him under this Law within a time limit but fails to make such payment upon expiry of the given time limit, the case shall be referred to the court for compulsory execution by law.

Article 20

For the purpose of enforcing the provisions of this Law, the Central Government Competent Authority may set up a Commodity Labeling Examination Committee to examine matters relating to commodity labeling and what must be indicated on labels.

Article 21

This Law shall come into force after elapse of one full year from the date of its promulgation./.