

Research on the Deficits and Resolutions of China's Food Recall System

-- Based on a Comparative Legal Perspective

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ABSTRACT

*The Food Safety Law of the People's Republic of China (2025 revision) largely maintains the food recall provisions originally established in its 2015 revision. While these revisions represent a refinement of the food recall system, an examination of its past implementation suggests that inherent design flaws and insufficient supporting measures appear unresolved by this amendment, potentially undermining its practical effectiveness. Persistent deficiencies primarily include outdated and ambiguous food safety standards, the impracticality of relying solely on food enterprises as key stakeholders to fulfill recall obligations, and inadequate transparency in the disclosure of regulatory information. Using the comparative legal method, the author draws on the beneficial experiences of the United States' multi-agency collaborative supervision model and Australia-New Zealand's single-agency-led model to propose targeted recommendations: promoting the updating and international alignment of food safety standards, reinforcing governmental regulatory responsibility, increasing the cost of violations while establishing incentive mechanisms to encourage proactive recalls by enterprises, and enhancing platforms for food traceability and recall information. The ultimate objective is to safeguard the *safety of every bite of food*.*

KEYWORDS

Food Recall System; Food Safety; Regulatory Improvement; Traceability Mechanism.

1. INTRODUCTION

Ensuring food safety is a permanent issue for human beings. Food safety threats are significant and pose a threat to life safety. Especially Consumers, as the most direct victims of food safety accidents, the follow-up measures should ensure consumer interests as the primary and direct target. Saving the reputation of enterprises and minimizing their losses is a secondary goal. How to quickly and effectively complete the market withdrawal of problematic foods is a matter of concern.

With the development of the economy, people have higher demands on the quality of life. However, food producers are using inferior raw materials, tampering with production dates, or failing to maintain a clean food processing environment to reduce costs for profit. These problems have raised concerns about food safety. Scholars in China have conducted more in-depth studies on the food recall system and the role of the government in the system. However, they mostly start from the system design itself and propose a legal framework for improving the recall system. But there is an important issue that has not received due attention. The rationality and completeness of the system need to be tested by practice. That is why this paper emphasizes focusing on the obstacles in the implementation of the food recall system. And to mitigate and eliminate the adverse effects of food

mistrust on the food business, many countries have chosen to provide a food recall system in their food safety laws. After investigation, the authors found that few articles have compared our food recall system with those of other countries. Therefore, this paper achieves two innovations. The first is the innovation of focus, and the second is the innovation of research methodology.

This system rules that when a producer, importer, distributor of food products discovers or recognizes that a batch of food products produced, imported, distributed by them may have safety problems or may endanger the lives and health of the public, they report to the government under the law, and promptly notify consumers. Meanwhile, withdraw unsafe food products from the market and specific consumers, and take positive remedial measures such as exchanging, returning, supplementing, and so on to eliminate or reduce food safety hazards promptly. From the original design and practical effect, this system has the characteristics of prevention, public welfare, and compatibility of substantive and procedural law [1]. It is the specific application of a product recall system in the field of food. The recall system of problematic food is an indispensable part of the legal system of food safety supervision, and food recall plays an important role in ensuring food safety. However, China's food recall system has started late and is not mature enough. There are some practical problems in the legal system, law enforcement, and management, and related supporting measures that need to be solved. Therefore, this paper uses the method of comparative law and literature analysis to summarize the problems in the design and implementation of China's food recall system and its supporting systems, and then elaborates on the current situation of the legislation and systems of food recall in the United States, Australia, and New Zealand. Through comparing them with China's food recall legal system, this study provides reference suggestions for the improvement of China's food recall system.

2. STATUS AND DEFICITS OF THE CURRENT FOOD RECALL SYSTEM IN CHINA

2.1. Legislative Status of the Food Recall System

China's product recall system was first applied in the automobile industry. With the outbreak of food safety accidents, China began to implement a food recall system. In terms of legislation, some local government regulations first provided for this system. In 2007, the State Administration of Quality Supervision, Inspection & Quarantine (dissolved) promulgated *Provisions on the Administration of Food Recall (Expired)*, which elevated the food recall system to the national level. *The Food Safety Law of the People's Republic of China* (hereinafter referred to as the *Food Safety Law*), enacted in 2009, stands as the nation's first specialized legislation on food safety and introduced the food recall system. *The Food Safety Law (2015 Revision, expired)* further refined this system and served as the blueprint for subsequent legislative efforts. The amendments in 2018, 2021, and 2025 have all essentially retained the provisions established in the 2015 revision.

Comparison between *the Food Safety Law (2009)* and *the Food Safety Law (2015 Revision)*:

Changed: a. Expansion of the Recall Scope. The scope has been broadened from foods that fail to meet food safety standards to also include foods for which there is evidence indicating potential harm to human health. It is noteworthy that the term "foods" here refers to products already on the market for sale.

b. Simplified Responsible Entities. Before the revision, China implemented a segmented food safety supervision system involving multiple authorities: health departments were responsible for overall coordination; market regulation departments oversaw food production, operation, and service activities in accordance with the law; and agricultural departments supervised edible agricultural products. The Food Safety Law, as revised in 2015, designates the food safety supervision and administration department as the unified regulator for food recalls and their handling.

c. More Detailed and Flexible Disposal Methods for Recalled Food. Article 63 distinguishes between different scenarios for handling recalled food. It stipulates that "for food recalled due to non-compliant labels, markings, or instructions, the food producer may resume its sale after taking remedial measures and ensuring its safety, and shall clearly indicate the remedial measures to consumers when selling".

d. Strengthened Supervision of Recall Handling. The supervision has been enhanced by explicitly establishing systems for reporting food recall situations and for conducting on-site supervision of the recall process.

Unchanged: Recall Initiation Methods. These remain categorized as voluntary recall and ordered recall.

At the regulatory level, the China Food and Drug Administration (dissolved) promulgated the Administrative Measures for Food Recalls in 2015. The State Administration for Market Regulation (hereinafter referred to as SAMR) made amendments to refine the provisions related to food recalls in 2020.

To better facilitate the recall of hazardous food products that have entered the market, China has established two primary channels for initiating a recall. The first is a voluntary recall, launched proactively by food producers or traders upon identifying potential safety hazards in their products. A recall initiated following a government interview also falls under this category. The second is an ordered recall, which is triggered by the government through the issuance of a recall order when it determines that a responsible enterprise has failed to initiate a necessary recall, aiming to mitigate or eliminate food safety risks. Both types follow essentially similar necessary procedures, including reporting mechanisms and information disclosure.

Regarding recall timelines, China classifies food recalls into three levels based on the severity and urgency of the food safety risk, each with corresponding deadlines for action (see Table 1).

Table 1. China's food recall grading system [2]

Grading	Severity and urgency of security risks	Time to initiate recalls and report recall plans
Firstlevel recall	After consumption has or may lead to serious health damage or even death	Within 24 hours of becoming aware of a food safety risk
Secondary Recall	Consumption has or may cause general health damage	Within 48 hours of becoming aware of a food safety risk
Tertiary Recall	Should be recalled: labelling, labelling there is false labelling of food; can be voluntarily recalled: labelling, labelling defects, and will cause health damage to the food	Within 72 hours of becoming aware of a food safety risk

In terms of legal liability, food producers and traders that fail to fulfill their food recall obligations may, in addition to being subject to a recall order, face penalties such as warnings, fines, and corrective orders. Those who proactively initiate a recall may, in accordance with the law, receive mitigated or suspended penalties. In addition, to improve the effectiveness of food recalls, China has also developed a recall information disclosure mechanism, a product traceability system, and other supporting measures. For example, the whole process of supervision from farm to table, in essence, is to strengthen food traceability. All places are strengthening the supervision of imported cold-chain food now.

2.2. Status of Implementation of Food Recall System in China

From a macro-data perspective, China's food safety situation remains challenging. The annual notifications on nationwide recalls of automobiles and consumer goods, typically released around March by the SAMR, indicate that food-related products have consistently ranked among the top five categories of consumer goods recalls for four consecutive years. Details are presented in Table 2.

Table 2. Recall Status of Food-Related Products (2021–2024) [3-6]

Year	Ranking in Consumer Goods Recalls	Number of Recalls	Quantity of Products Involved (10k units)	Remarks
2021	1st	67	393.2	Peak in quantity Although the number of recalls was not the highest, the scale per recall was likely substantial, resulting in a total volume far exceeding other years.
2022	4th	105	91.8	Peak in frequency: Recalls were most frequent, but the number of products involved per recall was relatively low, leading to a significant drop in total volume.
2023	3rd	74	49.8	Low in both aspects: Both the number of recalls and the quantity of products involved fell to the lowest point in the four-year period.
2024	3rd	73	88.8	Quantity rebounded: The number of recalls remained similar to the previous year, but the total quantity of products involved showed a noticeable increase.
Summary	Recalls of food-related products consistently remain within a high-frequency range among consumer goods. Notably, 2021 exhibited a pattern of "fewer recalls but larger scale," whereas 2022 was characterized by "more frequent recalls but smaller scale." In the recent two years (2023–2024), the frequency of recalls has stabilized, but the volume of products involved has fluctuated. This reflects both the ongoing attention and actions of regulatory authorities and potential shifts in risk patterns.			

Combined with the announced food recall data, the following characteristics can be summarized.

First, China's food recalls are dominated by mandatory recalls influenced by government regulatory actions, which reflects the weak role of the relevant corporate self-inspection system. From the perspective of enterprises, the cost of the recall is higher than the expected benefit of not recalling, i.e., in a lack-of-interest-driven situation, the voluntary recall of problematic food is a mere formality.

Second, foreign recalls and internal and external recalls against Chinese food are frequent. It reduces overseas consumers' trust in Chinese food. These foods recalled abroad for quality problems or safety hazards are still available in our market, which also means that our consumers have to bear the food safety risks. On the other hand, multinational companies often do not recall products in our market because they meet our national standards, such as the IKEA Group, which has repeatedly implemented such recalls in China that differ between inside and outside. This is a problem caused by the differences in food safety standards and recall rules between countries, reflecting the need to adapt our food recall-related rules to international requirements. It is not only to protect domestic

exporters but also to restrain the sales activities of foreign companies in China and to protect domestic consumers.

Third, in addition to the food recalled outside the country but not within the country, the food announced in the territory to take the initiative or ordered to be recalled, there are problems such as irregular management of enterprises and unsound supervision, resulting in unsatisfactory recall, including failure to recall or all recall of unsafe food, as well as improper measures after the recall leading to unsafe food into the market again. For example, in the 2008 case involving Wang Yuechao's production and sale of hazardous food, 6% of the condensed milk sauce that exceeded the melamine limit was not recalled due to an unknown distribution trail. [7] The presence of such problematic food in the market inevitably leads to greater harm. This underscores the urgent need for China to establish a comprehensive food recall management system and to enhance its transparency and openness.

2.3. Deficiencies in China's Food Recall System

2.3.1. Lagging and Ambiguous Food Safety Standards

In recent years, Chinese exported food products have frequently been recalled for non-compliance with the safety standards of importing countries. Some media and scholars argue that China's lower product standards serve as the legal basis for multinational companies to implement cross-enterprise recalls. Failure to meet safety standards is a significant cause of product recalls. In other words, the question of product standards is key to determining whether a product should be recalled.

Regarding the determination of food defects, Article 46 of the *Product Quality Law of the People's Republic of China (2018 Amendment)* provides a single criterion based on "compliance with national or industry standards" or the presence of "unreasonable danger". This approach may be overly rigid and primarily applicable to traditional manufacturing defects. [8] Meanwhile, Article 63 of the *Food Safety Law (2025 Revision)* defines recall targets as food that fails to meet food safety standards or for which there is evidence indicating potential harm to human health. Together, these laws convey to the market that food failing to meet safety standards or posing an unreasonable danger is defective and should be recalled.

In practice, proving the existence of an unreasonable danger (including harm to health) is comparatively difficult and costly. Food that does not comply with safety standards is easier to identify. However, due to factors such as limitations in technological development, even food meeting the above two standards may still carry unreasonable risks. Relying solely on "national or industry standards" to determine whether a food product is defective could allow producers to evade legal liability.

Overlapping, repetitive, and contradictory food safety standards may create confusion for market participants. For example, in 2025, a food company in Hubei Province arbitrarily excerpted the local standard of Guizhou Province (DBS52/011-2016) on its product label after an online search [Administrative Ruling of Xianfeng County People's Court in Hubei Province (2025) E 2826 Xing Shen. [9]

In addition, gaps and delays in food safety standards persist. In 2024 and 2025, China Central Television's "3·15" Gala reported issues with prepared dishes, such as the use of state-owned enterprise stone materials, tampering with production dates, and falsifying cold-chain data. Although the *Food Safety Law (2025 Revision)* strengthens the regulation of online food sales, national safety standards for certain emerging food categories, like prepared dishes, have not yet been promulgated. Without clear safety standards, effective regulation remains challenging.

In July 2024, prepared dishes were included in five food product standard development projects. By September 2025, the draft *National Food Safety Standard for Prepared Dishes*, led by the National Health Commission, will have passed review. The formulation of these safety standards is expected

to take two years, illustrating that the development and revision of food safety standards often lag behind market developments due to lengthy procedures.

2.3.2. Low Efficiency of Voluntary Recalls

Firstly, the persistently high rate of mandatory recalls reflects a high-pressure stance by the government in food safety supervision. The food recall system is characterized by complexity involving multiple stakeholders, competing interests, and numerous procedural stages. Relying solely on reactive oversight is insufficient to fundamentally reduce and eliminate food safety incidents; proactive prevention is key. The phenomenon of suboptimal recall effectiveness further substantiates this dilemma. China's food production sector is notably characterized by a large number of small-scale, geographically dispersed enterprises. [10] These decentralized, often informal, food processors generally lack stringent standards, with most small-scale household workshops neglecting hygiene norms. When food safety issues arise, the non-standardized management of these entities frequently makes it difficult to trace the problem to its source—a core challenge that cannot be resolved by relying exclusively on administrative supervision. [11]

Weak corporate self-regulation consciousness leads to inadequate implementation of recall measures. Typically, under regulatory supervision, enterprises take measures such as removal from shelves and withdrawal from the market, with recalled products to be returned for handling. However, the pursuit of market interests often leads companies to destroy products, revealing a deficiency in social responsibility. The lack of self-regulation may allow problematic food to resurface, undermining recall objectives. Furthermore, consumers generally exhibit weak awareness of their rights. The recall of IKEA's "deadly dressers" highlighted the low awareness and lack of motivation among Chinese consumers to defend their rights, a phenomenon that may encourage opportunistic behavior by enterprises. [12]

While food recalls have become routine in China, and the increase in recall numbers is largely attributable to intensified regulatory efforts, the awareness and capability of food enterprises in self-regulation remain areas for improvement. Increasing the cost of violations is an effective way to compel food producers and sellers to fulfill their voluntary recall obligations and is conducive to changing the characteristic reliance on government intervention to initiate recall procedures.

2.3.3. Insufficient Disclosure of Recall Supervision Information

Firstly, China's food recall information system remains underdeveloped. Currently, a document section exists under the government affairs column of the official SAMR (State Administration for Market Regulation) website, but it only publishes vehicle recall notices and documents. The website of the SAMR Defective Product Administration Center (dpac.samr.gov.cn) is dedicated to product recalls. Its official WeChat account, "Defective Product Administration Center," publishes the latest recall news and announcements, provides a recall inquiry service, and promotes product recall knowledge. However, the investigation reveals that despite offering some convenience, the Center's platforms suffer from issues such as incomplete data, limited content feed, and low update frequency. It is undeniable that the Defective Product Administration Center requires technical upgrades and informational supplements. The total volume of publicly disclosed food recall information fails to accurately reflect the actual recall situation. Furthermore, the disclosed information lacks authoritative data analysis. These informational deficiencies may prevent the public from effectively identifying illegal or unethical practices by food enterprises.

3. FOREIGN FOOD RECALL SYSTEM

3.1. Food Recall System in the United States

The United States has an early establishment and a more perfect food recall system, its system provisions and its characteristics include the following points.

First, there is a relatively well-developed system of food recall laws. Federal, state, and local food safety legislation all provide for food recalls. At the federal level, the first statutory food safety law, the Pure Food and Drug Act, was enacted in 1906, as well as the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Egg Products Inspection Act, and the Public Health Service Act, etc. The Food Safety Modernization Act (FSMA) of 2011 added mandatory recalls, whereby the Federal Food, Drug, and Cosmetic Act (FD&C) provides for mandatory food recalls. There are also various standards and guidance documents.

Second, a food safety regulatory mechanism has been established with effective government regulation, self-regulation by food companies, and extensive consumer participation. Food recalls in the U.S. are government-led recalls. [13] First, food safety in the U.S. is mainly regulated by the Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA). The United States Department of Agriculture (USDA) and the Department of Health and Human Services (HHS), to which they respectively belong, also have other food safety-related departments and agencies. [14] Overall, the multiplicity of government agencies, food companies, and third-party organizations makes up the more comprehensive food safety regulation in the United States.

Third, in terms of recall methods and procedures, the United States has also developed active and mandatory recalls. The difference is that the two types of recalls began in the 1980s and 2011, respectively. The corresponding procedures are determined according to the initiator. (1) If the recall is initiated by a company. The company should initiate a report of the food problem to FSIS or the FDA. The food problem is assessed by the relevant authorities. The company immediately stops the production, import, or sale of the food, notifies the retailer to remove the defective food from the shelf, and develops a detailed recall plan. After the food plan is approved, FSIS or the FDA issues a food recall press release, and the company issues a food recall announcement. The product in question enters the recall phase. (2) If the government initiates a recall, FSIS or FDA learns of a quality and safety problem with a food product and first requests an explanation from the company. The company submits a report. The FSIS or FDA evaluates the food and determines that there is a problem, after which the process is the same as for an active recall.

Fourth, in terms of regulation, food quality and safety are graded and monitored throughout the process. According to the degree of harm that may be caused by defective food, the United States also divides food recall into primary recall, secondary recall, and tertiary recall. China also classifies recall levels and sizes according to the degree of harm.

Fifth, a food recall information system with transparency and credibility. In terms of information collection, the United States has established a continuous, detailed, and public database. In terms of information disclosure, the home page of the FSIS website goes to the "Recalls" section. Users can click on columns such as "Looking for Recall Date?" or search for information at will. The site discloses detailed information on U.S. food recalls, including food recall announcements and food recall press releases. [15] Overall, the data analysis is comprehensive, highly readable, and easy enough to access. In addition to the dedicated website, the U.S. has developed "The Food Safe Widget", which aggregates all food recall information issued by the FDA and FSIS. Individual and corporate users can view this Widget or add it to their corporate website through the FoodSafety.gov website. Therefore, visitors to corporate websites can view the latest food safety recalls and alerts.

Sixth, adopt an effective incentive policy to reward food companies that take the initiative to implement recalls and solve problems, and impose severe penalties on food companies that evade responsibility and take supervision lightly.

3.2. Food Recall System in Australia and New Zealand

Food businesses in Australia and New Zealand work closely with government departments. Under the special Australia-New Zealand food safety regulatory concept, the two countries have established a common food safety regulatory system. The ANZ food recall system has several features.

First, in terms of legislation, in 1995, the Australian and New Zealand governments signed an agreement to jointly develop standards for Australian and New Zealand food products. The Australia New Zealand Food Authority (ANZFA) is responsible for revising and maintaining the legislation. The New Zealand government and the relevant government departments and agencies in each state and territory of Australia are responsible for implementation and inspection. In 2005, Australia and its subordinate states and territories, and the New Zealand government cooperated to develop and implement uniform food standards and jointly promulgated the *<Australia New Zealand Food Standards Code>*, and revised it recently.

Australia is a federal state, so it is necessary to explain the division of labor between the federal and local governments. The federal government is responsible for the regulation of imported and exported food, ensuring the safety and quarantine status of imported food, and ensuring that exported food meets the requirements of the importing country. The state and territory governments are responsible for regulating domestic food products, and each state and territory makes its own food laws, which are enforced by local governments. (See Table 3).

Table 3. Food safety-related regulations in Australia [16]

Australian Legislation	<i><Food Standards Australia New Zealand Act 1991> <Imported Food Control Act 1992> <Food Standards Australia New Zealand Regulations 1994><Food Standard Code 2003></i> .
State and territory legislation (part)	<i>Australian Capital Territory: <Food Act 2001> <Food Regulation 2002 Queensland: <Food Act 2006> <Food Regulation 2006 <Food Production (Safety) Act 2000>. <Food Production (Safety) Regulation 2014 Victoria: <Food Act 1984></i> .

Second, a single-agency regulatory model is adopted. Food Standards Australia New Zealand (FSANZ), an independent statutory body established under the Food Standards Australia New Zealand Act, is in charge of food recalls and has a dedicated food recall coordinator, and each state and territory has a state or territory recall coordinator. In addition to the specialized agencies, many departments or agencies are required to cooperate with food recalls.

Thirdly, food recalls in Australia and New Zealand are based on active recalls, supplemented by directives to encourage companies to act with integrity and self-discipline. Taking the Australian procedure as an example, after contacting food enforcement agencies and developing a food recall plan, companies are also required to contact FSANZ's food recall coordinator. This is rather unique. In addition, companies are required to submit an interim report to FSANZ within two weeks of the start of a food recall. A final report is required after four weeks to demonstrate that the recall is progressing and completed satisfactorily, and FSANZ will inform the Australian Competition and Consumer Commission (ACCC) and the relevant state or territory health department of the final information about the recall (5). If a supplier is found to have sold unsafe consumer products, a product recall may also be negotiated by the ACCC or other regulatory agencies. The ACCC may recommend that the responsible federal minister initiate a mandatory recall. The corresponding recall process includes. (1) Stopping the supply of the product, (2) Informing the authorities of the problem, (3) Warn consumers of the dangers of the product, and take remedial measures.

Fourth, depending on the location of the defective food in the supply chain, the types of food recalls are divided into trade recalls and consumer recalls. Consumer recalls are the most widespread type of recalls. The difference in procedure is that trade recalls notify the relevant media. The latter requires notification to the relevant media and the public.

Fifth, in Australia and New Zealand, the cost of breaching recall responsibilities is high. If a recall is not successfully conducted the first time, companies will go through the time-consuming and

expensive process of re-examining the recall. This can be an incentive for companies to track and trace their products.

Sixth, information transparency and traceability are good. The "Food Safety and Recalls" section of the FSANZ website provides information on food recalls in progress, including how food recalls are conducted, food industry recall protocols, contact information for state and territory food recall coordinators, recall plans, and radio advertising. [17] The website is updated with food recall statistics once a year. In addition, the law requires food producers to record the following information: complete information on each batch of product from raw material to the final product, information on the use and handling of all raw materials and bulk products, and details of customers who have purchased the product. [18]

3.3. Summary of Food Recall Systems in the Above Countries

Food recall systems are influenced by factors such as economic development, national structure, historical background, and food culture. By investigating the food recall systems of the above countries, it is easy to find some characteristics of them.

First, the regulatory authorities, procedures, legal responsibilities of food recalls, and the system of food quality standards and testing methods are clearly defined by law. This is conducive to rational and scientific handling of risks.

Second, there are two main models for the establishment of food regulatory agencies. (1) The model represented by the United States, where two or more departments manage separately. In the United States, food regulation is assigned to FSIS and FDA for specific management based on food types, and these two departments are responsible for the whole process of food recalls under their respective jurisdictions, with a clear division of labor. (2) The single-department management model is represented by Australia, New Zealand, and the EU. Australia has an independent food management department at the central level. FSANZ regulates the whole process of food production, processing, distribution, and consumption.

Third, in terms of the levels of food recalls and corresponding procedures, China and the United States have chosen to classify food recalls according to the level of hazard and implement a three-tier recall system. Australia and New Zealand, on the other hand, classify the types of recalls according to where in the supply chain the defective food is located. Regardless of the classification method, there are clear procedural arrangements.

Fourth, food recall information is open, timely, and comprehensive, and information is easily and quickly accessible. The food traceability coverage is high, thus improving the success rate of food recalls.

4. RECOMMENDATIONS FOR IMPROVING CHINA'S FOOD RECALL SYSTEM

The following recommendations address the three deficiencies outlined in Chapter 2, drawing on the international experiences discussed in Chapter 3.

4.1. Dynamic and Clear Food Safety Standards

As O.W. Holmes stated, "The life of the law has not been logic; it has been experience." Law must be rooted in and responsive to evolving social realities. Although the current Administrative Measures for Food Recalls (2020 Revision) - formulated by the State Administration for Market Regulation - provides detailed regulations for food recall management as a departmental rule, its relatively low legal status significantly diminishes its practical enforcement efficacy. To improve the legal

framework for food recalls, it is necessary to further amend and refine these Measures, elevate their legal standing, and enact a Regulation on the Administration of Food Recalls. Furthermore, issuing timely Judicial Interpretations could substantially enhance legal binding force. Legal interpretation is crucial for the application of any law, especially given the often sudden and volatile nature of food safety incidents, making the prompt introduction of relevant Judicial Interpretations imperative.

Food safety standards must also be timely in responding to market developments. The current slow pace of standard-setting and existing gaps result in some risky products escaping classification as defective. The key lies in shifting the legal focus from merely assessing whether a product "complies with outdated standards" to prioritizing whether it poses an "unreasonable danger" to consumers. Establishing the primacy of the "unreasonable danger" standard, supported by a dynamic and open mechanism for developing and updating standards (e.g., rapid emergency standards), would refocus attention on "whether the product presents an actual or potential significant risk to consumers." This shift would not only provide timely and flexible legal tools for regulating emerging risks like those from prepared dishes but also reduce the space for enterprises to exploit regulatory loopholes for "compliance defense" or to implement discriminatory recalls. It aligns the legal logic of the recall system with the fundamental goal of protecting public health at its source. Concurrently, it is essential to clarify and harmonize national, industry, and local standards to prevent confusion among businesses.

4.2. Combining Incentives and Penalties to Enhance Enterprise Initiative for Proactive Recalls

Addressing the low rate of voluntary recalls requires more than merely increasing penalties, though that remains necessary. Future reforms should advance in two parallel directions: first, significantly raising the cost of violations through measures such as introducing punitive damages and credit sanctions; second, emphasizing the positive function of liability by formulating reasonable incentive policies and appropriately increasing rewards for enterprises that initiate proactive recalls. This approach helps create a demonstration effect, fostering a "value-driven" motivation for enterprises to fulfill their primary responsibility and encouraging them to internalize risk management as a competitive market advantage rather than treating it as an external cost to be passively addressed. Establishing food recall liability insurance can effectively alleviate corporate cost concerns, incentivizing proactive recalls to safeguard commercial reputation. [19] Simultaneously, this creates conditions for shifting government regulatory resources from "mid-incident response and post-incident punishment" towards "pre-incident."

Establishing a systematic and scientific food recall management system is the organizational safeguard for ensuring the effectiveness of recall actions. Developed countries or regions typically divide food recall oversight between two independent agencies. Regardless of the model adopted, regulatory authorities must have clearly defined responsibilities and be capable of effective coordination and duty fulfillment. [20] Given China's vast food consumption scale and heavy regulatory burden, it is a reasonable choice to have two or more departments jointly oversee enterprise recalls of unsafe food, provided their respective roles are clearly delineated. Therefore, beyond dividing oversight by food category, China could learn from the U.S. experience by strengthening the functional role of a coordinating body to unify recall management and rationally allocate regulatory duties among departments. Clear division of labor and enhanced collaboration, achieving both vertical and horizontal coordination between agencies, are essential.

4.3. Enhancing Information Disclosure and Traceability Capabilities

On one hand, leveraging technologies like the internet and big data to strengthen the construction of food recall information systems is crucial. Building on the administrative law enforcement information disclosure system, a risk prevention and control framework should be established.

Improving relevant databases will enhance the transparency and data integrity of food recall information disclosure. The establishment of such databases facilitates research into information trends, an area currently hampered in China by difficulties in data collection and standardization. It is necessary to bolster the development of food recall information databases, enrich the data content of information publication platforms, and particularly publish information trend analyses that are conducive to accumulation and research.

On the other hand, accelerating the upgrade of product traceability systems is imperative. First, standardize enterprise operations by establishing a corporate food labeling system. Food safety regulations must achieve "farm-to-fork" whole-process supervision, establishing a comprehensive food labeling system to ensure a complete traceability chain from raw material processing, production, packaging, transportation, to sales. Detailed records should build a complete food traceability chain, enabling dynamic whole-process supervision. [21] Second, raise corporate traceability awareness and strictly enforce food retention systems. Retained food samples can serve as the basis for enterprises to establish dedicated storage for raw materials, providing safety assurance for consumers. Enterprises involved at any stage-raw material suppliers, intermediaries, or end-product manufacturers-should prioritize sample retention. This ensures that, in the event of a food safety issue, enforcement authorities can trace the problem back to its source and take appropriate legal measures.

5. CONCLUSION

Food safety is not only a matter of corporate responsibility to consumers and governmental duty to society, but also a critical issue directly affecting consumers' vital interests. Therefore, perfecting the food recall system is essential for mitigating public health risks posed by unsafe food. Within this system, the problem of food safety standards directly impacts the legal basis for recall determinations; the efficiency of voluntary recalls reflects the system's enforcement effectiveness; and information disclosure relates to public oversight and institutional transparency. This paper has outlined the existing problems within China's food recall system across these three dimensions. Drawing on relevant institutional experiences from the United States, Australia, and New Zealand, and considering China's specific context, it proposes three targeted recommendations: (1) Standards should be clear, unified, and responsive to societal needs; (2) A combination of incentives and penalties should be employed to promote the broader practical application of voluntary recalls; and (3) Digital technologies should be leveraged to establish a specialized information disclosure platform that is accurate, comprehensive, and equipped with traceability capabilities. The food recall mechanism serves as an effective instrument for preventing food safety incidents. This constitutes not only a fundamental obligation of enterprises towards consumers but also a core duty of the government to society. Future discussions should focus on how to strengthen collaboration among food producers, sellers, the government, and society to enhance the efficiency of food recalls and safeguard food security.

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