

Research on the impact of information disclosure system to improve China's food safety

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Abstract—On the issue of food safety regulation, the government will undoubtedly play a central role, which is also the requirement of the administrative law for the government. Principle of administrative law is one of the basic principles of substantive administrative law, which requires government activities within the bounds of the law, acting by law; if government and government workers violates the law or even beyond the legal activity, they will bear legal responsibility. Essence of the rule of law is that the people are higher than the Government, and the government subject to the people. It is said that many of China's food safety problems in recent years, are in some extent due to the government's poor regulations. If the government wants to effectively monitor and control food safety issues, we must first be clear what kind of food safety problems they are facing. Traditional food safety issues are represented by food borne diseases; we focused on food hygiene supervision, and took subsequent punishment as the main means. While modern food safety issues represented by food borne focusing on food risk supervision, and subsequent punishment as the main means

Keywords- *Information disclosure system; food safety; supervision*

I. INTRODUCTION

China's food safety incidents occur frequently and endanger the health and safety of the people, impact the social and economic order. Emphasis on food safety has become a measure of the quality of people's lives, a social management level and an important aspect of the national legal system. When we see the same problems of global food security, we should be clearly aware of the shortcomings and problems of food safety legislation and enforcement, and we should attach great importance to the relevant government departments at all levels. Therefore, strengthening and improving the legal system of food safety is particularly important and urgent.

After the Sanlu milk powder incident, our country, on the basis of "Food Sanitation Law", did further amendment, supplement and perfected the relevant food safety laws, rules and regulations, and in 2009 we introduced the "Food Safety Law". The law makes up for defects, but still needs further

improvements. After years of exploration, the United States established a set of comprehensive legal system, covering all aspects of food safety. In theory, there are many aspects worthy of studying and discussing for us. This paper examines the requirements of the U.S. food safety system by the method of comparative legal studies, combined with the introduction of our new "Food Safety Law", based on the country's legislation, law enforcement and the current actual situation of economic development, putting forward recommendations on the legal system construction. We hope to provide some useful exploration for future legislation and practices in China according to the research. We should gradually establish a "Food Safety Law" as a leader, other food safety laws and regulations as the auxiliary of many layers of space frame of food safety legal system. At the same time, we should do serious clean-up complement and perfect on the existing laws and regulations on food safety regulations, standards, contents integration on scattered laws and regulations related to the content of the food, reducing and avoiding the conflict in the legislation and enforcement as much as possible to solve the confusion of legal system, and keep the identity of the law. With comprehensive food safety laws and regulations, we ensure that the people can eat health, safety relief food.

II. FOOD AND FOOD SAFETY

A. Definition of food

Definition of food is different at home and abroad. U.S. *Federal Food, Drug, and Cosmetic Act*, define the food as: human or animal food or drink items and materials constituting these items, including gum are all food. The Codex Alimentarius Commission (CAC) considers that any food processing, semi-processed or not processed substance for human consumption, including agricultural products, beverages, chewing gum and any substance (such as food additives) use for producing or processing "food", but it does not include cosmetics or tobacco or substances used only as drugs. China's "Food Safety Law" stipulates: Food refers to a variety of finished products and raw materials for human consumption or drinking, and the traditional items both used as food and drugs, but not for therapeutic purposes. Agricultural products are not food.

B. *Definition of food safety*

People's understanding of food safety is also different. ISO22000 International Organization for Standardization (ISO) promulgated the "Food Safety Management System" standard definition of food security is: Food will not cause harm to consumers in accordance with the intended use in the preparation or consumption, but it does not include other aspects associated with human health, such as malnutrition. The definition of "Food Safety Law" is: it refers to food non-toxic, harmless, conformed to the nutritional requirements of human health and it will not cause any acute, sub acute or chronic hazards.

III. THE COMPOSITION OF THE FOOD SAFETY SYSTEM AND ITS FUNCTION

A. *The composition of the food safety system in our country*

Building a scientific and rational food safety regulatory system is to realize the importance of food safety to ensure regulatory objectives. A relatively comprehensive food safety management system should include six elements: regulatory objectives, regulatory philosophy, regulatory body, regulatory basis, regulatory mechanisms and regulatory objects.

B. *The function of the food safety regulatory system*

First of all, the food safety regulatory system contributes to the food chain seamless supervision, protection from the soil to the table meets the appropriate requirements to protect the health and safety of the public; Secondly, the food safety regulatory system should have feedback. Problems found in the regulatory process, feed back to the regulatory body, to promote regulatory body based on the regulatory and operational mechanism of correction and improvement. One more, the food safety regulatory system under certain conditions, can self-adjust and improve, and even generate new policies.

IV. BUILD SYSTEMATIC FOOD SAFETY SUPERVISION MECHANISM

A. *Build and improve credit market mechanism*

First, we should establish an industry self-regulation system. In accordance with the principle of voluntary mutual interaction, we should organize production operators, set up food professional associations and rural professional associations at all levels in the national provincial city county, and implement credit information technology and resource sharing. Second, monetary policy and corporate credit are linked. Poor credit rating companies do not give loans or less loans; we should prohibit enterprises with food safety issues seeking financing by listing on the stock market. The third is to strengthen civic education credit and nurture credit culture.

B. *Regulate food safety certification and accreditation system*

Standardized certification and accreditation mechanisms include: First, the food safety certification and accreditation target to maintain food security; Second, we should accelerate the establishment of a strict uniform food safety standards; Third, we should establish a sound international standards and mutual recognition of food safety certification system ; The fourth is to strengthen the educational enterprise certification, and enhance certification awareness; fifth, we should integrate certification testing organization, and improve the detection quality of personnel.

C. *Establishments of food safety risk assessment and early warning mechanisms.*

The food safety supervision departments to build national food safety risk assessment committee and the national food safety risk assessment center are meant to undertake food safety risk assessment task. First, we should have hazard identification and identify risk factors affecting food security. Secondly, risk description determines the degree of hazard risks. Again, risk division distinguishes different situations hazards. Finally, we should have a risk assessment report. The work of food safety assessment is to establish food security early warning systems. Its main functions include publishing, communication, forecasting, control and hedging.

V. THE DEFECTS IN THE LEGAL SYSTEM OF FOOD SAFETY IN OUR COUNTRY

A. *The lack of law*

The food safety law supervision system has the following deficiencies in our country: (1) the regulatory philosophy, our food safety law stressed the people's government and the relevant regulatory authorities, ignoring the initiative and participatory regulatory objects. (2) The relationship between the regulatory bodies is a lack of clear rules. Relationship is also clear regulatory authority in order to avoid negative regulatory body and positive conflict between the main conflicts. (3) On the regulatory role of setting, the regulatory supervision responsibility system constraints, and we lack the provisions of the lack of specific regulatory responsibilities. China's food safety law requires how to better play the role of the various regulatory authorities in each of the regulatory aspects of the formation and the overall supervision of the force.

(4) On the set of regulation means, it is too general, and we are lack of specific targeted regulatory measures. Regulatory measures imposed by China's food safety law should be specific and targeted.

B. *Strengthen the source of the food chain and the regulation of the terminal*

Grasp the population and exports well. We should reduce risk factors in food as much as possible; strengthen the source of the food chain safety supervision, mainly by using various effective measures. We should also strengthen farmer's technology, quality, business ethics and other aspects of food safety education. Kitchen aspects of food

safety education is for the average consumer, both to help consumers consciously resist unsafe food, but also to help consumers reduce food insecurity storage, washing, cutting, cooking and other aspects of improper operation caused by truncating the last link in the transmission channels of unsafe food .

C. *Strengthen national food safety education*

Food safety knowledge propaganda is a long and arduous task. Propaganda work should not only have universality, and targeted. We need to promote food security situation in the community and guide social spending, with increasing awareness of the law practitioners and consumer's self-protection awareness. Therefore, we should carry out targeted advocacy work to popularize the Food Sanitation Law. Leading cadres at all levels should further enhance awareness of the importance of the Food Sanitation Law, so that leading cadres at all levels raise awareness, attach great importance to the implementation of the Food Sanitation Law; the food producers and traders as the focus, we should strengthen the Food Sanitation Law and relevant laws and regulations publicity and education, so that they know about the law to obey the law, improve the legal consciousness, standardize the production and business operation in accordance with the law; we should also carry warning education, public exposure offense, deter criminals; we should have various forms of legal advocacy and organize special campaigns use major holidays, such as the Food Sanitation Awareness Week certain time, the popularity of food safety knowledge to the public, to improve consumers safeguard their legitimate rights and interests of ability. Establish a food safety action plan website. After the network has replaced the newspapers, television, radio and the fourth media, its influence will gradually expand. Establish a food safety action plan site plan of action in favor of timely publication of the work dynamically, so that all sectors of society, including leaders understand the progress of the work; it is conducive to publish the monitoring data in real time, to guide public spending and expand the influence of the health sector; it is beneficial to get community feedback, promote positive action plan to carry out.

D. *Responsible for the operation of food safety, social and public accountability, social responsibility*

We should learning knowledge of food safety laws, establish and improve the food safety management system, and take effective measures to ensure the safety of food catering, engage in food business activities in accordance with the national food safety laws, regulations and food safety standards. We should also obey the social and commercial administrative organs supervision and management; persist to do a good job of food safety.

We should be engaged in the food business, in accordance with national law to ensure food distribution license obtained according to the statutory criteria. Operating conditions change. If the food does not meet the operational requirements, we should take immediate corrective measures; if potential risk of food safety incidents has occurred, we should immediately stop the food business and report to the

administrative department for industry and commerce at the county level.

Bulk food storage or sales, or sales at storage location of bulk food containers, should be marked with the name of the food packaging, production date, shelf life, production and business name and contact information, and more. Operating raw and cooked foods shall comply with the temperature of the food security needs, special requirements between security isolation to prevent cross-contamination. Food storage and sales of containers, tools and equipment safe, harmless, clean, and meet the required temperature to ensure food safety requirements, and other special requirements.

VI. THE PLIGHT AND SHORTCOMINGS OF FOOD SAFETY INFORMATION RELEASE

A. *Information release subject scattered fragmented*

Our existing food safety regulatory system is a multi-sect oral regulatory bulls, from production, business to consumer segments managed by different departments: the Ministry of Agriculture responsible for the supervision of agricultural production processes; quality inspection department responsible for oversees food production and processing; industrial and commercial departments supervision responsible for food circulation; health department responsible for overseeing the catering industry and canteens; food and drug regulatory authorities responsible for food safety comprehensive supervision, coordination and handling of major incidents with the law. Centralized management of food safety seriously separates departments, and sharing coordination mechanisms are inadequate. We are lack of a unified and authoritative information disclosure mechanism and platform. Information related to food safety by the different departments is responsible for centralized management or by different units, not only between departments and within departments. We are lack of unified and coordinated information services management agencies. The results not only cause the total lack of information resources, but also lead to resource utilization and low efficiency of existing resources investment.

B. *Lack of public participation and feedback*

Not only is the food safety information announced unilateral behavior of the government, but also the behavior of both the government and the public. The purpose is to make the audience aware of publish relevant information, find and use information, and provide feedback. The act itself, including production, generation and collection of information requires public participation, which is the process of interaction. Public participation is a prerequisite for public information. The principle of openness is an important guarantee of food safety and food security is a basic requirement for the administration proposed. This is both a risk communication needs, but also the need to overcome the information asymmetry and realize the need for consumers to participate in the field of food safety administration rights. On China's food safety supervision departments of government websites, there is a general lack of public participation in the plate, even though some sites

have this column, but also the content is simple, old, much less emphasis on information feedback. Lack of public participation in information disclosure, it will only be the government's one-man show.

C. The Suggestions of perfecting our country's food security information release system

The information release mechanism and food safety regulatory system are closely related. *Food Safety Law* segment management system created obstacles for a department. System can not be changed and we can only find innovative system. Communications system is an effective method of coordination between the various food safety supervision department information communications. Prerequisite information release is to produce, generate and

collect information. It covers a wide range of food safety information, and it is very complicated.

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