Guide to Food Import
2015
Guide to Food Import

Import and sale of foods require more complicated procedures than those for such items as interior goods and clothes. This guidebook has been prepared for people who intend to import foods for the first time and outlines the import procedures and regulations imposed upon the import and sale of food. Please check the laws and regulations applicable to each food item and take necessary procedures based on relevant laws and regulations.

There may be changes to the content due to amendments of relevant laws or other reasons. Please make inquiries at relevant contact points to confirm the details.

March 2016
Manufactured Imports and Investment Promotion Organization

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1 Laws Applicable to Food Import

When importing foods into Japan for the purpose of marketing, etc., an importer is subject to regulations under the Food Sanitation Law which are imposed for the purpose of ensuring safety concerning human health and preventing the occurrence of health problems.

Additionally, with regard to some items, regulations under other laws, such as those aiming to ensure the safety of plants and livestock in Japan, sound development of external transactions, trade control for maintaining peace and safety in Japan as well as in the international community, protection of domestic industries, or proper assessment and collection of taxes, are imposed, and the importer needs to follow prescribed procedures when importing such items.

Therefore, the importer needs to check, in advance, what regulations are to be imposed on each item.

### Major Laws Applicable to Food Import

<table>
<thead>
<tr>
<th>Foods Description</th>
<th>Food Sanitation Law → P.5</th>
<th>Plant Protection Law → P.14</th>
<th>Domestic Animal Infectious Diseases Control Law → P.16</th>
<th>Foreign Exchange and Foreign Trade Act → P.22</th>
<th>Other</th>
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<tbody>
<tr>
<td>Vegetables, fruits, nuts, grain, beans, tea, coffee beans (raw), herbs, spices, etc.</td>
<td>○</td>
<td>○</td>
<td>△ (3)</td>
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<tr>
<td>Meat and processed meat products</td>
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<td>○</td>
<td>△ (3)</td>
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<td></td>
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<tr>
<td>Fishery products</td>
<td>○</td>
<td></td>
<td>△ (3)</td>
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<tr>
<td>Liquor</td>
<td>○</td>
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<td></td>
<td>Liquor Tax Law → P.18</td>
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<td>Rice, wheat, etc.</td>
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<td>○</td>
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<td>Act on Stabilization of Supply, Demand and Prices for Staple Food → P.20</td>
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<tr>
<td>Salt</td>
<td>○</td>
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<td></td>
<td>Salt Industry Law → P.21</td>
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<tr>
<td>Sugar and starch</td>
<td>○</td>
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<td></td>
<td>Act on Price Adjustment of Sugar and Starch → P.21</td>
<td></td>
</tr>
<tr>
<td>Butter, skim milk, etc.</td>
<td>○</td>
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<td></td>
<td>Act on Temporary Measures Concerning Compensation Price for Producers of Milk for Manufacturing Use → P.21</td>
<td></td>
</tr>
<tr>
<td>Other processed foods</td>
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<td>△ (3)</td>
<td>△ (3)</td>
<td></td>
<td>△ (3)</td>
</tr>
</tbody>
</table>

**Notes**

(1) Excluding those highly processed (e.g., tea and spices packed in containers for retail, roasted coffee beans)

(2) An inspection may be required depending on how they are processed. Please inquire at the plant protection station or animal quarantine service when you are not sure.

(3) Those announced by import notice

### Flow from Import to Sale of Foods

Cargoes that arrive at Japan by ship or by air are transported into bonded areas. Import procedures differ by types of foods.

Firstly, an importer files an application for inspection [i] at a plant protection station under the jurisdiction of the Ministry of Agriculture, Forestry and Fisheries (MAFF) for plant foods such as vegetables and fruits, and [ii] at an animal quarantine service under the jurisdiction of MAFF for livestock products such as meat and processed meat products, and undergoes inspections.

Regarding those inspected at a plant protection station or an animal quarantine service, and other foods, i.e., all foods imported for the purpose of marketing, import notifications need to be submitted to quarantine stations under the jurisdiction of the Ministry of Health, Labour and Welfare (MHLW). If the
import is judged as being legitimate as a result of an examination and inspection at a quarantine station, a certificate of notification for importation of foods is returned to the importer. Then, the importer makes an import declaration at customs by attaching this certificate to the declaration form. When the import is permitted, the importer is allowed to transport imported foods out of a bonded area. The importer is required to comply with regulations on food labeling, etc. when selling imported foods.

Flow from Import to Sale of Foods

Arrival of cargoes and their transport to bonded areas

<Regulations upon import>

Vegetables, fruits, nuts, grain, beans, etc.

Plant quarantine

Plant protection station (MAFF) / Plant Protection Law

Animal quarantine

Meat and processed meat products

Animal quarantine service (MAFF) / Domestic Animal Infectious Diseases Control Law

Food sanitation inspection

Quarantine station (MHLW) / Food Sanitation Law

[Bonded area]

Customs (Ministry of Finance)

Customs Act

Notification for importation\(^1\)

Examination and inspection at customs

Payment of duties and consumption taxes\(^2\)

Import permission

<Regulations upon sale>

Transport from a bonded area

Domestic distribution

Regulations on food labeling

Food Labeling Act, Act against Unjustifiable Premiums and Misleading Representations, etc.

Regulations concerning permission to conduct food-related business and relating to licensing, notification and sales activities

(depending on food types and business modes)

Food Sanitation Law, Liquor Tax Law, etc.

Note (1) When any permission or approval is required under laws and regulations other than those related to tariffs and duties, an importer must obtain the required permission or approval under relevant laws and regulations and obtain confirmation by proving such fact upon making an import declaration or receiving an examination and inspection at customs.

(2) In the case of importing liquor, an importer must affix a label in Japanese under the Act on Securing of Liquor Tax and on Liquor Business Associations, etc. to the products within a bonded area, and is permitted to transport them out of the bonded area only after paying duties, consumption taxes and liquor tax.
2 Food Sanitation Law

1 Import Notification to Quarantine Stations

When importing foods into Japan for the purpose of sale, etc., an importer must make an import notification to a quarantine station.

It is prohibited to use any imported foods in business by selling them to a third party or using them in dishes served at a restaurant, etc. without making an import notification.

Obligation Concerning Import Notification (Article 27 of the Food Sanitation Law)

A person who intends to import food, additives, apparatus or containers and packaging to serve for the purpose of marketing or to use in business shall make a notification to the Minister of Health, Labour and Welfare on a case-by-case basis, pursuant to an Ordinance of the Ministry of Health, Labour and Welfare.

Food Items Requiring Import Notification

As provided for in Article 27 of the Food Sanitation Law, import notifications need to be made for imported foods that are to be served for the purpose of marketing or to be used in business. The term “marketing” as prescribed in Article 5 of said Act includes delivery other than sales to many and unspecified persons. Therefore, notifications are also required for foods that are to delivered to many and unspecified persons for free.

Food Items Not Requiring Import Notification

Whether notification is required or not is generally determined in consideration of the item’s shape, purpose of use, labeling and other objective circumstances found in relevant documents, etc. However, the following are excluded.

- The following that will not in any case be served for the purpose of marketing or used in business as food, etc. in Japan
  - Food items for personal use:
    - Limited to cases where a person who imported the item consumes it personally, where the item is a gift from overseas, or where a tourist, etc. brings in the item as a souvenir or for personal use
  - Food items for test and research:
    - Limited to cases where the item is used for test and research in a laboratory or research room
  - Food items for in-house discussions:
    - Limited to cases where the item is imported for in-house discussions
  - Food items for display:
    - Limited to cases where the item is used solely for display
  - Note! Notification is required when the item is delivered or served for tasting purposes to many and unspecified persons at an exhibition, etc.
  - Food items weighing 10kg or less
  - Raw materials for food additives
  - Food items set forth in Appended Table 10 of the Ordinance for Enforcement of the Food Sanitation Law
    - Raw salt; Copra; Fats or oils of animal origin or plant origin which are used in the production of edible fat and oil; Raw sugar; Crude alcohol; Molasses; Malt; Hops

"Confirmation certificate" whose submission may be requested at customs for a food item not requiring import notification

With regard to a food item not requiring import notification, an importer, who makes an import declaration at customs, may be requested to submit a "confirmation certificate," which proves that the item does not require import notification under the Food Sanitation Law. In such a case, the importer must first submit two copies of a written application for a confirmation certificate prepared in a prescribed format to a quarantine station to receive its confirmation that the item does not require import notification. When the quarantine station finds said fact, it affixes a confirmation seal on each copy of the written application and returns one of them to the importer. The importer must submit this to customs.
Notification Procedures (Article 32 of the Ordinance for Enforcement of the Food Sanitation Law)

Right after the arrival of a cargo, (Note) an importer must submit an import notification prepared in a prescribed format, together with the necessary documents depending on food items, to the quarantine station that has jurisdiction over the place for customs clearance of said cargo.

(Note) Notification must be made right after the arrival of a cargo, in principle, but there is an Advance Notification System, under which notification is accepted from 7 days prior to the scheduled arrival of the cargo. When using this system, a certificate of notification for importation of foods, etc. is issued promptly for a cargo that does not require an inspection prior to arrival or after the transport into a bonded area. However, where any change arises in the content of the notification after arrival of the cargo, an importer must report to that effect to the quarantine station to which the importer made the advance notification.

Documents Required for Making Notification

☐ Written notification for importation of foods, etc.: 2 copies

How to obtain and fill in a notification form and related information is explained on the following webpage.

→ MHLW: http://www.mhlw.go.jp/english/topics/importedfoods/1-3.html

☐ Documents to be attached vary depending on item name, country of origin, processing method, etc.

In the case of processed foods, an ingredient list (Note) and a food production flow chart (Note) are required. Formats are not specified but those prepared and issued by the processor or the exporter, etc. (with the company name and a signature of a responsible person) are preferable. Additional documents may be requested as a result of an examination.

<table>
<thead>
<tr>
<th>Examples of documents to be attached</th>
</tr>
</thead>
<tbody>
<tr>
<td>Processed foods</td>
</tr>
<tr>
<td>(For all processed foods)</td>
</tr>
<tr>
<td>• A document by which the item name (commodity name and number, etc.), name and location of the processor, and name and location of the processing facility can be confirmed</td>
</tr>
<tr>
<td>• An ingredient list</td>
</tr>
<tr>
<td>• A food production flow chart</td>
</tr>
<tr>
<td>(Depending on the item)</td>
</tr>
<tr>
<td>• A document issued by the processor stating that the item is not sterilized by irradiation</td>
</tr>
<tr>
<td>• For items containing beef or beef derived ingredients, a document confirming the countries where the beef cattle were bred and slaughtered and the beef meat was processed and the parts of the meat used as ingredients</td>
</tr>
<tr>
<td>• For some ingredients, a document stating the results of whether they fall under the category of pharmaceutical ingredients as specified by the Act on Ensuring the Quality, Efficacy, and Safety of Drugs and Medical Devices</td>
</tr>
<tr>
<td>• Items for which production criteria are specified by the Food Sanitation Law, a detailed document concerning sanitary supervision by the processor during the production process</td>
</tr>
<tr>
<td>Perishable foods (meat, vegetables, fish and seafood, and their simple processed foods)</td>
</tr>
<tr>
<td>• A document by which the importer and the packager can be confirmed</td>
</tr>
<tr>
<td>• A document and photos by which the scientific name and species can be confirmed</td>
</tr>
<tr>
<td>• For items containing additives, an ingredient list and a document by which the details of the additives can be confirmed</td>
</tr>
<tr>
<td>• A sanitary certificate issued by a government organization of the exporting country depending on the item name and country of origin (e.g., globefish (fugu), meat and processed meat products)</td>
</tr>
<tr>
<td>Additives</td>
</tr>
<tr>
<td>• For additive preparations, an explanatory leaflet by which the compounding ratio and usage, etc. can be confirmed</td>
</tr>
</tbody>
</table>

(Note) An ingredient list refers to a list in which concrete chemical names of all ingredients and additives used are stated. For food items containing additives subject to specified utilization criteria, names of the substances, purposes of their use, their amounts, and stages where they are used must be stated.

• A food production flow chart refers to a chart showing the whole process of producing a processed food from raw materials. For food items for which production criteria are specified (such as soft drinks, mineral water, ice cream, and retort foods), methods of sterilization (temperature, heating time, etc.) and other detailed information is required.

• For documents in a language other than English or Japanese, English or Japanese translations must be attached.

☐ Results of past self-inspections as necessary
An importer is obliged to ensure the safety of the imported foods and prepare and retain records on the import and sale of food items.

Article 3 of the Food Sanitation Law provides that a food business operator shall, on his/her own responsibility, endeavor to ensure the safety of the food, and for that purpose, be/she shall endeavor to

(i) obtain the knowledge and technologies on food sanitation, (ii) ensure the safety of raw materials to be used, (iii) conduct self-inspections, and (iv) take other necessary measures.

With regard to imported foods, the importer must confirm their safety including their conformity to the Food Sanitation Law. Article 8 of the Food Safety Basic Act also provides for the obligations of the food importer.

Based on Article 3, paragraph (2) of the Food Sanitation Law, the importer is required to endeavor to make a proper record of the import and sale of the foods they import and retain such record so that the status of distribution of imported foods can be checked at any time. When any violation of the Food Sanitation Law is detected, the importer must submit the relevant information promptly to the related quarantine station or prefectural government, etc.
Notification Method

- Ask a customs broker, etc. \( ^{(Note) } \) to submit documents by proxy (an importer must prepare documents to be attached)
- Bring in documents directly to a quarantine station
- Send documents by post (enclose a return envelope with a stamp)
- Submit documents online using the Food Automated Import Notification and Inspection Network System (FAINS)
  \( ^{(Note) } \) Need to register the relevant terminal equipment, etc. with the MHLW in advance

\( ^{(Note) } \) A customs broker refers to a person engaging in customs business with a license granted by the director-general of customs. A customs broker undertakes affairs concerning import declaration (tax filing), etc. in place of the importer and often engages in international forwarder business, warehousing business, harbor transport business, etc. as well.

**Inquiries:** Quarantine station of the MHLW having jurisdiction over the port where the importer imports a cargo

Offices to accept import notification: [http://www.mhlw.go.jp/english/topics/importedfoods/1-2.html](http://www.mhlw.go.jp/english/topics/importedfoods/1-2.html)

<table>
<thead>
<tr>
<th>Location</th>
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<th>FAX</th>
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<tr>
<td>Otaru Quarantine Station;</td>
<td>+81-134-32-4304</td>
<td>+81-134-25-6069</td>
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<tr>
<td>Food Inspection Division</td>
<td></td>
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<tr>
<td>Sendai Quarantine Station;</td>
<td>+81-22-367-8102</td>
<td>+81-22-362-3300</td>
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<td>Food Inspection Division</td>
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<tr>
<td>Narita Airport Quarantine Station;</td>
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<td>Food Inspection Division</td>
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<td>Tokyo Quarantine Station;</td>
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<td>Naha Quarantine Station;</td>
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<td>+81-98-861-7077</td>
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<tr>
<td>Food Inspection Division</td>
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<td></td>
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</tbody>
</table>

**FAQ**

**Q** Is notification for importation of foods required even in the case where an individual is doing business personally?

**A** Under the Food Sanitation Law, notification is required when goods are imported for the purpose of marketing or use in business, or for the purpose of delivery other than sales to many and unspecified persons. Therefore, import notification needs to be made even if the importer is an individual. It is prohibited to use any imported foods in business by selling them to a third party or serving them at a restaurant that the importer runs, without making an import notification.

On the other hand, in the case where a person imports goods only for personal use, the person shall take full responsibility for the safety of the goods for human consumption and is not required to make a notification.

**Q** We want to import foods that are already being sold in Japan. Do we need to make an import notification?

**A** As prescribed in Article 27 of the Food Sanitation Law, an importer must prepare necessary documents for cargoes to be imported and make an import notification on each occasion. Furthermore, as prescribed in Article 3 of said Law, an importer is obliged to ensure the safety of the foods that his/her company imports (see the previous page).
Flow of Import Notification Procedures under the Food Sanitation Law

Preparation of import notification
Written notification for importation of foods, etc.
Documents to be attached
Processed foods: An ingredient list and a food production flow chart
Perishable foods: For items containing additives, an ingredient list
A document showing the importer, the packager and its location
A sanitary certificate issued by a government organization of the exporting country depending on the item name and country of origin

Prior consultation at a quarantine station as necessary

Arrival of cargoes and their transport to bonded areas

Import notification to a quarantine station

Examination at the quarantine station

Inspection not required

Inspection required

Monitoring inspection

Ordered inspection

Self-inspection

Sampling and inspection by the quarantine station

Passed

(Rejected) Collection or other measures for rejected items

Sampling and inspection by a registered conformity assessment body

Submission of a report of the inspection results to the quarantine station

Examination at the quarantine station

Passed

Rejected

Disposal, return, etc.

Issuance of a certificate of notification for importation of foods, etc.

Import declaration to customs
2 Examination and Inspection at Quarantine Stations

A quarantine station of the MHLW checks the details of an importer's notification and examines whether the relevant food items contain any toxic or hazardous substances and whether they conform to the standards and criteria under the Food Sanitation Law.

When the quarantine station finds the necessity to confirm any matters through an inspection, it gives direction on the required inspection, and makes a judgment on legality based on the inspection results.

When the cargo to be imported is found to conform to the Food Sanitation Law, a certificate of notification is returned and the importer may proceed with customs clearance procedures.

On the other hand, when the cargo is found to violate a law, it is shipped back or disposed of and the importer must bear the expenses therefor.

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Checking of notification details (documentary examination)

A food sanitation inspector conducts an examination based on the item, exporting country, processor and processing facility, raw materials, production method, additives, etc. stated in a written notification for importation of foods, etc.

< Examples of matters to be checked >
- Whether the used raw materials conform to the Food Sanitation Law
- Whether additives are used in a proper manner
- Whether the item conforms to production criteria
- Whether the processor or the processing facility has any history of causing sanitary problems
- Whether the item is subject to an order for recall in the exporting country
- Whether required documents (such as a sanitary certificate issued by the exporting country) are attached, etc.

On-the-spot inspection by food sanitation inspector

With regard to a food item requiring on-the-spot checking or a food item imported for the first time, and in cases where any accident occurred during transportation, a food sanitation inspector checks the relevant item on the spot, in locations such as a warehouse where it is stored, concerning whether there is any problem in appearance. A food sanitation inspector also collects samples for a monitoring inspection, etc.

< Examples of matters to be checked >
- Whether the item is not suited for human consumption due to being rotten or other reasons
- Whether any foreign substances are mixed in
- Whether the storage environment (temperature, etc.) is appropriate
- Whether there is no errors in the content of the notification, etc.

Checking through testing and inspection

When a quarantine station finds the necessity to confirm any matters through an inspection, it orders and guides a required inspection or carries out an inspection by itself, and checks the conformity to the Food Sanitation Law based on the inspection results.

< Examples of matters to be checked >
- Agricultural chemicals and veterinary drugs
- Food additives
- Pathogenic microorganisms such as enterohemorrhagic Escherichia coli and Vibrio parahaemolyticus
- Bacterial counts and coliforms, etc. specified by the Standards for Constituents
- Hazardous substances such as aflatoxin and other mycotoxins, and shellfish poisons
- Mixing of genetically modified foods whose safety has yet to be approved
- Whether the item is sterilized by irradiation, etc.

(Source) MHLW "Quarantine Stations’ Efforts for Ensuring Safety of Imported Foods" January 2015
Testing and Inspections Directed by Quarantine Station

| Ordered Inspection | An inspection that a quarantine station orders an importer to conduct, on each occasion, based on Article 28 of the Food Sanitation Law, with regard to cargoes that are considered to be highly likely to violate a law, such as those found to violate a law as a result of a self-inspection or a monitoring inspection, or a random inspection in Japan, etc. Items subject to ordered inspection, matters to be inspected, sampling methods, and inspection methods are publicized on the MHLW Website. | Sampling and inspection: Registered conformity assessment bodies
Expenses: To be borne by importers
Import is not permitted until the inspection results are obtained. |
| Self-inspection (instructed inspection) | An inspection that the national government instructs an importer to conduct upon importing a cargo for the first time and regularly thereafter as part of the importer’s own efforts for sanitary supervision | Sampling and inspection: Registered conformity assessment bodies
Expenses: To be borne by importers
Import is not permitted until the inspection results are obtained. |
| Monitoring inspection | An inspection that the national government conducts based on an annual plan for the purpose of monitoring food sanitation conditions widely and taking measures, such as the strengthening of inspections upon import, as necessary | Sampling: Quarantine stations
Expenses: To be borne by the national government
Import is permitted without needing to wait for inspection results. |

(Note) A random inspection refers to an inspection that a food sanitation inspector of a public health center conducts based on the Food Sanitation Law by collecting the required amount of foods as samples from processing facilities and retailing stores, etc.

FAQ

Q What an importer should do when having received an inspection order or an instruction on self-inspection?

A An importer must request an inspection to a registered conformity assessment body (a fair and neutral third-party body that satisfies certain requirements clarified in the Food Sanitation Law and other laws and is registered by the national government). The registered conformity assessment body collects samples from the relevant cargo stored in a bonded warehouse, inspects them, and issues a report of the inspection results. The importer should submit this report to the quarantine station.

Please contact the relevant registered conformity assessment body for the necessary amounts of samples, inspection fees, the number of days required for an inspection, necessary documents, etc. A list of registered conformity assessment bodies is available on the MHLW Website. As matters covered by inspections vary by body, please check in advance when choosing a body to request an inspection.

■ Reference information: MHLW Website: “List of Registered Conformity Assessment Bodies”
http://www.mhlw.go.jp/stf/seisakunitsuite/bunya/kenkou_iryou/shokuhin/jigyousya/kikan/

Q We have a report of the inspection results conducted in the exporting country. Do we have to undergo an inspection in Japan again?

A When an importer has undergone an inspection by an official laboratory in the exporting country (by an official laboratory that the government of the exporting country has registered with the MHLW of Japan as a body having a certain level of inspection capability) and attached a report of said inspection results upon making an import notification, the importer is exempted from undergoing an instructed inspection at a quarantine station in Japan. However, matters to be inspected for which changes may occur during transportation (bacteria, mycotoxins, etc.) are excluded. The following should be noted when an importer intends to receive an exemption. Please contact the relevant quarantine station for details.

- The name and location of the relevant laboratory should be the same as those stated in the list of foreign official laboratories.
- An inspection by a branch or local office of an official laboratory is not accepted.
- The inspection method employed should be equivalent or superior to those methods specified by the Food Sanitation Law.
- In order to check the consistency between inspected samples and products to be imported into Japan, the report of the inspection results contains data by which the processor’s name, commodity name and number, and inspected samples can be identified.

■ Reference information: MHLW Website: “List of Foreign Official Laboratories”
http://www.mhlw.go.jp/english/topics/importedfoods/1-10.html
### 3 Preliminary Survey to Avoid Import of Violating Foods

Each exporting country has original laws concerning food sanitation based on their climate and food culture, etc. Some food items that can be distributed in a certain exporting country may not conform to the Food Sanitation Law and their import and sale may not be permitted in Japan.

An importer assumes equal responsibility for the safety of imported foods as the processor thereof. Therefore, the importer him/herself must have knowledge concerning food sanitation and needs to conduct a sufficient preliminary survey on such matters as where, how, and by whom the relevant food item was processed or produced, whether its quality conforms to the provisions of the Food Sanitation Law, and how it was packed and is being stored.

As matters to be surveyed vary by food item, please refer to Appended Table 2 “Basic Guidance for Importers” of the Imported Food Monitoring and Guidance Plan. (Note)

Upon executing import transactions, it is important to select reliable processors and other business partners who comply with quality requirements on the Japanese side.

(Note) The Imported Food Monitoring and Guidance Plan is a plan established by the national government with regard to measures to be taken by the MHLW and quarantine stations. A plan for the following fiscal year is publicized at the end of every fiscal year.

#### Major Matters to be Surveyed

<table>
<thead>
<tr>
<th>Processed foods</th>
<th>Perishable foods (meat, vegetables, fish and seafood, and their simple processed foods)</th>
<th>Additives</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Item name, product number and JAN code, etc.</td>
<td>- Item name, product number and JAN code, etc.</td>
<td>- Name and location of the producer (in English)</td>
</tr>
<tr>
<td>- Name and location of the processor (in English)</td>
<td>- Name and location of the importer (in English)</td>
<td>- Name and location of the production facility (in English)</td>
</tr>
<tr>
<td>- Name and location of the processing facility (in English)</td>
<td>- Name and location of the packager (in English)</td>
<td>- Name of substances (chemical names, Japanese name, and English name)</td>
</tr>
<tr>
<td>- Raw materials (survey places of production and compounding ratios to the extent possible; for items containing additives, names and usage of substances, and for additives subject to specified utilization criteria, the amount used; for items using processed foods as raw materials, whether any non-designated additives are used in said processed foods)</td>
<td>- Scientific name and reference materials and photos concerning varieties</td>
<td>- Ingredients in the case of additive preparations</td>
</tr>
<tr>
<td>- Usage (for marketing, as raw materials, or other)</td>
<td>- Whether any additives are used</td>
<td>- Purpose of use</td>
</tr>
<tr>
<td>- Methods of cooking, eating, or using</td>
<td>- Types of packing materials</td>
<td>- Types of packaging materials</td>
</tr>
<tr>
<td></td>
<td>- Storage methods (at room temperature, refrigerated, or frozen)</td>
<td>- Storage methods (at room temperature, refrigerated, or frozen)</td>
</tr>
</tbody>
</table>

(Source) Created based on data held by each quarantine station
Under Article 11 of the Food Sanitation Law, standards for constituents and criteria for the methods of producing, processing, cooking, or preserving foods in general are specified. Concrete details are shown in Public Notice of the Ministry of Health, Labour and Welfare No. 370. For items requiring special efforts for ensuring safety (such as soft drinks and processed meat products), standards and criteria are established separately. For foods subject to the established production, processing or preservation criteria, conformity to such criteria is to be checked based on their production flow chart. An importer should check with the producers, etc. regarding the use of any agricultural chemicals and the status of sanitation management at the production stage, and carry out a self-inspection as necessary on the conformity to residue standards for agricultural chemicals and standards for coliforms, etc. to confirm safety.

**“Standards and Criteria for Food and Additives, etc.”** (Public Notice of the Ministry of Health, Labour and Welfare No. 370) – No. 1: Structure of Food

<table>
<thead>
<tr>
<th>No.  Food</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Standards for constituents for food in general</td>
</tr>
<tr>
<td>B. Criteria for producing, processing, and cooking food in general</td>
</tr>
<tr>
<td>C. Criteria for preserving food in general</td>
</tr>
<tr>
<td>D. Respective standards and criteria for soft drinks; powdered soft drinks; ice; ice confectionery; processed meat and whale meat; processed meat to be eaten raw; edible avian eggs; blood, blood cells, and blood plasma; processed meat products; whale meat products; fish paste products; salmon roe, salted salmon roe, and salted cod roe; boiled octopus; boiled crab; fresh seafood to be eaten raw; oysters to be eaten raw; agar; grain, beans, and vegetables; azuki bean paste; tofu; instant noodles; frozen food; and retort pouch food</td>
</tr>
</tbody>
</table>

(Note) Standards and criteria for milk and dairy products are separately specified in the Ministerial Ordinance Concerning the Ingredient Standards for Milk and Dairy Products (Ordinance of the Ministry of Health, Labour and Welfare No. 52).

**Checkpoint 2: Additives**

Additives that can be used in Japan are limited to those designated by the national government, in principle. Exceptionally, only existing additives, natural flavoring agents, and articles that have generally been served for human consumption and are used as additives may be used without obtaining designation. Additives that are not designated cannot be imported or used. For some additives, utilization criteria (maximum limits and food items in which they may be used, etc.) are specified. Therefore, whether such additives are used within permitted ranges need to be checked.

**Reference information:** MHLW Website: “Food Additives”

**Checkpoint 3: Whether Pharmaceutical Ingredients are Contained**

In the case of health food or supplements, it is necessary to check whether any ingredient falling under the category of medicine as specified in the Pharmaceuticals and Medical Equipment Act is contained in raw materials. The division between food and medicine is shown in the “Standards on the Scope of Medicine” attached to the MHLW’s Notice, “Control of Unapproved Medicine and Unauthorized Medicine,” (Yakuhatsu No. 476 of 1971).

During import clearance procedures, an importer may be requested to submit a document by which to confirm the non-applicability of the Pharmaceuticals and Medical Equipment Act. Therefore, the importer should consult, in advance, with the pharmaceutical affairs department of the competent prefectural government with jurisdiction over its business office, and prepare a document recording the details of what the importer has confirmed (when and to whom the importer made inquiries, raw materials in question and handling thereof, etc.).

Use import consultation services and information on monitoring and guidance available at quarantine stations.

The Offices of Imported Food Consultation in quarantine stations provide prior consultations to people intending to import foods, etc. with regard to import procedures, inspection systems, and standards and criteria for foods, etc. under the Food Sanitation Law. Reservation is required for an over-the-counter consultation. Check the method for making a reservation in advance by phone or on the website of the relevant quarantine station. A prior consultation does not substitute a preliminary survey or ensure import permit.

Webpages of the MHLW and quarantine stations also provide information on monitoring and guidance, such as items subject to ordered inspection or monitoring inspection and past cases of violations of the Food Sanitation Law.
In order to prevent the entry into Japan of pests that may damage useful plants, plants to be imported must be quarantined under the Plant Protection Law.

All imported plants are subject to quarantine, irrespective of transportation modes of cargoes, personal effects, and articles sent by international mail, etc., or their quantity or usage such as for business or for personal consumption.

Under the Plant Protection Law, plants are categorized into three categories: (i) import-prohibited articles, (ii) articles exempted from import inspection, and (iii) articles subject to import inspection. When any food to be imported is a plant, it is necessary to check, in advance, (a) the category of said plant, and (b) whether it is possible to obtain a phytosanitary certificate from the exporting country.

Import-Prohibited Articles (Article 7, paragraph (1) of the Plant Protection Law)

1. Plants that are sent from areas set forth in Appendix Table 2 of the Ordinance for Enforcement of the Plant Protection Law or those sent by way of such areas and which are provided for in said table
2. Plants that are sent from areas set forth in Appendix Table 2-2 of the Ordinance for Enforcement of the Plant Protection Law or those sent by way of such areas and which are provided for in said table (excluding those satisfying the standards set forth in said table)
3. Plants that are provided for in Appendix Table 1-2 of the Ordinance for Enforcement of the Plant Protection Law (excluding those that were grown in areas set forth in said table)
4. Live pests subject to plant quarantine
5. Soil or plants to which soil is attached
6. Containers or packages of articles listed in 1. to 5. above

(Note) There are special measures to permit import of import-prohibited articles under certain conditions when such articles are to be imported for limited purposes such as testing and research or exhibitions and when it is technically confirmed between Japan and the exporting country that there is no risk of entry of quarantine pests into Japan.

As damage by plant pests varies by country and region, import of the same plants may be permitted in some countries and regions but be prohibited in others. Furthermore, even though a producing country or region is free from plant pests, import of articles that were sent by way of any area sustaining damage by plant pests may be prohibited due to a possibility that pests may have become attached to the articles during the transportation process. In order to check whether the plant to be imported falls under the category of import-prohibited articles, make inquiries to the Plant Protection Station, or use the “Database for Importing Conditions” available on the Plant Protection Station’s website to search importing conditions by inputting the country or region and the relevant plant.

Reference information: Plant Protection Station’s website: “Database for Importing Conditions”
http://www.pps.go.jp/eximlist/Pages/exp/conditionE.xhtml

Articles Exempted from Import Inspection (Article 6 of the Imported Plant Quarantine Rules)

- Processed tea (dried, heated, fermented, or otherwise processed tea); dried hop flowers; dried bamboo shoots
- Fermented vanilla beans
- Plants pickled in sulphurous acid, alcohol, acetic acid, sugar, salt, etc.
- Dried apricot, fig, persimmon, Actinidia chinensis, plum, pear, jujube, date, pineapple, banana, papaya, grape, mango, peach, and longan
- Grained endocarp of Cocos nucifera
- Dried spices sealed in containers for retail sale (bottled, canned, or sealed in aluminum foil containers that are free from damage by pests)

(Note) Processed tea refers to green tea, black tea, oolong tea or other tea (including mate, guava tea, wolfberry tea, Jasmine tea, Hibiscus tea, ginseng tea, herb tea, medicated ginseng tea and other medicated tea) that has been dried, heated, fermented, or otherwise processed (including primary processed tea).
Out of processed foods made of plants, highly processed articles such as processed tea as well as dried spices sealed in bottles or cans, which are free from pests subject to plant quarantine, are exempted from import quarantine. Regarding whether articles to be imported are exempted from import inspection, make inquiries to the Plant Protection Station after preparing the food production flow chart or processing flow chart, or other reference materials by which the plant’s name and used parts can be identified.

*Matsutake, Shiitake,* and other edible mushrooms, which are fungi, do not fall under plants under the Plant Protection Law and are not subject to plant quarantine.

**Articles Subject to Import Inspection and Procedures**

Plants other than those falling under the categories of import-prohibited articles and articles exempted from import inspection are all subject to import inspection. Foods subject to plant quarantine include fruits (fresh, frozen, and dried), vegetables (fresh, frozen, and dried), grain, beans, green coffee beans, spices, herbs, rapeseed, sesame, plant materials for Chinese medicine.

Prior to importing such articles, it is necessary to obtain a phytosanitary certificate issued by a government organization of the exporting country. Without this certificate, no one can import plants from overseas.

In order to receive import inspection, an importer must submit an application for import inspection of plants and import-prohibited articles to the plant protection station that has jurisdiction over the port (airport) where the importer intends to import the relevant plant, together with required documents, such as a phytosanitary certificate issued by a government organization of the exporting country, an invoice, packing list, and air way bill.

When it is confirmed, as a result of the inspection, that the relevant articles do not fall under the category of import-prohibited articles and no pests subject to plant quarantine are found, an inspection certificate will be issued. If any pest is found, the articles are rejected, but even in such cases, if the articles can be sterilized (at the expense of the importer), an inspection certificate may be issued after the sterilization is completed.

**Flow of Import Inspection under the Plant Protection Law**

![Flowchart of Import Inspection](chart.png)

(Source) Plant Protection Station

- **Inquiries**: Plant protection station having jurisdiction over the port of importation
In order to prevent the entry into Japan of domestic animal infectious diseases, the Domestic Animal Infectious Diseases Control Law specifies targets of animal quarantine (designated quarantine items) and requires import inspection for such livestock products. Designated quarantine items are subject to animal quarantine irrespective of their quantity or usage such as for business or for personal consumption, or transportation modes of cargoes, personal effects, and articles sent by mail, etc.

When intending to import foods, it is necessary to check, in advance, [i] whether any raw materials derived from designated quarantine items are used, [ii] whether the producing country is a country or region from where import of foods is prohibited, [iii] whether an agreement on Animal Health Requirements has been signed for the relevant foods, and [iv] whether it is possible to obtain a health certificate or veterinary certificate from the exporting country.

Livestock Products Subject to Import Inspection (designated quarantine items: Article 45 of the Ordinance for Enforcement of the Domestic Animal Infectious Diseases Control Law)

<table>
<thead>
<tr>
<th>Livestock Products</th>
<th>cloven-hoofed animals (cattle, pig, sheep, goat, and deer)</th>
</tr>
</thead>
<tbody>
<tr>
<td>· Meat, organ, bone, horn, skin, fur, egg, fresh milk and dung</td>
<td>equine animals (horse and donkey)</td>
</tr>
<tr>
<td>· Ham, sausage, and bacon made from meat or the like</td>
<td>poultry (chicken, quail, pheasant, ostrich, guinea fowl, turkey, anserine birds such as duck and goose)</td>
</tr>
<tr>
<td>· Products including meat or the like</td>
<td>rabbits</td>
</tr>
<tr>
<td></td>
<td>honey bees</td>
</tr>
</tbody>
</table>

(Conditions) Japan Customs’ Website “Customs Answer 9006”

Livestock Products Exempted from Import Inspection

- Livestock products derived from animals other than designated quarantine animals
- The following livestock products derived from designated quarantine animals
  (i) Completely processed products such as horns, coat, skin, and feather
      Buttons, brushes, down jackets, leather coats, etc.
  (ii) Canned products and retort products
      As inspection may be required depending on the level of heat sterilization and the status of containers, prior confirmation is necessary.
  (iii) Dairy products such as butter and cheese, and honey

(Note) Comb honey (products in the form of honeycombs) and products containing bees or bee larvae are subject to inspection.

Livestock Products for which Import is Prohibited or Suspended

Regarding cloven-hoofed animals such as cattle and pigs and livestock products made of these, countries and regions they come from are categorized into three categories by comprehensively considering the statuses of the occurrence of virulent infectious diseases (rinderpest, foot-and-mouth disease, and African Swine Fever) and the implementation of epidemic prevention measures, and those for which import is prohibited are specified. Import of animals and livestock products may be suspended from countries and regions where such diseases as highly-pathogenic avian influenza and classical swine fever have occurred, depending on the circumstances.

Import Inspection

Prior to importing livestock products, it is necessary to obtain a health certificate or veterinary certificate issued by a government organization of the exporting country. Such certificate verifies the results of the inspection conducted in the exporting country based on the Animal Health Requirements agreed upon in advance between the relevant country and Japan. Without such certificate, no one can import livestock products from overseas.
An importer must submit an application for import inspection to the animal quarantine service that has jurisdiction over the port of importation, by the day preceding the day on which the importer wishes to have the relevant products inspected, in principle, together with required documents, such as a health certificate or veterinary certificate issued by a government organization of the exporting country, an invoice, packing list, air way bill, and IAW (inquiries on inward cargo information), etc. Submission of a product description (raw materials, etc.) and processing flow chart, etc. may also be requested.

An animal quarantine service examines submitted documents and inspects the relevant products, and also conducts a detailed inspection and sterilization as necessary. When it finds that the products have no risk of spreading pathogens of monitored infectious diseases, it issues an import quarantine certificate.

(Note) Import inspection of livestock products is conducted based on the Guidelines for Import Inspection of Livestock Products and other related guidelines (see the List of Notices on the Animal Quarantine Service’s Website).

**Flow of Import Inspection of Livestock Products**

- **Inspection of products**
  - Serious infectious animal diseases*
    - Disease-free countries and regions
    - Random inspection
  - Countries and regions where a serious disease occurred
  - Inspect all applications
- **Examination of documents**
  - Examine certificates issued by exporting countries for all livestock products
- **Import inspection**
- **Arrival at the designated port importer**
  - Apply for import inspection
- **Inspection upon leaving the country**

*Virulent infectious diseases, transmissible spongiform encephalopathy (cattle, sheep, goats, and deer), classical swine fever, and highly-pathogenic avian influenza

(Source) Ministry of Agriculture, Forestry and Fisheries

**Inquiries:** Animal quarantine service having jurisdiction over the port of importation

**Reference information:** Animal Quarantine Service’s website: “Export and Import of Livestock Products”
In order to import liquor (drinks with an alcoholic content of one percent or higher) for the purpose of marketing, it is necessary to obtain a license to sell liquor in advance. When undergoing import clearance procedures, an importer needs to file an import notification under the Food Sanitation Law.

A license to sell liquor is not required when a person running an eating and drinking establishment imports liquor only for the purpose of serving it at his/her bar or restaurant, etc. and does not sell unopened cans or bottles of liquor to customers or other shops. However, as such import falls under the category of import for the purpose of business, an import notification under the Food Sanitation Law is required.

(Note) In the case where it is clear that the purpose of importing liquor is just for personal consumption due to a fact such as that the total amount is 10kg or less, neither a license to sell liquor nor an import notification is required.

License to Sell Liquor under the Liquor Tax Law

The license to sell liquor varies by category depending on whether it is for retail services or wholesale services, the scope of types of liquor the person deals with (all types, beer, foreign liquor, or liquor for export and import, etc.), and sales method (at stores or online). Requirements also differ by category (personnel requirements, locational requirements, business base requirements, and supply and demand adjustment requirements).

Prior to applying for a license, the applicant should make it clear to whom he/she intends to sell what types of liquor in what amount and in what manner, and should consult with a chief examiner of the liquor tax and industry division of a tax office.

For example, a person who intends to import liquor and sell it to liquor distributors must obtain a license to wholesale imported liquor, and a person who intends to import liquor and sell it to consumers, persons running eating and drinking establishments, or persons engaging in confectionery business, etc. (excluding mail-order services) must obtain a general license to retail liquor. When selling imported liquor to consumers living in a wide area covering two or more prefectures via the Internet or by sending catalogues, etc., a license to retail liquor by mail is required.

Payment of Liquor Tax

Under the Liquor Tax Law, a person who receives imported liquor from a bonded area is considered to be a taxpayer. The importer must pay liquor tax together with duties and consumption taxes upon filing an application for import clearance.

Reference information: Japan Customs’ Website: “Customs Answer No.3105”
http://www.customs.go.jp/english/c-answer_e/kojin/3105_e.htm

Notification of Labeling Method for Liquor

By the time of receiving imported liquor from a bonded area, an importer must affix a label that indicates the matters specified by laws and regulations in accordance with the item category on a conspicuous part of each of the containers in an easily distinguishable manner (Article 86-5 of the Act on Securing of Liquor Tax and on Liquor Business Associations).

Regarding a labeling method, the importer must prepare two copies of written notification of the labeling method and submit one of them to the customs having jurisdiction over the relevant bonded area, together with a copy of his/her license to sell liquor, thereby obtaining confirmation on the method from the customs. After obtaining the confirmation, the importer must affix labels to liquor containers by the time of transporting them out of the bonded area.

Labeling of liquor must contain the matters specified by the Food Labeling Standards based on the Act on Securing of Liquor Tax and on Liquor Business Associations and the Food Labeling Act. Required matters common to the both laws may be indicated once, but other matters need to be indicated based on the relevant law, respectively.

The enforcement of the Food Labeling Act brought about some changes, such as that the container capacity required under the Act on Securing of Liquor Tax and on Liquor Business Associations was unified as net contents under the Food Labeling Act. See the National Tax Agency’s “Q&A on Labeling of Liquor under the Food Labeling Act” for the details of the changes.

(Note) · Under the Food Labeling Act, liquor packed in containers to be sold to consumers falls under the category of processed food for general consumers.
· As a transitional measure for the Food Labeling Act, liquor to be imported (other than for business) by the end of March 2020 may be labeled in the former manner.
### Example of Labeling

**Labeling of Wine**

<table>
<thead>
<tr>
<th>品目</th>
<th>果実酒</th>
</tr>
</thead>
<tbody>
<tr>
<td>添加物</td>
<td>酸化防止剤（亜硫酸塩）</td>
</tr>
<tr>
<td>アルコール分</td>
<td>13度</td>
</tr>
<tr>
<td>内容量</td>
<td>750ml</td>
</tr>
<tr>
<td>原産国</td>
<td>フランス</td>
</tr>
<tr>
<td>輸入者及び引取先</td>
<td>株式会社○○</td>
</tr>
<tr>
<td></td>
<td>東京都港区○○町3-1-3</td>
</tr>
</tbody>
</table>

未成年者の飲酒は法律で禁止されています

### Inquiries: Customs having jurisdiction over the place to receive imported liquor

### Labeling of Whiskey

<table>
<thead>
<tr>
<th>品目</th>
<th>ウイスキー</th>
</tr>
</thead>
<tbody>
<tr>
<td>原材料名</td>
<td>モルト、グレーン</td>
</tr>
<tr>
<td>アルコール分</td>
<td>43度</td>
</tr>
<tr>
<td>内容量</td>
<td>750ml</td>
</tr>
<tr>
<td>原産地</td>
<td>スコットランド</td>
</tr>
<tr>
<td>輸入者</td>
<td>○○株式会社</td>
</tr>
<tr>
<td></td>
<td>東京都新宿区○○町○一○</td>
</tr>
<tr>
<td>引取先</td>
<td>横浜市中区○○町○一○</td>
</tr>
</tbody>
</table>

飲酒は、20歳になってから。
Import and sale of rice and wheat, salt, sugar and starch, and some dairy products are regulated by respective laws and regulations for such purposes as securing their stable supply to the general public, stabilizing their prices, and ensuring stable management of domestic producers, and prescribed procedures need to be followed.

When intending to import fisheries products designated for the government’s import controls under the Foreign Exchange and Foreign Trade Act or articles covered by the CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora), it is necessary to take procedures to obtain import permits or approval, etc.

1 Act on Stabilization of Supply, Demand and Prices for Staple Food

**Major Items** (Article 1 of the Order for Enforcement of the Act on Stabilization of Supply, Demand and Prices for Staple Food)

- Rice, wheat, (wheat, barley, and naked barley), maslin, and triticale
- Ground rice, wheat, barley, and naked barley groats and meal thereof
- Wheat starch
- Rice flour, wheat flour, barley flour, and naked barley flour
- Rice cake, dumplings, and other similar prepared foodstuffs made of rice (excluding those for baby food or dietary cures, or those with a rice content of 30% or less of the total weight)
- Grained rice already heated or otherwise cooked (excluding those with a rice content of 30% or less of the total weight)
- Other processed or prepared foodstuffs made of rice, wheat, barley, naked barley, maslin, or triticale that are designated by the Minister of Agriculture, Forestry and Fisheries

**Import Levy on Rice**

Rice is imported by the national government through state trading, and out of this framework, also by general importers who pay an import levy, etc.

A person who intends to import rice for marketing outside the state trading framework must fill in an import levy payment form and submit it to the relevant regional agricultural administration office, together with documents by which the item name and quantity can be confirmed (such as an invoice, B/L, packing list, or written contract). When no deficiency is found as a result of an examination, [i] a payment notice is issued and [ii] a copy of the import levy payment form is returned. The person must bring the payment notice [i] to a financial institution and pay the import levy on rice, etc. (292 yen/kg), and upon undergoing import clearance procedures, he/she must submit the receipt of the import levy and the copy of the import levy payment form [ii] to the customs and pay duties (temporary duty rate: 49 yen/kg) and consumption taxes.

**Report of the Import Quantity of Rice**

When importing rice, it is necessary to report the import quantity to the relevant regional agricultural administration office in advance.

**Import of Processed or Prepared Products Made of Rice or Wheat**

When importing any products subject to an import levy, it is required to pay a levy and duties as in the case of importing rice. Regarding whether products to be imported are subject to an import levy, make inquiries to the customs where the importer intends to make an import declaration after preparing reference materials that show the blending ratio of rice and wheat, etc.

Inquiries: (Regarding duty classification) Customs counselors and customs appraiser departments, etc. of respective customs
2 Salt Industry Law

The Salt Industry Law defines salt as solids with a sodium chloride content of 40% or more. A person who imports and sells salt needs to be registered as a specified wholesaler of salt by the director-general of customs. When importing and selling only salt that has a special usage and property and which is specified by Ordinance of the Ministry of Finance (Article 4 of the Ordinance for Enforcement of the Salt Industry Law), an importer needs to file a notification as a specified wholesaler of special-use Salt to the director-general of customs.

Regarding whether products to be imported fall under the category of salt, for which registration is required, or the category of salt for special purposes, for which a notification is required, or whether they are not covered by the Salt Industry Law, make inquiries to the customs where the importer intends to make an import declaration after preparing reference materials on the production method, ingredients, usage, and samples, etc.

Inquiries: General examination officers or special examination officers of administrative affairs departments of respective customs

Tokyo Customs: Customs Clearance Second Division (Salt and Tobacco)
Administrative Affairs Department: Tel: +81-3-3599-6338

3 Act on Price Adjustment of Sugar and Starch

Regarding sugar and starch, a price adjustment system has been introduced, under which subsidies mainly financed by funds collected from cheap imported goods are granted to producers and processors of domestic products to compensate the amount of difference between their sales price and processing and production costs.

When importing sugar and starch, a person making an import declaration must conclude a transaction agreement in writing with the Agriculture & Livestock Industries Corporation in advance and is obliged to pay the amount of difference in sales and purchases as adjustment funds to the Corporation.

Regarding whether products to be imported are subject to transactions, make inquiries to the customs where the importer intends to make an import declaration after preparing reference materials on the production method, ingredient ratios, property, usage, and samples, etc. When the importer seeks responses that will be respected in an examination of import declaration, it is recommendable to utilize the Advance Classification Ruling System (see p. 24).

Inquiries: (Regarding duty classification) Customs counselors and customs appraiser departments, etc. of respective customs

4 Act on Temporary Measures Concerning Compensation Price for Producers of Milk for Manufacturing Use

Designated dairy products, etc. specified by said Act (butter, powdered skim milk, whey and modified whey, dairy spread, butter oil, etc.) are imported by the national government through state trading, and also by general importers who pay the amount of money equivalent to duties as specified for persons out of the state trading framework. Prior to making an import declaration, a general importer must [i] register him/herself with the Agriculture & Livestock Industries Corporation, [ii] submit an application for selling and buy-back, and [iii] provide a deposit equivalent to the amount legally specified, thereby obtaining the issuance of a written consent for purchasing and sell-back.

Regarding whether products to be imported fall under the category of designated dairy products, etc., make inquiries to the customs where the importer intends to make an import declaration after preparing reference materials on production method, ingredient ratios, property, usage, and samples, etc. When the importer seeks responses that will be respected in an examination of import declaration, it is recommendable to utilize the Advance Classification Ruling System (see p. 24).

Inquiries: (Regarding duty classification) Customs counselors and customs appraiser departments, etc. of respective customs
The Foreign Exchange and Foreign Trade Act aims to enable the proper development of foreign transactions and the maintenance of peace and security in Japan and in the international community through the minimum necessary control or coordination of foreign transactions. Concrete control methods are specified in the Import Trade Control Order and the Public Announcement on Import, etc. When importing specified goods or goods whose place of origin or place of shipment is any of the specified countries or regions, the permission and approval of the Minister of Economy, Trade and Industry needs to be obtained. There are five systems as follows to enhance the effectiveness of the regulatory purposes.

<table>
<thead>
<tr>
<th>System</th>
<th>Outline</th>
<th>Major targets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Import quota</td>
<td>System to allocate import quotas to importers, etc., based on the quantity or value of the goods to be imported based on domestic demand, etc. [quantitative restrictions]</td>
<td>Herring, cod, yellowtail, and other fish caught in adjacent waters; scallop; squid; edible seaweed; and prepared foodstuffs made of seaweed, etc.</td>
</tr>
<tr>
<td>Approval under item (ii)</td>
<td>System to require approval for import from a specified place of origin or place of shipment [restrictions on specific regions]</td>
<td>Salmon and trout whose place of origin or place of shipment is China, North Korea, or Taiwan and prepared foodstuffs made thereof, etc.</td>
</tr>
<tr>
<td>Approval under item (ii)-2</td>
<td>System to require approval for import of specified goods irrespective of their place of origin or place of shipment [restrictions on all regions]</td>
<td>Fauna and flora listed in Appendix I of the CITES and derivatives thereof</td>
</tr>
<tr>
<td>Prior confirmation</td>
<td>System under which an importer who has obtained prior confirmation by the Minister of Economy, Trade and Industry, etc., is permitted to import specified goods without approval</td>
<td>Frozen tuna, Antarctic toothfish, and frozen crab; fauna and flora listed in Appendices II and III of the CITES and derivatives thereof, etc.</td>
</tr>
<tr>
<td>Confirmation upon customs clearance</td>
<td>System under which an importer who submits documents specified upon undergoing import clearance procedures to the customs is permitted to import specified goods without approval</td>
<td>Fresh or chilled tuna and crab; fauna and flora listed in Appendices II and III of the CITES and derivatives thereof, etc.</td>
</tr>
</tbody>
</table>

Inquiries: Agricultural and Marine Products Office, Trade Control Department, Trade and Economic Cooperation Bureau, Ministry of Economy, Trade and Industry; Tel: +81-3-3501-0532

Reference information: METI website: “Trade Control”

CITES and Import Restrictions

The CITES classifies endangered species of wild fauna and flora into three categories (Appendices I, II, and III) depending on the necessity of their protection and restricts their international trade. When importing anything regulated by the CITES, an importer needs to obtain an export permit issued by a government organization of the exporting country as specified in the Convention and a certificate of import approval issued by the Ministry of Economy, Trade and Industry. Upon making an import declaration, the importer must submit such documents to the customs to seek confirmation therefrom.

Required procedures are specified in the Import Trade Control Order and the Points to Note on Import, etc. Procedures vary by classification of Appendices and place of origin or place of shipment.

- Those designated in item (ii) or item (ii)-2 of the Public Announcement on Import
  ⇒ Application for import approval

- Those designated in item (iii) of the Public Announcement on Import
  ⇒ Application for prior confirmation

- Those listed in Appendix II or III other than those subject to prior confirmation
  ⇒ Confirmation upon customs clearance

It should be noted that if a person imports goods regulated by the CITES without obtaining an export permit or a certificate of import approval, the import is rejected at the customs in Japan. Import is often rejected for such foods or Chinese medicine as crocodiles, caviar, musk, Saussureae costus, and American ginseng, etc.

Inquiries: Wild Fauna and Flora Trade Licensing Office, Trade Control Department, Trade and Economic Cooperation Bureau, Ministry of Economy, Trade and Industry; Tel: +81-3-3501-1723
An importer of cargoes must make an import (tax) declaration to the director-general of the competent customs after discharging cargoes from abroad and carrying them into a bonded area. (Note) The customs that received the import declaration examines documents and inspects cargoes as necessary, confirms the payment of duties, etc., and permits the import of the cargoes. This series of procedures is called customs clearance. Only after going through customs clearance procedures, cargoes are permitted to be distributed in Japan.

Required customs clearance procedures differ by import method, but in any case, an importer is not permitted to import items that require permission or approval under other relevant laws and ordinances, unless he/she gets confirmation from the customs by proving that he/she has obtained the required permission or approval.

(Note) A bonded area refers to a place where cargoes from abroad may be stored temporarily without paying duties and consumption taxes.

Examination and Confirmation under Other Relevant Laws and Ordinances

Other relevant laws and ordinances are those set forth in Article 70 of the Customs Law, meaning laws and ordinances other than those relating to customs duties that provide for permission and approval, etc. for the import and export of goods. The Food Sanitation Law, Plant Protection Law, Domestic Animal Infectious Diseases Control Law, and Foreign Exchange and Foreign Trade Act, etc. are included in other relevant laws and ordinances. An importer presents such documents as a certificate of import notification, inspection certificate, or certificate of approval in customs clearance procedures and undergoes examinations as to whether conditions under other relevant laws and regulations are satisfied.

■ Reference information: Japan Customs’ website: “Outline of Other Relevant Laws and Ordinances Referred to by Customs”:
http://www.customs.go.jp/english/c-answer_e/imtsukan/1801_e.htm

Tax Declaration of Duties, etc.

Taxes, such as duties and consumption taxes (or liquor tax in the case of liquor), are imposed on imported goods. It should be noted that even in the case of duty-free goods, consumption taxes are imposed.

The person who pays duties is the importer of the relevant cargoes, in principle, and is ordinarily the consignee of the invoice. In practice, a customs broker often takes customs clearance procedures by proxy and temporarily pays duties, etc. for the importer, and later charges the importer said expenses and fees integrally after delivering the cargoes.

■ Inquiries Concerning Customs Procedures (Contact Points for Major Customs Counselors)

<table>
<thead>
<tr>
<th>Location</th>
<th>TEL</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hakodate Customs</td>
<td>+81-138-40-4261</td>
<td><a href="mailto:hkd-gyomu-sodan@customs.go.jp">hkd-gyomu-sodan@customs.go.jp</a></td>
</tr>
<tr>
<td>Tokyo Customs</td>
<td>+81-3-3529-0700</td>
<td><a href="mailto:tyo-gyomu-sodankan@customs.go.jp">tyo-gyomu-sodankan@customs.go.jp</a></td>
</tr>
<tr>
<td>Narita Branch Customs</td>
<td>+81-476-34-2128</td>
<td></td>
</tr>
<tr>
<td>Tokyo Overseas Mail Sub-branch Customs</td>
<td>+81-3-5665-3755</td>
<td></td>
</tr>
<tr>
<td>Yokohama Customs</td>
<td>+81-45-212-6000</td>
<td><a href="mailto:yok-sodan@customs.go.jp">yok-sodan@customs.go.jp</a></td>
</tr>
<tr>
<td>Nagoya Customs</td>
<td>+81-52-654-4100</td>
<td><a href="mailto:nagoya-gyomu-sodankan@customs.go.jp">nagoya-gyomu-sodankan@customs.go.jp</a></td>
</tr>
<tr>
<td>Osaka Customs</td>
<td>+81-6-6576-3001</td>
<td><a href="mailto:osaka-sodan@customs.go.jp">osaka-sodan@customs.go.jp</a></td>
</tr>
<tr>
<td>Kobe Customs</td>
<td>+81-78-333-3100</td>
<td><a href="mailto:kobe-sodan@customs.go.jp">kobe-sodan@customs.go.jp</a></td>
</tr>
<tr>
<td>Moji Customs</td>
<td>+81-50-3530-8372</td>
<td><a href="mailto:moji-sodankan@customs.go.jp">moji-sodankan@customs.go.jp</a></td>
</tr>
<tr>
<td>Nagasaki Customs</td>
<td>+81-95-828-8619</td>
<td><a href="mailto:nagasaki-sodan@customs.go.jp">nagasaki-sodan@customs.go.jp</a></td>
</tr>
<tr>
<td>Okinawa Regional Customs</td>
<td>+81-98-863-0099</td>
<td><a href="mailto:oki-9a-koho@customs.go.jp">oki-9a-koho@customs.go.jp</a></td>
</tr>
</tbody>
</table>

■ Reference information: Japan Customs’ website:
http://www.customs.go.jp/english/index.htm
When importing goods, the following taxes are basically imposed:

- **Duty:** Customs value \(\times\) Duty rate
- **Consumption tax:** (Taxable price + Duty) \(\times\) Consumption tax rate

\[(Note)\] Miscellaneous additions: Expenses relating to transport to the port of importation, license fees, expenses for members offered for free, etc.

**Duty Rates**

Duty rates are determined for each item categorized under the Customs Tariff Law. Duty rates, such as the general duty rates, temporary duty rates (duty rates determined by amending the general duty rates depending on domestic and overseas economic conditions), preferential duty rates (duty rates applied to goods imported from developing countries), agreed duty rates (duty rates determined by the WTO), or EPA duty rates (duty rates determined among EPA member countries), are applied.

Japan’s Tariff Schedule is available on the Japan Customs’ website (http://www.customs.go.jp/english/tariff/index.htm). If it is difficult to find applicable duty rates, the Advance Classification Ruling System may be utilized to make an inquiry about duty classification.

Additionally, simplified duty rates are also established for goods brought in with people entering Japan or goods they sent to Japan separately, as well as general cargoes (including international courier services) and international mails, for which the total customs value is 200,000 yen or less, for easy calculation of duty amounts.

**Advance Classification Ruling System**

The Advance Classification Ruling System is a system under which a person can make an inquiry about the duty classification (duty code) and duty rate of goods prior to importation and receive a response from customs. Under this system, inquiries are to be made in writing and responses are to be given in writing, in principle.

When a person makes an inquiry in writing, a written response (valid for three years) is issued. If the person attaches the written response upon making an import declaration, its content is to be respected in customs examinations. Inquiries may also be made orally (by phone or at customs counters) or by email, but the content of oral responses is merely treated as reference information and is not respected in examinations of import declarations.

Inquiries by email are generally handled in the same manner as those made orally, but if certain requirements (such as that the submission of samples is not required, the inquiry is not about a fictitious cargo, and an image of an “Online Inquiry Form for Advance Classification Ruling” has been sent) are satisfied and the person wishes that said inquiry would be handled in the same manner as inquiries in writing, he/she may also receive a written response.

Customs also provide prior instruction concerning the handling for customs valuation (application and interpretation, etc. of laws and regulations) and the determination of the place of origin.

**Inquiries:** Customs counselors and customs appraiser departments, etc. of respective customs

**Reference information:** Japan Customs’ website: “Advance Classification Ruling System”

**Certificate of Origin**

In order to receive the application of preferential duty rates, an importer needs to submit a “Generalized System of Preferences: Form A,” which is issued at the request of an exporter by the customs or an authorized chamber of commerce of the relevant preferential country. However, a certificate of origin is not required for articles, for which the total customs value is 200,000 yen or less, or for articles whose origin is found by the director-general of the relevant customs to be evident from their type or configuration.

In order to receive the application of EPA duty rates, an importer needs to submit a certificate of origin issued by the certificate issuing authority of the relevant member country under the EPA agreement (a certificate of origin is not required when their total customs value is 200,000 yen or less).
**Tariff Quota System**

The Tariff Quota System is a system to ensure the supply of imported goods to demanders at low prices by applying lower duty rates (primary duty rates) to imports of specific items up to a certain quantity, while applying relatively high duty rates (secondary duty rates) to imports exceeding said certain quantity. Targeted items have been added or deleted depending on changes in circumstances surrounding domestic industries. The following are covered under this system in FY2015.

**Items Covered by the Tariff Quota System (only foods) (as of April 1, 2015)**

<table>
<thead>
<tr>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corn; Natural cheese (as raw materials for processed cheese); Malt;</td>
</tr>
<tr>
<td>Sugar-free cocoa preparations (for producing chocolate); Tomato</td>
</tr>
<tr>
<td>puree and paste (for producing tomato ketchup and sauce); Canned</td>
</tr>
<tr>
<td>pineapple; other dairy products; Powdered skim milk; Sugar-free</td>
</tr>
<tr>
<td>condensed milk; Whey, etc.; Butter and butter oil; Miscellaneous</td>
</tr>
<tr>
<td>beans; Starch, inulin, and starch preparations; Peanuts; Konnyaku</td>
</tr>
<tr>
<td>imo; Prepared edible fat</td>
</tr>
</tbody>
</table>

An importer who seeks the application of a primary duty rate must prepare application documents in accordance with the Tariff Quota Notice, which is publicized by the Ministry of Agriculture, Forestry and Fisheries in April every year, and submit them to the responsible department to obtain a tariff quota certificate. The importer must submit this certificate to the customs upon making an import declaration.

Apart from this general framework, there is another tariff quota system under EPAs which covers 10 countries in FY2015. Covered items and procedures are available on the MAFF website.

**Countries Covered by the Tariff Quota System under EPAs**

1. Mexico  
2. Malaysia  
3. Chile  
4. Thailand  
5. Indonesia  
6. the Philippines  
7. Switzerland  
8. Vietnam  
9. Peru  
10. Australia

**Inquiries:** International Economic Affairs Division, International Affairs Department, Minister's Secretariat, MAFF. TEL: +81-3-3502-8498

**Import of goods with a label falsifying the place of origin or misleading consumers is not permitted.**

The term "place of origin" generally refers to a country or region where the relevant cargo was actually produced or processed. When any label falsifying the place of origin or misleading consumers is affixed directly to an imported cargo or indirectly to a container or packaging of an imported cargo, regulations under Article 71 of the Customs Act are applied and the import is not permitted by the customs. In such cases, the import is permitted if any of the measures including the deletion or correction of the false or misleading labeling or reshipment are taken.

For ensuring smooth customs clearance procedures, pay attention to proper labeling of the place of origin in advance.
Labeling provides significant information to enable consumers to understand the details when selecting and purchasing food items and helps them learn preservation methods and usage thereof. In the event of an accident, it can also be an aid in ensuring prompt and proper administrative action such as seeking accountability or recalling relevant items.

The Food Labeling Act was put into force on April 1, 2015 and a new food labeling system was adopted. Formerly, labeling of food was regulated by three Acts, namely, the Food Sanitation Law, Act on Standardization, etc. of Agricultural and Forestry Products (JAS Act), and Health Promotion Act, which made the system complicated and hard to understand. The enacted Food Labeling Act consolidated all laws concerning labeling of food.

Additionally, there are the Measurement Act, which provides for proper measurement and labeling, the Act against Unjustifiable Premiums and Misleading Representations, which prohibits misrepresentations concerning quality and other matters, the Act on Securing Quality, Efficacy and Safety of Pharmaceuticals, Medical Devices, Regenerative and Cellular Therapy Products, Gene Therapy Products, and Cosmetics, which regulates pharmaceuticals to prevent confusion with food, the Act on Record of Transaction Information and Dissemination of Origin Information of Rice, which aims to secure proper and smooth distribution of rice, and the JAS Act, which regulates standards and labeling of organic food.

1 Food Labeling Act

“Food” covered by the Food Labeling Act include all kinds of food and drinks (including additives) excluding pharmaceuticals and quasi-pharmaceutical products, etc. Liquor specified by the Liquor Tax Law is also included.

Concrete labeling rules are specified in the Food Labeling Standards and any food that is not labeled in accordance with said standards may not be marketed.

The Food Labeling Standards categorizes food items into three, i.e., processed foods, perishable foods, and additives, and provides for overall mandatory labeling, individual mandatory labeling, special provisions on mandatory labeling, voluntary labeling, labeling methods, prohibited matters in labeling, with regard to business entities dealing with food for general consumers, business entities dealing with food for business use, and distributors other than those engaged in food-related business, for each of the three food categories.
# List of Provisions of the Food Labeling Standards

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<tr>
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<th>General Provisions</th>
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<tbody>
<tr>
<td>Article</td>
<td>Scope of application (restaurants, etc. (excluding some) are not covered)</td>
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<td>Article</td>
<td>Definition of terms</td>
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<table>
<thead>
<tr>
<th>Chapter</th>
<th>Processed Foods</th>
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<tbody>
<tr>
<td>Article</td>
<td>Overall mandatory labeling</td>
</tr>
<tr>
<td></td>
<td>Paragraph (1) Labeling common to all types of food (item name, names of raw materials, preservation methods, etc.)</td>
</tr>
<tr>
<td></td>
<td>Paragraph (2) Labeling common to certain types of food (allergen, genetic modification, etc.)</td>
</tr>
<tr>
<td></td>
<td>Paragraph (3) Omission of labeling (exceptions of paragraphs (1) and (2))</td>
</tr>
<tr>
<td>Article</td>
<td>Individual mandatory labeling (individual standards under the former JAS Act: jam, and dairy products, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Special provisions on mandatory labeling (special provisions concerning liquor, those concerning local selling and gratuitous conveyance)</td>
</tr>
<tr>
<td>Article</td>
<td>Voluntary labeling (saturated fatty acid, food fiber)</td>
</tr>
<tr>
<td>Article</td>
<td>Labeling emphasizing characteristic raw materials and nutrition, etc.</td>
</tr>
<tr>
<td>Article</td>
<td>Labeling methods, etc. (formats, font sizes, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Prohibited matters in labeling (overall prohibited matters, prohibited matters for individual food items)</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Chapter</th>
<th>Food for business use</th>
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</thead>
<tbody>
<tr>
<td>Article</td>
<td>Mandatory labeling</td>
</tr>
<tr>
<td></td>
<td>Paragraphs (1) and (2) Overall mandatory labeling and individual mandatory labeling</td>
</tr>
<tr>
<td></td>
<td>Paragraph (3) Exceptions for labeling methods</td>
</tr>
<tr>
<td></td>
<td>Paragraph (4) Omission of labeling</td>
</tr>
<tr>
<td>Article</td>
<td>Special provisions on mandatory labeling (special provisions concerning liquor, those concerning food for dining out, local selling, and gratuitous conveyance, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Voluntary labeling (labeling of characteristic raw materials and nutrients, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Labeling methods, etc. (matters that can be stated on containers and packaging or in invoices, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Prohibited matters in labeling (mutatis mutandis application of Article 9, paragraph (1))</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Perishable foods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article</td>
<td>Overall mandatory labeling (item name, place of origin, genetic modification, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Individual mandatory labeling (brown rice and polished rice, meat, milk, globefish (fugu), etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Special provisions on mandatory labeling (special provisions concerning local selling, gratuitous conveyance, and food without containers or packaging, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Voluntary labeling (labeling of nutrients, labeling emphasizing nutrition, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Labeling methods, etc. (media, font sizes, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Prohibited matters in labeling (overall prohibited matters, prohibited matters for individual food items)</td>
</tr>
<tr>
<td>Article</td>
<td>Mandatory labeling (item name, place of origin, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Special provisions on mandatory labeling (special provisions concerning food for dining out, local selling, gratuitous conveyance, and food without containers or packaging, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Voluntary labeling (labeling of nutrients)</td>
</tr>
<tr>
<td>Article</td>
<td>Labeling methods, etc. (matters that can be stated on containers and packaging or in invoices, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Prohibited matters in labeling (mutatis mutandis application of Article 23, paragraph (1))</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Additives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article</td>
<td>Mandatory labeling (item name, the fact of being additives, use-by date, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Special provisions on mandatory labeling (special provisions concerning gratuitous conveyance)</td>
</tr>
<tr>
<td>Article</td>
<td>Voluntary labeling (labeling of nutrients)</td>
</tr>
<tr>
<td>Article</td>
<td>Labeling methods, etc. (formats, font sizes, etc.)</td>
</tr>
<tr>
<td>Article</td>
<td>Prohibited matters in labeling</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Miscellaneous Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article</td>
<td>Labeling alert regarding beef to be eaten raw</td>
</tr>
<tr>
<td>Article</td>
<td>Best efforts obligation (for voluntary labeling and preparation and preservation of documents)</td>
</tr>
</tbody>
</table>

[Supplementary Provisions]

- Article 1 Effective date
- Article 2 Abolition of current Cabinet Office ordinances and notices
- Articles 3 and 4 Transitional measures concerning food labeling
- Article 5 Transitional measures concerning dispositions and penal provisions, etc.
For example, the provisions of Articles 3 to 9 of the Food Labeling Standards apply to processed foods in a container and packaging that are marketed for general consumers.

Paragraph (1) of Article 3 (overall mandatory labeling) specifies the following as matters required as labeling common to all types of food: [i] item name, [ii] preservation method, [iii] use-by date or best-before date, [iv] names of raw materials, [v] additives, [vi] net contents, [vii] amounts of nutrients and calories, [viii] name and address of a person responsible for the content of the labeling, and [ix] location of the producing or processing facilities (for imported food items, name of the importer and location of the office, but these can be omitted when they are identical to [viii]).

Paragraph (2) provides that name of the country of origin in the case of imported food items, the fact of containing allergen or being genetically modified food (if applicable), and other required matters must be indicated as labeling common to certain types of food.

Additionally, regarding food items for which any individual labeling standards are established, individual mandatory labeling is required as prescribed in Article 4. Furthermore, voluntary labeling and recommended labeling for matters to be known to consumers should be indicated in accordance with labeling methods as prescribed in Article 8.

Under the new Food Labeling Standards, new requirements have been introduced. It is now required to indicate information on raw materials and that on additives by clearly separating them from each other, and in the case of processed foods for general consumers, nutrients must be indicated.

For details, make inquiries to the food labeling department of the local government having jurisdiction over the business office.

Grace periods are granted for the transition to the new labeling system, up to March 31, 2020 for processed foods and additives and up to September 30, 2016 for perishable foods.

[Example of labeling for processed foods for general consumers]

| 名称 | 烏龍茶 |
| 原材料名 | 半発酵茶 |
| 内容量 | 300g |
| 賞味期限 | 2017.3 |
| 保存方法 | 高温多湿を避けて、保存してください |
| 原産国名 | 中国 |
| 輸入者 | ○○株式会社 |
| | 東京都豊島区○○町3-1-3 |

[Example of labeling for nutrients]

<p>| 栄養成分表示 |</p>
<table>
<thead>
<tr>
<th>1包装（2個）当たり</th>
</tr>
</thead>
<tbody>
<tr>
<td>熱量</td>
</tr>
<tr>
<td>たんぱく質</td>
</tr>
<tr>
<td>脂質</td>
</tr>
<tr>
<td>炭水化物</td>
</tr>
<tr>
<td>食塩相当量</td>
</tr>
</tbody>
</table>

(Note) Font size should be 8 point or larger in principle.

**Inquiries:** (Regarding the Food Labeling Act as a whole) Food Labeling Division, Consumer Affairs Agency: TEL: +81-3-3507-8800 (main)

2 Commodity Quantity System under the Measurement Act

The Measurement Act requires that business entities make efforts to ensure accurate measurement in transactions of commodities based on statutory measurement units.

When the relevant food falls under the category of specified commodities under the Measurement Act (consumer life products that are ordinarily traded in mass or volume, for which consumers need to confirm their quantity when making a reasonable choice), a person who sells the food by sealing it up in a container by weight must measure the quantity of said food within the measurement error level
specified by said Act (the "quantity tolerance").

For certain types of specified commodities, persons who sell such commodities by sealing them up in containers by weight must measure their quantity within the quantity tolerance and affix labeling to show the net contents and name and address of a person responsible for the content of the labeling.

**Inquiries:** Metrology Policy Office, Industrial Science and Technology Policy and Environment Bureau, METI; TEL: +81-3-3501-1688

### 3 Misleading Representations under the Act against Unjustifiable Premiums and Misleading Representations

The Act against Unjustifiable Premiums and Misleading Representations aims to protect the interest of general consumers by ensuring that they can make voluntary and reasonable choices in transactions of goods or services. Business entities are basically free to use any expressions in their advertising and marketing activities to demonstrate appeal of their goods or services to customers, but misleading representations are prohibited.

The term "representations" here means not only those on products themselves (including their containers and packaging, etc.) but also those in stores and advertisements using such media as leaflets, newspapers, magazines, TVs, and the Internet. The term is defined specifically by a public notice.

Representations that may mislead consumers into believing that the quality, standards, content, etc. of a good or service are significantly better than they actually are (misrepresentations concerning quality), those that may mislead consumers into believing that the price or other transaction conditions are significantly advantageous (misrepresentations concerning transaction conditions), those that may mislead consumers regarding the country of origin, and bait-and-switch advertising, etc. are all misleading representations. When a violation of the Act against Unjustifiable Premiums and Misleading Representations is suspected, the Consumer Affairs Agency and relevant prefectures collect related materials, request reports from the business entities, or otherwise carry out an investigation. If a violating act is found as a result of the investigation, guidance or an order for the improvement of the representations, etc. is given to the relevant business entities.

**Labeling of Country of Origin**

The Act against Unjustifiable Premiums and Misleading Representations prohibits misleading representations concerning the country of origin of goods. The term "country of origin" means a country where an act resulting in a substantial change in the content of the goods (Note) was performed. Regarding goods made in foreign countries, the following representations that make it difficult for consumers to understand that the goods were actually produced in the country of origin are considered to be misleading representations:

(i) Name of a country or a place, or a national flag, etc. irrelevant to the country of origin
(ii) Name of a business entity or a designer or trademark of a country other than the country of origin
(iii) The entirety or the major part of the character representation is in the Japanese language

(Note) An act resulting in a substantial change does not include such acts as affixing a label or other indication to goods, packing goods in a container or wrapping goods, simply assorting or mixing multiple goods, or assembling simple parts.

**False or Exaggerated Advertisements and Misleading Representations of So-called Health Food**

Careful attention is required for representations and advertisements of so-called health food, as they may conflict with the provisions of the Health Promotion Act, which prohibits false or exaggerated representations regarding products’ effects and functions relating to the maintenance or promotion of good health, or with the provisions of the Act against Unjustifiable Premiums and Misleading Representations, which prohibits misrepresentations concerning quality. The Consumer Affairs Agency presents concrete examples of representations and advertisements that may cause problems in its notice titled "Matters to Note with Regard to So-called Health Food under the Act against Unjustifiable Premiums and Misleading Representations and the Health Promotion Act" (January 13, 2015).

(Note) So-called health food means health food (meaning food in general that is not legally defined but is generally sold and used by indicating effects and functions relating to the maintenance or promotion of good health) except for food with health claims.
Advertisements Concerning Online Consumer Transactions

Attention should be paid to advertisements for Internet sales to general consumers as they may not only be problematic in their expressions themselves but may mislead consumers in their selection and ordering of goods, leading to the expansion of consumer damage as a result.

The Consumer Affairs Agency publicized a notice titled “Problems and Matters to Note with Regard to Online Consumer Transactions under the Act against Unjustifiable Premiums and Misleading Representations” (October 28, 2011).

Obligation of Business Entities to Develop Labeling Management System, etc.

In response to an increase in misrepresentations of food in 2013 onward, the Act against Unjustifiable Premiums and Misleading Representations was amended with the aim of strengthening monitoring systems of consumer administration by prefectural governments and others and establishing a labeling management system for ensuring business entities’ compliance. Through the amendment in December 2014, business entities are newly obliged to develop a system necessary for proper management of labeling, etc. and take any other necessary measures (Article 7). If they fail to take necessary measures, they may be given guidance, advice, or recommendations, or their failure to follow such recommendations may be publicized.

Business entities are required to develop a management system commensurate with their business size and type of business, etc. in reference to the notice, “Guidelines for Measures to be Taken by Business Entities for Managing the Provision of Premiums and Labeling of Goods” (Notice of the Cabinet Office No. 276 of November 2014).

Inquiries: Guidance Office, Labeling Policy Division, Consumer Affairs Agency; TEL: +81-3-3507-8800 (main)

Fair Competition Code

The Fair Competition Code is the industry’s voluntary rules concerning premiums and representations by business entities or trade associations under the certification of the Consumer Affairs Agency and the Japan Fair Trade Commission, as provided in Article 11 of the Act against Unjustifiable Premiums and Misleading Representations. This Code also incorporates matters under related laws and regulations other than the Act against Unjustifiable Premiums and Misleading Representations, in light of the characteristics of goods and actual state of transactions of each industry.

In relation to labeling of food, 37 provisions and seven provisions for liquor were established.

<table>
<thead>
<tr>
<th>Are there reasonable grounds for the labeling? – Regulations on undemonstrated advertisements</th>
</tr>
</thead>
<tbody>
<tr>
<td>When a misrepresentation concerning quality is suspected with regard to the effects and efficacy of goods, the Consumer Affairs Agency may request the relevant business entity to submit materials showing reasonable grounds for the labeling.</td>
</tr>
<tr>
<td>When the business entity fails to submit requested documents by the deadline or when the submitted documents fail to show reasonable grounds for the labeling, said labeling is considered to be a misrepresentation.</td>
</tr>
<tr>
<td><strong>Deadline for the submission of documents</strong></td>
</tr>
<tr>
<td>By the elapse of 15 days from the day on which the Secretary General of the Consumer Affairs Agency issued a letter to request the submission of documents (excluding cases where justifiable grounds are found (judgment is made on a case-by-case basis, but a need to conduct new or additional testing or surveys is not accepted as a justifiable ground))</td>
</tr>
<tr>
<td><strong>Criteria for reasonable grounds</strong> – need to satisfy both of the following requirements</td>
</tr>
<tr>
<td>1. Submitted documents show objectively demonstrated facts.</td>
</tr>
<tr>
<td>(content of documents may be either the results of testing or surveys, or the opinions or academic documents of an expert, expert body, or specialized organization)</td>
</tr>
<tr>
<td>2. Effects and efficacy in the labeling appropriately correspond to demonstrated facts.</td>
</tr>
</tbody>
</table>
4 Act on Securing Quality, Efficacy and Safety of Pharmaceuticals, Medical Devices, Regenerative and Cellular Therapy Products, Gene Therapy Products, and Cosmetics

(Note) The title of the Pharmaceutical Affairs Act was changed to the above on November 25, 2014 (abbreviated as the "Pharmaceuticals and Medical Devices Act").

In order to prevent health damage, etc. of consumers that may be caused by distribution of food confusable with pharmaceuticals, this Act strictly classifies pharmaceuticals and food and regulates them separately (refer to the notice of the Ministry of Health, Labour and Welfare, "Standards Concerning the Scope of Pharmaceuticals, “ for the classification of food and pharmaceuticals; see p. 13).

The Pharmaceuticals and Medical Devices Act defines pharmaceuticals as those intended to be used for the diagnosis, treatment, or prevention of diseases and to affect the structure and functions of the body, and regulates them under various approval and authorization systems for ensuring their quality, effectiveness, and safety. For example, food emphasizing pharmaceutical effects and efficacy, such as being effective against cancer or high blood pressure, or food emphasizing a slimming effect that contains a laxative agent, anorectic agent, or other pharmaceutical ingredients are subject to administrative guidance and control as unapproved or unauthorized drugs.

Labeling indicating pharmaceutical effects, efficacy, or functions is not permitted for general food.

In Japan the System for Food with Health Claims has been adopted, under which functions of food may be indicated. In April 2015, a new category, "food with function claims," was introduced. It should be noted that the Food Labeling Act prohibits the use of any name confusable with food with health claims or the use of any term indicating functions of nutrients or expected achievement of specific health purposes in labeling for other general food.

### Classification of Orally-Ingested Goods

<table>
<thead>
<tr>
<th>Pharmaceuticals (including quasi-pharmaceutical products and regenerative medicine)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food for specified health uses</td>
</tr>
<tr>
<td>Food with health claims (functions may be indicated)</td>
</tr>
<tr>
<td>Food with function claims</td>
</tr>
<tr>
<td>Food with nutrient function claims</td>
</tr>
</tbody>
</table>

**General food**
- Functions may not be indicated.

5 Act on Record of Transaction Information and Dissemination of Origin Information of Rice (Rice Traceability Act)

The Act on Record of Transaction Information and Dissemination of Origin Information of Rice was established with the aim of identifying a distribution route based on preserved records in the event of an accident regarding rice, etc., thereby preventing food whose safety is not guaranteed from being distributed, and ensuring proper labeling and proper and smooth distribution of safe rice.
Rice (brown rice, polished rice, and crushed rice), rice flour, rice flour preparations, rice confectionery dough, cooked rice, refined sake, sweet cooking rice wine, and other rice processed food are covered by the Rice Traceability System. Business entities selling, importing, processing, producing, or supplying these items are obliged to [i] prepare and preserve transaction records, etc. and [ii] provide information on places of production.

6 Organic JAS Standards Based on the Act on Standardization, etc. of Agricultural and Forestry Products (JAS Act)

The JAS Act specifies the mechanism of certification of organic food by a third party. JAS standards are established for organic plants, organic processed foods (categorized into organic processed foods of plant origin, organic processed foods of animal origin, and organic processed foods of plant and animal origin), and organic livestock products, and such food for which the processing or producing method is authorized is permitted to be distributed with an organic JAS mark.

Organic plants and organic processed foods of plant origin are designated as specified agricultural and forestry products for which it is especially necessary to ensure proper labeling concerning their item names, because improper labeling may significantly hinder consumers' ability to make correct selections. Labeling using such terms as “有機” or “オーガニック” (meaning “organic”) or any other confusable terms is not permitted for food items other than those that satisfy organic JAS standards and to which certified business entities affix the organic JAS mark.

On the other hand, in the case of organic processed foods of animal origin, organic processed foods of plant and animal origin, and organic livestock products, which do not fall under the category of specified agricultural and forestry products, labeling using such terms as “有機” or “オーガニック” is permitted even if the organic JAS mark is not affixed thereto. However, misrepresentations that may cause confusion with specified agricultural and forestry products are prohibited.

When intending to label food to be imported as organic food, check compounding ratios and other matters based on the ingredient list and confirm whether they fall under the category of specified agricultural and forestry products, for which JAS certification must be obtained.

<table>
<thead>
<tr>
<th>Organic JAS standards</th>
<th>Labeling regulations under the JAS Act</th>
<th>Method of affixing organic JAS mark to imported products</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organic plants</td>
<td>Specified agricultural and forestry products</td>
<td>(i) A business entity in Japan imports products for which a foreign business entity has obtained JAS certification and affixed the organic JAS mark. There are no limitations on countries from which such food items may be imported and an importer in Japan does not need to obtain JAS certification. (ii) A certified importer in Japan imports products for which organic food certification has been obtained in a foreign country and affixes the organic JAS mark to said products. Countries from which such food items may be imported are limited to those that have a rating system equivalent to the JAS system.</td>
</tr>
<tr>
<td>Organic processed foods of plant origin</td>
<td></td>
<td>(i) The only method is that a business entity in Japan imports products for which a foreign business entity has obtained JAS certification and affixed the organic JAS mark. Importers in Japan are not permitted to affix the organic JAS mark by themselves.</td>
</tr>
<tr>
<td>Organic processed foods of animal origin</td>
<td>Not falling under the category of specified agricultural and forestry products</td>
<td>(i) The only method is that a business entity in Japan imports products for which a foreign business entity has obtained JAS certification and affixed the organic JAS mark. Importers in Japan are not permitted to affix the organic JAS mark by themselves.</td>
</tr>
<tr>
<td>Organic processed foods of plant and animal origin</td>
<td></td>
<td>(i) The only method is that a business entity in Japan imports products for which a foreign business entity has obtained JAS certification and affixed the organic JAS mark. Importers in Japan are not permitted to affix the organic JAS mark by themselves.</td>
</tr>
</tbody>
</table>

Inquiries: Food Labeling Division, Consumer Affairs Agency: TEL: +81-3-3507-8800 (main)

Reference information: MAFF Website: “Organic Food”
http://www.maff.go.jp/e/jas/specific/organic.html
10 Other Laws that Need to be Noted in Marketing

1 Major Regulations Concerning Permits, Licenses, Notifications, etc. Relating to Food Business

When business entities engage in food-related business or marketing, different types of permits, licenses, registrations, or notifications are required depending on their business modes and the types of food they deal with.

Some local governments require business entities commencing import of food, etc. or business offices engaging in food import business to make notifications under their own Ordinances (e.g. Shiga prefecture and Kanagawa prefecture).

(i) Business Permit under the Food Sanitation Law and Local Governments’ Ordinances

Business permit needs to be obtained for some business modes and types of food under the Food Sanitation Law and local governments’ Ordinances. When intending to newly commence food-related business, make inquiries at the relevant health center having jurisdiction over the address of the business facilities as to whether it is necessary to obtain business permit.

Types of Food-Related Business Permit (example of Tokyo)

<table>
<thead>
<tr>
<th>Classification</th>
<th>Business type subject to business permit under the Food Sanitation Law</th>
<th>Business type subject to business permit under Tokyo Prefectural Ordinances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cooking business</td>
<td>Restaurant business; Coffee shop business</td>
<td></td>
</tr>
<tr>
<td>Producing business</td>
<td>20 businesses including confectionery business</td>
<td>6 businesses including pickles business</td>
</tr>
<tr>
<td>Treatment business</td>
<td>Slaughtering business; Food freezer or cold storage business; Other businesses</td>
<td></td>
</tr>
<tr>
<td>Sales business</td>
<td>Milk sales business; Processed meat sales business; Fish and seafood sales business; Fish and seafood auction business; Ice sales business</td>
<td>Food, etc. sales business</td>
</tr>
</tbody>
</table>

(Source) Created based on data of the Bureau of Social Welfare and Public Health, Tokyo Metropolitan Government

(ii) Liquor Tax Law and Act on Securing of Liquor Tax and on Liquor Business Associations – Liquor Sales License and Liquor Sales Manager System

A person who intends to engage in the wholesale or retail of liquor in Japan needs to obtain a liquor sales license. Required liquor sales license varies depending on the intended buyer.

Under the Act on Securing of Liquor Tax and on Liquor Business Associations, the Liquor Sales Manager System is operated with the aim of preventing underage drinking and ensuring proper management of liquor sales including recycling of containers. Liquor retailers must assign a liquor sales manager at each sales location before commencing the business and submit a written notification of the assignment of the liquor sales manager to the competent tax office within two weeks after the assignment.

(iii) Act on Stabilization of Supply, Demand and Prices for Staple Food – Rice Retailers Notification System (Staple Food Control Act)

A person who intends to start retailing rice must submit a written notification of the start of the business to the regional agricultural administration office having jurisdiction over the location of the
major business office in advance based on the Act on Stabilization of Supply, Demand and Prices for
Staple Food (excluding small scale businesses handling less than 20 tons on a polished rice basis).

(iv) Salt Industry Law — Registration as Salt Wholesaler

A person who intends to engage in the salt wholesale business (excluding those intending to engage in
the wholesale of only salt for special purposes or specially-made salt) needs to be registered by the
director-general of a local finance (branch) bureau.

Registration is not required for salt retail business. Salt may be retailed freely.

2 Act on Specified Commercial Transactions —When Engaging in Online Mail Order Business—

A person engaging in online mail order business, etc. to sell goods to general consumers is subject to
regulations under the Act on Specified Commercial Transactions. The Act on Specified Commercial
Transactions specifies regulations for seven types of transactions including mail-order sales,
door-to-door sales, and telemarketing in order to prevent illegal or malicious solicitation by business
entities and to protect consumer interest.

Regarding entities engaging in online mail-order business, matters to be indicated in advertisements
(name, address and telephone number of the business entity; prices and shipping charges; payment
method and deadline; whether or not to be returnable, etc.) are specified, and misleading advertising
and solicitation against customers' intention are prohibited.

Those engaging in Internet auction business: both corporations and individuals are also subject to
regulations under certain conditions.

3 Recycling-related Laws

Identification Marks for Containers and Packaging

The Act on the Promotion of Effective Utilization of Resources requires business entities to affix
identification marks to containers and packaging in order to help consumers sort out garbage and
facilitate sorted collection of garbage by local communities.

Imported goods are also subject to this regulation, and when an importer designates the materials or
structure of a container and/or packaging or instructs the use of its own trademark, identification marks
need to be affixed in the same manner as in the case of domestic goods. Even without such designation

<table>
<thead>
<tr>
<th>Products Requiring Designated Identification Marks for Promoting Sorted Collection</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image" alt="Paper containers and packaging" /></td>
</tr>
<tr>
<td>excluding cardboard and aluminum free paper cartons for beverages</td>
</tr>
</tbody>
</table>
or instruction, if Japanese indication is printed, labeled, or stamped on the surface of a container and/or packaging, identification marks are required.

**Recycling Obligation under the Act on the Promotion of Sorted Collection and Recycling of Containers and Packaging**

The Act on the Promotion of Sorted Collection and Recycling of Containers and Packaging requires an importer of goods using glass containers, paper containers and packaging, or plastic containers and packaging to recycle such containers and packaging. However, small-scale entrepreneurs prescribed in the Small and Medium Sized Enterprise Basic Act whose sales amount is below a certain level are exempted from the recycling obligation.

- **Reference information**: METI Website: “3R Policies”