

Draft Amendment to Commodity Labeling Act

- Article 1 This law is enacted for the purpose of promoting correct and proper commodity labeling, safeguarding the good standing of the business operators, protecting the rights and interests of consumers and establishing a good commercial practice.
- Article 2 The labeling of commodities shall be effected in accordance with the provisions of this Act, unless otherwise provided for in law.
This Act is also applicable to the sale of commodities online.
- Article 3 Below commodities are exempt from labeling in accordance with this Act:
1. Second-hand commodities.
 2. Gold ornaments, jewelry, gold or silver bars, corals, antiques, calligraphies and paintings.
 3. Books.
 4. Other commodities publicly announced by the central competent authority.
- Article 4 The term “competent authority” as used in this Act shall mean, in the case of the central government, the Ministry of Economic Affairs; in the case of special municipality, the municipal government concerned; in the case of a county or a city, the county government or the city government concerned.
- Article 5 Commodity manufacturers, original equipment manufacturers, importers or packers shall label the commodities when the commodities are sold or displayed with the intention to sell.
- Article 6 The following particulars shall be labeled for the commodities:
1. Name of the commodity.
 2. Name, address and telephone number of the manufacturer; in the case of original equipment manufacturing, name, address and telephone of the original equipment manufacturers; in the case of imported commodity, name, address and telephone of the importer, distributor or domestic responsible supplier; in the case of products re-packed for sale, the name, address and telephone of the packer.
 3. Place of origin.
 4. Main ingredients or materials.
 5. Net weight, volume, quantity or measurements, which shall be labeled in statutory measuring units or common international units.
 6. Date of manufacture in Chinese calendar or Gregorian calendar.
 7. Other particulars as required by the central government competent authority.
- If any particular labeled under the second subparagraph of the previous paragraph is changed after labeling, the labeling may remain unchanged if the commodity is already put in the market for sale or displayed with the intention to sell, provided that the change shall be made known to the consumers in a public manner.
- Article 7 When a commodity is under any of the following circumstances, the scope of application, the methods of use and storage of such commodity and other points requiring attention shall be indicated:
1. Hazardous or dangerous in nature.
 2. Related to health and safety.
 3. Having special characteristics or requiring special handling.

- Article 8 If the place of origin of a commodity is determined to be the Republic of China, it may be labeled with the made-in-Taiwan mark.
The determination on place of origin and regulations of the pattern, promotion, incentive and management of the mark as referred to in the preceding paragraph shall be promulgated by the central competent authority.
- Article 9 Particulars labeled under this Act shall not have any of the following events:
1. False or misleading.
 2. Violation of mandatory or prohibitive requirement of the law.
 3. Contrary to public order or good morals.
- Article 10 Commodities shall be labeled on the body of the commodities, the packaging thereof or literatures and shall conspicuous and consistent with the contents thereof.
If labeling on the body of the commodity, the packaging thereof or literature is not suitable because the commodity is too small in size, is sold in bulk or is otherwise special in nature, labeling shall be done in a conspicuous manner to the extent sufficient to be identified by consumers.
The central government competent authority may make public announcements to allow electronic labeling for specific types of commodities depending on the status of technological, industrial or economic development.
- Article 11 The words used in commodity labeling shall be primarily Chinese and may be supplemented by English or other foreign languages. However, the particulars under subparagraphs 3 to 6, first paragraph of Article 6 may be labeled only in English or internationally accepted words or symbols.
- Article 12 For specific commodities, the central competent authority may, under the condition not to prejudice the proper labeling of the commodity and the interests of consumers, specify by public announcement the particulars which must be included in the labeling thereof and the methods of labeling.
- Article 13 Sellers shall not sell or display with the intention to sell commodities which are not labeled in accordance with the requirements of this Act.
- Article 14 The competent authority of a municipal government or a county (city) government shall be entitled to conduct a random inspection from time to time on commodities for sale or displayed with the intention to sell. The sellers shall not evade, impede or otherwise repudiate such inspection and shall provide relevant information.
Any commodity labeling suspected of breaching the requirement of this Act may be subject to inspection by the competent authority of a municipal government or a county (city) government in the manufacturer's, importer's or packer's premises or other places where the commodities are manufactured, placed or packed. The manufacturer, importer, packer or the representative of such places shall not evade, impede or otherwise repudiate such inspection and shall provide relevant information.
In performing the duties under the previous two paragraphs, personnel of the municipal or county (city) competent authority shall show their credentials.

- Article 15 For commodities sold online, as required, the municipal or county (city) competent authority may order the platform operator to provide information of the posters, sellers or buyers.
- Article 16 If any commodity for sale or displayed in the intention to sell has any event listed under Article 9, the municipal or county (city) competent authority may impose a fine in the amount not less than NT\$30,000 but not more than NT\$300,000 and require rectification within a given time limit. However, in minor cases, the competent authority may require rectification within a given time limit first.
If rectification is not made upon expiry of the time limit under the previous paragraph, a fine may be imposed consecutively until rectification is made. In serious cases, an order may be issued to suspend business for not more than 6 months or to close down the business operation.
- Article 17 If any commodity for sale or displayed in the intention to sell has any of the following events, the municipal or county (city) competent authority may impose a fine in the amount not less than NT\$20,000 but not more than NT\$200,000 and require rectification within a given time limit. However, in minor cases, the competent authority may require rectification within a given time limit first.
1. Failure to label the particulars in accordance with Article 6 or 7.
 2. Failure to label in the manner under Article 10 or 11.
 3. Breach of the particulars to be labeled or the manner of labeling publicly announced in accordance with Article 12.
- Failure to rectify the situation before the time limit under the previous paragraph may be subject to consecutive fines until rectification is made.
- Article 18 If a seller breaches Article 13 by selling or displaying with the intention to sell any commodity not labeled in accordance with the provisions of this Act, the municipal or county (city) competent authority may give notice to stop selling or displaying such commodity within a given time limit. If the seller fails to stop the sale or display, a fine of in the amount not less than NT\$20,000 but not more than NT\$200,000 may be imposed and such fine may be imposed consecutively until the discontinuation of such sale or display.
In the event of the previous paragraph, in serious cases or if the commodity will cause immediate harm to the human body or health, a notice may be given to immediately case the sale or display of such commodity, with a fine imposed in accordance with the previous paragraph.
- Article 19 If a seller, manufacturer, importer, packer or representative of other premises for the manufacture, storage or packing of the commodity breaches the first or second paragraph of Article 14 by evading, impeding or repudiating random inspection or inspection or fails to provide information, the municipal or county (city) competent authority will impose a fine of not less than NT\$20,000 but not more than NT\$200,000 and such fine may be imposed consecutively.
- Article 20 When a commodity is sold online and if the platform operator breaches Article 15, the municipal or county (city) competent authority will impose a fine of not less than NT\$20,000 but not more than NT\$200,000 and such fine may be imposed consecutively.

Article 21 In enforcing the penal provisions under Articles 16 to 18, the competent authority may, when necessary, publish on the Internet the name and address of the manufacturer, importer, packer, vendor or representative of premises, the commodity and the cause and basis of breach.

Article 22 This Act shall come into force after elapse of one full year from the date of its promulgation.