



## MARKET ACCESS ADVICE

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### Taiwan: Labelling requirements for food products containing genetically modified organisms (GMO)

<b>Attention</b>	<b>Industries</b>	Export Establishments Industry bodies – AMIC, MLA, AusMeat, APL, Dairy Australia, AECL, Seafood industry, AFGC, ACMF, ADMA Licensed exporters Approved Islamic Organisations
	<b>Department of Agriculture</b>	Central and Regional offices ATMs and FOMs OPVs and Meat inspection staff
<b>Other</b>		State Regulatory Authorities
<b>Affected Markets</b>		<b>Taiwan</b>
<b>Further information</b>		Please contact <a href="mailto:exports@agriculture.gov.au">exports@agriculture.gov.au</a> if you have any queries.

The Department of Agriculture provides the following advice in relation to labelling requirements for food products exported to Taiwan that contain, or have been derived from, genetically modified organisms (GMO).

Taiwan's Food and Drug Administration (TFDA) has announced new GMO labelling requirements for unpackaged food, pre-packaged food and food additives. These requirements will apply to products which consist of, or are produced from, GMO in a proportion greater than 3% of the total food ingredients by weight **or** if GMO material is used intentionally, regardless of the quantity. Accordingly, the requirements may also apply to highly refined food products such as edible oils.

Items to which the requirements apply must display terms such as '**genetically-modified**' or '**with genetic modification**' in Chinese on the labelling. Further information is available in a TFDA Question & Answer Sheet, an unofficial translation of which is provided at **Enclosure 1**.

The implementation schedule for this requirement, as provided by TFDA, is below:

Category	Scope		Implementation Date
	Items	Target Group	
Unpackaged Food containing GMO	GMOs in primary agricultural form or GMOs that have been simply cut or grinded (such as soybean grain or soybean powder)	Food vendors who have already completed company or commercial registration	1/07/2015
		Food vendors who have not completed company or commercial registration	1/10/2015
	Primarily processed products: soy-milk, tofu, bean curd, dried tofu, dried curd skin and other vegetarian meat products made with soy protein.	Food vendors in chain business who have completed company or business commercial registrations	
		Food vendors that are not in chain business who have completed company or business commercial registrations	
		Food vendors who have not completed company or commercial registration	
Pre-packaged Food containing GMO	All	All	31/12/2015
Food additives containing GMO			

These labelling requirements will **not** apply to food products which contain, consist of, and are produced from GMO in a proportion less than 3%, **provided that its presence is unintended or technically unavoidable.**

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**Taiwan's Food and Drug Administration**

**Q & A on the Labelling Requirements for  
Food Containing Genetically modified organisms (GMOs)**

**Q1. What products need to be labelled with “genetically modified” or “with genetic modification”?**

- A. For pre-packaged food and food additives which contain GMO ingredients, regardless of what kind of food or their varieties, they must all be labelled (currently the approved GMO ingredients in Taiwan are soybean, corn, cotton and rape).

For unpackaged food, if they fall under any of the below categories the labelling requirement would apply:

1. GMO food ingredients in its primary agricultural form (such as soybeans)
2. GMO food ingredients that have been simple processed such as cutting or graining such as soybean chips and soybean powder.
3. Soy milk, bean curd, vegetarian meat made of soybean protein.

**Q2. How about the labelling of highly refined food products?**

- B. Highly refined food should display its GM label in one of the three options listed below:

- (1) “Genetically-modified”, “with genetic modification” or “use genetically modified \_\_\_\_\_(organisms)”
- (2) “This product is made of genetically modified \_\_\_\_\_(organisms), but does not contain any transgenic DNA fragment or transgenic proteins” or “this product’s raw materials contain genetically modified \_\_\_\_\_(organisms), but do not contain any transgenic DNA fragment or transgenic proteins”.
- (3) “This product does not contain any transgenic DNA fragment or transgenic proteins, but is made of genetically modified \_\_\_\_\_(organisms)”, or “this product does not contain any transgenic DNA fragment or transgenic protein, but with genetically modified \_\_\_\_\_(organisms)”.

**Q3. What highly processed food products need to be labelled with GM? Do food products that have used highly refined food as ingredients need to be labelled?**

- A. For highly refined products, such as soybean oil, soy sauce, corn oil, corn starch, corn syrup, cottonseed oil and canola oil, which were processed with GMO raw material but do not contain genetically modified DNA or novel protein in its final product must display the GM labels as stipulated. If a final food product has used highly refined product that does not contain novel DNA or novel protein as an ingredient, the packaging of the final product is exempted from the labelling requirements.

**Q4. Does blended oil that contains raw oil sourced from GMO also need to be labelled with GM? Does edible oil sourced from GMO for flavouring purposes, such as sesame seed oil or chili oil, also need to be labelled?**

- A. Blended oil must be labelled with GM. However, edible oil for flavouring purposes is exempted from the labelling requirements.

**Q5. What does 3% GMO stated in the requirements mean?**

- A. The 3% refers to a percentage that was added unintentionally, occasionally and cannot be prevented to a non-GM product, such as during harvest, storage and transportation. A standard on the presence of GMOs in non-GM food product is commonly adopted internationally in order to manage it pragmatically.

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**Q6. If a product only contains 1% GMO soybean does it need to be labelled with GM?**

- A. Regardless of the quantity used, any product that has used GMO raw materials intentionally is subject to the GM labelling requirements.

**Q7. Where can I find the international approved GMO crop or approved GMO events that could be used as food ingredients?**

- A. You could refer to international organisations such as GM Approval Database (<https://www.isaaa.org/gmapprovaldatabase/cropslist/default.asp>) or GM Crop Database (<http://cera-gmc.org/GMCropDatabase>). However you must check with the competent authorities of each country to confirm the actual approved GM crops and events.

**Q8. Are there specific requirements on where the “GMO” should be displayed on a label?**

- A. In principle the GM label should be displayed after the name of product and the ingredients; or other obvious locations of the container or packaging to allow clear identification.

**Q9. In the requirements it said the labelling of “genetically modified”, “with genetic modification” or “uses genetically modified \_\_\_\_ (organisms)” shall make a distinction with other words. What does “distinction” mean?**

- A. To make a distinction, the text could be highlighted, in different colour, bold, in brackets, under-lined or by other means to emphasis the text.

**Q10. Why are only specific unpackaged food products subjected to the GM labelling requirements while all the pre-packaged food are required to be labelled?**

- A. The scope of labelling requirements for unpackaged food only targets products that are consumed most by the citizens.

**Q11. When are the enforcement dates?**

- A. The enforcement date for pre-packaged food, food additives will commence from 31 December 2015 (the date of manufacture). The GM labelling requirements for unpackaged food will be phased-in in three stages beginning from 1 July, 1 October and 31 December 2015.

**Q12. What are the penalties to violations?**

- A. (1) For food and food additives that are sold on the market shall conspicuously indicate the required information in Chinese and common symbols according to article 22, 24 and 25 of the Act Governing Food Safety and Sanitation. If product are not labelled as required, according to article 47, item 1.7 or 1.9 could be fined between NT\$30,000 and NT\$3,000,000. If the violation is serious, violators may be ordered to terminate business, suspend business for a certain period of time, revoke all or part of the items listed in the company, business, factory or food business registrations. If business registration is revoked, re- registration is not allowed within one year.
- (2) The labelling, promotion or advertisement of foods and food additives sold on the market shall not be false, exaggerated or misleading. If violation occurs it is against Article 28 item 1 of the Act Governing Food Safety and Sanitation. Article 45 item 1 stipulated enterprises that are responsible for an unlawful act could be fined between NT\$40,000 and NT\$400,000. Where the offense is repeated the enterprise may be ordered to terminate business, suspend business for a certain period of time, revoke all or part of the items listed in the company registration, business registration or factory registration, or registration of the food businesses. If registration of the food businesses is revoked. If business registration is revoked, re- registration is not allowed within one year.
- (3) If the labelling or advertisement of food and food additives violates with Article 22, 24 or 28.1 of the Act, the goods must be recalled and correction made within a prescribed time period; the goods in question shall not be sold before the violation is corrected. In the case that an enterprise has not complied within the prescribed time limit, those goods shall be confiscated and destroyed as per article 52 paragraph 1.3.