
Recall rule to cover all producers in China

BEIJING, April 10 -- Manufacturers who fail to recall or report substandard products face fines of up to 500,000 yuan (74,530 U.S. dollars), under a draft regulation released Thursday.

The proposal by the General Administration of Quality Supervision, Inspection and Quarantine was drafted after the tainted milk powder scandal, in which six infants died and a further 296,000 were made ill.

It stipulates that manufacturers immediately recall products if they are found to be unsafe. They must also stop producing and selling the product.

There is no timeframe given for a recall, but if the manufacturer fails to withdraw its products it can be ordered to comply and fined between 200,000 and 500,000 yuan (\$29,260 and \$74,530).

Experts said the proposal did not go far enough because it was confusing, did not give a deadline for the recall and punishment was weak.

"The fine for violators is far from enough," Dong Zhengwei, a Beijing-based lawyer, said.

"The manufacturers should be charged at least 10 or 20 times their commercial gains for their misconducts."

China has laws regulating the recall of the automotive, toy and pharmaceutical industries and there is a provision for recall in the newly implemented Food Safety Law.

However, a general regulation is absent and legislators have urged the government to strengthen product safety measures, including procedures for recall.

According to the proposal, manufacturers can still be charged if a consumer is harmed after the product has been recalled.

But it will be the responsibility of the manufacturers to investigate its own products once alerted to the product fault.

The regulation covers all China-made products, but does not include drug consumables and products produced and consumed by the Chinese army.

Members of the public are invited to comment on the proposal released by the State Council's Legislative Affairs Office.

Public hearings will be complete by May 26 and the Cabinet is expected to approve the regulation by the end of the year.

(Source: China Daily)