

Client Alert

22 April 2020

Japanese government announces flexible application of food labeling regulations due to the impact of the COVID-19 pandemic on food supply chains

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The global COVID-19 pandemic has a serious impact on global food production, forcing food business operators to alter their product supply chains. Production of raw materials has been affected by COVID-19 resulting in shortages that have forced food business operators to make substitutions.

Food Labeling Standards established under the Food Labeling Act stipulate how food business operators should label food containers and packaging. However, the sudden disruptions in supply chains caused by COVID-19 may make it difficult for some operators to immediately reflect ingredient substitutions on labels as is normally required under the Food Labeling Standards.

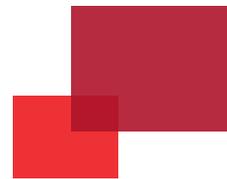
To address this situation, the Consumer Affairs Agency, the Ministry of Agriculture, Forestry and Fisheries, and the Ministry of Health, Labour and Welfare announced on April 10, 2020 a more flexible application of the Food Labeling Standards to ensure that the food production system continues to meet the needs of consumers. Changes of ingredients not reflected on labels will be allowed but provisions regarding allergens and expiration dates will apply without changes due to the importance of this information for public health. An overview of the announcement follows.

Product information for which inconsistencies between the actual facts and labeling will be permitted:

- Raw materials
- Additives
- Place of origin of raw materials (including whether a raw material is domestically produced or imported and whether it is fresh or processed)
- Caloric value
- Quantity of nutrients
- Location of the production or processing facility

Food business operators are encouraged to appropriately notify in a timely fashion any changes to consumers at the points of sale, in company announcements or via their websites, etc.

In addition, since this crisis may force food business operators to outsource production or processing to new facilities, the Consumer Affairs Agency established special exceptions on April 10, 2020 regarding the names or locations of production or processing facilities displayed on food product containers and packaging ("Special Exceptions"). The Special Exceptions allow for inconsistencies between the production facility indicated on food product containers and packaging and the actual production facility.



Product information for which labeling inconsistencies will not be allowed:

The following information is still required to comply with the Food Labeling Standards and any changes should be reflected on labeling, e.g., if raw materials are changed (even though the change of raw materials itself may not be reflected on the labeling):

- Presence of allergens
- Expiration date
- Whether a product must be heated before consumption
- Type of food, method of preservation, presence of L-phenylalanine compounds, precautions in the case of food for specified health use or with functions claims and other matters stipulated in Article 1 of Cabinet Office Ordinance No. 11 of 2015

These exceptions are intended to facilitate the production and distribution of food products. Malicious violations intended to deceive consumers will remain subject to the same strict regulatory response as previously.

Action plan

1. Consider whether changes in raw materials, etc. caused by COVID-19 may have an impact on those aspects of labeling that must be modified.
2. Consider how to appropriately notify consumers about the changes that are not reflected on labeling. Food business operators should be careful since announcements in shops may be difficult to implement and a lack of information may prompt adverse reactions from consumers.
3. Changes to production facilities which are not reflected on labeling or packaging should be notified by fax (03-3507-9292), using a specific format which can be downloaded [here](#) to the Food Labeling Planning Division of the Consumer Affairs Agency.