

Note: This is unofficial translation. Only the original Japanese texts have legal effect and the translation is to be used solely as reference material to aid in the understanding of this Act.

(Provisional Translation)

Act on Ensuring the Safety of Pet Food(Act No. 83 of 2008)

Date of promulgation: June 18, 2008

Table of Contents

Chapter I

General Provisions (Articles 1-4)

Chapter II

Regulation of Manufacturing, Etc., of Pet Food (Articles 5-10)

Chapter III

Miscellaneous Provisions (Articles 11-17)

Chapter IV

Penal Provisions (Articles 18-23)

Supplementary Provisions

Chapter I

General Provisions

(Objectives)

Article 1

This Act aims to ensure the safety of pet food by regulating the manufacturing, etc., of pet food, thus protecting the health of pets and contributing to animal welfare.

(Definitions)

Article 2

1. “Pet” in this Act refers to an animal specified by Cabinet Order that is cared for the purpose of being a pet.
2. “Pet food” in this Act refers to that which is used for the purpose of providing nutrition to pets.
3. “Manufacturer” in this Act refers to a person engaged in the business of manufacturing pet food (includes compounding and processing, the same applies below), “importer” refers to a person engaged in the business of importing pet food, and “seller” refers to a person engaged in the business of selling pet food who is not a manufacturer or an importer.

(Responsibility of operators)

Article 3

When carrying out business activities, manufacturers, importers, and sellers must be aware that they bear the primary responsibility for ensuring the safety of pet food, and must endeavor to obtain expertise and technology related to ensuring the safety of pet food, ensure the safety of pet food raw materials, recall pet food in order to prevent damage to the health of pets, and take other necessary measures.

(Responsibility of national government)

Article 4

The national government must endeavor to collect, organize, analyze and provide information concerning the safety of pet food.

Chapter II Regulation of Manufacturing, Etc., of Pet Food

(Standards and specifications)

Article 5

1. The Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment may lay down standards for the methods of pet food manufacturing and labeling and specifications for the constituents of pet food by the Ordinance of Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment from the perspective of preventing damage to the health of pets caused by the use of pet food.
2. When the Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment consider the establishment, revision, or abolition of the standards and specifications under the provision of the preceding paragraph, they must hear the opinions of the Agricultural Material Council and the Central Environment Council.

(Prohibition of manufacturing, etc.)

Article 6

When the standards and specifications have been established under the provision of paragraph 1 of the preceding article, no person shall engage in the actions listed below.

- i. The manufacture of pet food by a method that does not meet the relevant standards in order to supply it for sale (includes supply other than by sale to unspecified or a number of persons, and supply which is equivalent to this specified by the Ordinance of Ministry of Agriculture, Forestry and Fisheries ordinance, and Ministry of the Environment ordinance, the same applies below.)
- ii. The sale of or the import for sale of pet food manufactured by a method that does not meet the relevant standards.
- iii. The sale of pet food without labeling that meets the relevant standards.
- iv. The sale of, or the manufacture or import for sale of pet food that does not meet the relevant standards.

(Prohibition on the manufacture, of pet food that contains harmful substances, etc.)

Article 7

1. When the Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment deem it necessary to prevent the health of pets from being damaged by the use of the pet food listed below, they shall hear the opinions of the Agricultural Material Council and the Central Environment Council and may prohibit manufacturers, importers, or sellers from manufacturing, importing, or selling the relevant pet food.
 - i. Pet food containing or suspected of containing harmful substances.
 - ii. Pet food contaminated or suspected to be contaminated with pathogenic microorganisms.
2. When the Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment make a prohibition under the provision of the preceding paragraph, it must be published in the official gazette.

(Order for destruction, etc.)

Article 8

When a manufacturer, importer, or seller has sold or is storing in order to supply for sale pet food listed below and when the Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment deem it particularly necessary to prevent the health of pets being damaged by the use of the relevant pet food, they may, to the extent necessary to ensure the health of pets, order the relevant manufacturer, importer, or seller to destroy or recall the relevant pet food and take other necessary measures.

- i. Pet food specified in item 2 through item 4 of article 6.
- ii. Pet food concerned in the prohibition under the provision of paragraph 1 of the preceding article.

(Notification by manufacturers, etc.)

Article 9

1. A manufacturer or importer of pet food (excludes persons specified under the Ordinance of Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment) for which standards and specifications have been established under the provision of paragraph 1 of article 5 must, as specified by the Ordinance of Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment, notify the Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment of the matters listed below prior to commencing that business.
 - i. Name and address (name, name of representative, and address of principal business office for a corporation)
 - ii. Name and address of the business premises that manufacture the relevant pet food for a manufacturer.
 - iii. Address of business premises to sell and to store the relevant pet food.

- iv. Other matters specified by the Ordinance of Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment.
2. A person who has become a manufacturer or importer specified in the preceding paragraph due to the establishment of new standards and specifications under the provision of paragraph 1 of article 5 must, as specified by the Ordinance of Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment, notify the Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment of the matters listed in each item of the preceding paragraph within thirty (30) days of the date when the standards and specifications were established.
3. An Operator who has given notification under the provisions of the two preceding paragraphs (“operator giving notification” in the following paragraph and paragraph 5) must, as specified by the Ordinance of Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment, notify the Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment, when there has been a change in the notified matters within thirty (30) days of the date of the change. The same shall apply when the business is terminated.
4. When an operator giving notification transfers all of the business to which the notification under the provision of paragraph 1 or 2 relates, or when there has been a succession, merger, or spin off relating to the operator giving notification (limited to the succession of the whole of the business to which the notification relates), the person receiving transfer of the whole of the business, or the successor (when there are two or more successors, and a successor to the business is selected by unanimous agreement, that person), the surviving corporation after the merger, the corporation established by the merger, or the corporation succeeding to the whole of the business due to the spin off shall succeed to the position of the operator giving notification.
5. An operator who has succeeded to the position of the operator giving notification based on the provision of the preceding paragraph must, as specified by the Ordinance of Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment, notify the Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment of the succession, attaching documents that give evidence of that fact, within thirty (30) days of the date of the succession.

(Keeping of books)

Article 10

1. A manufacturer or importer of pet food for which standards and specifications have been established under the provision of paragraph 1 of article 5 must keep a book, and, as specified by the Ordinance of Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment record the name, volume and other matters specified by the Ordinance of Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment when manufacturing or importing the relevant pet food, and retain the book.
2. A manufacturer, importer, or seller of pet food for which standards and specifications have been established under the provision of paragraph 1 of article 5 must keep a book, and, as specified by the Ordinance of Ministry of Agriculture, Forestry and Fisheries or Ministry of the Environment, record the name, volume, name of the other party in the

transfer and other matters specified by the Ordinance of Ministry of Agriculture, Forestry and Fisheries and Ministry of the Environment when transferring the relevant pet food to a manufacturer, importer, or seller, and retain the book.

Chapter III

Miscellaneous Provisions

(Collection of reports)

Article 11

1. The Minister of Agriculture, Forestry and Fisheries or the Minister of the Environment may, to the extent necessary for the enforcement of this Act, request the necessary reports concerning operations from manufacturers, importers, or sellers as well as pet food freight and warehouse operators.
2. The ministers listed in each of the items below shall promptly inform the ministers listed in each of the relevant items of the results after exercising the powers under the provision of the preceding paragraph alone.
 - i. Minister of Agriculture, Forestry and Fisheries, Minister of the Environment
(Note: When the Minister of Agriculture, Forestry and Fisheries collects a report independently, he or she shall inform the Minister of the Environment of the result.)
 - ii. Minister of the Environment, Minister of Agriculture, Forestry and Fisheries
(Note: When the Minister of the Environment collects a report independently, he or she shall inform the Minister of Agriculture, Forestry and Fisheries of the result.)

(On-the-spot inspections, etc.)

Article 12

1. The Minister of Agriculture, Forestry and Fisheries or the Minister of the Environment may, to the extent necessary for the enforcement of this Act, have their officials enter the business premises, warehouses, sea vessels, vehicles and other locations concerned with pet food manufacturing, importing, retail, transport, or storage operations of manufacturers, importers, or sellers as well as pet food freight and warehouse operators to inspect pet food, raw materials, or books and documents concerning operations, and other items, to question the parties concerned, or seize pet food and raw materials to the extent necessary for inspection. Notwithstanding that when pet food and raw materials are seized, compensation based on the market price must be paid.
2. Officials conducting an on-the-spot inspection, questioning, or seizure (“on-the-spot inspection, etc.”) based on the provision of the preceding paragraph must carry documents showing their identity and present such documents to the parties concerned.
3. The authority of an on-the-spot inspection, etc., under the provision of paragraph 1 shall not be construed as approval for a criminal investigation.

4. The minister listed in each of the items below shall promptly inform the minister listed in each of the relevant items of the results after exercising the authority under the provision of paragraph 1 alone.
 - i. Minister of Agriculture, Forestry and Fisheries, Minister of the Environment
 - ii. Minister of the Environment, Minister of Agriculture, Forestry and Fisheries
5. When the Minister of Agriculture, Forestry and Fisheries or the Minister of the Environment have had pet food or raw materials seized under the provision of paragraph 1, a summary of the results of the inspection of the relevant pet food or raw materials must be published.

(On-the-spot inspection, etc., by FAMIC)

Article 13

1. When deemed necessary in the case of paragraph 1 of the preceding article, the Minister of Agriculture, Forestry and Fisheries may have the Food and Agricultural Materials Inspection Center (“FAMIC”) enter the business premises, warehouses, sea vessels, vehicles, and other locations concerned with pet food manufacturing, importing, retail, transport, or storage operations of manufacturers, importers, or sellers as well as pet food freight and warehouse operators to inspect pet food, raw materials, or books and documents concerning operations, and other items, to question the parties concerned, or seize pet food and raw materials to the extent necessary for inspection. Notwithstanding that when pet food and raw materials are seized, compensation based on the market price must be paid.
2. When the Minister of Agriculture, Forestry and Fisheries has an on-the-spot inspection, etc., carried out by FAMIC under the provision of the preceding paragraph, FAMIC shall be given instructions on carrying out the on-the-spot inspection, etc., indicating the date, location, and other necessary matters.
3. When FAMIC has conducted an on-the-spot inspection, etc., under the provision of paragraph 1 in accordance with the instructions in the preceding paragraph, it must report the results to the Minister of Agriculture, Forestry and Fisheries as specified by the Ordinance of Ministry of Agriculture, Forestry and Fisheries.
4. After receiving the report under the provision of the preceding paragraph, the Minister of Agriculture, Forestry and Fisheries shall promptly inform the Minister of the Environment of the contents.
5. The provision of paragraphs 2 and 3 in the preceding article shall apply mutatis mutandis to an on-the-spot inspection under the provision of paragraph 1, and the provision of paragraph 5 in the same article shall apply mutatis mutandis to seizure under the provision of paragraph 1.

(Orders to FAMIC)

Article 14

When deemed necessary to ensure the proper implementation of operations in an on-the-spot inspection under the provision of paragraph 1 of the preceding article, the Minister of Agriculture, Forestry and Fisheries may give the needed orders to FAMIC concerning the relevant operations.

(Exceptions concerning pet food for export)

Article 15

The partial exclusion from the application of this Act and other necessary exceptions relating to pet food for export may be made through Cabinet Order.

(Delegation of authority)

Article 16

1. The authority of the Minister of Agriculture, Forestry and Fisheries provided for by this Act may be delegated to the Director-General of the Regional Agricultural Administration Office as provided for by the Ordinance of Ministry of Agriculture, Forestry and Fisheries.
2. The authority of the Minister of the Environment provided for by this Act may be delegated to the Director of the Regional Environment Office as provided for by the Ordinance of Ministry of the Environment.

(Interim measures)

Article 17

When an order is formulated, altered or abolished based on the provisions of this Act, the necessary interim measures (including interim measures concerning penal provisions) may be established to the extent reasonably deemed to be required in conjunction with the formulation, alteration, or abolition of the order.

Chapter IV Penal Provisions

Article 18

A term of imprisonment of no more than one year or a fine of no more than 1 million yen or a combination of both shall be imposed on a person to whom any of the following items apply.

- i. A person who has infringed the provisions of article 6
- ii. A person who has infringed the prohibition under the provision of paragraph 1 of article 7
- iii. A person who has infringed an order under the provision of article 8

Article 19

A fine of no more than 300,000 yen shall be imposed on a person to whom any of the following items apply.

- i. A person who has failed to give the notification provided for in paragraphs 1 and 2 of article 9, or who has made a false notification
- ii. A person who has failed to make the report provided for in paragraph 1 of article 11, or who has made a false report
- iii. A person who has refused, obstructed, or avoided the inspection or seizure provided for in paragraph 1 of article 12 or in paragraph 1 of article 13, or who has failed to respond to the questioning under these provisions, or who has made a false response

Article 20

When the representative of a corporation, or the agent, staff or other employee of a corporation or a person has committed an act in violation, concerning the corporation's or person's operations, of the provisions listed in each of the following items, the fine specified in each of the relevant items shall be imposed on the corporation, and the fine in each article shall be imposed on the person in addition to the punishment imposed on the offender.

- i. Article 18 A fine of no more than 100 million yen
- ii. The preceding article The fines in the preceding article

Article 21

A non-penal fine of no more than 200,000 yen shall be imposed on a person who has failed to give the notification provided for in paragraphs 3 and 5 of article 9, or who has given false notification

Article 22

In the event of an infringement of an order based on the provisions of article 14, a non-penal fine of no more than 200,000 yen shall be imposed on the FAMIC officer who committed the infringement.

Article 23

A non-penal fine of no more than 100,000 yen shall be imposed on a person who has failed to keep a book, or who has failed to make entries in the book, or who has recorded false entries in the book, or who has failed to retain the book, in violation of the provisions of paragraph 1 and 2 of article 10.

Supplementary Provisions

(Date of enforcement)

Article 1

This Act shall be enforced from the date specified by Cabinet Order, not to exceed one year from the date of its promulgation. Notwithstanding that the provisions of the following article and article 3 of the Supplementary Provisions shall be enforced from the date of promulgation.

(Preparations required for enforcement)

Article 2

The Minister of Agriculture, Forestry and Fisheries and the Minister of the Environment may hear the opinions of the Agricultural Material Council and the Central Environment Council, respectively, regarding the establishment of standards and specifications under the provision of paragraph 1 of article 5 before the enforcement of this Act.

(Delegation to Cabinet Order)

Article 3

Apart from the provision in the preceding article, the necessary interim measures for the enforcement of this Act shall be determined by Cabinet Order.

(Examination)

Article 4

When the national government deems it necessary taking into consideration the enforcement status of this Act five years after its enforcement, it shall examine the provisions of the law and take the necessary measures based on the results of this examination.

(Partial revision of the Basic Environment Act)

Article 5

The Basic Environment Act (Act No. 91 of 1993) shall be partially amended as follows.

“...and The Basic Act on Biological Diversity (Act No. 58 of 2008)” in item 3, paragraph 2 of article 41 shall read “..., The Basic Act on Biological Diversity (Act No. 58 of 2008) and Act on Ensuring the Safety of Pet Food (Act No. 83 of 2008).”

(Partial amendment of the Food and Agricultural Materials Inspection Center Act)

Article 6

The Food and Agricultural Materials Inspection Center Act (Act No. 183 of 1999) shall be partially amended as follows.

Item 6 in paragraph 2 of article 10 shall be read as item 7; item 5 shall be read as item 6; and the following item shall be added after item 4.

“v. On-the-spot inspection, questioning, and seizure under the provision of paragraph 1 of article 13 of Act on Ensuring the Safety of Pet Food (Act No. 83 of 2008).”

(Partial amendment of the Ministry of Agriculture, Forestry and Fisheries Establishment Act)

Article 7

The Ministry of Agriculture, Forestry and Fisheries Establishment Act (Act No. 98 of 1999) shall be partially amended as follows.

“...and The Seeds and Seedlings Act (Act No. 83 of 1998) in paragraph 1 of article 7 shall be read “..., The Seeds and Seedlings Act (Act No. 83 of 1998) and Act on Ensuring the Safety of Pet Food (Act No. 83 of 2008).”