

**The Law Concerning Standardization and Proper Labeling of
Agricultural and Forestry Products**

(Law No. 175 of 1950)

(Provisional Translation)

Date of Enforcement: March 1, 2006

Contents

Chapter 1 General Provisions (Articles 1 and 2)

Chapter 2 deleted

Chapter 3 Establishment of Japanese Agricultural Standards (Articles 7 to 13)

Chapter 4 Grading in Accordance with Japanese Agricultural Standards

Section 1 Grading (Articles 14 to 15-2)

Section 2 Registered Certifying Bodies (Articles 16 to 17-15)

Section 3 Protection of Grading Label (Articles 18 to 19-2)

Section 4 Grading in Overseas (Articles 19-3 to 19-7)

Section 5 Registered Overseas Certifying Bodies (Articles 19-8 to 19-10)

Section 6 Import of Agricultural and Forestry Products with Grading Label, etc.
(Articles 19-11 and 19-12)

Chapter 5 Proper Labeling of Quality, etc. (Articles 19-13 to 19-16)

Chapter 6 Miscellaneous Clause (Articles 20 to 23)

Chapter 7 Penal Clause (Articles 24 to 31)

Supplementary Clause

Chapter 1 General Provisions

(Purpose of the Law)

Article 1 The purposes of this Law are to improve quality of products, make the production process efficient, contribute to simple and fair transactions, and rationalize use or consumption of the products by establishing proper and reasonable standards for the agricultural and forestry products and disseminating them and to help consumers select products by providing proper labelings on the quality of the agricultural and forestry products, thereby contributing to promoting the public welfare.

(Definitions)

Article 2 In this Law, "agricultural and forestry products" mean the products mentioned in the following items except liquors as well as drugs, quasi-drugs and cosmetics provided in the Pharmaceutical Affairs Law (Law No. 145 of 1960) :

(1) Beverages and foods, and oils and fats; and

(2) Agricultural, forestry, livestock and marine products, and the products manufactured or processed with such products as materials or ingredients (except those mentioned in the preceding item) that shall be provided by the Government Ordinance.

2. In this Law, "standard" means the criteria for the quality of the agricultural and forestry products (including shape, size and quantity thereof or the conditions for packing, packaging or others; hereinafter the same), and the criteria for the labeling of quality (including the indication of name and the place of origin but excluding the indication of nutritive components; hereinafter the same).

3. In this Law, "Japanese Agricultural Standards" mean standards established under the provisions of Article 7 that contain standards for the quality of agricultural and forestry products as below:

(1) Standards for quality such as grade, composition and performance (excluding those described in the following Items in (2) and (3);

(2) Standard for the method of production; and

(3) Standards for the method of distribution.

4. Japanese Agricultural Standards described in Item (2) or (3) of the preceding Paragraph may be established for agricultural and forestry products which are deemed to have unique characteristics in their production methods or distribution methods by which their values are enhanced.

5. In this Law, "Registered Certifying Body (hereinafter referred to as RCB)" or "Registered Overseas Certifying Body (hereinafter referred to as ROCB)" means a corporation that has been registered by the Minister of Agriculture, Forestry and Fisheries under the provisions of Article 17-2, Paragraph 1, or the provisions of the mentioned Paragraph applied mutatis mutandis in Article 19-10, respectively.

Chapter 3 Establishment of Japanese Agricultural Standards

(Establishment of Japanese Agricultural Standards)

Article 7 If the Minister of Agriculture, Forestry and Fisheries judges necessary for attaining the purposes in Article 1, the Minister shall designate the category of any agricultural and forestry product and establish the Standard for it.

2. The Standard mentioned in the preceding Paragraph shall be established with respect to the current situation and future forecast of quality, production, transaction, use or consumption of the agricultural and forestry product covered by the Standard as well as international trend of standard, and to reflect the intents of the substantial stakeholders, and further, in the implementation, so as not to unfairly discriminate against any person in similar conditions.

3. If the Minister of Agriculture, Forestry and Fisheries, pursuant to Paragraph 1 above, establishes a Standard for any drink or food provided in Article 19-13, Paragraph 1, or any agricultural and forestry product provided in Paragraph 3 of the mentioned Article, the Minister shall not stipulate standards for labeling of its quality, however, this shall not apply when stipulating quality labeling standards for items not stipulated by Paragraphs 1 to 3 of the mentioned Article.

4. If the Minister of Agriculture, Forestry and Fisheries establishes a Standard pursuant to Paragraph 1, the Minister may leave unprovided the quality labeling standard of any agricultural and forestry product which quality is expected to be easily identified by consumers. .

5. If the Minister of Agriculture, Forestry and Fisheries intends to establish a Standard pursuant to Paragraph 1, the Minister shall obtain in advance a resolution of the Council, etc. (the organization provided in Article 8 of the National Government Organization Law (Law No. 120 of 1948): hereinafter referred to as "the Council")

Article 8 Any Prefecture or stakeholder may, pursuant to the procedures provided by the Ordinance of the Ministry of Agriculture, Forestry and Fisheries (hereinafter referred to as "the Ministerial Ordinance") propose to the Minister of Agriculture, Forestry and Fisheries that a Japanese Agricultural Standard should be established by designating the type of the agricultural and forestry product and preparing its original draft.

2. If, in case that the Minister of Agriculture, Forestry and Fisheries has received a proposal pursuant to the preceding Paragraph, the Minister judges that the Japanese Agricultural Standard should be established concerning the agricultural and forestry product covered by the proposal, the Minister shall present the original draft in the mentioned Paragraph to the Council for deliberation. If the Minister judges that it is unnecessary to do so, the Minister shall notify it the proposer with the reason.

3. When the Minister of Agriculture, Forestry and Fisheries intends to notify as provided in the preceding Paragraph, the Minister shall seek opinions of the Council in advance.

(Confirmation, Amendment and Abolition of the Japanese Agricultural Standards)

Article 9 The provisions of the preceding two Paragraphs shall be applied to the confirmation, amendment or abolition of the Japanese Agricultural Standard.

Article 10 The Minister of Agriculture, Forestry and Fisheries shall bring it to the deliberation of the Council whether or not the Japanese Agricultural Standard established or confirmed or amended pursuant to Article 7 (including the cases where is applied *mutatis mutandis* in the preceding Article) is still proper, not later than the day that five years passed from the date of the mentioned establishment or confirmation or amendment. In addition, the Minister shall promptly confirm it or, if judged necessary, the Minister shall amend or abolish it.

(Proclamation)

Article 11 The establishment, amendment or abolition of Japanese Agricultural Standards shall be made by specifying the enforcement date and proclaiming the mentioned date no less than thirty days in advance.

2. The confirmation of the Japanese Agricultural Standard shall be carried out by proclaiming it.

(Restriction of the Use of Standard's Name)

Article 12 No one shall use names of Japanese Agricultural Standards or any other names which may mislead consumers, for the standard for agricultural and forestry products other than those stipulated in the Japanese Agricultural Standards.

(Public Hearing)

Article 13 If the Minister of Agriculture, Forestry and Fisheries judges necessary, the Minister may hold a public hearing to hear the opinions of stakeholders as to whether any Japanese Agricultural Standard should be established or on a draft Japanese Agricultural Standard.

2. Any substantial stakeholder in any Japanese Agricultural Standard may request the Minister of Agriculture, Forestry and Fisheries to hold a public hearing which concerns that the Japanese Agricultural Standard would, or not, reflect the intention of all interested people or it would, or not, unfairly discriminate against any person in similar conditions in its application.

3. If the request for the preceding Paragraph has been made, the Minister of Agriculture, Forestry and Fisheries shall hold a public hearing.

4. The Minister of Agriculture, Forestry and Fisheries shall review the facts revealed in the public hearing and, if the Minister judges necessary to amend the Japanese Agricultural Standard, the Minister shall bring the matter of amendment to the deliberation of the Council.

5. Other than those provided in the preceding Paragraphs, any matters which are necessary for the public hearing shall be provided by the Ministerial Ordinance.

Chapter 4 Grading in Accordance with Japanese Agricultural Standards

Section 1 Grading

(Grading by Manufacturer, etc.)

Article 14 Any manufacturer, processor (including preparation and selection; hereinafter the same), importer or seller of agricultural and forestry products (hereinafter referred to as "Manufacturer, etc.") may, by obtaining in advance the certification from a RCB as to the respective factory or place of business and respective type of agricultural and forestry product, conduct gradings of agricultural and forestry products manufactured, processed, imported or sold thereby relating to mentioned certification, in accordance with Japanese Agricultural Standards, as provided by the

Ministerial Ordinance, and may attach a special label to the mentioned agricultural and forestry product or its packaging, container or invoice, in accordance with a method provided by the Ministerial Ordinance, to indicate that the mentioned agricultural and forestry product has been graded in accordance with the Japanese Agricultural Standards (hereinafter referred to as "grading label").

2. Any producer of agricultural and forestry products, or other person provided by the Ministerial Ordinance as a person who manages or controls production processes of agricultural and forestry products (hereinafter referred to as "Production Process Manager") may, by obtaining in advance the certification from a RCB as to the respective field or place of business and respective type of agricultural and forestry product, conduct the gradings of agricultural and forestry products whose production processes are managed or controlled thereby relating to the mentioned certification, in accordance with Japanese Agricultural Standards, as provided by the Ministerial Ordinance, and may attach a grading label (limited to that concerning the standards described in Article 2, Paragraph 3, Item (2)) to the mentioned agricultural and forestry product or its packaging, container or invoice.

3. Any seller of agricultural and forestry products, or other person provided by the Ministerial Ordinance as a person who manages or controls distribution processes of agricultural and forestry products (hereinafter referred to as "Distribution Process Manager") may, by obtaining in advance the certification from a RCB as to the respective distribution process and type of agricultural and forestry product, carry out the grading of agricultural and forestry products whose distribution processes are managed or controlled thereby relating to the mentioned certification, in accordance with Japanese Agricultural Standards, as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, and may attach a grading label (limited to that concerning the standards described in Article 2, Paragraph 3, Item (3)) to the mentioned agricultural and forestry product or its packaging, container or invoice.

4. The grading in the preceding three Paragraphs shall be conducted in accordance with the inspection described in each of the corresponding Items below with respect to the standards described in each of the mentioned Items;

(1) Standards described in Article 2, Paragraph 3, Item (1): Inspection concerning the agricultural and forestry products in question, conducted as provided by the Ministerial Ordinance;

(2) Standards described in Article 2, Paragraph 3, Item (2): Inspection concerning the production process of agricultural and forestry products in question, conducted as provided by the Ministerial Ordinance; and

(3) Standards described in Article 2, Paragraph 3, Item (3): Inspection concerning the distribution process of agricultural and forestry products in question, conducted as provided by the Ministerial Ordinance.

5. The Manufacturer, etc., Production Process Manager, or Distribution Process Manager of any agricultural and forestry product who has obtained the certification described in Paragraphs 1 to 3 above may, if it is especially necessary for labeling efficiently, attach the grading label to the agricultural and forestry product relating to the mentioned certification, or its packaging, container or invoice, prior to the grading which will be conducted pursuant to the mentioned Paragraphs.

6. The agricultural and forestry product, or its packaging, container or invoice, to which the grading label has been attached pursuant to the preceding Paragraph shall not be transferred, consigned for transfer or displayed for transfer until the grading is conducted pursuant to Paragraphs 1 to 3 above.

7. The Manufacturer, etc., Production Process Manager, or Distribution Process Manager of any agricultural and forestry product, or its packaging, container or invoice, who attached the grading label to pursuant to Paragraph 5 above shall, when the mentioned label is proven not to conform to the result of the grading pursuant to

Paragraphs 1 to 3 above, remove or erase the label without delay.

8. The technical criteria for the certification described in Paragraphs 1 to 3 above shall be provided by the Ministerial Ordinance.

(Labeling of Grading by Re-packers)

Article 15 Any re-packer of agricultural and forestry products (including any person whose business is to re-pack and sell by himself; hereinafter referred to as "Re-packer") may, by obtaining in advance the certification from a RCB as to the respective place of business and respective type of agricultural and forestry product, attach the same grading label as was attached to the agricultural and forestry product, or its packaging, container or invoice, before it was re-packed to the re-packed agricultural and forestry product, or its packaging or container, as provided by the Ministerial Ordinance, concerning the agricultural and forestry product relating to the mentioned certification to which the grading label (limited to that concerning the standards described in Article 2, Paragraph 3, Item (2); the same in this Paragraph and in Article 19-4) has been attached (including the mentioned agricultural and forestry product if the mentioned label has been attached to its packaging, container or invoice; the same in the mentioned Article).

2. Paragraph 8 of the preceding Article shall apply mutatis mutandis to certification under the preceding Paragraph.

(Labeling of Grading by Importers)

Article 15-2 The importer of any specified agricultural and forestry product provided for in Article 19-15, Paragraph 1 (referred to as "Specified Agricultural and Forestry Product" in this Article, Article 18, Paragraph 1, Item (5) and Article 19-2) may, by obtaining in advance the certification from a RCB, attach the grading label to mentioned specified agricultural and forestry product which is imported thereby, or its packaging, container or invoice, as provided by the Ministerial Ordinance, concerning the specified agricultural and forestry product relating to the mentioned certification to which the certificate, or a copy thereof, stating matters provided by the Ministerial Ordinance has been attached.

2. The certificate mentioned in the preceding Paragraph is limited to the one issued by the governmental organizations or those designated as quasi-governmental organizations by the Minister of Agriculture, Forestry and Fisheries of overseas countries (limited to those provided by the Ministerial Ordinance, the countries with an equivalent grading system to the grading system under the Japanese Agricultural Standard concerning the Specified Agricultural and forestry product concerned).

3. The Minister of Agriculture, Forestry and Fisheries, if the Minister has designated as mentioned in the preceding Paragraph, shall proclaim without delay the names and such other matters as provided by the Ministerial Ordinance of the quasi-governmental organizations of overseas countries covered by such designation.

4. Article 14, Paragraph 8 shall apply mutatis mutandis to certification under Paragraph 1 above.

Section 2 Registered Certifying Bodies ("RCBs")

(Registration of RCBs)

Article 16 Any person who seeks to obtain a registration as a RCB (hereinafter in this Section referred to as "Registration") (except persons who seek to conduct the certification in Article 14, Paragraphs 1 to 3, Article 15, Paragraph 1, Paragraph 1 of the preceding Article, Article 19-3 or Article 19-4 (hereinafter in this Section, Article 20, Paragraph 1 and Article 20-2, Paragraph 1, referred to as "certification") by a place of business located in an overseas country) shall make an application for registration to the

Minister of Agriculture, Forestry and Fisheries in accordance with procedures provided by the Ministerial Ordinance, by paying a fee in such an amount as shall be fixed by a Government Ordinance taking account of actual costs and expenses, as to the respective class provided by the mentioned Ministerial Ordinance.

2. The Minister of Agriculture, Forestry and Fisheries may, when deeming it necessary after receiving an application pursuant to the preceding Paragraph, make the Independent Administrative Agency, Center for Food Quality, Labeling and Consumer Services (hereinafter referred to as “the Center”) to conduct necessary investigation as to whether the mentioned application complies with each of the Items of Article 17-2, Paragraph 1.

(Disqualification Clauses)

Article 17 Any corporation which falls under any one of the following Items shall not obtain the registration as a RCB:

- (1) If the corporation or any officer executing the affairs thereof has been sentenced to a fine or a heavier punishment pursuant to this Law and one year has not passed since the day on which the execution thereof was completed or rescinded;
- (2) If the corporation has been subject to cancellation of registration pursuant to Article 17-12, Paragraphs 1 to 3 or Article 19-9, Paragraphs 1 to 3 and one year has not passed since the date of the cancellation; and
- (3) If an officer who was executing the affairs of the corporation relating to the cancellation within thirty days prior to the date of the cancellation pursuant to Article 17-12, Paragraphs 1 to 3 or Article 19-9, Paragraphs 1 to 3 is an officer executing the affairs thereof when one year has not passed since the date of such cancellation.

(Criteria for Registration)

Article 17-2 When the person who has made an application for registration pursuant to Article 16, Paragraph 1 (hereinafter referred to as “Registration Applicant”) conforms to all of the following requirements, the Minister of Agriculture, Forestry and Fisheries shall make the registration thereof. In this case, the necessary procedures concerning registration shall be as provided by the Ministerial Ordinance:

- (1) It is a corporation conforming to criteria concerning organizations that certify products stipulated by the International Organization for Standardization and the International Electrotechnical Commission
- (2) The registration applicant does not fall under any of the following Items as being controlled by a Manufacturer, etc., Production Process Manager, Distribution Process Manager, Re-packer, Overseas Manufacturer, etc. (meaning any manufacturer, processor or exporter in an overseas country any agricultural and forestry product exported to Japan; hereinafter the same), Overseas Production Process Manager (any producer in an overseas country of any agricultural and forestry product exported to Japan, or any other person who is provided by the Ministerial Ordinance as managing or controlling any production process of the mentioned agricultural and forestry product in an overseas country; hereinafter the same), Overseas Distribution Process Manager (any exporter of any agricultural and forestry product exported to Japan, or any other person who is provided by the Ministerial Ordinance as managing or controlling any distribution process of the mentioned agricultural and forestry product in an overseas country; hereinafter the same), or Overseas Re-packer (any person whose business is to re-pack in an overseas country any agricultural and forestry product exported to Japan (including any person whose business is to re-pack for sale by himself); hereinafter the same) of agricultural and forestry products relating to the application (hereinafter referred to as “Certified Business Entity”);

- (i) When the registration applicant is a joint stock corporation or a limited liability company, the Certified Business Entity is the parent company thereof (a parent company under Article 211-2, Paragraph 1 of the Commercial Code (Law No. 48 of 1899));
- (ii) The proportion of officers or employees of the certified business (including persons who have been officers or employees of the mentioned certified business in the past two years) is more than one half of the number of officers of the Registration Applicant; and
- (iii) The officers who have authority to represent the Registration Applicant are officers or employees of the certified business Entities (including persons who have been officers or employees of the mentioned Certified Business Entities in the past two years).

2. Registration shall be made by entering the following matters in the register book:

- (1) Registration date and registration number;
- (2) Name and address of the RCB;
- (3) Type of agricultural and forestry products subject to certification by the RCB; and
- (4) Area where certification is conducted by the RCB and the location of the place of business thereof.

3. The Minister of Agriculture, Forestry and Fisheries shall, when making registration under Paragraph 1 above, proclaim the matters in the preceding Paragraph without delay.

(Registration Renewal)

Article 17-3 Unless a renewal of registration is obtained for no less than every 3 years as provided by the Government Ordinance, the registration shall become invalid upon the lapse of such period.

2. The provisions of the preceding three Articles shall apply mutatis mutandis to renewal under the preceding Paragraph.

3. When an application for registration renewal in Paragraph 1 above has been made, and a disposition against the mentioned application has not been made by the date of completion of the period in the mentioned Paragraph (hereinafter referred to as "Valid Period of Registration"), the existing registration shall remain valid during the period until such disposition is made, even after completion of the Valid Period of Registration.

4. In case of the preceding Paragraph, when the registration renewal has been made, the valid period of the mentioned registration shall start from the day after the date of completion of the period of validity of the existing registration.

5. If the application for registration renewal in Paragraph 1 above has not been made by six months before the date of completion of the Valid Period of the Registration, or if the registration has become invalid pursuant to the mentioned Paragraph, the Minister of Agriculture, Forestry and Fisheries shall make a proclamation to that effect without delay.

(Succession)

Article 17-4 When a RCB has transferred the whole business relating to its registration, or when there has been a merger or division concerning a RCB (limited to cases in which the whole business relating to its registration is taken over), the corporation that succeeds to the whole business, the corporation that exists after the merger or the corporation that is formed by the merger, or the corporation that succeeds to the whole business through division shall succeed to the status of the RCB.

2. The corporation that has succeeded to the status of RCB pursuant to the preceding Paragraph shall notify the Minister of Agriculture, Forestry and Fisheries to that effect without delay, with the documentary evidence thereof.

(Implementation of Business Related to Certification)

Article 17-5 When requested to certify, RCBs shall conduct inspection for certification without delay, except when it has justifiable reason.

2. RCBs shall conduct certification, cancellation, and other business related to certification in an impartial manner and with a method that conforms to criteria provided by the Ministerial Ordinance.

3. RCBs shall report the names or titles and addresses of Certified Business Entities that have been certified by them, and other matters provided by the Ministerial Ordinance, to the Minister of Agriculture, Forestry and Fisheries as provided by the Ministerial Ordinance.

(Notification of Changing a Place of Business)

Article 17-6 When wishing to change the location of the place of business where they conduct business related to certification, RCBs shall notify the Minister of Agriculture, Forestry and Fisheries to that effect no less than two weeks before the date on which they wish to make the change.

2. The Minister of Agriculture, Forestry and Fisheries shall, on receiving the notification in the preceding Paragraph, make proclamation to that effect without delay.

(Business Operating Rules)

Article 17-7 RCBs shall prescribe rules for business related to certification (hereinafter referred to as "Business operating rules") and notify the rules to the Minister of Agriculture, Forestry and Fisheries before the start of the mentioned business related to certification. The same shall also apply if RCB intend to change the mentioned Business Operating Rules.

2. Business Operating Rules shall include provisions for the method of implementing certification, the method of calculating fees related to certification, and other matters provided by the Ministerial Ordinance.

(Suspension or Discontinuation of Business)

Article 17-8 When wishing to suspend or discontinue all or part of their business related to certification, RCBs shall notify the Minister of Agriculture, Forestry and Fisheries to that effect no less than six months before the date on which they wish to start the suspension or discontinuation, as provided by a Ministerial Ordinance.

2. The Minister of Agriculture, Forestry and Fisheries shall, on receiving the notification in the preceding Paragraph, make a proclamation to that effect without delay.

(Keeping and Disclosure, etc., of Financial Statements, etc.)

Article 17-9 RCBs shall within three months from the end of each business year, prepare an property inventory list, a balance sheet, and an income statement or income and expenditure account statement as well as a sales report or business report for that business year (including electro-magnetic records, when these are prepared with the mentioned electro-magnetic records (meaning records that are prepared with an electronic method, a magnetic method or other methods that cannot be perceived by the human senses, which are provided for purposes of data processing by a computer; hereinafter the same) or when electro-magnetic records are prepared instead of such preparation; hereinafter referred to as "Financial Statements, etc."), and keep the mentioned items in their places of business for five years.

2. Certified Business Entities and other interested parties may, at any time within the business hours of a RCB, request the following matters, however when requesting the matters in Item (2) or Item (4), they shall pay costs stipulated by the RCB:

(1) When financial statements, etc., have been prepared in the form of documents, the access to or copies of the mentioned documents;

- (2) Official transcripts or excerpts of the documents described in the preceding Item;
- (3) When financial statements, etc., have been prepared in the form of electro-magnetic records, the access or copies of matters recorded in the mentioned electro-magnetic records, indicated by a method provided by the Ministerial Ordinance; and
- (4) Matters recorded in the electro-magnetic records described in the preceding Item by an electro-magnetic method (a method with an electronic computer processing system or other method with telecommunications technology as provided by the Ministerial Ordinance), or the issue of documents with the content of the mentioned matters.

(Compliance Order)

Article 17-10 The Minister of Agriculture, Forestry and Fisheries may, when deeming that a RCB no longer complies with any one of the Items of Article 17-2, Paragraph 1, order the mentioned RCB to take necessary measures to comply with the provisions thereof.

(Improvement Order)

Article 17-11 The Minister of Agriculture, Forestry and Fisheries may, when deeming that a RCB has violated the provisions of Article 17-5, order the mentioned RCB to conduct business related to certification or take necessary measures to improve its method of certification or its method of other business.

(Cancellation of Registration, etc.)

Article 17-12 If a RCB falls under any one of the Items of Article 17, the Minister of Agriculture, Forestry and Fisheries shall cancel its registration.

2. If a RCB falls under any one of the following Items, the Minister of Agriculture, Forestry and Fisheries may cancel its registration or order the total or partial suspension of its business related to certification by specifying a period not to exceed one year:

- (1) If a RCB has violated the provisions of Article 17-5, Article 17-6, Paragraph 1, Article 17-7, Paragraph 1, Article 17-8, Paragraph 1, Article 17-9, Paragraph 1, or the following Article;
- (2) If a RCB has, without valid reason, refused a request pursuant to each Item of Article 17-9, Paragraph 2;
- (3) If a RCB has violated an order pursuant to the preceding two Articles; or
- (4) If a RCB has obtained the registration by improper means.

3. Other than the cases provided in the preceding two Paragraphs, if a RCB fails, without justifiable reasons, to start business related to certification relating to its registration after one year has passed from the date of the mentioned registration, or suspends its business related to certification continuously for no less than one year, the Minister of Agriculture, Forestry and Fisheries may cancel its registration.

4. The Minister of Agriculture, Forestry and Fisheries shall when wishing to hold a public hearing relating to a disposition pursuant to the preceding three Paragraphs, issue a notice pursuant to Article 15, Paragraph 1 of the Administrative Procedures Law (Law No. 88 of 1993) no less than one week before the scheduled date thereof, and shall also make a proclamation of the scheduled date and place of the public hearing.

5. The examination on the date of the hearing described in the preceding Paragraph shall take a form of an open hearing.

6. If the Minister of Agriculture, Forestry and Fisheries has made a disposition under the provisions of Paragraphs 1 to 3 above, the Minister shall make a proclamation to that effect without delay.

(Entries in Books)

Article 17-13 RCBs shall keep books as provided by the Ministerial Ordinance, enter therein the matters provided by the Ministerial Ordinance concerning its business related to certification, and keep custody thereof.

(Obligation of Confidentiality)

Article 17-14 Any executive officer or personnel of a RCB, or anyone who used to serve for a RCB, shall not leak any secret which has come to his or her knowledge concerning the business related to certification, or use it for his or her own interest.

Article 17-15 Anyone who is not a RCB shall not use the name of the “Japanese Agricultural Standard Registered Certification Organization” or any name which may confuse.

Any RCB shall not use the name of the “Japanese Agricultural Standard Registered Certification Organization” or any confusing name for any agricultural and forestry products other than its registered agricultural and forestry products.

Section 3 Protection of the Grading Label

(Prohibition for the Grading Label)

Article 18 No person shall attach a grading label to any agricultural and forestry product or its packaging, container or invoice, except in the following cases:

- (1) If any Manufacturer, etc., of agricultural and forestry products attaches a grading label to an agricultural and forestry products manufactured, processed, imported or sold thereby, or its packaging, container or invoice, pursuant to Article 14, Paragraph 1 or 5;
- (2) If any Production Process Manager of agricultural and forestry products attaches a grading label to an agricultural and forestry product whose production process is managed or controlled thereby, or its packaging, container or invoice, pursuant to Article 14, Paragraph 2 or 5;
- (3) If any Distribution Process Manager of agricultural and forestry products attaches a grading label to an agricultural and forestry products whose distribution process is managed or controlled thereby, or its packaging, container or invoice, pursuant to Article 14, Paragraph 3 or 5;
- (4) If any Re-packer of agricultural and forestry products attaches a grading label to an agricultural and forestry product after re-packing, or its packaging, container or invoice, under the provisions of Article 15, Paragraph 1;
- (5) If any Importer of specified agricultural and forestry products attaches a grading label to an agricultural and forestry product imported thereby, or its packaging, container or invoice, under the provisions of Article 15-2, Paragraph 1;
- (6) If any Overseas Manufacturer, etc. attaches a grading label to an agricultural and forestry products manufactured, processed or imported thereby, or its packaging, container or invoice under the provisions of Article 19-3, Paragraph 1, or Article 14, Paragraph 5 as applied mutatis mutandis in Article 19-6, Paragraph 1;
- (7) If any Overseas Production Process Manager attaches a grading label to an agricultural and forestry products whose production process is managed or controlled thereby, or its packaging, container or invoice, under the provisions of Article 19-3, Paragraph 2, or Article 14, Paragraph 5 as applied mutatis mutandis in Article 19-6, Paragraph 1;
- (8) If any Overseas Distribution Process Manager attaches a grading label to an agricultural and forestry product whose distribution process is managed or controlled thereby, or its packaging, container or invoice, under the provisions of Article 19-3, Paragraph 3, or Article 14, Paragraph 5 as applied mutatis mutandis in Article 19-6, Paragraph 1; and

(9) If any Overseas Re-packer attaches a grading label to an agricultural and forestry product after re-packing, or its packaging, container or invoice, under the provisions of Article 19-4.

2. Anyone shall not attach any label confusing with the grading label to any agricultural and forestry product or the packaging, container or invoice therefor.

(Improvement Order, etc.)

Article 19-2 When deeming the grading conducted by any Manufacturer, etc., of agricultural and forestry products certified under Article 14, Paragraph 1 (hereinafter referred to as "Certified Manufacturer, etc."), Production Process Manager of agricultural and forestry products certified under Paragraph 2 of the mentioned Article (hereinafter referred to as "Certified Production Process Manager") or Distribution Process Manager of agricultural and forestry products certified under Paragraph 3 of the mentioned Article (hereinafter referred to as "Certified Distribution Process Manager") pursuant to Paragraphs 1 to 3 of the mentioned Article (including the grading labeling conducted by any Certified Manufacturer, etc., Certified Production Process Manager or Certified Distribution Process Manager pursuant to Paragraphs 1 to 3 or Paragraph 5 of the mentioned Article), the grading labeling conducted by any Re-packer of agricultural and forestry products certified under Article 15, Paragraph 1 (hereinafter referred to as "Certified Re-packer") pursuant to the mentioned Paragraph, or the grading label conducted by any Importer of specified agricultural and forestry products certified under Article 15-2, Paragraph 1 (hereinafter referred to as "Certified Importer") pursuant to the mentioned Paragraph to be inappropriate, the Minister of Agriculture, Forestry and Fisheries may order such Certified Manufacturer, etc., Certified Production Process Manager, Certified Distribution Process Manager, Certified Re-packer or Certified Importer to improve the same, or to remove or erase the grading label within a stipulated period.

Section 4 Overseas Grading

(Grading by Overseas Manufacturer, etc.)

Article 19-3 Any Overseas Manufacturer, etc., may, by obtaining in advance a certification from a RCB or a ROCB as to the respective factory or place of business located in an overseas country and the respective type of agricultural and forestry product, conduct grading in accordance with Japanese Agricultural Standards for any agricultural and forestry product manufactured, processed or imported thereby, and attach a grading label to such agricultural and forestry product or its packaging, container or invoice, as provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

2. Any Overseas Production Process Manager may, by obtaining in advance a certification from a RCB or a ROCB as to the respective field or place of business located in an overseas country and the respective type of agricultural and forestry product, conduct grading in accordance with Japanese Agricultural Standards for any agricultural and forestry products covered by the mentioned certification whose production process is managed or controlled thereby, and attach a grading label (limited to that concerning the standards described in Article 2, Paragraph 3, Item (2)) to such agricultural and forestry product or its packaging, container or invoice, as provided by the Ministerial Ordinance.

3. Any Overseas Distribution Process Manager may, by obtaining in advance a certification from a RCB or a ROCB as to the respective distribution process and type of agricultural and forestry product, carry out grading in accordance with Japanese Agricultural Standards for any agricultural and forestry products covered by the mentioned certification whose distribution process is managed or controlled thereby,

and attach a grading label (limited to that concerning the standards described in Article 2, Paragraph 3, Item (3)) to such agricultural and forestry product or its packaging, container or invoice, as provided by the Ministerial Ordinance.

(Labeling of Grading by Overseas Re-packer)

Article 19-4 Any Overseas Re-packer may, by obtaining in advance a certification from a RCB or a ROCB as to the respective place of business located in a overseas country and the respective type of agricultural and forestry product, for any agricultural and forestry product covered by the mentioned certification to which a grading label has been attached, or its packaging, container or invoice, attach the same grading label as has been attached to such agricultural and forestry product before re-packing to such agricultural and forestry product after re-packing, or its packaging, container or invoice, as provided by the Ministerial Ordinance.

(Prohibition of the Grading Label)

Article 19-5 Any Overseas Manufacturer, etc., certified under Article 19-3, Paragraph 1 (hereinafter referred to as the "Certified Overseas Manufacturer, etc."), Overseas Production Process Manager certified under Paragraph 2 of the mentioned Article (hereinafter referred to as the "Certified Overseas Production Process Manager"), Overseas Distribution Process Manager certified under Paragraph 3 of the mentioned Article (hereinafter referred to as the "Certified Overseas Distribution Process Manager") or Overseas Re-packer certified under the preceding Article (hereinafter referred to as the "Certified Overseas Re-packer") shall not attach the grading label or any confusing label therewith to any agricultural and forestry product exported to Japan or the packaging, container or invoice therefor, except in the cases described in Article 18, Paragraph 1, Items (6) to (9).

(Mutatis Mutandis Application)

Article 19-6 The provisions of Article 14, Paragraphs 4 to 7 shall apply mutatis mutandis to a Certified Overseas Manufacturer, etc., Certified Overseas Production Process Manager or Certified Overseas Distribution Process Manager. In this case, "the preceding three Paragraphs" in Paragraph 4 of the mentioned Article and "Paragraphs 1 to 3 above" in the provisions of Paragraphs 5 to 7 of the mentioned Article shall be read "Article 19-3".

2. The provisions of Article 14, Paragraph 8 shall apply mutatis mutandis to certification under Article 19-3 or Article 19-4.

3. The provisions of Article 19 and Article 19-2 shall apply mutatis mutandis to a Certified Overseas Manufacturer, etc., Certified Overseas Production Process Manager, Certified Overseas Production Process Manager or Certified Overseas Re-packer. In this case, "agricultural and forestry product" in Article 19 shall be read "agricultural and forestry product exported to Japan"; "Manufacturer, etc., of agricultural and forestry products certified under Article 14, Paragraph 1 (hereinafter referred to as "Certified Manufacturer, etc."), Production Process Manager of agricultural and forestry products certified under Paragraph 2 of the mentioned Article (hereinafter referred to as "Certified Production Process Manager") or Distribution Process Manager of agricultural and forestry products certified under Paragraph 3 of the mentioned Article (hereinafter referred to as "Certified Distribution Process Manager") under the provisions of Paragraphs 1 to 3 of the mentioned Article" in Article 19-2 shall be read "Certified Overseas Manufacturer, etc., Certified Overseas Production Process Manager, or Certified Overseas Distribution Process Manager under the provisions of Article 19-3"; "Certified Manufacturer, etc., Certified Production Process Manager or Certified Distribution Process Manager under the provisions of Paragraphs 1 to 3 or Paragraph 5" therein shall be read "Certified Overseas Manufacturer, etc., Certified Overseas

Production Process Manager, or Certified Overseas Distribution Process Manager under Article 14, Paragraph 5 applied mutatis mutandis in mentioned Article or in Article 19-6, Paragraph 1"; "Re-packer of agricultural and forestry products certified under Article 15, Paragraph 1 (hereinafter referred to as "Certified Re-packer") under the provisions of the mentioned Paragraph" therein shall be read "Certified Overseas Re-packer under Article 19-4", and "order" therein shall be read "request".

(Proclamation of Overseas Manufacturer, etc.)

Article 19-7 The Minister of Agriculture, Forestry and Fisheries shall, on receiving a report under the provisions of Article 17-5, Paragraph 3 (including cases applied mutatis mutandis in Article 19-10), proclaim without delay the name or title of the Overseas Manufacturer, etc., Overseas Production Process Manager, Overseas Distribution Process Manager or Overseas Re-packer covered by such report and other matters provided by the Ministerial Ordinance.

Section 5 Registered Overseas Certification Organization (ROCB)

(Registration of ROCBs)

Article 19-8 Any corporation that seeks to obtain a registration as a ROCBs (hereinafter in this Section referred to as "registration") (limited to those that seek to conduct the certification under Article 19-3 or Article 19-4 by a place of business located in an overseas country (hereinafter in this Section referred to as "certification")) shall make an application for registration to the Minister of Agriculture, Forestry and Fisheries pursuant to the procedures provided by the Ministerial Ordinance, by paying a fee in such an amount as shall be fixed by the Government Ordinance taking account of actual costs and expenses, as to the respective class provided by the mentioned Ministerial Ordinance.

(Cancellation of Registration, etc.)

Article 19-9 If a ROCB falls under any one of the Items of Article 17 as applied mutatis mutandis in the following Article, the Minister of Agriculture, Forestry and Fisheries shall cancel its registration.

2. If a ROCB falls under any one of the following Items, the Minister of Agriculture, Forestry and Fisheries may cancel its registration or request the total or partial suspension of its business related to certification specifying a period not to exceed one year:

- (1) If a RCB has violated the provisions of Article 17-5, Article 17-6, Paragraph 1, Article 17-7, Paragraph 1, Article 17-8, Paragraph 1, Article 17-9, Paragraph 1, or Article 17-13, as applied mutatis mutandis in the following Article;
- (2) If a RCB has, without valid reason, refused a request pursuant to each Item of Article 17-9, Paragraph 2 as applied mutatis mutandis in the following Article;
- (3) If a RCB has violated a request pursuant to Article 17-10 or Article 17-11 as applied mutatis mutandis in the following Article;
- (4) If a RCB has obtained the registration by improper means;
- (5) If, when the Minister of Agriculture, Forestry and Fisheries has requested a necessary report from a ROCB concerning its business related to certification, to the extent necessary for the enforcement of this Law, a RCB has not made such report or has made a false report
- (6) If, when the Minister of Agriculture, Forestry and Fisheries has sought to have staff members or the Center inspect the state of business related to certification, or books, documents or other physical properties, at the office, place of business or warehouse of a ROCB, to the extent necessary for the enforcement of this Law, a ROCB has refused, impeded or avoided such inspection; or

(7) If a RCB does not bear costs and expenses under the provisions of Paragraph 4 below.
3. Besides the cases provided in the preceding two Paragraphs, if a ROCB falls under any of the following Items, the Minister of Agriculture, Forestry and Fisheries may cancel its registration:

(1) If a RCB fails, without justifiable reason, to start business related to certification relating to its registration after one year has passed from the date of the mentioned registration, or suspends its business related to certification continuously for one year or longer; or

(2) If the Minister of Agriculture, Forestry and Fisheries has requested the total or partial suspension of business related to certification pursuant to the preceding Article, specifying a time period not exceeding one year, and the mentioned request has not been complied with.

4. The costs (limited to those provided by the Government Ordinance) incurred for the inspection under Paragraph 2, Item (6) above shall be borne by the ROCB which undergoes the mentioned inspection.

(Mutatis Mutandis Application)

Article 19-10 The provisions of Article 16, Paragraph 2, Articles 17 to 17-11, Article 17-12, Paragraphs 4 to 6, and Article 17-13 shall apply mutatis mutandis to a ROCB. In this case, "the preceding Paragraph" in Article 16, Paragraph 2 shall be read "Article 19-8" and "Article 17-2, Paragraph 1" in the mentioned Paragraph shall be read "Article 17-2, Paragraph 1 as applied mutatis mutandis in Article 19-10", "Article 16, Paragraph 1" in Article 17-2, Paragraph 1 shall be read "Article 19-8", "Article 17-2, Paragraph 1" in Article 17-10 shall be read "Article 17-2, Paragraph 1 as applied mutatis mutandis in Article 19-10" and "order" in the mentioned Article shall be read "request", "Article 17-5" in Article 17-11 shall be read "Article 17-5 as applied mutatis mutandis in Article 19-10" and "order" in the mentioned Article shall be read "request", "the preceding three Paragraphs" in Article 17-12, Paragraph 4 shall be read "Article 19-9, Paragraphs 1 to 3" and "one week" in the mentioned Paragraph shall be read "two weeks", and "Paragraphs 1 to 3 above" in Paragraph 6 of the mentioned Article shall be read "Article 19-9, Paragraphs 1 to 3".

Section 6 Import of Agricultural and Forestry Products Bearing Grading Labels, etc.

(Import of Agricultural and Forestry Products Bearing Grading Labels)

Article 19-11 Importers of agricultural and forestry products may not transfer, consign for transfer or display for transfer any agricultural and forestry product which is imported thereby and which has a grading label or a label that could be confused with the label (including the mentioned agricultural and forestry product if such label is attached to its packaging, container or invoice; hereinafter the same in this Article), except in the following cases:

(1) If the mentioned label has been attached by a Certified Overseas Manufacturer, etc., to an agricultural and forestry product relating to its certification;

(2) If the mentioned label has been attached by a Certified Overseas Production Process Manager to an agricultural and forestry product relating to its certification;

(3) If such label has been attached by any Certified Overseas Distribution Process Manager to the agricultural and forestry product covered by its registration; and

(4) If such label has been attached by any Certified Overseas Re-packer to the agricultural and forestry product covered by its certification.

(Removal of Labels, etc.)

Article 19-12 If any fact that is provided by the Ministerial Ordinance as a fact that is certain not to conform to Japanese Agricultural Standards has arisen in any

agricultural and forestry product possessed by a producer or seller of agricultural and forestry products (limited to agricultural and forestry products for which Japanese Agricultural Standards relating to the standards described in Article 2, Paragraph 3, Item (2) or (3) have been established) to which a grading label has been attached (including the mentioned agricultural and forestry product if such label has been attached to its packaging, container or invoice), the mentioned producer or seller shall remove or erase the mentioned label without delay.

Chapter 5 Proper Labeling of Quality, etc.

(Labeling Standards to be Observed by Manufacturers, etc.)

Article 19-13 For the purposes of achieving proper quality labeling of foods and beverages and helping general consumers to make choices, the Minister of Agriculture, Forestry and Fisheries shall provide standards to be observed by Manufacturers, etc., concerning those of the following matters that are necessary, for each respective type to be provided by the Ministerial Ordinance, with respect to the quality labeling of foods and beverages among agricultural and forestry products (except those deemed to be characteristic in their method of production or distribution and whose value is expected to be enhanced thereby):

(1) Name, ingredients, storage method, place of origin and any other matters to be indicated

(2) Method of labeling and any other matter to be observed by Manufacturers, etc., when labeling the matters described in the preceding Item

2. Besides those provided in standards under the preceding Paragraph, the Minister of Agriculture, Forestry and Fisheries may, if deeming especially necessary to achieve proper quality labeling of foods and beverages, provide standards to be observed by Manufacturers, etc., for each respective type of food and beverage, concerning the matters described in the Items of the mentioned Paragraph, with respect to the labeling of the quality of foods and beverages provided in the mentioned Paragraph.

3. With respect to agricultural and forestry products other than foods and beverages (except those deemed to be characteristic in their method of production or distribution and whose value is expected to be enhanced thereby) for which it is deemed especially necessary for general consumers to discern the quality thereof when buying them and which are designated by the Government Ordinance as those for which proper quality labeling needs to be achieved in order to protect the economic interests of general consumers, the Minister of Agriculture, Forestry and Fisheries shall, promptly after such designation has been made, provide standards to be observed by Manufacturers, etc.

4. If the Minister of Agriculture, Forestry and Fisheries has provided the labeling standard concerning the quality pursuant to the preceding three Paragraphs, he shall proclaim it without delay.

5. If the Minister of agriculture, Forestry and Fisheries intends to provide the labeling standard concerning the quality pursuant to Paragraphs 1 to 3, the Minister shall hear the opinion of the Council in advance.

6. Article 7, Paragraph 2 and Article 13, Paragraphs 1, 4 and 5 shall apply mutatis mutandis to the cases mentioned in Paragraphs mentioned in Paragraphs 1 to 3, and the provisions of Paragraphs 2 to 5 of the mentioned Article shall apply mutatis mutandis to the labeling standard concerning quality provided pursuant to Paragraph 1 to 3. In this case, "bring the matter of amendment to the deliberation of the Council" appearing in Article 13, Paragraph 4 shall be read as "so amend".

(Direction Concerning Labeling, etc.)

Article 19-14 If any Manufacturer, etc., fails to indicate the matters described in

Paragraph 1, Item (1) of the preceding Article pursuant to Paragraph 1 or 2 of the mentioned Article (hereinafter referred to as "labeling matters") or fails to comply with the matters described in Paragraph 1, Item (2) of the preceding Article pursuant to Paragraph 1 or 2 of the mentioned Article (hereinafter referred to as "compliance matters"), the Minister of Agriculture, Forestry and Fisheries may direct the mentioned Manufacturer, etc., to indicate labeling matters or comply with compliance matters.

2. If any Manufacturer, etc., fails to comply with the labeling standards concerning quality pursuant to Paragraph 3 of the preceding Article, the Minister of Agriculture, Forestry and Fisheries may direct the mentioned Manufacturer, etc., to comply with such standards.

3. If anyone who was directed as provided in the preceding two Paragraphs does not take the measures contained in the direction without any justifiable reason, the Minister of Agriculture, Forestry and Fisheries may order the person to take such measures contained in the direction.

Article 19-15 With regard to any agricultural and forestry products for which the Japanese Agricultural Standard has been established concerning the standard mentioned in Article 2, Paragraph 3, Item 2 that are specified by the Government Ordinance as the ones for which it is especially necessary to achieve proper labeling of name because the name provided in such a Japanese Agricultural Standard is being used also for any other agricultural and forestry products produced by a method other than that provided by such a Japanese Agricultural Standard and if left as it is, this would likely cause grave hindrance to general consumers choice (hereinafter referred to as the "specified agricultural and forestry products"), any person shall not indicate the name provided by such Japanese Agricultural Standard or any confusing name therewith on any such specified agricultural and forestry product or the packaging, container or invoice therefor if the grading label under such Japanese Agricultural Standard has not been attached to such specified agricultural and forestry product or the packaging, container or invoice therefor.

2. Any person shall not indicate on any agricultural and forestry product other than the specified agricultural and forest products the name provided by the Japanese Agricultural Standard for any specified agricultural and forestry product concerned or any indication confusing therewith.

3. Any importer of any agricultural and forestry product shall not sell, consign for sale nor display for sale any agricultural and forestry product imported by the importer for which the grading label under the Japanese Agricultural Standard for the specified agricultural and forestry products has not been attached to itself or the packaging, container or invoice therefor and the indication of name under such Japanese Agricultural Standard or any indication confusing therewith has been attached (including such agricultural and forestry product if such label has been attached to the packaging, container or invoice therefor).

(Order Concerning the Removal of Labeling of Name, etc.)

Article 19-16 The Minister of Agriculture, Forestry and Fisheries may order any person who has violated the provisions of the preceding Article to remove or erase the indication of name provided by the Japanese Agricultural Standard for the specified agricultural and forestry products or any indication confusing therewith or prohibit the person from selling, consigning for sale or displaying for sale the specified agricultural and forestry product.

Chapter 6 Miscellaneous Clause

(Reports and On-Site Inspections)

Article 20 The Minister of Agriculture, Forestry and Fisheries may, to the extent necessary for the enforcement of this Law, request necessary reports concerning the business of certification from a RCB, or may have staff of Ministry step in an office, place of business or warehouse of a RCB to inspect the state of business related to certification, or books, documents and any other properties thereof.

2. The Minister of Agriculture, Forestry and Fisheries may, to the extent necessary for the enforcement of this Law, request necessary reports concerning grading (including labeling of grading; hereinafter the same in this Paragraph and in Paragraph 2 of the following Article), quality labeling or labeling of denomination concerning specified agricultural and forestry products from any Certified Manufacturer, etc., Certified Production Process Manager, Certified Distribution Process Manager, Certified Re-packer, or Certified Importer, any Manufacturer, etc., of agricultural and forestry products for which labeling standards concerning quality have been pursuant to Article 19-13, Paragraphs 1 to 3, or any producer, seller or importer of specified agricultural and forestry products, or may have staff enter the factory, field, shop, office, place of business, warehouse or any other place thereof to inspect the state of grading, quality labeling or labeling of denomination of specified agricultural and forestry products, or agricultural and forestry products, their raw materials, books, documents and any other properties.

3. Any staff who conducts the on-site inspection pursuant to the preceding two Paragraphs shall bear their identifications and show them to any interested person.

4. The authority to carry out the on-site inspection pursuant to Paragraph 1 or 2 may not be construed to be granted to make criminal investigation

(On-Site Inspection by the Center)

Article 20-2 The Minister of Agriculture, Forestry and Fisheries may, when deeming it necessary in cases described in Paragraph 1 of the preceding Article, make the Center step in an office, place of business or warehouse of a RCB and there inspect the state of business related to grading, or books, documents and any other properties.

2. The Minister of Agriculture, Forestry and Fisheries may, when deeming it necessary in cases described in Paragraph 2 of the preceding Article, make the Center step in a factory, field, shop, office, place of business, warehouse or any other place of those provided in the mentioned Paragraph to inspect the state of grading, quality labeling or labeling of denomination of specified agricultural and forestry products, or agricultural and forestry products, their raw materials, books, documents and any other properties.

3. The Minister of Agriculture, Forestry and Fisheries shall, when making the Center to conduct on-site inspection pursuant to the preceding two Paragraphs, give the date, place and any other necessary matters of the on-site inspection concerned to the Center and direct the Center to implement the same.

4. The Center shall, after conducting the on-site inspection provided in Paragraph 1 or 2 above in accordance with the direction in the preceding Paragraph, report the result to the Minister of Agriculture, Forestry and Fisheries as provided by the Ministerial Ordinance.

5. Paragraph 3 and 4 of the preceding Article shall apply mutatis mutandis to on-site inspection pursuant to Paragraph 1 or 2.

(Orders to the Center)

Article 20-3 The Minister of Agriculture, Forestry and Fisheries may, when deeming it necessary to ensure the appropriate implementation of on-site inspection business as provided in Paragraph 1 or 2 of the preceding Article, give the Center orders necessary for the mentioned business.

(Notifications to the Ministry of Agriculture, Forestry and Fisheries)

Article 21 In any of the following cases, any person may request that any appropriate

measures should be taken to the Minister of Agriculture, Forestry and Fisheries according to the procedures provided in the Ministerial Ordinance:

- (1) If such person considers that any agricultural and forestry product to which the grading label has been attached is not conforming to the Japanese Agricultural Standard; or
 - (2) If such person considers that the interest of general consumers is affected because the quality labeling of any agricultural and forestry product or the label of denomination of any specified agricultural and forestry product is not proper
2. If a notification as provided in the preceding Paragraph has been made, the Minister of Agriculture, Forestry and Fisheries shall make a necessary examination and, if deeming that the contents of such notification are true, take the measures provided in Article 19-2 (including cases applied mutatis mutandis in Article 19-6, Paragraph 3) and Articles 19-13 to Article 19-16, and any other appropriate measures.

(Application of the Food Sanitation Law, etc.)

Article 22 The provisions of this Law may not be construed as excluding the application of the Food Sanitation Law (Law No. 233 of 1947) or the Act Against Unjustifiable Premiums and Misleading Representations (Law No. 134 of 1962).

(Services Dealt with by Prefectures, etc.)

Article 23 Part of the services belonging to the authority of the Minister of Agriculture, Forestry and Fisheries provided in this Law may be made to be delegated to the governors of Prefectures as provided by the Government Ordinance

2. The authority of the Minister of Agriculture, Forestry and Fisheries provided in this Law may be delegated in part to the heads of local administrative branch offices as provided by the Ministerial Ordinance.

Chapter 7 Penal Clause

Article 24 Any person who falls under any one of the following Items shall be sentenced to imprisonment for a period not to exceed one year or a fine not to exceed one million yen.

- (1) Any person who has violated the provisions of Article 12;
- (2) Any person who has violated the provisions of Article 14, Paragraph 6 or 7;
- (3) Any person who has violated the provisions of Article 18;
- (4) Any person who has violated the provisions of Article 19;
- (5) Any Certified Overseas Manufacturer, Certified Overseas Production Process Manager or Certified Overseas Distribution Process Manager who has violated in Japan the provisions of Article 14, Paragraph 6 or 7 as applied mutatis mutandis in Article 19-6, Paragraph 1;
- (6) Any person who has violated the provisions of Article 19-11;
- (7) Any person who has violated the provisions of Article 19-12; or
- (8) Any person who has violated the provisions of Article 19-14, Paragraph 3.

Article 25 If there has been any violation of an order pursuant to Article 17-12, Paragraph 2, the representative, agent, employee or any other hired person of the RCB which has committed such violation shall be sentenced to imprisonment for a period not to exceed one year or a fine not to exceed one million yen.

Article 26 Any person who has leaked any secret which has come to his or her knowledge or used the same for his interest in violation of the provisions of Article 17-14 shall be sentenced to imprisonment for a period not to exceed one year or a fine not to exceed five hundred thousand yen.

Article 27 Any person who falls under any one of the following Items shall be sentenced to a fine not to exceed five hundred thousand yen:

- (1) Any person who has violated the provisions of Article 17-15, Paragraph 1;
- (2) Any person who has violated the order to remove or erase the grading label pursuant to Article 19-2;
- (3) Any person who has violated a disposition pursuant to Article 19-16; or
- (4) Any person who has not made a report under Article 20, Paragraph 2 or has made a false report, or has refused, impeded or challenged inspection pursuant to the mentioned Paragraph or Article 20-2, Paragraph 2.

Article 28 If there has been any violation described in the following Items, the representative, agent, employee or any other hired person of the RCB which has committed such violation shall be sentenced to a fine not to exceed five hundred thousand yen:

- (1) If the person has not made notification pursuant to Article 17-5, Paragraph 3, or has made false notification;
- (2) If the person has not made notification pursuant to Article 17-8, Paragraph 1, or has made false notification;
- (3) If the person has not made an entry into its books pursuant to Article 17-13 or has made a false entry, or does not keep custody of such book;
- (4) If the person has violated the provisions of Article 17-15, Paragraph 2; or
- (5) If the person has not made a report pursuant to Article 20, Paragraph 1 or has made a false report, or has refused, impeded or challenged inspection pursuant to the mentioned Paragraph or Article 20-2, Paragraph 1.

Article 29 If a representative or manager of any corporation (including any unincorporated association or foundation which has a rule for representative or manager; hereinafter the same in this Paragraph) or the agent, employee or any other hired person of any corporation or person has committed any act in violation of the following Items relating to the work of such corporation or person, such corporation shall be punished with the fines described in the following Items and such person shall be punished with the fine described in the respective Article, in addition to the penalty imposed on the person committing the act.

- (1) If the person has violated the provisions of Article 24 (limited to (8)), the corporation shall be sentenced to a fine not to exceed one hundred million yen; and
- (2) If the person has violated the provisions of Article 24 (except the part relating to Item (8)), Article 25 or the preceding two Articles, the corporation shall be sentenced to a fine under the respective Article.

2. If the preceding Paragraph are applied to any unincorporated association or foundation, the representative or manager thereof shall represent such unincorporated association or foundation in the act of procedure thereof, and further the provisions of the laws concerning criminal procedures in cases where a corporation is made the defendant or accused shall applied.

Article 30 Any director in the Center who has violated the order pursuant to Article 20, Paragraph 3 shall be disposed to non-penal fine not to exceed two hundred thousand yen.

Article 31 Any person who falls under any one of the following Items shall be sentenced to a penalty not to exceed two hundred thousand yen:

- (1) Any person who has failed to make notification pursuant to Article 17-4, Paragraph 2, or has made false notification; or

(2) Any person who, in violation of the provisions of Article 17-9, Paragraph 1, has failed to prepare Financial Statements, etc., has failed to enter matters that should be entered in Financial Statements, etc., has made false entries, or, without good reason, has refused a request under the provisions of the Items of Paragraph 2 of the mentioned Article.