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Food Labeling Regulations Under the JAS Act

Yoshihisa Godo

Professor, Meiji Gakuin University, Japan

Introduction

Japan's food labeling policy is at a crossroads. Since its enactment in 1950, the Act on Standardization and Proper Labeling of Agricultural and Forest Products, commonly known as the JAS Act, has been the most important law in Japan's food labeling policy. More recently, the Food Labeling Act (FLA) has supplanted significant elements of the JAS Act. This paper aims to outline the current food labeling regulations under the JAS Act and to explain the relationship between the JAS Act and the FLA.

Two systems of food labeling under the JAS Act

The purpose of the JAS Act is to assist consumer decision-making by ensuring that ingredients and origins of food products are appropriately disclosed. The Ministry of Agriculture, Forestry and Fisheries (MAFF) is responsible for enforcement of the JAS Act.

The JAS Act incorporates two systems of food labeling. The first is a voluntary labeling system for special logos known as "JAS Mark." A food product with JAS Mark indicia asserts that its quality meets a certain standard designated by the MAFF. The standard differs according to the type of food products. Indeed, the MAFF has nearly 60 types of food quality standards for JAS Mark. A producer wishing to incorporate JAS Mark indicia on a food product label must submit to investigation by a MAFF-designated authority.

The second labeling system under the JAS Act is mandatory. The JAS Act requires that each food product includes a label displaying essential information regarding its quality. As discussed below, the nature of information required differs between fresh food products and processed food products.

The JAS Mark labeling system will not change pursuant to the FLA. However, the JAS Act's mandatory labeling system will be replaced in its entirety by the new system stipulated by the FLA. The following two sections discuss the specifics of JAS Act's mandatory labeling system in its current state.

Mandatory labeling for fresh food products

Prior to 2000, the JAS Act required disclosing the origin on a label only for the few types of fresh food products whose quality differs widely according to the production area and is difficult to judge by their appearance (e.g., garlic, ginger root, broccoli, taro, and shiitake mushrooms). However, in the decade preceding 2000, food producers—including farmers—in the same regions have developed a growing tendency to create a brand name for their products. Observing this tendency, the MAFF revised the JAS Act in 1999 to require that all fresh food products on the market post their origin on the label. This new labeling rule came into effect in 2000.

The method of disclosing origin differs among the three dominant categories of fresh foods: crops, livestock products, and aquatic products. For domestically grown crops, either the name of prefecture or the name of place that is commonly known among consumers should be posted. For imported crops, the name of the country of origin should be posted.

Prior to discussing aquatic products, it is at the outset necessary to review the definition of country of origin according to the agreements of the World Customs Organization (WCO). According to WCO, fish and shellfish caught in the territorial waters of a particular country are recognized as products of that country. However, for fish and shellfish caught in international waters or exclusive economic zones (ECZs) of any country, the country of origin is recognized by the nationality of the ship. Thus, fish and shellfish caught in international waters and ECZs of any country by Japanese ships and those caught in Japan's territorial waters are recognized as domestic aquatic products. All other aquatic products are considered imported, and thus the country of origin should be displayed on the label.

For domestic aquatic products, if the water area of fishing can be specified, the name of that water area should be displayed on the label. If determining the area is burdensome, the place of loading (either the port of the prefecture) should be displayed. Moreover, products of fish farming in Japan are considered domestic aquatic products, and the name of the prefecture where the originating fish farm was located should be displayed.

Livestock animals are sometimes transferred among regions (and farmers). The place where the animal was located for the longest period of its lifespan is recognized as the origin. If that place is outside Japan, the meat is considered imported, and the name of the country of origin should be disclosed. As per JAS Act, the producer is only required to disclose the country of origin on the label even in domestic product, and thus, vendors are allowed to sell livestock products labeled as “domestic product” without specifying which part of Japan is its origin¹.

In addition to origin, the commodity name which is popularly used among consumers should be posted on the label². Moreover, if a fresh food product is sold as packaged goods, the weight or amount of the content and the name and the address of the packaging facility should be posted.

Mandatory labeling for processed food products

The JAS Act requires vendors to post the following six kinds of information in a label of every processed food product.

(1) Name of the processed food product

The name should be popularly used among consumers. If the brand or trade name of a processed food product includes the commodity name of the contents, the producer is allowed to omit the name from the label.

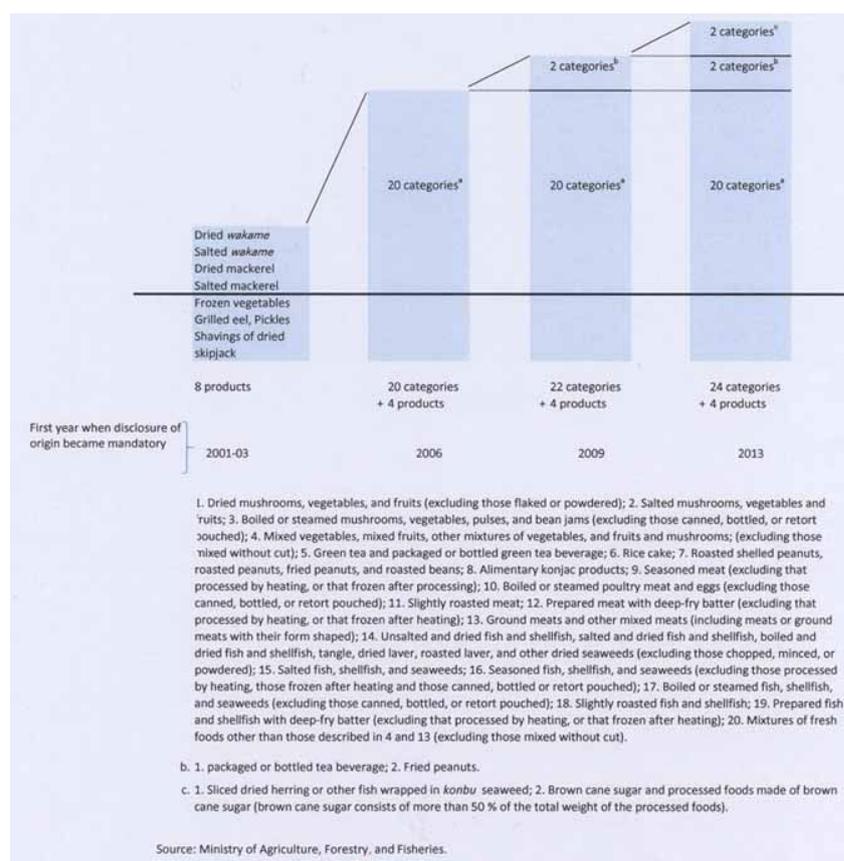
(2) List of ingredients

The names of food additives and those of ingredients other than food additives should be posted in separate lines on the label. The names of food additives must be listed in the order stipulated by the Food Sanitation Act (FSA) and the remaining ingredients should be listed according to weight, with the dominant ingredient appearing first.

(3) Origin of ingredients

As discussed above, disclosure of origin for fresh food products became mandatory in 2000. Consumers' consciousness of the processed food ingredients' origins has been progressively increasing. However, disclosure of this information can be burdensome for producers because producers may use various sources for generic ingredients with varying places of origin for different batches of product. In addition, the origin of ingredients may not always be important in judging the quality of processed food products. Thus, the MAFF designates only a limited number of processed food products for which the name of the place of origin of ingredients is mandated to be posted. The list of the MAFF's designations, which has been revised periodically, is shown in Fig. 1.

Fig. 1. Evolution of the list of processed foods for which labeling the place of origin is mandated by the JAS Act



In 2000, the MAFF required disclosure of origin for processed food products that fall into any of the following categories: (1) the difference in the quality of the processed food product is mainly attributable to the difference in origin, (2) the degree of processing is relatively low

and the ingredients retain their original form, (3) there have been prior instances of harm caused to consumers due to inappropriate labeling, (4) other than posting the name of origin, it is difficult to protect consumers from misinformation, and (5) ingredients originate from the same location for a considerably long period. Moreover, the sixth category serves as a catch-all, allowing the MAFF for opportunity for *ex post facto* evaluations of labeling accuracy.

Following this announcement, from 2001 to 2003, the MAFF designated eight commodities for disclosure. In 2006, using the Standard Commodity Classification for Japan (SCCJ), the MAFF revised the previously-designated list, and designated 20 groups of the SCCJ and 4 commodities for disclosure. Subsequently, the MAFF added 4 more groups of the SCCJ to the mandatory-disclosure list.

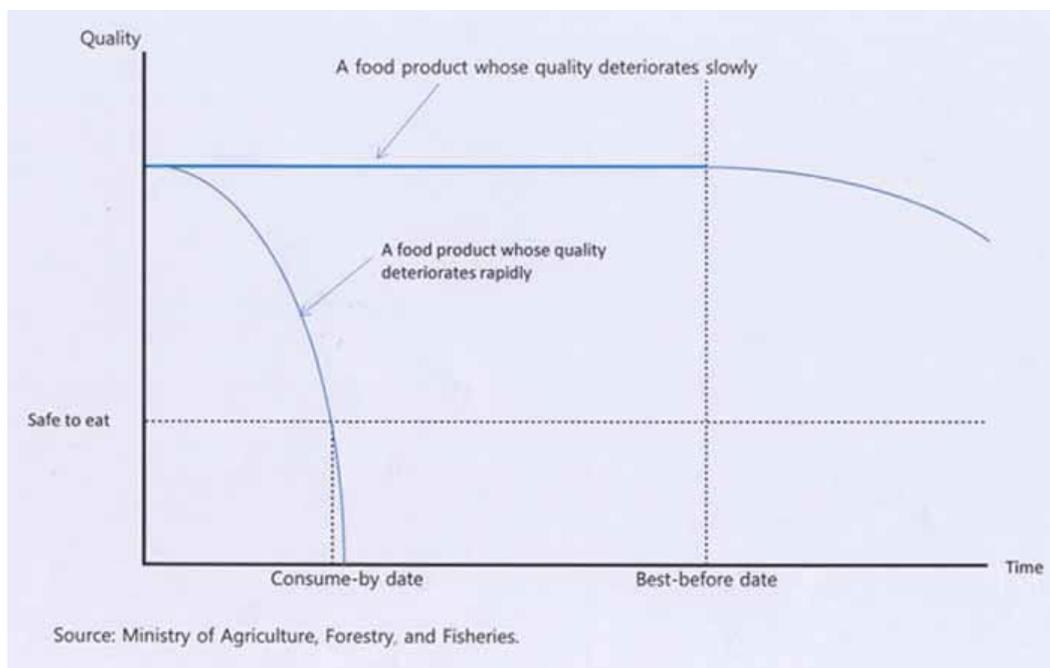
(4) Quantity

In principle, the quantity of food should be labeled in terms of weight or cubic volume. However, there are some exceptional cases. For example, if a processed food is not listed in the Measurement Act and its volume is easily recognized even without labeling, the vendor is allowed to forego disclosing the volume of content from the label.

(5) Best-before or consume-by date

The consume-by date is used for processed foods which degrade rapidly (in less than five days). The best-before date is used for foods that degrade slowly (more than five days). A graph evaluating the differences between the consume-by date and the best-before date is shown in Fig. 2³.

Fig. 2. Differences between the best-before and consume-by dates



Since 2003, the JAS Act and the FSA have maintained a matching definition of the consume-by or best-before date. Before 2003, regulations on the labeling of the consume-by or best-before date in the FSA differed from those of the JAS Act⁴. In order to ensure

consistency, the two laws were revised simultaneously in 2003, adopting the revised matching definition.

(6) Preservation method

If the packaged food product will not spoil at room temperature, the JAS Act allows the vendor to omit the preferred preservation method from the food label.

Relationship between the FLA and the JAS Act

As discussed above, there are some overlaps in regulations between the JAS Act and the FSA. To further complicate the matter, the definition of “processed food products” sometimes differs between the two laws. Furthermore, in addition to the JAS Act and the FSA, many laws such as the Health Promotion Act (HPA) and the Beef Traceability Act have mandatory food labeling regulations. As such, the Japanese food labeling system has been often criticized for its complexity. In response to this criticism, the government is now attempting to drastically revise food labeling regulations. As a key element of the revisions, the mandatory labeling regulations of the JAS Act, the FLA, and the HPA were integrated into a new system consolidated within the FLA. The FLA was adopted in June 2013 and will go into effect by the end of June 2015⁵.

Notes

1. Simultaneously, the JAS Act allows vendors to add more specifics regarding the origin, such as the name of prefecture, municipality, and place name commonly known among consumers.
2. The JAS Act has additional requirements concerning rice labeling. In addition to the commodity name and its origin, it is required that the variety of rice, the harvest year, and the date of milling are posted.
3. The consume-by or best-before date should be specified in the year-month-day format if the product degrades within three months. For processed food products which can be maintained fresh for more than three months, the best-before date can be expressed in either year-month-day or year-month formats.
4. Previously, instead of the consume-by or best-before date, the date of manufacture was required in food labeling under both the JAS Act and the FSA. This, however, ran contrary to CODEX STAN1-1985 (rev. 1-1991), the international standard for food labeling that requires disclosing the date of minimum durability. Thus, in the 1995 revisions to the JAS Act and the FSA, the labeling system was modified to incorporate the consume-by or best-before format. However, even with the 1995 revisions, the regulations concerning the methods of expressing the consume-by or best-before date varied between the JAS Act and the FSA.
5. The exact date of enforcement of the FLA has not been determined yet (as of January 28, 2015) and will soon be announced by the government.

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