

## **Special Measures Law Concerning the Prevention of Poisonous Substances from Contaminating Food in Distribution (Law No. 103 of 1987)**

### **Article 1 [Purpose]**

The purpose of this Law is to prevent harm to the lives or bodies of the people of the nation by establishing measures or the like to prevent the contaminating or the like of poisonous substances into distributed food, and thereby to contribute to the soundness and stability of people's lives.

### **Article 2 [Definition]**

- (1) In this Law, "distributed food" means food and drink sold to the public (except pharmaceuticals and quasi-drugs provided for in the Pharmaceutical Affairs Law (Law No. 145 of 1960)).
- (2) In this Law, "poisonous substances" means the following items.
  - (i) Items listed in Annexes 1 and 2 of the Poisonous and Deleterious Substances Control Law (Law No. 303 of 1950) (except pharmaceuticals and quasi-drugs provided for in the Pharmaceutical Affairs Law).
  - (ii) Pharmaceuticals designated by the Minister of Health and Welfare based on the provision in Article 44, paragraph 1 or 2 of the Pharmaceutical Affairs Law.
  - (iii) Pharmaceuticals other than those which are listed in item (ii) above, the poisonous or deleterious properties of which are similar to those listed in item (ii) above.

### **Article 3 [Government Measures, Etc.]**

- (1) The Government shall endeavor to take general measures necessary to prevent poisonous substances from being intentionally contaminated with, added or applied to distributed food, or to prevent food and drink to which poisonous substances have been contaminated with, added or applied to from being intentionally contaminated with distributed food (hereinafter referred to as "contaminating, etc. of poisonous substances into distributed food").
- (2) Local public bodies shall endeavor to take measures in conformity with the measures of the Government.
- (3) Persons conducting the manufacturing (including gathering and processing), import or sales of distributed food (hereinafter referred to as "manufacturers, etc.") shall endeavor to prevent the contaminating, etc. of poisonous substances into distributed food and cooperate with the measures taken by the Government or local public bodies.

#### **Article 4 [Notification to the Police, Etc.]**

If manufacturers, etc. discover the contaminating, etc. of poisonous substances into distributed food pertaining to their business, they shall notify the matter to the police or maritime safety station without delay.

#### **Article 5 [Cooperation with Investigative Organizations]**

Manufacturers, etc. shall cooperate as necessary with investigative organizations so as to facilitate criminal investigations pertaining to the contaminating, etc. of poisonous substances into distributed food pertaining to their business.

#### **Article 6 [Notification to Administrative Organizations Concerned]**

In the event that contaminating, etc. of poisonous substances into distributed food (or the contaminating, etc. of poisonous substances into distributed food is suspected) occurs or is suspected of occurring, the police or maritime safety station shall notify the matter to the administrative organizations concerned.

#### **Article 7 [Instructions or Advice, Etc. to Prevent Contaminating, Etc. of Poisonous Substances into Distributed Food]**

- (1) The competent minister can provide necessary instructions or advice pertaining to the measures to be taken to prevent the contaminating, etc. of poisonous substances into said distributed food to manufactures, etc. if deemed necessary.
- (2) The competent minister can instruct manufacturers, etc. to take necessary measures for said distributed food or drink if deemed especially necessary.
- (3) The administrative organizations concerned shall cooperate with the competent minister for implementing the provision of paragraph (2) above.
- (4) The competent minister mentioned in paragraph (3) above shall be the minister in charge of the distribution of the said distributed food.

#### **Article 8 [Measures to Maintain the Appropriate and Smooth Distribution of Distributed Food]**

In the event that the contaminating, etc. of poisonous substances into distributed food occurs or is suspected to have occurred, the Government or local public bodies shall endeavor to maintain the appropriate and smooth distribution of distributed food or take measures to provide manufacturers, etc. with necessary instructions, advice, funding arrangements, and so forth.

### **Article 9 [Penal Regulations]**

- (1) A person who falls under either item below shall be punished by imprisonment with servitude for not more than ten years or a fine not exceeding 300,000 yen.
  - (i) A person who contaminated, added or applied poisonous substances with or to distributed food
  - (ii) A person who contaminated food and drink to which poisonous substances had been contaminated with, added or applied to, with distributed food
- (2) A person who committed the crime of the preceding paragraph and thereby killed or injured another or others shall be punished by life imprisonment with servitude or imprisonment with servitude for one year or more.
- (3) Attempts to commit the crime of paragraph (1) shall be punished.
- (4) If an law corresponding to the crime of the preceding paragraph (3) is in contravention of the crime as provided for in the Penal Code (Law No. 45 of 1907), the offender shall be judged and punished in proportion to the crime of the Code.
- (5) If a person who committed the crime of paragraph (1) or (3) voluntarily surrenders, the punishment shall be commuted.

### **Article 10 [Penal Regulations]**

- (1) A person who did not make any notification pursuant to the provision of Article 4 or made a false notification shall be punished by a fine not exceeding 200,000 yen.
- (2) If a representative of a corporation or an agent, employee or another person engaged in the business of a corporation or person performed the criminal law of the preceding paragraph pertaining to the corporation's or person's business, the offender shall be punished and the punishment of the paragraph shall be applicable to the corporation or person.