

## 《明星代言问题食品将被追责》

最高人民法院发言人孙军工周六表示根据法律规定，明星代言不安全食品将被起诉。

Celebrities who advertise uncertified food products will not be exempt from judicial punishment, according to an official.

Sun Jungong, spokesman for the Supreme People's Court, said on Saturday that celebrities will be prosecuted in accordance with the law if they are found advertising unsafe food products.

The current criminal law does not have concrete regulations toward celebrities who advertise uncertified products.

Managers and releasers of deceptive ads could be sentenced to no more than two years in prison, according to the criminal law.

If the celebrities are also the managers and releasers of deceptive ads, they will be punished in line with the criminal law. If they are not the ads managers or releasers, they may face punishment under civil law or an administrative penalty, Sun said.

The spokesman's statement came after a judicial interpretation jointly released by the Supreme People's Court and the Supreme People's Procuratorate on Friday.

If the ads managers and releasers do not know that their advertised food products are uncertified, poisonous or harmful, they may escape conviction for the crime of endangering food safety, according to the judicial interpretation.

However, the ads managers and releasers should be charged with the crime of deceptive advertising if they knew that the advertised products were not the same as described, according to the judicial interpretation.

The Food Safety Law, enacted in June 2009, says that organizations or individuals who recommend food to customers through deceptive advertising should be held responsible.

Chen Tao, a lawyer and member of the Beijing Lawyers Association, said, "the judicial authorities should make more detailed regulations regarding the use of celebrities to advertise unsafe food products".

The current judicial interpretation did not make any special restrictions with respect to celebrities' endorsing food. They have always been free from punishment even though many products advertised by them have been exposed as uncertified in recent years, he said.

It is difficult for most celebrities to know whether the food products they advertise are safe or not even though they

might have eaten the food over a period of time, he said.

Fu Cun, a doctor from Xiyuan Hospital with the China Academy of Chinese Medical Sciences, said celebrities should not advertise food and drug products.

"I used to work in Africa, where many countries forbid celebrities from advertising medicine products since they may mislead the public who has no idea about medicine," he said.

In September 2008, actress Deng Jie was sued by Huang Zhengyu, a 74-year-old woman who identified herself as a victim of melamine-tainted Sanlu milk powder. In the prominent food safety scandal, 300,000 children fell sick after drinking Sanlu milk, which was advertised by Deng.

Deng was not present when the court heard the case in Southwest China's Chongqing municipality in June 2009. The court refused Huang's appeal for compensation of 10,000 yuan (\$1,624) from the actress because she could not raise enough evidence to prove the connection between her sickness and the milk powder, the Chongqing Evening News reported.

The number of lawsuits over food safety cases has grown rapidly in the past three years, with 1,533 criminal cases related to the production and sale of uncertified food tried nationwide and 2,088 people sentenced from 2010 to 2012, according to the Supreme People's Court.

