Content

Title：	The Tobacco and Alcohol Administration Act Ch
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Legislative：	1.Full text of 62 articles enacted and promulgated on April 19, 2000. 2.Full text of 63 articles amended and promulgated on January 7, 2004. 3.Article 12, 19, 25, and 63 amended and promulgated on June 10, 2009. 4.Article 46 amended on July 26. 2012.

Content：

CHAPTER I: General Provisions

Article 1

This Act is enacted to promote the sound administration of the tobacco and alcohol business and products. Other acts shall apply to matters not provided for in this Act.

Article 2

The competent authority under this Act shall be the Ministry of Finance at the central government level; the municipal government at the municipal level; and the county (city) government at the county (city) level.

Article 3

"Tobacco" referred to in this Act shall mean the products entirely or partially made of tobacco plants or other substitutes as ingredients of, in a form suitable for smoking, chewing, sucking, snuffing or any other method.

"Tobacco plants" referred to in the preceding paragraph shall mean nicotine-containing tobacco leaves, tobacco stubs, tobacco seedlings, tobacco seeds, tobacco stems, tobacco scraps, etc. or their products, which are not ready for smoking, chewing, sucking, snuffing or other applications.

Article 4

"Alcohol" referred to in this Act shall mean the beverages having an alcohol content by vome of more than 0.5 percent, undenatured ethyl alcohol and other ethyl products that can be used for the production or preparation of the above-mentioned beverages. "Alcohol " which is regarded as medicine in accordance with the acts or regulations of

the central health authority shall be exempt from administration as Alcohol under this Act.

The term "alcohol content" referred to in this Act shall mean the percentage of ethyl alcohol contained in the entire vome (of a specific beverage) at a temperature of 20 degrees as measured with a Celsius thermometer.

The term "undenatured ethyl alcohol" referred to in Paragraph One of this article shall mean the ethyl alcohol having an alcohol content by vome in excess of 90%, without adding therein any denaturant.

The undenatured ethyl alcohol as referred to in Paragraph One of this Article may be imported only for industrial, pharmaceutical, military, processing applications, or for repackaging before sale. The regulation governing the matters pertaining to production, importation, and sale of undenatured ethyl alcohol, and the addition of denaturants shall be prescribed by the central competent authority.

Article 5

"Tobacco/alcohol business" referred to in this Act shall mean any of the following three businesses:

1. tobacco/ alcohol producers: business operators engaging in the manufacturing of tobacco and/or alcohol products, or

2. tobacco/alcohol importers: business operators engaging in the importation of tobacco and/or alcohol products, or

3 .tobacco/alcohol sellers: business operators engaging in the wholesale or retail of tobacco and/or alcohol products.

"Production and manufacture" under this Act incdes manufacturing, re-packaging and the relevant activities.

Article 6

"Illegal tobacco and illegal alcohol" referred to in this Act shall mean tobacco and alcohol products which are manufactured or imported without permission.

Article 7

"Disqualified tobacco and disqualified alcohol" referred to in this Act shall mean the tobacco and alcohol products under any of the following contains:

1.tobacco whose content of nicotine or tar exceeds the limits set by Tobacco Hazards Prevention Act; or is apparently moldy, damp, or otherwise deteriorated; or

2. alcohol which does not meet the national health standards and the relevant regulations.

Article 8

"Responsible person" referred to in this Act shall mean the person who shall assume the responsibility as required by the Company Law, the Business Registration Act, or other acts or the relevant organizational charters.

CHAPTER II: Administration of Tobacco and Alcohol Business

Article 9

Tobacco and/or undenatured ethyl alcohol producers shall be organized in the form of a company limited by shares only.

For a producer of alcohol products other than undenatured ethyl alcohol which is organized in the form other than a company limited by shares, except that it is a farmers' association or an agricultural cooperative association having received a factory registration certificate, the annual output of such alcohol producer shall not exceed the specific annual amount established by the central competent authority.

Article 10

Where an existing company, partnership or wholly-owned enterprise, and/or any agricultural organization duly established under the act files an application for incorporating a tobacco/alcohol producer, it shall submit the following documents along with the application with the central competent authority for its approval, and may start the production/manufacture and business operations of the tobacco/alcohol producer only after having been permitted and obtained a permit license. In the case that the tobacco/alcohol producer to be incorporated is organized in the form of a company, partnership or a wholly-owned enterprise, it shall, after having obtained the permit license, follow the procedure for registration of alteration to company business by submitting the following documents:

1. a written application for permission of incorporation of a tobacco/alcohol producer;

2. the company registration or business registration certificate, or the certificate issued by other competent authorities approving the proposed incorporation;

3. the factory registration certificate;

4. the production and business operation plan; and

5. other supporting documents as required by the central competent authority.

Where a company, partnership, or a wholly-owned enterprise being prepared for incorporation applies for incorporation of a tobacco/alcohol producer, it shall first submit the documents as required in Items 1, 4 and 5 of the preceding paragraph with an application for incorporation preparation permit to the central competent authority, and shall subsequently, after having obtained the company or business registration certificate and the factory registration certificate, submit all the foregoing documents with an application to the central competent authority for its approval and issuance of a tobacco/alcohol producer permit license.

Where the applicant is an entity organized in a form other than a company, the factory registration certificate as required in Item 3, Paragraph One and the preceding paragraph of this article may be substituted for the following documents:

1. the certificate issued by the competent environmental protection authority justifying the conformity of the applicant's factory incorporation plan to the relevant requirements set out in environmental protection related acts and regulations; however, if the applicant is not an entity subject to control under the environmental protection related acts and regulations, a certificate confirming its exemption from such control shall be submitted instead;

2. the certificate issued by the competent health authority justifying the conformity of the applicant's factory incorporation plan to good sanitation standards as specified in Paragraph One, Article 28 of this Act;

3 the transcript of the land and building registration records in connection with the site whereat the proposed tobacco/alcohol production/manufacture will be located, or other document(s) which is(are) sufficient to certify the source of the applicant's title to such land and buildings; however, if such land and buildings are not owned by the applicant, a photocopy of the relevant lease agreements or the owners' consents to the use of such land and buildings shall be submitted along with the application.

Time tables for liberalizing the production of tobacco/alcohol products shall be determined by the central competent authority separately in respect of different categories of tobacco/alcohol products.

Article 11

Any farmer or aborigine who produces agricultural raw materials suitable for use in wine brewing within the agricultural area covered by an urban development plan, or on the farm/pasture land other than an urban land may apply for incorporation as an alcohol

producer at the same piece of land provided that the alcohol production site shall meet the applicable environmental protection, sanitation, and land use control requirements, and shall be limited to one site only; and that its annual output shall not exceed the restrictive annual amount established by the central competent authority, nor may it be engaged in business activities thereat in connection with producing/manufacturing and/or repackaging alcohol products by or for other persons under contracts of commission.

The application for incorporation of an alcohol producer as set forth in the preceding paragraph shall be filed, through the competent authority of the local municipal or county (city) government, with the central competent authority, and the applicant may commence the production/manufacture and business operations only after having been approved by the central competent authority and obtained the permit license. Regulations governing the matters pertaining to the documents and the qualification requirements required for filing the application, the production/manufacture and sale of such alcohol products shall be prescribed by the central competent authority.

Article 12

Under any of the following circumstances, the application for incorporation of a tobacco/alcohol producer shall be disapproved by the central competent authority:

1. Where the applicant or the responsible person is a minor, a person who is adjudicated a ward or under assistance, or a bankrupt;

2. Where the applicant or the responsible person has violated the provisions set out in Article 46, Article 47, Article 48 or Article 49 and the case is not executed;

3. Where the applicant or the responsible person has been adjudicated guilty by a final judgment or the case is executed for his/her commitment of the offence defined in Article 46, Article 47, Article 48 or Article 49 hereof; or he/she has been adjudicated guilty by a final judgment in violation of the Taxation Act, and the execution of any of the said judgment has not been completed; or the duration of time elapsed after the completion of the execution of such judgment is less than two years, or after expiration of the duration of suspension of punishment is less than two years, or after remittance of the punishment is less than two years;

4. Where the duration elapsed after the tobacco/alcohol producer incorporation permit issued to the applicant has been revoked or invalidated by the central competent authority is less than three years;

5. Where the applicant or the responsible person had acted as the responsible person of a tobacco/alcohol producer, and the duration elapsed after the incorporation permit of the tobacco/alcohol producer was revoked or invalidated by the central competent authority is less than three years;

6. Where the contents provided in the production and business operation plan are

insufficient to realize the objective of such business plan; or

7. Where the documents submitted along with the application for incorporation are incomplete or the contents contained therein are insufficient, and such deficiencies have not been supplemented or corrected after expiry of a deadline date given by a notice or the supplement made is still insufficient.

Article 13

The following matters shall be specified on the tobacco/alcohol manufacturing permit license:

1. name of producer;

2. types of products;

3. total capital;

4. head office and factory locations;

5. name of the responsible person; and

6. any other matters required to be specified by the central competent authority.

Article 14

To establish additional factory, a tobacco/alcohol producer shall specify in writing the location of the factory and apply to the central competent authority for permission; and such factory may not operate prior to receipt of an establishment permit.

Article 15

Where a tobacco/alcohol producer intends to make any change/alteration to the type of product, location of the factory or its responsible person, it shall apply to the central competent authority for an approval, and shall, within fifteen days from the date of such change/alteration, apply to the central authority for issuance of a new permit license.

Where a tobacco/alcohol producer has made any change/alteration to the name of its enterprise, the total amount of its capital stock, the location of its head office, or to any particulars as set forth in Item 6, Article 13 hereof, it shall, within fifteen days from the date of such change/alternation, file a report with the central competent authority of such change/alteration for its recordation and at the same time apply for issuance of a new permit license accordingly.

Article 16

Where a tobacco/alcohol producer dissolves or terminates its tobacco/alcohol operation; the tobacco/alcohol producer shall surrender the permit license to the central competent authority for invalidation thereof within fifteen days from the date of its dissotion or business termination. For a tobacco/alcohol producer who fails to surrender the permit license upon expiry of the foregoing time limit, the central competent authority may make a public announcement to revoke the permit license.

Article 17

For the tobacco/alcohol producer whose permit license was revoked or invalidated, the central competent authority shall notify such producer to surrender the permit license within a given time limit. If the permit license is not surrendered within the given time limit, the central competent authority shall make a public announcement to revoke the permit license.

Article 18

Where an existing company, partnership, or a wholly-owned enterprise applies for incorporation as a tobacco/alcohol importer, an application accompanied by the following documents shall be filed with the central competent authority for its permission. The tobacco/alcohol importer may commence its business operation only after having been approved and issued with a permit license, and shall subsequently complete the procedure for alteration to registration of its company/business by supplying the following documents:

1. an application for permission for incorporation as an importer of tobacco/alcohol;

2. the company or business registration certificate; and

3. other documents as required by the central competent authority.

Where a company, partnership, or a wholly-owned enterprise being prepared for incorporation applies for incorporation as an a tobacco/alcohol importer, it shall first submit the documents as required in Items 1 and 3 of the preceding paragraph along with an application for a permit for preparation for incorporation to be filed with the central competent authority, and shall subsequently, after having obtained the company or business registration certificate, submit all the foregoing documents along with an application to the central competent authority for its approval and issuance of a tobacco/alcohol importer permit license.

Article 19

Under any of the following circumstances, an application filed for incorporation of a tobacco/alcohol importer shall be disapproved by the central competent authority:

1. Where the applicant or the responsible person is a minor, a person who is adjudicated a ward or under assistance, or a bankrupt;

2. where the applicant or the responsible person has violated the provisions set out in Article 46, Article 47, Article 48 or Article 49 hereof and the case is not executed;

3. where the applicant or the responsible person has been adjudicated guilty by a final judgment or whose case is in proceedings in regard to his/her commitment of the offence defined in Article 46, Article 47, Article 48 or Article 49 hereof; or he/she has been adjudicated guilty by a final judgment in violation of the Taxation Act, and the execution of any of the said judgment has not been completed; or the duration of time elapsed after the completion of the execution of such judgment is less than two years, or after expiration of the duration of suspension of punishment is less than two years, or after remittance of the punishment is less than two years;

4. Where the duration of time elapsed after the incorporation permit of the tobacco/alcohol importer issued to the applicant has been revoked or invalidated by the central competent authority is less than three years;

5. Where the applicant or the responsible person had acted as the responsible person of a tobacco/alcohol importer, and the duration of time elapsed after the incorporation permit of the tobacco/alcohol importer was revoked or invalidated by the central competent authority is less than three years;

6. Where the documents submitted with the application for incorporation are incomplete or the contents contained therein are insufficient, and such deficiencies have not been supplemented or corrected after expiry of a deadline date given by a notice or the supplement made is still insufficient.

Article 20

The permit license for tobacco/alcohol importer shall specify the following matters:

1. name of business;

2. types of products;

3. location of the head office;

4. name of the responsible person; and

5. any other matters required to be specified by the central competent authority.

Article 21

Where a tobacco/alcohol importer intends to make any change or alteration to its scope of business or the name of its responsible person, the importer shall apply to the central competent authority for approval; and shall, within fifteen days from the date of such change or alteration, apply to the central competent authority for a new permit license.

Where a tobacco and/or alcohol importer intends to make any change or alternation to the name of the importer, the location of its head office, or to any of the particulars as set forth in Item 5 of the preceding article required by the central competent authority, an application for recordation of such changes/alterations and for issuance of a new permit license shall be filed with the central competent authority within fifteen days from the date of such change or alteration.

Article 22

Where a tobacco/alcohol importer dissolves or terminates its tobacco/ alcohol business, the tobacco/alcohol importer shall surrender the permit license to the central competent authority for invalidation thereof within fifteen days from the date of such dissotion or business termination. For an importer who fails to surrender the permit license upon expiry of the foregoing time limit, the central competent authority may make a public announcement to revoke the permit license.

Article 23

For the tobacco/alcohol importer whose permit license was revoked or invalidated, the central competent authority shall notify such importer to surrender the permit license within a given time limit. If the permit license is not surrendered within the given time limit, the central competent authority shall make a public announcement to revoke the permit license.

Article 24

The central competent authority may entrust to the competent authority of the municipal or county (city) government the administration of matters relating to the establishment, changes of the registered information, or dissotion of the tobacco/alcohol importer, or other matters relating to such approval.

Article 25

No person under any of the following circumstances shall be qualified as a tobacco/alcohol seller:

1. Where the applicant or the responsible person is a minor, a person who is adjudicated a ward or under assistance, or a bankrupt;;

2. Where the applicant or the responsible person has been adjudicated guilty by a final judgment or whose case is in proceedings in regard to his/her commitment of the offence defined in Article 46, Article 47, Article 48or Article 49 hereof; or he/she has been adjudicated guilty by a final judgment in violation of the Taxation Act, and the execution of any of the said judgment has not been completed; or the duration of time elapsed after the completion of the execution of such judgment is less than two years, or after expiration of the duration of suspension of punishment, or after remittance of the punishment is less than two years.

CHAPTER Ⅲ: Administration of the Sanitation of Tobacco and Alcohol Products

Article 26

The maximum level of nicotine and tar in tobacco shall not exceed the limits set by Tobacco Hazards Prevention Act.

Article 27

Hygiene of alcohol products shall comply with the hygiene standards and the relevant regulations prescribed jointly by the central competent authority and the central health authority.

The hygiene condition of alcohol products containers shall conform to the relevant hygiene standards as prescribed jointly by the central competent authority and the central competent health authority.

Article 28

The work places, facilities and quality assurance system to be used by any tobacco/alcohol in performing the manufacturing, processing, preparing, packaging, transporting, storing, and/or blending operations shall meet the sanitation standards as prescribed jointly by the competent central authority and the central health authority.

The buildings and equipment to be used by a tobacco/alcohol production/manufacture factory shall meet the factory establishment standards as prescribed jointly by the central competent authority, the central health authority and the industrial authority.

CHAPTER Ⅳ: Production, Importation and of Tobacco and Alcohol Products

Article 29

Manufacturers other than a tobacco/alcohol producer shall not accept any contract to produce tobacco/alcohol products for any other persons.

A tobacco/alcohol producer shall, when accepting a commission from another business operator to produce tobacco/alcohol products for it, comply with the qualifications as set by the central competent authority.

The tobacco/alcohol producer to comply with the preceding paragraph shall apply to the central competent authority for approval and may proceed to produce only after obtaining the approval.

Article 30

Any tobacco/alcohol producer which repackages tobacco/alcohol products for sale shall not change the original brand of such tobacco/alcohol products, and shall obtain a written authorization from the original producer of such tobacco/alcohol products for such repackaging operation.

For the tobacco/alcohol products to be imported for repackaging and sale, the certificates of origin issued by the government of the country wherein such products are produced or the appropriate chamber of commerce authorized by such foreign government shall be presented along with the products at the time of importation thereof.

A timetable for revising the tobacco/alcohol products repackaging operation and sale by tobacco/alcohol producers shall be determined by the central competent authority separately in respect of different classes/categories of tobacco/alcohol products.

Article 31

Methods of sale by which a buyer's age can not be identified, such as by vending machine, postal sale or electronic sale, etc. cannot be used in the distribution and sale of alcohol products.

Tobacco/alcohol products whose expiration date or storage life has expired shall not be put to sale.

The distribution and sale of tobacco shall comply with Tobacco Hazards Prevention Act.

CHAPTER V: Administration of Labeling and Advertising and Promotion of Tobacco and Alcohol Products

Article 32

For distribution and sale of packaged tobacco products, producers or importers shall specify the following particulars on the label affixed directly on the tobacco containers:

1. brand name;

2. name and address of producer: for imported tobacco products, importers' names and addresses shall also be incded; for tobacco products produced by a contractor under Paragraph Three, Article 29 hereof, the name and address of the commissioning party shall also be incded; for tobacco products repackaged for sale in accordance with the provisions set out in Paragraph One, Article 30 hereof, the name and address of the repackaging producer shall also be incded;

3. weight or quantity;

4. major raw materials;

5. content of nicotine and tar;

6. health warning;

7. expiration date or date of production, and where the date of production is labeled, the storage life of the products shall also be indicated; and

8. other labeling required to be incded by the central competent authority.

The labels affixed on the containers and external packages of tobacco products shall not contain any false or misleading statements.

With regard to the nicotine and tar contents and the health warnings which must be labeled under items 5 and 6 of Paragraph One of this Article, the relevant labeling rules and penal clauses as provided for in Tobacco Hazards Prevention Act shall govern.

The labeling requirements as set out in Item 8, Paragraph One of this Article shall come into force after elapse of eighteen months from the date such requirements are published in a public notice given by the central competent authority.

Article 33

For distribution and sale of packaged alcohol products, producers or importers shall specify the following on the label affixed directly on alcohol containers:

1. brand name;

2. product type;

3. alcohol content;

4. origin of product;

5. name and address of producer; for imports, importers' names and addresses shall also be stated; the name and address of the commissioned party as prescribed in Paragraph Three, Article 29 of this Act shall also be stated; the name and address of the repackaging producer as prescribed in Paragraph One, Article 30 of this Act shall also be stated;

6. vome;

7. for alcohol products having an alcohol content of 7% or less, the expiration date or bottling date, and the period of storage after production shall also be incded if the bottling date is indicated on the label;

8. "Excessive drinking endangers health." or other health warnings;

9. other labeling required to be incded by the central competent authority.

Producers and importers may label the year, age, or geographical indication of the wine and spirits.

In case the space on the surface of an alcohol container is too small to accommodate a label to be affixed thereon according to Paragraph One, a labeling tag may be used for the purpose of labeling.

No false or misleading statements may be made in labeling on the container or external packaging and or brochure introduction of alcohol products. The geographical indication of the alcohol product shall not be used in translation or accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like, to convey erroneous impression or inference as to the origin of the alcohol product, even where the true origin of the product is indicated.

The regulations governing labeling shall be prescribed by the central competent authority. The labeling requirement as referred to in Item 9, Paragraph One of this Article will be made effective eighteen months after announcement by the central competent authority.

Article 34

The Chinese language shall prevail, other languages will be as secondary on labels of tobacco and alcohol; with the exception of products intended for export.

When tobacco and alcohol for export is changed for domestic sale, or imported tobacco and alcohol is sold, Chinese labels shall be added.

The following particulars to be labeled on tobacco/alcohol products may not be made in Chinese characters:

1. the brand name and the name and address of the foreign producer of imported tobacco/alcohol products; and

2. the name and address of the foreign commissioning enterprise which are required under Item 2, Paragraph One, Article 32 or Item 5, Paragraph One of the preceding Article of this Act.

Article 35

Products which are not tobacco or alcohol referred to in this Act, shall not be labeled or advertised as tobacco or alcohol, or in a manner which may mislead people into identify such products as tobacco or alcohol.

Article 36

The advertising and promotion of tobacco shall comply with the relevant provisions of Tobacco Hazards Prevention Act.

Article 37

Advertising and promotion of alcohol shall be labeled with a conspicuous warning "Excessive Drinking Endangers Health" or other warning, and shall not involve any of the following:

1. violate public order and good morals;

2. encourage or advocate consumption of alcohol;

3. harm adolescents, promote the consumption of a pregnant woman by mental and

physical well being;

4. contain deceptive, exaggerated, distorted facts or contents be easily misinterpreted; or

5. others announced to be prohibited by the central competent authority.

CHAPTER VI: Inspection and Seizure

Article 38

The competent authority shall send officials to inspect the tobacco/alcohol business in respect of the matters governed by this Act. The inspector(s) may, as it is deemed necessary, require the business operators to provide accounting books and records, evidentiary documents, and other necessary information; and may take samples, to which the examinees shall not refuse, evade, or impeded; provided, however, that the quantity of samples to be taken shall be limited to what the inspection requires.

Upon presentation of the accounting books and records, evidentiary documents, and other necessary documents by the tobacco/alcohol business undergoing inspection in accordance with the provisions set out in the preceding Paragraph, the competent authority conducting such inspection shall issue a receipt to the provider, and shall return such documentation to the provider within seven (7) days from the date such documentation is fully provided except that the business is suspected to violate the provisions set out in this Act; subject to an extension of seven (7) days thereof under extraordinary situation.

Article 39

The competent health authority may conduct a spot-check of the business operations, sanitary measures, and relevant records of any tobacco or alcohol product producer, and may take samples and seize relevant records in question when necessary, which actions the producer shall not refuse, evade or impede, provided, however, that the quantity of samples to be taken shall be limited to what the inspection may require.

If necessary, the inspection required in the preceding paragraph may be conducted jointly by the competent health authority and the other competent authorities.

Import of foreign alcohol products may be permitted only after such imported alcohol products have been inspected by the central competent authority for their conformity to the standard hygienic requirements.

The inspection set forth in the preceding paragraph may be conducted by means of lot-to-lot inspection, lot-sampling inspection, or release after documentary examination.

For imported alcohol products, with the exception for undenatured ethyl alcohol, in any of the following conditions, inspection may be conducted on the basis of release-after-documentary examination:

1. alcohol products that have been previously inspected and found to be conformity with the standard hygiene requirement; or

2. alcohol products other than those sampled for inspection; or

3. alcohol products accompanied by test reports, inspection certificates or relevant examination and verification certificates issued for that particular lot of alcohol products by the authority (institution) of nations having reciprocal recognition relations with the Republic of China.

The central competent authority may authorize another agency (institution) to execute the inspection of alcohol products set forth in Paragraph Three of this Article. Regulations governing such authorization and the inspection shall be prescribed jointly by the central competent authority and the competent health authority.

Article 40

The inspection officials referred to in the preceding two articles shall present identification documents when conducting inspection.

Article 41

The competent authority may seal up for storage or seize the illegal tobacco/ alcohol, disqualified tobacco/alcohol, which is suspected to be in violation of this Act and take samples for examination. If the product may continuously ferment or injure the environment, the competent authority may take necessary procedures in handing.

The examination referred to in the preceding paragraph may be entrusted by the competent authority to the competent health authorities or other appropriate authorities or organizations.

Article 42

If the competent authority or the competent health authority discovers that the tobacco/alcohol products produced/manufactured or imported by a tobacco/alcohol producer or importer may cause serious injury to human health, the competent authority shall publicly announce a prohibition of the production/manufacture, importation, sale of, or otherwise dispose of such products.

The competent authority shall publicly announce a prohibition of the consumption of tobacco and alcohol referred to in the preceding paragraph, and order its producer or importer to recall and destroy the product within a specified time period. The tobacco and/or alcohol wholesaler and retailer shall comply with such recall and destruction order. Such recall and destruction may be enforced by the competent authority on behalf of the producer or the importer thereof; with any costs being entailed thereby such producer or importer. The injured victims may seek for compensation.

Article 43

The competent authority and health authority, when conducting inspection or launching a crackdown in accordance with this Act, may request the assistance by the police or other police agencies.

Article 44

Where an informant reports or assists to uncover tobacco and/or alcohol products or tobacco and/or alcohol business violating this Act, the name of the informant shall be kept in strictly confidential and the informant may be rewarded.

The provisions governing the reward referred to in the preceding paragraph shall be prescribed by the central competent authority.

Article 45

Tobacco, alcohol and raw materials and equipment for their production, which are confiscated under this Act or other acts may be destroyed or disposed of in other manners.

CHAPTER Ⅶ: Penal Provisions

Article 46

Any person who produces illegal tobacco/alcohol products shall be punished by a penalty of between NT$50,000 and NT$1,000,000; however, the producer will be punished by a penalty equal to one to five times the market vae in the case that the market vae of the offending product(s) is/are above NT$1,000,000 at the time when it/they were uncovered, and the maximum penalty shall be NT$10,000,000.

Any person who imports illegal tobacco/alcohol products shall be punished by imprisonment for a period of up to 3 years, and, in addition thereto, a fine of between

NT$200,000 and NT$10,000,000 may be imposed.

Where the quantity of illegal tobacco/alcohol products produced or imported does not exceed a specific limit of quantity and such products are produced or imported for personal use, or where such tobacco/alcohol products are carried by inward passengers, the pumishments imposed in the preceding two paragraphs of this article shall not apply.

Where inward passengers who carry tobacco/alcohol products more than the duty-free quantities fail to declare such to the Customs, the exceeding quantities shall be confiscated by the Customs, and such passengers shall be punished by a penalty of between NT$500 and NT$5,000 by the Customs separately, per ream of cigarettes, per pound of cut tobacco, per twenty-five cigars or per liter of alcohol, and in such case the penalties imposed under the Customs Anti-smuggling Act shall not apply.

The central competent authority shall announce the specific amount set in the preceding paragraph three of this article.

The implementation date of the provisions of this article revised on 26th July 2012 shall be decided by the Executive Yuan.

Article 47

Any person who sells, transports, transfers, or displays with the intention of selling illegal tobacco/ alcohol products shall be punished by a penalty of between NT$ 50,000 and NT$500,000; however, the violator will be punished by a penalty equal to one to five times the market vae in the case that the market vae of the offending product (s) is/are above NT$500,000 at the time when it/they were uncovered.

Article 48

Any person who produces or imports disqualified tobacco/alcohol products shall be punished by a penalty of between NT$ 300,000 and NT$3,000,000; however, the producer or importer will be punished by a penalty equal to one to five times the market vae in the case that the market vae of the offending product(s) is/are above NT$3,000,000 at the time when it/they were uncovered.

If the produced or imported disqualified tobacco/alcohol products, prescribed in the preceding paragraph, contain the material which may seriously injure people's health, any person who produces or imports disqualified tobacco/alcohol products shall be punished by imprisonment for a period up to 3 years, or by detention, in lieu thereof or in addition thereto, a fine of between NT$ 300,000 and NT$ 3,000,000 may be imposed.

Article 49

Any person who sells, transports, transfers, or displays with the intention of selling illegal or disqualified tobacco or alcohol products shall be punished by a penalty of between NT$ 200,000 and NT$2,000,000; however, the producer or importer will be punished by a penalty equal to one to five times the market vae in the case that the market vae of the offending product(s) is/are above NT$2,000,000 at the time when it/they were uncovered.

If the illegal or disqualified tobacco or alcohol products, prescribed in the preceding paragraph, contain the material which may seriously injure people's health, any person who sells, transports, transfers, or displays with the intention of selling illegal or disqualified tobacco or alcohol products shall be punished by imprisonment for a period up to 2 years, or by detention, in lieu thereof or in addition thereto, a fine of between NT$ 200,000 and NT$ 2,000,000 may be imposed.

Article 50

Where the representative of a juridical person, or agent, employee or other workers of a juridical person or natural person, commits any one or more of the crimes as set forth in Paragraph 4, Article 46 and the two preceding articles of this Act during discharge of their responsibility, such person(s) as described above shall be punished by the penal provision of each Article; and whether by penal provision /or by fine to the amount set forth in each Article.

Article 51

Where the responsible person of a permitted tobacco/alcohol producer is discovered under any of the following circumstances, the central competent authority may order the producer to change its responsible person within a given time limit; and may further revoke or invalidate its incorporation permit:

1. under any of the circumstances prescribed in Items 1 through 5, Article 12 of this Act; or

2. having been adjudicated guilty by a final judgment or the case is executed for his/her commitment of the offence set forth in Article 46, Article47, Article 48 or Article 49 of this Act.

Article 52

Where the responsible person of a permitted tobacco/alcohol importer acts or is discovered acting under any of the following circumstances, the central competent

authority may order the importer to change its responsible person within a given time limit, and may further revoke or invalidate its incorporation permit:

1. under any of the circumstances prescribed in Items 1 through 5 of Article 19; or

2. having been adjudicated guilty by a final judgment or where the case is in the process of execution for his/her commitment of the offence set forth in Article 46, Article47, Article 48 or Article 49 of this Act.

Article 53

Where the responsible person of a registered alcohol products seller is discovered acting under any of the following circumstances, the competent authority may order the seller to change its responsible person within a given time limit, and may further revoke or invalidate its incorporation permit:

1. under any of the circumstances set forth in any of the Items of Article 25 of this Act; or

2. having been adjudicated guilty by a final judgment or where the case is in the process of execution for his/her commitment of any of the offences set forth in Article 46, Article 47, Article 48 or Article 49 of this Act.

Where the responsible person violates the provisions set out in Item 1 of the preceding paragraph, the competent authority may order the seller to change its responsible person within a given time limit, and he or she may also be imposed with a penalty of not less than NT$ 50,000 but not more than NT$100,000.

Article 54

Any tobacco/alcohol producer or importer who violates the labeling requirements set out in Article 32, 33 or 34 of this Act in course of its production/manufacture or importing operations shall be imposed with a penalty of not less than NT$ 100,000 but not more than NT$ 500,000 each time upon confirmation of its performance of such act in violation of the Act, and shall be ordered to recall the products and correct the labeling within a given time limit. If such tobacco/alcohol producer or importer fails to do so upon expiry of the time limit, the competent authority shall suspend production or importation operations for a period from six months to one year, and shall confiscate those tobacco and/or alcohol products that were produced/manufactured in violation of this Act.

Any who sells, transfers, or displays with the intention of selling the tobacco/alcohol products not conforming to the labeling requirements set out in this Act shall be imposed with a penalty in an amount of one to five times the market vae of the unlawful products at the time when it/they were uncovered, and such unlawful products shall be confiscated.

Article 55

Any person who advertises or promotes the sale of alcohol products in a manner violating the provisions set out in Article 37 of this Act shall be imposed with a penalty of not less than NT$ 100,000 but not more than NT$ 500,000, and shall be ordered to take corrective measures within a given time limit; if he/she fails to do so upon expiry of the time limit, he/she shall be subject to the same punishment for each subsequent violation of this clause.

For any television, broadcast, newspaper, magazine or publication enterprise which broadcasts or publishes advertisement of alcohol products in violation of the provision of Article 37 of this Act, the competent information authority shall impose on the violator a penalty of not less than NT$ 100,000 but not more than NT$ 500,000, and shall order such party to take corrective measures within a given time limit; if the party fails to do so, the penalty may be imposed on the violator for each subsequent violation of this Article.

Article 56

A penalty of between NT$ 50,000 and NT$ 250,000 may be imposed in any of the following circumstances:

1. violations of the regulations prescribed pursuant to Paragraph 4, Article 4 of this Act;

2. violation of the specific annual amount as provided pursuant to Paragraph 2, Article 9 of this Act;

3. violation of the provision set out in Paragraph 1, Article 11 of this Law by producing alcohol products in excess of the specific annual amount ; or by producing alcohol products for other persons or repackaging alcohol products for sale;

4. violation by a tobacco/alcohol producer of the provisions of Paragraph 1, Article 15 of this Act;

5. violation by a tobacco/alcohol importer of the provision of Paragraph 1, Article 21 of this Act;

6. violation of the container sanitation standards as specified in Paragraph 2, Article 27 of this Act;

7. violation by a tobacco/alcohol producer of the hygiene standards as specified in Paragraph 1, Article 28 of this Act;

8. violation of the provisions set out in Paragraph 3, Article 29 of this Act by producing tobacco/alcohol products for other persons;

9. violation by a tobacco/alcohol producer of the provisions set out in Paragraph 2, Article 31 of this Act by selling tobacco/alcohol products whose expiration date or the storage life of which has expired;

10. violations of the provisions of Article 35 of this Act in connection with labeling or promotion;

11. violation by a tobacco/alcohol business of this Act by refusing, evading or impeding the inspection or examination conducted by the competent authority in accordance with the provisions of Article 38 or by the competent health authorities in accordance with the provisions of Article 39 of this Act; or

12. violation of the Provisions of Paragraph 2, Article 42 of this Act by failing to recall and to destroy within the time limit given by the competent authority those tobacco/alcohol products that may cause serious injury to human health.

The tobacco and/or alcohol producer or importer subject to the conditions set forth in Items 4, 5, 8, 9, or 12 of the preceding paragraph, shall be notified to take corrective measures or to recall and destroy the products within a given time limit. If such producer or importer fails to comply with the terms of such notification, penalties may be imposed per instance successively.

Subject to the imposition of the penalties as set out in Items 2, 3, 7, or 8, Paragraph One of this Article, the incorporation permit certificate previously issued to the alcohol producer which has violated the provisions set out in Paragraph 2, Article 9; the specific annual amount in Paragraph 1, Article 11; the sanitation standards as specified in Paragraph 1, Article 28; or the provisions of Paragraph 3, Article 29 of this Act shall also be invalidated.

Subject to the imposition of a penalty under Item 1, Paragraph One of this Article, the central competent authority may also prohibit the violator of the regulations prescribed under Paragraph Four, Article 4 of this Act from producing/manufacturing, importing or selling alcohol products for a period of not less than six months but not more than one year following the imposition of the penalty.

Article 57

Under any of the following circumstances, the violator shall be imposed with a penalty of not less than NT$ 10,000 but not more than NT$ 50,000:

1. violation by a tobacco/alcohol producer or importer of the provisions set out in Paragraph 2, Article 15 or Paragraph 2, Article 21 of this Act;

2. where the alcohol products are being sold in a manner violating the provisions set out in Paragraph 1, Article 31 of this Act.

The violator of the provisions set out in Item 2 of the preceding paragraph may also be imposed with a penalty successively on a daily basis until the act performed in violation of the act is ceased.

Article 58

Any illegal tobacco/alcohol products, disqualified tobacco/alcohol, and the equipment used for the processing of the raw materials, and alcohol containers used for the production of the illegal and/or tobacco/alcohol products being attached under this Act shall be seized or confiscated.

Article 59

When the penalty imposed under this Act is overdue, the case shall be referred to the court for compulsory execution.

CHAPTER VIII: Supplementary Provisions

Article 60

In order to effect an upgrading in the quality of tobacco/alcohol products, the competent authority may authorize other authorities (institutes) to perform quality certification and examination activities in relation to tobacco/alcohol products.

Article 61

The competent authority authorized to process the applications, registrations, and to issue or re-issue (supplement or substitute) licenses pursuant to the provisions of this Act shall collect registration, examination and certification fees. The competent authority may collect annual licensing fees from tobacco/alcohol producers and/or the persons/entities authorizing others to produce/manufacture tobacco/alcohol products for them. The standard rate of charge of such fees shall be formulated and decided by the central competent authority.

Article 62

The enforcement rules of this Act shall be prescribed by the central competent authority.

Article 63

The implementation date of this Act shall be decided by the Executive Yuan.

The provisions of the revision of this Act shall come into effect as from 23rd November, 2009.

Data Source：Ministry of Finance, R.O.C. Laws and Regulations Retrieving System