

Food and Drug Safety Protection and Crime Control*

Qin Wei¹

¹ Hubei University of Police, Wuhan, Hubei, China

ABSTRACT

At present, the crime problems endangering food and drug safety are relatively prominent, and the masses have strong reactions. Crimes against food and drug safety infringe on the life and health of unspecified public, and destroy the social integrity system. With the use of the thinking and method of rule of law, this study solves the problems existing in the application of relevant laws and the linkage between administrative law enforcement and criminal justice, and completes the police protection and practice of food and drug safety.

Keywords: Food and drug safety, Police protection, Practice.

1. INTRODUCTION

Food and drug safety has always been a topic of great concern to the public. Food and drug safety is not only an important basis for ensuring and improving people's livelihood and maintaining social harmony and stability, but also the due connotation of improving the public safety system and building a moderately prosperous society in an all-round way, and a major test of the party's governing ability and national governance ability. If there are problems in food and drug safety, the social impact will be huge, which will cause social panic and social contradictions, affect the stability of the society and the development of social economy, and even seriously affect the credibility of the government. Undoubtedly, food and drug safety issues are not only related to people's livelihood, but also related to the governing ability and social credibility. However, in recent years, food and drug safety incidents have occurred frequently, exposing an unprecedented number of problems, with broad impact scopes and great impact. The exposed events such as melamine powder, clenbuterol, poison capsules, dummy albumin, and fake vaccines are shocking. Food and drug safety incidents have challenged people's bottom-lines again and again, and have become the

focus and hot spot of social attention. At the same time, people are aware of the importance of strengthening the governance of illegal criminal activity of food and drug safety.

2. CURRENT PUBLIC SECURITY PRACTICE OF CRACKING DOWN ON ILLEGAL CRIMINAL ACTIVITY OF FOOD AND DRUG SAFETY

The actual targeted and concentrated crackdown on illegal criminal activities of food and drug safety by the public security organs started at the end of August 2011. At that time, in response to the social security problems strongly reflected by the masses in the "big visit" police evaluation activity, the Ministry of Public Security deployed and fully implemented the national special action of "cracking down on and eliminating vicious power"[1], which also included the crackdown on manufacturing and selling fake and shoddy food and drugs by "unscrupulous enterprises and workshops". The special action aimed to eliminate the "vicious power" that seriously endangered the lives and health of the people, the physical and psychological health of teenagers, the vital interests of the people, public safety, and social integrity. In just over three months since the special action was launched, public security organs across the country have investigated and unearthed more than 132000

*Fund: 2018 guiding project of scientific research plan of Hubei Provincial Department of Education (B2018229) — Practice and Countermeasures of food and drug safety protection in the context of NTS

cases of "vicious power", involving more than 11 billion yuan. Among them, more than 120 cases of "swill-cooked dirty oil" were detected, and the weight of swill-cooked dirty oil investigated and handled reached 60000 tons; more than 5000 tons of "pigs being dead of illness" and meat products were investigated and detained; more than 260 cases of manufacturing and selling toxic and harmful condiments and non-staple food were detected, and more than 18000 tons of items involved were confiscated; and more than 1000 criminal cases involving the manufacture and sale of fake and inferior drugs were detected. In 2021, the Ministry of Public Security held a press conference to deploy crackdowns on crimes endangering food and drug safety. According to the report, since 2019, the Ministry of Public Security had deployed national public security organs to carry out the "Kunlun" action, launched a fierce offensive against crimes in the field of food and drug safety, and cracked a large number of cases. National public security organs cracked 19000 criminal cases endangering food safety and destroyed more than 9500 dens, involving 16.3 billion yuan.

Since 2013, a professional law enforcement team — "food and drug (safety) police" had been gradually established from the central to local governments to crack down on illegal criminal activities of food and drug across the country. According to the establishment of this new type of police, it can be seen that the public security organs actively adapt to the requirements of promoting the modernization of the national governance system and capacity, closely focus on the food and drug crimes related to the people's livelihood, firmly establish the thinking of the rule of law, further strengthen the connection and cooperation between the criminal justice department and the administrative law enforcement department, strive to promote the source control, and provide strong criminal protection for the "safety on the tip of the tongue" of the people[2].

3. CURRENT DIFFICULTIES IN CRACKING DOWN ON ILLEGAL CRIMINAL ACTIVITIES OF FOOD AND DRUG SAFETY

In recent years, there are much cooperation between administrative supervision departments and public security organs, basically forming a joint force in cracking down on criminal activities. However, due to multiple supervisions, poor

linkage between criminal justice department and administrative law enforcement department and other reasons, the current situation of food and drug safety in China is still very serious, and there are the following difficulties in governance:

3.1 The Industrial Structure Is Scattered, and the Criminal Means Are Increasingly Furtive

The access threshold for food and drug, especially food production and operation enterprises, is relatively low, and small and medium-sized enterprises account for the vast majority. The variety of food additives continues to increase, the production process continues to innovate, and regional food industries continue to emerge, which bring new challenges to the police supervision of food.

3.2 Law Enforcement Guarantees Are Lagging Behind, Affecting the Effect of Cracking Down

The revision speed of the Criminal Law and related judicial interpretations lags behind the development and changes of food and drug safety issues. Among food and drug safety crimes set in China, except for the crime of safety supervision and management, there is no crime related to food and drug safety negligence. Once the crime of safety negligence occurs, it can only be convicted and sentenced in accordance with the crime of major liability accident. According to the article 142 of the "Criminal Law", the punishment for producing and selling inferior drugs is difficult to operate in practice. As it is difficult to obtain evidence of the consequences caused by inferior drugs, and it is impossible to convict this crime.

3.3 Requirements for Case Investigation Are Relatively High, But the Actual Operation Is Relatively Difficult

In actual process of handling cases, almost all cases require a test and appraisal report before they can be qualitative. However, food and drug regulators at all levels, especially grass-roots regulators, are generally underfunded, and the testing capacities of some items urgently needed by the police are insufficient, such as the identification technology of unknown toxic and harmful substances in food and drugs, banned substances, hormones, pesticide residues, veterinary drug residues, dioxin, mad cow disease detection,

genetically modified food safety evaluation, etc., resulting in that many illegal and criminal acts cannot be found and qualitative in time.

3.4 The Foundation of Cracking Down and Prevention Is Weak, and the Funding Guarantee Is Obviously Insufficient

The reform of the food and drug supervision system in some localities has been slow. The responsibilities of some local regulator and teams are not unified, and the supervision and law enforcement teams and technical support teams at all levels are not complete enough to meet the professional and technical requirements of food and drug safety supervision. At the same time, the professional quality of the newly-added personnel is relatively low, and they cannot meet the professional and technical requirements of food and drug supervision.

4. POLICE PROTECTION AND MAIN COUNTERMEASURES

Illegal criminal activities of food and drug safety are increasing, which are the products of social development to a certain stage. Western developed countries have also experienced various stages of food and drug safety crimes. As the last line of defence against food and drug safety crimes, criminal attack is also the most deterrent means for criminals. Therefore, the team building to crack down on food and drug safety crimes cannot be ignored. Food and drug safety crime cases are highly professional cases, which require a relatively stable and professional investigation team to be responsible for investigating and handling such cases. Therefore, the public security organs from the provincial level to the municipal level are required to have a professional investigation team, which requires the provincial governments to promote the public security organs at all levels to implement institutions, staffing and corresponding funds from the top to the bottom, as well as strengthen professional training, so as to ensure that there are strong means of cracking down and sufficient deterrence to deter food and drug safety criminals. In this regard, there are main countermeasures to improve governance and strengthen food and drug safety protection for the police.

4.1 Implementing the Responsibility System of Food and Drug Safety

In accordance with the overall requirements of "unifying institutions, shifting the focus downward, standardizing law enforcement, improving mechanisms, and being fair and efficient", it is suggested to establish and improve the police regulators. In addition, it is necessary to highlight the construction of grass-roots supervision capacity, set up food and drug supervision agencies in towns and townships, uniformly perform the duties of food and drug supervision and management in the administrative region, form a scientific and strict division of responsibility for food and drug safety, and implement the evaluation and fault investigation mechanism. At the same time, it is proposed to improve the mechanisms for interdepartmental and interregional information notification, situation consultation, joint law enforcement, emergency linkage, linkage between criminal justice department and administrative law enforcement department, and accident disposal cooperation, so that all relevant units can perform their duties in accordance with the law, assume their respective responsibilities, and work together to form a joint regulatory effort [3].

4.2 Improving the Standard System of Food and Drug Regulations

Focusing on scientific supervision, legal supervision, effective supervision, and strict supervision, it is required to solidly promote the construction of standard system of food and drug safety regulations. Besides, it is necessary to establish the strictest supervision system covering the whole process, improve the catalogue of abnormal food and drug operations, and perfect the systems of origin approval and market access of edible agricultural products, active recall, compulsory withdrawal, and destruction of defective products.

4.3 Establishing a Risk Management System of Food and Drug Safety

It is suggested to deepen the construction of food and drug risk management system, and adopt the principles "early detection, early judgment, early warning and early disposal" to deal with potential risks. Also, it is necessary to strengthen risk monitoring. For example, it is suggested to comprehensively strengthen the monitoring of foodborne diseases, food pollutants and toxic

substances in food. The foodborne disease monitoring and reporting system covers all kinds of medical service institutions at all levels. There are 167 food borne disease monitoring points in the province[4], and the monitoring network of food pollutants and harmful factors covers all county-level administrative regions and extends to villages and towns. At the same time, it is proposed to improve the monitoring mechanism for adverse drug reactions, adverse medical device events, adverse cosmetic reactions and drug abuse, improve the key adverse reaction monitoring and active monitoring system and the feedback, communication, disposal, and accountability mechanism for adverse medical device events.

4.4 Creating an Emergency Disposal System for Food and Drug Safety

With the core of improving ability and the support of information construction, it is required to comprehensively strengthen the emergency management of food and drug safety, and speed up the construction of an efficient emergency disposal system.

4.4.1 Improving the Emergency Management Mechanism

In accordance with the requirements of clearly defined responsibility, coordination and order, and efficient operation, it is suggested to establish and improve the mechanisms of monitoring and early warning, emergency support, social mobilization, summary and evaluation. At the same time, it is necessary to promote the construction of mechanisms such as cross-regional and interdepartmental emergency cooperation and information notification. Besides, it is required to make overall arrangements for the preparation, revision, and drilling, training and other related work of various police emergency plans at all levels, and improve the contingency plan system.

4.4.2 Improving the Monitoring and Early Warning Ability

It is proposed to strengthen the construction of intelligent public opinion and monitoring system for food and drug safety, improve the informatization and intelligence level of public opinion monitoring, and realize early detection, early report and early warning of emergency information. In addition, it is necessary to improve the information sharing mechanism across regions

and departments, and obtain relevant information and processing capacity through multiple channels.

4.4.3 Strengthening Emergency Disposal

It is proposed to establish and improve the emergency command and decision-making system, early warning information reporting system, response and disposal system, information release system and result evaluation system of food and drug safety to improve the efficiency of emergency command and decision-making, mobilization, organization and coordination.

4.5 Improving the Social Co-governance System of Food and Drug Safety

It is suggested to improve the social co-governance of food and drug safety, give full play to the role of government leadership, department collaboration, industry collaboration and mass participation, and fully mobilize the forces of relevant regulatory departments, social organizations, industry associations, news media and other parties, so as to build a comprehensive, multi-level and multi-subject co-governance structure featuring positive interaction and orderly participation. In addition, it is required to establish and improve provincial, municipal and county-level H-level food and drug complaint and report acceptance institutions, open the complaint and report channels, and truly implement the reward and report system. At the same time, it is necessary to widely mobilize the masses to actively reflect the illegal and criminal information of food and drug safety by means of online media, slogans and notices. Besides, it is necessary to strengthen the supervision of long-term offenders, information communicators and law enforcement volunteers, and extend the consumers [5]. At the same time, it is proposed to introduce policy decision-making mechanisms such as public participation and expert consultation, and mobilize the wide participation of the public and experts through hearing, briefing and consultation. It is suggested to take the initiative to establish a think tank for the professionals in food and drug regulator. In addition to playing the role of professionals in decision-making, they should also play an active role in science popularization and risk response. In addition, it is required to actively use the news media, try to explore the establishment of mechanisms such as cooperative exposure, and integrate the media into food and drug safety work. Also, a Wechat official account for food and drug safety should be established to

interact with the majority of netizens online. And it is suggested to widely collect the opinions and suggestions of the masses and accept the clues of food and drug safety crimes. In addition, it is suggested to select a number of intelligencers to specifically go deep into the regulatory dead spaces such as the junction of urban and rural areas and abandoned factories to find fake manufacturing and sales dens, so that counterfeiters have nowhere to escape.

5. CONCLUSION

The safe production of food and drugs is related to the national economy and the people's livelihood, but the current food and drug production crimes continue despite repeated prohibitions, seriously damaging the lives, health and property safety of the people, and affecting the credibility of the government. In this case, strengthening the investigation of food and drug safety crimes and ensuring the healthy operation of food and drug production links is a difficult work that urgently needs to be broken through. To solve the investigation dilemma of food and drug safety crimes requires the investigation organs to further improve its own professional ability and level, and also needs to further strengthen the communication and cooperation with inspection organs, judicial organs and other departments, so as to solve the key and prominent problems encountered by the investigation organ in the field of food and drug safety production, and further ensure the national economy and the people's livelihood.

AUTHORS' CONTRIBUTIONS

This paper is independently completed by Qin Wei.

REFERENCES

- [1] Ma Songjian. Discussion on the Strategy of Criminal Law of China's Food and Drug Crime [J]. Journal of Henan Police College, 2018(8). (in Chinese)
- [2] Li Chunlei. Review and Prospect of the Prevention and Control of Food and Drug Crimes in China [J]. Journal of Chinese People's Public Security University (Social Science Edition), 2015(8). (in Chinese)
- [3] Chen Tao, Pan Yu. Current Situation and Governance for Crimes of Food Safety [J].

Journal of Chinese People's Public Security University, 2015[4].5. (in Chinese)

- [4] He Baisong. On the concept of application of criminal law for crimes of food safety [J]. Chinese Criminal Journal, 2012(6). (in Chinese)
- [5] Qiao Hui. The background, current situation and international experience of the food and drug crime system [J]. Quality and Safety of Agricultural Products 2014(8)24. (in Chinese)