

Abstract

In these years, the food's safety is attracting more and more attention. The unsafe food are being revealed ceaselessly which brings a great fear to the public. This gives a negative impact on our society. Among all the cases, the most scurvy one was the *Milk Powder Scandal*. The legal weakness is being revealed gradually. The author took the *Milk Powder Scandal* as a typical case, and made a study to the problems in Food Safety system. The work is divided into 6 chapters.

Chapter one, The author firstly briefly introduced the Milk Powder Case, then, had a further study to the typical problems that were found from this incident. This is one of the most typical cases in China Mainland, weaknesses in food's hygiene administration are revealed. In addition, too complicated working process, uncompleted admittance system and , are both problems exploded in this incident.

Chapter Two, The shortage of the law and the problem in Food Security. At first, the author made an analysis on the four aspects of the present food security, A. The pollution in the resource. Because of the chase of financial reward, too much chemical products are added, which also leads to a big pollution . B. Counterfeits take a big possession of the market. It is very common that the illegal substances are added in food. C. The confusion in prosecution. On one hand, many individual venders are disorderly set, which brought hidden troubles to the public, on the other hand, there should be more ensuring approaches in food transporting. D. Food safety incidents takes place very often.

The author then gave a further analysis on the legal shortage. On one hand, the legal management needs to be improved, the boundary in punishment is not clear enough, the legal explanation is confusing. On the other hand, the uncompleted legal system led to many difficulties, e.g, the too narrow width of Food Hygiene, the lack of system and concord, etc. Chapter Three, the discussion in the concept of Food Hygiene and Standard.

The author had a reference in the relevant concept and legislation, and also studied in the concept of Food Hygiene, which is paying more attention to the produce process, but the result is often neglected. In addition, the author concerned more about the weakness in security technique, including the double-work caused by uncompleted system, the unmatching standard between national and international requirements.

Chapter Four, The further study in the legislation principle. The author investigated the principle in Food Hygiene's Law Making, and studied the 5 characteristics, the Food Chain, Risk Study, the Principle Part in responsibility, Ascending Principle. Finally there is a study in the limitation in the lawmaking principle.

Chapter Five, The discussion in law execution and supervision. Germany is the typical European member which has the most wholesome structure. In the passage, the author firstly, introduced the formation of Food Hygiene and Supervision system is explained, and then, introduced Germany's law's execution. Finally, the detailed functions of the State Council and the problems in this field's are introduced.

Chapter Six. The discussion in Food Hygiene system's development and consummation. Based on the Food Hygiene development in the future, the author had a further discussion. In legal construction, the standard system should be set up, the legal responsibility should be put into effect, risk evaluation and recalling system should be built. In the administration field, through the administration and internal administration supervision, the checking system should be strengthened. Next, the management should be intergrated. Finally, there should be more experts involving into the campaign and Food Safety education.

Keyword: Milk powder of tinpot ; Foodsafety ; Discussion ; Food safety jurisprudence ; Administration of justice system