

**The Transformation of Food Administration Regulation Model
under Risk Society: Using Administrative Authority's
“Off-shelves Precautionary Measure” as Example**

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Abstract

As food supply chain becomes more and more comprehensive throughout the years, the underlying problems and high uncertainty in risk society has also continued to increase. Nowadays, the issue at hand therefore is, how to effectively prevent further harm to customers from questionable food products before any harm occurs. To ensure the safety of food products from the stage of production at farms to the customers' dining table seems to be an inevitable task and a pressing issue that administrative authority needs to acknowledge and should be dealt with by food administrative regulation immediately. When facing continuously emerging food product issues, traditional administrative regulation model seems to be ineffective or gradually running out of possible solutions. Thus there is urgent need for the transformation of the food administration regulation model to deal with the current high and diverse uncertainty in risk society.

This study will first focus on the precautionary measures, which is applied by the food administrative authority in Taiwan when facing diverse and new forms of risks. The purpose is to understand the legal basis and due process requirements that should be followed when applying the precautionary measures. Secondly, this study will further discuss nowadays legal framework and operation model by using “off-shelves precautionary measure” as an example. Thirdly, this study will continue to provide reviews and suggestions regarding the construction

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of the “off-shelves precautionary measure” system, in order to advance the food administrative regulation model. The reviews and suggestions are also being provided, in hope to correspond the food administrative regulation model to the trust of the constitutional fundamental rights. At last, this study will end on the note by providing personal preliminary observation and suggestion from an overall perspective to the food safety issue as a conclusion. The aim of this study is to jointly protect national’s health and preserve food safety altogether.

Keywords: risk society, food safety, precautionary principle, risk analysis, off-shelves precautionary measure, act governing food safety and sanitation