

# Allocating risks and responsibilities essay

[Law](#), [Criminal Justice](#)



## **Brief Summary**

The case of Zheng Xiaoyu of the State Food and Drugs Administration Agency in the People's Republic of China demonstrated the commitment of Beijing to act on the growing cases of corruption in the product industry in China. It should be appreciated that the case came amid the growing international concern on the quality and safety of the Chinese products. Interestingly, China accounts for a large percentage of the imports in the United States of America. It is on this premise that the Chinese criminal justice system had to act on the case of Zheng.

A brief exposition of the case reveals that Zheng was involved in irregular and corrupt practises at the food and drug administrative authority. It is indicated that in his tenure, he had approved one hundred and fifty thousand certificates for new drugs and that of the total at least five had been confirmed as fake. What is perplexing is the admission by Zheng that he indeed received bribes from the pharmaceutical companies for the 150000 authorizations he gave out. It came out that Zheng particularly engaged with at least eight major pharmaceutical companies and that they were responsible for most of the 150000 authorization. The fraud cases involving bribery did not stop at Zheng. The cases involved his family with his wife and son being equally involved in the reception of bribes. In total, Zheng admits that he handled bribes running into millions of dollars. In return he gave out authorization without ensuring that the safety conditions were adhered to. In addition, the technical tests and examinations were not taken into consideration and that in many cases, no tests were actually conducted. The manner in which China handled the matter is considered an

exaggeration. While it was essential for China to act, the death sentence imposed on Zheng and its consequent implementation has been seen as being overboard and unwarranted. In that connect, it has been criticized the world over. However, China has sort to defend itself insisting that it needed to reign on the corruption and retain its place in international trade. Indeed, this approach should be appreciated in light of the essential position China holds in international trade. As it stands, China accounts for the bigger portion of international commodities. Given its cheap labor and raw materials, the costs of production is low and comparatively competitive. This has had the effect of attracting production in China. The conviction of Zheng ought to be read in light of the protection of that institution of trade. One my want to run a comparison of how the United States of America would have handled the same case had it been their jurisdiction. Foremost, it is essential to note that the political and legal structure of the United States is more institution based that individual based. For that reason, for the corrupt and irregular sanctions to succeed, more persons and offices would have been involved. This reduces the chances of success as the more people on board, the more the resistance met and the higher the chances of failure. However, had a Food and Drug Administration head erred to the extent of Zheng, he would have faced criminal charges and the highest convictions would have been a life sentence. This is because the criminal justice system in the United States of America, unlike the Chinese, is devoid of capital punishment. As such, death punishment is outside the confines of justice in the America jurisprudence. It should be appreciated that the approach is

pegged on an institutionalized system that seeks to prevent the occurrence of crime.

### **China changes since 2007**

After 2007, China has undertaken a number of reforms in the quest for a more responsive and effective system. The approach has regrettably been reactive rather than proactive. After the misappropriation by Zheng and his team, the results have been devastating occasioning the deaths of consumers both locally and internationally. The case of Panama can be cited for illustrative purposes. China has had to institutionalize its food and drug agency. In addition, China has strengthened the legal regime that controls and regulates the food and drug industry. To demonstrate its serious approach, the case of Zheng was speedily solved within three months and his execution implemented without delay. This served to show potential perpetrators that the law would not spare them in their irregular actions. Moreover, the strengthened system has adopted international standards especially that of the United States of America which appears most vulnerable in light of the weaknesses in the Chinese food and drug administration agency. In equal measure, China has developed a policy framework that applies to all cases of production. In that breadth, it has been the case since 2007 that production standards in the industries have been heightened and the regulation effectively assured. These are among the changes pursued by China in their determination to reign on the irregular and corrupt practises and ensure that the current regime only facilitates production that is within the confines of international quality standards.

## **United States of America changes**

The United States of America being the most vulnerable in the context of the safety of the products imported into its territory especially from China has equally had to strengthen its regime. In that context, America has undertaken a number of changes both at the domestic and international level. At the international level, America has entered into bilateral and multilateral agreements in which it has had to cooperate with the external nations. In that vein, America today sublets its food and drug agency personnel to the external nations. In addition, America has transferred some of the regulatory and oversight responsibilities on imports to the importing nations. These two measures have led to the same consequence. This is the fact that it has increased the quality of regulation performed by the external country that imports products to America. With the American personnel being encouraged to these nations, importing countries have developed regimes that equally instil higher quality standards.

On the other hand, America has also pursued internal measures in its attempts to increase the safety of the food and drugs into its borders.

Foremost, America has ensured that the illegal entry of goods into its market is reduced. Although the illegal entries still persist, it has been reduced to lower levels. Secondly, America has imposed tougher conditions for the products entering its territory. It has paid adequate attention to tests and reviews of consignments before permitting entry to the American market. The legal regime has also been amended and strengthened so as to effectively deal with likely perpetrators of these illegalities. In the long run,

America has essentially attempted to make its market as safe as possible from the infiltration by the illegal and unsafe products.

## **References**

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