

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:1469

ANSWERED ON:13.12.2013

FOOD SAFETY AND STANDARDS ACT

Gowda Shri D.B. Chandre;Panda Shri Prabodh;Sharma Dr. Arvind Kumar

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether the Food Safety and Standards Act, 2006 and the various regulations made thereunder, specifically provides that the required information has to be only in printed form on the cover, wrapper or container containing the food items;
- (b) if so, the details thereof and if not, the provision under which the Food Safety and Standards Authority of India (FSSAI) debar/prohibit the declaration of the required information in the form of `stickers` on the cover, wrapper or container containing the food items;
- (c) whether the Madras High Court has recently given any order/direction in this regard and if so, the details thereof along with the reaction of the Government thereto;
- (d) whether large consignments of food products have been laying in Government warehouses for not conforming to the labeling requirements as laid down by the FSSAI and if so, the details thereof; and
- (e) whether the European Union has objected to such blocking of food products consignments and if so, the details/reaction of the Government thereto along with the steps taken by the Government in this regard?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABIAZAD)

(a) & (b): As per regulation 2.2.1 of Food Safety and Standard (Packaging and Labeling) Regulations 2011, every package shall carry a label containing information as prescribed under Regulation 2.2.2;. As per Regulation 2.2.1(4), the label shall be applied in such a manner that they will not become separated from the container. Further, as per Regulation 2.3.2, the labelling information shall be given on the principal display panel of the package or container in the following manner:

- (i) All information should be grouped together and given at one place, OR the pre-printed information be grouped together and given in one place and,
- (ii) Online information or those not pre-printed be grouped together in another place."

However, in imported food articles alone, name and complete address of the importer and declaration regarding Veg/Non-veg is allowed in the form of sticker even after arrival of consignment under the supervision of Customs Authorities.

(c): The recent direction given in the case of M/s Rajputana Distributors v/s Deputy Commissioner of Customs and Others by the Madras High Court Order dated 23.09.2011 in W.P. No.19279 of 2011 is complied with by FSSAI. The operative portion of the judgment is reproduced below:

"As far as the issue in question is concerned, the goods imported are food products, that too, chocolates, which are normally consumed by children and the conditions stipulated with regard to labelling, have admittedly, not been complied with the petitioner. Even as per the stand of the learned counsel for the petitioners, the information furnished is only by way of a sticker. But as per the provisions of the Act, the label must be an inseparable one, as otherwise, to suit the convenience; the importer may fill in any information therein. If the goods imported, especially food products, do not satisfy the specifications mentioned in the act at the time of import then such goods have to be restrained from being brought into the market and in the case on hand, the food products are chocolates, which are normally consumed by children and therefore, safety measures are mandatory. If the conditions imposed with regard to the import of food items are violated, then the question of going to the next stage, i.e. sending them for laboratory testing will not arise at all."

(d): After enactment of the Food Safety and Standards Act 2006, Food Safety and Standards Authority of India (FSSAI) started implementation of the Food Import Clearance System (FICS) under Section 47 (5) of the Act at five port locations, namely, Delhi, Mumbai, Kolkata, Chennai and Cochin. At other ports, this function is carried out by the Port Health Officers /Customs Authorities.

In some import consignments referred by Customs to FSSAI for grant of NOC for customs clearance, samples were not drawn for testing inter alia due to non-compliance with the labelling requirements prescribed under Food Safety and Standards (Packaging and Labelling) Regulations 2011. Examples of such labelling non-compliances are either absence of the list of ingredients, nutritional

information, name & address of the manufacturer, Best Before/ Use by Date, declaration regarding food additives, etc. or such information is on attached stickers which are separable.

(e): A communication was received from the Delegation of the European Union in New Delhi expressing concern over non-issue of NOC by FSSAI. The representatives of the Delegation were received at FSSAI on 11.12.2013 and a detailed explanation was provided explaining the labelling requirements prescribed under the Food Safety and Standards (Packaging and Labelling) Regulations 2011. They were also advised about the requirements of Product Approval, where necessary, and the procedure required to be followed in this regard.