

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

UNSTARRED QUESTION NO:3439  
ANSWERED ON:01.08.2014  
FSSAI REGULATIONS ON PACKAGING AND LABELLING  
Jayadevan Shri C. N.

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

- (a) whether Food Safety and Standard(Packaging and Labelling) Regulations 2011 specifically provide that the required information has to be only in printed form on the cover, wrapper or container of the domestically manufactured and imported food articles;
- (b) if so, the details thereof and if not, the provisions under which the Food Safety and Standards Authority of India (FSSAI) debar/prohibit the food articles having required information printed in the form of stickers on the cover, wrapper or container of the food articles and not printed directly on the cover/wrapper;
- (c) whether the Madras High Court has given any order/direction in the case of M/s. Foodlever India Pvt.Ltd. vs. Senior Inspecting Officer on the matter in the recent past and if so, the details thereof along with the reaction of the Government thereto;
- (d) whether the FSSAI has modified/proposes to modify their stand that required information on food articles has to be only in a printed and to allow stickers on food articles in compliance with the aforesaid order/direction; and
- (e) if so, the details thereof and if not, the reasons therefor?

**Answer**

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. HARSH VARDHAN)

(a): Yes

(b): (i) Under Section 3 (z) of Food Safety and Standards Act, 2006, "label" means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed, graphic, perforated, stamped or impressed on or attached to container.

(ii) Under the Regulation 2.2.1 of the Food Safety and Standards (Packaging and Labelling) Regulations, 2011, general requirements, inter-alia, are as under:-

- a) Every pre-packaged food shall carry a label containing information as required here-under unless otherwise provided, namely-
- b) Pre-packaged food shall not be described or presented on any label or in any labelling manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.
- c) Label in pre-packaged foods shall be applied in such a manner that they will not become separated from the container.
- d) Where the container is covered by a wrapper, the wrapper shall carry the necessary information or the label on the container shall be readily legible through the outer wrapper and not obscured by it.

(c): (i) On 08.02.2012, an interim direction was given by the Learned Single Judge of the Hon'ble High Court of Madras directing the Senior Inspecting Officer, FSSAI to draw sample of the petitioner's imported food products. FSSAI filed a Writ Appeal SR: 20389/2012 before the Division Bench, against the order dated 08.02.2012.

(ii) On 16.03.2012, the Single Judge gave the final judgement directing FSSAI to take sample of imported foods of Food Lever India Pvt. Ltd. and send the same for laboratory testing. FSSAI filed a Writ Appeal dated 24.04.2012, against the order dated 16.03.2012. Operation of the single Judge dated 16.03.2012 in W.P. No. 2027 of 2012 was stayed pending hearing of the appeal by the Division Bench on 25.06.2012.

(iii) Meanwhile, the first Bench on the request of Food Lever India Pvt. Ltd. vide M.P2 of 2012, gave permission / direction to the company to re-export the goods subject to the conditions as imposed by the Customs authorities regarding furnishing of security etc.

(iv) The order passed in Writ Petition No. 2027 of 2012 in the matter of Food Lever India Pvt. Ltd. had not become operational in view of the Order of Stay granted during the pendency of the Writ Appeal by the Hon'ble Division Bench. Subsequent to the order of Division Bench, directing / permitting the Food Lever India Pvt. Ltd. to re-export the imported food article and the same having been re-exported on the conditions imposed by the Customs authorities, the very Writ Appeal itself was disposed.

(v) In W.P. No. 19279/2011 of M/s Rajputana Distributors v/s Deputy Commissioner of Customs and Other, the directions/order dated 23.09.2011 of the Madras High 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 by 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".

This view taken by the Hon'ble Madras High Court has become final and no appeal has been filed against such interpretation given about labelling process in the above said judgement.

(d) & (e): The Order passed in Writ Petition No. 2027 of 2012 in the matter of Food Lever India Pvt. Ltd. had not become operational in view of the Order of Stay granted during the pendency of the Writ Appeal by the Hon'ble Division Bench. Subsequent to the Order of Division Bench, directing / permitting the Food Lever India Pvt. Ltd. to re-export the imported food article and the same having been re-exported on the conditions imposed by the Customs authorities, the very Writ Appeal itself was disposed of.

As per the guidelines dated 10.01.2014 issued by FSSAI in case of import of food articles, the rectifiable defects for which stickers can be allowed to be pasted even after arrival of consignment under the supervision of Customs Authorities and before drawl of samples will continue to be (a) veg./ non. Veg. logo; and, (b) importer's name and address. In addition, FSSAI license number and the FSSAI logo can also be allowed to be mentioned by the way of sticker before drawl of the samples in the case of imported food articles.