Food Safety and Standards Act, 2006/Rules and Regulations

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Why Food Safety & Standards Act, 2006?

- Multiplicity of food laws and enforcement agencies for different sectors of food

- Quality/Safety standards under various Act/orders restricting innovation in food products

- Thin spread of manpower, poor laboratories infrastructure

- Standards rigid and non-responsive to scientific advancements and modernization

- Poor Information dissemination to consumer level
FSS Act, 2006

- Food Safety and Standards Bill piloted by MOFPI, passed by parliament in Monsoon session and approved by President in September, 2006
How it integrates?

Food Safety and Standards Act, 2006

- Prevention of Food Adulteration Act, 1954
- Fruit Products Order, 1955
- Meat Food Products Order, 1973
- Vegetable Oil Products (Control) Order, 1947
- Edible Oils Packaging (Regulation) Order, 1998
- Solvent Extracted Oil, Deoiled Meal, and Edible Flour (Control) Order, 1967
- Milk and Milk Products Order, 1992
- Any other order under Essential Commodities Act, 1955 relating to food
Prevention of Food Adulteration Act, 1954
Fruit Products Order, 1955
Meat Food Products Order, 1973
Vegetable Oil Products (Control) Order, 1947
Edible Oils Packaging (Regulation) Order, 1988,
Solvent Extracted Oil, De-oiled Meal and Edible Flour (Control) Order, 1967
Milk and Milk Products Order, 1992
Any order under Essential Commodities Act, 1955 relating to food.
Objective

The Food Safety and Standards Authority of India (FSSAI) has been created for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import to ensure availability of safe and wholesome food for human consumption.
The Act consists of 12 chapters:

1. Preliminary: definitions
2. Food Safety and Standards Authority of India
3. General principles of food safety
4. General provisions as to food: prohibitions
5. Provisions relating to import
6. Special responsibilities as to food safety
7. Enforcement of the act
8. Analysis of food: laboratories, sampling and public analysts
9. Offences and penalties
10. Adjudication and food safety appellate tribunal
11. Finance, accounts, audits and reports
12. Miscellaneous
Important Chapters

- Chapter I
  - Section 3 – Definitions

- Chapter II- FSSAI
  - Section 4- Establishment
  - Section 5- Composition and qualification of appointment
  - Section 11 & 12- Central Advisory Committee & Functions
  - Section 13- Scientific Panels
  - Section 14- Scientific Committee
  - Section 16- Duties and functions of Food Authority
Contd…

- **Chapter IV General Provisions as to articles of food**
  - Section 19 – Use of Food Additives or processing aids
  - Section 20 – Contaminants, toxins
  - Section 21 – Insecticides, pesticides, veterinary drugs residues, antibiotic residues
  - Section 22 – Novel food, GM foods, foods for special dietary uses, functional foods etc.
  - Section 23 – Packaging and Labelling
  - Section 24 – Restriction of Advertisement and prohibition as to unfair trade practices

- **Chapter V Provisions relating to Import**
  - Section 25 – Imports

- **Chapter VI Special responsibilities as to Food Safety**
  - Section 26 – FBO responsibility
  - Section 27 – Liability of manufacturers, packers, wholesalers, distributors and sellers
  - Section 28 – Food recall
Contd…

- **Chapter VII Enforcement of the Act**
  - Section 29 – Authorities responsible for enforcement
  - Section 30 – Commissioner of Food Safety of the State
  - Section 31 – Licensing and Registration of FBO
  - Section 32- Improvement notices
  - Section 36- Designated Officers
  - Section 37- Food Safety Officers
  - Section 38-Powers of Food Safety Officers
  - Section 39-Liability of Food Safety Officers
  - Section 42-Procedure for launching prosecution

- **Chapter VIII Analysis of Food**
- **Chapter IX Offences and Penalties**
- **Chapter X-Adjudication and Food Safety Appellate Tribunal**
- **Chapter XI-Finance, Accounts, Audit and Reports**
- **Chapter XII- Miscellaneous**
Rules and Regulations under FSS Act

- Section 91- provides for Central Government to make Rules for carrying out provisions of the Act.
- Section 92 (1)- provides Food Authority with the previous approval of Central Government and after previous publication, by notification, make regulations consistent with this Act and Rules made thereunder.
- FSSAI drafted Rules and Regulations through extensive consultation and deliberations/meetings with various stakeholders.
- Final Rules have been notified in the gazette of India on 5th May, 2011.
- Final Regulations have been notified in the gazette of India on 1st August, 2011.
Salient Features of FSS Rules, 2011

- Describe the qualification and their duties of Food Safety commissioner, Designated Officer and Food Safety Officer.
- Sampling procedure, manner of taking samples
- Function of Food analyst and the analysis report
- Adjudication procedure, appeal
- Food Safety Appellate Tribunal, Special courts
Major Functionaries in the State

- Food Safety Commissioner
- Designated Officer
- Food Safety Officer
- Food Analyst
- Accredited Lab
- Referral Lab

Food Safety
Food Safety Appellate Tribunal

Adjudicating Officer

Special Courts (wherever required)
MANNER OF DISPATCHING CONTAINERS OF SAMPLE

To analyst

Two parts to
Designated Officer

Remaining part, if FBO
Request send to accredited Lab
First part
Send to food analyst
Analysis report
If at variance
Analysis report fails
FBO can Appeal (form VIII)

Fourth part
Send to accredited laboratory
Analysis report

On request FBO

Send to accredited laboratory
Analysis report

Send to Referral Laboratory
Report shall be final

2 & 3rd part
DO

Analysis report fails
Punishment with fine or imprisonment
Prosecution

Designated Officer scrutiny of the lab report → Sample Pass

Sample Fail → Punishable with imprisonment with/without fine

Punishable with Fine
Prosecution

Punishable with Fine

Other FBO’s

In case of Petty Manufacturer

Order by Adjudication Officer

Appeal to Appellate Tribunal

Enforcement

Compounding u/s. 69
Prosecution

Punishable with imprisonment with/without fine

Commissioner

Case filed

Appeal to High Court

Court order

Enforcement
Salient Features of FSS Regulations, 2011

- Integrates the erstwhile acts/rules/orders, no new standards being introduced.
- New chapter scheme to facilitate scientific approach in regulatory framework, & scientific developments, provide specificity and traceability of content, easy to digitalized.
- Unified Licensing Procedures and application forms
- Clear line of distinction between licensing and registration
- Standards have been systematically arranged taking into consideration Codex classification
Contd....

1) Food Safety and standards (Licensing and registration) Regulations, 2011

2) Food Safety and standards (packaging and labeling) Regulations, 2011


4) Food Safety and standards (Prohibition and restriction for sale) Regulations, 2011


6) Food Safety and standards (Referral laboratories and sampling) Regulations, 2011
FOOD SAFETY AND STANDARDS (LICENSING AND REGISTRATION OF FOOD BUSINESSES) REGULATIONS, 2011
Salient Features  . . . .

- Unified Licensing procedures.
- Common application forms and procedures.
- Registration of food Businesses to cover all petty food businesses.
- Distinction between ‘registration’ and ‘licensing’. Cut off limits for registration and licensing.
- Sectors which have high Installed Capacity are covered under central licensing.
- Safety, Sanitary and Hygienic conditions.
Licensing & Registration of FBOs

Central Licensing Authority

Designated Officer appointed by the Chief Executive Officer of the Food Authority of India in his capacity of Food Safety Commissioner

State Licensing Authority

Designated Officers appointed under Section 36(1) of the Act by the Food Safety Commissioner of a State or UT for the purpose of licensing and monitoring.

Registering Authority

Food Safety Officer or any official in Panchayat, Municipal Corporation or any other local body in an area, notified as such by the State Food Safety Commissioner for the purpose of registration.
Any Food Manufacturer, who

- Manufactures or sells any article of food or a petty retailer, hawker, itinerant vendor or temporary stall holder; or
- such other industries including small scale or cottage or such other industries relating to food business OR tiny food businesses with an annual turnover not exceeding 12 lakh and whose
  - production capacity of food (other than milk and milk products and meat and meat products) does not exceed 100 kg/liter per day or
  - procurement or handling or collection of milk is up to 500 liter of milk per day or
  - slaughtering capacity is 2 large animals or 10 small animals or 50 poultry birds per day or less
Schedule 1

i. Dairy units: including milk chilling units equipped to handle or process >50 thousand liters of liquid milk/day or 2500 MT of milk solid per annum.

ii. Vegetable oil processing units and refineries: installed capacity >2 MT per day.

iii. Slaughter houses: >50 large animals, 150 or more small animals, 1000 or more poultry birds per day.

iv. Meat processing: >more than 500 kg of meat/day or 150 MT per annum.

v. All other food processing: > 2 MT/day except grains, cereals and pulses milling units.

i. 100 % Export Oriented Units

ii. All Importers importing food items

iii. Any article of Food which does not fall under any of the food categories or deviates from the prescribed specification for additives.

iv. Food Business Operator operating in two or more states.

v. Food catering services in establishments and units under Central government Agencies like Railways, Airlines and airport, Seaport, Defense etc.
IT enabled licensing & registration

FSSAI National Licensing & Registration portal

State Government Agency

Food Business Operator

FSSAI
FOOD SAFETY AND STANDARDS
(LABORATORY AND SAMPLE ANALYSIS)
REGULATIONS, 2011
Salient features

These Regulations –

- Defines the Referral laboratory and notified laboratories.
- Describes the function of the referral laboratories.
- Prescribes the notified laboratories for import and Referral Laboratories and their area of jurisdiction.
- Prescribes the quantity of the sample of various food products and their method of preservation.
- Prescribes the formats for the certificate of analysis by the Referral food laboratories and food analysis report by the Food analyst.
Status of food testing facilities in the country

- 158 Food Testing Laboratories - 68 laboratories have NABL accreditation.

- State Governments - 72 food testing laboratories.

- Eleven Referral Food Laboratories as appellate laboratories

- Central Food Laboratory, Calcutta is under the administrative control of the FSSAI
FOOD SAFETY AND STANDARDS (FOOD PRODUCT STANDARDS & ADDITIVES) REGULATIONS, 2011
There are 13 product categories in the chapter and standards for about 377 products have been provided. Following slides mention only the names of the product categories:

- Dairy products and analogues
- Fats, oils and fat emulsions
- Fruits and Vegetable products
- Cereals and cereal products
- Meat and meat products
- Fish and fish products
• Sweets and confectionary
• Sweetening agents including honey
• Salt, spices and related products
• Beverages (other than dairy and fruits & vegetables based)
• Other food products and ingredients
• Proprietary food
• Irradiated food
The second part of the Regulation basically deals with use of food additives in various foods and specifies their limits as well as specifies some specific label declarations with respect to certain food additives.
FOOD SAFETY AND STANDARDS (CONTAMINANTS, TOXINS & PESTICIDE RESIDUES) REGULATIONS, 2011
This Regulation contains 3 clauses that specify the limits in various foods:

- **METAL CONTAMINANTS**: This regulation prescribes the limits for Heavy metals and Metal contaminants for various foods and commodities.

- **CROP CONTAMINANTS AND NATURALLY OCCURRING TOXINS**

  This regulation defines Crop Contaminants and specifies their limits for foods. It also prescribes limits for 4 naturally occurring toxins.

- **PESTICIDE RESIDUES**: This clause lists down limits for 149 Pesticide Residues and 5 Antibiotics in foods.
FOOD SAFETY AND STANDARDS (PROHIBITION & RESTRICTION OF SALE) REGULATIONS, 2011
This Regulation deals with the restrictions and Prohibitions on sale of certain food products. Contains 3 clauses

- Sale of certain admixtures prohibited
- Restrictions on use of certain ingredients
- Prohibition and restriction on sale of certain products

The Regulation covers 15 products and 22 conditions of sale that are either restricted or prohibited.
FOOD SAFETY AND STANDARDS (PACKAGING AND LABELLING) REGULATIONS, 2011
Packaging Requirements

General Requirements:

• Following materials/metals shall not be used for packaging of food-
  – *containers* which are *rusty*
  – *enameled* containers which have become *chipped and rusty*
  – copper or brass containers which are not properly tinned
  – containers made of *aluminum* not conforming in chemical composition to IS:20 specification
✓ All containers should be securely packed and sealed.
✓ Exterior of the Cans should be Free from Rust, Dents, perforations and Seam Distortions.
✓ Cans shall be Free from Leaks.
2. Label Must Carry…

1. Name of the food
2. List of ingredients in descending order
3. Nutritional information
4. Veg/ Non Veg logo of appropriate dimensions
5. Specific declaration of food additives and colours/flavors
6. Name and complete address of manufacturer
7. Net content and drained weight by weight or Volume
8. Lot no/ code no/Batch identification
9. Date of Manufacturing /Packing
10. Best Before Date and use by date
11. Country of Origin for Imported food
12. Instructions for use
Nutritional Information

- Nutritional information is the declaration of the nutritional composition of the food. It provides an idea of the nutrition that can be derived from that particular article of food.
- Nutritional information should always be stated in numerical terms. The nutrition information for a particular food article is declared per 100g or 100ml or per serving of the food on the label.
3. Manner Of Declaration

General Conditions:

✓ Any pictorial device/graphic matter on label shall not be in conflict with the regulations

✓ Declarations shall be legible, conspicuous, plain, bold and in contrast of the background color
Principal Display Panel (PDP)

✓ PDP- that part of the container/package which is intended or likely to be displayed or presented or shown or examined by the customer under normal and customary conditions of display, sale or purchase of the commodity contained therein

✓ All label information shall be given on the PDP

✓ All information required on label shall either be
  - Grouped together at one place
  OR
  - Pre printed info. at one place and online info. in another place
Specific Requirements / Restrictions On Manner Of Labeling

1. Labeling Of Infant Milk Substitutes And Infant Food
2. Labeling Of Edible Oils And Fats
3. Labeling Of Permitted Food Colors
4. Labeling Of Irradiated Food
5. Other Product Specific Labeling Requirements
Other Product Specific Labeling Requirements
Coffee-Chicory Mixture

Coffee Blended with Chicory
This mixture contains
Coffee..................Percent
Chicory..................Percent

Condensed Milk (Unsweetened)

CONDENSED MILK UNSWWTENED
(Evaporated Milk) (This tin contains the equivalent) of (x).....liters of toned milk

Condensed Milk (sweetened)

CONDENSED MILK SWWTENED
This tin contains the equivalent of (x).....liters of toned milk with sugar added
In case of condensed skimmed milk (unsweetened)

condensed skimmed milk (unsweetened)
(Evaporated Milk) (This tin contains the equivalent) of (x).....liters of skimmed milk milk

In case of milk powder

MILK POWDER
This tin contains the equivalent of (x).....liters of toned milk

Low fat paneer/chenna

LOW FAT PANEER/ CHHANNA
Way Ahead

- Enforcement and Surveillance Infrastructure
- Quality Assurance-Upgradation of Food testing Laboratory Network
- Harmonization of Standards
- Research and Development Framework for the Authority
- Imports of Food
- Risk Analysis Framework
- Strengthening of National Codex Contact Point
- Training and Capacity building
- IEC Activities
- Strong Regulatory Desk
THANK YOU