

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

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## India

**Post:** New Delhi

### **Draft Amendment on Gluten and Gluten Free Foods**

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

FAIRS Subject Report

Exporter Guide

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**Report Highlights:**

The Government of India's (GOI) Food Safety and Standards Authority of India (FSSAI) published draft regulations regarding standards and labeling requirements for gluten and non-gluten foods. The GOI is also seeking public comments for these regulations. The deadline for public comments is April 17, 2015.

### **Executive Summary:**

FSSAI recently published [Draft Food Products Standards cum Packaging and Labeling \(Amendment\) Regulations, 2015](#) to set maximum limits and labeling requirements for gluten and non-gluten foods. To date, these draft regulations have not been notified to the World Trade Organization (WTO). FSSAI is seeking public comments from interested stakeholders through April 17, 2015.

### **General Information:**

**DISCLAIMER:** The information contained in this report was retrieved from FSSAI's website <http://www.fssai.gov.in/>. The Office of Agricultural Affairs and/or the U.S. Government makes no claim of accuracy or authenticity.

1. Regulations 2.14 and 2.15 have been added in Chapter 2 of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011. The details are as stated:

#### **“2.14 Gluten-free foods:**

1. These foods consist of or are made from one or more ingredients which may contain rice, rye, barley, oats and millets or ragi, pulses and legumes, where the inherent gluten has been reduced and the gluten level does not exceed 20 milligram (mg)/kilogram (kg) in total, based on the food as sold or distributed to the consumer.
2. The product does not contain wheat or any of its ingredients and shall bear the label declaration as provided in the sub-regulation 2.4.5 (52) of Food Safety and Standards (Packaging and Labeling) Regulations, 2011.
3. A food which, by its nature, is suitable for use as part of a gluten-free diet shall not be named as “special dietary”. “special dietetic” or any other equivalent term. However, such a food may bear a statement on the label that “this food is by its nature gluten-free.

Provided that it complies with the essential composition provisions for gluten-free as described above and such a statement does not mislead the consumer.

#### **“2.15 Foods specially processed to reduce gluten content to a level above 20 up to 100 mg/kg:**

These foods consist of one or more ingredients from rice, rye, barley, oats, millet, or ragi, pulses and legumes which have been specially processed to reduce the inherent gluten present in them to a level between 20 and 100 mg/kg in total, based on the food as sold or distributed to the consumer and shall bear the label declarations as provided in the sub-regulation 2.4.5 (53) of Food Safety and Standards (Packaging and Labeling) Regulation, 2011.”

2. Sub-clauses 52 and 53 are added in Sub-regulation 2.4.5 of the Food Safety and Standards (Packaging and Labeling) Regulations, 2011. The details include:

“(52) The term “Gluten-free” shall be printed in the immediate proximity of the name of the product in the case of products described in regulation 2.14 of the Food Safety and Standards (Food Product Standards and Food Additives) Regulation, 2011, namely:-

“Gluten-Free”

(53) The term “Low-Gluten” shall be printed in the immediate proximity of the name of the product in the case of products described in regulation 2.15 of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011 namely:-

“Low-Gluten”

Comments, in the format pasted below, should be sent to:

Chief Executive Officer

Food Safety and Standards Authority of India

Food and Drug Administration Bhawan, Kotla Road

New Delhi – 110002

Email: [regulation@fssai.gov.in](mailto:regulation@fssai.gov.in)

FSSAI’s notification is attached at the end of this report and is also available on FSSAI’s website:

<http://www.fssai.gov.in/>.

**MINISTRY OF HEALTH AND FAMILY WELFARE**  
**(Food Safety and Standards Authority of India)**  
**NOTIFICATION**

New Delhi, the 28th, January, 2015

**No. 3-16/Specified Foods/Notification(Food Additive)/FSSAI-2014.**—The following draft of certain regulations further to amend the Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011, which the Food Safety and Standards Authority of India proposes to make with the previous approval of the Central Government, in exercise of the powers conferred by clause (e) of sub-section (2) of section 92 read with clause (b) of sub-section (2) of section 16 of the Food Safety and Standards Act, 2006 (34 of 2006), is hereby published as required by the said sub section (2), for information of all persons likely to be affected thereby; and notice is hereby given that the said draft regulations will be taken into consideration after the expiry of a period of sixty days from the date on which copies of the Official Gazette in which this notification is published, are made available to the public;

Objections or suggestions, if any, may be addressed to the Chief Executive Officer, Food Safety and Standards Authority of India, FDA Bhawan, Kotla Road, New Delhi – 110 002;

The Objections and suggestions which may be received from any person with respect to the said draft regulations, before the expiry of the period specified above, shall be considered by the Food Authority.

**Draft Regulations**

1. (1) These regulations may be called the Food Safety and Standards (Food Products Standards and Food Additives) (Amendment) Regulations, 2015.  
(2) They shall come into force on the date of their final publication in the Official Gazette.
2. In the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011; after regulation 2.13, the following regulations shall be inserted, namely:—  
“**2.14 Gluten-free foods.-** (1) These foods consist of or are made from one or more ingredients which may contain rice, rye, barley, oats and millets or ragi, pulses and legumes, where the inherent gluten has been reduced and the gluten level does not exceed 20 mg/kg in total, based on the food as sold or distributed to the consumer.  
(2) The product does not contain wheat or any of its ingredients and shall bear the label declaration as provided in the sub-regulation 2.4.5 (52) of Food Safety and Standards (Packaging and Labelling) Regulations, 2011.  
(3) A food which, by its nature, is suitable for use as part of a gluten-free diet shall not be named as “special dietary”, “special dietetic” or any other equivalent term. However, such a food may bear a statement on the label that “this food is by its nature gluten-free”.

Provided that it complies with the essential composition provisions for gluten-free as described above and such a statement does not mislead the consumer.

**2.15. Foods specially processed to reduce gluten content to a level above 20 up to 100mg/kg.-** These foods consist of one or more ingredients from rice, rye, barley, oats, millets or ragi, pulses and legumes which have been specially processed to reduce the inherent gluten present in them to a level above 20 up to 100 mg/kg in total, based on the food as sold or distributed to the consumer and shall bear the label declaration as provided in the sub-regulation 2.4.5 (53) of Food Safety and Standards (Packaging and Labelling) Regulation, 2011.

YUDHVIR SINGH MALIK, Chief Executive Officer

[ ADVT III/4/Esty./187-O/14]

**Note:** - The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4, vide notification number F.No. 2-15015/30/2010, dated 1st August, 2010 and subsequently amended vide notification numbers:

- (i) F.No. 4/15015/30/2011, dated the 7th June, 2013.
- (ii) F.No. P.15014/1/2011-PFA/FSSAI, dated the 27th June, 2013
- (iii) F.No. 5/15015/30/2012, dated the 12th July, 2013 and
- (iv) F.No. P.15025/262/13-PA/FSSAI dated the 5th, December, 2014

## NOTIFICATION

New Delhi, the 28th January, 2015

**No. 3-16/ Specified Foods/Notification (Food Labelling)/FSSAI-2014.**—The following draft of certain regulations further to amend the Food Safety and Standards (Packaging and Labelling) Regulations, 2011, which the Food Safety and Standards Authority of India proposes to make with the previous approval of the Central Government, in exercise of the powers conferred by clause (k) of sub-section (2) of section 92 read with section 23 of the Food Safety and Standards Act, 2006 (34 of 2006), is hereby published as required by the said sub section (2), for information of all persons likely to be affected thereby; and notice is hereby given that the said draft regulations will be taken into consideration after the expiry of a period of sixty days from the date on which copies of the Official Gazette in which this notification is published, are made available to the public;

Objections or suggestions, if any, may be addressed to the Chief Executive Officer, Food Safety and Standards Authority of India, FDA Bhawan, Kotla Road, New Delhi – 110 002;

The Objections and suggestions which may be received from any person with respect to the said draft regulations, before the expiry of the period specified above, shall be considered by the Food Authority.

### Draft Regulations

- (1) These regulations may be called the Food Safety and Standards (Packaging and Labelling) (Amendment) Regulations, 2015.  
(2) They shall come into force on the date of their final publication in the Official Gazette.
- In the Food Safety and Standards (Packaging and Labelling) Regulations, 2011, in regulation 2.4, in sub regulation 2.4.5, after sub-clause (51), the following sub-clauses shall be inserted, namely: —  
“(52) The term “Gluten-free” shall be printed in the immediate proximity of the name of the product in the case of products described in regulation 2.14 of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, namely: —

“Gluten-Free”

(53) The term “Low-Gluten” shall be printed in the immediate proximity of the name of the product in the case of products described in regulation 2.15 of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, namely:-

“Low-Gluten”

YUDHVIR SINGH MALIK, Chief Executive Officer

[ ADVT III/4/Exty./187-O/14]

**Note:** The principal regulations were published in the Gazette of India, Extraordinary, Part III, section 4 notification No. 2-15015/30/2010 dated the 1<sup>st</sup> August, 2011 and subsequently amended vide notification number:

- F. No. 4/15015/30/2011, dated the 7<sup>th</sup> June, 2013.

Subject: Draft Food Safety and Standard (Food product Standard and Food Additives) Amendment Regulation, 2015 and Food Safety and Standards (Packaging and labelling) Amendment Regulation, 2015 dated 28.1.2015 with respect to Gluten and Non-Gluten foods. [Amendment in the Food Safety and Standards (Food Products standards and Food additives) Regulation, 2011: Regulation 2.14, 2.15] and [Amendment in the Food Safety and Standards (Packaging and labelling) Regulation, 2011: Regulation 2.4.5, after sub-clause (51)]

**FORMAT FOR SENDING THE COMMENTS AND SUGGESTIONS**

| Sr. No. | Name and Address of the organisation/person, contact number and E-mail | Relevant section in the draft notification on which comments are being provided | Comments/suggestion | Rationale | Remarks |
|---------|--|---|---------------------|-----------|---------|
|         |  |   |                     |           |         |
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|         |  |   |                     |           |         |

Date:

Place:

Name and signature