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FSSAI-Towards Implementing Food Safety Standards in India

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Report Highlights:

With the newly established Food Safety and Standards Authority of India (FSSAI) in place, India is beginning to deploy federal food safety inspectors at ports. This report highlights the progress of FSSAI so far and outlines the regulations governing the importation of food.

General Information:

Disclaimer: This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in New Delhi, India, for US exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changes since its preparations, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

On August 24, 2006, the Indian government published the [Food Safety and Standards Act, 2006](#) (the Act) in the official Gazette, providing public notice of a set of consolidated and updated food safety and standards regulations and announcing plans to establish the Food Safety and Standards Authority of India (FSSAI) under the Ministry of Health and Family Welfare.

The Act officially repeals the regulatory framework established by the [Prevention of Food Adulteration \(PFA\) Act, 1954](#), the [Fruit Products Order, 1955](#), the [Meat Food Products Order, 1973](#), the [Vegetable Oil Products \(Control\) Order, 1947](#), the [Edible Oils Packaging \(Regulation\) Order 1988](#), the [Solvent Extracted Oil, De-Oiled Meal and Edible Flour \(Control\) Order, 1967](#), and the [Milk and Milk Products Order, 1992](#). However, rather than eliminating these regulatory authorities, the Act combines them under a single authority with minor revisions, while adding key provisions to further strengthen food safety regulation.

The Government of India notified the draft Act to the World Trade Organization (WTO) and has been finalizing the draft over several months. The WTO notified draft was approved by the Ministry of Health and Family Welfare on October 19, 2010. The approved draft was then released by the FSSAI for comments from stakeholders. **The comment period on the Ministry of Health and Family Welfare approved draft ends November 15, 2010.** Prior to the implementation of regulations on a nationwide basis, the draft regulations must be first approved by the Ministry of Health and Family Welfare, and then finally notified to the public through the official Gazette of India. Once notified in the official Gazette of India, the regulations are officially designated as 'Final Regulations', and ready to be implemented nationwide.

The approved draft by the Ministry of Health and Family Welfare can be accessed at: [Draft \(II version\) of Food Safety and Standards Regulations, 2010](#).

In the meantime, work has begun on implementing elements of the Act that reflect previous procedures and regulations. Of particular interest to companies that export food to India is the deployment of FSSAI inspectors at five ports of entry around India. This deployment represents the first time that federal (central) food safety experts will be in charge of enforcing India's food regulations at the port of entry. Previously, general port health officials were deputed to oversee food safety procedures such as sampling and clearance of shipments. These new inspectors are now in place with start-up staffs at Mumbai, Nhava Sheva, Haldia, Kolkata and Chennai seaports. Eventually, inspectors will be stationed at all Indian air and sea ports and FSSAI staff levels will increase. The FSSAI is also charged with regulating the domestic food industry, particularly for larger food processors. State-level authorities will likely carry out inspection of India's smaller food

companies.

It is important to note that the regulations currently governing the sampling and testing of processed food products, fruits, vegetables, meat and milk products have not changed. However, the existing laws are now being enforced by inspectors whose primary function is to enforce food safety regulations. Additionally, FSSAI is establishing company and product risk profiles that will help them in determining sampling procedures and frequencies in the future, a process that has already led to higher initial sampling rates for some products. Certain high-risk products will continue to be subject to 100 percent test and hold sampling procedures, as regulations required previously.

FSSAI staff levels at ports will eventually increase, but current staffs are relatively limited and food import volumes are currently high in the lead up to India's festival season. Exporters should work closely with importers to clearly understand port clearance procedures in the event of delays in clearing shipments. Companies may need to plan for costs such as port storage and power charges as part of their transaction.

New Draft Food Safety and Standards Rules and Regulation, 2010*

For more information about the current version of the Act, the title of which has been updated to reflect the current year (*2010), copies of key provisions can be found at the following links. However, these documents are essentially a retitled version of the [Prevention of Food Adulteration Rules, 1954](#) and its amendments, without any changes.

- The Draft [Food Safety and Standards Rules, 2010](#) contain qualifications of the enforcement agencies, sampling techniques, legal aspects and other issues enumerated under Section 91 of the Food Safety and Standards Act 2006.
- The Draft [Food Safety and Standards Regulations, 2010](#) contain labeling requirements and standards for packaged food, permitted food additives, colors, microbiological requirements, etc. However, these regulations are a re-titled version of the [Prevention of Food Adulteration Rules, 1954](#) and its amendments

The rules and regulations will be officially implemented on a nationwide basis after publication in the official Gazette of India which is slated for publication in early 2011. However, as noted previously, much of what is contained in these documents is a reiteration of existing requirements and regulations, particularly as they relate to the clearance of imported food shipments.

Importers Must be Licensed

Per the new regulations, the food business operator, who can be a “*food processor, manufacturer, exporter, or importer, shall ensure that the food he is handling meets all the standards laid under the FSSAI's Food Safety and Standards Regulations 2010.*” Consequently, importers will be required to hold an FSSAI license, to conduct business in India. Indian exporters must also be licensed. FSSAI will not license foreign companies that export food products to India.

FSSAI Operational Update

The FSSAI is headquartered in New Delhi. It has regional offices in West Bengal, Maharashtra, Tamil Nadu, Uttar Pradesh, Punjab and Assam. The FSSAI has now become fully functional, with the appointment of the Chairperson, Chief Executive and the establishment of a Central Advisory Committee as well as the various scientific panels and scientific committees required under the Food Safety and Standards Act of 2006. The FSSAI has also authorized its officers at Mumbai, Nhava Sheva, Haldia, Kolkata and Chennai sea ports to oversee the clearance process of imported food

products. These officers are:

<p>1. Dr. S.K. Halder, Authorized Officer (Mumbai Sea Port) Food Safety and Standards Authority of India, Ministry of Health and Family Welfare, Government of India, C/o Directorate of Marketing and Inspection, 3rd Floor, B-Wing, New CGO Building, New Marine Lines, Mumbai-400020, Maharashtra Tel:+91-22-22032699 Mobile No.:+91 98694 27663</p>	<p>2. Shri Ais Kumar, Authorized Officer (Jawaharlal Nehru Port Trust, Nhava Sheva) Food Safety and Standards Authority of India, Regional Office- Western Region, Food Safety and Standards Authority of India, Ministry of Health & Family Welfare, Government of India Old CGO Building, 101, M.K.Marg, New Marine Lines, Mumbai- 400020, Maharashtra Tele-fax: +91- 22-22036801 Mobile No.: +91 98923 19964</p>
<p>3. Shri M. S. Karak, Authorized Officer (Kolkata Sea Port) Food Safety and Standards Authority of India, Regional Office- Eastern Region, Ministry of Health & Family Welfare, Government of India, 4th Floor, Mayukh Bhawan, Salt Lake, Kolkata. Phone.+91-33-23585625, 23580391 Mobile No.: +91 94335 18252</p>	<p>4. Dr. S.K. Mohanta, Authorized Officer (Haldia Sea Port) Food Safety and Standards Authority of India, C/O Directorate of Marketing & Inspection, General Poll Officers Building/CGO Complex, 4th Floor, A Wing, DF Block, Sector-1, Salt Lake, Kolkata-700 064. Mobile No.: +91 98300 11674, Fax No.: +91-33-23340845</p>
<p>5. Dr. G. Srinivasan, Authorized Officer (Chennai Sea Port) Food Safety and Standards Authority of India-Regional Office Ministry of Health and Family Welfare, Government of India, C/o Directorate of Marketing and Inspection 4th Floor, 6th Block, C-Wing, Shastri Bhawan 26, Haddows Road, Chennai-600006, Tamil Nadu Phone: +91- 44-28278065 Fax: +91- 44- 28271738 Email: srinivasan9387@yahoo.co.in</p> <p>Note: During the absence or leave period of Dr. G. Srinivasan, Authorized Officer, Dr. B.G.Pandian, Marketing Officer will discharge the functions of Authorized Officer at the Chennai sea port.</p> <p>The FSSAI also oversees the Central Food Laboratories, setting procedures and guidelines for laboratory accreditation. A list of the public laboratories authorized to analyze samples of imported products, under the PFA Act, as amended, has been released and can be accessed at: FSSAI's authorized labs for testing samples of imported food into India.</p> <p>Imported Food Clearance</p> <p>Domestic food laws and standards typically apply equally to domestic and imported food products. Importers of packaged food products must adhere to the provisions of the Food Safety and Standards Regulations, 2010, which consolidates the following acts and orders: the Prevention of Food Adulteration (PFA) Act, 1954, the Fruit Products Order, 1955, the Meat Food Products Order, 1973, the Vegetable Oil Products (Control) Order, 1947, the Edible Oils Packaging (Regulation) Order 1988, the Solvent Extracted Oil, De-Oiled Meal and Edible Flour (Control) Order, 1967, and the Milk and Milk Products Order, 1992. Additional details on Indian food laws are available in the “Food and Agricultural Import Regulations and Standards Country Report 2009” (IN9113), which can be accessed via the USDA/FAS website: www.fas.usda.gov.</p>	

All processed food products must meet the requirements established under the [Standards of Weights and Measures Act, 1976](#). Imported food products such as milk powder, condensed milk, and infant food must comply with Indian quality standards established by the Bureau of Indian Standards (<http://bis.org.in/cert/man.htm>).

Customs officers inspect incoming consignments, draw samples, and forward the samples to FSSAI port officers, who verify that the imported food product complies with the Indian food laws. The FSSAI port officers take the samples and, based on the regulations, send the samples for required tests to FSSAI approved labs. The FSSAI port officers will issue a 'No Objection Certificate', if lab analysis results show that the imported food product is in compliance with the Indian food laws. Customs officers will refer to the 'No Objection Certificate' issued by the FSSAI port officers and consignment is released for distribution and sale in India. If the consignment does not comply with the Indian food law, then the FSSAI port officers inform the customs officers to detain, re-export or destroy the consignment.

(Note: FSSAI maintains that there is no change in the procedures for sampling; testing and clearance of imported foods and all the rules and procedures are same as they were under the PFA Act, as amended).

The procedures for sampling and lab analysis are described in Chapter IX of [Food Safety and Standards Regulations 2010](#). All products are subject to 5-20 % sampling on a random basis except for high risk and perishable products (For details please see the Directorate General of Foreign Trade (DGFT), policy circular [here](#)). Per existing law, 100 per cent sampling is required for high risk commodities and/or perishable commodities such as fruits, vegetables, meat, fish, cheese, etc. (For details, please see the related DGFT policy circular [here](#)). The cost of sampling is borne by the importer. The importer shall ensure that the food product has a valid shelf life of 60 per cent of its original shelf life at the time of entry or the FSSAI authorized officers will not draw the sample. For more information please see relevant notification issued by the Department of Commerce on July 30, 2001, [here](#)

Prior to sampling a product, the FSSAI port officer will ascertain if the imported pre-packaged food item is in compliance with the labeling provisions under the PFA rules so as to ensure that adequate and accessible information is available to the handler, processor or consumer to enable them to handle, store, process, prepare and display the food products safely and correctly and that the lot or batch can be easily traced and recalled if necessary.

According to the PFA rules, "Prepackaged or —Pre-packed food means food, which is placed in a package of any nature, in such a manner that the contents cannot be changed without tampering it and which is ready for sale to the consumer. The expression —package, shall be construed as package containing prepacked food articles."

The PFA requires that every package of food shall carry the following information on the label

- The trade name or description of the food item
- List of ingredients, except for single ingredient foods
- Net content by weight, volume or number; drained weight (for food packed in liquid medium)
- Distinctive lot number or code number or batch number
- Date, month, and year of manufacturing or packing.
- Best before date
- Instructions for use
- Maximum Retail Price (MRP)
- Nutritional information

Nutritional information or nutritional facts per 100 gram or 100 ml or per serving of the product should be given on the label, which include:

- (a) Energy value in kcal.
- (b) Amount of protein, carbohydrates (specify quantity of sugar) and fat.
- (c) Amount of any other nutrient for which nutrition or health claim is made.
- (d) Numerical information on vitamins and minerals.

Raw agricultural commodities, spice mixes, condiments, non-nutritive products, alcoholic beverages, processed pre-packaged vegetables and fruits, etc. are exempted from nutritional labeling requirements. For details see:

www.mohfw.nic.in/Noti%20664.pdf

- Name and complete address of the manufacturer

a). Where an article of food is imported into India, the package of food shall also carry the name and complete address of the importer in India.

b). If any food article manufactured outside India is packed or bottled in India, the package containing such food article shall also bear on the label, the name of the country of origin of the food article and the name and complete address of the importer and the premises of packing or bottling in India.

Where applicable, the product label should also contain the following:

- The purpose of irradiation and license number, in case of irradiated food.
- Declaration of additives including colors and flavors
- Declaration of 'Vegetarian' and 'Non-vegetarian' food

In the case of imported packaged food, all declarations must be: 1) printed on a label securely affixed to the package or; 2) made on an additional wrapper containing the imported package or; 3) printed on the package itself or; 4) made on a card or tape affixed firmly to the package or container and bearing the required information. Labels must be printed in English or Hindi (Devanagari script). The responsibility for labeling lies with the importer, and should be done before products are presented for customs clearance. Products exhibiting only a standard U.S. label will not be allowed to enter.

Per Notification No. 44 (RE-2000)/1997-2002, issued by the Department of Commerce (DC), Ministry of Commerce and Industry, on November 24, 2000, all packaged commodities, including packaged food, imported into India should also carry the following declarations:

- Name and address of the importer (as discussed above)
- Generic or common name of the commodity packed.
- Net quantity using standard units of weights and measures. If the net quantity of the imported package is given in any other unit, its equivalent terms of standard units shall be declared by the importer.
- Month and year in which the commodity was manufactured/packed, or imported.
- The MRP at which the commodity, in packaged form, may be sold to the ultimate consumer. This price shall include all taxes, local or otherwise, freight, transport charges, commission payable to dealers, and all charges towards advertising, delivery, packing, forwarding, and any other relevant charges.
- Country of origin for imported food. If When a food undergoes processing in a second country which changes its nature, then the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

There are special labeling requirements for certain packaged food items, such as infant foods, condensed milk, milk powder, blended vegetable oils, etc. A detailed account of all packaging and labeling regulations, along with applicable conditions and the manner of labeling is available in Chapter IV of the [Food Safety and Standards Regulations 2010](#) (Part VII of [PFA Act, 1954](#)).

What to do if the clearance is delayed at the port?

In India's food safety laws, there is no mention of a timeline to be met for clearance of imported food. Inspection and customs officials endeavor to clear shipments as quickly as possible. However, in the event of an unusual delay, particularly one that leads to additional costs or jeopardizes the condition of the product, importers should approach the Port Commissioner or local FSSAI officer.

The importer can also contact FSSAI headquarters:

Food Safety and Standards Authority of India(FSSAI),

FDA Bhavan,

Next to Rashtriya Bal Bhavan,

Kotla Road, New Delhi - 110002

India.

Email : adm@fssai.gov.in

EPABX : 011-23236975

Telefax: 011-23220994

For additional information, please contact:

Office of Agricultural Affairs

Embassy of the United States of America

Chanakypuri

New Delhi-110021

Phone: +91-11-24198000

Fax:+91-11-24198530

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