

The Food Laws Ezine

(April-June 2014)

Courtesy:

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Significant Developments:

FOOD SAFETY AND STANDARDS (LICENSING AND REGISTRATION OF FOOD BUSINESSES) REGULATIONS, 2011, AMENDMENT REGULATION 2014

The Food Authority of India (FSSAI) has amended the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 by amendment regulation 2014 to provide 36 months for conversion of licenses/registrations instead of 12 months. By this amendment, the food business operators will be able to convert their existing license/registration into license/registration under the Food Safety and Standards Act, 2006 until 4th August, 2014 without paying any extra amount of late fee/fine.

The amended regulation has also exempted food licensees, except manufacturers and importers from filing annual return by 31st May every year for the period of the previous financial year.

Notification F.No. 2-15015/30/2012 dated 13/6/2014

DISPLAY OF FSSAI LOGO ALONG WITH LICENSE NUMBERS ON LABELS OF FOOD PRODUCTS

FSSAI vide its circular dated 23rd June, 2014 has deferred the mandatory printing of FSSAI logo and license number on the labels of food products till 31st December, 2014. The provision of display of FSSAI logo and license number shall be applicable from 1st, January, 2015.

FSSAI has further clarified that:

- (a) The FSSAI logo and license number shall be displayed on the label of the food package in a contrasting color to the background.
- (b) In case of multiple units, the FSSAI logo and license number of brand owner shall be displayed on the label of the food package. The addresses of the multiple units on the label shall carry only the license number of respective units.
- (c) In case of imported food products, the importer shall display the FSSAI logo and license number along with name and address of the importer. The FSSAI logo and the license number either be pre-printed on the label or affixed through a sticker before customs clearance.

Notification F.No. 4 /15015/30/2011 (Pt-1) dated 23/6/2014

THE GOVERNMENT OF INDIA HAS EXTENDED THE BAN ON IMPORT OF MILK AND MILK PRODUCTS FROM CHINA:

The Government of India has extended the ban on import of milk and milk products from China for another year. The ban was to expire on 23rd June, 2014. The Government of India had imposed the ban in the year 2008 since there was a fear that Chinese dairy products contained melamine, a chemical used for making plastics and fertilizers.

Notification no. 1-13/fssa/dp/2008 dated 19/6/2014

SHIPMENTS OF IMPORTED SPIRIT, INCLUDING EUROPEAN SCOTCH WHISKY BEING HELD BY CUSTOMS FOR ALLEGEDLY VIOLATING INDIA'S LABELLING REQUIREMENTS.

Under the Indian law, manufacturers are required to list the name of ingredients of a food product on its label unless it is a single ingredient product.

Scotch makers argue that all alcoholic beverages are made of one ingredient. On analysis the samples of Scotch whisky were found to contain ingredients like caramel and/or flavor, whereas the same were not listed on their labels.

Times of India, New Delhi 27/6/2014

Judgments:

PRODUCT APPROVAL

The Mumbai High Court on June 30, 2014, by a majority judgment quashed as unlawful an advisory issued by the FSSAI for prior product approval of dietary food and health supplements already licensed under the erstwhile Prevention of Food Adulteration Act, 1954.

Earlier, the Mumbai High Court had stayed an advisory issued by the FSSAI in respect of Product Approval based on advisories issued by the FSSAI on its website.

The stay was granted on 31st January, 2014 following a writ petition filed by the Indian Drug Manufacturers Association and a private nutraceutical firm against product approval advisory issued in May 2013 by FSSAI.

Vital Nutraceuticals Pvt Ltd. Vs UOI & Anr, Bombay High Court W.P No. 2746/2013

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