**Food Safety and Standards Act, 2006**

***Objective***

An Act to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India 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 and for matters connected therewith.

***Definitions***

**“Food**” means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food to the extent defined in clause, genetically modified or engineered food or food containing such ingredients, infant food, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used into the food during its manufacture, preparation or treatment but does not include any animal feed, live animals unless they are prepared or processed for placing on the market for human consumption, plants, prior to harvesting, drugs and medicinal products, cosmetics, narcotic or psychotropic substances .

“**Food additive**” means any substance not normally consumed as a food by itself or used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result (directly or indirectly), in it or its by-products becoming a component of or otherwise affecting the characteristics of such food but does not include “contaminants” or substances added to food for maintaining or improving nutritional qualities.

**“Adulterant**” means any material which is or could be employed for making the food unsafe or sub-standard or misbranded or containing extraneous matter;

***Food Safety and Standards Authority of India (FSSAI or Food Authority)***

The Central Government shall, by notification, establish a body to be known as the Food Safety and Standards Authority of India to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

The head office of the Food Authority shall be at Delhi.

The Food Authority may establish its offices at any other place in India.

The Food Authority shall consist of a Chairperson and the following twenty-two members out of which one-third shall be women.

Composition of FSSAI

(a) Ex-Officio

Seven Members, not below the rank of a Joint Secretary to the Government of India, to be appointed by the Central Government, to respectively represent the Ministries or Departments of the Central Government dealing with -

(i) Agriculture, (ii) Commerce, (iii) Consumer Affairs, (iv) Food Processing, (v) Health, (vi) Legislative Affairs, (vii) Small Scale Industries

(b) Two representatives from food industry of which one shall be from small scale industries;

(c) Two representatives from consumer organisations;

(d) Three eminent food technologists or scientists;

(e) Five members to be appointed by rotation every three years, one each in seriatim from the Zones as specified in the First Schedule to represent the States and the Union territories;

(f) Two persons to represent farmers’ organisations;

(g) One person to represent retailers’ organisations.

The Chairperson and other members (other than Ex-officio) shall be appointed by the Central Government. They should not hold any other office.

The Central Government shall, for the purpose of selection of the Chairperson and the Members other than ex officio Members of the Food Authority, constitute a Selection Committee. The Chairperson and the members other than ex officio Members shall hold office for a term of three years from the date on which they enter upon their offices, and shall be eligible for re-appointment for a further period of three years:

Provided that the Chairperson shall not hold office as such after he has attained the age of sixty-five years.

(a) in the case of the Chairperson, the age of sixty-five years, and

(b) in the case of a Member, the age of sixty-two years.

The salary and allowances payable to, and the other terms and conditions of service of the Chairperson and Members other than ex-officio Members shall be such as may be prescribed by the Central Government.

Functions of FSSAI

(1) Regulate and monitor the manufacture, processing, distribution, sale and import of food so as to ensure safe and wholesome food.

(2) The Food Authority may by regulations specify -

a. The limits for use of food additives, limits of crop contaminants, pesticide residues, residues of veterinary drugs, heavy metals, etc

b. The procedure and guidelines for accreditation of laboratories

c. Food labelling standards including claims on health, nutrition, special dietary uses and food category systems for foods.

(3) The Food Authority shall also –

(a) provide scientific advice and technical support to the Central Government and the State Governments in matters of framing the policy and rules in areas which have a direct or indirect bearing on food safety and nutrition;

(b) provide scientific and technical advice and assistance to the Central Government and the State Governments in implementation of crisis management procedures with regard to food safety.

(4) The FSSAI shall provide, whether within or outside their area, training programmes in food safety and standards for persons who are or intend to become involved in food businesses, whether as food business operators or employees.

**Officers and other employees of Food Authority**

1. There shall be a Chief Executive Officer of the Food Authority, not below the rank of Additional Secretary to the Government of India.

2. The Food Authority may, with the approval of the Central Government, determine the number, nature and categories of other officers and employees required to the Food Authority in the discharge of its functions.

Functions of the Chief Executive Officer

1. The Chief Executive Officer shall be the legal representative of the Food Authority and shall be responsible for –

(a) The day-to-day administration of the Food Authority;

(b) Drawing up of proposal for the Food Authority’s work programmes in consultation with the Central Advisory Committee;

(c) Implementing the work programmes and the decisions adopted by the Food Authority;

(d) Ensuring the provision of appropriate scientific, technical and administrative support for the Scientific Committee and the Scientific Panel;

(e) Ensuring that the Food Authority carries out its tasks in accordance with the requirements of its users, in particular with regard to the adequacy of the services provided and the time taken;

(f) Preparation of the statement of revenue and expenditure and the execution of the budget of the Food Authority; and

(g) Developing and maintaining contact with the Central Government, and for ensuring a regular dialogue with its relevant committees.

**Central Advisory Committee**

(1) The Food Authority shall, by notification, establish a Committee to be known as the Central Advisory Committee.

(2) The Central Advisory Committee shall consist of two members each to represent the interests of food industry, agriculture, consumers, relevant research bodies and food laboratories and all Commissioners of Food Safety, and the Chairperson of the Scientific Committee shall be ex officio member.

(3) The representatives of the concerned Ministries or Departments of the Central Government in Agriculture, Animal Husbandry and Dairy, Bio-technology, Commerce and Industry, Consumer Affairs, Environment and Forests, Food Processing Industries, Health, Panchayati Raj, Small Scale Industries and Food and Public Distribution or government institutes or organisations and government recognised farmers’ shall be invitees to the deliberations of the Central Advisory Committee.

(4) The Chief Executive Officer shall be ex officio Chairperson of the Central Advisory Committee.

Functions of Central Advisory Committee.

(1) The Central Advisory Committee shall ensure close cooperation between the Food Authority and the enforcement agencies and organisations operating in the field of food.

(2) The Central Advisory Committee shall advise the Food Authority on –

(a) the performance of its duties under this section and in particular in drawing up of a proposal for the Food Authority’s work programme,

(b) on the prioritisation of work,

(c) identifying potential risks,

(d) pooling of knowledge, and

(e) such other functions as may be specified by regulations

**Commissioner of Food Safety**

(1) The State Government shall appoint the Commissioner of Food Safety for the State for efficient implementation of food safety and standards and other requirements laid down under this Act and the rules and regulations made thereunder.

(2) The Commissioner of Food Safety shall perform all or any of the following functions, namely:–

(a) prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food, either in the whole of the State or any area or part thereof for such period, not exceeding one year, as may be specified in the order notified in this behalf in the Official Gazette;

(b) carry out survey of the industrial units engaged in the manufacture or processing of food in the State to find out compliance by such units of the standards notified by the Food Authority for various articles of food;

(c) conduct or organise training programmes for the personnel of the office of the Commissioner of Food Safety and, on a wider scale, for different segments of food chain for generating awareness on food safety;

(d) ensure an efficient and uniform implementation of the standards and other requirements as specified and also ensure a high standard of objectivity, accountability, practicability, transparency and credibility;

(e) sanction prosecution for offences punishable with imprisonment under this Act.

**Food Safety Officer**

(1) The Commissioner of Food Safety shall, by notification, appoint such persons as he thinks fit, having the qualifications prescribed by the Central Government, as Food Safety Officers for such local areas as he may assign to them for the purpose of performing functions under this Act and the rules and regulations made thereunder.

(2) The State Government may authorise any officer of the State Government having the qualifications prescribed to perform the functions of a Food Safety Officer within a specified jurisdiction.

**Qualifications**: Food Safety Officer shall be a whole time officer and shall, on the date on which he is so appointed, possesses the following:

i. a degree in Food Technology or Dairy Technology or Biotechnology or Oil Technology or Agricultural Science or Veterinary Sciences or Bio-Chemistry or Microbiology or Masters Degree in Chemistry or degree in medicine from a recognized University, or

ii. any other equivalent/recognized qualification notified by the Central Government, and

iii. has successfully completed training as specified by the Food Authority in a recognized institute or Institution approved for the purpose.

Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a Food Safety Officer under this rule.

**Powers of FSO**

1. The Food Safety Officer may seize the adulterant or food which is unsafe or sub-standard or mis-branded or containing extraneous matter, may seal the premises for investigation after taking a sample of such adulterant or food for analysis.

2. Where the Food Safety Officer is of the opinion or he has reason(s) to believe that any person engaged in selling, handling or manufacturing any article of food is suffering from or harbouring the germs of any infectious disease, he may cause such person to be examined by a qualified medical professional duly authorized by the Designated Officer.

3) To stop and inspect any vehicle suspected to contain any unsafe food or food which does not comply with the provisions of this Act and rules, intended for sale or delivery for human consumption;

**Duties of FSO**

It shall be the duty of the Food Safety Officer-

a) To inspect, as frequently as may be prescribed by the Designated Officer, all food establishments licensed for manufacturing, handling, packing or selling of an article of food within the area assigned to him;

b) To satisfy himself that the conditions of licenses are being complied with by each of the Food Business Operators carrying on business within the area assigned to him and report to the Designated Officer;

c) To procure and send for analysis if necessary, samples of any article of food which he has reason to believe or on the basis of information received including from a purchaser are being manufactured, stocked or sold or exhibited for sale in contravention of the provisions of the Act, or rules and regulations framed thereunder.

d) To investigate any complaint which may be made to him in writing in respect of any contravention of the provisions of the Act, or rules framed thereunder;

e) To maintain a data base of all Food Businesses within the area assigned to him;

f) To recommend to Designated Officer issue of improvement notices to the Food Business Operator whenever necessary;

g) To maintain a record of all inspections made and action taken by him in the performance of his duties, including the taking of samples and seizure of stocks, and to submit copies of such records to the Designated Officer as directed in this regard;

h) To make such inquiries and inspections as may be necessary to detect the manufacture, storage or sale of articles of food in contravention of the Act or rules framed thereunder;

i) To recommend to the Designated Officer giving specific grounds, suitable action in regard to licenses issued to any Food Business Operator, if on inspection the Food Safety Officer finds that the Food Business Operator had violated the conditions for grant of license;

j) To carry out food safety surveillance to identify and address the safety hazards

k) To respond to incidents of food poisoning in his area and to send report to and assist the Designated Officer to enable him to initiate corrective action;

l) To facilitate preparation of Food safety plans for Panchayats and Municipalities in accordance with the parameters and guidelines

m) To detain imported packages which are suspected to contain articles of food, the import or sale of which is prohibited;

n) To coordinate with the Food Business Operators within his area of operation and facilitate the introduction of food safety systems by the Food Business Operators.

o) To perform such other duties, as may be entrusted to him by the Designated Officer or Food Safety Commissioner having jurisdiction in the local area concerned.

**Food Analyst**

The Commissioner of Food Safety may, by notification, appoint such persons as he thinks fit, having the qualifications prescribed by the Central Government, to be Food Analysts for such local areas as may be assigned to them by the Commissioner of Food Safety.

Provided that no person, who has any financial interest in the manufacture or sale of any article of food shall be appointed to be a Food Analyst under this section.

Qualification: A person shall not be qualified for appointment as Food Analyst under the Act unless she/he ;-

i. Holds a Master’s degree in Chemistry or Biochemistry or microbiology or Dairy Chemistry or Food Technology, Food and Nutrition or holds Bachelor of Technology in Dairy/Oil or holds degree in Veterinary Sciences from a university established in India by law or is an associate of the Institution of Chemists (India) by examination in the section of Food Analysts conducted by the Institution of Chemists (India) or any other equivalent qualification recognized and notified by the Central government for such purposes and has not less than three years’ experience in the analysis of food; and

ii. Has been declared qualified for appointment as a Food Analyst by a board appointed and notified by the Authority

**Functions of Food Analyst**

(1) On receipt of a package containing a sample for analysis from a Food Safety Officer or any other person, the Food Analyst shall compare the seal on the container and the outer cover with specimen impression received separately and shall note the conditions of the seal thereon.

(2) The Food Analyst shall cause to be analysed such samples of article of food as may be sent to him by Food Safety Officer or by any other person authorized under this Act.

(3) The Food Analyst shall, within a period of fourteen days from the date of receipt of any sample for analysis, send four copies of the report with method of analysis and sampling.

**Packaging and labelling of foods**No person shall manufacture, distribute, sell or expose for sale or despatch or deliver to any agent or broker for the purpose of sale, any packaged food products which are not marked and labelled in the manner as may be specified by regulations:

Provided that the labels shall not contain any statement, claim, design or device which is false or misleading in any particular concerning the food products contained in the package or concerning the quantity or the nutritive value implying medicinal or therapeutic claims or in relation to the place of origin of the said food products.

(2) Every food business operator shall ensure that the labelling and presentation of food, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, does not mislead consumers.

**Packaging**

General Requirements

1. A utensil or container made of the following materials or metals, when used in the preparation, packaging and storing of food shall be deemed to render it unfit for human consumption:—

(a) containers which are rusty;

(b) enameled containers which have become chipped and rusty;

(c) copper or brass containers which are not properly tinned

(d) containers made of aluminium not conforming in chemical composition to IS:20 specification for Cast

Aluminium & Aluminium Alloy for utensils or IS:21 specification for Wrought Aluminium and Aluminium

Alloy for utensils.

2. Containers made of plastic materials should conform to the following Indian Standards Specification, used as appliances or receptacles for packing or storing whether partly or wholly, food articles.

Tin and plastic containers once used, shall not be re-used for packaging of edible oils and fats;

3. General packaging requirements for Canned products,

(i) All containers shall be securely packed and sealed.

(ii) The exterior of the cans shall be free from major dents, rust, perforations and seam distortions.

(iii) Cans shall be free from leaks.

**Labelling**

General Requirements

1. Every prepackaged food shall carry a label containing information as required here under unless otherwise provided, namely,—

2. The particulars of declaration required under these Regulations to be specified on the label shall be in

English or Hindi in Devnagri script:

Provided that nothing herein contained shall prevent the use of any other language in addition to the

language required under this regulation.

3. 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;

4. Label in pre-packaged foods shall be applied in such a manner that they will not become separated from the container;

5. Contents on the label shall be clear, prominent, indelible and readily legible by the consumer under normal conditions of purchase and use;

6. 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.

Labelling of Pre-packaged Foods

In addition to the General Labelling requirements specified in 2.2.1 above every package of food shall carry the following information on the label, namely,—

1. The Name of Food: The name of the food shall include trade name or description of food contained in the package.

2. List of Ingredients

3. Nutritional information – Nutritional Information or nutritional facts per 100 gm or 100ml or per serving of the product shall be given on the label containing the following:—

(i) energy value in kcal;

(ii) the amounts of protein, carbohydrate (specify quantity of sugar) and fat in gram (g) or ml;

(iii) the amount of any other nutrient for which a nutrition or health claim is made

4. Declaration regarding Veg or Non veg –

Every package of “Non Vegetarian” food shall bear a declaration to this effect made by a symbol and colour code as stipulated below to indicate that the product is Non-Vegetarian Food. The symbol shall consist of a brown colour filled circle having a diameter not less than the minimum size.

(iii) Every package of Vegetarian Food shall bear a declaration to this effect by a symbol and colour

code as stipulated below for this purpose to indicate that the product is Vegetarian Food. The symbol shall consist of a green colour filled circle, having a diameter not less than the minimum size.

5. Declaration regarding Food Additives-

(i) For food additives falling in the respective classes and appearing in lists of food additives permitted

for use in foods generally, the following class titles shall be used together with the specific names or recognized international numerical identifications:

Acidity Regulator, Acids, Anticaking Agent, Antifoaming Agent, Antioxidant, Bulking Agent, Colour,

Colour Retention Agent, Emulsifier, Emulsifying Salt, Firming Agent, Flour Treatment Agent, Flavour Enhancer, Foaming Agent, Gelling Agent, Glazing Agent, Humectant, Preservative, Propellant, Raising Agent, Stabilizer, Sweetener, Thickener

(ii) Addition of colours and/or Flavours— (a) Extraneous addition of colouring matter to be mentioned on the label – Where an extraneous

colouring matter has been added to any article of food, there shall be displayed one of the following statements in capital letters, just beneath the list of the ingredients on the label attached to any package of food so coloured, namely

CONTAINS PERMITTED NATURAL COLOUR(S)

OR

CONTAINS PERMITTED SYNTHETIC FOOD COLOUR(S)

OR

CONTAINS PERMITTED NATURAL AND SYNTHETIC FOOD COLOUR(S)

6. Name and complete address of the manufacturer

7. Net quantity

8. Lot/Code/Batch identification

9. Date of manufacture or packing

10. Best Before and Use By Date

11. Country of origin for imported food