

FOOD SAFETY

1. What is Food Safety?

Food safety is a scientific field that outlines how to prepare, handle, and store food in order to avoid getting sick or contracting diseases from it. This includes a number of routines that should be followed to avoid potentially severe health hazards. Every consumer has a right to information about the safety and quality of the food they eat. The Food Safety and Standards Authority of India (FSSAI) is an independent organization created by the Indian government's Ministry of Health and Family Welfare. It was founded in accordance with India's Food Safety and Standards Act of 2006, which deals with food safety and regulation. The FSSAI is in charge of regulating and monitoring food safety in order to safeguard and advance public health.

2. What is food?

Food is any substance consumed to provide nutritional support for the body. It is usually of plant or animal origin, and contains essential nutrients, such as carbohydrates, fats, proteins, vitamins, or minerals. The substance is ingested by an organism and assimilated by the organism's cells to provide energy, maintain life, or stimulate growth.

3. What is food adulteration?

Food adulteration is the process in which the quality of food is lowered either by the addition of inferior quality material or by extraction of valuable ingredients. It not only includes the intentional addition or substitution of the substances but biological and chemical contamination during the period of growth, storage, processing, transport and distribution of the food products, is also responsible for the lowering or degradation of the quality of food products.

4. What are adulterants?

Adulterants are those substances which are used for making the food products unsafe for human consumption and affects the retail public. Commercial buyers for whom this is an issue have simply taken the export system as a de facto standard and are willing to pay premium prices for produce from growers certified under the NPOP.

5. Which agency is responsible for investigating food borne illness and foreign object complaints?

Food Safety and Standards Authority of India and State Food Authorities will investigate such complaints.

6. Which agencies regulate food business in India?

Food Safety and Standards Authority of India and State Food Authorities will regulate the food business in India.

7. What are the modes or methods of complaint available?

Complaint Redressal Mechanism:

(i) With the Shopkeeper, Manufacturer, or Food Aggregator:

The first step that a consumer shall undertake is to reach out to the food aggregators or shopkeepers for resolution of their complaints. Upon receiving an unsatisfactory response or no response at all, the consumer shall undertake other resources such as reaching out to the FSSAI or using other quasi-judicial forums available.

(ii) With the Food Safety and Standards Authority of India (FSSAI): There are various ways of approaching the FSSAI (regulatory body) for registration of food safety related consumer complaints. The following link provides the toll-free number and other contact details for registering complaints:

<https://foodregulatory.fssai.gov.in/contact>

The current online Food License and Registration System ("FLRS") includes a facility for FSSAI to address food safety concerns called "Food Safety Connect." This online forum enables customers to voice their concerns and provide input about food safety issues such as tainted, dangerous, or subpar food, food labelling flaws, and false or deceptive claims and ads for various food products. When a food concern is successfully registered, the consumer receives a special concern number by SMS at the cellphone number supplied at the time of registration. This reference number may be used in the future to follow the customer's issue in the online system.

The following is the link for Food Safety Connect Portal:

<https://foscoss.fssai.gov.in/consumergrievance/>

Moreover, the following link contains the contact details of the grievance redressal mechanism at the state levels:

<https://fssai.gov.in/cms/helpdesk.php>

Furthermore, the FSSAI also has signed up to the Centralized Public Grievance Redress and Monitoring System (CPGRAMS), which is an online platform available to consumers 24*7 to lodge their grievances to the public authorities on any subject. The following link could be used to register a complaint through the CPGRAMS portal:

<https://pgportal.gov.in/>

(iii) Approaching any other appropriate judicial or quasi-judicial body:

The complainant is free to take the service provider to a court or any other suitable venue (judicial or quasi-judicial). The proceedings in consumer commissions are not mired by the niceties of procedure, allowing the complainant to file a complaint for himself. As a consumer, the aggrieved party can take the service provider to the appropriate consumer commission, based on the pecuniary and territorial jurisdiction. The jurisdictions of the various consumer commissions are as follows-

a) District Commission: The aggrieved consumer can reach out to the District Commission under section 34 of the CPA, 2019, which provides that the district commission shall entertain matters where the value of the goods or services paid as consideration does not exceed more than one crore rupees.

b) State Commission: In cases where the value of the goods or services paid as consideration is more than one crore, but less than 10 crores, the consumer can approach the State Commission. Moreover, in cases of unfair contracts, the State Commission has original jurisdiction and the consumer can be directly approached. An appeal against the order of the District Commission can also be made under section 47 of the CPA, 2019.

c) National Commission: The National Commission can entertain matters where the value of goods or services paid as consideration exceeds 10 crores. Section 58 also provides that

complaints against unfair contracts can be entertained by NCDRC when the amount of value paid exceeds 10 crores. The NCDRC also has appellate jurisdiction against the orders of any State Commission and Central Authority.

Moreover, it must also be kept in mind, that section 100 of the CPA, 2019 provides that the remedy under CPA is in addition and not in derogation of other available remedies.

Another remedy available to consumers is mediation. Chapter 5 of the Consumer Protection Act provides for establishing mediation cells and resolving consumer complaints using mediation.

The following link could be used to file complaints online:

<https://consumerhelpline.gov.in/>

8. Where can I complain about food bought from a shop or restaurant or report a potential food safety incident?

You should complain to the Food Safety Officer/Designated Officer/DC of your area or Food Safety Commissioner of the State.

9. What are the regulatory bodies in this sector?

The regulatory agency in charge of this industry is the Food Safety and Standards Authority of India (FSSAI). It is an independent organization created by the Indian government's Ministry of Health and Family Affairs. By regulating and monitoring food safety, FSSAI is in charge of preserving and advancing public health. The FSSAI was established to establish science-based standards for food products and to control their production, storage, distribution, sale, and import to guarantee the availability of healthy, safe food for human consumption.

10. What are the rules, Acts, and Guidelines that govern this sector?

1. The Food Safety and Standards Act, 2006

https://www.indiacode.nic.in/bitstream/123456789/7800/1/200634_food_safety_and_standards_act%2C_2006.pdf

Food Safety and Standards Rules, 2011

[https://thc.nic.in/Central%20Governmental%20Rules/Food%20Safety%20and%20Standard%20Rules,%202011%20as%20amended%20by%20\(%20Second%20Amendment\)%20Rules,%202017.pdf](https://thc.nic.in/Central%20Governmental%20Rules/Food%20Safety%20and%20Standard%20Rules,%202011%20as%20amended%20by%20(%20Second%20Amendment)%20Rules,%202017.pdf)

Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011

https://www.fssai.gov.in/upload/uploadfiles/files/Compendium_Contaminants_Regulations_20_08_2020.pdf

Other relevant laws and regulations relating to food safety can be accessed using the following link:

<https://www.fssai.gov.in/cms/food-safety-and-standards-regulations.php>

11. What are the landmark judgements in this sector?

1. Swami Achyutanand Tirth and Ors. v. Union of India (UOI) and Ors.

In the present case, the Court laid down various guidelines for the government including, the proper implementation of Food Safety and Standards Act, 2006, identifying high risk areas where the chances of adulteration are more, maintaining adequate lab testing infrastructure, and others.

2. Hindustan Coca-Cola Beverages Pvt. Ltd. v. Purushottam Gaur

In this case, the consumer found insects in his fanta bottle. The NCDRC held that since the company did not provide any assistance to the laboratory or did not make any attempt to address the questions on origin of bottle, the case stand proved against the company, and it is held liable.

12. What is the format of the complaint to be made under this sector?

<https://cdrc.gujarat.gov.in/images/pdf/1-CC-Eng.pdf> - DCDRC format.

<https://cdrc.gujarat.gov.in/images/pdf/1-CC-Eng.pdf> - SCDRC format.

<https://ncdrc.nic.in/cc.html> - NCDRC filing.

13. What are the important links and resources?

- FSSAI Consumer Rights:

<https://foscos.fssai.gov.in/consumergrievance/know-your-rights>

- FSSAI Grievance Redressal

<https://foodregulatory.fssai.gov.in/grievance-redressal>

- FSSAI Tips for Safe Food:

<https://foscos.fssai.gov.in/consumergrievance/tips-for-safe-food>

14. What is FSSA, 2006 & why this Act is needed?

Food Safety and Standards Authority, 2006 is an Act enacted to keep with changing needs/requirements of time and to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India. The Act was needed to bring out a single statutory body for food laws, standards setting and enforcement so that there is one agency to deal with and no confusion in the minds of consumers, traders, manufacturers and investors which was due to multiplicity of food laws. The Act consolidates various food laws and serves the purpose of a unified food law.

15. Who is the regulatory authority under the Food Act in India?

- Food Safety and Standards Authority of India in association with State Food Authorities are responsible for implementation & enforcement of FSSA, 2006 is the regulatory authority.
- Food Safety and Standards Authority of India under Food Safety and Standards Act, 2006 was set up on 5th September 2008.

- State governments have to comply with the requirements of the Food Act, 2006. State Food Authorities (Commissioner of Food Safety of the States) are responsible for enforcement of FSS Act in the States.

16. What are the priorities of FSSAI?

FSSAI lays 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 mandate assigned to the Food Authority is (i) laying down science based standards for articles of food (ii) to regulate manufacture, storage, distribution, sale and import of food (iii) to facilitate food safety.

17. How do consumers benefit through FSSAI?

The representatives of the consumer organizations are members of the Food Authorities and Central Advisory Committee. The consumer may analyze the samples of food on payment of fees. In case of injury or death of a consumer there is a provision for compensation to the consumer.

The Food Authority is in the process of formulating and finalizing the various regulations/guidelines in terms of provisions under the Act to ensure the quality and safety of food and giving effect to the mandate of the Food Authority. With the new Act, there will be better auditing, Food Safety Management System (FSMS), traceability, recall and other systems in place which will help in curbing food adulterants.

18. Do all food business operators need a licence to sell food products?

Yes they all need to register with FSSAI and get a licence to sell food products.

19. Does FSSAI recommend some private laboratories which provide testing services for food?

Yes, FSSAI had recognized an adequate number of NABL accredited laboratories authorised for analysis including labs (3) for radioactive contamination for imported food testing.

20. Are there any microbiological guidelines for food in India?

There are no microbiological guidelines for food in India, however the Microbiological standards exist in the FSSAI regulations for foods in India.

21. Who is the regulatory authority of Foods like Energy drinks, Nutraceuticals, Food Supplements, Functional foods etc.?

The FSSAI is in the process of developing the regulation for Novel Foods, Functional foods, food supplements etc. which is under consideration of the Scientific Panel on Functional Foods, Nutraceuticals, Dietetic Products and Other Similar Products of the Food Authority and will further be considered by the Scientific Committee, Food Authority and notified in the Official Gazette after previous approval of the Central Government.

22. What are GM foods? Does FSSAI provide regulations for such types of foods?

GM foods means food and food ingredients composed of or containing Genetically modified or engineered organisms obtained through modern Biotechnology, or food and food ingredients produced from but not containing Genetically modified or engineered organisms obtained through modern Biotechnology. The GM food does not come under the purview of FSSAI.

23. What is organic food and who regulates it?

Organic food is food produced by methods that comply with the standards of organic farming. Standards vary worldwide, but organic farming in general features practices that strive to cycle resources, promote ecological balance, and conserve biodiversity. Organisations regulating organic products may restrict the use of certain pesticides and fertilisers in farming. In general, organic foods are also usually not processed using irradiation, industrial solvents or synthetic food additives.

In India, Agricultural Processed Foods Export Development Authority (APEDA) under the Ministry of Commerce is the controlling body for organic certification for export. Till date there are no domestic standards for organic produce within India. Currently 11 certification agencies have been authorised to undertake the certification process under the National Programme for Organic Production (NPOP). Although there is no system for monitoring the labelling of organic produce sold within India, this primarily.

24. Does packaged & bottled water come under FSSAI, 2006?

Yes.

25. What is a food recall & what is its purpose?

Recall means action taken to remove a marketed food from distribution, sale and consumption which is unsafe and violates the provisions of the Act and the rules & regulations made there under. The purpose is to prevent, reduce or eliminate a risk arising from food to the consumer. The information on recall of food products may be provided on the Food Authority website.

- If a product has been recalled, the consumer should not consume the product and return it to the shopkeeper from where they have purchased the product or return it to the company representative.

26. What is Food Safety Management Systems (FSMS)?

A Food Safety Management System (FSMS) is a network of interrelated elements that combine to ensure that food does not cause adverse human health effects. These elements include programs, plans, policies, procedures, practices, processes, goals, objectives, methods, controls, roles, responsibilities, relationships, documents, records, and resources.

- The purpose is to ensure the manufacture, storage, distribution and sale of safe food
- For more information please visit <https://foodlicensing.fssai.gov.in/cmsweb/>

27. Where can I obtain information on food safety?

The information can be obtained from the website of the FSSAI.