

Independent Research Ethics Society vs State Of West Bengal & Ors on 23 April, 2024

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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 6460 of 2024

Independent Research Ethics Society
Vs.
State of West Bengal & Ors.

Mr. Pratik Dhar,
Mr. Pranit Bag,
Mr. Vikram Wadehra,
Ms. Aasia Hasan
...for the petitioner

Mr. Susovan Sengupta,
Mr. Subir Pal
...for the respondent nos. 1 to 3

Ms. Manika Roy ...for the respondent nos. 4 to 6

1. Affidavit-of-service filed in Court today be kept on record.
2. The learned Senior Advocate appearing for the petitioner contends that the petitioner is a non-governmental organization, registered under the West Bengal Societies Registration Act, 1961, engaged inter alia in ensuring the safety of consumers in general.
3. The present challenge pertains to the alleged inaction on the part of the respondent-authorities on a complaint lodged by the petitioner with regard to fraudulent, deceptive and unfair trade practices adopted by one Budge Budge Refineries Limited, under the brand name "Doctor's Choice".
4. Learned Senior Counsel places reliance on Regulation 10(2) of the Food Safety and Standards (Advertising and Claims) Regulations, 2018, which stipulates that there shall not appear in the label of any package, containing food for sale, the words "recommended by the medical or nutrition or health professionals" or any words which imply or suggest that the food is recommended, prescribed or approved by medical practitioners or approved for medical purpose. It is alleged that such norms is palpably flouted by one Budge Budge Refineries Limited, under the brand name "Doctor's

Choice".

5. Learned counsel appearing for the respondent nos. 4 to 6 contends that already steps have been initiated by the said authorities, by issuance of Improvement Notices under Section 32 of the Food Safety and Standards Act, 2006 against the alleged perpetrators.

6. Learned counsel appearing for the respondent nos. 1 to 3 hands over the copy of a written instruction, which is kept on record, indicating that a complaint was forwarded by the Additional Secretary, Government of West Bengal, Department of Health and Family Welfare (Food Safety) to the Regional Director, Eastern Region, FSSSAI on April 20, 2023, but no action taken report has been available as yet.

7. In view of the stand taken by the respondent nos. 4 to 6 as regards steps having already been initiated with regard to the concern of the petitioner, the said respondents are directed to file a report in the form of an affidavit, upon circulation of advance copies of the same to the learned advocates for the petitioner as well as the other respondents, on the next returnable date.

8. The matter shall be placed for hearing under the same heading on May 07, 2024 for filing of such report by the respondent nos. 4 to 6 and for passing further orders.

(Sabyasachi Bhattacharyya, J.)