

FOOD LAWS

(FSSAI, Weights & Measures Act, Essential Commodities Act and other Regulatory Agencies)

Introduction

To protect health and safety of consumers, an effective food control systems are essential. This will facilitate countries to assure the safety and quality of their foods for global trade. The global environment for food trade has stringent norms on both importing and exporting countries. The governments have greater responsibility for food safety and consumer protection. Responsibility for food control in our country is shared between different agencies or ministries through various food laws for protecting public health.

National level agencies

Food Safety and Standard Act 2006:

The act has been enacted to consolidate the laws related 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 whole some food for human consumption

Salient Features of FSSAI Act, 2006: Some of the salient features of the Act are:

- Movement from multi-level and multi-department control to a single line of command.
- FSSAI as a single reference point for all matters relating to Food Safety and Standards, Regulations and Enforcement.
- Integrated response to strategic issues like Novel foods, Health Foods, Nutraceuticals, GM foods, international trade etc.
- Adequate information dissemination on food to enable consumer to make informed choices.
- Compounding and Adjudication of cases – to reduce Court’s workload and expedite the disposal of cases.
- Graded penalty depending upon the gravity of offences.
- Adequate representation of government, industry organizations, consumers, farmers, technical experts, retailers etc.
- Enforcement of the legislation by the State Governments/ UTs through the state Commissioner for Food Safety, his officers and Panchayati Raj/Municipal bodies.

The Act, incorporates the salient provisions of the Prevention of Food Adulteration Act, 1954 and is based on international legislations and instrumentalities. Act takes care of international practices and envisages a overreaching policy framework and provision of single window to guide and regulate persons engaged in manufacture, marketing, processing, handling, transportation, import and sale of food.

Provisions in the Act

- Covering Health Foods, supplements, nutraceuticals
- Issuing Licenses within a time frame of 2 months
- Provision of Notice by Designated Officers
- Prosecution, if to be launched, should be within 1 year time frame
- Special Courts for summary trials
- Compensation to Victims (for any case of Injury/ Grievous injury/ Death)
- Reward to informer (informing about the violators – adulteration etc.) by State Govt.
- One composite license for unit(s) falling under one area

Important definitions and features of the act:

Adulterant

Any material which is or could be employed for making the food unsafe or sub-standard or mis-branded or containing extraneous matter;

Misbranded

1. Means an article of food with false, misbranding or deceptive claims either on the label of the package, or through advertisement,
2. If the article is sold as an imitation of, or is a substitute for, or is likely to deceive, or
3. The package bears statement, design or device regarding the ingredients or the substances contained therein, which is false or misleading or
4. Manufacturers name and address is false or
5. Contains any artificial flavouring, colouring or chemical preservative and is not labelled properly as per the requirements of the law.

Unsafe

Means an article of food which is injurious to health: -

1. by the article itself, or its package thereof, or
2. consists wholly or in part, any filthy, putrid, rotten, decomposed or diseased animal substance or vegetable substance; or
3. is processed un-hygienically or the article of food has harmful substance in it or is infected or infested with worms, weevils or insects; or
4. has been substituted by inferior or cheaper substance whether wholly or in part; or
5. uses a substance directly or as an ingredient or as additive which is not allowed under the law; or
6. by virtue of its being prepared, packed or kept under unsanitary conditions; or
7. by virtue of its being mis-branded or sub-standard or food containing extraneous matter; or
8. by virtue of containing pesticides and other contaminants in excess of quantities specified by regulations.

Food

Any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food i.e. all raw produce except those in hands of the grower, farmer, fisherman etc., 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 medical products, cosmetics, narcotic or psychotropic substances: Provided that the Central Government may declare, by notification in the Official Gazette, any other article as food for the purposes of this Act having regards to its use, nature, substance or quality;

The Standards of Weights and Measures Act, 1976

The Standards of Weights and Measures, 1956 enforces uniform standards of weights and measures, based on the metric system. Based on the suggestions of General Conference of Weights and Measures (CGPM), International Organization of Legal Metrology (OIML), the 1956 act was replaced by a comprehensive legislation, The Standards of Weights and Measures, are administered by the ministry of Consumer affairs, Food and Public Distribution.

All weights or measures must be recorded in metric units and certain commodities can only be packed in specified quantities (weight, measure or number). These include baby and weaning food, biscuits, bread, butter, coffee, tea, vegetable oils, milk powder, wheat and rice flour etc.

Salient features of this Act:

- Establishment of weights and measures based on SI units, as adopted by the CGPM and recognized by OIML
- Provide to prescribe specification of measuring instruments used in commercial transaction, industrial production.
- Regulation of pre-packed commodities sold or intended to be sold in the course of inter-state and commerce.
- Approval of models of weights and measuring instruments intended to be manufactured.
- Control and regulation of export and import of weights and measures and commodities in packed form.
- Inspection of weighing and measuring instruments during their use to prevent fraudulent practices.
- Powers of inspectors to search, seize and forfeiture of non-standard weight or measure.

Essential Commodities Act, 1955

To ensure availability of essential commodities to the consumers and to protect them from exploitation by unscrupulous traders, the Government of India made law on Essential Commodities Act, 1955 and the Prevention of Black marketing and Maintenance of Supplies of Essential Commodities Act, 1980 . The act provides for the regulation and control of production, distribution and pricing of commodities which are declared as essential for maintaining or increasing supplies or for securing their equitable distribution and availability at fair prices. The enforcement/ implementation of the provisions of the Essential Commodities Act, 1955 lies with the State Governments and UT Administrations. This act is under the Legislative Department, Ministry of Law, Justice and Company Affairs.

The essential commodities mean any of the following classes of commodities:

- Cattle fodder including oil cakes and other concentrates

- Coal including coke and other derivatives
- Component parts and accessories of automobiles
- Cotton and woolen textiles
- Drugs
- Food stuffs including edible oilseeds and oils
- Iron and steel including manufactured products of iron and steel
- Paper including newsprint, paper board and straw board
- Petroleum and petroleum products
- Raw cotton whether ginned or un-ginned and cotton seed
- Raw jute
- Any other class of commodity which the Central Government by notified order declares to be essential commodity.

Other Regulatory and Voluntary Laws:

Milk and Milk Products Order, 1992: The Milk and milk products order (MMPO) 1992 is exercised under the essential commodities Act and is regulated by the ministry of Agriculture through the department of Animal husbandry and Dairying and fisheries. According to this order, any dairy unit having processing capacity more than 10,000 litres of milk per day or handle more than 500 tons of milk solids per annum is required to take license. The production, collection, transportation, distribution and supply of milk and milk products are controlled by the Milk and Milk Products Order, 1992. The order sets sanitary requirements for dairies, machinery and premises and includes quality control, certification, packing, marking and labelling standards for milk and milk products. The standards specified in the order also apply to imported products.

The Edible Oils Packing (Regulation) Order, 1998: The order came into force in 1998 and is regulated by the Department of Sugar and Edible oil under Ministry of Food and Consumer affairs. “Edible oil” means vegetable oils and fats but does not include any margarine, Vanaspati, bakery shortening and fat spread as specified in PFA and rules made there under, for human consumption.

Vegetable Oils Products (Regulation Order) 1998: It controls the manufacture, trade and distribution of vegetable oils.

Solvent Extracted Oils, De-Oiled Meal and Edible Flour Control Order 1967: It applies for oils and fats and deals with the licensing manufacture distribution and trade of solvent extracted edible oils and quality and operated by Directorate of Vanaspati, vegetable oil and fats. This order provides for compulsory licensing of manufacturing units. The specifications of the edible oils produced by solvent extraction method have been laid down under the said order.

Edible Oil Packaging (Development and regulation) Order, 1998: This order is regulated by the Department of sugar and edible oil under ministry of food and consumer affairs.

Meat Food Products Order Regulation for the production of meat products are covered by the Meat Food Products Order, 1973. The Directorate of Marketing and Inspection at the ministry of Agriculture is the regulatory for the order, which is equally applicable to domestic processors and importers of meat products. Provision of MFPO requires on four stages of inspection by qualified veterinary doctors for hygienic production of meat products

Environment Protection Act 1986: It implements rules for the manufacture, use/ import and storage of hazardous microorganisms/ genetically engineered organisms or cells.

The Export Inspection Council of India (EIC): Established in 1963, it notifies commodities, establishes standards of quality control and/ or inspection and prohibit the export of a notified commodity. Through its network of laboratories, it inspects and issue certificate of export.

Agricultural and Processed Food Products Export Development Authority (APEDA): Under the Ministry of Commerce and Industry, APEDA puts it quality logo on the products to be exported. This logo is a mark of pride and reliability. The products in the APEDA purview are fruits, vegetables, meat products, dairy products, confectionery and bakery products, beverages, cereals rice etc.

Marine Product Export Development Authority: Constituted in 1972 through Act, specifies standards for fisheries of all kinds.

ISO 9000 Quality Management System

A quality system is a mechanism by which a company can organize and manage its resources to achieve, sustain and improve quality economically.

ISO 14000 Quality Management Systems

ISO 14000 is designed to provide a structure for the management of environmental compliance. The most familiar standard in the 14000 series is ISO 14001, entitled "Environmental Management Systems, Specification with Guidance for Use." Like ISO 9000, ISO 14000 is neither industry- nor product-specific.

Codex Alimentarius Commission

Codex Alimentarius Commission was established in 1962. The Commission develops food standards, guidelines and related texts such as codes of practice under the joint FAO/WHO food standards program. It is also called Codex harmonized international standards due to involvement of both FAO and WHO.

The objectives of the Codex Alimentarius commission are to protect the health of consumers and to facilitate the international trade. It brings all the interested parties like scientists, technical experts, governments, consumers and industry representatives to help develop standards for food manufacturing and trade. These standards, guidelines and recommendations are recognized worldwide for their vital role in protecting the consumers and facilitating international trade.

The codex contract point in India is the Directorate General of Health Services (DGHS) in the ministry of Health; however, the ministry of food processing industries is closely associated with the activities of Codex Alimentarius.