

Voluntary Report – Voluntary - Public Distribution

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Report Name: India's FSSAI Announces Key Updates to Labeling and Display Regulations - Impacting US Tree Nut Products Exports

Country: India

Post: New Delhi

Report Category: FAIRS Subject Report

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Report Highlights:

On June 17, 2022, the Ministry of Health and Family Welfare (MoHFW)/Food Safety and Standards Authority of India (FSSAI) issued direction F. No: STD/SP_08/A1.2022/N-01-Part (1) to operationalize the draft Food Safety and Standards (Labeling and Display) Amendment Regulations (2022). The amendments proposed in the now operationalized draft pertain to the labeling of non-retail containers, with the FSSAI incorporating recommendations from Codex. The proposed amendment regulations, although now put into operation by the FSSAI (food authority), are still under the MoHFW's (line ministry) review and pending approval. The FSSAI took the measure to implement the draft Food Safety and Standards (Labeling and Display) Regulations (2022) effective July 1, 2022, to align this implementation date with mandatory compliance requirements of the directive F. No. REF/L&D-Extension/FSSAI-2021, which itself extends the implementation date for Food Safety and Standards (Labeling and Display) Regulations (2020).

DISCLAIMER: The information contained in this report was retrieved from the Food Safety and Standards Authority of India's (FSSAI) website <http://www.fssai.gov.in>. The Foreign Agricultural Service (FAS) Office of Agricultural Affairs at the U.S. Embassy in New Delhi, USDA, and/or the U.S. government make no claim of accuracy or authenticity. The Government of India has not officially endorsed this report. Import approval for any product is subject to local rules and regulations as interpreted by Indian officials at the time of product entry. [Note: Use Google Chrome to access the links that do not open in Internet Explorer. Indian host sites will geo-block site access on a rolling basis].

GENERAL INFORMATION

On June 17, 2022, the Ministry of Health and Family Welfare (MoHFW)/Food Safety and Standards Authority of India (FSSAI) issued direction File No: STD/SP_08/A1.2022/N-01-Part (1) to operationalize the draft Food Safety and Standards (Labeling and Display) Amendment Regulations (2022) (see, Appendix I). The FSSAI took the measure to implement the draft Food Safety and Standards (Labeling and Display) Regulations (2022) effective July 1, 2022, to align this implementation date with mandatory compliance requirements of the direction File No. REF/L&D-Extension/FSSAI-2021, which itself extends the implementation date for Food Safety and Standards (Labeling and Display) Regulations (2020).

The amendments proposed in the now operationalized draft pertain to the labeling of non-retail containers, with the FSSAI incorporating recommendations from the *Codex Alimentarius* (Codex). The proposed amendment regulations, although now put into operation by the FSSAI (food authority), are still under the Ministry of Health and Family Welfare's (line ministry) review and pending approval.

If the proposed amendment regulations are approved, the draft will be formally notified, and the public and other stakeholders will be invited to comment. Finalization of the amendment regulations will account for comments submitted and legal vetting of the amendment regulations.

Background:

On October 22, 2021, the MoHFW/FSSAI published Direction File No. REF/L&D-Extension/FSSAI-2021, extending the implementation date for Food Safety and Standards (Labeling and Display) Regulations (2020). A new implementation date was set for July 1, 2022. India's food business operators were allowed to use the specified labeling provisions listed in the regulation on a voluntary basis until July 1, 2022, after which compliance with standards and all other requirements specified in the regulations is mandatory (see, [GAIN-INDIA | IN2020-0191 | Final Food Product Labeling and Display Regulations Published in the Indian Gazette](#)).

The amendment also includes other categories related to minimally processed foods, tolerance limits, and a warning statement related to pan masala (i.e., pan-masala – PM-T).¹ FAS New Delhi (Post) strongly recommends a thorough reading of the entire text of the FSSAI's new labeling and display

¹ Pan masala-containing tobacco (PM-T) was introduced in the Indian market during the 1970s. It is a mixture of chopped areca nut, lime (mineral), and other ingredients (sometimes including tobacco), for chewing either by itself or wrapped in a betel leaf.

requirements. With this new direction in place (i.e., operationalized), all non-retail containers imported into India will have to comply with the following labeling requirements:

(1) Every packaged food meant for non-retail sale shall provide the following mandatory information either on the container or pasted on the label thereto:

- (a) Name of the food;
- (b) FSSAI Logo and License number;
- (c) Date marking and storage instructions, when required for the safety or integrity of the product;
- (d) Lot No. /Batch No. /Code No and
- (e) Name and address of the manufacturer or packer (including country of origin for imported packages).

provided that in case of Non-retail container containing multiple types of food, the mandatory information shall be provided for all the types of foods contained therein.

provided that non-retail container, which provides access to all the information required by sub-regulation 10(1) on the label of pre-packaged foods within the non-retail container, the information stipulated in sub-regulation 10(1) is not required.

(2) The following information if not provided on the label shall be provided in the accompanying documents:

- (a) List of ingredient;
- (b) Declaration regarding Veg or Non-Veg and
- (c) Net Quantity.

provided that the information required under sub-regulation 10(2) shall be traceable to the food in non-retail container.

provided that if all information required under sub-regulation 10(2) is made available on the label of non-retail container or pre-packaged foods within the non-retail container, sub-regulation 10(2) does not apply.

In the case of a non-retail container used as a food transportation unit that is not amenable to possess a label, all the information required under sub-regulation 10(1) & 10 (2) shall be provided in the accompanying documents or through appropriate other means (e.g. electronically between food businesses) and shall be effectively traceable to the food in such containers.

Defining a Non-Retail Container: A non-retail container used for transporting a food is defined by Codex as a “food transportation unit,” that is as a unit that includes food transport vehicles, or contact receptacles (such as containers, bins, boxes, bulk tanks) in vehicles, aircraft, railcars, trailers and ships and any other transport receptacles in which food is transported. However, according to the FSSAI’s interpretation and elaboration on the issue, a food transportation unit as defined by Codex will apply to **primary food products which are exported in loose, bulk, as one bag of the size of the entire shipping container** and not as multiple bags palletized and loaded into the shipping container.

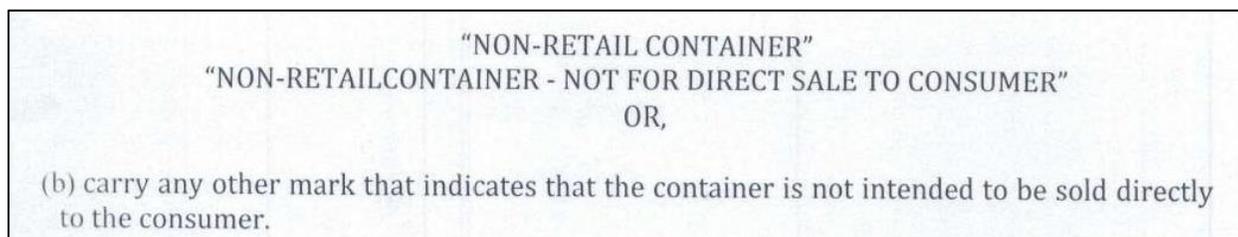
What it Means for U.S.-Origin Tree Nut Exporters: Exporters of U.S.-origin tree nut products (e.g., almonds, walnuts, pistachios, and pecans) will have to comply with the requirement of displaying the FSSAI logo and license number on the bag label. Previously, as agreed to by the FSSAI in 2016, the foregoing information was verifiable with the supporting documents accompanying consignments. As a

practical matter, Indian importers can apply stickers listing the FSSAI logo and license number upon arrival at a given Indian port.

The following labeling requirements are exempt if they are provided in a barcode/global trade identification number, or else they should be included on the label:

- (a) Address of the brand owner, whether, or not, he himself is the manufacturer, marketer, packer, or bottler, and
- (b) The license number of the manufacturer, marketer, packer, or bottler, if different from brand owner.

Also, every package meant for non-retail purposes, if not clearly identifiable, should bear a statement to indicate that the food is not intended to be sold directly to the consumer or to clearly identify it as a non-retail container (see, below).



The full text of the FSSAI direction File No: STD/SP_08/A1.2022/N-01-Part (1) to operationalize the draft Food Safety and Standards (Labeling and Display) Amendment Regulations (2022), is accessible on the FSSAI website located at:

https://fssai.gov.in/upload/advisories/2022/06/62af3e788565cDirection_Pan_Masala_17_06_2022_.pdf

APPENDIX I: FSSAI, OPERATIONALIZES FOOD SAFETY STANDARDS (LABELING AND DISPLAY) AMENDMENT REGULATIONS 2022, PERTAINING TO THE LABELING REQUIREMENTS OF NON-RETAIL CONTAINER AND OTHER CATEGORIES OF FOOD

File No: STD/SP-08/A1.2022/N-01-Part (1)
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety & Standards Act, 2006)
(Regulation division)
FDA Bhawan, Kotla Road, New Delhi-110002

Dated, the 17th June, 2022

Subject: Direction under Section 18 (2)(d) read with Section 16 (5) of Food Safety and Standards Act, 2006 regarding operationalization of Food Safety Standards (Labelling and Display) Amendment regulations 2022 related to Labelling Requirements of non-retail container, minimally processed food, tolerance limit, warning statement related to pan masala etc. -reg.

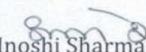
Reference is drawn to the direction (F. No. REG/L&D-Extension/FSSAI-2021) dated 22nd October, 2021 wherein the timeline for mandatory compliance with *FSS (labelling and Display) Regulations, 2020* and labelling provisions of various others amendment regulations/directions listed therein was extended up to 1st July 2022.

2. Subsequently, FSSAI has now proposed further amendments to the *FSS (Labelling and Display) Regulations, 2020* based on the representations received from FBOs and for inclusion of provisions related to labelling of non-retail containers in line with the recently finalized Codex standard in this context. The proposed amendments were approved by the Food Authority in its 38th meeting as *Draft Food Safety Standards (Labelling and Display) Amendment Regulations, 2022* and these are currently in the process of approval by Hon'ble Minister of Health & Family Welfare. The publication of these draft notification for inviting stakeholder comments, their finalization based on the comments received, legal vetting of the finalized regulations and final publication for enforcement is likely to take time beyond 1st July 2022, when the mandatory compliance with new principal labelling and display regulation etc. shall commence.

3. Therefore, in order to align the date of mandatory compliance of the new principal labelling and display regulation etc. and the proposed amendment regulations related to non-retail containers and tolerance limits etc. for comprehensive enforcement of rationalized labelling provisions and ease of compliance by FBOs, it has been decided to operationalize the *Draft Food Safety Standards (Labelling and Display) Amendment regulations 2022*, as enclosed, with effect from 1st July, 2022.

4. This issue with the approval of the competent authority in exercise of the power vested under the Section 18(2) (d) read with the 16 (5) of the Food Safety and Standards Act, 2006.

Encl: As above


(Inoshi Sharma)
Executive Director
(Regulatory Compliance)

To

- i. All Food Safety Commissioner.
- ii. All Authorized Officer, FSSAI.
- iii. All Central Designated Offices of FSSAI.
- iv. CITO, FSSAI- for uploading on the website.

Copy for information to:

- i. PPS to Chairperson, FSSAI
- ii. PS to CEO, FSSAI

Notice for operationalization of draft Food Safety and Standards (Labelling and Display) Amendment Regulations, 2022.

Food Safety and Standards Authority of India, hereby makes the following regulations operational with effect from 01.07.2022. .

1. These regulations may be called the Food Safety and Standards (Labelling & Display) Amendment Regulations, 2022.

2. In the Food Safety and Standards (Labelling & Display) Regulations, 2020 (herein after refer as said regulations), -

(1) in sub-regulation (3) of regulation 5,

(a) in clause (b), after the proviso starting with 'provided that' and ending with "nutrients on the label" the following shall be inserted namely, -

"Provided further that per serve percentage (%) contribution to RDA and number of servings per pack may not be given for Infant Nutrition products as defined under Food Safety and Standards (Foods for Infant Nutrition) Regulations, 2020."

(b) in clause (c),

(i) item (i) shall be substituted with the following, namely, -

"(i) Raw agricultural minimally processed products such as wheat, rice, cereals, pulses, fruits and vegetables and/or products that comprise a single ingredient.

Explanation: Minimally processed foods are the ones that are slightly altered for the main purpose of preservation but which do not substantially change the nutritional content of the food. This may involve cleaning and removing inedible or unwanted parts, grinding, refrigeration, pasteurization, fermentation, freezing, and vacuum-packaging."

(ii) item (ii) shall be omitted.

(iii) item (xiii) shall be substituted with the following, namely, -

"(xiii) Health supplements, Nutraceuticals and Foods for Special Dietary Uses (FSDU) in tablet and capsule format, with respect to macronutrients, when sources of energy are insignificant."

(c) Clause (d) shall be substituted with following, namely, -

"(d) The compliance to quantity of declared nutrients on the label shall have the tolerance of \pm 20 percent of the value for that nutrient declared on the label at any point in time within declared shelf life of the product."

(2) In regulation 8,

(a) after clause (1)(a) the following shall be inserted, namely, -

"(1)(b) The logos notified under Food Safety & Standards Regulations may not be given where the surface area of the package is not more than 100 square centimetres, but this information shall be given on the multi-unit packages."

(3) In Chapter-4, regulation 10, shall be substituted with the following namely, -

“10. Labelling Requirements of non-retail container

(1) Every packaged food meant for non-retail sale shall provide the following mandatory information either on the container or pasted on the label thereto:

- (a) Name of the food;
- (b) FSSAI Logo and License number;
- (c) Date marking and storage instructions, when required for the safety or integrity of the product;
- (d) Lot No. /Batch No. /Code No and
- (e) Name and address of the manufacturer or packer (including country of origin for imported packages).

provided that in case of Non-retail container containing multiple types of food, the mandatory information shall be provided for all the types of foods contained therein.

provided that non-retail container, which provides access to all the information required by sub-regulation 10(1) on the label of pre-packaged foods within the non-retail container, the information stipulated in sub-regulation 10(1) is not required.

(2) The following information if not provided on the label shall be provided in the accompanying documents:

- (a) List of ingredient;
- (b) Declaration regarding Veg or Non-Veg and
- (c) Net Quantity.

provided that the information required under sub-regulation 10(2) shall be traceable to the food in non-retail container.

provided that if all information required under sub-regulation 10(2) is made available on the label of non-retail container or pre-packaged foods within the non-retail container, sub-regulation 10(2) does not apply.

In the case of a non-retail container used as a food transportation unit that is not amenable to possess a label, all the information required under sub-regulation 10(1) & 10 (2) shall be provided in the accompanying documents or through appropriate other means (e.g. electronically between food businesses) and shall be effectively traceable to the food in such containers.

(3) The following labelling requirements are exempted if they are provided in a Barcode/Global Trade Identification Number (GTIN); -

- (a) Address of the brand owner whether or not, he himself is the manufacturer, marketer, packer or bottler, as the case may be and
- (b) the license number of the manufacturer or marketer or packer or bottler, as the case may be, if different from the brand owner.

(4) Every package meant for non- retail sale shall be clearly identifiable as such. If the container is not clearly identifiable as a non-retail container, the container shall:

- (a) bear a statement to indicate that the food is not intended to be sold directly to the consumer or to clearly identify it as a non-retail container. Some examples of such statements are:

"NON-RETAIL CONTAINER"
"NON-RETAILCONTAINER - NOT FOR DIRECT SALE TO CONSUMER"
OR,

(b) carry any other mark that indicates that the container is not intended to be sold directly to the consumer.

(5) General Information:

(a) Information and the statements required to appear on the label by virtue of this Standard or any other Standards shall be clear, prominent, readily legible and applied in such a manner that any tampering with it will be evident.

(b) The mandatory information required on the label under sub-regulation 10 (1) shall appear in a prominent position on the non-retail container and shall be readily accessible under normal handling and use of the container."

(4) in Schedule I, for the paragraph (1) following shall be substituted namely, -

"(1) Every package of food fortified as per FSS (Fortification of Foods) Regulations, 2018, shall carry the words "fortified with (name of the fortificant)" and the logo, as specified below, on the label. It may also carry a tag line "Sampoorna Poshan Swasth Jeevan" under the logo."

(5) in Schedule II,

(a) in paragraph 1, in sub paragraph (3), in the table,

(i) for S. No. 1, the following shall be inserted, under column "Declarations", namely, -

"Note: This warning statement should be clearly legible/audible in advertisements related to Pan Masala".

(ii) for S. No. 3, under column "Declarations, point (iv) following shall be substituted namely, -

"(iv) Not recommended for phenylketonurics; for children; pregnant or lactating women (in case of Aspartame-Acesulfame salt or admixture/combination of Aspartame & Acesulfame Potassium)"

(b) in paragraph 1, in sub paragraph (4), in table,

(i) for S. No. 1, under column "Declarations", point (iv) the following shall be substituted namely, -

"(iv) Not recommended for phenylketonurics; for children; pregnant or lactating women (in case of Aspartame-Acesulfame salt or admixture/combination of Aspartame & Acesulfame Potassium)"

(ii) for S. No. 2, under column "Declarations", after the proviso starting with 'provided that' and ending with "in the mixture", the following proviso shall be inserted, namely, -

"Provided further that the repetition of information may not be required for combination of sweeteners."

(c) The words "pregnant and lactating mothers", wherever it appears, shall be substituted with the following namely, -

"pregnant or lactating women".

Attachments:

No Attachments.