

FOODLEX

A newsletter on Food Laws, Legal Metrology
and Pesticide Regulations

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Extension of time line for seeking registration / license under Food Safety and Standards (Licensing and Registration of Food business) Regulations, 2011

FSSAI vide its statutory advisory dated 5th February, 2013, has extended the time line provided to FBOs for seeking licenses/ registrations under the new Act to 4th February, 2014. Considering the number of FBOs affected by the present Act, it is a good move as it will provides an opportunity for all the FBOs who failed to convert/ renew their licenses under the new Act.

Mandatory label requirement for GM (Genetically Modified) foods

The Department of Consumer Affairs under Union Food and Consumer Affair Ministry has mandated that all packaged food products containing GM ingredients should carry a prescribed label from 1st January, 2013. This move will largely impact the imported food products containing GM ingredients.

The department has already notified the nineteen commodities which shall be covered under the new labeling rule and include items such as *asbaby food, biscuits, breads, edible oils, cereals* etc.

The rationale behind the present exercise on part of the department is to make the consumer aware about the presence of GM ingredients in the available food items and its alleged health impacts. However, the implementation of the said rule is left to FSSAI which shall come up with the precise labeling requirements of GM food shortly.

Nine Food parks shut down on the ground of satisfactory progress

The Ministry of Food Processing Industries (MoFPI) has closed nine out of the allotted 56 Food parks for failure to show satisfactory progress. The Food Park scheme was launched under Eight, Ninth and Tenth Five Years to develop common infrastructure facilities for food processing units in India. The scheme was developed with the sole objective of helping small and medium entrepreneurs, who found difficult to invest in facilities such as cold storage units, warehouses, quality control labs and effluent treatment plants.

It has been confirmed by MoFPI that nine Food Parks shall be closed and the concerned State Governments have already been notified about the closure and are requested to recover the due amount along with interest.

Manapurram Finance Limited Vs. Govt of Andhra Pradesh & Ors

In the recent decision the Hon'ble Andhra Pradesh High Court upheld the compliance of the prescribed weighing scales under the provisions

Dear Reader,

Recently FSSAI has prepared and circulated the draft resolution on labeling (claims). The said draft is a complete code on labeling as it specifies both the general and specific labeling requirements of different categories of food items.

Further it also lay down conditions and requirement for making any "nutritional" and/or "health" claims for pre-packed items. It also specifies the requirements for using the common used phrases such as 'natural', 'pure', 'fresh', 'traditional', 'original', 'best', etc.

(Gurmeet Singh Kainth)
Partner

of the Legal Metrology Act, 2009 despite of the fact that the Petitioner (i.e. Manapurram Finance Limited) is not directly engaged in the business of bullion trading.

The Assistant Controller of Legal Metrology (A.P.) issued a memo to Bullion traders to use only non-automatic weighing scales which are approved by the Government of India.

The Petitioner who is not directly engaged in the bullion trade but engaged in the business of providing loan against the security of gold ornaments was asked to comply with the requirements of the approved non-automatic weighing scale under Legal Metrology (General) Rules, 2011.

The Petitioner challenged the compliance on the basis of the fact that they are not directly engaged in the bullion trade and their business does not attract definition of “ transaction” within the meaning of section 2(u) of the Legal Metrology Act, 2009.

The Court on close scrutiny of the of the meaning of the terms ‘transaction’ under Section 2(u) of the Act, coupled with Rule 9 of the Andhra Pradesh Legal Metrology (Enforcement) Rules, 2011 was of the view that since Petitioner is advancing loans to its consumers based on the gold deposits as security, hence the nature of business activity of Petitioner falls under the purview of meaning of the word ‘transaction’ as defined under Section 2(u) of the Act.

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