

# FOODLEX

A newsletter on Food Laws, Legal Metrology  
and Pesticide Regulations

Volume 1, Issue: 5



Mumbai • New Delhi • Goa • Patna

## Tamilnadu to issue FSSAI's licences online

The state of Tamilnadu becomes the ninth state in the country to take the licensing procedure online. Tamilnadu Food Safety Department has opted for online procedure for issuance of licenses to various Food Business Operators ("FBO's") based in the state.

Further, Tamilnadu Food Safety Department has also organized the training programmes for FBO's and assured that its officials shall assist the applicants during the initial period with the online application process.

## 68% of milk does not meet food norms : Centre tells S.C.

In a startling revelation the Centre Govt. informed the Supreme Court of India that 68% of the samples of milk ( both loose and in packets) collected from rural and urban areas of all states failed the requirements of food safety and standards as laid down under the Food Safety and Standards Act, 2006 (FSSA).

It was informed that Food Safety and Standards Authority of India (FSSAI) after becoming aware of the news report about adulteration of the milk had conducted a survey covering 33 States and Union Territories. It had collected 1,791 samples with a good mix of rural and urban areas and included milk samples sold as loose and in packets.

After analysis, 565(31.5%) samples were found to be conforming to standards whereas 1226(68.4%) samples were found non-confirming. Further, samples collected from urban areas were found to be more non-compliant than the samples collected from the rural areas.

The Centre Govt. stated that the findings of the report have been communicated to all the Food Safety and Standards Officers with an advice to take appropriate measures and legal action as prescribed by the FSSA.

## Ink Association seeks amendment to Legal Metrology Rules

The All India Printing Ink Manufacturers' Association (AIPIMA) has made a Representation to the Ministry of Consumer Affairs in New Delhi requesting urgent steps to amend the Legal Metrology (Packaged Commodities) Rules, 2011 in view of the Hon'ble Karnataka High Court decision in Larsen & Toubro matter.

It was held by the High Court that the Act is meant only for an individual consumer or a group of individuals who purchase packaged commodities from a retailer and should not extend to purchaser of industrial goods.

The Association has suggested to exclude all industrial inputs like

Dear Readers,

Recently Food Safety and Standards Authority of India (FSSAI) has circulated New Guidelines to be followed for seeking approval of the food product. The New Guidelines do not contemplate major changes/deviations from the earlier issued New Food Approval Procedure. However, things have been made simpler specifically with regard to the "ingredients" of the product.

After issuance of the Food Product Approval Procedure by FSSAI in December 2012, lot of objections have been raised by the Industry/confederations regarding the cumbersome process and overlooking of the importance of the ingredients of the product, specifically those ingredients which never have any issues regarding safety and known in the market for long. Industry and experts are univocal about the need of simpler procedure for the proprietary food products which use approved/permitted ingredients and never had any issue with regard to the safety of the product.

The whole objective behind this exercise on part of FSSAI is to improve the efficiency and efficacy of the food product approval system for the proprietary foods in India.

(Gurmeet Singh Kainth)  
Partner

printing ink from the purview of these rules irrespective of whether they are sold directly to the industrial consumer or distributed through dealers and other channels.

### **Raman Krishna Iyer vs. State of Gujarat & Another.<sup>1</sup>**

The Question involved in the present case was whether the collection of samples of adulterated curd by the Food Inspector in exercise of powers granted under Section 10 of the Prevention of Food Adulteration Act, 1954 (PFA) leads to conviction under Section 16 read with Section 7 of the Act or the prosecution is required to establish that both the samples of curd were adulterated and it was for sale in the ordinary course of business within the meaning of Section 2(xiii) of the PFA.

It was held that as per the provisions of the PFA, that storage or distribution of an adulterated article of food for a purpose other than for sale does not fall within the ambit of Sections 7 and 16 of the PFA Act and the Food Inspector is authorized to take samples only from particular persons indulging in business activity relating to sale of a food article and if the said article is not intended for sale and is in possession of a person who does not fulfill the characteristics of seller, conveyer, deliverer, consignee, manufacturer or storer for sale, the action of the Food Inspector shall be treated as bad in law.

1. Decided on 18th January, 2013, Gujarat High Court

#### **D. H. Law Associates - Advocates & Solicitors**

111, Free Press House, Free Press Journal Road, 215, Nariman Point, Mumbai - 400 021.

T: +91-22-6625 2222 F: +91-22-2285 5821

E: [contactus@dhlawassociates.com](mailto:contactus@dhlawassociates.com) W: [www.dhlawassociates.com](http://www.dhlawassociates.com)