

# FOODLEX

A newsletter on Food Laws, Legal Metrology  
and Pesticide Regulations

Volume 1, Issue: 7



D. H. LAW  
ASSOCIATES  
ADVOCATES & SOLICITORS

Mumbai • New Delhi • Goa • Patna

## SC held the Right to Pure Food and Beverages as a Fundamental Right

In the recent judgment bench of Justices K.S. Radhakrishnan and A K Sikri held that right to life and human dignity also includes the right to have food articles and beverages which are unadulterated and free from harmful residues like pesticides and insecticides.

While disposing off the PIL seeking to set up an independent technical panel to evaluate the harmful effects of soft drinks on human health including children, the Hon'ble Court held that "*enjoyment of life and its attainment, including right to life and human dignity encompasses within its ambit availability of articles of food, without insecticides or pesticides residue, veterinary drugs residues, antibiotic residues, solvent residues, etc.*"

The Court also contended that the food articles such as rice, vegetables, meat, fish, milk, fruits, etc. contain insecticides or pesticides residues beyond acceptable limits.

As regards soft drinks, the Court directed Food Safety and Standards Authority of India (FSSAI) to evaluate harmful effects of soft drinks on human health and ensure all beverages provide complete details of its ingredients including levels of added chemical.

Further, FSSAI was also put to the duty of monitoring and conducting periodic inspection of all carbonated soft drinks to ensure its safety and standards.

## FSSAI takes tough standard on the labelling of the Imported Food Products

FSSAI directives to block consignment of imported packaged foods over labelling issues have led to severe opposition from various companies/traders across the country. The FSSAI move has resulted in freezing of various perishable imported food items at the respective ports due to non-compliance of the labelling requirements under Food Safety and Standards Act, 2006.

However, the Health Ministry has strongly backed the FSSAI's move and uphold its action in line with its job as a regulator and custodian of the general public's health.

## Delhi High Court allowed the Govt. to get the junk food guidelines examined by the experts

Delhi High Court in the PIL filed by the NGO "Uday Foundation" for seeking direction for banning the sale of junk foods and aerated drinks in and around school, allowed the Centre Govt. to get the junk food

Dear All,

Recently FSSAI has issued a reminder/notification on its website about the last date for obtaining license/registrations for FBOs i.e. **4th February 2014**.

In a categorical statement, it was emphasised that the present deadline of 4th February 2014 shall not be further extended and any non-compliance of the registration/license norm will attract heavy penalty and imprisonment.

The notification has a clear message to ensure that all FBOs shall obtain/apply for the requisite registration/license in time and any failure on their part will lead to the stringent action by FSSAI.

(Gurmeet Singh Kainth)  
Partner

guidelines examined by the experts.

Earlier, the Hon'ble Court had given six months time to FSSAI for framing guidelines on banning the sale of junk foods and aerated drinks in and around educational institutes. In furtherance of the same, the Centre Govt. framed the draft guidelines taking help from the private consultancy firm AC Nielsen QRG-MARG Pvt. Ltd.( AC Nielsen).

However, the involvement of AC Nielsen in the process of guidelines formulation was strongly opposed by the associations for food processing companies and restaurants.

The associations submitted that being part of the food industry they can also contribute their valid suggestions to FSSAI on the issues of guidelines. Resultantly, the draft guidelines shall now be put before the seven member experts committee.

**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)