

FOOD-LAW-ERA

FSSAI ! LAWS ! UPDATES ! CIRCULARS ! COMPLIANCE !

Food Safety

Regulations

Circulars - Updates

Compliance Management

BY: CS LALIT RAJPUT  

FOOD-LAW-ERA

MONTHLY FOOD LAWS NEWSLETTER



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FOOD LAW NEWSLETTER

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Food Sector / Industry in India



The Indian food processing industry is regulated by numerous laws and regulations which govern the aspects of, registration, packaging, labelling, sanitation, licensing and other essential permits that are mandatory to start up and run a food business.

In India the Food Safety and Standards Authority of India (FSSAI) is the apex food regulator. It is empowered by and functions under the Ministry of Health and Family Welfare, Government of India. The FSSAI implements and enforces food regulations as prescribed in the Food Safety and Standards Act, 2006 (FSS Act).

FSSAI initiates harmonization of India's food rules and regulations as per international standards. Food Safety and Standards Authority of India (FSSAI) is an autonomous body under the Ministry of Health & Family Welfare of Indian Government and FSSAI's main objective is to lay science based standards for food articles and "regulate their manufacture, storage, distribution, sale and import to ensure availability of safe and wholesome food for human consumption".

❑ Relaxations to the FBOs due to Covid-19 Pandemic

FSSAI has decided to facilitate the FBOs and ensure ease of doing business by providing following relaxations / extension due to spike in the cases related to the Covid-19 Pandemic:



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Sl.	Relaxations	Impact of Relaxations
1	Extension for timeline for submission of online Annual Returns through FoSCoS	- The timeline for submission of online annual yearly returns (D-1) for the period 2020-21 due for submission on or before 31st May, 2021 has been extended till 31st August, 2021 (previously was extended till - 30th, June 2021) - The same has to be filed mandatorily through online mode i.e. through Food Safety Compliance System, FOSCOS.
2.	Waiver of late fee for renewing the license:	a) It has been decided to waive off the late fee, in case, renewal of license is not applied as early as 30 days before the expiry of license [refer Regulation 2.1.7(2) and 2.1.7(4) of FSS (Licensing and Registration of Food Businesses) Regulations 2011]. b) This late fee ranges from Rs. 100 to Rs. 3000. No late fee for renewal of Licenses shall be charged till <u>31st August, 2021 (previously was extended till - 30th, June 2021)</u>, i.e. no late fee for renewal application (as stipulated under the said regulation) will be charged for licenses, <u>if filed on or before 31st August, 2021.</u> c) As the process for renewal of license and registration is completely online and renewals can be filed as early as <u>180 days prior to expiry of license and registration</u>, food businesses are advised to file the renewal application well in time to avoid expiry of their licenses and registrations and causing unnecessary hassle to themselves. d) <i>It is clarified that the late fee applicable on renewals applied after <u>31st August, 2021</u> will be charged as per the provisions in FSS (Licensing and Registration of Food Businesses) Regulations 2011.</i>
3.	Extension of timeline dated 22nd June 2021 for the compliance of Food Safety and Standards (Food Product Standards and Food Additives) Fourth Amendment Regulations,	The FSSAI has drawn reference to its previous direction dated 30 December 2020, wherein the timeline for compliance of Food Safety and Standards (Food Product Standards and Food Additives) Fourth Amendment Regulations, 2019 with regard to compliance of provision related to limits of Calcium and Magnesium in Packaged Drinking Water (other than Mineral

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	2019 dated 30th October 2019 related to the standards of Packaged Drinking Water (other than Mineral Water)	Water) had been extended to 1 July 2021. The FSSAI vide notification dt. 22.06.2021 has decided to further extend the timeline for the compliance related to limits of Calcium and Magnesium for the standards of Packaged Drinking Water (other than Mineral Water up to <u>1 January 2022.</u>
4.	Extension of timeline dated 22nd June 2021 for the compliance of Food Safety and Standards (Food Product Standards and Food Additives) Ninth Amendment Regulations, 2020 related to use of processing aid in the food products	- Through a notification dated 22 June, 2021 the FSSAI has extended the date for the compliance of Food Safety and Standards (Food Product Standards and Food Additives) Ninth Amendment Regulations, 2020 related to use of processing aid in the food products. - After due consideration of the representations and in order to harmonise the implementation of the two lists of the processing aids mentioned above, the FSSAI has decided to extend the timeline, for the said Regulation till <u>1 January 2022.</u> - The main purpose of a processing aid is to help in the manufacture of a food products

□ Regulatory Updates:

Lots of Amendments came in from time to time (including Covid-19 Relaxations) in this sector / industry and some key amendments are reproducing here for your kind perusal:

Of the month of June 2021



Sl.	Particulars	Relevant Link (s)
1	Fortified Milk is critical for boosting Health and Immunity during COVID [Updated on:01-06-2021]	Click Here
2	Enabling Food Businesses to migrate from State Licence to Central License or vice versa without change in the FSSAI License number [Updated on:01-06-2021]	Click Here
3	FSSAI stays committed to ensure Food Safety for a Healthy Future [Updated on:07-06-2021]	Click Here

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4	Mandating the mentioning of FSSAI License / Registration number on receipts / invoices / cash memo / bills etc. by food businesses on sale of food products [Updated on:09-06-2021]	Click Here
5	Blended of Mustard Oil for production of Multi sources Edible Vegetable Oil (MSEVOs) [Updated on:09-06-2021]	Click Here
6	Extension of period for Modification of License by Existing FSSAI licensed Manufactures without modification fee [Updated on:17-06-2021]	Click Here
7	Setting up of Microbiology section and Installation of Equipments [Updated on:21-06-2021]	Click Here
8	Extension of timeline dated 22nd June 2021 for the compliance of Food Safety and Standards (Food Product Standards and Food Additives) Ninth Amendment Regulations, 2020 related to use of processing aid in the food products [Updated on:22-06-2021]	Click Here
9	Implementation of Food Safety and Standards (Foods for Infant Nutrition) Regulations, 2020 [Updated on:22-06-2021]	Click Here
10	Extension of timeline dated 22nd June 2021 for the compliance of Food Safety and Standards (Food Product Standards and Food Additives) Fourth Amendment Regulations, 2019 dated 30th October 2019 related to the standards of Packaged Drinking Water (other than Mineral Water)	Click Here
11	Clarification regarding Prohibition of the Multi source edible vegetable oil containing Mustard Oil manufactured on or after 08th June 2021 [Updated on:23-06-2021]	Click Here
12	Relaxations to the FBOs during the prevailing COVID-19 conditions [Updated on:25-06-2021]	Click Here
13	Direction under Section 18 (2)(d) read with Section 16 (5) of Food Safety and Standards Act, 2006 dated 29th June 2021 regarding nomenclature of blended edible vegetable oil (BEVO) [Updated on:29-06-2021]	Click Here
14	Provision for making online request by FBO in FoSCoS for reinstating the rejected applications for FSSAI Licenses and Registrations [Updated on:29-06-2021]	Click Here
15	Inborn Errors of Metabolism (IEM) conditions [Updated on:30-06-2021]	Click Here
16	Clarification on coconut water [Updated on:02-07-2021]	Click Here



Spices Board of India

Spices Board is the flagship organization for the development and worldwide promotion of Indian spices. The Board is an international link between the Indian exporters and the importers abroad.

Sl.	Particulars	Link (s)
1	Online Submission of Quarterly Export Returns-reg.	Click Here
2	Production Linked Incentive Scheme for the Food Processing Industry (PLISFPI)- Coverage of spice products	Click Here
3	Extension of date for submission of application for engagement of Consultants(Marketing & Export Promotion) in Spices	Click Here
4	Guidelines for obtaining GI Authorised User Certificate	Click Here
5	Advisory on compliance with Standards and Specifications prescribed by the Republic of Korea for import of Spices & Spice products – Rev 1	Click Here

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❑ *Key Notification in Brief:*

1. FSSAI: Extension for Annual Return and License Renewal to FBO's till 31.08.2021

Regulatory Compliance Division of Food Safety and Standards Authority of India (FSSAI) vide circular No. **15(6)2020/FLRS/RCD/FSSAI** dated 23.06.2021 has decided to facilitate the FBOs and ensure ease of doing business by providing following extension in relaxations provided earlier vide FSSAI circular dated 2004.2021 due to spike in the cases related to the Covid-19 Pandemic in exercise of powers conferred under section 16 (5) of Food Safety and Standards (FSS) Act 2006:

Note: The below stated relaxations shall cease w.e.f. 31.08.2021 irrespective of the status of lockdown/ curfew/ containment at any location.

❑ List of Relaxations provided by FSSAI

1. Extension for timeline for submission of online Annual Returns

- The timeline for submission of online **annual yearly returns (D-1)** for the period 2020-21 due for submission on or before 31st May, 2021 has **been extended till 31st August, 2021 (previously was extended till - 30th, June 2021)**
- The same has to be filed mandatorily through online mode i.e. through Food Safety Compliance System, FOSCOS (for detailed instructions, refer FSSAI order number 15(31)2020/FoSCoS/ RCD/FSSAI dated 18th Dec 2020).

2. Waiver of late fee for renewing the license:

- e) It has been decided to waive off the late fee, in case, renewal of license is not applied as early as 30 days before the expiry of license [refer Regulation 2.1.7(2) and 2.1.7(4) of FSS (Licensing and Registration of Food Businesses) Regulations 2011].
- f) This late fee ranges from Rs. 100 to Rs. 3000. No late fee for renewal of Licenses shall be charged till **31st August, 2021 (previously was extended till - 30th, June 2021)**, i.e. no late fee for renewal application (as stipulated under the said regulation) will be charged for licenses, **if filed on or before 31st August, 2021.**
- g) As the process for renewal of license and registration is completely online and renewals can be filed as early as **180 days prior to expiry of license and registration**, food businesses are advised to file the renewal application well in time to avoid expiry of their licenses and registrations and causing unnecessary hassle to themselves.

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- h) *It is clarified that the late fee applicable on renewals applied after 31st August, 2021 will be charged as per the provisions in FSS (Licensing and Registration of Food Businesses) Regulations 2011.*

2. FSSAI to not allow modification of licence under FoSCoS beyond 01.01.2022

FSSAI has decided to give no opportunity to manufacturers to modify their existing licences beyond January 1, 2022, as required under the new licensing regime of FoSCoS (Food Safety Compliance System).

In this regard, the FSSAI gave one final opportunity for modification of licence by existing FSSAI licensed manufacturers without modification fee and issued an order saying that it has been decided to extend the period for modification of licences until 31.10.2021.

The order further reads that such FBOs who do not modify licence by October 31, 2021, shall be permitted to apply for modification of their licences 'with fee' until December 31, 2021. Further, no modification of licence would be permitted from January 1, 2022.

3. Provision for making online request by FBO in FoSCoS for reinstating the rejected applications for FSSAI Licenses and Registrations

FSSAI on June 29, 2021 has issued a notification and provided Window period for making request for Rejected applications for FSSAI Licenses and registration.

As the provisions for making the online request by FBO in FoSCoS for reinstating the rejected applications for FSSAI license and registration. The request for the reject applications have been forwarded to the CEO, FSSAI and the same applications shall be reactivated after the consideration issued under vide Notification dated December 15, 2021.

Therefore, the time period shall be progressively reduced in future to a 15 days window as per the Section 32 (5) of Food Safety and Standard Act, 2006. Further, for promoting ease of business and for reducing the burden of pandemic outbreak and resultant lockdown, 6 months, time period is provided to make an online request to reinstate rejected application

❑ Compliance Mechanism under FSSAI

➤ Mandatory Compliance w.e.f. 1st April 2021

Online submission of Annual Returns on Food Safety Compliance System (FOSCOS - <https://foscos.fssai.gov.in>) shall be made mandatory for food businesses involved in manufacturing and importing of food products, wef FY 2020-21 (window for return filing for FY 2020-21 will open wef 1st April 2021 onwards).



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❑ Extension for timeline for submission of online Annual Returns through FoSCoS

- ✓ The timeline for submission of online **annual yearly returns (D-1)** for the period 2020-21 due for submission on or before 31st May, 2021 has **been extended till 31st August, 2021 (previously was extended till - 30th, June 2021)**
- ✓ The same has to be filed mandatorily through online mode i.e. through Food Safety Compliance System, FOSCOs (for detailed instructions, refer FSSAI order number 15(31)2020/FoSCoS/ RCD/FSSAI dated 18th Dec 2020).

❑ Corporate News

1. **Mandatory Display of Food License / Registration Number on Invoice**

As per the order dated 8th June 2021, FSSAI mentioned that declaration of the license or registration number will facilitate the consumers to complain about any grievance with the FBO. This article is to analyse the practical approach of the above order with reference to provisions FSS (Licensing and Registration of Food Businesses) Regulations, 2011.

Come 1st October 2021 Food Business Operators (FBO) to mention FSSAI license or registration number on every invoice. The Food Safety and Standards Authority of India (FSSAI) has made it mandatory for the FBO's to declare the 14-digit FSSAI License or Registration number on cash receipts/purchase invoices/cash memo /bills etc.

2. **FSSAI recognises new precision iodine value analyser**

Iodine value is conventionally determined using manual titration and a few analytical instruments based on automated titration. However, these methods take a longer time to analyse, are costly and use toxic chemicals.

In one of its initiatives to encourage the manufacturing industry in India, Council of Scientific and Industrial Research-Central Scientific Instruments Organisation (CSIR-CSIO) has developed and transferred the technology of Precision Iodine Value Analyzer (PIVA), an instrument for the measurement of the degree of unsaturation (iodine value) in vegetable oils. This is the newest addition to the approved kits / equipment approved by FSSAI for rapid food testing. (Read More at: [Click Here](#))

3. **FHRAI requests food safety regulator FSSAI to extend deadline for implementing new rules**

"FHRAI appreciates the FSSAI's endeavour to set up a robust customer grievance system in the country. This will also improve the overall awareness of the FSSAI and its underlying



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objectives of creating a safe and hygienic ecosystem for FBOs," FHRAI Vice President Gurbaxish Singh Kohli said.

The Federation of Hotel & Restaurant Associations of India (FHRAI) said it has made a representation to food safety regulator FSSAI to extend the deadline for mentioning FSSAI License number on bills given by food business operators. The Food Safety and Standard Authority of India (FSSAI) has mandated Food Business Operators (FBOs) to mention FSSAI license or registration number on cash receipts or purchase invoice with effect from October 1 this year.

4. FSSAI asks states to enforce decision to ban blending of mustard oil with other cooking oil

Food regulator FSSAI has asked states to effectively enforce the decision to ban blending of mustard oil with any other cooking oil from June 8. In its notification dated March 8, the FSSAI had prohibited the blending of mustard oil for production of Multi-Sourced Edible Vegetable Oils (MSEVOs) with effect from June 8, 2021. Edible Oil industry body COOIT said the move will benefit mustard growers as well as consumers.

To ensure that the prohibition is effectively enforced, the food regulator has issued an order on June 8, 2021 asking all the Commissioners of Food Safety of States/UTs and Central Licensing Authority to carry out an inspection drive.

5. PIL in Supreme Court urges FSSAI to prepare detailed report on Health Rating System

A Public Interest Litigation has been filed in the Supreme Court, seeking direction to the Food Safety and Standards Authority of India (FSSAI) to examine the WHO Recommendations on Fat, Salt and Sugar Intake, the Guidelines on 'Health Impact Assessment' and the 'Health Star Rating System' used in the US, Australia, and New Zealand and prepare a detailed report within three months.

The PIL has been filed by Advocate Ashwini Kumar Upadhyay through Ashwini Kumar Dubey. According to the PIL, facts constituting the cause of action accrued on January 1, 2021, when SFFAI published the Nutrient (Fat, Sugar and Sodium) Threshold Study of Packaged Food and the petitioner found that threshold limit is not in consonance with the WHO recommendations. (to read more: [Click Here](#))

6. FSSAI to conduct Gap Analysis in labs to strengthen lab infra

The Food Safety and Standards Authority of India (FSSAI) has decided to conduct a study for 'Gap Analysis' in state food testing laboratories and the objective it says was to strengthen the food testing laboratories in India. The apex food regulator intends to conduct 'Gap Analysis' in 74 food testing laboratories across India.

The Gap Analysis would cover subjects including NABL accreditation, testing facilities available, instrumentation, general infrastructure, manpower positioned (technical and others), qualification & experience of the staff, availability of food analyst, microbiologist, and vacant technical position. (To read more – [Click Here](#))

7. FMCG companies are strengthening rural distribution network to combat low consumer sentiments

Like most sectors and indeed the larger economy, FMCG companies too have not remained insulated from the effects of the pandemic, an outbreak which only seems to have resurfaced with greater ferocity and vehemence in recent days in the form of the so-called second wave.

According to Rural Covid Barometer report released in December last year, every third adult in rural India had been impacted by Covid-19 in terms of job loss implying that financially speaking, a substantial number of rural families and populace would have been at the receiving end of the pandemic.

Adoption of apps bringing onboard the humble kirana stores and small shops location-wise has been one way forward. With digital payment services and platforms erected by both the government and private players already gaining significant traction in rural India, the rural market has been brimming with opportunity. Of nearly 550 million mobile users in rural India, a sizable 260 million are on internet enabling rural distribution for FMCG companies.

Rural market has been ripe for the taking: While FMCG companies have been proactive from their own side, that the rural market has been nurtured by the authorities in certain ways can't be discounted. While reverse migration – albeit occurred in unfortunate circumstances – did take a toll on urban economy and consumption, rural consumption saw support and reinforcement helped on by favourable monsoons, massive government spending, the MGNREGA programmes and broader agricultural reforms.

❑ **Disclaimer:**

*The content of this article is intended to provide a general guide to the subject matter. Every effort has been made to keep the information cited in this Newsletter error-free. Suggestions and feedback to improve the task are welcome. The article, information and opinions therein are based on my understanding of the law and provisions prevailing as on date. The contents of this newsletter are for information purposes only and do not constitute an advice or a legal opinion and are personal views of the author. It should not be relied upon as the sole basis for any decision which may affect you or your business. **In no event the author shall be liable for any direct, indirect, special or incidental damage resulting from or arising out of or in connection with the use of this information.***

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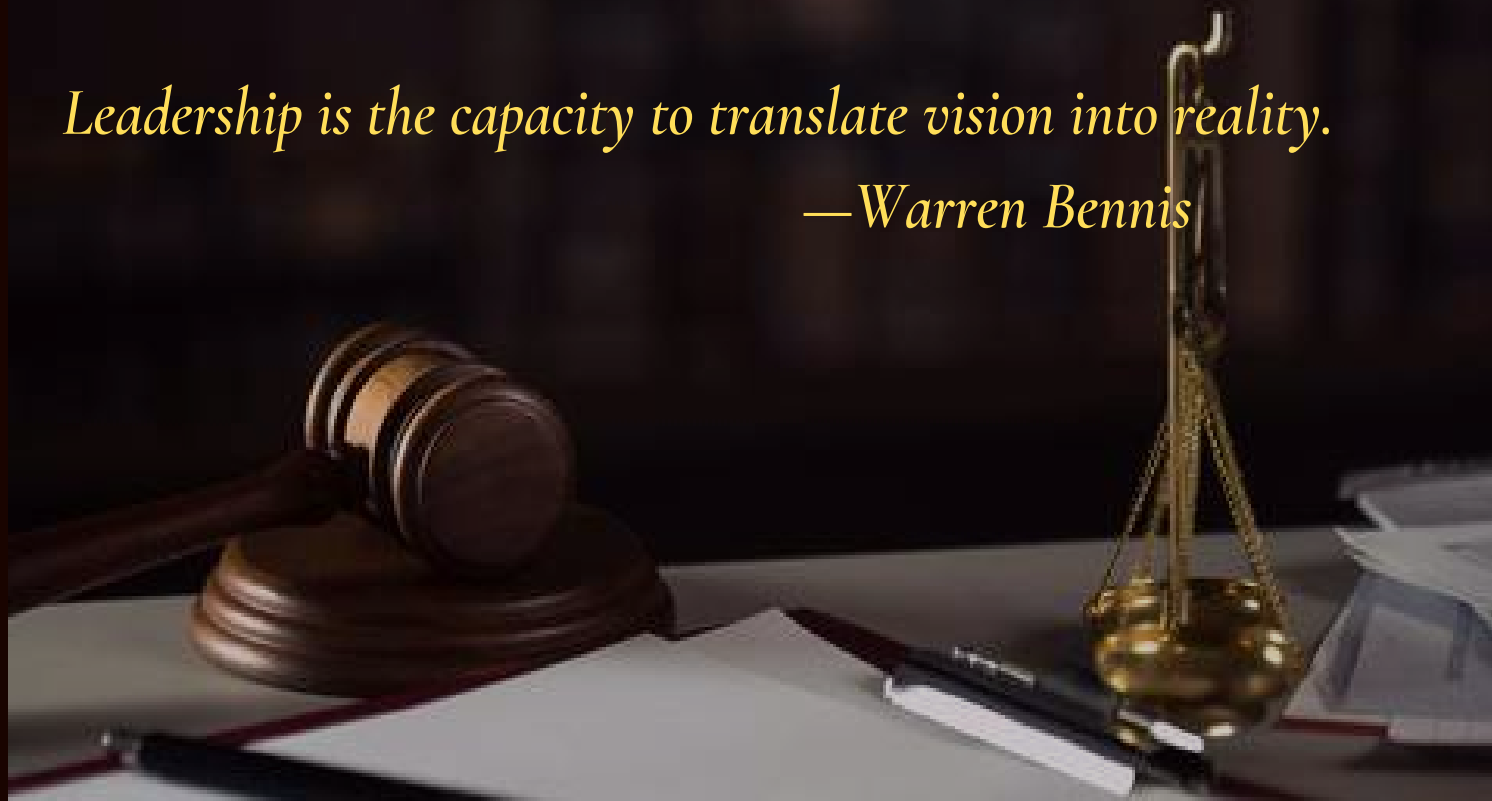
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Leadership is the capacity to translate vision into reality.

—Warren Bennis



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