



Food Safety and Standards
Authority of India

भारतीय खाद्य संरक्षा एवं मानक प्राधिकरण

fssai

**COMMISSIONER OF FOOD
SAFETY,
ANDHRA PRADESH**

FOOD SAFETY & STANDARDS ACT, 2006

Preamble:

- ❖ Multiplicity of food laws and different enforcement agencies created confusion in the minds of consumers, traders, manufactures etc., The standing committee of Parliament in its 12th report (April-2005) expressed that a legislation on integrated food law should be expedited.
- ❖ The Law Commission of India thoroughly reviewed all existing food laws in India and suggested that all Acts and orders relating to food be subsumed within the proposed integrated food law.
- ❖ The Government of India promulgated an integrated food law **Food Safety and Standards Act 2006**, (FSSA) by repealing the existing food laws/orders to noted below to regulate and monitor the manufacture, process, pack, transport, store, distribute, sell and import of any food or food ingredient, so as to ensure availability of safe and wholesome food for human consumption and also to laying down science based standards.

1. **The Prevention of Food Adulteration Act, 1954 (37 of 1954).**
2. **The Fruit Products Order, 1955.**
3. **The Meat Food Products Order, 1973**
4. **The Vegetable Oil Products (Control) Order, 1947.**
5. **The Edible Oils Packaging (Regulation) Order, 1998.**
6. **The Solvent Extracted Oil, De oiled Meal, and Edible Flour (Control) Order, 1967**
7. **The Milk and Milk Products Order, 1992.**
8. **Any other order relating to food issued under the E C Act,1955.**



The Rules & Regulations of the said act were notified in notification No. P-15025/41/205-DFQC in Gazette of India, Extraordinary, Part-II, Section-I and came in to force from 5th August, 2011.

The basic responsibility for enforcement of the Food Safety & Standards Act, 2006 vested with the State Government through the Commissioner of Food Safety and statutory functionaries i.e. Designated Officer (DO), Food Safety Officer (FSO), Food Analyst, Adjudicating Officer, Food Safety Appellate Tribunal and Special Courts etc.,

The main aim of the act is to establish a single reference point for all matters relating to Food by moving from multi level, multi departmental control to a single line command and to have a whole time statutory functionaries and to adopt a uniform a procedure in all states in the country in the area of food regulations / standards.

- ❖ An independent statutory authority the Food safety and Standards Authority of India [FSSAI] with head office at Delhi established.
- ❖ The Ministry of Health and Family Welfare, Govt. of India is the Administrative Ministry.

DEFINITION

“Food” means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption

and includes

primary food, genetically modified or engineered food, infant food, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used into the food during its manufacture, preparation or treatment.

***primary food*” means an article of food, being a produce of agriculture or horticulture or animal husbandry and dairying or aquaculture in its natural form, resulting from the growing, raising, cultivation, picking, harvesting, collection or catching in the hands of a person other than a farmer or fisherman;**

but does not include

any animal feed, live animals, plants, prior to harvesting, drugs and medicinal products, cosmetics, narcotic or psychotropic substances.

Food business means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of manufacture, processing, packaging, storage, transportation, distribution of food, import and includes food services, catering services, sale of food or food ingredients

Food business operator (FBO) means a *person engaged in the business of food manufacture, processing, packaging, transportation, distribution, storage, sale and import etc., and includes food services, catering services and sale of food or food ingredients* and is responsible for ensuring the compliance of this Act, rules and regulations made there under;

Manufacturer means a person engaged in the business of manufacturing any article of food for sale and includes any person who obtains such article from another person and packs and labels it for sale or only labels it for such purposes;

- ❖ **Misbranded food** means an article of food -
If it is offered or promoted for sale with false/ misleading/ deceptive claims either, (a) upon the label of the package, or (b) through advertisement.
Example:- Soothing to heart , cholesterol free.
- ❖ **Sub-standard** an article of food shall be deemed to be sub- standard
If it does not meet the specified standards but not so as to render the article of food unsafe;
- ❖ **Unsafe food** means an article of food
Whose nature or quality is so affected as to render it injurious to health- by the article itself, or its package thereof, which is composed, whether wholly or in part, of poisonous or deleterious substance;

Sec. 26: RESPONSIBILITIES OF THE FOOD BUSINESS OPERATOR

- ❖ **Food Business Operator shall himself or by any person on his behalf of manufacture, store, sell or distribute any article of food which is unsafe, misbranded or sub-standard.**
- ❖ **No food business operator shall employ any person who is suffering from infectious, contagious or loathsome disease.**
- ❖ **No food business operator shall sell or offer for sale any article of food to any vendor unless he also gives a guarantee in writing to the vendor: i.e. a bill, cash memo, or invoice.**

Sec. 27: Liability of the manufacturers, packers, wholesalers, distributors and sellers - shall be liable for any article of food which is—

- ❖ **Supplied after the date of its expiry;**
- ❖ **Stored or supplied in violation of the safety instructions of mfg;**
- ❖ **Unsafe or misbranded; or**
- ❖ **Unidentifiable of manufacturer from whom the article of food have been received; or**
- ❖ **Stored or handled or kept in violation of the provisions of this Act, received by him with knowledge of being unsafe.**

Sec- 27- LIABILITY OF THE MANUFACTURERS, PACKERS, WHOLESALERS, DISTRIBUTORS AND SELLERS

shall be liable for any article of food which is—

- ❖ **Supplied after the date of its expiry;**
- ❖ **Stored or supplied in violation of the safety instructions of mfg;**
- ❖ **Unsafe or misbranded; or**
- ❖ **Unidentifiable of manufacturer from whom the article of food have been received; or**
- ❖ **Stored or handled or kept in violation of the provisions of this Act, received by him with knowledge of being unsafe.**

Sec.28: Food recall procedures.

If a food business operator has reasons to believe that a food which he has processed/distributed is not in compliance with this Act/rules/ regulations, he shall immediately withdraw the food in question from the market and inform the competent authorities thereof.

Food Safety & Standards (Prohibition & Restriction on Sales) Regulations, 2011.

Reg.2.1.1 :No person shall either by himself or by any servant or agent sell—

- (1) Cream which has not been prepared exclusively from milk or which contains less than 25 per cent. of milk fat;**
- (2) milk which contains any added water;**
- (3) Ghee which contains any added matter not exclusively derived from milk fat;**
- (4) skimmed milk (fat abstracted) as milk;**
- (5) a mixture of two or more edible oils as an edible oil**
- (6) vanaspati to which ghee or any other substance has been added;**
- (7) turmeric containing any foreign substance;**
- (8) mixture of coffee and any other substance except chicory;**
- (9) dahi or curd not prepared from boiled, pasteurized or sterilized milk;**
- (10) milk or a milk product containing a substance not found in milk, except as provided in the regulations**

Reg.2.3.4: Product not to contain any substance which may be injurious to health: Tobacco & nicotine shall not be used as ingredients in any food products.

Reg.2.3.5: Prohibition of use of carbide gas (acetylene gas) in ripening of fruits

Reg.2.3.6: Sale of Fresh Fruits and Vegetables: Fresh Fruits and Vegetables shall be free from rotting & free from coating of waxes, mineral oil & colours.

2.3.12: Restriction on sale of common salt – No person shall sell or offer or expose for sale or have in his premises for the purpose of sale, the common salt, for direct human consumption unless the same is iodized.

Reg. 2.4.2 (17) No person shall manufacture, sell or exhibit for sale packaged drinking water except under the Bureau of Indian Standards Certification Mark.

Reg.2.4.2 (18) No person shall manufacture, sell or exhibit for sale mineral water except under the Bureau of Indian Standards Certification Mark”

OFFENCES AND PENALTIES

Sec.51: Penalty for Sub-standard food - Penalty may extend to Five Lakh Rupees.

Sec.52. Penalty for Misbranded food - penalty may extend to Three Lakh Rupees.

Sec.53. Penalty for misleading advertisement - Penalty may extend to Ten Lakh Rupees.

Sec.54. Penalty for food containing extraneous matter - Penalty which may extend to One Lakh Rupees.

Sec.55. Penalty for failure to comply with the directions of Food Safety Officer - Penalty which may extend to Two lakh Rupees.

Sec.56: Penalty for unhygienic or unsanitary processing or manufacturing of food - Penalty may extend to One Lakh Rupees.

Sec.57. Penalty for possessing adulterant –

(i) where such adulterant is not injurious to health, to a penalty not exceeding Two Lakh Rupees;

(ii) where such adulterant is injurious to health, to a penalty not exceeding Ten Lakh Rupees.

Sec.58. Penalty for contraventions for which no specific penalty is provided - Penalty which may extend to Two Lakh Rupees.

Non-compliance of Registration food business - Penalty not exceeding Twenty five thousand Rupees.

Sec.59. PUNISHMENT FOR UNSAFE FOOD.

Any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is unsafe, shall be punishable—

- (i). if such contravention does not result in injury **six months with imprisonment and fine upto One Lakh Rupees.****
- (ii) if such contravention results in a non-grievous injury - **One year imprisonment and fine upto three Lakh Rupees****
- (iii) if such contravention results in a grievous injury - **Six years imprisonment and fine upto Five Lakh Rupees****
- iv) if such contravention results in death - **Life imprisonment and also with fine not be less than Ten Lakh Rupees.****

60. Punishment for interfering with seized items - Punishable with imprisonment for a term upto to six months and also with fine upto two lakh Rupees.

61. Punishment for false information - Punishable with imprisonment for a term which may extend upto three months and also with fine upto two lakh Rupees.

62. Punishment for obstructing or impersonating a Food Safety Officer - Punishable with imprisonment for a term upto three months and with fine upto to one lakh Rupees.

63. Punishment for carrying out a business without licence and Registration -Punishable with imprisonment for a term which may extend to six months and also with a fine which may extend to five lakh Rupees.

Sec.64. Punishment for subsequent offences.

- (1) If any person, after having been previously convicted of an offence punishable under this Act subsequently commits and is convicted of the same offence, he shall be liable to—**
- (i) Twice The Punishment, which might have been imposed on a first conviction,**
 - (ii) a further Fine On Daily Basis which may extend up to one lakh rupees, where the offence is a continuing one**
 - (iii) his licence shall be cancelled.**

Sec. 34. contravention of EMERGENCY PROHIBITION notices and orders issued by Commissioner of Food Safety - Punishable with imprisonment for a term which may extend to two years and with fine which may extend to two lakh rupees.

Sec. 33. contravention of PROHIBITION ORDERS issued by Court. shall be guilty of an offence and be punishable with a fine upto three lakh rupees.

The Adjudicating Officer may also—

- (a) order for cancellation of licence, re-call of food from market, forfeiture of establishment and property in case of grievous injury or death of consumer;
- (b) issue prohibition orders in other cases.

Sec.65. Compensation in case injury of death of consumer:

- (1) the Adjudicating Officer may be direct him to pay compensation to the victim or the legal representative of the victim, a sum—
 - (a) not less than five lakh rupees in case of death;
 - (b) not exceeding three lakh rupees in case of grievous injury
 - (c) not exceeding one lakh rupees, in all other cases of injury.

Sec.67. Penalty for contravention of import of articles of food:

shall, in addition to any penalty to which he may be liable under the provisions of the Foreign Trade Act, 1992 and the Customs Act, 1962.

THANK YOU