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NOTE ON FRONT-OF-PACK LABELLING OF FOODS EXECUTIVE SUMMARY

Introduction

The Union Ministry of Health and Family Welfare, on 17th November 2020, notified the Food Safety and Standards (Labelling and Display) Regulations, 2020¹ (“**Regulations**”),² that comprehensively revises and replaces the food labelling requirements that existed under the Food Safety and Standard (Packaging and Labelling) Regulations, 2011 (“**2011 Regulations**”), enabling the consumers in India to make informed choices about their food purchases. FSSAI also notified separate regulations governing the packaging of the food viz. the Food and Safety and Standards (Packaging) Regulations, 2018.³

The Regulations prescribe the labelling requirements of pre-packaged foods and display of essential information on premises where food is manufactured, processed, served, and stored. Food Business Operators (“**FBOs**”) must comply with the Regulations by 22nd November 2021. Chapter 3 containing Regulation 9 (Display of food information in food service establishments) must be complied by FBOs by 1st January 2022.⁴

The Regulations additionally prescribe:

- Declaration of allergen information,
- Per-serve contribution of nutrients,
- New symbol for vegetarian food item; non-vegetarian food item, food item not meant for human consumption; fortified food; and organic food (given below in the same order):



Restaurant operators⁵ and e-commerce platforms⁶ (in respect of food products offered through their platforms) are also brought under the ambit of the Regulations.

¹Text of the Regulations at:

https://www.fssai.gov.in/upload/notifications/2020/12/5fd87c6a0f6adGazette_Notification_Labelling_Display_14_12_2020.pdf

² Under powers from Section 92 (2) (k) of the Food Safety and Standards Act, 2006.

³ Notification number F. No. 1- 95/Std/Packaging/SP(L&C/A)/FSSAI-2017, dated March 19, 2018

⁴ Gazette notification No. CG-DL-E-10122020-223635, dated November 17, 2020.

⁵ Regulation 2(h).

⁶ Regulation 4.

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Salient Features

1. E-commerce platforms must ensure the mandatory requirements of label declarations before sale to the consumers.⁷ Also, the calorific values, nutritional information of the food items displayed must be specified on the menu card on their web portal.⁸
2. Information of pictorial device written, printed or graphic matter may be displayed on the label provided that it is not in conflict with the requirements of Regulations.
3. Declarations must be made in English or Hindi. Any other additional language is permitted provided that information in the other language do not contradict with that in English or Hindi.⁹
4. Contents of the label must be clear, unambiguous, prominent, and readily legible for the consumer under normal conditions of purchase and use.
5. Labelling requirement for every packaged food must be displayed in the front of the pack viz.:
 - a. Name of the food which indicates the nature of the food contained in the package,
 - b. Name of ingredients used in the product,
 - c. Nutritional information,
 - d. Declaration regarding vegetarian or non-vegetarian with the prescribed symbol,
 - e. Details of food additives *etc.*¹⁰
6. All the information must be grouped together, given on the principal display panel and in the prescribed measurements.¹¹
7. Display of ingredients/additives in the packaged food must be made on the label.¹²
8. All non-retail packs falls within the ambit of the Regulations and FBOs are required to make specific declarations.¹³

Conclusion

The FSSAI has bridged the gap in the 2011 Regulations by comprehensively revising it in the Regulations. FBOs must revisit their existing policy of labelling of the packaged food products. Regulations can be characterized as consumer friendly as it is designed at giving sufficient information to the consumers to make healthy selections.

This *Counselence Connect* contains information in a nutshell on a recent change in law. This is not legal advice and must not be treated so. For legal advice, please contact us at: info@counselence.com.

⁷ Regulation 4(2).

⁸ Regulation 9(5).

⁹ Regulation 4(5).

¹⁰ Regulation 5.

¹¹ Regulation 6(2).

¹² Regulation 7. Prescribed at Schedule II of the Regulations.

¹³ Regulation 10.