

KNOWLEDGE SHARING VOLUME IX • SEPTEMBER, 2021

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 E-NEWSLETTER



"FOOD-LAW-ERA"

FOOD LAW NEWSLETTER

09TH EDITION – Monthly

(1st August to 31st August, 2021)

Food Sector / Industry in India



India's food ecosystem offers huge opportunities for investments with stimulating growth in the food retail sector, favorable economic policies, and attractive fiscal incentives. The Food & Grocery market in India is the sixth-largest in the world. Food & Grocery retail market in India further constitutes almost 65% of the total retail market in India. India's food processing sector is one of the largest in the world and its output is expected to reach \$535 bn by 2025-26.

The Union Cabinet chaired by the Prime Minister, Shri Narendra Modi has given its approval to introduce the Production-Linked Incentive (PLI) Scheme in Food Products for Enhancing India's Manufacturing Capabilities and Enhancing Exports – Atmanirbhar Bharat. PLI scheme offers incentives on incremental sales for products manufactured in India. The incentives were applicable from August 1, 2020 with base year as 2019-20.

❑ 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:



| Sl. | Relaxations | Impact of Relaxations |
|-----|---|--|
| | Extension of timeline dated 22nd June 2021 for the | <ul style="list-style-type: none"> The FSSAI has drawn reference to its previous direction dated 30 December 2020, wherein the timeline for compliance of Food Safety and |

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| | | |
|----|--|---|
| 1 | <p>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)</p> | <p>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 Water) had been extended to 1 July 2021.</p> <ul style="list-style-type: none"> 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> |
| 2. | <p>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</p> | <ul style="list-style-type: none"> 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 August, 2021



| Sl. | Particulars | Relevant Link (s) |
|-----|---|----------------------------|
| 1 | Recommended Dietary Allowances (RDA) [Updated on:02-08-2021] | Click Here |
| | Extension of Enrolment of Biodiesel Manufacturer dated 04th August 2021 for | |

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| | | |
|---|--|----------------------------|
| 2 | collection of used cooking oil from Food Business Operators [Updated on:04-08-2021] | Click Here |
| 3 | Mandatory online submission of Annual Return by Food Businesses wef FY 2020-21 [Updated on:10-08-2021] | Click Here |
| 4 | Mandating the non-issuance of Offline Renewal of FSSAI License [Updated on:13-08-2021] | Click Here |
| 5 | Licensing of FBOs manufacturing / re-packing Fresh / Surface-treated / Minimally processed Fruits & Vegetables [Updated on:17-08-2021] | Click Here |
| 6 | Draft Food Safety and Standards (Advertising and Claims) Amendment Regulations, 2021 related to claims regarding Virgin Coconut Oil, Chia Oil, Avacado Oil, Sunflower seed Oil-High Oleic Acid, and Safflower seed Oil-High Oleic Acid [Updated on:27-08-2021] | Click Here |
| 7 | Appeal Procedure related to Claims Approval [Updated on:27-08-2021] | Click Here |
| 8 | Gazette notification no. File No.1-116/Scientific Committee/Notif.28.4/2010-FSSAI dated 26.07.2021 w.r.t. Food Safety and Standards (Food Products Standards and Food Additives) Third Amendment Regulations, 2021 related to Buffalo milk, exemption of imported expelled oil from refining, grapeseed oil, Soybean sauce, walnut kernel, Besan, Maize Starch, Yellow Pea Powder, Black, White & Green (BWG) peppers, Dried sage, Instant Tea in Solid form, Decaffeinated roasted and ground coffee-chicory mixture, Decaffeinated Instant coffee-chicory mixture, caloric and non-caloric sweeteners, omission of alitame [Updated on:30-07-2021] | 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 | Schedule for conducting e-auctions at E-auction Centre at Puttady & Bodinayakanur for the period from 26.08.2021 to 22.09.2021 | Click Here |
| 2 | QER submission in connection with export award | Click Here |
| 3 | Online Submission of Quarterly Export Returns-reg. | Click Here |

Key Notification in Brief:

1. FSSAI Mandating the non-issuance of Offline Renewal of FSSAI license

Food Safety and Standards Authority of India (FSSAI), (Regulatory Compliance Division, vide File No. 15(31)2020/FoSCoS/RCD/FSSAI dated 12th day of August, 2021 has issued, circular **Mandating the non-issuance of Offline Renewal of FSSAI license.**

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FSSAI had launched Food Safety Compliance System (FoSCoS) on 1st November, 2020 on pan-India basis, all States/UTs are issuing online licensing and registration.

❑ Aim of FoSCoS

- The aim of online platform is to overcome glitches and to synchronize organically with changing regulatory needs.
- FoSCoS is conceptualized as the umbrella system which is integrated with FSSAI's other existing IT platforms.

It has been noticed that still many Licensing Authorities are renewing offline license and registrations which have been issued earlier through offline mode. **By continuing offline renewals of License/Registration will lead to many challenges like no record for such offline renewed FSSAI Licenses and Registration** can be maintained online in FoSCoS such **FBOs will not be able to file Annual Return through FoSCoS which is mandatory w.e.f. FY 2020-21.**

No online Inspections [including Risk based] and sampling can be done against offline issued licenses. Similarly, modules for online improvement notices and adjudication will not work for such licensees. No online record is possible for FSSAI initiatives via FoSCoS portal like Hygiene rating, Indian Food Laboratory Network (InFoL.Net), Audit Management System (AMS), Food Safety Training and Certification (FoSTaC) etc. for such FBOs.

❑ It has been decided in 32nd meeting of CAC held on 29 June, 2021 that:

- State licensing and Registration Authorities shall stop renewal of offline issued licenses with immediate effect and
- Shall direct FBOs to file online application for new License/Registration as per eligibility criteria through FoSCoS.
- Commissioners of Food Safety are requested to send confirmation regarding compliance of this order by 31st August, 2021.

Source: [Click Here](#)

2. FSSAI terminates orders on pandemic relaxations to food businesses

The FSSAI declared that its order permitting food businesses (non-manufacturers) to continue operations with the 17 digit application reference number would cease from June 30, 2021. The relaxation was made given the prevailing Covid-19 pandemic.

Similarly, in the case of manufacturers, leisure to operate with a larger capacity based on an application for modification of license would also discontinue. In this respect, the FSSAI has declared an order stating that restricted inspection and e-inspection will halt from June 30, and face-to-face inspection will begin.

Meantime, the order states that the increase of the timeline for online annual returns submission through FoSCoS shall stay until August 31, accompanying a waiver of the late fee for renewing the license.

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3. FSSAI direction for licensing of FBOs manufacturing/re-packing Fresh/Surface-treated/Minimally processed Fruits & Vegetables

The Food Safety and Standards Authority of India through circular dated 16 August, 2021 has issued directions regarding Licensing of FBOs manufacturing/re-packing Fresh/Surface-treated/Minimally processed Fruits & Vegetables. Due to unavailability of standards for these products in FSSR, these products have not been listed in standardized products list along with their respective food categories on FoSCoS.

Therefore, in order to avoid unnecessary hurdle and to facilitate the trade, as an interim measure, the following food categories are being made available for licensing under General Manufacturing kind of business on FoSCoS with immediate effect:

1. Surface-treated fresh fruits
2. Untreated fresh fruits
3. Peeled or cut, minimally processed fruit
4. Untreated fresh vegetables
5. Surface-treated fresh vegetables
6. Peeled, cut or shredded minimally processed vegetables

❑ Compliance Mechanism under FSSAI

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

Online submission of Annual Returns on Food Safety Compliance System (FOSCOS - <https://foscoss.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*).



fssai **Eat Right India**

ATTENTION MANUFACTURERS AND IMPORTERS!!

Thousands of food businesses have already filed their returns. Don't miss the last date. File your returns now!
Last date: 31st August 2021

For more details visit: **Foscoss.fssai.gov.in**

❑ 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)**

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fssai   #FoSCoS #FSSAIlcense

**ATTENTION
MANUFACTURERS
AND IMPORTERS!!**

Non submission of returns is a violation of condition no. 5 of FSSAI License and shall attract a penalty of Rs. 100 per day after 31st August 2021.

For more details visit: FoscOs.fssai.gov.in

- ✓ The same has to be filed mandatorily through online mode i.e. through Food Safety Compliance System, FOSCOS.
- ✓ Non submission of returns is a violation of condition no.5 of FSSAI License and shall attract a penalty of **Rs. 100 per day after 31st August 2021.**

□ Corporate News



1. 'Drop plans for chemical fortification of foods'

FSSAI urged to drop move to make food fortification mandatory. Civil society groups and individuals have urged the Food Safety and Standards Authority of India (FSSAI) to abandon the move to make synthetic/chemical fortification of foods mandatory in the country.

In a letter to the Assistant Director, FFRC (Food Fortification Resource Centre), over 170 individuals and organisations, along with the Alliance for Sustainable and Holistic Agriculture (ASHA Kisan Swaraj), described the move as pro-corporate and unnecessary. The long-term costs of fortification will be profound and irreversible, they added.

"Mandatory fortification will lead to irreversible infrastructural and market shifts, including consolidation of corporate power," they said, adding that current fortification schemes will create a market of over 3,000 crores for just five big companies.

2. JnJ ORSL Matter: Delhi HC Asks FSSAI, Delhi Govt To Decide

The Delhi High Court Thursday asked the authorities to consider as representation a PIL alleging the deliberate mis-labelling of products as Oral Rehydration Salt (ORS) by certain pharmaceutical companies.

A bench of Chief Justice D N Patel and Justice Jyoti Singh directed Food Safety and Standards Authority of India (FSSAI) and Delhi government to decide the representation in accordance with the law, rules, regulations and government policy applicable to the case and disposed of the petition.

The court said that while deciding the representation, the authorities shall give adequate hearing to the other parties if any adverse order is likely to be passed against them.

Petitioner Rupa Singh, an Assistant Professor at Jawaharlal Nehru University and the mother of an 8-year-old child, claimed that a local pharmacy sold her an 'ORS Liquid' in the name of ORS and the same deteriorated the minor's health.

(Read More at: [Click Here](#))

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3. FSSAI extends validity of enrolled biodiesel cos collecting used oil till July '22

The FSSAI has extended the enrolment validity of biodiesel manufacturers for collection of used cooking oil from food businesses. The food authority has issued a notice in this regard saying that the validity of the provisional enrolment of 33 biodiesel manufacturers is extended by one more year until July 2022.

The notice reads, "the validity of provisional enrolment of these 33 biodiesel manufacturers is extended to 30.7.2022 or till the registration mechanism in the State gets devised as per the gazette notification issued by the Ministry of Petroleum and Natural Gas."

All FBOs were required to maintain a record whose consumption of edible oils for frying is more than 50 kg or litre per day. The record should have following details like date, name of the oil, quantity of oil used in frying, quantity consumed at the end of the day, quantity discarded at the end of the day, mode and date of disposal of UCO and UCO collected by (name of authorised agency).

4. FSSAI amends norms to include parameters for soybean sauce stds

The food regulator has made amendments in the Food Safety and Standards (Food Products Standards and Food Additives) Regulations to include additional parameters for soybean sauce standards.

According to the FSSAI's notified amendments, in regulation 2.3 relating to 'Fruit and Vegetable Products' now soybean sauce also needs to comply with parameters related to total Nitrogen which should not be less than 1.0%.

Besides, the food authority has reduced the total soluble solids to 'not less than 15% salt free basis' against the previous limit of 25%, while the acidity as acetic acid remains unchanged at 0.6%.

Besides, the FSSAI also added standards for walnut kernels in food product standards and food additive regulations.

The definition says, walnut kernels means product obtained by deshelling nuts of varieties (cultivars) grown from *Juglansregia L.* after appropriate maturity and the kernels shall be of uniform colour (with permissible variation 15%) with characteristic taste and flavour. Also, it should be free from added colour. It may be either in the form of halves or pieces.

The walnut kernels should conform to parameters including moisture content, per cent by mass (Maximum) 5.0, acid-insoluble ash, per cent by mass (Maximum) 0.1, extraneous vegetative matter (vegetative matter associated with the plant from which the product originates) per cent by mass (Maximum) 1.0, foreign Matter (any matter or material not usually associated with the product), per cent by mass (Maximum) 0.1, damaged units, per cent by mass (Maximum) 4.0 and acidity of extracted fat expressed as Oleic Acid per cent by mass (Maximum) 1.25.

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5. Bakery Unit in Bhubaneswar Raided Over Violation Of Food Safety Standards Rules

A team of Bhubaneswar Municipal Corporation (BMC) personnel led by an officer of the Food Safety and Standards Authority of India (FSSAI) conducted a raid at a bakery unit manufacturing several food items.

The raid was conducted following allegations that the food items were being sold in the market without adhering to the prescribed guidelines under the Food Safety & Standards Act.

During inspection of the bakery unit, located in the vicinity of Sriya Talkies in Kharvel Nagar area of the State capital, the team came across many shortfalls in the packaging specifications of the end products. The owner of the bakery unit has been slapped with a fine of Rs 3,000 and has been warned to strictly abide by the necessary rules under the Food Safety & Standard Act.

❑ **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.

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The author can be approached at cslalitrajput@gmail.com. // +918802581290 (W).

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Prepared & Compiled by

Lalit Rajput

Company Secretary

Cell: +91 8802581290

Email: cslalitrajput@gmail.com

LinkedIn: <https://www.linkedin.com/in/cslalitrajput/>



Sometimes we're tested not to show our weaknesses, but to discover our strengths.



BY: CS LALIT RAJPUT

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A MONTHLY E-MAGAZINE ON FOOD - LAWS

