

Proprietary Foods

New Definition:

What is in What is Out



Definitions and Definitions:

Act (Section 22)

- “**proprietary and novel food**” means an article of food for which standards have not been specified but is not unsafe:
- Provided that such food does not contain any of the foods and ingredients prohibited under this Act and regulations made thereunder.

Regulations: 2.12 in FSS(FPAS) regulations, 2011

- 1) Proprietary food means a food that has not been standardized under these regulations
- 2) In addition to the provisions including labelling requirements specified under these regulations, the proprietary foods shall also conform to the following requirements, namely:—
 - (i) the name describing as clearly as possible, the nature or composition of food and/or category of the food under which it falls in these regulations shall be mentioned on the label
 - (ii) the proprietary food product shall comply with all other regulatory provisions specified in these regulations and in Appendices A and B.

Amended FSS (FPAS) Regulation

“2.12.1: For the purpose of these regulations, -

- 1) Proprietary food means an article of food that has not been standardized under these regulations, but does not include any novel food, food for special dietary use, functional food, nutraceutical, health supplement and such other articles of food which the Central Government may notify in this behalf.
- 2) Proprietary food shall contain only those ingredients other than additives which are either standardised in these Regulations or permitted for use in the preparation of other standardised food under these Regulations.
- 3) Proprietary food shall use only such additives as specified for the Category to which the food belongs and such category shall be clearly mentioned on the label along with its name, nature and composition.
- 4) Proprietary food product shall comply with the food additives provisions as prescribed in Appendix A and the microbiological specifications as prescribed in Appendix B of these Regulations and all other Regulations made under this Act.
- 5) The Food Business Operator shall be fully responsible for the safety of the proprietary food.”

Out:

Does not include:

- Novel food,
- Food for special dietary use,
- Functional food,
- Nutraceutical,
- Health supplement and
- Such other articles of food which the Central Government may notify in this behalf.

FAQs:

Provides CLARITY on:

➤ Licensing

- No requirement for pre-approval

➤ Use of ingredients

- Already standardised or allowed to be used in other standardised foods.

➤ Use of additives

- As per new additives regulation (operationalization of additives regulation)

FAQs: Pain points

ADDITIONAL Requirements:

- 30% RDA max.
- Labelling Requirements

TRANSITION TIME: 6 months

- In effect limits FBOs ability to use ingredients / additives approved through earlier PA route.

Lingering Questions

- What is the role of standards?
- What should be the scope of FAQs?
- Lack of clarity over the intent of regulatory interventions?
 - Lack of accountability over the outcomes achieved v/s stated intent.....