

Prevention of Food Adulteration (5th Amendment) Rules, 2008

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 19th September, 2008

G.S.R. 664(E).— WHEREAS the draft of certain rules further to amend the Prevention of Food Adulteration Rules, 1955, were published, as required by the sub-section (1) of the section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), in the Gazette of India, Extraordinary, vide notification of the Government of India in the Ministry of Health and Family Welfare, Department of Health and family welfare, number G.S.R. 380 (E), dated the 15th May, 2008, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Official Gazette containing the said notification, were made available to the public;

AND WHEREAS, the copies of the said Gazette were made available to the public on the 19th May, 2008.

AND WHEREAS, objections or suggestions received from the public within the specified period on the said draft rules have been considered by the Central Government;

NOW, THEREFORE, in exercise of the power conferred by section 23 of the Prevention of Food Adulteration Act, 1954, the Central Government, after consultation with the Central Committee for Food Standards, hereby makes the following rules further to amend the Prevention of Food Adulteration Rules, 1955, namely: -

1. (1) These rules may be called the **Prevention of Food Adulteration (5th Amendment) Rules, 2008.**
- (2) They shall come into force on the expiry of a period of six months from the date of their publication in the Official Gazette.
2. In the Prevention of Food Adulteration Rules, 1955 (hereinafter referred to as the said rules), - **in rule, 2, -**
clauses (j), (k), (l), (m), (o), (q), (r), (s), (t) and (u) shall be omitted;
3. **In rule 32 of the said rules,-**
(l) in clause (b),-
(i) for paragraph (2) relating to List of Ingredients, the following paragraph shall be substituted, namely:-

'(2) List of Ingredients: Except for single ingredient foods, a list of ingredients shall be declared on the label in the following manner: -

- (i) the list of ingredients shall contain an appropriate title, such as the term "ingredients";
- (ii) the name of ingredients and their weight or volume used in the product at the time of its manufacture shall be listed in descending order;
- (iii) where an ingredient itself is the product of two or more ingredients, such a compound ingredient shall be declared in the list of ingredients, and shall be accompanied by a list, in brackets, of its ingredients in descending order of weight or volume, as case may be:

Provided that where a compound ingredient, other than the food additives, which constitutes less than five percent of the food,

the list of ingredients of such compound ingredient, need not to be declared ;

- (iv) added water shall be declared in the list of ingredients except in cases where the water forms part of an ingredient, such as, brine, syrup or broth, used in the compound food and so declared in the list of ingredients :

Provided that water or other volatile ingredients evaporated in the course of manufacture need not to be declared :

Provided further that in the case of dehydrated or condensed food, which are intended to be reconstituted by addition of the water the ingredient in such reconstituted food shall be declared in descending order of weight or volume as case may be, and shall contain a statement such as "ingredients of the product when prepared in accordance with the directions on the label";

- (v) every package of food sold as a mixture or combination shall disclose the percentage of the ingredient used at the time of the manufacture of the food (including compound ingredients or categories of ingredients), if such ingredient –
- (A) is emphasised as present on the label through words or pictures or graphics; or
- (B) is not within the name of the food but, is essential to characterise the food and is expected to be present in the food by consumers, if the omission of the quantitative ingredient declaration will mislead or deceive the consumer:

Provided that where the ingredient has been used as flavouring agent, the disclosure of such ingredient is not required:

Provided further that where the drained net weight is indicated on the label as required or in case of such food products where specific provisions are stipulated under these rules or where an pictorial representation of a serving suggestion is made for consumer information and use, the disclosure of such ingredient is not required:

- (vi) the nutritional information or nutritional facts per 100 gm or 100ml or per serving of the product shall be given on the label containing the following: -
- (A) energy value in kcal;
- (B) the amounts of protein, carbohydrate (specify quantity of sugar) and fat in gram (g);
- (C) the amount of any other nutrient for which a nutrition or health claim is made:

Provided that where a claim is made regarding the amount or type of fatty acids or the amount of cholesterol, the amount of saturated fatty acids, monounsaturated fatty acids and polyunsaturated fatty acids in the gram (g) and cholesterol in milligram (mg) shall be declared, and the amount of trans fatty acid in gram (g) shall be declared in addition to the other requirement stipulated above;

- (D) wherever, numerical information on vitamins and minerals is declared, it shall be expressed in metric units;
- (E) where the nutrition declaration is made per serving, the amount in gram (g) or milliliter (ml) shall be included for reference beside the serving measure;

Provided that –

- (a) the nutritional information may not be necessary, in case of foods such as raw agricultural commodities, like, wheat, rice, cereals, spices, spice mixes, herbs, condiments, table salt, sugar, jaggery, or non-nutritive products, like soluble tea, coffee, soluble coffee, coffee-chicory mixture, packaged drinking water, packaged mineral water, alcoholic beverages or fruit and vegetables, processed and pre-packaged assorted vegetables, fruits, vegetables and products that comprise of single ingredient, pickles, papad, or foods served for immediate consumption such as served in hospitals, hotels or by food services vendors or *halwais*, or food shipped in bulk which is not for sale in that form to consumers.
- (b) The compliance to quantity of declared nutrients on the label shall be according to the established practices.

Explanation – For the purpose of this provision, at the time of analysis, due consideration, based on shelf-life, storage, and inherent nature of the food shall be kept in view in case of quantity declared nutrients;

- (c) the food, in which hydrogenated vegetable fats or bakery shortening is used shall declare on the label that 'hydrogenated vegetable fats or bakery shortening used-contains trans fats':

Provided further that, a health claim of 'trans fat free' may be made in cases where the trans fat is less than 0.2 gm per serving of food and the claim 'saturated fat free' may be made in cases where the saturated fat does not exceed 0.1 gm per 100 gm or 100 ml of food.

Explanation.- For the purposes of this provision,-

- (i) **"nutrition claim"** means any representation which states, suggests or implies that a food has particular nutritional properties which is not limited to the energy value but include the protein, fat and carbohydrates, vitamins and minerals;
- (ii) **"health claims"** means any representation that states, suggests or implies that a relationship exists between a food or a constituent of that food and health and include the nutrition claims which describes the physiological role of the nutrient in growth, development and normal functions of the body; other functional claims concerning specific beneficial effect of the consumption of food or its constituents, in the context of the total diet on normal function or biological activities of the body and such claims relate to a positive contribution to health or to the improvement of function or to modifying or

preserving health, or disease risk reduction claim relating to the consumption of a food or food constituents, in the context of the total diet to the reduced risk of developing a disease or health – related condition;

(iii) **“risk reduction”** in the context of health claims means significantly altering a major risk factor for a disease or health-related condition;’

(ii) after the proviso relating to statement in capital letters for colours and flavours and before the NOTE given thereunder, the following shall be inserted, namely: -

“The common name or class name of the flavour shall also be mentioned on the statement regarding added flavours.”;

(iii) for the last proviso, starting with words “Provided also that declaration of flavours on the label” and ending with the words “shall be declared on the label”, the following shall be substituted, namely: -

“Provided also that in case of artificial flavouring substances, the label shall declare the common name of the flavours, but in case of natural flavouring substances or nature identical flavouring substances, the class name of flavours shall be mentioned on the label and it shall comply with the requirement of label declaration as specified under rule 64BB.”.

(II) for clause (d), the following clause shall be substituted, namely:-

“(d) (1) the net content by weight or volume or number, as the case may be, shall be declared on every package of food; and

(2) in addition to the declaration of net contents, a food packed in a liquid medium shall carry a declaration of the drained weight of the food.

Explanation1.- For the purposes of this requirement the expression “liquid medium” include the water, aqueous solutions of sugar and salt, fruit and vegetable juices or vinegar, either singly or in combination.

Explanation2.- In declaring the net quantity of the commodity contained in the package, the weight of the wrappers and packaging materials shall be excluded:

Provided that where a package contains a large number of small items of confectionery, each of which is separately wrapped and it is not reasonably practicable to exclude from the net weight of the commodity, the weight of such immediate wrappers of all the items of the confectionery contained in the package, the net weight declared on the package containing such confectionary or on the label thereof may include the weight of such immediate wrapper if the total weight of such immediate wrapper does not exceed –

(i) eight per cent. Where such immediate wrapper is a waxed paper or other paper with wax or aluminium foil under strip; or

(ii) six per cent. In case of other paper,

of the total net weight of all the items of confectionery contained in the package minus the weight of immediate wrapper.”;

(III) in clause (e), the following proviso shall be inserted, namely:-

"Provided that in case of packages containing bread and milk including sterilised milk, particulars under this clause shall not be required to be given on the label.";

(IV) for clause (h), the following clause shall be substituted, namely:-

"(h) Irradiated foods.- The label of a food, which has been treated with ionizing radiation, shall carry a written statement indicating the treatment in close proximity to the name of the food.";

(V) for clause (I), the following clause shall be substituted, namely:-

"(I) Exemptions from labelling requirements.-

- (i) Where the surface area of the package is not more than 100 square centimeters, the label of such package shall be exempted from the requirements of list of ingredients, Lot Number or Batch Number or Code Number, nutritional information and instructions for use, but these information shall be given on the wholesale packages or multipiece packages, as the case may be.
- (ii) the 'date of manufacture' or 'best before date' or 'expiry date' may not be required to be mentioned on the package having surface area of less than 10 square centimeter but these information shall be given on the wholesale packages or multipiece packages, as the case may be.
- (iii) in case of liquid products marketed in bottle, if such bottle is intended to be reused for refilling, the requirement of list of ingredients shall be exempted, but the nutritional information specified in item (vi) of paragraph (2) of clause (b) of rule 32 shall be given on the bottle.
- (iv) in case of food with shelf-life of not more than seven days, the 'date of manufacture' may not be required to be mentioned on the label of packaged food articles, but the 'use by date' shall be mentioned on the label by the manufacturer or packer.

(VI) after the last proviso and before Explanation-II, the following Explanation shall be inserted, namely:-

'Explanation – I .- "label" means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed graphic, perforated, stamped or impressed on or attached to container, cover, lid or crown of any food package.';

(VII) after Explanation-(III), the following Explanation shall be inserted, namely:-

'Explanation-IV:- "Lot number" or "code number" or "batch number" means the number either in numerals or alphabets or in combination thereof, representing the lot number or code number or batch number being preceded by the words "Lot No" or "Lot" or "code number" or "Code" or "Batch No" or "Batch" or any distinguishing prefix by which the food can be traced in manufacture and identified in distribution.';

(VIII) after Explanation VI, the following Explanation shall be inserted, namely:-

'Explanation – VII .- "prepackaged" or "pre-packed food", means a food, which is placed in a package of any nature, in such a manner that the contents

cannot be changed without tampering it and which is ready for sale to the consumer.

'Explanation – VIII .- "best before" means the date which signifies the end of the period under any stated storage conditions during which the product shall remain fully marketable and shall retain any specific qualities for which tacit or express claims have been made and beyond that date the food may still be perfectly satisfactory.

'Explanation – VIII A .- "date of manufacture" means the date on which the food becomes the product as described;

'Explanation VIII B .- "date of packaging" means the date on which the food is placed in the immediate container in which it will be ultimately sold.

'Explanation VIII C .- "use – by date" or "recommended last consumption date" or "expiry date" means the date which signifies the end of the estimated period under any stated storage conditions, after which product probably will not have the quality attributes normally expected by the consumers and the food shall not be marketable'.

4. In rule 36 of the said rules, -

(a) for sub-rule (1), the following sub-rule shall be substituted, namely:-

'(1) The information required under these rules shall be given on the principal display panel of the package or container and such information may be given in following manner:

(i) all the information be grouped together and given at one place;

Or

the pre-printed information be grouped together and given in one place; and

(ii) online information be grouped together in other place.

Explanation.- For the purpose of this rule, the "principal display panel" means that part of the container/package which is intended or likely to be displayed or presented or shown or examined by the customer under normal and customary conditions of display, sale or purchase of the commodity contained therein.';

(b) sub-rule (3) shall be omitted.

5. for sub-rule (2) of rule 37 A of the said rules, the following sub-rule shall be substituted, namely:-

"(2) In addition to the provisions including labeling requirements specified under these rules, the proprietary foods shall also conform to the following requirements, namely: -

(a) the name of the food and category under which it falls in these rules shall be mentioned on the label;

(b) the proprietary food product shall comply with all other regulatory provisions specified in these rules and in Appendixes".

6. for sub-rule (2) of rule 40 of the said rules, the following sub-rule shall be substituted, namely:-

"(2) (i) Any fruit syrup, fruit juice, fruit squash, fruit beverages, cordial, crush or any other fruit products standardised under Appendix B of these rules, which does not contain the specified amount of fruit juice or fruit pulp or fruit content shall not be described as fruit syrup, fruit juice, fruit squash,

fruit beverages, cordial, crush or any other fruit product, as the case may be;

- (ii) any food product which does not contain the specified amount of fruit and is likely to deceive or mislead or give a false impression to the consumer that the product contains fruit, whether by use of words or pictorial representation, shall be clearly and conspicuously marked on the label as '(NAME OF THE FRUIT) FLAVOURED';
- (iii) any food product, which contains only fruit flavours, whether natural flavours and natural flavouring substances or nature identical flavouring substances or artificial flavouring substances as single or in combination thereof, shall not be described as a fruit product and the word 'ADDED (NAME OF FRUIT) FLAVOUR' shall be used in describing such a product;
- (iv) carbonated water containing no fruit juice or fruit pulp shall not have a label which may lead the consumer into believing that it is a fruit product".

7. In rule 42 of the said rules, in sub-rule (ZZZ), the clause (24) shall be omitted.

8. In rule 64 BB of the said rules, for the existing statement and the Note, regarding added flavour, the following statement and Note shall be substituted, namely:-

"

CONTAINS ADDED FLAVOUR (specify type of flavouring agent as per rule 63)
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Note:— In addition to above statement, the common name or class name of the flavour shall also be mentioned on label."

[F. No. P-15014/9/2001-PH (Food) Vol.II]
G. BALACHANDHRAN, Addl. Secy.