

PREVENTION OF FOOD ADULTERATION (7TH AMENDMENT) RULES, 2006

MINISTRY OF HEALTH AND FAMILY WELFARE (Department of Health) NOTIFICATION

New Delhi, the 21st August, 2006

***G.S.R. 491(E).**- Whereas certain draft rules further to amend the Prevention of Food Adulteration Rules, 1955, were published, as required by sub-section (1) of 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), number G.S.R. 694(E), dated the 28th November, 2005, at pages 1 to 44 in Part II, Section-3, Sub-Section (i), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period 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 2nd December, 2005;

And whereas objections and 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 powers conferred by section 23 of the said Act, 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 (7th Amendment) Rules, 2006.**

(2) They shall come into force on the 20th day of August, 2007 except rule 9, which shall come into force on the 20th day of November, 2006.

2. In the Prevention of Food Adulteration Rules, 1955 (hereinafter referred to as the said rules), - in rule 2, after clause (f), the following clauses shall be inserted, namely:-

"(g) "claim" means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality;

(h) "consumer" means persons and families purchasing and receiving food in order to meet their personal needs.

(i) "contaminant" means by substance not intentionally added to food, which is present in such food as a result of the production (including operations carried out in crop husbandry, animal husbandry or veterinary medicine), manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food or as a result of environmental contamination and does not include insect fragments, rodent hairs and other extraneous matter;

(j) "Date of Manufacture" means the date on which the food becomes the product as described;

(k) "Date of Packaging" means the date on which the food is placed in the immediate container in which it will be ultimately sold;

(l) "Best Before" means the date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond the date the food may still be perfectly satisfactory;

(m) "Use - by date/recommended last consumption date/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.

(n) "food additive" means any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results; or may be reasonably expected to result, (directly or indirectly) in it or its by-products becoming a component of or otherwise affecting the characteristics of such foods but does not include contaminants or substances added to food for maintaining or improving nutritional qualities;

(o) "food for special dietary uses" means foods which are specially processed or formulated to satisfy particular dietary requirements because of a particular physical or physiological condition and / or specific diseases and disorders and which are presented as such, wherein the composition of these foodstuffs shall be significantly different from the composition of foods of comparable nature, that exists.

(p) "ingredient" means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product although possibly in a modified form;

(q) "label" means a display of written, graphic, perforated, stamped, tag, brand, mark, pictorial or other descriptive matter, printed, stenciled, marked, embossed or impressed on, or attached to, a container, cover, lid or crown of any food package;

(r) "labelling" including any written, printed or graphic matter that is present on the label accompanying the food.

(s) "Lot number" or "Code number" or "batch number" means the number either in numerals or alphabets or in combination, 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.

(t) "prepackaged" means packaged or made up in advance in a container, ready for offer to the consumer.

(u) "principal display panel" means that part of a label which is intended or is likely to be displayed, and presented or shown or examined by the customer under normal and customary conditions of display, sale or purchase of the commodity contained in the package;

(v) "processing aid" means substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or its ingredients, to fulfill a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final product."

3. In rule 32 of the said rules,-

(i) for the figures and words "32. Package of food to carry a label-Every package of food shall carry a label and unless otherwise provided in these rules, there shall be specified on every label:-

(a) the name, trade name or description of food contained in the package;

(b) the names of ingredients used in the product in descending order of their composition by weight or volume as the case may be", the following shall be substituted, namely:-

"32. Every Prepackaged food to carry a label.-

(a) General

(1) Prepackaged food shall not be described or presented on any label or in any labelling manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.

(2) Label in prepackaged foods shall be applied in such a manner that they will not become separated from the container.

- (3) Contents on the label shall be clear, prominent, indelible and readily legible by the consumer under normal condition of purchase and use.
- (4) Where the container is covered by a wrapper, the wrapper shall carry the necessary information or the label on the container shall be readily legible through the outer wrapper or not obscured by it.

(b) Labelling of Prepackaged Foods

Every package of food shall carry the following information on the label.

(1) The Name of Food

The name of the food shall include trade name or description of food contained in the package.

(2) List of Ingredients.-

A list of ingredients shall be declared on the label and shall be in the following manner:-

- (i) the list of ingredients shall contain an appropriate title, such as the term "ingredients";
- (ii) the names of ingredients used in the product shall be mentioned in descending order in respect of their composition, by weight or volume, as the case may be;
- (iii) every package of food sold as a mixture or combination shall disclose the ingoing percentage, by weight or volume as may be appropriate, of any ingredient at the time of the manufacture of the food (including compound ingredients or categories of ingredients) and if such ingredient,-
 - (A) is emphasized as present on the label through words or pictures or graphics; or
 - (B) is essential to characterize the food in order to distinguish the food from other categories of food with which it may be confused; or
 - (C) is emphasized as ingredients in the name of the food; or
 - (D) the disclosure of which is deemed to be necessary to enhance the health of consumers or to prevent consumers from being deceived, or
 - (E) is the subject of an express claim about the presence of any fruits, vegetables, whole grains or added sugars:

Provided that the above disclosure is not required where ingredient comprises less than two percent of the total weight of the product and has been used for the purposes of flavouring;

(iv) the complete nutritional information per 100 gm of the product shall be given on the label containing the following:-

- (A) information on energy value shall be expressed in Kcal per 100 gm or per 100 ml;
- (B) information on the amounts of protein, carbohydrate and fat in the food shall be expressed in gm per 100 gm or per 100 ml;
- (C) the amount and/or type of fatty acids (including amount of saturated fatty acids, polyunsaturated fatty acids, monounsaturated fatty acids and trans fatty acids) and cholesterol in gm per 100 gm or per 100 ml;
- (D) numerical information on vitamins and minerals shall be expressed in metric units per 100 gm or per 100 ml;

(v) where an ingredient is itself the product of two or more ingredients, such a compound ingredient may be declared, as such, in the list of ingredients, and shall be accompanied by a list, in brackets, of its ingredients in descending order of weight:

Provided that where a compound ingredient for which a name has been established in these rules constitutes less than 5 percent of the food, the ingredients other than food additives which serve a technological function in the finished product need not to be declared;

(vi) added water shall be declared in the list of ingredients except when the water forms part of an ingredient such as brine, syrup or broth used in a compound food and declared as such 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 the addition of water only, the ingredients may be listed in order of weight in the reconstituted product and shall contain a statement such as "ingredients of the product when prepared in accordance with the directions on the label:";

(ii) in clause (b), -

(i) the first and the second proviso, including the paragraph after the second proviso beginning with the words, "In case of packages of confectionery" and ending with the words, "without opening the package", shall be omitted;

(ii) at the end, before clause (c), the following proviso shall be inserted, namely:-

"Provided also that when combined declaration of colours and flavours are given, the international numerical identification number of colours used shall also be indicated either under the list of ingredients or along with the declaration:

Provided also that pork fat, lard and beef fat or extract thereof shall be declared by their specific names";

(iii) for clauses (d), (e), (f), (g) and (h), the following clauses shall be substituted, namely:-

"(d) Net contents and drained weight.-

(1) The net weight or number or measure of volume of contents as the circumstances may require shall be declared on the label.

(2) The net contents shall be declared,-

(a) for liquid foods, by volume;

(b) for solid foods, by weight;

(c) for semi-solid and viscous foods, either by weight or volume.

(3) In addition to the declaration of net contents, a food packed in a liquid medium shall carry a declaration in the metric system of the drained weight of the food:

Provided that liquid medium will include but shall not be limited to water, aqueous solutions of sugar and salt, fruit and vegetable juices in canned fruits, or vegetables only, or vinegar, either singly or in combination.

(e) Lot/Code/Batch identification.-

A batch number or code number or lot number which is a mark of identification by which the food can be traced in the manufacture and identified in the distribution, shall be given on the label.

(f) Date of manufacture or packing.-

The date, month and year in which the commodity is manufactured, packed or pre-packed, shall be given on the label:

Provided that the month and the year of manufacture, packing or pre-packing shall be given if the "Best Before Date" of the products is more than three months:

Provided further that in case any package contains commodity which has a short shelf life of less than three months, the date, month and year in which the commodity is manufactured or prepared or prepacked shall be mentioned on the label.

(g) Use by date/recommended last consumption date/expiry date.-

The use by date/recommended last consumption date/expiry date shall be given,-

(i) in case of package of Aspartame, which shall be not more than three years from the date of packing;

(ii) in case of infant milk substitute and infant foods.

(h) Irradiated foods.-

- (1) 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.
- (2) The use of the international food irradiation symbol, as shown below shall be in close proximity to the name or brand name of the food.



- (3) When an irradiated product is used as an ingredient in another food, this shall be so declared in the list of ingredients.
 - (4) When a single ingredient product is prepared from a raw material which has been irradiated, the label of the product shall contain a statement indicating the treatment.
 - (5) The licence number to irradiated units shall be declared on the label.”;
- (iv) in clause (i), the third proviso shall be omitted;
- (v) after clause (i) and before Explanation, -I, the following clauses shall be inserted, namely:-
- “(j) Country of origin for imported food,-
- (1) The country of origin of the food shall be declared on the label of food imported into India.
 - (2) When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.
- (k) Instructions for use.-
- Instructions for use, including reconstitution, where applicable, shall be included on the label, if necessary, to ensure correct utilization of the food.
- (l) Exemptions from labelling requirements.-
- Where the largest surface area of the label is less than 10cm square, such label may be exempted from the requirements of list of ingredients, Lot Number / Batch Number / Code Number, Expiry Date / Best Before Date, nutritional information and instruction for use, but these requirements shall be given on wholesale packages or multi-piece packages, as the case may be.
- (m) Other labelling requirements.-
- Any information or pictorial device written, printed, or graphic matter may be displayed in the label provided that it is not in conflict with the requirements of these rules.”;
- (vi) Explanations - I , IV, VII and VIII occurring under rule 32 shall be omitted.

4. For rule 37 A of the said rules, the following rule shall be substituted, namely,-

“37 A, Manufacture of proprietary food:-

- (1) Proprietary food means a food which has not been standardized under the Prevention of Food Adulteration Rules, 1955.
- (2) In addition to the provisions including labeling requirements as prescribed under these rules, all proprietary foods shall also conform to the following requirements:-
 - (a) the manufacturer of proprietary products shall obtain separate licence for manufacture of each proprietary food products;
Provided that Halwais manufacturing traditional foods like Indian traditional snacks and sweets shall obtain a composite licence;
 - (b) the name of the food and/or category under which it falls in these rules shall be mentioned on the label;

(c) tobacco and nicotine shall not be used as ingredients in the manufacture of proprietary food products;

(d) where any food contains any allergenic and / or hypersensitive ingredients as identified under the rules, or any ingredient originating from an allergenic and / or hypersensitive ingredients does not specify the allergenic ingredients / hypersensitive ingredients, such food shall the label declaration as provided under clause (24) of sub-rule (zzz) of rule 42.

(e) the proprietary food product shall not contain food additives except as provided in the rules for that food and / or category of food."

5. In rule 37 B of the said rules, sub-rule (1) shall be numbered as sub-rule (1A) there of, and before sub-rule (1A) as so numbered, the following sub-rule shall be inserted, namely:-

"(1) An article of infant milk substitutes / infant foods whose standards are not prescribed in Appendix B shall be manufactured for sale, exhibited for sale or stored for sale only after obtaining the approval of such articles of food and its label from Government of India."

6. in rule 40 of the said rules, for sub-rule (2), 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 standardized under Appendix B of these rules, which does not contain the prescribed amount of fruit juice / fruit pulp / fruit content shall not be described as fruit syrup, fruit juice, fruit squash, fruit beverages, cordial, crush or any other fruit products as the case may be and such products, shall be described as non-fruit products.

(ii) Every non-fruit product shall be mentioned in clear, conspicuous and easily readable manner, marked on the label as 'NON-FRUIT PRODUCT' and the container containing such product shall not have pictures of fruits or word fruit whether attracted thereto or printed on the wrapper of such container or otherwise, which may lead the consumer into believing that it is a fruit product.

(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, shall not be described as a fruit product and the word 'FRUIT' shall not be used in describing such a product and such product shall not be sold with a label which carries the picture or word of any fruit. However, the product may contain a declaration as "contains (name of the fruit) flavour"

(iv) Any food product in which fruit has not been used as ingredient, the word 'FRUIT' shall not be used in describing such a product and such product shall not be sold with a label which carries the picture or word of any fruit.

(v) 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), after clause (23), the following clause shall be inserted, namely:-

"(24) Every package of food containing any allergenic and/or hypersensitive ingredients shall bear the following label:-

This(name of food)
contains(name of) allergenic
and/or hypersensitive ingredients.

"

8. After rule 44 I of the said rules, the following rule shall be inserted, namely:-

"44J. Product not to contain any substances which may be injurious to health.-
Tobacco and nicotine shall not be used as ingredients in any food products."

9. Rule 48 B of the said rules shall be omitted.

[F. No. P. 15014/9/2001-PH (Food)]
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