

ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು

ಶ್ರೀ ಸಿ. ಎನ್. ಮಂಜೇಗೌಡ, ಮಾನ್ಯ ವಿಧಾನ ಪರಿಷತ್ತಿನ ಸದಸ್ಯರು, ಇವರು ನಿಯಮ 330ರಡಿ ರಾಜ್ಯದಲ್ಲಿ ಆಹಾರ ಪದಾರ್ಥಗಳ ತಯಾರಿಕೆಯಲ್ಲಿ ಕಳಪೆ ಗುಣಮಟ್ಟದ ಪದಾರ್ಥಗಳನ್ನು ಹಾಗೂ ಕೆಲವು ಆಹಾರ ಕೆಂಪು ಬಣ್ಣ ಕಾಣುವಂತಾಗಲು ರಾಸಾಯನಿಕ ವಸ್ತುಗಳನ್ನು ಬಳಸುತ್ತಿರುವುದರಿಂದ ನಾಗರಿಕರ ಆರೋಗ್ಯದ ಮೇಲೆ ದುಷ್ಪರಿಣಾಮ ಉಂಟಾಗುತ್ತಿದ್ದು, ಈ ಬಗ್ಗೆ ಸರ್ಕಾರ ಕೈಗೊಂಡಿರುವ ಕ್ರಮದ ಬಗ್ಗೆ

ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಸಚಿವರ ಹೇಳಿಕೆ:-

ಆಹಾರ ಕಲಬೆರಕೆಯನ್ನು ತಡೆಗಟ್ಟಲು ಹಾಗೂ ಆಹಾರ ಸುರಕ್ಷತೆ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ವಿಚಾರಣೆಯ ಮೂಲಕ ಸಾರ್ವಜನಿಕ ಆರೋಗ್ಯ ರಕ್ಷಿಸಲು ಕೇಂದ್ರ ಸರ್ಕಾರವು ಆಹಾರ ಕಲಬೆರಕೆ ತಡೆ ಕಾಯ್ದೆ 1954 ರನ್ನು ನಿರಶನಗೊಳಿಸಿ ಆಹಾರ ಸುರಕ್ಷತೆ ಮತ್ತು ಗುಣಮಟ್ಟ ಕಾಯ್ದೆ 2006 ಮತ್ತು ನಿಯಮಗಳು 2011 ಗಳನ್ನು ಜಾರಿಗೆ ತಂದಿದ್ದು, ರಾಜ್ಯದಲ್ಲೂ ಸಹ ಅನುಷ್ಠಾನಗೊಳಿಸಲಾಗುತ್ತಿದೆ.

ಆಹಾರ ಸುರಕ್ಷತೆ ಮತ್ತು ಗುಣಮಟ್ಟ ಕಾಯ್ದೆ 2006ರ ಸೆಕ್ಷನ್ 3(1) (zz), iii, v, vii, viii ಗಳನ್ವಯ ಯಾವುದೇ ಆಹಾರ ಪದಾರ್ಥವು ಹಾನಿಕಾರಕ ಪದಾರ್ಥವನ್ನು ಹೊಂದಿದ್ದಲ್ಲಿ ಮತ್ತು ತಯಾರಿಕೆಯಲ್ಲಿ ಕೃತಕ ಬಣ್ಣಗಳೂ ಸೇರಿದಂತೆ ಅನುಮೋದಿತವಲ್ಲದ ಪದಾರ್ಥಗಳನ್ನು ಬಳಸಿದ್ದಲ್ಲಿ ಸದರಿ ಆಹಾರವು ಅಸುರಕ್ಷಿತವಾಗಿರುತ್ತದೆ (ಅನುಬಂಧ-1).

The Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011 ರಲ್ಲಿ ವಿವಿಧ ಬಗೆಯ ಆಹಾರ ಪದಾರ್ಥಗಳನ್ನು 1 ರಿಂದ 15 ವರ್ಗಗಳಲ್ಲಿ ವಿಂಗಡಿಸಿದ್ದು, ಪ್ರತಿಯೊಂದು ವರ್ಗದ ಆಹಾರ ಪದಾರ್ಥಗಳಿಗೂ ಬಳಸಬಹುದಾದ ಕೃತಕ ಬಣ್ಣಗಳೂ ಸೇರಿದಂತೆ Food Additives ಗಳ ಪ್ರಮಾಣವನ್ನು ನಿಗದಿ ಮಾಡಲಾಗಿದೆ, ಉದಾ: ಮೈಸೂರು ಪಾಕ್, ಖಾರಾ ಬೂಂಡಿ, ಬೂಂಡಿ ಲಾಡುಗಳು, ಬಿಸ್ಕೆಟ್‌ಗಳು, ಚಾಕೋಲೇಟ್‌ಗಳು, ಗುಲಾಬ್ ಜಾಮೂನ್‌ಗಳು ಇತ್ಯಾದಿ.

"ಸಿದ್ಧಪಡಿಸಿದ (Prepared Food) ಆಹಾರ ಪದಾರ್ಥಗಳನ್ನು" ವರ್ಗ 16ರಲ್ಲಿ ವರ್ಗೀಕರಿಸಲಾಗಿರುತ್ತದೆ. ಸಿದ್ಧಪಡಿಸಿದ (Prepared Food) ಆಹಾರ ಪದಾರ್ಥಗಳು 1 ರಿಂದ 15 ವರ್ಗಗಳ ವಿವಿಧ ಬಗೆಯ ಆಹಾರ ಪದಾರ್ಥಗಳನ್ನು ಬಳಸಿ ತಯಾರಿಸುವ ಪದಾರ್ಥಗಳಾಗಿರುತ್ತವೆ, ಉದಾ: ಪಾವ್ ಬಾಜಿ, ಬಿರಿಯಾನಿ, ಸ್ಯಾಂಡ್‌ವಿಚ್‌ಗಳು, ಬರ್ಗರ್ ಇತ್ಯಾದಿಗಳು.

The Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011 ರ ನಿಯಮ 16.0 ರನ್ವಯ ಸಿದ್ಧಪಡಿಸಿದ (Prepared Food) ಆಹಾರ ಪದಾರ್ಥಗಳ ತಯಾರಿಕೆಯಲ್ಲಿ ಯಾವುದೇ ಕೃತಕ ಬಣ್ಣಗಳನ್ನು ಉಪಯೋಗಿಸುವ ಕುರಿತಂತೆ ಯಾವುದೇ ಮಾನದಂಡಗಳನ್ನು ನಿಗದಿಪಡಿಸದೇ ಇರುವುದರಿಂದ ಸದರಿ ಆಹಾರ ಪದಾರ್ಥಗಳ ತಯಾರಿಕೆಯಲ್ಲಿ ಕೃತಕ ಬಣ್ಣಗಳ ಬಳಕೆಗೆ ಅವಕಾಶವಿರುವುದಿಲ್ಲ (ಅನುಬಂಧ-2).

ಆಹಾರ ಪದಾರ್ಥಗಳ ತಯಾರಿಕೆಯಲ್ಲಿ ಕೃತಕ ಬಣ್ಣಗಳ ಬಳಕೆಯನ್ನು ಪರಿಶೀಲಿಸಲು ರಾಜ್ಯಾದ್ಯಂತ ಮಾರಾಟ ಮಾಡಲಾಗುತ್ತಿರುವ ಸಿದ್ಧಪಡಿಸಿದ (Prepared Food) ಆಹಾರ ಪದಾರ್ಥಗಳ ಮಾದರಿಗಳನ್ನು ಸಂಗ್ರಹಿಸಿ ಗುಣವಿಶ್ಲೇಷಣೆಗೊಳಪಡಿಸಿದಾಗ ಪ್ರಮುಖವಾಗಿ ಟಾರ್‌ಟ್ರಾಸೈನ್, ಸನ್‌ಸೆಟ್ ಯೆಲ್ಲೋ ಮತ್ತು ರೋಡಮೈನ್-ಬಿ ಮುಂತಾದ ಕೃತಕ ಬಣ್ಣಗಳನ್ನು ಬಳಕೆ ಮಾಡಿರುವುದು ಪತ್ತೆಯಾಗಿರುತ್ತದೆ.

ಕೃತಕ ಬಣ್ಣಗಳನ್ನು ಬಳಕೆ ಸೇರಿದಂತೆ ಯಾವುದೇ ಕಾರಣದಿಂದ ಆಹಾರ ಮಾದರಿಗಳು ಅಸುರಕ್ಷಿತ ಎಂದು ಕಂಡುಬಂದಲ್ಲಿ ಆಹಾರ ಸುರಕ್ಷತೆ ಮತ್ತು ಗುಣಮಟ್ಟ ಕಾಯ್ದೆ 2006, ನಿಯಮಗಳು 2011ರನ್ವಯ

ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿ ಮೊಕದ್ದಮೆ ದಾಖಲಿಸಬೇಕಾಗಿದ್ದು, ಸದರಿ ಉಲ್ಲಂಘನೆಗಳಿಗೆ ನಿಯಮ-59ರಡಿ ಜೈಲು ಶಿಕ್ಷೆ ಮತ್ತು ದಂಡ ವಿಧಿಸಲು ಅವಕಾಶವಿರುತ್ತದೆ.

ಕೃತಕ ಬಣ್ಣಗಳನ್ನು ಬಳಸದಿರುವ ಕುರಿತಂತೆ ಆಹಾರ ಸುರಕ್ಷತೆ ಮತ್ತು ಗುಣಮಟ್ಟ ಕಾಯ್ದೆ 2006, ನಿಯಮಗಳು 2011 ರಲ್ಲಿನ ಅಂಶಗಳ ಬಗ್ಗೆ ಪತ್ರಿಕೆಗಳ ಮೂಲಕ ಜನರಿಗೆ ಮಾಹಿತಿ ನೀಡಲಾಗುತ್ತಿದ್ದು, ವ್ಯಾಪಾರಸ್ಥರಿಗೆ ಅರಿವು ಮೂಡಿಸಲಾಗುತ್ತಿದೆ.

ಆಹಾರ ಸುರಕ್ಷತೆ ಮತ್ತು ಗುಣಮಟ್ಟ ಕಾಯ್ದೆ 2006, ನಿಯಮಗಳು 2011 ರಲ್ಲಿನ ಅಂಶಗಳನ್ನು ಅನುಷ್ಠಾನಕ್ಕೆ ತರುವ ನಿಟ್ಟಿನಲ್ಲಿ ಇಲಾಖಾಧಿಕಾರಿಗಳಿಗೆ ತರಬೇತಿ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ನಡೆಸಲಾಗುತ್ತಿದೆ ಮತ್ತು ಆಹಾರ ಉದ್ಯಮಗಳಲ್ಲಿ ಅನುಸರಿಸಬೇಕಾದ ಆಹಾರ ಸುರಕ್ಷತೆ ಮತ್ತು ಗುಣಮಟ್ಟ ಕಾಯ್ದೆ 2006, ನಿಯಮಗಳು 2011 ರಲ್ಲಿನ ಅಂಶಗಳನ್ನು ಕುರಿತಂತೆ ಕೇಂದ್ರ ಎಫ್‌ಎಸ್‌ಎಸ್‌ಎಐ ರವರಿಂದ ನಿಗದಿತವಾಗಿರುವ Food Safety and Training Certification (FoSTaC) ತರಬೇತಿಯನ್ನು ರಾಜ್ಯಾದ್ಯಂತ ಕಳೆದ ಒಂದು ವರ್ಷದ ಅವಧಿಯಲ್ಲಿ 6815 ವ್ಯಾಪಾರಸ್ಥರು/ತಯಾರಕರುಗಳು ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆ.

ಇದಲ್ಲದೆ ಆಹಾರ ಸುರಕ್ಷತೆ ಮತ್ತು ಗುಣಮಟ್ಟ ಇಲಾಖೆಯ ಮೂಲಕ ಸಾರ್ವಜನಿಕರಿಗೆ ಮತ್ತು ಗ್ರಾಹಕರಿಗೆ ಅರಿವು ಮೂಡಿಸಲು ರೇಡಿಯೋಗಳಲ್ಲಿ, ದೂರದರ್ಶನ ವಾಹಿನಿಗಳ ಮೂಲಕ ಮತ್ತು ಪತ್ರಿಕೆಗಳ ಮೂಲಕ ಅರಿವು ಮೂಡಿಸುವ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಹಮ್ಮಿಕೊಳ್ಳಲಾಗಿದೆ.

ಕೃತಕ ಬಣ್ಣಗಳನ್ನು ಬಳಸದಿರುವ ಕುರಿತಂತೆ ಆಹಾರ ಸುರಕ್ಷತೆ ಮತ್ತು ಗುಣಮಟ್ಟ ಕಾಯ್ದೆ 2006, ನಿಯಮಗಳು 2011 ರಲ್ಲಿನ ಅಂಶಗಳನ್ನು ಕಟ್ಟುನಿಟ್ಟಾಗಿ ಅನುಷ್ಠಾನವಾಗುತ್ತಿರುವುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳಲು ಪುನಃ ಜುಲೈ ಮಾಹೆಯಲ್ಲಿ ಸಿದ್ಧಪಡಿಸಿದ (Prepared Food) ಆಹಾರ ಮಾದರಿಗಳನ್ನು ಸಂಗ್ರಹಿಸಿ ವಿಶ್ಲೇಷಣೆಗಾಗಿ ಪ್ರಯೋಗಾಲಯಗಳಿಗೆ ಸಲ್ಲಿಸಲಾಗಿದೆ.

ವ್ಯಾಪಾರಸ್ಥರು/ತಯಾರಕರುಗಳು ಸಿದ್ಧಪಡಿಸಿದ ಆಹಾರ ಪದಾರ್ಥಗಳ ತಯಾರಿಕೆಯಲ್ಲಿ ಕೃತಕ ಬಣ್ಣ ಉಪಯೋಗಿಸುವಿಕೆಯನ್ನು ಮುಂದುವರಿಸಿದಲ್ಲಿ ವಿಶ್ಲೇಷಣಾ ಫಲಿತಾಂಶಗಳ ಆಧಾರದಲ್ಲಿ ಆಹಾರ ಸುರಕ್ಷತೆ ಮತ್ತು ಗುಣಮಟ್ಟ ಕಾಯ್ದೆ 2006, ನಿಯಮಗಳು 2011ರನ್ವಯ ಕಾನೂನಾತ್ಮಕ ಕ್ರಮ ಜರುಗಿಸಲಾಗುವುದು.

ಆಕುಕ 59 ಎಸ್‌ಬಿ‌ವಿ 2024

(ದಿನೇಶ್ ಗುಂಡೂರಾವ್)

ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಸಚಿವರು

THE FOOD SAFETY AND STANDARDS ACT, 2006

ACT NO. 34 OF 2006

[23rd August, 2006.]

An Act to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Food Safety and Standards Act, 2006.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Declaration as to expediency of control by the Union.—It is hereby declared that it is expedient in the public interest that the Union should take under its control the food industry.

3. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “adulterant” means any material which is or could be employed for making the food unsafe or sub-standard or mis-branded or containing extraneous matter;

(b) “advertisement” means any audio or visual publicity, representation or pronouncement made by means of any light, sound, smoke, gas, print, electronic media, internet or website and includes through any notice, circular, label, wrapper, invoice or other documents;

(c) “Chairperson” means the Chairperson of the Food Authority;

(d) “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 otherwise;

(e) “Commissioner of Food Safety” means the Commissioner of Food Safety appointed under section 30;

(f) “consumer” means persons and families purchasing and receiving food in order to meet their personal needs;

(g) “contaminant” means any substance, whether or not added to food, but 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;

1. 28th May, 2008 (ss. 3 and 30), vide notification No. S.O. 1246(E), dated 28th May, 2008, see Gazette of India, Extraordinary, Part II, sec. 3(ii).
28th August, 2008 (s. 90), vide notification No. S.O. 2127(E), dated 28th August, 2008, see Gazette of India, Extraordinary, Part II, sec. 3(ii).
18th November, 2008 (ss. 16, 17, 18, 81, 82, 83, 84, 85, 86, 92 and 93), vide notification No. S.O. 2678(E), dated 18th November, 2008, see Gazette of India, Extraordinary, Part II, sec. 3(ii).
9th March, 2009 (ss. 11, 12, 13, 14 and 15), vide notification No. S.O. 650(E), dated 9th March, 2009, see Gazette of India, Extraordinary, Part II, sec. 3(ii).

(h) "Designated Officer" means the officer appointed under section 36;

(i) "extraneous matter" means any matter contained in an article of food which may be carried from the raw materials, packaging materials or process systems used for its manufacture or which is added to it, but such matter does not render such article of food unsafe;

(j) "Food" means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food to the extent defined in clause (zk), genetically modified or engineered food or food containing such ingredients, infant food, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used into the food during its manufacture, preparation or treatment but does not include any animal feed, live animals unless they are prepared or processed for placing on the market for human consumption, plants, prior to harvesting, drugs and medicinal products, cosmetics, narcotic or psychotropic substances:

Provided that the Central Government may declare, by notification in the Official Gazette, any other article as food for the purposes of this Act having regards to its use, nature, substance or quality;

(k) "food additive" means any substance not normally consumed as a food by itself or 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 food but does not include "contaminants" or substances added to food for maintaining or improving nutritional qualities;

(l) "Food Analyst" means an analyst appointed under section 45;

(m) "Food Authority" means the Food Safety and Standards Authority of India established under section 4;

(n) "food business" means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of manufacture, processing, packaging, storage, transportation, distribution of food, import and includes food services, catering services, sale of food or food ingredients;

(o) "food business operator" in relation to food business means a person by whom the business is carried on or owned and is responsible for ensuring the compliance of this Act, rules and regulations made thereunder;

(p) "food laboratory" means any food laboratory or institute established by the Central or a State Government or any other agency and accredited by National Accreditation Board for Testing and Calibration Laboratories or an equivalent accreditation agency and recognised by the Food Authority under section 43;

(q) "food safety" means assurance that food is acceptable for human consumption according to its intended use;

(r) "food safety audit" means a systematic and functionally independent examination of food safety measures adopted by manufacturing units to determine whether such measures and related results meet with objectives of food safety and the claims made in that behalf;

(s) "Food Safety Management System" means the adoption Good Manufacturing Practices, Good Hygienic Practices, Hazard Analysis and Critical Control Point and such other practices as may be specified by regulation, for the food business;

(t) "Food Safety Officer" means an officer appointed under section 37;

(u) "hazard" means a biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect;

(v) "import" means bringing into India any article of food by land, sea or air;

(w) "improvement notice" means a notice issued under section 32 of this Act;

(x) "infant food" and "infant milk substitute" shall have the meanings assigned to them in clauses (f) and (g) of sub-section (1) of section 2 of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (41 of 1992), respectively;

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

(z) "label" means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed, graphic, perforated, stamped or impressed on or attached to container, cover, lid or crown of any food package and includes a product insert;

(za) "licence" means a licence granted under section 31;

(zb) "local area" means any area, whether urban or rural, notified by the Commissioner of Food Safety, to be a local area for the purposes of this Act;

(zc) "manufacture" means a process or adoption or any treatment for conversion of ingredients into an article of food, which includes any sub-process, incidental or ancillary to the manufacture of an article of food;

(zd) "manufacturer" means a person engaged in the business of manufacturing any article of food for sale and includes any person who obtains such article from another person and packs and labels it for sale or only labels it for such purposes;

¹[(ze) "Member" includes a part-time Member and the Chairperson of the Food Authority;]

(zf) "misbranded food" means an article of food—

(A) if it is purported, or is represented to be, or is being—

(i) offered or promoted for sale with false, misleading or deceptive claims either;

(a) upon the label of the package, or

(b) through advertisement, or

(ii) sold by a name which belongs to another article of food; or

(iii) offered or promoted for sale under the name of a fictitious individual or company as the manufacturer or producer of the article as borne on the package or containing the article or the label on such package; or

(B) if the article is sold in packages which have been sealed or prepared by or at the instance of the manufacturer or producer bearing his name and address but—

(i) the article is an imitation of, or is a substitute for, or resembles in a manner likely to deceive, another article of food under the name of which it is sold, and is not plainly and conspicuously labelled so as to indicate its true character; or

(ii) the package containing the article or the label on the package bears any statement, design or device regarding the ingredients or the substances contained therein, which is false or misleading in any material particular, or if the package is otherwise deceptive with respect to its contents; or

(iii) the article is offered for sale as the product of any place or country which is false; or

(C) if the article contained in the package—

(i) contains any artificial flavouring, colouring or chemical preservative and the package is without a declaratory label stating that fact or is not labelled in accordance with the requirements of this Act or regulations made thereunder or is in contravention thereof; or

(ii) is offered for sale for special dietary uses, unless its label bears such information as may be specified by regulation, concerning its vitamins, minerals or other dietary properties in order sufficiently to inform its purchaser as to its value for such use; or

1. Subs. by Act 13 of 2008, s. 2, for cl. (ze) (w.e.f. 7-2-2008).

(iii) is not conspicuously or correctly stated on the outside thereof within the limits of variability laid down under this Act.

(zg) "notification" means a notification published in the Official Gazette;

(zh) "package" means a pre-packed box, bottle, casket, tin, barrel, case, pouch, receptacle, sack, bag, wrapper or such other things in which an article of food is packed;

(zi) "premises" include any shop, stall, hotel, restaurant, airline services and food canteens, place or vehicle or vessel where any article of food is sold or manufactured or stored for sale;

(zj) "prescribed" means prescribed by rules made by the Central Government or the State Government, as the case may be under this Act;

(zk) "primary food" means an article of food, being a produce of agriculture or horticulture or animal husbandry and dairying or aquaculture in its natural form, resulting from the growing, raising, cultivation, picking, harvesting, collection or catching in the hands of a person other than a farmer or fisherman;

(zl) "prohibition order" means an order issued under section 33 of this Act;

(zm) "risk", in relation to any article of food, means the probability of an adverse effect on the health of consumers of such food and the severity of that effect, consequential to a food hazard;

(zn) "risk analysis", in relation to any article of food, means a process consisting of three components, *i.e.* risk assessment, risk management and risk communication;

(zo) "risk assessment" means a scientifically based process consisting of the following steps: (i) hazard identification, (ii) hazard characterisation; (iii) exposure assessment, and (iv) risk characterisation;

(zp) "risk communication" means the interactive exchange of information and opinions throughout the risk analysis process concerning risks, risk-related factors and risk perceptions, among risk assessors, risk managers, consumers, industry, the academic community and other interested parties, including the explanation of risk assessment findings and the basis of risk management decisions;

(zq) "risk management" means the process, distinct from risk assessment, of evaluating policy alternatives, in consultation with all interested parties considering risk assessment and other factors relevant for the protection of health of consumers and for the promotion of fair trade practices, and, if needed, selecting appropriate prevention and control options;

(zr) "sale" with its grammatical variations and cognate expressions, means the sale of any article of food, whether for cash or on credit or by way of exchange and whether by wholesale or retail, for human consumption or use, or for analysis, and includes an agreement for sale, an offer for sale, the exposing for sale or having in possession for sale of any such article, and includes also an attempt to sell any such article;

(zs) "sample" means a sample of any article of food taken under the provisions of this Act or any rules and regulations made thereunder;

(zt) "specified by regulations" means specified by regulations made by the Food Authority;

(zu) "standard", in relation to any article of food, means the standards notified by the Food Authority;

(zv) "State Government" in relation to a Union territory means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;

(zw) "substance" includes any natural or artificial substance or other matter, whether it is in a solid state or in liquid form or in the form of gas or vapour;

(zx) "sub-standard" an article of food shall be deemed to be sub-standard if it does not meet the specified standards but not so as to render the article of food unsafe;

(zy) "Tribunal" means the Food Safety Appellate Tribunal established under section 70;

(zz) "unsafe food" means an article of food whose nature, substance or quality is so affected as to render it injurious to health:—

(i) by the article itself, or its package thereof, which is composed, whether wholly or in part, of poisonous or deleterious substances; or

(ii) by the article consisting, wholly or in part, of any filthy, putrid, rotten, decomposed or diseased animal substance or vegetable substance; or

(iii) by virtue of its unhygienic processing or the presence in that article of any harmful substance; or

(iv) by the substitution of any inferior or cheaper substance whether wholly or in part; or

(v) by addition of a substance directly or as an ingredient which is not permitted; or

(vi) by the abstraction, wholly or in part, of any of its constituents; or

(vii) by the article being so coloured, flavoured or coated, powdered or polished, as to damage or conceal the article or to make it appear better or of greater value than it really is; or

(viii) by the presence of any colouring matter or preservatives other than that specified in respect thereof; or

(ix) by the article having been infected or infested with worms, weevils, or insects; or

(x) by virtue of its being prepared, packed or kept under insanitary conditions; or

(xi) by virtue of its being mis-branded or sub-standard or food containing extraneous matter; or

(xii) by virtue of containing pesticides and other contaminants in excess of quantities specified by regulations.

(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding Law, if any, in force in that State.

CHAPTER II

FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

4. Establishment of Food Safety and Standards Authority of India.—(1) The Central Government shall, by notification, establish a body to be known as the Food Safety and Standards Authority of India to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Food Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The head office of the Food Authority shall be at Delhi.

(4) The Food Authority may establish its offices at any other place in India.

5. Composition of Food Authority and qualifications for appointment of its Chairperson and other Members.—(1) The Food Authority shall consist of a Chairperson and the following twenty-two members out of which one-third shall be women, namely:—

(a) seven Members, not below the rank of a Joint Secretary to the Government of India, to be appointed by the Central Government, to respectively represent the Ministries or Departments of the Central Government dealing with—

(i) Agriculture,

(ii) Commerce,

(iii) Consumer Affairs,

(iv) Food Processing,

**MINISTRY OF HEALTH AND FAMILY WELFARE
(Food Safety and Standards Authority of India)**

Notification

New Delhi, dated the 1st August, 2011

F.No. 2-15015/30/2010 Whereas in exercise of the powers conferred by section clause (e) of sub section (2) of section 92 read with 16 of Food Safety and Standards Act, 2006 (34 of 2006) the Food Safety and Standards Authority of India proposes to make Food Safety and Standards Regulations in so far they relates to Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, and;

Whereas these draft Regulations were published in consolidated form at pages 1 to 776 in the Gazette of India Extraordinary Part III – Sec. 4 dated 20th October 2010 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which the copies of the Gazette containing the said notification were made available to the public;

And whereas the copies of the Gazette were made available to the public on the 21st October 2010;

And whereas objections and suggestions received from the stakeholders within the specified period on the said draft Regulations have been considered and finalized by the Food Safety and Standards Authority of India.

Now therefore, the Food Safety and Standards Authority of India hereby makes the following Regulations, namely,—

FOOD SAFETY AND STANDARDS (FOOD PRODUCTS STANDARDS AND FOOD ADDITIVES) REGULATIONS, 2011

**CHAPTER I
GENERAL**

1.1: Title and commencement

1.1.1: These regulations may be called the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011.

1.1.2: These regulations shall come into force on or after 5th August, 2011, except the regulations 2.1.7.(1)(2)(3)(4), 2.1.8 (1)(3), 2.1.11 (1)(2), 2.1.12(1), including table 14 of Appendix A and table 2 of Appendix B which shall come in to force after six months from that date.

Provided that wherever the standards given in these regulations are at variance with any of the provisions of the licenses already granted, Food Business Operator shall comply with the provisions of these regulations within six months from the date of commencement of the regulations.

1.2: Definitions

In these regulations unless the context otherwise requires:

1. BOILED MILK means milk which has been brought to boil.
2. "De-oiled meal" means the residual material left over when oil is extracted by a solvent from any oil-bearing material;
3. DOUBLE TONED MILK means the product prepared by admixture of cow or buffalo milk or both with fresh skimmed milk, or by admixture of cow or buffalo milk or both that has been standardised to fat and solids-not-fat percentage given in the table below in 2.1.1:1 by adjustment of milk solids. It shall be pasteurised and shall show a negative Phosphatase Test. When fat or dry non-fat milk solids are used, it shall be ensured that the product remains homogeneous and no deposition of solids takes place on standing.
4. "Hydrogenation" means the process of addition of hydrogen to an edible vegetable oil using a catalyst to produce a fat with semi-solid consistency;
5. Flavoured Milk, by whatever name called, may contain nuts (whole, fragmented or ground) chocolate, coffee or any other edible flavour, edible food colours and cane sugar. Flavoured milk shall be pasteurised, sterilised or boiled. The type of milk shall be mentioned on the label.

6. Full Cream Milk means milk or a combination of buffalo or cow milk or a product prepared by combination of both that has been standardised to fat and solids-not-fat percentage, given in the table below in 2.1.1:1, by adjustment/addition of milk solids, Full Cream Milk shall be pasteurised. It shall show a negative phosphatase test. It shall be packed in clean, sound and sanitary containers properly sealed so as to prevent contamination.

7. 'Irradiation' means any physical procedure, involving the intentional exposure of food to ionizing radiations.

8. 'Irradiation facility' means any facility which is capable of being utilized for treatment of food by irradiation.

9. 'Irradiated food' means articles of food subjected to radiation by :—

(i) Gamma Rays;

(ii) X-rays generated from machine sources operated at or below an energy level of 5 million electron volts; and

(iii) Sub-atomic particles, namely, electrons generated from machine sources operated at or below an energy level of 10 million electron volts, to dose levels as specified in Schedule I of the Atomic Energy (Control of Irradiation of Food) Rules 1991.

10. MILK is the normal mammary secretion derived from complete milking of healthy milch animal without either addition thereto or extraction therefrom unless otherwise provided in these Regulations. It shall be free from colostrum. Milk of different classes and of different designations shall conform to the standards laid down in the Table below in 2.1.1:1

Total urea content in the milk shall not be more than 700 ppm

11. MIXED MILK means a combination of milk of cow, buffalo, sheep, goat or any other milch animal and may be a combination of any of these milk which has been made and conforms to the standards given in the table below in 2.1.1:1.

12. MILK PRODUCTS means the products obtained from milk such as cream, malai, curd, skimmed milk curd, chhanna, skimmed-milk chhanna, cheese, processed cheese, ice-cream, milk ices, condensed milk-sweetened and unsweetened, condensed skimmed milk-sweetened and unsweetened, milk powder, skimmed milk powder, partly skimmed milk powder, khoa, infant milk food, table butter and desi butter.

Milk products shall not contain any substance not found in milk unless specified in the standards.

13. "Margarine" means an emulsion of edible oils and fats with water;

14. 'Operator of irradiation facility' means any person appointed as such by licensee who satisfies the qualifications and requirements as for training specified in Schedule II of the Atomic Energy (Control of Irradiation of Food) Rules, 1991

15. PASTEURISATION—

The terms "Pasteurisation", "Pasteurised" and similar terms shall be taken to refer to the process of heating every particle of milk of different classes to at least 63⁰C and holding at such temperature continuously for at least 30 minutes or heating it to at least 71.5⁰C and holding at such temperature continuously for at least 15 seconds or an approved temperature time combination that will serve to give a negative Phosphatase Test.

All pasteurised milk of different classes shall be cooled immediately to a temperature of 10⁰C, or less

16. RECOMBINED MILK means the homogenised product prepared from milk fat, non-fat-milk solids and water. Recombined milk shall be pasteurised and shall show a negative Phosphatase test.

17. "Refined vegetable oil" means any vegetable oil which is obtained by expression or solvent extraction of vegetable oil bearing materials, deacidified with alkali and/or by physical refining and/or by miscella refining using permitted food grade solvents and/or degumming followed by bleaching with absorbent earth and/or activated carbon and deodorized with steam without using any other chemical agents

18. "Refining" means a process by which an expressed vegetable oil or a solvent-extracted oil is deacidified—

(i) With alkali, or

(ii) by physical refining, or both, or

(iii) By miscella refining using permitted food grade solvent, followed by bleaching with absorbent earth and/or activated carbon or both of them and deodorized with steam without using any other chemical agent;

(iv) refining if required may include the process of degumming using phosphoric/citric acid.

Includes all savoury snacks, with or without added flavourings, ⁵²[but excludes unsweetened crackers (category 7.1.2). Example includes potato chips], popcorn, pretzels, rice crackers, flavoured crackers (e.g. cheese-flavoured crackers), bhujia (namkeen; snack made of a mixture of flours, maize, potatoes, salt, dried fruit, peanuts, spices, colours, flavours, and antioxidants), and papads (prepared from soaked rice flour or from black gram or cow pea flour, mixed with salt and spices, and formed into balls or flat cakes), khari, kara, murukku, namakpara, chiwda, palakayalu, ribbon or thattupakoda, dalmoth or mixtures, soya nuts, nimki, fali (e.g. cholafali), other fried or baked snacks or savouries, uppuseedai, appam, bhel-mix, sev, gathiya, shankarpali, farsan, kurmura, murmura, papadi, crisps, chakli, etc. Also includes sweet snacks e.g. chikki, gajak, murrunda, gudchana, sugar coated dals and other sweet dal snacks (dals coated with jaggery, sugar, honey and other ingredients).

15.2 Processed nuts, including coated nuts and nut mixtures

Includes all types of whole nuts processed by, e.g. dry-roasting, roasting, marinating or boiling, either in-shell or shelled, salted or unsalted. Yoghurt-, cereal-, and honey-covered nuts, and dried fruit-nut-and-cereal snacks are classified here. ⁵²[Chocolate-covered nuts are classified in 5.1.3, and nuts covered in imitation chocolate are included in 5.1.4.]

15.3 Snacks - fish based

This describes savoury crackers with fish, fish products or fish flavouring. Dried fish per se that may be consumed as a snack is assigned to food category 9.2.5, and dried meat snacks are assigned to food category 8.3.1.2.

16.0 Prepared foods

These foods are not included in the other food categories (1-15) and shall be considered on a case-by-case basis. Prepared foods are mixtures of multiple components (e.g. meat, sauce, grain, cheese, vegetables); the components are included in other food categories. Prepared foods require minimal preparation by the consumer (e.g. heating, thawing, rehydrating). e.g. pav-bhaji, ready-to-eat dishes, biryani, curried rice, sandwiches (filling with egg /chicken/vegetarian sandwiches etc.), burgers, fish burgers, pizza etc. Provisions for additives will be listed in this food category in these regulations only if the additive is needed: (i) solely to have a technological function in the prepared food as sold to the consumer; or (ii) at a use

level that has an intentional technological function in the prepared food that exceeds the use level that can be accounted for by carry-over from the individual components

III FUNCTIONAL CLASSES, DEFINITIONS AND TECHNOLOGICAL PURPOSES

Reno .	Functional Classes	Definition	Technological purpose
1	Acidity regulator	A food additive, which controls the acidity or alkalinity of a food.	Adjusting pH, acidity, alkalinity, and buffering activity.
2	Anti caking agent	A food additive, which reduces the tendency of components of food to adhere to one another.	Anticaking, anti-sticking, drying and dusting.
3	Antifoaming agent	A food additive, which prevents or reduces foaming.	Antifoaming and de-foaming.
4	Antioxidant	A food additive, which prolongs the shelf-life of foods by protecting against deterioration caused by oxidation.	Antioxidant, antioxidant synergist, and antibrowning.
5	Bleaching	A food additive	Decolorising, and bleaching.