

F. No.1-94/FSSAI/SP(Claims and Advertisement)/2017

Food Safety and Standards Authority of India

(A Statutory Authority established under the Food Safety & Standards Act, 2006)

FDA Bhawan, Kotla Road, New Delhi-110002

Dated, the 23rd February, 2023

Subject: Direction under Section 16 (5) of Food Safety and Standards Act, 2006 regarding enforcement of the Food Safety and Standards (Advertising and Claims) Second Amendment Regulations, 2022

Reference is drawn to the Food Safety and Standards (Advertising and Claims) Second Amendment Regulations, 2022 notified in the Gazette of India on 13th December, 2022 (enforced with immediate effect).

2. In the direction dated 26.10.2021 regarding enforcement of Food Safety and Standards (Advertising and Claims) Regulations, 2018 & re-operationalization of Food Safety and Standards (Advertising and Claims) Amendment Regulations, 2021; sub-regulation (7) of regulation 4 specifies that in case of trade mark, brand name or fancy name containing adjectives such as "natural", "fresh", "pure etc., a disclaimer "This is only a brand name or trade mark and does not represent its true nature" shall be mentioned below such trade mark, brand name or fancy name. The same provision was also included in the draft Food Safety and Standards (Advertising and Claims) Amendment Regulations, 2021 notified in the Gazette of India on 27.12.2021 inviting objections and suggestions within a period of sixty days from stakeholders.

3. However, in the final Food Safety and Standards (Advertising and Claims) Second Amendment Regulations, 2022 notified in the Gazette of India on 13.12.2022 enforceable with immediate effect, sub-regulation (7) of regulation 4 specifies that in case of trade mark, brand name or fancy name containing adjectives such as "natural", "fresh", "pure etc., a disclaimer "This is only a brand name or trademark, or fancy name and does not represent its true nature;(relevant one may be chosen as applicable)" shall be mentioned prominently on the front of pack of the label.

4. In this context, representations have been received from stakeholders requesting an extension of implementation of the aforementioned sub-regulation due to the change in the final notification vis-a vis draft notification as this would require changes in the artwork of the label and also to exhaust the existing old inventory of packaging materials.

5. After due consideration of the representations of the Food Business Operators and also to ensure sustainable practices for food business operations, it has been decided to extend the enforcement of sub-regulation (7) of regulation 4 of Food Safety and Standards (Advertising and Claims) Second Amendment Regulations, 2022 for a period of six months from the date of notification.

6. This issues with the approval of the Competent Authority in exercise of the powers conferred under Section 16 (5) of the Food Safety and Standards Act, 2006.

Sharma
27/01/23

(Dr. Amit Sharma)
Director (Regulation)

To:

1. All Food Safety Commissioners
2. All Authorized Officers, FSSAI
3. All Central Designated Officers, FSSAI
4. CITO, FSSAI – for uploading on the website

Copy for information to:

1. PPS to Chairperson, FSSAI
2. PS to CEO, FSSAI
3. All Divisional Heads, FSSAI