

Frequently asked Questions

I) FAQ's on FSSA 2006

1) What is FSSA, 2006 & why this Act is needed?

Ans: FSSA, 2006 is an Act enacted to keep with changing needs / requirements of time and to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India. The Act was needed to bring out a single statutory body for food laws, standards setting and enforcement so that there is one agency to deal and no confusion in the minds of consumers, traders, manufacturers and investors which was due to multiplicity of food laws.

2) Does FSSA serve the purpose of a unified food law?

Ans: Yes, as the Act consolidates various food laws.

3) Who is responsible for implementation & Enforcement of FSSA, 2006? Or Who is the regulatory authority under the Food Act in India?

Ans: Food Safety and Standards Authority of India in association with State Food Authorities are responsible for implementation & enforcement of FSSA, 2006.

4) When was FSSAI established?

Ans: The Government has established Food Safety and Standards Authority of India under Food Safety and Standards Act, 2006 vide notification no. S. O. 2165 (E) dated 5th September 2008.

5) Who are the members of FSSAI? Or what is the composition of the Food Authority?

Ans: The Food Authority consists of a Chairperson and 22 members out of which 7 ex-officio members represent the Ministries or Departments of Central Government viz. Agriculture, Commerce, Consumer Affairs, Food Processing, Health, Legislative Affairs, Small Scale Industries; two representatives from food industry; two representative from consumer organizations; three eminent food technologists or scientists; five members to represent the States and the Union Territories on rotation basis; two persons to represent farmers' organizations and one person to represent retailers' organizations.

6) What is the tenure of members of the Food Authority?

Ans. The Chairperson and the members other than ex officio members of the Food Authority can hold office for a term of three years and eligible for re-appointment for a further period of three years subject to a maximum age of 65 years for Chairperson and 62 years for member.

7) What are the priorities of FSSAI?

Ans: The priorities of the FSSAI is 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.

8) What does FSSAI do?

Ans: The mandate assigned to the Food Authority is (i) laying down science based standards for articles of food (ii) to regulate manufacture, storage, distribution, sale and import of food (iii) to facilitate food safety.

9) On what basis is the FSSA, 2006 developed?

Ans: FSSA, 2006 is an Act to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India. The Act was needed to bring out a single statutory body for food laws, standards setting and enforcement so that there is no confusion in the minds of consumers, traders, manufacturers and investors which was due to multiplicity of food laws.

10)What is the mandate of Food Authority? Or What are the salient features of FSSA, 2006?

Ans: The mandate assigned to the Food Authority is 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.

11)Which Acts/Orders related to food is repealed in FSSA, 2006? Or What are the major elements of the law?

Ans: The following Acts/Orders mentioned in second schedule of the Act are going to be repealed in Food Safety and Standards Act, 2006:

1. Prevention of Food Adulteration Act, 1954
2. Fruit Products Order, 1955
3. Meat Food Products Order, 1973
4. Vegetable Oil Products (Control) Order, 1947
5. Edible Oils Packaging (Regulation) Order, 1998
6. Solvent Extracted Oil, De oiled Meal, and Edible Flour (Control) Order, 1967
7. Milk and Milk Products Order, 1992
8. Any other order under Essential Commodities Act, 1955 relating to food

12)How does this Act change the way PFA regulates the food?

Or

What are the major difference between the new Act and PFA Act?

Ans: The critical shifts from PFA to FSSAI are as under:

PFA		FSSA
Multiple Authorities		Single Authority
Adulteration		Safety
Inspection / Control		Monitoring Surveillance
Insufficient Personnel	Enforcement	Full time district Officer, Food Safety officer under FSC

13)How consumers are benefitted through FSSA?

Ans: The representative of the consumer organizations are members of the Food Authorities and Central Advisory Committee. The consumer may analyze the samples of food on payment of fees. The in case of injury of death of consumer there is a provision for compensation to the consumer.

14)Whether all the sections of the Food Safety and Standards Act, 2006 have been notified?

Ans: All sections of the Food Safety and Standards Act, 2006 have been notified by Government of India except the provisions relating to the genetically engineered or modified food in section 22.

15)Whether the staff working under different Ministries/Departments for implementation of various Acts/Orders has been transferred to FSSAI?

Ans: The staff working for implementation of FPO, MFPO, MMPO and PFA Act under various Ministries/Departments got transferred to FSSAI in December, 2008-January, 2009 in terms of section 90 the Act.

16)What role Food Authority is currently playing to ensure quality and safe food to the consumers?

Ans: The mandate of Food Authority is 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. Food Authority is in the process of formulating and finalizing the various regulations/guidelines in terms of provisions under the Act to ensure the quality and safety of food and giving effect to the mandate of the Food Authority.

17)Why there is so much delay in the implementation of Food Safety and Standards Act, 2006?

Ans: A chronology of events regarding implementation of Food Safety and Standards Act, 2006 is given below:

- President assent received on **23.08.2006**.
- Notified in the Gazette of India on **24.08.2006**.

- The work allocation by Cabinet Secretariat notified vide S.O 1568(E) dated 17.09.2007 to allocate work relating to Food Safety and Standards (FSS) Act, 2006, to the Ministry of Health and Family Welfare,
- The Ministry of Health and Family Welfare issued notification on 15.10.2007 invoking section 4 to 10, 87-88, 91 and 101 relating to establishment of Food Authority, selection of Chairpersons and member of the Authority, function of Chief Executive Officer, power of Central government to make rules and powers to remove difficulties.
- **Section 90** relating to transfer of existing employees of central government agencies governing various food related Act, /Orders to Food Authority, invoked vide gazette notification dated **28.08.2008**.
- Food Safety and Standards Authority of India (FSSAI) established under Section 4 of the Act vide notification dated 5th September, 2008.
- Chief Executive Officer of Food Authority was appointed on 30.09.2008.
- Various sections (16-18,81-86,92 and 93) were invoked on 18.11.2008 and other sections (11-15) relating to Central Advisory Committee, Scientific Committee, Scientific Panel etc. were invoked vide notification dated 09.03.2008.
- **29.06.2009** Section 99 notified.
- **31.07.2009** Section 36-47 notified.
- **29.07.2010** all remaining sections have been notified **except section 22.**
- **05.05.2011** Rules notified
- **05.08.2011** Regulation notified (Tentative)

18) What is the status of Food Safety and Standards Authority of India Rules, 2010?

Ans: The Food Safety and Standards Authority of India Rules, 2010 have been notified in the Gazette of India on 05.05.2011 by the Central Government.

19) What is the status of Food Safety and Standards Authority of India Regulations, 2010?

Ans: The Food Safety and Standards Authority of India Regulations, 2010 have been notified in the Gazette of India on 05.08.2011.

20) Whether the Regulations are going to change the food standards given in PFA Act?

Ans: The Food Authority while drawing up the regulations has tried to integrate erstwhile Acts, Rules, Orders, in line with the mandate of the Food Safety and Standards Act. The Authority has not introduced new standards at this stage since it would require detailed risk assessment, examination of risk management options, consideration by the Scientific panels/committee and final approval by the Food Authority and Central Government.

21) What is the procedure for changing standards / regulations?

Ans: (i) The new regulations / amendments will be made in the FSSAI standards / regulations from time to time and is ongoing process

(ii) The regulations / amendments will be placed before the Scientific Panels and Scientific Committee for their opinions / recommendation.

(iii) The regulation will be approved by the Food Authority and draft notified after previous approval of Central Government.

(iv) The draft notification is also notified to WTO Member Countries for their comments.

(v) A time period of normally 60 days is given for information of the persons likely to be affected thereby and sending the comments to the FSSAI.

(vi) The comments received on the draft notification are examined by the FSSAI. In case of divergent comments are received on the draft standards / regulations.

(vii) The final notification is published in the Gazette of India giving date of effects of its implementation and simultaneously notified to the WTO Member Countries for information & reference.

22) Which agency is responsible for investigating food-borne illness and foreign object complaints?

Ans: Food Safety and Standards Authority of India and State Food Authorities will investigate such complaints.

23) Which agencies regulate food business in India?

Ans: Food Safety and Standards Authority of India and State Food Authorities will regulate the food business in India.

24) How New Act will curb increasing food adulteration?

Ans: There will be better auditing, Food Safety Management System (FSMS), traceability, recall and other systems in place which will help in curbing food adulterants.

25)What are the areas of R & D identified by FSSAI?

Ans: The various areas in milk and milk products, meat and meat products, fruits and vegetables and oils & fats have been identified and final decision will be taken in consultation with the research institute which will take such R & D work.

26)Does FSSAI provides capacity building for consumers, house-wives & food regulators?

Ans: There is a plan scheme and work will be initiated in 12th Plan for capacity building of all levels.

27)Does FSSAI provide training to food business operators?

Ans: FSSAI create awareness about food safety with FBO and will be coordinating training with the help of accredited with agencies / universities.

II) FAQ's on fees

28)Is there a registration fee required under FSSA?

Ans: Yes, there is a registration fee of Rs 100/- to be paid by FBO.

29)What are the fees outlined in the new rules & regulations?

Ans: The fees outline for licensing is given in Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 which is available on FSSAI website.

III) FAQ's on Enforcement of the Act

30)What is the status of the preparedness of the State Governments for implementation of the FSS Act?

Ans: 34 States / UTs have notified Food Safety Commissioners and other functionaries will be notified after notification of Rules. FSSAI has also requested all the Chief Secretaries of States / UTs for necessary steps for implementation of FSS Act, 2006. Since all states have PFA structure working, they all will be subsumed in the new structure.

31)Do State governments have to comply with the requirements of the Food Act 2006?

Ans: Yes.

32) Does any liability rest with the food safety officer and can enforcement action be taken against the food safety officer for not fulfilling their role?

Ans: The Food Safety Officer shall be liable to a penalty which may extend up to one lakh rupee if he / she is found to be guilty of an offence under section 39 of the Act. Provided that in case the complaint made against the Food Safety Officer is false the complainant shall be punished with fine which shall not be less than fifty thousand rupees and may extend to one lakh rupees.

33) Who is the responsible authority for enforcement of FSS Act in States?

Ans: State Food Authorities (Commissioner of Food Safety of the States) are responsible for enforcement of FSS Act in the States.

34) What is Improvement Notice & who issues improvement notice?

Ans: The improvement notice is the notice issued by Designated Officer if FBO fails to comply with the regulations under section 32 of the FSS Act.

35) What action will be taken if FBO fails to comply with Improvement Notice?

Ans: If the food business operator still fails to comply with the improvement notice, the Designated Officer may, after giving the licensee an opportunity to show cause, cancel the license granted to him.

Provided that the Designated Officer may suspend any license forthwith in the interest of public health for reasons to be recorded in writing. Penal action can also be taken for non compliance as per the Act.

IV) FAQ's on Analysis of Food

36) What is the current status of Laboratories infrastructure pertaining to food in the country?

Ans: The following current status of laboratories infrastructure pertaining to food in the country:

- ▶ The major food testing laboratories are CFL- Kolkata, Pune, Mysore, Mumbai (being established), and FRSL, Ghaziabad.
- ▶ There are 72 State Food Testing laboratories.
- ▶ Gap Analysis Study for upgradation of 50 Food Testing Laboratories (FTLs) carried out to prepare them for food sample testing under FSSAI and to implement International Standards for accreditation.
- ▶ States have been advised to take appropriate action for upgrading and strengthening the laboratories.
- ▶ FSSAI accreditation standards being developed

37)Does FSSAI provide food testing service for food manufacturers/importers?

Ans: No. However FSSAI is testing the samples of food products imported into India before their consignments are cleared at the ports. Authorized Officers notified for 14 ports of entries (including seaports, airports, ICDs) in terms of section 47(5) of Act.

38)Does FSSAI recommend some private laboratories which provide testing service for food?

Ans: Yes, FSSAI had recognized adequate number of NABL accredited laboratories authorized for analysis including labs (3) for radioactive contamination for imported food testing.

39)Is a procedure for sampling & analysis of articles of food under FSSA, 2006 similar to PFA Rules?

Ans: Yes, except that one additional sample can be taken if FBO so desire which can be sent to NABL accredited lab at his expense.

40)Is there any agency or organization recognized by FSSAI for food safety audit & checking?

Ans: The process is going which is likely to take some time.

41)Whether Food Authority is working toward quality certification of eatables including small restaurants, street hawkers etc?

Ans: No, however the Food Safety and Standards Authority of India had supported an initiative taken by industry, State Government and other agencies to develop safety and hygiene standards for eating establishments in Delhi in preparation for the Commonwealth Games 2010.

42)Are there any microbiological guidelines for food in India?

Ans: There are no microbiological guidelines for food in India, however the microbiological standards exists in the FSSAI regulations for foods in India.

V) FAQ's on general provisions as to articles of food

43)What are functional foods, nutraceuticals, & who is the regulatory authority?

Ans: The functional food and nutraceuticals are explained in the section 22 of the FSS Act and will be regulated by FSSAI under section 22 of the Act which is available on FSSAI website.

44) Lot of Foods like Energy drinks, Nutraceuticals, Food Supplements, Functional foods etc. are coming in the market every day. Who is the regulatory authority for these products and what is being done to ensure the quality and safety standards of these products?

Ans: The FSSAI is in the process of developing the regulation for Novel Foods, functional foods, food supplements etc. which is under consideration of the Scientific Panel on Functional Foods, Nutraceuticals, Dietetic Products and Other Similar Products of the Food Authority and will further be considered by the Scientific Committee, Food Authority and notified in the Official Gazette after previous approval of the Central Government.

45) What are GM foods & organic foods & does FSSAI provides regulations for such type of foods?

Ans: GM foods means food and food ingredients composed of or containing genetically modified or engineered organisms obtained through modern biotechnology, or food and food ingredients produced from but not containing genetically modified or engineered organisms obtained through modern biotechnology. The GM foods does not come under the purview of FSSAI.

“Organic food” means food products that have been produced in accordance with specified organic production standards.

46) Does packaged & bottled water comes under FSSA, 2006?

Ans: Yes.

47) How can I know whether a particular food additive can be used in a food product in India?

Ans: The limit for use of particular food additives can be seen in the FSSAI regulation 2010 for food additives which are available on FSSAI website.

VI) FAQ's on Food Safety

48) What is a food recall & what is its purpose?

Ans: “Recall” means action taken to remove a marketed food from distribution, sale and consumption which is unsafe and violate the provisions of the Act and the rules & regulations made there under. The purpose is to prevent, reduce or eliminate a risk arising from food to the consumer.

49) Where can consumers find information on recalls of food products?

Ans: The information on recall of food products may be provided on Food Authority website.

50)What should consumers do if they have a product that has been recalled?

Ans: The consumer should not consume the product and return it to the shopkeeper from where they have purchase the product or return it to the company representative.

51)How do I complain about food bought from a shop or restaurant?

Ans: The consumer should complain to the Food Safety Officer / Designated Officer /DC of the area or Food Safety Commissioner of the State.

52)How do I report a potential food safety incident?

Ans: The consumer should complain to the Food Safety Officer / Designated Officer /DC of the area or Food Safety Commissioner of the State.

53)Where can one obtain information on food safety?

Ans: The information can be obtained from website of the FSSAI.

VII) FAQ's on Offences & Penalties

54)What sections can penalties are issued for?

Ans: The provisions relating to offences and penalties are specified under section 48 penalties are given from Section 49-67 of the Act, which is available on FSSAI website.

55)What is the procedure followed for launching prosecution?

Ans: The procedure for launching prosecution is specified under section 48 of the Act which is available on FSSAI website.

56)What is the maximum penalty for breach of regulations related to the labeling of food items?

Ans: It is upto 10 lakhs.

VIII) FAQ's on Imports

57)What is the role of Food Authority vis-a-vis ban on import of milk products from China and what is the current status in the matter? What steps have been taken by the Government to stop melamine contamination?

Ans: FSSAI has issued Advisory to the concerned Ministries /Departments for imposing immediate restriction on import of dairy products from China. The DGFT

has imposed ban on import of milk and milk products from China upto December, 2011 and until further orders.

58)How will this law make imported food safer?

Ans: The FSSAI is in the process of developing the regulation for import of food product which will be considered by the Scientific Committee, Food Authority and notified in the Official Gazette after previous approval of the Central Government.

59)Whether health officers have been posted on ports to check illegal import of food items?

Ans: The FSSAI have posted the Authorized Officer at 14 ports of entries (including seaports, airports, ICDs) in terms of section 47(5) of Act. FSSAI is testing the samples of food products imported into India before their consignments are cleared at the ports.

IX) Scientific Panels, Committee and Central Advisory Committee (CAC)

60)What is CAC & what are its functions?

Ans: CAC is Central Advisory Committee of the Food Authority. The CAC shall ensure close co-operation between the Food Authority and the enforcement agencies and organizations operating in the field of food. The CAC shall advise the Food Authority on the performance of its duties and in particular in drawing up of a proposal for the Food Authority's work programme, the prioritization of work, identifying potential risks, pooling of knowledge, and such other functions as may be specified by regulations.

61)How often CAC meeting is held in a year?

Ans: There shall be not less than three meetings of the Central Advisory Committee in a year on such dates and at such places as the Chairperson may direct and the interval between any two meetings shall not in any case be longer than five months:

Provided that the first meeting of the Central Advisory Committee in a financial year shall be held in the first quarter of that financial year.

62)What is the composition of CAC?

Ans: The Central Advisory Committee shall consist of two members each to represent the interests of food industry, agriculture, consumers, relevant research bodies and food laboratories and all commissioners of Food Safety, and the Chairperson of the Scientific Committee shall be ex-officio member.

63)When CAC was established?

Ans: The CAC was established on 5th October, 2009.

64)How may Scientific Panels have been constituted in the Food Authority?

Ans: The Food Authority has constituted the following 8 Scientific Panels in terms of section 13 of the Act, consisting of independent scientific experts:

1. Functional foods, nutraceuticals, dietetic products and other similar products;
2. Method of sampling and analysis;
3. Food additives, flavorings, processing aids and materials in contact with food;
4. Contaminants in food chain;
5. Biological hazards;
6. Pesticides and antibiotic residues;
7. Labeling and claims/advertisements;
8. Genetically modified organisms and foods

65)Can Scientific Panels be reconstituted as when required?

Ans: Yes, Scientific Panels can be reconstituted as when required.

66)When the Scientific Committee in the Food Authority was established and what is its composition?

Ans: The Food Authority has established Scientific Committee vide order dated 26/05/2009 in terms of section 14 of the Act, consisting of Chairpersons of the 8 Scientific Panels and 6 independent scientific experts not belonging to any of the Scientific Panels.

67)What is the role of Scientific Panels & Scientific Committee?

Ans: To provide scientific opinions to the Food Authority.

68)What is the procedure adopted for selection of members of the Scientific Committee / Panels?

Ans: (i) A notice is to be issued inviting Expression of Interest from the scientists through newspapers, website and by directly contacting leading research and scientific institutions in the country.

(ii) An evaluation team of the Food Authority evaluated the response received from scientists on the basis of their detailed bio-data, publication, research record, references etc. The matrix of evaluation included their specific expertise in risk assessment, proven scientific excellence, publication record, willingness to participate in the meetings, peer reviewing of scientific work, and the capacity to work in a multi-disciplinary environment.

(iii) The names of the scientists for each Scientific Panel and Scientific Committee will then be placed before the Food Authority for approval and inclusion in the Panel.

69)What was the composition of the “Evaluation Team of officers” which scrutinized all the applications?

Ans: Chief Executive Officer in consultation with Chairperson shall establish an Evaluation Team for selection of the Members of the Scientific Committee and Scientific Panels.

Evaluation Team shall be assisted by the Secretariat of the Food Authority and if required consult any Independent Expert for this purpose.

70)How Food Authority ensure conflict of interests during the meetings of the Scientific Committee / Panels?

Ans: The members of the Scientific Committee and Panels are required under the provisions of FSS Act, 2006 to submit an annual declaration of interest and declaration of any possible conflict of interest before each meeting of the Scientific Committee and panels. Whenever a conflict of interest is established, Chairman of the Committee / panel is required to exclude such a scientist from consideration of items in the agenda. The guidelines to Scientific Panels and Committee make it very clear that having an interest in a particular scientific issue does not necessarily mean a conflict of interest. In fact, keen intellectual interest in scientific issues is a pre-condition for participation in such Committee and Panels. It is also based on the recognition that any scientist can contribute to scientific knowledge and safety of food, if discussions and conclusions are based on reliable scientific evidence, open discussion and rigorous validation procedures.

71)What is the tenure of scientific experts selected under various Scientific Panels and Scientific Committee?

Ans: The scientific experts in the Scientific Panels and Scientific Committee have been appointed for a period of 3 years.

X) FAQ's on Online Application for licensing

72)What are the online available payment options?

Ans: it is through draft, credit card, online banking.

73)What information do I need to make payment online?

Ans: you have to fill up the online form and attach documents.

74)Can I print a copy of my entire license information?

Ans: Yes.

75)Can I print the payment receipt after completing the online process?

Ans: Yes.

76)Can I apply for a new license or renew a license online any time?

Ans: Yes.

77)Whom do I contact with technical difficulties while applying online for a license?

Ans: You can consult Food Safety Officer (FSO) or Designated Officer (DO) of your area.

78)Can I modify or edit my details when required?

Ans: No, but in between in case you have not submitted application, you can even edit, add next day / days.

79)If I apply online, will I get my license faster than if I apply by mail or in person?

Ans: Procedure will remain the same.

FAQ On Licensing.

80)Whether there will be a single or different license for the same premises if they are multiple licenses for different product by same FBO?

Ans. There will be different license issued under FSSAI as requirement of each product is different. So in the same premises if license is being taken for processing of meat, milk & fruits & vegetables, there will be a separate license as these will be done in separate portions & businesses are not connected. However, in case there is fruit & vegetable processing & godown/ store along with it, since these are connected activities, one license is applicable.

FAQ on Food Safety Management Systems (FSMS)

81) What is meant by Food Safety Management Systems (FSMS)?

Ans: A Food Safety Management System (FSMS) is a network of interrelated elements that combine to ensure that food does not cause adverse human health effects. These elements include programs, plans, policies, procedures, practices, processes, goals, objectives, methods, controls, roles, responsibilities, relationships, documents, records, and resources.

82) What are the Key Elements of FSMS?

Ans: The five basic key elements are:

- Good Practices/ PRPs
- Hazard Analysis /HACCP
- Management Element / System
- Statutory and regulatory requirements
- Communication

83) Which Section of FSS Act, 2006 describes FSMS?

Ans: Section 16(2)(c) provides for the Mechanism for accreditation of certification bodies for Food Safety Management Systems and Section 44 of FSS Act provides for Recognition of organisation or agency for food safety audit and checking compliance with Food Safety Management System required under the Act or the rules and regulation made there under.

84) What is the Purpose of FSMS?

Ans: To ensure the manufacture, storage, distribution and sale of safe food.

85) Give the name of agencies which have been empanelled by FSSAI for inspection/ auditing of FBOs?"

Ans: The list of shortlisted agencies for Inspection/ Auditing of FBOs are as under:

1. M/s. Export Inspection Council of India, Delhi
2. M/s. Indian Register Quality Systems, Mumbai
3. M/s. INDOCERT, Kerala
4. M/s. TUV SUD South Asia, Mumbai
5. M/s. Det Norske Veritas, AS, Mumbai
6. M/s. One Cert Asia Agri Certification Pvt. Ltd., Jaipur
7. M/s. National Productivity Council, Delhi

86) Who will assign the job to agency. Do agencies have to contact FBO directly?

Ans: There are various job as per scope of work. Inspections will be ordered by State/ Central Licensing Authority/ DO. Auditing can also be ordered by respective DOs. However for annual audit/ consultancy, training, FSMS plan etc. have to be handled by agency on the requirement of FBO.

87) Whether the Food Business Operators are assigned by FSSAI in the place where the Inspection / Certification Body is located or anywhere in India?

Ans: Food Safety Commissioner can decide about agencies for their States/areas. FBOs are free to choose as per their requirement.

88) If more than 1 agency is located at the same place then who will decide which agency will go for the FBO Inspection?

Ans: The power lies with the Designated Officer. DO has to decide if he is authorising agency or his FSOs for such inspection.

89) The FSS Act provides for 3 months mandatory training and qualification at par with FSO. Thus what about the training aspect of auditors?

Ans: The Inspecting officers of all agencies which are authorised by State or Central DO for inspection must fulfil the educational qualifications of FSO as per the FSS rules, 2011. For training of FSO, curriculum is being developed so that the same can be organised with the help of universities.

90) There might be "Conflict of Interest" in FBO where auditing the same FBO for which certification has already been done?

Ans: We are asking that all mandatory inspection/ auditing reports must be accompanied by "certification of No conflict of interest" statement. So any agency which is doing any other work for FBO is not supposed to do the work of inspection/ auditing when ordered by DO.

91) How many times inspection has to be conducted in a year?

Ans: Depends on improvement/ compliance submitted by Agency, DO will decide accordingly. Inspections are to be ordered by DO.

92) Clause 12.1 indicated that the recognition certificate will be valid for a period of one year from the date of recognition or until cancellation. Please clarify the validity of recognition?

Ans: Validity is for one year and will be extended after evaluating the performance.

93) There is fee structure for training, consulting etc. Is it only for Inspection/ auditing and FSMS plan?

Ans: In rest of the cases, the fee will be decided after mutual consultation between FBO and agency.

94) Fee structure indicates six categories of FBOs based on the annual turnover of the FBO. Please clarify whether the category of FBO will be indicated by FBOs during operations or the Inspection/Auditing Bodies have to decide themselves based on these figures vis-a-vis FBO declaration?

Ans: Annual turnover as indicated in balance sheet/ account books/ audit reports/ income tax/ other tax etc. is always taken for such categorization.

95) If an agency is engaged in laboratory business and doing the audit for the same client, will it be treated as Conflict of Interest?

Ans: No, in case labs and FSMS agencies are two legal entities.

96) Payment of inspection and audit will be done by FSSAI or the FBO?

Ans: If Inspection is on behalf of FSSAI, by State or Central DO then the payment will be done by concerned DO. If there is annual audit call by FBO, then the payment will be borne by FBO.

97) There is any pre-defined FSMS / Auditing guidelines?

Ans: Guidelines are as per FSMS schedule – IV, checklists are available.

98) Is there any set format of FSMS plan for the industry?

Ans: FSMS plan has to be developed based on Schedule – 4 of FSS Regulation, 2011 and inspection checklist can be used as guideline.

99) When the work is to be started by the Agencies?

Ans: We have notified agencies and assume that work has been started already. For inspections, concerned DO will ask agencies to conduct inspections as per their requirements.

Misc.

100) Whether there is any provision for banning artificial ripening of fruits?

Ans. The section 2.3.5 of the Food Safety and Standards (Prohibition and Restrictions on sales) Regulations, 2011 Prohibit the use of carbide gas in ripening of fruits: No person shall sell or offer or expose for sale or have in his premises for the purpose of sale under any description, fruits which have been artificially ripened by use of acetylene gas, commonly known as carbide gas.

101) Whether there is any method for detection of artificial ripening of fruits?

Ans. A procedure for detection of acetylene in godown or treatment chamber for detection of artificial ripening of fruits as developed by C.F.T.R.I., Mysore has

been circulated to all the States/U.Ts. requesting to bring to the notice of all enforcement staff of the State/ U.T. for their guidance and compliance.

102) Whether use of Oxytocin helps ripening/growth of fruits?

Ans. According to a study to know the effect of oxytocin on the yield and quality of the bottle gourd conducted by Punjab Agriculture University in 2008-09, it revealed that the number of fruits and their weight were unaltered with the injection of oxytocin. It had no effect on crop yield. In addition, oxytocin injection did not influence the quality of the fruits as the dry matter, protein, carbohydrates and fat contents were similar to those of the non-injected plants. The study also revealed that oxytocin (injection or spray) did not cause any anatomical changes.

103) What Steps taken by Government to check misuse of Oxytocin in Fruits and Vegetables?

Ans: As per the information received from Director, National Institute of Nutrition, Hyderabad oxytocin is a hormone produced by a small gland on the under surface of the brain of humans and many mammals. Oxytocin is functional only when it enters the blood circulation. This is possible by injection either through intramuscular or intravenous route. Oxytocin when consumed orally will not be functional since it will be destroyed by the gastric and intestinal enzymes. Intranasal administration of oxytocin has also been found to be functional. An oral drug which has pharmacological effects, similar to oxytocin is Misoprostol, which is also a drug used for the prevention of gastric ulcer.

To prevent any misuse of this drug by farmers Oxytocin has been notified as a Schedule –H Drug and can be sold only against the prescription of the registered Medical/Veterinary practitioner.

The Ministry of Health has made it mandatory to market Oxytocin injection in single unit blister packs only. Instructions have also been issued by Drug Controller General (India) to all State Drug Controllers to regulate and monitor manufacture and distribution of Oxytocin.

With regard to issues pertaining to artificial colouring/ripening in fruit and vegetables, Department of Health Research, Ministry of Health and Family Welfare has constituted a Core Committee on these issues under the Chairmanship of Dr. V.M. Katoch, Secretary, Department of Health Research and Director General, ICMR, New Delhi, wherein CEO, FSSAI has been nominated as member of the Core Committee.

104) Whether colouring of fruits and vegetables is prohibited?

Ans: As per section 2.3.6 of the Food Safety and Standards (Prohibition and Restrictions on sales) Regulations, 2011 the Fresh Fruits and Vegetables shall be free from rotting and free from coating of waxes, mineral oil and colours.

Provided that fresh fruits may be coated with bees wax (white and yellow) or carnauba wax or shellac wax at level not exceeding Good Manufacturing

Practices under proper label declaration as provided in Regulation 2.4.5 (44) of Food Safety and standards (Packaging and Labelling) Regulations, 2011

105) Whether there is an increase in adulteration in food items in the country?

Ans: As per information provided by the State Food Authority, who are responsible for the implementation of the FSS Act, 2006 and Regulation in their respective States/U.Ts, the percentage of adulteration in various food articles have been on decline in average.

106) Which are the State where adulteration is higher and in which commodities?

Ans: The States like Andhra Pradesh, Tamil Nadu, Karnataka, Maharashtra and West Bengal have shown higher percentage of adulteration in commodities like beverages, milk and milk products.

107) What are the other measures Government proposed to check adulteration?

Ans: The new comprehensive legislation which consolidates the laws relating to food was enacted by the Parliament. The new Act namely "Food Safety and Standards Act, 2006" with the aim to establish Food Safety and Standards Authority of India for laying down science based standards for food articles and to regulate their manufacture, storage, sale and import to ensure availability of safe and wholesome foods for human consumption. The Ministry of Health and Family Welfare has been entrusted to administer the Food Safety and Standards Act, 2006.

The new Act aims to ensure safe, hygienic and wholesome food for the citizens of the country. It also bestows responsibility on the Food Manufacturers, Traders etc. to manufacture and supply safe, hygienic and wholesome food. It also provides provisions regarding food recall procedures and improvement notices. The Act also provides for compensation to the victim or the legal representative to be paid by Vendor/Manufacturer, in case of injury or death of consumer by adulterated / injurious food article.

The Food Safety and Standards Authority of India established and notified under the Act is in process of implementing various provisions of this Act. The Rules and Regulation under the new Act are in process of notification in accordance with laid down process.

108) What are penalties for adulteration in the Food Safety and Standards Act, (FSSA) 2006 ?

Ans: The provisions for penalties under the FSSA have been made more comprehensive and broad-based. These are contained in Sections 48 to 67 of the Food Safety and Standards Act, 2006, which are briefly given below.

The new act define 'unsafe food' in place of 'adulterated food' and provide a definition of 'sub-standard' food which does not meet the specified standard but not so to render the articles of food unsafe.

▪ **Punishment for unsafe food. –**

- (i) where such failure or contravention does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees;
- (ii) where such failure or contravention results in a non-grievous injury, with imprisonment for a term which may extend to one year and also with fine which may extend to three lakh rupees;
- (iii) where such failure or contravention results in a grievous injury, with imprisonment for a term which may extend to six years and also with fine which may extend to five lakh rupees;
- (iv) **where such failure or contravention results in death, with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and also with fine which shall not be less than ten lakh rupees.**

▪ **Penalty for selling food not of the nature or substance or quality demanded.**

Penalty not exceeding five lakh rupees.

▪ **Penalty for sub-standard food.**

Penalty which may extend to five lakh rupees.

▪ **Penalty for misbranded food.**

Penalty which may extend to three lakh rupees.

▪ **Penalty for misleading advertisement.**

Penalty which may extend to ten lakh rupees.

▪ **Penalty for food containing extraneous matter.**

Penalty which may extend to one lakh rupees.

▪ **Penalty for possessing adulterant.**

- (i) where such adulterant is not injurious to health, to a penalty not exceeding two lakh rupees;
 - (ii) where such adulterant is injurious to health, to a penalty not exceeding ten lakh rupees.
- **Penalty for contraventions for which no specific penalty is provided.**

Penalty which may extend to two lakh rupees.

109) Why Death Penalty is not envisaged under PFA/FSSA?

- The maximum penalty under the Act is life imprisonment.
- For causing death on account of consumption of adulterated food, the relevant clauses of IPC shall be invoked apart from the provisions of PFA/FSSA.
- The Supreme Court in the case of **Bechhan Singh Vs. State of Punjab** (AIR 1980 SC 898) has observed that “ taking into account the abiding and real concern for the dignity of human life, taking life through law should be done save in the rarest of the rare case, when the alternative options is unquestionably foreclosed’. In the case of **Machchi Singh Vs. State of Punjab** [(1983) 3 SCC 470], the Hon’ble court has observed that the capital punishment is to be awarded when there is something uncommon a crime which renders sentence of imprisonment for life inadequate.

110) What should be the protocols for the stability studies requirement?

Ans. FSS Regulation provide for Expiry Date/ Best before Date. For fixing the expiry date/ best before date or shelf life & the stability of the product, study/ research has got to be conducted by FBO & such study has to be valid as per the research protocol. No such protocol has been fixed in the Regulations but validity of such study/ research is essential.