

F. No. RCD-02001/14/2021-Regulatory-FSSAI-Part (1)  
Food Safety and Standards Authority of India  
(A Statutory body under Ministry of Health & Family Welfare, Government of India)  
**(Regulatory Compliance Division)**  
FDA Bhawan, Kotla Road, New Delhi-110002

Dated the 7<sup>th</sup> March, 2022

To,

1. The Commissioner of Food Safety of All States/UTs
2. All Regional Director of FSSAI.
3. All Central Licensing Authorities of FSSAI

**Subject: Clarification regarding the decision of 33<sup>rd</sup> CAC in respect of the procedure for issuance of Notices under Section-32 of the FSS Act, 2006- reg.**

Reference: - Minutes of the 33<sup>rd</sup> Central Advisory Committee held on September 15, 2021 at 10:30hrs at FDA Bhawan, New Delhi issued vide no. RCD-09001/1/2021-Regulatory-FSSAI

Sir/Madam,

Kindly refer to the decision of the 33<sup>rd</sup> CAC meeting (Agenda item no 12) in respect of the clarification regarding the procedure for issuance of Notices under Section-32 of the FSS Act, 2006. In the said meeting, it was clarified that for issuance of notices under Section-32 i.e. Improvement Notices, the lifting and analysis of food samples is not mandatory, especially when grounds of non-compliance are evident from the product label, advertisements etc. when the composition of the said product is not under challenge/ examination.

2. Further it was clarified "*Such FBOs may be granted reasonable time to suitably improve/modify their product labels/ rectify the advertisements etc. to strictly comply with the relevant regulatory provisions of failing which further enforcement action shall be initiated against such FBOs, as per the provisions under FSS Act, 2005 and Rules/Regulations made thereunder.*"

3. The objective is to avoid inordinate delays in matters which do not involve food safety and avoiding unnecessary burden on Adjudication Systems of the States/UTs.

4. It is hereby further clarified that the said decision in no manner bars or restricts the exercise of the powers of Food Safety Officers to lift statutory samples u/s 38 of the FSS Act, 2006 to initiate legal/statutory proceedings under the Act and Rules/Regulations made thereunder.

5. Accordingly, the CoFS of all States/UTs are advised that provisions of Section 32 and Section 38 of FSS Act, 2006 may be used in conjunction & harmoniously and appropriate directions may be issued in this regard on the basis of the said decision.

**(Issued with the approval of the Competent Authority.)**

Yours faithfully,

  
(Inoshi Sharma)

Executive Director (CS)

**Copy for information to:-**

1. PS to the CEO, FSSAI.
2. Head (RCD), FSSAI, HQ, New Delhi.

**Copy to:-**

CITO, FSSAI – for uploading this direction on FSSAI website.