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## **India: Food Regulator FSSAI Proposes To Ban Advertisement Of HFSS For Children**

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### **Introduction**

India's Food regulator, the Food Safety and Standards Authority of India (hereinafter referred to as "FSSAI") has issued a notice on April 11, 2018, wherein it has called for suggestions on the draft Food Safety and Standards (Labelling and Display) Regulations, 2018 (hereinafter referred to as "Draft Regulations")<sup>1</sup>. The Regulations seek to prescribe the labelling requirements of pre-packaged foods and display of essential information on premises where food is manufactured, processed, served and stored.

### **Prohibition on advertisement of HFSS food**

An important provision of the Draft Regulations is that food products containing high levels of fat, sugar and salt shall not be advertised to children. The Draft Regulations have defined HFSS food or High Fat, Sugar, Salt to be "*processed food product which has high levels of total fat or trans-fat or total sugar or salt*", and states that HFSS food products shall not be advertised to children in any form.

### **Takeaway**

Popular and largely consumed foods like chips, cold drinks, etc., contain high fat, sugar and salt. These items comprise of a huge chunk of advertisement in India, and therefore, many advertising companies and companies selling, or manufacturing such foods will be restrained from advertising these products to children. However, the Draft Regulations do not provide any guidelines or enforcement mechanism to ensure ban on such advertising. Moreover, it is not clear as to how advertisements, being available on public forums like television channels, billboards etc., will be prevented from being specifically advertised to children. The question arises whether to adhere to this provision, companies will have to ban all advertisements of HFSS food.