

FSSAI no to display & sale of liquor / alcoholic beverages online sans NoC

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The FSSAI is tightening its leash on e-commerce FBOs by prohibiting display and sale of liquor or alcoholic beverages online in the absence of permission or no-objection certificate for the same from Excise department of concerned states in the country.

In this regard, the Food Safety and Standards Authority of India has issued an advisory directing licensing authorities to take a self-declaration from FBOs (Food Business Operators) applying for e-commerce kind of business for category 14, that they would not display and sell liquor or alcoholic food beverages online. Further, if they intend to sell such commodities online, they have to submit permission or no-objection certificate (NoC) from Excise department of concerned state.

According to the apex food regulator, it has laid down standards for alcoholic beverages as a food item through the Food Safety and Standards (Alcoholic Beverages) Regulations, 2018, and is granting licences for alcoholic beverages accordingly.

It adds that the licensing authorities have been in receipt of applications for licences for e-commerce under food category 14, namely beverages, excluding dairy products, and their sub-categories, which also include liquor or alcoholic beverages.

However, it points out that sale of alcohol is dealt with under the State Excise department and refers to a recent judgment by the Karnataka High Court pertaining to the issue. Giving details, Shobhit Jain, executive director, compliance strategy, FSSAI, tells FnB News: "It may be pointed out that the matter relating to online sale of liquor / alcoholic beverages was brought before the Karnataka High Court in Writ Petition No. 6448/2019 (Excise)."

He adds, "In its judgment in the case, the court held that the petitioner is not entitled to carry on business of online order processing, and delivery of liquor to the consumers in the state of Karnataka in the absence of enabling provisions available under the Karnataka Excise Act, 1965, to grant such licence or permission."

Jain explains, "Those people who have e-commerce ventures will not be selling alcohol unless they have the state Excise permission, because obviously the alcohol sale is governed by the state Excise department. So it should not happen without permission. They can do it. We just insisted on the copy of that permission."

According to Jain, it may be noted that the sale of liquor or alcoholic beverages comes under

the ambit of state governments and their state Excise departments. In addition, the consumption of alcohol is prohibited in some states, and the legal drinking age in India varies from state to state. The reason why FSSAI had to specify its stand in the advisory.