



# CHAPTER 10

## Prohibition & Restriction on Sales

As per Food Safety & Standards (Prohibition & Restriction on Sales) Regulations, 2011, there is prohibition and restriction on sales of certain articles/ ingredients/ admixtures, etc. which may have been consumed earlier but due to ill effects on health of people, unsafe articles were prohibited or restricted for consumption by the Government. Certain food products/ admixtures, etc. whose safety has not been determined by any scientific work or has no history of use as a food item anywhere, or the process of manufacturing/ processing of a food article is not established, are also prohibited or restricted for sale by these Regulations. Certain admixtures are prohibited as they may be a cause of adulteration of a particular food product. Certain food items may be fraudulent. Prohibition & restriction on sales of various food products may also be necessary for ensuring compliance with the relevant standards of food.

## A. Sale of Certain Admixtures Prohibited

- (a) These Regulations prohibit sale of certain admixtures and mentions that no person shall either by himself or by any servant or agent sell—
  - (a) Cream which has not been prepared exclusively from milk or which contains less than 25% of milk fat.
  - (b) milk which contains any added water;
  - (c) ghee which contains any added matter not exclusively derived from milk fat;
  - (d) skimmed milk (fat abstracted) as milk;
  - (e) a mixture of two or more edible oils as an edible oil;
  - (f) vanaspati to which ghee or any other substance has been added;
  - (g) turmeric containing any foreign substance;
  - (h) mixture of coffee and any other substance except chicory;
  - (i) dahi or curd not prepared from boiled, pasteurised or sterilized milk;
  - (j) milk or a milk product specified in Food Safety and Standards (Food Products Standards and Food Additives) regulations, 2011 containing a substance not found in milk, except as provided in the regulations.

**Note:** The prohibition in 5(e) above remains inoperative in respect of admixture of any two edible vegetable oils as one edible vegetable oil, where -

- (b) the proportion by weight of any vegetable oil used in the admixture is not less than 20 per cent, by weight; and
- (c) the admixture of edible vegetable oils, is processed or packed and sold, by the Department of Civil Supplies, Government of India (Directorate of Vanaspati, Vegetable Oils and Fats) or by the agencies in public, private or Joint Sector authorized by the Department, or by the National Dairy Development Board or by the State Cooperative Oilseeds Growers Federation or Regional and District Cooperative Oilseeds Growers Union set up under National Dairy Development Board's Oilseeds and Vegetable Oil Project or by the Public Sector undertakings of Central and State Governments, in sealed packages weighing not more than 15 litres under Agmark Certification Mark compulsorily and bearing the label declaration as laid down in the Regulation 2,4.2 (11) of Food Safety and Standards (Packaging and Labelling) Regulations, 2011; and 2.4.(11).
- (d) the quality of each edible oil used in the admixture conforms to the relevant standard prescribed by these regulations.

## B. Restriction on Use of Certain Ingredient

No person in any State should be engaged in sale of or offer or expose for sale, or have in his possession for the purpose of sale, under any description or for use as an ingredient in the preparation of any article of food intended for sale: —

- (a) Kesari gram (*Lathyrussativus*) and its products.
- (b) Kesari dal (*Lathyrussativus*) and its products.
- (c) Kesari dal flour (*Lathyrussativus*) and its products.
- (d) A mixture of Kesari gram (*Lathyrussativus*) and Bengal-gram (*Cicer arietinum*) or any other gram.
- (e) A mixture of Kesari dal (*Lathyrussativus*) and Bengal-gram dal (*Cicer arietinum*) or any other dal.
- (f) A mixture of Kesari dal (*Lathyrussativus*) flour and Bengal-gram (*Cicer arietinum*) flour or any other flour.

## C. Prohibition and Restriction on Sale of Certain Products

These Regulations have imposed prohibition & restriction on sale of certain products which are enlisted below:

- (a) Prohibition on sale of food articles coated with mineral oil: No person can sell or offer or expose for sale or have in his premises for the purpose of sale under any description, food articles which have been coated with mineral oil, except where the addition of mineral oil is permitted in accordance with the standards laid down in these Regulations and Food Safety and Standards (Food Products Standards and Food Additives) regulations, 2011.
- (b) Restriction on sale of Carbia Callosa and Honey dew: Carbia Callosa and Honey dew can be sold only in sealed containers bearing Agmark seal.
- (c) Food resembling but not pure honey cannot be marketed as honey: No person can use the word 'honey' or any word, mark, illustration or device that suggests honey on the label or any package of, or in any advertisement for, any food that resembles honey but is not pure honey.
- (d) Product not to contain any substance which may be injurious to health: Tobacco and nicotine cannot not be used as ingredients in any food products.
- (e) Prohibition of use of carbide gas in ripening of fruits: No person can 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.
- (f) *The fruits may be artificially ripened by use of Ethylene gas at a concentration upto 100 ppm (100pi/L) depending upon the crop, variety and maturity.*
- (g) Sale of Fresh Fruits and Vegetables: The Fresh Fruits and Vegetables will be free from rotting and free from coating of waxes, mineral oil and colours.

*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.*

- (h) Sale or use for sale of admixtures of ghee or butter prohibited: No person can engage himself in sale of or have in his possession for the purpose of sale or for use as an ingredient in the preparation of an article of food for sale a mixture of ghee or butter and any substance

- (i) prepared in imitation of or as a substitute for ghee or butter, or
- (ii) consisting of or containing any oil or fat which does not conform to the definition of ghee;

A mixture prohibited by this regulation is required for the preparation of an article of food, such mixture will be made only at the time of the preparation of such article of food.

- (i) Restriction on sale of ghee having less Reichert value than that specified for the area where such ghee is sold - The ghee having less Reichert value and a different standard for Butyro-refractometer reading at 40 degree C than that specified for the area in which it is imported for sale or storage will not be sold or stored in that area except under the 'AGMARK' seal. Such ghee may be
  - (i) sold loose, after opening the 'AGMARK' sealed container, in quantities not exceeding two kilograms at a time, and
  - (ii) used in the preparation of confectionery (including sweetmeats).

### A person selling:

- (j) ghee in such manner as specified above and confectionery (including sweetmeats) in the preparation of which such ghee is used, shall give a declaration, in the Form A, to the Food Safety Officer when a sample thereof is taken by him for analysis under Section 47 of the Act and also to a purchaser desiring to have the sample analysed under Section 40 of the Act.

If on analysis such sample is found to be conforming to the standards of quality prescribed for the area where it is alleged to have been produced, the ghee shall not be deemed to be adulterated by reason only that it does not conform to the standards of quality prescribed for the area where it is sold.

- (k) Restriction on sale of Til Oil produced in Tripura, Assam and West Bengal -Til Oil (Sesame Oil) obtained from white sesame seeds, grown in Tripura, Assam and West Bengal having different standards than those specified for til oil is to be sold in sealed containers bearing Agmark label. Where this til oil is sold or offered for sale without bearing an Agmark label, the standard given for til oil shall apply.
- (i) Restriction on sale of Kangra tea - Kangra tea is to be sold or offered for sale only after it is graded and marked in accordance with the provisions of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) and the regulations made there under.
- (m) Condition for sale of flavoured tea: Flavoured tea can be sold or offered for sale only by those manufacturers who are registered with Tea Board. Registration number has to be mentioned on the label. It will be sold only in packed conditions with label declaration as provided in the Regulation 2.4.5 (23) of Food Safety and Standards (Packaging and Labelling) regulations, 2011.
- (n) Restriction on sale of common salt - No person will sell or offer or expose for sale or have in his premises for the purpose of sale, the common salt, for direct human consumption unless the same is iodized. The common salt may be sold or exposed for sale or stored for sale for iodization, iron fortification, animal use, preservation, manufacturing medicines, and industrial use, under proper label declarations, as specified in the Regulation 2.4.5 (21 & 42) of Food Safety and Standards (Packaging and Labelling) regulations, 2011.
- (m) Use of flesh of naturally dead animals or fowls prohibited. No person can sell or use as an ingredient in the preparation of any article of food intended for sale, the flesh of any animal or fowl which has died on account of natural causes.

## D. Restrictions relating to conditions for sale

- (a) No person will store, expose for sale or permit the sale of any insecticide in the same premises where articles of food are stored, manufactured or exposed for sale: however, nothing in this regulation will apply to the approved household insecticides which have been registered as such under the Insecticides Act 1968 (46 of 1968).
- (b) No person can sell or serve food in any "commercial establishment" in plastic articles used in catering and cutlery, unless the plastic material used in catering and cutlery articles conform to the food grade plastic, specified in these regulations.
- (c) Iron fortified common salt can be sold only in high density polyethylene bag (HDPE) 14 mesh, density 100 kg/m<sup>3</sup>, non-laminated package which shall bear the label as specified in the Regulation 2.4.5 (21 & 42) of Food Safety and Standards (Packaging and Labelling) regulations, 2011.
- (d) No person can manufacture, sell, store or exhibit for sale, an infant milk food, infant formula and milk cereal based weaning food, processed cereal based weaning food and follow up formula except under Bureau of Indian Standards Certification Mark.
- (e) Condensed milk sweetened, condensed skimmed milk sweetened, milk powder, skimmed milk powder, partly skimmed milk powder and partly skimmed sweetened condensed milk cannot be sold except under Indian Standards Institution Certification Mark.
- (f) Every package of cheese (hard), surface treated with Natamycin, has to bear the label as specified in the Regulation 2.4.5 (33) of Food Safety and Standards (Packaging and Labelling) Regulations, 2011.
- (g) No person can sell protein rich atta and protein rich maida except in packed condition mentioning the names of ingredients on the label.
- (h) No person can sell sal-seed fat for any other purpose except for bakery and confectionery and it has to be refined and will bear the label declaration as specified in the Regulation 2.4.5 (19) of Food Safety and Standards (Packaging and Labelling) regulations, 2011.
- (i) No person can sell confectionery (sugar boiled confectionery, lozenges and chewing gum and bubble gum) weighing more than 500 gms, except in packed condition and confectionery sold in pieces has to be kept in glass or other suitable containers.
- (j) All edible oils, except coconut oil, olive oil, imported in crude, raw or unrefined form has to be subjected to the process of refining before sale for human consumption. Such oil shall bear a label declaration as laid down in the Regulation 2.4.2 of Food Safety and Standards (Packaging and Labelling) regulations, 2011.
- (k) The Blended Edible Vegetable Oils cannot be sold in loose form. It shall be sold in sealed package weighing not more than 15 Kg. The container having blended edible vegetable oil shall be tamper proof. It shall also not be sold under the common or generic name of the oil used in the blend but shall be sold as "Blended Edible Vegetable Oil". The sealed package shall be sold or offered for sale only under AGMARK certification mark bearing the label declarations as provided in the Regulations besides other labelling requirements under the Regulation 2.4.2 of Food Safety and Standards (Packaging and Labelling) regulations, 2011.
- (l) Coloured and flavoured table margarine can only be sold in a sealed package weighing not more than 500 gms, with a label declaring addition of colour and flavour as required under these regulations.

- (m) The fat spread cannot not be sold in loose form. It shall be sold in sealed packages weighing not more than 500 gms. The word 'butter' shall not be associated while labelling the product. The sealed package shall be sold or offered for sale only under AGMARK Certification mark bearing the label declaration as provided under Regulation 2.4.2 of Food Safety and Standards (Packaging and Labelling) regulations, 2011 beside other labelling requirements under these regulations.
- (n) No person can sell compounded asafoetida exceeding one kilogram in weight except in a sealed container with a label.
- (o) No person can sell powdered spices and condiments except 'under packed conditions. "Spices and Condiments" means the spices and condiments as specified in 2.9 of Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011.
- (p) The katha prepared by bhatti method is to be conspicuously marked as "Bhatti Katha "
- (q) No person can manufacture, sell or exhibit for sale packaged drinking water except under the Bureau of Indian Standards Certification Mark.
- (r) No person can manufacture, sell or exhibit for sale mineral water except under the Bureau of Indian Standards Certification Mark"; Explanation:— For the purpose of this regulation, the expression "mineral water" shall have the same meaning as assigned to it in the Regulation 2.9.7 and 2.10.7 of Food Safety and Standards (Food Products Standards and Food Additive) Regulations, 2011.
- (s) No person can sell any food product wherein artificial sweetener is permitted under these regulations, except under packed condition and as per the labelling requirements prescribed under the regulation 2.4.5 (24, 25, 26, 28 & 29) of Food Safety and Standards (Packaging and Labelling) regulations, 2011.
- (t) Conditions for sale of irradiated food. - All irradiated food is to be sold in pre-packed conditions only. The type of packaging material used for irradiated food for sale or for stock for sale or for exhibition for sale or for storage for sale has to conform to the packaging and labelling requirements specified in the regulation 2.4.4 of Food Safety and Standards (Packaging and Labelling) Regulations, 2011.

## **E. Special provisions relating to sale of vegetable oil and fat**

- (a) No person can sell or expose for sale, or distribute, or offer for sale, or dispatch, or deliver to any person for the purpose of sale any edible oil -
  - (i) Which does not conform to the standards of quality as provided in the Food Safety and Standards Act, 2006 (34 of 2006) and rules/regulations made there under; and
  - (ii) Which is not packed in a container, marked and labelled in the manner as specified in FSSAI regulations, only when the State Government may, in the public interest, for reasons to be recorded in writing, in specific circumstances and for a specific period by a notification in the Official Gazette, exempt any edible oil from the provisions of this Act.
- (b) No vegetable oil can contain any harmful colouring, flavouring or any other matter deleterious to health;
- (c) No vegetable oil other than those specified under the list below or oil or fat of animal or mineral origin can be used in the manufacture of the products or can otherwise be present therein;
- (d) List of vegetable oils from which Vanaspati can be prepared from:

(i) Coconut oil (ii) Cottonseed oil (iii) Dhupa oil (iv) Groundnut oil (v) Kokrum oil (vi) Linseed oil (vii) Mahua oil (viii) Maize (Corn) oil (ix) Mango kernel oil (x) Mustard/Rapeseed oil (xi) Niger seed oil (xii) Palm oil (xiii) Phulwara oil (xiv) Rice bran oil (xv) Sunflower (Kard/seed) oil (xvi) Salseed oil (up to 10%) (xvii) Sesame oil (xviii) Soyabean oil (xix) Sunflower oil (xx) Watermelon seed oil (xxi) Vegetable oils imported for edible purposes.

- (e) No colour is to be added to hydrogenated vegetable oil unless so authorized by Food Authority, but in no event any colour resembling the colour of ghee shall be added. If any flavour is used, it has to be distinct from that of ghee, in accordance with a list of permissible flavours and such quantities as may be prescribed by the Food Authority.
- (f) No anti-oxidant, synergist, emulsifier or any other such substance other than those permitted by these regulations can be added to any vegetable oil except with the prior sanction of the Food Authority.
- (g) Restriction on the use of solvent - No solvent other than n-Flexane (Food Grade) shall be used in the extraction of cocoa butter, oils and fats and edible soya flour.