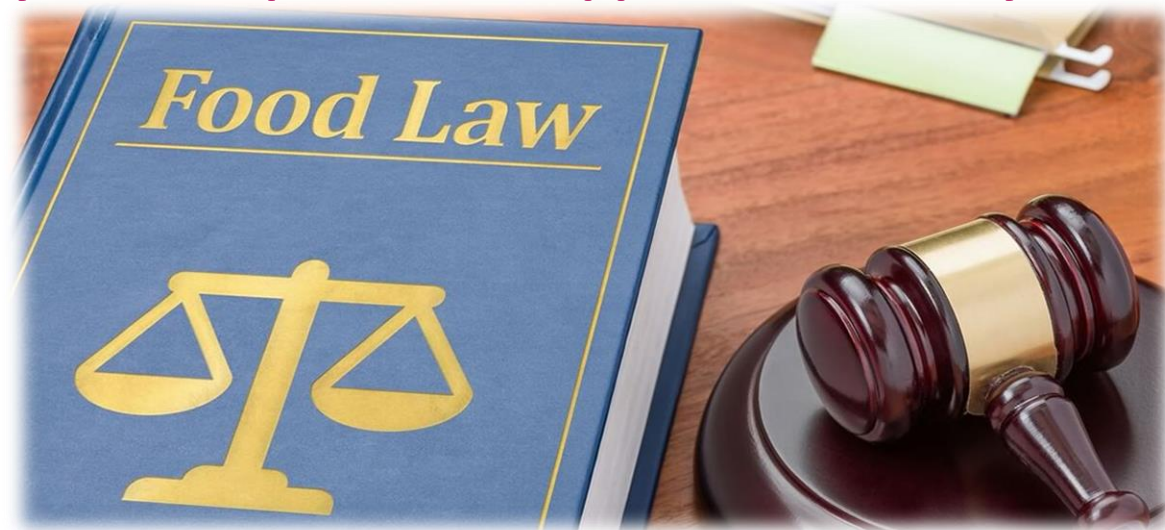




Integrated food law, its main features and functions



- ❑ Food laws traditionally consist of legal definitions of unsafe food and prescription of enforcement tools for removing unsafe food from commerce and punishing responsible parties.
- ❑ Food law generally does not provide punitive powers to control agencies with clear mandate and authority to prevent food safety problems.
- ❑ Food safety programme are reactive and enforcement-oriented rather than preventive in their approach to reduce risk of food-borne illness.
- ❑ Modern food laws should not only be permitted with necessary legal powers and prescriptions to ensure food safety, but allow competent food authority to build preventive approaches into system.



Food Standards



fssai



Food Standards

- Highly prescriptive standards have been replaced by horizontal standards that address broad issues involved in achieving food safety objectives.
- Horizontal standards are viable approach to deliver food safety goals, require food chain that is highly controlled and supplied with good data on food safety risks and risk management strategies.
- Horizontal approach facilitates implementation for food business people, manufacturers, in commerce and distribution.
- In preparing food regulations and standards, countries should take full advantage of Codex standards.

Food Legislation

- 1. Must provide high level of health protection**
- 2. Based on high quality, transparent and independent scientific advice following risk assessment, risk management and risk communication**
- 3. Include provision for use of precaution and adoption of provisional measures where an unacceptable level of risk to health has been identified**
- 4. Should include provisions for labeling product holistically and right of consumers to have access to accurate and sufficient information**
- 5. Should provide for tracing of food products and recall in problems**
- 6. Should include clear provisions indicating that primary responsibility for food safety and quality rests with producers and processors**
- 7. Should include obligation to ensure that only safe and fairly presented food is placed on market**
- 8. Should recognize country's international obligations in relation to trade**
- 9. Should ensure transparency in development of food law and access to information**

General Food Law

Humanity has imbibed certain hygienic practices since man started understanding value of food. Well established practices took form of accepted laws. Present day government enacted these laws legally enforceable through various administrative rules and regulations.



Substance/products whether processed, partially processed/ unprocessed will provide sufficient nutrient and intended to be ingested by humans. Drink, chewing gum and any substance, including water intentionally incorporated into food during its manufacture and preparation.

Main Objective of Food Law

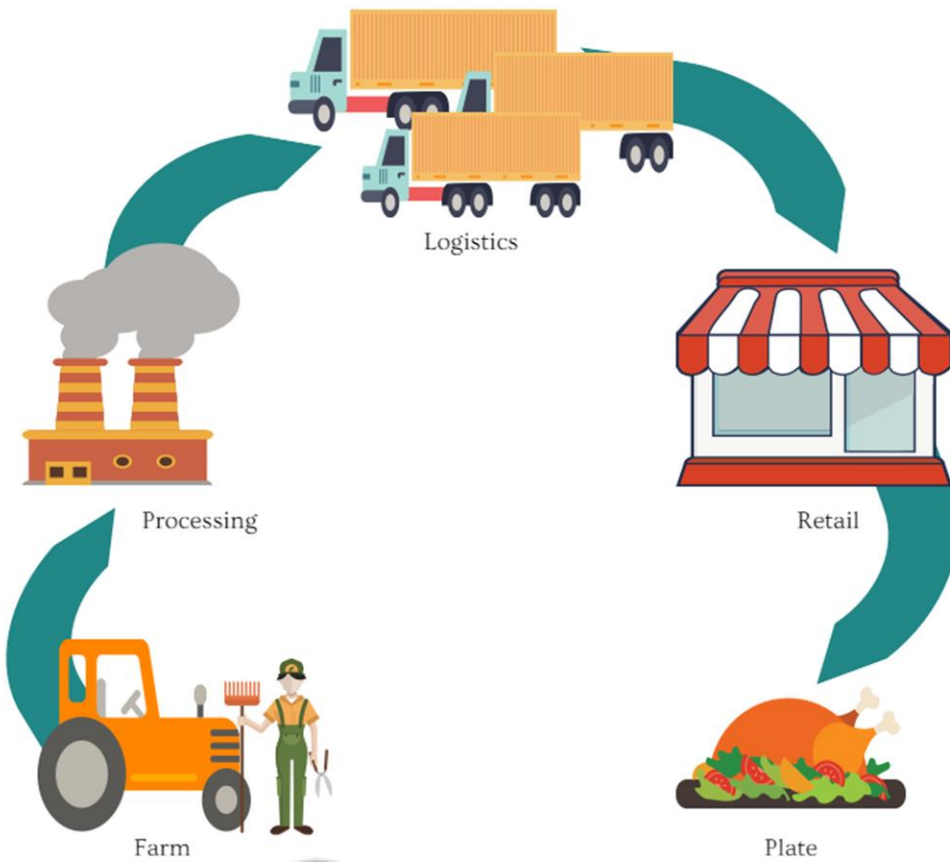
Protect both health and interests of consumer

Consumer health is assured by provision of safe food produced for plant health and environment

All legislation must aid free flow of food within internal market for general interests of consumers

Food placed on market must be fit for human consumption and must not injure human health

If food complies with community provisions but deemed unsafe, it should not be placed on market



General principle for food and feed safety policy. Guarantees high level of safety for foodstuffs and food products marketed within all stages of production and distribution chains



General Principles of Food Law

Food is considered unsafe if it is injurious to health/unfit for human consumption. General food safety requirement implies that although a product that complies with all specific requirements of food legislation; it is not allowed on the market if a new hazard exists.

Following assumptions to establish food safety:

- a. **Unsafe:** Normal conditions of use of food by consumer at each stage of production, processing and distribution are taken into account as well as information provided to consumer.
- b. **Injurious to health:** Probable immediate, short term and long term effects of food to health, probable cumulative toxic effects and particular health sensitivities of specific category of consumers should be considered.
- c. **Unfit for human consumption:** If food is unacceptable for human consumption (contamination by extraneous matter or otherwise, through putrefaction, deterioration/decay).

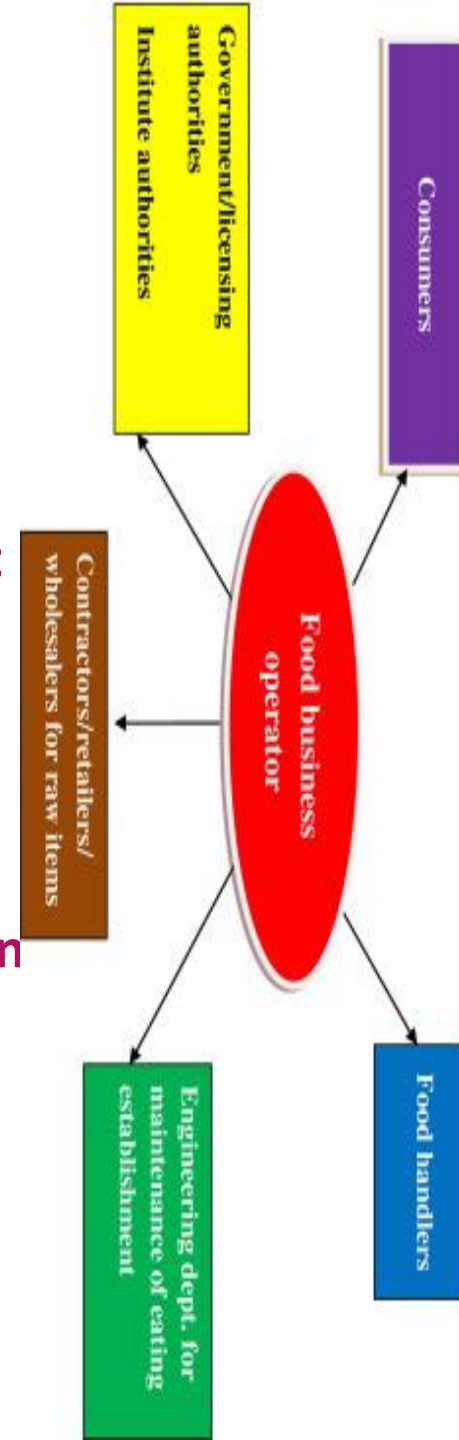


Responsibilities

- Food business operators at all stages of production, processing and distribution of food are primarily responsible for safe food.
- They have to ensure that food under their control meets all safety requirements of law. Unsafe food cannot be placed on market.
- They are obliged to withdraw and report to competent authority if they have suspicion that food products do not meet standards.

Traceability

- Regulation includes provisions on traceability of food in food chain.
- Origin of food products must be retrieved.
- Requirements apply to food and feed businesses (including importers) to know and document from whom they have bought their food ingredients and to whom they supply their products



Precautionary principle

- **General Food Law** establishes that food legislation is based on scientific risk analysis.
- Risk assessments are based on available scientific evidence and must be undertaken in an independent, objective and transparent manner.
- Risk management takes results of risk assessment, but also opinions of **Food Safety Authority**.
- If after an assessment of available information the possibility of harmful effects on health is identified, but scientific uncertainty persists, provisional measures may be necessary. Findings need to be communicated to retailer, manufacturer and notified to consumer (whole exercise is called precautionary principle).

Presentation

- Food law aims at protection of the interests of consumers in relation to the foods they consume.
- Provision of food law about food labeling, advertising and presentation of food including their shape, appearance, packaging and packaging materials used cannot mislead consumers.

Rapid alert system for food and feed (RASFF)

- ❖ Regulation gives legal effect to RASFF.
- ❖ Regulatory system deals with the obligatory notification of any direct or indirect risk to human health, animal health or the environment within a network consisting of national competent authorities, Food Regulatory Authority of India (FRAI).
- ❖ Where it is evident that food originating in country, or imported from another country, is likely to constitute a serious risk to human health, animal health or environment.



RASFF

**Rapid Alert System
for Food and Feed**

Emergency measures

1. Food originating in community or imported from another country is likely to constitute serious risk to human, animal health or environment and when such risk cannot be contained satisfactorily by means of measures taken by Member States concerned, Commission on its own initiative or at request of Member State immediately adopt certain measures set out the regulation.
2. Depending on gravity of situation, emergency measures can take form:
 - ❖ suspension of marketing.
 - ❖ subjecting use and marketing of food to special conditions.

Crisis Management

1. Provides for creation of a crisis unit.
2. This crisis unit will be set up by FRAI and will provide scientific and technical assistance.

India has many laws regulating food safety and other activities of food industry. Introduction of integrated food law provides required **'one law-one regulator' platform for raising food safety standards of India to match global standards. Its speedy and effective implementation is quickly warranted to put India onto global food map. This would require an enabling implementation environment focused on creation of transparency, awareness creation, capacity building, product traceability, developing right infrastructure and extensive R&D capacity to match dynamically changing requirements of food safety and standards.**

Integrated Food Law in India

- 1. Prevention of Food Adulteration Act, 1955 (PFA) was main legislation concerning food safety and protection of consumer health.**
- 2. Requirement of food regulation may be based on several factors such as whether a country adopts international norms developed by CAC of FAO of the United Nations and WHO; good agricultural and manufacturing practices; or a country may have its own suite of food regulations.**
- 3. For boosting food industry, need of hour is to harmonize not only the various food laws but also agencies.**
- 4. Food Safety and Standards Act (FSSA), 2006; overrides all earlier food laws. This integrated law provides safe and wholesome food to consumer, creates an enabling-environment for value addition to primary agricultural produce and encourage innovation and creativity for rapid development of food processing industries in an integrated manner.**

Main Features of the Law

Single reference point for all issues related to food safety and standards

Harmonization with international standards such as CODEX

Responsive to dynamic issues (genetically modified food)

Clear procedures for food recall

Shift from regulatory regime to self compliance through food safety management systems

FSSAI was set up in 2008 to lay down scientific standards and ensure availability of safe food for human consumption

**The Prevention of Food
Adulteration Act, 1954**

**The Fruit
Products
Order,
1955**

**The Meat
Food
Products
Order,
1973**

**Essential Commodities Act,
1955 relating to food**

**The Vegetable Oil
Products (Control)
Order, 1947**

**The Edible Oils
Packaging
(Regulation)
Order, 1998**

**The Solvent
Extracted Oil,
De oiled Meal,
and Edible
Flour (Control)
Order, 1967**

**The Milk
and Milk
Products
Order, 1992**

**This Act covers food/drink for human consumption except drugs, tobacco,
alcoholic beverages and natural agricultural/ horticulture/marine produce
(specifically repeal eight laws)**



THE INTEGRATED FOOD LAW "THE FOOD ACT"

OBJECTIVES

To provide safe and wholesome food to the consumer and to create an enabling environment for value addition to agricultural produce to bring innovation and creamery and rapid development of food processing industries in an integrated manner, ensuring a high degree of objectivity and transparency

FOOD REGULATORY
AUTHORITY OF
INDIA (FRAI)

COUNCIL OF FOOD
STANDARDS (CFS)

FOOD SAFETY
ADMINISTRATION
(FSA)

To coordinate and supervise implementation of the food act.
To formulate rules & procedures and to amend add or delete any of the same as time in fulfillment of the objectives of the food act.
To recommend to the government on any related issues

To lay standards for food and to amend, add or delete any of the same as may be required from time to time. To make recommendations to the FRAI on any technical issues

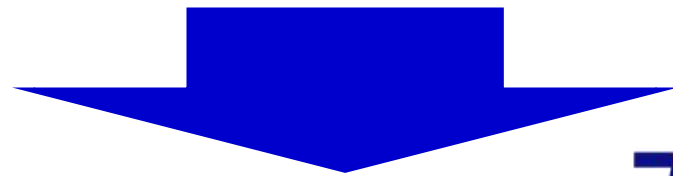
To implement safety of food for the consumer, taking food samples, getting the same analysed by an accredited food laboratory to pursue recommendations of the review panels and initiate compounding recall or prosecution proceedings

Outline of integrated food law

Duties and Functions of Authority

- ❖ This Act established as new national regulatory body, Food Safety and Standards Authority of India, to develop science based standards for food and regulate and monitor the manufacture, processing, storage, distribution, sale and import of food so as to ensure availability of safe and wholesome food for human consumption.
- ❖ All food imports will be subject to provisions of Act and any rules and regulations made under Act.

**FSSAI has been mandated by FSS act,
2006 for performing following
functions**



- 1. Framing of regulations to lay down the standards and guidelines in relation to articles of food and specifying appropriate system of enforcing various standards thus notified.**
- 2. Laying down mechanisms and guidelines for accreditation bodies engaged in certification of food safety management system for food business.**
- 3. Laying down procedure and guidelines for accreditation of laboratories and notification of accredited laboratories.**
- 4. Provide scientific advice and technical support to central government and state government in matters of framing policy and rules in areas which have direct/indirect bearing of food safety and nutrition.**
- 5. Collect data regarding food consumption, incidence and prevalence of biological risk contaminants in food, contaminants in foods products, identification of emerging risks and introduction of rapid alert system.**

6. **Creating an information network across country so that public, consumers, panchayats receive rapid, reliable and information about food safety and issues of concern.**
7. **Provide training programmes for persons who are involved in or intend to get involved in food business.**
8. **Contribute to development of international technical standards for food, sanitary and phytosanitary standards.**
9. **Promote general awareness about food safety and food standards**
10. **Bakery manufacturer follow up with food authority for labelling, adulterants, additives and their permissible levels, etc.**





New changes in integrated food law

- Primary changes that FSSA would bring is imposing responsibility of food safety on manufacturer for first time (under PFA regime, it was Food Inspector responsible for examination and prosecution).
- With introduction of supply chain concept under FSSA, focus will not be on inspection, but on each person in the chain-sourcing, manufacturing, storing, distributing- assessed by Food Safety Officers (FSOs).
- FSSA prohibits manufacture, import, storage, sale/distribution of any unsafe food (nature, substance or quality is injurious to health).
- Specific responsibilities laid down under FSSA for Food Business Operators (FBO) for ensuring safety of food articles.
- FSSAI has recently notified draft regulations on Food Recall Procedure to provide guidance to FBOs for carrying out food recall for food that does not adhere to food safety standards.

- **FSSAI has provided for appointment of Designated Officer (rank of a Sub Divisional Officer) by Commissioner of Food Safety to be in charge of food safety administration for specific district whose duties include issuing/cancelling licenses of FBOs, serving ‘improvement notices’, prohibiting sale of food articles violating prescribed standards, receiving reports and samples of food articles from FSOs and getting them analyzed, sanction or launch prosecutions and get investigated any complaint against any contravention of Act or against FSOs.**
- **To ensure safe food articles by FBOs are mandatory compliance with Good Agricultural Practices (GAP) for big retailers, organic food certification, stricter labeling and claims regulations covering health drinks, packaged food products as well as nutraceuticals including dietary supplements.**

Implementation challenges

FSSA effective implementation is fraught with numerous challenges such as:

- Poor general awareness towards hazards associated with unsafe food practices and best practices to be followed**
- Lack of basic supporting infrastructure (testing labs)**
- Insufficient technical expertise and skilled manpower for implementation of legislation at grass root level**
- Exclusion of primary producers from purview of the law thus preventing food hazards on manufacturers/processors**
- Problems in traceability of product especially in upstream processors of food chain – from farm gate to processing unit**
- Creating an enabling environment**

Key Challenges for Speedy and Effective Implementation of Food Safety and Standard Act 2006

Transparency and inclusive development of framework

- During initial phases of implementation of FSSA, high degree of transparency needs to be maintained in process of framing rules and regulations.
- Involvement of industry and other stakeholders during preparation, evaluation and revision of food law is essential for comprehensive review and examination of issues that could hamper implementation on field.

Awareness creation

- Effective awareness creation programs need to be carried out by Governmental agencies for smooth transition from current food safety laws to proposed system, specifically by keeping small and medium enterprises side by side of salient features of the law and issues faced by manufacturers and their solutions.

Capacity building

- Well evolved training programs need to be conducted for state, district and block level enforcement agencies.
- Programs would have to equip implementing officers with knowledge on international standards of food safety and quality thus, enabling regulators to make judicious decisions relating to food contamination.



Infrastructure creation

- One critical link in successful implementation of FSSA is food testing laboratories.
- Under new law, manufacturers need to get their products tested every month and keep certificate.
- **Important: Accredited laboratories**

Building research & development capacity

- Need to build strong R & D base in areas of food safety, quality control, food toxicity and related scientific risk assessment systems.

Certification of raw material

- Major sources of contamination in food systems occurs during primary production stage.
- Successful and holistic implementation of food safety system would require an extensive campaign that encourages implementation of GAP at farm level.
- Organized manufacturers should be encouraged to take pro-active steps to ensure that GAP is adhered to their suppliers and traceability system including geographic application placed at back-end thus, reducing risk of food contamination

