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India: Food Regulator Mandates Food Safety Supervisor For Restaurants And License For Ecommerce Operators by [S.S. Rana & Co. Advocates](#)

Introduction

The apex food regulator, Food Safety and Standards Authority of India (hereinafter referred to as "FSSAI") has issued new regulations wherein it has made mandatory for restaurants to employ at least one technical person or Food Safety Supervisor trained by FSSAI and that companies that sell food on e-commerce portals should also obtain food license.

Background

FSSAI approved the Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulations, 2018 (hereinafter referred to as "Regulations") at a meeting held on September 21, 2018. The Regulations contain various amendments with respect to licensing and registration of e-commerce food business operators, conditions for license of restaurant, etc. The draft Regulations are in the process of being notified and enforced. However, keeping in mind, the public health interest and to ensure food safety of food business operators, FSSAI has decided to operationalize the regulations with immediate effect vide notification dated February 15, 2018.

Conditions of license for restaurants

The Regulations state that restaurants shall display a Food Safety Display Board at all times at a prominent place in the premises. Further, restaurants must employ one technical person or Food Safety Supervisor trained by FSSAI. Restaurants shall buy food raw materials only from licensed/registered vendors and maintain record. Moreover, hotels, restaurants and other food establishments who sell or expose for sale savouries, sweets or other articles of food shall put up a notice board containing separate lists of the articles which have been cooked in ghee, edible oil, vanaspati and other fats for the information of the intending purchasers

However, the process of applying for new license for restaurants has been simplified as restaurants now need not submit the blueprint/layout plan, name & list of equipment and machinery, list of food category, NOC from manufacturer and recall plan while applying for state/central license.

Registration and Licensing of E-Commerce Food Business

The Regulations have defined E-commerce Food Business Operators or E-commerce FBO to mean food business operators which carry on manufacture, processing, packaging, storage, transportation, distribution of food, import of food through e-commerce medium. The Regulations have mandated that E-commerce FBOs to obtain registration and license from the concerned authorities under FSSAI. However, E-commerce entities providing listing or directory of FBO or food products are exempted from such license or registration, although such E-commerce entities facilitating orders/transaction on their website are required to obtain license or registration. FSSAI has also prescribed various responsibilities on E-commerce FBOs including but not limited to the following –

1. The sellers/brand owners/manufacturers on the e-commerce platform shall be required to display their License/Registration obtained,
2. All e-commerce FBOs are required to sign an agreement with the sellers/brand owners/manufacturers averring that the said 'sellers/brand owners/manufacturers' are compliant with acts and regulations of FSSAI and the liabilities shall rest with these FBOs.
3. Any food article delivered to consumer by e-commerce FBO shall have shelf life of 30 percent or 45 days before expiry at the time of delivery to the consumer. However, in case of caters or restaurant receiving order through electronic media, only fresh food item shall be delivered to the consumer.
4. It shall be ensured by the e-commerce FBOs that the last mile delivery is undertaken by trained delivery personnel and the safety of food product is not compromised at the time of delivery.
5. E-commerce FBOs shall ensure that no misleading information/false claims to the product or misleading images of food products are made available or shown on their platform.

Takeaway

The regulations introduced by FSSAI are envisaged to ensure food safety and health of consumers. However, there is a possibility that people might now be deterred from venturing into food businesses, which is a blooming business these days, as it might impose financial responsibility for small restaurants to employ food safety supervisors.