

FSSAI not to allow use of terms like natural and traditional on labels

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Food businesses in India will not be able to use words or phrases such as natural, fresh, original, traditional, authentic, genuine and real on food labels except under specific conditions detailed as per a notification issued by FSSAI.

The regulations — Food Safety and Standards (Advertising and Claims) Regulations, 2018, — will pertain to claims and advertisements by Food Business Operators (FBOs) in respect of their food products. The regulations will come into force from July 1, 2019.

According to the regulations, such restrictions are primarily aimed at limiting an open-ended use of these words/phrases by food businesses on frivolous grounds.

Further it states that the FBOs need to put a disclaimer when the trademark, brand name or fancy name containing adjectives such as “natural,” “fresh,” “pure,” “original,” “traditional,” “authentic,” “genuine,” “real,” and so on, appearing in the labelling, presentation or advertising of a food is such that it is likely to mislead consumer as to the nature of the food.

In such cases a disclaimer in not less than 3mm size shall be given at appropriate place on the label stating that – “*This is only a brand name or trademark and does not represent its true nature.”

As regards to the advertisements in respect of a food product that undermines the importance of healthy lifestyles or portrays the food product as a complete replacement of normal meal, they are not permitted.

Food businesses are also prohibited to advertise or make claim undermining the products of other manufacturers so as to promote their own food products or influence consumer behaviour.

The apex regulator says that these regulations shall come into force on the date of their publication in the Official Gazette and FBOs shall comply with all the provisions of these regulations by July 1, 2019.

“These regulations are aimed at establishing fairness in claims and advertisements of food products and make food businesses accountable for such claims /advertisements so as to protect consumer interests” says the statement by FSSAI.

It is pertinent to mention here that many claims by the FBOs prove in contravention to the actual product offering and keeping in view of the mismatch the FSSAI has prescribed norms in various schedules of these regulations with related criteria, which shall guide the FBOs while dealing with claims and advertisements.

Several of the claims are permitted to be made by FBOs without the need for seeking prior approval from the food regulator and only those claims which are not standardised under these regulations may require approval from the food authority and should be supported with sound scientific basis, according to FSSAI.

Also, the regulations offer a detailed procedure for approval of claims and food businesses may seek prior approval from FSSAI for reduction of disease risk claims other than those specified in these regulations.

These regulations contain several sections detailing definitions; general principles for claims and advertisements; criteria for nutrition claims (including nutrient content or nutrient comparative claims), non-addition claims (including non-addition of sugars and sodium salts), health claims (reduction of disease risk), claims related to dietary guidelines or healthy diets, and conditional claims; claims that are specifically prohibited; and procedures for approval of claims and redressal of non-compliances under these regulations.

Any person, including a third party, who advertises or is a party to the publication of any misleading advertisement not complying with these regulations would be penalised with a fine extending upto Rs 10 lakh, as per Section 53 of the Food Safety and Standards Act, 2006, according to the statement by FSSAI.