

Visible food safety violations to attract spot fine from now on

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New directive from FSSAI



Type of FBOs	Penalty for 1st time	Penalty for 2nd time	Penalty for 3rd time
Petty manufacturer	3,000	6,000	10,000*
Petty retailer, hawker, itinerant vendor, temporary stall holder	1,000	2,000	5,000*
Milk FBO handling upto 500 litres per day	2,000	4,000	10,000*
FBOs slaughtering 2 large animals/10 small animals/ 50 poultry birds or less per day	2,000	4,000	10,000*
All FBOs running without RC though eligible	5,000 & issue RC	NA	NA
All FBOs found selling banned items (with less than sample quantity seized)	5,000	10,000	25,000*
FBOs selling/using non-food grade plastics	2,000	5,000	10,000*

FBO- Food Business Operator, RC- Registration Certificate, Penalty in Rupees.
* with cancellation of RC.

Food Business Operators will have to pay the amount at the treasury

Visible violations by Food Business Operators (FBOs) are expected to see a decline with the Food Safety and Standards Authority of India (FSSAI) all set to start levying spot fines.

As per a new directive, Designated Officers of the FSSAI in each district can now impose spot fine on FBOs who are found with certain visible violations.

While violation for the first and second time attracts fine, repetition of the same violation for a third time will attract a higher amount of fine and cancellation of the registration certificate issued by the food regulator.

The spot fine is also expected to have an impact on the sale of banned products like gutka as seizure of any such item for a third time will attract cancellation of registration certificate and a spot fine of ₹ 25,000, the highest fine among all violations.

K. Tamilselvan, Designated Officer of FSSAI for Coimbatore, said that the spot fine system was expected to have a deterrent effect on FBOs that repeatedly flouted food safety norms.

“The new directive empowers Designated Officers to levy spot fine when a food is found containing extraneous matter, FBOs failing to comply with directions of food safety officers, unhygienic or unsanitary processing or manufacturing and sale of food items,” he said.

FBOs, who are slapped with a spot fine, will have to pay the amount at the treasury and food safety officers cannot collect the penalty as cash. If the FBOs fail to pay the penalty within the stipulated time, the Designated Officer can suspend the registration certificate of the FBO until the penalty is paid.

According to Dr. Tamilselvan, misbranding, label violations, possession of banned food products and adulteration in certain food items are among the common visible violations found in Coimbatore.

“The spot fine applies to the possession of banned food item like gutka when the seized quantity is less than that of the sample quantity. Sample quantity means the quantity required to lift four separate samples of the same item for laboratory analysis. Now, even if a vendor is found with two or three sachets of different gutka, spot fine can be levied,” he explained.

Stating that levy of spot fine would have a deterrent effect on violators, Coimbatore-based lawyer and consumer rights activist V.P. Sarathi said that the food safety officers should also strictly implement other provisions of the FSSAI Act to bring down other violations by FBOs.

Citing an incident wherein he found worm in a packaged drinking water a year ago, sample of which was subsequently found “unfit for human consumption” in a laboratory analysis, Mr. Sarathi said that the food regulator only served a ‘caution notice’ to the manufacturer.

“Such offences should have seen a logical end of prosecution by the court and heavy fine should have been imposed on the violator,” he opined.

A meat stall owner with whom *The Hindu* spoke to said that the spot fine would not affect traders, who sold quality meat to customers, but would help buyers understand those who sold sub-standard items.