

FOOD SAFETY FOR CONSUMERS: AN ANALYSIS WITH PARTICULAR REFERENCE TO THE FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

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BEST CITATION – MR MD JIYAUDDIN, FOOD SAFETY FOR CONSUMERS: AN ANALYSIS WITH PARTICULAR REFERENCE TO THE FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 4 (4) OF 2024, PG. 246-254, APIS – 3920 – 0001 & ISSN – 2583-2344.

Abstract

Food safety is an ethereal concept, assessing consumer access to food safety requires a survey and measurement ready architecture. From the consumer's point of view, food safety is a so-called credence quality trait, which means that instead of having the ability to evaluate or personally experience food safety before making a purchase, customers must rely on and place their trust in related information. Evidence-based information on a variety of food safety issues must be made available to the general public and consumers. Not until then will our mission be completed. The Eat Right India program by the Food Safety and Standards Authority of India (FSSAI) is crucial in ensuring that consumers are informed of pertinent information at every level. We are expanding this game changing initiative to increase consumer control over food choices by empowering them to demand safe and healthful options, which in turn motivates merchants to provide better services. In India, the whole food sector is governed by the FSSAI, a governmental agency. This government agency's main goal is to make sure that the food you eat complies with essential and established quality criteria and is safe for your health. In India, any food business involved in the production, distribution, storage or transportation of food must apply for a food safety registration or a fssai licence. The FSSAI is not only guarantees adherence to legal requirements but also signifies a food enterprise's dedication to providing its customers with wholesome, superior, sanitary and secure food items. The obtaining an FSSAI licence is mandatory, there are particular problems that come with it.

Key words: Food safety, Food Safety and Standards Authority of India, Consumers, Legal requirements, Safe and Healthful.

I. INTRODUCTION

Food safety is described as the assurance that food will not cause harm to the consumer when it is prepared and/or eaten according to its intended use and is considered a fundamental human right. Still, not much is known about how widely consumers may acquire certified food, even with the abundance of items with food safety certification in food markets. Customers are entitled to anticipate safe and superior quality food when they buy and eat it. People have the right to express their views about the policies, guidelines, and practices used by the government and

business sector to ensure that the food supply satisfies specified requirements. Food safety and quality are crucially ensured by governments, consumers and other stakeholders. Inside civilisations with free markets the food industry is ultimately in charge of allocating the financial and human resources required to put in place the proper controls because it is the sector that regularly supervises the production and processing of foods, from raw materials to final goods. In order to guarantee food items are safe for consumption, the 2006 Act establishes extensive criteria. The laws governing food labelling also provide

consumers the ability to make knowledgeable decisions. Policies pertaining to advertising and claims make ensuring that food companies are not making false statements about their goods. The Consumer Protection Act of 2019 has been crucial in tackling the contemporary issues that customers confront by offering them sufficient channels for lodging grievances, particularly with regard to deceptive advertising and contaminated or inadequate food. The FSSAI has been actively involved in releasing a number of notifications that address a variety of topics, including Vegan Food, Jaivik Bharat, and Ayurveda Aahar. These notifications show the organization's dedication to changing with the tastes of its customers. In addition to raising awareness, the FSSAI introduced the +F for Fortified commodities emblem, which has encouraged the sector to voluntarily fortify commodities like milk and wheat.

The Food Safety and Standards (Vegan Foods) Regulations, 2022, which were published in the official Gazette on June 10, 2022, and the instructions dated July 25, 2022, for submitting applications for the endorsement of vegan logos and forms, went into effect on that day. Sub-regulation 5 of the FSS (Vegan Foods) Regulations, 2022 stipulates that 1. The food business operator must submit an application to the relevant licensing authority with all essential data in a format that may be determined by the food authority for vegan food compliance. 2. Guidelines for the approval of a vegan logo may be specified by the Food Authority. 3. Importing vegan food items is prohibited unless accompanied by a certificate from the exporting country's accredited authorities in the manner required by the authority for acceptance.

Whereas the Food Safety and Standards Authority of India number F. No. 11012/038/2016-2017/FSSAI/F&A, dated the 24th of May, 2022, was published in the Gazette of India, Extraordinary, Part III, Section 4, inviting suggestions and objections from those likely to be affected; this was done in accordance with

section 92 of the Food Safety and Standards Act, 2006 (34 of 2006), and before the thirty-day period ended on the date that copies of the Official Gazette containing the aforementioned notification were made available to the public and furthermore, since copies of the aforementioned Gazette were made available to the public on May 27, 2022, and since the public did not object to or offer suggestions regarding the aforementioned draft regulations, the Food Safety and Standards Authority of India is now exercising the authority granted by clause (t) of sub-section (2) of section 92 read with sub-section (2) of section 81 of the aforementioned Act.

II. IMPORTANCE OF FOOD SAFETY

A nation's ability to advance and prosper economically depends on its food supply. With its fast-growing population, urbanisation, and economy, India confronts several obstacles in its efforts to ensure food safety. At the agricultural level, the use of excessive pesticides, growth hormones, exposure to hazardous waste, etc., has contaminated food. The food is unhealthy to eat because of additives, toxins, chemicals, environmental pollutants, adulterants, poisonous colourants, or preservatives, among other things. Food quality can be jeopardised at any point along the production process, from basic production to processing, packaging, and distribution. Therefore, there are difficulties in enforcing food safety laws at every turn.

In the nation, there have been several reports of food adulteration. One cannot be certain of the quality of food they eat in the current situation since food adulteration is so prevalent. Many manufacturing facilities continue to engage in unfair business tactics and provide consumers with food of inferior quality, despite accusations from a number of them that they do not follow food safety regulations. The poorer segments of our society can afford food thanks to the substantial, unorganised food industry in our nation. Although the street food is well-known for its

varied flavours and strong scent, there are serious concerns about the hygienic conditions and sanitation procedures. Milk and milk derivatives are among the most often contaminated foods. In order to preserve general health and wellbeing, food safety is crucial. A guarantee that food is suitable for human consumption in accordance with its intended purpose is what the Food Safety & Standards Act of 2006's section 2(q) describes as "food safety." By handling, preparing, and storing food in a way that minimises the risk of food related disease, food safety guarantees that food is fit for human consumption. A food's origins, practices related to food labelling, hygiene, additives, and contaminants, as well as biotechnology and food policies, import and export management guidelines, and food inspection and certification programs, are all factors to be taken into account when food safety concerns arise.

III. FOOD SAFETY – A CONSTITUTIONAL MANDATE

The right to healthy food is one of the most essential basic rights of every citizen, as stated in Article 21 of the Constitution. As a result, any food item that poses a risk to public health might jeopardise the individual's fundamental right to life. The Constitution's Art. 21 read in conjunction with Art. 47 places a major obligation on the state and its agencies to ensure that human life and health are protected to an adequate degree. In the Centre for *Public Interest Litigation v Union of India* (2013) 16 SCC 279 case, the Hon'ble Supreme Court acknowledged the significance of pure food and ruled that the right to food is a basic right, thereby elevating the right to life.

IV. FOOD SAFETY AND STANDARD ACT, 2006

The provision of healthy and safe food for human consumption is the aim of the FSS Act of 2006. Since consumers are important participants in the food chain, they have rights under Section 40 of the FSS Act of 2006 and Section 2.4.4 of the FSS Rules of 2011. In

accordance with the act, the buyer of any food item may have it examined by a food analyst in accordance with the process announced by the food authority upon payment of a charge, and the food analyst shall provide a report of analysis to the buyer within 14 days. At the time of purchase, the customer must notify the food business operator of his desire to have the object examined in this manner. The Designated Officer will prosecute under section 42 guidelines if the Food Analyst's report indicates that the food item does not comply with the Act or any rules or regulations enacted under it. Many Sections 49 to 59 of the FSS Act, 2006's chapter IX list crimes and fines for FBOs that sell adulterated, misbranded, subpar, etc. goods.

V. FOOD SAFETY IS A MAJOR PROBLEM FOR INDIAN CONSUMERS

In order to develop a convincing certification strategy that promotes equitable consumer access to high-quality and safe food in India, it is essential to evaluate consumers' attitudes and behaviours towards certified food. In order to ensure the food safety and integrity of the products, it is crucial to evaluate consumers' perceptions of food safety through food labelling. This is because consumers have a right to transparent information about the authenticity and quality of the food they buy and eat. The actual food safety of rice can be verified and addressed using food safety inspection tools.

The nation is expected to produce a record 329.687 million tonnes of food grains in 2022–2023, which is 30.869 million tonnes more than the average output of food grains produced over the preceding five years (2017–18 to 2021–22). India produced 204.84 million tonnes of vegetables and 107.24 million tonnes of fruits in 2021–2022. India leads the world in milk production, accounting for 24.64% of total output. Milk production is increasing at a compound annual growth rate of 5.85%, rising from 146.31 million tonnes in 2014–15 to 230.58 million tonnes in 2022–2023. Food processing saw a growth in gross value added from Rs 1.34

trillion in 2014–15 to Rs 2.08 trillion in 2021–22. From April 2014 to March 2023, the industry attracted \$6.185 billion in foreign direct investment equity inflow. From 13.7% in 2014–15 to 25.6% in 2022–2023 processed foods made up a larger portion of agricultural exports. Food processing accounts for 12.22% of all employment in the registered or organized industry, making it one of the major employers in the organised manufacturing sector. By implementing a paradigm shift in its strategy, working style, and regulatory delivery over the past ten years, the nation's top food regulator has addressed key stakeholders' perceptions and performance. Its function has clearly changed from that of an 'enforcer' to that of an 'enabler,' fostering an atmosphere that is inclusive, cooperative, and positive that will allow the food industry to reach its full potential by making doing business easier.

VI. FOOD SAFETY CONNECT

A centralised forum for Indian consumers to voice concerns about food safety and cleanliness is provided by Food Safety Connect, an app and web site designed with the needs of the user in mind by the Food Safety and Standards Authority of India. FSSAI hopes to include every person in the fight to secure national food safety by encouraging them to voice their concerns about food safety infractions. With the help of the Food Safety Connect program, customers may voice their concerns about the safety and hygienic conditions of pre-packaged foods as well as those found in eateries like bars and restaurants. Along with providing legal advice, it also allows customers to monitor the legitimacy of a food business operator's licence or registration certificate. This initiative's primary goals are to guarantee prompt and satisfactory resolution of issues and the development of a strong national food safety ecosystem. Three stakeholders, namely the FSSAI, State DOs or FSOs, and FBOs, have online access to consumer complaints that are logged in a shared online system. The appropriate state or

FBO nodal personnel receive the food concerns that have been vetted for authenticity and completeness. Following review of the complaint, the FBO Nodal Officer sends a corrective action report to the FSSAI, which is then distributed to the customer. Through a variety of routes, the Service Term Members of FSSAI receive and feed customer issues into this system. Regardless of the route taken to express the complaints, the members of the Service Team serve as intermediaries, qualitatively evaluating the grievance before entering it into the web-based system processing centre. This assists in keeping trivial and insignificant complaints from reaching the relevant authorities and also informs the public about the FSSAI's mandate.

VII. STANDARDS AND GUIDELINES FOR FOOD SAFETY



- **Choosing the Correct License Type:** There are several categories for FSSAI Licence registrations. To put it simply, a business's need for an FSSAI licence varies according on its size, kind of activities, and category. As a result, choosing the appropriate company category and registering can be time-consuming and risky due to errors or non-compliance.

- **Extensive Documentation Needs:** There is an extensive paperwork requirement that must be met in order to receive an online FSSAI licence. The FSSAI registration paperwork contain information on the manufacturing process, product testing data, business incorporation details, identity and address verification, and a strategy for the food safety management system. Furthermore, companies must fulfil and uphold the paperwork standards related to raw materials, from purchase to manufacture. It needs information on source, quality, and a few

other things pertaining to the raw ingredients used by the food industry. It might be challenging to gather and arrange the necessary paperwork for an online FSSAI registration, particularly for companies with lax record-keeping policies.

• **Standards for Food Safety, Quality and Hygiene:** The most important factor in food enterprises is quality. Respecting food safety and hygiene regulations are one of the fundamental needs of FSSAI. It can be difficult and sometimes labour-intensive to constantly maintain such standards in food operations, including preparation, storage, and delivery. It may be costly to manage corporate operations and adhere to quality and safety requirements on a regular basis, particularly for companies with narrow profit margins.

• **Following GMPs or good manufacturing practices:** Another fundamental prerequisite for online FSSAI registration is the use of good manufacturing practices. During the production process, implementing and upholding GMP calls for specific work, materials, and training. Because they have less resources, small-scale food firms find it difficult to comply with GMP.

• **Convoluted regulatory environment:** There are several obligations under the FSSAI laws, including labelling, food safety standards, and registration. It can be difficult to navigate the complexities of the FSSAI's intricate regulatory structure or companies who have only lately entered this market. The firm may also be burdened by fssai registration expenses due to their regulatory complexity. Food business owners (FBOs) may face additional difficulties while applying for an FSSAI licence or registration because of the regulatory requirements' complexity. Potential difficulties with fssai license registration may be reduced by speaking with a law company that specialises in offering online FSSAI Registration & License services.

VIII. ESTABLISHING AND CARRYING OUT FOOD STANDARDS

- Setting safety, quality, and labelling requirements are the cornerstone of all food control initiatives. Given that the production and sale of food is a really global sector, they ought to be implemented as far as feasible. In order to set specific food control regulations, governments and international bodies like the Codex Alimentarius Commission are primarily responsible. National governments have the responsibility to set universal safety standards to ensure that every consumer is protected to the same extent;
 - All food manufacturers, local and international, are treated equally by using the same standards of safety;
 - Customers are aware of the protection rules being implemented.
- Governments should encourage business, academia and the general public to provide information and suggestions for developing safety standards. It is important for standards and guidelines to have enough flexibility to adapt to the rapidly evolving technology. Governments should implement measures that will guarantee significant and genuine safety gains, as opposed to just apparent ones, at the same time.
- Developing safety standards comes at a significant cost to consumers, businesses and governments. It is the responsibility of governments to oversee and implement safety regulations. Stricter regulations typically need more resources from the government to implement; as a result, standards must be carefully chosen to account for the costs of enforcement. Industry is primarily responsible for putting safety requirements into operation and is obligated to provide the resources such as personnel time, systems, training and equipment needed to do so. In the end, taxes to fund the operations of government control agencies and food prices that must account for

all production expenses, including quality assurance costs will be used by consumers to cover the costs of food safety regulations.

There are many aspects that go into controlling food safety and quality, so governments have to be very selective about what areas they set guidelines for. Specifically, food quality comprises characteristics that are more market-driven than health-related. Governments ought to concentrate their efforts and resources on aspects of quality that pertain to public health as well as those areas of quality and labelling that are relevant to the market and will shield consumers from deception and fraud.

IX. FOODS BANNED FOR CONSUMERS BY THE FSSAI

Import of garlic from China: The FSSAI prohibited the import of Chinese garlic into India in 2019 on worries about the high levels of pesticide residues in Chinese garlic. Chinese garlic was found to contain pesticide levels over allowable limits, which might seriously endanger consumer health. The prohibition on the import and sale of Chinese garlic in the Indian market was implemented with the intention of safeguarding public health and upholding food safety regulations.

Bromate potassium: Due to its carcinogenic qualities, potassium bromates, a food ingredient used to increase bread volume and dough flexibility, was outlawed by the FSSAI in 2016. Because of research showing a higher risk of cancer, especially thyroid cancer, potassium bromate has been banned from usage in bread and bakery goods by regulatory bodies. The purpose of the prohibition is to shield consumers from any possible health risks related to eating goods containing potassium bromate.

Foie gras: Foie Gras was prohibited in India in 2014 because to ethical concerns about the production method, which involves force-feeding ducks or geese to inflate their livers, a procedure that animal welfare organisations

deem harsh and inhumane. India's prohibition on Foie Gras demonstrates a commitment to animal rights and ethical treatment of animals in food production.

Brominated Oil for Vegetables: In the past, citrus-flavoured soft drinks and sports drinks employed brominated vegetable oil (BVO) as an emulsifier and stabiliser to keep components from separating. It has bromine, which was added to improve the flavour and texture of drinks and serves as a flame retardant. However, because of health concerns, its usage has been limited. Since 1990, this oil has been prohibited in India owing to possible health hazards.

X. GOVERNMENT OBLIGATIONS REGARDING FOOD SAFETY

Firstly, they want to investigate testing and assessment techniques for ascertaining the safety of food components and procedures. Food restrictions should only be implemented when there is a strong scientific foundation, hence governments must have a strong research background.

Secondly, in order to make sure that businesses are adhering to standards and that they are being implemented consistently, governments must audit industry performance. This entails providing inspection staff with thorough training so they can perform fair and impartial inspections and have a solid grasp of the technologies and procedures involved.

Thirdly, the governments need to discuss food regulations with business and the public. To ensure compliance, it is crucial that all impacted industry participants are aware of their responsibilities. Customers should also be aware of the actions being performed on their behalf to avoid misunderstandings. Furthermore, by handling food after purchase, customers contribute to food safety, thus they should be taught about the right practices. It must be possible for business and consumers to express concerns and questions regarding the suitability of food control regulations. When

governments decide to use premarket clearance, they should act quickly to make it easier for innovative technologies to be implemented.

XI. FOOD SMART CONSUMER ON WEBSITE

By offering the necessary information through its online portal and giving them a venue to voice their concerns and resolve them, FSSAI takes a comprehensive strategy to supporting the Food Smart Consumer, who is knowledgeable, proactive, and persuasive. Food Smart Consumer is a consumer engagement platform that provides a comprehensive guidance on food safety. This site also gives consumers a place to voice any concerns they may have in the event that their rights to information, grievance resolution or food safety education are infringed. In an effort to create a strong system, the FSSAI works closely with the nodal officers that FBOs appoint to handle consumer complaints. The nodal officers receive training on rational grievance handling procedures like Root Cause Analysis (RCA) and Corrective and Preventive Approach (CAPA). The State Food Safety Authorities are being trained and made more aware of the FSSAI's mission in order to enable them to promptly and efficiently address customer complaints.

XII. FSSAI'S CONSUMER GRIEVANCE REDRESSAL MECHANISM

1. Customers can file complaints or grievances using a number of channels, including the FSSAI website, walk-ins, mails, Facebook, Twitter, WhatsApp, SMS, and toll-free number. No. All of the complaints that the FSSAI receives through its different routes are entered into its web site, "Food Safety Connect." Customers can use this web gateway to immediately file a complaint. The web portal does not receive complaints sent using the Smart Consumer App, GAMA Portal, or CPGRAM Portal.

2. The Regulatory Compliance Division (RCD) next carefully examines the internet portal, "Food Safety Connect," to ensure that the complaint is valid and complete. If a grievance

is determined to be unfinished or outside the scope of the FSSAI, the consumer is notified with a reasonable explanation. A distinct complaint number is established and provided to the customer upon the complaint being successfully fed into the portal. This special ID allows the consumer to follow the progress of these complaints.

3. The RCD then forwards the complaint to the state's designated officer based on the complaint's facts. The complaint may also be sent straight by RCD to the FSSAI's designated nodal person after being notified by FBO. Complaints made using the Smart Consumer App, GAMA Portal, or CPGRAM Portal are sent straight to state DOs via DO Letter.

4. The Food Safety Officer receives the complaint from the DOs and inspects the food or premises, gathers evidence, sends a sample for testing, and gets in touch with the FBO's nodal officer to resolve the issue. FBOs must designate a single point of contact for managing consumer complaints that the FSSAI forwards to them, and they must notify the FSSAI of this using the form found in Annexure 1. Should further information or clarification be required, the consumer may be contacted by the FSO or Nodal Officer. Upon receiving a complaint, FBOs are mandated to conduct a root cause investigation and implement corrective and preventative measures. The Nodal Officer must submit a CAPA report to the FSO after finishing the process.

5. The DO will then examine the report when it has been reviewed by the FSO or submitted to them. If the DO needs further clarity, he or she may send the issue to the Food Safety Commission or FSSAI for their action. The DO may forward the closure report to the FSSAI if they are pleased.

6. After reviewing the report for completion, the FSSAI may submit it to the customer if it is deemed sufficient, at which point the complaint is said to have been resolved.

CONCLUSION

Finally, there is national and worldwide discussion on a variety of food control concerns, such as nutrition labelling, genetically modified foods, allergies, pathogenic microbes, and toxins including pesticides and radiation. These are significant, intricate issues that need to be taken care of. The control concerns are in different stages of resolution, and it will take a lot of work to handle them in a uniform, practical, and scientific way. Through their participation in standard-setting processes and debates on scientific and technological concerns, consumers are acknowledged by the industry as having an active and significant role in the food control process. Over the last ten years, the FSSAI has dramatically changed India's food safety environment. It continues to adapt to new problems and strives to give consumers more control. With commitment and a comprehensive strategy, FSSAI hopes to position India as a world leader in food production, food safety and food sustainability. For companies that produce, store, and distribute food products, adherence to FSSAI regulations is required. Owing to a complicated regulatory environment, these organisations must comply with numerous regulations and complicated paperwork processes, which provide a number of difficulties. Because getting an online fssai licence is so time-consuming and costly, these difficulties might not only negatively impact a business's operations but potentially put it in a loss-making situation. Therefore, the public's comprehension of the complexity of the numerous issues that arise can be enhanced by the food industry's communication skills.

SUGGESTIONS

- The FSSAI ought to hold producers accountable for enforcing food safety regulations. The examination of the production, storage, and distribution of food should centre on every individual involved in the supply chain.
- Food Business Organisations (FBO) can now find advice in the proposed Regulations on

Food Recall Procedure, which were recently issued by FSSAI. This will improve the current regulatory framework.

- To promote effective enforcement and administration of the FSS Act and to maintain a complete and trustworthy database of FBOs, the FSSAI and the state food authorities should assess food business activities under their purview.
- In situations of damage or death, raising the maximum amount of compensation and fines and ensuring sufficient infrastructure, such as food testing labs, are important.
- The CAG has suggested that FSSAI create standard operating procedures for the creation and evaluation of standards and make sure they are implemented as soon as possible.

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