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Voluntary Public

Date: 3/23/2012

GAIN Report Number: IN2045

India

Post: New Delhi

India amends labeling requirements for imported food

Report Categories:

Exporter Guide

Sanitary/Phytosanitary/Food Safety

Product Brief

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Report Highlights:

On October 13, 2011, the Food Safety and Standards Authority of India (FSSAI) published “ad-hoc guidelines related to imported food clearance process by FSSAI’s Authorized Officers.” According to the guideline absences of the vegetarian/non-vegetarian logo, and name and address of importer, are considered “rectifiable labeling deficiencies” which may be dealt with via sticker labels in the customs bonded warehouse at the port. However, absence of name and address of manufacturer, list of ingredients, production date, best-before or expiry date; batch or code or lot number; net weight or volume; or nutritional information, when required, is not rectifiable with sticker labels. Furthermore, on December 21, 2011, the FSSAI issued a corrigendum on Food Safety and Standards (packaging and labeling) Regulations, 2011. According to this corrigendum, wholesale packages are no longer exempted from labeling requirements. This interpretation has been made using sources deemed authoritative and reliable, but no warranty, express or implied, is made as to its accuracy.

General Information:

Disclaimer: This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in New Delhi, India, for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

On October 13, 2011, the Food Safety and Standards Authority of India (FSSAI) published "[ad-hoc guidelines related to imported food clearance process by FSSAI's Authorized Officers](#)." According to the guideline absences of the vegetarian/non-vegetarian logo, and name and address of importer, are considered "rectifiable labeling deficiencies" which may be dealt with via sticker labels in the customs bonded warehouse at the port. However, absence of name and address of manufacturer, list of ingredients, production date, best-before or expiry date; batch or code or lot number; net weight or volume; or nutritional information, when required, is not rectifiable with sticker labels (see GAIN report [IN2002](#)). Furthermore, on December 21, 2011, the FSSAI issued a [corrigendum](#) (see notification on page 4) on [Food Safety and Standards \(packaging and labeling\) Regulations, 2011](#). According to this corrigendum, wholesale packages are no longer exempted from labeling requirements (see GAIN [IN2015](#)). This interpretation has been made using sources deemed authoritative and reliable, but no warranty, express or implied, is made as to its accuracy.

Background:

On October 13, 2011, the Food Safety and Standards Authority of India (FSSAI) published "[ad-hoc guidelines related to imported food clearance process by FSSAI's Authorized Officers](#)." According to these ad-hoc instructions:

"Information on veg/non veg logo and name and address of the importer are mandatory labeling requirements for imported food products and are considered rectifiable labeling deficiencies, as these are not commonly practiced globally. Such information, if missing on the imported food consignments, can be affixed by the Importer/Custom House Agent upon arrival of import on Indian shores however strictly in custom bond warehouses. In this context, the labeling requirements which are not-rectifiable are name of manufacturer, list of ingredients, name and address of manufacturer, date of manufacture, best before date or expiry date, batch no or code no. or lot no, net weight or volume, and nutritional information, in accordance with the provisions of the labeling regulations". (See GAIN IN1002 for more information)

Following the October 13, 2011 guidelines, on December 21, 2011, the FSSAI issued a corrigendum

amending regulation 2.6 on the ‘exemptions from labeling requirements’ of the [Food Safety and Standards \(packaging and labeling\) regulations, 2011](#). According to the amendment, wholesale packages are no longer exempted from labeling particulars, to wit: list of ingredients, date of manufacture/ packing, best before, expiry date, vegetarian logo/non vegetarian logo, and name and address of the importers. Packages for individual retail that are labeled in accordance with these requirements satisfy the regulation, however, so that the carton or other container in which said packages are shipped (“multi-piece package”) is exempted from the labeling requirement.

Therefore, wholesale/bulk shipments arriving in India will now have to be labeled with:

- List of ingredients,
- Date of manufacture/ packing,
- Best before date/expiration date,
- Vegetarian logo/non-vegetarian logo,
- Lot Number or Batch Number or Code Number,
- Name and address of importer and manufacturer,
- Country of origin

Note: This regulatory change, along with the ad hoc guidelines for imported food clearance (released on October 13, 2011), requires that all labeling information must be printed on the wholesale package. An exception can be made for veg/non-veg identification and the name and address of importer, which can be rectified with a sticker. In addition, however, a revised lower Maximum Retail Price is permissible as sticker label, according to the [Legal Metrology \(packaged commodities\) rules, 2011](#))

Post comments: Post emphasizes that exporters and importers are responsible for ensuring that the food products entering India from the United States are in full compliance with Indian food laws.

For more information on labeling laws in India please refer to Appendix I.

APPENDIX-I

Section I- Labeling Requirements of packaged food products (domestic and imported)

General Requirements: General requirements for labeling of packaged foods are currently enshrined in Chapter 2 of the Food Safety and Standards Regulations and can be accessed at: [http://www.fssai.gov.in/Portals/0/Pdf/Food%20Safety%20and%20standards%20\(Packaging%20and%20Labelling\)%20regulation,%202011.pdf](http://www.fssai.gov.in/Portals/0/Pdf/Food%20Safety%20and%20standards%20(Packaging%20and%20Labelling)%20regulation,%202011.pdf).

According to the Food Safety and Standards (packaging and labeling) Regulations, 2011, ““Prepackaged” or “Pre-packed food”, means food, which is placed in a package of any nature, in such a manner that the contents cannot be changed without tampering it and which is ready for sale to the consumer. The expression “package” wherever it occurs in these Regulations, shall be construed as package containing pre-packed food articles.”

The Food Safety and Standards (packaging and labeling) Regulations, 2011 require that every package

of food shall carry the following information on the label:

- The trade name or description of the food item.
- List of ingredients, except for single ingredient foods.
- Nutritional Information.
- Veg and Non veg declaration:

-Vegetarian food must have a symbol of a green color-filled circle inside a square with a green outline prominently displayed on the package, contrasting against the background on the principal display panel, in close proximity to name or brand name of the food

-Non-vegetarian food (any food which contains whole or part of any animal including birds, marine animals, eggs, or products of any animal origin as an ingredient, excluding milk or milk products), must have a symbol of a brown color-filled circle inside a square with a brown outline prominently displayed on the package, contrasting against the background on the principal display panel, in close proximity to the name or brand name of the food.

Provided that the provisions shall not apply in respect of mineral water or packaged drinking water or carbonated water or alcoholic drinks, or liquid milk and milk powders

- Declaration regarding food additives (colors/flavors).
- Name and complete address of the manufacturer.
- Net content by weight, volume or number; drained weight (for food packed in liquid medium).
- Distinctive lot number or code number or batch number.
- Date, month, and year of manufacturing or packing.
- Best before and Use by date.

Provided further that the declaration of best before date for consumption shall not be applicable to:

(i) Wines and liquors

(ii) Alcoholic beverages containing 10 percent or more by volume of alcohol

Maximum Retail Price (MRP)

There are special labeling requirements for certain packaged food items, such as infant foods, condensed milk, milk powder, blended vegetable oils, etc. A detailed account of all packaging and labeling regulations, along with applicable conditions and the manner of labeling is available in Chapter 2 of the Food Safety and Standards Regulations and can be accessed at:

[http://www.fssai.gov.in/Portals/0/Pdf/Food%20Safety%20and%20standards%20\(Packaging%20and%20Labelling\)%20regulation,%202011.pdf](http://www.fssai.gov.in/Portals/0/Pdf/Food%20Safety%20and%20standards%20(Packaging%20and%20Labelling)%20regulation,%202011.pdf).

B. Requirements specific to labeling of imported food: In the case of imported packaged food, all declarations must be printed in English or Hindi (Devanagari script). The responsibility for labeling lies with the importer, and should be done before products are presented for customs clearance. Products exhibiting only a standard U.S. label will not be allowed to enter.

Per Notification No. 44 (RE-2000)/1997-2002, issued by the Directorate General of Foreign Trade (DGFT), Ministry of Commerce and Industry, on November 24, 2000, **all packaged commodities, including packaged food, imported into India shall in particular carry the following declarations,**

according to Standards of Weights and Measures (Packaged Commodities) Rules, 1977 (now [Legal Metrology \(packaged commodities\) Rules, 2011](#)):

- Name and complete address of the importer in India (Explanation III of sub-rule 6 of legal Metrology packaged commodities rules suggests that in respect of packages containing food articles, the requirement of the Prevention of Food Adulteration Act/ Food Safety and Standards Regulations shall apply) .
- Generic or common name of the commodity packed.
- Net quantity in terms of standard units of weights and measures. If the net quantity of the imported package is given in any other unit, its equivalent terms of standard units shall be declared by the importer.
- Month and year in which the commodity is manufactured/packed, or imported (Provided that for packages containing food articles, the provisions of the prevention of food adulteration act/ Food Safety and Standards Regulations shall apply).
- The Maximum Retail Price (MRP) at which the commodity, in packaged form, may be sold to the ultimate consumer. This price shall include all taxes, local or otherwise, freight, transport charges, commission payable to dealers, and all charges towards advertising, delivery, packing, forwarding, and any other relevant charges.

The full notification is available at: <http://dgftcom.nic.in/exim/2000/not/not00/not4400.htm>

C. Country of Origin Labeling (COOL) regulations:

According to Chapter 2: PACKAGING AND LABELING REGULATIONS, Part 2.2.2 (11): Labeling of Pre-packaged Foods of Food Safety and Standards Regulations 2011

“Country of origin for imported food: (i) The country of origin of the food shall be declared on the label of food imported into India. (ii) When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.”

Provided further that “where any food article manufactured outside India is packed or bottled in India, the package containing such food article shall also bear on the label, the name of the country of origin of the food article and the name and complete address of the importer and the premises of packing or bottling in India.” (Part 2.2.2 (6))

India specifies that imported pre-packaged food products must meet India’s country of origin food labeling requirements at the Port of entry. Imported bulk food items sold in loose or unpackaged form (almonds, apples, grapes, peas and lentils, etc.) must have an accompanying certificate that specifies country of origin. However, there is currently no requirement to label imported loose or unbranded products at the retail point of sale.

D. Requirements specific to labeling of Nutritional information

According to the Food Safety and Standards (Packaging and Labeling) Regulations, 2011, every package of food is required to have following additional nutritional information per 100 gram or 100 ml or per serving on the label:

- Energy value in kcal.
- Amount of protein, carbohydrates (specify quantity of sugar) and fat in gram or milliliter.
- Amount of any other nutrient for which nutrition or health claim is made.
- Numerical information on vitamins and minerals.

Raw agricultural commodities, spice mixes, condiments, non-nutritive products, alcoholic beverages, fruits and vegetables, processed pre-packaged vegetables and fruits, etc. are exempted from nutritional labeling requirements.

E. Labeling requirements wherever applicable:

Wherever applicable the product label should also contain the following:

- The purpose of irradiation and license number, in case of irradiated food.
- Instructions for use, if necessary, to ensure correct utilization of the food

F. Labeling requirements for Proprietary Food

Proprietary food, according to Indian definition is a food which has not been standardized under the Food Safety and Standards Regulations, 2011. In addition to complying with labeling requirements specified under the [Food Safety and Standards \(Packaging and labeling\) Regulations, 2011](#), these foods should also conform to the following requirements:

The name describing as clearly as possible, the nature or composition of food and/or category of the food under which it falls in these Food Safety and Standards Regulations, 2011, shall be mentioned on the label.

These foods should comply with all other regulatory provisions specified in the [Food Safety and Standards \(food product standards and food additives\) Regulations, 2011](#) and in Appendices (Appendix A on List of Food additives and Appendix B on Microbiological Requirements) to these Regulations.

G. Specific Requirements/ Restrictions on manner of labeling

Labeling of infant milk substitute and infant food:

The container should indicate in capital letters “MOTHER’S MILK IS BEST FOR YOUR BABY”. No containers or label referred relating to infant milk substitute or infant food shall have a picture of infant or women or both.

Labeling of edible oils and fats:

The package, label or the advertisement of edible oils and fats shall not use the expressions “Super-Refined”, “Extra-Refined”, “Micro-Refined”, “Double-Refined”, “Ultra-Refined”, “Anti-Cholesterol”, “Cholesterol Fighter”, “Soothing to Heart”, “Cholesterol Friendly”, “Saturated Fat Free” or such other expressions which are an exaggeration of the quality of the Product.

For more details on labeling please refer [Food Safety and Standards \(Packaging and labeling\) Regulations, 2011](#).

Section II: About Legal Metrology (Packaged Commodities) Rules, 2011:

The Legal Metrology (LM) act, 2009 repealed the Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Enforcement) Act, 1985. It was enforced on March 1, 2011. The LM act establishes uniform standards of weights and measures regulate trade in weights, and other goods which are sold or distributed by weight, measure or number. The act also established the Legal Metrology (Packaged Commodities) Rules 2011, which were enforced on April 1, 2011. According to these rules, manufacturing, packing, selling or importing any pre-packaged commodity is prohibited unless it is in a standard quantity and carries all prescribed declarations (Please refer Section 18(1) of the rules, 2011). The Department of Consumer Affairs, located within the Ministry of Consumer Affairs, Food, and Public Distribution, is the regulatory authority. The entire text of the **Legal Metrology Act, 2009, and the Legal Metrology (Packaged Commodities) Rules, 2011**, and related notifications, can be accessed from the website of the Department of Consumer Affairs at the [Legal Metrology Act, 2009, the Legal Metrology \(Packaged Commodities\) Rules, 2011](#), and the [Legal Metrology \(Packaged Commodities\) Rules \(Amendment\) 2011](#). Importers of packaged food products are expected to adhere to the provisions of these acts.

Please note as well the following Legal Metrology (packaged commodities) Rules, 2011, in the context of labeling of packaged food commodities:

Rule 6(3): It shall not be permissible to affix individual stickers [labels] on the package for altering or making declaration required under these rules:

Provided that for reducing the Maximum Retail Price (MRP), a sticker with the revised lower MRP (inclusive of all taxes) may be affixed and the same should not cover the MRP declaration made by the manufacturer or the packer as the case may be, on the label of the package.

Rule 6(4): It shall be permissible to use stickers for making any declarations other than the declaration required to be made under these rules.

The Legal Metrology (packed commodities) rules, 2011, also emphasize that clause (a) and clause (d) of Rule 6(1) will be replaced by provisions of Food Safety and Standards (Packaging and labelling) Regulations, 2011 for packages containing food articles. For details please refer to [Legal Metrology \(packaged commodities\) rules, 2011](#)

