

Bill No. 190 of 2022

**THE FOOD SAFETY AND STANDARDS (AMENDMENT)
BILL, 2022**

By

DR. DNV SENTHILKUMAR S., M.P.

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BILL

further to amend the Food Safety and Standards Act, 2006.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Food Safety and Standards (Amendment) Act, 2022.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification

5 in the Official Gazette, appoint.

Amendment of section 3.	<p>2. In section 3 of the Food Safety and Standards Act, 2006 (hereinafter referred to as the principal Act), in sub-section (I),—</p> <p>“(a) after clause (c), the following clause shall be inserted, namely:—</p> <p>“(ca) “child” means a boy or a girl who has not attained the age of sixteen years;”;</p> <p>(b) after clause (h), the following clause shall be inserted, namely:—</p> <p>“(ha) “diabetes” means a non-communicable disease that occurs either when pancreas does not produce sufficient insulin or when the body becomes resistant to insulin and leads to serious damage to the heart, blood vessels, eyes, kidneys and nerves;”;</p> <p>(c) after clause (zs), the following clause shall be inserted, namely:—</p> <p>“(zsa) “soft drink” means water based flavored drink usually with added carbon dioxide and natural or synthetic sweeteners used interchangeably with carbonated drinks or aerated drinks or sweetened beverages and includes,—</p> <p>(i) soda;</p> <p>(ii) cola;</p> <p>(iii) carbonated water;</p> <p>(iv) juice;</p> <p>(v) nectar;</p> <p>(vi) syrup;</p> <p>(vii) still drinks;</p> <p>(viii) ready to drink caffeine containing beverages;</p> <p>(ix) sports drinks; and</p> <p>(x) energy drinks;”.</p>	34 of 2006 5 10 15 20
Insertion of new Chapter IIA.	<p>3. After Chapter II of the principal Act, the following Chapter and sections thereunder shall be inserted, namely:—</p> <p style="text-align: center;">“CHAPTER IIA REGULATION OF SALE OF SOFT DRINKS CAUSING DIABETES AMONGST CHILDREN</p>	25
Labelling of soft drinks.	<p>17A. The soft drink containing high sugar, calories, saturated fat or any other ingredient beyond limits stipulated and detrimental to health and causing diabetes of children shall bear label warning about the presence of excess ingredient in black bold letters.</p>	30
Prohibition of sale of soft drinks to child.	<p>17B. The sale of soft drinks as labelled under 17A to any child shall be prohibited.</p>	
Prohibition on advertising of labelled soft drink.	<p>17C. All soft drink labelled under section 17A shall not be advertised in print, television or any other form targetting children below the age of sixteen years.</p>	35
Imposition of sugar tax for sale of labelled soft drink.	<p>17D. Whoever sells a labelled soft drink in contravention of the provisions of this Chapter shall be imposed such rate of sugar tax as the Central Government may, in consultation with State Governments specify.</p>	
Punishment for advertisement of labelled soft drink.	<p>17E. Whoever advertises a labelled soft drink in contravention of provisions of this Chapter shall be punished with imprisonment for a term which may extend upto Six months and fine which may extend upto rupees twenty-five thousand .”.</p>	40

STATEMENT OF OBJECTS AND REASONS

In the recent past Center for Science in the Public Interest (CSPI) an United States based health advocacy group in its report titled “Carbonating the World” says “producers of sugar-sweetened beverages are investing heavily in low and middle income countries in the wake of declining sales in wealth and developed countries”. As various laws of the land ensures freedom to conduct business and trade but it has to come up with reasonable restriction. The point which pricks the conscience is that always developing countries has been seen as dumping yard for goods which did not sell properly in those countries and shift to low and middle income countries. The same happened when cigarette sales sagged in the United States where companies were swiftly shifting to developing countries. Specifically the multinational companies spend several billion dollars in the country such as Brazil, China, India and Mexico in the entire process of soft drinks making and advertize their product to maximize the sales. Indian soft drinks industry has an annual sale of more than US \$ 10 billion and about to grow six to seven per cent. annually.

India is experiencing increased consumption of sugar-sweetened carbonated drinks as recent statistics released by International Diabetes Federation (IDF) shows that 77 million adults living with diabetes. In past edition of same IDF has estimated that 1,28,500 children and adolescents with diabetes in India. According to a study published in the Indian Journal of Endocrinology and Metabolism it has estimated that India is home to about 97,700 children with Type-1 diabetes mellitus. If we consider under-reporting or not reporting the actual figures may be higher. Type-1 diabetes in the children means is that their body no longer produces insulin which needed to regulate blood sugar. Usually Type-1 diabetes occur at adolescence age precisely at 14-16 years of age.

Consuming sugar-sweetened carbonated drinks is major reason for Type-2 diabetes among overweight or obese children. Quoting from WHO e-LENA by Director of Policy, World Obesity Federation, London UK “... consumption of sugar-sweetened beverages has been suggested as a contributory factor to the rising levels of childhood obesity or overweight...” which in turn result in cause of Type-2 diabetes a case where body produces insulin but not able to use it or often called as insulin resistance. Drinking sugar-sweetened beverages contribute to increase weight gain. WHO recommends 6 teaspoon of sugar a day which is approximately 25 g of sugar. A half litre of sugary carbonated drinks contributes about 80% of recommended added sugars to be consumed in a day. Consumption rapidly increases blood sugar levels and this can lead to tiredness and increased hunger even in people without diabetes, so it has to be looked in a comprehensive way that restrict the sales of soft drinks for reducing the risk of Type-1 diabetes of all type.

The proposed Bill foresees two pronged approach in restricting the sales of soft drinks. Firstly, applying sugary tax in India as is being followed in more than fifty countries. As India also has high tax on aerated beverages as high as twenty-eight per cent. GST but the need is to tax all type of soft drinks and spend the amount received from tax on health and nutritional aspect. Secondly, restricting the advertisement of soft drinks targeting children and adolescence, who may not be aware of persuasive intent. There is evidence that restriction of child-focused advertisement on sugary sweetened beverages improved child dietary habits and decrease soft drink consumption. The consumption of soft drinks or sugar-sweetened beverages or carbonated or aerated drinks among children who may not have the awareness to know the persuading intent is often resulting in regular

consumption of soft drinks among children below sixteen years has to be restricted by keeping their health potential and reduce the risk of diabetes among them.

Hence this Bill.

NEW DELHI;

DNV SENTHILKUMAR S.

November 26, 2021.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1) AND 274(1)
OF THE CONSTITUTION

[Copy of letter No. P.15025/159/2021-FR dated 22 September, 2022 from Dr. Mansukh Mandaviya, Minister of Health and Family Welfare and Chemicals and Fertilizers to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Food Safety and Standards (Amendment) Bill, 2022 (*Amendment of Section 3, etc.*) by Dr. DNV Senthilkumar S., Member of Parliament, has recommended for introduction of the Bill under articles 117(1) and 274(1) of the Constitution in Lok Sabha.

ANNEXURE

EXTRACT FROM THE FOOD AND SAFETY STANDARDS ACT , 2006.

(34 OF 2006)

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3. (I) In this Act, unless the context otherwise requires,— Definitions.

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(c) “Chairperson” means the Chairperson of the Food Authority;

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(h) “Designated Officer” means the officer appointed under section 36;

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(zs) “sample” means a sample of any article of food taken under the provisions of this Act or any rules and regulations made thereunder;

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LOK SABHA

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further to amend the Food Safety and Standards Act, 2006.

(Dr. DNV Senthilkumar S. , M.P.)