

Bill No. CIII of 2022

THE FOOD SAFETY AND STANDARDS (AMENDMENT) BILL, 2022

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BILL

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

BE it enacted by the 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.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 3 of the Food Safety and Standards Act, 2006 (hereinafter referred to as the principal Act),— Amendment of section 3.

(i) after clause (b), the following clause shall be inserted, namely:—

10 "(ba) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;"

(ii) after clause (c), the following clause shall be inserted, namely:—

"(ca) "child" means a boy or a girl who has not attained the age of eighteen years";"

(iii) after clause (g), the following clause shall be inserted, namely:—

"(ga) "Council" means the Nutrition Council constituted under section 17A;" and

(iv) after clause (h), the following clause shall be inserted, namely:—

"(ha) "educational institution" includes—

(i) a school established, owned or controlled by the appropriate Government or a local authority; or

(ii) a school receiving aid or grants from the appropriate Government or the local authority to meet whole or part of its expenses; or

(iii) a school belonging to specified category; or

(iv) an unaided school not receiving any kind of aid or grants to meet its expenditure; or

(v) an educational institution managed by a private entity, society or a trust, which imparts elementary education;"

Insertion of new Chapter IIA.

3. After Chapter II of the principal Act, the following Chapter and sections thereunder shall be inserted, namely:—

"CHAPTER IIA

REGULATION OF SALE AND ADVERTISING OF FOOD PRODUCTS CAUSING OBESITY AMONGST CHILDREN

Establishment of Nutrition Council.

17A. The Central Government shall, by notification in the Official Gazette, establish a council to be known as the Nutrition Council to regulate sale and advertising of food products which cause obesity amongst children.

Composition of the Nutrition Council.

17B. The council shall consist of—

(a) the Union Minister of Health and Family Welfare, chairperson, *ex-officio*;

(b) **not more than six members having expertise in medicine with at least fifteen years of experience in handling issues related to nutrition and child health;**

(c) one expert each in the field of labeling and claims, advertisement, food additives, processing aids;

(d) one member from the Union Ministry of Women and Child Development not below the rank of Joint Secretary;

(e) three eminent personalities from medical fraternity; and

(f) two Members of Parliament to be nominated, one each from Rajya Sabha and Lok Sabha.

Functions of the Council.

17C. The Council shall—

(a) lay down policies and principles to regulate sale and advertising of food products causing obesity amongst children;

(b) determine its procedure in the performance of its functions;

- (c) admit any complaints regarding non-implementation of its policies; and
 (d) initiate action for violating provisions of this Chapter.

17D. The Central Government shall provide such number of officers and other employees to the Council as may be necessary for efficient discharge of its functions.

Central Government to provide officers and employees.

5 **17E.** All food products containing high sugar, calories, sodium, saturated fat or any other ingredient present in food products beyond limits stipulated and detrimental to health of children shall bear label warning in black bold letters about the presence of excess ingredients.

Labeling of food products by the Council

10 **17F.** All food products labelled under section 17E shall not be sold within a radius of one kilometer of an educational institution and shall not to be sold to minor children.

Prohibition of sale of labelled food products near educational institutions.

17G. All food products labelled under section 17E shall not be advertised in print, television or any other form targeting children below the age of eighteen years.

Prohibition on advertising of labelled food products.

15 **17H. (1) Whoever sells a labelled food product in contravention of the provisions of this chapter shall be punished with imprisonment for a term which may extend upto three years and fine which may extend up to ten lakh rupees.**

Punishment for sale and advertisement of labelled food products.

(2) whoever advertises a labelled food product in contravention of provisions of this chapter shall be punished with imprisonment for a term which may extend upto two years and fine which may extend upto ten lakh rupees."

Punishment for advertisement of labelled food products.

STATEMENT OF OBJECTS AND REASONS

Increasing exposure to variety of fast foods has led to rise in consumption of food products which are largely detrimental to the health of persons. While adults can recognize the harmful effects, the targeted advertising of such unhealthy food products towards younger population has led to poor lifestyle standards amongst youth. There is a need to regulate the sale and advertising of such food products so as to save children from their harmful effects.

Childhood obesity is a major challenge in the battle against rising rate of non-communicable diseases in India. The prevalence of overweight and obesity amongst children and adolescents aged 5 to 19 has risen dramatically from just 4% in 1975 to over 20% in 2020. The rise has occurred similarly amongst both boys and girls. In 2020, 20% of girls and 21% of boys were overweight. The fundamental cause of obesity and overweight is an energy imbalance between calories consumed and calories expended. Globally, there has been an increased intake of energy-dense foods that are high in fat and sugars; and an increase in physical inactivity due to the increasingly sedentary nature of many forms of work, changing modes of transportation, and increasing urbanization.

Changes in dietary and physical activity patterns are often the result of environmental and societal changes associated with development and lack of supportive policies in sectors such as health, agriculture, transport, urban planning, environment, food processing, distribution, marketing and education.

While India is already facing strong challenge in providing affordable healthcare access to its citizens, the effects of poor lifestyle habits amongst its urban citizens adds further burden on the country's resources. The establishment of the Nutrition Council under the Ministry of Health and Family Welfare with adequate representation of professionals will be vital in regulating the use of ingredients resulting in obesity. A warning label on food products having more than the permissible limit of certain ingredients too caution the consumers about their ill-effects should be made mandatory.

It is also necessary to place restriction on advertisement of food products which cause obesity and sale of such food products near educational institutions. The Bill, accordingly, seeks to amend the Food Safety and Standards Act, 2006 with a view to reduce consumption of unhealthy food products by children.

Hence, this Bill.

KANIMOZHI NVN SOMU.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to constitute the Nutrition Council to regulate the sale and advertising of food products which cause obesity amongst children and provides for appointments of experts, officers and employees thereto. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about one hundred crore rupees per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about two hundred crore rupees is also likely to be involved.

ANNEXURE

EXTRACTS FROM THE FOOD SAFETY AND STANDARDS ACT, 2006

(No. 34 of 2006)

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Definitions.

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

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(b) "advertisement" means any audio or visual publicity, representation or pronouncement made by means of any light, sound, smoke, gas, print, electronic media, social media networks, internet or website and includes through any notice, circular, label, wrapper, invoice or other documents;

(c) "Chairperson" means the Chairperson of the Food Authority;

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(g) "contaminant" means any substance, whether or not added to food, but which is present in such food as a result of the production (including operations carried out in crop husbandry, animal husbandry or veterinary medicine), manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food or as a result of environmental contamination and does not include insect fragments, rodent hairs and other extraneous matter;

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

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

(Dr. Kanimozhi NVN Somu, M.P.)