

Government of India
Ministry of Consumer Affairs, Food and Public Distribution
Department of Consumer Affairs

LOK SABHA
UNSTARRED QUESTION NO. 2472
TO BE ANSWERED ON 21.12.2022

STRICT TESTING OF FOOD ITEMS

2472. SHRI P.V. MIDHUN REDDY:

Will the Minister of **CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्री be pleased to state:

- (a) whether it is a fact that the number of samples non-conforming to food standard regulations increased between 2016 and 2020, if so, the details thereof;
- (b) whether it is also a fact that the number of convictions from subsequent court cases decreased from 1,605 to 821 in the aforesaid period, if so, the reasons therefor;
- (c) the steps taken by the Government to enforce strict testing and analysis of food items;
- (d) whether the Government has made any moves to enable the presence of the Food Safety and Standards Authority of India (FSSAI) in at least 10 more ports and trade centres;
- (e) if so, the details thereof; and
- (f) the additional steps that have been taken to ensure that food business operators comply with quality parameters for food stored in godowns?

ANSWER

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण राज्य मंत्री
(श्री अश्विनी कुमार चौबे)

THE MINISTER OF STATE
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(SHRI ASHWINI KUMAR CHOUBEY)

(a) & (b) : Food Safety and Standards Authority of India (FSSAI), under the Ministry of Health & Family Welfare, Government of India is mandated to lay down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import to ensure availability of safe and wholesome food for human consumption.

The implementation and enforcement of Food Safety and Standards (FSS) Act 2006, and the Rules and Regulations framed thereunder primarily lies with the State/UT Governments. In this regard, regular surveillance, monitoring, inspection and random sampling of food products are being carried out by the officials of Food Safety Departments of the respective States/UTs to check compliance of the provisions laid down under the Food Safety and Standards Act, 2006 and the Rules and Regulations framed thereunder. In cases of non-compliance of the provisions of the FSS Act 2006 or the rules and regulations made thereunder, penal action has been initiated against the defaulting Food Business Operators (FBOs) as per the provisions of the FSS Act 2006.

The details of samples found to be non-conforming to the prescribed standards, the number of cases launched and the subsequent convictions made between 2016 and 2020 are as below:

FY	No. of samples found to be non-conforming	Number of cases launched against defaulting FBOs			No. of cases decided/ convictions		
		Civil	Criminal	Total	Civil	Criminal	Total
2016-17	14,130	9,392	1,248	10,640	3,978	1,596	5,574
2017-18	24,262	13,615	1,506	15,121	7,627	5,198	12,825
2018-19	30,415	18,550	2,813	21,363	12,734	701	13,435
2019-20	29,192	27,412	4,681	32,093	16,881	821	17,702

(c) : FSSAI ensures strict testing and analysis of food items by undertaking the following steps:

1. FSSAI follows a set procedure to notify food testing laboratories under section 43(1) for the purpose of carrying out analysis of the sample by the Food Analyst under the FSS Act, 2006. No lab other than those notified by FSSAI is eligible to test regulatory sample so that integrity of the testing can be maintained. As on date, there are 225 primary labs available in the country for food testing. FSSAI also notifies referral food lab under section 43(2) for carrying out the re-analysing of referral samples that have been found to be non-conforming in the primary labs and challenged by the FBO. There is a procedure for suspension of labs as well. In cases where a laboratory is found to be incompetent and is found not following the guidelines of clause 10 of FSSR Recognition and Notification of Laboratories Regulation, 2018, the laboratory is immediately de notified or de recognized by FSSAI.

2. Testing is done as per the test methods adopted by the food authority from time to time under Section 16 (2) (f) of the FSS Act, 2006 to maintain uniformity and transparency of the test results.

3. All the primary notified labs and referral labs have to compulsorily submit their test reports on INFOLNET 2.0 which is the centralized lab management system of FSSAI. Reports are randomly checked by FSSAI for monitoring and compliance.

4. There are Food Analysts in the labs either notified by FSSAI or by the state/UTs who are the sole signing authority of the lab reports and issue reports on the basis of standards/norms prescribed for the respective food products.

5. FSSAI has also provided technical and financial support to these labs and capacity building of their manpower is also being taken care of.

(d) and (e) : FSSAI has recently established new import offices at Mundra, Kandla, Ahmedabad, Mangalore, Hyderabad, Vishakhapatnam and Bengaluru. Presently, FSSAI directly covers 61 Point of Entries for the purpose of food import clearance.

(f) : Section 31(1) of the FSS Act, 2006 provides that no person shall commence or carry on any Food Business except under a license. All the Food Business Operators (FBOs) including the ones engaged in storage of food products have to comply with the prescribed standards as specified under these regulations. Further, FSSAI has comprehensively specified generic and specific sanitation and hygiene practices in Schedule 4 of Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 to be followed by all the Food Business Operators.

Further, the surveillance of Food Business Operators is conducted regularly through intensive surveillance drives by the States/UTs as per their surveillance plans. Penal action has been initiated against the defaulting Food Business Operators (FBOs) by the Food Safety Officers of States/UTs as per the provisions of the FSS Act, 2006, and the rules and regulations made thereunder.
