

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

LOK SABHA
UNSTARRED QUESTION NO. 1703
TO BE ANSWERED ON 13.12.2023

ADULTERATED ITEMS IN MARKET

1703. SHRI DILESHWAR KAMAIT:

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

- (a) whether the Government has considered to control and take action against those shopkeepers and businessmen who sell adulterated items in the market by displaying more advertisement by all means in the country;
- (b) if so, the details of the number of licenses cancelled in this regard during the last three years and the current year, State/UT-wise;
- (c) if so, the action taken against shopkeepers and businessmen and the provisions made by the Government to handle such issues; and
- (d) if not, the reasons therefor?

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) : Food Safety and Standards Authority of India(FSSAI) through State/UTs and its Regional Offices conduct regular surveillance, monitoring, inspection and random sampling of food products, including protein supplements, to check compliance of said standards as per the provisions of Food Safety and Standards Act 2006 (FSS Act, 2006), Rules and Regulations made thereunder.

In cases where the food samples are found to be non-conforming, penal actions are initiated against the defaulting Food Business Operators as per provisions of FSS Act, 2006 and Rules and Regulations made thereunder.

Further, monitoring is done w.r.t compliance as per Food Safety and Standards (Labelling and Display) Regulations, 2020 and Food Safety and Standards (Advertising and Claims) Regulation, 2018 and appropriate action is taken against the defaulters as mentioned above.

The Department of Consumer Affairs (DoCA) administers the Consumer Protection Act, 2019 which has been enacted to protect the rights and interests of consumers. Section 90 and 91 of the Consumer Protection Act, 2019 provide for punishment for manufacturing for sale or for storing or selling or for distributing or importing any product containing an adulterant or spurious goods, which includes imprisonment or fine depending on the extent of injury to the consumer.

To safeguard consumers from unfair trade practices in e-commerce, the Department of Consumer Affairs has also notified the Consumer Protection (E-commerce) Rules, 2020 under the provisions of the Consumer Protection Act, 2019. These rules inter-alia outline the responsibilities of e-commerce entities and specify the liabilities of marketplace and inventory e-commerce entities, including provisions for customer grievance redressal.

Under the provisions of the Consumer Protection Act, 2019, the Central Consumer Protection Authority (CCPA) has been established w.e.f 24.07.2020 to regulate matters relating to violation of rights of consumers, unfair trade practices and false or misleading advertisements which are prejudicial to the interests of public and consumers as a class.

The CCPA has notified the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022 on 9th June, 2022. These guidelines inter-alia provide for; (a) conditions for an advertisement to be non-misleading and valid; (b) certain stipulations in respect of bait advertisements and free claim advertisements; and (c) duties of manufacturer, service provider, advertiser and advertising agency.

The Bureau of Indian Standards (BIS) has notified framework on 'Online Consumer Reviews — Principles and Requirements for their Collection, Moderation and Publication' on 23.11.2022 for safeguarding and protecting consumer interest from fake and deceptive reviews in e-commerce. The standards are voluntary and are applicable to every online platform which publishes consumer reviews. The guiding principles of the standard are integrity, accuracy, privacy, security, transparency, accessibility and responsiveness.

(b) : FSSAI has informed that the licenses cancelled in last 03 years due to non-compliance/ violation/contravention of mandated under FSSR is given under:

License Type	FY 2021-22	FY 2022-23	FY 2023-24 (till 08.12.2023)
Central License	2	9	1
State License	255	505	349

(c) & (d) : In cases where the food samples are found to be non-conforming, penal actions (adjudication/prosecution) are initiated against the defaulting Food Business Operators as per provisions of FSS Act, 2006 and Rules and Regulations made thereunder
