

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

LOK SABHA
UNSTARRED QUESTION NO. 3818
TO BE ANSWERED ON 17.03.2020

MISLEADING ADVERTISEMENTS

3818. SHRI HIBI EDEN:

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 is seriously considering strict action against those issuing misleading advertisements regarding food supplements exclusively for body builders;
- (b) if so, whether the Government has taken any steps in this regard till date;
- (c) if so, the details thereof and if not, the reasons therefor;
- (d) whether it is a fact that in the absence of stringent provisions, misleading advertisements of food supplements aimed at muscle growth are spreading very fast; and
- (e) if so, the details thereof and the steps being taken in this regard?

ANSWER

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण राज्य मंत्री
(श्री दानवे रावसाहेब दादाराव)

THE MINISTER OF STATE
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(SHRI DANVE RAOSAHEB DADARAO)

(a) to (e) : Ministry of Health & Family Welfare has informed that Food Safety and Standards Authority of India (FSSAI) has notified the Food Safety and Standards (Advertising and Claims) Regulations on 19.11.2018. These regulations are aimed at establishing fairness in claims and advertisements of food products and make food businesses accountable for such claims/advertisements so as to protect consumer interests.

Many claims, listed in various schedules of these regulations with related criteria, are permitted to be made by food business operators without the need for seeking prior approval from the food regulator. However, other types of claims not standardized under these regulations require approval from the Food Authority and should be supported with sound scientific basis.

These regulations contain several sections detailing definitions; general principles for claims and advertisements; criteria for nutrition claims (including nutrient content or nutrient comparative claims), non-addition claims (including non-addition of sugars and sodium salts) health claims (reduction of disease risk), claims related to dietary guidelines or healthy diets, and conditional claims; claims that are specifically prohibited; and procedures for approval of claims and redressal of non-compliance under these regulations.

Moreover, FSSAI has notified Food Safety and Standards (Health Supplements, Nutraceuticals, Food for Special Dietary Use, Food for Special Medical Purpose, Functional Food and Novel Food) Regulations, 2016 on 23rd December, 2016 wherein specific requirements for labeling and claims for food or health Supplements, Nutraceutical products etc. have been prescribed. Food supplements need to comply with these conditions. For certain claims prior approval of Food Authority is required.

A detailed procedure for approval of claims is included in these regulations.

Any person , including a third party, who advertises or is a party to the publication of any misleading advertisement not complying with these regulations is liable to be penalised with a fine extending upto Rs. Ten lakh, as per Section 53 of the Food Safety and Standards Act, 2006.
