

October 22, 2024

FSSAI issues amendments in Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011.

On October 18, 2024, the Food Safety and Standards Authority of India ("FSSAI") issued the Food Safety and Standards (Prohibition and Restrictions on Sales) first Amendment Regulations, 2024 ("**FSSAI Regulations 2024**") to further amend the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 ("**FSSAI Regulations 2011**") published under the Food Safety and Standards Act, 2006 (the "**Act**"). These amendments were made by the FSSAI through the powers conferred under Section 92 of the Act. The FSSAI Regulations 2024 came into effect from October 21, 2024.

The key amendments introduced by the FSSAI Regulations 2024 are as follows:

I. Restrictions in respect of Multi-Source Edible Oil:

The FSSAI Regulations 2024 amends the third proviso under sub-regulation 2.1.1(5) of the FSSAI Regulations 2011, which prohibits the sale by any person, servant or agent of a mixture of two or more edible oils as an edible oil, stating that it does not apply to the Multi-Source Edible Oil, as specified under the clause 24 of Sub-regulation 2.2.1 of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011 ("**Food Additives Regulations**"). The Multi-Source Edible Oil under the Food Additives Regulations is an admixture of any two edible vegetable oils, where the proportion by weight of any edible vegetable oil used in the admixture is not less than 20 per cent.

Such blend of vegetable oils shall conform to the standards provided in the Food Additives Regulations and shall be clear, free from rancidity, suspended or insoluble matter or any other foreign matter, separated water, added colouring matter, flavouring substances, mineral oil, or any other animal and non-edible oils, or fats, argemone oils, hydrocyanic acid, castor oil and tricresyl phosphate. The amendment further provides that the Multi-Source Edible Oil must not be sold in a package which weighs more than 15 litres.

II. Restrictions on sale of ghee having less Reichert value:

Sub-regulation 2.3.8 of the FSSAI Regulations 2011 outlines the restrictions governing the sale of ghee based on its quality parameters, such as the Reichert value and Butyro-refractometer readings, with these values varying depending on the geographical regions.

ABOUT THE FIRM

AKS Partners (formerly known as A.K. Singh & Co) is a law firm based in New Delhi (India) that provides a comprehensive range of legal services and solutions to domestic and international clients. The Firm offers a unique blend of the local knowledge to apply the regulatory, economic, political and cultural context to legal issues and develop case strategies.

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Prior to these amendments, ghee with a lower Reichert value and a different standard for Butyro-refractometer reading at 400 C than the specified standards for the area in which it was imported for sale or storage was not permitted to be sold or stored in that area except under the 'AGMARK' seal. However, such ghee after opening the 'AGMARK' sealed container could be sold lose in quantities of up to two kilograms or used in confectionery. Further, sellers or confectioneries were required to submit a declaration, as provided in Form A of the FSSAI Regulations 2011, to the Food Safety Officer when a sample was taken by him for analysis under Section 47 of the Act and also to a purchaser desiring to have the sample analysed under Section 40 of the Act. If the ghee passed analysis, the ghee was not considered adulterated, even if it didn't meet the standards of the area where it was sold.

However, FSSAI Regulations 2024 removes all such restrictions on such ghee and its sale. Further, the abovementioned Form A has also been removed through the amendment.

III. Certification Marks:

The FSSAI Regulations 2024 removes the mandate for certain certification marks including the requirement of the Bureau of Indian Standards (BIS) Certification Mark on the manufacturing, selling, storing or exhibiting for sale food for infant nutrition, packaged drinking water and mineral water.

Further, the amendment removes the restriction on requirement of the Indian Standards Institution Certification Mark on condensed milk sweetened, condensed skimmed milk sweetened, milk powder, skimmed milk powder, partly skimmed milk powder and partly skimmed sweetened condensed milk.

Lastly, no 'AGMARK' certification shall be required on the labels of the Multi-source edible oil and fat spreads.

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AWARDS & RECOGNITIONS



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