

National Human Rights Commission

Diary No	15413/IN/2021	Case / File No	4227/90/0/2021
Victim Name	YOUTH, WOMEN AND CHILDREN	Registration Date	22/09/2021

Action List (Click on Action given in blue color to view details)

Action No.	Action	Authority	Action Date
6	Additional Information Called for	To:- THE DIRECTOR Ministry of Health and Family Welfare Food Safety and Standards Authority of India REGULATORY COMPLIANCE, 03rd and 04th Floor, FDA Bhawan, Kotla Road near Bal Bhawan New Delhi - 110002 India DELHI DELHI Email- rakeshkr.yadav@fssai.gov.in	31/05/2023
5	Additional Information Called for	THE CHIEF EXECUTIVE OFFICER, FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA, MINISTRY OF HEALTH & FAMILY WELFARE 03RD & 04TH FLOOR, FDA BHAWAN, KOTLA ROAD NEAR BAL BHAWAN NEW DELHI - 110002	20/07/2022
4	Additional Information Called for	THE SECRETARY - CONSUMER AFFAIRS & PUBLIC DISTRIBUTION, MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION DEPARTMENT GOVERNMENT OF INDIA, 49, KRISHI BHAWAN , NEW DELHI	09/02/2022
3	Additional Information Called for	THE CHIEF EXECUTIVE OFFICER, 03RD & 04TH FLOOR, FDA BHAWAN, KOTLA ROAD NEAR BAL BHAWAN NEW DELHI - 110002	09/02/2022
2	Other Direction by the Commission	NEW DELHI, DELHI	11/10/2021
1	Notice Issued	To:- THE SECRETARY - Health & Family Welfare Ministry of Health and Family Welfare Department of Health and Family Welfare Govt. of India, Near Udyog Bhawan Metro Station, Maulana Azad Road, New Delhi, Delhi NEW DELHI DELHI Email- secyhwf@nic.in TRANSFERRED TO FULL COMMISSION NEW DELHI DELHI Email- SOFC.NHRC@NIC.IN	11/10/2021

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Action : Additional Information Called for(Action No 6)

Action Date	31/05/2023
Authority	<p>To:- THE DIRECTOR Ministry of Health and Family Welfare Food Safety and Standards Authority of India REGULATORY COMPLIANCE, 03rd and 04th Floor, FDA Bhawan, Kotla Road near Bal Bhawan New Delhi - 110002 India DELHI DELHI Email- rakeshkr.yadav@fssai.gov.in</p>
Proceeding	<p>The instant matter pertains to a complaint received from the complainants, alleging that Non-Communicable Diseases (NCDs) are the major cause of morbidity and mortality in India. The packaged food is high in salt, fat and sugar which poses major risk factors for Obesity and NCDs. The petitioners also prayed for implementation of Nutrient Profile Model and Front of Packet Labelling (FOPL) regulation in India as it will help the food processing industry towards healthy food.</p> <p>These proceedings shall be read in continuation of earlier proceedings of the Commission dated 20.07.2022.</p> <p>Pursuant to the directions of the Commission, the Director, Regulatory Compliance Division, FSSAI vide a detailed letter dated 03.04.2023 has submitted that FSSAI had constituted a Consultative Group to draw consensus between the industry associations and consumer organizations on thresholds of fat, sugar and salt, as well as method of labelling to be used for Front-of-Pack Nutritional Labelling. The Consultative Group recommended to undertake a nation-wide survey for understanding consumer preferences in India and to review the categorization of foods for FOPNL. Accordingly, an MoU was signed with IIM, Ahmedabad in September, 2021 for the conduct of survey-based study on 'Consumer perceptions of different front-of-pack labels for packaged food among Indian population'. IIM Ahmedabad presented the report of survey in the stakeholders' meeting held on 15.02.2022, which recommended Star Rating as a model for achieving the careful combination of ease of identification and understanding and change of purchase behaviour of Indian consumers. Further, the categorisation of foods as well as thresholds for these categories was also recommended by the concerned Scientific Panel in the same meeting. Based on the decisions taken in the meeting, the recommendations made by the Scientific Panel as well as IIM, Ahmedabad have been incorporated under the FSS (Labelling and Display) Regulations, 2020 and the draft amendment notification has been published on 13.09.2022. It is further mentioned that the report dated 15.02.2022 submitted by IIM, Ahmedabad has concluded that they have conducted a first ever large scale randomized controlled trial within the complex socio-economic-demographic setting of the Indian consumers to determine which among the five Monochrome GDA, Nutri-Score, Warning Labels and Health Star Ratings (HSR)-is the easiest to understand and influences purchase intention. The results indicate that on an average the summary ratings of HSR and Warning Labels are the most preferred from the perspective of ease of identification, understanding, reliability and influence. Among the two, HSR appears more acceptable, clearly outdoing the nutrient specific formats, HSR finds greater support among the Southern, Central and Western regions of the country. MTL, was most preferred when it came to reflecting necessary health information and the presence of an unwanted nutrient, however, ranked low in other parameters. It is also observed that HSR has stronger performance on case of identification, understanding, reliability and lack of complexity specifically among the sub-populations which are of higher consequence to influencing purchases- females, individuals primarily responsible for grocery shopping, urban individuals, individuals that read labels presently, individuals who</p>

don't read labels because they are not aware of labels as well as individuals who do not want information about good nutrients on the FOPL (73% of total sample). The report mentions about some recommendations made by IIM, Ahmedabad.

The Director, Discipline Compliance Department, FSSAI also mentioned that comments of stakeholders have been received on draft notification and are under consideration of concerned scientific panel at FSSAI.

Meanwhile, the Commission received various communications from the complainant submitting more representations in the instant case focusing on the following points:

i) As reported, India is facing a public health crisis of so-called non-communicable diseases like obesity, diabetes, hypertension, cancers, kidney and heart diseases. It is said to begin as early as 5 years of age. Our thoughts go out to our near and dear ones whom we have lost early. Our thoughts go out to the future of our children.

(ii) One of the key reasons for this situation is the increased consumption of pre-packaged food products also known as ultra-processed foods. These products are such as Regular soft drinks, sport drinks, sweet biscuits, breakfast cereals, chocolate, and savory and sweet biscuits, chips etc. These are usually high in sugar/salt or fats.

(iii) FSSAI has put up a draft notification in this direction and invited public comments, which is a welcome step. A Front of package labeling of foods (FOPL) should be implemented at the earliest so that consumers can make an informed choice. It is also perceivable that vested interests might try to delay the notification due to their commercial interests.

(iv) However, The Amendment Regulation as of now may be a little misleading for the public at large as it plans to give "Stars" to junk food and call these healthy. This is even though the regulation has defined high fat, sugar, or salt foods (HFSS) as, if a product contains total sugar or saturated fat that provides more than 10% of total calories is considered High; as per WHO guidelines. These cut-offs may be used for FOPL.

(v) The concept that unhealthy food becomes healthy by adding fruits or nuts is flawed and has no basis in science. The Stars are assigned by a complex scoring system, that values positive factors such as fruit or nuts. This 'star rating' might mask many deleterious effects of these products and might convey the wrong message to the public.

(vi) In the best interest of public health, it would be appropriate for the FSSAI to inform people about which foods are high in food risk factors going by its definition and drop the idea of a star rating. An alert or a warning label is due where it is due to prevent the spread of these socially communicated diseases by curtailing the consumption of such foods mentioned above. This would be simple and truthful.

(vii) Also, the FSSAI proposal to allow four years to comply with the regulation is too liberal and should have been 6-12 months at the most given the urgency of action to reduce the consumption of unhealthy junk food products.

Let the recommendations made by the scientific panel as well as IIM, Ahmedabad be sent to the Director, Regulatory Compliance Division, Food Safety and Standards Authority of India, New Delhi with a request to consider the recommendations, communications on the various points received by the Commission while finalizing the notification. A report in this regard is expected within three months .

List the matter thereafter.

Complaint

Diary No	15413/IN/2021	Section	FC
Language	ENGLISH	Mode	HRCNET/ONLINE
Received Date	14/09/2021	Complaint Date	14/09/2021

Victim

Victim Name	YOUTH, WOMEN AND CHILDREN	Gender	Female
Religion	Unknown	Cast	Unknown
Address	ALL OVER INDIA		
District	ALL OVER INDIA	State	ALL OVER INDIA

Complainant

Name	SHRUTI NAGVANSHI AND SHIRIN SHABANA KHAN		
Address	SA 4/2 A DAULATPUR, VARANASI - 221002		
District	ALL OVER INDIA	State	ALL OVER INDIA (0)

Incident

Incident Place	ALL OVER INDIA	Incident Date	NA
Incident Category	MISCELLENOUS		
Incident District	ALL OVER INDIA	Incident State	ALL OVER INDIA
Incident Details			