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# Making a meal of food safety

**On Wednesday, while public attention was focused on pesticides in colas, the Rajya Sabha passed the Food Safety and Standards Bill. SONU JAIN looks at how the legislation could affect the average citizen**

• **What is the new Food Bill about?**

The bill lays down "science-based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import". This "integrated food law" will deal with all packaged and processed food. It will repeal seven existing laws including the present Prevention of Food Adulteration (PFA) Act and the Essential Commodities Act currently being administered by different ministries of the government

• **Who will control it now?**

The Bill proposes to establish the Food Safety and Standards Authority of India (FSSAI), which will be assisted by a central advisory committee, a scientific committee and a number of scientific panels. The standards would be enforced by the Commissioner of Food Safety of each state through Food Safety Officers.

There is still ambiguity on who will control it—the ministry of food processing industries or the ministry of health and family welfare. This decision has been left to the Prime Minister.

• **Does it provide any more food safety than what is now?**

Yes, it will cut down on red-tape with the setting up of a single authority but it's doubtful whether it will improve the shortcomings of the current food regulations and enforcement.

• **How would it impact the present controversy on pesticides in colas?**

Had the standards been set by the government/authority, it would have tested the samples in accredited labs and then fined the company for exceeding standards. The fine would be close to Rs 10 lakhs or imprisonment for up to two years.

• **What happens when pesticides are found in items for which no standards are set?**

The Bill doesn't specify how it will view pesticides. There are overlapping and confusing definitions of 'contaminants' or 'extraneous matter'. It will be open to interpretation in a similar situation.

• **Does it regulate water?**

The Bill doesn't require any specific standards for potable water

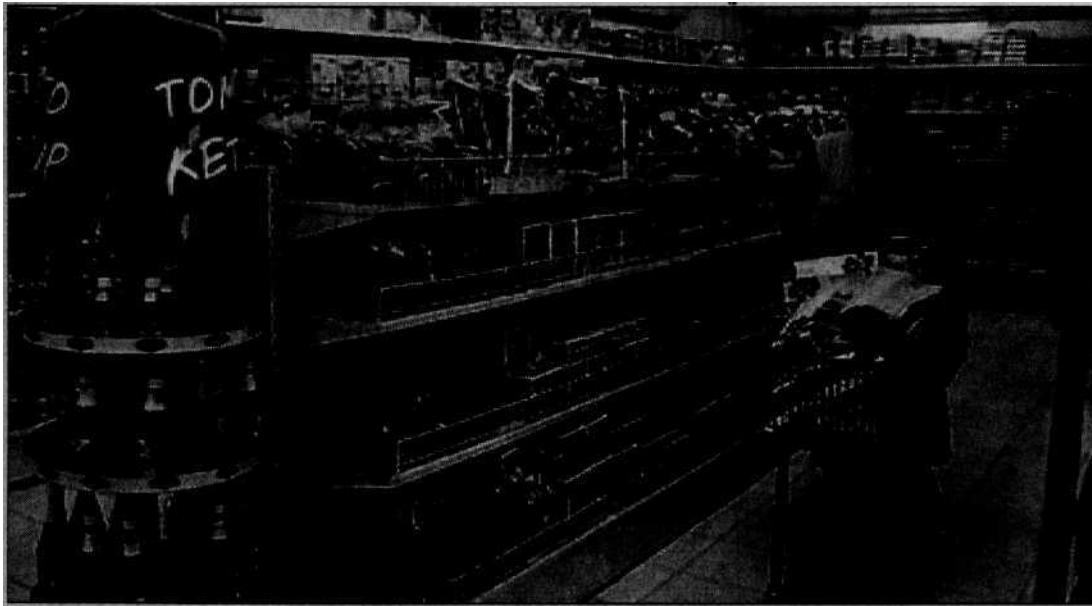
Every food retailer, hawker, itinerant vendor and temporary stallholder needs a licence from the local municipality or the panchayat to operate. The Bill strengthens penalties for small producers. The Bill makes provisions for graded penalties, where offences like manufacturing, storing or selling wrongly branded or sub-standard food are

## explained

(which is usually provided, by local authorities). It's the manufacturer's responsibility to ensure clean and safe water is used, even when tap water doesn't meet the required standards. This could be a tall order given the scale of operation of small food enterprises and street food vendors.

• **Does it regulate small vendors?**

punished with a fine and more serious offences with imprisonment. For instance, the penalty for manufacturing or selling sub-standard food extends to Rs 5 lakh, while for misbranded food, it extends to Rs 3 lakh. The street food vendors and hawkers can be fined up to Rs 1 lakh. The fines might prove to be debilitating for the unorganised sector and small scale enterprises, whereas



**SPOILED FOR CHOICE:** Great to look at but can the Bill ensure that all this is also safe to eat?

such penalties might not be an effective deterrent for large companies.

Japan, for instance, provides for penalties based on turnover, which provides a level playing field.

• **What are the additional safeguards for consumers in the Bill?**

It introduces two new features—traceability and food recall procedure. Food recall procedure implies that if a food business operator feels that a food item which it has processed, manufactured or distributed is not in compliance with the Act, it shall immediately initiate procedures to withdraw the food in question and inform the competent authority.

The Bill makes it mandatory for the distributor of a food article to identify the manufacturer and the seller to identify either the manufacturer or the distributor of a food item. Every packaged food product has to be labelled as per regulations

in the Bill. The packaging and labelling of a food product should not mislead consumers about its quality, quantity or usefulness

• **What is the biggest loophole in the bill?**

Implementation. There is no dearth of standards even today; the problem is, and always has been, implementation. And this bill doesn't offer a way out. The system still relies on the efficiency of local food inspectors to implement law. It leaves all the administration to the states, which will also have to bear the cost of enforcement (it would be useful to estimate the cost incurred by state governments to set up the required system). It is largely dependent on how much a state wants to invest in the food department. So while it has strengthened the central body by authority, the ground-level infrastructure is neither new nor imaginative.