

# CENTRE FOR SCIENCE AND ENVIRONMENT

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LEAVES  
OF  
IMPORTANT  
SURVIVAL  
TREES  
IN  
INDIA —  
MAHUA,  
KHEJDI,  
ALDER,  
PALMYRA  
AND  
OAK

June 10, 2018

Pawan Agarwal  
Chief Executive Officer  
Food Safety and Standards Authority of India (FSSAI)  
Food and Drug Administration Bhawan  
Kotla Road  
New Delhi - 110002

**Subject: CSE Recommendations on Draft Food Safety and Standards (Labelling and Display) Regulations, 2018**

Dear Shri Pawan Agarwal Ji,

Greetings from Centre for Science and Environment (CSE)!

This has reference to the notice for comments on draft Food Safety and Standards (Labelling and Display) Regulations, 2018 (hereinafter referred to as "**draft regulations**").

CSE has been working on issues relating to foods high in fat, salt or sugar ('HFSS food') w.r.t. nutritional analysis, promotion and marketing targeted at children and linkages with non-communicable diseases. As you may know, we have been advocating for favorable food policies and had recently shared our point of view on related regulations such as on safe and wholesome food for school children as well as those on advertisements and claims.

**With reference to the current draft regulations, at the outset, we would like to mention that this is a good beginning considering the state of our existing labelling laws but the draft regulations need massive strengthening across several aspects to ensure appropriate food labelling framework that contributes in retarding the growth of obesity and non-communicable diseases in this country. We have carefully analysed these regulations and have presented below our specific recommendations for your consideration.**

## **A. Regarding Nutrition Labelling (Regulation 4.2)**

### **1. 'Added sugar' must be declared on nutrition labels**

Added sugars are known to cause detrimental health impacts. They are best avoided as per nutrition, public health and child health experts. Most packaged foods, particularly those which are ultra-processed, typically have high quantity of added sugar. Since these are added by the manufacturer, these can be measured and controlled as well. Therefore there is no reason why it should not be disclosed to the consumer. Consumers must be made aware about it to support an informed and healthy choice. Moreover, there are international best practices such as in the US which require disclosure of added sugar as part of nutrition labelling. **Therefore, we recommend that 'added sugar' must be mandated to a part of nutrition labelling information.**

Further, it must be noted that 'added sugar' is a sub-set of 'free sugars', which also includes sugars naturally present in honey, syrups, fruit juices and concentrates. The World Health Organisation (WHO) recommends, intake of 'free sugars' to be less than 10 per cent of the total energy intake which turns out to be 50 grams per day based on 2000 calories. But importantly, it further as a conditional recommendation, suggests it to be below 5 per cent i.e. 25 grams per day for additional health outcomes. Our National Institute of Nutrition also suggests about 25-30 grams of sugar per day, particularly for children and adolescents. **Therefore, we recommend that for calculation purposes of per serve contribution to the recommended dietary allowance (RDA), the upper**

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**limit of added sugar per day must be set equal to or below 25 grams.**

Further, for nutrition labelling, carbohydrates and sugar has been clubbed, which is grossly incorrect. Due to their structure, both have different impacts on absorption, availability and health. By clubbing together consumers will be highly misinformed. Moreover this is not the practice found in countries with good labelling laws. **Therefore, we recommend that sugar should not be clubbed with carbohydrates.**

In light of our above submissions, the relevant part of the label should read as follows:

*“Carbohydrates ..... x g  
Of which total sugar ..... y g  
Of which added sugar ..... z g”*

**2. Declaration of dietary fibre on the nutrition label must be mandatory**

Dietary fibre is a critical component of diet. It is known to help in delayed absorption of sugars, fats, maintain gut health and prevent against cancers of the gastrointestinal tract. Typically, dietary fibre content in packaged food is very low. Food companies tend to disclose it only when they want to claim high levels of it. Therefore, a consumer does not get to know if the dietary fibre levels are low. In the USA and Canada, declaration of dietary fibre on the label is mandatory. **We recommend that dietary fibre must be declared on nutrition labels.** For the purpose of nutrition labelling, FSSAI should take no less than 40 grams per day as RDA for dietary fibre.

**3. Serving sizes must be standardised**

The draft regulation defines ‘serving size’ but does not mention if it has been standardized or about the need for it. The draft regulation will completely fail to achieve its objective, if serving sizes are not standardized. If left to the food industry, it will take unrealistically small serving sizes for reference and manipulate nutrition and Front of Pack (FoP) labels. We have seen in our studies that a very small packet of namkeen (worth Rs 5) claimed to have 2 servings of the namkeen, and that chocolates as small as 36 g mentioning half of it (18 grams) as a serving size. This is far from reality of consumption, particularly among the school children category. Packets of that small value are practically consumed at one instance only. Further, bigger packages are made more attractive by manufacturers and despite them claiming a small serving size, consumers often consume the whole packet. **Therefore, FSSAI must set specific standards for serving sizes of different food categories, particularly those which are HFSS and make sure that they are based on the quantity of a food items customarily consumed in the Indian context and not what should be consumed.** For example, serving size of carbonated beverages should be taken as 300 or 330 ml (size of standard glass bottle or can). It cannot be less than a medium size 10 Rs packet for chips or less than a medium size chocolate. **Further, serving size should be mentioned clearly on the nutrition label and the FoP label.**

**4. Menu labelling and point-of-purchase labelling must be introduced for fast food chain restaurants**

The draft regulations provide that licensed Food Business Operators (FBOs) must provide a booklet containing nutritional information of their food items to consumers upon request. We recommend that this provision be revised, particularly for fast food chain restaurants, which have multiple outlets across the country and are expanding at a fast pace. Food served at such restaurants is ultra-processed, standardized across all outlets and most importantly, is HFSS. **Therefore, FSSAI must ensure that nutrition information of food served at fast food outlets is available on the menu and display boards at the point of purchase. In addition, containers/ boxes /wrappers in which food is served, must also have this information.**



Similar international best practices can be seen in South Korea, New York City and Australia.

## **B. Regarding Front-of-Pack Labelling (Regulation 5):**

### **5. Definition of HFSS foods and FoP labels should not include trans fat**

Trans fats are a matter of concern across the world. The WHO has recently recommended to completely eliminate industrially produced trans fatty acids (trans fats). However, the draft regulation includes trans fats in the definition of HFSS and also incorporates trans fat on the FoP label, whereas, worldwide, the accepted definition of HFSS foods does not incorporate trans fat. Analysis of key FoP labels from across the world has also shown that trans fat is not included in the FoP. FSSAI is unnecessarily complicating the definition of HFSS food. Moreso, when it has recently announced its intention to eliminate trans fats from India by 2022. Further, inclusion of trans fats on the FoP label will imply that there is a safe or recommended limit, which is not the case, as ideally, trans fats should not be present in packaged food. **Therefore, in order to ensure that industrial trans fat is eliminated from India, FSSAI must remove trans fat from the definition of HFSS and FoP labels.**

### **6. Threshold criteria for calories should be developed**

The draft regulation requires FoP labels to declare the calories per-serve and its contribution towards the RDA. However, unlike salt, sugar and fat, no threshold criteria for calories has been provided. There could be a situation, wherein a product barely meets the cut-off of sugar and fat and is therefore, not 'red' marked, but the overall calories in the product are substantially high.

There are examples of FoP labels which include calories. **Therefore, FSSAI must also develop threshold criteria for calories.**

### **7. Criteria for threshold limits in Schedule-I must be disclosed and certain threshold limits should be revisited**

The Schedule-I to the draft regulations provides threshold limits but the basis for these limits has not been provided. It is crucial to know the basis of threshold limits arrived at. In particular where the threshold limits appear to be high such as for fat and sodium content in cheese and ready-to-eat breakfast cereals, salt content in soups, fat content in sauces and like products and fat content in sherbets. Therefore, FSSAI must share the basis of threshold limits and revisit those mentioned.

In addition there are some cases where threshold limits have not been provided, but should have been provided. For example, threshold of salt in the case of fruit and vegetable juices and nectars.

## **C. Regarding exemptions under the draft regulations (Regulations 5, 7 and Schedule-II):**

### **8. Exemption from nutrient information declaration for small packets must be revised**

The current draft provides exemption from various forms of labelling including list of ingredients, nutritional information, declaration of additives etc. on packages which have a surface area less than 100 square cm. This is good enough an area to have necessary information w.r.t. to HFSS foods. It must be noted that small package size does not make an HFSS product healthy or less harmful. These products can be bought and consumed more frequently, in particular by school children and adolescents. In fact, selling products in small packages has remained a successful marketing strategy of ultra-processed food industry. It should be noted that on a small packet of kitkat chocolate which costs Rs 10 (weights about 13 grams) and has a surface area of about 70 sq cm declares nutrition information including list of ingredients and other information.



Therefore, we recommend that since 100 sq cm is a large area, the exemption should be available for an area much lesser than this such as in the case of candies and small toffees only. There should be no exemption at all for FoP labelling.

**9. Reusable glass bottles must not be exempted from nutrition information declaration and FoP labelling**

Glass bottles are environment-friendly than one-time-use plastic bottles and are commonly used in India, particularly in rural areas. Sugar sweetened beverages (SSBs) which typically are sold in glass bottles are known to have negative impact on health. Since glass bottles are used for smaller and cheaper versions of these beverages, they contribute to frequent consumption. In fact, glass bottles cover a major part of the SSB market and therefore cannot be the reason for not sharing critical information with consumers. Moreover, glass bottles need not be phased out and the only way out is appropriate labelling. **Therefore, we recommend that no exemption should be given in case of glass bottles. Any such move will defeat the purpose of labelling one of the unhealthiest HFSS food product targeted at school children and adolescents.**

**10. Exemption from colour coding to beverages providing less than 80 kcal/serve should be omitted**

This provision is a big loophole which can be misused by the soft drinks industry, even if serving sizes are standardized. 100 ml of a soft drink typically provides about 40 kcal and to take undue benefit of this provision, smaller bottles (of say, 180 ml) can be introduced. Also, if serving sizes are not standardized, soft drink companies can claim a reduced serving size to bypass the colour coding on the FoP label. Again, in principle, small size of an HFSS food product does not make it healthy. On the contrary, its net public health impact could be higher due to greater consumption and popularity. **We therefore recommend that there should be no exemption from colour coding to beverages providing less than 80 kcal/serve.**

**11. Exemption from colour coding should not be provided to egg-based desserts**

Schedule II to the draft regulations provides exemptions from colour coding. While it is understandable that the intent is to include single ingredients based food items in the schedule, however it also includes 'egg based desserts', which are likely to be high in sugar and therefore, should not be exempted from colour coding. **We recommend that no such exemption should be given to egg-based desserts.**

**D. Regarding advertisement of HFSS food to children (Regulation 5(9)):**

**12. Advertisement of HFSS food to children should be strictly regulated through multiple approaches and at all relevant physical areas and media platforms**

It is a welcome step that FSSAI is proposing to ensure that unhealthy food items are not advertised to children. However, sub-regulation (9) of Regulation 5 merely states that '*HFSS food products shall not be advertised to children in any form*'. If the intent is to regulate exposure of advertisements to children, this provision is not going to serve the purpose. **We recommend that FSSAI must adopt the following framework to make it fruitful:**

- **Celebrities (sports, movies etc.) should not be allowed to endorse HFSS foods.**



- **There should be no advertisements of certain food categories like sugar sweetened carbonated beverages, on the lines of tobacco-based products. Broadcasting regulations should be developed to limit exposure of food advertisements to children during sports, cartoon and other children-based and prime-time programmes/channels**

FSSAI must take a lead in this and develop an integrated advertisement approval and monitoring team of stakeholder ministries such as ministry of information and broadcasting, urban development, human resource and development. This regulation should be extended to regulate advertisement of HFSS food at places where children aggregate such as stadiums, airports etc. It should also aim to prohibit disguised promotion in schools in the garb of Corporate Social Responsibility (such as 'Support my school campaign' and 'Nanhi kali') and food advertisements on new-age media platforms

#### **E. Regarding labelling of genetically modified food (Schedule - IV):**

##### **13. Draft Regulation should aim to regulate illegal genetically modified (GM) food in the country**

As per the current law, GM food is not allowed to be produced in India, however, import of soyabean oil and processed food is allowed, which itself is highly contentious and reflects a huge regulatory and enforcement loophole. **Therefore, we recommend that introducing labelling of GM food should not create the false perception that GM food is allowed in India. It should only be used to differentiate between intentional and unintentional GM presence in the food product and regulate it.**

Further, we believe that the criteria for exemption from labelling of food containing GM ingredients needs to be much stricter. For example, in the European Union, a food / feed containing GM ingredients does not need to be labelled if the GM component is upto 0.9 percent of the food/feed ingredients considered individually and if this presence is unintentional or technically unavoidable. Considering that GM food is not allowed in India, we believe that the limit of 5 per cent for 3 ingredients is too high. By not giving a limit of individual ingredients, the chances of one of the ingredients containing high percentage of GM content (upto 5%) is very high and could be exploited by the food industry. **Therefore, we recommend that limits for individual ingredients should be set in line with the EU regulations of 0.9 percent. Only such unintentional presence should be exempted from labelling if GM food is allowed in India in future.**

#### **F. Recommendations on other important aspects:**

##### **14. Labelling of Fortified food should be neutral in nature and must not look like a health claim**

The current draft proposes that every package of fortified food shall be accompanied by a tag line which loosely translates to "*complete nutrition, healthy life*". This is like a health claim and will lead to an incorrect impression that packaged food can replace a balanced diet. While this could accepted for a staple (such as rice, oil, atta etc.) but cannot be allowed for an HFSS packaged food. **Therefore, we recommend that no such tag line which reflects a health claim and that a product can substitute a balanced diet should be allowed.**



**15. Labelling in regional languages should be introduced**

India being a diverse country and literacy rates being low, we believe that the language of labelling should not be just English. **We recommend that in the medium-long term and in a phased manner, labelling of crucial aspects like nutrition information and FoP should be done in hindi first and then select important regional languages.**

We hope our recommendations will be adopted to make these regulations robust. Please let us know if you have any questions. We would be happy to address.

Thanking you,

A handwritten signature in blue ink, appearing to read 'CB Singh', with a horizontal line extending to the right.

Chandra Bhushan

Encl:

1. CSE Report: Food Labelling, claims and advertisements
2. CSE recommendations in the desired format