



Draft Guidelines for Regulating Food High in Fat, Sugar and Salt (HFSS) also popularly known as Junk Food

Developed by Working Group set up by Expert Group constituted by FSSAI as per the order dated September 4, 2013 of the Honorable High Court of Delhi
Submitted to the Expert Group on Jan 16, 2014

versus

Draft Guidelines for Making Available Wholesome, Nutritious, Safe and Hygienic food to School Children In India

Submitted by FSSAI to the Hon'ble High Court of Delhi on March 10, 2014
As prepared by Expert Group constituted by FSSAI



Background

- **Sept 2013:** Food safety and standards authority of India (FSSAI) constitutes an Expert Group
 - In line with directions from the Hon'ble High Court of Delhi with reference to a PIL filed by the Uday Foundation
 - Comprise eminent paediatricians, public health specialists and nutritionists; industry association representatives
 - Sets up a Working Group with Sunita Narain, Director General, CSE as a Chair
- **Jan 2014:** Working Group submits “Draft Guidelines for Regulating Food High in Fat, Sugar and Salt (HFSS) also popularly known as Junk Food” to the Expert Group
- **Mar 2014:** FSSAI submits “Draft Guidelines for Making Available Wholesome, Nutritious, Safe and Hygienic food to School Children In India” to the Hon'ble High Court of Delhi



Background: PIL filed by Uday Foundation

Dec 2010: Prayers of the PIL filed in the High Court of Delhi

1. To immediately ban junk food and carbonated drinks in all unaided and private schools and schools under Central and State government and local municipality in Delhi
2. To initiate measures to discourage the availability of fast food, unhygienic food and foods with unhealthy ingredients within 500 yards of the schools in Delhi
3. To further direct respondents to develop a comprehensive school canteen policy, which emphasizes healthy nutrition among school going children
4. To ban junk food and carbonated drinks advertisements in media as well as in the television through any means



Members of Working Group

Chair

Dr Sunita Narain, Director General, Centre for Science and Environment, Delhi

Members

1. Dr Rekha Harish, Professor and HoD, Dept. of Paediatrics, GMC, Jammu (Co-Chair)*
2. Dr Anju Seth, Professor, Dept. of Paediatrics, Lady Hardinge Medical College, Delhi
3. Ms Anuja Aggarwal, Nutritionist, AIIMS, Delhi
4. Dr K Damayanti, Scientist C, National Institute of Nutrition, Hyderabad
5. Ms Kumkum Marwah, Representative, Advisor Nutrition, Ministry of Health and Family Welfare
6. Dr Umesh Kapil, Professor, Public Health Nutrition, AIIMS, Delhi
7. Mr N Ramasubramanian, Retailers Association of India**
8. Dr PSM Chandran, Retailers Association of India**
9. Dr Mridul Salgame, Restaurant Association of India**
10. Mr Sunil Adsule, National Restaurant Association of India***
11. Mr Sanjay Khajuria, All India Food Processors' Association***
12. Dr S Jindal, All India Food Processors Association***

Industry Association Representatives

*joined Working Group after the
first Working Group meeting*

All Expert Group Members were part of the Working Group after Dec 13, 2013

Co-chaired Working Group second meeting onwards; **New Working Group members as per Expert Group Meeting of December 3, 2013; *New Working Group members as per Expert Group Meeting of December 13, 2013*

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Meeting Schedule

| Working Group meetings at CSE | Expert Group meetings at FSSAI |
|--|---|
| November 26, 2013 | September 25, 2013 |
| December 06, 2013 | December 03, 2013 |
| January 08, 2014 | December 13, 2013 |
| | January 15, 2014 |
| | February 24, 2014 |
| | February 28, 2014 |



Content: Working Group Guideline Document

- **Background**

- Directions of the Honorable Court
- FSSAI Nielsen draft guidelines: Review and analysis

Interpretation: junk food is the scope of the work; earlier guidelines fail to address the original petition

- **Balanced diet, junk food and non-communicable diseases**

- Balanced diet and dietary needs of children
- HFSS food and the ingredients of concern
- HFSS food consumption in India
- HFSS food and the burden of non-communicable diseases
- HFSS food regulations

Focus: scientific linkages b/w diet, junk food ingredients, NCDs; how junk food is regulated globally

- **Draft guidelines for regulating consumption of HFSS food among children**

Details of HFSS food regulatory status across the world

Nutrient Profiling Model of the United Kingdom and scoring

Model school canteen policy – Australia

Minutes of meeting of Working Group set up by the Expert Group held on January 8, 2013

Guidelines on wholesome food and nutrition in school canteen submitted by Industry representatives on January 3, 2014

Annexure

Annexed as there were outstanding issues with no agreement b/w the representatives of industry associations and other WG members



Content: FSSAI Guideline Document

Part 1: Guidelines for Making Available Wholesome and Nutritious Food to School Children

Part 2: Guidelines on Food Safety, Hygiene and Sanitation
for Food Available in School Canteens

Focus of the discussion



Guidelines: Working Group Document

1. Ban the availability of most common HFSS foods in schools and nearby areas of 500 yards
2. To develop a canteen policy to provide nutritious, wholesome and healthy food at school
3. Regulate and restrict marketing and promotion of 'HFSS food' targeted at children and adolescents
4. FSSAI to develop and enforce stringent labeling laws to enable disclosure of relevant information on HFSS foods
5. Establish stringent limits for unhealthy ingredients
6. Encourage physical activity by children and adolescents



Key Issue: FSSAI Guidelines

- A **diluted version** of the Working Group guidelines that were developed and agreed-upon by those who are best suited to the issue — eminent paediatricians, public health specialists and nutritionists members of the Working Group
- An outcome of certain last-minute changes in the Expert Group meeting, which are likely to favour the industry and not agreed upon by all; Comprise differing position by non-industry members on few issues

Ineffective in addressing the prayers of the PIL and safeguarding the health of children



Summary of Differences in Guidelines

Working Group

Complete Ban on availability of HFSS food in schools

Emphasis on junk food, its health effects and need for balanced diet

Area near-by schools where HFSS food needs to be banned is 500 yards

'Instant Noodles' is among the common HFSS foods that need to be banned in schools and 500 yards near-by

Guidelines to regulate advertisements are dealt with in detail: Globally status and specific measures required in India

FSSAI

Restrict/limit the availability of HFSS food in schools. No mention of junk food

Emphasis also put on physical activity and healthy lifestyle.

Area near-by schools where HFSS food needs to be restricted/limited is 50 yards

'Instant Noodles' is not among common HFSS foods that need to be restricted/limited in schools and 50 meters near-by

Advertisement regulations are toned down. No mention of Global regulations and specific measures required. Responsibility passed on to government of India



'Junk Food' Versus 'HFSS' Foods

- **No recognition of the term 'junk food'**
 - Whereas the Hyderabad-based National Institute of Nutrition defines junk food as food that contains little or no protein, vitamin or minerals but is rich in salt, fat and energy
 - Replaced by HFSS (i.e. high in fat, sugar and salt)



Complete Ban versus Restrict/Limit; 500 yards versus 50 meters

- **Restrict/limit the availability** of most common 'HFSS foods' in schools and near-by **instead of a complete ban** that was suggested by non-industry members of the Working Group.
 - No criteria is mentioned to ascertain what is meant by restricting/limiting
 - Portion size?, frequency of availability?, quantity available in school canteens?
 - No accountability mentioned. Implementation and monitoring?
- The area near-by schools where junk foods need to be restricted/limited is reduced from **500 yards to 50 meters** limiting the purpose of it

View of non-industry members is reflected only as foot note



Balanced Diet versus Physical Activity

- **Physical activity is over-emphasised** suggesting that the problem is not junk food but lack of physical activity; adds to confusion and shifts the focus of the guidelines
 - Unduly elaborated the guideline on physical activity
 - Expanded the guiding principles: “Physical activity is another important element of promoting growth and help in reducing the risks and incidence of non-communicable diseases”
 - ‘Healthy lifestyle’ added as the ‘context of the proposal’ instead of the need for balanced diet, issue of junk food as a dietary habit among children and its ill effects

Non-industry members were of the view that any amount of physical activity does not justify consumption of junk food



Junk Food Items to be Regulated

- **'Instant noodles'** is replaced with **'ready-to-eat'** noodles
 - There is no product as ready-to-eat noodles
 - Maggie, a Nestle brand is an 'instant noodle'.
Nestle was represented through AIFPA
- Omission of examples of confectionery items such as chocolates, candies and gums
 - To let it be non-descriptive
 - 'KitKat' chocolate is a Nestle product



Guidelines on School Canteen Policy

- **Limited the purpose of suggested ‘food categorisation rationale’ for school canteen policy**
 - Replaced the term ‘food categorisation rationale’ with ‘concept of color coding’
 - However, added disclaimer – **‘it is clarified that this concept is not meant for labeling of foods’**; a preemptive action to prevent extension of traffic light based framework for canteen policy into labeling of products
 - Traffic light labeling system is successful in several countries to help consumer in healthy food choices
 - Implementation without labeling?



Guidelines on Advertisement and Promotions

- **Deletion of information**
 - How availability and exposure of junk food is regulated globally
 - Need for mandatory regulation over self regulation
- **Specific measures suggested are replaced with high-level pointers; responsibility passed on to the government of India**
 - Specific measures on advertisements include a **ban on**
 - Celebrity endorsement
 - Junk food advertisements targeted and designed for < 16 years
 - Junk food advertisements during a designated time of the day and programs targeted for children and adolescents
 - Specific measures on promotional activities include a **ban on**
 - Toys, freebies etc.
 - Open and disguised in-school sponsorships
 - Promotion in areas where children aggregate (stadiums etc.)



Disrupting Industry Arguments in Meetings

- Arguments made by the industry association representatives to create confusion include:
 - That the court order is about under-nutrition and not over-nutrition as interpreted by non-industry members
 - That there is no such thing like 'junk food' as it is not defined and the focus should be on wholesome and nutritious options and not about regulating junk food
 - That the mid-day meal scheme well addresses the PIL and so is the case with the previous guidelines by Nielsen and FSSAI
 - Implementation of the UK framework to categorise food is not acceptable. The non-industry members did not suggest this at first place
- **On several occasions, Industry association representatives delayed or did not provide comments as agreed upon during meetings**



Industry Arguments Before Meetings

- **The Industry tried to block the expert group constituted by FSSAI from making any guidelines**
 - All three Industry associations (AIFPA, RAI, NRAI)* sought clarifications/modifications in the order of September, 2013** with two key contentions:
 - There is no term as ‘junk food’
 - Scientific panel and scientific committee under the FSSAI should function as an expert body in supersession of the committee constituted
- **However, the court rejected both**

*AIFPA – All India Food Processors’ Association; RAI – Retailers Association on India; NRAI – National Restaurant Association of India

**Order of Sept 2013, directed Central Advisory Committee of FSSAI to consult experts in public health, particularly health of a child, adolescent and the youth; and those with expertise on junk food and its ill effects if consumed as a dietary habit



FSSAI Stand in 2011; Similar to Working Group

- **FSSAI in its affidavit of July 2011 submitted to the Hon'ble High Court of Delhi in this case**
 - Defines junk food as food high in fat, sodium and / or sugar; Junk foods are empty calories; Such junk food is responsible for obesity, diabetes and heart diseases
 - Union Health Ministry has written to the following to consider issuing instructions for **withdrawal of carbonated beverages and junk foods** to:
 - Health ministries of all states/UTs (for school and college canteens)
 - Chief ministers of all states to write to Vice Chancellors (for canteens of all education institutes)
 - Union minister HRD to advice education ministers of states/UTs (for school and college canteens)



Way Ahead

- The Honourable High Court of Delhi to hear the case on April 23, 2014



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