UNIT 8: FOOD LAWS AND REGULATIONS

Effective means of food quality can be achieved by legislative measures, certification schemes and public participation and involvement in the programme.

The Government of India is fully aware to the possibilities of food being adulterated. It has therefore, empowered several agencies and promulgated a number of acts and order to control this menace. Agencies and institutions have also been created to lay down standards for the quality of foods. The manner in which the food is processed and packaged is also covered by a number of regulations.

8.1 PREVENTION OF FOOD ADULTERATION ACT (PFA ACT)

One of the early acts to be promulgated in this connection was the Prevention of Food Adulteration Act of 1954, which has been in force since June 1,1955. The objective of this act was to ensure that food articles sold to the customers are pure and wholesome. It also intended to prevent fraud or deception and encourages fair trade practices. The act was amended in 1964, 1976 and again in 1986 in the light of experience gained, to plug loopholes of escape in the Act and to insure stringent punishment for those indulging in this nefarious practice. The act prohibits the manufacture, sale and distribution of not only adulterated food but also foods contaminated with microorganisms and toxicants and misbranded foods. P.F.A. also specifies microbial standards for pasteurised milk, milk powder, skimmed milk powder, infant milk food, tomato sauce, jam, malted milk food and aflatoxin for ground nut etc.

A central food laboratory established under the Act is located at Calcutta for the purpose of reporting on suspected food products. The Central Food Technological Research Institute, Mysore, has been recognised as another laboratory for the testing of adulterated foods for the Southern Regions. " A central committee for food standard" has been constituted under the Act and has been charged with the function of advising the Central Government on

matters relating to the Food standards. Provision have been made in the Act for the appointment of Food Inspector by the state Governments and their powers have been defined. The State Government will set up food testing laboratory and will appoint Public Analysts with adequate staff to report on suspected foods.

According to the Prevention of Food Adulteration Act, an article of food shall be deemed to be adulterated.

1. If the article sold be a vendor is not of the nature, substance or quality demanded by the purchaser and is to his prejudice, or is not of the nature, substance of quality which it purports or is represented to be.

2. If the article contains any other substance which affects, or if the article is so processed as to affect injuriously the nature, substance or quality there of.

3. If any inferior or cheaper substance has been substituted wholly or in part for the article, so as to affect injuriously the nature, as substance or quality there of.

4. If any constituent of the article has been wholly or in part abstracted so as to affect injuriously the nature, as substance or quality there of.

5. If the article had been prepared, packed or kept under unsanitary conditions whereby it has been contaminated or injurious to health.

6. If the article consists wholly or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance or is insect-infested or otherwise unfit for human consumption.

7. If the article is obtained from a diseased animal.

8. If the article contains any poisonous or any ingredient which renders its contents injurious to health.

9. If the container of the article is composed, whether wholly or in part of any poisonous or deleterious which renders its contents injurious to health.

10. If any colouring matter other than that prescribed in respect there of and in amounts not within the prescribed limits of variability is present in the article.

11. If the article contains any prohibited preservative or permitted preservative in excess of the prescribed limits.

12. If the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities which are in excess of the prescribed limits of variability.

8.1.1 Administrative hierarchy

The Food Health Authority is appointed at state level who is the Director of Public Health and Preventive Medicine. He is responsible for the good quality and standards of foods available to the consumers. Under FHA, there is a Local Health Authority appointed in each city, in every state. The Food Inspector is appointed by the Central or State Government by notification in official gazette. The Food Inspector undergoes a three months training in food inspection and sampling.

8.1.2 Powers of food inspector

1. To take sample of any article from

   (a) any person selling such article

   (b) any person who is in the course of delivering or preparing to deliver such article to a purchaser or consignee

   (c) a consignee after delivering of any such article to him

2. To send such as sample for analysis to the Public Analyst (PA) of local area.

When the Food Inspector wants to lift suspected food, the shopkeeper must first be told. There should be witness present, when the Food Inspector lifts the sample . 150g of the sample is necessary to be sent for analysis. 600g of sample is collected usually and sent to Ripon Buildings, Corporation of Madras, or Kings Institute Guindy, Madras or Central Food Laboratory, Calcutta or Central Food Technological Research Institute, Mysore. There is a sampling procedure to collect the samples and then they are sealed it in a bottle. The sealed bottle has a label on it which has the code number of the Inspector, address of the shop or location and date and time of the collection are written.

When individuals doubt adulteration in food stuffs, they have to inform the Food Health Authority. Samples can be sent for analysis only after getting order from Food Health Authority. If persons are found guilty of selling such adulterated food, the persons involved can be convicted. Severity of sentence would depend on the gravity of the offence. For example, a vendor found adulterating the food with ingredients injurious to health would be liable for much heavier sentence than a vendor involved in only mixing an inferior ingredient not injurious to health

8.2 ESSENTIAL COMMODITIES ACT, 1954

The main objective of this Act is to maintain supply of essential commodities to the public by proper regulation, prevention of black market and making it available to the public at a reasonable price. A number of control orders have been formulated under this Act. Some of them are—

- Fruit Product Order (1955)
- Sugar Control Order (1966)
- Meat Products Control Order (1973)
- Cold Storage Order (1980)
- Vegetables Oil Product Control Order (1988)

- Milk and Milk Product Order (1992)
- Edible Oil Packaging Order (1998),

8.2.1 Fruit Products Order

The Government of India promulgated a Fruit order in 1946. In 1955, the order was revised. The Fruit Product order (FPO) lays down statutory minimum standards in respect of the quality of various fruits and vegetable products and processing facilities. Packaging fruits and vegetables of a standard below the minimum prescribed standards is an offence punishable by law. Periodic inspection by government inspectors in registered establishment is carried out to ensure conformity of standards by processors.

Manufacture of fruit and vegetable products can be carried out only after a valid licence is issued by the licensing officer after himself satisfying with regard to the quality of product, sanitation, personnel, machinery and equipment, work area as required in the order.

This order is operated by the Food and Nutrition Board of the Ministry of Food Processing Industries. Licensee is empowered to put the FPO standard mark on the product.

8.2.2 Meat Products Order

This makes it illegal to transport meat unless it has been prepared and processed according to the provisions of the order and carries the mark of inspection.

It provides means to :

(a) Detect and destroy meat of diseased animals

(b) Ensure that the preparation and handling of meat and meat products be conducted in a clean and sanitary manner.

(c) Prevent the use of harmful substances in meat foods.

(d) See that every cut of meat inspected before sale to ensure its wholesomeness.

The order also lays down rules and conditions for procedure to be adopted for the selection of disease-free animals, slaughter house practices for further treatment of the meat so as to maintain the meat in a wholesome manner, devoid of pathogens.

8.2.3 Cold Storage Order (1980)

The Cold Storage Order, 1980, promulgated under the Essential Commodities Act, 1955, has the objective of ensuring hygienic and proper refrigeration conditions in a cold store, regulating the growth of cold storage industry and rendering technical guidance for the scientific preservation of food stuffs in a cold store and prevent exploitation of farmers by cold store owners. Agricultural Marketing Adviser to the Government of India is the licensing officer under this order.

In addition to the mandatory acts and orders cited above, agencies such as Bureau of Indian Standards, the Directorate of Marketing and Inspection have also laid down quality standards for foods. These are, however voluntary.

8.3 BUREAU OF INDIAN STANDARDS

The Bureau of Indian Standards operates a Certification Mark Scheme under the BIS Act, 1986. Standards covering more than 450 different food products have been published.

Standards are laid for vegetable and fruit products, spices and condiments, animal products and processed foods. Once these standards are accepted, manufacturers whose products conform to these standards are allowed to use BIS label on each unit of their product. The product are checked for quality by the BIS in their own network of testing laboratories at Delhi, Bombay, Calcutta, Madras, Chandigarh and Patna or in number of public and private laboratories recognised by them.

The certification scheme is basically voluntary in character but for a number of items affecting, it has been made compulsory by the Government of India through various statutory measures such as E.C. Act or PFA rules.

Some of the items which require compulsory BIS certification under PFA are :

- Food colours and food colour preparation
- Natural food additives
- Infant milk food
- Infant formula
- Milk cereal based weaning food
- Milk powder
- Condensed milk

8.4 THE AGMARK STANDARD

The word 'AGMARK' is derived from Agricultural Marketing. The AGMARK standard was set up by the Directorate of Marketing and Inspection of the Government of India by introducing an Agricultural produce Act in 1937. The word 'AGMARK' seal ensures quality and purity. A sample AGMARK seal is given below :

AGMARK	BESAN
SL. NO.	B-162002
GRADE-STANDARD	
PLACE OF PACKAGING.....	
DATE OF PACKAGING.....	
NET WEIGHT	
THIS LABEL IS THE PROPERITY OF THE GOVERNMENT OF INDIA.	

A lot of care is taken in laying down the AGMARK grade and in affixing the AGMARK quality label. The quality of a product is determined with reference to the size, variety, weight, colour, moisture, fat content and other factors are

taken into account. The act defines quality of cereals, spices, oil seeds, oil, butter, ghee, legumes and eggs and provides for the categorisation of commodities into grades depending on the degree of purity in each case. The grades incorporated are grades 1, 2, 3 and 4 or special, good, fair and ordinary. The standards also specify the types of packaging to be used for different products. The physical and chemical characteristics of products are kept in mind while formulating the AGMARK specifications

The Directorate of Marketing and Inspection of Central Government has 21 laboratories and 50 sub offices spread all over the country. The central AGMARK Laboratory at Nagpur, continuously carries out research and development work in this field.

Grading of commodities like ghee, butter, vegetables oils, atta, spices and honey is voluntary. On the other hand, grading of commodities like tobacco, walnuts, spices, basmati rice, essential oils, onions, potatoes are meant for export is compulsory under AGMARK ensures the quality of produce to the importers.

8.5 EXPORT INSPECTION COUNCIL

The council has been constituted to check the quality of a number of food materials meant for export. The council has powers to reject any food which does not measure up to standards prescribed for the food. Canned food such as mango juice, frozen food such as shrimp, pomferts are subjected to scrutiny by this body before export.

8.6 CONSUMER PROTECTION ACT, 1986

The main objective of the Act is to promote and protect the rights of the consumers, with regard to defective goods, deficiency of services, overcharging or any unfair trade practices.

Complaints can be referred to the District consumer redressal forum. The forum can order the opposite party for removal of the defect, replacement of the goods, return of the prices or charges or order payment of the compensation for

the loss or damage suffered due to deficiency of service. Appeals can be made to state commission and then to the National Commission.

In India, consumer awareness about the various aspects of the prevention of Food Adulteration Act is lacking. If consumer cooperation is not forthcoming, controlling adulteration would prove to be an uphill task.

8.7 CODEX ALIMENTARIUS

FAO/WHO Food standards programme is called CODEX ALIMENTARIUS. The codex Alimentarius which means "Food Law" or "Food code" in Latin is combined set of standards, codes or practices and other model regulations available for countries to use and apply to food the international trade.

The duel objectives of the codex Alimentarius commission are to protect the health of consumers and facilitate and international trade.

Codex commodity standards cover such foods as fruit juices, cereals, meat products etc. General standards cover areas applicable to most foods such as labelling, additives, contaminants, methods of analysis. It covers aspects such as food hygiene and technological practices. They are used by processors to ensure that are foods are microbiologically safe and are fit for human consumption e.g., codex code of hygienic practice of low-acid canned foods. Maximum Residue Limits (MRLS) have been set for pesticides. Specifications for "food grade quality" of additives form an important part of codex work.

8.8 WORLD TRADE ORGANIZATION (WTO)

The World Trade Organization came into being in 1995. One of the youngest of the international organizations, the WTO is the successor to the General Agreement on Tariffs and Trade (GATT) established in the wake of the Second World War. While the WTO is still young, the multilateral trading system that was originally set up under GATT is well over 50 years old.

The past 50 years have seen an exceptional growth in world trade. Merchandise exports grew on average by 6% annually. Total trade in 2000 was 22-times the level of 1950. GATT and the WTO have helped to create a strong and prosperous trading system contributing to unprecedented growth.

The system was developed through a series of trade negotiations, or rounds, held under GATT. The first rounds dealt mainly with tariff reductions but later negotiations included other areas such as anti-dumping and non-tariff measures. The last round — the 1986-94 Uruguay Round — led to the WTO's creation.

The WTO's overriding objective is to help trade flow smoothly, freely, fairly and predictably. It does this by:

- Administering trade agreements
- Acting as a forum for trade negotiations
- Settling trade disputes
- Reviewing national trade policies
- Assisting developing countries in trade policy issues, through technical assistance and training programmes
- Cooperating with other international organizations

10 benefits of the WTO trading system

1. The system helps promote peace
2. Disputes are handled constructively
3. Rules make life easier for all
4. Freer trade cuts the costs of living
5. It provides more choice of products and qualities
6. Trade raises incomes
7. Trade stimulates economic growth
8. The basic principles make life more efficient
9. Governments are shielded from lobbying
10. The system encourages good government

The WTO agreements cover goods, services and intellectual property. They spell out the principles of liberalization, and the permitted exceptions. They include individual countries' commitments to lower customs tariffs and other trade barriers, and to open and keep open services markets. They set procedures for settling disputes. They prescribe special treatment for developing countries. They require governments to make their trade policies transparent. And they share a common three-part structure.

8.9 INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)

The International Organization for Standardization (ISO) is a worldwide federation of national standards bodies from more than 140 countries, one from each country.

ISO is a non-governmental organization established in 1947. The mission of ISO is to promote the development of standardization and related activities in the world with a view to facilitating the international exchange of goods and services, and to developing cooperation in the spheres of intellectual, scientific,

technological and economic activity. ISO's work results in international agreements which are published as International Standards.

8.9.1 ISO 9000 and ISO 14000

The ISO 9000 and ISO 14000 families are among ISO's most widely known and successful standards ever. ISO 9000 has become an international reference for quality requirements in business to business dealings, and ISO 14000 looks set to achieve at least as much, if not more, in helping organizations to meet their environmental challenges.

The vast majority of ISO standards are highly specific to a particular product, material, or process. However, the standards that have earned the ISO 9000 and ISO 14000 families a worldwide reputation are known as "generic management system standards". "Generic" means that the same standards can be applied to any organization, large or small, whatever its product - including whether its "product" is actually a service - in any sector of activity, and whether it is a business enterprise, a public administration, or a government department. "Management system" refers to what the organization does to manage its processes, or activities. "Generic" also signifies that no matter what the organization is or does, if it wants to establish a quality management system or an environmental management system, then such a system has a number of essential features which are spelled out in the relevant standards of the ISO 9000 or ISO 14000 families.

ISO 9000 is concerned with "quality management". This means what the organization does to enhance customer satisfaction by meeting customer and applicable regulatory requirements and continually to improve its performance in this regard. ISO 14000 is primarily concerned with "environmental management". This means what the organization does to minimize harmful

effects on the environment caused by its activities, and continually to improve its environmental performance.

Both ISO 9000 and ISO 14000 concern the way an organization goes about its work, and not directly the result of this work. In other words, they both concern processes, and not products – at least, not directly. Nevertheless, the way in which the organization manages its processes is obviously going to affect its final product. In the case of ISO 9000, it is going to affect whether or not everything has been done to ensure that the product meets the customer's requirements. In the case of ISO 14000, it is going to affect whether or not everything has been done to ensure a product will have the least harmful impact on the environment, either during production or disposal, either by pollution or by depleting natural resources.

The earlier three standards ISO 9001, ISO 9002 and ISO 9003 have been integrated into the new ISO 9001:2000.