



Foreign Agricultural Service

**GAIN Report**

Global Agriculture Information Network

Required Report - public distribution

Date: 7/29/2003

GAIN Report #IN3068

## India

# Food and Agricultural Import Regulations and Standards

## Country Report

### 2003

Approved by:

**Chad R. Russell**

**U.S. Embassy, New Delhi**

Prepared by:

A. Govindan, Santosh Kr. Singh, V. Shunmugam

---

#### **Report Highlights:**

**Updated on August 1, 2003. All sections updated. A new labeling rule applies to the shelf-life of packaged food products imports. The GOI established compulsory labeling of all packaged and branded non-vegetarian and vegetarian food products. Imports of livestock and livestock products require a sanitary import permit issued by the Animal Husbandry Department.**

---

Includes PSD changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
New Delhi [IN1], IN

**Table of Contents**

I. FOOD LAWS ..... [Page 2 of 13](#)

II. LABELING REQUIREMENTS ..... [Page 4 of 13](#)

III. PACKAGING AND CONTAINER REQUIREMENTS ..... [Page 6 of 13](#)

IV. FOOD ADDITIVE REGULATIONS ..... [Page 6 of 13](#)

V. PESTICIDES AND OTHER CONTAMINANTS ..... [Page 6 of 13](#)

VI. OTHER REGULATIONS AND REQUIREMENTS ..... [Page 6 of 13](#)

VII. OTHER SPECIFIC STANDARDS ..... [Page 7 of 13](#)

VIII. COPYRIGHT AND/OR TRADEMARK LAWS ..... [Page 7 of 13](#)

IX. IMPORT PROCEDURES ..... [Page 8 of 13](#)

Appendix I. Regulatory Agency Contacts ..... [Page 8 of 13](#)

Appendix II: List of Approved Food Additives ..... [Page 10 of 13](#)

**NOTE: This report was prepared by the Office of Agricultural Affairs, US Department of Agriculture, New Delhi, India for US exporters of food and agricultural products. While great care was taken in its preparation, this information may not be entirely accurate either because policies may have changed since the report was written, or because clear and consistent information is unavailable. It is highly recommended that US exporters verify import requirements with their foreign customers before goods are shipped. FINAL IMPORT APPROVAL IS ALWAYS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

## ***I. FOOD LAWS***

**Indian Food Laws Under Review:** The Ministry of Food Processing Industries drafted a new Food Bill 2002, which aims at "integrating the existing laws so as to bring about a single statute relating to food and to provide for the production, manufacture, processing and sale of safe and suitable food, systematic and scientific development of food industry, introducing new technologies, incorporating new inputs of market dynamics, and to create an enabling environment for innovation and value addition, ensuring a high degree of objectivity and transparency and to provide for the establishment of a Food Development Regulatory Authority of India and the Council for Food Standards and for matters connected therewith."

The proposed legislation will attempt to harmonize and rationalize all existing food laws. An attempt will also be made to simplify the rules and procedures to make it easier for industries to comply with the requirements. These provisions are also expected to take into account the requirements of sanitary and phytosanitary measures required by international standards of manufacturing practices. There is no definite time frame for the enactment of the new legislation. The final draft of the new legislation will be notified to the WTO.

The law to protect the nation against impure, unsafe, and fraudulently labeled foods is the **Prevention of Food Adulteration Act (PFA) of 1954 and the PFA Rules of 1955**, as amended. PFA standards and regulations apply equally to domestic and imported products. The PFA covers various aspects of food processing and distribution, such as food color, preservatives, pesticide residues, packaging and labeling, and regulation of sales. **The PFA Act and Rules, and recent notifications are available at: <http://mohfw.nic.in/pfa.htm>**

The law is enforced by **the Director General of Health Services, Ministry of Health and Family Welfare, Government of India (GOI)**, which is somewhat akin to the Food and Drug Administration (FDA) of the United States.

The PFA focuses primarily on the establishment of regulatory standards for primary food products, which constitute the bulk of the Indian diet. The PFA is not always up to date with advances in the food processing sector. Moreover, PFA rules sometimes appear to be drafted in a manner which goes beyond the mere establishment of minimum product quality specifications, such as prescribing recipes for how food products are to be manufactured. Concerned parties can appeal to have the PFA Rules amended. The Central Committee for Food Standards, chaired by

the Director General of Health Services, is the decision making entity. The appeals process, however, is cumbersome and time consuming. All imported products must adhere to the rules as specified in the regulation, including the labeling and marking requirements.

Other laws pertaining to food processing, marketing, and trade are:

**The Standards of Weights and Measures Act, 1976, and Standards of Weights and Measures (Packaged Commodities) Rule, 1977**

These legislative measures are designed to establish fair trade practices with respect to packaged commodities. The rules are to ensure that the basic rights of consumers regarding vital information about the nature of the commodity, the name and address of the manufacturer, the net quantity, date of manufacture, and sale price are provided on the label. There may be additional labeling requirements for food items covered under the PFA. The Department of Consumer Affairs in the Ministry of Consumer Affairs, Food, and Public Distribution is the regulatory authority. The entire text of the **Standards of Weights and Measures Act, 1976, and Standards of Weights and Measures (Packaged Commodities) Rule, 1977** and notifications can be accessed from: [http://fcamin.nic.in/wm\\_ind.htm](http://fcamin.nic.in/wm_ind.htm). Importers of packaged food products must adhere to these acts, including labeling the product, informing the consumer of the name and address of the importer, the net quantity, date of manufacture, best before date, and sale price.

**The Fruit Products Order, 1955**

The fruit and vegetable processing sector is regulated by the Fruit Products Order, 1955 (FPO), which is administered by the Department of Food Processing Industries. The FPO contains specifications and quality control requirements on the production and marketing of processed fruits and vegetables, sweetened aerated water, vinegar, and synthetic syrups. All such processing units are required to obtain a licence under the FPO and periodic inspections are carried out. Processed fruit and vegetable products imported into the country must meet the FPO standards.

**Meat Food Products Order, 1992**

This order administers the permissible quantity of heavy metals, preservatives, and insecticide residues for meat products. This order is equally applicable to the domestic processors and importers of meat products. However, its implementation is weak due to unorganized production in the domestic market and fewer imports.

**Milk and Milk Products Order, 1992**

This order regulates the production, distribution, and supply of milk products; establishes sanitary requirements for dairies, machinery, premises; and sets quality control standards for milk and milk products. Standards specified in the order are also equally applicable to imported milk products.

## **The Destructive Insects and Pests Act, 1914, and Plants, Fruits, and Seeds (Regulation of Import in India) Order, 1989**

These legislative measures regulate imports of planting seeds into India, and prohibit imports of seeds for sowing and planting materials without a valid permit. The implementing agency is the Directorate of Plant Protection, Quarantine, and Storage under the Department of Agriculture and Cooperation, Ministry of Agriculture.

### **II. LABELING REQUIREMENTS**

#### **A. General Requirements**

**Part VII of the PFA Rules, 1955, and the Standards of Weights and Measures (Packaged Commodities) Rules, 1977**, as amended, lay down labeling requirements for all packaged foods. The label should provide the following information:

- < Name, trade name or description contained in the package
- < Name of ingredients used in the product in descending order of their composition by weight or volume
- < Name and complete address of manufacturer/packer/importer/vendor/country of origin of the imported food (if the food article is manufactured outside India and packed in India)
- < Net weight, number, or volume of contents
- < Distinctive batch, lot, or code number
- < Month and year the product was manufactured or packed
- < Month and year by which the product is best consumed
- < Maximum retail price (MRP)

Where applicable, the product label should also contain the following:

- < The purpose of irradiation and license number, in case of irradiated food
- < Extraneous addition of coloring matter
- < Non-vegetarian food (any food which contains whole or part of any animal including birds, fresh water or marine animals, eggs, or product of any animal origin as an ingredient, not including milk or milk products, must have a symbol of a brown color-filled circle inside a square with a brown outline to be prominently displayed on the package, contrasting against the background on the principal display panel, in close proximity to the name or brand name of the food
- < Vegetarian food must have a symbol of a green color-filled circle inside a square with a green outline to be prominently displayed on the package, contrasting against the background on the principal display panel, in close proximity to name or brand name of the food.

There are special labeling requirements for certain packaged food items, such as infant foods, condensed milk, milk powder, blended vegetable oils, etc.

In the case of imported packaged food, all declarations 1) may be printed on a label securely affixed to the package; or 2) may be made on an additional wrapper containing the imported package; or 3) may be printed on the package itself; or 4) may be made on a card or tape affixed firmly to the package or container and bearing the required information prior to customs clearance. Labels must be printed in English or Hindi (Devnagari script). The responsibility for labeling lies with the importer and should be done before being presented for custom clearance. Products exhibiting only the standard US label cannot enter.

**As per Notification No. 44 (RE-2000)/1997-2002, issued by the Department of Commerce on November 24, 2000, all packaged commodities imported into India should carry the following declarations:**

- < Name and address of the importer
- < Generic or common name of the commodity packed
- < Net quantity using standard units of weights and measures. If the net quantity of the imported package is given in any other unit, its equivalent terms of standard units shall be declared by the importer
- < Month and year of packaging in which the commodity was manufactured, packed, or imported
- < The MRP at which the commodity in packaged form may be sold to the ultimate consumer. This price shall include all taxes, local or otherwise, freight, transport charges, commission payable to dealers, and all charges towards advertising, delivery, packing, forwarding, and the like.

**Shelf Life: Notification No. 22 (RE-2001) 1997-2002, dated July 30, 2001, issued by the Department of Commerce, states:**

"Imports of all such edible/food products, domestic sale and manufacture of which are governed by the PFA shall also be subject to the condition that, *at the time of importation* (emphasis added), these products are having a valid shelf life of not less than 60 percent of its original shelf life. Shelf life of the product is to be calculated, based on the declaration given on the label of the product, regarding the date of manufacture and the due date of expiry."

### ***B. Requirements Specific to Nutritional Labeling***

Implied nutritional and health claims are allowed on food products. However, there are no statutory nutritional requirements. Manufactured and imported food stuffs claiming to be enriched with nutrients such as minerals, proteins, or vitamins, should indicate quantities of such added nutrients on the label. Though there is no official position on implied and/or health claims, such claims should be able to withstand the verification of a court of law, if challenged.

## ***III. PACKAGING AND CONTAINER REQUIREMENTS***

All units of weight or measure are to be reported in metric.

Certain commodities are to be packed on specified quantities by weight, measure, or number. These include baby food, weaning food, biscuits, bread, butter, coffee, tea, vegetable oils, milk powder, and wheat and rice flour. Use of materials such as PVC is not allowed in packaging in most cities, due to environmental concerns and waste disposal problems.

#### ***IV. FOOD ADDITIVE REGULATIONS***

Information regarding permitted coloring matter, preservatives, etc., are provided in various sections of the **PFA Rules, 1955, as amended which are listed below:**

<b>Coloring Matter</b>	<b>Part VI</b>
<b>Preservatives</b>	<b>Part X</b>
<b>Poisonous metal</b>	<b>Part XI</b>
<b>Anti-Oxidants, Emulsifying, Stabilizing, and anti-caking Agents</b>	<b>Part XII</b>
<b>Flavoring agents and related substances</b>	<b>Part XIII</b>
<b>Sequestering and buffering agents</b>	<b>Part XVI</b>

The PFA Act and Rules, and recent notifications are available at: <http://mohfw.nic.in/pfa.htm>. Imported processed foods containing coloring matter, preservatives, etc. should conform to the regulations contained in the PFA rules, 1955.

#### ***V. PESTICIDES AND OTHER CONTAMINANTS***

The PFA Rules, 1955, include a positive list for the presence of pesticide residues in various commodities and food (manufactured/imported) products, and their respective tolerance levels. Maximum tolerance levels are set for most approved pesticides. The CODEX maximum residue limits (MRLs) are accepted for imported food stuffs only for those pesticides not included in India's positive list of pesticides. Please see **Part XIV** of the PFA Rules, 1955. The PFA Act and Rules, and recent notifications are available at: <http://mohfw.nic.in/pfa.htm>

#### ***VI. OTHER REGULATIONS AND REQUIREMENTS***

Product registration is not required for imported products. All imported foods are randomly sampled at the port of entry for their conformity to PFA standards. The import of product samples via express mail or parcel post is allowed contingent on obtaining prior permission from the Directorate General of Foreign Trade. Mail order imports are not allowed. Contact information for sample shipments is provided in Appendix I. Once the products enter the domestic market, they are monitored randomly at the retail/wholesale level by the respective regulatory authorities.

Through a **notification issued on July 7, 2001**, by the Department of Animal Husbandry and Dairy, the GOI restricted imports of all livestock products into India, including meat and meat

products (including fresh, chilled, and frozen meat, tissue or organs of poultry, pig, sheep, and goat), egg and egg powder, milk and milk products, bovine, ovine, and caprine embryos, ova, and semen, and pet food products of animal origin. Imports of these products require a sanitary import permit issued by the Department of Animal Husbandry and Dairy.

Per the **Plants, Fruits, and Seeds (Regulation of Import into India) Order, 1989**, imports of plants, fruits, and seeds into India require a valid permit issued by the Plant Protection Advisor, Directorate of Plant Protection, Quarantine, and Storage, GOI.

The **Genetic Engineering Approval Committee (GEAC)** is the decision making authority on allowing imports of bioengineered products. Food ingredients therein, and additives containing bioengineered organisms, shall not be produced, used, or imported without the approval of the GEAC. All such approvals, if granted, shall be for a specific period not exceeding four years at the first instance, and renewable for 2 years at a time, subject to terms and conditions.

### ***VII. OTHER SPECIFIC STANDARDS***

The **PFA Rules, 1955 (Appendix B)**, and the **Fruit Products Order, 1955**, as amended, contain definitions and specific quality standards for certain food products, such as processed cheese, ice cream, spice mixes, milk and milk products, infant food, vegetable oils and margarine, fruits and vegetable products, and basic food items like wheat, rice, and pulses. The imported products also need to meet the specified quality standards.

The **Department of Commerce Notification No. 44 (RE-2000)/1997-2002** dated November 24, 2000, requires imports of certain products, including some food products (milk powder, condensed milk, infant milk foods, milk-cereal based weaning foods) and food additives to comply with mandatory Indian Quality Standards. All manufacturers and exporters of these products to India are required to register with the Bureau of Indian Standards. However, the enforcement of this regulation has not been very strict, as the current imports of these products have been very small (mostly in mixed containers).

### ***VIII. COPYRIGHT AND/OR TRADEMARK LAWS***

Indian law is supposed to provide rigorous protection for copyrighted material. The Indian Copyright Act of 1957 is based on the Bern Convention on Copyrights, to which India is a party. May 1995 and December 1999 amendments increased protection, and introduced stiff mandatory penalties for copyright infringement. On paper, Indian copyright law is now on par with the most modern law in the world. Trademark protection was raised to international standards with the passage of a new Trademark Bill in December 1999. It codified the use and protection of foreign trademarks, including service marks. Enforcement of intellectual property rights has been weak, but the situation is improving, as the courts and police respond to domestic concerns about the high cost of piracy to Indian rights holders.

The reputation of foreign trademark is recognized in India and there are significant judicial

precedences to protect them. Indian courts have gone beyond the existing statutes and restrained local companies from using world-renowned trademarks even when the marks have not been registered in India. Nevertheless, foreign brands can register their trademark through a local agent by applying at the office of Registrar of Trademarks. However, it may take many (3-5) years for the trademark to be officially accepted and notified.

## **IX. IMPORT PROCEDURES**

**Documentation:** Importers are required to furnish an import declaration in the prescribed Bill of Entry format, disclosing full details of the value of imported goods. This must be accompanied by any import licenses, along with documentation such as sales invoice, freight, and insurance certificates. All consignments are required to be inspected prior to clearance. In the current Customs set-up, appointing a clearing agent avoids delays.

The clearance of imported food products at the port of entry requires a certification from the port health authority that the product conforms to the standards and regulation of the PFA. However, certification is based mostly on visual inspection and records of past imports, as most ports have very limited testing facilities. Consequently, importers of new products can sometimes face undue delays in clearing their products. The custom clearance period may vary from one day to one month, depending on the product and experience of the importer. In case of a dispute or rejection of the consignment, the importer can file an appeal at the Customs office at the port of entry.

Additional information on exporting food products to India is available in the "Exporter Guide" (GAIN Report #IN3068IN2057), which can be accessed via the FAS homepage.

### **Appendix I. Regulatory Agency Contacts**

#### **A. Prevention of Food Adulteration Act**

Director General of Health Services  
of India, Ministry of Health  
Nirman Bhavan  
Maulana Azad Road  
New Delhi, 110 - 001  
Phone: (91-11) 23018438  
Fax: (91-11) 23017924  
E-mail: [dghs@nb.nic.in](mailto:dghs@nb.nic.in)

#### **B. The Standards Weights and Measures Act**

Additional Secretary (Weights & Measures)  
Department of Consumer Affairs  
Krishi Bhavan

New Delhi - 110 001  
Phone: (91-11) 23383027  
Fax: (91-11) 23386575

C. Phytosanitary issues

Plant Protection Advisor  
Directorate of Plant Protection, Quarantine, and Storage  
Ministry of Agriculture  
N.H. IV  
Faridabad - 121 001  
Haryana  
Phone: (91-129)2413985  
(91-11)23385026 (Delhi Office)  
Fax: (91-129) 2412125

D. Livestock and Products Imports

Joint Secretary (Trade)  
Department of Animal Husbandry & Dairying  
Ministry of Agriculture  
Krishi Bhavan  
New Delhi - 110 001  
Phone: (91-11)23382354  
Fax: (91-11)23386115

E. Ministry of Commerce

Director General of Foreign Trade  
Ministry of Commerce  
Udyog Bhavan  
New Delhi - 110 011  
Phone: (91-11)23011777  
Fax: (91-11)23018613

F. Registry of Trademarks

Registrar of Trademarks  
Trademark Registry  
Okhla Industrial Estate  
New Delhi - 110 020  
Phone: (91-11)26917761

**Appendix II: List of Approved Food Additives**

I. Coloring Matter

A. Natural Coloring Matters

1. Beta-carotene
2. Beta-apo-8'-carotenal
3. Methylene ester of Beta-apo-8' carotenoic acid
4. Ethylene ester of Beta-apo-8' carotenoic acid
5. Canthaxanthin
6. Chlorophyll
7. Riboflavin/Lactoflavin
8. Caramel
9. Annatto
10. Saffron
11. Curcumin (or Turmeric)

B. Synthetic Coloring Matters

1. Ponceau 4R
2. Carmoisine
3. Erythrosine
4. Tartrazine
5. Sunset Yellow FCF
6. Indigo Carmine
7. Brilliant Blue FCF
8. Fast Green FCF

P.S. Maximum limit of permitted synthetic coloring matters - 100 parts per million

II. Preservatives

A. Class I Preservatives

1. Common Salt
2. Sugar
3. Dextrose
4. Glucose (Syrup)
5. Spices
6. Vinegar or Acetic Acid
7. Honey
8. Edible oils

B. Class II Preservatives

1. Benzoic acid including salts thereof
2. Sulphurous acid and salts thereof
3. Nitrates of Sodium or Potassium
4. Sorbic acid and its sodium, potassium and calcium salts
5. Nicin
6. Sodium and calcium propionate
7. Methyl or propyl Parahydroxy Benzoate
8. Propionic acid, including esters or salts thereof
9. Sodium diacetate
10. Sodium, potassium and calcium salts of lactic acid

The maximum allowable limit for class II preservatives varies with the type of food stuff in which it is used. Please note that there is no maximum allowed limit in the use of class I preservatives.

### III. Poisonous Metal

1. Lead
2. Copper
3. Tin
4. Zinc
5. Cadmium
6. Arsenic
7. Mercury
8. Methyl mercury
9. Chromium

Tolerance limits for the poisonous metals vary with the food stuffs in which they are added.

### IV. Anti-oxidants, Emulsifying, Stabilizing and Anti-Caking Agents

#### A. Anti-Oxidants

1. Lecithin
2. Ascorbic acid
3. Tocopherol
4. Ethyl gallate
5. Propyl gallate
6. Octyl gallate
7. Dodecyl gallate
8. Ascrobyl palmitate
9. Butylated hydroxyanisole (BHA)
10. Citric acid
11. Tartaric acid
12. Gallic acid
13. Resin Guaiac
14. Tertiary Butyl Hydro Quinone (TBHQ)

#### B. Emulsifying and stabilizing agents

Permitted Emulsifying and stabilizing agents include:

Agar, alginic acid, calcium and sodium alginates carrageen, edible gums (such as guar, karaya arabic, carobean, furcellaran, tragacanth, gum ghatti), dextrin, sorbitol, pectin, sodium and calcium pectate, sodium citrate, sodium phosphates, sodium tartrate, calcium lactate, lecithin, albumen, gelatin quillaia, modified starches, hydrolysed, proteins, monoglycerides or diglycerides of fatty acids, synthetic lecithin, propyleneglycol stearate, propyleneglycol alginate, methyl ethyl cellulose, methyl cellulose, sodium carboxymethyl cellulose, stearyl tartaric acid, esters of monoglycerides and diglycerides of fatty acids, monosterin sodium sulphoacetate,

sorbitan esters of fatty acids or in combination, (polyoxy-ethylene sorbiton monostearate, sodium stearoyl-2-lactylate and calcium stearoyl-2 lactylate), (Polyglycerol Esters of fatty acids and polyglycerol Ester of interesterified Ricinoleic acid), (and brominated vegetable oil), [(Glycerol esters of wood resins (Ester Gum)]

V. Flavoring Agents and related substances

All flavoring agents other than the following shall be used in any article of food

1. Coumarin and dihydrocoumarin
2. Tonkabean (Diptery odorat); and
3. B-asarone and cinamyl anthracilate
4. Estragole
5. Ethyl Methyl Ketone
6. Ethyl-3-Phenylglycidate
7. Eugenyl methyl ether
8. Methyl Beta naphthyl Ketone
9. P. Propylanisole
10. Saffrole and Isosaffrole
11. Theyone and Isotheyone alpha and beta theyone

VI. Sequestering and buffering agents

The following sequestering and buffering agents are allowed subject to limits prescribed therein.

1. Acetic acid
2. Adipic acid
3. Calcium gluconate
4. Calcium carbonate
5. Calcium oxide
6. Citric acid
7. Malic acid
8. DL Lactic acid (food grade)
  - a) L (+) Lactic acid (food grade)
9. Phosphoric acid
10. Polyphosphate containing less than 6 phosphate moieties
11. L (+) Tartaric acid
12. Calcium Disodium, Ethylene, diamine tetra acetate
13. Fumaric acid.

Any questions regarding Indian food and agricultural import regulations and standards may also be directed to the Agricultural Counselor's Office at the US Embassy, New Delhi.

Counselor for Agricultural Affairs  
American Embassy, New Delhi

Department of State  
Washington, DC 20521-9000

Phone: (91-11) 24198297

Fax: (91-11) 24198530

E-mail: [AgNewDelhi@fas.usda.gov](mailto:AgNewDelhi@fas.usda.gov)  
[agdelhi@giasdlo1.vsnl.net.in](mailto:agdelhi@giasdlo1.vsnl.net.in)