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Amendment to PFA Rules Relating to Food Labeling and Additives

Report Categories:

Food Processing Ingredients Sector

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Report Highlights:

Amendment to PFA Rules Relating to Food Labeling and Additives (Polyols and Polydextrose)

On June 9, 2010, the Ministry of Health and Family Welfare published a final Gazette notification implementing additional labeling rules for packaged food products containing Polyols, and establishes maximum limits for Aspartame, Sucralose, Polydextrose, Polyols, etc., for various processed food products.

General Information:

Introduction: This report summarizes a final amendment to the Prevention of Food Adulteration Rules framed under the Prevention of Food Adulteration Act (PFA), 1954, which relates to and sets additional requirements for various food additives permitted to be used in India.

Disclaimer: This summary is based on a cursory review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural exports to India.

Details on the final notification no. G.S.R. 488(E), dated June 9, 2010.

Type of Regulation: Final

Publication Date: June 9, 2009 in the Gazette of India

Notification to the WTO: Not notified (as of June 18, 2010)

Effective Date: On the date of final Indian official Gazette notification (June 9, 2010) except rule 2, which shall come into force after six months from the date of publication of this notification.

Products Affected: Various processed food items, containing polyols and polydextrose

Agency In charge: Department of Health, Ministry of Health and Family Welfare,
Government of India

Note: A copy of the notification is attached.

The full text version of the PFA act and Rules can be accessed from
<http://www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf>

For More Information: Contact the Department of Prevention of Food Adulteration website:
<http://mohfw.nic.in/pfa.htm>

Background:

On January 22, 2009, the Ministry of Health and Public Welfare published a draft Gazette notification under the Prevention of Food Adulteration Act (PFA) and requested public comments within 60 days from the date of publication. The amendment was related to Food labeling and Additives for various processed food products (Reference GAIN report IN9016).

These websites are mentioned for readers' convenience; USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained in the above websites.

MINISTRY OF HEALTH AND FAMILY WELFARE**(Department of Health and Family Welfare)****NOTIFICATION**

New Delhi, the 9th June, 2010

G.S.R. 488(E).—Whereas certain draft rules further to amend the Prevention of Food Adulteration Rules, 1955 were published, as required by sub-section (1) of section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), in the Gazette of India, Extraordinary, vide notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health and Family Welfare), number G.S.R. 43(E), dated the 22nd January, 2009, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of the period of sixty days from the date on which the copies of the Official Gazette containing the said notification, were made available to the public;

And whereas, the copies of the said notification were made available to the public on 30th January, 2009;

And whereas, objections or suggestions received from the public within the specified period on the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section of (1) of section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the Central Government, after consultation with the Central Committee for Food Standards, hereby makes the following rules further to amend the Prevention of Food Adulteration Rules, 1955, namely:-

1. (1) These rules may be called the Prevention of Food Adulteration (3rd Amendment) Rules, 2010.
- (2) They shall come into force on the date of their publication in the Official Gazette except rule 2, which shall come into force after six months from the date of publication of this notification.

2. In the Prevention of Food Adulteration Rules, 1955 (hereinafter refer to as the said rules), in rule 42, after sub-rule (ZZZ) (25), the following sub-rules shall be inserted, namely:-

"(ZZZ)(26) Every package of food containing Polyols shall bear the following label:-

Polyols may have laxative effects

(ZZZ)(27) Every package of food containing Polydextrose shall bear the following label:-

Polydextrose may have laxative effects

3. In rule 47 of the said rules,-

(1) in sub-rule(1),-

(a) in the Table,-

- (i) against serial number 2 relating to Aspartame(methyl ester), after the entries relating thereto in columns 3 and 4, the following entries shall be inserted namely:-

3	4
"Fruit Nectar	600 ppm
Vegetable Nectar	600 ppm
Ice-cream, frozen dessert and pudding	1000 ppm
Flavoured milk	600 ppm
Ready to Serve Tea and Coffee Beverages	600 ppm
Yoghurt	600 ppm
Ready to eat cereals	1000 ppm
Non-carbonated water based beverages (non-alcoholic)	600 ppm";

- (ii) against serial number 3 relating to Acesulfame Potassium, after the entries relating thereto in column 3 and 4, the following entry shall be inserted namely:-

3	4
"Non-carbonated water based beverages (non-alcoholic)	300ppm";

- (iii) against serial number 4 relating to sucralose, after the entries relating thereto in column 3 and 4, the following entries shall be inserted namely:-

3	4
"Non-carbonated water based beverages (non-alcoholic)	300 ppm
Jelly Crystals	*300 ppm
Custard powder / ready to eat custard dessert	*260 ppm
Chocolate	800ppm";

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- (iv) after serial number 4, and the entries relating thereto, the following serial number and the entries shall be inserted, namely:-

(1)	(2)	(3)	(4)
"5	Neotame	Carbonated water	33 ppm
		Soft drink concentrate	*33 ppm";

- (b) after the Table, in the Explanation II, the paragraph beginning with the words "Maximum limit of artificial sweetener in soft drink concentrate" and ending with the words "reconstitution of products for making final beverage" shall be substituted with the following paragraph, namely:-

"Maximum limit of artificial sweetener in the product shall be as in reconstituted beverage or food or in the final beverage or food for consumption, as the case may be. The product label shall give clear instructions for reconstitution of products for making final beverage or food for consumption as the case may be.";

- (c) after Explanation II, in the proviso,-

- (i) after the words "or sucralose", the words "or Neotame" shall be inserted;
- (ii) at the end of the list of carrier or filler articles, the following shall be inserted namely:-

"22. Erythritol";

- (2) in sub-rule (2), after the existing proviso, the following proviso shall be inserted, namely:-

"Provided further that mixture of aspartame (methyl ester) and acesulfame K potassium (in ratio 2:1) may be marketed as Table Top Sweetener and may contain the carrier or filler articles as mentioned in the proviso given under the Table in sub-rule (1) and under label declaration as provided in clause (1) and (2) of sub-rule (ZZZ) of rule 42."

4. after rule 47 of the said rules, the following rules shall be inserted, namely:-

"47—A Restriction on use of Polyols in foods.- No Polyols shall be added to any article of food except mentioned in the Table below in quantities not exceeding the limits shown against them and as per provision contained in Appendix 'C' of these rules and shall bear the label declaration as provided in sub-rule (ZZZ)(26) of rule 42.

Table

Sl. No	Name of Polyols	Article of Food	Maximum Limit
1.	Isomalt	(i) Traditional Indian Sweets (carbohydrates based and milk products based) Halwa, Mysore Pak, Boondi Ladoo, Jalebi, Khoya Burfi, Peda, Gulab Jamun, Rasogolla and similar milk product based sweets sold by any name. (ii) Instant sweetmeat mixes (pongal mix, gulab jamun mix, jalebi mix) (iii) Bakery products (iv) Jams, Jellies and Marmalades (v) Edible ices (vi) Ice-cream, frozen desserts, sweetened yoghurt.	GMP
2.	Erythritol	Dairy drinks (chocolate and flavoured milk), carbonated beverages, non-carbonated water based beverages (non-alcoholic), ice-cream, yoghurt, puddings, non-dairy toppings, bakery mixes, cake, cookies and pastries, ready to eat breakfast cereals, soft candies, chocolate and hard candies.	GMP

47-B Use of Polydextrose in foods.- Polydextrose may be used in following food articles subject to maximum level as per GMP and proper label declaration as provided in sub-rule (ZZZ)(27) of rule 42.

Ice-cream, Frozen dessert, Cakes, biscuits, yoghurt, whip topping, sugar boiled confectionary, lozenges, jam, fruit jelly, Traditional Indian Sweets (carbohydrates based and milk products based) Halwa, Mysore Pak, Boondi Ladoo, Jalebi, Khoya Burfi, Peda, Gulab Jamun, Rasogolla and similar milk product based sweets sold by any name."

5. After rule 61-G of the said rules, the following shall be inserted, namely:-

"61-H Use of Acid Treated Starch in Sugar Confectionery.- Acid Treated Starch may be used in sugar confectionery not exceeding GMP level."

6. In the said rules, in Appendix 'B', in item A.01.01 relating to Carbonated water, in para-2,-

(a) after the words and figures "Estergum (Glycerol esters of wood rosin) not exceeding 100 parts per million and", the following words and letters shall be inserted, namely:-

"Gellan gum not exceeding GMP level";

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(b) after the words and figures "Sucralose not exceeding 300 ppm", the words and figures "or Neotame not exceeding 33 ppm" shall be inserted.

7. In the said rules, in Appendix 'C',-

- (1) in Table 2, in serial number C, for item number 1, and the entries relating thereto, under column 2, the following item and the entries shall be inserted, namely:-

2

"1. Sorbic Acid and its sodium, potassium and calcium salt (calculated as Sorbic Acid)";

(2) in Table 8,-

(a) in serial number G,-

- (i) against item number 4 relating to estergum, under column (7) relating to carbonated fruit beverage or fruit drink, the following shall be inserted, namely:-

"100 ppm maximum";

- (ii) after item number 7 and the entries relating thereto, the following item number and the entries shall be inserted, namely:-

1	2	3	4	5	6	7	8	9	10	11	12	13
"8	Gellan gum	-	-	-	-	GMP	-	GMP	-	-	-	- ₁

- (b) in serial number J, against Sodium Hexameta Phosphate, in column (7) relating to carbonated fruit beverage or fruit drink, the entry "1000 ppm maximum" shall be inserted.

(3) in Table 9,

- (i) in serial number I, after item number 3 and the entries relating thereto, the following item number and the entries shall be inserted, namely:-

[illegible]

(4) in Table 10,

(a) in serial number K, after item number 4 and the entries relating thereto, the following item number and the entries shall be inserted, namely:-

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
"5	Ester gum	-	-	-	-	100 ppm Max.	-	-	-	-	-	-	-	-	-
6	Gellan gum	-	-	-	-	GMP	-	-	-	-	-	-	-	-	-"

(b) after serial number M and the entries relating thereto, the following item number and the entries shall be inserted, namely:-

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
"N	Sequesterant														
	Sodium Hexameta Phosphate	-	-	-	-	1000 ppm Max.	-	-	-	-	-	1000 ppm Max.	-	-	-"

(5) in Table 13,

after serial number J, in item number 1 relating to Talc, in column 7 relating to Chewing gum / Bubble gum, for the entry "0.2 percent maximum", the entry "2.0 percent maximum" shall be substituted.

[No. P. 15014/5/2008-PH(F)]

VINEET CHAUDHRY, Jt. Secy.

Note:- The principal rules were published in the Gazette of India vide notification number S.R.O. 2106, dated the 12th September, 1955 and were lastly amended vide notification number G.S.R. 351(E), dated the 27.04.2010.