

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

Required Report - public distribution

**Date:** 12/7/2010

**GAIN Report Number:** IN1108

## India

### Food and Agricultural Import Regulations and Standards - Narrative

### FAIRS Country Report

**Approved By:**

David Leishman

**Prepared By:**

Ritambhara Singh

**Report Highlights:**

\*Updated on December 7, 2010\* \*All sections updated.\* Food Safety and Standards Authority of India appointed authorized officers for clearance of imported food at sea ports \* Food Safety Standards Act implementation in progress.\*

**Disclaimer**

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in New Delhi, to serve as reference guide for firms wishing to export food and agricultural products to India. While every effort has been taken to accurately describe existing regulations, exporters are strongly advised to always verify import requirements with their customers prior to shipment. THIS REPORT HAS NOT BEEN OFFICIALLY ENDORSED BY THE

GOVERNMENT OF INDIA. IMPORT APPROVAL FOR ANY PRODUCT IS SUBJECT TO LOCAL RULES AND REGULATIONS AS INTERPRETED BY INDIAN BORDER OFFICIALS AT THE TIME OF ENTRY.

## Section I. Food Laws:

With more than 1.2 billion people to feed daily, the Government of India is focused on strengthening food security in the country, and at the same time ensuring that the food is safe and nutritious. Food safety in India is a shared responsibility among a number of Ministries and Departments. The first food law of India, famously known as the '[Prevention of Food Adulteration Act \(PFA\)](#),' was established in 1954. Various other food laws followed PFA. Since then the food industry in India has evolved. Indian markets are now flooded with a wide variety of food items. Consumers are starting to give preference to branded foods, encouraging numerous companies to increase investment in the food sector. Supermarkets are beginning emerge, providing new opportunities for brands to compete in providing healthy, nutritious and safe foods. The Government of India is also promoting increasing investments in food processing to accelerate growth.

India's food laws are focused on: (a) prevention of food adulteration (b) regulation for providing hygienic conditions of processing/manufacturing (c) protection of the domestic agriculture and livestock sector from pests and diseases (d) inform consumers about the products they eat (such as vegetarian or non-vegetarian, maximum price to pay, etc.), and (e) provision of product specifications. Domestic food laws are equally applicable to imported food products.

With the enactment of the "Food Safety and Standards Act, 2006," the Government of India (GOI) constituted a Food Safety Standards Authority of India (FSSAI) with the objective of consolidating various food laws and establishing a single regulatory agency<sup>0</sup> (See: <http://www.fssai.gov.in/>). The FSSAI was created to: a) lay down food standards, b) effectively regulate the manufacture, import, storage, distribution and sale of food to ensure consumer safety and promote global trade, c) pool infrastructure, manpower, testing facilities, and d) rationalize and strengthen the existing enforcement mechanism. FSSAI is responsible for fruits, meat, milk products, processed and novel foods.

In October 2010, following the WTO notification process, FSSAI published the [Draft Food Safety and Standards Regulations, 2010](#) in the Official Gazette of India. The Draft Food Safety and Standards Regulations contain labeling requirements and standards for packaged food, food additives, colors, microbiological requirements, etc. These regulations are drawn from existing rules under the [PFA 1954](#) with amendments. However, the new regulations stipulate that food business operators, who can be a "*food processor, manufacturer, exporter, or importer*", "*shall ensure that the food meets all the standards laid under the FSSAI's Food Safety and Standards Regulations 2010.*" Importers are required to hold a valid FSSAI license, to conduct business in India. Indian exporters must also be licensed. Foreign companies that export food products to India do not need an FSSAI license. **(For further information, please refer to USDA GAIN report IN1104 on [FSSAI-Towards Implementing Food Safety Standards in India](#))**

The implementation of the 2006 Act formally repeals the regulatory framework established by the [Prevention of Food Adulteration Act, 1954](#), the [Fruit Products Order, 1955](#), the [Meat Food Products Order, 1973](#), the [Vegetable Oil Products \(Control\) Order, 1947](#), the [Edible Oils Packaging \(Regulation\) Order 1988](#), the [Solvent Extracted Oil, De-Oiled Meal and Edible Flour \(Control\) Order, 1967](#), and the [Milk and Milk Products Order, 1992](#), and [Essential Commodities Act](#), 1955. The 2006 Act does not eliminate the regulatory authorities, but rather combines them under a single authority with minor revisions, adding key provisions to further strengthen implementation. As a result, India's food law is governed by a single regulator, the FSSAI. **(For further information, please refer to USDA GAIN report IN1070 on [FSSAI Seeks Comments on New India Food Safety Law](#))**

### A. Prevention of Food Adulteration Act (PFA) of 1954 and the PFA Rules of 1955

The intent of the PFA law is to protect India against impure, unsafe, and fraudulently labeled foods. Historically, this has been the most important food law in the country. The PFA covers various aspects of food processing and distribution, including food color, preservatives, pesticide residues, packaging, labeling, and regulation of sales. **The PFA Act, rules and recent notifications are available at: [PFA Act, 1954](#).** The PFA, previously enforced by the **Director General of Health Services, Department of Health (DH), Ministry of Health and Family Welfare (MHFW)**, is now under the authority of the FSSAI. It applies equally to domestic and imported products. Enforcement of the PFA is left to the state governments.

### B. The Standards of Weights and Measures Act, 1976, and the 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 aim to ensure that vital information about the nature of the commodity, the name and address of the manufacturer, the net quantity, date of manufacture, and maximum 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, located within 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 the Standards of Weights and Measures (Packaged Commodities) Rule, 1977**, and related notifications, can be accessed from the website of the Department of Consumer Affairs at [Standards of Weights and Measures Act, 1976](#). Importers of packaged food products are expected to adhere to the provisions of these acts.

### **C. The Fruit Products Order (FPO), 1955**

The fruit and vegetable processing sector is regulated by the Fruit Products Order, 1955 (FPO). This law was previously administered by the Ministry of Food Processing Industries but is now administered by the FSSAI. The FPO contains specifications and quality control requirements regarding the production and marketing of processed fruits and vegetables, sweetened aerated water, vinegar, and synthetic syrups. All units that process these products are required to obtain a license under the FPO, and periodic inspections are carried out. Processed fruit and vegetable products imported into India must meet the FPO standards. For details see: [FPO, 1955](#)

### **D. Meat Food Products Order (MFPO), 1992**

This order, now under FSSAI authority, administers the sanitary and hygienic standards of slaughterhouses and sets the permissible quantity of heavy metals, preservatives, and insecticide residues for meat products. The order applies equally to domestic processors and importers of meat products. However, due to unorganized production in the domestic market, implementation is uneven. For details, see: [MFPO, 1973](#)

### **E. Milk and Milk Products Regulations (MMPR), 2009**

Milk and Milk Products Order, 1992 is subsumed as Milk and Milk Products Regulations 2009 after the FSSAI took over as new regulatory authority. This regulation regulates the production, distribution, and supply of milk products; establishes sanitary requirements for dairies, machinery, and premises; and sets quality control standards for milk and milk products. Standards specified in the order also apply to imported products. FSSAI is the regulatory authority. For details see: [MMPO, 1992](#)

### **F. Vegetable oil Products Regulations (Order), 1998**

The Vegetable Oil Products industry is regulated by this Order through the FSSAI. The earlier two Orders – Vegetable Oil Products (Control) Order, 1947 and Vegetable Oil Products (Standards of Quality) Order, 1975 have been replaced by a single Order called “Vegetable Oil Products (Regulation) Order, 1998 for proper regulation of manufacture, distribution and sale of Vegetable Oil Products. For details see: [Vegetable Oil Products Regulations \(Order\), 1998](#)

### **G. Solvent Extracted Oil, De-oiled Meal and Edible Flour (Control) Order, 1967**

The Order governs the manufacture, quality and movement of solvent extracted oils, de-oiled meal and edible flour. The order is for quality control to ensure the standards of solvent extracted oils reaching consumers. The standards for the solvent (hexane), which is to be used for extraction of oil from the oil-bearing materials, have been specified to eliminate possible contamination. For details see:

[Solvent Extracted Oil, De-oiled Meal and Edible Flour \(Control\) Order, 1967](#)

### **H. Livestock Importation Act, 1898**

Under the Livestock Importation Act, 1898, the government has established procedures for the importation of livestock and related products to India, which are implemented by the Department of Animal Husbandry, Dairying, and Fisheries, Ministry of Agriculture (MA). These procedures are available at: <http://dahd.nic.in/order/livestockimport.doc>

## **I. Plant Quarantine (Regulation of Import into India) Order, 2003**

The GOI formulated the Plant Quarantine (Regulation of Import into India) Order, 2003, under the Destructive Insects and Pests Act, 1914. It was published on November 18, 2003, with “...the purpose of prohibiting and regulating the imports into India of agricultural articles...,” and became effective January 1, 2004. The implementing agency is the Directorate of Plant Protection, Quarantine, and Storage, under the Department of Agriculture and Cooperation, MA. This Order, along with several subsequent amendments, is available at: [www.plantquarantineindia.org/PQO\\_amendments.htm](http://www.plantquarantineindia.org/PQO_amendments.htm)

## **Section II. Labeling Requirements:**

**A. General Requirements:** General requirements for labeling of packaged foods are currently enshrined in Part VII of the 1954 Prevention of Food Adulteration Act (PFA) of 1954 (as amended) and can be accessed at: [PFA Act, 1954](#).

According to the PFA rules, “Prepackaged or —Pre-packed food means food, which is placed in a package of any nature, in such a manner that the contents cannot be changed without tampering it and which is ready for sale to the consumer. The expression —package shall be construed as package containing prepacked food articles.”

**Note:** The 1954 PFA is currently in the process of being replaced by the Food Safety and Standards Regulations, 2010, which has been notified to the WTO and has now been published in the Official Gazette of India (October 21, 2010). Chapter IV of these regulations concentrates on Packaging and labeling regulations.

The PFA requires that every package of food shall carry the following information on the label

- The trade name or description of the food item
- List of ingredients, except for single ingredient foods
- Net content by weight, volume or number; drained weight (for food packed in liquid medium)
- Distinctive lot number or code number or batch number
- Date, month, and year of manufacturing or packing.
- Best before date
- Instructions for use
- Maximum Retail Price (MRP)
- Name and complete address of the manufacturer

There are special labeling requirements for certain packaged food items, such as infant foods, condensed milk, milk powder, blended vegetable oils, etc. A detailed account of all packaging and labeling regulations, along with applicable conditions and the manner of labeling is available in Chapter IV of the [Food Safety and Standards Regulations, 2010](#), (Part VII of [PFA Act, 1954](#)).

**B. Requirements specific to labeling of imported food:** In the case of imported packaged food, all declarations must be:

- Printed on a label securely affixed to the package or;
- Made on an additional wrapper containing the imported package or;
- Printed on the package itself or;
- Made on a card or tape affixed firmly to the package or container and bearing the required information.

Labels must be printed in English or Hindi (Devanagari script). The responsibility for labeling lies with the importer, and should be done before products are presented for customs clearance. Products exhibiting only a standard U.S. label will not be allowed to enter.

Per Notification No. 44 (RE-2000)/1997-2002, issued by the Department of Commerce (DC), Ministry of Commerce and

Industry, on November 24, 2000, **all packaged commodities, including packaged food, imported into India should also carry the following declarations:**

- Name and complete address of the importer in India.
- 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 in which the commodity was manufactured/packed, or imported.
- The Maximum Retail Price (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 any other relevant charges.

The full notification is available at: <http://dgftcom.nic.in/exim/2000/not/not00/not4400.htm>

### **C. Country of Origin Labeling (COOL) regulations:**

According to Part VII of the 1954 Prevention of Food Adulteration Act (PFA) of 1954 (as amended):

*“...where an article of food is imported into India, the package of food shall also carry the name and complete address of the importer in India. Provided that where any food article manufactured outside India is packed or bottled in India, the package containing the such food article shall also bear on the label, the name of the country of origin of the food article and the name and complete address of the importer and the premises of the packing or bottling in India.”*

According to Chapter 4: PACKAGING AND LABELING REGULATIONS, Part 4.2.: Labeling of Pre-packaged Foods (12), of Food Safety and Standards Regulations 2010

*“Country of origin for imported food: (i) The country of origin of the food shall be declared on the label of food imported into India. (ii) When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.”*

India specifies that imported pre-packaged food products must meet India’s country of origin food labeling requirements at the Port of entry. Imported bulk food items sold in loose or unpackaged form (almonds, apples, grapes, peas and lentils, etc) must have an accompanying certificate that specifies country of origin. However, there is currently no requirement to label imported loose or unbranded products at the retail point of sale.

### **D. Requirements specific to labeling of Nutritional information**

On September 19, 2008, the DH, MHFW, issued a final Gazette of India notification requiring **nutritional labeling on packaged food** under the PFA. This requirement became effective March 19, 2009. It explains procedures for listing of ingredients, nutritional information, irradiated food, proprietary food, etc. Every package of food is required to have following additional nutritional information per 100 gram or 100 ml or per serving on the label:

- Energy value in kcal.
- Amount of protein, carbohydrates (specify quantity of sugar) and fat.
- Amount of any other nutrient for which nutrition or health claim is made.
- Numerical information on vitamins and minerals.

Raw agricultural commodities, spice mixes, condiments, non-nutritive products, alcoholic beverages, processed pre-packaged vegetables and fruits, etc. are exempted from nutritional labeling requirements. For details see: [www.mohfw.nic.in/Noti%20664.pdf](http://www.mohfw.nic.in/Noti%20664.pdf)

### **E. Labeling requirements wherever applicable:**

Wherever applicable the product label should also contain the following:

- The purpose of irradiation and license number, in case of irradiated food.
- Declaration of additives including colors and flavors
- Declaration of 'Vegetarian' and 'Non-vegetarian' food

-Vegetarian food must have a symbol of a green color-filled circle inside a square with a green outline 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

-Non-vegetarian food (any food which contains whole or part of any animal including birds, marine animals, eggs, or products of any animal origin as an ingredient, excluding milk or milk products), must have a symbol of a brown color-filled circle inside a square with a brown outline 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.

#### **F. Labeling requirements for Proprietary Food**

Proprietary food, according to Indian definition is a food which has not been standardized under the PFA Act, 1954 (or Food Safety and Standards Regulations, 2010). In addition to complying with labeling requirements specified under the PFA, these foods should also conform to the following requirements:

- The name of the food and category under which it falls in the PFA rules should be mentioned on the label.
- These foods should comply with all other regulatory provisions specified in the PFA Rules and in Appendices (Appendix A on List of Food additives and Appendix B on Microbiological Requirements of [Food Safety and Standards Regulations, 2010](#)) to these Rules.

For details see: [www.mohfw.nic.in/Noti%20664.pdf](http://www.mohfw.nic.in/Noti%20664.pdf),

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

<http://dgftcom.nic.in/exim/2000/not/not01/not2201.htm>

**Per notification G.S.R. 388 (E), issued by the DH, MHFW, on June 25, 2004, under the PFA**, every package of food which contains permitted artificial sweetener shall carry the label "CONTAINS ARTIFICIAL SWEETENER AND FOR CALORIE CONSCIOUS," along with the name or trade name of the product. ([www.mohfw.nic.in/GSR%20388\(E\).pdf](http://www.mohfw.nic.in/GSR%20388(E).pdf))

**Per notification G.S.R. 339 (E), dated May 27, 2005, issued by the DH, MHFW, under the PFA**, "No containers or label relating to infant milk substitute or infant food shall have a picture of infant or women or both. It shall not have picture or other graphic materials of phrases designed to increase the salability of the infant milk substitute or infant food. The terms "humanized" or "maternalized" or any other similar words shall not be used. The package and/or any other label of infant milk substitute or infant food shall not exhibit words, "Full Protein Food," "Energy Food," "Complete Food," or "Health Food," or any other similar expressions." ([www.mohfw.nic.in/F33927052005.pdf](http://www.mohfw.nic.in/F33927052005.pdf))

On February 28, 2008, the DH, MHFW, issued the final notification of the Prevention of Food Adulteration (Amendment) Rules of 2008, **pertaining to wax coating of fruits**. Accordingly, fresh fruits may be coated with bees wax, carnauba wax or shellac wax, and the name of the wax must be labeled on the package (See: [www.mohfw.nic.in/GSR%20114 E .pdf](http://www.mohfw.nic.in/GSR%20114 E .pdf))

#### **Section III. Packaging and Container Regulations:**



All weights or measures are to be reported in metric units.

Certain commodities can only be packed in specified quantities (weight, measure, or number). These include baby food, biscuits, bread, butter, coffee, tea, vegetable oils, milk powder, and wheat and rice flour. The use of materials such as Polyvinyl Chloride (PVC) is not allowed for packaging in most cities, due to environmental concerns and waste disposal problems.

In order to ensure availability of safe and high quality edible oils in packed form at pre-determined prices to consumers, on September 17, 1998, the Ministry of Consumer Affairs, Food and Public Distribution promulgated [Edible Oil Packaging \(Regulation\) Order, 1998](#) (now regulated by FSSAI), under the Essential Commodities Act, 1955, to make packaging of edible oils, sold in retail, compulsory, unless specifically exempted by State governments.

For more information on Packaging regulations see Chapter IV, part 4.1 of [Food Safety and Standards Regulations, 2010](#).

#### **Section IV. Food Additives Regulations:**

Information regarding permitted coloring matter, preservatives, etc. is provided in various sections of the PFA Rules, 1955, as amended, which are listed below. As PFA will soon get repealed by Food Safety and Standards Regulations 2010, the table below also shows the position of respective PFA regulations in

[Food Safety and Standards Regulations, 2010](#).

<b>Additives</b>	<b><a href="#">PFA Act, 1954</a></b>	<b><a href="#">Food Safety and Standards Regulations, 2010</a></b>
Coloring Matter	Part VI	Chapter 6, Regulation 6.1.2
Preservatives	Part X	Chapter 6, Regulation 6.1.4
Poisonous metal	Part XI	Renamed as Metal contaminants in Chapter 8, Regulation 8.1.1
Crop contaminants and naturally occurring toxic substances	Part XIA	Chapter 8, Regulation 8.2.1
Anti-Oxidants, Emulsifying, Stabilizing, and anti-caking agents	Part XII	Chapter 6, Regulation 6.1.5, 6.1.6, 6.1.7
Flavoring agents and related Substances	Part XIII	Chapter 6, Regulation 6.1.10
Carry over of food additives	Part XIIA	Chapter 6, Regulation 6.1.17
Sequestering and buffering agents	Part XVI	Chapter 6, Regulation 6.1.11
Antibiotic and other pharmacologically active substances	Part XVIII	Chapter 8, Regulation 8.3.2
Food Additives <sup>[1]</sup>	Part XIX	Chapter 6, Part 6.1

<sup>[1]</sup> Per Gazette notification G.S.R. 388 (E), dated June 25, 2004, ([www.mohfw.nic.in/GSR%20388\(E\).pdf](http://www.mohfw.nic.in/GSR%20388(E).pdf))

On December 1, 2004, the DH issued a final Gazette notification that lists permitted food additives in fish and fish products and microbiological requirements of seafood. The notification can be accessed at:

[www.mohfw.nic.in/GSR821\(E\)21102004.pdf](http://www.mohfw.nic.in/GSR821(E)21102004.pdf).

On March 21, 2005, the DH issued a final Gazette notification under the PFA Act that pertains to the use of additives in sugar, salt, cocoa powder, chocolate, sugar boiled confectionary, and chewing gum. The notification can be accessed at:

[www.mohfw.nic.in/F18421032005.pdf](http://www.mohfw.nic.in/F18421032005.pdf).



On March 21, 2005, the DH issued a final Gazette notification under the PFA Act that provided a list of permitted food additives and microbiological requirements of thermally-processed fruits, fruit cocktails, vegetable soups, fruit juices, fruit vegetable cereal flakes, squashes, tomato ketchup, tomato sauces, soy sauces, jams, jellies, etc. The notification can be accessed at: [www.mohfw.nic.in/F18521032005.pdf](http://www.mohfw.nic.in/F18521032005.pdf).

On June 23, 2006, the DH issued the final Gazette notification to amend the PFA rules pertaining to the use of additives in biscuits, breads, and confectionary items. Among other things, the amendment contains a maximum limit of oligofructose (dietary fibers) up to 15 percent, and a dietary fiber labeling requirement for biscuits, breads, and cakes. The notification can be accessed at: [www.mohfw.nic.in/Noti%20400.pdf](http://www.mohfw.nic.in/Noti%20400.pdf)

On October 31, 2006, the DH issued the final Gazette notification to amend the PFA Rules, pertaining to the use of acesulfame potassium, sucralose, di-sodium 5 – Inosinate, and sodium hexa meta phosphate in certain processed food products. The full notification can be accessed at: [www.mohfw.nic.in/Noti%20679.pdf](http://www.mohfw.nic.in/Noti%20679.pdf)

On July 2, 2007, the DH issued the final Gazette notification establishing the maximum limit on mono and diglycerides in ready-to-drink products at 0.4 gram in 100 ml. The notification can be accessed at: [www.mohfw.nic.in/Noti%20458.pdf](http://www.mohfw.nic.in/Noti%20458.pdf)

On June 19, 2009, the DH issued a final Gazette notification, establishing permissible limits for Sucralose in lozenges, xanthangum in bakery mixes, non-dairy whip topping and sodium bicarbonate in instant mixes. The notification can be accessed at: <http://www.mohfw.nic.in/430%2019th%20june.pdf>

On June 9, 2010, the DH issued a final Gazette notification implementing additional labeling rules for packaged food products containing Polyols, and establishing maximum limits for Aspartame, Sucralose, Polydextrose, Polyols, etc., for various processed food products. The notification can be accessed at:  
<http://www.fssai.gov.in/Website/LinkClick.aspx?fileticket=TGCM40IDRuQ%3d&tabid=93>

On August 2, 2010, the DH issued final Gazette notification implementing additional labeling rules for packaged food products containing artificial sweeteners -Acesulfame Potassium and Sucralose. The gazette also established maximum limits for the use of Polyols, Hydroxypropyl Methyl Cellulose, Anti- caking agents and Dimethyl carbonate. The notification can be accessed at:  
[http://www.fssai.gov.in/Website/portals/0/pdf/GSR562\\_24-08-2010.pdf](http://www.fssai.gov.in/Website/portals/0/pdf/GSR562_24-08-2010.pdf)

## **Section V. Pesticides and Other Contaminants:**

The Ministry of Agriculture regulates the manufacture, sale, import, export and use of pesticides through the ‘Insecticide Act, 1968’ ([http://cibrc.nic.in/insecticides\\_act.htm](http://cibrc.nic.in/insecticides_act.htm)) and the rules framed under the Act ([http://cibrc.nic.in/insecticides\\_rules.htm](http://cibrc.nic.in/insecticides_rules.htm)). The Central Insecticide Board (CIB) constituted under Section 4 of the Act advises the central and state government on technical matters. The Registration Committee (RC) constituted under Section 5 of the Act approves the use of pesticides and new formulations to tackle pest problems in various crops. While the RC registers pesticides for their usage, the MRLs in food commodities are prescribed by the Ministry of Health and Family Welfare under the PFA and the rules framed under the Act. An MRL is established taking into account the toxicological data of the pesticide as well as that of the residues on crops under Good Agricultural Practices (GAP).

Of the about 217 pesticides registered ([http://cibrc.nic.in/reg\\_products.htm](http://cibrc.nic.in/reg_products.htm)) for regular use in India, 121 MRLs have been notified by the DH (See: [www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf](http://www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf), Part XIV pages 163-177; [www.mohfw.nic.in/Noti%20633.pdf](http://www.mohfw.nic.in/Noti%20633.pdf), and [www.mohfw.nic.in/Noti%20367.pdf](http://www.mohfw.nic.in/Noti%20367.pdf)).

There are 27 ‘deemed to be registered’ pesticides, which were already in use when the Insecticide Act was enacted and

therefore do not require MRLs (some of these pesticides have already been phased out). According to official sources, MRLs have been established for most other registered pesticides, although not all were notified in the Gazette.

However, Food Safety and Standards Regulations, 2010 add 28 more pesticides to the existing PFA pesticides list (therefore overall number of notified pesticides now is 149). Please refer Chapter VIII on Contaminants, Toxins, and Residues, Regulation 8.3.1: Restriction on use of insecticides, pages 667-679 in [Food Safety and Standards Regulations, 2010](#) for more details.

Lists of pesticides/pesticide formulations whose import and use are banned, have been refused registration, or have restricted use in India are available at: [http://cibrc.nic.in/list\\_pest\\_bann.htm](http://cibrc.nic.in/list_pest_bann.htm).

CODEX Alimentarius MRLs may be accepted for imported foodstuffs only for those pesticides not included in India's own positive list of pesticides. The Ministry of Agriculture has taken a decision to discontinue the practice of registering a pesticide by the Pesticide Registration Committee if no MRLs are established.

For additional information about approved pesticides and the procedure for registration of new pesticides please refer the Central Insecticide Board and Registration Committee website: <http://cibrc.nic.in/>

On June 17, 2009, the DH issued a final Gazette notification which establishes tolerance limits for insecticides and pesticides in carbonated water. The notification can be accessed from: <http://www.mohfw.nic.in/No-427%2017th%20June.pdf>

## **Section VI. Other Regulations and Requirements:**

All imported foods are randomly sampled at the port of entry for their conformity to PFA standards and other food laws. On June 16, 2004, the Ministry of Commerce and Industry published a list of “**high risk**” food items, imports of which are subject to 100 percent sampling. This list includes edible oils and fats, pulses and pulse products, cereal and cereal products, milk powder, condensed milk, food colors, and food additives, among other items.

Instructions regarding sampling and the clearance of consignments of food articles at ports are available from the following official notifications:

<http://164.100.9.245/exim/2000/cir/cir03/cir3703.htm>

<http://164.100.9.245/exim/2000/cir/cir03/cir2503.htm>

<http://www.cbec.gov.in/customs/cs-circulars/cs-circulars01/58-2001-cus.htm>

<http://www.cbec.gov.in/customs/cs-circulars/cs-circulars01/36-2001-cus.htm>

<http://164.100.9.245/exim/2000/not/not01/not0300.htm>

[www.cbec.gov.in/customs/cs-circulars/cs-circulars00/103-2000-cus.htm](http://www.cbec.gov.in/customs/cs-circulars/cs-circulars00/103-2000-cus.htm)

There is no requirement to register products. Export certification requirements for imports of food products in India are summarized in [FAIRS Export Certificate Report 2009 \(IN9127\)](#).

The import of product samples via express mail or parcel post (such as FedEx, UPS, DHL, etc.) is allowed, contingent on obtaining prior permission from the Directorate General of Foreign Trade. (See: [www.cbec.gov.in/js-menu/import-courier.htm](http://www.cbec.gov.in/js-menu/import-courier.htm)). Mail order imports are not allowed. Contact information to arrange sample shipments is provided in Appendix I. Once the products enter the domestic market, they are to be monitored randomly at the retail and wholesale level by the respective regulatory authorities.

The **Genetic Engineering Approval Committee (GEAC)** under the **Ministry of Environment and Forests** is the decision-making authority on **biotechnology product rules, including imports**. Food ingredients and additives containing

bioengineered organisms cannot be produced, used, or imported without the approval of the GEAC. All such approvals, if granted, are for a specific period not exceeding four years at the first instance, and are renewable for two years at a time, subject to terms and conditions. For additional details on genetically modified foods and ingredients, please refer to GAIN Report IN1073 on [Biotechnology - GE Plants and Animals](#).

The annual supplement to the Indian government's Foreign Trade Policy (2004-2009) announced by the Commerce and Industry Minister on April 7, 2006, calls for **approval from the GEAC for imports of biotech food, food additives, or any food product that contains biotech material** that is being used for industrial production, environmental release, or field application. Also, **import consignments containing biotech products should carry a self declaration that the product is bioengineered, without which the importer is subject to penal action under the Foreign Trade (Development and Regulation) Act, 1992.** (See <http://164.100.9.245/exim/2000/not/not06/not0206.htm>). This rule became effective July 8, 2006. However, the government has given a special exemption to imports of soybean oil derived from biotech soybeans for consumption after refining.

## **Section 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. Imported products must also 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 whose products are sold in India are required **to register with the Bureau of Indian Standards**. See <http://dgftcom.nic.in/exim/2000/not/not00/not4400.htm>.

On March 21, 2005, the DH issued a final Gazette notification under the PFA, which establishes new standards for raisins, pistachios, and dry fruits and nuts (including almonds). See [www.mohfw.nic.in/F18521032005.pdf](http://www.mohfw.nic.in/F18521032005.pdf).

On June 27, 2005, the DH issued a final Gazette notification, pertaining to the **standards of dairy products and to the use of food additives in these milk products**. By this amendment, standards of various milk products, cheese, ice cream, milk powder, etc., and the use of food additives in these products were established. It also establishes microbiological parameters, per Codex Alimentarius Commission guidelines. The notification can be accessed at: [www.mohfw.nic.in/GSR356.pdf](http://www.mohfw.nic.in/GSR356.pdf).

On December 21, 2005, the DH issued a final Gazette notification under the PFA, which establishes **new or revised standards for several vegetable oils**. The link to the final Gazette notification is: [www.mohfw.nic.in/731.pdf](http://www.mohfw.nic.in/731.pdf).

On January 6, 2006, the DH issued a final Gazette announcement under the PFA, which has not yet been implemented but which establishes **new standards for various spices**. The link to the Final Gazette Notification is: [www.mohfw.nic.in/8.pdf](http://www.mohfw.nic.in/8.pdf).

On May 9, 2006, the DH issued a final Gazette notification under the PFA, which establishes **new standards for tea**. The Link to the Gazette notification is: [www.mohfw.nic.in/Noti%20277.pdf](http://www.mohfw.nic.in/Noti%20277.pdf).

On July 3, 2006, the DH issued a final Gazette notification establishing standards for **infant milk food and infant formula**, etc. and laying out **special labeling requirements** for these products. The link to the Gazette notification is: [www.mohfw.nic.in/Noti%20398.pdf](http://www.mohfw.nic.in/Noti%20398.pdf)

On June 19, 2009, the DH issued a final Gazette notification establishing new standards for dehydrated garlic and dehydrated onion. The link to the Gazette notification is <http://www.mohfw.nic.in/431.pdf>

## **Section VIII. Copyright and/or Trademark Laws:**

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 laws in the world. Trademarks are protected under the Trade Marks Act, 1999 and the Trade Marks Rules, 2002 (in force since September 2003), which repealed the Trade Mark and Merchandise Marks Act, 1958. The changes introduced by the Act include: protection to well known marks, as well as service and collective marks; extension of the period of protection from seven to ten years; establishment of an Appellate Board; and increased penalties for infringement of trade marks. Enforcement of intellectual property rights has been weak, but the situation is slowly improving, as the courts and police respond to domestic concerns about the high cost of piracy to Indian rights-holders.

Foreign firms can register their **trademarks** through a local agent by applying at the Office of the Registrar of Trademarks ([www.ipindia.nic.in](http://www.ipindia.nic.in)). However, it may take up to three to five years for the trademark to be officially accepted and notified.

In order to protect the **intellectual property of imported products**, the Central Board of Excise and Customs, Ministry of Finance, has issued a notification, the Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007 ([www.cbec.gov.in/customs/cs-act/notifications/notfns-2k7/csnt47-2k7.htm](http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k7/csnt47-2k7.htm) and [www.cbec.gov.in/customs/cs-act/notifications/notfns-2k7/csnt49-2k7.htm](http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k7/csnt49-2k7.htm)).

Instructions regarding the implementation of the Rules are available at: <http://www.cbec.gov.in/customs/cs-circulars/cs-circulars07/circ41-2k7-cus.htm>

### **Section IX. Import Procedures:**

**Documentation:** Importers must furnish an import declaration in the prescribed Bill of Entry format, disclosing the value of the imported goods. This must be accompanied by any import license and phytosanitary certificate (in the case of agricultural commodities), along with documentation such as sales invoices and freight and insurance certificates. There is no need to translate the import documents into the local language as English is an official language. All consignments are required to be inspected prior to clearance. The FSSAI has also authorized its officers at Mumbai, Nhava Sheva, Haldia, Kolkata and Chennai sea ports to oversee the clearance process of imported food products.

**Procedure for clearance:** Customs officers inspect incoming consignments, draw samples, and forward the samples to FSSAI port officers, who verify that the imported food product complies with the Indian food laws. The FSSAI port officers take the samples and, based on the regulations, send the samples for required tests to FSSAI approved labs. The FSSAI port officers will issue a 'No Objection Certificate', if lab analysis results show that the imported food product is in compliance with the Indian food laws. Customs officers will refer to the 'No Objection Certificate' issued by the FSSAI port officers and consignment is released for distribution and sale in India. If the consignment does not comply with the Indian food law, then the FSSAI port officers inform the customs officers to detain, re-export or destroy the consignment.

(Note: FSSAI maintains that there is no change in the procedures for sampling; testing and clearance of imported foods and all the rules and procedures are same as they were under the PFA Act, as amended)..

The procedures for sampling and lab analysis are described in Chapter IX of [Food Safety and Standards Regulations, 2010](#). Prior to sampling a product, the FSSAI port officer will ascertain if the imported pre-packaged food item is in compliance with the labeling provisions under the PFA rules so as to ensure that adequate and accessible information is available to the handler, processor or consumer to enable them to handle, store, process, prepare and display the food products safely and correctly and that the lot or batch can be easily traced and recalled if necessary. For more information on clearance of imported food please refer GAIN report IN1095 on '[FSSAI Guidelines for Imported Food Clearance at Sea Ports](#)' and IN1104 on '[FSSAI-Towards Implementing Food Safety Standards in India](#)', which are available on the USDA/FAS website: [www.fas.usda.gov](http://www.fas.usda.gov).

Additional information on exporting food products to India is available in the ["Exporter Guide"](#) (GAIN report IN9132).

**For additional information, please contact:**

**Office of Agricultural Affairs**  
Embassy of the United States of America

Chanakyapuri  
New Delhi-110021  
Phone: +91-11-24198000  
Fax: +91-11-24198530  
Email: [agnedelhi@usda.gov](mailto:agnedelhi@usda.gov)

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

**A. Overall Food Safety:** Food Safety and Standards Regulations, 2010 covering Prevention of food Adulteration Act, The Fruit Products Order; Meat Food Products Order; Milk and Milk Products Order, Vegetable Oil Products Order, Solvent Extracted Oil, De-oiled Meal and Edible Flour (Control) Order.

Chairperson  
Food Safety Standards Authority of India  
FDA Bhavan  
Kotla Road  
New Delhi-110 002  
Phone: (91-11) 23220991/92  
E-mail: [chairperson@fssai.gov.in](mailto:chairperson@fssai.gov.in)  
Website: <http://www.fssai.gov.in>

## **B. The Standards Weights and Measures Act (Department of Consumer Affairs, Ministry of Consumer Affairs, Food, and Public Distribution)**

Director (WandM)  
Department of Consumer Affairs  
Krishi Bhavan  
New Delhi – 110 001  
Phone: (91-11) 23389489  
Fax: (91-11) 23385322  
Website: <http://fcamin.nic.in/index.asp>

## **C. Phytosanitary issues (Department of Agriculture and Cooperation, Ministry of Agriculture)**

Joint Secretary - Plant Protection and Quarantine  
Department of Agriculture and Cooperation  
Ministry of Agriculture  
Krishi Bhawan  
New Delhi – 110 001  
Phone: (91-11) 23070306  
Fax: (91-11) 23070306  
E-mail: [pankajkumar@nic.in](mailto:pankajkumar@nic.in)  
Website: [www.plantquarantineindia.org](http://www.plantquarantineindia.org)

## **D. Livestock and Products Imports (Department of Animal Husbandry and Dairying, Ministry of Agriculture)**

Joint Secretary (Administration)  
Department of Animal Husbandry and Dairying  
Ministry of Agriculture  
Krishi Bhavan

New Delhi - 110 001  
Phone: (91-11) 23387804  
Fax: (91-11) 23386115  
E-mail: [jsadd@nic.in](mailto:jsadd@nic.in)  
Website: <http://dahd.nic.in/>

**F. Foreign Trade Notifications**  
**(Department of Commerce, Ministry of Commerce and Industries)**

Director General of Foreign Trade  
Ministry of Commerce  
Udyog Bhavan  
New Delhi - 110 011  
Phone: (91-11)23062777  
Fax: (91-11)23061613  
E-mail: [dgft@nic.in](mailto:dgft@nic.in)  
Website: <http://dgft.delhi.nic.in/>

**G. Registry of Trademarks**  
**(Department of Commerce, Ministry of Commerce and Industries)**

Controller General of Patents, Designs and Trade Marks and  
Geographical Indication Registry  
Bhouthik Sampada Bhavan  
S.M. Road, Antop Hill  
Mumbai – 400 037  
Phone: (91-22)24144525/24132735  
Fax: (91-22)24132735  
E-mail: [Mumbai-patent@nic.in](mailto:Mumbai-patent@nic.in)  
Website: [www.ipindia.nic.in](http://www.ipindia.nic.in)

**H. Central Board of Excise and Customs**  
**(Ministry of Finance)**

Chairman  
Central Board of Excise and Customs  
Ministry of Finance  
North Block  
New Delhi – 110 001  
Phone: (91-11) 23092849  
Fax: (91-11) 23092890  
E-mail: [chairman@cbec.gov.in](mailto:chairman@cbec.gov.in)  
Website: <http://www.cbec.gov.in/>

**I. Pesticide Registration**  
**(Department of Agriculture and Cooperation, Ministry of Agriculture)**

Secretary  
Central Insecticides Board and Registration Committee  
C.G.O. Complex  
N.H. IV

Faridabad – 121 001  
Haryana  
Phone: (91-129) 2413002  
E-mail: cibsecy@nic.in  
Website: <http://cibrc.gov.in/>

**J. Genetic Engineering Approval Committee (GEAC)**  
**(Ministry of Environment and Forests)**

Chairman, GEAC  
Ministry of Environment and Forests  
Paryavaran Bhawan  
CGO Complex, Lodi Road  
New Delhi – 110 003  
Phone/Fax: (91-11) 24363967, 24361308  
Email: parsheera-mef@nic.in  
Website: <http://envfor.nic.in/>

**Appendix II. Other Import Specialist Contacts:**

- A.** Director  
Confederation of Indian Food Trade and Industry  
Federation of Indian Chambers of Commerce and Industry  
Federation House  
Tansen Marg  
New Delhi – 110 001  
Phone: (91-11) 23311920  
Fax: (91-11) 23311920  
E-mail: sameer@ficci.com
- B.** Senior Technical Advisor  
Confederation of Indian Industry  
The Mantosh Sondhi Center  
23, Institutional Area  
Lodhi Road  
New Delhi – 110 003  
Phone: (91-11) 2463 3461  
Fax: (91-11) 2462 6149  
E-mail: d.s.chadha@ciionline.org

**Author Defined:**

**APPENDIX III: IMPORTANT COMMODITY-SPECIFIC REPORTS SUBMITTED SINCE LAST FAIRS**  
**COUNTRY REPORT**

IN1104-FSSAI: Towards Implementing Food Safety Standards in India (11/3/2010)

IN1095- FSSAI Guidelines for Imported Food Clearance at Sea Ports (10/7/2010)

IN1092-FSSAI Drafts New Approach for Implementing Food Standards (09/28/2010)

IN1080- India Amends Standards for Milk and Milk Products (08/27/2010)

IN1078- India Amends Standards for Rapeseed and Mustard Oil (08/27/2010)



IN1074- India Amends Rules for Sweeteners and Additives (08/17/2010)

IN1073: Biotechnology-GE Plants and Animals- Annual (08/13/2010)

IN1070-FSSAI seeks Comments on New Indian Food safety Law (08/09/2010)

IN1057-India Extends Ban on Import of Milk and Milk Products from China (06/29/2010)

IN1055 – GOI regulates the import of Equine Species into India (06/25/2010)

IN1053 - Amendment to PFA Rules Relating to Food Labeling and Additives (06/08/2010)

IN1046 – FSSAI Seeks Comment on Revised Draft Trans Fatty Acid Regulation (05/26/2010)

IN1045 – FSSAI Seeks Comment on Revised Draft on Regulation of Energy Drinks (05/26/2010)

IN1044 – FSSAI Seeks Comment on Draft Regulation of GM foods (05/26/2010)

IN1024- Government Extends Ban on Imports of Livestock Products due to Avian Influenza (03/25/2010)

IN1017- FSSAI Food Safety Regulations-2009 (3/9/2010)

IN1001 – Draft Food Safety and Standards Rules and Regulations 2009 (01/04/2010)

IN9144 - Amendment to the PFA Rule Relating to Food Labeling and Additives (11/06/09)

IN9140 – Amendment to Provisions for imports of specified Planting Material (10/28/09)

IN9139- Amendment to Provision for Imports of Fresh Fruits etc. (10/28/09)

IN9138- Amendment to Provision for Imports of Fruits and Planting Materials (10/28/09)

IN9127 – FAIRS Export Certificate Report, 2009 (09/24/09)

IN9116 - Amendment to PFA Rules Related to Dairy Products (09/4/09)

IN9115 – GOI extends ban on Import of Livestock Products (09/4/09)

## **ACRONYMS**

CIB - Central Insecticides Board

CBEC - Central Board of Excise and Customs

DAHD - Department of Animal Husbandry, Dairying, and Fisheries

DC - Department of Commerce

DCA - Department of Consumer Affairs

DGFT - Director General of Foreign Trade

DH - Department of Health

FSSAI - Food Safety and Standards Authority of India

GEAC - Genetic Engineering Approval Committee

GOI - Government of India

MA - Ministry of Agriculture

MCAFPD - Ministry of Consumer Affairs, Food, and Public Distribution

MCI - Ministry of Commerce and Industries

MEF - Ministry of Environment and Forest

MFPI - Ministry of Food Processing Industries

MHFW - Ministry of Health and Family Welfare

PFA - Prevention of Food Adulteration Act

RC - Pesticide Registration Committee