

**Voluntary Report** – Voluntary - Public Distribution

**Date:** February 26,2021

**Report Number:** IN2021-0030

**Report Name:** India's FSSAI Clarifies Compliance Timeline for the Exclusion of High Fat Sugar Salt Foods from the Fortified Processed Foods Category

**Country:** India

**Post:** New Delhi

**Report Category:** Agriculture in the News, Dairy and Products, Exporter Guide, FAIRS Subject Report, Sanitary/Phytosanitary/Food Safety, SP1 - Expand International Marketing Opportunities, Sugar, Food Processing Ingredients

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**Approved By:** Mariano Beillard, Senior Regional Agricultural Attaché

**Report Highlights:**

The Food Safety and Standards Authority of India (FSSAI) published on February 16, 2021, a clarification that compliance with the exclusion of High Fat Sugar Salt (HFSS) Foods from Fortified Processed Foods will commence only after the HFSS foods are defined and notified in the Food Safety and Standards (Labelling and Display) Regulations (2020).

**DISCLAIMER:** The information contained in this report was retrieved from the Food Safety and Standards Authority of India's (FSSAI) website <http://www.fssai.gov.in>. The U.S. Embassy in New Delhi – Foreign Agricultural Service (FAS) Office of Agricultural Affairs (OAA), USDA and/or the U.S. Government make no claim of accuracy or authenticity. The Government of India has not officially endorsed this report. Import approval for any product is subject to local rules and regulations as interpreted by Indian officials at the time of product entry. [Note: Readers may use Google Chrome to access the links if they do not open in Internet Explorer].

## **GENERAL INFORMATION:**

On February 16, 2021, the Food Safety and Standards Authority of India (FSSAI) issued a clarification to sub-regulation (7) in the [Food Safety and Standards \(Fortification of Foods\) First Amendment Regulations \(2020\)](#) (published in the *Official Gazette of India* on December 21, 2020). The initial statement indicates that:

*“High Fat Sugar Salt (HFSS) Foods shall be excluded from Fortified Processed Foods Category. The definition of HFSS foods shall have the same meaning as specified under the Food Safety and Standards (Labelling and Display) Regulations, 2020.”*

The Food Safety and Standards Authority of India received numerous requests from stakeholders seeking clarity on the abovementioned statement. The definition of HFSS foods is not included in the recently published final labelling and display regulations. The Food Safety and Standards Authority of India is issuing a clarifying statement to convey that compliance with sub-regulation (7) will commence only after the HFSS foods are defined and notified in the Labelling and Display Regulations (2020).

The full text of the FSSAI clarification is found in Appendix I of this GAIN report, as well as is accessible on the FSSAI website located at:

[https://www.fssai.gov.in/upload/advisories/2021/02/602cdc305bd39Clarification\\_HFSS\\_16\\_02\\_2021.pdf](https://www.fssai.gov.in/upload/advisories/2021/02/602cdc305bd39Clarification_HFSS_16_02_2021.pdf)

**APPENDIX I – FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA, CLARIFICATION STATEMENT OF COMPLIANCE WITH SUB-REGULATION (7)**

F.No. 6/Processed foods/FFRC/Fortification/FSSAI-2017  
**Food Safety and Standards Authority of India**  
(A Statutory Authority established under the Food Safety & Standards Act, 2006)  
(Regulatory Compliance Division)  
**FDA Bhawan, Kotla Road, New Delhi-110 002**

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Dated, the February, 2021

**Subject: clarification on the Food Safety and Standards (Fortification of Foods) First Amendment Regulations, 2020 related to the exclusion of High Fat Sugar Salt (HFSS) Foods from Fortified Processed Foods category.**

Reference is drawn to notification F. No. REG/Fortification Amendment (1)/Notification/FSSAI-2018, published in the Gazette of India on 18<sup>th</sup> December, 2020 regarding fortification of foods and subsequent representations received from the stakeholders seeking clarification on the exclusion of HFSS food from fortified processed foods as per sub-regulation (7) below;

*"High Fat Sugar Salt (HFSS) Foods shall be excluded from Fortified Processed Foods category. The definition of HFSS foods shall have the same meaning as specified under the Food Safety and Standards (Labelling and Display) Regulations, 2020."*

2. In view of the above and also considering the fact that the HFSS Foods have not been defined and notified in the Food Safety and Standards (Labelling and Display) Regulations, 2020, it is clarified that the compliance to the sub-regulations (7) shall come into effect once the HFSS food are defined and notified under the Food Safety and Standards (Labelling and Display) Regulations, 2020.

3. This issues with the approval of the Competent Authority.

  
(Dr. Shobhit Jain)

Executive Director (Compliance Strategy)

**Attachments:**

No Attachments.