

Voluntary Report – Voluntary - Public Distribution

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Report Name: India's FSSAI Confirms Labeling Requirements for Primary Bulk Foods Remain Subject to 2012 and 2016 Guidelines Until New Regulations Come Into Force on 17 November 2021

Country: India

Post: New Delhi

Report Category: Agricultural Situation, Agriculture in the Economy, Policy and Program Announcements, Agriculture in the News, Climate Change/Global Warming/Food Security, Export Accomplishments - Border Facilitation, FAIRS Subject Report, Food Processing Ingredients, Dried Fruit, Grain and Feed, MISC-Commodity, Sanitary/Phytosanitary/Food Safety, SP2 - Prevent or Resolve Barriers to Trade that Hinder U.S. Food and Agricultural Exports, Tree Nuts

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Report Highlights:

FAS New Delhi, following months of arduous deliberations, secured confirmation from the Food Safety and Standards Authority of India (FSSAI), Import Division, that labeling requirements for bulk consignments of primary food products including food grains, dry fruits (i.e., tree nuts such as almonds and walnuts), pulses, fruits, whole spices, and the like, remain subject to and will continue to follow the FSSAI published labeling guidelines for 2012 and 2016. This measure remains in effect until the new FSSAI Food Safety and Standards (Labeling and Display) Regulations (2020) take effect on November 17, 2021. In calendar year 2020, U.S. exports of tree nuts to India reached a record \$914 million and, by volume, surpassed 245,126 metric tons (MT). Consignments of U.S. almonds, harmonized tariff system (HS) code 0802.11.0000 (fresh/dry/not shelled), alone, totaled \$784 million by value and 210,896 MT by volume.

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: Use Google Chrome to access the links if they do not open in Internet Explorer].

GENERAL INFORMATION:

On June 9, 2021, FAS New Delhi, following months of arduous deliberations, secured confirmation from the Food Safety and Standards Authority of India (FSSAI), Import Division, that labeling requirements for bulk consignments of primary food products including food grains, dry fruits (i.e., tree nuts such as almonds, walnuts, and pistachios), pulses, fruits, whole spices, and the like, remain subject to and will continue to follow the FSSAI published labeling guidelines for 2012 and 2016.

This measure remains in effect until November 16, 2021, with the new FSSAI [Food Safety and Standards \(Labeling and Display\) Regulations \(2020\)](#) coming into force on November 17, 2021 (see, Appendix I – FSSAI Food Safety and Standards (Labeling and Display) Regulations (2020) – Labeling of Imported Foods, Requirements, as published in the Gazette of India: Extraordinary - Part III, Sec 4).

The authority clarifies that as per Regulation 5 (11) of Food Safety and Standards (FSS) (Labeling and Display) Regulations (2020), labeling requirements for imported products shall be governed by the Food Safety and Standards (Import) Regulations (2017) in addition to the requirement mentioned in FSS (Labeling and Display) Regulations (2020) and as per Regulation 1(3) of FSS (Labeling and Display) Regulations (2020), Food Business Operator shall comply to these regulations (except Chapter - 3) by November 17, 2021.

The Food Safety and Standards Authority of India in its August 9, 2016, guidelines pertaining to the food import clearance process, included dry fruits (i.e., tree nuts) in the category of primary food products and clarified that the name and address of the importer can be verified from the accompanying documents of the consignment (see, Appendix II – FSSAI Guidelines Related to Food Import Clearance Process by FSSAI's Authorized Officer, August 9, 2016).

In its earlier guidance of March 23, 2012, the FSSAI stated the minimum labeling requirements for primary food products imported in loose, bulk form as the Name of Food and the Name and Address of the importer with [*] note which elaborates that these two requirements can be verified from the accompanying shipping documents (see, Appendix III – FSSAI Guidelines Related to Food Import Clearance Process by FSSAI's Authorized Officer, March 23, 2012; Serial No. 4 in the table).

In calendar year 2020, U.S. exports of tree nuts to India reached a record \$914 million and, by volume, surpassed 245,126 metric tons (MT). Consignments of U.S. almonds, harmonized tariff system (HS) code 0802.11.0000 (fresh/dry/not shelled), alone, totaled \$784 million by value and 210,896 MT by volume. U.S. tree nut exports to India from January to April 2021 were valued at \$233 million, down 13 percent, but at 62,221 MT are now up 18 percent by volume compared to the same period last year. Similarly, exports of almonds in 2021 at \$195 million are down nine percent compared to 2021, but at over 55,228 MT by volume, exports are running blazing hot, up 27 percent.

Indian demand for U.S.-origin tree nuts, especially for almonds and walnuts has skyrocketed thanks to the consumption of tree nuts becoming identified as promoting improved consumer health during the coronavirus (COVID-19) pandemic.

TABLE 1: U.S. Exports of Tree Nuts to India, 2016-2021 (Metric Tons, U.S. Dollars)

	2016	2016	2017	2017	2018	2018	2019	2019	2020	2020	Jan - Apr 2020	Jan - Apr 2020	Jan - Apr 2021	Jan - Apr 2021		
Product	Value	Qty	Value	Qty	Value	Qty	Period/Period % Change (Value)	Period/Period % Change (Qty)								
Tree Nuts	521	106,862.5	738	148,990.9	663	131,669.4	823	162,973.9	914	245,126.2	257	52,580.4	223	62,221.1	-13	18
0802110000 - ALMONDS, FR/DR/IN/S	446	90,184.2	584	116,136.5	543	108,892.9	692	140,056.1	784	210,896.2	213	43,605.1	195	55,228.1	-9	27
0802310000 - WALNUTS, FR/DR/IN,SH	23	7,115.4	59	16,083.0	27	7,648.4	22	6,933.4	60	19,677.9	13	4,258.0	8	2,549.5	-36	-40
0802120000 - ALMONDS, FR/DR/D/SH	43	7,657.1	74	13,358.9	56	10,544.4	41	7,451.8	41	9,572.5	14	2,672.1	14	3,641.2	--	36
0802510000 - PISTACHIOS, F/D/N,SH	2	280.2	15	1,943.4	31	3,684.2	59	7,002.6	18	2,237.3	12	1,486.3	4	468.3	-67	-68
0802320000 - WALNUTS, FR/DR/SHL	5	1,189.5	3	953.9	2	368.2	2	331.2	9	2,419.1	3	446.6	-	106.1	-85	-76
0802520000 - PISTACHIOS, F/DR/SHL	-	30.2	2	324.3	2	296.3	4	462.2	1	129.2	1	88.9	1	143.2	-19	61
0802901500 - PECANS, FR/DR/SHL	-	1.4	-	3.5	-	6.2	-	18.9	-	24.1	-	3.0	-	9.7	204	217

Source: U.S. Census Bureau Trade Data, USDA/FAS Global Trade Agricultural System (GATS) BICO-HS10, FAS New Delhi office research.

The volumes highlight the importance of obtaining a workable labeling clarification for bulk primary food product shipments, especially for almonds. In 2020, the equivalent of some 10,188 forty-foot containers (containing roughly 20.7 MT each) shipped; now through April 2021, the equivalent of 2,668 containers have shipped).

APPENDIX I – FSSAI FOOD SAFETY AND STANDARDS (LABELING AND DISPLAY) REGULATIONS (2020) – LABELING OF IMPORTED FOODS, REQUIREMENTS

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<p>(a) "Date of manufacture or packaging" and "Expiry/Use by" shall be declared on the label. However, expression "Best before" may also be used as optional or additional information.</p> <p>(b) The manner of declaration of date of manufacture or packaging/Expiry/Use by/Best Before shall be as follows:</p> <p style="padding-left: 40px;">(i) the day, month and year using the DD/MM/YY format for products with a short shelf life of up to 3 months; the month and the year for products with a shelf life of more than three months, shall be declared in un-coded numerical sequence except that the month shall be indicated by capital letters and abbreviations (at least first three letters of the month) may be used.</p> <p>(c) In addition to the expiry or Use by, any special conditions for the storage of the food shall be declared on the label if the validity of the date depends thereon. If required, storage conditions after opening the pack may also be specified.</p> <p>(d) Notwithstanding anything contained in this regulation, an indication of the "Expiry" shall not be required for:</p> <p style="padding-left: 40px;">(i) Fresh fruits and vegetables, including potatoes which have not been peeled, cut or similarly treated;</p> <p style="padding-left: 40px;">(ii) All types of wine;</p> <p style="padding-left: 40px;">(iii) Alcoholic beverages containing 10% or more by volume of alcohol;</p> <p style="padding-left: 40px;">(iv) Vinegar;</p> <p style="padding-left: 40px;">(v) Sugar boiled confectionery;</p> <p style="padding-left: 40px;">(vi) Food grade salt for industrial use;</p> <p style="padding-left: 40px;">(vii) Solid sugars;</p> <p style="padding-left: 40px;">(viii) Chewing gum and bubble gum.</p> <p>(e) "Date of manufacture or packaging" and "Expiry /Use by" shall be grouped together and given at one place.</p> <p>(f) "Date and time of manufacture" shall be declared on packed meals served in airlines/railways/mobile catering units.</p>		
<p>(11) Labelling of Imported Foods.-</p> <p style="padding-left: 40px;">Labelling requirements for imported products shall be governed by the Food Safety and Standards (Import) Regulations, 2017 in addition to the requirement mentioned in these regulations.</p>		
<p>(12) Country of Origin for Imported Foods-</p> <p>(a) The country of origin of the food shall be declared on the label of food imported into India.</p> <p>(b) When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed resulting in change in HS Code at the 6 digit level shall be considered to be the country of origin for the purposes of labelling.</p>		
<p>(13) Instructions for use,-</p> <p>(a) Instructions for use, including reconstitution, where applicable, shall be included on the label, to ensure proper utilization of the food or where such food requires directions for reasons for health and safety (e.g. "Refrigerate after opening").</p>		
<p>(14) Declaration regarding Food allergen:</p> <p>The following foods and ingredients which are known to cause allergy shall be declared separately as Contains..... (Name of allergy causing ingredients)</p> <p>(i) Cereals containing gluten, i.e., wheat, rye, barley, oats, spelt or their hybridized strains and products of these (To be declared as name of the cereal);</p> <p>(ii) Crustacean and their products (To be declared as Crustaceans);</p> <p>(iii) Milk & Milk products (To be declared as Milk);</p> <p>(iv) Eggs and egg products (To be declared as Egg);</p> <p>(v) Fish and fish products (To be declared as Fish);</p> <p>(vi) Peanuts, tree nuts (e.g. almonds, walnuts, pistachio, cashew nuts) and their products (To be declared as Nut);</p>		

(3) They shall come into force on the date of their publication in the Official Gazette and Food Business Operator shall comply with all the provisions of these regulations after one year from the date of their publication in the Official Gazette except chapter-3 of these regulations, to which Food Business Operator shall comply by 1st January, 2022.

2. Definitions.—(1) In these regulations unless the context otherwise requires:—

- (a) “**Act**” means the Food Safety and Standards Act, 2006 (Act 34 of 2006);
- (b) “**Assorted pack**” means any package or container containing multiple units of different food products intended and displayed for retail sale and complies with the general labelling requirement specified in regulation 4(8);
- (c) “**Best before date**” means the date which signifies the end of the period under any stated storage conditions during which the food product shall remain fully marketable and shall retain any specific qualities for which tacit or express claims have been made, and beyond that date, the food may still be perfectly safe to consume, though, its quality may have diminished. However the product shall not be sold if any stage the product become unsafe;
- (d) “**Children or child**” means a person under the age of 18 years as defined in Juvenile Justice Act, 2015.
Explanation- The applicability of the age limit for specific category of food may be indicated in the relevant regulation, under the broad category of children.
- (e) “**Date of manufacture**” means the date on which the food products becomes the product as described;
- (f) “**Date of packaging**” means the date on which the food product is placed in the immediate container in which it will be ultimately sold;
- (g) “**e-commerce**” means buying and selling of goods and services over digital and electronic network.”;
- (h) “**Foods for catering purposes**” means those foods for use in restaurants, canteens, schools, hospitals, quick service restaurants (QSR), home delivery operators, caterers and similar institutions where food is offered for immediate consumption;
- (i) “**Front of Pack**” means part of the package that faces forward (in the principal field of vision) and is typically the first thing a consumer will see when they look at the product”
- (j) “**Infant**” means a person not more than twelve months of age;
- (k) “**Labelling**” means any written, printed or graphic matter that is present on the label, accompanies the food or is displayed near the food;
- (l) “**Lot number**” or “**code number**” or “**batch number**” means the identification mark depicted shown on the label by the use of numeral or alphabet or combinations thereof, brief preceded by “Lot number” or “code number” or “batch number” or any unique identification marks such as Batch No., B. No., L. No., Lot No., Code, LN, CN or BN, B No by which the food can be traced in manufacture and identified in distribution;
- (m) “**Multi-unit package**” means a package containing two or more individually packaged or labelled units of the same food commodity of identical and / or different, net quantity intended and displayed for retail sale either in individual units or package as a whole and complies with the general labelling requirement specified in regulation 4(8);
- (n) “**Non-retail containers**” means any container that is not intended to be offered for direct sale to the consumer. The food in the non-retail container is for further business activities before being offered to the consumer;
- (o) “**Non-vegetarian food**” means an article of food which contains whole or part of any animal including birds, insects, fresh water or marine animals or eggs or products of any animal origin, but does not include milk, milk products, honey or bees wax or carnauba wax or shellac;
- (p) “**Package/container**” means a pre-packed box, bottle, jar, casket, tin, barrel, case, pouch, receptacle, sack, bag, wrapper or such other things in which an article of food is packed;
- (q) “**Recommended dietary allowances (RDA)**” means the average daily dietary nutrient intake level sufficient to meet the nutrient requirement of nearly all (97 to 98 per cent.) healthy individuals in a particular life stage and gender group.

APPENDIX II – FSSAI GUIDELINES RELATED TO FOOD IMPORT CLEARANCE PROCESS BY FSSAI'S AUTHORIZED OFFICER, AUGUST 9, 2016

File No.1-1570/FSSAI/Imports/2015

Food Safety and Standards Authority of India

(A Statutory Authority established under the Food Safety & Standards Act, 2006)

(Imports Division)

FDA Bhavan, Kotla Road, New Delhi-110 002

Dated, the August, 2016

Subject: Guidelines related to Food Import Clearance Process by FSSAI's Authorized Officers –reg.

In partial modification to the guidelines issued by FSSAI vide F.No.1-17/FSSAI/T/2010 (Part J) dated 23.03.2012 regarding labelling requirement of primary food like food grains, pulses, fruits, dry fruits, whole spices etc. imported in package, it is clarified that name and address of the importer can be verified from accompanying documents of the consignment.

In addition to earlier mandatory requirements for primary food imported in package i.e. name of food, name and complete address of the manufacturer/ packer and date of Packing/Manufacture, following may also be mentioned on the package:-

1. Net weight
2. Lot no. / Code No. /Batch No.
3. Best before or use by date or date of expiry

A period of six months is given for compliance. This issues with the approval of competent Authority.

Bimal 9.8.16.
(Bimal Kumar Dubey)
Director (Imports)

APPENDIX III – FSSAI GUIDELINES RELATED TO FOOD IMPORT CLEARANCE PROCESS BY FSSAI'S AUTHORIZED OFFICER, MARCH 23, 2012

No. 1-17/FSSAI/T/2010 (Part J)
Food Safety and Standards Authority of India
Ministry of Health and Family Welfare
Government of India
FDA Bhavan, Kotla Road,
New Delhi- 110 002

Dated: 23rd March, 2012

Sub: Guidelines related to Food Import Clearance Process by FSSAI's Authorized Officers –reg.

Food Safety and Standards Authority of India (FSSAI) after due consideration of various operational issues raised by the stakeholders and to facilitate genuine trade while ensuring the mandate of safe food imports in India is issuing the following guidelines/clarifications with immediate effect till further orders or final notification of regulations in this regard, whichever is earlier:

1. In respect of labeling requirements of different kinds of packages of food consignments that are being imported in India, the requisite changes are required to be made in the Food Safety and Standards (Packaging and Labeling) Regulations, 2011. It has been decided by the Competent Authority that for smooth clearance of imported food items till the changes are incorporated in the FSS Regulations, 2011, different kinds of packages of food consignments that are being imported in India should carry the labeling information as enlisted below:

S. No.	Type of package	Minimum labelling requirements
1.	Pre-packaged food or pre-packed food including multi piece package	<ol style="list-style-type: none">1. Name of food2. List of ingredients (Not required in case of single ingredient)3. Nutritional information4. Name and complete address of the manufacturer5. Net quantity6. Lot/code/batch number7. Date of manufacture8. Best before or use by date or date of expiry9. <i>Information on vegetarian or non vegetarian logo</i>10. <i>Name and address of the importer</i>

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2.	Wholesale packages (including semi finished/ intermediary food products which will be further processed to make final product & packed as pre-packaged or pre-packed food)	<ol style="list-style-type: none"> 1. Name of food 2. List of ingredients (Not required in case of single ingredient) 3. Name and complete address of the manufacturer 4. Date of manufacture 5. Best before or use by date or date of expiry 6. <i>Name and address of the importer</i>
3.	Primary food like food grains, pulses, fruits, dry fruits, whole spices etc. imported in package	<ol style="list-style-type: none"> 1. Name of food 2. Name and complete address of the packer 3. Date of Packing 4. <i>Name and address of the importer</i>
4.	Primary food like food grains, pulses, fruits, whole spices etc. imported in loose in bulk	<ol style="list-style-type: none"> 1. Name of food* 2. Name and complete address of the importer*

***However, it may also be verified from the relevant documents.**

- i. However, in case of wholesale packages, following may also be accepted:
- a) Information on vegetarian/ non vegetarian logo, name and address of the importer which are mandatory labeling requirements under FSS (Packaging and Labeling) Regulations, 2011 are considered as rectifiable labeling deficiencies since these are not commonly practiced globally. Such information, if missing on the imported food consignments in wholesale packages, can be affixed by the importer/CHA upon arrival of the consignment on Indian shores, however, strictly in the custom bonded warehouses.
 - b) If date of manufacture is not given in the labels and only date of expiry/best before date/use by date is mentioned in the labels, then it may be verified from the relevant documents like certificate of analysis. However, if date of manufacture is in-built in the batch/lot number, the Authorized Officer, FSSAI may verify the date of manufacture and satisfy himself with the documents provided by the importer along with the bill of entry. If required, he may also seek clarification from the manufacturer/exporter of the source country as regards decoding of the date of manufacture. Balance shelf life of the consignment at the time of import may be calculated from the due date of expiry/best before date printed in the labels and the date of manufacture verified from the available documents.

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c) If complete address of the manufacturer is not given in the labels and only name of the manufacturer is given, then his address may be verified from the relevant documents like certificate of analysis, invoice etc.

ii. In case of pre-packaged foods or pre-packed foods or multi-piece packages, if only name of the manufacturer is printed in the labels and his complete address is not printed then, the same may be verified from the relevant documents like certificate of origin etc. Also, if date of manufacture and batch number/lot number is not oriented in the labels then, the same may be verified from the relevant documents like certificate of origin etc. This is applicable for every bill of entry or the consignment or bill of entry or bill of landing filed before issue of these guidelines subject to the condition that importer will furnish undertaking duly notarized to the effect that all his future consignments should comply with the FSS Rules/Regulations/Guidelines to avoid any ambiguity and unnecessary delays in the clearance of their consignments.

2. In case of import of proprietary foods in India, the food items which are being imported in India for the first time, the importer has to get his product approved from the Product Approval Division of Food Safety and Standards Authority of India. However, the food items which are being imported for a long time in the Country and against which no complaints/issues have been reported so far, Product Approval Division may grant provisional approval to these food items under fast track clearance system. Thereafter, on the basis of the laboratory analysis report, the Authorized Officer may issue NOC to these consignments.

3. In case of import of food supplements/dietary supplements, functional foods, nutraceuticals and other similar products, the Authorized Officer, FSSAI may draw the samples from these consignments and send them to FRSL, Ghaziabad as a nodal laboratory for imported food analysis. The normal testing fee and time taken for analysis by the laboratory may not be applicable in these cases.

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4. All food importers in India at the time of import may be insisted upon for applying the valid license to the concerned Designated Officer of Food Safety and Standards Authority of India before import/arrival of their future consignments on Indian shores.

This issues with the approval of Chairperson, FSSAI.

Adesh
23/3/12

(Adesh Mohan)
Senior Inspecting Officer

Attachments:

No Attachments.