

**Voluntary Report** – Voluntary - Public Distribution  
2023

**Date:** March 07,

**Report Number:** IN2023-0022

**Report Name:** India's FSSAI Grants a Six-Month Timeline Extension on the Implementation of the Disclaimer for Brand Name-Trademark on Front-of-Pack Labels

**Country:** India

**Post:** New Delhi

**Report Category:** FAIRS Subject Report

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**Report Highlights:**

On February 27, 2022, the Ministry of Health and Family Welfare/Food Safety and Standards Authority of India (FSSAI) notified on its website Direction 1-94/FSSAI/SP (Claims and Advertisement)/2017. The FSSAI direction extends the compliance timeline by a period of six-months for sub-regulation (7) of Regulation 4 of the Food Safety and Standards (Advertising and Claims) Second Amendment Regulations (2022) dealing with the disclaimer for brand name/trademark on the front-of-pack labels. The timeline is extended in order to provide transition time to the stakeholders to print new labels, as well as to exhaust the old inventory of packaging materials. With the six-month extension, the new compliance date is August 26, 2023.

**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 Foreign Agricultural Service (FAS) Office of Agricultural Affairs at the U.S. Embassy in New Delhi, 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 that do not open in Internet Explorer. Indian host sites will geo-block site access on a rolling basis].

## GENERAL INFORMATION

On February 27, 2022, the Ministry of Health and Family Welfare/Food Safety and Standards Authority of India (FSSAI) notified on its website **Direction 1-94/FSSAI/SP (Claims and Advertisement)/2017** (see, Appendix I).

The FSSAI direction extends the compliance timeline by a period of six-months for sub-regulation (7) of Regulation 4 of the **Food Safety and Standards (Advertising and Claims) Second Amendment Regulations (2022)** dealing with the disclaimer for brand name/trademark on the front-of-pack labels. The timeline is extended in order to provide transition time to stakeholders to print new labels, as well as to exhaust the old inventory of packaging materials. With a six-month extension, the new compliance date is set for August 26, 2023.

### Background:

On December 13, 2022, the FSSAI published notification **No. Std/EC/T(NSF-01)** in the Gazette of India: Extraordinary (official gazette). The notification was subsequently published on the FSSAI website on December 14, 2022. The new FSSAI notification refers to amendments made in the **Food Safety and Standards (Advertising and Claims) Regulations (2018)**. For additional background on the regulation, see [GAIN-INDIA | IN2022-0116 | The FSSAI's 2021 Draft Amendments to the Advertising and Claims Regulation now Published as a Final Amendment](#) and [GAIN INDIA | IN9063 | Compliance Timeline Extended for Advertising and Claims Regulations](#).

The full text of the FSSAI **Direction 1-94/FSSAI/SP (Claims and Advertisement)/2017** is accessible on the FSSAI website located at:

[https://fssai.gov.in/upload/advisories/2023/02/63fc929b699bbDirection\\_Enforcement.pdf](https://fssai.gov.in/upload/advisories/2023/02/63fc929b699bbDirection_Enforcement.pdf)

**APPENDIX 1: FSSAI DIRECTION ON IMPLEMENTATION OF FOOD SAFETY AND STANDARDS (ADVERTISING AND CLAIMS) SECOND AMENDMENT REGULATIONS, 2022**

F. No.1-94/FSSAI/SP(Claims and Advertisement)/2017

**Food Safety and Standards Authority of India**

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

FDA Bhawan, Kotla Road, New Delhi-110002

Dated, the ~~27~~<sup>28</sup> February, 2023

**Subject: Direction under Section 16 (5) of Food Safety and Standards Act, 2006 regarding enforcement of the Food Safety and Standards (Advertising and Claims) Second Amendment Regulations, 2022**

Reference is drawn to the Food Safety and Standards (Advertising and Claims) Second Amendment Regulations, 2022 notified in the Gazette of India on 13<sup>th</sup> December, 2022 (enforced with immediate effect).

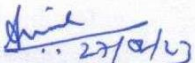
2. In the direction dated 26.10.2021 regarding enforcement of Food Safety and Standards (Advertising and Claims) Regulations, 2018 & re-operationalization of Food Safety and Standards (Advertising and Claims) Amendment Regulations, 2021; sub-regulation (7) of regulation 4 specifies that in case of trade mark, brand name or fancy name containing adjectives such as "natural", "fresh", "pure etc., a disclaimer "This is only a brand name or trade mark and does not represent its true nature" shall be mentioned below such trade mark, brand name or fancy name. The same provision was also included in the draft Food Safety and Standards (Advertising and Claims) Amendment Regulations, 2021 notified in the Gazette of India on 27.12.2021 inviting objections and suggestions within a period of sixty days from stakeholders.

3. However, in the final Food Safety and Standards (Advertising and Claims) Second Amendment Regulations, 2022 notified in the Gazette of India on 13.12.2022 enforceable with immediate effect, sub-regulation (7) of regulation 4 specifies that in case of trade mark, brand name or fancy name containing adjectives such as "natural", "fresh", "pure etc., a disclaimer "This is only a brand name or trademark, or fancy name and does not represent its true nature:(relevant one may be chosen as applicable)" shall be mentioned prominently on the front of pack of the label.

4. In this context, representations have been received from stakeholders requesting an extension of implementation of the aforementioned sub-regulation due to the change in the final notification vis-a vis draft notification as this would require changes in the artwork of the label and also to exhaust the existing old inventory of packaging materials.

5. After due consideration of the representations of the Food Business Operators and also to ensure sustainable practices for food business operations, it has been decided to extend the enforcement of sub-regulation (7) of regulation 4 of Food Safety and Standards (Advertising and Claims) Second Amendment Regulations, 2022 for a period of six months from the date of notification.

6. This issues with the approval of the Competent Authority in exercise of the powers conferred under Section 16 (5) of the Food Safety and Standards Act, 2006.

  
(Dr. Amit Sharma)  
Director (Regulation)

**Attachments:**

No Attachments.