

**Voluntary Report** – Voluntary - Public Distribution

**Date:** February 26,2021

**Report Number:** IN2021-0028

**Report Name:** India's FSSAI Sets Limit on the Use of Trans-fats in all Food Products

**Country:** India

**Post:** New Delhi

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

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

**Report Highlights:**

On February 3, 2021, the Food Safety and Standards Authority of India published the Food Safety and Standards (Prohibition and Restrictions on Sales) Second Amendment Regulations (2021) in the Official Gazette of India. The amendment relates to limits on the use of trans-fats in all food products.

**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:**

The Food Safety and Standards Authority of India (FSSAI) published on February 3, 2021, in the Official Gazette of India the [Food Safety and Standards \(Prohibition and Restrictions on Sales\) Second Amendment Regulations \(2021\)](#); subsequently listing the same on its public website by February 5, 2021 (see, Appendix I).

The key points of this amendment relating to trans-fat elimination in food products are:

- Defines 'Industrial trans-fatty acids' as all the geometrical isomers of monounsaturated and polyunsaturated fatty acids having non-conjugated, interrupted by at least one methylene group, carbon-carbon double bonds in the trans configuration. It excludes trans-fatty acids from dairy, meat, fish, and their products.
- All food products in which edible oils and fats are used as an ingredient shall not contain industrial trans-fats more than two percent by mass of the total oils/fats present in the product starting January 1, 2022.

On January 7, 2021, the FSSAI issued a directive stating that the *“enforcement for the trans-fatty acids (TFA) limit of 3% by weight shall commence w.e.f. April 1, 2021 and for such products manufactured on or after April 1, 2021. No enforcement action shall be initiated for TFA limit (of 3%) for the said products manufactured before April 1, 2021 for enforcement of the said limit. Similarly, with respect to the provision that the TFA shall not be more than 2% by weight on and from January 1, 2022, the said limit shall be enforced only on the products manufactured on or after January 1, 2022 and not before the said date.”* (See, Appendix II).

With the enactment of recent regulations on trans-fats, India is joining a group of 40 likeminded countries. It is also among one of first countries in Asia, following Thailand, in implementing best practice policies in trans-fat elimination.

The full text of the Food Safety and Standards (Prohibition and Restrictions on Sales) Second Amendment Regulations (2021) 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/notifications/2021/02/601d00b73657dGazette\\_Notification\\_Trans\\_fat\\_05\\_02\\_2021.pdf](https://www.fssai.gov.in/upload/notifications/2021/02/601d00b73657dGazette_Notification_Trans_fat_05_02_2021.pdf).

**APPENDIX I – FOOD SAFETY AND STANDARDS (PROHIBITION AND RESTRICTIONS ON SALES)  
SECOND AMENDMENT REGULATIONS (2021)**

**FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA**

**NOTIFICATION**

New Delhi, the 2nd February, 2021

**F. No. Stds/O&F/Notification(13)/FSSAI-2019**—Whereas the draft of certain regulations further to amend the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, was published as required by sub-section (1) of section 92 of the Food Safety and Standards Act, 2006 (34 of 2006), *vide* notification of the Food Safety and Standards Authority of India number File No. Stds/O&F/Notification(13)/FSSAI-2019, dated the 28<sup>th</sup> August, 2019, in the Gazette of India, Extraordinary, Part III, Section 4, inviting objections and suggestions from the persons likely to be affected thereby, before the expiry of the period of thirty 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 Gazette were made available to the public on the 30<sup>th</sup> August, 2019;

And whereas the objections and suggestions received from the public in respect of the said draft regulations have been considered by the Food Safety and Standards Authority of India;

Now, therefore, in exercise of the powers conferred by clause (e) of sub-section (2) of section 92 read with section 16 of the said Act, the Food Safety and Standards Authority of India hereby makes the following regulations further to amend the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, namely :-

1. **Short title and commencement.**—(1) These regulations may be called the Food Safety and Standards (Prohibition and Restrictions on Sales) Second Amendment Regulations, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette and Food Business Operator shall ensure compliance to all the provisions of these regulations for all the products manufactured on or after 1<sup>st</sup> January, 2022.

2. In the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011,-

(1) in regulation 1.2, after clause 1, the following clause shall be inserted, namely-

“2. “Industrial trans fatty acids” means all the geometrical isomers of monounsaturated and polyunsaturated fatty acids having non-conjugated, interrupted by at least one methylene group, carbon-carbon double bonds in the trans configuration. It excludes trans-fatty acids from dairy, meat, fish and their products.”;

(2) in regulation 2.3, in sub-regulation 2.3.14, after clause (20), the following clause shall be inserted, namely-

“(21) Food Products in which edible oils and fats are used as an ingredient shall not contain industrial trans fatty acids more than 2% by mass of the total oils/fats present in the product, on and from 01<sup>st</sup> January, 2022.”.

ARUN SINGHAL, Chief Executive Officer

[ADVT.-III/4/Exty./488/2020-21]

## APPENDIX II – FSSAI ENFORCEMENT DIRECTIVE, JANUARY 7, 2021

F. No. 12 (14)/2020/Trans Fat/RCD/FSSAI  
Food Safety and Standards Authority of India  
(A Statutory body under Ministry of Health & Family Welfare, Government of India)  
**(Regulatory Compliance Division)**  
FDA Bhawan, Kotla Road, New Delhi-110002

Dated the, 07<sup>th</sup> January, 2021

To,

1. The Commissioner of Food Safety of All States/UTs
2. All Central Licensing Authorities (Delhi/Mumbai/Chennai/Kolkata/Guwahati)

**Subject: - Directions regarding enforcement of maximum limits of trans fatty acids in Vegetable Oils/Fats products under Food Safety and Standards (Food Products Standards and Food Additives) Tenth Amendment Regulations, 2020.-Reg.**

Sir/Madam,

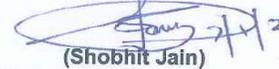
Reference is invited to the Food Safety and Standards (Food Products Standards and Food Additives) Tenth Amendment Regulations, 2020 as Gazette notified vide Notification No. F. No. 1-116/Scientific Committee/Notif./2010-FSSAI dated 29.12.2020 which *inter alia* stipulates that the vegetable oils/fats products as mentioned in the said Notification "*shall not contain trans fatty acids more than 5 % by weight: Provided that maximum limit of trans fatty acid shall not be more than 3% by weight, on and from 1st January, 2021 and not more than 2% by weight, on and from 1st January, 2022.*"

In this regard, in view of the representations received from the industry and to facilitate smooth transition for the industry to the new norms for the trans fatty acids (TFAs), it is directed that the enforcement for the TFA limit of 3% by weight shall commence w.e.f. 01<sup>st</sup> April, 2021 and for such products manufactured on or after 01<sup>st</sup> April, 2021. No enforcement action shall be initiated for TFA limit (of 3%) for the said products manufactured before 01<sup>st</sup> April, 2021 for enforcement of the said limit.

Similarly, it is further clarified that with respect to the provision that the TFA shall not be more than 2% by weight, on and from 1<sup>st</sup> January, 2022, the said limit shall be enforced only on the products manufactured on or after 1<sup>st</sup> January, 2022 and not before the said date.

This issues with the approval of the Competent Authority in exercise of the powers vested under Section-16 (5) of the FSS Act, 2006.

Yours sincerely,



(Shobhit Jain)

Executive Director (Compliance Strategy)

### Attachments:

No Attachments.