

**Voluntary Report** – Voluntary - Public Distribution  
2021

**Date:** November 23,

**Report Number:** IN2021-0124

**Report Name:** India's FSSAI Mandates BIS Certification Mark on Infant Nutrition Foods

**Country:** India

**Post:** New Delhi

**Report Category:** FAIRS Subject Report, Agricultural Situation, Agriculture in the Economy, Policy and Program Announcements, Agriculture in the News, Sanitary/Phytosanitary/Food Safety, SP1 - Expand International Marketing Opportunities, SP2 - Prevent or Resolve Barriers to Trade that Hinder U.S. Food and Agricultural Exports, Trade Policy Monitoring

**Prepared By:** Radha Mani, Agricultural Assistant and Mariano J. Beillard, Senior Regional Agricultural Attaché

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

**Report Highlights:**

On September 6, 2021, the Ministry of Health and Family Welfare/Food Safety and Standards Authority of India (FSSAI) published the draft Food Safety and Standards (Prohibition and Restrictions on Sales) Amendment Regulations (2021) in the Gazette of India: Extraordinary (official gazette). India subsequently communicated Notification G/TBT/N/IND/212 (dated September 20) to the WTO. This is a draft amendment made to the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations (2011). The draft's major amendment states that “no person shall manufacture, sell, store or exhibit for sale, food for infant nutrition, except under the Bureau of Indian Standards (BIS) Certification Mark, wherever BIS standards are available.”

**DISCLAIMER:** The information contained in this report was retrieved from the Food Safety and Standards Authority of India's (FSSAI) <http://www.fssai.gov.in> and the World Trade Organization <https://docs.wto.org/> websites. 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 September 6, 2021, the Ministry of Health and Family Welfare/Food Safety and Standards Authority of India (FSSAI) published the draft [Food Safety and Standards \(Prohibition and Restrictions on Sales\) Amendment Regulations \(2021\)](#) in the Gazette of India: Extraordinary (official gazette) (see, Appendix I). India subsequently communicated Notification G/TBT/N/IND/212 (dated September 20) to the WTO. This is a draft amendment made to the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations (2011).

The draft's major amendment states that “no person shall manufacture, sell, store or exhibit for sale, food for infant nutrition, except under the Bureau of Indian Standards (BIS) Certification Mark, wherever BIS standards are available.”

The full text of the notification is available on the FASSI's website located at:  
[https://fssai.gov.in/upload/uploadfiles/files/Draft\\_Notification\\_Infant\\_Food\\_08\\_09\\_2021.pdf](https://fssai.gov.in/upload/uploadfiles/files/Draft_Notification_Infant_Food_08_09_2021.pdf)

Comments should be sent to:

The Chief Executive Officer  
Food Safety and Standards Authority of India  
3<sup>rd</sup> Floor, Food and Drug Administration Bhawan, Kotla Road  
New Delhi – 110002  
Email: [spstbt.engpt@fssai.gov.in](mailto:spstbt.engpt@fssai.gov.in)

## Details of Draft Regulation:

**Publication date on the FSSAI Website:** September 8, 2021

**Date of Implementation:** To be determined

**WTO Notification Number:** G/TBT/N/IND/212

**WTO Notification Date:** September 20, 2021

**Final Date for Comments:** November 18, 2021

**Products Affected:** Infant Nutrition Foods

**APPENDIX I: FSSAI'S DRAFT FOOD SAFETY AND STANDARDS (PROHIBITION AND RESTRICTIONS ON SALES) AMENDMENT REGULATIONS (2021)**

[भाग III—खण्ड 4]

भारत का राजपत्र : असाधारण

3

**FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA**

**NOTIFICATION**

New Delhi, the 6th September, 2021

**F. No. Stds/03/Notification(IFR)/FSSAI-2017(part-3).**—The following draft of certain regulations, further to amend the Food Safety and Standards (Prohibition and Restrictions on Sales ) Regulations, 2011, which the Food Safety and Standards Authority of India proposes to make with the previous approval of the Central Government, in exercise of the powers conferred by sub- section (2) of section 92 of the Food Safety and Standards Act, 2006 (34 of 2006), is hereby published as required by sub-section (1) thereof, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft regulations shall be taken into consideration after the expiry of a period of sixty days from the date on which copies of the Official Gazette in which this notification is published are made available to the public.

Objections or suggestions, if any, may be addressed to the Chief Executive Officer, Food Safety and Standards Authority of India, FDA Bhawan, Kotla Road, New Delhi- 110002 or sent on email at [regulation@fssai.gov.in](mailto:regulation@fssai.gov.in).

Objections or suggestions, which may be received from any person with respect to the said draft regulations before the expiry of the period so specified, shall be considered by the Food Authority.

**Draft Regulations**

1. These regulations may be called the Food Safety and Standards (Prohibition and Restrictions on Sales) Amendment Regulations, 2021.
2. In the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, in regulation 2.3, in sub-regulation 2.3.14, for clause (4) the following shall be substituted, namely,-  
“No person shall manufacture, sell, store or exhibit for sale food for infant nutrition, except under Bureau of Indian Standards (BIS) Certification Mark, wherever BIS standards available”.

ARUN SINGHAL, Chief Executive Officer

[ADVT.-III/4/Exty./236/2021]

**Attachments:**

No Attachments.