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INDIA'S FOOD SAFETY PROBLEMS

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Abstract

The food industry in India is one which has shown drastic growth. With globalisation, there is not only an increased demand for variety, but also higher occurrences of contamination and adulteration of food by farmers/ traders and Food Business Operators (FBOs). This article deals with cases of misleading labelling of packaged food products, contamination of food and lack of hygiene in the process of making the food.

Keywords: Food, safety, health, standards, India

I. Introduction

The Food Industry has undergone a mushroom growth just a few years ago. A rapid growth in the number of restaurants and packaged food businesses throughout the world is the reason why Food Laws are enforced. Their aim is to ensure the protection of consumers' interests with respect to the safe manufacture, sale, and distribution of food products. However, the drastic improvement in international commerce, food technology and increased demand has resulted in a surge of adulteration and tampering need for increased food safety laws and regulations.

II. The Food Laws Present In India

The Food Safety and Standards Act, 2006 is the Act that consolidates several food laws existing prior to it. It is an Act to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science-based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for

human consumption and for matters connected therewith or incidental thereto.¹⁵

III. Latest News Concerning Food

A. Labelling And Consumer Information

The most recent food-related controversy was about a popular health drink called Bournvita. In April of 2023, a social media influencer posted a video on multiple platforms, alleging that Bournvita has high sugar, cocoa solids and cancer-causing colourant¹⁶. The product's packaging and labeling are such that it conceals the proper information with respect to the contents of the health drink. Apex child rights body NCPCR (National Commission for Protection of Child Rights) served a notice to Mondelez India, (the company that owns the Bournvita brand) to send a detailed explanation or report to inform the panel on the situation. Here, even though the brand claims that all the ingredients used have regulatory approvals by the Food Safety Standards Authority of India (FSSAI), the apex child rights body pointed out

¹⁵ Food Safety and Standards Authority of India <https://www.fssai.gov.in/cms/food-safety-and-standards-act-2006.php> (Last accessed on 15th June, 2023)

¹⁶ Business Today Bournvita row: NCPCR asks health drink brand to withdraw misleading ads, packaging labels <https://www.businesstoday.in/latest/trends/story/bournvita-row-ncpcr-asks-health-drink-brand-to-withdraw-misleading-ads-packaging-labels-378922-2023-04-26> (Last accessed on 15th June, 2023)

that the labeling and display norms have not been followed.

Nestle India's Maggi Noodles was forced to exit the market, over safety risks, in the year 2015. The Central Food Laboratory confirmed, after testing, that the amount of lead used in the product was more than 1000 times exceeding what Nestle India had claimed. It also endorsed incorrect labeling on the package which claimed "no added MSG"¹⁷. Within 3 months of the ban of Maggi Noodles ordered by FSSAI, 38000 tonnes of the product were recalled and destroyed. However, after going through a class-action lawsuit of hundreds of crores of rupees, Nestle had to adhere to the Supreme Court decision, which would allow a test conducted by the Central Food Technological Research Institute, to decide the suit. The CFTR lab reports became evidence that the Nestle product was in accordance with all the health regulations¹⁸. Today, Maggi Noodles continues to be the most popular packaged noodle food item with a whopping 60% market share in India.

B. Genetically Modified Food

India's journey with genetically modified crops began in the 2000s, when Bt cotton became the first genetically modified (GM) crop to be introduced in the nation. For any GM crop to make it into the market in India, it will have to surpass several levels of research and approvals.

Some of the genetically engineered crops under development in India include banana, potato, maize and rubber. All the crops mentioned here are still in trial stage, however, recently, in 2022, the Genetic Engineering Appraisal Committee (GEAC) approved the environmental release of

GM Mustard¹⁹. This means that GM Mustard can now be grown in open fields for trials, demonstrations and for seeds – a precursor to the approval for commercial cultivation of the country's first GM food crop. This issue is under adjudication before the Supreme Court of India²⁰. India is a country that has always been against GM food, with Bt cotton being the only GM crop approved for commercial cultivation until 2022 when GM Mustard was approved.

Genetically modified crops (GM crops) are those engineered to introduce a new trait into the species. Purposes of GM crops generally include resistance to certain pests, diseases, or environmental conditions, or resistance to chemical treatments (e.g., resistance to an herbicide). Other purpose of genetic modification of crops is to enhance its nutritional value, as seen in the case of golden rice.²¹

There is opposition against GM crops, especially food crops, because there is apprehension that the introduction of GM crops might affect the health of the people consuming it, and also affects the naturally existing ecosystems.

C. Food Contamination And Hygiene

"Scientific evidence has shown that contamination of food is a serious issue in India as unchecked microbial activity, and the use of pesticides and antibiotics seriously compromise food safety while consumption of junk food and other chemically-laced foods adds to the problem," said Chandra Bhushan, deputy director general, Centre for Science and Environment (CSE)²².

Street food is widely popular not only in India but throughout the world. However, there is no proper checks or regulations on the semi-permanent unit that sell such food out to the

¹⁷ Livemint, The Maggi ban: How India's favourite two-minute noodles lost 80% market share <https://www.livemint.com/Companies/1JKHsutTXLWtTcVwdIDg0H/The-Maggi-ban-How-Indias-favourite-twominute-noodles-lost.html>

¹⁸India Today, Nestle 'unhealthy' food controversy: Looking back at the Maggi Noodles crisis in India <https://www.indiatoday.in/business/story/nestle-unhealthy-food-controversy-looking-back-at-the-maggi-noodles-crisis-in-india-1810003-2021-06-02> (Last accessed on 15th June, 2023)

¹⁹Approval for Genetically Modified Mustard <https://pib.gov.in/PressReleasePage.aspx?PRID=1897008>

²⁰ Ibid 5

²¹Boston University, Genetically Modified Organisms https://sphweb.bumc.bu.edu/olt/mph-modules/ph/gmos/gmos_print.html

²²Deccan Herald, 'Contamination still a major challenge for food safety' <https://www.deccanherald.com/content/470234/contamination-still-major-challenge-food.html>

public. The most common substitute for street food is processed and packaged foods which is loaded with chemical preservatives. Ultra-processed junk foods are high in salts and fats including trans-fats. They lead to diseases such as diabetes, obesity, and heart disease, so these foods are unsafe as well. In 2022, hundreds of school students suffered food poisoning after eating mid-day meals provided at government schools.

Some 9,646 cases of food poisoning were reported between 2009 and 2022, data from the IDSP showed. The highest number of victims between 2009 and 2022 were in Karnataka (1,524), Odisha (1,327), Telangana (1,092), Bihar (950) and Andhra Pradesh (794). Food poisoning outbreaks are commonly seen in mass social events where food is prepared under temporary arrangements. A food poisoning breakout in a city of western Maharashtra, India, in 2015, where around 4000 people had consumed food during a religious community lunch and reported sick to the nearby hospital with complaints of diarrhea, abdominal cramps, fever with chills, and vomiting.²³

Food is an integral part of all social events. Such events expose masses to risk of food-borne infections as the food is prepared under temporary arrangements. The application of WHO Five Keys to Safer Food can prevent such occurrences. The Food Safety and Standards Authority (FSSAI) in India is a forward-looking act aimed at food safety at all levels. It brings the food consumed during religious gatherings such as 'prasad' and 'langar' under its purview and comprehensively addresses this issue.²⁴

D. Sustainable and Ethical Considerations

As global awareness of environmental sustainability and ethical food production grows, there is an increasing focus on incorporating these principles into food laws.

Sustainable food production is "a method of production using processes and systems that are non-polluting, conserve non-renewable energy and natural resources, are economically efficient, are safe for workers, communities and consumers, and do not compromise the needs of future generations"²⁵

IV. Conclusion

What should be the Way Forward?

(i) Moving Towards Sustainable Farming : For ensuring Food Security in India , improvement in productivity through greater use of biotechnology, intensifying watershed management, use of nano-urea and access to micro-irrigation facilities and bridging crop yield gaps across States through collective approach should be at priority.

There is also a need to look forward towards establishing Special Agriculture Zones through ICT based crop monitoring.

(ii) Towards Precision Agriculture: There is need to increase the use of information technology (IT) in agriculture to ensure that crops and soil receive exactly what they need for optimum health and productivity.

By adopting precision agriculture with high-tech farming practices, farmers' incomes will increase, input cost of production will be reduced, and many other issues of scale will be addressed.

V. References

1. Food Safety and Standards Authority of India <https://www.fssai.gov.in/cms/food-safety-and-standards-act-2006.php> (Last accessed on 15th June, 2023)
2. Business Today Bournvita row: NCPDR asks health drink brand to withdraw misleading ads, packaging labels

²³ National Library of Medicine, Food poisoning outbreak in a religious mass gathering

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6676322/#sec4title>

²⁴ Ibid 9

²⁵ Foresight. The Future of Food and Farming (2011) Final Project Report. The Government Office for Science, London. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/288329/11-546-future-of-food-and-farming-report.pdf

3. <https://www.businesstoday.in/latest/trends/story/bournvita-row-ncpcr-asks-health-drink-brand-to-withdraw-misleading-ads-packaging-labels-378922-2023-04-26> (Last accessed on 15th June, 2023) <ata/file/288329/11-546-future-of-food-and-farming-report.pdf>
4. Livemint, The Maggi ban: How India's favourite two-minute noodles lost 80% market share
<https://www.livemint.com/Companies/1JKHsutT XLWtTcVwdIDg0H/The-Maggi-ban-How-Indias-favourite-twominute-noodles-lost.html>
5. India Today, Nestle 'unhealthy' food controversy: Looking back at the Maggi Noodles crisis in India
6. <https://www.indiatoday.in/business/story/nestle-unhealthy-food-controversy-looking-back-at-the-maggi-noodles-crisis-in-india-1810003-2021-06-02> (Last accessed on 15th June, 2023)
7. Approval for Genetically Modified Mustard
<https://pib.gov.in/PressReleasePage.aspx?PRID=1897008>
8. Boston University, Genetically Modified Organisms
https://sphweb.bumc.bu.edu/otlt/mph-modules/ph/gmos/gmos_print.html
9. Deccan Herald, 'Contamination still a major challenge for food safety'
<https://www.deccanherald.com/content/470234/contamination-still-major-challenge-food.html>
10. National Library of Medicine, Food poisoning outbreak in a religious mass gathering
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6676322/#sec4title>
11. Foresight. The Future of Food and Farming (2011) Final Project Report. The Government Office for Science, London.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data