

PACKAGING LAWS AND REGULATIONS

The link between food packaging and consumer protection is of high significance. A package is a vehicle of safety and achieves the objective of delivering safe, wholesome, nutritious food to the consumer. To safeguard the interests of the consumer and the society at large, Packaging Laws and Regulations have been introduced by the Government.

The Indian Regulatory System falls under the category of compulsory legislations formulated by the various ministries and voluntary standards framed by various organisations to serve the country. The National Regulatory System is shown in Table 1.

The Packaging Laws and Regulations for food products are mainly covered under:

- The Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 (SWMA).
- The Prevention of Food Adulteration Act, 1954 and the Prevention of Food Adulteration Rules, 1955 and its first ammendment, 2003 (PFA).
- The Fruit Products Order, 1955 (FPO)
- The Meat Food Products Order, 1973 (MFPO)
- The Edible Oil Packaging Order, 1998
- The Agmark Rules

The Standards of Weights & Measures Act (SWMA)

Till about 25 years ago or so, the consumer was not sure that he was getting for his money, the right weight or volume of the packaged products. Things were pretty chaotic with different states having their own system of weights and measures. Adding to the confusion was the common practice of putting the same quantity of products in packs of different sizes, some containers being half-filled, and, as if this was not enough, quantities of contents on the packs were not stated in terms of units of weight or measure but declared as “family pack”, “economy size”, “full size” and so on. This unhappy state of affairs prevailed till 1976 when the Government of India, brought forward a wise and enlightened piece of legislation in the form of The Standards of Weights and Measures Act, 1976 (SWMA).

Some of the important aspects of SWMA are highlighted here.

Standard Units (section 4)

Chapter I of the Act is on establishment of standard units. This chapter clearly tell us the units of weights and measures to be followed. It states that every unit shall be based on the metric system. For this purpose, the units to be adopted are the International System of units recommended by the General Conference on Weights and Measures and such additional units as may be recommended by the International Organisation of Legal Metrology.

TABLE 1
Food Laws/Regulations and Ministries Involved

| Regulations | Ministry of Food and Civil Supplies | Ministry of Food Processing Industries | Ministry of Agriculture | Ministry of Health and Family Welfare | Ministry of Commerce | Ministry of Consumer Affairs |
|---|---|--|---|---|-------------------------|--|
| Essential Commodities Act, 1955 | Solvent extracted oils, De-oiled Meal and Edible Flour Control Order 1967. Mandatory inspection | Fruits Product Order 1955 Mandatory inspection | Meat Food Product Order 1973 Mandatory inspection | | | |
| Standards of Weight Measures Act, 1976 | SWMA rules, 1977. Packed foodstuffs must adhere to quality declaration | | | | | |
| Agricultural Produce (Grading and Marketing) Act 1937 | | | Agmark standard for raw and semi-processed products. Voluntary inspection | | | |
| Prevention of Food Adulteration Act 1954 | | | | Protects consumer against inferior quality and adulteration | | |
| Codex Standard (CAC) 1964 (not a law) | | | | Endorsement by WTO under SPS and TBT. De-facto mandatory | | |
| Export (Quality Control and Inspection) Act, 1963 | | | | | Pre-shipment inspection | |
| Bureau of Indian Standards, 1986 | | | | | | HACCP 9000 certification. Voluntary inspection |

[Source : Economic and Political weekly, July 28,2001]

The Act also specifies the base units for:

- Length – Metre
- Mass – Kilogram
- Time – Second
- Electric Current – Ampere
- Thermodynamic Temperature – Kelvin
- Luminous Intensity – Candela
- Base Unit of Numeration – International form of Indian numerals

Declaration on Packaged Commodities for Interstate Trade or Commerce

In Chapter IV (section 39), the Act stipulates that for interstate trade or commerce of commodities in packaged form, intended to be sold or distributed, every commodity in packaged form has to bear upon it, on a label securely attached to it, a definite, plain and conspicuous declaration of:

- Identity of the commodity in the package
- Net quantity, in terms of the standard unit of weight or measure, of the commodity in the package
- Where the commodity is packaged or sold by number, the accurate number of commodity contained in the package
- The unit sale price of the commodity in the package
- The sale price of the package

Further requirements include:

- Every package should bear the name of the manufacturer and also of the packer or distributor.
- The statement as to the net weight, measurement or number of the contents should not have any expressions, which tend to qualify such weight, measurement or number. (Exceptions to this are commodities which may undergo changes in weight or measure due to climatic variations; examples – bread, soap, etc. where the qualifying statement “when packed” may be added to the net weight or measure).
- Where there is undue proliferation of weight, measure or number in which any commodity is being sold and such undue proliferation impairs, in the opinion of the Government, the reasonable ability of the consumers to make a comparative assessment of the prices after considering the net quantity or number of such commodity, the Government may prescribe standard quantities or numbers for any commodity.
- Where the retail price of a commodity is stated in any advertisement, the net quantity or number of the commodity must be conspicuously declared in the advertisement along with the price.
- A package containing a commodity, which is filled less than the prescribed capacity of such package cannot be sold or distributed except where it is proved that the package is so filled with a view to (a) giving protection to the contents of the package or (b) meeting the requirements of machines used for enclosing the contents of such packages.

- The Central Government may, by rules, specify reasonable variations in the net contents of the commodity in a package as may be caused by the method of packing or the ordinary exposure which may be undergone by the commodity after it has been introduced in the market place.

This very comprehensive and far-reaching Act has put an end to the state of near anarchy in the trading of packaged goods. The clearly specified requirements in the Act have also provided a challenge to packaging development experts and label copy specialists who have to include statutory and promotional copy in the limited space available on labels and on packages themselves. However irksome they may appear, the provisions of this Act are welcome because they offer to the consumer a measure of protection which is not so apparent in many other legal requirements.

Standard Packages

Under the Standards of Weights and Measures (Packaged Commodities) Rules, rules have been framed specifying provisions for the retail sale of packaged goods. One of the most important rules is with respect to the requirements that specific commodities are to be packed and sold only in standard packages. As per the Third Schedule, food products and their respective package capacities are given in Table 2.

Maximum Permissible Error

In reference to the same rules as above, under the First Schedule, maximum permissible errors in relation to the quantity contained in individual packages is specified as given in Table 3 for food packages.

Table 4 gives the maximum permissible errors in relation to net quantities of packaged commodities (food) not specified in the First Schedule.

As per the Fifth Schedule of the SWMA Rules, commodities to be sold by weight, measure or number are indicated. Table 5 gives the details of the same with respect to food products.

Label Declarations

In the SWMA Rules, the declaration to be made on every retail package has been detailed. The declarations are to be made with respect to the following:

- The name and address of the manufacturer or where the manufacturer is not the packer, the name and address of the manufacturer and packer.
- The common or generic names of the commodity contained in the package.
- The net quantity in terms of the standard unit of weight or measure, of the commodity contained in the package or where the commodity is packed or sold by number, the number of commodity contained in the package.
- The month and year in which the commodity is manufactured or pre-packed. (Provided that for packages containing food articles, the provisions of the Prevention of Food Adulteration Act (PFA), 1954 (37 of 1954) and the rules made thereunder shall apply).
- The retail price of the package.
- The retail sale price of the package.

TABLE 2
Commodities to be Packed in Specified Quantities (Standard Packages)
as per The Third Schedule of SWMA Rules

| Commodities | Quantities in which to be Packed |
|---|--|
| Baby food | 200g, 500g, 1 kg, 2 kg, 5 kg and 10 kg – Any manufacturer or packer packing baby food in 400g and weaning food in 500g shall not be allowed to do so beyond 30.6.95 |
| Weaning food | 200g, 400g, 1 kg, 2 kg, 5 kg and 10 kg – Publication of this notification in the official gazette |
| Biscuits | 25g, 50g, 75g, 100g, 150g, 200g, 250g, 300g and thereafter in multiples of 100g up to 1 kg |
| Bread including brown bread but excluding bun | 100g and thereafter in multiples of 100g |
| Uncanned packages of butter and margarine | 25g, 50g, 100g, 200g, 500g, 1 kg, 5 kg and thereafter in multiples of 5 kg |
| Cereals and pulses | 100g, 200g, 500g, 1 kg, 2 kg, 5 kg and thereafter in multiples of 5 kg |
| Coffee | 25g, 50g, 100g, 200g, 500g, 1 kg and thereafter in multiples of 1 kg |
| Tea | 25g, 50g, 100g, 200g, 500g, 1 kg and thereafter in multiples of 1 kg |
| Materials which may be reconstituted as beverages | 25g, 50g, 100g, 200g, 500g, 1 kg and thereafter in multiples of 1 kg |
| Edible oils, vanaspati, Ghee, butter oil | 50g, 100g, 200g, 500g, 1kg, 2kg, 3kg, 5kg, and thereafter in multiples of 5kg. If net quantity is declared by volume the same number in millilitres or litres, as the case may be. If the net quantity is declared by volume then the equivalent quantity in terms of mass to be declared in brackets, in same sizes of letters/numerals |
| Milk Powder | Below 50g no restriction, 50g, 100g, 200g, 500g, 1 kg and thereafter in multiples of 500g |
| Rice (powdered), flour, atta, rawa and suji | 100g, 200g, 500g, 1 kg, 2 kg, 5 kg and thereafter in multiples of 5 kg |
| Salt | Below 50g. in multiples of 10g; 50g, 100g, 200g, 500g, 750gms, 1 kg, 2 kg, 5 kg and thereafter in multiples of 5 kg |
| Aerated soft drinks and non-alcoholic beverages | 100ml, 150ml, 200ml, 250ml, 300ml, 330ml (in cans only), 500ml, 750ml, 1 litre, 1.5 litre, 2 litre, 3 litre, 4 litre, and 5 litre |
| Mineral water and drinking water | 100ml, 130ml, 150ml, 200ml, 250ml, 300ml, 330ml, 500ml, 600ml, 750ml, 1 litre, 1.2 litre, 1.5 litre, 2 litre, 3 litre, 4 litre, and 5 litre. The sizes 130ml, 330ml, 600ml and 1.2 litre shall be allowed only for a period of 3 years from the date of notification. (26 th Nov. 2001) |

TABLE 3

**Maximum Permissible Error in Relation to Quantity Contained
in Individual Package as per the First Schedule of SWMA Rules**

| Description of Commodity | Quantity Declared | Maximum Permissible Error |
|--|---|-------------------------------|
| Biscuits | (i) Up to and equal to 500g (ii) Above 500g | 7.0% 6.0% |
| Bread | (i) Up to and equal to 400g (ii) Above 400g up to and equal to 800g (iii) Above 800g up to and equal to 1200g | 8.0% 6.0% 4.0% |
| Ghee, vanaspati and edible oil | (i) Up to and equal to 1 kg/litre (ii) Above 1kg / litre up to and equal to 2kg / litre. (iii) Above 2 kg / litre up to and equal to 4kg / litre. (iv) Above 4kg / litre | 2.0% 1.5% 1.25% 0.6% |
| Infant food including malted milk food | (i) Up to and equal to 100g (ii) Above 100g up to and equal to 1 kg (iii) Above 1 kg | 5.0% 4.0% 3.0% |
| Liquid milk | (i) Up to and equal to 100ml (ii) Above 100 ml up to and equal to 250ml (iii) Above 250 ml | 5 ml 8 ml 10 ml |
| Provisions sold in polythene bags or plastic bags, food grains, pulses, edible seeds, spices (whole or broken but not powdered), powdered commodities, (such as, chilli powder, pepper powder, coffee powder, washing soda, atta, table salt and the like), dry fruits, seeds and other commodities (such as, sugar gur, khandsari and the like) | (i) Up to and equal to 100g (ii) Above 100g up to and equal to 500g (iii) Above 500g up to and equal to 1 kg (iv) Above 1 kg | 3.0% 2.0% 1.5% 0.75% |
| Tea | For all quantities | 2.0% |

TABLE 4
Maximum Permissible Errors on Net Quantities Declared
by Weight or by Volume (not specified in First Schedule)
as per SWMA Rules (Second Schedule)

| Declared Quantity (g or ml) | Maximum Permissible Error in Excess or in Deficiency | |
|-----------------------------|--|---------|
| | As Percentage of Declared Quantity | g or ml |
| Up to 50 | 9 | – |
| 50 to 100 | – | 4.5 |
| 100 to 200 | 4.5 | – |
| 200 to 300 | – | 9 |
| 300 to 500 | 3 | – |
| 500 to 1000 | – | 15 |
| 1000 to 10000 | 1.5 | – |
| 10000 to 15000 | – | 150 |
| More than 15000 | 1.0 | – |

The maximum permissible error specified as percentage shall be rounded off to the nearest one-tenth of a g or ml, of declared quantities less than or equal to 1000g or ml and to the next whole g or ml for declared quantities above 1000g or ml.

TABLE 5
Commodities to be Sold by Weight, Measure or Number
as per The Fifth Schedule of SWMA Rules

| Commodity | Whether Declaration to be Expressed in Terms of Weight Measures or Number or two or more of them |
|--|--|
| Curd | Weight |
| Fruits, all kinds | Number or weight |
| Edible oil, vanaspati, ghee and butter oil | Weight or volume |
| Honey, malt extract, golden syrup treacle | Weight |
| Ice cream and other similar frozen products | Weight or volume |
| Rasgulla, Gulab Jamun and other sweet preparations | Weight |
| Sauce, all kinds | Weight |

Where any package material bearing thereon the month in which any commodity was expected to have been pre-packed is not exhausted during that month, such packaging material may be used for pre-packing the concerned commodity produced or manufactured during the next succeeding month and not thereafter, but the Central Government may if it is satisfied that such packaging material could not be exhausted during the period aforesaid by reason of any circumstance beyond the control of the manufacturer or packer, as the case maybe, extend the time during which such packaging material may be used, and where any such packaging material is exhausted before the expiry of the month indicated thereon, the packaging material intended, to be used during the next succeeding month may be used for pre-packing the concerned commodity; provided that the said provision shall not apply to the packages containing food products, where the "Best before or Use before" period is ninety days or less from the date of manufacture or packing.

General Provisions Relating to Declaration of Quantity

- 1) In declaring the net quantity of the commodity contained in a package, the weight of wrappers and materials other than the commodity shall be excluded; provided that where a package contains a large number of small items of confectionery, each of which is separately wrapped, the net weight declared on the package containing such confectionery or on the label thereof may include the weight of such immediate wrappers, if and only if, the total weight of such immediate wrappers does not exceed:
 - (i) 8%, where such immediate wrapper is a waxed paper or any other paper, with wax or aluminium foil (under strip), or
 - (ii) 6%, in case of any other paper, of the total net weight of all the items of confectionery contained in the package minus the weight of immediate wrapper.
- 2) Where a commodity in a package is not likely to undergo any variation in weight or measure, on account of the environmental conditions, the quantity declared on the package shall correspond to the net quantity, which will be received by the consumer, and the declaration of quantity on such package shall not be qualified by the words "when packed" or the like.
- 3) Save as otherwise provided in sub-rule (4), where a commodity in package is likely to undergo variations in weight or measure on account of environmental conditions and such variation is negligible, the declaration of quantity in relation to such package shall be made after taking into account such variation so that the consumer may receive not less than the net quantity of the commodity as declared on the package, and the declaration of quantity on such package shall not also be qualified by the words "when packed" or the like.
- 4) The declaration of quantity in relation to commodities specified in the Fourth Schedule, that is to say, commodities which are likely to undergo significant variation in weight or measures on account of environmental or other conditions, may be qualified by the words "when packed".

Symbols for Unit

The symbols for International System of units and none other, shall be used in furnishing the net quantity of the package.

Illustrations:

| | |
|-------------------|-----------------|
| Kilogram | Kg |
| Gram | g |
| Milligram | mg |
| Litre | l |
| Millilitre | ml |
| Metre | m |
| Centimetre | cm |
| Millimetre | mm |
| Squaremetre | m ² |
| Square centimetre | cm ² |
| Cubic metre | m ³ |
| Cubic centimetre | cm ³ |

Symbols shall not be given in capital form except for the unit derived from a proper name, period i.e. a dot after symbols shall not be put. As far as possible symbols shall always be written in the singular form, i.e. 's' shall not be added.

General Guidelines on Giving Declarations

As far as possible, all declarations required to be made under SWMA Rules should appear on the principal display panel. The principal display panel is defined as that part of the package that is intended, or likely to be displayed, presented or shown or examined by the consumer under normal and customary conditions of display, sale or purchase of the commodity contained in the package. Every declaration which is required to be made on a package should be legible, prominent, definite, plain and unambiguous and should be given in a specified minimum size as given in Tables 6 & 7, depending on the area of the principal display panel. Specific guidelines are given for computing the area of the principal display panel.

Violation of Law

What happens if the law is violated? To explore this, let us move to part VI of the Act. This part provides penalty for different offences. The penalty for violation of Section 39 is in Section 63. If any person packs, distributes, stores, delivers or sells commodities, which does not meet the requirements of the Act and the Packaged Commodities Rules, can be punished by a fine which may extend up to Rs.5000. If the offence is repeated, the penalty can be imprisonment of up to five years. Section 72 provides for prosecution before a

TABLE 6
Minimum Height of Numerals

| Net Quantity in Weight / Volume | Minimum Height in mm | |
|---------------------------------|----------------------|---|
| | Normal Case | When Blown Formed, Moulded, Embossed or Perforated on Container |
| Up to 200 g/ml | 1 | 2 |
| Above 200 g/ml up to 500 g/ml | 2 | 4 |
| Above 500 g/ml | 4 | 6 |

TABLE 7
Minimum Height of Numerals

| Net Quantity in Length Area or Number, Area of Principal Display Panel | Minimum Height in mm | |
|--|----------------------|---|
| | Normal Case | When Blown Formed, Moulded, Embossed or Perforated on Container |
| Up to 100 cm square | 1 | 2 |
| Above 100 cm square up to 500 cm square | 2 | 4 |
| Above 500 cm square up to 2500 cm square | 4 | 6 |
| Above 2500 cm square | 6 | 6 |

magistrate. But in the first instance, the department tries to settle the case with the offender. This is called compounding. The provision on compounding is contained in Section 74. The authorised officer of the department of Legal Metrology can compound a case, with the consent of the offender, by charging a compounding fee. This fee can be up to Rs. 5000. For the next three years, a subsequent offence cannot be compounded, it will have to be taken to the court. But after three years, an offender again becomes eligible to get a case compounded. Similarly, Section 74 provides for offences by companies and other body corporate. Both the persons, master and the servant, are jointly responsible. Thus, when a firm commits an offence, the company and the person who is the cause for commission of the offence, are both jointly responsible.

The Prevention of Food Adulteration Act

Food is one of the basic necessities for sustenance of life. Pure fresh and healthy diet is most essential for the health of the people. It is not wrong to say that community health is national wealth. Adulteration of food was so rampant, widespread and persistent that nothing short of a somewhat drastic remedy in the form of a comprehensive legislation became the need of the hour.

To check this sort of anti-social evil, a concerted and determined onslaught was launched by the Government by introduction of the Prevention of Food Adulteration Bill in the Parliament to herald an era of much needed hope and relief for the consumers at large. The Prevention of Food Adulteration Act and Rules have provided standards for a large variety of food. Unfortunately, the importance on packaging is not adequately reflected except in a few cases such as infant food items, drinking water. The responsibility of adequate packaging of food and its safety falls on the manufacturer of the food product.

The Prevention of Food Adulteration Act, 1954 (PFA) prohibits manufacture, storage and sale of adulterated food. The violation of law is prosecuted before a magistrate's court. The punishment is mandatory imprisonment for a minimum of three months. No surprise, the PFA is dreaded by the food industry. To understand the PFA, one must know what are the items included in the category of food and what the law considers to be adulteration of food.

Food and Adulteration

As per PFA, Food includes everything, which is consumed by human beings or even used for preparing items of human consumption. Thus cereals, oil, sugar, cooked food, drinks, spices, colouring matters, flavouring matter etc. are all included in the category of food. It excludes water and drugs. However, packaged natural water and packaged mineral water are considered to be food.

We ordinarily mean by adulteration to "debase, falsify by mixing with something inferior or spurious". By adulterated food, people also mean rotten, putrefied, insect infested or poisonous food. As per the Act, a food is deemed to be adulterated:

- (a) If the article sold by a vendor is not of the nature, substance or quality demanded by the purchaser and is to his prejudice, or is not of the nature, substance or quality which it purports or is represented to be.
- (b) If the article contains any other substance, which affects, or if the article is so processed as to affect, injuriously the nature, substance or quality thereof.
- (c) If any inferior or cheaper substance has been substituted wholly or in part for the article so as to affect injuriously the nature, substance or quality thereof.
- (d) If any constituent of the article has been wholly or in part abstracted so as to affect injuriously the nature, substance or quality thereof.
- (e) If the article had been prepared, packed or kept under insanitary conditions whereby it has become contaminated or injurious to health.
- (f) If the article consists wholly or in part of any filthy, putrid, rotten, decomposed or diseased animal or vegetable substance or is insect-infested or is otherwise unfit for human consumption.
- (g) If the article is obtained from a diseased animal.
- (h) If the article contains any poisonous or other ingredient which renders it injurious to health.
- (i) If the container of the article is composed, whether wholly or in part, of any poisonous or deleterious substance which renders its contents injurious to health.

- (j) If any colouring matter other than prescribed in respect thereof is present in the article, or if the amount of the prescribed colouring matter, which is present in the article are not within the prescribed limits of variability.
- (k) If the article contains any prohibited preservative or permitted preservative in excess of the prescribed limits.
- (l) If the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities not within the prescribed limits of variability, but, which renders it injurious to health.
- (m) If the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities not within the prescribed limits of variability, but which does not render it injurious to health.

Provided that, where the quality or purity of the article, being primary food, has fallen below the prescribed standards or its constituents are present in quantities not within the prescribed limits of variability in either case, solely due to natural causes and beyond the control of human agency, then, such article shall not be deemed to be adulterated within the meaning of this sub-clause.

Packaging and Storage Requirements

Accordingly, Part IX (Rule 49(5)) of the PFA Rule States: A utensil or container made of the following materials or metals, when used in the preparation, packaging and storing of food shall be deemed to render it unfit for human consumption:

- containers which are rusty
- enameled containers which have become chipped and rusty
- copper or brass containers which are not properly tinned
- containers made of aluminium not conforming in chemical composition to IS:20 Specification for cast aluminium and aluminium alloy for utensils or IS:21 specification for wrought aluminium and aluminium alloy for utensils
- container made of plastic materials not conforming to the following Indian Standards Specification, used as appliances or receptacles for packing or storing, whether partly or wholly, food articles, namely:
 - IS: 10146 (Specification for polyethylene in contact with food stuffs)
 - IS: 10142 (Specification for styrene polymers in contact with foodstuffs)
 - IS: 10151 (Specification for Poly Vinyl Chloride (PVC) in contact with food stuffs)
 - IS: 10910 (Specification for polypropylene in contact with foodstuffs)
 - IS: 11434 (Specification for ionomer resins in contact with foodstuffs)
 - IS: 11704 (Specification for Ethylene Acrylic Acid (EAA) co-polymer)
 - IS: 12252 (Specification for Polyalkylene Terephthalates (PET))
 - IS: 12247 (Specification for Nylon 6 polymer)
 - IS: 13601 – Ethylene Vinyl Acetate (EVA)
 - IS: 13576 – Ethylene Metha Acrylic Acid (EMAA)
- Tin and plastic containers once used shall not be re-used for packaging of edible oil and fats.

The PFA Rules also stipulate that certain food items such as confectionery (weighing more than 500 grams), protein rich atta, protein rich maida, blended edible vegetable oil, coloured and flavoured table margarine, fat spread, spices and condiments shall be sold in packed condition only.

Other Packaging Requirements under PFA

- **For infant milk food**, infant formula milk cereal based weaning food and processed cereal based weaning food, the rules state that:

The product shall be packed in hermetically sealed, clean and sound containers or in flexible packs made from film or combination of any or substrate made of board paper, polyethylene, polyester metallised film or aluminium foil in such a way so as to protect it from deterioration.

- **For meat and meat products**, the product shall be packed in hermetically sealed containers and subjected to heat treatment followed by rapid cooling to ensure that the product is shelf-stable.

The sealed container shall not show any change on incubation at 35°C for 10 days and 55°C for 5 days.

- **For natural mineral water, naturally carbonated natural mineral water, and packaged drinking water**, the rules stipulated regarding the packaging materials are:

It shall be packed in clean, hygienic, colourless, transparent and tamperproof bottles/containers made of Polyethylene (PE) conforming to IS:10146 or Poly Vinyl Chloride (PVC) conforming to IS:10151 or Polyalkylene Terephthalate (PET and PBT) conforming to IS 12252 or Polypropylene conforming to IS:10910 or food-grade Polycarbonate or sterile glass bottles suitable for preventing possible adulteration or contamination of the water. All packaging materials of plastic origin shall pass the prescribed overall migration and colour migration limits.

Declarations and Labeling

The other aspect of regulations under the PFA is with respect to declarations/labeling. Any packaged food, which does not conform to these requirements under the PFA is deemed “misbranded”. As per the Act, an article of food shall be deemed to be misbranded:

- If it is an imitation of, or is a substitute for, or resembles in a manner likely to deceive, another article of food under the name of which it is sold, and is not plainly and conspicuously labeled so as to indicate its true character.
- If it is falsely stated to be the product of any place or country.
- If it is sold by a name which belongs to another article of food.
- If it is so coloured, flavoured or coated, powdered or polished, that the fact that the article is damaged, is concealed or if the article is made to appear better or of greater value than it really is.
- If false claims are made for it upon the label or otherwise.
- If, when sold in packages, which have been sealed or prepared by or at the instance of the manufacturer or producer and which bear his name and address, the contents of each

packages are not conspicuously and correctly stated on the outside thereof within the limits of variability prescribed under this Act.

- If the package containing it, or the label on the package bears any statement, design or device regarding the ingredients or the substances contained therein, which is false or misleading in any material particular; or if the package is otherwise deceptive with respect to its contents.
- If the package containing it or the label on the package bears the name of a fictitious individual or company as the manufacturer or producer of the article.
- If it purports to be, or is represented as being, for special dietary uses, unless its label bears such information as may be prescribed concerning its vitamin, mineral, or other dietary properties in order to sufficiently inform its purchaser as to its value for such uses.
- If it contains any artificial flavouring, artificial colouring or chemical preservative, without a declaratory label stating that fact, or in contravention of the requirements of this Act or rules made thereunder.
- If it is not labeled in accordance with the requirements of this Act or rules made thereunder.

Part VII of the Rules deals with the Packing and Labeling of Food. As per these rules, the following are required:

- The name, trade name or description of food contained in the package.
- The names of ingredients used in the product in descending order of their composition by weight or volume as the case may be. If artificial flavouring is used, the chemical names of the flavour need not be declared, but, in the case of natural flavouring substances or nature-identical flavouring substances, the common name of the flavour is to be mentioned on the pack.

If the food contains any ingredient in part or whole from animal origin (meat, fish, poultry eggs), a declaration is to be made by a symbol and a colour code stipulated for this purpose, to indicate the product as Non-vegetarian Food. The symbol should be on the principal display panel in close proximity to the name or brand name of the food as indicated in clause (16) of sub-rule (zzz) of rule 42. The symbol shall consist of a brown colour filled circle having a diameter not less than the minimum size specified in Table 8.

Similarly, for vegetarian food a similar symbol with green colour circle and square as indicated in clause (17) of sub-rule (zzz) of rule 42 will be displayed.



Non-vegetarian Food



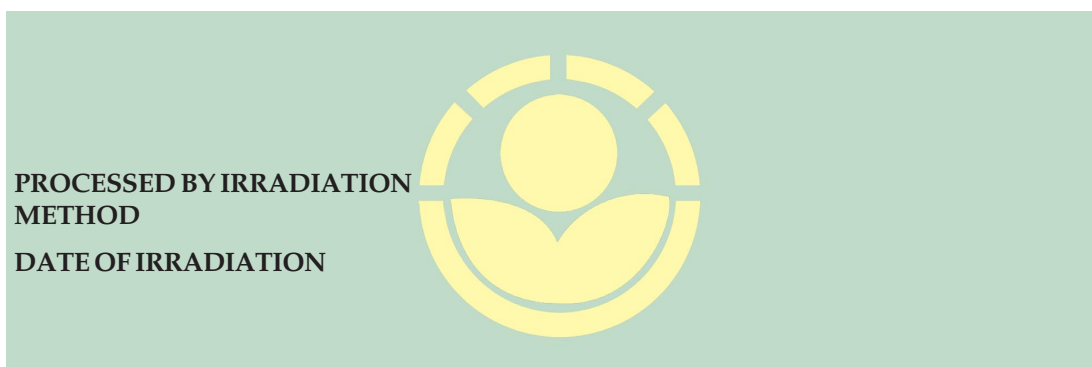
Vegetarian Food

The symbol shall be prominently displayed on the package having contrast background and in close proximity to the name or brand name of product, and also on the labels, pamphlets, leaflets, and advertisements in any media.

TABLE 8
Symbol Sizes

| Area of Principal Display Panel | Minimum Size of Diameter in mm |
|--|---------------------------------------|
| Up to 100 cm square | 3 |
| Above 100 cm square up to 500 cm square | 4 |
| Above 500 cm square up to 2500 cm square | 6 |
| Above 2500 cm square | 8 |

- The name and complete address of the manufacturer, or importer, or vendor or packer to be declared.
- A declaration is to be made for the net weight or number or measure of volume of content in the case of biscuits, breads, confectionery and sweets where the weight may be expressed as average net weight or minimum net weight.
- The batch number or lot number or code number may be declared either in numerals or alphabets or in combination, preceded by the words "Batch No." or "Batch" or "Lot No." or "Lot" or any distinguishing prefix.
- The month and year in which the product was manufactured or pre-packed is to be declared except in case of carbonated water containers and packages of biscuits containing 60 grams to 120 grams and packages of food weighing less than 60 grams, bread, milk and for all packages of irradiated food to bear the following declaration and logo:



- The package should declare:
The month and year in capital letters up to which the product is best for consumption, in the following manner, namely:-
"BEST BEFORE MONTHS AND YEAR" or
"BEST BEFORE MONTHS FROM PACKAGING" or
"BEST BEFORE MONTHS FROM MANUFACTURE" or
"BEST BEFORE UPTO MONTH AND YEAR"

In case of package or bottle containing sterilised or ultra high temperature treated milk, soya milk, flavoured milk, any package containing bread, dhokla, bhelpuri, pizza, doughnuts, khoa, paneer, or any uncanned package of fruits, vegetable, meat, fish or any other like commodity, the declaration be made as follows:

“BEST BEFORE DATE/MONTH/YEAR”

or

“BEST BEFORE DAYS FROM PACKAGING”.

- The declaration to be made on packages of **infant milk substitute** and **infant milk** as per rule 37B states that:

Every container of infant milk substitute or infant food or any label affixed thereto shall indicate in a clear, conspicuous and in an easily readable manner, the words “**IMPORTANT NOTICE**” in capital letters and indicating thereunder the following particulars, namely:

- (a) a statement “**MOTHER’S MILK IS BEST FOR YOUR BABY**” in capital letters. The types of letters used shall not be less than five millimetres and the text of such statement shall be in the Central Panel of every container of infant milk substitute or infant food or any label affixed thereto. The colour of the text printed or used shall be different from that of the background of the label, container or the advertisement, as the case may be. In case of infant food, a statement indicating “**infant food shall be introduced only after four months of age**” shall also be given.
- (b) a statement that infant milk substitute or infant food should be used only on the advice of a health worker as to the need for its use and the proper method of its use.
- (c) a warning that infant milk substitute or infant food is not the sole source of nourishment of an infant.
- (d) a statement indicating the process of manufacture (spray or roller dried) except in case of infant food, instruction for appropriate and hygienic preparation including cleaning of utensils, bottles and teats and warning against health hazards of inappropriate preparations, as under:

“**Warning/caution-Careful and hygienic preparation of infant food/infant milk substitute is most essential for health. Do not use fewer scoops than directed since diluted feeding will not provide adequate nutrients needed by your infant. Do not use more scoops than directed since concentrated feed will not provide the water needed by your infant**”.
- (e) the approximate composition of nutrients per 100 grams of the product including its energy value in Kilo Calories/Joules.
- (f) the storage condition specifically stating “**store in a cool and dry place in an air tight container**” or the like.

- (g) the feeding chart and directions for use and instruction for discarding left over feed
- (h) instruction for use of measuring scoop (level or heaped) and the quantity per scoop (scoop to be given with pack)
- (i) indicating the Batch No., Month and Year of its manufacture and month and year before which it is to be consumed
- (j) the protein efficiency ratio (PER) which shall be minimum 2.5 if the product other than infant milk substitute is claimed to have higher quality protein

Enforcement of the PFA

Under the PFA, Food Inspectors are appointed by the State governments. They are often a part of the Food and Drug Administration or Local Health Authority. The Food Inspector has the power to take a sample of the food from the place of manufacture, storage or from seller and send it to a Public Analyst for testing. Public Analysts have been created under the Act to analyse sample of article of food sent to them.

A Food Inspector who intends to take a sample has to disclose his identity and inform the retailer his intention of taking a particular product as a sample for analysis. The Food Inspector takes three samples, which are to be sealed and labeled. He sends one sample with a memorandum to a Public Analyst. The other two samples are deposited in the office of the department to which the Food Inspector belongs. The Public Analyst sends his report. If the Analyst's report declares that the sample is not in conformity with the provisions of the PFA, the Food Inspector initiates prosecution of the PFA, the Food Inspector initiates prosecution in the court of a first class magistrate. The Food Inspector while taking sample asks the retailer to disclose the name of the wholesaler/distributor. From the package, the Food Inspector also gets to know the name of the manufacturer and distributor. Thus, he knows the entire chain. The Food Inspector can, and often does, make all the parties in the chain accused in the first instance itself. Along with initiating prosecution, the Food Inspector sends letters to manufacturer, distributor and wholesaler. The letter informs that a case has been initiated and that the accused can make an application before the court to have their sample re-tested by a Central Food Laboratory within ten days from the receipt of the letter. The analysis by the Central Food Laboratory is considered superior to the report of the Public Analyst. It is a right of the accused to get a sample re-tested from a Central Food Laboratory.

If an accused makes an application to the Magistrate, the court directs the department to produce the remaining two samples. After inspecting the seal, the court sends one sample to a Central Food Laboratory. The Central Food Laboratory sends the report. If the report declares the sample to be in conformity with the provisions of the PFA and Rules, the court discharges the case. If the sample fails, trial by the magistrate starts.

Corporate bodies like companies, co-operatives or firms are also persons in the eyes of the law. These can be prosecuted and punished as corporate bodies under the Act. A fine can always be paid out of their corporate account. However, a company or co-operative is not a real person,

who can be imprisoned. There have to be specific persons who can be held responsible. The PFA makes provisions that corporate bodies can authorise a person, like a director, manager or secretary to exercise all such powers and take all steps to prevent food adulteration and inform the local (health) authority of such an authorisation. The authorised person is called a PFA nominee. The nominee represents the organisation for all matters dealing with the PFA. He is held responsible for any violation committed by the firm. If an organisation has not appointed a nominee, the court holds the person who was responsible to the corporate body for the commission or omission of the action, which led to the violation of the PFA.

The PFA is a legislation of the 1950s. Its dominant horizon is articles of food being sold loose. In the past five decades, the nature of food industry has changed. The market for processed and pre-packed food has expanded tremendously. The food industry deploys sophisticated and expensive food processing technology.

There has been a revolution in creation and use of newer packaging materials to give protection to articles of food. The law needs to be revised to take stock of these practices. Law should not only continue to deter food adulterators, but it should also be revised to be optimum in its effect, severe on violators and facilitators to others.

Fruit Products Order (FPO)

The Fruit Products Order is concerned with fruit and vegetable products including synthetic beverages, syrups, sharbats and vinegar. The objective of this law is mainly to regulate the quality and hygiene of these products.

The important labeling rule under FPO is that all labels should have the approval of the authorities concerned, and carry the license number allotted. When a bottle is used as the package, it should be so sealed that it cannot be opened without destroying the license number, and the special identification mark of the manufacturer should be displayed on the top or neck of the bottle. The batch/code number along with the date of manufacturing should also be declared.

As contained in PFA, FPO also prohibits use of any statement, design or device, which is false or misleading concerning the fruit product. Synthetic products associated with fruits and vegetables should clearly be marked "SYNTHETIC" and the word, "SYNTHETIC", whenever used, should be as bold and in the same size and colour of the letters used for the name of the product, and should immediately precede such name.

Meat Food Products Order (MFPO)

Meat Food Products Order, similar to FPO, regulates the licensing and labeling of all meat products. All labels have got to be approved by the licensing authority, and the license number and category of manufacturer should be declared on the label.

The name of the product, always a common name understood by the consumer, should be given along with net quantity. Trade names should have prior approval of the licensing authority. When any preservative or colouring agent is used, a statement to that effect should be given. When permitted artificial flavouring agent is used, the words, "**Artificially Flavoured**",

should appear on the label in prominent letters and in continuance of the name of the product. The list of ingredients should also be given. Terms which may bear some geographical significance with reference to a locality other than in which either the factory is located, or the product is manufactured, can be given on the label after being qualified by the word, "STYLE", "BRAND", or "TYPE", as the case may be. No statement, word, picture or design, which may convey a false impression or give a false indication of origin or quality, can appear on the label.

Agricultural Grading & Marking (AGMARK) Rules

Agmark rules relate to the quality specifications and needs of certain agricultural products to be eligible for Agmark Certification. They also specify the type of packages that can be used for various products and labeling declarations that have to be given. Some of the food products that have been covered under these rules are edible nuts, ghee, honey, pulses, spices and condiments and vegetable oil.

Edible Oil Packaging (Regulation) Order, 1998

In order to ensure availability of safe and quality edible oil in packed form, the Central Government promulgated on 17th September, 1998 a Packaging Order under the Essential Commodities Act, 1955 to make packaging of edible oil, sold in retail, compulsory unless specifically exempted by the concerned State Governments.

Uniform methods for testing the quality of edible oil, including the Thin Layer Chromatography (TLC) method for detection of Argemone oil was prescribed and circulated to all State Governments and manufacturers.

The salient features of the Packaging Order are:

- Edible oil including edible mustard oil will be allowed to be sold only in packed form from 15th December, 1998.
- Packers will have to register themselves with a registering authority.
- The packer will have to have his own analytical facilities or adequate arrangements for testing the samples of edible oil to the satisfaction of the Government.
- Only oil which conform to the standards of quality as specified in the Prevention of Food Adulteration Act, 1954 and Rules made thereunder will be allowed to be packed.
- Each container or pack will have to show all relevant particulars so that the consumer is not misled, so also the identity of the packer becomes clear.
- Edible oil shall be packed in conformity with the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, and the Prevention of Food Adulteration Act, 1954 and Rules made thereunder.
- The State Governments will have power to relax any requirements of the packaging order for meeting special circumstances.

The power for implementation of the Order is basically delegated to the State Governments. The Central Government is aware that the production of edible oils is a highly de-centralised industry. A substantial quantity of oil production is in the small-scale or unorganised sector. Further, a sizeable proportion of the population is living below the poverty line. It may be difficult for them

to afford the additional cost of packaged oils. It is in view of these situations that the State Governments have been empowered to exempt any edible oil from the provisions of this order in specific circumstances.

Conclusion

Packaging is being recognised as a major industry in all developing countries. This is not surprising as all the products manufactured or processed are packed in some way or the other, so as to safeguard the interests of the consumer and the society. The laws and regulations that apply to these products are very critical. These laws act as a measure of protection and self-satisfaction for the customers in terms of quality and quantity.

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