

Voluntary Report – Voluntary - Public Distribution

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Report Number: IN2022-0085

Report Name: India's FSSAI Publishes Draft Notification on Front-of-Pack Labeling for Packaged Food Products High in Fat and Sugar and Salt

Country: India

Post: New Delhi

Report Category: FAIRS Subject Report

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Report Highlights:

On September 13, 2022, the Ministry of Health and Family/Food Safety and Standards Authority of India (FSSAI) issued draft notification F. No. Std./SP-08/T(FoPNL-N-01), publishing the same on September 20, 2022, on its website. This notification communicates amendments to the Food Safety and Standards (Labeling and Display) Regulations (2020), that relate to front-of-pack nutritional labeling (FOPNL) and propose the “Indian Nutrition Rating” based on health star rating system. World Trade Organization (WTO) members are invited to comment on (WTO notification G/SPS/N/IND/288 (September 29, 2022)). The comment period for the FSSAI draft amendments is open through November 28, 2022. The Food Safety and Standards (Labeling and Display) Amendment Regulations (2022) will come into effect upon final publication in the Official Gazette of India. Compliance with the amended regulations is voluntary for 48-months from the date of the final notification of these regulations, after which compliance is mandatory.

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 September 13, 2022, the Ministry of Health and Family/Food Safety and Standards Authority of India (FSSAI) issued draft notification **F. No. Std./SP-08/T(FoPNL-N-01)**, publishing the same on September 20, 2022, on its website (see, Appendix I). This notification communicates amendments to the Food Safety and Standards (Labeling and Display) Regulations (2020), that relate to front-of-pack nutritional labeling (FOPNL) and propose the “Indian Nutrition Rating” based on health star rating system.

World Trade Organization (WTO) members are invited to comment on (WTO notification **G/SPS/N/IND/288 (September 29, 2022)**). The comment period for the FSSAI draft amendments is open through November 28, 2022.

The Food Safety and Standards (Labeling and Display) Amendment Regulations (2022) will come into effect on the date of their final publication in the Official Gazette of India. However, compliance with the amended regulations is voluntary for a period of 48-months from the date of the final notification of these regulations, after which compliance is mandatory.

The FSSAI's Draft Amendment Regulations Highlights, What to Anticipate

FAS New Delhi (Post) is identifying the main points of the draft amendment regulations immediately below. Post, however, strongly advises stakeholders thoroughly read the full text of the FSSAI notification, including Schedule III and IV which have now been incorporated in the draft amended regulations.

1. The definition of FOPNL and High Fat Sugar Salt (HFSS) food is added to the amended draft regulations. As per the draft regulation, FOPNL is a form of supplementary nutritional information that presents simplified nutrition information on front-of-pack of pre-packaged foods. It can include symbols/graphics, text, or combinations to provide information on the overall nutritional value of the food and/or on nutrients included in the FOPNL.
2. The draft calls for the declaration of the percentage of fruits, vegetables, nuts, legumes, and millet, if present in the food product, and of dietary fiber, as a nutrient, in the list for nutritional labeling.

3. Dietary fiber (in grams) shall also be declared for nutritional information per 100 gram (g) or 100 milliliter (ml) or per single consumption pack of the product and per serve percentage contribution to recommended dietary allowance.
4. Inclusion of the Indian Nutrition Rating (INR) is a major addition to the current draft amendment regulations. A separate Chapter 6 has been added defining the INR. This chapter includes the formula utilized to calculate the INR based on reference values for four health risk increasing factors, that is energy, total sugars, saturated fat, and sodium per 100 g or 100 ml of the product; and the minimum percentage of positive nutrients viz., fruit and vegetables (FV); nuts, legumes, and millets (NLM), fiber, and protein for consideration in the calculation for the rating of specific solid foods or liquid foods (see, Table-1 of Schedule-III of the notification).
5. All processed and packaged food products covered under the Food Safety and Standards regulations are classified into three categories:
 1. Category-I (Solid foods),
 2. Category-II (Liquid foods)
 3. Category-III (Exempted from FOPNL)
6. Food products with milk logo are exempted from the purview of HFSS definition.
7. Schedule IV provides a detail list of solid/liquid foods exempted from the purview of FOPNL under INR.

Pictorial Display Format

The system of pictorial display format shall be referred to as the INR. This INR system rates the overall nutritional profile for packaged food by assigning it a rating from ½ star (i.e., the least healthy) to five stars (i.e., the healthiest). More stars indicate that the food product is better positioned to provide for daily human nutritional needs.



The INR logo is required to be displayed in close proximity to the name or brand name of the product on the front-of-pack. Food business operators are given the option of providing additional interpretive information as a per serve percentage contribution to the recommended - daily-amount (RDA) of energy, total sugars, saturated fats, and sodium expressed as salt

equivalent along with the INR logo. Post recommends that interested stakeholders go through the full text of the current notification provided as Annexure-I for additional display and size specifications.

Formula for Calculating the Star Rating

$$\text{Final INR score} = (\text{INR baseline points}) - [(\text{INR FV* points}) + (\text{INR NLM* points}) + (\text{INR P* points}) + (\text{INR F* points})]$$

Note: FV denotes fruit and vegetable; NLM is nuts, legumes, and millets; and P and F denote protein and fiber respectively.

Comments, Send To:

The Chief Executive Officer
Food Safety and Standards Authority of India
Food and Drug Administration Bhawan,
3rd Floor, Kotla Road,
New Delhi – 110 002
Email: spstbt.engpt@fssai.gov

Publication (Upload) Date on the FSSAI Website: September 20, 2022

Final Date for Comments: November 28, 2022

**APPENDIX I: FOOD SAFETY AND STANDARDS (LABELING AND DISPLAY)
AMENDMENT REGULATIONS (2022)**

FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 13th September, 2022

F. No. Std./SP-08/T(FoPNL-N-01).—The following draft of certain regulations to further amend the Food Safety and Standards (Labelling & Display) Regulations, 2020, which the Food Safety and Standards Authority of India proposes to make with previous approval of the Central Government, in exercise of the powers conferred by clause (k) of sub-section (2) of section 92 read with clause (h) of sub-section (2) of section 16 and section 23 of the Food Safety and Standards Act, 2006 (34 of 2006) is hereby published as required by sub-section (1) of section 92 of the said Act, 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 the 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 may be sent by e-mail at regulation@fssai.gov.in;

Objections or suggestions which may be received with respect to the said draft regulations within the period specified above shall be considered by the Food Safety and Standards Authority of India.

Draft Regulations

1. **Short title and commencement**-(1) These regulations may be called the Food Safety and Standards (Labelling & Display) Amendment Regulations, 2022.

(2) They shall come into force on the date of their final publication in the Official Gazette. Compliance shall be voluntary until a period of 48 months from the date of final notification of these regulations and mandatory thereafter.

2. In the Food Safety and Standards (Labelling & Display) Regulations, 2020 (herein after referred as said regulations), -
- (1) in Chapter-1, in regulation 2 relating to “Definitions”, after clause (i), the following shall be inserted, namely, -
- “(ia) **Front-of-pack nutrition labelling (FOPNL)** is a form of supplementary nutrition information that presents simplified nutrition information on the front-of-pack of pre-packaged foods. It can include symbols/graphics, text or a combination thereof that provide information on the overall nutritional value of the food and/or on nutrients included in the FOPNL”.
- “(ib) **High fat, sugar, salt (HFSS) food** means a processed food product which has high levels of saturated fat or total sugar or sodium. The declared values of these ingredients are such that the product; does not satisfy the value of energy (kcal) from total sugar less than 10 percent of total energy, or from saturated fat 10 percent of total energy, and sodium less than 1 mg/1 kcal.”
- (2) in regulation 5 relating to “Labelling Requirements”, -
- (a) in sub-regulation (2), after clause (b), the following proviso shall be inserted, namely, -
- “provided that the percentage of Fruits, Vegetable, Nuts, Legumes & Millets, if present in the food product, shall be declared”.
- (b) in sub-regulation (3), in sub-clause (ii) of clause (b), after item (D) relating to “Sodium (mg)”, the following shall be inserted, namely, -
- “(E) Dietary Fibre (g);”
- (3) after CHAPTER 5 relating to “Labelling of food additives when sold as such” following shall be inserted, namely, -

“CHAPTER 6

14. Indian Nutrition Rating (INR)

(1) Baseline Reference values and Categories

For the purpose of Front of Pack Nutritional Labelling (FOPNL), the baseline reference values for four health risk increasing factors *i.e.*, energy, total sugars, saturated fat and sodium per 100 g or 100 ml of the product; and, the minimum percentage of positive nutrients *viz.*, fruit & vegetable (FV); nuts, legumes & millets (NLM); fibre and protein for consideration in the calculation for rating of a specific solid foods or liquid foods, is provided in Table-1 of Schedule –III.

Further, all processed and packaged food products covered under the extant FSS Regulations are classified into three categories *viz.*, CATEGORY-I (Solid foods), CATEGORY-II (Liquid foods) and CATEGORY-III (Exempted from FOPNL).The system of pictorial display format shall be referred to as Indian Nutrition Rating (INR).The baseline reference values for food risk factors and minimum percentage of positive factors; INR baseline points for Category-I; INR baseline points for Category –II; capping of positive points; formula to calculate star rating and associated interpretation are provided in Table 1, 2, 3, 4, 5 & 6 of Schedule- III, respectively. The list of solid foods/liquid foods under Category-III (exempted from FOPNL) are provided in Schedule-IV.

Provided that any beverage/carbonated beverage without energy and/or sugar shall not be eligible for declaring Star Rating (INR).

(2) Pictorial Display Format

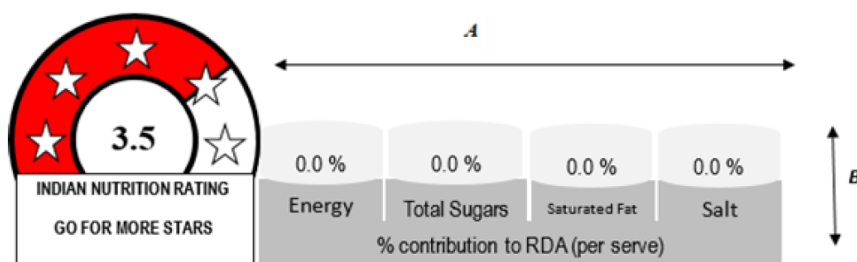
- (a) Every packaged food except those exempted from nutritional information under these regulations, shall display the prescribed format (INR) on front of pack calculated on the basis of contribution of energy (in kilo calories; kcal), saturated fat (g), total sugar (g) and sodium (mg) and the positive nutrients per 100 g of solid food or 100 ml of liquid food on a ‘as sold’ basis, using the formula mentioned in Table-5 of Schedule –III.

(b) The INR system rates the overall nutritional profile for packaged food by assigning it a rating from ½ star (least healthy) to 5 stars (healthiest). More stars indicate that the food product is better positioned to provide for daily human need of nutrients. The format of logo for INR is as indicated below:



The logo shall be displayed close in proximity to the name or brand name of the product on front of pack.

Provided that food business operators may give optionally additional interpretive information as per serve percentage contribution to RDA of energy, total sugars, saturated fats and sodium expressed as salt equivalent, along with the INR logo as illustrated below:

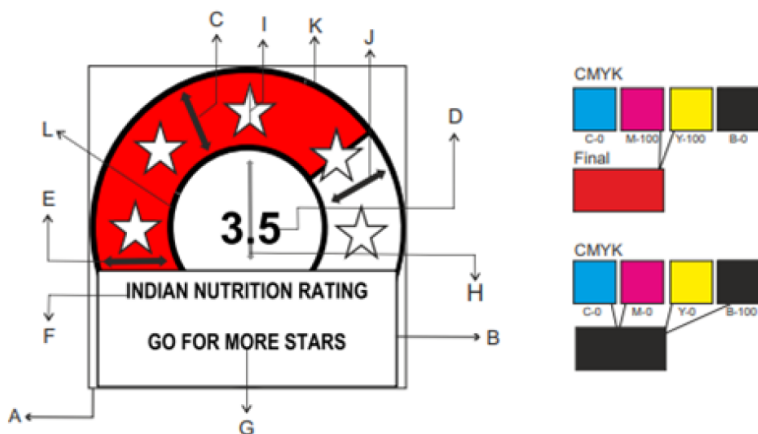


**The display size of additional interpretive information may be specified as 25% of main INR logo. A- same as the height of main INR logo. B-1/4th of the height of the main INR logo.*

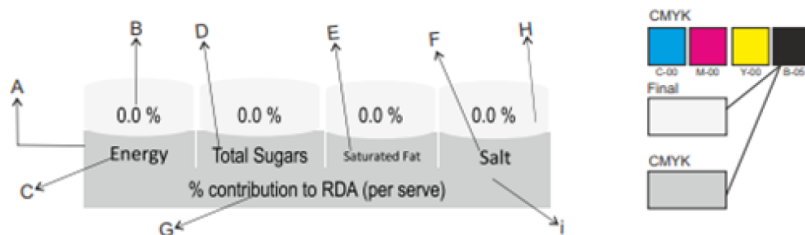
(c) Size of the INR logo

Sl.No.	Area of principal display panel in cm. square	Minimum Height (mm)	Minimum Width (mm)
1.	Above 100 to 500	15	15
2.	Above 500 to 2500	20	20
3.	Above 2500	25	25

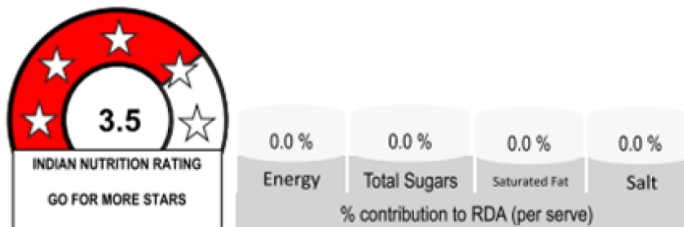
(d) Colour codes:



Position	A	B	C	D	E	F	G	H	I	J	K	L
Inch W	1.783 *	1.68 *	1.783 *	0.331 *	0.513 *	1.347 *	1.106 *	0.825 *	0.318 *	0.532 *	0.043 *	0.04 *
Inch H	1.811 *	0.64 *	0.633 *	0.183 *	1.146 *	0.093 *	0.093 *	0.667 *	0.323 *	0.896 *	1.358 *	1.074 *



Position	A	B	C	D	E	F	G	H	I
Inch W	3.696 *	0.336 *	0.447 *	0.751 *	0.603 *	0.239 *	2.02 *	0.88 *	0.88 *
Inch H	1.011 *	0.126 *	0.135 *	0.156 *	0.077 *	0.115 *	0.156 *	0.411 *	0.598 *



(3) Generation of INR logo

The FBO shall submit their product's relevant nutrient profile in the FoSCoS system for generating the respective INR score and the logo with or without the optional interpretive information.

15. Food products with milk logo as specified under Food Safety and Standards (Food Products Standards and Food Additives) Regulation, 2011 shall be exempted from the purview of HFSS definition.”

(4) after Schedule-II, following shall be inserted, namely, -**“Schedule-III**

Table 1. Baseline reference values for Food risk factors and minimum percentage of positive factor per 100 gm or 100 ml on 'as sold' basis.

Food Risk Factors	Solid Foods	Liquid Foods (non-dairy)	Positive Factors	Minimum, %
Energy, kcal	400	30	Fruits & vegetables	10 (solid foods) & 5 (liquid foods)
Total Sugars, g	21	6	Nuts, legumes & millets	10
Saturated fat, g	5	3	Dietary Fibre	3
Sodium, mg	450	100	Protein	1.5

Table 2. INR Baseline points for Category-I: Solid Foods (Incl. Dairy products and beverages) per 100 g

Category-I includes all food categories except category no. 6.8.1 & 14.0 mentioned under Appendix A of FSS (Food Products Standards and Food Additives) Regulations, 2011

Baseline points	Energy, kcal	Sat. fat (g)	Total sugars (g)	Sodium (mg)	Positive Point			
					FV	NLM	Dietary Fibre	Protein
0	≤80	≤1.0	≤4.2	≤90	≤10	≤10	≤3	≤1.5
1	>80	>1.0	>4.2	>90	>10	>10	>3	>1.5
2	>160	>2.0	>8.4	>180	>15	>15	>6	>2.0
3	>240	>3.0	>12.6	>270	>20	>20	>9	>2.5
4	>320	>4.0	>16.8	>360	>25	>25	>12	>3.0
5	>400	>5.0	>21	>450	>30	>30	>15	>5
6	>480	>6.0	>25.2	>540	>35	>35	>18	>7
7	>560	>7	>29.4	>630	>40	>40	>21	>10
8	>640	>8	>33.6	>720	>45	>45	>24	>15
9	>720	>9	>37.8	>810	>50	>50	>27	>20
10	>800	>10	>42	>900	>55	>55	>30	>25
11		>12	>46.2	>990				>30
12		>14	>50.4	>1080				>35
13		>16	>54.6	>1170				>40
14		>18	>58.8	>1260				>45
15		>20	>63	>1350				>50
16		>22	>67.2	>1440				
17		>24	>71.4	>1530				
18		>26	>75.6	>1620				
19		>28	>79.8	>1710				
20		>30	>84	>1800				
21		>32		>1890				
22		>34		>1980				
23		>36		>2070				
24		>38		>2160				
25		>40		>2250				

Table 3. INR Baseline points for Category-II: Liquid Foods (excluding Dairy Products), per 100 ml

Category-II includes food category no. 6.8.1 and 14.0 mentioned under Appendix A of FSS (Food Products Standards and Food Additives) Regulations, 2011

Baseline points	Energy (kcal)	Total sugars (g)	Positive Points	
			FV	Protein
0	≤6	≤0.1	≤5	≤1.5
1	>6	>0.1	>5	>1.5
2	>12	>1.6	>10	>2.0
3	>18	>3.1	>15	>2.5
4	>24	>4.6	>20	>3.0
5	>30	>6.1	>25	>5
6	>36	>7.6	>30	>7
7	>42	>9.1	>35	>10
8	>48	>10.6	>40	>15
9	>54	>12.1	>45	>20
10	>60	>13.6	>55	>25
11				>30
12				>35
13				>40
14				>45
15				>50

Table 4. Capping of positive points

Category	Capping criteria
Solid Foods	if INR baseline points are ≤ 20, can score up to 15 points for protein and 10 points each for FV, NLM & Dietary Fibre
	if INR baseline points are > 20, can score upto 7 points for protein and 5 points each for FV, NLM & Dietary Fibre
Liquid Foods	if INR baseline points are ≤ 10, can score upto 10 points for FV and upto 15 points for protein
	if INR baseline points are > 10, can score up to 5 points for FV and up to 7 points for protein

Table 5: Formula to Calculate Star Rating

<i>Final INR score</i>
= (INR baseline points) – [(INR FV* points) + (INR NLM* points) + (INR P* points) + (INR F* points)]

Table 6: Indian Nutrition Rating

Indian Nutrition Rating		
INR scores for Solid Foods category, with final Indian Nutrition Rating		INR scores for Liquid Foods category, with final Indian Nutrition Rating
Stars	Points	Points
5	≤ -11	≤0
4.5	-10 – -7	1 – 2
4	-6 – -2	3 – 4
3.5	-1 – 2	5 – 6
3	3 – 6	7 – 9
2.5	7 – 11	10 – 12
2	12 – 15	13 – 15
1.5	16 – 20	16 – 18
1	21 – 24	18-20
0.5	≥25	≥20

Schedule-IV

Category-III Solid Foods/Liquid Foods exempted from FOPNL under INR. The category numbers refer to food categories as provided under FSS (FPS & FA) Regulations, 2011.

Cat. No.	Category description
1.1.1	Milk and buttermilk (plain)
1.1.1.1	Milk (plain)
1.1.1.2	Buttermilk (plain)
1.2	Fermented and renneted milk products (plain), excluding food category
1.2.1	Fermented milks (plain)
1.2.1.1	Fermented milks (plain), not heat-treated after fermentation
1.2.1.2	Fermented milks (plain), heat-treated after fermentation
1.2.2	Renneted milk (plain)
1.3	Condensed milk and analogues (plain)
1.3.1	Condensed milk (plain), evaporated milk(s), sweetened condensed
1.3.2	Beverage whiteners
1.4	Cream (plain) and the like cream and malai
1.4.1	Pasteurized cream (plain), cream and malai
1.4.2	Sterilized and UHT creams, whipping and whipped creams, and reduced fat creams (plain)
1.4.3	Clotted cream (plain)
1.4.4	Cream analogues
1.5	Milk powder and cream powder and powder analogues (plain)
1.5.1	Milk powder and cream powder (plain)
1.5.2	Milk and cream powder analogues
1.8	Whey and whey products, excluding whey cheeses
1.8.1	Liquid whey and whey products, excluding whey cheeses
1.8.2	Dried whey and whey products, excluding whey cheeses whey powder
2.1	Fats and oils essentially free from water
2.1.1	Butter oil, anhydrous milk fat, ghee
2.1.2	Vegetable oils and fats
2.1.3	Lard, tallow, fish oil, and other animal fats
2.3	Fat emulsions mainly of type oil-in-water, including mixed and/or flavoured products based on fat emulsions
4.1.1	Fresh fruit
4.1.1.1	Untreated fresh fruit
4.1.1.2	Surface treated fresh fruit
4.1.1.3	Peeled or cut fresh fruit
4.1.2.1	Frozen fruit
4.2.1	Fresh vegetables, (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds and nuts and seeds
4.2.1.1	Untreated fresh vegetables, (including mushrooms and fungi, roots and tubers, pulses and legumes including soybeans, and aloe vera), seaweeds and nuts and seeds;
4.2.1.2	Surface-treated fresh vegetables, (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds and nuts and seeds;
4.2.1.3	Peeled, cut or shredded fresh vegetables, (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds and nuts and seeds
4.2.2.1	Frozen vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds and nuts and seeds
5.1.1	Cocoa mixes (powders) and cocoa mass/cake

5.1.2	Cocoa mixes (syrups)
6.1	Whole, broken, or flaked grain, including rice
6.2	Flours and starches (including soybean powder)
6.2.1	Flours
6.2.2	Starches
6.6	Batters
8.1	Fresh meat and poultry
8.1.1	Fresh meat and poultry whole pieces or cuts
8.1.2	Fresh meat and poultry comminuted.
8.3.3	Frozen processed comminuted meat and poultry products
8.4	Edible casings (e.g. Sausage casings)
9.1	Fresh fish and fish products, including molluscs, crustaceans, and echinoderms
9.1.1	Fresh fish
9.1.2	Fresh molluscs, crustaceans, and echinoderms
10.0	Eggs and egg products
10.1	Fresh eggs
10.2	Egg products
10.2.1	Liquid egg products
10.2.2	Frozen egg products
10.2.3	Dried and/or heat coagulated egg products
10.3	Preserved eggs, including alkaline, salted, and canned eggs
10.4	Egg-based desserts
11	Sweeteners, including honey
11.1	Refined and raw sugars
11.1.1	White sugar, dextrose anhydrous, dextrose monohydrate, fructose
11.1.2	Powdered sugar, powdered dextrose
11.1.3	Soft white sugar, soft brown sugar, glucose syrup, dried glucose syrup, raw cane sugar, khandhari sugar (sulphur sugar), bura sugar
11.1.3.1	Dried glucose syrup used to manufacture sugar confectionery
11.1.3.2	Glucose syrup for manufacture of sugar confectionery (golden syrup)
11.1.4	Lactose
11.1.5	Plantation or mill white sugar (plantation white sugar, cube sugar, misri)
11.2	Brown sugar excluding products of food category 11.1.3
11.3	Sugar solutions and syrups, also (partially) inverted, including treacle and molasses, excluding products of food category 11.1.3
11.4	Other sugars and syrups
11.5	Honey
11.6	Table-top sweeteners including those containing high intensity sweeteners (saccharin sodium, aspartame, acesulfame potassium, sucralose)
12.1	Salt and salt substitutes
12.1.1	Salt (including edible common salt, iron fortified salt, iodized salt)
12.1.2	Salt substitutes
12.2	Herbs, spices, seasonings and condiments (e.g. seasoning for instant noodles)
12.2.1	Herbs, spices including masalas
12.2.2	Seasonings and condiments
12.3	Vinegars
12.4	Mustards
12.7	Salads and sandwich spreads excluding cocoa-and nut based spreads of food categories 4.2.2.5 and 5.1.3
12.8	Yeast and like products

12.10	Protein products other than from soybeans
13	Foodstuffs intended for particular nutritional uses
13.1	Infant formulae, follow-on formulae, and formulae for special medical purposes for infants
13.1.1	Infant formulae
13.1.2	Follow-up formulae
13.1.3	Formulae for special medical purposes for infants
13.2	Complementary foods for infants and young children
13.3	Dietetic foods intended for special medical purposes (excluding products of food category 13.1
13.4	Dietetic formulae for slimming purposes and weight reduction
13.5	Dietetic foods (e.g. supplementary foods for dietary use) excluding products of food categories 13.1-13.4 and 13.6
13.6	Food supplements
14.1.1	Waters
14.1.1.1	Natural mineral waters and source waters
14.1.1.2	Table waters and soda waters
14.2	Alcoholic beverages, including alcohol-free and low-alcoholic counterparts
14.2.1	Beer and malt beverages
14.2.2	Cider and Perry
14.2.3	Grape wines
14.2.3.1	Still grape wine
14.2.3.2	Sparkling and semi-sparkling grape wines
14.2.3.3	Fortified grape wine, grape liquor wine, and sweet grape wine
14.2.4	Wines (other than grape)
14.2.5	Mead
14.2.6	Distilled spirituous beverages containing more than 15% alcohol
14.2.7	Aromatized alcoholic beverages”;

ARUN SINGHAL, Chief Executive Officer

[ADVT.-III/4/Exty./268/2022-23]

Attachments:

No Attachments.