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GAIN Report

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POLICY

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India

Post: New Delhi

Amendments in Provisions for Non-Alcoholic Carbonated Beverages

Report Categories:

Sanitary/Phyosanitary/Food Safety

Exporter Guide

FAIRS Subject Report

Beverages

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Report Highlights:

A notification to amend the provisions of declaring quantity of added sugar in non-alcoholic carbonated beverages was published in the Official Gazette of India.

General Information:

The Government of India's (GOI) Food Safety and Standards Authority of India (FSSAI) notified its amendment in the official Gazette of India relating to "Beverages Non-Alcoholic-Carbonated" of the Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011. The provisions on declaration of added sugar for non-alcoholic carbonated beverages have been amended in order to resolve duplication and overlapping issues. In the recent amendment, only one provision exists in clause 1 of sub-regulation 2.10.6 relating to 'carbonated water' and is pasted below for easy reference. Accordingly, the earlier existing first and second provisions have been deleted. The implementation has begun from the date of its publication in the Official Gazette of India, i.e., September 11, 2017.

"Provided that the products which contain aspartame, acesulfame or any other artificial sweetener for which special labeling provisions have been provided under regulations 2.4.5 (24, 25, 26, 28 and 29) of Food Safety and Standards (Packaging and Labeling) Regulations, 2011 shall not be packed, stored, distributed or sold in returnable containers."

Background:

A notification on the same subject was published by FSSAI on February 3, 2017 and comments were invited from WTO member countries (see GAIN [IN7023](#)).

The full text of recent amendment is pasted below and can also be accessed on FSSAI's website at: <http://www.fssai.gov.in/>

Press Note

Omission of labelling requirements w.r.t. declaration of quantity of added sugar for Non-Alcoholic Carbonated Beverages

FSSAI has notified the Food Safety and Standards (Food Product Standards and Food Additives) Amendment Regulations, 2017 so as to delete the provision of declaration of quantity of added sugar from Sub-Regulation 2.10.6 of the FSS (Food Product Standards and Food Additives) Regulations, 2011.

The amendment regulations addresses the issue of duplicity/overlapping of provisions in respect of the declaration of added sugar for non-alcoholic carbonated beverages under the Sub- Regulation 2.10.6 of the FSS (Food Product Standards and Food Additives) Regulations, 2011 and the Sub-Regulation 2.2.2.3(ii) of the FSS (Packaging and Labelling) Regulations, 2011.

The above regulation came into force on the date of their publication in the Official Gazette.

MINISTRY OF HEALTH AND FAMILY WELFARE

(Food Safety and Standards Authority of India)

NOTIFICATION

New Delhi, the 11th September, 2017

F. No. 1-94(1)/FSSAI/SP(Labelling)/2014.—Whereas the draft Food Safety and Standards (Food Products Standards and Food Additives) Amendment Regulations, 2017, 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 1-94(1)/FSSAI / SP(Labelling) / 2014, dated the 26th May, 2017, in the Gazette of India, Extraordinary, Part III, Section 4, inviting objections and suggestions from persons likely to be affected thereby before the expiry of 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 copies of the Gazette were made available to the public on the 6th June, 2017;

And whereas 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 of the Food Safety and Standard Act, 2006, the Food Safety and Standards Authority of India hereby makes the following regulations further to amend the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, namely:-

1. (1) These regulations may be called the Food Safety and Standards (Food Products Standards and Food Additives) Eighth Amendment Regulations, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, in regulation 2.10, in sub-regulation 2.10.6 relating to "Beverages Non-Alcoholic-Carbonated", in clause 1 relating to "Carbonated Water" for the first, second and third provisos, the following proviso shall be substituted, namely:-

" Provided that the products which contain aspartame, acesulfame or any other artificial sweetener for which special labeling provisions have been provided under regulations 2.4.5 (24, 25, 26, 28 and 29) of Food Safety and Standards (Packaging and Labeling) Regulations, 2011, shall not be packed, stored, distributed or sold in returnable containers. "

PAWAN AGARWAL, Chief Executive Officer

[ADVT.-III/4/Exty/221/17]