

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY  
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT  
POLICY

Voluntary    Public

**Date:** 8/28/2015

**GAIN Report Number:** IN5111

## India

**Post:** New Delhi

### **FSSAI Scraps Food Product Approval Following Supreme Court Ruling**

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

FAIRS Subject Report

Exporter Guide

Food Processing Ingredients

Agricultural Situation

Agriculture in the Economy

Food and Agricultural Import Regulations and  
Standards - Certification

Policy and Program Announcements

**Approved By:**

Jonn Slette

**Prepared By:**

Radha Mani and Shubhi Mishra

**Report Highlights:**

On August 26, 2015, the Government of India's (GOI) Food Safety and Standards Authority of India (FSSAI) officially announced on its website that it would no longer continue with its product approval process, as per the August 19, 2015 ruling by India's Supreme Court. The Supreme Court's ruling upheld a June 30, 2014, decision by the Bombay High Court which ruled that FSSAI is not legally authorized to unilaterally issue 'advisories'

**General Information:**

On August 19, 2015, the Supreme Court of India dismissed an appeal by FSSAI and upheld a June 30, 2013, decision by the Bombay High Court which determined that FSSAI did not have the legal authority to issue advisories under the Food Safety Act, 2006. The earlier Bombay court determined, FSSAI cannot legally continue to issue advisories, and makes all earlier advisories null and void, including its May 11, 2013, advisory on product approval for processed food products. On August 26, 2015, FSSAI published an official notice on its website that it would no longer "continue with the process of Product Approvals". Despite FSSAI's news regarding product approvals, some ambiguity remains for products designated under Section 22 of [Food Safety and Standards Act, 2006](#). Products designated under Section 22 include foods derived from genetically engineered sources, nutritional supplements, special foods for medical or dietary requirements, traditional Indian *ayurvedic*, *sidha* and *unani* foods, organic and "novel foods". At this point, it remains unclear how FSSAI will regulate these products and/or if they will continue to require some variation of product approval. More details are provided below. Post will continue to monitor any developments and further updates will be conveyed via separate GAIN reports.

The full publication is provided below and is available on FSSAI's website at [http://www.fssai.gov.in/Portals/0/pdf/Product\\_Approval\\_26\\_08\\_2015.pdf](http://www.fssai.gov.in/Portals/0/pdf/Product_Approval_26_08_2015.pdf)

F.No.P-15025/SCJ/2015-PA/FSSAI  
**Food Safety and Standards Authority of India**  
(A Statutory Authority established under Food Safety and Standards Act, 2006)  
(Product Approval Division)  
**FDA Bhawan, Kotla Road, New Delhi**

---

Dated, the 26<sup>th</sup> August, 2015

It is no longer possible for the FSSAI to continue with process of Product Approvals which was facilitated through the Advisory dated 11.05.2013 in view of the order dated 19.08.2015 of the Hon'ble Supreme Court whereby the judgement and order dated 01.08.2014 of the Hon'ble Bombay High Court has gained finality and the said Advisory has ceased to remain operative.

2. Every endeavour will be made to expedite the Regulations governing section 22 products.
3. We regret the inconvenience.

(Dr. Sandhya Kabra)  
Director (Product Approval)