INTERVIEWS | INTERVIEW

“Key stakeholders remain unaware or partially aware of the need for FoPL regulation in India”

Throughout 2022, there has been a persistent demand for mandatory simplified front of the pack labelling (FoPL) regulation to be notified by the food regulation-Food Safety and Standards Authority of India (FSSAI) at the earliest, to address the rise in

By **Manbeena Chawla** | October 1, 2022



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Throughout 2022, there has been a persistent demand for mandatory simplified front of the pack labelling (FoPL) regulation to be notified by the food regulation- Food Safety and Standards Authority of India (FSSAI) at the earliest, to address the rise in lifestyle related non-communicable diseases (NCDs) in the country. But the outcome is yet to be seen. In a recent conversation with nuFFooDS Spectrum, ***George Cheriyan, Director, CUTS International, nominated to the Central Advisory Committee of FSSAI****, shares more in this regard. Edited excerpts-*

What are the recent updates regarding the implementation of FoPL regulations?

On February 15, 2022 in the meeting of the Stakeholders group, FSSAI announced its plans to go ahead with the 'Health Star Rating' (HSR) for packaged foods in India on a voluntary basis starting mid 2023 based on a survey finding by IIM-Ahmedabad. On July 13, 2022, the meeting of FSSAI approved the recommendations of the scientific panel, which introduced the Indian Nutrition Rating (INR) and decided to further move ahead with INR

Now, in accordance with the usual procedure, FSSAI has issued its draft regulations on front-of-package notified, soliciting comments from all stakeholders. Once the comments from all stakeholders are received, FSSAI's scientific panel comprising independent experts will study these comments and make its proposal. Following this, it will go to a scientific committee, FSSAI and the Health Ministry for approval before finally notifying it.

Do you think an ordinary consumer could play any significant role in this whole debate and discussion on FOPL?

FSSAI has issued the draft regulation for labels on front of food packets and the same has been uploaded on 20th September 2022 on its website seeking comments from public. Therefore, I humbly request the common consumers, consumer organisations and public health experts to strongly raise their objections and provide their suggestions on the draft, if any, as per the format. Consumers could also submit comments online or through email to the id provided along with the notification within 60 days from uploading of draft notification, which will fall on

19th Nov 2022.

I feel only a very strong written disagreement from all quarters, including the consumer bodies, public health experts etc. regarding the format of FoPL chosen will now put a pressure on the regulators to halt and give a serious rethink about their decision. Otherwise in normal circumstances the final notification will happen before mid of 2023.

What are the current challenges facing the regulatory bodies in finalising the guidelines? Are all state government bodies equally involved?

While the food regulator stands by the IIM-A study citing it is based on a survey of 20,500 people, many recent studies carried out by prominent institutes including the All India Institute of Medical Science (AIIMS) and International Institute for Population Sciences (a premier institute known for its landmark surveys like the National Family Health Survey -NFHS) point out that a majority of Indians prefer a 'high-in' style warning on front of pack labels of packaged foods and beverages, indicating excessive levels of salt, sugar or fat. The WHO also favours the mandatory use of front of pack labels that are simple to understand and readily visible. Also, the entire debate on FoPL has once again raised questions on the influence of the industry on the food regulator. Now even more stakeholders have called for the need for "insulating" policy decisions from the industry. So, addressing all these concerns have now become a real challenge for the regulator.

Besides, although health is a State subject, I don't think state governments are involved in any manner in the entire process, as most of the state Food Safety Commissionerates with whom we interacted were unaware about FoPL and its intricacies.

How is the food industry supporting the implementation of FoPL? What are the bottlenecks at their end?

The food industry appears to have agreed with the FSSAI's decision on the issue of voluntary implementation till mid-2027 and use of HSR. Afterall, it's a winning situation for them since at the end of all these discussions and stiff opposition from consumers and public health experts, they managed to get what they wanted. The industries across any sector have always been

more vocal in their opposition to mandatory labelling programmes rather than voluntary. Given their power of influence and stronghold, governments are forced to enact unclear and hollow provisions to benefit the industries at large.

Here I would like to highlight to our readers what happened during the stakeholder consultations. Each of the seven stakeholder's meetings, both physical and virtual, were attended by an average of 28-30 representatives other than FSSAI officials. Of this, the representatives of consumer organisations were only 4-5. Remaining 25 representatives were from the major industry associations and national/multinational food industries.

Though it was pointed out on several occasions, FSSAI was allowing the industry to participate in large numbers with a 6:1 ratio. In all the meetings, industries were dominating with a justification that they have only one response/one PPT, though it was allowed to be presented by 10-12 representatives, including regulatory experts, legal experts, and health experts brought by the industry associations.

During the first week of February 2022 (after 6 rounds), FSSAI requested for nomination of additional representatives from consumer organisations. Though nominated, those representatives did not receive invitations for the February 15 meeting. Those who tried to join were prevented from attending the crucial meeting. The regulator seemed to be in fear of the industry associations/MNCs. Even the neutrality of the scientific panel was under question because it has been reported that industries have planted their people in these panels.

What is expected out of this much awaited regulation?

The 2030 agenda for sustainable development adopted by the United Nations (UN) considers NCDs as a significant challenge for sustainable development to reduce premature mortality from NCDs by one-third by 2030. This becomes even more challenging as highly processed, packaged foods that tend to be high in fats, sugars and salt are often less expensive than fresh and nutritious foods. Various institutions, including WHO, Food and Agriculture Organisation (FAO), and United Nations Children's Fund (UNICEF) have repeatedly advocated for avoiding such unhealthy foods from people's diets.

It is therefore expected that regulations like FoPL would help consumers easily identify the nutritional quality of foods, thereby encouraging them towards healthier food choices at the point of purchase.

How would it help in addressing the growing burden of non-communicable diseases in India? Could you cite global examples as reference?

The World Health Organisation (WHO) recommends, along with educational initiatives, advertisements, marketing restrictions and elimination of industrially produced trans fats, the implementation of front-of-pack labelling on packaged foods as one of the ‘best-buy’ measures to help prevent NCDs.

Such a label readily informs consumers about the healthiness of a food product when compared to similar ones available in the market. More importantly it will warn consumers when food products are excessive in added sugars, fat, and sodium, which are the three critical negative nutrients associated with NCDs.

As of today, FoPL schemes have been introduced by governments in over 42 countries around the world, and are being considered by many more including India. Countries that took the bold stand, such as Brazil and Mexico, which have low and middle-income populations like ours with low literacy rates and a greater burden of diet-related diseases, are ideal cases for us to rely upon. They adopted warning labels despite stiff opposition from the industry sector, keeping the more significant interest of consumers and human health in mind.

Chile is a country with high levels of Sugar-Sweetened Beverages (SSB) intake. With an intent to curb high rates of obesity among its population, Chile in 2012 regulated the nutritional content of food and its marketing across the country. Such a move was first in the world and it included three concrete measures in one policy. First, it mandated a FoPL for most food products that are high in a certain level of calories, sugars, sodium, and saturated fat, and then it regulated the advertising and marketing of products with FoPL, particularly limiting advertisements targeting audiences younger than 14 years old. Finally, it prohibited all products that exceed the thresholds of critical nutrients from being sold in schools. All these efforts saw a 26.7 per cent decrease in sugar purchases, 36.7 per cent in sodium purchases, and 23.8 per cent in calorie

purchases in Chile within 2 years after warning labels were implemented (*Lancet Planet, 2021*).

What more needs to be done for the successful implementation of FoPL in the coming times?

Till date only a very limited number of policy makers, health experts and consumer organisations are involved in the FoPL consultation process. Larger chunk of the key stakeholders, particularly the policy-makers remain unaware or partially aware of the need and development of FoPL regulation in the country. There is a need to educate and sensitise this set of stakeholders and gather their support to successfully advocate with FSSAI, thereby encouraging the regulators to rethink their decision on moving ahead with HSR and come up with a more suitable warning label that addresses the concerns of all stakeholders especially the consumers, rather than taking a step in the wrong direction to appease the industries. Besides, while public awareness of aspects of food hygiene has significantly been enhanced during the pandemic, knowledge about nutritious and safe food has not seen many positive changes. So our team at CUTS has already taken the lead to sensitise all stakeholders, and very recently conducted two state-level consultations at Kerala and Rajasthan and plan to hold more such events across the country in the coming months.

Besides, once a FoPL regulation is brought into effect, the next big hurdle would be to ensure its effective implementation and monitoring. The labelling must be uniformly applied, actively monitored and enforced, and regularly reviewed and evaluated for improvements or adjustments. The initial few years should be devoted to analysing and tracking the effectiveness of the regulation, the depth of consumer acceptance, changes in the nutritional quality of people's diets, the ambit of nutrient threshold and food products, etc. There is a need for better coordination of regulators at the Centre and Commissionerates of Food Safety in states. For this to happen, adequate funds are required.

Another practical challenge we might face is the significant lack of law enforcement capacity, including shortages of food-safety officers. The massive gap between the size of the food market and the government’s capacity to supervise and manage this sector has always remained a concern. Steps should be taken to constantly develop the capacities of food safety officers by providing them with appropriate training and expertise, and their enforcement

activities should be backed with speedy and effective trials. Likewise, as always pointed out by different stakeholders, efforts should also be taken to increase the capacity of food laboratories. Even the Comptroller and Auditor General (CAG) of India conducted an audit of FSSAI in 2017. The audit report highlighted this requirement. Despite adequate support and modernisation, most of the food laboratories in India lack technical manpower and often, essential food-testing equipment is either unavailable or non-functional.

Also, many state food laboratories and referral laboratories to which FSSAI and state food safety authorities sent food samples for testing, do not possess National Accreditation Board for Testing & Calibration Laboratories (NABL) accreditation. Such a shortage of qualified manpower and functional food-testing equipment in state and referral laboratories, often results in deficient food samples testing.

Dr Manbeena Chawla

(manbeena.chawla@mmactiv.com)

Read online: https://nuffoodsspectrum.in/interviews/23/19410/key-stakeholders-remain-unaware-or-partially-aware-of-the-need-for-fopl-regulation-in-india.html

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