

WEBINAR REPORT

REGULATORY AFFAIRS COMMITTEE MEETING, OCTOBER 2020



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An online Regulatory Affairs Committee Meeting was organized and hosted by the Protein Foods & Nutrition Development Association of India (PFNDIA) on 9 October 2020, from 3:00 p.m. - 5:30 p.m. IST on zoom platform.

The objective of the meeting was to discuss and gather inputs for improvements on the recent regulation 'Safe food and Balanced Diet for Children in School' and 'Labelling & Display with emphasis on HFSS', and to disseminate information on Legal Metrology Act, 2009 and (Packaged Commodity) Rules, 2011. The meeting was attended by professionals working in the Indian food industry and regulatory bodies.

Speakers and panellists included Dr Shatadru Sengupta (Vice Chairman, PFNDIA), , Mr V. Mohan (Chairman, regulatory Affairs Committee, PFNDIA; Consultant, IntlAdvocare), Dr Joseph Lewis (Vice-Chairman, Regulatory Affairs Committee, PFNDIA), Mr Shaminder Pal Singh (Director of R&D – Scientific & Regulatory Affairs – South Asia at PepsiCo), Ms Meenu Yadav (Manager, Scientific and Regulatory Affairs, Mondelez India), Ms Anshu Gupta

(Nutrition, Regulatory and External Affairs Leader- AMEA at General Mills), Ms Ruby Sound (Secretary, IDA Mumbai), Dr Prabodh Halde (Head Regulatory Marico Ltd) and Dr N. Ramasubramanian (VR FoodTech Pvt Limited).

The session included a welcome address by Dr Jagadish Pai (Executive Director, PFNDIA) followed by a brief introduction of speakers and panellists to the

attendees by Ms Swechha Soni (Manager- Food & Nutrition, PFNDIA), presentation by Mr. Shaminder Pal Singh, a panel discussion, presentation by Mr V. Mohan and an interactive Q & A session moderated by Swechha. The day ended with a vote of thanks to the attendees and speakers by Ms Anuja Rawool (Food Scientist, PFNDIA).

Mr Shaminder opened the discussions by providing an overview of the latest regulation, Safe Food & Balanced Diet for Children in School. He discussed the new definitions and terms that have been added and how these changes will affect the food industry. He talked about how school

Food Marketing, Advertising and selling to children in-school

- No person shall advertise or market or sell or offer for sale including free sale, or permit sale of foods high in fat / trans fat / added sugar / sodium in campus or to school children in area within 50 meters from the school gate in any direction
- Marketing in school premises or campus – FBO responsibility:
 - Only offer premiums and incentives such as toys, trading cards, apparel, club memberships, contests, reduced-price specials, or coupons with foods, meals which is not high in fat, fat, trans fat, added sugar, sodium
 - Use sponsorship of sporting, school, other events only for foods

Singh, Shaminder (P8)



authorities, which are selling or catering food in the campus, will need to get themselves registered as FBOs and how it's a step in the right direction to ensure the safety of food. Schools will also need to engage with nutritionists, dieticians and other relevant associations to draft the menu for children.

Next, he highlighted gaps between the intent and content of the regulations. Some of the gaps identified were:

- The regulation suggests that 'Dietary guidelines for Indians' by NIN and other expert institutions or authorities should be used. Here, the phrase "any other expert institutions" seems ambiguous.
- Under the definition of "School", crèche & day-care for infants/ children, with age less than 22 months, were exempted. But the regulation also states that crèches/ day-care for infant/ children, with age up to 24 months, are expected to serve safe and balanced diets. These two statements seem to contradict each other.
- There is a new term "balanced food" added in the document. However, it is not defined. Also, how does it relate to or compare to "balanced diet" is also not clear.
- The regulation restricts the selling of foods high in saturated fat/ trans fat/ added sugar/sodium in the area within 50 meters from the school gate. Although, from which gate/

boundary 50 meters should be measured is still not clear. Secondly, 'high-in' is not defined; it is something that can create confusion. Third, if the QSRs, which already have the valid license, are located near

the schools, how they are going to operate and implement these regulations is unclear.

The panel discussion was well structured and moderated by Dr Shatadru Sengupta. Panellists shared their views on the recently passed regulation and suggested some improvements.

Key points from the panel discussion:

- Ms Meenu explained that in India, when most of the street hawkers are selling HFSS food, it will become challenging to implement the regulation. She also mentioned that right now, in the times of COVID-19, focus should be more on food safety.

- Ms Ruby talked about how our diets are carbohydrate based. So, health problems are not a result of just fat, but its carbohydrate too that is contributing to health problems. Targeting only high-fat foods is not effective. She also pointed out that even if nutritionists/dieticians design the recipe, it may be impractical to monitor cook/chef or anyone who is involved in food preparation at every level.

- Ms Anshu suggested that a holistic approach needs to be taken and governing just one meal a day may not be entirely effective in ensuring that children are maintaining healthy diet habits outside school. To ensure that children are consuming a balanced diet, we should take steps to inform children about the role of food in maintaining health. Children need to be educated and provided with the right information so they can learn how to make the right food choices.

- Dr Lewis raised concerns if the regulation will actually have a positive outcome on public health and if we would be able to measure the impact of this regulation periodically.

- Dr Prabodh Halde mentioned how any food in excess can be harmful. So, we cannot just single out few food products and villainize them. Instead, we should promote a healthy lifestyle.



An overview on Legal Metrology Act, 2009 and (Packaged Commodities) Rules, 2011

Mohan Vaguleperan
Regulatory Affairs Committee of PFNDAI
Oct.9, 2020



Mr. V. Mohan

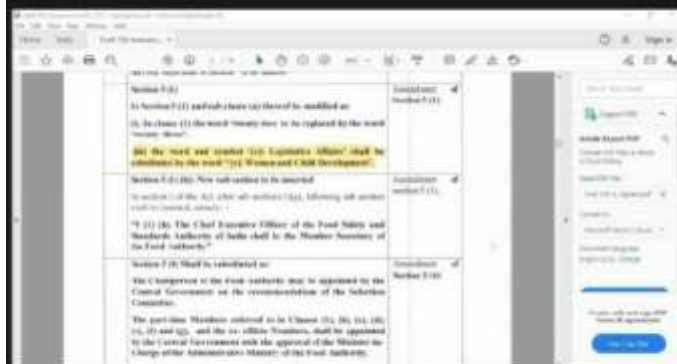
Mr V. Mohan, in his presentation on Overview on Legal Metrology Act, 2009, talked about the purpose and scope of the Legal Metrology Act and explained what this act intends to regulate along with which commodities will be exempt. He explained terms and definitions like “industrial consumer”, “institutional consumer”, “retail sale”, “retail dealer”, “pre-packaged commodity”, and why they need to be understood effectively by FBOs. Dr Mohan raised questions like how airlines, hotel, etc., can sell a pre-packed commodity if they are not supposed to buy it for commercial purpose and can its MRP be different from that of a retail outlet. He, then, talked about labelling regulations, specific penal provisions included in the act and how not complying with different rules and conditions can lead to consequences.

Next, Dr Shatadru talked about the key takeaways from

the FSSAI (Amendment) Bill 2020. He discussed the changes that are being proposed like- in section 5(1), substituting “Legislative Affairs” with “Women and Child Development”, the new definition of “proprietary food”, deleting words “and guidelines” from section 92 (2) (e), etc., and the impact all these changes will have on FBOs. He also discussed how the new changes, under section 92 A, will

give FSSAI the powers to decide how to make regulations.

The presentation was followed by a Q & A round where the audience was invited to ask questions and the questions were answered jointly by all the panellists. The key takeaway from this session was that even if other countries like Mexico already have FOP HFSS labelling on their pack, we should not make regulations based on what others are doing. Indians have different dietary and nutritional requirements from South Americans. We need to study the requirements of Indian consumers, the impact of current regulations on public health and once we have findings, we should proceed accordingly. Also, these rules will not help to get the desired outcome if we don't educate consumers. We need to work to educate the consumers about making right dietary choices. A holistic approach may be more beneficial in creating the impact.



Dr Shatadru Sen Gupta

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