



## Curtailing Misleading Food Ads

**For Prelims:** [FSSAI](#), [CCPA](#), [FSS Act 2006](#), [Consumer Welfare Fund](#), [Central Consumer Protection Council](#), [Consumer Protection Rules, 2021](#).

**For Mains:** Curtailing Misleading Food Ads

### Why in News?

Recently, the [Food Safety and Standards Authority of India \(FSSAI\)](#) has flagged misleading claims from the Food Business Operators (FBOs) and found them to be in contravention of **the Food Safety and Standards (Advertisements & Claims) Regulations, 2018**.

- In 2022, the [Central Consumer Protection Authority \(CCPA\)](#) had issued [Guidelines to Prevent False or Misleading Advertisements](#).

### What are the Concerns?

- The FSSAI has discovered that some **companies selling nutraceutical products, refined oils, pulses, flours, millet products**, and ghee have been making false claims about their products. These claims have not been **scientifically proven and could mislead consumers**.
  - The FSSAI has referred these cases to the licensing authorities, who will issue notices to the companies to withdraw or modify their misleading claims.
  - Failure to comply may result in penalties, suspension or cancellation of their licenses, as making false claims or advertisements is a punishable offense under **Section-53 of the Food Safety and Standards (FSS) Act, 2006**.
- The concerns related to misleading food advertisements mainly revolve around **false or unsubstantiated claims made about a product's nutrition**, benefits, and ingredient mix.
- This problem is widespread across different food categories, and there have been a significant number of violative food advertisements.
- Additionally, **non-disclosure by food influencers is also a major concern**. Misleading advertisements can lead to consumer confusion and potential harm to their **health if they make incorrect food choices based on false claims**.

### What are the Initiatives for Consumer Protection and tackling Misleading Ads?

- [Food Safety and Standards \(Advertisements & Claims\) Regulations, 2018](#): It specifically deals with food (and related products) while **Central Consumer Protection Authority (CCPA)'s regulations cover goods, products and services**.
- [Cable Television Network Rules, 1994](#): It stipulates that advertisements must not draw inferences that it has "some special or miraculous or supernatural property or quality, which is difficult to prove.
- **FSS Act 2006**: Product claims suggesting suitability for prevention, alleviation, treatment or cure of a disease, disorder or particular psychological condition is prohibited unless specifically permitted under the regulations of the FSS Act, 2006.

- **Consumer Welfare Fund:** It was set up under the Central Goods and Services Tax (CGST) Act, 2017 to **promote and protect the welfare of the consumers.**
  - **Few Examples:** Creation of Consumer Law Chairs/ Centres of Excellence in Institutions/Universities of repute to foster research and training on consumer related issues. Projects for spreading consumer literacy and awareness.
- **Central Consumer Protection Council:** It aims to **safeguard consumer interests by monitoring and enforcing consumer protection laws**, facilitating consumer education, and providing consumer redressal mechanisms. In addition, the council also promotes consumer-friendly policies and initiatives.
- **Consumer Protection Rules, 2021:** The rules stipulate the pecuniary jurisdiction of each tier of consumer commission. The rules revised pecuniary jurisdiction for entertaining consumer complaints.
- **Consumer Protection (E-Commerce) Rules, 2020:** The rules are **mandatory and are not advisory.** Sellers cannot **refuse to take back goods or withdraw services or refuse** refunds, if such goods or services are defective, deficient, delivered late, or if they do not meet the description on the platform.

## What are the Tags Given to Packaged Food?

- **Natural:**
  - A food product can be referred to as 'natural' if **it is a single food derived from a recognised natural source** and has nothing added to it.
  - It should only have been processed to render it suitable for human consumption. The packaging too must be done sans chemicals and preservatives.
    - Composite foods, a mixture of plant and processed constituents, cannot be called 'natural', instead, they can say 'made from natural ingredients'.
- **Fresh:**
  - The term "fresh" can only be used for food **products that have been washed, peeled, chilled, trimmed, or cut without any other processing** that alters their basic characteristics.
  - If food is processed in any way to extend its shelf life, it cannot be labeled as "fresh."
  - Food irradiation is a controlled **process that uses radiant energy to achieve effects like sprouting**, delay in ripening, and killing of insects/pests, parasites, and microorganisms.
  - If a product is frozen soon after being harvested or prepared, it may be labeled as "freshly frozen," "**fresh frozen,**" or "**frozen from fresh.**"
    - However, if it contains additives or has undergone any other supply chain process, it **cannot be labeled as "fresh."**
- **Pure:**
  - Pure is to be used for **single-ingredient foods to which nothing** has been added and which are **devoid of all avoidable contamination**, while unavoidable contaminants are within prescribed controls.
    - Compound foods cannot be described as 'pure' but can be referred to as '**made with pure ingredients**' if they meet the mentioned criteria.
- **Original:**
  - Original is used to describe **food products made to a formulation**, with a traceable origin that has **remained unchanged** over time.
  - They do not contain replacements for any major ingredients. It may similarly be used to **describe a unique process which has remained essentially unchanged over time**, although the product may be mass-produced.
- **Nutritional Claims:**
  - Nutritional claims in food advertisements **can be about the specific contents of a product or comparisons** with another food item. If a claim states that a food contains the same amount of a nutrient as another food, it must **provide equivalent nutritional value** as the reference food.
  - Nutritional claims may either be about the specific contents of a product or comparisons with some other foodstuff.

## Way Forward

- Companies need to provide technical and clinical evidence to support their claims. Advertisements should also be modified in a way that consumers can interpret them correctly.
- FSSAI and the state food authorities should conduct surveys of food business activity under their **jurisdiction to ensure a comprehensive and reliable database of FBOs** and ensure better enforcement and administration of the FSS Act.
- There is a need to Increase limits of compensation and fine in **cases of injury or death and provide adequate infrastructure** such as food testing laboratories.

### UPSC Civil Services Examination, Previous Year Question (PYQ)

#### Q. Consider the following statements: (2018)

1. The Food Safety and Standards Act, 2006 replaced the Prevention of Food Adulteration Act, 1954.
2. The Food Safety and Standards Authority of India (FSSAI) is under the charge of Director General of Health Services in the Union Ministry of Health and Family Welfare.

#### Which of the statements given above is/are correct?

- (a) 1 only  
(b) 2 only  
(c) Both 1 and 2  
(d) Neither 1 nor 2

#### Ans: (a)

- Food Safety and Standards Authority of India (FSSAI) is an autonomous body under the Ministry of Health and Family Welfare, GoI. It has been established under Food Safety and Standards Act, 2006 which consolidates various acts and orders that have hitherto handled food related issues in various Ministries and Departments.
- The **Food Standards and Safety Act, 2006 replaced several Acts and Orders like the Prevention of Food Adulteration Act, 1954; Fruit Products Order, 1955; etc. Hence, statement 1 is correct.**
- FSSAI is headed by a non-executive Chairperson, appointed by the Central Government, either holding or have held a position not below the rank of Secretary to the GoI. It is **not under the charge of Director General of Health Services. Hence, statement 2 is not correct.**
- FSSAI has been created for laying down science-based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import to human consumption.
- **Therefore, option (a) is the correct answer.**

[Source: TH](#)