Briefing Paper

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Food Labelling Regulations in India

Need of Strong Front of Package Labels

Food Safety and Standards Authority of India (FSSAI) has proposed draft Food Safety and Standards (Labelling and Display) Regulations, 2018. A major change in the display of nutrition information is introduction of Front-of-Package Labels (FoPL) for packed food in India. The regulations feature the potential to restrict consumption of food products among consumers with presence of trans-fats and high content of fats, sugar and salt which are projected as major cause of many lifestyle diseases, especially cardiovascular diseases, globally. The paper talks about urgent need of these regulations and how the draft can be strengthened by filling in the gaps before finalisation.

Background

Health and nutrition are the fundamental aspects of a healthy life. It is often said that health builds a relationship between people and their bodies. But, with the changing scenario, this relationship is being interfered by the degrading eating habits and obliviousness of the people. Non-Communicable Diseases (NCDs) are rapidly growing as the major cause of morbidity and mortality. Sustainable Development Goal (SDG) 3.4 emphasises the reduction of premature mortality from NCDs by one third through their prevention and treatment, and through promoting mental health and well-being by 2030[1]. Once seen as a trend in developed countries, NCDs have become common in developing countries as well, thus, acting as a challenge for achieving Sustainable Development Goals[2].

The four major risk factors contributing to increase in diseases include use of tobacco, alcohol, reduction in physical activity and poor dietary behaviour. Poor dietary behaviour responsible for NCDs include increased consumption of cheap, energy dense and nutrient-poor foods, often known as the 'Western diet'. This dietary pattern is becoming more prevalent worldwide, as a result of globalisation and industrialisation.

Poor diet accounts for an estimated 11.3 million deaths, compared with other risk factors (2.1 million from physical inactivity, 6.1 million from tobacco smoke, and 3.1 million from alcohol and drug use)[3]. Mainly two nutritional goals are strongly recommended to reduce the risk of obesity, Type 2 diabetes mellitus and cardiovascular diseases: a) Reduce salt and saturated and Trans fat intakes; and b) Increase consumption of fruit and vegetables.

The industrially produced trans-fatty acids (TFAs), resulting in cardiovascular diseases (CVD), are responsible for more than 500,000 deaths per year globally[4]. It is predicted that India will be burdened with approximately 25% of cardiovascular-related deaths and would serve as a home to more than

50% of the patients with heart ailments worldwide by 2023[5]. Diets high in trans-fat increase heart risk by 21% and deaths by 28%[6]. In an effort to raise the alarm for this, the WHO, in May, 2018, released REPLACE (Review, Promote, Legislate, Assess, Create and Enforce), a step-by-step guide for the elimination of industrially-produced trans-fatty acids from the global food supply by 2023 as the first global initiative to eliminate the risk factor of CVD.

Indian Scenario

Lancet Global Burden of Disease study recently highlighted that the magnitude of ischemic heart disease and stroke have more than doubled in India from 1990 to 2016. Although, the Disability Adjusted Life Years (DALY) rate due to ischemic heart disease is currently higher in the more developed states of India, the increase in age-standardised DALY rates from 1990 was higher in less developed states. More than half of CVD deaths in India in 2016 were in persons younger than 70 years, with this proportion being higher in the relatively less developed states. This study also showed that dietary risk was the top contributor to cardiovascular diseases in India[7].

The packaged products and the snacks sold by hawkers on roads contain excessive amount of trans-fats which are believed to make food tastier and increase shelf life. Not just the processed food, but the use of oil, especially *Vanaspati*, which is loaded with trans-fats, is rampant in Indian households. Similarly, junk food like wafers, sugar-sweetened beverages, chocolates, ice-creams, packed juices, noodles, etc., which come in the category of food high in fat, sugar, and salt, are popularly consumed, especially by the children.

To address dietary risk factors, a multi-pronged strategy should be adopted which should include: i) Strengthening taxation and regulatory laws related to unhealthy foods; ii) Implementing nutritional labelling to inform consumers; and iii) Improving nutritional literacy to empower people.

Introducing Food Labelling

To address the increasing NCD burden, governments are implementing multi-faceted policy interventions. One such policy is the adoption of nutrition labelling on pre-packaged foods and beverages to modify the poor dietary behaviour. There are two broad categories of Nutrition Label formats: a) Back of package (BOP) labels; and b). Front of package (FOP) labels. The BOP is the most prevalent label format worldwide and at least 75% of the global population lives in countries with BOP labelling regulations.

These regulations stipulate either mandatory labelling on all products or voluntary labelling for those foods that make certain health or nutritional claims. In 2012, the Codex Alimentarius Commission recommended mandatory nutrition guidelines even when health claims are not made on a product. FOP labels augment the BOP label information and provide consumers with interpretive symbols or logos to assess a product's overall nutrition[8].

While it is mandatory to include nutrition labels on packaged foods in most Latin American countries, the majority of consumers report a low understanding of the nutrition facts. There is now strong engagement from the public health sector and consumer groups in shifting from complex and confusing to easy-to-understand front-of-package (FOP) labels that include images and clear messaging. Until recently, FOP messages were voluntarily added by food manufacturers and have focused only on highlighting the positive nutrition attributes of products (i.e. high in fibre, good source of vitamins, etc.).

Various countries like Denmark, Chile, Norway, Singapore, South Africa, Ecuador and Nordic Region have interesting designs and approach towards FoP labelling. There is no unanimity on using a particular FOP system, rather different countries use different systems, which may be related to prevalent socio-demographic profiles of population such as education, general awareness, health and nutrition literacy, etc.[9] In India, there is no such evidence available to support the type of FOP labelling. Hence, there is need for more research to generate scientific evidences before framing the laws/regulations for FOP labelling rather than adopting from other countries.

Government Interventions to Target Trans-Fats and HFSS in India

The rising threat of NCDs and its relation to dietary behaviour of individuals have made it a serious

concern for the Government of India to make an immediate shift in policy to raise awareness amongst individuals. In 2015, FSSAI revised the limits of TFAs to be not more than 5% in the Vegetable Fat/Oil, Margarine and Fat Spreads and Hydrogenated Vegetable Oils, with deadline of compliance till 2017.

Very recently, the existing Packing and Labelling Regulations, 2011, were revised and split into three separate parts: Draft Packaging Regulations, Draft Advertisement and Claims Regulations and Draft Labelling Regulations. India's first Draft Food Safety and Standards (Labelling and Display) Regulations, 2018, were put in public domain by FSSAI in June 2018, which significantly improves on the present gaps when it comes to helping consumers to make an informed choice about what products they want to consume.

In a significant move, the new regulations require food package to carry FoP labels with mandatory declaration of energy, total fat, trans-fat, total sugar and salt along with their percentage calculation to Recommended Dietary Allowance (RDA) (Refer Fig 1). In order to calculate per serve percentage contribution of RDA to be displayed in PART 2 (see figure) of label calculation, criteria is based on 2000 kcal energy, 67 g total fat, 2 g trans-fat, 50 g sugar and 5 g salt (sodium chloride) requirement for average adult per day.

This is seen as a very crucial step by FSSAI to change the way packaged food is sold in the Indian market and push for a responsible intake of food with HFSS. FoP Label designs, which are clear and impactful, play an important role in increasing awareness and shifting food-eating norms. At present, manufacturers are using varying formats of complicated nutrition labels that are not consumer-friendly. Mandatory front-of-package warning labels are considered by governments around the globe as an effective and evidence-based way to improve dietary behaviour.

To make it simple for consumers to make a choice, it is recommended that HFSS food be coloured RED (Refer Fig 2) if: Energy (kcal) from total sugar is more than 10 percent of energy provided by the 100gm/100ml of the product; Energy (kcal) from trans-fat is more than one percent of energy provided by the 100g/100ml of the product; and Total fat and sodium content is more than the threshold values as specified in Schedule – I of regulations.

Apart from FoP labels, the regulations make it mandatory to declare the amount of Saturated Fat (grams), Trans fat (grams) and Cholesterol (milligrams); Salt (grams) per serve percent contribution of nutrients to RDA and number of servings per pack and per serving size on BoP

Figure 1: Front of Package Label Information proposed by FSSAI

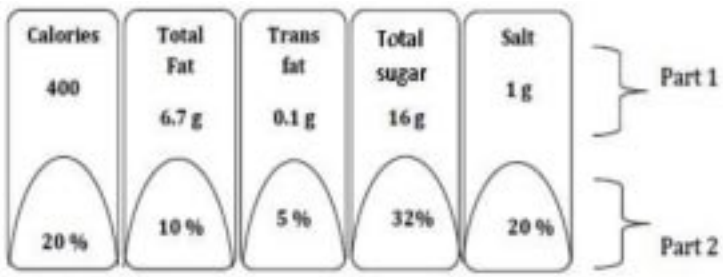
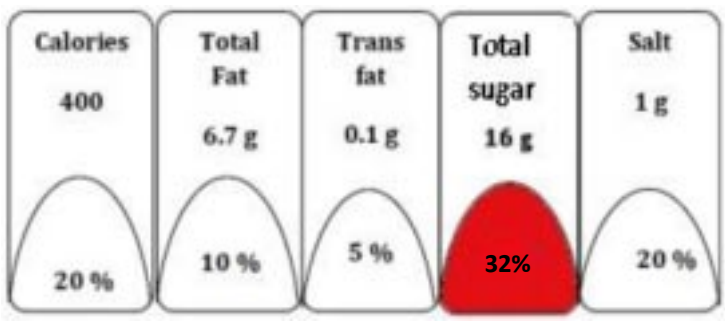


Figure 2: Proposed colour coding on FoP for HFSS food.



labels. Thus, BoP labels are being complemented by mandatory FoP labels in the new regulations.

Other than this, allergen information, declaration of vegetarian, non-vegetarian and food not meant for human consumption and mandatory expiry date shall also be mentioned on labels. Regulations also take into consideration prepared food served for immediate consumption in hotels and similar places for minimum display of information which includes any warning /statutory declarations required under these regulations; information relating to allergen; and logo for vegetarian or non-vegetarian food. FBOs falling under state or central license shall keep nutritional information of food items served by them in the form of booklet which shall be provided to consumers upon request.

Gaps and Challenges

The move to bring in regulations on labelling and display is very much appreciated but there are many issues and concerns which can be further improved. If done properly, this regulation could have a major, long-term impact both in encouraging industry reformulation and in changing food norms. The food industry in India will witness a major impact if the FoP labels are made mandatory but, at the same time, this is a massive opportunity from a consumer perspective.

The major opposition in finalisation of the draft regulations is raised from the Food Industry and Associations. It is suggested that if major portion of FoP is covered with information on HFSS, the remaining information about other nutrients will not get the deserved space. In another concern, it is said that labelling changes would cost manufacturers millions of rupees to change their labels and designs, which will be a huge burden, especially for small-and medium-food companies.

These concerns may sound relevant from a profit-making commercial industry perspective but lose their ground when it comes to the health and well-being of consumers. The introduction of FoP labels highlighting nutrient values which have the potential to cause harm to life, if consumed in more than recommended quantity, is a long due step to tackle the rising menace of NCDs in India. There are many other issues from a Consumers' Perspective which need urgent attention and immediate amendment before finalising the Labelling Regulations for pre-packaged food being sold in the market, which are highlighted here.

The Missing "Warning Labels"

While the proposed FOP label design and paradigm do incorporate some important and actionable information and evidence-based color-coded elements, the absence of a clear warning label feature may represent a missed opportunity. Research suggests that FOP labels depicting explicit warning label icons may be the most impactful in terms of altering purchasing and consumption patterns.

Zero Artificial Trans-Fat

Due to the widespread efforts to eliminate trans-fat from the food supply, the threshold for a warning label indicating trans-fat should be the presence of any artificial trans-fat. The ideal standard that FSSAI should consider is to limit the amount of trans-fats to less than 2% of all fats and oils in the product, but warning labels for all products with trans-fats will be a good accompaniment. The recent WHO document on trans-fats and saturated fats echoes a literature that has grown globally to

Figure 3: Logos for Non-Veg; Veg; Not for Human Consumption, fortification and Organic Food

create a clear consensus against these two components of our diet, especially saturated fat that comes from palm oil, which is omnipresent at this time in India but can readily be replaced by other options.

Discontinued Use of Serving Sizes

The use of serving sizes is increasingly being removed across the globe. Serving sizes are often arbitrary and do not contribute to standardization that cultivates nutritional fluency among consumers. Serving size can be overly permissive and difficult to regulate. The best international practice is to base food on kcal or grams of fat, etc., per 100 grams or ml of the food/beverage product. This is being done in most countries and is by far the preferred approach for both back and front-of-package nutrition labelling.

Discontinued Use of GDAs and RDAs

A growing number of independent studies across the world shows that the GDAs/RDAs perform poorly in a number of dimensions compared with other existing FOP labelling systems and that GDAs/RDAs are the least impactful and least effective globally. Research overwhelmingly demonstrates that consumers cannot readily interpret this information and that the appearance of multiple numeric metrics on labels serves only to introduce additional confusion into the process of evaluating the nutritional profile of food and beverage items.

Limited Exempted Product Schedule

The schedule of exempted foods should be as limited as possible and should reflect only feasibility challenges or other applicability factors in order to maximize the number of food items that are ultimately labelled. It is important that the labelling paradigm applies broadly to all food items that contribute materially to sodium (and other nutrients of concern) consumption. Evidence suggests that inconsistently applied labelling paradigms can lead to misperceptions about the healthfulness of products. The use of multiple types of different logos and labels can increase confusion and decrease the label's usefulness.

Fill in the Loopholes

There are areas in the proposed regulations that require more clarification and a few gaps that need to be filled.

- It needs to be made clear that in the designation of some foods with red labels, other colours (yellow and green) should not be added. This creates a "traffic light" system that has proven ineffective and confusing to consumers.

- The draft proposal has taken consideration of premises where food with a red mark is served and talks about displaying a message on healthy eating, but the details of this proposal are not clarified in the document.

- The proposal states that HFSS food products shall not be advertised to children in any form. Being an extremely important issue, it needs more clarification on terms like "advertised", "in any form" and "children".

- At present, the Nutritional information regarding Poly Unsaturated Fatty Acids (PUFA) is not a part of the proposal. Two types of PUFA: Omega 3 and Omega 6 are required, or say essential, for the body to function but have opposite effects when it comes to the inflammatory response and cardiovascular health. So display information of these two types of PUFA separately is must for consumer health.

- The current proposal also provides exemption from labelling requirements, including the nutritional information when package area is not more than 100 square centimetres. It is strongly suggested to include some mandatory labelling requirements which should not be compromised due to area of package.

- There are various compound ingredients which are capable of degrading consumer health even if consumed in minimal quantities. These should also be listed in an exhaustive manner and should not be exempted with current limit of less than 5 percent.

Way Forward

The first draft of Food Draft Food Safety and Standards Proposed (Labelling & Display) Regulations, 2018, was put in public domain in April, 2018. Since then, the draft has received both support and opposition in huge amount from multiple stakeholders. The massive opposition from Industry has acted as a major hurdle and passage of regulations was delayed unexpectedly. In an effort to remove deadlock, FSSAI, in August 2018, announced the formation of a three-member Expert Panel to look into all the concerns and comments and work towards finalisation of Labelling Regulations. It is interesting to note that again this committee is opening up the process of re-consulting the key stakeholders and considering their suggestions and concerns.

The significant step to frame Labelling Regulations cannot be put on a backseat because of pressure from any dominant group and the concern of health and well-being of Indian citizens should be taken as the sole basis for any decision. The regulations which were drafted in mid of the year 2018 are stuck in the system and the ball is passed from one court to another to further delay the process. The efforts made by the food regulator of India-FSSAI to finalise the regulations through a consultative approach are worth appreciation. However, it is necessary to finalise regulations that designed to serve the interest of the consumers.

Once the strong set of regulations is framed and passed, only half the battle will be won. Effective enforcement and strict compliance will remain as the major task to be accomplished. FSSAI needs to formulate effective monitoring and grievance redressal mechanism. Additionally, consumer awareness and food consumption behaviour is another challenge to be tackled in future.

At present, the collective voice of Indian consumer demands for a strong set of regulations and the decision should be taken without further delay and without compromising on the health of consumers.

Endnotes

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