



Submissions by
Consumer Unity & Trust Society (CUTS)
to
Food Safety & Standard Authority (FSSAI)
on

Subject: Notice Calling for suggestions, views, comments etc from stakeholders on the draft notification related to Food Safety and Standards (Labelling and Display) Regulations, 2018 (F.No 1-94/FSSAI/SP (Labelling)/2014 (Pt-2).

FORMAT FOR SENDING THE COMMENTS AND SUGGESTIONS

Sr. No.	Name and Address of the organisation/person, contact number and E-mail	Relevant section in the draft notification on which comments are being provided	Comments/suggestion	Rationale	Remarks
1.	Name: George Cheriyan Director, CUTS International Address: D 218-A, Bhaskar Marg, Banipark,	4.2: Labelling Requirements, Section 3	While it is useful to understand total fat, the most critical component is saturated fat. Saturated fat should be added to the labels as well as the amount of trans fats.	Adding saturated fats and trans fats to the label would bring the nutrition facts panel up to fit our current understanding of the critical components of fat that impact our health most severely. ¹⁻³	FSSAI's proposal provides a strong set of standards for the nutrition facts panels and to demarcate vegetarian food options.

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	Jaipur, Rajasthan. Pincode: 302016 Phone No.: +911412282821-3 ext. 302 Mob.: 098292 85930 Email: gc@cuts.org				Requiring a standardized and cogent presentation of nutrition facts is an important and fundamental step towards improving nutrition awareness and promoting healthy choices.
2.		4.2: Labelling Requirements, Section 3, Item (ii)	Warning labels should be made for products containing any artificial trans-fat. Due to the widespread efforts to eliminate trans fats from the food supply, the threshold for trans fats should be the presence of any artificial trans fats. ¹ The ideal standard is to limit the amount of trans-fats to comprise less than 2% of all fats and oils, but warning labels for all products with trans-fats is a good accompaniment.	The recent WHO document on trans fats and saturated fats echoes a literature that has grown globally to create a clear consensus against these two components of our diet, especially saturated fat that comes from the palm oil which is omnipresent at this time in India but can readily be replaced by other options. ¹	

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3.		5: Principal Display Panel, Section 4	While the proposed FOP label design and paradigm does 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 strongly suggest that FOP labels depicting explicit warning label designs/icons may be the most impactful in terms of altering purchasing and consumption patterns. Simple FOP labels enhance understanding and use of nutrition information, especially by those with less education and nutrition knowledge. ^{2,4-6}	The FOP label requirement is a strong feature of the proposal. Simple FOP labels are more effective at encouraging healthier product choices and may positively impact consumption, intent to consume, and nutrition knowledge when compared to NFP alone. Simple FOP labels enhance understanding and use of nutrition information, especially by those with less

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					education and nutrition knowledge. Inclusion of calorie content, trans fat, sugar, and salt in FOP label is useful and consistent with IOM recommendations. ² The FOPL and NFP are mutually reinforcing.
4.		5: Principal Display Panel, Section 4, Item d	FSSAI's proposed stipulation that FOP labels are colored red when a food items meets HFSS is a strength and will optimize efficacy.	Color coding may effectively increase the attention to FOP labels relative to monochromatic FOP labels. ⁷	
5.		4.2: Labelling Requirements, Section 3, Item b, sub-item iv	Instead of using serving sizes, 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	The use of serving sizes is increasingly being removed across the globe. Serving sizes are often arbitrary and	

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			done in most countries globally and is by far the best way for Nutrition Facts panels in the back and for front-of-the-package-profiles.	do not contribute to standardization that cultivates nutritional fluency among consumers. Serving size can be overly permissive and difficult to regulate. ⁸	
6.		“Definitions”, Item 17 and all other mentions of RDA	The proposed FOP label design is predicated on a calculation of per serving contribution to GDA/RDA which is not an ideal metric. We strongly recommended to remove GDAs/RDAs as part of FOPL proposal.	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 ineffective globally. ^{2,6,9-16,20-23}	Research overwhelmingly demonstrates that consumers cannot readily interpret this information and that the appearance of multiple numeric metrics on labels serve only to introduce additional confusion into the process of evaluating the nutritional profile of food/beverage items. ¹⁷⁻¹⁹

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7.			There is a need for rigorous testing of the labels and various design features of the FOP component of the proposal before finalization.	The front of the package design, the colors selected, are all as important as is the content. These elements should be tested through focus groups and other market research to ensure maximum impact.	
8.		Schedule II – Exempted Food Categories	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 labeled.	It is important that the labelling paradigm apply 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. ²²	An example of a more limited schedule of excluded products is the Chile FOP labeling which includes all foods with added sugars (honey, sugar, syrups), sodium (salt, additives); and

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					SFA (an oil or fat with SFA) and its content.” ²⁸
9.			Publicize criteria well in advance of implementation to encourage timely reformulation		
10.			Consider more broad/inclusive criteria for food products requiring labelling		
11.		6: Mandatory Declarations	It states that the Food Authority may introduce a color coding system in addition to the marking of foods as “red” within the specific thresholds from time to time. Please clarify further what this entails.	Our concern is the adding of green and yellow colors later on, resulting in the traffic light system which has proven problematic. ²⁴	
12.		7: Exemptions from certain labelling requirements	It states that in premises where food is with a red mark is served, a message on healthy eating shall be displayed. Please clarify what the details of this proposal would be. Since many of these packaged foods are sold in stores, and not “served”, when would this scenario occur?		

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13.		5: Principal Display Panel, Section 9	It states that HFSS food products shall not be advertised to children in any form. How are “advertised”, “in any form”, and “children” being defined here?		This is an extremely important issue and we are very happy to see it being addressed here, but there is a need for further details here.
14.			Simple, interpretive labels that incorporate uncomplicated formats, warning labels, and icons best facilitate consumer comprehension and discrimination between healthy and less healthy products	Experiments with warning labels on sugary beverages found that warning labels are linked to decreased choice of sugary beverages, decreased perceptions of their healthfulness, and decreased purchasing intent. ^{25,26} The Chilean warning label approach is the strongest to date. ¹⁶	
15.			A strong FOP label system must be mandatory and apply to all products	Evidence suggests that applying a label only to certain brands can mislead consumers about the	

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				healthfulness of a product and use of multiple different types of logos and labels, can increase confusion and decrease the labels' usefulness. ²⁷⁻²⁹	
16.		4 (3) (ii) (c)	<p>Nutritional information regarding Poly Unsaturated Fatty Acids (PUFA).</p> <p>PUFA is of two types. One is Omega 3 and Omega 6. They are both required or say essential for the body to function but have opposite effects when it comes to the inflammatory response and cardiovascular health. Too much omega-6 and too little omega-3 are among the causes for many diseases in modern society.</p> <p>So display information of these two types of PUFA separately, is must for consumer health. It is as much important as separately mentioning the percentage of Trans Fats.</p>	Imbalace of Omega 3 and Omega 6 also result in to so many Cardio vascular and other diseases.	

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17.		Section 4 (4.2) (2) (F). Compound Ingredients less than 5% of the food.	In case of a compound ingredient, having less than 5% in the food, some times can have detrimental effects on consumer health. So here all the ingredients which are capable of degrading consumer health even if consumed in minimal quantities, or say less than 5% should be listed in an exhaustive manner.	Some ingredients if consumed even in less than 5% quantity, have detrimental effects on consumer health.	
18.		Section 7 (1)	<p>This section, provides for an exemption from certain labelling requirements including the nutritional information when the surface area of the package is not more than 100 square centimetres but these requirements should be fulfilled in case of a multiunit package.</p> <p>Herein there should be some requirements which should be mandatorily fulfilled like nutritional information which should not be compromised due to area of the package.</p>	The surface area of the package should not become an excuse for labeling requirements for nutritional information.	
19.		Section 7(4)	Some more information related to Trans Fats in the fat or oil used in the served food shall also be mentioned.	Transparency regarding the fat or oil used in the food items is necessary for the consumers.	

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20.		9 (2) (b) (ii)	In the case of mixtures of flavourings, the name of each flavouring present in the mixture, the ratio of the “natural”, nature-identical”, or “artificial” combination must be displayed.	Consumers must know the exact ratio of flavours because these flavours are considered as harmful for health of the consumers.	

Date: June 06, 2018



George Cheriyan

Name and signature

Place: Jaipur, Rajasthan



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