

F. No. 12(4)2016/Misc./RCD/FSSAI
Food Safety and Standards Authority of India
(A Statutory body under Ministry of Health & Family Welfare, Government of India)
(Regulatory Compliance Division)
FDA Bhawan, Kotla Road, New Delhi-110002

Dated the 09th March, 2020

To,

Commissioner of Food Safety of all States/UTs
All Central Licensing Authorities and All Authorised Officers (for Food Imports)

Subject: Ensuring food safety- emerging challenges -reg.

Sir/Madam,

Counterfeit of food items is a serious challenge. While per se the act of counterfeiting is an infringement of IP laws which is not the domain of the Food Safety and Standards Act, 2006, however since counterfeit food items are likely to be substandard and sometimes even unsafe, therefore state food safety administration have to vigilant about it. An article was published recently in a national magazine on counterfeit food goods. A copy is also enclosed for your information and necessary action. [<https://www.outlookindia.com/magazine/story/business-news-fake-bazaar-from-lipsticks-to-toothpastes-noodles-to-milk-counterfeit-products-make-a-killing/302225>].

Further, in order to sensitise and deliberate about the various issues and aspects related to counterfeiting of food items in India, a meeting was held on 13 November, 2019 under the Chairmanship of CEO, FSSAI in partnership with FICCI- CASCADE, with representatives of food industry.

In this context, and on the basis of the discussions held with the various industry stakeholders, you are advised to take following action on the following points immediately–

(1) Conduct regular market surveillance for food products selling significantly below MRP and likely to be counterfeit. Such action may be taken in coordination with local police or other authorities related to counterfeiting. Sensitization of police and other agencies is important to ensure effective investigation and identification of the source points and their closure.

(2) Local intelligence need to be developed to identify commodities, hot spots and trends in counterfeit food goods. Inputs and coordination with major brands will also help in generating actionable information.

(3) Reportedly many imported/ foreign food goods are available in market that is clandestinely imported without FSSAI approval. These may or may not be counterfeit, however do not have FSSAI approval and hence not allowed. While the import mechanism are being strengthened to reduce such occurrence, the easy availability of such goods on e-commerce platforms, reputed malls and food retail outlets conveys an impression of sanctity to consumers. You are requested to conduct regular surveys to identify selling of such imported/ foreign food goods which do not have FSSAI licence.

(4) E-commerce players will need to be sensitized to put in place mechanisms to prevent sale of counterfeit food goods and illegal imported goods on their platforms. They must ensure that sellers of food goods on their platform must be FSSAI registered/ licensed. Besides this, in case of packaged food, only goods which have FSSAI registration /licence indicated must be allowed for sale.

(5) Besides above, there is a need to ensure requisite availability of manpower for all activities of food safety. States need to clearly identify the number of DO and FSO posts required for food safety administration and take steps to create the post and fill them. Similarly technical posts in laboratory need to be filled besides upgrading of the laboratories.

The action taken in this regard and outcomes may be shared regularly with FSSAI.

Yours sincerely,



(Dr. Shobhit Jain)
Executive Director (CS)

Encl. As above.