

OPPORTUNITIES

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Labelling and Display Regulations 2020-Opportunities for Industry

01

IMPLEMENTATION

02

ALLIGNMENT

03

CONCERNS

Provisions

- ♦ Date of compliance one year -Ideally single labelling change globally given 2-3 years
- ♦ Section 2- Definitions
 - ♦ Non Retail container (vs LM Wholesale packs)
 - ♦ Children 18 years vs 12 years in global regulations
 - ♦ RDA 2010 vs 2020

2(n) – Non-retail containers and 5(8) –Particulars as per LM(PC) Rules

EXISTING CLAUSE: 5 (8) Net quantity, Retail Sale Price, and Consumer Care details.-

Declaration and manner of declaration of Net quantity, Retail Sale Price and Consumer Care details shall be as provided in Legal Metrology Act. 2009 (1of 2010) and the Rules made there under.

PROPOSAL

5 (8) Net quantity, Retail Sale Price, Wholesale Package and Consumer Care details.

Declaration and manner of declaration of Net quantity, Retail Sale Price, Wholesale Package and Consumer Care details shall be as provided in Legal Metrology Act, 2009 (1of 2010) and the Rules made there under.

Rationale: The labeling of wholesale packages is neither covered under FSS (Packaging and Labeling) regulations, 2011 nor under FSS (Labeling and display) Regulations, 2020.

- And, in Chapter IV of FSS (Labeling and display) Regulations, 2020, labeling requirements for NRCs are prescribed. However, labeling provisions for Wholesale packages are not specified.
- To make the new regulation more comprehensive and complete, prudent that wholesale packages (esp. for the Packages containing multiple retail packages) shall also be encompassed as proposed in-line with the existing practice, which will not only avoid any ambiguity but also help facilitate un-interrupted trade.

New Insertion: Age of Child (not in original draft regulation)

We propose to define children as below 12 years of age in context of the Labelling and Display regulation.

Biologically a child is defined as an individual between infancy to puberty. There are various definitions of Child based on biology, human rights, legal rights etc. in different countries.

Canada- Advertising to Children in Canada - A reference guide defines Children " refers to persons under 12 years of age". (pg-12)

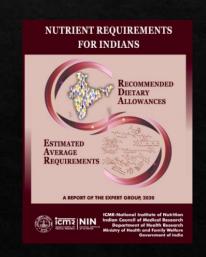
World Federation of Advertisers- Most academic reviews recognise that by the age of 12 children develop their behaviour as consumers, effectively recognise advertising and are able to adopt critical attitudes towards it. There is a strong degree of academic consensus that by the age of 12 children are fully capable of understanding the persuasive intent of advertising and have the necessary cognitive tools to critically assess it.

US Consumer Product Safety Commission 16 CFR Part 1200 - Defines "Children's product" as "a consumer product designed or intended primarily for children 12 years of age or younger." (pg-2). CBFAI core principles also covers the advertising directed to children under age 12.

Responsible Advertising and Children- There is no global age definition of a child in the context of advertising. But there is a lot of academic evidence which suggests why children under 12 should be treated differently from teenagers in the case of food and non-alcoholic beverage advertising.

ASCI- ASCI Defines Children as persons who are below the age of 12 years (pg-14)

Others: FSSAI Report of the Expert Group on Consumption of Fat, Sugar & Salt & its Health effects on Indian Population 2017 also Defined the Children as 5 to 12 years of age (Page No. 11). Additionally, <u>Srilanko</u> Labelling regulation Draft (2018) which was deliberated industry-wide also indicated 12 years as the age of child.



Section 5. Labelling Requirements

- ♦ Name of the Food
 - ♦ Front of pack and
 - ♦ If Standardized then name in std, else common name
- List Of Ingredients
 - ♦ Colour & Flavour separate Listing removed
 - ♦ Compound ingredient items can be combined into main ingredients
 - Compound ingredients additives that do not have technological function need not be written
 - ♦ Oil declaration in case of multiple oils (Edible vegetable oils (oil1, oil 2, in varying proportions)- missing
 - Processing Aids exemption in line with Codex provisions- missing
- QUID -
 - Exemptions added from Codex GSLPF & EU guidance- Some provisions still left for creating common understanding/implementation in Industry

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the fruit content of a "summer pudding")

For example, the fish content of a "fish finger" would be calculated as follows:

Ingredients:

Fish
Batter
Crumb
Total before frying
Frying oil taken up
Total mixing bowl
Water lost from batter during frying
Total of ingredients

Total of ingredients

Weight:
Formula:

Formula:

Vould be calculated as follows:

Formula:

200
70
1112
112
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Section 5- Nutritional Labelling

Nutrient	Per 100g /100 ml/ Per serve
Energy	
Protein	
Carbohydrate	
Of which Sugar	
Fat	
Saturated Fat	
Trans Fat	
Nutrient (if claim made)	

7 Nutrients

- Per serve declarations allowed
- Servings to be given if claim linked

Changes Wanted in New NL-

- 1. Per serve declaration to be allowed
- 2. Cholesterol not required if non animal source fat or is fat <0.5%
- 3. Exemptions for targeted formulated products, single ingredients foods



10 Nutrients + % RDA/serve + Serving

• %RDA/serve defined calculated on the basis of average adult

Calories @ 2000 Cal Added Sugar @ 50g Sodium @ 2000mg Fat @ 67g

New

- Per serve declaration not allowed though Serving measure & No of servings to be given
- Serve size or serving is RACC based
- %RDA per serve will not relate to per 100g/100ml and to product gram/volume sold (mostly)

Us UK Canada ANZ

USA Label Format: Original vs New

16%

Serving Size 2/3 cup (55g) Servings Per Container About 8

Amount Per Serving

Calories 230	Calories from Fat 72
	% Daily Value
Total Fat 8g	12%
Saturated Fat 1g	5%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 160mg	7%

Dietary Fiber 4g Sugars 12g Protein 3g

Total Carbohydrate 37g

Vitamin A	10
Vitamin C	8
Calcium	20
Iron	45

* Percent Daily Values are based on a 2,000 calorie diet. Your daily value may be higher or lower depending on your calcrie needs.

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400m
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Nutrition Facts Nutrition Facts

8 servings per container

Serving size 2/3 cup (55g)

Amount per serving Calories

230

Oalones	
% [aily Value*
Total Fat 8g	10%
Saturated Fat 1g	5%
Trans Fat 0g	
Cholesterol Omg	0%
Sodium 160mg	7%
Total Carbohydrate 37g	13%
Dietary Fiber 4g	14%
Total Sugars 12g	
Includes 10g Added Sugar	rs 20 %
Protein 3g	

Vitamin D 2mcg	10%
Calcium 260mg	20%
Iron 8mg	45%
Potassium 235mg	6%

The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

Nutrition

Typical values	100g contains	Each slice (typically 44g) contains	% RI*	RI* for an average adult
Energy	985kJ	435kJ		8400kJ
-	235kcal	105kcal	5%	2000kcal
Fat	1.5g	0.7g	1%	70g
of which saturates	0.3g	0.1g	1%	20g
Carbohydrate	45.5g	20.0g		-
of which sugars	3.8g	1.7g	2%	90g
Fibre	2.8g	1.2g		
Protein	7.7g	3.4g		
Salt	1.0g	0.4g	7%	6g

This pack contains 16 servings

Nutrition Facts Valeur nutritive

Per 1 cup (250 mL)

Potassium 450 mg

Calcium 30 mg

pour i tasse (250 n	IL)
Calories 110	% Daily Value* % valeur quotidienne*
Fat / Lipides 0 g	0 %
Saturated / saturés (+ Trans / trans 0 g	0 g 0 %
Carbohydrate / Gluc	ides 26 g
Fibre / Fibres 0 g	0 %
Sugars / Sucres 22	g 22 %
Protein / Protéines 2	g
Cholesterol / Choles	térol 0 mg
Sodium 0 mg	0 %

Iron / Fer 0 mg *5% or less is a little, 15% or more is a lot

*5% ou moins c'est peu, 15% ou plus c'est beaucoup

10%

2%

0%

NUTRITION INFORMATION

Servings per package: 3 Serving Size: 150g

	Quantity per Serving	Quantity per 100g
Energy	608kJ	405kJ
Protein	4.2g	2.8g
Fat, total	7.4g	4.9g
- Saturated	4.5g	3.0g
Carbohydrate, total	18.6g	12.4g
- Sugars	18.6g	12.4g
Sodium	90mg	60mg
*Percentage of recomme	nded dietary intake	

Ingredients: Whole milk, contentrated skim milk, sugar, banana (8%), strawberry (6%), grape (4%), peach (2%), pineapple (2%), gelatine, culture, thickener (1442).

All quantities above are averages

^{*}Reference intake of an average adult (8400kJ / 2000kcal)

Nutritional Labelling Tolerances

EXISTING CLAUSE: (d) The compliance to quantity of declared nutrients on the label shall have the tolerance of maximum minus 10 percent of the value for that nutrient declared on the label at any point in time within declared shelf life of the product.

PROPOSAL:

(d) The compliance to quantity of declared nutrients on the label shall have the tolerance of maximum minus 10 percent of the value for that nutrient declared on the label at any point in time within declared shelf life of the product.

ii) The compliance to quantity of declared nutrients on the label shall be according to the established practices

Explanation — For the purpose of this provision, at the time of analysis, due consideration, based on shelf-life, storage, and nherent nature of the food shall be kept in view in case of quantity declared nutrients;

Dequest status and on the telerance requirement

REASONS FOR VARIATIONS -

- Agri products natural variations Commodity, soil, seasonality causes produce variability
- Processing & Storage degradations pH, temperature, packaging barrier, water activity, acidity
- Analytical variations Lab, Method, People, Measurement uncertainty, Recoveries

EU REG - NUTRITIONAL INFORMATION'S COMPLIANCE & TOLERANCE CRITERIA

	Tolerances for foods (includes uncertainty of measurement
Vitamins	+50%** -35%
Minerals	+45% -35%
Carbohydrate, Sugars,	<10 g per 100 g: ±2 g 10-40 g per 100 g: ±20%
Protein, Fibre	>40 g per 100 g: ±8 g
Fat	<10 g per 100 g: ±1.5 g 10-40 g per 100 g: ±20% >40 g per 100 g: ±8 g
Saturates,	40 g per 100 g: ±8 g <4 g per 100 g: ±0.8 g
Mono-unsaturates, Polyunsaturates	≥4g per 100 g: ±20%
Sodium	<0.5 g per 100 g: ±0.15 g ≥0.5 g per 100 g: ±20%
Salt	
	<1.25 g per 100 g: ±0.375 g ≥1.25 g per 100 g: ±20%

TOLERANCES if a CLAIM is MADE

	To	lerances for fo	oods and food supplements	
	Side 1 of tolerance (includes uncer measurement to specified, + or -)	tainty of the side	Side 2 of tolerance	
Vitamins	+50%**		- measurement uncertainty	
Minerals	+45%		- measurement uncertainty	
Carbohydrate*,	<10 g per 100 g:	+4g	measurement uncertainty measurement uncertainty measurement uncertainty	
Protein*,	10-40 g per 100 g:	+40%		
Fibre*	>40 g per 100 g:	+16g		
Sugars*	<10 g per 100 g:	-4g	+ measurement uncertainty	
	10-40 g per 100 g:	-40%	+ measurement uncertainty	
	>40 g per 100 g:	-16g	+ measurement uncertainty	
Fat*	<10 g per 100 g:	-3g	+ measurement uncertainty	
	10-40 g per 100 g:	-40%	+ measurement uncertainty	
	>40 g per 100 g:	-16g	+ measurement uncertainty	
Saturates*	<4 g per 100 g:	-1.6 g	+ measurement uncertainty	
	≥4g per 100 g:	-40%	+ measurement uncertainty	
Mono-unsaturates*,	<4 g per 100 g:	+1.6 g	- measurement uncertainty	
Polyunsaturates*	≥4g per 100 g:	+40%	- measurement uncertainty	
Sodium	< 0.5 g per 100 g:	-0.3 g	+ measurement uncertainty	
	≥0.5 g per 100 g:	-40%	+ measurement uncertainty	
Salt	<1.25 g per 100 g:	-0.75 g	+ measurement uncertainty	
	≥1.25 g per 100 g:	-40%	+ measurement uncertainty	

^{*}Not applicable to sub-categories

Table - Sampling plan and tolerances

Sample is 3 composite sub-samples of 4 consumer units randomly selected from a lot

Class	Description	Nutrients	Acceptance criterion 1, 1, 2 sub-sample	Acceptance criterion 2 Tolerances	Acceptance criterion 3, 99% confidence interval
Class I (min)	added nutrients (e.g., added vitamin C)	added vitamins, mineral nutrients, amino acids	each sub- sample ≥ 50% declared nutrient value	≥ declared nutrient value	[(s × 0.4344 + x̄] ≤ 0.1
Class II (min)	a naturally occurring nutrient that is declared in the Nutrition Facts table and/or for which a health or nutrient content claim is made.	protein, polyunsaturated fatty acids, omega 3 fatty acids, omega 6 fatty acids, mono-unsaturated fatty acids, carbohydrate, starch, fibre, soluble fibre, insoluble fibre, vitamins and minerals (e.g. potassium)	each sub- sample ≥ 50% declared nutrient value	≥ 80% declared nutrient value	does not apply
Class II (max)	a naturally occurring nutrient declared in the Nutrition Facts table and/or for which a health or nutrient content claim is made.	Calories, fat, saturated fat, trans fat, cholesterol, sodium, sugars, sugar alcohols	≤ 150% declared nutrient value	≤ 120% declared nutrient value	does not apply

- Tolerances are one-sided. Nutrient content may vary within good manufacturing practices, either above declared value, where a minimum is required or below declared value, where a maximum is required and provided there is no risk to health and the label is not misleading.
- Tolerances are based on declared nutrient value and applied to pre-round value
- (min) where minimum level required; ³(max) where maximum level requir

^{**} for vitamin C in liquids, higher upper tolerance values could be accepted

Others

♦ Non Veg



and Veg



Status quo- Was reverse in draft

♦ Flavors - Class name clarity?

New

- ♦ Name and complete Address of Brand Owner
- ♦ FSSAI Logo colored or black and white?
- Qty of Caffeine in LoI for added Caffeine
- Date marking Manufacturing and Expiry (BBD optional)
- ♦ Dates to be grouped together



Exemptions if provided in GTIN/Bar code:

- (a) Address of the brand owner whether or not, he himself is the manufacturer, marketer, packer or bottler, as the case may be,
- (b) the license number of the manufacturer or marketer or packer or bottler, as the case may be, if different from the brand owner.

Proposal

- ♦ Best before date is required still as industry cannot determine Expiry date
- Shelf life determination is based on best quality product
- Low shelf life products like sweets have been recently allowed BBD
- If the issue is of products selling after BBD then that can be looked at by other means
- Will lead to food waste and wrong information to consumers –wastage at consumer end also

Allergen Labelling

New

The following foods and ingredients which are known to cause allergy shall be declared separately as Contains......(Name of allergy causing ingredients)

- (i) Cereals containing gluten; i.e., wheat, rye, barley, oats, spelt or their hybridized strains and products of these (To be declared as name of the cereal);
- (ii) Crustacean and their products (To be declared as Crustacean);
- (iii) Milk & Milk products(To be declared as Milk);
- (iv) Eggs and egg products (To be declared as Egg);
- (v) Fish and fish products (To be declared as Fish);
- (vi) Peanuts, tree nuts (e.g. almonds, walnuts, pistachio, cashew nuts) and their products (To be declared as Nut);
- (vii) Soybeans and their products (To be declared as Soy);

(viii)Sulphite in concentrations of 10mg/kg or more (To be declared as sulphite)

Provided that in case presence of ingredients due to cross contamination which are known to cause allergy may be declared separately as **May Contains.......(Name of allergy causing ingredients).**

Exemptions achieved:

- Provided further that this declaration is not required in case of oils derived from these ingredients."
- Raw agricultural commodities are exempted from the allergen labelling requirements

CODEX BIG 8 TAKEN

Contains (For Formulated allergens)
May Contains (For Cross Contact)

EXEMPTION MISSING
GUIDANCE MISSING FOR INDUSTRY

PROPOSAL

(14) Declaration regarding Food allergen:

The following foods and ingredients which are known to cause allergy shall be declared separately as in list of ingredients (emphasized as bolded or underlined) or separately as Contains.................................(Name of allergy causing ingredients)

(j) Cereals containing gluten; i.e., wheat, rye, barley, oats, spelt or their hybridized strains and products of

these (To be declared as name of the cereal);

- (ii) Crustacean and their products (To be declared as Crustacean);
- (iii) Milk & Milk products(To be declared as Milk);
- (iv) Eggs and egg products (To be declared as Egg);
- (v) Fish and fish products (To be declared as Fish);
- (vi) Peanuts, tree nuts (e.g. almonds, walnuts, pistachio, cashew nuts) and their products (To be declared as Nut);
- (vii) Soybeans and their products (To be declared as Soy);

(viii)Sulphite in concentrations of 10mg/kg or more (as SO2) (To be declared as sulphite)

Provided that in case presence of ingredients due to cross contamination which are known to cause allergy may be declared separately as May Contains.................................(Name of allergy causing ingredients).

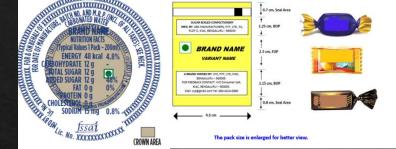
Provided that this declaration is not required in case of oils and distilled alcoholic beverages derived from these ingredient and where the product itself is a food allergen. Raw agricultural commodities are exempted from the allergen labelling requirements.

Provided that allergen declaration is not required in case of processed foods (eg Glucose syrup, Maltodextrin) which do not contain allergenic material but derived from allergen recognized foods.





Principal Display panel



AREA OF PRINCIPAL DISPLAY PANEL

Shape of package	Existing FSSR (Packaging & Labelling)	Upcoming FSSR (Labelling & Display)	Legal Metrology	
		Area of principal display panel shall not be less than	The area not including the top, bottom, flange at top and bottom of cans, and shoulders and neck of bottle and jars Shall be determined in the following manner	
Rectangular	40 percent of the product of height and width of the panel of such container having the largest area	40 percent of the product of height and width of the panel of such package having the largest area	one entire side can properly be considered to be the principal display panel side, the product of the height multiplied by the width of that	
Cylindrical or nearly cylindrical, round or nearly round, oval or nearly oval	20 percent of the product of the height and average circumference of such container	40 percent of the product of the height and average circumference of such package	40 per cent. of the product of the height of the package multiplied by the circumference. Only for cylindrical or nearly cylindrical, rest other (round, oval) to be considered as other shape	
Any other shape	20 percent of the total surface area of the container	20 percent of the total surface area of the package	40 per cent. of the total surface of the package, or an area considered to be a principal display panel of the package.	

6(3)Principal Display Panel

PROPOSAL:

3) The height of any numeral and letter required under these regulations, on the principal display panel shall be as shown in tables below:

SI. No.	Area of PDP		ight of numeral t er in mm	
		<mark>Normal</mark> Case	When Blown, formed Moulded, or perforated on container	
<u> </u>	Upto 100 cm²	<u>1</u>	2	
2	Above 100 cm² upto 500 cm²	2	4	
3	Above 500 cm² upto 2500 cm²	4	6	
4	Above 2500 cm²	6	8	

Area of Principal Display Panel	Minimum height of numeral and letter in mm		
	Normal case	When blown, formed, moulded or perforated on container	
Upto 200 sq cm	1	2	
201-500sqcm	1.5	3	
501 and above	2	4	

6(2) Principal Display Panel

For the purpose of the table 1 under clause 6(3), the area of principal display panel shall not be less than be determined in the following manner: "

- (a) In the case of a rectangular package, forty percent of the product of height and width of the panel of such package having the largest area;
- (b) In case of cylindrical or nearly cylindrical, round or nearly round, oval or nearly oval package, twenty ferty percent of the product of the height and average circumference of such package; or
- (c) In the case of package of any other shape, twenty percent of the total surface area of the package;
- (d) In the case of package having a capacity of ten cubic centimeters or less, the principal display panel may be card or tape affixed firmly to the package and bearing the required information under these regulations.

Provided further that the size of numeral and/or letters required for declaration of net weight, retail sale price, date of expiry or best before or the use by date (wherever and as applicable) and Consumer care details on the principal display panel shall be as provided in Legal Metrology Act, 2009 (1 of 2010) and the rules made there under.

Provided that the width of the letter or numeral shall not be less than one-third of its height, but this proviso shall not apply in the case of numeral "1" and letters i, I and I.

Provided further that the size of numeral and/or letter required for all declarations under this regulation on the crowns/closures of returnable glass bottles shall not be less than 1 mm.



NRC Labelling

Mandatory information on Label:

- (a) Name of the food;
- (b) Net Quantity;
- (c) FSSAI Logo and License number;
- (d) Date marking;
- (e) Lot No.
- (f) Name and address of the manufacturer or packer (including country of origin for imported packages)

Information that can be provided in accompanying documents:

Lol, Veg/Non Veg logo, NI

B2B Packs only? WHOLESALE PACKS as per Legal metrology??





New

Food Additives Labelling

Name of additive

- · Descending order,
- · colour index to be given,
- flavour with class name(flavour modifiers exempt)
- Proportion if specified in regulation shall be given(if 2 or more additives present)
- FOR USE IN FOOD to be specified

