



# Considerations in food laws and regulations

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## Food laws and regulations



Every nation needs an effective food legislation and food control service to promote a safe, honestly presented food supply and to protect consumers from contaminated, adulterated, and spoiled foods. The growing population has placed demands on agriculture for increased production. However, the increase of agricultural production is connected with the wider use of chemicals. Protection of food during transport and storage may require the use of chemicals, too. The centralized processing of foods in large quantities increases the chances of contamination. There is an increasing demand for convenience foods, foods ready-to serve or which can be quickly prepared for serving. Because food additives are commonly used in these foods, and because convenience foods are especially susceptible to contamination, strict hygienic and safety precautions are needed.

Food law is based on scientific studies. Harmonization of Food Law on the international level is a worldwide trend from the late twentieth century.

# FOOD LAWS IN INDIA

The Indian Parliament has passed the *Food Safety and Standards Act, 2006* that overrides all other food related laws such as

- ⦿ The Prevention of Food Adulteration Act, 1954
- ⦿ The Fruit Products Order, 1955
- ⦿ The Meat Food Products Order, 1973
- ⦿ The Vegetable Oil Products (Control) Order, 1947
- ⦿ The Edible Oils Packaging (Regulation) Order, 1998
- ⦿ The Solvent Extracted Oil, De oiled Meal, and Edible Flour (Control) Order, 1967
- ⦿ The Milk and Milk Products Order, 1992

## Food Standards

Human civilization adopted certain hygienic practices since human being started understanding the value of food. The well-established practices followed the accepted laws. The present day governments uses these laws legally and enforce to adopt it through various administrative rules and regulations.

In addition to legislation governments need updated food standards. In recent years, many highly prescriptive standards have been replaced by horizontal standards that address the broad issues involved in achieving food safety objectives. While horizontal standards are a viable approach to delivering food safety goals, these require a food chain that is highly controlled and supplied with good data on food safe.

## Definition of food

Food or food stuff means any substance or products whether processed, partially processed or unprocessed that will provide sufficient nutrient and is intended to be, or reasonably expected to be ingested by humans. Food includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment.

Food substance consisting essentially of protein, carbohydrate, fat, and other nutrients used in the body of an organism to sustain growth and vital processes and to furnish energy. The absorption and utilization of food by the body is fundamental to nutrition and is facilitated by digestion. Plants, which convert solar energy to food by photosynthesis, are the primary food source. Animals that feed on plants often serve as sources of food for other animals. To learn more about the sequence of transfers of matter and energy in the form of food from organism to organism.



## Food legislation should include the following aspects:

- ✓ it must provide a high level of health protection;
- ✓ it should be based on high quality, transparent and independent scientific advice following risk assessment, risk management and risk communication;
- ✓ it should include provision for the use of precaution and the adoption of provisional measures where an unacceptable level of risk to health has been identified and where full risk assessment could not be performed;
- ✓ it should include provisions for labelling the product holistically and for the right of consumers to have access to accurate and sufficient information;
- ✓ it should provide for tracing of food products and for their recall in case of problems;
- ✓ it should include clear provisions indicating that primary responsibility for food safety and quality rests with producers and processors;
- ✓ it should include obligation to ensure that only safe and fairly presented food is placed on the market;
- ✓ it should also recognize the country's international obligations particularly in relation to trade and
- ✓ it should ensure transparency in the development of food law and access to information.

## Objective of Food laws and Regulations

To meet a country's sanitary and phytosanitary requirements, food must comply with the local laws and regulations to gain market access. These laws ensure the safety and suitability of food for consumers. In some countries food laws also govern food quality and composition standards....

### The main objective of food law

It is to protect both the health and interests of the consumer. All food placed on the market must be fit for human consumption and must not injure human health according to its intended use. If any food within any one lot, batch or consignment is unsafe, the entire lot, batch or consignment must be withdrawn from the market. At all times consumer safety being focused mainly to ensure a high level of protection of human health and consumers' interests. The integrated 'farm to fork' approach is considered to be a general principle for food and feed safety policy. It guarantees a high level of safety for foodstuffs and food products marketed within all the stages of production and distribution chains.

## Food safety

Food is not allowed to be placed on the market if it is unsafe. Food is considered unsafe if it is injurious to health or unfit for human consumption. This general food safety requirement implies that although a product that complies with all specific requirements of food legislation (e.g. contaminants in food, etc.); it is not allowed on the market if a new hazard is found for which no requirements yet exist.

## Responsibilities

Food business operators at all stages of production, processing and distribution of food are primarily responsible for safe food. They have to ensure that food under their control meets all the safety requirements of the law. If the food is unsafe, they cannot place it on the market.

## Traceability

The Regulation includes provisions on the traceability of food in the food chain. At all times in each lot the origin of food products must be examined. The requirements apply to food and feed businesses (including importers) also be strictly checked. One must have idea about the source from where they have bought their food (ingredients), to whom they supply their products and the labels at length their products so that they can establish traceability in case of a food safety problem. However, importers are likely to be requested to trace faults in the food chain.

Importers are legally responsible for marketing the unsafe food.



## Precautionary principle

The General Food Law establishes that food legislation is based on scientific risk analysis. This analysis consists of risk assessment, risk management and risk communication. Risk assessments are based on the available scientific evidence and must be undertaken in an independent, objective and transparent manner. Risk management takes the results of the risk assessment into account, but also the opinions of the Food Safety Authority. If after an assessment of available information the possibility of harmful effects on health is identified, but scientific uncertainty persists, provisional measures may be necessary. The findings need to be communicated to the retailer, manufacturer and notified to the consumer.

## Rapid alert system for food and feed (RASFF)

The regulation gives legal effect to RASFF. The regulatory system deals with the obligatory notification of any direct or indirect risk to human health, animal health or the environment within a network consisting of national competent authorities, Food Regulatory Authority of India (FRAI). The regulation also confers special powers on taking emergency measures. Where it is evident that food originating in the country, or imported from a another country, is likely to constitute a serious risk to human health, animal health or the environment and that such a risk cannot be contained satisfactorily by means of measures taken by the Member States.

### Emergency measures

It is evident that food originating in the community or imported from another country may creat a serious risk to human health, animal health or the environment and when such a risk cannot be contained satisfactorily by means of measures taken by the Member States concerned, the Commission can on its own initiative immediately adopt certain measures set out in the regulation. Depending on the gravity of the situation, emergency measures can take the form (1) of the suspension of the marketing or use of the food in question (2) to subjecting the use and marketing of the food to special conditions.

# Crisis management

It provides for the creation of a crisis unit. This crisis unit will provide scientific and technical assistance if necessary.

In preparing food regulations and standards countries should take full advantage of Codex standards and food safety lessons learned in other countries. Taking into account the experiences in other countries while tailoring the information concepts and requirements to the national context is the only sure way to develop a modern regulatory framework that will both satisfy national needs and meet the demands of the SPS Agreement and trading partners.



*Thank you*