

CONTEMPORARY ISSUES IN FOOD LAW

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Abstract:

The field of food law is constantly evolving, driven by emerging challenges and complexities in the global food system. This abstract provides a succinct overview of contemporary issues in food law, focusing on the key legal concerns and regulatory dilemmas facing policymakers, consumers, and food industry stakeholders. This paper highlights four major themes in contemporary food law: Overview of Food Law, food safety and traceability, labelling and claims, genetically modified organisms (GMOs) and Food waste reduction initiatives. It explores the legal frameworks and regulations that govern these areas, examining their effectiveness, challenges, and potential solutions.

The analysis reveals the pressing need for comprehensive and adaptive food safety regulations to address emerging risks and the importance of accurate and transparent food labelling to empower consumers. Ultimately, this abstract serves as a starting point for further exploration and discussion on the ever-evolving landscape of food law, urging stakeholders to navigate these complex issues with a commitment to ensuring safe, transparent, and sustainable food systems for all.

Keywords – Food Safety, Food Law, Consumers, Food industry, GMOs

i) Overview of Food Law:

Food law encompasses a wide range of legal regulations and policies that govern the production, processing, distribution, and consumption of food. Its primary objective is to ensure the safety, quality, and integrity of the food supply, as well as protect consumer interests and promote public health.

Food laws are established at various levels, including international, national, regional, and local. At the international level, organizations like the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) develop guidelines and standards that serve as a basis for national food regulations. Examples of international food standards include the Codex Alimentarius, a collection of internationally recognized food safety and quality standards.

At the national level, each country has its own set of laws and regulations governing food production, labelling, advertising, and safety standards. These regulations cover a broad range of areas, including food safety and hygiene practices, food additives and contaminants, allergen labelling, nutritional labelling, organic and genetically modified foods, and food import and export requirements.

Food law also encompasses areas of law beyond regulation, such as intellectual property rights related to food products, agricultural subsidies, and food labelling and advertising laws aimed at preventing deceptive practices and ensuring accurate information for consumers.

The enforcement of food laws involves government agencies, such as food safety authorities, health departments, and

agricultural departments, which oversee inspections, audits, and compliance monitoring of food businesses. Non-compliance with food laws can result in penalties, recalls, or even criminal charges, depending on the severity of the violation.

In recent years, contemporary issues in food law have gained prominence due to evolving consumer demands and emerging challenges. These issues include food safety in global supply chains, sustainability and environmental concerns, food labelling transparency, and the harmonization of food regulations in international trade.

Overall, food law plays a critical role in safeguarding public health, ensuring food safety and quality, protecting consumer rights, and promoting sustainable and responsible food practices. It requires continuous monitoring and adaptation to keep up with technological advancements, scientific research, and changing consumer expectations in the complex and dynamic realm of food production and consumption.

ii) Overview of Food Law in India:

Food law in India encompasses a comprehensive framework of regulations and legislation aimed at ensuring the safety, quality, and labelling of food products throughout the country. The primary legislation governing food safety in India is the Food Safety and Standards Act, 2006 (FSSA). Under the FSSA, the Food Safety and Standards Authority of India (FSSAI) was established as the central regulatory body responsible for implementing and enforcing food safety standards.

The FSSAI sets standards for food products, including provisions for additives, contaminants, labelling, packaging, and hygiene practices. It also establishes guidelines for food businesses, including registration and licensing requirements, inspections, and penalties for non-compliance.

To further regulate specific aspects of the food industry, India has several subsidiary regulations, such as the Food Safety and Standards (Packaging and Labelling) Regulations, 2011, and the Food Safety and Standards (Contaminants, Toxins, and Residues) Regulations, 2011. These regulations provide detailed guidelines on labelling requirements, permissible levels of contaminants, and maximum residue limits for pesticides and other chemical substances in food.

In addition to food safety, India has laws and regulations pertaining to other aspects of the food industry, including organic food, genetically modified organisms (GMOs), food imports and exports, food fortification, and food advertising and claims.

Enforcement of food law in India involves a network of regulatory authorities at the central, state, and local levels. These authorities are responsible for inspections, sampling, laboratory testing, and taking enforcement actions against violators.

It is important to note that food law in India is continuously evolving to address emerging challenges and align with international standards. The FSSAI regularly updates and revises regulations to keep pace with advancements in science, technology, and global best practices.

Overall, the food law framework in India aims to ensure the safety, quality, and integrity of food products, protect consumer interests, and promote public health. Compliance with these regulations is essential for food businesses operating in India to maintain consumer trust and contribute to a robust and sustainable food industry.

iii) Food safety regulations-

Food safety regulations are a critical component of ensuring the safety and quality of food products. These regulations are put in place by governments and regulatory bodies to

protect consumers from health risks associated with contaminated or adulterated food. Here are some key aspects of food safety regulations:

1. Hazard Analysis and Critical Control Points (HACCP):

HACCP is a systematic approach to identify, evaluate, and control hazards throughout the food production process. It involves conducting a hazard analysis, establishing critical control points, setting critical limits, implementing monitoring procedures, and taking corrective actions to ensure food safety.

2. Good Manufacturing Practices (GMPs):

GMPs are a set of guidelines that define the minimum requirements for food processing facilities. These practices cover areas such as sanitation, hygiene, facility design and maintenance, equipment calibration, employee training, and documentation. GMPs provide a foundation for producing safe and quality food products.

3. Food Safety Management Systems:

Many countries have implemented food safety management systems based on international standards such as ISO 22000 or the Food Safety System Certification (FSSC) 22000. These systems provide a framework for organizations to identify, evaluate, and control food safety hazards by implementing comprehensive management systems.

4. Microbiological Criteria:

Microbiological criteria define the acceptable levels of microorganisms, such as bacteria, yeasts, moulds, and pathogens, in food products. These criteria establish limits to ensure that food is safe for consumption and does not pose a health risk to consumers.

5. Food Additives and Contaminants:

Regulations govern the use of food additives, including substances used for preservation, colour, flavour, and texture enhancement. Maximum residue limits are established for contaminants such as pesticides, heavy metals, mycotoxins, and veterinary drug residues to

prevent their presence above safe levels in food.

6. Allergen Labelling: Regulations require clear and accurate labelling of allergenic ingredients in food products to inform consumers about potential allergens present. Common allergens, such as peanuts, tree nuts, milk, eggs, wheat, soy, fish, and shellfish, must be clearly identified on food labels.

7. Imported Food Safety: Importing countries often have specific regulations and requirements for food products entering their markets. These regulations ensure that imported foods meet the same safety standards as domestically produced foods, and may include documentation, inspections, and testing of imported food shipments.

8. Traceability and Recall Systems: Traceability systems enable the identification and tracking of food products throughout the supply chain, from production to distribution and retail. In the event of a food safety issue, effective recall systems are crucial to quickly and efficiently remove contaminated products from the market.

It's important to note that food safety regulations vary across countries and regions. Compliance with these regulations is essential for food businesses to maintain consumer trust, prevent foodborne illnesses, and ensure the safety and quality of the food supply chain.

iv) Labelling requirements of Food-

Labelling requirements for food products vary across countries and regions, but there are several common elements that are typically included in food labelling regulations. Here are some key labelling requirements for food:

1. Product Name: The label should clearly indicate the name of the food product, which should accurately describe the nature of the product. For example, if it is a specific type of cheese or a flavoured beverage, the name should reflect that.

2. Ingredient List: The ingredient list provides information about the ingredients used in the product, listed in descending order of their weight. All ingredients, including additives and flavourings, should be listed by their common or usual name. This helps consumers identify specific ingredients they may want to avoid due to allergies, dietary restrictions, or personal preferences.

3. Allergen Information: Allergen labelling is crucial to inform consumers about the presence of common allergens, such as peanuts, tree nuts, milk, eggs, wheat, soy, fish, and shellfish. If any of these allergens are present in the food product, they must be clearly identified in the ingredient list or in a separate allergen statement.

4. Nutrition Facts: The nutrition facts panel provides information about the nutrient content of the food product, including serving size, calories, fat, carbohydrates, protein, vitamins, and minerals. The format and specific information required may vary, but it generally includes key nutritional values based on recommended serving sizes.

5. Net Quantity: The net quantity declaration specifies the weight, volume, or count of the product. It helps consumers understand the amount of product they are purchasing and compare it to other similar products.

6. Date Marking: Food products that have a limited shelf life or expiration date must display appropriate date markings. These may include "best before," "use by," or "expiry" dates, depending on the regulations and the nature of the product.

7. Country of Origin: Some countries require food products to indicate their country of origin, informing consumers about where the product was grown, produced, or manufactured.

8. GMO Labelling: In some jurisdictions, labelling requirements exist for foods containing genetically modified organisms (GMOs). These regulations may require the disclosure of the

presence of GMOs or the use of specific labelling symbols or statements.

9. Additional Claims and Statements: Food labels may include various claims and statements, such as organic, natural, gluten-free, low-fat, or high-fibre, to highlight specific characteristics or health benefits of the product. These claims are often regulated and must meet specific criteria and requirements.

It's important to note that these are general labelling requirements, and the specific regulations can vary depending on the country or region. It is essential for food businesses to comply with the labelling requirements of the jurisdictions in which their products are sold to ensure transparency, consumer confidence, and compliance with the law.

v) Food waste reduction initiative-

Food waste reduction initiatives aim to minimize the amount of food that goes to waste throughout the food supply chain, from production to consumption. These initiatives recognize the environmental, economic, and social impacts of food waste and work towards more sustainable and efficient food systems. Here are some key elements of food waste reduction initiatives:

1. Education and Awareness: Promoting education and awareness about the issue of food waste is crucial. Initiatives often focus on educating consumers, businesses, and communities about the consequences of food waste and providing information on how to reduce waste at various stages, such as proper storage, meal planning, and portion control.

2. Improved Supply Chain Practices: Addressing food waste within the supply chain involves implementing measures to reduce losses during production, processing, transportation, and storage. This may include improved harvesting techniques, better inventory management, optimized transportation routes, and effective storage facilities to minimize spoilage and waste.

3. Redistribution and Donations: Encouraging the redistribution of surplus food is a key strategy. Initiatives may involve partnering with food banks, charities, and community organizations to ensure excess food is redirected to those in need rather than being discarded. This can involve establishing networks, logistical support, and legal protections to facilitate safe and efficient food donation practices.

4. Food Date Labelling: Clear and consistent date labelling on food products can help reduce unnecessary waste. Initiatives advocate for the use of "best before" or "use by" dates based on scientific evidence, while discouraging the use of overly cautious dates that may lead to premature discarding of safe and edible food.

5. Food Recovery from Businesses: Collaboration with food service providers, restaurants, and retailers is essential to recover surplus food and prevent it from going to waste. Initiatives may encourage businesses to implement food waste management systems, such as composting or anaerobic digestion, to divert organic waste from landfills and promote the circular economy.

6. Innovation and Technology: Harnessing innovative technologies can aid in food waste reduction efforts. This includes implementing digital platforms for better inventory management, developing smart packaging to extend shelf life, using data analytics to optimize supply chain operations, and leveraging apps or platforms that connect surplus food with consumers or food assistance organizations.

7. Policy and Regulation: Governments can play a crucial role by establishing policies, regulations, and incentives to support food waste reduction initiatives. This may include tax incentives, financial support, or mandatory reporting requirements for food waste, encouraging businesses to prioritize waste reduction strategies.

8. Collaboration and Partnerships: Effective food waste reduction initiatives often involve collaboration between stakeholders across the food system, including government agencies, industry associations, NGOs, research institutions, and consumers. By working together, knowledge-sharing, resource pooling, and collective action can be fostered to drive meaningful change.

Food waste reduction initiatives are essential for creating a more sustainable and equitable food system. By preventing waste, we can conserve resources, reduce greenhouse gas emissions, alleviate hunger, and promote a more efficient use of food throughout the supply chain.

vi) Current developments in food law:

1. Novel Food Regulations: Many countries are revising their regulations for novel foods, which include foods produced using new technologies such as genetically modified organisms (GMOs), cellular agriculture, and edible insects. New frameworks are being developed to assess the safety, labelling, and approval process for these innovative food products.

2. Allergen Labelling: Allergen labelling regulations continue to evolve to address emerging allergens and improve transparency for consumers. Some jurisdictions are considering expanding allergen labelling requirements to include additional allergens or strengthening labelling standards to ensure clearer and more prominent allergen information.

3. Food Fraud and Authenticity: Governments and regulatory bodies are focusing on combating food fraud and ensuring food authenticity. Measures are being implemented to detect and prevent adulteration, mislabelling, and deceptive practices in the food supply chain, with increased emphasis on traceability and testing methods.

4. Sustainable Packaging: Environmental concerns are driving developments in food packaging regulations. Governments and

industry stakeholders are promoting the use of sustainable packaging materials, such as biodegradable and compostable materials, and exploring measures to reduce single-use plastics and improve recycling infrastructure.

5. Nutritional Labelling and Front-of-Pack Labels: Some countries are updating their nutritional requirements to provide more comprehensive information to consumers. Additionally, front-of-pack labelling systems, such as traffic light labelling, are being adopted or considered to simplify nutritional information and aid consumers in making healthier food choices.

6. Food Safety Modernization: Efforts to modernize food safety regulations are ongoing in many countries. These initiatives aim to enhance food safety standards, strengthen preventive controls, improve inspection and enforcement capabilities, and promote industry compliance with safety requirements.

7. E-commerce and Online Food Sales: With the increasing popularity of online food sales and food delivery platforms, regulations are being adapted to address the unique challenges and risks associated with these channels. Governments are developing guidelines and regulations specific to online food businesses to ensure food safety, traceability, and fair practices.

8. International Trade and Harmonization: International harmonization of food regulations is a continuing focus, particularly with regard to food safety standards, maximum residue limits, and labelling requirements. Efforts are underway to align regulations, streamline trade processes, and reduce barriers to international food trade.

vii) Current developments in food law in India-

1. Food Safety and Standards (Labelling and Display) Regulations, 2020: The Food Safety and Standards Authority of India (FSSAI) introduced new labelling regulations in 2020, which prescribe specific requirements for the

display of vegetarian and non-vegetarian symbols on food packages. These regulations aim to provide clarity to consumers regarding the food's nature and meet the needs of different dietary preferences.

2. E-commerce Food Business Operators (FBOs): In recent years, the growth of e-commerce platforms in the food sector has prompted the FSSAI to develop specific regulations for e-commerce FBOs. These regulations define the roles and responsibilities of e-commerce platforms in ensuring compliance with food safety standards and facilitate traceability and recall procedures for food products sold online.

3. Food Fortification: The FSSAI has been actively promoting food fortification to address micronutrient deficiencies in the Indian population. In 2018, the Food Safety and Standards (Fortification of Foods) Regulations were introduced, mandating the fortification of staple foods such as wheat flour, rice, edible oil, and milk with essential vitamins and minerals. The FSSAI has been working to create awareness, provide technical support, and encourage compliance with these regulations.

4. Food Safety and Standards (Packaging) Regulations, 2018: These regulations were introduced to ensure the safety and quality of packaging materials used in the food industry. They prescribe requirements related to the use of food-grade packaging materials, migration limits for harmful substances, and labelling and declaration of packaging information.

5. Enforcement and Surveillance: The FSSAI has been actively enhancing its enforcement and surveillance mechanisms to ensure compliance with food safety standards. This includes strengthening the food testing infrastructure, conducting inspections and audits of food businesses, and imposing penalties on non-compliant entities. The focus on enforcement aims to improve the overall safety and quality of the food supply chain.

viii) Conclusion -

In conclusion, contemporary issues in food law play a crucial role in ensuring the safety, quality, and sustainability of our food supply. As our global food system becomes increasingly complex and interconnected, addressing these issues becomes imperative to protect public health, promote fair trade practices, and mitigate environmental impacts.

One of the key challenges in food law today is the growing concern over food safety. Outbreaks of foodborne illnesses, contamination incidents, and the emergence of new pathogens have highlighted the need for robust regulatory frameworks that encompass food production, processing, transportation, and distribution. Governments and international organizations are working together to harmonize standards, implement effective monitoring systems, and enhance traceability to prevent and manage food safety risks.

Another significant issue is the rising demand for sustainable food production and consumption. The environmental impact of agriculture, including deforestation, water pollution, greenhouse gas emissions, and biodiversity loss, necessitates the development of regulations that promote sustainable practices. Food laws are evolving to incorporate principles such as organic farming, agroecology, and circular economy approaches to reduce the ecological footprint of the food industry.

In addition to safety and sustainability, food law is addressing concerns related to nutrition and labelling. With the rise in diet-related diseases, there is a growing focus on regulating advertising, marketing, and labelling practices to promote healthier food choices. Clear and accurate labelling, including the disclosure of allergens, nutritional information, and the origin of ingredients, enables consumers to make informed decisions about the food they consume.

Furthermore, international trade agreements and intellectual property rights are significant aspects of contemporary food law. Issues such as geographical indications, patenting of genetic resources, and trade barriers are subjects of intense negotiations and discussions. Balancing the interests of different stakeholders, including farmers, consumers, and corporations, is essential to ensure fair trade practices and protect traditional knowledge and cultural heritage associated with food.

Overall, contemporary issues in food law require a multidisciplinary approach that involves collaboration between governments, regulatory agencies, industry stakeholders, and consumers. As our understanding of food systems and their impacts on health and the environment continues to evolve, it is vital to adapt and strengthen food laws to address emerging challenges and foster a sustainable, equitable, and resilient global food system.