

**From:** Navdeep Singh Khaira nskhaira@yahoo.com  
**Subject:** Fw: Response to proposed draft FOPL regulation  
**Date:** 12 November 2022 at 8:41 AM  
**To:** Arun Gupta arun.ibfan@gmail.com



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**From:** Navdeep Singh Khaira <nskhaira@yahoo.com>  
**To:** regulation@fssai.gov.in <regulation@fssai.gov.in>  
**Sent:** Monday, 7 November 2022 at 18:51:44 GMT+5:30  
**Subject:** Response to proposed draft FOPL regulation

**TO:**

**The Chief Executive Officer (CEO)**

**Food Safety and Standards Authority of India**

**FDA Bhawan**

**Kotla Road , New Delhi : 110 002.**

**Email:** [regulation@fssai.gov.in](mailto:regulation@fssai.gov.in)

Via- Speed Post and email.

**Sub :** Objections and suggestions on the FSSAI's Proposed Draft FOPL Regulation

Dear Sir,

Thank you for the opportunity to share objections or suggestions to the Draft Regulation. I am happy to provide both. I appreciate the steps taken towards labeling on the front of pre packaged food products.

I am a nephrologist by profession and have deep interest in the non-communicable diseases because a big chunk of my patients of Chronic Kidney Disease is due to complications of non-communicable diseases. Therefore have been following up with FSSAI for quite some time.

Based on the facts and information received from FSSAI under RTIs and also

Based on the facts and information received from FOIA under RTI and also from public domain, I am happy to submit my comments.

**Kindly refer to RTI responses of FSSAI:** FSSAI/R/E/22/00163, FSSAI/A/E/22/0079, FSSAI/R/E/22/00315/1, FSSAI/R/E/22/00790.

I wish to submit as under:-

## **OBJECTIONS:**

1. The draft Regulation is based on a “**biased**” and a **flawed** IIM report. I like to draw your attention to the para from the FSSAI brief to IIM for conducting the study. Is it not ‘introduction’ of bias for a pre-determined result?

And flawed I say because the report has been critiqued by leading scientists and public health experts to be faulty in methods and interpretation.

*“.. For the case of India, its food regulator Food Safety and Standards Authority of India(FSSAI) plans to introduce an FOPL system that would be effective in informing consumers about healthy food choices in terms of saturated fat, total sugar, salt/sodium, energy content and probably other positive nutrients...”*

I further object to use of IIM report for developing the policy because of the fact when I asked a question if any analysis of IIM Report has been done, this is the answer I got “ No such analysis has been done by the Scientific Panel”

Therefore, draft regulation is not acceptable in its present form.

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2. **Second objection** is why has FSSAI included positive nutrient factors. As per RTI information the decision to include HSR and positive nutrients is being attributed to the scientific panel and also to WHO PNIG, ‘other countries models, and Nutrition Threshold Study, and HSR of Australia. FSSAI makes subjective use of so many different standards. The WHO PNIG or ICMR does not provide any guidance on what level of nutrient of concern(sugar/salt or fat) is acceptable in a food product. It basically provides guidance on dietary intake. Further, FSSAI fails to provide any scientific basis of including positive nutrients. This is fundamentally wrong idea when you look into principles of metabolism. There is no way that positive nutrient can offset negative risk factors within the same food product. Adding fruit or a nut will not prevent absorption of sugar or salt in

unhealthy food products nor will it reduce the risk of disease if the nutrient is in excess. Why should FSSAI even think of such an idea while ensuring food safety of India's entire population?

3. I strongly object to the ½ star product being called “least healthy” and 5 – star being “healthiest” in section 14.2.b. Since all these products are unhealthy by nature, I would be happy to hear any science behind labeling these healthy.

4. HFSS definition is given but not been used in the regulation, why so? The baseline reference values in the Table -1 are contradictory to HFSS definition. Why can't FSSAI rely on the work of WHO Nutrition Profile modeling of PAHO and SEARO, both of which did use WHO PNIG for evidence?

5. Why FSSAI has failed to use the published evidence from India, which points towards warning labels to be most effective in identifying unhealthy nutrients.

6. I further object to granting 4 years for complying.

## **SUGGESTIONS**

In order to protect public health and act on FSSAI mandate to rapidly develop policy and implement towards reducing non- communicable diseases, I suggest the following:

1. The FSSAI and its scientific panel should consider revising this draft regulation
2. Please use the definition of HFSS and accordingly develop the baseline reference to label a food HFSS and specify the food risk factor as indicated. This will be in alignment and harmony to the definition of HFSS given in the regulation.
3. In case you don't want to make use of HFSS definition, give reasons to public
4. Make use of WHO SEAR and PAHO NPM for defining baseline references.
5. Delete any reference to positive nutrients or factors in the regulation.
6. Design a FOPL that would inform people about the food product being “High in” or “Excessive in” of any of the food risk factors.
7. FSSAI draft regulation should be implemented within a period of 3 to 6 months, because of the rising incidence of non-communicable disease and in public health interest.

Sincerely yours,

Dr. Navdeep Singh Khaira