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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
Sub: Front-of-pack labels on unhealthy food products

Sir/Madam

We are pleased to hear about the development of a regulation to control non-communicable diseases and draft notification being issued for public comments on a policy of front of pack labelling. We submit the following observations/comments and suggestions for your kind consideration keeping the public health in the center of this debate. We have been following up this matter ever since its making in FSSAI.

1. The Indian Institute of Management (IIM) Report is not acceptable for policy development: The current draft regulation is based on a report by IIM Ahmedabad, which was commissioned by the FSSAI. The FSSAI had biased IIM researchers towards the proposal of Health Star Rating (HSR) by asking to deal with Positive Nutrients. No wonder IIM followed it and concluded that HSR is the best option for India. Further, the report has been critiqued and rejected by both Indian and global researchers. These facts lead us not to accept the regulation in present form and giving "Stars" to all the unhealthy packaged food products called 'Junk foods' also. These include soft drinks, sport drinks, sweet biscuits, breakfast cereals, chocolate, and savory and sweet biscuits, chips etc. These are usually high in sugar/salt or fats.

2. Industry influence : All through the stakeholders meetings in FSSAI food industry occupied a majority seat nearly 70-80%. The last meeting of 15-02-22 that took the decision to adopt HSR was no different. Swadeshi Jagran Manch (SJM) strongly objects that food industry should be invited to on a policy table and decide what a food labelling policy should be. In spite of repeated reminders to the FSSAI by the experts, and media reports, FSSAI chose to keep it going, for reasons best known to them. The Food Safety Act is clear on independence that FSSAI needed to keep up to. If at FSSAI needed to consult food industry, the Scientific Panel may call the industry listen to their views, record it and make it public. It is for the FSSAI to decide in public health interest which of the views of food industry can be accommodated in policy. Otherwise the FSSAI being regulator needs to talk to industry how to implement the regulation not in the interest of food industry how to make a regulation. This fact also makes SJM believe that Draft Regulation favours food industry not peoples health.

3. Ignoring science : SJM has been attending various scientific deliberations in the country on this issue and aware of the evidence that has been generated in India and abroad. We believe FSSAI has ignored the scientific evidence, which is not a good idea. Therefore SJM requests FSSAI to consider the one study published from India at least.

4. Public Health Crisis: Obesity has been on rise in India and it has increased by 25% in past 5 years according to NFHS5. Half of children under 5 years suffer biochemically from non-communicable diseases as per Government of India's report. India is facing a public health crisis of NCDs so it can't be left to the will of food industry while Government of India develops policy to control consumption of unhealthy food products mainly responsible for the

crisis. Given this argument, SJM objects to allow 4-year time frame for being mandatory application. It should be done immediately.

5. What is in a label?: SJM believes that Front of package labeling of foods (FOPL) should be simple, easy to understand, truthful and implemented at the earliest so that consumers can make an informed choice. Considering these requirements the FOPL with Stars is not helpful at all. No body can understand if a food with 2 stars has sugar or salt more than recommended. The Amendment Regulation as of now sounds misleading that food products are classified as "least healthy to healthiest". SJM would like to understand more from FSSAI about how on earth can a ultra-processed food product be classified like that. Most of the countries, which have adopted FOPL, have chosen to give warning labels, instead of giving health star rating, except New Zealand and Australia. Experience in Australia is also now being questioned and Australian government is giving a rethink on the issue.

6. HFSS: SJM is pleased to see the definition high fat, sugar, or salt foods (HFSS) but wondering why this has not been used to develop baseline reference values for FOPL. Going by the definition of HFSS provided in the draft, it would make a good sense and protect public health to take it to logical conclusion and use this on the FOPL about each pre-packaged food product.

7. We, the SJM, therefore urge you to take steps to revise the regulation in such a way that the FOPL would provide health related risk warning because of high sugar, salt of saturated fats. We do understand that the Star Rating cannot give this clear and true alert to a consumer who is increasingly influenced by health claims of food industry via media promotion and if they get Stars on unhealthy foods they will end up making more money on the cost of our people's health who eat these foods not knowing they are unhealthy.

Dr. Ashwani Mahajan
National Co-convenor, SJM