

Issues & Challenges in Applicability of Food Adulteration act in Small Food Outlets

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Abstract - During the formation of continents some 140 million years back, few parts broke off from the then continent of Africa & drifted to the then Asian continent to form the present-day India & Madagascar. The Indian peninsula was composed of old crystalline, igneous & metamorphic rocks which from time immemorial was the seat of the world's richest fertile landmass. As time passed on this became the land of great civilisations. In present time, India is the world's 2nd most populous country with a population of over 130 billion people spread across 29 states & 5 union territories, speaking 1652 languages & dialects across 9 major religions. Hence summing up with different cultures, geographical & economic conditions gave birth to different food habits as well. India majorly an agrarian country has a population dwindling around middle, lower middle & poor mass with only ten percent of population is considered as rich. Food security to all became the major challenge to our government, who is working hard to fulfil this demand. Also with modernisation, advancement in science & industrialisation there has been steady migration of people to these urban hubs. This gave birth to many new sectors, of which the food industry is a major part comprising of around 448 billion USD & is growing at around 10% & contributes to 9-10% of the country's GDP. The retail food & beverage industry of India is around 33.22 billion USD as of 2020 & is expected to rise to 156.25 billion USD by 2026, growing at a CAGR of 29.88%. The "In – the – Kitchen" segment of the food industry comprises of staples, spices and condiments, oil, vegetables, dairy, and others, which in turn accounts for nearly 70% of the food and beverage basket. The sad part of the story is marked by adulteration of food which has become the major challenge of the government. Various laws, acts & measures has evolved over time to check this. An act by the name of Prevention of Food Adulteration Act was made in 1954&re modified in 1964, 1976 & 1986, to check on duplicitous& protection from adulteration / contamination of food that may lead to health risk of consumers. In 2006, FCCAI (Food Safety and Standards Act of India) was formulated to bring about standards & regulations in the industry. This industry consists of various shapes & sizes of food vendors out of which around 100 lakh small food vendors are there in the country contributing to 2.88 lakh crore rupees daily. The biggest challenge is to bring them under a single platform of standards & regulation due to the huge variability present in the Indian market. This research paper investigates the different issues & challenges of applicability of PFA& FCCAI in bringing the small food outlets/vendors under one umbrella of standards & regulations.

Keyword - Food Adulteration Act, Standards & Regulation, Small food vendors/outlets

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1. INTRODUCTION

India a country bound with huge geographical & social diversity that it houses many religion, caste & languages. It is said that in any direction that you travel across the country, you will encounter different languages & customs every 50 kms travelled. With such changes one encounters diverse social customs & fooding habits. India is country the average per capita income was Rs 11254/- only as per official records of 2019. But this is not the correct understanding as 20% of the total population enjoys the luxury of all sects of the society whereas 80% of the population dwells in the lower strata of income. This twenty percent can afford to have the best living comforts, best clothing, shelter & food. But the rest eighty percent fights for everyday survival.

If we look specifically at the food sector, we have in one part the best of the class hotel & restaurants & on the other hand a huge number of medium & small sized food vendors who serves as lifeline for quenching the hunger of the masses. This industry which is growing at a CAGR of 29.88% & is expected to reach at 156.25 billion USD by 2026 is a house to major in kitchen supplies of staples, spices & condiments and other related raw materials such as vegetables, dairy & poultry products, fish & meat products etc. used daily across this industry to meet out the demands of the masses.

Thus, this industry is a house for big chains and for small food hawkers as well. As per government records there are around hundred lakh street vendors in India. The majority of these are not registered vendors. The demand for cheap food from

limited resources leads to various forms of activities which in turn leads to the deterioration of quality of the food the masses consume. This in turn affects the human health. It is found that this is the root cause of many chronic diseases in the population of the country. Ailments of heart, liver, stomach, eyes, limbs etc. are on the rise because of sub-standard food consumption.

1.1 Food Adulteration

Now the question that arises with the word is what is Sub-Standard food? It is nothing but the food prepared in unhealthy conditions and by way of using adulterated material. From this again arises two different terms, i.e. (a) Unhealthy conditions & (b) Adulterated materials

(a) Unhealthy conditions are the conditions such as:

- The poor quality of water used for preparation
- Improper & unhygienic utensils in which food is prepared
- Poor environment in which the food is prepared
- Poor hygiene of the workers who prepares food

(b) Adulterated materials also known as adulterant is nothing but any material which is or could be used to make food which is unsafe or misbranded or substandard or containing extraneous matter. The food is considered adulterated when a substance is admixture which brings down the quality & injuriously affects health when consumed.

Thus, we can decipher from the above that adulteration can be two types. They are as below:

(1) **Intentional**– those type which are done to increase own profitability without taking into consideration of human health & wellbeing. Here the action of such doer's is voluntary. The inclusion of substandard materials to food materials has similar physical properties to the food it is mixed but it substantially decreases the nutrient value of the food. These adulterants are much cheaper in cost, thus by increases the volume of the actual food material in question. The extraneous materials by virtue of its properties (physical & biological) becomes difficult to be seen by us. It takes lot of complex process to determine adulteration. It has been seen that chemical such as urea, melanin etc. is administered in various food materials to maintain its level of essential nutrients and at the same time - starch, flour, chalk, skim milk, brick & stone powder, molasses, chicory, grinded papaya seed etc is used to increase the volume of the food material (El-loly et al., 2013). The sole purpose is to increase profit & is very dangerous form of adulteration (Awasthi et al., 2014).

Table 1: Some common Food materials & their adulterants

| Food & Beverages | Adulterant | Purpose | Type of Adulteration |
|------------------|--|--------------------------|----------------------|
| Mustard Oil | Papaya seed | To add bulk & weight | Deliberate |
| Milk | Water, urea, chalk, skim milk | To increase volume | Deliberate |
| Butter | Vegetable oil, anatta, banana | Increase volume & colour | Deliberate |
| Sugar | Chalk powder | Increase weight | Deliberate |
| Pulses | Lathyrus sativus (weed seed) | Increase weight | Deliberate |
| Wheat | Ergot (poisonous fungus) | Increase weight | Deliberate |
| Ghee | Vanaspati, anatta, oleomargarine | Maintain colour | Deliberate |
| Common Salt | White powder stone & chalk | Increase weight | Deliberate |
| Tea | Dal husk with colour | Increase liquor colour | Deliberate |
| Coffee | Chicory, roasted barley & tamarind seed powder | Increase weight & colour | Deliberate |
| Honey | Molasses, cane sugar | Increase volume | Deliberate |
| Jaggery powder | Chalk powder | Increase weight/volume | Deliberate |
| Chillies powder | Brick powder | Increase weight & colour | Deliberate |

The above table only depicts some of the adulterants. There may be more different types of adulterants for the same food & beverages. The objective of the above table is to make you aware of the adulterants & their purpose of use. Thus, you can see that because of greed for more profit of a group of people the citizen of the country is in grave danger not only for their lifetime but also may pass on to their progenies. It has been found that ninety percent of food materials which are sold loose have adulterants (Alauddin, 2012).

It has been found by Narayan, 2014, that there are primarily six reasons for adulteration of food & drinks. These are:

- Increase profit
- Inability of common man to pay prices for genuine food material
- To fight market competitions
- More demand than supply in market
- Untrained manpower & outdated food processing techniques
- No knowledge of disease caused by adulterants by common people

(2) **Unintentional/Incidental**– those when done without the actual intention of adulterating. Here the understanding of proper hygiene of food and drinks during production coupled with & poor knowledge is a major factor. Also, fertilizers, pesticides residues, larvae in food, droppings of rodents, arsenic, mercury, lead (metallic contaminations) etc., are causes of accidental contamination. The actions are involuntary in nature & not done intentionally.

1.2 History

Adulteration was present all along the times of civilization, but adulteration in the form of fraudulence started increasing from the 19th century. In 1820, a German chemist, Frederick Accum, toxic metals in food & drinks. An immense negativity was spread against him by the fraudulent suppliers & he was brought down by plotting a scandal against him. Hill Hassal, a physician & author published in 1850 which in turn became basis of act & going forward legislation for food adulteration in Great Britain.

In India food adulteration is a thriving market for miscreants who are participants who existed since pre independence. In recent times it was found that of all the samples drawn across the country in 2019-2020, thirty three percent was found to be adulterated. Hence you can imagine what is at stake for our unsuspecting country folk. To curb this nuisance our government has taken stern steps & measures to counter this growing challenge of food adulteration by bringing in various Acts. It was after independence in 1947, that the government became very serious & the first Food Adulteration Act was formed in 1954 which went on to be amended over the years as per requirement to control this criminal aspect of the Indian society.

2. FOOD ADULTERATION ACT 1954 & AMENDMENTS

As per 1954, Food Adulteration Act was in the Concurrent list of the Indian Constitution, schedule VII, list III & entry 18. Prior to this mainly this was limited to state laws to regulate the food safety but there was huge variance among the state in the laws & pose a threat during inter provisional trade. The Indian government decided to bring under a common umbrella which gave birth to the Prevention of Food Adulteration Act in 1954. The then Food Adulteration Act laid down various points which defines as food adulteration. These are as below:

- (1) The food sold by a vendor is not of the quality as asked by the purchaser or which it claims to be
- (2) The food material contains anything which affects the quality or of it is so processed as to injuriously affect its nature, substance, or quality
- (3) Any substandard or cheaper substance has been used wholly or partly for the food material, or any part of the food material has been wholly or partly taken out from it, which affects its quality in all aspect
- (4) The article made, packed & kept in unhygienic conditions which leads to contamination of the material
- (5) The article consists wholly or in part of any filthy, putrid, disgusting, rotten, decomposed, or diseased animal or vegetable substance or

being insect infested, or is otherwise, unfit for human consumption

- (6) The article is obtained from a diseased animal
- (7) The food material is composed of materials which are injurious for consumption
- (8) The container of the article is made of such material which can denigrate the article kept in it
- (9) The article contains any material for coloration of preservation which are prohibited
- (10) The purity of the article falls below the permissible limit & which affects health when consumed

Any such above stated mis practices come under the governance of Prevention of Food Adulteration Act 1954. This act was in operation till it was felt that amendments were necessary. In 2006, a major amendment was done to form Food Safety & Standard Act came into being. It also brought in its jurisdiction various orders which were passed earlier such as:

- i) Milk & Milk Product Order 1992
- ii) Fruit Product Order 1955
- iii) The Meat Food Product Order 1973

The Prevention of Food Adulteration was 1954 was amended as the central legislation found certain flaws of governance thus by giving birth to Food Safety & Standards (FSSA) in 2006. Also, time to time various rules were added such as:

1. Food Safety & Standards (License & registration of food business) Regulation, 2011
2. Food Safety & Standards (Packaging & Labelling) Regulation, 2011
3. Food Safety & Standards (Laboratory & Sample analysis) Regulation, 2011
4. Food Safety & Standards (Food Product standards & additives) Regulation, 2011

FSSA, 2006 is a comprehensive legislation where various provisions were laid under the act. This can be broadly divided into:

- Establishment of various authorities & their responsibilities
- License & Registration
- General principles of food safety
- Analysis of food
- Offences & Penalties
- Adjudication authority
- Consumer protection

3. FOOD VENDORS & THE FSSA'S IMPLICATION ON THEM

India as stated earlier, is a diverse country with varied geographical & social make up. It is a seat of multilingual culture & multi social sects who co exists in harmony across the country. Thus-by, food habits change as per the social structure & different

geographical areas, the people come from. There is huge population from diverse cultures and from across the country who forms the population of the urban India.

To fulfil the fooding need food vendors of different shapes & sizes has evolved over the past decades. The different types of food vendors present in the country are:

- A) Big food vendors & restaurants
- B) Medium sized food vendors & restaurants
- C) Small sized food vendors can be of different categories
 - (i) Having permanent establishments
 - (ii) Having temporary establishments

The big & medium sized vendors are those who are essentially under the radar of the FSSA as to get themselves to established they must go through the exhaustive process of rules & regulations to operate in the business by acquiring license & registration. A lot of capital is involved in establishing & simultaneously they are the highest earner in the food industry. But this caters to only the 20% of the populations who can afford to enjoy the services provided by these. Eating out in these big & medium sized food vendors is generally comes out of luxury but not necessity, on the other hand the 80% of the remaining population feeds mainly out of necessity from the small vendors. The small food vendors account for many food vendors across all the food vendors present in the country. The reason behind high numbers of small food vendors is:

- Huge population with low income– the need to fill their stomach
- Cheap availability of food – low or nil establishment cost

But this leads to major food adulteration as these small food vendors

- To keep cost low uses the raw materials are of low quality (cheap sources)
- Hygiene is not maintained in terms of surroundings & preparation of food
- Outdated utensils & methods are used
- Poor knowledge of small vendors
- Daily earners amongst small food vendors
- High demand of food by masses
- Less or no capital of food vendors
- No or less knowledge about food safety & diseases that comes due to food adulteration
- Area of their operation
- Hygiene of the persons involved in the small outlets

4. CHALLENGES IN IMPLEMENTATION OF THE GUIDELINES OF FOOD ADULTERATION ACT/ FSSA FOR THE SMALL FOOD VENDORS / OUTLETS

1. Very less number of food inspectors to reach out to all the small vendors
2. Less numbers of testing infrastructure

3. Inter-departmental differences in the governance of FSSA
4. Imparting knowledge to these vendors is a challenge
5. Literacy percentage is very low or nil for persons involved in small food outlets
6. Inability of the small food outlets to adhere to the strict guidelines of FSSA
7. Majority of the small food vendors are daily earners
8. Inability of the small vendors to have permanent structures for their operations
9. Temporary nature of existence of the small vendors
10. Not registering themselves vide FSSA regulation
11. No structured rules & regulations for small food vendors under FSSA

5. CONCLUSION

The Indian government has tried & in the continuous process of amending the food safety laws & regulations to bring this small food vendors under one umbrella. The FSSA should have differential approach for the different classification of the food vendors. More rules & regulation should be localised & put the local jurisdiction of states or might be drill down to lower areas. Increase more numbers of personnel for checking & implementation of regulations. This in turn will increase availability of jobs in the masses. Also, we can plan in assigning permanent places or carts to small vendors as was seen to be done by the Gurgaon municipality in 2016-2017. To improve the standards of implementing FSSA 2006 it is very important that there must be lot of coordination between inter-governmental departments. Thus, by this is continuous process & well thought of efforts needed from all to bring in improved food safety across food vendors.

REFERENCES

- (1) Ades G, Henry CW, Feldstein F. The Food Safety Challenge of the Global Food Supply chain.
- (2) WEBINARS, Food safety magazine, 2012.
- (3) Punishment for Food Adulteration- FSSAI, India Filings, <https://www.indiafilings.com/learn/punishment-food-adulteration-fssai/>
- (4) Section 31, Food Safety and Standards Act, 2006
- (5) Section 18, Food Safety and Standards Act, 2006
- (6) Section 43, Food Safety and Standards Act, 2006
- (7) Negi PS. Plant extracts for the control of bacterial growth: Efficacy, stability, and safety issues for food application. International Journal of Food Microbiology. 2012; 156:7-17

- (8) Narayan D. Food Adulteration: Types, worldwide laws, and futures. Health care, 2014.
<http://www.biotecharticles.com/Healthcare-Article/Food-Adulteration-Types-Worldwide-LawsFuture-3165.html>
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