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FOOD SAFETY BULLETIN

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Hon'ble Supreme Court to FSSAI: Consider Warning Labels for Packaged Food with Excessive Sugar, Unhealthy Fats

The Hon'ble Supreme Court, in 3S And Our Health Society v. Union of India vide order dated 10 February 2026, directed the Food Safety and Standards Authority of India (FSSAI) to seriously consider the introduction of mandatory front-of-pack warning labels (FOPL) on packaged food products and to place its response on record within four weeks. The Hon'ble Court observed that such labelling advances the citizens' right to health protected under Article 21 of the Constitution. The order was passed in a Public Interest Litigation (PIL) filed by 3S and Our Health Society, a non-profit organisation, seeking directions to mandate FOPL for food products that contain high levels of sugar, salt and unhealthy fats.

In April 2025, the bench disposed of another petition which sought similar relief; however, the Hon'ble Court constituted an expert committee under the FSSAI to suggest amendments to the Food Safety and Standards (Labelling and Display) Regulations, 2020. Perusing the compliance affidavit, the bench was not satisfied with the progress made. The Centre also defended the Indian Nutrition Rating (INR) model, but the petitioner contended that the INR model is not universally accepted and does not disclose excessive sugar levels or unhealthy fats on the packaging.

FSSAI Introduces Draft Food Safety and Standards (Packaging) Amendment Regulations 2026

FSSAI, vide notification dated 26 February 2026, notified the draft Food Safety and Standards (Packaging) Amendment Regulations, 2026, proposing to amend the Food Safety and Standards (Packaging) Regulations, 2018. The draft introduced the statutory definition of Food Contact Material (FCM), which clarified that all materials which come into contact with food, including packaging, tableware and kitchenware, will have to adhere to the government-prescribed safety regulations.

Additionally, the draft introduced Modified Atmosphere Packaging (MAP), which delineates standard conditions for the atmosphere inside the package, which can be altered to create optimal conditions to increase the shelf life of the food while maintaining its quality.



March 2026

Implementation of 'Food Recall' Functionality under Food Safety Compliance System (FoSCoS)

FSSAI, vide order dated 18 March 2026, has implemented the 'Food Recall' functionality in the Food Safety Compliance System (FoSCoS) to streamline food recall and its monitoring, effective from the date of issuance of the order. The Food Safety and Standards (Food Recall Procedure) Regulations, 2017, empower FSSAI to establish a web-based facility titled 'Food Recall portal' on its website with a unique identification number assigned to each recall for monitoring and to provide information to the consumers. Under the implemented functionality, the user manual is appended as Annexure-1 to the Order, which covers the following aspects:

For Designated Officers (DOs)/Central Licensing Authorities (CLAs), all new food recalls initiated by the enforcement authorities shall be created in the FoSCoS system by using their respective login. The enforcement authorities shall also view the existing food recall created in the FoSCoS and record subsequent actions, as appropriate. Furthermore, all Food Business Operators (FBOs) shall create the food recall initiated by them and record subsequent actions by using their FoSCoS login. All food recalls created by the enforcement authorities shall also be visible to the concerned FBOs under the section 'view food recall' for taking necessary actions, as appropriate. The information on food recall shall be accessed by the stakeholders/consumers on the FoSCoS homepage under the name 'Food Recall'.

Compliance Obligations of E-commerce FBOs in the Context of the Open Network for Digital Commerce Model

FSSAI, vide order dated 18 March 2026, laid down compliance obligations for FBOs operating under the Open Network for Digital Commerce (ONDC) model. The Authority, in order to ensure accountability and food safety, explicitly assigned the obligations to the seller apps and the buyer apps which are involved in the ONDC model. The FoSCoS Portal has been modified to record the buyer and seller app details. The updated compliance requirements took effect from 01 April 2026.

Furthermore, the notification places different obligations on the buyer and the seller apps. The former is accountable for providing quality and reliable information, and the latter is responsible for displaying such information. The seller apps must have an FSSAI licence/registration, and they must also ensure that misleading claims and food which is not compliant with the statutory standards are removed.

FSSAI Notifies the Food Safety and Standards (Licensing and Registration of Food Businesses) Amendment Regulations 2026

FSSAI, vide gazette notification dated 10 March 2026, notified the Food Safety and Standards (Licensing and Registration of Food Businesses) Amendment Regulations, 2026. Thereafter, vide an order dated 27 March 2026, FSSAI operationalised the amendments and issued clarificatory FAQs. The amendments provide for the perpetual validity of FSSAI licences and registrations, which puts an end to periodic renewals unless the licence is suspended, cancelled or surrendered. The amendment eliminates the need



for dual registration, as street vendors who are registered under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 are deemed to be registered under the Food Safety and Standards Act, 2006 (FSS Act).

This amendment also introduces a risk-based inspection structure, under which the frequency of inspections is determined by reference to an FBO's third-party audits, self-compliance testing and surveillance data. It places further emphasis on the manufacturers who deal with high-risk food categories like dairy, meat, fisheries and infant food and provides for strict hygiene and safety compliance requirements. Additionally, the amendment clarifies that changes between license categories will take place through the FoSCoS portal without any additional fee or change in license number.

Implementation of Revised Turnover Threshold for Food Businesses under Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations 2011

In furtherance of the Food Safety and Standards (Licensing and Registration of Food Businesses) Amendment Regulations, 2026, FSSAI, vide order dated 13 March 2026, has implemented the updated turnover thresholds to classify FBOs under the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011. Based on the recommendation of NITI Aayog's High-Level Committee on Non-Financial Regulatory Reforms, the revised framework lays down that food businesses with an annual turnover of up to INR 1.5 Crores shall require Registration, those with a turnover of above INR 1.5 Crores and up to INR 50 Crores shall require a State Licence, and businesses with a turnover of above INR 50 Crores shall require a Central Licence.

The order also makes it clear that the revised thresholds will take effect from 01 April 2026. This amendment forms part of broader licensing reforms that aim to simplify the regulatory compliance for food operations.

FSSAI Introduced the Food Safety and Standards (Labelling and Display) First Amendment Regulations 2026

FSSAI, vide notification dated 24 March 2026 notified the Food Safety and Standards (Labelling and Display) First Amendment Regulations, 2026. It will come into force on 01 July 2027. The amendment significantly revises Regulation 10 of the Food Safety and Standards (Labelling and Display) Regulations, 2020, which deals with the labelling requirements for non-retail containers, by explicitly stating the essential particulars to be declared on the container.

Moreover, the amendment also states that a non-retail container containing multiple food products must carry the information of each product inside the container as per the heads specified in the amendment regulations. The amendment has also revised the warning statement for artificial sweeteners and introduced relaxations for small packages, among other changes.



FSSAI Introduced Advisory Regarding Mandatory Registration/Licence by Milk Producers (other than Members of Dairy Cooperative Societies) / Milk Vendors

FSSAI, vide advisory dated 11 March 2026 mandated all milk producers to obtain the pertinent FSSAI registration/licence before initiating or continuing their food business. However, the advisory lays down an exception for members of dairy cooperative societies who supply milk exclusively to their cooperative societies. The advisory was issued by the authorities in response to the reports of suspected milk adulteration in various states. The Authority, through this advisory, attempts to improve and regulate the quality of the milk supply chain.

The Authority has instructed the Central and State enforcement agencies to verify the current FSSAI registration certificate or licence, as appropriate. The agencies must also ensure that businesses adhere to storage temperatures, milk chillers, and other maintenance standards. The Authority, to expedite the process, has also advised that special registration drives be held. The advisory is issued in pursuance of the FSSAI directive dated 16 December 2025, which requires regular enforcement drives for milk and milk products and the filing of action taken reports twice every month.

Hon'ble Bombay High Court: Customs Authorities Cannot Arbitrarily Hold Imported Goods or Demand Re-Testing After FSSAI Has Issued a No Objection Certificate (NOC)

The Petitioner filed a petition, NBG International Private Limited v Union of India and Ors**,** Civil Writ Petition No 3161 of 2026, inter alia challenging the seizure of roasted areca nuts by the Customs authorities on the grounds that it was without any authority of law and was in breach of the provisions of the FSS Act.

The Petitioner had imported roasted areca nuts under two bills of entry, which the food safety authorities found to be compliant with the FSS Act and issued no-objection certificates. Based on these no-objection certificates, the customs authorities issued an out of charge order for one consignment, but not the other. Thereafter both consignments were put on hold and came to be seized. While a provisional release was granted, this was subject to an undertaking that the products would not be used for human consumption. These orders were challenged before the Hon'ble High Court.

The Hon'ble Bombay High Court, by an order dated 12 March 2026, held that once the FSSAI has cleared the imported goods as fit for human consumption, then to question the wisdom of FSSAI, would not be an appropriate approach on behalf of the Customs authorities, as the FSSAI, being a statutory body, is recognised to certify the imports.

FSSAI Introduced the Food Safety and Standards (Labelling and Display) First Amendment Regulations 2026

FSSAI, vide notification dated 24 March 2026 notified the Food Safety and Standards (Labelling and Display) First Amendment Regulations, 2026. It will come into force on 01 July 2027. The amendment significantly revises Regulation 10 of the Food Safety and Standards (Labelling and Display) Regulations,



2020, which deals with the labelling requirements for non-retail containers, by explicitly stating the essential particulars to be declared on the container. Moreover, the amendment also states that a non-retail container containing multiple food products must carry the information of each product inside the container as per the heads specified in the amendment regulations. The amendment has also revised the warning statement for artificial sweeteners and introduced relaxations for small packages, among other changes.

April 2026

Notification of the Jan Vishwas (Amendment of Provisions) Act 2026

The Jan Vishwas (Amendment of Provisions) Act, 2026 (8 of 2026) received the assent of the President on 07 April 2026. The Act amends 784 provisions across 79 Central Acts, of which 717 provisions have been decriminalised. The FSS Act is among the enactments amended. The Ministry of Health and Family Welfare operationalised the health sector reforms, including the amendments to the FSS Act, in late June 2026.

So far as the FSS Act is concerned, the amendments are directed at procedural and technical contraventions rather than at food safety offences. First, the fine for a false complaint against a Food Safety Officer, presently recoverable under the proviso to Section 39 through the criminal courts, is converted into an administrative penalty. Second, the punishment under Section 60 for detaining, removing or tampering with seized articles is rationalised, and the maximum term of imprisonment is reduced from six months to three months. Third, Section 62, which punished resisting, obstructing, impersonating, threatening, intimidating or assaulting a Food Safety Officer, is omitted, as that conduct is already covered by the Bharatiya Nyaya Sanhita, 2023. The penal provisions governing unsafe food and other offences bearing on public health remain unaltered.

For FBOs, the practical effect is a narrower exposure to criminal prosecution for procedural lapses, with such matters now being dealt with through the adjudicatory route. The Act also provides for the periodic revision of the fines and penalties that it rationalises. FBOs may wish to revisit their internal escalation protocols for inspections and seizures, since the consequences of a given lapse, and the forum before which it will be determined, have changed.

FSSAI Intensifies Monitoring of Prohibited Artificial Fruit Ripening Agents

FSSAI, vide advisory dated 16 April 2026 reiterated the prohibition on the use of artificial ripening agents such as calcium carbide under the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011. The Authority directed the State Food Safety Authorities and enforcement officials to ensure compliance with the regulations. Furthermore, the advisory also warns against the practice of dipping fruits in ethephon solution for artificial ripening.



FSSAI Bans the Use of Ashwagandha Leaves in Food Products

FSSAI vide advisory dated 16 April 2026 has directed that ashwagandha leaves must not be used in food products in crude, extract or any other form under the Food Safety and Standards (Health Supplements, Nutraceuticals, Food for Special Dietary Use, Food for Special Medical Purpose, Functional Food and Novel Food) Regulations, 2016. The advisory draws a distinction between the permitted use of the roots of the plant and its leaves. The advisory reiterates that only the roots of ashwagandha and their extracts are permitted for use, subject to the prescribed limits.

Direction under Section 16 (5) of the Food Safety and Standards Act 2006 Regarding Enforcement of the New Standards for Meat Sausages Notified under the Food Safety and Standards (Food Products Standards and Food Additives) First Amendment Regulations 2025

FSSAI, vide direction dated 28 April 2026 issued under Section 16(5) of the FSS Act, extended the timeframe for compliance with the new standards for meat sausages notified under the Food Safety and Standards (Food Products Standards and Food Additives) First Amendment Regulations, 2025.

The extension is a response to the representations from the meat industry expressing challenges in adhering to the updated criteria. The extension is for six months commencing from 01 May 2026.

FSSAI Introduces Draft Food Safety and Standards (Packaging) Amendment Regulations 2026 (Pan Masala Packaging)

FSSAI vide notification dated 28 April 2026, notified the draft Food Safety and Standards (Packaging) Amendment Regulations, 2026, which seek to amend the Food Safety and Standards (Packaging) Regulations, 2018, specifically for pan masala. The regulations have prohibited the use of plastic in the packaging of pan masala and recommend the use of environmentally friendly products like paper, cellulose, tin or glass, among others. The draft reinforces the restrictions enumerated in the Plastic Waste Management Rules, 2016, and reiterates the prohibition on the use of plastic for pan masala. The amendment has introduced pan masala in Schedule IV, which prescribes the list of materials which can be used in the packaging of the product.

Hon'ble Delhi High Court: FSSAI Not Empowered to Regulate Animal or Cattle Feed

Regulation 2.5.2 of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011 was amended by the Food Safety and Standards (Food Products Standards and Food Additives) Fifth Amendment Regulations, 2021 which was notified on 15 November 2021.

The Amendment Regulations inter alia substituted Note (c) thereto, mandating that milk and meat producing animals excluding poultry, pig and fish were not to be fed with feed containing meat or bone meal including internal organs, blood meal and tissue of bovine or porcine origin materials except milk and milk products. This amendment further mandated that commercial feeds shall comply with the



relevant BIS standards, as may be specified by FSSAI from time to time, and carry the BIS certification mark on the label of the product.

Prior to the amendment, this restriction applied to specific products under Regulation 2.5.2 of the 2011 Regulations, whereas by the amendment this was made applicable to all products under this Regulation.

A petition, Godrej Agrovet Limited v Food Safety and Standards Authority of India and Anr, WP (C) 1079 of 2025, was filed before the Hon'ble Delhi High Court challenging inter alia the said Note (c).

The Hon'ble Delhi High Court held that the power of FSSAI to make rules and regulations was limited to regulating food for human consumption. The subject of cattle or animal feed lay outside the purview of the FSS Act.

Hence, the Hon'ble Delhi High Court, by judgment dated 07 April 2026, allowed the petition and quashed Note (c) appended to Regulation 2.5.2 of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011. The Hon'ble Court also quashed the FSSAI directions dated 10 December 2019, 27 January 2020 and 01 January 2021 mandating BIS certification for commercial feeds.

May 2026

FSSAI Notifies the Food Safety and Standards (Food Products Standards and Food Additives) Amendment Regulations 2026 (Minor Seed Oils and Edible Seeds)

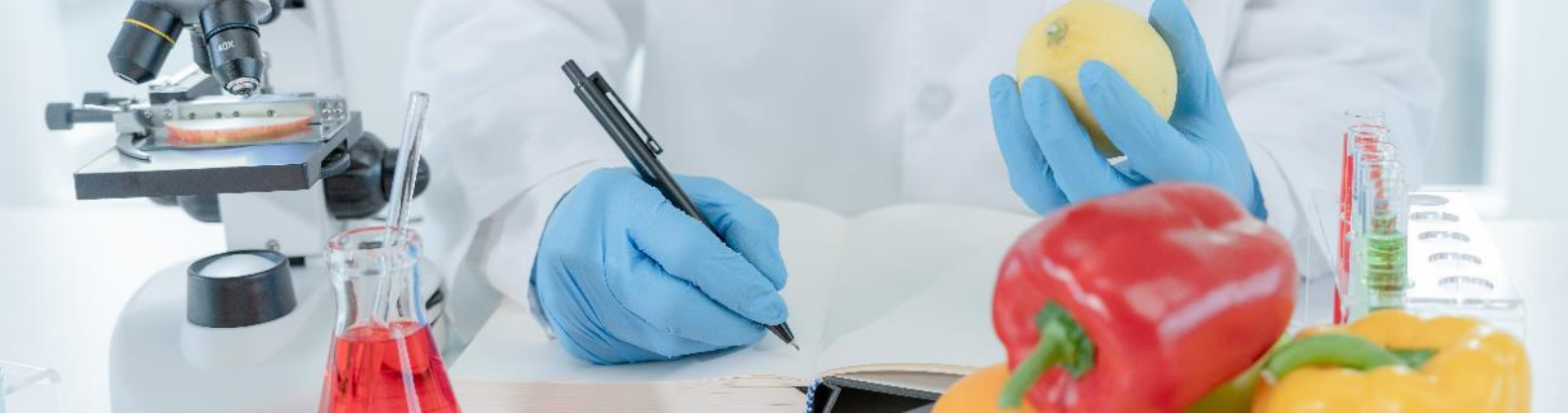
FSSAI Vide draft notification dated 21st May 2026 introduced (Food Products Standards and Food Additives) Amendment Regulations, 2026 (Minor Seed Oils and Edible Seeds) (Draft Regulation). The Draft Regulation specifies quality parameters, hygiene standards and labelling obligations to regulate standards for edible minor seed oils which are intended for human consumption.

Furthermore, the draft also delineates the requirements for moisture content, free fatty acid limit, among others. The Draft Regulation permits the use of a maximum level of 100 mg/kg Potassium Polyaspartate in grape wines.

FSSAI Notifies the Food Safety and Standards (Prohibition and Restrictions on Sales) Amendment Regulations 2026, Removing the Restriction on the Sale of Salseed Fat

FSSAI notified the Food Safety and Standards (Prohibition and Restrictions on Sales) Amendment Regulations, 2026, on 23 May 2026, which amended the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011.

The Amendment Regulations omitted clause (8) of sub-regulation 2.3.14, thereby removing the restriction on the sale of salseed fat under the sales regulations. The draft amendment had earlier been issued vide notification dated 18 October 2024.



Food Safety and Standards (Vegan Foods) Amendment Regulations 2026

FSSAI, vide gazette notification dated 21 May 2026, introduced the Food Safety and Standards (Vegan Foods) Amendment Regulations, 2026, which modified the Food Safety and Standards (Vegan Foods) Regulations, 2022 by mandating the use of the official logo on all vegan food products approved by the regulatory authorities. The amendment replaces Regulation 4(2) of the 2022 Regulations to ensure consistency in vegan food packaging, and it delineates the specific design and colour specifications, among other changes. The amendment will take effect from 01 July 2027.

Food Safety and Standards (Contaminants, Toxins and Residues) Amendment Regulations 2026

FSSAI vide notification dated 14 May 2026 notified the Food Safety and Standards (Contaminants, Toxins and Residues) Amendment Regulations, 2026, amending the Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011. These regulations have updated the standards pertaining to metal contaminants, naturally occurring toxins and veterinary drug residues found in food.

The regulation extended the application of lead and cadmium restrictions from pulses to pulse flours, which broadens their scope. Furthermore, a testing procedure for fish oils has been added to the regulation which deals with arsenic in edible fats and oils. The amendment regulation makes it explicit that inorganic arsenic is subject to a maximum level of 0.1 mg/kg. The amendment also revised the provision governing the total Aflatoxins and Aflatoxin B1 by distinguishing between oils and oilseeds and updated the standards pertaining to veterinary drug residue in seafood. It expanded the maximum residue limit for trimethoprim to include shrimps, prawns, and fish, among others, with a prescribed limit of 0.05 mg/kg.

Hon'ble Supreme Court Issues Notice to the Union and FSSAI on a Plea Seeking Turnover-Based Penalties for the Sale of Unsafe and Adulterated Food

The Hon'ble Supreme Court, vide order dated 27 May 2026 in **Dr Aniruddha Narayan Malpani v Union of India and Ors** (Diary No 29847 of 2026), issued notice to the Union of India and FSSAI on a PIL seeking directions to strengthen the penal and enforcement framework under the FSS Act. The petition contends that the penalties prescribed under Chapter IX of the FSS Act are fixed and inadequate, and that they bear no proportionate nexus to the scale of operations or the financial capacity of FBOs.

On this basis, it is contended that non-compliance has been reduced to a mere cost of doing business for large corporations. The petition also alleges systemic gaps in enforcement, including a shortage of Food Safety Officers and inadequate food testing infrastructure, and contends that the existing framework violates the right to health under Article 21 of the Constitution. The petition accordingly seeks the introduction of proportionate, turnover-linked penalties, along with improved regulatory monitoring, enhanced laboratory infrastructure and greater public disclosure of violations.



FSSAI Cracked Down on an E-Commerce Platform for Selling Poor-Quality Eggs

FSSAI took suo motu cognisance and sought an explanation from Blinkit regarding consumer complaints about the sale of poor-quality eggs. This action was taken in pursuance of the advisory dated 03 December 2024, which required e-commerce FBOs to strengthen food safety compliance. The authorities directed that FBOs should have a mechanism in place to ensure compliance with the Food Safety and Standards (Labelling and Display) Regulations, 2020. The Authority issued a letter to Blinkit flagging consumers' concerns. It also under-scored the responsibility of the food business operator under Sections 26 and 27 of the FSS Act.

June 2026

Immediate Discontinuation of Use of Metallic Pins/Wires in Food Products and Packaging Materials

FSSAI, vide advisory dated 12 June 2026, directed all FBOs to discontinue the use of metallic pins, wires or any other such material for sealing, fastening, securing, or packaging any food item, food parcel, takeaway meal, bakery product, cake box, sweet box, snack packet, or any other food item or package. The advisory also prescribed that violations of the said direction would attract penal action as per the provisions of the FSS Act and the regulations made thereunder.

FSSAI Notifies the Food Safety and Standards (Licensing and Registration of Food Businesses) Second Amendment Regulations 2026

FSSAI, vide the Food Safety and Standards (Licensing and Registration of Food Businesses) Second Amendment Regulations, 2026 notified on 23 June 2026, introduced the following amendments to the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, which were published in the Gazette of India, Extraordinary, Part III, Section 4, vide number F. No. 2-15015/30/2010 dated 01 August 2011 and last amended vide notification number F. No. RCD-01002/1/2021-Regulatory-FSSAI-Part(1) dated 10 March 2026.

- The amendment substitutes Condition No 8 of Schedule 2 of Annexure 3, which pre-scribes the Conditions of Licence, completely removing the requirement to maintain separate daily records of sales. Furthermore, it introduces a proviso exempting non-manufacturing food businesses from maintaining separate daily production and raw material utilisation records

- The amendment modifies Paragraph 5.2.5 of Schedule 4 (Part-II) under the 'Food Operations and Controls' framework and exempts retailers from the obligation to follow the FIFO (First In, First Out) and FEFO (First Expire, First Out) stock rotation systems



The amendment has been issued after taking into consideration the public objections and suggestions to the draft Food Safety and Standards (Licensing and Registration of Food Businesses) Amendment Regulations, 2026, published vide notification number F. No. REG-11013/1/2026-Regulation-FSSAI, and after taking the approval of the Central Government as per Section 92 of the FSS Act read with Section 31 of the said Act.

FSSAI Withdraws Method for Determination of Fruit Content in Fruit Juices

FSSAI, vide an order dated 12 June 2026, has withdrawn Method No 2.11 for the determination of fruit content in fruit juices prescribed under the Manual of Methods of Analysis of Foods - Fruit and Vegetable Products.

The Authority has directed all FSSAI notified food testing laboratories to adopt any validated method of analysis prescribed by AOAC, International Organization for Standardization (ISO), Pearson's, Jacob, International Union of Pure and Applied Chemistry, Food Chemicals CODEX, Bureau of Indian Standards, Woodmen, Winton-Winton, Joslyn or any other internationally recognised regulatory agencies; with immediate effect, until a revised method is officially approved.

FSSAI (West Region) Directs Immediate Discontinuation of the Use of Newspapers for Packing and Serving Food

FSSAI, West Region, vide a public directive dated 05 June 2026, has urged all food vendors to immediately discontinue the use of newspapers for packing and serving food, or as a food contact material in any other manner, in line with the provisions of Food Safety and Standards (Packaging) Regulations, 2018, which strictly prohibit the use of newspapers or any such material for storing and wrapping of food.

As per an advisory issued in this regard, small and medium food businesses, including street food vendors, restaurants, cloud kitchens, caterers, Quick Service Restaurants (QSRs), food vending establishments, petty retailers, mobile food vendors, hawkers, etc., were prohibited from using newspapers at any point during the processing and sale of any food item, including to absorb excess oil, cover food ingredients or food items, wrapping food items etc.



July 2026

FSSAI Directs Discontinuation of the 'Energy Drink' Descriptor on High-Caffeine Beverages

FSSAI, vide notices dated 01 July 2026, objected to the use of the descriptor 'energy drink' on six high-caffeine beverage products, including Red Bull Energy Drink, PepsiCo's Sting and Adrenaline Rush, Reliance Consumer Products' Campa Energy Drink Gold Boost, Hell Energy and Monster Energy. The Authority's position is that there is no notified standard under the FSS framework for products marketed as 'energy drinks' which are licensed as caffeinated beverages, and bear claims such as 'vitalises body and mind' or 'helps in general weakness' that are fairly capable of misleading consumers.

Following representations by the Indian Beverage Association, FSSAI declined to withdraw the notices and has granted the companies 90 days to remove the descriptor and the associated claims from their packaging. The products may continue to be sold subject to labelling that complies with the framework applicable to caffeinated beverages. The date from which the 90-day period is to be reckoned and the treatment of existing packaging stock are yet to be clarified.

FDA Maharashtra Enforces the Food Safety and Standards (Safe Food and Balanced Diets for Children in School) Regulations 2020

The Commissioner, Food and Drugs Administration, Maharashtra (FDA Maharashtra), issued an order dated 28 July 2026 directing the statewide implementation and enforcement of the Food Safety and Standards (Safe Food and Balanced Diets for Children in School) Regulations, 2020.

The said Regulations were notified on 04 September 2020, with FBOs required to comply by 01 July 2021. However, Regulations 3(5) and 5(1) were to come into force only from such date as FSSAI may appoint by notification in the Official Gazette. These provisions do not appear to have been brought into force by FSSAI. They concern (i) the school authority's obligation to ensure that no person sells or offers for sale food products high in saturated fat or trans-fat or added sugar or sodium (HFSS) within the school premises or campus, and (ii) the prohibition on any person advertising, marketing, selling or offering for sale HFSS food products within the school premises or to school children within 50 metres of the school gate in any direction.

Nonetheless, despite the deferred commencement of these provisions, the Commissioner has, inter alia, directed all schools in Maharashtra to forthwith comply with the Regulations, including by ensuring that:

- All food conforms to the "Dietary Guidelines for Indians – A Manual"
- Sanitary and hygienic conditions are maintained
- HFSS food products are not served, displayed or made available to students within the school premises



- Active steps are taken to ensure that no person sells or advertises HFSS food products within 50 metres from the school gate in any direction

For the purpose of the Regulations and the order, "schools" include government, aided and private schools; pre-primary, primary, elementary and secondary schools; residential schools and hostels; and all schools affiliated to the State Board, CBSE, ICSE or any other board of affiliation, except crèches and day-care facilities for infants and children up to the age of twenty-four months (incorrectly stated as twenty-two months in the order).

Non-compliant schools may face action not only by the food safety administration but also by the relevant board of education, which can withdraw the affiliation of such schools in appropriate cases.

Several Matters Concerning the Immediate Suspension of Food Business Licenses Reach the Hon'ble Bombay High Court

July 2026 saw a spate of action by FDA Maharashtra against several FBOs across the State, including the immediate suspension of licenses of hotels, clubs and restaurants in and around Mumbai under the proviso to Section 32(3) of the FSS Act. Under this provision, the relevant Designated Officer may suspend an FBO's license forthwith in the interest of public health for reasons to be recorded in writing. This is an exception to the usual procedure under the FSS Act, which ordinarily requires an improvement notice to be issued before an FBO is given an opportunity to rectify any shortcomings.

Several FBOs filed petitions before the Hon'ble Bombay High Court challenging the immediate suspension of their licenses, without the prior issuance of improvement notices.

In one such case concerning a well-known hotel in Navi Mumbai, two inspections were carried out following the suspension, the second at the hotel's request. During the second inspection, the hotel secured 81 out of 86 marks, amounting to 95% compliance. It was awarded an 'A' grade, and the assessment was recorded as satisfactory. Having regard to the specific facts of the case, the Hon'ble Court revoked the suspension order, while leaving open the question of the scope of the power to order immediate suspension.

In another case concerning an iconic South Mumbai restaurant, the Hon'ble Court directed that the immediate suspension order be treated as an improvement notice.

While the scope of the power remains to be finally determined, these matters indicate that immediate suspension should ordinarily be reserved for exceptional circumstances and that, in most cases, an improvement notice should precede such action.



Aurangabad Bench of the Hon'ble Bombay High Court Takes Note of FDA Maharashtra's Direction to Invoke MCOCA in Cases Involving the Sale of Banned Foods

The Commissioner, FDA Maharashtra, issued an order dated 12 June 2026 directing all Food Safety Officers to ensure that proceedings under the Maharashtra Control of Organised Crime Act, 1999 (MCOCA) are initiated against offenders in "every enforcement action". The order also mandated coordination with police authorities for joint investigations under MCOCA.

The Petitioner challenged an FIR registered against him under the FSS Act and the Bharatiya Nyaya Sanhita, 2023. The FIR expressly referred to the Commissioner's order while seeking prosecution under MCOCA, creating an immediate apprehension of arrest under the anti-organised crime law.

The Petitioner contended that the Commissioner had exceeded his administrative jurisdiction, as Section 30 of the FSS Act empowers the Commissioner to oversee food safety enforcement, but not the implementation of organised crime legislation. It was further argued that Section 23 of MCOCA requires prior approval from an officer not below the rank of Deputy Inspector General of Police before information is recorded under the act, and mandates that investigations be conducted by a police offer not below the rank of Deputy Superintendent of Police. Accordingly, a blanket administrative mandate from a food authority bypasses these strict statutory safeguards.

By order dated 03 July 2026, the Hon'ble Bombay High Court, Aurangabad Bench, clarified that Clause 1 of the Commissioner's order is subject to compliance with Section 23 of MCOCA, and that no case under MCOCA may be registered mechanically without the statutory approval of senior police officers. As regards joint investigations under Clause 7, the Hon'ble Court clarified that MCOCA investigations can be carried out only by a police officer of the rank of Deputy Superintendent of Police or above, and that Food Safety Officers may coordinate with, or participate in, such investigations only upon an express request from the authorised police officer.

It may be noted that the said order was passed at the admission stage, and the petition remains sub judice.

FSSAI Issues Direction on the Labelling Requirements for Coffee-Chicory Mixtures

FSSAI, vide direction dated 21 July 2026, revised the front-of-pack labelling requirements for coffee-chicory mixtures prescribed under the Food Safety and Standards (Labelling and Display) First Amendment Regulations, 2025, notified on 08 August 2025. The direction was issued following representations highlighting the practical difficulty of displaying the prescribed box declaration on smaller packs, particularly those with a principal display panel of less than 100 cm^2.

Accordingly, the requirement to display the box declaration has been kept in abeyance. FBOs may instead declare the percentages of coffee and chicory on the front of the package. The minimum font size prescribed for the declaration is 1 mm, increasing to 2 mm where the principal display panel exceeds 100 cm^2. The revised requirements apply to both coffee-chicory mixtures and instant coffee-chicory mixtures, and must be complied with by 01 July 2027.



Hon'ble Calcutta High Court: No Vicarious Liability of Company Directors under the FSS Act Without Specific Allegations

The Hon'ble Calcutta High Court, by judgment dated 08 July 2026 in **Sailesh Venkatesan v State of West Bengal and Anr**, CRR 558 of 2022, quashed criminal proceedings against the Managing Director of Mead Johnson Nutrition India in a case concerning its infant nutrition product, Enfamil A+ Stage 3. An FIR had been registered in November 2015 under Sections 269, 270, 272, 273 and 114 of the Indian Penal Code, 1860, read with Sections 51 and 59(ii) of the FSS Act, based on a consumer complaint alleging contamination of the product. Nearly six years later, the charge sheet dropped the company from the array of accused and instead named the Managing Director as an accused without attributing any specific role to him.

The Hon'ble Court held that where a company is alleged to be the offender, its directors cannot be help vicariously liable in the absence of a statutory provision expressly providing for such liability. An individual may be prosecuted alongside the company only where there is sufficient evidence of an active role coupled with criminal intent. Since no specific allegation had been made against the petitioner and the company itself had not been arrayed as an accused, the proceedings were held to be not maintainable.

The Hon'ble Court further reaffirmed that the FSS Act has an overriding effect over other food-related laws. Accordingly, where the allegations concern sub-standard or unsafe food, proceedings ought to be initiated under the FSS Act rather than the Indian Penal Code, with no scope for simultaneous prosecution under both statutes. The proceedings were accordingly quashed qua the petitioner.

For any queries, please contact: foodsafetybulletin@khaitanco.com

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Contributors

Jeevan Ballav Panda
Partner

Anindya Basarkod
Principal Associate

Dhriti Mehta
Senior Associate

Rahul Kaushik
Senior Associate

Sankalp Udgata
Senior Associate

Saurabh Samraat
Associate

Tapamoy Ghose
Associate

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