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Dairy Analogue Regulations: FSSAI Invites Public Comments

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In recent times, there have been numerous media reports alleging that products like 'Analogue in Dairy Context' are being marketed as dairy products, thereby misleading consumers. To address this issue, the Food Safety and Standards Authority of India (FSSAI) has established regulations for the distinct labelling of 'Dairy Analogues' to ensure their clear differentiation from dairy products. On April 7, 2025, FSSAI held a hybrid meeting with stakeholders to discuss compliance with the provisions of 'Analogue in Dairy Context' under the Food Safety and Standards Regulations. Following the deliberations, it was proposed to publish a consultation paper on the FSSAI website to seek broader stakeholder feedback.

The consultation paper provides a detailed overview of the regulatory framework surrounding 'Analogue in Dairy Context'. It begins by defining 'Analogue in Dairy Context' as a product in which non-milk-derived constituents replace milk components either partially or wholly, and the final product resembles milk or milk products in sensory and/or functional characteristics. This definition is outlined in sub-regulation 2.1.1 (1), clause (aa) of the Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011.

Furthermore, the paper outlines the labelling requirements for pre-packaged foods containing 'Analogue in Dairy Context'. According to sub-regulation 2.1.1 (5), clause (b) of the regulations, for each non-milk-derived constituent replacing a milk component in the product, the label must state "Contains" with the blank filled with the name of the constituent and its source. For each milk component fully replaced by a non-milk-derived constituent, the label must state "Contains no milk" with the blank filled with the name of the replaced milk component. Additionally, the use of dairy terms for other foods is restricted. Sub-regulation 2.1.1 (3), clause (f), sub-clauses (i) and (ii) of the regulations specifies that 'Analogue in Dairy Context' products are not considered milk, milk products, or composite milk products as defined by the regulations. Labels, commercial documents, publicity materials, or point-of-sale presentations for non-milk products must not claim, imply, or suggest that the product is milk, a milk product, or a composite milk product.

The paper also emphasizes that manufacturers of pre-packaged foods must not create an erroneous impression regarding their products. Chapter 2, sub-regulation 4 (3) of the Food Safety and Standards (Labelling & Display) Regulations, 2020, mandates that pre-packaged foods must not be described or presented on labels or in labelling materials in a manner that is false, misleading, deceptive, or likely to create an erroneous impression about their characteristics.

For the Hotel, Restaurant, and Catering (HoReCa) industry, the consultation paper highlights the compliance requirements. According to condition number 2 of Annexure-3 in Schedule 2 of the Food Safety and Standards (Licensing & Registration of Food Businesses) Regulations, 2011, food business operators selling cooked or prepared food must display a notice board indicating the nature of the items being sold. This ensures that consumers are aware of the ingredients and nature of the food they are consuming.

The FSSAI is inviting public comments on several areas related to the regulations for 'Analogue in Dairy Context'. These include suggestions for the nomenclature of 'Analogue in Dairy Context' on labels, such as whether terms like 'Non-dairy' or 'Analogue' can be used as prefixes to dairy terminology. There is also a focus on label declarations for pre-packaged foods when 'Analogue in Dairy Context' is used as an ingredient. The ingredient list must clearly indicate the nature of the 'Dairy Analogue' followed immediately by a list of its ingredients in descending order of proportion.

Moreover, the declaration of the nature of food items served in the HoReCa industry is another area of interest. Restaurants, caterers, and other food service establishments must clearly indicate the exact nature of food items on menu cards, boards, booklets, or other relevant materials when 'Dairy Analogue' is used as an ingredient instead of dairy products. This ensures that consumers are provided with informed choices.

The consultation paper also proposes a prohibition on the sale of 'Analogue in Dairy Context' in loose form. It suggests that these products should only be sold in packages of no less than 500 grams with proper labelling declarations. Additionally, restrictions on FSSAI registration for food businesses manufacturing dairy analogue are being considered. It is proposed that the 'Analogue in Dairy Context' category should only be considered for State and Central licenses to ensure greater compliance responsibility among Food Business Operators.

The FSSAI's consultation paper on compliance with the provisions of 'Analogue in Dairy Context' aims to enhance transparency and accuracy in the labelling and marketing of dairy analogue products. By inviting public comments, the FSSAI seeks to gather diverse perspectives to refine and strengthen the regulatory framework. This initiative is crucial for protecting consumers from misleading information and ensuring that they can make informed choices about the food they consume. The feedback received will be central to shaping effective regulations that maintain the integrity of the dairy industry while accommodating innovative

food products.

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