



CIVIL

Empowering Consumers: India's Supreme Court Greenlights Front-of-Package Food Labels

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In an era of rapid food industry development, the demand for clear and understandable nutritional information on food packaging is growing. Recently, the Supreme Court of India made a ruling in a public interest litigation (PIL) case, urging the government to expedite the implementation of front-of-package warning labels (FOPWL). This decision reflects the judiciary's concern for public health and injects new vitality into consumer rights protection.

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Case Background

In 2024, the non-governmental organization “3S AND OUR HEALTH SOCIETY” filed a PIL (Writ Petition (Civil) No. 437/2024) before the Supreme Court of India, demanding that the Indian government implement front-of-package warning labels (FOPWL) on packaged foods by way of regulations. These labels aim to indicate the levels of sugar, salt, and saturated fats in food products, helping consumers make healthier dietary choices. The petitioner argued that the absence of such labels could mislead consumers about the health value of food, thereby exacerbating public health issues such as obesity, diabetes, and cardiovascular diseases.

Contentions of the Parties

The petitioner contended that the Indian government had failed to fulfil its duty to protect public health by not implementing mandatory front-of-package warning labels. In contrast, the respondent (the Government of India and the Food Safety and Standards Authority of India, FSSAI) argued that FSSAI had already taken proactive steps. In September 2022, FSSAI issued a draft notification for the “Indian Nutrition Rating” (INR), a star-rating system that intuitively displays the health level of food products. The government also stated that it had received over 14,000 feedback comments from food businesses, consumer organizations, and public health institutions and had established an expert committee to review these comments.

Government's Response

In the reply affidavit submitted to the court, FSSAI elaborated on its efforts to standardize food labelling. According to Section 16 of the Food Safety and Standards Act, 2006, FSSAI has the authority to set food labelling standards and has included front-of-package nutrition labelling within its regulatory scope. The “Indian Nutrition Rating” system, released in 2022, comprehensively evaluates the health impact of food by considering both negative nutritional components (such as sugar, salt, and saturated fats) and positive nutritional components (such as protein and fibre). FSSAI also stated that the expert committee had comprehensively analysed public feedback and would soon submit a final report for approval.

Supreme Court's order

After hearing both sides, the Supreme Court ordered that the expert committee should complete its review and submit a final report as soon as possible. The court also set a three-month deadline, requiring the government to revise the Food Safety and Standards (Labelling and Display) Amendment Regulations, 2022, based on the recommendations of the expert committee. The case outcome emphasizes that the implementation of front-of-package warning labels is an important step in protecting consumer health and requires the government to report on the implementation status to the court after three months.

Conclusion

The Supreme Court's order represents a landmark advancement in the quest for standardized food labelling. By championing the roll-out of the “Indian Nutrition Rating” system, the judiciary has not only enhanced transparency in food information but also raised the bar for health standards across the food industry. This initiative is poised to mitigate the risks associated with diet-related chronic illnesses and incentivize food manufacturers to prioritize healthier formulations. As regulations come into effect,

Indian consumers stand to benefit from greater ease in identifying nutritious options, empowering them to make more informed and health-conscious decisions in their everyday food choices. This order stands as a pivotal achievement in the ongoing efforts to safeguard and enhance public health.

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