



COMMERCIAL/CORPORATE

# FSSAI's New Rule: Quarterly Reports on Expired Food

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The Food Safety and Standards Authority of India (FSSAI) has issued a new advisory dated December 16, 2024, introducing a mandatory system for the quarterly submission of data regarding rejected and expired food items. This measure is aimed at enhancing accountability, ensuring food safety, and preventing misuse of such items in the food supply chain.

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## Legal Basis for the Circular

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The advisory is backed by provisions in the Food Safety and Standards Act, 2006, and related regulations:

### 1. Food Safety and Standards Act, 2006:

- **Section 26 and Section 27** specify the responsibilities of Food Business Operators (FBOs) concerning food safety. FBOs are obligated to ensure that their food products meet all prescribed safety and quality standards.

### 2. FSS (Licensing and Registration of Food Business) Regulations, 2011:

- **Part II, Schedule IV, Subpart 5.2.3:** Requires segregation of raw, processed, rejected, recalled, or returned materials. These must be distinctly marked and secured to avoid mixing with other items.
- **Subpart 5.2.5:** Stipulates the use of FIFO (First In, First Out) and FEFO (First Expire, First Out) systems for the proper storage of food products.

## Key Features of the Advisory

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Under the new guidelines, FSSAI-licensed food manufacturers, including repackers, relabellers, and importers, must provide the following details through the FoSCoS system on a quarterly basis:

### 1. Quantity of Rejected Items:

- Data on food products that failed internal quality tests and were rejected from entering the market.

### 2. Quantity of Expired Items:

- Information about products that were removed from the supply chain due to expiry or other quality-related reasons.

### 3. Actions Taken:

- A record of how rejected and expired items were managed, including quantities destroyed, auctioned, or redirected for alternative purposes. Specific details, such as buyers of auctioned products or waste disposal agencies, must also be included.

## Objective of the Circular

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The advisory aims to address critical issues in the food industry. It seeks to:

- **Prevent Misuse:** Ensure that rejected and expired food items are not rebranded or sold for human consumption under the guise of animal feed or other purposes.
- **Improve Traceability:** Enable the FSSAI to track the handling and disposal of such items in real-time, enhancing transparency.
- **Strengthen Compliance:** Align industry practices with existing legal and regulatory requirements.

## Implementation and Compliance

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While the provision for submitting data through the FoSCoS system is yet to be activated, FBOs are encouraged to start consolidating the required information immediately. This proactive step will ensure timely reporting once the system becomes operational. Maintaining accurate records will also help FBOs avoid delays in future submissions.

## Responsibilities for Food Businesses

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The FSSAI has directed all licensed food manufacturers, repackers, relabellers, and importers to take necessary measures to comply with the advisory. This includes:

- **Data Consolidation:** Begin compiling records of rejected and expired food items and their disposal methods.
- **Storage Compliance:** Adhere to FIFO and FEFO principles for managing raw materials and finished products.
- **Record Maintenance:** Maintain detailed and accurate documentation to ensure smooth compliance with reporting requirements.

## Background and Need for the Advisory

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The advisory addresses longstanding concerns in the food industry. Rejected and expired food items, if not managed properly, could be misused, posing risks to consumer safety and public health. By mandating quarterly reporting, the FSSAI seeks to bring greater accountability and transparency to the management of such items, ensuring they are disposed of or repurposed responsibly.

## Stakeholders and Circulation

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The advisory has been circulated to all FSSAI-licensed food manufacturers, repackers, relabellers, and importers. Copies have also been sent to the Commissioner of Food Safety in all states and union territories and the directors of FSSAI's regional offices.

This initiative represents a significant step towards strengthening food safety standards in India and safeguarding public health. FBOs are urged to comply with the advisory promptly to support the FSSAI's mission of ensuring safe and high-quality food for all.

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