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FOOD

Defining Safety in Food Contact Materials: Analysis of the Draft Food Safety and Standards (Packaging) Amendment Regulations, 2026

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PUBLISHED 27 February 2026

The regulation of food packaging materials represents a critical frontier in food safety governance, as the integrity of packaging directly impacts both the preservation of food quality and the prevention of chemical contamination that may endanger consumer health. The Food Safety and Standards Authority of India, exercising its statutory mandate under the Food Safety and Standards Act, 2006, has proposed significant amendments to the existing regulatory framework through the draft Food Safety and Standards (Packaging) Amendment Regulations, 2026. These proposed amendments, published in the Gazette of India, Extraordinary, Part III, Section 4 on February 26, 2026, introduce comprehensive definitions for food contact materials, establish specifications for food grade contact materials, recognize modified atmosphere packaging and aseptic packaging technologies, and address the emerging regulatory challenge of non-intentionally added substances. This regulatory initiative reflects FSSAI's commitment to aligning India's food packaging standards with international benchmarks while addressing technological advancements and emerging risks in the food packaging ecosystem.

The statutory foundation for these proposed amendments derives from Sections 23 and 92 of the Food Safety and Standards Act, 2006, which empower the Authority to formulate regulations concerning food safety standards and packaging requirements. The principal regulations, namely the Food Safety and Standards (Packaging) Regulations, 2018, were originally notified on December 24, 2018, and were subsequently amended on March 28, 2025, to address specific concerns regarding recycled plastics. The current proposed amendments represent a more comprehensive revision, introducing five new definitional clauses in Regulation 2(1) of the principal regulations, which will significantly expand the scope and specificity of the regulatory framework governing materials that come into contact with food during manufacturing, processing, handling, packaging, storage, transportation, and presentation.

The first significant amendment proposes the insertion of a definition for "food contact material," which encompasses any material, including active and intelligent materials, articles, and products intended to come into contact with food. This definition establishes that such materials should not have any undesirable effect on the food itself or on human health, thereby setting the foundational safety requirement for all materials that physically touch food during any stage of the food supply chain. The inclusion of active and intelligent materials within this definition is particularly noteworthy, as these advanced packaging technologies are designed to interact with the food or its environment to extend shelf life or monitor food condition, and their regulation requires specific safety assessments that differ from conventional passive packaging materials.

The second proposed definition establishes specifications for "food grade contact material," which refers to materials used for manufacturing, processing, handling, packaging, storage, and transportation of food, including kitchenware and tableware. This definition imposes a mandatory compliance requirement with specific safety standards under prescribed conditions, explicitly prohibits endangerment of human and animal health, and mandates that such materials must not result in any unacceptable change in the composition and characteristics of food during its intended use. This definition creates a distinct category of materials that meet higher safety specifications than general food contact materials, providing a regulatory basis for enforcement actions against substandard materials and enabling consumers to make informed choices about the safety of food handling equipment and packaging.

The third amendment introduces a definition for "modified atmosphere packaging," which describes the enclosure of food in a package in which the atmosphere inside the package is modified or altered to provide an optimum atmosphere for increasing shelf life and maintaining food quality. This technology, widely employed for fresh produce, meats, seafood, and ready-to-eat products, involves the replacement of air in the package with a specific gas mixture, typically combining nitrogen, carbon dioxide, and oxygen in proportions tailored to the specific food product. The regulatory recognition of this technology acknowledges its significant role in reducing food waste and extending distribution range, while the definitional clarity will facilitate standardization of safety requirements for gas compositions, packaging materials suitable for modified atmosphere applications, and labeling disclosures to inform consumers about the nature of the packaging.

The fourth proposed definition addresses "non-intentionally added substances," which are defined as chemicals present in food contact materials or food contact articles that have not been added for a technical reason during the production process. This definition encompasses impurities, reaction by-products, degradation products, contaminants from recycling processes, and other substances that may be present despite not being deliberately included in the material formulation. The regulatory recognition of NIAS represents a significant advancement in chemical safety governance, as these substances may migrate into food and pose health risks despite not being subject to the same safety assessments as intentionally added substances.

The fifth amendment introduces a definition for “aseptic packaging,” which describes the process wherein a sterilized product is filled into a sterilized container and sealed in a sterile environment to prevent contamination. This technology is critical for ultra-high temperature processed milk, juices, and other liquid foods that require long shelf life without refrigeration, and the definition establishes the essential elements of sterility maintenance throughout the packaging process. The regulatory specification of aseptic packaging provides clarity for enforcement of hygiene standards in facilities employing this technology and establishes a basis for distinguishing aseptically packaged products from those processed through other preservation methods, with implications for labelling, shelf-life declarations, and storage condition requirements.

The procedural framework for finalization of these draft regulations involves a sixty-day public consultation period, during which objections or suggestions may be submitted to the Chief Executive Officer of FSSAI at the Food and Drug Administration Bhawan, Kotla Road, New Delhi, or through electronic communication at regulation@fssai.gov.in. This consultation process, mandated under Section 92(1) of the Food Safety and Standards Act, ensures stakeholder participation in regulatory development and enables the Authority to consider practical implementation challenges and industry perspectives before finalizing the amendments. Following the consultation period and consideration of received inputs, the regulations will be finalized with the previous approval of the Central Government and notified for enforcement.

In conclusion, the proposed Food Safety and Standards (Packaging) Amendment Regulations, 2026 represent a comprehensive modernization of India’s food packaging regulatory framework, addressing technological advancements, emerging safety risks, and international harmonization imperatives. By introducing precise definitions for food contact materials, food grade specifications, modified atmosphere packaging, non-intentionally added substances, and aseptic packaging, FSSAI has established a foundation for enhanced consumer protection, improved enforcement capabilities, and alignment with global standards. The successful implementation of these amendments will require significant adaptation by food business operators, packaging manufacturers, testing laboratories, and enforcement agencies, including potential product reformulation, enhanced testing protocols, and updated compliance documentation. As the food packaging industry continues to evolve with active and intelligent materials, sustainable packaging solutions, and advanced preservation technologies, these regulatory amendments provide essential definitional clarity and safety benchmarks that will serve the interests of public health, consumer confidence, and industry competitiveness in both domestic and international markets. The finalization of these regulations following appropriate stakeholder consultation will mark a significant milestone in India’s food safety governance and contribute to the broader objective of ensuring safe and wholesome food for all consumers.

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