CHAPTER-IV
LABELING REQUIREMENTS

The labeling requirements of Australia, United Kingdom, USA, European Union, Codex, Malaysia, Thailand and Japan have been identified with respect to the following:

1) Name of the food.
2) Ingredients
3) Net quantity.
4) Lot Number.
5) Date Code
6) Declaration of origin of food or its ingredients.
7) Misbranding.
8) Language.
9) GMO food labeling requirements.
10) Irradiated food-labeling requirements.
11) Storage and use requirements.
12) Nutritional information or any other claim about foodstuff.
13) Panel and legibility requirements.
14) Mandatory warning
15) Miscellaneous labeling requirements

The labeling requirements of the various countries have been detailed in next pages for easy comparison.

1. Name of the food:

INDIA:

The name, trade name or description of food contained in the package shall be specified. The name and complete address of the manufacturer and the manufacturing
unit, if these are located at different places and in case the manufacturer is not the packer or bottler, the name and complete address of the packing or bottling unit as the case may be. Where an article of food is imported into India, the package of food shall also carry the name and complete address of the importer in India.¹

**CODEX:**

The name shall indicate the true nature of the food and normally be specific and not generic. There shall appear on the label either in conjunction with, or in close proximity to, the name of the food, such additional words or phrases as necessary to avoid misleading or confusing the consumer in regard to the true nature and physical condition of the food including but not limited to the type of packing medium, style, and the condition or type of treatment it has undergone; for example: dried, concentrated, reconstituted, smoked. The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared. Food for special dietary uses is required to be designated as "Special dietary" or "Special Dietetic" or appropriate equivalent terms may be used.²

**EUROPE:**

The name under which the product is sold is to be mentioned (Article 3 and 5). The name or business & address of manufacturer or packager or of a seller is to be given. Butter is exempted from these requirements.³

**UK:**

Food to be marked or labeled with certain requirements such as:

1) Name of the food

2) The name or business name & an address or registered office of the manufacturer or packer, or packer, or seller established.⁴

¹ The Prevention of Food Adulteration Rules, 1955, Part VII.
⁴ The Food Labelling Regulations, 1996, Part-II.
AUSTRALIA:
A name or a description of the food sufficient to indicate the true nature of the food. The label on a package of a food must include the name & business address of the packer, manufacturer, vendor or importer of the food.5

USA:
There must be indication of a common or usual name or an appropriately descriptive terms or when the nature of the food is obvious, a fanciful name commonly used by the public for such food. Where a food is marketed in various optional forms (Whole, sliced, diced etc.) the particular form shall be considered to be a necessary part of the statement of identity. Along with the name of the food the place of business of the manufacturer, packer, or distributor shall also appear on the label. Where the food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase, "Manufactured for __", "Distributed by __", or any other wording that expresses the facts. If a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such food was manufactured or packed or is to be distributed, unless such statement would be misleading.6

JAPAN:
The foods which are listed and intended for sale shall bear only the same name as mentioned. The address of the manufacturing and processing plant and the name of the manufacturer and processor shall be provided. In case of imported food the address of the business office of its importer, the name of its importer shall be provided.7

5 Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.2.2.
6 Code of Federal Regulations Title 21- Food and Drugs, Food Labeling Part 101.3 and 101.5.
7 Food Sanitation Law Enforcement Regulations, 1948, Chapter 2.
MALAYSIA:

Provisions:

1) Every package containing food for sale shall bear on it a label containing the appropriate designation of the food or a description of the food.

2) In the case of food locally manufactured or packed, the name and business address of the manufacturer or packer or the owner of the rights of manufacture or packing or the agent of any of them.

3) In case of imported food, the name and business address of the manufacturer or packer or the owner of the rights of manufacture or packing or the agent of any of them and the name and business address of the importer in Malaysia.8

THAILAND:

Labels for food products directly sold to consumers shall have the following details:

1) Name of the food.

2) Name and address of manufacturer or repacker, as the case may be, together with the country where the product is manufactured.9

2. Ingredients:

INDIA:

Names of the ingredients used in the product in descending order of their composition by weight or volume shall be specified. Where an ingredient is itself a product of two or more ingredients, such a compound ingredient shall be declared in the list of ingredients. But where the compound ingredient, other than food additives, constitutes less than five percent of the food, the list of ingredients of such compound ingredient need not be declared. Exemption for ingredients falling in specific classes e.g: edible

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8 Food Regulations, 1985, Part IV.
fats, anti-oxidants. In case of use of any extraneous coloring matter indicate the statement like 'contains permitted colours' just beneath the list of ingredients. In case of both color & flavor are used in the product, the declaration statements in capital letters shall be displayed. The common name or class name of the flavor shall also be mentioned on the statement regarding added flavours. Provision for combined statements in capital letters in case of use of color and/or flavor in the product.

In the case of artificial flavoring substances the label shall declare the common name of the flavors but in the case of natural flavoring substances or natural identical flavoring substances, the class name of the flavors shall be mentioned on the label. Added water shall be declared in the list of ingredients except in cases where the water forms part of an ingredient, such as, brine, syrup or broth, used in the compound food.

Provided that water or other volatile ingredients evaporated in the course of manufacture need not to be declared:

Provided further that in the case of dehydrated or condensed food, which are intended to be reconstituted by addition of the water the ingredient shall be declared in descending order of weight or volume as case may be, and shall contain a statement such as “ingredients of the product when prepared in accordance with the directions on the label.”

**CODEX:**

All ingredients shall be listed in descending order of ingoing weight (m/m) at the time of the manufacture of the food. Where an ingredient is itself the product of two or more ingredients, such a compound ingredient may be declared, as such, in the list of ingredients, provided that it is immediately accompanied by a list, in brackets, of its ingredients in descending order of proportion (m/m). The food & ingredients known to cause hypersensitivity shall be declared. The presence in any food or food ingredients obtained through biotechnology of an allergen transferred from any of the products listed in shall be declared. Food additives shall be listed with the specific

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10 *Supra* note 1.
name or recognized numerical identification as required by national legislation. A food additive carried over into a food in a significant quantity or in an amount sufficient to perform a technological function in that food, shall be included in the list of ingredients. There shall be provisions for quantitative labeling of ingredients as & where applicable. Added water shall be declared in the list of ingredients except when the water forms part of an ingredient such as brine, syrup or broth used in a compound food and declared as such in the list of ingredients. Water or other volatile ingredients evaporated in the course of manufacture need not be declared.11

EUROPE:

The list of ingredients shall include all the ingredients of the foodstuff, in descending order of weight, as recorded at the time of their use in the manufacture of the foodstuff. It shall appear preceded by a suitable heading which includes the word ‘ingredients’. Exemptions are fresh fruits, vegetables, carbonated water, cheese etc. The quantity of an ingredient or category of Ingredients used in the preparation food stuff shall be stated. When an ingredient of a food stuff is itself a combination of several ingredients than those ingredients must be considered. Ingredients shall be designated by their specific name, where applicable.12

UK:

There is provision for the List of the ingredients and provisions to indicate the quantity of ingredients used. Ingredient listing information should always include the major food allergens (as listed), or products derived from them that may also cause problems.13

11 Supra note 2 at 3-4.6.
AUSTRALIA:

There is a requirement for statement of ingredients (Exemptions provided). All ingredients to be listed in a statement of ingredients (Exemptions provided). Ingredients are to be listed by common, descriptive or generic name. Ingredients to be listed in descending order of ingoing weight (Exemptions provided). There shall be declaration of compound ingredients, alternative ingredients, food additives, vitamins and minerals using the class name "Vitamin" or "Mineral". There is also a provision for Characterizing ingredients & components of food.

USA:

The following provisions have been provided:

1) Ingredients required to be declared on the label shall be listed by common or usual name in descending order of predominance by weight. Exemptions provided.

2) The name of an ingredient shall be a specific name and not a collective (generic) name:

(a) Exemptions for ingredients like spices, flavourings, colourings etc.

(b) An ingredient which itself contains two or more ingredients and which has an established common or usual name shall be designated in the statement of ingredients on the label of such food. Display options provided.

(c) Provisions for declaration of ingredients like skim milk, whey concentrate, egg whites, oil etc.

3) For reconstituted products the ingredient statement shall be determined by the weight of the unreconstituted ingredient plus the weight of the quantity of water added to reconstitute that ingredient.

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14 Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.2.4.
15 Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.2.10.
4) Provisions for the labeling of ingredients of "Dietary supplement food" are given.

5) Provisions to bear the percentage(s) of the characterising ingredient(s) or information concerning the presence or absence of an ingredient(s).\(^{16}\)

**JAPAN:**

There are following provisions:

1) Declare the name and percentage by weight of each ingredient (excluding ingredients used for flavoring).

2) Special requirements for products containing milk, food additives like colour.

3) Provisions for food containing "specified raw materials".

4) For canned foods, the names of the main ingredients.\(^{17}\)

**MALAYSIA:**

Provisions:

1) Principal ingredients described by common name.

2) In the case of mixed food or blended food words which indicate that the contents are mixed or blended.

3) Where the food consists of two or more ingredients, other than water, food additives & nutrient supplements, the appropriate designation of each of those ingredients in descending order of proportion by weight and wherever required a declaration of proportion of such ingredient.

4) Special provisions for food containing beef, pork, edible fat, food additives e-c.\(^{18}\)

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\(^{16}\) Code of Federal Regulations Title 21- Food and Drugs, Food Labeling Part 101.4.

\(^{17}\) Supra note 7.

\(^{18}\) Supra note 8.
THAILAND:

Provisions:

1) Essential ingredients listed as percentage of the total, starting with the major ingredient.

2) For concentrated products or those needing to be diluted or dissolved before consumption, the proportion of the products when diluted or dissolved must be displayed.

3) Labels for food products directly sold to consumers shall have the following details:
   a) The words “Preservatives used”, if any.
   b) The words "Natural food color added" or "Chemical food color added" shall appear if used.
   c) The words “Natural flavor added”, “Artificial flavor added”, etc. shall be presented, if used.
   d) The words "Artificial sweetener added" if used.
   e) The words "Natural scent enhanced" or "Artificial scent enhanced" if any.  

3. Net quantity:

INDIA:

The net content by weight or volume or number, as the case may be, shall be declared on every package of food; and in addition to the declaration of net contents, a food packed in a liquid medium shall carry a declaration of the drained weight of the food. The expression “liquid medium” includes the water, aqueous solutions of sugar and

19 Supra note 9.
salt, fruit and vegetable juices or vinegar, either singly or in combination. The weight of the wrappers and packaging materials shall be excluded. But where a package contains a large number of small items of confectionery, each of which is separately wrapped and it is not reasonably practicable to exclude from the net weight of the commodity, the weight of such immediate wrappers of all the items of the confectionery contained in the package, the net weight declared on the package containing such confectionery or on the label thereof may include the weight of such immediate wrapper if the total weight of such immediate wrapper does not exceed —

(i) eight per cent, where such immediate wrapper is a waxed paper or other paper with wax or aluminium foil under strip; or

(ii) six per cent, in case of other paper, of the total net weight of all the items of confectionery contained in the package minus the weight of immediate wrapper.20

CODEX:

The net contents shall be declared in the metric system ("Système International" units). In addition to the declaration of net contents, a food packed in a liquid medium shall carry a declaration in the metric system of the drained weight of the food.21

EUROPE:

The net quantity of prepackaged foodstuffs shall be expressed:—

(i) in units of volume in the case of liquids, —

(ii) in units of mass in the case of other products, using the litre, centilitre, millilitre, kilogram or gram, as appropriate.22

20 Supra note 1.
21 Supra note 2 at 6.
UK:

An indication of the net quantity as required by the Weights and Measures Act 1985 or by any Order or Regulations made thereunder.\textsuperscript{23}

AUSTRALIA:

The net contents shall be declared in the metric system.\textsuperscript{24}

MALASIA:

Provisions:

1) A statement of the minimum net weight or volume or number of the content of the package shall appear on the label.

2) In the case of food packed in liquid, a statement of the minimum drained weight of the food shall appear.\textsuperscript{25}

THAILAND:

Provisions:

1) Powdered, dry or solid food products shall display net weight on the label.

2) Liquid food products shall display net volume.

3) Semi-solid or semi-liquid food products can display either net weight or net volume.

4) Other food products shall display net weight.

5) Food products in sealed containers shall display net content as well as drained weight except food ingredients cannot be separated from the liquid part.\textsuperscript{26}


\textsuperscript{24} Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.2.

\textsuperscript{25} Supra note 8.

\textsuperscript{26} Supra note 9.
4. Lot number:

INDIA:

There shall be a distinctive batch number or lot number or code number, either in numerical or alphabets or in combination, representing the batch number or lot number or code number being preceded by the words 'Batch No' or 'Batch' or Lot No', or Lot or any distinguishing prefix. Provided that in case of packages containing bread and milk including sterilised milk, particulars under this clause shall not be required to be given on the label.27

CODEX:

Each container shall be embossed or otherwise permanently marked in code or in clear to identify the producing factory and the lot.28

EUROPE:

The traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into a food or feed shall be established at all stages of production, processing and distribution. Food and feed business operators shall be able to identify any person from whom they have been supplied with a food, a feed, a food-producing animal, or any substance intended to be, or expected to be, incorporated into a food or feed. To this end, such operators shall have in place systems and procedures which allow for this information to be made available to the competent authorities on demand.

Food and feed business operators shall have in place systems and procedures to identify the other businesses to which their products have been supplied. This information shall be made available to the competent authorities on demand. Food or feed which is placed on the market or is likely to be placed on the market in the Community shall be adequately labelled or identified to facilitate its traceability.

27 Supra note 1.
28 Supra note 2 at 7.
through relevant documentation or information in accordance with the relevant requirements. Provisions for the purpose of applying the requirements of this accordance with the procedure laid down in Article 58(2).  

AUSTRALIA:

The label on a package of food must include its lot identification unless the food is:

a) an individual portion of ice cream or ice confection; or

b) In small packages, and the bulk packages & the bulk containers in which the food is stored or displayed for sale include lot identifications.  

5. Date code:

INDIA:

The month and year in which the commodity is manufactured or prepacked & in case of multiple packages shall be readable even without opening the package. In case of food with shelf-life of not more than seven days, the ‘date of manufacture’ may not be required to be mentioned on the label of packaged food articles, but the ‘use by date’ shall be mentioned on the label by the manufacturer or packer. Whole sale packages are exempted. The month and year in capital letters upto which the product is best for consumption shall be mentioned. Various ways of declaring the best before date are provided.  

CODEX:

The “date of minimum durability” shall be declared. Date shall consist at least of: the day and the month for products with a minimum durability of not more than three months; the month and the year for products with a minimum durability of more than


30 Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.2.2.

31 Supra note 1.
three months. The date shall be declared by the words: “Best before ...” where the day is indicated; “Best before end ...” in other cases. The words referred to in paragraph shall be accompanied by: either the date itself; or a reference to where the date is given. Exemption for Foods like fresh fruits, wines etc are there. 32

EUROPE:

The date of minimum durability of a foodstuff shall be the date until which the foodstuff retains its specific properties when properly stored. The date shall be preceded by the words:— ‘Best before …’ when the date includes an indication of the day,— “Best before end …” in other cases. In the case of foodstuffs which, from the microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health, the date of minimum durability shall be replaced by the ‘use by’ date. 33

UK:

All food which is ready to deliver to the ultimate consumer or to a catering establishment, subject to be marked or labelled with:

1) The appropriate durability indication saying that:

   a) An indication of minimum durability (a "best before date").

   b) In case of food which, from the microbiological point of view is highly perishable and in consequence, likely after a short period to constitute an immediate danger to health, a 'Use by' date.

2) Make sure that the date information given as part of the “best before” or “use by” date mark is clear and unambiguous.

32 Supra note 2 at 7-8.

3) Where possible, express the “best before” or “use by” date as day/month/year. Where day/month or month/year combinations are permitted and are used, spell out the month in words (either in full or as an abbreviation - eg Jan, Mar, Aug, Dec) rather than numbers in order to avoid confusion.  

AUSTRALIA:

1) Food must be date marked unless otherwise expressly prescribed, the label on a package of food must include its use-by date or otherwise its best-before date (Exemptions provided).

2) Prohibition on sale of food after the use-by date.

3) The best-before date and use-by date must be expressed in uncoded numerical and chronological form, other than the month, which may be expressed in letters.

4) The day, month and year so expressed within the best-before or used-by date must be distinguishable.

5) Exclusive date marking system to be used which does not preclude the addition of a manufacturer’s or packer’s code on the label on a package of food.  

USA:

Each cheese mentioned under subpart-G shall bear on the cheese a legible mark showing the date at which the preliminary manufacturing process has been completed and at which date curing commences.  

JAPAN:

Following provisions have been made:

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35 Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.2.5.

36 Code of Federal Regulations Title 21- Food and Drugs, Food Labeling, Subpart G.
1) For food or food additive whose quality may rapidly deteriorate, the date including year shall be declared as below:

a) "use-by-date"

b) "best-before-date"

2) If the period from the date of manufacturing or processing the product to the best before date of the product exceeds three months, the date may be given as year and month.

3) For imported foods, the date of import of the food shall be declared.37

MALAYSIA:

Provisions:

1) Package food intended for sale shall bear date marking as:

   (a) "EXPIRY DATE" or "EXP DATE"

   (b) "USE BY"

   (c) "CONSUME BY" or "CONS BY"

2) Insert the date expressed in day, month and year or in month and year.

3) The date of minimum durability in respect of any food shall be shown as "BEST BEFORE" or "BEST BEF". Here insert the date expressed in day month and year or in month and year.

4) The date marking required shall be in capital bold faced lettering of non-serif character and not less than 6 point.38

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37 Supra note 7.
38 Supra note 8.
THAILAND:

Provisions:

1) Date, month and year of manufacture; month and year of manufacture; date, month and year of expiry; or date, month and year within which food remains in good quality or conforms to the standard. Accompanied by the word “Manufactured”, “Expire” or “Use Before”, as the case may be, note that:

a) Date code method used to described food which can be stored for not more than 90 days and food which can be stored for more than 90 days are provided

b) the date, month and year of expiry is used to describe certain food products specified by the FDA eg. Modified milk for infants, infant food, supplementary food for infants, and children etc.

The food manufacturer or importer may request the FDA to display the date, month and year of expiry for other types of food not stipulated.39

6. Declaration of origin of food or its Ingredients:

INDIA:

Where any food article manufactured outside India is packed or bottled in India, the package containing such food article shall also bear on the label, the name of the country of origin of the food article and the name and complete address of the importer and premises of packing or bottling in India.40

CODEX:

The country of origin of the food shall be declared if its omission would mislead or deceive the consumer.41

39 Supra note 9.
40 Supra note 1.
41 Supra note 2 at 7.
EUROPE:

Particulars of the place of origin or provenance where failure to give such particulars might mislead the consumer to material degree as to the true origin or provenance of the food stuff.\textsuperscript{42}

UK:

The particulars of the place of origin of the food have to be indicated. If there is failure to give such information, it might mislead the customer.\textsuperscript{43}

AUSTRALIA:

All packaged food (Exemptions provided) must have a statement on the package that identifies where the food was made or produced; or a statement that identifies the country where the food was made, manufacture or packaged for retail sale and to the effect that the food is constituted from ingredients imported into that country or from local and imported ingredients as the case may be. There are provisions for food displayed for retail sale other than in a package e.g: fish, pork and also provisions for food displayed for retail sale in package that does not obscure the nature or quality of the food e.g. fresh fruits & vegetables.\textsuperscript{44}

THAILAND:

Name and address of manufacturer or repacker, as the case may be, together with the country where the product is manufactured shall be mentioned.\textsuperscript{45}

7. Misbranding:

INDIA:

A label shall not contain any statement, claim, design, fancy name or abbreviation which is false or misleading in any particular concerning the food contained in the

\textsuperscript{44} Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.2.11.
\textsuperscript{45} Supra rote 9.
package, or concerning the quantity or the nutritive value or in relation to the place of origin of the said food. Exemption has been provided under rule-37.46

**CODEX:**

If grade designations are used, they shall be readily understandable and not be misleading or deceptive in any way.47

**EUROPE:**

The labeling and methods used must not:

(a) be such as could mislead the purchaser to a material degree, particularly:

   (i) as to the characteristics of the foodstuff and, in particular, as to its nature, identity, properties, composition, quantity, durability, origin or provenance, method of manufacture or production;

   (ii) by attributing to the foodstuff effects or properties which it does not possess;

   (iii) by suggesting that the foodstuff possesses special characteristics when in fact all similar foodstuffs possess such characteristics;

(b) subject to Community provisions applicable to natural mineral waters and foodstuffs for particular nutritional uses, attribute to any foodstuff the property of preventing, treating or curing a human disease, or refer to such properties.48

**USA:**

Provisions:

1) A food is misbranded if it is a false or misleading representation with respect to another food.

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46 Supra note 1.
47 Supra note 2 at 9.
2) The labeling of a food which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such food in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

3) Provisions for representation of a labeling of a food which renders such food misbranded with respect to geographical origin.49

JAPAN:

In the cases of foods other than foods for specified health uses and food with nutritional function, names misleading to food for dietary use shall be prohibited; while in the case of food with nutritional function that is not belonging to foods for specified health uses labeling of expectation for specified health use shall be prohibited.50

MALAYSIA:

Provisions:

1) No descriptive matter appearing on or attached to or supplied with any package of food shall include any comment on, reference to or explanation of, any statement or label required to be borne on any package of food if such comment, reference or explanation either directly or by implication, contradicts, qualifies or modifies the statement or the content of the label.

2) Pictorial presentation or design may be included in the label for the purpose of illustrating recipes involving the use of the food or suggestions on how to serve the food, where such inclusion is not misleading or deceptive.51

49 Code o’ Federal Regulations Title 21- Food and Drugs, Food Labeling Part 101.18.
50 Supra r ote 7.
51 Supra r ote 8.
THAILAND:

Provisions:

1) Labels with statements, pictures, photographs, signs, trademarks, etc. shall not give misleading or exaggerating implications about the products.

2) The label shall not contain pictures, photographs, signs, trademarks, and etc., which either explicitly or implicitly advertise other products.52

8. Language:

INDIA:

The Particulars of declaration required to be specified on the label shall be in English or Hindi in Devnagari script.53

CODEX:

If the language on the original label is not acceptable, to the consumer for whom it is intended, a supplementary label containing the mandatory information in the required language may be used instead of relabeling. In the case of either relabeling or a supplementary label, the mandatory information provided shall be fully and accurately reflect that in the original label.54

EUROPE:

Member States shall ensure that the sale is prohibited within their own territories of foodstuffs for which the particulars provided for in Article 3 and Article 4 (2) do not appear language easily understood by the consumer, unless the consumer is in fact

52 Supra note 9.
53 Supra note 1.
54 Supra note 2 at 9.
informed by means of other measures determined in accordance with the procedure laid down Article 20 (2) as regards one or more labeling particulars.\textsuperscript{55}

**AUSTRALIA:**

Provisions for use of Language other than English in addition to the English language.\textsuperscript{56}

**USA:**

There are following provisions:

1. All words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear thereon in the English language or the predominant language may be substituted for English.

2. If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label shall appear thereon in the foreign language.

3. If any article of labeling (other than a label) contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear on such article of labeling.\textsuperscript{57}

**JAPAN:**

Provisions provide for the use of Japanese language using wording easily readable and understandable to general persons who buy or use these foods or food additives.\textsuperscript{58}

\textsuperscript{55} Supra note 42.

\textsuperscript{56} Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.2.9.

\textsuperscript{57} Code of Federal Regulations Title 21- Food and Drugs, Food Labeling Part 101.15.

\textsuperscript{58} Supra note 7.
MALAYSIA:

Provisions:

1) Any word, statement, information or direction that is required to appear on label shall:
   a) in the case of food produced, prepared or packaged in Malaysia be in Bahasa Malaysia.
   b) in the case of imported food, be in Bahasa Malaysia or English.

2) It may include translation thereof in any other language.59

THAILAND:

Labels for food products directly sold to consumers shall be presented in Thai with or without a foreign language.60

9. GMO food labeling requirements:

EUROPE:

Provisions are there for specific labeling requirements for genetically modified or produced from genetically modified food stuff with respect to listing of ingredients. Where the food is offered for sale to the final consumer as non-pre-packaged food, or as pre-packaged food in small containers of which the largest surface has an area of less than 10 cm sq., the information required under this paragraph must be permanently and visibly displayed either on the food display or immediately next to it, or on the packaging material, in a font sufficiently large for it to be easily identified and read. It is mandatory to have unique Identifier(s) assigned to GMOs.61

59 Supra note 8.
60 Supra note 9.
UK:

There are provisions to indicate on the label as ‘GM’ or produced from GMO.\textsuperscript{62}

AUSTRALIA:

The label on a package of genetically modified food must include the statement Genetically modified in conjunction with the name of that food or ingredients or processing aid. Additional information may be specified with respect to composition or nutritional parameters, level of anti-nutritional factors or natural toxicants, new factor known to cause an allergic response in particular section of the population, intended use, any concerns related to culture or religion.\textsuperscript{63}

JAPAN:

A statement to the effect that the product was obtained by recombinant DNA techniques shall appear.\textsuperscript{64}

THAILAND:

Provisions:

1) For food which contains only one main ingredient, its label should provide the statement of “genetically modified” in conjunction with, or in close proximity to, the name of the food such as “genetically modified corn”, “tofu produced from genetically modified soybean”, etc.

2) For multi-ingredient foods, its label should provide the statement of “genetically modified” in conjunction with, or in close proximity to, or under the name of top three main ingredients of food product such as “genetically modified corn starch”, etc. The above statements shall be in clearly and


\textsuperscript{63} Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.5.2.

\textsuperscript{64} Supra note 7.
readable manner displayed which the sizes of lettering and spaces shall be in good proportion to the areas of the labels.

“Small Producers” are exempted from the above statements.

3) Statements including “free from genetically modified food” or “non genetically modified food” or “do not contain constituent of genetically modified food” or “segregated genetically modified constituent” or any other similar statements shall be prohibited

4) List of "Genetically modified food" provided.65

10. Irradiated food labeling requirements:

INDIA:

The label of a food, which has been treated with ionizing radiation, shall carry a written statement indicating the treatment in close proximity to the name of the food.66

CODEX:

The label of a food which has been treated with ionizing radiation shall carry a written statement indicating the treatment in close proximity to the name of the food. The use of the international food irradiation symbol, is optional, but when it is used, it shall be in close proximity to the name of the food. When an irradiated product is used as an ingredient in another food, this shall be so declared in the list of ingredients. When a single ingredient product is prepared from a raw material which has been irradiated, the label of the product shall contain a statement indicating the treatment.67

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66 Supra note 1.
67 Supra note 2 at 8-9.
EUROPE:

Any food stuff which has been treated with Ionising radiation shall bear as "Irradiated" or "Treated with Ionising Radiation.68

AUSTRALIA:

The List of foods permitted to be "Irradiated" is provided. Food which has been processed by ionizing radiation must include a statement that the food has been treated with ionizing radiations. The same is applicable for the ingredients or components that has also been treated with ionizing radiations. Irradiated food which is sold other than for retail sale must include a statement that the food has been irradiated, minimum & maximum dose of irradiation, the identity of the facility where the food was irradiated and the date or dates of irradiation.69

USA:

There shall be indication regarding the food stuffs treated with Ionizing radiations.70

JAPAN:

Provisions:

1) For any listed foods, a statement to the effect that the food was treated with ionizing radiation shall appear.

2) The date of irradiation preceded by certain letters indicating the "date-of-irradiation" shall be declared in a conspicuous place on the container/package or package in a manner that is easily readable without opening the container/package.71

69 Food Standards Code, Part 1.2 labelling & other information requirements, Standard 1.5.3.
70 Code of Federal Regulations Title 21- Food and Drugs, Part 179 Irradiation in the production, processing and handling of food.
71 Supra note 7.
THAILAND:

Provisions:

1) Irradiated food shall bear label in Thai language however, foreign language may be included and there shall be statements showing the following particulars:
   a) name and location of head office of manufacturer and radiator.
   B) Objective of radiation, showing statement which reads "Food Irradiated for.......".
   c) Date, month and year of radiation.

2) The display of label shall show sign that such food has been irradiated.(Irradiation logo)

3) In case irradiated food is under control of label by other Notification of the Ministry of Public Health, such Notification shall also be observed.

4) Irradiated food imported for sale shall be in accordance with the Notification.

5) List of kind of food to be irradiated and maximum average quantity of radiation allowed is available.72

11. Storage and use requirements:

INDIA:

Product specific storage conditions to be declared are provided. E.g. Infant Milk Substitute, Ghee.73

CODEX:

Special conditions for the storage of the food shall be declared on the label if the validity of the date depends thereon. Instructions for use, including reconstitution,

72 Food Act of B.E. 2522 (1979), Notification No. 103 of B.E 2529.
73 Supra note 1.
where applicable, shall be included on the label, as necessary, to ensure correct utilization of the food. Storage instructions of opened packages of a food for special dietary uses shall be included on the label if necessary to ensure that the opened product maintains its wholesomeness and nutritive value. A warning should be included on the label if the food is not capable of being stored after opening or is not capable of being stored in the container after opening.74

EUROPE:

Any special storage conditions or conditions of use are compulsory. Instructions for use shall be given when it would be impossible to make appropriate use of food stuff in the absence of such instructions. The instructions for use of a foodstuff shall be indicated in such a way as to enable appropriate use to be made thereof.75

UK:

Any special storage conditions or conditions of use have been provided. Instructions for use must be provided if it would be difficult to make appropriate use of the food in the absence of such instructions.76

AUSTRALIA:

The label on a packaged or unpackaged of food must include directions for the use or storage of the food, where the food is of a nature as to warrant such directions for reasons of health or safety; or Provisions for indication of storage information for specific foods.77 There are provisions for foods to be reconstituted and food that must be drained before consumption. Provisions are also provided for the food to be prepared or consumed with other food.78

74 Supra note 2 at 8,19.
75 Supra note 42.
76 Supra note 4.
77 Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.2.6.
78 Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.2.8.
USA:

There are provisions for safe handling instructions for certain foods are provided.79

JAPAN:

Provisions:

1) The method of storing and the method of use complying with the standard shall be declared.

2) For a product obtained by freezing a manufactured or processed food, a statement of whether or not the food requires heating before consumption shall be declared.

3) Provisions for declaration as to whether or not the food is intended to be consumed raw.

4) Special requirements for poultry food.

5) For foods for specified health uses or a food with nutritional function special notice shall be necessary on the methods of preparation and preservation.80

MALAYSIA:

Provisions:

1) Where the validity of the date marking of a food is dependent on its storage, the storage direction of that food shall also be required to be borne on its label.

2) Pictorial representation or design may be included in the label for the purpose of illustrating recipes or suggestions on how to serve the food.81

79 Code of Federal Regulations Title 21- Food and Drugs, Food Labeling Part 101.17.
80 Supra note 7.
81 Supra note 8.
THAILAND:

Provisions:

1) Labels for food products directly sold to consumers shall have the:
   a) Storage instructions, if any.
   b) Preparation instructions, if any.

2) Specific texts to be displayed clearly are usually for food products that need precautions before use. For example, “Not Used As Infant Food” and “Not to Replace Infant Milk” shall be presented.

3) Instructions on use and other useful information for products for use by a specific group of consumers e.g. a table showing baby-feeding schedule. 82

12. Nutritional Information or any other claims about food stuff:

INDIA:

All food products shall be labeled as to energy value, protein, carbohydrate, fats including trans fat and any other nutrient for which nutritional or health claim is made. 83

CODEX:

Labels on Food for special dietary use shall have the declaration of Nutrition information on the label towards amount of energy, protein, carbohydrate and fat content for specified qty as suggested for consumption. Any food for which a nutrition or health claim is made should be labeled with a nutrient declaration like energy value, protein, available carbohydrate, fat or any other nutrient for which the nutrition claim is made etc. 84

82 Supra rote 9.
83 G.S.R. 664 (E), issued by Ministry of Health and Family Welfare (Department of Health and Family Welfare), New Delhi.
84 Supra rote 2 at 18.
EUROPE:

Where a nutrition claim appears on labeling, in presentation or in advertising, with the exclusion of generic advertising, nutrition labeling shall be compulsory. Where nutrition labeling is provided, the information to be given shall consist of either group 1 or group 2 in the following order:

Group 1: (a) energy value; (b) the amounts of protein, carbohydrate and fat.

Group 2: (a) energy value; (b) the amounts of protein, carbohydrate, sugars, fat, saturates, fibre and sodium.

Nutrition labeling may also include the amounts of one or more of the following: starch, polyols, monounsaturates, polyunsaturates, chole sterol, any of the minerals or vitamins listed. Information shall be expressed per 100 g or per 100 ml. In addition, this information may be given per serving as quantified on the label or per portion, provided that the number of portions contained in the package is stated. Information on vitamins and minerals must also be expressed as a percentage of the recommended daily allowance (RDA). The information must be presented together in one place in tabular form, with the numbers aligned. Where space does not permit, the information shall be presented in linear form. It shall be printed in legible and indelible characters in a conspicuous place.\(^{85}\)

UK:

Provisions are there for the nutrition labeling of food stuffs and Nutrient content claims.\(^{86}\)

AUSTRALIA:

The label on a package of food must include information panel (Exemptions provided). Declaration in a nutrition information panel must include

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86 Supra note 43.
a) The number of servings of the food;
b) The average quantity of the food in a serving;
c) The unit quantity of the food;
d) The average energy content, Protein, Fat, Carbohydrate, sodium etc of a serving and of the unit quantity of the food.
e) The name and the average quantity of any other nutrient or biologically active substance

Format for Nutritional Information panel has been provided. The nutrition information panel must include declarations of the trans, polyunsaturated and monounsaturated fatty acids, where nutrition claim is made in respect of cholesterol, saturated, trans, polyunsaturated or monounsaturated fatty acids; or omega-3, omega-6 or omega-9 fatty acids. Percentage daily intake information must also be provided.\(^87\)

**USA:**

Provisions:

1) Nutrition information relating to food shall be provided for all products intended for human consumption and offered for sale, Exemptions provided

2) For Packaged foods, the required nutrition labeling information shall appear on the label in the format specified. Detailed information provided.

3) For food not in package form, the information shall be displayed clearly at the point of purchase. Alternatively, the required information may be placed in a booklet, loose leaf binder, or other appropriate format that is available at the point of purchase.

4) Declaration of the nutrient content of foods that are packed in liquid, which is not customarily consumed, shall be based on the drained solids.

\(^{87}\) Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.2.8.
5) Provisions for statements to declare the calories, fat content, protein, carbohydrate, cholesterol, dietary fibre etc.

6) Provisions for RDI & nomenclature for vitamins and minerals and for products consisting of two or more separately packaged foods.

7) Provisions for serving size, nutrient declaration per serving size and for the food products which are served in restaurants or other establishment.

8) A detailed information on various kind of foods & nutrient co.\\n
**JAPAN:**

Provisions:

1) For a food with nutritional function, a statement to the effect that the food is qualified as a food with nutritional function, function of the nutritional component, quantity of the nutrient energy, appropriate amount of daily intake, method of daily intake and notice for intake shall appear.

2) The ratios of the nutrient components contained in the specified amounts of daily intake to the recommended daily allowances concerned shall appear.

3) Provisions for foods for special health uses.

**MALAYSIA:**

Provisions:

1) Nutrient content relating to food shall be provided for all products as specified in regulations.

2) Following information shall appear on the label:

   a) the amount of energy per 100gm or per 100ml or per package or per serving.

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88 Code of Federal Regulations Title 21- Food and Drugs, Food Labeling Part 101.9.
89 Supra note 7.
b) the amount of protein, available carbohydrate fat per 100gm or per 100ml or per package or per serving.

c) Package of ready to drink beverage shall bear the amount of total sugars as carbohydrates and total sugars.

d) where a claim is made regarding the amount or type of fatty acid, the amounts of saturated, monounsaturated, polyunsaturated and trans fatty acids shall be declared.

3) Provision for declaration of amount of vitamins and minerals.

4) The amount of cholesterol and dietary fiber may be written on the label.

5) Provision for nutrient comparative claims, nutrient function claims.\textsuperscript{90}

\textbf{THAILAND:}

Provisions:

1) Categories of foods required to have nutrition labeling are identified (Exemptions provided).

2) Format and conditions to display nutrition labeling provided.

3) Method to prescribe quantity per one serving unit to quantity per consumption unit per container is described.

4) Thai recommended daily intakes for ages of 6 years and up are provided.

5) Nutrition labeling must be expressed in Thai language, but foreign language may be included and must conform to criteria and conditions given.

6) Detailed explanation on criteria for Nutrient content claim, Comparative claims and Nutrient function claims on the label are provided.

7) Conditions of nutrient claims explained (e.g: per serving size or per 100 gm or per 100 ml as the case may be).

\textsuperscript{90} Supra note 8.
8) Health claims are not allowed on food products

9) It is prohibited to use comparative claim, if the quantity of reference food have nutrient or energy to be compared is already conform to “Low”, or “Less” conditions.

13. Panel and legibility requirements:

INDIA:

Details shall be mentioned on principal display panel, its area, size & letter etc. as under the rules (ref-R-36). Every declaration which is required to be made on package under these rule shall be-

(a) legible, prominent, definite, plain and unambiguous;

(b) conspicuous as to size number and colour, and

(c) as far as practicable, in such style or type or lettering as to be boldly, clearly and conspicuously present in distinct contrast to the other type, lettering or graphic material used on the package, and shall be printed or inscribed on the package in a colour that contrasts conspicuously with the background of the label.

There shall be a surrounding line enclosing the declaration and where the words are required to be used there shall be another such line enclosing these words.

UK:

There are provisions for grouping together the information that consumers need to make informed purchase decisions and use food safely. Either this is to be done on any single face of the pack with a defined border, or in the same field of vision on the pack. Where it is not possible to group the information as listed, it is to be grouped separately and signposts must be provided between the two groups. Full details for grouping information are provided. There should be no hidden, obscure or interrupted

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92 Supra note 1.
product information with any other written or pictorial matter. All product information is to be easily visible and clearly legible. There are provisions for font of the letters for different kind of packages. The details of legibility requirements are to be provided. Where packs are physically too small, or of a shape which cannot support 10 point type size, it is paramount to address other factors. These will include ensuring that non-essential information doesn’t take up unnecessary space, the number of languages used, the type, colour and font, and the layout of the label.93

AUSTRALIA:

Unless otherwise expressly permitted each word, statement, expression or design written or set out in a label must, wherever occurring, be so contained, written or set out legibly and prominently such as to afford a distinct contrast to the background and in the English language. Where a language other than English is used in addition to the English language, that language must not negate or contradict the information on the label in the English language. Provisions are there for legibility requirements for warning statements.94

USA:

Provisions:

1) The principal display panel shall be large enough to accommodate all the mandatory label information.

2) All information required to appear on the label of any package of food shall appear either on the principal display panel or on the information panel, unless otherwise specified.

3) Provisions for size of letters and/or numbers.

4) Provisions for soft drinks packaged in bottles and Individual serving-size packages of food.

93 Supra note 43.
94 Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.2.9.
5) If the label of a packaged food is too small to accommodate all of the information required, an acceptable alternative may be established by the authorities.

6) The statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.95

JAPAN:

The matter on a label shall be declared in a conspicuous place on the container/package in a manner that is easily readable without opening the container/package.96

MALAYSIA:

Provisions:

1) The particulars that are required by regulation to appear on the label shall appear conspicuously and prominently.

2) Font size of various kinds of statements, to appear on the label, is provided.

3) No label shall appear on the extra wrapper of any food.97

THAILAND:

Detailed information on format nutritional panel is available.98

95 Code of Federal Regulations Title 21- Food and Drugs, Food Labeling Part 101.1 and 101.2.
96 Supra note 7.
97 Supra note 8.
98 Supra note 91.
14. Mandatory warning:

INDIA:

There are provisions for mandatory warning, Advisory statements and declaration.\(^{99}\)

EUROPE:

There are provisions for the Intended user requirements.\(^{100}\)

AUSTRALIA:

Provisions for mandatory advisory statements and declarations which must be made in relation to certain foods or foods containing certain substances, e.g. food containing Aspartame or Aspartame-acesulphame salt (Advisory statement to the effect that the product contains Phenylalanine). Provisions are there for advisory statements in relation to foods containing polyols or polydextrose.\(^{101}\)

USA:

Provisions:

1) Provisions for mandatory warning statements for various kind of foods are provided e.g: Self-pressurized containers with halocarbon or hydrocarbon propellants, protein rich products, foods containing psyllium husk, Dietary supplements containing Iron etc.

2) The label of a food packaged in a self-pressurized container and intended to be expelled from the package under pressure shall bear the following warning: WARNING--Avoid spraying in eyes. Contents under pressure. Do not puncture or incinerate. Do not store at temperature above 120 deg. F. Keep out of reach of children.

\(^{99}\) Supra note 1.  
\(^{100}\) Supra note 42.  
\(^{101}\) Food Standards Code, Part 1.2 Labeling & other information requirements, Standard 1.2.3.
3) In the case of products intended for use by children, the phrase "except under adult supervision" may be added at the end of the last sentence in the warning required.\textsuperscript{102}

15. Miscellaneous Labeling requirements:

INDIA:

(i) For Non-Veg food, Food products of animal origin, indication is made by printing a brown color circle on the label.

(ii) For Veg food, Food products of vegetable origin, indication is made by printing a green color circle on the label.

(iii) Added minerals & vitamins: Indication of the quantity of added minerals or vitamins etc. in case of Nutritional foods.

The labels are not to use words implying recommendations by medical profession. There shall not appear in the label of any package containing food for sale the words "recommended by the medical profession" or any words which imply or suggest that the food is recommended, prescribed, or approved by medical practitioners or approved for medical purpose. There is provision for Notice of addition, admixture or deficiency in food. There is also provision for Restriction on advertisement. There shall be no advertisement of any food which is misleading or contravening the provisions of Prevention of Food Adulteration Act, 1954. Also, there is a provision for labeling of edible oils & fats & infant milk substitute & infant food. Forms of label for certain foods are mentioned under R-42.\textsuperscript{103}

\textsuperscript{102} Code of Federal Regulations Title 21- Food and Drugs, Food Labeling Part 101.17.

\textsuperscript{103} Supra note 1.
CODEX:

When a claim is made that a food is halal, the word halal or equivalent terms should appear on the label. The spices & herbs, small units, where the largest surface area is less than 10 cm sq. are exempted from certain requirements.\(^{104}\)

EUROPE:

If specific treatment has been given to the product the name of the product must be accompanied by particulars as to the physical condition of food e.g Freeze dried or powdered product. Where foodstuffs are offered for sale to the ultimate consumer or to mass caterers without prepackaging, or where foodstuffs are packaged on the sales premises at the consumer's request or prepackaged for direct sale, the Member States shall adopt detailed rules concerning the manner in which the particulars specified in Article 3 and Article 4(2) are to be shown. They may decide not to require the provision of all or some of these particulars, provided that the purchaser still receives sufficient information. If a beverage contains more than 1.2 % by vol. of alcohol then the exact quantity of Alcohol shall be specified.\(^{105}\)

UK:

Criteria for the use of the Terms Fresh, Pure, Natural, Traditional, original, authentic, home-made, Farm house Etc in Food Labeling are given.\(^{106}\)

USA:

Provisions:

1) Special Provisions for specific requirements for health claims, descriptive claims that are neither nutrient content claims nor health claims.

2) Exemptions from food labeling requirements listed.\(^{107}\)

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\(^{104}\) Supra note 2 at 9, 41.

\(^{105}\) Supra note 42.

\(^{106}\) Food Standards Agency, “Criteria for the use of the term fresh, pure, natural etc. in Food Labelling”, Revised July (2005).
MALAYSIA:

Provision for Packages for food: No person shall import, manufacture, advertise for sale, or use or cause or permit to be used in the preparation, packaging, storage, delivery or exposure of food for sale, any package, appliance, container, or vessel which yields or could yield to its contents, any toxic injurious or tainting substance, or which contributes to the deterioration of the food. 108

THAILAND:

Provisions for labeling of Food Products sold to Food Manufacturers as Production Ingredients:

A Thai label is required except for imported products where the English label is allowed. The label must at least contain the following:

1. Name and type of food
2. Food serial number
3. Net content of food in metric system
4. Name and country of the manufacturer

In this case, although a label containing Thai language is not required for imported products, the products must have the FDA’s product registration number or label approval number. 109

The provisions relating to labeling in India had been subject matter of litigation in a number of cases.

In Bureau of Indian Standards v. Pepsico India Holdings P. Ltd. and Anr. 110, appeal was made by the Bureau of Indian Standards against a judgement in which it was held that the use of the words PURE, CRISP, REFRESHING, PURIFIED AND PURITY

107 Code of Federal Regulations Title 21- Food and Drugs, Food Labeling Subpart E,F and G.
108 Supra note 8.
109 Supra note 9.
110 155(2008) DLT 588
GUARANTEED and the pictorial depiction of snow-capped mountain and the sun on the label of M/s Pepsico India Holdings Pvt. Ltd. for packaged drinking water, was not misleading, and was not prohibited by any law. The appeal was made on the ground that the pictorial device SNOW-CAPPED MOUNTAIN and the expression PURITY GUARANTEED creates confusion in the mind of general public regarding the origin, nature, composition and properties of the product and suggest that the origin of the water being in the mountains, the product is mineral water when admittedly the product was only packaged drinking water and not packaged mineral water. It was held by the Court that the pictorial device snow-capped mountain suggests the packaged mineral water being manufactured and marketed has its origin in the mountains which creates a misleading impression in the mind of the purchasing public. But the nature of the expression PURITY GUARANTEED does not contravene any provision of BIS Act or PFA Rules. Therefore, the appeal was partly allowed and directions were given to remove the pictorial device snow-capped mountains from the label of the article Aquafina and also add the phrase as per BIS standards to its label after the phrase purity guaranteed.

In Parakh Foods Ltd. v. State of A.P. and Anr., there was food adulteration and misbranding of Soyabean oil. The product label contained pictures of various vegetables which allegedly were in no way connected with the product. A complaint alleging contravention of section 2(ix)(k) and under Section 7(ii) of the Act read with Rule 37D of the PFA Rules was filed against the Appellant Company. The High Court in Appellant’s petition challenging prosecution held that article of food in question was misbranded since pictures contained on the label had nothing to do with the article of food in question. In the appeal, the appellant contended that the article of food can be considered to be misbranded only when false claims are made with respect to such article of food upon the label or otherwise. It was further contended that there is no statutory prohibition under the Act in printing pictures of vegetables on the label. It was held that, “unless the picture depicted on a label of edible oils and fats exaggerates the quality of the product, it would not fall within the mischief of Rule

111 AIR 2008 SC 2012
The use of pictures by appellant on the label of the product according to the appellant was to depict the purpose for which the oil can be used. The picture was neither indicative of the quality of soyabean oil nor an exaggeration towards the quality of the product to come within the mischief of Rule 37D of the PFA Rules. The appeal was therefore allowed.

In **Dwarka Nath and Anr. v. The Municipal Corporation of Delhi**¹¹² appellants carried on business of pure desi ghee. Sample of pure desi ghee did not conform to the packing and labeling Rules under the Act as the name and business address of the manufacturer or packer or vendor and batch of code numbers had not been specified on the label as required under Rules 32 (b) and (e) of the Prevention of Food Adulteration Rules, 1955. Therefore, the appellants were charged for the contravention of Rules 32 (b) and (e) of the Rules. The High Court convicted appellant for breach of Rule 32 (b) and (e). Hence, appeal was made. The question arose whether Rule 32 (b) and (e) was beyond the rule making power conferred under Section 23 (1) (d) of Prevention of Food Adulteration Act, 1954. The object of Rule framed under Clause (d) must be with a view to prevent the public or the purchaser being deceived or misled as to the character, quality or quantity of the article. Clause (e) of Rule 32 requires a batch number or code number either in Hindi or English numerical or in alphabets be mentioned in the label. Clause (b) of Rule 32 requires that the name and business address of the manufacturer, or importer, or vendor or packer be given on every label. It was held that Rule 32(e) was beyond the rule making power even under Section 23(1)(d) of the Act and therefore the appeal was allowed.

In **Bottled Water Processors Association v. Union of India (UOI) and Ors.**,¹¹³ writ petition was filed by the Association seeking directions against the Union of India against all "local units manufacturing and selling packaged drinking water without licence and BIS Certification Mark". It was contended that under Section 14 of the BIS Act read with Rule 49(28) of the Prevention of Food Adulteration Rules 1955,

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¹¹² AIR 1971 SC 1844
¹¹³ W.P. (C) No. 11672 (2009)
there are a large number of units in Delhi selling packaged drinking water without complying with the above norms and there is violation of the PFA Rules read with the PFA Act as well. Rule 49(28) PFA Rules, inserted with effect from 29th March 2001, states that "no person shall manufacture, sell or exhibit for sale mineral water except under the BIS Certification Mark." Section 16 of the PFA Act is attracted when there is any import or manufacture for sale or distribution of packaged drinking water "in contravention of the provisions of this Act or any Rule made therein." The Court sought to take action against all the relevant units manufacturing and selling packaged drinking water without a licence and without a BIS Certification Mark. The Court straightway rejected the plea that where a packaged drinking water is found to be sold without using the label as mandated under Rule 43(ZZZ)(13) of the PFA Rules or does not carry the BIS Mark in terms of Rule 49(28) PFA Rules, no action can be taken against manufacturer or seller as to packaged drinking water. It further held that, “This is indeed a complete misreading of the Rule. The whole purpose of having such an elaborate control mechanism is to ensure that there is no sale of packaged drinking water that is permitted except when it conforms to the PFA and the BIS Act.”

In Ramdev Food Products Pvt. Ltd. v. Arvindbhai Rambhai Patel and Ors.\textsuperscript{114}, the respondents had been selling a large variety of spices under the trade name "Swad". However, the packings and labels adopted by them were held to be deceptively similar to the trade-mark "Ramdev" of the appellant. Although they had been manufacturing and marketing spices under the trade name 'Swad', the respondents had been writing the words "Ramdev Masala" in such a manner that it created confusion in the minds of customers. It was, therefore, opined that the respondents had been passing off their goods as if it was manufactured by the appellant. The learned Judge, however, opined that as per the provisions of the Prevention of Food Adulteration Act, 1955, it was mandatory to disclose the name and address of the manufacturer they have been writing their name "Ramdev Masala" as manufacturer which does not create any deception or confusion. The appellant got it entered in the records of the Registrar of Trade Mark by following due procedure and acknowledging that the appellant

\textsuperscript{114} AIR 2006 SC 3304
company is the registered proprietor of trade name bearing logo of "Ramdev". It was held that the labels and packings adopted by the respondents were deceptively similar to the registered trademark 'Ramdev'.

It was further held that in view of the Rules framed under Prevention of Food Adulteration Act and Standards of Weights and Measures Act, the manufacturer is duty bound to display its name and address in the manner, size and placement as prescribed, on the packets. Thus, once a statute prescribes an obligation on manufacturer and stipulates the minimum standards of measurement, the manufacturer is bound to act in accordance with law and cannot be restrained from complying with specific statutory provisions.