

Down To Earth

Food fudge: The story behind why India still does not have front-of-pack labelling

Seven years, four committees and two draft regulations later, India still does not have a clear labelling system to warn consumers about harmful levels of fat, salt and sugar in processed foods. Here is why

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This is the first in a three-part series.

Here's a riddle. How much is the salt intake if you eat five tablespoons of a *namkeen* from a pack that mentions 1,070 mg of sodium per 100 g? If you have trouble calculating that, try answering this one: How much sugar and fat does a child get on eating three-fourths of a regular-sized chocolate bar that has a serve size of 15 g?

Most of us do not usually prefer to make calculations while snacking or eating a sweet. Those who do watch their calorie intake, find it extremely difficult to read the small print of nutritional information mentioned on food or beverage packets.

According to the Food Safety and Standards (Packaging and Labelling) Regulations, 2011, every pre-packed processed food product sold in the country must be labelled with nutritional information.

This helps the consumer know everything about the food they buy and make an informed decision about what and how much to eat. Such information is particularly crucial because the packaged food industry has been globally indicted for peddling ultra-processed foods that are high in fat, salt or sugar and low in fibre and other essential micronutrients.

On the one hand, these foods cause malnutrition and on the other hand they are linked strongly with obesity and diet-related non-communicable diseases, such as Type-2 diabetes, hypertension, heart ailments and certain cancers, like that of the colon. All these increase the risk of premature death.

Manufacturers of packaged foods are quite inventive. They provide this crucial information in such cryptic language, tucked away on the back of the overly colourful packets that the consumer either fails to notice it or does not comprehend it.

Every time Medhavi Sharma, a food enthusiast in Jaipur, Rajasthan, visits a supermarket, she spends a considerable time trying to locate the nutritional

information and get a sense of the quantity of sugar, fat, carbohydrates or protein the foods contains.

“I need an extra pair of lenses to read the small-sized text. Some products place the information as running text, instead of in a tabular format, which makes it a challenge to comprehend the complex facts.”

For Unnati Kapoor, a 12-year-old student in Delhi, the challenge is different. “I never see salt mentioned on the chips packet I am fond of,” she says, ignorant of the fact that most companies mention sodium as an alternate term for salt.

Yeshika Malik, a mother of a two-year-old in Delhi, says one needs to have a good understanding of nutrition science to be able to decipher the terminologies and numbers on food packets.

Not to mention that most products provide information in English understanding which can be daunting for a vast number of people in India.



To ensure that consumers are able to easily see and interpret the nutritional information on food packets, an expert committee established by the Food Safety

and Standards Authority of India (FSSAI), the country's food regulator, proposed a labelling system in 2014 that would have made the existing regulations robust.

The committee, set up following an order of the Delhi High Court which was hearing a public interest petition seeking a ban on the sale of junk food in and around schools, recommended labelling of calories and some nutrients of concern, such as sugar, fat and salt, on the front of the packs.

This would help regulate junk food consumption, it said.

The front-of-pack (FoP) labelling system has long been listed as one of the global best practices to nudge consumers into healthy food choices. It works just the way cigarette packets are labelled with images to discourage consumption.

The World Health Organization (WHO) defines FoP labels as “nutrition labelling systems that are presented on the front of food packages in the principal field of vision; and present simple, often graphic information on the nutrient content or nutritional quality of products, to complement the more detailed nutrient declarations provided on the back of food packages.”

The Codex Alimentarius Commission, an international food standards body established jointly by WHO and the Food and Agriculture organization (FAO), mentions that “FoP labelling is designed to assist in interpreting nutrient declarations”.

Countries such as Chile, Brazil and Israel have laws to push the packaged food industry to adopt FoP labelling. They have used FoP labelling as a measure to fight obesity and NCDs.

The system has, however, failed to see the light of day in India even seven years after it was first proposed and despite the experience of FSSAI in enforcing such labels — its “green filled circle in green outlined square” for vegetarian food and

“brown filled circle in brown outlined square” for non-vegetarian food have been effective and popular. Then why has it been dragging its feet on FoP labelling?

The fact is, makers of packaged foods are also a powerful lot, with strong business acumen. While companies in other countries have acceded to the FoP labelling laws, they are unwilling to do so in India — a country experiencing a dietary shift, with people increasingly consuming more of processed and ultra-processed foods, which makes it a burgeoning market.

All evidence shows that by influencing FSSAI, they have not only delayed the implementation of FoP label but have also diluted labelling provision to the extent that it may no longer serve the purpose.

Clear collusion

In 2015, FSSAI set up a second expert committee to assess the availability of foods high in fat, salt or sugar in the Indian market and to recommend on its regulatory limits and labelling and display requirements.

The committee was led by D Prabhakaran, then vice-president of Public Health Foundation of India, a public-private initiative headquartered in Delhi. Two years later, the committee submitted its report, recommending to make nutritional information “easy” to understand and resolve “ambiguities” on the correct serving size of packaged and fast foods.



This left no scope for procrastination and in 2018, FSSAI released the draft Food Safety and Standards (Labelling and Display) Regulations, which for the first-time proposed FoP labelling for packaged food in India.

It was a good move. Despite some limitations in its design, the 2018 draft required food makers to place the information upfront — on the front of the pack —and highlight all the nutrients that exceed thresholds in red.

At a national consultation on food labelling regulations for safe and healthy food held in August 2018, Pawan Agarwal, then chief executive officer of FSSAI, said,

“Industry does not want the food to be labelled red which represents danger.” And the 2018 draft remained a draft.

Then began dilution

Within a few months, FSSAI announced a third committee, headed by B Sesikeran, former director of the National Institute of Nutrition. At that time, Sesikeran was associated with the International Life Sciences Institute, a non-profit based in the United States, known to lobby for food business with governments under the garb of a scientific group working towards public health.

The recommendations of the committee were never made public. But what followed was shocking. In July 2019, FSSAI released a much diluted version of the 2018 draft for public comment.

The 2019 draft changed three of the five nutrients of concern that were proposed to be displayed on FoP label: It replaced ‘salt’ with ‘sodium’, ‘total fat’ with ‘saturated fat’ and ‘total sugar’ with ‘added sugar’.

While changing total sugar to added sugar, FSSAI did not revise the recommended daily allowance (RDA) for sugar, which has been limited to 50 g in the 2018 draft. This meant a higher quota and relaxed limits for added sugar.

In December 2019, Centre for Science and Environment (CSE), a Delhi-based research and advocacy non-profit, analysed the implication of this change. It found that it was in the industry’s interest that the 2019 draft prescribed the declaration of sodium on food pack, not salt — the ingredient that triggers hypertension. Indian consumers have little understanding on sodium and how to calculate its value to find the salt content.

Similarly, it was in the industry’s interest to declare saturated fat instead of total fat. Packaged foods are high in fat but may or may not have high saturated fat.

While saturated fat is strongly linked to heart diseases which typically appear in adulthood, a diet high in total fat can cause obesity and associated health complications among children, who are the major target group of processed foods.

The third set of dilutions related to sugar also favoured industry. ‘Added sugar’ cannot be differentiated from sugar present intrinsically in foods and cannot be measured by any scientific method. It can only be declared by those who have added it.

Remarkably, the industry was still not pleased with the diluted 2019 draft and continued to oppose the ‘red’ colour coding. That was around the time the Environment Monitoring Laboratory at CSE began testing the content in 33 popular packaged and fast foods marketed by Indian and multinational companies across the country.

It tested chips, *namkeens*, instant noodles, soups, burger, fries, pizza, sandwich and wraps. Its study, published in December 2019, highlighted that most packaged foods and fast-food items popular in the country contain dangerously high levels of salt and total fat.

The levels were several times higher than the thresholds set by FSSAI in the 2018 draft. The CSE expose once again highlighted the need for simple and effective warning labels and for adopting the thresholds set in the 2018 draft.

But instead of enforcing the regulations, FSSAI went ahead to notify the 2019 draft by delinking the FoP label from it and set up a fourth committee — this time a working group comprising members from the nutrition, medical and scientific communities — to specifically revise thresholds.

FSSAI also commissioned a survey from The Nutrition Alchemy (TNA), a Mumbai-based firm that deals with nutrition and technology, to assess the nutritional composition of packaged foods against the thresholds of FSSAI and WHO’s nutrient profile for the Southeast Asian region.

TNA analysed more than 1,300 packaged food products based on the data sourced from the industry. Its report, submitted to FSSAI in December 2020, showed that 4.4 per cent of the products were not high in fat, sugar or salt when compared to FSSAI and WHO thresholds.

Most other products had more than one critical nutrient present in higher than threshold levels. This was similar to what the CSE study of 2019 highlighted. That most packaged food is unhealthy was now loud and clear.

New panel, new dilution

Between January and June this year, FSSAI once engaged with stakeholders, including consumer organisations and industry groups, over a series of meetings. All these happened as part of the consultation.

Based on the findings of TNA, the working group also proposed revised thresholds, which were shared with stakeholders for feedback in February. It is still uncertain if these thresholds would be accepted by FSSAI. Researchers at CSE have, however, analysed these thresholds.

They have found that the thresholds prepared by the working group gives preference to commercial interests of the packaged food industry over the consumers' right to know and public health.

The working group has relaxed the thresholds to the extent that products with very high content of fat, salt or sugar can pass off as healthy. The thresholds will not only fail to discourage the consumption of unhealthy junk foods but lead to poor dietary choices and distortion of food habits. The problem was at three levels.



1) Thresholds higher than earlier

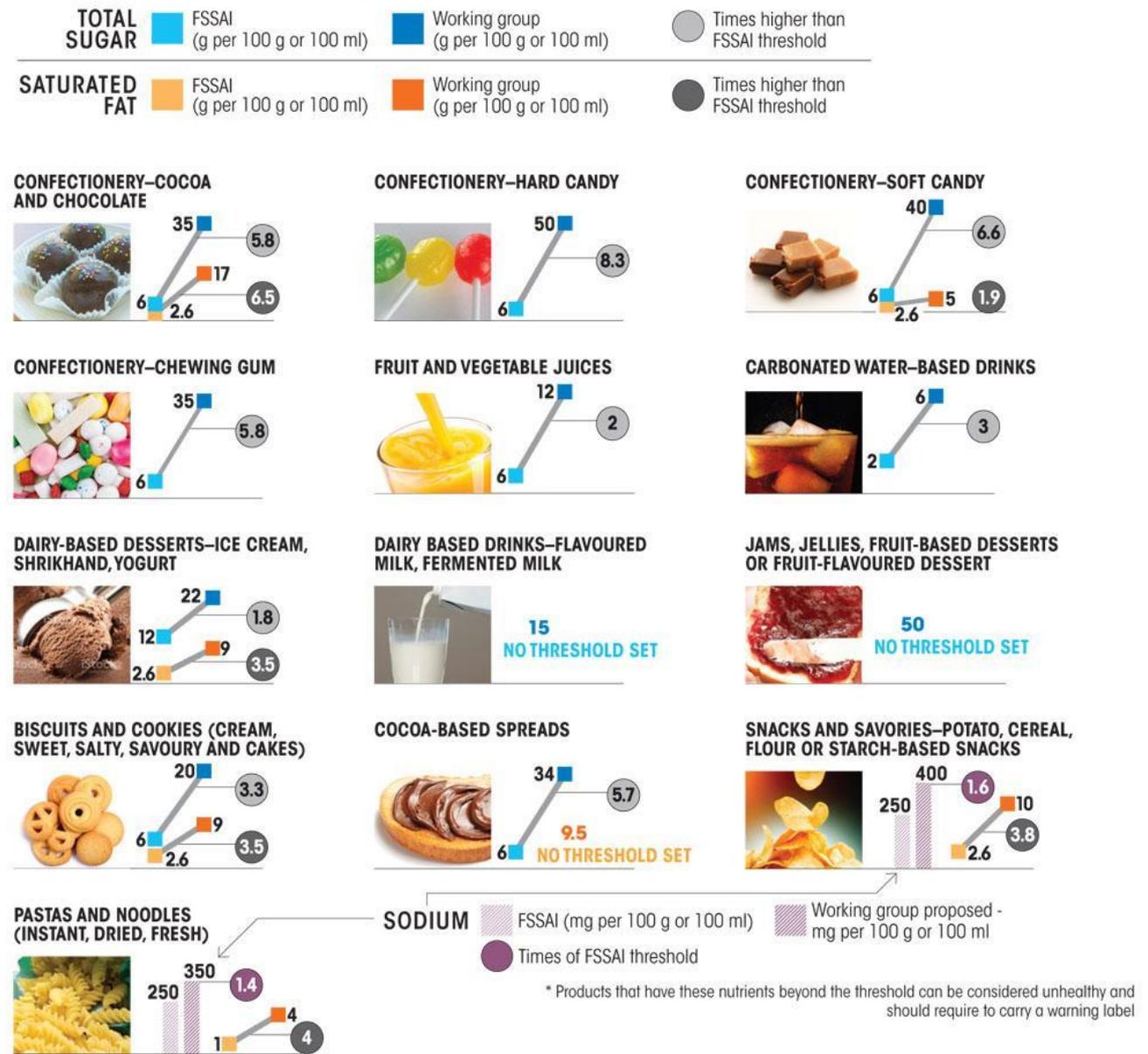
In junk foods like chocolates, candies, ice creams, chips, biscuits and soft drinks — all popular among children — thresholds were several times higher than those proposed by FSSAI for ‘total sugar’ and ‘sodium’ in the 2018 draft and for ‘saturated fats’ in the 2019 draft.

The relaxation was more for ‘total sugars’ and ‘saturated fats’ in sweet foods and ‘saturated fats’ in salted snacks. For example, in chocolates, sugar thresholds were increased by about six times — from 6 g to 35 g per 100 g.

This means even if more than one-third of a chocolate is sugar, it will not be considered unhealthy. In addition, chocolates got over six times relaxation for saturated fat limits.

UNHEALTHY RELAXATION

FSSAI working group thresholds for total sugar and saturated fat are highly relaxed than limits proposed by the food regulator in its earlier drafts of labelling and display regulations



In ice-creams, sugar limits were increased from 12 g to 22 g per 100 g — a relaxation of 80 per cent coupled with 3.5 times increase in saturated fat limits.

The humble biscuits also got over three times of extension in sugar and saturated fat limits.

Sugar limits were also increased for carbonated drinks, which one needs to be careful about due to high added sugar in liquid form with no nutrients. The suggested sugar limits for dairy-based drinks like flavoured milk as well as for

jam, jellies and fruit-based desserts were also high; so was the case with saturated fat limits for cocoa-based products.

Four times more saturated fat limits was awarded to savoury snacks like chips, namkeens, pasta and noodles, which also got some relaxation in sodium limits.

2) Thresholds lax than other nations

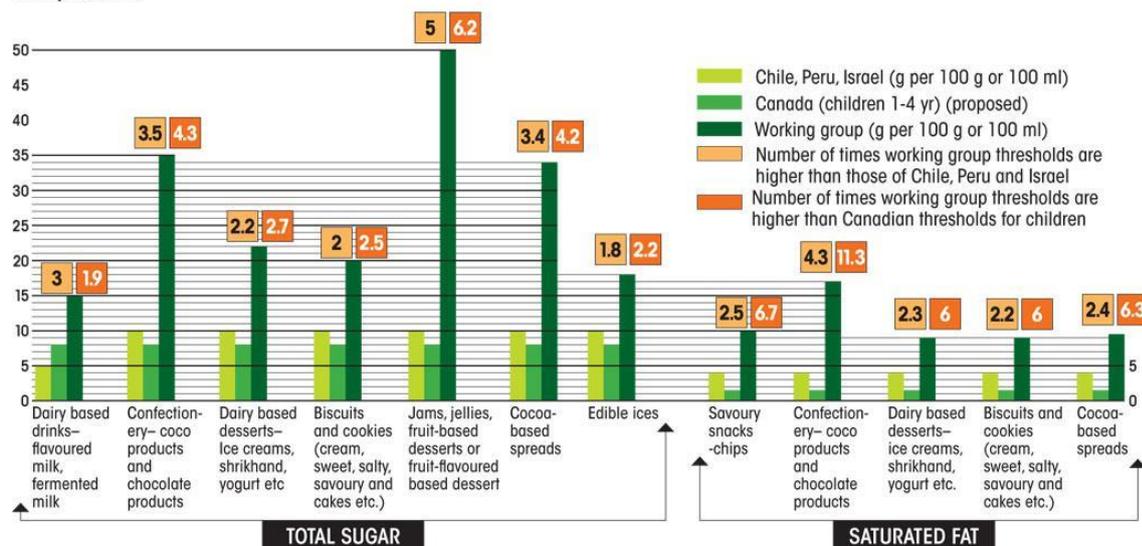
The proposed thresholds were one of the most relaxed thresholds in the world. In the case of many junk food categories popular among children and the young, the thresholds for total sugar and saturated fat were several times higher than those adopted by countries such as Chile, Peru and Israel.

These countries are leading the fight against obesity and diet-related NCDs through strong FoP labelling such as warning labels. Canada also has a separate set of thresholds for junk foods consumed by children.

By comparison, the single set of thresholds proposed by the working group for all age groups were many times higher than those set for children in Canada.

GLOBAL STANDING

FSSAI working group thresholds for total sugar and saturated fat are much higher than those in countries that follow global best practices



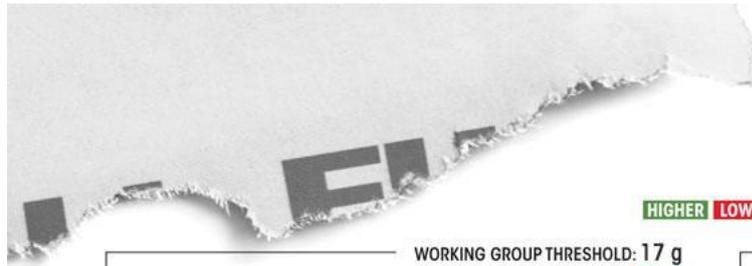
3) Designed to suit industry

CSE researchers compared the proposed thresholds with the actual content of saturated fats and total sugar in randomly-picked popular chocolates, ice-creams and desserts and flavoured milk products.

They observed that the actual levels in several products were so below the thresholds that they could easily bypass FoP label. Even those products with high fat, or sugar required minor modification or reformulation to bypass a FOP label developed based on the proposed thresholds.

For example, sugar in two of the three ice creams or desserts analysed by CSE was lower than the proposed thresholds. The third one needed to modify less than 10 per cent to escape labelling. This is when actual levels of sugar in them shows they can eat up a significant portion of our daily sugar quota.

Not surprisingly, the thresholds were not acceptable to several consumer organisations. The strategy, the approach and the actual values, all were strongly opposed. After all, it would have defeated the purpose of FoP labelling. This was not what they expected after years of delay.



BRAND FRENZY

FSSAI working group thresholds are so high that many branded products fall below the limit

■ Saturated fat content (g per 100 g)

HIGHER **LOWER** Saturated fat content higher/lower than working group threshold (%)

CHOCOLATES



WORKING GROUP THRESHOLD: 17 g

| | | |
|--|------|------|
| Mars Nougat & Caramel Filled Chocolate Bar | 8.2 | 51.8 |
| Cadbury 5 star | 9.1 | 46.5 |
| Snickers | 10.5 | 38.2 |
| Cadbury Dairy Milk Crackle | 15.6 | 8.2 |
| Nestle Milky Bar | 28.4 | 67.1 |
| Nestle Kit Kat | 23 | 35.3 |
| Perk | 23.4 | 37.6 |
| Munch | 21.6 | 27.1 |
| Amul Dark Chocolate | 20.4 | 20.0 |
| Amul Milk Chocolate | 19 | 11.8 |
| Cadbury Dairy Milk Silk | 19 | 11.8 |
| Cadbury Fuse | 17.9 | 5.3 |
| Cadbury Dairy Milk | 17.5 | 2.9 |
| Cadbury Dairy Milk Chocolate minis | 17.5 | 2.9 |

ICE CREAMS AND DESSERTS (DAIRY BASED)



WORKING GROUP THRESHOLD: 9 g

| | | |
|--|------|------|
| Kwality Walls - Oreo and Crème | 6.6 | 26.7 |
| Amul ice cream choco-chip | 7.1 | 21.1 |
| Kwality walls desi kulfi | 7.3 | 18.9 |
| Amul Rajbhog Ice Cream | 8.1 | 10.0 |
| Havmor Signature Kesar Malti Ice Cream | 7.3 | 18.9 |
| Amul ice cream - roasted almond | 7.6 | 15.5 |
| Amul Tricone - Choco Crunch Ice Cream | 12.9 | 43.3 |

■ Total sugar content (g per 100 g or 100 ml)
HIGHER **LOWER** Total sugar content higher/lower than working group threshold (%)

WORKING GROUP THRESHOLD: 22 g

| | | |
|--|------|------|
| Havmor Signature Kesar Malti Ice Cream | 19.2 | 12.7 |
| Kwality walls desi kulfi | 21.6 | 1.8 |
| Kwality Walls - Oreo and Crème | 23.8 | 7.7 |



FLAVOURED MILK

WORKING GROUP THRESHOLD: 15 g

| | | |
|---|------|------|
| Sunfeast Wonderz Milk Nutshake - Kesar Badam | 10.5 | 30 |
| Britannia Winkin Cow Vanillicious Thick Shake | 11.2 | 25.2 |
| Nescafe Chilled Latte Coffee | 11.3 | 24.7 |

Source: Websites of manufacturers and retailers

Far than ever before

FSSAI called its sixth meeting on June 30, 2021. There was a clear attempt to take decisions, and some were taken. But FSSAI also brought some different criteria to the table as a surprise.

On the nutrients to be displayed on FoP label, it was agreed that ‘sodium’ would be used for fixing thresholds and ‘salt’ could possibly be used on FoP label.

‘Saturated fats’ are decided instead of ‘total fats’.

It was also decided that 100 g or 100 ml will be used as reference unit for thresholds and not the per serve size. ‘Total sugars’ would be considered instead of ‘added sugar’.

CSE and some consumer groups had been pushing for these. Scientific experts also supported. But there was a catch: There were some talks about setting higher thresholds for ‘total sugar’.

There was another twist in the tale and this has many parts to it. First, FSSAI proposed to also consider ‘positive nutrients’ in the FoP label. It was about giving scores to ‘positive nutrients’ such as proteins, nuts, fruits and vegetables in the name of promoting wholesome foods.

The industry, as expected, supported it. Most consumer organisations objected as ‘positive nutrients’ will mask the negative impact of high fat, salt and sugar in the food and the industry will use it to mislead the consumer.

Moreover, they are already there as claims. Scientific members also emphasised that the purpose of FoP label is to inform consumers about negative nutrients and finalising the criteria to consider ‘positive nutrients’ would take time.

CSE was clear that as such, there are hardly any ‘positive’ nutrients in junk foods and even if some gets added, it will not turn these bad foods into good foods. The disagreement and dissent of consumer organisations who opposed the FSSAI proposal were recorded.

But what is this idea of ‘positive nutrients’? There was clearly much more to it than depicting ‘positive nutrients’ in addition to negative nutrients. It had a bearing on both the design and thresholds.

Only a few FoP label designs include positive nutrients and these are called summary indicators suggesting summary of good and bad in a food. One is the ‘Health Star’ rating system (adopted in Australia and New Zealand) and the other is ‘Nutri-score’ system (adopted by France and Belgium).

Thresholds in summary indicators are developed by using an algorithm at the back-end based on which a score is given to a product, which is then represented

through a number of stars (in Health Star) and a mix of alphabets and colours (in Nutri-score).

It is not known to be consumer friendly. For example, it does not tell which negative nutrient is high and by how much. It is known to favour the industry.

Besides, since a positive message and a warning message cannot go hand in hand, by allowing the food industry to disclose ‘positive nutrients’ clearly meant that FSSAI was not really keen on ‘warning labels’.

This also means that what was proposed in June 2021, if accepted later, could have grave consequences for the Indian consumer compared to the recommendations in 2018 or 2019 draft.

Then, there is the second twist in the tale. FSSAI proposed to set thresholds for two broad categories — solids / liquids or foods / beverages — in addition to possibly a few other categories like dairy.

Reference was made to countries that use such broad categories and have ‘Health Star’ and ‘Nutri-score’ rating systems. Most industry members welcomed this proposal. This system was diametrically opposite of the threshold limit set for different products, something which the food industry has been particularly agitated about since January.

In no time, it was decided that the scientific panel should initiate discussions on setting thresholds under these two broad categories along with a few more categories, if need be. This means, the efforts of the working group over the last year-and-a-half are more or less not going to be utilised.

The last twist in the tale was related to the design of FoP label that India is to adopt. Some members of the industry suggested adopting the Guideline Daily Amounts (GDA) in monochrome, which is essentially the information on amount

of energy and nutrients with percentages of daily reference intake exhausted on consumption as per serve size.

Most consumers groups maintained their view on the need for ‘warning labels’. FSSAI mentioned that both supportive and unsupportive studies were available on all kinds of FoP models. Consumer organisations had a different view on evidence.

FSSAI emphasised on the need for an India-specific study and decided to commission another survey — this would be to analyse major FoP labelling models with the objective to identify ease of understanding and behavioural change of Indian consumers on a national level.

Another study may help, but why did FSSAI not do it earlier? It was always clear that design is linked with thresholds and nutrients. Was it not possible to do the survey in 2020 along with the study on thresholds done by TNA?

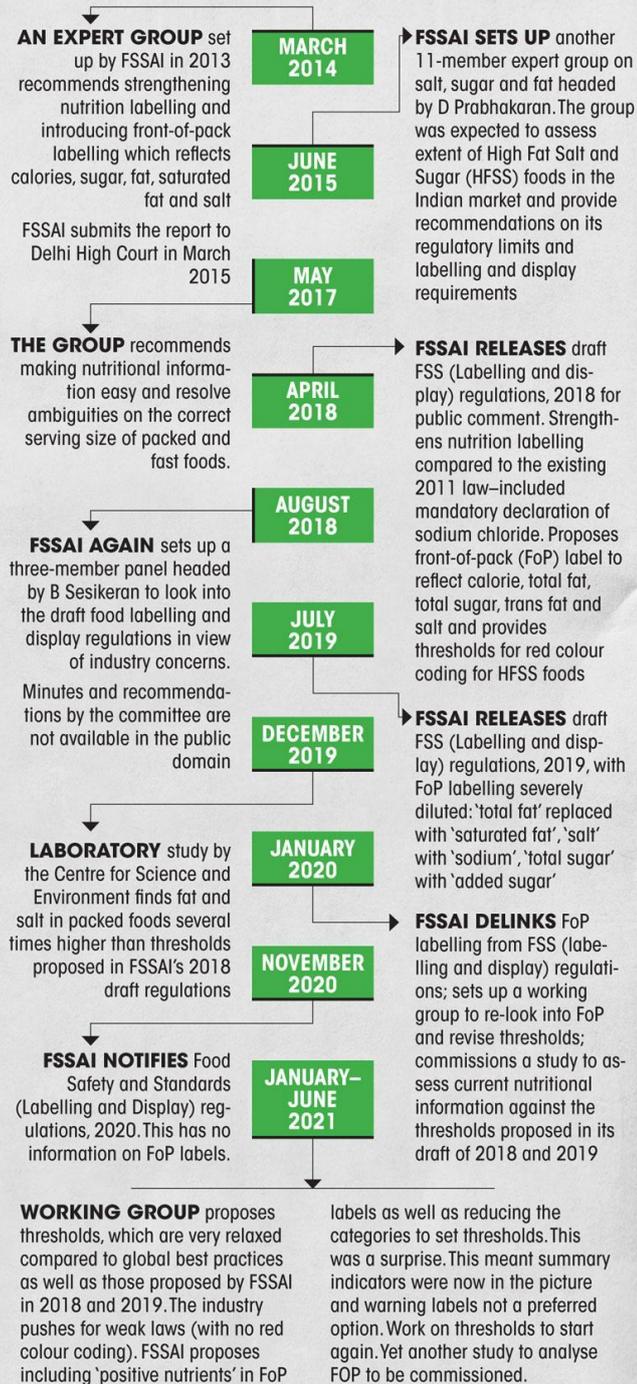
All these questions and confusions mark the end of the journey that started in 2014 to ensure that consumers in India should know about nutrients that make their food injurious to health. It was journey of one-step forward and two-steps backwards.

India is behind where it was in 2018. With ‘positive nutrients’ and ‘summary indicators’ on the anvil, it cannot be said if the future FoP label would help or harm.

What is clear is that the industry will keep doing what suits them. It’s the regulator that has to take a strong action and show that it cares for citizens. There is no middle-path here. There is no compromise on public health.

JOURNEY TO NOWHERE

Seven years of consultations, studies and draft regulations by the Food Safety and Standards Authority of India (FSSAI) have not translated into a robust law on front-of-pack labelling



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