

Most Urgent

1/2008/Import Safety/FSSAI
Food Safety and Standards Authority of India
Ministry of Health & Family Welfare, Govt. of India
FDA Bhavan, Kotla Road,
New Delhi -110002

Dated: 28th September, 2010

CIRCULAR

Subject: Guidelines related to Imported Food Clearance Process by FSSAI's Authorized Officers

The FSSAI has taken over PHO functions at Mumbai and Nhava Sheva ports with effect from 13th September, 2010 (and at Kolkata, Haldia and Chennai ports earlier this month) with the stipulation that the existing rules and procedures will continue to be followed without any change till FSSAI regulations are notified. This was necessary because DGHS vide their letter no.A-11019/04/2008-PH(IH) dated 23.03.2009 has already directed the PHOs to stop the work of drawing samples of imported food items at the ports due to establishment of FSSAI, creating vacuum at some ports, though at some other ports PHO continued to do that work on informal basis. Such a situation could not be allowed to continue in the interest of ensuring safety of imported food in public interest. Accordingly, FSSAI has moved in and in the first phase has replaced PHOs with its own Authorized Officers at the above mentioned ports in terms of section 47(5) of the FSS Act, 2006.

The work of Authorized Officers at four ports, namely Chennai Sea Port, Haldia Sea Port, Kolkata Sea Port and Mumbai Sea Port, is carrying on smoothly. Only in case of JNPT, Nhava Sheva representations have been received with regard to some delays in the first week of the operations which is creating difficulties for some importers, keeping in view the ensuing festive season and large number of consignments that are expected to be received at JNPT & Mumbai. The matter has been reviewed in FSSAI and it has been decided that the following guidelines will be complied by the concerned FSSAI's Authorized Officers till further orders in this regard.

- i. Reference may be made to the DGFT Policy Circular No. 25 (RE-2003)/2002-2007 dated 28.1.2004, whereby the Customs have been given the responsibility of switching to a system of 5%-20% checking of the consignments on random basis based on records of antecedents of the importers in respect of consignments of food items other than high risk food items (as notified vide policy circular No.37(RE-2003)/2002-2007 dated 14.06.2004 of DGFT) and perishable items like fruits, vegetables, meat, fish, cheese etc. It may be noted that based on the past record of an importer which is available with the Customs, the Customs officer will take a decision in accordance with the above Policy Circular and refer to FSSAI's Authorized Officer for drawing sample on 5% - 20% basis. Once a reference has been received the Authorized Officer will proceed in accordance with the PFA rules, instructions and guidelines. For high risk items 100% sampling will be done as per DGFT's circular dated 14.06.2004.

Joint Secretary (Customs), Department of Revenue, Ministry of Finance has been consulted in this regard.

- ii. FSSAI's Authorized Officer will refer all the samples drawn to the authorized labs for analysis as per provisions under PFA Act and the testing charges @Rs.3000 per sample as prescribed in the PFA Rules will be borne by the importer.
- iii. The AOs should ascertain that for the imported pre-packaged food items, the language and other major requirements of the label like mention of best before date, nutrition information etc. should comply the labeling provisions under PFA Rules, failing which sample may not be drawn from such consignment for testing.
- iv. As per DGFT notification NO. 22 (RE-2001)/1997-2002, dated 30.07.2001, Import of all such edible/food products, domestic sale and manufacture of which are governed by PFA Act, 1954, shall also be subject to the condition that at the time of importation, the products are having a valid shelf life of not less than 60% of its original shelf life. Shelf life of the product is to be calculated, based on the declaration given on the label of the product, regarding its date of manufacture and the due date for expiry. In case of such products having less than 60% of their original shelf life, FSSAI's AO need not draw any sample.

This issues with the approval of CEO, FSSAI.



(Sumita Mukherjee)

Director

Ph. 011-23237442

To
All FSSAI's Authorized Officers.

Copy to:

1. Chairman, Central Board of Excise and Customs, Room No. 156, Lok Nayak Bhavan, North Block, New Delhi – 110011, Ph: 011- 2309 1849, Fax: 011- 2309 2809
2. Shri. Sandeep M. Bhatnagar, Joint Secretary (Customs), Room No. 156 B, North Block, Central Board of Excise and Customs, Department of Revenue, Ministry of Finance, New Delhi. Ph- 011-23092978, Fax- 011-23093475, Email – jscus@nic.in
3. Sh. R.K. Srivastava, Joint Secretary (Ports), Ministry of Shipping (Ports Wing), Transport Bhavan, Parliament Street, New Delhi. Ph.- 23711873, Fax.- 23328549, Email- js-ports@nic.in
4. Sh. Dinesh Sharma, Joint Secretary, Department of Commerce, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi. Ph. 011-23061837, Email- dineshsharma@nic.in
5. Shri Amitabh Jain, Additional Director General of Foreign Trade, Directorate General of Foreign Trade, Udyog Bhawan, H-Wing, Gate No.2, Maulana Azad Road, New Delhi-110 011. Ph:011-23063466, E-mail: adgft@nic.in

6. The Secretary (A & C), Department of Agriculture & Cooperation, Ministry of Agriculture, Krishi Bhawan, New Delhi. Ph. 011-23382651, Fax-011-23386004, Email – secy-agri@nic.in
7. The Secretary, Department of Animal Husbandry & Dairying, Ministry of Agriculture, Krishi Bhawan, New Delhi, Ph. -011-23382608, Fax- 011-23388006, Email- secyahd@nic.in
8. Shri Sanjay Prasad, Director, Ministry of Health & Family Welfare, Government of India, Nirman Bhawan, Maulana Azad Road, New Delhi.
9. Smt. Shobha L.Chary, CCC-I, Chief Commissioners of Customs (Mumbai Zone - I), New Custom House, Ballard Estate, Mumbai-400 001, Maharashtra. Ph: 022-22757001; 022-22620091. PBX 7001; PS 7002, Fax: 22610027
10. Shri K.R. Bhargava, CCC-II, Chief Commissioners of Customs [Mumbai Zone-2 (Nhava Sheva)], Jawaharlal Nehru Custom House, Nhava Sheva, Taluka- Uran, District- Raigad, Maharashtra-400707, Ph: 022-22757801; 022- 27242401; PS: 7881; Fax: 27242402
11. Officer In charge, PQ Office, Jawaharlal Nehru Port Trust, Nava Sheva, Taluka- Uran, New Mumbai-400707, Maharashtra , Ph: 022- 27630021, Fax: 022- 27630021
12. Port health Officer PHO Office, Jawaharlal Nehru Port Trust, Nava Sheva, Taluka Uran, New Mumbai-400707, Maharashtra,
13. Port Health Officer, Port Health Office, Port Health Organisation, Pattan Swasthya Bhavan, 7, Mandlik Road, Flat No.1, Behind Taj Mahal Hotel, Coloba, Mumbai – 400039, Maharashtra
14. Chairman, Port House, Mumbai Port Trust, S.V. Marg, Mumbai - 400 001, Maharashtra. Ph: 022-66564011, Fax: 022-22621234, E-mail: chairman@mbptmail.com
15. Shri N N Kumar, Chairman I/c, Jawaharlal Nehru Port Trust, Nava Sheva, Taluka - Uran Maharashtra-400 068, Ph: 022- 27244001; E-mail: chairman@jnport.gov.in
16. President, Bombay Custom House Agents Association, 414/416, Bezzola Complex, V.N. Purav Marg, Chembur, Mumbai – 400071, Ph: 022-25230919, 022- 67973131, +91 9821191200, Fax: 022-25232919, E-mail: radha@clearship.com
17. Dr. S.K. Saxena, Director, Export Inspection Council of India, 3rd Floor, NDYMCA Cultural Centre Building, 1 Jai Singh Road, New Delhi-110001. Ph: 011-23748025, Fax: 23748186, Email: director@eicindia.org
18. Director/Chairman, Export Inspection Agency, Aman Chambers - 4th Floor, 113, Maharshi Karve Road, Mumbai - 400 004, Ph: 022- 2363 0311 / 2363 0312 / 23630113, Fax: 022- 2368 3927, E-mail: eiabombay@eicindia.org
19. Federation of Freight Forwarders' Associations in India (FFFAI) , Mahinder Chambers, Opp. Dukes Factory, W.T. Patil Marg, Chembur, Mumbai 400 071, Ph: 0091-22-6710 7495 / 67107496, Tel-fax : 67107500, Email : fffai@vsnl.com
20. Smt. Seema Vyas, Food Safety Commissioner for Maharashtra & Commissioner Food and Drugs Administration Maharashtra, S.No.341, Bandra Kurla Complex, Madhusudan Kalelkar Marg, Bandra (East), Mumbai-400051.Tel: 26590548, Fax: 24591959, Mobile: 09422783400, E-mail: svys@hotmail.com

*Copy for information:

1. Sr. PS to Chairperson, FSSAI
2. PS to CEO, FSSAI
3. SIO(AM)