

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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India

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

Updated on July 30, 2009. *All sections updated.* * Food Safety Standards Act implementation in progress.* *Nutritional labeling of packaged food implemented effective March 19, 2009.*

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in New Delhi, India, for US exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changes since its preparations, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best

equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Section I. Food Laws:

Currently, there are several Indian laws relating to food, some of which overlap and are administered by a number of different Ministries and Departments. Many of the laws were drafted soon after Independence under conditions very different from today, when India was at an early stage of ensuring food self sufficiency and the local food industry was at a nascent stage. The focus of these food laws is one or more of the following: (a) prevent food adulteration (b) regulate hygienic conditions of processing/manufacturing (c) protect the domestic agriculture and livestock sector from pests and diseases (d) inform consumers about the products they eat (such as vegetarian or non-vegetarian, maximum price to pay, etc.) (e) provide product specifications. Major existing food laws are equally applicable to imported food products. Implementation of food laws is constrained by lack of capacity and infrastructure.

The Government of India (GOI) has recently constituted a Food Safety Standards Authority of India (FSSAI), following the enactment of the "Food Safety and Standards Act, 2006," with the objective of consolidating various food laws and establishing a single regulatory agency in place of the current multiple regulatory agencies (See: <http://www.fssai.gov.in/>). The FSSAI has been mandated to lay down science-based standards for articles of food and to regulate their manufacture, storage, distribution, sale, and import so as to ensure availability of safe and wholesome food for human consumption. The administrative control of this Authority lies with the Ministry of Health and Family Welfare. The Chairperson, Chief Executive Officer and members of the FSSAI have been appointed and various scientific committees and panels constituted. The following food laws will be repealed from a date to be notified by the government. Until then the requirement and other provisions of these food laws will continue to be in force as a transitory provision for food standards.

- Prevention of Food Adulteration Act
- Milk and Milks Products Order
- Fruit Products Order
- Meat Products Order
- Three food laws specific to vegetable oils (Vegetable Oil Products (Control) Order, 1998; Edible Oils Packaging (Regulation) Order, 1998; The Solvent Extracted Oil, Deoiled Meal and Edible Flour (Control) Order, 1967)
- **Prevention of Food Adulteration Act (PFA) of 1954 and the PFA Rules of 1955**

The law meant to protect India against impure, unsafe, and fraudulently labeled foods is **the Prevention of Food Adulteration Act (PFA) of 1954, with the PFA Rules of 1955**, as amended from time to time. This is the most important food law in the country. PFA standards and regulations are meant to apply equally to domestic and imported products. The PFA covers various aspects of food processing and distribution, such as food color, preservatives, pesticide residues, packaging and labeling, and regulation of sales. **The PFA Act and Rules and recent notifications are available at: <http://mohfw.nic.in/pfa.htm>.** The law, previously enforced by **the Director General of Health Services, Department of Health (DH), Ministry of Health and Family Welfare (MHFW), Government of India (GOI)**, is now enforced by the FSSAI.

The PFA focuses primarily on the establishment of regulatory standards for food products that constitute the bulk of the Indian diet. The PFA does not always keep pace with advances in the food processing sector. Moreover, PFA rules sometimes appear to be drafted in a manner that goes beyond the mere establishment of minimum product quality specifications, by prescribing recipes for how food products are to be manufactured. Concerned parties may appeal to have the PFA Rules amended. All imported products must

adhere to the rules as specified in the regulation, including the labeling and marking requirements. Enforcement of the PFA is left to the state governments.

- **The Standards of Weights and Measures Act, 1976, and the Standards of Weights and Measures (Packaged Commodities) Rule, 1977**

These legislative measures are designed to establish fair trade practices with respect to packaged commodities. The rules aim to ensure that vital information about the nature of the commodity, the name and address of the manufacturer, the net quantity, date of manufacture, and maximum sale price are provided on the label. There may be additional labeling requirements for food items covered under the PFA. The Department of Consumer Affairs, located within the Ministry of Consumer Affairs, Food, and Public Distribution, is the regulatory authority. The entire text of the **Standards of Weights and Measures Act, 1976, and the Standards of Weights and Measures (Packaged Commodities) Rule, 1977**, and related notifications, can be accessed from the website of the Department of Consumer Affairs.

Importers of packaged food products must adhere to the provisions of these acts, including labeling the product.

- **The Fruit Products Order, 1955**

The fruit and vegetable processing sector is regulated by the Fruit Products Order, 1955 (FPO). This law was previously administered by the Ministry of Food Processing Industries but is now administered by the FSSAI. The FPO contains specifications and quality control requirements regarding the production and marketing of processed fruits and vegetables, sweetened aerated water, vinegar, and synthetic syrups. All units that process these products are required to obtain a license under the FPO, and periodic inspections are carried out. Processed fruit and vegetable products imported into India must meet the FPO standards. The FPO can be accessed from: www.fssai.gov.in/Fruit-Prod.aspx

- **Meat Food Products Order, 1992**

This order administers the sanitary and hygienic standards of slaughterhouses and sets the permissible quantity of heavy metals, preservatives, and insecticide residues for meat products. The FSSAI is the new regulatory authority. This order is equally applicable to domestic processors and importers of meat products. However, its implementation is uneven, due to unorganized production in the domestic market. For details, see: [http://www.fssai.gov.in/MFPO%201973-Amended%20English .pdf](http://www.fssai.gov.in/MFPO%201973-Amended%20English.pdf)

- **Milk and Milk Products Order, 1992**

This order regulates the production, distribution, and supply of milk products; establishes sanitary requirements for dairies, machinery, and premises; and sets quality control standards for milk and milk products. Standards specified in the order also apply to imported products. FSSAI is the regulatory authority. For details see: www.fssai.gov.in/mmpo.pdf

- **Livestock Importation Act, 1898**

Under the Livestock Importation Act, 1898, the government established procedures for the importation of livestock and related products to India, which are implemented by the Department of Animal Husbandry, Dairying, and Fisheries, Ministry of Agriculture (MA). These procedures are available at: <http://dahd.nic.in/order/livestockimport.doc>

- **Plant Quarantine (Regulation of Import into India) Order, 2003**

The GOI formulated the Plant Quarantine (Regulation of Import into India) Order, 2003, under the

Destructive Insects and Pests Act, 1914. It was published on November 18, 2003, with “...the purpose of prohibiting and regulating the imports into India of agricultural articles...,” and became effective January 1, 2004. The implementing agency is the Directorate of Plant Protection, Quarantine, and Storage, under the Department of Agriculture and Cooperation, MA. This Order, along with several subsequent amendments, is available at: www.plantquarantineindia.org/PQO_amendments.htm

The full text of the legislation is available at: www.mohfw.nic.in/Food%20Safety%20Standard%20Act.pdf

Section II. Labeling Requirements:

A. General Requirements: Part VII of the PFA Rules, 1955, and the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, as amended, establish labeling requirements for all packaged foods. In general, the label should provide the following information:

- Name, trade name, or description of product.
- Name of ingredients used in the product, in descending order of their composition by weight or volume.
- Name and complete address of manufacturer, packer, importer, or vendor, and country of origin of the imported food (including if the food article is manufactured outside India and packed in India).
- Net weight, number, or volume of contents.
- Distinctive batch, lot, or code number.
- Month and year the product was manufactured or packed.
- Month and year by which the product is best consumed.
- Maximum retail price (MRP).

Where applicable, the product label should also contain the following:

- The purpose of irradiation and license number, in case of irradiated food.
- Whether extraneous addition of coloring matter has been added.
- Non-vegetarian food (any food which contains whole or part of any animal including birds, marine animals, eggs, or products of any animal origin as an ingredient, excluding milk or milk products), must have a symbol of a brown color-filled circle inside a square with a brown outline prominently displayed on the package, contrasting against the background on the principal display panel, in close proximity to the name or brand name of the food.
- Vegetarian food must have a symbol of a green color-filled circle inside a square with a green outline prominently displayed on the package, contrasting against the background on the principal display panel, in close proximity to name or brand name of the food.

There are special labeling requirements for certain packaged food items, such as infant foods, condensed milk, milk powder, blended vegetable oils, etc. For details see Section 42, Part VII of the PFA Rules updated on October 1, 2004, (www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf), and any subsequent notifications.

In the case of imported packaged food, all declarations must be: 1) printed on a label securely affixed to the package or; 2) made on an additional wrapper containing the imported package or; 3) printed on the package itself or; 4) made on a card or tape affixed firmly to the package or container and bearing the required

information. Labels must be printed in English or Hindi (Devanagari script). The responsibility for labeling lies with the importer, and should be done before products are presented for customs clearance. Products exhibiting only the standard U.S. label will not be allowed to enter.

Per Notification No. 44 (RE-2000)/1997-2002, issued by the Department of Commerce (DC), Ministry of Commerce and Industry, on November 24, 2000, all packaged commodities, including packaged food, imported into India should also carry the following declarations:

-Name and address of the importer.

-Generic or common name of the commodity packed.

-Net quantity using standard units of weights and measures. If the net quantity of the imported package is given in any other unit, its equivalent terms of standard units shall be declared by the importer.

-Month and year in which the commodity was manufactured, packed, or imported.

-The maximum retail price at which the commodity in packaged form may be sold to the ultimate consumer. This price shall include all taxes, local or otherwise, freight, transport charges, commission payable to dealers, and all charges towards advertising, delivery, packing, forwarding, and the like.

The full notification is available at: <http://dgftcom.nic.in/exim/2000/not/not00/not4400.htm>

Shelf Life: Notification No. 22 (RE-2001) 1997-2002, dated July 30, 2001, issued by the Department of Commerce, Ministry of Commerce and Industry, states:

"Imports of all such edible/food products, domestic sale and manufacture of which are governed by the PFA shall also be subject to the condition that, at the time of importation [emphasis added], these products are having a valid shelf life of not less than 60 percent 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 the date of manufacture and the due date of expiry." <http://dgftcom.nic.in/exim/2000/not/not01/not2201.htm>

Per notification G.S.R. 388 (E), issued by the DH, MHFW, on June 25, 2004, under the PFA, every package of food which contains permitted artificial sweetener shall carry the label "CONTAINS ARTIFICIAL SWEETENER AND FOR CALORIE CONSCIOUS," along with the name or trade name of the product. ([www.mohfw.nic.in/GSR%20388\(E\).pdf](http://www.mohfw.nic.in/GSR%20388(E).pdf))

Per notification G.S.R. 339 (E), dated May 27, 2005, issued by the DH, MHFW, under the PFA, "No containers or label relating to infant milk substitute or infant food shall have a picture of infant or women or both. It shall not have picture or other graphic materials of phrases designed to increase the salability of the infant milk substitute or infant food. The terms "humanized" or "maternalized" or any other similar words shall not be used. The package and/or any other label of infant milk substitute or infant food shall not exhibit words, "Full Protein Food," "Energy Food," "Complete Food," or "Health Food," or any other similar expressions." (www.mohfw.nic.in/F33927052005.pdf)

On February 28, 2008, the DH, MHFW, issued the final notification of the Prevention of Food Adulteration (Amendment) Rules of 2008, **pertaining to wax coating of fruits**. Accordingly, fresh fruits may be coated with bees wax, carnauba wax or shellac wax, and the name of the wax must be labeled on the package (See: www.mohfw.nic.in/GSR%20114_E_.pdf)

On September 19, 2008, the DH, MHFW, issued a final Gazette of India notification requiring **nutritional labeling on packaged food** under the PFA. This requirement became effective March 19, 2009. It explains procedures for listing of ingredients, nutritional information, irradiated food, proprietary food, etc. For details see: www.mohfw.nic.in/Noti%20664.pdf

B. Requirements Specific to Nutritional Labeling

As per the new labeling requirements for packaged food mentioned above, every package of food is required to have the following additional nutritional information on its label:

Nutritional information or nutritional facts per 100 gram or 100 ml or per serving of the product should be given on the label, which include:

- (a) Energy value in kcal.
- (b) Amount of protein, carbohydrates (specify quantity of sugar) and fat.
- (c) Amount of any other nutrient for which nutrition or health claim is made.
- (d) Numerical information on vitamins and minerals.

Raw agricultural commodities, spice mixes, condiments, non-nutritive products, alcoholic beverages, processed pre-packaged vegetables and fruits, etc. are exempted nutritional labeling requirements.

C. Labeling requirements for Proprietary Food

Proprietary food, which according to Indian definition is a food which has not been standardized under the PFA Rules, in addition to complying with labeling requirements specified under the PFA, should also conform to the following requirements:

- (a) The name of the food and category under which it falls in the PFA rules should be mentioned on the label.
- (b) Should comply with all other regulatory provisions specified in the PFA Rules and in Appendixes to these Rules.

For details see: www.mohfw.nic.in/Noti%20664.pdf

Section III. Packaging and Container Regulations:

All weights or measures are to be reported in metric units.

Certain commodities can only be packed in specified quantities (weight, measure, or number). These include baby food, biscuits, bread, butter, coffee, tea, vegetable oils, milk powder, and wheat and rice flour. The use of materials such as Polyvinyl Chloride (PVC) is not allowed for packaging in most cities, due to environmental concerns and waste disposal problems.

In order to ensure availability of safe and high quality edible oils in packed form at pre-determined prices to consumers, on September 17, 1998, the MCAFPD promulgated an **Edible Oil Packaging (Regulation) Order, 1998**, under the Essential Commodities Act, 1955, to make packaging of edible oils, sold in retail, compulsory, unless specifically exempted by State governments.

Section IV. Food Additives Regulations:

Information regarding permitted coloring matter, preservatives, etc. is provided in various sections of the PFA Rules, 1955, as amended, which are listed below:

Coloring Matter - Part VI

Preservatives - Part X

Poisonous metal - Part XI

Crop contaminants and naturally occurring toxic substances - Part XIA

Anti-Oxidants, Emulsifying, Stabilizing, and anti-caking agents - Part XII

Flavoring agents and related Substances - Part XIII

Carry over of food additives - Part XIII A

Sequestering and buffering agents - Part XVI
Antibiotic and other pharmacologically active substances - Part XVIII
Food Additives ^[1] - Part XIX

^[1] Per Gazette notification G.S.R. 388 (E), dated June 25, 2004, ([www.mohfw.nic.in/GSR%20388\(E\).pdf](http://www.mohfw.nic.in/GSR%20388(E).pdf))

On December 1, 2004, the DH issued a final Gazette notification that lists permitted food additives in fish and fish products and microbiological requirements of seafood. See [www.mohfw.nic.in/GSR821\(E\)21102004.pdf](http://www.mohfw.nic.in/GSR821(E)21102004.pdf).

On March 21, 2005, the DH issued a final Gazette notification under the PFA Act that pertains to the use of additives in sugar, salt, cocoa powder, chocolate, sugar boiled confectionary, and chewing gum. See www.mohfw.nic.in/F18421032005.pdf.

On March 21, 2005, the DH issued a final Gazette notification under the PFA Act that provided a list of permitted food additives and microbiological requirements of thermally-processed fruits, fruit cocktails, vegetable soups, fruit juices, fruit vegetable cereal flakes, squashes, tomato ketchup, tomato sauces, soy sauces, jams, jellies, etc. See www.mohfw.nic.in/F18521032005.pdf.

On June 23, 2006, the DH issued the final Gazette notification to amend the PFA rules pertaining to the use of additives in biscuits, breads, and confectionary items. Among other things, the amendment contains a maximum limit of oligofructose (dietary fibers) up to 15 percent, and a dietary fiber labeling requirement for biscuits, breads, and cakes. The full notification can be accessed at: www.mohfw.nic.in/Noti%20400.pdf

On October 31, 2006, the DH issued the final Gazette notification to amend the PFA Rules, pertaining to the use of acesulfame potassium, sucralose, di-sodium 5 – Inosinate, and sodium hexa meta phosphate in certain processed food products. The full notification can be accessed at: www.mohfw.nic.in/Noti%20679.pdf

On July 2, 2007, the DH issued the final Gazette notification establishing the maximum limit on mono and diglycerides in ready-to-drink products at 0.4 gram in 100 ml. The notification can be accessed at: www.mohfw.nic.in/Noti%20458.pdf

On June 19, 2009, the DH issued a final Gazette notification, establishing permissible limits for Sucralose in lozenges, xanthan gum in bakery mixes, non-dairy whip topping and sodium bicarbonate in instant mixes. The notification can be accessed at: <http://www.mohfw.nic.in/430%2019th%20june.pdf>

Section V. Pesticides and Other Contaminants:

The Ministry of Agriculture regulates the manufacture, sale, import, export and use of pesticides through the 'Insecticide Act, 1968' (http://cibrc.nic.in/insecticides_act.htm) and the rules framed under the Act (http://cibrc.nic.in/insecticides_rules.htm). The Central Insecticide Board (CIB) constituted under Section 4 of the Act advises the central and state government on technical matters. The Registration Committee (RC) constituted under Section 5 of the Act approves the use of pesticides and new formulations to tackle pest problems in various crops. While the RC registers pesticides for their usage, the MRLs in food commodities are prescribed by the Ministry of Health and Family Welfare under the PFA and the rules framed under the Act. An MRL is established taking into account the toxicological data of the pesticide as well as that of the residues on crops under Good Agricultural Practices (GAP).

Of the about 217 pesticides registered (http://cibrc.nic.in/reg_products.htm) for regular use in India, 143 MRLs have been notified by the DH (See: www.mohfw.nic.in/pfa%20acts%20and%20rules.pdf, Part XIV pages 163-177; www.mohfw.nic.in/Noti%20633.pdf, and www.mohfw.nic.in/Noti%20367.pdf).

There are 27 'deemed to be registered' pesticides, which were already in use when the Insecticide Act was enacted and therefore do not require MRLs (some of these pesticides have already been phased out). According to official sources, MRLs have been established for most other registered pesticides, although not all were notified in the Gazette.

Lists of pesticides/pesticide formulations whose import and use are banned, have been refused registration, or have restricted use in India are available at: http://cibrc.nic.in/list_pest_bann.htm.

CODEX Alimentarius MRLs may be accepted for imported foodstuffs only for those pesticides not included in India's own positive list of pesticides. The Ministry of Agriculture has taken a decision to discontinue the practice of registering a pesticide by the Pesticide Registration Committee if no MRLs are established.

For additional information about approved pesticides and the procedure for registration of new pesticides please refer the Central Insecticide Board and Registration Committee website: <http://cibrc.nic.in/>

On June 17, 2009, the DH issued a final Gazette notification which establishes tolerance limits for insecticides and pesticides in carbonated water. The notification can be accessed from:

<http://www.mohfw.nic.in/No-427%2017th%20June.pdf>

Section VI. Other Regulations and Requirements:

All imported foods are randomly sampled at the port of entry for their conformity to PFA standards and other food laws. On June 16, 2004, the Ministry of Commerce and Industry published a list of “**high risk**” **food items, imports of which are subject to 100 percent sampling**. This list includes edible oils and fats, pulses and pulse products, cereal and cereal products, milk powder, condensed milk, food colors, and food additives, among other items.

Instructions regarding sampling and the clearance of consignments of food articles at ports are available from the following official notifications:

<http://164.100.9.245/exim/2000/cir/cir03/cir3703.htm>

<http://164.100.9.245/exim/2000/cir/cir03/cir2503.htm>

<http://www.cbec.gov.in/customs/cs-circulars/cs-circulars01/58-2001-cus.htm>

<http://www.cbec.gov.in/customs/cs-circulars/cs-circulars01/36-2001-cus.htm>

<http://164.100.9.245/exim/2000/not/not01/not0300.htm>

www.cbec.gov.in/customs/cs-circulars/cs-circulars00/103-2000-cus.htm

There is no requirement to register products. Export certification requirements for imports of food products in India are summarized in FAIRS Export Certificate Report 2008 (IN8110).

The import of product samples via express mail or parcel post (such as FedEx, UPS, DHL, etc.) is allowed, contingent on obtaining prior permission from the Directorate General of Foreign Trade. (See: www.cbec.gov.in/js-menu/import-courier.htm). Mail order imports are not allowed. Contact information to arrange sample shipments is provided in Appendix I. Once the products enter the domestic market, they are to be monitored randomly at the retail and wholesale level by the respective regulatory authorities.

The **Genetic Engineering Approval Committee (GEAC)** under the **Ministry of Environment and Forests** is the decision-making authority on **biotechnology product rules, including imports**. Food ingredients and additives containing bioengineered organisms cannot be produced, used, or imported without the approval of the GEAC. All such approvals, if granted, are for a specific period not exceeding four years at the first instance, and are renewable for two years at a time, subject to terms and conditions. For additional details on genetically modified foods and ingredients, please refer to GAIN Report IN8077.

The annual supplement to the Indian government's Foreign Trade Policy (2004-2009) announced by the

Commerce and Industry Minister on April 7, 2006, calls for **approval from the GEAC for imports of biotech food, food additives, or any food product that contains biotech material** that is being used for industrial production, environmental release, or field application. Also, **import consignments containing biotech products should carry a self declaration that the product is bioengineered, without which the importer is subject to penal action under the Foreign Trade (Development and Regulation) Act, 1992.** (See <http://164.100.9.245/exim/2000/not/not06/not0206.htm>). This rule became effective July 8, 2006. However, the government has given a special exemption to imports of soybean oil derived from biotech soybeans for consumption after refining.

Section VII. Other Specific Standards:

The PFA Rules, 1955 (Appendix B), and the Fruit Products Order, 1955, as amended, contain definitions and specific quality standards for certain food products, such as processed cheese, ice cream, spice mixes, milk and milk products, infant food, vegetable oils and margarine, fruits and vegetable products, and basic food items like wheat, rice, and pulses. Imported products must also meet the specified quality standards.

The Department of Commerce Notification No. 44 (RE-2000)/1997-2002, dated November 24, 2000, requires imports of certain products, including some food products (milk powder, condensed milk, infant milk foods, milk-cereal based weaning foods) and food additives, to comply with mandatory Indian quality standards. All manufacturers and exporters whose products are sold in India are required **to register with the Bureau of Indian Standards**. See <http://dgftcom.nic.in/exim/2000/not/not00/not4400.htm>.

On March 21, 2005, the DH issued a final Gazette notification under the PFA, which establishes new standards for raisins, pistachios, and dry fruits and nuts (including almonds). See www.mohfw.nic.in/F18521032005.pdf.

On June 27, 2005, the DH issued a final Gazette notification, pertaining to the **standards of dairy products and to the use of food additives in these milk products**. By this amendment, standards of various milk products, cheese, ice cream, milk powder, etc., and the use of food additives in these products were established. It also establishes microbiological parameters, per Codex Alimentarius Commission guidelines. The notification can be accessed at: www.mohfw.nic.in/GSR356.pdf.

On December 21, 2005, the DH issued a final Gazette notification under the PFA, which establishes **new or revised standards for several vegetable oils**. The link to the final Gazette notification is: www.mohfw.nic.in/731.pdf.

On January 6, 2006, the DH issued a final Gazette announcement under the PFA, which has not yet been implemented but which establishes **new standards for various spices**. The link to the Final Gazette Notification is: www.mohfw.nic.in/8.pdf.

On May 9, 2006, the DH issued a final Gazette notification under the PFA, which establishes **new standards for tea**. The Link to the Gazette notification is: www.mohfw.nic.in/Noti%20277.pdf.

On July 3, 2006, the DH issued a final Gazette notification establishing standards for **infant milk food and infant formula**, etc. and laying out **special labeling requirements** for these products. The link to the Gazette notification is: www.mohfw.nic.in/Noti%20398.pdf

On June 19, 2009, the DH issued a final Gazette notification establishing new standards for dehydrated garlic and dehydrated onion. The link to the Gazette notification is <http://www.mohfw.nic.in/431.pdf>

Section VIII. Copyright and/or Trademark Laws:

The Indian Copyright Act of 1957 is based on the Bern Convention on Copyrights, to which India is a party. May 1995 and December 1999 amendments increased protection and introduced stiff mandatory penalties for copyright infringement. On paper, Indian copyright law is now on par with the most modern laws in the world. Trademarks are protected under the Trade Marks Act, 1999 and the Trade Marks Rules, 2002 (in force since September 2003), which repealed the Trade Mark and Merchandise Marks Act, 1958. The

changes introduced by the Act include: protection to well known marks, as well as service and collective marks; extension of the period of protection from seven to ten years; establishment of an Appellate Board; and increased penalties for infringement of trade marks. Enforcement of intellectual property rights has been weak, but the situation is slowly improving, as the courts and police respond to domestic concerns about the high cost of piracy to Indian rights-holders.

Foreign firms can register their **trademarks** through a local agent by applying at the Office of the Registrar of Trademarks (www.ipindia.nic.in). However, it may take up to three to five years for the trademark to be officially accepted and notified.

In order to protect the **intellectual property of imported products**, the Central Board of Excise and Customs, Ministry of Finance, has issued a notification, the Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007 (www.cbec.gov.in/customs/cs-act/notifications/notfns-2k7/csnt47-2k7.htm and www.cbec.gov.in/customs/cs-act/notifications/notfns-2k7/csnt49-2k7.htm).

Instructions regarding the implementation of the Rules are available at: <http://www.cbec.gov.in/customs/cs-circulars/cs-circulars07/circ41-2k7-cus.htm>

Section IX. Import Procedures:

Documentation: Importers must furnish an import declaration in the prescribed Bill of Entry format, disclosing the value of the imported goods. This must be accompanied by any import license and phytosanitary certificate (in the case of agricultural commodities), along with documentation such as sales invoices and freight and insurance certificates. There is no need to translate the import documents into the local language as English is an official language. All consignments are required to be inspected prior to clearance. In the current customs set-up, appointing a clearing agent avoids delays.

The clearance of imported food products at the port of entry requires a certification from the port health authority that the product conforms to the standards and regulations of the PFA. However, certification is based mostly on visual inspection and records of past imports, as most ports have limited testing facilities. Consequently, importers of new products can sometimes face delays in clearing their products. The custom clearance period may range from one day to one month, depending on the product and experience of the importer. In case of a dispute or rejection of the consignment, the importer can file an appeal at the Customs office at the port of entry.

Additional information on exporting food products to India is available in the "Exporter Guide" (GAIN Report #IN8112), which can be accessed via the FAS homepage.

Appendix I. Government Regulatory Agency Contacts:

A. Overall Food Safety; The Fruit Products Order; Meat Food Products Order; Milk and Milk Products Order

Chairperson
Food Safety Standards Authority of India
FDA Bhavan
Kotla Road
New Delhi-110 002
Phone: (91-11) 23220991/92
E-mail: chairperson@fssai.gov.in
Website: <http://www.fssai.gov.in>

B. Prevention of Food Adulteration Act (Department of Health, Ministry of Health and Family Welfare)

Joint Secretary (PFA)

Department of Health
Ministry of Health and Family Welfare
Nirman Bhawan
Maulana Azad Road
New Delhi - 110 001
Phone: 91-11) 23061447
Fax: (91-11) 23061447
E-mail: debasish.panda@nic.in
Website: www.mohfw.nic.in/pfa.htm

C. The Standards Weights and Measures Act
(Department of Consumer Affairs, Ministry of Consumer Affairs, Food, and Public Distribution)

Director (WandM)
Department of Consumer Affairs
Krishi Bhavan
New Delhi – 110 001
Phone: (91-11) 23389489
Fax: (91-11) 23385322
Website: <http://fcamin.nic.in/index.asp>

D. Phytosanitary issues
(Department of Agriculture and Cooperation, Ministry of Agriculture)

Joint Secretary - Plant Protection and Quarantine
Department of Agriculture and Cooperation
Ministry of Agriculture
Krishi Bhawan
New Delhi – 110 001
Phone: (91-11) 23070306
Fax: (91-11) 23070306
E-mail: pankajkumar@nic.in
Website: www.plantquarantineindia.org

E. Livestock and Products Imports
(Department of Animal Husbandry and Dairying, Ministry of Agriculture)

Joint Secretary (Administration)
Department of Animal Husbandry and Dairying
Ministry of Agriculture
Krishi Bhavan
New Delhi - 110 001
Phone: (91-11) 23387804
Fax: (91-11) 23386115
E-mail: jsadd@nic.in
Website: <http://dahd.nic.in/>

F. Foreign Trade Notifications

(Department of Commerce, Ministry of Commerce and Industries)

Director General of Foreign Trade
Ministry of Commerce
Udyog Bhavan
New Delhi - 110 011
Phone: (91-11)23062777
Fax: (91-11)23061613
E-mail: dgft@nic.in
Website: <http://dgft.delhi.nic.in/>

**G. Registry of Trademarks
(Department of Commerce, Ministry of Commerce and Industries)**

Controller General of Patents, Designs and Trade Marks and
Geographical Indication Registry
Bhouthik Sampada Bhavan
S.M. Road, Antop Hill
Mumbai – 400 037
Phone: (91-22)24144525/24132735
Fax: (91-22)24132735
E-mail: Mumbai-patent@nic.in
Website: www.ipindia.nic.in

**H. Central Board of Excise and Customs
(Ministry of Finance)**

Chairman
Central Board of Excise and Customs
Ministry of Finance
North Block
New Delhi – 110 001
Phone: (91-11) 23092849
Fax: (91-11) 23092890
E-mail: chairman@cbec.gov.in
Website: <http://www.cbec.gov.in/>

**I. Pesticide Registration
(Department of Agriculture and Cooperation, Ministry of Agriculture)**

Secretary
Central Insecticides Board and Registration Committee
C.G.O. Complex
N.H. IV
Faridabad – 121 001
Haryana
Phone: (91-129) 2413002
E-mail: cibsecy@nic.in
Website: <http://cibrc.gov.in/>

**J. Genetic Engineering Approval Committee (GEAC)
(Ministry of Environment and Forests)**

Chairman, GEAC
Ministry of Environment and Forests
Paryavaran Bhawan
CGO Complex, Lodi Road
New Delhi – 110 003
Phone/Fax: (91-11) 24363967, 24361308
Email: parsheera-mef@nic.in
Website: <http://envfor.nic.in/>

Appendix II. Other Import Specialist Contacts:

- A.** Director
Confederation of Indian Food Trade and Industry
Federation of Indian Chambers of Commerce and Industry
Federation House
Tansen Marg
New Delhi – 110 001
Phone: (91-11) 23311920
Fax: (91-11) 23311920
E-mail: sameer@ficci.com
- B.** Senior Technical Advisor
Confederation of Indian Industry
The Mantosh Sondhi Center
23, Institutional Area
Lodhi Road
New Delhi – 110 003
Phone: (91-11) 2463 3461
Fax: (91-11) 2462 6149
E-mail: d.s.chadha@ciionline.org

Author Defined:

**APPENDIX III: IMPORTANT COMMODITY-SPECIFIC FAIRS REPORTS SUBMITTED SINCE
LAST FAIRS COUNTRY REPORT**

IN9089 - Amendments to PFA Rules relating to Infant Food and Food Additives
(06/30/09)

IN9088 - Amendment to PFA Rules regarding Standards for Carbonate Water and
Dehydrated Vegetable (06/30/09)

IN9087 - GOI Amends PFA Rules relating to Pesticide MRLs for Carbonated Water
(06/30/09)

IN9067 - Proposed Amendment to PFA Rules relating to Pesticide MRLs (05/22/09)

IN9065 – Proposed Amendment to PFA Rules relating to Pesticide MRLs (05/13/09)

IN9048 – PFA Rules relating to Nutritional Labeling of Packaged Food Implementation (04/03/09)

IN9033 – Amendments to PFA Rules relating to Nutritional Labeling of Packaged Food (03/05/09)

IN9017 - Proposed Amendments to PFA Rules relating to Food Additives (02/04/09)

IN9016 - Proposed Amendments to PFA Rules relating to Food Labeling of Additives (02/04/09)

IN9015 - Proposed Amendments to PFA Rules relating to Food Additives (02/04/09)

IN8128 - GOI Further Extends GEAC Approval Processed Food Derived from Living Modified Organisms (10/31/08)

IN8125 – GOI Again Defers Implementation of PFA Rules on Labeling of Pre-packaged Food (10/31/08)

IN8199 - Amendment to PFA Rules Relating to Nutritional Labeling of Packaged Food (10/08/08)

IN8092 - GOI Proposes Amendments to PFA Rules Relating to Packaged Drinking Water and Carbonated Water (08/13/08)

ACRONYMS

CIB - Central Insecticides Board

CBEC - Central Board of Excise and Customs

DAHD - Department of Animal Husbandry, Dairying, and Fisheries

DC - Department of Commerce

DCA - Department of Consumer Affairs

DGFT - Director General of Foreign Trade

DH - Department of Health

FSSAI - Food Safety and Standards Authority of India

GEAC - Genetic Engineering Approval Committee

GOI - Government of India

MA - Ministry of Agriculture

MCAFPD - Ministry of Consumer Affairs, Food, and Public Distribution

MCI - Ministry of Commerce and Industries

MEF - Ministry of Environment and Forest

MFPI - Ministry of Food Processing Industries

MHFW - Ministry of Health and Family Welfare

PFA - Prevention of Food Adulteration Act

RC - Pesticide Registration Committee