The Food Safety and Standards Authority of India (FSSAI) has ordered the withdrawal of prosecutions for iron filings in tea. In its recent order, the country’s apex food regulator has also directed the state food commissioners not to proceed with such cases, citing the lack of reliable method of assessment or testing of filings in tea. The order stated, “FSSAI has directed the food safety commissioners of all states and Union territories not to launch prosecutions for non-conformance in the samples that were picked up for testing or tested prior to May 2016.” “The apex body has advised that all such prosecutions which were made prior to this date either, under the Food Safety and Standards Act, 2006, or the Prevention of Food Adulteration Act, 1954, be withdrawn,” it added.

**Reliable method of testing**

Explaining the reason, the order stated that after a detailed examination, FSSAI has concluded that till a reliable method of assessment or testing of filings in tea is finalised, it would not be appropriate to carry out prosecutions for non-conformance, nor it would be proper to pursue or continue with the prosecutions launched under the Food Safety and Standards Act, 2006, or the Prevention of Food Adulteration Act, 1954, prior to the order dated May 2016.

**Limits of iron filings**

It is pertinent to mention that in November 2014, FSSAI had issued an order which was in continuation of the statutory advisory dated May 2014. Both stated that the limits of iron filings in tea would remain at 150mg/kg.

In the same order, FSSAI had stated that the specific prosecution of food business operators (FBOs) must not be launched till May 2015 or till further orders, whichever is earlier, in case the iron fillings are within the prescribed limit.
However, in May 2015, a third order was issued, extending the timeline for not launching the prosecution in such cases up to November 2015.

Further, in April 2016, FSSAI had then issued directions under 16(5) of the Food Safety and Standards Act, 2006, which stated that the standards prescribing the limit of not more than 150mg/kg of iron filings was approved by the food authority, and a draft notification in this regard was issued inviting comments and suggestions from stakeholders in December 2015.

In May 2016, FSSAI had again issued an order, which stated that since there was no reliable method of assessing/testing of samples of iron filings in tea, the enforcement authority should inspect tea factories rather than the retail outlets, so as to ensure that the FBOs involved in processing and manufacturing tea operate with the requisite equipment for the removal of iron filings.

In November 2016, FSSAI operationalized the notification changing the upper limit of iron filings in tea from 150mg/kg to 250mg/kg.

Gazette notification
The gazette notification dated December 2016 was issued in which the standards for tea in the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, was amended.

Under the category tea in Regulation 2.10, which pertains to beverages (other than dairy and fruit- and vegetable-based), the standards for the limit of iron filings in tea was fixed at 250mg/kg.

Ashwin Bhadri, chief executive officer, Equinox Labs, said, “The previously-mentioned limit for iron filings in tea (150mg/kg) has been changed to not more than 250mg/kg, which is the new upper limit for iron fillings found in tea samples.”

“Since no fixed analysis of iron filing estimation is fixed, the enforcement officials will only conduct inspections at tea factories, rather than at the retail outlets. This will ensure that the compliance to the said standard is maintained by the manufacturers/processors,” he added.
No direct prosecution
Another change that has been made is that until the testing process or analysis method is not finalised, no direct prosecution of the FBOs, found to be non-conforming to the regulation, can be conducted.

“This shall provide a breather to the food businesses, wherein without a fixed analysis method, the identification of a number of iron filings cannot be determined,” Bhadri said.

“However, this shouldn't be an excuse for food operators to remain non-compliant. Unless a set analysis method is decided upon, the business can analyse tentatively, the amount of iron and remain within the permissible limit stated in the order by FSSAI,” he added.