Guidelines for food recall

The Food Safety and Standards Authority of India (FSSAI) recently released guidelines (Guidelines) on food recall by food business operators (FBO) pursuant to the Food Safety and Standards (Food Recall Procedure) Regulations, 2017, (Regulations). An FBO is a person who carries on any activity related to manufacture, process, packaging, storage, transportation, distribution or import of food or provides food services. The Regulations were promulgated to put in place a definitive process to address defects in food products sold in the consumer market. Salient features of the Guidelines and Regulations are set out below:

**Food Recall Plan**

The Guidelines require all FBOs engaged in the manufacturing, or importing, or wholesale supply of packaged food products to have a recall plan. FBOs in food retail service sector (such as restaurants, caterers, take-away joints, etc) who are not engaged in the foregoing activities are not required to have a recall plan.

The Guidelines also provide a draft recall plan that may be adopted by FBOs. Each FBO is required to have an up to date recall plan in place. At the time of any recall, the FBO is required to submit the recall plan to the Chief Executive Officer of the Food Safety and Standards Authority of India (FSSAI). At the time of a recall, if any, the FBO should undertake the following:

- Constitute a recall management team, which should include people responsible for making decisions, quality assurance advisors, legal counsel, etc;
- Inform the FSSAI of such incident that has come to light regarding a product that needs to be recalled;
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- Identify all products that are to be recalled;
- Refrain from further shipping of those products forming part of the batch of products which are subject matter of recall;
- Prepare and distribute the information of recall among consumers and the food chain;
- Prepare the distribution list to initiate recall;
- Verify effectiveness of the recall;
- Decide what to do with the recalled product; and
- Remedy the cause of the recall.

Procedure Relating to Food Recall

FBOs are required to initiate a recall immediately after an issue is identified or following any notification by the central and state authorities (Authorities) under the Food Safety and Standards Act, 2006. FBOs are required to intimate other FBOs (forming part of the supply chain) and its consumers of the recall and such information should be publicly displayed marked “Food Recall Notice and Urgent”. The intent to recall should be widely advertised in areas where the product is stocked for sale. Once the recall has been initiated, the relevant FBO must submit regular reports to the Authorities.

The recalled products are to be stored in a separate area and the disposal, if required, is to be conducted following consultation with the Authorities. Once the recall is complete, a post-recall report must be submitted to the Authorities along with a follow-up report specifying the reasons for the recall, extent, action taken, proposed method to dispose of the product (if required), and steps to avoid such recall again.

Comment

In light of various public incidents relating to food quality, recall, and subsequent prohibition of sale over the last two years, the Regulations and Guidelines provide direction to FBOs on recall of products in a streamlined and coordinated manner. The intent of food recall is to mitigate harm to the public and for this purpose public announcement of the food recall has been made mandatory.