

Himachal Pradesh Health Safety & Regulations
Shimla-2
20 AUG 2020

**GOVERNMENT OF HIMACHAL PRADESH
DIRECTORATE OF HEALTH SAFETY AND REGULATIONS
HIMACHAL PRADESH, SHIMLA**

NOTIFICATION

No.HSR-H(FSSA)Notification-989-2020- 3698-99

Dated: Shimla-2, the

WHEREAS, the Food Safety and Standards Act, 2006 has been enacted to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying 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;

AND WHEREAS, Section 18 of the Food Safety and Standards Act, 2006 lays down the general principles to be followed in the administration of the said Act, including protection of human life and health; protection of the interests of consumers and prevention of misleading practices relating to food; Section 30(2)(a) of the Food Safety and Standards Act, 2006 empowers the Commissioner of Food Safety, in the interest of public health and for reasons to be recorded in writing, to prohibit the manufacture, storage, distribution or sale of any article of food in the whole State or any area thereof for such period, not exceeding one year, as may be specified in the order;

AND WHEREAS, Paneer is a standardized dairy product and is required to conform to the standards prescribed under the Food Safety and Standards Regulations, and a product represented and sold as Paneer is required to comply with the applicable standards governing its identity, composition and quality; products which resemble or are presented as dairy products but in which milk constituents are wholly or partly replaced by constituents not derived from milk, including vegetable fat, vegetable oil or other non-milk constituents, are covered under the regulatory framework relating to **Analogue Paneer** in Dairy Context and are required to be appropriately identified, declared and presented so that consumers are not misled regarding the true nature and composition of such products;

AND WHEREAS, the Food Safety Department, Himachal Pradesh, has been undertaking surveillance, inspection and sampling of Paneer and Paneer-like products in different parts of the State for verification of their compliance with the standards prescribed under the Food Safety and Standards Act, 2006 and the regulations made thereunder. A significant number of such samples were reported as non-conforming, including cases of sub-standard, unsafe and misbranded products. Further, in several instances, Paneer and Paneer-like products were found to be transported, stored and offered for sale without proper label declarations, purchase bills/invoices and traceability records, thereby making it difficult to ascertain their source, identity, composition and authenticity. In certain cases, products represented or sold as Paneer were found to contain foreign/non-milk fat, indicating non-compliance with the prescribed standards for Paneer and raising concerns regarding misbranding, adulteration and misleading representation of food products to consumers. Such practices have the potential to compromise food safety, mislead consumers regarding the true nature and composition of the product and adversely affect the consumer's right to make an informed choice;

AND WHEREAS, Paneer is widely consumed by the general public and is an important food product, particularly for consumers relying on vegetarian sources of protein, and the availability of genuine and compliant Paneer is therefore an important aspect of food safety and

consumer protection; the representation, marketing or sale of an analogue/non-dairy product as Paneer, or in a manner which creates an impression that such product is genuine dairy Paneer, may mislead consumers regarding the identity, nature, composition and quality of the food and may defeat the purpose of the food safety standards prescribed under the law; the sale of such products through retail establishments, food service establishments, hotels, restaurants, caterers and other food businesses, particularly where products are supplied without adequate identification, declaration or traceability, may make effective regulatory control more difficult and may expose consumers to misleading food practices;

AND WHEREAS, having regard to the surveillance findings, laboratory reports available on record, the nature and extent of consumption of Paneer, the requirement to protect consumer interests and the necessity of adopting preventive measures in the interest of public health, it is considered necessary to regulate and prohibit the manufacture, storage, distribution, transportation and sale of Analogue / Non-Dairy Paneer being represented or sold as Paneer in the State of Himachal Pradesh;

AND WHEREAS, the prohibition proposed herein is intended to prevent the manufacture, storage, distribution, transportation and sale of products which are represented or sold as Paneer but in which milk constituents are wholly or partly replaced by constituents not derived from milk, and shall not affect products which are separately standardized and lawfully regulated under the applicable provisions of the Food Safety and Standards Act, 2006 and the regulations made thereunder;

NOW, THEREFORE in exercise of the powers vested in me under **Section 30(2)(a), read with Sections 18 and 29 of the Food Safety and Standards Act, 2006**, and in view of the circumstances warranting immediate measures for protection of public health, I, Commissioner of Food Safety, Himachal Pradesh, hereby issue the following directions for strict compliance by all **Food Business Operators** engaged in the manufacture, processing, preparation, packing, storage, transportation, distribution, supply or sale of Analogue Paneer and products represented as Paneer within the State of Himachal Pradesh:

1. DEFINITIONS

For the purposes of this Order, unless the context otherwise requires:

(a) “**Analogue / Non-Dairy Paneer**” means a Paneer-like or Paneer-resembling food product in which milk fat, milk solids or other milk constituents have been wholly or partly substituted by vegetable oil, vegetable fat or any other constituent not derived from milk.

(b) “**Paneer**” means the standardized food product specified under Regulation 2.1.16 of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, and shall conform to the standards, composition and other requirements prescribed thereunder, as amended from time to time.

(c) “**Food Service Establishment**” includes hotels, restaurants, dhabas, caterers, banquet establishments, eateries, messes, canteens, hostels, institutions, cloud kitchens and other establishments engaged in preparation, service or supply of food to consumers.

(d) “**Food Business Operator (FBO)**” in relation to food business means a person by whom the business is carried on or owned and is responsible for ensuring the compliance of this Act, rules and regulations made thereunder.

2. RESTRICTION ON MANUFACTURE AND SALE OF ANALOGUE / NON-DAIRY PANEER

No person or Food Business Operator (FBO) shall **manufacture, process, prepare, pack, store, stock, transport, distribute, supply, offer for sale, expose for sale, sell or otherwise deal in Analogue / Non-Dairy Paneer as Paneer** within the State of Himachal Pradesh. Any product in which milk fat, milk solids or other milk constituents have been wholly or partly substituted by vegetable oil, vegetable fat or other non-milk-derived constituents shall not be represented, described, advertised, displayed, supplied or sold as "Paneer". Nothing contained in this Order shall be construed to prohibit any food product which has a separate and valid food standard prescribed under the applicable provisions of the Food Safety and Standards Act, 2006 and the Regulations made thereunder, provided that such product is manufactured, labelled, marketed and sold strictly in accordance with the applicable legal requirements.

3. PROHIBITION ON USE OF ANALOGUE / NON-DAIRY PANEER BY FOOD SERVICE ESTABLISHMENTS

Every **Food Service Establishment** operating within Himachal Pradesh shall ensure that **only Paneer** conforming to the prescribed standards is used where the food article, **menu, bill, display, advertisement or other representation** describes or identifies the ingredient as "Paneer". **Analogue / Non-Dairy Paneer shall not be used, prepared, stored, stocked, served or supplied** in any food preparation under the description or representation of genuine Paneer. Where a food establishment uses any separately standardized food product as a substitute for Paneer, the same shall not be represented to the consumer as genuine Paneer and shall be described in accordance with the applicable provisions of the Food Safety and Standards Act, 2006 and the Regulations made thereunder.

4. LABELLING, IDENTIFICATION AND TRACEABILITY

Every Food Business Operator dealing in Paneer in packaged form shall ensure that the product carries all declarations required under the Food Safety and Standards (Labelling and Display) Regulations, 2020, as applicable. The name and description of the product shall correspond with actual nature and composition of the product. No food containing non-milk constituents in place of milk fat or milk solids shall be labelled, advertised, displayed or otherwise represented as "Paneer". Food Business Operators shall maintain appropriate purchase records, invoices, batch details and other relevant traceability documents so that the source and movement of Paneer and Paneer-like products can be established during inspection, sampling or investigation. Any failure to comply with the applicable labelling and declaration requirements may attract action under the relevant provisions of the Food Safety and Standards Act, 2006 and the Regulations made thereunder.

5. RESPONSIBILITY OF FOOD BUSINESS OPERATORS

It shall be the responsibility of every Food Business Operator to ensure that the Paneer purchased, received, stored, used, supplied or sold by the establishment conforms to the prescribed standards and is procured from a lawful and traceable source. Food Business Operators shall produce, whenever required by the Food Safety Officer or any other competent authority, the relevant purchase bills, invoices, source details, batch particulars and other documents relating to the Paneer or Paneer-like

product available at the premises. The provisions of this clause shall be particularly applicable to food establishments where Paneer is used as an ingredient in the preparation of cooked or ready-to-serve food.

6. ENFORCEMENT AND ACTION FOR NON-COMPLIANCE

The Food Safety Officers and other authorized officers under the Food Safety and Standards Act, 2006 shall take appropriate action in cases where Analogue / Non-Dairy Paneer is found to be manufactured, stored, transported, supplied, sold or used as Paneer in contravention of this Order. Where necessary, samples may be lifted for analysis in accordance with the provisions of the Food Safety and Standards Act, 2006 and the Rules and Regulations made thereunder. Any food article found to be in contravention of the applicable legal requirements may be dealt with, including seizure, detention, recall, disposal or destruction, as permissible under law.

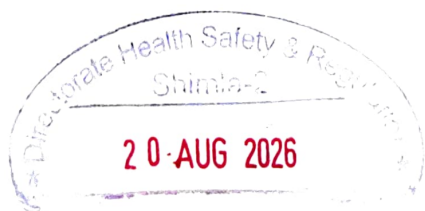
7. PENAL PROVISIONS

Any person or Food Business Operator found violating the provisions of this Order shall be liable for action under the applicable provisions of the Food Safety and Standards Act, 2006 and the Rules and Regulations made thereunder, including, wherever attracted, the provisions relating to sub-standard, misbranded or unsafe food and the penalties/offences prescribed under the Act. Action under the appropriate provisions shall be initiated on the basis of the nature and gravity of the violation and the findings of inspection, sampling, investigation or analysis, as applicable.

8. COMMENCEMENT AND PERIOD OF OPERATION

This Order shall take effect from the date of its publication in the Official Gazette of Himachal Pradesh and shall remain operative for a period of one year from such date, unless withdrawn, modified, rescinded or otherwise dealt with in accordance with law. The provisions of this Order shall be read in conjunction with the Food Safety and Standards Act, 2006, the Rules and Regulations made thereunder and any directions or orders issued by the competent authority from time to time.

The provisions of this Order shall be applicable throughout the State of Himachal Pradesh and shall be complied by every Food Business Operator and Food Service Establishment concerned in the public interest.



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20/8/26
(Ashish Singhmar, IAS)
Commissioner (Food Safety)-cum
Secretary (Health) to the
Government of Himachal Pradesh
Dated Shimla-2, the:

Copy forwarded for information and necessary action to:

1. P.S. to Hon'ble Health Minister, H.P. Shimla-2.
2. All Distt. & Session Judges in H.P.

3. All the Administrative Secretaries to the Government of Himachal Pradesh, Shimla.
4. All the Head of Departments in H.P.
5. All the Adjudicating Officers (FSSA) in H.P.
6. The Director Health Safety & Regulations-cum- Joint Commissioner Food Safety, Himachal Pradesh, Shimla-9.
7. The Director, Health & Family Welfare, Himachal Pradesh, Shimla-9.
8. The Registrar. H.P. High Court, Shimla-1.
9. All Deputy Commissioners in Himachal Pradesh.
10. The Controller, printing & stationary, Himachal Pradesh, Shimla-5.
11. All the Assistant Commissioners (Food Safety) & Food Safety Officers in H.P.
12. The Programmer, O/o DHSR, Shimla-2 with the directions to upload the same in the official website of Department.
13. Guard File.

 20/8/26

(Ashish Singhmar, IAS)
Commissioner (Food Safety)-cum
Secretary (Health) to the
Government of Himachal Pradesh
Dated Shimla-2, the: