



F. No. 7 (2)/2016/Ministry/Enf./RCD/FSSAI (PF) Food Safety and Standards Authority of India
(A Statutory body under Ministry of Health and Family Welfare)
(Regulatory Compliance Division)

FDA Bhavan, Kotla Road,
New Delhi-110 002
Dated, the 08th September, 2020

To

1. All Central Licensing Authorities (CLAs)/Designated Officers, FSSAI
2. The Commissioner of Food Safety of All States/UTs

Subject: Advisory regarding strict compliance with provisions of Infant Milk Substitutes, Feeding Bottles and Infant Food (Regulation of Production, Supply and Distribution) Act, 1992 (41 of 1992) as amended from time to time.

Sir/Madam,

Section-100 of FSS Act, 2006 read with Section-21 (1) (a) Infant Milk Substitutes, Feeding Bottles and Infant Food (Regulation of Production, Supply and Distribution) Act, 1992 (41 of 1992) (**'The IMS Act'**) empowers the Designated Officer or the Food Safety Officer directed under sub-section (5) of section 42 of the Food Safety and Standards Act, 2006 to make a written complaint before the court to take cognizance of any offence punishable under the IMS Act.

In this regard, it is brought to your notice that under Sections-3 & 4 of the IMS Act, advertising, promotions and incentivizing the use or sale of infant milk substitutes or feeding bottles or infant foods are prohibited. Further, under Section-9 of the IMS Act, the inducement to health worker for promoting use of infant milk substitutes, etc. including funding of seminar, meeting, conference, educational course, contest, fellowship, research work or sponsorship are also prohibited.

It is further informed that under Section-23 of the IMS Act, the offences are cognizable and the penalties are defined under Section -20 which may lead to imprisonment for a term which may extend to three years for the contravention of the provisions of the IMS Act.

All the concerned Food Business Operators (FBOs), including the Ecommerce Platforms, need to strictly adhere to the provisions of the Infant Milk Substitutes, Feeding Bottles and Infant Food (Regulation of Production, Supply and Distribution) Act, 1992 (41 of 1992) in letter and spirit and desist from adopting surrogate promotions.

Accordingly, all the CLAs/Designated Officers of FSSAI and the Commissioners of Food Safety of All States/UTs are advised to closely monitor the products and promotional activities of the concerned Food Business Operators (FBOs) including any sister non-profit or otherwise association, institute established by these FBOs and in case any violation is noticed then the strict legal action may be initiated against them by filing a written complaint before the court under the Section-21 (1) (a) Infant Milk Substitutes, Feeding Bottles and Infant Food (Regulation of Production, Supply and Distribution) Act, 1992 (41 of 1992).

The action taken report on the above advisory may be shared with FSSAI from time to time.

A handwritten signature in blue ink, appearing to be 'Shobhit Jain', with the date '8/9/20' written below it.

(Shobhit Jain)

Executive Director (Compliance Strategy)

Copy to:-

1. The Secretary, Ministry of Women and Child Development, Government of India, Shastri Bhawan, New Delhi.
2. CITO-for uploading on FSSAI's website