**GOVERNMENT OF GUJARAT**
**Food & Drugs Control Administration**
**Health and Family Welfare Department**
**Gujarat State, Gandhinagar**

**Date: _____**

# PROHIBITIORY ORDER

**Under Section 30(2)(a) of the Food Safety and Standards Act, 2006**

WEHREAS, in terms of regulations 2.1.16 of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, Paneer is defined as the product obtained from any variant of milk with or without added milk solids by precipitation with permitted acidulants such as lactic acid, citric acid, malic acid, vinegar, glucono delta lactone, or sour whey & heating; and expressly restrict the inclusion of non-dairy or foreign fat in any form; and

WEHREAS Food Safety Officers of the State of Gujarat have drawn samples of paneer from various districts under Section 47 of the Food Safety and Standards Act, 2006;

And WEHREAS the samples were analyzed by notified Food Testing Laboratories and several samples of paneer have been declared unsafe / sub-standard under Food Safety and Standards Act, 2006, containing Vegetable/foreign fats, excess moisture, starch and other unauthorized substances;

WEHREAS, in terms of Section-26 of the FSS Act, 2006, it is the responsibility of every Food Business Operator (FBO) to ensure that the article of the food satisfy the requirements of the FSS Act and the rules and regulations made hereunder at all stages of productions, processing, import, distribution and sale within the business under his/her control; and

WEHREAS, Part-III of Schedule-4 of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 prescribes that potentially high-risk foods shall be received and maintained at or below 5 C, and non-compliance of the same poses a direct risk to food safety and public health, and

AND WEHREAS Section 18(1)(a) of the Food Safety and Standards Act, 2006 mandates that all implementing authorities shall be guided by the principle of achieving an appropriate level of protection of human life and health, while ensuring fair practices in food trade and Section 18(1)(f) further provided that where there are reasonable grounds to suspect that a food may present a risk to human health, the Commissioner of Food Safety shall take appropriate measures to inform the public and to prevent, reduce or eliminated that risk; and

AND WEHREAS Section 26(1) & 26(2)(i) of the FSS Act impose a statutory obligation that no Food Business Operator shall manufacture, store, distribute or sell unsafe food;

AND WEHREAS Regulation 2.1.1(10) of Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 empowers the State to prohibit sale of food articles that are dangerous, adulterated or unsafe

AND WEHREAS Section 30(2)(a) empowers the Commissioner of Food Safety to prohibit manufacture, storage, distribution or sale of any food article in the interest of public health;

**NOW, THEREFORE,**

In exercise of the powers conferred by clause (a) of sub-section (2) of Section 30 read with Section 18 of the Food Safety and Standards Act, 2006 (Act No. 34 of 2006), and upon a comprehensive review of departmental enforcement experience, laboratory analysis, fair trade practices, consumer interests, and risk assessment relating to dairy analogues—specifically **Analogue in the dairy context**—and being satisfied that it is imperative in the interest of public health to prevent consumer deception and unfair trade practices concerning the manufacture, sale and consumption of such non-standardized non-dairy products, the Commissioner of Food Safety, Government of Gujarat, hereby issues the following Prohibition Order:

**"Within the entire geographical territory of the State of Gujarat, the manufacture, processing, packing, storage, transportation, distribution, sale, offering for sale or use in food service establishments of non-standardized ' Analogue in the dairy context ' which particularly imitate paneer, cream, butter or other dairy products, or create the impression that they are genuine dairy products, are hereby prohibited with immediate effect."**

This prohibition shall specifically apply to the following non-standardized Dairy food products (excluding standardized products such as **Frozen Dessert, Processed Cheese and Mixed Fat Spread**:

- Products which are not genuine dairy products;
- Products which use vegetable fat, vegetable oil or other non-dairy ingredients wholly or partly in place of milk, milk fat or milk solids;
- Products which have labelling, packaging, presentation, advertising or a method of sale that misleads or is likely to mislead consumers into believing that they are genuine dairy products.

**COMPULSORY COMPLIANCE BY FBOs**

All Food Business Operators shall:

- a. Immediately stop the sale of dairy context Analaouge.
- b. Maintain procurement, manufacturing and distribution records.
- c. Ensure full compliance with Regulation 2.1.16 of the Food Safety and Standards (Food Products and food additive) Regulations, 2011.
- d. Ensure full compliance with Regulations of of the Food Safety and Standards (Labelling and Display) Regulations, 2020.
- e . Hotel, Restaurants, caterers, eateries, cloud kitchens, or other food service establishments shall use only genuine and standardized dairy products and shall not misleading to consumers.

**VIOLATION**

Any FBO violating this Prohibition Order shall be liable for:

- Penalty under Section 50,51,52,55 and 59 for failure to comply with order,
- Penalties under Sections mentioned in Food Safety and Standards Act, 2006 depending on the severity.

This prohibition shall come into force from the date of its publication in the **Official Gazette** and shall remain effective for a period of **one year** from the date of publication, or until the Food Safety and Standards Authority of India (FSSAI) notifies final regulatory standards or regulations governing such products, or until this Order is revoked, amended or superseded by the Commissioner of Food Safety, Government of Gujarat, whichever is earlier.

The detailed Prohibition Order issued by the **Commissioner of Food Safety, Food and Drugs Control Administration, Government of Gujarat**, shall be complied with by all concerned authorities and all Food Business Operators throughout the State.

**By order and in the name of the Governor of Gujarat.**

**(Dr. Ratankanvar H. Gadhvicharan), IAS**
**Commissioner of Food Safety,**
**Food & Drugs Control Administration**
**Government of Gujarat**

Copy to the:

- The Principal Secretary to the Hon. Governor of Gujarat, Raj Bhavan, Gandhinagar.
- The Principal Secretary to the Hon. Chief Minister, Chief Minister's Secretariat Sachivalaya, Gandhinagar
- The Personal Secretary to the Ministers/Ministers of State, Government of Gujarat, Gandhinagar.
- The Secretary, Gujarat Legislative Secretariat, Gandhinagar.
- All Departments of Secretariat, Government of Gujarat, Gandhinagar.
- The Principal Secretary, Health and Family Welfare Department, Gujarat State
- The Registrar, Hon. Gujarat High Court, Ahmedabad.
- Chief Executive officer, FSSAI, New Delhi.
- All Commissioners of Municipal Corporations.
- All Collectors/District Development Officers.
- The Director of Information, Gandhinagar with request to arrange for wider publicity.
- All the Heads of Department under the control of Health and Family Welfare Department.
- The Manager, Government press, Gandhinagar with request to publish the Notification in Govt. Gazette (Ordinary) and send 50 copies to Health and Family Welfare Department, Sachivalaya, Gandhinagar and 100 copies to the Commissioner, Food Safety, Food and Drugs Control Administration, Gandhinagar.
- All Assistant Commissioners, Food and Drugs Control Administration, Gandhinagar.
- All Designated Officers, Food and Drugs Control Administration (including all Municipal Corporations) Gandhinagar for strict implementation of this prohibitory order within their jurisdiction.