

2012 for registration and regulation of clinical establishments, including diagnostic laboratories. In the State /UTs where the said Act is in force, the clinical establishments are required to meet the norms such as minimum standards of facilities and services, minimum requirement of personnel, maintenance of records and reports and displaying of rates at a conspicuous place. The clinical establishments are also required to follow Standard Treatment Guidelines issued by the Central/State Governments and charge rates for each type of procedure and service within the range of rates determined from time-to-time.

Currently, the Act has been adopted by and applicable in 11 States namely, Sikkim, Mizoram, Arunachal Pradesh, Himachal Pradesh, U.P, Bihar, Jharkhand, Rajasthan, Uttarakhand, Assam and Haryana and all Union Territories except Delhi. The implementation and enforcement of the said Act falls within the ambit of the States/ Union territories.

#### **Misleading /false advertisements on food products**

1016. SHRI ANIL DESAI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether Government has noticed any trend of misleading advertisements by companies about their food products, if so, the details thereof;
- (b) the extant penal provisions to check this trend and action taken during last three years against major food companies on this count; and
- (c) whether these provisions are sufficient to check the malpractice, if not, the steps Government proposes to take to strengthen the provisions in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI ASHWINI KUMAR CHOUBEY): (a) to (c) Instances of misleading advertisements of food products have come to the notice of Food Safety and Standards Authority of India (FSSAI).

Sections 23, 24, 52 and 53 of the Food Safety and Standards (FSS) Act, 2006 lay down the provisions regarding packaging and labelling of foods, restrictions of advertisement and prohibition as to unfair trade practices, penalty for misbranded food and penalty for misleading advertisement respectively.

Enforcement of the FSS Act, 2006, Rules and Regulations made thereunder primarily lies with State/UT Governments. To ensure the availability of safe and wholesome food

for human consumption, regular surveillance, monitoring, and sampling of food products are carried out by Food Safety Officials of States/UTs. In case sample found to be non-conforming including misleading and misbranded, the action has been initiated against the defaulting Food Business Operator (FBO). As per the information received from States/UTs Government, the details of samples analysed, found not conforming including misleading and misbranded food and action taken during the last three years are given in the Statement (*See below*).

Further, to address the cases of misleading advertisements in the Food and Beverage Sector (F&B), FSSAI has also signed a Memorandum of Understanding (MoU) partnering with the Advertising Standard Council of India (ASCI) under which ASCI will comprehensively monitor these advertisements across various media. ASCI has been given a suo motu monitoring mandate by FSSAI to process complaints against misleading F&B advertisements and the same shall be reported to FSSAI.

FSSAI has also notified the Food Safety and Standards (Advertising and Claims) Regulations on 19.11.2018. These regulations are aimed at establishing fairness in claims and advertisements of food products and make food businesses accountable for such claims/advertisements so as to protect consumer interests. Food Business Operators are required to comply with all the provisions of these regulations by 1st July 2019.

#### ***Statement***

*Details regarding number of samples of food products examined, found non-confirming and prosecution launched during the last three years*

Year	No. of samples analysed	No. of samples found non-confirming	No. of Civil/ Criminal cases Launched	Convictions	No. of cases in which Penalties imposed/Amount raised
2015-16	72499	16133	9979	540	3669/₹21,65,98,989
2016-17	78340	18325	13080	1605	4757/₹17,01,93,266
2017-18	99353	24262	15121	5198	7627/₹26,35,41,067

Source: States/UTs