MINISTRY OF HEALTH AND FAMILY WELFARE

(Food Safety and Standards Authority of India)

NOTIFICATION

New Delhi, the 18th April, 2013

F. No. 5/15015/30/2011.— The following draft of certain regulation further to amend the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, which the Food Safety and Standards Authority of India, with previous approval of Central Government, proposes to make, in exercise of the powers conferred by clause (e) of sub-section (2) of section 92 read with section 16 of Food Safety and Standards Act, 2006 (34 of 2006), is hereby published as required by the sub-section (1) of section 92, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft regulation shall be taken into consideration after the expiry of the period of thirty days from the date on which the copies of the official Gazette in which this notification is published are made available to the public;

Any objections or suggestion which may be received from any person with respect to the said draft regulation within the period specified above shall be considered by authority;

The objections or suggestions, if any, may be addressed to the Chief Executive Officer, Food Safety and Standards Authority of India, Food and Drug Administration Bhawan, Kotla road, New Delhi. 110002.

DRAFT REGULATIONS

1. Short title and commencement.- (1) These regulations may be called the Food Safety and Standards (Food Products Standards and Food Additives) Second Amendment Regulations, 2013

   (2) They shall come into force on the date of their final publication in the Official Gazette.

2. In the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, in regulation 2.10 relating to "BEVERAGES, (Other than dairy and Fruits and Vegetables)",-

   (a) in sub-regulation 2.10.6, relating to "BEVERAGES NON ALCOHOLIC-CARBONATED", after clause 1, the following clause shall be inserted, namely:-

   "2. Water-based non alcoholic flavoured drinks.

   (a) Caffeinated Beverage.-

   The following are the standards for caffeinated Beverages:

(i) Essential Composition: It shall contain not less than 145mg per liter and not more than 320mg per liter total caffeine from whatever sources it may be derived in the formulation of the product.

(ii) Optional ingredients: It may contain the following:

Any of the substances listed in column (1) of the table given below provided that the amount of that substance is not more than the amount specified in relation to that substance in column (2) of the table subject to the following conditions:

(A) Any additional item or ingredient proposed to be added, including herbal ingredients will be subject to approval by the Food authority after safety assessment and substantiating scientific evidence.

(B) Where any of the substances as mentioned in column 1 is used in the product, a declaration of the one day consumption shall be made namely: "Use not more than two cans".

(C) Number of cans that will cumulatively bring each substance mentioned in Column 1 to the level mentioned in column 2 will be calculated and the advised quantity will be the smallest of these number of cans that can be consumed per day. For example if taurine is used at 1000mg per serve (250ml), and D-glucurono-Y-lactone 300 mg, the respective ceilings will be reached by consuming two cans and four cans respectively. However, the one day advised quantity shall be the lower of the two numbers i.e. not more than 2 cans where the package is 250ml.

TABLE

Column (1)	Column (2)
Substance	Maximum amount per day consumption
Taurine	2000mg
D-glucurono-Y-lactone	1200mg
Inisitol	100mg
Thiamin	B vitamins may be added at one Recommended Dietary Allowance level (100% Recommended Dietary Allowance) with Overages
Riboflavin	
Niacin	
Vitamin B6	
Vitamin B12	
Pantothenic Acid	10mg

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(iii) In respect of sweeteners, food additives, contaminants and microbiological requirements the product shall conform to the standards for carbonated water.

(iv) Labelling : The product shall comply with all provisions of General Labelling requirements of Food Safety and Standards (packaging and labelling) regulations, 2011 for pre-packaged foods, with the following additional provisions:-

(A) High Caffeine: "X mg/serving size" (where X is the amount of caffeine in milligrams per stated serving size (per can or per volume e.g. 250ml);

(B) prominent display of caution **"Not recommended for children, pregnant or lactating women, persons sensitive to caffeine;**

(C) the declaration "Use not more than two cans a day";

(D) advice to the consumers that "The ingredients of this product consumed through other sources may also be kept in view";

(E) no health claims or enhanced functional claims will be made on the label unless specific approval has been granted;

(v) Packaging: To be packed in not more than 250ml containers." ;

(b) in sub regulation 2.10.7, after clause 3, the following clause shall be inserted, namely:-

"4. Blue tint may be allowed to an extent of thirty three percent in plastic container of five liter and above made of poly carbonate and Poly Ethylene Terephthalate (PET) used for Packaging mineral water:

Provided the overall migration of pigment/colour used in container should not exceed 60mg/liter as per IS 9845.";

(c) in sub-regulation 2.10.8, at the end, the following shall be inserted, namely:-

"Blue tint may be allowed to an extent of thirty three percent in plastic container of five liter and above made of poly carbonate and Poly Ethylene Terephthalate (PET) used for Packaging packaged drinking water:

Provided the overall migration of pigment/colour used in container should not exceed 60mg/liter as per IS 9845".

K. CHANDRAMOULI, Chief Executive Officer

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