



File No. File No. 1(56)2015/Advisory/FSSAI
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 15th November, 2019

Subject: Online sale of alcoholic beverages under FSSAI License by E-Commerce Food Businesses-reg.

FSSAI has laid down standards for alcoholic beverages as food item through Food Safety and Standards (Alcoholic Beverages) Regulations, 2018 and grants license for alcoholic beverages accordingly. It is stated that, the licensing authorities have been in receipt of applications for license for E-Commerce under food category 14 namely 'Beverages excluding Dairy products' and its sub-categories which also include liquor/alcoholic beverages.

2. It may be pointed out that, the matter relating to online sale of liquor/alcohol was brought before the Karnataka High Court in the writ petition no.6448/2019 (Excise). In its judgement in the case the court has held that "*the petitioner is not entitled to carry on business of online order processing and delivery of liquor to the consumers in the state of Karnataka in the absence of enabling provisions available under the Karnataka excise Act 1965 to grant such license or permission*". It may be noted that sale of liquor or alcoholic beverages comes under the ambit of state governments and their State Excise departments. In addition, consumption of alcohol is prohibited in some states and legal drinking age in India varies from State to State.

3. In view of the above, Licensing authorities are directed to take a self declaration from Food Businesses Operators applying for E-Commerce kind of business for category 14, that they won't display & sell liquor or alcoholic food beverages online. In cases where E-Commerce-FBOs intend to sell liquor or alcoholic beverages online, they must be directed to submit the permission or No Objection Certificate (NOC) from Excise department of concerned state(s).

4. This issues with the approval of Competent Authority.

Yours faithfully

(Dr. Shobhit Jain)
Executive Director (RCD)

To

- i. Commissioners of Food Safety of all States/UTs.
- ii. All Central Licensing Authorities.

Copy to:

- i. PPS to Chairperson, FSSAI
- ii. PS to CEO, FSSAI
- iii. Head (IT)/ Social media – for wide publicity
- iv. RCD guard file.