

File No. RCD-01002/1/2021-Regulatory-FSSAI
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety and Standards Act,2006)
(Regulatory Compliance Division)
FDA Bhawan, Kotla Road, New Delhi-110002

Dated, 06 Dec, 2022

To

1. The Commissioner of Food Safety of All States/UTs
2. All Regional Directors, FSSAI

Subject: Seizure of Food Articles by the Food Safety Officer under Section-38 of FSS Act, 2006-Reg.

Madam/Sir,

Reference is invited to the Section 38 (1) (c) of the FSS Act, 2006 which empowers the Food Safety Officer to seize any article of food which appears to be in contravention of this Act or the regulations made thereunder.

2. It has been brought to the notice of this office the power to seize articles of food is being resorted to by the FSOs even in case of minor violations and without any reasonable grounds to believe that the said article of food is adulterated or unsafe. It has been further noted that multiple sampling of the same lot but in different pack form is also done to complete the sampling targets by the FSOs.

3. In this regard, it is requested that the Food Safety Officers and Designated Officers under your respective jurisdictions may be advised to ensure due diligence before exercising such powers and strictly adhere to the procedural requirements as stipulated under the Act/Rules so as to avoid unnecessary complaints/litigation by the FBOs/Associations. Further, any incidence of arbitrary/unreasonable seizures brought to your notice should be dealt in a stringent and effective manner at your level, apart from ensuring regular trainings of all the FSOs and DOs on the procedural aspects of sampling and legal proceedings under the FSS Act, 2006.

This issues with the approval of Competent Authority.



(Anil Mehta)

Director

Email: enforcement1@fssai.gov.in

Copy to:

1. SPS to CEO, FSSAI .
2. Advisor (QA), FSSAI, HQ, New Delhi.
3. ED(HR), FSSAI, HQ, New Delhi
4. CTO- for uploading on FSSAI's website