

Dated: 18th June, 2024

To,

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

Subject: Directions to FBOs to Prohibit Sale/Food Recall in respect of Unsafe Food Samples-reg.


FSSAI/State FDAs regularly undertake enforcement sampling of food products across the country to ensure the availability of safe and wholesome food to consumers. It is essential to ensure that food, if found unsafe as per provisions of the FSS Act, 2006, has to be prohibited for sale / recalled from the food supply chain to protect consumers.

In this regard, if the enforcement samples opined **unsafe** in the primary lab report, you are requested to direct the Designated Officers (DOs) / Central Licensing Authorities (CLAs) under your respective jurisdiction to take following action immediately:

1. **Prohibit Sale of Unsafe Food:** If the food sample lifted by CFSO/FSO is found **unsafe** in the report of Primary Food Laboratory according to the provisions of the FSS Act, 2006, the DO/CLA shall exercise the power under Section 36(3)(b) of the FSS Act, 2006, to direct FBOs to prohibit the sale of unsafe food products read with Section 18(1)(g) of the FSS Act, 2006.
2. **Recall Unsafe Food:** After implementing prohibition of sale, the food is to be recalled in the following cases:
 - a. If the **FBO prefers an appeal** against the report of Primary Lab as per the provisions of Section 46(4) of the FSS Act, 2006, and the report of the Food Analyst of the **Referral Laboratory declares the food unsafe**.
 - b. If the **FBO does not prefer an appeal** as per Section 46(4) of the FSS Act, 2006 within the stipulated time period.

DO/CLA should recommend to the Chief Executive Officer, FSSAI, or the Commissioner of Food Safety of the State /UT, as per jurisdiction, to exercise the powers vested under Regulation 5(3) of the Food Safety & Standards (Food Recall Procedure) Regulations, 2017, **to direct** the FBO to immediately recall the implicated food products read with Section 18(1)(g) of the FSS Act, 2006, along with all the measures as enjoined upon the FBO under the Food Safety & Standards (Food Recall Procedure) Regulations, 2017.

This is issued with the approval of the Competent Authority.


(Inoshi Sharma)
Executive Director (CS)

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1. PS to CEO, FSSAI
2. CITO, for upload on website