

# Prevention of Food Adulteration (PFA) Act

## 1954

### History

The Prevention of Food Adulteration Bill was passed by both the houses of Parliament and received the assent of the President on 29th September, 1954. It came into force on 1st June, 1955 as The Prevention of Food Adulteration Act, 1954 (37 of 1954).

To give effect to the provisions of the Act, rules were made in 1955 and called "Prevention of Food Adulteration Rules, 1955" (published in Part II, Section 3 of the Gazette of India vide S.R.O. 2106 dated 12 September 1955).

Though PFA Act and Rules are Central Legislature, the responsibility of implementation has been entrusted to the State Governments and Union Territories. Each State Government and Union Territory has created its own organization for implementation of the Act and Rules framed there under.

The Prevention of Food Adulteration Act 1954 was notified by the Govt. of India in the Ministry of Health and Family Welfare (Dept. of Health), Published in the Gazette of India (extraordinary) dated 21 December 2004, and an amendment of the Prevention of Food Adulteration Rules, 1955 has come.

### Details

The Act provides the protection from adulteration / contamination of food that may lead to the health risk of consumers. The Act deals with the frauds also that can be perpetrated by the dealers by supplying cheaper or adulterated foods.

The Act regulates the use of chemicals, pesticides, flavours and other additives in food preparation. Through this Act there is a control over dumping of sub-standards foods. Enrichment of flour, bread, or other cereals with vitamins or minerals, iodization of salt, vitaminisation of vanaspathi oil, addition of vitamin "C" in certain foods can be done under the provision made in this Act.

There is a provision of penalty if anybody break the law for a maximum imprisonment of 1 year or a minimum fine of Rs. 2000 in the first instance and for imprisonment of 6 months which may extend to 6 years and cancellation of license on the second or subsequent offense. There is a penalty for violation of rules with regard to seized article subsequently found adulterated and contaminated with injurious substances. When consumed adulterated food is likely to cause death or injury to the body or amount to grievous hurt can be punished according to Section 320 of the Indian Penal Code. There is an imprisonment of 3 years but which may extend to the life term and with the fine which shall not be less than Rs. 5000. Some of the examples of Adulteration / Contamination are given in Table 1

## Meaning

Adulterant is defined as “any material which is or could be employed for the purposes of adulteration”.

## Concept

An article of food considered to be adulterated:

- a) if the article sold by a vendor is not of the nature, substance or quality demanded by the purchaser and is to his prejudice, or is not of the nature, substance or quality which it purports or is represented to be;
- b) if the article contains any other substance which affects, or if the article is so processed as to affect, injuriously the nature, substance or quality thereof;
- c) if any inferior or cheaper substance has been substituted wholly or in part for the article so as to affect injuriously the nature, substance or quality thereof;
- d) if any constituent of the article has been wholly or in part abstracted so as to affect injuriously the nature, substance or quality thereof ;
- e) if the article had been prepared, packed or kept under unsanitary conditions whereby it has become contaminated or injurious to health;
- f) if the article consists wholly or in part of any filthy, putrid, rotten, decomposed or diseased animal or vegetable substance or is insect-infested or is otherwise unfit for human consumption;
- g) if the article is obtained from a diseased animal;

h) if the article contains any poisonous or other ingredient which renders it injurious to health;

i) if the container of the article is composed, whether wholly or in part, of any poisonous or deleterious substance which renders its contents injurious to health;

j) if any colouring matter other than that prescribed in respect thereof is present in the article, or if the amounts of the prescribed colouring matter which is present in the article are not within the prescribed limits of variability;

k) if the article contains any prohibited preservative or permitted preservative in excess of the prescribed limits;

l) if the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities not within the prescribed limits of variability, but which renders it injurious to health; and

m) if the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities not within the prescribed limits of variability but which does not render it injurious to health.

Table 1: Food Items with type of Adulteration or Contamination

	<b>Food Items</b>	<b>Adulteration/ Contamination</b>
1.	Non-Alcoholic Beverages	Non-permitted colours, Saccharin, ducin, lead, arsenic and copper, and Dirt and filth.
2.	Baking powder	Citric acid.
3.	Starchy foods	Foreign starches in arrowroot, sand, dirt, etc.
4.	Spices	Sand, grit, coal tar dyes, saw dust, lead or lead chromate in haldi, In shah zeera excessive stalky and woody matter.
5.	Coffee and Tea	Coat tar dyes, excessive stuff, husk, tamarik husk, sand and grit, used tea dust.
6.	Milk	Water, Starch ad abstraction of fat.
7.	Vansapati	Animal fat, excessive hydrogenation Rancid stuff. Sesame oil deficiency, foreign flavour.
8.	Mustard seed	Argemone seeds which can cause epidemic dropsy.
9.	Oils	Mineral oil potential carcinogenic, argimone oil.
10.	Dals	Kesari dal which can cause lathyrism coal tar dyes.

## Role of Central Government

The Ministry of Health & family welfare is responsible for ensuring sea food to the consumers. The enforcement of the Act is done by the state/UT governments.

1. To review the provision of PFA Act, 1954, Rules and Standards in consultation with the central committee for Food Standards, a statutory Advisory Committee under the Act and its 9 Technical Sub-committees.
2. To conduct examination for the Chemists for their appointment as Public Analyst under the Act;
3. To organise training programme for various functionaries under the Act;
4. To approve the State PFA Rules;
5. To examine and approve the labels of Infant foods.
6. To evaluate and monitor progress of implementation of the Act in the state/UTs by collecting periodical reports and spot visits;
7. To liaise with National and International Food Quality Control Organisation such as Directorate of Marketing and Inspection (operating Agmark Scheme), Ministry of Food Processing Industries (implementing Fruits Products Order-FPO), Codes Alimentarius Commission/World Trade Organisation;
8. To ensure quality of food imported to India under the provision of Act;
9. To create consumer awareness; and
10. To augment the food testing laboratories.

## Misbranded

An article of food shall be deemed to be misbranded:

- a) If it is an imitation of, or is a substitute for, or resembles in a manner likely to deceive, another article of food under the name of which it is sold, and is not plainly and conspicuously labelled so as to indicate its true character;

- b) If it is falsely stated to be the product of any place or country;
- c) If it is sold by a name which belongs to another article of food;
- d) If it is so coloured, flavoured or coated, powdered or polished; the fact that the article is damaged and concealed or if the article is made to appear better or of greater value than it really is;
- e) If false claims are made for it upon the label or otherwise;
- f) If, when sold in packages which have been sealed or prepared by or at the instance of the manufacturer or producer and which bear his name and address, the contents of each package are not conspicuously and correctly stated on the outside thereof within the limits of variability prescribed under this Act;
- g) If the package containing it, or the label on the package bears any statement, design or device regarding the ingredients or the substances contained therein, which is false or misleading in any material particular; or if the package is otherwise deceptive with respect to its contents;
- h) If the package containing it or the label on the package bears the name of a fictitious individual or company as the manufacturer or producer of the article;
  - i) If it purports to be, or is represented as being, for special dietary uses, unless its label bears such information as may be prescribed concerning its vitamin, mineral, or other dietary properties in order sufficiently to inform its purchaser as to its value for such uses;
  - j) If it contains any artificial flavouring, artificial colouring or chemical preservative, without a declaratory label stating that fact, or in contravention of the requirements of this Act or rules made there under;
- k) If it is not labelled in accordance with the requirements of this Act or rules made there under.