



FOOD ADULTERATION: A LEGAL CRISIS SERVED FRESH IN EVERY FESTIVAL

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INTRODUCTION

The festive season brings sweetness to Indian homes, but a disturbing reality lurks behind that adulterated food flooding the markets. In a shocking incident from Muzaffarnagar's Mansoorpur area, officials seized 15 quintals of adulterated paneer worth Rs 3.3 lakh, allegedly brought in transport for Uttarakhand for sale. The entire batch, deemed unsafe for consumption, was buried using a JCB after being seized by the Food Safety and Drug Administration (FSDA). But this is not an isolated case.

A recent report from Madhya Pradesh's Food and Drugs Administration (MP FDA) revealed that nearly one in every 30 food samples tested in the state failed to meet safety standards. From sweets to dairy, the findings expose a grim picture of how deeply food adulteration has seeped into our daily lives.

As festive lights shine bright, these incidents remind us that India's food safety system faces a growing challenge. During festivals, manufacturers and vendors often face pressure to meet high demand quickly. This sometimes leads to cutting corners using cheap ingredients, synthetic colours, and harmful preservatives, which compromise the safety and quality of food. In the case of the Food Safety and Standards Authority of India (FSSAI), V. Balaji, during Diwali, a sweet manufacturer was found using artificial colour exceeding permissible limits. The Supreme Court directed strict penalties and emphasised proactive inspections during festivals.

To tackle the menace of adulteration, India has established a comprehensive legal framework under the Food Safety and Standards Act, 2006 (FSSA), a landmark legislation that consolidated various older food laws into a single, modern statute. The act aims to ensure that

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every food product sold in India meets prescribed quality and safety standards. Also ensures that consumers are protected, especially during high-risk periods like festivals.

Food Safety and Standards Authority of India is a statutory body established under The Food Safety and Standards Act, 2006, responsible for ensuring food is safe for human consumption by setting standards and regulating its manufacture, storage, distribution, sale and import.

FORMS OF FOOD ADULTERATION

Food adulteration can be done in many forms, some visible, others hidden behind tempting colours and rich aroma. The Food Safety and Standards Act, 2006, defines Adulterant Under Section 3(1)(a)¹ as any material which is or could be employed for making the food unsafe, sub-standard or misbranded or containing extraneous matter.

Intentional Adulteration: Adding or substituting substances intentionally to increase profit or quantity. Example:

- Mixing vanaspati or palm oil with ghee.
- Diluting milk with water, detergent, or synthetic milk.

In State of Maharashtra V. Raju Sweets, the court punished the sale of misbranded and adulterated sweets prepared with vanaspati instead of ghee.

Accidental Adulteration: Adulteration occurring due to negligence, improper storage, or contamination during handling. Examples:

- Insects or fungi in sweets due to unhygienic conditions.
- Metal pieces or dust in packaged food during processing.

Metallic Adulteration: Presence of metallic contaminants beyond permissible limits. Examples:

- Lead, arsenic, or mercury found in turmeric, spices or candies
- Excess tin or aluminium leaching from unapproved containers.

¹ Food Safety and Standard Act, 2006.

Chemical Adulteration: Use of artificial or harmful chemicals to enhance appearance, colour, or preservation. Examples:

- Metanil Yellow or Rhodamine-B is used in sweets and jalebis.
- Calcium carbide is used for ripening fruits.
- Formalin is used to preserve fish or milk.

Packaging or Misbranding Adulteration: Deceptive labelling or packaging to mislead consumers about quality or ingredients. Examples:

- Labelling refined oil as pure ghee.
- Selling expired products with altered manufacturing dates.

LEGAL FRAMEWORK AGAINST FOOD ADULTERATION

Food Safety and Standards Act, 2006: As food adulteration continues to threaten public health, the Food Safety and Standards Act, 2006, stands as India's primary legal safeguard. The objective of this Act is to ensure the availability of safe and wholesome food for human consumption and to establish a single authority to regulate its manufacture, storage, distribution, sale, and import.

Major Provisions: General Principles for the administration of the Act: Section 18:²

- The primary objective of food regulation is to protect public health and life
- The Act introduces scientific risk-based management, comprising three key components: Risk Assessment, Risk Management, and Risk Communication.
- When there is uncertainty about a potential health risk, authorities can take preventive action even if full scientific evidence is not yet available.
- Transparency and Public Consultation, all food safety regulations and standards must be framed and reviewed transparently.
- The primary responsibility for ensuring food safety lies with Food Business Operators, not just the government.
- Action taken by food authorities must be proportionate to the risk involved. Enforcement should not necessarily be harsh if the risk is minor or easily rectifiable.

² Ibid

- While framing Food Standards, FSSAI must consider international food safety standards.
- Authorities must protect confidential information obtained from the food business.
- Consumers have the right to accurate information regarding the food they buy, including ingredients, nutritional value and safety.

Offence and Penalties:³ General Prohibition: Section 48

- Adding any article or substance to the food.
- Using any article or substance as an ingredient in the preparation of the food.
- Abstracting any constituents from the food or
- Subjecting the food to any other process or treatment.

MANUFACTURE, SALE, OR STORAGE OF SUB-STANDARD FOOD: SECTION 51

Any person who, whether by himself or by any other person on his behalf, manufactures, sells or stores sub-standard food for human consumption shall be liable for a penalty which may extend to 5 lakh rupees. In *FSSAI v. Halidiram Bhujawala & Anr*, the Delhi High Court upheld the penalty for products not meeting quality parameters even though not unsafe.

MISBRANDING OR MISLEADING LABELLING: SECTION 52

Any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or distributes or imports any article of food for human consumption which is misbranded shall be liable to a penalty which may extend to 3 lakh rupees. In *Hindustan Coca-Cola Beverages Pvt Ltd. V. FSSAI*, the Court held that misleading nutritional labels attract a penalty under this section.

FALSE AND MISLEADING ADVERTISEMENT: SECTION 53

Any person who publishes or party to the publication of an advertisement, which falsely describes any food, or is likely to mislead as to the nature, substance or quality of any food or gives a false guarantee, shall be liable to a penalty which may extend to 10 lakh rupees.

³ Ibid

In *Horlicks Ltd. v. Zydus Wellness Products Ltd.*, the Delhi High Court held that false health benefit claims in food advertisements were violative of FSSA provisions.

UNHYGIENIC OR UNSANITARY MANUFACTURING CONDITIONS: SECTION 56

For unhygienic or unsanitary manufacturing conditions, the penalty is up to 1 lakh rupees. In *FSSAI v. Sagar Ratan Restaurants Pvt. Ltd.*, the Court upheld penalties for unsanitary kitchens and food handling conditions.

NON-COMPLIANCE WITH FSSAI DIRECTIONS: SECTION 55

If a food business operator or importer, without reasonable ground, fails to comply with the requirements of this Act or the rules, regulations, or orders issued thereunder, as directed by the Food Safety Officer, he shall be liable to a penalty which may extend to 2 lakh rupees.

ROLE OF FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

The Food Safety and Standards Authority of India [FSSAI] plays a crucial role in ensuring the safety of food consumed in India. It operates under the Ministry of Health and Family Welfare, Government of India, and was established under Section 4 of the Food Safety and Standards Act, 2006.

Role:

- Framing Standards for Food.
- Licensing and Registration for food operators.
- Monitoring and Surveillance.
- Food Safety Guidelines and Regulations.
- Promotion of public awareness.
- Laboratory Testing and Research for food testing.

Provisions under Bhartiya Nyaya Sanhita, 2023: The relevant sections in BNS, 2023 mentioned under Chapter XV - Offences Affecting the Public Health, Safety, Convenience, Decency and Morals.⁴

⁴ Bhartiya Nyaya Sanhita, 2023

Section 274: Adulteration of food or drink intended for sale. Whoever adulterates any article of food or drink, intending to sell such an article as food or drink or knowing it likely to be sold as food or drink, shall be punished with imprisonment up to 6 months, or fine up to 5000 rupees, or both.

Section 275: Sale of noxious food or drink. Whoever sells or offers or exposes for sale as food or drink any article which has been made noxious, or is in a state unfit for food or drink, knowing or having reason to believe that, shall be punished with imprisonment up to 6 months or fine up to 5 thousand rupees or both.

Section 276: Adulteration of drugs. Whoever adulterates any drug or medical preparation to lessen efficacy or change operation, or make it noxious, intending sale or use, or knowing likely to be sold or used, shall be punished with imprisonment up to 1 year or fine up to 5000 rupees or both.

Section 277: Sale of adulterated drugs. Whoever knows the drug is adulterated and sells or offers it as unadulterated, or causes someone to use it not knowing the adulteration, is punishable with a fine of up to 5000 rupees, imprisonment of up to 6 months or both.

RECENT JUDGEMENTS

Ram Nath v. State of Uttar Pradesh:⁵ This case dealt with Section 273 IPC, Sale of noxious food or drink, the Supreme Court held that when food is adulterated in such a way that it becomes noxious, that itself is sufficient to attract punishment under Section 273, with the element of knowledge or reasonable belief.

Neelkamal Sharma v. State of Madhya Pradesh:⁶ The accused was charged under Sections 272 & 273 IPC, adulteration and sale of noxious food. In this ruling, the court discussed that once offences under Section 272/273 IPC are established, Section 59 of FSSA also becomes applicable.

CHALLENGES IN ENFORCEMENT OF FOOD ADULTERATION LAWS IN INDIA

Despite strong laws like the Food Safety and Standards Act, 2006 and recent provisions in the Bhartiya Nyaya Sanhita, 2023, India continues to struggle with the implementation of food

⁵ 2 S.C.R. 743

⁶ 2025 MPHC- GWL 8294.

safety regulations. The rise in adulteration cases during festivals exposes deep-rooted challenges in law enforcement, infrastructure, and awareness.

Inadequate Testing Infrastructure: India has over 1.3 billion consumers but few accredited food testing laboratories; many states lack district-level labs or rely on outdated equipment, delaying test results and legal action.

Lack of Manpower and Coordination: The FSSAI sets national standards, but state enforcement is uneven; most states face a shortage of trained food safety officers and poor interdepartmental coordination among municipal and health authorities.

Weak Penalty Enforcement: While FSSA prescribes penalties up to 10 lakh or imprisonment for unsafe food, enforcement often results in nominal fines; many cases end with compounding or delayed adjudication due to slow legal processes; fines may not deter large manufacturers who see them as a minor business cost.

Public Unawareness and Consumer Inaction: Despite regular awareness campaigns, consumers rarely report adulteration or demand testing. Festive enthusiasm often overrides caution about adulterated sweets, ghee, and mawa. FSSAI's mobile testing vans (Food Safety on Wheels) and QR-based license tracking are underused.

Technological and Data Limitations: Lack of a unified national database for repeat offenders, limited tracking of habitual violators, and many local authorities still rely on paper-based systems, making it hard to identify patterns or interstate trade of adulterated products.

PREVENTIVE MEASURES AND RECOMMENDATIONS

Curbing food adulteration in India demands a multi-layered approach, involving government authorities, the food industry, and consumers. While enforcement plays a key role, prevention through awareness, transparency and technology is the only sustainable solution.

- Strengthening Regulatory Enforcement
- Expanding Laboratory Infrastructure
- Strict Licensing and Traceability
- Consumer Awareness and Participation
- Use of Technology and AI Surveillance.

CONCLUSION

Food adulteration continues to be a grave threat to public health and consumer trust, especially during the festive season when the demand for food products surges. Despite India's comprehensive legal framework anchored in the Food Safety and Standards Act, 2006 and reinforced by provisions under the Bhartiya Nyaya Sanhita, 2023, the menace persists due to weak enforcement, inadequate infrastructure, and low public awareness.

However, laws alone cannot ensure purity on our plates. A collective effort is required where government authorities strengthen inspection and testing systems, food businesses uphold ethical standards, and consumers remain vigilant and informed. Leveraging modern tools such as AI-based surveillance, QR traceability, and real-time testing mechanisms can bring transparency and efficiency to food safety governance. Ultimately, safeguarding food is not just a legal obligation but a moral responsibility that reflects the nation's commitment to health, honesty, and public welfare. Only through shared responsibility can India truly celebrate its festivals with safety, sweetness, and integrity.