

केस का सं० ओर तारिख	आदेश ओर पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारिख के साथ
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16.10.2020	<p style="text-align: center;">IN THE COURT OF THE ADJUDICATING OFFICER – CUM – DEPUTY COMMISSIONER, RANCHI</p> <p style="text-align: center;"><u>F.S.S. Case No.-08/2018-19</u></p> <p>State</p> <p>Through Sri Krishna Prasad Singh</p> <p>Food Safety Officer,</p> <p>CS Office, Sadar Hospital Campus, Ranchi ..... Complainant</p> <p style="text-align: center;">-Versus-</p> <p>1) The Managing Director</p> <p>Ruchi Soya Industries Ltd</p> <p>Bijoyram Chowk, Ward No.-9, Durgachak</p> <p>Haldia – 721602</p> <p>2) Amit Raj Son of Mr. R.K. Singh</p> <p>M/s Anaj Bhandar Supermart</p> <p>Aretic Mall, Bariatu, Ranchi 834009</p> <p>M/s Bunge India Pvt Ltd</p> <p style="text-align: right;">..... Accused</p> <p style="text-align: center;">ORDER</p> <p>Present proceeding has been initiated upon the application for adjudication submitted vide Memo No.-93 dated 02.04.2018 by the Food Safety Officer, Ranchi and countersigned by the Designated Officer – Cum – ACMO-1, Ranchi , wherein and whereunder they have prayed to summon the accused persons to stand trial and be punished U/s 52 of</p>	
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the Food Safety and Standard Act, 2006.

Further I find that, Designated Officer – Cum – ACOMO-1, Ranchi vide No.92 dated 02.04.2018 has accorded sanction for prosecution against the accused no.- 1 & 2

As per the application for adjudication, the complainant is appointed as Food Safety Officer under the provisions of the Food Safety and Standard Act, 2006 and is presently posted in Ranchi and employed to collect samples of food for analysis. On 26.02.2018 at 03:35 PM, the Complainant inspected the shop of the accused no.-2, where he found that the accused no.-2 was selling of food in the shop. The complainant intended to take the sample of Nutrela Refined Soyabean Oil for the purpose of analysis and issued notice to the accused under Form V(A) intimating his intention. The complainant then purchased 500 ml X 4 Packet of Nutrela Refined Soyabean Oil for the purpose of analysis upon payment of Rs.240/- (Rupees Two Forty Only) and thereafter the complainant divided the sample of the food into four parts in packets container and sealed in prescribed manner and wrapped the sample packets with paper slips, duly signed by the Designated Officer bearing serial and Code RAN/1645 and took the signature of the accused on the paper slip and wrapper of the sample packets and thereafter the complainant prepared memorandum in form VI and sent part of the sealed sample alongwith Form VI to Food Analyst for analysis and the remaining parts of the same alongwith Form VI were submitted with the Designated Officer.

As per the report of the Food Analyst bearing Report No.- CM:63/FSSAI/2018, it has been opined that sample in question taken for analysis i.e. Nutrela Refined Soyabean Oil is misbranded as the label of



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the sample sent for analysis contained false and misleading declaration "25% LOW ABSORB HELP REDUCE CHOLESTROL" and so the sample in question violates Serial no. 2.3.1.1.5 of the Packaging and Labeling Regulation and the same is misbranded under section 3(zf)(A)(I) of FS&S Act

Heard both the parties, according to the learned Advocate appearing on behalf of the accused, after proper laboratory test every products of the company are being packaged with full information cautious for selling the product on it's label as per FSS Act , Rule and Regulations there under. The company only had declared on the label of the said product 25 % LOW ABSORB \*HELPS REDUCE CHOLESTROL which is not to be confused or mislead to the customer of the product . The inner meaning of this declaration that this oil only helps 25 % low absorbent from other category of oils and " HELPS REDUCE CHOLESTROL "does not mean 'anti cholesterol ' or 'cholesterol fighter ' or 'cholesterol friendly' as per 2.4.2.1 The FS & S ( Packaging & Labeling Regulation ) 2011. The product printed on the label is related to the food contained in the packet, there can be no misbranding. The provisions of sections 3 (zf) of the Act relates to 'misbranded food ' would have no application in the presence as the article or food contained the packet has not been offered and promoted for sale with false, misleading or deceptive claims and the company has not violated the provisions of Regulation of 2011.

Further according to the learned Advocate appearing on behalf of the accused, the Director (Regulatory Compliance) of FSSAI vide letter dated 17.07.2018 has advised to the Commissioners of Food Safety o All State / UT's that to take action under section 32 of FS&S Act in cases involving minor labeling defects which do not endanger food safety.

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On the other hand according to the learned Government Pleader appearing on behalf of the State, the label of the sample of Nutrella Refined Soyabean Oil sent for analysis contained false and misleading declaration "25% LOW ABSORB HELP REDUCE CHOLESTROL" and so the sample in question violates Serial no. 2.3.1.1.5 of the Packaging and Labelling Regulation and so the same is misbranded under section 3(zf)(A)(I) of FS&S Act and the accused is liable to be punished U/s 52 of the FS&S Act.

Having heard both the parties and on perusal of report I find that, the label of the sample of Nutrella Refined Soyabean Oil sent for analysis contained false and misleading declaration "25% LOW ABSORB HELP REDUCE CHOLESTROL" and so the sample in question violates Serial no. 2.3.1.1.5 of the Packaging and Labeling Regulation and so the same is misbranded under section 3(zf)(A)(I) of FS&S Act. Hence I find that the Accused are guilty of Offence U/s 51 & 52 of the FSS Act, 2006 and for the reasons aforementioned and taking into consideration the amount of gain and unfair advantage, made as a result of the contravention of the provisions of the Act of 2006 by the accused, this proceeding is concluded with a fine of Rs 25,000/- (Rupees Twenty Five Thousand Only)

Let demand notice be issued upon the accused for recovery of the said penalty in the name of Adjudication Officer-Cum-Deputy Commissioner, Ranchi through Demand Draft and in case the accused fails to deposit the penalty within the time stipulated in the demand notice, the authority concerned shall recover the penalty by instituting certificate case under the Bihar Public Demand Recovery Act against the


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accused as provided U/s 96 of the Food Safety & Standard Act of 2006 and till then the license (if any) of the defaulter shall remain suspended. Further the Designated Officer shall also ensure that, as per Section 31 of the Act of 2006, the accused shall not commence or carry on any food business during the suspension of the Food License of the Accused

Communicate this order to the Food Safety Officer and Designated Officer for information and needful.

Dictated and corrected by me

  
Deputy Commissioner  
Ranchi

  
Deputy Commissioner  
Ranchi