

## **No ‘instant’ fixes**

*The Maggie noodles episode makes a case for fine-tuning food-related regulations*

Instant noodles are the flavor of the day. Brand Maggie, that has become synonymous with instant noodles since it was introduced in India in the 1980s has been positioned over the years as a snack, a meal, an emergency foodpack and more recently a ‘health’ food. The two-minute ‘go-to’ pack, comprising 75 per cent of the market share of instant noodles today, has received its comeuppance at the hands of a conscientious FSDA officer in UP.

In March VK Pandey, the Barabanki-based officer of the UP Food Safety and Drug Administration (FSDA) as a matter of routine, he says, decided to pick upsamples of the product for testing and found, to everyone’s dismay higher than permissible levels of lead and monosodium glutamate. The results were corroborated by two other foods testing labs and all hell broke loose. Following procedure the officer issued an immediate notice for the company’s officers to appear before the designated officer. When they tried to seek cancellation of the proceedings, Nestle India, the manufacturer, was slapped with a notice in response to which the company requested tests in other labs. Labs in Kolkata, Pune, Ghaziabad and Mysore all corroborated the same results. Some weeks later, the Delhi government put a stop sale order for 15 days. And several other states have moved to test the product.

The entire issue became a media front-pager when a local Barabanki lawyer also sent notices to several high-profile film personalities—Amitabh Bachhan, Preity Zinta and Madhuri Dixit--- who had by appearing in ads for the product endorsed it. This is clearly a hasty action that is meaningless. While one may or may not criticize celebrities for endorsing products there is no law to prevent that. The notices sent to them amount to a joke, for as actor/musician Farhan Akhtar so aptly pointed out in a TV comment, no one can be faulted for endorsing a product that the government has itself approved!

The back story on Maggie however raises many questions: Way back in 2012 the Centre for Consumer Education and Research (CERC) had tested 15 brands of instant noodles in India and found that these were far from the 'healthy options' that they were promoted as. Held against the UK Food Standards they were all found to have high levels of sodium salts, significantly low fibre content, high amount of fats among other features. Interestingly, it had found Maggie Meri Masala to be 'healthiest' option of all tested products. In sum, it is curious that the FDA failed to act on that report earlier for over three years. A year after the CERC report the Centre for Science and Environment, Delhi also found high levels of salt in the product. Should not some cognisance have been taken of a report by reputed agencies like CERC and CSE?

Strangely though, the Food Safety and Standards Authority of India (FSSAI) functioning under the ministry of health and family welfare issued a product licence to Nestle India for 'Instant noodles with taste maker (9 variants)' in July 2013. The approval stated that no additives were found to be beyond the *approved limits*. The CERC it must be mentioned tested the products against the UK regulations stating that there were no adequate regulations available in India.

The entire episode shows a procedural vacuum. The finding of an authorized and designated government agency and testing lab should be enough in the first instance for the issuance of an order for stoppage of sales of at least the product packs made in the same facilities as the tested product. There is apparently no such mechanism. The FDA's testing reports follow no clear pathways that lead to action. There is also a multiplicity of agencies at the centre and in the states that deal with food products. The procedures and lines of communication among them remain vague except when there is a crisis.

It is of course obvious that regulations, however stringent, do not cover a large chunk of this market. Food products that are constantly flooding shops may be made in 'home-based' enterprises, microsector industry, or large and sophisticated manufacturing facilities. There is simply not enough human power to enforce regulations or conduct inspections.

The Food Safety and Standards legislation in 2006 led to the setting up of the FSSAI is also a step in the right direction. In 2011 the Food Safety and Standards (Food Products Standards and Food Additives) Regulations was passed under which the FSSAI grants product approval. The FSSAI must now be invested with greater authority to enforce rules and regulations and must be able to access the funds required to function efficiently. This is imperative especially if food parks, including food processing units, are being mooted as rural employment generators. Modernising the agro-economy and reforming food markets will require new and appropriate regulations. This must at some level have to include consumer and entrepreneur education. The need for this is further underlined by the fact that there is a thrust today in the direction of encouraging food-based industries. Without easily managed regulatory mechanisms, there could be unending chaos and health consequences in the making.

Laterally, but more importantly, the government's first order of business is, after all, the health and safety of the people. The fact that the test on the product in one centre was found to fall below health standards should have been a *prima facie* reason for issuing a temporary recall/ban on the product everywhere even while further testing the product. By not doing this the government was exposing the population to continued damage because of the product. Moreover, the first tests should also have led to immediate testing of all instant noodle products.

It is not easy to regulate the ready-to-eat food market. They are manufactured in facilities that range from huge factories to home-based foods and provide wide ranging employment opportunities. In some measure, they flourish because they escape regulatory mechanisms. But this can only be a transitionary phase in an economy that is moving towards better integrated food-related markets.