

**PROCEEDINGS OF THE COMMISSIONER OF FOOD SAFETY, KERALA,**  
**THIRUVANANTHAPURAM**

**(Present: Dr. Rathan Kelkar IAS)**

**CFS** – Choco Dose Toy Injection chocolate- reported as unsafe- Proceedings under Sec.30(1), 30(2)a and 29(3) of Food Safety and Standards Act 2006- Prohibition Orders issued.

Read: Order No.1100/2019/ACFS KLM dated 09.05.2019.

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**Order No.B2/3961/2019/CFS dated. 17.06.2019**

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Vide order read above, Assistant Commissioner of Food Safety, Kollam has reported that Chocolates (Choco dose) toy injection chocolate, marketed by M/s.Ayush Choco Co. Plot No.620, Phase IV, Naroda, GIDC, Ahmedabad, has harmful effects on health as it is suspected that used syringe in hospitals and labs were widely used for packing of the above said product.

Section 18 of FSS Act 2006 stipulate that

*“The Central Government, the State Governments, the Food Authority and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following principles namely :- (1)(a) endeavour to achieve an appropriate level of protection of human life and health and the **protection of consumer’s interests**, including fair practices in all kinds of food trade with reference to food safety standards and practices.”*

And whereas Section 18(1)(f) stipulate that

*“in cases where there are reasonable grounds to suspect that a food may present a risk for human health, then, depending on the nature, seriousness and extent of that risk, the Food Authority and the Commissioner of Food Safety shall take appropriate steps to inform the general public of the nature of the risk to health, identifying to the fullest extent possible the food or type of food, the risk that it may present, and the measures which are taken or about to be taken to prevent, reduce or eliminate that risk;”*

And whereas Section 27(1) stipulate that

*“The manufacturer or packer of an article of food shall be liable for such article of food if it does not meet the requirements of this Act and the rules and regulations made thereunder”*

Examining the prohibition orders issued by the Designated Officer under Section 36(3)(b) and 29(3) of Food Safety and Standards Act 2006 is upheld. Violation of a prohibition order issued by a statutory authority

is a serious threat to public health and a huge food safety risk to general public and hence the prohibition has been made to all over the State

*The Commissioner of Food Safety has been entrusted and has been called to perform such function under Section 30(2)(d) to ensure an efficient and uniform implementation of the standards and other requirements as specified and also ensure a high standard of objectivity, accountability, practicability, transparency and credibility,*

*And therefore in order to protect consumer interest, **the storage, sales and distribution of the Choco dose (Toy injection Chocolate) marketed by M/s.Ayush Choco Co.Plot No.620, Phase IV. Naroda, GIDC, Ahamedabad is prohibited with immediate effect** within the State of Kerala. The lifting of the ban shall be subject to further inspections and analysis if represented by the Food Business Operator with supporting documents within 45 days from the date of this order*

The ban order issued by the Designated Officer of the concerned district reveals the rampant adulteration prevailing in the sector and therefore Assistant Commissioner shall continue the surveillance across all district.

  
**Commissioner of Food Safety**

To

1. All Deputy commissioner of Food Safety (Intelligence)  
All Assistant commissioner of Food Safety/**(All Designated officers/Assistant Commissioner of Food Safety are directed to inspect the manufacturing/ packing/ godowns/sales outlet of the above brand and ensure the effective implementation of the above prohibition order without fail)**
2. Designated Officer, Food and Drug Control Administration, Bardanvala Complex, Near Old DSP Office, Dr. Cook Road, Anand, Ahamedabad- 1
3. Assistant Commissioner, Food and Drug Control Administration, 0-4- New Mental Compound, Asarva, Ahamedabad- 1
4. Commissioner of Food Safety (Food and Drug), Ahamedabad, Gujarath (With Covering letter)

Copy to:

1. Joint Commissioner of Food Safety (Administration, Legal & Vigilance)
2. Joint Commissioner of Food Safety(Enforcement)
3. The Deputy Director(PFA)
4. File/Stock File