



PROCEEDINGS OF THE ASST. COMMISSIONER OF FOOD SAFETY, KOLLAM.

(PRESENT: K.V.SHIBU)

ACFS KLM – Presence of Coliform, yeast and mould in packaged drinking water – reg:-

Proceedings under Section 36(3)(b) and 29(3) of Food Safety and Standards Act 2006 –Orders issued – reg:-

Read:- Form VII A Report.No.1243/2019-20/GALTVM dt.21-06-2019

Order No.1631/2019/ACFS KLM dated 01-07-2019

The Food Safety Officer, Chathannoor circle collected the sample of Packaged Drinking water (Sal sabeel Packaged Drinking water) from M/s Choice Soda and Mineral, Maruthamonpally, Pooyapally, Kollam 691537 and sent for analysis to the Food Analyst, Govt. Analyst's Laboratory, Thiruvananthapuram. The Food Analyst analysed the sample and issued form VII A report as per the reference read above. As per the analysis report the Food Analyst opined that *"the sample is microbiologically contaminated with coliform bacteria and yeast & Mould as per Regulation 2.10.8 (Table 1) of Food Safety and Standards (Food Products standards and Food Additives) Regulation 2011 and is therefore Unsafe under section 3 (1)(zz)(iii) & (xii) of Food Safety and Standards Act-2006"*.

"The Food analyst also opined that the sample is not labelled in accordance with the requirement of Regulation 2.2.1.5 of Food Safety and standards (Packaging and Labelling) Regulation 2011 and is therefore Misbranded under section 3(1)zf(C)(i) of Food Safety and Standards Act-2006".

Section 3(1)(u) stipulates that

"Hazard means a biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect: and "

Section 3(1)(zm) stipulates that

"Risk in relation to any article of food, means the probability of an adverse effect on the health of consumers of such food and the severity of that effect, consequential to a food hazard."

Hence it is expedient in larger public interest that the Designated officer should intervene to achieve the objectives and mandates of FSS Act 2006.

In the circumstances whereas Section 36(3)(a) empowers the Designated officer to cancel the FSSAI license and

Regulation 2.1.8:4 of The Food Safety and standards (Licensing and Registration of Food Businesses) Regulation 2016 stipulates that

“Notwithstanding anything contained in these Regulations, the Registering and licensing authority may suspend or cancel any License or Registration forthwith in the interest of the public health for reasons to be recorded.”

And whereas Section 36(3)(b) empowers the Designated officer,

“to prohibit the sale of any article of food which is in contravention of the provisions of this Act and rules and Regulations made there under;”

And whereas Section 18. (1).(a) stipulates that,

“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 and standards and practices;”

Section 18 (2)(f) i & ii stipulates that

ensure prevention of –

(i) fraudulent, deceptive or unfair trade practices which may mislead or harm the consumer; and

(ii) Unsafe or contaminated or substandard food

Section 26(1) and 2 (i) (ii) stipulates that;

“Every food business operator shall ensure that the articles of food satisfy the requirements of this Act and the Rules and Regulations made there under at all stages of production, processing, import, distribution, and the sale the businesses under his control”

“No food business operator shall himself or by any person on his behalf manufacture, store, sell or distribute any article of food –“

(i) which is Unsafe

(ii) which is misbranded or substandard or contains extraneous matter.”

Section 27(1) stipulates 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 rules and regulations made there under.”

Section 29(1)(2)(3) stipulates that

(1)The Food Authority and the state Food Safety Authorities shall be responsible for the enforcement of this Act.

(2)The Food Authority and the state Food Safety Authorities shall monitor and verify that the relevant requirements of Law are fulfilled by food business operators at all stages of Food business.

(3)The authorities shall maintain a system of control and other activities are appropriate to the circumstances, including communication on food safety and risk, food safety surveillance and other monitoring activities covering all stages of food business.

Therefore, to overcome this situation and to assure safe and unadulterated Packaged Drinking water to the consumers, the FSSAI License (License No. 11318002000104) issued to M/s Choice Soda and Mineral, Maruthamonpally, Pooyapally, Kollam is suspended forthwith in the interest of public health.

The manufacture, storage, sale and distribution of Packaged Drinking water is also prohibited with immediate effect as per section 36(3)(b) of Food Safety and Standards Act-2006.

The manufacturer shall recall all the prohibited products from the market as per the Regulation of Food Safety and Standards (Food Recall Procedure) Regulation 2017 and also directed to submit the status report of recall to this office promptly as per the Regulation 9 of Food Safety and Standards (Food Recall Procedure) Regulation 2017.

The license suspended shall be revoked subject to further investigation in the matter, surveillance of the production unit and assessment of the situation. You may appeal to the Commissioner of Food Safety whose decision thereon, shall be final.




Designated officer
(Assistant Commissioner of Food Safety)
Kollam

To:-

M/s Choice Soda and Mineral, Maruthamonpally, Pooyapally, Kollam

Copy to:-

1. The Commissioner of Food Safety Thiruvananthapuram with C/L
2. The Deputy Commissioner of Food Safety, Thiruvananthapuram Ernakulam ,Kozhikode with C/L
3. Information & Public Relations officer ,Kollam
4. All Assistant Commissioners of Food Safety
5. All Food Safety officers ,Kollam District
6. File/stock File