

Sustainable Development in the Context of Food Packaging Industry in India

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INTRODUCTION

Food is one of the basic necessities for sustenance of life. Pure, fresh and healthy diet is most essential for the health of the people. It is no wonder to say that community health is national wealth. Adulteration of food-stuffs was so rampant, widespread and persistent that nothing short of a somewhat drastic remedy in the form of a comprehensive legislation became the need of the hour. To check this kind of anti-social evil a concerted and determined onslaught was launched by the Government by introduction of the Prevention of Food Adulteration Bill in the Parliament to herald an era of much needed hope and relief for the consumers at large. Laws existed in a number of States in India for the prevention of adulteration of food-stuffs, but they lacked uniformity having been passed at different times without mutual consultation between States. The need for Central legislation for the whole country in this matter has been felt since 1937 when a Committee appointed by the Central Advisory Board of Health recommended this step. 'Adulteration of food-stuffs and other goods' is now included in the Concurrent List (III) in the Constitution of India. It has, therefore, become possible for the Central Government to enact all India legislation on this subject.¹Sustainable packaging is the development and use of packaging which results in improved sustainability. This involves increased use of life cycle inventory (LCI) and life cycle assessment (LCA) to help guide the use of packaging which reduces the environmental impact and ecological footprint.²

IV. Factors Affecting Growth of Packaging Industry in India

1. Urbanization

Modern technology is now an integral part of nation's society today with high-end package usage increasing rapidly. As consumerism is rising, rural India is also slowly changing into more of an urban society. The liberalization of the Indian economy, coupled with globalisation and the influx of the multi-nationals, has improved the quality of all types of primary and secondary packaging. Also industrialization and expected emergence of the organized retail industry is fueling the growth of packaging industry.³

2. Increasing Health Consciousness

As people are becoming more health conscious, there is a growing trend towards wellpacked, branded products rather than the loose and unpackaged formats. Today even a common man is conscious about the food intake he consumes in day-to-day life.⁴

3. Low Purchasing Power resulting in Purchase of Small Packets

India being a growing country, purchasing power capacity of Indian consumers is lower; the consumer goods come in small, affordable packages. Apart from the normal products packed in flexible packaging, the use of flexible in India includes some novel applications not usually seen in the developed world. Products like toothpaste, toothpowder, and fairness creams in laminated pouches are highly innovative and are not used elsewhere. Another typical example of such applications is tobacco and betel nut-based intoxicants and mouth fresheners catering to unique Indian taste.⁵

4. Indian Economy Experiencing Good Growth Prospects

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¹The Prevention of Food Adulteration Act, 1954 – Introduction, <http://www.medindia.net/Indian_Health_Act/the-prevention-of-food-adulteration-act-1954-introduction.htm> accessed on 20th August, 2017.

²*Sustainable packaging*, <https://en.wikipedia.org/wiki/Sustainable_packaging> accessed on 4th March, 2018.

³Urbanization, population growth drives rising worldwide, <<https://whattheythink.com>> visited on 2nd august, 2023 at 11.42 a.m.

⁴ Ibid.

⁵ Indian buying more but smaller grocery packs, <http://m.economictimes.com> visited on 5th August 2023 at 10.30 a.m.

The Indian economy is growing at a promising rate, with growth of outputs in agriculture, industry and tertiary sectors. Overall economic growth has proved to be beneficial for the consumer goods market, with more and more products becoming affordable to a larger section of the population.⁶

5. Changing Food Habits amongst Indians

Changing lifestyles and lesser time to spend in kitchens are resulting in more incidence of eating away from homes resulting in explosive growth of restaurants and fast food outlets all over the country. Indians are trying out newer cuisines and also purchasing similar food items for their homes. Therefore, the review period has seen new products like pasta, soups, and noodles being launched in India, fueling the growth of packaging industry in India.⁷

Personal health consciousness amongst Indians:

With growing awareness towards contagious diseases like AIDS and other STDs, awareness towards usage of contraceptives and disposables syringes have increased the demand for packaging required for the same.⁸

Rural Marketing Pushing Demand for Sachets

India comprises of a big rural market and there has been growing focus on rural marketing, whereby manufacturers are introducing low-priced goods in smaller pack sizes. Low priced sachets have proved to be extremely popular in smaller towns and villages.⁹

Prohibition on import on food under The Food Adulteration Act

There is also a condition that food for which license is required can be imported in India with fulfilling certain conditions.¹⁰ Application of law relating to sea customs and powers of Customs Officers, section 18 of the sea custom Act prohibits certain kind of import where sea custom is enforced and under section 5 of this Act impose prohibition on import of certain goods subject to conditions under section 16 of the Act. Commissioner of Customs, or any officer of the Government authorized by the Central Government in this behalf, may detain any imported package which he suspects to contain any article of food the import of which is prohibited under section 5 of this Act and shall forthwith report such detention to the Director of the Central Food Laboratory and if, required by him, forward the package or send samples of any suspected article of food found therein to the said Laboratory.

No person can himself or by any person on his behalf manufacture for sale, or store, sell or distribute, any adulterated food, any misbranded food, any article of food for the sale of which a licence is prescribed, except in accordance with the conditions of the licence. any article of food the sale of which is for the time being prohibited by the Food (Health) Authority in the interest of public health. any article of food in contravention of any other provision of this Act or of any rule made there under. For the purposes of this section, a person shall be deemed to store any adulterated food or misbranded food or any article of food referred to in clause (iii) or clause (iv) or clause (v) if he stores such food for the manufacture there for food or sale.

Provision Regarding Packaging of food to carry a label in Prevention of Food Adulteration Rules

(a) There must be the name, trade name or description of food contained in the package. The full description of ingredients used in descending order with its composition, weight or volume along with flavor and the chemical used for flavor must be mentioned on the label of food stuff. If Gelatin named substance is one of the ingredient of that food stuff then it must be mentioned on the label as "Gelatin animal origin".¹¹ Every package of food must be labeled, which will describe the name, trade name and Description of contained food. The label must also explain the essential ingredients with their net weight age. Languages of the particulars or declaration on the label:- The particulars of declaration required under these rules to be specified on the label shall be in English or Hindi in Devnagri script:- Provided that nothing herein contained will prevent the use of any other language in addition to the language required under this rule.¹² A label must not contain any statement, claim, design, device, fancy name or abbreviation which is false or misleading in any particular concerning the food contained in the package, or concerning the quantity or the nutritive value or in relation to the place of origin of the said food. Label must not have contained, false or misleading statement regarding Claim, design, device, fancy name or abbreviation. Label

⁶Prospect of Indian economy in 2023, <http://www.drishti.com>> visited on 6th July, 2023 at 11.40 a.m.

⁷K. Damodaran, Changing Trends of Indian Food habits in Modern Times, ELK Asia Pacific Journal of Finance and Risk Management, <<http://www.Elkjournals.com>> visited on 8th august, 2023 at 12.45 p.m.

⁸Pandemic effect: Indian consumers now more conscious of health, <<http://www.business-standard.com>> visited 20th July, 2023 at 1.30 p.m.

⁹Brands Sachet to success with small packaging, <<http://m.times of India.com>>visited on 26th July, 2023 at 5.22 p.m.

¹⁰ Section 5, The Food Adultration Act,

¹¹ Dulichand Bansal vs The State Of Bihar & Anr on 19 December, 2011

¹² Rule 33, The Prevention of Food Adultration

must be true representations of essential elements which are in food stuff. Because consumers purchase that food item on the bases of label containing information regarding packed food.¹³

Export and import of weights, measures and commodities in packaged form in Standard of weights and Measures Act, 1976

Food Safety and Standards Authority of India (FSSAI) regulates the packaging of all food products in India. The regulations pertaining to food packaging is laid out in the Food Safety and Standards (Packaging and Labelling) Regulations, 2011. All food which is placed in a package of any nature, in such a manner that the contents cannot be changed without tampering it and which is ready for sale to the consumer must comply with the food packaging regulations in India.

General Requirements for the Container of Food article under Food Packaging Regulation

All packaged food must be put in a utensil or container that is safe. Some of the conditions regarding container of food article

- The container must not be rusty;
- All containers must be securely packed and sealed;
- The exterior of the cans must be free from major dents, rust, perforations and seam distortions;
- Cans must be free from leaks;
- A copper or brass containers which are not properly tinned;
- Containers made of plastic materials should conform to the following Indian Standards Specification, used as appliances or receptacles for packing or storing whether partly or wholly, food articles namely:
- Tin and plastic containers once used, shall not be re-used for packaging of edible oils and fats;¹⁴

It is necessary to present the events briefly that resulted in this project being taken up by the Law Commission. The Supreme Court judgment and the Ministry of Home Affairs' reference are brought into focus to explain the objective with which the Commission undertook this study. This Report precisely provides a description of the current framework on food safety laws in India and how they have changed, not too long ago to meet the increasing demands of food regulations keeping in view the best practices followed in the world all over. This will contextualize the IPC provisions and show/reflect the importance of the proposed changes. This role is made clear in the section immediately following the discussion on the relation between the IPC and food adulteration. As the Law Commission of India is already carrying out a comprehensive review covering all aspects of criminal law so that comprehensive amendments can be made in the various laws viz. Indian Penal Code, Code of Criminal Procedure and the Indian Evidence Act, etc. It is therefore, requested that the Commission may also examine the amendment to section 272 of IPC as observed by the Supreme Court."¹⁵

Food Safety and Standards Act, 2006

With the aim to consolidate all the previous existing laws, the Food Act was enacted by Parliament which establishes a single reference point for all matters relating to food safety and standards, by moving from multi-level, multi-departmental control to a single line of command. To this effect, the Food Act establishes an independent statutory Authority – the Food Safety and Standards Authority of India (Food Authority), which has been created for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import to ensure availability of safe and wholesome food for human consumption.¹⁶

For the same, the Food Authority has made the Food Safety and Standards Rules, 2011 as well as the following regulations:

1. The Food Safety and Standards (Licensing and Registration of Food businesses) Regulation, 2011
2. The Food Safety and Standards (Packaging and Labelling) Regulation, 2011
3. The Food Safety and Standards (Food Product Standards and Food Additives) Regulation, 2011
4. The Food Safety and Standards (Prohibition and Restriction on Sales) Regulation, 2011
5. The Food Safety and Standards (Contaminants, Toxins and Residues) Regulation, 2011
6. Food Safety and Standards (Laboratory and Sampling Analysis) Regulation, 2011

Any person who adulterate any food or drink to make that food or drink noxious as food or drink and the same he wants to sell as food or drink and knows that this food or drink will be sold off will be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand

¹³ Ibid.

¹⁴Food Packaging Regulations in India, <<https://www.indiafilings.com/learn/food-packaging-regulations/>> ACCESSED ON 20TH August, 2017.

¹⁵ Swami Achyutanand Tirth & Ors. v. Union of India & Ors, AIR 2016 SC 3626.

¹⁶ Section 4, The Food Safety and Standards Act, 2006.

rupees, or with both.¹⁷ Any person who sells or offers or exposes any food or drink for sale, which has become noxious and is unfit for food or drink, knows or reasons to believe that same is noxious will be Punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.¹⁸

Amendments suggested by Law Commission of India

Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished, - (i) where such adulteration does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees; (ii) where such adulteration results in non-grievous injury, with imprisonment for a term which may extend to one year and also with fine which may extend to three lakh rupees;¹⁹

SUGGESTIONS

- Food and beverage manufacturers are using smart packaging for their finished goods and products. Smart or active packaging work in close alignment with sensor technology and packaging materials that are embedded with various smart technologies. For example, smart sensors aid significantly in the control and monitoring of various aspects, such as moisture, temperature and oxygen. Sensors needn't always be electronic in nature; in the case of food packaging, it could also be in the form of an indicator. Food security and safety might certainly be an important issue, but the pharmaceutical sector has the potential of being transformed by the use of smart sensors in its packaging applications.
- It is imperative that drug and medicine packages be properly maintained. Considering the temperature-sensitivity and chemical volatility of these goods, packaging materials that can detect temperature changes during transit or indicate any chemical changes due to extreme temperature conditions would definitely go a long way in optimizing product safety.²⁰
- The world over, the emergence of environmental awareness among consumers has led to growing demand for products and services that cause minimal damage to the surroundings. The concern has reached a new height and consumers in both the developed and developing countries are trying to consume in a "greener Manner". To increase consumer awareness, the union Government in 1991 launched Ecomark, unique eco-labelling scheme for easy identification of environment-friendly products. But the scheme was neither accepted by the industry nor did the government enforce it as a law.²¹
- Sustainability is fast gaining favors among companies, with consumers increasingly looking to buy products that are 'green'. A recent report highlighted the growing trend of sustainable packaging in growing markets of China and India. The cause is attributed to a growing middle class who is aware of health and environmental issues of flexible packaging. It is forecasted that by 2018, Asia will become the largest market for sustainable packaging in the world accounting for 32% of the overall market share. It is important that both the sectors work together to employ a number of innovative approach to improve sustainability of their products like recycling and reprocessing infrastructure, using optimum packaging, producing packaging from bio-based materials.²²
- Green is the new buzzword within the packaging industry. Sustainable ideas and environmental friendly packaging is at the helm of innovation for the flexible packaging companies all over the world. The ecological impact and effect on environment by various packaging solutions is the significant force at present. The mantra is the 3 Rs which can help save our environment is Reduce, Reuse, Recycle.²³
- Foil packaging is additionally being adopted by a number of snack manufacturing units as it releases less amount of plastic harm to the atmosphere. The bag has the power to sustain shock, squeeze, temperature changes and it doesn't have any negative impact on the human body. Many manufacturers opt for vacuum packaging along with foil package. This allows the food to be free from contamination and the foil ensures

¹⁷ Section 272, Indian Penal code, 1860.

¹⁸ Section 273, Indian Penal Code, 1860.

¹⁹ Report No. 264, The Criminal Law (Amendment) Bill, 2017 (Provisions dealing with Food Adulteration), Law Commission Of India, 2017, pp.38-39.

²⁰ Mufassira Fathima, How smart packaging sensors safeguard foods and drugs, <<http://www.packagingdigest.com/smart-packaging/how-smart-packaging-sensors-safeguard-foods-and-drugs-2017-04-13>> accessed on 4th July, 2018.

²¹ Alpana Poddar, Lal's Encyclopedia on environment Protection and Pollution Laws Along with Allied Laws, State Acts. Rules And Notifications, Delhi Law House, Delhi, 2009, p. 154.

²² Growing trends for sustainable packaging, <http://www.uflexltd.com/blog/the-growing-trend-of-sustainable-packaging/> accessed on 22nd July 2018

²³ sustainable and convenient Packaging, <http://www.uflexltd.com/blog/tag/sustainable-packaging/> Accessed on 22nd July 2018.

that the packaged product stays fresh throughout its intended shelf life. It also saves up on space as compared to more traditional methods of packaging.²⁴

- A stand up pouch is another option in flexible packaging as an eco-friendly alternative to other forms of packaging especially for liquid products. It is a more sustainable option as compared to more traditional forms of rigid packaging like bottles, cans, jar sets which are used to packing liquid products, baby food, cereal etc. Stand up pouches use less space which means less transportation and storage cost. The chances of spillage etc. are also lessened considerably. Many pouches come with resalable options like screw on caps which make the product more convenient and sustainable. Spouted pouches are a popular choice among the consumers, manufacturers, and retailers due to their ability to inhibit harmful impact on the environment, their ease of use, inexpensive nature, and flexible packaging options.²⁵
- The study on 'Domestic Green Packaging Industry prepared' showed, rising environmental concerns about carbon emissions, dearth of natural resources together with increased health awareness and waste reduction targets were certain key growth drivers of green packaging innovations in India. Nearly 45 per cent of manufacturers said they were increasingly adopting renewable packaging technologies, environment-friendly light materials and cost-effective methods which would increase consumer awareness. Further, about 75 per cent of respondents stated that they were gradually reducing usage of non-decomposable plastic bags and seeking support of local grocery stores, vegetable and fruit vendors, hawkers to promote usage of paper bags.²⁶
- Sustainable packaging with increased awareness amongst all stakeholders, sustainable packaging technologies are now receiving due recognition. Reduction in material usage without compromising on product protection is among the thrust areas in the cotemporary packaging industry. Material reduction aims at optimal usage of material as well as reduce resultant wastage of packaging material for recycling as well as land-fills. Re-use of packaging is gaining prominence worldwide and has witnessed some success in the area of glass packaging. The trend towards returnable packaging is also being encouraged and is gaining momentum. eg. Returnable / re-usable corrugated cartons, plastic crates & containers and pallets. Many packaging material companies are actively involved in participating in the recycling.²⁷

CONCLUSION

Food nutrient value and food packaging by qualifying certain conditions like maximum limit of using the preservatives, which determines the life of one food stuff lying on the shelf of market's departmental store. Sustainability of food packaging has ultimate objective to minimize the food wastage and packaging of food stuff should be like that which does not harm the environment. The wrapper of the food stuff is very important element of food packaging which provides the information about the raw material used in that food stuff and the stages of the food up till the stage after the packaging of that very food stuff. If any food packaging company violates the terms and conditions of food safety of consumer and also mislead the consumer by not following the requisites which are mentioned on the label are considered as violators of food packaging law and would be penalized as per the penalties as per Indian food packaging laws. Therefore, it can be stated that all laws are welfare legislations and if it does not cater the needs of citizen of country either as the part of legislator or the executive will be matter of consideration that either to repeal that very law or to amend the law so that it can respond to the problems of the people of India as a welfare legislation, which is ultimately made for the betterment of people of India.

²⁴ Ibid.

²⁵ sustainable and convenient Packaging, <http://www.uflexltd.com/blog/tag/sustainable-packaging/> Accessed on 22nd July 2018.

²⁶ Cos becoming environmentally responsible with green packaging', <<https://www.thehindubusinessline.com/economy/cos-becoming-environmentally-responsible-with-green-packaging/article20348938.ece>> accessed on 22nd July 2018.

²⁷ Consumer packaging trends in the Indian processed food industry Article by Madras Consultancy Group, <[Consumer%20packaging%20trends%20in%20the%20Indian%20processed%20food%20industry%20Nov14%20MCG.pdf](https://www.mcg.com/Consumer%20packaging%20trends%20in%20the%20Indian%20processed%20food%20industry%20Nov14%20MCG.pdf)> accessed on 22nd July 2018.