



Advertising and sale of unhealthy food products Ineffective administration

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INTRODUCTION :-

It is pertinent to note that with the increasing means of exposure to media through the rapid increase in technology, there has been an unprecedented increase in the sale of products including food and otherwise, where only the quantity is increasing with decreasing quality.

It is now more than ever that a complete screening and regulation of the products being sold and advertised is needed, for every new product a corresponding side effect or health hazard can be observed among the consumers.

This article primarily focuses upon the unregulated sale and advertising of products that are shown to be healthy but in fact are not. The many hurdles the Government faces in the administration and regulation of such sale and advertisement along with the possible remedy available to deal with this ineffective administration will be dealt with hereunder.

THE _____ ADMINISTRATIVE AGENCIES :-

FOOD –

In India, The *Food Safety and Standards Authority of India (FSSAI)* is the apex food regulator. It is empowered by and functions under the Ministry of Health and Family Welfare, Government of India. The FSSAI implements and enforces food regulations as prescribed in the *Food Safety and Standards Act, 2006 (FSS Act)*. The FSS Act is an Act of Parliament, popularly known as the Food Act. Previous to the FSS Act there were a number of food legislations. All these have been consolidated into a homogenous whole in the FSS Act. The regulations of the FSS Act became effective in 2011 with FSSAI as its regulatory body.

WORKING –

In the FSSAI regulations, food products fall into two categories—standardized and non-standardized. The standardized food products are those for which standards are prescribed and do not require product approval prior to manufacture, sale, distribution, or import.

Non-standardized food products do not have standards as their safety parameters are either not known or not yet ascertained.

Presently FSSAI has standardized only 380 articles of food in 16 categories so all other foods require product approval if they are not listed among these 380 food items.¹



Traditional foods also do not require product approval as they are being consumed for centuries in India. The ingredients and preparation methods are well known and this guarantees their safety. If, however, traditional foods use any new ingredients or food additive or new technologies in preparation, they need product approval.

If a new or unknown food article is introduced for import, it is considered non-standardized and requires product approval. The FSS Act, 2006 does not apply to foods being exported out of India.

Non-standardized food products, awaiting product approval, are assessed for safety in four categories. To expedite product approval, a 90-day outer limit is now in place for completion of the application review process. However, if the product is referred to the Scientific Panel for further scrutiny, the time limit could be extended. The 90-day time limit has three, 30-day cycles that constitute the various application review stages. This facilitates applicants in tracking the application status at various stages of the approval process and on approval they can immediately apply for license.¹

ADVERTISING :-

At present in India, there is no central statutory agency or uniform legislation regulating the advertising industry. The Indian advertising market as a whole is regulated and controlled by a non-

statutory body, the *Advertising Standards Council of India (ASCI)*. In the absence of uniform integrated legislation, it is necessary for advertisers to ensure that an advertisement is in compliance with all local and national advertisement laws.¹

Some of the objectives of this council include –

- To ensure the truthfulness and honesty of representations and claims made by advertisements.
- To safeguard against the indiscriminate use of advertising for the promotion of products regarded as hazardous to society or to individuals.

With these objectives in mind, there are a list of products and services that are banned from advertising such as Tobacco, Human organs, Advertising to Children (advertising during and immediately before and after children's programming) etc.

THE ISSUE :-

Though there are well laid down standards, rules and regulations for the food products being advertised and sold, there is not any effective screening of the products since the basic underlying standard set is already wrong. The products being approved for sale and advertisement are not necessarily and factually healthy (in the short or long run after consumption or usage) as proposed yet are being cleared for the same reason that they conform to the norms set by these administrative agencies.



Taking the example of fast foods,

Consumption of fast foods has become almost a global phenomenon. India's fast-food industry is expanding at the rate of 40% every year. India ranks 10th in the fast food per capita spending figures with 2.1% of expenditure in annual total spending.¹

Popularity of these food stuffs due to its great taste, attractive appearance along with advertising played a major role in attracting people particularly adolescents to the selling joints. However, the sale and advertisement of such fast foods followed by its consumption has led to the following health problems. The energy density of fast foods had been found to be more than twice the recommended daily allowance for children. Experts therefore attribute the current childhood obesity epidemic to fast foods. This increase in childhood obesity has led to increase in life-threatening conditions particularly non-communicable diseases in developing countries.¹

Dental cavities another common ailment in school children can result due to dense sugar content in fast foods.¹ Food additives used in these food stuffs are found to be carcinogenic and can be allergic causing asthma and rashes which are also seen frequently among children. Added to this in developing countries there are problems like poor hygiene during preparation storage and handling of fast foods leading to contamination by microorganisms.¹

Moreover, Studies have also found that youngsters who watch more television are more susceptible to unhealthy eating habits and unhealthy conceptions about food substances compared to others who watch minimally. This is because the current food advertising rarely promotes healthy choices and rather promotes frequent consumption of unhealthy foods making it even difficult for most parents to promote healthy eating at home. Therefore advertisement guidelines related to quality of food products in mass media needs formulation and strict implementation.¹

This is just one example among many where the products like fast food are being advertised and sold in huge numbers after being cleared by these administrative agencies. So there is a prevalent need to look into the administration of such matters leading to proper implementation and regulation of such products so that only the actual healthy ones reach the consumers.

THE REMEDY :-

Marketing of food product has a powerful influence on the health of the consumers. The Food Safety and Standard Regulations (Packaging and Labelling) aimed at encouraging food packaging and advertisements to focus less on taste and convenience, more on education and health. The regulations have clearly defined as to what constitutes the Health



Claims and Nutrition Claims. Even after these rules and regulations, various food product manufacturing companies continue to advertise unhealthy food products to this vulnerable group. The Advertising Standards Council of India (ASCI) in collaboration with FSSAI Food Safety and Standards Authority of India are in process to keep a check on errant advertisers and to modify the advertisements based on prescribed guidelines. Professional bodies like Indian Academy of Pediatrics (IAP) and Indian Association of Preventive and Social Medicine (IAPSM) need to generate guidelines regarding the content of food advertisement that can be permitted to be displayed on mass media and other sources of exposure.¹

The *FSSAI* and *ASCI* are both primarily focused upon ensuring that only healthy products are being approved of and advertised. One of the functions of the *FSSAI* include the collection of data regarding food consumption, incidence and prevalence of biological risk, contaminants in food, residues of various, contaminants in foods products, identification of emerging risks and the introduction of rapid alert system.¹ However, this function is not effectively administered since the very fact that products like fast food are being approved of even though its evident that they are a health hazard. The safety and health of the consumers must be the only goal of these administrative agencies and it is the responsibility of the government to ensure that proper administration

through the necessary regulations are put in place so as to ensure that the right and truly healthy products are being approved of and sold.

Viewers of advertisements are not necessarily passive consumers who will believe everything they are told. They are frequently skeptical of positive advertising claims. If a company is honest and straightforward about potential hazards, it can reduce its potential liability while increasing its credibility with consumers. This can make the company's positive advertising claims more believable. For instance, if a lawn care company tells its local customers that its lawn chemicals are beneficial to the environment, they are likely to view the claim with skepticism. If it acknowledges the chemicals to be potentially harmful but explains how to use them safely and dispose of them properly, the information will be more credible.¹

CONCLUSION :-

The administration and regulation of the food products being approved of and advertised need to be made more effective since it is the lives of the consumers at stake. The sale of such products is sure to bring profit to the companies but it is the consumers who are affected in the end due to ineffective administration of the same. Proper consultation and research must be done



with regards to the consequences from the consumption of such products with standards set really high so that there is not the slightest discrepancies in the consumption of the same. The advertising of such products must also be regulated and must strictly conform to the objectives mentioned by the ASCI.

With the rapidly developing world and increasing population, there is a need to ensure that only the healthy food products are sold and advertised for the greater good of the consumers and this can only be done at the grass root level where the Government has to step up taking measures for more strict implementation of the standards leading to an effective administration of the agencies concerned.

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