



**DREADFUL EFFECTS OF FOOD  
ADULTERATION AND THE NEED  
FOR BETTER IMPLEMENTATION IN  
THE EXISTING LEGISLATION**

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**Abstract:**

Humans have different options for everything. Not all human beings think in the same way or have the same taste. But one thing is common with all Human Beings. And that is called Food. Food is something that no one will refuse or avoid to take. Food makes a person stronger and gives energy, protein, and nutrition. So, that should be pure. Food is considered to be the ultimate medicine for us. If we have proper food, our health won't be ruined. As we all are living in a fast-growing world, everything is instantly made, so that, there is no delay in our time. But food is being adulterated due to various reasons. Why food is being adulterated, and what made people to do this, what are the measures taken by our government to prohibit the food adulteration, and did the process of food adulteration is stopped after the implementation of certain acts are elaborately discussed in this paper. Thus in this paper, the authors try to stress the need for stronger legislation to overcome this adulteration.

**Keywords:** Food adulteration, Section 272 and 273 of IPC, Article 21, Section 7 of The Prevention of Food Adulteration act, dangerous effect.

**Introduction:**

"Let food be thy medicine and medicine be thy food." This was a famous quote said

by Hippocrates. But in today's modern world we can see that eating habits changes rapidly. In the olden days, every Indian family used to cook in their home with fresh and healthy ingredients. They know what ingredients they are using in the meal. As a result, they lived for longer days both healthy and happy. But in present, the whole situation is completely different. Most of the people eat at restaurants and prefer readymade fast food with rising income and prosperity. To please and attract the purchasers these food items are cooked through poor quality ingredients. In India, nearly 25 to 30 percent of food products are willfully adulterated. This peril does not stop with outside alone, one can find it in each and everyone's kitchen when they come to know the fact that even basic food items like milk, coffee powder, sugar, pepper, honey, etc., are adulterated. Food is considered to be an essential source. But these adulterated food ruins one's life. For instance, from the morning coffee till dinner everything we eat is adulterated. As a result one becomes powerless. This reminds a popular saying "when health is lost everything is lost".

**Food Adulteration:**

Adulteration in simple terms means "Mixing up the unwanted ingredients to the natural food". Making something poorer in the quality by the action of adding some substances is called as Adulteration. Food adulteration is the process of lowering the quality of the food. Food adulteration can be made either by the removal of vital components or by adding some substances which lower the quality of the food products. Artificial sweetener, washing soda, etc are some of the adulterant products. The longer usage of adulterated food causes health problems. For red chili powder, they will use



brick powder for more color. To increase the quantity of the food item in raw form or in a prepared form adulteration is done which results in the loss of the actual quality of food item.

### **Types of food adulteration:**

There are 3 types of food adulteration.

- 1) Intentional adulteration
  - 2) Incidental adulteration
  - 3) Metallic adulteration
1. **Intentional Adulteration:** This type of adulteration is done willfully and with an intention. This adulteration is done to increase the profit of the product. Eg. In Turmeric powder, the yellow soil is added intentionally so that the quantity of the product will be high and the seller will get a good amount of profit. In red chili powder, the adulterant products are sawdust and brick powder.
  2. **Incidental Adulteration:** Here, the adulterant products are found in the food material due to ignorance of the person, negligence, or lack of facilities. Eg. Small stones will be found in the rice, it is considered to be incidental adulteration as no one will intentionally make the stone to be present in the rice, it is the wind which causes the rice with the stone.
  3. **Metallic Adulteration:** In this adulteration, the metallic substances are added intentionally or accidentally in the food products. Eg. Lead from water, pesticides are used by the farmers to increase the production of the products and to avoid the attacks of insects which is intentional in this type of adulteration. Fruits and vegetables are sold on the roadside so that the dust from the vehicles, are coated on the products which makes accidental adulteration in the metallic type of adulteration.

### **How did this practice come into Existence:**

In Indian society, Food Adulteration is considered to be one of the serious offences. Adulterated food is considered to be more dangerous because, it contains more chemicals, which reduces the consumer's immune system. Mainly, the food we consume is being adulterated because the companies want to increase their profit margin. For their livelihood, they adulterate the food which is risky for all the people who consume which is considered to be an unethical practice. There is no accurate period of when this adulteration practice commenced in India. To control the food adulteration, the government has enforced the "Prevention of Food Adulteration Act" (PFA) in the year of 1954. So from this, we can understand that the food is being adulterated before 1950 which is still in practice. Though the PFA has enforced, still the adulteration is going on and there is no end to it. So, the central government amended this PFA in the year of 1986 to impose stronger punishments. And the government enacted another act called "Food Safety and Standards Act" (FSSAI), in the year of 2006.

### **Malicious intention trailing this debauchment:**

Mainly in order to illegally add some of the Impure Ingredients or to Substitute a Cheaper Ingredient for a more expensive one adulteration is done. The Reasons for Food Adulteration are as follows;

1. **To make maximum profit with fewer investments:**

The milk can be adulterated with water. It can be identified that water is cheaper than milk. So, adulterating the milk with the water makes it to sell at a higher price. Generally, the adulteration will make the product



profitable, while the fraud goes undetected. It is mainly for the financial basis.

2. Food adulteration is practiced as a business strategy:

This act will come to an understanding after reading this example. We will consume some contaminated juice with some flavors such as orange, pineapple, etc. Because, to get the flavor of the orange fruit or grapefruit, they will add amino acids to make the protein profile appear normal, citric acid to adjust the acid ratio, etc., and in apple flavored juice, they may add Malic acids and other acids as preservatives which are considered to be harmful to our health. Moreover, they will mention a date as the expiry date. The hidden meaning of that term is that, if the food material is not consumed within that date, the food will be rotten. Till that date, it will not get rot as some chemicals are added. And to get the fruit flavor they add some chemicals for it to get that flavor. So, the food is being adulterated for the business to go on well. Because, if the consumers love the taste of the product, it makes them buy it repeatedly, this in turn increases the market for the business.

3. To cope up with the rapidly growing population:

The resources are very limited, so all can't get the food materials. As the human population is increasing rapidly, it is difficult for the manufacturers to sell the unadulterated food items. For this purpose, the adulteration is made in the products. To satisfy the consumer's needs who are in large numbers, the manufacturers adulterate the food items so that, they make sure the food is consumed all across the world or country.

Gives an adverse reaction on human beings:

As discussed before, the main reason tracing this adulteration is *less input with more gain*. Being exceptionally sensitive, human health shows side effects like vomiting, diarrhea, and dysentery to this food adulteration. Some of the adulterated food items and their effects on the human body are listed below;

FOOD ITEMS	ADULTERANT	EFFECT
Milk	Detergent, diluted water, chalk, urea, caustic soda	Highest chance of causing stomach disorders
Black pepper	Papaya seeds	Causes severe liver problems
Sugar	Chalk powder	Highly toxic
Ice cream	Washing powder	Causes severe stomach and liver disorders
Tea/Coffee	Same colored leaves	Causes liver infection
Turmeric powder	Metanil yellow	Leads to stomach disorders since it is highly carcinogenic
Wheat	Ergot	Is utterly injurious to health as it contains a



		<b>poisonous fungus</b>
<b>Sweets</b>	<b>Silver vark, starch</b>	<b>Cause severe health issues</b>
<b>Rice</b>	<b>Brown rice, polished rice, plastic rice</b>	<b>Regular intake can cause cancer</b>
<b>Fruits and vegetables</b>	<b>Wax, copper Sulphate, calcium carbide</b>	<b>Damages body tissues, blood cells, the liver and the kidneys</b>
<b>Chili powder</b>	<b>Brick-powder, sawdust</b>	<b>Stomach problems</b>

Punishment for producing and selling adulterated food or drink in India is stated under sec 272 and 273 of Indian Penal Code, sec 7 of Prevention of Food Adulteration Act, 1954, Food Safety and Standard Authority of India, 2006.

- Adulteration of food or drink intended for sale.—Whoever adulterates any article of food or drink, 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 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<sup>1</sup>.

Sale of noxious food or drink.—Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drinks, knowing or having reason to believe that the same is noxious as food or drink, shall 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<sup>2</sup>.

**Prevailing Laws governing adulterant in India:**

Several acts govern the Indian food processing industry and Food adulteration in India, they are;

- Indian Penal Code.
- The Prevention of Food Adulteration Act, 1954.
- Food Safety and Standards Act. 2006.
- The Milk and Milk Products Order, 1992.
- Essential Commodities Act, 1955.
- The Edible Packaging (Regulation) Order, 1967.
- The Solvent Extracted Oil, De oiled Meal, and Edible Flour (Control) Order, 1967.
- The Fruit Products Order, 1955.
- Vegetable Oil Products, 1992.
  - The Meat Food Products Order, 1973.

In the case of **Parle Beverages Pvt. Ltd. And Ors. Vs Thakore Pratapji Kacharaji**<sup>3</sup>, the complaint was filed under sec 272 and 273 of IPC when the complainant found insects in the bottle of Thumbs up. It was stated that the facts of the case which were alleged in the complaint which was annexed to the application were clear that there are sufficient allegations about the alleged commission of the offenses under sec 272 and 273 of the IPC.

- Prohibitions of manufacture, sale, etc., of certain articles of food.—No person shall

<sup>1</sup> Sec 272 of Indian Penal Code.

<sup>2</sup> Sec 273 of Indian Penal Code.

<sup>3</sup> (1988) 1 GLR 183.



himself or by any person on his behalf manufacture for sale, or store, sell or distribute,

(I) Any adulterated food,

(II) Any misbranded food,

(III) Any article of food for the sale of which a license is prescribed, except following the conditions of the license,

(IV) Any article of food the sale of which is for the time being prohibited by the Food (Health) Authority,

(V) Any article of food in contravention of any other provision of this Act or any rule made there under,

(VI) Any adulterant.<sup>4</sup>

And sec 16 of PFA act provides penalties to various acts of adulteration.

- The Prevention of Food Adulteration Act was repealed by the Food Safety and Standard Act in 2006. This act is an important act which supervises food safety and standards. Under this act, there are various punishments for various acts of importing, manufacturing, storing, selling, or distributing adulterated products. It includes imposing fine to a certain period of imprisonment which extends to six years or more according to various acts in FSSAI. The FSSAI has recommended more stringent laws before the Supreme Court to punish those who follow adulteration. As per the amendments proposed the person who adulterates should face life imprisonment and a penalty of Rs. Ten Lakhs. But the sad truth is that the above-recommended punishment has not come to practice till date. The FSSAI also recommends the ban on the sale of junk food to school students.

Though many laws came to control food adulteration in India, the evil practice of food adulteration did not stop. The only way to overcome this practice lies in the imposition of new legislation with more stringent punishment.

### Governing laws in other countries:

Many countries across the world have taken steps to prevent food adulteration. They are;

✓ United Kingdom

In the UK, food legislation sets a minimum standard to ensure about food safety for society. They mainly try to focus on the following main key purposes,

- protecting fair competition
- safeguarding the consumers and manufacturers
- offering freedom of choice

The Food Act, 1984 in the UK was one of the main act which was imposed to bring a major change. It was consolidated with previous food safety provisions but ended up in failure. But the Food safety act, 1990 acted as a check to food adulteration. It brought major changes and gave additional legislative requirements to food quality, safety, and trading standards. Additionally, for food safety, the UK also has General food law Regulation which was approved by the European Union. It created new laws on food safety.

✓ Australia

Australia is one of the countries where food fraud prevails too much but goes unknown outside. Food Safety Australia New Zealand (FSANZ) was a joint initiative of Australia and New Zealand for food safety. It is an independent statutory agency and a part of the Australian Federal department of the

<sup>4</sup> Sec 7 of The Prevention of Food Adulteration Act.



health portfolio. It aims to develop the standards that regulate the use of ingredients, colorings, vitamins, and minerals in the food. It also plays a role in removing a product from sale, if it declares to have safety issues. In 2010, due to kidney illness, approximately 300,000 infants and six people died as melamine was present in the milk to artificially increase the protein. After that incident, food safety was even more considered to be one of the main factors.

✓ Africa

Africa used to be one of the backward countries in food safety. To one's astonishment every year nearly eight lakh children alone died in Africa due to adulterated food which caused diarrhea and dehydration. But Africa came up with a bang in FSMS which includes the following measures;

- Incorporated a National Food Safety Policy
- Development of National Food Standards
- Food safety measures based on science-based risks
- Inspection mechanism and schemes
- Laboratory support services
- Information network on food safety issues
- Training and education on food safety
- Consumer awareness raising coordination of food safety activities at the national level
- Bio safety concerns
- Epidemiological surveillance of food borne diseases etc.,

✓ United States

The health threat to consumers has led to increase the food safety concerns. A rapid Raman Hyper spectral imaging technique was found in order to detect the food adulteration.

Thus various countries across the world has taken various steps to overcome the evil practice of food adulteration.

**International treaties:**

✓ World Health Organisation (WHO):

Regarding health, the World Health Organisation is one of the specialized agencies. It works through ministries of health and is an Inter-governmental organization. It aims to provide leadership on global health matters, provides technical assistance to countries, conducts world health survey to collect data on global issues, sets international health standards, etc., WHO has 194 member states as of 2020, which includes Austria, Columbia, Germany, Ghana, Madagascar, Argentina, Finland, Indonesia, India, etc., In the year of 1948, India became a party to WHO Constitution. Being a member of WHO India must abide by the rules of WHO. In that manner, it is India's duty to take care of the health of the

immates.  
 ✓ Universal Declaration of Human Rights (UDHR) and the International covenant on economic, social and cultural rights indicates that:

- “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, and medical care...”<sup>5</sup>
- “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions”.<sup>6</sup>

<sup>5</sup> Article 25 of The Universal Declaration Act.

<sup>6</sup>Article 11 of The International Covenant on Economic, Social and Cultural Rights.



Since India has signed and ratified these two treaties India has the duty to follow what is mentioned in it.

### **Protection of health under the Constitution:**

No person should be deprived of his life and personal liberty except according to the procedure established by law.<sup>7</sup>

Under the basic rights, health is considered to be one of the important rights. When we see to Article 21 it gives many interpretations. In that way, Article 21 guarantees everyone's physical and mental health. The right to live with dignity which is enshrined in Article 21 is derived from the directive principles of state Policy and hence includes the protection of health, declared by the Supreme Court.

Article 21 applies to every citizen of India and hence protection of health applies to all. Since food adulteration affects one's health and does not ensure the protection of health it is an act that violates Article 21.

### **Need for stronger legislation:**

Though there are many acts implemented so far, till date the practice of food adulteration has become an unending practice. Health is a magnificent treasure which one first treasure. India being signed in many treaties regarding the protection of health it has to make sure that every citizen is hale and healthy. And also food adulteration affects the fundamental right of protection of health under Article 21. Hence, the need of the hour should be taken to eradicate food adulteration from the country by implementing more stringent punishments and to bring into

practice the laws which were already implemented.

### **Conclusion:**

*“Good Health is True Wealth”*. As every person as the right to have food, shelter, and clothing it is also necessary that every person should live with good health. No one has the right to affect another person's health and ruin their life either directly or indirectly. It not only affects one's health it also affects the income of the farmers who produce natural foods. Thus, the authors stress that the criminal practice of adulteration should be fully eradicated from our country.

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<sup>7</sup> Article 21 of The Indian Constitution.