



ANNEXURE 1: COMMENTS

Subject: Draft Food Safety and Standard (Food product standards and Food Additives) Amendment Regulation, 2015 and Food Safety and Standards Packaging and Labelling) Amendment Regulation 2015 dated 28.1.2015 with respect to Gluten and Non Gluten foods. [Amendment in the Food Safety and Standards (Food Product Standard and Food Additives) Regulation 2011: Regulation 2.14,2.15] and .[Amendment in the Food Safety and Standards (Packaging and Labelling) Regulation 2011:Regulation 2.4.5, after sub clause (51)]

S.No	Name and address of organisation Contact number and email id	Relevant section in the draft notification on which comment are being provided	Comments	Rationale	Remarks
1.	Celiac India & Beyond Foundation www.celiacindia.org.in Dr Pankaj Vohra 98101-52147 drpankajvohra@celiacindia.org.in pankajvohramd@yahoo.com	2.14(1) These foods consist of or are made from one or more ingredients which may contain rice, rye, barley, oats, millets or ragi, pulses and legumes, where the inherent gluten has been reduced and the gluten level does not exceed 20mg/kg in total, based on the food as sold or distributed to the consumer.	It is not clear as to which items are being considered containing gluten. Corn, Pseudocereals like amaranth and buckwheat have not been mentioned here along with other grains. The clause also seems to imply that one can use barley, rye and oats provided their gluten content is reduced to < 20 mg/kg.	The clause seems to imply that rice, millets, ragi, pulses, legumes contain gluten just like rye, barley and oats. This to our understanding sounds confusing. Gluten in food laws, worldwide, refers to gluten in wheat, barley, rye and in some countries, oats. It is also clearer and easier to mention the 4 grains that contain gluten than mention all the items which do not contain gluten. It needs to be made clearer whether this is acceptable. As per Codex, gluten free foods do not contain wheat, barley, rye or oats.	

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2.		2.14 (2) The product does not contain wheat or any of its ingredients and shall bear the label declaration as provided in the sub regulation 2.4.5(52) of Food Safety and Standards regulation, 2011	In Codex and laws of other countries, barley, rye and oats are included along with wheat as gluten containing grains. It is not clear if putting wheat under a separate clause is intentional		
3.		2.14(3) A food, which by its nature, is suitable for use, as part of gluten free diet, shall not be named as special dietary, special dietetic or any other equivalent term. However, such a food may bear statement on the label that this food is by its nature gluten free. Provided that it complies with the essential composition provisions for gluten free as described above and such a statement does not mislead a consumer.	This is as per Codex. But could be misleading for some items.	There is a possibility of gluten being present in some naturally occurring gluten free substances like pulses and spices, due to cross contamination. It is recommended that these products are labelled like other products as they have to comply with other rules of being gluten free in any case. This will also avoid any confusion.	

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4.		(2.15) Foods especially processed to reduce gluten content to a level above 20 upto 100mg/kg	<p>It is recommended NOT to provide for this claim.</p> <p>The definition of low gluten here seems different from what has been recommended in Codex (and defined in countries like UK.)</p> <p>Wheat has NOT been included here in the draft regulation. Other grains and pulses have been included here which have not been included as per Codex.</p> <p>The utility of this claim is not clear.</p> <p>Internationally, the claim does not seem to be in use.</p> <p>This can create confusion among manufacturers, exporters and consumers alike.</p> <p>It may even result in incorrect labelling</p>	<p>The Codex clause states that this label is applicable to items where a gluten containing grain has been especially processed to reduce the gluten content and the gluten content in the food item is <100 ppm.</p> <p>The only gluten reduced ingredient used presently in UK is Codex Wheat starch. In India, as per our understanding, there is no such specialist product. Hence, the utility of this claim is unclear.</p> <p>In UK and Australia, this claim is hardly used. US does not have any such provision.</p> <p>The very low gluten label is internationally understood to be as per the Codex definition.</p> <p>It is not clear as to which ingredients can be specially processed to reduce gluten to be able to use this label. It is to be noted that normal foods cannot be described as 'very low gluten' as they do not contain a gluten reduced ingredient. (as per Codex)</p>	

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5.		Others			
		a. Scope of coverage	Certain categories of processed items are not clearly fitting into any of the clauses. Would the law be applicable to eating establishments?	Items like potato chips or tomato ketchup which are not made especially for celiacs but are made from ingredients which are gluten free.	
		b. Labelling	Some changes are also needed in labelling regulations apart from providing for labels 'gluten free' etc.	Enclosed in point 5 in our proposal	
		c. Cross contamination risks	These do not seem to be getting addressed completely.	Cross contamination is one of the biggest risks for celiacs and needs to be addressed in labelling by providing additional information (enclosed in our proposal)	

Date: March 30, 2015

Name: Dr. Pankaj Vohra

Place: New Delhi

Signature: