



GOVERNMENT OF NCT OF DELHI
IN THE COURT OF DR NAVLENDRA KUMAR SINGH, ADJUDICATING OFFICER/
ADDITIONAL DISTRICT MAGISTRATE (NORTH DISTRICT)
1, KRIPA NARAIN MARG, DELHI-110054

No.ADM/N/PFA/2014/ 3431-32

Dated: 11.8.2015

IN THE MATTER OF:

1. CENTRAL DESIGNATED OFFICER
FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA
1ST FLOOR, EAST TOWER, NBCC PLACE,
BHISM PITAMAH MARG, PRAGATI VIHAR,
NEW DELHI

...APPLICANT

Vs.

1. M/S SURESH KUMAR & Co. (IMPEX) PVT. LTD.
A-17, MUKHERJEE NAGAR, COMM. COMPLEX,
NEW DELHI-110009

...PROPRIETOR/FBO

ORDER

(UNDER RULE 3.1.2 OF FOOD SAFETY & STANDARDS RULES, 2011)

Present proceedings have been filed in this court on behalf of Shri Sanjay Gupta, Central Designated Officer for violation of Section 24 of Food Safety and Standards Act, 2006 (hereinafter referred to as the Act) by M/s Suresh Kumar & Co. (Impex) Pvt. Ltd. for the product "Agnesi" (imported Pasta) being marketed by them. The offence is punishable under 53 of Food Safety & Standards Act, 2006. It is contended in the application filed by the Central Designated Officer (hereafter referred to as the complainant), that the label and advertisement on print media, of the product "Agnesi" (imported Pasta) represents as follows:

- The parameter of declaration on the label under these Regulation to be specified in English or Hindi in devnagri script without which the consumer in India will not be able to understand the details of the products [2.2.1(2)];
- Country of origin in not declared [2.2.2.(11)];
- Best Before date not mentioned on the label [2.2.2.(3)];

- Nutritional facts not depicted on the product [2.2.2.(3)];
- Declaration of veg-nonveg logo not as per the Regulations (2.2.2.4iv(i)(ii))

It is contended in the complaint that the claim made on the label on the product is misleading and constitutes violation of Section 24 of the Food Safety and Standards Act, 2006.

It is borne from the application filed by the complainant that prior to institution of the present complaint, the Respondent was given notice dated 2.1.2012 seeking reply of the respondent within 15 days. A reply was submitted by the respondent on 24.1.2012 but as per the complainant, the said reply was inappropriate and without any merit. It is stated in the application that on perusal of the entire label/advertisement of the said product, FSSAI came to the conclusion that the product was not as per the provisions of Section 24 of the Act which is punishable under Section 53 of the Act read with Section 24 of the Act and triable before the Adjudicating Officer.

However, the complaint of complainant itself contradictory. In his complaint, one side the complainant said that "label and advertisement of the said product on print media represents as follows" and on the other hand in the description thereof it is only about the product labelling and nowhere stated anything about print media, which shows any statement or anything noticeable, which is punishable under Section 53 of the Food Safety and Standards Act, 2006.

Notice of this complaint was sent to M/s Suresh Kumar & Co. (Impex) Pvt. Ltd. by this court on 3.3.2015 and 11.5.2015 requiring the respondent to appear before this court on 18.3.2015 and 28.5.2015 respectively. The Respondent appeared on 28.5.2015 and subsequently on 11.6.2015 and 30.6.2015 and placed on record certain documents in support of its contentions, under the cover of its letter dated 11.6.2015. Thereafter, the Respondent submitted a written representation dated 30.6.2015 alongwith some more documents which were taken on record.

In the written submission the Respondent submitted that:

May

