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**Statement by Nutrition Advocacy in Public Interest (NAPi) &
Breastfeeding Promotion Network of India (BPNI)**

Stringent Legal Reform in Food Policy- A Public Health Imperative

Industrial food products sold as pre-packaged food/beverages have made headlines during this month for reasons such as adding sugar to baby foods, misleading labelling of protein powders and marketing of so-called health drinks. These can't be seen in isolation. This statement makes a case for a stringent regulatory approach for marketing of such food and beverage products and their food standards.

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The Breastfeeding Promotion Network of India (BPNI) is a 32-year-old national independent organisation protecting breastfeeding. In 1995, the Government of India notified BPNI in the official Gazette to monitor the compliance with *the Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, and Amendment Act 2003 (IMS Act)*^[1]. The Nutrition Advocacy in Public Interest (NAPI) is a national think tank on nutrition –consisting of independent experts in epidemiology, human nutrition, community nutrition and paediatrics, medical education, administration, social work and management. The members have decades of experience in their respective fields and have come together since 2016 to advocate on nutrition policy in public health interest^[2].

Three issues discussed in here are **i)** a report from a Switzerland based, NGO, The Public Eye and International Baby Food Action Network (IBFAN) titled ‘Sugar: for Nestlé, not all babies are equal’^[3] led to a media outcry challenging Nestle for adding additional sugar to its Baby cereals in India and other low-income countries, but not in Switzerland or neighbouring European countries for the same products. The issue is primarily about the composition standard requirements but closely linked is its marketing. **ii)** Second is a study of protein powders shown to be misleading in labelling in the majority of the cases^[4]. **iii)** The third is about marketing of Bournvita- a flavoured drink, which the Government of India has declared that there is no such thing as a “health drink”. This is entirely a marketing /advertisement issue^[5].

NAPI’s analysis shows that it is not an isolated problem but an overall food policy issue that has links with the prevention of non-communicable diseases in India. Therefore, this Statement offers our recommendations in the larger interest of public health in India.

India is sitting on a ticking time-bomb of diabetes as 1 in 4 individuals is either diabetic or pre-diabetic or obese^[6]. The Government of India has planned^[7] to address this through the National Multi-sector Action Plan for Prevention and Control Common Non-Communicable Diseases (NCDs)(2017-2022) with a target to ‘halt the rise in obesity and diabetes prevalence’ by 2025. One of the major underlying factors of NCDs is rising consumption of unhealthy diets containing ultra-processed foods or High Fat/Sugar/Salt (HFSS) foods. There is strong scientific evidence that rising consumption of such food/beverage products is associated with obesity, diabetes, cancers, heart diseases and overall mortality^[8]. Feeding infants and young children with food products laden with added sugar could put them at a higher risk of early childhood obesity and NCDs in later life.

About Baby Foods and Adding Sugar

The investigative report by Public Eye highlights that Nestle does not care about Indian babies. The WHO offers specific advice^[9] for the healthy diet for infants and young children “*From 6 months of age, breast milk should be complemented with a variety of adequate, safe and nutrient-dense foods. Salt and sugars should not be added to complementary foods.*” However, the Food Safety and Standards (Foods for Infant Nutrition) Regulations, 2020, allows the addition of sucrose and/or fructose, which is limited to 20% of total carbohydrates^[10]. Furthermore, despite a law to ban promotion of such products it is not uncommon to watch its illegal promotion on social media in violation of the IMS Act.

Recommendations: Solution lies in revising the FSSAI regulations to eliminate added sugar in infant foods. Effective enforcement of the IMS Act must be ensured. This would also impact other products in this range.

About Protein Powders

The study of the 36 different brands showed that 70% of the protein powders mislabelled regarding protein content. Sometimes these also contained harmful ingredients ¹¹. Some brands contained fungal toxins, pesticide residues, and heavy metals such as lead. These facts highlight the need for proper, accurate and mandatory labelling and surveillance.

Recommendations: FSSAI could monitor and test such products and other supplements for human consumption on a regular basis and bring the defaulters to book. Accurate and mandatory labelling must be ensured.

About Health Drinks

With the 'Bournvita' controversy in public domain, the Government of India took a serious view and asked e-commerce sites not to put Bournvita and other such drinks in the category of 'health drinks'. This is a laudable first step. However, it won't check promotions and advertisements, which lead consumers to eat more frequently. There are many similar brands and other food products /beverages available as pre-packaged being promoted aggressively via advertisements even using health claims. All are ultra-processed by nature and mostly high in sugars. One may appreciate the difference in advertising when traditional products/sweets such like *Samosa* and *Gulabjamun* (which may also be high in sugar/salt/fat) are available but not advertised or marketed in the manner pre-packaged industrial food products are. FSSAI does not have a definition of 'healthy food/ beverage'. This brings to light an important area of intervention that restricts advertisements of such products but these remain available.

Recommendation: As planned in the NMAP, MOHFW could frame a comprehensive legal framework that prohibits advertisements to reduce the exposure to such food/beverage products high in fats/sugars/salt. For this purpose, an urgent need to define what is "healthy" and "HFSS" food is underlined.

Conclusion

Food/beverage product industry's promotion and advertising efforts need to be fundamentally addressed along with accurate labelling and review of standards for added sugar in infant food. In addition, strict enforcement of the IMS Act would help to protect the health rights of the youngest citizens of India below the age of 2 years. Urgency is required because the current scenario contributes to non-communicable diseases in a big way making India unhealthy. According to the public health experts ^[12] *"..public health policies to reduce consumption cannot wait"*.

In a significant development Hon'ble Supreme Court has taken cognizance of the fact ^[13] that *"...FMCGs/Pharmaceutical Companies who have been issuing misleading advertisements relating to the products manufactured and marketed by them and taking the public at large for a ride, in particular, adversely affecting the health and well-being of babies, young children, women (including lactating and pregnant women), senior citizens and the sick and infirm, who have been consuming the products on the basis of the said misrepresentations.."*. Food product advertising falls within this domain. A NAPI /BPNI report ^[14] 'The Junk Push' also highlighted this issue in 2023.

Addressing this issue comprehensively would be a historical opportunity for India, since existing policies are found to be ineffective ^[15] by public health experts, who have also suggested robust legal reforms. Recently, a Bill has been introduced in the US Senate ^[16] titled *"A bill to require warning labels on sugar-sweetened foods and beverages, foods and beverages containing non-sugar sweeteners, ultra-processed foods, and foods high in nutrients of concern, such as added sugar, saturated fat, or sodium, to restrict junk food advertising to children, and for other purposes"*. Taking action on a similar line is the key for the Government of India or Individual Parliamentarians.

By acting on the recommended steps, the Government of India can implement its own plan of action –the NMAP. It is incumbent to act fast enough to meet India’s target of “Halt the rising obesity and diabetes by 2025”.

Ends.

¹ The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992. Available From: https://www.indiacode.nic.in/handle/123456789/1958?view_type=browse

² Nutrition Advocacy in Public Interest – India (NAPi). Available From: <https://www.napiindia.in/>

³ Sugar: for Nestlé, not all babies are equal. Public Eye. Available From: <https://www.publiceye.ch/en/media-corner/press-releases/detail/sugar-for-nestle-not-all-babies-are-equal>

⁴ India: 70% of Protein Powder Mislabeled and 14% With Toxins!. Medindia. Available From: <https://www.medindia.net/news/healthwatch/india-70-of-protein-powder-mislabeled-and-14-with-toxins-215470-1.htm#:~:text=Protein%20Powder%20Safety%20Alert%3A%20Mislabeling,showed%20traces%20of%20pesticide%20residue.>

⁵ Remove bournvita from 'Healthy Drinks' category: Govt tells e-commerce firms. Business Today. Available From: <https://www.businesstoday.in/latest/in-focus/story/bournvita-not-a-health-drink-govt-to-e-commerce-firms-425390-2024-04-13>

⁶ Anjana RM, Unnikrishnan R, Deepa M, Pradeepa R, Tandon N, Das AK, Joshi S, Bajaj S, Jabbar PK, Das HK, Kumar A, Dhandhanika VK, Bhansali A, Rao PV, Desai A, Kalra S, Gupta A, Lakshmy R, Madhu SV, Elangovan N, Chowdhury S, Venkatesan U, Subashini R, Kaur T, Dhaliwal RS, Mohan V; ICMR-INDIAB Collaborative Study Group. Metabolic non-communicable disease health report of India: the ICMR-INDIAB national cross-sectional study (ICMR-INDIAB-17). *Lancet Diabetes Endocrinol.* 2023 Jul;11(7):474-489. doi: 10.1016/S2213-8587(23)00119-5. Epub 2023 Jun 7. PMID: 37301218. Available From: [https://www.thelancet.com/pdfs/journals/landia/PIIS2213-8587\(23\)00119-5.pdf](https://www.thelancet.com/pdfs/journals/landia/PIIS2213-8587(23)00119-5.pdf)

⁷ National Multisectoral Action Plan (NMAP) for Prevention and Control of Common NCDs, (2017-22). Ministry of Health and Family Welfare (MoHFW). Available From: https://main.mohfw.gov.in/sites/default/files/National%20Multisectoral%20Action%20Plan%20%28NMAP%29%20for%20Prevention%20and%20Control%20of%20Common%20NCDs%20%282017-22%29_1.pdf

⁸ Lane MM, Gamage E, Du S, Ashtree DN, McGuinness AJ, Gauci S, Baker P, Lawrence M, Rebholz CM, Srouf B, Touvier M, Jacka FN, O’Neil A, Segasby T, Marx W. Ultra-processed food exposure and adverse health outcomes: umbrella review of epidemiological meta-analyses. *BMJ.* 2024 Feb 28;384:e077310. doi: 10.1136/bmj-2023-077310. PMID: 38418082; PMCID: PMC10899807. Available From: <https://www.bmj.com/content/384/bmj-2023-077310>

⁹ World Health Organization. Healthy diet. Fact Sheet. Available from: <https://www.who.int/news-room/fact-sheets/detail/healthy-diet>

¹⁰ Food Safety and Standards (Foods for Infant Nutrition) Regulations, 2019. Available From: https://www.fssai.gov.in/upload/uploadfiles/files/Compendium_Food_Infant_04_10_2022.pdf

¹¹ Philips CA, Theruvath AH, Ravindran R, Chopra P. Citizens protein project: A self-funded, transparent, and concerning report on analysis of popular protein supplements sold in the Indian market. *Medicine (Baltimore).* 2024 Apr 5;103(14):e37724. doi: 10.1097/MD.0000000000037724. PMID: 38579036; PMCID: PMC10994440. Available From: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10994440/>

¹² Touvier M, da Costa Louzada ML, Mozaffarian D, Baker P, Juul F, Srouf B. Ultra-processed foods and cardiometabolic health: public health policies to reduce consumption cannot wait. *BMJ.* 2023 Oct 9;383:e075294. doi: 10.1136/bmj-2023-075294. PMID: 37813465; PMCID: PMC10561017. Available From: <https://pubmed.ncbi.nlm.nih.gov/37813465/>

¹³ Supreme Court of India, Record of Proceedings. (2024, April 04). Available From: https://webapi.sci.gov.in/supremecourt/2022/24832/24832_2022_11_10_52475_Order_23-Apr-2024.pdf

¹⁴ : Gupta A, Bidla N, Dutta R. Junk Push - Rising Ultra-processed Food Consumption in India- Policy, Politics and Reality. New Delhi: Nutrition Advocacy in Public Interest in India (NAPi); 2023. Available From: <https://napiindia.in/docs/The-Junk-Push-Report-LR.pdf>

¹⁵ Bassi S, Bahl D, Gopal S, Sethi V, Backholer K, Gavaravarapu SM, Babu GR, Ghosh-Jerath S, Bhatia N, Aneja K, Kataria I, Mishra P, De Wagt A, Arora M. Are advertising policies affirmative in restricting the marketing of foods high in fat, salt and sugar (HFSS) in India?: evidence from SWOT Analysis. *Lancet Reg Health Southeast Asia.* 2023 Nov 15;21:100315. doi: 10.1016/j.lansea.2023.100315. PMID: 38361596; PMCID: PMC10866952. Available From: [https://www.thelancet.com/journals/lansea/article/PIIS2772-3682\(23\)00175-0/fulltext](https://www.thelancet.com/journals/lansea/article/PIIS2772-3682(23)00175-0/fulltext)

¹⁶ S.4195 - 118th Congress (2023-2024): A bill to require warning labels on sugar-sweetened foods and beverages, foods and beverages containing non-sugar sweeteners, ultra-processed foods, and foods high in nutrients of concern, such as added sugar, saturated fat, or sodium, to restrict junk food advertising to children, and for other purposes. Available from: <https://www.congress.gov/bill/118th-congress/senate-bill/4195/text>