



**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**  
**Miscellaneous Application No. 1177 Of 2025**  
**In**  
**Writ Petition (Civil) No. 437 Of 2024**

IN THE MATTER OF:

**3S AND OUR HEALTH SOCIETY**

**...Petitioner(s)**

**VERSUS**

**UNION OF INDIA & ANR.**

**...Respondent(s)**

**ORDER**

1. By our order dated 13.08.2026, we had highlighted that urgent and significant headway on the implementation of Front-of-Package Labelling (“**FoPL**”) on packaged foods was needed and that inspiration may be drawn from the International Standards of Packaging to safeguard the collective health and well-being of all persons, especially growing children in India. We had also emphasized on the obvious, scientifically substantiated and commonly known nexus between various health issues like obesity, diabetes, heart disease, hypertension etc., and foods that are categorized as High in Fat, Sugar or Salt (“**HFSS**”) or Ultra-Processed Foods (“**UPF**”) which are available in the market. FoPL would make great strides in facilitating informed decision making on the part of

the consumers during purchase and facilitate product reformulation in the long run, thus contributing to healthier food environments. We had engaged in an elaborate dialogue with a view to persuade the Union of India and the FSSAI to initiate prompt and meaningful action, and to keep us informed on how and in what manner they wished to proceed.

2. In that regard, in Paras 15 to 22 respectively of our previous order, we had observed thus:

*“15. The Union in consultation with the experts may arrive at the decision on visual appearance (coloured indicators, interpretive words, numbers, letters or symbols, numerical information, percentage) of the FOPL.*

*16. We may look at the aforesaid from one another angle. The right to life under Article 21 encompasses the right to health. When the Constitution guarantees this right, it casts a corresponding duty on the State to not only refrain from actions that impair the health but also to take affirmative steps to protect it. Furthermore, Article 47 of the Constitution casts a duty on the State to improve public health as its primary duty.*

*17. We are of the considered view that the Union would not face any difficulty in implementing changes as regards FOPL since it is already in its notice as is evident from the aforementioned Economic Survey suggestions.*

*18. We still impress upon the Union, more particularly, the Committee to seriously consider our suggestions referred to above and take an appropriate decision at the earliest.*

*19. If the Union does it on its own, well and good, otherwise we shall proceed to pass further directions.*

*20. We grant two weeks' time to place the final decision on record.*

*21. We do not approve the stance of the Union when it says that it is not possible to match with international standards, more particularly, developed countries. Should India remain as*

an underdeveloped country? That's the question we are putting forward for the Union to consider.

22. The World should know that India is very much concerned about the overall health of its citizens, more particularly the growing children."

(Emphasis supplied)

3. In response, an affidavit dated 28.08.2026 has been filed by the FSSAI. The same is reproduced thus:

*"4. The Respondent by way of the present Affidavit seeks to state the compliance of the directions passed by this Hon'ble Court vide Order dated 13.08.2026 as under:*

- i. In this regard, FSSAI has prepared a proposal for providing information relating to added sugar, added fat and salt in pictorial form on the Front-of-Pack (FoP). The proposal is intended to provide a simple, prominent and easily comprehensible warning to consumers regarding food products which are high in specified nutrients of concern.*
- ii. It is proposed to provide a prominent Front-of-Pack warning label in a red- coloured hexagonal shape for food products which are high in any two or more of the following nutrients of concern, namely added saturated fat, added sugar and salt, based on the thresholds specified under the Dietary Guidelines for Indians, 2024 issued by ICMR-NiN. The warning label shall indicate the applicable declaration(s) such as "HIGH FAT", "HIGH SUGAR", "HIGH SALT" and/or "HIGHLY SWEETENED BEVERAGE" as the case may be, to enable consumers to readily identify products high in the specified nutrients.*
- iii. The warning shall be displayed in a font size one point larger than that used in the nutrition information table on the back of the pack.*
- iv. The following categories are proposed to be exempted from the above Front-of-Pack warning requirement:*
  - a. single-ingredient food products; and*

- b. food products which are inherently rich in fat, sugar or salt, such as ghee, edible oil, salt, sugar, jaggery and honey, subject to the applicability of other requirements under the food safety and labelling regulations.
- v. It is further proposed that FoPNL be implemented in phases to facilitate consumer acceptability and provide industry adequate time for reformulation.

Phase I would cover products high in two or more specified nutrients- added fat, added sugar and salt – and specified sweetened beverages.

Phase II would extend the warning to products high in any one of these nutrients.

The proposed approach is intended to address the need for an effective and consumer-friendly FoP labelling mechanism and to facilitate informed food choices, particularly in relation to children and other vulnerable group of the population.

5. That for the purposes of this regulation, a food product shall be considered High in Fat, Sugar and/or Salt (HFSS) where, based on the nutrient-of-concern threshold specified under the Dietary Guidelines for Indians, 2024 issued by ICMR-NIN, the food product is high in any two or more of the following nutrients: a) added fat; b) added sugar and salt.

This information shall be presented in a 'red hexagon' at front-of-pack for food products in the prescribed format:



For examples:

Products containing High Fat and High Salt    For Products containing High Salt and High Sugar





The above information shall be provided in a font size that is one point larger than the font used for the nutritional information table on the back of the pack.

6. In view of the foregoing, the Respondent humbly states that the Respondent is in due compliance of the directions of the Order dated 13.08.2026 passed by this Hon'ble Court and undertakes adherence in the future. It is pertinent to mention that the same will be notified by way of an amendment in the respective regulations by following prescribed procedure."

(Emphasis supplied)

4. As per the aforesaid affidavit, the FSSAI has prepared a proposal for providing interpretive label(s) of the nutrients-of-concern (fat, sugar and salt) at the front of the pack in a pictorial form i.e., as a 'red hexagon'. They are of the view that this choice of label would constitute a "simple, prominent and easily comprehensible warning to consumers regarding food products which are high in specified nutrients of concern".
5. We acknowledge that significant progress has been made by the FSSAI on the matter since the date of the last hearing. However, we would be remiss not to point out that several aspects or specificities anchoring the practical implementation of the FSSAI's proposal still remain ambiguous and need further clarification.

### **A. The phased strategy**

6. The FSSAI's affidavit states that the FoPL is intended to be implemented in phases to facilitate both "*consumer acceptability*" and "*provide the industry adequate time for reformulation*". With that aim, Phase I is set to only cover products which are high in *two or more* of the specified nutrients and *specified* sweetened beverages. Whereas Phase II is set to extend the label to products which are high in *any one* of these nutrients.
  - (i) *The basis on which the two phases are separated*
7. *First*, we must address ourselves on the basis which separates the two phases. It is said that Phase I would provide the red hexagonal FoPL for products either **(i)** High in Fat, High in Sugar and High in Salt; **(ii)** High in fat and High in Salt; **(iii)** High in Salt and High in Sugar; **(iv)** High in Fat and High in Sugar; or **(v)** *specific* sweetened beverages. Thereafter, Phase II would extend the individual red hexagonal FoPL for products either **(i)** High in Fat; **(ii)** High in Sugar; or **(iii)** High in Salt, such that products which exceed the prescribed levels of even one specified nutrient-of-concern would fall within the FoPL system.
8. The petitioner, through their reply dated 03.09.2026 to the affidavit filed by the FSSAI would submit that the "*two or more threshold*", is in substance, a redefinition of what 'High in Fat, Sugar and/or Salt' would mean. The use of the words *and/or* reflect a disjunctive scientific understanding. According to them, excess sugar, excess salt and excess saturated fat are independently harmful and act

through different pathways. More specifically, excess sugar is independently linked to diabetes and metabolic disease, excess salt to hypertension; and excess saturated fat independently to cardiovascular disease and adverse cholesterol. Therefore, the petitioner is of the view that requiring the presence of high levels of two or more nutrients-of-concern as a triggering criteria is not backed by science and severely narrows down the products which would be covered in Phase I.

9. We have also perused the Dietary Guidelines for Indians, 2024 (hereinafter, the “**2024 Guidelines**”) and the Draft Food Safety and Standards (Labelling & Display) Amendment Regulations, 2022 (hereinafter, the “**2022 Draft Regulations**”) respectively to obtain some clarity on the definition of HFSS foods. There seems to be some disparity in approach. While the 2024 Guidelines define HFSS foods as “*those foods that are prepared with excessive cooking oils/fats or more added sugar and salt*”, the 2022 Draft Regulations have defined them as “*processed food product which has high levels of saturated fat or total sugar or sodium*”. The use of the disjunctive *or* and the conjunctive *and* in a different manner in both these documents reflects some confusion. As a matter of priority, this needs to be resolved. Thereafter, the basis of the phased strategy must be approached in accordance with the consensus arrived at on the definition of the HFSS foods.
10. During the course of hearing, the learned A.S.G. submitted that the FSSAI is open to receiving suggestions as regards the basis upon which the phases have been divided. Therefore, we would like them

to seriously consider the standpoint of the petitioner in their final decision.

(ii) Absence of timeline

11. In case the FSSAI ultimately decides to proceed forward with the phases as presently suggested, we would like to highlight that the absence of a fixed timeline separating the two-phases, by itself, raises some concerns. We are afraid that, absent a specific indication, the implementation of Phase II might take a backseat or be indefinitely postponed.
12. Assessment of consumer acceptability or giving the industry adequate time for reformulation cannot be reason enough for this uncertainty in time. Therefore, a reasonable, scientifically justified and clearly defined timeline or transitionary period which divides the two-phases must be indicated, for the approach of the FSSAI to be a workable one.

(iii) Alternate basis for approaching the phased strategy

13. In connection with this phased manner of implementation, the petitioner would submit that *“a phased approach may be justified as a means of progressively transitioning from relatively higher thresholds to scientifically appropriate thresholds”*. As an illustration, they have drawn attention to the Israeli model which adopted an initial phase with higher thresholds and subsequently moved to lower thresholds within a defined period.



14. We, *prima facie*, see some logic in approaching the phases in the aforesaid manner as well. We would like the FSSAI to give some thought to this aspect too.

**B. Threshold levels of the nutrients-of-concern and the approach under the 2024 Guidelines**

15. The FSSAI's proposal indicates that, for the purposes of this regulation on FoPL, the nutrient-of-concern thresholds specified under the 2024 Guidelines issued by the ICMR-NIN would be taken into consideration.
16. Guideline 15 of the 2024 Guidelines reads "*Minimize the consumption of high fat, sugar, salt (HFSS) and ultra-processes foods (UPFs)*". The threshold criteria for nutrients-of-concern in both solid foods and beverages are provided under Table 15.1 which is reproduced thus:

***"Table 15.1. Nutrients of concern threshold criteria for foods and beverages***

| <b><i>Nutrients per 100g or ml<sup>1</sup></i></b> | <b><i>Liquids<sup>2</sup> (ml)</i></b> | <b><i>Solids (g)</i></b> |
|----------------------------------------------------|----------------------------------------|--------------------------|
| <i>Calorie (kcal)</i>                              | 70                                     | 250                      |
| <i>Salt (mg)</i>                                   | 175                                    | 625                      |
| <i>Added sugar (g)</i>                             | 2.0                                    | 3                        |
| <i>Added fat (g)</i>                               | 1.5                                    | 4.2                      |

<sup>1</sup>Nutrient threshold criteria apply to all cooked/packaged foods and beverages with added sugar, added salt or added fat.

<sup>2</sup> Liquids include any product such as all beverages, fruit juices, coconut water, butter milk, lassi, coffee and tea.

For solid foods:

- Threshold for sugar has been calculated at ~5% energy from added sugar, and not exceeding 10% energy from total sugar.

• Threshold for fat has been calculated at ~15% energy from added fat, and not exceeding 30% energy from total fat.

*For liquid foods/ Beverages:*

• Threshold for sugar has been calculated at ~10% energy from added sugar, and not exceeding 30% energy from total sugar (including naturally present sugar in fruit juices/milk etc.).

• Threshold for fat has been calculated at ~15% energy from added fat, and not exceeding 30% energy from total fat."

(Emphasis supplied)

17. Table 15.1 states that the threshold values for, **(i)** 100 ml of liquid food would be 70 kcal of calories, 175mg of salt, 2g of sugar and 1.5g of fat respectively, and **(ii)** For 100g of solid food would be 250 kcal of energy, 625mg of salt, 3g of sugar and 4.2g of fat respectively.
18. It is important that we look into Table 15.2 as well. It bears some significance for the present discussion.
19. Under Table 15.2, the 2024 Guidelines divide all solid foods into three categories based on the degree of processing i.e., Group A (minimally processed with no additives), Group B (moderately processed with no additives) and Group C (excessively processed with additives). Thereafter, those foods are further sub-categorized into groups 1, 2 and 3 respectively, based on calorific value. To be more specific, **(i)** food group 1 would consist of foods having energy <250 kcal, **(ii)** food group 2 would consist of foods having energy between 250 to 500 kcal due to excessive added sugar or fat, and **(iii)** food group 3 would consist of foods having energy >500 kcal due to excessive added sugar or fat. As a result, sub-categories A1, A2 and A3 respectively are made within Group A; B1, B2 and B3 respectively are made within Group B; and C1, C2 and C3

respectively are made within Group C. To put it simply, at the first-level, categories have been made based on the level of processing and thereafter, sub-categories have been made based on calorific value.

20. It is after such an exhaustive exercise that Guideline 15 identifies food categories 2 and 3 respectively, i.e., A2, A3, B2, B3, C2 and C3 respectively as “HFSS foods”. For the ease of convenience, we reproduce the relevant excerpts from Guideline 15 along with Table 15.2 as under:

***“Categorisation of foods based on level of processing & HFSS***

*Based on the extent of food processing, availability of nutrients, additives used and nutrients of concern (fat, sugar and salt) as well as the concept of 'My Plate for the Day', there is a need to make informed food choices. Threshold values for energy, added sugar, added fat (used for cooking) and salt for 100g cooked or packaged food are given in Table 15.1. Classification of foods based on the level of processing and the level of nutrients of concerns (HFSS foods) using the threshold mentioned in Table 15.1 is provided with some examples in Table 15.2. The list of foods is exhaustive but not limited to the mentioned foods.*

*Category A indicates minimal processing, category B indicates moderate level of processing, but category C falls under excessive processing with many additives added (UPF). Within the level of processing, foods are also classified based on the level of added fats, sugar and salt (HFSS). HFSS foods are classified into three categories. Food category 1 indicates energy, fat, sugar and salt within normal level from 100 grams food eaten. While category 2 and 3 indicate moderate and higher levels of energy and fats or sugar or both along with excessive salt. Category 2 and 3 fall under HFSS foods.*

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**Table 15.2. ICMR-NIN food categorization based on extent of processing, and nutrients (fat, sugar, salt) of concern**

| Degree of alteration of edible portion | Definition                                                                                                                                                                                                                                                                                                                                                                               | Examples                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Calorie based classification                                                                                                                                                                                                                                                                          |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Group A foods</b>                   | <p>Edible portion is unaltered for consumption, Nutrient losses are minimal.</p> <p>These products are foods prepared with common ingredients such as spices, salt, sugar and oils.</p> <p>To be consumed soon after preparation.</p> <p>These foods do not have any additives (like preservatives, homogenizers, coloring agents or artificial flavors, bleaches, improvers etc.,).</p> | <ul style="list-style-type: none"> <li>• All whole grains and legumes- minimally polished/hand pound rice, puffed rice, whole dal, whole wheat, whole millets, corn, oats, other cereals and legumes, fresh flours of whole cereals, millet and legume made from local mills.</li> <li>• All preparations made from above mentioned whole grains, pulses and flour, including dosa &amp; idly batter, snacks, chips and other savories.</li> <li>• Freshly cooked curries with lentil, beans, vegetables, roots, tubers, greens, mushrooms, fresh herbs etc.</li> <li>• Freshly cooked fish, meat and egg.</li> <li>• Frozen foods without preservatives pasteurized milk, curd prepared at home or from market, fermented</li> </ul> | <p><b>A1</b></p> <p>(Energy &amp; nutrients for 100g cooked/package d food)</p> <p>Energy:&lt; 250 Kcal</p> <p>Added fat: &lt; 4.2g (&lt;15% energy)/Total fat not exceeding 30% energy.</p> <p>Added sugar: &lt;3g (&lt;5% energy)/Total sugar not exceeding 10% energy.</p> <p>Salt: &lt;0.625g</p> |
|                                        |                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><b>A2 (HFSS)</b></p> <p>(Energy &amp; nutrients for 100g cooked/package d food)</p> <p>Energy: &gt;250 to 500 Kcal, due to excessive added sugar or fat</p> <p>Salt: MAY BE MORE</p>                                                                                                               |
|                                        |                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><b>A3 (HFSS)</b></p>                                                                                                                                                                                                                                                                               |
|                                        |                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                       |

|                      |                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                        |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      |                                                                                                                                                                                                                                                                                                          | <p>cheese or paneer made at home</p> <ul style="list-style-type: none"> <li>Fruits and vegetables-fresh or frozen (without chemical), cut fruits, fresh juices (just made with no ingredients except water), cut vegetable salads etc.</li> <li>Whole nuts and seeds</li> <li>Fresh lemon juice water, plain water, Basil seeds or chia seeds soaked in water, tender coconut water, milk, buttermilk, etc.</li> </ul> | <p>(Energy &amp; nutrients for 100g cooked/package d food)</p> <p>Energy: &gt;500 Kcal due to excessive added sugar or fat</p> <p>Salt: MAY BE MORE</p>                                                                                                                                                |
| <b>Group B foods</b> | <p>Edible portion may be altered, but do not have additives. Nutrient losses are minimal like group A, but some fibre is also lost.</p> <p>These foods are sun dried, dried, snap frozen, blanched, fermented, baked, canned, dehydrated, High Temperature Short Time (HTST), deep fried or roasted.</p> | <ul style="list-style-type: none"> <li>All highly polished rice, dal, maida or refined wheat flour, polished millets, corn, oats, other cereals and legumes.</li> <li>All preparations made with the above food stuffs including snacks, chips and other savories.</li> <li>Frozen curries, fermented and pickled vegetables.</li> <li>Frozen fish and meat.</li> <li>Commercially available yoghurt,</li> </ul>       | <p><b>B1</b></p> <p>(Energy &amp; nutrients for 100g cooked/package d food)</p> <p>Energy:&lt; 250 Kcal;</p> <p>Added fat: &lt; 4.2g (&lt;15% energy)/Total fat not exceeding 30% energy.</p> <p>Added sugar: &lt;3g (&lt;5% energy)/Total sugar not exceeding 10% energy.</p> <p>Salt: &lt;0.625g</p> |

|                      |                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      | <p>Have long shelf life ranging from few weeks to years.</p> <p>These foods do not have any additives, (like preservatives, homogenizers, coloring agents or artificial flavors, bleaches, improvers, etc).</p>                                                       | <p>paneer, butter, savorys, papads, pickles, sweets and chips.</p> <ul style="list-style-type: none"> <li>Fresh fruit juices.</li> </ul>                                                                                                                                                                                            | <p><b>B2 (HFSS)</b></p> <p>(Energy &amp; nutrients for 100g cooked/package d food)</p> <p>Energy: &gt;250 to 500 Kcal, due to excessive added sugar or fat</p> <p>Salt: MAY BE MORE</p>                                                        |
|                      |                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                     | <p><b>B3 (HFSS)</b></p> <p>(Energy &amp; nutrients for 100g cooked/package d food)</p> <p>Energy: &gt;500 Kcal, due to excessive added sugar or fat</p> <p>Salt: MAY BE MORE</p>                                                               |
| <b>Group C foods</b> | <p>Edible portion completely altered. These foods do not resemble their original state. Extensively processed with heavy loss of micronutrients &amp; fibre.</p> <p>Mass produced with additives (like preservatives, homogenizers, coloring agents or artificial</p> | <ul style="list-style-type: none"> <li>Commercially produced bread, breakfast cereals, cakes, chips, biscuits, fries, jams, sauces, mayonnaise.</li> <li>Commercially produced ice cream, protein packs powders, peanut butter, soy chunks, tofu and frozen foods with additives.</li> <li>Commercially produced cheese,</li> </ul> | <p><b>C1</b></p> <p>(Energy &amp; nutrients for 100g cooked/package d food)</p> <p>Energy:&lt; 250 Kcal;</p> <p>Added fat: &lt; 4.2g (&lt;15% energy)/Total fat not exceeding 30% energy.</p> <p>Added sugar: &lt;3g (&lt;5% energy)/Total</p> |

|  |                                                                                                                                                       |                                                                                                                                                                                                                                                         |                                                                                                                                                               |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | flavors, bleaches, improvers, antimicrobials and other substances).<br><br>These foods usually are very low in micronutrients and are fibre depleted. | butter, paneer with additives, meat, plant-based meat, refined flours of cereals, millets and legumes.<br>**Culinary ingredients such as cooking oils, refined sugars, salt and spices etc.<br><br>• All cool drinks, energy drinks, fruit juices, etc. | sugar not exceeding 10% energy.<br>Salt: <0.625g                                                                                                              |
|  |                                                                                                                                                       |                                                                                                                                                                                                                                                         | <b>C2 (HFSS)</b><br>(Energy & nutrients for 100g cooked/package d food)<br>Energy: >250 to 500 Kcal, due to excessive added sugar or fat<br>Salt: MAY BE HIGH |
|  |                                                                                                                                                       |                                                                                                                                                                                                                                                         | <b>C3 (HFSS)</b><br>(Energy & nutrients for 100g cooked/package d food)<br>Energy: >500 Kcal, due to excessive added sugar or fat<br>Salt: MAY BE HIGH        |

[...]

- All foods categorized under A2, A3; B2, B3; C2, C3 are high calorie HFSS foods. But foods naturally high in energy such as nuts and seeds are not classified as HFSS.
- All foods under Group C are depleted in fibre and micronutrients; and contain industrially processed/produced ingredients and many additives, and therefore are classified as UPFs ."

(Emphasis supplied)

21. If close attention is paid to food groups 2 and 3 respectively, i.e. sub-categories A2, A3, B2, B3, C2 and C3 respectively of Table 15.2,

while these are classified as “HFSS”, the differentiation between them in terms of the exact amount of added fats/added sugar/salt is not intelligible. Whereas, in sub-categories A1, B1 and C1 respectively, which fall under food category 1, the exact amount of calories along with the exact amount of added fats/added sugar/salt is indicated clearly.

22. We would like to know whether the FSSAI wishes to account for the difference between food categories 2 and 3 respectively in their FoPL. This is simply because, if the threshold levels indicated in Table 15.1 are *simpliciter* abided by, the difference between food categories 2 and 3 would disappear. In other words, we would be left with foods which fall within food category 1 (within the minimum threshold limits as indicated in Table 15.1) and foods which do not fall under food category 1 (exceeding the minimum threshold limits as indicated in Table 15.1).
23. One way in which such differentiation could be accounted for is through adopting the alternate mode of the phased approach as indicated by the petitioner and as adopted in Israel. To be more specific, food category 3 could be targeted in Phase I. Thereafter, food category 2 could be targeted in Phase II. In such a decreasing fashion, the threshold levels can continuously be reduced in subsequent phases so that the collective food environment undergoes constant, gradual and systemic change. Such a method would also address any apprehension that the threshold levels indicated under Table 15.1 of the 2024 Guidelines would set the benchmark very low such that most packaged foods would be



included under the FoPL system. This would have two consequences – *One*, the consumers would be left confused and would be effectively denied a ‘healthier choice’ if all products carry the warning and *two*, consumers would not be able to separate the products having relatively more harmful levels of the nutrients-of-concern from those having relatively less harmful levels of the nutrients-of-concern.

24. It is needless to say that, if such an alternate phased approach is entertained, the timelines separating each such phase would have to be indicated with necessary clarity.
25. Moreover, if the FSSAI wishes to take the sub-classification in Table 15.2 into consideration, then the exact levels of added fat, added sugar and salt in food categories 2 and 3 respectively would have to be demarcated such that sub-categories B2 and C2 respectively are differentiable from sub-categories B3 and C3 respectively, not just in terms of calorific value but also in terms of the exact levels of added fat, added sugar and salt present.
26. Additionally, a point of note is that the difference between Food Group B (moderately processed with no additives) and Food Group C (excessively processed with additives) must also somehow be reflected in the way in which warning labels are imagined. It has been pointed to us that bunching ultra-processed foods with other packaged foods which are minimally processed, would ignore that nutritional benefits provided by minimally processed foods far outweigh those offered by ultra-processed foods. Now, this is not to say that in the process of taking this aspect into consideration, the

interpretive warning-style FoPL must be done away with and an alternate FoPL must be re-imagined from scratch. That might, again, divide the opinions of the experts. All that we are trying to say is that this is also a factor which has to be kept in mind while deciding the threshold levels for the present FoPL and if considered feasible, different threshold levels can be fashioned for products based on their level of processing as well.

27. Furthermore, the FSSAI's present proposal seeks to include certain "*specified* sweetened beverages" under their present Phase I. We would like to know what kind of specific sweetened beverages are sought to be targeted under Phase I and if a different threshold limit would dictate their labelling, the FSSAI would have to indicate the same.

### **C. Font size of the proposed label**

28. The FSSAI's proposal indicates that the font size of the FoPL would be one point larger than the font used for the nutritional information table at the back of the pack.
29. The Food Safety Standards (Labelling and Display) Regulations, 2020 ("**2020 regulations**") regulates the font size that is to be used for such nutritional information. Regulation 4 lays down the general requirements for labelling and display. Regulation 4(7) particularly states that the contents on the label shall be *clear, unambiguous, prominent, conspicuous, indelible and readily legible* by the consumer *under normal conditions of purchase and use*. In addition to these general requirements, regulation 5 deals specifically with labelling

requirements. Regulation 6 lays down the specifications pertaining to the “Principal Display Panel”, under the broad umbrella of which the nutritional information table would also fall. These specifications include the font size referred to by the FSSAI’s proposal. Regulation 6 reads thus:

***“6. Principal display panel. - (1) The information required under these regulations shall be given on the principal display panel of the package or container and such information may be given in following manner, -***

*(a) All information should be grouped together and given at one place.*

*Or*

*(b) The pre-printed information be grouped together and given in one place and, Online information or those not pre-printed be grouped together in another place.*

*(2) Area of Principal Display Panel-The area of principal display panel shall not be less than:*

*(a) In the case of a rectangular package, forty percent of the product of height and width of the panel of such package having the largest area;*

*(b) In case of cylindrical or nearly cylindrical, round or nearly round, oval or nearly oval package, forty percent of the product of the height and average circumference of such package; or*

*(c) In the case of package of any other shape, twenty percent of the total surface area of the package;*

*(d) In the case of package having a capacity of ten cubic centimeters or less, the principal display panel may be card or tape affixed firmly to the package and bearing the required information under these regulations.*

*(3) The height of any numeral and letter required under these regulations, on the principal display panel shall be as shown in table below:*

| <i>Area of Principal Display Panel</i>                   | <i>Minimum Height of numeral and letter in mm</i> |                                                               |
|----------------------------------------------------------|---------------------------------------------------|---------------------------------------------------------------|
|                                                          | <i>Normal Case</i>                                | <i>When blown, formed moulded, or perforated on container</i> |
| <i>Upto 200 cm<sup>2</sup></i>                           | <i>1</i>                                          | <i>2</i>                                                      |
| <i>Above 200 cm<sup>2</sup> upto 500 cm<sup>2</sup></i>  | <i>2</i>                                          | <i>4</i>                                                      |
| <i>Above 500 cm<sup>2</sup> upto 2500 cm<sup>2</sup></i> | <i>3</i>                                          | <i>5</i>                                                      |
| <i>Above 2500 cm<sup>2</sup></i>                         | <i>6</i>                                          | <i>8</i>                                                      |

*Provided that the size of numeral and/or letters required for declaration of net weight, retail sale price, date of expiry or best before or the use by date (wherever and as applicable) and Consumer care details on the principal display panel shall be as provided in the Legal Metrology Act, 2009 (1 of 2010) and the rules made there under.*

*2[Provided further that the size of numeral or letter required for all declarations under these regulations on the crown or closure of returnable glass bottle shall not be less than 1 mm.]*

*The width of the letter or numeral shall not be less than one-third of its height, but this proviso shall not apply in the case of numeral "1" and letters i, l and l."*

30. As is evident from the aforesaid, the Table annexed to Regulation 6(3) of the 2020 Regulations prescribes the font size of the contents in the principal display panel relative to the area of the principal display panel. A font size, one point larger than the aforementioned, is proposed to be used by the FSSAI for the hexagonal FoPL.
31. It is the petitioner's submission that the font size proposed is *too small*. In order to get a broad idea of whether such font size will be clear, unambiguous, prominent, conspicuous and readily legible by

the consumer under normal conditions of purchase and use, it is important that we understand the dimensions of the hexagonal logo first. However, the FSSAI's proposal is silent on this front. A discussion on the size, dimensions and other details of the hexagonal FoPL are also crucial.

32. We would also like to know whether the FSSAI intends to fix the size of the logo relative to the area of the front of the package or make it standardized. The petitioner would state that it must ideally be specified in relative terms to the overall size of the package itself and that countries have used labels which occupy 15-20% area in relation to the principal area of the package. We would like the expert committee of the FSSAI to additionally deliberate upon all the aforesaid.

#### **D. Some additional aspects**

(i) 'Added' Sugar and 'Added' Fat as the criteria.

33. The sugar, salt and fat termed as nutrients-of-concern are together called the 'Unholy Trinity' by health advisors and junk food critics. The 'unholiness' arises not only from the *added* sugar and *added* fat in a food product. It is the *total* value of these nutrients available in a product which has to be considered.
34. The petitioner has also pointed out that the threshold must be decided on the basis of "*Total Sugar*" and "*Total Fat*" respectively and not on the basis of "*Added Sugar*" and "*Added Fat*". It is also stated that consensus on this aspect has already been arrived at in the Stakeholders' meeting on FoPL conducted on 29.10.2021. The

relevant extracts of the minutes of the said meeting are reproduced below:

*“(ii) Total Sugars vs. Added Sugars: Similarly with regards to Sugar, keeping NCDs and consumer health in mind, total sugar was proposed for display on FOPL. The scientific members opined that although it is the added sugars that are processed, sugars in general beyond certain limit are a health concern and presentation of total sugars along with energy in kcal on the front of pack would help consumers to make an informed choice.*

*After detailed deliberation, it was concluded that ‘Total Sugars’ appears to be the best option to proceed with, considering the health concerns, acceptability around the globe and ease of analytical testing. Moreover, energy calculations are based on total sugar and not added sugar and with energy in tandem on the FOPL, a consumer would have a better informed choice as against the Added Sugar. Hence, consensus was formed on using Total sugar for FOP labels.*

*(iii) Total Fats vs. Saturated Fats: While ‘Saturated Fat’ is mentioned on the FOPL labels internationally, a concern was raised regarding dairy products, which are widely consumed in India and contain comparatively higher saturated fats. In this regard, it was mentioned that in FOPL models, dairy products generally have a separate category and different thresholds than general foods to accommodate their basic nutritional composition. Members from consumer organizations opined that use of Saturated fat may single out a particular type of fat as bad fat and keeping issues like obesity (and not just cardiovascular diseases) in mind; it is more preferable to indicate Total fat. The scientific members reiterated the fact that an ideal combination of fats (MUFA, PUFA and SAFA) is important and less than 10% of energy should come from saturated fats. It was also noted that total energy content would also be mentioned on FOPL, and would provide adequate information as far as obesity is concerned. Considering the use of Saturated fats across the world and ICMR and WHO recommendations on saturated fats (not more than 10% of the*

energy needs), a consensus was arrived on indicating saturated fat for FOP labels.”

(Emphasis supplied)

35. It is clear from the aforesaid minutes that “Total Sugar” and “Saturated Fat” would be used for the purpose of the FoPL. In this regard, we would like the FSSAI to weigh in and indicate whether there has been a change in stance in comparison to the consensus arrived at in the aforesaid stakeholder consultation. If so, we would like to know how the underlying concerns are sought to be addressed.
36. Additionally, the presence of “Trans Fat” in foods is also required to be taken into consideration. The question that comes to our mind now is whether the FoPL would reflect both saturated fat and trans-fat levels or just the former?

(ii) Placement of the FoPL

37. There is insufficient information as regards the placement of the red hexagonal logo on the front of the package. It is needless to state that this is one another aspect which directly dictates whether the FoPL is prominent, conspicuous and readily legible. *For example*, for the veg/non-veg logo, the 2020 Regulations under Regulation 5(4)(d) states that the symbol shall be prominently displayed on the package having contrast background on principal display panel, just close in proximity to the name or brand name of the production front of pack. Similar requirements as regards where the hexagonal FoPL should be placed, under what background etc. also needs to be indicated by the FSSAI.

(iii) Presence of pictorial representations for Fat, Sugar and Salt respectively

38. In our order dated 10.02.2026, we had reproduced certain illustrative FoPLs for the benefit of the FSSAI's deliberations. What is different in the proposal presently placed before us is that the FSSAI seems to have adopted a strictly word-based warning label i.e., one that denotes in words whether the product is high in fat, sugar and/or salt. This word heavy FoPL presupposes a certain level of comprehension, literacy, and reading capability across all States/regions, vernaculars, age groups, literacy levels, etc., of the consuming population. Ideally, an all-inclusive FoPL which effectively caters to the diverse population of this country should incorporate a combination of words along with pictorial representations of the individual nutrients-of-concern. This would ensure that the information provided in the FoPL is truly accessible. It is of note that Regulation 4(7) states that the *contents of the label must be clear...under normal conditions of purchase and use*. The normal conditions of purchase and use in India are itself difficult to fit into a single, homogenous box and must therefore, not be addressed by through a blanket approach. Moreover, the mode of purchasing foods products, in general, is going digital. Therefore, such trends in the realities of Indian consumption must also be taken into consideration and reflected in design choices made for FoPLs.
39. Therefore, we would like the FSSAI to take the aforesaid into account and revisit their conception of the FoPL as it stands presently.



(iv) Individual hexagons for each nutrient-of-concern

40. Keeping in mind the true object and purpose of the FoPL, we would also like to know from the FSSAI why they have steered away from adopting separate hexagons for each nutrient-of-concern. We understand that the plan, as of now, is to implement the FoPL in two phases and focus on products which are high in two or more nutrients-of-concern *or* specified highly sweetened beverages in Phase I. Nevertheless, Phase I could very well have indicated “High Sugar”, “High Fat”, High Salt” and/or “Highly Sweetened Beverage” each in a distinct hexagonal label. *For instance*, let’s say a product is high in sugar and fat. As per the FSSAI , “High Sugar” and “High Fat” would compositely be indicated in one single hexagon instead of “High Sugar” in one hexagon and “High Fat” in another. We would like to understand the thought process behind this.
41. The petitioner also submits that the presence of high levels of two or more nutrients-of-concern should ideally result in two or more warning hexagons so that the consumer is made aware of the same from afar.
42. Additionally, if the FSSAI takes into consideration our previous concern, i.e., that a pictorial representation of the specific nutrient-of-concern may also be necessary, separate hexagonal labels would be all the more important.

(v) Colour of the hexagonal label

43. The FSSAI's proposal has suggested a 'red' hexagonal label presently. However, some apprehensions regarding the potential confusion of the colour with non-veg ingredient(s) present in the packaged product, have been raised. Consumers have been habituated into associating the green colour with veg products and the red colour with non-veg products, especially in the context of labels. Therefore, we would like the FSSAI to put some thought into whether the choice of colour needs to be re-visited.

(vi) Danger of an increase in the use of artificial preservatives, emulsifiers etc.

44. It has also been pointed out that targeting the three nutrients-of-concern may have the unintended and unfortunate consequence of a corresponding increase in the use of artificial preservatives, emulsifiers and other additives. This is because salt, sugar and fat respectively also perform some functional roles in the packaged foods including (i) enhancing taste and palatability, (ii) texture and structure, (iii) shelf life and microbiological safety, and (iv) heat transfer and processing stability, amongst others. Warning labels targeting the nutrients-of-concern may, therefore, also result in the use of more alternative chemicals to replace such sugar, fat or salt.
45. The FSSAI must keep this danger in mind, while finalizing their threshold limits and must also issue some corresponding regulations to the addition of such chemicals in packaged foods.

(vii) The use of a “Nutrient Reference Value-based, per serving” approach

46. The All India Food Processors Association (“AIFPA”), an intervenor before us, has submitted that a Nutrient Reference Value-based, per serving approach must be preferred.
47. No doubt, the aforesaid is a scientifically sound and consumer empowering model which is followed in some western countries. Though the data-based information would caution and provide necessary information to the consumer, it cannot raise a red signal insofar as the harmful contents is concerned. Often, it may turn out to be a red herring, likely to be ignored, rather than be noticed. Hence, while the display of such data would be helpful, the FoPL model which raises caution with respect to total content of the nutrients of concern would be more appropriate.

(viii) Mandatory nature of the FoPL

48. The petitioner would finally submit that, compliance to FoPL model that is finalized in the form of a final regulation must be made mandatory and uniformly enforceable for all the covered food products without leaving the implementation to the discretion of the food business operators.
49. In this regard, we must point out that the Draft 2022 Regulations which proposed the Indian Nutrition Rating (“INR”) system under Regulation 1 sub-clause (2) provided that “(2) *They shall come into force on the date of their final publication in the Official Gazette. Compliance shall be voluntary until a period of 48 months from the date of final notification of these regulations and mandatory thereafter*”.

50. Given the aforesaid stipulation in the Draft 2022 Guidelines, we would like the FSSAI to respond specifically to the suggestion of the petitioner that the final FoPL regime must be made mandatory from the get-go. If not, we would like to know what is a reasonable period after which they intend to make its compliance mandatory.

**E. Nutritional literacy in schools**

51. Throughout the hearing of the present matter, we have been made aware that children are under acute risk of developing unhealthy eating behaviors due to a variety of reasons. In that regard, the following observations of our previous order are pertinent:

*“8. What compounds this concern is the scale of a child’s exposure to such products, often before they are equipped to evaluate what they are consuming. According to UNICEF’s Child Nutrition Report 2025, the percentage of overweight school-age children and adolescents (aged 5-19 years) increased from 2% to 10% between 2000 to 2022. The said report also notes a telling contrast in children’s immediate food environment. While around 80% of the kinds of food and beverages available within schools are freshly cooked meals, however, nearly 80% of what is available in the vicinity of the school are packaged snacks. It would be apposite to state that studies have found that a child’s exposure to particular foods directly shape their dietary preferences.”*

52. In connection with this, we would like the Union to respond on how schools plan to incorporate through curriculum, initiatives, workshops etc., **(i)** the manner in which information provided in packaged food items, including nutritional information, FoPL etc., must be interpreted, and **(ii)** other aspects relating to nutritional literacy. In recognition of the vulnerable position that children are

in *vis-à-vis* impulse or uninformed dietary decision-making, we are of the view some action must be taken in this regard.

53. In view of all the aforesaid, we would like the Union and the FSSAI respectively to provide an appropriate response to the following questions:

- i. What is a reasonable and fixed timeline that the FSSAI envisages for the implementation of the two phases currently proposed?
- ii. What is the basis for the FSSAI to suggest the inclusion of food products high in 'two or more' nutrients-of-concern and *specified* sweetened beverages in Phase I, and the inclusion of food products high in 'any one' nutrient-of-concern in Phase II respectively?
- iii. How does the FSSAI propose to identify the *specific sweetened beverages* which fall under Phase I of the proposal? Additionally, what are the threshold levels of the specific nutrient(s)-in-concern for such beverages?
- iv. Whether, in their calculation of the threshold levels for each nutrient-of-concern, the FSSAI wishes to account for the difference between food categories 2 and 3 respectively in the FoPL?
- v. Whether, in their calculation of the threshold levels for each nutrient-of-concern, the FSSAI wishes to account for the difference between food groups B (moderately processed with no additives) and C (excessively processed with additives) respectively in the FoPL?

- vi.** Whether the threshold limits for Fat and Sugar are to be calculated on the basis of 'Total' Sugar and 'Saturated Fat' as indicated in the Stakeholders meeting conducted on 29.10.2021? Furthermore, how would trans-fat levels be factored into the calculations of the fat content for the purpose of the FoPL?
- vii.** Considering that an average Indian consumer is habituated into associating the colour red with non-veg ingredients, would it be necessary for the FSSAI to revisit the choice of colour for the FoPL?
- viii.** What are dimensions of the 'red hexagon' proposed to be used in the FoPL? Whether it would have standardized specifications or whether it would be calculated in proportion to the area of the package? Whether the font size used for the FoPL would be relative to the dimensions of the hexagon themselves? The manner and method of the placement of such hexagon(s)?
- ix.** Without the presence of distinct pictorial representations for each nutrient-of-concern in the FoPL, how does the FSSAI propose to cater to the diverse levels of comprehension, literacy, and reading capability of the consuming population?
- x.** Why has the FSSAI suggested a combined/composite/singular hexagon for two or more nutrients-of-concern instead of separate/distinct/individual hexagons for each nutrient-of-concern?

- xi.** How would the FSSAI regulate the potential increase in the use of artificial preservative, emulsifiers etc., which may result as a consequence of the implementation of the FoPL?
  - xii.** Once the final regulations making the FoPL mandatory come to be notified, whether a voluntary period for compliance is envisaged? If yes, for how long?
  - xiii.** How the Union of India proposes to incorporate through curriculum, initiatives, workshops etc., **(i)** the manner in which information provided in packaged food items, including nutritional information, FoPL etc., must be interpreted, and **(ii)** other aspects relating to nutritional literacy, at the school-level?
54. Let the FSSAI file its response by way of an affidavit within a period of 10 days from the date of this order. The same shall be shared with the petitioner for them to also file their response before the date of next hearing.
55. Post the matter on 28.09.2026.

.....J.

**(J.B. PARDIWALA)**

.....J.

**(K. VINOD CHANDRAN)**

**New Delhi.**

**10<sup>th</sup> September, 2026.**