

FOOD SAFETY BULLETIN

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FSSAI Clarifies Position on Enforcement Action Against Alcoholic Beverage Manufacturers Over Use of Identical Flavours

The Food Safety and Standards Authority of India (FSSAI), vide a [press release dated 02 August 2026](#), has clarified its position on the enforcement action initiated against certain alcoholic beverage manufacturers. According to FSSAI, the manufacturers concerned were producing rum and whisky predominantly from neutral alcohol, which has no characteristic flavour of its own, and were adding rum or whisky flavour externally to replicate the taste and aroma which ought to arise naturally from the manufacturing process.

Laboratory reports found such products to be sub-standard under Regulation 2.5 of the Food Safety and Standards (Alcoholic Beverages) Regulations, 2018, which requires rum to possess the characteristic taste and aroma associated with the product, and their labels fail to disclose the true nature of the product on the front of the pack, contrary to Regulation 5.1 of the Food Safety and Standards (Labelling and Display) Regulations, 2020. The claim of "7 years old blended" on the Old Monk XXX Matured Rum variant was also found to be misleading, as the matured spirit constituted less than 5% of the blend.

FSSAI has clarified that flavours such as coffee or vanilla remain permissible where their use is otherwise permitted under law and serves a legitimate technological purpose. The objection is confined to the addition of the flavour of the standardised beverage itself, which serves no such purpose and is impermissible under Clauses 3.1.1(4) and 3.1.1(7) of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011.

Orders prohibiting the sale have been issued in respect of three Old Monk rum variants, McDowell's No 1 Rum, Bagpiper Deluxe Whisky, Old Cask Deluxe XXX Rum, Central Province Whisky, McDowell's No 1 Celebration Matured XXX Rum, Antiquity Blue Whisky and Royal Challenge Whisky, and notices have been issued to six other manufacturers in Maharashtra. Pertinently, two manufacturers have, on appeal, been permitted to sell their existing stock subject to disclosure the true nature of the product on the front of the pack, subject to the direction that no such flavour be added in future production.



Hon'ble Delhi High Court Stays FSSAI Prohibition Order Against Dabur India Limited Over "100%" Claims

FSSAI, vide a prohibition order dated 03 August 2026 issued under Section 36 of the Food Safety and Standards Act, 2006 (FSS Act), directed Dabur India Limited (Dabur) to discontinue the sale of specified food products, including honey, apple cider vinegar, virgin coconut oil, sesame oil, cow ghee, coconut water and coconut milk, carrying "100%" claims on their labels. According to FSSAI's [announcement of the order on its official social media handle](#), the claims "100% Natural", "100% Pure", "100% Purity Guaranteed", "100% Organic" and "100% Tender Coconut Water" were found to be ambiguous, incapable of verification and likely to mislead consumers, in contravention of the Food Safety and Standards (Advertising and Claims) Regulations, 2018.

FSSAI further flagged the use of the Jaivik Bharat logo on Dabur Himalayan Organic Apple Cider Vinegar and Dabur Organic Honey without valid organic certification, contrary to the Food Safety and Standards (Organic Foods) Regulations, 2017, and the "100% Purity" claim on Dabur Homemade Coconut Milk, which is not permitted for a mixed food. FSSAI characterised the non-compliances as repeat violations which had remained uncorrected till date and directed Dabur to submit an action taken report within 15 days.

Dabur challenged the said order before the Hon'ble Delhi High Court in **Dabur India Limited v Union of India and Ors**, Writ Petition (Civil) No 11282 of 2026. It was contended on behalf of Dabur that the products in question had been sold for several decades, that the Designated Officer had no power to prohibit their sale in the manner adopted, and that the order had been passed without any show cause notice or opportunity of hearing, in violation of the principles of natural justice. It was further contended that notice is required to be served on the concerned party even in the case of an emergency prohibition, and that the present case was concededly not one of emergency.

By [order dated 07 August 2026](#), the Hon'ble Court (Mr Justice Amit Mahajan) issued notice on the petition and, prima facie, was of the opinion that a prohibitory order of such nature ought not to have been passed without affording an opportunity of hearing. Accordingly, the operation of the impugned order was stayed till the next date of hearing. By [order dated 24 August 2026](#), the Hon'ble Court (Dr Justice Swarana Kanta Sharma) noted that the counter affidavit had not been filed and granted the Respondents two weeks to file the same, with a rejoinder to follow within two weeks thereafter. The interim order has been directed to continue till the next date of hearing, and the matter is now listed on 16 December 2026.

Multiple States Move to Prohibit Analogue/Non-Dairy Paneer

Several State food safety authorities have, over the course of July and August 2026, prohibited analogue or non-dairy paneer, i.e., products prepared in the form of paneer by wholly or partly replacing milk fat or milk solids with vegetable oil, vegetable fat or other non-dairy ingredients. The orders have been issued in exercise of the power under Section 30(2)(a) of the FSS Act to prohibit, in the interest of public health, the manufacture, storage, distribution or sale of any article of food for a period not exceeding one year.

Chhattisgarh was the first State to act, and Maharashtra followed vide an order of the Commissioner of Food Safety dated 30 July 2026, prohibiting with immediate effect, for a period of one year, the manufacture, processing, packing, storage, distribution and sale of analogue or non-dairy paneer across



the State. The Maharashtra order extends the prohibition to hotels, restaurants, caterers and cloud kitchens, and treats the sale of such products in the guise of genuine paneer as an unfair trade practice under Section 24 of the FSS Act attracting penal consequences.

Thereafter, the Commissioner of Food Safety, Gujarat, vide an [order dated 05 August 2026](#) published in the Gujarat Government Gazette, prohibited with immediate effect, for a period of one year, the manufacture, processing, packing, storage, transportation, distribution, sale and use in food service establishments of non-standardised “analogue in the dairy context” products.

The prohibition covers products which imitate paneer, cream, butter or other dairy products, or which create the impression of being genuine dairy products, and excludes standardised products such as Frozen Dessert, Processed Cheese and Mixed Fat Spread.

Karnataka followed, vide a [notification dated 17 August 2026](#), published in the Karnataka Gazette on 20 August 2026, prohibiting for a period of 1 (one) year the manufacture, processing, packing, storage, distribution, transportation, sale and supply of analogue or non-dairy paneer sold under the name “Paneer” across the State, and barring food business operators from using such products in the preparation or manufacture of any food. Madhya Pradesh and Himachal Pradesh have issued comparable prohibitions during August 2026.

FSSAI Takes Enforcement Action Against Leading Food Brands, Retail Platforms and Hotels for Misleading Claims and Labelling Non-Compliances

FSSAI, vide a [post on its official social media handle dated 22 August 2026](#), has shared an update on the enforcement action taken by it over the preceding months against food business operators for misleading advertisements, false claims and labelling non-compliances. According to FSSAI, over 150 notices have been issued to companies, including Nestlé India, Abbott India, Danone India, Mondelez India, Coca-Cola India, Ferrero India, Kenvue, PepsiCo, Red Bull India, Monster Energy India, Hell Energy, Diageo and Pernod Ricard, and products of several of these companies have been seized for non-compliance with the Food Safety and Standards Regulations.

In the quick commerce segment, 12 notices have been issued to Flipkart Minutes and Amazon Now, and the food licence of one Amazon warehouse has been cancelled. In the food service segment, more than 30 notices have been issued to outlets including KFC, Pizza Hut, Domino’s, Costa Coffee and McDonald’s, and the licences of five Domino’s outlets have been suspended.

FSSAI has also recorded that notices were issued during 2025 to more than 20 five-star hotels and restaurants, including Marriott, Hilton, Hyatt, Radisson, Four Seasons and Shangri-La properties, for non-compliance with the requirements for the disclosure of calorific value and menu labelling, and that notices have been issued in respect of 58 imported products found to be non-compliant.



Pan Masala Labelling & Packaging

The Food Safety and Standards (Packaging) Amendment Regulations, 2026 were notified on 10 August 2026, introducing a list of suggestive packaging materials for Pan Masala.

The notification directed that the following could be used:

- Paper, Paper Board, Cellulose or other naturally derived materials, which must be free from any plastic including but not limited to Polyethylene, Polypropylene, Polyester, polyvinyl chloride (PVC), or any synthetic polymers, copolymers, or laminates and also free from Aluminium foil or metallised layers
- Tin or glass containers

By virtue of clauses (f) and (i) of sub-rule (1) of Rule (4) of the Plastic Waste Management Rules, 2016, the following materials cannot be used:

- Sachets using plastic material
- Plastic material, in any form including Vinyl Acetate - Maleic Acid - Vinyl Chloride Copolymer

E-Commerce Crackdown

E-commerce and D2C (Direct-to-Consumer) platforms are facing intense regulatory scrutiny from multiple government bodies:

- **Health Claims & Mislabelling:** The FSSAI recently launched an aggressive crackdown on FMCG and wellness brands. The regulator flagged misleading health, immunity and medicinal claims appearing specifically on **e-commerce product listings** for items like honey and cold-pressed oils, demanding the immediate removal of unverified claims.
- **Banned Goods Delivery:** E-commerce platforms are also facing legal crosshairs via Public Interest Litigations (PILs) for allegedly circumventing regional safety bans by delivering prohibited tobacco-laced pan masala and gutka directly to consumers in restricted states like Maharashtra.

Draft School Food Regulations

The FSSAI issued the **Draft Food Safety and Standards (Safe Food and Balanced Diets for Children in School) Amendment Regulations, 2026**. For the first time, India is establishing explicit numeric boundaries to categorise and restrict 'junk food' in and around schools. These restrictions are as follows:

Nutrient Category	Solid Foods Threshold (per 100g)	Liquid Foods Threshold (per 100ml)
High Added Fat	More than 4.2 grams	More than 1.5 grams
High Added Sugar	More than 3.0 grams	More than 2.0 grams
High Sodium (Salt)	More than 0.625 grams	More than 0.175 grams



These guidelines match the 2024 ICMR Dietary Guidelines for Indians. Items exceeding these limits will face strict bans inside school canteens and within a 50-metre radius of school campuses. The FSSAI is currently reviewing public and stakeholder feedback on this draft.

Bombay High Court Orders the FDA Maharashtra to Pay Compensation

On 17 August 2026, the Bombay High Court in *M/s. Gurunanak Dairy & Sweets v. The Union of India & Ors* (Writ Petition No. 9905 of 2026) passed an order directing the regulatory body to pay the petitioner a compensation of INR 5,00,000.

The Pune-based establishment had its FSSAI licence suspended on 12 June, 2026, due to hygiene deficiencies. A follow-up inspection on 13 July 2026 recorded a **98% compliance score** (35 out of 36 marks) for the shop. Despite this, the FDA did not revoke the suspension, citing a pending internal appeal.

The High Court stated that while the intention to enforce food safety is 'laudable,' keeping a compliant shop closed for 35 days amounted to going 'overboard'. The Court **quashed the suspension** and ordered the Maharashtra FDA to pay **INR 500,000 in compensation** to the retailer for business losses.

Mumbai Cricket Association v Designated Officer & Ors. (WPL Nos. 29313, 29324, 29325, 29328 and 29331 of 2026)

The FDA suspended the licences of five premium restaurants operating inside the MCA's Bandra Kurla Complex. A surprise audit revealed severe hygiene lapses, including a kitchen heavily infested with flies and cockroaches.

A fresh court-ordered inspection recorded an 88% safety compliance score.

Nonetheless, the FDA did not revoke the suspensions, arguing that the third-party contractor running the kitchens had violated technical licensing terms since the original paperwork was registered solely in the MCA's name.

By order dated 29 August 2026, the Bombay High Court vacated the suspension orders.

For any queries, please contact: foodsafetybulletin@khaitanco.com

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