



2. As per DGFT Notification No. 22(RE-2001)/1997-2001 dated 30.07.2001, import of all such edible/food products, domestic sale and manufacture of which are governed by PFA Act,1954, shall also be subject to the condition that the time of importation, the products are having a valid shelf life of not less than 60% of its original shelf life. Shelf life of the product is to be calculated based on the declaration given on the label of the product, regarding its date of manufacture and due date of expiry.

3. The DGFT Policy Circular No.25(RE-2003)/2002-07 dated 28.01.2004 inter-alia prescribes that for high risk food items notified vide Policy Circular No.37(RE-2003)/(2002-07) dated 14.06.2004 and perishable items like fruits, vegetables, meat, fish, cheese, etc., samples shall be drawn and tested as per CBEC Circular No. 58/2001-Cus dated 25.10.2001.

4. For non-perishable and non-high risk items, the following procedure has been prescribed:

(a) Samples would be drawn from the first five consecutive consignments of each food item imported by an individual importer for testing by Port Health Officer;

(b) In the event of samples conforming to PFA standards, Customs may switch over to a system of testing of 5% to 20% of the consignments of the item of an importer on random basis.

(c) In case, a sample drawn from a food item in a particular consignment fails to meet the prescribed standards, the Customs will place the import of the said food item on alert, discontinue random checking for import of such food items and then revert to procedure of 100% checking.

5. FSSAI has taken over PHO functions with effect from 13.09.2010 at JNCH with regard to testing and clearance of imported food items. On account of local FSSAI setup temporarily facing man power and logistical problem, test reports of food samples drawn by FSSAI could not be delivered in time resulting in increase of dwell time for clearance of imported goods and hardship to the importers. In view of

the same, Circular No. 01/2008/Import Safety/FSSAI dated 28.09.2010 has been issued by FSSAI endorsing the procedure laid down in the aforesaid DGFT Circular.

6. In order to tide over this problem and to implement the said FSSAI Circulars, the following procedure is prescribed for clearance of non-high risk & non-perishable items till further orders:

- (i) In cases of all future Bills of Entry of edible/food items to be assessed by the Appraising Group, the Group shall order for drawal of samples and testing by the FSSAI for 5%-20% of the consignments of each food item on a random basis imported by an individual importer subject to the importer showing Test Reports of earlier 5 consecutive consignments of the same items conforming to prescribed PFA standards. While calculating 5%-20% of the total consignments of the individual importer, a period of one month's time may be taken into consideration. For this purpose EDI Section will provide data to the concerned groups. Due consideration may be given to factors like nature of food products, Country of Origin of goods and track record of the importer while deciding the random selection of 5%-20% of the consignments for drawal of samples. In these cases, the goods shall be given out of-charge after receipt of test report/ NOC from FSSAI.
- (ii) In all cases, whether samples have been drawn or not, the Docks Examining Officer shall undertake the general checks prescribed in Para 2.1 (a), (b) & (c) of CBEC Circular No. 58/2001, as detailed below:
  - (a) The condition of the hold in which the products were transported should be checked to see whether they meet the requirements of storage, as per the nature of the products, and does not in any cause deterioration or contamination of the products.

- (b) Physical/visual appearance in terms of possible damage-whether it is swollen or bulge in appearance; and also for rodent/insect contamination or presence of filth, dirt etc.- should be checked.
- (c) The products should meet the labeling requirements under the Prevention of Food Adulteration Rules and the Packaged Commodities Rules. This includes ensuring that the label is written not only in any foreign language, but also in English. The details of ingredients in descending order, date of manufacture, batch no., best before date etc. are mandatory requirements.

(iii) They shall also verify other requirements like clearance from Plant Quarantine, Animal Quarantine and NOC of ADC if applicable in addition to the requirements specified in sub-para(iii) below.

(iv) However, in case of all RMS facilitated Bs/E, requirement of NOC from FSSAI in compliance of CCR including drawal of samples and testing has to be followed as per prevalent practice and goods shall be released after receipt of test reports/NOC from FSSAI.

7. List of high risk food items requiring 100% sampling {as per Policy Circular No. 37(RE-2003)/(2002-07) dated 14.06.2004}and testing as per Board's Circular No. 58/2001-Cus dated 25.10.2001.

i.Edible Oils and Fats in any form viii.Infant Formulae

ii.Pulses and Pulses  
 products ix.Food Colours

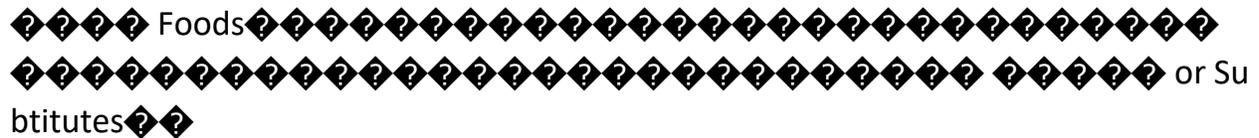
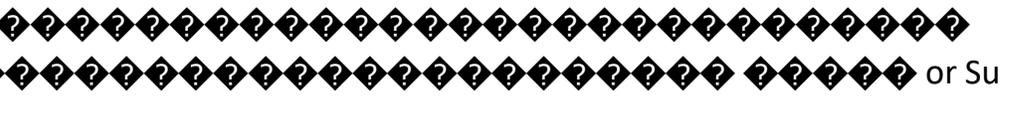
iii.Cereals and Cereals  
 Products x. Food Additives

iv. Milk Powders  xi. Natural Mineral Water

v. Condensed Milks  xii. Packaged drinking water

vi. Infant Milk  
Food  xiii. Tea & Coffee

vii. Milk Cereal Base Weaning  xiv. Cocoa butter equivalent

 Foods  or Substitutes 

8.  Problems have been experienced in obtaining the test reports in respect of samples of dry fruits from the designated lab under FSSAI. In this connection, a number of representations have been received from the importers and trade associations. Accordingly, as an interim measure, it is directed that in cases where Group has already assessed Bs/E till 30.09.2010 for dry fruits viz. almonds, pista, dates, cashew nut, fig, apricot etc. and an order has been given for getting PHO (FSSAI) NOC, the concerned DC/AC/ Docks after ensuring drawl of sample by FSSAI shall release the goods pending receipt of Test Reports and after entering the remarks to this effect in the EDI system. Needless to mention that in all these cases the other requirements like PQ/ AQ/NOC of ADC, wherever applicable and Phytosanitary Certificate from the Country of Origin shall continue to be verified.

9.  Any difficulty noticed in the implementation of this Standing Order may be brought to the notice of the undersigned.

