

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
IN MISCELLANEOUS APPLICATION NO. 1177 OF 2025**

IN

WRIT PETITION (CIVIL) NO. 437 OF 2024

IN THE MATTER OF:

3S AND OUR HEALTH SOCIETY

....PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

**REJOINDER ON BEHALF OF THE PETITIONER TO THE COMPLIANCE
AFFIDAVIT DATED 28.08.2026 FILED ON BEHALF OF RESPONDENT NO. 4
(FSSAI)**

[PAPER BOOK]

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ADVOCATE FOR THE PETITIONER: MR. RAJIV SHANKAR DVIVEDI

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FILED BY:



[Rajiv Shankar Dvivedi]
Advocate For Petitioner
Code No. 1647
Mob. No. 9313061263

Email: rsdlawchambers@gmail.com

Filed On: 05.09.2026

Place : New Delhi

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OF RESPONDENT NO. 4 (FSSAI)**

To,

The Hon'ble the Chief Justice of India and His Companion Justices of the
Supreme Court of India.

**THE HUMBLE APPLICATION ON BEHALF
OF THE APPLICANTS ABOVE-NAMED**

MOST RESPECTFULLY SHOWETH

1. That the present Writ Petition in the nature of public interest, seeking the intervention of this Hon'ble Court to Provide the reliefs in the form of issue directions to the Union of India as well as States and Union territories for taking cognizance and issuing appropriate directions or making regulation for Front-of-Package Warning Labels on Packaged Foods, especially interpretive labels that succinctly indicate the amount of sugars, salt, or saturated fat, which is paramount.
2. That the instant Rejoinder is being filed on behalf of the Petitioner to the compliance affidavit dated 28.08.2026 filed on behalf of the Respondent No. 4 (FSSAI).

A. BACKGROUND

3. It is submitted that vide its order dated 10.02.2026, this Hon'ble Court had suggested a warning-format Front-of-Pack Labelling ("FOPL") regime, and had called upon the authority to consider the suggestion and revert within four weeks. It is submitted that on 12.08.2026, the Petitioner filed an Application for placing on record the Minutes of the Stakeholders' Meeting on Front-of-Pack Labelling held on 30.06.2021 ("the 2021 Minutes"). A Copy of Minutes of the Stakeholders' Meeting on Front-of-Pack Labelling held on 30.06.2021 is marked and annexed herewith as **ANNEXURE P/1 (Pages 22 to 28)**.
4. It is submitted that this Hon'ble Court, in its order dated 13.08.2026, directed that the Union, in consultation with experts, decide the visual appearance of the FOPL (coloured indicators, interpretive words, numbers, letters or symbols, numerical information, percentage), and granted two weeks to place the final decision on record.
5. It is submitted that in compliance with the order dated 13.08.2026, Respondent No. 4/FSSAI has now filed the Compliance Affidavit dated 28.08.2026, proposing a red-hexagon Front-of-Pack warning label for products 'High in Fat, Sugar and/or Salt' ("HFSS"). This Rejoinder is confined to that Compliance Affidavit.

B. THE SHIFT TO A WARNING LABEL IS WELCOME, BUT ONLY PART OF THE JOB

6. It is submitted that the proposal in paragraphs 4(i) to 4(iii) of the Compliance Affidavit — a red hexagon bearing the words 'HIGH FAT',

‘HIGH SUGAR’, ‘HIGH SALT’ and/or ‘HIGHLY SWEETENED BEVERAGE’ — is, akin to the warning-label format that the Petitioner has consistently pressed for, that the consumer and scientific members backed at the 2021 stakeholder meeting, and that this Hon’ble Court itself illustrated in its order dated 10.02.2026 and 13.8.2026. To that extent, Respondent No. 4 has moved in the right direction, and the Petitioner welcomes the step made by the FSSAI in the direction of addressing the concerns enunciated in the pronouncements of this Honourable Court.

7. It is submitted that the petitioner seeks to bring to the kind attention of the Honourable Court that even as the compliance affidavit suggests a movement in the right direction, there are many important points to be considered for it to fully address the gravity and urgency of the concern that this Honourable Court has repeatedly sought to impress upon the Respondent No.4, given the important positive implications the regulatory measures adopted by the Respondent No 4 is to have on the health of generations of Indians

C. THE ‘ADDED SUGAR’ THRESHOLD REMAINS UNCORRECTED

8. It is submitted that Paragraphs 4(ii) and 5 of the Compliance Affidavit peg the warning to products high in, among other things, ‘added sugar’, based on thresholds under the Dietary Guidelines for Indians, 2024 issued by ICMR-NIN. It is submitted that the ICMR-NIN Dietary Guidelines 2024 (**Table 15.1**) provides thresholds for **total sugar** and

total fat per 100g—not just for "added." It is submitted that the 2021 Minutes at paragraph 3(b)(ii) records a consensus that ‘Total Sugars’, not added sugar, is the workable metric for FOPL, precisely because added sugar cannot be verified in a laboratory once mixed into a finished product, and because energy on the pack is calculated from total sugar and not added sugar. It is also patent that the negative impact of a food product is not only because of the added sugar but due to the total sugar content. If the objective is to inform the consumer about the possible health impact, it has to be the total sugar that is considered. This becomes even more pertinent given that many of the food products artificially concentrate the sugar content in the product (by removing the fiber in its natural state), rendering the human body vulnerable to a concentrated exposure of sugar that would not have happened in the natural course. An example in this regard could be a fruit juice concentrate with very minimal added sugar but which concentrates pre-existing sugar in many fruits into one small portion – a processing that the casual mind is oblivious to. Another example can be a food product that contains jaggery and the FBO claims it to be zero added sugar.

9. It is therefore submitted that the Respondent cannot selectively rely upon a paragraph in the ICMR-NIN Guidelines to justify a particular regulatory approach while disregarding the broader nutritional parameters contained therein. The proposed thresholds ought instead to be based upon **total sugar and total fat per 100 g**, consistently with the NIN framework and the HFSS definition reflected in the 2022 draft

notification and acknowledged in Parliamentary discussions, as well as the nutrient-profile approach recognised by PAHO/WHO. The regulatory exercise should build upon these existing, scientifically grounded definitions rather than repeatedly redefining HFSS foods in a manner that narrows their scope and weakens the effectiveness of Front-of-Pack Labelling.

10. It is respectfully submitted that a claim of “Zero Added Sugar” does not necessarily mean that the product is low in sugar, as the product may continue to contain a substantial quantity of naturally occurring or otherwise present sugars. Such a claim may therefore create a misleading impression of healthfulness by diverting the consumer’s attention from the total sugar content of the product. Further it is submitted that it is the total sugar that is associated with health risks not just the added sugar and a lab analysis may not be able to detect added sugar.

11. It is submitted that the exemption clause of the present proposal, at paragraph 4(iv)(b), illustrates the very problem which the 2021 Minutes of Meeting anticipated. It is pertinent to highlight that Honey and jaggery, are exempted from the warning requirement altogether, probably because they contain no ‘added’ sugar as such, but are sugary in their own right. A metric that lets a product built almost entirely of sugar escape a high-sugar warning may not be seen as a safeguard for the consumer; it is the specific defect the Authority’s own scientific members flagged in 2021 when they chose total sugar over added sugar.

The distinction in this case could have been better possible if the FSSAI had come out with a clear definition of Ultra Processed Food as one in which the nature of the product is itself changing due to processing. Honey or jaggery is recognized by consumers as equally (good or) bad as sugar, whereas the challenge is when the processing changes the nature of the food product beyond recognition, as in the case of Ultra Processed Food. The FSSAI should clearly distinguish between whole foods and ultra-processed foods so that warning labels are placed, where due.

12. It is submitted that nothing in the present Compliance Affidavit dated 28.08.2026 refers to the 2021 Minutes or to the Petitioner's Application dated 12.08.2026, or to the reasons Respondent No. 4's own record gives for preferring added sugar. The added-sugar metric has simply been carried forward from the Compliance Affidavit dated 03.08.2026 into the present one, in a new visual format, without the underlying objection ever being addressed.

D. THE 'ADDED SATURATED FAT' THRESHOLD IS A WHOLLY NEW, UNEXPLAINED METRIC

13. It is submitted that the Paragraphs 4(ii) and 5 of the Compliance Affidavit also peg the warning to 'added saturated fat'. This is not a metric and the 2021 Minutes even rejected in so many words, for the simple reason that it was never on the table. Paragraph 3(b)(iii) of the 2021 Minutes records a consensus on 'Saturated Fat' as against 'Total

Fat’. No stakeholder, industry or otherwise, seems to have proposed an ‘added fat’ concept, and the Minutes record no discussion on it.

14. It is submitted that the introduction of the word ‘added’ before saturated fat is therefore not a reversion to a rejected 2021 position but a fresh and unexplained addition to it, and it carries the identical defect that made added sugar unworkable. It is submitted that the fat introduced during processing cannot be distinguished, once cooked into a product, from fat naturally present in its ingredients. Therefore, a declaration of ‘added’ fat is, exactly as with added sugar, not independently verifiable against the product on the shelf, and rests on what the manufacturer chooses to report. No scientific or analytical basis for this new qualifier is set out anywhere in the Compliance Affidavit.

15. It is submitted that there is a further, internal inconsistency. In para 5 of the Compliance affidavit, while the underlying threshold it says ‘added saturated fat’, and the on-pack text prescribed at paragraph 4(iii) reads simply ‘HIGH FAT’, not ‘high saturated fat’. The 2021 Minutes considered this very question and answered it deliberately: paragraph 3(b)(iii) records that consumer organisations preferred ‘Total Fat’, a generic fat measure, but the scientific members and the eventual consensus went with the specific term ‘Saturated Fat’, precisely because a generic fat label risks discouraging consumption of unsaturated fats that are not the nutrient of concern. Reverting to the generic word ‘FAT’ on the pack, whatever the underlying threshold is called, reopens the very ambiguity the 2021 process resolved.

E. NO BINDING TIMELINE FOR PHASE II

16. It is submitted that the Paragraph 4(v) of the Compliance Affidavit confines Phase I of the warning to products ‘high in two or more’ of the specified nutrients, and defers a warning for products high in only one nutrient to an unscheduled Phase II. On this design, an ordinary food product that is, for instance, extremely high in sugar alone, but not simultaneously high in salt or saturated fat, would carry no warning at all for as long as Phase I remains in force, howsoever severe that single excess may be. It is submitted that the sugar, salt or saturated fat does not need to be together to cause harm to human health. The purported reason for the phasing is that the industry should have time for reformulation. It is respectfully submitted that more than time, it is important for the industry to have a reason for reformulation. At stake, is the health of millions, and it is not fair to delay a disclosure in which the causal factor for ill health is present.

17. It is respectfully submitted that the proposed introduction of Phase II without prescribing any definite or binding timeline renders the proposed regulatory framework susceptible to indefinite postponement and defeats the very purpose of phased implementation. The Hon’ble Court had already noted with concern that the FSSAI has been dragging its feet for quite some time by not being able to see the possibility of using warning labels, despite the same being even carried in color in Hon’ble Court’s order on 10.2.2026. While a phased approach may be justified as a means of progressively transitioning from relatively higher

thresholds to the scientifically appropriate thresholds, such phasing, if affordable, must necessarily be accompanied by a clear and enforceable timeline. It is prayed that given the exigency of health of millions it is a small price if they start seeing red warning labels all around. If indeed this is the situation now, it would only be appropriate that the society wakes up to this reality in one phase.

18. It is submitted that the international experience demonstrates that phased implementation can be structured in a time-bound manner; for instance, the Israeli model adopted an initial phase with higher thresholds and subsequently moved to lower thresholds within a defined period of one year. In contrast, the present proposal contemplates Phase I for products exceeding two or more nutrients, while postponing the application to products exceeding a single nutrient to an unspecified future date, without prescribing when Phase II must commence or be completed. In the absence of a binding timeline, “Phase II” effectively becomes a euphemism for indefinite deferment of the more comprehensive warning-label regime, thereby continuing to leave a significant category of HFSS products outside the intended protection.

19. It is submitted that neither date is given for Phase II, nor any criterion of when the transition is to occur. Given this Hon’ble Court’s repeated emphasis, including in the order dated 13.08.2026, on the specific harm that excess sugar, salt and saturated fat individually cause, particularly to children, an open-ended exemption for single-nutrient excess is difficult to reconcile with the affirmative duty this Hon’ble Court has

held Article 21 read with Article 47 casts on the State. It is submitted that the Compliance Affidavit nowhere explains why a two-nutrient threshold, rather than a one-nutrient threshold, was chosen for Phase I, or why Phase II has no timeline.

20. It is therefore respectfully submitted that if phased implementation is considered necessary, it must be restricted to a scientifically justified and clearly defined transition period, with Phase II commencing and reaching the prescribed final thresholds no later than twelve months from the implementation of Phase I, so that the ultimate regulatory objective is achieved within a definite and enforceable timeframe and does not remain contingent upon an open-ended future regulatory exercise. It is submitted that Respondent No.4 may be directed to provide for exact timings of phases.

F. A PRODUCT HIGH IN ONLY ONE NUTRIENT ESCAPES THE WARNING ENTIRELY

21. It is submitted that the two-or-more threshold is, in substance, a redefinition of what 'High in Fat, Sugar and/or Salt' means, and the redefinition runs against the science, not merely against the drafting. Excess sugar, excess salt and excess saturated fat are independently harmful and act through different pathways: excess sugar is independently linked to diabetes and metabolic disease; excess salt independently to hypertension; and excess saturated fat independently to cardiovascular disease and adverse cholesterol. None of these three requires the presence of the other two to cause harm, and a product need

not be simultaneously high in all three, or even two, to be dangerous to the consumer who eats it.

22. It is submitted that a product that is high in sugar alone remains a diabetes risk whether or not it is also high in salt or saturated fat; a product high in salt alone remains a hypertension risk on exactly the same footing. The statutory concept of HFSS, on its ordinary and scientific meaning, is a product high in fat, sugar, or salt; the word 'and/or' already used in the Compliance Affidavit's own title for the exercise reflects that disjunctive understanding. Requiring two or more before the warning is triggered narrows that concept for Phase I in a manner unconnected to the biology it purports to regulate. It is submitted that a sugary product with 50g of sugar (200% of daily limit) but low fat and salt would carry **NO WARNING**. This is an industry-friendly loophole for unconscionable profit that may exempt the most harmful products. The countries like Chile, Mexico, Canada and Israel all require a warning for ANY nutrient of concern. The 'two or more' threshold is not science-based. It appears to protect unconscionable profits, discounting public health. A product dangerously high in even ONE content must carry a warning, regardless of its position in the concentration of other deleterious ingredients.

23. It is submitted that a warning label regime that identifies the correct hazards, sugar, salt, saturated fat, and then declines to warn against any one of them individually, does not stop short of protecting the public interest but it defeats the very reason the label exists. It is further

submitted that having accepted, in principle, that these three nutrients warrant a front-of-pack warning at all, Respondent No. 4 cannot, without explanation, hold that warning back for exactly the products where only one of the three is present in excess. The present proposal by Respondent No. 4 does not offer any scientific basis for that distinction, and the Petitioner submits that none exists.

24. It is also submitted that the present FSSAI proposal is to write two lines of warning in one hexagon. The presence of two dangerous contents should have ideally resulted in two warning hexagons so that the consumer is aware of the 'healthiness' of the product from far itself. It would be in the interest of the health of the consumer that there are separate hexagons for each of the three excessive ingredients, which are pictorial and also have writing in regional language as well for it to be effective.

25. It is also submitted that the FSSAI may also be directed to consider possible warning labels for emulsifiers, colors, preservatives and total energy content which again is being done by other jurisdictions in the interest of the health of their citizens -especially with colors, they are put in there to attract children who almost always succeed in making the wrong decisions in spite of themselves and parents being mindful otherwise.

G. FONT SIZE IS TOO SMALL

26. It is submitted that as per the present proposal of Respondent No. 4, the Warning label text should be "**one point larger**" than the font used for

the back-of-pack nutrition table. It is pertinent to highlight that the Back-of-pack nutrition tables often use tiny fonts (6–8 points), which makes even one-point larger font still too small. It is submitted that the warning label should be **prominent and visible from a distance** and must not be barely larger than fine print. It is submitted that the size of Hexagon in which text appears may be fixed with text in reverse for each nutrient. The size of the hexagon should ideally be specified in relative terms to the overall size of the package itself. It is submitted that countries have used 15-20% of the principal display area of the package.

27. It is also submitted that it would be important to clarify that the red label would be effective only when it stands out in contrast to the general packaging. The contrast required for the warning label should also be taken care of by the FSSAI so that the warning labels can be effective.

H. WARNING IN TWO LANGUAGES

28. It is respectfully submitted that the proposed Front-of-Pack Warning Label should mandatorily be displayed in both English and Hindi so as to ensure that the warning is accessible and intelligible to the widest possible section of Indian consumers. The present proposal does not adequately address India's linguistic diversity and fails to recognise that the very purpose of an interpretive warning label is to communicate the health implication of excessive nutrients immediately and without requiring the consumer to undertake any further interpretation. International practice demonstrates that bilingual warning systems are entirely feasible; for instance, Canada reportedly provides food labelling

in both English and French. Similarly, India's own legal framework governing infant milk substitutes and related products recognises the importance of communicating critical information in both English and Hindi.

29. Therefore, it is submitted that a bilingual warning in the proposed hexagonal format would therefore substantially enhance comprehension across Indian households, reduce linguistic barriers, and ensure that the public-health message reaches consumers irrespective of their educational or linguistic background. The bilingual warning can further be reinforced through sustained public-awareness and communication campaigns so that consumers become familiar with the symbols, terminology and health significance of the warning. Accordingly, the use of both English and Hindi in the warning label is not merely a matter of presentation but an essential component of making FOPL genuinely accessible, effective and capable of serving its public-health objective across India.

I. COMPARATIVE POSITION ACROSS FOUR POINTS IN TIME

30. It is submitted that for the convenience of this Hon'ble Court, the material aspects of the 2021 Minutes, the 46th Meeting Minutes dated 07.03.2025, the Compliance Affidavit dated 03.08.2026, and the Compliance Affidavit dated 28.08.2026 are set out together below:

Aspect	2021 Minutes (30.06.2021)	46th Meeting Minutes (07.03.2025)	Compliance Affidavit (03.08.2026)	Compliance Affidavit (28.08.2026)
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Label format	Warning-label format backed by consumer/scientific members; no study found for monochrome GDA.	Not addressed — no FOPL-specific item on this agenda.	Monochrome, GDA-style tabular declaration.	Red-hexagon warning label; no green/positive indicator.
Sugar metric	‘Total Sugars’ consensus — added sugar found unverifiable and unworkable.	Not addressed.	‘Additional/added sugar’ introduced as the metric.	‘Added sugar’ threshold retained unchanged; honey/jaggery exempted.
Fat metric	‘Saturated Fat’ consensus, as against ‘Total Fat’; no ‘added fat’ concept ever discussed.	Not addressed.	Not identified as a departure at this stage.	‘Added saturated fat’ threshold, displayed on-pack as generic ‘HIGH FAT’.
Reference unit / serve size	100g/ml consensus — serve size rejected for want of standardised data.	Not addressed.	Serve size reintroduced as a variable.	Not specified — basis for the thresholds (100g/ml or per serving) is not stated.
Trigger for warning	Not applicable.	Not applicable.	Not applicable.	Phase I requires two or more nutrients high; single-nutrient excess unwarned, Phase II undated.
Consultation / institutional process	Sixth stakeholder consultation, minuted, with recorded consensus.	Chairperson directs wide, ground-level consultation (not CII/FICCI alone) before any draft/final regulation; Authority approves/defers items with named Action Points.	No consultation disclosed.	No consultation, and no Food Authority approval or resolution number, disclosed.

Disclosure of 2021 Minutes to this Hon'ble Court	Not applicable.	Not applicable.	Not disclosed.	Not disclosed, despite the Petitioner's Application dated 12.08.2026 being on record.
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J. SUBMISSIONS

31. It is submitted that the format of the warning now proposed partially addresses this Hon'ble Court's order dated 10.02.2026 and the Economic Survey 2025-26's recommendation extracted in the order dated 13.08.2026. However, a warning label that fires only on double trigger helps no one and it merely dresses the same gap in new colours. It is further highlighted that where the trigger for the warning in itself is a metric, which from the Authority's own 2021 record found unworkable for sugar, and an untested, unexplained extension of the same defect for fat, defeats the very object of Article 21 read with Article 47 as emphasised by this Hon'ble Court.
32. It is submitted that this Hon'ble Court may call upon Respondent No. 4 to explain, specifically, why 'added sugar' and 'added saturated fat' have been chosen as the operative thresholds notwithstanding the 2021 Minutes, what consultation, if any, preceded these specific thresholds, and why the exemption for foods such as honey and jaggery should not be on the basis that they are whole foods and not Ultra Processed Foods. It is important to highlight that there is a list of exemptions in the Draft Food Safety and Standards (Labelling & Display) Amendment

Regulations, 2022, which can be edited and used as a base for list pop exemptions.

33. It is submitted that there is no need to start from scratch for the finalization of the guidelines regarding warning labels. It is submitted that proposed changes may be adopted to the 2022 Draft Notification as a matter of urgency, considering it a logical follow-up process and not starting over a new process. It is submitted that exemptions from FOPL given in the Draft notification of 2022, Schedule-IV: Category-III Solid Foods/Liquid Foods exempted from FOPNL under INR. The category numbers refer to food categories as provided under FSS (FPS & FA) Regulations, 2011. In this section 1.3 ,1.3.1, 3.1.1, 5.1.2, 10.4, 13.3, 13.4, 13.5, 13.6 may be deleted to include in the warning label regulations.

34. It is submitted that the Nutrition Advocacy in Public Interest (NAPi) has already written a letter to the Respondent No. 4 for assisting the Respondent No. 4 in rolling out the Regulations in tune of the order passed by this Hon'ble Court. The timeframe for implementation may be mandated to be at least as indicated in the communication if it is not possible for it to be even earlier. The Petitioner seeks earliest possible implementation in the interest of the people. A copy of the Letter dated 17.08.2026 with enclosures sent by NAPi to Respondent No. 4 is marked and annexed herewith as **ANNEXURE P/2 (page 29 to 66)**.

35. It is submitted that the 2022 draft notification process ought to be carried forward as a matter of continuity, rather than initiating an entirely fresh

process for inviting public comments, which would only result in avoidable delay in a matter concerning urgent public health concerns. Having already undertaken extensive stakeholder consultation in the earlier process, FSSAI should proceed expeditiously with the remaining institutional steps, with the FSSAI Authority and the Ministry of Health & Family Welfare completing the requisite process within two months, followed by placing the notification before Parliament for the prescribed period of one month and thereafter notifying the final framework in the Gazette within 90 days. A clear and enforceable timeline is essential to prevent regulatory inaction and ensure that the proposed Front-of-Pack Labelling framework is implemented without further procedural delay. At the same time, the framework should be aligned with the **ICMR-NIN Dietary Guidelines, 2024**, thereby ensuring that the regulatory thresholds and nutritional parameters are grounded in India's latest authoritative dietary and public-health guidance. Continuity of the 2022 process, coupled with a definite implementation timeline and alignment with the 2024 ICMR-NIN Guidelines, provides a legally sustainable, evidence-based and public-health-oriented way forward.

36. It is submitted that the compliance affidavit placed before the Hon'ble Court does not contain the minutes of the meeting of the Authority in which it had considered the points mentioned in the previous order of the Hon'ble Court. It is not clear if there were any points of view expressed in the Authority meeting regarding the need for a different framework as sought above. The Authority meeting's minutes may

kindly be directed to be produced so that the Court can also evaluate the process that has gone into the final decision making by the Authority.

37. It is submitted that the Compliance with the Front-of-Pack Labelling framework must be mandatory and uniformly enforceable for all covered food products, without leaving its implementation to the discretion of food business operators, at the earliest. A mandatory regime is essential for the underlying objective of protection of public health and enabling informed consumer choice, particularly in relation to products “high in nutrients of concern”. Therefore, the regulatory framework must impose a clear statutory obligation on manufacturers and food business operators, supported by appropriate monitoring, enforcement and consequences for non-compliance.

38. It is submitted that this Rejoinder is confined to the Compliance Affidavit dated 28.08.2026. The Petitioner craves leave to rely on the Writ Petition, the Rejoinder Affidavit dated 09.08.2026, and the Application dated 12.08.2026 together with the 2021 Minutes annexed thereto, which are not repeated here.

39. It is submitted that this Rejoinder is filed bona fide, to assist this Hon’ble Court and in the interest of public health.

PRAYER

In view of the above, it is most respectfully prayed that this Hon’ble Court may be graciously pleased to:

- a. To take this Rejoinder on record;
- b. direct Respondent No. 4 (FSSAI) to consider total sugar and total fat (>30 %) /saturated fat (> 10 %) as per HFSS definition in the ICMR-

NIN Dietary Guidelines or PAHO/WHO rather than try for the non-scientific basis of pegging the proposed Front-of-Pack warning to ‘added sugar’ and ‘added saturated fat’, having regard to the consensus recorded at paragraphs 3(b)(ii) and 3(b)(iii) of the 2021 Minutes and to the fact that neither metric is independently verifiable in a finished product;

- c. direct the Respondent No. 4 (FSSAI) to consider using separate warning hexagon for each nutrient of concern at the earliest;
- d. direct Respondent No. 4 (FSSAI) to disclose the internal consultation in the Food Authority meeting, resolution or agenda item, if any, under which the red-hexagon proposal and the added-sugar/added-saturated-fat thresholds in the Compliance Affidavit dated 28.08.2026 were considered or approved, consistently with the Chairperson, FSSAI’s own directions and the Authority’s own recorded practice in the Minutes of the 46th Meeting of the Food Authority held on 07.03.2025;
- e. direct Respondent No. 4 (FSSAI) to bring in the mandate for warning labels in a single phase and in logical continuity of the Draft Notification of 2022, given the urgency and the delay that has already occurred and
- f. pass such other or further order(s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case, and in the interest of justice to make the warning label more effective to ensure health of citizens - without FSSAI being swayed by consideration of possible adverse impact on unconscionable profit.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL, AS IN DUTY BOUND, EVER PRAY.


PETITIONER

THROUGH COUNSEL:
RAJIV SHANKAR DVIVEDI
ADVOCATE FOR THE PETITIONER

DATE:05.09.2026

PLACE: NEW DELHI

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

M.A. NO. 1177 OF 2025

IN

WRIT PETITION (CIVIL) NO. 437 OF 2024

IN THE MATTER OF:

3S AND OUR HEALTH SOCIETY

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AFFIDAVIT

I, Rajendran Nair M R S/o, Madhavan Pillai aged about 81 years, Residing at 8A RDS Nedungda Residency, Chittoor Road, Ernakulam North P O, Ernakulam Pin 68218, Kerala hereby solemnly affirm and state on oath as follows:

1. That I am the Authorised Signatory of the Petitioner in the present case and as such I am well conversant with the facts and circumstance of the case, as such I am competent to swear this affidavit.
2. That I have gone through the contents of the accompanying rejoinder and having understood the same, I say that the facts contained therein are true to my knowledge.
3. I state that, the statements of facts mentioned therein are all true and correct to my knowledge and nothing material has been concealed therefrom, and no part of it is false.
4. That the Annexures annexed with these Applications are true and correct copies of their original.


DEPONENT

VERIFICATION

I, Rajendran Nair M R the deponent above named do hereby verify that, the averments made in paragraphs 1 to 4 of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed there from.

Verified at Ernakulam on this 3rd day of September, 2026.




DEPONENT

Solemnly affirmed and signed before me
my office at Ernakulam by the deponent
who is personally known to me on this
3rd day of September 2026

SEBI BRIDGIT P. F.
ADVOCATE & NOTARY
Regn. No: 49755
A S Legal, Koleppillil House
Ernakulam North, Ernakulam-682018
Mob: 9745505000

Annexure P/1

File No. RCD-15001/13/2021-Regulatory-FSSAI (E-1946)
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety and Standards Act, 2006)
(Regulatory Compliance Division)
FDA Bhawan, Kotla Road, New Delhi-110002

Dated, the 29th October, 2021

Subject: Minutes of Stakeholders' Meeting on Front of Pack Labelling -reg.

A meeting with stakeholders to address issues/concerns related to 'Front of Pack Labelling' was held under the Chairmanship of Chairperson, FSSAI on 30th June, 2021 at FDA Bhawan, FSSAI, New Delhi.

2. Members from industry associations, consumer organisations and Working Group participated through virtual mode. This meeting was the sixth stakeholder consultation held in the past few months. Minutes of the meeting are attached herewith for information.



(Vikas Talwar)
Deputy Director
Regulatory Compliance Division

Enclosure – Minutes of the Meeting

Minutes of the Stakeholders' meeting on Front of Pack Labelling held on 30th June 2021

A meeting with stakeholders to address issues/concerns related to 'Front of Pack Labelling' was held under the Chairmanship of Chairperson, FSSAI on 30th June, 2021 from 10:30 AM onwards at Conference Hall, 5th Floor, FSSAI, FDA Bhawan. Members from industry associations, consumer organisations and Working Group participated through virtual mode. List of participants is annexed. This meeting was the sixth stakeholder consultation held in the past few months.

2. A short presentation was made on the background of FOPL, challenges being faced in introducing FOPL policies in the Indian market, the nutrients to be displayed on the FOP label and FOPL design to be used. Further, the various FOPL models used across the world along with the literature studies undertaken for the effectiveness of FOPL models were presented.

3. After the presentation, CEO, FSSAI stressed the criticality of moving ahead on this subject. The following issues were discussed:

a) **Standardisation of Serve Size for back of pack**: There was consensus that such standardization is required. The industry members informed that the issue of standardisation of serve sizes is being undertaken by them and will be shared shortly. It was decided that standardized serve sizes may be shared by FSSAI as a guidance document thereafter.

{Action: CII to submit their inputs on standardized serve sizes in consultation with other industry bodies by the end of July, 2021}

b) **Nutrients to be displayed:**

(i) **Salt vs. Sodium**: Consumer organizations were of the opinion that salt is easily understood by common man rather than sodium and 90% of the sodium anyway comes from salt. However, the scientific members were of the opinion that it is the sodium content which is of actual concern for growing NCDs. They opined that sodium is derived not just from common salt but also from other salts used in food processing such as sodium benzoate, sodium carbonate, sodium bicarbonate, sodium sulphite, etc. Based on the reason that sodium is the nutrient of concern and is also easily measurable (from the implementation point of view), a consensus was reached on use of Sodium for fixing thresholds for FOPL, although the term "salt" could possibly be used on FOPL for the sake of ease of understanding.

(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.

(iv) **Positive Nutrients:** While few members of the consumer organisations supported the idea of giving scores to positive nutrients and promoting the innovation of wholesome foods, some members strongly opined that the positive nutrients will mask the negative impacts of high sugar, salt and fat and food products will be marketed in a way so as to mislead the consumers. The positive nutrients are already shown in the form of claims on food packs also. On the other hand, members from Industry supported the idea of declaring the positive nutrients on the label and giving a holistic nutritional picture of the product to the consumers.

The scientific members expressed that the purpose and objective of FOPL should be kept in mind before finalising on this aspect. First and foremost they must inform the consumers of the negative nutrients in food products. There are many positive micronutrients which need to be considered and finalizing the criterion to be used for them would take time. They can be incorporated in a gradual manner as and when we are prepared.

Considering all the comments, it was concluded that while finalising the FOPL model design, in case of Nutrient specific labels on FOPL, positive nutrients shall not be considered on the FOPL at all. However, in case we adopt Summary labels, positive nutrients may be considered for inclusion in FOPL, provided that the thresholds shall be set in a manner so as not to override/mask the negative nutrients in the product. Sri Ashim Sanyal, Sri Amit Khurana, Sri George Cherian and Ms. Anindita Mehta disagreed with this decision and their dissent was recorded.

Since there were no issues on declaration of energy values in kcal and removal of trans fats from the FOPL, these were accepted by all as such.

c) **Serve Size and per 100g/ml criteria:** Industry suggested that per serve basis is more suitable to be declared on FOPL as it is what the consumer eats and this can also stimulate habits of eating food in right portions by the Indian consumers. The Industry was requested to provide details of countries where reference serve sizes have been standardized and are being used for declaration on FOPL. UK was cited as an example but it was observed that serve sizes are only for guidance purpose there. FOPL in UK uses 100g/ml as a basis and portion size is used only beyond the reference size of 100g/ml. Rest of the members including the consumer associations and scientific members opined that per 100g/ml criteria is more suitable and rational.

It was decided that 100g/ml shall be kept as reference unit for thresholds on FOPL considering that no information on serve sizes is available at present and the acceptability and understanding of 100g/ml as a unit is higher and it enables a rational comparison among products.

d) **Number of categories:** It was highlighted that countries where FOPL models are being used, have provided limited number of food categories for FOPL. For instance, Chile and UK have used only two categories namely foods and beverages/solids and liquids, Nutriscore has four categories and Health Star Rating has 6 food categories.

Since the biological effect of saturated fats, sodium and sugar is same for all food products, the category has, per se, no direct bearing on the FOPL. It was proposed to consider setting thresholds under 2 broad categories as in other countries and a few other categories may be designed for exclusive products such as dairy, etc. as per scientific rationale. This idea was wholeheartedly welcomed by most members except a few from Industry due to reservations regarding huge variety of products in the Indian market, large MSME sector and variance among them.

It was decided that the Scientific Panel shall initiate discussion on setting thresholds under 2 broad categories (solid/liquids or foods or beverages) as in other countries and a few categories may be added on exclusive products such as dairy, etc. on the basis of scientific rationale, as per nutritional variance of the products. {Action: Standards Division, FSSAI}

e) **Type of FOP label:** The consumer organisations were in support of warning labels and Industry expressed support towards monochrome GDA. However, there are no substantive studies to support effectiveness of monochrome GDA. The consumer organisations stated that based on the success stories of Warning labels in other countries and considering that a mean level rating, i.e. a 2-star, 3-star or Amber colour under Summary labels do not give a clear picture to the consumers, warning labels may be considered for FOPL in India.

CEO, FSSAI mentioned that based on the literature scan carried out at FSSAI, the studies around FOPL are of two types, i.e. impact assessment of an existing model and surveys on understanding of various proposed models. However, the studies have geographical bias and the FOPL systems analyzed varied w.r.t. implementation (mandatory or voluntary) and were introduced at different points of time. Hence, there are supportive as

well as unsupportive studies on all the FOPL models including Warning Labels as well as the Nutriscore, HSR, etc.

The study titled, ‘A pilot study to identify effective front-of-package labels for packaged foods in India’ presented by Consumer Voice was also discussed and it was observed that the sample size is very low and the results are also somewhat confusing. Since the final report of the study has not become available yet and there are no credible studies in India with large sample size, no conclusion can be made based on the same.

It was concluded that FSSAI may commission a survey-based study through an institution of excellence like IIMs to analyze major FOPL models that are available across the globe with the objective to identify ease of understanding and behavioural change of Indian consumers on a national level. All participants unanimously agreed to go along with the recommendations arrived at in such a study. Participants stressed the need for quick and timely completion of this study. *{Action: RCD, FSSAI}*

Concluding Remarks:

Chairperson, FSSAI congratulated the house for finally arriving at a consensus on broad issues of FOPL. She remarked that the journey towards FOPL has been trying for long to build consensus among all stakeholders. Most of the aspects have been decided upon today to the satisfaction of all stakeholders. She mentioned that the objective of FOPL, i.e. informed choices for consumers needs to be central point in all the decisions undertaken on this subject and hence, a simple, easy to understand and easy to administer FOPL design needs to be implemented soon.

The meeting ended with a vote of thanks to the Chair.

Annexure

List of Participants:

1. Ms. MeetuKapur,Executive Director, CII
2. Mr. Abhinav Singh, FICCI
3. Ms. Nirupama Sharma, Joint Director & Head –Food Processing & FMCG, ASSOCHAM
4. Ms. Mallika Verma, PHDCCI
5. Mr. Sanjay Khajuria, CIFTI-FICCI
6. Mr. Amit Bhasin
7. Mr. Rajesh Kumar Gupta, Bikano
8. Ms. Mili Bhattacharya, Coca Cola India Ltd.
9. Mr. Vijay Gaur, Head Regulatory Affairs, Danone India
10. Ms. Jyoti Vij, FICCI
11. Dr. Neelu Khurana, DGM-QA, Haldiram
12. Mr. Arun Mishra, HUL
13. Mr. Krishna Kumar Joshi, ITC Foods
14. Mr. Shaminder Singh, Pepsico
15. Ms. Parna Das Gupta, Director Regulatory and Government Affairs-South Asia-Kelloggs
16. Ms. Anshu Gupta, Genmills
17. Mr. Kumar Kalpam, Mother Dairy
18. Dr. Prabodh Halde, Marico
19. Dr. AnirudhaChhonkar, Head Regulatory Advocacy, Nestle India Ltd.
20. Mr. Vikas Jain, PMV Nutrients
21. Ms Sangeeta Chaddha, HUL
22. Ms Shreya Pandey, Member AIFPA
23. Mr. Kajal Debnath, DFM Foods LTD.
24. Ms. Poonam Aggarwal, Danone India
25. Mr. Phani Kumar, Zydus Wellness
26. Mr. Ashish Dixit, Dabur, India Ltd.
27. Ms. Rika Ranjan, Haldirams
28. Ms. Rashida Vapiwala, Principal Investigator, M/s The Nutrition Alchemy
29. Ms. Anindita Mehta, CERC
30. Mr. George Cheriyan, Director, CUTS International.
31. Prof. Bejon Kumar Misra, Founder, Healthy You Foundation
32. Ms. Saroja Iyer, Executive Director, Citizen Consumer and Civic Action Group, Chennai
33. Mr. Ashim Sanyal, CEO, Consumer Voice
34. Mr. Amit Khurana, Director,CSE
35. Ms. Sonal Dhingra, CSE

FSSAI Officials:

1. Ms. Inoshi Sharma, Executive Director (CS)
2. Dr. N. Bhaskar, Advisor Standards
3. Shri Sunil Bakshi, Head (Regulations and Codex)
4. Dr. Amit Sharma, Director (Imports)
5. Shri Anil Mehta, Joint Director (RCD)
6. Shri P. Karthikeyan, Deputy Director (Regulations/Codex)
7. Ms. Kriti Chugh, AD (RCD)
8. Ms Ratna Shrivastava, AD (Regulations)
9. Ms. Manpreet Kour, TO (Standards)
10. Ms. Apoorva Sharma, TO (RCD)
11. Mr. Balaji, TO (Standards)

Expert Members:

1. Dr.Madhavan Nair
2. Dr.Asna Urooj
3. Dr. Alok Kumar Srivastav
4. Dr. Rekha Harish
5. Dr. Seema Puri

**//True Copy//**

NUTRITION ADVOCACY IN PUBLIC INTEREST-India 29 (NAPi)

An Independent Nutrition Think Tank of BPNI

Annexure P/2

NAPi/2026/130

August 17, 2026

To,
Sh. Rajit Punhani,
The Chief Executive Officer,
Food Safety and Standards Authority of India (FSSAI),
FDA Bhawan, Kotla Road, New Delhi – 110002.

CONVENER

Dr. Arun Gupta
Child Health & Nutrition
Advocate
Email arun.ibfan@gmail.com
Mobile: 9899676306

MEMBERS

Prof. HPS Sachdev
Senior Pediatrician &
Epidemiologist

Dr. Vandana Prasad
Community Pediatrician

Ms. Deepika Srivastava
Former Sr Adviser EAC to PM

Dr Rekha Harish
Fr Prof & HOD of Pediatrics,
HIMSR New Delhi & Prof &
HOD of Pediatrics, GMC
Jammu

Prof. KP Kushwaha
Pediatrician & Former
Principal, BRD Medical
College Gorakhpur

Dr Prasanta Tripathy
Co Founder Ekjut

Dr. J.P. Dadhich
Child Health & Nutrition
Advocate

Dr. Nupur Bidla
Social Work Professional

Ms. Reema Dutta
Public Health and Nutrition
professional

ADDRESS

NAPi
BP-33, PITAMPURA,
DELHI-110034
CONTACT NO- 42683059

napiindia.in@gmail.com
www.napiindia.in

Subject: Proposal for a Technically Viable and Compliant Front-of-Pack Labelling Regulation Pursuant to the Hon'ble Supreme Court's Order in W.P.(C) No. 437/2024

Dear Mr Punhani,

The Nutrition Advocacy in Public Interest (NAPi) has been working independently on food policy and offers its assistance on the above subject. We believe a path to compliance already exists; one that does not require 'starting over' but simply correcting course. We would be happy to discuss this with you at your convenience.

1. Background and Context

We are writing to you in the wake of the Hon'ble Supreme Court's landmark order dated August 13, 2026, in the matter of *3S and Our Health Society v. Union of India & Anr.* The Court, while hearing the PIL on Front-of-Pack Labelling (FOPL), delivered a strong rebuke to FSSAI, observing that its earlier direction of February 10, 2026, had not been taken seriously. The bench, led by Justice J.B. Pardiwala, asked the government counsel, "Do you not want people of this country to remain healthy?". The Court unequivocally directed the authority to implement clear, interpretive warning labels, stating, "We do not suggest, we direct." The two-week deadline for compliance is now ticking.

This submission is intended to assist FSSAI in fulfilling this mandate in a legally sound and expeditious manner.

2. A Procedurally Sound and Ready Path to Compliance

We recognize that FSSAI has already initiated the regulatory process for FOPL through the **Draft Food Safety and Standards (Labelling & Display) Amendment Regulations, 2022**, notified on September 13, 2022. This draft has already undergone an extensive public consultation process, expert committee's recommendations exist, and it contains a legally vetted definition of "High fat, sugar, salt (HFSS) food". This draft notification provides a ready-made procedural framework. The authority does not need to start from scratch. The quickest and most compliant path is to utilize the existing draft and amend it to replace the proposed "Indian Nutrition Rating" (INR) with the warning label system mandated by the Supreme Court. This approach will demonstrate to the Court that FSSAI is acting in good faith and with a sense of urgency and avoid any delay.

3. Proposed Text Amendments to the 2022 Draft Notification

To convert the existing draft into a court-compliant regulation, we propose the following specific textual amendments in highlights and ~~strikethroughs~~.

NUTRITION ADVOCACY IN PUBLIC INTEREST-India 30 (NAPi)

An Independent Nutrition Think Tank of BPNI

CONVENER

Dr. Arun Gupta
Child Health & Nutrition
Advocate
Email arun.ibfan@gmail.com
Mobile: 9899676306

MEMBERS

Prof. HPS Sachdev
Senior Pediatrician &
Epidemiologist

Dr. Vandana Prasad
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Social Work Professional

Ms. Reema Dutta
Public Health and Nutrition
professional

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NAPi
BP-33, PITAMPURA,
DELHI-110034
CONTACT NO- 42683059

napiindia.in@gmail.com
www.napiindia.in

1. Short title and commencement-(1) These regulations may be called the Food Safety and Standards (Labelling & Display) Amendment Regulations **2026**. ~~2022~~.

(2) They shall come into force on the date of their final publication in the Official Gazette. Compliance shall be **mandatory** ~~(voluntary until a period of 48 months from the date of final notification of these regulations. and mandatory thereafter.~~

2. In the Food Safety and Standards (Labelling & Display) Regulations, 2020 (herein after referred as said regulations), -

(1) in Chapter-1, in regulation 2 relating to "Definitions", after clause (i), the following shall be inserted, namely, -

"(ia) Front-of-pack nutrition labelling (FOPNL) is a form of supplementary nutrition information that presents simplified nutrition information on the front-of-pack of pre-packaged foods. It can include symbols/graphics, text or a combination thereof that provide information on the overall nutritional value of the food and/or on nutrients included in the FOPNL".

"(ib) High fat, sugar, salt (HFSS) food means a processed food product which has high levels of saturated fat or total sugar or sodium. The declared values of these ingredients are such that the product; does not satisfy the value of energy (kcal) from total sugar less than 10 percent of total energy, or from saturated fat 10 percent of total energy, and sodium less than 1 mg/1 kcal."

~~(2) in regulation 5 relating to "Labelling Requirements", (a) in sub-regulation (2), after clause (b), the following proviso shall be inserted, namely, "provided that the percentage of Fruits, Vegetable, Nuts, Legumes & Millets, if present in the food product, shall be declared".~~

~~(b) in sub-regulation (3), in sub-clause (ii) of clause (b), after item (D) relating to "Sodium (mg)", the following shall be inserted, namely, "(E) Dietary Fibre (g);"~~

(3) after CHAPTER 5 relating to "Labelling of food additives when sold as such" following shall be inserted, namely,

- **"CHAPTER 6**

Delete the existing provisions for "Indian Nutrition Rating" (INR), ~~14.1, 2 and 3. including the star ratings, formulas, and all related tables (Tables 1-6).~~

~~15. Food products with milk logo as specified under Food Safety and Standards (Food Products Standards and Food Additives) Regulation, 2011 shall be exempted from the purview of HFSS definition."~~

~~(4) after Schedule-II, following shall be inserted, namely,~~

~~-~~

~~"Schedule-III~~

CONVENER

Dr. Arun Gupta
Child Health & Nutrition
Advocate
Email arun.ibfan@gmail.com
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MEMBERS

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Senior Pediatrician &
Epidemiologist

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napiindia.in@gmail.com
www.napiindia.in

Replace them with a simple requirement for a warning label.

"All HFSS food products, as defined in Regulation 2(ib), shall mandatorily display a clear, interpretive warning label on the principal display panel of the pack."

"The warning label shall consist of a black and white octagonal symbol with text that clearly states 'HIGH IN [NUTRIENT OF CONCERN]' in English and Hindi. The specific nutrients of concern to be declared are Total Sugar, Saturated Fat, and Sodium"

OR

The warning label shall consist of a Red circular symbol with text that clearly states 'HIGH IN [NUTRIENT OF CONCERN]' in English and Hindi. The specific nutrients of concern to be declared are Total Sugar, Saturated Fat, and Sodium/Salt."

Pictorial Display Format can be black octagon Chile/Mexican Format (Annexure-1) or Israel Format, Size and Location can be provided in the schedule.

Utilise the thresholds for high sugar, fat, and sodium content in a product per 100 grams as suggested in the draft FOPL amendment regulation, 2022 and the ICMR-NIN dietary guidelines, 2024. Total sugar (grams), fat (grams), and sodium (mg) must be maintained as the quantifying values.

Schedule-IV

Category-III Solid Foods/Liquid Foods exempted from FOPNL under INR. The category numbers refer to food categories as provided under FSS (FPS & FA) Regulations, 2011.

~~In this section Delete 1.3, 1.3.1, 3.1.1, 5.1.2, 10.4, 13.3, 13.4, 13.5, 13.6.~~

The FBO shall submit their product's relevant nutrient profile in the FoSCoS system for generating the respective warning label and the logo as provided in the format.

Rationale: This provision uses the authority's own definition of HFSS to trigger a mandatory warning, creating a clear and legally robust requirement. A warning label, as specified by the Court, is simple, quick to process, and effective. Many products with a "milk logo," such as sweetened flavoured milk and dairy-based desserts, are high in added sugar and saturated fat. Allowing these to escape a warning label undermines the entire purpose of the regulation and contradicts the Supreme Court's directive to protect children's health.

4. Supporting Evidence for Warning Labels

Our proposal is firmly grounded in scientific evidence from India and around the world.

- **New Indian Evidence:** A recent, peer-reviewed, randomized controlled experiment conducted in Mumbai with 120 adolescents found that Warning
- Labels led to 80% of participants choosing a healthier product, significantly outperforming Health Star Rating (66.7%), Nutri-Score (56.7%), and a no-label control (33.3%) . Warning Labels also resulted in the fastest decision-making and highest comprehension scores.

CONVENER

Dr. Arun Gupta
Child Health & Nutrition
Advocate
Email arun.ibfan@gmail.com
Mobile: 9899676306

MEMBERS

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napiindia.in@gmail.com
www.napiindia.in

- **Previous Indian Evidence:** A six-state randomized field experiment cited in the Supreme Court proceedings found that 60.8% of participants correctly identified unhealthy products when shown a warning label, compared to just 55% with a numerical table and 45% with a star rating system.
- **International Consensus:** The World Health Organization (WHO) and the Pan American Health Organization (PAHO) recommend warning labels as a best-practice policy for promoting healthy diets. Countries like Chile, Mexico, and Israel have successfully implemented warning labels and have seen significant shifts in consumer behaviour and product reformulation.
- A detailed, updated fact sheet summarizing the global and Indian evidence on FOPL is attached as Annexure 2 for your reference.

5. National Institutional Consensus: Our proposal is also grounded in a unique and unprecedented national consensus, as demonstrated by:

- i. India's MOHFW's National Multisectoral Action Plan (NMAP) (2017-2022) for common non-communicable diseases
- ii. Economic Survey 2025-26, which called upon the Union Health Ministry to "urgently" define nutrient thresholds and adopt warning FOP labels
- iii. ICMR-NIN Dietary Guidelines and the partners in the "Let's Fix Our Food" Consortium
- iv. Parliamentary Committee on Consumer Affairs, Food and Public Distribution (July 2026) – "dismayed" that the 2022 draft notification remains unimplemented and urged FSSAI to finalise FOPNL regulations in a time-bound manner, recommending "simple, clearly visible and interpretative labelling mechanisms" and "appropriate warning labels for products high in sugar"
- v. Parliamentary Committee on Subordinate Legislation (December 2025) – chaired by Shiv Sena MP Milind Deora, called for a standardised FOPNL system, noting that current labels "are often difficult for the average consumer to interpret"
- vi. Parliamentary Questions raised in Rajya Sabha in December 2023 (Annexure-3) and April 2025 (Annexure-4), where the government acknowledged the draft HFSS definition and FOPL proposals
- vii. Demands from citizens and Members of Parliament
- viii. Statements of eminent doctors and scientists
- ix. Consensus Statement by 29 civil society/public health organisations.
- x. Finally, The Hon'ble Supreme Court itself has framed this as a matter of constitutional right to health under Article 21.

6. Conclusion

The Supreme Court has provided a clear and final direction. The path is clear; what is needed now is decisive action. The 2022 Draft Notification offers a ready-made procedural path. The evidence is overwhelming in favour of warning labels. We, therefore, urge FSSAI to:

1. **Adopt the proposed changes** to the 2022 Draft Notification as a matter of urgency and considering it a logical follow-up process and not to start over a new process.

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33

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2. **Incorporate these changes into its next compliance submission** to the Supreme Court, demonstrating its commitment to the Court's order and the health of the nation.

We are confident that this is the most direct, legally sound, and timely path for FSSAI to comply with the Supreme Court's mandate and fulfil its public health duty.

We also request you to please include us in future technical consultations on FOPL.

Thank you for your immediate attention to this matter.

Yours sincerely,



Dr Arun Gupta

On behalf of Nutrition Advocacy in Public Interest (NAPi)

Enclosures:

- Annexure-1: Mexican FOPL Law (English version)
- Annexure-2: Updated Fact Sheet on Front-of-Pack Labelling.
- Annexure-3: Parliamentary Questions on HFSS 2023
- Annexure-4: Parliamentary Questions on HFSS UPF 2025

Copy to Ms. Punya Salila Srivastava, Secretary to Government of India MOHFW.

MINISTRY OF ECONOMY

MODIFICATION to the Norma Oficial Mexicana NOM-051-SCFI/SSA1-2010, General labeling specifications for prepackaged foods and non-alcoholic beverages- Commercial and health information, published on April 5, 2010.

Summary

1. Aims and application field

The principal aim of Norma Oficial Mexicana is to establish the commercial and health information that the labeling of the prepackaged product destined for the final consumer, of national or foreign manufacture, marketed in national territory, as well as to determine the characteristics of said information and establish a system of front-of-package labeling, which must clearly and truthfully warn about the content of critical nutrients and ingredients that pose risks to your health in excessive consumption.

3.47. Front-of-Pack Labeling System

Information system located on the main display panel, which shows in a truthful, direct, clear, simple and visible way, when a prepackaged product presents an excess content of energy, critical nutrients and ingredients that represent a risk to health in excessive consumption, and which includes labels and warning captions described in sections 7.1.3 and 7.1.4.

Definitions

3.4 Sugars

All monosaccharides and disaccharides present in a food or non-alcoholic beverage.

3.5 Added sugars

Free sugars added to food and non-alcoholic beverages during industrial processing.

3.6 Free sugars

Available monosaccharides and disaccharides added to foods and non-alcoholic beverages by the manufacturer, plus the sugars that are naturally present in honey, syrups, and fruit or vegetable juices.

Specifications

4.1 to 4.1.3 ...

4.1.4 On the main display panel of prepackaged products, labels or health claims of recommendation or recognition by professional organizations or associations may be included when they present the appropriate documentation that supports with scientific, objective and reliable evidence, the evaluation of the product in accordance with the provisions of the Article 32 of the Ley Federal de Protección al Consumidor. For the granting of the endorsement, the products must not exceed one or more of the added critical nutrients established in table 6, and must specify the target population with a specific health condition. The certifications of conditional properties indicated in numeral 6.2 are excepted.

4.1.4. Bis The main display panel of prepackaged products that do not contain warning labels and warning captions, can only declare it in writing through the phrase "This product does not contain labels or warning captions" and must not use graphic or descriptive elements alluding to them. The statement must be placed on the information surface and its typography and size must be equal to or less than the minimum quantitative size of the net content in accordance with NOM-030-SCFI-2006.

4.1.5 Prepackaged products that bear one or more warning labels or the warning caption of sweeteners, must not:

- a) include on the main display panel children's characters, animations, cartoons, celebrities, athletes or pets, interactive elements, such as visual - spatial games or digital downloads, which, being aimed at children, incite, promote or encourage consumption, purchase or choice of products with excess of critical nutrients or with sweeteners, and
- b) make reference on the main display panel to elements outside it with the same purposes of the previous paragraph.

4.2.2.1.8 Added sugars must be declared according to the following:

- a) grouped by putting the words "added sugars" in front followed by the list in parentheses with the specific names of all added free sugars present in the prepackaged product, except those that are part of a compound ingredient, if any;
- b) in decreasing quantitative order m/m as corresponds to the sum of all the added sugars considered in part a), and
- c) When there are compound ingredients in which several added sugars are part, these must also be grouped within it, in accordance with the provisions of paragraphs a) and b),

Table 3. Nutrition facts presentation

Nutrition Facts	Per 100g or 100 ml
Calories	_____ kcal (KJ)
Protein	_____ g
Fats	_____ g
Saturated	_____ g
Trans	_____ mg
Carbohydrate	_____ g
Sugars	_____ g
Added sugars	_____ g
Fiber	_____ g
Sodium	_____ mg
Additional information**	_____ mg, µg or % NRV

* In accordance with 4.5.2.4.2, this statement must also be made for the total content of the container.

** For vitamins and minerals in case of VNR percentage it should be done per serving.

4.5.3 Supplementary nutrition information

Supplementary nutrition information should be included on the main display panel of prepackaged products that:

- a) contain added: free sugars, fats or sodium; and
- b) the energy value, the amount of free sugars, saturated fat, trans fat and sodium comply with the nutritional profiles established in Table 6.

Table 6. Nutritional profiles for supplementary nutrition information

	Energy	Sugars	Saturated fat	Trans fat	Sodium
Solids in 100 g of product	≥ 275 total kcal	≥ 10 % total energy from free sugars	≥ 10 % total energy from saturated fats	≥ 1 % total energy from trans fats	≥ 1 mg of sodium per calorie or ≥ 300 mg
Liquids in 100 ml of product	≥ 70 total kcal or ≥ 8 kcal from free sugars				Non-calorie beverages: ≥ 45 mg of sodium
Warning labels	Excess calories	Excess sugars	Excess saturated fats	Excess trans fats	Excess sodium

4.5.3.1 For the purposes of the preceding paragraph, it is understood by:

- a)** prepackaged product added with free sugars, those to which free sugars have been added during the manufacturing process, and ingredients that contain added free sugars.
- b)** prepackaged product added to fats, those to which vegetable or animal fats, partially hydrogenated vegetable oils or products and ingredients containing them have been added during the manufacturing process; and
- c)** sodium-added prepackaged product, those to which, during the manufacturing process, any salt containing sodium or any ingredient containing added sodium salts has been used as an ingredient or additive.

4.5.3.2 In products destined to be reconstituted or that require preparation before being consumed, the supplementary nutrition information must be declared according to the energy content, free sugars, saturated fats, trans fats (with the exception of those present in dairy and meat products naturally in the case of trans fats), or sodium from the product as consumed, according to the instructions on the label.

4.5.3.3 The following products are exempt from the supplementary nutrition information:

- a)** products that are exempted from the nutritional declaration, as established in section 4.5.2.3, except those indicated in section vii;
 - i.** single ingredient products;
 - ii.** herbs, spices or a mixture of them;
 - iii.** coffee extracts, whole or ground coffee beans, decaffeinated or not and not containing added ingredients other than flavorings;
 - iv.** herbal teas, decaffeinated or not, instant and/or soluble tea that do not contain added ingredients;
 - v.** fermented vinegars and substitutes;
 - vi.** water for human consumption and natural mineral water.
- b)** baby formulas, baby formulas for special nutritional needs, follow-up formulas and follow-up formulas for special nutritional needs;
- c)** foods and non-alcoholic beverages for infants and young children that have nutritional specifications for any of the following nutrients: fats, sugars and sodium; as established in the applicable legal systems.
- d)** vegetable oils, vegetable or animal fats; sugar, honey, iodized salt and fluoridated iodized salt, as well as cereal flours.

4.5.3.4 Front-of-package labelling system

The front labeling system includes the supplementary nutrition information and the warning captions described in sections 7.1.3 and 7.1.4.

4.5.3.4.1 Supplementary nutrition information must be made using the labels, as appropriate and in accordance with the provisions of Appendix A (Normative).



4.5.3.4.2 Products whose main display surface is $\leq 40 \text{ cm}^2$ must only include one label with the number that corresponds to the amount of nutrients that meet the profile established in 4.5.3 in a minimum size in accordance with the provisions.

Those products whose main display surface is $\leq 5 \text{ cm}^2$, the label described in the previous paragraph must comply with the characteristics described in numeral A.4.5 of Appendix A (Normative).



4.5.3.4.3 In the case of products in returnable containers used as containers for more than one type of product or flavor, manufacturers must only express on the outside of the lid the label corresponding to the number of the amount of nutrients that They comply with the profile established in 4.5.3 and as established in 4.5.3.4.2.

4.5.3.4.4 Products whose individual presentation indicates the caption "Not labeled for individual sale", or similar, and that are in multiple or collective packaging, only this must include the corresponding label, as established in sections 4.5.3 and 4.5.3.4.1

4.5.3.4.5 Those collective containers that contain more than one type of product must be individually labeled.

Additionally, the collective container must include as many labels as correspond to the products it contains, as established in 4.5.3 of this Norma Oficial Mexicana.

4.5.3.4.6 Location and order of labels

The label (s) must be placed in the upper right corner of the main display surface, as established in Appendix A (Normative). In those products with a main display surface less than 60 cm^2 , the labels may be placed in any area of said surface. When

more than one label must be included, the order of inclusion must be from left to right as follows:

1. EXCESS CALORIES
2. EXCESS SUGARS
3. EXCESS FATS
4. EXCESS TRANS FATS
5. EXCESS SODIUM

4.5.3.4.7 When appropriate, include the warning captions "CONTAINS CAFFEINE AVOID IN CHILDREN" or "CONTAINS SWEETENERS - NOT RECOMMENDED IN CHILDREN", they must be in the upper right part of the main display surface and in case the prepackaged product has labels, must go below them, as established in Appendix A (Normative).

7.1.3 If the list of ingredients includes sweeteners, the front warning caption must be placed in capital letters **"CONTAINS SWEETENERS, NOT RECOMMENDED FOR CHILDREN"**.

CONTIENE EDULCORANTES, NO RECOMENDABLE EN NIÑOS

7.1.4. When the prepackaged product contains caffeine added within the list of ingredients in any quantity, the warning caption in capital letters **"CONTAINS CAFFEINE AVOID IN CHILDREN"** must be included, which is part of the front-of-package labeling system, as established in the Appendix A (normative).

CONTIENE CAFÉINA EVITAR EN NIÑOS

TRANSITORY ARTICLES

FIRST. In order to regulate the provisions contained in the decree that amends and adds various provisions of the Norma Oficial Mexicana regarding frontal warning labeling, the texts contained in sections 4.5.3.4 to 4.5.3.4.7 as well as 7.1.3 and 7.1.4 of the amendment to NOM-051-SCFI / SSA1-2010, General labeling specifications for prepackaged food and non-alcoholic beverages, commercial and health information, will enter into force as of October 1, 2020, while the rest of the numerals or subsections of the modification to the aforementioned Norma Oficial Mexicana, will do so on April 1, 2021. The above with the details that are detailed in the following transitory.

SECOND. For the calculation and evaluation of the values and profiles referring to the supplementary nutrition information, THREE different PHASES will be progressively established, the last of which will be verified as of October 1, 2025, namely:

FIRST PHASE. From October 1, 2020 to September 30, 2023 (3 YEARS), the calculation and evaluation of the supplementary nutrition information will be carried out with the following criteria and values:

- 1.- Critical nutrients added to prepackaged food or non-alcoholic beverage:
 - a) If added sugars are added, sugars and calories should be evaluated
 - b) If fats are added, saturated fats, trans fats and calories should be evaluated
 - c) If sodium is added, only sodium should be evaluated.
- 2.- Nutritional Profiles First Phase (supplementary table 1).

It is expressly stated that during the FIRST PHASE the specifications and criteria referred to in section 4.5.3 of the amendment to the Norma will not be in force, nor will the values in Table 6 referring to Nutrient Profiles.

SECOND PHASE. From October 1, 2023 to September 30, 2025 (2 YEARS), the calculation and evaluation of the supplementary nutrition information will be carried out with the following criteria and values:

- 1.- Critical nutrients added to prepackaged food or non-alcoholic beverage:
 - a) If added sugars are added, sugars and calories should be evaluated
 - b) If fats are added, saturated fats, trans fats and calories should be evaluated
 - c) If sodium is added, only sodium should be evaluated.
- 2.- Table 6 of the modification to the Norma relative to Nutritional Profiles (supplementary table 1).

During the SECOND PHASE, the specifications and criteria referred to in section 4.5.3 of the amendment to the Norma will not be in force.

THIRD PHASE. As of October 1, 2025, the calculation and evaluation of the supplementary nutrition information will be carried out fully applying the provisions contained in sections 4.5.3, as well as Table 6 of the modification to the Norma related to Nutritional Profiles.

THIRD. Those responsible for prepackaged products may temporarily use adhesives or adhesive stickers on the main display surface of the products, provided that said adhesives or stickers comply exactly with the provisions contained in sections 4.5.3.4 to 4.5.3.4.7, 7.1.3 and 7.1.4, as well as the provisions of appendix A (normative). This alternative can only be used until March 31, 2021.

FOURTH. Subsection 4.1.5 will enter into force as of April 1, 2021.

FIFTH. The Procuraduría Federal del Consumidor must issue before October 1, 2020, the Guidelines for the registration and recognition of organizations or professional associations that can issue labels or health claims of recommendation for food and non-alcoholic beverages, and thus comply with the provisions of the subsection 4.1.4.

SIXTH. Within 180 calendar days after its publication in the Diario Oficial de la Federación, the Ministry of Economy and the Ministry of Health will jointly determine, and within the scope of their respective competencies, the appropriate indicators with quantitative or qualitative data that allow evaluating and technically support the results in the implementation of this modification. Each of the three phases referred to in the Second Transitory, must be evaluated separately by applying such indicators from the moment they are concluded, with the understanding that the last one will be carried out with the data obtained as of September 30, 2028.

The results will be disseminated and made public within the six months following the end of each period.

Supplementary table 1. Summary of warning label nutrient criteria and timeline of implementation.

	Energy	Free sugars	Saturated Fat	Trans-fat	Sodium
Phase 1	Foods: ≥275 kcal/100g	≥10 % kcal	≥10 % kcal	≥1 % kcal	Foods: ≥350 mg/100g-ml
	Beverages: ≥70 kcal/100ml or ≥10 kcal/100ml from free sugars	Except for beverages with <10 kcal/100ml			Non-calorie beverages: ≥45 mg/100ml
Differences for Phase 2 and 3	Beverages: ≥8 kcal/100ml from free sugars	The exception no longer applies			Foods: ≥1 mg/kcal or ≥300 mg/100g-ml
This criteria applies to packaged food and non-alcoholic beverages. Phase 1 (Oct 2020 to Sept 2023)* and 2 (Oct 2023 to Sept 2025): - If the product has added sugars, sugars and energy will be evaluated - If the product has added fats, saturated fat, trans fat and calories will be evaluated - If the product has added sodium, only sodium will be evaluated. Phase 3 (Oct 2025 onwards): All nutrient criteria will be evaluated if the product has added sugars, added fats or added sodium. * Oct 2020 will start with FOP warning label stickers. On April 2021, warning labels should be printed on the product packing, and if a product has one or more warning labels, the packing cannot include children's characters, cartoons, celebrities, athletes, pets or games.					

Front-of-package labeling: Empowering consumers and promoting healthy diets



Ultra-processed foods and drinks (UPFs) high in added sugars, sodium, saturated fats, and refined carbohydrates have become widely available virtually everywhere in the world, dramatically changing global diets. Excessive consumption of UPFs increases risks for obesity and many other chronic, nutrition-related diseases. Without policy actions to improve the food environment, these will continue to climb unchecked around the world.

Front-of-package (FOP) nutritional labels are one evidence-based policy tool that can nudge consumers towards healthier food and drink choices while also encouraging industry to improve the nutritional profile of their products. There are many forms of FOP labels in use around the world, but the best evidence currently supports labels that are mandatory; simple, clear, and immediately visible; interpretive in design (that is, interpreting and guiding consumers based on a product's nutrition information rather than providing numerical nutrient content information without specific guidance or recommendations); and based on strong underlying nutritional profiling.

This fact sheet summarizes the evidence to date on how FOP labels work and which label types in use worldwide are most and least effective. The strongest real-world evidence supports mandatory FOP nutrient warning labels to reduce purchases of less-healthy products and encouraging shifts towards healthier product purchases and availability. This document concludes with evidence-based recommendations for developing or strengthening FOP nutritional labeling policies.

Unhealthy changes in the foods we eat

- ▶ Pre-packaged, [ultra-processed foods and drinks](#) have become readily available virtually everywhere in the world, to people of all income levels.¹⁻⁸ This increased availability, along with pervasive marketing, has dramatically affected the way people eat in many countries and resulted in less healthy diets.⁷⁻²²
 - ▶ Many ultra-processed, ready-to-eat or ready-to-heat foods and drinks are high in added sugars, sodium, saturated fats, and refined carbohydrates. Excessive consumption of these nutrients increases risk of obesity and many other chronic, nutrition-related diseases.^{9,23-34}
 - **Sugar:** Substantial evidence shows that consuming too much sugar increases risks for type 2 diabetes, heart disease, liver and kidney diseases, and some major cancers.³³⁻⁴⁰ Global health experts recommend limiting sugar intake to less than 10% of total daily calories.^{32-34,41-44}
 - **Sodium:** Consuming too much sodium is associated with high blood pressure and increased risks for heart disease, stroke, and death.⁴⁵⁻⁴⁸
 - **Saturated fats:** Replacing saturated fats with polyunsaturated and monounsaturated fats improves blood sugar regulation and reduces heart disease risk.⁴⁹⁻⁵¹ The World Health Organization and many national dietary guidelines worldwide recommend limiting intake of saturated fats.^{52,53}
- ▶ Ultra-processed foods have been associated with a multitude of elevated health risks, including for obesity, type 2 diabetes, heart disease, stroke, depression, and early death, when comparing groups with highest vs. lowest intake.^{54,55}
- ▶ Evidence increasingly indicates that growing worldwide consumption of ultra-processed, nutritionally poor foods is a major driver of the global obesity epidemic — including childhood obesity — and increases in prevalence of many other nutrition-related diseases.^{7,10,27,55-60}
- ▶ An estimated 2.5 billion adults worldwide are classified as overweight — 43% of the population over age 18 — and over 890 million have obesity.⁶¹ Obesity prevalence among adults has more than doubled from 1990 and 2022. Among children and adolescents, prevalence of obesity and overweight exceeds 390 million for ages 5–19 years and 37 million for children under 5 years.⁶¹
- ▶ Without policy actions to improve the food environment, incidence and prevalence of obesity and other nutrition-related diseases will continue to climb unchecked around the world.

Front-of-package labels can nudge consumers and industry towards healthier products

- ▶ The sheer number of choices when food shopping makes it difficult for consumers to select healthier options, especially as ultra-processed products become more readily available.^{7,8,11,56,62}
- ▶ Many countries require disclosure of ingredients lists and nutritional content on the back of food and beverage packages.⁶³ While back-of-package nutrient declarations and ingredients lists offer important information for consumers, they are not, alone, a sufficient tool for guiding consumers towards healthier choices.^{64,65}
 - Most consumers spend only seconds selecting each item while they shop — not enough time to review complicated, back-of-pack nutrition labels and make calculations.⁶⁶⁻⁶⁸
 - Many consumers have difficulty understanding back-of-pack nutrition tables.⁶⁹⁻⁷¹
 - Despite nutrition facts panels being required on the back of food packages in the United States for over 30 years, less than half of adults report using this information consistently while shopping, and those with lower educational attainment, resources, or English language fluency are even less likely to use them.⁷²
 - Interpreting back-of-pack nutrition facts tables requires nutritional knowledge, literacy, and numeracy skills; accordingly, their use varies significantly depending on consumers' education and income level, with disproportionate benefit going to those who have higher educational attainment and income.⁷³⁻⁷⁵
- ▶ Simple, clear front-of-package (FOP) labels are an evidence-based policy tool, backed by decades of research showing how they can effectively nudge consumers towards healthier foods and drinks while also encouraging industry to improve the nutritional profile of the products they sell.⁷⁶⁻⁸⁰
- ▶ The World Health Organization (WHO), World Cancer Research Fund International, and World Heart Federation all recommend FOP labeling as a key policy to promote healthy diets and prevent

noncommunicable diseases (NCDs) worldwide, with a particular focus on reducing consumption of foods high in sodium, saturated and *trans* fats, and added sugars.⁸¹⁻⁸³

- ▶ Simple FOP labels that are immediately visible and require little time to assess minimize consumer effort and enable them to quickly identify which products are less healthy choices, decrease intention to purchase those, and increase intention to purchase a healthier product.⁸⁴⁻⁸⁷



Types of FOP labels

A wide variety of FOP labeling approaches and designs are now in use worldwide. These include nutrient warning labels; color-coded “traffic lights,” Nutri-Score, Health Star Ratings, and “Guidelines for Daily Allowance” (GDA) labels. FOP labels can be:

- **Interpretive** — guiding consumers based on nutrition information for one or more nutrients (e.g., a “high in [nutrient]” warning symbol or a “traffic light” that is color-coded according to nutrient content).^{63,82}
- **Non-interpretive** — providing numerical nutrient content information without specific guidance or recommendations for consumers (e.g., Guideline Daily Allowance; or “Facts Up Front” labels)

Labels may combine interpretive and non-interpretive elements, as in the Health Star Ratings label shown below, or a “multiple traffic light” that combines color coding with nutrient composition. The World Health Organization recommends that FOP labeling systems should be interpretive.⁶³

Some labels offer a **summary indicator** that uses multiple nutritional or ingredient criteria to determine an overall signal of the products' healthiness (e.g., star-based systems such as Health Star Ratings, Nutri-Score, or health logos).

Labeling systems can also vary in whether they must be applied across all packaged foods and beverages. Some labeling schemes are **voluntary** and only applied at food manufacturers' or retailers' discretion (e.g., all GDAs, Health Star Ratings, Nutri-Score in European countries, and most traffic light labels). Other systems are **mandatory** and required across the packaged food supply, as is the case with all warning label policies to date.



Evidence for nutrient warning labels

While a wide variety of FOP labels are now used worldwide, simple, mandatory warning labels that clearly identify unhealthy products have the strongest real-world evidence for effectiveness at discouraging food and beverage choices that can harm health.^{76,77,88-95} Warning labels work by helping consumers quickly identify less-healthy products and discouraging their consumption. Seeing warning labels on packages can disrupt habitual shopping decisions, even if consumers are not seeking out nutritional information.⁹⁶ Evidence below outlines why nutrient warning labels offer a strong FOP labeling approach, particularly for the goal of reducing consumption of ultra-processed foods and drinks that can harm health.

- ▶ Warning labels such as those used in **Chile** (introduced 2016), **Peru** (2019), **Israel** (2020), **Mexico** (2020), **Uruguay** (2021), **Brazil** (2022), **Argentina** (2022), **Colombia** (2023), **Venezuela** (2024), and **Canada** (2026) require packaged foods and drinks that do not meet specific nutrition criteria or that contain certain ingredients (such as non-nutritive sweeteners) to carry warning labels clearly indicating the product is high in sugar, saturated or *trans* fats, sodium, or calories — whichever apply. These labels help consumers quickly and easily identify unhealthy foods and drinks and make healthier choices from the array of available products.
- ▶ Requiring FOP warning labels can encourage manufacturers to improve the healthfulness of their products and portfolios to meet nutritional criteria and avoid carrying negative FOP labels.^{77,79,80}
- ▶ Warning labels only appear on products that pose the greatest health risk when consumed in excess. This approach can be easier for consumers to notice (i.e., warning labels are either present or absent on a package) and interpret (i.e., does not require complex computations).⁹⁷



Chilean warning labels



Mexico's warning labels

- ▶ Unlike rating or scoring-based interpretive label systems (e.g., Nutri-Score or Health Star Ratings), warning labels do not risk creating a positivity bias or "health halo" around products with higher-scoring (i.e., "healthier") labels that may still be high in calories, sugar, salt, or unhealthy fats.^{97,98} The health halo effect can lead to overconsumption and interfere with goals to reduce intake of excess nutrients of concern.^{99,100}
- ▶ Warning labels can also improve consumers' food choices when they encounter products with health and nutrient marketing claims unrelated to the product's overall nutritional profile (e.g., a "good source of vitamin c" claim on a drink that is also high in added sugar and calories).¹⁰¹⁻¹⁰³

Real-world evidence from implemented policies

Chile: The world's first mandatory FOP warning label policy, implemented in 2016

Since Chile's FOP warning labels began appearing on packages in 2016 (*right*), they have contributed to shifts in social norms and behaviors around purchasing healthier foods and drinks as well as product reformulation to reduce nutrients of concern in the food supply. Real-world evidence shows that Chilean consumers are aware of and understand the labels and are using them to make food purchase decisions at the store. This has been achieved with no reductions to employment or average wages in the food and beverage sector compared to other sectors not impacted by the law and without increasing food prices for consumers.^{104,105}



Ministry of Health, Santiago, Chile

- **Purchase changes:** Chile's FOP warning label policy — alongside restrictions on food marketing to children and bans on the sale or promotion of regulated foods in schools — was associated with a 24% drop in sugary drink purchases⁸⁸ and declines in sodium (–37%), total calories (–24%), calories from sugar (–27%), and calories from saturated fat (–16%) purchased from all foods and beverages in the first year of the law.⁸⁹ By Phase 2, households' total food and beverage purchases contained 20% less sugar, 10% less saturated fat, 14% less sodium, and 8% less calories than was estimated had the warning label law not come into effect. Households across all income and education levels shifted their food budgets away from products carrying warning labels.¹⁰⁶
- **Social norms:** Focus groups with low- and middle-income mothers suggest profound changes in attitudes toward food purchases, driven both by knowledge gained from seeing the labels and by children telling their mothers not to purchase unhealthy products with warning labels.^{91,92}
- Consumers in Chile understand that increasing numbers of warning labels on a package means the product is less healthy and a poorer choice than options with fewer or no warning labels.⁹³
- **The food supply:** An evaluation comparing nutritional profiles of products before and one year after Chile's FOP labeling regulation found significant reductions in the proportion of products that would be required to carry “high in” sugar and sodium warning labels, suggesting that companies reformulated products to avoid the FOP warning label and other policy restrictions.⁷⁷ Food and beverage companies have also largely complied with the labeling law: In 2020, an estimated 94% of products qualifying for warning labels (i.e., high in sugar, saturated fat, sodium, or calories) had the mandated labels on their packages.¹⁰⁷

Israel, implemented 2020

- In 2020, Israel began requiring red nutrient warning labels on products high in sugar, sodium, or fat. This policy differs from other warning label policies in that it includes an optional green label for products that meet certain nutrition standards for healthy foods.^{108,109} (Products with red labels cannot qualify for a green label.) While changes in purchases and consumption have not yet been evaluated, evidence from early surveys suggests the majority of Israeli consumers are aware of and intend to use the labels to make healthier choices:
 - In the first month of label implementation, nearly 60% of Israeli adults surveyed reported using the new FOP labels to some extent, and 70% said they were willing to change their purchases to buy healthier products.¹¹⁰



- During the first three months of labeling, over 80% of Israeli adults reported that they intended to buy fewer red-labeled and more green-labeled products. These intentions were even higher for respondents with higher BMI or lower education, suggesting a greater impact for groups that may benefit most from the label policy.¹¹¹
- A survey among Israeli healthcare workers conducted in mid-2020 reported that 40% of nurses, 35% of physicians, and 60% of nutritionists instruct patients to utilize the labels to improve their diet.¹¹²
- By 2023, nearly 70% of respondents to a phone survey of 500 households reported checking for red labels while shopping, and 60% said they preferred products without red labels in unhealthy categories.¹¹³

Industry's response in terms of product reformulation has not yet been reported, however there are documented attempts by industry to undermine the effectiveness of FOP labels.¹¹⁴ Examples of "creative compliance" include changing the color of product packaging to red to "camouflage" red warning labels and adding round, green labels with health claims designed to mimic the regulated healthy seal.¹¹⁴

Real-world evidence from other countries

- ▶ A longitudinal evaluation of **Peru's** FOP warning label policy found that, after implementation, food companies reformulated products to be lower in sugar and saturated fat, dropping the percentage of products in the food supply with a warning label from 82% to 62%.⁷⁸
- ▶ Parents interviewed in Montevideo two years after **Uruguay** implemented warning labels in 2021 said that the labels were easy to understand and helped them make informed choices about their food purchases.¹¹⁵ Roughly half of participants reported changing food choice decisions because of the warning labels, most often by substituting to another product without labels, by consuming less of a warning label product, or by consuming labeled products less frequently.¹¹⁵
- ▶ Over a year after **Uruguay** fully implemented its warning label law, study participants in several cities reported very high awareness and understanding of the labels, and over half reported changing their purchase decisions because of the warning labels.¹¹⁶
 - Eye-tracking technology used on participants during a shopping trip, however, indicate that they did not frequently seek out and use the warning labels while shopping, suggesting that these shoppers may have already shifted to new purchasing habits during earlier label implementation and/or that warning labels may primarily influence shopping decisions involving new or infrequently purchased items.¹¹⁶
 - Eye-tracking revealed that participants did use the front-of-package warning labels more frequently than back-of-package nutrition information or ingredients lists when making purchase decisions.¹¹⁶
- ▶ **Mexico's** warning labels have had a cross-border impact: A year after Mexico implemented warning labels, 64% of Mexican Americans surveyed noticed the warning labels in Mexican-oriented stores in the United States and many reported purchasing less unhealthy foods due to the labels.¹¹⁷

More evidence for warning labels from experimental studies and surveys:

- ▶ A report from the Health Evidence Network based on evidence from **15 countries in the WHO European Region** concluded that a FOP label system that is 1) mandatory; 2) provides negative, evaluative judgments; and 3) is consistent, government-led, and applied widely across all products is a more effective way to support consumers in making healthier choices.¹¹⁸
- ▶ Several **large systematic reviews and meta-analyses** of studies examining and comparing the effects of different FOP labeling systems have found that:
 - Warning labels were significantly associated with lower calorie, saturated fat, sugar, and sodium content of grocery purchases.^{76,119}
 - Consumers who viewed nutrient warning labels had higher odds of choosing healthier products than those who saw traffic light or Nutri-Score labels and the lowest odds of choosing less-healthy products to purchase, compared to those who saw no FOP label.⁷⁶

- FOP labels positively impacted the decision to purchase healthier foods in 100% of studies testing warning labels, 71% of studies testing Nutri-Score, 57% of studies testing Health Star Ratings, and 50% of studies testing multiple traffic lights.¹²⁰

► **Consumer attention, perceptions, understanding, or preference**

- Studies using eye-tracking technology to compare warning labels, GDA labels, and a no-label control found that warning labels were best able to attract consumers' attention and help them more quickly and easily identify whether a product is unhealthy.¹²¹⁻¹²⁴
- FOP warning labels on sugary drinks were linked to lower perceptions of the drinks' healthfulness in experimental studies from the **United States** and **New Zealand**.¹²⁵⁻¹²⁷
- Counter to industry's claims that consumers perceive "high in" FOP labels as too harsh or restricting of their control, a large survey of young adults in **Canada** viewing warning labels on beverages found that the vast majority (93%) felt either more or no change in their own level of control, and most thought that the symbols were either "about right" or "not harsh enough."¹²⁸
- A survey of nearly 1,000 parents of elementary-school-aged children from **Argentina, Chile, Costa Rica, and Mexico** found that parents with low education and overweight preferred warning labels over GDAs or traffic light labels.¹²⁹
- A survey of adults from **Mexico** and the **United States** (white and Latino) compared consumers' understanding of four FOP label types — warning labels, GDAs, multiple traffic lights, and Health Star Ratings — and a nutrition facts table.¹³⁰ Warning labels were the easiest for subjects to understand: Subjects were nearly 5 times more likely to report understanding the warning label compared to the nutrition facts table, whereas subjects who saw the traffic light and Health Star Rating labels were only 0.56 and 0.34 times more likely, respectively.¹³⁰
- In a survey of low- and middle-income **Mexican** consumers, warning labels outperformed both traffic light and GDA labels for consumer understanding.¹³¹
- In **China**, focus group participants found warning labels helpful for informing their food purchasing decisions and educating children on developing healthy eating habits.¹³² Participants also believed that requiring warning labels will positively influence the food industry by encouraging healthier product reformulation.
- In a **Guatemalan** randomized controlled trial among mothers and their children (ages 8–12 years), nutrient warning labels were significantly better able than a GDA label to reduce participants' purchasing intention and perception of healthfulness for unhealthy products and better helped participants understand the nutritional content of different food items.¹³³
- Compared to an ingredients list and a nutrition facts panel, the presence of warning labels improved **Brazilian** adults' understanding and perceptions of a product's nutrient profile, and was particularly helpful for identify nutrients in excess.¹³⁴

► **Correctly identifying healthy/least-healthy products or those highest in nutrients of concern:**

- Among adolescents in six countries (**Australia, Canada, Chile, Mexico, the United Kingdom, and the United States**), a study comparing five different FOP label types found that octagonal warning labels had the greatest impact on teens thinking a sugar-sweetened beverage was unhealthy in all but one country.¹³⁵ Roughly twice as many participants who saw the warning labels correctly identified that the sugary drink was unhealthy. While results varied by country, Nutri-Score, GDA, and Health Star Rating labels had the lowest odds of impact, overall.
- In a survey of low- and middle-income **Mexican** consumers, the odds of subjects correctly identifying a product with the lowest nutritional quality was 4.5 times greater for warning labels compared to GDAs.¹³¹
- A black octagonal "high in sugar" warning label was the only FOP label that consistently made a fruit drink appear less healthful to study participants in six countries (**Australia,**

Canada, Mexico, the United Kingdom, and United States). The nutrient warning label outperformed GDA, Health Star Rating, and multiple traffic light labels in all countries.¹³⁶

- A randomized control trial in **Jamaica** found that participants exposed to a FOP warning label had double the odds of correctly identifying a food item least harmful to their health compared to a control group that saw a GDA-style “facts up front” nutrition label.¹³⁷ Magnifying glass-style warning labels and traffic light labels did not have significant impact.
- A randomized controlled experiment comparing the effects of warning labels compared to traffic light labels among **Brazilian** adults found that subjects who saw warning labels had greater improvements in their ability to identify the healthier product compared to those who saw traffic light labels (25% vs. 3%).¹³⁸
- In **Argentina**, a randomized controlled trial found that consumers who saw black octagonal nutrient warning labels on a sample of products were 7.5 times, 10 times, and 2.9 times more likely to correctly identify the least harmful product than respondents who saw no FOP label, a GDA label, or a traffic light label, respectively.¹³⁹ The warning label group’s likelihood of correctly identifying when a product contained excessive amounts of sugar, sodium, saturated fat, or trans fat was over 15 times higher than for the GDA and no label groups and 4.7 times higher than for the traffic light label group.

► **Purchase intentions or decisions, consumer choice, or nutrients purchased in shopping experiments:**

- FOP warning labels on sugary drinks have been linked to decreased purchasing intent and purchases of sugary beverages in experimental studies from the **United States** and **New Zealand**.¹²⁵⁻¹²⁷
- A shopping experiment in **Canada** found that participants who saw “high in” nutrient warning labels purchased less calories, sugar, and saturated fat from beverages and less calories and sodium from foods than participants who saw no FOP label.¹⁴⁰ Traffic light, Health Star Rating, and nutrition grade (i.e., Nutri-Score) labels had no significant impact on nutrients of concern purchased from beverages and limited effects among foods. The impact of warning labels was further enhanced in experimental conditions where they were combined with taxes on sugary drinks or snacks.
- A 2022 experiment conducted in a real grocery store in **Brazil** found that participants made faster and more healthful purchasing decisions when exposed to Mexican FOP warning labels compared to Brazil’s magnifying glass label.¹⁴¹
- In an online randomized controlled trial, **Brazilian** adults exposed to nutritional warning labels were more likely to either abandon a food category or substitute an item within a food category for a more healthful item than those who saw a GDA-style label.¹⁴²
- In **Argentina**, a randomized controlled trial found that subjects who saw black octagonal nutrient warning labels on a sample of products had double the odds of choosing to purchase of the least harmful product or no product compared to subjects who saw GDA labels or no labels.¹³⁹

Momentum continues to build for FOP warning label policies:

Since Chile’s first implemented FOP warning labels in 2016, six more Latin American countries have adopted similar octagonal, black labels and three countries have implemented nutrient warning labels in magnifying glass or circular styles:

- **Peru** (2019), **Mexico** (2020), **Uruguay** (2021), **Venezuela** (required by December 2024), **Argentina** (2022), and **Colombia** (2022) have implemented or passed policies requiring FOP warning labels similar to Chile’s (black-and-white stop sign warnings).¹⁴³⁻¹⁴⁶
- **Brazil** (2020), and **Canada** (required by 2026) have implemented FOP warning labels featuring a magnifying glass design.^{147,148}
- Many countries are currently developing FOP labeling policies, including but not limited to: Bangladesh, Costa Rica, Ghana, Guatemala, Kenya, Panama, and South Africa.

- In a randomized controlled trial using warning labels designed based on expert and focus group input, **South African** researchers found that warning labels outperformed GDAs and traffic light labels in helping consumers identify products high in nutrients of concern, identifying unhealthy products, and reducing their desire to purchase unhealthy products.¹⁴⁹ South Africa's National Department of Health released a [draft front-of-package warning label regulation](#) in April 2023, and is currently reviewing public comments and working on finalizing the regulation.
- In a randomized controlled trial in **Costa Rica**, black octagonal warning labels outperformed traffic light, GDA, and Nutri-Score labels in helping shoppers correctly identify products containing excessive sugars, sodium, or saturated fats and encouraging shoppers' intention to buy the least harmful product options offered.¹⁵¹ Shoppers who saw the nutrient warning labels had three times greater odds of correctly identifying the least healthy product option compared to shoppers who saw no front-of-package label.

Other FOP labels

Traffic Light Labels (TLLs)

TLLs use green, amber (yellow), and red colors to indicate whether a product has low, moderate, or high levels of nutrients of concern. TLLs can vary in complexity and appearance, from simple summary indicators (*Sri Lanka, right*) to nutrient-specific coloring (*Ecuador*) or TLLs combined with GDAs (*United Kingdom*).

Experiments comparing different label types have found that while TLLs test moderately well for outcomes such as consumer liking, understanding, and improving intentions, they are still generally outperformed by warning labels in these outcomes and, importantly, in changing actual purchase behaviors.^{76,88,97,119,152,153} TLLs can also confuse consumers by sending mixed messages about whether a product is healthy overall, if it contains excessive amounts of some nutrients but not others.^{76,131,138,154}



- ▶ In a meta-analysis of experimental studies examining the effects of different label types, TLLs increased odds of selecting healthier products by 50% but did not significantly lower consumers' probability of making less-healthy choices.⁷⁶ Nutrient warning labels, however, increased odds of consumers selecting more healthful products by 261% and reduced odds of selecting less-healthy products by 35%.⁷⁶
- ▶ A 2023 systematic review of studies comparing major FOP labeling systems found that labels positively impacted the decision to purchase healthier foods in 50% of studies testing multiple traffic lights (4 out of 8 studies) compared to 100% of the 6 studies testing warning labels.¹²⁰
- ▶ A 2017 study comparing different labels found that TLLs and GDAs performed worse than warning labels at helping consumers identify products high in nutrients of concern and that consumers perceived products with warning labels as less healthy than the exact same products with TLLs or GDA labels.¹⁵⁵
- ▶ In an experiment in **Uruguay**, warning labels had greater relative impact on children's food choices than TLLs.¹⁵⁶ TLLs confused consumers in **Mexico**, who found the multiple colors difficult to compare across products and the intermediate/amber color particularly hard to interpret.¹⁵⁴
- ▶ **Real-world evidence:** In 2014, **Ecuador** implemented a mandatory TLL for packaged, processed food products.¹⁴³ Unique to other mandatory FOP labels, Ecuador's TLL is not required to appear on the front of packages and can be placed on the sides or back-of-pack. Evidence to date indicates that despite consumers' awareness, understanding, and self-reported use of the label, it has not led to the purchase changes observed under Chile's warning label policy:
 - By 2018, 62% of people over age 10 in Ecuador report recognizing, understanding, and using the TLL, according to data from Ecuador's National Health and Nutrition Survey.¹⁵⁷
 - Two studies examined consumer purchases in the first year of regulation and found no evidence that TLLs significantly affected households' carbonated soft drink buying habits.^{152,158}
 - In the first year of Ecuador's TLL policy, one study found evidence of modest product reformulation, with an observed average sugar reduction of 0.93 grams per 100 mL of beverage.¹⁵⁸
 - Another study found that only four of the top seven soft drink brands reduced their sugar content in the first two years of labeling, while the other three brands actually increased their sugar content.¹⁵⁹ These brands account for over 85% of the total carbonated soft drink market in Ecuador.

- In a 2016 study, focus groups suggested high knowledge of TLLs but few changes in behavior.¹⁶⁰
- Self-reported TLL use among adolescents and adults in Ecuador's 2018 national health and nutrition survey was associated with a slightly lower BMI (0.9–1.0 points for adolescents and 1.16–1.8 points for adults) and probability of obesity (4% for adolescents, 8.4% for adults).¹⁶¹
- Results from two choice experiments suggest that consumers, including adolescents, have a higher willingness to pay for yellow and green-labeled items.^{162,163}

Nutri-Score

Introduced in France in 2017 and since implemented as a voluntary label by six other European countries (Spain, Belgium, Germany, Switzerland, the Netherlands, Luxembourg),¹⁶⁴ the Nutri-Score label (right) uses a color spectrum along with letter grades to provide a summary indicator of product healthiness. Scores are based on a nutrient profiling model that takes into account a products' nutritional profile and how its ingredients (e.g., fruit, vegetable, legume, nut, or healthy oil content) may benefit or harm health.¹⁶⁵



As yet, no studies have examined real-world impact of Nutri-Score on purchase patterns, consumption, or the food supply in the countries where the label is in use. In experimental studies, Nutri-Score has tested well for helping consumers to accurately rank the healthiness of products within a given category.^{76,97,166-170} Some studies have also associated Nutri-Score with improvements in the nutritional quality of experimental shopping baskets¹⁷¹⁻¹⁷³ or meals in a cafeteria setting¹⁷⁴ compared to no-label control conditions. Research suggests that these improvements result from participants increasing purchases of higher-graded, healthier products without significantly reducing their purchases of lower-graded, less-healthy products:

- ▶ A 2016 field experiment in which Nutri-Score labels were placed on real foods across 60 French supermarkets observed a 14% increase in the nutritional profile of purchases from the healthiest categories examined.¹⁷¹ No impact, however, was found on purchases from less-healthy categories, yielding a net improvement of just 2.5% in the average nutritional score of purchases.
 - Notably, this “real-life” study setting produced effect sizes 17 times smaller than comparable studies performed in simulated environments, highlighting the importance of evaluating FOP labeling policies beyond lab settings.¹⁷¹
- ▶ A 2021 systematic review determined that warning labels have been more effective than Nutri-Score labels at discouraging unhealthy purchases and improving the overall healthfulness of purchases.⁷⁶

Nutri-Score's use of a nutrient profiling model that allows beneficial nutrients to offset nutrients of concern may limit the label's ability to reduce purchases of less-healthy products.⁹⁴ Furthermore, the voluntary nature of this policy may allow industry to avoid labeling or reformulating less-healthy products:

- ▶ While no research has yet characterized how many packaged food producers have opted into using Nutri-Score labeling in France, one evaluation of purchase data found that by 2023, 62% of France's total food sales volume was from brands applying Nutri-Score labels to at least some of their products.¹⁷⁵ This study did not indicate whether products with Nutri-Score labels were more or less high-scoring (i.e., healthy) than products that did not use the labels.
- ▶ In the first year of Nutri-Score label use in Belgium, only an estimated 10% of food and beverage products on the market featured the label, the majority of which displayed healthy “A” or “B” ratings.¹⁷⁶ This could have important implications for the label's effectiveness, as another experiment found greatly reduced benefits when labels are not widely adopted.¹⁷⁷
- ▶ Another 2020 study observed minimal reformulation of breakfast cereals in the year before Nutri-Score was adopted in Belgium.¹⁷⁸
- ▶ In 2024, multi-national food company Danone announced that it would no longer apply Nutri-Score labels to its dairy and plant-based drinkable products following updates to the Nutri-Score algorithm that lowered these beverages' scores.¹⁷⁹ This highlights how companies can opt out of voluntary labeling schemes if they do not like the way their products would be labeled.

Finally, reports of low consumer trust for Nutri-Score may be related to the lack of information on the label specifying which nutrients contribute to the product's overall score.¹⁸⁰

- ▶ A 2020 pilot study in the Netherlands found that while subjects noticed Nutri-Score labels on packages, they did not have a significant effect on attitudes, taste perceptions, and purchase intentions.¹⁸¹
- ▶ Three years after Nutri-Score's adoption in France, 57% of respondents to a government-sponsored survey claimed to have changed at least one of their shopping behaviors by utilizing Nutri-Score, up from 43% the year prior.¹⁸²

Health Star Rating (HSR)

The Health Star Rating (HSR) system uses an algorithm that assesses a product's risk-increasing and risk-decreasing components to calculate a summary score ranging from 0.5 stars (least healthy) to 5 stars (most healthy).¹⁸³ HSR labels appear on packages either as a circular label showing only the star score or as a combined HSR-Guideline for Daily Allowance label that also lists calorie, saturated fat, sugars, sodium, and fiber content.



HSR labels were introduced in 2014 as a voluntary measure in Australia and New Zealand, where studies find that the labels are generally liked and understood by consumers.¹⁸⁴ This has not necessarily translated into meaningful change, however. Ten years later, there is little evidence of HSRs having a meaningful impact on the nutritional quality of people's food and beverage purchases.

- ▶ Randomized controlled trials have found no significant impact of HSR labels on food purchases.¹⁸⁵⁻¹⁸⁷
- ▶ A meta-analysis that combined results from multiple experiments examining HSR labels' impact on purchases found no significant effect on calories, sugar, saturated fat, or sodium purchased.¹¹⁹
- ▶ A 2022 study in New Zealand found that while the HSR label had little to no effect on the quantity of products purchased by households, industry reformulation may have contributed to small shifts in purchased sodium (-9%), protein (-3%), and fiber (+5%).¹⁸⁸
- ▶ HSR labels do not appear to have significantly reduced added sugar in the Australian food supply. From 2014 to 2020, the proportion of newly released, HSR-labeled products that contain added sugar increased each year, while rates of non-nutritive sweetener use in HSR-labeled products remained the same.¹⁸⁹

The lack of greater improvements in the food supply or shopping behavior associated with HSR labels could be due to the voluntary nature of existing HSR policies. For example:

- ▶ In both Australia and New Zealand, adoption of the voluntary label has been low. In Australia in 2023, consumers only saw HSR labels on 36% of products in stores (down from 40% in 2019), and only 30% of products in New Zealand.^{190,191}
- ▶ HSR labels have also been selectively implemented on higher-scoring products.¹⁹⁰⁻¹⁹² For example, 76% of products with labels in Australia were "healthier" options displaying ≥ 3 stars in 2019.¹⁹²
- ▶ In the online stores of two dominant supermarket retailers in Australia, HSRs were only displayed on 14% of products and were much more likely to appear on higher-scoring, healthier items: Less than 1% of products with scores under 3.5 stars had HSR labels vs. 22% of products with ≥ 3.5 stars.¹⁹³
- ▶ In a study assessing awareness, use, and understanding of different FOP labels across countries, participants from Australia reported much lower awareness and use of HSR labels than was reported in other countries, likely due in part to lower uptake of the voluntary label.⁶⁴ In 2020, only 49% of respondents in Australia reported being aware of HSR labels vs. 81% of respondents in Mexico who were aware of WARNING labels. The same year, only 20% of Australian respondents reported using HSR labels 'often' or 'all the time' when deciding to buy a food product, compared to 41% in Mexico (in the first two months after warning labels appeared on packages).⁶⁴

Health scholars and advocates in the region have called for reforms to HSR labeling policies, including mandatory labeling requirement across all products, an strengthened nutritional profiling model, removal of positive health and nutrition claims from products with low HSR scores, and standardizing for label color, size, and placement on packages.^{191,194-197}

Industry-endorsed, voluntary FOP labels are not effective

The most common FOP system in use globally is industry's voluntary **Guidelines for Daily Allowance (GDAs)**, also called **Guideline Daily Amounts**, **"Facts Up Front,"** **Reference Intakes**, or **Daily Intake Guides/DIGs**, depending on region).¹⁹⁸⁻²⁰⁰ GDA-style labels were



developed by grocery manufacturing and distribution associations in the United Kingdom and United States and later adopted with slight variations by industry associations in many other countries, despite little to no evidence of positive impact for consumers. In the United States, the 2011 introduction of "Facts Up Front" labeling by the Grocery Manufacturers Association was viewed by health experts as a strategic — and successful — maneuver to pre-empt ongoing government development of a mandatory FOP labeling policy.^{201,202}

GDA-style labels typically display nutrient content per serving (not necessarily per package) for nutrients such as calories, saturated fat, sugars, and sodium, as well as the percentage of an average adult's recommended daily intake for each nutrient. Despite their ubiquity, these labels are regarded as unhelpful or confusing for customers.

Limitations of the GDA/DIG/"Facts Up Front" label approach include:²⁰³

- Benchmark values are not based on international nutrition recommendations and are calculated using an average adult's intake, even on products specifically targeted to or consumed by children.
- GDA labels are displayed in arbitrary serving sizes — making it difficult for consumers to compare different products in the same category — and are smaller than what people realistically consume.
- Serving sizes are also shown in very small text, which could lead shoppers to think that label values refer to the full package contents.
- The nutrients included in a GDA label are inconsistent across products. For example, a product with very high sugar and saturated fat content may only show a GDA label for calories.
- When fiber and micronutrients are included in the label, companies present percentages of *minimum* recommended intakes, whereas for sugars, fats, saturated fats, and sodium, they present percentages of *upper* consumption limits.
- Interpreting a GDA label takes more time than most shoppers spend reading a nutritional label and requires a high level of nutritional knowledge and mathematical skills.

GDAs perform poorly compared to other FOP labels and do not help consumers:

- ▶ Independent studies comparing GDA-style labels with other labeling systems consistently find that GDAs are the most confusing, take shoppers the most time to evaluate, and are ultimately least effective for encouraging consumers to make healthier choices.^{120,131,133,135,139,185,204-211}
- ▶ In Latin America, studies in Mexico, Ecuador, Chile, Brazil, and Uruguay have all found GDAs to be the weakest labeling system.^{122,123,135,154,156,203,209,212-214}
- ▶ In Mexico, studies show that consumers across age, education, and income groups have a hard time understanding GDA labels and do not use GDAs to make food choices.^{130,131,154,203,215}
- ▶ Eye-tracking studies from the United States, Uruguay, and Chile found that compared to warning labels, GDAs are less effective at getting consumers' attention, harder to process, and worse at helping to identify unhealthy products.^{121,123,216}
- ▶ In an online randomized controlled trial comparing Brazilian adults shopping choices when viewing products with FOP warning labels, traffic light labels, or GDAs, a higher percentage of participants who saw the GDA label selected the *least* healthful product to purchase in the choice experiment.¹⁴²
- ▶ Introduction of GDA-style labels in the United Kingdom did not affect shoppers' product choices among yogurts or ready-meals.²¹⁷
- ▶ Studies in Australia and New Zealand found that GDAs (referred to there as Daily Intake Guides) were least-preferred by consumers and least helpful for discriminating between healthy and unhealthy products, compared to traffic light and Health Star Rating labels.^{218,219}
- ▶ Companies often place GDAs on packages alongside other, more prominent labeling and marketing such as nutrient or health claims, which further confuses consumers.²²⁰⁻²²⁴

- ▶ When nearly 15,000 Mexican adults with noncommunicable diseases were asked to classify the healthfulness of food products with either FOP warning labels or GDA labels, 70% of participants who saw GDAs misclassified foods' healthfulness.²²⁶ The group who saw warning labels had twice the odds of correctly classifying foods, and this difference was even more pronounced among participants with three or more noncommunicable diseases (i.e., overweight/obesity, type 2 diabetes, hypertension, and/or dyslipidemia).

Developing labels

Interest is growing in supplementing or enhancing existing nutritional labeling systems with FOP labels that clearly identify [ultra-processed foods \(UPFs\)](#) and/or foods and drinks that have a more negative environmental or ecological impacts.

- ▶ **Ultra-processed foods:** To date, FOP labels have been based primarily on products' nutritional content, but given the [large body of epidemiological evidence](#) pointing to UPFs' health harms even independent of their nutritional profile, some researchers and health advocates are now calling for UPFs to carry warning labels indicating to consumers that they are ultra-processed.²²⁷⁻²³⁰ (See example, right.²²⁹)



- A 2022 experiment found that including an “ultra-processed” declaration on Nutri-Score labels to UPFs increased participant understanding of products’ nutrient profile and level of processing and was associated with positive impacts on purchasing intentions.²³⁰
 - Participants who were asked to choose between products with higher Nutri-Score grades (i.e., “A” or “B”) alongside an “ultra-processed” declaration vs. lower-graded products that were not ultra-processed more frequently selected the lower-graded products without UPF labeling, suggesting that inclusion of the UPF dimension in a FOP labeling system could influence overall quality of purchases beyond nutritional content, alone.²³⁰
 - Conversely, an online experiment in Brazil wherein “ultra-processed” labels were added to ultra-processed products that already had nutrient warning labels found that while the added labels helped participants better identify UPFs, the added label did not significantly enhance the effect of the warning labels, alone, on their purchase decisions.²³¹
 - In Australia, researchers tested modifications to the Health Star Rating system that would account for markers of ultra-processing (i.e., inclusion of industrial food substances and/or costmetic additives on products’ ingredients lists). They found that the adjusted HSR approaches were in greater alignment with Nova classification for food processing and that modifying the HSR profiling system to account for ultra-processing would lower the scores of some unhealthy products that still receive high scores under the current model.²³²
 - A study testing U.S. adults’ perceptions of an ultra-processed warning label found that participants who saw the UPF label thought more about the risks of consuming that product and were discouraged from buying it.²³³ Combining the UPF label with a nutrient content warning label (“high in sugar”) more successfully grabbed participants’ attention and increased their risk perception and discouragement from purchasing more than the UPF label alone.
 - Following the introduction of nutrient warning labels in Chile, manufacturers responded by reformulating many sugary products using non-sugar sweeteners to achieve sugar content below the thresholds of the law.²³⁴ While this resulted in significantly less sugar purchased throughout Chile,^{88,89} drinks and foods sweetened with non-sugar sweeteners are still ultra-processed and may pose a long-term health risk if consumed in high quantities.²³⁵ Because of this, other countries in Latin America including Mexico, Peru, and Argentina have included in an additional label disclosing content of non-sugar sweeteners in their FOP regulations. While these do not directly label products as UPFs, they do inform consumers that the product contains ingredients which may contribute to overall health harm.
- ▶ **Eco-labels:** Food choices do not just affect health via dietary intake: They can also impact the environment via plastic pollution, increased greenhouse gas emissions, water use, and stress on ecosystems — all of which negatively impact both planetary and human health.²³⁶⁻²⁴⁰ Early evidence suggests that eco-labels could be an effective policy tool to encourage more sustainable food choices

by consumers and practices by food companies, but more research is needed to understand how eco-labels can be implemented alongside or integrated with other nutritional FOP labels.²⁴¹⁻²⁴³

- A systemic review analyzing the impact of a variety of eco-label designs across 56 studies found that eco-labels can positively impact the selection, purchase, and consumption of more environmentally friendly drinks and foods.²⁴²
- In randomized controlled trial testing the impact of traffic light-style eco-labels on meal component purchases in a virtual reality supermarket, participants who were exposed to eco-labels composed meals with significantly better environmental footprints without compromising healthiness, cost, or enjoyment of their chosen meals.²⁴⁴
- In a simulated shopping study where participants saw products with one of three different eco-label designs — single traffic light, multiple traffic light, or a label that described each product's greenhouse gas emissions in terms of kilometers driven by an average car — participants' shopping basket choices had significantly lower net environmental impact when they viewed the label condition, regardless of which label type they saw.²⁴⁵ These more environmentally friendly shopping baskets were similar in price and nutritional content to the reference baskets selected by the same participants when no eco-labels were shown.²⁴⁵

To date, no country has implemented an eco-label policy on foods, and it remains to be seen how these labels can best address consumer understanding and industry responsibility for the intersecting health impacts of foods' and beverages' environmental footprint, level of processing, and nutritional profile.

Best practices for effective FOP labeling systems

► FOP labeling should be based on a strong nutrient profiling model.

- The model should set clear and meaningful criteria based on evidence of diet-related health risk and nutritional guidelines to determine which products must carry labels.^{81,246-250}
- The model should ideally include all nutrients of health concern and account for content of sodium, saturated fats, *trans* fats, and sugars.²⁵⁰ Including non-sugar sweeteners in profiling can also capture products that are ultra-processed, even if not high in sugar.
- Industry should not impact the adoption and implementation process of a profiling model.²⁵⁰
- The model should be based on PAHO, SEARO, or AFRO regional models to define products excessive in nutrients and ingredients of concern with adaptations for country context.²⁵⁰

► FOP labels should be interpretive, with a simple and clear design.

- Simple FOP labels enhance understanding and use of nutrition information, especially for consumers with less education and nutrition knowledge.^{85,251,252}
- Interpretive FOP labels work by using simple designs and easy-to-understand language to draw attention to key nutrition information, facilitate rapid comprehension, encode information into working memory, and make it easier to discriminate between healthy and less healthy options.^{85,94,252-255}
- To this end, labels should avoid numeric information; they should use symbols and shapes that leverage consumers' automatic associations, and warn or caution consumers using words or phrases such as "excess," "high," "avoid," or "warning."⁹⁴

► FOP labels should be immediately and easily visible on the package.

- Sizing and placement requirements should be detailed clearly in the regulation, including specifications for a wide range of package formats — from bottles to boxes and small gum packages to large multi-packs.

► FOP labeling should be mandatory and apply across all product categories

- Applying FOP labeling selectively can create misleading perceptions of healthfulness across products.^{76,256} Voluntary labeling can also lead to multiple types of logos and labels appearing on packages, which increases confusion and decreases the usefulness of the labels.
- Mandatory labels applied across the food supply enable consumers to more easily compare products within and across categories.^{257,258}

- Food and beverage companies are more likely to reformulate their products under mandatory labeling policies, reducing sodium, sugar, and saturated fat content of their products and leading to healthier food supply.^{96,257-259}

► **Where FOP labels are required, health and nutrient claims should be prohibited.**

- Health and nutrient claims are a marketing tool widely used by the food and beverage industry that frequently overstate or mask the overall nutritional quality of products and may promote overconsumption.²⁶⁰⁻²⁶²
- FOP labels can help mitigate the “health halo” effect of health or nutrient claims but have not been shown to eliminate it, which is confusing for consumers and undermines the purpose of using warning labels to discourage purchase and consumption of less-healthy products.^{102,103,263,264}
- Prohibition of making nutrient or health claims on products that display warning labels was a critical feature of Mexico’s labeling regulation implemented in 2021 and Argentina’s in 2022.^{145,265}

► **FOP labeling policies should be developed through a transparent, evidence-based process.**

- Successful development and implementation of a FOP label policy will depend on strong supporting evidence, a transparent process that includes pilot-testing of label systems, collaboration by different stakeholders, and strong political leadership.^{266,267}
- Criteria for the labels should be made public in advance to educate consumers and manufacturers and to encourage product reformulation.⁸⁰
- Industry may be allowed to comment publicly on the criteria but should not be permitted to participate or intervene in its development.²⁶⁶
- Endorsements by trusted government or scientific organizations have been shown to increase label credibility.^{85,267,268}

► **FOP labeling policies should be monitored, enforced, and evaluated over time to ensure uptake, compliance, and intended impact.**

- Ongoing monitoring and enforcement efforts should be established as part of the policy to ensure uptake and compliance, evaluate the policy’s impacts, and inform continuous improvements and further policy updates, as needed.^{81,267} These should be coordinated through a government agency or independent group without conflicts of interest.

► **FOP labeling should be part of a comprehensive policy package.**

- Warning labels should ideally be part of a broader package of policies that synergistically address multiple commercial and environmental determinants of diet and health, including:
 - Restrictions on marketing for unhealthy foods and drinks (including digital marketing);
 - Fiscal policies taxing unhealthy products and/or lowering the cost of healthier foods and drinks;
 - Protections for the school food environment (including limiting students’ access to unhealthy, ultra-processed foods and ensuring access to healthy foods and clean water in schools); and
 - Other policies addressing upstream determinants of healthy food access and intake.

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**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**RAJYA SABHA
UNSTARRED QUESTION NO.1858
TO BE ANSWERED ON 19TH DECEMBER, 2023**

PROCESSED AND UNHEALTHY FOODS IN THE COUNTRY

1858 SHRI JAYANT CHAUDHARY:

Will the Minister of **HEALTH AND FAMILY WELFARE** be pleased to state:

- (a) whether Government has plans to introduce a comprehensive definition of 'healthy foods' for the country so that companies do not have to resort to using their own definitions;
- (b) if so, the details thereof, including possible guidelines, separate taxes on unhealthy foods especially those catered towards children, etc.; and
- (c) if not, the reasons therefor?

ANSWER

**THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY
WELFARE
(DR. BHARATI PRAVIN PAWAR)**

(a) to (c): Food Safety and Standards Authority of India (FSSAI) has notified draft Food Safety and Standards (Labelling and Claims) Amendment Regulation, 2022 on 13th September 2022 wherein a definition for food High in Fat, Salt and Sugar (HFSS) has been included as mentioned below:

“High fat, sugar, salt (HFSS) food means a processed food product which has high levels of saturated fat or total sugar or sodium. The declared values of these ingredients are such that the product; does not satisfy the value of energy (kcal) from total sugar less than 10 percent of total energy, or from saturated fat 10 percent of total energy, and sodium less than 1 mg/1 kcal.”

Also, FSSAI has notified Food Safety and Standards (Safe food and balanced diets for children in School) Regulations, 2020, wherein the responsibilities of school authorities to ensure and to promote safe Food and balanced diets in and around school premises are defined. Further, this regulation also stipulates that no person shall advertise or market or sell or offer for sale including free sale, or permit sale of, food products high in saturated fat or trans-fat or added sugar or sodium in school campus or to school children in an area within fifty meters from the school gate in any direction.

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**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**RAJYA SABHA
UNSTARRED QUESTION NO. 3464
TO BE ANSWERED ON 1ST APRIL, 2025**

ULTRA-PROCESSED FOOD LABELLING

3464 SHRI MOHAMMED NADIMUL HAQUE:

Will the Minister of **HEALTH AND FAMILY WELFARE** be pleased to state:

- (a) the reasons for the delay in implementation of the front-of-pack warning labels and stricter advertising regulations for High Fat, Sugar and Salt (HFSS) foods and Ultra-Processed Foods (UPFs) that were proposed in 2017; and
- (b) whether the Ministry is aware that the current labelling system allows unhealthy products like biscuits and sugary cereals to falsely project themselves as some level of 'healthy', thereby misleading consumers and violating their right to accurate information, if so, the details thereof?

**ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY
WELFARE
(SHRI PRATAPRAO JADHAV)**

(a) & (b): Food Safety and Standards Authority of India (FSSAI) in September, 2022 has notified the draft of Food Safety and Standards (Labelling & Display) Amendment Regulations which is available at https://fssai.gov.in/upload/uploadfiles/files/Draft_Notification_HFSS_20_09_2022.pdf. These amendment regulations propose a definition of foods with high content of fat, sugar and salt (HFSS Food) and also front-of- pack labelling of packaged foods (except for certain foods for which exemptions have been provided) with an Indian Nutrition Rating (INR).

The existing food labelling system does not allow to falsely project food articles as 'healthy'. In this regard, FSSAI has notified the Food Safety and Standards (Advertising and Claims) Regulations, 2018 to establish fairness in claims and advertisements of food products

and make food businesses accountable for such claims /advertisements. It is specified under these regulations that ‘Foods shall not be described as “healthy” or be represented in a manner that implies that a food in and of itself will impart health’ and ‘Claims must be truthful, unambiguous, meaningful, not misleading and help consumers to comprehend the information provided’.

Further, Section 23 and Section 24 of the Food Safety and Standards Act, 2006 provides that no claim and advertisement shall be made of any food which is misleading or deceiving or contravenes the provisions of this Act, the rules and regulations made thereunder. Any contravention in the provisions of the Food Safety and Standards Act, 2006, the rules and regulations made thereunder by the Food Business Operators is a punishable offence.



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Rajiv Dvivedi <rsdlawchambers@gmail.com>

Advance service of Rejoinder to the Compliance Affidavit Dated 28.08.2026 in M.A. 1177/2025 in the matter of 3S AND OUR HEALTH SOCIETY Vs. UNION OF INDIA & ORS.

1 message

Rajiv Dvivedi <rsdlawchambers@gmail.com>

Sat, Sep 5, 2026 at 11:45 AM

To: bahadur.raj@gov.in, sudarshan.lamba@gov.in, kumar dushyant Singh <dushyantadv@gmail.com>, officeofnishanthpatil@gmail.com, abhishekmanchanda.aor@gmail.com, harpreetsinghgupta@gmail.com, litigation@plrchambers.com, asgbchahar@gmail.com

Respected All,

Kindly find the attached copy of the Rejoinder on behalf of the Petitioner to the Compliance Affidavit Dated 28.08.2026 filed on behalf of the Respondent No. 4 (FSSAI).

Thanks & Regards

--

RSD Law Chambers

office of

Mr. Rajiv Shankar Dvivedi

Standing Counsel, State of Jharkhand.

MCI Arb, Advocate On Record.

Joint Secretary, Society of Construction Law, India.

Member, Chartered Institute of Arbitration, (U.K).

Chamber No. 325, Block D, Supreme Court Chambers, New Delhi.

Office:- 175, Supreme Enclave, Mayur Vihar, Phase -1, Delhi. 110091

Mobile:- 9313061263

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**Final Rejoinder on Behalf of Petitioner.pdf**
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