

PRESS RELEASE

Delhi High Court asks for detailed response on the case on banning junk food in schools

- **Court wants to know which junk foods should be regulated. Fixes next hearing for August 6, 2014.**
- **CSE welcomes the court's directive in the 2010 PIL filed by Uday Foundation.**
- **CSE has pointed out that the recent junk food-related guidelines submitted by the Food Safety and Standards Authority of India to the court are ineffective in addressing the prayers of the PIL; says the food industry has managed to dilute the guidelines.**
- **Also points out that the food industry itself agrees that products such as soft drinks and chips qualify as junk food**

New Delhi, April 23, 2014: Centre for Science and Environment (CSE) has welcomed the direction of the Delhi High Court today in the case on banning junk food in schools. In its direction to the *amicus curiae* N K Kaul, the bench of Chief Justice Gorla Rohini and Justice Pradeep Nandrajog has asked him to file a detailed response within three weeks segregating what out of the submitted guidelines is enforceable and what is suggestive. The court also stressed on the need to specify the junk food items that should be regulated in schools.

The case goes back to 2010, when Uday Foundation, a Delhi-based non-profit, filed a Public Interest Litigation (PIL), seeking a ban on junk food sold in schools and around them, regulation of junk food promotion and advertisement, and development of a school canteen policy. In response to this, the court had asked the Food Safety and Standards Authority of India (FSSAI) to set guidelines. In March 2014, the FSSAI submitted a set of guidelines to the court for “making available quality and safe foods in schools”. The guidelines were developed by an Expert Group set up by the FSSAI as per the directions of the court in September 2013.

However, CSE has pointed out a serious problem with the guidelines – it contends that a close look at the guidelines submitted to the court by FSSAI reveals they will be totally **ineffective** in addressing the prayers of the PIL. CSE experts say that the food industry has worked to influence the Expert Group's guidelines – as a result, a diluted set of guidelines has been submitted to the court. This is not the same set of guidelines, equipped to safeguard the health of school children, which was developed by those who are best suited to the issue — eminent paediatricians, public health specialists and nutritionists as members of the Working Group.

Says CSE director general Sunita Narain: “We believe that to begin with, carbonated beverages, sugar sweetened non-carbonated beverages, chips and other fried packed foods, potato fries and confectionery items should be banned from schools and near-by areas of 500 yards.”

Interestingly, non-industry members of the FSSAI Working Group have got the industry representatives on the Group to endorse this list of junk foods. Adds Narain: “The question now is about what is to be done with such junk food items which are high in salt, sugar and fats. We think the court is seriously addressing this issue of huge public health concern.”

The key last-minute changes in the Working Group guidelines, which CSE alleges were incorporated under pressure from the food industry, were:

- **Restricting/limiting availability of 'junk food' in schools and near-by instead of a complete ban** that was suggested by the Working Group. No criteria is mentioned to ascertain what is meant by restricting/limiting and who would monitor, thereby making implementation ineffective
- **The regulatory area near-by schools is reduced from 500 yards to 50 meters** limiting the purpose of it
- **No recognition of the term 'junk food'**. However, the Hyderabad-based National Institute of Nutrition defines junk food as food that contains little or no protein, vitamin or minerals but is rich in salt, fat and energy.
- **Physical activity is over-emphasised** suggesting that the problem is not junk food but lack of physical activity.

Says Bhushan: “Earlier, the industry had sought modifications in the directions given by the court in September, based on which the FSSAI invited eminent experts for a consultation. The industry had also contended that 'junk food' does not fall under the purview of the FSSAI. The court had rejected both the arguments.”

Earlier, writing on the issue in an editorial in *Down To Earth*, a science and environment fortnightly, Sunita Narain had said: "The first move by the junk food industry was to block the setting up of the committee itself. But the court rejected this. The industry then changed tactics to argue that the problem was not junk food but lack of physical activity. It argued, there is nothing called junk food. The problem with obesity lies with children who do not exercise enough. What is needed is for them to run and jump, and to do this they need to consume high-calorie food. So, food high in salt, sugar and fat is good for them.”

The submitted guidelines also reveal minor tampering of content – but these could lead to bigger outcomes favouring the industry:

- **'Instant noodles' is replaced with 'ready-to-eat' noodles** in the list of most common foods that is to be restricted/limited.
- **Addition of disclaimers** that prevent extension of traffic light-based framework for canteen policy into labelling of products.
- **Omission of text** that establishes the need for mandatory self regulation of advertisements.

The Working Group also suggested:

- A framework for canteen policy to categorise foods as: Green category (healthy) — that would constitute over 80 per cent of the choices available; Orange category — that would be available sparingly in the canteens and subject to 'greening' through better ingredients and cooking mediums; Red category food—common junk food—would not be available at all.
- Strict control on promotions and advertisements that are designed and targeted to children and adolescents across all media, with strong recommendations against celebrity endorsement.
- Nutrition fact and front-of-pack labelling on foods that should specify how much fat, sugar or salt it contained in relation to the daily diet.

For more on this, please contact Amit Khurana of our food safety and toxins team at k_amit@cseindia.org / 9810813245.