

# Safe Baby Food

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# **SAFE BABY FOOD**

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## PREFACE

Babies are tender and sensitive. They respond differently to every stimulus. It is highly advised that a baby should be breastfed for the first six months and solid food should be introduced later. A baby gives clear signs when he is ready to move beyond liquid-only nourishment and it is only then that he should be introduced to solid food. The period may be anywhere between 4-6 months or sometimes even beyond that.

While feeding solid diets to a baby, many mothers have a question that whether the food should be homemade or packaged? Earlier, commercial food used to be a convenience, today it's a staple. Although homemade food has not lost its relevance but it is losing popularity among working mothers. It is to be understood that making homemade food for the baby will provide him with a variety of textures and foods that the family eats. All one needs to do is set aside a bit of the food that is already being prepared for the family's meal. It's not difficult - or extremely time-consuming - to make baby food at home, especially in batches. It is also far more cost-effective than buying commercial varieties.

The bottom line is that just as adults shouldn't eat all meals straight out of a can or box, it's not healthy for babies and toddlers to regularly consume processed, packaged baby foods. It is acceptable to use manufactured baby food occasionally, just like it's okay to eat fast food or a frozen dinner once in a while. When on-the-go or travelling, the safest, healthiest option may be a jar of baby food. But this should be the exception, not the norm.

The Indian baby food market is growing and is estimated at Rs.1500 crores. It is also one of the fastest growing segments in FMCG today. As a matter of fact, baby food has not yet grown into its full potential because, culturally, Indians have believed in feeding children homemade food and women have had the advantage of having their kids raised by the extended family members. But, with more and more families going nuclear and being supplemented with income from both parents, working women are ready for the convenience of ready-to-serve baby foods and the market is waiting to explode.

We are happy to place this Monograph before the readers and hope that this will provide useful information and help consumers to buy safe baby food.

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## INTRODUCTION

Baby food is any soft, easily consumed food, other than breast milk or infant formula that is made specifically for infants, roughly between the ages of four to six months and two years. The food comes in multiple varieties and tastes; it may be table food that the rest of the family is eating which has been mashed or otherwise broken down, or it can be purchased ready-made from the market.

As of 2011, the World Health Organization, UNICEF and many national health agencies have recommended that the infant should be exclusively breastfed for the first six months of life to achieve optimal growth, development and health. Studies have shown that breastfed babies are less likely to suffer from serious illnesses, including gastroenteritis, asthma, eczema and respiratory and ear infections. Adults who were breastfed as babies are less likely to develop risk factors for diseases such as obesity and high blood pressure.

Experts advising the World Health Assembly have recommended that solids should be introduced only after six months of exclusive breast feeding. There is evidence to suggest that introducing solids earlier than six months increases babies' chances of illness, without improving growth. Most six-month-old infants are physiologically and developmentally ready for new foods, textures and modes of feeding, however, individual babies may differ greatly from this guideline based on their unique developmental progress.

## WHY WAIT UNTIL SIX MONTHS FOR SOLIDS?

- **Baby will have greater protection from illnesses** - Although children continue to receive much immunity from breast milk for as long as they breastfeed, the greatest immunity occurs while a baby is exclusively breastfed. Breast milk contains more than 50 immune factors, and also facilitates the development of "good bacteria" that protects baby's gut. Studies have shown that many illnesses and conditions are less likely to occur when baby receives any amount of breast milk. Exclusive breastfeeding for at least 3-4 months (compared to non-exclusive breastfeeding) further decreases the risk of respiratory tract infections, ear infections, necrotizing enterocolitis (NEC), sudden infant death syndrome (SIDS), allergic disease, celiac disease, and type 1 diabetes. Exclusive breastfeeding for complete 6 months (compared to 4-6

months) further decreases the risk of gastrointestinal infection and respiratory infection.

- **Baby’s digestive system will have time to mature-** If solids are started before a baby’s system is ready to handle them, they are poorly digested and may cause unpleasant reactions (digestive upsets, gas, constipation, etc.). Digestion of fats, protein, and complex carbohydrates is incomplete in infancy, but human milk contains enzymes that aid efficient digestion. In addition, from birth until somewhere between four and six months of age, babies possess what is often referred to as an “*open gut*.” This means that the spaces between the cells of the small intestines will readily allow intact macromolecules, including whole proteins and pathogens, to pass directly into the bloodstream. This is great for your breastfed baby as it allows beneficial antibodies in breast milk to pass more directly into baby’s bloodstream, but it also means that large proteins from other foods (which may predispose baby to allergies) and disease-causing pathogens can pass right through, too. During baby’s first 4-6 months, while the gut is still “open,” antibodies from breast milk coat baby’s digestive tract and provide passive immunity, reducing the likelihood of illness and allergic reactions before gut closure occurs. Baby starts producing these antibodies on his own at around 6 months, and gut closure would have occurred by this time.
- **Baby will be developmentally ready to eat foods that are not liquids-** The clinical study reports indicate that the majority of normal full term infants are not developmentally ready for the transition from suckling to sucking or for managing semi-solids and solid foods in addition to liquids until between six and eight months of age.
- **Baby will have a lower risk of obesity in the future-** The early introduction of solids in infancy is associated with increased body fat and weight in adolescents and adults.
- **Baby may have more protection from iron-deficiency anaemia-** The introduction of iron supplements and iron-fortified foods, particularly during the first six months, reduces the efficiency of baby’s iron absorption. In one study of healthy full-term infants, the researchers concluded that babies who were exclusively breastfed for seven months (and were not give iron supplements or iron-fortified cereals) had significantly higher haemoglobin levels at one year than breastfed babies who received solid foods earlier than seven months. The researchers found no case of anaemia within the first year in babies

who were breastfed exclusively for seven months and concluded that breastfeeding exclusively for seven months reduces the risk of anaemia.

## **PREPARATION AND FEEDING**

Babies should be typically moved to consuming baby food once nursing or formula is not sufficient for their appetite. They do not need to have teeth to transition to eating solid foods. Teeth, however, normally do begin to show up at this age. A good way to know when to introduce a baby to solid food is to watch for signs of readiness in the child. Signs of readiness include the ability to sit without help, loss of tongue thrust and the display of active interest in food that others are eating. The transition to baby food has to be gradual and nursing should continue along with it. Babies begin eating liquid style baby food consisting of pureed vegetables and fruits, sometimes mixed with rice cereal and formula or breast milk. Then, as the baby is better able to chew, small, soft pieces or lumps may be included.

Baby food varies from culture to culture. In many cultures, pastes of grain and liquids are the first baby food. In human history and presently with many cultures around the world, babies are fed food pre-masticated by the caretaker of the baby in order to pulverize the food and start the digestion process. An infant's first bite of solid food is ceremonial and holds religious importance in many cultures. An example of this is 'annaprashan', a Hindu ritual where the infant is fed sweetened rice porridge, usually blessed, by an elder family member. Similar rites of passage are practiced across Asia.

In the Western world until the mid-1900s, baby food was generally made at home. The industrial revolution saw the beginning of the baby food market which promoted commercial baby foods as convenience items. In developed countries, babies are now often started with commercially produced iron-fortified infant cereals, and then move on to mashed fruits and vegetables.

## **HOMEMADE OR COMMERCIAL BABY FOOD**

Up until the middle of the 19<sup>th</sup> century, infant food was generally made at home. Recipes and instructions for feeding babies were sometimes found in cookbooks. Finely ground grains (oats, rice, barley) mixed with a liquid was common as baby food across cultures. This was highly nutritious and

easily digestible. Food historians generally agree that manufactured baby food, as we know it today, was a by-product of the European Industrial Revolution. The first mass-produced baby foods were invented by scientists/nutrition experts and manufactured in the mid-19<sup>th</sup> century by innovative companies.



These were infant formulas, substitutes for mother's milk. By the 1920s, infant foods, which had grown to encompass ready-made baby cereals, fruits and vegetables, were promoted as convenience items. Food companies capitalized on "modern" notions of scientific feeding and the superiority of manufactured items over those homemade. However, consumers did not immediately embrace these new foods. It took some very aggressive marketing to win them over.

There has been an ongoing debate between manufactured baby food versus homemade baby food. Homemade baby food is less expensive than commercial baby foods. However, homemade food is not appropriate unless the family has a sufficient and varied diet as well as access to refrigeration and basic sanitation. Homemade food requires more preparation time than opening a jar or box of ready-to-eat commercial baby food. But homemade food has more advantages than commercial baby food. It is healthier, since it is made from fresh ingredients and does not contain preservatives. Also, the baby gets used to eating a whole range of foods; this will help prevent fussy eating habits later on.

Commercial baby food too has some advantages. It is marketed in a variety of tastes and ingredients. It is hygienically packed. But despite these benefits, there is no assurance of their nutrition, value and quality. The recent case of Nestlé's milk powder can be considered to illustrate the fact. In June 2015, it was found that the milk powder did not conform to the food standards as it contained live insects. It has also been found that many brands have far too much sweetening and salt added besides the addition of preservatives and other additives. Too much cereal and other fattening ingredients may be also present. This makes commercial baby food unfit for consumption for babies.

## **BABY FOOD BUSINESS**

The business of feeding the smallest among us has developed into a multibillion dollar industry in recent years. Due to increasing numbers of working women, growing parental concerns about nutrition and modern-day time constraints, industry-processed baby food plays an ever more significant role in meeting the nutritional demands of infants and toddlers worldwide. In recent years, the industry saw several transformations, primarily fueled by parents' lifestyles as well as their growing interest in food, especially organics. Professionally designed foods fill the kitchen shelves of parents, in various flavours of liquid and solid forms for customers from as young as six months to two years. The consumption of baby food is more prevalent in urban cities like, Mumbai, Delhi and Bangalore. And since the majority of the consumers continue to perceive home cooked food as healthier than packaged baby food, the manufacturers have been introducing more variants, like Cerelac Shishu Aahar, in local flavours. The launch of local flavours would allow manufacturers to reach out to tier II and tier III consumers who prefer to feed their babies with home cooked food. Additionally, the introduction of such products in smaller pack sizes and its increased availability at lower prices is likely to facilitate the uptake of baby food, especially by consumers in tier III cities.

For the past few years, Nestle India Ltd has been maintaining the lead with a value share of 69 percent in 2014. The Company has continued to leverage on its leading brands including Lactogen, Cerelac, Nan, Nestum and Nestogen. In addition, the company has expanded its Cerelac portfolio by introducing new variants like Wheat Mixed Vegetable which are perceived to provide complete nutrition for babies and infants. The launch of new variants also helped the company to offer more choices to consumers.

According to figures by a market research and consulting company, Markets and Markets (M & M), baby food generated revenue of \$25bn in 2008 and is expected to grow to \$37.6bn by 2014. The Mintel report notes that almost half of new launches between 2007-2012 touted the organic claim and sales in natural supermarket channels saw a 63 percent increase during 2011-2013. While US and Europe still account for a major revenue share, developing economies such as China, Vietnam and India provide fast-growing markets for industry-processed infant food. Although hygiene and safety regulations are often stricter in the baby nutrition sector, new products and technologies as well as the changing profile of its end-customers forecast a bright future for companies specializing in baby food.

Hardly any other sector is predicted to experience a similar boost in the years ahead.

A study report titled “*Global Baby Food and Infant Formula Industry Forecast to 2016 – Asia: An Emerging Market for Organic Baby Food*” gives a comprehensive analysis of the baby food industry demand trends worldwide and by geography. The report discusses about industry trends, major drivers, leading players and future outlook. It also provides a detailed description of baby food and formula industry in the US, France, Germany, India and China with market size, segmentation, sub segments of the industry, major players, competition, industry developments, SWOT analysis, industry driving forces, macro economy environment and industry forecasts to 2016. The major findings are as under:

- Rapidly expanding emerging economies such as in India and China, the baby food market is witnessing intensifying demand.
- India is the potential destination for baby food manufacturers with huge untapped market.
- Pricing is the major concern for baby food manufacturers in India where only one fourth of the population belongs to upper middle class and high class.
- China is the second largest baby food and infant formula market in the world and largest in Asia.
- Over the past few years, a number of large and small new baby food companies have introduced high quality baby food products to meet the market need for quality baby food products.

## THE GROWING BABY FOOD MARKET

- From 2006-2011, the global baby food and formula industry grew at a CAGR of 4.17 percent and is expected to register 5.30 percent CAGR between 2011-2016 to reach USD 47.00 billion mark.
- In 2011, global formula milk retail sales grew by 3.64 percent. The segment recorded CAGR of 3.25 percent from 2006 to 2011.



- The total baby food segment in the world grew at a CAGR of 5.88 percent from 2006-2011.
- The global baby food and formula market is dominated by North America region which contributed 28.63 percent of the industry worldwide.
- In 2011, baby food retail sales reached USD 2,737 million, registering a growth rate of 4.46 percent after falling in 2009 and 2010. This segment is expected to grow at CAGR 3.54 percent from 2011-2016 in the US. In 2011, dry baby food segment grew by 6.67 percent, whereas in 2010, the segment recorded negative results.
- In the US, from 2011, formula milk market in the country showed stability, grew by only 2.55 percent.
- In France, Ready-to-feed (prepared) baby food category holds a dominant position with a market share of 83.94 percent in 2011. In 2011, formula milk showed some signs of improvements and inclined by 0.57 percent after performing negative in 2009 and 2010. Infant formula market recorded a negative CAGR of 0.28 percent from 2007-2011.
- Overall, the market for France baby food and formula is expected to grow at CAGR of 2.32 percent from 2012-2016.
- In 2011, Germany baby food and formula segment accounted for 9.13 percent of the total European market, growing at CAGR 1.81 percent from 2006-2011.
- In India, baby food and formula market had witnessed a growth of 4.18 percent CAGR from 2006-2011. Baby food forms the largest segment and account for 50.52 percent of the total retail sales of baby food and formula market.
- The China baby food and infant formula milk market retail sales by value was recorded at USD 3,581 million in 2007 whereas in 2009, the segment grew by 20.44



percent, comparatively lower than previous year results. By 2016, industry is expected to grow at 16.57 percent CAGR in the next five years.

- Consumer spending on baby food was recorded 0.12 percent of GDP in 2011 compared to 0.10 percent in the previous year. Infant formula has recorded usual growth in volume sales of 14.08 percent in 2011 relative to the growth of 14.09 percent and 15.97 percent in 2010 and 2009 respectively.

## **BABY FOOD: IS IT FIT FOR BABIES?**

Infants and young children are particularly vulnerable to food borne illness because their immune systems are not developed enough to fight off infections. That's why extra care should be taken when handling and preparing their food and formula. There are laws and legislations in place to regulate the quality and nutritional content of baby food products. However, it is noticeable that when we come to examine legal regulation, the food industry is not dictated to by the Government; rather, it is merely courted. The Government tries to steer the food industry in the right direction, making recommendations and offering incentives. However, it does not impose rigid commands for fear of interfering with the economy. Manufacturers are able to exploit loopholes, mislead consumers, and even blatantly lie, sometimes with tragic consequences, all because piecemeal legal regulation has no teeth.

In many commercial baby food products, the manufacturers add extra ingredients which affect the quality of the product. At best, these extra ingredients are nutritionally empty, and at worst, they are nutritionally dangerous, particularly when consumed by infants. For instance, many commercial baby foods (including organic brands), are high in sodium, sugar, or both. Every calorie taken up by these ingredients is a lost opportunity for baby to eat a nutrient rich food that will facilitate proper growth and development. It is significant to understand that the implications can last a lifetime. For example, extra salt; Children can develop a liking for excessively salty foods in infancy, leading them to perceive unsalted foods as being flavorless. When comparing commercial baby foods to similar adult versions, they don't prove healthier, and are sometimes even worse. In one study, baby yogurts, for example, contained about 63 mg of sodium, while the adult sample only contained 50 mg. Another study revealed the same conclusion (Journal of Public Health 2010). Again, this

is a case of adults giving babies the nutritional debris that they themselves would reject.

Moreover, a lot of these extra ingredients aren't even declared on the label. Studies have found a significant amount of commercial baby food contains undeclared additives; for instance, sweeteners. Another undesirable ingredient commonly found in commercial baby food yet not declared on the label is trans-fat. Manufacturers use trans-fat instead of oil because it improves flavour and texture, reduces cost, and extends the storage life of products. Each of these would ensure more profit to the manufacturer. Unfortunately trans-fat is known to increase LDL, also known as "bad" cholesterol, while lowering levels of HDL, or "good" cholesterol. Transfats are a particularly unhealthy type of fat for anyone to consume, adults, children and babies alike, as it can cause clogging of arteries, type 2 diabetes and other serious health problems, and can increase the risk of heart disease. By law, trans-fats do not have to be included in the nutritional information provided on a food label unless a specific trans-fats claim has been made (for example, 'low in trans-fats'), and they do not have to be listed in the ingredients.

This deception is equally applicable to organic brands. Many parents make the common assumption that organic is synonymous with quality. However, studies by Stanford University in 2012 have found that despite being on average 30 percent more expensive, "there is little overall difference in quality" and organic food is no more nutritious than conventional food.

## **The Contaminants**

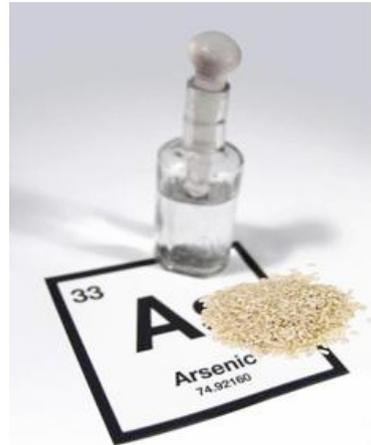
Aside from the poor quality and uniform taste, when parents use commercial baby food, they're also giving their baby a varied diet of contaminants. Recently, scientists at the Environmental Working Group (EWG) tested 190 samples of commercial baby food. The samples tested positive for five pesticides, among them, the most common ones, organophosphate methamidiphos and organophosphate acephate was found in 9.4 percent and 7.8 percent of the samples respectively. The EWG also analyzed



baby food samples back in 1995 and found the two organophosphates in surprisingly similar concentrations. So, nothing has changed and the illusion that baby food manufacturers are continuously improving their products to make them safer for babies is mere wishful thinking unincentivised by legislation.

In a 2012 study, pears prepared as commercial baby food showed significant and widespread contamination. 92 percent of the pear samples tested positive for atleast one pesticide residue. Some 26 percent of the samples were tainted with 5 or more pesticides. Disturbingly, the pesticide iprodione, which EPA has categorized as a probable human carcinogen (cancer causing agent) was detected in three baby food pear samples. Other research has shown that feeding babies twice a day on commercial baby foods such as rice porridge can increase their exposure to arsenic by up to 50 times! In the same study, exposure to other toxic metals such as cadmium which is known to cause neurological and kidney damage increased by up to 150 times while exposure to lead increased by up to eight times.

The products labelled “Baby Ready Meals” are frozen or chilled processed meals that just need to be reheated. One of the many problems with these is that they consistently contain heat-induced contaminant ‘furan’, a toxic compound linked to cancer. Many commercial baby foods, particularly jarred varieties, contain benzene, a colourless, flammable liquid with a sweet odour. It is also a natural part of crude oil, gasoline and cigarette smoke. Benzene is known to cause cancer, based on evidence from studies in both people and laboratory animals. The link between benzene and cancer has largely focused on leukaemia and cancers of other blood cells (American Cancer Society 2013). In one study, the highest levels were found in jarred baby foods containing carrots and carrot juices specifically intended for infants. In contrast, freshly home-prepared carrot juices and baby foods are all benzene-free.



The cancer link doesn't end there. All types of processed baby food, whether jarred, frozen or pouched, have a significant likelihood of being

contaminated with Fumonisin - a toxin linked to esophageal cancer, Cadmium - an extremely toxic metal and noxious animal DNA which has been linked to diabetes and various types of cancer. Recently, the latest cancer-causing chemical to join the group is Acrylamide – a toxic chemical compound that has been found in commercial baby foods, cereals and potato chips (FSA 2013).

## **Packaging**

Aside from the waste element, the packaging of commercial baby food has been found to be dangerous in itself. For instance, several studies have found the lids of baby food jars contain the hormone disrupter Bisphenol-A (BPA) which has been linked to infertility and cancer, even at extremely low levels of exposure. BPA leaches from the baby food containers into their contents.

Commercial baby food packaging is also responsible for exposing babies to a carcinogenic toxin called semicarbazide (SEM). The toxin, which has been linked to cancer in animals gets into the baby food through the plastic gaskets used to seal glass jars with metal twist-off lids. Another area of concern is the transfer of mineral oil saturated hydrocarbons (MOSH) from recycled packages. Many different types of MOSH chemicals are used by the baby food industry either directly or indirectly, and many foods become contaminated with them. These chemicals are easily absorbed by the body but are not broken down. They can accumulate in certain organs, such as the liver, heart and lymph nodes and may cause them to become damaged or diseased. Recent studies of commercial baby food found MOSH in all of the samples tested. Pouches are also not without their risks. The caps pose a serious choking hazard to babies and toddlers.

## **SAFETY AND MARKET REGULATIONS**

Focusing on the demand of easily digestible and competitive food products such as baby cereals, bottled baby foods, frozen baby foods, baby snacks and soups, the opportunities for specialized food companies are plentiful. The untapped markets in developing countries such as Asia require the expansion to new corners of the world with evolving food technologies, new flavours and textures to progressively increase the sales. Companies are vying to occupy a prominent place and in their urge to earn a large market share, they would bend the rules and regulations as illustrated in the above section. To exercise caution and keep a check on the same, globally, different countries have issued guidelines that are discussed herewith.

- In Europe, the 2006 European Commission ‘Foods for Infants and Young Children - Cereals and Other Baby Foods’ Directive regulates the big and small players on the market, setting guidelines for companies operating in its member states. The directive does not only set out rules on the composition and labeling of baby foods but also gives minimum and maximum levels for protein, carbohydrates, fat, mineral substances, vitamins and other nutrients.
- In particular, the use of pesticides is strictly confined and the Commission has set out specific rules on the presence of pesticide residues in infant nutrition, constraining any detectable levels of pesticides and prohibiting the use of very toxic agents in the production of baby foods. Moreover, the directive also regulates specific requirements on the use of food additives, the presence of contaminants in the products and hygiene guidelines.
- EU Commission Directive 2006/125/EC on processed cereal based foods and baby foods for infants and young children provides the legislative requirements for the composition and labeling of complementary weaning foods for infants and young children. The legislation sets rules for the composition and labeling of processed-cereal based foods and other baby foods. The annexes of the Directive give strict criteria for the levels of protein, carbohydrate, fat, vitamins and minerals to be found in weaning foods, and where necessary gives maximum and minimum levels based on advice from the Scientific Committee on Food.
- In the US, similar legislation by the US Food and Drug Administration’s (FDA’s) Center for Food Safety and Applied Nutrition ensures the manufacturing of baby food within allowed constraints. Only the combination of high-quality products, vigorous product testing in cooperation with parents and the fulfillment of any regulation brings long-term success.
- Baby food, particularly infant formula, has been an increasing concern and heated topic in China since the 2008 infant formula scandal caused by Sanlu, a Chinese-foreign dairy products’ company who tainted its products with illegal additives which caused illness in over a thousand infants and the death of two babies. In response, the Chinese regulators have been working hard in the past five years to strengthen food regulations particularly in the sector of infant formula as well as nutritional additives. Governmental bodies including the

Food and Drug Safety Administration, the Ministry of Industry and Information Technology, the Administration of Quality, Inspection and Quarantine (“AQISQ”) and the Administration of Industry and Commerce (“AIC”) carried out extensive food safety track surveys, random inspections and investigations of infant formula producers nationwide.

## **BABY FOOD: INDIAN SCENARIO**

The demand for baby food in India is witnessing a continuous increase due to rising awareness among parents to adequately fulfill the nutritional requirements of their babies. Though the demand for baby food is comparatively a lot higher in developed countries as compared to developing nations, the market is witnessing increasing demand due to increasing purchasing power of the consumers and busy lifestyle of working women that restricts them to cook food for their babies at home. The baby food market in India is highly organized and predominantly dominated by a single player, Nestle. Other major players operating in India include Abbott Nutrition, Nutricia, Raptakos, Amul, Pristine Organics, British Life Sciences, Mead Johnson, Babyvita and Manna Foods.

India’s baby food market is estimated to cross USD 520 million in 2014. Milk based baby food segment is the leading contributor, followed by dried baby food and others segment. Southern region is the largest revenue contributor in the country’s baby food market, followed by Northern region, due to the presence of well established distribution networks in these regions. Eastern region accounts for the lowest demand due to low per capita income and comparatively weaker distribution channels of the companies in this region.

In the period 2007-12, sales of baby foods increased (in real terms) by nearly 80 percent. The market is driven by more working women, a young population, rising incomes, an expanding food retail sector and steady urbanisation. All of these factors are coming together to change baby food purchase patterns with an emphasis on quality, convenience and food safety.

The Indian market is particularly attractive because of the country’s robust birth rate. Given the increasing reliance by Indian women on packaged baby food, growth opportunities abound. Home-cooked meals are likely to be supplemented with packaged baby food as more women take on

full-time jobs and purchasing power increases. Premiumisation in the baby food category is increasing as parents are willing to invest in higher value products.

The baby food industry developed a large market for the “infant formula” as an alternative to breastfeeding. This led to proliferation of formula feeding which was further supported by the health systems.

As a result of fast-paced modern lifestyles, consumers continue to seek convenience and simplicity. At the same time, consumers with children are more confident and demanding about what they purchase. They are also demanding that companies communicate with them openly in regards to their baby food products.

The rise in India’s baby food market is also part of a broader trend of consumers around the world becoming increasingly aware of the importance of baby foods in augmenting the nutrient requirements of babies and toddlers. In this context, parents are seeking to feed their children products that enhance their development throughout the early stages of life.

A study report titled “India Baby Food and Formula Market-Bright Prospects for Dry Baby Food” of July 2012 gives a comprehensive analysis on types of baby food and formula, in terms of retail sales. The report covers market size of the baby food and formula market, market by segmentation and also discusses sub-segments of the market, SWOT analysis, recent trends and developments. The report also highlights major macro-economic factors in relation with baby food demand and popular brands available in the Indian market. The Study has also compared past and present performance of the industry on various verticals and future outlook of the baby food and formula market.

## **KEY FINDINGS**

- In the past, baby food and formula market had witnessed a CAGR of 4.18 percent from 2006-2011.
- Baby food forms the largest segment and accounts for 50.52 percent of the total retail sales of baby food and formula market.
- Baby food which constitutes dried and ready-to-feed food products grew at a CAGR of 3.88 percent during the period from 2007-2011.
- Infant and toddler formula milk retail sales grew at a CAGR of 3.54 percent from 2007-2011.

India was one of only 37 countries which enacted legislation after the World Health Assembly in 1974 urged member states to review sales promotion activities on baby foods and introduce laws on advertisements of such products. The Act prohibits



all kinds of promotion of baby milk formula and cereals - including advertising, inducements, sponsoring seminars and other events for doctors or medical associations. The law also stipulates that the labeling of all baby food products shall follow certain criteria and that the products should not be promoted for children below two years of age.

However, both the BPNI and the IBFAN say that the research conducted over the last three months show that Heinz, Nestle and Abbott are using Indian internet shopping websites such as babyoye.com, healthkart.com and firstly.com to promote their products in the electronic media. India has one of the most comprehensive laws in the world when it comes to outlawing the promotion of formula milk and infant foods for children below two years old but 21 years since it was enacted, it is clear that the law is being blatantly violated by big corporates who are misleading parents.

## **INFANT MILK SUBSTITUTES, FEEDING BOTTLES AND INFANT FOODS ACT, 1992**

More than 2.4 million child deaths occur in India each year and two-thirds of these deaths are related to inappropriate infant feeding practices. To protect infant health, India became one of the few countries in Asia to fully implement the International Code of Marketing of Breastmilk Substitutes with the enactment of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act (hereinafter referred to as “the IMS Act”). The objective of the IMS Act is to protect breastfeeding from commercial promotion, and thereby prevent malnutrition and deaths in infants and young children. The IMS Act controls marketing practices of baby food manufacturers.

The statement of objectives presented in Parliament during the enactment of the IMS Act clearly stated: *“Inappropriate feeding practices lead to*

*infant malnutrition, morbidity and mortality in our children. Promotion of infant milk substitutes and related products like feeding bottles and teats do constitute a health hazard. Promotion of infant milk substitutes and related products has been more extensive and pervasive than the dissemination of information concerning the advantages of mother's milk and breastfeeding and contributes to decline in breastfeeding. In the absence of strong interventions designed to protect, promote and support breastfeeding, this decline can assume dangerous proportions subjecting millions of infants to greater risks of infections, malnutrition and death.....”*

Thus, the IMS Act had a clear intent; the saving of millions of children's lives and improving their nutritional status by preventing the baby food industry from enticing mothers and the health system to give infants breastmilk substitutes. Enactment of the Act has been seen as an example of an innovative and progressive legislation and India was heralded as a global leader in the area of legislation on infant and young child health. Realizing the importance of breastfeeding for promotion of child health and the need to curb industry's influence towards erosion of breastfeeding practices in India, the Indian Academy of Pediatrics voluntarily discontinued sponsorship from all manufacturers and marketers covered under the IMS Act. In 2003, following increasing information on the benefits of exclusive breastfeeding and the subtle promotional techniques adopted by some manufacturers to circumvent the IMS Act, the Act was amended to include complementary foods and banned all forms of promotion of baby foods. The Act also banned sponsorship of the medical profession by baby food companies. India was again appreciated globally to raise the bar of protection of children from commercial exploitation of baby food industry. India also took pride in reporting the enactment at the Convention of the Rights of the Child Committee (CRC) as a means to reduce child malnutrition.

The strong commitment from various quarters including legislature, government, non-governmental organizations, academia, and professionals has yielded dividends. The IMS Act proved effective in curbing the promotional activities of baby food companies. The National Family Health Survey reports of 1992 and 1999 documented a positive, albeit small, improvement in the practice of breastfeeding.

It therefore, was shocking to learn that the IMS Act along with several other pieces of legislation was considered for repealing under the modern integrated food laws. This is to avoid multiplicity of food laws by having one regulator. The law is to take care of the long pending demand of the food industry to avoid multiple levels of licensing. The Act in this direction “The Food Safety and Standards Authority Act, 2005” was put up by the

Union Ministry of Food Processing Industries (MOFPI) in its website on 15th January 2005 for comments from the public. This information was advertised in the leading newspapers that the law seeks to “meet the dynamic requirements of international trade and Indian Food Trade and Industry.” The Act, therefore, facilitates enhancement of trade in foods that meet safety standards. Undoubtedly, this is a well-intended effort of the MOFPI to facilitate trade; however, there is no justification for repealing the successful IMS Act. The clubbing of IMS Act with other food adulteration laws is incomprehensible. The IMS Act is not a routine food law nor does it have anything common with the other Acts in the repeal list. It is a special Act primarily to protect, promote and support breastfeeding, which encompasses social and health concerns of the community, particularly the poorer sections. Only one of the nine operative sections of IMS Act deals with food standards, and this section makes it clear that these standards shall continue to be governed by the Prevention of Food Adulteration Act (PFA). All that is required is an amendment stating that the Act will now be governed by the new food law, without repealing the IMS Act.

It is not clear if inclusion of the IMS Act in the repeal list is a gross error of judgment or due to some other considerations. Alarmed by the modern Food Safety and Standards Authority Act, 2006 and its consequences on child health, a conglomerate of twenty six organizations representing public interest groups, public health groups, women’s groups, economists, health professionals (notably from medical profession like Indian Academy of Pediatrics, Indian Medical Association, National Neonatology Forum, Federation of Obstetrics and Gynecology Society of India), and several prominent individuals in the field of economics and health, came together at the initiative of Breastfeeding Promotion Network of India (BPNI), Jan Swasthya Abhiyan (JSA) and India Alliance for Child Rights (IACR), and Voluntary Health Association of India (VHAI) on 8th February 2005 at New Delhi. The group met under the banner of “Coming together to save the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (IMS Act) as amended in 2003”. The meeting recommended submission of a People’s petition ‘Save Babies by Saving the ‘IMS Act’. The salient points in the petition are that:

- i. The IMS Act is not a ‘Food Act’ and its aims and objectives are totally different; the IMS Act specifically aims at reducing Infant Mortality and Preventing Child Malnutrition whereas the new Food Act Promotes Trade;

- ii. The mandate of the new 'Food Act' is to simplify trade of processed food whereas the IMS Act seeks to restrict the promotion of baby foods in the interests of the child;
- iii. The subject matter of the two instruments is totally different and they don't preclude each other;
- iv. The repeal of the IMS Act will allow promotion of bottle feeding and undermine breastfeeding, which will be directly responsible for increased disease and deaths in children especially among the poor;
- v. Repeal of IMS Act will conflict with the strategic principles and strategic position of the Government of India on children under CMP, RCH II and ICDS;
- vi. India is perceived as a leader in the protection of breastfeeding by being one of the first nations to harmonize its legislative framework to be in line with the Global Strategy for Infant and Young Child Feeding, adopted at the World Health Assembly (WHA) in 2002;
- vii. Trade should not be given priority over public health and the best interest of the child.

The campaign and petitions ended successfully when the Government decided to dismiss the subject of repeal of IMS Act. This further highlighted and emphasized on the significance of the IMS Act and it continues to be in operation.

## **MAIN POINTS OF INFANT FORMULA LEGISLATION IN INDIA**

- **India Protects Breastfeeding**

On the subject of communication over infant formula, India has one of the most stringent legislations in the world. Advertising, giving gifts and free samples, promoting



infant formulas toward doctors and health professionals, picturing

mother or baby on labels, the sponsorship of events by infant formula firms, donation of educational material on such products, is simply prohibited.

- **Relevant Rules and Standards**

Infant milk products in India fall under the requirements of the Food Safety and Standards Authority of India (FSSAI). Their formulations must comply with the Prevention of Food Adulteration Act & Rules. Their



production, supply and distribution are regulated by the Infant Milk Substitutes, Feeding Bottles and Infant Foods Act, 1992 as Amended in 2003 (IMS Act). The customs code applying is 19011000-00. The conditions of their importation are specified in Section 1, Chapter 4 of the dedicated text of law.

- **Formulation Requirements**

The strictness of Indian requirements in infant milk substitute formulation reaches approximately the level of international standards. The Prevention of Food Adulteration Act & Rules defines Infant Formula as being the product prepared by spray drying or roller drying of the milk of cow or buffalo or a mixture thereof. The milk may be modified by the partial removal/ substitution of milk fat with vegetable oils rich in polyunsaturated fatty acids and/or by different milk



solids; carbohydrates such as sucrose, dextrose and dextrans, maltose and lactose; salts such as phosphates and citrates; vitamins A, D, E, B and C group and other vitamins; minerals such as iron, copper, zinc and iodine and others. It shall be free from added starch, added colour and

added flavor. The FSSAI has defined maximum and minimum levels (as per cent by weight) of about 30 ingredients and 7 bacteria in infant formula.

- **Prohibiting any Form of Promotion for Infant Milk Substitutes**

India protects breastfeeding; national standards for breastfeeding protection are the highest in the world, from our experience. As a matter of fact, the IMS Act prohibits:

- Advertising;
- Gifts and free samples;
- Promotion of products for babies under two years of age;
- Use of healthcare system, by any means;
- Picture of mother or baby on labels;
- Sponsorship, gifts to health care workers or their associations; and
- Donation or distribution of informational or educational material.

### **High Tariff Barriers for Baby Milk**

A 30 percent duty rate shall be applied to infant milk imported from France. Despite the free trade agreement signed in 2012 between India and the European Union, this duty rate has not been decreased.

## **ROLE OF THE BUREAU OF INDIAN STANDARDS (BIS)**

BIS provides that the processed-cereal based complementary food shall be in the form of powder, small granules or flakes, free from lumps and shall be uniform in appearance. It shall be free from preservatives, added colour and flavour. It shall contain milled cereal and legumes combined not less than 75 percent. Where the product is intended to be mixed with water



before consumption, the minimum content of protein shall not be less than 15 percent on a dry weight basis and the quality of the protein shall not be less than 70 percent of that of casein. The sodium content of the product shall not exceed 100 mg/100 gram of the ready-to eat product. Hydrogenated fats containing trans-fatty acids shall not be added to the products.

## **ROLE OF COURTS**

The Breastfeeding Promotion Network of India (BPNI) has brought to light an incidence of the global giant Nestle breaking the baby food law in the country. BPNI has drawn attention towards Nestle, a company which is not abiding by the law.

According to the law, the IMS Act, (Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution Act, 1992 and Amendment Act 2003) prohibits any kind of promotion of baby foods intended for use in children below two years of age. The law clearly states that ‘promotion’ means to employ directly or indirectly any method of encouraging any person to purchase or use infant milk substitute, feeding bottle or infant food. Even after more than two decades of having a law to regulate of baby foods in India (IMS Act), Nestle is found breaking it. The Courts have taken cognizance of the matter and acted accordingly.

## **IMPROVING BABY FOOD—BETTER FLAVOUR, BETTER TEXTURE**

The opportunity to evolve in new and different directions does not only come from new markets in countries such as China and India, but also the products themselves leave space for improvement. Baby foods could be more nutritious to meet the needs of the infants and toddlers. The nutritional standards, as set by the European Commission and other state-specific legislation, influence the nutritional quality of the food. However, some of the standards are slightly too low to fully meet the needs of babies and toddlers. Once babies start eating, the breast milk can’t supply all the nutrients they need in their diet. One of the key nutrients for developing babies is iron. The baby food regulations have a minimum regulation for meat, the best source of iron. If companies are selling baby food with meat they have to put atleast 8 percent-10 percent in, depending on how the food is labeled.

This is only a small amount and in actual fact babies get a lower amount of iron in their food these days as regulations for organic food don't allow fortification with extra iron, while previously non-organic foods were all fortified with extra iron. Another area of improvement is the flavour and textures of the products. The problem with baby food is that they tend to be quite bland. They don't tend to give a great variety of flavours and the textures are always similar.

When babies start eating food, they are also developing their feeding skills. Offering them different types of food encourages them to like various flavours and textures. Strict regulations regarding the hygiene and safety of the products, however, makes it difficult for companies to produce food that tastes like family food rather than processed industry nutrition. The way food companies have to treat the food in order to make it safe and sterile makes it difficult for them as the processing changes the flavor. Some companies are trying to change their textures and flavours towards more family-style food but it's very difficult.

## **NEW END-MARKETS AND CUSTOMERS**

Today, commercial baby food plays a significant role in well-developed countries and is often a humanitarian relief item in times of natural disasters and crises. Although many aid organizations and activist groups, such as the UK Breastfeeding Lobby Group warn that infant formula can discourage breastfeeding and local water supplies may be contaminated after disasters, sealed baby food is the best alternative to solid foods for babies from the age of six months. Baby food in times of crisis has certainly the benefit of being safe and hygienically prepared.

Distribution and feeding, however, has to be in the hands of aid organizations and caretakers. In 2004, the WHO released the 'Guiding principles for feeding infants and young children during emergencies', warning of malnutrition caused by wrong distribution of processed infant food, and setting high quality and safety standards for the food provided to avoid malnutrition and illnesses.

Market data has also revealed companies might have to change their track as more and more adults cannot withstand the temptation to open a jar of baby food. The world's largest baby food manufacturer Hipp announced in 2010 the company was increasingly turning its attention to the adult market as Europe's population ages.

About one quarter of those who eat Hipp's pulped meals are adults, with growing popularity among people whose ability to swallow had been greatly reduced through old age, dementia or a stroke, as well as mothers who try to lose weight after giving birth. The meals, which are low in fat, sugar and salt, are an attractive alternative for calorie-conscious adults.

## **BABY FOOD SAFETY TIPS**

### **Homemade Baby Food – Make it Safely**

Many parents are discovering that homemade baby foods can be a nutritious and often more economical alternative to baby foods available in stores. To ensure that the food is safe for your growing infant, follow these simple steps for selecting, preparing, and storing food.

#### **Selecting Ingredients**

Always begin with good quality ingredients. It's best to use fresh food whenever possible, but you can also use frozen or canned foods. If you're using processed fruits and vegetables, try to find products without added sugar, especially canned fruit packed in syrup.

Never feed these products to your baby or use them in homemade baby food:

- Dairy products made from raw, unpasteurized milk (may contain bacteria that can cause serious illnesses);
- Honey (puts your baby at high risk for botulism, a very dangerous illness);
- Home-canned food (may contain harmful bacteria if it was canned improperly);
- Outdated canned food;
- Food from dented, rusted, bulging, or leaking cans or jars; and
- Food from cans or jars without labels.

#### **Preparing Baby Food**

Because infants are at a higher risk of getting a foodborne illness than older children or healthy adults, it's particularly important to follow these guidelines carefully:

- Wash your hands and any equipment used to prepare the food.
- Use separate cutting boards for meat, poultry and fish and for non-meat foods to avoid cross-contamination.
- Wash fresh fruits and vegetables thoroughly under clean, running water. Even if you plan to peel a fruit or vegetable, such as cantaloupe or squash, be sure to wash it first.
- Store raw meats, poultry, fish, and dairy products in the coldest part of the refrigerator immediately after purchase.
- Cook meat, poultry, and fish thoroughly to kill any bacteria that might be present. Be sure to use a meat thermometer and cook all meats to an internal temperature of at least 160 °F, fish to at least 145 °F, and all white meat poultry to an internal temperature of at least 165 °F.

### **Storing and Reheating Baby Food**

First and foremost: always throw away any uneaten leftover food in the baby's dish!

### **Other ways to Keep Your Baby's Food Safe**

- Never allow cooked food to stand at room temperature for more than two hours (or more than one hour when the temperature is above 90 degrees)
- Do not store prepared baby food in the refrigerator for more than 24 hours for meat, poultry, fish, and eggs or more than 48 hours for fruits and vegetables.
- Thoroughly reheat refrigerated or frozen food to an internal temperature of 165 °F.
- Never defrost baby foods by leaving them at room temperature or in standing water.

To freeze prepared baby food safely, put it into labeled and dated containers. You may freeze it for up to one month.

### **Babys-Diet Introduction of Solids**

Baby food safety measures should be given due importance to prevent infections. Read on to find baby food safety tips to be followed while feeding the baby and while preparing and storing the baby food.

The immune system of small babies is not as well developed as that of adults. Thus, they are vulnerable to catching common infections easily. Hygiene must be given due importance while preparing, cooking and feeding solid foods to babies. As far as possible, babies should be fed freshly cooked, homemade food only.

In case solid food is being introduced to a baby before she turns six months old extra care and caution must be exercised from a hygiene point of view. For such babies feeding spoons must be sterilized after every use. Other feeding equipments like the feeding bowls must always be washed well with hot water. Feeding equipments must also be dried completely before use.

Following are some hygiene tips to be observed while preparing solid foods for small babies.

### **1. Kitchen Hygiene**

There is no need to sterilize everything being used to cook baby food in a kitchen. A few simple things like washing hands before preparing the baby meal, changing and washing kitchen cloths at regular intervals and cleaning and washing highchairs, baby bibs and eating area with hot water will suffice. On the same lines small children eating finger food themselves must be made to wash their hands before eating every time.

### **2. Hygiene Tips for Serving Baby Food**

While reheating baby food, care must be exercised to ensure that it is piping hot throughout. Thereafter, it should be cooled completely before being fed to the baby. Food temperature can be tested by placing a small quantity of food on the wrist. Food must be stirred well to avoid hot spots in case of using a microwave to heat up baby food. Baby food must be reheated only once. It is also essential to always look for signs and if possible taste baby food to ensure that it is well cooked.

### **3. Hygiene Tips for Storing Baby Food**

Freshly cooked food is the best for babies. However, for any reason whatsoever if this is not possible food can be prepared in advance and stored. Food must be completely cooled before storing. Food which will not get used up within 24 hours must be frozen immediately after being cooked.

Leftover food in a baby bowl must be thrown away and never reused.

This kind of food which has been in contact with the baby's saliva will contain bacteria which are capable of multiplying rapidly when stored for reuse.

The label of prepackaged baby food must be carefully checked to ascertain the best-before and use-by dates. Leftover packaged food in jars can be refrigerated and consumed within 24 hours of it being opened. However, any left over of jar food that has been taken out and reheated must never be reused.

Fridge being used to store prepared baby food must be in good running condition and cleaned at regular intervals. Ideal temperature levels should be maintained to ensure that food remains fresh.

Above mentioned guidelines are some of the basic hygiene tips to be borne in mind while preparing, storing and feeding a baby. In addition to these, depending upon specific circumstances like sickness of any kind additional precautions may have to be adopted. Ultimately food impacts a baby directly. Hence, it is important to take all precautions to ensure that the food eaten by a baby does not harm her in any way.

## **CONCLUSION**

It is a child's birthright to be provided with healthy and wholesome food to aid optimum growth and development. Yet parents who assume that the food industry share this view are naive wishful thinkers. Jarred baby foods exploit parents' trust in terms of cost, value, nutrition, quality and safety. Pouched, potted and boxed baby foods are not immune either.

Reliance on baby food manufacturers to show social responsibility is ineffective because companies are legally obliged to act in the best interest of their shareholders, not consumers. Asking baby food manufacturers to change merely serve as a distraction from perusing more effective initiatives. For instance, there is an urgent need for adequate Government regulation of the baby food industry. One cannot rely on manufacturers' goodwill and there is a need for the Government to enforce effective regulation.

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**Annexure**

**MODEL FORM OF NOTICE, COMPLAINT, AFFIDAVIT AND REPLY  
MODEL FORM-1 NOTICE BEFORE FILING THE COMPLAINT**

Name and address

.....

(of the trader, dealer, firm, company, etc.)

.....

(Complete address)

IN RE: (Mention the goods/services complained of giving details)

.....

Dear Sir,

This is to bring to your kind notice that I had purchased ..... from your ..... for a consideration of Rs..... paid in cash vide your cash memo/ Receipt/Invoice No..... (or through cheque No ..... dated ..... drawn on ..... bank for a sum of Rs .....

The said goods are suffering from the following defects:

- (i) .....
- (ii) ..... etc

I have reported the above matter to you several times (give reference of earlier letters, if any) but despite all my pleadings you have not made good the defect in the goods (ordeficiency in services) which is indeed regrettable and highly unbusiness like. On account of your aforesaid dereliction of duty and failure and neglect to rectify the same I have suffered losses/incurred expenses .....

.....  
.....  
.....  
.....  
.....

(give details)

which you are liable to compensate to me.

You are hereby finally called upon to

(i) remove the said defects in the goods

and/or

(ii) replace the goods with new goods

and/or

(iii) return the price/ charges paid

(iv) pay compensation for financial loss/injury/interest suffered due to your negligence .....

(give details)

in the sum of Rs ..... with interest @..... % per annum within.....days of the receipt of this notice failing which I shall be constrained to initiate against you for redressal of my aforesaid grievances and recovery of the aforesaid amount such proceedings, both civil and criminal as are warranted by law, besides filing a complaint under the statutory provisions of The Consumer Protection Act, 1986 exclusively at your own risk, cost, responsibility and consequences which please note.

Place.....

Dated.....

Sd/-

.....

**Model Form –2 -The complaint**

BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTES  
REDRESSAL FORUM AT .....

OR

BEFORE THE HON’BLE STATE CONSUMER DISPUTES  
REDRESSAL COMMISSION AT .....

OR

BEFORE THE HON’BLE NATIONAL CONSUMER DISPUTES REDRESSAL  
COMMISSION AT NEW DELHI

IN RE: COMPLAINT NO ..... OF 20 ..... IN THE MATTER OF:  
(FULL NAME) (DESCRIPTION) (COMPLETE ADDRESS)

..... Complainant

VERSUS

(FULL NAME) (DESCRIPTION) (COMPLETE ADDRESS)

..... Opposite Party/ Parties

**COMPLAINT UNDER SECTION 12/ SECTION 17/  
SECTION 21 OF THE CONSUMER PROTECTION ACT, 1986.**

**RESPECTFULLY SHOWETH**

**INTRODUCTION**

(In this opening paragraph the complainant should give his introduction as well as that of the opposite party/parties.

**TRANSACTION**

(In this paragraph complainant should describe the transaction complained of, i.e., particulars and details of goods/ services availed; items of goods/kind and nature of service; date of purchase of goods/availing of service; amount paid as price/consideration, full or in part towards the goods/service; Photocopies of the bill/cash memo/voucher or receipt should be attached and properly marked as Annexure – A,B,C and so forth or 1,2,3 and so forth.)

**DEFECT DEFICIENCY**

(In this paragraph complainant should explain the grievance, i.e., whether the loss or damage has been caused by some unfair trade practice or restrictive trade practice adopted by any trader or there is some defect in the goods or there has been deficiency in service or the trader has charged excessive price for the goods. One should elucidate the nature of unfair trade practice adopted by the trader, i.e., relating to the quality of goods/services; sponsorship; warranty or guarantee for such period promised. The nature and extent of defects in goods should be explained and so should the deficiency in service. In case of excessive price one should specify the details of actual price fixed by or under any law for the time being in force or as set out on goods and their packing vis-a-vis the price charged by the trader. Complaint can also be filed against offer for sale of goods hazardous to life and safety when used. You should narrate your grievance and rest assured it is being read /heard by compassionate and pragmatic judges. Photocopies of relevant documents must be attached.)

**RECTIFICATION**

(In this paragraph complainant should highlight what attempts were made by him to set things right, i.e., personal visits or negotiations; communication in writing if any; whether any legal notice was got served and / or whether he has approached any other agency for redressal like, Civil or Criminal Court of competent jurisdiction; the stage of its proceedings, its outcome, if any, alongwith copies (certified preferably) of such proceedings. The nature of response got from the trader when irregularities were brought to his notice, should also be disclosed here).

**OTHER PROVISIONS**

(In this paragraph reference may be made to any other law or rules or regulations of particular procedure which is applicable to the case and/ or which has been violated by the trader and consumer's rights under the same. There are incidental statutory obligations, which traders must fulfil and in case of their failure to do so the case in prima facie made out and Forum would take cognizance).

**EVIDENCE**

(In this paragraph complainant should give details of documents and/or witnesses he will rely upon to substantiate his case. The documents attached as Annexures as stated above may be incorporated in a proper list and a list of witnesses (if any) may be filed similarly).The annexures should be attested as “True Copy”.

**JURISDICTION**

(In this paragraph complainant should liquidate the claim in the complaint, i.e., upto 20 lakh; 20 lakh to one crore; or above and set out the pecuniary jurisdiction of the Forum/ State Commission/National Commission, as the case may be. The territorial Jurisdiction should be highlighted to obviate any formal objection).

**LIMITATION**

That the present complaint is being filed within the period prescribed under section 24A of the Act.

**RELIEF CLAIMED**

(In this paragraph complainant should describe the nature of relief he wants to claim. i.e., for removal of defects in goods or deficiency in service; replacement with new goods; return of the price or charges, etc., paid and/or compensation on account of financial loss or injury or detriment to his interest occasioned by negligence of the opposite party and elucidate how you have calculated the amount of compensation claimed).

**PRAYER CLAUSE**

It is, therefore, most respectfully prayed that this Hon’ble Forum/ Commission may kindly be pleased to .....  
(Details of reliefs which complainant wants the Court to grant)

Place: .....

Dated: .....

Complainant Through .....  
(Advocate or Consumer Association, etc.)

---

**Verification**

I, ..... the complainant above named, do hereby solemnly verify that the contents of my above complaint are true and correct to my knowledge, no part of it is false and nothing material has been concealed therein. Verified this ..... day of ..... 20 ..... at ..... Complainant.

Note: Although it is not compulsory, complainant may file an affidavit in support of the complaint which adds to the truth and veracity of allegations and gives credibility to the cause. It need not be on a Stamp paper but one should get it attested from an Oath Commissioner appointed by a High Court. The format is just as simple.

**Model Form –3- Affidavit in support of the complaint**

BEFORE THE HON’BLE.....IN RE: COMPLAINT NO.....OF  
20.....IN THE MATTER OF:

.....  
.....Complainant

.....  
..... Opposite party

**AFFIDAVIT**

Affidavit of

Shri.....S/o. Shri.....  
aged.....years, resident of.....  
.....

- (1) That I am complainant in the above case, thoroughly conversant with the facts and circumstances of the present case and am competent to swear this affidavit.
- (2) That the facts contained in my accompanying complaint, the contents of which have not been repeated herein for the sake of brevity may be read as an integral part of this affidavit and are true and correct to my knowledge.

Deponent

**Verification:**

I, the above named deponent do hereby solemnly verify that the contents of my above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therein. Verified this.....day of.....20..... at.....

Deponent

**Model Form –4- Reply by the trader to the complaint**

BEFORE THE HON’BLE ..... THE CONSUMER  
DISPUTES REDRESSAL FORUM/ COMMISSION AT.....

IN RE: COMPLAINT NO.....OF 20.....

IN THE MATTER OF:

.....Complainant

VERSUS

.....Opposite Party

DATE OF HEARING.....

**WRITTEN STATEMENT ON BEHALF OF RESPONDENTS TO  
THE COMPLAINT OF THE COMPLAINANT**

RESPECTFULLY SHOWETH:

**Preliminary Objections**

1. That the present complaint is wholly misconceived, groundless and unsustainable in law and is liable to be dismissed as such. The transaction question was without any consideration and free of charge.
2. That this Hon'ble Forum/ Commission has no jurisdiction to entertain and adjudicate upon the dispute involved in the complaint in as much as it is not a consumer dispute and does not fall within the ambit of the provisions of the Consumer Protection Act, 1986, hereinafter called the said Act and is exclusively triable by a Civil Court and as such the complaint is liable to be dismissed summarily on this score alone.
3. That the dispute raised by the complainant in the present complaint is manifestly outside the purview of the said Act and in any event, the Act is in addition to and not in derogation of the provisions of the..... Act. The proceedings initiated by the complainant under the Act are honest, null and void and without jurisdiction.
4. That the definitions of 'Complainant', 'Complaint' 'Consumer Dispute' and 'Service', as defined in Section 2(1) of the said Act do not cover the claims arising under the present dispute and that from the aforesaid definitions, the complainant is not 'consumer' and the controversy involved in the complaint is not a 'consumer dispute'.
5. That the present complaint is baseless and flagrant abuse of process of law to harass and blackmail the answering respondent.
6. That the complainant has no locus standi to initiate the present proceedings.
7. That the complaint is bad for non-joinder of necessary and proper party and is liable to be dismissed on this score alone.
8. That the complainant has already filed a Civil Suit for ..... in a court of competent jurisdiction which is pending disposal in the Court of ..... and the present complaint has become infructuous.

9. That the present complaint is hopelessly barred by limitation.
10. That this Hon'ble Forum/Commission has no territorial or pecuniary jurisdiction in as much as the amount involved in the subject-matter exceeds/is less than the limit prescribed by Section 11(1) Section 17(1) (a)(i)/Section 21(a)(i) of the Act.
11. That the present complaint is frivolous and vexatious and liable to be dismissed under Section 26 of the Act.
12. That the present complaint has not been verified in accordance with law.

**On Merits**

In these paragraphs respondent must reply each and every allegation made and contention raised by the complainant, factual and legal as well. In case one has already made good the defect or deficiency, elucidate steps taken. One may have, inter alia, following goods defences as well.

1. That the transaction entered between the parties to the above dispute is a commercial one and the complainant cannot claim any relief from this authority in as much as .....  
(give details)
2. That the complainant had purchased the goods as a seller/retailer/distributor, etc., for consideration of resale and as such is barred from moving this Hon'ble Forum/Commission for the alleged defect/deficiency etc. in as much as .....  
(give details)
3. That the complainant has already availed the warranty period during which the answering respondent has repaired/replaced the goods in question. The complainant is thus legally stopped from enforcing this complaint or to take benefit of his own wrong.
4. That the present complaint is an exaggeration beyond proportion despite the fact that the complainant is himself responsible for delay and laches in as much as he has on several occasions changed his option for class of goods/type of allotment scheme of flats/model of vehicle, etc .....  
(give details)
5. That the answering respondent is well within his rights to charge extra price for the subject-matter of the above dispute in as much as time was not the essence of delivery thereof. The complainant is liable to

pay the increased price w.e.f ..... on account of escalation due to excise duty/budgetary provisions etc. in as much as..... (give details)

- 6. That the complainant has accepted the goods and/or service towards repair/replacement etc. without protest and the present complaint is merely an after thought.
- 7. That without prejudice the answering respondent as a gesture of goodwill is prepared to..... (give details of rectification, if any, which can be done in case of minor or tolerable problems to avoid harassment to consumer and litigation problems)

The allegations of defect/default/negligence and/or deficiency in service are wholly misconceived, groundless, false, untenable in law besides being extraneous and irrelevant having regard to the facts and circumstances of the matter under reference.

Prayer clause with all the submissions made therein is absolutely wrong and is emphatically denied. Complainant is not entitled to any relief whatsoever and is not entitled Model Form costs.

Sd/-  
**(Opposite Party)**

Place: .....  
Dated: .....

through  
**(Advocate)**

**Verification**

I, ..... the above named respondent do hereby verify that the contents of paras ..... to ..... of the written statement on merits are true and correct to my knowledge. While paras ..... to ..... of preliminary objections and ..... to ..... of reply on merits are true to my information, belief and legal advice received by me and believed to be true while the last para is prayer to this Hon'ble Court. Verified at ..... this ..... day of..... 20 .....

Sd/-  
**(Opposite party)**

## **INDIAN INSTITUTE OF PUBLIC ADMINISTRATION**

The Indian Institute of Public Administration, established as an autonomous body under the Registration of Societies Act, was inaugurated on March 29, 1954 by Shri Jawaharlal Nehru who was also the first President of the Society. The basic purpose of establishing this Institute was to undertake such academic activities as would enhance the leadership qualities and managerial capabilities of the executives in the government and other public service organization. The activities of the Institute are organized in four inter-related areas of Research, Training, Advisory and Consultancy Services and Dissemination of Information.

## **CENTRE FOR CONSUMER STUDIES**

CCS is dedicated to consumer studies and is sponsored by DCA, GoI. The objective of the CCS is to perform, facilitate and promote better protection of consumers' rights and interests with special reference to rural India. The broad areas of focus of the Centre comprise capacity building, advocacy, policy analysis, research, advisory and consultative services, and networking.

The Centre seeks to network with national and international agencies and interface with other stakeholders by serving as a bridging "think tank" with an intensive advocacy role. The Centre provides a forum for creating dialogue among policy-makers, service-providers, representatives of various business establishments and their associations, professional bodies/associations, civil society organizations, educational/research institutions, economic and social development organizations as well as leading NGOs.

Centre for Consumer Studies

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