

LAW, REGULATION....

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"Punish the Violators"

Punish law violators

S L Rao, June 29, 2015, DHNS

HARMFUL FOOD PRODUCTS: The company was paralysed by the reports but did little to reassure consumers. The real problem is the unsatisfactory regulator

The destruction of Rs 320 crore of Maggi two-minute noodles raises many issues for resolution: How does a company manage a crisis that could besmirch its reputation? How does a manufacturer of products that are ingested or applied to the body (foods, cosmetics, drugs) ensure that the product is safe to use? What is the responsibility of the government through its laws, regulators, inspections and testing? When there are conflicting laboratory test reports, how can they be reconciled? What is the responsibility of the company and the government to the consumer in cases such as the Maggi imbroglio?

Some years ago, Cadbury chocolate had a similar crisis when worms got into the chocolate. The company immediately changed the packing to a hermetically sealed one and ensured that the consumer knew about it. In the 1930s, when Dalda – the vegetable oil-based hard fat (vanaspati) – was introduced as a cheap substitute for ghee, the “Harijan” newspaper of Gandhiji published a report. It said that tests on rats showed that vanaspati made them blind.

This could have been a fatal blow for the product. But Lever, the then manufacturer, countered that the rats were fed nothing else and an adverse effect was inevitable. Lever also conducted hundreds of demonstrations all over India where food was cooked in Dalda in the presence of people who tasted it. Dalda became a trusted name for cooking fats for many decades. In the USA, Tylenol, the pain killer, was injected with poison by a madman, in many shops. Johnson & Johnson, the manufacturer, withdrew [stocks](#) from the [market](#). Packaging was redesigned. Product sales thrived.

But Nestle India did little to reassure the consumer when it was reported that undeclared chemicals were found in Maggi noodles. Its Swiss CEO tried reassurance. The Indian management did nothing. When a crisis hits a product, the management must be immediately proactive in reassuring consumers. All necessary actions must be initiated to safeguard consumers.

Manufacturers of products that are applied to the body, or ingested or inhaled, must ensure that all ingredients and additives have been tested for safety, and only permitted quantities and not more are used. All bought out items should have been tested for safety. Packages should ensure that in our not-so-clean retail shops that store them, they can resist insects

getting into the packages. The period over which the product retains the required safety and effectiveness must be clearly indicated.

Company salesmen must check retail stocks and withdraw those that have passed their shelf life. The government must lay down safety standards for all ingredients. They must periodically test the products to ensure that there is no excess use of any ingredient. Factories and retail stores must be checked for hygiene. Periodically, government inspectors must check random samples in adequately equipped laboratories.

Few state government laboratories are well equipped or have a reputation for thoroughness and reliability. The laboratories must know how to test for any ingredient to see that they do not exceed prescribed levels. Other ingredients not supposed to be in the product, must not be there. The government must not only have stringent laws regarding what ingredients and additives can be used in what quantity but have adequate inspections of all manufacturers to ensure that the laws are obeyed.

The Ranbaxy episode

This does not happen in India even for very sensitive medicines. Thus, it was only after the United States Food and Drugs Administration forbade Ranbaxy selling in the USA drugs manufactured in some of its Indian factories that Indians woke up to the appalling manufacturing conditions.

We understood that our regulation of some of our foods, drugs and cosmetics was very poor. Other arms of government must ensure that harmful chemicals do not enter agricultural products through fertilisers, pesticides and insecticides. Water pollution by industrial effluents and excreta must be prevented.

But the government laboratories are grossly understaffed and underequipped for the massive job they have to perform. This is made worse by the thousands of very small, medium and large manufacturers for all these products. Most of them are not checked. Nor are most retailers, even for drugs. In addition, there are ayurvedic, unani and others that make drugs, cosmetics and even food items.

They are hardly subjected to regulation. It is a wonder that not many people are affected by harmful products. The capability of the government laboratories must be such that no questions can be raised over their findings. But, as the Maggi episode has shown, this is not so. When there are findings as in the case of Maggi, there is also the effect on the health and well-being of consumers who have used products that break the laws and regulations.

Testing of consumers and their treatment is essential. Producers who violate the laws and regulations must be punished severely, even to the extent of closing their factories. They must also be compelled to compensate the consumers.

Maggi's sad experience, if government laboratories are to be believed, shows mistakes in declarations of monosodium glutamate, and unawareness of high lead content. The company was paralysed by the reports but did little to reassure consumers. The real problem, however, lies in the regulatory system for these products. It is unsatisfactory and unsafe for consumers.

