
(1998) 09 BOM CK 0061

In the Bombay High Court

Case No : Criminal Writ Petition No. 621 of 1991

Parle Beverages Ltd. and Another

APPELLANT

Vs

The State of Maharashtra

RESPONDENT

Date of Decision : 22-09-1998

Acts Referred:

Prevention of Food Adulteration Act, 1954 — Section 16, 17, 7

Citation : (1999) 101 BOMLR 257

Hon'ble Judges : T.K. Chandrashekhara Das, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

T.K. Chandrashekhara Das, J.—The petitioner challenges the prosecution initiated by the Food Inspector, Food and Drug Administration (N.S.) u/s 7(v) of Food Adulteration Rules read with Rule 40(3) of the Said rules punishable u/s 16(i)(a) (ii) and 17 of the said Act before the Chief Judicial Magistrate, Alibagh, Raigad, being Cri. Case No. 181 of 1989.

2. The main allegation in the complaint made by the complainant Food Inspector is that the Petitioner is manufacturing and selling its product commonly known as "FROOTI ORANGE DRINK" which does not contain the Vitamin C contents as required under the rule of the Prevention of Food Adulteration Act. The packet contains the ingredients water, sugar, orange Juice, Fruit Pulp, Citric Acid and Vitamin "C" and it is also claimed that it is ready to serve fruit Drink with Vitamin C. Rule 32 (c) of the Food Adulteration Rules insist that when food item is sold in a packet, label of the packet should inter alia. Admittedly the particulars shown in the packet satisfy the requirement under Rule 42 Sub-rule 2 of Rule 40 also is relevant so far as this case is concerned. The complaint against the Petitioner is that the ingredients of Vitamin "C" is notified by the petitioner in the label, is not in conformity with Rule 40 Sub-rule 3 of the said Rules which reads as follows :

Any fruit and vegetable product alleged to be fortified with Vitamin "C" shall

contain not less than 40 mgm of ascorbic acid per 100 gms of the Product.

3. In other words on the analysis of the sample, he opined that Vitamin "C" contain only 26.03 mgs out of 100 gms.

4. The learned Counsel has contended that the Sub-rule 3 of Rule 40 comes into play only when the manufacturer or seller claims that the product is fortified with Vitamins. In other words, the learned Counsel for the Petitioner submits that mere adding of Vitamin "C" contents in the food articles or food drinks does not require the observance of the percentage contained in Sub-rule 3 of Rule 40. The learned Counsel states that so long as the label contains "Fortified on Vitamin "C" then only compliance of Sub-rule (3) of Rule 40 is required. With great respect, I cannot accept this contention. The learned Counsel could not show me any special or technical meaning that is attributable to the word "for fortified". Therefore, in the circumstances, we can only follow the dictionary meaning of the word "fortified". According to Oxford dictionary meaning of the word "Fortify" means to "Strengthen structure of, impart vigour or physical strength or endurance to, strengthen mentally or morally, encourage, increase nutritive value of (Food esp. with vitamins, strengthen (wine) with alcohol.

5. In view of this meaning. I am unable to accept the contention of the leaned counsel for the petitioner.

6. The next contention- raised by the counsel for the petitioner is that the person who has given sanction to the prosecution has no sufficient authorisation of the Government. The sanction order has been exhibited as Exh. C which specifically shows that he was exercising his power under Sec 20 as per the Government Order and the notification dated 6th February, 1982. The learned Counsel contends that the Government order under which he has been authorised is not known. All the legal actions are presumed to be done in the legal way. If anybody wanted to contend that the requirement of the Act has not been complied with in issuing them, it is. for them to prove that the same is otherwise. Except pleadings no other material has been produced before me to come to the conclusion that the sanction order has been issued without authority. On this premise no interference is called for, in this writ petition.

7. In the result, writ petition is dismissed with no orders as to costs. Rule is discharged.