

F. No. 2-35/2009/AHT/FF
Government of India
Ministry of Agriculture
Department of Animal Husbandry, Dairying & Fisheries

Krishi Bhawan, New Delhi
Dated: 24th January, 2013

To

The Principal Secretaries / Secretaries of Animal Husbandry / Dairying / Fisheries
All States / UTs

The undersigned is directed to convey that as a result of deletion of the items "Cattle fodder, including oil cakes and other concentrates" from the Essential Commodities Act, 1955, it is not possible to regulate quality of feed under the said Act. Therefore, with a view to regulate quality of feed being sold in the market, an advisory is enclosed herewith, on using the provisions under the 'Consumer Protection Act, 1986', and 'The Bureau of Indian Standards Act', 1986.

A copy of the advisory is also uploaded on the website of DADF, dahd.nic.in.

(S. P. Sharma)
Director

Copy to:

1. Directors / Commissioners of Animal Husbandry / Dairying / Fisheries, all States / UTs
2. AHC / JS (FY) / JS (CDD) / JS (APF)

Monitoring the quality of Livestock / Poultry / Fish Feeds

With the increase in demand of animal proteins, the demand for animal feed is also growing rapidly. There is a need to regulate the quality of animal feed vis-à-vis the BIS standards. The list of various standards notified by BIS in respect of animal feed and fish feed are available on BIS website www.bis.org.in, which may be referred to.

2. As fodder and feed is not included in the Schedule under the Essential Commodity Act, 1955, the possibility of monitoring the quality of feeds available in the market using the provisions under the 'Consumer Protection Act, 1986', and 'The Bureau of Indian Standards Act', 1986 may be examined.

3. The relevant provisions of the **Consumer Protection Act** are given below:

Under section 2 (1) (c), "**complaint**" means any allegation in writing made by a complainant that-

- (i) An **unfair trade practice** or a restrictive trade practice has been adopted by any trader or service provider;
- (ii) The goods bought by him or agreed to be bought by him suffer from one or more defects;
- (iii) Service hired or availed of or agreed to be hired or availed of by him suffers from deficiency in any respect;
- (iv) a trader or the service provider, as the case may be, has charged for the goods or for the service mentioned in the complaint, a price in excess of the price in excess of the price-
 - (a) fixed by or under any law for the time being in force;
 - (b) displayed on the goods or any package containing such goods;
 - (c) displayed on the price list exhibited by him by or under any law for the time being in force;
 - (d) agreed between the parties;
- (v) goods which will be hazardous to life and safety when used are being offered for sale to the public:
 - (A) **in contravention of any standards** relating to safety of such goods as required to be complied with, by or under any law for the time being in force;
 - (B) if the trader could have known with due diligence that the goods so offered are unsafe to the public;
- (vi) service which are hazardous or likely to be hazardous to life and safety of the public when used, are being offered by the service provider which such person could have known with due diligence to be injurious to life and safety.

4. As is evident from the above, if any livestock feed/fish feed being sold in the market is found to be deficient with reference to the prescribed BIS standard for the said feed, then it may be examined if there is any violation of the Section 2(1)(c)(i) or 2(1)(i)(ii) or any other provision

of the Consumer Protection Act and necessary penal action against the defaulter may be initiated. It may be noted that, as defined under section 2 (1) (b) (iii) of the said Act, the Central Government or any State Government can also act as 'complainant'.

5. Under section 11 and 12 of '**The Bureau of Indian Standards Act, 1986**' (reproduced below), using the Standard mark without authority, or on articles or processes not conforming to Indian Standards, is prohibited.

“Section 11 - (1) No person shall use, in relation to any article or process, or in the title of any patent, or in any trade mark or design the Standard Mark or any colourable imitation thereof, except under a licence.

(2) No person shall, notwithstanding that he has been granted a licence, **use** in relation to any article or process **the Standard Mark** or any colourable imitation thereof **unless such article or process conforms to the Indian Standard.**

Section 12 - No person shall, except in such cases and under such conditions as may be prescribed, use without the previous permission of the Bureau, -

- a. any name which so nearly resembles the name of the Bureau as to deceive or likely to deceive the public or which contains the expression "Indian Standard" or any abbreviation thereof; or
- b. any mark or trade mark in relation to any article or process containing the expressions "Indian Standard" or "Indian Standard Specification" or any abbreviation of such expressions.”

Contravention of above provisions is punishable under section 33 (1), with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees, or with both.

6. The State Governments may designate officials with the Animal Husbandry Departments and / or the Milk Cooperatives for regular collection of samples of branded feed being sold in the market, get the samples sealed in a transparent manner, and send the samples for testing against relevant BIS Standards. In case of any deviation from the standards, a designated official may inform the competent authority to initiate appropriate legal action in addition to making the farmers aware of the deficiency in the feeds through extension officials and advertisement / circulars, etc., and a copy of such circular be also sent to DADF. The concerned manufacturer / supplier may also be informed.

(S. P. Sharma)
Director, DADF