

Shri Pawan Agarwal, CEO
Food Safety and Standards Authority of India

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Subject: Conflict of Interest in FSSAI

Shri Pawan Agarwal:

I am writing to raise concerns and seek action from you regarding conflict of interest within FSSAI.

Last month, [The BMJ](#) and the [Journal of Public Health Policy](#) published a study by Harvard University professor Susan Greenhalgh which found that food and beverage companies had worked with a not-for-profit organization that networked with nutrition scientists to nudge “government policy into alignment with the company’s corporate interests” in China.

The BMJ story, entitled “Making China safe for Coke: how Coca-Cola shaped obesity science and policy in China”, found that Coca-Cola and other companies worked through the China branch of International Life Sciences Institute (ILSI) to influence China’s public health policies, including a “shift aligned with Coca-Cola’s message that it is activity, not diet, that matters—a claim few public health scholars accept.”

ILSI is a non-profit organization founded by Alex Malaspina, former senior vice president at Coca-Cola, and acts as a front group for food, beverage and agrichemical companies.

ILSI has a chapter in India as well, and counts Coca-Cola India’s Director of Regulatory Affairs as its Treasurer, and representatives from Nestle and Ajinomoto among its [board](#) of directors.

Not surprisingly, ILSI has organized [conferences](#) in India downplaying the role of sugar and diet, and promoting increased physical activity as the solution to obesity.

What is particularly disturbing is the central involvement of key FSSAI functionaries – who are meant to regulate these junk food companies – in the ILSI organization itself.

Among the Board members of ILSI–India are Dr. Debabrata Kanungo, who is on the [Scientific Panel on Pesticides Residues](#) at the Food Safety and Standards Authority of India (FSSAI), a government of India agency tasked with ensuring food safety and setting safety standards for the entire country. Dr. Kanungo is also on FSSAI’s *Scientific Panel on Food additives, Flavourings, Processing aids and Materials in contact with food*.

Another ILSI-India Board member, Dr. B Sesikaran, is also a member of FSSAI’s [Scientific Panel on Functional foods, Nutraceuticals, Dietetic Products and Other similar products](#).

Sesikaran also is listed as being on the [Board of Trustees](#) of the global ILSI based in Washington, DC, and serves on the board of ILSI along with representatives of PepsiCo, Danone, Ajinomoto, Monsanto, Cargill, Dupont, and others.

Worryingly, the three-member expert committee to look into the [draft](#) Food Safety and Standards (Labelling and Display) Regulations 2018 is [headed](#) by B. Sesikaran, board member at both ILSI global and ILSI-India.

Mr. Aggarwal, the central roles that both Kanungo and Sesikaran occupy within ILSI – a front organization for food and beverage companies – make them unfit for the roles they are occupying

within FSSAI. The presence of these two individuals in such critical positions within FSSAI constitute a significant conflict of interest.

ILSI represents the food industry – whose sole purpose is to increase shareholder profits by selling more products, however unhealthy or unsafe; whereas FSSAI, as the primary government regulator of the food industry, is tasked with safeguarding the public from harm from the food industry.

The regulated cannot be the regulators, and there is enough precedence in India in recent times that affirm the need to keep distinct lines of demarcation between the two.

As you are well aware, the Food Safety and Standards [Act](#) 2006 which established the Food Safety and Standards Authority of India clearly states that, “The Food Authority shall establish scientific panels, which shall consist of *independent scientific experts*.” [emphasis ours] The Act allows for the scientific panels to “invite the relevant industry and consumer representatives in its *deliberations*,” but not as part of the scientific panel itself.

The two members mentioned above are clearly not independent given their close association with ILSI. They are representing the industry front group, ILSI, and their inclusion in the scientific panel runs counter to the Food Safety and Standards [Act](#) 2006.

You may also recall that in 2011, the Supreme Court acted in response to a petition which challenged the presence of food industry representatives as members of the scientific panels, and FSSAI [agreed](#) to reconstitute the scientific panels within two weeks of the Supreme Court order so as to exclude representatives from the food industry.

The inclusion of the two members mentioned above violate the spirit and intent of the Supreme Court decision given the central roles that both members play as board members of ILSI.

In 2017, the Comptroller and Auditor General of India (CAG) [released](#) the “Performance Audit on Implementation of Food Safety and Standards Act, 2006” which noted that the “FSSAI has, for some food categories, entrusted the task of suggesting revision of standards to representatives of the food business operators (FBO), whose opinions cannot be considered unbiased.”

The inclusion of the two members mentioned above in the FSSAI scientific panels does nothing to allay the concerns raised by the CAG. In fact, the continued presence of the two members who represent the food and beverage front organization ILSI only strengthens the concerns raised by the CAG audit of biased opinions permeating the FSSAI rule making process.

The FSSAI should act urgently to address the conflicts of interest mentioned above. Both B. Sesikaran and Debabrata Kanungo should be relieved of their duties with the FSSAI – India’s primary food regulatory institution – and replaced with independent experts with no conflicts of interest between private corporations and public health.

I look forward to hearing from you positively, and look forward to strict actions from FSSAI to resolve this urgent matter.

Thank you.

Amit Srivastava, Coordinator, India Resource Center

Cc: Shri Jagat Prakash Nadda, Minister of Health & Family Welfare