



# THE JUNK PUSH

Rising Ultra-processed Food Consumption in India – Policy, Politics and Reality



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Authors

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# FOREWORD



As maladapted modernity unleashes many threats to human health, ultra-processed foods (UPF) are amongst the most dangerous products of industrial manipulation of natural nutrient sources. They assault the human body through a diversity of adverse health effects. The scale of their production and consumption constitutes a grave danger that must be recognised and countered as a commercial determinant of ill health.

UPF products endanger human health in many ways. They erode immunity, corrode blood vessels, stoke inflammation, catalyse thrombosis and derail body's physiological mechanisms which regulate blood pressure, blood glucose, body weight, body fat levels and patterns of distribution. Heart attacks, brain strokes, cancers, diabetes, obesity, osteoporosis, metabolic associated steato-hepatitis (MASH or fatty liver), polycystic ovary syndrome (PCOS), infertility, depression and loss of cognitive function. UPF are often high in sugar, salt and unhealthy fats and shorn of protective nutrients like dietary fibre. They also frequently contain harmful additives which add colour and flavour but damage health.

Despite rapidly growing scientific knowledge on the multifold harm caused by UPF their consumption is increasing manifold. This is because of aggressive marketing by the manufacturers. Regulatory measures are inadequately framed or ineffectively enforced. Neither policy makers nor the public are adequately informed about the health harm from UPF, even as a deluge of direct and indirect forms of advertising, sponsorship and promotion drowns out attempts to inform people about the health harm caused by UPF. Several celebrities too promote these products, flouting the canons of social responsibility.

It is essential to provide accurate and adequate information to people on the nature of UPF, levels that cause adverse health effects, the diversity of those effects and the regulatory measures which are needed to curb the harm. This will help individuals and families to make informed choices. It will also shape public opinion and mobilise popular demand for effective regulatory measures which must span the spectrum of UPF production, distribution, pricing and promotion. Popular will must both stimulate initiation of impactful policy interventions and ensure their effective implementation.

The Junk Push report is a powerful document which provides factual information on UPF in a compelling presentation on what constitutes UPF, why those products must be regarded as inimical to health, why they must be avoided by consumers and how they should be regulated by policymakers who have a responsibility for protecting population health. NAPI, BPNI and Dr Arun Gupta deserve our gratitude for producing this report, which renders commendable public service. I hope it will galvanise action against UPF, so that this threat to health and wellbeing can be effectively mitigated.

**K. Srinath Reddy**

**Founder (Past) President and  
Distinguished Professor  
Public Health Foundation of India**

# EXECUTIVE SUMMARY

India is experiencing a rapid rise in non-communicable diseases (NCDs), both in children and adults, with an alarming 1 in 4 individuals suffering from diabetes, much of it caused by obesity. Growing body of scientific evidence indicates that increased consumption of junk foods is linked to higher risk of diabetes, cancers, heart diseases, high blood pressure, mental health issues, and premature deaths. The uptick in consumption of unhealthy diets is engendered by intensive marketing of junk foods and/or beverages. Junk food leads to a person eating more, resulting in weight gain and increased intake of sugars, salt, and saturated fat.

India is a party to the World Health Assembly (WHA) resolutions, one of which is a resolution on marketing of foods and non-alcoholic beverages to children, highlighting the need to protect children from harmful marketing of junk foods. The Government of India has made strong commitments to tackle the NCD crisis through the National Multisectoral Action Plan for Prevention and Control of Common NCDs, 2017-22 (NMAP).

Junk foods are advertised aggressively. A qualitative analysis of 43 advertisements of pre-packaged food products and their composition revealed that these foods were high in one or more nutrients of concern such as sugars, salt and saturated fat. All the 43 products were Ultra Processed Foods (UPFs). Marketing relied upon celebrity endorsements, emotional appeals, unsubstantiated health claims and targeted children, while none provided the most important information about the product which is the amount of sugars, salt and Fat, and a few might even violate the Food Safety and Standards Act 2006 (FSS Act) and Consumer Protection Act 2019.

Pervasive marketing techniques targeting children, positioned junk food as 'good' or even 'healthy,' adding to greater consumption at the most vulnerable ages. Marketing uses various strategies aimed at displacing healthy and cultural food practices.

The World Health Organization (WHO) and other UN agencies recognise that policies need to be mandatory and that policy development should be led by governments, without involving the food industry, to achieve actual curbs on aggressive marketing of junk foods.

Three policies have been identified globally, which can be helpful to reduce the exposure and consumption of junk foods: First is mandatory front of the pack labels (FOPL), which indicate the amount of sugars/salt or saturated fat in a clear manner. An "interpretive" FOPL is more effective as it truly shows what is in the packet and it is recommended by the NMAP. Interpretive warning labels can be adapted for non-literate populations too. Second is placing reasonable restrictions on marketing, especially to children on television and other media, like prohibiting junk food commercials between 6 am to 10 pm, and restricting some strategies like incentives and sponsorship of school events. Third is ensuring high taxes on junk food sales to discourage people buying them. The objective method of identifying foods as healthy or unhealthy requires some cut-off limits, which WHO's nutrition profile model for the South East Asia Region and FSSAI's draft regulation provides.

India's response to the three policies lies in the NMAP. While the plan envisaged the fulfilment of all the policy promises by 2022 and targeted arresting the rise of obesity and diabetes by 2025, the desired results are not in sight. There are many regulatory frameworks in place that may address food labelling and advertising provisions. These are: the Cable Television Networks (Regulation) Act 1995, the Food Safety and Standards Act, 2006, the Food Safety and Standards (Advertising

and Claims) Regulations 2018, the Consumer Protection Act 2019, the Food Safety and Standards (Labelling and Display) Regulations, 2020, the Food Safety and Standards (Safe food and balanced diets for children in school) Regulations, 2020, Food Safety and Standards (Labelling & Display) Regulations, 2020, and Draft Notification regarding Food Safety and Standards (Labelling & Display) Amendment Regulation 2022. Despite having several legal frameworks, our analysis highlights critical gaps. These gaps make the policy ineffective to control advertising or have an interpretive FOPL. India has made progress on awareness and promoting physical exercise, which is good but in addition, a regulatory approach needs to be in place to be more effective.

Food industry both globally and nationally adopts methods that tend to interfere with and retard policy development. While mouthing platitudes about assisting the government efforts to promote healthy eating habits, it actually uses strategies like 'coalition management', 'tied funding', suppressing unfavourable research and disseminating research favourable to commercial interests, and challenging regulatory measures or restrictions on the rare occasions when they are adopted. In India, the food industry interferes in policy development, holds consumers responsible for their choice, claims to pursue self-regulation (which has minimal or no impact on the exposure of children to junk foods), gains political legitimacy, and divides public opinion. Multilateral agencies including UNICEF and WHO, our own national policy under NMAP, as well as global and Indian public health experts, human rights groups and consumer organisations, all recommend that policy development processes be safeguarded from the food industry. Yet it is found that FSSAI commonly partners with the food industry or their front organisations or representatives. Examples include domination in the process for developing FOPL policy and efforts to dilute or destroy a central law on baby food marketing in the past.

During the past few years, several countries have implemented policies and regulations to curb the trend of rising consumption of junk foods. These practices are useful to take stock of while developing India's policy, one of which focuses on keeping the food industry away from the policy-making table.

This report provides insights into ultra- processed foods (UPF), also known as junk food, by examining some of the widely marketed brands, their advertising, and their marketing techniques. It examines advertising strategies and claims made by manufacturers or distributors of UPF/junk food in contrast to the listed ingredients of such foods, and tests these in light of current scientific knowledge, peer-reviewed studies, and guidelines or standards prescribed by the Government of India, W.H.O., and other multilateral agencies. The report reviews the existing policy framework and implementation, and suggests plans to curb consumption of unhealthy diets that are high on UPFs and other junk foods – which are a major cause of the rising prevalence of NCDs in India.

The following 10 recommendations, backed by credible scientific evidence and materials, are suggested for action. It is our hope that these are considered as an urgent public health priority. These will help the Government of India to bridge the gaps in current policy and to showcase its will to prevent NCDs and contribute to fulfil its promise to halt the rise of obesity and diabetes at least by 2030.

1. Food companies or their front organisations or individuals supported by them, should not be part of the decision making to develop a policy to reduce exposure of harmful marketing and consumption of the UPFs or other junk foods. Article 5.3 of the Tobacco Treaty, Framework Convention on Tobacco Control (FCTC) prevents Tobacco companies from contributing to health policy. Similar guidelines may be developed and applied to eliminate food industry influence on policy making.
2. The MoHFW may urgently establish the thresholds of nutrients of concern i.e. sugars, salt and saturated fat in pre-packaged foods. This would be of immediate help to identify which foods can be advertised or have warning FOPL or deserve higher taxes. The HFSS definition in the FSSAI Draft Regulation (September 2022) may be a good start.

3. The FSSAI under the MoHFW, as a follow up action of NMAP, may urgently adopt an interpretive FOPL (warning label) for all junk foods (HFSS or UPFs).
4. The MoHFW and/or the Ministry of Information and Broadcasting (MoIB) may frame a 'Bill' on "Prevention of NCDs to halt the rise of diabetes and obesity in India" with the objectives to define healthy foods and junk foods (UPF, HFSS), and impose reasonable restrictions on the marketing and advertising of junk foods especially to children up to 18 years. Reasonable restrictions could include every medium, sponsorship in schools or gifts for students etc. Television advertisements of junk foods may be prohibited from 6 am to 10 pm. Further, the MoIB may also amend the Cable Television Networks Regulation (Amendment) Act 2000, Rule 7(2)(viii), to include a ban on advertisements that directly or indirectly promote HFSS/ junk foods, similar to the existing ban on advertisements for infant foods.
5. The MoHFW, Ministries of Education, Sports, Home Affairs may direct schools, hospitals, prisons, and other public service offices/areas not to serve UPFs and other junk foods.
6. The GST council may consider the highest GST slab for UPFs and other junk foods, similar to a "sin"-tax for cola drinks.
7. The Ministry of Food and Civil Supplies, and Food Processing, Government of India should consider making real food affordable and accessible by incentives to produce "healthy foods", and making sure that junk food industry is not incentivised.
8. The Ministry of Consumers Affairs may consider an amendment to CCPA guidelines 2022 to prevent misleading advertisements by removing provisos in section 8(i) and Section 9. Further, a clear interpretation of what is the "most important information" of food products, would be helpful. Suggested definition may be included for quick decision making on misleading advertisements.
9. The MoHFW could expedite the implementation of the NMAP, to achieve its targets to halt the rise of obesity and diabetes. Operational guidance of the National Programme for Prevention and Control of Cancer, Diabetes, Cardiovascular Diseases and Stroke (NPCDCS) 2023 may also be reviewed to focus on primary prevention.
10. Civil society organisations, consumer groups, human rights groups, professional and academic groups in public health, academicians and others concerned should be encouraged to join hands with the Government to form a 'strong coalition' to work together and find ways and means to educate children and adults on the harms of UPFs and other junk foods, and to combat the food industry's objective of derailing policy. However, such organisations and the Coalition must not have any conflicts of interest.

# NOTES

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