

CUSTOMS CIRCULARS

Circular No 30/2019-Customs

Date - 11.09.2019

Disposal of Seized/Confiscated Foreign Origin Liquor

This circular has been issued to the practice of disposal of seized/confiscated liquor lying with Customs formations. Under the extant instructions/guidelines such seized/confiscated liquor was being disposed of by various means including sales to **Canteen Stores Department (CSD)**, other Defence Establishments or sale to hotels/restaurants and clubs having the necessary liquor licenses or to Indian Tourism Development Corporation (ITDC).

Now, field formations brought the following difficulties in disposing of seized/confiscated foreign origin liquor to the notice of the Board namely:

- i. Lack of response from Canteen Store Department (CSD) or from other Defence Establishments;
- ii. Lack of response from other bidders on account of problems associated with getting clearances from:
 - a. State Excise Department;
 - b. Food Safety and Standards Authority of India (FSSAI);
- iii. Denial of permission to sell by State Excise Authorities;

3. The matter was examined in consultation with Food Safety and Standards Authority of India (FSSAI) & Canteen Stores Department (CSD).

3.1. At present CSD is buying liquor of foreign brands directly in bulk quantity. As the seized/confiscated liquor is in assorted brands and in different quantities, they are not in a position to buy the stock from Customs.

3.2. FSSAI has stated that:-

- i. As per Food Safety and Standards (Import) Regulations, 2017, the Authorised Officer shall follow the procedure of inspection, sampling, testing and clearance, laid down under these regulations, for disposal of all cases of uncleared or unclaimed articles of food;
- ii. FSSAI has also categorically emphasized that without obtaining a No Objection Certificate (NOC) from FSSAI, the imported food products including seized/confiscated foreign-origin Liquor should not be released to the market for sale/consumption and if sampling is not feasible in case of seized lot/batch of one or two bottles, then such stock shall be destroyed by the Customs;
- iii. FSSAI has also informed that there is provision to minimize the cost of sampling of imported high priced alcoholic beverages. As per their Order F. No. 1/1619/FSSAI/Imports/2016 dated 06.03.2017, a miniature/representative sample of 100 ml (in two numbers) will be taken for laboratory analysis;
- iv. FSSAI has also clarified that there is no de-minimis clause/exemption from testing of small lots.

For more details , please follow - <http://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-circulars/cs-circulars-2019/Circular-No-30-2019.pdf;jsessionid=624CE8585A70996C1EC54BFB66837B48>