

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

STARRED QUESTION NO:82

ANSWERED ON:09.03.2005

BAN ON TOBACCO PRODUCTS

Chowdhury Shri Adhir Ranjan;Joshi Shri Pralhad Venkatesh

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether the Government has banned direct and indirect advertisement of all tobacco products in the country;
- (b) if so, whether the tobacco companies are continuing to advertise their products in various magazines and through other mode of advertisements;
- (c) if so, the action taken/proposed to be taken against them;
- (d) whether the Supreme Court has recently directed the States/UTs to impose ban on Gutka which is mixed with whitening chemical agents like magnesium carborate which affects vital body parts;
- (e) if so, the details thereof;
- (f) whether the Government has a proposal to amend the Food Adulteration Act, 1954 to provide punitive punishment to manufacturer of Gutka;
- (g) whether the Government is aware that fake cigarettes with names and looks similar to same popular imported brands have swamped the markets in the country;
- (h) if so, whether these cigarettes are made from sub-standard tobacco and contain saturation level of lethal pesticides and toxic fertilizers; and
- (i) if so, the preventive steps taken/proposed to be taken in this regard?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. ANBUMANI RAMADOSS)

(a)to(i): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 82 FOR 9TH MARCH, 2005

The central legislation titled 'The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003', which is applicable to whole of the country, inter-alia, contains a provision, i.e., section 5, which prohibits direct and indirect advertisement of cigarettes and other tobacco products. This provision came into force from 1st May 2004. The State Governments / Union Territories are the main implementing authorities. While the law is being implemented strictly, some instances of violation have come to the notice of the Central Government wherein certain tobacco products were advertised. The concerned State Governments were advised to take appropriate action against the violators as per the provisions of the law and also put in place necessary mechanism to prevent such violations.

The Hon'ble Supreme Court, in a Writ Petition seeking prevention of manufacture and sale of chewing tobacco (Gutkha) containing ingredients like Magnesium Carbonate that are harmful and prohibited under the provisions of the Law, issued notices on 11.2.2005 to the Union of India and all State Governments / Union Territories directing them to file their reply in the matter. The matter is subjudice.

Addition of Magnesium Carbonate in Gutkha is not permitted under the provisions of the Prevention of Food Adulteration Rules, 1955, and is a punishable offence under Prevention of Food Adulteration Act, 1954. The Government of India has instructed all Food (Health) Authorities to keep a strict vigil and check general adulterants including Magnesium Carbonate in Gutkha.

The Department of Consumer Affairs in the Government of India have reported that no information is available relating to sale of fake cigarettes with names and looks similar to some imported brands in the country and that any aggrieved consumer in the matter can seek redressal in the consumer forums established under the Consumer Protection Act, 1986. It may be further added that at present there is no regulation of ingredients in the manufacture of cigarette products. However, the above Tobacco Control Act, 2003, proposes to regulate the tar and nicotine contents of cigarettes and other tobacco products.