

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

UNSTARRED QUESTION NO:3856
ANSWERED ON:27.04.2012
NEW PICTORIAL WARNINGS ON TOBACCO PRODUCTS
Dhruvanarayana Shri R.

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

- (a) whether the Government has implemented the new pictorial warnings on tobacco products;
- (b) if so, the details thereof and if not, the reasons therefor;
- (c) whether there is any opposition to the new pictorial warnings on tobacco products;
- (d) if so, the details thereof and if not, the reasons therefor;
- (e) whether any requests/representations have been received from the tobacco manufacturers in this regard; and
- (f) if so, the details thereof along with the action taken by the Government thereon?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABIAZAD)

(a & b) Yes. Two separate sets of four pictorial health warnings were notified for smoking and smokeless forms of tobacco each respectively, vide notification G.S.R. No. 417 (E) dated 27-05-2011. The same have come into force with effect from 1st December, 2011. The producers/ manufacturers were given the liberty to choose any one of the warnings. In this regard a Public Notice was also issued in the leading National & Regional News Papers on 11th August, 2011.

(c) & (d) No.

(e) & (f) A controversy arose through some reports in the media alleging resemblance of some of the pictorial health warnings notified for smoking tobacco products, to Mr. John Terry, an English Footballer. In November, 2011, a representation was received from M/s. Philip Morris Services India S. A., citing resemblance of the images notified with a famous English Football Player Mr. John Terry. The DAVP, which had developed the image, however, clarified that the disputed image was one created by the artist from his own imagination. The same position was also conveyed to M/s. Philip Morris Services.

The matter was thereafter examined in the MoHFW and with a view to settling the controversy, without any prejudice to the Ministry's stand on the issue, the DAVP was requested to develop an alternate set of images on an identical pattern to what is currently approved, but which is an original representation made by the DAVP's artist, with an image or sketch of a person recognizably Indian, to be used as pictorial health warnings on smoking tobacco products. The Director, DAVP has sent 7 designs of pictorial warnings in March 2012, which are under consideration of the Ministry.

On 3.4.2012, a communication in this regard was also received from Secretary, Legislative Department, Ministry of Law and Justice, suggesting that in drafting of legislation it is an established practice not to make a law in respect of an individual or reference of an individual specific or pictorial thereof, as legislations and subordinate legislations are directed to the general public as a command of sovereign and not for any individual. He has also requested to replace the disputed image with non-specific appropriate pictorial depictions (pictures) under the same headings.