

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

UNSTARRED QUESTION NO:4525

ANSWERED ON:07.09.2012

STUDY ON CONTENTS IN GUTKHA PAN MASALA

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

- (a) the details of the regulatory standards and limits for various ingredients prescribed by the Government for cigarettes, gutkha, pan masala and other similar articles along with the mechanism put in place to enforce them in the country;
- (b) the number of cases reported for violation of the above rules and standards along with the action taken/proposed by the Government against the erring manufacturers during each of the last three years and the current year so far, State/UTwise;
- (c) whether the Government has undertaken a comprehensive analysis and study of the contents of cigarettes, gutkha, pan masala and similar articles manufactured in the country and harmful effects of consumption of such articles;
- (d) if so, the details along with the outcome thereof; and
- (e) the follow up action taken/proposed by the Government thereon including setting up of tobacco testing laboratories in this regard?

Answer

MINISTER OF HEALTH AND FAMILY WELFARE (SHRI GHULAM NABI AZAD)

(a): At present, there are no regulatory standards in place for ingredients of cigarettes in our country. The Regulation 2.11.5 of Food Safety and Standards (Food Product Standards and Food Additives) Regulations, 2011 issued under the Food Safety and Standards Act, 2006 prescribes the standards for Pan Masala. Further, the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 dated 1st August 2011, issued under the Food Safety and Standards Act, 2006, lays down that tobacco and nicotine shall not be used as ingredients in any food products. The Hon'ble Supreme Court in Godawat Pan Masala Vs UOI, 2004 (7) SCC 68 has held that "Since pan masala, gutka or supari are eaten for taste and nourishment, they are all food within the meaning of Section 2(v) of the (Prevention of Food Adulteration) Act." As such, by virtue of the regulation dated 1st August 2011 issued under the Food Safety and Standards Act, 2006, read with the judgement of the Hon'ble Supreme Court on the issue, Gutkha products are food products containing tobacco and nicotine and their manufacture, sale or storage is not permitted under law. By virtue of the same regulation, Pan Masala, if it contains tobacco and nicotine, cannot be manufactured or sold.

This Ministry has written to the Governments of the States/UTs to strictly implement the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 dated 1st August 2011. The Governments of Madhya Pradesh, Kerala, Bihar, Rajasthan, Maharashtra, Haryana, Chhattisgarh, Jharkhand, Gujarat, Chandigarh and Mizoram have so far issued orders/notification to enforce the ban on sale of Gutka and Pan Masala containing tobacco/nicotine in their states in accordance with this regulation.

(b): Enforcement of the above regulations lies with the Commissioners of Food Safety under the state governments, as per the provisions of Food Safety & Standards Act 2006. The information on the number of cases reported for violation of the above rules and standards is, therefore, not available with this Ministry.

(c) & (d): In compliance with the direction given by Hon'ble Supreme Court in the matter of Ankur Gutkha Vs. Indian Asthma Society (SLP 16308/2007), a comprehensive study on the contents of gutkha, tobacco, pan masala and similar articles manufactured in the country and harmful effects of consumption of such articles was prepared by National Institute of Health and Family Welfare (NIHFW), New Delhi in consultation with Ministry of Health & Family Welfare (MoHFW) and was submitted to Hon'ble Supreme Court. The matter is sub-judice before the Hon'ble Supreme Court.

(e): MoHFW has initiated the process of setting up of tobacco testing laboratories and has identified four regional testing labs and one apex lab for testing contents and emissions of all tobacco products.