

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

UNSTARRED QUESTION NO:5255

ANSWERED ON:26.04.2013

MISLEADING ADVERTISEMENTS OF TOBACCO PRODUCTS

Bishnoi Shri Kuldeep

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

(a) whether the Government has taken note of certain advertisements of gutka, pan masala and other tobacco products spreading false and misleading information about various contents and food safety aspects;

(b) if so, the details thereof; and

(c) the action taken/proposed by the Government against the offenders and also to check such false and misleading advertisements of gutka, pan masala and other tobacco products?

Answer

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

(a) to (c): Section 5 of "The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003" (COTPA 2003) prohibits all forms of advertisements (direct/indirect) of tobacco products including gutka, except at the points of sale or on the tobacco product packs. Moreover, under Food Safety Regulations, the production, sale, distribution and storage of food items such as gutka and pan masala containing tobacco or nicotine is prohibited. Litigation on these issues are pending before Hon'ble Supreme Court.

The advertisement of pan masala (without tobacco or nicotine) is regulated by the Food Safety and Standards (Packaging and Labelling) Regulations, 2011, dated 1st August, 2011, notified by the Food Safety and Standards Authority of India. Under sections 30 & 31 of this regulation, pan masala can be advertised subject to the condition that every package of Pan Masala and advertisement relating thereto, shall carry the warning, "Chewing of Pan Masala or Supari is injurious to health". In recent past, a few advertisements were published in leading national and regional dailies by a body named Smokeless Tobacco Association, raising questions on whether Gutkha was a food product and also implying that Gutkha was less harmful than smoking forms of tobacco and that Food Safety Regulations were discriminatory in nature. To counter the misinformation, the Ministry of Health & Family Welfare published a public notice highlighting the medical and legal facts, the harmful effects of all forms of tobacco use and the desirability of quitting tobacco use for a healthy and long life.