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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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नई दिल्ली, सोमवार, सितम्बर 28, 2015/आश्विन 6, 1937

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स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

अधिसूचना

नई दिल्ली, 24 सितम्बर, 2015

सा.का.नि. 739(अ).—केंद्र सरकार सिगरेट एवं अन्य तंबाकू उत्पाद (विज्ञापन का निषेध तथा व्यापार एवं वाणिज्य, उत्पादन, आपूर्ति एवं वितरण विनियमन) अधिनियम, 2003 (2003 का 34) की धारा 7 की उप-धारा (1), धारा 8, धारा 9 की उप-धारा (2), धारा 10 तथा धारा 31 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और शुद्धिपत्र सा.का.नि. 228(अ), दिनांक 26 मार्च, 2015 का अधिक्रमण करते हुए, सिगरेट और अन्य तंबाकू उत्पाद (पैकेजिंग एवं लेबलिंग) संशोधन नियमावली, 2014 में नियम 1 के उपनियम (2) के स्थान पर निम्नलिखित को प्रतिस्थापित किया जाएगा, नामतः :—

"(2) ये नियम 1 अप्रैल, 2016 से लागू होंगे।"

[फा. सं. पी-16011/05/2012-पी.एच-1]

के. सी. सामरिया, संयुक्त सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 24th September, 2015

G.S.R. 739(E).—In exercise of the powers conferred by sub-section (1) of section 7, section 8, sub-section (2) of section 9, section 10 and section 31 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003) and in supersession of the corrigendum G.S.R. No. 228(E) dated 26th March, 2015, in the Cigarettes and Other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014, for sub-rule (2) of rule 1, the following shall be substituted, namely:—

"(2) They shall come into force with effect from the 1st day of April, 2016."

[F. No. P-16011/05/2012-PH-1]

K. C. SAMRIA, Jt. Secy.

"4. भाषा:- प्रत्येक स्वास्थ्य चेतावनी अंग्रेजी, हिंदी तथा किसी अन्य क्षेत्रीय भाषा में होगी। उपयुक्त भाषा संयोजन का चयन सीडी में निर्दिष्ट संयोजन में से किया जाएगा ताकि यह सुनिश्चित किया जा सके कि स्वास्थ्य चेतावनी के लिए चयनित भाषा निर्माता या आयातक या पैकर द्वारा पैकेट पर प्रयुक्त भाषा के अनुरूप है।"

[फा.सं. पी 16011/05/2012-पीएच-1]

अंशु प्रकाश, संयुक्त सचिव

टिप्पणी:- मूल नियमों को 15 मार्च, 2008 के सा.का.नि. 182(अ) के तहत प्रकाशित किया था। तत्पश्चात् इनमें दिनांक 29 सितंबर, 2008 के सा.का.नि. 693(अ) तथा दिनांक 28 नवंबर, 2008 के सा.का.नि. 2814(अ) तथा दिनांक 03 मार्च, 2009 के सा.का.नि. 305(अ) तथा दिनांक 05 मार्च, 2010 के सा.का.नि. 176(अ) तथा दिनांक 17 मई, 2010 के सा.का.नि. 411(अ) तथा 20 दिसंबर, 2010 के सा.का.नि. 985(अ) तथा दिनांक 27 मई, 2011 के सा.का.नि. 417(अ) तथा दिनांक 26 जुलाई, 2011 के सा.का.नि. 570(अ) और 27 सितंबर, 2012 के सा.का.नि. 724(अ) के तहत संशोधित किया गया था।

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 15th October, 2014

G.S.R. 727(E).—In exercise of the powers conferred by sub-section (1) of Section 7, Section 8, sub-section (2) of Section 9, Section 10 and Section 31 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), the Central Government hereby makes the following rules further to amend the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008, namely:—

1. (1) These rules may be called the Cigarettes and other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014.
(2) They shall come into force with effect from the 1st day of April, 2015.
2. In the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008,—
(a) in rule 3, in sub-rule (1), —
(i) for clause (b), the following clause shall be substituted, namely:—
“(b) the specified health warning shall cover at least eighty-five per cent. (85%) of the principal display area of the package of which sixty per cent. (60%) shall cover pictorial health warning and twenty-five per cent. (25%) shall cover textual health warning and shall be positioned on the top edge of the package and in the same direction as the information on the principal display area:
Provided that for conical package, the widest end of the package shall be considered as the top edge of the package:
Provided further that on box, carton and pouch type of package, the specified health warning shall appear on both sides of the package, on the largest panels and for cylindrical and conical type of package, the specified health warning shall appear diametrically opposite to each other on two largest sides or faces of the package and the specified health warning shall cover eighty-five per cent. (85%) of each side or face of the principal display area of the package of which sixty per cent. (60%) shall cover pictorial health warning and twenty-five per cent. (25%) shall cover textual health warning.”;
(ii) for clause (d), the following clause shall be substituted, namely:—
“(d) no messages, images or pictures that directly or indirectly promote the use or consumption of a specific tobacco brand or tobacco usage in general or any matter or statement which is inconsistent with, or detracts from, the specified health warning are inscribed on the tobacco product package.”;

(iii) for clause (f), the following clause shall be substituted, namely: —

“(f) the textual health warning shall be inscribed in the language used on the package:

Provided that where the language used on a package or on its label is—

- (a) English, the health warning shall be expressed in English;
- (b) English and Indian languages, the health warning shall be expressed in English and any one of the Indian languages in which the brand name appears;
- (c) Hindi and other Indian languages, the health warning shall be expressed in Hindi and any one of the Indian language in which the brand name appears;
- (d) any Indian language, the health warning shall be expressed in such Indian language;
- (e) Indian languages, the health warning shall be expressed in any two Indian languages in which the brand name appears;
- (f) foreign language, the health warning shall be expressed in English;
- (g) foreign and Indian languages, the health warning shall be expressed in English and any one of the Indian languages in which the brand name appears:

Provided further that the textual health warning shall appear in not more than two languages used on the package:

Provided also that the textual health warning in one language shall be displayed on one side or face of principal display area and the textual health warning in the other language shall be displayed on the other side or face of principal display area of the package.”;

(iv) after clause (g), the following clause shall be inserted, namely: —

“(h) every package of cigarette or any other tobacco product shall contain the following particulars, namely:—

- (a) Name of the product;
- (b) Name and address of the manufacturer or importer or packer;
- (c) Origin of the product (for import);
- (d) Quantity of the product;
- (e) Date of manufacture; and
- (f) Any other matter as may be required by the Central Government in accordance with the international practice.”;

(b) for rule 5, the following rule shall be substituted, namely:—

“5. Rotation of specified health warning.—(1) The specified health warning on tobacco product package shall be rotated every twenty-four months from the date of commencement of these rules or before the period of rotation as may be specified by the Central Government by notification.

(2) During the rotation period, there shall be two images of specified health warning for both smoking and smokeless form of tobacco products and each of the images of the specified health warning shall appear consecutively on the package with an interregnum period of twelve months.

(3) At the end of the twelve months period, the first image (image 1) of specified health warning shall be replaced with the second image (image 2) of specified health warning, which shall appear for the next twelve months.

(4) At the end of each twelve months of the rotation period, the Central Government may allow the distributors, retailers and importers of cigarettes and other tobacco products a grace period, not exceeding two months to clear the old stock of package of tobacco products bearing the warning specified for the expired period of twelve months of the rotation period.

(5) The distributors, retailers and importers of cigarettes and other tobacco products shall not distribute or sell any package having the specified health warning of the expired period of twelve months after the grace period of two months.”;

(c) In the Schedule,—

(i) for the paragraph 1, the following paragraph shall be substituted, namely:—

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“1. Components of specified health warning.—The components for the specified health warning shall include the following, namely:—

(i) Textual Health Warning.—For smoking forms of tobacco products, the word “WARNING” shall appear in white font colour on a red background and the words “Smoking causes throat cancer” shall appear in white font colour on a black background. For smokeless forms of tobacco products, the word “WARNING” shall appear in white font colour on a red background and the words “Tobacco causes mouth cancer” shall appear in white font colour on a black background. The textual health warning shall cover twenty-five per cent. (25%) of the principal display area of the package. The intensity of color in the background of the textual health warning shall be: White: C:0%, M:0%, Y:0% K:0%, Red: C:0%, M:100%, Y:100% K: 0% and Black: C:0%, M:0%, Y:0% K: 100%. The textual health warnings shall be printed with four colors with printing resolution of minimum 300 DPI (Dots per inch). The font type and colour of the health warning shall be exactly as in the soft copy provided in the Compact Disk (CD) accompanying these rules or as uploaded on the web sites www.mohfw.nic.in and www.ntcptobaccocontrolpsa.in.

(ii) Pictorial Health Warning.—A pictorial representation of the ill effects of tobacco use on health shall be placed above the textual health warning, covering sixty per cent. (60%) of the principal display area of the package. It shall be printed with four colors with printing resolution of minimum 300 DPI (Dots per inch). The pictorial health warning should appear in the same colour and resolution exactly as in the soft copy provided in the CD accompanying these rules or as uploaded on the web sites www.mohfw.nic.in and www.ntcptobaccocontrolpsa.in”;

(ii) for the paragraph 2, the following paragraph shall be substituted, namely:—

“2. The specified health warnings shall be—

(a) For packages containing smoking forms of tobacco products-Image (1), the specified health warning contained in these rules shall be valid for a period of twelve months following its commencement.

Image- 1



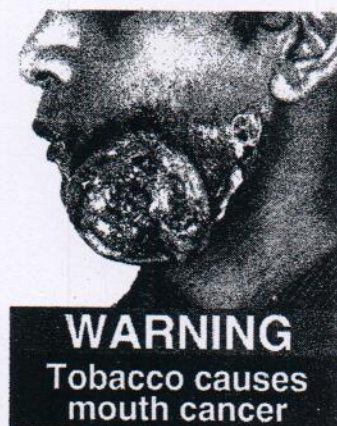
(b) For packages containing smoking forms of tobacco products - Image (2), the specified health warning contained in these rules shall come into effect following the end of twelve months from the date of commencement of specified health warning of image (1).

Image- 2



(c) For packages containing smokeless forms of tobacco products—Image (1), the specified health warning contained in these rules shall be valid for a period of twelve months following its commencement.

Image-1



(d) For packages containing smokeless forms of tobacco products—Image (2), the specified health warning contained in these rules shall come into effect following the end of twelve months from the date of commencement of specified health warning of image (1).

Image-2



Note. - These rules shall be accompanied by a (CD) that contains a soft copy of these specified health warnings, the soft copies of these specified health warnings shall also be uploaded on the websites www.mohfw.nic.in and www.ntcptobaccocontrolpsa.in, for inclusion in printing of tobacco product package.”;

(iii) for the paragraph 3, the following paragraph shall be substituted, namely:—

“3. Size of the specified health warning. - (1) The size of the specified health warning on each panel of the tobacco package shall not be less than 3.5 cm (width) × 4 cm (height), so as to ensure that the warning is legible, prominent and conspicuous.

(2) The size of all components of the specified health warning shall be increased proportionally according to increase of the package size to ensure that the specified health warning covers eighty-five per cent (85%) of the principal display area of the package of which sixty per cent (60%) shall cover pictorial health warning and twenty-five per cent (25%) shall cover textual health warning.”;

(iv) for the paragraph 4, the following paragraph shall be substituted, namely:—

“4. Language.— Each health warning shall be specified in English, Hindi and any other regional languages. Appropriate language combination shall be selected from the combination provided in the (CD) to ensure that the language selected for health warning is in conformity with the language used on the package by the manufacturer or importer or packer.”.

[F. No. P-16011/05/2012-PH-I]

ANSHU PRAKASH, Jt. Secy.