MINISTRY OF HEALTH AND FAMILY WELFARE

NOTIFICATION

New Delhi, the 31st May, 2005

G.S.R. 345(E).— In exercise of the powers conferred by section 31 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003", the Central Government hereby makes the following rules to amend the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, namely:-

1. (1) These rules may be called the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution (Amendment) Rules, 2005.

(2) They shall come into force on the 1st day of August 2005.

2. In the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004 -

(a) in rule 2, the following clause shall be inserted, namely.-

"(e) 'Indirect advertisement' mentioned in section 5 (1) of the Act means:

(i) the use of a name or brand of tobacco products for marketing, promoting or advertising other goods, services and events;

(ii) the marketing of tobacco products with the aid of a brand name or trademark which is known as, or in use as, a name or brand for other goods and service;

(iii) the use of particular colours and layout and/or presentation those are associated with particular tobacco products; and

(iv) the use of tobacco products and smoking situations when advertising other goods and services."

(b) for rule 4, the following rule shall be substituted, namely.-

"4. **Prohibition of advertisement of cigarettes and other tobacco products.** – (1) The size of the board used for the advertisement of cigarettes and any other tobacco products displayed at the entrance of a warehouse or a shop where cigarette or any other tobacco products is offered for sale shall not exceed sixty centimeters by forty-five centimeters.

(2) Each such board shall contain in an Indian language as applicable, one of the following warnings occupying the top edge of the board in a prominent manner measuring twenty centimeters by fifteen centimeters, namely:-

(i) Tobacco causes cancer, or

(ii) Tobacco kills

(3) The health warning referred to in sub-rule 2 must be prominent, legible and in black colour with a white background.

(4) The display board shall only list the type of tobacco products available and no brand pack shot, brand name of the tobacco product or other promotional message and picture shall be displayed on the board. The display board shall not be backlit or illuminated in any manner.

(5) The owner or manager or in-charge of the affairs of a place where cigarettes and other tobacco products are sold shall not display tobacco products in such a way that they are visible so as to prevent easy access of tobacco products to persons below the age of eighteen years.

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(6) No individual or a person or a character in cinema and television programmes shall display tobacco products or their use. Where, however, cinema and television programmes which have been produced prior to this notification have scenes with smoking situations and use of other forms of tobacco, it shall be mandatory to place a health warning as a prominent scroll at the bottom of the television or cinema screen with font in black colour on white background which is legible and readable. The text of the warning shall be 'Smoking causes cancer' or 'Smoking kills' for smoking form of tobacco use and 'Tobacco causes cancer' or 'Tobacco kills' for chewing and other form of tobacco. The health warning shall be in the same language/s as used in the cinema or the television programme.

(7) Wherever brand names or logos of tobacco products form a part of the pictures to be printed in any form of print or outdoor media or footage to be aired through any form of electronic media, it shall be

mandatory for the media to crop or mask the same to ensure that the brand names and logos of the tobacco products are not visible."

(c) in rule 5, the following clauses shall be added, namely.-

"(3) The owner or the manager or the in-charge of the affairs of a place where cigarettes or other tobacco products are sold shall ensure that no tobacco product is sold through a vending machine in order to prevent easy access of tobacco products to persons below the age of eighteen years.

(4) The owner or the manager or the incharge of the affairs of a place where cigarettes or other tobacco products are sold shall ensure that no tobacco product is handled or sold by a person below the age of eighteen years."

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BHAVANI THYAGARAJAN, Jt. Secy.

Note:- The principal rules were published vide number GSR 137 dated 25th February, 2004.

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