

**CIGARETTES AND OTHER TOBACCO PRODUCTS
(PROHIBITION OF ADVERTISEMENT AND REGULATION OF
TRADE AND COMMERCE, PRODUCTION, SUPPLY AND
DISTRIBUTION (SECOND AMENDMENT) RULES, 2005**

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

NOTIFICATION

New Delhi, the 30th November, 2005

***G.S.R. 698(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 further 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 (Second Amendment) Rules, 2005.

(2) They shall come into force on the 1st day of January 2006.

2. In the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution (Amendment) Rules, 2004, in rule 4,—

(i) for sub-rule (6), the following shall be substituted, namely:—

“(6) No individual or a person or a character in cinema and television programmes shall display tobacco products or their use: provided that this sub-rule shall not apply to

(a) Indian films and television programmes displaying use of tobacco products necessary to represent the smoking or tobacco usage of a real historical figure or for representation of a historical era;

(b) Old Indian films and television programmes, produced prior to coming into effect of this notification, being screened in a cinema hall or theatre or aired on television;

(c) Foreign films and television programmes, including dubbed or sub-titled foreign films or television programmes, being screened in cinema halls or theatres or aired on television;

(d) Indian or foreign films and television programmes, displaying use of tobacco products, in case of documentaries or health spots made to clearly and unambiguously reflect the dangers and dire consequences of tobacco use;

(e) Live coverage of news, current affairs, interviews, public meetings, sports events, cultural events and the like, being telecast on television whereby there is a purely incidental and completely unintentional coverage of use of tobacco products:

Provided that the exemptions under clauses (a), (b), (c), (d) & (e) above shall not extend to display of brands of tobacco products or tobacco product placement in any form. Close ups of cigarette packages or tobacco products shall not be permissible and such scenes shall be edited by the producer/distributor/broadcaster prior to screening in cinemas/theatres or airing on television.

Explanation (1).- For the purpose of this sub-rule, all films that receive CBFC certification prior to the effective date of this notification shall be categorized as 'old films'.

Explanation (2).- For the purpose of this sub-rule, 'Foreign film' implies 'Imported' as defined in the Cinematograph (Certification) Rules, 1983.

(6A) It shall be mandatory for the producer or distributor of the film to include anti tobacco health spots of minimum thirty seconds duration in the master print, to be screened at the beginning, middle and end of the said film. In case of old Indian films, the owner or manager of the cinema hall or theatre where the film is being screened shall ensure that these anti tobacco health spots are duly screened as prescribed. The provisions of this sub-rule shall not apply to clause (d) of sub-rule 6.

(6B) In case of television programmes, it shall be mandatory for the broadcaster to ensure either placement of an anti tobacco health warning as a prominent scroll at the bottom of the television screen during the period of such display or airing of anti tobacco health spots for a period of minimum thirty seconds during the telecast of each television programme of thirty minute duration or less. In case the television programme is more than thirty minutes further airtime of 30 seconds shall be allocated for each incremental thirty minutes, for telecasting anti tobacco spots. The minimum duration of each anti tobacco spot shall be not less than 15 seconds. The provision of this sub-rule shall not apply to clauses (d) and (e) of sub-rule 6:

Provided that, the anti tobacco health warning scroll shall be legible and readable with font in black colour on white background. The text of the health 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 or such other warning as may be specified by the Government:

Provided further that, the anti tobacco health warning scrolls or health spots shall be in the same language(s) as used in the film or television programme. In case of dubbed or sub-titled films or television programmes, the scrolls or spots shall be carried in the language of dubbing or sub-titling."

(ii) for sub-rule (7), the following shall be substituted, namely:-

"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, except in case of live or deferred live telecast of sports, cultural and other event/activities held in other countries being aired on television in India".

(iii) after sub-rule (7), the following sub-rule shall be inserted, namely:-

"(8) A Steering Committee shall be constituted under the chairmanship of the Union Health Secretary with representation from among others the Ministry of Information & Broadcasting, Ministry of Law & Justice, Advertising Standards Council of India, Press Council of India, Members of Parliament and voluntary organizations.

This Committee will take cognizance suo moto or look into specific violations under section 5 of the Act. The Committee shall also evaluate cases related to indirect advertising and promotion and pass orders thereof".

[F.No. P-16012/1/2005-PH]
BHAVANI THYAGARAJAN, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Part II, section 3(i) vide number GSR 137 dated the 25th February, 2004 and were amended vide number GSR 345 E dated the 31st May 2005.
