Instruction No. 2/2023

F. No. 401/02/2023-Cus-III
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Indirect Taxes & Customs)

North Block, New Delhi
Dated 7th January, 2023

To

All Principal Chief Commissioner/ Chief Commissioner of Customs/ Customs (Preventive).
All Principal Chief Commissioner/ Chief Commissioner of Central Excise & Customs.
All Principal Chief Commissioner of Customs/ Customs (Preventive) under CBIC
All Pr. Director /Director General under CBIC

Subject: - Instruction regarding Health Warning on both sides of the tobacco product packages covering 85% of display area - reg.

Madam/Sir,

Reference is invited to D.O. letter No. P.16011/02/2017-TC (Part 1) dated 09.12.2022 from the Department of Health and Family Welfare, Ministry of Health and Family Welfare (MoHFW), New Delhi on the above-mentioned subject (copy enclosed).

2. Vide this DO dated 09.12.2022, MoHFW has informed that the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, COTPA, 2003 is applicable to all the tobacco products and extends to whole of the country. Section 7 of the Act provides for specified Health Warning on all tobacco product packs. These rules have been amended time to time, for display of specified health warning on both sides of the tobacco product packages covering 85% of the principal display area. The rules were amended last in July, 2020 dated 21.07.2020.

3. Now, MoHFW vide Cigarettes and other Tobacco Products (Packaging and Labelling) Amendment Rules, 2022 (copy enclosed) **has notified the new set of specified health warning** which has come into force on the 1st day of December, 2022. In this regard, a Public Notice has also been published on NTCP portal and MoHFW website (copy enclosed).

4. The undersigned is directed to say that necessary action should be taken to sensitize officers in your jurisdiction and to effectively implement these new provisions.

5. The difficulties, if any, in the implementation of this Instruction may be brought to the notice of the Board. Hindi version follows.

Encl: as above

Yours faithfully,

Manish 7/1/2023

(Manish Kumar Choudhary)
Under Secretary (Cus.III)
Email: manish.irs@gov.in

राजेश भूषण, आईएएस
सचिव
RAJESH BHUSHAN, IAS
SECRETARY

भारत सरकार
स्वास्थ्य एवं परिवार कल्याण विभाग
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Government of India
Department of Health and Family Welfare
Ministry of Health and Family Welfare

D.O.No. P.16011/02/2017-TC (Part 1)
9th December 2022

Dear Sanjay,

The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act COTPA, 2003 was enacted in order to discourage the use of tobacco and to protect the youth and the masses from exposure to second hand smoke. This Act is applicable to all the tobacco products and extends to whole of the country. Section-7 of the Act provides for Specified Health Warnings on all tobacco product packs.

2. The Ministry notified the Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, vide G.S.R. 182 (E) dated 15th March, 2008 and the Rules have been amended from time to time, for display of specified health warnings on all tobacco product packs, thereby mandating the display of specified health warnings on both sides of the tobacco product packages covering 85% of the principal display area. The rules were amended last in July, 2020 vide GSR 458 (E), dated 21st July, 2020.

3. As per Rule 5 of the Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, the specified health warning on tobacco product package shall be rotated every twenty-four months. Now, the Ministry of Health & Family Welfare vide Cigarettes and other Tobacco Products (Packaging and Labelling) Amendment Rules, 2022 [*copy enclosed*] has notified the new set of specified health warnings which shall come into force on the 1st day of December, 2022. In this regard, a Public Notice has also been published on NTCP portal and MoHFW website. [A copy of the same is enclosed for reference).

4. In view of the above, it is requested that the field formations of Department of Customs & Excise may please be duly informed and sensitized about these Rules for effective implementation of the same.

Warm Regards.

Yours sincerely,

(Rajesh Bhushan)

Encl: A/a

Shri Sanjay Malhotra,
Secretary,
Department of Revenue,
North Block,
New Delhi

राजस्व विभाग
प्राप्त डा. सं .....
13 DEC 2022
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Receipt No. .....
Deptt. of Revenue

Room No. 156, A-Wing, Nirman Bhawan, New Delhi-110 011
Tele : (O) 011-23061863, 23063221, Fax : 011-23061252, E-mail : secyhfw@nic.in

रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-21072022-237420
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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 519] नई दिल्ली, बृहस्पतिवार, जुलाई 21, 2022/आषाढ़ 30, 1944
No. 519] NEW DELHI, THURSDAY, JULY 21, 2022/ASHADHA 30, 1944

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

अधिसूचना

नई दिल्ली, 21 जुलाई, 2022

सा.का.नि. 592(अ).—केन्द्रीय सरकार, सिगरेट और अन्य तम्बाकू उत्पाद (विज्ञापन का प्रतिषेध और व्यापार तथा वाणिज्य, उत्पादन, प्रदाय और वितरण का विनियमन) अधिनियम, 2003(2003 का 34) की धारा 7 की उप-धारा (1), धारा 8, धारा 9 की उप-धारा (2), धारा 10 और धारा 31 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सिगरेट और अन्य तम्बाकू उत्पाद (पैकेजिंग और लेबलिंग) नियम, 2008 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्: -

1. (1) इन नियमों का संक्षिप्त नाम सिगरेट और अन्य तम्बाकू उत्पाद (पैकेजिंग और लेबलिंग) संशोधन नियम, 2022 है।

(2) ये नियम 01 दिसंबर, 2022 को प्रवृत्त होंगे।

2. सिगरेट और अन्य तम्बाकू उत्पाद (पैकेजिंग और लेबलिंग) नियम, 2008 की अनुसूची में –

(i) पैरा-1, खंड (i) के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात्-

"(i) **लिखित स्वास्थ्य चेतावनी.-** धुएं और धुआं रहित तम्बाकू उत्पादों के लिए **'तम्बाकू यानि दर्दनाक मौत'** शब्द चित्र-1 में और **'तम्बाकू सेवन यानि अकाल मृत्यु'** शब्द चित्र-2 में लाल पृष्ठभूमि पर सफेद रंग के फोंट में प्रकाशित किए जाएंगे।

'आज ही छोड़ें, कॉल करें 1800-11-2356' शब्द काली पृष्ठभूमि पर सफेद रंग के फोंट में प्रकाशित किए जाएंगे। लिखित स्वास्थ्य चेतावनी की पृष्ठभूमि में रंग की सघनता निम्नानुसार होगी:- सफेद: सी: 0%,एम: 0%, वाई: 0%,के: 0%, लाल: सी : 0%, एम : 100%, वाई 100%, के: 0%, और काला: सी: 0%, एम: 0%, वाई: 0%, के: 100% लिखित स्वास्थ्य चेतावनी चार रंगों के साथ और न्यूनतम 300 डीपीआई (डॉट्स प्रति इंच) के प्रिंटिंग के रसोल्यूशन के साथ मुद्रित की जाएगी। स्वास्थ्य चेतावनी के फोंट प्रकार एवं रंग वेबसाइट www.mohfw.gov.in या ntcp.nhp.gov.in पर अपलोड की गई फोंट की प्रकृति एवं रंग के समान होंगे।"

(ii) पैरा 2 के स्थान पर, निम्नलिखित पैरा रखा जाएगा, अर्थात्: -

"2 विनिर्दिष्ट स्वास्थ्य चेतावनी होंगी-

(क) चित्र-1, इसके जारी होने की तारीख से बारह मास की अवधि के लिए विधिमान्य होगा।

चित्र-1

(ख) चित्र-2, चित्र -1 की विनिर्दिष्ट स्वास्थ्य चेतावनी के जारी होने की तारीख से बारह मास की अवधि की समाप्ति के पश्चात् प्रवृत होगा।

चित्र-2

टिप्पण:- विनिर्दिष्ट स्वास्थ्य चेतावनियों का सॉफ्ट या मुद्रणयोग्य संस्करण वेबसाइटों www.mohfw.gov.in तथा ntcp.nhp.gov.in पर उपलब्ध होगा।

[फा. सं. पी-16012/03/2020-टीसी]

रोली सिंह, अपर सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में तारीख 15 मार्च, 2008 की अधिसूचना संख्या सा.का.नि. 182(अ) द्वारा प्रकाशित किए गए थे और अंतिम बार अधिसूचना संख्या सा.का.नि. 458(अ), तारीख 21 जुलाई, 2020 द्वारा उनका अंतिम बार संशोधित किये गए थे।

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 21st July, 2022

G.S.R. 592(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, 2022.

(2) They shall come into force on the 1st day of December, 2022.

2. In the Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2008, the Schedule;-

(i) in paragraph 1, for clause (i) the following clause shall be substituted, namely: -

"(i) Textual Health Warning. - For smoking and smokeless forms of tobacco products, the words 'TOBACCO CAUSES PAINFUL DEATH' in Image-1 and the words 'TOBACCO USERS DIE YOUNGER' in Image-2 shall appear in white font colour on a red background. The words 'QUIT TODAY CALL 1800-11-2356' shall appear in white font colour on a black background. 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 uploaded on the website www.mohfw.gov.in OR ntcp.nhp.gov.in"

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

"2. The specified health warnings shall be-

(a) Image-1, shall be valid for a period of twelve months following its commencement.

Image- 1

(b) Image-2, 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. - The soft or printable version of the specified health warnings are available on the websites www.mohfw.nic.in and ntcp.nhp.gov.in

[F. No. P.16012/03/2020-TC]

ROLI SINGH, Addl. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 182 (E), dated the 15th March, 2008 and lastly amended *vide* notification number G.S.R. 458(E), dated the 21st July, 2020.

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ATTENTION!

Tobacco product Manufacturers, Distributors, Retailers and Importers!

The Central Government has notified the new specific warnings vide G.S.R. 592(E) of Gazette Notification dated 21st July 2022 for mandatory display on all tobacco product packages covering at least 85% of the principal display area. These Rules shall come into force on 1st December 2022. There shall be one common specified health warning for both smoking and smokeless forms of tobacco products.

Image - 1: This shall be valid for a period of twelve months from 1st December 2022. The words 'TOBACCO CAUSES PAINFUL DEATH' shall appear in white font colour on a red background and the words 'QUIT TODAY CALL 1800-11-2356' shall appear in white font colour on a black background.

Image - 2: This shall be valid for a period of twelve months from 1st December 2023. The words 'TOBACCO USERS DIE YOUNGER' shall appear in white font colour on a red background and the words 'QUIT TODAY CALL 1800-11-2356' shall appear in white font colour on a black background.

Image - 1

Image - 2

The pictorial health warning and textual health warnings shall be printed with four colors with printing resolution of minimum 300 DPI (Dots per inch). Their font type and color shall be exactly as prescribed.

All tobacco products manufactured or packaged or imported on or after 1st December 2022 shall display Image -1 and those manufactured or packaged or imported after 1st December 2023 shall display Image -2.

Any person engaged directly or indirectly in the production, supply, import or distribution of cigarettes or any tobacco products shall ensure that all tobacco product packages shall have the specified health warnings exactly as prescribed.

Violation of the above mentioned provision is a punishable offence with imprisonment or fine as prescribed in Section 20 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

The images, details of the specifies health warnings and the Rules are available at mohfw.gov.in and ntcp.nhp.gov.in. The open files of the images may also be obtained from the Ministry by making a request at **ntcp.mohfw@gmail.com** and/or **011-23062868**

Ministry of Health & Family Welfare
Government of India

NATIONAL HEALTH MISSION

All forms of tobacco are addictive and deadly – **QUIT TOBACCO USE TODAY**

To quit tobacco call 1800 11 2356 or give a missed call on 011-22901701