

Smokeless Tobacco Control - Bihar Experience

- In the state of Bihar **1.71 crore** adults (i.e. equal to the **population of Netherlands**) use smokeless tobacco products.
- Economic burden of diseases attributed to smokeless tobacco use among adults aged 35-69 years is **412.82 crores** in Bihar¹
- In May 2012 Bihar became **3rd** state to ban *gutka* and *pan masala* (with tobacco and nicotine)¹.
- In September 2016, Bihar in compliance with the Supreme Court of India order banned sale of *gutka* in twin packs*
- In October 2018, Government of Bihar banned use of food and food additives as ingredient in chewing tobacco products¹¹

Regulation on Pan Masala

- Pan Masala is food which may contain betel nut, lime, catechu, spices etc. It is carcinogenic, genotoxic, and affects the oral cavity, liver, kidneys and reproductive organs ².
- Food Safety and Standards Authority of India (FSSAI) regulations requires every package of pan masala and advertisement to carry the warning- “Chewing of Pan Masala is injurious to health”.
- FSSAI Regulation prohibits the use of magnesium carbonate and nicotine in pan masala.
- Food Safety Authority (FSA)-Bihar tested several samples of pan masala and found magnesium carbonate in samples of 15 brands.
- FSA-Bihar in August-September 2019, banned the manufacture, storage, transportation and sale of 15 brands of pan masala for non-compliance with FSSAI Regulations**.
- FSA-Bihar forwarded samples of pan masala for further testing to the National Tobacco Testing Laboratory, Noida, on testing atleast 7 brands of pan masala were found to contain nicotine although their package mentioned “No Nicotine or 0% Nicotine”***.
- FSA-Bihar initiates actions against pan masala retailers for selling pan masala with nicotine

OFFICE OF THE COMMISSIONER OF FOOD SAFETY CUM SECRETARY, HEALTH, BIHAR, PATNA

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No. FSC/22/2012/29 Date 30.5.12

ORDER

WHEREAS, regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 made by the Food Safety and Standards Authority of India in exercise of the powers conferred by clause (i) of Sub-section (2) of Section 92 of the Food Safety and Standards Act, 2006 (Central Act 34 of 2006) read with section 26 thereof, prohibits articles of food in which tobacco and nicotine are used as ingredients, as they are injurious to health;

AND WHEREAS, *gutka* and *panmasala* are articles of food in which tobacco and nicotine are widely used as ingredients now-a-days,

AND WHEREAS, it is expedient to prohibit *gutka* and *panmasala* in the State of Bihar, being food products in which tobacco and nicotine are widely used as ingredients;

AND WHEREAS the Commissioner of Food Safety of the State is empowered under Section 30 of the Food Safety and Standards Act, 2006 to prohibit for one year in the interest of public health, the manufacture, storage distribution or sale of any article of food in the whole of State.

NOW, THEREFORE, in pursuance of regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, the manufacture, the storage, the sale or the distribution of *Gutka* and *panmasala* containing tobacco or nicotine as ingredients by whatsoever name it is available in the market, is hereby prohibited for one year from the date of issue of Order in the State of Bihar in the interest of Public Health.

Commissioner of Food Safety cum Secretary, Health

Memo No - 29 Dated - 30.5.12

Copy to:- All Designated Officers and all Food Safety Officers are directed to take necessary & lawful action to enforce this order.

Commissioner of Food Safety cum Secretary, Health

Memo No. - 29 Dated - 30.5.12

Copy to:- All District Magistrates / All Superintendent of Police / All Civil Surgeons are requested to take appropriate action with a view to enforce the order.

Commissioner of Food Safety cum Secretary, Health

Memo No - 29 Dated - 30.5.12

Copy to:- Superintendent, Bihar Secretariat Press, Gulzarbagh, Patna is requested to publish in the extra Ordinary Gazette.

Commissioner of Food Safety cum Secretary, Health

¹ under clause 2.3.4. of the the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation, 2011.
² dated 23.09.2016, Transfer Case (C) 1 of 2010, under FSSAI Regulation 2.3.4, stating, “the manufacture, storage, distribution or sale of *gutka* and *pan masala* (containing tobacco or nicotine) and any other products marketed separately to constitute as *gutka* or *pan masala* as final product, by whatsoever name called, whether packaged or un-packaged and/or sold as one product, or through packaged as separate products, sold or distributed is prohibited”
¹¹ Order stated: “All concerned officers are directed to ensure that there is no manufacture, sale, storage and transport of chewing tobacco mixed with food or food additives in strict compliance with clause 2.3.4. of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation, 2011, in thew entire state of Bihar”.
^{**}These include Rajnigandha, Rajniwas, Supreme, Pan Parag, Bahar, Bahubali, Rajshree, Raunak, Signature, Sir Gold, Shikhar, Vimal, Kamala Pasand, Pashan and Madhu
^{***}: Rajnigandha, Supreme, Kamala Pasand, Rajshree, Signature, Madhu, Raunak

Bibliography:1 Report on "Economic Burden of Tobacco Related Diseases in India
 2 Garg A, Chaturvedi P, Mishra A, Datta S. A review on harmful effects of pan masala. Indian J Cancer. 2015 Oct 1;52(4):663.

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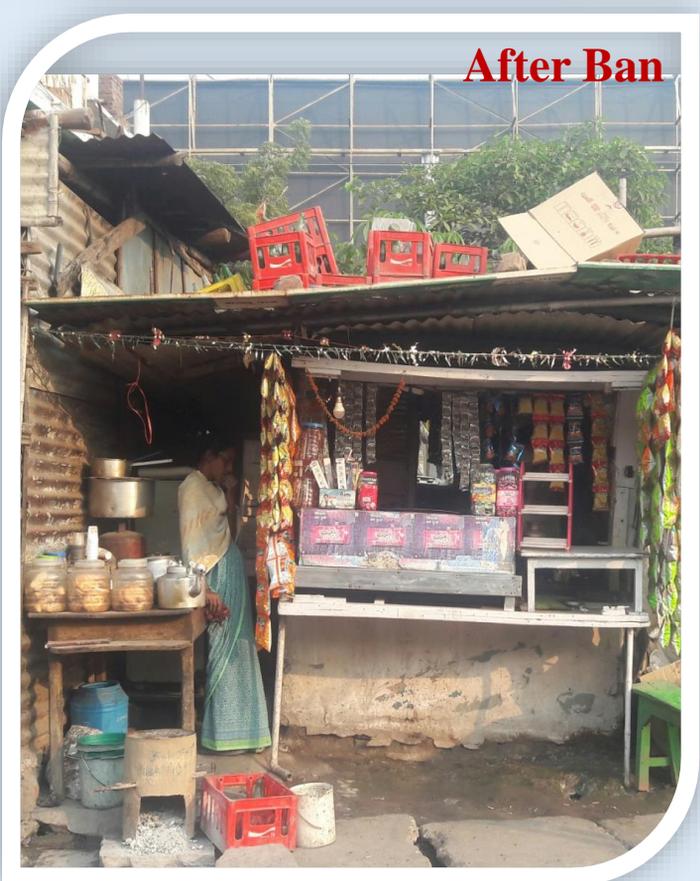
Impact of Pan Masala Ban in Bihar

- No open sale of major brands of *pan masala* in the state
- No sale of twin or chotu chewing tobacco pack sold in conjunction with pan masala to circumvent the *gutkha* ban
- Awareness among *pan masala* users about toxic chemicals like nicotine and magnesium carbonate being used in pan masala
- No advertisement of *pan masala* at point of sale and in outdoor and print media



Before Ban

Banned Pan Masala Brands



After Ban