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SPEED POST

भारत सरकार
स्वास्थ्य एवं परिवार कल्याण विभाग
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Government of India
Department of Health and Family Welfare
Ministry of Health & Family Welfare
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Tobacco use is the foremost preventable cause of death and disease globally as well as in India. As per the Global Audit Tobacco Survey – India (GATS) 2010, smokeless tobacco/chewing forms are the most prevalent forms with 206 million Indians using it. As such the consequent burden of mortality and morbidity due to consumption of smokeless tobacco is very high in India. Available evidence suggests that India shares the maximum burden of oral cancer in the World.

The Food Safety Standards Authority of India (FSSAI) has issued the Food Safety and Standards (Prohibition and Restrictions on sales) Regulations, 2011 dated 1st August, 2011 in exercise of power conferred under the Food Safety & Standards Act, 2006. Regulation 2.3.4 thereof says that tobacco and nicotine shall not be used as ingredients in any food products. Thus, Regulation 2.3.4 bans sale of all food products where tobacco is present as ingredient in the final product, whether going by the name of gutka, pan masala or zarda.

However, to circumvent the ban on the sale of gutka, the manufacturers are selling pan masala (without tobacco) with flavoured chewing tobacco in separate sachets. Often these sachets are sold together by the same vendors from the same premises, so that consumers can buy the pan masala and flavoured chewing tobacco and mix them and consume the same. Hence, instead of the earlier "ready to consume mixes", chewing tobacco companies are selling gutka in twin packs to be mixed as one.

In this context, the Hon'ble Supreme Court of India in Central Areca-nut Marketing Corporation & Others Vs Union of India & Ors (Transfer Case (C) 1 of 2010) on 23rd October, 2016, passed an order recording and directing as under:

"Ld Amicus Curiae has also pointed out that this court has not granted any stay of Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on sales) Regulations, 2011 and the concerned authorities are duty bound to enforce the said regulation framed under Section 92 readwith Section 26 of the Food Safety & Standards Act, 2006.

In view of the above, the concerned statutory authorities are directed to comply with the above mandate of law. We also direct the Secretaries,