

**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**RAJYA SABHA
STARRED QUESTION NO. 237
TO BE ANSWERED ON THE 17TH DECEMBER, 2024**

ADVERTISEMENT FOR TOBACCO PRODUCTS

237 SHRI BHUBANESWAR KALITA:

Will the Minister of Health and Family Welfare be pleased to state:

- (a) whether it is a fact that celebrities who endorse or advertise for tobacco products and pan masala companies, with same or similar brand name/design, are penalized;
- (b) if so, whether there is any procedure to stop them to do so; and
- (c) if so, the details thereof?

**ANSWER
THE MINISTER OF HEALTH AND FAMILY WELFARE
(SHRI JAGAT PRAKASH NADDA)**

(a) to (c) A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO RAJYA SABHA
STARRED QUESTION NO. 237 * FOR 17TH DECEMBER, 2024**

(a) to (c) As per Section 5(1) of The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, “No person engaged in, or purported to be engaged in the production, supply or distribution of cigarettes or any other tobacco products shall advertise and no person having control over a medium shall cause to be advertised cigarettes or any other tobacco products through that medium and no person shall take part in any advertisement which directly or indirectly suggests or promotes the use or consumption of cigarettes or any other tobacco products.”

There is provision under Section 22 of The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 for penalty on violation of Section 5 of the Act. Section 22 states that whoever contravenes the provision of section 5 shall, on conviction, be punishable-

1. in the case of first conviction, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both, and
2. in the case of second or subsequent conviction with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

The enforcement of the Act lies with the States and Union Territories.

In addition to above, Rule 7(2) (viii) (A) of the Advertising Code of Cable Television Networks (Regulation) Act, 1995 provides that no advertisement shall be permitted which promotes directly or indirectly production, sale or consumption of cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants; provided that a product that uses a brand name or logo, which is also used for cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants, may be advertised on cable service subject to certain conditions prescribed thereunder.
