

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

**LOK SABHA
UNSTARRED QUESTION NO. 1925
TO BE ANSWERED ON 29TH DECEMBER, 2017**

ADVERTISEMENT OF TOBACCO PRODUCTS

1925. SHRI ANOOP MISHRA:

Will the Minister of **HEALTH AND FAMILY WELFARE** be pleased to state:

- (a) whether indirect advertisement is used by smokeless tobacco products/ chewing tobacco product manufacturers to circumvent increasingly restrictive tobacco control law;
- (b) if so, the details thereof; and
- (c) the details of such erring companies along

**ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND
FAMILY WELFARE
(SMT. ANUPRIYA PATEL)**

(a) & (b); Section-5 of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA 2003), prohibits advertisement of cigarettes and other tobacco products. Violations, if any, are dealt as per the rule and actions are taken.

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.

One of such conditions prescribe that the same shall be previewed and certified by the Central Board of Film Certification (CBFC) as suitable for unrestricted public exhibition prior to their telecast.

CBFC has clarified that they are not certifying advertisements for products which use the same brand name or logo used for tobacco products in terms of the above Rule.

(c): As per the information received from States/Union Territories, the number of persons fined and amount collected for non-compliance of Section-5 under COTPA, 2003 during the last three years is at **Annexure**.

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Status of the number of people fined and amount collected under Section-5 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA, 2003)

As per the information received from the States/Union Territories for the period from April, 2014 to March, 2017

States	2014-15		2015-16		2016-17	
	Number of persons fined	Amount collected (in Rs.)	Number of persons fined	Amount collected (in Rs.)	Number of persons fined	Amount collected (in Rs.)
Assam	0	0	9	5000	41	12550
Goa	0	0	0	0	2	400
Gujarat	921	63800	2250	155850	2669	198900
Karnataka	177	0	89	0	252	0
Kerala	316	43700	216	31900	23	22800
Uttar Pradesh	0	0	0	0	121	54500
Punjab	0	0	5	0	0	0
Odisha #	6385	558660	4201	393592	5542	520480
Andhra Pradesh #	0	0	1569	191190	NR	NR
Rajasthan #	5330	618419	0	0	NR	NR
Sikkim #	0	0	215	30700	NR	NR
Tamil Nadu #	18138	2297890	0	0	NR	NR

denotes Total number of persons fined/amount collected under Section-4, Section-5, Section-6(a), Section-6(b) and Section-7 of COTPA, 2003 collectively [for the year 2015-16, the data is till September, 2015 (except for Odisha, for which the data is for the full financial year)].

Brief details of the above Sections under COTPA, 2003:-

- ✓ *Section 4: Ban on smoking in public places- to protect the health of non-smokers from harmful effects of tobacco smoke (second hand smoke).*
- ✓ *Section 5: Ban on direct/indirect advertisement of tobacco products including sponsorship and promotion.*
- ✓ *Section – 6a: Ban on sale of tobacco products to and by minors (less than 18 years of age).*
- ✓ *Section – 6b: Ban on sale of tobacco products within 100 yards of educational institutions.*
- ✓ *Section – 7: Display of specified health warnings on tobacco products packages.*