

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

**LOK SABHA  
UNSTARRED QUESTION NO. 2736  
TO BE ANSWERED ON 06<sup>TH</sup> MARCH, 2020**

**VIOLATION OF COTPA, 2003**

**2736. SHRI KRUPAL BALAJI TUMANE:  
SHRI ARVIND GANPAT SAWANT:**

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

- (a) whether the Government has adopted measures to ensure that tobacco and pan-masala packets hanging at small shops and kiosks to lure children are prevented since doing so qualifies as a means of advertising and is a direct violation of the COTPA, 2003 and its rules;
- (b) if so, the details thereof and if not, the reasons therefor;
- (c) whether it is a fact that the small shops and kiosks have been using surrogate methods of advertising with the intent of creating brand prominence through specific colour codes which resonate with certain cigarette brands;
- (d) if so, the details thereof along with the action taken by the Government against such surrogate means of advertisement; and
- (e) whether the Government proposes to remove the provisions of allowing Point of Sale advertising under the COTPA, 2003 and if so, the details thereof?

**ANSWER  
THE MINISTER OF HEALTH AND FAMILY WELFARE  
(DR. HARSH VARDHAN)**

(a) & (b): As per Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA 2003) and the Rules made thereunder, the advertisement of cigarettes and other tobacco products is prohibited and specified health warnings covering 85% of principal display area has to be displayed on all tobacco products.

Further, the sale of tobacco products to and by persons below the age of eighteen years is prohibited and tobacco products are not to be displayed in a manner that enables easy access of tobacco products to persons below the age of eighteen years. Cigarettes and any other tobacco products

The advertisement of Pan Masala is regulated by Section 30 of the Food Safety and Standards (Packaging and Labelling) Regulations, 2011, issued under the Food Safety and Standards Act, 2006, which states that every package of Pan Masala and advertisement relating thereto, shall carry the warning, “Chewing of Pan Masala is injurious to health”.

For effective implementation of the provisions of COTPA, 2003 and the Food Safety and Standards (Packaging and Labelling) Regulations, 2011, Central and State Governments have notified authorized officers from various Departments. The enforcement of these provisions primarily lies with the States/Union Territories.

(c) & (d): 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, provided that as per Proviso (b) of Section 5 of COTPA, 2003, the prohibition does not apply to advertisements at the point of sale. However, the Government vide regulations has specified the manner in which such point of sale displays can be done. Any violation of these provisions is punishable under COTPA, 2003.

Responsibility of enforcement of these provisions primarily lies with the States/Union Territories.

(e): The target envisaged in National Health Policy, 2017 for relative reduction in prevalence of current tobacco use is 30% by 2025. The National Health Policy 2017 of the Government of India identifies coordinated action on ‘Addressing tobacco, alcohol and substance abuse’ as one of the seven priority areas as outlined for improving the environment for health. Accordingly, Nasha Mukti Abhiyan Task Force (including tobacco, alcohol and substance abuse) was constituted to formulate a detailed ‘Preventive and Promotive Care Strategy’ for addressing tobacco, alcohol and substance abuse (Nasha Mukti Abhiyan). Pursuant to its first meeting, three Working Groups viz. Working Group on Preventive Aspects; Regulatory Mechanisms; and Curative Aspects to formulate strategy for Nasha Mukti Abhiyan were constituted. The Working Group on Regulatory Mechanisms has the mandate to explore the existing provisions of the concerned laws/schemes and to analyse whether any amendment is required in the existing provision/scheme. The recommendations of the Working Group for redrafting/modifying the existing provisions of COTPA are awaited.