

**CIGARETTES AND OTHER TOBACCO PRODUCTS
(PROHIBITION OF ADVERTISEMENT AND REGULATION OF
TRADE AND COMMERCE, PRODUCTION, SUPPLY AND
DISTRIBUTION) RULES, 2004**

CONTENTS

1. Short title and commencement
2. Definitions
3. Prohibition of smoking in a public place
- 4 . Prohibition of advertisement of cigarette and other tobacco products
5. Prohibition of sale to minors

**CIGARETTES AND OTHER TOBACCO PRODUCTS
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In exercise of the powers conferred by Section 31 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), the Central Government hereby makes the following rules, namely:

1. Short title and commencement :-

(1) These rules may be called the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004.

(2) They shall come into force on the 1st day of May, 2004.

2. Definitions :-

In these rules, unless the context otherwise requires,

(a) "Act" means the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003;

(b) "section" means a section of the Act;

(c) "open space" mentioned in Section 3(1) of the Act shall not

include any place visited by the public such as open auditorium, stadium, railway station, bus stop and such other places; and

(d) words and expressions used herein and not defined in these rules but defined in the Act, shall have the meanings, respectively, assigned to them in the Act.

1

(e) 'Indirect advertisement' mentioned in Sec. 5(1) of the Act means:

(i) the use of a name or brand of tobacco products for marketing, promoting or advertising other goods, services and events;

(ii) the marketing of tobacco products with the aid of a brand name or trademark which is known as, or in use as, a name or brand for other goods and service;

(iii) the use of particular colours and layout and/or presentation those are associated with particular tobacco products; and

(iv) the use of tobacco products and smoking situations when advertising other goods and services.

1. In Rule 2, clause shall be inserted, by the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution (Amendment) Rules, 2005.

3. Prohibition of smoking in a public place :-

(1) The owner or the manager or in charge of the affairs of a public place shall cause to be displayed prominently a board, of a minimum size of sixty centimetre by thirty centimetre in the Indian language(s) as applicable, at least one at the entrance of the public place and one at conspicuous place(s) inside, containing the warning "No Smoking Area Smoking here is an Offence".

(2) The owner or the manager or in charge of the affairs of a hotel having thirty rooms or restaurant having seating capacity of thirty persons or more and the manager of the airport shall ensure that,

(i) the smoking and non-smoking areas are physically segregated;

(ii) the smoking area shall be located in such manner that the public is not required to pass through it in order to reach the non-smoking area; and

(iii) each area shall contain boards indicating thereon "Smoking Area/Non-Smoking Area".

4. Prohibition of advertisement of cigarette and other tobacco products :-

(1) The size of the board used for the advertisement of cigarettes and any other tobacco products displayed at the entrance of a warehouse or a shop where cigarette or any other tobacco products is offered for sale shall not exceed sixty centimeters by forty-five centimeters.

(2) Each such board shall contain in an Indian language as applicable, one of the following warnings occupying the top edge of the board in a prominent manner measuring twenty centimeters by fifteen centimeters, namely: (i) Tobacco causes cancer, or (ii) Tobacco kills

(3) The health warning referred to in sub-rule 2 must be prominent, legible and in black colour with a white background.

(4) The display board shall only list the type of tobacco products available and no brand pack shot, brand name of the tobacco product or other promotional message and picture shall be displayed on the board. The display board shall not be backlit or illuminated in any manner.

(5) The owner or manager or in-charge of the affairs of a place where cigarettes and other tobacco products are sold shall not display tobacco products in such a way that they are visible so as to prevent easy access of tobacco products to persons below the age of eighteen years.

2"(6) No individual or a person or a character in cinema and television programmes shall display tobacco products or their use: Provided that this sub-rule shall not apply to

(a) Indian Films and television programmes displaying use of tobacco products necessary to represent the smoking or tobacco usage of a real historical figure or for representation of a historical era;

(b) Old Indian films and television programmes, produced prior to coming into effect of this notification, being screened in a cinema hall or theatre or aired on television;

(c) Foreign films and television programmes, including dubbed or subtitled foreign films or television programmes, being screened in cinema halls or theatres or aired on television;

(d) Indian or foreign films and television programmes, displaying use of tobacco products, in case of documentaries or health spots made to clearly and unambiguously reflect the dangers and dire consequences of tobacco use;

(e) Live coverage of news, current affairs, interviews, public meetings, sports events, cultural events and the like, being telecast on television whereby there is a purely incidental and completely unintentional coverage of use of tobacco product: Provided that the exemptions under clauses (a), (b), (c), (d) and (e) above shall not extend to display of brands of tobacco products or tobacco product placement in any form. Close up of cigarette packages or tobacco products shall not be permissible and such scenes shall be edited by the producer/ distributor/ broadcaster prior to screening in cinemas/ theatres or airing on television.

Explanation (1).- For the purposes of this sub-rule, all films that receive CBFC certification prior to the effective date of this notification shall be categorized as 'old films'.

Explanation (2).- For the purpose of this sub-rule, 'Foreign film' implies 'Imported' as defined in the Cinematograph (Certification) Rules, 1983.

(6A). It shall be mandatory for the producer or distributor of the film to include anti tobacco health spots of minimum thirty seconds duration in the master print, to be screened at the beginning, middle and end of the said film. In case of old Indian films, the owner or manager of the cinema hall or theatre where the film is being screened shall ensure that these anti tobacco health spots are duly screened as prescribed. The provisions of this sub-rule shall not apply to clause (d) of sub-rule 6.

(6B). In case of television programmes, it shall be mandatory for the broadcaster to ensure either placement of an anti tobacco health warning as a prominent scroll at the bottom of the television screen during the period of such display or airing of anti tobacco health spots for a period of minimum thirty seconds during the telecast of each television programme of thirty minutes duration or less. In case the television programme is more than thirty minutes further airtime of 30 seconds shall be allocated for each incremental

thirty minutes, for telecasting anti tobacco spots. The minimum duration of each anti tobacco spot shall be not less than 15 seconds. The provisions of this sub-rule shall not apply to clauses (d) and (e) of sub-rule 6:

Provided that, the anti tobacco health warning scroll shall be legible and readable with font in black colour on white background. The text of the health warning shall be 'Smoking causes cancer' or 'Smoking Kills' for smoking form of tobacco use and 'Tobacco causes cancer' or 'Tobacco Kills' for chewing and other form of tobacco or such other warning as may be specified by the Government:

Provided further that, the anti tobacco health warning scrolls or health spots shall be in the same language(s) as used in the film or television programme. In case of dubbed or sub-titled films or television programmes, the scrolls or spots shall be carried in the language of dubbing or sub-titling."

3(7)" Wherever brand names or logos of tobacco products form a part of the pictures to be printed in any form of print or outdoor media or footage to be aired through any form of electronic media, it shall be mandatory for the media to crop or mask the same to ensure that the brand names and logos of the tobacco products are not visible, except in case of live or deferred live telecast of sports, cultural and other events/ activities held in other countries being aired on television in India."

4 (8) "A Steering Committee shall be constituted under the chairmanship of the Union Health Secretary with representation from among others the Ministry of Information and Broadcasting, Ministry of Law and Justice, Advertising Standards Council of India, Press Council of India, Members of Parliament and voluntary organizations. This Committee will take cognizance suo motu or look into specific violations under section 5 of the act. The Committee shall also evaluate cases related to indirect advertising and promotion and pass orders thereof."

In the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, in Rule 4, for sub-rule (6), the given Rule shall be substituted, an Old one is :- " (6) No individual or a person or a character in cinema and television programmes shall display tobacco products or their use. Where, however, cinema and television programmes which have been produced prior to this

notification have scenes with smoking situations and use of other forms of tobacco, it shall be mandatory to place a health warning as a prominent scroll at the bottom of the television or cinema screen with font in black colour on white background which is legible and readable. The text of the warning shall be 'Smoking causes cancer' or 'Smoking kills' for smoking form of tobacco use and 'Tobacco causes cancer' or 'Tobacco kills' for chewing and other form of tobacco. The health warning shall be in the same language/s as used in the cinema or the television programme." by the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003

In the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, in Rule 4, for sub-rule (7) shall be substituted an Old Clause is as follows : "(7) Wherever brand names or logos of tobacco products form a part of the pictures to be printed in any form of print or outdoor media or footage to be aired through any form of electronic media, it shall be mandatory for the media to crop or mask the same to ensure that the brand names and logos of the tobacco products are not visible." by the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

In the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, after sub-rule (7), the following sub-rule shall be inserted, namely:- "(8) A Steering Committee shall be constituted under the chairmanship of the Union Health Secretary with representation from among others the Ministry of Information and Broadcasting, Ministry of Law and Justice, Advertising Standards Council of India, Press Council of India, Members of Parliament and voluntary organizations. This Committee will take cognizance suo motu or look into specific violations under section 5 of the act. The Committee shall also evaluate cases related to indirect advertising and promotion and pass orders thereof." by the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

5. Prohibition of sale to minors :-

(1) The owner or the manager or the in charge of the affairs of a place where cigarettes and other tobacco products are sold shall display a board of minimum size of sixty centimetre by thirty centimetre at conspicuous place(s) containing the warning "Sale of tobacco products to a person under the age of eighteen years is a punishable offence", in Indian language(s) as applicable.

(2) The onus of proof that the buyer of the tobacco product is not a minor lies with the seller of the tobacco products. The seller, in case of doubt, may request tobacco purchaser to provide appropriate evidence of having reached eighteen years of age.

1

(3) The owner or the manager or the in-charge of the affairs of a place where cigarettes or other tobacco products are sold shall ensure that no tobacco product is sold through a vending machine in order to prevent easy access of tobacco products to persons below the age of eighteen years.

(4) The owner or the manager or the incharge of the affairs of a place where cigarettes or the tobacco products are sold shall ensure that no tobacco product is handled or sold by a person below the age of eighteen years.

1. In Rule 5, clauses shall be added, by the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution (Amendment) Rules, 2005.