

The Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008

UNION OF INDIA

India

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Rule

THE-CIGARETTES-AND-OTHER-TOBACCO-PRODUCTS-PACKAGING- of 2008

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The Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008 Published vide Notification G.S.R. 182(E), dated 15.3.2008, published in the Gazette of India, Extraordinary, Part, 2, Section 3(i) Sl. No. 117, dated 15.3.2008.

361.

G.S.R. 182 (E), dated 15th March, 2008. - In exercise of the powers conferred by sub-section (1) of section 7, sub-section (2) of section 8, section 10 and 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), and in supersession of the Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2006, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

1. Short title and commencement. - These rules may be called The Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008 and they shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Brought into force on 31.5.2009 vide S.O. 281(E), dated 28.11.2008.

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)["package" means any type of pack in which cigarette and other tobacco product is packaged for consumer sale but shall not include wholesale, semi wholesale or poora packages if such packages are not intended for consumer use.](c)"principal display area" means:-(i)for box type packages, two equal sized largest surface area of the box that may be displayed or visible under normal or customary conditions of sale or use;(ii)for pouch type packages, the entire surface area of the pack that may be displayed or visible under normal conditions of sale or use;(iii)for conical or cylindrical type of packages, the entire curving area of the pack that may be displayed or visible under normal or customary conditions of sale or use;(iv)for any other form or type of package, the entire surface area of the pack that may be displayed or visible under normal or customary conditions of sale or use;(d)"specified health warning" means, such health warnings as specified by the Central Government from time to time, in the Schedule to these rules.

3. Manner of packing and labelling. - (1) Every person engaged directly or indirectly in the production, supply, import or distribution of cigarette or any other tobacco product shall ensure that:-

(a)every package of cigarette or any other tobacco product shall have the specified health warning exactly as specified in the Schedule to these rules;(b)[the specified health warnings shall cover at least eighty-five per cent (85%) of the principal display area of the package of which sixty per cent (60%) shall cover pictorial health warning and twenty-five per cent (25%) shall cover textual health warning and shall be positioned on the top edge of the package and in the same direction as the information on the principal display area :Provided that for conical package, the widest end of the package shall be considered as the top edge of the package:Provided further that on box, carton and pouch type of package, the specified health warning shall appear on both sides of the package, on the largest panels and for cylindrical and conical type of package, the specified health warning shall appear diametrically opposite to each other on two largest sides or faces of the package and the specified health warning shall cover eighty-five per cent. (85%) of each side or face of the principal display area of the package of which sixty per cent. (60%) shall cover pictorial health warning and twenty-five per cent. (25%) shall cover textual health warning;](c)none of the elements of the specified warning are severed, covered or hidden in any manner when the package is sealed or opened;(d)[no messages, images or pictures that directly or indirectly promote the use or consumption of a specific tobacco brand or tobacco usage in general or any matter or statement which is inconsistent with, or detracts from, the specified health warning are inscribed on the tobacco product package;] [Substituted by Notification No. G.S.R. 727 (E) dated 15.10.2014 (w.e.f. 15.3.2008)](e)[no product shall be sold unless the package contains the specified health warning: [Substituted for the words "(e) no product shall be sold unless the package contains the specified health warning: Provided that the specified health warning shall be printed on every retail pack in which the tobacco product is normally intended for consumer use or retail sale, as well as any other external packaging, such as cartons or boxes" by Notification No. G.S.R. 693 (E) dated 29.9.2008

(w.e.f. 15.3.2008)] Provided that the specified health warning shall be printed on every retail pack in which the tobacco product is normally intended for consumer use or retail sale, as well as any other external packaging, such as cartons or boxes and will not include other packaging such as gunny bags;](f)[the textual health warning shall be inscribed in the language used on the pack: [Substituted by Notification No. G.S.R. 727 (E) dated 15.10.2014 (w.e.f. 15.3.2008)] Provided that where the language used on a package or on its label is :- (a) English, the health warning shall be expressed in English (b) English and Indian languages, the health warning shall be expressed in English and any one of the Indian languages in which the brand name appears; (c) Hindi and other Indian languages, the health warning shall be expressed in Hindi and any one of the Indian language in which the brand name appears; (d) any Indian language, the health warning shall be expressed in such Indian language; (e) Indian languages, the health warning shall be expressed in any two Indian languages in which the brand name appears; (f) foreign language, the health warning shall be expressed in English; (g) foreign and Indian languages, the health warning shall be expressed in English and any one of the Indian languages in which the brand name appears: Provided further that the textual health warning shall appear in not more than two languages used on the package: Provided also that the textual health warning in one language shall be displayed on one side or face of principal display area and the textual health warning in the other language shall be displayed on the other side or face of principal display area of the package.](g) no tobacco product package or label shall contain any information that is false, misleading, or deceptive, or that is likely or intended to create an erroneous impression about the characteristics, health effects, or health or other hazards of the tobacco product or its emissions. This prohibition includes, but is not limited to, the use of words or descriptors, whether or not part of the brand name, such as "light", "ultra light", "mild", "ultra mild", "low tar", "slim", "safer", or similar words or descriptors; any graphics associated with, or likely or intended to be associated with, such words or descriptors; and any product package design characteristics, associated with, likely or intended to be associated with, such descriptors. (h) [every package of cigarette or any other tobacco product shall contain the following particulars, namely:- [Substituted by Notification No. G.S.R. 727 (E) dated 15.10.2014 (w.e.f. 15.3.2008)] (a) Name of the product; (b) Name and address of the manufacturer or importer or packer; (c) Origin of the product (for import); (d) Quantity of the product; (e) Date of manufacture; and (f) Any other matter as may be required by the Central Government in accordance with the international practice.]

4. Prohibition on obscuring, masking, altering or detracting from the Specified Health Warnings. - No person shall sell or supply any product, device, or other thing that is intended to be used, or that can be used, to cover, obscure, mask, alter, or otherwise detract from the display of specified health warning on the tobacco product package. This includes prohibition to design the product package or parts of the package, or accessories thereto, with any cover that may obscure the prescribed messages.

[5. Rotation of Specified Health Warnings. - (1) The Specified Health Warning on tobacco product package shall be rotated every twenty-four months from the date of commencement of these rules or before the period of rotation as the case may be specified by the Central Government by

notification.(2)[During the rotation period, there shall be two images of specified health warning which shall appear consecutively on the package with an interregnum period of twelve months.](3)At the end of the twelve months period, the first image (image 1) of specified health warning shall be replaced with the second image (image 2) of specified health warning, which shall appear for the next twelve months.[Provided that the date of coming into effect of the second image (image 2) of specified health warning, shall be for all tobacco products manufactured or imported after the completion of twelve months from the date of commencement of first image (image 1).] [Substituted by Notification No. G.S.R. 331(E), dated 3.4.2018 (w.e.f. 15.3.2008).]](4)[***] [Omitted by Notification No. G.S.R. 331(E), dated 3.4.2018 (w.e.f. 15.3.2008).]

Schedule

(See rule 3)

1. [Components of specified health warning. - The components for the specified health warning shall include the following namely :-

(i)[Textual Health Warning. - For smoking and smokeless forms of tobacco products, the word "Tobacco Causes Cancer" and the word "Tobacco Causes Painful Death" shall appear in white font colour on a red background and the words "Quit Today Call 1800-11-2356" shall appear in white font colour on a black background. The intensity of color in the background of the textual health warning shall be: White: C:0%, M:0%, Y:0% K:0%, Red: C:0%, M:100%, Y:100% K: 0% and Black: C:0%, M:0%, Y:0% K: 100%. The textual health warnings shall be printed with four colors with printing resolution of minimum 300 DPI (Dots per inch). The font type and colour of the health warning shall be exactly as uploaded on the web site www.mohfw.gov.in](ii)Pictorial Health Warning - A pictorial representation of the ill effects of tobacco use on health shall be placed above the textual health warning, covering sixty per cent. (60%) of the principal display area of the package. It shall be printed with four colors with printing resolution of minimum 300 DPI (Dots per inch). The pictorial health warning should appear in the same colour and resolution exactly as in the soft copy provided in the CD accompanying these rules or as uploaded on the web sites www.mohfw.nic.in and www.ntcptobaccocontrolpsa.in]

2. [The specified health warnings shall be. -

(a)Image-1, which shall be valid for a period of twelve months following its commencement.Image - 1(b)Image-2, which shall come into effect following the end of twelve months from the date of commencement of specified health warning of Image-1.]Image - 2[Substituted by Notification No. G.S.R. 331(E), dated 3.4.2018 (w.e.f. 15.3.2008)](c)For packages containing smokeless forms of tobacco products - Image (1), the specified health warning contained in these rules shall be valid for a period of twelve months following its commencement.Image - 1(d)For packages containing smokeless forms of tobacco products - Image (2), the specified health warning contained in these rules shall come into effect following the end of twelve months from the date of commencement of specified health warning image (1).Image - 2[Substituted by Notification No. G.S.R. 727 (E) dated

15.10.2014 (w.e.f. 15.3.2008)]Notes:- These rules are accompanied by a (CD) that contains a soft copy of these specified health warnings, the soft copies of these specified health warnings shall also be uploaded on the websites www.mohfw.nic.in and www.ntcptobaccocontrolpsa.in, for inclusion in printing of tobacco product packages.]

3. [Size of the specified health warning. - (1) The size of the specified health warning on each panel of the tobacco package shall not be less than 3.5 cm (width) x 4 cm (height), so as to ensure that the warning is legible, prominent and conspicuous.

(2)The size of all components of the specified health warning shall be increased proportionally according to increase of the package size to ensure that the specified health warning covers eighty-five per cent (85%) of the principal display area of the package of which sixty per cent (60%) shall cover pictorial health warning and twenty-five per cent (25%) shall cover textual health warning.]

4. [Language. - Each health warning shall be specified in English, Hindi and any other regional languages. Appropriate language combination shall be selected from the combination provided in the (CD) to ensure that the language selected for health warning is in conformity with the language used on the package by the manufacturer or importer or packer.] [Substituted by Notification No. G.S.R. 727 (E) dated 15.10.2014 (w.e.f. 15.3.2008)]

5. Printing. - Subject to sub-paragraph (2) of paragraph 3 of this Schedule, while printing, it must be ensured that the colour, intensity and clarity of all the components of the specified health warning are not tampered with.

[Substituted by Notification No. G.S.R. 727 (E) dated 15.10.2014 (w.e.f. 15.3.2008)]