

Dr. Srinivasan & N...

GOVERNMENT OF PUDUCHERRY
CHIEF SECRETARIAT (HEALTH)

No.1388/CS/Health/H7/2013-2017

Puducherry, dt. 28.02.2017

ORDER

Subject: CS – Health - Enforcement of Regulations 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 – Reg.

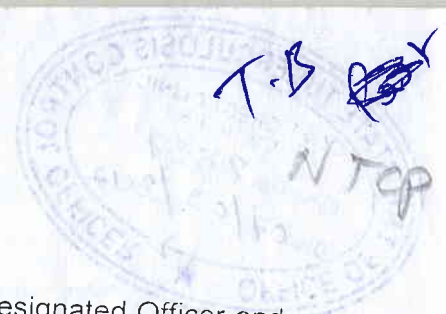
WHEREAS, the Food Safety and Standards Authority of India (Ministry of Health and Family Welfare), in exercise of the powers conferred by section 92 read with section 26 of Food Safety and Standards Act, 2006, has framed Regulations 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, that prohibits the use of tobacco and nicotine in all food products, for being injurious to health.

AND WHEREAS, Gutkha and Panmasala (containing tobacco or nicotine), are unsafe food as they contain tobacco and nicotine as ingredients which is injurious to health and thus manufacture and sale of these products are banned as they are in contravention of these provisions of regulation 2.3.4 of the food safety and standards (Prohibition and Restriction on sales) Regulations, 2011.

AND WHEREAS the Hon'ble Supreme Court of India, in Central Arecanut Marketing Corporation & Others Vs Union of India (Transfer Case (C) No. 1/2010) in its order dated 23.09.2016, observed that, to circumvent the ban on the sale of Gutkha, the manufactures are selling Panmasala (without tobacco) with flavoured chewing tobacco in separate sachets but often conjoint and sold together by the same vendors from the same premises, so that consumers can buy the Panmasala and flavoured chewing tobacco and mix them both and consume the same. Hence instead of the earlier "ready to consume mixes", chewing tobacco companies are selling Gutkha in twin packs to be mixed as one.

AND WHEREAS the Hon'ble Supreme Court in view of the above, has directed the concerned statutory authorities to comply with the above, mandate of law i.e., Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 and directed the Secretaries, Health Department of all the states and Union Territories to ensure total compliance of the ban imposed on manufacturing and sale of Gutkha and Panmasala with tobacco and /or nicotine.

AND WHEREAS, the Notification communicating prohibition of manufacture, storage, sale or distribution of Gutkha and Panmasala and any other Food Products containing tobacco or nicotine as an ingredients in the Union Territory of Puducherry has already been issued vide No. 1338/CS/Health/H7/2013-2016 dated 15th November 2016.



NOW THEREFORE, the Deputy Food Safety Commissioner, Designated Officer and Food Safety Officers, Department of Food Safety, Puducherry are directed to ensure that the manufacture, storage, distribution or sale of Gutka and Panmasala (containing tobacco or nicotine) and any other products marketed separately to constitute as Gutka or Panmasala as final product, by whatsoever name called, whether packaged or un-packaged and/or sold as one product, or though packaged as separate products, sold or distributed in such a manner so as to easily facilitate mixing by the consumer is prohibited in the Union Territory of Puducherry, until further orders.

(Handwritten signature)

(B.R. BABU, I.A.S.)
COMMISSIONER OF FOOD SAFETY

To
The Dy Commissioner of Food Safety, Department of Food Safety, Puducherry.

Copy to:

1. The Director of Health & Family Welfare Services, Puducherry.
2. The Mission Director, Puducherry State Health Mission, Puducherry.
3. The State Nodal Officer, National Tobacco Control programme, Puducherry.
4. The Inspector General of Police, Police Department, Puducherry.
5. The Collector, Puducherry/Karaikal.
6. The Regional Administrator, Mahe/Yanam.
7. The Designated Officer, Department of Food Safety, Puducherry.
8. The Food Safety Officers, Department of Food Safety, Puducherry.
9. The Senior Public Analyst, Department of Food & Drugs Testing, Puducherry.
10. The Assistant Commissioner, Department of Drugs Control, Puducherry.
11. The Commissioner, Pondicherry/Oulgaret/Karaikal/Mahe/Yanam Municipality.
12. The Central Records Branch, Puducherry.
13. The PS to the Hon'ble Lt. Governor, Puducherry.
14. The PS to the Hon'ble Chief Minister, Puducherry.
15. The PS to the Hon'ble Health Minister, Puducherry.
16. The PS to Chief Secretary, Puducherry.
17. The PS to Secretary (Health), Puducherry.
18. The PS to Additional Secretary (Home), Puducherry.
19. Spare/Stock file.