

PROHIBITION OF ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION (SECOND AMENDMENT)

D. L.-33004/99 Che Gazette of India 5931 No. 5931 EXTRAORDINARY PART B—Section 3—Sub-section (i) PUBLISHED BY AUUORFFY 27, S, 1933 NEW DELHI, THURSDAY, OCTOBER 27, 2011 [KARTIKA S, 1933 27 a-Tqax, 2m 1 34-:q @Tq-rt 2003 (2003 34) 31 2004 I 3fr_ (, 6 h3•fi :V4TfVd f*-fit i, 3970 GL2011 O) 02) e_F-q-q Nfi.F 3-}Q-ÄT -qi-a 2 THE GAZETTE OF INDIA : EXTRAORDINARY [PART [I—SW. fiF7 983 -h 20 3•ßfrx (F) -Aft-a (iv) 3..Tqq•r 3.74fQ : 10. qig fiz 25 2004 137 31 2005 30 2005 20 2006, 656 { 3(i)] MINISTRY OF HEALTH AND FAMILY WELFARE (Department of Health and Family Welfare) NOTIFICATION New Delhi, the 27th October, 2011 GS.R 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 further to amend the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, namely:— I (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) (Second Amendment) Rules, 2011 (2) They shall come into force with effect from the 14th November, 2011 2. In the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, rule 6, the following rules shall be inserted, namely:— "7. Health Spots and Scroll in Old Films and Television Programmes.—The owner or manager of a cinema hall or theatre where an old Indian or foreign film displaying tobacco products or its use, is being screened, and the broadcaster telecasting old Indian or foreign television programme displaying tobacco products or its use, shall mandatorily screen the following, namely:— (a) anti-tobacco health spots or messages, of minimum thirty seconds duration each at the beginning and middle of the film or the television programme, (b) anti-tobacco health warning as a prominent scroll at the bottom of the screen during the period of such display: Provided that, the anti-tobacco health warning scroll shall be legible and readable, (i) (a) with font in black colour on white background: (h) with the warnings "Smoking causes cancer" or "Smoking kills" for smoking forms of tobacco use; (c) with the warnings "Tobacco causes cancer" or "Tobacco kills" for chewing and other smokeless forms of tobacco; (ii) or such other warnings as may be specified by the Central Government from time to time (i) (ii) (lii) 3 Provided further that, the anti-tobacco health warning scrolls or health spots shall be in the same language as used in the film or television programme and in case of dubbed or subtitled films or television programmes, the scrolls or spots shall be carried in the language of dubbing or sub-title. Provided also that such television programmes may be permitted to be telecast on television at such timings that are likely to have least viewership from persons below the age of eighteen years Explanation.—For the purpose of this rule,— all films that receive Central Board of Film Certification prior to the effective date of this notification shall be categorized as "old films" all television programmes produced prior to coming into effect of this notification shall be categorized as "Old Television Programme" the expression "foreign film" implies "Imported" as defined in the Cinematograph (Certification) Rules, 1983 "8. Health Spots, Scroll and Disclaimer in New Films and Television Ail new Indian or foreign films and television programmes displaying tobacco products or its use shall have— (a) (b) (c) (d) (e) a strong editorial justification explaining the necessity of such display to the Central Board of Film Certification for films and the concerned authority under the Ministry of information and Broadcasting for television programmes; a 'U/A' Certification, from the Central Board of Film Certification for all films, and necessary approvals from the concerned authority under the Ministry of Information and Broadcasting for television programmes: Provided that such television programmes may be permitted to be telecast on television at such timings as are likely to have least viewership from persons below the age of eighteen years; a disclaimer, of minimum twenty seconds duration, by the concerned actor regarding the ill effects of the use of such products, in the beginning and middle of the film or television programme; anti-tobacco health spots or messages, of minimum thirty seconds duration each at the beginning and middle of the film or the television programme, anti-tobacco health warning as a prominent scroll at the bottom of the screen during the period of such display 4 THE GAZETTE OF INDIA: EXTRAORDINARY Provided that. the

anti-tobacco health warning scroll shall be legible and readable, (i) 'a) with font in black colour on white background', (b) with the warnings "Smoking causes cancer" or "Smoking kills" for smoking forms of tobacco use; (c) with the warnings "Tobacco causes cancer" or "Tobacco kills" for chewing and other smokeless forms of tobacco; (ii) or such other warnings as may be specified by the Central Government from time to time: Provided further that, the anti-tobacco health warning scrolls or health spots shall be in the same language as used in the film or television programme and 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-title. Explanation.—For the purpose of this rule, (i) representatives from Ministry of Health and Family Welfare shall also be represented in the Central Board of Film Certification. (d) all films that receive Central Board of Film Certification after the effective date of this notification shall be categorized as "New Films" (iii) all television programmes produced after the effective date of (his notification shall be categorized as "New Television Programme" 9. Product Placement, Promotional materials and The display of tobacco products or their use in films and television programmes shall not extend to the following, namely (a) display of the brands tobacco products or product placement; (b) close ups of tobacco products packages: IPARTII — SEC of cigarettes or other any form of tobacco products and tobacco Provided that in a new film or television programme such scenes shall be edited by the producer or distributor or broadcaster prior to screening in cinema or theatre or airing on television, and in an old film or television programme such scenes shall be masked or blurred by the producer or distributor or broadcaster while screening (2) Promotional materials and posters of films and television programmes shall not depict any tobacco products or their usage in any form 10. Cropping or Masking of Brand names and Logos of Tobacco Products.—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 or activities held in other countries being aired on television in India, Note : [F, No. K DESIRAJU, Addl Secy The principal officer published in the Gazette of India. vide notification number G SR 137. dated the 25th February, 2004. and were subsequently amended vide notification number GS.R. 345(E), dated the 31st May, 2005 vide number GS R 698(E). dated 30th November. and vide number GSR 656(E), dated 20th October

2006. Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications, Delhi-110034