



(b), (c) and (d) above shall not extend to display of brands of tobacco products or tobacco product placement in any form. Provided also that close ups of cigarette packages or tobacco products shall not be permissible and such scenes shall be edited by the producer or distributor or broadcaster prior to screening in cinemas or theatres or airing on television. Explanation (1).—For the purpose of this sub-rule, all films that receive Central Board of Film 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. In case of old Indian and foreign films, the owner or manager of the cinema hall or where the film is being screened shall ensure that anti-tobacco health spots of minimum thirty seconds duration each are screened at the beginning, middle and end of the said film. The provisions of this sub-rule shall not apply to clause (c) of sub-rule 6. (6B)(a) In case of old television programmes, it shall be mandatory for the broadcaster to ensure either placement (b) (d) (T) 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 minute duration or less. In case the television programme is more than thirty minutes further airtime of thirty 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 fifteen seconds. The provisions of this sub-rule shall not apply to clauses (c) and (d) 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 with the warnings "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 warnings as may be specified by the Government from time to time. 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. Sub-rule (6) shall not apply to new Indian or foreign 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 or classified well known character. Provided that in very rare cases where there is display or use of tobacco products due to compulsions of the script, they shall be supported by a editorial justification : 67 6 Note . THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] Provided further that the display of usage of tobacco products in such movies and television programmes under this sub-rule shall be subject to the following safeguards (a) Film and television programs depicting tobacco related-scenes shall mandatorily be given 'A' Certification. Such films and television programmes may be permitted to be telecast at such timings as are likely to have least viewership from persons below the age of eighteen years. (b) The films or television programs, which depict such scenes, would have a disclaimer by the concerned actor regarding the ill effects of use of such products. The disclaimer would be shown in the beginning, middle and end of the film (c) Whenever such scenes are shown in a film or television programme, an anti-tobacco health warning scroll will be continuously displayed on the Screen starting a minute before the scene and would be continuously displayed until one minute after the scene. Provided also that there shall not be any display of brands of tobacco products or tobacco product placement in any form. Provided also that close-ups of cigarette packages or tobacco products shall not be permissible and such scenes shall be edited by the producer or distributor or broadcaster prior to screening in cinemas or theatres or airing on television. Explanation (1). —For the purpose of this sub-rule, all films and television programmes that receive Central Board of Film certification after the effective date of this notification shall be categorized as 'new' Explanation (2).—For the purpose of this sub-rule, representatives from Ministry of Health and Family Welfare shall also be represented in the Central Board of Film Certification. (8) 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. (9) 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. Its Committee shall take cognizance suo motu or look into specific violations under Section 5 of the Act and shall also evaluate cases related to indirect advertising and promotion and pass orders thereon; (c) in rule 5, the following sub-rules shall be inserted, namely : "(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. (4) 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 handled or sold by a person below the age of eighteen years." [F. No. P-16012/1/2005-PH] BHAVANI THYAGARAJAN, Jt. secy. '—The principal rules were published in the Gazette of India, vide notification number G.S.R. 137, dated the 25th February, 2004, and were subsequently amended vide notification number G.S.R. 345(E), dated the 31st May, 2005 and vide number G.S.R. 698(E), dated 30th November, 2005. Printed by the Manager, Govt. of India Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications, Delhi-110054. 68

