

**GOVERNMENT OF INDIA  
MINISTRY OF HEALTH AND FAMILY WELFARE  
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**RAJYA SABHA  
UNSTARRED QUESTION NO. 2501  
TO BE ANSWERED ON 10<sup>TH</sup> AUGUST, 2021**

**PROPOSAL TO REMOVE POINT OF SALE ADVERTISING UNDER COTPA, 2003**

**2501: SHRI BHUBANESWAR KALITA:**

Will the **Minister of HEALTH AND FAMILY WELFARE** be pleased to state:

- a) whether there is any proposal to remove the provision of allowing point of sale advertising by the Ministry under COTPA, 2003, if so, the details thereof;
- (b) whether Government has taken measures to ensure that tobacco and pan masala packets are not sold to lure children which is prohibited or doing so, it qualifies as a direct violation of the COTPA, 2003 and its rules; and
- (c) if so, the details thereof and, if not, the reasons therefor?

**ANSWER**

**THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND  
FAMILY WELFARE  
(DR. BHARATI PRAVIN PAWAR)**

(a): In the draft Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) (Amendment) Bill, 2020, hosted in public domain for pre-legislative consultation, there is a provision related to this issue. The Ministry has received a large number of representations, comments and suggestions on the draft Bill, which are under examination.

(b) & (c): As per Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA 2003) and the Rules made thereunder, the advertisement of cigarettes and other tobacco products is prohibited and specified health warnings covering 85% of principal display area has to be displayed on all tobacco products.

Further, the sale of tobacco products to and by persons below the age of eighteen years is prohibited and tobacco products are not to be displayed in a manner that enables easy access of tobacco products to persons below the age of eighteen years.

The advertisement of Pan Masala is regulated by Section 30 of the Food Safety and Standards (Packaging and Labelling) Regulations, 2011, issued under the Food Safety and Standards Act, 2006, which states that every package of Pan Masala and advertisement relating thereto, shall carry the warning, "Chewing of Pan Masala is injurious to health".

For effective implementation of the provisions of COTPA, 2003 and the Food Safety and Standards (Packaging and Labelling) Regulations, 2011, Central and State Governments have notified authorized officers from various Departments. The enforcement of these provisions primarily lies with the States/Union Territories.

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