To be substituted bearing same number and date

To
1. All the Deputy Commissioners in the State of Punjab.
2. All the Senior Superintendent of Police in the State of Punjab.
Dated/Chandigarh, the 09.08.2017


Please refer to the subject noted above:

2. This is to inform you that in pursuance of the powers conferred under section 5 of Cigarette and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act 2003 read with the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004 as amended, wherein prohibition in the interest of public health is to be ordered in the case of all forms of direct/indirect advertisement, promotion and sponsorship of tobacco products.

3. In view of provisions made as per the rules for the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, amended as vide notifications G.S.R. No. 786(E), dated 27.10.2011 and G.S.R. 708(E), dated 21.09.2012, by the Ministry of Health and Family Welfare, Government of India, in case of all Films & TV programs, following guidelines are to be observed:

A. All Films and TV programmes i.e. produced before the 2nd October 2012 shall be categorized as “Old Films & TV Programmes” and will follow the following guidelines:

1. The owner or manager of a cinema hall screening old films (Indian and foreign) which display tobacco products or their use, shall ensure that anti-tobacco health spots of minimum thirty seconds duration each are screened at the beginning and middle of the film or the television programme.

Health Spots are anti-tobacco advertisements made available to the Central Board of Film Certification by the Ministry of Health and Family Welfare, Government of India.

2. If the owner or manager of cinema hall or theatre fails to comply with these provisions, the license of such cinema hall or theatre may be cancelled or suspended by the competent authority, after giving a reasonable opportunity to explain such failure.

3. The broadcaster of old television programmes (including old Indian and foreign films) displaying tobacco products or their use shall ensure, that-
(a) Anti-tobacco health spots of minimum thirty seconds duration each is screened at the beginning and middle of the television programme.

(b) Anti-tobacco health warning as a prominent static message is displayed at the bottom of the television screen during the period of display of tobacco products or their use in the television programmes.

(c) The anti-tobacco health warning message shall be legible and readable, with font in black colour on white background.

(i) With the warnings “Smoking Causes Cancer” or Tobacco Kills” for smoking forms of tobacco use;

(ii) With the warnings “Tobacco causes cancer” or Tobacco Kills” for chewing and other smokeless forms of tobacco;

(iii) Or with such other warnings as may be specified by the Central Government from time to time.

Provided that the Anti-Tobacco health warning message 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 message or spots shall be carried in the language of dubbing or sub-title.

If the broadcaster of old television programmes fails to comply with the above provisions, the competent authority in the Ministry of Information and Broadcasting, Government of India shall take appropriate punitive action including cancellation or suspension of the license issued to such broadcaster, after giving reasonable opportunity to explain such failure.

B. All Films and TV programmes i.e. produced after the 2nd October 2012 shall be categorized as "New Films & TV Programmes" and will follow the following guidelines:

(1) All new Indian or foreign films and television programmes displaying tobacco products or their use shall have:-

(a) a strong editorial justification explaining the necessity of display of the tobacco products or their use in the film, to the Central Board of Film Certification;

(b) anti-tobacco health spots, of minimum thirty seconds duration each at the beginning and middle of the films and television programmes;

(c) anti-tobacco health warning as a prominent static message at the bottom of the screen during the period of display of the tobacco products or their use in the film and television programme; (As specified in para 3 above)

(d) an audio-visual disclaimer on the ill-effects of tobacco use, of minimum twenty seconds duration each, in the beginning and middle of the film and television programme;

Provided that such health spots and disclaimer shall be made available to the Central Board of Film Certification by the Ministry of Health and Family Welfare, Government of India.

Provided further that no film displaying tobacco products or their use shall be certified for public exhibition by the Central Board of Film Certification unless the conditions specified in clauses (a) to (d) of sub-rule (1) are fulfilled.

(2) If the owner or manager of a cinema hall or theatre fails to comply with the provisions of sub-rule (1), the license of such cinema hall or theatre may be
cancelled or suspended by the competent authority, after giving a reasonable opportunity to explain such failure;

(3) If the broadcaster of the television programmes fails to comply with the provisions in clauses (b) to (d) of sub-rule 1, the competent authority in the Ministry of Information and Broadcasting, Government of India shall take appropriate punitive action including cancellation or suspension of the license issued to such broadcaster, after giving a reasonable opportunity to explain such failure.

C. Product Placement, Promotional materials and Posters.- (1) 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 of cigarettes or other tobacco products or any form of tobacco product placement;

(b) close ups of tobacco products and tobacco products packages.

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 film and television programmes shall not depict any tobacco products or their usage in any form.

D. 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”.

4. You are requested to ensure the strict compliance of the above said rules/guidelines and issue the necessary directions to the concerned officials for the same.

The above mentioned Acts & Rules are also available at: www.tobaccocontrollaws.org/legislation/country/india/laws.

5. With the issuance of above said instructions the Notifications issued vide No 21/5/2016/949649/1, dated 3/4/2017 is hereby withdrawn.

Deputy Secretary to
Government of Punjab.
Department of Health & Family Welfare

Dated, Chandigarh the; 9/8/17

A copy is also forwarded to the following for taking necessary lawful action to enforce this order:-

1) All the Civil Surgeons in the State of Punjab.

2) President Motion Pictures Association, Punjab.

Deputy Secretary to
Government of Punjab.
Department of Health & Family Welfare.