



**Cigarettes and Other Tobacco Products
(Prohibition of Advertisement and Regulation of Trade and Commerce,
Production, Supply and Distribution) Act, 2003**

The Indian tobacco control legislation entitled, "Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003", is a result of decades of consultations and development to assume the current form. Beginning with the Cigarettes (Regulation of Production, Supply and Distribution) Act which specified statutory health warnings on cigarettes in 1975, over the years, it has evolved and gradually developed as a complete, comprehensive Act encompassing key aspects of tobacco control, regulation and enforcement.

What is the scope COTPA 2003?

- The Act is applicable to all products containing tobacco in any form i.e. cigarettes, cigars, cheroots, bidis, gutka, pan masala (containing tobacco) khaini, mawa, mishri, snuff etc. as detailed in the Schedule to the Act.
- The Act extends to the whole of India including the state of Jammu and Kashmir..

What are the key provisions of COTPA 2003?

Section 4: Prohibition Of Smoking In Public Places

The Government of India passed new rules on May 30, 2008 for effective realization of the objectives of smoke free environments as stipulated under the Indian law.

- No person shall smoke in any public place:
- "Public Place" means any place to which the public have access, whether as of right or not, and includes auditorium, hospital buildings, railway waiting room, amusement centres, restaurants, public offices, court buildings, work places, shopping malls, cinema halls, educational institutions, libraries, public conveyances and the like which are visited by general public but does not include any open space.
- Mandates display of board containing the warning "No Smoking Area- Smoking Here is an Offence"
- Hotels & Restaurants should ensure physical segregation of smoking and non-smoking area. Hotels having thirty rooms or a restaurant having seating capacity of thirty persons or more and in the airports, a separate provision for smoking area or space may be made.
- The rules under Section 4 has been Modified which was earlier notified on 25th February, 2004. The new rules came into effect on 2nd October, 2008 all over the country.

Section 5: Prohibition of direct or indirect advertisement, sponsorship and promotion of tobacco products

- Both direct & indirect advertisement of tobacco products prohibited in all forms of audio, visual and print media
- Total ban on sponsoring of any sport and cultural events by cigarette and other tobacco product companies
- No trade mark or brand name of cigarettes or any tobacco product to be promoted in exchange for sponsorship, gift, prize or scholarship
- No person, under contract or otherwise, to promote or agree to promote any tobacco product.
 - **Rules Notified and Enforced from May 1, 2004.** The rules relating to prohibition of advertisement, sponsorship and promotion of tobacco products were amended and notified on 31st May 2005 were further amended in October 2006.

Section 6 (a): Prohibition of sale of tobacco products to minors

- Sale of tobacco products to persons under the age of 18 is prohibited.
- The seller should ensure that the person who is buying the tobacco product is not a minor.
- A display board to be put up at the point of sale declaring that "sale of tobacco products to minors is prohibited".
 - **Rules notified and enforced under prohibition of Sale to Minors notified and enforced from May 1, 2004**

Section 6 (b): Prohibition of sale of tobacco products near educational institutions

- In order to restrict access of youth for tobacco products, the sale of the same is prohibited in an area within radius of 100 yards of any educational institution.
- A display board to be put up outside the educational institutions declaring the same.
 - **Prohibition of sale of tobacco products near Educational Institutions was brought into force from 1st December 2004.**

Section 7: Display of pictorial health warning on all tobacco products packets

- Under this rule there shall be no production, sale and import of cigarettes or any other tobacco product unless every package of cigarettes or any other tobacco product bears on it label, specified warnings
- These warning shall also be pictorial in nature.
- The manner in which specified warning shall be printed, painted or inscribed on a package of cigarettes or any other tobacco products shall be such as may be specified in the rules made under this Act
- Specified health warnings to occupy at least 40% of the principal display area on the front panel of the packets.
- Specified health warning on tobacco packs shall be rotated every 12 months or as decided by the Central Government from time to time
- Not more than two languages used on the pack to ensure that the specified warning is legible and prominent
 - Rules Notified on May 3, 2009 and Pictorial Warnings to come in to force from 31st May 2009 after several rounds of amendments and delays.
 - Section 7(5) of the Act has not been notified – this sub section provides for mandatory display of the nicotine and tar contents on all tobacco product packs.

Section 8: Manner in which specified warnings should be made

- Schedule to the Rules dated 15th March, 2009 under this Section provides for the manner in which the pictorial warnings should appear.

Section 9: Language in which the specified warning shall be made

- Rules dated 28th November, 2008 have now allowed the warnings to be displayed in two languages- one in which the brand name appears and one in any other language used on the pack.

Section 10: Size of letters and figures

- Schedule to the Rules dated 15th March, 2009 provides that the size of all components of the specified warning shall be a size which covers at least 40% of the principal display area of the pack.
- The latest notification of 3 May 2009 specifies that the warnings shall occupy at least 40% of the principal display area of the front panel of the pack.

Section 11: Regulation of tar and nicotine contents of tobacco products

- The testing of tobacco products to measure nicotine and tar contents to be done only at Govt. recognized laboratories
 - o The rules related to "Regulation of tar and nicotine contents of tobacco products" will be notified once laboratory capacity is built to test the tar and nicotine contents.

Summarized from the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, (COTPA) 2003 and subsequent notifications issued by the Central Government.