

Government of West Bengal  
Health & Family Welfare Department  
Officer of the Commissioner of Food Safety  
SwasthyaBhaban, GN – 29, Sector V  
Salt Lake, Kolkata – 700091

ORDER

No.176/HF/CFS/IM-6/2012(Pt.)II

Dated Kolkata, the 23<sup>rd</sup> December, 2016.

Subject: Regarding enforcement of Regulations 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation, 2011.

As you are aware Gutkha and Pan Masala (containing tobacco or nicotine), are unsafe food as they contain tobacco and nicotine as ingredients which is injurious to health and the Prohibition of manufacture, storage, sale or distribution of gutkha and pan masala containing tobacco and/or nicotine as ingredients has already been imposed vide Notification No.127/HF/CFS/IM-6/2012 (Pt) , dated 25<sup>th</sup> October, 2016 in the State of West Bengal as they are in contravention of the provisions of regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restriction on Sales) Regulations, 2011. Letters have already been issued to the enforcement authorities and municipal bodies for necessary compliance.

The Hon'ble Supreme Court of India, in Central Areca-nut Marketing Corporation & Others Vs Union of India (Transfer Case (C) 1 of 2010) in its order dated 23.09.2016, observed that, to circumvent the ban on the sale of gutkha, the manufacturers are selling pan masala (without tobacco) with flavoured chewing tobacco in separate sachets but often conjoint and sold together by the same vendors from the same premises, so that consumers can buy the pan masala and flavoured chewing tobacco and mix them both and consume the same. Hence instead of the earlier "ready to consume mixes", chewing tobacco companies are selling gutkha in twin packs to be mixed as one.

The Hon'ble Supreme Court in view of the above, has directed the concerned statutory authorities to comply with the above mandate of law of Regulation 2.3.4 and directed the Heads of Health Department of all the States and Union Territories to ensure total compliance of the ban imposed on manufacturing and sale of Gutkha and Pan Masala with tobacco and / or nicotine.

All the District Magistrates, Superintendents of Police, Designated Officers and Food Safety Officers are therefore directed to **ensure that the manufacture, storage, distribution or sale of gutkha and panmasala (containing tobacco and/or nicotine) and any other products marketed separately to constitute as Gutkha or Pan Masala as final product, by whatsoever name called, whether packaged or un-packaged and / or sold as one product, or though packaged as separate products, sold or distributed in such a manner so as to facilitate mixing by the consumer is prohibited and banned in your District / Jurisdictions.**

G. Mukherjee  
23.12.2016  
(Godhuli Mukherjee)  
Commissioner of Food Safety  
West Bengal

No.176/1(2)/HF/CFS/1M-6/2012(Pt.)II

Dated Kolkata, the 23<sup>rd</sup> December, 2016.

Copy forwarded to:

1. All District Magistrates/ all Superintendents of Police/ All Adjudicating Officers with request to take appropriate action to enforce the order.
2. All Designated Officers and Food Safety Officers with a direction to take necessary and lawful action to enforce the order.

G. K. J. 23.12.2016  
Commissioner of Food Safety  
West Bengal