

Notifications

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(20)

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/1M-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/1M-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. Jais  
23.12.2016  
Commissioner of Food Safety  
West Bengal

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FRIDAY, SEPTEMBER 2, 2016

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PART I.—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL  
DEPARTMENT OF HEALTH & FAMILY WELFARE

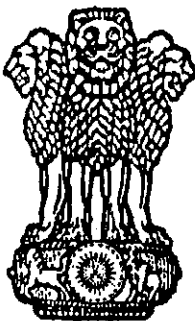
## NOTIFICATION

No. 101/HF/CFS/2B-02/2012/Pt.III.—16th August, 2016.— In exercise of the power conferred under sub-section 3 of Section 70 of The Food Safety And Standards Act, 2006, the Governor is pleased to Appoint Shri Asis Kumar Sikdar, a member of West Bengal Judicial Service, to be the Presiding Officer of the West Bengal Food Safety Appellate Tribunal at Kolkata, to function U/s 71 of Food Safety And Standards Act, 2006 and hear appeals from the decisions of Adjudicating Officer under Section 68 of the said Act. The Tribunal shall exercise its jurisdiction over the entire State of West Bengal, having its seat at Swasthya Bhawan, Salt Lake, Kolkata-91.

Terms of office, Salary and allowances of the Presiding Officer shall be as per Rule 3.2.2. of The Food Safety and Standards Rules, 2011.

This Notification will come into force from the date the Presiding Officer of the West Bengal Food Safety Tribunal takes over the charge.

By order of the Governor,  
[ILLEGIBLE]  
Principal Secy. to the Govt. of West Bengal.

**The**  
  
**Kolkata** **Gazette**  
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WEDNESDAY, OCTOBER 26, 2016

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL**

Health & Family Welfare Department  
Office of the Commissioner of Food Safety  
Swasthya Bhaban, GN-29, Sector V,  
Salt Lake, Kolkata-700 091

No. 127/HF/CFS/1M-6/2012 (Pt)

Dated, Kolkata, the 25th October, 2016.

**NOTIFICATION**

WHEREAS regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations 2011 made by the Food Safety and Standards Authority of India, in exercise of the powers conferred by clause (i) of sub-section (2) of section 92 of the Food Safety and Standards Act, 2006 (Central Act 34 of 2006) read with section 26 thereof, prohibits sale of articles of food in which tobacco and/or nicotine are used as ingredients, as they may be injurious to health;

AND WHEREAS, gutkha and panmasala are articles of food in which tobacco and/or nicotine are widely used as ingredients;

AND WHEREAS, it is expedient to prohibit gutkha and panmasala in the State of West Bengal, being food products in which tobacco and/or nicotine are widely used as ingredients;

AND WHEREAS, the Commissioner of Food Safety of the State is empowered under Section 30 of the Food Safety and Standards Act, 2006 to prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food in the whole of State, for a period of one year;

NOW, THEREFORE, in pursuance of regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, any manufacture, storage, sale or distribution of gutkha and panmasala containing tobacco and/or nicotine as ingredients, by whatsoever name it is available in the market, is hereby prohibited for a period of one year with effect from the date of the issue of this notification, in the State of West Bengal, in the interest of Public Health.

GODHULI MUKHERJEE  
*Commissioner of Food Safety, West Bengal*

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PART I.—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL**  
**DEPARTMENT OF HEALTH & FAMILY WELFARE**

NOTIFICATION

No. 254/HF/CFS/2B-02/2012/Pt.—31st August, 2015.—In exercise of the power conferred under Section 70 of the Food Safety and Standards Act, 2006 (Act 34 of 2006) read with Rule 3.2.1 of the Food Safety and Standards Rules, 2011, the Governor is pleased hereby to notify and establish one Appellate Tribunal to be known as the “West Bengal Food Safety Appellate Tribunal” at Kolkata to here appeals from the decisions of the Adjudicating Officer under Section 68 of the Food Safety and Standards Act, 2006, having jurisdiction over the entire State of West Bengal.

By order of the Governor,

[ILLEGIBLE],

Secy. to the Govt. of West Bengal.