



Section 7-8 COTPA : Pictorial Health Warnings on Tobacco packs

Section 7: “(1) No person shall, directly or indirectly , produce, supply or distribute cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco products produced, supplied or distributed by him bears thereon , or on its label, the specified warning including a pictorial depiction of skull and cross bones and such other warning as maybe prescribed.
(2) No person shall carry on trade or commerce in cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco products sold, supplied or distributed by him bears thereon or on its label, the specified warning.
(3) No person shall import cigarettes or any other tobacco products for distribution or supply for a valuable consideration or for sale in India unless every package of cigarettes or any other tobacco products so imported by him bears thereon, or on its label, the specified warning.
(4) The specified warning shall appear on not less than one of the largest panels of the package in which cigarettes or any other tobacco products have been packed for distribution, sale or supply for a valuable consideration.
(5) No person shall, directly or indirectly, produce, supply or distribute cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco products produced, supplied or distributed buy him indicates thereon, or on its label, the nicotine and tar contents on each cigarettes or as the case maybe on other tobacco products along with the maximum permissible limits thereof:
Provided that the nicotine and tar contents shall not exceed the maximum permissible quantity thereof as maybe prescribed by rules made under this Act.”

Section 8: “(1) the specified warnings on a package of cigarettes or any other tobacco products shall be –
legible and prominent ;
conspicuous as to size and colour;
in such style or type of lettering as to be boldly and clearly presented in distinct contrast to any other type , lettering or graphic material used on the package or its label and shall be printed, painted or inscribed on the package in a colour which contrasts conspicuously with the background of the package or its labels.
(2) The manner in which a specified warning shall be printed , painted or inscribed on a package of cigarettes or any other tobacco products shall be such as maybe specified in the rules made under this Act.
(3) Every package containing cigarettes or any other tobacco products shall be so packed as to ensure that the specified warning appearing thereon, or on its label, is, before the package is opened, visible to the consumer.”

Additional Notification: No. S.O. 2815 (E) dated 28th November, 2008

Interpretation of the Law:

Every person engaged directly or indirectly in the production, supply, import or distribution of cigarette or any other tobacco product shall ensure that the packaging and labeling rules are adhered to.

Section 7 of COTPA specifies that all tobacco products offered for sale should bear health warnings in the form of designated pictures which would act as a warning. All imported tobacco products should also carry the specified warnings.

Section 8 requires the health warnings be legible and prominent, conspicuous as to size and colour, and conspicuous on every package. The warnings must be given in the same language as given on the pack.

Violations.

- ★ Absence of pictorial warning messages in locally made and sold retail packages of any tobacco product (cigarette, bidi, gutkha, khaini etc.).
- ★ The Health warnings do not cover 40% of the Principal display area in the front panel of the tobacco pack.
- ★ None of the elements of the specified warning are, covered or hidden in any manner when the package is sealed or opened.
- ★ No messages that directly or indirectly promote a specific tobacco brand or tobacco usage in general are inscribed on the tobacco product package.
- ★ Use of misleading terms on packs like Mild/ Lights/ Low tar so as to mislead the consumer about the safe level of tobacco.

Penalty.

For producer and manufacturer

- ★ First time violation of this provision attracts imprisonment upto 2 years or with a fine upto Rs 5000/- or with both.
- ★ Second or subsequent conviction will attract imprisonment for upto 5 years and a fine of upto Rs. 10,000/-.

For Seller or distributor

- ★ For first offence the punishment is with imprisonment of upto 1 year or with a fine of Rs. 1000/- or with both
- ★ Second or subsequent conviction will attract imprisonment of a term upto 2 years and with a fine upto Rs. 3000/-.

Note: All offences punishable under this Act are bailable.