

Documents provided by Hemant Goswami using India's Right to Information Act

Supplemental Materials for

**Implementation of Graphic Health Warning Labels on Tobacco Products in India:
The Interplay Between the Cigarette and the Bidi Industries**

Sujatha Sankaran, MD
Heikki Hiilamo, Ph.D., Dr.PH.
Stanton A. Glantz, Ph.D.

The Tobacco Growers Welfare Association. Communication from the Tobacco Growers Welfare Association to Sonia Gandhi. 2004

Federation of Farmers Associations. Fernandes O. Communication between Federation of Farmers Associations and Oscar Fernandes. November 7, 2007.

Reddy S. Communication between Sanjeeva Reddy and Manmohan Singh. 2008.

Patel R. Communication between Rajnikant Patel and Anbumani Ramdoss. 2007.

Fernandes O. Ramdoss A. Communication between Oscar Fernandes and Anbumani Ramdoss. November 5, 2007.

Lall U. Ramdoss A. Communication between Udayan Lall of the Tobacco Institute of India and Anbumani Ramdoss of the Ministry of Health and Family Welfare, Annexure 1. 2007.

Lall U. Mukherjee P. Communication between Udayan Lall and Pranab Mukherjee. May 22, 2007.

Krishna G. Thyagarajan B. Communication between Gopal Krishna and Bhavani Thyagarajan. October 16, 2007.

Rajput A. Thyagarajan B. Communication between Anil Rajput and Bhavani Thyagarajan. October 22, 2007.

Sankar NS. Communication between N. Sai Sankar and Bhavani Thyagarajan. 2007.

Lall U. Thyagarajan B. Communication between Udayan Lall and Bhavani Thyagarajan. May 11, 2007.

Kapoor N. Thyagarajan B. Communication between Nita Kapoor and Bhavani Thyagarajan. October 17, 2007.

Sharma CM. Correspondence between C.M. Sharma and Udayan Lall. 2008.

Sharma CM. Internal Memo from C.M. Sharma to the Ministry of Health and Family Welfare. June 6, 2006.

Lall U. Ramdoss A. Correspondence between Udayan Lall and Anbumani Ramdoss. 2008.

Poddar RA. Communication between R.A. Poddar and Shri Kamal Nath. 2008.

Poddar RA. Communication between R.A. Poddar and Naresh Dayal. 2008.

Poddar RA. Communication between R.A. Poddar and C.M. Sharma. 2008.

Federation of Andhra Pradesh Tobacco Farmers. Thakur CP. Communication from Federation of Andhra Pradesh Tobacco Farmers to Union Minister C.P. Thakur. 2007.

Fernandes O. Communication between Oscar Fernandes and the Consortium of Indian Farmers Associations. November 6, 2007.

Gupta P. Thyagarajan B. Communication between Pradeep Gupta to Bhavani Thyagarajan. June 2006.

SNo 23 (R)

52

Phone : 08698 - 223188

*Nellore And Prakasam Districts Tobacco
Growers Association*

103

PRESIDENT
M. S. Seetharamaiah
Vice Chairman, Tobacco Board

Head Office
KANDUKUR

Date

7th November 2007

To

Shri Oscar Fernandes
Hon'ble Minister for Labour & Employment
Government of India
New Delhi.

Hon'ble Sir,

श्री ए. ओ. सेठारामाiah
का कार्यालय
MOS L & E'S OFFICE
By No
दिनांक
Date

**Sub : PICTORIAL WARNINGS ON TOBACCO PRODUCTS AND IMPACT ON
MILLIONS OF TOBACCO FARMERS AND FARM WORKERS**

The tobacco farmers of Andhra Pradesh and Karnataka wish to represent the following for your kind information and redressal of our problems. We shall be grateful to you Madam, if you can help the tobacco farming community by dropping the pictorial warnings on tobacco products.

Through this representation, we are once again approaching you with problems that we are going to face by implementation of pictorial warnings on tobacco products.

1. Sales of legally imported Cigarettes and other tobacco products, will bound to go up as these products does not carries health warnings. You are aware that, these imported products manufactured by using imported tobacco are going to eat into the demand for tobacco produced by us.
2. Usage of smuggled and counterfeit cigarettes will also go up, as these products have not health warnings on the packets.

J. Hemant

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As you are well aware that, during the last couple of years in Andhra Pradesh alone, **we have seen more than 3000 farmers growing other crops committing suicide on account debt trap.**

All these days, we have escaped this debt trap only because, we are pursuing the tobacco cultivation.

Now, we request you that since the UPA Govt. under the Chairmanship of Smt. Sonia Gandhi is in power at the Centre, the problems of the farming community and farm workers should be considered sympathetically and the pictorial warnings Bill should not be implemented.

By introducing the pictorial warnings, we are sure that, our fate is going to be similar to that of other farmers who are facing severe debt trap in our State. It is also pertinent to mention that on account of reduction in the tobacco cultivation labourers, who are engaged by us in the villages will be left with no choice to move to the cities and resort to the unfair means of living to earn their livelihood.

All of us are aware that the NDA Govt. was thrown out of power since they followed **Anti-Farmer and Anti-Labour policies.** The farmers and workers have great faith and confidence in the UPA Govt., and hence we once again request you not to implement the pictorial warnings bill and thus save the farmers and the farm workers from financial ruin and deprived of their livelihood.

We once again request you to kindly intervene and ensure that pictorial warnings on tobacco products are not implemented and save the farming community from distress.

Thanking you Sir,

Yours faithfully,


G. Siva Ram Prasad.

J. P. Chinnai

S No 241(R)

Tel : 08645 - 243163

54

TOBACCO GROWERS WELFARE ASSOCIATION

Regd. No. 370/96
Tadikonda, GUNTUR

105

President :
Ramanjaneyulu
Secretary :
Atchaiah

General Secretary :
G. Siva Ram Prasad

Vice President :
G. Subba Rao
Joint Secretary :
B. Prabhakar Reddy

Date : November 7, 2007

To

Shri Oscar Fernandes
Hon'ble Minister for Labour & Employment
Government of India
New Delhi.

Hon'ble Sir,

DG(LW)

कृषि एवं रोजगार राज्य मंत्री
का कार्यालय
MOS L & E's OFFICE
राज्य रोड
Dy. No.
दिनांक
Date

We the tobacco farmers of Andhra Pradesh wish to bring to your kind notice that the contemplated move by the Health Ministry to implement pictorial warnings on tobacco are going to affect our lives very badly and we will be ruined financially.

As we are all aware that, millions of people are directly and indirectly dependent on tobacco cultivation and tobacco related activities in Andhra Pradesh and Karnataka.

In Andhra Pradesh alone more than 3 lakh farmers and 8 lakh farm workers are dependent on FCV tobacco cultivation. In the case of Bidis and other tobacco products, as per the records, more than 8 lakh workers are engaged in Bidi rolling in the drought prone districts of Andhra Pradesh.

Couple of years back, we approached Smt. Sonia Gandhi and appraised her of our problems. She took the initiative and wrote letters to the then Hon'ble Prime Minister Sri A.B. Vajpayee not to implement the 2003 Tobacco Bill. In her letter, she requested and emphasized that till such time the problems of the farming community and the farm workers are assured of alternative means of employment and livelihood this Bill should be kept pending.

We are happy to inform you that, so far in tobacco growing districts, there are no suicides and the farmers are leading a happy life.

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Continued...2

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Through this representation, we would request you to ensure that pictorial warnings are not introduced on tobacco and tobacco products. If these warnings are introduced, our lives are going to be badly affected. Tobacco being a labour oriented crop, most of the labourers in our villages are getting the employment and are eking their livelihood. We also wish to highlight that, during year 2001, lakhs of tobacco workers migrated to towns for want of work and were displaced because of tobacco crop holiday. In the absence of tobacco cultivation, (crop holiday year) i.e. 2001, in most of the villages the crime rate had gone up and we were put lot of inconvenience.

We wish to inform you that so far, in the tobacco growing districts there are no suicides and the farmers are leading happy life. All of us are aware that, farmers growing other crops are committing suicides in large numbers since they are unable to get remunerative prices for their produce and also for the failure of the crops being grown by them. Only farmers growing tobacco crop have escaped the death trap.

The proposal to have pictorial depictions printed on packages of tobacco products should be dropped, as it will only encourage consumption of cheap traditional products, which constitute the bulk of tobacco sales and are sold in abundance in unbranded / unpackaged form. It will also promote sales of Contraband tobacco products which will not carry such warnings.

In the light of the above, we earnestly request you to take up our cause and drop the issue of pictorial warnings on tobacco products. This will help us and protect our livelihood.

Yours faithfully,


M. Balarama Reddy
President



Page 2 of 2



ANDHRA PRADESH

SNo 25(2)

56

FEDERATION OF FARMERS ASSOCIATIONS

Flat No. 209, Vijaya Towers, Shanthi Nagar, Hyderabad - 500 028. India

Phone : 91-40-23319643, Fax : 91-40-23378046

E-mail: indian_farmers_federation@yahoo.com, chengal_ifia@yahoo.com

Website : www.indianfarmers.org

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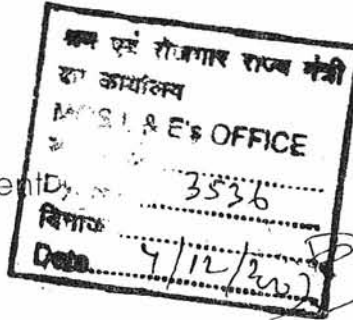
4270
4/12/07

Date - 07/11/2007

To

Shri Oscar Fernandes

Hon'ble Minister for Labour & Employment
Government of India



Handwritten notes and signatures: (LW), WCHOR, and a signature.

Respected Sir,

Sub : REQUEST NOT TO IMPLEMENT PICTORIAL WARNINGS ON TOBACCO & TOBACCO PRODUCTS.

We the tobacco farmers of Andhra Pradesh wish to submit the following for your kind information and perusal.

We wish to inform you that, by pursuing tobacco cultivation we are contributing to our nation in the following manner

- Tobacco is a hardy crop and is grown on unfertile soils. The crop can with stand severe drought conditions and still can give us remunerative returns.
- Only 0.27% of the total arable / cultivate land is used for growing tobacco in the country. Even with this minuscule percentage of land which is being utilized for tobacco cultivation, we are still able to realize Rs. 3000 Crores of gross revenue, which is far far higher than the revenues realize in the case cash / food crops.
- Tobacco provides direct and indirect employment to an extent 3% of total population of the nation (i.e. 35 million people are employed).
- Every year our Nation is getting 10% of Excise earnings from tobacco products and cigarettes to meet the Govt. expenditure and also to cater to the welfare measures that are being carried out to protect the interest of under privileged people.

After the introduction of the Tobacco bill, 2003, the tobacco consumption in our country is coming down and is directly affecting the tobacco farming community. Despite the reduction in consumption we are sustaining with the marginal profits, which are far greater than any other crop.

Welfare-II Section
 जायती संख्या.....
 Diary No. 668
 दिनांक..... 17/12/07
 Date.....

Page 1 of 2

Handwritten signature: Madman



R.S.T. No. 1930/01100
C.S.T No. 1930/01100
Regd. No. 6/Ju-II/2404/92 (Beedies)

卐

Office 540330
G. Resi. 435526
T. Resi. 431730
K. Resi. 614668

GOPALDAS TARACHAND

✧ **गोपालदास ताराचन्द** ✧

त्रिशूल बीड़ी व जनता बीड़ी के निर्माता तथा जरदे पत्ते के थोक विक्रेता

त्रिशूल बीड़ी कंपनी, लोहारों की मस्जिद, हाथीराम का छोडा, जोधपुर - 342 001

Bankers
INDIAN OVERSEAS BANK

Ref.

To,
Joint Secretary,
Bhawani Thyagarajan
Ministry of Health & Family Welfare,
Nirman Bhuvan,
NEW DELHI

Date 26/11/2007



Appeal to modify the Packaging and Labelling Rules regarding Bidis.

Dear Madam,

The Cigarettes and other Tobacco Products (Packaging and Labelling) Rules, 2006 were amended vide notification dated 29-09-07. In spite of several representations made by bidi industry they still contain various provisions which are completely outside the four corners and ambit of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade, Commerce, Production, Supply and Distribution Act, 2003 and are arbitrary, unconstitutional and void in law. We also understand that the Group of Ministers formed to look into the problems of Bidi industry in this connection has not submitted its final report to the cabinet. In fact recent telephone enquiries with the Health Ministry have been met with the reply that the said Notification will come into force in the present form on 1st Dec., 2007 and there were some media reports also to that effect.

We are a small manufacturer of bidis and the said Notification will very adversely affect our very existence. Preliminary opinion from our advocates suggest that the Rules have gone beyond the scope of the Act. We, therefore request you to modify the Labelling Rules in such a way that it becomes practical for implementation and extend the effective date of implementation by at least six months.

Handwritten signature

58

Prime Minister's Office

South Block,
New Delhi - 110 101

212

Office of Director (VMP)
Dy. No. 3431
Date 2/12

Please find enclosed, for action as appropriate, a copy of a letter dated 21.11.2007 addressed to the Prime Minister by Dr. G. Sanjeeva Reddy, MP (Rajya Sabha) regarding bidi industry.

K/A

(Kalpana Awasthi)
Director

Office of D. Sanjiv Reddy (VFA)
Dy. No. 26/11/07
Date 5/12/07

Secretary, Ministry of Health & Family Welfare

PMO I.D. No. 520/31/C/96/2006-ES.II Dated: 04.12.2007

Secretary (PMO-418)
Dy. No. 5/12/07
Date 5/12/07

Handwritten initials (PK) and date 7/12/07

On file pl. ~~XXXXXXXXXXXX~~
What are we doing about it. L.L.L.

I. Parmar

At 2ak stage

5/12

- 1. we may not take any action now
These are pressure tactics & only bid lobby
wakeup
- 2. we may review after ^{shimla} High court hearing
on 13th Dec 11

Handwritten notes and signatures at the bottom of the page, including initials (PK) and dates.

Dr. G. Sanjeeva Reddy
Member of Parliament (Rajya Sabha)
President
INDIAN NATIONAL TRADE UNION CONGRESS



SHRAMIK KENDRA
4, BHAI VEER SINGH MARG,
NEW DELHI - 110001
Phone : 2336-7401, 2336-0550 (O)
Phone : 2334-1515 (R)
Fax : 2336-4244

21.11.2007

Respected Dr. Manmohan Singh ji,

I am enclosing herewith the original letter dated 1st Nov. 2007 received from the All India Bidi Industry Federation, By imposing the rule " Prohibition of advertisement and Regulation of Trade and Commerce Production and supply and distribution Act 2003" effective from 1.12.2007 will adversely affect lakhs of bidi workers. This matter was discussed number of times with the concerned Ministries but no fruitful solution has come out so far. Now the poor bidi workers have decided to observe an Indefinite Nationwide Protest Banth.

I shall be grateful if you could kindly intervene in the matter and issue directions to the concerned ministry to take some positive steps to safeguard the interest of the poor bidi workers.

With respectful regards,

Yours sincerely,


(Dr. G. Sanjeeva Reddy)

Encl : a/a

Dr. Manmohan Singh,
Prime Minister,
Govt. of India,
New Delhi

J. Palanivel

ऑस्कर फर्नांडिस
OSCAR FERNANDES

1700



श्रम एवं रोजगार राज्य मंत्री
(स्वतंत्र प्रभार)
भारत सरकार, नई दिल्ली
MINISTER OF STATE FOR LABOUR &
EMPLOYMENT (INDEPENDENT CHARGE)
GOVERNMENT OF INDIA
NEW DELHI

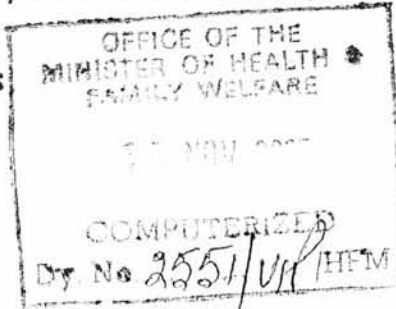
5 नवम्बर 2007
NOV 2007

Dear Dr. Anbumani Ramadoss Ji,

I am forwarding herewith a letter dated 10th October, 2007 received from All India Bidi Industry Federation, Pune regarding their suggestions on the specified warning under Tobacco Control Act, 2003, particularly related to minimum size and colour scheme of specified warning on the Bidi Bundle etc.

I shall be grateful if you could kindly get the suggestions mentioned in the representation examined and take necessary appropriate action, keeping in view welfare of millions of poor rural workers employed in Bidi Industry.

With regards



Yours sincerely,

(Oscar Fernandes)

Dr. Anbumani Ramadoss,
Minister of Health & Family Welfare,
Govt. of India,
Shastri Bhawan,
New Delhi.

Aee

sp

14.11.07

JS(BT)

स्वास्थ्य एवं परिवार कल्याण मंत्री
भारत सरकार
निर्मण भवन, नई दिल्ली - 110108



Minister for Health & Family Welfare
Government of India
Nirman Bhavan, New Delhi - 110108

22 NOV 2007

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डॉ. अन्बुमणि रामदास
Dr. ANBUMANI RAMADOSS

D.O. No. 2551/VIP/HFM/2007

Copy of Director (MHP)
D.No. 31902
Date 2/11/07

Dear Shri Oscar ji,

I am in receipt of your letter dated 5th November 2007 enclosing a representation from All India Bidi Industry Federation, Pune regarding their suggestions on the specified warning under Tobacco Control Act, 2003, particularly related to minimum size and colour scheme of specified warning on the Bidi Bundle etc.

The concerned Officer in the Ministry is being asked to look into the matter for appropriate action.

With regards,

Yours sincerely,

(Dr. Anbumani Ramadoss)

42/VIP/07/193
5/11/07

DM (MHP)
4/11/07
US (PH)

Shri Oscar Fernandes
Minister of State for Labour &
Employment (Independent Charge)
Government of India,
Shram Shakti Bhavan,
New Delhi - 110 001.

Copy together with the letter
in original under reference
forwarded to JS (CBT)

Radmanabhan
Add. P.S. to HFM



National Rural Health Mission
Healthy Family, Healthy Village, Healthy Nation

1586/US/07/57
5/11/07

Copy to Mr. Suresh
Consultant
PH (Sh DM)

for files

we sent a
reply to Bledi
Smoking Federation
re letter & put up
4/12/07
PH I.
(P.16011/6/2006)

P. Palmen 12



The Tobacco Institute of India

Regd. Office : 316-318, 3rd Floor, 'E'-Block,
International Trade Tower,
Nehru Place, New Delhi-110 019
Phone : 26231214, 26231215, 26231216 Fax : 0091-11-26468482
E-Mail : tii@tioonline.org

99

180.

TI/29
22nd May 2007

OSD

Shri Pranab Mukherjee,
Hon'ble Minister for External Affairs,
Government of India,
South Block,
New Delhi

Respected Sir,

Review of Pictorial Warnings on Packaging of Tobacco Products

The proposed Rules require warning labels to be printed on packages of all tobacco products – bidis, cigarettes, chewing tobacco, etc. - effective from 1st June 2007. We understand that following widespread protests from the bidi industry the Government has constituted a GoM, of which you are a member, to review the proposed warning labels.

We are, therefore, representing to you, on behalf of the cigarettes segment of the tobacco industry, that any review of the warning labels should be applicable to all tobacco products and that **any exemption / deferral for bidis alone would lead to several undesirable consequences:**

1. The **single most dangerous implication** of relaxing the rigour for bidis alone would be that the **Government would be seen to be endorsing that bidis are 'safer' than cigarettes** – which is clearly not the case. Several authoritative studies/reports – including the Ministry of Health & Family Welfare's '*Report on Tobacco Control in India, 2004*' and statements made by Government in Parliament - have categorically stated that **bidis deliver higher levels of tar and nicotine as compared to cigarettes**. In this context, several such statements are annexed to this representation (*Annexure-1*).
2. Any relaxation to bidis alone would mislead consumers into believing that bidis are safer than cigarettes, and would consequently lead to large-scale switching of consumption from cigarettes to bidis. This will run counter to the Government's tobacco control policy. In fact, as recommended by the **Committee on Subordinate Legislation** (10th Lok Sabha, 1995) and the **Department-related Parliamentary Standing Committee on Human Resource Development** (111th Report, 2001) the purpose of pictorial warnings is to educate illiterate and semi-literate tobacco consumers, which is more appropriate in the case of bidis than cigarettes.
3. The threat posed by pictorial warnings will affect not only the bidi workers, but the entire tobacco industry. **In fact, millions of cigarette tobacco farmers and cigarette retailers/traders and their families are dependent upon the sales of cigarettes for their livelihood.**

Contd...2

● International Tobacco Growers Association (ITGA) ● Tobacco Documentation Centre, UK (TDC)
● Tobacco Merchants' Association, USA (TMA) ● CII ● FICCI
● ASSOCHAM ● PHDCCI ● ICCI ● FAPCCI ● AIMA ● ASCI
● Chambers of Commerce - Andhra, Bombay, Karnatka, Maharashtra

Affiliations

Lib:Hemant Goswami:: Ref: TICIND07-2010-0000 70, 195



- 2 -

4. It is significant that most of the large tobacco producing and consuming countries do not have such stringent warning labels as now proposed in India. Neither China, nor USA which, alongwith India, are amongst the largest producers and consumers of tobacco in the world, have any requirement for pictorial warnings on cigarette packages. This is also the case in Japan and in most European countries.
5. The single most important recommendation of the Department-related **Parliamentary Standing Committee on Human Resource Development (111th Report, 2001)** was that **there should not be any discrimination between cigarettes and bidis and other tobacco products in the application of the law.** Since Parliament has already passed the law on such a principle, any contrary amendment would be exposed to the charge of discrimination. Relevant portions from the Parliamentary Standing Committee's Report are extracted in *Annexure-2*.

We are, therefore, writing to you with a plea that any review of the excessive and severe pictorial warnings must also be made applicable to cigarettes., which should not be discriminated against. All rules and regulations pertaining to the Cigarette and Other Tobacco Products Act, 2003 **must apply equally, uniformly and simultaneously on all tobacco products.** Accordingly, we request that, **the implementation of the Rules prescribing the warning labels be deferred pending such review.**

We are also enclosing a note as *Annexure-3*, explaining how the warning labels as currently proposed are exaggerated and excessive, and also over-reach the provisions of the Act.

We would, indeed, be most grateful if our submissions are considered favourably when reviewing the issue of Pictorial Warnings on packaging of tobacco products. We would be glad to make a presentation to the GoM in this regard, if provided an opportunity.

With regards,

Yours sincerely,

(Udayan Lall)
Director



GOPAL KRISHNA
Joint Secretary

Phone : 23062983
Fax : 23061034
E-mail : g.krishna@nic.in

वाणिज्य एवं उद्योग मंत्रालय
(औद्योगिक नीति और संवर्धन विभाग)
उद्योग भवन, नई दिल्ली - ११००११
Ministry of Commerce & Industry
(Deptt. of Industrial Policy and Promotion)
Udyog Bhawan, New Delhi-110011

16.10.2007

Dear Ms T. Hyagarajan,

A delegation of the All India Bidi Federation met Secretary (IPP) on 11.10.2007 to discuss the problems being faced by Bidi industry. The Federation informed SIPP that in the Notification Nos. 641(E) dt. 1.10.07 and 633(E) dt. 29-9-07 issued by M/o Health & Family Welfare, the practical difficulties of hand made bidi industry in implementing the rules especially the minimum size and colour scheme have not been addressed.

The Federation has made following submissions:-

- i) The minimum size (3.5 cm x 4 cm) of panel required to be reserved for printing specified warning has been determined to suit cigarette industry keeping in mind standard pack of 10 cigarettes which is incidentally close to 50% of display area of two large panels of standard pack of 10 cigarettes. According to the Federation, while framing the rules, two side panels of the cigarette pack have been ignored while in case of bidi packets the entire curvature of cone/ cylinder has been defined as the display area. Bidis are sold in packs of 10 bidis to 25 bidis across the country. The minimum panel size of 3.5 cm x 4 cm required to be reserved for printing specified warning takes away more than 70% of the display area particularly for packs of 10 bidis which affects the branding of bidis as very little space is left for printing brand name, manufacturers' logo, brand picture of the bidi manufacturers.
- ii) As per the existing rules, the specified warning is required to be printed in 4 colour printing on white background. Federation is of the view that this proviso has been made keeping in mind printing of cigarette packs which are printed on white duplex board on high speed offset machines. The wrappers used for packing of bidi packets are made from tissue paper which weighs from 25 gsm to 40 gsm of different colours and not necessarily white colour. Since colored tissue papers are used as a part of trade label for packing bidis, it is not possible to print specified warning in specified colour scheme with white background.

L-2869
18/10/07
Office of Director (VMP)
D.O. No. 333/07
Date 18/10/07

22/10/07
MS
MS
(S)

US/PN

J. Padmanabhan

In this regard, the Federation has given following suggestions for consideration:-

- (a) To make separate practically implementable rules regarding printing of specified warning for hand made bidis and to make new rules effective from six months from the date of such notification. The Federation has indicated that it will be difficult for hand made bidi industry to implement the new rules w.e.f. 1st December, 2007.
- (b) The panel for printing specified warning on packets of bidis containing 25 or more bidis shall be 1 cm x 4 cm and for packets of bidis containing less than 25 bidis shall be 1 cm x 3 cm;
- (c) The specified warning shall be printed in legible colour on a background colour which is in contrast to the colour of bidi wrapper.

This Department is of the view that the suggestions made by the Bidi Federation merit favorable consideration. I would therefore request you to examine the issues made by the Federation in order to mitigate the problems being faced by Bidi industry.

with kind regards,

Yours sincerely,

vdm 16/10/07
GOPAL KRISHNA

Ms. Bhawani Thyagarajan
Joint Secretary,
M/o Health & Family Welfare
Nirman Bhawan
New Delhi

S. P. Sharma

ALL INDIA BIDI INDUSTRY FEDERATION

C/o. DESAI BROTHERS LTD.

"Desai House", 177/2, Dhole Patil Road, Pune - 411 001.

• Phone : (020) 2600 4100 • Fax : (020) 2600 4110 • e-mail : dbtld@vsnl.com

89

RAJNIKANT P. PATEL

President

C/o. Parbhudas Kishordas Tobacco Products Pvt. Ltd.

102, Popular House, Ashram Road, Ahmedabad - 380 009.

PHONE : 079-2657 4690/91/92

e-mail : pktp2003@yahoo.co.in

SUDHIR SABLE

Secretary

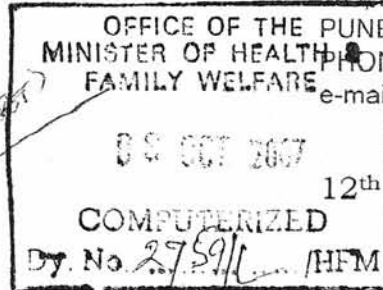
C/o. Sable Waghire & Co. Pvt. Ltd.

105, Bhawani Peth,

Pune - 411 042.

PHONE : 020-26386971/2/3

e-mail : swandco@vsnl.net



12th September, 2007

DR. ANBUMANI RAMDOSS

Minister of Health & Family Welfare,

M-150-A, Nirman Bhawan,

New Delhi-110011.

Office of Director (VMP)
Dy. No. 2759/L/HFM

Subject: Rules regarding specified warning under Tobacco Control Act..

Hon'ble Minister,

The Bill to amend Tobacco Control Act was passed for which we are very much thankful to your honour as the Hon'ble Minister has taken keep interest to solve the practical problems of bidi industry. Accordingly, it will now be option to print picture of skull and cross bones as a part of specified warning. The new Rules in this connection will be framed and published in the gazette very shortly. The Federation has already communicated its genuine problems in implementing present rules regarding size of specified warning. The new rules are now been framed. We request your honour to please solve the genuine problems of bidi industry in implementing the Act regarding specified warning. There are few issues on which the industry has practical difficulties. The Federation requests that the following issues be given due consideration while framing new rules of specified warning for bidis.

1. Size of specified warning

The size of specified warning should be 4 cm x 1 cm in case of packages containing 25 or more bidis and of 3 cm x 1 cm in case of packages containing less than 25 bidis.

2. Pictorial depiction

Any of the following 3 pictures should be provided as a part of specified warning.

- Pictures of bidi with slash.
- Picture of Scorpio.
- Picture of infant child on oxygen.

These pictures should be sketched drawn in single colour on appropriate background colour.

1654/USCPD
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59/01/07
59727

J. Peddani

M

skw

D. J. (VMP)

vs (Ph)

we have sent a reply

Cont.....2/

3/11/07

PH C&DM

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3. Languages

Specified warning in words should be written in the language

a. Where the label is printed in any one language, the specified warning should be printed in same language.

b. Where the label is printed in more than one language, then specified warning should be printed in national language- Hindi and any one of other languages printed on the label.

4. Colour Scheme

The specified warning including pictorial depiction should be printed in colour scheme which is in contrast to the background colour of the label.

5. Semi Wholesale and Wholesale Pack

Semi wholesale and wholesale packs should be exempted from the requirement of printing of specified warning as it is not possible to implement the same on brown paper, bardan and other dark coloured packing material. Alternatively, bidi manufacturers should be allowed to affix stickers of specified warning of the size proportionate to the size permitted on retail packages.

We shall be extremely grateful to the Hon'ble Minister if the above concerns are properly taken care of while framing the new Rules of specified warning under Tobacco Control Act.

Thanking you

Yours Faithfully,
For All India Bidi Industry Federation

Rajnikant P. Patel

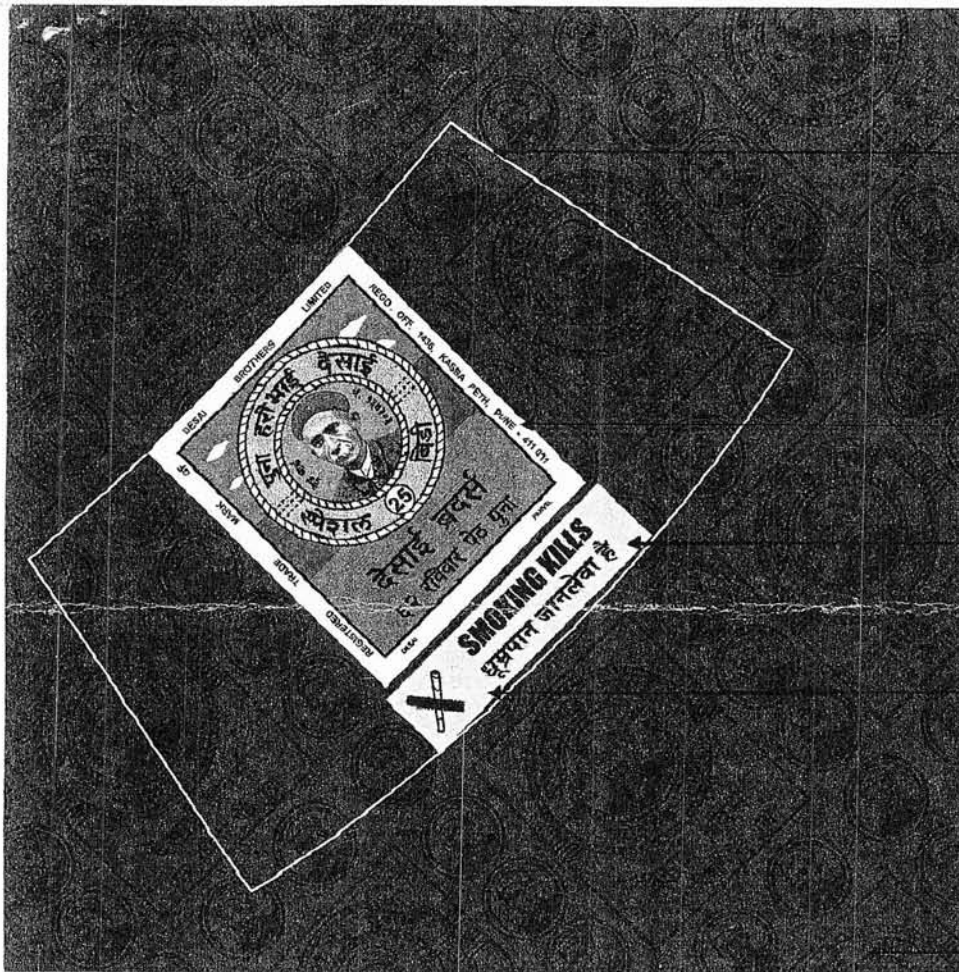
(RAJNIKANT P. PATEL)
PRESIDENT

Encls.: Specimen of a bidi wrapper after incorporating above concerns.

J. P. Adnan

Bidi Wrapper for 25 Bidis.

87



Yellow border denotes total Display Area.

Bidi Label which is a Registered Trade mark. Size 3.8 c.m. X 4.4 c.m.

Statutory warning with Picture. Size 4 c.m. X 1 c.m.

Other Options.



Bidi Wrapper which is a Registered Trade mark. Size 12.7 c.m. X 12.7 c.m.

Bidi Wrapper for 10 Bidis.

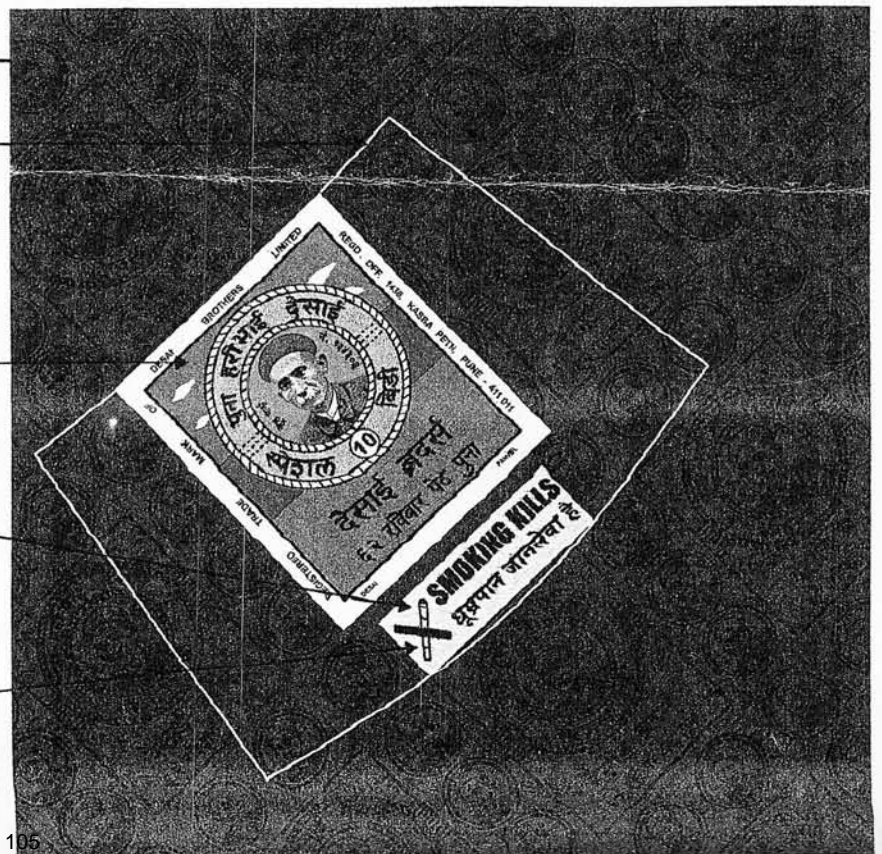
Bidi Wrapper which is a Registered Trade mark. Size 11.4 c.m. X 11.4 c.m.

Yellow border denotes total Display Area.

Bidi Label which is a Registered Trade mark. Size 3.8 c.m. X 4.4 c.m.

Statutory warning with Picture. Size 3 c.m. X 1 c.m.

Other Options.



A.P. Desai

Anil Rajput

Senior Vice-President, Corporate Affairs



193
86
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Thapar House, 2nd Floor
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Tel. : +91 11 41502301
41502302, 41502163
Fax : +91 11 23368750
E-mail : anil.rajput@itc.in

22 October 2007

Ms. Bhavani Thyagarajan
Joint Secretary
Ministry of Health & Family Welfare
Government of India
Nirman Bhavan
New Delhi 110 001.

Dear Ms. Thyagarajan,

Re : Specified Warning on Packaging of Tobacco Products as amended by G.S.R. 633(E) dtd. 29/09/07 and G.S.R. 641(E) dtd. 1/10/07 : Request for reconsideration / modification of the above warnings and to accord adequate lead-time to implement the same.

This is further to the Tobacco Institute of India's letters dated 10th September, 2007 and 11th October, 2007 on the above mentioned issue.

At the outset, we would like to point out that the time frame for implementation of the new warnings is woefully inadequate and would lead to a situation of all manufacturing activity having to shut down for several months.

In fact we were hoping that post the formation of Group of Ministers (GoM), the new health warnings would be moderated keeping in mind implications on livelihood. We are disappointed that the health warnings are as alarmist and harsh as earlier. We sincerely hope that the Health Ministry would revert on this in favour of moderation in content and size by staying with the 30% proviso expressed in the FCTC.

In any case you will recall, that in various meetings with your Ministry (wherein experts even from the Directorate of Audio Visual Publicity were present) it was explained in great detail (and acknowledged by your Department) that any change in package design requires an adequate and sufficient lead-time. In fact, it was also pointed out to your Department that in many countries which prescribed such pictorial Labelling, the industry was given a lead-time of upto 18 months. This is on account of the fact that preparation of print cylinders and embossing tools involves importation of the material from outside the country (mainly from Western Europe & USA) and that the same is a complex and time-consuming process.

Your Department is aware that on the previous occasion, when the *Packaging & Labelling Rules* [G.S.R.402(E)] were notified on 5th July, 2006, the Department appreciating the problems faced by the industry, had accorded a lead-time of about 7 months from the date on which the *Labelling Rules* were notified and once again a 7 months lead-time was given from the date the CD was made available. However, this time around, the Department has accorded the industry less than two months to operationalize the conversion of all the packs to the new designs.

Registered Office : ITC Limited, Virginia House, 37 J. L. Nehru Road, Kolkata 700 071 India
FMCG & TOBACCO. HOTELS. PAPERBOARDS & PACKAGING. AGRI-BUSINESS

Lib:Hemant Goswami:: Ref: TFCIND07-2010-0000 83 105
Visit us at www.itcportal.com



83

VST Industries Limited

25 October, 2007.

Office of Director (VMP)
D. No. 31.2.2
25

Ms. Bhavani Thyagarajan
Joint Secretary
Ministry of Health & Family Welfare
Government of India
Nirman Bhavan
New Delhi 110 001

Dear Ms. Thyagarajan,

1627
1/2/07

Notification No.GSR 641 (E) dated 1.10.2007 – Implementation of Rules regarding specified Health Warnings.

This is with reference to the above mentioned Notification, which is due to come into effect from 1.12.2007, making it mandatory for all tobacco product manufacturers to print the labeling requirements (including the Specified Health Warnings) on all Packaging. In this regard, we wish to make the following submissions for your kind consideration.

The representative body of the Tobacco Industry, the Tobacco Institute of India (TII) has already made several earlier representations, including those on 10th September and 11th October 2007 asking for various clarifications on key issues that are necessary to enable us to comply with the various requirements under the Notification. We are writing to you in furtherance of these representations as there are many issues which we are still unclear about and which have not yet been clarified.

2. As a member of TII, we had drawn your attention at the meeting held on 3rd November 2006, to the complexities and time frames required to enable us to implement the change over to the specified health warnings which were originally prescribed in the Notification 402 (E) dated 5.7.2006. Pursuant to these representations, the Government had accorded a lead time of about 11 months from the date on which the labelling rules were notified and about 7 months lead time from the date the CD was made available. It is therefore of great concern to us that the lead time accorded to the Industry to implement the revised Labeling Rules is less than 2 months to undertake what is largely the same exercise that we had earlier been through in order to implement the original labelling rules.

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Registered Office: Azamabad, Hyderabad – 500 020.

Head Office: PO Box No. 1804, Hyderabad – 500 020. Phone: 27610460, Fax:91-040-27615336, Cable:CHARTOBSCO.

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JS (S?) (on leave)
Dm (VMP)
A Examin
31/10
US (H)
L-2955
28/11/07
G. Kusuma
1/11/07
PH-15

A. Padmanab



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VST Industries Limited

Page:2

We submit that it is virtually impossible for us to implement the design changes within a lead time provided to us. For your ease of reference, we are setting out the steps here below required to be undertaken once again in order to implement the revised labeling rules:

- a. The CD containing the revised specified health warning was made available to us only on 3rd October 2007.
- b. After collecting the CD, high resolution images of the revised specified health warning have to be recreated and matched with those of the said CD. This is to ensure the image quality is as specified in the Notification. For this process, at least 3 weeks time is required.
- c. The next step is recreation of art works for the revised specified health warnings. We have to make fresh art works for all our packaging to include statutory and trademark information. For this purpose a period of at least 5 weeks is required.
- d. In order to print the revised specified health warnings, as per the finalized art works, a new set of printing cylinders has to be ordered and obtained. Orders have to be placed with the cylinder manufacturers since individual cylinders will have to be made for every colour used within a trademark. A minimum period of 16 weeks is required for the cylinder making process.
- e. After the cylinders have been obtained, proofs will have to be printed so as to ensure that correct quality specifications are adhered to. Thereafter, the new packaging material bearing the revised labeling requirements will be produced and transported to our factory. For this purpose, a period of at least 7 weeks is required.
- f. Once the packaging material reaches the factory they can be used for the manufacturing process of cigarettes after carrying out the necessary pilot runs to check for machine consistency etc. This process takes at least 4 weeks.

Hence from the above, it is clear that a total of at least 36 weeks time is required to implement the whole process of designs, art work, printing, packaging and production of cigarettes for packing bearing revised specified health warnings. This entire process was explained in detail at the meeting on 3rd November 2006, with the TII, which had sought a 12 month time period for change over. As mentioned above, we were ultimately given time of about 11 months from the date on which the labeling rules were originally

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Registered Office: Azamabad, Hyderabad – 500 020.
Head Office: PO Box No. 1804, Hyderabad – 500 020. Phone: 27610460, Fax:91-040-27615336, Cable:CHARTOBCO.

S. Padma with



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VST Industries Limited

Page:3

notified. Hence, you will appreciate that it will be impossible for us to complete this entire process within a period of 8 weeks, when the process itself takes at least 36 weeks to complete. In countries abroad where similar pictorial labeling requirements have been prescribed, the manufacturers have been given time even extending up to 2 years in order to implement the requirements effectively.

3. Apart from the difficulties that will be faced by us, we would also like to draw your kind attention to the fact that we should also not ignore the livelihood issues of millions of persons presently employed in the tobacco industry including farmers, farm laborers, factory workers, wholesalers, retailers and other workers employed in the industry. The impact will particularly be felt in our home State of Andhra Pradesh, where the tobacco industry provides a large amount of employment and the tobacco industry is of considerable importance to the economy of the State.
4. We further submit that the whole process of implementing the labeling requirements has proved to be very costly for us. In order to prepare for the original labeling requirements, we had incurred huge expenditure which has totally gone waste as the original cylinders are now useless. For implementing the revised labeling rules we will have to incur a similar expenditure yet again, in a short span of time.
5. We understand that the group of Ministers constituted to suggest subtle means of communication to create awareness amongst the consumers of tobacco products is still seized of the issues. We are therefore still unsure whether these labeling requirements are final, or whether there may still be further changes recommended by them.

For all the above mentioned reasons, we request you to kindly consider our submissions and grant us a fair, realistic and adequate lead time to enable us to make the necessary change to implement the revised labeling rules.

Thanking you

Yours faithfully,
VST INDUSTRIES LIMITED

N. Sankar

(N. SAI SANKAR)
DIRECTOR & SECRETARY – FINANCE

Registered Office: Azamabad, Hyderabad – 500 020.
Head Office: PO Box No. 1804, Hyderabad – 500 020. Phone: 27610460. Fax:91-040-27615336. Cable:CHARTOBICO.

P. N. Sankar



The Tobacco Institute of India

19580

Regd. Office : 316-318, 3rd Floor, 'E'-Block,
International Trade Tower,
Nehru Place, New Delhi-110 019

Phone : 26231214, 26231215, 26231216 Fax : 0091-11-26468482
E-Mail : tii@tioonline.org

TI/29

11th October 2007

Ms. Bhavani Thyagarajan
Joint Secretary
Ministry of Health & Family Welfare
Nirman Bhavan
New Delhi

Office of Director (VMP)
Dr. No. 2867
Date 11/10/07

Dear Ms. Thyagarajan,

Revised Specified Health Warning on Packaging of Tobacco Products – Request for adequate lead time to implement changes in design reference Notification No. G.S.R.641(E) dated 1st October '07

We were extremely concerned to note from the Ministry of Health and Family Welfare's Notification No.G.S.R.641(E) dated 1st October '07 that the revised Specified Health Warnings - as communicated through the Ministry's Notification No.G.S.R.633(E) dated 29th September '07 - have to be implemented on all stocks that are packed on or after 1st December '07. This gives the industry only 2 months time to implement the design changeover.

In this context, we would like to draw your attention to the several submissions that we have made earlier requesting that an adequate and pragmatic lead time be provided for implementing the design changes. In these submissions we had highlighted, in detail, the time consuming nature of activities and the substantial quantum of work required to effect graphic/design changes in terms of redesigning, tooling up, printing, supply chain management, etc.

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In fact, we had represented to you as recently as August and September – reference our letters TI/29 of 27th August '07 and TI/29 of 10th September '07 – requesting that a reasonable time frame be granted to comply with the design changes.

We would also like to mention that, despite the Health Warnings being excessive in nature, as was brought to your attention, reference our letter TI/29 dated 22nd May '07 and earlier communications, our members have been extremely constructive and cooperative in discussing implementation issues.

Since it is impossible to operationalise such a mammoth task of conversion within a period of 2 months we now, once again, write to request you to please provide the industry an adequate and pragmatic lead time to implement the revised Specified Health Warnings.

We would, indeed, be most grateful if our fervent appeal is favourably considered.

With kind regards,

Yours sincerely,

Udayan Lall
(Udayan Lall)
Director

Statement

At date stage
The High Court at Shimla has taken a commitment from ASG/US(PH), that Govt will not come for further extension.
2. We may inform Tobacco Institute of Govt direction.
13/10

PH-D
Udayan Lall
ASG/US(PH)

Affiliations

- International Tobacco Growers Association (ITGA) ● Tobacco Documentation Centre, UK (TDC)
- Tobacco Merchants' Association, USA (TMA) ● CII ● FICCI
- ASSOCHAM ● PHDCCI ● ICCI ● FAPCCI ● AIMA ● ASCI
- Chambers of Commerce : Andhra, Bombay, Karnataka, Maharashtra



GODFREY PHILLIPS
—INDIA LIMITED—

Godfrey Phillips House,
49 Community Centre,
Friends Colony, New Delhi-110 025
Tel: +91 11 2683 2155, 2683 6468
Fax: +91 11 2684 0775, 2683 5803
www.godfreyphillips.com

(IST)
L-2867/07
18/10/07

October 17, 2007

Ms. Bhavani Thyagarajan
Joint Secretary
Ministry of Health and Family Welfare
Government of India
Nirman Bhavan,
New Delhi – 110 001

Dr. J. P. Singh
PE discuss

VS (PH)

22/10

19/10

Office of Director (VMP)
No. 110 3028
Date 18/10/07

Dear Madam,

Subject : Notification No. GSR 641 (E) dated 1st October '07 with respect to implementation of Rules on the revised Specified Health Warning from 1st December '07

We are writing in furtherance of several earlier representations made by our representative organization, Tobacco Institute of India (TII). We request you once again to clarify on key issues that are necessary for us to comply with the requirements of the captioned notification.

Even to be able to execute this as per the guidelines specified in the above notification, we request you to please consider the practical preparation time required at our end to work with our processing, printing, packaging and materials suppliers.

We as a member of Tobacco Institute (meeting dated 3rd November, 2006) brought to your notice the complexity and time consuming activities involved in implementing the change-over to the revised Specified Health Warnings, as per earlier Notification No. 402 (E) of 5th July, 2006.

It is our humble endeavor to list down the steps to be undertaken in this regard:

1. CD containing the revised Specified Health Warnings made available to us on 3rd October, 2007 against acknowledgement.

J. Pedraza

GODFREY PHILLIPS
white
we honour the importance of tobacco etiquette

GODFREY PHILLIPS
BRAVERY

GODFREY PHILLIPS SOCIAL INITIATIVES

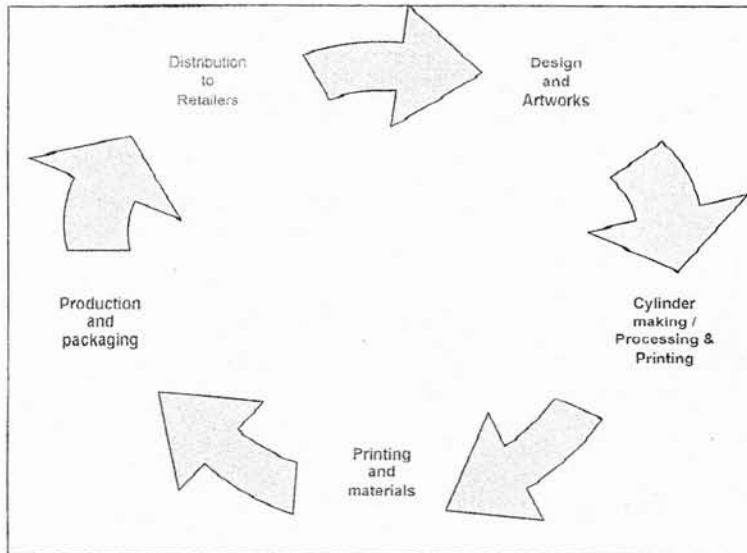
www.godfreyphillipswhite.com
www.godfreyphillipsbravery.com



GODFREY PHILLIPS
—INDIA LIMITED—

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198.

2. Process to Produce new Packaging Materials :



a) Designs :

Re-creation of high resolution images of the revised Specified Health Warning and match these with the low resolution CD received by us on the 3rd October, 2007 against acknowledgement.

Please note that this is a mandatory step that must be done to ensure that the image quality is as specified in the notification. Without this step the subsequent steps of artworking, processing and printing cannot be implemented.

This is an essential process to ensure that the images of the Specified Health Warnings appear with clarity and right colors as indicated and should not be diffused, obscured, blurred or hidden as per guidelines in the notification.

Please note that a duration of 3 weeks are required for this process.

b) Artworks :

The next step is preparation of artworks of these revised Specified Health Warnings. We have to make new artworks across all packaging formats of our trademarks. Fresh design and artworks will have to be made for Hinge Lid Packs, Soft Cup packs, Shell and Slide packs, Wrappers and on Cartons.

Please note that a duration of 5 weeks are required for this process.

J. Hemant



GODFREY PHILLIPS
—INDIA LIMITED—

27

c) Printing of New Packaging Materials :

Printing of revised Specified Health Warnings on packs are being discussed with the Suppliers, including printers and cylinder manufacturers.

Before printers can produce the new cigarette packaging, please note that since majority of packaging is engraving, individual cylinders will have to be made for every color (within a trade mark)

Please note that a minimum of 16 weeks are required for cylinder making process.

Once printers have necessary cylinders, they will need to print proofs, which we inspect for quality. Subsequently, then printers will need time to produce new packaging materials and transport to the respective Factories.

Please note that at least 7 weeks are required to produce and transport new packaging.

d) Production and Packaging :

Once the packaging materials reach the factory, the manufacturing process of cigarette production and packaging starts for, machining consistency, pilot run and commercial production.

Please note that this process takes 4 weeks

Hence a total of 36 weeks are required for Design, Artwork, Printing, Packaging and Production bearing the revised Specified Health Warning. This has explained during our meeting on 3rd of November, 2006, wherein Tobacco Institute on behalf of the Cigarette Industry had sought for 12 months time period and it was discussed that time required for change-over due to technical reasons, that was requested by the Industry will be considered.

Madam, we are once again in the same situation, where Graphic Health Warning has been revised under notification no. Notification No. GSR 641 (E) dated 1st October'07 with respect to implementation of Rules on the revised Specified Health Warning from 1st December'07. We humbly submit our request expressing our inability to meet an impossible deadline of 8 weeks, when the reality of the process outlined above is 36 weeks.

We also draw your attention to the costs involved in the whole process. When the notification No. 402 was originally notified, which was to come into effect from 1st October, 2007, we had incurred an expense in excess of Rs. 10.00 crores for only for our fast selling brands, which is now completely wasted and redundant. Now with the required warnings, we again have to undertake huge expenses, whilst still being unclear as to the finality of the notification since the GOM is still seized of the matter.

J. Hemant



GODFREY PHILLIPS
—INDIA LIMITED—

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Godfrey Phillips is one of the biggest importer and trader of Cigars in India. At present we import more than 30 no. of brands of Cigars from various manufacturers situated in various countries. Cigar come in various sizes and there are at least thirty different types of cigar packages. We have communicated the aforesaid notification to our vendors and we understand that they will require a lead time of at least 9 months in order to be able to manufacture packages with the recently notified health warnings.

We request you to kindly clarify on the various issues raised by us earlier and grant us at least 36 weeks thereafter to make it possible for us to comply with the said notification.

Requesting you to please look into the matter for reconsideration.

Thanking you,

Yours sincerely,

Nita Kapoor
Executive Vice President (Corporate Affairs)

S. Patil

No.P-16011/6/2006-PH (Pt.)
Government of India
Ministry of Health & Family Welfare
(Deptt. of Health & F.W)

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Nirman Bhawan, New Delhi.
Dated the 1st November 2007.

To,
Shri Udayan Lal,
Director,
The Tobacco Institute of India
316-318, 3rd floor, E- Block,
International Trade Tower,
Nehru Place, New Delhi- 19

Subject: Revised Specified Health Warning on Packaging of Tobacco Products- Request to examine the issue to mitigate the problems to implement changes in design reference Notification No. GSR 641 (E) dated 1st October 2007.

Madam,

I am directed to refer to your communication No. TI/29 dated 11th October, 2007 seeking extension of time for the implementation of the Packaging and Labelling Rules, 2006 (as amended). The matter has been carefully examined and request for extension of time is denied.

The Specified Health Warning Rules were notified in 2006 and have only been marginally modified to request from certain section of the industry. The industry was therefore well aware of the rule provisions for quite sometime and should have geared itself to implement it quickly.

The Government of India has also tendered an assurance before the High Court of Himachal Pradesh at Shimla that Packaging and Labelling Rules, 2006 shall come into effect from 1st December 2007 and that no request for further extension of time will be made by Government of India.

In case it is not possible to implement the provision for any reason the specific request for extension of time may be made by the industry before the Hon'ble High Court of Himachal Pradesh.

Yours faithfully,

DM

Gurshan
(C.M. Sharma)

Under Secretary to the Govt. of India
TelFax: 23061342

Recd.
A. Kumar
S. Padmanab



16/12
239

The Tobacco Institute of India
316-318, International Trade Tower, Nehru Place,
New Delhi-110 019

- 2 -

In fact, at a meeting in November '06 with the Ministry of Health & Family Welfare, where printing experts from the Directorate of Audio Visual Publicity (DAVP) were also present, the technical aspects and time-consuming nature of activities involved in implementing the change-over were recognized and appreciated. As a consequence, the implementation date of the SHWs was extended by 4 months - thereby giving the tobacco industry a total of 11 months in which to implement the SHWs.

We would, therefore, be most grateful, indeed, if a reasonable and practical time-frame of 10 months is allowed to the industry to implement the SHWs.

With regards,

Yours sincerely,

R. A. Poddar

(R. A. Poddar)

Chairman

The Tobacco Institute of India

Regd. Office : 316-318, 3rd Floor, 'E'-Block,
International Trade Tower,
Nehru Place, New Delhi-110 019
Phone : 26231214, 26231215, 26231216 Fax : 0091-11-26468482
E-Mail : ti@tiionline.org

TI/29
10th March 2008

295/08

12/3/08

Shri Kamal Nath
Hon'ble Minister for Commerce & Industry
Government of India
Udyog Bhavan
New Delhi

Respected Sir,

Specified Health Warnings on Packaging of Tobacco Products –
request for adequate time for implementation

Recent press reports indicate that the GoM is in the process of deciding, not only the nature and content of the Specified Health Warnings (SHWs) on packages of tobacco products, but also the lead time required to implement the revised SHWs.

We have, in the past, brought to your kind attention the time-consuming nature of activities involved in implementing the change-over to pictorial warnings and have, consequently, been seeking adequate and pragmatic lead times for implementing the design changes.

Any change in the graphic elements of tobacco packages would entail substantial re-designing of the packs. This in turn would necessitate procuring new printing cylinders for over 200 brand/pack combinations for the cigarette industry alone. As each brand has several colours and combinations along with different pack configurations and sizes, this would result in ordering and procuring over 2000 printing cylinders.

The making of Printing and Embossing cylinders is a highly specialized task, and there are only a handful of suppliers in the world. Almost all cylinders used by the large cigarette companies today are imported, and extended lead times would be required for the procurement of these cylinders.

Unfortunately, it is not possible to initiate work on designing and ordering the cylinders in advance. This can only take place after the final designs of the SHWs, in a useable format, are received from the Ministry of Health & Family Welfare. Even small and marginal changes would require the entire design to be re-worked.

Contd...2

S. P. Anand

10 MAR 2008

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Hble
Min (CI)
Shri Kamal Nath
13/3/08

2-2/08
12-3-08

- International Tobacco Growers Association (ITGA) • Tobacco Documentation Centre, UK (TDC)
- Tobacco Merchants' Association, USA (TMA) • CII • FICCI
- Chambers of Commerce: Andhra, Bombay, Karnataka, Maharashtra

1803/DIA/84 V.05
12/3

558/25 (GK)/08
12/3



No.P.16011/6/2006-PH(Pt.)
Government of India
Ministry of Health & Family Welfare
(PH Section)

Nirman Bhavan, New Delhi,
Dated the 16th April, 2008.

To

Shri Udyan Lal,
Director,
The Tobacco Institute of India
316-318, 3rd floor, E-Block,
International Trade Tower,
Nehru Place, New Delhi-19

Subject: Revised Specified Health warning no packaging of Tobacco Product- Request for adequate time for implementation the revised Specified Health Warning.

Sir,

I am directed to refer to your communication No. TI/29 dated 18th March, 2008 seeking extension of time for the implementation of the Packaging and Labelling Rules, 2008 (as amended). In this connection. I am to inform you that the GoM which went into the issue has directed for grant of three month to the industry for implementation. As such Ministry of Health and Family Welfare has no mandate to consider further extension beyond three months. The exact date will be notified, after decision by Hon'ble High Court of Shimla.

Incidentally, the Specified Health Warning Rules were notified in 2006 and have only been marginally modified on request from certain section of the industry. The industry was therefore well aware of the rule provision for quite sometime and should have geared itself to implement it quickly.

J. Pedraza

Yours faithfully

C. M. Sharma
(C. M. Sharma)

Under Secretary to the Govt. of India

Tel # 2306 1342



The Tobacco Institute of India

Regd. Office : 316-318, 3rd Floor, 'E'-Block,
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Nehru Place, New Delhi-110 019
Phone : 26231214, 26231215, 26231216 Fax : 0091-11-26468482
E-Mail : ti@tinionline.org

2579

TI/29
18th March 2008

OFFICE OF THE
MINISTER OF HEALTH
& FAMILY WELFARE

30 MAR 2008

COMPUTERIZED
DY. NO. 639/1/HFM

Dr. Anbumani Ramadoss
Hon'ble Minister for Health & Family Welfare
Government of India
Nirman Bhawan
New Delhi

Respected Sir,

Specified Health Warnings on Packaging of Tobacco Products – request for adequate time for implementation

The Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008 state that they shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

We have, on several occasions in the past, brought to your kind attention the time consuming nature of activities involved in implementing pictorial warnings on cigarette packages. We have also consistently highlighted that any change in the graphic elements would necessitate substantial re-designing of the packs. This, in turn, would require ordering and procuring new printing cylinders for an extremely large number of brand/pack combinations. We have, therefore, sought adequate and pragmatic lead times for implementing the design changes.

In fact, we had written to you as recently as 10th March '08 requesting that a time frame of 10 months be allowed to the industry to implement the revised specified health warnings. A copy of our letter referred to is enclosed.

We would like to assure you that our member Companies are committed to implementing the new specified health warnings as soon as possible. We are, therefore, writing to you once again with a plea that the industry be granted a lead time of 10 months to implement the revised specified health warnings.

With regards,

Yours sincerely,

Udayan Lall
(Udayan Lall)
Director

Encl : As above

- International Tobacco Growers Association (ITGA) ● Tobacco Documentation Centre, UK (TDC)
- Tobacco Merchants' Association, USA (TMA) ● CII ● FICCI
- ASSOCHAM ● IBSA ● NCA ● FICSA ● ICSI ● ICCI ● FAPCCI ● AIMA ● ASCI
- Chambers of Commerce : Andhra, Bombay, Karnataka, Maharashtra

Office of Joint Secretary (PIG)
Dy. No. L-767
Date 7/4/08
724/08/123
27/4/08

Office of the US (PH)
Dy. No. 444
Date 3/4/08

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J. Padmanabhan

27.3.08
SS (F)

Udayan Lall

① Let us take order on file that we cannot give to whom
② we shd perhaps sent a brief reply (let us show DPA to JS on file)

Pl. put up on file

Lib. Hemant Goswami. Ref. PICIN 007-2010-00019-51

US (PH)

2/4

20

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The Tobacco Institute of India
316-318, International Trade Tower, Nehru Place,
New Delhi-110 019

- 2 -

In fact, at a meeting in November '06 with the Ministry of Health & Family Welfare, where printing experts from the Directorate of Audio Visual Publicity (DAVP) were also present, the technical aspects and time-consuming nature of activities involved in implementing the change-over were recognized and appreciated. As a consequence, the implementation date of the SHWs was extended by 4 months – thereby giving the tobacco industry a total of 11 months in which to implement the SHWs.

We would, therefore, be most grateful, indeed, if a reasonable and practical time-frame of 10 months is allowed to the industry to implement the SHWs.

With regards,

Yours sincerely,

R. A. Poddar

R. A. Poddar
Chairman

J. Padmanabhan



The Tobacco Institute of India

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International Trade Tower,

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E-Mail : ti@titionline.org

TI/29

10th March 2008

Dr. Anbumani Ramadoss

Hon'ble Minister for Health & Family Welfare,

Government of India,

Nirman Bhawan,

New Delhi 110 001

Respected Sir,

Specified Health Warnings on Packaging of Tobacco Products –
request for adequate time for implementation

Recent press reports indicate that the GoM is in the process of deciding, not only the nature and content of the Specified Health Warnings (SHWs) on packages of tobacco products, but also the lead time required to implement the revised SHWs.

We have, in the past, brought to your kind attention the time-consuming nature of activities involved in implementing the change-over to pictorial warnings and have, consequently, been seeking adequate and pragmatic lead times for implementing the design changes.

Any change in the graphic elements of tobacco packages would entail substantial re-designing of the packs. This in turn would necessitate procuring new printing cylinders for over 200 brand/pack combinations for the cigarette industry alone. As each brand has several colours and combinations along with different pack configurations and sizes, this would result in ordering and procuring over 2000 printing cylinders.

The making of Printing and Embossing cylinders is a highly specialized task, and there are only a handful of suppliers in the world. Almost all cylinders used by the large cigarette companies today are imported, and extended lead times would be required for the procurement of these cylinders.

Unfortunately, it is not possible to initiate work on designing and ordering the cylinders in advance. This can only take place after the final designs of the SHWs, in a useable format, are received from the Ministry of Health & Family Welfare. Even small and marginal changes would require the entire design to be re-worked.

Contd...2

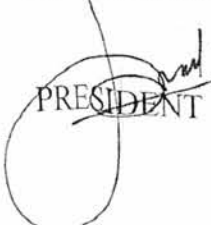
A. Padmanabhan

2. The substance area to carry the pictorial message / text warning should be restricted to not more than 25% of the pack size and without any conditionality of minimum size.
3. The proposed warning should be printed on one face/panel of the pack instead on both sides of the pouches or two opposite panels of the boxes.
4. The draft CD of the proposed warning be issued inviting comments and suggestions from the trade and Industry before finalizing & implementing the same.

We earnestly hope that the suggestions made hereinabove shall be considered positively while taking a final decision in the matter.

With respectful regards,

Yours truly,
Zafrani Zarda & Pan Masala Association of India,


PRESIDENT

Handwritten signature

Sir, in our humble submission, the subject like consumption of a product as is being used by the people in our country over hundreds of years, can be better addressed by educating and creating public awareness rather than by taking drastic measures. Further, the measures like imposition of a very high incidence of excise duty and levies to make tobacco consumption prohibitive are already in place. Similarly, various measures have also been in effect in terms of Tobacco Act, 2003, to discourage the consumption of tobacco products. The advertisement of tobacco products, in all forms, is banned. The sale of tobacco products to minors is prohibited. There is also a ban on sale of tobacco products within specified area of a school, college or government offices etc.

May I venture to say that we, as an association of smokeless tobacco manufacturers, have always adhered to all such measures in letter and spirit, and would not be found wanting in the implementation of any such measure as has its object to maintain a balanced view on an issue.

This communication is to express our thanks for the reported recommendations of the Hon'ble GoM as understood from the newspaper reports. As the details of the policy decision taken are yet to be known, we shall be grateful that the following suggestions are taken into considerations to resolve the issue, minimizing controversy in the matter:

1. The need is to create awareness and not terror, so it is earnestly suggested that in the first place, prominent "Warning Message" should be introduced as is prevalent in many other countries including United State of America and major European Countries such as U.K., France, Germany, Switzerland etc, and thereafter, if needed, the pictorial warnings may be published in black & white. The coloured/especially designed pictorial warnings tend to create terror in the mind of the consumer than to educate him. The emphasis need be to create public awareness and not ban commerce and industry.

Dated: March 04, 2008

Hon'ble Shri Pranab Mukherjee,
Chairman, Group of Ministers,
Government of India,
South Block,
New Delhi.

**Subject : Proposed Health Warning in
respect of Tobacco Products**

Hon'ble Sir,

We have been preferring representations to Your Honour, voicing the concern of Tobacco Industry and in particular, the grievances of the manufacturers of smokeless tobacco products, including on the issue of publication of Pictorial Warnings on tobacco packs.

The subject of publication of pictorial warnings on packs of tobacco products has been hotly debated in last few months and some voluntary organizations have been taking a very aggressive position, unmindful of overall social and economical consequences, affecting the livelihood of millions; the farmers, the work-force engaged in the Industry and the small retailers etc.

From the latest news reports, it is noticed that the Hon'ble Group of Ministers appointed by the Hon'ble Prime Minister and chaired by Your Honour, in its meeting dated 26 February, 2008, having considered the overall impact of the publication of Pictorial Warning in the form as earlier proposed, have considered it appropriate to recommend certain amendments, keeping it in tune with the practical aspects of the issue.

On behalf of our Association, I thank you for the concern seemingly shown for all by the Group of Ministers in taking a reasonable and balanced view on the issue.

P. Pedmanur

No. 2887/EAM/2008
EXTERNAL AFFAIRS MINISTER OFFICE
NEW DELHI


7/5
19/3

Please find enclosed the following two letters, addressed to Hon'ble External Affairs Minister regarding issue of health warning on packaging of tobacco products being considered by GOM:


- (i) Letter dated 4th March, 2008 from President, Zafrani Zarda & Pan Masala Association of India
- (ii) Letter dated March 10, 2008 from Shri Ram A Poddar, Chairman, The Tobacco Institute of India, New Delhi.

This is for your kind information and necessary action.

Office of Joint Secretary (PH)
Dy. No. L-631
Date 13.3.08


(Pradeep Gupta)
OSD to EAM
Telefax: 23013386
12.3.2008

19/3/08 (VAD) L U 13/3


Shri Pravir Krishna,
Joint Secretary
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi
(Tel: 23061481) *file*

Office of the US (PH)
Dy. No. 393
Date 19/3



26

The Tobacco Institute of India
316-318, International Trade Tower, Nehru Place,
New Delhi-110 019

- 2 -

In fact, at a meeting in November '06 with the Ministry of Health & Family Welfare, where printing experts from the Directorate of Audio Visual Publicity (DAVP) were also present, the technical aspects and time-consuming nature of activities involved in implementing the change-over were recognized and appreciated. As a consequence, the implementation date of the SHWs was extended by 4 months – thereby giving the tobacco industry a total of 11 months in which to implement the SHWs.

We would, therefore, be most grateful, indeed, if a reasonable and practical time-frame of 10 months is allowed to the industry to implement the SHWs.

With regards,

Yours sincerely,

R. A. Poddar

(R. A. Poddar)
Chairman

J. Redmond



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2753/EAM/08
10/3
TI/29
10th March 2008

Shri Pranab Mukherjee

Hon'ble Minister for External Affairs

Government of India

South Block

New Delhi

Respected Sir,

**Specified Health Warnings on Packaging of Tobacco Products –
request for adequate time for implementation**

Recent press reports indicate that the GoM is in the process of deciding, not only the nature and content of the Specified Health Warnings (SHWs) on packages of tobacco products, but also the lead time required to implement the revised SHWs.

We have, in the past, brought to your kind attention the time-consuming nature of activities involved in implementing the change-over to pictorial warnings and have, consequently, been seeking adequate and pragmatic lead times for implementing the design changes.

Any change in the graphic elements of tobacco packages would entail substantial re-designing of the packs. This in turn would necessitate procuring new printing cylinders for over 200 brand/pack combinations for the cigarette industry alone. As each brand has several colours and combinations along with different pack configurations and sizes, this would result in ordering and procuring over 2000 printing cylinders.

The making of Printing and Embossing cylinders is a highly specialized task, and there are only a handful of suppliers in the world. Almost all cylinders used by the large cigarette companies today are imported, and extended lead times would be required for the procurement of these cylinders.

Unfortunately, it is not possible to initiate work on designing and ordering the cylinders in advance. This can only take place after the final designs of the SHWs, in a useable format, are received from the Ministry of Health & Family Welfare. Even small and marginal changes would require the entire design to be re-worked.

J. Pedman

Contd...2



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2-98

TI/29
18th March 2008

Shri Naresh Dayal
Health Secretary
Ministry of Health & Family Welfare
Government of India
Nirman Bhawan
New Delhi

Office of Joint Secretary (PK)
Dy. No. 1-672
Date 19.3.08

Dear Shri Dayal,

Specified Health Warnings on Packaging of Tobacco Products – request for adequate time for implementation

The Cigarettes and Other Tobacco Products (Packaging and Labelling) Rules, 2008 state that they shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

We have, on several occasions in the past, brought to your kind attention the time consuming nature of activities involved in implementing pictorial warnings on cigarette packages. We have also consistently highlighted that any change in the graphic elements would necessitate substantial re-designing of the packs. This, in turn, would require ordering and procuring new printing cylinders for an extremely large number of brand/pack combinations. We have, therefore, sought adequate and pragmatic lead times for implementing the design changes.

Handwritten notes: "Nash 18/3/08", "TS (PK)", and a signature.

In fact, we had written to you as recently as 10th March '08 requesting that a time frame of 10 months be allowed to the industry to implement the revised specified health warnings. A copy of our letter referred to is enclosed.

We would like to assure you that our member Companies are committed to implementing the new specified health warnings as soon as possible. We are, therefore, writing to you once again with a plea that the industry be granted a lead time of 10 months to implement the revised specified health warnings.

With regards,

Yours sincerely,
Udayan Lall
(Udayan Lall)
Director

Handwritten: "Mr. Mishra At delhi stage" with a signature.

Handwritten notes: "it is no longer open to us to give any further date. we have notified rules in 2006 & industry was expected to be ready. 2. There appear no need to send reply."

Encl: As above

C.C: Shri Pravir Krishn
Joint Secretary
Ministry of Health & Family Welfare, New Delhi

Secretary (Health & Family)
Dy. No. 1523
Date 16/3

Office of Director (MMP)
Dy. No. 768
Date 25.3.08

Handwritten signatures and notes: "We have already inf the industry & TII etc", "24/3", "28", "29", "24".



29

The Tobacco Institute of India

316-318, International Trade Tower, Nehru Place,
New Delhi-110 019

- 4 -

- Consistent with the Act, printing of the warning on one of the panels, namely the front panel, be made compulsory, so that it is visible before the package is opened;
- After finalisation of the revised warnings, a reasonable and practical time-frame of 10 months is allowed for implementation of the SHWs, as was done initially.

With best regards,

Yours sincerely,

(R. A. Poddar)
Chairman

Lib:Hemant Goswami:: Ref: TFICIND07-2010-0000 29 51





Regarding prominence, conspicuousness and legibility of the SHW, Section 8(1) of the Act states, *"The specified warning on a package of cigarettes or any other tobacco products shall be –*

- (a) legible and prominent;*
- (b) conspicuous as to size and colour;*
- (c) 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.*

However, **the Rules require that the SHWs should cover 50% of the surface area of the two largest panels of the pack.** This, we would submit, is excessive and inconsistent with The Act. **It should suffice if the SHW appears on one of the largest panels of the pack and fulfils the requirements of the Act in terms of legibility, prominence and conspicuousness in terms of size/colour/lettering style.**

Another serious issue which is a cause of unreasonable hardship for our members is that Notification No. GSR 633(E) dated 29th September'07 **gives the industry only 2 months' time to implement the revised SHW.** This is in sharp contrast to the 11 months lead time granted to implement the earlier set of SHWs.

The changes in the graphic elements of tobacco packages, as modified by Notification No. G.S.R.633(E), would entail substantial redesigning of the packs. This in turn would necessitate procuring new printing cylinders for over 200 brand/pack combinations. As each brand has several colours and combinations along with different pack configurations and sizes, this would result in ordering and procuring over 2000 printing cylinders.

The making of Printing and Embossing cylinders is a highly specialized task, and there are only a handful of suppliers in the world. Almost all cylinders used by the large cigarette companies today are imported, and extended lead times would be required for the procurement of these cylinders.

In fact, in a meeting in November'06 with the Ministry of Health & Family Welfare, where printing experts from the Directorate of Audio Visual Publicity (DAVP) were also present, the technical aspects and time-consuming nature of activities involved in implementing the changeover were recognized and appreciated. As a consequence, the implementation date of the SHWs was extended by 4 months – thereby giving the tobacco industry a total of 11 months in which to implement the SHWs.

The Tobacco industry plays a vital role in India's economy in terms of employment and revenue generation, particularly in the agricultural sector. Jeopardising the livelihoods of this large community, without a viable option, would certainly spell disaster.

In view of the foregoing, we would, indeed, be most grateful if our fervent plea, regarding **a review of the excessive and exaggerated nature of the SHWs** is considered favourably. We would also request that:

- Instead of introducing pictorial warnings straightaway, the SHWs may be text warnings covering 30%, as recommended by the FCTC;
- In any event, extreme and disturbing pictures not be imposed as pictorial warnings;

H. Hemant



- 2 -

Thereafter, the Ministry of Health & Family Welfare, reference their Notification No. GSR 633(E) dated 29th September'07 notified modified Specified Health Warnings (SHWs) covering all tobacco products. However, as submitted in our communication of 7th November '07, these **excessive and exaggerated SHWs failed to address the critical issues of employment and livelihood** for the millions dependent on tobacco.

As we have mentioned to you earlier, **most of the large tobacco producing and consuming countries do not have such severe and stringent SHWs** as now proposed by India. Neither China nor USA which, along with India, are amongst the world's largest tobacco producing and consuming countries, have no such requirement for pictorial warnings on packages of tobacco products. This is also the case in Japan, Russia, Indonesia and most European countries.

The indiscriminate approach of the WHO's Framework Convention on Tobacco Control (FCTC) fails to recognise the unique significance of tobacco in India and its contribution to the country's economy in terms of employment, revenue generation and exports.

Added to this is the fact that **the proposed SHWs in India go beyond what is recommended by the FCTC** - which has not mandated pictorial depiction of the warnings and has recommended only 30% in terms of size.

However, given **the extremely high financial and employment stakes involved**, the imposition of extreme and disturbing pictures on the packages **can result in destitution and penury for those who derive their livelihood from tobacco**. We would, therefore, submit that the **GoM consider a phased and systematic approach**, balancing all considerations and encompassing the following, when introducing pictorial warnings on packages of tobacco products:

- Launch an educational programme regarding the effects of tobacco consumption amongst the target audience. As 80% of tobacco consumption takes place in rural areas, such a campaign should primarily be focussed on rural India.
- Instead of introducing pictorial warnings straightaway, first start with larger text warnings covering 30%, as recommended by the FCTC.
- Simultaneously, commission comprehensive research studies, backed by field trials, to identify remunerative substitute crops for tobacco. This would assist in quicker and smoother rehabilitation of farmers displaced from tobacco.
- At the same time, identify appropriate professions, and professional training, to accommodate workers from the tobacco industry whose jobs would be threatened.

You would also recall that in our earlier communications **we had highlighted the excessive nature of the SHWs** and also mentioned that **they were inconsistent with the provisions of the Act**.

Section 7(4) of the Act specifically states, *"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."*



The Tobacco Institute of India

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32

TI/29
5th February, 2008

Shri Kamal Nath
Hon'ble Minister for Commerce & Industry
Government of India
Udyog Bhavan
New Delhi

Respected Sir,

Specified Health Warnings on Packaging of Tobacco Products – Request for a Non-discriminatory and Pragmatic Approach

We would invite your kind attention to our earlier letters No. TI/29 dated 7th November '07, TI/29 dated 22nd May '07 and TI/29 dated 16th May '07.

We have always supported equitable, balanced and implementable regulation, and recognise the need to create greater awareness regarding the effects of tobacco consumption. **Regulations should, therefore, be balanced between health, employment and economic imperatives.** Over-regulation would encourage the growth of illegal trade in the hands of criminal syndicates – a faceless entity that won't comply with regulations or pay taxes and whose products and quality standards will increase the health impact.

In our communications of 16th May'07 and 22nd May'07 we had mentioned that, both, the Committee on Subordinate Legislation (10th Lok Sabha, 1995) and the Department-related Parliamentary Standing Committee on Human Resource Development (111th.Report, 2001) had recommended that there should not be any discrimination between cigarettes and other tobacco products in the application of the law.

The single most dangerous implication of relaxing the law for bidis or other non-cigarette tobacco products would be that it would be **interpreted as the Government's endorsement of non-cigarette tobacco products being 'safer' than cigarettes** – which is clearly not the case. In fact, several authoritative studies/reports – including the Ministry of Health & Family Welfare's 'Report on Tobacco Control in India, 2004' and statements made by Government in Parliament – have categorically stated that **bidis deliver higher levels of Tar and Nicotine than cigarettes.** Several such statements were annexed to our representation TI/29 dated 22nd May'07.

Any relaxation for bidis or any other non-cigarette tobacco product would mislead consumers into believing that such products are safer than cigarettes, and would consequently lead to large-scale shift from cigarettes to other tobacco products. This would not only defeat Government's tobacco control policy as it would result in an increase in overall tobacco consumption, but it would also severely affect revenue collections from tobacco.

We, therefore, submitted that **all rules and regulations pertaining to the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003**, (hereafter referred to as the Act) **must apply equally, uniformly and simultaneously to all tobacco products.**

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Handwritten notes and signatures: 20.2.08, PS, M/o Health, US/PN, Gaur, 11/2/08, PN

OFFICE OF THE
MINISTER OF HEALTH
& FAMILY WELFARE
20 FEB 2008
COMPUTERIZED
DY. NO. 473/L

Mr. Dimsh
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Office of Joint Secretary (PK)
Dy. No. L-444
Date 25.2.08

Office of the US (PH)
Dy. No. 365
Date 11/2/08

07 FEB 2008

● International Tobacco Growers Association (ITGA) ● Tobacco Documentation Centre, UK (TDC)

Lib: Hemant Goswami; Ref: TICIND07200700003251
Affiliations: ● American Tobacco Association, USA (TMA) ● CII ● FICCI ● ASSOCHAM ● PHDCCI ● ICCI ● FAPCCI ● AIMA ● ASCI ● Chambers of Commerce : Andhra, Bombay, Karnatka, Maharashtra

SECRET

No. 2477/EAM/2007
EXTERNAL AFFAIRS MINISTER OFFICE
NEW DELHI

Please find enclosed a representation dated March 3, 2008 from Shri Ram A Poddar, Chairman, *The Tobacco Institute of India*, New Delhi.

Kindly note the remarks made by Hon'ble External Affairs Minister thereon, for necessary action.

(Pradeep Gupta)
OSD to EAM
Telefax: 23013386
7.3.2008

Shri Pravir Krishna,
Joint Secretary
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi
(Tel: 23061481)

Office of the US (PH)

Dy. No. 372

Date 11/3/08

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The Tobacco Institute of India

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TI/29
March 3, 2008

Shri Naresh Dayal,
Health Secretary,
Ministry of Health & Family Welfare
Government of India,
Nirman Bhawan,
New Delhi 110001

Dear Shri Dayal,

Minimum Size of Specified Health Warnings on Packaging of Tobacco Products

Consequent to the meeting of the Group of Ministers on 26th February 2008 to take a view on the nature and size of Specified Health Warnings (SHWs), Media reports indicate that the warnings would now only cover 30 to 40% of the principal display area, as against the earlier decision of 50%.

However, Rule 3(1) of the Ministry of Health & Family Welfare's Notification No. GSR 633(E) dated 29th September 2007 states that the minimum size of the SHW on each panel of the tobacco pack shall be 3.5 cm x 4 cm. This minimum size i.e. 3.5 cm x 4 cm obviously relates to the overall size of the SHW being 50%.

We are, therefore, writing to request you that when the revised Notification, advising the revised Rules regarding printing SHWs is issued, the minimum size of the SHW should be suitably reduced to reflect the reduced over all size of the SHW.

With regards,
Yours sincerely,

R. A. Podda

Ram A. Poddar
Chairman

cc : Shri Pravir Krishn,
Jt. Secy. Ministry of Health & Family Welfare

Office of the US (PH)

Dy. No. *377*

Date *11/3/08*

J. Padmanabhan

L-657
11-3-08

Office of Joint Secretary (PH)
L-537
Dy. No. 93
Date

Secretary (Health & F.W.)
Diary No. 1238
Date 4/3

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The Tobacco Institute of India

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35

TI/29

March 3, 2008

Shri Naresh Dayal,
Health Secretary,
Ministry of Health & Family Welfare
Government of India,
Nirman Bhawan,
New Delhi 110001

559 / 68 / PH
10/3/08

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With regards,

Yours sincerely,

R. A. Poddar

Ram A. Poddar
Chairman

Signature of Shri Naresh Dayal

cc : Shri Pravir Krishn,
Jt. Secy. Ministry of Health & Family Welfare

Office of Joint Secretary (PH)
Dy. No. 4-539
Date 4.3.08

Office of the US (PH)
Dy. No. 349
Date 7/3/08

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Handwritten notes and signatures:
4/2/08
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US (PH)
PH



Regarding prominence, conspicuousness and legibility of the SHW, Section 8(1) of the Act states, "The specified warning on a package of cigarettes or any other tobacco products shall be –

- (a) legible and prominent;
- (b) conspicuous as to size and colour;
- (c) 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.

However, **the Rules require that the SHWs should cover 50% of the surface area of the two largest panels of the pack.** This, we would submit, is excessive and inconsistent with The Act. **It should suffice if the SHW appears on one of the largest panels of the pack and fulfils the requirements of the Act in terms of legibility, prominence and conspicuousness in terms of size/colour/lettering style.**

Another serious issue which is a cause of unreasonable hardship for our members is that Notification No. GSR 633(E) dated 29th September'07 **gives the industry only 2 months' time to implement the revised SHW.** This is in sharp contrast to the 11 months lead time granted to implement the earlier set of SHWs.

The changes in the graphic elements of tobacco packages, as modified by Notification No. G.S.R.633(E), would entail substantial redesigning of the packs. This in turn would necessitate procuring new printing cylinders for over 200 brand/pack combinations. As each brand has several colours and combinations along with different pack configurations and sizes, this would result in ordering and procuring over 2000 printing cylinders.

The making of Printing and Embossing cylinders is a highly specialized task, and there are only a handful of suppliers in the world. Almost all cylinders used by the large cigarette companies today are imported, and extended lead times would be required for the procurement of these cylinders.

In fact, in a meeting in November'06 with the Ministry of Health & Family Welfare, where printing experts from the Directorate of Audio Visual Publicity (DAVP) were also present, the technical aspects and time-consuming nature of activities involved in implementing the changeover were recognized and appreciated. As a consequence, the implementation date of the SHWs was extended by 4 months – thereby giving the tobacco industry a total of 11 months in which to implement the SHWs.

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In view of the foregoing, we would, indeed, be most grateful if our fervent plea, regarding **a review of the excessive and exaggerated nature of the SHWs** is considered favourably. We would also request that:

- Instead of introducing pictorial warnings straightaway, the SHWs may be text warnings covering 30%, as recommended by the FCTC;
- In any event, extreme and disturbing pictures not be imposed as pictorial warnings;



46

The Tobacco Institute of India

316-318, International Trade Tower, Nehru Place,
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229

- 2 -

Thereafter, the Ministry of Health & Family Welfare, reference their Notification No. GSR 633(E) dated 29th September '07 notified modified Specified Health Warnings (SHWs) covering all tobacco products. However, as submitted in our communication of 7th November '07, these **excessive and exaggerated SHWs failed to address the critical issues of employment and livelihood** for the millions dependent on tobacco.

As we have mentioned to you earlier, **most of the large tobacco producing and consuming countries do not have such severe and stringent SHWs** as now proposed by India. Neither China nor USA which, along with India, are amongst the world's largest tobacco producing and consuming countries, have no such requirement for pictorial warnings on packages of tobacco products. This is also the case in Japan, Russia, Indonesia and most European countries.

The indiscriminate approach of the WHO's Framework Convention on Tobacco Control (FCTC) fails to recognise the unique significance of tobacco in India and its contribution to the country's economy in terms of employment, revenue generation and exports.

Added to this is the fact that **the proposed SHWs in India go beyond what is recommended by the FCTC** - which has not mandated pictorial depiction of the warnings and has recommended only 30% in terms of size.

However, given **the extremely high financial and employment stakes involved**, the imposition of extreme and disturbing pictures on the packages **can result in destitution and penury for those who derive their livelihood from tobacco**. We would, therefore, submit that the **GoM consider a phased and systematic approach**, balancing all considerations and encompassing the following, when introducing pictorial warnings on packages of tobacco products:

- Launch an educational programme regarding the effects of tobacco consumption amongst the target audience. As 80% of tobacco consumption takes place in rural areas, such a campaign should primarily be focussed on rural India.
- Instead of introducing pictorial warnings straightaway, first start with larger text warnings covering 30%, as recommended by the FCTC.
- Simultaneously, commission comprehensive research studies, backed by field trials, to identify remunerative substitute crops for tobacco. This would assist in quicker and smoother rehabilitation of farmers displaced from tobacco.
- At the same time, identify appropriate professions, and professional training, to accommodate workers from the tobacco industry whose jobs would be threatened.

You would also recall that in our earlier communications **we had highlighted the excessive nature of the SHWs** and also mentioned that **they were inconsistent with the provisions of the Act**.

Section 7(4) of the Act specifically states, **"The specified warning shall appear on 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."**



The Tobacco Institute of India

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E-Mail : tij@tijonline.org

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TI/29
5th February, 2008

Dr. Anbumani Ramadoss
Hon'ble Minister for Health & Family Welfare
Government of India
Nirman Bhavan
New Delhi

MINISTRY OF HEALTH
& FAMILY WELFARE
- 8 FEB 2008
COMPUTERIZED
DY. NO. 297/1/1178

Respected Sir,

Specified Health Warnings on Packaging of Tobacco Products – Request for a Non-discriminatory and Pragmatic Approach

We would invite your kind attention to our earlier letters No. TI/29 dated 7th November '07, TI/29 dated 22nd May '07 and TI/29 dated 16th May '07.

We have always supported equitable, balanced and implementable regulation, and recognise the need to create greater awareness regarding the effects of tobacco consumption. **Regulations should, therefore, be balanced between health, employment and economic imperatives.** Over-regulation would encourage the growth of illegal trade in the hands of criminal syndicates – a faceless entity that won't comply with regulations or pay taxes and whose products and quality standards will increase the health impact.

In our communications of 16th May'07 and 22nd May'07 we had mentioned that, both, **the Committee on Subordinate Legislation (10th Lok Sabha, 1995) and the Department-related Parliamentary Standing Committee on Human Resource Development (111th Report, 2001) had recommended that there should not be any discrimination between cigarettes and other tobacco products in the application of the law.**

The single most dangerous implication of relaxing the law for bidis or other non-cigarette tobacco products would be that it would be **interpreted as the Government's endorsement of non-cigarette tobacco products being 'safer' than cigarettes** – which is clearly not the case. In fact, several authoritative studies/reports – including the Ministry of Health & Family Welfare's '*Report on Tobacco Control in India, 2004*' and statements made by Government in Parliament – have categorically stated that **bidis deliver higher levels of Tar and Nicotine than cigarettes.** Several such statements were annexed to our representation TI/29 dated 22nd May'07.

Any relaxation for bidis or any other non-cigarette tobacco product would mislead consumers into believing that such products are safer than cigarettes, and would consequently lead to large-scale shift from cigarettes to other tobacco products. This would not only defeat Government's tobacco control policy as it would result in an increase in overall tobacco consumption, but it would also severely affect revenue collections from tobacco.

We, therefore, submitted that **all rules and regulations pertaining to the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003,** (hereafter referred to as the Act) **must apply equally, uniformly and simultaneously to all tobacco products.**

J. Padmanabhan

Office of the US (PH)

Dy. No. 201
Date 13/2/08

Office of Joint Secretary (PK)

Dy. No. L-363
Date 12-2-08

MVD-Mishra
08-02-08
JS (PK) on Tour
AIR (LMB) (in leave)
US (PH)
Query
454
13/2/08
PH

234/08/PH
i.c.



SKO 22 (A) 225 50
CONSORTIUM OF INDIAN FARMERS ASSOCIATIONS
NEW DELHI

Sanat Mehta
Chairman

101
P. Chengal Reddy
Secretary General



6th November 2007

4345/ELW
11/12/07

To

Shri Oscar Fernandes
Hon'ble Minister for Labour & Employment
Government of India
New Delhi.

Dear Sir,

Sub : PICTORIAL WARNINGS ON TOBACCO PRODUCTS

We make this representation on behalf of millions of the tobacco farmers / farm workers / tendu leaf pickers / bidi rollers, who are members of our Confederation of Indian Farmers Association (CIFA). Their livelihood is currently under severe threat.

In this connection, we urgently invite your kind attention to the extensive agitation under taken by millions of bidi workers engaged in bidi rolling / manufacture, against the ensuing stringent stipulations of printing large written and "Pictorial Warnings" on tobacco products.

The "Pictorial Warnings" if implemented will threaten the very livelihood of millions of farmers and farm workers engaged in tobacco farming as well as the millions of bidi rollers and workers, who are dependent upon manufacture of tobacco products.

We are extremely concerned to learn from reports that the Government plans to introduce "Pictorial Warnings" on tobacco products shortly. If this happens the livelihood of millions of farmers and workers will be threatened and will be forced to resort to extreme measures like committing suicides.

"Pictorial Warnings", if implemented will affect the farmers and farm workers in the following manner :

Tobacco is grown in very poor soils of dry lands, which has no irrigation facility. In these soils excepting tobacco no other crop gives any remunerative returns

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at # 209, Vijaya Towers, Shanthi Nagar,
Hyderabad - 500 028, A.P. INDIA
Tel: 91-40-23319643, 66665191, Fax : 91-40-23378046
mail : chengal_ifia@yahoo.co.in,

Delhi Address :-

8/32, South Patel Nagar, New Delhi - 110 008.
Tel : 011 39484754, 25842111, Fax : 011-25842123
E-mail : cifa_delhi@yahoo.com
chengal@indianfarmers.org
Website : www.indianfarmers.org

Handwritten signature

223.

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In both the cases, Cigarettes and other tobacco products, produced out of imported tobacco are going to hit the fortunes of the Indian farmers. As the demand for our tobaccos is going to come down on account of using the pictorial warnings on domestically made cigarettes / tobacco products.

Sir, unlike in other crops there are no suicides in the tobacco growing areas of Andhra Pradesh and Karnataka, as the tobacco farmers are making good profits by pursuing tobacco crop. By implementing pictorial warnings, we are sure that, the demand for our tobacco will come down and ultimately tobacco farmers will be forced to commit suicides.

The very objective of the Government to reduce the tobacco consumption in India may also not be achieved due to the inflow of smuggled and counterfeit cigarettes which will not have the health warnings and therefore will flourish impacting the farmers and the country's economy.

Therefore, any attempt to destabilize the industry by printing and pictorial warning on Bidis, Cigarette packets and other tobacco products will have serious implications on the livelihood of 3.5 Crore people, depending on this crop.

In view of the above, we request you to take a pragmatic view on the issue of pictorial warnings and bail us out from the ensuing distress situation.

Yours faithfully,



G. Seetharamaiah
Ex-Vice Chairman - Tobacco Board

J. Redwood



The Tobacco Institute of India

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TI/29
11th May 2007

Office of Director (VMP)
D.No. 132
Date 11/5/07

Dr. Anbumani Ramadoss
Hon'ble Minister for Health & Family Welfare
Government of India,
Nirman Bhavan,
New Delhi – 110 001

Respected Sir,

Specified Health Warning – ref. Notification No. GSR 402(E)
dated 5th July '06

Recent press reports indicate that there has been a huge outcry from various quarters, including many political parties, regarding the printing of the Specified Health Warning [Skull & Crossbones etc. – ref. Notification No. GSR 402(E) dated 5th July '06] on bidi packaging.

In this context, on behalf of the cigarettes segment of the tobacco industry, we would like to draw your attention to our earlier representations on the issue. You may recall that we had highlighted that the proposed revised Specified Health Warnings (SHW) were highly exaggerated and excessive, and that, in fact, such extreme warnings had not been prescribed in any other country in the world.

TS (BT)
DMP (VMP)

We would, once again, like to take this opportunity to express our grave reservations on the printing of the Skull & Crossbones symbol. This sign is normally depicted on high tension wires, poison, explosives, etc., to signify that such substances/items/materials could cause instant death. Applying this symbol on packages of cigarettes and other tobacco products could mislead the public regarding the dangerous implications of the symbol, and would completely trivialize its effectiveness and divest it of any value.

Secondly, The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereafter referred to as The Act) requires that SHW shall:

- appear on at least one of the largest panels of the pack
- be legible, prominent, conspicuous as to size and colour, and of such style of lettering so that it is conspicuous.

H. Anbumani

Secretary (Health & FW)

Dy. No. L-2653

Date 11/5/07

DMP
Pl compile all such representⁿ & Contd...2
Put up by 17.5.07. V. Prasad
V. Prasad
13/5



However, Rule 2(c) and Rule 3(1)(b) – notified through GSR 402(E) – require that the SHW should cover 50% of the surface area of the two largest panels of the pack. This, we would submit, is excessive and inconsistent with The Act. It should suffice if the SHW appears on one of the largest panels of the pack and fulfils the requirements of The Act in terms of legibility, prominence and conspicuousness in terms of size/colour/lettering style. **Our recommendation would, therefore, be that the SHW should not exceed 30% of the surface area of one of the largest panels of the pack.**

In the context of the excessive size of the SHW (50% on two of the largest panels), we would also like to add that this **would impinge on the integrity of the trademark and severely affect brand values**, as brand differentiation would become indistinct and distorted. Since trademarks – in the form of names, designs, devices, logos, etc. – are associated in the minds of consumers with certain quality standards and characteristics, **the excessively large SHW would make the brands/trademarks look alike, thus affecting their competitiveness.**

Media reports indicate that the bidi industry's plea of doing away with the proposed SHW is based on the grounds that the size of their packaging is too small. It needs to be pointed out here that **for the bulk of the industry, the size of the individual bidi and cigarette sticks is almost identical. Therefore, this contention should also hold good for the cigarette industry.**

It also needs to be borne in mind that **it will not be possible to implement the SHW on a significantly large percentage of the tobacco industry** since it is estimated that as much as half the non-cigarette tobacco products consumed, such as bidis, khaini, chewing tobacco, etc. are unbranded and unpackaged. Consequently, **it will create a perception that such products are 'safer', resulting in an increase in overall tobacco consumption.** Similarly, smuggled cigarettes will not carry any such warnings, leading to an increase in their availability/consumption.

In concluding, we would like to draw your attention to observations and recommendations of the Department-related Parliamentary Standing Committee on Human Resource Development, to whom the original Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Bill, 2001, was referred. In its 111th report tabled on 5th December 2001, **the Committee's single most important and detailed recommendation was that there should not be any discrimination between cigarettes and bidis and other tobacco products in the application of the law.**

Hemant Goswami

Contd...3



- 3 -

In addition, since the Committee, in order to ensure a non-discriminatory Central legislation for all tobacco products, also recommended that under Entry 52 of Union List of the Seventh Schedule of the Constitution, the legislative control for the tobacco industry should be with the Centre, The Act in Section 2 carries a provision to that effect.

Therefore, if bidis or any other tobacco products are allowed exemptions/ concessions, then it would lead to discrimination against cigarettes, which is clearly contrary to the principle strongly recommended by the Committee and accepted by Parliament. **Since Parliament has already passed the law on such a principle, any contrary amendment would be exposed to the charge of discrimination.**

Any review of the excessive and severe nature of the SHW must also include the cigarettes segment of the tobacco industry, which should not be discriminated against. All rules and regulations pertaining to **The Act must apply equally, uniformly and simultaneously on all tobacco products.**

With regards,

Yours sincerely,

(Udayan Lall)
Director

Copy to:

- 1) Mr. Naresh Dayal
Secretary
Ministry of Health & Family Welfare
- 2) Ms. Bhavani Thyagarajan
Joint Secretary
Ministry of Health & Family Welfare

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The Tobacco Institute of India

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Nehru Place, New Delhi-110 019

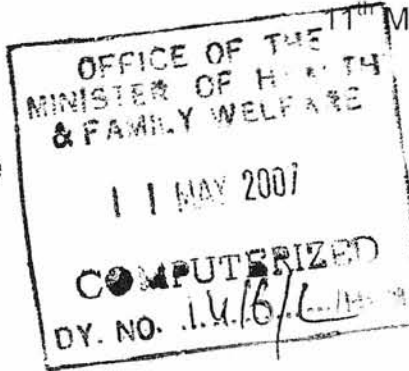
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E-Mail : ti@titionline.org

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TI/29

11th May 2007



Dr. Anbumani Ramadoss

Hon'ble Minister for Health & Family Welfare
Government of India,
Nirman Bhavan,
New Delhi – 110 001

Director (VMP)
13.2.07
17.5.07

Respected Sir,

Specified Health Warning – ref. Notification No. GSR 402(E)
dated 5th July '06

Div. (VMP)
Pl compile
& put up
by 17.5.07

Recent press reports indicate that there has been a huge outcry from various quarters, including many political parties, regarding the printing of the Specified Health Warning [Skull & Crossbones etc. – ref. Notification No. GSR 402(E) dated 5th July '06] on bidi packaging.

In this context, on behalf of the cigarettes segment of the tobacco industry, we would like to draw your attention to our earlier representations on the issue. You may recall that we had highlighted that the proposed revised Specified Health Warnings (SHW) were highly exaggerated and excessive, and that, in fact, such extreme warnings had not been prescribed in any other country in the world.

US (H)
Cmty
18/5/07
PH-E

We would, once again, like to take this opportunity to express our grave reservations on the printing of the Skull & Crossbones symbol. This sign is normally depicted on high tension wires, poison, explosives, etc., to signify that such substances/items/materials could cause instant death. **Applying this symbol on packages of cigarettes and other tobacco products could mislead the public regarding the dangerous implications of the symbol, and would completely trivialize its effectiveness and divest it of any value.**

Secondly, The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereafter referred to as The Act) requires that SHW shall:

- appear on at least one of the largest panels of the pack
- be legible, prominent, conspicuous as to size and colour, and of such style of lettering so that it is conspicuous.

Contd...2

J. Padmanabhan



- 2 -

However, Rule 2(c) and Rule 3(1)(b) – notified through GSR 402(E) – require that the SHW should cover 50% of the surface area of the two largest panels of the pack. This, we would submit, is excessive and inconsistent with The Act. It should suffice if the SHW appears on one of the largest panels of the pack and fulfils the requirements of The Act in terms of legibility, prominence and conspicuousness in terms of size/colour/lettering style. **Our recommendation would, therefore, be that the SHW should not exceed 30% of the surface area of one of the largest panels of the pack.**

In the context of the excessive size of the SHW (50% on two of the largest panels), we would also like to add that this **would impinge on the integrity of the trademark and severely affect brand values**, as brand differentiation would become indistinct and distorted. Since trademarks – in the form of names, designs, devices, logos, etc. – are associated in the minds of consumers with certain quality standards and characteristics, **the excessively large SHW would make the brands/trademarks look alike, thus affecting their competitiveness.**

Media reports indicate that the bidi industry's plea of doing away with the proposed SHW is based on the grounds that the size of their packaging is too small. It needs to be pointed out here that **for the bulk of the industry, the size of the individual bidi and cigarette sticks is almost identical. Therefore, this contention should also hold good for the cigarette industry.**

It also needs to be borne in mind that **it will not be possible to implement the SHW on a significantly large percentage of the tobacco industry** since it is estimated that as much as half the non-cigarette tobacco products consumed, such as bidis, khaini, chewing tobacco, etc. are unbranded and unpackaged. Consequently, **it will create a perception that such products are 'safer', resulting in an increase in overall tobacco consumption.** Similarly, smuggled cigarettes will not carry any such warnings, leading to an increase in their availability/consumption.

In concluding, we would like to draw your attention to observations and recommendations of the Department-related Parliamentary Standing Committee on Human Resource Development, to whom the original Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Bill, 2001, was referred. In its 111th report tabled on 5th December 2001, **the Committee's single most important and detailed recommendation was that there should not be any discrimination between cigarettes and bidis and other tobacco products in the application of the law.**

J. Babbar

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- 3 -

In addition, since the Committee, in order to ensure a non-discriminatory Central legislation for all tobacco products, also recommended that under Entry 52 of Union List of the Seventh Schedule of the Constitution, the legislative control for the tobacco industry should be with the Centre, The Act in Section 2 carries a provision to that effect.

Therefore, if bidis or any other tobacco products are allowed exemptions/ concessions, then it would lead to discrimination against cigarettes, which is clearly contrary to the principle strongly recommended by the Committee and accepted by Parliament. **Since Parliament has already passed the law on such a principle, any contrary amendment would be exposed to the charge of discrimination.**

Any review of the excessive and severe nature of the SHW must also include the cigarettes segment of the tobacco industry, which should not be discriminated against. All rules and regulations pertaining to **The Act must apply equally, uniformly and simultaneously on all tobacco products.**

With regards,

Yours sincerely,

(Udayan Lall)
Director

Copy to:

- 1) Mr. Naresh Dayal
Secretary
Ministry of Health & Family Welfare

- 2) Ms. Bhavani Thyagarajan
Joint Secretary
Ministry of Health & Family Welfare



The Tobacco Institute of India

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TI/29
11th May 2007

Office of Director (VMP)
Dy. No. 2653
Date 11/5

Dr. Anbumani Ramadoss
Hon'ble Minister for Health & Family Welfare
Government of India,
Nirman Bhavan,
New Delhi - 110 001

Respected Sir,

Specified Health Warning – ref. Notification No. GSR 402(E)
dated 5th July '06

Recent press reports indicate that there has been a huge outcry from various quarters, including many political parties, regarding the printing of the Specified Health Warning [Skull & Crossbones etc. – ref. Notification No. GSR 402(E) dated 5th July '06] on bidi packaging.

In this context, on behalf of the cigarettes segment of the tobacco industry, we would like to draw your attention to our earlier representations on the issue. You may recall that we had highlighted that the proposed revised Specified Health Warnings (SHW) were highly exaggerated and excessive, and that, in fact, such extreme warnings had not been prescribed in any other country in the world.

We would, once again, like to take this opportunity to express our grave reservations on the printing of the Skull & Crossbones symbol. This sign is normally depicted on high tension wires, poison, explosives, etc., to signify that such substances/items/materials could cause instant death. **Applying this symbol on packages of cigarettes and other tobacco products could mislead the public regarding the dangerous implications of the symbol, and would completely trivialize its effectiveness and divest it of any value.**

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- appear on at least one of the largest panels of the pack
- be legible, prominent, conspicuous as to size and colour, and of such style of lettering so that it is conspicuous.

TS (BT)
D.V. (VMP)
Put up on file
US (Ph)

Copy
17/11/07
O.H.F.
Secretary (Health & FW)
Dy. No. 2653
Date 11/5

[Handwritten signatures and dates]
12/5/07
16/5

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- 2 -

However, Rule 2(c) and Rule 3(1)(b) – notified through GSR 402(E) – require that the SHW should cover 50% of the surface area of the two largest panels of the pack. This, we would submit, is excessive and inconsistent with The Act. It should suffice if the SHW appears on one of the largest panels of the pack and fulfils the requirements of The Act in terms of legibility, prominence and conspicuousness in terms of size/colour/lettering style. **Our recommendation would, therefore, be that the SHW should not exceed 30% of the surface area of one of the largest panels of the pack.**

In the context of the excessive size of the SHW (50% on two of the largest panels), we would also like to add that this **would impinge on the integrity of the trademark and severely affect brand values**, as brand differentiation would become indistinct and distorted. Since trademarks – in the form of names, designs, devices, logos, etc. – are associated in the minds of consumers with certain quality standards and characteristics, **the excessively large SHW would make the brands/trademarks look alike, thus affecting their competitiveness.**

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It also needs to be borne in mind that **it will not be possible to implement the SHW on a significantly large percentage of the tobacco industry** since it is estimated that as much as half the non-cigarette tobacco products consumed, such as bidis, khaini, chewing tobacco, etc. are unbranded and unpackaged. Consequently, **it will create a perception that such products are 'safer', resulting in an increase in overall tobacco consumption.** Similarly, smuggled cigarettes will not carry any such warnings, leading to an increase in their availability/consumption.

In concluding, we would like to draw your attention to observations and recommendations of the Department-related Parliamentary Standing Committee on Human Resource Development, to whom the original Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Bill, 2001, was referred. In its 111th report tabled on 5th December 2001, **the Committee's single most important and detailed recommendation was that there should not be any discrimination between cigarettes and bidis and other tobacco products in the application of the law.**

P. Palms

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- 3 -

In addition, since the Committee, in order to ensure a non-discriminatory Central legislation for all tobacco products, also recommended that under Entry 52 of Union List of the Seventh Schedule of the Constitution, the legislative control for the tobacco industry should be with the Centre, The Act in Section 2 carries a provision to that effect.

Therefore, if bidis or any other tobacco products are allowed exemptions/ concessions, then it would lead to discrimination against cigarettes, which is clearly contrary to the principle strongly recommended by the Committee and accepted by Parliament. **Since Parliament has already passed the law on such a principle, any contrary amendment would be exposed to the charge of discrimination.**

Any review of the excessive and severe nature of the SHW must also include the cigarettes segment of the tobacco industry, which should not be discriminated against. All rules and regulations pertaining to **The Act must apply equally, uniformly and simultaneously on all tobacco products.**

With regards,

Yours sincerely,

(Udayan Lall)
Director

I.P. comments

Copy to:

- 1) Mr. Naresh Dayal
Secretary
Ministry of Health & Family Welfare
- 2) Ms. Bhavani Thyagarajan
Joint Secretary
Ministry of Health & Family Welfare



The Tobacco Institute of India

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TI/29
22nd May 2007

Dr. Anbumani Ramadoss
Hon'ble Minister for Health & Family Welfare
Government of India,
Nirman Bhavan,
New Delhi - 110 001

Handwritten notes:
D.M. (MP)
VS (P.N.)
[Signature]

Respected Sir,

Review of Pictorial Warnings on Packaging of Tobacco Products

The proposed Rules require warning labels to be printed on packages of all tobacco products – bidis, cigarettes, chewing tobacco, etc. - effective from 1st June 2007. We understand that following widespread protests from the bidi industry the Government has constituted a GoM, of which you are a member, to review the proposed warning labels.

We are, therefore, representing to you, on behalf of the cigarettes segment of the tobacco industry, that any review of the warning labels should be applicable to all tobacco products and that **any exemption / deferral for bidis alone would lead to several undesirable consequences:**

1. The **single most dangerous implication** of relaxing the rigour for bidis alone would be that the **Government would be seen to be endorsing that bidis are 'safer' than cigarettes** – which is clearly not the case. Several authoritative studies/reports – including the Ministry of Health & Family Welfare's '*Report on Tobacco Control in India, 2004*' and statements made by Government in Parliament - have categorically stated that **bidis deliver higher levels of tar and nicotine as compared to cigarettes**. In this context, several such statements are annexed to this representation (*Annexure-1*).
2. Any relaxation to bidis alone would mislead consumers into believing that bidis are safer than cigarettes, and would consequently lead to large-scale switching of consumption from cigarettes to bidis. This will run counter to the Government's tobacco control policy. In fact, as recommended by the **Committee on Subordinate Legislation** (10th Lok Sabha, 1995) and the **Department-related Parliamentary Standing Committee on Human Resource Development** (111th Report, 2001) the purpose of pictorial warnings is to educate illiterate and semi-literate tobacco consumers, which is more appropriate in the case of bidis than cigarettes.
3. The threat posed by pictorial warnings will affect not only the bidi workers, but the entire tobacco industry. In fact, millions of cigarette tobacco farmers and cigarette retailers/traders and their families are dependent upon the sales of cigarettes for their livelihood.

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11/6/07
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Lear

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P. Sharma 11
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Affiliations ● International Tobacco Growers Association (ITGA) ● Tobacco Documentation Centre, UK (TDC)
● Tobacco Merchants' Association, USA (TMA) ● CII ● FICCI
● ASSOCHAM ● PHDCCI ● ICCI ● FAPCCI ● AIMA ● ASCI



4. It is significant that most of the large tobacco producing and consuming countries do not have such stringent warning labels as now proposed in India. Neither China, nor USA which, alongwith India, are amongst the largest producers and consumers of tobacco in the world, have any requirement for pictorial warnings on cigarette packages. This is also the case in Japan and in most European countries.
5. The single most important recommendation of the Department-related **Parliamentary Standing Committee on Human Resource Development (111th Report, 2001) was that there should not be any discrimination between cigarettes and bidis and other tobacco products in the application of the law.** Since Parliament has already passed the law on such a principle, any contrary amendment would be exposed to the charge of discrimination. Relevant portions from the Parliamentary Standing Committee's Report are extracted in *Annexure-2*.

We are, therefore, writing to you with a plea that any review of the excessive and severe pictorial warnings must also be made applicable to cigarettes., which should not be discriminated against. All rules and regulations pertaining to the Cigarette and Other Tobacco Products Act, 2003 **must apply equally, uniformly and simultaneously on all tobacco products.** Accordingly, we request that, **the implementation of the Rules prescribing the warning labels be deferred pending such review.**

We are also enclosing a note as *Annexure-3*, explaining how the warning labels as currently proposed are exaggerated and excessive, and also over-reach the provisions of the Act.

We would, indeed, be most grateful if our submissions are considered favourably when reviewing the issue of Pictorial Warnings on packaging of tobacco products. We would be glad to make a presentation to the GoM in this regard, if provided an opportunity.

With regards,

Yours sincerely,


(Udayan Lall)
Director

P. Padmanab

cc: **Shri Naresh Dayal,**
Secretary (Health),
Ministry of Health & Family Welfare,
Nirman Bhavan, New Delhi.

✓ cc: **Smt. Bhavani Thyagarajan,**
Joint Secretary,
Ministry of Health & Family Welfare,
Nirman Bhavan, New Delhi.

5136/2411/07
23/5
17/12/07

EXTERNAL AFFAIRS MINISTER'S OFFICE

Please find enclosed representations (11 in numbers) addressed to Hon'ble EAM received from different parts of India from various Associations of Tobacco, Bidi and other Tobacco products dealers regarding notification of Ministry of Health's proposed 'The Cigarettes and other Tobacco Products (Packing and Labelling) Rules 2006'.

May please see for necessary action.

(Pradeep Gupta)
OSD to EAM
Telefax: 23013386
23rd May, 2007

Smt. Bhavani Thyagarajan,
Joint Secretary
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi
(Tel: 23061481)

L 1418
24/5/07

877
1/6/07

All these 'representations' received are to be studied & our response to be kept ready.

Office of Director (VMP)
Dr. No. C. 1778
Date 24/5/07

24/5
Dr. VMP

US (P/h) Gure
11/6/02

S. Kamesh

Pradeep

14/12/07 (P)
1/6/07

HYDERABAD PAN SHOP OWNERS ASSOCIATION

హైదరాబాద్ పాన్‌షాప్ అసోసియేషన్ ఆంధ్రప్రదేశ్

(Regd. by the Govt. of A.P. No. 13/92)

(Affiliated to Andhra Pradesh panwala Association)

General Secretary Hyderabad Pan Shop Association Post box No: 19,

Post Office Banjara Hills, Hyd - 34. A.P. (S. No. 5-4-50, J.N. Road, Abids, Hyd.)

E-mail : hyd_pan@rediffmail.com ☎ : 4752660, 4739968



ANDHRA PRADESH

حیدرآباد پان شاپ اوٹراسوسی ایشن

resident
. SHANKER RAO

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. SATYANARAYAN

en. Secretary
LHAJ MD, SALAHUDDIN DECCNI

visor
. YADAVNANDAN

oint Secretary
UDARSHAN GOUD

Members
BDUL HAMEED (M.Patnam)
. RANGAIAH (Ptl. Bowli)
IAJI BHAI (C.Bazar)
BDUL KHADER (Ameerpet)
MD. HAMED (P.Gutta)
MD. JAMEELUDDIN (K.Bad)
KHAN RAOF KHAN (Mk.Pet)
. BASKER (Ind. Park)
MD. BABU
JAMEEDUDDIN KHALAD (Abids)
ANTOSH (Begum Bazar)

Hon'ble Mantri-ji Sri Pranab Mukherji-ji.

Starving of 3 lacs people due to tobacco health warning.

We read in the newspapers that Pradhan Mantri-ji Dr. Manmohan Singh has given you charge to lead the Committee to examine the health warnings on tobacco packets. While we are happy to see the good thought of government for downtrodden people, we feel deeply hurt that sentiment of the many people engaged in the trade are being overlooked/.

Hon'ble Mantri-ji, we write to please to you to save the life of lacs of shopkeepers, retailers, dealers and salemen. whose daily living will be difficult if the anti tobacco health warnings on tobacco packs is published in picture form. In Hyderabad, there are more than 35.000 shops and with our family. more than 3 lacs life will be faced with no income and death.

You are aware that more than 80% of our earning in small street shops, pan shops and retail outlets are only from tobacco products such as chewing tobacco, bidis and cigarettes. By putting large photo of skulls and bones and dead bodies, our sale will be affected very badly. Also, due to picture displays on packets in our shops, we also have many other major problems.

- All customer including children who buy chocolates and other small items will be very scared away by the skull and bone and dead body pictures thinking that we sell poison and will not come to our shops. We will be branded "achhut" and outcast and people will not come to our shops to buy even items that are not bidi or cigarette, because they will think we store and sell poison with our other goods.
- It seriously affect our religion feelings both for Hindu, Muslim and other communities. As you know it is not holy and "ashudh" for any Hindu to have pictures of dead bodies displayed in his house. For us, we spend 15-16 hours daily in our shop, earning little money. To us, our shop is the house, our shop is the temple as this shop gives us the income. How can we stay with photos of dead bodies all day? Muslims also get affected by skulls and bones to the fact that they go for burial of their dead people. Not only our religious feelings is being insulted but we think such "ashudh" photos will also bring us very bad luck and steep loss in income.
- You must also understand that there is no second job appointment for us. With such cut in sale we will be thrown to the streets and our families will starve. There are more than 35,000 shops in Hyderabad alone, and our families together will be 3 lacs people dependent on this small business. Also, other poor salesmen for these items and other people linked to this will be total more than 5 lacs people. There are more than 40 lacs shops in the country, more than 2 lacs direct people attached as vendor, supplier, salesmen people and so on. With this harsh step, the Government will kill the lives of 2 crore people of our innocent and poor families.

f. Padmanabha