



### Label tobacco has 'food' to ban it: Delhi HC to Centre



*The 2011 Food Safety Act prohibits the consumption of any substance which contains tobacco or nicotine as an additive substance.*

Delhi government's health department has urged the Centre to amend the definition of 'Food' and label 'tobacco' as a food item in the Food Safety and Standards Act 2006 to tackle the menace of chewable tobacco in India.

"It is mentionable that no government will allow to put anything inside the mouth which is a poison or a toxic substance. If we modify the definition of 'food' by saying that 'a substance which is put into the mouth for the purpose of consumption fully or partially, by methods like chewing, sucking or any other method may be labelled as a 'Food Item,'" said S K Arora, Additional Director, Health, Government of Delhi, in a letter to the Union Health Ministry.

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Referring to the 2011 regulation of Food Safety Act which prohibits consumption of any substance as food which contains tobacco or nicotine as an additive substance, Arora said, "Thus, all kinds of chewable tobacco whether raw, scented, flavoured or any other will automatically get banned permanently through a Central Act for which no state will have to issue repeated notifications and which usually lands up in the court because of the tobacco industry's interference." Arora said consumption of chewable tobacco is increasing in Delhi because of surrogate advertisements of pan masala, especially by Bollywood celebrities.

Immediately after coming to power in February 2015, the AAP government had issued a notification banning chewable tobacco but some manufacturing companies filed a writ petition in the Delhi High Court on account of which it could not implemented.

"The previous notification lapsed its 1 year term but the court could not give a concrete decision on this matter.

"However, Delhi Government on its commitment to public health revised the notification on April 13, 2016 after the lapse of the previous notification. But this time also this notification has been challenged in the High Court and is due for hearing on May 3," Arora said.

According to Arora, tobacco manufacturers were creating hurdles in the way of Delhi government's efforts to tackle the menace of chewable tobacco products like gutkha, khaini and zarda.

"Moreover, this notification also needs to be repeated on yearly basis. Hence is not a permanent solution. The permanent solution lies in the modification of the definition of Food by introducing some provisions in the central Food Safety Act," Arora said.

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Provisions to section 3(j) of Food Safety and Standards Act 2006 clearly states that the Central Government may declare, by notification in the Official Gazette, any other article as food for the purposes of this Act having regards to its use, nature, substance or quality.

As per the Act, food means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food genetically modified or engineered food or food containing such ingredients.

It also includes, infant food, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used in the food during its manufacture, preparation or treatment but excludes animal feed, live animals unless they are prepared or processed for placing on the market for human consumption, plants, prior to harvesting, drugs and medicinal products, cosmetics, narcotic or psychotropic substances.

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