

Story of Pictorial Health Warnings in India

Repeated Delay and Dilution: Unfulfilled Promises and Obligations

2003, May 18: The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act 2003 (34 of 2003) was enacted by the Parliament. Under this Act specified warnings with pictorial depictions were to be displayed on all tobacco products..

2004, December 10: Original Petition numbered CWP No. 1223 of 2004 filed by Mr. Sandeep Kaushik & Ms. Ruma Kaushik at the High Court of Himachal Pradesh at Shimla, for notifying the specified warnings on tobacco packets, and seeking stipulation of the kind of language to be used in the warnings, as well as the size of the letters and pictures.

Obligation under FCTC: India has the deadline for implementing pack warning (within three years of ratification) by **27th February 2008**.

2006, June 7: The Hon'ble High Court of Himachal Pradesh passed an order for the formation of Rules on Packaging and Labeling vide an Order passed on June 7, 2006.

2006, July 5: The Ministry Of Health and Family Welfare issues a Notification G.S.R. 402(E) on Rules of Packaging and Labeling which mandated pictorial warnings to be displayed on tobacco products. It is to come into force on **February 1, 2007**. The rules notified under section 7 (1),8(2), 10,31, which further elaborated :

- ✓ Pictorial warnings should depict 'Skull and cross bones' signs on the picture.
- ✓ It will cover 50% of the display area on all tobacco packets.
- ✓ It will be rotated evry 12 months.

- ✓ Use of terms like, “light”, “mild”, “ ultra light” and descriptions are prohibited

Government provides specifics of pictures to be used by tobacco companies. Seven months for printing and preparation.

2007, January: Tobacco industry seeks more preparation time Government extends deadline to **1 June 2007**.

2007 Feb-May: Industry objects to ‘dead body picture’ indicating “smoking can kill”. Shri Pranab Mukherjee and PM involved; a GoM is formed quickly, which asks Government for further extension till mid-July.

2007, July 11: GoM fails to decide on the proposal to print skull and crossbones on tobacco products deferring the final decision to later in the month.

2007, July 20: GoM decides to make ‘skull and bones’ picture optional.

2007, August: Parliament amends Act to make skull and bones optional., as specified earlier for pack warnings. Shimla High Court sets **Dec 1, 2007** deadline for pictorial warnings on packs.

2007 September: Ministry specified fresh set of milder warnings and withdraws the earlier evidence based stronger warnings.

2007 November: Another application for extension of Dec 1 deadline filed in Shimla High Court, seeking more time.

2007 December 17,: Government is granted four months extension by the Shimla High court for implementation of Pictorial Warnings, i.e. till 17th March 2008. The Group of Ministers (GoM), who dealt with the implementation of pictorial warnings, tries to dilute the earlier “repulsive” pictures and suggest

softer/milder pictures on the tobacco packets. The matter is pending in the ministry and the notification is yet to come after passing all the deadlines.

2008 February 26: The GoM, headed by External affairs Minister Shri Pranab Mukherjee, decides to replace the twice-notified pictures tested and proven to be strong and effective, with smaller and ineffective warnings. The two new images proposed by the GoM comprise the x-ray picture of a human chest (to suggest tuberculosis) and a scorpion apparently to symbolize cancer.

2008, March 15: Notification in ministry gazette about implementation of pictorial warnings from **30 November 2008**. New pack warnings specified 40% pack area.

2008, November 24: GoM once again defers implementation of the pack warnings to **31st May 2009**.

2008 November 28: Ministry issued new notification and formally announced the date of implementation of pack warnings notified for **May 31st, 2009**.

GoM meeting is due any time in the coming week, most likely to decide on the pack warnings labels on bidi packets.