Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004

[As amended up to Notification No. G.S.R. 400(E), dated 31-5-2023]

[February 25, 2004]

In exercise of the powers conferred by Section 31 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—

(1) These rules may be called the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004.

(2) They shall come into force on the 1st day of May, 2004.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003;

(b) "section" means a section of the Act;

(c) "open space" mentioned in Section 3(1) of the Act shall not include any place visited by the public such as open auditorium, stadium, railway station, bus stop and such other places; and

(d) words and expressions used herein and not defined in these rules but defined in the Act, shall have the meanings, respectively, assigned to them in the Act.

[1][(e) "indirect advertisement" mentioned in Section 5(1) of the Act means:

(i) the use of a name or brand of tobacco products for marketing, promoting or advertising other goods, services and events;

(ii) the marketing of tobacco products with the aid of a brand name or trademark which is known as, or in use as, a name or brand for other goods and service;

(iii) the use of particular colours and layout and/or presentation those are associated with particular tobacco products; and

[1] Inserted by G.S.R. 345(E), dt. 31-5-2005, w.e.f. 2-11-2006, as corrected by G.S.R. 599(E), dt. 28-9-2006.

(iv) the use of tobacco products and smoking situations when advertising other goods and services.]

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[3][**4. Prohibition of advertisement of cigarettes and other tobacco products**.—

(1) The size of the board used for the advertisement of cigarettes and any other tobacco products displayed at the entrance of a warehouse or a shop where cigarettes or any other tobacco products is offered for sale shall not exceed sixty centimeters by forty-five centimeters.

(2) Each such board shall contain in an Indian language as applicable, one of the following warnings occupying the top edge of the board in a prominent manner measuring twenty centimeters by fifteen centimeters, namely:—

(i) Tobacco causes cancer, or

(ii) Tobacco kills,

(3) The health warning referred to in sub-rule (2) must be prominent, legible and in black colour with a white background.

(4) The display board shall only list the type of tobacco products available and no brand pack shot, brand name of the tobacco product or other promotional message and picture shall be displayed on the board. The display board shall not be backlit or illuminated in any manner.

(5) The owner or manager or in charge of the affairs of a place where cigarettes and other tobacco products are sold shall not display tobacco products in such a way that they are visible so as to prevent easy access of tobacco products to persons below the age of eighteen years.

(6) No individual or a person or a character in films and television programmes shall display tobacco products or their use:

Provided that this sub-rule shall not apply to—

(a) old Indian films and old television programmes, produced prior to coming into effect of this notification, being screened in a cinema hall or theatre or aired on television;

(b) old foreign films and old television programmes, including dubbed and sub-titled “foreign films” and television programmes, being screened in cinema halls or theatres or aired on television;

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[2] Rule 3 superseded by “Prohibition of Smoking in Public Places Rules, 2008”.

[3] Substituted by G.S.R. 698(E), dt. 30-11-2005, w.e.f. 01-01-2006.

(c) Indian or foreign documentaries and health spots displaying use of tobacco products made to clearly and unambiguously reflect the dangers and dire consequences of tobacco use being screened in cinema hall or theatre or aired on television;

(d) live coverage of news, current affairs, interviews, public meetings, sports events, cultural events and the like, being telecast on television whereby there is a purely incidental and completely unintentional coverage of use of tobacco products:

Provided further that the exemptions under clauses (a), (b), (c) and (d) above shall not extend to display of brands of tobacco products or tobacco product placement in any form:

Provided also that close ups of cigarette packages or tobacco products shall not be permissible and such scenes shall be edited by the producer or distributor or broadcaster prior to screening in cinemas or theatres or airing on television.

Explanation (1).—For the purpose of this sub-rule, all films that receive Central Board of Film Certification prior to the effective date of this notification shall be categorized as "old films".

Explanation (2).—For the purpose of this sub-rule, "foreign film" implies "Imported" as defined in the Cinematograph (Certification) Rules, 1983.

(6-A) In case of old Indian and foreign films, the owner or manager of the cinema hall or theatre where the film is being screened shall ensure that anti-tobacco health spots of minimum thirty seconds duration each are screened at the beginning, middle and end of the said film. The provisions of this sub-rule shall not apply to clause (c) of sub-rule (6).

(6-B) (a) In case of old television programmes, it shall be mandatory for the broadcaster to ensure either placement of an anti-tobacco health warning as a prominent scroll at the bottom of the television screen during the period of such display or airing of anti-tobacco health spots for a period of minimum thirty seconds during the telecast of each television programme of thirty minute duration or less.

(b) In case the television programme is more than thirty minutes further airtime of thirty seconds shall be allocated for each incremental thirty minutes, for telecasting anti-tobacco spots.

(c) The minimum duration of each anti-tobacco spot shall be not less than fifteen seconds.

(d) The provisions of this sub-rule shall not apply to clauses (*c*) and (*d*) of sub-rule (6):

Provided that, the anti-tobacco health warning scroll shall be legible and readable with font in black colour on white background with the warnings "Smoking causes cancer" or "Smoking kills" for smoking form of tobacco use and "Tobacco causes cancer" or "Tobacco kills" for chewing and other form of tobacco or such other warnings as may be specified by the Central Government from time to time:

Provided further that, the anti-tobacco health warning scrolls or health spots shall be in the same language(s) as used in the film or television programme. In case of dubbed or sub-titled films or television programmes, the scrolls or spots shall be carried in the language of dubbing or sub-titlement.

(7) Sub-rule (6) shall not apply to new Indian or foreign films and television programmes displaying use of tobacco products necessary to represent the smoking or tobacco usage of a real historical figure or for representation of a historical era or classified well known character:

Provided that in very rare cases where there is display or use of tobacco products due to compulsions of the script, they shall be supported by a strong editorial justification:

Provided further that the display of usage of tobacco products in such movies and television programmes under this sub-rule shall be subject to the following safeguards:

(a) Film and television programmes depicting tobacco related scenes shall mandatorily be given 'A' Certification. Such films and television programmes may be permitted to be telecast at such timings as are likely to have least viewership from persons below the age of eighteen years.

(b) The films or television programmes, which depict such scenes, would have a disclaimer by the concerned actor regarding the ill effects of use of such products. The disclaimer would be shown in the beginning, middle and end of the film.

(c) Whenever such scenes are shown in a film or television programme, an anti-tobacco health warning scroll will be continuously displayed on the screen starting a minute before the scene and would be continuously displayed until one minute after the scene:

Provided also that there shall not be any display of brands of tobacco products or tobacco product placement in any form:

Provided also that close-ups of cigarette packages or tobacco products shall not be permissible and such scenes shall be edited by the producer or distributor or broadcaster prior to screening in cinemas or theatres or airing on television.

Explanation (1).—For the purpose of this sub-rule, all films and television programmes that receive Central Board of Film Certification after the effective date of this notification shall be categorized as 'new'.

Explanation (2).—For the purpose of this sub-rule, representatives from Ministry of Health and Family Welfare shall also be represented in the Central Board of Film Certification.

(8) Wherever brand names or logos of tobacco products form a part of the pictures to be printed in any form of print or outdoor media or footage to be aired through any form of electronic media, it shall be mandatory for the media to crop or mask the same to ensure that the brand names and logos of the tobacco products are not visible, except in case of live or deferred live telecast of sports, cultural and other events or activities held in other countries being aired on television in India.

(9) A Steering Committee shall be constituted under the chairmanship of the Union Health Secretary with representation from among others, the Ministry of Information and Broadcasting, Ministry of Law and Justice, Advertising Standards Council of India, Press Council of India, Members of Parliament and voluntary organizations. This Committee shall take cognizance suo motu or look into specific violations under Section 5 of the Act and shall also evaluate cases related to indirect advertising and promotion and pass orders thereof.]

[4][**5. Prohibition on sale of tobacco products to and by persons below the age of eighteen years**.—

(1) The owner or the manager or the in charge of the affairs of a place where cigarettes or other tobacco products are sold shall ensure that,—

(a) a board with a warning as specified in "Annexure I" is displayed at the entrance of the place where cigarettes or other tobacco products are sold and all the components of the board should appear in a manner exactly as in the soft copy provided in the Compact Disk (CD) accompanying these rules:

Provided that such board shall not have any advertisement or promotional messages or pictures or images of cigarettes or any other tobacco products.

(b) no tobacco product is sold through a vending machine;

(c) no tobacco product is handled or sold by a person below the age of eighteen years;

[4] Substituted by G.S.R. 619(E), dt. 11-8-2011, w.e.f. 11-8-2011.

(d) tobacco products are not displayed in a manner that enables easy access of tobacco products to persons below the age of eighteen years.

(2) The onus of proof, that the buyer of the tobacco product is not a person below the age of eighteen years lies with the seller of the tobacco products and the seller in case of doubts may request the buyer to provide appropriate evidence or age proof of having reached eighteen years of age.]

[5][**6. Recovery of Fine by authorised officers**.—The authorised officers mentioned in Annexure II shall be competent to act under and compound the offences committed in violation of clause (*a*) and clause (b) of Section 6 of the Act.]

[6][**7. Health Spot and Message in Old Films and Television Programmes, displaying Tobacco Products or their use**.—

(1) The owner or manager of a cinema hall or theatre screening old films (Indian and foreign) which display tobacco products or their use, shall ensure that anti-tobacco health spots of minimum thirty seconds duration each are screened at the beginning and middle of the film:

Provided that such health spots shall be made available to the Central Board of Film Certification by the Ministry of Health and Family Welfare, Government of India.

(2) If the owner or manager of cinema hall or theatre fails to comply with the provisions of sub-rule (1), the license of such cinema hall or theatre may be cancelled or suspended by the competent authority, after giving a reasonable opportunity to explain such failure.

(3) The broadcaster of old television programmes (including old Indian and foreign films) displaying tobacco products or their use, shall ensure that,—

(a) anti-tobacco health spots, of minimum thirty seconds duration each are screened at the beginning and middle of the television programmes:

Provided that such health spots shall be made available to the Central Board of Films Certification by the Ministry of Health and Family Welfare, Government of India;

(b) anti-tobacco health warning as a prominent static message is displayed at the bottom of the television screen during the period of display of the tobacco products or their use in the television programmes:

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[5] Inserted by G.S.R. 619(E), dt. 11-8-2011, w.e.f. 11-8-2011.

[6] Inserted by G.S.R. 786(E), dated 27-10-2011, w.e.f. 14-11-2011, and substituted by G.S.R. 708(E), dt. 21-9-2012, w.e.f. 2-10-2012.

Provided that the anti-tobacco health warning message shall be legible and readable, with font in black colour on white background, and,—

(i) with the warnings "Smoking causes cancer" or "Smoking kills" for smoking forms of tobacco use;

(ii) with the warnings "Tobacco causes cancer" or "Tobacco kills" for chewing and other smokeless forms of tobacco;

(iii) or with such other warnings as may be specified by the Central Government from time to time:

Provided that the anti-tobacco health warning message or health spots shall be in the same language as used in the film or television programme and in case of dubbed or sub-titled films or television programmes, the message or spots shall be carried in the language of dubbing or sub-title.

(4) If the broadcaster of old television programmes fails to comply with the provisions of sub-rule (3), the competent authority in the Ministry of Information and Broadcasting, Government of India shall take appropriate punitive action including cancellation or suspension of the license issued to such broadcaster, after giving a reasonable opportunity to explain such failure.

Explanation.—For the purpose of this rule,—

(i) all films that receive Central Board of Film Certification prior to the effective date of this notification shall be categorised as "old films";

(ii) all television programmes produced prior to coming into effect of this notification shall be categorised as "Old Television Programme";

(iii) the expression "foreign film" implies "Imported" as defined in the Cinematograph (Certification) Rules, 1983;

(iv) the expression "television programmes" implies "programme" as defined in the Cable Television Networks (Regulation) Act, 1995.]

[7][**8. Health Spots, Message and Disclaimer in New Films and Television Programmes**.—

(1) All new Indian or foreign films and television programmes displaying tobacco products or their use shall have,—

(a) a strong editorial justification explaining the necessity of the display of the tobacco products or their use in the film, to the Central Board of Film Certification;

[7] Inserted by G.S.R. 786(E), dated 27-10-2011, w.e.f. 14-11-2011, and substituted by G.S.R. 708(E), dt. 21-9-2012, w.e.f. 2-10-2012.

(b) anti-tobacco health spots, of minimum thirty seconds duration each at the beginning and middle of the films and television programmes;

(c) anti-tobacco health warning as a prominent static message at the bottom of the screen during the period of display of the tobacco products or their use in the film and television programme;

(d) an audio-visual disclaimer on the ill-effects of tobacco use, of minimum twenty seconds duration each, in the beginning and middle of the film and television programmes:

Provided that such health spots and disclaimer shall be made available to the Central Board of Film Certification by the Ministry of Health and Family Welfare, Government of India:

Provided further that no film displaying tobacco products or their use shall be certified for public exhibition by the Central Board of Film Certification unless the conditions specified in clauses (a) to (d) of sub-rule (1) are fulfilled.

(2) If the owner or manager of a cinema hall or theatre fails to comply with the provisions of sub-rule (1), the license of such cinema hall or theatre may be cancelled or suspended by the competent authority, after giving a reasonable opportunity to explain such failure;

(3) If the broadcaster of the television programmes fails to comply with the provisions of clauses (b) to (d) of sub-rule (1), the competent authority in the Ministry of Information and Broadcasting, Government of India shall take appropriate punitive action including cancellation or suspension of the license issued to such broadcaster, after giving a reasonable opportunity to explain such failure.

(4) The anti-tobacco health warning message as specified in clause (c)of sub-rule (1) shall be legible and readable, with font in black colour on white background, and,—

(i) with the warnings “Smoking causes cancer” or “Smoking kills” for smoking forms of tobacco use;

(ii) with the warnings “Tobacco causes cancer” or “Tobacco kills” for chewing and other smokeless forms of tobacco;

(iii) or with such other warnings as may be specified by the Central Government from time to time.

(5) The anti-tobacco health warning messages or health spots shall be in the same language as used in the film or television programmes and in case of dubbed or sub-titled films or television programmes, the messages or spots shall be carried in the language of dubbing or sub-title.

Explanation.—For the purpose of this rule,—

(i) all films that receive Central Board of Film Certification after the effective date of this notification shall be categorised as "New Films".

(ii) all television programmes produced after the effective date of this notification shall be categorised as "New Television Programme".]

[8][**9. Product Placement, Promotional materials and Posters**.—

(1) The display of tobacco products or their use in films and television programmes shall not extend to the following, namely—

(a) display of the brands of cigarettes or other tobacco products or any form of tobacco product placement;

(b) close ups of tobacco products and tobacco products packages:

Provided that in a new film or television programme such scenes shall be edited by the producer or distributor or broadcaster prior to screening in cinema or theatre or airing on television, and in an old film or television programme such scenes shall be masked or blurred by the producer or distributor or broadcaster while screening.

(2) Promotional materials and posters of films and television programmes shall not depict any tobacco products or their usage in any form.]

[9][**10. Cropping or Masking of Brand names and Logos of Tobacco Products**.—Wherever brand names or logos of tobacco products form a part of the pictures to be printed in any form of print or outdoor media or footage to be aired through any form of electronic media, it shall be mandatory for the media to crop or mask the same to ensure that the brand names and logos of the tobacco products are not visible, except in case of live or deferred live telecast of sports, cultural and other events or activities held in other countries being aired on television in India.]

[10][**11. Health spots, message and disclaimer in online curated contents of tobacco products by the publisher**.—

(1) Every publisher of online curated contents displaying tobacco products or their use shall—

(a) display anti-tobacco health spots, of minimum thirty seconds duration each at the beginning and middle of the programme;

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[8] Inserted by G.S.R. 786(E), dated 27-10-2011, w.e.f. 14-11-2011).

[9] Inserted by G.S.R. 786(E), dated 27-10-2011, w.e.f. 14-11-2011).

[10] Inserted by G.S.R. 400(E), dt. 31-5-2023, w.e.f. expiration of three months from 31-5-2023.

(b) display anti-tobacco health warning as a prominent static message at the bottom of the screen during the period of display of the tobacco products or their use in the programme;

(c) display an audio-visual disclaimer on the ill-effects of tobacco use, of minimum twenty seconds duration each, in the beginning and middle of the programme;

(2) The health spots, message and disclaimer shall be made available to the publisher of the online curated content on the website "mohfw.gov.in" or "ntcp.mohfw.gov.in".

(3) The anti-tobacco health warning message as specified in clause (b) of sub-rule (1) shall be legible and readable, with font in black colour on white background and with the warnings "Tobacco causes cancer" or "Tobacco kills".

(4) The anti-tobacco health warning message, health spot and audio -visual disclaimer, shall be in the same language as used in the online curated content.

(5) The display of tobacco products or their use in online curated content shall not extend to—

(a) display of the brands of cigarettes or other tobacco products or any form of tobacco product placement;

(b) display of tobacco products or their use in promotional materials.

Explanation— For the purposes of this rule "programme" means online curated audio-visual content.

(6) If the publisher of online curated content fails to comply with the provisions of sub-rules (1) to (5), an interministerial committee consisting of representatives from the Ministry of Health and Family Welfare, Ministry of Information and Broadcasting and Ministry of Electronics and Information Technology, shall take action suo motu or on a complaint, and after identifying the publisher of online curated content, issue notice giving reasonable opportunity to explain such failure and make appropriate modification in the content.

Explanation— For the purpose of this rule,—

a. the expression "online curated content" means, any curated catalogue of audio-visual content, other than news and current affairs content, which is owned by, licensed to, or contracted to be transmitted by a publisher of online curated content, and made available on demand, including but not limited through subscription, over the internet or computer networks, and includes films, audio visual programmes, documentaries, television programmes, serials, series, podcasts and other such content;

b. the expression “publisher of online curated content” means, a publisher who, performing a significant role in determining the online curated content being made available, makes available to users a computer resource that enables such users to access online curated content over the internet or computer networks, and such other entity called by whatever name, which is functionally similar to publishers of online curated content but does not include any individual or user who is not transmitting online curated content in the course of systematic business, professional or commercial activity.]

[11][**ANNEXURE I**

[*See* Rule 5(1)(*a*)]

1. The Board shall be of a minimum size of 60 cm by 30 cm of white background.

2. The Board shall contain the warning "sale of tobacco products to a person below the age of eighteen years is a punishable offence", in Indian language(s) as applicable and a pictorial depiction of the ill-effects of tobacco use on health.

[11] Inserted by G.S.R. 619(E), dt. 11-8-2011, w.e.f. 11-8-2011.

ANNEXURE II

(*See* Rule 6)

Serial No.	**Person authorised to take action**
1.	Vice-Chancellor or Director or Proctor or Principal or Headmaster or In-charge of an Educational Institution
2.	Assistant Labour Commissioner from the Department of Labour
3.	All officers of the rank of Sub-Inspector in State Food and Drug Administration from the Department of Food and Drugs
4.	All officers of the rank of Inspectors from the Department of Education
5.	All police officers of the rank of Sub-Inspector of Police and above
6.	Municipal Health Officers
7.	Representatives of Panchayati Raj Institutions (Chairperson or Sarpanch or Panchayat Secretary)
8.	District Programme Manager of Finance Manager — District Health Society (National Rural Health Mission)
9.	Civil Surgeon or Chief Medical Officer at District Hospital or Medical Officer at Primary Health Centre (PHC)
10.	Block Development Officer, Block Extension Educator (BEE)
11.	Director or Joint Director Department of Health and Department of Education in the State Government
12.	Nodal Officers of State and District Tobacco Control Cell under National Tobacco Control Programme.]