

Government of Himachal Pradesh
Department of Health & Family Welfare

No. Health-C-A(3)-4/2020

Dated: Shimla-2, the 6th April, 2020

NOTIFICATION

WHEREAS, regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 prohibits the use of tobacco and nicotine as ingredients in any food products;

AND WHEREAS, Tobacco, containing Gutka or Pan Masala, Scented/Chewing Pan Masala or Supari, Khaini, Masher, Zarda, etc. known by any names are injurious to health;

AND WHEREAS, Gutka is an article of food which contains Pan Masala and now-a-days contains Tobacco, Nicotine and Magnesium Carbonate as ingredients, and thus contravenes Regulation 2.3.4 of Food Safety and Standards (Prohibition and Restriction on Sales) Regulations, 2011 as well as Regulation 3.1.7 of Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011;

AND WHEREAS, Pan Masala is an article of food which contains Magnesium Carbonate as an ingredient and thus contravenes Regulation 3.1.7 of Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011;

AND WHEREAS, it is expedient to prohibit the manufacture, storage, sale, distribution of products i.e. Gutka, Pan Masala, Scented/Chewing Supari, Khaini, Masher, Zarda etc. as final products containing Tobacco or Nicotine or Magnesium Carbonate as ingredients;

AND WHEREAS, it has been observed that to circumvent the ban on sale of Gutka, the manufacturers are selling Pan Masala (without tobacco) with flavoured chewing tobacco in separate sachets but often conjoint and sold together by the same vendors from the same premises, so that consumers can buy the Pan Masala and flavoured chewing tobacco and mix them both and consume the same. Hence instead of the earlier "ready to consume mixes", chewing tobacco companies are selling Gutka in twin packs to be mixed as one;

AND WHEREAS, I, the Food Safety Commissioner, Himachal Pradesh, in exercise of the powers conferred under clause (a) of sub-section 2 of Section 30 of the Act read with Regulation 2.3.4 and 3.1.7 of the aforesaid Regulations, prohibit the

manufacture, storage, distribution, sale of Gutka or Pan Masala, Scented/Chewing Pan Masala or Khaini, Masher, Zarda or any other products marketed separately to constitute a Gutka or Pan Masala a final product (containing tobacco or nicotine), by whatsoever name called whether packaged or un packaged and sold as one product, or though packaged in separate products, sold or distributed in the whole of Himachal Pradesh for a period of one year from the date of publication of this notification in the Rajpatra, Himachal Pradesh and further order that if the said products are manufactured, stored, sold/distributed in the State of Himachal Pradesh, the persons doing so, will be proceeded/penalized against as per the provisions of the Act ibid.

By Order

**Commissioner Food Safety-cum-
Addl.Chief Secretary (Health) to the
Government of Himachal Pradesh.**

Dated: Shimla-2 6th April, 2020

Endst. No.As above

Copy forwarded for information and necessary action to:-

1. All the Administrative Secretaries to the Government of Himachal Pradesh, Shimla-2.
2. The PS to Hon'ble Chief Minister/ Health Minister, Himachal Pradesh, Shimla-2.
3. The Registrar General, Himachal Pradesh High Court, Shimla-1.
4. All Distt. & Sessions Judge in Himachal Pradesh.
5. The Director, General of Police, Himachal Pradesh.
6. The Director, Health Services, Himachal Pradesh, Shimla-9.
7. The Director, Dental Health Services, Himachal Pradesh, Shimla-9.
8. The Director, Health Safety and Regulation, Himachal Pradesh, Shimla-9. He is requested to publish this notification in the website of the department.
9. All Deputy Commissioners, Himachal Pradesh.
10. The State Drugs, Controller, H.Q. Baddi, Distt. Solan, Himachal Pradesh.
11. All the CMOs/Medical Superintendents in Himachal Pradesh.
12. All the Adjudicating Officer (FSSAI) in Himachal Pradesh through Director, Health Safety & Regulations, Himachal Pradesh, Shimla-2.
13. The Controller, Printing & Stationery, Himachal Pradesh, Shimla-5.
14. Guard file



(Tek Chand Goswami)
Under Secretary (Health) to the
Government of Himachal Pradesh