

File No. 13(25) 2017/Tobacco Issues/RCD/FSSAI  
**Food Safety and Standards Authority of India**  
A Statutory Authority established under Food Safety and Standards Act, 2006  
FDA Bhawan, Kotla Road, New Delhi – 110002

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Dated, the 9<sup>th</sup> October, 2017

To

The Commissioners of Food Safety/ Officers- in- charge of Food Safety,  
All States/ UTs.

Subject- Effective implementation of the prohibition on manufacture, sale and distribution of  
Pan Masala with tobacco and/ or nicotine as an ingredient- regarding.

Sir/ Madam,

Sub- regulation 2.3.4 of Food Safety and Standards (Prohibition and Restriction on Sales) Regulations, 2011 stipulates that **“Tobacco and nicotine shall not be used as ingredients in any food products.”** It has come to the notice of Food Safety and Standards Authority of India that the prohibited substances viz Gutkha and Pan Masala containing tobacco and/ or nicotine as ingredients are available for sale in some States/ UTs despite those States having issued notifications banning the same.

Attention is invited to the directions of the Hon'ble Supreme Court in their interim order dated 23.09.2016 in Transfer Case (Civil) No 1/2010 in the matter of Central Arecanut Marketing Corps. & ors. vs. UOI & ors. directing the statutory authorities and Secretaries (Health Department) of all States and Union Territories to file their affidavits on the issue of total compliance of the ban imposed on manufacturing and sale of Gutkha and Pan Masala with tobacco and/ or nicotine. FSSAI's letter of even number dated 5<sup>th</sup> October, 2016 addressed to Commissioners of Food Safety of all States/ UTs forwarding therewith the order dated 23.09.2016 of Hon'ble Court for compliance may also please be referred to.

It is requested that all necessary measures be taken to ensure compliance of the express provisions under Regulation 2.3.4 of Food Safety and Standards (Food Safety & Standards Additives) Regulations, 2011 and the directions of the Hon'ble Supreme Court and FSSAI may be kept apprised of the same from time to time.

The issues with the approval of the Competent Authority.

Yours faithfully,

(Rajesh Singh)  
Director (RCD)  
Tel. 011- 23237433