



GOVERNMENT OF BIHAR
OFFICE OF COMMISSIONER FOOD SAFETY
Pariwar Kalyan Bhawan, Sheikhpura, Patna - 800014

No. Fsc/22/2012-946(15)

Dated: 25.11.2018

ORDER

AND WHEREAS, it is one of the primary duties of the State, inter alia, to improve public health, as enshrined in the article 47 of the Constitution of India;

AND WHEREAS, report indicates a strong association between scented/flavoured chewing tobacco usage and incidence of oral, esophageal, stomach, pancreatic, throat (pharynx and larynx) and renal cancers. In addition to cancer, the studies also show a close association between smokeless tobacco usage and different type of periodontal diseases, hypertension & cardiovascular diseases, nervous system diseases, metabolic abnormalities, adverse effects on reproductive health of both men and women including increased risk of fetal loss and higher incidence of pre-term and low birth babies.

AND WHEREAS, the Food Safety and Standards Act, 2006 (FSS Act) has been enacted with the objective to consolidate the laws relating to food and for laying down standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption.

AND WHEREAS, Clause 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, enacted under the FSS Act, 2006, in exercise of the powers conferred by Section 92 read with Section 26 of the Food Safety and Standards Act, 2006, prohibits the sale of articles of food in which tobacco and nicotine are used as ingredients, as they are injurious to health.

AND WHEREAS, the Hon'ble Supreme Court of India in Central Areca-nut Marketing Corporation & Others Vs Union of India (Transfer Case (C) 1 of 2010) in its order dated 23.09.2016, has directed the concerned statutory authorities of Central and State Governments to comply with the above mandate of law of Regulation 2.3.4.

AND WHEREAS, the word "food" is defined under Section 3(j) of the FSS Act, 2006, as any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food to the extent defined in clause 3(zk), genetically modified or engineered food or food containing such ingredients.

AND WHEREAS, "ingredient" means any substance, including a food additive used in the manufacture or preparation of food and present in the final product" AND "Food Additive" means any substance not normally consumed as a food by itself or used as a typical ingredient of the food, whether or not it has nutritive value.

AND WHEREAS, food and its additives in the form of scent/flavoring are extensively used as ingredient in the manufacture or preparation of chewing tobacco. The addition of the said additives particularly flavouring or scenting ingredients to tobacco significantly increases their allure, as raw tobacco is appealing in taste or texture. Thus, consumption of raw and unprocessed tobacco is

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usually not in large quantities unless flavoured, scented or containing one or the other of the said additives. It is the flavourings, scents, adding or mixing of one or the other of the said food and its additives or modification of the physical texture or combination of tobacco that transforms them and makes them extremely inviting to a wide spectrum of population including an increasing number of children.

AND WHEREAS, chewing tobacco is addictive in nature and the use of food and its additives as scent/flavored etc., intensify, modify, enhance the flavor of chewing tobacco and increase its dependence.

AND WHEREAS, it is expedient to prohibit in the interest of public health, the use of food or food additives in any form that can impart, intensify, modify, increase dependence and enhance the flavor of chewing tobacco in the entire State of Bihar.;

All the concerned officers are directed to ensure that there is no manufacture, sale, storage and transport of chewing tobacco mixed with food or food additives in strict compliance with Clause 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, in the entire State of Bihar.

Any violation of this order shall entail strict action under the appropriate sections of The Food Safety and Standards Act, 2006 and The Indian Penal Code, 1860.

Sd/-
(Sanjay Kumar)
Principal Secretary (Health)
-cum-
Food Safety Commissioner
Govt. of Bihar

Memo No.FSC/.....22...../2018.....946(15) Patna, dated-...25.1.18/2018
Copy to:

1. Dr Kaushal Kishore, IAS Joint Secretary (Food Safety), Department of Health, Government of Bihar, Patna to take appropriate action with a view to enforce the order
2. All District Magistrate / All Superintendent of Police are requested to take appropriate action with a view to enforce the order.
3. All Designated Officers and all Food Safety Officers are directed to take necessary action to enforce this order
4. Mr. Deepak Mishra, Executive Director, Socio Economic and Educational Development Society (SEEDS), 32 Pushkar Apartment, Patel Nagar, P.O. Shastri Nagar, Patna (Bihar) for information.
5. I.T. Manager, Department of Health for information and Directed to upload this Order on Departmental Website.

25/01/18
Principal Secretary (Health)
-cum-
Food Safety Commissioner
Govt. of Bihar
Sanjay