

Madhya Pradesh bans gutkha and other chewing tobacco products

Licences of two gutkha manufacturing companies were cancelled in March



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Concerned over increasing cases of mouth cancer in the state, the Madhya Pradesh government has banned all chewing tobacco products like gutkha from April 1. In three days tobacco worth over Rs 38 lakh and 26 lakh pouches was confiscated.

Earlier in March, health minister Narottam Mishra had announced in the state assembly that licences of two gutkha manufacturing companies, Rajshree gutkha and Guru gutkha, had been cancelled and no new company making chewing tobacco would be allowed to set base in the state.

“This step has been taken for the benefit of the people. We were getting a lot of complaints informing us about the ill effects of gutkha,” Mishra says.

Food Safety and Standards Authority of India (FSSAI), the apex body to ensure food quality in the country, under its Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 restricts the use of products that contain any substance which may be injurious to health. “Tobacco and nicotine shall not be used as ingredients in any food products,” it says.

‘Food’ under the regulations is defined as a substance whether processed, partially processed or unprocessed, which is intended for human consumption. ‘Ingredient’ means any substance, including a food additive used in the manufacture or preparation of food and present in the final product, possibly in a modified form. As per these definitions it is illegal to produce and sell products like gutkha and other such items containing nicotine and tobacco.

These definitions under the Act are, however, contested by the smokeless tobacco industry and a case is ongoing in the Supreme Court.

“Smokeless tobacco is regulated under Cigarettes and Other Tobacco Products (Prohibition of advertisement and regulation of trade and commerce, production, supply and distribution) Act (COTPA), 2003. The smokeless tobacco companies are paying tax on their products as a tobacco product and not as a food product. This ban on gutkha is totally illegal. The MP government cannot ban tobacco under an Act meant to regulate food products,” says Sanjay Bechan, executive director, Smokeless Tobacco Federation (India), an association of smokeless tobacco producing companies.

We have called for a meeting and will soon decide our move, he adds.

Despite the dispute, the MP government said it would go ahead with the ban. All district collectors in Madhya Pradesh have been asked to follow the regulation by FSSAI and conduct raids and seize all chewing tobacco products. If any person is found selling gutkha, the food and drug commissioners in the state can impose a penalty of Rs 25,000 for first offence and up to Rs 1 lakh for subsequent offences.

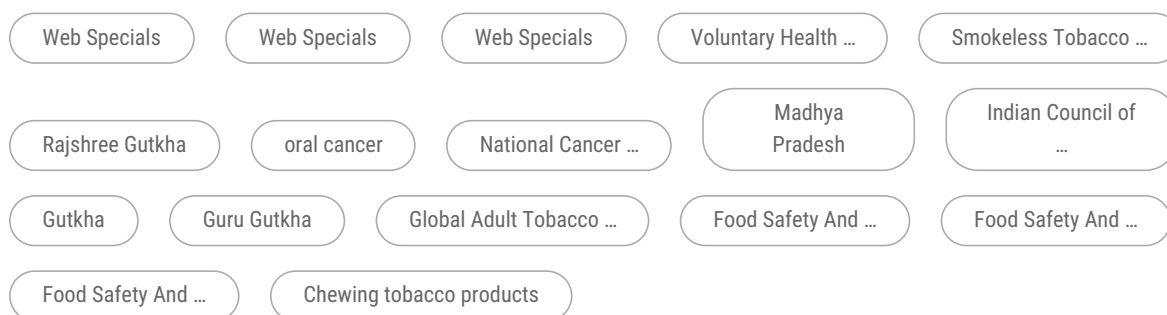
“By banning gutkha, the MP government has demonstrated tremendous commitment towards safeguarding the health of people of India and protecting the masses, especially the youth from the growing menace of tobacco addiction. This is praiseworthy and will go a long way in saving lakhs of lives and reducing government expenditure on treating tobacco-related diseases,” says Bhavna Mukhopadhyay, executive director, Voluntary Health Association of India, a non-profit.

According to the National Cancer Registry Programme of the Indian Council of Medical Research, in 2010, MP had 35,000 oral cancer cases. As per the Global Adult Tobacco Survey released in 2010, 31 per cent of the population aged 15 years and above uses chewing tobacco in the state.

On the revenue the state government will lose due to this step, Pankaj Shukla, chief medical officer (health) and food safety officer, Bhopal says, “The money government spends on treating oral cancer patients exceeds the revenue earned from chewing tobacco companies.”

However, there is no ban on the sale of pan masala, which does not contain tobacco.

India has the highest prevalence of oral cancer globally with 75,000 to 80,000 new cases of oral cancers each year.



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