

HC: Reduce size of pictorial warnings on cigarette packs

Vikram Gopal

letters@hindustantimes.com

BENGALURU: The Karnataka high court on Friday struck down a central government rule that mandated large graphic warnings on both sides of cigarette packets in a decision seen as a big victory for the tobacco industry and a setback for health advocates.

A bench of judges BS Patil and BV Nagarathna passed the order on a batch of petitions challenging a 2014 Union health ministry

RULE SAYING 85% OF TOBACCO PACKS MUST BE COVERED WITH WARNINGS CANCELLED BY K'TAKA HIGH COURT

notification that amended the Cigarette and other Tobacco Products (Packaging and Labelling) Rules.

"This means that 85% falls and 40% per cent regime, that is 40% on one side, will prevail," said advocate Sajjan Poovayya, who

appeared on behalf of tobacco companies including ITC and Godfrey Phillips India Ltd. The health ministry notification had mandated warnings covering 85% of both sides of tobacco product packs. The earlier rule asked for smaller warnings on one side of the package.

Poovayya said the rules were arbitrary because there was no rational relation between the images shown on the pictorial warnings and the effect of consuming tobacco products.

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He added that the intention behind such rules should have been to notify people, not threaten them. "The court held that it violates 19(g) because it is unreasonable restraint on the right to do business, and that it is unreasonable."

HT was not able to access a copy of the order.

KV Dhananjaya, who appeared for NGOs and other organisations, termed the judgment regrettable.

"The public is aware of the impact of tobacco on health, but there is also a need to warn about the impact of the items they consume, which is why the warnings are important," he said. "We will challenge the order."

The Tobacco Institute of India, one of the parties to the case, declined to comment, saying the body had not studied the order yet.

The Indian Council of Medical Research (ICMR) estimates that one million people die annually of tobacco-related illnesses in the country.

The tobacco industry, which contests the numbers, says the livelihood of millions of tobacco-growers have been affected by losses incurred after the Supreme Court last year ordered strict enforcement of the government's 2014 rules.