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Office of the Food Safety Commissioner, Bihar

ORDER

The 18th May 2016

No. FSC/22/2012-293—WHEREAS, Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 made by the Food Safety and Standards Authority of India in exercise of the powers conferred by clause (i) of Sub-section (2) of Section 92 of the Food Safety and Standards Act, 2006 (Central Act 34 of 2006) read with section 26 thereof, prohibits articles of food in which tobacco and nicotine are used as ingredients, as they are injurious to health;

AND WHEREAS, Gutkha and Panmasala are articles of food in which tobacco and nicotine are widely used as ingredients now-a-days,

AND WHEREAS, it is expedient to prohibit Gutkha and Panmasala containing tobacco or nicotine in the State of Bihar, being food products in which tobacco and nicotine are widely used as ingredients;

AND WHEREAS, the Commissioner of Food Safety of the State is empowered under Section 30 (2) (a) of the Food Safety and Standards Act, 2006 to prohibit, for one year, in the interest of public health, the manufacture, storage, distribution, transportation, display or sale of any article of food in the whole of State.

And WHEREAS, The harmful effects of tobacco, areca nut (betelnut), and several of the additives, often found in the form of Gutka and Pan masala, causes Acute Hyper-magnesemia, cardiac arrest, oral sub mucous fibrosis, oral cancer, Leukoplakia, Esophageal cancer, Stomach cancer, Metabolic abnormalities, reproductive health, Gastro intestinal and respiratory diseases

And WHEREAS, It is one of the primary duties of the State, *inter alia*, to improve public health, as a matter one of the directive principles as enshrined in the article 47 of the constitution of India and, whereas, it implicitly includes the concept of provision of measures to be taken for prevention of deterioration of citizen's health;

THEREFORE I, R.K. Mahajan, Commissioner Of Food Safety, Government of Bihar , prohibit in the interest of public health for a period of one year from 21.5.2016, the manufacture, storage, distribution, transportation, display or the sale of any type of Gutkha and Pan masala containing tobacco or nicotine, whether packaged or unpackaged and /or sold as one product, or though packaged as separate products, sold or distributed in such a manner so as to easily facilitate mixing by consumer.

By Order,
Sd/-Illegible,
Commissioner of Food Safety.

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