



TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

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Part VI—Section 1

**Notifications of interest to the General Public
issued by Heads of Departments, Etc.**

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

THE COMMISSIONER OF FOOD SAFETY AND DRUG ADMINISTRATION, TAMIL NADU STATE

BAN OF MANUFACTURE, STORAGE, DISTRIBUTION, OR SALE OF CHEWABLE FOOD PRODUCTS, GUTKHA, PAN MASALA, CONTAINING TOBACCO AND NICOTINE AS “INGREDIENTS” IN THE STATE OF TAMIL NADU FOR A PERIOD OF ONE YEAR FROM 23RD MAY 2026 UNDER THE FOOD SAFETY AND DRUG ADMINISTRATION ORDER.

(No. 1418/2013/S9/FSD)

No. VI(1)/315(a)/2026.

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 read with section 26 of Food Safety and Standards Act, 2006 (Central Act 34 of 2006) *prohibit as tobacco and nicotine shall not be used as ingredients in any food products, as they are injurious to health:*

AND WHEREAS, any article of food is defined in section 3 (1) (j) of Food Safety and Standards Act 2006;

AND WHEREAS, “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 section 3 (1) (y) of Food Safety and Standards Act 2006, Rule 1.2.1 of the Food Safety and Standards (Prohibition and Restrictions on sales) Regulations, 2011;

AND WHEREAS, “Food” means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primarily food to the extent defined in clause (zk), genetically modified or engineered food or food containing such ingredients, infant foods, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used into the food during its manufacture, preparation or treatment but does not include any animal feed, live animals unless they are prepared or processed for placing on the market for human consumption, plants, prior to harvesting, drugs and medicinal products, cosmetics, narcotic or psychotropic substances. The FSSAI vide F.NO. 04010/1/2021-Regulatory-FSSAI (E-1504) Dated 17th August 2022 clarified that ‘tobacco’ has not been excluded from the definition of ‘food’ as provided in section 3(1)(j) of Food Safety and Standards Act, 2006 while regulation 2.3.4 of the Food Products Standards (Prohibition, restrictions and Sales) Regulation, 2011 unambiguously provides that ‘tobacco’ and ‘nicotine’ shall not be used as ingredients in any food products, food containing tobacco and

nicotine as “ingredient” are widely used now-a-days which are easily available in different brand names for sale in the market. For which general population, school students, children, youngsters, coolies and hard labourers etc.. are affected and its injurious to their health;

AND WHEREAS, Gutkha, Pan Masala and chewing tobacco are food products in which tobacco and nicotine are widely used as ingredients now-a-days;

AND WHEREAS, it is expedient to prohibit Gutkha, Pan Masala and chewing tobacco in the State of Tamil Nadu, being food products in which tobacco and nicotine are widely used as ingredients;

AND WHEREAS, consumption of the above such products will endanger human health and well being and whereas, if consumption of these food articles is allowed without prohibition, the well being of current and future generation will be compromised and hence it has to be prohibited.

The Hon'ble Supreme Court of India in Central ARECANUT Marketing Corporation and Others Vs Union Of India (Transfer case (c) 1 of 2010) in its order dated 23.09.2016 observed that to circumvent the ban on the sale of Gutkha, the manufacturers are selling Pan Masala (without tobacco) with flavoured chewing tobacco in separate sachets but often conjoint and sold together by the same vendors from the same premises, so that consumers can buy the Pan Masala and flavoured chewing tobacco and mix them both and consume the same. Hence, instead of the earlier “ready to consume mixes”, chewing tobacco companies are selling Gutkha in twin packs to be mixed as one”.

The Hon'ble Supreme Court of India in view of the above has directed the concerned statutory authorities to comply with the above mandate of law of regulation 2.3.4 of Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation, 2011 and directed the secretaries, health department of all the states and union territories to ensure total compliance of the ban imposed on manufacturing and sale of Gutkha and Pan Masala with tobacco and/or nicotine.

On compliance of the directions given by the Hon'ble Supreme court of India, in its interim order dated 23.09.2016 in Transfer Case (civil) No. 1/2010, The FSSAI's issued a letter dated 5th October 2016 and 9th October, 2017 vide file No 13(25)2017/Tobacco Issues/RCD/FSSAI, The Secretary Department of Health and Family Welfare, Government of India issued a letter dated 5th December 2016 vide D.O.No. 16019/2/2014-PH-I, and in pursuance of regulation 2.3.4 of the Food Safety And Standards (Prohibition and Restrictions on Sales) Regulation, 2011, manufacture, storage, transport, distribution or sale of all food products chewable or otherwise, which is either flavoured, scented or mixed with any of the said additives, and whether going by the name or form of gutkha, pan masala, flavoured or scented chewable food products, by whatsoever names called, 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 the consumer which contains tobacco and / or nicotine as ingredients.

AND WHEREAS, as per Section 48 of Food Safety and Standards Act, 2006 General Provisions relating to offences;

(2) *In determining whether any food is unsafe or injurious to health, regard shall be had to –*

- (a) (ii) *the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods not only to the probable, immediate or short-term or long-term effects of that food on the health of a person consuming it, but also on subsequent generations; and*
- (iii) *to the probable cumulative toxic effects;*

Explanation. – For the purposes of this section, “injury”, includes any impairment, whether permanent or temporary, and “injurious to health” shall be construed accordingly.

The Gutkha, Pan Masala, chewing tobacco manufacturers themselves declared in their labeling of the packaged that chewing tobacco is injurious to health, tobacco causes cancer, tobacco causes painful death, chewing of pan masala is injurious to health, etc.

AND WHEREAS, as per Section 26 of Food Safety and Standards Act, 2006 Responsibilities of the Food Business Operator

- (2) *No Food Business Operator shall himself or by any person on his behalf manufacture, store, sell or distribute any article of food-*
 - (i) *which is unsafe; or*
 - (iv) *which is for the time being prohibited by the Food Authority or the Central Government or the State Government in the interest of public health.*

AND WHEREAS, the Food Safety and Standards Authority of India vide RCD-02001/23/2026-Regulatory-FSSAI-Part(1), Regulatory Compliance Division, dated. 27 March 2026 issued directions as follows :

Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sale of certain products) Regulations, 2011, as amended from time to time, stipulates that Tobacco and nicotine shall not be used as ingredients in any food products. Accordingly, food products containing tobacco or nicotine as ingredients, including Gutkha and Pan Masala with tobacco/nicotine, are prohibited.

Further, Section 30(2)(a) of the Food Safety and Standards Act, 2006 which empowers the Commissioner of Food Safety to prohibit, in the interest of public health, the manufacture, storage, distribution or sale of any article of food in the whole of the state or any area or part thereof for such period not extending one year, by an order notified in the Official Gazette.

In the view of the above, FSSAI issue letter dated. 09.10.2017 directing the necessary measures be taken to ensure compliance with the provisions under Regulation 2.3.4 of the Food Safety and Standards (Food Safety and Standards Additives) Regulations, 2011, and to ensure adherence to the directions of the Hon'ble Supreme Court order dated. 23.09.2016 [in the matter of Transfer case (civil) No(s). 1/2010-Central Arecanut Marketing Copn. & ORS.] requiring all States and UT's to file their affidavits on the issue of total compliance of the ban imposed on the manufacturing and sale of Gutkha and Pan Masala containing tobacco and / or nicotine. Further, on 17.08.2022, FSSAI issued another clarification to the Commissioner of Food Safety, Tamil Nadu, advising that all laboratories, including referral laboratories, analyse samples of chewing and tobacco products.

Additionally, Ms. V. Hekali Zhimomi, I.A.S., Additional Secretary, issued another D.O. letter dated. 24.10.2025 highlighting that several States have not been issuing the required orders/notifications on an annual basis. It has been observed that in some States/UTs, the requisite orders/notifications under Section 30(2)(a) of the Food Safety and Standards Act, 2006 are not being issued or renewed on an annual basis, which may affect effective enforcement of the above prohibition.

In view of the above, all the Commissioner of Food Safety of States / UT's are requested to ensure necessary compliance of the order of the Hon'ble Supreme Court dated. 23.09.2016 and to ensure issuance/renewal of appropriate orders or notifications annually under Section 30(2)(a) of the Food Safety and Standards Act, 2006, prohibiting the manufacture, storage, distribution or sale of:

- i. Gutkha and Pan Masala containing tobacco and/or nicotine; and*
- ii. Any other products marketed separately having tobacco or nicotine in the final product by whatever name called, whether package or un-packaged and/or sold as one product, or though packaged as separate products, sold or distributed in such a manner to easily facilitate mixing by the consumer.*

NOW THEREFORE, in exercise of the powers conferred by clause (a) of sub-Section (2) of Section 30 of the Food Safety and Standards Act, 2006 (Central Act 34 of 2006), the Commissioner of Food Safety of the State of Tamil Nadu, in the interest of public health, hereby prohibits the manufacture, storage, distribution or sale of all food products chewable or otherwise which is either flavoured or scented or mixed with any of the said additives, and whether going by the name or form of gutkha, pan masala, flavoured or scented food products or chewable food products by whatsoever name called, 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 the consumer and any other food products **containing tobacco and/or nicotine as ingredients**, by whatsoever name it is available in the whole of the State of Tamil Nadu for a further period of one year with effect from 23.05.2026.

Chennai - 600 006,
23rd May 2026.

R. LALVENA,
Principal Secretary / Commissioner of Food Safety.