

General Circular No: 02-176/2014

Date: 19.12.2014

Inspector General of Police,
Police Head Quarters,
Colombo 01.

The Director General,
Excise Department of Sri Lanka,
No 34, W. A. D. Ramanayaka Mawatha,
Colombo 02.

All the Deputy Director Generals,

All the Provincial Directors of Health Services

All the Regional Director of Health Services,

All the Heads of the Institutions,

Implementation of Regulations on (Labeling & Packaging) Pictorial Health Warning under the NATA Act pertaining to the old and new stocks of cigarettes

This has reference to our earlier letter dated 04.03.2013.

The regulations on Labeling and Packaging Pictorial health warnings was first published in the gazette bearing No. 1770/15 dated 08.08.2012 and it was challenged by the Ceylon Tobacco PLC in a Writ Application bearing No: 336/12. The court of appeal ordered to reduce the prescribed surface area of Pictorial Health Warnings from 80% to 50%, 60%. CTC has filed a case against the above order of the Court of Appeal in the Supreme Court bearing case number SC/SPL/LA/85/2014. This was complied by the Minister by prescribing the top surface area of the front and back side of a cigarette packet shall cover 60% of the Pictorial Health Warning vide a regulation in the gazette bearing No: 1864/32 dated 27. 05. 2014 by which, the gazettes dated 08.11.2012 and 15.02.2013 were rescinded.

Once the said gazette was published, CTC and their distributors filed another two cases bearing Nos: SC/FR/164/14 & SC/FR/165/14 in the Supreme Court challenging either to quash the content of the said regulation or to provide them more time to comply.

Considering all the cases before the Supreme Court & the Court of Appeal, a settlement reached between the parties on 11/07/2014 to the effect that the CTC should withdraw all the cases and the Ministry would provide six months time for compliance. According to the decision of the court the following instructions need to be complied with conveyed to the authorized officers. The said cases were dismissed and as per the court order,

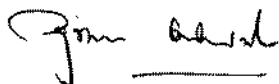
1. CTC and others are to comply with the gazette bearing numbers 1770/15 dated 08.08.2012 & 1864/32 dated 27.05.2014 and the new date of compliance in respect of Pictorial Warning shall be 01.01.2015,

2. The available old stocks presently with the distributors shall not be made available for sale, offer for sale store, distribute or transport after 31.01.2015 without containing the prescribed Pictorial Health Warning as per the said regulations.
3. In respect of old stocks they can be sold, offered for sale, distributed, stored or transported up to 31.01.2015. Hence all the manufacturers, importers, retailer, storekeeper, agent or seller shall comply with the aforesaid regulation in respect of the entire (both new and old) Packet, Packages, Carton of cigarette with effect from 01.02.2015.
4. Hence the packet of Cigarette produced after 31.12.2014 shall be complied with the said Regulation w.e.f. 01.01.2015 and it can't be sold, offered for sale, stored, distributed or transported without adhering to the aforesaid regulations depicting the prescribed pictorial health warning. The above requirements shall be equally complied with by the importers as well.

Therefore, as per the new regulation gazetted in the gazette No 1884/27 and dated 14.10.2014, the new date of compliance shall be 01.01.2015.

Subject to the above, the said Gazette Notification bearing No. 1770/15 dated 08.08.2012 and its amendments bearing 1864/32 dated 27.05.2014 and 1884/27 dated 14.10.2014 will be fully implemented w.e.f. 01.01.2015, with Pictorial Health Warnings in accordance with the Judgment of the Court of Appeal in CA (writ) Application No. 336/2012.

Therefore please instruct all the authorized officers of the NATA namely Police Officers or Public Health Officers and Food & Drug inspectors as the case may be who are coming under your purview to act accordingly.



Sudharma Karunaratne
Secretary Health

Sudharma Karunaratne
Secretary
Ministry of Health
235, Mahipala Mawatha,
Colombo 03
Sri Lanka

- CC:**
- Hon. Minister of Health
 - Secretary, Ministry of Justice
 - Director General of Health Services
 - Secretary, Ministry of Airport and Civil Aviation
 - Hon Attorney General, Attorney General's Department
 - Director General / Customs
 - Chairman, Consumer Affairs authority
 - Chairman, Ports Authority
 - Import Controller
 - Chief Internal Auditor
 - Chief Legal Officer
 - Director, Non Communicable Diseases
 - Director, Medical Technology and Supplies