Consumer Education and Research Centre  
From: Rani Advani, Hon. Director (Legal Svs.), CERS, A'bd.  
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1. Name of Organisation submitting comments on the FCTC :-  

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Consumer Education and Research Centre (CERC), a non-profit NGO was established during the year 1978, is a Public Charitable Trust registered under the Bombay Public Trusts Act, 1948  

CERC and its affiliate body CERS and TORCH, together have a staff strength of about 100 qualified professionals. The organisation is located on campus of 10,000 sq.mts. which houses the main administrative buildings and the laboratory.  

II. Scope of Activities and Mandate of the Organisation  

CERC is a recognised consumer organisation by the Government of India and Government of Gujarat. It is dedicated to the cause of consumer protection, environment protection, investor protection and public health and safety issues. It works towards these objectives through education, media, research, effective uses of law, advocacy, lobbying and in house comparative consumer product testing.  

The CERC mandate also permits the expansion of its activities to make it topical, and to deal with emergent issues of consumer and public health and safety and protection.  

CERC and CERS have filed public interest litigation/class action cases on major public health issues before the Supreme Court of India and Gujarat High Court such as :-
Safety of drinking water, safety and adequate labelling of drugs (i.e. medicines) and asbestos.

In the Asbestos litigation (CERC Vs. Government of India) reported in 1995 (3) SCC p.42, various issues relating to safety of asbestos, and adequate compensation to the victims of asbestosis were raised in the petition before the Supreme Court of India. The Supreme Court allowed the public interest petition of CERC. In addition to the monetary compensation granted to the families of deceased workers, the Supreme Court directed that the tests laid down in the Vienna Convention for testing the asbestos fibre, and the code of conduct and the rules for asbestos manufacturers laid down by the ILO shall be made mandatory for the Indian asbestos industry.

CERC had prayed that all international standards for ensuring safety of workers and safe use and disposal of asbestos, should be adopted by the asbestos industry in India, which the Supreme Court was pleased to direct.

III. CERC's interest in FCTC Process Since public health and safety and consumer safety in particular are important mandates of CERC, it has been working in the area of tobacco use and related safety issues, since 1982.

A specific instance is of successfully fighting the use of tobacco in dental tooth pastes, without adequate label information and packing to the consumers. In Gujarat, manufacturers routinely mixed tobacco with tooth pastes which were sold under various brand names such as IPCO and DENTOBAC etc. Consumers were never informed that the use of these tooth pastes were addictive because of the tobacco and nicotine content in these tooth pastes.

We dealt with a case where a husband was on the verge of a nervous breakdown because his wife was using upto two tubes of tobacco based dental tooth paste per day. Any attempt to stop her from using them led to severe withdrawal symptoms and further leading to physical and psychological symptoms.

We ultimately succeeded in getting the Government (Dept. of Health) to insist upon adequate label information on such tobacco based tooth pastes, and also including a warning that such tooth pastes could be addictive, so that consumers could make an informed choice.

Recent Developments and contribution of CERC in tobacco control
Consumer Education and Research Society (CERS) has filed a public interest litigation (read class action litigation) in the High Court of Gujarat at Ahmedabad (Spl. C.A. No. 7930 of 1999) seeking the following major reliefs:-

- to declare tobacco and tobacco products as a "drug" within the meaning of Sec.3(b)(ii) of the Drugs and Cosmetics Act, 1940.

- to prohibit advertisements of tobacco in any form and through any medias including electronic media

- to prohibit smoking in public places

- compulsory education of children and youths on the hazards of tobacco and tobacco products to be funded by contributions from tobacco and tobacco product manufacturers

- to prohibit sale of tobacco and tobacco products in all public places such as railway stations, theatres, public parks etc.

- to prohibit surrogate advertising of tobacco and tobacco products including promotion and sponsorship of public events and sports etc.

- to direct that detailed and varied statutory warnings be printed on all cigarette packs

- all tobacco products carry the `skull and bones' logo

The case has been admitted and notices have been issued to the Government of India, Government of Gujarat, Tobacco and tobacco product manufacturers.

2. CERS has written to the Minister for Health & Family Affairs and Food and Civil Supplies, Govt. of Gujarat in March 2000, asking him to enforce a bill for banning all chewing tobacco (popularly called Gutkha) and for severely regulating and restricting tobacco and other tobacco products and their advertisements.
3. CERS has also seriously taken up the case of misleading advertisements which promote the use of tobacco and tobacco products and has asked the Government to initiate action against the same: - one brand of Gutkha (chewing tobacco) had advertised the product as having an ISO 9002 Certificate and thus claiming it to be "safe" for consumption.

Letters have been written to different Government authorities to issue notice to the manufacturer to refrain from publishing such advertisements. The manufacturer for a time being has stopped issuing such advertisements.

A representation has been sent to Government of India (Ministry of Information and BroadCasting) requesting urgent and immediate action for gross violation of rules and regulations by cable TV network operators as regards advertisements on tobacco products particularly gutkha.

The FCTC Process and its relevance to CERC's Work

As pointed out earlier CERC has been working in the field of tobacco regulation and control since 1982.

CERC has also used international documents, covenants for providing a solid factual matrix to its submissions both in the class action cases filed in the various Courts for making representations to the Government of India, Government of Gujarat and other public and statutory authorities.

CERC also strongly believes in the use of legal framework and judicial processes to bring about a permanent and lasting change for the purpose of protecting public health and safety.

CERC has successfully used the various provisions of the Constitution of India and the Supreme Court judgements wherein provisions of International covenants, treaties, protocol and conventions have been held to be enforceable particularly where they relate to the Fundamental Rights of the citizens and consumers of India, more particularly when they relate to the Right to Life under Article 21 of the Constitution.

To this end FCTC Convention and Process of Public hearings will go a
long way in supporting the various actions spelt out hereinabove and
towards which CERC has expended considerable time, effort and money to
ultimately bring about effective, meaningful control and regulation of
tobacco and tobacco products; more particularly in ensuring the
accountability of tobacco and tobacco product manufacturers.

Source of Funding of CERC
CERC is mainly funded through individual donations, and institutional
and Government grants.

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