

With End of Gutka in Sight, let us Work on Prohibition of Pan Masala

India has got one of the highest incidences of oral cancer in the world. The cause of this high incidence is the chewing of smokeless tobacco and areca nut in varying combinations, such as zarda, khaini, betel quid, gutka, pan masala, etc. While smokeless tobacco is a well-accepted carcinogen and regulated under Cigarette and Other Tobacco Products Act 2003 (COTPA), areca nut is considered to be safe by most. However, it is well proven that areca nut is harmful and pan masala (a combination of areca nut, spices, sugar, flavoring agents, perfumes) glamorizes this inherently harmful food. As per the food standards authority of the Government of India, such areca nut products are permitted to be sold with a health warning printed on the packets. On 19th July, 2012, Maharashtra government prohibited manufacture, distribution, storage and sale of pan masala in the state. The order was challenged in the Mumbai High Court by the manufacturers terming it as an excessive measure even though it is harmful product. On 15th September, 2012, the court upheld the order banning flavored tobacco and areca nut.

Pan masala is sold as a mouth freshener with a miniscule warning on the packet— ‘pan masala chewing is injurious to health’. It is advertised aggressively on all popular media with celebrity endorsements. Most pan masala brands have same name as tobacco-containing brands called ‘gutka’ and serve as surrogate for gutka advertisement that is forbidden under COTPA. While section 2.3.4 of Food Safety Standards Act of India Regulation 2011 (FSSAI) warrants prohibition of gutka there is no such legal provision for banning pan masala or areca nut product. Pan masala and areca nut are listed as food items in the FSSAI and their standards have been defined. Interestingly, even smokeless tobacco is also listed as a food item in the FSSAI regulation. Following civil society activism, 13 states have banned manufacture, storage and sale of gutka. Maharashtra government not only banned gutka but also pan masala. Since most gutka manufacturers are pan masala manufacturers too, they have challenged this order.

Being a mouth cancer specialist and public health enthusiast, it is depressing to see ever increasing number of cancer patients due to habit of gutka and pan masala chewing. In 2004, Maharashtra government had shown courage and banned pan masala under the Prevention of Food Adulteration Act of 1954. This case was challenged in Supreme Court that reversed the ban order, terming it unconstitutional. The Supreme Court was not impressed with the evidence against harmful effects of pan masala and did not find any merit in its prohibition. The flip flop in these bans are a classic example of how tobacco industry exploits loop holes in the legal system to continue their trade of death and disaster. While judiciary and policy makers continue to find the best way to contain this epidemic, people continue to die in millions. Finally, came the FSSAI regulation in August 2011 that prohibited addition of nicotine to any food substance, i.e. prohibit manufacture/storage and sale of gutka. Thirteen state governments grabbed this golden opportunity to ban gutka once again and Maharashtra government banned pan masala too. This time again, the state judiciary was highly supportive of ban. The bans under FSSAI were challenged in several High Courts but upheld by all of them. Following PILs in Karnataka and Uttar Pradesh, the high courts issues show cause notices to the state administration for slackness. Delhi High Court while hearing a public interest litigation filed by an NGO comprising doctors in Delhi Court issued a stern warning to Delhi administration to ban gutka in 2 weeks. Buoyed by the positive development, the Ministry of Health wrote letters to all chief secretaries urging them to enforce section 2.3.4 to prohibit gutka. One of the highest points of activism was the trip of high powered delegation of senior officials of Union Ministry of Health to northeast states to meet the chief ministers and important policy makers and advocate the ban on gutka. This campaign turned into a classic case study where government, nongovernment, media and civil society worked seamlessly on a public health issue and well supported by chief ministers of the states. One of the high points of this campaign was the birth of a unique campaign called ‘Voice of Tobacco Victims Campaign’. This was led by mouth cancer patients (gutka/pan masala victims) and supported by motivated doctors (voices) who made passionate presentations to important policy makers all over the country.

While enough is known about smokeless tobacco, little attention is being paid by Government of India to recognize harmful effects of areca nut and pan masala. Areca nut leads to dependence syndrome but little is known about cessation strategies. As per International Agency for Research on Cancer, WHO, it is a confirmed harmful substance and leads to several serious illnesses, such as cancers of mouth, throat, esophagus, liver, etc. Several studies have shown that extract of the areca nut causes damage to the genes of the individual. Areca nut contains several proven harmful chemicals, metals, alkaloids in it. Based on all these, WHO classified it as a group I (confirmed) cancer causing substance. Pan masala aims to popularize this

food after increasing its harmfulness by several times. Areca nut chewing was never so popular but introduction of pan masala led to mass scale consumption especially among children. This led to emergence of a unique disease in Indian subcontinent called oral submucous fibrosis (progressive difficulty in opening the mouth) for which there is no treatment available. On the whole, it is harmful for the oral health as it causes varying degree of teeth attrition, oral precancerous lesion and oral cancer. Areca nut chewing causes diabetes or worsens glucose control in those with diabetes. Its use is strongly associated with heart diseases and hypertension. It harms the unborn babies, if mother consumes them during pregnancy. Addition of lime increases the addictiveness and carcinogenicity of areca nut. That is how pan masala is much harmful than pure areca nut. There are several reports of industry adding nicotine/tobacco illegally in pan masala. To be precise, it is the cheapest and most harmful consumer substance available in the market and needs to be prohibited. What has changed between 2004 and 2012 that we seek a ban on pan masala since it has already been reversed by Supreme Court in 2004? Yes, things have changed dramatically. At the time of judgment of the Ghodawat pan masala case in Supreme Court, the conclusive evidence of harmful effects of areca nut was less known. One may argue that why ban only pan masala? Why not ban alcohol too? Ironically, to buy alcohol one has to visit a licensed shop with a permit but gutka/pan masala can be sold to a minor from shop that does not require permit. Moreover, smoking/alcohol is not acceptable to kids or freely available to them. In February, 2011, under the Supreme Court direction, MOHFW prepared a report on areca nut's harmful effect. States, being the guardian of citizens health, cannot ignore the plethora of evidence against it.

Is there a need to ban pan masala, when there is an existing provision of printing health warning on it? The answer is that the industry cannot be trusted. They have been illegally producing gutka since last year despite section 2.3.4 being in force for almost 1 year. They are known to indulge in surrogate advertising, suppressing health hazards from consumers, adding nicotine/MgCO₃ clandestinely, keeping the pH alkaline to enhance its harms, selling it to minors and selling near the educational institutions, etc. Such a product cannot be sold with warning since the risks are overwhelming with no benefits whatsoever. There are rare scientifically proven beneficial role of areca nut chewing. Cultural practice and beliefs cannot be accepted unless proven scientifically. Industry uses growers and farmers as human shields. It is well known that ultimate profit is amassed by the business houses. Several countries (USA, Canada, Solomon Island, Papua New Guinea) have taken action against it. We have taken 20 years to ban gutka despite strong evidence against it and allowed deaths of millions of innocent Indians. Are we going to take same time to prohibit with pan masala?

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