

**OFFICE OF THE COMMISSIONER OF CUSTOMS (EXPORT),
JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA.**

File No. S/12-Gen- 02/2006-07 AM (X) Date. 06.12.2006

PUBLIC NOTICE NO. 70/2006

Sub : Testing of Supari (betelnut split or whole) reg.

Attention of all the Importers, Exporters, CHAs and Members of the Trade is invited to Ministry's letter F. No. 450/100/2006-Cus-IV dated 12.10.2006 regarding testing of Supari (betel nut split or whole).

2. The Directorate General of Health Services while replying in a specific case have opined that Supari (Betel nut split or whole) is an item of food.

3. The Directorate General of Health Services while examining the issue of exemption from testing of Products imported from Nepal (split betel nuts) by Central Food Laboratory, Kolkata, have mentioned that the provisions of Section 2 (v) of the PFA Act, 1954 reads as under-

2(v) Food means all article used as food or drink for human consumption other than drugs and water and included:-

- (d) *any article which ordinarily enters into, or is used in the composition or preparation of human foods.*
- (e) *any flavouring matter or condiments, and*
- (f) *any other article which the Central Government may having regard to its use, nature, substance or quality, declare by notification in the official Gazette, as food for the purposes of this Act.*

4. It is further observed by the Directorate General of Health Services that the Honble Supreme Court in a case Pyarali K. Tejani vs. Mahadeo Ramchandra Dange and others, (Criminal Appeal no. 20 of 1973) which is a four judges bench judgment had considered the matter whether supari is an item of food within the meaning of section 2(v) of the PFA Act, 1954. The Honble Supreme Court in this case had held that supari (betel nut) is an item of food within the meaning of section 2(v) of the Act, *ibid*.

5. Accordingly, it is brought to the notice of all that Supari (Betel nut split of whole) is an item of food and provisions of PFA Act, 1954 and provision relating to clearance of food items would be applicable while allowing clearance of the same from Customs locations.

6. Any difficulty faced by the trade may be brought to the notice of the undersigned.

(NAJIB SHAH)

COMMISSIONER OF CUSTOMS (EXPORT),

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