



GOVERNMENT OF INDIA
MINISTRY OF FINANCE : DEPARTMENT OF REVENUE
OFFICE OF THE COMMISSIONER OF CUSTOMS
CUSTOM HOUSE : NEW HARBOUR ESTATE : TUTICORIN
Phone : 0461 -2352649, 2352964, Fax : 0461 - 2352019

Public Notice No: 05 /2010

Please find enclosed the following circular issued by the Government of India, Ministry of Finance, Department of Revenue, Central Board of Excise & Customs, New Delhi for information and is enclosed herewith for guidance in the import of Cosmetics under the Drugs and Cosmetics Act, 1940.

Sl.No.	Circular No. & Date	Subject
01	08/2010 dated.26.03.2010 issued from file F.No.450/182/2009-Cus.IV	Import of Cosmetics under the Drugs and Cosmetics Act, 1940 and Rules made thereunder.

Dated: 08.03.2010
Custom House, Tuticorin

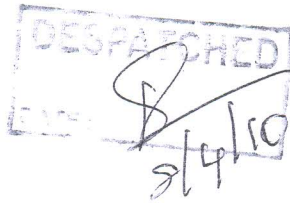
N. Venkataraman
08/04/2010
(N.VENKATARAMAN)
DEPUTY COMMISSIONER

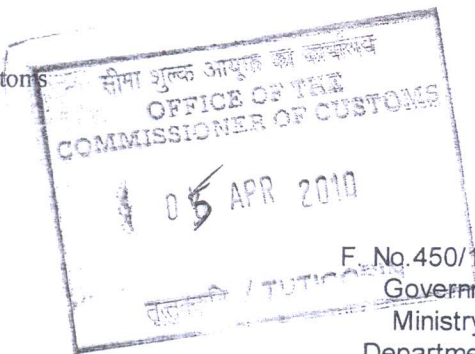
(Issued from file C.No.VIII/48/07/2007-Cus.Pol.)

To

The Importers/ Clearing Agents / Trade as per mailing list as per Mailing List II

Copy to Chief Commissioner of Customs (Preventive), Chennai.
for kind information.



**Circular No.8/2010-Customs**

F. No.450/182/2009-Cus.IV
 Government of India
 Ministry of Finance
 Department of Revenue
Central Board of Excise & Customs

North Block, New Delhi
 26th March, 2010

To

- All Chief Commissioners of Customs / Customs (Prev.).
- All Chief Commissioners of Customs & Central Excise.
- All Commissioners of Customs / Customs (Prev.).
- All Commissioners of Customs (Appeals).
- All Commissioners of Customs & Central Excise.
- All Commissioners of Customs & Central Excise (Appeals).

Subject: Import of Cosmetics under the Drugs and Cosmetics Act, 1940 and Rules made thereunder – regarding.

Sir/ Madam,

I am directed to invite your attention to the Board's Instructions vide F.No. 450/08 /2007-Cus.IV dated 22nd January, 2007 regarding import of drugs under Chemical or generic name and permitting its clearance through specified places under the Drugs and Cosmetics Rules, 1945.

2. In terms of Rule 133 of the Drugs and Cosmetics Rules, 1945, no cosmetics shall be imported into India except through the points of entry specified in Rule 43A of the said Rules. Further, under Schedule "D" to the said Rules read with Rule 43, an exemption has been provided to certain categories of substances from the restrictions under Chapter III of the Drugs and Cosmetics Act, 1940 relating to import of Drugs and Cosmetics. Therefore, a doubt has arisen as to whether import of cosmetics could be permitted through any port in the country under the Drugs and Cosmetics Rules, 1945. The matter was taken up with the Drugs Controller General of India (DCGI) for obtaining necessary clarification.

3. The DCGI has clarified the aforesaid issue. It is stated by them that Rule 133 of the Drugs and Cosmetics Rules limits the import of cosmetics through the points of entry specified under Rule 43A. However, under Schedule "D" to the said Rules, an exemption has been provided for substances not intended for medical use from the provisions of Chapter III of the Drugs and Cosmetics Act and Rules made thereunder. The Act provides for separate definition for 'cosmetic' and 'drug' under Sub-Section 3(aaa) and 3(b), respectively. Hence, they have stated that the phrase 'substances not intended for medical use' would only relate to substances which would otherwise fall under the definition of the term 'drug' under section 3(b) of the Act, but are being imported not for medicinal use or for some other purposes or are of commercial quality and are being labelled indicating that they are not for medicinal use. Accordingly, they had clarified that this exemption does not extend to other categories of products defined under the Act including cosmetics. For the purpose of import of cosmetics, provision of Rule 133 therefore remains applicable.

4. Accordingly, import of cosmetics at points of entry / places other than those specified under Rule 43A may not be permitted as per the provisions of the Drugs and Cosmetics Rules, 1945. The points of entry have been specifically mentioned in Rule 43A such as Chennai, Kolkata, Mumbai, Nhava Sheva, Cochin, Kandla, Delhi, Ahmedabad, Hyderabad and Ferozpur Cantonment, Amritsar, Ranaghat, Bongaon and Mohiassan Railways Stations. If

