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Tobacco warnings on OTT: Amid pushback from platforms, Govt looking for a solution

May relax rules for existing content and licensed foreign programmes

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Both the versions recorded that the OTT industry "supported the 2023 Rules in spirit and highlighted certain challenges in implementing the same in letter".

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Facing a strong pushback from streaming giants such as Netflix, Amazon Prime Video, Disney Hotstar, the Government is working to find "pragmatic solutions to address the industry's concerns over the practicability of the order mandating the insertion of tobacco warnings, The Indian Express has learnt.

Under the new rules, which came into force September 1, OTT platforms are required to insert static health warnings during smoking scenes, besides displaying anti-tobacco disclaimers at the start and in the middle of programmes, much like those for theatres and TV.

It sparked concerns in the OTT industry, with platforms arguing it would require millions of hours of existing content to be edited, diminish user experience and hamper creative freedom. The notification empowers the government to enforce compliance through legal means.

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Sources said the Government may grant the OTT platforms a relaxation in terms of existing content and licensed foreign content. As of now, the rules, notified in May, apply to all content hosted by OTT platforms, even retrospectively. Incorporating the warnings in the existing content was something the OTT industry flagged as a major issue, even as it was amenable to editing new content.

The Government's relook is in line with its commitment to OTT platforms, which had flagged "practical issues" in implementing the order, during a meeting on August 28, three days before the order came into effect.

Chaired by Union Health Secretary Sudhansh Pant and co-chaired by Union I&B Secretary Apurva Chandra, the meeting, sources said, was inconclusive and ended with the OTT platforms putting their foot down and the Government offering to find a solution.

With the rules coming into force nonetheless, several OTT platforms such as JIO, Amazon, Voot and Netflix have since started to display anti-tobacco warnings on some of their content, fearing legal repercussions.

A senior representative of a major streaming firm, who was among those present during the talks with the Government, said the platforms are awaiting a word from the Government.

"To date, there has been no further word on the final rules, whether a new notification will be issued, or if another meeting will be held," the OTT representative said.

According to sources, after the meeting, the Health Ministry issued two versions of the minutes of the meeting to the attendees. The initial version stated that OTT representatives "acknowledged the devastating impact of tobacco depiction on TV, cinema and OTT and also committed to supporting the cause by conducting workshops for creating greater awareness".

The revised version, which supersedes the earlier one, added that "the participants... also committed to supporting the cause by displaying a disclaimer at the beginning of the content, inclusion of tobacco in the content descriptors, no advertisement /marketing/promotion of tobacco products on OTT platforms, as well as conducting workshops for creating greater awareness".

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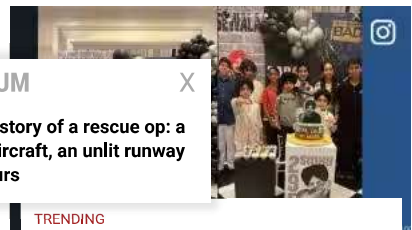
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