



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2131 OF 2025

Dabur India Ltd.

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr. Ravi Kadam, Senior Advocate a/w Mr. Vaibhav Bhure, Sneha Nanandkar, Pallavi Thakur and Mukul Bhagtani i/b. ANM Global, for the Petitioner.

Ms. P.J. Gavhane, AGP, for the Respondent- State.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 26 MARCH 2025

Oral Order (Per. Advait M. Sethna J.):

1. This petition is filed under article 226 of the Constitution praying for the following substantive relief :-

“a) that this Hon’ble Court be pleased to issue a writ of certiorari or any other appropriate writ, order or direction to quash and set-aside the Impugned Order dated 29th January 2025 passed by the Respondent No. 9 (Exhibit Z hereto);”

2. Heard Shri. Ravi Kadam learned Senior Advocate, Ms. P.J. Gavhane, AGP for the State and with their assistance we have perused the record.

3. The grievance of the petitioner arises from an order dated 29 January 2025 passed by Commissioner, Food and Drug Administration, Govt. of Maharashtra, i.e. respondent no. 9 (***‘Impugned Order’*** for short).

By the impugned order the petitioner was directed to make certain changes in the labels of their toothpastes manufactured and sold in the name of “Dabur Meswak Toothpaste” and “Dabur Herb’1 Anti-Bacterial Toothpaste Tulsi” respectively, so as to comply with the statutory provisions under the Drugs and Cosmetic Act, 1940, subject to which the restricted stock could be released. The relevant part of the impugned order, read thus: -

“The claims made by the manufacturer on the label are legally incorrect, but since their sample was certified by the government analyst, it appears that both cosmetic products are not hazardous/dangerous to health. Therefore, according to the provisions of Section 23 (5) (c) of the law, if the manufacturer is making corrections on the label of the restricted stock, there is no objection to releasing it for correction. However, the manufacturer has sought permission to sell the restricted stock without making corrections to its label. Opening the stock without corrections is inappropriate due to the violation of legal provisions.

The following actions are being suggested in this case.

1) Subject to judicial proceedings, a bond should be obtained from the manufacturer for the retrieval of the stock distributed across India with corrections on the label, and the restricted stock should be released.

2) A bond should be taken from the manufacturer stating that future production will only be carried out after making corrections on the label of the cosmetic products.”

4. We had heard the learned counsel for the parties on the earlier occasion. Mr. Kadam, learned senior counsel for the petitioner had made a statement that the petitioner is willing to withdraw and discontinue using of phrases “anti-inflammatory” on product ‘Dabur Meswak Toothpaste’

and “anti-bacterial” and “analgesic” on product ‘Dabur Herb’1 Anti-Bacterial Toothpaste Tulsi’ and accordingly the petitioner is desirous to take such steps, pursuant to which the stocks of the said products forming subject matter of the impugned order be released. It was informed to us in this regard, an affidavit on behalf of the petitioner would be placed on record. Accordingly, today Mr. Kadam has tendered an affidavit of Mr. Rathnakar Salian, dated 26 March 2025 the contents of which are required to be noted, which read thus :-

“2. Without prejudice to its rights and contentions, the Petitioner has voluntarily decided to withdraw and discontinue, using the phrases "anti-inflammatory" on product 'Dabur Meswak Toothpaste' and "anti-bacterial" and "analgesic" on product 'Dabur Herb'1 Anti- Bacterial Toothpaste Tulsi'.

3. The Petitioner has already initiated the process of revising its product label/ packaging [i.e. tubes and outer boxes (cartons)]. The Petitioner has given a mandate to an external agency to develop/ design a new label/ product packaging artwork. Further, the process would include i) getting intra-company confirmation on the new label/ product packaging artwork; ii) placing orders for printing of new label/ product packaging artwork; iii) printing of new label/ product packaging artwork; iv) delivery/ supply of new label/ product packaging at the manufacturing unit; v) manufacturing of finished products i.e. the usable toothpaste under new label product packaging; and vi) finally, distribution/ supply of finished products for sale under new label product packaging in different States.

4. *I, thus, submit that the factoring in the time period taken in the process as stated above, the new/revised labels/packaging i.e. tubes and outer boxes (cartons) of the products "Dabur Meswak Toothpaste" and "Dabur Herb'1 Anti-Bacterial Toothpaste Tulsi" will not bear the words 'anti-inflammatory' and 'anti-bacterial' and 'analgesic' respectively with effect from June 2025 i.e. having manufacturing date as June 2025 (month and year as*

prescribed by the BIS Standards) on the finished products.

5. The printed tubes and outer boxes (cartons) of products bearing the phrases "anti-inflammatory" (Dabur Meswak Toothpaste) and "anti-bacterial" "analgesic" (Dabur Herb'I Anti-Bacterial Toothpaste) presently lying with the Petitioner are to the tune of Rs. 1 Crore (one crore) approximately. These will be used by 31st May 2025."

5. We accept the statement as made on behalf of the petitioner in the said affidavit as an undertaking to the Court. Ms. Gavhane, learned AGP for the respondent on instructions, would submit that the concerned department of the State Government would have no objection on the aforesaid stand being taken on behalf of the petitioner and that with effect from June 2025, the product with the objectionable labels ought not to be manufactured or sold with such display either on the box or on the products.

6. In view of the stand taken by the petitioner and also on behalf of the respondent, further adjudication of the petition is not called for. The petition is disposed of in terms of the following order :-

ORDER

(I) The statement made on behalf of the petitioner that the petitioner product 'Dabur Meswak Toothpaste' and "Dabur Herb'I Anti-Bacterial Toothpaste Tulsi" will not bear the words 'anti-inflammatory' and 'anti-bacterial' and 'analgesic' respectively with effect from June 2025 stand accepted as an undertaking to the

Court.

(ii) The stocks forming subject matter of the impugned order and presently lying with the petitioner, which is stated to be to the tune of Rs. 1,00,00,000/- (Rupees One Crores) approximately to be utilized on or before 31 May 2025 and same shall not be sold in the market with effect from 1 June 2025.

(iii) The writ petition stands disposed of in terms of the aforesaid order. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]