

Big Tobacco Tiny Targets

GUJARAT

Tobacco Advertisements, Products Displays, Sales and Promotions Around Educational Institutions

For decades, the tobacco industry around the world has consciously implemented strategic, aggressive and well-resourced tactics to attract youth to tobacco and nicotine products. The industry employs exhaustive strategies from product design to marketing campaigns to allure the youth, deceiving them of the consequential health harms.

In order to document instances of tobacco companies advertising, selling, displaying or incentivizing the sale of tobacco products within 100 yards of educational institutions in India, Voluntary Health Association of India and Consumer Voice, undertook the study titled 'Big Tobacco, Tiny Targets'. The study was undertaken from October 2019 to December 2019 in 25 cities across India. A total of 1011 Educational Institution's and 885 points of sale were investigated with an objective to:

- To gather evidence regarding tobacco products being sold around educational institutions.
- To assess COTPA compliance near educational institutions.
- To expose tobacco industry tactics to target children.

Tobacco Control Laws and Regulations in India

- India was among the first countries to ratify the WHO Framework Convention on Tobacco Control (FCTC) in 2004. Indian enacted comprehensive tobacco control legislation, entitled, "The Cigarette and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003" (COTPA).
- Section 6 of COTPA bans the sale of tobacco to and by minors and prohibits the sale of tobacco products within 100 yards of educational institutions.
- MoHFW Rules, enacted under COTPA's authority, further require signage detailing this sales prohibition to be displayed prominently near the main gate and on the boundary wall of educational institutes.
- Under COTPA Rules, tobacco advertising, promotion and display is banned at the point of sale.



THE TOBACCO EPIDEMIC IN INDIA

- Tobacco consumption in Gujarat is estimated to be 38.7% for men, 10.4% for women, and 25.1% for all adults.
- There are almost 267 million tobacco users in India with over 1 million deaths attributed to tobacco use annually. One in 10 deaths in India is due to tobacco use.
- The Global Adult Tobacco Survey, undertaken by the Ministry of Health and Family Welfare (MoHFW), India (2016–17), shows that nearly 28.6% of adults use tobacco. The average age at initiation of daily tobacco use is 18.9 years.
- 14.6% of 13 to 15-year-old students in India use tobacco. As many as 11% of all male students surveyed were found to be users of smoking or smokeless tobacco, while 6% of female students used smokeless tobacco and 3.7% smoked tobacco.
- Nearly 37% children in India initiate smoking before the age of 10. Around 5500 children begin tobacco use each day.

Source: The Global Adult Tobacco Survey (GATS-2) - India 2016-17- <https://www.tiss.edu/view/11/research-projects/global-adult-tobaccosurvey-round-2-for-india-2016/>

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- A Ministry of Health & Family Welfare advisory letter dated 21st September, 2017 recommends the licensing of tobacco vendors through municipal authorities. The advisory observes that it would be appropriate to include in the authorization, a condition of provision that the shops permitted to sell tobacco products cannot sell non-tobacco products such as toffees, candies, chips, among others, which are meant for the non-user-particularly children.
- Ministry of Housing and Urban Affairs on 25th September, 2018 has issued a similar advisory to states for licensing of tobacco vendors.
- Parliament passed the 'Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act' in December 2019 with an intent to protect the youth from the growing E-cigarette epidemic.
- Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 additionally criminalizes the distribution of tobacco products to children.

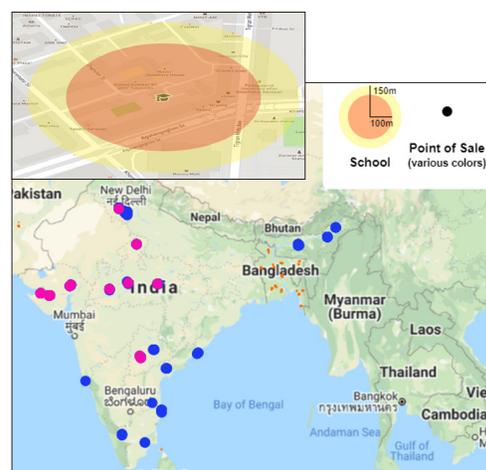
Methodology

- Field investigators were equipped with a cellular-based mobile reporting form hosted on the survey and data-collection software, Kobo Toolbox (www.kobotoolbox.org), to document tobacco industry advertising, selling, displaying, or incentivizing the sale of tobacco products within a 100-meter radius of educational institutions.
- The mobile form automatically captured the date, geographic coordinates and data collectors name for each record upload to the data set.
- Data gathered by field agents was uploaded into the Kobo Toolbox form. Each data point was downloaded and mapped using MapBox, an open source mapping platform for custom designed maps.
- MapBox was used to define the sampling area radius of 100 meters surrounding each educational institution. To view all maps, go to: <http://map.takeapart.org/>

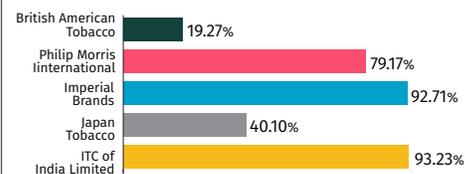
Point of Sale Investigation Results in Gujarat

- A total of 885 point of sale were identified selling tobacco products within 100 yards of educational institutes in India including 192 in Gujarat.
- In Gujarat, 79.17% points of sale had tobacco products of Philip Morris International, 19.27% points of sale had British American Tobacco tobacco products, and 40.10% had Japan Tobacco International tobacco products.
- In Gujarat, 93.23% points of sale had products of Imperial Tobacco Company of India Limited, which is the most popular among the Indian Companies.

Point of sale with hidden graphic health warnings



Tobacco Products at Points of Sale in Gujarat, by Company



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- In Gujarat, 91.15% points of sale displayed tobacco products at the eye level of a child (about 1 meter high).
- In Gujarat, 46.35% points of sale displayed cigarettes in a way that concealed mandated health warning labels.
- In Gujarat, 82.81% points of sale displayed cigarettes near candies and sweets to attract children.
- In Gujarat, 96.88% sold single stick cigarettes.

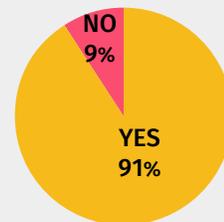
Recommendations

As indicated above, many of the promotional activities identified by this study are already prohibited by COTPA and the relevant notifications, but are being deliberately ignored by the tobacco companies and retailers. Other activities are clearly intended to exploit gaps in the existing laws in order to promote tobacco to young people.

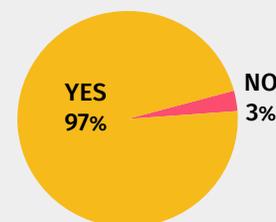
To combat these promotional activities and flagrant violations of the law that targets children and youth; this report recommends the following:

- The Government must expedite amendment in COTPA to safeguard the children and youth of our country, to:
 - Ban all point of sale advertising by removing the exception in COTPA section 5(2);
 - Ban all point of sale displays tobacco products;
 - Prohibit the sale of single sticks of cigarettes and bidis;
 - Establish effective penalties and fines.
- The Government must invest in and strengthen enforcement action and policies to curb COTPA violations.
- Municipal authorities should implement the MOHFW's 21st September 2017 advisory and advisory dated Sept. 28, 2018 by the Ministry of Housing and Urban Poverty Alleviation to develop mechanism for licensing tobacco vendors. Vendor licensing assists enforcement and reduces young peoples' exposure to tobacco because:
 - Enforcement of COTPA and any state tobacco control laws are improved by making compliance a condition of a vendor license.
 - Suspension or withdrawal of a vendor's license for violations of COTPA is an effective sanction.
 - Vendors are only licensed in locations that are not within the proximity of educational facilities.
 - Municipalities can provide licenses only to shops that exclusively sell tobacco products so that children are not exposed to them in general stores.

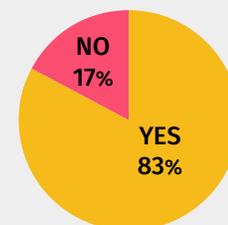
Point of Sale with Tobacco Product Displays at a Child's Eye Level



Single Cigarette Sale at Point of Sale



Point of Sale with Cigarettes Displayed Near Candy/Sweets



Non-tobacco products like candies and sweets are sold alongside with the tobacco products near educational institutions.

