Compliance assessment of tobacco vendors of Ahmedabad city to India's Tobacco control legislation

Samarth Govil¹, Anurag Dhyani², Anjali S Mall³
¹Resident Doctor, Department of Community Medicine, B. J. Medical College, Ahmedabad, ²Independent Researcher, ³Assistant Professor, Department of Community Medicine, B. J. Medical College, Ahmedabad

Abstract

Background: Many worldwide strategies and efforts have been made to tackle the menace of tobacco use and related morbidity and mortality. On similar lines, Government of India enacted a law in 2003, Cigarette and Other Tobacco Products Act (COTPA, 2003). Aims & Objectives: To measure compliance to Section 5 & 6(a) of COTPA, 2003. Material & Methods: A cross-sectional survey at 432 Point of Sale (POS) across Ahmedabad city using random sampling technique. Results: Only 15.3% of the POS had complied with the size of their main display Board (MDB). Around one third (34%) of the shops had displayed the prescribed warning message on their MDB. More than half (53%) of the shops did not display any tobacco advertisement. The proportion of shops with no backlit/illumination MDBs was 30.3%. None of the POS complied with Section 6(a). More than a quarter of the POS (28%) were partial tobacco vendors. Proportion of mobile tobacco vendors was 22.9%. Conclusion: There has been a gross violation of Sections 5 & 6(a) of COTPA, 2003 across a majority of POS. This kind of laxity in compliance portrays a grim scenario of tobacco control and thus calls for immediate redressal by all the stakeholders involved.

Keywords

COTPA; compliance; Point of Sale; Section 5 & 6(a).

Introduction

According to WHO “Tobacco epidemic is one of the biggest public health threats world has ever faced, killing around 6 million people a year with more than 600,000 people succumbing to exposure to second hand smoke” (1). Deaths attributed to tobacco use are projected to rise to 8.3 million in 2030 with developing countries contributing 80% to the death toll (2). In India, every year nearly 23.7% of deaths among men and 5.7% of deaths among women aged 35-69 years are due to tobacco-attributable illnesses (3). Estimates of Global Adult Tobacco Survey conducted among persons >15 years of age in India during 2009-10 indicate that 34.6% of adults (47.9% males; 20.3% females) are current tobacco users. Fourteen percent of adults smoke (24.3% males; 2.9% females) and 25.9% use smokeless tobacco (32.9% males; 18.4% females) (4). According to Global Youth Tobacco Survey conducted among 24,000 students aged 13-15 years in 2009, 14.6% students were tobacco users (5).
In the wake of increasing burden of tobacco related
diseases, Indian Parliament enacted Cigarettes and Other Tobacco Products Act (COTPA), 2003. The
present study was undertaken with the rationale
that success of any law depends on its thorough
implementation, periodic monitoring and
evaluation.

Aims & Objectives
To measure compliance with the provisions of
Section 5 & 6(a) of Indian tobacco control legislation,

Material & Methods
Study Type: Cross-sectional, Study Population: Tobacco vendors, Study Area: Ahmedabad city,
Gujarat, India, Study Duration: July and August 2016.
Sample size calculation: Sample size was calculated
at an expected compliance rate of 50% and margin
of error 5% using Open epi software version 3.01
(Openepi,2013). A total of 432 POS were visited
across the Ahmedabad city.
Strategy for collection: The municipal classification of the city into 6 zones
was adopted and the sample size was equally divided
for each zone which served as single unit for the
current study. Random sampling technique was used
to collect data from each study unit taking the
municipal office of each zone as the
center and moving in each of the 4 directions from there,
covering both sides of the street till the sample size
was completed for the study unit.

Working Definition: An observation checkli
st was used to collect information based on the guidelines to assess
compliance to Section 5 and 6(a) as per COTPA, 2003
(Table A & Table B).

Table – A: Main Display Board (MDB) parameters as per Section-5 of COTPA, 2003

<table>
<thead>
<tr>
<th>Main Display Board (MDB) parameters</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum permissible size</td>
<td>60cm x 45cm</td>
</tr>
<tr>
<td>Absence of tobacco product advertisement</td>
<td>No brand pack shot or brand name or other promotional message</td>
</tr>
</tbody>
</table>

Warning Message parameters

<table>
<thead>
<tr>
<th>Display Message</th>
<th>Tobacco Causes Cancer or Tobacco Kills</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background Colour</td>
<td>White</td>
</tr>
<tr>
<td>Minimum Size</td>
<td>20cm x 15cm</td>
</tr>
<tr>
<td>Location on MDB</td>
<td>uppermost</td>
</tr>
<tr>
<td>Language</td>
<td>English, Hindi or Local</td>
</tr>
</tbody>
</table>

Table – B: Warning message board parameters as per Section-6(a) of COTPA, 2003

<table>
<thead>
<tr>
<th>Warning message Board</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Display Message</td>
<td>Sale of tobacco products to a person below the age of eighteen years is a punishable offence.</td>
</tr>
<tr>
<td>Minimum size</td>
<td>60cm x 30cm</td>
</tr>
<tr>
<td>Background Colour</td>
<td>White</td>
</tr>
<tr>
<td>Location</td>
<td>Entrance of shop</td>
</tr>
<tr>
<td>Language</td>
<td>English, Hindi or Local</td>
</tr>
<tr>
<td>Pictorial depiction</td>
<td>of ill effects of tobacco use on health</td>
</tr>
</tbody>
</table>

The POS were categorized based on the nature of
their business activity into two types- exclusive tobacco shop and partial tobacco shop. Another two
part categorization was done among the vendors
based on the nature of their mobility- Fixed (static shop) & Mobile (dynamic shop - moving from one
place to another). The average time spent at each
POS was 10 to 15 minutes. Data analysis: done using
Microsoft Excel-2010 and Epi info version 7.2.

Results
A total of 432 POS were visited across the
Ahmedabad city. Proportion of tobacco vendors
compliant with the Main Display Board (MDB) size
being smaller than 60cm x 45cm was 15.3%. Around
one third (34%) of the shops had displayed the
prescribed warning message “Tobacco causes cancer” on their MDB. More than half (53%) of the
shops did not display any tobacco advertisement on
their MDB. The proportion of shops with no
backlit/illuminated MDBs was 30.3%. None of the
tobacco selling shops complied with Section 6(a)
which mandates display of a board at the entrance stating “Sale of tobacco products to a person below
eighteen years of age is an offence”. (Table – 1)
The prescribed warning message parameters for the
main display board were not strictly followed. Out of
147 POS present with warning message, majority
were found to be in violation of having no white
background colour (72.1%) and wrong location of the
message (85%). More than two thirds of the 147 POS
(68%) were found not to be compliant with the size
guidelines. (Table – 2)
Out of total tobacco vendors visited, 77.1% were
fixed shops and 22.9% were mobile shops. More than a quarter of POS (27.1%) were non-exclusive
tobacco selling shops that were actually general
stores selling tobacco products in addition to other
general daily use items. (Table – 3)

Discussion
In the present study it was found that a huge majority of vendors were not following the prescribed board size norms. The board in many cases were found to be large enough to be easily noticeable from a significant distance. A majority of these boards were advertisement boards supplied by tobacco companies to the vendors and were found to be clearly branding the company’s product. More than two thirds of the boards were illuminated, which ensures that advertisement persists even after the daylight. The warning message was present only in a third of the vendors and even in such cases the message was styled and strategically located that its presence next to the tempting product was difficult to notice. Similar findings of high violation (around 70 – 80%) of section 5 & 6(a) of COTPA were also seen in other studies done by Sonu Goel et al (6) in Mohali, Vadodara and Chennai; and Laxmi (7) in Mysore district of Karnataka. Such substandard compliance portrays the laggardness in implementation efforts by the enforcement agencies and confers easy access of tobacco products to minors, thus further contributing to the towering burden of tobacco use related hazards. However, in a similar study done in 5 cities of Maharashtra high compliance was seen which depicts better enforcement efforts at play there (8).

The situation becomes more debilitating due to the presence of mobile tobacco selling shops which usually cater to multiple locations based on their peak attendance and are able to easily evade enforcement personnel on the scene. Adding to dearth of the situation is the significant number of the shops which are partial or non-exclusive in nature which sell tobacco products along with their main business. The most common and largely accessible among these shops are general provision stores which are frequented by non-users of tobacco as well and thus form a strategic standpoint for the tobacco companies to lure in additional customers. It was also noticed that in both of these, the mobile shops and the general stores provisioning tobacco products, the advertisement was mainly in the non-board forms such as stickers, banners, posters etc.

The poor Compliance to Section 5 and 6(a) in the present study reflects the shallowness of the efforts by the administration in monitoring and regulation of the act. For an effective implementation of the law it is necessary to continuously monitor and penalize the violators. One of the main issues in such case is that they are not aware of the law in its subtlety.

Even those who are aware of the provisions of the law are found to be violating it openly as the monetary incentives associated with the non-compliance (brand advertisement) are often more lucrative and serves as an extra source of income for such vendors.

**Conclusion**

The study clearly depicts a gross violation of tobacco control legislation, pertaining to the advertisement and display of warning message board, across a majority of POS. Apart from lack of enforcement of the anti-tobacco law in its letter and spirit; the symbiotic relationship between tobacco companies and vendors, based on strong monetary incentive, also serves as the major contributor towards non-compliance. The mushrooming of tobacco vendors in the absence of any licensing regime also contributes to the overall non – compliance pool. These all factors together ensure that the higher non-compliance persists and thus proves detrimental to the overall anti-tobacco related efforts.

**Recommendation**

In order to achieve higher compliance, comprehensive approach such as strict enforcement of penalizing measures by the enforcement agencies, tobacco sale licensing regulations similar to the liquor license, periodic assessment and reporting of the shops, is required. Further efforts like increasing legal awareness of vendors and sensitization among the public must be done to tackle the issue in a more effective manner.

**Relevance of the study**

The present study throws light on the dreadful condition of tobacco control and extent of implementation of Section 5 & 6(a) of COTPA, 2003 in Ahmedabad city.

**Authors Contribution**

All authors made substantial contributions to the present study in the form of its conception and design, data acquisition and analysis, drafting of the article and its critical revision for publication.

**References**


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Nov;3(11):e442. PubMed PMID: 17132052; PubMed Central PMCID: PMC1664601.[PubMed]


Tables

<table>
<thead>
<tr>
<th>TABLE 1 COMPLIANCE OF POS WITH PROVISIONS OF SECTION 5 &amp; 6(A) OF COTPA, 2003</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Main Display Board (MDB) parameters</strong></td>
</tr>
<tr>
<td>Board of compliant size</td>
</tr>
<tr>
<td>Presence of prescribed warning message</td>
</tr>
<tr>
<td>Not displaying any tobacco advertisement</td>
</tr>
<tr>
<td>Not backlit/ illuminated</td>
</tr>
<tr>
<td>Presence of board saying sales to minors is an offence</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TABLE 2 COMPLIANCE OF WARNING MESSAGE WITH PROVISIONS OF SECTION 5 &amp; 6(A) OF COTPA, 2003.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Warning Message parameters</strong></td>
</tr>
<tr>
<td>Health warning not written in white background</td>
</tr>
<tr>
<td>Size of health warning &lt; 20 x 15 cm</td>
</tr>
<tr>
<td>Health warning was not written on uppermost portion of a board</td>
</tr>
<tr>
<td>Health warning was not written in an applicable language</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TABLE 3 CHARACTERISTICS OF POS BASED ON MOBILITY AND NATURE OF BUSINESS.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TYPE of POS</strong></td>
</tr>
<tr>
<td>Based on mobility</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Based on nature of business</td>
</tr>
<tr>
<td></td>
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</tbody>
</table>