

SHORT ARTICLE

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

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Abstract	Introduction	Methodology	Results	Conclusion	References	Citation	Tables / Figures
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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, COTPA, 2003.

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 checklist 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

Main Display Board (MDB) parameters	
Maximum permissible size	60cm x 45cm
Absence of tobacco product advertisement	No brand pack shot or brand name or other promotional message
Warning Message parameters	
Display Message	Tobacco Causes Cancer or Tobacco Kills
Background Colour	White
Minimum Size	20cm x 15cm
Location on MDB	uppermost
Language	English, Hindi or Local

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

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

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.

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Tables

TABLE 1 COMPLIANCE OF POS WITH PROVISIONS OF SECTION 5 & 6(A) OF COTPA, 2003

Main Display Board (MDB) parameters	Number of Point of Sale (POS) in Ahmedabad (n=432)
Board of compliant size	66 (15.3)
Presence of prescribed warning message	147 (34.0)
Not displaying any tobacco advertisement	229 (53.0)
Not backlit/ illuminated	131 (30.3)
Presence of board saying sales to minors is an offence	0

TABLE 2 COMPLIANCE OF WARNING MESSAGE WITH PROVISIONS OF SECTION 5 & 6(A) OF COTPA, 2003.

Warning Message parameters	Main Display Boards present with prescribed warning message (n=147) out of 432 POS
Health warning not written in white background	106 (72.1)
Size of health warning < 20 x 15 cm	100 (68.0)
Health warning was not written on uppermost portion of a board	125 (85.0)
Health warning was not written in an applicable language	0

TABLE 3 CHARACTERISTICS OF POS BASED ON MOBILITY AND NATURE OF BUSINESS.

TYPE of POS	Number of POS (n=432)
Based on mobility	Fixed 333 (77.1)
	Mobile 099 (22.9)
Based on nature of business	Exclusive tobacco vendor 315 (72.9)
	Partial tobacco vendor 117 (27.1)