

Enforcement of Section 5 of COTPA in a District in South India: Hits and Misses

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Abstract

The Cigarettes and Other Tobacco Products Act (COTPA) has been enacted in the year 2003 and came into force in the following year. Section 5 of COTPA prohibits advertisement of cigarette and other tobacco products. Despite being in force for more than 15 years COTPA has not been enforced to its fullest extent.

Objectives: The study's goal was to assess the current level of compliance to Section 5 of COTPA in Kolar.

Methodology: A sample size of 423 Points of Sale (PoS) shops was calculated based on 95% confidence level, by using Open Epi software 3.01, a 50% anticipated compliance rate and a 5% error margin with a design effect of 1.1. Data analysis was done using SPSS Version 22.

Results: Among the 423 PoS surveyed very few were found displaying advertisements in the form of boards (6 Nos, 1.4%), Posters (6 Nos, 1.4%), banners (2 Nos, 0.5%), or stickers (2 Nos, 0.5%). In fact, no shop was found to have displayed any dangle, LCD, product show case, illuminated boards, black lit or offering promotional gifts and inserts.

Conclusion: The study revealed a fair amount of compliance to Section 5 of COTPA in Kolar. In fact the very absence of any shop displaying dangles, LCDs, illuminated or black lit advertisement boards or offering promotional gifts and inserts were encouraging findings.

Key Words: Tobacco, Section 5, Compliance, Point of Sale

Introduction

The use of tobacco has grown in epidemic proportions and is considered as posing one of the greatest risks to global public health that has ever existed and killing more than 8 million people every

world year around the world. More than 7 million deaths are caused by tobacco use directly, while the remaining fatalities are brought on by exposure to secondhand smoke. Around 80% of the 1.1 billion smokers globally reside in low and middle-income

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countries (LMIC), where the burden of tobacco-related illness and deaths are the highest.¹ According to Global Adult Tobacco Survey (GATS) 2016-17, India's current tobacco usage prevalence is 32 %. While 11 % of tobacco consumption in India is in the form of smoking tobacco, smokeless tobacco constitutes 21 % of tobacco users.²

Even though several studies point to the growing burden of tobacco use, the extent, pattern and factors associated with tobacco use is not clearly known. According to NFHS-4 Report (2015-16), In the age group of 15 to 49, about 45% of males and 7% of women use some form of tobacco. The most popular method of tobacco use among men is chewing paan-masala or gutkha (15%), closely followed by cigarette smoking (14%) and using bidis (13%).³

In 2019 WHO reported the GATS study of India that 38% of adult smokers and 33 % of adult smokeless tobacco users witnessed to quit tobacco through mobile phone cessation messages and also emphasized to ban tobacco marketing by direct advertisements in National, International, radio and local magazines. At least 90% of the population covered by sub national legislation has been completely banned the tobacco advertisement, promotion and sponsorship.⁴

Majority (98%) of the shops in many zones of Delhi were not advertised any tobacco products have followed the implementation of Section 5 of the COTPA Act effectively.⁵

The COTPA (Cigarettes and Other Tobacco Products Act) has been in force since its introduction in 2004 and contains provisions that restrict advertising and control trade, commerce, manufacturing, supply, and distribution of tobacco products. The Prohibition of Smoking in Public Places went into effect on October 2, 2008 (Rules) which was officially made into a law to deal with the gaps existing in the present COTPA and also act as a ban on public smoking.⁶

Though Anti-Tobacco laws have been formulated and implemented in almost all the states of India, compliance to these laws have been limited. Keeping in view the lack of strictness in the enforcement of such laws, the aim of COTPA has not been realized as contemplated. Due to the perfunctory enforcement of law, the full potential of COTPA is yet to be realized to its fullest extent.

The legal measures to implement is a big challenge. The current study was expected to bring out compliance abidance at the points of sale of cigarette and other tobacco products in accordance with the COTPA. It was also envisaged that the study would generate actionable evidence for proper enforcement of COTPA.

Methodology

A community based cross-sectional study was conducted out during the months of March - April 2020 to assess compliance to the provisions mandated under COTPA for tobacco control with specific reference to Section 5 related to advertisement of tobacco at the point of sale (PoS). For the study Talukas were assumed as clusters and three clusters (viz. Kolar, Mulbagal and Bangarpet Talukas) of Kolar District were selected randomly where all the PoS of tobacco products were observed to assess the compliance to the Section 5 of COTPA.

Three field teams were formed comprising at least two members to covertly observe and record their findings regarding the compliance to the Section 5 of COTPA pertaining to the PoS. Each team was given the responsibility to collect information from a particular cluster allotted to it.

Four core indicators namely, profile, type of the PoS, display of advertisement and display of health warning at the PoS were captured using this tool.

The teams made observations on the PoS during the busiest period of business hours for 20 minutes and filled the observational checklist at the field level itself. No interactions were made with anyone. Surveys were conducted in all the clusters simultaneously by different teams until the required total sample size was achieved.

To ensure quality and reliability of data all team members were trained to comprehend health problems related to tobacco, the provisions for tobacco control under COTPA, identifying PoS of tobacco and conducting the required survey with Observation checklist. Additionally, 10% of the observations were visited by a team of investigators to validate the observations made by the field investigators. Photographs of observed violations were also taken as supportive proof.

Before beginning the main survey, a practice run was conducted at select field sites to improve recording skills. Errors made was discussed and process of entering information in the Observation Checklist was revised.

A sample size of 423 Points of Sale (PoS) shops was calculated based on 95% confidence level, by using Open Epi software 3.01, with 50% anticipated compliance rate and a 5% error margin with a design effect of 1.1., as three clusters (Kolar, Mulbagal and Bangarpet Talukas) were randomly selected out of five. Data analysis was done using Microsoft Office Excel 2010.

This study was conducted as part of evaluation of the status of implementation of COTPA in collaboration with the Tobacco Control Board (TOCB), Kolar, Karnataka.

Prior to the start of the study, the Institutional Ethical Clearance has been obtained.

Results

Table 1: Type of Point of Sale/Tobacco shops based on business

Sr. No.	Type of Shop (Business)	Units in No.	Units in (%)
1.	Total number of PoS (Tobacco shops) observed	423	100
2.	No. of temporary shops	19	4.5
3.	No. of permanent shops	404	95.5
4.	No. of exclusive tobacco shop	13	3
5.	No. of tobacco shop selling mainly tobacco products but also sells other things	392	93
6.	No. of shops for whom tobacco sale is not a major business	17	4

Three clusters with a total of 423 PoS were visited (141 PoS in Kolar, Mulbagal and Bangarpet Talukas respectively). More than 95% of PoS were permanent ones and 93% of PoS sold mainly tobacco products

but also sold other items besides tobacco. Only 3% of the shops were selling tobacco products exclusively. (Table 1)

Table 2: Profile of Point of Sale/Tobacco vendors in district Kolar of Karnataka

S. N	Variables	No.	%
1.	Total number of PoS observed for Section 5	423	
2.	No. and % of PoS displaying advertisements	16	3.8%
3.	No. and % of PoS displaying advertisement boards	6	1.4%
4.	No. and % of PoS displaying advertisement posters	6	1.4%
5.	No. and % of PoS displaying advertisement banners	2	0.5%
6.	No. and % of PoS displaying advertisement stickers	2	0.5%
7.	No. and % of PoS carrying out advertisement through LCD	Nil	Nil
8.	No. and % of PoS displaying advertisement dangles	Nil	Nil
9.	No. and % of PoS giving promotional gifts/ offer	Nil	Nil
10.	No. and % of PoS having product showcases	50	11.80%

(Table 2) Majority 50 (12%) of the shops were showcasing tobacco products like, cigarettes, bidis and other tobacco containing items for easy visibility. Only 16(3.8%) shops had display of advertisements of which 6 (1.4%) shops were found displaying such advertisement in the form of boards and 6 (1.4%) were found having posters of tobacco products while only 2(0.5%) PoS had banners and stickers for advertisement of tobacco products. None of the PoS had any digital display i.e. LCD and the dangles for advertisements. No shop was found to offer any promotional gifts along with the tobacco products.

Table 3: Compliance of advertisement boards displayed at each point of sale in District Kolar of Karnataka

Sr. No	Number of Point of sale violating the provision of Section 5 for display of advertisement boards	No.	(%)
1.	Size of boards exceeded 60x45 cm	6	1.4
2.	Boards were illuminated or back lit	Nil	Nil
3.	Boards displayed brand name/ pack shot	5	1.2
4.	Board displayed promotional message	Nil	Nil
5.	Advertisements extended to full body	5	1.2

As regards to the advertisement of tobacco products at the PoS were concerned only 6(1.4%) shops had exceeded the board size of more than 60cm x 45cms. Only 5 (1.2%) shops displayed brand name which the investigator noticed only for local bidi brands. At Bangarpet PoS (2%) Honey comb poster displayed without mentioning the brand name. There were full body advertisements over the walls at 5 (1.2%) PoS. Illuminated or black lit boards were not found at any PoS. None of the shops visited displayed any promotional messages. (Table 3)

Table 4: Compliance related to health warnings on the advertisement boards in district Kolar of Karnataka

Sr. No	Point of Sale (PoS) violating the provision of Section 5 for display of advertisement boards	No.	(%)
1.	Boards displayed health warning	54	13
2.	Boards haven't displayed health warning	369	87
3.	Health warning not written in white background with black letters	Nil	Nil
4.	Size of health warning was more than 20 x 15 cm	50	12
5.	Health warning written on uppermost portion of a board	50	12
6.	Health warning written in local language	50	12

(Table 4) Indicates the state of compliance of the

PoS to health warnings on the advertisement boards. Out of the total shops selling tobacco, 369 (87%) of the sellers did not display any health warnings on the advertisement boards. Out of those displayed health warnings, (5.8%) the same was not written on white background with black letters and in 50 (12 %) of them the size of health warning was more than 20 cm x 15 cm. Further, among 50(12%) of the shops the health warnings were displayed at the top portion of the boards and were written in local language.

Discussion

The current compliance monitoring Survey was conducted by visiting 423 shops (PoS) in Kolar District, Karnataka. The overall compliance according to Section 5 of COTPA which deals with prohibition of direct or indirect advertisement, promotion and sponsorship of cigarettes and other tobacco products in Kolar District was 84 % (357). However, Jain ML et.al found a higher compliance rate of 94%, 91%, 93% and 94% to the same section of COTPA at Alwar City, Thanagaji block, Ramgarh block and Alwar rural respectively in Rajasthan.⁷

Lower rates of compliance were reported in a study conducted in Delhi during the year 2017 (55%). A further lower compliance rate of compliance (53%) was also reported by Khargekar et. as compared to our findings. This difference could be due to a differential in the initiatives of the law enforcing authorities to implement COTPA and also could be due to the awareness drive launched recently by the District Tobacco control Task Force on tobacco.^{8,9} A study conducted at Shimoga, Karnataka in 2018 reported 8.4% of the PoS had displayed advertisement related to tobacco products, where as in our study it was only 3.8%.¹⁰

Though the investigators noticed only 5(1.2%) shops displaying brand names of the tobacco products confined to local bidi brands, at some places honey comb posters were found without any brand name. Though at 5(1.2%) places full body advertisement over the walls of the PoS areas were noticed in a study which was reported by Govil S et. al and reported that most of the advertisement boards were supplied by tobacco companies to the vendors (PoS) and were found to be clearly advertising the company's product in Ahmedabad City.¹¹ Compliance

assessment conducted by Divyambika Catakapatri Venugopal et al at Chennai¹² found that 85.6% of PoS advertised tobacco, and while 83.1% of them had illuminated and attractive boards, 89.8% had open attractive display of the products. In contrast to this open showcasing of cigarettes and other tobacco products were only 11.8% was found in the current study carried out in Kolar.

In yet another study conducted by Sonu Goel et.al¹³ among the three jurisdictions (Chennai city, and the districts of Vadodara and Mohali) the non-compliance rates related to health warnings on advertisement boards (boards did not display health warnings) was recorded as 16.3% and the size of the health warnings less than 20 cm x 15 cm among the health warning display boards was present at 99% of the PoS but in this study 87% of PoS did not display any advertisement boards related to health warnings. Close to a similar observation was made in a study conducted by Pimple S et. al in Mumbai, where 75% of the PoS had not displayed health warnings.¹⁴

Conclusion

The study revealed a fair amount of compliance to Section 5 of COTPA in Kolar district. In fact the very absence of any shop displaying dangles, LCDs, illuminated or black lit advertisement boards or offering promotional gifts and inserts were encouraging findings. However, the practice of showcasing tobacco products like, cigarettes, displaying oversized advertisement boards than permissible, display tobacco brands and honey combed advertisements of tobacco products, need to be curbed. These indicates a fair degree of enforcement of the act and probably a good degree of awareness regarding the act.

Ethical approval

For conducting study was obtained from the Institutional Ethics Committee, Sri Devaraj Urs Medical College, Tamaka, Kolar (IEC Ref No, SDUMC/KLR/IEC/309/2019-20. The study doesn't require patient information sheet or informed consent.)

Availability of data and materials:

The data used to support the findings of this study are available in the Department Research Locker. If required the data will be shared.

Patient consent for publication: Not required for this study.

Source of Funding: Tobacco Control Board, Kolar, Karnataka

Conflict of Interest: Nil

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