



Tobacco Advertisements, Products Displays, Sales & Promotions around Educational Institutions

Background

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).

- As per Section 6 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA), there is a ban on the sale of tobacco to and by minors..
- Under Section 6 (b) of COTPA, the sale of tobacco products is prohibited in an area within a radius of 100 yards of any educational institutions and mandatory signage in this regard should be displayed prominently near the main gate and on the boundary wall of the school/institute.
- Under COTPA Rules, tobacco advertising and promotion and tobacco product display is banned at the point of sale.
- 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 / provision that the shops permitted to sell tobacco products cannot sell non-tobacco products such as toffees, candies, chips, biscuits, soft drinks, 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.
- Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 additionally criminalizes the distribution of tobacco products to children.
- The Global Adult Tobacco Survey, India (2016-17), by Ministry of Health and Family Welfare (MoHFW), shows that nearly 28.6% of adults use tobacco.
- The Global Youth Tobacco Survey, India indicates that 14.6% of 13 –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, and each day 5500 children begin tobacco use and consequently may become addicted.

Tiny Targets Study is part of a campaign which aims to provide children with safe tobacco-free learning environments by documenting tobacco marketing near schools, mobilizing educators and students to take action, and urging governments to enact and implement comprehensive tobacco control laws.

In India, Consumer Voice and Voluntary Health Association of India conducted a Tiny Targets study to determine the extent of tobacco products being marketed and sold around schools in India. A total sample of 243 schools and 487 points of sale were closely surveyed during this study in these 20 cities.

Objectives of the Study

- 1.To gather additional evidence regarding tobacco products being sold around educational institutions,
- 2.To assess COTPA compliance near educational institutions,
- 3.To expose Tobacco Industry tactics to target youth.

Methodology

Field investigators were equipped with a mobile reporting form to document instances of tobacco companies advertising, selling, displaying, or incentivizing the sale of tobacco products within 100-meter radius. (Although India prohibits sales around schools within a radius of 100 yards, Kobo Toolbox used 100 meters as a standard. A yard has been defined as exactly 0.9144 meters).



The mobile form automatically captured the date, geographic coordinates, and data collector name for each record uploaded to the dataset.



Data gathered from an app Kobo Toolbox was then 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 school.

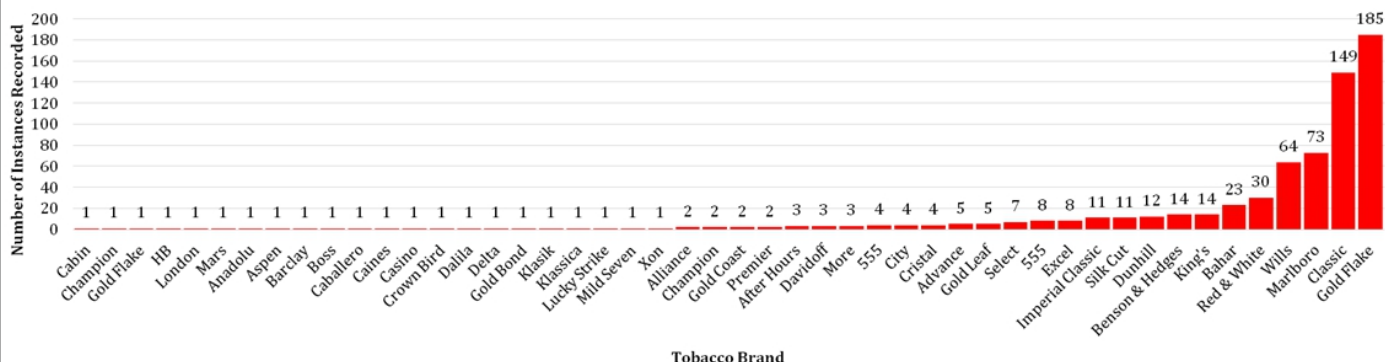
Result

- Nearly half of the vendors around schools sell tobacco products. (Investigators observed 225 points of sale selling tobacco products out of the 487 surveyed around schools. Street vendors were the most common form of vendors at 56.6% of the 225 tobacco points of sale observed.)
- Multinational tobacco companies sell tobacco products around schools. (Investigators documented that, of the 225 tobacco points of sale observed, 52.2% carried British American Tobacco brands and 25.3% carried ITC brands.)
- Vendors advertise tobacco products around schools. (Investigators observed tobacco advertising at 34% of the 225 tobacco points of sale observed.)
- Vendors sell cigarettes and bidis via single sticks, making these products cheap and accessible to children and youth. (Investigators observed single stick sales in 90.9% of the 225 tobacco points of sale observed).
- Vendors display tobacco products in ways that are appealing to children and youth. (Investigators documented that, of the 225 tobacco points of sale observed, 91% of displays were at 1 meter – a child's eye level; 54% of the points of sale had no visible health warning; and 90% of displays were beside candy, sweets and toys – items marketed to children.)
- Vendors utilize sales techniques such as discounting products and distributing free samples. (Investigators documented that, of the 225 tobacco points of sale observed, 37.5% offered price discounts and 32.5% offered free tobacco products).



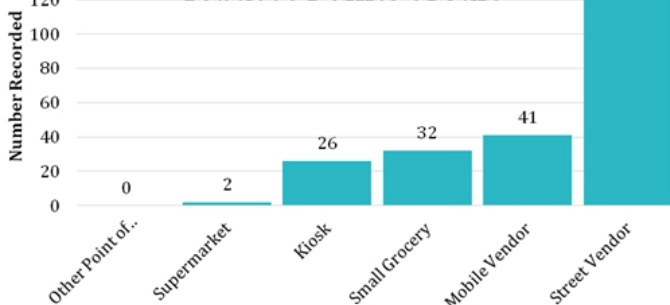


Brands Sold, Advertised, or Displayed



Instances of tobacco brands sold, advertised, or displayed recorded in India

Tobacco Points of Sale



The most common and popular types of points of sale in these areas were street vendors (56.6%), followed by mobile vendors (17.5%) and small grocery stores (13.7%)



Recommendations:

- Make tobacco industry accountable for their aggressive advertising efforts around our children's schools
- Urgent action required from the Government agencies to stop tobacco companies from targeting youth
- The government must improve enforcement of COTPA.
- Municipal authorities should implement the MOHFW's 21st September 2017 advisory by licensing tobacco vendors. Regulating tobacco vendors can aid COTPA enforcement. COTPA compliance should be a condition of a vendor license where violations of COTPA constitute a violation of the license itself.
- Municipalities further can enforce state bans on the sale of single sticks of tobacco through vendor licensing with violations of such bans constituting a violation of the license itself.



MoH&UA Advisory

1166910/2018/LSG

SANJAY KUMAR, IAS
Joint Secretary
and Mission Director (DAY-NULM)
GOVERNMENT OF INDIA
MINISTRY OF HOUSING & URBAN
POVERTY ALLEVIATION



संजय कुमार, आई.ए.एस.
संयुक्त सचिव
एवं मिशन निदेशक (डी.आ.यो.-रा.श.आ.मि.)
भारत सरकार
आवास और शहरी गरीबी उपशानन मंत्रालय

D.No. N-11025/41/2018-LSG
25th September, 2018

Madam/Sir,

This is to draw your attention to the advisory issued by Ministry of Health and Family Welfare vide their letter dated September 21, 2018 on the issue of making the regulation for selling of tobacco products more effective with the development of a mechanism to provide permission/authorization through Municipal Authorities to retail shops selling tobacco products. A copy of the advisory is attached for ready reference.

MoH&FW Advisory

ARUN KUMAR JHA
Economic Adviser
Tel : 011-23061790
E-mail : arunkjha@nic.in



SPEED
भारत सरकार
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
निर्माण भवन, नई दिल्ली - 110011
GOVERNMENT OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
NIRMAN BHAVAN, NEW DELHI - 110011

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Dated, 21st September, 2017

The Central Government has enacted the Cigarettes and other Tobacco products (Prohibition of Advertisement and Regulations of Trade and Commerce Production, Supply and Distribution) Act, 2003(COTPA), to discourage the use of tobacco with emphasis on protection of children and