

JANUARY 2021

Big Tobacco, Tiny Targets

CONSUMER
VOICE



**VOLUNTARY HEALTH
ASSOCIATION OF INDIA**
Making Health and Development a Reality for the people of India

Big Tobacco, Tiny Targets

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1. Executive summary

Background

An estimated 8 million people die due to tobacco use globally every year. More than 7 million of these deaths are from direct tobacco use and around 1.2 million are due to non-smokers being exposed to second-hand smoke. It is imperative that Tobacco is one of the biggest public health concerns around the world. It is the leading preventable cause of morbidity and mortality globally and in India, which requires perpetual surveillance from public health experts and policy makers around the world.

India is not far behind in contributing to the global burden of tobacco. 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 use¹. The menace has also clenched the youth of the country. 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, and the average age at initiation of daily tobacco use is 18.9 years. As per the GATS data, 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. According to the MoHFW, 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. One third of these 5,500 children will lose their life to tobacco through diseases like cancer, heart attack, asthma, among others.

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. Internal industry documents reveal in-depth research and calculated approaches designed to attract a new generation, the

youth, to tobacco use with an aim to replace the millions of their customers who die each year from tobacco. The industry employs exhaustive strategies from product design to marketing campaigns to allure the youth, deceiving them of the consequential health harms.

Tobacco Industry documents publicly released as a result of U.S. litigation settlements reveal corporate strategies to manipulate youth —whom they consider to be the “*base of our business*”— and target them as replacement smokers². Volumes of internal documents, and decades of peer-reviewed research indicate tobacco companies market to children as young as age 13 to addict them early and increase youth smoking rates. And studies from the early 1990s show children as young as age three years old could identify Joe Camel just as easily as Mickey Mouse³.

From the documents, it is clear the tobacco industry knows that the overwhelming majority of smokers first begin to smoke while still in their teens and that the teenage years are “*the years in which initial brand selections are made*.” Attracting youth smokers through “*new brands tailored to the youth market*” was a key part of one Tobacco Company’s business strategy to increase profits and ensure the survival of a company⁵.

In corporate documents, the tobacco industry affirms its ability to influence its sales and distribution locations, including retailers, to promote and sell products.

- BAT states in its 2015 Annual Report “*half of our global volume is sold by retailers, supplied through our direct distribution capability or exclusive distributors. We continuously review our route to market, including our relationship with wholesalers, distributors and logistics providers. Our global footprint and direct distribution capability enables new product innovations to be distributed to markets quickly and efficiently*”⁶.
- PMI indicated in its 2015 Annual Report that it’s new strategic framework is beneficial due to its “*more effective communication with our retailers about our brands*” and “*increased speed, efficiency and widespread availability of our products*”⁷.

India has been amongst the first countries to ratify the WHO Framework Convention on Tobacco Control (WHO FCTC) in 2004, and has undertaken several domestic tobacco control initiatives. The country enacted comprehensive tobacco control legislation, entitled, “The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003” (COTPA), with the objective of protecting the public health of citizens and certain risk groups from tobacco use. 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 schools and institutes. Also, Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 additionally criminalizes the distribution of tobacco products to children.

MoHFW issued an advisory in 2017, recommending the licensing of tobacco vendors through municipal authorities. The advisory observed 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 Poverty Alleviation on Sept. 28, 2018 issued similar advisories to all Principal Secretary/Secretary Urban Development/Local Self Government) of all States/UTs/Urban Local Bodies for ensuring licensing mechanism for tobacco vendors.



In another development, the 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 epidemic.

Despite these laws and prohibitions to curb the sale of tobacco products to children and youth, numerous outlets including grocery stores have been selling tobacco products around educational institutes in India. 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 with support from Campaign for Tobacco-Free Kids, undertook a study in November 2017, titled '*Big Tobacco, Tiny Targets*'. The study recorded compelling data on various point of sale violation around educational institutes across 20 cities in India. The study revealed insights on tobacco advertising, display, promotion and marketing by the tobacco industry around educational Institutes in India. The report was then shared with the Ministry of Health and Family Welfare, Government of India and others stakeholders for further measures. Ministry of Health and Family Welfare then revised the guidelines for Tobacco Free Educational Institutions, to provide a fresh momentum for implementation of tobacco control initiatives among adolescents and young adults.

Numerous outlets including grocery stores have been selling tobacco products around educational institutes in India



Big Tobacco, Tiny Targets 2020: Summary of findings

The present ‘*Big Tobacco, Tiny Targets*’ study is a successor to the erstwhile study. **Voluntary Health Association of India and Consumer Voice** with support from **Campaign for Tobacco-Free Kids**, undertook the present study with an objective to collect evidence on COTPA gaps and violations at point of sale to support key arguments for COTPA amendments. The study was undertaken from October 2019 to December 2019 in 25 cities (Ahmadabad, Bhopal, Chennai, Coimbatore, Dibrugarh, Faridabad, Gwalior, Guwahati, Hyderabad, Indore, Jabalpur, Jamnagar, Jorhat, Morbi, Mormugao, New Delhi, Noida, Panjim, Pudukottai, Rajkot, Rohtak, Tirupati, Vijaywada, Vishakhapatnam and Warangal) across 9 states of Gujarat, Madhya Pradesh, Tamil Nadu, Telangana, Haryana, Uttar Pradesh, Delhi, Assam, Goa and Andhra Pradesh. A total of 1011 Educational Institution’s and 885 points of sale were investigated where following violations were observed:

- **Selling of tobacco around educational institutions**— A total of 885 point of sale were identified to be selling tobacco products with 100 yards of educational institutes. *This is a violation of section 6(b) of COTPA.*
- **Street vendors selling tobacco products**— Out of 885 points of sale, 329 (37.18%) were street vendors as the most common type of point of sale.
- **Multinational tobacco companies selling tobacco products**— Out of the 885 point of sale, 577 (65.20%) points of sale had products of Philip Morris International followed by 348 (39.32%) points of sale with products of British American Tobacco and 216 (24.41%) with products of Japan Tobacco International.

Out of the 885 point of sale 678 (76.61%) points of sale had products of Imperial Tobacco Company of India Limited, which is the most popular among the Indian Companies. The most common national cigarette brands in India are Gold Flake, Wills Navy Cut, Flake, Classic Filter Kings, Charms, Four Square, Navy Cut, Red & White and India Kings. Bidis like 30 No. Bidi, 55 No. Bidi, 50 No. Bidi, Amber Bidi, Alok Bidi etc. Popular smokeless tobacco products include Vimal, Rajni Gandha, Pass-Pass, Pan Parag, Pan Masala, Tusli, Shikhar, etc.

- **Advertisement of tobacco products**— 117 (13.2%) points of sale had outdoor advertising, 369 (41.69%) points of sale had posters and 107 (12.09%) had big banners. *This advertising violates Section 5(2) of COTPA and Notification G.S.R. 345(E) which established strict rules for any display boards used at the entrances of shops where tobacco is sold.*
- **Display of tobacco products to attract children and youth**— Out of the 885 points of sale investigated, 640 (72.32%) points of sale displayed cigarettes near candies and sweets to attract children, 669 (75.59%) points of sale had displayed tobacco products at the eye level of the child
- **Promotional discounts by the tobacco companies**— Out of 885 points of sale investigated, 111 (12.54%) offered free distribution of tobacco products for their promotion, 106 (11.98%) points of sale offered special or limited-edition pack and 105 (11.86%) offered price discount on tobacco products. *Free distribution of tobacco products and promotion through discounts is prohibited by section 5(3) of COTPA.*
- **Selling of single stick cigarettes**— Our investigators logged that out of the 885 points of sale, 771 (87.12%) points of sale, sold single stick cigarettes.

2. Methodology

Between October 2019 to December 2019, field agents performed visual surveys of tobacco advertising, sale, displays, and purchase incentives located within a 10-minute walking distance radius of primary, and secondary schools in 25 cities (Ahmadabad, Bhopal, Chennai, Coimbatore, Dibrugarh, Faridabad, Gwalior, Guwahati, Hyderabad, Indore, Jabalpur, Jamnagar, Jorhat, Morbi, Mormugao, New Delhi, Noida, Panjim, Pudukottai, Rajkot, Rohtak, Tirupati, Vijaywada, Vishakhapatnam and Warangal) across 9 states of Gujarat, Madhya Pradesh, Tamil Nadu, Telangana, Haryana, Uttar Pradesh, Delhi, Assam, Goa and Andhra Pradesh. A total of 1011 Educational Institution's and 885 points of sale were investigated.

Kobo Toolbox

Field agents were equipped with a cellular-based mobile reporting form hosted on the survey and data-collection software, Kobo Toolbox (<https://www.kobotoolbox.org>), to document tobacco industry point of sale marketing tactics. Developed by the Harvard Humanitarian Initiative, KoBo Toolbox is a free, open source suite of tools for field data collection for use in challenging environments.

The mobile form included a survey in which field agents could input their observations of tobacco points of sale, advertising, products for sale, displays, brands, sales tactics and purchase incentives. When uploading this data, the mobile form automatically captured the date, geographic coordinates, and data collector name for each record uploaded to the dataset. Field agents were given the option to upload two pictures of their observations. The order of questions and format of response options were designed to facilitate rapid and discrete observation by data collectors.

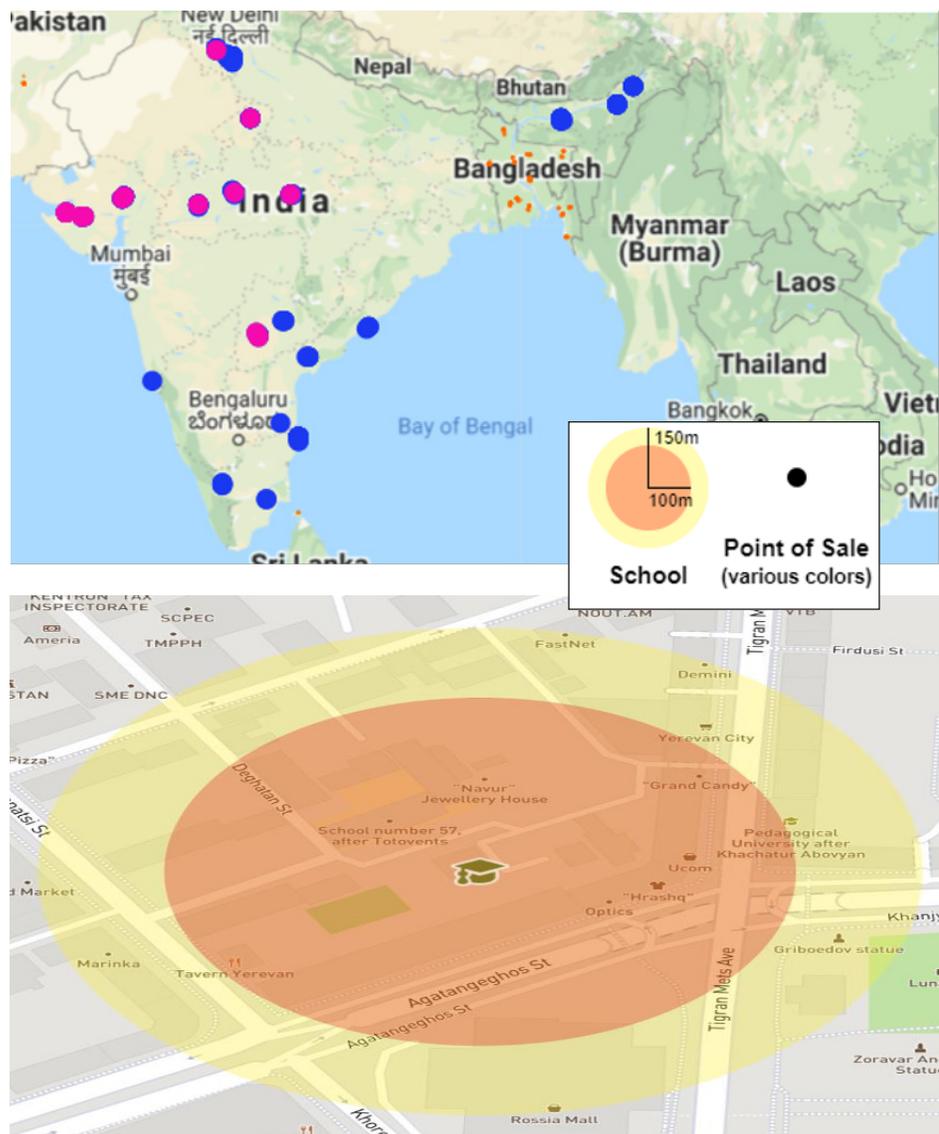
School data

Tiny Targets field agents observed and recorded the geographic coordinates of 885 points of sale (POS) around 1,011 primary and secondary schools in India.

Mapping

Data gathered by field agents was uploaded into the Kobo Toolbox form. Each data point (including longitude and latitude) was downloaded and mapped using MapBox, an open source mapping platform for custom designed maps. Using Mapbox we plotted all educational institutions for minors. To view all maps, go to: <http://map.takeapart.org/>

Each school then had two radii drawn to measure the school's distance from recorded tobacco advertising, sales, displays, and purchase incentives. Radii were drawn 100m (in orange) and 150m (in yellow) from schools. The scale of the maps is according to the image to the right:



3. PoS in India Investigation Results

Observations from data collectors

A total of 885 points of sale were investigated to document instances of tobacco companies advertising, selling, displaying or incentivizing the sale of tobacco products within 100 yards of Educational Institutions in India. As per Section 6 (b) of the Cigarettes & Other Tobacco Products Act (COTPA), sale of tobacco products is prohibited in an area within a radius of one hundred yards of any educational institutions. The data collectors observed various violations, which are as follows:

- Near one of the schools in a posh location of South Delhi, investigators observed that minors were involved in selling tobacco products. A few points of sale in East Delhi had minors who may or may not be selling these products but were present at the point of sale.
- Many points of sale in Telangana were selling tobacco products to minors; violating section 77 of the Juvenile Justice Act where selling of intoxicating liquor, narcotic drug or psychotropic substance to minors is a punishable offence.
- Close to one of the schools in South Delhi, data collectors observed sellers were fined for COTPA point of sale violation, but they continued selling their products as earlier.
- A few sellers in North Delhi offered E-cigarettes even though the Government had issued the ordinance to ban e-cigarettes in India. These E-cigarettes though not displayed at the point of sale, could be easily available in case an order is placed.

- Investigators observed at many places in Delhi and NCR where tobacco points of sale had products like chips, chocolates, candies available at the store for alluring children which were frequently visited by children.
- Keeping in view the violation of law by selling tobacco products around educational institutes, many sellers concealed their tobacco products and were vending them secretly. This was observed near of the schools in North Delhi, where a general store located at about 20 steps from the school, had deceptively kept cigarettes being evidently sold to people who may be aware about it.
- Investigators observed various points of sale around educational institutes in South Delhi were painted in tobacco company brand colours for advertising and promotion.



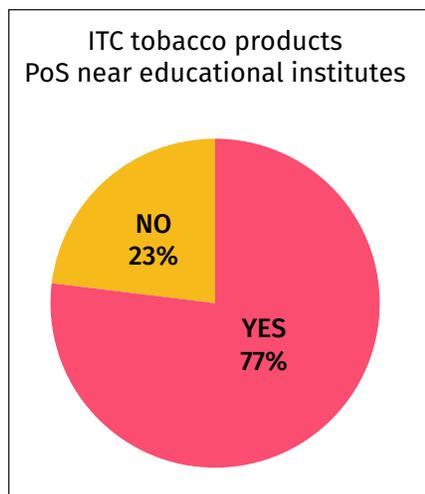
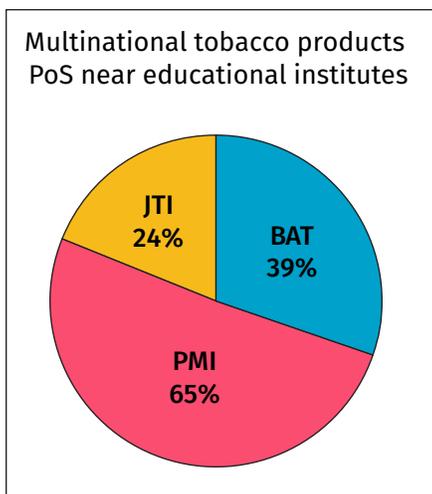
Brands by company

Multinational brands

Among multinational brands, British American Tobacco (BAT) cigarettes, Philip Morris International (PMI) and Japan Tobacco International (JTI) are the most common brands available in India. Out of the 885 point of sale, 577 (65.20%) points of sale had products of Philip Morris International followed by 348 (39.32%) points of sale with products of British American Tobacco and 216 (24.41%) with products of Japan Tobacco International.

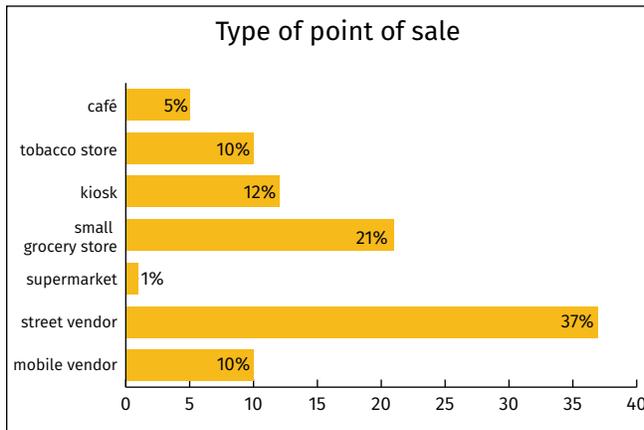
National brands

Imperial Tobacco Company of India Limited (ITC) is the most common Indian brand selling tobacco products in India. Out of the 885 point of sale 678 (76.61%) points of sale had ITC products. ITC cigarette brands like Classic, Gold Flake, Wills Navy Cut, Flake, and Bristol are the most selling brands.



Types of points of sale

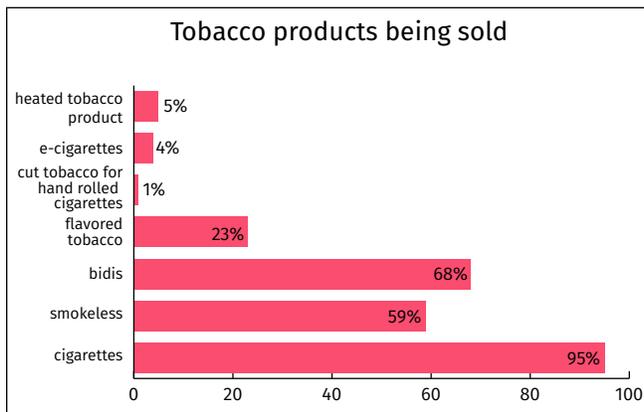
Our investigators logged all points of sale where tobacco products were available for purchase around educational institutions in India. Out of 885 points of sale investigated, 329 (37.18%) were street vendors which were the most common, followed by 185 (20.95%) small grocery stores, 104 (11.7%) were kiosks, 91 (10.28%) were mobile vendors and 88 (9.94%) were tobacco stores.



Tobacco products found

The most common tobacco products available for purchase around educational institutions in India were cigarettes. Out of 885 point of sale investigated, 840 (94.92%) sold cigarettes. Second most common tobacco product was Bidi, which was available in 598 (67.57%) points of sale.

Apart from the smoked tobacco products, sale of smokeless tobacco products were also common. Out of 885 point of sale investigated near educational institutions, 520 (58.76%) sold smokeless tobacco products, 201 (22.71%) sold flavored tobacco products and 47 (5.31%) sold heated cigarettes. Even though the government issued an ordinance to ban e-cigarettes in India in September 2019 considering the health harms, during the investigation, it was observed that 37 (4.18%) point of sale still sold e-cigarettes. The Parliament later passed The Prohibition of E-Cigarettes Act in India in December 2019.

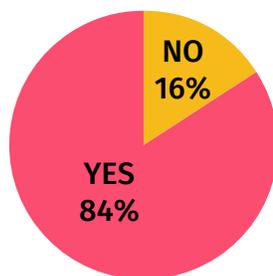


Tobacco displays

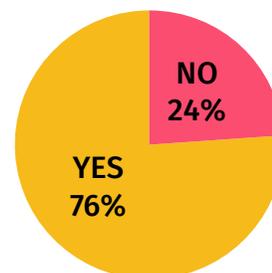
As per the investigation, out of 885 points of sale, 743 (83.95%) had displayed the tobacco products at the point of sale. One of the most common marketing tactics by the tobacco industry is the display of tobacco products at the eye level of the child. Out of 885 points of sale investigated around educational institutions in India, 669 (75.59%) had displayed tobacco products at the eye level of the child. The COTPA states that the owners of a store where tobacco products are sold shall not display tobacco products in such a way that they are visible so as to prevent easy access of tobacco products to persons below the age of eighteen years.



PoS with tobacco product display



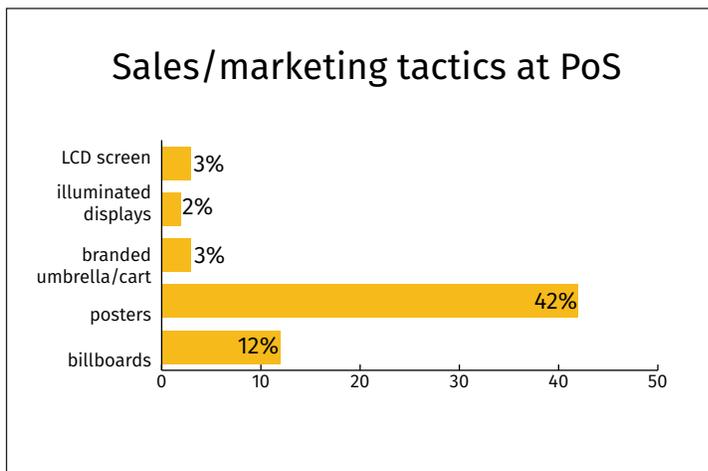
PoS with tobacco product displays at a child's eye level



Tobacco advertisements

Our investigators logged all forms of advertising at the points of sale around educational institutions in India. Out of 885 points of sale investigated, 111 (12.54%) offered free distribution of tobacco products for their promotion. 106 (11.98%) points of sale offered special or limited-edition pack and 105 (11.86%) offered price discount on tobacco products.

Apart from promotional discounts and rewards, points of sale were also advertising tobacco products through display boards and posters. Posters were the most common form of advertising with 369 (41.69%) points of sale advertising through posters. Billboards were the second most common form of display advertising available at 107 (12.09%) points of sale followed by outdoor advertising at 117 (13.22%) points of sale. As per COTPA, there are restrictions on the size of the display boards and it prohibits the use of photos of tobacco product brands, brand names, other promotional messages, and illumination.



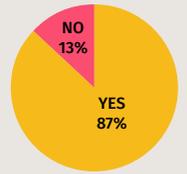


Single cigarettes found at points of sale

The tobacco industry sells loose cigarettes to target students on grounds of affordability as a single stick of cigarette costs much cheaper than the whole pack. Our investigators logged that out of the 885 points of sale, an overwhelming 771 (87.12%) points of sale, sold single stick cigarettes. Easy availability of single stick leads to early experimentation, initiation and persistence of tobacco use.



Single cigarette sale at PoS

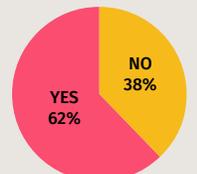


Hiding graphic health warnings at points of sale

Out of the 885 point of sale investigated, 553 (62.49%) displayed tobacco products in a way which hides the graphic health warnings on them neutralizing its effectiveness. Pictorial health warnings on tobacco products are the most cost effective tool for educating people on health risks of tobacco use.



Graphic health warnings hidden on tobacco product displayed



Tobacco products displayed next to candy, sweets, and toys

A clever tactic which the tobacco industry follows to target children is the display of tobacco products besides candies, sweets or toys to lure children who are their future potential customers. Out of the 885 points of sale investigated, an alarming 640 (72.32%) points of sale displayed cigarettes near candies and sweets to attract children.



4. Recommendations

COTPA amendments

The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) significantly aligns with the WHO Framework Convention on Tobacco Control (WHO FCTC) of which India is a signatory – but there are some key gaps which need to be addressed.

COTPA was enacted with the objective of discouraging the use or consumption of tobacco products and improving public health in general, however, it does not achieve the high levels of protection that could be achieved if there were full compliance with the WHO FCTC and its implementing guidelines.

The Government must expedite the following amendments of COTPA to safeguard the children and youth of our country:

- a. Ban all point of sale advertising by removing the exception in COTPA section 5(2);
- b. Ban all point of sale displays of tobacco products;
- c. Prohibit the sale of single sticks of cigarettes and bidis – one of the key means of attracting young people to tobacco use;
- d. Raise the legal age of consumption of tobacco products from 18 years to 21 years;

e. Establish effective penalties and fines. Currently fines and penalties set out in COTPA are insufficient to deter retailers and tobacco companies from violating the law.

In addition, while it is not relevant to the specific issues identified in this Tiny Targets study, another important amendment to COPTA that will improve the health of young people exposed to tobacco smoke, is to remove the provisions in the Act that allow for designated smoking areas in certain public places.

Government must improve enforcement of COTPA

COTPA prohibits tobacco sales within 100 yards of any school or educational establishment. Also, most forms of tobacco advertising, promotion and sponsorship are banned, with very strict rules established in Notification G.S.R 345(E) that limit the content, size and appearance of boards that are permitted outside stores or kiosks that sell tobacco.

This study shows that these aspect of the current law are being flagrantly ignored by retailers and tobacco companies in many cities across India.

Tobacco sales are pervasive and occur in supermarkets, pan-shops, kiosks, and on the street, among other places, with no need for vendors to obtain permission to sell tobacco products — except in a few municipalities.

It is imperative that enforcement is improved to protect children and young people from exposure to tobacco products and tobacco promotional activities. This requires resources to be made available to enforcement agencies, effective enforcement policies, and increased fines and penalties that will act as an effective deterrent for violations of the law.

Tobacco vendor licensing

Vendor licensing would prohibit the sale of any tobacco products without a license. Licensed vendors would be required to comply with the provisions set out in COTPA, the Juvenile Justice Act, 2015 and other state laws. Municipal authorities should implement the MOHFW's 21st September 2017 advisory (and the Ministry of Housing and Urban Poverty Alleviation advisory of 28 September 2018) by requiring all tobacco vendors to obtain a license.

- a. Enforcement of COTPA and any state tobacco control laws are improved by making compliance a condition of a vendor license;
- b. Suspension or withdrawal of a vendor's license for violations of COTPA or other relevant laws is an effective sanction. This will improve compliance with advertising restrictions, location of stores, sales to minors and sales of single sticks;
- c. Vendors can be licensed only in locations that are not within the proximity of educational facilities or other locations likely to have a high flow of children and young people;

- d. Municipalities can provide licenses only to shops that exclusively sell tobacco products so that children are not exposed to them in general stores, or at least prevent tobacco sellers from also selling products attractive to children such as candies, chips, biscuits and soft drinks.

Hold tobacco companies accountable

It is pertinent that not only the tobacco retailers but the tobacco companies should be held accountable for the violations of the law, especially for the tactics to target kids and younger generation such as PoS advertisements and other advertisement and promotions etc. Any advertisement will have been produced or licensed by the relevant tobacco company, or the company will have failed to prevent the production of the advertisement that contains its branding and trademarks.

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4. Johnston M. The decline in the rate of growth of Marlboro Red – Philip Morris, Correspondence to Dr RB Seligman. Minnesota Trial Exhibit 25571975; May 21.
5. RJR, R.J. REYNOLDS, T. CE JR. RESEARCH PLANNING MEMORANDUM ON SOME THOUGHTS ABOUT NEW BRANDS OF CIGARETTES FOR THE YOUTH MARKET; Some Thoughts about New Brands of Cigarettes for the Youth Market. 1973 February 02. Philip Morris; US Department of Justice. <https://www.industrydocumentslibrary.ucsf.edu/tobacco/docs/yvlf0019>
6. British American Tobacco. 2015 Annual Report.
7. Phillip Morris International. 2015 Annual Report.

Appendix A: Gallery

SN	State	Name of cities in TT-2 (25 cities)
1	Gujarat	1. Ahmedabad 2. Rajkot 3. Jamnagar 4. Morbi
2	Madhya Pradesh-	1. Bhopal 2. Indore 3. Jabalpur 4. Gwalior
3	Assam	1. Guwahati 2. Dibrugarh 3. Jorhat
4	Tamil Nadu	1. Chennai 2. Pudukottai 3. Coimbatore
5	Telangana	1. Hyderabad 2. Warangal
6	Delhi NCR	1. Delhi 2. Noida
7	Haryana	1. Rohtak 2. Faridabad
8	Andhra Pradesh	1. Vijaywada 2. Tirupati 3. Vishakhapatnam
9	Goa	1. Panjim 2. Mormugao (including Vasco da Gama)

DELHI



DIBRUGARH (ASSAM)



INDORE (MP)



JABALPUR (MP)



NOIDA



FARIDABAD (HARYANA)



ROHTAK (HARYANA)



TIRUPATI (AP)





Gto