



Assessment of Current Level of Compliance to COTPA (The Cigarette and other Tobacco Product Act) 2003 in Mysore District of State of Karnataka, India

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Abstract

Tobacco is the single greatest cause of death globally. As many as half of people who use tobacco die from the results of this use. The World Health Organization (WHO) estimates that each year tobacco causes about 6 million deaths (about 10% of all deaths) with 0.6 million of these occurring in non-smokers due to second-hand smoke. In the 20th century, tobacco is estimated to have caused 100 million deaths. The government of India implemented Cigarettes and other Tobacco Products Act of 2003, which prohibits smoking in public places, advertisement and regulation of trade and commerce, production, supply and distribution, direct or indirect advertisement, sponsorship and promotion of tobacco products and sale to and by minors and prohibition of sale around educational institutions. In order to find the compliance of COTPA in Mysore district, the study was conducted with the help of State Institute of Health & Family Welfare, Karnataka, and the International Union against Tuberculosis and Lung Disease. The objective of the study was to assess the current level of compliance to various sections of COTPA in Mysore district. For compliance monitoring, an observation checklist was used to assess the compliance to different sections of the Act which has been developed by the "International Union against Tuberculosis and Lung Disease." A total of 410 public places, 400 points of sale, and 400 educational institutions were observed to assess the compliance to the COTPA Act (2003). It was found that there is clear violation of the Act in majority of the places.

Keywords: Tobacco, Cigarettes, Advertisement, Prohibition, Compliance.

Introduction

Tobacco use is the leading cause of preventable illness and premature death and the primary risk factor for oral cancer. Approximately half of all smokers will die of a smoking-related illness. Tobacco products including cigarettes, cigars, chewing tobacco, snuff, and loose pipe tobacco, contain the dried, processed leaves of the tobacco plant *Nicotiana rustica* or *Nicotiana tabacum*. All forms of tobacco contain nicotine, an extremely addictive drug that can act as both a central nervous system stimulant and depressant (NIDA, 2006). In India, smoking tobacco accounts for nearly one million premature adult deaths every year which is about 10% of all deaths at all ages. Considering the severity of the problem, government of India implemented Cigarette and Other Tobacco Products Act of 2003 which contains four parts. They are Section 4 (prohibition of smoking in a public place) under Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation

of Trade and Commerce, Production, Supply and Distribution) Act, 2003. It states that no person shall smoke in any public place. Section 5 prohibits direct or indirect advertisement, sponsorship and promotion of tobacco products. The Act also puts total ban on sponsoring of any sport and cultural event by cigarette and other tobacco product companies. No trademark or brand name of cigarettes or any tobacco product is to be promoted in exchange for sponsorship, gift, prize or scholarship. No person can take the contract or otherwise promote or agree to promote any tobacco product. However, advertisements of tobacco products are permitted at Point of Sale (PoS) and on retail packages but under certain restrictions. Section 6 highlights that no tobacco product can be sold to and by any person under the age of 18 years. The seller is mandated to ensure that the person who is buying the tobacco product is not a minor. A display board must be

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put up at the point of sale declaring that "sale of tobacco products to minors is prohibited." Sale of tobacco products is prohibited in an area within a radius of 100 yards of any educational institution. The distance of 100 yards shall be measured radially starting from the outer limit of the boundary wall. A display board must be put up outside the educational institution declaring the same. Sections 7, 8 and 9 of COTPA 2003, put restrictions on trade and commerce in and production, supply and distribution of cigarettes and other tobacco products. Assessment of compliance to COTPA Act is very much needed to understand the effectiveness of the implementation of the Act. The awareness levels regarding COTPA have to be raised further for effective implementation of the legislation and dissuade people from using tobacco and other related products.^{3,4}

Review of Literature

Various studies are conducted to assess the compliance to COTPA Act in different districts and states of the country. Some of the studies show high level of compliance and support to the implementation of smoke free legislation.^{5,6} Some of the studies focus on assessing knowledge and awareness of the people with regard to smoke-free legislation.^{1,2} It was found that awareness about legislations under anti-tobacco Act was poor. The study identified the potential areas of violations that need attention from enforcement agencies and policy makers.

Research Methodology

The purpose of the study was to assess current level of compliance to COTPA (The Cigarette and Other Tobacco Products Act) 2003 in Mysore district of State of Karnataka, India. A cross-sectional study was conducted in the public places, point of sales and educational institutions of Mysore district, Karnataka, during 20th March to 20th April, 2014. For the purpose of assessing compliance to section 4 of COTPA, a total of 410 public places were observed. In order to assess the compliance

to section 5, 400 points of sale were observed. Again 400 points of sale were observed to assess compliance to section 6 (a) and 400 educational institutions were observed to assess compliance to section 6(b). Compliance to sections 7, 8 and 9 was assessed by observing 349 points of sale by collecting tobacco products. In this study, "public place" was defined according to COTPA 2003 as "places which have public access, whether as of right or not and includes railway waiting rooms, hospital buildings, restaurants, court buildings, public offices, cinema halls, amusement centres, workplaces, shopping malls, libraries, educational institutions and public conveyances." An observational checklist was used which was based on a guide developed by International Union against Tuberculosis and Lung Diseases. Around 20 minutes were spent in each place to observe and collect data. After data collection, the same was entered into SPSS and presented in a tabular form.

Results and Discussion

The results of the study are analyzed and interpreted under each section of the COTPA that is sections 4, 5, 6, 7, 8 and 9.

There are various parameters to assess the compliance to section 4 of smoke-free legislation. It was found that only 32% of the public places had displayed the signages. Active smoking was not observed in 51% of the public places. Smoking aids were not found in 67.07% of the public places. Beedi butts were not found in 48.5% of the public places and odor emanating from cigarette or bidi was not found in 29.5% of the public places. Compliance to section 4 of the COTPA is not satisfactory which is evident from the above data (Table 1). In a compliance survey (2014) by Kumar and Tomar done in Udupi district of Karnataka, it was found that compliance to display of signage is only 7.5% which is 32% in the present study. In another study by Goel, Patro and Tripathy (2013) overall compliance rate for section 4 of COTPA was found to be a mere 23%.

Table 1. Results of Compliance to Section 4 of COTPA 2003

Parameters	No. of public places (%)
No. and percentage of public places having signages displayed	132 (32)
No. and percentage of public places where active smoking was not observed	212 (51)
No. and percentage of public places where smoking aids were not found	275 (67.07)
No. and percentage of public places where Bidi butts were found	199 (48.5)
No. and percentage of public places where there was absence of odor emanating from cigarette or bidi	121 (29.5)

N=400

Table 2. Compliance of Advertisement Boards Displayed at Each Point of Sale

Number of Points of Sale violating the provision of section 5 for display of advertisement boards	No. (%)
PoS displaying advertisements	354 (88.5)
Size of boards exceeded 60×45 cm	100 (25)
Boards were illuminated or back lit	43 (10.75)
Boards displayed brand name/ pack shot	75 (18.8)
Boards displayed promotional message	73 (18.8)
Advertisements extended to full body	72 (18)

Table 3. Non-compliance Related to Health Warnings on the Advertisement Boards at Point of Sale (PoS)

Points of Sale (PoS) violating the provision of Section 5 for display advertisement boards	No. (%)
Boards did not display health warning	25 (6.25)
Health warning not written in white background with black letters	56 (14)
Size of health warning was less than 20×15 cm	54 (13.5)
Health warning was not written on uppermost portion of board	30 (7.5)
Health warning was not written in applicable Indian language	30 (7.5)

Table 4. Compliance of Tobacco Vendors/ Tobacco Shop to Section 6(a) of COTPA, 2003

Variables	No. of PoS (%)
No. and percentage of (Point of Sale) PoS displaying a signage	105 (26.2)
No. and percentage of PoS displaying signage at prominent place	63 (15.8)
No. and percentage of PoS displaying signage of specified size	10 (2.5)
No. and percentage of PoS displaying signage of specified text	11 (2.8)
No. and percentage of PoS displaying signage of specified content (50% picture+50% text)	86 (21.5)
No. and percentage of PoS where vendor was minor	0
No. and percentage of PoS, where purchaser was minor	140 (35)
No. and percentage of PoS, where vendors enquired about the age of purchaser	31 (7.8)
No. and percentage of PoS having prominent display of tobacco products	256 (64)
No. and percentage of PoS, displaying tobacco products within 6 inches of eatables	262 (65.5)
No. and percentage of PoS having vending machines	0

Table 5. Compliance of Educational Institutions to Section 6(b) of COTPA, 2003

Variables	No. (%)
No. and percentage of Ed. institutions displaying a signage	9 (2.25)
No. and percentage of Ed. institutions displaying a signage of specified text	9 (2.25)
No. and percentage of Ed. institutions displaying a signage having specified background color	30 (7.5)
No. and percentage of Ed. institutions having sale inside the campus	2 (0.5)

Out of 400 Points of Sale (PoS), 354 had displayed advertisements of tobacco. As per the Act, advertisements of tobacco products are permitted at point of sale and on retail packages but under certain restrictions. The size of the advertisement board should not extend 60×45 cm, boards should not be illuminated or back lit, should not display the brand name/ pack shot, boards should not display the promotional message and advertisements should not be extended to full body. Violation of provisions of Section 5 is found in Mysore district but the percentage is not high (Table 2).

According to Section 5 of the Act, advertisement boards should display health warning, health warning should be

written in white back ground with black letters, size of the health warning should be 20×15 cm, health warning should be written on uppermost portion of the board and health warning should be in applicable Indian language. Health warning on the advertisement board at Point of Sale (PoS) was not as per the legislation.

There is poor compliance to section 6(a) of COTPA act in Mysore district which is evident from Table 4. There is imperative need for effective implementation of smoke-free legislation. 35% of the minors were tobacco purchasers, which is a serious issue need to be focused on. Only 7.8% of the vendors were enquiring about the age of the purchaser.

Table 6. Compliance of Cigars Retail Packages with the Packaging and Labeling Rules, 2011

Variables	No. and Percentage		
	Indian cigarettes N1=285 (%)	Foreign cigarettes N2=64 (%)	Total N=N1+N2=349 (%)
Tobacco packs on which any health warning (textual or pictorial) is present	284 (81.37)	17 (4.87)	301 (86.24)
Tobacco products bearing specified PHW (No.GSR(724) E; September 12, 2012)	284 (81.37)	17 (4.87)	301 (86.24)
Textual health warning "Smoking kills" or "Tobacco kills" is written	284 (81.37)	17 (4.87)	301 (86.24)
Health warning in white font colour and black colour background	284 (81.37)	16 (4.58)	300 (85.95)
Health warning is placed at the bottom and below the pictorial representation	284 (81.37)	16 (4.58)	300 (85.95)
Word "warning" is written in red font with black background	284 (81.37)	17 (4.87)	301 (86.24)
Picture and text cover 40% of the principal display area of the front panel (front side) of the pack	279 (79.9)	16 (4.58)	295 (84.52)
PHW is placed at the lower end of the pack	144 (41.26)	30 (0.85)	147 (36.75)
Number and % of tobacco packs displaying health warning as per the specification (PHW in same and maximum 2 languages (if applicable) used on the pack)	8 (2.29)	1 (0.28)	9 (2.57)
No. and percentage of tobacco packs not having any distorted, shortened nor compressed PHW	5 (1.43)	17 (4.87)	22 (6.30)
No. and percentage of tobacco packs with promotional messages	262 (75.07)	53 (15.48)	315 (90.25)
No. and percentage of tobacco packs with promotional inserts	137 (39.25)	1 (0.8)	138 (39.54)
No. and percentage of tobacco packs with deceiving descriptors	145 (41.54)	25 (7.16)	170 (48.71)
No. and percentage of tobacco packs with special packaging	19 (5.44)	3 (0.85)	22 (6.30)

Younger generation is the greatest asset of our country and should be dissuaded from addicting to such bad habits. Tobacco products should not be kept within six inches of eatables but in the study area 65.5% of the shops have kept the eatables within six inches.

All educational institutions should have board on their boundary wall or at the entrance. The board should state prominently that "sale of cigarette or any other tobacco products in an area with the radius of 100 yards of the educational institutions is strictly prohibited; the offence is punishable with a fine up to Rs. 200". Compliance to section 6(b) of the COTPA is poor which is evident in the above data.

Tobacco sale was present within 100 yards of educational institutes in majority (74.5%) of the cases. Only 2.25% of the educational institutions had displayed a signage and signage of specified text respectively. As for as compliance of cigars with regard to packaging rules, 2011, is concerned, it was found that there is higher level of compliance for majority of the specifications, by the cigar producers.

Conclusion

Compliance to COTPA is need of the hour because tobacco-related diseases are increasing day by day and a large number of people are losing their lives. It is very much evident in the study that there is poor compliance to various sections of COTPA (2003) except compliance of cigars retail packages with the packaging and labeling rules, 2011. The COTPA Act should be implemented aggressively throughout the country. Various state, district, taluka and grass root level authorities should be involved effectively at various stages to implement the act in an effective way. Awareness generation among the public is very much essential. People should be made aware about the negative consequences of cigarette and other tobacco products and also the provision of the law.

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Conflict of Interest: None

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