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**A Study on Cigarette and Other Tobacco Products Act (COTPA) Compliance in Urban Shimoga, Karnataka**

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**ABSTRACT**

**Background:** According to Global Adult Tobacco Survey (GATS-2), conducted by the Institute of population Sciences, Mumbai and Tata Institute of Social Sciences on behalf of Health and Family welfare department reported that 28.6% of adults use tobacco in any form. India has amended its legislation against tobacco in 2003 and implemented its strongest legislation as COTPA 2003 (Cigarette and other Tobacco Products Act 2003). The main aim of the study was to assess compliance to prohibition of smoking and other provisions under COTPA in Shivamogga town. **Materials and methods:** Descriptive cross sectional study was conducted using purposive sampling. Total sample size was 200, observation was made and information was collected about sections 6a, 7,8and 9 of COTPA 2003 (Cigarette and Other Tobacco products Act 2003), to assess its level of compliance and implementation. **Results:** The compliance rate was found very poor in the public places visited. Nearly half (48.58%) of the shops had violated the section 6a of COTPA ACT by keeping tobacco products prominently visible. Health warning (HW) was present in 94% of the tobacco products packs, and it was according to law. **Conclusion:** The Compliance to Cigarette and other products Acts, related section 6a is very poor in our town whereas the same is better with Section 7, 8, 9.

**Key Words:** Smoking, COTPA Act, compliance, Cigarette

**INTRODUCTION**

Tobacco was introduced in India by Portuguese barely 400 years ago during the Mughal era. Mainly due to a potpourri of different cultures in the country, tobacco rapidly became a part of socio cultural milieu in various communities.<sup>(1)</sup>

Tobacco is the only legal product that kills a large proportion of consumers when used as intended by the manufacturers.<sup>(2)</sup> The tobacco epidemic is one of the biggest public health threats the world have ever faced, killing nearly 6 million people every year. More than ninety percentages of those deaths are due to direct use of tobacco while the remaining is the result of non-smokers being exposed to passive and second hand smoking.<sup>(3)</sup>

Nearly one in two men and one in five women are current tobacco users.<sup>(4)</sup> Although India has witnessed an overall decline in the number of tobacco users in the past 7 years, i.e., around 81 lakhs in recently released Global Adult Tobacco Survey (GATS-2) 2016–2017 report, but decline is not as much as it was expected.<sup>(5)</sup>

The government of India enacted a stringent national legislation, the Cigarettes and Other Tobacco Products Act, 2003 (COTPA).The four major provisions of COTPA include (1) Section 4: Prohibition of smoking in public places; (2) Section 5: Prohibition of advertisement of

tobacco products; (3) Section 6: Prohibition on the sale of tobacco products to and by minors, (4) Section 7: Display of pictorial health warnings on tobacco products.<sup>(6)</sup> But,

Still our country is the second largest consumer of tobacco products worldwide with more than 275 million adults consuming a wide variety of tobacco products.<sup>(1)</sup> This data definitely make us to think about the level of implementation of the national anti-tobacco legislation. With this background, this survey attempts to assess the level of compliance to Section 6a, 7,8and 9 of Cigarette and other tobacco Products Act (COTPA) 2003.

Objectives of the study was to measure the level of compliance to Section 6a ie Prohibition on Sale to Minors and to measure the level of compliance to Section 7,8 & 9 of COTPA ie Restriction on trade and commerce in and production, supply and distribution of cigarette and other tobacco product

**MATERIAL AND METHODS**

**Study Design:** This is a descriptive cross sectional study

**Study period:** 1<sup>st</sup> May to 30<sup>th</sup> June 2018. For 2 months

**Sampling and Method of data collection:** Purposive sampling was used for study purpose, total sample size was 247, 247 point of sales (POS) were visited in Urban Shimoga during study period, observation was made and information was collected about sections 6a, 7,8and 9 of COTPA 2003 (Cigarette and Other Tobacco products Act 2003), to assess its level of compliance and implementation. Data was collected using pre-tested and pre-validated questionnaire of COTPA-2003, survey of Govt of Karnataka.

**Data analysis:** The data is collated, triangulated, entered and analyzed by using Epi-info software. Proportions are calculated for each domain of the checklist and results is expressed as proportion and percentage (%).

**Ethical consideration:** Ethical clearance was obtained from our Institutional Ethical Committee (IEC-SIMS)

**RESULTS**

Most (70%) of the Point of sale (Pos) visited were Permanent shops. Tobacco sale was not an exclusive business among most of the pos visited. They were either mainly tobacco shops (45.7%) or tobacco sale is not a major business type (46.1%). (Table 1 and 2). Only in 25 to 30% of the places the displayed signage were according to law ie regarding size, picture, and message in local language, size of the text and text as per law.(Table 3 and 4)

**SECTION 6a**

**TABLE 1: TYPE OF POS (POINT OF SALE)**

Pos Type	Frequency	Percent
Temporary	74	29.96%
Permanent	173	70.04%
<b>Total</b>	<b>247</b>	<b>100.00%</b>

**TABLE 2: TYPE OF TOBACCO BUISNESS**

TYPE OF BUISNESS	Frequency	Percent
Exclusive tobacco shop	20	8.10%
Mainly tobacco shop	113	45.75%
Tobacco sale is not a major business	114	46.15%
<b>Total</b>	<b>247</b>	<b>100.00%</b>

**TABLE 3: DISPLAY OF SIGNAGE AS MANDATED IN LAW**

DISPLAY SIGNAGE	OF	Frequency	Percent
YES	75	30.36%	
NO	172	69.63%	
<b>Total</b>	<b>247</b>	<b>100.00%</b>	

**TABLE 4: NO SMOKING SIGNAGE AT PROMINANT PLACES**

PROMINANT PLACES	Frequency	Percent
YES	73	30.93%
NO	174	69%
<b>Total</b>	<b>247</b>	<b>100.00%</b>

**TABLE 5: SELLING TO MINOR (age was monitored by observation)**

SELLING TO MINOR	Frequency	Percent
YES	57	23.08%
NO	190	76.92%
<b>Total</b>	<b>247</b>	<b>100.00%</b>

**TABLE 6: TOBACCO PRODUCTS ARE PROMINENTLY DISPLAYED AND VISIBLE**

DISPLAYED AND VISIBLE	Frequency	Percent
YES	120	48.58%
NO	127	51.42%
<b>Total</b>	<b>247</b>	<b>100.00%</b>

We have observed that 2/3<sup>rd</sup> (69%) of the pos visited were not compliance regarding signage display. We have observed that in 23% of the poss were selling tobacco products to minors. (Table 5). Nearly half (48.58%) of the shops had violated the section 6a of COTPA act by keeping tobacco products prominently visible. (Table 6).

**SECTION 7, 8, 9**

**TABLE 7: HEALTH WARNING (HW) ON PACKS**

HEALTH WARNING	Frequency	Percent
YES	235	94.38%
NO	12	5.61%
<b>Total</b>	<b>247</b>	<b>100.00%</b>

Most (70%) of the Point of sale (Pos) visited were Permanent shops. Tobacco sale was not an exclusive business among most of the pos visited. They were either mainly tobacco shops (45.7%) or tobacco sale is not a major business type (46.1%). (Table 1 and 2). Only in 25 to 30% of the places the displayed signage were according to law ie regarding size, picture, and message in local language, size of the text and text as per law.(Table 3 and 4) We have observed that 2/3<sup>rd</sup> (69%) of the pos visited were not compliance regarding signage display. We have observed that in 23% of the poss were selling tobacco products to minors. (Table 5). Nearly half (48.58%) of the shops had violated the section 6a of COTPA act by keeping tobacco products prominently visible. (Table 6).

**Health warning (HW)** was present in 94% of the tobacco products packs, and it was according to law (HW covers at

least 85% [Pictorial-60% and Textual -25% together] of the principal display area, both side of the tobacco product packs) on most of the packs. HW positioned on the top edge /widest end of the package and is in the same direction as the other information on the principal display area in most (94%) of the tobacco products packs we observed. Same was not present on 6% of the tobacco products, which were said to be made locally. More than 90% of the packs had HW printed in four colours (Mentioned Section 7, 8, 9 of COTPA act 2003) with good quality. In around 94% of the places HW was clearly written in white colour font on black colour background. We observed that, in more than 90% of the time, the specified warning is positioned in a manner that, none of the elements of the warning were covered when the package is sealed or opened.

## DISCUSSION

The present study was undertaken to study the Compliance to section 6a and Section 7, 8, 9 of Cigarette and other Tobacco Products Act 2003 (COTPA 2003). We had visited around 247 Pos (Point of Sale). Most of the Pos were permanent stalls, and they were not an exclusive tobacco products selling stalls. Other products were also being sold with tobacco. We had observed that 2/3<sup>rd</sup> (69%) of the PoS visited were not compliance regarding signage display. A study conducted by Rath et al reported similar results.<sup>(7)</sup> In our study it is clear that almost 1/3<sup>rd</sup> of the shopkeepers were selling tobacco products to minors. A study conducted by HRIDAY organisation in Northern part of India reported that 10% of the shop keepers sold tobacco products to minors.<sup>(8)</sup>

Nearly fifty percentages of the shops had violated the section 6a of COTPA ACT by keeping tobacco products prominently visible. A study conducted by Rath et al in Haryana reported that, a similar percentage (49%) of PoS selling tobacco products were displayed tobacco products near cash counter.<sup>(7)</sup> Compliance related Section 7, 8, 9 of COTPA Act was better in all the places visited. More than 90% of the tobacco products packs had health warnings according to law. Similar study was conducted by Khargekar et al in Bangalore city found that only 7% of the places, tobacco HW (Health warning) was not found on tobacco products packs, remaining 93% packs had Health warning according to law. On thorough examination, enquiry and interview with vendors revealed that most of these products which did not have proper health warnings were locally made. The same was brought to the notice of local authority.<sup>(9)</sup> The limitation of the study is that we chose convenience sampling; the results could be biased and may not represent the actual percentage of COTPA violation in Shivamogga Town. In spite of this all the efforts were made to reduce the bias.

**CONCLUSION AND RECOMMENDATIONS:** The present compliance survey conducted in Shivamogga town has some rewarding yet other disturbing results. The Compliance to Cigarette and other products Acts, related

section 6a is very poor in our town whereas the same is better with Section 7, 8, 9. Even though we have a very stringent law, it has not been implemented effectively. The law enforcing personnel should acts on those who violate the law strictly. More sensitisation workshops should be conducted for all stake holders regarding COTPA Act.

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