

Compliance with national tobacco control legislation: a survey of tobacco vendors of Peshawar, Khyber Pakhtunkhwa

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ABSTRACT

Introduction: Tobacco remains the world's leading preventable cause of death, with the majority of tobacco-caused deaths occurring in low- and middle-income countries. The Government of Pakistan 2002 Prohibition of Smoking in Enclosed Places and Protection of Non-smokers Health Ordinance comprehensively prohibits all kinds of tobacco advertisement, sponsorship, and ban of selling cigarettes to minors, near the vicinity of educational institutes and to sell tobacco without a license. However, it is a common observation that tobacco vendors do not comply with the policy.

Objective: To assess the compliance with anti-tobacco laws by tobacco vendors in the city of Peshawar, Khyber Pakhtunkhwa, Pakistan.

Materials & Methods: A cross-sectional study was conducted in 145 shops across 2 jurisdictions (Hayatabad and Peshawar city) of Peshawar. The implementations of tobacco laws like advertisement, tobacco selling to minors (<18 years) and tobacco selling in the vicinity of educational institutes were assessed through a self-structured questionnaire. The data were transferred and analyzed through SPSS version 22 for descriptive statistics.

Results: The most common method of advertisement of tobacco products was stickers (33.3%) followed by dangles (29.6%) and product showcasing (15.7%). The percentage of tobacco sold to minors was 63%; 42% vendors were near the educational institutes. The selected shops were selling smokeless tobacco (82.6% shops) as well, alongside cigarettes. Unlicensed shops were 97.9% which approximately makes the whole of the sample size.

Conclusion: The compliance of tobacco vendors in Peshawar towards tobacco law is very poor. Also, the sale of tobacco to minors was found to be a routine occurrence.

Keywords: Tobacco; Cigarettes; Tobacco, Smokeless; Minors; Smokers.

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INTRODUCTION

Smoking is one of the most common forms of drug use nowadays in the modern world. Tobacco smoking is the most popular form of usage by over one billion people around the globe in which the most involved are developing countries.¹ Other tobacco products like cannabis, opium, and harder narcotics like heroin are also used but are not that much available commercially. Smoking usually affects the health of the individual and disturbs and poses a threat to the normal physiology of body.² Morbidities and mortalities of people using long term tobacco are higher when compared to average mortalities of non-smokers. According to an estimate from 1990 to 2015 smoking has caused over 5 million deaths per annum.³

Even though tobacco is banned in public places, Pakistan is the largest consumer of tobacco in South Asia.⁴ According to a report of WHO on tobacco consumption in Pakistan, ailments of CVS and lungs account for most tobacco-related deaths. Smokers are at high risk of having cancers, while non-smokers, due to passive smoking become victims of cardiovascular diseases.⁵

Many people are not fully aware of the risks of tobacco consumption, they misunderstand and underestimate the deadly risks like premature mortality involved in tobacco use and its exposure.⁶

In Pakistan, about 177 million cigarettes are consumed per day. About 46% males and 5.7% females use tobacco (Pakistan Health Survey 2018).⁷

According to the Global Adult Tobacco Survey (GATS Pakistan),⁸ 19.1% (23.9 million) Pakistani adults (31.8% men and 5.8% women) used tobacco products on a daily or less than daily basis. The entire population of 12.4% (22.2% of men, 2.1% women) were tobacco smokers. More people smoke in rural areas (13.9%) than in urban areas (10.0%).

Daily cigarette smokers smoked an average of 13.6 cigarettes per day, with males (13.7%) and females (10.3%) cigarettes per day, respectively. Nearly 16.8 million adults who worked indoors were exposed to tobacco smoke at the workplace, 56.3 million at home, 21.2 million at restaurants, and

49.2 million who used public transport.⁸ India, as a part of South Asia is larger than Pakistan with a bigger population but the prevalence of smoking is less than in Pakistan. According to WHO, India is home to 12% of the world's smokers. More than 10 million people die every year due to tobacco-related illnesses.⁹

The rise in usage of tobacco is due to several factors. One of the most significant influences for using tobacco products is media advertisements on televisions, magazines, movies, and recently the internet.¹⁰ Tobacco companies design such advertising tactics that target potential smokers with tobacco advertisements and sales promotion features. Several cross-sectional and longitudinal studies have demonstrated that receptivity to tobacco advertising is strongly associated with smoking initiation.¹¹

The sale of cigarettes to minors (<18 years) and near educational institutions remains a worrying condition in the country.¹² According to the 2002 Ordinance regarding tobacco laws "No person shall himself or by any person on his behalf, store, sell or distribute cigarettes or any other such smoking substance within an area of 50 meters from any college, school or educational institution".¹³

The use of smokeless tobacco is part of South Asian culture. Factors that contribute to the use of smokeless tobacco are its low price, easy affordability, and the leading misconception that it acts as a medicine for toothache, stomach ache, etc.¹⁴ Current estimates have shown that more than 250 million people in South Asia use smokeless tobacco products¹⁵ with Pakistan using 13.3% of such products (Naswar, Paan, Gutka, and other products).¹⁶ In the province of Khyber Pakhtunkhwa (KP), Naswar is being used by 15% of the population.¹⁷

The tobacco industry in Pakistan faces a critical challenge with the wide presence of non-tax paid cigarettes, which reached a record high market share of over 41% during the financial year 2016-17. The primary source of these non-tax paid cigarettes is locally manufactured tax-evaded cigarettes, which were selling at a price gap of almost 170% versus the tax-paid legal cigarettes in 2016-17.¹⁸

In addition to evading tax, local manufacturers are seen to be blatantly violating marketing regulations through advertisements, discounts, cashback, or giveaways to consumers. Locally manufactured cigarettes, despite adhering to printing regulations such as health warnings and minimum price on packs, are being sold at street prices even below the minimum tax payable on a pack.¹⁹

With low disposable income, the consumers of legal cigarettes will be unable to absorb multiple taxes and price increases and will shift their consumption to cheap illicit cigarettes, making the

task of enforcement against these illicit operators increasingly difficult. The government is planning to collect billions of rupees by imposing new taxes on cigarettes and tobacco by imposing "Gunah tax" or "Sin tax" on tobacco and packets of cigarettes.²⁰

In 2002, the Prohibition of Smoking in Enclosed Places and Protection of Non-smokers Health Ordinance was disseminated.¹³ This ordinance prohibited the use of tobacco in public places and public services vehicles, the advertisement of tobacco products, sales to minors, and selling tobacco near the school vicinity. Also, on November 3, 2004, Pakistan became a party to the WHO Framework Convention on Tobacco Control which aims to implement and devise strategies to reduce both the demand and supply of tobacco products by measures such as higher taxation and strict regulation of tobacco products, etc.²¹ However, the implementation of these laws is far from acceptable, and yet no actual evidence regarding their poor implementation is available.

Despite the high prevalence of tobacco smoking among adults and minors, there have been little efforts to research and evaluate the causes of such high prevalence of tobacco use among our population. The present research study is a pioneer in this regard which will determine the role of vendors in failing to control tobacco in Peshawar.

MATERIALS & METHODS

A cross-sectional, multi-sectoral survey was conducted from May 2021 to July 2021 in Peshawar city, KP. A simple random sampling method was adopted based on the total number of tobacco shops available in the two areas of study. Two survey teams were assembled for two jurisdictions, one for all 7 phases of Hayatabad and one for Peshawar city region. City sides were further divided into three areas. A total of 145 shops were selected, 45 in Hayatabad and 100 in Peshawar city. Before the actual survey, the investigator team first visited 10% out of the total sample shops to validate the questionnaire. Two markets were selected from each phase of Hayatabad and three shops from each of them. From the city side, 5 places were selected for their high sale of tobacco products. Some questions were asked and others were observed by the investigation team. Photographs were taken for additional evidence of potential violations. Data were analyzed by SPSS version 22; percentages were calculated for the selected variables.

RESULTS

Out of 145 shops, 107(73.8%) had displayed advertisements in one or other form, of which stickers (49.5%), dangles (43.9%), and showcases (27.1%) were the most common mode of advertisements (Table 1).

Table 1: Type of advertisements displayed at tobacco shops in selected jurisdictions of Peshawar.

#	Areas Sampled	Types of advertisements displayed at selected shops f (%)					
		Boards (n=07)	Posters (n=19)	Banners (n=08)	Stickers (n=53)	Dangles (n=47)	Showcases (n=29)
1.	Hayatabad (n=45)	01 (14.3)	10 (52.6)	03 (37.5)	16 (13.2)	15 (31.9)	01 (4.0)
2.	Dabgari (n=20)	01 (14.3)	0	01 (12.5)	10 (18.9)	04 (8.5)	04 (16.0)
3.	Ramadas (n=20)	01 (14.3)	04 (21.1)	01 (12.5)	08 (15.1)	09 (19.1)	03 (12.0)
4.	Ring Road (n=20)	01 (14.3)	03 (15.8)	0	04 (7.5)	04 (8.5)	04 (16.0)
5.	Khyber Bazar (n=20)	02 (28.6)	01 (5.3)	01 (12.5)	07 (13.2)	10 (21.3)	04 (16.0)
6.	Gul Bahar (n=20)	01 (14.3)	01 (5.3)	02 (25.0)	08 (15.1)	05 (10.0)	09 (36.0)

Further information regarding compliance with articles of the national tobacco legislation are shown in Table 2.

Nearly 63% of the vendors were selling tobacco to minors although most of the habitual buyers were adults (64.1%). About 42% of the tobacco retailers were found to be located within the 50 meters vicinity of the educational institutes and most of them were schools. The selling of loose cigarettes that are banned by law was seen to be popular at 51%. Selling of smokeless tobacco like naswar was also popular at 86.2% of the shops.

Out of 145 shops, 142(97.9%) had no license to sell cigarettes and tobacco products and the majority of the vendors did not know about the license or the tobacco law.

Sale of illicit tobacco products is banned in Pakistan and still it was found that 10.3% of the vendors were selling them.

Table 2: Compliance of tobacco vendors with national tobacco legislation (n=145).

#	Items for compliance	Responses f (%)
1.	Tobacco sold to minors	
	Yes	91 (62.8)
	No	54 (37.2)
2.	Habitual tobacco buyers	
	Adults	93 (64.1)
	Teenagers	52 (35.9)
3.	Selling tobacco near educational settings	
	Yes	61 (42.1)
	No	84 (57.9)
4.	Loose cigarettes being sold	
	Open	74 (51.0)
	Whole Pack	71 (49.0)
5.	Smokeless tobacco being sold	
	Yes	125 (86.2)
	No	20 (13.8)
6.	Licensed to sell tobacco products	
	Yes	03 (02.1)
	No	142 (97.9)
7.	Illicit tobacco products sold	
	Yes	15 (10.3)
	No	130 (89.7)

DISCUSSION

This study is one of the handfuls of studies conducted in Pakistan and the first one to be conducted in Peshawar city, KP. The study results showed a high level of lack of compliance with the 2002 Ordinance of Tobacco Control law. The most common modes of tobacco advertisements were stickers (49.5%), dangles (43.9%), and showcases (27.1%). In a similar study done in India, their results coincide with ours, with their common mode of advertisements also being stickers (33.8%), dangles (49.6%) and product showcasing (51.1%)²².

As many as 63% of the tobacco vendors were selling to minors (<18 years). A study conducted in Karachi, Pakistan reported that cigarette sale to minors was around 85%.²³ A study conducted in Ireland regarding the evaluation of their tobacco legislation

showed that teenage smoking has been decreased by up to 38%.²⁴ A study from Sweden showed that after the implementation of tobacco legislation law the sale of tobacco to minors (<18 years of age) decreased from 93% in 1996 to 80% in 1999, and 62% in the year 2002.²⁵

As part of the tobacco law, the shops which were in the proximity of the educational institutes were surveyed. Out of 145 shops, 61(42.1%) were within the approximate range of 50 meters from schools. A study conducted in Thailand showed that most of the tobacco vendors (47.1%) were located less than 500 meters away from schools.²⁶ A study conducted in the US showed that 44.4% of the students who attend schools are within 1000 feet of the tobacco outlet.²⁷

Smokeless tobacco is now operational and selling more and in our area because of its lower price. This is because it is unregulated and does not fall in the tax net.²⁸ As per this study, 86% of the shops were selling smokeless tobacco along with cigarettes. A survey in India, that was taken from two jurisdictions (Mumbai and Indore) showed that 20% and 90% of the vendors admitted selling smokeless tobacco.²⁹

Tobacco and tobacco-like products cannot be sold in Pakistan as per tobacco legislation. A ban under the title tobacco vendor act has been implemented in Islamabad which has banned selling cigarettes and tobacco products in the capital.¹⁸ In the present study, almost all (97.9%) of the shops did not have the license to sell cigarette and tobacco products and the vendors did not even know about the license and tobacco laws.

The sale of loose cigarettes was and is also an emerging problem. On 20th June 2018, the Government of Pakistan has banned the sale of loose cigarettes by recommendation of the Ministry of National Health Services and Regulations.³⁰ This verdict came through a Statutory Regulatory Order (SRO) Notification No. SRO 415 (1)/2018, published on 3 April, 2018.

The Notification says that “No retail seller or any person shall sell, offer for sale or distribute any cigarettes unless they are in a packet of at least twenty cigarette sticks”.³¹

However, a survey done later in Punjab revealed poor implementation of the law. The report concluded that the Government has failed to implement the prohibition on the sale of loose cigarettes. The major factor seen here is the loss of profit in selling loose cigarettes. President Haji Mobeen (All Pakistan Cigarette, Pan and Beverage Retailers’ Association) criticized the ban on the sale of loose cigarettes. He said that a complete ban on the sale of loose cigarettes would not prove productive and added further by describing the situation, that about 700,000 shopkeepers were selling cigarettes across the country to provide financial support to around 3 million people.³² The current study also showed that there is no strict implementation of this law, as loose cigarettes being sold by 51% shops. According to an Indian report in 2014, over 70% of cigarettes sold in India are loose.³³ A survey conducted in the USA by Stillman et al showed that 65% of their respondents reported that they had seen single cigarettes sold daily on the street.³⁴

According to the WHO Framework Convention on Tobacco Control (FCTC), Article 15 regarding the illicit trade in tobacco

products the sale of these products is banned.³⁵ In our study, there is still the sale of 10.3% illicit tobacco products. According to the report of Oxford Economics, Pakistan is now at the top position among the Asian countries with illicit cigarette trade of 32.6 billion cigarettes annually, with 41.9% of total cigarette trade in the country being illegal.³⁶ According to a survey done in Australia, 15% of all the tobacco consumed in Australia is illicit.³⁷

CONCLUSION

This cross-sectional study shows that the executing of tobacco control laws in Peshawar is poor. The findings of the study demonstrate poor awareness and compliance with tobacco laws by tobacco vendors. The availability of cigarettes to minors (<18 years), selling tobacco near educational institutes, and especially

the non-availability of a license to sell tobacco, in direct breach of tobacco control law, are causes for concern.

RECOMMENDATIONS

Considering the toll of massive economic and health burden that tobacco use is putting on our scanty resources, there is a need for making the laws stricter, and more efficient and quick measures need to be taken for better execution of these tobacco laws. Also, there should be a ban on the funding of tobacco vending machines by tobacco companies. Fines or penalties should ensue on the tobacco vendors for violation of these laws. In the 2002 ordinance, there is no law regarding the license of selling tobacco products and the sale of illicit tobacco products. They should be added to the law rather than making the Act on the ban of these two.

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