

## Smokeless Tobacco Control

### What is Smokeless Tobacco (SLT)?

The term smokeless tobacco (SLT) includes a variety of commercially or non-commercially available products<sup>1</sup> that contain tobacco and are used orally (through the mouth) or nasally (through the nose) without the need for combustion<sup>(1)</sup>. The major form of SLT is *gutkha* which is an admixture of *pan masala* with tobacco. *Pan masala* is betel quid in dehydrated, granular or powdered form principally sold in sachets. All domestic SLT products contains **toxic** chemicals which includes 28 cancer causing agent<sup>(2)</sup> and **nicotine** is the key ingredient which keeps users **addicted** to these products

### Prevalence of SLT users

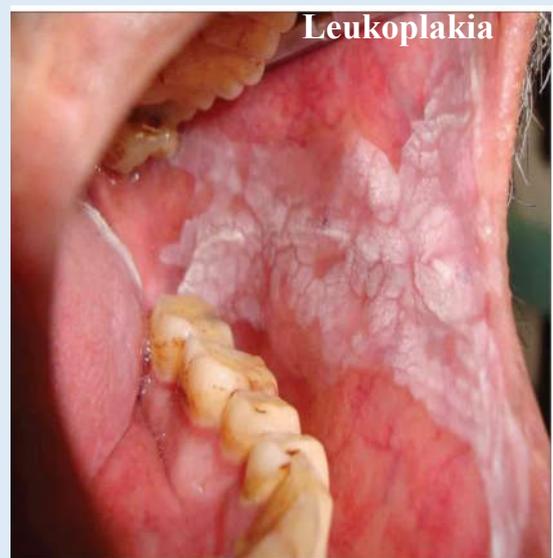
- India is home to more than 19.9 crores SLT users, which is equal to the population of Nigeria, the seventh largest country by population in the world.
- Economic burden of diseases attributed to smokeless tobacco use among adults aged 35-69 years is 412.8 crores<sup>(3)</sup>
- Global Adult Tobacco Survey (GATS-2) India 2016-17, has found that the leading forms of SLT use in India are: *khaini* (10.4 crores), *gutkha*; (6.35 crores), betel quid with tobacco (5.4 crores); SLT as oral applicant (3.57 crores); and *pan masala* with tobacco (2.65 crores).



Oral Cancer

### Health impact in SLT users

- Consumption of smokeless tobacco products leads to serious and often irreversible health condition like **oral cancer**, oesophageal cancer, and pancreatic cancer<sup>(4)</sup>. It also causes other life-threatening diseases like **heart disease**, oral potentially malignant disorders (OPMD) (**leukoplakia**, erythroplakia etc)
- Smokeless tobacco users are **twenty seven times** more likely to have oral cancers compared to a non-user<sup>(4)</sup>
- Ingredients of SLT like arecanut additionally contribute to oral sub mucous fibrosis (inability to open mouth) which can lead to oral cancers.
- India has the highest number of oral cancers in the world and more than **50% of the oral cancers in India** are linked to smokeless tobacco use<sup>(5)</sup>



Leukoplakia

<sup>1</sup> Three major forms of smokeless tobacco are: Smokeless tobacco products with aroma and flavours like *gudakhu*, *gul*, *mishri*, tooth powders (banned in 2005 but re-emerging locally), creamy or dry snuff; Tobacco as admixture of food additives like lime which include *khaini*, *zarda*, *naswar*, *gutkha* or *gutka*, *mawa* among others<sup>(1)</sup>



icmr  
INDIAN COUNCIL OF  
MEDICAL RESEARCH

NICPR  
NATIONAL INSTITUTE OF CANCER  
PREVENTION AND RESEARCH

The Union

International Union Against  
Tuberculosis and Lung Disease  
Health solutions for the poor

## Legislations Regulating Smokeless Tobacco in India

- Food Safety & Standards Regulation (FSSR)<sup>€</sup> prohibits the use of tobacco and nicotine as ingredients in any food products.
- FSSR<sup>#</sup> lays down standards for Pan Masala, which may contain betel-nut, lime, and other additives<sup>@</sup> and also prohibits the use of anti-caking agent like magnesium carbonate in Pan Masala
- FSSR<sup>^</sup> mandates every package and advertisement of Pan Masala and Supari to display the warning
  - ❑ “Chewing of Pan Masala is injurious to health”.
  - ❑ “Chewing of Supari is injurious to health”
- Cigarettes and Other Tobacco Products Act (COTPA) 2003<sup>§</sup>:
  - ❑ prohibits direct and indirect advertisement, promotion and sponsorship of tobacco.
  - ❑ prohibits sale of tobacco to minor and within 100 yards of any educational institutions
  - ❑ prescribes display of graphic health warnings covering 85% of the tobacco pack.
- Consumer Protection Act 2019 prohibits manufacture and sale of products containing adulterant and advertisement that is misleading <sup>§</sup>
- Legal Metrology Rules requires every package to bear thereon or on its label the following: name of the product, name and address of the manufacturers or importer or packer, origin of the product (for import tobacco), quantity of the product and date of manufacture<sup>¶</sup>
- The Environment Protection Act, 1986, prohibits the use of plastic material in any form for storing, packing or selling gutkha, pan masala and tobacco in all forms.
- The Juvenile Justice Act<sup>°</sup> prohibits giving of tobacco products to a child.
- Spitting of chewing tobacco at public places causes public nuisance and leads to spread of infection of disease dangerous to life, which is prohibited under Indian Penal Code <sup>‡</sup>
- The Drugs & Cosmetics Act<sup>†</sup> prohibits the use of tobacco in tooth-pastes/tooth-powders
- The Child and Adolescent Labour, 1986, prohibits using children as well as adolescent for processing of tobacco including manufacturing, pasting and handling of tobacco.

<sup>€</sup> Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation, 2011

<sup>#</sup> Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011

<sup>@</sup> Coconut, catechu, saffron, cardamom, dry fruits, mulethi, sabnermusa, other aromatic herbs and spices, sugar, glycerine, glucose, permitted natural colours, menthol and non-prohibited flavours

<sup>^</sup> Food Safety and Standards (Packaging and Labeling) Regulations, 2011

<sup>†</sup> Notification GSR 443(E) and GSR 444(E), dated 30th April, 1992, under the Drugs and Cosmetics Act, 1940

<sup>§</sup> Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution Act, 2003(COTPA)

<sup>§</sup> Misleading advertisement is the one which falsely describes a product or misleads the consumers as to the nature, substance, quantity or quality of such product or deliberately conceals important information. The Act also prohibits manufacture and sale of products containing an adulterant. [The Consumer Protection Act, 2019]

<sup>¶</sup> The Legal Metrology (Packaged Commodities) Rules, 2011, under Legal Metrology Act, 2009 (Prohibition and Regulation) Act

<sup>°</sup> The Plastic Waste Management Rules, 2016 under the Environment Protection Act, 1986,

<sup>°</sup> Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015

<sup>‡</sup> under IPC [Section 268 and 269 of the Indian Penal Code-1860]

## Tobacco Advertisement Promotion and Sponsorship (TAPS) – means to promote SLT use

- As per article 1(c) of WHO FCTC, Any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly<sup>(7)</sup>
- Tobacco sponsorship means any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly <sup>(7)</sup>
- Surrogate advertisement is an advertisement that duplicates the brand image of one product to promote another product of the same brand by use of brand name/logo/colours/layout /presentation associated with SLT products
- One third of youth experimentation with tobacco occurs as a result of exposure to TAPS<sup>(8)</sup>
- GATS-2 survey (2016-17) has found, 20.5% of all adults noticing some form of TAPS
- The annual cost of advertisement of plain *pan masala* (without nicotine) on two television channels alone was 3.8 times its annual sale value<sup>(9)</sup>. It indicates *pan masala* advertisements are a surrogate for (gutka/chewing tobacco) the company manufactures under the same brand name.
- Brand name/logo/colours/layout and presentation associated with SLT products are often used to advertise food products.



### Recommended interventions

- Rigorous enforcement of Section 5 of COTPA, banning direct and indirect TAPS.
- Central Government Steering Committee for implementation of Section 5 of COTPA may look into specific action regarding surrogate advertisements by SLT companies.
- FSSAI Regulations to ensure, the advertisement of food products shall:
  - I. depict only the product being advertised and not tobacco products in any form or manner.
  - II. not make any direct or indirect reference to tobacco products, through name/logo etc.
  - III. not contain any nuances or phrases promoting tobacco products;
  - IV. not use particular colours and layout or presentations associated with tobacco products;

## Perverse Economics of Smokeless Tobacco

SLT remain **extremely affordable in India** largely because most product escape taxation, and products are available in diverse forms and multiple types of packaging.

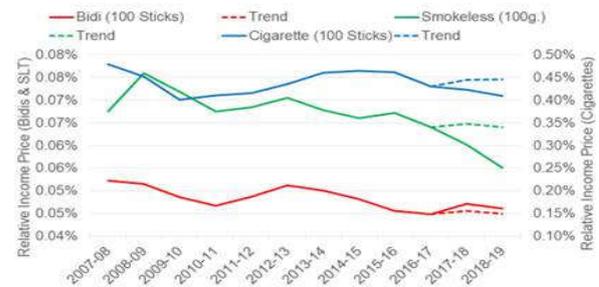
### Taxation on Smokeless Tobacco

- Other than garnering revenues, an effective taxation strategy also deters initiation and enable quit among existing tobacco users. However this is not the case of India.
- The tax burden on SLT products pre GST was 57% and post GST is 60%<sup>(10)</sup>, but when adjusted for inflation, show that SLT has become more affordable to users<sup>(11)</sup>.
- The World Bank and WHO recommend that an effective tax for tobacco should be 2/3 to 4/5 of the retail price, however this is not the case of SLT products in India.

### Current Challenges for SLT taxation under GST regime

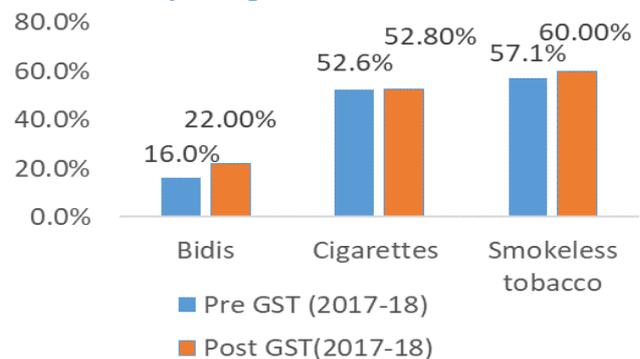
- Tax rates are way below the global recommended levels, and do not follow good practices (like indexing overall tax rate to inflation, removal of multiple forms of segments and packaging etc.). Current tax policy is mostly ineffective for smokeless tobacco.
- GST rates on most SLT products and their ingredients are low. Also SLT manufacturers evade taxation as they are able to manufacture their products from small, unregistered settings.
- Wide discrepancy in GST tax rates across SLT products enables switching, which deepens the addiction.
- Exemptions to businesses with annual turnover less than Rs.40 lakh enable industry to register multiple businesses and brands, and thus avoid paying taxes.

### Trends in affordability of tobacco products in India



Source: John, RM & Dauchy, EP Impact of the GST on the affordability of tobacco products in India. Tobacco Control (2020)

### Comparing the Tax Burden



## Case for Uniform Packaging

The smokeless tobacco packages are available in various sizes and contents. This lack of uniformity in packaging has resulted in extensive advertising, weak implementation of GHW, no impact of taxation as products are priced low by is manipulating the size and content of SLT packs. Therefore, uniform packaging of standard- size, contents and display is imperative.

#### Bibliography

- IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, International Agency for Research on Cancer, editors. Smokeless tobacco and some tobacco-specific N-nitrosamines. Lyon, France : Geneva: World Health Organization, International Agency for Research on Cancer ; distributed by WHO Press; 2007. 626 p. (IARC monographs on the evaluation of carcinogenic risks to humans).
- Kumar A, Bhartiya D, Kaur J, Kumari S, Singh H, Saraf D, et al. Regulation of toxic contents of smokeless tobacco products. Indian J Med Res. 2018 Jul;148(1):14–24.
- Report on Economic Burden of Tobacco Related Diseases in India.pdf [Internet]. [cited 2020 Feb 14]. Available from: <https://mohfw.gov.in/sites/default/files/Report%20on%20Economic%20Burden%20of%20Tobacco%20Related%20Diseases%20in%20India.pdf>
- Gupta S, Gupta R, Sinha DN, Mehrotra R. Relationship between type of smokeless tobacco & risk of cancer: A systematic review. Indian J Med Res. 2018 Jan 1;148(1):56.
- Gupta PC, Arora M, Sinha DN, Asma S, Parascandola M, editors. Smokeless tobacco and public health in India. New Delhi: Ministry of Health & Family Welfare, Government of India; 2016 [Internet]. p. 178. Available from: <https://www.mohfw.gov.in/sites/default/files/Final%20Version%20of%20SLT%20Monograph.pdf>
- Humans IWG on the E of CR to. Description of Smokeless Tobacco Practices [Internet]. International Agency for Research on Cancer; 2007 [cited 2020 Feb 12]. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK326503/>
- WHO. WHO framework convention on tobacco control. Geneva: WHO; 2005.
- WHO | Ban tobacco advertising to protect young people [Internet]. [cited 2020 Feb 12]. Available from: [https://www.who.int/mediacentre/news/releases/2013/who\\_ban\\_tobacco/en/](https://www.who.int/mediacentre/news/releases/2013/who_ban_tobacco/en/)
- Sushma C, Sharang C. Pan masala advertisements are surrogate for tobacco products. Indian J Cancer. 2005 Apr 1;42(2):94.
- John RM, Dauchy E, Goodchild M. Estimated impact of the GST on tobacco products in India. Tob Control. 2019 Sep 1;28(5):506–12.
- Rout SK, Arora M. Taxation of smokeless tobacco in India. Indian J Cancer. 2014 Dec 1;51(5):8.