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# Compliance Survey

## Implementation of Graphical Health Warning (GHW) on Tobacco Packets

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# Introduction

## Background

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According to Section 10(1) of the Smoking and Tobacco Products Usage (Control) (Amendment) Act 2013, it is mandatory to print colored images about the harms caused by the uses of tobacco products. The image must cover at least 50% of the main display area of all forms of tobacco packets, containers and cartons. Law has prescribed nine pictures to be printed: seven pictures for smoking tobacco and two for smoke-less tobacco products. The Smoking and Tobacco Products Usage (Control) Rule, 2015 has also ensured that tobacco packets without graphical health warning (GHW) cannot be marketed or sold after 19 March 2016; if found otherwise, is a punishable offense by law. If a person contravenes the provisions of this rule, it is made punishable with a rigorous imprisonment for a term not exceeding six months or a financial penalty which may extend up to BDT200,000 (Approximately USD2,700) or both. Besides, if the person contravenes the provisions more than once, every time the amount of fine or punishment shall be doubled.

Later, with interference from Bangladesh Cigarette Manufacturers' Association (BCMA), the Ministry of Law, Justice and Parliamentary Affairs (MoLJPA) of the Government of Bangladesh, in an amendment request sent to the Ministry of Health and Family Welfare (MoHFW) on March 13, 2016, allowed printing GHW on the lower half segment of cigarette packets. It was informed by the National Tobacco Control Cell (NTCC) through a public notice on March 16, 2016. Anti-tobacco platforms expressed sharp reactions over the decision of the MoLJPA. Since, NTCC has issued a public notice, anti-tobacco organizations have taken initiative to monitor if the tobacco companies are implementing the GHW on the packets and containers to comply with the government orders on tobacco control.

## Research Objectives

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This study aimed at providing an evidence-based analysis about implementation status of GHW on packets, containers and cartons of tobacco products with an intension to support various ministries including MoLJPA and NTCC in developing a robust tobacco control mechanism.

## Methodology

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The People's Republic of Bangladesh is broadly divided into eight administrative divisions. To evaluate GHW implementation situation, data was collected from eight divisional cities: Dhaka, Chittagong, Rajshahi, Khulna, Barisal, Sylhet, Rangpur and

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Mymensingh. A structured questionnaire (Annexure 1) was prepared and used for data collected. Three types of tobacco sellers (i.e. shops) were identified to interview: (a) cigarette sellers, who sell mostly high and premium brand cigarettes; (b) bidi and low brand cigarette sellers, who sell mostly bidi and low-priced cigarettes; and (c) smokeless tobacco sellers, who sells mostly smokeless tobacco. Five interviews for each category of sellers were conducted in each divisional city, that finally provided 120 filled-in questionnaire. The enumerator purposively selected the respondent shops. The enumerators noted down the name of the tobacco products available on the store they visited and then filled-out the form for the respective tobacco products. When there were both GHW included and excluded products, they took only the GHW included products for the study. Besides, the study has included all the tobacco products produced and manufactured in Bangladesh only.

## **Implementing Organizations**

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Seven anti-tobacco organizations have conducted the fieldwork in eight divisional cities. (ACD) worked in Khulna and Barisal; Development Council worked in Rajshahi and Rangpur; (YPSA) worked in Sylhet, Chittagong, Mymensingh and Dhaka; SHIMANTIK worked in Sylhet and Chittagong; (DAM) and NHF,B worked in Mymensingh and Dhaka; and PROGAA worked in Barisal, Dhaka, Khulna, Rajshahi and Rangpur. PROGGA provided all technical and logistic supports, while Campaign for Tobacco Free Kids (CTFK) provided overall supports to complete the study.

## **Study Period**

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Second round of the survey was conducted during the week from November 17-21, 2016. The analysis was finalized during December 2016.

## **Assumptions**

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The underlying assumption for the study was if any tobacco company printed the GHW on its packet or container, that is likely to be found at least in one store among the fifteen interviewed in different divisional cities.

## **Limitations of the Study**

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The study was conducted only in eight divisional cities. Zilla, upazilla or other rural areas were not been surveyed. Thereby, it is imperative not to consider the study as a nationally representative one, rather an indicative study on compliance of GHW in Bangladesh.

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## Compliance Issues

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The study was conducted based on the indicators formulated by tobacco control related laws, rules, regulations, ordinances and served public notice.

### Cigarette packet

- GHW has to be printed at least 50% of the main display area of on the lower part of packet;
- GHW has to be printed on both sides;
- The packet has to contain the text ‘smoking causes strokes’ with the following image -



- Ratio of image and text in the pictorial warning has to be 6:1 and the script shall be in white letters against a black background;
- The statement ‘approved for sale in Bangladesh only’ has to be printed on both sides of the packets and packages.

### Bidi Packet

- GHW has to be printed on at least 50% of the main display area of the upper part of the packet;
- GHW has to be printed on both sides of the packet;
- The packet has to contain the text ‘smoking causes throat and lung cancer’ with the following image -





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- Ratio of image and text in the pictorial warning has to be 6:1 and the script shall be in white letters against a black background;
  - The statement 'approved for sale in Bangladesh only' has to be printed on both sides of packets and packages.

### Zarda/Gul Container

- GHW has to be printed on at least 50% of the main display area of the upper part of the container;
- GHW has to be printed on both sides of the container;
- The container has to contain the text 'consumption of tobacco products causes mouth and throat cancer' with the following image -



- Ratio of image and text in the pictorial warning has to be 6:1 and the script shall be in white letters against a black background;
- The statement 'approved for sale in Bangladesh only' has to be printed on the sides of packets and packages.

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## Study Results

### Comprehensive Compliance of Graphical Health Warning (GHW)

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The status of comprehensive compliance of implementation of GHW on tobacco packets following all of the regulatory guidelines in Bangladesh is not satisfactory yet. In more than half of the cases selected for this study (i.e. in 51% of the packets and containers) GHW was not printed according to the government directives. More specifically, a perfect compliance was missing for all bidi packets (100%); in case of zarda the non-compliance rate was 96.4%. Around 76% for gul and around 21% for cigarette were also observed. While company-specific investigation was made, more than 92% of the producers of tobacco were found not to utterly comply with the regulatory guidelines.

### Presence of GHW on Tobacco Packets and Containers

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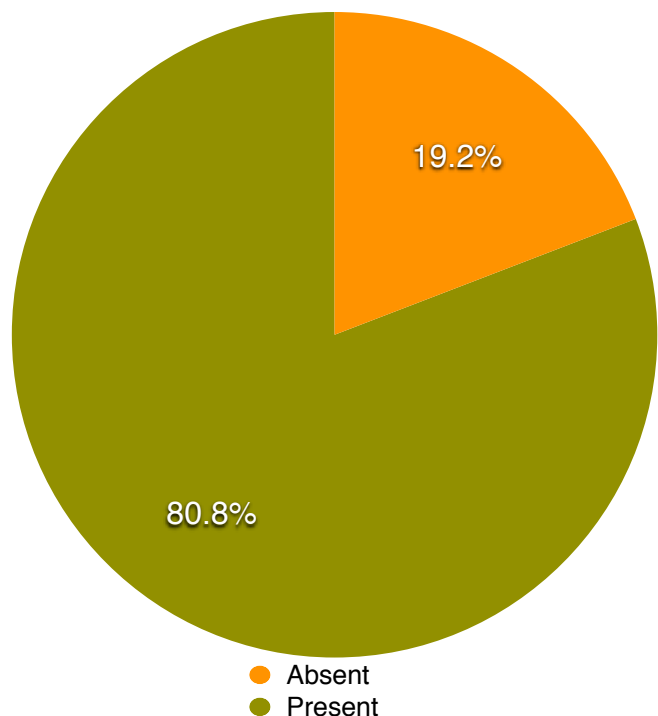
Tobacco products, both smoked and smoke-less, in Bangladesh are usually marketed in packets and/or containers. Although obliged by law, the latest survey, conducted during November 2016, reveals that around 20% of the packets and containers of both categories of tobacco products do not include any type of GHW (Figure 1).

Out of 1,827 items including cigarette, bidi, zarda and gul inspected during November 2016, 1,477 items were found to include any form of GHW.

Around 15% of bidi packets were found non-complying with the guidelines for inclusion of GHW; although almost all of the cigarette items have included both ministry-approved and not-approved GHW. A closure look to the situation revealed that substantial part of tobacco packets and containers have not used the prescribed GHW by the ministry.

The scenario is worse with smoke-less tobacco products. They are far behind compliance to regulatory guidelines. Around 40% and 24% of Zarda and Gul packets or containers, respectively have not included any form of GHW (as shown in Figure 2). Zarda products share the highest proportion of noGHW followed by gul and

**Figure 1: Graphical Health Warning on tobacco products (as of November 2016)**

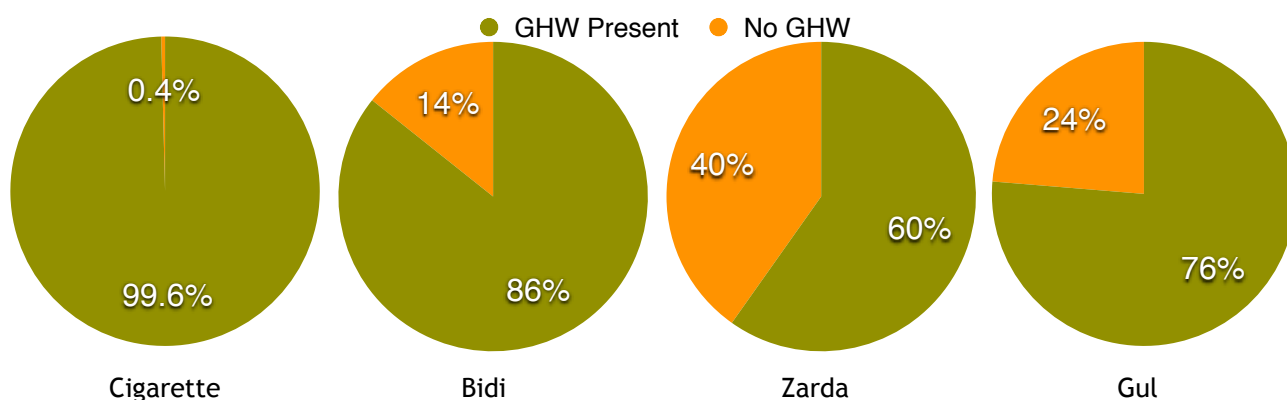




bidi. Among cigarette producers, only few low-priced cigarettes were found not to use the prescribed image.

A producer-based analysis showed that 38 out of 119 zarda producer and 4 out of 16 gul producers have not printed any GHW on their product packets and containers. Two and one out of 13 cigarette and 16 bidi producers respectively, marketed products without GHW on their products.

Figure 2: Product-wise GHW as of November 2016



## Endorsement of GHW by the Ministry of Health & Family Welfare, Bangladesh

The images on the packets and containers of all types of tobacco products need to be endorsed, according to law, by the Ministry of Health and Family Welfare (MoHFW), Government of Bangladesh. While the producers of cigarette and bidi were found to be complying in toto with the requirement of MoHFW-endorsed images in packets, smoke-less tobacco producers, i.e. producers of zarda and gul were to achieve a hundred percent mark. Among smoke-less tobacco packets and containers, substantial number of packets were found not using the images approved by the MoHFW.

Table 1: Endorsed GHW images for smoke-less tobacco products

Endorsement of GHW by the MoHFW	Zarda		Gul	
	Number	Percentage	Number	Percentage
Yes	358	76%	50	86%
No	115	24%	8	14%
<b>Total</b>	<b>473</b>	<b>100%</b>	<b>58</b>	<b>100%</b>

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## Use of Appropriate Image and Text for GHW as Prescribed

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As per the ministerial order different sets of images have been selected for smoking and smoke-less tobacco packets and containers, and are changed every three months. It was found that bidi packets had the highest deviation in using approved images for GHW, while cigarette, zarda and gul showed almost similar trend in using images approved from the previous round(s). Table 2 shows that roughly one fifth of the packets and containers of cigarette, zarda and gul used images in GHW from previous round, which is also an offense.

**Table 2: Product- and period-wise endorsed GHW images**

Approved images for GHW by the MoHFW	Product Category (Packets and containers that included GHW)			
	Cigarette	Bidi	Zarda	Gul
Current round	79.5%	61.7%	80.7%	78%
Previous round	20.5%	38.3%	19.3%	22%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

The study has also revealed that 38% of the products were low brand tobacco products, among which more than 25% of the packets and containers used approved images of the previous round. It is also alarming because low brand items are mostly consumed by the poor section of the society. Different images would make them aware against the harm of tobacco consumption.

### If warning text is endorsed by the ministry

Around 10% of smoke-less tobacco containers (i.e. 4.5% of zarda and 6% of gul) were found not printed the government approved text. Instead, different statements of warning were found. All of the cigarette and bidi packets containing the text followed the approved statements by the government.

### If warning text font is white on black background

After analyzing the collected data it was found that bidi packets had a non-compliance rate of around 39% in printing. Besides, 13.7% (i.e. 49 containers out of 358) of zarda and 32% (i.e. 16 containers out of 50) of gul containers do not have any warning in white fonts on black background to comply ministerial orders.

### If the text and GHW image ratio is 6:1

A substantial part of bidi producers were not maintaining the guided ratio of 6:1 for printing GHW image on the packets. Around 15% and 28% of zarda and gul containers,

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respectively were found not to comply the directive. However, cigarette packets were to be follow the rule.

If the pack contains the statement, “Approved for sale in Bangladesh only”

Surprisingly, none of the bidi packets had this statement on the packet. Around 55% and 54% of zarda and gul containers did not print the statement as well. Only nine cigarette packets out of a total of 886, i.e. 1% of the packets, containing GHW did not include the above mentioned statement.

The MoHFP has selected seven images to be used every three months in GHW for cigarette and bidi, and two for zarda and gul, respectively. Around 21% of the tobacco packets and containers were found to use images approved for earlier sessions. A total of 35 cigarette brands of 10 different cigarette producers were found to use images approved for other sessions. With regard to bidi, 12 brands from 12 different producers were found to use photos from earlier sessions. Similar things happened with 26 different zarda packets and containers of 17 producers, and four gul factories.

## **Placement of GHW on the Packets and Containers and Image Quality**

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According to the directives of Section 10(1) of the Smoking and Tobacco Products Usage (Control) (Amendment) Act 2013, printing of GHW must cover at least 50% of the main display area of all forms of tobacco packets, containers or cartons; later, based on the recommendations made by the MoLJPA, NTCC issued a public notice over printing GHW on the lower 50% space of the packets. However, this recommendation is applicable only for hard and soft cigarette packets, and not for bidi, gul and zarda.

More than 90% of the bidi packets did not place the GHW in appropriate place. For instance, around 80% of the bidi packets printed GHW on one side of lower part of the packet, and around 7% on one side of upper part. The study found that cigarettes packets that contained GHW printed it on the lower part and on both sides of the packets.

With regard to gul containers, around 82% were found not to follow the guidelines and the rest did follow the directives. For zarda products the scenario is even worse; more than 85% of the containers did not comply with the guidelines.

In terms of the size of the GHW, Zarda and gul containers have substantial opportunity to improve; because, little less than 50% of the containers did not allocate 50% of the space for GHW. he results showed that around 29% of the bidi packets used less than 50% of the space for GHW. All of the cigarette packets sampled for the study comply allocation of 50% of the space of a packet for GHW.

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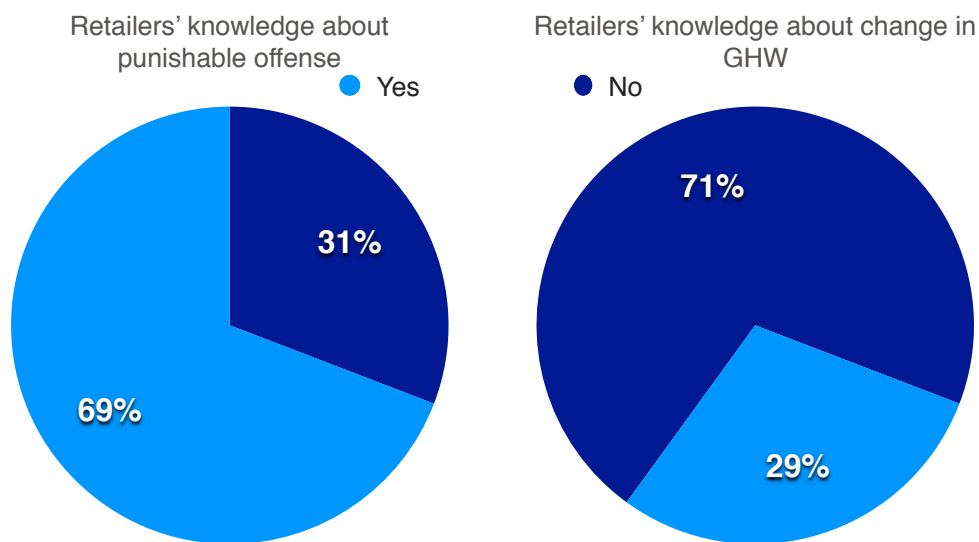
The quality of image of GHW was also investigated by the research team and it was found that for bidi, around 50% of the packets did not have a clear image of GHW. Around 30% and 28% of the containers for zarda and gul respectively, did not have standard and clear image of GHW. Cigarette packet images, on average seemed clear and standard.

## Awareness among the Retailers of Tobacco Products

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The research team investigated the knowledge and awareness of the retailers selling tobacco products. Around one third of the retailers did not know that selling tobacco product without GHW on it punishable by law; and more than two thirds of the retailers did not know that the GHW changes every three months.

Figure 3: Retailers knowledge about GHW



Awareness, which is very low among the retailers, are important tool to discourage tobacco trade by-passing the national and international rules and regulations. If retailers are well-informed about the images and text approved for current round and the way these need to be shown on the packets and containers, it would create a pressure on the producers to comply government directives.

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## Conclusion and Recommendations

### Conclusion

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Purpose of this study is to provide an evidence of the current status of GHW implementation in Bangladesh. A survey of tobacco packets and containers was conducted. Although mandatory by law since March, 2016 to print GHW on all types of tobacco packets, containers and cartons, this study has found that the law has not been complied in many cases. Overall, about 80% of all types of tobacco products did not have prescribed GHWs with specific size and appropriate placement. Around 50% of the products was marketed without following the guidelines of the MoLJPA on prescribed image, size of pictorial warning text and required image. Cigarette producers are more complied than any other producers of tobacco; however, bidi, zarda and gul product have substantial opportunities to improve. The overall situation of GHW implementation in Bangladesh is not satisfactory as of yet, even after nine months of launching the new rules. Especially, the guidelines has not been followed for low-priced tobacco products which are mostly consumed by poor and pro-poor segments of the society in which GHW was expected to be more effective. Besides, if the same images continues in different rounds, the GHW image may lose its appeal to the consumers.

### Recommendations

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- Local level administration should focus on regional smoke-less tobacco producers who maintain a niche market.
- Frequent but irregular mobile courts may be operated to investigate tobacco shops and openly destroying tobacco packets and containers without approved GHW may bring awareness among sellers.
- more involvement of the law enforcing authority is likely to improve the current situation.
- More seminars, meetings, and campaigns in rural areas may help improve the situation.
- Dissemination of survey results through seminar and press conference may help people become more aware.
- Raising awareness among the tobacco sellers.