

**Fighting
Tobacco
Promotion in
Bangladesh:
*A Framework
for Implementing
TAPS Ban in the
Light of Tobacco
Control Law***



EC Bangladesh

Fighting Tobacco Promotion in Bangladesh: *A Framework for Implementing TAPS Ban in the Light of Tobacco Control Law*

Prepared by
EC Bangladesh

March 2015



EC Bangladesh

Fighting Tobacco Promotion in Bangladesh:
A Framework for Implementing TAPS Ban in the Light of Tobacco Control Law

First Publication

March, 2015

Developed by

Muhammad Emdadul Haque Bhuiyan
Farhana Haque Ovi
Md. Mahbub Alam
Dewan Taufika Hossain

Edited by

Taifur Rahman
Eva Naznin
Arif Sikder

Consultant

Amin Ul Ahsan

ISBN: 978-984-33-8249-8

Cover and Text Design
Sketchgreen

Technical Assistance

National Tobacco Control Cell
Ministry of Health and Family Welfare
The Govt. of the People's Republic of Bangladesh

All rights reserved

Publisher

Environment Council Bangladesh
House-67, Block-KA
Pici Culture Housing Society
Shyamoli, Dhaka-1207
Phone: +88-02-9120040; 9125028
Email: info@ecbangladesh.org
Website: www.ecbangladesh.org

Financed by

Campaign for Tobacco Free Kids
Bloomberg Philanthropies



Message

Roxana Kader

Additional Secretary (Public Health & WHO)
Ministry of Health and Family Welfare
The Govt. of the People's Republic of Bangladesh

Worldwide conducted various studies on tobacco control and public health prove that tobacco advertising, promotion and sponsorship has significantly greater influence on tobacco consumption. Evidence from around the world shows that tobacco industry continues to market and promote their products in ways that appeal to youth and old. Tobacco industry continued such kind of activity in order to create new consumer and retaining old consumers in tobacco consumption. In 2005 Bangladesh enacted the first ever law on tobacco control following its signing and ratification of the Framework Convention on Tobacco Control (FCTC) in 2003 and 2004 respectively. The Act of 2005 was amended in 2013 making the ban on TAPS much more comprehensive in line with the FCTC. In this amendment restriction was imposed on all kinds of direct and indirect advertising of tobacco products. In order to implement tobacco control law MOHFW as well as different ministries, National Tobacco Control Cell, Taskforce Committee, Local Administration and Law Enforcement Agency, Local Govt. Institution (City Corporation, Municipality and Union Parishad), Media, NGOs and Civil Society can play vital role in effective implementation.

Environment Council Bangladesh prepared an implementation framework with the financial assistance of Campaign for Tobacco Free Kids and technical assistance from NTCC for providing guidance to the stakeholders on implementation of TAPS ban in line with the 'Smoking and Tobacco Products Usage (Control) Act, 2005' (amended in 2013). It is expected that the extent of TAPS will reduce significantly in Bangladesh through the use of this framework as an overall guideline.

Cordial greetings and thanks to all those people whoever involved in the process of this framework development.

(Roxana Kader)

Message

Acknowledgement

Acknowledgement

In order to ensure effective implementation of tobacco control law comprehensive ban of tobacco advertising, promotion and sponsorship is mandatory. 'Smoking and Tobacco Products Usage (Control) Act, 2005' imposed ban on most forms of direct advertisements of tobacco products and regulation on sponsorships and some other types of tobacco promotion. Beside this in FCTC banning of tobacco advertising, promotion and sponsorship also notified with importance. For effective implementation of law coordination among different stakeholders is necessary. Stakeholders from national and local levels role is essential. Relevant stakeholders will get an apparent idea about their implementation strategy. In future it will help them to do their responsibilities and coordinating with other relevant stakeholders.

EC Bangladesh expresses its heartiest gratitude to every member of Campaign for Tobacco Free Kids-Bangladesh Program for their continuous support in developing the framework and also earnest gratitude to CTFK-USA for financial support. Cordial thanks to NTCC for their great support. Many stakeholders attended in framework development workshop and add their valuable input and we are grateful to them. Beside this we also appreciate the role and effort of local administration and other organization whoever provides support and cooperation in organizing framework sharing workshop in divisional level. Specially Office of the Divisional Commissioner of Rajshahi and Chittagong, Office of the Deputy Commissioner Rangpur, Sylhet, Barisal and also relevant Civil Surgeon Office provided us huge support. We also want to express our warmest thanks towards SHIMANTIK, ACD, YPSA, SEIAM, AID, ACLAB for their continuous support.

Table of Content

Chapter 1: Introduction	06
1.1 Background	07
1.2 Purpose of the Framework	09
1.3 Main Features of the Framework	09
Chapter 2: Understanding TAPS Ban	11
2.1 What is TAPS?	12
2.2 TAPS Ban in Bangladesh Law	13
2.3 Effects of TAPS on Tobacco Consumption	17
2.4 Impact of Comprehensive TAPS ban on Tobacco Usage	17
Chapter 3: Nature and Extent of TAPS in Bangladesh	19
3.1 Overview of TAPS in Bangladesh	20
3.2 Different Types of TAPS in Bangladesh	22
Chapter 4: Strategies for Implementing TAPS Ban	26
4.1 A Comprehensive Approach to Implementing TAPS Ban	27
4.2 Implementing Ban on Direct Advertisements	30
4.3 Stopping Promotional Activities at Points-of-Sale	31
4.4 Implementing TAPS Ban in Media	33
4.5 Indirect Promotional Activities	34
4.6 Sponsorship	34
4.7 Implementing Ban on CSR Promotion	35
Chapter 5: Strategies for Engaging Key Players	37
5.1 Advocating with National Level Stakeholders	38
5.2 Engaging Local Level Stakeholders	39

Chapter 1

Introduction

1.1 Background

Tobacco industry spends billions of dollars each year to market its tobacco products. The industry uses a mix of advertising, promotion and sponsorship tactics to directly affect tobacco use and attitudes related to tobacco¹. The tobacco industry is now a truly global industry, investing huge sums of money in low- and middle-income countries to increase the social acceptability of tobacco and tobacco industry among both adults and young people². However, studies suggest that tobacco marketing has significantly greater influence on young people. Evidence from around the world shows that tobacco industry continues to market and promote their products in ways that appeal to children³.

Bangladesh has one of the world's highest rates of tobacco use⁴ and the rate among young people is particularly high⁵. The tobacco industry comprising of the multinational companies and the local producers were allowed to market tobacco products through unregulated advertising and promotion till 2005 when Bangladesh enacted the first ever law on tobacco control following its signing and ratification of the Framework Convention on Tobacco Control (FCTC) in 2003 and 2004 respectively. The 'Smoking and Tobacco Products Usage (Control) Act, 2005' imposed ban on most forms of direct advertisements of tobacco products and regulation on sponsorships and some other types of tobacco promotion. However, the ban on advertising, promotion

¹ "Tobacco Advertising, Promotion and Sponsorship: Essential Facts", Campaign for Tobacco-Free Kids, Washington D.C., 2008.

Available at: http://global.tobaccofreekids.org/files/pdfs/en/APS_essential_facts_en.pdf?utm_source=download&utm_medium=pdf&utm_campaign=factsheet

² How do you sell death, American Cancer Society, Campaign for Tobacco-Free Kids and Framework Convention Alliance, 2008.

Available at: http://global.tobaccofreekids.org/files/pdfs/en/HDYSD_en.pdf

³ "Tobacco Advertising & Youth: The Evidence", Campaign for Tobacco-Free Kids, Washington, D.C., 2008.

Available at: http://global.tobaccofreekids.org/files/pdfs/en/APS_youth_evidence_en.pdf

⁴ In Bangladesh, 43 percent of the adults consume tobacco in any form according to the Global Adult Tobacco Survey 2009.

⁵ According to Global Youth Tobacco Survey 2007, about 7 percent of the school-going children aged 13-15 use tobacco in Bangladesh.

and sponsorship (TAPS) was not comprehensive and the tobacco industry was able to continue and expand its marketing using the loopholes of the law particularly with regard to point-of-sale advertising, corporate social responsibilities and some other aspects of promotion.

The Act of 2005 was amended in 2013 making the ban on TAPS much more comprehensive in line with the FCTC. However, the tobacco industry has been investing a lot on various tactics of tobacco promotion violating the law and using the loopholes (or lack of clarity) that still remain in the law. It is evident that the promotional activities of the tobacco industry will continue unless the law is effectively implemented.

This framework is presented to provide guidance to the stakeholders on implementation of TAPS ban in line with the 'Smoking and Tobacco Products Usage (Control) Act, 2005' (amended in 2013). The process of developing the framework involved a series of consultations with stakeholders at the national and local level. The stakeholders included Ministry of Health and Family Welfare (MOHFW), National Tobacco Control Cell (NTCC), District Tobacco Control Taskforces, law enforcement agencies, local government institutions (city corporations, municipalities and union parishads), media, tobacco control NGOs and civil society representatives. It is expected that the extent of TAPS will reduce significantly in Bangladesh through the use of this framework as an overall guideline. The application of the framework, however, will depend largely on the local context and the stakeholders.

1.2 Purpose of the Framework

The overall purpose of the framework is to provide practical guidance to stakeholders in implementing the comprehensive ban on tobacco advertising, promotion and sponsorship as in the ‘Smoking and Tobacco Products Usage (Control) Act, 2005’. The framework hopefully will help create harmony among stakeholders involved in various activities related to implementation of TAPS ban. It will facilitate coordination among stakeholders in aligning their activities with the law and government policies. The framework will support planning and implementation of effective actions taken to stop TAPS by the law enforcers and other stakeholders related to implementation. This framework is flexible and can be adapted by the stakeholders based on the local contexts and needs. The framework also outlines the possible responsibilities of the relevant stakeholders in implementing the TAPS-related sections of the tobacco control law.

1.3 Main Features of the Framework

What's in the framework

The framework consists of strategies and approaches that can be used to align implementation activities with the national law and policy to ban TAPS. It identifies immediate, medium- and long-term steps for effective implementation of the TAPS-related sections of the tobacco control law. It outlines the possible role, duties and responsibilities of the various stakeholders related to implementation of TAPS ban. The framework presents possible mechanisms of monitoring and reporting of the implementation of the law with regard to TAPS ban. A basic understanding of tobacco advertising, promotion and sponsorship in light of the international guidelines and national law is given in the framework so that the users can use it for informed implementation of TAPS

ban. Thus, the entire framework can be used by any stakeholder as a complete guide for implementing TAPS ban in Bangladesh.

Who it is for

The framework can generally be used by anyone related to implementation of TAPS ban. A list of possible users is presented in Table 1-1.

Table 1-1: Possible Users of the Framework

Relevant Ministries	Law Enforcers
<ul style="list-style-type: none">• Health (NTCC)• Information• Cabinet• Local Government• Any other relevant ministry	<ul style="list-style-type: none">• District and Upazila administrations• Police• Authorized officers (as in the Law and Rules)
Local Government	Non-govt. Entities
<ul style="list-style-type: none">• City Corporations• Municipalities• Upazila Parishads• Union Parishads	<ul style="list-style-type: none">• Mass media• NGOs• Civil society• Retailers• TVs and radios• Cable operators• Other stakeholders

How to use the framework

Stakeholders can adapt the framework for their use at two levels: conceptual and practical. On one hand, it can be used conceptually in getting ideas about the TAPS and the legal ban on it. On the other hand, the framework is a practical tool to guide implementation activities in banning tobacco advertising. One of the key features of the framework is its flexibility, i.e. it is adaptable to any context and situation in Bangladesh and users can apply it as a broad guideline rather than a strict checklist.

Chapter 2

Understanding TAPS Ban

2.1 What is TAPS?

FCTC defines tobacco advertising and promotion as “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”. The Convention also defines tobacco sponsorship as “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”⁶.

The WHO FCTC recognizes that meaningful tobacco control must include the elimination of all forms of tobacco advertising, promotion, and sponsorship. Article 13 of FCTC is all about TAPS ban. For meaningful tobacco control article 13 is so crucial that it is one of the two articles that includes a mandatory timeframe for implementation. All parties must implement a comprehensive TAPS ban within five years after the entry of the treaty⁷.



⁶Article 1(c) and 1(g) of the WHO Framework Convention on Tobacco Control.

⁷WHO Report on the Global Tobacco Epidemic 2013, Geneva.

Comprehensive TAPS Ban

According to the FCTC Guidelines for implementation of Article 13 the scope of a comprehensive TAPS ban should cover the following:

- All advertising and promotion, as well as sponsorship, without exemption;
- Direct and indirect advertising, promotion and sponsorship;
- Acts that aim at promotion and acts that have or are likely to have a promotional effect;
- Promotion of tobacco products and the use of tobacco;
- Commercial communications and commercial recommendations and actions;
- Contribution of any kind to any event, activity or individual;
- Advertising and promotion of tobacco brand names and all corporate promotion; and
- Traditional media (print, television and radio) and all media platforms, including Internet, mobile telephones and other new technologies as well as films.

2.2 TAPS Ban in Bangladesh Law

Bangladesh enacted 'Smoking and Tobacco Products Usage (Control) Act, 2005' that banned all sorts of print and electronic advertisements, promotion and sponsorships of tobacco products in the country. However, the ban was not comprehensive as the tobacco industry and traders were allowed to do various forms of indirect advertisement and promotion of tobacco products. Even the law allowed limited opportunities of direct advertisements for the

points-of-sale of tobacco products. The amendment to the law in 2013 imposed a more comprehensive ban on all forms of tobacco promotion including a complete ban on point-of-sale advertising and most forms of indirect promotional activities. The law reflects greater compliance to the FCTC and its guidelines in terms of TAPS ban. The various sections of the law cover most of the TAPS ban related recommendations of the FCTC Guidelines on Article 13. The 'Smoking and Tobacco Products Usage (Control) Rules 2015' adopts the definitions of the terms 'tobacco advertising and promotion' and 'tobacco sponsorship' exactly as they are in the FCTC Guideline on Article 13.

The main aspects of TAPS ban in the law are the following:

- Any form of direct and indirect advertisements of tobacco products are completely ban. Along with mentioning almost all possible means of direct advertisements the law also explains advertisement of tobacco products as “any kind of commercial actions with the aim of promoting a tobacco product or tobacco use either directly or indirectly.
- Any promotion of tobacco products at the points-of-sale is entirely prohibited.
- In addition to including indirect advertising in the definition of TAPS, the law separately prohibits a number of indirect advocacy tactics e.g. brand stretching, brand sharing, free samples distributions, free gifts etc.
- All kinds of sponsorship of tobacco products are completely banned by the law.
- Use of name, sign, trademark, symbol representing any tobacco company while doing activities labelled as corporate social responsibility is entirely prohibited.
- Representation of tobacco use in mass media in any

way e.g. display, description etc, is completely prohibited. While this apply comprehensively on TV drama, documentary, radio programs, theatre etc., the cinema having tobacco use scenes that are “essential for the sake of the story” is given an exception subject to strict regulations regarding display of warning notices while those scenes are shown.

- Punishment for violation of any sections of the law on TAPS ban (Section 5) is simple imprisonment of three months or penalty of 100,000 taka or both and is supposed to double for each repeated violations.

Excerpts from Bangladesh Tobacco Control Law

5. PROVISIONS REGARDING PROHIBITION OF ADVERTISEMENT AND PROMOTION OF TOBACCO PRODUCTS AND CONTROL OF SPONSORSHIP. –

(1) No person shall –

(a) disseminate or make disseminated advertisement of tobacco products in the print or electronic media, any books, leaflets, handbill, poster, printed paper, billboard or signboard or in any other means;

(b) supply or offer to supply or make supplied to public any sample of tobacco products for free or in lower price for the purpose of inducing in buying those products;

(c) provide or make provided any donation, award, scholarship or sponsor or make sponsored any program for the purpose of advertising tobacco products or inducing in the use of those products;

(d) disseminate or make disseminated any advertisement regarding tobacco or tobacco products in any cinema halls, print and electronic media or web pages;

(e) disseminate or make disseminated, display or make displayed, or describe or make described in television, radio, Internet, stage program or any other mass media scene of tobacco use in cinema, drama or documentary made or available and disseminated in Bangladesh or made in abroad;

however, if it is essential for the story of the cinema, such scenes can be displayed provided that text warnings regarding harmful effects of the use of tobacco products are displayed on the screen, in a way determined by the rules, while displaying the cinema having scene of tobacco use;

(f) produce, sell or distribute or make produced, sold or distributed any product or packet or container of any product similar to any packet or container of tobacco products;

(g) disseminate or make disseminated advertisement of tobacco products in any ways at the point of sales of tobacco products.

Explanation – For fulfilling the purpose of sub-section (1), “disseminate advertisement of tobacco products” means performing any kind of commercial actions with the aim of promoting a tobacco product or tobacco use either directly or indirectly.

(2) Nothing in the clause (e) of sub-section (1) will apply to dissemination of anti-tobacco health education.

(3) If any person participate in social activities as part of Corporate Social Responsibility or in case of providing fund for spending in those activities, he cannot use or make used name, sign, trademark, symbol of tobacco or institution manufacturing tobacco or motivate any other person to use those.

(4) If any person contravenes the provisions of this section he shall be punishable with simple imprisonment for a term not exceeding three months or a fine which may extend to one hundred thousand taka or both, and if the person contravenes the provisions more than once, every time the amount of fine or punishment shall be doubled.

2.3 Effects of TAPS on Tobacco Consumption

The effects of TAPS are multi-faceted and vary across different demographic and socio-economic groups. Tobacco advertisement, promotion and sponsorship⁸:

- Promote tobacco use as customary and glamorous.
- Are deceptive and misleading.
- Weaken public health campaigns.
- Target specific populations such as women, youth, and minority groups.
- Increase tobacco consumption by:
 - Attracting new tobacco users.
 - Increasing the amount of consumption among current smokers.
 - Reducing a smoker's willingness to quit.
 - Encouraging former smokers to start smoking again.

Tobacco industry tries to use tobacco advertisement and promotion to create an environment in which tobacco use is familiar and socially acceptable, and the warnings about its health consequences are undermined⁹.

2.4 Impact of Comprehensive TAPS ban on Tobacco Usage

Comprehensive bans on TAPS have proven to have significant contribution to reducing the use of tobacco among all socio-economic and age groups. However, partial advertising bans are less effective mainly because the tobacco industry uses the loopholes of any ban to create innovative tactics of promoting

⁸"Tobacco Advertising, Promotion and Sponsorship: Essential Facts", Campaign for Tobacco-Free Kids, Washington D.C., 2008.
Available at: http://global.tobaccofreekids.org/files/pdfs/en/APS_essential_facts_en.pdf?utm_source=download&utm_medium=pdf&utm_campaign=factsheet

⁹US Surgeon General's Report 1989.

their products. Studies conducted on numerous countries show that comprehensive TAPS ban leads to significant reduction in tobacco consumption. The following are three examples¹⁰ of such studies.

- A study of 22 developed countries found that comprehensive bans reduced tobacco consumption by 6.3%.
- Another study of 102 countries showed that in countries with partial bans consumption only decreased by 1% compared with almost 9% in countries with comprehensive bans.
- A study of 30 developing countries found partial bans were associated with a 13.6% reduction in per capita consumption, compared to 23.5% in countries with comprehensive bans.

Comprehensive ban on TAPS brings down the visibility of tobacco products to a minimal level, which contributes to significantly reduced exposure of young people to the products. Thus, the greatest impact of comprehensive TAPS ban is usually achieved on the youth.

¹⁰"Tobacco Advertising, Promotion and Sponsorship: Essential Facts", ibid.

Chapter 3

Nature and Extent of TAPS in Bangladesh

3.1 Overview of TAPS in Bangladesh

Information regarding the nature, types and extent of TAPS can be gathered from a number of studies in Bangladesh. The Global Adult Tobacco Survey (GATS), 2009 provides with country-representative data on overall exposure to tobacco promotion while the National Tobacco Control Cell (NTCC) conducted a district-specific pilot study to document the various types of TAPS and the extent of those. EC Bangladesh conducted a mapping of TAPS and documented various types of promotional activities of tobacco products from a number of districts of the country.

Some Official Statistics on TAPS in Bangladesh

GATS (2009) reveals that in Bangladesh 4 in 10 adults notice cigarette marketing in stores where cigarette are sold and almost 3 in 10 adults notice other forms of cigarette marketing or sporting event sponsorship. Earlier, the Global Youth Tobacco Survey (GYTS), 2004 showed that 12.8% of students aged 13-15 years had seen an object with a cigarette or tobacco logo on it while 10% of the students were offered free cigarettes by a tobacco company representative. Another pilot study by NTCC in 2012 conducted in Naogaon district only showed that 31% retailers of tobacco products received gift from the tobacco company during three months prior to the survey, whereas 20% retailers reported that the company had distributed free sample or gifts to the customer during the same period. Among the surveyed shops 24% were dedicated tobacco shops and 38% of the dedicated shops were made with branding of some tobacco products. Posters were found in 48% of tobacco shops and 32% of the points-of-sale were decorated with colored flyer of different tobacco products.

Findings from EC Bangladesh Study on TAPS

A country-wide survey conducted in 2013 by Environment Council Bangladesh revealed useful information about the nature and extent of tobacco advertising, promotion and sponsorship in Bangladesh.

- 38% of the cigarette showcases at points-of-sale were supplied by the tobacco companies, 68.8% sales persons at points-of-sale had gift offer.
- Tobacco companies mostly offered free sample (72.5%) and cash money (33%).
- 75% of the retailers reported visit by promoters appointed by different tobacco companies.
- 15% of the surveyed retailers reported video show organized by tobacco industry at the points-of-sale. More than 87% of the video shows were conducted by representatives of the largest multinational tobacco manufacturer of the country.
- 27.9% retailers received shop decoration material for promoting tobacco sale.
- 60% of the surveyed shops had visible flyer decorating the area, 48.5% had poster displayed, 77.2% had visible decorative items made of cigarette packets, 32.3% had large dummy cigarette packets.
- In Northern part of the country, cash of 1-5 taka was gifted inside packets of some popular cigarette brands. Many other gifts like note-book, wall-clock, lighter etc. were also gifted. Tobacco companies provide mobile, TV etc. to the retailers based on fulfilment of sales target.
- Non-tobacco products like lighters and match boxes were found having brand names, logo and color of popular brands of tobacco products.

Corporate Social Responsibility and Sponsorships

- 7.4% of the retailers reported that tobacco companies had provided scholarship to the poor students. The percentages were very high in Kushtia (32%) and Rangpur (22.7%), the two major tobacco producing areas of the country.
- 3.1% retailers responded about tournaments sponsored by tobacco companies in the locality.
- Tobacco companies also donate various Government organizations for observing national days.

- Lalon Fair and various programmes in Kuthibari are assisted by tobacco companies.
- In Bandarban, Lama and Alikadam upzilla, various types of activities are being initiated by British American Tobacco, Bangladesh. These are: Dipto: supply of solar energy to the contract farmers, Banayan: tree plantation along major roads, Farmers School: promotion of tobacco farming in the name of teaching advanced farming techniques, funding for schools, colleges, orphanage, madrasa, hospital etc. sponsoring study tour, scholarship program and funding for hajj.

3.2 Different Types of TAPS in Bangladesh

Scope and nature of tobacco advertising and promotion have changed over time while restrictions on marketing of these products have been imposed gradually. Tobacco industry spent huge money on advertising and promotion to sustain and expand their market in the increasingly regulated environment. A comprehensive ban on advertising, promotional activities, and sponsorships along with CSR is imposed in Bangladesh by the 'Smoking and Tobacco Products Usage (Control) Act, 2005' (as amended in 2013). However, tobacco industry still continued advertising in various tricky ways. Tobacco industry dominated most forms of communications media for promotional activities. The major forms of TAPS in Bangladesh are highlighted below.

- **Point-of-sale Advertising:** Tobacco industry uses point-of-sale advertising as one of the common techniques in cases where direct advertising and promotion are highly restricted. The emphasis that the tobacco industry gives on point-of-sale (POS) advertising is reflected in a statement of BAT quoted by Smoke-Free Nova Scotia: "As primary media channels become restricted, greater emphasis must be placed on effective point of sale and parallel communications"¹¹. Although the Bangladesh law of 2005 imposed ban on most forms of direct advertisements, it left limited scope for some promotional activities

¹¹Smoke Free Nova Scotia, Restrictions on the Retail Display of Tobacco Products (2004).

through the retailers at points of sale. The tobacco industry used it very effectively to launch extensive promotional campaigns at points-of-sale countrywide, the impact of which was manifested in the high rate of exposure to tobacco promotion at retail stores as revealed by GATS (2009). In response, the 2013 amendment to the law tried to address that by imposing a complete ban on all types of tobacco promotions at POS. Still POS remains the main target for tobacco industry for advertising. Tobacco companies decorate POS with packets of tobacco products and also color the shop with the trademark colors of specific brands. Distribution of leaflet, handbill, poster, billboard, signboard or any other promotional materials at POS is prohibited. Display of tobacco products is not directly prohibited but if the exposition acts as advertising, that is prohibited according to the law.

- **Screening Tobacco Use in Mass Media:** Displaying scenes of tobacco use has been widespread in the Bangladesh mass media including television and cinema. Such screening contributes to normalizing tobacco use and undermines the impact of tobacco control measures. Depiction of tobacco consumption scene by actor/actress is practiced as a strong medium of indirect advertisement in different media. That is why, the Bangladesh law imposes ban on screening scenes of tobacco use in cinema, drama or in documentary film aired/showed in the mass media. According to the law, display and description of tobacco use in television, radio, Internet, stage program or any other mass media, or in cinema, drama or documentary is prohibited unless those are used for anti-tobacco health education. The law also leaves limited opportunity for cinema to depict scene of tobacco use only when it is essential for the purpose of the story.
- **Direct Advertisements:** Any form of direct advertisement of tobacco product has been prohibited in Bangladesh since the law was enacted in 2005. The direct forms of advertisements mentioned in the law include any advertisement in the print or electronic media, books, leaflets, handbills, poster, printed paper, billboard or signboard or in any other means. However, violations of this ban and advertising using these forms are often visible in different parts of the country. Sometimes the tobacco

companies use different print or electronic media for advertise their product in a tricky way, for example, publishing feature/story on tobacco with attractive and irrelevant photographs of smoking or tobacco products.

- **Distribution of Samples or Gifts:** Tobacco companies all over the world and in Bangladesh use distribution of free or discounted samples and gifts with tobacco products as an effective tactic of viral marketing of their products. These marketing undermine the ban or restrictions on other forms of tobacco promotion. The Bangladesh law prohibits such promotional activities done for alluring consumers, particularly the young tobacco users. The law prohibits supply of any sample of tobacco products for free or in lower price. However, tobacco companies distribute different types of gift items to customers and to seller, and offer tobacco products in exchange of empty boxes and other such things. The sellers also make offers like ‘buy one get one free’ and many other attractive rewards. It is important to note that any such offers or activities are prohibited by the law as it defines tobacco advertisement as “performing any kind of commercial actions with the aim of promoting a tobacco product or tobacco use either directly or indirectly”.
- **Brand Stretching and Brand Sharing:** According to the FCTC Guideline on Article 13, “brand stretching” occurs when a tobacco brand name, emblem, trademark, logo or trade insignia or any other distinctive feature (including distinctive color combinations) is connected with a non-tobacco product or service in such a way that the tobacco product and the non-tobacco product or service are likely to be associated. Similarly, “brand sharing” occurs when a brand name, emblem, trademark, logo or trade insignia or any other distinctive feature (including distinctive color combinations) on a nontobacco product or service is connected with a tobacco product or tobacco company in such a way that the tobacco product or company and the non-tobacco product or service are likely to be associated¹². FCTC considers both brand stretching and brand sharing as TAPS activities and recommends imposing a comprehensive ban on these

¹²Guideline on Article 13 of WHO FCTC.

activities. Accordingly, the Bangladesh law prohibits production, sale and distribution of products similar to any packet or container of tobacco products. However, brand stretching still continues widely as many different products such as match boxes, lighters, electronic products, hats, T-shirts, clocks, umbrella, coffee cups and other such products having names of popular cigarette brands are easily available in the market.

○ **Sponsorship:** Sponsorship is used by tobacco industry as a clever tactic of promotion of tobacco products. When other forms of advertisements are heavily restricted, tobacco industry invests heavily to sponsor events that automatically serve the purpose of advertising their products. The ban on TAPS as recommended in FCTC includes a complete ban on all forms of sponsorships. Accordingly, the Bangladesh law puts a ban on any donation, award, scholarship, and sponsorship to any program for the purpose of advertising tobacco products or inducing in the use of these products. However, various forms event sponsorships in the name of talent hunts, career fair and other such programs are often seen in Bangladesh, which are clear violations to the law.

○ **Corporate Social Responsibility (CSR):** The FCTC Guideline on Article 13 observes that tobacco companies seek to portray themselves as good corporate citizens by making contributions to deserving causes or by otherwise promoting “socially responsible” elements of their business practices. The Guidelines recommends Parties to ban contributions from tobacco companies to any other entities for “socially responsible causes”, as this is a form of sponsorship, and to also ban publicity given to “socially responsible” business practices of the tobacco industry as it constitutes advertising and promotion¹³. The tobacco companies in Bangladesh are known for running various CSR activities and often get rewarded from the different agencies of the government. The law, however, prohibits use of names, signs, trademark and symbol of tobacco or manufacturing companies when tobacco companies are involved in CSR.

¹³ibid.

Chapter 4

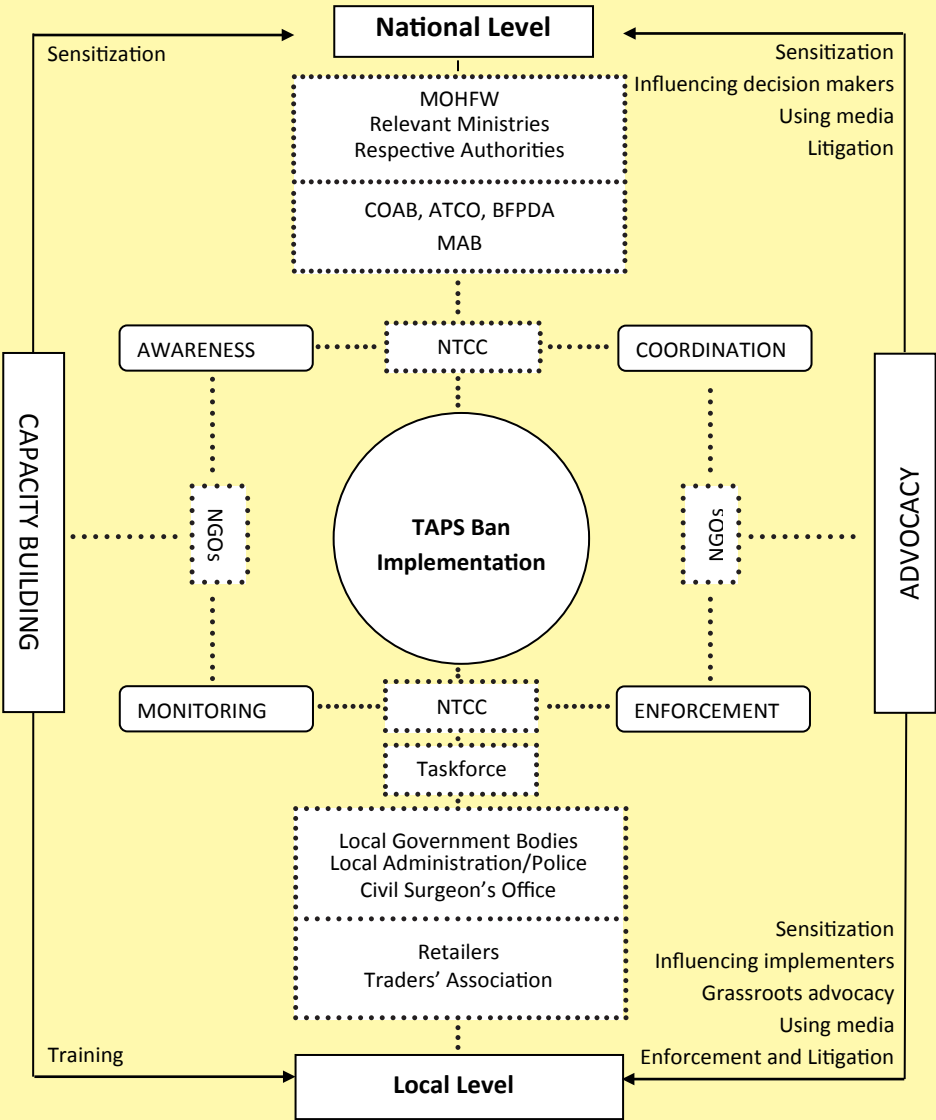
Strategies for Implementing TAPS Ban

4.1 A Comprehensive Approach to Implementing TAPS Ban

Effective implementation of comprehensive TAPS ban involves four major elements: creating awareness about the law; enforcement of the ban; monitoring and coordination. The implementation requires multiple strategies targeting the national and local level stakeholders. Some components of the TAPS ban as in the law require initiatives at the national level while some can be implemented and enforced through local level initiatives. However, most of the components are implemented best when there are complementary initiatives at both the levels, i.e. official instructions/orders/circulars from the ministries and enforcement drives at the district or upazila (sub-district) level. Diagram 1 presents an overview of the strategic approach applicable for implementation of comprehensive TAPS ban in Bangladesh in light of the law.

A number of ministries are relevant for implementation of TAPS ban in Bangladesh. While the Ministry of Health and Family Welfare (MOHFW) is the lead ministry in implementing the law, a number of other ministries need to get involved as well. Coordination among Cabinet Division, Ministry of Home Affairs (MOHA), and Ministry of Local Government Rural Development & Cooperatives (MOLGRD&C) is required for overall implementation of the law while specific components of the law require involvement of Ministry of Information (MOI) and Ministry of Post, Telecommunication and Information Technology (MOPTIT). The National Tobacco Control Cell (NTCC) has a particularly important role in coordinating all these ministries and their respective authorities/agencies. The decision makers at these ministries and authorities need to be sensitized through advocacy and capacity building initiatives. In addition, media advocacy and litigation can be used as effective approaches for keeping continuous pressure of them. A number of non-government bodies can also play vital role in implementing particular provisions of the TAPS ban. The Cable Owners Association of Bangladesh, Association of TV Channel Owners, Bangladesh Film Producers and Distributors Association and Municipality Association of Bangladesh are strategically well placed for playing important role in the implementation. These groups can be reached out using similar advocacy and capacity building strategies as in the case of the government actors.

Diagram 1: Strategic Approach to Implementation of TAPS Ban



MOHFW – Ministry of Health and Family Welfare; **COAB** – Cable Operators Association of Bangladesh; **ATCO** – Association of TV Channel Owners; **BFPDA** – Bangladesh Film Producers and Distributors Association; **MAB** – Municipality Association of Bangladesh; **NTCC** – National Tobacco Control Cell; **NGOs** – Non-Government Organizations

At the local level, various stakeholders are involved in implementing and enforcing the tobacco control law. The tobacco control Taskforces at the district and upazila level are the main mechanism for coordination among the various authorities and stakeholders relevant for implementation of the law. NTCC maintains liaison with the Taskforces through the Civil Surgeon and *Upazila* Health and Family Planning Officer (UHFPO) who are the Member Secretaries of the respective Taskforces. But at the local level, there are ample opportunities to work with these actors for strengthening implementation of TAPS ban. Three major departments are mainly responsible for implementing the law at the local level: local government bodies (city corporation, municipality, upazila parishad, union parishad), local administration including law enforcing agencies and the health department. The authorized officers and the law enforcers based in these departments/bodies equipped with the required capacity for enforcing the law. That is why capacity building initiatives at the local level is crucial for implementation of TAPS ban. Simultaneously, advocacy remains an important approach for sensitizing these officials/authorities.

Retailers as individuals and groups (e.g. trade associations) can play important role in implementing TAPS ban particularly at the points-of-sale. So, these retailers and their associations need to be sensitized through various communications and advocacy strategies.

4.2 Implementing Ban on Direct Advertisements

Section 5(1)(a) of the ‘Smoking and Tobacco Products Usage (Control) Act 2005’ imposes ban on all forms of direct advertisements of tobacco products. Implementation of this is relatively straight-forward due to visibility of these type of advertisements. Direct advertisements of tobacco products in the media and in the forms of billboard, poster and other visible means have reduced significantly since the enactment of the law in 2005. However, violations are still seen in different parts of the country. Direct advertisements of smokeless tobacco products are rarely seen although these products were not covered in the definition of tobacco products in the 2005 Act. The amendment to the Act in 2013 defined these as tobacco products and hence the ban on direct advertisements now applies on these products.

Enforcing Ban on Direct Advertisements of Tobacco

Products: Implementation of ban on direct advertisements of tobacco products can be done mainly through enforcement of the ban using administrative and legal measures. Since the violations to the ban are visible, it is easy for law enforcing officials/agencies to track and stop these advertisements. The following strategies can be used for ensuring effective enforcement of the ban.

- Regularizing meetings of the Taskforces at the district and *upazila* level.
- Including the issue of enforcing ban on direct advertisements in the agenda of regular taskforce meetings.
- Facilitating generation of specific actions from the Taskforce meeting for enforcing the ban on direct advertisements of tobacco products through preventing violations of the law.
- Ensuring regular follow-up by tobacco control groups for implementing decisions taken in Taskforce meeting regarding direct advertisements of tobacco products.

- Operating frequent mobile courts to punish violations of ban on direct advertisements of tobacco products.
- Establishing mechanism of regular reporting to higher authorities on activities on enforcement of TAPS ban.

Preventing Direct Advertisements of Smokeless Tobacco

Products: Since direct advertisements of smokeless tobacco products are rarely seen, it is important to prevent emergence of these advertisements while stricter regulations on smoking tobacco products are implemented. The fact that the TAPS ban on smokeless tobacco products applies equally as on smoking tobacco products need to be widely propagated to create sufficient awareness on the legal implications. Thus, the communications and advocacy initiatives need to equally highlight the smokeless tobacco products while talking about TAPS ban. In some cases, some awareness building activities can be designed only to focus on smokeless tobacco products.

4.3 Stopping Promotional Activities at Points-of-Sale

Point-of-sale (POS) advertisements constitute the dominant form of TAPS in Bangladesh although all types of activities to promote sale of tobacco products at the POS are prohibited by Section 5(1)(g) of the Act. The amendment to the Act in 2013 made the ban on POS advertisement comprehensive. However, various forms of POS advertising are still widely seen, which are clear violations to the law. Implementation of POS advertising ban involves a number of government and non-government actors as enforcement alone cannot ensure full implementation of it. Along with the regular enforcement mechanisms, importance has to be given on sensitizing other stakeholders e.g. retailers and their associations. The following strategies can be used to ensure full implementation of POS advertising ban.

- Retailers of tobacco products need to be made aware of the comprehensive ban on POS advertising through reaching out to them individually and as groups/association and using appropriate communications materials including stickers, warning notices, leaflet, public announcements, wall writing etc.
- Operating mobile courts frequently to punish violations of POS advertising ban at district and upazila level and in local government jurisdictions.
- Addressing the issue of POS advertising ban in the meetings of Taskforces as an independent agenda item.
- Monitoring violations of POS advertising ban through regular compliance visits by the authorized officers based in the local administration and local government.
- Ensuring that the activities done to enforce ban on POS advertising are specifically mentioned/presented in the regular reporting to higher authorities on implementation of TAPS ban.
- Including the issue of POS advertising ban in the conditions for licensing of retailers issued by the local government bodies.
- Ensuring that the records of violations of POS advertising ban are considered while renewing the retailer's licenses by the local government bodies.
- Exposing violations of POS advertising ban through investigative reporting in the national and local media.
- Conducting research on the organized violations of POS advertising by tobacco companies in the form of branding particular tobacco products using trademark color and design.
- Using the research findings to generate evidence for litigating against tobacco companies.

4.4 Implementing TAPS Ban in Media

While the media of Bangladesh could not be used for direct promotion of tobacco products since the enactment of law in 2005, various tactics of promoting tobacco consumption through the media got prominence. In response, the amendment to the Act in 2013 banned all forms of presentation of use of tobacco products in the media, as mentioned in Section 5(1)(e), with the exception of cinema, in which the presentation is allowed in a limited scale subject to strict regulations. However, the lack of implementation of this particular element of the TAPS ban has been a great concern since the amendment to the Act. Widespread representation of tobacco use is regularly seen in the media, especially television. While regular law enforcing mechanisms (e.g. mobile court) may not be suitable to prevent these violations, administrative measures from relevant ministries/authorities can be used as effective strategies. In particular, the Ministry of Information and its relevant departments on the government side and associations like COAB, ATCO and BFPDA on the non-government side are the key actors in implementing the ban in this case.

- Generating circulars/orders from the Ministry of Information to all relevant agencies and media houses to comply the relevant sections of the Act.
- Organizing meetings with COAB, ATCO, BFPDA and other such associations/bodies related to media for sensitizing on the relevant sections of the Act.
- Following-up with the media houses to ensure proper execution of the circulars/orders regarding implementation of TAPS ban in the media.
- Regularly monitoring all media to assess level of compliance to the law and providing feedback to the Ministry of Information and the associations mentioned above for follow-up action in cases of violations.
- Litigating against the media houses/agencies violating relevant sections of the Act.

4.5 Indirect Promotional Activities

The ‘Smoking and Tobacco Products Usage (Control) Act 2005’ ban or heavily restrict most of the indirect promotional tactics used by tobacco industry. Section 5(1)(f) addresses the tactics of ‘brand stretching’ and ‘brand sharing’ although not as comprehensively as in FCTC Guideline on Article 13. The Act also bans promotional activities like distribution of free samples of tobacco products and gifts. Bulk of the implementation of these bans need to be done at the local level due to the nature of violation of these sorts. The following strategies can be adopted to fight such violations.

- Creating awareness on the ban on any kind of indirect promotion of tobacco products and popularizing the explanation of TAPS ban as given in Section 5(1) of the law using various IEC materials and campaign techniques.
- Ensuring regular vigilance by the authorized officers to prevent violations of TAPS ban particularly in the forms of indirect advertisements.
- Increasing the frequency of enforcement drives through mobile courts to punish violations of the ban on indirect advertisements of tobacco products.

4.6 Sponsorship

Any kind of sponsorship in the name of any tobacco product is completely banned in Bangladesh according to the law. Section 5(1)(c) clearly prohibits any activities that involve donation, award, scholarship or funding for any program or event by the tobacco companies to promote tobacco products. However, implementation of such ban involve some challenges as these sponsorships take place at the national and local level and are done in various forms, all of which are not easily noticeable. While regular vigilance by the government authorities and non-government organizations is important for fighting tobacco sponsorship, legal and enforcement measures

are more appropriate strategies in this case. Simultaneously, awareness has to be created about the law so that no entity receives sponsorship from tobacco companies. The following strategies are the most suitable for ensuring effective ban on sponsorship as per the law.

- Creating mass awareness about the legal ban on any kind of tobacco sponsorships to discourage people from receiving those.
- Immediate enforcement drives by the authorized officers and law enforcers in cases of occurrence of any tobacco sponsorships.
- Litigating against tobacco companies for preventing sponsorship of events like talent hunt (e.g. Battle of Mind), job fair, concerts, sports events or any other programs.

4.7 Implementing Ban on CSR Promotion

Since the ban on using CSR activities for promotion of tobacco products or companies have been included in the law only in the amendment of 2013, there is substantial lack of awareness on this at the policy making and implementation level. The fact that CSR is generally considered a positive activity by any corporate house and is encouraged by the government has made the implementation of this ban even more difficult. That is why the implementation of ban on promotional activities using CSR has to be dealt with broader strategies instead of just enforcement of the law. A number of strategies need to be adopted for implementation of such ban.

- Dialogues at national level involving key policy makers and implementers to discuss need and strategies to prevent promotional activities by tobacco companies using CSR.
- Developing a research-based strategy for fighting CSR activities by tobacco companies.

- Monitoring CSR activities used for promotion of tobacco companies and regularly sharing the monitoring results to the relevant stakeholders including policy makers and implementers.
- Using media for investigative journalism on CSR activities and its use in promoting tobacco products and companies.
- Use strategic litigations where applicable to prevent CSR used in promotion of tobacco.
- Mobilize large scale protests against awarding tobacco companies for their CSR activities e.g. tree plantation, by government and non-government agencies, and engaging in dialogue with the agencies awarding tobacco companies.

Chapter 5

Strategies for Engaging Key Players

The previous chapter described key strategies for implementing various components of TAPS ban in Bangladesh as per the law. This chapter sheds additional lights on the strategies to engage key players for implementing those components of TAPS ban. The stakeholders are largely categorized into national and local ones and further into government and non-government ones. Table 5-1 presents the strategies for the key players identified through consultations at national and local level.

5.1 Advocating with National Level Stakeholders

The national level stakeholders include a number of ministries and government authorities and they need to be reached out and influenced through high level policy advocacy techniques. The set of suitable strategies mentioned in Table 5-1 may not represent an exhaustive list of possible techniques. Advocating with these players using the mentioned techniques will result in broader policy directions including official orders, notices, circulars, etc. to institutionalize and expedite the implementation of TAPS ban at the national and local level. While the MOHFW as the lead ministry has overall responsibility for implementing the tobacco control law, the particular section on TAPS ban requires involvement of a number of other ministries that may not be very relevant for other sections of the law. That is why a wide variety of advocacy tactics are needed as mentioned in the table.

5.2 Engaging Local Level Stakeholders

Engaging local level stakeholders requires rooted strategies. Capacity of the local government officials, who are the key players in implementing TAPS ban, is limited due to lack of awareness of the law and inclusion of new provisions in the amendment of 2013. Accordingly, sufficient capacity building activities along with the advocacy strategies need to be implemented. In addition, using media for regularly reporting violations of TAPS ban helps keep a continuous pressure on the local level law implementers. It is important to put equal emphasis on both local administration and local government bodies while implementing strategies on TAPS ban. It needs to be recognized that the local government bodies including city corporations, municipalities, upazila parishads and union parishads have great opportunities to develop and implement their own guidelines and procedures on TAPS ban independently or in collaboration with the local administration. Engaging non-government stakeholders will strengthen the advocacy initiatives through creating demand side pressure on the key players of the government. Compliance is an important issue for some non-government stakeholders as well.

Table 5-1: Stakeholders and Strategies for Implementing TAPS Ban

	National level		Local level	
	<i>Stakeholder</i>	<i>Strategy</i>	<i>Stakeholder</i>	<i>Strategy</i>
G O V T	<ul style="list-style-type: none"> • Ministry of Health and Family Welfare (NTCC) • Ministry of Home Affairs and Police Department • Ministry of Information • Ministry of Telecommunication and Information Technology • Cabinet Division • Local Government 	<ul style="list-style-type: none"> • Advocacy meeting • Sensitization workshop • Lobby and networking • Facilitating issuance of guidelines and directions • Resource mobilization for supporting tobacco control program • Media campaign 	<ul style="list-style-type: none"> • City Corporation • Municipality • <i>Upazila Parishad</i> • <i>Union Parishad</i> • Deputy Commissioners' Office • Civil Surgeon's Office • Police • <i>Upazila</i> officials • Sanitary Inspectors 	<ul style="list-style-type: none"> • Orientation/ training on implementation of TAPS ban • Regularizing Taskforce meetings • Awareness campaign for popularizing law on TAPS ban • Media campaign
	<i>Stakeholder</i>	<i>Strategy</i>	<i>Stakeholder</i>	<i>Strategy</i>
N O N - G O V T	<ul style="list-style-type: none"> • Mass media • Civil society • Cable Operators Association of Bangladesh (COAB) • Association of TV Channel Owners (ATCO) • Bangladesh Film Producers and Distributors Association (BFPDA) • Municipality Association of Bangladesh (MAB) 	<ul style="list-style-type: none"> • Sensitizing workshops • Advocacy and lobbying • Evidence building through research • Liaise and lobby with govt. authority • Seminar, human chain, press conference, rally • Media campaign 	<ul style="list-style-type: none"> • Civil society • Retailers • Cable operators • Relevant Associations 	<ul style="list-style-type: none"> • Dialogues • Workshops • Investigative reporting on violation of TAPS ban by engaging local media • Publishing IEC materials

Environment Council Bangladesh

House-67, Block-KA

Pici Culture Housing Society

Shyamoli, Dhaka-1207

Phone: +88-02-9120040; 9125028

Email: info@ecbangladesh.org

Website: www.ecbangladesh.org