# Small groups

<table>
<thead>
<tr>
<th>Cessation</th>
<th>Financial/technical</th>
<th>SF policies</th>
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<tbody>
<tr>
<td>Yvonne</td>
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Background: Sin Tax Law

- An Act Restructuring the Excise Tax on Alcohol and Tobacco Products (RA 10351)
  (Signed into Law - Dec. 19, 2012)
- Landmark Legislation under the Aquino Administration.
- Primarily a health measure with revenue implications.
- Fundamentally a good governance measure with positive impact on fiscal and public health
REFORMED TAX STRUCTURE FOR CIGARETTES

Excise Tax Rates of Cigarettes

Prior to Reform

<table>
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<tr>
<th>Tier</th>
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<tbody>
<tr>
<td>Tier 1</td>
<td>2.72</td>
</tr>
<tr>
<td>Tier 2</td>
<td>7.56</td>
</tr>
<tr>
<td>Tier 3</td>
<td>12.00</td>
</tr>
<tr>
<td>*Tier 4</td>
<td>28.30</td>
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* Tier 4 no production

After the Reform

<table>
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<th>2013</th>
<th>2014</th>
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<th>2016</th>
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<tr>
<td>Tier 1</td>
<td>12.00</td>
<td>17.00</td>
<td>21.00</td>
<td>25.00</td>
<td>Unitary PhP30.00</td>
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<td>Tier 2</td>
<td>25.00</td>
<td>27.00</td>
<td>28.00</td>
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Slide source: Department of Finance
Impact of the law on the prices of cigarettes

Source: Cigarette Affordability Study, HealthJustice
WIN FOR THE YOUNG AND THE POOR

- Results of the Smoking Prevalence Study of Dr. Antonio Dans based on National Nutrition Health Survey 2013 data:
  - Prevalence of smoking among adult Filipinos went down from 31.0% in 2008 to 25.4% in 2013.
  - There are 3.2 million less smokers in the country because of the Sin Tax Law.
  - The drop is partly from people who stopped smoking. It is mostly from people who avoid starting to smoke.
  - Approximately 32,000 deaths were averted.
  - Health benefits were greatest in price sensitive populations – the poor, rural folk, the very old, and the very young.

Slide source: Department of Finance
Collection of tobacco excise tax and share to total tax collection, 2000 - 2013

[Graph showing tax collections from tobacco excise tax (current prices) and share to total tax collections from 2000 to 2013.]
Increased funding for Department of Health – 2014 budget up 57% over 2013 levels, from Php 53.3 billion to Php 83.7 billion. Bulk of this will be used to finance Health Insurance premiums for about 14.7 million poor families in 2014 from only 5.2 million families in 2013.
Recommendations from the National Consultation on Smokeless Tobacco
4-5 April, 2011 Vigyan Bhawan, New Delhi

The Ministry of Health and Family Welfare, Government of India (MoHFW) in joint collaboration with the World Health Organization (WHO) and the Public Health Foundation of India (PHFI) organized a National Consultation on Smokeless Tobacco to highlight the magnitude of the problem of smokeless tobacco use and possible policies to regulate/control its use in India. More than 80 tobacco control experts from across the country and selected international experts participated in the Consultation (list of delegates appended) to deliberate about the available scientific evidence on the constituents and harmful effects of smokeless tobacco products and the rationale for regulation or possibility of a complete ban on its production, supply and distribution in India.

After deliberations, following recommendations were made:

1. **Imposing complete ban on smokeless tobacco products:**
   Based on existing scientific evidence on harmful health effects of smokeless tobacco, high prevalence of its use (much higher than smoking) in India and in light of the recent directives from the Honorable Supreme Court, the group was in favour of imposing a complete ban on smokeless tobacco products. The group had a detailed discussion on the possibilities of imposing a complete ban on the manufacture, marketing and sale of smokeless tobacco in the country under the existing laws. The following specific actions points were recommended:

   a. Consider all form of chewing tobacco a “food item” – since such products are intended to put in mouth and fulfill legal definition of food – under the Prevention of Food Adulteration Act (PFA), 1954 and the Food Safety and Standards Act (FSAA), 2006 to prohibit their marketing and sale for human consumption. In this regard it was recommended that the Government should get the stay vacated on Rule 44J, which mandates that, “Product not to contain any substance which may be injurious to health: Tobacco and nicotine shall not be used as ingredients in any food products.” This can be done at the earliest to pave the way for imposing a complete ban on smokeless tobacco products.
   
   b. Simultaneously the Drugs and Cosmetics Act (DCA), 1940 should be used to prohibit the other kinds of smokeless tobacco products e.g. Creamy Snuff, Toothpowders, Mishri,
FOOD SAFETY AND STANDARDS (PROHIBITION AND RESTRICTION ON SALES) REGULATION, 2011 DATED AUGUST 1, 2011

• 2.3.4: Product not to contain any substance which may be injurious to health: Tobacco and nicotine shall not be used as ingredients in any food products.
Advocacy for the ban of smokeless tobacco products.

DNA

‘Ban smokeless tobacco products’

Editor: Babayale
Date: 22-04-2011
Page no: 10
Clip size: M: 30 cm / W: 17 cm

‘Ban smokeless tobacco products’

Directors of regional cancer treatment centres write to the prime minister

Kanathra Vakkalgl, Varadarajan

Health Hazard

‘Smokeless tobacco kills’

Editor: A.B. Jadhav
Date: 22-04-2011
Page no: 2
Clip size: M: 28 cm / W: 17 cm

‘Smokeless tobacco kills’

Need to discourage all forms

Tribune

Editor: S. Sridhar
Date: 22-04-2011
Page no: 11
Clip size: M: 30 cm / W: 17 cm

‘Smokeless tobacco kills’

Need to discourage all forms

Mail Today

Editor: A.B. Jadhav
Date: 22-04-2011
Page no: 1
Clip size: M: 30 cm / W: 17 cm

‘Smokeless tobacco kills’

Need to discourage all forms

Govt Mulls Steps to Curb Use of Chewing Tobacco

Editor: S. Sridhar
Date: 22-04-2011
Page no: 10
Clip size: M: 30 cm / W: 17 cm

‘Smokeless tobacco kills’

Need to discourage all forms

Editorial

Advocacy for the ban of smokeless tobacco products.
BAN ON SALE OF TOBACCO PRODUCTS ON RAILWAY PREMISES

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. 2011/TG.III/600/ 48

New Delhi, dated. 15. 09.2011

General Managers
All Indian Railways

Sub:- Ban on sale of Bidi/Cigarettes/Gutka on trains and on platforms over the Indian Railways.

Instructions on ban on sale of Bidi, Cigarettes, Gutka and other tobacco products etc. on trains and on platforms were issued vide Board’s letter Nos. 86/TG.III.601/43C dt. 30.12.1986, 97/TG.III/600/6 dt. 12/15.4.1999, No. 99/TG.III/600/6 dt. 4.7.2001 and 3.9.2001.

In view of above, it is re-iterated that Zonal Railways must take suitable action to enforce and ensure the ban on sale of Bidi, Cigarettes, Gutka and other tobacco products on railway premises and in trains. Regular inspections and surprise checks be conducted. Stern action be taken against any violation on the ban.

Kindly acknowledge receipt and advise compliance.

(Mani Anand)
Executive Director (T&C)
Railway Board.
Gutkha Ban Campaign across India – An editorial initiative

“We are committed as a catalyst towards socio-economic change in all our markets. Banning of Gutkha and a drive against it may look like a small step but it’s a giant leap with diverse impact. It involves the entire family. It involves future generation. It’s a social evil and a dangerous habit. Its poisonous. It leads to diseases and it involves wasteful expenses. And hence must be stopped. Dainik Bhaskar Group has a strong conviction to ensure eliminating and getting it banned.” Group Editor, Dainik Bhaskar.
STATES BAN MANUFACTURE AND SALE OF SLT
LETTERS FROM SPECIAL SECRETARY TO BAN SMOKELESS TOBACCO

Date

Tobacco use is the foremost preventable cause of death and disease both globally as well as in India. As per the Global Adult Tobacco Survey - India (GATS) 2010, smokeless tobacco or chewing forms of tobacco are the most prevalent forms in use in India with an estimated 206 million Indians using it. As such, the consequent burden of mortality and morbidity due to use of smokeless tobacco is also very high in India. Available evidence suggests that the use of chewing tobacco is associated with oral cancer and India shares the maximum burden of oral cancer in the world.

In this context, the Food Safety and Standards Authority of India (FSSAI) has issued the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 dated 1st August 2011 in exercise of powers conferred on it under the Food Safety and Standards Act, 2006. Regulation 2.3.4 thereof says that tobacco and nicotine shall not be used as ingredients in any food products. The Hon'ble Supreme Court in the case of Ghoshwalla Pan Masala Vs. Union of India, 2004 (7) SCC 68 has held that "Since Pan Masala, Gutka or Supari are eaten for taste and nourishment, they are all food within the meaning of Section 2(v) of the Act" (reference here is to the prevention of Food Adulteration Act).

Tobacco use is the foremost preventable cause of death and disease globally as well as in India. As per the Global Adult Tobacco Survey - India (GATS) 2010, smokeless tobacco / chewing forms are the most prevalent forms with 206 million Indians using it. As such, the consequent burden of mortality and morbidity due to use of smokeless tobacco is also very high in India. Available evidence suggests that the use of chewing tobacco is associated with oral cancer and India shares the maximum burden of oral cancer in the world.

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MYTH VS FACT: AD CAMPAIGN BY THE SLT ASSOCIATIONS

- All tobacco products are equally hazardous to health. 17 states are following the directives of the Government of India (no food article shall contain tobacco or nicotine)

- Even a single cancer causing chemical can cause disease, disability and death. Smokeless tobacco contains 3095 chemicals, out of which 28 are carcinogenic. India is the cancer capital of the world.

- Gutkha pouches are available in pouches of 1.5g, 2g and 3.5g and have different tobacco/nicotine levels. No authenticate estimates of contents are available.

- Gutkha/smokeless tobacco is dangerous both for users and non-users. They lead to environmental pollution via spitting and inappropriate disposal. Fertile harbor for infectious diseases like TB.
**Total employment in the formal sector by the tobacco industry was 70 lakh in 2004-05. Even if one adds the employment by the informal sector, it will not even come close to 4 crore.**

**As per the statistics available from the Directorate of Tobacco Development, GoI, the area under cultivation for smokeless tobacco is 0.40 lakh hectares.**

**The area under tobacco cultivation for all tobacco products in 2007-08 was 3.47 lakh hectares.**

**More than 1.5 crore Indians are impoverished every year due to tobacco**
MYTH VS FACT: AD CAMPAIGN BY THE SLT ASSOCIATIONS

- As per the Supreme Court of India Gutkha is a food product
- Central legislation prohibits use of tobacco and nicotine as ingredients in any food products
- Gutkha not singled out, all food products to comply with the regulation
- Supreme Court of India allowed regulation of gutkha under Environmental Law, “Plastic Waste (Management and Handling) Rules, 2011”, and prohibited storage, packing or selling of gutkha, tobacco and pan masala in plastic sachets.
- Parliament amended PFA to ensure safety and standards of food items
- Government of Goa prohibits sale of smokeless tobacco under Public Health Act, 16 other states have done it under Food Safety Law.
To The Dealers/Distributors/Sellers/Retailers & Pan Shopp

This is hereby certified that Khaini under the Brand Name of “PREMIUM RAJA TOBACCO”, manufactured by us is a tobacco product. It is covered under COPPA ACT 2005 and does not fall under purview of clauses 2.3.4 of FSSR, 2011.

Food Safety & Standards Authority of India vide their letter dated 10/10/2011 had clearly mentioned that “Since Farda & Khaini are pure Tobacco Products and Tobacco is not covered under FSS Act.”

We, accordingly, confirm that the Tobacco Product “Khaini” under the Brand Name of “PREMIUM RAJA TOBACCO” do not violate the clause 2.3.4 of FSSR-2011.

For M/S Loknath Prasad Gupta,

Authorized Signatory

Place: Delhi

Dated: 18/03/2013

Industry Communication
Dispelling myths generated by SLT companies

Activists fume over misleading ads by smokeless tobacco industry

Anti-tobacco groups in the country are up in arms against the smokeless tobacco industry with misleading advertisements that undermine the ill-effects of chewing gutka.