

National Report (Sri Lanka)

On

Implementation of Provision Nos. 8, 11 & 13

Of the

Framework Convention on Tobacco Control (FCTC)

Compiled by Jeewaka Foundation

National Report on the implementation of the provision Nos. 8, 11 and 13 of the FCTC

Introduction:

Sri Lanka was the first Asian country and the fourth in the world which ratified the FCTC in 2003. Since then it has been formulated an inter-ministerial committee and implemented Article 13, which is a comprehensive advertising ban. It has also banned smoking in “enclosed public places”, Article 8. Sales to and by minors, which is Article 16, has also been implemented.

Current status:

Article 11

Although there is a comprehensive advertising ban, there are violations of the law such as portrayal of advertisements at sales points and depiction of smoking scenes through tele dramas and films. The JF is monitoring these lapses and has been reporting the incidents to the law enforcement agencies and the National Tobacco Control Authority. This task is a very time consuming process.



ජනාධිපති කාර්යාලය
சனாதிபதி அலுவலகம்
PRESIDENTIAL SECRETARIAT



My No: SB/3/ M 1 (2010)
September 14, 2010

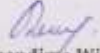
Ms Manjari Peiris
86, Daham Mawatha
Maharagama

Amendments to Tobacco Control Law

I am directed by His Excellency the President to acknowledge with thanks receipt of your letter dated August 22, 2010.

The contents in your letter have been duly noted.

Sgd/Lalith Weeratunga
Secretary to the President


Chandima Wickramasinghe
Assistant Secretary to the President

ශ්‍රී ලංකාව, කොළඹ 01
සඳු පාරේ, කොළඹ 01
Gate Pass, Colombo 01

කාර්යාල
දුරකථන
Telephones } 011 2364354
 } 011 4354354

කාර්යාල
දුරකථන
Fax } 011 2360340

විද්‍යුත් තැපෑල
e-mail } pt@presidentsoffice.lk

WARNING LABELS

The tobacco package is an essential communication vehicle for the tobacco industry

Tobacco companies depend on package design to build brand recognition and promote sales, especially because advertising for tobacco is becoming increasingly limited in many markets.

Packaging establishes brand imagery that is often completely opposite to the realities and dangers associated with tobacco product use. Tobacco companies create brand imagery which promotes ideas of status, wealth, sex appeal, glamour, slimness, manhood, athleticism and health, among many others.

For the smoker, especially the teenage smoker, the tobacco product pack represents a badge that makes a statement about how they want others to see them.

Pictorial warning labels effectively communicate the risks of tobacco use

Control over cigarette packaging is critical to tobacco control efforts. Cigarette packs are effective mediums for broadcasting messages about the harmful impact of tobacco use. Research shows that effective warning labels increase knowledge about smoking. Large and graphic warning labels can motivate smokers to quit, discourage nonsmokers from starting, and keep ex-smokers from starting again.

84% of smokers living in Canada, where pictorial warnings are required, saw health warning labels as a source of health information, compared with 47% smokers living in the US where only text-only labels are required.

After Brazil introduced new pictorial warnings in 2007, 73% of smokers said they approved of them, 54% said they had changed their opinion about the health consequences of smoking, and 67% said the new warnings made them want to quit.

Following the introduction of Australia's graphic health warning labels, experimental, adolescents and established smokers were more likely to think about quitting, and intentions to smoke were lower among those students who discussed the new warning labels.

The World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) requires effective health warning labels

The FCTC, the world's first global public health treaty, establishes a policy framework aimed to reduce the devastating health and economic impacts of tobacco. Article 11 of the FCTC requires Parties to the FCTC to implement effective measures to warn against the harmful impact of tobacco use on all tobacco product packaging within three years after ratifying the FCTC. Implementation of a pictorial warning label policy presents no financial cost to governments; fees are borne by tobacco companies.

Global progress on the implementation of warning labels

Governments have made extraordinary progress in improving tobacco warning labels by implementing measures as outlined by the WHO FCTC.

"Our final communication vehicle with our smokers is the pack itself. In the absence of any other marketing messages, our packaging... is the safe communicator of our brand essence. Put another way: When you don't have anything else, our packaging is our marketing."

Executive of the Philip Morris Company, a transnational tobacco company.



Warning label Singapore

Daily News

More teeth for NATA

The action taken by the NATA Chairman cautioning the Chairman of a private TV Channel on indirect tobacco advertisements aired seems to have been taken too light or ridiculed by another program telecast over the same channel. This program which was aired on March 20 through a dialogue between an actor and actress was inquiring whether the viewers have no other work than counting and taking into consideration of cigarette butts and cigarette smoke through the media.

I want to make my comment in this regard though these ignorant actors and actresses or program producers nonetheless they are not concerned about the health of the community or about the potential users (youth and children) in getting trapped into this foolish, nasty and useless habit, we are very concerned about the well-being of people.

In addition to this matter they inquired as to why people are not concerned about the promotions being made by satellite channels. This is a lame excuse. Yes, we have seen such promotions, but the number of viewers for such an exorbitant channel service is minimum in this country.

However I request the NATA Chairman to bring in whatever laws or amendments to control such promotions too. All these attempts are purely for the well-being of the people.

The Producer and the Director of the comedy show telecast over this channel should visit the Cancer Hospital at Maharagama or the Cardiology Unit of the General Hospital to witness the enormous health damage caused through smoking in this country. It is not a small figure, but 20,000 people prematurely die of tobacco smoke related diseases in a year in this country. They should deviate from promoting smoking which is definitely harming people, and use their creativity for some good work beneficial to human health. I personally request them to use their potential as media people and mobilize and empower everybody for tobacco control.

Manjari Peiris - Maharagama



Display of cigarettes and lighters at a large shopping complex



Cigarette advertisement at Millers, a large shopping complex in Colombo



Cigarettes displayed at a pharmacy



In spite of the advertising ban this advertisement appears in Sri Lankan In-flight magazine

Article 8

Protection from exposure to tobacco smoke is not entirely complete as smoking is only banned in “enclosed public places”. Hence we cannot be satisfied that there is complete protection from tobacco smoke to non-smokers.



Smoking inside a grocery



Smoking inside a tea kiosk



Smoking in public place

Article 11

The regulation on Article 11, which is Packaging and Labeling with Pictorial Warnings has not yet been implemented. The framework for regulation is being planned. Although the National Tobacco Control had taken the necessary steps in this regard in 2008 and finalized the regulations by October 2009, we understand that it has still not gone beyond the Ministry of Healthcare and Nutrition.

The Authority is now planning to make directions to the present Minister of Healthcare & Nutrition. The drafting is being done in consultation with experts on Pack Warning regulations in other countries.

The media has drawn the attention of relevant authorities of the importance and urgency of implementing this Article and JF has written to the President, the Minister of Healthcare & Nutrition and the National Tobacco Control Authority in this regard. It is also engaged in getting the signatures of general public to be submitted to the President on the urgency of making this regulation as well as the amendments to the existing law.

The petition with signatures of general public will be handed over to the Chairman of the National Tobacco Control Authority this month, to be submitted to the President.



Instead of Pictorial Health Warnings, Tobacco Company Advertisements appearing on cigarette packets

Daily News

Tobacco control law needs more teeth

Government enacted tobacco control law in December 2006 prohibiting advertising or promotion of tobacco products or grant of sponsorships by the industry, sales to minors and smoking at enclosed public places. At the beginning there was much improvement with a decline in tobacco sales and consumption as well

Manjari PEIRIS

Interest of law implementation agents nowadays seems to be declining due to certain limitations in the law. Apart from that, the tobacco industry is apparently abusing the lapses and loopholes in the law. It has even begun advertising at retailers.

Having recognized these lapses, we understand that the National Authority on Tobacco and Alcohol (NATA) made several recommendations to the Attorney General's Department to amend the law as well as to implement the regulation on pictorial health warnings, over one year ago.

The suggested major contents of the amendments are the authority entrusted on authorized officer to search any person committing or attempting to commit an offence and arrest and detain for committing an offence under this Act.



Tobacco products

Power of authority to make rules, that a manufacturer, importer, trader, dealer, retailer or distributor of any tobacco product shall not sell any such product along with any other goods as an incentive or offer as a complimentary gift, a sample of any such product or any other product, public places, means any place to which the public have access, whether as of right or otherwise, whether on payment or not, whether on invitation or not and includes public conveyance and workplace, that workplace includes any vehicle whereas mobile services are provided, label, includes a tag, brand, mark, pictorial or other description, either written, printed, stenciled, marked, embossed or impressed on or attached to a bottle, pack, carton or package of tobacco product etc.

Parties to the Framework Convention on Tobacco Control (FCTC) are required to implement effective measures to warn against harmful impact of tobacco use on all tobacco product packaging within three years of ratifying the FCTC. Sri Lanka which is a Party to FCTC (entered into force in 2005) is thus several years behind in implementing the pictorial health warnings on tobacco products. Governments in other parts of the world have already made extraordinary progress in improving tobacco warning labels

by implementing measures as outlined by the FCTC.

Warning labels

Pictorial health warning labels communicate the risks of tobacco use and increase knowledge about risks associated with smoking and can decrease intentions to smoke among adolescents, persuade smokers to quit and keep ex-smokers from starting again. Graphic health warning labels have a greater impact than text only labels and can be recognized by low literacy audiences and vulnerable groups, including children, while tobacco companies depend on tobacco package design to build brand recognition and promote sales.

Many sectors in society who are keen on protection of public health, are inquiring as to what has happened to the status of implementation of tobacco control law which was inspiring at the beginning. We have been repeatedly inquiring from NATA the reason for the delay. The authority provides no clear answer to the question except to say that the matter has been referred to the Attorney General's Department.

This is an era where more and more countries are adopting tobacco-control policies to save lives by implementing smoke-free public places, increasing tax on cigarettes and launching a wide-range of smoking-cessation programs and have shrunk the number of people smoking.

Smoke-free laws

There is a fast-growing campaign around the world demanding for 100 percent smoke-free laws that ban smoking in all work and public places. Public health authorities worldwide have concluded that there is no safe level of second hand smoke exposure. Scientific evidence is clear that the only effective way to protect workers and the public from secondhand smoke is to enact 100 percent smoke-free law that bans smoking in all public places.

Although the law has enforced, a research study indicated that its practical use is limited.

This research study, conducted in year 2009 indicated levels of particulate matter levels were extremely high in measured locations where indoor smoking is continued irrespective of existing law. Particulate matter in the atmosphere is a widely accepted indicator to evaluate secondhand smoke levels.

As a part of this multi country research project, particulate matter levels have compared with other participated Asian countries and results indicated that the levels are considerably higher compared to Asian countries having enforced law over indoor smoking (reference: International journal of Hygiene and Environmental Health, 2010 September; 213 (5): 348-51).

Sri Lanka too should adopt comprehensive tobacco control programs, for both health and economic reasons. The need for action is urgent as if no action is taken, tobacco may kill a billion or more people in the 21st century in the world. Research studies reveal that 40 percent of all cancers can be prevented if tobacco consumption is curtailed through awareness raising, legislation and taxation.

From enclosed public places, the Government should extend the smoking ban to all public places since half of the smoke generated through a cigarette smoke is secondhand smoke and the other half is generated through mainstream smoke. Public places are potential places where the non-smokers are exposed to tobacco smoke.

Conclusion:

The FCTC became law in Sri Lanka on 27 February 2005. Sri Lanka ratified the FCTC in 2003, the first Asian country and the fourth in the world to have done so. However, it is regrettable that for one reason or another, the obligations under Article 11 have yet to be fulfilled. Among the reasons for the delay was the fact that whereas the focal point for tobacco control in Sri Lanka was the Director of the Non-Communicable Diseases Unit of the Ministry of Health, the National Authority on Tobacco and Alcohol was created in 2007 and responsibility for tobacco control became divided.

In addition, there were two national level elections during the period in question with changes in the political and administrative authorities. These inevitably interfered with the process of promoting and approving the relevant regulations.

However, the NATA has now assumed full responsibility for tobacco control. The regulations under Article 11 have been formulated with consultation from the best authorities. The JF played a role in this process. The prospects are bright that the regulations under Article 11 will be gazetted before the end of 2010.

