



Survey of tobacco product displays at points of sale and compliance to legislation in Turkey, 2013

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Regulation of display of tobacco products at points of sale (PoSs)

FCTC Article 13 Guidelines: Complete ban

«To ensure that points of sale of tobacco products do not have any promotional elements, Parties should introduce a total ban on any display and on the visibility of tobacco products at points of sale»

Turkish legislation: Partial ban

Law No. 4207, Article 3(13) –
«Tobacco products may not be displayed by making them accessible to persons younger than 18 years of age and rendering them visible from outside of store.»

Sales and Presentation By-Law, Articles 17,18 – implementation of Law No. 4207, Art. 3(13)

Enforcement of display of tobacco products at points of sale (PoSs)

Sanctions

Law No. 4207: no sanction for violating Art. 3(13)

Sales and Presentation By-Law (Art. 26(7)): provides for written warning and 15 day period for rectification.

If violation continues after 15 days, Article 8(I) of **Law No. 4733** applies, which provides for a small administrative monetary fine to be issued to the offending retailer.

Monitoring, Inspections, Implementation

Public administration does not have any monitoring/ inspection mechanism in place to check on compliance to the partial display ban.

TAPDK, as the enforcement authority, has not issued any information about implementing fines for offenders of Law No. 4207, Art. 3(13).

Shadow monitoring of tobacco product displays at PoSs

In 2011 and 2013, **Turkish Health Institute** and **Turkish Thoracic Society** joined forces to address problems with TAPS ban compliance at PoSs by making use of the shadow reporting methodology of FCA.

- Preparation of monitoring guidelines and monitoring form
- Conducting training and review meetings with members of TTS branch offices from different cities
- Establishing and maintaining volunteers forum
- Coordinating implementation
- Compilation and analysis of results

2013 study

Method: Survey of 10 or less points of sales found in a walking tour of an area with 500 m radius in 7 urban centers. Documentation through observation forms and photographs.

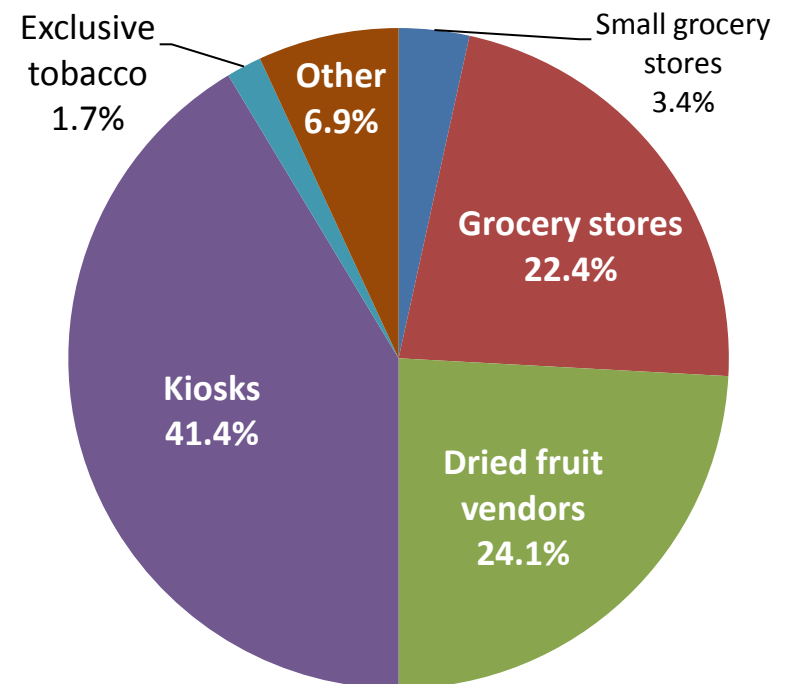
Cities: Ankara, Aydın, Diyarbakır, Gebze, İstanbul, Kayseri, Van

N = 58

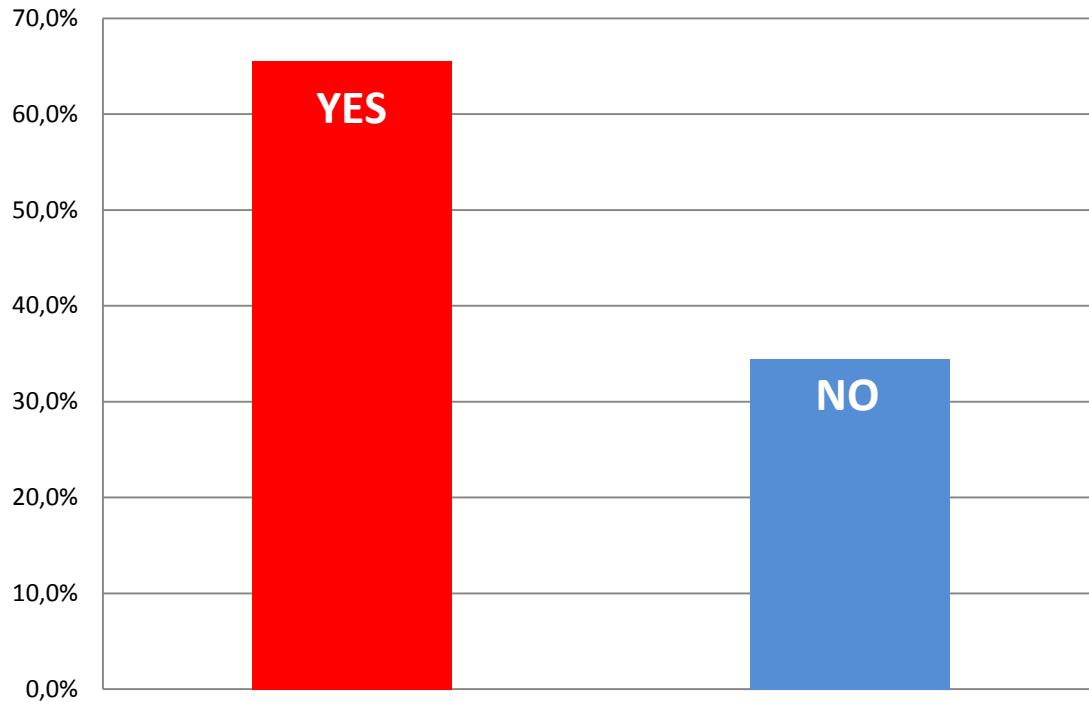
Monitoring period: 05 January – 18 February 2013

Categories of PoSs observed

Small grocery store	2	3.4%
Grocery store	13	22.4%
Dried fruit vendor	14	24.1%
Kiosk	24	41.4%
Exclusive tobacco	1	1.7%
Other	4	6.9%
Total	58	100.0%

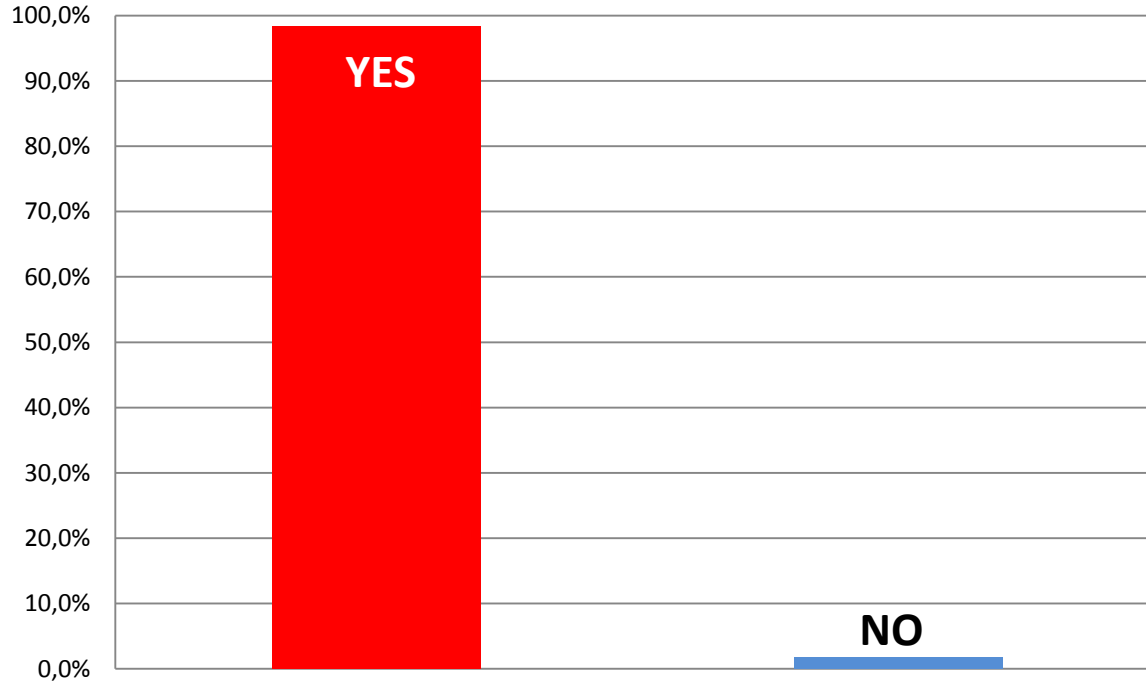


Is the tobacco product display visible from outside the store?



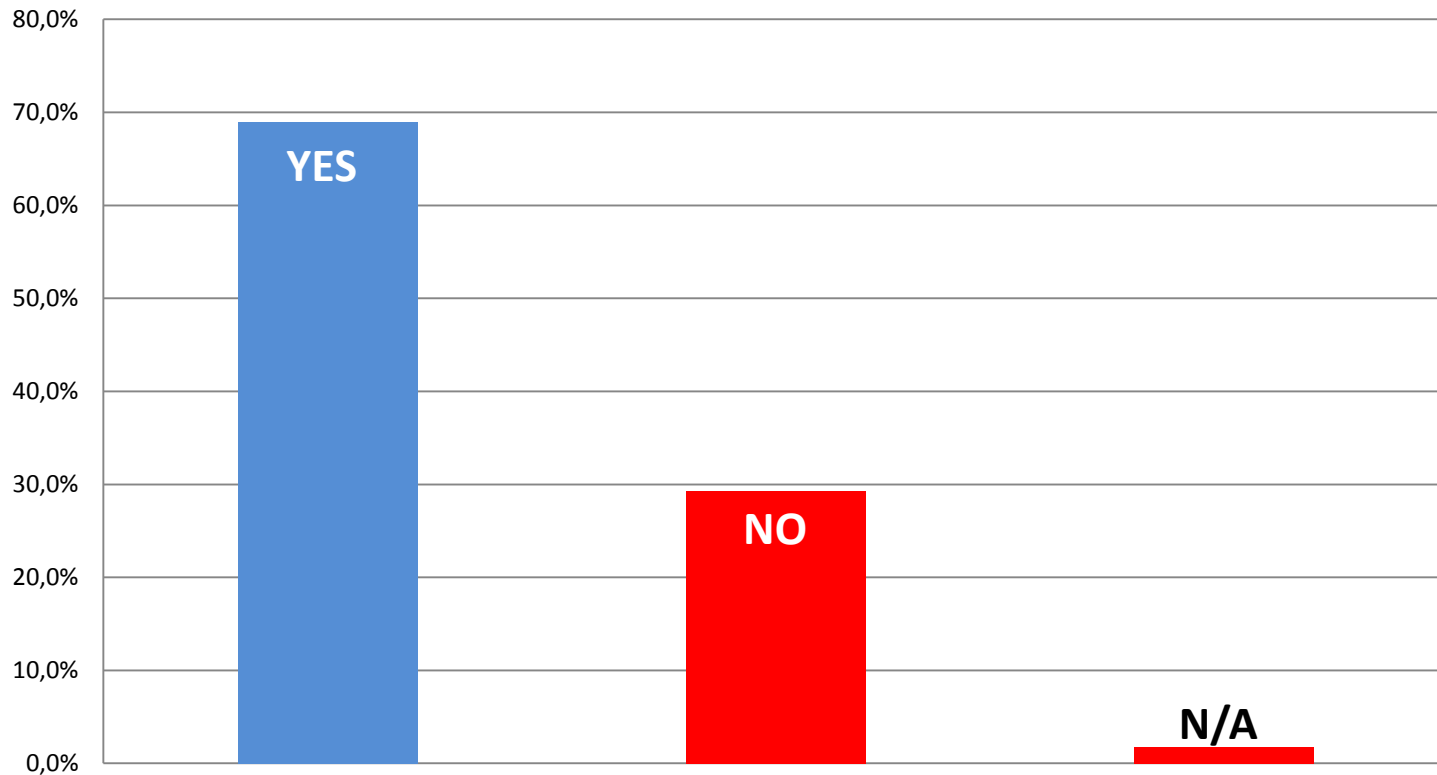
Yes	38	65.5%
No	20	34.5%
Total	58	100.0%

Is the visible front of the display unit open?



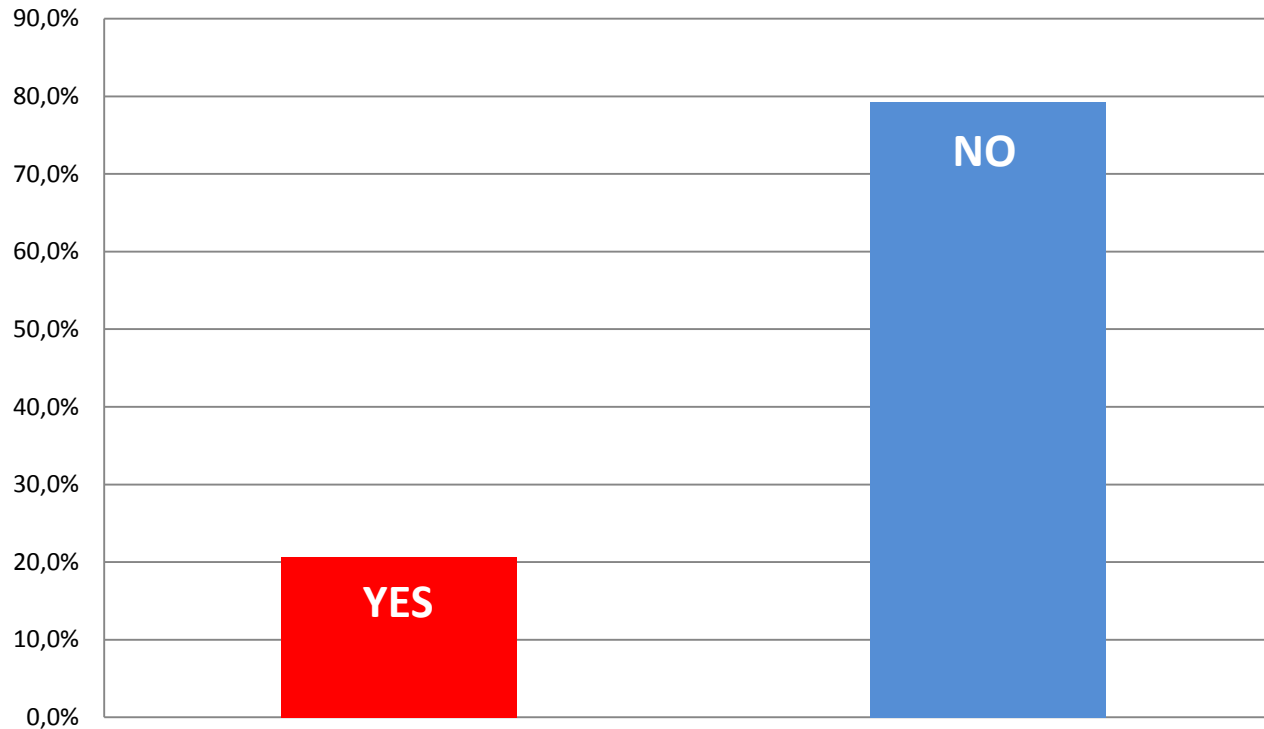
Yes	57	98.3%
No	1	1.7%
Total	58	100.0%

Are tobacco products stored in a separate and single area?



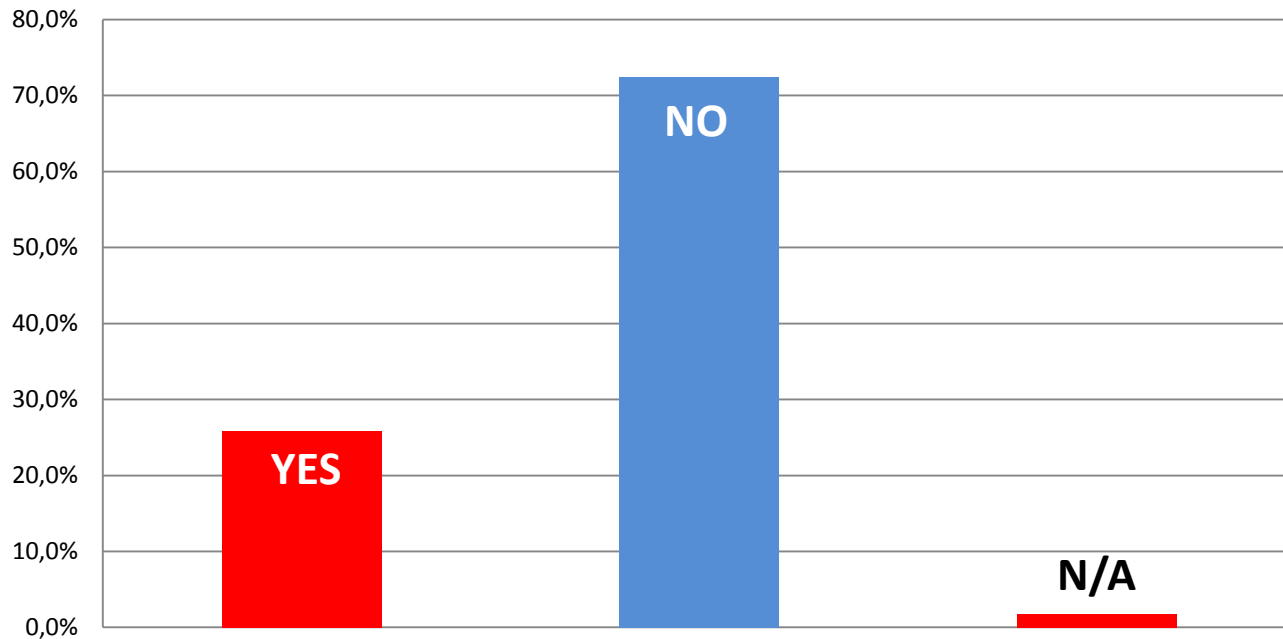
Yes	40	69.0%
No	17	29.3%
N/A	1	1.7%
Total	58	100.0%

Do customers have direct access to tobacco products?



Yes	12	20.7%
No	46	79.3%
Total	58	100.0%

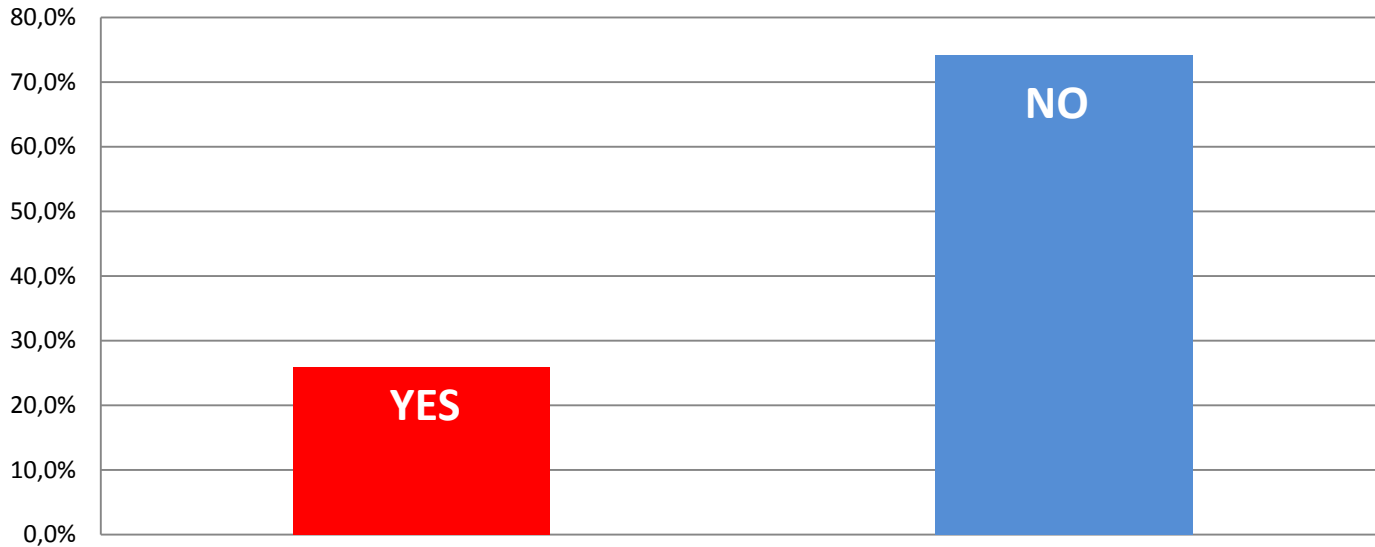
Do display units contain any advertisement/promotion elements?



Monitoring Form Question: Are there any written, graphic, audial features on display units that may indicate advertisement/promotion?

Yes	15	25.9%
No	42	72.4%
N/A	1	1.7%
Total	58	100.0%

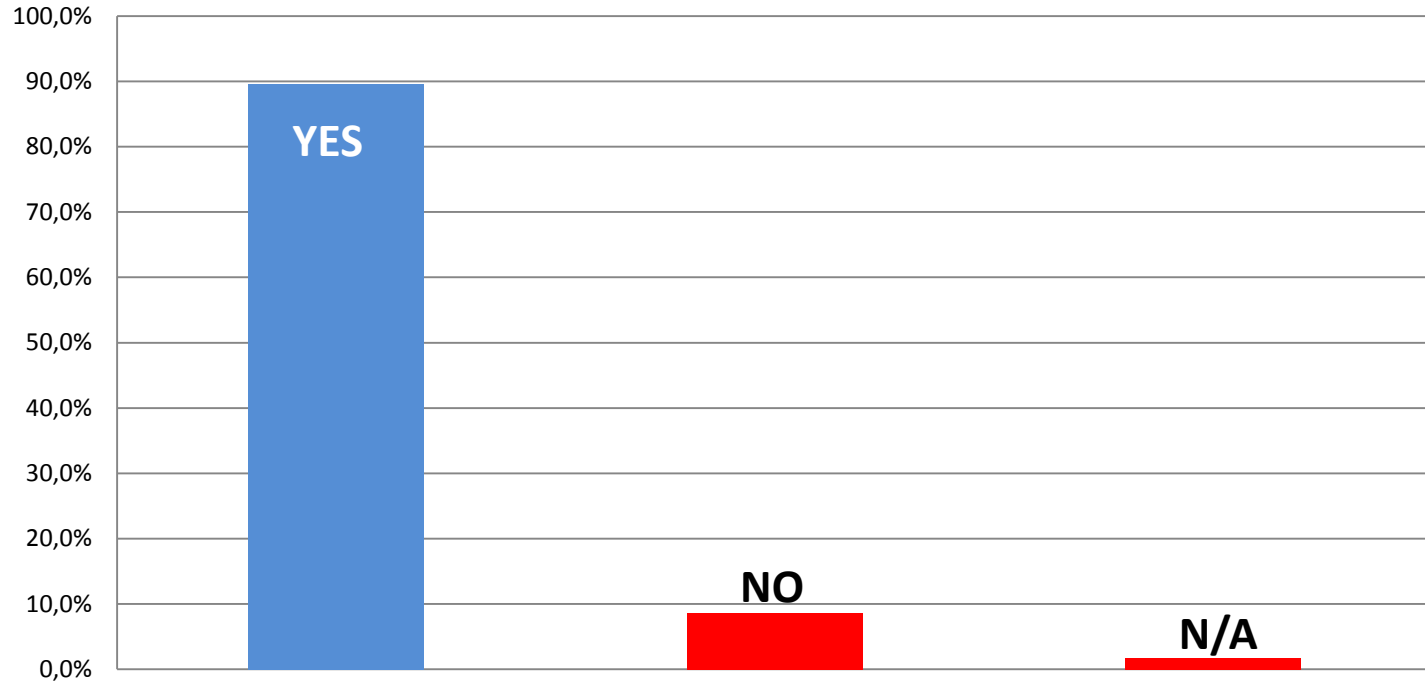
Are there any advertisement/promotion elements elsewhere in the premise?



Monitoring form question: Are there any wording, signs, graphics, color combinations, letters, and symbols that invoke tobacco products inside or outside of the premise, in its display window, or on its signboard?

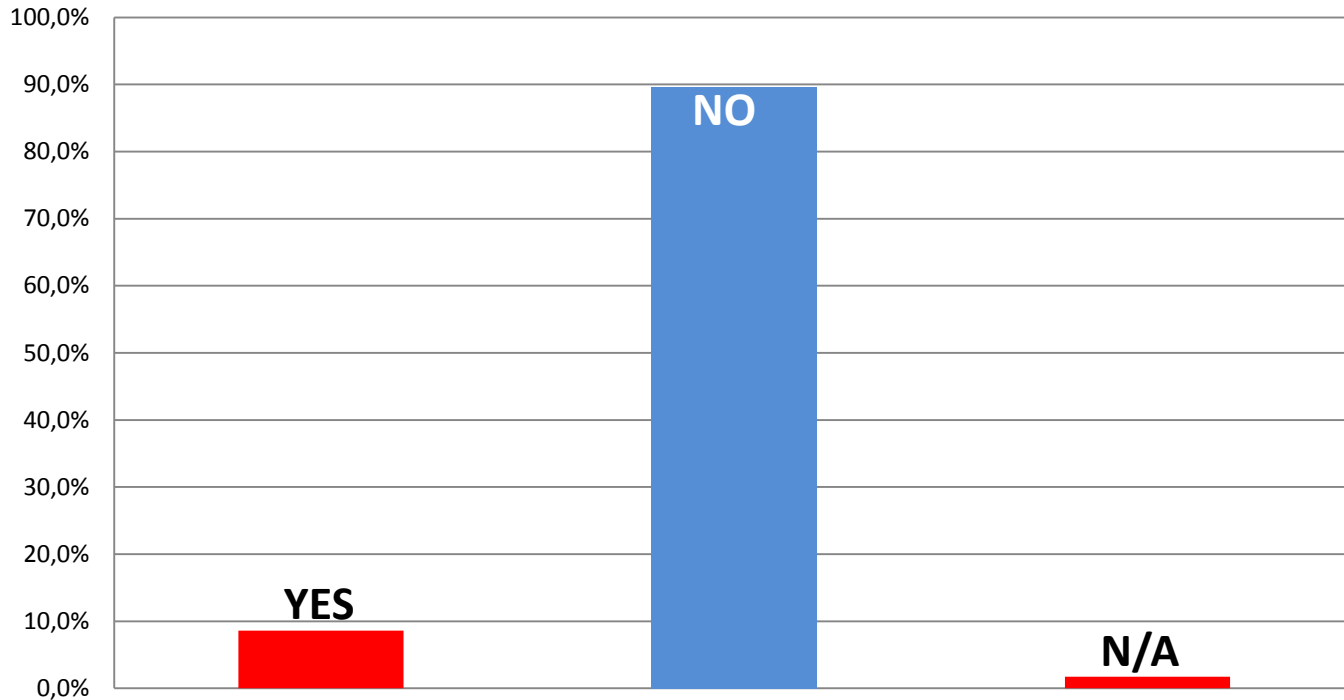
Yes	15	25.9%
No	43	74.1%
Total	58	100.0%

Are packs displayed in an upright position and making pictorial warnings visible?



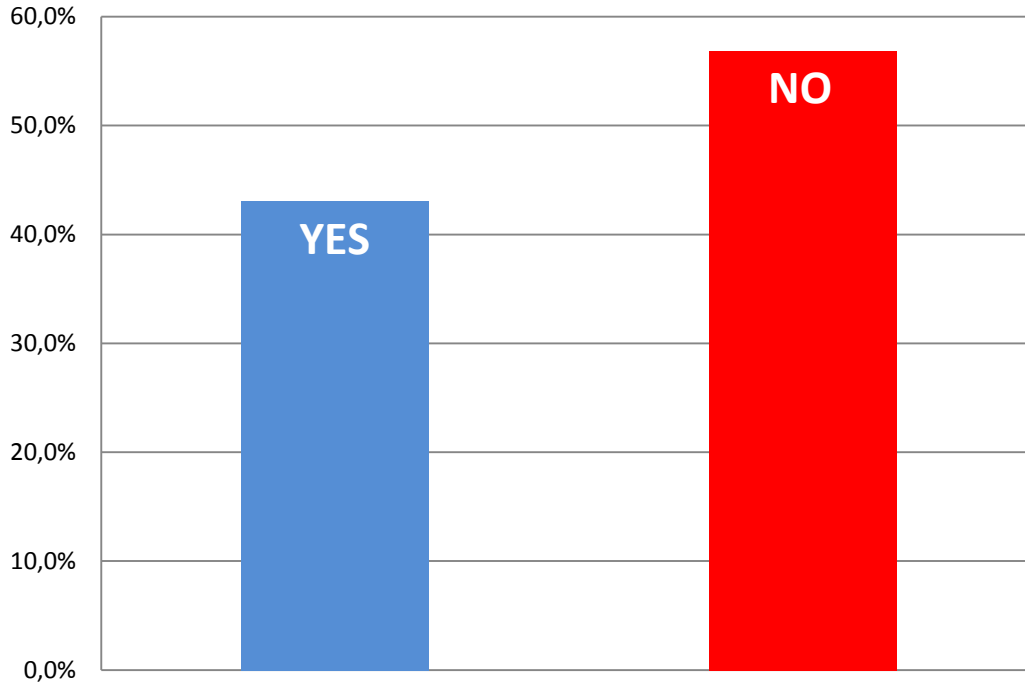
Yes	52	89.7%
No	5	8.6%
N/A	1	1.7%
Total	58	100.0%

Are any cartons on display?



Yes	5	8.6%
No	52	89.7%
N/A	1	1.7%
Total	58	100.0%

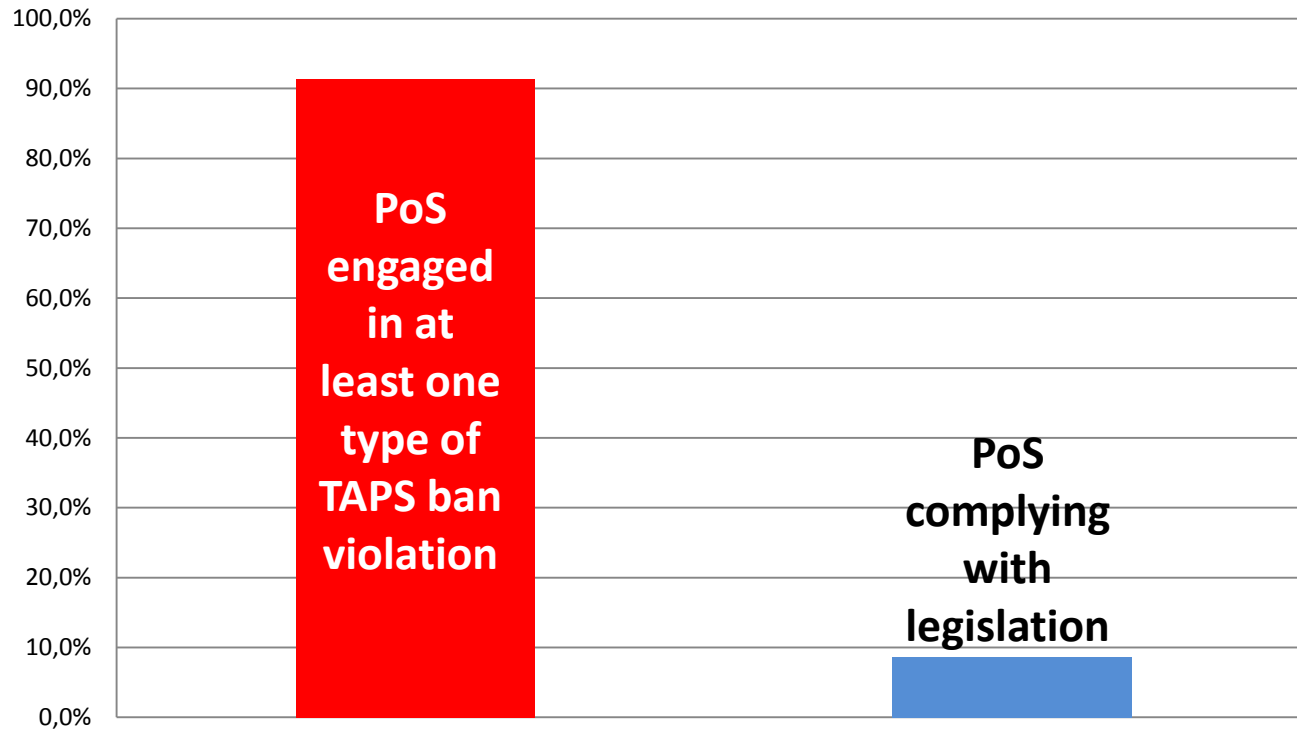
Do price tags comply with legislation?



Monitoring form question: Are price tags of tobacco products showing the current brand name and current price, written in letters and numbers with black ink on white background with a font size not bigger than 20 and placed right below the shelf where each product is displayed?

Yes	25	43.1%
No	33	56.9%
Total	58	100.0%

Overall compliance to partial ban regulation



PoS engaged in at least on type of violation	53	91.4%
PoS complying with legislation	5	8.6%
Total	58	100.0%



Noteworthy observations from the field:

- Tobacco displays in display windows
- Vitamin «bar» having sales permit
- Contraband RYO tobacco stores
- 10 contraband cigarette stands standing next to each other
- Tobacco sale to minor during observation
- Cigars sold singly by breaking packaging
- Almost all cigar and cigarillo display stands made directly accessible to customers
- Store names including «tobacco», «tekeli»
- Differentiated price tags
- Posters saying «Not selling contraband cigarettes, not being part of criminal activity»

Conclusions:

- Violations of the criterion of «visibility from outside», which was found as 44 % in a similar study conducted in 2011 right after the enactment of the Sales and Presentation By-Law, has increased to 65.5 % according to the findings of the 2013 study.
- Violations have become the norm at PoSs. 91.4 % of retailers are engaged in at least one type of violation of TAPS ban legislation.
- The tobacco industry continues to use PoSs for commercial communication directed toward the youth and other target groups.

Conclusions:

- While WHO FCTC recommends a total ban on the display and visibility of tobacco products at PoSs, amendment efforts of Turkish legislation (banning only visibility from outside) were met with strong resistance.
- Compliance with partial display ban is found to be very low, due to:
 - The enforcement gap
 - Partial bans are difficult to be comprehended, implemented, and enforced.