

Smokeless tobacco industry's brand stretching in India

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► Additional material is published online only. To view please visit the journal online (<http://dx.doi.org/10.1136/tobaccocontrol-2019-055382>).

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Received 12 September 2019

Revised 19 November 2019

Accepted 10 December 2019

Published Online First

9 January 2020

Smokeless tobacco (SLT) is a global public health concern because it is used in 140 countries.¹ The 200 million SLT users in India represent about two-thirds of the global SLT users; India continues to be the leading SLT producer and consumer.² Every year more than 350 000 people die due to SLT-related diseases in India.³ India ratified the WHO Framework Convention on Tobacco Control (FCTC) and implemented a domestic tobacco control law that prohibited direct and indirect advertising of tobacco products in 2003. However, the SLT industry has continued to circumvent Indian law by finding ways to keep its brands visible by using *brand stretching*, applying SLT brands to non-tobacco products.

Specifically, brand stretching occurs when a tobacco brand name, emblem, trademark, logo or trade insignia or any other distinctive feature (including distinctive colour 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.

Although in India most SLT products (box 1) are produced and sold in the traditional and informal market (homemade, unregulated, untaxed products sold locally) more than 30% of the market consists of commercially manufactured products.⁴ The Dharampal Satyapal Limited and Dharampal Premchand Limited companies (popularly known as DS Group) has been in the SLT business in India since 1929, with about 75% of its revenue coming from chewing tobacco and pan masala brands. Its SLT products are marketed domestically in India as well as in the export market.⁵

After the complete prohibition on direct and indirect advertising of tobacco products stipulated under the Cigarettes and Other Tobacco Products Act (COTPA) in 2003,⁶ companies like DS Group started to diversify into manufacturing non-tobacco products, particularly mouth fresheners. Several non-tobacco products (eg, pan masala, cardamom seeds, areca nut, dates, mouth fresheners) carry the same brand name, image and colour of established tobacco brands in violation of COPTA Section 5. The law prohibited 'the use of a name or brand of tobacco products for marketing, promoting or advertising other goods, services and events' in 2005.⁷ In addition, the implementing guidelines for FCTC Article 13 recommend that 'Parties should ban "brand stretching" and "brand sharing", as they are means of tobacco advertising and promotion'.⁸

In addition to COTPA, advertising of tobacco products is prohibited under the Cable Television Networks (Regulation) Act of 1995.⁹ Section 6 of

the Act prohibits any advertisement that violates the prescribed advertisement code under the 1994 Cable Television Networks Rules. Rule 7 requires that no advertisement shall be permitted which 'promotes directly or indirectly production, sale or consumption of cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants'. This regulation was relaxed in 2009 to allow advertisements for 'genuine brand extensions', as long as the advertisements do not depict or refer to the prohibited product, by the Ministry of Information and Broadcasting and certified by the Central Board of Film Certification as suitable for unrestricted public exhibition.¹⁰ Due to opposition from the Ministry of Health, implementation of the regulation was stayed in 2010 and a committee of secretaries was constituted in 2013, which recommended that the two ministries should jointly review the 2009 notification and agree on how to operationalise it.¹¹ As of November 2019, the loophole for surrogate ads on television remained a reason for discord between two ministries.

This manuscript describes the DS Group's marketing strategies in India based on observation of a limited number of stores (point of sale) selling the group's tobacco and non-tobacco products in Noida, a city in the state of Uttar Pradesh neighbouring New Delhi in August 2019. Pictures of the tobacco and non-tobacco products available in the stores were taken and the company's website and tobacco industry trade magazines available online were screened for different products and advertisements from DS Group in August 2019.

The company introduced its premier BABA varieties of chewing tobacco brands in 1963, which were distinguished primarily by the colour of the tin boxes (red, blue, black) numbers (160, 600) and descriptors (Black) (figure 1). In 2002, the company applied its chewing tobacco brand BABA red with number 600 to a new non-tobacco product, BABA Elaichi (cardamom seeds) and in 2018 BABA blue with number 160 to BABA Supari (areca nut) and BABA Black to BABA Black Supari (areca nut) (figure 1). These products were advertised in print, electronic and outdoor media including with celebrity endorsements including by Bollywood actor Mr Akshay Kumar, and sponsored live concerts for Bollywood superstars including Salman Khan and others in Hyderabad, India. The 2019 concert in the city is planned for November 2019 (online supplementary appendix 1). The company applied its BABA Navratan Qiwan, a tobacco paste brand, to non-tobacco BABA Navratan Pan Masala, a mouth freshener, in September 2018 (figure 1).



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To cite: Yadav A, Ling P, Glantz S. *Tob Control* 2020;**29**:e147–e149.

Box 1 SLT products in India

Pan masala: A mixture of areca nut, spices, flavourings and other ingredients.^{15 16}

Areca nut (supari): Seed of the areca palm (*Areca catechu*), which grows in much of the tropical Pacific, Asia and parts of East Africa. It is commonly referred to as betel nut, as it is often chewed wrapped in betel leaves. Areca nut is classified as a Group 1 carcinogen to humans by the International Agency for Research on Cancer.^{15 16}

Zarda: A flaky mixture of tobacco, lime, spices and vegetable dyes. It is frequently chewed with chopped areca nut or used as an ingredient in paan. Zarda is commonly used in Southeast Asia and in countries to which people from this region have emigrated.^{15 16}

Qiwam: A thick paste prepared from tobacco leaf extract, spices (eg, saffron, cardamom, aniseed) and additives such as musk.^{15 16}

This BABA mouth freshener was launched with a special pack celebrating the company's 90th anniversary (online supplementary appendix 1).

Tulsi Royal Zarda is another chewing tobacco brand of the DS Group that was applied to Tulsi Royal Khajoor Plus (silver coated dates), a non-tobacco product, in 2018 (figure 1).¹²

Considering that India is the biggest consumer and exporter of SLT products in the world, brand stretching not only helps in keeping the brand name and imagery in domestic consumers' minds but also supports the brand equity in other global markets,

for example North America, Europe, UK, Middle East and other parts of the world in violation of the restrictions on cross-border advertising under Article 13 of the FCTC.¹³

Efforts should be undertaken to ensure compliance with the prohibition on indirect advertisements under Section 5 of COPTA and Article 13 of the FCTC and its guidelines. Further, Indian trademark law should be modified to impose restrictions on registration and use of a registered tobacco brand for a non-tobacco product or a registered non-tobacco brand for a tobacco product. The Cable Television Network Rules should be amended to prohibit advertisement of any brand extension of tobacco products. In addition, the Food Safety and Standards Authority of India, which classifies pan masala and areca nut as products 'injurious to health' under the packaging and labelling regulations 2.4.5 clause 30 and 31,¹⁴ should also prohibit advertisement of pan masala and areca nut products as they constitute as the most common brand extension of SLT products.

A clear and uniform policy against brand stretching of tobacco products by harmonising different laws and regulations is necessary to mitigate the problem permanently.

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Contributors AY conceptualised and developed the first draft. PL and SG contributed to the idea and critically reviewed different versions of the manuscript. All authors contributed to the revision and final manuscript in its present form.

Funding This work was supported by National Cancer Institute grant CA-087472; the funding agency played no role in the conduct of the research or preparation of the manuscript.

Competing interests No, there are no competing interests.

Patient consent for publication Not required.

Provenance and peer review Not commissioned; externally peer reviewed.

Data availability statement All data relevant to the study are included in the article.

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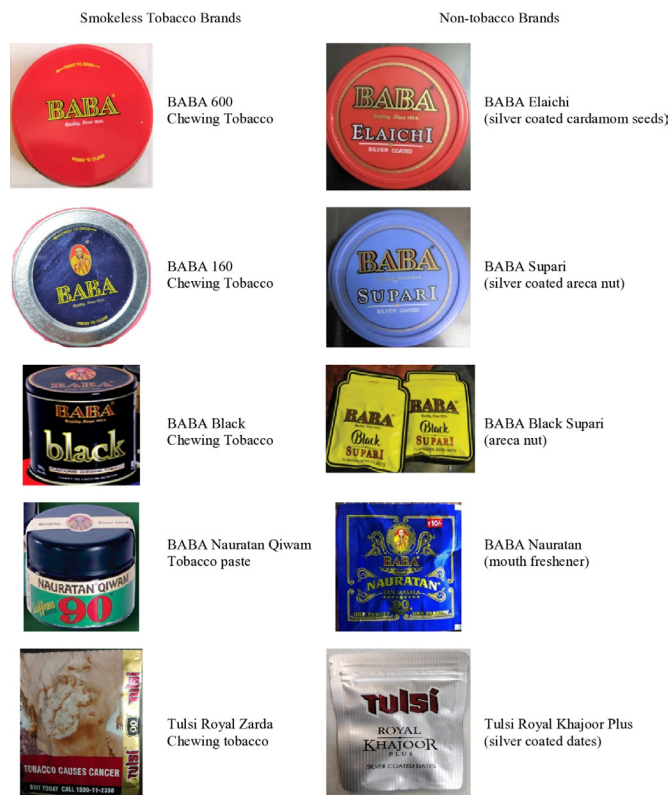


Figure 1 Leading BABA range of tobacco brands and their brand stretching non-tobacco products. Pictures of products were taken by the author at stores and from the company's website www.dsgroup.com and www.baba.in in August 2019.

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