

Beyond Gutka: Evidence of Illegal Smokeless Tobacco in Rural and Semi-urban Areas in India

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Abstract

Introduction: Gutka, a popular smokeless tobacco (SLT) product combining chewing tobacco, areca nut, and spices, was banned by states in India beginning in 2012. Gutka can be recreated by the user mixing twin packets of tobacco and spice mixtures. We examine the availability of premixed gutka, the sale of twin packets (chewing tobacco and spice mixture sold together but in separate packets) and whether SLT was sold without legally mandated health warning labels (HWLs), without the printed maximum retail price (MRP), and above the MRP.

Aims and Methods: In October/November of 2017, unique SLT packets were purchased using a systematic protocol in 25 localities with populations under 50 000 across five Indian states. Purchase information (location, twin packets, price paid) and packaging information (SLT type, printed MRP, type of HWL) were used to assess legality.

Results: Of the 240 purchases of unique SLT packets, three were premade gutka. Twin packets were half of the sample, sold in every state, and illegally sold in Maharashtra where they were banned. Over half (62%) of single packets and 27% of twin packets did not feature a legal HWL. While only 5% of packets did not have a printed MRP, 29% of single packets, and 38% of twin packets were sold illegally for more than the MRP.

Conclusions: SLT without the proper HWL or sold above the MRP were common. Twin packets were widely available. India should consider a country-wide restriction to ban single serving tobacco packets that would decrease affordability.

Implications: This study is the earliest and that first outside of Mumbai that we are aware of to present evidence of tobacco products being sold above the MRP in India. While finding little evidence of premade gutka being sold, we found twin packets (chewing tobacco and spice mixture packets sold together) are widely available even in Maharashtra, which has a policy in place to ban twin packets. This study also finds evidence of SLT products sold without the correct HWL and without a MRP listed which shows that implementation and enforcement of regulations are as important as passing regulations.

Introduction

India is the third largest producer and the third largest exporter (in tonnage) of tobacco products in the world.¹ In 2016–2017, 28.6% (266.8 million) of the adult Indian population used some type of tobacco, making India the second largest consumer of tobacco in the world.² Unlike in most other countries, in India smokeless tobacco (SLT) use exceeds smoked tobacco use with 21.4% (199.4 million) of adults using SLT and 10.7% (99.5 million) using a smoked form.²

There are many types of SLT products on the market in India, including zarda, khaini, and chewing tobacco.³ Gutka, a popular product combining chewing tobacco with areca nut and spices in one packet, was banned by states in India beginning in 2012 and banned nationwide by the end of 2013.⁴ Despite being banned, gutka can be recreated by users mixing individual packets of chewing tobacco and a spice mixture (areca nut and spices). The ability to recreate gutka despite the ban has made some states implement

further measures: at the time of data collection, the state of Maharashtra banned the sale of any products that facilitate the mixing of tobacco and spice mixtures by consumers (e.g., single use tobacco packets, spice mixture packets, areca nut products).⁵ No other state in our sample had gone beyond the gutka ban to also ban anything that would facilitate recreating gutka by the time of data collection. India also requires packages to have the most recent Indian health warning label (HWL), list a maximum retail price (MRP), which is meant to avoid prices from spiking, and for products to be sold at or below the MRP.

This paper presents evidence as to whether gutka is illegally sold outside urban areas in five states, whether twin packets (chewing tobacco sold in combination with spice mixtures) are illegally sold in Maharashtra and against the spirit of the gutka ban in the four other states, and whether these products are illegally sold without the proper HWL, without a MRP listed, or above their MRP.

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Methods

From October 26 to November 23, 2017, SLT packets were collected from localities with populations under 50 000 (tier three cities, tier four towns, and tier five villages⁶) in five Indian states: Assam, Karnataka, Maharashtra, Rajasthan, and Uttar Pradesh. These states were selected based on geographic diversity and high prevalence of SLT users. Within each state, five localities were selected from the five most populous districts that did not contain the state capital. Data collection was focused on smaller localities and more rural settings to target areas with high SLT use.

This data collection was an adaptation of the Tobacco Pack Surveillance System (TPackSS), which was created to systematically document the variety of tobacco packages available in 14 low- and middle-income countries and compliance with HWL policies.⁷ We adapted the TPackSS protocol to study semi-urban and rural localities instead of urban cities and to collect all SLT products available in each state (instead of the country level).

In alignment with the TPackSS protocol, in each locality, vendors were visited using a walking protocol that began at a central location identified, for example, by a temple, school, or post office. Vendor types (independent small grocers, kiosk/pan bidi shop, street vendor, tobacco specialist) were based on the most popular in India according to Euromonitor, GATS, and local research partners. At each selected vendor, data collectors identified unique SLT products to purchase, which could be any type of SLT (eg, chewing tobacco, zarda, khaini, gutka). Unique products were identified by at least one difference to the exterior of the packet other than the Indian HWL. Differences included, but were not limited to, brand variant names, colors, quantity, and spice mixture pairing.

Upon arriving at any store, data collectors faced the tobacco product display and requested to purchase one of each unique tobacco pack. Data collectors were instructed to ask about any form (eg, chewable, nasal, paste) of SLT. This included gutka, khaini, zarda, and any other smokeless product that included tobacco. They looked for SLT products that had not been purchased yet in that state. Once unique packets were identified, data collectors purchased the SLT products and, in some cases, a spice mixture was added by the vendor. Data collectors never inquired about purchasing spice mixtures and only purchased them when they were presented by the vendor with a SLT packet. If a vendor provided only an SLT packet we defined that as a single packet purchase, but if they added a spice mixture with the SLT packet we defined that as a twin packet purchase.

Information from the purchase (location, twin packet, price paid) and information from the packaging (type of SLT, HWL, printed MRP) were used in the analysis. SLT products were visually inspected to identify if premade gutka packets were sold. The presence of a spice mixture in a twin packet purchase was used to identify illegal or counterproductive activity related to the gutka ban. The HWL was used to identify illegal (with old Indian HWLs, which includes the previous 85% HWL required in 2016–2017 and the older HWLs that did not require 85% coverage) and illicit (without an India HWL) products. By examining the printed MRPs and purchase prices we categorized purchases as “over MRP” (purchase price greater than MRP), “at MRP” (purchase price equal to MRP), and “under MRP” (purchase price less than

MRP). This examination allows us to determine if the vendors are selling products over the MRP and whether they do not list the MRP—both of which are illegal.

Results

The data collection resulted in 240 SLT purchases. Single packet purchases ($n = 119$) included nine gul, one mishri, 11 nasal/oral snuff, 13 plain chewing tobacco, six tobacco paste, two tobacco pouch, 11 zarda, and three premade gutka. The type of SLT product was not printed on 63 instances.

Despite being illegal at the time of data collection, there were three packets of premade gutka purchased. Two were purchased in Uttar Pradesh featuring foreign (Nepal) HWLs and sold under the MRP. The third packet was purchased in Karnataka with an old Indian HWL and was sold over the MRP.

There were 121 twin packet purchases of SLT accompanied by a spice mixture. 111 of these purchases were SLT (40 plain chewing tobacco, 22 zarda, 49 not printed) sold with pan masala and 10 were SLT (three plain chewing tobacco, two zarda, five not printed) sold with pan supari. Twin packets were most prevalent in Karnataka (67%) and least prevalent in Maharashtra (37%). While twin packet purchases were least prevalent in Maharashtra, the 11 purchases there that facilitate the recreation of gutka were illegal at the time of data collection.

In addition to the two gutka packets without an Indian HWL, there were also two Horse Brand Joshi snuff packets purchased in Uttar Pradesh and Rajasthan being sold illegally without an Indian HWL. As seen in [Table 1](#), 36 (30%) of the single packets had the previous Indian HWL, 34 (29%) had an older Indian HWL, and four (3%) did not have an Indian HWL. The twin packets featured 32 (26%) with the previous Indian HWL, only one (1%) with an older Indian HWL, and none without an Indian HWL.

As seen in [Table 1](#), 94% of the single packets ($n = 112$) had a MRP printed on the packet and 96% of the twin packets ($n = 116$) had a MRP printed on both the SLT packet and spice mixture. Of those 112 single packet purchases, 29% were sold over the MRP, while 57% were sold at the MRP and 13% were sold under the MRP. Of the 116 twin packets with a printed MRP, 38% were illegally sold over the MRP, while 48% were sold at the MRP and 14% were sold for less than the MRP. For prices under the MRP, the single and twin packet prices were 18% and 19% lower than the MRP, respectively, while the prices paid over the MRP were 116% higher for single packets and 55% higher for twin packets.

Discussion

Premade gutka was not widely available in the semi-urban and rural areas in the five Indian states that were visited. Out of 240 purchases of unique SLT packets only three (1%) were premade gutka. However, twin packets that facilitated combining tobacco and spice mixtures were widely available in all five states and most prevalent in Karnataka. This finding is consistent with previous research showing that vendors were aware of the gutka ban^{8,9} and still sold gutka in single packets and twin packets.^{8–10}

Twin packets were least prevalent in Maharashtra. This relative scarcity is consistent with the Maharashtra ban on products that facilitate the mixing of tobacco and spice

Table 1. Health Warning Labels and Price Paid Compared With MRP on Single and Twin Packets of SLT, by State

State	SLT (N)	Total (n)	Current Indian HWL (%)	Previous Indian HWL (%)	Older Indian HWL (%)	Foreign/no HWL (%)	w/ Printed Price (n)	Over MRP (%)	At MRP (%)	Under MRP (%)
Single packs										
Assam	42	23	26%	52%	22%	0%	22	32%	59%	9%
Karnataka	36	12	67%	25%	8%	0%	10	70%	20%	10%
Maharashtra	30	19	58%	37%	5%	0%	19	47%	53%	0%
Rajasthan	42	18	56%	22%	17%	6%	18	11%	78%	11%
Uttar Pradesh	90	47	21%	21%	51%	6%	43	19%	58%	23%
Total	240	119	38%	30%	29%	3%	112	29%	57%	13%
Twin packs										
Assam	42	19	84%	16%	0%	0%	18	39%	39%	22%
Karnataka	36	24	54%	42%	4%	0%	24	42%	46%	13%
Maharashtra	30	11	82%	18%	0%	0%	11	91%	0%	9%
Rajasthan	42	24	88%	13%	0%	0%	23	35%	57%	9%
Uttar Pradesh	90	43	67%	33%	0%	0%	40	23%	63%	15%
Total	240	121	73%	26%	1%	0%	116	38%	48%	14%

HWL = health warning label; MRP = maximum retail price; SLT = smokeless tobacco.

mixtures by consumers. While these products are less prevalent in Maharashtra, ten out of eleven packets were sold for higher than their printed MRP, which is consistent with pricing to account for the possibility of being fined.

The breakdown of the 112 single packet purchases with MRP printed on the packet included 29% that were “over MRP,” 57% “at MRP,” and 13% “under MRP.” Consumers do not expect to pay more than the MRP, but there are scenarios where this happened. To our knowledge this is the earliest documented case of SLT being sold above the MRP and the first outside of Mumbai.¹⁰ Selling for more than the MRP, while illegal, could indicate a product being particularly popular (high demand) or hard to find (low supply). Selling for less than the MRP could be the result of a vendor wanting to beat the price of a competitor or selling off older or unpopular SLT products.

The data collectors never asked to purchase spice mixtures with their tobacco purchase. Any time a twin packet was offered it was initiated by the vendor. The purchase prices of the twin packets relative to the combined printed MRPs from the SLT and spice mixtures provides a similar distribution to that of the single packets: “over MRP” (38%), “at MRP” (48%), and “under MRP” (14%), but we were more likely to overpay for twin packets. This could indicate that vendors were more likely to sell spice mixtures over their MRP than increase the price of SLT to reduce affordability. Evidence from 2019 found that vendors were still selling twin packets above the MRP.¹⁰

One limitation of this study is the inability to separate the price paid for the tobacco and spice mixture packets. Further studies could attempt to purchase tobacco and spice mixtures separately from the same vendor to see the individual prices. The number of purchased products that do not specify the SLT type on the packaging limited what we could say about differences by product type. Another limitation to this study is the possibility that vendors did not provide products because they did not believe they contained tobacco or they would not sell to unknown consumers. Evidence from other research found that premade gutka was not displayed at the point of

sale, but still available.¹⁰ This study includes data from five Indian states, so results are not generalizable to all of India.

This study provides evidence that premade gutka can still be purchased in India, but it was not widely available in our sample. Purchases of chewing tobacco and spice mixtures together (which facilitate the recreation of gutka) were widely available and vendors appeared to be blatantly selling the packets together without data collectors seeking spice mixtures. India could consider a country-wide restriction similar to state-level bans of single serving tobacco packets and spice mixtures that facilitate the recreation gutka. This study also finds evidence of SLT products sold without the correct Indian HWL, without a MRP listed, and for more than the MRP, which shows that implementation and enforcement of regulations are as important as passing regulations.

Supplementary Material

A Contributorship Form detailing each author’s specific involvement with this content, as well as any supplementary data, are available online at <https://academic.oup.com/ntr>.

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Declaration of Interests

None declared.

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Data Availability

The data underlying this article will be shared on reasonable request to the corresponding author.

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