

# Debunking Claims and Prioritizing Public Health: India's Bold Stand against Tobacco Imagery on OTT Platforms

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## Abstract

India has taken a ground-breaking step in public health by mandating anti-tobacco warnings and disclaimers on over-the-top (OTT) platforms. Concerns over the prevalence of tobacco imagery in media, including OTT platforms, prompted this decision due to its role in normalizing and glamorizing smoking, particularly among the youth. The Indian government aims to comprehensively address this issue and protect public health. This article reviews recent news articles on the developments in the 2023 amendments to Cigarette and other tobacco products act COTPA 2004 and relevant studies on the ill effects of tobacco imagery to form the viewpoint. To effectively implement the new order, clear guidelines, and standards need to be established. Additionally, comprehensive awareness and education campaigns should be launched, while strict monitoring and enforcement mechanisms must be implemented. Supporting research initiatives should evaluate the impact of the warnings, and multiple stakeholders should be involved in the decision-making process. India's commitment to protecting public health and curbing tobacco advertisements on OTT platforms necessitates clear guidelines, awareness campaigns, monitoring and enforcement mechanisms, research initiatives, and stakeholder engagement. This government order aligns with international public health frameworks and can serve as a precedent for other countries. By implementing these measures, we can counter the normalization and glamorization of tobacco use and create a healthier future.

**Keywords:** Anti-tobacco warnings, COTPA 2004, India, public health, OTT platforms, stakeholder engagement, tobacco imagery, youth

## BACKGROUND

India has taken a pioneering step in the domain of public health by becoming the first country to enforce the mandatory display of anti-tobacco warnings and disclaimers on over-the-top (OTT) platforms. This action follows the necessary amendments to the Cigarette and Other Tobacco Products Act, 2004 (COTPA 2004).<sup>[1]</sup> The notification from the Union health ministry signifies a significant move aimed at addressing the adverse impact of tobacco imagery on digital platforms and protecting the health of the population.<sup>[1]</sup>

Countries like Singapore and Kenya have laws for content-coding the video-on-demand, OTT channel contents, and co-regulation framework for broadcasting, video-on-demand, and OTT services, respectively.<sup>[2,3]</sup> But, India remains the first country to enforce the mandatory display of anti-tobacco warnings and disclaimers on OTT platforms.

The prevalence of tobacco imagery in media, including OTT platforms, has been a matter of concern for public health advocates, as it tends to normalize and glamorize smoking, particularly among the youth. Tobacco consumption is a major cause of preventable diseases and premature deaths, with 1.35 million people in India succumbing to its harmful effects each year.<sup>[4]</sup> The portrayal of smoking in movies and television programs has been linked to an increased likelihood of smoking initiation among young people. Studies have consistently demonstrated that exposure to tobacco imagery in media influences attitudes and behaviors related to smoking,<sup>[5]</sup> making

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it imperative to address this issue comprehensively. Given the substantial reach and popularity of OTT platforms, they have emerged as a significant source of media consumption for the younger generation. Consequently, the inclusion of anti-tobacco warnings and disclaimers on these platforms can play a crucial role in discouraging smoking and safeguarding public health.

## DISCUSSION

Tobacco use has long been recognized as a global public health crisis with severe consequences for individuals and society. Despite concerted efforts to combat tobacco consumption, the tobacco industry has sought new avenues to promote its products through digital platforms. OTT platforms, which have experienced immense popularity in recent years, provide an ideal medium for reaching vast audiences and influencing consumer behavior through the pervasive use of tobacco imagery.<sup>[6]</sup> The prolific display of tobacco imagery in popular Indian TV series, such as *Sacred Games* and *Mirzapur*, exacerbates the adverse effects of tobacco imagery on the youth.<sup>[6]</sup> Recognizing the pressing need to address this emerging challenge, the Indian government has acted decisively and effectively.

Where on one hand, this bold step of COTPA rule amendments is applauded by health experts and child rights activists,<sup>[1]</sup> the Indian group of Internet and Mobile Association of India (IAMAI), representing major OTT platforms such as Netflix, Amazon, Disney, and JioCinema, has expressed reservations about the new regulations, deeming them “onerous” and unfeasible to implement.<sup>[7]</sup> They contend that the rules infringe on content creators’ freedom of expression and cite a survey showing that online viewers are indifferent to smoking depictions. However, such opposition overlooks the overwhelming evidence of the detrimental impact of tobacco imagery and disregards the significant public health implications. The argument against implementing the new order is flawed on several fronts. Firstly, both Cinema and OTT digital platforms serve similar purposes of entertainment. In fact, OTT platforms emerged in the early 2000s<sup>[8]</sup> when internet speed improved, enabling cinematographers to deliver media directly over the internet to users without the need for traditional TV services and cinema. Therefore, it is crucial for all multimedia services to ensure consistent messaging that also prioritizes public health. If disclaimers and warnings are already implemented in films on TV and in theaters as per COTPA 2004, it is only fair that the same standards apply to OTT platforms. Allowing tobacco imagery on digital platforms without the necessary warnings undermines efforts to curb smoking and sends a contradictory message to the viewers. Secondly, the contention that online viewers are indifferent to smoking depictions is misleading. Research consistently demonstrates the influence of media on behavior, and studies have found a correlation between smoking depictions in media and increased smoking initiation among youth. Therefore, downplaying the significance of anti-tobacco warnings on

OTT platforms ignores the potential impact these warnings can have in deterring smoking and protecting public health.

The opposition from IAMAI and the tobacco industry should not deter the implementation of this new order. Their concerns must be viewed considering their vested interests, which prioritize profits over public health. The tobacco industry has a long history of deceptive marketing practices and has consistently opposed regulations aimed at reducing tobacco consumption. It is crucial to recognize their efforts as an attempt to create a wedge between the Ministry of Health and Family Welfare and the Ministry of Information and Broadcasting. According to a study by Nazar GP *et al.*, prior to the law implementation, tobacco incidences in films increased. After implementation in 2013, tobacco events per film declined substantially. The proportion of films with tobacco-related situations decreased from 76% (2012) to 35% (2017).<sup>[9]</sup> Thus, the government must remain steadfast in its commitment to public health and not succumb to the pressure exerted by powerful industry groups to guarantee a positive impact in lowering tobacco imagery on OTT services.

## THE INDIAN GOVERNMENT'S COMMITMENT AND RECOMMENDATIONS

The stringent monitoring and enforcement strategies for anti-tobacco warnings on OTT platforms in India should encompass explicit guidelines, educational campaigns, comprehensive monitoring systems, research endeavors, and stakeholder involvement. The government's objective should be to ensure consistent warnings, educate the public and content creators, enforce compliance, and engage multiple stakeholders to safeguard public health and restrict tobacco promotion on digital platforms.

## CONCLUSION

India's pioneering initiative to mandate anti-tobacco warnings on OTT platforms underscores its commitment to protecting public health in the rapidly evolving digital landscape, where media content exposure is more prevalent. The government's action aligns with India's commitment to international public health frameworks, such as the World Health Organization's Framework Convention on Tobacco Control, which emphasizes the importance of implementing comprehensive tobacco control measures. Furthermore, this initiative can serve as a precedent for other countries grappling with similar challenges. By persisting in these efforts, India can envision a future where tobacco loses its allure, the insidious grip of addiction is broken, and the next generation is free from the burdens of tobacco-related diseases. Through collective action and unwavering commitment to public health, India can create a brighter and healthier world for all its citizens.

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## Conflicts of interest

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