CHAPTER 4

ALCOHOL AND TOBACCO RELATED MEDIA CONTENTS (ATRMC)
CHAPTER – IV
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CONTENTS (ATRMC)

4.1: INTRODUCTION

Alcohol and tobacco are the products which are being manufactured and marketed in all the countries. The manufacturers and traders of these products are following all the marketing strategies to push the products into the market. The marketing strategies like product planning, pricing and distribution are performed mainly within a business or between the businesses and the member of distribution channel. However, in the promotional activities, a firm directly communicates with potential customers. Through the various promotional activities, firm creates awareness and persuades people to act favourably towards the firm's product. In recent times, a need of promotional activities has increased because of stiff competition, widening market and rapid changes in technology and taste of customers. In the modern business world, the firms cannot depend upon a single promotional tool. They have to make use of all the promotional tools in different degrees depending upon the nature of the product, competition and type of the targeted customers. There is no single tailor-made promotional mix for all the firms where every firm has to decide its promotional mix. In this context, media has a big role to play in the promotional activities of the firms.

The media in its various forms like print, electronic and outdoor can be effectively used to mould the minds of people. The media like any other industry or business has to survive and grow. Therefore, one cannot
expect media to act as a social institution. Media, on the one hand, gives what the audience want to increase credibility. On the other hand, due to pressure from different quarters of industrial houses, media give importance to what is not good to audience or it may not disseminate (or may not give noticeable importance) what is good to audience.

As far as promotion of alcohol and tobacco products is concerned, media play both the positive as well as negative roles. Media play these roles sometimes unintentionally and sometimes intentionally.

This chapter discusses the distinct role being played by media in connection with alcohol and tobacco products. The unintentional and intentional contents of media are discussed in the initial pages and the measures taken by government to moderate media effects are discussed in the subsequent pages. This chapter also deals with the self-regulations adapted by the media in connection with ATRMC.

4.2: UNINTENTIONAL CONTENTS OF MEDIA

The advocacy of the alcohol and tobacco consumption comes from media, most of the times, unintentionally through its regular contents / programmes. Generally, the advocacy is not related to any particular brand / product but the consumption in general. According to the study conducted by Hemant Goswami and Rajesh Kashyap¹, out of the total Hindi movies released in 2004-05, 89 per cent of movies contain tobacco scenes. Among them 80.6 per cent of movies created a direct association of smoking with

glamour and style and 62.2 per cent of movies showed the association of smoking with stress and tension. Female character smoking is shown in 28.6 per cent of tobacco movies whereas in 33.7 per cent movies the actions and dialogues were delivered which encourage the use of tobacco. The unintentional contents of media can further be sub-divided into two groups based on the results these contents bring such as the contents 'promoting consumption' and the contents 'de-promoting consumption'.

The media contents that are promoting consumption unintentionally refer to the contents where the consumption of these products is advocated as good as to have some benefits either psychologically or physically. These contents directly or indirectly advocate that the consumption leads to release of tension, increase concentration, give courage and make people social, modern and fit to the changing society. These contents influence the people to consume the products or cultivate the favourable attitudes in the mind of people towards the consumption / consumers.

In contrast, the contents that are de-promoting consumption unintentionally advocates that the consumption leads to several health, family, social, economical and environmental problems. These contents influence the people not to consume or to give up the consumption or cultivate unfavourable attitudes in the mind of people towards consumption / consumers.

These media contents, which unintentionally promote as well as de-promote the consumption, are termed in the study as Unintentionally
Promoting Consumption (UPC) and Unintentionally De-promoting Consumption (UDC) respectively. The UPC and UDC items appear in novels, stories and comics of print media and in serials, music and movies of electronic media. Even the banners or hoardings of any person or stills from movies consuming alcohol and tobacco products serve these purposes.

4.3: INTENTIONAL CONTENTS OF MEDIA

The intentional media contents refer to the contents where media kept separate timing / space for alcohol and tobacco related messages. The identification of the communicator is usually attached with these messages. The intentional media contents can further be sub-divided into the contents 'promoting the products' and the contents 'de-promoting the consumption'. These contents are termed in the study as Intentionally Promoting Products (IPP) and Intentionally De-promoting consumption (IDC) respectively.

4.3.1: Intentionally Promoting Products

Unlike other products which are also legally available in the market, the promotional activities of alcohol and tobacco products are not allowed in India. The government has put several restrictions to control the promotional activities of these products. Despite the restrictions on the use of promotional activities, the alcohol and tobacco companies have found a way of leveraging and using media to build strong brand image to attract new users or get existing users to consume more. As the manufacturers / traders of alcohol and tobacco products are big 'cash cows', they give huge amount to media for providing space to perform the promotional activities. In addition,
they are also spending huge amount to convert the various mass appealing events into a marketing weapon. The role models such as sports and movie stars are used in the promotional activities to bring a preferred mode of appealing to youngsters and glamorising the products.

The promotional activities of the alcohol and tobacco companies include direct advertisements, surrogate advertisements, sponsorship programmes and other brand extension activities. These promotional activities are used to pass informative as well as persuasive messages to the masses.

**Direct Advertising:** Advertisement is a well-known method of promoting the product or idea. Any place where an identified sponsor pays to deliver their message through a medium is considered as advertising. However, in India, the advertisements of alcohol and tobacco products had been banned on electronic media and on government controlled print media since the 1980s. This ban was made stronger through the *Cable TV Network Act, 1995* with the subsequent amendment made in 2000 to cover all direct as well as indirect advertisings. Even then the tobacco advertisings were continued in print till the implementation of *Cigarette and Other Tobacco Products Act, 2003* which came into force from May 2004.

Although the ban on direct advertising is in force, tobacco industries are advertising their products by using flying kites which is popular pass time among children in many parts of the country. The products

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advertised are specifically chewing tobacco\(^3\). Today, the direct advertising of alcohol and tobacco products is seen at POS with some restrictions.

**Surrogate Advertising:** The ban on direct advertising has resulted in 'surrogate advertising'. Under surrogate advertising, the alcohol and tobacco manufacturers advertise the permitted products bearing the same brand name and identical package of the banned products with an intention to leave no one in doubt about the message of banned product. In many advertisements, the name of the surrogate product is hardly seen. Even if it is seen, the name is invisible at first sight as it appears in a corner with small fonts. In some other cases, the companies directly publish or show only the brand names.

In India, the alcohol companies are found to be used the surrogate way of advertising their products extensively through print, electronic and outdoor media. The products used in alcohol surrogate advertising include packaged drinking water, apple juice, soda, pure aqua, CDs and cassettes, golf accessories, darting kits and mega movies. Radico Kaithan Ltd. used mineral water, apple juice and CDs and cassettes to promote its brand products like Old Admiral, 8 PM and Contessa. The brand names of alcohol which used soda / club soda as a surrogate product are Knock Out, UB export, Mc Dowell's No. 1, Original Choice and Bagpiper. The Seagram's Imperial Blue, Shaw Wallace's Antiquity, Smirnoff, Bacardio and Chivas Regal used CDs and cassettes. The other surrogate products used are golf accessories for Seagram's Royal Challenge, pure aqua for Gilbey's Green Label, packaged drinking water for Kingfisher, apple juice for Aristocrat of Jagatjit Industries, darting kits for Haywards 5000 and mega movies for

\(^3\) [http://www.burningbrain.org/killerkites.htm](http://www.burningbrain.org/killerkites.htm) P. 1 (accessed on 4-10-2006).
Royal Stag. These advertisings are extensively appeared in newspapers, magazines, television and hoarding / billboards. During the TV relay of recent triangular cricket series between India, Sri Lanka and West Indies the Mc Dowel No. 1 and Imperial Blue advertisements were appeared whenever batsmen hit boundaries / sixes. Similarly, Bagpiper and Mc Dowell were seen during the relay of India Vs Pakistan cricket match.

On the other hand, the tobacco industries in India are also increasingly investing in non-tobacco products by the same brand name of the tobacco products. They are advertising these products through all available media. Guthaka brands such as Simla, Goa – 1000 and Pan Parag skirt the ban by resorting to surrogate advertising for pan masala bearing the same brand name. A plethora of advertisements as pan masala have mushroomed on media channels. The industries are using the same brand name and highlighting that the pan masala is non-tobacco product.

**Sponsorship Programmes:** The alcohol and tobacco companies have been using sponsorship of sports and cultural events as the major promotional tool of their products in order to keep up the continuous image of the brand,

In the second half of 2005, liquor brands sponsored two major cricket events featuring India. Immediately after the triangular series (of which Royal Stag was the associate sponsor), the India and Zimbabwe test series was held under the name of Royal Stag Cup. Similarly, the ICC world XI Vs Australia cricket series was called ‘Johnnie Walker Super Series’. ‘Shaw Wallace’ sponsored the Indian open golfing event where ‘Seagram’ sponsored events such as ‘Chivas Regal Polo Championships’. On the cultural front,
the home coming party of Miss World Aishwarya Rai was sponsored by one of the leading liquor industries called Jagatjit Industries Ltd. The party provided a perfect occasion for the firm to launch their premium whisky 'Fortune Gold'. Similarly, the Teacher's whisky has launched achievement award for the excellence in the fields of sports, business, entertainment and communication and for life time achievements. Seagram's Blenders sponsored fashion tour and Royal Challenge presented brand scene symposium. Mc Dowell Signature presented Tennessee Williams summer & smoke directed by Mallik Prasad where Bagpiper presented Khel film with starring Sunney Deol, Sunil Shetti and the former cricketer Ajay Jadeja. The advertisements of these sponsorship events were appeared in various Kannada and English newspapers and magazines. It is not known whether these sponsorship events were actually conducted or not.

On the other hand, WILLS (brand of Indian Tobacco Company – ITC, a subsidiary of British American Tobacco) used to sponsor Indian cricket team/matches. The world cup cricket series 1996 was sponsored by WILLS and was popularly known as WILLS World Cup. Throughout the series of world cup, WILLS was extensively advertised in television, newspapers, magazines and hoarding with WILLS logo on the players' T-shirt and play ground. The major tennis tournaments in the country were sponsored by the Gold Flake cigarette (brand of Godfrey Phillips India Ltd. – GPI, a subsidiary of Phillip Morris) where boat racing was sponsored by the Four Square

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cigarette (brand of GPI) and 'polo and golf' were sponsored by ITC's Classic brand of cigarettes. On the cultural front, Charms (a cigarette brand of Vazir Sultan Tobacco Company - VST) sponsored a musical event called 'spirit of freedom concerts'. The Manikchand, manufacturers of Guthka by the same name, patronises the widely televised filmfare awards ceremony in India.

**Other brand extension activities:** In addition to the surrogate advertising and sponsorship programmes, the alcohol and tobacco companies follow some other brand extension activities. The 'brand stretching' is used by most of these companies where the banned products are promoted through other products by the impression of the logos / brand names of the products on clothing, sports apparel, hats, trays, posters and stickers. Conducting the 'competitions' is another trick of these companies. The Kingfisher has conducted a *lucky number contest* by asking two simple questions on the football players' photo (with the brand name on T-shirt) published in the newspaper. Similarly, the SAB Miller, a liquor company, conducted a *Knock Out contest* to win one lakh rupees. The advertisements of Kingfisher and Knockout contest were appeared in the Times of India (2nd August 2003) and Vijay Karnataka (7th November 2003) respectively.

In addition to this, the liquor companies found a new of displaying the brand name with the advertisements of movies. In Kannada, the brand name of Imperial Blue appeared in all the banners of film *Amruta Dhare* directed by Nagatihalli Chandrashekhar. Amitabh Bachan had a guest appearance in it. Similarly, UB export appeared in the film *Aishwary* banner

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(Kannada film directed by Indrajeet Lankesh and staring by Upendra). 'Haywards 5000' appeared in *Ganda Hendati* film banner in which the Kannada journalist Ravi Belagere was also seen.

The alcohol companies, by using the star models as brand ambassadors, are promoting their products by just displaying the brand name on T-shirt. The images of the Indian cricketers Harbhajan Singh, Yuvaraj Singh and M. S. Dhoni and the Australian captain Ricky Pointing were widely seen in newspapers which carry the brand name of Seagram's Royal Stag. The other star brand ambassadors are Saif Ali Khan for Royal Stag mega movies, Ajay Devgan, Sunny Deol, Sunil Shetti and Akshaya Kumar for Bagpiper, Upendra for UB export and Darshan Toogudeep for Knock Out. The dialogue used in UB advertisement by Kannada cine star Upendra *Yella Okay Cool drinks Yaake* has become popular in Karnataka.

Even the participation in social cause related events are treated by these companies as brand extension activities. The arrangement of special events to launch new brands, news coverage about the introduction of new brand and product placement in television serials and movies are also the brand extension activities of the alcohol and tobacco companies.

4.3.2: Intentionally De-promoting Consumption

Along with the space provided to alcohol and tobacco companies to promote the products the media provide space to the agencies which are engaged in de-promoting the consumption of alcohol and tobacco. The government, NGOs and other social organisations pass various messages to the public about the ill-effects of the consumption. These efforts
are not intended to de-promote any particular product or brand. However, these efforts are intended to de-promote the consumption in general. These efforts are presented in the media in the form of advertising, programmes, literature, health related tips, banners, posters and others. In the recent times, with the increasing awareness about the health, print media and electronic media are keeping separate space for health related items.

In February 2001, as a result of collaborative efforts of Ministry of Health and WHO, the National Tobacco Control Cell (NTCC) was set up in India to provide impetus to the tobacco control efforts and to coordinate these activities at the national level. The NTCC assists in development of comprehensive anti-tobacco public awareness plans. It provides health education, builds capacity among NGOs, establishes and strengthens of tobacco cession centres and provides key technical inputs on research and policy issues related to tobacco. During the period from 2001 to 2005, NTCC has developed anti-tobacco advertisements targeting at mass including youth, passive smokers and users of tobacco. Other anti-tobacco materials like posters, flip charts, brochures, mobile exhibition, kits and stickers have been disseminated across the country through the Directorate of Advertising and Visual Publicity (DAVP). In addition to these, the NTCC sponsored anti-tobacco sports featuring popular film stars and youth role models such as Vivek Oberoi, Urmila Matondkar and Shashi Kapoor. These anti-tobacco sports are disseminated to various stakeholders and aired through various media channels from time to time. The NTCC has been providing technical inputs to the ongoing weekly television programme called ‘Kalyani’ which provides in-depth information to its viewers through panel discussions, expert
interviews, success stories, quizzes and slogan writing / painting on tobacco control along with other health issues\(^8\).

In addition to the efforts made by the government, the efforts of some organisations are seen as news items in print media to de-promote the consumption. The *Amruta Institute of Medical Science*, Kochin in association with the WHO and *Finland National Public Health Institute* has announced a prize of Rs. 10,000 for those who give up the habit of smoking\(^9\). Similarly, *Om Kotak Mahindra* offered an innovative term plan called the ‘Kotak Preferred Term Plan’ targeted at male non-smokers\(^10\).

The photos of various unintentional and intentional ATRMC are presented in Appendix – 12.

4.4: EFFORTS TO CONTROL THE ALCOHOL AND TOBACCO RELATED MEDIA CONTENTS

Media has the potential of portraying the consumption as socially desirable, promoting pro-consumption attitudes, recruiting new consumers and increasing the consumption among current users of alcohol and tobacco products. The ATRMC emphasises the desirable aspects of consumption and ignores the risk of consumption to the individual as well as to the public. In response to the increasing role of media in promoting the consumption and raising demand for alcohol and tobacco control, several efforts are taken by governments at state, national and global level to control the ATRMC. These efforts are ranging from putting ban on direct and indirect


\(^10\) Amrita Chauhan, Smokers, be aware, *The Economic Times* (2 ET Big Bucks), 7-9-03.
advertising to the banning of sponsorship programmes and to the television and movie scenes.

4.4.1: Efforts to Control the Alcohol Related Media Contents (ARMC)

As per the article 47 of the Indian Constitution, the alcohol is a state subject and the state has the liberty to ban the alcohol products. In this regard the Karnataka Prohibition Act, 1961\(^\text{\footnote{The Karnataka Prohibition Act – 1961, Government of Karnataka, Pp. 13-14 (retrieved from http://www.karnataka.gov.in on 24\textsuperscript{th} January 2006).}}\) clearly prohibited the advertisements of alcoholic beverages in various forms of print media. Section 15 of the Act, related to the 'prohibition of advertisement', reads as follows.

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### Prohibition of Advertisements under the Karnataka Prohibition Act, 1961

<table>
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<tr>
<th>Prohibition of Publication of advertisements relating to Intoxicants, etc.</th>
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<tbody>
<tr>
<td>(1) No person shall print or publish in any newspaper, news-sheet, book, leaflet, booklet or any other single or periodical publication or otherwise display or distribute any advertisement or other matter:</td>
</tr>
<tr>
<td>a. which solicits the use of or offers any intoxicant or hemp; or</td>
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<tr>
<td>b. which is calculated to encourage or incite any individual or class of individuals or the public generally to commit an offence under this Act, or to commit a breach of or to evade the provisions of any rule, regulation or order made there under of the conditions of any licence; permit, pass or authorisation granted there under.</td>
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<tr>
<td>(2) Save as otherwise provided in sub-section (3), nothing in this section shall apply to:</td>
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<tr>
<td>a. catalogues or price lists, which may be generally or specially approved by the Commission in this behalf;</td>
</tr>
<tr>
<td>b. any advertisement or other matter contained in any newspaper, news-sheet, book, leaflet, booklet, or other publication printed and distributed in accordance with law outside the State but normally circulating within the State;</td>
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<tr>
<td>c. any advertisement or other matter contained in any newspaper, printed and published in the State, before such date as the State Government may by notification specify;</td>
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<td>d. any other advertisement or matter which the State Government may by notification generally or specially exempt from the operation of this section.</td>
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(3) Notwithstanding anything contained in sub-section (2), the State Government may by notification prohibit within the State the circulation, distribution by sale or distribution, advertisement, issue, sale, loan, lease, loan, lease, book or other publications containing or publishing outside the State, which contains any advertisement or matter of the nature described in clause (a) or (b) of sub-section (1). |

The Act also provides the provisions (under section 65) regarding the penalties for those who violate the provisions under section 15. According to this section the convicted people are punished with imprisonment for a term which may extend up to six months or with fine which may extend to one thousand rupees or both.

In support to the prohibition made under the KPA, the central government announced a prohibition of direct advertisements on state controlled Doordarshan (National television channel) and All India Radio. Subsequently, in September 2000, the central government announced a complete ban on the advertisement which directly or indirectly promotes the production, sale or the consumption of alcohol products. This was done by amending the advertisement codes as provided in the Cable Television Networks (Regulation) Act, 1994. This Act is further amended in August 2006 which restricts the use of brand name or logo of alcohol products in any advertisements on cable service. The provisions of the amendments made to the Cable Television Networks (Regulation) Act, read as follows:
Presently, in India, all sorts of alcohol related promotional activities including direct and indirect advertising and sponsorship of sports and youth events are totally banned. The practice of legalising the ban on ARMC in various parts of the world is presented in the Appendix – 7 and 8.

4.4.2: Efforts to control the Tobacco Related Media Contents (TRMC)

In India, tobacco is one of the products that come under the central government jurisdiction. As far as the control of tobacco menace in India is concerned, the legislation started evolving in mid 1970s. The government enacted the *Cigarette (Regulation of Production, Supply and
Distribution) Act in 1975. It is also known as The Cigarette Act, 1975. This Act made it mandatory to display statutory health warnings on all packages and advertisements of cigarettes.

During 1980s and 1990s, the World Health Organisation (WHO) strongly recommended for stricter regulatory measures for tobacco control at national level. The World Health Assembly (WHA) of WHO, in its annual resolutions of 1986 and 1990, urged the member states to take concerted action to eventually eliminate all direct and indirect advertisings, promotion and sponsorship programmes concerning tobacco12.

In continuation of efforts to control the tobacco, in 1990, the Indian government issued directives for prohibiting tobacco related advertisements on Doordarshan and All India Radio. Further, in December 1991, the government directed the Central Board of Film Certification (CBFC), under the Cinematograph Act of 1952, to ensure that scenes tending to encourage, justify or glamorise the consumption of tobacco or smoking are not shown13.

With the amendments introduced in September 2000 and in August 2006 to the Cable Television Networks (Regulation) Act of 1994, the government prohibited the advertisements which promote directly or indirectly the production, sale of consumption of cigarettes and other tobacco products. However, the major trend in tobacco control has started after the adoption of the Framework Convention on Tobacco Control (FCTC) by WHA of WHO at

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13 Ibid., P. 162.
its 56th session in May 2003. India signed the FCTC in September 2003 and ratified it in February 2004\textsuperscript{14}.

In May 2004, a comprehensive Act on tobacco control called \textit{Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003} has come into force. The various limitations of the \textit{Cigarette Act} are overcome by this new Act. This new Act brought the entire range of tobacco products including cigarettes, cigars, cheroots, beedies, cigarette tobacco, pipe tobacco, hookah tobacco, chewing tobacco, gutka, tobacco tooth powder, pan masala and all other chewing materials having tobacco as one of the ingredients (by whatever name it may be called) under its jurisdiction. This Act is enforceable across all states and union territories. Section 5 of the Act, strictly prohibits all sorts of the advertisements of cigarettes and other tobacco products in print, electronic and outdoor media. However, the advertisements on package container and at the entrance or inside the warehouse or shop are exempted under this Act. The provisions of the section 5 of the Act read as follows:

\textsuperscript{14} ibid., P. 163.
The Act – 2003 has been amended in 2005 and called  

*Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003*  

Section 5:  
Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003  

Prohibition of advertisement of cigarettes and other tobacco products:-  
(1) No person engaged in, or purported to be engaged in the production, supply or distribution of cigarettes or any other tobacco products shall advertise and no person having control over a medium shall cause to be advertised cigarettes or any other tobacco products through that medium and no person shall take part in any advertisement which directly or indirectly suggests or promotes the use or consumption of cigarettes or any other tobacco products.  
(2) No person, for any direct or indirect pecuniary benefit, shall:-  
   a. display, cause to display, or permit or authorise to display any advertisement of cigarettes or any other tobacco products; or  
   b. sell or cause to sell, or permit or authorise to sell a film or video tape containing advertisement of cigarettes of any other tobacco product; or  
   c. distribute, cause to distribute, or permit or authorise to distribute to the public any leaflet, hand-bill or document which is or which contains an advertisement of cigarettes or any other tobacco products; or  
   d. erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or shall display in any manner whatsoever in any place any advertisement or cigarettes or any other tobacco product.  
Provided that this sub-section shall not apply in relation to:-  
   a. an advertisement of cigarettes or any other tobacco product in or on a package containing cigarettes or any other tobacco product;  
   b. advertisement of cigarettes or any other tobacco product which is displayed at the entrance or inside a warehouse, or a shop where cigarettes and any other tobacco products are offered for distribution or sale.  
(3) No person shall, under a contract or otherwise promote or agree to promote the use or consumption of:-  
   a. cigarettes or any other tobacco product; or  
   b. any trade mark or brand name of cigarettes or any other tobacco product in exchange for a sponsorship, gift, prize or scholarship given or agreed to be given by another person.  

and outdoor media have come under the purview of prohibition under Rules – 2005. The provisions of the section 4 of the Rules – 2005 read as follows:

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<tr>
<td><strong>Cigarettes and Other Tobacco Products (Prohibition of Advertisement and</strong></td>
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<tr>
<td><strong>Regulation of Trade and Commerce, Production, Supply and Distribution)</strong></td>
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<td><strong>(Amendment) Rules, 2005</strong></td>
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<tr>
<td><strong>Prohibition of advertisement of cigarettes and other tobacco products</strong></td>
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<tr>
<td>(1) The size of the board used for the advertisement of cigarette and any other tobacco products displayed at the entrance of a warehouse or a shop where cigarette or any other tobacco products is offered for sale shall not exceed sixty centimetres by fourth-five centimetres.</td>
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<td>(2) Each such board shall contain in the Indian language as applicable, one of the following warnings occupying the top edge of the board in a prominent manner measuring twenty centimetres by fifteen centimetres; namely:</td>
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<td>i. Tobacco Causes Cancer, or</td>
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<tr>
<td>ii. Tobacco Kills</td>
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<tr>
<td>(3) The health warning referred to in sub-rule 2 must be prominent, legible and in black colour with a white background.</td>
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<tr>
<td>(4) The display board shall only list the type of tobacco products available and no brand shot, brand name of the tobacco product or other promotional message and picture shall be displayed on the board. The display board shall not be backlit or illuminated in any manner.</td>
</tr>
<tr>
<td>(5) The owner or manager or in-charge of the affairs of a place where cigarettes and other tobacco products are sold shall not display tobacco products in such a way that they are visible so as to prevent easy access of tobacco products to persons below the age of eighteen years.</td>
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<tr>
<td>(6) No individual or a person or a character in cinema and television programmes shall display tobacco products or their use. Where, however, cinema and television programmes which have been produced prior to this notification have scenes with smoking situations and use of other forms of tobacco, it shall be mandatory to place a health warning as a prominent scroll at the bottom of the television or cinema screen with font in black colour on white background which is legible and readable. The text of the warning shall be &quot;Smoking Causes Cancer&quot; or &quot;Tobacco Causes Cancer&quot; or &quot;Tobacco Kills&quot; for chewing and other form of tobacco. The health warning shall be in the same language/s as used in the cinema or the television programme.</td>
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<tr>
<td>(7) Whenever a brand name or logos of tobacco products form a part of the picture to be printed in any form or print or outdoor media or display to be aired through any form of electronic media, it shall be mandatory for the media to display in a prominent manner a health warning that the brand name and logos of the tobacco product are not endorsed.</td>
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The 5th and 6th items of the section 4 under the Rules – 2005 were proposed to be in force from 1st day of August 2005. It was later deferred till October 2, 2005 and then postponed to January 1, 2006. However, these provisions are yet to come into force. In addition to the efforts.
made by government, NGOs also have been actively involved in tobacco control activities. The efforts made by NGOs in India for tobacco control and landmark events in tobacco control are presented in Appendix - 9 and 10. The practice of legalising the ban on TRMC in various parts of the world is presented in Appendix - 11.

4.4.3: Cross-Border Advertising

As far as cross-border advertising is concerned, the Indian Acts do not have any provisions. However, the cross-border advertisings can be regulated under the present Act as it puts an obligation on the person controlling the media not to advertise the alcohol and tobacco products. Therefore, the media would be responsible for transmitting any advertising in or out of the country. This would be the subject to the technical means and competence available with the media.

4.4.4: Monitoring the media

Although the government enacted several regulations to control the direct and indirect ATRMC, these contents are being widely seen in television, newspapers, magazines, hoardings and billboards. In order to monitor the increasing number of code violations by the media industry, especially at the regional level, the Ministry of Information and Broadcasting (I & B) hired a private agency that monitors all the television channels. The Delhi based agency called Time Monitoring is responsible for scanning all the advertisements disseminated through private satellite channels including regional channels.
As a result of strict monitoring the Ministry of Information and Broadcasting has come to know that some television channels are displaying the prohibited advertisements. Accordingly, it has issued show-cause notices to various satellite channels for telecasting the objectionable advertisements related to alcohol and tobacco products and directed the channels to strictly adhere to the 'advertising code' prescribed under the *Cable Television Networks (Regulation) Act, 1995* and Rules framed there under. In the year 2005-06, the major advertisements / products found objectionable include Gilbey’s Green Label Pure Aqua, Hayward 5000 Soda, McDowell’s No.1 Soda, Seagram’s 100 Pipers Pure Music, Smirnoff’s Cassettes/CD’s, Officer’s Choice Premium Soda, Bacardi Blast Cassettes and CD’s, Seagram’s Imperial Blue, Royal Stag Cup India Vs Zimbabwe 05, Kingfisher Model Hunt, Pan Parag Pan Masala and Gopal Zarda 132.

4.4.5: Self Regulations

In accordance with the government coming down heavily on direct and indirect liquor and tobacco advertisements on television, the broadcasting industry opted for self-regulation. In a proposal sent to the Ministry of Information & Broadcasting, broadcasters under the aegis of the *Indian Broadcasting Foundation* (IBF) have decided to come up with an advertising code specific to the surrogate advertisements. For this purpose, the IBF has set up a sub-committee that monitors the advertisements appear in any channel from time to time. Similarly, the *Confederation of Indian Alcohol and Beverage Companies* (CIABC), an association of manufacturers, has also taken the path of self-regulation and asked all television channels to stop telecasting surrogate liquor advertisements.
As far as self-regulated advertising code is concerned the Government of India has released a notification stating that 'the television commercials must abide by the Advertising Standards Council of India (ASCI) code'.

The ASCI is a voluntary and non-profit organisation set up by a group of advertisers, advertising agencies and media in 1985. The main objective of the ASCI is to ensure that all advertising should be legal, decent, honest and truthful along with a sense of social responsibility to the consumer and to the rules of fair competition. The ASCI encourages the public to complain against advertisements which they consider to be false, misleading, offensive or unfair. All complaints are evaluated by an independent Consumer Complaints Council (CCC) which has 21 members, of whom 12 are from civil society and 9 are from advertising practitioners. The CCC has been able to decide upon the complaints within a period of four to six weeks.

It is learnt from the discussion that media plays both the positive as well as negative roles in connection with alcohol and tobacco. Media is extensively available to business people who intentionally use advertisements and other brand extension activities to promote their product. In order to control the role of media in increasing menace of alcohol and tobacco consumption, the governments at state, national and international level have taken several measure. The discussion made in this chapter leads to the analysis of media exposure, consumption of alcohol and tobacco products and media influence on alcohol and tobacco consumption. These aspects are taken-up for discussion in subsequent chapters.