

Assessing Compliance with Tobacco Advertising, Promotion, and Sponsorship (TAPS) Bans:

A “How-to” Guide for Conducting Compliance Studies of Point of Sale Advertising & Product Display; Outdoor Advertising; and Product Packaging



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Introduction

The tobacco industry uses tobacco advertising, promotion, and sponsorship (TAPS) to increase consumption of their products. TAPS activities increase tobacco consumption among current users, attract new consumers, and encourage former customers to resume tobacco use. The tobacco industry uses deceptive, misleading, and predatory tactics to make tobacco use appear glamorous and socially acceptable, while minimizing perceptions of products' adverse health effects.

Comprehensive bans on TAPS activities have been shown to reduce tobacco use. Partial bans are significantly less effective because the tobacco industry responds by shifting its marketing activities to areas that are not banned. The World Health Organization (WHO) calls for Parties to fully implement the tobacco control measures and protocols outlined in the Framework Convention on Tobacco Control (FCTC); however, legislation supporting the Framework's Articles is often adopted over time. Article 13 of the FCTC addresses bans and restrictions on tobacco advertising, promotion, and sponsorship, which encompass a diverse set of activities that are delivered through many channels and require different assessment methods. For this reason, the TAPS compliance assessment guidance being provided by the Johns Hopkins Bloomberg School of Public Health (JHSPH), the Campaign for Tobacco-Free Kids (CTFK) and the International Union against Tuberculosis and Lung Disease (the Union) will be comprised of a series of guides that will each focus on a narrow range of provisions typically included in a comprehensive TAPS ban.

This particular guide covers compliance assessment of TAPS activities as they occur in points of sale and in outdoor advertising, as well as those observed on tobacco packaging and labeling. Although the provisions related to the packaging, labeling, and inserts of tobacco products are addressed in Article 11 of the FCTC, tobacco packaging is a tool that is also utilized by tobacco companies as a form of advertising. Information on tobacco packaging and labeling is relevant to TAPS activities and collection of these data is easily incorporated into a study protocol for points of sale and outdoor advertising.

This guide offers instruction on conducting a compliance assessment of TAPS activities at points of sale, outdoor advertising, and tobacco packaging and labeling. The guide is designed to be tailored to the geographic area, culture, and legislative context of the study. Compliance assessment studies such as those described in this guide can also be used to identify loopholes in current legislation to further strengthen bans on TAPS activities.

Step 1: Know the TAPS Bans and Regulations

Article 13 of the World Health Organization Framework Convention on Tobacco Control calls for Parties to mandate a comprehensive ban on all forms of tobacco advertising, promotion, and sponsorship. In areas where governing bodies do not have the authority to impose such bans, Parties are expected to enact the most stringent legislation possible. Tobacco control legislation varies significantly between and within different countries, states, or districts. In order to assess compliance with the existing bans on TAPS, you will need to identify the most current legislation in the area of interest. Both national and sub-national restrictions on TAPS activities should be considered when planning a compliance assessment.

While assessing compliance with regulation of TAPS activities, you should also be aware of deficiencies in the current legislation. Poor definitions and bans that are not comprehensive can result in an expansion of products, advertising, and promotion that are not banned. Legislation regarding TAPS may include loopholes that are exploited by the tobacco industry and consideration of these loopholes will need to be incorporated into the assessment tools. Knowing the law in detail will help you identify and document these loopholes during your compliance study.

Tobacco product displays at point of sale are a means of advertising and promotion for the tobacco industry. Displays of tobacco products function as a cue to use tobacco for existing users, promote tobacco use as a social norm, support the industry's efforts to attract new users, prompt the impulse purchase of tobacco products, and act as an obstacle for quitting tobacco use. As bans on more traditional channels of tobacco advertising and promotion are strengthened, the tobacco industry increasingly relies on point of sale displays, including tobacco packages themselves, to promote their products and generate sales.

Article 13 of the WHO FCTC recommends a total ban on the display of tobacco products at the point of sale. This recommended display ban includes the display of tobacco products both at fixed retail outlets and by street vendors.

Article 13 also recommends plain packaging for tobacco products to limit the effect of advertising and promotion. Packs should be standard in shape, size, and material, with no advertisements or promotions attached to or inside of the package.

Resources are available to help you identify the most current legislation. Most government agencies make their legislation available to the public and may be accessed online. Additional resources are available through non-governmental organizations, such as the Tobacco Control Laws database developed by the Campaign for Tobacco-Free Kids (www.tobaccocontrolaws.org).



Kiss Pack, Russia Courtesy of CTFK

Step 2: Define the Purpose of Compliance Assessment

Compliance studies should only be conducted if they serve a strategic purpose. Think about why you want to conduct a compliance study and how you intend to use the results. Clarifying the intended use of the results will help to focus your study design, determine which data you collect and analyze, and drive how you report and disseminate the results.

The most common purpose of a compliance study is to inform the government about the need for strengthening enforcement and where to target enforcement and education resources. For example, low compliance rates can be used to stimulate active enforcement. Results may also identify gaps in implementation planning and indicate types of TAPS activities that require more targeted intervention. Other common purposes for compliance studies are to:

- **Evaluate progress.** Periodic compliance studies can be used to evaluate progress by documenting changes in compliance over time.
- **Educate the public and retailers.** Studies can be used to educate policymakers, retailers, and/or the general public about the existence of the TAPS restrictions and the status of compliance.

- **Demonstrate compliance with the law.** A common tobacco industry argument after a strong TAPS law has come into effect is that the law is widely disregarded. These claims are often false, or at least exaggerated. A compliance study can show that compliance with the law is high, thus countering industry claims that the law is not working.
- **Provide evidence to show why loopholes or deficiencies in the law must be resolved.** As discussed in the “Know the TAPS Bans & Regulations” section, some laws may only partially ban tobacco advertising, promotion, and sponsorship. A compliance study can be used to show policymakers how these loopholes weaken the protections provided by the law. This information can then be used as part of a campaign to convince policymakers of the need to enact TAPS bans that are truly comprehensive.



Sampoerna Billboard in Indonesia (Aug 2011)
Courtesy of NCCP

Step 3: Recognize Tobacco Advertising, Promotion, and Sponsorship

In order to know how to measure compliance with bans on tobacco advertising, promotion, and sponsorship, you need to understand and be able to recognize the many forms of TAPS channels. As noted earlier, this particular Guide focuses on tobacco advertising and promotions at points of sale, outdoor advertising, and tobacco packaging. Actual regulations and bans on TAPS activities vary greatly by region, so compliance must be specifically tailored to assess the appropriate national or sub-national legislation or regulations.

TAPS activities at the point of sale may include but are not limited to the following examples:

- Power walls of tobacco products that may position products to promote a specific brand or product.
- Tobacco product displays on counters, shelves, or push-carts with the logo, symbol, brand name, and/or color of tobacco products. They may use lights, movement, logos, and colors to attract consumer attention and promote tobacco brands or products.
- Posters, billboards, furniture, objects, or uniforms at point of sale with the logo, symbol, brand name, and/or color of tobacco products.
- Price stickers that obscure health warnings.

- Product promotions such as special prices, multi-pack discounts, coupons, free gifts with purchase, prizes, and contests for tobacco products.

Outdoor advertising appears most often in the form of billboards, posters, painted storefronts, and branded items such as large umbrellas. These advertisements become a ubiquitous component of many cultures and serve to promote tobacco use as a social norm, as well as functioning as a cue to smoke or use other tobacco products.

Tobacco packaging is another channel for advertising and promotion. Tobacco packaging often uses design features such as logos, fonts, colors, descriptors, inserts, and novelty designs to appeal to consumers. The tobacco industry uses creative packaging that incorporates elements such as femininity or music (for example) to target specific consumers such as women or youth by making the package itself a trendy item. These features can help attract new users, encourage an existing user to explore within a brand, and draw attention away from mandated health warnings. A compliance study can help identify manufacturers that are neglecting packaging laws, or areas where stronger regulations are needed.



Pont of Sale, Brazil 2012
Carmen Washington, IGTC

Step 4: Assess Available Resources and Secure Needed Resources

As an integral part of planning your compliance study, you will need to know what resources you have and what you need to procure. Construct a plan that is realistic and feasible. Key resources for a compliance study include labor and funding.

Labor

There are a number of tasks associated with conducting a compliance study, and some tasks require technical expertise. Partnerships with technical groups, such as a local university or research group, and policy or advocacy groups, can effectively bring together the various skill-sets needed. When securing individuals to perform various tasks, be sure to identify the following:

A Study Coordinator will be responsible for making sure that all study tasks occur according to the timeline and to the standards established for the study. The coordinator ensures that data collectors have all necessary materials and training before collecting data. The coordinator also serves as the “go to” person for data collectors should they encounter any difficulties when performing observations.

Data Collectors can be paid staff, but volunteers can also be recruited to conduct observations. In both instances, they need to be properly trained.

Technical Experts should be consulted to ensure that the sampling approach and data collection tools are appropriate.

Funding

A compliance study need not be very expensive to undertake. The cost of a study is generally driven by how many locations will be visited and whether the people who are conducting the visits are paid or volunteer their time. A local university can be an excellent source of volunteers with technical expertise as students may be required to do volunteer work to fulfill graduation requirements. A compliance study that includes the purchase of tobacco products will require more funding. An inexpensive alternative is to collect discarded packages. Limiting the number of products or brands can also help to limit the study's expenses – this will be discussed further in the Sampling section of this guide.

Step 5: Clarify the Scope of Your Compliance Study

The scope of your compliance study will have important implications for the timelines, sampling approach, and procedures needed for the observations. In addition to your purpose and available resources, the scope is also defined by the geography of interest and additional information you may want to collect.

Geographic Scope

One factor to consider when defining the scope of compliance studies is the policy level (national, state/provincial, city, district or other jurisdiction) that you seek to influence, and the way in which you want to influence it. A common dilemma is balancing resources with geographic scope.

A key question to answer when determining the scope of the study is how the results of your compliance study will be used. If you are conducting a compliance study with the goal of influencing national lawmakers to provide more resources for enforcement, you should carefully consider whether policymakers will respond only to data collected from a nationally representative survey. In a large country, getting a truly nationally representative sample could be costly. Policymakers may be sufficiently convinced by data from only two or three cities. Strategic selection of the locations will help support studies that are smaller or have fewer resources. For example, you could assess

compliance in three major cities with different cultural, economic, or social characteristics. Or you could study neighborhoods within a city that represent different cultural types, density, or economic levels.

In addition, you will need to carefully consider how enforcement activities are funded and implemented. In many places, the allocation of enforcement resources is made at the sub-national level, thus, to influence local enforcement decision-makers, studies of local jurisdictions may be most appropriate.

Information Scope

A second key decision that must be made at the onset of a compliance study is the type of information to collect. There are many aspects to consider in the context of tobacco points of sale, outdoor advertising, and especially with respect to packaging. The components of tobacco packaging are numerous and can be culturally specific (by referencing colors, symbols, images, or language with a certain meaning). A comprehensive analysis of these characteristics would require significant time and resources to code, enter, and analyze the data. This guide recommends setting a reasonable limit to the comprehensiveness of information collected and analyzed, to appropriately align with your purpose, resources, and necessary timelines.



Marlboro Kiosk, Argentina (date unknown)

Step 6: Plan and Set a Timeline for Your Compliance Study

Good planning includes developing a timeline for compliance study activities that will enable you to adequately prepare for all of the practical steps involved in completing the study and maximizing the use of the results.

In developing your timeline, you will want to consider if there is an ideal time to release the results; for example, during legislative discussions regarding TAPS, or on the one-year anniversary of the law's enactment. If so, this date should serve as the end point on your timeline, and all other tasks should be entered into the timeline working backward from this point.

There are a number of tasks that should be incorporated into your timeline. These tasks occur at three points:

1. Pre-implementation, before the compliance observations occur;
2. Implementation, during data collection and
3. Post-implementation, after the compliance observations have been conducted.

STEPS IN A COMPLIANCE STUDY

- Conduct background research
- Adapt compliance checklist and procedures
- Test compliance check tools and procedures
- Choose locations to visit
- Conduct compliance observations
- Analyze your compliance data
- Use the results

Step 7: Adapt Data Collection Tools and Procedures

Compliance checklists and procedures need to match the provisions of the laws that regulate TAPS activities. The volunteers or staff who will be conducting observations will need to understand precisely what they are to do when they enter a location and how they are to record what they observe. Consequently, you will need to customize standard data collection tools and develop a clear and detailed procedure to guide data collectors.

The scope of the compliance study will have implications for the tools and procedures that will be used to assess compliance. For example, the tools and procedures needed to assess compliance with TAPS bans at the point of sale or in outdoor advertisements will differ from those needed to assess tobacco packaging, labeling, and inserts due to the differences of their characteristics.

Develop Data Collection Tools

Data Forms

A data collection tool must be developed to guide the collection of observational data at each location. Checklists with “yes/no” options are easy to use and provide standardized data collection. To ensure good quality data, be sure that your questions are clear and specific.

Include items that reflect the key provisions of the law that you want to assess. These are the variables that will be used to determine if the location is in compliance with the law. Also include items that will help identify loopholes in current legislation, such as poor definitions or bans that are not comprehensive and allow advertising and promotion of activities or products that are not regulated.

Step 7: Adapt Data Collection Tools and Procedures (continued)

The possible elements to include in a TAPS compliance assessment are numerous and must be strategically selected. Key items to record will depend on the nature of TAPS activities in the area where you are conducting your assessment. Sample data forms are provided as Appendices B, C, and D.

Include space at the bottom of the form for the data collector to record any additional comments he or she might wish to make. The data collector might want to note, for example, if there are special circumstances regarding a particular observation or important details that the form does not capture.

Develop Procedures

You will need to develop a standard procedure for conducting each type of observation that describes every step in the process. It is best to make the procedure easy to follow so that data collectors can be easily trained, but the procedure must also be sufficiently detailed to enable data collectors to collect standard data.

The procedure should address:

- **Definitions for each of the variables on the observation checklist.**
- **Where the data collectors are to go within the neighborhood.**
- **Which points of sale and outdoor advertisements should be observed.**
- **Which tobacco packages, labels, and inserts to collect or purchase for observation.**
- **What data collectors should say when they visit locations to collect data.** The protocol should specify if data collectors should tell the manager or staff what they are doing, how much information they can provide, and what to do in case they encounter a hostile venue owner or manager.

Paper vs. Electronic Data Collection

When deciding between using paper forms or handheld PDAs (personal digital assistants) for data collection, consider what will work best within your context and resources.

PDAs entail unique benefits:

- May attract less attention and stand out less during data collection
- Data analysis can begin much sooner as no additional data entry step is required

PDAs require more resources:

- Startup costs of acquiring the devices
- Data collection forms need to be programmed into the PDAs
- Data collectors must be trained to use the PDAs

- **Policies on safety.** The procedure should provide instructions about what a data collector should do if he or she perceives that a location is not safe (fights going on, drug sales, etc.). The instruction should be to leave the location.
- **What data collectors should do with the data collection forms and product packaging examples after data collection is complete.** Data collectors should be clearly told where and when to return the forms.

Step 8: Select Your Sample

The venues to be visited in a TAPS compliance assessment should be defined by the scope of the laws banning or restricting TAPS activities that are to be addressed by the study. Because TAPS activities are highly prevalent, a method must be established to choose a subset of areas to observe for the study. The number and selection of cities, as well as the selection of brands to observe for packaging, labeling, and inserts, is driven by the scale of your study (local, provincial, or national level), and the specifications of the TAPS ban in the geographic areas of interest. Within each city, specific neighborhoods must be defined and selected for observation. It is strongly suggested that you refer to the legislation in your area of interest while planning your sampling methods, and include observations that will expose loopholes or compliance issues that will motivate policymakers to act.

The following section makes recommendations for sampling approaches and sample designs. This section begins with a brief overview of sampling strategies, followed by guidance on how to choose samples for studies with varying scopes.

Sampling Approaches

In general, there are two approaches to sampling: random and convenience sampling. With random (or probability) sampling, each sampling unit is chosen randomly from the population under study. Random sampling approaches include both (1) simple or systematic random sampling where each sampling unit has the same chance of being selected; and, (2) cluster sampling approaches where the population is split up into sub-groups and sampling units are chosen randomly within clusters. Done well, a random sampling approach allows you to generalize the results of your study to the broader population.

In convenience (or non-probability) sampling, sample selection is based on convenience, logistical considerations, or some other criteria. For example, it may not be feasible to randomly choose a set of neighborhoods within a very large city. A set of clusters may be chosen based on certain characteristics of the cluster or logistical considerations regarding where the data collectors can reasonably travel. Or, it may be more useful to allocate resources to

assess compliance with warning labels and other packaging laws for the most prevalent brands of tobacco products, rather than a random sample. It is important to understand that with a convenience sample, it is not possible to conclude that the results are representative of the entire population of interest. But, if done well, the data collected can provide a useful indication of the levels of compliance in the places studied.

Sampling Designs

Point of Sale and Outdoor Advertising

For assessing compliance rates at the point of sale and for outdoor advertising, a cluster sampling approach is recommended. Following is a description of the suggested sampling methods at the city level along with a discussion of options for expanding the study to state/provincial or national levels. The term “neighborhood” is used for the clusters within each city. Clear boundaries should be identified for each neighborhood.

Sampling within a City

At least four neighborhoods should be chosen within each city. Be sure to select neighborhoods that allow commercial activities including retail and outdoor advertising. A sample set can be chosen by identifying a fixed central point in each neighborhood and selecting locations surrounding or radiating from this point. For example, in each neighborhood, eight streets could be covered by observing two parallel streets in each direction. Purposefully selecting neighborhoods to include in your sample (e.g., by socioeconomic status), may strengthen the generalizability or interest in your study among policy makers. Data collectors should observe a minimum of two points of sale and one outdoor advertisement per street. If data collectors are observing TAPS activities in a rural area, the radius of a neighborhood may need to be expanded in order to meet the minimum sample size.

Step 8: Select Your Sample (continued)

State or Provincial

To conduct a compliance study of TAPS activities at a state or provincial level, you may follow the same protocol for sampling within a city. Cities within the state or province may be chosen randomly or using non-probability based sampling methods. In large states or provinces, it may be more feasible to choose a convenience or purposeful sample of cities.

The number of cities to be selected is based on a compromise between study objectives and feasibility. If the goal is to provide a good indication of compliance across the state or province, as many cities as possible should be selected. In most cases, selection of four to six cities can provide a reasonable snapshot of compliance with TAPS regulations. For large states or provinces with significant product variation (differences in the TAPS activities and availability of different tobacco products between areas, often based on population demographics), more cities may be needed to capture important variations across the area. It is also suggested that you include a range of geographic areas for your sample, such as one megacity, one large city, two small mid-size cities, and a rural area. The remaining sample selection then follows the procedure explained in the previous section on Sampling within a City.

Accurately assessing one rate of compliance for an entire state or province is not possible with a non-probability based cluster sampling approach and results could mask important variations in compliance across the cities. However, the data across cities can be combined to produce an aggregate compliance rate, which is an estimate for the combined centers. When the aggregate compliance rate is provided, it is important to indicate that this rate should not be assumed to represent the entire state or province. Compliance rates for each city can serve to identify where targeted enforcement efforts are needed.

Number of Cities to Monitor

Estimating the number of centers to assess is primarily dependent on:

1. The statistical precision (e.g. the level of confidence) you want to have in the results of the study, and
2. The resources available to conduct the compliance study

If you have access to a sampling expert, she or he can help you make decisions about how to balance the level of confidence you can have in your results with your available resources.

Packaging and Labeling

TAPS legislation and tobacco packaging are both highly variable among regions and countries. Tobacco packaging reflects decisions that are made at the manufacturing level. A compliance assessment seeks to, among other things, identify tobacco companies that are in violation of the law. These manufacturing decisions (to comply or not comply with existing regulations) are often consistent across brands and regions, so an assessment of one tobacco package may be indicative of the level of compliance for the entire company. For assessing compliance with tobacco packaging and labeling requirements, a convenience sample is recommended that includes a minimum of 10 product packages from the range of manufacturers of tobacco products in the country of interest. A diverse sample of tobacco products will yield the most useful data for evaluating packaging activity and identifying loopholes in existing legislation. The sample should include packages that vary by appearance. Information on the most popular brands in each country can be found in the World Health Organization's Global Adult Tobacco Survey (GATS).

<http://www.who.int/tobacco/surveillance/gats/en/index.html>

Step 9: Conduct Compliance Observations

Training Your Staff

Make sure your data collectors are trained in every aspect of the procedure so they know what to do and what to look for. A training session should include discussion of the purpose of the study and ample time for reviewing the procedures for conducting observations and recording information. Use photographs extensively to familiarize the data collectors with the types of items they will be surveying. Field training with practice observations and data collection forms should be included in training activities.

Overseeing Data Collection

When out making observations, data collectors should report back to the Study Coordinator regularly and submit completed survey forms. The Coordinator should review forms carefully to ensure that they are being filled out properly and provide feedback to data collectors about their work.

Example 1: Cigarette packaging compliance in Russia and Ukraine

A study was conducted to assess compliance of cigarette packs with the FCTC and national legislation in eight former Soviet Union countries, including the Russian Federation and Ukraine. Cigarette packs of each of the 10 most smoked cigarette brands in each country were analyzed for the placing, size, and content of health warning labels as well as the use of deceptive terminology. Package labeling was compared with both national legislation and with Article 11 of the FCTC to assess compliance.

In Russia, all packages included health warnings, used variety in the warning labels, displayed the warning in the country's main language, and followed label sizing guidelines as required by the national legislation. The packages in Russia did not comply with the use of specific (versus general) warning labels, and used an average of 2.4 deceptive labels per pack (although this is not banned by the legislation). In Ukraine, packages were compliant with including health warning labels and displaying labels with variety. National legislation in Ukraine does not require specific health warnings, or for the warning to be displayed in the country's main language. The law does require that a minimum of 50% of the front and back panels be covered by a health warning. The study found that the packages were not compliant with this law, as the warning labels covered only 30% of the front and back panels. The law in Ukraine also prohibits the use of deceptive labels, though packs were not compliant and used an average of 2.8 deceptive labels per pack. These findings demonstrate a need for stronger enforcement of packaging regulations and demonstrate gaps in national legislation on health warnings and labeling (especially in use of the country's main language and banning use of deceptive labels).

Step 10: Analyze Your Compliance Study Results

Once data are collected, the data quality must be checked and analyses conducted to answer your study questions.

Checking Data Quality

Ensuring that you obtain high quality data involves good planning at every step of your study. The protocols you establish and the staff training you conduct will help with this process. Once data are collected, they should be checked to confirm that they are clearly recorded, complete and consistent across responses. Once this is done, the data can be entered into data analysis software such as Excel.

Analyzing Your Observational Data

Data analysis will consist of mainly descriptive statistics such as percentages, counts, and averages. There are many statistical software programs available for these types of analyses, such as Microsoft Excel, EpiInfo, SPSS, Stata, or SAS. Data analysis should be guided by the key questions that need to be answered, such as:

- What was the overall rate of compliance with TAPS bans for all locations visited?
- What was the compliance rate for each neighborhood and for the combined neighborhoods (city)?
- What were the compliance rates for specific brands?
- How do current compliance rates compare with past studies?

Example 2: Surveillance of billboards and points of sale in Mexico

In October of 2000, a law was passed in Mexico prohibiting:

- Tobacco advertising on radio, television, and internet sites.
- Tobacco advertising on billboards within a 250 meter radius of schools (including secondary), and hospitals, recreational parks, or other sports and family centers.

A pilot study was conducted in the cities of Cuernavaca and Culiacán to assess the level of compliance with laws regulating tobacco advertising and its impact on secondary school students. The presence or absence of billboards and tobacco advertising was observed and recorded near 30 schools and at 163 points of sale. Data collectors recorded observations of billboards in the vicinity of schools, external advertisements at points of sale, and internal advertisements at points of sale. In Cuernavaca, tobacco advertising was observed on billboards near schools, and both inside and outside points of sale, demonstrating non-compliance in all three areas. In Culiacán, advertisements were only observed inside the points of sale. These results indicate the need for stronger enforcement of the existing legislation. Additionally, tobacco advertising was observed near student bus stops and on walking routes from the school, which highlights an area where the law could be strengthened.

Step 11: Use The Results

Compliance study results should be used in ways that correspond to the purpose of the study and that are appropriate in light of the methodology used. In using the results, be sure to define your audience, develop key messages that are tailored to the purposes of the study and disseminate in ways designed to reach and influence your target audiences. This guide recommends working with experienced advocates and communications and public relations experts for guidance when disseminating your results. Common audiences and dissemination strategies include:

Policymakers

The primary targets of dissemination efforts for compliance studies are often policymakers and enforcement officials. Results should clearly show policymakers how well the law is being adhered to and include an appeal for the additional resources needed to improve the level of compliance. The final data may also be used to demonstrate existing loopholes that are being exploited by the tobacco industry that policymakers and enforcement officials must address. Results can be presented in private briefings with legislators and senior government officials and/or released to the media through press conferences or other events.

Enforcement Agencies

Private briefings with enforcement agencies is a good practice prior to publicly releasing results. This will build trust and may be more likely to result in action from the agencies.

Owners Or Managers Of The Locations Visited

You might choose to send letters or present the results of the study to owners or managers of the locations visited in order to provide them with information about overall compliance. The presentation of results might be used to warn them that compliance checks are being conducted and encourage them to comply with the law. Be sure to congratulate those who were found to be in compliance.

The Public

Mass media can be used to inform the public about levels of compliance with the law, and call for ongoing or increased enforcement of the law by the government. Exposing existing loopholes to the public may also create a demand for stronger legislation that will put pressure on policymakers to act.



Point of Sale Advertising, Brazil 2011
Leah Jarvis



Parliament Car, Russia 2012)
Courtesy of CTFK

Summary

The overall goal of a TAPS compliance study is to assess the degree of compliance with TAPS bans in a particular area. Legislation surrounding TAPS activities contains provisions that specify what is and is not permissible under the law. **Knowledge of these provisions is fundamental to understanding how well it is being implemented. These provisions should guide how compliance studies are designed and conducted.** This guide outlines key steps to conducting a compliance study, highlighting the following:

- Compliance studies can serve multiple purposes, but they should always be linked to a broader strategic plan. This means being very specific about why a study is being conducted and what will be done with the results.
 - Organizations conducting studies should be realistic about the resources they have and those they will need to acquire in order to conduct a compliance study.
 - The scope of the compliance study will drive its design. Scope is defined by the geographic level at which compliance will be assessed, the type(s) of TAPS activities to be monitored, and the laws in your area. Having a clear understanding of the law and how the compliance study results will be used should guide decisions about the scope of the study. There is no one “right” approach to determining the scope, and often resources will be a key factor in its determination.
 - The conduct of a compliance study should follow a clear and comprehensive timeline that will enable everyone involved to understand and adequately prepare for all of the practical steps involved with conducting observations of locations and generating and maximizing the use of results.
 - Data collection requires the use of standardized tools that match the provisions of the TAPS bans and procedures to ensure high-quality data collection. Data collectors will need to understand precisely what they are to do when they enter a location and how they are to record what they observe.
- Organizations are encouraged to secure the assistance of someone with expertise in sampling when deciding on sample size and to visit during the data collection period.
 - Once the study sample is defined, data collection is ready to begin. Effective data collection begins with proper training for data collectors and includes opportunities to practice collecting data in locations similar to those included in the study sample (but not a part of it). Data collectors should be supervised when involved in actual data collection.
 - When using the results of a TAPS compliance study, the study organizer should review the initial reason for conducting the study. A compliance study should be tied to a broader strategic advocacy plan. Recalling the study’s purpose and the broader strategic plan will help determine which findings need to be shared with target audiences via carefully crafted key messages.
 - This guide has explained how to plan and implement a TAPS compliance study that addresses points of sale, outdoor advertising, and tobacco packaging, labeling, and inserts; however, there are many other channels that qualify as TAPS activities. These will be addressed in other compliance guides that will comprise the TAPS compliance assessment guidance provided by JHSPH, CTFK and the Union.



Ukraine point of sale advertising Feb 2011
Photo Courtesy of LIFE

Appendix A: Sample Timeline

TASKS	WEEK	PERSONS INVOLVED	PERSON RESPONSIBLE / SUPERVISOR	DEADLINE FOR COMPLETION
Pre-implementation tasks				
Define study purpose/objectives				
Data collection tool development				
Develop study procedures				
Develop sample				
Train data collectors				
Pilot test tools and procedures				
Implementation Tasks				
Conduct compliance checks				
Post-implementation Tasks				
Data entry				
Check data quality				
Data analysis				
Interpretation of findings				
Use compliance study results				

Appendix B: Points of Sale Observation Form

Observation form for tobacco advertising and promotion activities:

POINTS OF SALE (FCTC Article 13)

COUNTRY	CITY	NEIGHBORHOOD	STREET
Name of store or shop (if applicable):		Date of observation	
Complete address and/or coordinates:			
Type of point of sale (select one that applies)			
Supermarket		Café shops	
Convenience stores/Groceries		Permanent kiosk	
Tobacco shop		Tobacco push carts	
Other (please describe) _____			
Data collector name/code			
Items observed	Present	Compliant with law	Comments/Notes & Violating Brand Names
Advertisements			
Presence of advertisements for tobacco products (<i>see your law for details on size, visibility, placement, and language</i>)			
Presence of gift with purchase, special or limited time offer (<i>see your law for details</i>)			
Presence of multi pack discounts (<i>see your law for details</i>)			
Presence of backlit or illuminated advertisements (have lights) (<i>see your law for details</i>)			
Use of culturally specific references on the ad (<i>such as special images, symbols, or colors, etc.</i>) (<i>see your law or speak to local advocates for details</i>)			
Advertisement of smokeless or flavored tobacco (<i>see your law for details</i>)			
Product Placement (Displays)			
Products displayed on an organized shelf or powerwall (<i>see your law for details on size, visibility, placement, and language</i>)			
Presence of objects with logo/symbol/brand name of tobacco product (<i>see your law for details on items such as lighters, ash-trays, clocks, shopping baskets, etc.</i>)			
Warning Signage			
Presence of signage requirement (<i>see your law for details on size, visibility, placement, language, and pictorials</i>)			
Presence of quit aid information (<i>see your law for details</i>)			

Appendix C: Outdoor Advertising Observation Form

Observation form for tobacco advertising and promotion activities:

OUTDOOR ADVERTISING (FTC Article 13)

COUNTRY	CITY	NEIGHBORHOOD	STREET
Name of store or shop (if applicable):		Date of observation	
Complete address and/or coordinates:			
Type of outdoor advertisement (select one that applies)			
Freestanding billboard or flag		On structures, buildings, mass transit stations	
Public TV screen		On body of mass transit vehicles	
Other (please describe) _____			
Data Collector name/code			
Items observed	Yes	No	Comments/Notes & Violating Brand Names
Is the ad clearly visible from a point of regular pedestrian or vehicle traffic?			
Does the ad comply with size requirements? <i>(See your law for details)</i>			
Presence of health warning on ads <i>(see your law for details on size, visibility, placement, language, and pictorials)</i>			
Does the ad use culturally specific references <i>(such as special images, symbols, or colors, etc.)? (see your law or speak to local advocates for details)</i>			
Does the ad promote smokeless or flavored tobacco? <i>(see your law for details)</i>			
Does the ad use branded functional item such as an umbrella, etc? <i>(see your law for details)</i>			

Appendix D: Packaging and Labeling Observation Form

Observation form for tobacco advertising and promotion activities:

PACKAGING AND LABELING (FCTC Articles 11 and 13)

COUNTRY	CITY	NEIGHBORHOOD	STREET
Date of observation			
Type of point of sale where pack was collected (if applicable)			
Supermarket		Café shops	
Convenience stores/Groceries		Permanent kiosk	
Tobacco shop		Tobacco push carts	
Other (please describe) _____			
Pack observation method:			
Bought	Collected from ground	Photo/point of sale observation	Other
Data Collector name/code			
Items observed	Compliant with law		Comments/Notes & Violating Brand Names
	Yes	No	
Package size, shape, color, material, texture etc. meet regulation standards (<i>see your law for details</i>) ^{a, b}			
Number of cigarettes per package (<i>see your law for details</i>) ^a			
Items observed	Present	Compliant with law	Comments/Notes & Violating Brand Names
Representation of health warning label (<i>see your law for details on size, visibility, placement, language, and pictorials</i>) ^a			
Provision of quit information on packaging ^a			
Use of words that suggest flavor or reduced strength (low, mild, light) (<i>see your law for details</i>) ^{a, b}			
Presence of double packs (<i>see your law for details</i>) ^b			
Use of culturally specific references (<i>such as special images, symbols, or colors, etc.</i>) (<i>see your law or speak to local advocates for details</i>) ^b			
^a FCTC Article 11			
^b FCTC Article 13			

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