

The Limitation of Tobacco Control on Mainland China

Huanfei He

Chengdu Agricultural College, Sichuan Chengdu, 611130, China

ABSTRACT. *Approaches and measures have been introduced in the form of legislation from the 1980s through 2015. Measures include efforts to regulate smoke-free public places, packaging and labelling. Nevertheless, the nature of these policies themselves as well as a little sufficient attempts to implement have led to a little effectively regulate.*

KEYWORDS: *Tobacco control, Public policy, Mainland china*

1. Public Places of Smoking Free

1.1 Legislation Efforts

A series of governmental regulations on smoking in public have been implemented since the 1980s with the purpose of protecting people from second-hand smoke. In 1978, the State Council declared the "Health Regulation in Public Places", and the "Implementation denials for the regulations" was verified by the Ministry of Health in 1991. Furthermore, The ban on Smoking in Public Transport and Waiting Rooms and Civilian Airport and Civilian Aircraft" was issued in 1997 (Hu, T, 2007). "Resolutions on Achieving fully Smoking free in National Healthcare System" was published by the People's Republic of China Ministry of Health of maternal and child health care and community health department in 2009, and came into force in 2011. The resolution stipulates that smoking should be banned in medical and health institutions. In the "Detailed rules for implementation of health management in public places" adopted in 2011, Article 18 stipulates "no smoking in indoors of public places. The operator of public places should position salient signals and admonition of no smoking. Smoking area in outdoor public places should not located at the point where there would be passers. No automatic cigarette sale machine in public places. The operator should carry forward the propaganda on harmful smoking, and arrange staff to persuade and stop smokers" (Detailed rules for implementation of health management in public places, 2011).

At the local level, regulations and provisions to control smoking in public places have been introduced in Lanzhou, Yinchuan, Anshan, Hangzhou, Harbin and

Shanghai. Harbin is the first city that passed a law to meet the requirements of Article 8 of the FCTC (the Standing Committee of 13th People's congress in Harbin, 2011). In addition, Tianjin, Guangzhou, Beijing, Nanning, Qingdao, Shenzhen and Chongqing all have smoking control regulations or provisions, including smoking controls in public places intended to protect people from harmful second-hand smoke. Public places that are subject to smoking bans in these cities are: indoor health and medical institutions; indoor scientific, educational, cultural and article public places; kindergartens and nurseries; and public vehicles for short distance travel. There are variations in the public places subject to smoking bans in these cities as well, the following places are subject to different smoking controls in different cities: schools, colleges and universities; indoor halls for public use; waiting sections: gyms and stadiums. Shanghai has the most stringent fines--from 10000 to 30000 RMB for business entities and from 50 to 200 RMB for individuals. In the other cities mentioned, fines range from 1000 to 5000 and from 5 to 50 RMB (Lv, 2010).

1.2 Discussion and Results

At the local level, 62 percent of cities in eastern China have regulations on smoking in public places, the highest rate in all of China's districts; 54 percent of cities in middle China have regulations; 44.4 percent of cities in north and northeast of China, respectively, have regulations; the rates for the southwest and northwest of China are relatively low, respectively 37% and 17%. The total, nationwide percentage for China is 45.7%. There remain other public places that as of 2015 smoking bans were still absent: restaurants, some workplaces, entertainment places and internet cafes.

Once can frequently observe people smoking even in places where, "NO SMOKING" signs are displayed (Hu, T, 2007; Wang, J. 2016). Although fines, regulations and provisions are in place, ineffective implementation of these measures remains a problem. The rate of no penalty for business entities that violate the regulations or provisions regarding smoking in public places is 50.4%; the rate of no penalty for individuals that violate the regulations or provisions is 55.2% (Li, Yet al. 2007).

Both the quality of legislation nor attempts at implementation are scant. Firstly, at the national level, the legislation of smoking controls in public places is absent; secondly, at the local level, the distribution of related regulations is imbalanced between eastern China and western China, smoking controls in public places is limited and the majority of public places are not subject to regulations, outside of Shanghai penalties are insufficiently high and implementation is too weak to make a difference. Thirdly, violations often go unpunished even in places with smoking bans.

2. Packaging and Labelling

2.1 Legislation Efforts

China has made efforts to improve smoking controls on packaging and labelling after the country adopted the FCTC in October, 2008. This section introduces provisions on cigarette packaging and labelling. It also discusses the question of whether the provisions fail to meet the requirements of the FTCT.

After China adopted the FCTC in October, 2008 it adopted packaging and labelling measures in January, 2009-- "the Provision on Cigarette Packaging and Labelling within the Territory of the People's Republic of China." This measure was intended to comply with the FCTC. First, the provision required 30 percent of the packaging surface to be allocation health warnings. Second, both the front and back of the cigarette box must display warnings. Third, two types of text warnings are mandated: "Quit smoking reduces health risk", and "Smoking is harmful to your health"; and "Quitting smoking early is good for your health" and "Smoking is harmful to your health"; these two types of warnings must be used alternatively. Fourth, the text itself must be clear and easy to recognize, the text's height should at least be 2.0mm and the text colour must differ from the background of the warning area. Lastly, Article 2 of the provision stipulates that misleading sentences cannot be presented either on the boxes or in the instructions for use (Yang, G, 2012; tobacco control office, 2009).

2.2 Discussion and Results

The content of the provisions is slack and often misguided. The country thus has a long way to go in order to comply with Article 11 of the FCTC. For example, there are no picture warnings, only text warnings, on packaging and labelling. The FCTC recommends that pictorial warnings are used to raise awareness about the health effects of smoking, and no such requirement appeared in the Chinese provision. Second, the surface cover of the warnings on cigarette boxes stipulated by the FCTC is "over 50% or more, but not less than 30%"; China has set that figure at 30% and, to make things worse, the text warning often covers less than half of the warning area, which is only 30 percent of the surface cover of the cigarette box. Third, the provision regulates that the text warning should be in Chinese language in the front and in English language at the back. Few Chinese smokers can understand the English warnings. In conclusion, most of the warnings on cigarette boxes are useless. Fourth, according to the guidelines of Article 11, "Parties should select contrasting colours for the background of the text in order to enhance noticeability and maximize the legibility of text-based elements of health warnings and messages"; however, this is unclear in the Chinese provision and Article 7 of Chinese provision indicates that the difference in colour between the text and the background need only differ to "some extent", and it is difficult to define legally the meaning of "some extent". Fifth, both of types of warning are too general to inform smokers about the actual harmful influences of smoking. According to a survey by Chapman

(2005), participant smokers expressed knowledge that smoking is harmful to their health, but few of them know about the precise diseases that can be caused by smoking. Consequently, 64% of smokers have no ideas about quitting smoking after they observe the text warnings. Thus, knowing about the particular health risks is more persuasive for quitting smoking than simply knowing about the general health effects of smoking. In addition, slight changes to either type of warnings can weaken their effects. Sixth, Article 6 of China's provision demonstrates that warnings should be located at the bottom, of the box and on the front and right flank of the carton. The bottom and flank are so undetectable that the warning essentially loses its function. Lastly, the minimum standard for text height is too low (2.0mm) to be easily read (tobacco control, office, 2009). This limits the effectiveness of the warnings.

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