

AN OBSERVATIONAL STUDY OF ROLLING TOBACCO BAN IN TÜRKİYE; TOBACCONISTS COMPLY WITH LEGISLATION

TÜRKİYE'DE SARMA TÜTÜN YASAĞINA İLİŞKİN GÖZLEMSEL BİR ÇALIŞMA; TÜTÜNCÜLER MEVZUATA UYUYOR MU?

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ABSTRACT

The aim of this study is to determine whether tobacco shops in Manisa, Türkiye comply with the Rolled Tobacco Ban that went into effect in 2021. In the study, tobacco shops (n=17) with sales licenses and selling hookahs, macarons, tobacco, filters, pipes, etc. in Yunusemre district of Manisa in September 2023 were observed and evaluated in terms of compliance with the Rolled Tobacco Ban. As a result of the evaluation, illegal activities were observed in 13 (76%) tobacco shops. The remaining 4 (24%) tobacco shops were found to be in compliance with the law. As a result of the study, it was understood that if the sales staff in tobacco shops trust the customers and know their customers, illegal sales activities can be observed inside or outside the tobacco shops. In this study, it was observed that only 4 tobacco shops did not sell filled rolled tobacco. Therefore, it was concluded that stricter rules and penalties should be applied by lawmakers for those who do not comply with the rolled and filled tobacco ban.

ÖZET

Bu çalışmanın amacı Manisa, Türkiye'de bulunan tütün dükkanlarının 2021 yılında yürürlüğe giren Sarma tütün yasağına uyup uymadığını belirlemesidir. Çalışmada Eylül 2023'te Manisa, Yunusemre ilçesinde satış ruhsatı olan ve nargile, makaron, tütün, filtre, pipo vb. satan tütün dükkanları (n=17) gözlemlenerek Sarma Tütün Yasağı'na uygunluk açısından değerlendirildi. Değerlendirme sonucunda 13 (76%) tütün dükkanında yasadışı faaliyetler gözlemlendi. Kalan 4 (24%) tütün dükkanının ise yasaya uydukları görüldü. Çalışma sonucunda tütüncülerdeki satış elemanları müşteriye güveniyorsa ve müşterisini tanıyor, tütün dükkanlarının içinde veya dışında yasadışı satış faaliyetleri görülebileceği anlaşılmıştır. Bu çalışmada sadece 4 tütüncü dükkanının doldurulmuş sarma tütün satmadığı görülmüştür. Bu nedenle sarma ve doldurulmuş tütün yasağına uymayanların yasa koyucular tarafından daha katı kurallar ve cezalar uygulanması gerektiği sonucuna varılmıştır.

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Since two decades Türkiye has been trying to fight against tobacco industry. National Tobacco Control Program (2006), National Tobacco Control Program Action Plan (2008-2012) (2015-2018) entered into force. However according to GATS (Global Adult Tobacco Survey) results the use of tobacco had decreased between the years of 2008-2012 (Global Adult Tobacco Survey Fact Sheet, 2016). The second of this research was published in 2016 which indicates that this trend has stopped.

In 2020, a new law came into force to prevent tax loss. According to law “For commercial purposes with those who trade tobacco without obtaining a certificate of authorization from the Tobacco and Alcohol Market Regulatory Authority or without notification; Those who sell, offer for sale, keep and transport macarons or sheets of cigarette paper with shredded tobacco, shredded tobacco or any substance other than tobacco are sentenced to imprisonment from three years to six years (Kaçakçılıkla Mücadele Kanunu 1.5.5607, 2020). With this law It is forbidden to place cigarettes on the market in any other way, such as stuffing shredded rolling tobacco into pasta or wrapping them in cigarette paper (Sarma Sigara Satışı Yasaklandı Mı (Sözcü 27.06.2020), n.d.). The law began to be implemented on July 1, 2021. Rolling tobacco sellers (tobacconists) who are mostly in Eminönü in Istanbul, complain about this situation. They have been making income from the sale of this product for years, continue to react to the decision taken (mynet.com, 2021). In reality this kind of supply-side interventions were disregarded however this law began to be implemented to create a significant source of profit and tax revenues. According to Thomas and Gostin (2013) there is growing interest in ‘endgame strategies’, following the full implementation of existing measures and shifting regulatory focus to the supply side of the market (Thomas & Gostin, 2013, p.55). According to a study conducted in 2006, the most common form of tobacco use in rural areas in Şanlıurfa is rolling tobacco. The traditional use of tobacco is in the form of rolling tobacco and the fact that rolling tobacco is cheaper are the most important determinants of this situation (Yanık, et al. 2006).

However, the most intriguing question is whether tobacconists comply with this law. No study has been found investigating whether retailers comply with this law. It is clear that little is known about the response of tobacconists to the implementation of rolling tobacco ban. The purpose of this study is to investigate whether tobacconists comply with this law by determining whether they fill and sell rolled cigarettes. We conducted an observational study in Türkiye to assess the compliance of tobacconists in Manisa province of Türkiye.

1. METHODS

We conducted an observational study by visiting 17 tobacconists (tobacco shops who sell hookah, tobaccos, smoking accessories like rolling papers, tips, filters, lighters, pipes etc) during September – December 2023. The study was exempted by the ethical review board of Manisa Celal Bayar University.

Records of businesses that have a tobacco product sales certificate are kept by the Tobacco and Alcohol Department under the Ministry of Agriculture and Forestry. One of the duties of this institution is to determine and maintain safe, transparent and market order and market-oriented policies in tobacco products and alcoholic beverages (<https://www.tarimorman.gov.tr>)

After discussions with the Ministry of Agriculture and Forestry, tobacco and alcohol department, it was understood that hookah sellers and those selling rolled cigarette products were not shown under a separate record. Although it is not correct to evaluate the data records of all cigarette sellers under the same category, in order to understand the accuracy of the data and to proceed in a controlled manner while observing, it is necessary to check the data from the relevant institution's website (<https://tadbsatisbelgesi.tarimorman.gov.tr/KamuyaAcik/index>). For this reason, sellers with active tobacco product sales certificates were determined in Manisa province and its districts. It can be seen on Table 1.

Table 1: *Number of active retail stores selling tobacco products*

Product sold	Province	District	Number
Retail tobacco product	Manisa	Yunusemre	521
		Turgutlu	446
		Şehzadeler	320
		Soma	282
		Selendi	64
		Sarıgöl	136
		Salihli	550
		Merkez	121
		Kula	134
		Köprübaşı	36
		Kırkağaç	103
		Gördes	86
		Gölmarmara	57
		Demirci	103
		Alaşehir	391
		Akhisar	562
		Ahmetli	70
		Total	3982

Resource: <https://tadbsatisbelgesi.tarimorman.gov.tr/KamuyaAcik/index>

The number of stores which sell tobacco products is really high but when we filtered shops which titled “tobacco shop”, in Yunusemre district just 17 recorded shops can be seen.

Table 2: *Number of active tobacco shops*

Seler Category	Province	District	Actual situation	Number of stores
Tobacco shop	Manisa	Yunusemre	Active	17

These tobacco shops usually sell tobacco products like macaron, tobacco, filter, hookah items and etc. Thus they were required to comply with the rolling tobacco ban.

This observational study assessed the levels of compliance with rolling tobacco ban law among 17 tobacco shops in Manisa Yunusemre district. Data collection occurred from 1 October 2023 to 1 December 2023. We found that the store names are compatible with the store names in the list.

Compliance with rolling tobacco ban in tobacco stores was assessed indoors by observation. However before we start to observe tobacco shops we visited and did shopping each of them for several times to build trust to resemble a normal customer. Although not an indicator of compliance, the stores were prone to illegal issues. For this reason shop owners do not let any photo taking. Therefore without building a trust or giving a reference name that they know, it is not possible to see illegal sales. During indoor assesment of compliance, we looked for evidence for any shredded rolling tobacco into pasta or wrapping them in cigarette paper in stores. If there is not any evidence in store, we asked to salesmen if we can find it? In the observation form we tried to find some answers the questions below.

- Do you sell rolling tobacco (ready made)? (as a customer ask why some toabcco shops are not selling? Or selling) ask their opinions,
- They are aware of legislation? (try to find out it by hidden questions)
- They are aware of punishments? (try to find out it by hidden questions)
- Are there any inspections?
- In the store try to find which items are not in standardized packing

Both of two writers completed the observations using a standardized data collection form. After visits, data collectors completed the forms and write their observations.

2. RESULTS

All stores were visited (N=17) and assessed by researchers. During in door observations data collectors realised that for all tobacco shops seems that they are compliance with the law. There is not possible to find any evidence for any stuffing shredded

rolling tobacco into pasta or wrapping them in cigarette paper in all stores at first glance. But when we gave a reference name that they know, 13 (76%) stores were said that they can supply for us. In these 13 stores, sales persons of 5 stores gave the stuffed rolling tobacco (in a box of cigarette paks) from back side of the store. Remaining sales persons of 8 stores told that they would send the stuffed rolling tobacco with a boy if we wait outside of store. Stuffed rolling tobacco pictures which we bought illegally can be seen in figure 1 and Figure 2.

Figure 1: *Stuffed rolling tobacco*



Figure 2: *Stuffed rolling tobacco*



Therefore, 13(76%) tobacco shops had observed illegal activities. Remaining 4 (24%) tobacco shops had seen that they compliance with the law. But reason of this can be trust. Rolling tobacco may not have been sold because they did not familiar or trust us.

3. DISCUSSION

This study was conducted in 17 tobacco shops which have a tobacco product sales certificates by given the Tobacco and Alcohol Department. Illegal rolled tobacco sales were observed (76%) shops and just 4 (24%) tobacco shops seems compliant with the ban. Including all observations of compliance assessed, compliance with the Rolling tobacco ban is very low. It is very clear that if the number of samples increases, the number of tobacco shops that do not comply with the law will also increase. Low compliance can be prevented by increasing the frequency of inspections and making penalties more severe. It becomes difficult to obtain a sales certificate for opening places that sell illegal stuffed rolling tobacco (tobacco stores), will also prevent illegal sales activities.

There are several limitations of this study. The tobacco shops samples in Yunusemre district in Manisa were identified as described in methods section. More tobacco shops could have existed but may not have been licenced due to rapid evolvment. The small sample size is another limitation of this study. Small sample size limits generalisability. Future studies should be expanded to all tobacco shops for different provinces and cities in Türkiye. It is clear that It will be much easier to see illegal

activities in tobacco shops in different regions of Türkiye. Since it was an observational study, researchers entered the shops as a customer without introducing themselves and did not take photographs to avoid arousing any suspicion. Such places is not suitable for making researches, but future studies can be focus on quantitative researches.

4. CONCLUSION

To the best of our knowledge, this is the first study to assess compliance with Rolling tobacco ban in tobacco stores in Türkiye. With this law It is forbidden to place cigarettes on the market in any other way, such as stuffing shredded rolling tobacco into macaron or wrapping them in cigarette paper. Illegal sales activities can be seen inside or outside the tobacco shops, if salespersons trust you. In this study only 4 tobacco shops did not sell any stuffed rolled tobacco. Stricter rules and penalties should be implemented by legislators. The opening of shops selling tobacco should be made more difficult by law. Such regulations aim to protect public health and prevent uncontrolled sales of tobacco products.

AUTHOR DECLARATIONS

Declarations of Research and Publication Ethics: This study has been prepared in accordance with scientific research and publication ethics.

Ethics Committee Approval: Since this research does not include analyzes that require ethics committee approval, it does not require ethics committee approval.

Author Contributions: The authors jointly prepared the study.

Conflict of Interest: There is no conflict of interest arising from the study for the authors or third parties.

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