From the international tobacco control arena to the local context: a qualitative study on the tobacco advertising, promotion and sponsorship legislative environment in Sudan and the challenges characterising it

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ABSTRACT

Objectives The aim of the study was to assess the Sudanese tobacco advertising, promotion and sponsorship (TAPS) legislative environment and the challenges characterising it. We formulated three research questions: What is the TAPS policy context in Sudan? What circumstances led to the development of the current legislative text? Finally, what was the involvement of the different actors in these events?

Design We conducted a qualitative analysis using the Health Policy Triangle model to frame the collection and extraction of publicly available information from academic literature search engines, news media databases or websites of national and international organisations, as published by February 2021. The thematic framework approach was employed to code and analyse the textual data and the generated themes were used to map connections across the data and to explore relationships among the generated subthemes and themes.

Setting Sudan.

Data Using a combination of the keywords “Sudan” and “tobacco advertising” (or “tobacco marketing” or “tobacco promotion”), we collected publicly available documents in the English language. We included 29 documents in the analysis.

Results Three themes underpin the Sudanese legislative environment on TAPS: (1) limited and outdated TAPS data, (2) stakeholder involvement and tobacco industry interference and (3) TAPS legislation not aligned with the WHO Framework Convention on Tobacco Control Secretariat recommendations.

Conclusions Findings from this qualitative analysis suggest that recommendations to move forward in Sudan should include the systematic and periodic collection of TAPS surveillance data, addressing any remaining legislative content loopholes and protecting policy-making from tobacco industry interference. In addition, best practices from other low-income and middle-income countries with good TAPS monitoring systems, such as Egypt, Bangladesh and Indonesia, or with protective provisions against tobacco industry interference, such as Thailand and the Philippines, could be considered for adaptation and implementation.

STRENGTHS AND LIMITATIONS OF THIS STUDY

⇒ Article 13 (tobacco advertising, promotion and sponsorship [TAPS]) of the WHO Framework Convention on Tobacco Control requires parties to prohibit deceptive promotion of tobacco products; comprehensively ban TAPS in the media; prohibit tobacco sponsorship of international events and/or the participation therein; restrict direct or indirect incentives encouraging tobacco product purchase; and, in case of a non-comprehensive ban adoption, the disclosure to the governmental authorities of the tobacco industry’s expenditures on TAPS not yet prohibited.

⇒ This study is the first study assessing the challenging context for implementation of Article 13 in Sudan, a low-income country which is beset by internal political conflicts and health emergencies that create disruption in normal governance processes.

⇒ We used the Health Policy Triangle, a conceptual framework specifically designed for the analysis of health sector policies in low-income and middle-income countries, and the thematic framework analysis to present the identified challenges within each of the Health Policy Triangle’s component (context, process, content and actors).

⇒ Limited to data in English language, which were publicly available or to documents provided to the authors.

⇒ Any documents assessing, discussing or criticising issues relevant to the ‘Executive Regulation of Tobacco Control for the Year 2021’ are not addressed as no data was retrieved after its adoption.

INTRODUCTION

Article 13 of the WHO’s (WHO) Framework Convention on Tobacco Control (FCTC)1
aims to achieve a complete ban of tobacco advertising, promotion and sponsorship (TAPS). The Convention has already been signed and ratified by 180 jurisdictions worldwide. Despite the magnitude of the support, the contexts for implementing the WHO Framework Convention on Tobacco Control (WHO FCTC) differ,2 with low-income and middle-income countries (LMICs) lagging behind on the implementation3 and enforcement4 of Article 13. LMICs are active supporters during the international tobacco control coalition negotiations, only to return to a less favourable domestic environment where they encounter a series of obstacles,2 such as the allocation of the resources to infectious diseases (eg, malaria, polio, cholera);5 weaker legislation; limited capacity building for regulation and greater reliance on international donor funds.6

Sudan is a case study example. Even before the adoption of the WHO FCTC in 2005, Sudan had adopted health warnings on cigarette packages since 1983 (although not to the WHO FCTC standards)7 and had participated actively in the international dialogue about TAPS. Sudan participated in a draft resolution8 calling all nations to prohibit tobacco advertisements during the World No-Smoking Day of 1988, and also in a 1990 resolution9 urging the WHO member states to adopt a comprehensive ban on all direct and indirect forms of TAPS. After the WHO FCTC international adoption, Sudan also was among the nations suggesting text changes within the treaty, such as; the application of a ban on all advertising content aimed at all age groups (and not only that children or adolescents, as the text initially stated),10 the prohibition of manufacturing and selling sweets that resemble tobacco products,11 as well as other minor language modifications.12

Despite the significant contribution at an international level, domestically the picture differs. Sudan is encountering several internal political conflicts (eg, independence of South Sudan in 2011, intercommunal armed violence in the 2019–2020, military coup in 2021), floods (eg, swelling of the Blue Nile in 2020) and health emergencies (eg, SARS-CoV-2 infection pandemic, malaria and polio), which impact on tobacco use.13–14 Specifically, three forms of tobacco use prevail; cigarettes smoking (9.6% of the adult in 2016 and 4.5% of the school-aged youth population in 2014),15 16 the emergence of shisha smoking among the youth (13.4% in 2019),17 and toombak—a non-combusted oral tobacco used widely by the Sudanese men (14.3% in 2016)18 and youth (10.9% in 2014).19 Furthermore, increases in youth exposure to advertising of cigarettes on the Sudanese media through to 2014,16 19 20 as well as toombak promotion at points-of-sale,18 21 become matters of government concern.

Alongside the WHO’s FCTC ratification in 2005, the Sudanese government adopted the ‘Tobacco Control Law of 2005’22 to ban the direct and indirect forms of TAPS. However, the comprehensiveness of the TAPS-related provisions had not been improved for more than a decade,23 mainly with the inclusion of further explicit bans on direct and indirect forms of TAPS (eg, marketing activities at points of sale, sponsorships and corporate social responsibility activities).24 This changed in February of 2021, when the Sudanese Minister of Health signed a new tobacco control regulation,25 which introduced TAPS prohibitions in all media and commercial stores or any other place, banned both the distribution of free samples in any forum for advertisement purpose and the sponsorship of any social, academic, health, sports or other activities.

An in-depth investigation into the adopted legislation can highlight any potential loopholes in the legislative text that might be exploited by the tobacco industry, inform compliance monitoring agencies about any forms of TAPS requiring surveillance, and facilitate civil organisations to identify TAPS policy advocacy priorities. However, a stand-alone investigation of the new policy content is unlikely to be adequate. It is important to acknowledge and present the situational environment, the involvement of stakeholders that formulated the policies, and the historical progress of policy implementation that has helped to shape the current legislative text.

This policy research study aims to illustrate the current TAPS policy environment in Sudan, and to better understand the mechanisms and processes underlying it. For this purpose, we formulated three research questions: What is the TAPS policy context in Sudan? What circumstances led to the development of the current legislative text? Finally, what was the involvement of the different stakeholders (eg, policy-makers, advocates, tobacco industry) in these events?

METHODS
Study design, public policy model and procedure
We employed a qualitative health policy analysis to explore the TAPS situational context in Sudan, in order to explain how and why the current policy was developed, and to identify areas for improvement.

We used the Health Policy Triangle (HPT) model26 as a conceptual approach informing this investigation. The HPT model, consisting of four components, investigates the contextual factors that influence the policy (the context component), the processes by which the policy was initiated, formulated, developed, implemented and enforced (the policy progress component), the content of the health policy (the policy content component) and finally, the actors involved in the policy-making and implementation (the actors component).27

The Readying the materials, Extracting data, Analysing data and Distilling findings (READ) technique28 informed the study procedure for collecting relevant documents and eliciting information, and is further detailed below.

Data collection
We searched for information, in the English language, from academic literature search engines (PubMed, Embase, Scopus, Science Direct and Web of Science), a
website containing tobacco industry documents (Truth Documents: https://www.industrydocuments.ucsf.edu/tobacco/), news media databases (Nexis and ProQuest), websites containing tobacco control policy documents for Sudan (eg, Campaign for Tobacco-Free Kids (CTFK)-Tobacco Control Laws), websites of key transnational tobacco industries operating domestically (eg, Japan Tobacco International), websites of international organisations and non-governmental organisations (NGOs) (eg, WHO, EpiLab) (see detailed list in online supplemental file 1). We also extracted references in all the acquired documents (snowballing) and used identified key information items (eg, specific legislation) to find additional information (pearl growing).29 To identify the literature, we used the combination of the keywords “Sudan” and “tobacco advertising” (or “tobacco marketing” or “tobacco promotion”). We used the same keyword combinations within the documents to confirm their relevance to the study’s research questions. In summary, the document inclusion criteria were: English language, published by December 2020 and relevant to the HPT conceptual framework (context, process, content and actors) for TAPS.

The study data collection time frame was November–December of 2020, no retrospective chronological limit was set. A Sudanese tobacco control governmental official facilitated with the identification and retrieval of additional policy documents. In February 2021, this official informed us about the adoption of the new Executive Regulation. Hence, we included it in our database, and we extended the data collection period for relevant news media until the end of February 2021, to gain an overview of the public discussions taking place around the legislative change, but no additional documents were identified and retrieved.

**Data analysis**

We drew on the thematic framework approach, as described by Gale et al.,30 to inform the analysis of 29 documents. The framework approach aims to identify commonalities or differences within the investigated policy data and seeks to draw descriptive and/or exploratory relationships clustered around themes.30 Its defining feature is the ‘matrix’ output, a spreadsheet that summarises data by codes and analysed units. This benefits the comparison and contrasting of the views expressed from the data sources connected both within the individual source and across all analysed sources. Furthermore, unlike other qualitative methods, the thematic framework is not underpinned by any particular epistemological, theoretical or philosophical idea which shapes the analytical approach, making it a flexible and adaptable tool.30

We started the analytical procedure30 with data familiarisation and then we applied a descriptive label (a ‘code’) to text passages with thematic relevance to the HPT’s model concepts and the research questions. We particularly focused on how the TAPS environment is formulated (eg, advertising activities, exposure, existing policies), what factors had supported or obscured the adoption of a TAPS policy in Sudan, and how these had influenced the adopted legislative text. All data were coded using NVivoV. 12.0 software.

After coding 40% of the collected documents to ensure that we would cover the most important aspects described within the total volume of the documents, we grouped together similar codes into categories. This formed a ‘working analytical framework’,30 which we applied to the rest of documents (‘indexing’), while iteratively expanding and amending until reaching the final format (‘framework index’) (see table 1). Following this, we ‘charted’ the data on a spreadsheet (summary of data per category from each document) and generated a ‘framework matrix’ (see online supplemental file 2). The final stage involved the ‘data interpretation’, where we mapped connections across the categories and explored any relationships (as clustered around ‘subthemes’ and ‘themes’).

AT, SA, BF and JC conceptualised, designed and planned the study procedure. AT collected and analysed the data. PASA reviewed all coded documents, data and the developed themes. The involvement of ‘insiders’ (local or regional tobacco control experts who are familiar to the examined context) can make the data analysis process rich and more comprehensive,6 as they can see the interpretations and the implications of the research findings differently from the ‘outsiders’ point of view. AM fulfilled this role and ensured that the reported information was complete, and any important thematic parameter was not ignored. All authors (AT, SA, BF, AM, PASA and JC) reviewed the developed themes, edited the reporting of the work and approved the final version.

**Patient and public involvement**

No patient or member of the general public was involved in the design, or conduct, or reporting, or dissemination plans of the research.

**RESULTS**

Twenty-nine documents were analysed: seven academic studies, six documents (reports, weblinks) produced by tobacco control advocative organisations, two tobacco industry weblinks, two documents from the Tobacco Industry Library, one report produced by the WHO FCTC Secretariat, five WHO created materials (reports and weblinks), two news media articles and four government documents (see coded text and documents’ references in online supplemental file 2). Three themes were identified that underpin the Sudanese legislative environment on TAPS: (1) limited and outdated TAPS data, (2) stakeholder involvement and tobacco industry interference and (3) TAPS legislation unaligned with WHO FCTC Secretariat recommendations (see table 1).

**Policy context**

**Limited and outdated TAPS data**

Our investigation revealed limited documentation of tobacco industry advertising practices in Sudan. And the
Table 1  Framework index for the TAPS policy in Sudan

<table>
<thead>
<tr>
<th>Themes</th>
<th>Subthemes</th>
<th>Categories</th>
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<td>Limited TAPS monitoring evidence</td>
<td>▶ TAPS at points of sales</td>
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<tr>
<td></td>
<td>Outdated TAPS exposure evidence</td>
<td>▶ Corporate political responsibility (CSR) activities</td>
</tr>
<tr>
<td>Stakeholder involvement and tobacco industry interference</td>
<td>Development and undermining of Regulation of Smoking (1983)</td>
<td>▶ Governmental pressure by Society of Physicians</td>
</tr>
<tr>
<td></td>
<td>Criticism and recommendations on Tobacco Control Law (2005)</td>
<td>▶ Tobacco industry's policy undermining</td>
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<tr>
<td></td>
<td>Tobacco industry’s involvement in Khartoum’s policy (2012)</td>
<td>▶ Studies’ and advocacy group’s criticism of policy loopholes</td>
</tr>
<tr>
<td></td>
<td>Development of Executive Regulation (2021)</td>
<td>▶ Policy recommendations</td>
</tr>
<tr>
<td>TAPS legislation unaligned with WHO FCTC Secretariat recommendations</td>
<td>TAPS definitions and ban coverage</td>
<td>▶ Interference in policy implementation</td>
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<tr>
<td></td>
<td></td>
<td>▶ FCTC’s policy assessment: loopholes and recommendations</td>
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<tr>
<td></td>
<td></td>
<td>▶ STOP watchdog’s focus on CSR and protecting policy-making</td>
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<tr>
<td></td>
<td></td>
<td>▶ Legislative texts</td>
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<tr>
<td>TAPS, tobacco advertising, promotion and sponsorship; WHO FCTC, WHO Framework Convention on Tobacco Control.</td>
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</table>

documentation identified is primarily restricted to TAPS at point of sale (PoS) and TAPS in the form of corporate social responsibility (CSR) activities. At PoS, vendors deploy advertising practices which have been ongoing since the 1970s, such as the use of toombak brand names to attract buyers, and the promotional promises for change to the consumer’s mood.

Data published after 2018 by the WHO FCTC Secretariat, Japan Tobacco International, and the tobacco control advocacy organisations African Tobacco Control Alliance, GGTC (Global Center for Good Governance in Tobacco Control) and STOP (Stopping Tobacco Organizations and Products) indicate that tobacco industry is also involved in CSR activities. Japan Tobacco International, for example, runs literacy programmes designed for the Sudanese community, and sponsors charities supporting people with disabilities. The tobacco industry also involves former governmental officials (eg, President, Minister of Industry) in public relations events, such as the BAT’s ceremony for its sponsored scholarship programme in 2019, the construction of a university in Omdurman (funded by Haggar Cigarette and Tobacco Factory), and inaugurations of public houses built. Furthermore, the Union of Toombak Traders, an industry’s affiliate, has provided financial contributions to the Trade Chamber (2019) and has also provided free toombak to the governing party.

TAPS exposure data, comes mainly from the school-based Global Tobacco Youth Survey (GYTS) which was conducted in three rounds between 2005 and 2014. These sources indicate that Sudanese youth are heavily exposed to TAPS, especially via billboards, in press, at PoS and to tobacco use depictions in movies or television. However, the findings from the GYTS may still underestimate the actual exposure, as school enrolment rates are low in Sudan, and as some advertising practices (eg, cars that sell tobacco on the streets) are not recorded in such standardised surveys. Subnationally, non-school-based studies from within the capital state of Khartoum also indicate high exposure to toombak advertisements among adolescents (41.8% in 2014) at PoS. The only adult population focused study which was also conducted in the same state, found a low exposure (6.7% in 2016) to TAPS at PoS. All the above indicate that nationwide data have not been updated since 2014 and have focused only on adolescents and not adults.

Policy progress and actors
Stakeholder involvement and tobacco industry interference
Several influential stakeholders (such as doctors, academics, tobacco industry, international organisations) have delayed or progressed TAPS policies in Sudan. Stakeholder involvement is presented below based on the TAPS policy timeline (see figures 1 and 2), until the adoption of the latest changes, ‘Executive Regulation of 2021’.

For example, the first Regulation of Smoking in 1983 was the outcome of pressure exercised by a group of doctors, Sudan Society of Physicians, who advocated for the government to focus on banning cigarette advertisements in the media and public places. Philip Morris International undermined the policy by replacing the cigarette packages on outdoor billboard advertisements with Marlboro lighters. Andrew Whist, the then vice-president of corporate affairs of the company, defended the action by stating: ‘I think that is the greatest hoax perpetrated on mankind to suggest that an advertisement for a Marlboro lighter is aggressive advertising’.
Tobacco advertising, promotion and sponsorship (TAPS) policies’ timeline and dynamics in Sudan between 1983 and 2021 period. CSR, corporate political responsibility; PMI, Philip Morris International; STOP, Stopping Tobacco Organizations and Products; WHO FCTC, WHO Framework Convention on Tobacco Control.

In the next iteration of TAPS policy (Tobacco Control Law of 2005),\textsuperscript{22} academic studies criticised some of legislative loopholes, such as: the lack of advertising compliance monitoring data\textsuperscript{21} and the impracticality of some tobacco product packages, such as waterpipe tobacco products or toombak (the latter is sold in small personalised plastic bags or metal containers) to bear warning labels.\textsuperscript{44} One protective measure proposed\textsuperscript{45} was the implementation of tobacco control campaigns which would improve adolescent awareness of the tobacco industry’s deceptive promotional activities. Similarly, EpiLab (a tobacco control advocacy group), through a policy assessment\textsuperscript{46} in 2009, highlighted the need for such educational campaigns and criticised the lack of political commitment and financial resources as the main barriers for tobacco control policy implementation.

The tobacco industry also exploited opportunities for policy involvement. Khartoum’s policy on pictorial graphic warnings on cigarette packages\textsuperscript{47} was introduced in 2012 but not enforced until 2016, after the tobacco industry instigated implementation delays.\textsuperscript{37} Specifically, it achieved a judicial decision which postponed the implementation date for 4 years (February 2016)\textsuperscript{37} and then it lobbied for a governmental grace period which delayed\textsuperscript{37} implementation another 4 months.\textsuperscript{24}

Another influential stakeholder for the Sudanese TAPS policies’ development was the WHO FCTC Secretariat. In 2017, the Sudanese government drafted a new overall tobacco control regulation and then invited the Secretariat to conduct a policy assessment (on both the Tobacco Control Law of 2005 and the drafted regulation). The WHO FCTC Policy Assessment\textsuperscript{24} suggested three TAPS-related areas requiring improvement within the new legislation: the TAPS policy-related content, the protection of policies from tobacco industry interference and the preparation for policy implementation (see table 2).

In respect of the legislative text, the assessment recommended the explicit prohibition of PoS advertising and visible product displays, sponsorship (both in kind contributions and in the form of advertising) and CSR activities (both by direct and in-kind contributions) in Sudan. Additionally, it suggested the explicit ban on the depiction of tobacco or tobacco use in entertainment media produced abroad, the explicit ban on TAPS through the internet, and the explicit ban on brand sharing and brand extension (eg, toys or candies mimicking tobacco products). For protecting Sudanese children and youth, the Secretariat suggested a ban on the use of misleading descriptors and a ban of flavoured tobacco products (including toombak and waterpipes). In regard to the protection of policies from tobacco industry interference, it suggested the introduction of relevant provisions, such as a code of conduct for government officials and civil servants, and a disclosure of meetings with the tobacco industry if these cannot be avoided. Finally, for the policy implementation preparation, it recommended collaboration with civil society organisations for raising awareness of tobacco industry interference in policy-making among all government agencies and public officials.\textsuperscript{24}

In 2020, STOP provided additional criticism\textsuperscript{37,48} on the lack of comprehensiveness within the Sudanese legislation. STOP is a tobacco industry watchdog which conducts annually a tobacco industry interference investigation globally in several countries, including Sudan. This organisation, criticised the absence of a legislative provision prohibiting tobacco industry contributions to Sudanese political parties or candidates (in a form of gifting, assistance offering or policy drafting) and the absence of a law requesting the disclosure of the value of...
the contributions paid by the industry. Among STOP’s recommendations were the ban of all tobacco-related CSR activities, the adoption of a code of conduct guiding public officials about limiting their interactions with the tobacco industry to when strictly necessary, and the establishment of a procedure disclosing the records of these interactions.

Policy content
TAPS legislation unaligned with WHO FCTC Secretariat recommendations
The content of the TAPS-related provisions adopted in Sudan (in ‘Regulation of Smoking, 1983’, ‘Tobacco Control Law of 2005’ and ‘Executive Regulation of Tobacco Control for the Year 2021’) has evolved over time (see details in table 3). For example, the 1983 regulation uses the term ‘cigarettes’ for any smoked product. The ratification of the FCTC treaty broadened the definition of ‘tobacco’ within the 2005 legislation and made it more comprehensive to include all tobacco products used for any use (eg, inhalation, chewing or placement in the mouth) as well as any products with tobacco components therein. The WHO FCTC Secretariat recommended in its assessment, the explicit inclusion of non-cigarette products, such as toombak and water-pipe tobacco, within the definition. However, this recommendation was not included in the Executive Regulation

Figure 2  Summary of the different stakeholders’ involvement during the Sudanese TAPS policy-making period 1983–2021. STOP, Stopping Tobacco Organizations and Products; TAPS, tobacco advertising, promotion and sponsorship; WHO FCTC, WHO Framework Convention on Tobacco Control.
of 2021 which retained the previous, 2005 definition (see table 3).

The first Sudanese regulation also mentioned specific advertising platforms, which allowed the industry to exploit loopholes (eg, TAPS at PoS, brand sharing on billboard advertisements). Inspired by the WHO FCTC, the Tobacco Control Law of 2005 generalised these terms (‘by direct or indirect means’) and introduced a ban on the free distribution of tobacco products. The WHO FCTC assessment found the Tobacco Control Law of 2005 adequate in meeting the standards of the WHO FCTC, as it was covering all forms of direct and indirect advertising. However, the wording in the Executive Regulation of 2021 became more coherent with the prohibition of TAPS in ‘all media and executive media’ and ‘media platforms’, and introduced bans on single stick sales, the distribution of free samples in any forum, and tobacco industry sponsorship of any activity. The latter changes reflect the response to the gaps identified by the WHO FCTC assessment (as presented in the previous theme and also shown in table 3).

The Executive Regulation of 2021, however, left out the Secretariat recommendations for the inclusion of a provision protecting policy-making from tobacco industry interference. The STOP recommendations on the same issues (as stated in the previous theme) had the same unsuccessful outcome. This could be explained because of the late publication of the latter (November 2020 vs the policy adoption in February 2021). Instead, the government announced in late 2020, its plans to conduct training for all government sectors, NGOs and parliament members focused on protecting public health from industry interference and from potential legal challenges.

### DISCUSSION

Our study used the HPT model as a guiding framework and drew on the health policy analysis literature. Although the HPT model was effective in identifying relevant data, the results were overly descriptive and did not provide a deep understanding of policy change processes. As this was expected to an extent, a thematic framework analysis was employed to uncover the challenges within each component of the HPT model. For example, the lack of a comprehensive overview of tobacco advertising practices and population exposure in Sudan (the context component) was due to limited and outdated data. Similarly, the progressing or obscuring activities of the different policy actors impacted the evolution of the TAPS legislation content (policy progress component). Lastly, in examining the Executive Regulation of 2021 (content component), comparisons were needed with previous legislation and the recommendations of the WHO FCTC Secretariat. Summarising, the evidence outlined in this study indicates the need for the systematic and periodic collection of TAPS surveillance data in Sudan and for closing the remaining legislative content loopholes, especially in terms of protection of policy-making from tobacco industry interference. Below, we explore the implication of these challenges, both in Sudan and in other LMIC contexts, and we provide relevant policy recommendations.

During our research, we did not identify a single source monitoring and presenting comprehensively compliance with TAPS ban provisions. This phenomenon is not unique to Sudan, as other LMICs, such as the Federated States of Micronesia, also have limited involvement of local tobacco control advocacy groups within the TAPS policy arena. In such contexts, civil organisations...
and the academic community, acknowledging possible funding challenges, could be involved in the collection of such evidence from different parts of the country on a regular basis. Experienced international tobacco control funding organisations, such as The International Union Against Tuberculosis and Lung Disease (The Union) and the CTFK could transfer knowledge and provide financial and/or administrative support with this task through the Bloomberg Philanthropies’ grant scheme.

An example of a systematic approach is Egypt, a neighbouring country to Sudan, which has introduced a tobacco control observatory, monitoring and reporting system of tobacco industry’s activities and tactics. On a related section of its website, any member of the public can contribute to the discovery of tobacco industry violations by capturing photos and uploading the evidence. Such systematic reporting of any TAPS-related violations provides simultaneously effective monitoring data from all parts of the country. This data collection alone may not be enough to improve policy, however, it could track and enhance enforcement. For example, local tobacco control advocates could also propose the adoption of mobile courts (formal courts that conduct proceedings in remote areas) as part of the legal system. Mobile courts have been already been used in Bangladesh and Indonesia for tobacco control enforcement by prosecuting

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**Table 3** Tobacco advertising, promotion and sponsorship-related provisions covered by the Sudanese tobacco control regulations (1983–2021)

<table>
<thead>
<tr>
<th>Subject</th>
<th>Provisions</th>
<th>Tobacco Control Law of 2005</th>
<th>Executive Regulation of Tobacco Control for the Year 2021</th>
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</thead>
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<tr>
<td><strong>Definition of tobacco products</strong></td>
<td>‘Cigarettes’ this includes cigars and cigarettes made from tobacco of various kinds and covers tobacco for pipes and other inventions used for smoking tobacco’ (Article 2)</td>
<td>‘Tobacco: This means all tobacco products whether prepared for smoking, inhalation, chewing, or placement in the mouth for any other use and any product whereby tobacco components partially enter therein’ (Article I)</td>
<td>(The definitions given in Tobacco Control of 2005 apply here too)</td>
</tr>
<tr>
<td><strong>Ban of tobacco advertisements</strong></td>
<td>‘Absence of Cigarette Advertisements: It is not permitted to advertise cigarettes in the press, in broadcasting, on television, on advertising poster boards, in the cinema, in the theatre, by oral advertising, or by any other medium of advertising which originates in Sudan or for which there is a publishing base in the country.’ (Article 4)</td>
<td>‘Tobacco-related announcements are not permitted by direct or indirect means using any method of advertising or announcements, just as it is not permitted to distribute tobacco products freely as means of advertising or by using any other method mentioned as means of promoting in order to use tobacco.’ (Article II, 6)</td>
<td>‘Prohibiting advertising, sponsorship or promotion of all tobacco products: (1) It is prohibited that all media, and executive media to directly or indirectly advertise or promote tobacco and its product in the media platforms. (2) It is prohibited to publish advertisements and promotional signs for tobacco products on commercial stores or any other place. Prohibiting advertising and sponsorship: (1) All forms of advertisement are prohibited for all tobacco products (2) It is prohibited to distribute free samples in any forum for advertisement purpose. (3) Manufacturers and importers of tobacco are prohibited from sponsoring any social, academic, health, sports or other activities.’ (Chapter 7, Articles 21–22)</td>
</tr>
<tr>
<td><strong>Sanctions</strong></td>
<td>Imprisonment up to 3 months or a fine up to three hundred pounds or a combination of both (Article 7–ii)</td>
<td>Any member of the civil society can report violations to any prosecutor who will arrest and present the violator in the court. (Article IV, 13) If found guilty, the sanctions include imprisonment up to 3 years or a fine set by the court or the combination. It also adds that in case of repeated violations, the location can be closed and the business permit to be revoked. (Article IV, 14–15)</td>
<td>(No mention) ‘Violation and Sanctions: Whoever violates the regulation of this law is perceived as a criminal based on the provisions of the “Tobacco Control Law for the Year 2005”’ (Chapter 8)</td>
</tr>
</tbody>
</table>
any violations, administering fines, and removing tobacco advertisements.

The legislative TAPS text adopted in 2021 deviates from the recommendations provided by the WHO’s FCTC Secretariat team assessment in 2017. Despite this limitation, the invitation of the WHO FCTC Secretariat by the Sudanese government, to conduct a policy needs assessment should be applauded. Around another 68 LMICs have followed this practice61 and have used the reports as a roadmap to the WHO FCTC Articles.62 For example, in the Federated States of Micronesia, the assessment has led to the improvement of the legislative content on TAPS bans.34 Countries that are struggling to update their TAPS legislation may also benefit from conducting in-depth interviews with policy-makers and tobacco control advocates to help understand the obstacles that block progression.

The WHO FCTC (via its Article 5.3) mandates the introduction of provisions protecting public health policies from the tobacco industry’s interference (eg, code of conduct, disclosure of meetings with industries if cannot be avoided).29 However, relevant to Article 5.3 provision is still absent in the newest legislative text. The Sudanese case is not unique. A similar challenge has also been observed in other LMIC settings, such as Bangladesh,63 where the tobacco industry has interfered in TAPS-related policy-making processes (eg, delaying enactment of policy which would ban the promotion of CSR activities and marketing at PoS).64 The inclusion of such a protective provision within national tobacco control laws should be government policy agenda priority. The WHO FCTC Secretariat and the GGTC have documented65 66 good country practices in the implementation of related policies from other LMICs (eg, Uganda, Gabon, Republic of Moldova, Panama, Thailand, Philippines) which the policy-makers, from Sudan and other LMICs, can adjust to the local context.

Limitations

This study comes with several limitations. The authors were limited to data that were publicly available and to documents provided to them. Only documents available in English language were considered for the study analysis. Furthermore, no data were retrieved after the policy adoption of the Executive Regulation of 2021 (February 2021), hence any documents assessing, discussing or criticising issues relevant to that policy are not addressed in this study and should be explored in future investigations. To the best of the authors’ knowledge, this is the first academic paper conducting this assessment after the adoption of the ‘Executive Regulation of Tobacco Control’ of 2021.

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**Supplementary File 1: Table of sources from where data was extracted**

<table>
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<td><a href="https://www.sciencedirect.com">https://www.sciencedirect.com</a></td>
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<tr>
<td>Web of Science</td>
<td><a href="https://webofknowledge.com">https://webofknowledge.com</a></td>
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<tr>
<td><strong>Tobacco industry documents</strong></td>
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<tr>
<td>Truth Tobacco Industry Documents</td>
<td><a href="https://www.industrydocuments.ucsf.edu/tobacco">https://www.industrydocuments.ucsf.edu/tobacco</a></td>
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<tr>
<td><strong>News media databases</strong></td>
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<tr>
<td>Nexis</td>
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<tr>
<td>ProQuest</td>
<td><a href="https://www.proquest.com">https://www.proquest.com</a></td>
</tr>
<tr>
<td><strong>Tobacco control policy documents</strong></td>
<td></td>
</tr>
<tr>
<td>CTFK-Tobacco Control Laws</td>
<td><a href="https://www.tobaccocontrollaws.org">https://www.tobaccocontrollaws.org</a></td>
</tr>
<tr>
<td><strong>Tobacco Industry websites</strong></td>
<td></td>
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<tr>
<td>Japan Tobacco International</td>
<td><a href="https://www.jti.com">https://www.jti.com</a></td>
</tr>
<tr>
<td><strong>National or transnational organizations or coalitions focused on tobacco control</strong></td>
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<tr>
<td>World Health Organization (WHO)</td>
<td>Global site:</td>
</tr>
<tr>
<td></td>
<td><a href="https://www.who.int">https://www.who.int</a></td>
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<td>Regional site:</td>
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<td><a href="http://www.emro.who.int/index.html">http://www.emro.who.int/index.html</a></td>
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<td>Country Office site:</td>
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<td></td>
<td><a href="http://www.emro.who.int/countries/sdn/index.html">http://www.emro.who.int/countries/sdn/index.html</a></td>
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<td>WHO Framework Convention Secretariat (WHO FCTC)</td>
<td><a href="https://untobaccocontrol.org/impldb/sudan/">https://untobaccocontrol.org/impldb/sudan/</a></td>
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<tr>
<td>African Tobacco Control Alliance (ATCA)</td>
<td><a href="https://atca-africa.org/en">https://atca-africa.org/en</a></td>
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<tr>
<td>EpiLab Sudan</td>
<td><a href="http://epilab-sd.org">http://epilab-sd.org</a></td>
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<tr>
<td>Campaign for Tobacco Free Kids (CTFK)</td>
<td><a href="https://www.tobaccofreekids.org">https://www.tobaccofreekids.org</a></td>
</tr>
<tr>
<td>Global Center for Good Governance in Tobacco Control (GGTC)</td>
<td><a href="https://ggtc.world">https://ggtc.world</a></td>
</tr>
<tr>
<td>Stopping Tobacco Organizations and Products (STOP) &amp; Tobacco Tactics</td>
<td>STOP site:</td>
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<td></td>
<td><a href="https://exposetobacco.org">https://exposetobacco.org</a></td>
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<td></td>
<td>Tobacco Tactics site:</td>
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<td></td>
<td><a href="https://tobaccotactics.org">https://tobaccotactics.org</a></td>
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<tr>
<td>International Union Against Tuberculosis and Lung Disease (The Union)</td>
<td><a href="https://theunion.org">https://theunion.org</a></td>
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**Supplementary File 2: Framework index**

<table>
<thead>
<tr>
<th>Sub-theme</th>
<th>Category</th>
<th>Coded Text</th>
<th>Source</th>
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<tbody>
<tr>
<td>Limited and outdated TAPS data</td>
<td>TAPS at PoS</td>
<td>Toombak can be purchased from many shops and the product is advertised extensively at PoS, where retailers tend to use attractive methods to draw buyers’ interest without any age restrictions. The trade names for toombak include El-Sanf (of high quality), Wad Amari (name of the person who has introduced it) and Sultan El-kaif (the power to improve one’s state of mind) and other advertising to promote the strongest and powerful stimulant to change the mood. Toombak can be bought from innumerable shops in the market, and the product is advertised extensively at points of sale where vendors tend to use commercial names to attract buyers. History and cultural heritage indicate that toombak was introduced to the Sudan 400 years ago, while cigarette smoking was rare before 1940 and consequently is not a deep-rooted characteristic of the people of the Sudan. Cigarette smoking was, however, more popular in the 1950s and 1960s. In the 1970s through 1990s, along the rise in cigarette prices, the use of toombak increased and toombak manufacturers began to advertise and promote this product by opening shops specializing in sales of particular brands of toombak. This has resulted in the lower rates of cigarette consumption and high rates of toombak use found in the present study. In Sudan BAT advertises Benson &amp; Hedges cigarettes using the leaf, sun, and &amp; icons. Its advertising is common in takeaway restaurants and cafes popular with young people. Stalls sell sweets, chocolates and BAT cigarettes outside schools. Single cigarettes, more affordable for young people, are also for sale.</td>
<td>[1]</td>
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</tbody>
</table>

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| CSR | In Sudan, the former President and the Minister of Industry were involved in a tobacco industry-sponsored scholarship program for university students. In our efforts to secure a sustainable leaf supply that works for both our business and our growers, we also run numerous additional programs that are designed to help communities thrive. From enabling access to clean water in Malawi to providing adult literacy classes in Sudan, each initiative aims to complement the inevitable benefits that already come from growing high-profit tobacco crops. Likewise, the industry uses corporate donations and unnecessary interactions to establish cozy relationships with non-health government bodies. In 2019, Zambia’s Finance minister officiated the opening of a new British American Tobacco (BAT) factory, while in Sudan, the former president and the minister of Industry were involved in a tobacco industry-sponsored scholarship programme. More recently in Kenya, BAT donated 300,000 litres of sanitiser to government agencies around the same time the government listed tobacco as an “essential product” during the COVID-19 pandemic. The previous government participates in tobacco-related CSR activities and accepts the support provided by tobacco companies to public institutions such as universities and schools through scholarships and the “Back to School” program. The government also accepted a contribution from a tobacco company (Hajjar Cigarettes Company) for the construction of a university city in Omdurman at a cost of SDG 22 million pounds. Senior level officials (the President and the Minister of Industry) officiated at the opening. Previous senior government ministers have participated in activities organized by the tobacco industry such as the incineration ceremony of a cigarette factory in Khartoum North and the opening ceremony of residential camps for universities in Omdurman. |
| [5] | [6] | [7] | [8] | [8] |
sponsored by Hajjar Cigarettes Company (previously).
However, the government does not accept or endorse or enter into partnerships or agreements with the tobacco industry.

Whether we’re improving access to water in Malawi, education opportunities in Myanmar, or disability services in Sudan, we work on meaningful projects that get meaningful results.

Sudan's National Mine Action Center (NMAC) reports that the needs of at least 2,000 landmine/ERW (Explosive remnants of war) victims are not properly addressed. This can be because of the lack of trained personnel at a local level, but also the economic situation of many Sudanese people with disabilities. Many have no option but to rely on the support from others – and we were determined to play our part. We did this by partnering with AAR (Association for Aid and Relief) Japan to support 60 underprivileged and extremely vulnerable persons with disabilities. Together, we provided them with truly transformative prothesis and assistive devices. We also created microeconomic support and increased public awareness of the issues they are facing, in the hope of mitigating the impacts that go beyond the physical disabilities: depression, loneliness and other commonly associated issues. The project also provided business training and allowed ten beneficiaries to develop their own business ideas, providing funding that helped not only the individual recipients but also contributed to wider economic development in Sudan.

Some governmental officials meet with the tobacco industry and visit the tobacco factories for environmental friendly incinerators. Tobacco companies are building houses for the public that were inaugurated by a governmental authority. The industry has sent letters to a ministry in Sudan to exempt them from certain tax measures. There is also a union for Tombac collaborates with the

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[10] Some governmental officials meet with the tobacco industry and visit the tobacco factories for environmental friendly incinerators. Tobacco companies are building houses for the public that were inaugurated by a governmental authority. The industry has sent letters to a ministry in Sudan to exempt them from certain tax measures. There is also a union for Tombac collaborates with the
Trade Chamber and in support of their significant contribution to the governmental revenues.

The union for Tombak traders is registered and conducts meetings with the government as an organization that defends tobacco trade and agriculture, and its meetings with the government are reported in the media.

The ruling party accepts a contribution from Tombak traders (10 quintals tombak) to the National Congress Party.

<table>
<thead>
<tr>
<th>Outdated TAPS exposure evidence</th>
<th>National school-based surveys for 2009-2014 period</th>
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<tbody>
<tr>
<td></td>
<td>51.5% saw pro-cigarette ads on billboards, in the past 30 days 49.0% saw pro-cigarette ads in newspapers or magazines, in the past 30 days 18.0% have an object with a cigarette brand logo 8.9% were offered free cigarettes by a tobacco company representative</td>
</tr>
<tr>
<td></td>
<td>63.9% saw pro-cigarette ads on billboards, in the past 30 days 50.6% saw pro-cigarette ads in newspapers or magazines, in the past 30 days 11.8% have an object with a cigarette brand logo 7.9% were offered free cigarettes by a tobacco company representative</td>
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</tbody>
</table>

Table: Media

According to the World Bank, secondary school enrolment rates around the time of the last GYTS in these countries were 85% and above for Egypt, Libya and Tunisia, but were 32% for Sudan and 53% for Morocco. Given these youth often have riskier behavioural profiles, the GYTS may underestimate tobacco use in the broader population of youth, especially in Morocco and Sudan.

Khartoum state surveys

Overall 6.7% of respondents (9.3% males and 3.4% females) noticed during the past 30 days advertisements or signs promoting cigarettes in supermarkets or shops that sell cigarettes

Table 3.2.18.

Most of the students, 70.8% (1104), reported exposure to anti-Toombak information, and 41.8% (673) confirmed exposure to Toombak advertisement.

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[8] [11] [12] [13] [14] [15] [16]
Less than half (41.8%) of the adolescents were exposed to advertisement at PoS, and 12.5% perceived direct access to toombak, and 5.3% reported that they were susceptible to use toombak, and 10.9% were ever toombak users (Table 2). Exposure to the advertisement of toombak at PoS was found to be associated with older age with 44.3% aged ≥15 years versus 38.9% aged <15 years reporting being exposed (p≤0.05). Males were more exposed to advertisements than females (45.2% vs 38.8%; p≤0.05). Those who were exposed to toombak advertisements at PoS reported more social acceptability towards toombak use (48.9% vs 37.6%; p≤0.001) and direct accessibility to toombak more than their counterparts (68.8% vs 47.2%; p≤0.05).

Those that perceived that they are susceptible to use toombak reported higher exposure to the advertisements than those who did not (41.7% vs 47.6), but the difference was not statistically significant. Among the toombak users, exposure to the advertisements was higher than in those who were exposed among non-users (54.5% vs 40.3%; p≤0.001).

Male and older aged respondents were more likely to be exposed to toombak advertisement at PoS. Those perceived to have direct accessibility had a greater likelihood to be exposed to an advertisement than their counterparts (OR=2.14; 95% CI: 0.94–4.88).

It seems that the exposure of male adolescents to the advertisement at PoS is higher than for females, and this is reflected in this study, where cultural and social reasons may explain this, as male adolescents are more likely to spend time outdoors than females.

### Theme: Influences during TAPS policy evolution

<table>
<thead>
<tr>
<th>Sub-theme</th>
<th>Category</th>
<th>Coded Text</th>
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<tbody>
<tr>
<td>Development &amp; undermining of Regulation of Smoking (1983)</td>
<td>Governmental pressure by Society of Physicians</td>
<td>Following pressure from doctors of the Sudan Society of Physicians, a Bill came in before the People's Assembly and in January last year a Regulation of Smoking Act was passed banning all cigarette advertising. Until then</td>
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Benson and Hedges cigarettes and the Marlboro cowboy were to be seen on enormous billboards throughout Khartoum.

Some research study had apparently taken place in the Sudan which indicated that smoking and health were related and required critical attention. A one week Seminar had been held Khartoum in 1984. Participants to the Seminar came from Africa and 'fiddle East, and the Seminar generated a lot of "public interest". The research study had been carried out amongst:
- Medical Doctors - being guardians of human life and it was important to find out how much they knew about smoking hazards.
- University Lecturers - since the research study included lecturers and their students.
- Women - being the centre of activity in the home and to find out their smoking habits.

The results of the research study led to the introduction of legislation banning cigarette advertisements in electronic media and in public places and also health warnings and tar readings.

Sudan, a billboard advertising lighters under the brand name of a cigarette was placed at the entrance of a training school for nurses in Omdurman. The billboard was subsequently removed.

In Sudan, cigaret advertising was banned in 1983. The Philip Morris tobacco company, known for the cowboy advertisements for its Marlboro brand, responded by replacing the cigaret package on its billboards with a Marlboro lighter.

This summer, the Sudanese Government fought back. It tightened its law to eliminate even this kind of advertising and decreed that no imported cigarets could contain more than 15 milligrams of tar. Sudan's initiative is regarded as a breakthrough in the battle against cigaret marketing in the developing world.

Tobacco industry representatives vehemently deny aggressive marketing practices in developing countries. "The WHO has a habit of predicting all kinds of things; why don't
they get on with the job of cleaning up the water supply, things that really matter?” says Andrew Whist, vice president of corporate affairs for Philip Morris Inc., the second largest tobacco company in the world (after the London-based British American Tobacco Co.). “I think that is the greatest hoax perpetrated on mankind to suggest that an advertisement for a Marlboro lighter is aggressive advertising.”

But in spite of the new Act, which preceded the introduction of the Sharia (Islamic) Law, by several months, the tobacco companies went down fighting. Cunningly, if not illegally, Marlboro lighters in otherwise identical advertisements. The Act also meant that all tobacco company cars, painted in brand colours with advertising slogans had to be repainted.

In the issue of June 1984 Tobacco Alert carried a picture (top) showing a billboard openly flouting the ban on advertising introduced in Sudan. The billboard, which had been put up at the gates of a training school for nurses in Omdurman, has now been removed.

In spite of the advertising ban, note was made of the fact that the tobacco industry is using other below-line tactics to advertise indirectly. It was pointed out that articles like cigarette lighters were being used to advertise certain brands of cigarettes.

<table>
<thead>
<tr>
<th>Criticism and recommendations on Tobacco Control Law (2005)</th>
<th>Studies’ &amp; advocacy group’s criticism of policy loopholes</th>
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<tbody>
<tr>
<td>In Sudan, there are real challenges for enforcing prohibitions on advertising at PoS, as the law bans advertising at PoS for smoked tobacco but not toombak; also, there are no exact data on compliance to this law8,20</td>
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<tr>
<td>As described above, the progress in applying FCTC to NCTP is documented in global and country reports and the literature; however, serious limitations are observed and these can be attributed to the following factors: 1. Unique nature and design features of these products. For example, the pictorial or text warning labels on WP tobacco product is not visualised by the smoker at the time of</td>
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smoking the WP.61. Many SLT products, such as paan, gutka and zarda in Pakistan, India and Bangladesh or toombak in Sudan or shammah in Yemen, are sold on a non-packaged individualised basis with no room for warning labels.

With more than 13.3% adolescents who were offered a cigarette product by company representatives, the results show that all school-going adolescents in the 2 countries may be susceptible to industry promotion of tobacco products. This implies the need for public health prevention efforts to educate adults about tobacco use and its harmful effects and importance of denying tobacco products to minors.

As a stakeholder in public health, the Epidemiological Laboratory (EpiLab), a private, not-for-profit NGO in Khartoum, Sudan, approaches public health issues with a health activism approach, keeping “health is a human right” at the forefront of its mission at all times.

The following areas have not yet been tackled by the NTCI or its supporting committee: 1. Establishment of a national tobacco surveillance system, 2. Access of the public to information about the tobacco industry, 3. Protection of environmental and public health with regard to the hazards of tobacco agriculture and manufacturing, 4. Availability and accessibility of tobacco cessation services within existing health (and other public facilities) structures, 5. Research on the determinants and impact of tobacco consumption on individuals and communities.

The main constraints facing the implementation of tobacco prevention and control measures by the national program are largely centred on political commitment and consequent lack of financial resources (at both national and global levels).

EpiLab's involvement in tobacco research stemmed from its initial involvement with...
tuberculosis and then lung health. It started early in 2000, with our engagement in testing The Union's approach to tobacco cessation.\textsuperscript{19} It was obvious at that stage that there was very little interest in tobacco use in Sudan at national level, and therefore a pilot project to assess the feasibility of a tobacco cessation intervention using brief advice (The Union model) engaging tuberculosis patients as a first step, was launched. Our experience in optimising tuberculosis services guided our approach to tobacco cessation, and this project formed the basis of the tobacco section at EpiLab. However, EpiLab did not stop at tobacco cessation. National anti-tobacco strategies focused largely on prevention and health promotion, so EpiLab took the initiative to focus on bridging the gap between legislation and research among other fields. EpiLab's experience in tackling public health problems, including tobacco, is based on persistence and patience coupled with affirmative decision-making and actions. Another important strategy for EpiLab's involvement in national and global anti-tobacco initiatives has been the constant participation in public global and national fora as well as undertaking continuous monitoring of other countries' experience and activities in fighting tobacco use.

With these links established to the international community of tobacco control, and with its links to the Bloomberg Global Initiative through its membership in The Union, EpiLab will collaborate in a broader range of international collaborative tobacco research activities as it develops its capacity further. Moreover, EpiLab has positioned itself as a vehicle for communications with the broader national coalition for tobacco control.

Policy recommendations

The study shows that female adolescents who owned tobacco merchandize were significantly more likely to be users of noncigarette tobacco products. For this reason, industry's activities aimed at these adolescents should be of utmost concern to health promoters. Youth tobacco control campaigns that focused attention on the
The tobacco industry’s deceptive activities aimed at youth should be promoted. Such educational campaigns are necessary because the results for school curriculum variables that focused on health effects of tobacco use alone did not show any significant impact in reducing tobacco use.

The following priority areas relating to FCTC policies have been identified by the NTCI:

1. Enforcement of Sudan’s National Tobacco Control Law (Tobacco Free jurisdictions),
2. Establishment of a surveillance system for tobacco,
3. Tobacco cessation centres (provision of nicotine replacement therapy),
4. Support of labelling and health warnings.

<table>
<thead>
<tr>
<th>Tobacco industry’s involvement in Khartoum’s policy (2012)</th>
<th>Interference in policy implementation</th>
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<tbody>
<tr>
<td>There are some actions and events that witness the tobacco industry interference in Sudan: In 2012, the Khartoum regulation on pictorial health warnings allowed a period of grace of 1 year for the companies to adopt them, but the industry has not implemented this measure until February 2016 and the Government extended the grace period to another 4 months after that date.</td>
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<tr>
<td>The Tobacco Control Law in Khartoum State was passed in 2012. Its regulation faced obstacles in development and its enforcement was delayed with a judicial decision issued for its implementation in 2016.</td>
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<td><img src="image1.png" alt="Image" /></td>
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<tr>
<th>Development of Executive Regulation (2021)</th>
<th>FCTC’s policy assessment: loopholes &amp; recommendations</th>
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<tr>
<td>Currently, there is no regulation on the production, marketing and use of noncigarette tobacco products, such as tombac10 and waterpipes.</td>
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<tr>
<td>Article 4 of the Tobacco Control Law of 1983 prohibited advertising cigarettes in the all media means or in special billboards or in cinema or theaters or verbal advertisments or by any other mean of the new communication means in Sudan or originally prepared for its publishing. Fines on violations according to Article 7.2 included imprisonment for a period no more than 3 months or a fine no more than 300 SDG or both punishments together. Article 6 of the Tobacco Control Law of 2005 introduced a more comprehensive ban of any direct or indirect</td>
<td><img src="image2.png" alt="Image" /></td>
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form of advertising and promotion of all tobacco products, and included in the ban free distribution of tobacco products. According to Article IV.14 and 15, violations are punished with imprisonment for a period not to exceed three years or a fine set by the court, or both punishments together. In cases of repeat violations, it is permitted to rule that the location be closed and its business permit be revoked.

Currently, the direct advertising ban covers national and international TV and radio, local and international magazines and newspapers, billboards and outdoor advertising. Advertising at points of sales is not explicitly prohibited by law, so the tobacco industry uses the existing loopholes to use special forms of promotion with product displays. For example, there are cars that sell tobacco in streets which carry some advertisement of the tobacco product. The indirect advertising ban covers free distribution of tobacco products, promotional discounts, and bans tobacco vending machines. However, the law does not currently prohibit sponsorship and corporate social responsibility activities of tobacco companies by direct or in-kind contributions.

The new bill aimed to address more comprehensively Article 13 of the WHO FCTC. However, the mission noted that Article 6.6 of the draft legislations bans only advertising of tobacco companies’ activities and did not prohibit all sponsorship and in-kind contributions by tobacco companies.

Gaps:

The ban does not cover: 1. Explicit ban of display and visibility of tobacco products at points of sale 2. Sponsorship and corporate social responsibility activities of tobacco companies by direct or in-kind contributions and clear enforcement mechanisms to prevent corporate social responsibility and promotional activities. 3. Explicit ban on depiction of tobacco or tobacco use in entertainment media products produced abroad and 4. Explicit ban on advertising, promotion, and
sponsorship through the internet. 5. Explicit ban on brand sharing and brand extension such as in toys or candies for children that mimic tobacco products.

It is recommended the legislation should explicitly ban advertising at point of sales and ban any form of sponsorship or corporate social responsibility by tobacco companies. Therefore, it is recommended to revise the draft article 6.6 about advertising, promotion and sponsorship in the new bill to be in line with guidelines of Article 13 of the WHO FCTC. It is also recommended to review the draft bill to also include other elements in the gaps under Article 13 that are mentioned here above, to work in line with the guidelines of Article 13. It is further recommended that the draft bill should be adopted as soon as possible.

Article 16.1(b) requires Parties to “ban the sale of tobacco products in any manner by which they are directly accessible, such as store shelves...”.

Gap - The Tobacco Control Law of 2005 does not explicitly require ban at points of sale. However all forms of direct and indirect advertising are addressed under Article 6 of the Tobacco Control Law of 2005.

Gaps:
1. The tobacco control law is not in line with the WHO FCTC in a few areas, particularly the timebound provisions in Articles 8, 11 and 13 of the Convention, and other areas that are further discussed in this report.
2. The tobacco control law is not fully enforced. 3. The draft bill needs revision of two articles. 4. The draft new bill is pending for review and adoption by the Parliament. It is recommended to revise two draft articles in the new bill to be in line the WHO FCTC (Article 10 about smoke-free public places to delete text on enclosed and ventilated designated smoking areas and Article 6.6 to include ban on sponsorship and in-kind contributions by tobacco companies and not only ban on advertising of their activities) and accelerate the process so that the law is passed as soon as possible.
However, some activities of the tobacco industry have been circulated through different media means and in general lectures. The international team took note during discussions with stakeholders that there may be indirect interference of the tobacco industry in weakening the enforcement of the current legislation and in postponing the adoption of the new bill.

Tobacco industry interference is a major obstacle to introduce and adopt legislation which is in line with the obligations under the Convention. Recommendations: a) Developing a code of conduct for civil servants and elected officials on preventing interference from the tobacco industry in the policy-making and legislative process. b) The Federal Minister of Health should work closely with Cabinet of Ministers and members of the Parliament to move the legislative process forward.

There is no provision in the laws of Sudan that protect public health policies from the tobacco industry’s interests.

It is recommended that the Ministry of Health works together with concerned agencies and implement a code of conduct for government officials and civil servants for their interactions with the tobacco industry, in line with Article 5.3 and its guidelines. Also, it is recommended that the Regulations Committee of the Parliament develop a regulation on the same line for the elected officials.

It is further recommended that any meetings that may occur between government officials and the tobacco industry be made transparent and that any relevant information or notes for record be made available to the public. It is further recommended that the Government of Sudan, in collaboration with civil society raise awareness on protection of public health policy from the vested interests of the tobacco industry among all government agencies and public officials.
It is further recommended to prepare in advance for the entry into force of the new law by relevant governmental agencies and stakeholders (e.g. raising public awareness, training, clear responsibilities in enforcement) before its official adoption to ensure smooth and successful implementation.

<table>
<thead>
<tr>
<th>STOP watchdog’s focus on CSR &amp; protecting policy making</th>
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<tbody>
<tr>
<td>Under the previous administration, there was not a system to publicly disclose its meetings with the tobacco industry in cases where such interactions were strictly necessary for regulation. There are no rules for disclosure or registration of tobacco industry entities, affiliated organizations and individuals acting on its behalf. The government does not prohibit contributions from the tobacco industry to political parties or candidates, and does not request a disclosure of the value of the contributions paid by tobacco companies (there are no statistics). There is no policy to disallow the acceptance of contributions/gifts from the tobacco industry including offers of assistance, policy drafts or study visit invitations given or offered to the government and its agencies. Recommendations These are ways Sudan can deter interference from the tobacco industry: Tobacco-related CSR activities must be banned. The government must adopt a code of conduct for public officials to guide their interactions with the tobacco industry when strictly necessary. There must be a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. There must be a program to create awareness specifically around Article 5.3 for government departments. Include Article 5.3 in the drafted updated law</td>
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## Theme: TAPS legislation unaligned with WHO FCTC Secretariat recommendations

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<thead>
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<th>Coded Text</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>TAPS definitions and ban coverage</td>
<td>Legislative texts</td>
<td>The Government of Sudan has developed a country-wide transition plan to eventually return to normal activities, subject to the COVID-19 situation across the country. Future plans are in place to continue the ban on tobacco use in public places especially waterpipes after the lockdown restrictions are relaxed. Future plans include: the issuance of a number of ministerial decrees covering graphic health warnings; a total ban on tobacco advertising, promotion and sponsorship including corporate social responsibility activities in line with Article 13 of the WHO Framework Convention on Tobacco Control (WHO FCTC); and rules of engagement with the tobacco industry in line with Article 5.3 of the WHO FCTC. In addition, high level political engagement and advocacy is planned to support the implementation of graphic health warnings. Future plans also include a tailored mass media campaign to raise awareness of the risks of tobacco products in particular Toomback and waterpipes. Lastly, a number of trainings are planned for all government sectors, nongovernmental organizations and parliament members to help counteract the industry’s interferences and to protect from potential legal issues.</td>
<td>[25]</td>
</tr>
<tr>
<td>Tobacco:</td>
<td></td>
<td>In this Act, unless the context determines another meaning: &quot;Cigarettes&quot; includes cigars and cigarettes made from tobacco of various kinds and covers tobacco for pipes and other inventions used for smoking tobacco. Tobacco: This means all tobacco products whether prepared for smoking, inhalation, chewing, or placement in the mouth for any other use and any product whereby tobacco components partially enter therein.</td>
<td>[26] [27]</td>
</tr>
</tbody>
</table>
In this law the following terms are in line with the meanings provided in the “Tobacco Control Law for the Year 2005” unless meant otherwise.

Absence of Cigarette Advertisements

4. It is not permitted to advertise cigarettes in the press, in broadcasting, on television, on advertising poster boards, in the cinema, in the theatre, by oral advertising, or by any other medium of advertising which originates in Sudan or for which there is a publishing base in the country.

(ii) Anyone infringing the provisions of Article 4 shall be imprisoned for a period not exceeding three months or shall be fined a sum not exceeding three hundred pounds, or shall be sentenced to both penalties.

6) Tobacco related announcements are not permitted by direct or indirect means using any method of advertising or announcements, just as it is not permitted to distribute tobacco products freely as means of advertising or by using any other method mentioned as means of promoting in order to use tobacco.

Article IV General Provisions On Reporting Violations

13) (1) It is permitted for any person to notify the nearest prosecutor or policeman of any violation of the provisions of this law.

(2) It is permitted for any policeman to arrest any person committing a violation for the provisions of this law and to present him immediately to the nearest prosecutor, just as it is permitted for any prosecutor to order the arrest of the violator and to present him in court.

(3) Managers of places and locations where tobacco use is prohibited in accordance with the provisions of this law are required to
15) (1) Each violation of the provisions of this law or the regulations issued will be punished with imprisonment for a period not to exceed three years or a fine set by the court, or both punishments together.

(2) In the case of a conviction, the court is permitted – in accordance with the provisions of this law, to confiscate goods relating to the offense, as it is similarly permitted to order those goods destroyed.

(3) In cases of repeat violations it is permitted to rule that the location be closed and its business permit be revoked.

Chapter 4
Prohibiting advertising, sponsorship, or promotion of all tobacco products

21) (1) It is prohibited that all media, and executive media to directly or indirectly advertise or promote tobacco and its product in the media platforms

(2) It is prohibited to put billboards or promotional products on commercial store or any other place.

Prohibiting advertisement and sponsorship

22) (1) all form of advertisement is prohibited for all tobacco products (2) it is prohibited to distribute free samples in any forum for advertisement purpose (3) it is prohibited to adopt or sponsor the parties that produce or import tobacco for any social, academic, health, sports or other activities

Chapter 7 Violation and Sanctions
Whoever violates the regulation of this list is perceived as a criminal based on the provisions of the “Tobacco Control Law for the Year 2005”
Article II Regulation of promoting tobacco
Warning of the Harm Caused by Tobacco

5- (1): Every producer, importer, and
distributor of tobacco and its products must
have a warning for the harm caused by
tobacco in writing and put a picture or signs
on each package of cigarettes, molasses,
waterpipe tobacco or tobacco product
regardless of whether it is intended for
smoking or chewing or other. In front of
every place where it is sold, there must be a
health warning in clear and comprehensible
form identifying its harms according to this
list.
(2): The warning size must take up no less
than 30% of the side of each pack or box.

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