

EXECUTIVE SUMMARY:

ADDICTION ON IMMEDIATE DELIVERY

An analysis of illegal tobacco
product sales through delivery apps



Every year, smoking is responsible for the death of over **eight million** people worldwide¹. In Brazil, within one year, there was a total of **156.216** deaths, equivalent to **428** per day². Advertising bans for cigarettes and other tobacco products have been in force in Brazil since the early two thousands. Nowadays, cigarette packs can only be exhibited at points of sale. Nevertheless, the tobacco industry seeks ways to circumvent legislation, promote their products and increase sales, especially to youths.

The objective of this report was precisely to analyze one of the strategies that has been used illegally for that purpose: **the sale of cigarettes and other tobacco products, including electronic cigarettes, through delivery apps in Brazil.**

The sale of tobacco products on the internet, as well as through apps, is forbidden in Brazil. Additionally, the sale of electronic smoking devices (dispositivos eletrônicos para fumar – DEFs) has been forbidden since 2009, by way of a resolution by the National Agency for Health Surveillance (Agência Nacional de Vigilância Sanitária – Anvisa). However, with the speed of the internet, these rules are not necessarily always complied with. **A large variety of tobacco product options can be found on apps such as Rappi, iFood and James.**

RATIONALE

The Analysis of how this illegal trade through applications takes place is especially relevant at this point in time for various reasons:

- For around three decades, Brazil has observed a downtrend in smoker prevalence. In 2019, however, a **0.5% increase was reported** which interrupted the historical downtrend. There was an **increase in the percentage of young adult smokers (18 to 24 years of age) in 15 Brazilian State Capitals**, an extremely concerning piece of data³.
- During the pandemic, the use of delivery apps saw strong growth in Brazil. In São Paulo, the most highly populated city in Brazil, the number of downloads of this type of app on mobile devices in the week of April 25th 2020, when the pandemic was already firmly established in this country, **rose by 700%** in comparison to the pre-pandemic period (week beginning February 2nd). Additionally, according to a survey by Instituto Locomotiva, **purchases made through apps grew by 30% during the first month of social isolation/distancing**⁴.

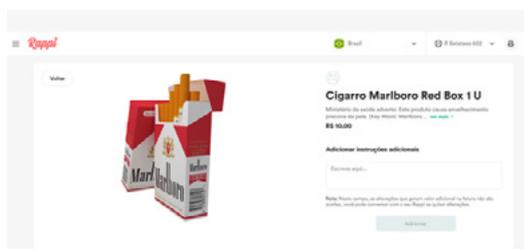
Joining this data with the fact that youths are some of the main users of delivery apps makes clear the importance of assessing how sales through this means take place and making recommendations to effectively apply regulations that prohibit these practices.

METHODOLOGY

- Purchases of cigarettes and other tobacco products were made through three delivery apps, **iFood, Rappi and James**, selected according to popularity and tobacco product availability, in two Brazilian cities, **São Paulo (SP)** and **Niterói (RJ)**.
- The choice of products aimed at seeking range and variety. Searches were run through keywords such as **cigarette, cigar, pipe, hookah/shisha, tobacco, electronic cigarettes, vaping, essences, e-juices, e-cig, Juul and Nikbar**.
- The survey was carried out in **august 2020**, five months after the start of the measures to tackle Covid-19 were implemented.
- Purchases were made paying alternatively with **cash, credit and debit card**. To receive the products purchased, the survey sought to vary between the actual buyer and third parties, including delivery made to addresses different from the buyer's.

RESULTS

- The promotion of tobacco products is made by way of photo exposure and product description, sold by different types of retailers, such as specialized stores, tobacco-nists, supermarkets and snack bars.



Tobacco product sold by Rappi

All platforms analyzed offer some type of tobacco product, such as packs of 20 cigarettes, 10-packs (200 cigarettes), loose tobacco, cigars, e-cigarettes (heated tobacco products were not found), liquids and e-cigarette essences and hookah.



Tobacco products purchased through delivery apps

- Most of the time, the product was accompanied by an invoice. **However, for some purchases, e-cigarettes in particular, an invoice was not delivered. In one specific case, when the seller was asked for one, he claimed that he could not issue one because the product was not “anvisified” (referring to the absence of an Anvisa registration), and tried to justify by saying he was not aware of this and was trying to sell off his remaining stock (and probably to subsequently stop selling the product).**
- **The purchases were delivered to the buyers or to third parties – family members, employees and porters – without being asked for proof of (adult) age, even in the case when the product was delivered to a young adult (19 years old).**
- An analysis of the terms of use for the three apps showed the following results:
 - The terms for Rappi determine that users under the age of 18 cannot purchase tobacco products nor alcoholic beverages.
 - The terms for iFood determine that users under the age of 18 cannot purchase alcoholic beverages, but there is no mention of tobacco products.
 - The terms for James determine that users must be over the age of 16, without mentioning products that could only be purchased by adults.

DISCUSSION

As previously mentioned, the only form of commercial advertising for smoking-related products, derived or not from tobacco, allowed in this country is the exposure of the product at points of sale, and online sales are not allowed. Thus, **the supply of cigarettes and other tobacco products through apps infringes important health defense and protection regulations of the Brazilian population.**

Additionally, the fact that orders and purchases made during this survey were carried out without any type of warning regarding age, as well as deliveries having taken place without any demand for proof of age suggests **a flaw in the service with regard to the protection of children and adolescents against products which cause addiction.**

On iFood, as previously observed, the terms of use do not even mention the issue of tobacco product sales to minors, whereas on the James app **minors have direct access to product purchases**, since the terms establish a minimum age of 16, and not 18 years, to register. Although they define themselves as technology platforms only for the intermediation between sellers, couriers and users, that does not justify the practices verified, for the apps show consumer goods different from those advertised, thereby promoting and enabling access to them, in addition to benefitting from the sales.

RECOMMENDATIONS

With the increasing use of delivery apps, including among youths, and consequent access to non/tobacco derived smoking products, including DEFs, **measures for the prevention, control and enforcement of sanctions in the face of violations of national regulations in effect are most urgent.**

Additionally, the increase in accessibility, the range of products and speed of delivery

promised by the apps further reinforce the fact that the service needs to **discuss further the regulations related to its practice.**

Within this context, the involvement of the Public Prosecutor's Office and consumer protection organizations can contribute not only towards levying fines, but also to reinforce educational measures and programs for the consumer population about delivery services, in the sense of reporting infringements and providing consumer protection guidelines.

ACT Promoção da Saúde understand that measures can be adopted by the appropriate authorities with the following objectives:

1. **Curb the supply** of tobacco-related smoking products on delivery applications;
2. **Develop effective surveillance systems** to identify promotions of tobacco products on delivery service platforms;
3. **Carry out regular inspections on delivery apps and apply penalties** whenever illegal practices are verified;
4. **Require reporting channels** for illegal practices on the app;
5. **Run educational campaigns** to alert the population about the various forms of tobacco product promotion;
6. **Implement a complete ban on all forms of advertising, dissemination and sponsorship of non/tobacco related smoking products**, including all technological media, such as social networks and apps.

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