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ARTICLE COMMENTARY



Non-compliance with point-of-sale tobacco regulations in Argentina

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ABSTRACT

Background: In Argentina, a national law regulates tobacco marketing at points-of-sale, bans single cigarette sales, and requires 'no sale to minors' signage. Provinces may enact more stringent regulations, with Cordoba and La Pampa banning all tobacco advertising and the open display of tobacco products at points-of-sale.

Methods: We used an observational retail study to assess compliance with tobacco laws at 512 points-of-sale around schools in four cities in four provinces of Argentina: Cordoba (province of Cordoba), Quilmes (province of Buenos Aires), San Salvador de Jujuy (province of Jujuy), and Santa Rosa (province of La Pampa).

Results: Single cigarettes were sold in 75.2% of the points-of-sale, being more prevalent in kiosks than in neighborhood stores (OR = 0.41) and convenience stores (OR = 0.09). In 97.5% of the points-of-sale 'no sale to minors' signage was absent. Most (79.1%) points-of-sale openly displayed tobacco, and approximately one in ten (11.5%) had advertising for cigarettes, in cities where this is banned (Cordoba, Santa Rosa). In cities where advertising is permitted but subject to restrictions (Quilmes, San Salvador de Jujuy), 83.1% points-of-sale with adverts violated the law as the adverts were visible from outside the store.

Conclusions: Violations of tobacco laws in Argentina are common, with better enforcement needed.

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Introduction

Tobacco advertising, promotion and sponsorship play an important role in encouraging tobacco use, especially among young people (Organización Panamericana de la Salud, 2019). Following the recommendations of the World Health Organization Framework Convention on Tobacco Control (FCTC), many countries have limited the channels available to tobacco companies to market their products (World Health Organization, 2018). In Argentina, according to the 2018 Global Youth Tobacco Survey, 20.2% of adolescents aged 13-15 used tobacco at that time, one of the highest prevalence rates in the region (Organización Panamericana de la Salud, 2023). While Argentina has not ratified the FCTC, in 2011 it enacted the National Law in Tobacco Control, which aims to discourage tobacco use and reduce tobacco-related harms by regulating the marketing of tobacco products (Ley Nacional N° 26687, 2011). It does not ban all advertising but restricts it to the interior of the point-of-sale. Resultantly, tobacco companies concentrate their marketing resources on this channel (Brown et al., 2023).

The point-of-sale (POS), which is where the actual purchase of cigarettes takes place, offers tobacco companies an important means of communicating with people who currently smoke, have formerly smoked, or may start smoking

(Robertson et al., 2016). Exposure to cigarettes and advertising at the POS can foster positive brand imagery (Donovan et al., 2002) and influence adolescents' perceptions of the availability, use, and popularity of cigarettes (Paynter & Edwards, 2009). It can also increase smoking uptake (Slater et al., 2007), with a meta-analysis reporting that in comparison to adolescents with less frequent exposure to tobacco promotion at the POS, adolescents with higher exposure were 32% more likely to be susceptible to smoking and 61% more likely to try smoking (Robertson et al., 2016). This increases with the frequency of POS tobacco-product advertising and promotion (Robertson et al., 2015). Additionally, tobacco advertising at the POS cues cravings (Siahpush et al., 2016), undermines quit attempts (Siahpush et al., 2016), and makes adolescents think it would be easier for them or people their age to purchase cigarettes in shops, and that they would be less likely to be asked for proof of age compared to shops in which there is no advertising or tobacco display (Wakefield et al., 2006).

Laws addressing the sale and promotion of tobacco at the POS are important to better safeguard society, and particularly youth, from the potential harms associated with tobacco use (Konfino et al., 2014). In Argentina, the focus of this study, a national law regulates how tobacco products can be marketed in tobacco-selling points-of-sale (Ley Nacional N° 26687,

2011). Tobacco advertising, promotion, and sponsorship is only allowed inside the POS, where it must follow certain guidelines, and must not be visible from the exterior. According to these guidelines, adverts can only consist of two-dimensional signs, with a maximum of two signs per manufacturer. Adverts must be less than 30×30cm, and have a warning occupying 40% of the surface area. Illuminated signs or screens are banned. There must be visible signage at the payment area stating that selling tobacco products to minors is prohibited. The law also bans the sale of single cigarettes. While the national law sets a minimum standard of protection, it encourages provinces to enact more stringent regulations. Certain provinces, such as La Pampa and Córdoba, additionally prohibit all tobacco advertising, promotion and sponsorship, including inside the POS, and ban the open display of tobacco products (Ley Provincial N° 10661, 2019; Ley Provincial N°3392, 2021). While the Ministry of Health constitutes the enforcement authority, provincial and local authorities are responsible for monitoring compliance within their respective jurisdictions. Non-compliance with the law is sanctioned through fines, whose value varies depending on the specific violation and increases in case of recurrence, as well as the destruction of materials and products that do not comply with the law, and the closure of establishments.

Legislation alone is insufficient, with it necessary to examine the extent to which laws are adhered to Anderson et al. (2020). According to the World Health Organization (WHO), despite progress in enacting marketing restrictions, compliance is weak in low- and middle-income countries (LMICs) (Anderson et al., 2020). In Argentina, a LMIC, research highlights a deficit in compliance with POS regulations such as the requirements of displaying a 'no sale to minors' sign, of having only indoor advertising which is non-visible from the outside, of including a pictorial health warning on advertising, and of prohibiting the sale of single cigarettes (Chaname et al., 2024; FIC Argentina, 2022a, 2022c, 2022b, 2023, 2024; Minter et al., 2017). Recent research found that, on average, 46.7% of the points-of-sale visited across 10 different provinces were not meeting the requirements of the National Law in Tobacco Control (FIC Argentina, 2024). While these studies are helpful to understand national compliance and differences by province, they do not explore store-type associations, which has been repeatedly associated with non-compliance in other countries (Fry et al., 2017; Kirchner et al., 2015; Sedani et al., 2022; Wheeler et al., 2021).

In this study, we assessed compliance with national and local Argentinian laws on advertising and product display of tobacco products at the POS, the presence of 'no sale to minors' signage, and the sale of single cigarettes. We also explored compliance by type of POS. Such research is necessary to provide recent data on compliance, if this differs by store type, and variation across provinces.

Methods

Design

A cross-sectional observational study was conducted with tobacco-selling points-of-sale near schools in Argentina as

part of the REmoving the MARketing Power of cigarettes (REMAP) project. We focused on retailers located in proximity to schools because there is evidence that tobacco retailers cluster near schools more than expected (Halvorson-Fried et al., 2024), and stores close to schools, which are often visited by students, have significantly more tobacco advertisements (Obinwa et al., 2022). Besides, higher tobacco outlet density (Henriksen et al., 2008) and advertisement density (Mistry et al., 2015) have been associated with higher smoking prevalence. A similar methodology of conducting observations in points-of-sale in areas with a high concentration of schools has also been done in previous research (Minter et al., 2017).

Between April and July 2023 we visited points-of-sale in four cities in four provinces: Cordoba (province of Cordoba), Quilmes (province of Buenos Aires), San Salvador de Jujuy (province of Jujuy), and Santa Rosa (province of La Pampa). Cities were selected based on their distinct characteristics: Cordoba is one of the largest in the country, Quilmes has lower socioeconomic status than the national average, San Salvador de Jujuy is the capital city of a tobacco-growing province, and Santa Rosa's economy is primarily driven by agriculture. We aimed to visit 125 POS per city, as this sample size was both manageable and sufficient, and in line with the sample size used in previous studies (FIC Argentina, 2024; Minter et al., 2017).

Procedure

Cities were divided into areas classified according to their socio-economic status (SES): high, middle, and low. The classification was based on the percentage of households with unmet basic needs according to national data (Instituto Nacional de Estadística y Censos, 2012). Within each SES, we randomly selected middle and high schools from a list of all the schools per city provided by the Ministry of Education. To do so, we assigned a number to each school and conducted a random draw. Then, we located the selected schools in Google Maps and pre-established a route around each of them. The route was created using a modified TPackSS methodology (TPackSS, 2023), see Figure 1. During fieldwork, we followed the pre-established routes around selected schools and visited all the points-of-sale we encountered on our way until we reached the desired number of observed points-of-sale per city, with approximately one-third of the sample in each SES.

To collect information at the POS we used a checklist developed by the team, which was based on past research (Barnoya et al., 2010, 2021; FIC Argentina, 2022a), and was piloted prior to use. It assessed general information about the POS (store type, location, etc), the display and advertising of tobacco and nicotine products and accessories, and compliance with national and local regulations. The checklist was completed covertly at each POS using the KoboCollect® App (www.kobotoolbox.org/) on a mobile phone. When permission was granted, we also took photographs of the POS to subsequently check the information about compliance that was collected. To assess the sale of single cigarettes, we attempted to buy one in every POS we visited.

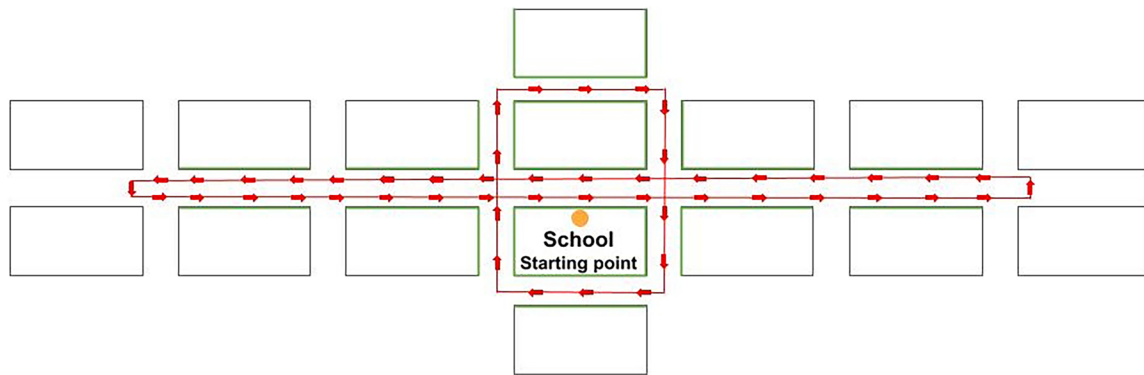


Figure 1. Route around each school.

Table 1. Types of point-of-sale according to socioeconomic status and level of regulation.

	Types of points of sale according to SES and regulation			
	Socioeconomic status			Total
	Low	Middle	High	
Cities with restrictive regulation				234
Kiosk	22	14	14	50
Neighborhood Store	39	70	63	172
Convenience Store	5	5	2	12
Cities with permissive regulation				278
Kiosk	60	38	18	116
Neighborhood Store	44	53	52	149
Convenience Store	0	4	9	13
Total POS	170 (33.2%)	184 (35.9%)	158 (30.9%)	512

Analysis

Points-of-sale were classified into five categories (Kiosk, Neighborhood Store, Convenience Store, Supermarket, Petrol Station, see [Supplementary Material - Table 1](#)). For analytic purposes, given the limited number of supermarkets (n=15), these were included as Neighborhood Stores, since both sell a variety of products and in Argentina typically share a similar level of informality. Petrol Stations (n=13) were categorized under Convenience Stores because both are typically formal shops affiliated with chains. The same grouping by store type has been reported in other studies (Levinson et al., 2018; Sedani et al., 2022).

Cities were categorized as having Permissive Regulation or Restrictive Regulation based on whether they only adhere to the National law or have stricter provincial laws. Quilmes and San Salvador de Jujuy are ‘Cities with Permissive Regulation,’ with Santa Rosa and Cordoba ‘Cities with Restrictive Regulation.’

We first explored aspects of the law that are common to points-of-sale in all four cities, specifically the requirement to display ‘No sale to minors’ signage and a ban on selling single cigarettes. In cities with permissive regulation, we assessed the presence of more than two adverts per producer, visibility of advertising from the exterior of the POS, and presence of special features in adverts, such as lighting or movement. In cities with restrictive regulation, we assessed the presence of any advertising and the display of factory-made cigarettes and roll-your-own (RYO) tobacco, given that both are prohibited.

We used logistic regressions to explore the association between: 1) the sale of single cigarettes and type of POS, and 2) the display of tobacco products in restrictive cities and

type of POS. In both models, city and SES were included as control variables. Odds ratios (OR) and their corresponding 95% confidence intervals (CI) were estimated. Data analysis was performed in R (R Core Team, 2022).

Ethics

The study was approved by the Ethics Committee of the Hospital de Clínicas, Universidad de Buenos Aires, and from the University of Stirling. No informed consent was required from retailers.

Results

We visited 512 outlets, 278 (54.3%) in Quilmes and San Salvador de Jujuy, cities with permissive regulations, and 234 (45.7%) in Cordoba and Santa Rosa, cities with restrictive regulations. In all cities, most points-of-sale were neighborhood stores, followed by kiosks and convenience stores. [Table 1](#) shows the distribution of points-of-sale by SES and type.

[Table 2](#) includes non-compliance with the national law across the four cities, and non-compliance with local regulations in permissive and restrictive cities. The mandatory ‘No sale to minors’ sign was absent in 499 (97.5%) points-of-sale. In 82 (16.0%) points-of-sale single cigarettes were visibly displayed, although not in any convenience stores, and in 385 (75.2%) points-of-sale single cigarettes were sold (i.e. available for sale even though not visibly displayed), more commonly kiosks and neighborhood stores than convenience stores (p<0.05).

In cities with permissive regulations, 65 (23.4%) points-of-sale featured tobacco advertising. This was much more prevalent in convenience stores than in kiosks and neighborhood stores ($p < 0.05$). Among points-of-sale with advertising, the most frequent violation of the law was the display of advertising that could be seen from outside the store ($n = 54$, 83.1%), followed by adverts containing special features ($n = 41$, 63.1%). Adverts with special features were mainly observed in convenience stores, in which 90.9% of the stores with adverts had special features, mostly 3d characteristics and lighting. Finally, 36 (55.4%) stores had more than two adverts per producer.

In cities with restrictive regulations, 185 (79.1%) points-of-sale displayed tobacco products, mainly factory-made cigarettes, with 71 (30.3%) displaying RYO tobacco. Tobacco display was most common at neighborhood stores, followed by kiosks and convenience stores. Despite the ban, advertising was displayed in 27 (11.5%) points-of-sale.

Table 3 shows the association between type of POS and sale of single cigarettes (model 1), and type of POS and display of tobacco products (model 2). Compared to kiosks, neighborhood stores (OR = 0.41, 95% CI: 0.21-0.75) and convenience stores were less likely to sell single cigarettes (OR = 0.09, 95% CI: 0.03-0.25). In cities with restrictive regulations, compared to kiosks, neighborhood stores were more likely to display tobacco (OR = 2.15, 95% CI: 1.01-4.63). No significant differences were found between convenience stores and kiosks.

Discussion

This study provides insight into non-compliance with local and national tobacco control laws in points-of-sale near schools across four cities in Argentina and by type of POS. We observed non-compliance in all cities and store types. Previous research has similarly revealed non-compliance with POS regulations in Argentina and other LMICs (Anderson

et al., 2020; FIC Argentina, 2022a, 2024), attributing this to weak enforcement, limited resources, and poor coordination between government entities at federal and state levels (Reynales-Shigematsu et al., 2019). Lack of awareness among retailers and the public about tobacco control regulations may also be a contributing factor (Quedley et al., 2008).

We found that the absence of 'No sale to minors' signage was the most frequent violation across cities. In 2010, 57% of points-of-sale in Buenos Aires displayed such signage (Barnoya et al., 2010), but only 35% had a clearly visible 'No sale to minors' sign in 2016 (Minter et al., 2017). That only 2.5% of points-of-sale we visited displayed proper signage is consistent with this pattern and testament to declining compliance. Non-compliance was also evident for the sale of single cigarettes, which was very common in kiosks and neighborhood stores. In Buenos Aires in 2016 (Minter et al., 2017), 93.9% of stores denied selling single cigarettes, whereas we identified in other locations in Argentina very high availability of single cigarettes. This suggests that compliance with this aspect of the law is also decreasing over time. In restrictive cities, a 2024 study found that advertising and tobacco display were present in three quarters of points-of-sale, in violation of the local laws (FIC Argentina, 2024). Similarly, we found that 79% of stores displayed tobacco.

Our findings highlight distinct patterns of non-compliance across different types of points-of-sale, as reported elsewhere (Barnoya et al., 2010; Kirchner et al., 2015; Sedani et al., 2022; Wheeler et al., 2021). Kiosks and neighborhood stores, which were less likely than convenience stores to display 'No sale to minors' signage, were more likely than convenience stores to sell single cigarettes, and more likely to display tobacco in cities where this is not permitted. In contrast to convenience stores, which are usually part of larger companies or franchises and therefore likely to have stricter compliance standards, neighborhood stores and kiosks are informal and often independently owned. It has been suggested that they may

Table 2. Non-compliance with the law according to the type of POS.

	National law in four cities			
	Kiosk n=166 (%)	Neighborhood Store n=321 (%)	Convenience Store n=25 (%)	Total n=512 (%)
Lack of 'No sale to minors' sign	164 (98.8%)	316 (98.4%)	19 (76.0%)	499 (97.5%)
Display of single cigarettes	23 (13.9%)	59 (18.4%)	0 (0.0%)	82 (16.0%)
Sale of single cigarettes	137 (82.5%)	239 (74.5%)	9 (36.0%)	385 (75.2%)
	Local law in cities with PERMISSIVE regulations			
	Kiosk n=116	Neighborhood Store n=149	Convenience Store n=13	Total permissive cities n=278
Number of POS with advertising	12 (10.3%)	42 (28.2%)	11 (84.6%)	65 (23.4%)
Advertising that can be seen from the outside	12 (100%)	32 (76.2%)	10 (90.9%)	54 (83.1%)
More than two advertising per producer	7 (58.3%)	22 (52.4%)	7 (63.6%)	36 (55.4%)
Advertising with special features	8 (66.7%)	23 (54.8%)	10 (90.9%)	41 (63.1%)
3d	6 (50.0%)	23 (54.8%)	9 (81.8%)	38 (58.5%)
Light	2 (16.7%)	13 (31.0%)	8 (72.7%)	23 (35.4%)
Movement	0 (0.0%)	1 (2.4%)	0 (0.0%)	1 (1.5%)
	Local law in cities with RESTRICTIVE regulations			
	Kiosk n=50 (%)	Neighborhood Store n=172 (%)	Convenience Store n=12 (%)	Total restrictive cities n=234 (%)
Tobacco display	31 (62.0%)	147 (85.5%)	7 (58.3%)	185 (79.1%)
RYO tobacco	4 (8.0%)	64 (37.2%)	3 (25.0%)	71 (30.3%)
Factory made cigarettes (packages or loose)	30 (60%)	132 (76.7%)	4 (30.0%)	166 (71.9%)
Number of POS with advertising	3 (6.0%)	23 (13.4%)	1 (8.0%)	27 (11.5%)

Table 3. Likelihood of the sale of single cigarettes and the display of factory-made cigarettes and RYO tobacco by POS.

1) Sale of single cigarettes in the four cities				
Predictors	Crude OR	CI (95%)	Adjusted OR*	CI (95%)
Type of POS				
Kiosk	1		1	
Neighborhood Store	0.62	0.38–0.98	0.41	0.21–0.75
Convenience Store	0.12	0.05–0.29	0.09	0.03–0.25
Socioeconomic Status (SES)				
High	1		1	
Middle	0.85	0.53–1.37	0.78	0.47–1.28
Low	1.90	1.12–3.27	1.55	0.88–2.78
City				
Cordoba	1		1	
Quilmes	0.34	0.18–0.61	0.23	0.11–0.44
San Salvador de Jujuy	0.74	0.38–1.42	0.80	0.40–1.58
Santa Rosa	0.36	0.19–0.67	0.45	0.23–0.87
2) Tobacco display in cities with restrictive regulations				
Predictors	Crude OR	CI (95%)	Adjusted OR**	CI (95%)
Type of POS				
Kiosk	1		1	
Neighborhood Store	2.20	1.12–4.28	2.15	1.01–4.63
Convenience Store	0.33	0.08–1.21	0.26	0.06–0.99
Socioeconomic Status (SES)				
High	1		1	
Middle	1.33	0.70–2.56	1.41	0.72–2.81
Low	2.04	0.98–4.40	3	1.36–6.98
City				
Cordoba	1		1	
Santa Rosa	1.91	1.07–3.48	1.67	0.86–3.26

*Sale of single cigarettes ~ Type of POS + SES + City

**Tobacco display ~ Type of POS + SES + City.

Bold values represent statistically significant results.

be less aware of legal requirements or expect more lax government control (Quedley et al., 2008). However, it may also be that tobacco sales contribute a higher proportion of overall revenue for kiosks and neighborhood stores, thus providing a greater incentive to promote tobacco sales. Selling cigarettes by the stick rather than by the pack can also increase profit margins.

With respect to failing to comply with tobacco advertising regulations, this was most evident in convenience stores. Convenience stores may be more appealing to tobacco companies than kiosks and neighborhood stores as they are often part of formal chains, have higher sales volumes, and are typically larger and therefore offer greater opportunities for displaying a greater quantity of advertising (Barnoya et al., 2010; Cohen et al., 2008; Lee et al., 2015; Usidame et al., 2019). Tobacco companies often provide retailers with advertising and promotional materials, such as displays and shelving units, through formalized agreements and incentives in exchange for prime product placement and adherence to promotional guidelines (Berman et al., 2012; Freeman et al., 2022; Lavack & Toth, 2006). This strategy aims to maximize visibility and boost sales. When providing retailers with promotional materials, it has been suggested that tobacco companies may exploit legal loopholes, make loose interpretations of the law, or violate it altogether (FIC Argentina & Alianza de Controle do Tabagismo, 2015). Other Latin American countries, including Brazil, Chile and Costa Rica, have banned

tobacco advertising but not tobacco displays. As there are no regulations indicating what displays should be like in these countries, they have become increasingly appealing and sophisticated (FIC Argentina & Alianza de Controle do Tabagismo, 2015).

Reducing non-compliance in Argentina, as well as other countries in the region and other LMICs, could be achieved with greater enforcement. Monitoring needs to be conducted periodically, unannounced, with punitive measures for non-compliant retailers that serve as a deterrent (Public Health Law Center, 2022). In some cities in the USA, Canada, and some countries in Europe, licensing has been introduced to limit the number of retailers that can sell tobacco and assist in monitoring and enforcement (Coxe et al., 2014; Henriksen, 2012; Kuipers et al., 2022; Lawman et al., 2020). Licensing also has the advantage of generating revenue through license fees, which can be allocated to enforcement efforts. While evidence on its effectiveness is limited, a combination of licensing, enforcement, education, and promotion restrictions is considered good practice (Smyth et al., 2015). In Argentina, the law mandates that all tobacco retailers must have a specific authorization to sell tobacco. However, we found no evidence of this requirement being enforced. Licensing may be challenging to control in Argentina given the extensive and unregulated informal market, as is often the case in LMICs (Medina & Schneider, 2018). It might also be challenging to achieve because, while the legislation designates the Ministry of Health as the national enforcement authority, it also assigns enforcement responsibilities to provinces at the local level. This has the drawback that the effectiveness of these regulations is hindered by challenges in coordination between multiple sectors at the federal and national level. Clearer leadership and defined enforcement responsibilities are necessary to ensure compliance with the law.

Another strategy that has been suggested for improving compliance is focusing on retailer education, since in many cases they might be unaware of the specificities of the law (Quedley et al., 2008). Berman et al. (2012) recommended sharing pamphlets with retailers describing what is permissible and what is not under the law, together with the rationale behind it. The author also suggests inviting retailers to contact the enforcement agency for more information on compliance with the law, and making sure the enforcement agency is ready to assist retailers with compliance. Future studies should evaluate the degree to which retailers are familiar with the existing laws and regulations.

Our study has several limitations. First, the sample is not representative of the country. However, we selected cities from several parts of the country to increase diversity, together with schools from neighborhoods with different SES. Second, we did not report other aspects of the law, such as advert size or whether they included warnings. We excluded these for practical reasons, given the codebook captured a lot of information and we felt it preferable to focus on compliance with the number of adverts, sale of single cigarettes, and presence of no sale to minors signage.

In conclusion, our study shows that non-compliance with national and local regulations in Argentina is common, and

that non-compliance was evident across all three types of points-of-sale. Stronger and better coordinated enforcement is needed, and interventions aimed at reinforcing compliance should contemplate differences between types of points-of-sale. Implementing stricter controls on advertising in convenience stores and the display of tobacco products in neighborhood stores would be advisable, together with the sale of single cigarettes in kiosks. Future studies should explore the extent to which retailers are familiar with the law, as well as their relationships with the tobacco industry.

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