

Advertising bans

KEY FACTS

- Comprehensive bans on tobacco advertising, promotion and sponsorship reduce tobacco consumption.
- Partial advertising bans do not work.
- Tobacco companies use indirect advertising methods to circumvent bans.
- Article 13 requires parties to implement measures that allow for a comprehensive ban on direct and indirect tobacco advertising, promotion and sponsorship.

Tobacco advertising

Tobacco advertising encompasses direct and indirect advertising, promotion and sponsorship of tobacco products and brands. In some countries the tobacco industry can use print and broadcast media, billboards, electronic mail and direct mail and the internet to market its products. For example, one third of countries responding to a World Health Organization questionnaire still allow television advertisements, 40 years after they were first banned in other countries. Advertising in local magazines and on billboards has only been banned in just over half of the countries.¹ Advertising on the internet is rarely controlled. Point of sale promotion is particularly powerful and can account for more than 75% of marketing spend by the leading tobacco companies.^{2,3} It is allowed in practically every country in the world.

Cigarette packs are also a key advertising medium for the tobacco industry. As more countries introduce larger text and pictorial warnings, opportunities for the tobacco industry to advertise on the pack are becoming limited. However, no country has yet introduced plain or generic packaging, which would completely remove all advertising from the pack.

The use of direct tobacco advertising is being restricted or prohibited in a growing number of countries. This has led to an increase in the use of indirect advertising. Tobacco marketing by indirect advertising thrives on legal loopholes. Indirect advertising includes sponsorship of sports, cultural and music events, image and logo advertising, merchandising, manipulating pack designs, and product placement in television shows and films. Another form of indirect advertising is brand stretching – using tobacco brand names on non-tobacco merchandise. Only one third of countries prohibit brand stretching.¹

Using indirect advertising to get around advertising bans

Malaysia provides a good example of how tobacco companies can circumvent partial advertising bans. In 1982 it introduced a ban on the advertising of cigarettes on television and radio. In spite of this, the levels of indirect tobacco advertising increased to higher levels than in any other country during the 1980s and 1990s.⁴ The transnational tobacco companies (TTCs) set up separate businesses, which they projected as independent entities, focusing on activities such as travel, music, clothing and sport. By the mid-1990s the TTCs were the largest advertisers in Malaysia, accounting for 25% of total national advertising expenditure.⁵

Corporate Social Responsibility is increasingly being used to advertise and promote tobacco companies and, indirectly, their products.

The effect of advertising on tobacco consumption

Advertising increases tobacco consumption.⁶ Young people are particularly vulnerable to it and are the main target of brand stretching.^{7,8,9,10,11} Tobacco advertising is also used to target women. Advertising glamourises tobacco use and makes it socially acceptable.¹² About half of the world's children live in countries that allow the free distribution of tobacco products.¹

The tobacco industry maintains that the role of advertising is to encourage smokers to switch brands. However, industry documents have shown that advertising causes characteristics such as independence, glamour and machismo to be associated with smoking.¹³ Branding is used to discourage smokers from quitting, to encourage new smokers, and to undermine restrictions on tobacco marketing.¹²



Create in excess.
 Smoke in moderation. A question of being free.
 Ministry of Health warning:
 SMOKING CAUSES HEART ATTACKS

Best practice¹⁴

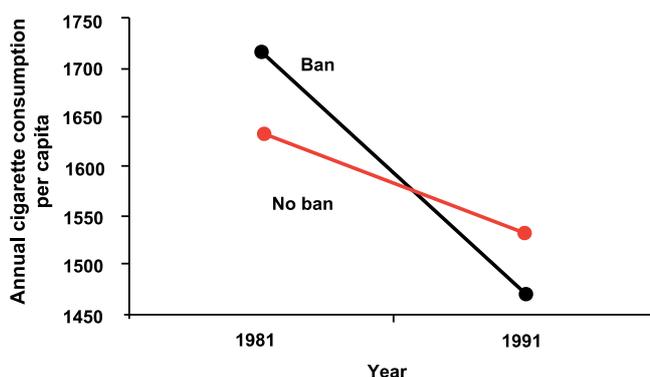
- Adopt a comprehensive ban on all direct and indirect forms of tobacco advertising, promotion and sponsorship.
- Cover all media players and platforms comprehensively.
- Discard voluntary codes proposed by the tobacco industry.
- Carefully define the terms 'advertising', 'sponsorship' and 'promotion'.
- Ensure the ban covers promotion originating in and entering a country.
- Ban commercial displays of product packages.
- Impose substantial penalties on those who breach the ban.
- Announce the ban well in advance of implementation.¹
- Amend the ban as required to include innovations in industry tactics and media technology.¹

Why tobacco advertising should be banned

Comprehensive advertising bans can decrease cigarette consumption.¹⁰ A study of 22 high-income countries concluded that comprehensive bans on cigarette advertising and promotion could reduce tobacco consumption by up to 7.4%.⁶ Individual countries have experienced a decline in consumption of up to 16% after the introduction of advertising bans.¹⁶ Partial advertising bans or voluntary agreements have little or no effect on cigarette consumption.¹⁴ Many countries have partial bans but do not enforce them consistently. Fifty four countries worldwide have no restrictions at all.¹

Why partial advertising bans do not work

With a partial advertising ban, even though the tobacco industry has fewer promotional options, the total amount of promotional expenditure remains the same.¹⁴ The industry attempts to circumvent partial advertising bans or voluntary agreements where possible,¹² e.g. by switching to unregulated advertising media or methods. For example, when Thailand banned tobacco advertising in 1992, BAT switched its sponsorship strategy to motor rallying and motorbike racing. It used broadcasts of regional competitions in order to undermine national regulations.¹⁵ Thailand subsequently used existing legislation to ban the display of tobacco products at all points of sale.¹⁶



Source: World Bank 1999: Curbing the Epidemic chapter 4. Reproduced with permission. All rights reserved.

FCTC requirements

Under Article 13 of the WHO Framework Convention on Tobacco Control (FCTC) parties must implement measures that allow for a comprehensive ban on direct and indirect tobacco advertising, promotion and sponsorship. This includes cross-border advertising originating in their territory.¹⁷

Guidelines for implementing Article 13 have been adopted by the parties to the FCTC and should be used to guide governments in developing and implementing comprehensive legislation within the recommended deadline of five years.¹⁸

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¹ WHO report on the global tobacco epidemic, 2008. The MPOWER package. Geneva, World Health Organization, 2008. www.who.int/tobacco/mpower/en/index.html

² Jurisdictions prohibiting the visible tobacco product displays at point of purchase. Canadian Cancer Society, 2 May 2008. www.cqct.qc.ca/Documents_docs/DOCU_2008/DOCU_08_05_02_CCS_JurisdictionsProhibitingVisibilityTobacco.pdf

³ Tobacco manufacturer payments to retailers to display tobacco products and signs, Canada 2001-2006. Canadian Cancer Society, 29 March 2007.

⁴ Action on Smoking and Health (ASH). ASH briefing on 'brand-stretching'. <http://old.ash.org.uk/html/advsipo/html/brand.html>

⁵ Assunta M, Chapman S. The tobacco industry's accounts of refining indirect tobacco advertising in Malaysia. *Tob Control* 2004;13(Suppl II):ii63-70. www.pubmedcentral.nih.gov/picrender.fcgi?artid=1766158&blobtype=pdf

⁶ Saffer H, Chaloupka F. The effect of tobacco advertising bans on tobacco consumption. *J Health Economics* 2000;19:1117-37. www.ncbi.nlm.nih.gov/pubmed/11186847

⁷ Hastings G, MacFadyen L, Stead M. Tobacco marketing: shackling the pied piper (editorial). *Br Med J* 1997;315:439-40. www.bmj.com/cgi/content/full/315/7106/439

⁸ Feighery E, Borzekowski D, Schooler C, Flora J. Seeing, owning, wanting: the relationship between receptivity to tobacco marketing and smoking susceptibility in young people. *Tob Control* 1998;7:123-8. www.pubmedcentral.nih.gov/picrender.fcgi?artid=1759689&blobtype=pdf

⁹ Bonn D. Tobacco-promotion bans will work. *Lancet* 1997;350:1831

¹⁰ Curbing the epidemic. Governments and the economics of tobacco control. Washington, DC: The World Bank, 1999. www1.worldbank.org/tobacco/reports.htm

¹¹ Shafey O, Eriksen M, Ross H, Mackay J. The tobacco atlas (3rd ed.). Atlanta, GA: American Cancer Society, 2009. www.cancer.org/docroot/AA/content/AA_2_5_9x_TobaccoAtlas3rd_Ed.asp

¹² Hastings G, MacFadyen L. Keep Smiling, No one's going to die. An analysis of internal documents from the tobacco industry's main UK advertising agencies. Centre for Tobacco Control Research; October 2000. www.tobaccopapers.com/keepsmiling/KeepSmilingReport.pdf

¹³ Bates C, Rowell A. Tobacco explained: the truth about the tobacco industry...in its own words. London: Action on Smoking and Health, 2004. www.who.int/tobacco/media/en/TobaccoExplained.pdf

¹⁴ National Cancer Institute. The role of the media in promoting and reducing tobacco use. Tobacco Control Monograph No. 19. Bethesda, MD: U.S. Department of Health and Human Services, National

Institutes of Health, National Cancer Institute. NIH Pub. No. 07-6242, June 2008. http://cancercontrol.cancer.gov/tcrb/monographs/19/m19_complete.pdf

¹⁵ MacKenzie R, Collin J, Sriwongcharoen K. Thailand—lighting up a dark market: British American tobacco, sports sponsorship and the circumvention of legislation. *J Epidemiol Comm Health* 2007;61:28-33

¹⁶ Interrupting the progression of tobacco use in Thailand: power of people and policy. Presentation at the 13th World Congress on Tobacco or Health, 2006. <http://2006.confex.com/uicc/wctoh/techprogram/P10662.HTM>

¹⁷ Framework Convention Alliance for Tobacco Control. www.ftc.org

¹⁸ Guidelines for implementation of Article 13 of the WHO Framework Convention on Tobacco Control (Tobacco advertising, promotion and sponsorship). www.who.int/ftc/guidelines/article_13.pdf