

Bans on tobacco advertising, promotion and sponsorship

Tobacco Control Team PAHO/OMS
Session 5 – Miami, USA, March 2020





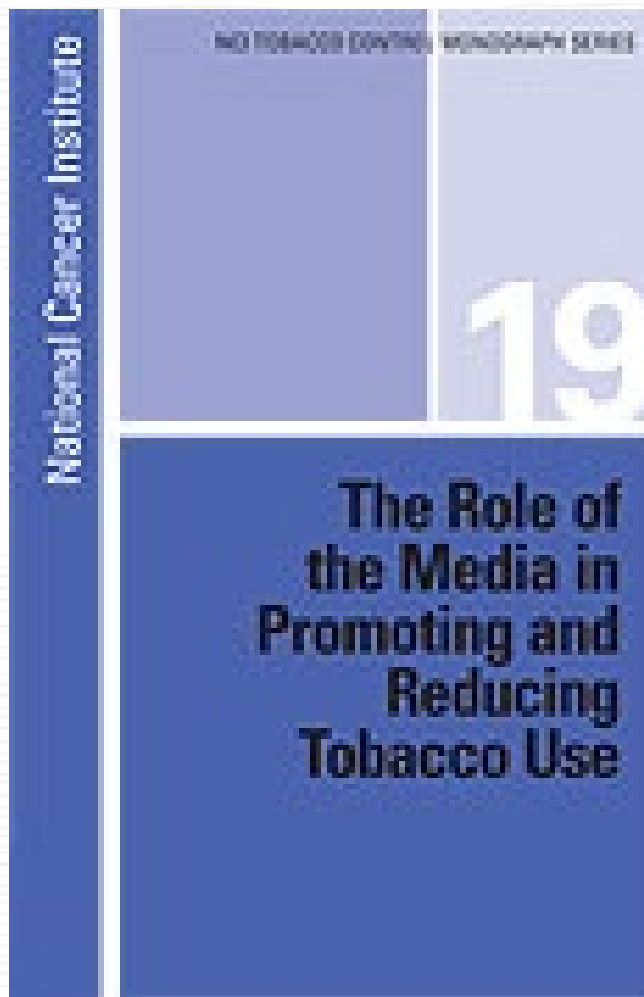
Evidence I



- Tobacco advertising, promotion and sponsorship (TAPS) **increase tobacco use** and that comprehensive bans on TAPS decrease tobacco use.
- International evidence indicates that comprehensive bans are **effective** in reducing tobacco sales and tobacco consumption.
- The impact of TAPS bans may be even more dramatic in **low- and middle-income countries** than in high-income countries.

https://www.who.int/tobacco/global_report/en/





<https://cancercontrol.cancer.gov/brp/tcrb/monographs/19/index.html>

Monograph 19: The Role of the Media in Promoting and Reducing Tobacco Use

Evidence II

- The tobacco industry spends **billions of dollars** yearly to market its products.
- Using increasing sophisticated and covert forms of tobacco advertising, promotion and sponsorship (TAPS), the tobacco industry links its products with **success, fun and glamour**.
- In many countries, tobacco is promoted wherever youths can be easily accessed such as in the movies, on the Internet, in fashion magazines and at music and sports events.

<https://www.who.int/tobacco/mpower/enforce/en/index1.html>



Smoke for
Pleasure *today*—

No Cigarette
Hangover *tomorrow!*

Remember: PHILIP MORRIS is made differently from any other leading brand. And that difference is your guarantee of everything you've ever wanted in a cigarette...tasty mildness, rich flavor, pleasant aroma...a clean, refreshing smoke...and NO CIGARETTE HANGOVER!

Try PHILIP MORRIS yourself. Your throat will note the difference!

Call for **PHILIP MORRIS**
You'll be glad tomorrow...you smoked PHILIP MORRIS today!

"I LOVE LUCY" starring Lucille Ball and Desi Arnaz in America's most popular TV show. Back early in Sept. over CBS.



Scientific tests prove Lucky Strike milder than any other principal brand!

These scientific tests, confirmed by independent consulting laboratory, prove Lucky Strike mildest of 6 major brands tested!

MARLENE DIETRICH says:
"I smoke a smooth cigarette—Lucky Strike!"

Let your own taste and throat be the judge! For the rich taste of fine tobacco — for smoothness and mildness ...
THERE'S NEVER A ROUGH PUFF IN A LUCKY!



Evidence III



- TAPS also help to reassure current smokers and create a climate where smoking is seen as **normal** social behavior, and create an illusion that tobacco is just an ordinary consumer product.
- TAPS increase smoking **initiation** among youths, even brief exposures can influence adolescents.



<https://www.who.int/tobacco/mpower/enforce/en/index1.html>

WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL



PAHO/WHO

Interventions



Article 1 - Use of terms

(c) “tobacco advertising and promotion” means **any form of commercial communication**, recommendation or action with the aim, **effect or likely effect** of promoting a tobacco product or tobacco use either directly or indirectly;

(g) “tobacco sponsorship” means any form of **contribution** to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;

<https://apps.who.int/iris/bitstream/handle/10665/42811/9241591013.pdf;jsessionid=470AD14D1B368129F91DC6D92F88D3D9?sequence=1>

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Radio and TV



Newspapers and journals



Billboards



Retail sale and display



Internet



Mail and brochures

TAPS - direct



Packaging and product features

TAPS - indirect



Free samples



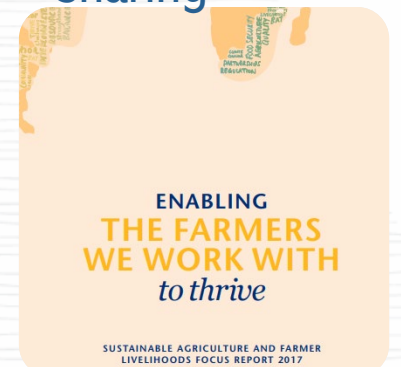
Incentive promotions



Brand stretching and brand sharing



Sponsorship



Corporate social responsibility

WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL



PAHO/WHO

Interventions



Article 13 - Tobacco advertising, promotion and sponsorship

1. Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products.
2. Each Party shall, in accordance with its constitution or constitutional principles, undertake a **comprehensive ban of all tobacco advertising, promotion and sponsorship**.

This shall include, subject to the legal environment and technical means available to that Party, a comprehensive ban on **cross-border advertising**, promotion and sponsorship originating from its territory. In this respect, within the period of five years after entry into force of this Convention for that Party, each Party shall undertake appropriate legislative, executive, administrative and/or other measures and report accordingly in conformity with Article 21.

<https://apps.who.int/iris/bitstream/handle/10665/42811/9241591013.pdf;jsessionid=470AD14D1B368129F91DC6D92F88D3D9?sequence=1>

WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL



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Interventions

Article 13 - Tobacco advertising, promotion and sponsorship

4. **As a minimum**, and in accordance with its constitution or constitutional principles, each Party shall:

- (a) **prohibit all forms of tobacco advertising, promotion and sponsorship** that promote a tobacco product by any means that are false, misleading or deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions;
- (b) require that **health or other appropriate warnings** or messages accompany all tobacco advertising and, as appropriate, promotion and sponsorship;
- (c) **restrict the use of direct or indirect incentives** that encourage the purchase of tobacco products by the public;

<https://apps.who.int/iris/bitstream/handle/10665/42811/9241591013.pdf;jsessionid=470AD14D1B368129F91DC6D92F88D3D9?sequence=1>

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Interventions

Article 13 - Tobacco advertising, promotion and sponsorship

(d) require, if it does not have a comprehensive ban, the disclosure to relevant governmental authorities of **expenditures by the tobacco industry on advertising, promotion and sponsorship not yet prohibited**. Those authorities may decide to make those figures available, subject to national law, to the public and to the Conference of the Parties, pursuant to Article 21;

(e) undertake a **comprehensive ban** or, in the case of a Party that is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles, restrict tobacco advertising, promotion and sponsorship on radio, television, print media and, as appropriate, other media, such as the internet, within a period of **five years**; and

(f) prohibit, or in the case of a Party that is not in a position to prohibit due to its constitution or constitutional principles restrict, **tobacco sponsorship of international events**, activities and/or participants therein.

<https://apps.who.int/iris/bitstream/handle/10665/42811/9241591013.pdf;jsessionid=470AD14D1B368129F91DC6D92F88D3D9?sequence=1>

WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL



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Interventions



Article 13 - Tobacco advertising, promotion and sponsorship

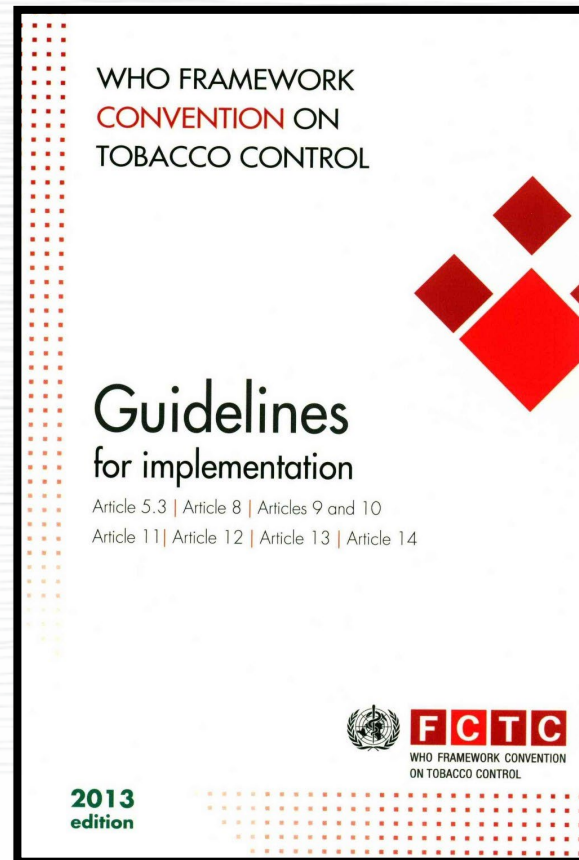
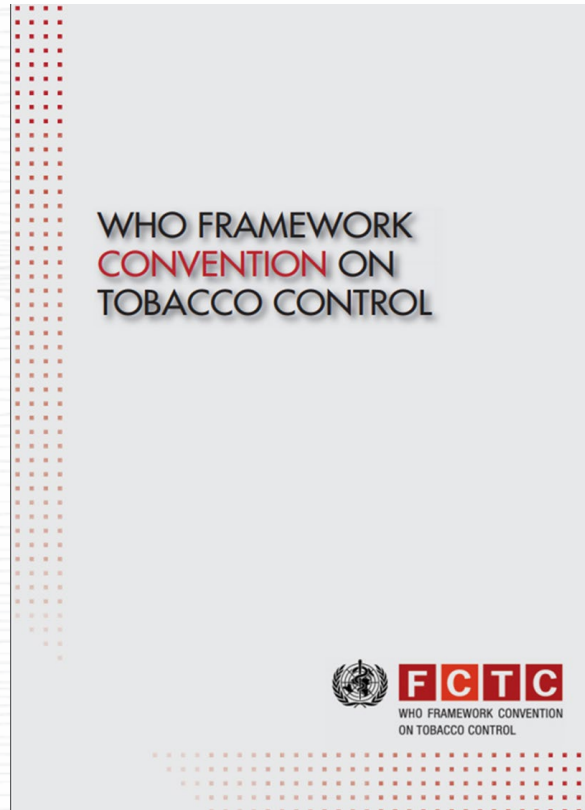
5. Parties are encouraged to implement **measures beyond the obligations set out** in paragraph 4.

7. Parties which have a ban on certain forms of tobacco advertising, promotion and sponsorship have the sovereign **right to ban those forms of cross-border** tobacco advertising, promotion and sponsorship entering their territory.

8. Parties shall consider the elaboration of a protocol setting out appropriate measures that require international collaboration for a comprehensive ban on cross-border advertising, promotion and sponsorship.

<https://apps.who.int/iris/bitstream/handle/10665/42811/9241591013.pdf;jsessionid=470AD14D1B368129F91DC6D92F88D3D9?sequence=1>

Guidelines for implementation of Article 13



https://www.who.int/fctc/guidelines/article_13.pdf



Comprehensive Ban of TAPS

- all advertising and promotion, as well as sponsorship, without exemption;
 - direct and indirect advertising, promotion and sponsorship;
 - acts that aim at promotion and acts that have or are likely to have a promotional effect;
-
- promotion of tobacco products and the use of tobacco;
 - commercial communications and commercial recommendations and actions;
 - contribution of any kind to any event, activity or individual;
 - advertising and promotion of tobacco brand names and all corporate promotion; and traditional media (print, television and radio) and all media platforms, including Internet, mobile telephones and other new technologies as well as films.

Retail sale and display

- Display and visibility of tobacco products at points of sale constitutes advertising and promotion and should therefore be banned.
- Vending machines should be banned because they constitute, by their very presence, a means of advertising and promotion.

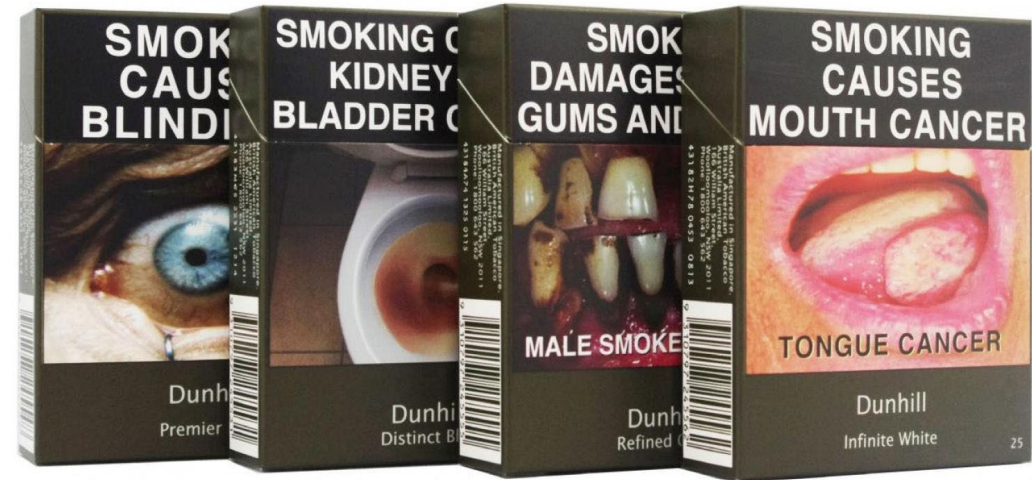


PAHO/WHO



Packaging and product features

- Packaging and product design are important elements of advertising and promotion.
- Parties should consider adopting plain packaging requirements to eliminate the effects of advertising or promotion on packaging.
- Packaging, individual cigarettes or other tobacco products should carry no advertising or promotion, including design features that make products attractive.



Brand stretching and Brand sharing



“**Brand stretching**” occurs when a tobacco brand name, emblem, trademark, logo or trade insignia or any other distinctive feature (including distinctive colour combinations) is connected with a non-tobacco product or service in such a way that the tobacco product and the non-tobacco product or service are likely to be associated.

“**Brand sharing**” occurs when a brand name, emblem, trademark, logo or trade insignia or any other distinctive feature (including distinctive colour combinations) on a non-tobacco product or service is connected with a tobacco product or tobacco company in such a way that the tobacco product or company and the non-tobacco product or service are likely to be associated.



Internet sales and “Brand stretching” and “brand sharing”

- Internet sales of tobacco should be banned as they inherently involve tobacco advertising and promotion.
- “Brand stretching” and “brand sharing” should be regarded as tobacco advertising and promotion in so far as they have the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly. Parties should ban both.



Corporate Social Responsibility

SCHOLARSHIPS OFFERED TO STUDENTS OF TEACHERS' COLLEGES

List of Teachers' Colleges:

- St Joseph's Teachers' College
- Shortwood Teachers' College
- Sam Sharpe Teachers' College
- MICO University College
- Churches Teachers' College

Valued at \$100,000 per student



SCHOLARSHIPS OFFERED TO STUDENTS OF EDNA MANLEY COLLEGE OF THE VISUAL AND PERFORMING ARTS



Valued at \$100,000 per student



CRITERIA FOR APPLICATION:

- * Be a Jamaican citizen (required to provide a copy of ID)
- * Be an enrolled student in any of the institutions noted
- * Completed application form and two references (academic & character)
- * Official Transcript
- * **BE IN NEED OF FINANCIAL ASSISTANCE**
- * Have achieved at least a 'B' average (GPA of 3.0) in the previous academic year.
- * **MUST BE 18 YEARS OR OLDER TO APPLY.**

*Only shortlisted candidates will be interviewed.

THE COMPLETED APPLICATION FORM SHOULD BE RETURNED IN AN ENVELOPE CLEARLY LABELLED:

Carreras Scholarships
c/o The Scholarship Coordinator
(Institution)
(Institution's Address)

or

Carreras Scholarships
Legal and External Affairs Department
Carreras Limited
13a Ripon Road, Kingston 5.



CARRERAS LIMITED
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2019/2020 CARRERAS SCHOLARSHIPS

Carreras Limited is pleased to announce its offer of Scholarships for the 2019/2020 Academic Year



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**APPLICATION DEADLINE
FRIDAY, JUNE 7, 2019**

Corporate Social Responsibility



- Tobacco companies seek to portray themselves as good corporate citizens by making contributions to deserving causes or by otherwise promoting “socially responsible” elements of their business practices.
- Some tobacco companies make financial or in-kind contributions to organizations, such as community, health, welfare or environmental organizations, either directly or through other entities
- The Parties should ban contributions from tobacco companies to any other entity for “socially responsible causes”, as this is a form of sponsorship. Publicity given to “socially responsible” business practices of the tobacco industry should also be banned.



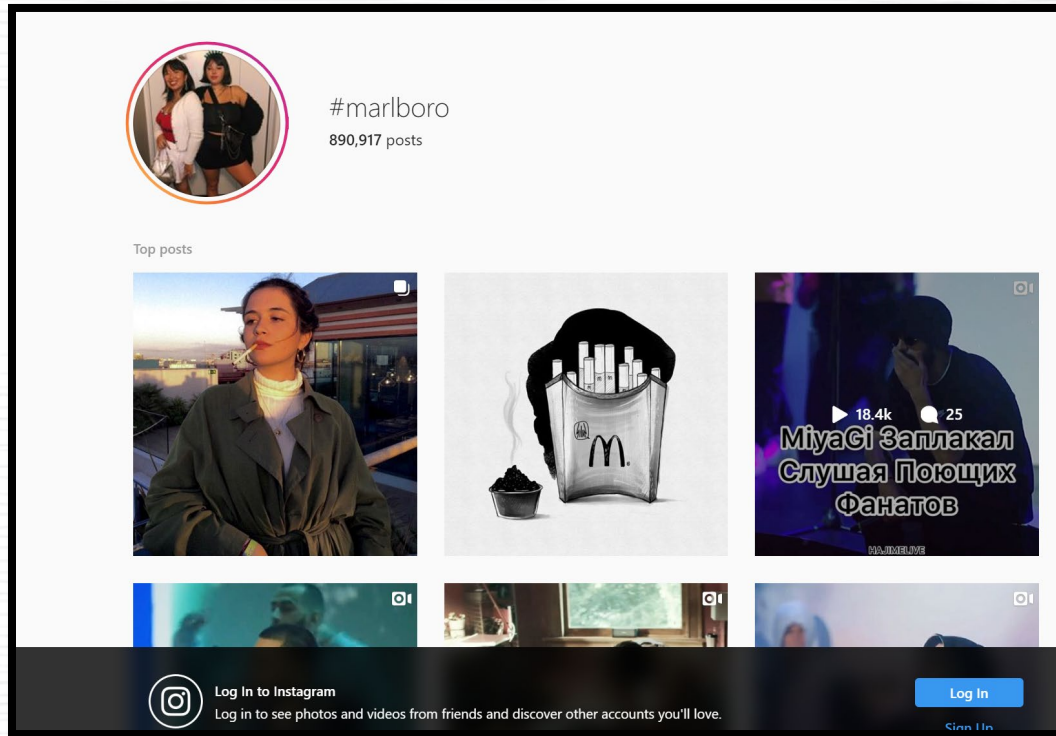
Depictions of tobacco in entertainment media



Ladyboys: Inside Thailand's Third Gender (TV Mini-Series 2014), Episode 1

- The depiction of tobacco in entertainment media products, such as films, theatre and games, can strongly influence tobacco use, particularly among young people.
- certification that no benefits have been received for any tobacco depictions
- prohibiting the use of identifiable tobacco brands or imagery, requiring anti-tobacco advertisements
- ratings or classification system that takes tobacco depictions into account

TAPS ban should apply to social media



<https://apps.who.int/iris/bitstream/handle/10665/326043/9789241516204-eng.pdf?ua=1>

- Tobacco companies now frequently utilize novel media platforms for TAPS activities such as social media sites and mobile phone applications
- influencers, spokespeople, and brandsponsored contests are used to promote tobacco products.
- Children and adolescents are particularly exposed to these platforms.



Vape Contest - Miss HIN Florida

892,067 views • Feb 13, 2015

1.9K

1.3K

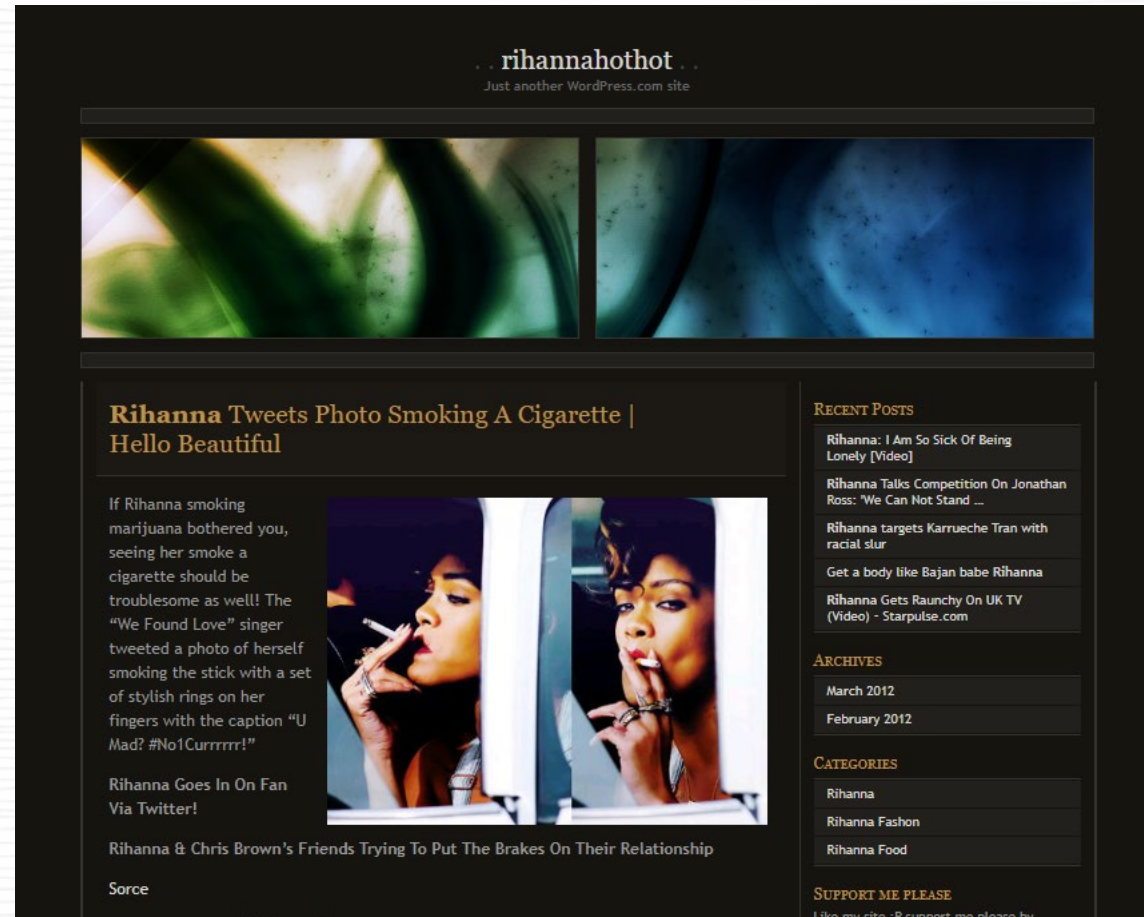
SHARE

SAVE

...

-FmTFk UWBaE

Influencers



<https://rihannahothot.wordpress.com/2012/03/02/rihanna-tweets-photo-smoking-a-cigarette-hello-beautiful/>

Tobacco Industry Arguments and Counterarguments



Tobacco Industry Arguments and Counterarguments



Tobacco Industry

- *A ban on tobacco advertising will not decrease tobacco use.*
- *TAPS only targets adult smokers; it only affects market share.*
- *Tobacco industry do not promote use by minors. To the contrary, promote youth prevention campaigns.*

Facts

- Sound evidence that comprehensive bans on TAPS significantly reduce the use of tobacco.
- Internal tobacco industry documents revealed targeting of youth.
- Industry youth prevention programs aim at improving the industry's public image and discourage tobacco control.

Tobacco Industry Arguments and Counterarguments



Tobacco Industry

- *A TAPS ban will harm the advertising industry and the economy.*
- *A ban on TAPS will lead to other advertising bans.*
- *Tobacco is legal and it is not banned.*
- *Part of freedom of expression*

Facts

- TAPS only corresponds to a small fraction of the total advertising industry.
- Uniqueness of the product because of its lethality, while similar restrictions exist with other products such as medicines, and firearms.

Tobacco Industry Arguments and Counterarguments



Tobacco Industry

- *A ban on sponsorship will affect cultural and sportive events.*
- *Banning TAPS at the point of leads to increased illicit trade.*

Facts

- Evidence from several countries where other sponsors have substituted tobacco industry.
- Aimed at overall decrease regardless legal or illegal status of the products.

Tobacco Industry Arguments and Counterarguments



Countering Tobacco Industry Arguments



TOBACCO ADVERTISING AND PROMOTION

COUNTERING INDUSTRY ARGUMENTS

Industry argument: A ban on tobacco advertising won't decrease tobacco use.

Response: Today, we have compelling evidence that comprehensive bans on tobacco advertising, promotion, and sponsorship can significantly reduce cigarette and other tobacco use.^{2,3} Research conducted between 1970 and 1992 in 22 countries found that comprehensive bans can reduce tobacco consumption by 6.3%.² A study involving 30 developing countries between 1990 and 2005 showed that comprehensive bans resulted in a 23.5% reduction in per capita consumption.⁴ ■

Industry argument: Tobacco advertising, promotion, and sponsorship targets only adult smokers.

Response: Internal tobacco industry marketing plans reveal careful targeting of young people. Documents from R.J. Reynolds (RJR), released in 1998, show that the company sought to reverse its declining sales by targeting 14 to 24 year olds. RJR memos describe the success of the Joe Camel cartoon in France and state that the campaign was "about as young as you can get, and aims right at the young adult smoker Camel needs to attract."⁵

Tobacco advertising, promotion and sponsorship target non-smokers and youth especially in developing countries where regulations on advertising and promotion are weak

A key defense strategy employed by tobacco companies appears to be to "throw a lot of mud at the wall, hoping that some of it will stick."¹

Industry argument: Advertising, promotion, and product displays do not encourage people to start smoking; they just encourage tobacco brand loyalty, inform about available products and entice current smokers to switch brands.

Response: This claim was answered best by David Abbott, chairman of British advertising agency Abbott Mead Vickers, in 1988: "I think arguments like shifting brands are just insulting in their shallowness... I think advertising has certainly helped to introduce new smokers, be they women or be they in the Third World."¹⁷

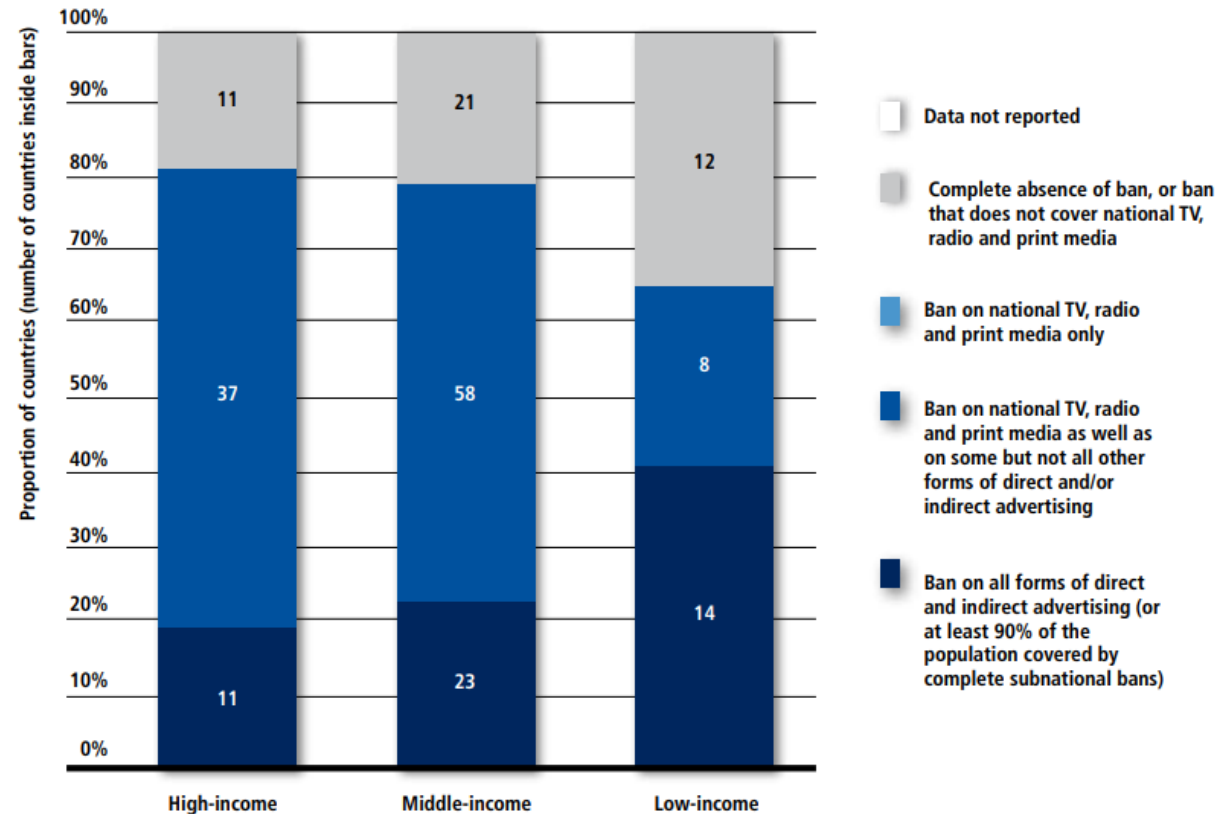
A growing body of research confirms that tobacco advertising and promotional activities increase smoking initiation. A 2008 review of nine longitudinal studies involving more than 12,000 youth concluded that "tobacco advertising and promotion increases the likelihood that adolescents will start to smoke."¹⁸ Point of sale advertising also encourages youth to start smoking.¹⁹ A study in the United Kingdom conducted between 1999 and 2004 found that for each form of



https://www.tobaccofreekids.org/assets/global/pdfs/en/A_PS_industry_arguments_en.pdf

[https://www.paho.org/hq/dmdocuments/2013/ENG-Tobacco-Manual-\(For-Web-14-May-2013\).pdf](https://www.paho.org/hq/dmdocuments/2013/ENG-Tobacco-Manual-(For-Web-14-May-2013).pdf)

BANS ON ADVERTISING, PROMOTION AND SPONSORSHIP



<https://apps.who.int/iris/bitstream/handle/10665/326043/9789241516204-eng.pdf?ua=1>

STATUS OF MPOWER MEASURES WHICH CORRESPOND TO INTERVENTIONS CONTAINED IN THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC)

	FCTC Art. 20	FCTC Art. 8	FCTC Art. 14	FCTC Art. 11	FCTC Art. 13	FCTC Art. 6
		<i>Best Buy</i>		<i>Best Buy</i>	<i>Best Buy</i>	<i>Best Buy</i>
COUNTRIES	M	P	O	W	E	R
Antigua & Barbuda	↑	2018 ↑		2018 ↑*/**	2018 ↑	13.36%
Bahamas	2018 ↑					...
Barbados	↓	2010		2017		47.11%
Belize	↓					43.61%
Dominica			↓			23.57%
Grenada	↓					44.00%
Guyana		2017		2018 *	2017	27.54% ↑
Haiti	↑					...
Jamaica	↑	2013	2016	2013		43.62%
Saint Kitts & Nevis						19.76%
Saint Lucia	↓			2017		51.20%
Saint Vincent & the Gren.	↓					16.90%
Suriname	2018 ↑	2013		2016 ↑	2013	47.6% ↓
Trinidad and Tobago	↓	2009		2013 *		25.71%

6

7

3



It is possible and necessary



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