



Bans on Tobacco Advertising and Promotion: The Essential Facts

The World Health Organization has described tobacco addiction as “a communicated disease – communicated through advertising, sports, marketing and sponsorship.”¹ Tobacco industry advertising and promotion have been shown to be particularly effective at enticing children and young people to start using tobacco, as youth are the “replacement smokers” so essential to the industry’s ongoing success.²

Advertising and promotion increase overall tobacco consumption and, as one would expect, comprehensive advertising bans significantly reduce tobacco consumption.^{3,4} Marketing can also make it harder for smokers to quit and induce former smokers to relapse and start smoking again.⁵ Tobacco industry marketing and sponsorship bolster the declining social acceptability of smoking and the tobacco industry. Finally, advertising and sponsorship discourage publications and organizations dependent on tobacco industry money from having an open discussion of the public health impact of tobacco.

It is for these reasons that an effective national tobacco control policy to counter the addiction, disease, and death caused by tobacco must include a comprehensive and complete ban on tobacco advertising, promotion and sponsorship.

Advertising, Promotion, and Sponsorship Defined

Advertising and promotion: Any commercial communication or action with the intent or effect of promoting tobacco or tobacco use.⁶

Sponsorship: Any contribution to an event, organization, individual, or activity with the intent or effect of promoting tobacco or tobacco use.⁶

As a practical matter, tobacco marketing ranges from the placement of traditional paid radio or magazine advertisements to sophisticated new uses of the internet, mobile phones, and other media. It includes both *direct* forms of advertising and promotion and *indirect* advertising and promotion, typified by brand-stretching – the distribution of non-tobacco products under tobacco brand names.

Those that are responsible for tobacco advertising and promotion (and must therefore be covered by any effective tobacco advertising ban) include not only the tobacco industry,⁷ but advertising agencies, publishers, broadcasters, internet service providers, internet content providers, mobile phone content providers, and individuals or organizations that receive tobacco sponsorship.

In recent decades, the tobacco industry has shifted its advertising and promotion budgets from television, radio or print advertising to a dizzying array of sponsorship, internet, and brand sharing activities. Tobacco promotion and sponsorship activities have changed to stay one step ahead of tobacco control efforts. Point-of-sale (POS) promotions and sports, entertainment and arts sponsorship have proliferated. Yesterday’s rugged cowboy selling Marlboro cigarettes on television is today’s “Asia Marlboro” road-racing and Benson and Hedges cricket. Yesterday’s Virginia Slims tennis tournament is today’s Salem Power Station CD store in Kuala Lumpur or tobacco-sponsored night clubs in Romania.⁸

The following are major types of tobacco advertising, promotion, and sponsorship. However, an effective policy banning advertising and promotion should cover any communication or activity that falls within the above definitions.

Types of Tobacco Advertising

- **Television**, including broadcast, cable, satellite, and audiovisual content delivered by internet, mobile phone or other means.

- **Radio**, including broadcast, cable, satellite, and audiovisual content delivered by internet, mobile phone or other means.
- **Print**, including newspapers, magazines other publications.
- **Billboards** and other outdoor advertising.
- **Transit** vehicles, airports, train stations, bus depots, and transit shelters.
- **Theaters.**
- **Tobacco packaging.**
- **Posters.**
- **Point-of-sale** (POS), also known as point-of-purchase (POP).
- **Direct mail.**
- **Internet** advertisements, including World Wide Web and email applications, delivered by whatever means and capable of reception on whatever device.

Types of Tobacco Promotion

- **Tobacco-branded merchandise**, such as shirts, backpacks and hats.
- **Point-of-sale** promotions, including:
 - Promotional allowances (tobacco industry payments to retail outlets for favorable positioning of their products in stores)
 - Retailer award programs (usually incentives for achieving target sales volumes)
 - Free gifts or discounted merchandise with tobacco purchases
- **Incentives** for purchasing tobacco products, such as redeemable coupons.
- **Paid product placement** in films, television and other media.
- **Free sampling** of tobacco products.
- **Distribution** (paid or free) of **branded merchandise** at hospitality, sports, entertainment, music, dance, or school venues or events.
- **Indirect advertising.** Also called “brand stretching” or trademark diversification, through which tobacco brand names or brand elements are used on non-tobacco products or attached to non-tobacco activities or events. Also includes *reverse* brand stretching (the use of non-tobacco branding on tobacco products.)

Tobacco Sponsorship

- **Provision of financial or other support** by the tobacco industry to organizations, events, or individuals involved in sports, art, or entertainment, including sports or arts events, athletes, sports teams, or artists, whether or not in exchange for publicity.
- **Provision of financial or other support** by the tobacco industry to venue operators such as pubs, bars, or clubs.

As more traditional forms of marketing are banned or restricted, the tobacco industry continues to develop innovative forms of promotion and sponsorship. For example, in 2001 British American Tobacco (BAT) sponsored newspaper “public service” advertisements in Thailand for a would-be local anti-littering campaign. Although there was no evidence that a genuine environmental clean-up campaign was undertaken, the advertisements featured a prominent BAT corporate logo.⁹

Advertising Bans Are Effective

- Strong and comprehensive laws that eliminate tobacco advertising and promotion can significantly reduce tobacco consumption.
- A review of research on tobacco consumption and advertising bans in 102 countries found that comprehensive advertising bans can reduce tobacco consumption whereas partial bans have little or no effect.¹⁰

- Research on advertising bans and consumption in 22 countries found that comprehensive advertising and promotion bans reduce cigarette smoking by 7.4% and overall tobacco consumption by 5.4%.⁴
- Beyond reducing tobacco consumption, comprehensive advertising and promotion bans protect children and young people from the onslaught of tobacco marketing in sports, music venues, the internet, and elsewhere.

Advertising bans also help reduce the social acceptability of smoking and tobacco use, and this benefits the public health in many ways. Declining social acceptability is a powerful incentive for children and young people to remain tobacco-free and helps current smokers to quit and remain nonsmokers, and it can reduce the influence of the tobacco industry in politics and culture.

The FCTC and Worldwide Progress toward Comprehensive Advertising Bans

The Framework Convention on Tobacco Control (FCTC), adopted unanimously by member countries of the World Health organization in 2003,¹¹ requires Parties to undertake a comprehensive ban on tobacco advertising, promotion and sponsorship.¹² The FCTC entered into force on 27 February 2005, and currently has 168 signatories and 151 Parties.¹³

Article 13 of the FCTC addresses tobacco advertising, promotion and sponsorship. Under this section, Parties to the Convention must:

- Ban tobacco advertising, promotion and sponsorship no later than five years after the FCTC enters into force (27 February 2010).
- Include *cross-border* advertising, promotion and sponsorship originating within a nation's territory.¹⁴
- Comprehensively ban advertising, promotion, and sponsorship *to the greatest extent* consistent with their national constitutions.

To date, 10 countries have adopted comprehensive bans on advertising *including* promotion and sponsorship. They are Bhutan,¹⁵ Eritrea,¹⁶ Ireland,¹⁷ Montenegro,¹⁷ New Zealand,¹⁸ Norway,¹⁷ Spain,¹⁷ Thailand,¹⁹ Vietnam,²⁰ and the United Kingdom.¹⁷

However, more than 60 countries have adopted a total ban on *advertising* alone, and these include Australia,²¹ Belgium,¹⁷ Botswana,²² Brazil,²³ Bulgaria,¹⁷ the Czech Republic,¹⁷ France,¹⁷ Iceland,¹⁷ India,²⁴ Kuwait,¹⁵ Malaysia,²⁵ Nicaragua,¹⁵ Portugal,¹⁷ South Africa,²⁶ and Turkey.²⁷

Furthermore, on July 31, 2005 the European Union's Tobacco Advertising Directive was implemented to prohibit advertising in the print media, on radio and over the internet. The directive, which all 27 EU Member States must abide by, also prohibits tobacco sponsorship of cross-border events or activities.²⁸

¹ World Health Organization. European Union Directive Banning Tobacco Advertising Overturned – WHO Urges Concerted Response. Press Release. 2000 Oct 5. Available from: <http://www.who.int/inf-pr-2000/en/pr2000-64.html>.

² Slater SJ, Chaloupka F, Wakefield M, Johnston LD, O'Malley P. The Impact of Cigarette Marketing Practices on Youth Smoking Uptake. Archives of Pediatrics & Adolescent Medicine. 2007; 161:440-445.

³ Canadian Cancer Society. Controlling the Tobacco Epidemic: Selected Evidence in Support of Banning All Tobacco Advertising and Promotion, and Requiring Larger Picture-Based Health Warnings on Tobacco Packages. Ottawa: Canadian Cancer Society, International Union Against Cancer; 2001;

⁴ Saffer, H, Chaloupka, F. The effect of tobacco advertising bans on tobacco consumption. Journal of Health Economics. 2000; 19:1117-1137.

⁵ Chaloupka F, Warner K, The Economics of Smoking. In: Culyer AJ, Newhouse JP. Handbook of Health Economics. Amsterdam: North Holland; 2000. p. 1539-1627.

⁶ White A. Global Tobacco Control Training [online training module]. Baltimore, MD: Johns Hopkins Bloomberg School of Public Health; c2007. Tobacco Advertising Bans. Available from: <http://www.globaltobaccocontrol.org/>.

⁷ Defined by the Framework Convention on Tobacco Control as "manufacturers, wholesale distributors and importers of tobacco products."

⁸ Hammond R. Addicted to Profit: Big Tobacco's Expanding Global Reach [monograph of the Internet]. Washington: Essential Action, SF Tobacco Free Coalition; 1998. Available from: <http://www.essentialaction.org/addicted/>.

- ⁹ Framework Convention Alliance. Thailand: Philanthropy or Promotion? Alliance Bulletin. Geneva: Framework Convention Alliance. 2007 Nov 24; INB-3 Issue 14. Available from: http://www.fctc.org/docs/bulletin/fca_bulletin_014.pdf.
- ¹⁰ Saffer, H. Tobacco Advertising and Promotion. In: Jha P, Chaloupka F, editors. Tobacco Control in Developing Countries. New York: Oxford University Press, Inc.; 2000. p. 215-236. Available from: <http://www1.worldbank.org/tobacco/tcdc.asp>.
- ¹¹ WHO. Framework Convention on Tobacco Control (FCTC). Geneva: World Health Organization; reprint 2005. Available from: <http://www.who.int/tobacco/framework/download/en/index.html>.
- ¹² The small number of Parties with legitimate constitutional limits on banning advertising are required to restrict advertising, promotion and sponsorship to the greatest extent possible.
- ¹³ WHO Tobacco Free Initiative [page on the Internet]. Geneva: World Health Organization; c2007 [updated 2007 Oct 5]. Available from: <http://www.who.int/tobacco/framework/countrylist/en/index.html>.
- ¹⁴ Framework Convention Alliance for Tobacco Control. A Guide to Domestic Implementation of the Framework Convention on Tobacco Control (FCTC). Washington, DC: The Framework Convention Alliance for Tobacco Control; 2006 Jan.
- ¹⁵ Mackay J, Eriksen M, Shafey O. The Tobacco Atlas. 2nd ed. Atlanta: American Cancer Society; 2006.
- ¹⁶ WHO International Digest of Health Legislation – Eritrea [page on the Internet]. Geneva: World Health Organization. Proclamation No. 143 of 2004. Available from: <http://www.who.int/dhl-rils/results.cfm?language=english&type=ByCountry&strRefCode=Eri&strTopicCode=XA>.
- ¹⁷ WHO EURO Tobacco Control Database [database on the Internet]. Copenhagen: WHO/Europe; c2007. Available from: <http://data.euro.who.int/tobacco/>.
- ¹⁸ Fraser T. Phasing out of point-of-sale tobacco advertising in New Zealand. Tobacco Control. 1998; 7:82-84.
- ¹⁹ WHO SEARO [page on the Internet]. New Delhi: WHO/SEARO; c2007. Tobacco Free Initiative: Legislative Measures in SEAR countries. Available from: <http://www.searo.who.int/en/Section1174/section1462/pdfs/legislativematrix/thailandmatrix.pdf>.
- ²⁰ Government Resolution on “National Tobacco Control Policy” in the period 2000-2010, Government Decree No. 12/2000/NQ-CP, 2004 Aug 14. [cited 2007 Sept 17]. Available from: <http://www.moh.gov.vn/homeby/en/portal/InfoDetail.jsp?area=58&cat=1974&ID=1623>.
- ²¹ Australian Government – Department of Health and Ageing [page on the Internet]. Canberra: Commonwealth of Australia [updated 2005 Apr 22]. Tobacco: Tobacco Advertising Prohibition Act 1992. Available from: <http://www.health.gov.au/internet/wcms/Publishing.nsf/Content/health-pubhlth-strateg-drugs-tobacco-marketing.htm>.
- ²² Mbongwe B. Country report on tobacco advertising and promotion ban – Botswana. Geneva: World Health Organization; 2004. Available from: http://www.who.int/tobacco/training/success_stories/en/tobacco_advertising_ban_botswana.pdf.
- ²³ Resolution – RDC no. 15, dated 15 January 2003. [Brazil] Available from: http://www.anvisa.gov.br/eng/legis/resol/15_03rdc.htm.
- ²⁴ The Cigarettes and Other Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Bill, 2003. [India] Available from: <http://rajyasabha.nic.in/bills-ls-rs/2003/XXIX-F-2001.pdf>.
- ²⁵ WHO WPRO [page on the Internet]. Manila: WHO/WPRO [updated 2002 May 23]. Tobacco Advertising in Asia. Available from: http://www.wpro.who.int/media_centre/fact_sheets/fs_20020523.htm.
- ²⁶ The Tobacco Products Control Amendment Act, 1999. No. 12 of 1999 [South Africa].
- ²⁷ Law on “Prevention and Control of Harm from Tobacco Products,” No. 4207, OG No. 22829, 1996 (amended 2006) [Turkey].
- ²⁸ European Commission. Tobacco advertising ban takes effect 31 July. Press Release. 2006 Apr 4. Available from: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/435>.