

# Banning tobacco advertising, promotion and sponsorship

## Why ban tobacco advertising, promotion and sponsorship?

*Is it a legal obligation?*

Yes, it is. Article 13 of the WHO Framework Convention on Tobacco Control (FCTC) states that:

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...".

The WHO FCTC guidelines also elaborate on this and provide Parties with guidance on introducing and enforcing a comprehensive ban on tobacco advertising, promotion and sponsorship.

## Why a comprehensive ban?

The aim of a comprehensive ban on tobacco advertising, promotion and sponsorship is to ensure a reduction in tobacco-related diseases and deaths by decreasing tobacco consumption.

Using the words of the WHO FCTC guidelines:

“an effective ban on tobacco advertising, promotion and sponsorship means that it should be:

- (a) Comprehensive and applicable to all tobacco advertising, promotion and sponsorship,
- (b) Applied to all forms of commercial communication, recommendation or action and all forms of contribution to any event, activity or individual with the aim, or likely effect of promoting a tobacco use either directly or indirectly,
- (c) Includes cross-border advertising, promotion and sponsorship either originating or entering a Party's territory,
- (d) Includes promotional display and visibility of tobacco products at points of sale.

## What is direct and indirect tobacco advertising, promotion and sponsorship?

Direct tobacco advertising, promotion and sponsorship is all forms of advertising and promotional activities through television, radio, newspapers, magazines, the Internet, billboards, kiosks, posters on trains, airplanes, buses and in subways and direct mail advertising.

Indirect tobacco advertising, promotion and sponsorship is all the indirect ways of promoting tobacco products through the use of words, designs, images, sounds and product-specific colours or schemes, including brand names, trademarks, logos, names of tobacco manufacturers or importers, using non-tobacco products as a means of branding a tobacco product, free distributions (including coupons), lotteries and discounts, hidden advertising, such as packet inserts or sponsoring events financially, making claims of being socially responsible in the name of corporate social responsibility and using points of sale to promote tobacco products.



## Can the tobacco industry be allowed to support “good causes”?

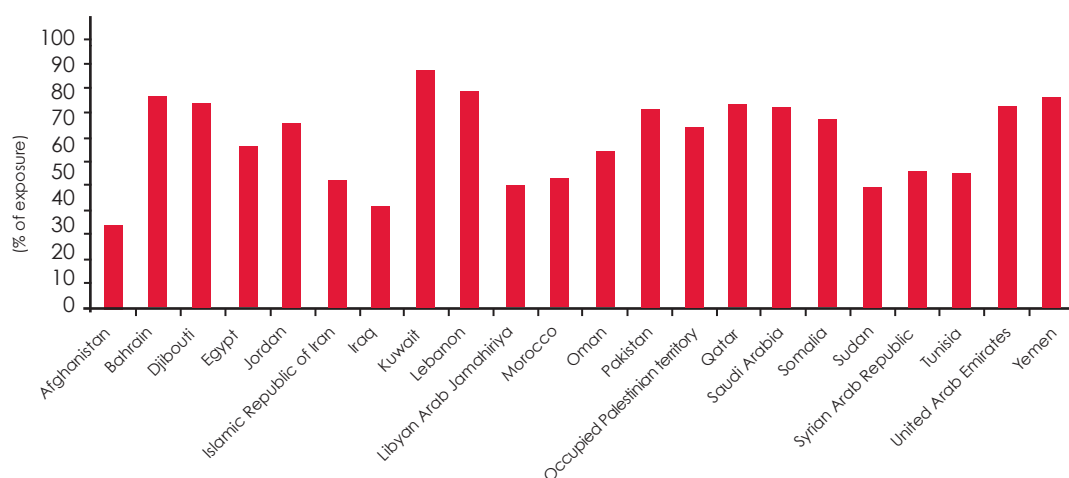
No, they should not be allowed to support “good causes”, this is indirect tobacco advertising, promotion and sponsorship. The tobacco industry uses every possible means to promote itself as a ‘good’ and ‘socially responsible’ industry that is helping society by providing services such as mobile clinics and conducting environmentally-friendly activities. Their only purpose is to promote themselves and to indirectly promote their products.

## Can the tobacco industry be allowed to sponsor smoking prevention campaigns?

No, it is very clearly stated in the FCTC that the tobacco industry's public education campaigns should not be allowed as they also come under indirect promotion. How can an industry that sells tobacco products be trusted to convince people to stop using these products? It's simply not logical.

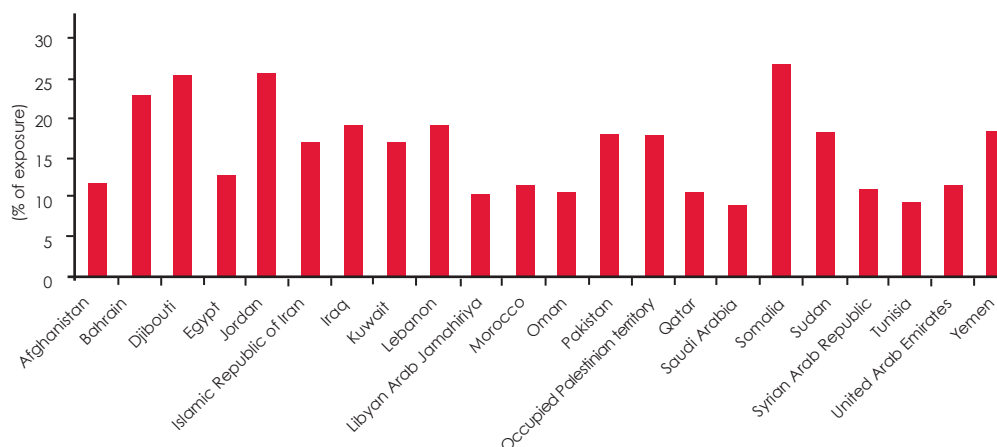
## Exposure in the Eastern Mediterranean Region

Data from the Global Youth Tobacco Survey shows that a significant number of young people have been exposed to direct and indirect tobacco advertising, promotion and sponsorship in all countries of the Region (Figure 1).



**Figure 1. Students (13–15 years) who reported exposure to direct advertising in newspapers and magazines, Global Youth Tobacco Survey**

Data generated from the Global Youth Tobacco Survey shows that a significant percentage of young children had held objects with a cigarette brand logo, meaning that indirect advertisement and promotion of tobacco products is also high (Figure 2).



**Figure 2. Percentage of youth exposed to indirect advertisements (carrying objects with brand logo), Global Youth Tobacco Survey**

Although bans on tobacco advertising, promotion and sponsorship exist in many countries, many challenges remain.





## Legislation in the Region

In the Eastern Mediterranean Region, legislation:

- is not 100% comprehensive
- does not cover:
  - all the direct and indirect forms of advertising, promotion and sponsorship
  - bans in new and emerging media, such as on satellite channels, mobile phone messaging, the Internet and social networking sites
  - points of sale material
- contains vague definitions which allow the tobacco industry to 'legally' promote their products through existing loopholes
- is usually weak with regard to enforcement mechanisms and violations/penalties does not clearly articulate the responsibility of the national agency, causing confusion and conflict of interest among various agencies
- does not always include a section on monitoring and evaluation, which is particularly important for measuring the impact of implementation at national level.

The tobacco industry:

- continuously finds innovative ways (direct and indirect) to promote itself
- carries out activities under the umbrella of 'corporate social responsibility' as these are more difficult to restrict
- markets its products directly and indirectly through films, drama and entertainment ('incidental' advertising and promotion), which is an immense problem in the Eastern Mediterranean Region.

A unique regional problem is that the tobacco industry invests heavily in indirectly advertising its products through Arabic drama.

The use of various tobacco products is being promoted through celebrities.

Tobacco use is being glamorized at a subliminal level to ensure its use and initiation.

## How to enforce a comprehensive ban

1. Legislation should comprehensively ban all forms of direct and indirect tobacco advertising, promotion and sponsorship, including social activities conducted by the tobacco industry.
2. Built-in mechanisms should be established within legislation to ensure flexibility in terms of:
  - introducing new enforcement measures
  - introducing bans on new forms of advertising through ministerial decrees.
3. Legislation should ban all forms of direct, indirect or incidental advertising, as well as points of sale material. Tobacco products should neither be displayed nor visibly placed on countertops in shops.
4. Governments should ban vending machines and kiosks from selling tobacco products as this is a form of advertising and promotion.
5. Governments should consider plain packaging (in line with Article 11 of the WHO FCTC) as branded tobacco product packs are a form of tobacco advertising and promotion. This means that the packets would have a neutral background colour and just display the pictorial and text health warnings.
6. Legislation should ban the use of contributions from the tobacco industry for 'socially responsible causes', as well as any related publicity.
7. Legislation should clearly and completely ban 'incidental' advertising through films, drama and entertainment.
8. Legislation should cover bans on cross-border advertising through satellite channels.
9. Legislation should include clear penalties for violations.
10. Legislation should include effective enforcement policies. The government should designate a competent, independent authority to monitor and enforce the law and entrust it with the necessary powers and resources.
11. Civil society groups should be involved in the monitoring and enforcement of the law and have access to justice.
12. Raising the public's awareness of legislation on tobacco advertising, promotion and sponsorship. This is very important to garner their support and to inform them of ways to notify breaches.