

# FCA

Framework Convention Alliance  
for Tobacco Control

## TOBACCO ADVERTISING & PROMOTION

**T**obacco addiction is a communicated disease – communicated through advertising, sports, marketing and sponsorship. Tobacco advertising bans protect people, especially the young. Lured in large numbers by the glare and glamour of tobacco marketing that sells a deadly product as the taste of freedom and fashion, between 80,000 and 99,000 children and adolescents in the world take to tobacco every day.

—World Health Organization<sup>1</sup>

**T**he cigarette industry has been artfully maintaining that cigarette advertising has nothing to do with total sales. This is complete and utter nonsense. The industry knows it is nonsense. I am always amused by the suggestion that advertising, a function that has been shown to increase consumption of virtually every other product, somehow miraculously fails to work for tobacco products.

—Emerson Foote, former CEO of McCann-Erickson, a global advertising agency which has handled millions of dollars in tobacco industry accounts<sup>2</sup>

With millions of their customers either dying from tobacco-related illnesses or quitting each year, it is crucial for the financial health of the tobacco industry

to keep recruiting new smokers. Since studies show that the majority of smokers begin before the age of 18, the logic of the industry dictates that it must

somehow reach young people.<sup>3</sup>

Each year, the tobacco industry spends billions of dollars around the globe on advertising, marketing and promotion. In the United States alone, with less than 5 percent of the world's smokers, the tobacco industry spent more than \$12.47 billion in 2002 (or more than \$34 million every day) to promote their products.<sup>4</sup> Recently disclosed industry documents reveal that the companies have carefully studied the habits, tastes and desires of their potential customers and then used that research to develop products and marketing campaigns aimed at them.<sup>5</sup>

Despite industry denials, the overwhelming majority of independent, peer-reviewed studies show that tobacco advertising leads to an increase in consumption.<sup>6</sup> Tobacco advertising also has a powerful effect on young people. Studies have shown that tobacco promotional activities are causally related to the onset of smoking in adolescents and that exposure to cigarette advertising is predictive of smoking among adolescents. Research has also shown that following the introduction of brand advertisements that appeal to young people, the prevalence of use of those brands, and even the prevalence of smoking altogether, increases.<sup>7</sup>

## Advertising Bans Reduce Tobacco Use While Partial Bans Have Proven Ineffective

- In four countries where advertising bans have been introduced as part of a comprehensive tobacco control policy (Finland, France, New Zealand and Norway), a study has shown that per capita consumption of cigarettes dropped by between 14% and 37% after the implementation of the ban. Smoking prevalence among young people declined in three of the four countries and remained stable in the fourth.<sup>7</sup>
- A 2000 study examined data from 102 countries and found that partial bans were ineffective in reducing tobacco consumption. It found that per capita cigarette consumption in countries with comprehensive bans declined by about 8 percent while consumption rates in countries without such bans declined by only about 1 percent. Furthermore, the rate of decline in smoking was much steeper in those countries with relatively comprehensive bans.<sup>9</sup>
- A 2004 study indicates that the 2003 UK comprehensive ban on tobacco advertising on billboards, magazines, newspapers, direct mail and the internet appears to be working. Smokers who noticed less advertising and promotion were one and a half times more likely to attempt to quit.<sup>10</sup>

Both the World Health Organization and the World Bank recommend that countries prohibit all forms of tobacco advertising and promotion. Such bans, if adopted globally, could reduce worldwide demand by around 7 percent. However if governments only ban tobacco advertising in one or two media, the industry will simply shift its advertising expenditures, with no effect on overall consumption.<sup>11</sup> Tobacco marketing is like a balloon—you squeeze it at one end and it increases somewhere else.

A number of governments have banned all forms of tobacco advertising, while others are instituting tough restrictions. Finland, France, India, Italy, New Zealand, Portugal, Singapore and Thailand, among others, have banned all tobacco advertising, promotion and sponsorship.<sup>12</sup>

## Tobacco Companies Have Found Ways Around Partial Advertising Bans

As more and more countries impose total or partial bans on tobacco advertising, the industry has been adept at finding

creative new ways to promote, reinforce or maintain the impact of their brand names, especially with young people. Such “indirect advertising” methods include:

*Sports Sponsorship:* The tobacco companies link their products with health and athletic prowess, and reach a large number of young people, by sponsoring sporting events and teams.

*Promotional Items:* Tobacco companies put their cigarette logos on t-shirts, hats, backpacks and other consumer items popular with children. Such practices circumvent advertising restrictions and turn the wearers into walking billboards.

*Brand Stretching:* Tobacco companies are now moving beyond traditional promotional items to the marketing of other products with a shared brand name, such as Marlboro Classics clothing, Salem Power Station music stores and Benson & Hedges coffees and coffee shops. These new marketing ventures are designed to keep promoting tobacco brand names even when tobacco advertising is banned.<sup>13</sup>

*Samples:* In many countries, the companies give away free samples in areas where young people gather, such as at shopping malls, rock concerts and discos. Giving away an addictive product costs them little, and ensures them a steady stream of new customers.

*Entertainment:* The tobacco industry sponsors discos, rock concerts and other events popular with young people, and has encouraged the positive portrayal of smoking in movies. They have also begun to rely on global satellite, cable and internet advertising to circumvent national ad bans.<sup>14</sup>

## Tobacco Companies Will Fiercely Resist Attempts to Restrict Advertising

The tobacco industry will lobby hard to defeat efforts to restrict advertising:

- In Argentina, for example, Philip Morris defeated a government effort to ban tobacco advertising and promotion by secretly orchestrating a campaign by advertising agencies and sports figures.<sup>15</sup>
- In annulling the EC Directive on tobacco advertising and sponsorship, the tobacco industry focused on lobbying government officials and industrial groups within a number of key EC member states and engaged in a number of practices to conceal its role in such activities.<sup>16</sup>

To undercut political support for strong marketing restrictions, tobacco companies will often offer to adopt voluntary codes of conduct which appear to offer significant concessions. However, these proposals are usually designed for public relations purposes, are rarely followed, and, once political pressure is reduced, are quickly ignored.<sup>17</sup>

## Tobacco Industry Arguments Against Advertising Restrictions

Tobacco companies consistently predict that ad bans will have severe economic impacts on advertisers, the media and the economy as a whole. In most cases, however, tobacco advertising constitutes a small percentage of total advertising revenue, minimizing the economic impact on media outlets currently accepting tobacco ads:

- Hong Kong imposed a total ban on tobacco advertising on television and radio in 1990. By 1996, advertising revenue at the two main television stations had increased more than 500%.<sup>18</sup>
- Thailand introduced a total ad ban in 1992, yet overall ad spending increased by 42% between 1993 and 1995.<sup>19</sup>

The tobacco industry also often invokes its right to “freedom of speech”, arguing that any product that is legal to sell should be legal to advertise. Yet in most countries there are numerous precedents for prohibiting the promotion of certain harmful products. Around the world, governments have regularly banned or restricted advertising for other legal products, such as pharmaceuticals or alcohol.<sup>20</sup>

Tobacco companies also claim that the only aim of indirect advertising or “brand identification” advertising is to promote non-tobacco products and not tobacco products. Yet internal tobacco industry documents indicate that indirect tobacco advertising, while not specifically mentioning the tobacco product, tries to circumvent a tobacco advertising ban or restriction by using brand names, trade names, trade marks, emblems or other distinctive features of tobacco products with the aim or the indirect effect of promoting a tobacco product.<sup>21</sup>

## Implementing the FCTC

Article 13 of the FCTC on advertising begins with the following declarative statement: “Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products.” This, combined with the accumulating evidence that partial bans are ineffective, should cause regulators to push for comprehensive ad bans. The FCTC requires ratifying countries to:

- undertake a comprehensive ban on tobacco advertising, promotion and sponsorship within five years of ratifying the treaty. The ban must include cross-border advertising originating within a Party’s territory.

Countries unable to enact a comprehensive ban due to constitutional constraints are required to restrict advertising, promotion and sponsorship, including cross-border advertising, in a manner consistent with their constitutional principles.

All Parties are obliged to, at a minimum:

- 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;
- Require that health or other appropriate warnings or messages accompany all tobacco advertising and, as appropriate, promotion and sponsorship.
- Restrict the use of direct or indirect incentives that encourage the purchase of tobacco products by the public.
- Require the disclosure to government of expenditures by the tobacco industry on advertising, promotion and sponsorship not yet prohibited.
- Consider a protocol to elaborate on the cross-border provisions, for example the technical and legal aspects of preventing or blocking advertising on the internet and satellite television.

Parties also have the right to ban cross-border tobacco advertising, promotion and sponsorship entering their territory. In order to comply with their obligations under the FCTC, countries will need to make sure that their legislation applies effectively to new and emerging technologies.

## Resources on the Web:

ASH UK <http://www.ash.org.uk/html/advspodetail.php>

A good set of links on tobacco advertising and sponsorship

Campaign for Tobacco Free Kids Tobacco Advertising Gallery

<http://www.tobaccofreekids.org/adgallery/>

examples of tobacco advertising from around the world

Tobacco.org Ad Gallery

<http://www.tobacco.org/ads/>

Huge collection of tobacco ads, mostly from the United States

## Endnotes

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## Framework Convention Alliance on Tobacco Control

Rue Henri-Christiné 5, Case Postale 567, CH-1211 Genève, Switzerland

tel. 41-22-321-0011; 1-202-352-3284 fax. 41-22-329-1127 e-mail: [fca@globalink.org](mailto:fca@globalink.org)

[www.ftc.org](http://www.ftc.org)

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