

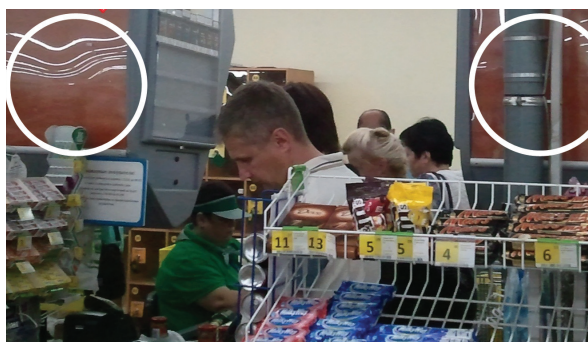
## WORLD NO TOBACCO DAY 2013

### *Lessons learned and best practices in banning tobacco advertising, promotion and sponsorship (TAPS)*

19 countries, representing 425 million people or 6 percent of the world's population, have now put in place comprehensive measures to eliminate tobacco advertising, promotion and sponsorship (TAPS), 80 million more than in 2008\*. Of these 19 countries, nine are classified as middle-income, six as low-income, and four as high-income.

An additional 101 countries ban national television, radio and print tobacco advertising, as well as some but not all other forms of direct and/or indirect advertising. However, this level of ban is still insufficient to protect people from TAPS.

Another 74 countries (38 percent of all countries) currently do not have any restrictions on tobacco advertising, promotion and sponsorship or have very minimal restrictions.



POINTS OF SALE IN UKRAINE, BEFORE AND AFTER TAPS WAS BANNED IN 2012. NOTE IN BOTTOM PHOTO (TOP LEFT, IN GREY CASE) THAT PACKAGE DISPLAY, ANOTHER FORM OF TAPS, REMAINS

#### What is TAPS?

"Tobacco advertising, promotion and sponsorship applies to all forms of commercial communication, recommendation or action and all forms 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." (Guidelines for implementation of Article 13 of the FCTC)

In some countries the tobacco industry still uses print and broadcast media, billboards, electronic mail and direct mail, the Internet and packaging to market its products.

Point of sale promotion is particularly powerful, but it remains allowed in most countries.

*The WHO Framework Convention on Tobacco Control (FCTC) states:*

#### *Article 13*

*... a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products. Each Party shall ... undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship.*

## Summary of best practices

- Partial bans will simply result in the tobacco industry shifting resources to non-banned TAPS. Adopt a comprehensive ban on all direct and indirect forms of tobacco advertising, promotion and sponsorship.
- Cover all media players and platforms comprehensively.
- Reject 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.
- Monitor opposition from the tobacco industry and other groups, and amend the ban as required to include innovations in industry tactics and media technology.
- Engage civil society in monitoring the TAPS ban.

## Example – Brazil

At the end of 2010, Brazil's tobacco regulator, ANVISA, proposed restrictions on tobacco additives and advertising at point of sale (POS). That provoked the tobacco industry into action. It organised groups, including bar and restaurant associations, to protest the proposals via mass media campaigns.

Soon after, the Ministry of Finance proposed to fast-track a bill on price and tax measures. Seeing an opportunity, the industry used its influence with members of Brazil's Congress to add amendments to the Finance bill that would weaken the ANVISA regulations.

After a flurry of politicking, the end result was positive concerning measures on smoke-free spaces and tobacco taxes and price but negative for TAPS bans: today there is a ban on advertising at POS but an exception to permit cigarette pack displays.

According to Paula Johns of the civil society organisation ACT-BR: "We supported the law as it was to pass because if it didn't pass we risked losing all the good things: it would have to go back to the lower house (of Congress) and there the pressure (from the tobacco industry) is much stronger."

Among the lessons learned, she says, are:

- » The importance of working with the media. "If it wasn't for the things written in the newspapers I don't think we'd be able to make so many changes."
- » Networking. "The ability we had to get support from coalition members inside and outside the country was crucial."
- » Being present: "Many legislators just repeat things that they hear, so we need to be present because the industry is present. The industry makes stupid arguments but they sound reasonable... You need to build partnerships and alliances with legislators. Most of the things I discovered in this incident were through the alliances that I have inside the government."

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## **Common loopholes:**

» *Poorly drafted legislation that does not use the roadmap (FCTC Article 13 Guidelines) and technical legal help;*

» *Allowing or ignoring loopholes or exemptions, such as cross-border TAPS, new media technology, so-called "corporate social responsibility" (CSR), smoking in movies, etc;*

» *Legislation is weakened so that it does not counter tobacco industry opposition and tactics.*

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## **Example – China**

Unfavourable media coverage in China, together with advocacy by the Chinese health sector and tobacco control advocates, led to cancellation of tobacco sponsorships of several high-profile events, including the 2010 Shanghai World Expo.

To avoid similar negative publicity, and to honour China's obligations under the WHO Framework Convention on Tobacco Control and to promote public health through sport, the 16th Asian Games held in November 2010 in Guangzhou were made completely smoke-free from their inception, including a total ban on tobacco company sponsorships and the advertising and sale of tobacco products.

## **Plain packaging**

Australia has led the world in mandating plain tobacco packages — free of manufacturers' logos, colours and other brand imagery, and dominated by graphic health warnings. New Zealand is following Australia's lead, and has confirmed that it will continue to support Australia in its defence of plain packaging at the World Trade Organization. The United Kingdom and other countries are also contemplating the measure.

Research shows that plain packaging will:

- increase the visibility, recall and impact of health warning messages;
- reduce the ability of packaging to mislead consumers to believe that some tobacco products may be less harmful than others;
- reduce the attractiveness of tobacco products, for both adults and children.

\*Comprehensive measures include **direct advertising bans**: national television and radio; local magazines and newspapers; billboards and outdoor advertising; at point of sale, and **indirect advertising bans**: free distribution of tobacco products in the mail or through other means; promotional discounts; non-tobacco goods and services identified with tobacco brand names (brand extension); brand names of non-tobacco products used for tobacco products; appearance of tobacco products in television and/or films; sponsored events.