

Press Release – World No Tobacco Day 2013

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Tobacco industry relentlessly undermining advertising bans

Countering challenges to protect public health requires global effort

GENEVA, 31 May – You may think that tobacco advertising has been effectively banned, because you no longer see it on TV, radio and in newspapers. Think again. Consider billboards, Facebook, check-out counters, cigarette packages and the more than 15 billion tobacco images delivered yearly to audiences of Hollywood and Bollywood films.

Tobacco use kills nearly 6 million people each year. Unless urgent action is taken, the annual death toll could rise to more than eight million worldwide by 2030. Studies have shown that tobacco advertising, promotion and sponsorship is the driver of this global epidemic.

While 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, another 74 countries (38 percent of all countries) currently do not have any – or have limited – restrictions.

Governments that become Parties to the first global public health treaty, the World Health Organization Framework Convention on Tobacco Control (FCTC), agree to comprehensively ban tobacco advertising, promotion and sponsorship. But nearly every measure put in place by the 176 Parties is challenged by the powerful multinational tobacco industry.

On World No Tobacco Day (31 May) the global community must start to take seriously Big Tobacco's schemes to undermine bans on tobacco advertising, promotion and sponsorship, and support governments that are trying to fulfil their FCTC obligations and protect public health, say civil society organisations.

For example, in Scotland a law banning advertising at points of sale (checkout counters) came into force on 29 April 2013, but only after years of legal challenges by the tobacco industry. The ban had been included in the Tobacco and Primary Medical Services (Scotland) Act 2010, but its enactment was delayed because the tobacco industry argued in court that the Scottish Parliament was acting beyond its powers. The ban was upheld by the UK Supreme Court in December 2012.

Also in 2012, the Indonesia Open, an international badminton tournament sanctioned by the Badminton World Federation (BWF), was sponsored by Djarum, an Indonesian tobacco brand. (Indonesia has not ratified the WHO FCTC but announced limited curbs on advertising in January 2013). The event was broadcast in several countries, including Hong Kong, Malaysia, Denmark, Singapore and Germany, meaning that viewers in those countries were subject to the advertising. The BWF advertised the tobacco-sponsored event on its website and according to the site, Djarum will also sponsor the 2013 Indonesia Open.

In Brazil, the agency that regulates tobacco, ANVISA, proposed restrictions at the end of 2010 on tobacco advertising at check-out counters. Soon after, Brazil's Ministry of Finance proposed to fast-track a bill on price and tax measures. Seeing an opportunity, the tobacco 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, tobacco control advocates had to accept a compromise: adoption of positive measures on items including tobacco taxes but an exception that permits cigarette pack display at check-out counters.

"If done properly, bans on tobacco advertising, promotion and sponsorship work," says Laurent Huber, Director of Framework Convention Alliance, which represents more than 350 civil society organisations worldwide that support the WHO FCTC. "However, the tobacco industry connives to circumvent every measure that governments put in place to regulate TAPS. Increasingly that reaction is a legal one – challenging attempts to protect public health in national courts and international bodies like the WTO."

For example, in 2012 Australia became the first country in the world to mandate plain tobacco packages – free of manufacturers' logos, colours and other brand imagery, and dominated by graphic health warnings. The tobacco industry immediately launched challenges, in both national courts and at the World Trade Organization.

That challenge, by Philip Morris International, has galvanized public health supporters around the world. Other governments, including New Zealand, the UK, South Africa and India, are now considering plain packaging.

"Following FCTC Article 13 Guidelines on tobacco advertising, promotion and sponsorship is the best way to create effective bans," says Huber. This includes monitoring opposition from the tobacco industry and other groups, and amending bans as required in response to innovations in industry tactics and media technology.

Other best practices in tobacco advertising, promotion and sponsorship include:

- Adopt a comprehensive ban on all direct and indirect forms of tobacco advertising, promotion and sponsorship. Partial bans will simply result in the tobacco industry shifting resources to non-banned tobacco advertising, promotion and sponsorship.
- Cover all media players and platforms comprehensively.
- Discard voluntary codes proposed by the tobacco industry.
- Ensure the ban covers promotion originating in and entering a country.
- Impose substantial penalties on those who breach the ban.