

UK Tobacco Advertising and Promotion

Background

Most conspicuous forms of tobacco advertising and promotion in the UK were banned following the implementation of the Tobacco Advertising and Promotion Act 2002 (TAPA).¹ The law started with a ban on print media and billboard advertising in February 2003. This was followed by a ban on tobacco direct marketing in May 2003 and sponsorship within the UK in July 2003. The ban on tobacco sponsorship of global events – mainly affecting Formula One motor racing – was implemented in July 2005. Restrictions were placed on tobacco advertising at the point of sale in December 2004. This limited the amount of advertising allowed to a maximum space equivalent to the size of an A5 (21x15cm) piece of paper at the point of sale. TAPA did not regulate the display of tobacco products, which has since been banned by regulations included in the Health Act 2009. (See section on point of sale below.) Tobacco advertising on broadcast media (television and radio) is prohibited by the Broadcasting Acts of 1990 and 1996 as well as the EU Audiovisual Media Services Directive.

With so few advertising options available, the tobacco industry uses glitzy, eye-catching packaging to attract new young smokers. However, to counter this the public health community successfully campaigned for the introduction of standardised packaging. This law is due to come into force in May 2016.

Types of tobacco advertising

Since implementation of the UK TAPA and laws prohibiting tobacco advertising in broadcast media, the tobacco industry has focused on “below the line” marketing. This typically includes packaging, public relations, sales promotions and trade discounts for the promotion of particular brands.² This latter technique known as “push promotion” involves advertising to sellers and wholesalers, giving retailers financial incentives and offering prizes and competitions around specific products. Other forms of below the line marketing include “buzz marketing”³ and “experiential marketing”⁴.

In the USA, where most traditional forms of tobacco advertising are still permitted, tobacco companies have, nevertheless, switched to below the line marketing. In 2012, the price discounts category (money paid to retailers or wholesalers) was the largest expenditure category, as it has been each year since 2002. In 2012, it accounted for 85 percent of industry spending on tobacco marketing.⁵

Effect of tobacco advertising

There is a clear relationship between tobacco advertising and consumption. A Government commissioned review of the evidence found that “*The balance of evidence supports the conclusion that advertising does have a positive impact on consumption*” (i.e. it increases consumption). The same review also found that in countries that had banned tobacco advertising the ban “*was followed by a fall in smoking on a scale which cannot reasonably be attributed to other factors*”.⁶

An international overview of the effect of tobacco advertising bans on tobacco consumption concluded that “*a comprehensive set of tobacco advertising bans can reduce tobacco consumption but a limited set of advertising bans will have little or no effect*”.⁷ This is because tobacco companies respond to partial bans by diverting resources from the restricted to the non-restricted media.

There is also evidence that children and young people are more receptive than adults to tobacco advertising and that young people exposed to tobacco advertising and promotion are more likely to take up smoking.^{8,9} Research suggests that very young children understand that tobacco promotion is promoting smoking rather than a particular brand and that as they get older they can differentiate the brand messages.¹⁰ The authors suggest that the same process occurs in point of sale displays.¹¹

Many studies from the UK and elsewhere have shown that adolescents who smoke are more likely to be aware of and appreciate tobacco advertising than their non-smoking peers.¹²

Impact of Tobacco Advertising & Promotion Act (TAPA)

Based on evidence from other countries, the Government conservatively estimated that the tobacco advertising ban would result in a 2.5% fall in consumption and save 3,000 lives a year in the long term.¹³ Research conducted before and after the TAPA reveals that, overall, young people’s awareness of tobacco marketing and brand recall has declined since the ban. However, between 2002 and 2006 there was an increase in the proportion of young people aware of new pack design or size, increasing from 11% in 2002 to 18% in 2006.¹² Furthermore, never smokers’ susceptibility to smoke increased with greater brand awareness and with greater awareness of tobacco marketing.

Government Strategy

In 2008, the Labour Government held a public consultation on the future of tobacco control as a first step towards developing a new national tobacco control strategy.¹⁴ The consultation included a range of measures designed to protect children from tobacco promotion. Subsequently, two of these measures, a ban on the display of tobacco products in shops and a ban on tobacco vending machines, were included in the Health Bill. The coalition government, formed in May 2010, published a Tobacco Control Plan for England which included a commitment to implement the ban on tobacco sales from vending machines and an end to the display of tobacco products at the point of sale.¹⁵ The strategy also included a commitment to review the case for standardised packaging. In 2013, the Children and Families Act included provisions to enable the Government to introduce standardised packaging. Regulations were approved in 2015 and the law is due to take effect in May 2016.

Framework Convention on Tobacco Control (FCTC)

The FCTC, the world’s first global public health treaty to which there are 180 parties, established a policy framework aimed at reducing the adverse social, health and economic impacts of tobacco.¹⁶ Article 13 of the FCTC requires Parties to implement and enforce a comprehensive ban on tobacco advertising within five years of ratifying the FCTC. As a Party, the UK is bound by this agreement. The FCTC defines tobacco advertising and promotion as “*any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product either directly or indirectly.*” Whilst already largely compliant via the TAPA, the measures listed below will also be required in order to fully meet the FCTC requirements.

Tobacco Promotion at the Point of Sale

Following the ban on tobacco advertising in the UK in 2003, tobacco companies became increasingly reliant on displays at the point of sale to draw attention to their products and stimulate sales. However, since 2012 it has been illegal in England, Wales & N. Ireland (2013 in Scotland) to display tobacco products at the point of sale in large stores. A large store is defined as a store with a relevant floor area exceeding 280 square meters and is based on the definition in the Sunday Trading Act 1994. On 6 April 2015, the ban was extended to small stores across the whole of the UK.

It is estimated that the measure will affect 6,834 large stores and 49,099 small stores in England.

Research shows that Point of Sale (PoS) display has a direct impact on young people's smoking. In 2006, almost half (46%) of UK teenagers were aware of tobacco display at PoS and those professing an intention to smoke were more likely to recall brands that they had seen at the point of sale.¹² Similarly, research in Australia¹⁷ and the USA¹⁸ has shown that point of sale display advertising of cigarettes normalises tobacco use for children and creates a perception that tobacco is easily obtainable.

In the past, tobacco companies exploited the lack of regulation to control tobacco promotion at the point of sale through the use of creative display techniques. These included back-lit gantries, specially-designed towers to highlight certain brands and other non-standard shelving to make brands stand out.

Another way in which tobacco companies have succeeded in increasing point of sale exposure of their brands is by developing new variants of existing brands. Since 1998 brand families have grown in size by more than 50%, with popular brands such as Benson & Hedges increasing brand variants from 4 in 1998 to 23 in 2012.¹⁹ The increase in brand variants is designed to maximise their visual impact on shop shelves.

For further information see the ASH Briefing: [Tobacco Display at the Point of Sale](#).

Vending machines

The sale of tobacco products from vending machines has been illegal in England since 01 October 2011.²⁰ Prohibition of the sale of tobacco products from vending machines was included as part of the Health Act 2009, following a consultation on the future of tobacco control.²¹

According to a 2006 survey of smoking among children in England, 14% of 11 to 15 year olds who smoked reported that vending machines were their usual source of cigarettes.²² However, vending machines accounted for less than 1% market share of all cigarettes sales. This suggests that child smokers were more likely than adult smokers to purchase cigarettes from vending machines.

Tobacco packaging as a form of promotion

Tobacco packaging is the most ubiquitous form of tobacco advertising. Smokers display the product branding every time they take out their pack to smoke. The tobacco companies invest considerable resources in making the packs as attractive as possible and frequently change the designs, often producing 'limited editions' to coincide with anniversaries or other events.²³

The importance of the pack as a communication tool has been recognised by many industry analysts and marketing experts. As one journalist commented: "*In this struggle to win over smokers, the pack and its messages have become increasingly important weapons.*"²⁴

Standardised packaging

Standardised packaging, also known as plain packaging, refers to packaging where the attractive, promotional aspects, including logos and graphics are removed and the appearance of all tobacco packs on the market is standardised. This includes the shape and colour of the packaging and the typeface and colour of all text.



An independent review of the evidence by Sir Cyril Chantler found that “*branded packaging plays an important role in encouraging young people to smoke and in consolidating the habit*”.²⁵ Sir Cyril concluded that “*standardised packaging, in conjunction with the current tobacco control regime, is very likely to lead to a modest but important reduction over time on the uptake and prevalence of smoking and thus have a positive impact on public health.*”²⁵

Evidence from Australia suggests that standardised packaging is also contributing towards a reduction in smoking among adults.²⁶

Standardised packaging will also remove potentially misleading information on cigarette packaging. Although descriptors such as “light” and “mild” are prohibited under EU law²⁷ manufacturers have substituted these terms with words such as ‘smooth’ and used colours to distinguish one brand variant from another. Research commissioned by ASH found that both adult and young people were more likely to rate packs with the terms ‘smooth’ ‘gold’ or ‘silver’ as lower tar and with lower health risks than ‘regular’ varieties of the same brands.²⁸ Standardised packaging should therefore increase the effectiveness of health warnings and reduce misconceptions about the risks of smoking.

For further information on this topic see ASH Briefing: [Standardised Packaging](#).

Smoking in the media

Despite guidelines issued by the British Board of Film Classification (BBFC) designed to limit children’s exposure to smoking on screen,²⁹ smoking in films is a major source of tobacco imagery and tobacco industry documents show that some tobacco companies actively placed their products in films to increase exposure.³⁰

Furthermore, many films that are popular with young people continue to include and glamorise smoking.³¹

International research shows that smoking on screen is linked to smoking uptake amongst young people.³² A monograph by the National Cancer Institute in the US concluded that: “*The total weight of evidence from cross-sectional, longitudinal, and experimental studies indicates a causal relationship*”.³³

Smoking on TV, the internet and in music videos are also key sources of smoking imagery. Ofcom guidelines effectively prohibit tobacco imagery in programmes targeted at children but smoking continues to be widely shown in programmes watched by young people. It is also more difficult to monitor and regulate music videos and the internet, where smoking imagery among young, glamorous and aspirational people is prolific.

ASH and other health campaigners believe there is a case for a tightening of the guidelines on the way films are classified and the media is regulated to require smoking to be taken into account.^{34,35}

Internet promotions

In response to the global spread of tobacco advertising bans the tobacco industry has found ever more innovative ways of promoting its products. One way is via the internet which is largely unregulated and therefore provides the tobacco industry with opportunities to market its products to a worldwide audience. “Smokespots” a website owned by Imperial Tobacco which recommends places to smoke and ran a campaign to “roll out the red carpet” for smokers, exemplifies this.

Furthermore, researchers have shown that tobacco companies now engage directly with potential customers by, for example, inviting comments on new pack designs.³⁶ Thus the distinction between market research and promotion has become increasingly blurred.

Electronic cigarettes

At present it is legal to advertise electronic cigarettes. The Advertising Standards Authority,³⁷ which regulates broadcasting and radio adverts, stipulates that advertising for electronic cigarettes must:

- be socially responsible
- not confuse electronic cigarettes with tobacco products
- not make health or safety claims (unless authorised by the MHRA)
- not make smoking cessation claims (unless authorised by the MHRA)
- be factually accurate

However, in February 2014 the EU agreed a revised Tobacco Products Directive (TPD), which for the first time, included a number of provisions for electronic cigarettes. The TPD has to be transposed into domestic law and implemented by 20 May 2016.

Under the terms of the TPD, products containing less than 20 mg/ml of nicotine and that have not opted into medicinal regulations, will be regulated as consumer products. Under these rules:

- cross border advertising will be prohibited
- packaging must feature no promotional elements
- packaging is required to include, health warnings, instructions for use, information on addictiveness and toxicity.

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