



the cancer research campaign

ash.
action on smoking and health

DANGER!

PR IN THE PLAYGROUND

tobacco industry initiatives on youth smoking

"We believe in our right to provide adult smokers with brand choice and information, alongside our responsibility to ensure that our marketing does not undermine efforts to prevent children from smoking.

Martin Broughton, Chairman of BAT, 2000¹

"In all my years at Philip Morris, I've never heard anyone talk about marketing to youth."

Geoffrey Bible, CEO of Philip Morris, 1998²

'If younger adults turn away from smoking, the industry will decline, just as a population which does not give birth will eventually dwindle.'

Diane Burrows, RJ Reynolds, 1984³

"... we refined the objective of a juvenile initiative program as follows: "Maintain and proactively protect our ability to advertise, promote and market our products via a juvenile initiative".*

*... * Juvenile Initiative = a series of programs and events to discourage juvenile smoking because smoking is an adult decision."*

Cathy Leiber, Philip Morris International, 1995⁴

"As we discussed, the ultimate means for determining the success of this program will be:

1 a reduction in legislation introduced and passed restricting or banning our sales and marketing activities;

2 passage of legislation favorable to the industry

3 greater support from business, parent, and teacher groups."

Joshua Slavitt, Philip Morris, "Tobacco Industry Youth Initiative," 1991⁵

'A cigarette for the beginner is a symbolic act. I am no longer my mother's child, I'm tough, I am an adventurer, I'm not square ... As the force from the psychological symbolism subsides, the pharmacological effect takes over to sustain the habit.'

Philip Morris, 1969⁶

ASH

102 Clifton Street, London EC2A 4HW
t 020 7739 5902 f 020 7613 0531
e action.smoking.health@dial.pipex.com
www.ash.org.uk

The Cancer Research Campaign

10 Cambridge Terrace, London NW1 4JL
t 020 7224 1333 f 020 7487 4310
e crcinformation@crc.org.uk
www.crc.org.uk

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0 | Summary: public relations versus public health

1.1 Introduction: the assault on Big Tobacco

Since the 1960s, tobacco companies have faced escalating criticisms for their stance on smoking and health and their marketing tactics. In the mid-to-late 1990s that criticism intensified as a series of shocking revelations arising from litigation and the subsequent publication of 35 million pages of internal documents confirmed what many had suspected for years. These confidential documents were never intended to be seen by the public and reveal the bald truth about Big Tobacco⁷ – including:

- The denial and obfuscation of the health effects and addictiveness of tobacco
- The ruthless business rationale and tactics for marketing cigarettes to children
- The covert PR campaigns to discredit passive smoking research
- The consumer confidence trick of low tar cigarettes
- The aggressive move into developing countries
- The facilitating role of the tobacco companies in large-scale cigarette smuggling

As the industry's reputation sank to new depths, the pressure for legislation, litigation and regulation intensified – culminating in governments seeking to negotiate the Framework Convention on Tobacco Control under the auspices of the World Health Organization. The companies clearly need to fight back and to begin to salvage their reputation.

1.2 Big Tobacco's defence: protecting youth

Each of the major international tobacco companies is now engaged in a desperate bid to reinvent itself as responsible and reformed. As Brown and Williamson, the U.S. subsidiary of BAT puts it, it wishes to be a 'responsible company in a controversial industry'⁸. The reconstruction effort includes: some acknowledgement of the risks associated with smoking, a desire for dialogue, and an openness to "reasonable" regulation.

But most of all, and central to the effort, is the appearance of opposing smoking by young people and a promotion of measures aimed ostensibly at preventing underage smoking. This approach emerges as a three-pronged strategy:

- 1 To advocate 'responsible marketing' in which the companies undertake self-imposed restrictions on marketing to teenagers.
- 2 To support "anti-smoking" campaigns stressing that smoking is for adults.
- 3 To support and undertake 'youth access' initiatives such as retailer schemes, ID-cards, and raised age limits.

1.3 Why Big Tobacco's defence is so clever

The focus on children and teenagers works exceedingly well for the tobacco industry – but not because it will reduce teenage smoking or change attitudes to tobacco. The tobacco industry strategy has quite different benefits:

- It reinforces the companies' common posture that smoking is a matter of informed adult choice, in which certain risks are acknowledged and accepted by the smokers in making the choice to smoke.
- It assists the companies in achieving their primary goal of fending off broad, legally-based marketing restrictions.
- It aligns the companies with public and political opinion, which tends to simultaneously express concern for both protecting children and the 'freedom' of adults.

- It enables the industry to fund projects and co-operate with governments on a supposed common agenda – an approach that has wider PR value.
- It disorientates some of the companies' critics, who find it hard to disagree with protecting children or may believe a new era of co-operation and responsibility has begun.
- It creates great potential for loopholes, evasion and ambiguity in specifying legislation or policy, for example banning advertising that appeals to children.
- Most importantly, its actual effect on underage smoking is likely to be neutral or even to increase it.

1.4 The health response

In formulating a response to the tobacco companies' positions on youth smoking, this report reviews three main strands of evidence:

- 1 The published literature to review the evidence base for the measures proposed by the tobacco companies
- 2 Focus group research to test the response of teenagers to the measures⁹
- 3 The tobacco industry's own internal documents to assess whether there are privately stated purposes that differ from the public rhetoric

In doing so, we believe we are doing what anyone concerned with youth smoking should do – examine the established research and then make proposals that are evidence-based.

1.5 Why Big Tobacco's youth focus is self-serving PR

We summarise the response to the tobacco industry's youth focus as follows:

- Evidence from internal tobacco industry documents suggests the companies have conceived and publicised youth prevention programmes to forestall serious regulation and garner better PR, rather than to reduce sales or the number of potential customers.
- The industry's focus on 'youth prevention' programmes invariably strengthen the definition of tobacco use as an 'adult' activity.
- Prohibitive measures promoted by the tobacco industry aimed at youth enhance the image of the cigarette as 'forbidden fruit' and smoking as rebellious.
- A major motivation for teen smoking is the aspiration to adulthood, rebellion and rejection of parental values. The positioning of tobacco as 'adult' and 'forbidden' is, therefore, a thinly concealed pitch to aspirational and rebellious youth.
- The published literature on youth prevention measures suggests these are generally ineffective (even if the tobacco industry is not involved) unless embedded in a comprehensive programme including comprehensive advertising bans, taxation, adult cessation, restriction on smoking at work and in public places – which are aimed at reducing overall smoking rates.
- The published literature on the types of youth prevention strategies favoured by the tobacco companies – age restrictions, ID cards, age related-warnings, retailer schemes – suggests they are always ineffective. This is especially so because the tobacco companies never advocate (and always resist) embedding their youth initiatives in a comprehensive programme.
- Tobacco companies advocate involvement of parents, teachers, health officials and other figures of adult authority in anti-smoking activity, but use heroic aspirational role models such as racing

drivers, actors and rock stars in promoting tobacco.

- The measures that are known to be effective in reducing smoking – taxation, advertising bans, high quality anti-tobacco advertising, regulation of pack design and information, restrictions on smoking in public, support for quitting, anti-smuggling measures – are either ignored or actively resisted by tobacco companies.
- Focus group evidence suggests certain measures favoured by the tobacco companies may be counter-productive and actually enhance the appeal of tobacco to teenagers.
- Evidence from the internal documents of the companies suggests that the youth market is essential to the long-term viability of their business and success with ‘starters’ is highly valued in brand management.
- The tobacco companies have failed to establish any credible evidence base to support their programmes and have either paid no heed to the evidence that exists on what does work or have actively disputed it.
- Despite the number and geographical spread of their initiatives, the tobacco companies have not published evaluations of their youth prevention programmes or subjected them to scrutiny by peer-review. This process is regarded as essential by public health bodies that genuinely seek to refine programmes and account for resources expended.

1.6 Recommendations

To public health authorities and governments

- Do not engage the tobacco industry as partners in any tobacco control programmes in any circumstance. The industry’s motives are insincere and its primary concern is to prevent meaningful action to reduce tobacco consumption.
- Efforts to reduce the multiple burdens of tobacco on society should never be focussed exclusively on youth. This will heighten the definition of the tobacco as adult and may even increase its appeal. A comprehensive approach should be adopted and include advertising bans, increased taxation, restrictions on smoking in public places and workplaces, adult smoking cessation and so on.
- Do not accept the flawed logic that tobacco is only a problem if it is teenagers that are smoking. Adult smoking is a serious health, economic and welfare burden and programmes to reduce adult smoking reduce health care costs, and increase life expectancy and quality of life. Encouraging and supporting smoking cessation among adults is an important and legitimate public health goal.
- Make use of the good quality and reliable information on tobacco control, available in numerous journals and from the World Health Organization and the World Bank.

To the tobacco industry

- Cancel all existing youth smoking initiatives – they are revealed here as disingenuous, self-serving public relations. This simply is not an area of activity in which the tobacco industry should be trusted or welcome.
- The only useful role for the tobacco industry in reducing smoking is to drop its ubiquitous opposition to the evidence-based measures that would make a difference – such as increased taxation, complete advertising bans, adult smoking cessation programmes, restrictions on smoking in public and at work, and youth-led anti-tobacco initiatives.
- The tobacco industry must accept the overwhelming evidence concerning the health effects and addictiveness of tobacco-use (including the impacts of passive smoking) and stop using evasive language by making partial admissions. The history of deceit, denial and obfuscation continues to the present day and cannot be erased with gestures on youth smoking.

2 | Tobacco industry positions

US-based Philip Morris and UK-based British American Tobacco are the two largest multi-national tobacco companies, with a global market share of 17.3 and 14.8 percent respectively.¹⁰ Both companies have adopted similar postures towards youth smoking, though with BAT being a more recent convert. RJ Reynolds Tobacco (US) also has an anti-youth smoking posture and a programme entitled "Kids shouldn't smoke". The international operations of RJ Reynolds, and its owner, Japan Tobacco International, also have an anti-youth smoking position: "No one wants minors to smoke. Neither does Japan Tobacco. Smoking is an adult choice. When we say that, we mean it."¹¹

2.1 Philip Morris

Publicly, Philip Morris International outlines its position as follows:¹²

Where we stand

Philip Morris International has long believed that minors should not smoke. We have undertaken actions for a number of years to restrict the access of minors both to cigarettes and to promotional activities and material associated with the marketing of cigarettes. While Philip Morris International is actively taking steps and developing programs to help address the youth smoking issue, it is necessary to recognize that this is a complex issue and that many other interested parties – including government, retailers, other manufacturers, parents and teachers – all have a stake in, and responsibility for, addressing this issue.

Five specific measures have been identified to fulfil Philip Morris International's commitment to addressing the issue of youth smoking around the world. We have pledged to:

- *Support minimum age laws in every country*
- *Support youth access programs everywhere*
- *Support youth anti-smoking programs, organized in concert with education and health officials in every country*
- *Place the message "Underage Sale Prohibited", or equivalent on every package where legally feasible*
- *Work with governments and our competitors proactively to achieve the reforms necessary to reduce youth smoking in each country in which we operate.*

We recognize that different governments and health officials have differing views about how best to address the problem of youth smoking; but, even while recognizing the need to adapt to national circumstances, we will adhere to the principle that we and our competitors should play a constructive role in society's efforts to reduce youth smoking.

In addition, Philip Morris International has also developed a Cigarette Marketing Code to guide its marketing staff. See Appendix 1: Tobacco industry marketing restrictions.

2.2 British American Tobacco

As part of its evidence to a UK Health Select Committee inquiry, BAT presented a set of 'twenty suggestions for progress'. Included in these suggestions were the following proposals regarding youth smoking: ¹³

British American Tobacco Partnership for Change proposals – twenty suggestions for progress

1 *Define and ensure responsible marketing*

[...]

- Tobacco advertising should not contain imagery or messages which appeal to children;*
- Tobacco marketing should not take place in environments used mainly by people under age;*
- Tobacco advertising should not be misleading."*

Our proposals:

- a) Establish a forum where the industry, government, public health groups and consumer advocacy groups can reach consensus on what constitutes responsible marketing of tobacco products.*
- b) Fund independent research to determine whether any specific form of marketing has a particular impact on decisions to smoke by under age teenagers.*
- c) In the light of this research, comprehensively review the voluntary code governing tobacco marketing.*

2 *Ensure that only adults smoke*

[...] Our proposals:

- a) Set up a summit meeting amongst Government, public health groups, educationalists, tobacco companies and retailers, to develop a UK action plan on under age smoking.*

Understanding why young people under age start smoking

- b) Fund independent research into teenage behaviour, including decisions to smoke.*
- c) Set up a teenage action group, where teenagers themselves can develop messages to their peers on how to deal with adult products such as cigarettes and alcohol, and also on how to deal with illegal drugs.*
- d) Mobilise teachers, parents, Government and public health bodies in an integrated communications campaign with effective messages.*

3 *Preventing under age access to tobacco products*

- e) Raise the legal age for tobacco purchase in the UK from 16 to 18, in line with alcohol.*
- f) Involve retailers in developing a tighter and more effective enforcement regime to prevent under age sales.*
- g) Provide more support through schools and retail outlets for the Citizen Card, a youth*

identity scheme that helps retailers confirm a customer's age.

- h) Research the formal and informal channels through which under age smokers obtain cigarettes, including the rapidly growing UK 'black market'.*
- i) Fund independent research into the best excise strategy to make a major reduction in the UK black market in tobacco products.*

BAT also has a self-imposed set of advertising principles. *See Appendix 1: Tobacco industry marketing restrictions.*

2.3 *Summary: a three pronged strategy*

It is evident from the statements made by BAT and Philip Morris that the companies have adopted a common three-pronged approach to youth smoking issues:

- 1 **Responsible marketing** the companies position their own marketing activities as 'responsible' and not directed at teenagers. These are governed by voluntary codes that define what is not acceptable – and, by inference, what is acceptable.
- 2 **Youth prevention campaigns** the companies fund and support campaigns aimed at persuading teenagers that smoking is an adult activity and that teenagers should not smoke.
- 3 **Under-age access initiatives** the companies press for enforcement of age restrictions through retailer schemes, ID cards, and legal sanctions.

Why should anyone be suspicious about these seemingly good intentions? Despite its 40-year history of deceit and obfuscation, perhaps the tobacco industry has reformed; perhaps they really do want to be responsible companies in a controversial industry? The starting point of this critique is to demonstrate the clear commercial imperative of marketing to youth and the public relations value of their proposals.

The next chapter therefore establishes the covert motive for the tobacco companies' programmes.

- **Chapter 3** Context: business rationale for youth smoking

A critique of these three approaches forms the substance of this report in the final three chapters.

- **Chapter 4** Tobacco industry proposal: responsible marketing
- **Chapter 5** Tobacco industry proposal: only adults should smoke
- **Chapter 6** Tobacco industry proposal: preventing under age access

3 | Context: business rationale for youth smoking

Before examining in detail the programmes run by the tobacco industry, it is important to understand why the tobacco companies need to recruit teenagers and the PR value of focusing on youth.

3.1 Tobacco industry needs teenage smokers to survive

For many years, the major tobacco manufacturers have pledged their unequivocal opposition to youth smoking, and their commitment to reducing it. However, their private comments quoted below illustrate how disingenuous these pledges have always been. Cigarette companies are addicted to underage smoking. Almost 90 percent of all regular smokers begin at or before age 18, and hardly anybody tries their first cigarette outside of childhood.¹⁴ In other words, if large numbers of kids did not try smoking, become regular users, and turn into addicted adult smokers, the big cigarette companies would eventually not have enough adult customers to make staying in business worthwhile. In summary, the argument that marketing to youth is a commercial imperative for successful operation of a tobacco business is:

- New entrants to the market are needed to replace adult quitters or those that have died
- New entrants are overwhelmingly drawn from under 18s
- Brand loyalty is formed early
- Once formed, brand loyalty is hard and expensive to change
- Early choice of brand generates revenue from the smoker as they age
- It follows, therefore, that marketing to teenagers is important for the viability of the industry as a whole, and for success within the industry

The tobacco industry documents presented here (and there are many more¹⁵) indicate the industry's awareness of the vital importance of teenage smokers in renewing the pool of smokers as adults quit or die. A selection of quotes from tobacco industry documents is set out below to illustrate the point.

'If younger adults turn away from smoking, the industry will decline, just as a population which does not give birth will eventually dwindle.'^{16 17} [RJ Reynolds, 1984]

'They represent tomorrow's cigarette business. As this 14-24 age group matures, they will account for a key share of the total cigarette volume for at least the next 25 years.'
[RJ Reynolds, 1975]

*'It is important to know as much as possible about teenage smoking patterns and attitudes. Today's teenager is tomorrow's potential regular customer, and the overwhelming majority of smokers first begin to smoke while still in their teens...It is during the teenage years that the initial brand choice is made...The smoking patterns of teenagers are particularly important to Philip Morris...'*¹⁸

[Philip Morris internal document, 1981. One of the researchers who created this report, Dr. Caroline Levy, is now Senior Vice President of Youth Smoking Prevention at Philip Morris¹⁹]

*'The loss of younger adult males and teenagers is more important to the long term, drying up the supply of new smokers to replace the old. This is not a fixed loss to the industry: its importance increases with time.'*²⁰ [RJ Reynolds, 1982]

*'If younger adults turn away from smoking, the industry will decline, just as a population which does not give birth will eventually dwindle.'*²¹ [RJ Reynolds, 1984]

*"The younger smoker is of pre-eminent importance: significant in numbers, "lead in" to prime market, starts brand preference patterning...But frustrating to reach: values and behaviour at variance with rest of the population, sceptical, intense peer pressure..."*²²
[Brown & Williamson (BAT), 1974]

*'the brands which these beginning smokers accept and use will become the dominant brands in future years. Evidence is now available to indicate that the 14 to 18 year old group is an increasing segment of the smoking population. RJR must soon establish a successful new brand in this market if our position in the industry is to be maintained over the long term.'*²³
[RJ Reynolds, 1976]

*'at least a part of the success of Marlboro Red...was because it became the brand of choice among teenagers who then stuck with it as they grew older.'*²⁴ [Philip Morris 1981]

"The ability to attract new smokers and develop them into a young adult franchise is key to brand development." [Philip Morris, Five-Year Trends 1988-1992, PM Doc. #2044895379/484]

*'A careful study of the current youth jargon, together with a review of currently used high school American history books might be a good start at finding a good brand name and image name.'*²⁵
[RJ Reynolds, 1973]

*'the brand loyalty of 18-year-old smokers far outweighs any tendency to switch brands with age.'*²⁶
[RJ Reynolds marketing analysis, 1984]

Of course, people don't begin to smoke and form a brand allegiance on their 18th birthday; smoking and brand choice form in the years preceding the 18th birthday. Smokers develop strong brand preferences and loyalty during their childhood years, as most adults continue to smoke the brands they used as kids. Accordingly, it is not only important to the major cigarette companies that large numbers of children smoke but that the underage smokers choose their brands – and that cannot happen unless kids are exposed to the cigarette companies' brand advertising and other promotional efforts, as a 1981 Philip Morris document makes clear:

*"Today's teenager is tomorrow's potential regular customer, and the overwhelming majority of smokers first begin to smoke while in their teens . . . it is during the teenage years that the initial brand choice is made...the success of Marlboro Red during its most rapid growth period was because it became the brand of choice among teenagers who then stuck with it as they grew older."*²⁷

These quotes illustrate the importance of young smokers for the tobacco industry. As almost 90% of smokers start before the age of 18, to reduce the youth market would have serious economic repercussions for manufacturers. The danger for the companies is that smokers would not simply start later, but that they would not start at all – effectively dismantling the modus operandi of the tobacco business: an immature decision to start smoking as a teenager, consolidated and sustained by rapid and long term addiction to nicotine.²⁸

3.2 Public relations value of anti-smoking initiatives

Internal company industry documents make clear that the driving force behind the industry's interest in youth programmes stems from its fear of legislation that would hinder its ability to promote cigarettes. In the words of a 1982 Tobacco Institute document, "...a program to discourage teens from smoking (an adult decision) might prevent or delay further regulation of the tobacco industry."²⁹

Given that teenage smoking is essential for the long-term health of the tobacco industry, the industry does need to have something to conceal this uncomfortable truth – and youth initiatives provide the necessary cover. A 1991 Tobacco Institute memo provides further a revealing insight into the industry's motives for youth programmes:

'The youth program and its individual parts support The [Tobacco] Institute's objective of discouraging unfair and counterproductive federal, state and local restrictions on cigarette advertising, by:

- *Providing on-going and persuasive evidence that the industry is actively discouraging youth smoking and independent verification that the industry's efforts are valid*
- *Reinforcing the belief that peer pressure – not advertising – is the cause of youth smoking.*
- *Seizing the political center and forcing the anti-smokers to an extreme...*

The strategy is fairly simple:

- *Heavily promote industry opposition to youth smoking*
- *Align industry with broader, more sophisticated view of the problem, i.e. parental inability to offset peer pressure.*
- *Work with and through credible child welfare professionals and educators to tackle the "problem".*
- *Bait anti-tobacco forces to criticize industry efforts. Focus media attention on antis' extremism. Anticipate and blunt antis' strongest points.*
- *Establish the sense of a growing, well-accepted program by encouraging a proliferation of small, local projects, and appropriate co-ventures with other TI allies. Avoid dependency on any one organization...' 30 [original emphases in original text]*

This 1991 memo reveals the extent to which the Tobacco Institute was prepared to manipulate educators and the media in order to avoid restrictions on tobacco activities. It echoes and builds upon a statement made ten years earlier in another TI memo:

*'In order to offset further erosion of the industry's image in this area, and to avoid further legislative forays, the tobacco industry should take two actions: Clearly and visibly announce our position on teenage smoking to the public generally and to leaders of all youth-oriented organizations [and]...A program to depict cigarette smoking as one of many activities some people choose to do as adults.'*³¹

A 1994 memo from Philip Morris Latin America makes abundantly clear the industry's motivation for launching its youth programmes:

*"Increasing pressure from anti-tobacco forces in Latin America has created the need to explore various options to counter negative publicity....Taking into consideration the emerging adverse legislative climate in the region, we have an opportunity to create good will for the tobacco industry by going public with a campaign to discourage juvenile smoking."*³²

A 1992 Corporate Affairs Plan from Philip Morris Australia identifies youth programmes as a way to counter the domestic anti-smoking movement. "The industry has been reactive and aggressive in tone. It generally lacks support, allowing the anti's to effectively keep the focus on the health issue. The implications of Australian anti-smoking activity are significant," the memo continues, "because Australia serves as a seedbed for anti-smoking programs around the world." Under "short-term objectives", the company's plan is to "prevent the adoption of federal legislation that would otherwise ban remaining tobacco company event sponsorship." Under "long-term objectives", the company lists two priorities:

"Change the operating environment for PMI and the Tobacco Industry in Australia. Change Australia as a model for anti-smoking activity worldwide."

In order to accomplish these goals, and in the process "Make PM the 'responsible' tobacco company", the plan calls for the company to "Get politicians to 'force' action on the industry via...youth 'non smoking' campaign."³³

In 1994 Philip Morris, BAT and Rothmans met in England to discuss emerging threats to their ability to do business in Pakistan. A memo of that meeting states that

"since the industry in Pakistan is facing unprecedented opposition, not only on the advertising front but on most other issues too (particularly ETS), the time had come for the companies to be considerably more proactive. This reflects the attitude that is currently prevailing in almost every country in the region to one degree or another."

Detailing the concrete steps to emerge from the meeting, the author writes that

"An industry code will be written...so that it can be used as both a lobbying lever and an argument against not introducing formal legislation....it was proposed that we look at developing a minor's programme that would show the industry to be willing to work cooperatively with the authorities in at least one area in which we have a mutual objective."³⁴

A March 2000 Philip Morris memo describing industry plans to combat the "potential threat" of further advertising restrictions in Lebanon, states that an approach which combined an initiative with the Ministry of Health on youth smoking and a vigorous defence of the company's freedom to advertise would "put the matter to bed in a manner satisfactory to all parties for many years to come." Philip Morris would "need to consider internally and jointly with the rest of the industry, those marketing practices that we may be willing to concede, preferably voluntarily concessions." The memo also opposes suggestions that Philip Morris voluntarily stop advertising on television.

"I do not support this proposal, irrespective of its implications for our marketing mix, or lack thereof. It is primarily because two thirds of the industry ad spend goes into television. A motion to withdraw from this medium is unlikely to find the requisite support and unanimity within the industry, but more importantly, it would alienate media ad industry and IAA support for tobacco advertising freedoms."³⁵

There is another telling admission in a high-level internal 1991 Asian Tobacco/ BAT document which shows not only that the definition of 'children' was set below the teenage but that PR value was understood:

*'We need to ask ourselves whether as an industry we could be turning our declared belief that we have no interest in recruiting children and by that I mean sub-teenagers – to more practical account. Much of what we have done around the world has been desultory and patchy – and yet being seen to cooperate on this particular issue has many positive public relations and public affairs benefits; is often relatively inexpensive to mount, and usually very difficult for the opposition effectively to counter without appearing sour and over-critical.'*¹³⁶

The frankness and emphasis on PR advantage of these internal documents contrasts sharply with the public protestations posture of industry figureheads spokespersons like Corky Newton of Brown & Williamson (a subsidiary of BAT) who pledged in 1999 that:

*'[Brown & Williamson] 'would be willing to support prevention efforts that affected our bottom line. Absolutely...if we can come up with a program that really gets at the root causes of youth smoking, and that prevents all teenagers from smoking cigarettes, we would be delighted to see that happen. And if that meant that fewer people smoked as adults, so be it.'*¹³⁷

In the mid-1990s, Philip Morris hired the Leo Burnett advertising agency to develop a commercial using animated characters which could be used throughout Latin America. The firm developed a treatment using a "family" of animated matches, which they then tested with focus groups and individual interviews with young people and adults in Brazil and Argentina. In a memo transmitting these studies, Alice Liu from Philip Morris writes that the commercial "can be positioned as an innovative and enlightened way to market cigarettes – cigarettes as an option and an individual choice." Liu declares that

"The campaign would be seen as a special marketing strategy:

- *to distinguish the manufacturer from its competitors*
- *to improve its public image – a modern, courageous and responsible company*
- *The campaigning may even suggest that the cigarettes made by this manufacture would be less harmful to health.*¹³⁸

A report summarising audience reactions in Brazil to the "Matches" commercial said that it

*"conveys the idea that parents should educate their children not to smoke when young, calling their attention to the fact that smoking is an adult decision, that is, an act that demands responsibility and maturity.... Its impact may even induce the feeling (mainly among non-smokers) that this television commercial is a warning against smoking, an anti-smoking campaign.... This educational aspect clashes at times with the promotion of cigarettes and, consequently, evokes and/or suggests a stimulus for consumption, such as the lighted match and the Cigarette Industry as a sponsor.... If this ambiguity may at first negatively affect the commercial, it is at the same time its strong element.... It sells cigarettes as an option and not as a fad, in addition to having an educational appeal which aims at enlightening and not prohibiting. The commercial is aimed at teenagers and, on a lesser scale, at parents. The presentation in the form of a cartoon is attractive and, due to its childish character, it will hopefully attract children's attention.... Indications are that this advertisement will distinguish the manufacturer from its competitors and improve its image before the public in general."*¹³⁹

4 | Tobacco industry proposal: responsible marketing

4.1 Tobacco industry approach

The first prong of the tobacco industry's approach is to suggest that it can curtail its own marketing activities in such a way that it would avoid reaching teenagers. The tobacco industry states that it wants to define and adhere to principles of 'responsible marketing' and that these should be codified in voluntary agreements or internal controls rather than legislation. Responsible marketing is generally taken to mean marketing that does not impact upon children or teenagers. Implicit in this approach of course is the protection of an asserted right to advertise at will to adults. This is a defensive strategy against calls for comprehensive advertising bans advocated by the health community and developed as legislative proposals in a number of countries. In fact this is what drives the tobacco companies' youth prevention initiatives.

"As we discussed, the ultimate means for determining the success of this program will be:

- 1 A reduction in legislation introduced and passed restricting or banning our sales and marketing activities;*
- 2 Passage of legislation favorable to the industry;*
- 3 Greater support from business, parent, and teacher groups."*

[Joshua Slavitt, Philip Morris, "Tobacco Industry Youth Initiative," 1991]⁴⁰

4.1.1 British American Tobacco

BAT's 20 ideas include a search for what would be deemed acceptable marketing.

"Define and ensure responsible marketing [...]

- establish a forum where the industry, government, public health groups and consumer advocacy groups can reach consensus on what constitutes responsible marketing of tobacco products*
- fund independent research to determine whether any specific form of marketing has a particular impact on decisions to smoke by underage teenagers*
- in the light of this research, comprehensively review the voluntary code governing tobacco marketing"*

It is clear however that the industry's concern for youth smoking is tightly bounded. A Brown and Williamson (BAT) representative, Corky Newton, used emotive language in dealing with the question of advertising restrictions at a 1999 meeting with teen anti-smoking campaigners:

*'I just would like you to consider that there needs to be a balance between our right to market to adult consumers versus the need to protect kids from cigarette marketing...If we have laws against advertising, if we impose restrictions on tobacco companies, that really sort of impinges on a basic right that we have as Americans. And that's a right of free speech. We voluntarily agreed to a lot of restrictions. But to take away the last area of communication with our consumers is – well – it's imposing a restriction that makes this into a country that is I'm not sure the kind of country that you all would like to grow up in, where people don't have the right of free speech.'*⁴¹

The real position advocated by BAT is best understood as an assertion of a right to market the product subject to voluntary restrictions.

4.1.2 Philip Morris

Philip Morris International has a similar perspective and already has a code of practice: the Cigarette Marketing Code (see **Philip Morris International: cigarette marketing code**). This code mainly attempts to define how marketing activities should be constructed to avoid marketing to younger teenagers.

4.2 Critique of the tobacco industry's approach

The tobacco industry wishes to position itself as against youth smoking, primarily to defend its ability to market with minimal restrictions to adults. The tobacco industry is careful to advocate only measures that are likely to be ineffective so there is little to lose.

4.2.1 *Protecting the right to advertise to adults*

In seeking agreement that limits marketing to youth, the companies are seeking a laissez faire approach to advertising to adults. This 1995 Philip Morris document reveals the ulterior motive with great clarity:

"... we refined the objective of a juvenile initiative program as follows: "Maintain and proactively protect our ability to advertise, promote and market our products via a juvenile initiative".*

** Juvenile Initiative = a series of programs and events to discourage juvenile smoking because smoking is an adult decision."*

[Cathy Leiber, Philip Morris International, 1995]⁴²

The case against tobacco companies advertising at will to adults is strong. Since the product is so addictive, advertising can a) increase tobacco users' daily consumption of tobacco products by serving as a cue to tobacco use; b) can reduce current tobacco users' motivation to quit; and c) can encourage former smokers to resume smoking.⁴³

Despite industry denials, tobacco companies, like all advertisers, know what works. Not because they have empirical evidence of customer reactions to the ads, but because they track sales in response to advertising. Cigarette companies do daily and weekly tracking studies of purchases among panels of customers. They can see what causes increases in sales by day, by age, by city, or by any other characteristic.

Companies invest large sums of money to ensure that their advertising reaches the appropriate demographic – whether that be an age segment or socio-demographic segment. For example, one 1984 strategic research document, authored by Diane Burrows of RJR – entitled "Younger Adult Smokers: Strategies and Opportunities" explained that in order to have a successful youth brand, Reynolds should study youth brands of the past to identify and track values, wants and media effectiveness relevant to younger people. Once that research was finished the company would design and test various ad campaigns. But it could not be sure that it had a successful youth ad until it actually launched the ad campaign and tested its results.

4.2.2 *Calls for more research*

BAT's proposal is essentially a call for research into questions that can never be answered. This is because the question is based on a flawed premise – namely that it is possible to define advertising that appeals to someone who is 18 but has no impact or less impact on someone who is 16. In suggesting a research programme, BAT is acknowledging that it does not know if its marketing activities impact upon teenagers.

4.2.3 *Codes of practice and voluntary agreements*

Despite BAT's call for more research into the impact of marketing on children, both BAT and Philip Morris already have codes defining what can and cannot be done by their marketing staff. Much of this

is based on the false premise that it is possible to define marketing that appeals to young adults (age 18-24) but does not reach younger teenagers. This is based on no evidence and no attempt has been made to establish the outcome expected of such a code or to test its elements. The approach is similar to the voluntary agreement used in the UK, which is thoroughly discredited and due to be replaced by a complete legally-based ban on tobacco advertising.

An advertising industry executive questioned on the issue before a UK parliamentary committee in January 2000, makes the following candid admission⁴⁴:

Q. Audrey Wise MP

Can you give us any examples of things you would not put in in case they attracted the 14 to 15 year olds? You have rock, cult, bikes, cars and all sorts of things [...] 14 and 15 year old males seem to be just as interested as 18 year olds. How do your adverts differ?

A. Paul Bainsfair, Chairman of advertising agency TBWA CGT Simons Palmer Ltd.

Perhaps if I say that it is common sense that there is going to be an overlap. Some 15-year olds are going to be more sophisticated than others. It is impossible to say that something that appeals to an 18 year old will not appeal to a 15 year old. If that is what you are getting at, obviously you are right.

4.3 Evidence: how tobacco advertising reaches young people

4.3.1 Tobacco marketing does reach the young

Numerous internal tobacco industry documents make clear that the industry perceived kids as a key market, studied their smoking habits, and developed products and marketing campaigns aimed at them.⁴⁵ As an R.J. Reynolds document put it,

"Many manufacturers have 'studied' the 14-20 market in hopes of uncovering the 'secret' of the instant popularity some brands enjoy to the almost exclusion of others...Creating a 'fad' in this market can be a great bonanza."⁴⁶

In fact young people are particularly susceptible to advertising: 86% of youth smokers in the US prefer Marlboro, Camel and Newport – the three most heavily-advertised brands – as opposed to about a third of adult smokers.⁴⁷

In England, the three most popular brands among young smokers are Benson and Hedges (36%), Lambert and Butler (24%), and Embassy (12%)⁴⁸. The manufacturers of these brands – Imperial Tobacco (which makes Embassy and Lambert and Butler) and Gallaher (which makes Benson and Hedges) – are the UK's biggest cigarette companies, controlling around 80% of the UK cigarette market between them, and with a combined marketing and advertising expenditure far exceeding that of any of their competitors.

4.3.2 What are 'young adults'?

It is important to understand that terms used in tobacco industry documents are sometimes euphemisms or expressed to limit unwanted legal or public relations consequences should the

documents be made public. An internal Brown & Williamson memo outlines how they should refer to young smokers – clearly an attempt to use a ‘code’ for referring to young smokers that would enable a plausible denial that this referred to younger teenagers:

‘When describing market categories and target audiences we use references such as ‘young smokers’, ‘young market’ ‘youth market’ etc....in the future when describing the low-age end of the cigarette business please use the term ‘young adult smoker’ or ‘young adult smoking market.’⁴⁹

4.3.3 *The search for an adult identity*

The advertising agency, Ted Bates, explains how to market to children – by positioning the product as ‘adult’.⁵⁰

In the young smoker’s mind, a cigarette falls into the same category with wine, beer, shaving, wearing a bra (or purposely not wearing one), declaration of independence and striving for self-identity.... Thus, an attempt to reach young smokers, starters, should be based, among others, on the following major parameters:

- *Present the cigarette as one of the few initiations into the adult world.*
- *Present the cigarette as part of the illicit pleasure category of products and activities.*
- *In your ads create a situation taken from the day-to-day life of the young smoker but in an elegant manner have this situation touch on the basic symbols of the growing-up, maturity process.*
- *To the best of your ability, (considering some legal constraints), relate the cigarette to pot, wine, beer, sex, etc.*

Though the advice of the document may not have been acted upon, it does illustrate what at least the agency believed to be the key to marketing to young smokers – positioning as a right of passage.

This is why marketing notionally aimed at 18-24 year olds (often the definition of ‘young adult smokers’) will always have an impact on children that are younger. It is precisely the aspiration to be adult, to be in the 18-24 age group, that appeals to teenagers aged 11-17.

A 1997 Rothmans document shows why marketing is so essential for motivation of the young smoker.

“Young adult smokers are also searching for an identity. Cigarettes have a key role to play as they are an ever-present statement of identity. By inference, if a brand of cigarettes does not convey much in the way of image values, there may well be little reason for a young adult smoker to persist with or adopt the brand. Strong image values can help establish an identity, weak image values are of no use.”⁵¹

A 1999 study by Cheryl Perry gives details of marketing research data from Brown and Williamson, Lorillard, Philip Morris and RJ Reynolds.⁵² The data shows that all these companies have a good understanding of what appeals to young people. Two of the most notorious examples of campaigns used to successfully market cigarettes to underage smokers are Joe Camel and the Marlboro Man.

4.3.4 *Joe Camel*

A particularly notorious example of youth marketing was the use of the ‘Joe Camel’ cartoon character by RJ Reynolds to sell Camel Filter cigarettes over two decades. A 1974 RJR internal memo enthused about the new advertising campaign:

*'It's about as young as you can get, and aims right at the young adult smoker Camel needs to attract.'*⁶³
[NB. 'young adults' at that time were defined by the RJR Board of Directors as the 14-24 age group.]

Between 1989 and 1993, when RJR invested heavily in a new Joe Camel campaign, Camel's market share among youngsters increased massively while its share of the adult market did not change at all.⁵⁴
⁵⁵ Research carried out in the United States shows that 2.6 million children were first led to smoke by Joe Camel.⁵⁶

A 1991 internal analysis of the campaign concluded that it had

*'helped realize tangible increases as a FUBOC (First Usual Brand of Cigarettes).'*⁵⁷

This tallies with the conclusions of studies carried out by tobacco control researchers which showed that young people were much better than adults at identifying Joe Camel.⁵⁸ A study in the Journal of the American Medical Association found that 91 percent of six year old children surveyed identified the Joe Camel cartoon character as being associated with cigarettes, about the same percentage as recognized Mickey Mouse.⁵⁹

4.3.5 *The Marlboro Man*

For Philip Morris, the use of the Marlboro Man – one of the biggest advertising icons of the twentieth century – has been hugely successful in

*'capturing over 50% of this [17 years and younger] market.'*⁶⁰

A 1984 marketing analysis stated that

*Marlboro floundered for eight years and then hit a responsive chord among post-war baby boom teenagers with the theme from the Magnificent Seven and an image uncalculatedly right for the wave of teenagers coming of age.'*⁶¹

In 1989, two-thirds of underage smokers used Marlboro.⁶² The Campaign for Tobacco Free Kids estimates that between 1988 and 1997, Philip Morris' Marlboro Man campaign convinced at least 1.2 million children in the United States to begin smoking,⁶³ and that during the same period, a total of 6 million adolescents experimented with cigarettes because of tobacco marketing.⁶⁴

4.3.6 *Formula One*

According to marketing specialists working for the tobacco industry, Formula One sponsorship would help make the Benson & Hedges brand more youthful, dynamic and exciting – there was no discussion of how it might manage this only for people who passed their 18th birthday.

*"Benson & Hedges sponsorship of Formula One is entirely coherent with expectations and offers the brand many opportunities to capitalise on positive associations. For instance, by sponsoring Formula One respondents claimed it made them believe that Benson & Hedges was a big, major league, very powerful brand with plenty of money. It also lent associations to the brand with young, fast, racy, adult, exciting, aspirational but attainable environments. It was coherent with all that respondents knew of the brand but also extended associative territory to make the brand more youthful, more dynamic and more exciting."*⁶⁵

Formula One motor racing dominates tobacco sponsorship accounting for US\$300-450 million per year. Formula One aligns tobacco with one of the most important teenage aspirations – becoming a driver – and takes the fastest cars, the most heroic drivers and the glamorous events and makes tobacco advertisements of them. How can this be consistent with 'responsible marketing'?

4.4 Evidence: public health research

There is widespread agreement among public health experts that advertising is about recruiting new smokers and increasing demand. So much of the product value derives from its branding, and branding can only be built through marketing. The tobacco companies have ignored the evidence base and attempted to define a strategy for which there is no supportive evidence – namely restricting only marketing that appeals to children. This is the fundamental flaw in the tobacco company's approach (at least if the intent was to reduce teenage smoking!). As the Pan American Health Organization puts it,

*"Messages stating that "smoking is for adults" are probably the most effective strategies for causing children to start smoking, and it is probably no coincidence that tobacco companies endorse such efforts."*⁶⁶

4.4.1 The impact of cigarette advertising on children

Following a detailed review of the evidence, the US Surgeon General summarised the arguments related to tobacco marketing in 1994.⁶⁷

Conclusions

- 1 Young people continue to be a strategically important market for the tobacco industry.*
- 2 Young people are currently exposed to cigarette messages through print media (including outdoor billboards) and through promotional activities, such as sponsorship of sporting events and public entertainment, point-of-sale displays, and distribution of specialty items.*
- 3 Cigarette advertising uses images rather than information to portray the attractiveness and function of smoking. Human models and cartoon characters in cigarette advertising convey independence, healthfulness, adventure-seeking, and youthful activities – themes correlated with psychosocial factors that appeal to young people.*
- 4 Cigarette advertisements capitalize on the disparity between an ideal and actual self-image and imply that smoking may close the gap.*
- 5 Cigarette advertising appears to affect young people's perceptions of the pervasiveness, image, and function of smoking. Since misperceptions in these areas constitute psychological risk factors for the initiation of smoking, cigarette advertising appears to increase young people's risk of smoking.(p. 195)*

A longitudinal study of teenagers in the Journal of the American Medical Association showed that tobacco industry promotional activities influenced previously non-susceptible non-smokers to become susceptible to or experiment with smoking.⁶⁸

An environment filled with tobacco advertising establishes the environment ready for smoking. As this 1996 survey among 11 to 12 year olds concluded:

Cigarette advertising appears to increase children's awareness of smoking at a generic level and

*encourages them to take up the behaviour, beginning with any cigarettes which are available and affordable.*⁶⁹

Even the youngest children register advertising around them even though it is clearly not ‘targeted’ directly at them – as in this study of brand logo recognition among 3 to 6 year old children concluded:

*Very young children see, understand and remember advertising. Given the serious health consequences of smoking, the exposure to environmental tobacco advertising may represent an important health risk and should be studied further.*⁷⁰

Tobacco sponsorship by the Wills brand (BAT and India Tobacco Company) of the Indian cricket team was found to influence smoking rates and create false perceptions about smoking in Indian school children age 13 to 16 years:⁷¹

Despite a high level of knowledge about adverse effects of tobacco, cricket sponsorship increased children’s likelihood of experimenting with tobacco by creating false associations between smoking and sport. Many of the children believed that cricketers smoked.

The idea that advertising aimed at older young people could somehow be of no relevance to younger teenagers was addressed in a study of children between ages 6 and 16 year olds.⁷²

It seems that some 12 year olds and most 14 and 16 year olds perceive cigarette advertisements much in the same way that young adults do; therefore advertising campaigns targeted at older teenagers and young adults are likely to present qualities which younger teenagers find attractive.

The Food and Drug Administration of the United States analysed the available evidence in 1996 in support of its Tobacco Rule, and concluded:⁷³

[The review of evidence] demonstrates that cigarette and smokeless tobacco advertising plays a material role in the decision of children and adolescents under the age of 18 to engage in tobacco use behavior. It therefore establishes that the harm from this advertising is real.

A longer extract of the FDA’s evidence is presented at Appendix 2: FDA conclusions on advertising influences on youth.

The UK House of Commons Health Select Committee summarises the approach that the tobacco companies have adopted with barely disguised contempt:

*‘Our review of the copious evidence from the advertising agencies, which includes substantial quantities of market research, leads us to conclude that the advertising agencies have connived in promoting tobacco consumption, have shamelessly exploited smoking as an aspirational pursuit in ways which inevitably make it attractive to children, and have attempted to use their creative talents to undermine Government policy and evade regulation. We welcome the Government’s commitment to end all forms of tobacco advertising and sponsorship.’ [Health Committee, 2000]*⁷⁴

4.4.2 Tobacco advertising and consumption

Cigarettes are amongst the most ‘brand loyal’ products available to consumers and although marketing has the potential to switch brand preferences (as the tobacco companies argue is its sole purpose), it also stimulates demand and affects the overall climate in which teenagers decide whether or not to smoke.

Research studies have analysed:

- fluctuations in tobacco expenditure with changes in smoking prevalence^{75 76 77}
- differences in smoking prevalence in countries with varying levels of advertising controls^{78 79}
- the impact of advertising bans^{80 81}

The Economics & Operational Research Division (EORD) of the UK Department of Health undertook a review of these and other studies. This became known as the 'Smee report' after its lead author Dr. Clive Smee. It concluded that advertising encourages consumption as well as brand switching among current smokers, and may assist in recruiting young people to the habit⁸¹ After reviewing 212 'time series' correlating advertising spend with total tobacco consumption and the impact of advertising bans, Smee concluded:

"The balance of evidence thus supports the conclusion that advertising does have a positive effect on consumption."

[...]

"In each case the banning of advertising was followed by a fall in smoking on a scale which cannot be reasonably attributed to other factors."

Another study of studies [meta-analysis] concluded in 1991:⁸²

A comprehensive meta-analysis of econometric findings from time series research found a positive association between advertising expenditure and cigarette consumption. The study showed that, on average, a 10% increase in advertising expenditure would lead to a 0.6% increase in consumption.

More recently, having reviewed evidence from public health experts and from the tobacco companies' advertising agencies, the UK House of Commons Health Committee concluded:

*'The argument they [most of the tobacco companies] have repeatedly advanced is that tobacco advertising does not increase consumption; it merely persuades smokers to switch brands. However, looking through the documents that the agencies themselves produced, this view is completely discredited.'*⁸³

4.4.3 **Voluntary agreements and why they have failed**

Both BAT and Philip Morris favour voluntary agreements rather than legislation. A 1995 memo from Philip Morris Australia helps explain why,

*"[W]e recommend the adoption of only those aspects of the AAA [Action Against Access] program that involve voluntary unilateral action on the part of PMI. We do not recommend adopting elements that call for specific legislative amendments. Given the hostile Australian environment, there is a risk that we could lose control over the progress and content of any tobacco control legislation we propose."*⁸⁴

The legal situation regarding tobacco advertising differs internationally: the EU is moving towards an outright ban, and the US tobacco companies have subscribed to partial restrictions on tobacco promotion agreed in the Multi-State Master Settlement Agreement.

In the UK, the voluntary code governing tobacco marketing, for which BAT recommends a comprehensive review, is soon to be superseded by stricter regulations. This sort of agreement is heavily criticized in the new House of Commons Health Select Committee report, which says that

*'... voluntary agreements have served the industry well and the public badly.'*⁸⁵

The important conclusion drawn by the Committee was that tobacco regulation ought to be brought under a regulatory agency – so that there is the capacity to adjust regulation to changing circumstances (and counter-measures by the tobacco industry).

Tobacco industry documents show the extraordinary lengths the tobacco industry has gone to integrate its youth programmes into its overall efforts to influence legislation. A Philip Morris Corporate Affairs Plan from 1992 calls for “designing voluntary initiatives to blunt the company-wide “youth” problem...with respect to tobacco.” Part of the strategy called for the establishment of “a company-wide ‘working group’ on advertising/marketing issues, similar to the Solid Waste Task Force, to focus on ‘youth’ and ‘minority/women’ issues.” What is particularly notable about the plan is the company’s obvious effort to ingratiate itself among members of the U.S. Congress. In addition to its call to “Systematically brief all key members of Congress and state legislators on our tobacco youth initiatives” the company also calls on staff to “Work with the operating companies’ communications departments to target advertising on our youth initiative to key legislative states and districts.”⁸⁶

The tobacco industry, however, does not want any more legal restrictions on cigarette marketing. It hopes that by presenting itself as a responsible corporate citizen – the unfairly-maligned victim of a culture of censorship – it can reverse public hostility towards it.

The World Bank’s analysis gives a good conclusion to this section: advertising causes tobacco consumption to increase and partial advertising bans are ineffective.⁸⁷

“Policymakers who are interested in controlling tobacco need to know whether cigarette advertising and promotion affect consumption. The answer is that they almost certainly do, although the data are not straightforward. The key conclusion is that bans on advertising and promotion prove effective, but only if they are comprehensive, covering all media and all uses of brand names and logos.”

4.4.4 What would “responsible marketing” really mean?

The tobacco and health lobbies offer quite different definitions of ‘responsible marketing’. Health campaigners say that there is no such thing as truly responsible tobacco marketing and seek an outright ban on all forms of tobacco advertising and sponsorship – including promotion and sponsorship of tobacco brands associated with non-tobacco products. It is impossible to advertise tobacco products without exposing children to tobacco advertising. No shift in the culture of tobacco use will occur if adult smoking is promoted and sustained by tobacco advertising. Brown and Williamson says that it is doing everything possible to market its products responsibly, but its hands are tied. Corky Newton explains:

*‘For us to take our products unilaterally and put them behind the counter, take our advertising and do away with it, that would put us at a tremendous disadvantage. But if we were to try to get the other companies to go along with the same idea, that would actually open up antitrust issues and we could be sued by the retailers for cutting into their opportunity to market cigarettes.’*⁸⁸

4.5 Conclusion

It follows from the preceding analysis that the imperative must be to achieve a ban on tobacco advertising that is as close to complete as possible. In contrast, the basic approach of the tobacco industry is to assert its unfettered right to market its product to all but a specific group – children. There are three serious objections to this approach:

- 1 It is completely impractical to define and prevent advertising that appeals to adults but not to teenagers and children – in practice there is no such thing. Society does not operate with the barriers necessary to make such ideas plausible, and young people are susceptible to advertising from a very early age – even if it is not targeted directly at them.
- 2 Even if it were possible to solve the problems of (1) above, targeting would not work in the case of tobacco. Advertising notionally aimed at ‘young adults’ over 18 has strong appeal to younger teenagers and children because the nature of the smoking is aspirational – a forbidden fruit and something with which to build an adult identity. Tobacco advertisers do not reach children by being childish, they do it by being adult.
- 3 Even if it were possible to solve the problems of (1) and (2) above there is still every reason to ban tobacco advertising that also reaches adults. Many adults go through great strain to break their addiction to nicotine and a barrage of tobacco signifiers and cues makes their problem greater. Adults also inflict harm on others (especially their children) through exposure to ETS and tobacco toxins in utero.

The latter point is particularly important – the focus on youth is primarily a means of framing the debate around what is and is not successful at protecting children. In fact, the public health objectives apply equally to adults and adult smoking cessation is an important driver of youth smoking prevention.

5 | Tobacco industry proposal: only adults should smoke

In discussing youth smoking programmes, it is important to distinguish between 'objectives' and 'messages'. While we may agree with the objective that teenagers should not smoke, it does not follow that this is a suitable message to deliver to teenagers to try to bring it about.

5.1 Tobacco industry approach

The second prong of the tobacco industry approach to youth smoking is to organise campaigns to promote the idea among teenagers that smoking is for adults. The industry organises its own campaigns and argues that public health efforts should either be directed towards propagating this message or directed away from tobacco altogether. This offers an excellent public relations stance and is fundamental to securing what the industry perceives to be its right to advertise at will to adults. This proposal, like the proposal for responsible marketing, has the additional virtue of being unlikely to work and increasing the appeal of smoking to teenagers.

5.1.1 *British American Tobacco*

BAT's 20 ideas contain the following:

"Ensure that only adults smoke..."

- *set up a summit meeting amongst Government, public health groups, educationalists, tobacco companies and retailers, to develop a UK action plan on under age smoking*

Understanding why young people under age start smoking...

- *fund independent research into teenage behaviour, including decisions to smoke*
- *set up a teenage action group, where teenagers themselves can develop messages to their peers on how to deal with adult products such as cigarettes*
- *mobilise teachers, parents, Government and public health bodies in an integrated communications campaign with effective messages"*

5.1.2 *Philip Morris*

The extract below is from the Philip Morris web site:

- *We want to do our part to address the issue of youth smoking wherever we do business. Cigarettes are our products, and they are meant only for adults who choose to smoke. We do not want children to smoke; youth smoking is a serious problem and we want to be part of the solution. Ours is much more than a philosophical commitment – we back it up every day with actions and programs in over 50 countries, which are designed to help prevent children from buying cigarettes; to help them not to smoke; to help them understand that smoking is not "cool"; and to help them realize that they should not define themselves by smoking. We also want to encourage parents, siblings, friends and teachers to play an active role in preventing kids from smoking. To learn more about what we're doing in this area:*
- *We recognize that there is skepticism by some about our sincerity and commitment to youth smoking prevention. We accept that, and ask only that the public give us a chance, and judge us by our actions.*
- *In addition to being the right thing to do, youth smoking prevention makes good business sense. It is important to our employees, shareholders and adult consumers. We want to work with those who share our goal of reducing youth smoking. If collaborative efforts to solve this problem are successful, and this leads to a smaller adult consumer base in the future, we say "so be it". The decision to smoke should be made only by adults.*
- *Reducing youth smoking will require the efforts of many people – parents, educators, retailers, regulators,*

other companies like ours and, ultimately, kids themselves. This is a complex problem which requires a comprehensive approach. There are no "silver bullet" solutions, and there is much work to do.

5.2 Critique of the tobacco industry's approach

The measures proposed by the tobacco companies are feeble and would not survive any tests of evidence or evaluation. They are considered below.

5.2.1 *A summit and more research to create an action plan*

Summits, research and action plans already exist and have substantially benefited from no involvement of tobacco companies. When the UK Labour government came into office in 1997 it convened an extensive group of experts to advise on its tobacco policy. The result was a White Paper, 'Smoking Kills' which is an action plan and highly rated among the health community. However, it includes a range of measures that BAT has consistently opposed – such as a total ban on tobacco advertising and high taxation. Furthermore there is continuous research and creative activity by those engaged in planning and executing campaigns. This activity renders redundant the BAT suggestion of a summit meeting. The existing research base is ignored or disputed by the companies – so there no need to involve them in more research.

5.2.2 *Teachers, parents and other boring authority figures*

Both BAT and Philip Morris see the involvement of parent, teachers etc. as an important ingredient. The 'stakeholders' listed by BAT and Philip Morris – parents, teachers, health officials – are representatives of middle-aged adult authority and most likely to inspire rebellion or contempt and tarnish the health message. As British teenagers age 12-13 said in focus group research:

'[The teacher] comes in and talks about drugs... You shouldn't smoke, you shouldn't drink alcohol [mocking tone]. He says if we catch you we'll pick you up, take you to your parents and tell them that we've been smoking. "Oh my God, smack our wrist and ground us for about 500 years".'
[Boys age 13-14, smokers, Southampton, UK]

'They're hypocritical, you know which teachers smoke, we all know which teachers smoke yet they say to us, "Don't smoke, it's disgusting". Stinking of fags. It's just listening to their opinion really. People can't tell you not to smoke if they smoke themselves.'
[Girls age 14-15, smokers, Birmingham UK]

Conspicuous by its absence is any mention of the participation of aspirational role models such as racing drivers, actors, pop stars, sports people, TV personalities etc. Perhaps Philip Morris would offer the services of Marlboro Ferrari driver, Michael Schumacher to deliver the message to kids that smoking is uncool – rather than leave it up to their teachers and health professionals? Maybe BAT would loan British American Racing driver, Jacques Villeneuve to do the same. We suspect that these individuals are too busy promoting smoking to be distracted into assisting with anti-smoking campaigns. The companies' position on 'stakeholders' is one of rank hypocrisy.

5.2.3 *Teenage action groups*

There is certainly some merit in engaging teenagers as BAT suggests and this in fact has been done successfully in Florida with the Truth Campaign. ASH has commissioned focus group research among

teenagers to test the ideas advanced by BAT and the results, presented elsewhere in this document, show that everything proposed by BAT either would not work or would be likely to work against reduced teenage smoking. So this is one BAT idea that has already progressed, but without BAT's involvement, which is unnecessary and unwanted.

5.2.4 *Youth initiatives proposed by tobacco companies*

BAT and Philip Morris make much of their initiatives on youth smoking – which primarily aim to prevent illegal sales by working with retailers or reminding kids of the law. There is little evidence that these work or have any research to justify them – see next section Tobacco industry proposal: preventing under age access.

5.2.5 *Business benefits to tobacco industry*

Philip Morris suggests that there are business benefits of focussing on youth smoking. There are undoubtedly benefits, but these are largely public relations – see Why Big Tobacco's defence is so clever above and the avoidance of unwanted regulation. As stated, the value to tobacco companies is that it gives employees and smokers a reason to feel good (or less bad) about the industry they are involved with. The business benefits also arise because the ideas suggested or implemented by the companies are unlikely to work, and there is a commercial pressure to ensure that kids take up smoking. Philip Morris accepts that if its actions lead to less adult smoking then “so be it” – but if PM achieved agreement to its proposals it would have little to worry about.

5.3 **Evidence: public health research**

To present cigarette smoking as ‘exclusively adult’ enhances its allure to young people undergoing the difficult transitional processes of adolescence and trying to assert their identity and individuality, and their ability to make decisions as individuals. Critics therefore suggest that assertions such as BAT's amount to no more than covert youth tobacco marketing strategies.

For example, in the 1980s, the Tobacco Institute ran a programme in the U.S. called ‘Helping Youth Say No’, which was found to potentially encourage youth smoking by suggesting that smoking is for adults.⁸⁹ Interestingly, the tobacco companies' youth prevention campaigns fail to mention that smoking causes cancer or that tobacco use is addictive. Referring to an industry-funded youth campaign in Poland, a 1994 Philip Morris briefing points out that:

“The campaign should not seek to make any claims about smoking and health related issues.”⁹⁰

A more recent Philip Morris-sponsored youth anti-smoking campaign in Eastern Europe bears the slogan ‘Youth Should Wait’. This raises the question: wait for what? Wait with baited breath? Wait with desperate anticipation for their eighteenth birthdays, and then start to smoke? Cigarettes seen in this light become ‘forbidden fruit’, illicit and alluring.⁹¹ In the Ukraine, Philip Morris distributed posters some of which had the tagline, “Smoking? Is it really interesting?”⁹² Interesting indeed.

In May 2000, a US public health expert, Dr. Michael Siegel, testified that industry-sponsored youth anti-smoking campaigns are ‘actually recruitment pitches for new customers’:

‘Siegel derided Philip Morris' \$74 million youth anti-smoking program, compared with an overall industry advertising and promotion budget of \$6 billion a year. “In reality, I don't think this

*company is spending a penny in a true effort to get youth to stop smoking," Siegel said. "It's either ineffective or it's actually going to make smoking more appealing to youth."*⁹³

Tobacco Institute Vice President Franklin Dryden may have put it best when he said

*"It seems to me our objective is...a 'media event' which in itself promises a lot but produces little."*⁹⁴

These memos demonstrate that the motivation behind these programmes is not to reduce tobacco use among young people, but rather to gain the industry positive publicity and create the appearance of action. It is therefore not surprising that there is scarce evidence showing the effectiveness of any of the industry's programmes.

5.3.1 *The developmental role of smoking*

BAT offers to fund independent research into the reasons for youth smoking. However, a huge research base already exists and has been ignored by BAT and Philip Morris in formulating their programmes. This research has for a long time established that adolescence is a key period in a person's development – it is the time when he or she may rebel against authority, in the process of trying to determine who he or she is as an individual. Experimentation with tobacco is, then, understandable and behaviourally expected if the product is seen to be associated with adulthood. As Cheryl Perry, expert witness for the State of Minnesota in an important tobacco trial in 1998, explains, cigarettes have been shown to fulfil quite an important developmental role:

*'[A]dolescence is probably the only developmental stage during which smoking could be viewed as "functional". Smoking can be seen by adolescents as serving key developmental tasks, such as establishing autonomy, independence, intimacy and identity...'*⁹⁵

The great problem of teenage smoking is not the immediate health impact of smoking, but the very rapid consolidation of tobacco dependence, which can be established in its early stages within a few weeks of light smoking.⁹⁶

The tobacco manufacturing industry is well aware of this and recognises that teenage rebellion followed by addiction is a very common way in to life-long smoking:

*'A cigarette for the beginner is a symbolic act. I am no longer my mother's child, I'm tough, I am an adventurer, I'm not square ... As the force from the psychological symbolism subsides, the pharmacological effect takes over to sustain the habit.'*⁹⁷

5.3.2 *Teenage action groups*

Peer-led/peer-designed interventions can form a key component of any comprehensive anti-smoking campaign – youth audiences respond differently to information coming from their peers than from adults.⁹⁸ A high-profile current example is the Florida SWAT (Students Working Against Tobacco) group, which has achieved some impressive results with its TRUTH counter-advertising campaign. SWAT mobilises young people in Florida to demand that the tobacco industry tells them the truth about its products and activities, and school-based surveys in the state indicate significant declines in teen smoking prevalence between 1998 and 2000. Tobacco manufacturers may pay lip-service to campaigns like this, but ostensible industry support for these initiatives does not equate with substantial changes in policy and practice. This is what Corky Newton said at a meeting about responsible marketing with SWAT representatives in 1999:

'We really believe that the key to this is not so much like taking the products off the shelves or taking posters down from retail stores, but a lot more of it is the sort of thing that organizations such as this one [SWAT] are doing by building up the conviction in kids that smoking is not the right thing to do in the first place.'

However, one of the most prominent qualities of the Truth campaign was its bold and provocative stance and its fearlessness in holding the tobacco industry to account. The tobacco companies have attacked public health initiatives in which they have been criticised and teenagers have become aware of and more sceptical about the industry behind the familiar brands.

A 1998 evaluation of anti-smoking advertising campaign message in California and Massachusetts concluded:

Focus group participants indicated that [tobacco] industry manipulation and secondhand smoke are the most effective strategies for denormalizing smoking and reducing cigarette consumption. Addiction and cessation can be effective when used in conjunction with industry manipulation and second hand smoke strategies. Youth access, short-term effects, long-term health effects, and romantic rejection are not effective strategies. More aggressive advertising strategies appear to be more effective at reducing tobacco consumption.⁹⁹

5.3.3 *Focus group testing and involvement in anti-tobacco campaigns*

ASH in London commissioned focus group testing of young people's attitudes towards efforts to reduce smoking⁹. The young people who participated in the qualitative discussion groups in June 2000 had a variety of views on what would make an effective anti-smoking campaign*. They were open to the idea of being involved in developing anti-smoking messages and were generally quite cynical about current smoking education practice in the UK:

'That would be good because they'd know themselves what's going to appeal to them and people of their age.' [Year 8 girls, non-smokers, Newcastle]

'Treat us as members of society...We are people, we're individuals, we have feelings...Most adults haven't got a clue, they've got to stop looking down their noses at us and start saying, "hang on a minute, some of these kids are right."' [Year 10 boys, non-smokers, Southampton]

5.3.4 *Defying authority*

The difficult task of communicating successfully to young smokers poses a huge challenge, and the generally poor outcomes of most youth smoking prevention efforts indicates that they are often doomed by virtue of the fact that they emanate from adults.

*'Telling teenagers about the health risks of smoking – It will make you wrinkled! It will make you impotent! It will make you dead! – is useless. This is adult propaganda; these are adult arguments. It is because adults don't approve of smoking – because there is something dangerous and disreputable about it – that teenagers want to do it.'*¹⁰⁰

Teen smokers also often indulge in other risky behaviours – personality analyses of youngsters who regularly use cigarettes show that they tend to be more rebellious people.¹⁰¹ The young smokers who participated

* Six focus group sessions were conducted in June 2000 among year 8, 9 10 school kids (12-13, 13-14, 14-15 years old). Boys and girls and smokers and non-smokers were tested separately. The full report of the findings is published separately.

in recent qualitative group discussions in England seemed to fit this pattern, and to enjoy the image:

participant 1 We're just the rude boys...

participant 2 We're the rebels!

participant 3 We don't care! [12-13 year old boys, smokers, Southampton]

The thrill of defying authority and of evading detection may also be part of the motivation behind smoking, as a focus group participant explained:

'They [smokers] have a lookout and as soon as they see a teacher, within seconds all the kids there are gone. It's a laugh, if you're down there and a teacher comes – it's like, yeah man, we beat the teachers. That's one of the reasons they do it – the smoking for a start – and that they're actually smoking on school property...it's the adrenalin.' [13-14 year old boys, non-smokers, Southampton]

'They get a major buzz out of "I shouldn't be having these".'

[13-14 year old boys, non-smokers, Southampton]

Any youth smoking prevention campaign risks failure if it does not consider the adolescent tendency to react negatively to advice from parents and figures of authority. This is very well documented, including – of course – by the tobacco industry. For example, a 1991 Tobacco Institute memo describes the problem of 'parental inability to offset peer pressure.'¹⁰² (Despite this awareness, tobacco industry-funded initiatives tend to rely on the role of parents, teachers and vendors to influence the actions of young people.)

5.3.5 *Ineffective youth smoking prevention efforts preferred*

The research base shows that youth campaigns in isolation generally do not work, and comprehensive campaigns embracing adult smoking and the entire smoking culture in society have the best chance of success with young people although success cannot be guaranteed.¹⁰³

Time after time, industry-sponsored youth anti-smoking education programmes have failed to achieve meaningful positive outcomes. These programmes have a well-established tendency to be less effective than independent ones. A recent Philip Morris school-based programme called 'I've Got the Power' has been evaluated by users in New Zealand and found to be an incomplete learning resource, with no background information about the damaging health impacts or addictiveness of cigarettes.¹⁰⁴

And in a 1996 US study in which young people compared a youth anti-smoking programme from the American Lung Association with one from the Tobacco Institute, the TI programme was found to be significantly less useful in almost all respects.¹⁰⁵ As the US Campaign for Tobacco-Free Kids puts it:

*'a hallmark of all industry-designed efforts is the absence of the most effective tools for combating youth tobacco use.'*¹⁰⁶

A recent study found that Philip Morris' new anti-youth-smoking ads were less effective than those already being used in California, Massachusetts, Arizona and Florida in their statewide tobacco prevention programs.¹⁰⁷ More specifically, the study found that:

Ads that graphically, dramatically, and emotionally portray the serious negative consequences of smoking were consistently rated highest by respondents in terms of making them "stop and think about not using tobacco."

But the Philip Morris ads said little or nothing about negative health consequences from smoking.

Ads that focused on the “choice” theme (i.e., be yourself, you can choose whether to smoke), such as those run by Philip Morris, were consistently rated lowest. If Philip Morris really wanted to reduce youth smoking, it is clear that the company could spend the millions of dollars it has allocated to anti-youth-smoking efforts more effectively. But that is not surprising given Philip Morris’ history of marketing to kids and ineffectual “anti-youth-smoking” initiatives.

5.3.6 *“Innocence by association”*

The tobacco industry knows that it can enlist others to its superficially attractive ideas about youth smoking and that this can assist with the rehabilitation and broader propagation of its strategy.

Both in the US and internationally, these partner organisations include government health departments, universities and community groups. Last year in the US, Philip Morris, together with Brown and Williamson, granted \$4.5 million to the West Virginia Department of Education. Philip Morris also donated a further \$4.3 million to the National 4-H Council, a long-established and highly-esteemed youth development organisation. Campaigners argue that these are important examples of the tobacco companies buying ‘innocence by association’ with reputable organisations. Unfortunately for the organisations, their reputations are damaged by the liaisons with Big Tobacco. They face protest and conflict from an array of objectors and stakeholders who feel that they are sanctioning the tobacco industry’s claim that it represents a solution to the problem of youth smoking.

BAT boasts of its international work on youth tobacco access prevention. In its 1998 brochure, it describes a project it funds called ‘I Made My Choice’ in Uzbekistan with an impressive list of partner organisations: ‘BAT Uzbekistan, Ministry of Health, Ministry of Public Education, Khokimiyats (city administrations),Uzbeksavdo (trade association); Community representatives (Kamolot – Youth organization, Soglom Avlod Uchun – For Healthy Generation – Fund, Medicine association, Ecosan – International Ecology Fund, Committee of Women, Makhalla – Local Community – Fund).¹⁰⁸

Similarly, in a supplement to the UK-based New Statesman magazine it sponsored in January 2000, Philip Morris describes its ⁵⁷ youth access prevention programmes around the world, in countries from Argentina to Turkey and from Azerbaijan to Singapore’.¹⁰⁹ BAT is also now funding youth anti-smoking work for the Kenya Medical Association. Developing countries like Kenya are particularly vulnerable to approaches from the wealthy tobacco manufacturers whose ostensibly generous offers of project funding promise to boost ailing government finances. Many national ministries of health and education are desperately under-funded and simply do not have the resources to offer smoking education of any sort.

5.4 Tobacco industry youth programmes in the United States

In response to intense political pressure and in an effort to avoid government regulation, the tobacco industry in the United States has repeatedly offered voluntary restrictions and programmes ostensibly designed to reduce tobacco use:

- In 1964, in response to growing public knowledge of the dangers of smoking, the industry adopted an Advertising Code that prohibited advertising that suggests smoking is essential to “social prominence, distinction, or sexual attraction.” From the rugged Marlboro Cowboy to the fun-loving

Newport Couple, this code has been regularly violated for over three decades.

- In the 1980s, the Tobacco Institute, in response to Congressional interest in restrictions on tobacco ads and the problem of youth smoking, launched several programmes, including “Helping Youth Decide” and “Helping Youth Say No.” These programmes emphasised decision-making for kids rather than warning them of the health dangers of tobacco. A study in the *Journal of Family Practice* found that the “Helping Youth Say No” programme could actually encourage youth smoking by its suggestion that tobacco use is an adult activity.¹¹⁰

In 1990, the tobacco industry launched a new programme called “It’s the Law,” again in response to Congressional interest in reducing tobacco use among youth. “It’s the Law” shifted focus from youth decision-making to providing retailers with educational materials about not selling to kids. Beyond sending decals and signage to retail stores, this programme was never effectively implemented. A 1992 study in the *American Journal of Public Health* found that compliance with the programme was extremely low.

In the later 1990s, to combat growing Congressional interest in the behaviour of the tobacco industry, Philip Morris and its allies launched several additional programmes, including “We Card” and “Action Against Access.” Like previous programmes, these were half-efforts at best, a point illustrated in an audit of “Action Against Access” by former U.S. Senator Warren Rudman, who found that retailers did not take the programme seriously and that it was not implemented completely. In fact, a survey of those retailers involved in the programme found that two-thirds did not think Philip Morris was really committed to preventing sales to minors.

5.5 Conclusion

- The tobacco industry favours campaigns that emphasise that smoking is for adults only. For the tobacco industry, the purpose is to fend off broad restrictions or bans on tobacco promotion by focussing only on underage smoking.
- Any campaign focusing on ‘ensuring only adults smoke’ is likely to stimulate teenage smoking because teenage smoking is driven by the aspiration to enter an adult world.
- Tobacco industry youth programmes, often generously funded, threaten to capture the public health agenda in some countries and regions and divert tobacco control efforts into worthless and ineffective activity.
- Despite tobacco industry calls for more research, there already is a substantial research base on teenage smoking and it has been comprehensively ignored by the tobacco industry.
- Much is known about why young people smoke and several causal factors have been identified. Campaigns aimed at reducing teenage smoking have had mixed results, with comprehensive community wide campaigns aimed at all target groups in society showing the most promise.
- Scarce funds available to reduce the burden of smoking on society should not be directed exclusively at youth programmes. It is essential that funds are directed towards broad strategies, including youth and adults, aimed at reducing the overall burden of tobacco on society.

6 | Tobacco industry proposal: preventing under age access

6.1 Tobacco industry approach

The third prong of the tobacco industry approach to youth smoking is to advocate the denial of access to cigarettes. This generally involves holding retailers responsible in law for not selling to persons under a designated age and supporting 'enforcement' measures like proof of age cards. Underpinning the emphasis on youth access is a shift of responsibility to others – retailers and kids themselves – and a distraction from the companies' own role in building the demand.

6.1.1 *British American Tobacco*

BAT's proposals are as follows:

"Preventing under age access to tobacco products..."

- *raise the legal age for tobacco purchase in the UK from 16 to 18*
- *involve retailers in developing a tighter and more effective enforcement regime to prevent under-age sales*
- *provide more support through schools and retail outlets for the CitizenCard"*

'Youth access' programmes dominate BAT's initiatives. A 1998 BAT brochure gives descriptions of 22 BAT-sponsored projects in 19 countries. All but six of these initiatives are aimed at retailers.¹¹¹

6.1.2 *Philip Morris*

Three of Philip Morris's five specific ideas relate to youth access:

- *Support minimum age laws in every country*
- *Support youth access programs everywhere*
- *Place the message "Underage Sale Prohibited", or equivalent on every package where legally feasible*

We currently participate in 57 youth access prevention programs in countries ranging from Argentina to Turkey and from Azerbaijan to Singapore. These programs are designed to communicate to our customers and trade partners that we do not want cigarettes sold to minors. Retailers in turn can use the information in their efforts to limit access to cigarettes by underage consumers.¹¹²

6.2 Critique of the tobacco industry approach

Tobacco manufacturers spend considerable sums of money on under-age sales restriction initiatives, and give this a high profile in their publicity. Overall, the type of measures suggested by the tobacco industry (stickers, information, exhortation etc.) are unlikely to make much difference to illegal sales in the absence of enforcement and the deterrence of meaningful penalties. Even effective enforcement of youth access restrictions is likely to have only a minimal impact on smoking rates among teenagers.

6.2.1 *Support for minimum age laws*

There is logic in placing cigarettes on a similar footing to alcohol – at least in terms of the message delivered about societal concern. The main objection to this measure is that it has no convincing evidence to support it as a means of reducing tobacco consumption among youth. Simply because the law decrees that people under a given age should be unable to purchase tobacco does not ensure this happens. Teenagers have numerous strategies for overcoming age restrictions and even where retailers

strictly comply, teenagers will be able to obtain tobacco. The focus group evidence below suggests that the age barrier is both easily overcome and may even add to the allure of smoking by enhancing its definition as an 'adult' product.

6.2.2 *ID cards*

Devices that notionally assist compliance, such as ID-cards, in fact further strengthen the adult definition of the product to which access is denied. Good forgeries are easy to obtain, and these may serve to indemnify retailers who sell to teenagers by offering a defence that ID was checked.

ID-cards codify the process of growing up into one of progressively increasing access to proscribed products and services. Obtaining fake ID is an effective short cut into forbidden adult pleasures.

6.2.3 *Retailer schemes*

Many of the retailer compliance or youth access schemes have messages with authoritarian overtones. For example, the symbol of the outstretched hand of a policeman used in a BAT campaign in China clearly attempts to place the barrier of authority between the teenager and smoking.

Some campaigns suggest to the teenager that the main barrier to smoking is adult imposed authority, for example the "it's the law" campaign¹¹³ as if the law is the only reason not to smoke.

6.2.4 *"Underage sales prohibited" warnings on packs*

Philip Morris suggests these warnings will be added to its packs. As with all measures suggested by the tobacco industry, no evidence is supplied to justify the effectiveness of such warnings. The obvious conclusion of this message displayed on a pack is that the young smoker is carrying an adult product and is either accepted as an adult or has overcome an adult-imposed barrier to smoking.

6.3 **Evidence: industry motivation**

Campaigners believe that the primary motivation behind industry support for youth tobacco access and smoking prevention programmes has not been to reduce tobacco use, but to gain positive publicity and deflect efforts to impose legal restrictions on marketing and access, whilst achieving minimal smoking reduction outcomes. Many internal documents demonstrate this desire to divert legislative attention away from tobacco through youth anti-smoking campaigns and access restrictions in particular. A 1992 Philip Morris memo observes that:

*'[if Philip Morris took] a more progressive position on tobacco, it would enable the company to move onto a higher moral playing field, to neutralize the tobacco issue and to focus attention on other, more appealing products.'*¹¹⁴

Then in 1995, a PM executive stated that

*'If we can frame proactive legislation or other kinds of action on the Youth Access issue...we will be protecting our industry for decades to come.'*¹¹⁵

Shortly thereafter, Philip Morris launched its high-profile Action Against Access initiative. Also in 1995, Ellen Merlo, Senior Vice President of Philip Morris, put it like this:

*'If we don't do something fast to project the sense of industry responsibility regarding the youth access issue, we are going to be looking at severe marketing restrictions in a very short time. Those restrictions will pave the way for equally severe legislation or regulation on where adults are allowed to smoke.'*¹¹⁶

But the retail-side initiatives favoured by the industry have very little effect on youth smoking rates. A 1999 World Health Organization conference concluded:

*'Compliance rates have to be very high to contribute to significant reductions in youth smoking.'*¹¹⁷

Finally, there is evidence from the tobacco industry documents that although the industry publicly supports a prohibition on sales to minors, it has a strategy to damage law enforcement efforts. This includes encouraging legislation to undermine successful prosecutions and outlawing use of compliance tests.¹¹⁸

6.4 Evidence: public health research

6.4.1 *Evading access restrictions is part of the attraction*

Young smokers find ways to get around tobacco access restrictions, no matter how rigorously they are enforced.

The focus group participants in England were generally quite sceptical about the usefulness of measures to reduce supply. The following extract is taken from the report overview:

'Young people who wish to smoke have little difficulty in obtaining cigarettes. Most know shops that will sell cigarettes to under 16s, and those who do experience difficulties have developed strategies for overcoming them. Many young smokers rely on older friends to buy cigarettes for them, or buy cigarettes at school.'

Young smokers are clever and enterprising about getting cigarettes. Restrictions are dealt with as logistical challenges that must be overcome – on principle, as well as on practical grounds – as adult-originated rules.

6.4.2 *Getting around being refused access in the shop*

Data from a 1998 survey by the UK Office for National Statistics shows that young smokers have access to a wide range of sources for their cigarettes. Friends and family are just as important as shops: 65% of smokers aged 11-15 usually get their cigarettes from a newsagent/tobacconist/sweet shop, while 61% are given them by their friends and 44% buy them from friends, family or someone else.¹¹⁹

Studies in the US show that social sources are more important than shops:

*'Adolescents obtain tobacco from social as well as commercial sources. One recent survey found that 73.7% of 8th, 9th and 10th graders who reported having ever smoked obtained their most recent cigarette from a friend or family member, as compared with 22.6% who obtained it from a commercial source.'*¹²⁰

There is evidence that the law in the UK banning retailers from selling tobacco to under 16 year olds is being widely flouted. The UK parliamentary Health Select Committee commented:

'There is clear evidence that many youngsters have little difficulty in buying tobacco'¹²¹

Focus group participants felt that most keepers of small shops were relaxed about selling cigarettes to under-16s. As one boy explained,

'They're making money so they don't care.' [12-13 year old boys, non-smokers, Birmingham]

It was also noted that some under-age smokers may use the threat of physical intimidation or theft to pressurise shop staff into selling them cigarettes. This works: aggression is a more potent threat than the fear of prosecution.

'There's loads of gangs that go into the shops and if they refuse to serve them they trash the place...' [12-13 year old boys, non-smokers, Birmingham]

In cases where shopkeepers are stricter, the very young persuade or commission older or bigger friends or siblings to purchase cigarettes for them.

'No matter how old you are, someone will get them for you.' [13-14 year old girl, smokers, Birmingham]

There is evidence that teenagers easily establish a secondary 'playground' market in cigarettes in which older teenagers buy cigarettes and sell on to younger teenagers – taking a commission. Focus group participants referred to this as 'Buyer's rights' – a system whereby the purchaser takes a payment in the form of cigarettes from the pack:

'Buyer's Rights, you get two from twenty and one from ten...' [Year 9 boys, smokers. Southampton]

Another strategy for young smokers is to buy cigarettes singly at school; some playground entrepreneurs sell cigarettes like this to fund their next packet. An ASH focus group participant explained:

'What I do is buy a pack of fags and then sell five, smoke five, and you've got another £2 ...we sell them at about 40-50p each, that's how much they pay at our school.'
[13-14 year old boys, smokers, Southampton]

Vending machines were recognised as an alternative, though more expensive, source of cigarettes.

6.4.3 Risks of raising the age limit

While it can be argued that raising the legal age for tobacco purchase would have value in the process of 'de-normalising' tobacco consumption, it is not clear what effect it would have on under-age smoking rates. While the restraining pressure of age restrictions if (and only if) combined with strict enforcement may delay onset of smoking and have some small effect on prevalence, the evidence is far from conclusive. As well as possible benefits there is a risk that it will simply enhance tobacco's image as an 'adult' product. All of the six focus groups agreed broadly that raising the legal age for cigarette purchase would have little impact on under-age cigarette consumption – though of course

this does not mean there would be no impact, but it does signal an intention to resist such restrictions. Some of the participants felt such a move would strengthen the appeal of smoking for young people:

'It probably wouldn't discourage them, it would make them more keen to try it...when you're told not to do something, you want to do it more. If my Mum tells me not to do something, I go and do it!' [14-15 year old girls, smokers, Birmingham]

'Some of the younger people only do it because they can't, they're not sixteen and they really want to go out and do it.' [14-15 year old girls, smokers, Birmingham]

'I think the level would stay about the same, because I think some people would start because they weren't allowed.' [12-13 year old girls, smokers, Newcastle]

'That would make people want them more...it's the idea that you're not supposed to have them... "I'm not supposed to touch that, so I'm going to go and get some"' [13-14 year old girls, non-smokers, Newcastle]

A few participants even suggested that the purchase age should be lowered rather than raised:

'If they were to lower the age, I think it would make a big effect, definitely...I reckon it would be real good. If kids were allowed to do it at a young age, it wouldn't go down well with parents to start with, but I really think it would work.' [14-15 year old boys, non-smokers, Southampton]

6.4.4 Retailer compliance does not lead to reduced smoking

There is a presumption in many youth access initiatives that improved retailer compliance with youth access laws will have a benefit to health due to reduced smoking among those that are denied access. However, there is no robust evidence that improved compliance leads to reduced smoking.

*'A controlled study in Massachusetts found no link between increased compliance with legislation and prevalence of youth smoking.'*¹²²

Strict enforcement of retail restrictions reduces under-age sales, but not necessarily under-age smoking. A 1999 Cochrane review of sales restriction initiatives in the UK concluded that 'no [access prevention] strategy achieved complete, sustained compliance'¹²³, while another study agreed that

*'based on current evidence, reducing the ease with which under-age youth can purchase cigarettes as a means of reducing their use of cigarettes has only limited support.'*¹²⁴

Evidence from meta-analyses conducted internationally shows that for a retailer initiative to stand a chance of being effective, it must form part of a community-wide, multi-component tobacco control programme. Tobacco industry-sponsored programmes tend to consist of leaflet and poster campaigns without broader community organisation or regular enforcement. Studies of the Tobacco Institute's 'It's the Law' programme in Massachusetts in 1991 and 1994 showed very low participation in the programme, with most retailers (participants as well as non-participants) quite willing to sell cigarettes to minors.¹²⁵

There is considerable evidence to suggest that toughening tobacco access rules without working to change the social context of smoking is largely a waste of effort and money. Supply-side measures

tend to make little or no impact on demand – or by enhancing the ‘forbidden fruit’ effect may even increase demand.

6.4.5 *ID-cards: testing the CitizenCard*

Another example of an initiative favoured by the tobacco industry is the proof of age card, for example the ‘CitizenCard’, which is sponsored by BAT. This is a new UK-based voluntary proof-of-age scheme. Through its membership of the Tobacco Manufacturers’ Association, BAT has provided a large amount of the funding for the CitizenCard initiative, to make cards free to 16 and 17 year olds, a move which the Government has welcomed.¹²⁶

Participants in the ASH focus groups were generally confident that the CitizenCard, like a huge array of other identity cards, could be faked easily and would have little effect. Again, the need to sidestep adult-imposed restrictions has created a market niche for false identity in schools – enterprising youngsters contact ID fakers via acquaintances, magazines or the internet, or the computer-savvy make false cards themselves and sell them at school:

‘You can order them off the internet – go to Yahoo and enter “fake ID” and it shows you about 100 sites.’ [13-14 year old, smokers, Southampton]

‘If you go into the back of your FHM [a ‘lad’ magazine], you can send away for an ID...for £20 you can get the kit...makes about 3 IDs, hologrammed, laminated, the lot! My mate at school has got one and it looks really realistic.’ [13-14 year old boys, smokers, Southampton]

Over and above the ease of forging identity cards, focus group participants were attracted to the prospect of having the fakes, because they felt these would make under-age purchases easier because the retailer would look at the card and have to sell:

‘I want an ID card so I can say I’m a bit older so I can go and buy fags, instead of having to wait for ages for people to go into the shop and get them for me.’

‘The reason I’d want an ID card is so I can go in there and say, “20 Sovereign please” – “Got any ID?” – “Suck on that” – and get my fags.’ [13-14 year old boys, smokers, Southampton]

The card removes the responsibility of the retailer to judge the age of the teenager. As a minimum it provides a defence for a retailer caught selling to under-age smokers. The very concept of ID cards creates a system to beat, and a thrill at succeeding.

The focus group research concluded:

‘Young people anticipate that ID cards for 16 year-olds designed to restrict access to cigarettes are likely to have a limited impact on smoking amongst the under-16s. Many suspect that cards will not be systematically checked, and that faking ID (to a level at which shop assistants will be satisfied) will not be difficult. Moreover, buying cigarettes from older associates at school will enable them to circumvent the need for ID.’

6.4.6 *Young people’s awareness of the industry’s motives*

Interestingly, the young people participating in the focus groups touched on some of the concerns of

health campaigners that have been discussed in this report:

Somebody at 16 may never even have thought about it [buying cigarettes], but as soon as they get this card through, they'll think, hey...and then basically just get hooked.'

[14-15 year old boys, non-smokers, Southampton]

And regarding tobacco industry involvement in card and age limit schemes – the teenagers see this as cynical and self-serving:

'If you give the ID cards, the kids are going to be more inclined to get the fake ID cards to still get the cigarettes, so they [i.e. the industry] 're doing this to make themselves look better but they're still going to get the profits because the kids who are into it don't listen to the rules.'

'It will make them look like they're not such a bad thing...cigarette companies: "we're trying to help the situation" to make you think "it's not so bad then, at least they're trying".'

[14-15 year old boys, non-smokers, Southampton]

6.4.7 *Tobacco industry avoids the measures that work*

If BAT really believed that raising the legal age for tobacco purchase or issuing ID cards made any difference to youth smoking prevalence, it is unlikely that they would be campaigning for these measures. The companies campaign vigorously against increases in tobacco taxation, despite the growing body of evidence that young smokers may be deterred by rising prices. A 1982 RJ Reynolds memo noted that a model by the National Bureau of Economic Research showed that

*'Teenagers and younger adult males are highly price sensitive.'*¹²⁷

It is well established that adult smoking patterns are responsive to cigarette cost. Teen attitudes to price increases, while less well understood, apparently echo this pattern. A World Bank document states that:

*'the most effective way to deter children from taking up smoking is to increase taxes on tobacco. High prices prevent some children and adolescents from starting and encourage those who already smoke to reduce their consumption.'*¹²⁸

An extract from a 1987 Philip Morris inter-office memo shows how well the company understands the effects of cost on smoking:

*'The 1982-83 round of price increases caused two million adults to quit smoking and prevented 600 000 teenagers from starting to smoke. Those teenagers are now 18-23 years old, and since about 70% of 18-21 year-olds and 35% of older smokers smoke a PM brand, this means that 700 000 of those adult quitters **had been** PM smokers and 420 000 of the non-starters **would have been** PM smokers...we were hit disproportionately hard. We don't need to have that happen again.'* [Emphases in original text.]¹²⁹

Price increases are a concrete, simple, well-documented way to reduce youth smoking rates: this is why the tobacco manufacturers will not campaign for them. Instead, examples from all over the world show the industry pushing for ineffective legislation, and vigorously opposing effective legislative measures such as price rises and bans on advertising and promotions.¹³⁰

6.5 Conclusion – ineffective and self-defeating

- There is little evidence that increasing enforcement to prevent under age sales will impact on the prevalence of youth smoking.
- There is good evidence that young people find their way around access restrictions including ID cards such as the CitizenCard.
- For many teenagers the defeat of adult-imposed restrictions is regarded as an important matter of principle to which substantial effort and ingenuity is devoted.
- There is also a concern that all such measures to restrict youth access including raising the legal age to 18 enhance the appeal of cigarettes as for adults only.
- Focusing on the issue of access diverts attention from the tobacco industry.¹³¹

a1 | Appendix 1: tobacco industry marketing restrictions

British American Tobacco: advertising principles

- Advertising is intended for, and will be directed at, adult smokers.
- Advertising will not be false or misleading.
- Advertising will not make health claims about tobacco products or smoking.
- Advertising will not depict the use of tobacco products as being important to sexual success.
- Any person appearing in advertising will not be younger, nor appear to be younger, than 25 years of age.
- Where television and/or radio advertising is permitted, it will only be broadcast in those hours when the programming is primarily directed at adults.
- Print advertising will not be placed in publications primarily directed at people under adult age.
- Cinema advertising will not be shown during films directed primarily at people under adult age or at times when the audience is likely to comprise of people under adult age.
- No payment shall be made for the placement of advertising or tobacco product in any film produced for viewing by the general public.
- Advertising will not be displayed on billboards directed at, or in close physical proximity to, schools or other facilities used mainly by people under adult age.
- Direct marketing, market research and sampling of tobacco products will only be carried out with, or in relation to, adult smokers.
- Promotional items and premiums bearing tobacco trademarks will only be directed at adults.

Philip Morris International: cigarette marketing code

Statement of Purpose

Philip Morris International is committed to marketing its cigarettes responsibly. Philip Morris does not market its cigarettes to minors. It firmly believes that cigarettes should be consumed only by adult smokers. Accordingly, all advertising and promotions should be directed towards adult smokers, and not towards minors.

The Philip Morris policies in this area are set forth in this Philip Morris International Cigarette Marketing Code which is implemented through management programs and review, including the following:

- Orientation meetings with new employees as well as training seminars at regional and national meetings of personnel with marketing responsibility.
- Review by counsel of all advertising campaigns and marketing programs to ensure compliance with the Code as well as applicable laws and regulations.
- Pursuit of legal sanctions against those who pirate our names and logos by placing them on items available or appealing to minors.
- Imposition of appropriate disciplinary action, including termination when appropriate, upon any employee who violates this Code.

The Code

We shall adhere to the following rules when advertising or promoting our cigarettes:

- 1 No advertising shall appear in media which are directed principally towards minors. Outdoor advertising shall not be placed on signs or billboards located in close proximity to schools or other

facilities, such as playgrounds, which are frequented particularly by minors. In advertising which runs in movie theaters, the accompanying feature presentation should be one directed towards an adult audience. Where cigarette advertising is permitted on television, it should only appear during the later evening hours.

- 2 No promotional activity shall be directed towards minors. Our brand names and logos shall not appear on items, such as sports equipment, toys or dolls, which are marketed to minors. Our brand names and logos shall not appear on miniature replicas of racing vehicles which are offered to the public or in video games which are likely to be played by minors. Where the Company sponsors entertainment, neither the entertainer, nor the entertainment itself, shall be of particular appeal to minors.
- 3 The Company will not distribute or sell or offer as a premium T-shirts, caps, sweatshirts, visors, backpacks, or other items with the name or logo of our cigarette brands displayed so as to be visible to others when worn or used. Where clothing items are offered as a premium or for sale, they shall be in adult sizes only. This paragraph shall not be interpreted so as to prevent the appearance of cigarette brand names or logos on smoking related items such as cigarette lighters or ashtrays.
- 4 In any cigarette brand sponsorships of music events, access shall be restricted to adults. Our cigarette brands shall not be identified as sponsors of music events where the music has, or is perceived to have, a particular appeal to minors.
- 5 Where third parties use our brand name or logo on products which are directed towards minors – for instance, school notebooks, kites, chocolate cigarettes and the like – the Company will immediately request discontinuance. Where the third party refuses to comply with the request, legal action will be taken.
- 6 The subject matter of our advertising shall not be such as to particularly appeal to minors. Celebrities who particularly appeal to youth shall not be pictured or quoted in our cigarette advertising. Models appearing in our cigarette advertising shall be – and shall appear to be – over the age of 25.
- 7 The Company will not use cartoon characters in its advertisements or promotions.
- 8 Outdoor advertising or promotional displays for our cigarette brands shall not dominate, either in terms of placement or quantity, the environment in which it is displayed. In particular, our outdoor advertising shall not obscure or dominate the public's view of important landmarks or the historic center of a city.
- 9 In any sales outlet to which minors have access, our in-store advertising shall be placed carefully so as not to dominate the store environment.
- 10 Our advertisements should not suggest that smoking is essential to athletic or social success or to sexual attraction.
- 11 While our advertising must be directed towards adult smokers, it should not convey the impression that all persons are smokers. Where an advertisement pictures more than three persons, no more than half of the group shall be depicted as smokers.
- 12 No payment, direct or indirect, shall be made for the placement of our cigarettes or cigarette advertisements in any film produced for viewing by the general public.
- 13 No sample products shall be offered to minors and sampling shall only occur in venues where access is restricted to adults. Where there is any question as to age, the sampler shall seek verification and if there remains a question the sample shall not be offered.
- 14 Marketing by direct mail shall be directed only at adult smokers. Where premiums are offered in exchange for coupons or used packages, the person requesting the premium must certify that he or she is not a minor.

a2 | Appendix 2: FDA conclusions on advertising influences on youth

The following extracts from the US Food and Drug Administration analysis of evidence on the impact of tobacco advertising in support of its assertion of jurisdiction over tobacco.

U.S. Food and Drug Administration, 21 CFR Part 801 et al., Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents; Final Rule, Federal Register Vol. 61, No.168, August 28, 19-6, pp.44488-44489, 44521, 44524, 44525, 44527, 44528-44529.

[T]he apparent focus on the possible causal role of cigarette and smokeless tobacco advertising in young people's initial decision to smoke or to use smokeless tobacco is overly narrow. Human behavior cannot be modeled so simplistically. In point of fact, tobacco advertising has an effect on young people's tobacco use behaviour if it affects initiation, maintenance, or attempts at quitting.

The evidence that FDA has gathered in this proceeding establishes that cigarette and smokeless tobacco advertising does have such an effect. While not all the evidence in the record supports this conclusion, there is more than adequate evidence, that when considered together, supports a conclusion that advertising, with knowledge of the industry, does affect the smoking behavior and tobacco use of people under the age of 18. This behavior includes the decision whether to start using cigarette or smokeless tobacco, whether to continue or to increase one's consumption, when and where it is proper to use tobacco and whether to quit. This evidence includes:

***Expert opinion** The American Psychological Association provided expert opinion, with specific citation to numerous studies to show that tobacco advertising plays directly to the factors that are central to children and adolescents and thus plays an important role in their decision to use tobacco. ...*

***Advertising theory** Basic advertising and consumer psychology theory, statements from advertising experts and general consumer testing show that advertising that is multi-media, that uses color and that employs more pictures, characters or cartoons as opposed to text is more robust and can be better processed, understood and remembered by children and adolescents, who have less information processing ability than adults. ...*

***Studies and Surveys** Studies show that children are exposed to substantial and unavoidable advertising, that exposure to tobacco advertising leads to favourable beliefs about tobacco use, that advertising plays a role in leading young people to overestimate the prevalence of tobacco use, and that these factors are related to young people's tobacco initiation and use. ...*

***Empirical Studies** Studies conducted on sales data have shown that advertising did increase one segment of the tobacco market (low tar cigarettes), that advertising in New Zealand had the effect of increasing tobacco sales to young people, and that a large multi-country survey showed that advertising tends to increase consumption of tobacco products. ...*

***Anecdotal Evidence and Various Advertising Campaigns Successful With Young People** Studies show that the buying behavior of young people is influenced by advertising, that they smoke the most advertised brands, that children ages 3 to 6 can recognize a cartoon character associated with smoking at the same rate as the recognize Ronald McDonald, that various ad campaigns (Camel cigarettes, Reg cigarettes, products designed for women and smokeless tobacco advertising aimed at new users) that appeared to be targeted to young people did have an effect upon young people's purchases and use of*

tobacco, and that young people report that they got their information about a tobacco brand from billboards, magazines, in store advertising and on teeshirts. ...

Industry Statements Statements in documents created by R.J. Reynolds' researchers, by Philip Morris advertising people, by executives of US Tobacco and by people in and doing work for various Canadian tobacco companies indicate that young people are an important and often crucial segment of the tobacco market.

Consensus Reports The IOM and 1994 Surgeon General Report concluded on the basis of an exhaustive review of the evidence that advertising affects young people's perceptions of the pervasiveness, image and function of smoking, that misperceptions in these areas constitute psychosocial risk factors for the initiation of tobacco use and thus advertising appears to influence young people's risk of tobacco use. ...

Thus the evidence in this proceeding demonstrates that cigarette and smokeless tobacco advertising plays a material role in the decision of children and adolescents under the age of 18 to engage in tobacco use behavior. It therefore establishes that the harm from this advertising is real. (pp.44488-44489)

...Some items, when used or worn by young people, also create a new advertising medium – the "walking billboard" — which can come into schools or other locations where advertising is usually prohibited. (p.44521)

...[T]he agency recognizes that the tobacco industry has exploited loopholes in partial bans of advertising to move its imagery to different media. When advertising has been banned or severely restricted, the attractive imagery can be and has been replicated on nontobacco items that go anywhere, are seen everywhere, and are permanent, durable, and unavoidable. By transferring the imagery to nontobacco items, the companies have "thwarted" the attempts to reduce the appeal of tobacco products to children. (p.44524)

...Because they penetrate the young persons' world, they are very effective in creating the sense that tobacco use is widely accepted, which ... is extremely important to children and adolescents. (p.44525)

...FDA finds that all nontobacco items that bear cigarette or smokeless tobacco brand logos are capable of playing a significant role in a young person's decision to engage in tobacco use. (p.44526)

...FDA has concluded that nontobacco items (identified with a tobacco brand), either sold, given away or provided for proof of purchase are an instrumental form of advertising in affecting young people's attitudes towards and use of tobacco. Moreover, banning this form of advertising is essential to reduce tobacco consumption by young people. (p. 44527)

...The effect of sponsored events on the young people who attend or see these events is enormous. Advertising affects young people's opinion of tobacco products, first, by creating attractive and exciting images that can serve as a "badge" or identification, second, by utilizing multiple and prolonged exposure in a variety of media, thereby creating an impression of prevalence and normalcy about tobacco use, and finally by associating the product with varied positive events and images. The sponsorship of events by tobacco companies uniquely achieves all three objectives.

Sponsorship creates an association between the exciting, glamorous or fun event with the sponsoring entity. Whether at the live gate, or on television, young people will repeatedly see and begin to associate the event, which they are enjoying, with the imagery and appeal of the product. All of the attendant concerns of hero worship of the sports figures and glamorization of the product by identification with the event are present, whether there are thousands or hundreds of thousands of young people in attendance. Race car drivers are extremely popular with young people and often are looked up to as heros. According to one promoter of NASCAR properties, "We've found that boys look to NASCAR drivers the same way they do heros, such as firemen, policemen, professional fighters, or astronauts."

Furthermore, sponsorship events present a prolonged period of time in which to expose the audience, including young people, to the imagery. Sponsorship events do not provide people with a momentary glimpse at the imagery, but from 1 to 2 or 3 hours of constant attractive imagery. The audience has more than enough time to associate the images of the sporting event or the concert with the product. (p.44528-29)

...The agency finds that the evidence regarding the effect of advertising and sponsorship on children's smoking behavior is persuasive and more than sufficient to justify this regulation. ... The evidence demonstrates that sponsorship of sporting events by tobacco companies can lead young people to associate brand names with certain life styles or activities and can affect their purchasing decisions. (p.44530)

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