

Tobacco Advertising & Promotion Bill

The case for the UK tobacco advertising ban

Action on Smoking and Health

4 October 2001

In Britain today, more than 120,000 people are going to die over the next year from illnesses directly related to smoking. And the year after that, and the year after that. Unless we all do something.

Rt. Hon Tony Blair MP

Prime Minister

December 1998

The Government believes that an advertising ban could reduce tobacco consumption in the longer term by 2.5%. This would translate into an estimated 3000 lives per year saved.

Rt. Hon Alan Milburn MP

Secretary of State for Health

December 2000

“Smoking kills. Advertising and promotion of tobacco products imposes enormous costs on our health service and does enormous harm to the health of our nation. Its effects are felt most acutely in the poorest parts of our country.

We estimate that, in this country alone, a reduction in smoking following an advertising ban such as that proposed could save the NHS up to £40 million a year on treating smoking-related diseases. More importantly, we estimate that 3,000 lives a year will be saved in the UK in the longer term.

The Bill will not prevent individual choice, but it will prevent the tobacco industry from using its mighty financial muscle to advertise and promote a product that kills. For the sake of the children who will be tomorrow's victims of lung cancer, coronary heart disease and other diseases, I commend the Bill”

Yvette Cooper MP

Minister for Public Health

January 2001

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Part I: Summary

Reasons to support the Tobacco Advertising and Promotion Bill

- On 14 December 2000, the government published *The Tobacco Advertising and Promotion Bill*. This would have implemented public health policy and met a 1997 manifesto commitment. It would have saved many thousands of lives by reducing tobacco consumption. Unfortunately, the Bill ran out of time in the run-up to the General Election, and was not included in the June 2001 Queen's Speech.
- Lord Clement-Jones has now introduced a Private Members Tobacco Advertising and Promotion Bill in the House of Lords. This Bill is exactly the same as the one lost in the run-up to the General election. It is due to receive a second reading debate in the House of Lords on 2 November 2001.
- Tobacco advertising increases the consumption of tobacco and hence increases the addiction, disease and premature death associated with tobacco use. The government estimates that even its cautious estimate of a 2.5 percent decrease in tobacco consumption arising with a tobacco advertising ban would avoid about 3,000 premature deaths per year – roughly eight deaths per day. Though this is a small fraction of the total premature death arising from smoking, it equates to the *total* death-toll on the roads.
- Estimates published by the World Bank, suggest the reduction in consumption may be greater – 7 percent – almost three times as great and therefore potentially saving thousands more lives.
- Research shows that for a tobacco-advertising ban to be effective it must cover all media and forms of promotion. If it is only partial, then promotional budgets will shift from the banned to the unbanned media and methods of promotion.
- It follows that delays, exemptions, derogations and ambiguities should be understood to cause additional and avoidable disease and loss of life. It is therefore essential that the legislation is comprehensive and introduced as rapidly as possible.
- The only workable form of tobacco advertising and promotion ban is effectively to ban all forms of advertising and promotion – and then to specify what, if anything, is permitted. The Bill will follow this 'permissive' model by banning tobacco advertising, promotion and sponsorship – with these terms widely defined.
- Voluntary agreements and attempts to ban certain types of advertising have always failed – and are advocated by the tobacco companies. Tobacco advertising creatives have always been able to find a way round and, as the Commons Health Select Committee concluded in its June 2000 report, "*Voluntary agreements have served the industry well and the public badly*".
- The idea - advanced by the tobacco industry - of a ban on advertising that appeals to children is unworkable and ill conceived. Teenagers are attracted by the adult nature of the product and much tobacco advertising appeals to children because it seems adult. It is impossible to draw a distinction between advertising that appeals to children and advertising that does not. Furthermore, many adults struggle to overcome addiction to tobacco and nicotine and there is every reason to reduce the pressure on adults. Finally, when the government is spending substantial sums on pro-health campaigns, it is nonsense to allow millions of pounds of private expenditure to be devoted to achieving the opposite effect. To put this in context, the Tobacco Industry spends £130m a year on advertising and Promotion in the UK each year, in contrast to the £13m spent by the Government on anti-smoking advertising.
- There are four main controversial areas in the published Bill:

1. How exemptions made for practical purposes will be defined as tightly as possible to avoid unnecessary loopholes. Special provisions apply to: small circulation foreign publications, tobacco trade publications, direct mailing, specialist tobacco retailers, internet advertising, and advertising at the point of sale.
2. The time granted for phasing out sponsorship of global events like Formula One. The government has so far supported a delay until 2006, but will define final arrangements in regulations. Given that the governing body of Formula One announced in 1998 that it could phase out tobacco money by 2002, we see no justification for allowing it to persist until 2006 - especially given the government's case that there is a loss of life involved and industry experts say that Formula One would easily find new sponsors.
3. The treatment of 'brand-stretching' – the advertising of tobacco brands using non-tobacco products (for example Camel Boots, Marlboro Classic Clothing). Manufacturers no longer advertise tobacco products per se, but build awareness and identity for a brand. For this reason an advert for Marlboro clothing looks identical to an advert for Marlboro cigarettes. To ban the latter but not the former would create a huge loophole.
4. The tobacco industry has indicated that it will seek an exemption for direct mail – on the grounds that this is communication between adults and has been requested by the recipient. The Bill allows a tobacco company to respond to an individual request from a consumer, but not to send a stream of mail and offers. Such campaigns could be directed at people trying to quit, could fall into the hands of kids, and work against public health policy and expenditure. We believe that this would work if tobacco companies were prevented from holding mailing databases.

Arguments of the tobacco industry

- Tobacco companies argue that tobacco advertising merely switches existing consumers from one brand to another with no increase in total consumption (and hence ill-health). Most researchers - at least those not paid or influenced by the tobacco industry - have found this argument to be false. Given the addictive nature of the product and the risks and lives involved, even where there is uncertainty, the burden of proof is on those making this argument.
- Tobacco companies argue that a ban is an invasion of 'commercial free speech'. The Human Rights Act 1998 (enacted 2000) guarantees a right to free speech, but it also allows exemptions for the protection of health. No advertiser has unfettered freedom of speech – all advertisements are required to be legal, honest decent and truthful. It might be argued that tobacco advertising, by promoting a positive image for a deadly product, is inherently misleading.
- Tobacco companies argue that because tobacco is a legal product, they should have the right to advertise it. The legal status of tobacco means that a person making, selling or using tobacco products is not committing an offence. It confers no additional rights. Other potentially dangerous legal products - pharmaceuticals, guns - may not be advertised. Tobacco is, in any case, a special and unique product - the only one that kills a large fraction of its users when used as intended by the manufacturer.
- Tobacco companies argue that they need advertising to communicate important information to their customers. There is virtually no information content in tobacco advertising, which consists mainly of imagery - often bizarre or surreal - that has the aim of communicating a brand identity

Part II: The UK Tobacco Advertising and Promotion Bill

Format of the Bill: bans and exemptions

The form of the *Tobacco Advertising and Promotion Bill* is to:

- Ban “tobacco advertising” [clause 2]
- Ban “free distributions” [clause 8]
- Ban “sponsorships” [clause 9]
- Restrict “brandsharing” [clause 10]

These terms are intended to cover all commercial tobacco promotional activities. Superimposed over these general prohibitions are exemptions, special provisions and transitional arrangements. These include:

Section	Exemption or special provision	ASH Comment
4.1.a	Tobacco trade publications	Must be narrowly defined and exclude any publication on general sale.
4.1.b	Communications made in response to a specific request from a consumer	Should only apply to <u>unsolicited</u> requests and companies should not be allowed to hold address lists.
4.1.c	Publications whose principal market is outside the UK	The definition of ‘principal’ market is left to courts, but some large publications e.g. <i>Newsweek</i> could be in this category.
4.1.d	In-flight magazines of non-UK airlines are exempted	
4.2	Point of sale advertising restrictions to be specified in regulations	These must be tightly drawn and prevent all <u>branded</u> advertising.
6.	Specialist tobacconists – not for cigarettes or hand-rolling tobacco	There is no reason to allow specialist tobacconists to advertise outside the store.
7.	Electronic advertising	This allows regulations to anticipate and respond to developments in electronic promotion.
8.3	Promotions within the tobacco trade	These must exclude retailer incentives – there is a risk that such incentives would lead to face to face marketing
10.1	Brandsharing exemptions to be defined in regulations.	The Act should ban ‘brandsharing’ and specify what principles will guide regulations defining exemptions.
18.	Sponsorship ban ‘no later than 1 October 2006’ – exact timing left to regulations	There is no reason to allow until 2006 for phasing out tobacco sponsorships.
20.	Entry into force left to regulations	The Act should specify a date by which its provisions enter into force by default – e.g. Not later than 1 Jan 2002

Amendments

The Bill may be amended during its [passage through Parliament](#). ASH is recommending amendments both strengthening existing provisions and to broaden the scope of the Bill to address recommendations made by the Commons Health Select Committee in its Second report 1999-2000: [The tobacco industry and the health risks of smoking](#).

Please see separate document: [The Tobacco Advertising and Promotion Bill: suggested amendments](#) online on the ASH web site.

UK Bill part of an international approach

European Union

After a 10-year process, a European Union directive banning tobacco advertising [\[98/43/EC\]](#) passed into law on 28th July 1998. The government developed Regulations to implement the directive under the European Communities Act, and planned to introduce the ban on 10th December 1999 – one year after the publication of the tobacco White Paper, [Smoking Kills](#) which made a ban on tobacco advertising an important component of its tobacco policy. This was agreed in the face of opposition from the German government and tobacco industry, which challenged the Directive in the European Court of Justice.

The [ECJ ruled on 5th October 2000](#) and annulled the directive. The Court indicated that the EU did not have the power to ban many types of common advertising. The Court also suggested that some types of promotion were the proper concern of the European Union – for example international sponsorship and traded publications.

In response to the Court ruling, the European Commission has published a [new proposal](#) for a replacement Directive – dealing with those aspects of the tobacco advertising that come within the competence of the EU^{[11](#)}. This proposal is currently being discussed on its way to becoming EU law. However, by its very nature, this Directive will depend on strong national legislation to allow it to function.

International

Furthermore, the governments of the World Health Assembly are preparing an international treaty, [the Framework Convention on Tobacco Control](#), which would deal with global and transboundary aspects of tobacco advertising – and attempt to internationalise the ban on tobacco advertising. Governments hope to agree the convention by 2003.

The result is that a comprehensive advertising ban will be introduced by a combination of UK, European Union and international action. The UK Bill is a vital component of the overall scheme.

Part III: Supporting evidence

Advertising increases tobacco consumption

The tobacco industry argues that its promotions do not seek to increase consumption or encourage people to take up smoking. The [Tobacco Manufacturers' Association](#) argues that tobacco advertising is aimed merely at building brand loyalty, promoting a switch of brands or launching new brands ^[2].

Advertising executive Emerson Foote, former Chairman of the Board of McCann-Erickson, which handled \$20 million in tobacco account sales dismisses this:

"The cigarette industry has been artfully maintaining that cigarette advertising has nothing to do with total sales. This is complete and utter nonsense. I am always amused by the suggestion that advertising, a function that has been shown to increase consumption of virtually every other product, somehow miraculously fails to work for tobacco products."^[3]

Dr. Clive Smee, Chief Economic Adviser to the Department of Health, published the most comprehensive study of the link between advertising and tobacco consumption in 1992^[4]. After reviewing 212 'time series' correlating advertising spend and total tobacco consumption Smee concluded:

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

Reviewing the impact of advertising bans that had been introduced at the time, Smee concluded:

"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."

Need for the ban to be comprehensive

Measures such as those contained in this Bill are not unprecedented – according to the [European Commission](#)^[5] tobacco advertising in various forms is already banned in many EU countries (Portugal, Italy, France, Belgium, Ireland, Sweden and Finland).

However, evidence suggests that unless bans are wide-ranging and broadly inclusive, an appreciable reduction in tobacco use is not achieved. A recent study published in the *Journal of Health Economics*^[6]: [The effect of tobacco advertising bans on tobacco consumption](#) by Saffer and Chaloupka of the National Bureau of Economic Research (US) concludes:

"That comprehensive advertising bans can reduce tobacco consumption, but that a limited set of advertising bans will have little or no effect. A limited set of advertising bans will not reduce the total level of advertising expenditure but will simply result in substitution to the remaining non-banned media."^[7]

In its publication [Curbing the epidemic: government and the economics of tobacco control](#), the World Bank analysed the evidence and concluded that tobacco advertising causes tobacco consumption to increase and partial advertising bans are ineffective.^[8]

"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."

The health effect of a tobacco advertising ban

The government cautiously estimates that banning tobacco advertising will cause tobacco consumption to drop by 2.5%.^[9] Given that the Government estimates that smoking kills

120,000 a 2.5% drop in consumption would mean that about 3000 lives could be saved every year – roughly equivalent to the [3,137 deaths on the roads in 1998](#).^[10]

There is little need to restate the multiple health impacts arising from tobacco use here. Please consult the [ASH web site: health section](#) for information on cancer, heart disease, respiratory illness, addiction, passive smoking and numerous other impacts.

How tobacco advertising works

As part of its investigation into the conduct of the UK tobacco industry, the Health Select Committee asked The Centre for Tobacco Control Research (CTCR), at the University of Strathclyde to analyse around 20,000 pages of internal documents released to the Committee by the tobacco companies' advertising agencies. The key findings were summarised in the report, [Keep Smiling: no one's going to die](#).^[11]

1. *The aim is to increase consumption as well as brand share.*
2. *The young are a key target and imagery is the way to reach them.*
3. *The issue is marketing and not advertising.*
4. *Sponsorship and advertising have become one.*
5. *Other strategies include undermining government policy and evading regulation*

In its assessment of the evidence, The Health Select Committee concluded:

advertising agencies have connived in promoting tobacco consumption, have shamelessly exploited smoking as an aspirational pursuit in ways which inevitably make it more attractive to children, and have attempted to use their creative talents to undermine government policy and evade regulation.^[12] ([Para 99](#))

Following a detailed review of the evidence, the US Surgeon General summarised the arguments relating to tobacco marketing and young people in 1994.^[13]

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 self-image and imply that smoking may close the gap.*
5. *Cigarette advertising appears to affect young people's perceptions of 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 the risk of young peoples' risk of smoking (p.195)*

Commercial importance of new smokers

The tobacco companies face an endless struggle to replenish their market with new customers as smoking kills about 330 smokers per day and around 1,000 per day quit for good. There is widespread agreement among public health experts that the purpose of tobacco advertising is to recruit new smokers and increasing demand. However, tobacco companies remain explicit about their stance on smoking; that smoking is an adult choice and that children should not smoke. But 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"^[14]

Internal documents released as a result of U.S. litigation reveal the importance of recruiting teenagers to the companies:

"If younger adults turn away from smoking, the industry will decline, just as a population which does not give birth will eventually dwindle." [RJ Reynolds, 1984]^[15]

"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..." [Brown & Williamson (BAT), 1974]^[16]

The joint ASH/Cancer Research Campaign publication *Danger! PR in the playground* contains more examples and further discussion.

The need for legislation: why voluntary agreements have failed

The tobacco industry maintains that an acceptable balance can be struck through the establishment of forums where the industry, government, public health groups and consumer advocacy groups can reach consensus on what constitutes responsible marketing of tobacco products. All the available evidence suggests that this strategy has failed.

In June 2000, House of Commons Health Select Committee report: *The tobacco industry and the health risks of smoking* concluded that:

Voluntary agreements have served the industry well and the public badly. Regulations have been seen by tobacco companies as hurdles to be overcome or side-stepped; legislation banning advertising as a challenge, a policy to be systematically undermined by whatever means possible.^[17] (Para 88)

Existing regulations and voluntary agreements have failed to produce a responsible approach to marketing. For instance, currently the [voluntary agreement](#)^[18] requires the tobacco industry:

1. not to advertise on billboards which are within a 200 metre range of schools. This agreement however manages to evade the real issue that should be under consideration: the effect of promotions on children outside the 200 metre zone.
2. not to advertise in print media that is primarily aimed at the teenage market. However, the agreement completely fails to take into account the promotions run in style magazines which are easily accessible to children.

There are multiple flaws in this approach:

1. Children live in society at large, not just near schools
2. Magazines that are not primarily aimed at the teenage market may have several hundred thousand teenage readers.
3. By specifying what is not permitted, the agreement gives free-reign to all other forms of promotion – including those not envisaged during the drafting of the agreement.
4. The appeal of smoking to teenagers is precisely that it is seen as adult and aspirational and adult branding and positioning is likely to be effective in appealing to the young
5. The agreement is premised on the idea only of discouraging children – in fact banning advertising is a perfectly legitimate measure to protect the health of adult smokers – many of whom will struggle to overcome nicotine addiction.

Advertising budgets move into sponsorship

Sponsorship is precisely the sort of non-banned medium that tobacco industry exploits. Sports sponsorship in particular is acknowledged by the tobacco industry to be valuable advertising. When TV advertising of cigarettes was banned in 1965, there was a dramatic rise in sponsorship – replacing advertising with a subtler sell, including access to the advertising-free BBC.

The advertising industry is even able to value the news coverage of Formula One:

Barry,

As I am sure you are aware there was excellent coverage of the new Jordan car last night on both the 9 O'clock News and News at Ten. [...] I have estimated the equivalent advertising value to be £185,000. When the value of Channel 4, Channel 5 and Sky are added in, I expect the figure would exceed £250,000.

Not bad to start off with. ^[19]

The value is derived not only through exposure of their brand name to millions through televised broadcasts, but also through association with pursuits that epitomise health and vitality, thus concurrently allowing tobacco advertising to distract from the serious health risks of the product that is being promoted. In 1994, the journal *Tobacco Reporter* described the Formula One car as:

"The most powerful advertising space in the world. It will carry your brand to 18 billion TV viewers in 102 countries" ^[20]

A recent analysis, of the European sports sponsorship scene, *Driving Business Through Sport* (see [relevant extract](#) and [press release](#)), revealed that Formula One motor racing currently receives around £177 million in tobacco sponsorship. However, the report showed that tobacco companies' dominance of Formula One through sponsorship does not render the sport reliant on tobacco sponsorship. ^[21]

The end of tobacco sponsorship of sport in Europe in 2006 will have little effect on most sports. Even Formula One racing, which is still heavily dependent on tobacco, should easily survive the ban.

Other industries also recognise the huge marketing potential that Formula One offers. The Williams team has already managed to replace its tobacco sponsor (Rothmans) with a technology based one (Compaq and BMW). A comprehensive ban would allow for an adjustment period for sports to find alternative sponsors. In anticipation of the European Directive EC 43/98/EC coming into force, FIA, the Formula One regulatory body stated in a [5th March 1998 press release](#) that it would be ready for compliance as soon as 2002 despite the directive allowing Formula One to comply by 2006 ^[22]. This is a clear indication that given a timeframe, sports do not face much difficulty in recruiting alternative sponsors.

Other avenues for tobacco promotion

Partial bans and voluntary agreements have only encouraged the industry to exploit other avenues to circumvent regulations in an attempt to increase consumption:

- Direct Marketing: mail shots to huge customer databases
- Promotions: coupons, gift catalogues, handing out of free tobacco products
- Sponsorship: of sports, arts, music and entertainment venues and events
- Brand-stretching: use of tobacco branding on non-tobacco products such as coffee and clothes for the purpose of promoting tobacco products

The Smee Report found that consumption in countries that had introduced partial bans dropped only marginally. This is due to the fact that the tobacco industry when faced with limited restrictions have not reduced their advertising spend, but merely invested in other forms of promotion. As soon as those countries introduced comprehensive bans consumption fell by an average of 7%. In the countries surveyed: Norway saw a 9% drop in consumption, Finland 6.7%, Canada 4% and New Zealand 5.5%. ^[23]

International experience with banning tobacco advertising shows this is an effective public health policy – see [Joossens L, The effectiveness of banning tobacco adverting.](#) ^[24]

Commercial freedom of speech

The tobacco industry claims that a comprehensive ban would violate its right to commercial freedom of speech. Furthermore, the industry argues that because tobacco is legal – it should be legal to advertise and promote it. ASH rejects this argument: in a publication [Banning tobacco promotion: ethical and civil liberties issues](#)^[25], we point out that there is no unqualified freedom of speech available to manufacturers. The key issues with regard to tobacco are:

- The right to be told the truth and the inherent deception in tobacco promotion
- Harm to others, especially children and non-smokers
- Addiction as an assault on the freedom to choose not to smoke
- Precedent (e.g. guns and pharmaceuticals) and the unique status of tobacco

Human Rights Act 1998

The suggestion that banning tobacco advertising infringes upon the tobacco industry's civil liberties is misplaced. A comprehensive ban would not contravene any universal freedoms awarded in law. The justification for such bans lies in Article 10 of the European Convention Human Rights as represented in the [Human Rights Act \(1998\) Schedule 1](#):

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. [emphasis added]

Clearly, an exemption exists where health is harmed – and a cautious estimate suggests 3,000 lives per year are at stake.

Tobacco is a legal product: why shouldn't it be advertised?

The legality of tobacco does not seamlessly award the industry the right to advertise. No company has the right of unrestrained free speech – every jurisdiction places restraint on what companies can say. Other potentially dangerous and legal products – pharmaceuticals, guns – may not be advertised. All the legality of tobacco means is that it is not an offence to make, distribute, sell or use the product. The law confers no extra legal rights, nor does it preempt other laws making tobacco advertising illegal.

Tobacco inhabits a legal twilight – it would be unlikely to be permitted if introduced to the market today and has been the subject of product liability legal action running to hundreds of billions of dollars. In order to allow it to remain on the market, normal rules and regulatory frameworks have to be suspended. According to the Royal College of Physicians' report, [Nicotine addiction in Britain](#), nicotine has addictive parity with hard drugs such as heroin and cocaine^[26] and the fact that it is a legal drug is an historical anomaly.

Existing restrictions on advertising

No advertiser has a right to unfettered free speech in the UK: [the British Codes of Advertising and Sales Promotion administered by Advertising Standards Authority](#) require that advertisements should (among many other restrictions):

"be legal, decent, honest and truthful

"be prepared with a sense of responsibility to consumers and society.

"not show or encourage unsafe practices except in the context of promoting safety.

"contain nothing that condones or is likely to provoke violence or anti-social behaviour."

It may be argued that tobacco advertising, by promoting a positive image for a deadly product, is inherently misleading. Thus tobacco promotion undermines the freedom of the user to make a reasoned choice.

Conclusion

Until a comprehensive ban on tobacco advertising is formulated and passed, the tobacco industry will continue to attempt to circumvent regulations, exploit any loophole and market a product that will kill one in five of the population. This is despite fifty years of persistent health concerns relating to the use of tobacco.

It has been argued that once tobacco advertising has been banned, campaigners or authoritarian governments will push for bans on advertising of alcohol, sugary foods, cars, etc. This neglects two points: first it is impossible to find serious proposals for these bans – they are basically a scare story; secondly, tobacco is completely different, being uniquely harmful and addictive – causing a high risk of death *when used as the manufacturers intend*.

We are past the threshold of the 21st century. The activities of the tobacco industry should not go unchecked. Banning advertising is a moderate measure when compared to the harm done by the promotion of a product that has uniquely dangerous characteristics.

As the Health Select Committee put it:

The tobacco companies are guilty of a general failure as a whole to take responsibility for the effects of its activities.^[27]

[...]

The extraordinarily dangerous nature of the product being marketed means that they cannot expect to operate in the same commercial environment as most other industries.^[28]

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