

FREQUENTLY ASKED QUESTIONS: TOBACCO ADVERTISING

ASH POSITION

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ASH POSITION

The advertising and promotion of cigarettes and other tobacco products persuades non-smokers (especially the young) to start smoking and dissuades smokers from quitting. Plainly put, this advertising costs lives. The Department of Health estimates that the ban on tobacco advertising will reduce tobacco consumption by 2.5%, which should lead to a reduction in deaths due to smoking by 3000 a year. Other experts (for example the World Bank) think that the number of lives saved may be more than double that figure, but even 3000 is the same as the total number of people killed on the UK's roads every year.

Evidence from other countries has shown that for a ban to be effective in saving lives, it has to be total. If it is not, then tobacco companies will find ways of exploiting loopholes to promote their products, in the same way that they began sponsoring televised sport when television advertising of cigarettes was banned in the 1960s. Delays, exemptions, derogations and ambiguities will cause avoidable disease and loss of life.

FREQUENTLY ASKED QUESTIONS

Q. If tobacco is a legal product, why shouldn't it be advertised?

A.. Many types of business (including pharmaceuticals, guns and even lawyers) have restrictions on the marketing of their products and services. Tobacco is arguably more harmful (killing 120,000 people per year in the UK alone) than any of these, and is the only legal product which kills when used according to the manufacturers' instructions. Through passive smoking, it also harms others who do not choose to smoke, infringing their freedoms. While tobacco *is* a legal product, (and ASH does not believe that smoking should be banned), it is highly unlikely that it would be legal if it was discovered today. In addition, having a legal product does not automatically

give the manufacturer unlimited freedoms. This concept is spelt out in the Human Rights Act (1998) which states:

“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 [...] the protection of health or morals, for the protection of the rights of others...” [emphasis added].^[1]

It is clear that tobacco kills – 120,000 people a year, and infringes the rights of others to breathe clean air.

Q. Why is a ban needed? What is wrong with voluntary restrictions on advertising?

A. The tobacco industry maintains that an acceptable balance can be struck through voluntary agreements on responsible marketing. However, all the available evidence suggests that this strategy has failed. In June 2000, the 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”([text of Committee report](#))

This is a very clear indication that the tobacco industry cannot be trusted to behave responsibly unless it is forced to.

Q. Isn't this the thin end of the wedge? Won't banning tobacco advertising lead to bans on advertising things like alcohol and fatty food.

A. The simple answer to this is “no”. This is a specious argument put forward by the tobacco industry. Banning tobacco advertising sets no new precedent, and in fact merely follows the precedent that certain types of legal products (such as prescription drugs or firearms) should have restrictions on their marketing. It simply means that companies will no longer be able to promote the sales of the UK's biggest preventable cause of death. This can only be a good thing. The harm done by tobacco far outweighs any health effects caused by things like fatty food.

Q. Why should a ban prevent the industry using direct mail to speak to their customers?

A. As set out above, for an advertising ban to save lives, it must be fully comprehensive. Leaving any avenue open will allow the tobacco companies to shift their marketing resources into this area, defeating the purpose of a ban. Direct mail is important as it allows the tobacco companies to communicate with their customers extremely effectively (and, using email, cheaply). The tobacco companies know this. That is why they argued for direct mail to be exempt from the Tobacco Advertising and Promotion Act. An exemption for direct mail would allow companies to target consumers (including non-smokers) with a stream of mail and offers. Such campaigns could be directed at people trying to quit (for example after No Smoking Day each year), could fall into the hands of children (or even be targeted at them), and would work entirely contrary to the spirit of a ban.

Q. Does advertising increase total consumption or just make smokers change brands?

A. 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] He 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."

This clearly shows that advertising affects decisions on whether to smoke, as well as those on which brand to choose.

Q. Won't a ban harm sport and the arts?

A. This fear, encouraged by the tobacco industry, is simply not true. In order to ensure maximum coverage for their products, tobacco companies have concentrated sponsorship on successful, high-profile sports. (Tobacco sponsorship of the arts has always been negligible.) These sports are extremely attractive to sponsors and other companies have gradually replaced sponsorship from tobacco companies without difficulty. Even Formula One, the sport most reliant on tobacco, announced in 1998 that it could replace its tobacco sponsorship within four years.

Certain governing bodies, notably the Football Association, decided some time ago not to take sponsorship from tobacco companies. The enormous commercial success of football in the 1990s demonstrates that sport simply does not need tobacco money.

Q. Won't a ban lead to job losses in advertising?

A. Tobacco advertising makes up only a tiny proportion of advertising companies' total turnover. Losing tobacco accounts would not affect the life or death of any advertising agencies, especially as agencies have known for several years that a ban is likely to come about, and have been able to plan accordingly.

Q. What is the European Union's position on tobacco advertising?

A. The European Commission issued a Directive banning tobacco advertising in the European Union in 1997. This Directive was challenged in the European Court of Justice (ECJ) by the tobacco industry and the German Government, who claimed that the Commission did not have the power under EU treaties to put such a ban in place. In 2000 the ECJ issued a ruling agreeing that the Directive went beyond the powers of the Commission. However, the ruling does not prevent individual members states from banning tobacco advertising and many have already done so. In the light of the ECJ ruling, the Commission issued a revised directive covering tobacco advertising that crosses national borders and sponsorship of sport. This was agreed by the Council of Ministers in December 2002. Member states will be required to bring in regulations to fully implement the directive by July 2005.

FURTHER INFORMATION

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[1] Human Rights Act (1998) Schedule 1.

[2] See Tobacco Manufacturers' Association web site: [advertising section](#) accessed 12 December 2000

[3] L. Heise, Unhealthy Alliance, World Watch, 1988, p20

[4] Smee, C., Effect of Tobacco Advertising on Tobacco Consumption: a discussion document reviewing the evidence. Economic and Operational Research Division. Department of Health 1992