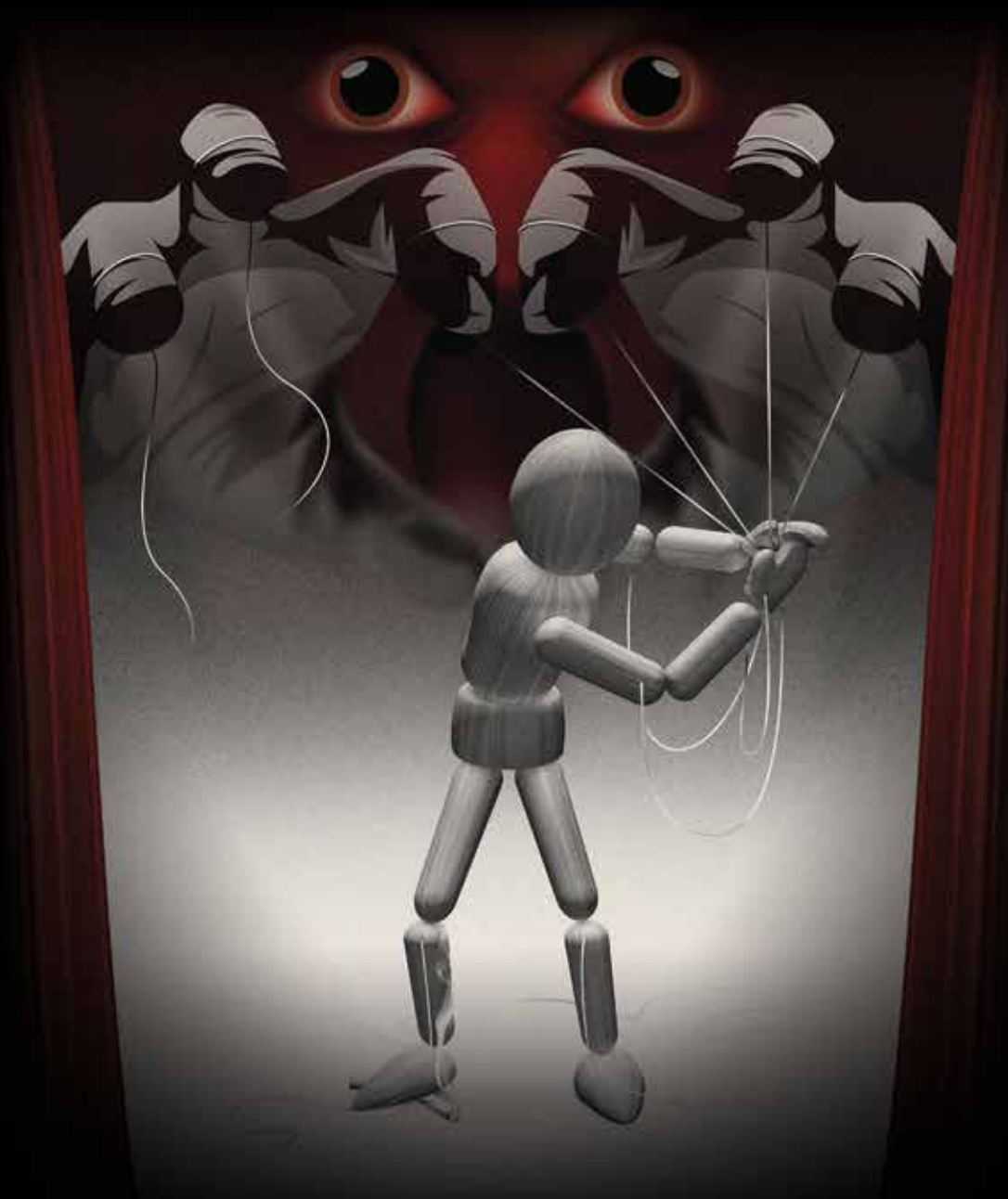


# BANNING TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP

What you need to know



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# **BAN ALL FORMS OF TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP**

**Tobacco kills almost six million of its users each year. The tobacco industry needs to attract new customers to replace those who die or manage to quit in order to maintain and increase tobacco sales and profits. At the core of the industry strategy to sell its products are tobacco advertising, promotion and sponsorship (TAPS).**

## WHAT ARE TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP?

In its attempt to sell as many tobacco products as possible, the tobacco industry uses a great variety of direct and indirect approaches with the aim, effect or likely effect of promoting a tobacco product or tobacco use. These approaches can be broadly classified into two major groups:

- any form of commercial communication, recommendation or action (tobacco advertising and promotion); and
- any form of contribution to any event, activity or individual (tobacco sponsorship).

TAPS increases the likelihood of people beginning or continuing to use tobacco. The tobacco industry uses many tactics to persuade non-users to start. Specifically, it targets its TAPS to trap youth, who are at the age when people are most likely to initiate regular smoking,<sup>1,2</sup> and women. About one third of youth experimentation with tobacco occurs as a result of TAPS.<sup>3</sup>

TAPS also misleads the public by depicting tobacco as being no different from any other legal consumer product. This increases the social acceptability of tobacco use and makes it more difficult to educate people about tobacco's harms.<sup>2</sup> Moreover, TAPS strengthens the tobacco industry's influence over the media and sporting and entertainment businesses through the tens of billions of dollars spent annually on TAPS activities.

The massive expenditure on TAPS is used to target enormous numbers of people and lure them into tobacco use.<sup>4</sup> It is therefore no surprise that, worldwide, 78% of students aged 13-15 years report being exposed regularly to some form of TAPS.<sup>5</sup> Among adults, this exposure figure is estimated to be around 31%.<sup>6</sup> The significant higher exposure to TAPS among teens testifies to the tobacco industry's targeting of young people.

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**There is a causal relationship between advertising and promotional efforts of the tobacco companies and the initiation and progression of tobacco use among young people.**

United States Department of Health and Human Services. *Preventing tobacco use among youth and young adults: a report of the Surgeon-General.*

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**“[W]e are naturally more interested to learn how you plan to target the emerging young adult female smokers rather than the older female smokers”**

Leiber C. Philip Morris Asia, inter-office correspondence, 25 October 1989 ([http://www.pmdocs.com/pdf/2504034812\\_4813\\_49\\_20135932533.pdf](http://www.pmdocs.com/pdf/2504034812_4813_49_20135932533.pdf), accessed 7 May 2013, Bates Number 2504034812-13).

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## THE TOBACCO INDUSTRY USES ALL POSSIBLE PROMOTIONAL CHANNELS

The pervasiveness of TAPS influences the population's exposure to marketing messages and images. The tobacco industry uses all the communication channels it can reach. The public perceives the traditional mass media to be the most common promotional channels used by the tobacco industry. Whenever possible, tobacco companies do advertise their products on TV, radio and in print media such as newspapers, magazines, billboards and posters. However, as governments clamp down on tobacco advertising in traditional mass media, tobacco companies have turned to new media, including stealth marketing, with a viral effect to create a “buzz” about their products and brands. To prevent more people being lured into nicotine addiction by the tobacco industry's new promotional tactics, policy-makers and, ultimately, the public need to be aware of the diversity of promotional tactics employed by the industry and of their tragic consequences.

## NEW AND RENEWED TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP

Here are some of the new and renewed ways the tobacco industry uses TAPS.

### Point of sale advertising and promotion

In the context of progressive restriction of TAPS in more and more countries, point of sale retail settings have become increasingly important for the tobacco industry.<sup>2</sup> The tobacco industry uses a large range of retail stores selling tobacco products to place posters, signs or audiovisual materials, sometimes strategically located so as to catch the eye of the youngest customers. At the same time, these stores are used for promotions, including price discounts and product giveaways. About 13%<sup>6</sup> of adults living in developing countries report noticing such promotions. In some countries, such as the Russian Federation, this figure goes up to 50%.<sup>6</sup>

In addition, the industry supports large, prominent and visually appealing displays of tobacco products at these retail stores. Such a display, known as a “power wall”, is in itself a form of advertising, intended to attract customers’ interest and encourage them to buy tobacco products. The industry even supports retailers in installing these kinds of displays through, for example, financial contributions, supply of free equipment, and award schemes with prizes offered for prime retail space and fully stocked shelves.<sup>7,8</sup> Adolescents’ exposure to tobacco advertising and promotion at the point of sale is a risk factor for smoking initiation. Young people aged 11–15 years who visited stores with tobacco advertising at least twice per week were twice as likely to start smoking as those who did not visit stores.<sup>9, 10</sup>

Some countries have banned the display of tobacco products at points of sale and have successfully protected their youth from such exposure. As an example, in Ireland, a ban on point of sale tobacco displays in effect since 2009 prevented young people from having an exaggerated perception of the number of their peers who smoked. Such results help to decrease the misperception promoted by TAPS that tobacco use is frequent and socially acceptable. Ultimately a ban reduces the likelihood of smoking initiation. In Norway, which implemented a display ban in 2010, removal of point of sale tobacco displays was perceived as a barrier to the purchase of tobacco by young people and diminished the value of branding in purchasing choices. In the United Kingdom, cigarette sales declined by 3% in retail stores that decided to ban product displays in advance of the legal mandate to do so that came into effect in 2012.

### Sampling and value incentives

Tobacco companies offer free samples of their products, other gifts (e.g. keyrings, T-shirts, hats, cigarette lighters), redeemable coupons or discounted products to young people, whether they are smokers or not. Sometimes these offers are made as part of marketing surveys and taste testing, or with the purchase of tobacco products. Sometimes, potential consumers are given the opportunity to enter competitions associated with tobacco products or brand names, whether requiring the purchase of a tobacco product or not.

Young people aged 13–15 years are up to five times more likely than adults to be offered free cigarettes by a representative of a tobacco company. In developing countries, one in 10 of these young people<sup>5</sup> were approached with such an offer, compared with 2% of adults.<sup>6</sup> This targeting of young people has sometimes been condemned by the courts. In 2010, a United States jury found a tobacco company guilty of enticing children to become smokers by handing out free cigarettes.<sup>11,12</sup>



#### Campaign in Canada against “power walls”

Source: <http://www.ash.ca/powerwalls/poster.pdf>, accessed 7 May 2013.

#### Worldwide, 15% of children 13-15 years of age own an object with a tobacco brand logo on it.

Emery S, Choi WS, Pierce JP. The social costs of tobacco advertising and promotions. *Nicotine and Tobacco Research* 1999, 1 (Suppl.2):S83-S91



**The India Tobacco Company uses its Wills brand for non-tobacco products as well as tobacco products.**

Source: <https://www.facebook.com/willslifestyleonline#!/> Photo accessed 23 May 2013.

**In a study in the United States of America between 2002 and 2010, smoking appeared in 66% of movies rated PG-13 (which children 13 and older can view) and 27% of movies rated PG or G (suitable for children under 13, with or without parental guidance).<sup>20</sup>**

World Health Organization. Smoke-free movies: from evidence to action. Geneva, 2011.

### Brand extension

Brand extension occurs when a brand name, emblem, trademark, logo, item of trade insignia or any other distinctive feature (including distinctive colour combinations) of two products, one a tobacco product and the other a non-tobacco product or service, are connected in such a way that the tobacco and the non-tobacco product or service are likely to be associated. The result is that advertising for the non-tobacco product or service is consistently seen as advertising for the sponsoring tobacco brand.<sup>13</sup>

The tobacco industry uses brand extension to circumvent restrictions on advertising and promotion of its products. More than 40 years ago, tobacco companies could already see the advantages of brand extension. Camel introduced Camel boots with advertisements virtually identical to those of their cigarette brand when Norway banned tobacco advertising in 1975.<sup>14</sup> In 1979, an internal document of one of the big tobacco transnationals left no doubt about the intentions of the tobacco industry in using brand extension, as companies should "... find non-tobacco products and other services which can be used to communicate the brand or house name, together with their essential visual identities ...to ensure that cigarette lines can be effectively publicized when all direct forms of communication are denied."<sup>15</sup> Today, renowned cigarette brand names are used for a multitude of non-tobacco products: Marlboro Classics clothing,<sup>16</sup> Peter Stuyvesant Travel, Gauloises travel excursions, Benson & Hedges Bistro, Camel footwear,<sup>14</sup> Camel adventures (travel tours), Camel Trophy adventure boots and Camel scooters, as well as non-tobacco pan masala as an advertising surrogate for tobacco-containing pan masala.<sup>2</sup> The India Tobacco Company (ITC) stretches several of its cigarette brands to give a name to branded lifestyle apparel, menswear and perfumes, haircare and skincare products under the Wills and Players brands.<sup>17, 18</sup>

### Product placement

This is the inclusion of, or reference to, a tobacco product, service or trademark in return for payment or other consideration. Entertainment products, like movies, are the preferred medium for product placement because they have enormous reach and influence pop culture.

Movies reach every part of the world and many contain tobacco imagery, which is rarely presented realistically. Tobacco on screen is generally more consistent with tobacco advertising than with authentic representations of the dire health consequences of tobacco use, and its depiction goes well beyond the needs of legitimate expression. Since adolescents are consistently reported to be the most frequent moviegoers,<sup>19</sup> films deliver billions of images of smoking to young audiences. Consequently, exposure to smoking in movies increases adolescent smoking initiation.<sup>2</sup>

A recent study in the United Kingdom indicates that television programming is also a source of significant exposure of youth to tobacco imagery. This happens despite the fact that TAPS, including all television advertising and paid product placement, has been prohibited since 2002, except when tobacco imagery is used for artistic or editorial purposes. Actual tobacco use occurs particularly in feature films and reality TV. The estimated average number of incidences of exposure per week of viewers aged under 18 years for any tobacco references, actual tobacco use and tobacco branding were 59 million, 16 million and 3 million, respectively. Tobacco branding, although generally rare, is particularly common in a soap opera popular among youth audiences.<sup>21</sup>

A few countries are now taking measures to protect youth from on-screen exposure to tobacco imagery and smoking, in accordance with the WHO Framework Convention on Tobacco Control (FCTC) provisions. India, home to the world's largest film industry, has been the first country to do so. Now all movies shown in India in which tobacco use can be seen include strong anti-tobacco warnings at the beginning and at the end of the movie, as well as scrolling messages along the foot of the screen during every scene containing tobacco use.<sup>22</sup>



**Plain packaging has been in effect since December 2012 in Australia**

Source: Australian Government Department of Health and Ageing

### Packaging and product design features

Packaging is an important element of advertising and promotion. The tobacco pack is used in various ways to attract consumers, to promote products and to cultivate and promote brand identity. Logos, colours, fonts, pictures, shapes and materials are used to this effect on external wrapping, on individual tobacco packs, or even inside packs, i.e. on individual tobacco products.

The WHO FCTC states that the effect of advertising or promotion on packaging can be removed by requiring plain packaging. As of today, this is what Australia has done<sup>23</sup> and New Zealand announced.<sup>24</sup>



**Actress during Stardust awards 2013 in India sponsored by Gutka brand Kamla Pasand.**

Source: Solaris

### Sponsorship

Sponsorship is a common form of promotion by which tobacco companies provide financial or other support for events (such as sporting or cultural events) and/or activities for individuals or groups (athletes or their teams/clubs, artists or their organizations), usually in exchange for publicity. Sometimes companies sponsor educational facilities. In 2011, for example, more than 100 primary schools in China were sponsored by tobacco companies.<sup>25</sup> The schools reportedly bore the names of Chinese cigarette brands, and in some cases their playgrounds carried pro-tobacco slogans, such as “Talent comes from hard work – Tobacco helps you become talented”. In another example, Yuxi, one of the biggest tobacco companies in China, has sponsored the building of schools, roads, parks and even a cigarette-themed amusement park.

### Corporate social responsibility

Tobacco companies frequently engage in so-called “corporate social responsibility” (CSR) activities. This is a special form of sponsorship of research, charitable activities, educational programmes, disaster relief, simple community projects and many other “socially acceptable” activities, to give the public the false idea that tobacco companies are socially acceptable economic contributors and good corporate citizens.<sup>5</sup> As a result, people rarely see CSR as a promotional tactic, but CSR is clearly highlighted as such by the WHO FCTC. Despite the death and suffering caused by tobacco use, many CSR activities cynically focus on health philanthropy. Economic support is offered to countries and communities affected by natural disasters or crises, with the clear intention of creating a public perception of an industry that is engaged and responsible, creating goodwill and loyalty among influential groups, such as journalists and policy-makers, and ultimately promoting the tobacco brand.



**Primary school in China. The slogan reads “Talent comes from hard work – Tobacco helps you become talented”.**

Source: [http://www.tobaccofreekids.org/tobacco\\_unfiltered/post/2011\\_09\\_28\\_china](http://www.tobaccofreekids.org/tobacco_unfiltered/post/2011_09_28_china), accessed 23 May 2013

CSR activities are therefore used as corporate political activities to gain access to public officials, influence policy preparation and counteract opposing political coalitions, with the ultimate goal of persuading governments not to implement policies that may restrict tobacco use and reduce sales.<sup>26</sup> Ultimately, corporate social responsibility activities do little to address the health and economic impacts of tobacco use and are merely a useful marketing and brand reputation management technique used by the tobacco industry.



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### Tobacco industry uses the good name of the Red Cross

The tobacco industry tries to associate itself with worthy causes and institutions. For example, in 2011 alone, the tobacco industry donated to branches of the Red Cross/Red Crescent in Japan,<sup>a,b</sup> Switzerland,<sup>c,d</sup> Tunisia,<sup>e</sup> Turkey,<sup>f</sup> the United States of America<sup>g</sup> and Viet Nam.<sup>h</sup> The fact that a few Red Cross/Red Crescent societies and/or branches overlook the obvious contradiction between collaborating with the tobacco industry and upholding the fundamental principles of humanity and independence prompted the Southeast Asia Tobacco Control Alliance in 2010 to write a letter to the International Federation of Red Cross and Red Crescent Societies regarding contributions by Philip Morris International to national societies (and/or branches) in the Philippines, Thailand and Viet Nam.

The Japan Tobacco International (JTI) Foundation donated to the Red Cross/Red Crescent Museum in Geneva at a time when the company was being investigated by the European Union for a deal that might have aided the Syrian regime.<sup>i</sup> Under pressure from civil society the museum returned the donation.

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### Stealth advertising and promotion

As traditional and non-traditional forms of advertising and promotion are further restricted, the tobacco industry has increasingly resorted to stealth marketing. Stealth marketing works by encouraging promotion by word-of-mouth peer group recommendation. It works through promotion of a product or a service by getting the right people talking about a product or service in a non-obvious manner, without appearing to be company-sponsored.<sup>27</sup> The director of a well-known cigarette brand admitted that “as a marketer, you hope to have your consumer do your marketing for you. It is credible, less expensive, and enormously believable”.<sup>28</sup>

The initial message can be conveyed in a variety of ways: physically (celebrities or trendsetters may be seen with the brand) and/or verbally (people sneak the brand name into on-air or off-air conversations). For example, a transnational tobacco company created the Lucky Strike Force<sup>28</sup> by employing attractive couples to offer hot coffee and cell-phone calls to smokers in winter or iced coffee in summer in fashionable neighbourhoods. Another company created Project Whisper to capitalize on social interaction within bars to influence bar patrons to use their brands.<sup>29</sup> At one point, tobacco companies endeavoured to convey brand identity through lifestyle magazines indistinguishable from other lifestyle magazines, without the name of the tobacco company, the brand or even smoking images, to avoid being perceived as a company or brand vehicle. Brand identity was conveyed by using a look (colours, fonts, etc.) identical to the distinct design features of their brand.<sup>30</sup> Music bands have also been used for stealth marketing.

The stealthy nature of this marketing makes it difficult to know the extent to which a company is involved. In 2007, a Chinese indie-rock band dedicated a song called Zhong nan hai to the cigarette brand Zhongnanhai, which were the cigarettes specially made for Chairman Mao Zedong in the late 1960s. Was it stealth marketing? The lyrics are very simple and repetitive.<sup>31</sup>

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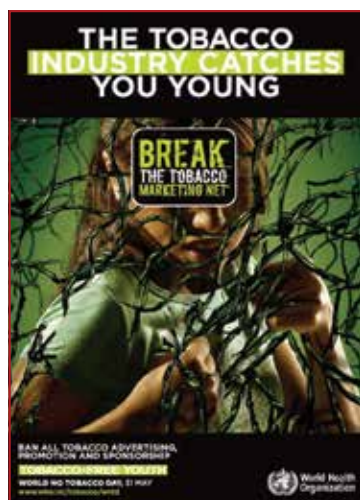
Zhongnanhai, Zhongnanhai... Zhongnanhai,  
Zhongnanhai  
Zhongnanhai, Zhongnanhai... I only smoke  
Zhongnanhai  
Zhongnanhai, Zhongnanhai... I can't live without  
Zhongnanhai  
Zhongnanhai, Zhongnanhai... who the f...  
smoked my Zhongnanhai?

Words to a song dedicated by the Chinese indie-rock band to the cigarette brand Zhongnanhai

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### “Word-of-mouse” in the wild Web

The rapid evolution of the media landscape has created significant new opportunities for the promotion by stealth of tobacco products. This landscape is characterized by the global shift to “new media”, which is exemplified by consumer-driven social platforms and online video-sharing web sites, easily accessible to many through relatively inexpensive smartphone technology, combined with the increased global reach of Internet services. This is a global phenomenon, as the digital divide is narrowing quickly. Viral forms of TAPS have appeared with the exponential growth of mobile telephony and the widespread commercial deployment of the Internet. The advertiser creates an environment in which a positive brand image can replicate and spread virally.<sup>32</sup> The old word-of-mouth technique has evolved into an electronic word-of-mouth or “word-of-mouse”.



Poster from 2008 World No Tobacco Day campaign

New media forms of tobacco promotion are beginning to be documented. Sometimes the connection to the company is clear, although not presented as marketing. Thousands of smokers were invited to design a new pack for a well-known cigarette brand through an interactive web site, in what is called open-source marketing.<sup>33</sup> A cigarette rolling paper company attracts consumer attention by hosting interactive and shareable games on its corporate web site.<sup>34</sup> The games are meant to reflect “the brand’s image as fun, interactive, individual, colourful and creative”. In January 2013, a tobacco company promoting its new web site sent an e-mail inviting the recipient to join in a conservation project for the new year, intended to attract interest by appearing as a good cause, with the text: “Team up to preserve the land”.<sup>35</sup> Sometimes the connection to the companies is more elusive.

Adolescents are consistently exposed to pro-tobacco imagery and references to smoking through their normal Internet viewing<sup>36</sup> and can even access virtual teen smoking clubs.<sup>37</sup> A transnational company developed an “independent” web site designed to appeal to young men in their twenties, which appears to offer impartial advice on nightlife to young people but in fact directs them to establishments where the company’s brands are being sampled or promoted.<sup>38</sup> Employees of a transnational tobacco company were found to be promoting the firm’s brands on Facebook.<sup>39</sup>

There are almost 6 billion mobile phone subscribers worldwide. Smartphone use is growing exponentially, and by the end of 2013 1.4 billion smartphones will be in use, or one phone for every five people in the world.<sup>40</sup> Applications that promote tobacco use can be downloaded on to mobile phones and tablets.<sup>41</sup> For example, the Apple App Store and Android Market contain 107 pro-smoking apps. Forty-two of these apps were from the Android Market and downloaded by over 6 million users.

The Web offers enormous possibilities for new media marketing to exploit loopholes in advertising and promotion bans and to stretch legal definitions<sup>42</sup> in order to generate positive word-of-mouse about tobacco products. Given the ample opportunities for anonymity and deception on the Web,<sup>43</sup> one of the main challenges is to distinguish pro-smoking posts online genuinely written by private citizens from those added by tobacco companies and their agents posing as consumers.

## STOP TOBACCO INDUSTRY MANIPULATION. BAN TAPS!

### Bans on tobacco advertising, promotion and sponsorship are effective at reducing smoking

A comprehensive ban on all TAPS activities significantly reduces exposure to smoking cues resulting from tobacco advertising and promotion.<sup>44</sup> This, in turn, significantly reduces the industry's ability to continue promoting and selling its products, both to young people who have not yet started to use tobacco and to adult tobacco users who want to quit.<sup>45</sup> Protecting people by restricting TAPS activities can substantially reduce tobacco consumption<sup>46</sup> but only when such restrictions are comprehensive, and it does so regardless of the income level of the country.<sup>47</sup> In high-income countries, such a ban decreases tobacco consumption by about 7%.<sup>48, 49, 50</sup>

A comprehensive ban on tobacco advertising, promotion and sponsorship will raise the opposition of the tobacco industry, including court challenges. In February 2013, the Russian Federation approved a new law that included a ban on advertising, promotion and sponsorship. The tobacco industry tried unsuccessfully to stop its approval. In August 2012, a Government agency charged with vetting legislation and whose board of trustees is headed by the speaker of the lower house of Parliament reversed its initial support of the law, after having accepted a contract with a tobacco company.<sup>51</sup>



Poster from 2013 World No Tobacco Day campaign

### The tobacco industry challenges TAPS legislation in court unsuccessfully

The industry interferes with the approval and implementation of legislation by challenging it in court. Its chances of success are minimal, but it delays implementation until the court returns a decision. Some recent examples are described below.

**January 2013** The Supreme Court of India allowed the Government to move forward at last with implementing the promulgated rules restricting tobacco advertising at point of sale. The tobacco industry had challenged these rules in court and their implementation had been frozen until then.

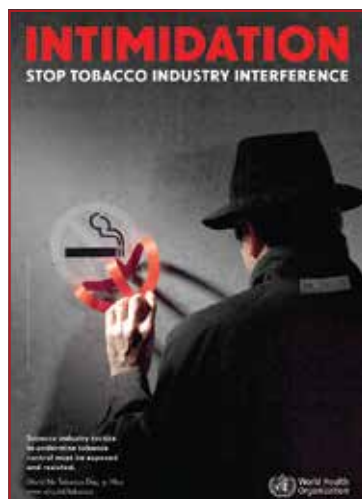
**December 2012** A Rhode Island court (United States of America) rejected arguments by tobacco companies seeking to prevent the implementation of ordinances passed by the City of Providence, Rhode Island to prohibit, among other things, certain price-based promotions like “buy-two-get-one-free”.

**October 2012** The High Court of Australia upheld the Australian Plain Packaging Act, challenged by the tobacco industry. The companies claimed that the Act deprived them of their intellectual property in the design and packaging of their tobacco products.

**September 2012** A Norwegian court upheld the Government's ban on the display of tobacco products at point of sale. A tobacco company had challenged the display ban in court, claiming that it violated trade rules under the Agreement on the European Economic Area. The court determined that the display ban is necessary and that no alternative, less intrusive measure could produce a similar result.

**August 2012** The South African Appeals Court affirmed a lower court's decision to reject claims by one tobacco company that a South African law which prohibits the advertising or promotion of tobacco, including viral marketing, violated its freedom of expression and the right of consumers to receive information concerning tobacco products. The Constitutional Court dismissed the company's subsequent appeal because the company had no prospects of success.

Parties to the WHO FCTC (numbering 176 as of May 2013 and covering more than 87% of the world's population) recognize the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts, and acknowledge that a comprehensive ban on TAPS reduces tobacco use. The tobacco industry will try to silence its critics.



Poster from 2012 World No Tobacco Day campaign

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### The tobacco industry tries in vain to silence critics of its TAPS strategies

A Brazilian court ruled in 2012 against a tobacco company seeking to limit the freedom of speech of the nongovernmental organization ACT Brazil, which had produced a video criticizing the siting of tobacco products near candies, chewing gum and other products popular with children.

A Swiss court ruled in 2010 against a tobacco company seeking to limit the freedom of speech of the nongovernmental organization OxyRomandie for making a parody of its logo and criticizing it for using tennis to sell death by sponsoring a tennis tournament. The Swiss organization made a parody of the cigarette maker Davidoff's sponsorship, creating a web site under the name of Davideath. The company complained that "this parody" broke both trademark and unfair competition laws. On the claim of trademark infringement, the court dismissed the complaint because the altered logo and name was not used to offer any goods or services for sale. On the claim of unfair competition, the court held that attempting to change the public's perception of certain behaviours is permissible under the law. Since Davidoff used emotionally charged images in its communication, the critics were allowed to do the same. Furthermore, the use of Davideath did not denigrate the brand, since the relationship between tobacco and death was well established and the claim therefore not misleading. The Davidoff Group later stopped sponsoring the tournament.

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Every Party has committed itself, under Article 13 of the WHO FCTC, to undertaking a comprehensive ban on TAPS "in accordance with its constitution or constitutional principles". At the High-level Meeting on the Prevention and Control of Non-communicable Diseases (New York, 19-20 September 2011), the United Nations General Assembly adopted a Political Declaration<sup>52</sup> that recognizes the fundamental conflict of interest between the tobacco industry and public health.

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**March 2012. A Civil Magistrate of Pakistan found the Head of Marketing for a transnational tobacco company guilty of violating the law on tobacco advertising when the company placed several full-page color ads in major magazines around Pakistan. The company executive claimed that the violation was in good faith because he did not believe the prohibition on advertising in the "press" included magazines. The Magistrate rejected this argument, stating that the executive's position was "not tenable".**

<http://www.tobaccocontrol.org/litigation/decisions/pk-20120320-the-state-v.-tarar>, accessed 7 May 2013.

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### Effective legislation must be enforced and monitored with the public's support

Passing a comprehensive ban is not enough. To protect people effectively from exposure to TAPS, the ban needs to be enforced. If it is not properly enforced, the tobacco industry will try to circumvent its provisions. As an example, in 2009, despite the existing ban on advertising, promotion and sponsorship in Mexico, a transnational tobacco company continued its sponsorship of the annual Marlboro MXBeat festival in several cities to promote its top-selling cigarette brand. The festival was heavily promoted. The company claims that the concert was only advertised to adults, yet online promotions, blogs and magazines did not require age verification.<sup>53</sup> A clear and unambiguous ban can be easily enforced, provided it includes minimal but essential efforts to detect possible violations. Enlisting the support of civil society and of the public in observing and reporting violations of the ban helps the overall enforcement and monitoring efforts of governments. In December 2012, for example, the Environmental Rights Action/ Friends of the Earth Nigeria denounced a journalist award contest sponsored by a transnational tobacco company as explicitly violating Nigeria's TAPS ban, while undermining critical journalism.<sup>54</sup> Information on how to enforce a comprehensive ban on TAPS may be found in the Guidelines on the implementation of Article 13 of the WHO FCTC<sup>55</sup> and other technical resources provided by WHO at [www.who.int/tobacco](http://www.who.int/tobacco).

## CALL TO ACTION

A call to action to free people from the manipulation of the tobacco industry and to ban all forms of tobacco advertising, promotion and sponsorship.

### Call to policy-makers

- Implement a comprehensive ban on all forms of tobacco advertising, promotion and sponsorship, as called for in the WHO Framework Convention on Tobacco Control (WHO FCTC), if you have not yet done so. Make this part of your full implementation of the WHO FCTC.
- Use the guidelines on Article 13 of the WHO FCTC when implementing a comprehensive ban on all forms of tobacco advertising, promotion and sponsorship.
- Request assistance from WHO in implementing a comprehensive ban on all forms of tobacco advertising, promotion and sponsorship, if needed.
- Counter any interference from the tobacco industry when implementing a comprehensive ban on all forms of tobacco advertising, promotion and sponsorship.

### Call to civil society and nongovernmental organizations

- Urge governments to implement a comprehensive ban on all forms of tobacco advertising, promotion and sponsorship.
- Denounce all types of interference from the tobacco industry.
- Help to educate the public about manipulation through the tobacco industry's marketing strategies and its attempts to interfere with the implementation of a comprehensive ban on all forms of tobacco advertising, promotion and sponsorship.

### Call to the public

- Demand that your government ban all forms of tobacco advertising, promotion and sponsorship.
- Free yourself from tobacco industry manipulation by learning about the cunning and unscrupulous marketing techniques used by the industry to trap you into using tobacco.



Poster from 2011 World No Tobacco Day campaign

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