Ban Tobacco Advertising, Promotion and Sponsorship

WNTD this year focuses on a ban on tobacco advertising, promotion and sponsorship. Such a ban is a basic step towards reducing tobacco use. This publication provides the implementation status of the **WHO FCTC Article 13** in the ASEAN region. See how your country fares, and take action now!

Southeast Asia Tobacco Control Alliance (SEATCA)
FCTC Article 13

BAN TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP

“Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products” – FCTC Article 13.1

Tobacco advertising and promotion

Any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly.

Tobacco sponsorship

Any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly.

FCTC Article 13 Recommendations:

Coverage of a comprehensive ban on Tobacco Advertising, Promotion and Sponsorship

1. All direct and indirect advertising, promotion and sponsorship without exemption;
2. Acts that aim promotion and acts that have or are likely to have a promotional effect;
3. Promotion of tobacco products and the use of tobacco;
4. Commercial communications and commercial recommendations and actions;
5. Contribution of any kind to any event, activity or individual;
6. Advertising and promotion of tobacco brand names and all corporate promotion; and
7. Traditional media print, television and radio and all media platforms, including internet, mobile telephones and other new technologies as well as films.

Many countries in ASEAN have enacted legislations to implement a ban on tobacco advertising and sponsorship. These are focused on direct tobacco advertisements and sponsorship of sports and entertainment. Country that has yet to draw up national legislation to ban tobacco advertising and sponsorship is Indonesia due to large tobacco industry. Implementing FTCT Article 13 should focus on achieving comprehensive bans including removing point-of-sale advertisement, banning corporate social responsibility activities by the tobacco industry, dealing with cross-border issues and other non-traditional forms of advertising and promotion.

Status of Ban on Tobacco Advertising, Promotion and Sponsorship in ASEAN

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>Advertising</th>
<th>AD at POS</th>
<th>Ad Via social media</th>
<th>Promotion</th>
<th>Sponsorship</th>
<th>Pack display</th>
<th>CSR other than direct sponsorship</th>
<th>Cross border</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brunei Darussalam</td>
<td>Ban</td>
<td>Ban</td>
<td>Ban</td>
<td>Ban</td>
<td>Ban</td>
<td>No display</td>
<td>No CSR</td>
<td>No Ban</td>
</tr>
<tr>
<td>Cambodia</td>
<td>Ban</td>
<td>Ban</td>
<td>Ban</td>
<td>Ban</td>
<td>Ban</td>
<td>Allowed one pack/brand</td>
<td>Ban publicity</td>
<td>Ban</td>
</tr>
<tr>
<td>Indonesia*</td>
<td>Partial ban only on electronic media</td>
<td>No Ban</td>
<td>No Ban</td>
<td>Restriction</td>
<td>No Ban</td>
<td>No Ban</td>
<td>Ban publicity</td>
<td>No Ban</td>
</tr>
<tr>
<td>Lao PDR</td>
<td>Ban</td>
<td>Ban</td>
<td>Ban</td>
<td>Ban</td>
<td>No Ban</td>
<td>No Ban</td>
<td>No Ban</td>
<td>No Ban</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Ban</td>
<td>Ban</td>
<td>Ban</td>
<td>Ban</td>
<td>No Ban</td>
<td>No Ban</td>
<td>Partial</td>
<td></td>
</tr>
<tr>
<td>Myanmar</td>
<td>Ban</td>
<td>Ban</td>
<td>No Ban</td>
<td>Ban</td>
<td>No Ban</td>
<td>No Ban</td>
<td>No Ban</td>
<td>No Ban</td>
</tr>
<tr>
<td>Philippines</td>
<td>Ban</td>
<td>No Ban</td>
<td>No Ban</td>
<td>No Ban</td>
<td>No Ban</td>
<td>No Ban</td>
<td>No Ban</td>
<td>No Ban</td>
</tr>
<tr>
<td>Singapore</td>
<td>Ban</td>
<td>No Ban</td>
<td>No Ban</td>
<td>Allow at POS</td>
<td>No Ban</td>
<td>No Ban</td>
<td>Ban publicity</td>
<td>Ban</td>
</tr>
<tr>
<td>Thailand</td>
<td>Ban</td>
<td>Ban</td>
<td>Ban</td>
<td>Ban</td>
<td>Ban</td>
<td>Partial and Ban publicity</td>
<td>Allowed live telecast</td>
<td></td>
</tr>
<tr>
<td>Vietnam</td>
<td>Ban</td>
<td>Ban</td>
<td>No Ban</td>
<td>Ban</td>
<td>Allowed one pack/brand</td>
<td>Partial and Ban publicity</td>
<td>No Ban</td>
<td></td>
</tr>
</tbody>
</table>

*Indonesia Non Party to FCTC

FCTC Article 13
Challenges in Implementation FCTC Article 13

Ban Advertising at Point-of-Sale

Display of tobacco products at point of sale is a form of advertising and promotion. Thailand and Brunei are only two countries in ASEAN have banned advertising at the point-of-sale. Singapore government is proposing to ban shops from displaying tobacco-related products.

Recommendation: Ban Tobacco Product Display at Point of Sale

Parties should introduce a total ban on any display and on the visibility of tobacco products at point-of-sale, including fixed retail outlets and street vendors. Only the textual listing of products and their prices without any promotional elements would be allowed. The ban should also apply in ferries, airplanes, ports and airports. Vending machines should also be banned.

Corporate social responsibility (CSR) activities

Tobacco companies are resorting to more below-the-line tactics to reach consumers and promote their image and their products. Corporate social responsibility (CSR) activities have become one of the key strategies employed by the industry to enhance its image. Only a few countries in the Asia Pacific have banned CSR by tobacco companies. While most countries have prohibited advertising and promotion of cigarette brands, they still have not banned the tobacco companies using their corporate names for promotional activities. This leaves a loophole that the companies can exploit. Children from tobacco use such as banning smoking among minors and giving of support to the education sector and scholarships to students from tobacco growing areas are among the most popular forms of CSR of the tobacco industry.

Singapore has taken an important step in requiring the tobacco industry to disclose their expenditure in advertising, promotion and sponsorship that are not yet prohibited. This is required under obligations related to FCTC Article 13.4 of the Convention, (paragraph 37).

Recommendation: Corporate Social Responsibility

Parties should ban contribution from tobacco companies to any other entity for “Socially responsible causes”, as this is a form of sponsorship. Public given to “Socially responsible” business practices of the tobacco industry should be banned, as it constitutes advertising and promotion.
Cross border advertising

FTCT Article 13 Guidelines recommend a comprehensive ban to include cross-border advertising, promotion and sponsorship. “Parties should ensure that any cross-border tobacco advertising, promotion and sponsorship originating from their territory is banned or restricted in the same manner as domestic tobacco advertising, promotion, and sponsorship.” A handful of countries have banned cross-border advertising and promotion originating from their countries.

Cross-border TAPS from a Non-Party: Djarum Indonesia Open 2012

An international badminton tournament (Indonesia Open), under the auspices of the Badminton World Federation was broadcasted to several countries, Hong Kong, Malaysia, Denmark, Singapore and Germany.

Viewers from many countries were exposed to Djarum promotion, an Indonesian tobacco brand, a sponsor of the tournament. This form of in-flowing cross-border TAPS must be banned. The office of the Badminton World Federation located in Kuala Lumpur advertised this tobacco sponsored event on its website.

Parties need to adopt international cooperation mechanisms to deal with cross border advertising:

a. Cooperation in the development of technologies and other means necessary to facilitate the elimination of cross-border advertising.

b. Cooperation and support for research and surveillance systems and related capacity-building programs.

c. Cooperation in the facilitation of the development, transfer, and acquisition of technology, knowledge, skills, capacity and expertise related to cross-border advertising.

Promoting tobacco over new media

While most governments have focused on banning tobacco advertising and promotion over traditional mass media, a few countries in ASEAN have taken a step further and instituted a ban on tobacco promotion over the internet – Malaysia, Singapore and Thailand.

Studies have shown that internet and social media is increasingly being used to promoted tobacco, sometimes portrayed as innocuous chats over Facebook or blogs. FTCT Article 13 Guidelines include “digital communication platforms (including the internet and mobile phones)” within the terms of the Convention.

Monitoring and enforcement may pose a great deal of challenge however it is important for governments to send a strong message that they are serious about enforcement over digital communication such as the internet. Measures recommend to eliminate cross-border tobacco advertising, promotion and sponsorship, in particular identifying contact points and dealing with notifications from other Parties would help to ensure that domestic enforcement efforts are not undermined.
Malaysia’s Experience:
Malaysia’s legislation bans all of tobacco advertising, promotion and sponsorship in all media, including the internet. A review of tobacco promotion over internet, review of Facebook is a popular social network to promote cigarettes followed by Flickr and Photobucket. BAT’s Dunhill was the leading cigarette brand promoted over social media. Images were uploaded by individuals (40%) or group (60%) such as the Malaysian Dunhill Smokers’ Association (PPDM). Most were direct promotion of cigarette brands (97%) while others promote non-tobacco items with cigarette brand names. Old tobacco sponsored sports events have also been uploaded recently, after such advertising and promotion were banned.

Recommendation: Promoting tobacco over new media
A comprehensive ban on tobacco advertising, promotion and sponsorship, should cover traditional media (print, television and radio) and new media, as well as films.

Call for Action to Fully Implement FCTC Article 13

1. Reject any guidelines or self-regulation or exemptions proposed by the tobacco industry;
2. Enact legislation that covers a complete ban on all form of tobacco advertising promotions and sponsorship, direct or indirect in any form in any media which includes:
   • direct and indirect advertising, promotion and sponsorship;
   • advertising and promotion of tobacco brand names and all corporate promotion;
   • traditional media (print, television and radio) and all media platforms, including Internet, mobile telephones and other new technologies as well as films;
   • display and visibility of tobacco products at POS;
   • advertising or promotion on cigarette packs and through packaging;
   • contributions from tobacco companies for “socially responsible causes” (CSR)

ACT NOW

1. Assess your country situation, identify loop holes or exemptions (such allowing advertising at POS or 1-pack-per-brand display) in current legislation;
2. Call upon the government to implement a comprehensive ban on tobacco advertising, promotions and sponsorship;
3. Conduct a press conference or issue a press statement to let the public know the status of FTCT Article 13 implementation in your country
4. Collaborate with civil society, especially groups working with women and children, and the medical profession to draw attention to the issue and represent a collective voice to the government

References:
5. Garnaut, J. (2012), tobacco Advertising and Sponsorship: Sun Herald, Sydney, Australia
7. Photo Credit: SIS Project Focal Points, Garnaut, J. Framework Convention Alliance, Philippines (FCAP), Dr. Dorotheo (SEATCA)