

Monitoring of Tobacco Advertising, Promotion & Sponsorship (TAPS)



Message by
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Every year Pakistan, assumes growing non-communicable disease burden, tobacco use is one of the leading sources of non-communicable diseases. According to WHO, some 20-30 million Pakistanis smoke and 1200 children start smoking everyday in Pakistan. More than 100,000 deaths occur due to diseases caused by tobacco use in country. Government of Pakistan has ratified Framework Convention on Tobacco Control (FCTC) in 2004 and has taken pride in the fact that Pakistan's tobacco control ordinance, 2002 that precedes FCTC.

The domestic legislation of Pakistan was promulgated earlier than the country became party to FCTC. Therefore, there are some areas in national law are not fully compliant to the guidelines of FCTC. TheNetwork for Consumer Protection initiates campaign to monitor Tobacco Advertising, Promotion and Sponsorship (TAPS) and build advocacy campaign to lead towards comprehensive ban on TAPS. I hope, the government will take appropriate measures and bring necessary amendments in tobacco control laws in consultation with civil society. I anticipate, TheNetwork's project will go a long way in tobacco control efforts in country.

On the international front as well, UN summit on NCDs held in September 2011 emphasized, tobacco use to be an obvious area of focus in the NCDs fight. Director General WHO shared that "a recent World Economic Forum and Harvard University study estimated that, over the next 20 years, NCDs will cost the global economy more than \$30 trillion, representing 48 percent of global GDP in 2010. NCDs can thus "break the bank" of even the wealthiest nations".



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An introduction and country's brief situation analysis

Framework Convention on Tobacco Control (FCTC), first global treaty under the auspices of World Health Organisation (WHO) obligates the FCTC endorser countries to implement a comprehensive ban on all Tobacco Advertising, Promotion and Sponsorship (TAPS), including Cross-Border Advertising (CBA) airing within their territories in a period of five years of entry into force of the treaty. The guidelines on the implementation of Article 13 of FCTC developed by the third Conference of the Parties (COP-3) further exposit the best practices obviating TAPS at domestic and international level. Later, WHO introduced MPOWER measures to support member countries to introduce effective interventions to reduce demand and risks of tobacco that also intimate to enforce ban on tobacco advertising, promotion and sponsorship.

Tobacco industry spends billions of dollars annually to market its products and make its brands popular. Using sophisticated and

Tobacco companies devote significant resources to increase brand popularity by using new gimmicks for advertising, from print and electronic media to event sponsorship, brand merchandising, brand stretching and product discounts or raise awareness of their products to tempt new smokers.

Monitor: Monitor tobacco use and prevention policies

Protect: Protect people from tobacco smoke

Offer: Offer help to quit tobacco use



Warn: Warn about the dangers of tobacco

Enforce: Enforce bans on tobacco advertising, promotion and sponsorship

Raise: Raise taxes on tobacco

Pakistan was among first 40 countries to become a party to FCTC by ratifying the global treaty in 2004. February 27, 2010 marked the deadline for the first 40 countries including Pakistan, which is already lapsed to implement FCTC in an ample manner to reduce the burden of tobacco related diseases and deaths. Pakistan suffers more than 100, 000 tobacco related deaths annually and remain one of the producers worldwide. Tobacco industry in Pakistan is one of the powerful industries, having a history of influencing decisions and impeding the developments for comprehensive tobacco control mechanism.

Pakistan is a haven for lucrative tobacco businesses, marketing youth with the aim “the consumer gets the right product at the time and place of their choice, anywhere in the country”. Two major companies Pakistan Tobacco Company (PTC) and Lakson Tobacco Company (LTC) mainly cover Pakistan's tobacco market economy. **Tobacco industry in Pakistan is focusing more to advertise through “brand awareness” and “brand preferences” amongst smokers. The big brands owned by PTC and LTC have introduced imaginative and innovative ways of modern tobacco marketing by enhancing “consumer understanding” regarding products.** Although, tobacco products are restricted to be advertised and promoted through print and electronic media but industry is heavily flacking its brands by “image building” in the name of Corporate Social Responsibility (CSR) and Corporate Social Investment ((CSI).

Tobacco industry is sponsoring tree plantation campaigns, water filtration plants, educational projects and medical camps in different areas and specifically in tobacco farming communities. The big businesses are approaching “buying behaviours” by investing in consumers' tastes, attitudes, pockets and purchasing patterns prevail in local market. Tobacco industry is promoting through packaging and product formats that consumers like, such as a popular brand introduced the new packaging with the tagline “Wohi Dabang Maza” inspired by an Indian movie went very popular in Pakistan.



covert forms of TAPS the tobacco industry links its products with glamour, fun, adventure and success to enhance to draw youth towards tobacco use and leads to hook young smokers for the lifetime.



Why not a plain packaging.....?

Tobacco industry distributes gifts in form of free samples, wristwatches, wall clocks, T-shirts, key chains, lighters and bags, approaches consumer convenience and offer free smoke to tempt for brand switching. Unfortunately, the marketing and promotion campaigns by industry have been extremely successful in luring new customers, most of them are youngsters.

On the other hand, shisha smoking, snuff and use of other smoke less tobacco is rising trend in youth of country. Regrettably, due to the government's lacking commitment to reduce burden of non-communicable diseases and political will towards effective tobacco control, toothless legislation and poor implementation mechanism lax the efforts of tobacco control advocates.

Pakistan introduced the domestic legislation titled "Prohibition of Smoking and Protection of Non-smokers Health Ordinance 2002", which provides deficient definitions of tobacco products, advertising, promotion and sponsorships. National tobacco control law covers cigarettes only in tobacco products while other forms of smoking including shisha and smokeless tobacco snuff and chewing tobacco remain uncurbed.

A statutory body, Committee on Tobacco

Advertisement Guidelines is responsible to monitor the violations against guidelines. Government has set up committees at federal and provincial level and in few of major districts of country to monitor the violations of advertising guidelines under tobacco control law 2002.

However, functioning of these committees need to be reviewed for effectiveness. National legislation of Pakistan partially restricts tobacco advertising, however, country is yet to require a comprehensive ban on all forms of TAPS by introducing FCTC compliant provisions in domestic legislation regarding TAPS.

According to the World Health Organization, "Tobacco addiction is a communicated disease-communicated through advertising, sports, marketing and sponsorship.

World Health Organization

The industry is focusing on modern marketing and promotional tactics and weaker piece of legislation provides an ample room to violate the regulations

Comprehensive ban on TAPS is direly needed for Pakistan by removing lacunas and make domestic legislation, FCTC compliant. It is high time for Pakistan to plow ahead and join the select list of countries have successfully banned TAPS and reduced tobacco related health burden.

International obligations & commitments of Pakistan regarding TAPS & POS advertising

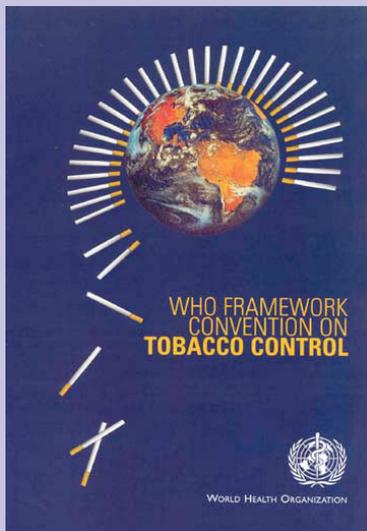
Consumption of tobacco products has been costing high expenditures on health and killing millions around the world for decades. It is second major cause of mortality, claiming one in ten global deaths (5 million

deaths in 2009). Sensing the magnitude of the problem, World Health Organisation (WHO) adopted a first ever global treaty on public health in 2003, named 'Framework Convention on Tobacco Control (FCTC)'.

The major objective of this code is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by regulating & ceasing tobacco industry's unethical and unchecked business practices. Till date, 174 countries have ratified FCTC and introduced tobacco control instruments to establish the commitment with the issue either completely or partially.

As compared to other neighbouring countries, Pakistan extended its allegiance by introducing tobacco control legislation in 2002, anterior to FCTC in 2003. However, the law lacks necessary effectiveness for implementation and enforcement since tobacco consumption in Pakistan remains high.

As yet, there are two principal pieces of legislation governing tobacco control in Pakistan (Cigarettes (Printing of Warning) Ordinance, 1979, Prohibition of Smoking & Protection of non smokers Health Ordinance 2002.



Sequently, Pakistan notified another SRO 53 (Free Goods, Cash rebates), 2009 which restricts tobacco industry to offer free goods, samples, gifts and discounts for the purpose of advertisement, promotion and to generate the sale of tobacco products

The comprehensive ban on TAPS is still needed to be addressed.

Unfortunately the definitions of TAPS given in Prohibition of Smoking & Protection of Non smokers Health Ordinance 2002 (Article 2; a, f, l) are narrower to that of FCTC (Article 1; c, f, g) definitions and therefore do not comply with FCTC protocols.

The FCTC's Article 13, 1 obliges Pakistan to undertake a comprehensive ban on all tobacco advertising, promotion, and sponsorship in the country. The deadline is missed by the country over a year ago. The biggest tobacco control challenge Pakistan faces is lack of political will and apathy regarding FCTC implementation. There is documented evidence available that only a comprehensive ban on tobacco advertising, promotion and sponsorship (TAPS) can significantly contribute in tobacco control.

Comparison of FCTC definitions/provisions on TAPS with National Tobacco Control Law & Status of implementation

“Tobacco advertising and promotion” means 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”

FCTC Art. 1 ©

According to Ordinance 2002 Article 2 (a), the definition of “advertisement” is narrower than the definition of “tobacco advertising and promotion” provided in FCTC Art. 1(c) in that it covers audio, visual, and other electronic means of commercial communication, but does not cover other types of commercial action that has the effect of promoting tobacco.

The definition of “promotion” is narrower than the definition of “tobacco advertising and promotion” provided in FCTC Art. 1(c) in that it covers specific listed types of promotional commercial action, but not all commercial action, that has the effect of promoting tobacco. Taken together, the two definitions remain narrower than the definition of “tobacco advertising and promotion” contained in the FCTC.

According to Ordinance 2002, article 7, the prohibition on advertisement of cigarette etc. is very vague which later followed by guidelines (SRO F.13-5/2003) gives a lot of space to tobacco industry to grow. There are limited restrictions on domestic print media, TV and radio advertising is limited to the hours between midnight and 6:00am. Print advertising is permitted, except in “publications intended for young people. Sponsorship of “events” is prohibited; other forms of sponsorship are not restricted.

Point of sale advertising/ promotion (SRO 882(I)/ 2007 restricts point of sale (POS) advertising boards to no more than one square feet. Internal tobacco industry documents show that POS advertising is very important to the tobacco industry, especially when other forms of advertising and promotion are banned. Studies show that youth is especially vulnerable to POS advertising.

The national law doesn't cover advertising through domestic internet, internet tobacco product, international newspapers and magazines and internet communication, point of sale product display, conventional mail, telephone & cellular phone, distinctive words, designs, images, packaging and labeling, direct person to person targeting of individuals, non Non-tobacco products or services using tobacco brand names or carrying a brand logo or other brand indicia (brand stretching), Tobacco products or services using non-tobacco brand names (reverse brand stretching or brand sharing),

Time to act now!

Retailer incentive programs (e.g., rewards to retailers for achieving certain sales volume, enhanced displays, etc.) or other payments to encourage them to sell tobacco products, Financial or other sponsorship or support by the tobacco industry to events, activities, individuals or groups (e.g., groups involved in sports, the arts, politics, charitable or welfare, or other activities, or youth smoking prevention programs), Financial or other support by the tobacco industry to venue operators such as clubs, pubs, other entertainment venues, or tobacco sales outlets, in exchange for building, renovating, furnishing, or decorating the premises in a way that promotes tobacco use, Payments or other



contributions in exchange for the exclusive sale or prominent display of a particular product or a particular manufacturer's product in a retail outlet, at a venue, or at an event, Promotion by any means that are false, misleading or deceptive or likely to create an erroneous impression about a product's characteristics, health effects, hazards or emissions (covering any term, descriptor, trademark, emblem, marketing image, logo, color and figurative, or any other indicia)

Sponsorship means any form of contribution to any event, activity or individual with the aim, effect or promoting a tobacco product use directly. FCTC Article 1(g)

According to Ordinance 2002 Article 2 (f), the definition of "promotion" includes "sponsorship" yet no definition of "sponsorship" is provided. Having no definition for this key term makes interpretation of many provisions

difficult. This can hamper application and implementation of FCTC Article 13 and its guidelines. A definition of "tobacco sponsorship" should be provided in accordance with FCTC Art. 1 (g).

Tobacco products means any product entirely or partly made of the leaf tobacco as a raw material with is manufactured to be used for smoking, sucking, chewing or snuffing. FCTC Article 1, (f)

Undefined key terms or ambiguous definitions can undermine the application of other substantive provisions of a law. A definition of "tobacco product" should be provided in accordance with FCTC Art. 1 (f). In the national law Art. 2 (i), only smoking (cigarettes, cigars or any other form of smoking) tobacco is addressed, where as smokeless tobacco is equally injurious to health and being highly used by youngster as well as adults in the society.

Worldwide, countries have made major developments to reduce tobacco related health burden by banning TAPS. Pakistan is making progress and has introduced stiffer measures by partially banning TAPS but is a long way to achieve the obligation of an FCTC compliant law with a comprehensive ban on TAPS..

Although the 18th constitution amendment provides for the continued enforcement of the existing legislations but in the absence of the enforcement mechanisms and authorities the laws need to be adopted or re-promulgated by the provincial assemblies. It is suggested that provincial governments either independently or under the supervision of Federal government make national law fully compliant with FCTC, leaving no loop hole for tobacco industry to plunge in & impose comprehensive ban on TAPS.

Source of information:
<http://www.tobaccocontrollaws.org/country/pakistan>

Banning TAPS; International Examples and Best Practices

Comprehensive ban on tobacco advertising and sponsorship is effective part of tobacco control programmes worldwide. Evidence indicates comprehensive ban on cigarette advertising and promotion could reduce per capita tobacco consumption by up to 8 %. In other countries where partial ban was imposed, decline was only 1%. Partial bans on tobacco advertising wouldn't work. The tobacco industry spends lavish money on advertising per year and allocates 6 % of its income to advertising. Guidelines of global public

health treaty Framework Convention on Tobacco Control (FCTC) suggest World Health Organisation (WHO)'s member countries to introduce comprehensive ban on tobacco advertising, promotion and sponsorship (TAPS).

The experience of ban on TAPS is triumphed in different countries, not only experiencing reduced tobacco consumption but have successfully reduced health burden of tobacco related diseases.

Tobacco causes cancer

Thailand

The Tobacco products control Act 1992 of Thailand is better of law on TAPS in whole south East Asian region. This law imposes almost comprehensive ban on tobacco products advertisement including indirect or direct. The law prohibits entire promotional activities like distribution of free samples, gifts and to advertising goods that have an appearance such that they are understood to be in imitation of tobacco products. Tobacco product displays are banned except at duty-free shops for persons leaving Thailand. Sponsorship of an event or activity by Tobacco Company is not defined in the Act. However section 8 of Act prohibits showing, mentioning, or referring to cigarette logos or products is illegal. Therefore sponsorship, which must show cigarette logos or product names, is HO Framework Convention on Tobacco Control, has high taxes on tobacco products and requires prominent displays of health warnings and pictures on smoking packages.

After Promulgation of Tobacco Products Control Act and adoption of tobacco control policy, smoking rates were decreased by 25% during 1991 to 2006. Smoking prevalence declined from 35.2% in 1981 to 22.5% in 2001. Male and female smoking rates fell in this period from 63.19% to 42.92% and from 5.39% to 2.36% respectively. Annual adult per capita cigarette consumption has also been decreasing, from 1087 in 1995 to 798 in 2000.

United Kingdom

UK became a party to the FCTC in 2004. Tobacco Advertising and promotion Act (TAPA) 2002 regulated TAPS in UK. Besides that European Union directive regarding TAPS is also implemented in UK.

The law was introduced incrementally, starting with a ban on print media and billboard advertising in February 2003. This was followed by a ban on tobacco direct marketing in May 2003 and sponsorship in July 2003. Generally in England, Tobacco advertisements are banned except point of sale advertisements. The law permits one single A5 sized ad (21cm x 15cm) in retail outlets and ads no bigger than actual pack size on vending machines.

The promotional activities are also prohibited. The law also prohibits Sponsorship for the publicity of tobacco products. However financial contributions or corporate social responsibility is not addressed by the law.

After the implementation of the TAPA and other tobacco control measures, a survey conducted among students showed a significant and long-term decline in the proportion who has ever tried smoking, from 53% in 1982 increase to 68 % in 2008. It also found that smoking amongst 11-15 year olds has reached a 25 year low, with the percentage that

smoke at least once a week down from 9% in 2006 to 6% in 2007, the lowest since the survey began in 1982. According to a study in 2004, after the United Kingdom's ban on tobacco advertising, smokers who noticed less tobacco advertising and promotion were 1.5 times more likely to attempt to quit.

Australia

The Australian Tobacco Advertisement law was enacted in 1992. Tobacco Advertisement Prohibition Act of Australia regulates tobacco advertisement, promotion and sponsorship. The Law imposes restrictions on the broadcasting and publishing of tobacco advertisements. The prohibition covers print media advertising, advertisements in the form of films, videos, television or radio, advertising on tickets, the sale or supply of any item containing a tobacco advertisement and outdoor advertising on billboards or public transport. Australia banned tobacco sponsorship for sports and cultural events through an amendment in the law in year 2000.

After promulgation of Tobacco Advertisement Act having a stronger tobacco control policy, 7% of tobacco consumption is decreased. In 1992, smoking prevalence in Australia was found 26% in adults (aged 18 and over), 29% among men and 24% among women. While in 2007, smoking prevalence was decreased with 19% of adults, 21% of men and 18% of women smokers.

Different studies show that tobacco advertisement leads to an increase in tobacco consumption. It is proved that globally adopted such bans could reduce worldwide tobacco consumption by 7%. After implementation of the ban on tobacco advertisement, promotion and sponsorships; in Finland 37%, France 14%, New Zealand 21% and Norway 26% per capita consumption of cigarette is reduced.

Some countries, like Finland and Greece have outlawed tobacco advertising on television and radio prior to the ban in 1991.

Panama has also implemented comprehensive ban on all forms of tobacco advertising, promotion and sponsorship.

On the other hand, countries including the UK and Australia have begun anti-smoking advertisements to counter the effects of tobacco advertising.

Researches to compare tobacco consumption before and after a complete ban on TAPS showed a convincing base that a complete ban on TAPS makes an important contribution towards reducing smoking prevalence.

MEDIA SCAN

Pakistan has implemented partial ban on TAPS which seems ineffective to reduce tobacco use as tobacco consumption is growing ever high from past few years. There is need for a rigorous advocacy campaign to recommend for comprehensive ban on tobacco advertisements, promotion and sponsorship. It is obligation of government to move towards total ban on TAPS as they promised by ratifying FCTC.

MEDIA SCAN

Tobacco Control Measures in New York State Dramatically Decrease Smoking Rates

The New York State Department of Health has spotlighted a remarkable achievement of the state tobacco control program on youth and adult smoking. A newly published report in August 2011 has revealed that between year 2000 and 2010 smoking declined:

- From 10.2% to 3.2% among middle school students,
- From 27.1% and 12.6% among high school students,
- From 33% to 23.1% among young adults, and
- From 21.6% to 18% among all adults.

In 2010 there were almost 400,000 fewer adult smokers in New York State than in 2000. During past 10 years, New York state has implemented a set of evidence based tobacco control policies to reduce tobacco consumption. These policies include smoking ban in all work and public places including bars and restaurants, higher tobacco taxes and mass media campaigns educating the public about the harms of tobacco. The report released by New York state department of health establishes that strong tobacco control policies like significant tax increases and 100% smoke-free environments for all work and public places prevent youth from smoking and help smokers quit.

Source:
http://tobaccofreecenter.org/updates/2011/08/22/tobacco_control_measures_new_york_state_dramatically_decrease_smoking_rates

Russia drafts a tobacco control law that meets all FCTC requirements

Campaign for tobacco control in Russia will be passing through a crucial phase during upcoming 12 months. The Russian ministry of health and social development

Campaign to Monitor TAPS Sets off

TheNetwork for Consumer Protection has launched another tobacco control campaign to monitor the Tobacco Advertising, Promotion and Sponsorship (TAPS) under the guidelines given by Article 13 of Framework Convention on Tobacco Control (FCTC). The campaign sets off under the banner of Bloomberg Global Initiative to Reduce Tobacco Use. The project will set up a monitoring mechanism for TAPS and Point of Sale Advertising in major districts of country to sensitize and raise awareness of professional bodies, media, active citizen groups, national and sub-national parliamentarians and politicians. The objective of the program is to build pressure for the enforcement of existing tobacco control laws in targeted districts by working through local press clubs, civil society groups, opinion makers and politicians.

TheNetwork's program partners are Tobacco Control Cell (Ministry of Inter-provincial coordination), WHO, Coalition for Tobacco Control (CTC), Pakistan Medical Association (PMA), Intermedia and Aurat Foundation.



has released a comprehensive draft law that is fully compliant with FCTC. Russia has adopted the FCTC in legislation that meets all the requirements of FCTC including provisions on tax increases, advertising bans, smoke free places, warning labels, cessation services and public education campaigns. It is worth mentioning that tobacco industry has already raised objections to the draft legislation.

Source:
<http://beztabaka2011.minzdravsoc.ru/>

Teenagers who watch films showing actors smoking are more likely to take it up, new UK research suggests.

Experts from Bristol University, UK has urged for a precautionary approach to prompt a change in film certification so that under 18s are no longer exposed to smoking images. A study carried out by Bristol University focused 5,000 15 year old has analyzed that some of the 360 top US box office films released between 2001 and 2005 depict movies and 73% of adolescents who watch the most films depicting smoking were more likely to have tried cigarettes and 50% of adolescents were more likely to be a current smoker. The researchers of this study stated that raising certification to 18 is necessary in the UK and would lower youth smoking rates. The UK Center for Tobacco Control Studies has also written to the British Board of Film Classification (BBFC) to take action on certification issue to protect children from particularly harmful imagery.

<http://www.bbc.co.uk/news/health-14971560>

UN summit on non-communicable diseases urges governments to curb smoking.

The United Nations summit on Non-Communicable Diseases (NCDs) 2011 which held in September 2011, has urged governments to take necessary actions to reduce tobacco use in their respective territories. UN member countries presented in summit adopted a

declaration that commits governments to accelerate implementation of the WHO Framework Convention on Tobacco Control (FCTC) and encourage countries, which have not yet done so, to consider acceding to the FCTC.

The Declaration also recognizes that reducing tobacco consumption is an important contribution to reduce NCDs and that price and tax measures are an effective and important means of reducing tobacco consumption.

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It was resolved in the summit that full implementation of the WHO FCTC would bring the single biggest blow to heart disease, cancer, diabetes, and respiratory disease. Increase in tobacco taxes and prices will not only protect health but will also bring in considerable revenue.

The overall death toll of NCDs is estimated at 36 million annually, 6 million of which are attributed to tobacco use and exposure to second-hand smoke.

<http://www.un.org/apps/news/story.asp?NewsID=39600&Cr=non+commu+nicable+diseases>

**FOR YOUR FEEDBACK PLEASE
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Disclaimer: This Newsletter has been produced with grant from the World Lung Foundation or the Tobacco Free Kids Action Fund. The contents of this document are the sole responsibility of the authors and can under no circumstances be regarded as reflecting the position of the International Union against Tuberculosis and Lung Diseases (The Union), the Tobacco Free Kids Fund (TFKAF) or the donors.



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