

# ARTICLE 13

## WHO FCTC GUIDELINES

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World Health Organization



# TAPS

## The Practice

- The tobacco industry
  - spends billions of dollars on advertising per year
  - invests \$US 34 million EVERY DAY in advertising in the USA alone (FCA fact sheet)
  - allocates about 6% of sales revenue to advertising, about 50% higher than average industry (Chaloupka, F)
- Cigarettes are one of the most heavily advertised and promoted products in the world



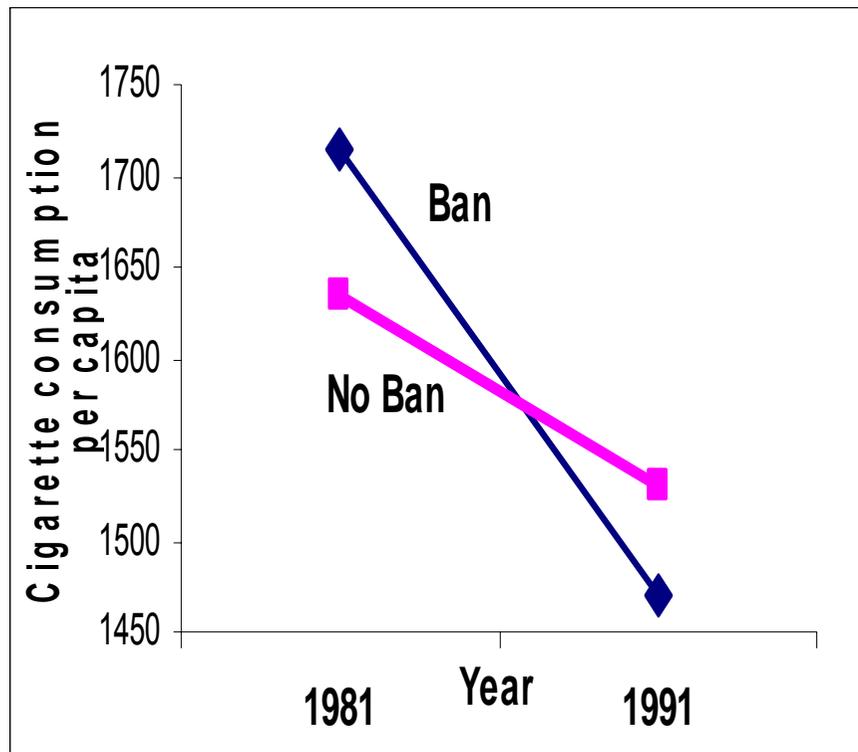
# TAPS

## The Evidence

- TAPS, in fact, increases consumption
- TAPS can make smoking more socially acceptable
- TAPS impede efforts to educate people about the hazards of tobacco use
- TAPS strengthen the tobacco industry's influence over media, sporting and entertainment businesses
- Economics demonstrates fallacy of industry's argument (less than 10% switch brands – profits don't justify expenditure)
- Tobacco industry documents confess: *“We will maintain [Marlboro's] extensive media mix, with a particular focus on wide-reach media like television to stimulate consumer demand”; “Our primary aim is to expand the market for cigarettes”*



# Comprehensive bans the evidence



Country	Date of Ban	Drop in consumption until 1996
Finland	Mar '78	37%
France	Jan '93	14%
New Zealand	Dec '90	21%
Norway	Jul '95	26%

Consumption trends in countries with complete bans against those with no bans (graph from World Bank report (n=102 countries))



**Solution**

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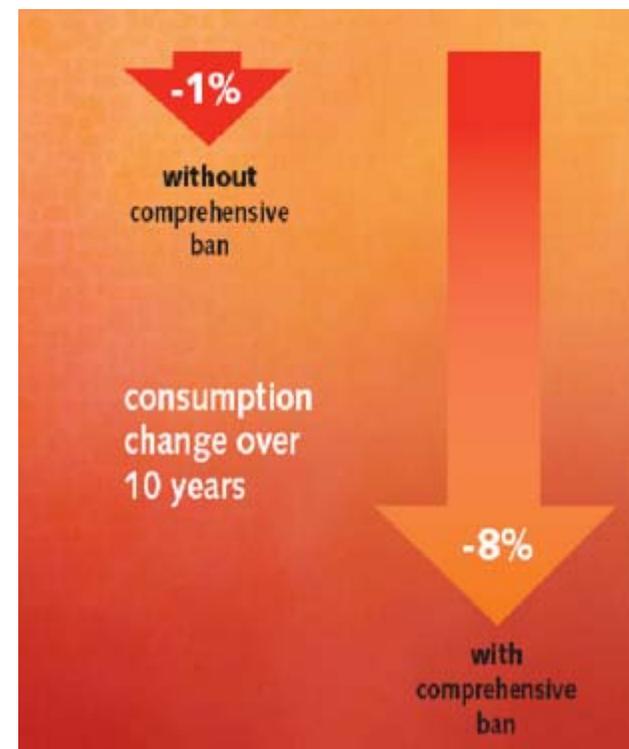
**COMPREHENSIVE BAN  
OF TOBACCO ADVERTISING,  
PROMOTION AND SPONSORSHIP  
(TAPS)**



**World Health  
Organization**

# Why a comprehensive ban on TAPS is important

- Evidence clearly shows that TAPS increase tobacco consumption, including youth initiation
- Evidence shows that comprehensive bans on TAPS are effective in reducing tobacco use\*
- Partial bans are ineffective. When one form of TAPS is banned, the tobacco industry shifts spending to other forms of promotion



\* Source: Saffer H. Tobacco advertising and promotion. In: Jha P, Chaloupka FJ, eds. *Tobacco control in developing countries*. Oxford, Oxford University Press, 2000.

# Complete versus partial / voluntary

- **Complete bans** block the industry's ability to continue marketing to young people who have not yet started to use tobacco, and to adult tobacco users who want to quit.
- **Partial bans** have little or no effect: if advertising is prohibited in a particular medium, the tobacco industry merely redirects expenditures to places where advertising is permitted
- **Voluntary restrictions** (promoted by the tobacco industry) are ineffective because there is no force of law, and ultimately the industry fails to comply with its own voluntary regulations



A comprehensive ban on all TAPS protects people from industry marketing tactics and could decrease tobacco consumption by about 7%, independent of other tobacco control interventions

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*“The overwhelming majority of independent, peer-reviewed studies show that tobacco advertising not only leads to an increase in consumption but that young people, the source of replacement smokers, are heavily influenced by that advertising”.*  
(Hammond)



# Other benefits of a comprehensive TAPS ban

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- Prevents glamorization of tobacco use
- Reduces social acceptability of tobacco use
- Reduces cues that reassure tobacco users, especially for those interested in quitting
- Frees the media from commercial influences so that they are more likely to report openly on tobacco issues
- Increases the impact of health warnings (on plain packaging)



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# WHO FCTC Article 13

1. Parties recognize that a comprehensive ban on TAPS would reduce the consumption of tobacco products.
2. Each Party shall, in accordance with its constitution or constitutional principles, undertake a comprehensive ban of all tobacco

advertising,

promotion and

sponsorship

(TAPS)



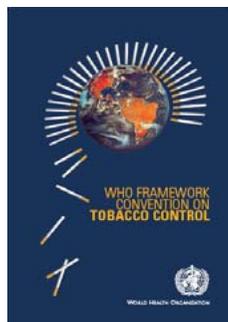
within 5 years of entry into force, including cross-border advertising originating from its territory.

# WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

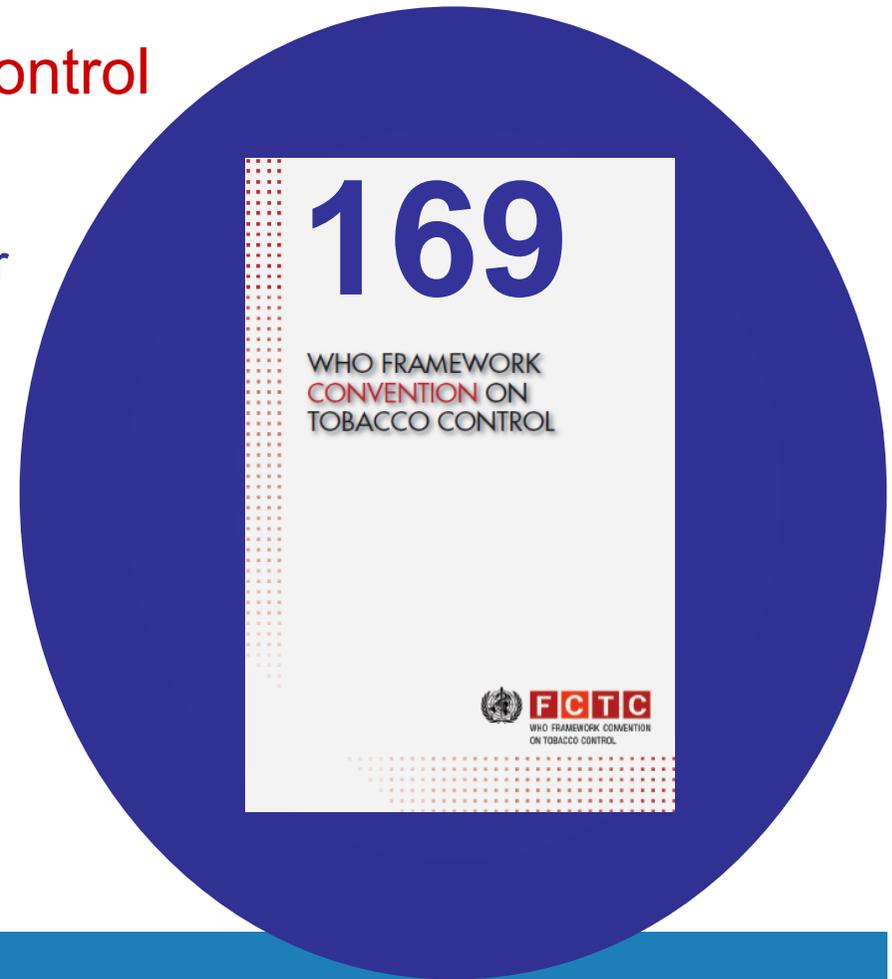
## The foundation for global tobacco control

First global health treaty negotiated under  
auspices of WHO

Entry into force 27 Feb 2005



169 Parties



# Part III - *Demand reduction measures*

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- Price and tax measures to reduce the demand for tobacco
- Non-price measures to reduce the demand for tobacco
  - Protection from exposure to tobacco smoke;
  - Regulation of the contents of tobacco products;
  - Regulation of tobacco product disclosures;
  - Packaging and labeling of tobacco products;
  - Education, communication, training and public awareness;
  - Tobacco advertising, promotion and sponsorship;
  - Demand reduction measures concerning tobacco dependence and cessation.

# Part IV - *Supply reduction measures*

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- Illicit trade in tobacco products;
- Sales to and by minors; and,
- Provision of support for economically viable alternative activities.

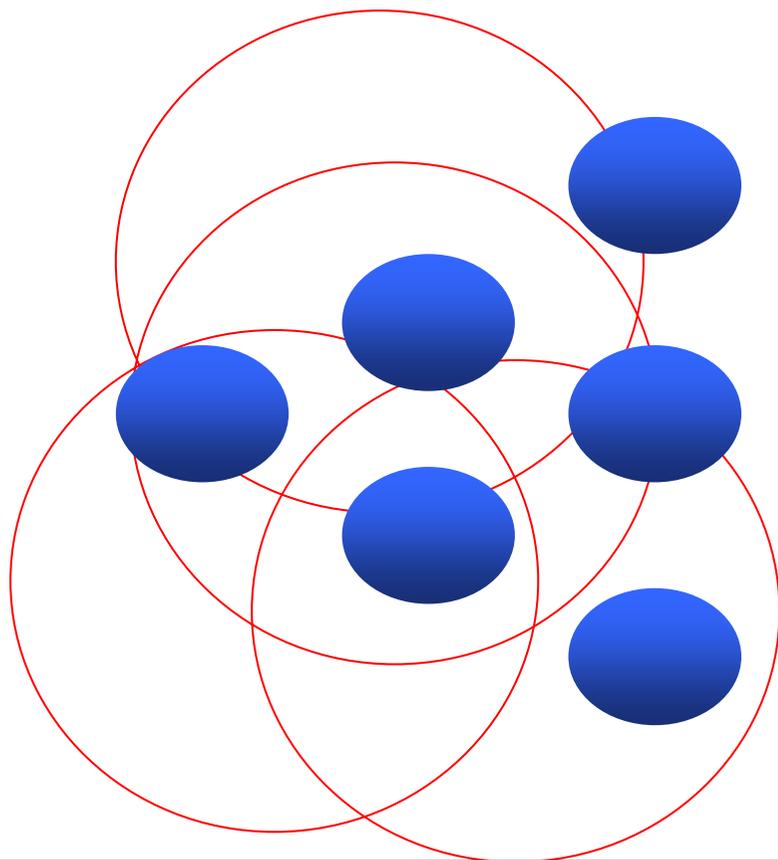


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# TFI : Bringing in Change

## Technical assistance for the WHO FCTC demand reduction measures

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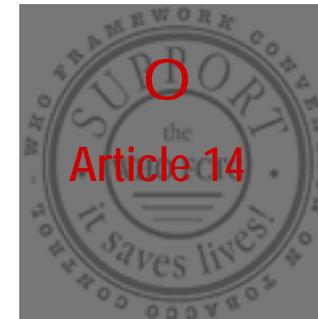
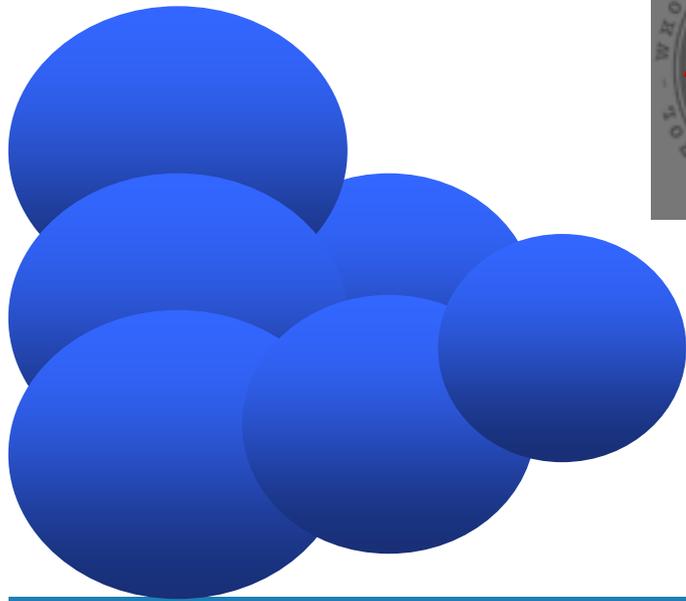


- **m**onitor tobacco use and prevention policies
- **p**rotect people from tobacco smoke
- **o**ffer help to quit tobacco use
- **w**arn about the dangers of tobacco
- **e**nforce bans on tobacco advertising, promotion and sponsorship
- **r**aise taxes on tobacco

# WHO FCTC and MPOWER

## An evidence-based tool for tobacco control

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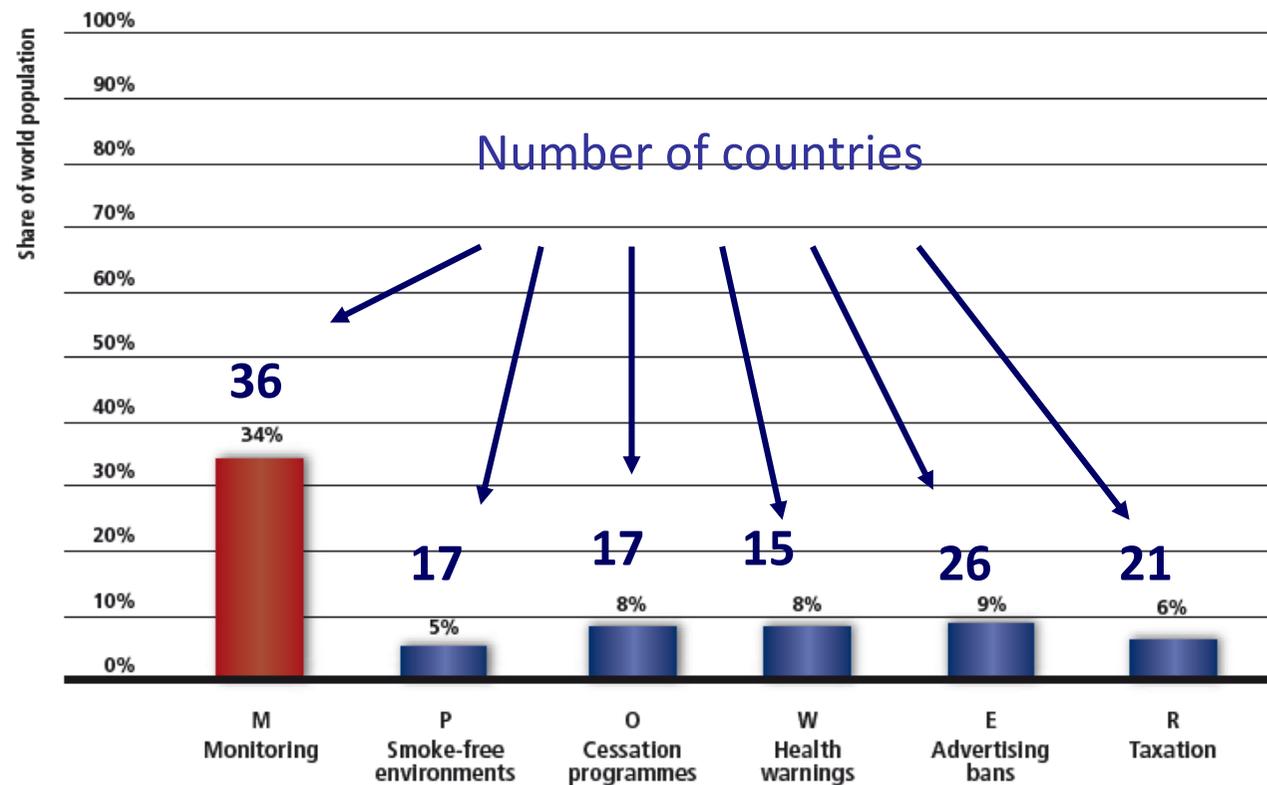


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# Implementation of effective measures is gaining momentum

Nearly  
400 million people  
newly covered  
by tobacco control  
measures in 2008

SHARE OF THE WORLD POPULATION COVERED BY SELECTED  
TOBACCO CONTROL POLICIES, 2008



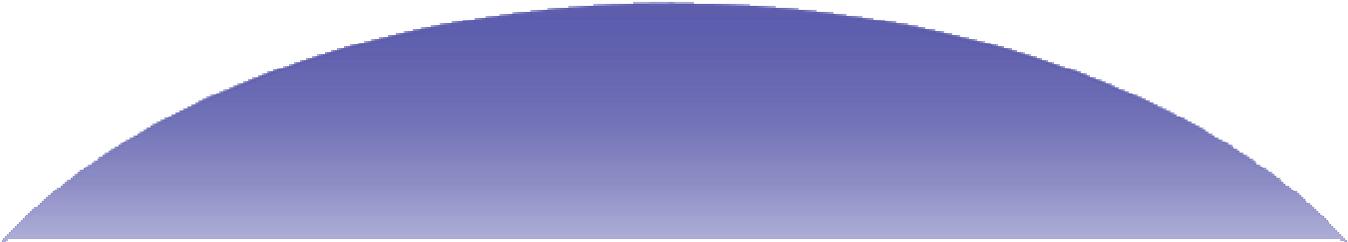
# PURPOSE OF ART 13 GUIDELINES

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- to assist Parties in meeting their obligations under Article 13 of the WHO FCTC
- to provide guidance on the best ways to implement Article 13 of the Convention
  - to eliminate tobacco advertising, promotion and sponsorship effectively
  - at both domestic and international levels
- based on
  - best available scientific evidence and
  - best practice



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# Best practices from different regions



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# Norway

## leading the way

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Norway began banning TAPS as early as 1975. Soon afterwards tobacco advertising activities declined.

### Results:

- High public approval supported by government mass media campaigns about the TAPS impact on youth
- Close monitoring and firm action reduced violations
- Evaluation and revisions of enforcement strategy used to address indirect TAPS

# Lessons from Bangladesh

## engaging the media and NGOs

Following alerts about breaches from NGOs, Bangladesh used mobile courts to issue on-the-spot fines and bulldozers to tear down tobacco billboards in front of media.

### Results:

- Tobacco interest groups knew government was serious about enforcement
- Earned media exposure alerted public and other responsible entities to the fact that these TAPS were illegal



# Lessons from France

## engaging civil society

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The French government, in response to increasing violations of TAPS law and with limited resources for enforcement, empowered NGOs to launch legal action.

### Results:

- Increased number of convictions
- Damage to reputations of violators
- Further denormalization of tobacco use
- Contribution to new jurisprudence about bans

# Lessons from Panama

## defining breaches and implementation body

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The ban on direct forms of TAPS in 2005 was reviewed and upgraded to include indirect forms of TAPS in 2008.

### Results:

- Law 13 of 2008 included bans on gifts, souvenirs, related activities that incite people to consume tobacco, internet promotions, direct mail promotions and cross-border TAPS
- Enforceable breaches were clearly defined, including penalties of loss of license and destruction of materials and products
- An integrated advisory body of the General Directorate for Public Health was formed to implement the law

# Lessons from the EU

## stopping cross-border advertising

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Directive 2003/33/EC of the European Parliament prohibited several forms of TAPS in member states, including tobacco sponsorship of cross-border cultural and sporting events from July 2005.

### Results:

- France successfully defended its ban in national and EU courts
- Commission opened infringement proceedings in 2006 against four member states with exemptions (Formula One, MotoGP) and all changed their laws to comply with the directive
- 24 member states have implemented cross-border bans

# Lessons from Ireland

## planned approach to building support

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The Irish government announced in July 2008 that, as of July 2009, TAPS would be removed from retail outlets. A multi-pronged enforcement preparatory strategy was launched.

### Results:

- Prepared the evidence base with collection of empirical data, such as, trends in youth exposure to TAPS to increase support for bans
- Developed a media strategy that pitched the law as protecting youth and highlighted strong public support
- Launched public information campaign with materials for retailers

# Lessons from every country need to counter tobacco industry opposition to bans on TAPS

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- **Myth #1** Advertising bans will have serious negative economic effects on the advertising industry, media, and economy as a whole.
  - Studies from the EU show that expenditures on TAPS were replaced by publicity from other sectors without loss of revenue or jobs.
- **Myth #2** Tobacco is still a legal product, so companies should be able to advertise it.
  - As part of consumer protection laws, many governments ban or restrict advertising of other legal products such as firearms and medications.
- **Myth #3** CSR such as philanthropy and tobacco industry “youth smoking prevention campaigns” are positive contributions by the industry.
  - CSR should be prohibited on the basis that it involves “contributions” when implemented by other parties or represents corporate promotion if conducted by the industry itself.

# Lessons from Mauritius banning the tobacco industry's CSR activities

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In 2008 Mauritius passed regulations under the Mauritius Public Health Act banning tobacco industry CSR programmes, including:

“...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 directly or indirectly”

# CONTENT OF ART 13 GUIDELINES

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- Scope
- Responsible entities
- Domestic enforcement
- Public education and community awareness
- International collaboration



# PRINCIPLES

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- Tobacco advertising, promotion and sponsorship increase tobacco use
- Comprehensive bans on tobacco advertising, promotion and sponsorship decrease tobacco use
- Comprehensive = *all* forms
  - **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;
  - Include *cross-border advertising, promotion and sponsorship*, both originating from and entering a Party's territory

# SCOPE OF A COMPREHENSIVE BAN

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- **Communication through audio, visual or audiovisual means:**
  - print,
  - TV and radio (including terrestrial and satellite),
  - films,
  - DVDs, videos and CDs,
  - games,
  - other digital communication platforms (including the Internet and mobile phones) and
  - theatre or other live performance
- **Brand-marking**, including in entertainment venues and retail outlets and on vehicles and equipment (e.g. by use of brand colours or schemes of colours, logos or trademarks)



# SCOPE OF A COMPREHENSIVE BAN

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- Display of tobacco products at **points of sale**;
- Tobacco product **vending machines**;
- **Internet sales** of tobacco products;
- **Brand stretching** and **brand sharing** (product diversification);
- **Product placement** (i.e. the inclusion of, or reference to, a tobacco product, service or trademark in the context of communication, in return for payment or other consideration);



# SCOPE OF A COMPREHENSIVE BAN

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- Provision of **gifts or discounted products** with the purchase of tobacco products;
- Supply of **free samples** of tobacco products, including in conjunction with marketing surveys and taste testing;
- Incentive **promotions or loyalty schemes**, e.g. redeemable coupons provided with purchase of tobacco products;
- **Competitions**, associated with tobacco products or brand names, whether requiring the purchase of a tobacco product or not;
- Direct **targeting of individuals** with promotional (including informational) material, such as direct mail, telemarketing, “consumer surveys” or “research”;
- Promotion of **discounted products**;



# SCOPE OF A COMPREHENSIVE BAN

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- Sale or supply of **toys or sweets** that resemble tobacco products;
- Payments or other contributions to retailers to encourage or induce them to sell products, including **retailer incentive programmes** (e.g. rewards to retailers for achieving certain sales volumes);
- **Packaging** and product design features;
- Payment or other consideration in exchange for the **exclusive sale** or prominent display of a particular product or particular manufacturer's product in a retail outlet, at a venue or at an event;
- Sale, supply, placement and display of products at educational establishments or at hospitality, sporting, entertainment, music, dance and social venues or events;



# SCOPE OF A COMPREHENSIVE BAN

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- Provision of **financial or other support** to events, activities, individuals or groups (such as sporting or arts events, individual sportspeople or teams, individual artists or artistic groups, welfare organizations, politicians, political candidates or political parties), whether or not in exchange for publicity, including corporate social responsibility activities; and
- Provision of **financial or other support** by the tobacco industry to venue operators in exchange for building or renovating premises to promote tobacco products or the use or provision of awnings and sunshades.



# Recommendations include:

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- A ban on all TAPS in order to avoid shifting of expenditures:
  - banning **direct and indirect advertising**, including sponsorships, brand stretching, and price discounts
  - banning **product displays and vending machines**
  - ban on **cross-border TAPS** (in-flowing and out-flowing)
  - consider requirements for **plain packaging**
  - measures to **restrict tobacco use in movies** and other entertainment media
- If all TAPS cannot be eliminated:
  - large, graphic warnings on remaining advertising
  - disclosure of advertising and promotion expenditures



# Common legislation loopholes and pitfalls

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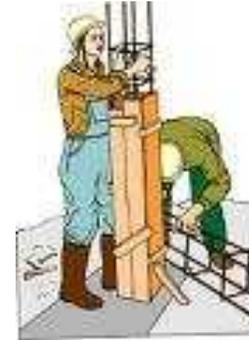
1. Poor definitions
2. Not comprehensive in scope, resulting in expansion of non-banned promotions
3. Weak and ineffective enforcement and penalties
4. Tobacco displays at point of sale are restricted in size only rather than out of sight
5. Cross-border TAPS (Grand Prix, cricket, music events) are not banned
6. Viral promotions using new media technology such as the internet, text messaging and direct mail are not banned



# Definitions are important

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- Good definitions are the foundation of good law



- Without good definitions, you end up with this



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# Challenges: Monitoring and enforcement

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Effective legislation requires:

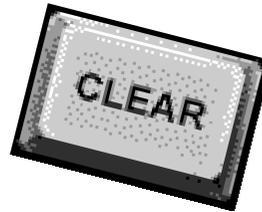
1. An independent authority to monitor and enforce the law with adequate resources and powers to impose dissuasive penalties
2. A role for civil society in monitoring and enforcement, including complaints line, web site to report breaches and right to launch legal action



# The basics of effective enforcement

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- A clear, well drafted law
- Compliance by all target groups
- A designated enforcement agency in the law
- Clear offences and penalties
- Partnerships between government and civil society
- Political will



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# How to draft good enforcement provisions

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- Consult with enforcement experts when drafting the law
- Define key terms
- Avoid or minimize exemptions
- Assign enforcement authority to the most effective agency or agencies and consider establishing a new enforcement agency if necessary
- Clearly define the powers of enforcement officers

Source: Global SmokeFree Partnership



# How to draft good enforcement provisions

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- Establish clear legal duties for each component of the law
- Clearly identify offences and penalties
- Penalties should be sufficient to deter noncompliance and should be proportionate to the offence
- Anticipate and guard against tobacco industry efforts to interfere with legislative drafting

Source: Global SmokeFree Partnership



# Useful tools for successful enforcement

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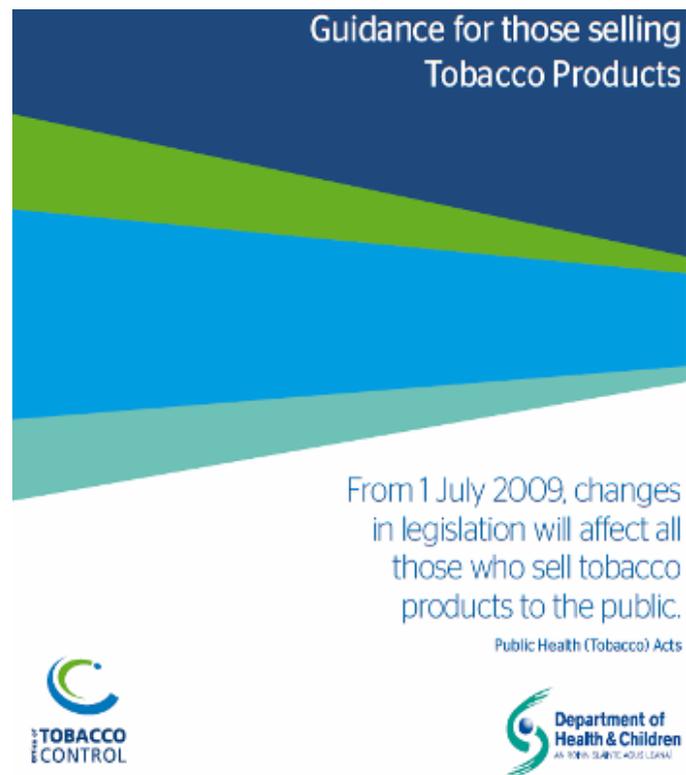
- Training workshops for the enforcers
- Guidance materials for retailers and adverti
- Media campaigns before entry into force
- Civil society monitoring
- A designated lawyer or legal team to bring forward cases for breaches of the law

Enforcement of  
Tobacco Control Law  
A Guide to the Basics



HealthBridge  
RESEARCH • POLICY • ACCESS • TRAINING

# Prepare detailed guidance materials with useful components for retailers



- Clear explanations/examples of what retailers/ advertisers/ producers need to do to comply with the law
- Details of penalties for breach of the law
- Deadlines for compliance
- Frequently asked questions sheet
- A free telephone hotline/web site for advice

# Tell stakeholders what they need to know through written material and web sites

## Ban on Point of Sale Advertising

### Relevant Legislation

Section 11A of the Public Health (Tobacco) Acts, 2002 and 2004, prohibits all advertising of tobacco products<sup>1</sup> in retail premises in which tobacco products are sold.

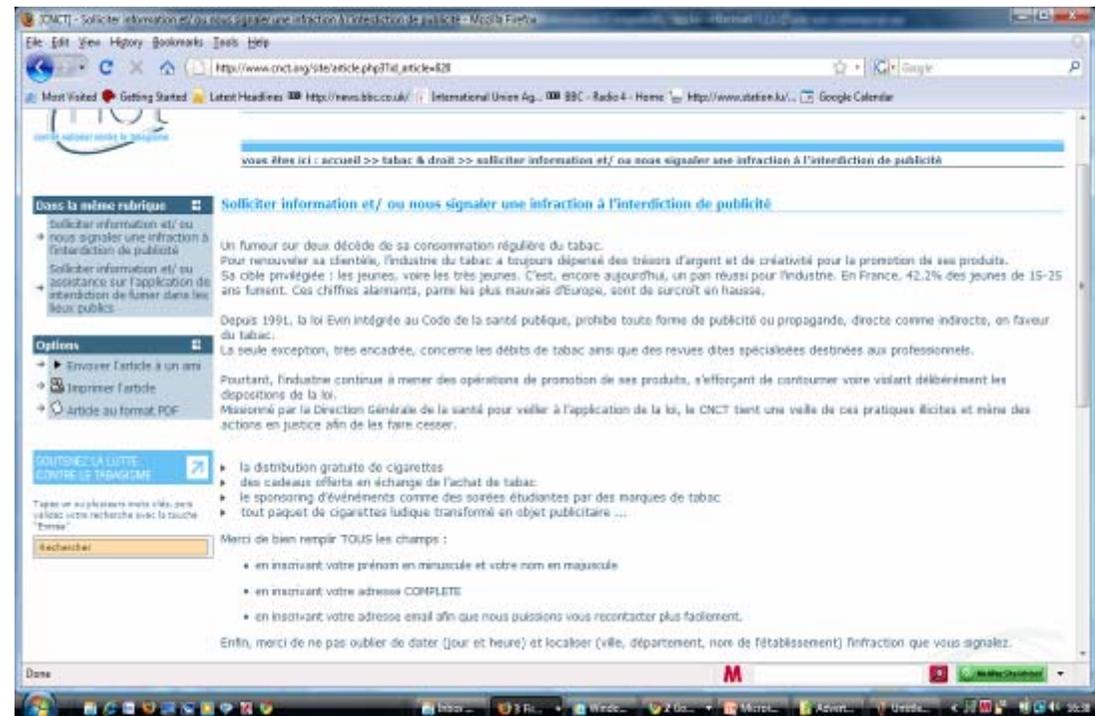
#### What does this mean for me?

- The tobacco related advertising will be permitted in your premises that includes both internal and external tobacco displays and e-cigarettes displays.
- For tobacco related advertising, will be permitted under circumstances as per the ban on the display of tobacco products, that covers the tobacco product. This includes all in-store advertising or promotional material for tobacco products, for example, gammas/jackets, decorative panels, banners, posters, boards of tobacco products, point-of-sale lighting, clocks, storage units, menu posts, TV covers, signs, pens, water dispensers.
- Tobacco products or representations of tobacco products cannot be displayed.
- All tobacco products must be kept out of view of children wherever the cigarette packs are kept in the tobacco shop.

- It is a liability matter for each retailer of tobacco to decide:
  - How tobacco products are permitted from www.ema
  - In what type of cases consumers they are used.
- The solution of the legal complex of objectives is offered by the retailer as it is not regulated in the law.
- Only the tobacco product must be sold of high-the-stem content (high tar) is valid.
- All tobacco related machines are prohibited, except in cigarette shops and licensed premises. They must also be free of all tobacco related advertising.
- Selection should facilitate for cigarette, nicotine and advertising machines that are not selling tobacco products, tobacco, or other marketing material or signs unless they are part of the shop of the customer.

From 1 July 2009 no advertising or display of tobacco products will be permitted.

1. Tobacco products shall be produced, imported or sold in the part of Ireland that is controlled as the United Kingdom and any cigarette pack, tube or other form of tobacco product shall be marked in accordance with the provisions of the Tobacco Products Regulations 2009 as amended.  
 2. The regulations shall be a primary legislation under the authority of the Department of Health.  
 3. The regulations shall be a primary legislation under the authority of the Department of Health and the Department of the Environment, Heritage and Local Government.



# Provide information for enforcement staff



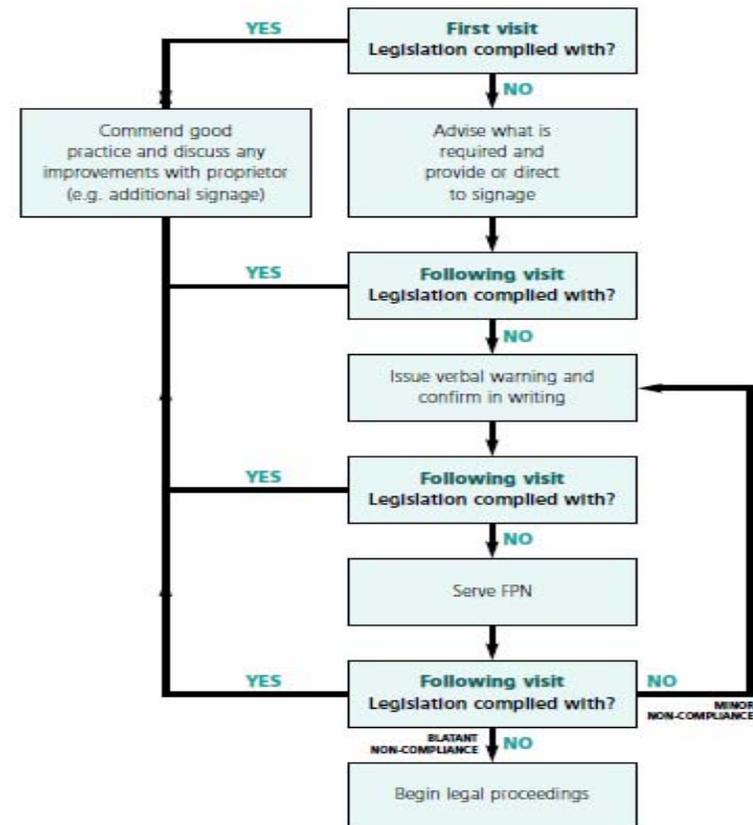
## Implementation of smokefree legislation in England

Guidance for local council regulatory officers



Our services matter because your services matter

Figure 1 Enforcement flowchart – failure to display correct no-smoking signage



# Role of civil society in monitoring and enforcement

- Help identify breaches
- Work with the authorities to remedy breaches



# giving NGOs powers in the law to help

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## Directive 2003/33/EC, Article 7:

*“...Those rules shall include provisions ensuring that persons or organisations which, under national legislation, can justify a legitimate interest in the suppression of advertising, sponsorship or other matters incompatible with this Directive, may take legal action against such advertising or sponsorship or bring such advertising or sponsorship to the attention of an administrative body competent either to pronounce on complaints or to institute the appropriate legal proceedings.”*



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# Advantages for government and NGOs

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- NGOs can use regional networks to monitor
- Short-staffed government officials get support
- NGOs can generate positive media coverage for government
- Government and NGOs can work together to strengthen the law and protect public health



# Obstacles to enforcement

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- The law is unclear?
- Penalties are too low?
- Lack of knowledge about the law?
- Nobody knows who should be enforcing it?
- Not enough staff to enforce it?
- Not enough monitoring of breaches?
- The tobacco industry is promoting breaches?
- The media are unsupportive?



# Solutions?

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- Clarify and simplify the law
- Increase the penalties
- Bring together the enforcement authorities and designate one to lead on enforcement
- Write a guidance document for advertisers, producers and retailers; visit them and explain
- Get civil servants to work with NGOs on monitoring of breaches
- Point out when the tobacco industry is breaking national law and...



## ...if all else fails

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- Take one successful case to the courts against a high profile offender – let the tobacco industry and press know you are serious



# The importance of the tobacco package

## - to tobacco companies -

- o critical link between advertisements and product
- o link becomes more important as advertising is banned
- o creates perceptions about the product
- o cigarettes are a “badge” product

“A cigarette package is unique because the consumer carries it around with him all day ... it’s a part of a smoker’s clothing, and when he saunters into a bar and plunks it down, he makes a statement about himself.”

John Digianni, cigarette package designer  
(Source: Wakefield et al., 2002)



# The importance of the tobacco package - to the public health community -

- an important source of health information
- unparalleled opportunity to reach smokers

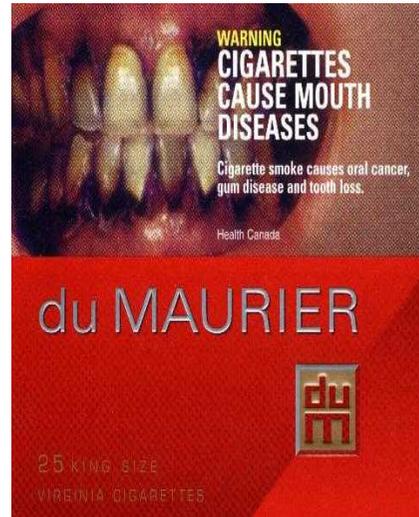
- Warnings on packages **reach all smokers**
- A pack-a-day smoker would see the warnings at least 7300 times per year
- **Graphic warnings** detract from the pack image, **inform smokers and motivate quitting**
- Cost-effective: **little cost to governments** and minimal costs to industry
- Excellent complement to **communication** campaigns



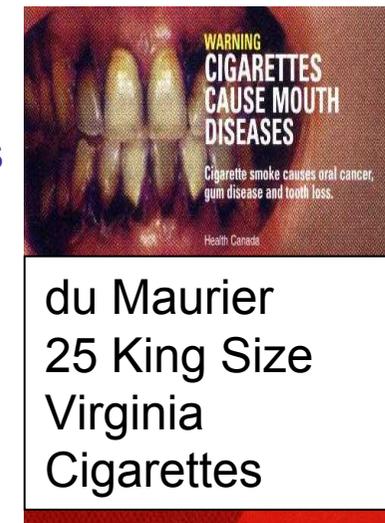
# Evidence and strategies on specific forms of TAPS: Plain packaging

Benefits include:

- Removing the pack's ability to mislead and deceive consumers
- Reduced ability to promote smoking and brand personality through the pack
- Decreasing rates of youth initiation and consumption
- Enhancing the effectiveness of health warnings on packs



versus



## Art. 11 Guidelines:

Measures mandating plain and generic packaging that prohibits the use of logos, brand images, or promotional information



Sources: Gar Mahood, NSRA, Canada;  
School of Public Health, University of Sydney



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# Evidence and strategies on specific forms of TAPS: Point-of-purchase/out-of-sight tobacco displays

## Article 13 Guidelines:

"To ensure that points of sale of tobacco products do not have any promotional elements, Parties should introduce **a total ban on any display and on the visibility of tobacco products at points 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."*



# Evidence and strategies on specific forms of TAPS: Point-of-purchase/out-of-sight tobacco displays



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# Jurisdictions Prohibiting the Visible Tobacco Product Displays at POP

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- ❖ Countries
  - ❖ Iceland (2001), Thailand (2005), Ireland (2009), Norway (2010), New Zealand (2009)
- ❖ Canada (provinces of Saskatchewan, Manitoba, Nunavut, Prince Edward Island, British Columbia, Northwest Territories, Nova Scotia, Ontario, Quebec and Alberta – 2002 – 2009)
- ❖ Australia (states of Victoria, New South Wales and Queensland have consulted on legislation; Tasmania has introduced a ban)
- ❖ British Virgin Islands - British territory, Caribbean - 2007)
- ❖ Also: UK countries – published ban proposals - in Parliament discussion

# WHO FCTC Article 5.3 obligations

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In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.

Article 5.3 guidelines recommend:

- Banning **donations, funds, gifts, services** from tobacco interest groups and inclusion on government committees and advisory bodies involved in tobacco control
- Rejecting **partnerships and non-binding or non-enforceable agreements** with tobacco industry or tobacco interest groups.
- Parties should regulate activities described as "socially responsible" by the tobacco industry, including activities described as "**corporate social responsibility**" (CSR)

# Evidence and strategies on specific TAPS forms: Corporate social responsibility (CSR)

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Tobacco companies use CSR as a tool to gain credibility and influence with governments by:

- funding charities, education, community projects and political parties
- developing and promoting youth smoking prevention projects that studies confirm are ineffective.

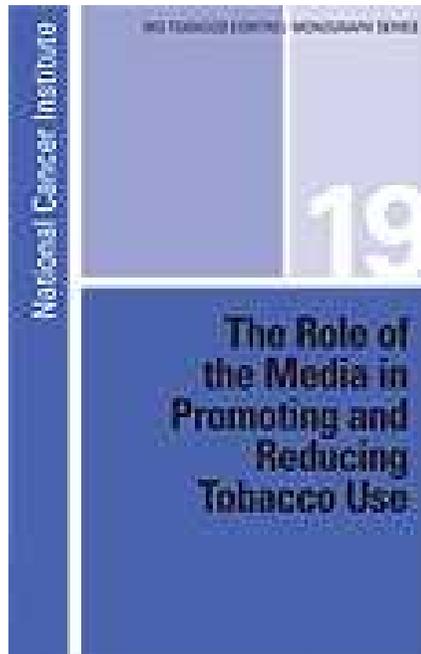
Source: *Tobacco industry and corporate social responsibility...an Inherent contradiction*. WHO Tobacco Control Papers, 2004



Article 13 Guidelines recommend that CSR from the tobacco industry should be banned as this is a form of TAPS

# Evidence and strategies on specific forms of TAPS: **Tobacco imagery in movies**

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Conclusions from National Cancer Institute (NCI)  
Monograph 19

*The total weight of evidence from cross-sectional, longitudinal, and experimental studies indicates a causal relationship between exposure to movie smoking depictions and youth smoking initiation.*

*NCI, 2008*



## Evidence and strategies on specific forms of TAPS: Countering tobacco imagery in movies

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The impact of smoking in movies can be reduced with these policies:

- Run proven anti-smoking advertisements before all movies with tobacco imagery in all distribution channels
- Require adult ratings for movies with tobacco imagery
- Certification of no pay-offs for including tobacco imagery in the movie
- Ban on displaying tobacco brands on screen

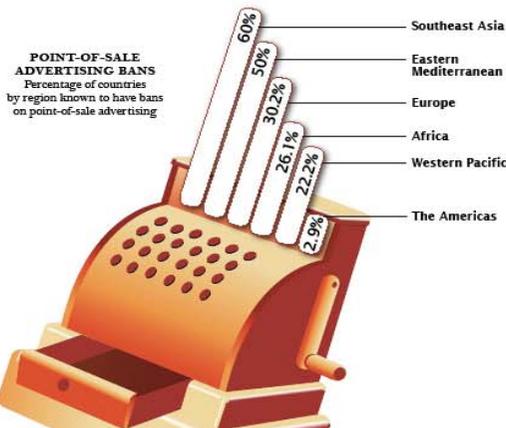


# It can be done anywhere

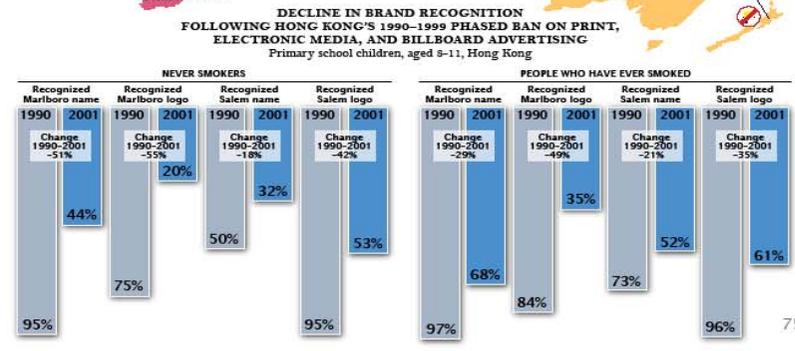
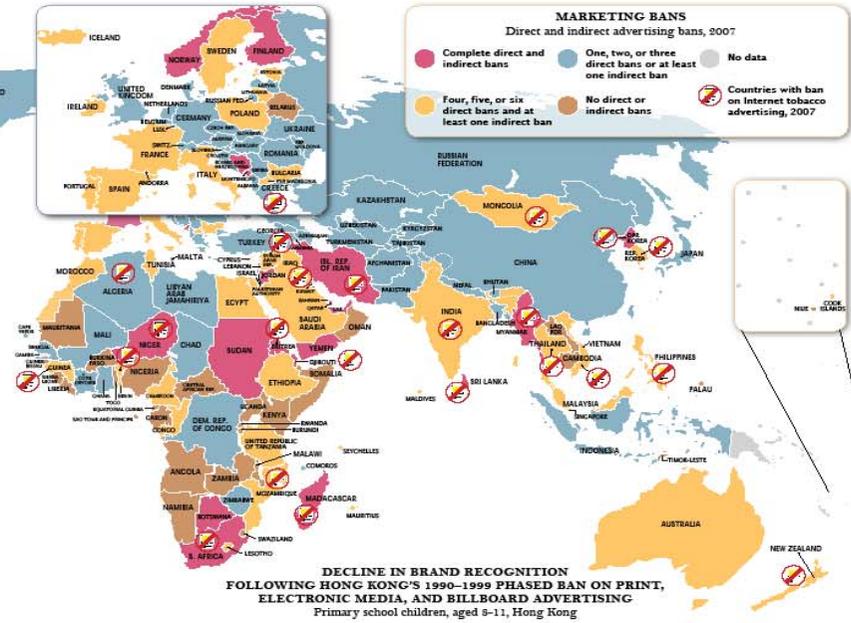
## CHAPTER 24 MARKETING BANS

"Bans on advertising and promotion prove effective, but only if they are comprehensive, covering all media and all uses of brand names and logos. . . . If governments only ban tobacco advertising in one or two [types of] media, the industry will simply shift its advertising expenditures, with no effect on overall consumption."  
 —HENRY SAFFER, NATIONAL BUREAU OF ECONOMIC RESEARCH, USA, 2000

Tobacco marketing increases cigarette consumption and seduces new smokers into addiction, negating public health efforts to control tobacco. Recognizing this, many countries have imposed some restrictions on tobacco marketing. However, partial restrictions are ineffective in reducing smoking because tobacco companies redirect their marketing efforts to available venues. Voluntary agreements are also inadequate because they are unenforceable. In the face of broadening advertising bans, tobacco companies have become ever more creative in their attempts to lure new consumers into addiction. Brand stretching, event promotion, retailer incentives, sponsorship and advertising through international media, cross-border advertising, and promotional packaging are some of the ways that the tobacco industry circumvents advertising bans. Only comprehensive official bans on all forms of tobacco advertising, marketing, sponsorship, and promotion are effective at reducing population smoking rates. Parents also can do their part at the individual level by protecting children from exposure to depictions of smoking in movies. Parental restrictions and parental nonsmoking strongly predict lower risk of smoking initiation among youth.



**!** UPON RATIFICATION of the Framework Convention on Tobacco Control (FCTC), countries must implement a comprehensive advertising ban within five years. COMPREHENSIVE advertising bans can reduce smoking rates by 6 percent per year. ADVERTISING BANS may be even more effective in low- and middle-resource countries than in high-resource countries.



ENFORCE BANS ON TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP – HIGHEST ACHIEVING COUNTRIES, 2008

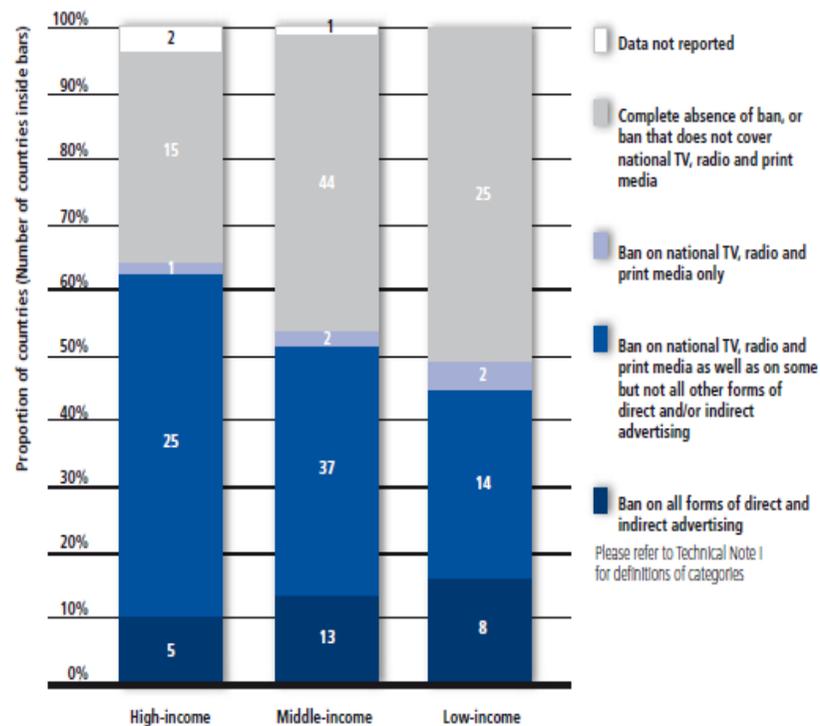


26 countries completely ban all forms of tobacco advertising, promotion and sponsorship, covering 8.8% of the world's population (compared with 8.7% in 2007)

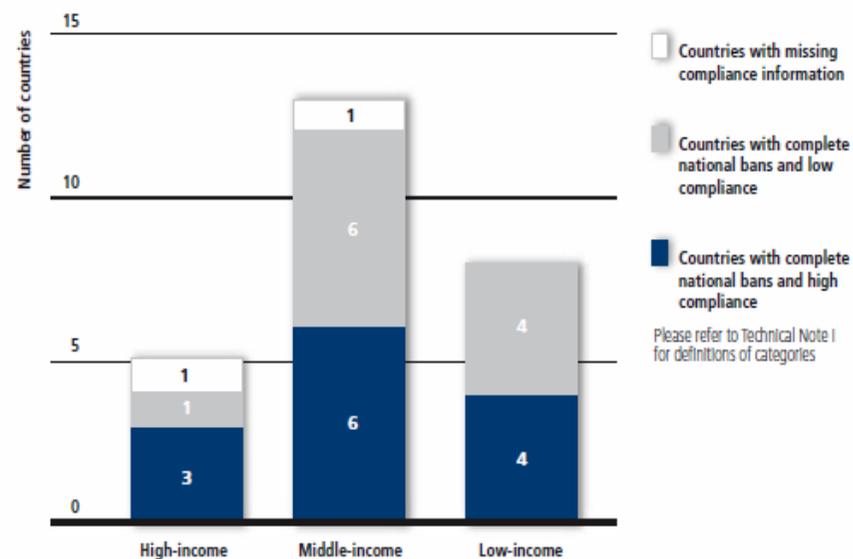


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## BANS ON ADVERTISING, PROMOTION AND SPONSORSHIP



## COVERAGE AND COMPLIANCE WITH COMPREHENSIVE BANS ON TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP



World Health Organization

# Joint capacity assessment to implement tobacco control - Government of Turkey and WHO

9-20 February 2009

answer to two fundamental questions:

- What tobacco control measures require immediate attention
- What can be done to improve the capacity to deliver results in the policy areas identified.



WEEK 1			WEEK 2		
<b>TEAM PREPARATION</b>	<b>Monday</b>	<b>Briefing</b> of assessment team members <ul style="list-style-type: none"> <li>• Objectives and presentation of data collection tools</li> <li>• Presentation and discussion of introductory materials</li> <li>• Planned programme of activities / visits</li> <li>• Identification of small teams and practical arrangements</li> <li>• Responsibilities for field visits and report writing</li> </ul>	<b>REPORT PREPARATION</b>	<b>Monday</b>	<ul style="list-style-type: none"> <li>• <b>Presentation of visit reports</b></li> <li>• <b>Development of summary findings and recommendations</b></li> <li>• <b>Preparation of the assessment report</b></li> </ul>
	<b>Tuesday</b>	<b>Meeting with national authorities and relevant stakeholders</b> <b>Visits for interviews (central level plus regions and provinces)</b> <ul style="list-style-type: none"> <li>• Officials at the central level of the Ministry of Health</li> <li>• Officials at other institutions and organizations at central level and at regional/ provincial level</li> <li>• Representatives of NGOs, professional associations, trade unions, etc.</li> </ul>		<b>Tuesday</b>	
<b>Wednesday</b>	<b>Wednesday</b>				
<b>Thursday</b>	<b>Thursday</b>				
<b>DATA COLLECTION</b>	<b>Friday</b>			<b>DEBRIEFING AND DISSEMINATION</b>	<b>Friday</b>
	<b>Saturday</b>				
	<b>Sunday</b>				



World Health Organization

# Joint capacity assessment to implement tobacco control - Government of Turkey and WHO

Law No. 4207 bans all direct and indirect forms of advertising and brand-stretching.

- Law No. 4733 on Restructuring of the General Directorate of Tobacco, Tobacco Products, Salt and Alcohol Enterprises; and on Production, Domestic and Foreign Purchase and Sale of Tobacco and Tobacco Products, and Amending Law No. 4046 and Decree No. 233.
- Law No. 5261 on Approval of the Framework Convention on Tobacco Control.
- Communiqué on Points of Sale and Displaying Tobacco Products at Final Points of Sale.
- Bylaw on Retail Sale and Wholesale of Tobacco Products, Alcohol and Alcoholic Drinks and Sale Documents of these Products.
- Decision of TAPDK on banning press advertising in the form of price declarations.



TÜRKİYE'DE  
ETKİLİ TÜTÜN KONTROL POLİTİKALARININ  
UYGULANMASI ÜZERİNE  
ORTAK ULUSAL KAPASİTE DEĞERLENDİRMESİ



ŞUBAT 2009



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# KEY FINDINGS

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- Turkey has a comprehensive ban on tobacco advertisement, promotion and sponsorship. Compliance seems high, but the tobacco industry uses tobacco product displays at **point of sale** to circumvent the ban
- Although the Ad Board of the Ministry of Industry and Trade has a strong commitment to monitoring and enforcement of the tobacco advertisement ban in response to complaints from the general public, enforcing agents and nongovernmental organizations, **enforcement efforts are still lacking at provincial level**
- The Government introduced a strong policy for removing images portraying smoking from the media, but this is **self-enforced and monitoring is inconsistent**

# KEY FINDINGS

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- It is not clear whether **live broadcasting** of international sporting events complies with the law
- **Sales of cigarettes** near schools, universities and hospitals are licensed
- **Inconsistent monitoring and enforcement** of advertisement ban violations has resulted in various strategies of the tobacco industry to bypass the legislation
  - One brand of cigarettes was offered by some restaurants to their customers even without a license to sell.
  - Points of sale used as points for tobacco advertising.
  - Hidden sponsorship.
  - Violations of product placement bans in live events on stage.
  - Free distribution of tobacco products together with other related products – evidence from public surveys.
  - Internet and electronic media sales are allowed
- New legislation was introduced in order to prevent tax breaks arising from the few legal forms of advertising.

# RECOMMENDATIONS

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- TAPDK should introduce and monitor strong regulations on tobacco product **display at the point of sale** to prevent the use of tobacco products displays as a marketing and promotion/ advertisement strategy
- RTUK should develop a system of **checks for spot monitoring** (portray smoking/tobacco product placement on television, films, radio, entertainment programmes, etc.) that is easily implementable and includes regular feedback to television stations, the Ministry of Health and TAPDK
- **Enforcement** of bans on advertising, promotion, and sponsorship should be strengthened at the provincial level through better collaboration between the Ministry of Industry and Trade and the provincial tobacco control boards (when these are in place)

# RECOMMENDATIONS

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- **Monitoring of product placement** in cinemas, theatres, concerts and shows should be developed.
- The Ministry of Finance should monitor reports on the expenses of the tobacco industry, with a focus on reports of advertising, promotion and sponsorship costs, in order to prevent tax breaks
- TAPDK should pursue the re-introduction of clear regulations banning **Internet sales/advertisements** that would include a mechanism for enforcement
- TAPDK should **withdraw licenses** from premises selling tobacco near or in educational and health facilities

# 2008 INDICATOR AND COMPLIANCE

COUNTRY	ADULT DAILY SMOKING PREVALENCE (2006)	M MONITORING	P SMOKE-FREE POLICIES	O CESSATION PROGRAMMES	W HEALTH WARNINGS	E ADVERTISING BANS	R TAXATION
			LINES REPRESENT LEVEL OF COMPLIANCE			LINES REPRESENT LEVEL OF COMPLIANCE	
Turkey	30%		○				73%

Recent and representative data for both adults and youth

All public places completely smoke-free (or at least 90% of the population covered by complete subnational smoke-free legislation)

Nicotine replacement therapy (NRT) and/or other cessation services (neither cost-covered)

31-49% including pictures or pictograms and other appropriate characteristics

Ban on national television, radio and print media as well as on some but not all other forms of direct and/or indirect advertising

51-75% of retail price is tax

# FOLLOW-UP



1. **FINALIZE** THE JOINT ASSESSMENT REPORT (Final Report provides information on which to base technical and political decisions for improving the tobacco programme, and includes 5–7 most significant recommendations for a national action plan (NAP) for the immediate future.

2. **DISSEMINATE** THE ASSESSMENT REPORT

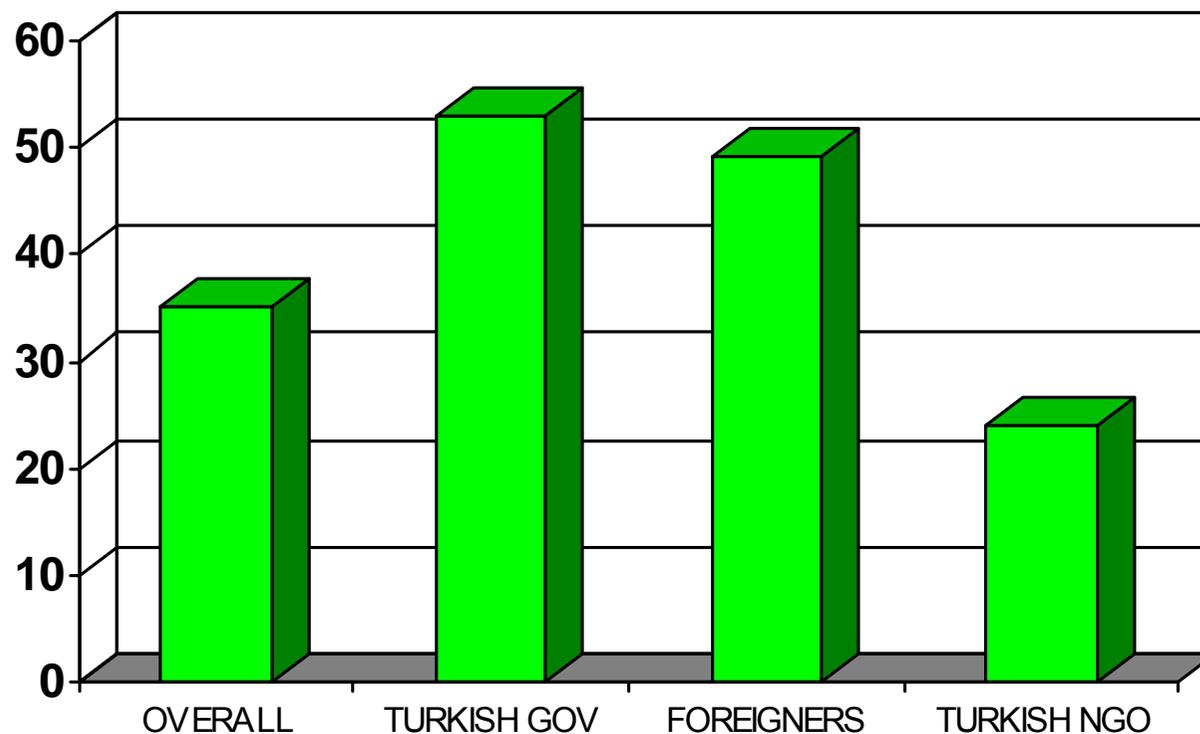
3. **PROVIDE TECHNICAL ASSISTANCE** to prepare or revise and approve the NAP

4. **PLAN TECHNICAL COOPERATION** to implement the recommendations and monitor progress - technical cooperation plan that includes over an agreed timeframe country activities, and concrete opportunities for WHO to provide technical assistance during the implementation of the recommendations.



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# PERCENTAGE OF CAPACITY ASSESSMENT RECOMMENDATIONS PERCEIVED TO HAVE A HIGH LEVEL OF IMPLEMENTATION OF BY TYPE OF ORGANIZATION OF EVALUATOR



# Questions ???

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- Now ...



- ... or later:

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