



# Policy statement

## Tobacco marketing

### Introduction

Tobacco advertising is a major factor in encouraging young people starting to smoke. Since February 2003, virtually all forms of tobacco advertising and promotion have been banned in the UK under the Tobacco Advertising and Promotion Act.

From 2005, cross-border sponsorship by tobacco brands has been banned across the European Union. A total ban on advertising and sponsorship is a core measure advocated within the Framework Convention on Tobacco Control (FCTC), the global treaty that aims to reduce tobacco consumption and smoking-related harm, to which the UK is a signatory.

### Policy statement

The BHF wants to see all forms of marketing of tobacco and tobacco paraphernalia prohibited.

To ensure that young people are protected from tobacco marketing, the BHF believes there should be a comprehensive set of measures to stop tobacco companies from marketing their products and to remove loopholes in the existing legislation banning tobacco advertising.

**Plain packaging** for cigarettes should be introduced across the UK as a key measure to prevent tobacco companies from using package design to entice young people to smoke. This should be coupled with an increase in the size of health warnings to 80 per cent of the front and back surfaces. We believe this will increase the effectiveness of health warnings, reduce misconceptions about the risks of smoking, and reduce the numbers of smokers in the long-term. Packaging should also include quit helpline telephone numbers.

Plain packaging must be brought in as a complementary measure to the removal of point of sale tobacco displays, and not as an alternative. Both will help to reduce smoking prevalence among young people over the long-term.

Advertising **tobacco accessories** such as cigarette papers and filters, currently exempt from current legislation on tobacco advertising, should also be prohibited.

Since the implementation of the Tobacco Advertising and Promotion Act 2002 the tobacco industry has invested resources in package design and point of sale displays, which are the only permitted forms of advertising.

For example, Imperial Tobacco has stated that because of advertising restrictions, cigarette packs and their display in retail outlets are now a major marketing tool and that pack redesign alone has increased their share of the market.<sup>1</sup>

The Coalition Government committed in 2011 to implement the legislation passed in the Health Act 2009 prohibiting tobacco advertising at the point of sale in England.<sup>2</sup> This will come into force for large retailers from April 2012 and all other shops from April 2015 in both England and Scotland, with Wales and Northern Ireland expected to follow suit.

Exemptions to the original advertising ban remain, notably with regards to tobacco packaging and accessories.

## ***Plain packaging***

As government efforts to restrict the promotion of tobacco have cut off traditional 'above the line' advertising such as TV and billboards, 'below the line' marketing has become increasingly relied on by the tobacco industry. This has included point of sale displays and package design. Package design is part of the branding and marketing process and tobacco companies have used this as a marketing tool to make products more alluring. Despite the health warnings, tobacco packaging is the 'communication life-blood' of the tobacco industry and 'the silent salesman that reaches out to customers.'<sup>3</sup>

Plain packaging refers to packaging that has had the promotional aspects removed, meaning that the appearance of all tobacco packs is standardised. It can also be known as generic, standardised or homogenous packaging. Except for the brand name (which would be written in a standard typeface) all other trademarks, logos, colour schemes and graphics would be prohibited. The package itself would be plain coloured and display the product content and consumer information as well as the health warnings required by law.

Internal tobacco industry documents have highlighted that they have invested heavily in package design to communicate to specific demographics, including young people.<sup>4,5</sup>

### **Effects of plain packaging**

Cigarette packaging conveys brand identity through brand logos, colours, fonts, pictures, packaging materials and shapes.<sup>6</sup> Many tobacco brands can be easily identified by distinctive parts of their packaging (for example, Marlboro's red chevron).

To date, no country has introduced plain packaging. However, Australia has announced that it intends plain packaging to be introduced from July 2012.<sup>7</sup> Other research into the potential impact has been provided therefore by experimental studies where example plain packs have been used alongside existing brands.

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<sup>1</sup> Imperial Tobacco, UBS Tobacco Conference, 01 December 2006, London

<sup>2</sup> Department of Health (2011) Healthy lives, healthy people: a tobacco control plan for England

<sup>3</sup> Underwood, R.L. & Ozanne, J. Is your package an effective communicator? A normative framework for increasing the communicative competence of packaging. *J Market Commun* 1998; 4: 207-20

<sup>4</sup> Wakefield, M. et al (2002) The cigarette pack as image: new evidence from tobacco industry documents. *Tobacco Control* 2002;11(suppl.1):i73-i80.

<sup>5</sup> Cummings, K.M. et al (2002) Marketing to America's youth: evidence from corporate documents. *Tobacco Control* 2002;11(suppl.1):i5-i17.

<sup>6</sup> Freeman, B. et al (2008) Review: the case for the plain packaging of tobacco products. *Addiction* 2008;103:580-90.

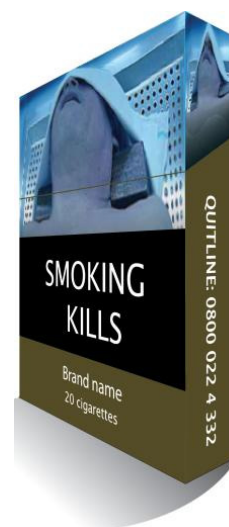
<sup>7</sup> Department of Health and Ageing (2011) Tobacco Plain Packaging Bill 2011 exposure draft: consultation paper. Canberra

A number of peer-reviewed studies have shown how branding on tobacco packaging misleads smokers on the health dangers, and how plain packaging can **reduce false beliefs** about relative 'safety' of cigarettes, and **reduce brand appeal** among smokers.<sup>8,9,10,11,12,13,14,15,16</sup>

The outcomes of a study commissioned by ASH show that the branding of cigarette packs profoundly affects consumer perceptions of the attractiveness and relative safety of the products.<sup>17</sup> The same research found that adults and young people were significantly more likely to rate packages with the term "smooth", "gold" and "silver" as lower tar, lower health risk, and easier to quit compared to "regular" varieties of the same brands. Removing this branding was found to have an immediate impact, with young people finding cigarettes less attractive and smokers **less likely to be misled** about the safety of cigarettes.

The EU Tobacco Product Directive, implemented in 2003, stopped companies using text and trademarks to suggest that a particular tobacco product is less harmful than others on packaging. However, the tobacco industry has continued to use gold and silver packaging on products to associate them as being 'lighter' or 'lower-tar' products. Research published in 2011 analysed the effects of the ban on misleading "light/mild" terms on cigarette packs in Australia, Canada and the UK. It showed that though there was a drop in the number of people that mistakenly believed cigarettes marketed as "light" or "mild" carried fewer health risks, this effect was temporary, and removing these words alone is insufficient to effectively eliminate false beliefs.<sup>18</sup>

Evidence suggests that brand imagery on tobacco packaging distracts from and reduces the impact of health warnings. Studies have shown that among students plain packaging **enhanced their ability to recall health warnings**.<sup>19,20</sup>



Research has also shown that plain packaging can help to **reduce the appeal of the product**. One study looking at adult smokers in Australia found that cigarette packs that displayed progressively fewer branding design elements were perceived increasingly unfavourably by smokers.<sup>21</sup> The same research team also found that progressively removing brand elements such as colour, branded fonts and imagery resulted in adolescent smokers

<sup>8</sup> Germain, D. et al (2009) Adolescents' perceptions of cigarette brand image: does plain packaging make a difference?. Journal of Adolescent Health, (2009) 1-8.

<sup>9</sup> Hammond, D. and Parkinson, C. (2009) The impact of cigarette package design on perceptions of risk. Journal of Public Health, 31(3), pp 345-353.

<sup>10</sup> Hammond, D. (2010) Plain packaging" regulations for tobacco products: the impact of standardizing the color and design of cigarette packs. Salud pública Méx. 2010, vol.52, suppl.2, pp S226-S232.

<sup>11</sup> Hammond, D. and Daniel, S. (2011) Plain packaging: Findings from female youth in the UK. Paper presented at the Society for Research on Nicotine and Tobacco, 17 Feb 2011; Toronto, Canada.

<sup>12</sup> Hoek, J. et al (2010) Effects of dissuasive packaging on young adult smokers. Tobacco Control doi: 10.1136/tc.2010.037861.

<sup>13</sup> Moodie, C. and Hastings, G. (2009) Making the Pack the Hero, Tobacco Industry Response to Marketing Restrictions in the UK: Findings from a Long-Term Audit. International Journal of Mental Health and Addiction 9(1), pp 24-38.

<sup>14</sup> Moodie, C. and Hastings, G. (2009) Plain packaging: a time for action. European Journal of Public Health, 20(1), pp 10-11.

<sup>15</sup> Moodie, C. and Hastings, G. (2010) Tobacco packaging as promotion. Tobacco Control 2010;19:168-170.

<sup>16</sup> Wakefield, M. et al (2011) Effects of increasing size of health warnings on plain vs branded packs. Presentation at Society for Research on Nicotine and Tobacco 17th Annual Meeting, February 17, 2011. Toronto, Canada.

<sup>17</sup> ASH (2008): Beyond Smoking Kills: Protecting children, reducing inequalities. Page 42

<sup>18</sup> Yong, H. et al (2011) Impact of the removal of misleading terms on cigarette pack on smokers' beliefs about Light/Mild cigarettes: Cross-country comparisons. Addiction. DOI: 10.1111/j.1360-0443.2011.03533.x

<sup>19</sup> Beede, P. and Lawson, R. (1992) The effect of plain packages on the perception of cigarette health warnings. Public Health 1992;106(4):315-22.

<sup>20</sup> Goldberg, M. et al (1999) The effect of plain packaging on response to health warnings. American Journal of Public Health 1999;89(9):1434-5.

<sup>21</sup> Wakefield, M., Germain, D., and Durkin, S. (2008) How does increasingly plainer cigarette packaging influence adult smokers' perceptions about brand image? An experimental study. Tobacco Control, 2008.

perceiving the packs as less appealing, having more negative expectations of cigarette taste and rating attributes of a typical smoker of the pack less favourably.<sup>22</sup> Similar research in Canada looked specifically at female smokers aged 18 to 25 years old, and found that removing descriptors and colours significantly reduced a pack's appeal – plain packs were associated with fewer positive characteristics than fully branded packs, including glamour, being slim, popular, attractive and sophisticated.<sup>23</sup>

### **Legality of plain packaging legislation**

The tobacco industry has claimed that plain packaging legislation would represent an acquisition of intellectual property, and as such would contravene various international trade agreements.<sup>24</sup>

Plain packaging does not represent the acquisition by governments of the intellectual property of tobacco companies. Governments do not intend to use the logos, and tobacco companies will retain full rights to both their logos and brand imagery – legislation will simply prevent their use on cigarette packaging.<sup>25</sup>

In 2008 Sir Richard Buxton, a former judge on the Court of Appeal of England and Wales, examined the legality of introducing plain packaging in the UK on behalf of ASH England. On both the issue of property rights and the free movement of goods in the context of EU law (areas that the tobacco industry has highlighted as being incompatible with plain packaging), the opinion was that there are substantial grounds to believe that plain packaging would not be vulnerable were such a law challenged in the EU.<sup>26</sup>

The tobacco industry's own internal documentation has shown that they consider that "current conventions and treaties afford little protection" to plain packaging legislation.<sup>27</sup>

### **Plain packaging in Australia**

The Australian Government published draft legislation in 2011, and anticipates plain packaging to come into effect from 1 July 2012. In their exposure draft, they detailed the colour they intend to use (dark olive brown in a matt finish), the font used on the packaging (Lucinda sans 14 or similar), position of brand name, and shape, size and opening of the packaging, based on testing by an Expert Advisory Group of leading tobacco control experts.<sup>28</sup>

To counter arguments used by the tobacco industry that such legislation would increase illicit tobacco use, anti-counterfeiting measures were also proposed following consultation with the industry. These include the inclusion of a unique alphanumeric code on each pack on a voluntary basis and covert markings including taggart ink, which can only be identified through specialised equipment.

### **Support for plain packaging**

A move to introduce plain packaging was recommended by England's then Chief Medical Officer in his 2003 annual report.<sup>29</sup> The European Commission is also exploring the merits of

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<sup>22</sup> Germain, D., Wakefield, M.A. and Durkin, S.J. (2009) Adolescents' perceptions of cigarette brand image: does plain packaging make a difference? *Journal of Adolescent Health* 2009;46(4):385–92.

<sup>23</sup> Doxey, J. and Hammond, D. (2011) Deadly in pink: the impact of cigarette packaging among young women. *Tob Control* doi:10.1136/tc.2010.038315

<sup>24</sup> Physicians for a Smoke-Free Canada (2011) Tobacco Industry response to packaging and other packaging reforms. Ottawa

<sup>25</sup> Davison, M. (2010) Plain packaging of cigarettes: would it be lawful? *Australian Intellectual Property Law Bulletin* 2010;23(5):105–8.

<sup>26</sup> Buxton, R. (2008) The Lawfulness of Requiring Plain Packaging for Tobacco Products: Opinion of Sir Richard Buxton. Available from Department of Health website: <http://bit.ly/PPbuxtonopinion>

<sup>27</sup> Mahood, G. (1999) Warnings that tell the truth: breaking new ground in Canada. *Tob Control* 1999;8 :356-362

<sup>28</sup> Department of Health and Ageing (2011) Tobacco Plain Packaging Bill 2011 exposure draft: consultation paper. Canberra

<sup>29</sup> Chief Medical Officer. Annual report of the CMO 2003. Department of Health.

introducing plain packaging as an amendment to the Tobacco Products Directive 2001/37/EC.<sup>30</sup>

A YouGov poll commissioned by ASH in 2010 found that 64 per cent of the UK public would support plain packaging if there was evidence that plain packaging was less likely to give the false impression that one type of cigarette is safer than another.<sup>31</sup> Three-quarters of respondents (75 per cent) said they would support plain packaging if plain packs made health warnings more effective, and 80 per cent would support plain packaging if plain packs were found to be less attractive to children and young people than branded packs.

The Department of Health in England has committed in its 2011 Tobacco Control Plan that they will consult on options to reduce the promotional impact of tobacco packaging, including plain packaging.<sup>32</sup> Health Secretary Andrew Lansley has stated:

"The evidence is clear that packaging helps to recruit smokers, so it makes sense to consider having less attractive packaging. It's wrong that children are being attracted to smoke by glitzy designs on packets."<sup>33</sup>

Plain packaging would reduce tobacco consumption in the long-term by:

- reducing the attractiveness and appeal of tobacco products, particularly for young people
- increasing the prominence and effectiveness of health warnings
- reducing the ability of packaging to mislead smokers about the harms of smoking
- complementing other parts of a comprehensive suite of measures to control tobacco.

### Improving health warnings

Health warnings are effective in conveying the dangers of smoking and helping smokers to quit.<sup>34,35</sup> A multi-country study also showed that the larger and more prominent a health warning, the more likely it was to be recalled.<sup>36</sup> Evidence also suggests that picture warnings covering a minimum of 80 per cent of the front and back surfaces of tobacco packaging increase their effectiveness among young and adult smokers and non-smokers.<sup>37</sup> To further maximise their visibility, these warnings can be placed on the upper part of the packs.

The current EU Tobacco Products Directive requires the inclusion of machine-based tar, nicotine and carbon monoxide yields on cigarette packs. Evidence suggests that this can serve to promote the mistaken belief that some cigarette brands are less harmful than others and that nicotine causes disease.<sup>38</sup> Removing this requirement could therefore help to enhance health warnings.

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<sup>30</sup> Question in the European Parliament, Androulla Vassiliou, 4 January 2010

<sup>31</sup> ASH (2010), Plain packaging for tobacco products and public opinion in the UK, [http://www.ash.org.uk/files/documents/ASH\\_765.pdf](http://www.ash.org.uk/files/documents/ASH_765.pdf)

<sup>32</sup> Department of Health (2011) Healthy Lives, Healthy People: A Tobacco Control Plan for England. HM Government

<sup>33</sup> BBC Online: Make cigarette packaging plain, government urges (21/11/10)

<sup>34</sup> Borland R, Wilson N, Fong GT. et al. Impact of graphic and text warnings on cigarette packs: findings from four countries over five years. *Tob Control* 2009;18:358–64. doi:10.1136/tc.2008.028043 PMID:19561362

<sup>35</sup> Borland R, Yong HH, Wilson N. et al. How reactions to cigarette packet health warnings influence quitting: findings from the ITC Four-Country survey. *Addiction* 2009;104:669–75. doi:10.1111/j.1360-0443.2009.02508.x PMID:19215595

<sup>36</sup> Hammond, D. et al (2007) Text and graphic warnings on cigarette packages: findings from the international tobacco control four country study. *American Journal of Preventive Medicine* 2007;32(3):202–9.

<sup>37</sup> Wardle H, Pickup D, Lee L, Hall J, Pickering K, Grieg K, Moodie C and MacKintosh AM, 2010; 'Evaluating the impact of Picture Health Warnings on Cigarette Packets'; Public Health Research Consortium Executive Summary 12

<sup>38</sup> Koslowski LT, Goldberg ME, Yost BA, et al. 'Smokers' misperceptions of light and ultra-light cigarettes may keep them smoking. *Am J Prev Med* 1998; 15: 9-16.

## ***Point of sale displays***

The Health Act in Westminster in 2009 and the Tobacco and Primary Medical Services (Scotland) Act in 2010 both contained measures to ban tobacco advertising at the point of sale. In England, the 2011 Tobacco Control Plan confirmed that the legislation would be implemented by April 2012 for large retailers and April 2015 for small retailers. Both the Welsh and Northern Ireland Assembly are expected to implement similar legislation.

Research has shown that point of sale displays have a direct impact on young people's smoking behaviour. In 2006, almost half of UK teenagers were aware of tobacco display at point of sale and those professing an intention to smoke were more likely to recall brands that they had seen at the point of sale.<sup>39</sup> In addition, research in Australia<sup>40</sup> and the USA<sup>41</sup> has shown that point of sale display advertising of cigarettes normalises tobacco use for children and creates a perception that tobacco is easily obtainable.

There is also evidence that retail displays encourage 'impulse buying' so undermining smokers' attempts to quit.<sup>42</sup>

Jurisdictions that have enforced a ban on tobacco advertising at point of sale have reported a decrease in smoking prevalence among young people.<sup>43</sup> The Canadian Tobacco Use Monitoring Survey for example shows that banning point of sale advertising in most Canadian provinces has coincided with a decrease in smoking rates amongst 15 to 19 year olds from 22 per cent in 2002 to 15 per cent in 2007.<sup>44</sup> In Iceland, where point of sale displays were made unlawful in 2001, smoking rates among 16 and 17 years olds fell from 56 per cent in 1999 to 46 per cent in 2003.<sup>45</sup>

The Republic of Ireland implemented a ban on point of sale tobacco displays in July 2009. Research looking at its short-term effects has shown that it has affected youth perceptions of smoking. The research found that the proportion of young people believing that more than a fifth of children their age smoked fell from 62 per cent before the display ban to 46 per cent following it.<sup>46</sup>

In addition, and in contrast to industry claims on the effects on retailers, separate research on the ban in Ireland, using data from AC Nielsen, has shown that the ban had no significant effect in the 12 months after implementation on retail sales of tobacco products, over and above seasonal and long-term trends.<sup>47</sup> This should help to reduce smoking rates over the long-term, giving retailers time to adapt as a result.

A YouGov survey found that 59 per cent of respondents in England said they were in favour of a ban on the display of tobacco products where they are sold. Only 16 per cent were against the measure.<sup>48</sup>

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<sup>39</sup> Point of Sale Display of Tobacco Products. The Centre for Tobacco Control Research. University of Stirling, 2008.

<sup>40</sup> Wakefield, M, Germain, D., Durkin, S. and Henriksen, L. (2006) An experimental study of effects on schoolchildren of exposure to point-of-sale cigarette advertising and pack displays. *Health Educ. Res.* 2006; 21: 338-347

<sup>41</sup> Henriksen L et al. Effects on youth of exposure to retail advertising. *JAppl Soc Psychol.* 2002; 32: 1771-89

<sup>42</sup> Wakefield, M. (2007) The effect of retail cigarette pack displays on impulse purchase. *Addiction.* Nov 2007

<sup>43</sup> According to ASH, Iceland and Thailand, 12 (out of 13) Canadian provinces and territories, the Australian State of Tasmania and the British Virgin Islands have adopted laws to prohibit tobacco advertising at point of sale.

<sup>44</sup> Canadian Tobacco Use Monitoring Survey: Annual and Semi-Annual Results (1999-2007). Health Canada.

<sup>45</sup> The European School Survey Project on Alcohol and Other Drugs (ESPAD). [www.espad.org/sa/node.asp?node=730](http://www.espad.org/sa/node.asp?node=730)

<sup>46</sup> McNeill, A., Quinn, C. et al (2010) Evaluation of the removal of point of sale tobacco promotional displays in Ireland. *Tobacco Control* e-publication, November 2010

<sup>47</sup> Quinn, C., Lewis, S., Edwards, R. and McNeill, A. (2010) Economic evaluation of the removal of point of sale tobacco promotional displays in Ireland. *Tobacco Control* doi:10.1136/tc.2010.039602

<sup>48</sup> Beyond Smoking Kills. Action on Smoking and Health, London 2008, page 37.

In Australia, the only country so far to commit to introduce plain packaging, this is being introduced in addition to, and not instead of, display bans. It is seen as a natural progression not an alternative to display bans. Any future plain packaging legislation in the UK must therefore be considered as part of a suite of measures that includes a ban on point of sale tobacco displays.

## ***Tobacco accessories***

Accessories such as matches, lighters and cigarette rolling papers are currently exempt from the Tobacco Advertising and Promotion Act, which means there have not been any restrictions on advertising of these products.

In the UK, the filter tips market is worth around £45 million, with roll-your-own (RYO) cigarette papers worth £108 million, and continues to grow.<sup>49</sup> Both products tend to be sold alongside tobacco, and many RYO cigarette brands have direct connections to tobacco companies. Rizla, for example, has been owned by Imperial Tobacco since 1997.<sup>50</sup>

There is evidence to suggest that the promotion of these accessories is similar to tobacco marketing campaigns, and tobacco accessory manufacturers have sponsored events such as music festivals – presenting them with a positive image among young people by being linked to the event.<sup>51</sup> The Rizla website for example highlights its sponsorship of music festivals, which included their name alongside one of the arenas at the Rockness festival in 2010.

The Department of Health in England has indicated it will examine the impact that the advertising and promotion of smoking accessories, including cigarette papers, has on promoting the use of tobacco products and consider whether further action is needed.<sup>52</sup>

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<sup>49</sup> Talking Retail: 'New-look packs for Swan's RYO tobacco accessories' (19/04/2011)

<http://www.talkingretail.com/products/product-news/new-look-packs-for-swans-ryo-tobacco-accessories>

<sup>50</sup> List of Imperial Tobacco Acquisitions 1997 onwards: <http://www.imperial-tobacco.com/index.asp?page=406>

<sup>51</sup> Cancer Research UK (2008) Point of sale display of tobacco products. The Centre for Tobacco Control Research

<sup>52</sup> Department of Health (2011) Healthy lives, healthy people: a tobacco control plan for England