



Best Messaging on Tobacco Advertising Bans

The following are common tobacco industry arguments in opposition to proposed advertising bans, and suggested responses:

The right to free speech includes the right to advertise a legal product.

The right to advertise and promote a product as addictive and deadly as tobacco can and should be restricted for health reasons. In the European Union, there are bans or restrictions in place for such products as firearms and medicines. In France, the Constitutional Council declared that the French ban on tobacco advertising was not unconstitutional because it was based on public health protection and did not interfere with the free trade. In the Netherlands, the constitution explicitly excludes commercial communications from freedom of speech protections. Five Member States in the EU have implemented tobacco advertising bans without constitutional problems.¹

Tobacco advertising and promotion targets only adult smokers.

Internal marketing plans from the tobacco industry have shown that the industry has carefully targeting young people for years. Internal documents from RJ Reynolds, released in 1998, reveal that the company sought to reverse its declining sales by targeting 14-24 year-olds. Memos described the success of the Joe Camel cartoon in France and stated that the campaign was "about as young as you can get, and aims right at the young adult smoker Camel needs to attract."¹

There is no need to ban indirect advertising because it promotes non-tobacco products.

Internal tobacco industry documents confirm that indirect advertising, also known as brand sharing, seeks to circumvent advertising bans by using tobacco brand names or logos with the aim or effect of promoting a tobacco product.²

Advertising and promotion just encourage tobacco brand loyalty or entice current smokers to switch brands.

This claim was answered best by the chairman of a British advertising agency: "I think arguments like shifting brands are just insulting in their shallowness.... I think advertising has certainly helped to introduce new smokers, be they women or be they in the Third World."²

A 2002 monograph by the United States' National Cancer Institute, which reviewed the research on tobacco advertising and promotion and its impact on youth smoking, found that tobacco advertising and promotional activities are important catalysts in the smoking initiation process. The NCI report found, based on a review of the extant research, that "the conclusion that there is a causal relationship between tobacco marketing and smoking initiation seems unassailable."³

Banning advertising won't succeed at decreasing tobacco consumption.

Today, we have compelling evidence that comprehensive bans on tobacco advertising, promotion, and sponsorship can significantly reduce cigarette and other tobacco consumption.^{4, 5} We also know that the tobacco industry spends more than \$30 million each day on advertising and promotion in the United States alone. It is simply nonsense to suggest that that amount of money is invested for nothing.⁶

A tobacco advertising ban will harm the advertising industry and the economy.

Tobacco advertising represents only a small fraction of the total advertising budget. In France, tobacco advertising represented 0.5 % of the total advertising budget in 1990, in the UK 0.7 % in 1994, and in Belgium 1.8 % in 1995.¹ The growth in total advertising will generally compensate for the loss of tobacco advertising revenue. Based on the experience with a number of European Union countries that have banned advertising, tobacco advertising and promotion expenditures were replaced by publicity from other sectors without revenue or net job loss.⁶

A ban on tobacco advertising will lead to other advertising bans.

No. Tobacco products are far more deadly than other products, such as alcohol. There is no safe level of tobacco use. Tobacco is unique in its harm to individuals, society and the economy, and banning its promotion does not establish a precedent for other products.

If tobacco itself isn't banned, why should its advertising be?

There can be little doubt that if tobacco were introduced today, its sale would be illegal. However, there are many precedents for banning or restricting the advertising of dangerous or potentially dangerous products even if these products themselves remain on the market, among them firearms, fireworks or pharmaceutical products.

¹ Joossens, L. Questions and answers: Why ban tobacco advertising in the European Union? [monograph on the Internet]. Geneva: International Union Against Cancer; 1998. Available from: <http://globalink.org/tobacco/docs/eu-docs/9802faq.html>.

² Joossens L. How to circumvent tobacco advertising restrictions [monograph on the Internet]. Brussels: International Union Against Cancer; 2001. Available from: <http://globalink.org/tobacco/docs/eu-docs/0102joossens.shtml>.

³ National Cancer Institute, Changing Adolescent Smoking Prevalence, Smoking and Tobacco Control Monograph No.14, NIH Pub. No. 02-5086, November 2001. Available from: <http://cancercontrol.cancer.gov/tcrb/monographs/14/index.html>.

⁴ Saffer, H. Tobacco Advertising and Promotion. In: Jha P, Chaloupka F, editors. Tobacco Control in Developing Countries. New York: Oxford University Press, Inc.; 2000. p. 215-236. Available from: <http://www1.worldbank.org/tobacco/tcdc.asp>; Saffer, H, Chaloupka, F., The effect of advertising bans on tobacco consumption. Journal of Health Economics 19 (2000) 1117-1137.

⁵ Saffer H, Chaloupka F. The effect of tobacco advertising bans on tobacco consumption. Journal of Health Economics. 2000; 19:1117-1137.

⁶ Nathan R. Model Legislation for Tobacco Control: A Policy Development and Legislative Drafting Manual, International Union for Health Promotion and Education, France, First Edition 2004, <http://www.ftc.org/misc/modelguide/images/IUHPE-Text.pdf>