



Promotional displays of tobacco – a briefing paper

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May 2008

“Merchandising ... is the final step in ensuring that the consumer sees your product and is tempted to buy it ...

“It is in the outlet that the buying decision is made, so it makes sense to feature and display your product(s) as strongly as you possibly can ...

“You must make the product(s) talk to the consumer”

Extract from a British American Tobacco document on promotional displays

Executive summary

The Scottish Government is shortly expected to release its Smoking Prevention Action Plan, a follow up to the report of the Smoking Prevention Working Group, Towards a Future Without Tobacco.¹ The action plan will contain measures designed to prevent children and young people from becoming smokers.

ASH Scotland supports policies that will minimise the availability, visibility and affordability of cigarettes and tobacco to young people. To that end, we are supporting a Member's Bill in the Scottish Parliament that would introduce a system of licensing for retail tobacco sales, and together with our colleagues in England, Wales and Northern Ireland, we are also encouraging the UK Government to use taxes to increase the price of cigarettes faster than the rate of inflation.

The visibility of tobacco has been addressed in recent years by progressive phases of a comprehensive advertising ban. It is now illegal to advertise any tobacco products in the broadcast or print media, on billboards, on the internet or on shop fronts. Tobacco sponsorship of sporting events is also banned. ASH Scotland lobbied for these measures, and warmly welcomed their introduction.

But although overt advertising is now illegal, the display of cigarettes and tobacco at the point of sale is still permitted. Virtually all supermarkets, grocers, sweet shops, and convenience stores have extensive displays of cigarettes and tobacco behind their cash desk, at the point at which many purchasing decisions are made. With the demise of other forms of advertising, the tobacco industry is increasingly limited to in-store marketing of tobacco products, a form of marketing that cannot avoid targeting children and young people.

ASH Scotland believes that this loophole must be closed, and that Scotland should follow the lead of jurisdictions including Iceland, Thailand and several Canadian provinces in banning all point of sale promotional displays of tobacco.

Introduction

Smoking has long been recognised as the biggest single preventable cause of ill-health and premature death in Scotland, accounting for almost 13,500 deaths every year.² We know that it is linked to diseases of the heart and blood vessels, the lungs, stomach, kidneys and other organs. As a result, smoking-related illnesses cost the NHS in Scotland an estimated £200 million each year.³ The total costs to the wider Scottish economy have been estimated at £837 million per year.⁴ Among men in 2004, 40% of all cancer deaths and 91% of lung cancer deaths were attributable to smoking. For women, the figures were 29% and 88% respectively.⁵ For men and women aged between 35 and 69, 22 years of life were lost on average per death from smoking.⁶

It is estimated that around 15,000 Scots begin smoking each year⁷; around two thirds of these are under the age of 18.⁸ Measures to reduce the numbers of young people taking up smoking include health education campaigns as well as efforts designed to reduce the affordability, the availability and the attractiveness of tobacco products. Reducing the affordability of tobacco involves applying high levels of taxation to increase the cost of cigarettes in order to reduce uptake among children and young people. Tobacco taxation is an issue reserved to the UK Government; ASH Scotland makes an annual submission to HM Treasury in conjunction with our colleagues at ASH in England.

Reducing the availability of cigarettes relies on legislation making it an offence to sell or supply tobacco to anyone below the minimum age of purchase. The minimum purchase age increased from 16 to 18 on the first of October 2007. ASH Scotland welcomed this age increase, but expressed concern that the age increase alone would do little to limit the availability of cigarettes to young people. Studies show that over 80% of 15 year old smokers report buying their own cigarettes from shops.⁹ ASH Scotland is currently supporting a proposal for a Member's Bill at the Scottish Parliament that would introduce a system of licensing for retail tobacco sales that would, by providing a deterrent effect, enable more effective enforcement of the existing minimum tobacco purchase age to take place.

In parallel with work to reduce the availability of tobacco must be efforts to minimise its visibility and attractiveness. Over the past four decades, successive pieces of legislation have led to incremental advertising bans beginning with a ban on cigarette advertising on television in the 1960s. A recent phase of this policy has been a restriction on overt advertising at the point of sale; this came into force in late 2004.

Although the various phases of the advertising ban that have been introduced over the past forty years are to be welcomed, the legislation stops short of removing displays of tobacco from the point of sale. This briefing paper looks at smoking rates among young people and how advertising influences them to take up smoking, examines the role of in-store displays of tobacco in normalising tobacco use, and concludes that a ban on in-store displays of tobacco would be wholly justified.

Smoking and young people

The Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS)¹⁰ National Report for 2006 outlines the levels of smoking activity among 13 and 15 year olds of both genders: 4% of 13-year olds are classified as "regular smokers" (defined as smoking one cigarette or more per week), while by age 15 this has risen to 15%. Girls in both age groups are more likely than boys to be regular smokers.

Studies show that most smokers begin using tobacco as young teenagers. Data from the General Household Survey of 2005¹¹ shows that around 40% of regular male smokers have consistently begun smoking before the age of 16, with this percentage rising to around 68% by the age of 18. Only around 15% wait until they are over the age of 20 to commence smoking. While the data for men has been very consistent, the data for regular women smokers shows that an ever larger proportion of them have begun smoking at an early age. In 1992, the percentage of regular women smokers beginning before the age of 16 was 28%; by 2005 this had risen to 38%. The proportion waiting until they were 20 to begin smoking fell from 25% to 19% over the same period.

There is also a clear link between age of starting smoking and cigarette consumption for both male and female regular smokers. Over half of regular male smokers consuming 20 cigarettes or more per day began their habit before the age of 16, but only one third of those smoking less than 10 a day began at this early age.

It is clear that early smoking onset is linked both with continued smoking into adulthood, and with greater consumption of tobacco. There is also evidence that the earlier smokers take up the habit, the worse the long term health risks become: a child who starts smoking at age 14 or younger is five times more likely to die of lung cancer than someone who starts smoking at age 24 or older, and no less than fifteen times more likely to die of lung cancer than someone who never smokes.¹²

Preventing young people from smoking until they are 18 would therefore ultimately lead to lower numbers of adults smoking, with lower cigarette consumption per smoker, and with significant positive health consequences.

Smoking and deprivation

Smoking among young people also contributes to a cycle of ill-health and deprivation among disadvantaged communities in many parts of the country. There is a very strong correlation between smoking rates and socio-economic deprivation: smoking rates among the most deprived decile of the population are almost four times higher than rates among the least deprived decile.¹³ The ratio is even greater among pregnant women from the most and least deprived sections of society: among the most deprived quintile, smoking rates are up to six times higher than among the least deprived quintile.¹⁴

It is estimated that around half of the reduced life expectancy faced by poor communities is accounted for by tobacco use¹⁵, and that as a proportion of their total expenditure, the poorest households spend over five times more on tobacco than the richest.¹⁶ A UK government inquiry into health inequalities found that in more than 70% of two-parent households on income support, parents smoked. In such households, around 15% of disposable income was spent on cigarettes. Children in smoking households on income support were found to be much more likely to lack basic amenities, including food, shoes and coats, than those in non-smoking households on income support.¹⁷

Parental smoking is a major risk factor for smoking initiation: it is known that children from households where one or more parents smoke are between two and three times more likely to become smokers than their peers who grow up in non-smoking households.¹⁸ While young people of all backgrounds experiment with tobacco, around half of the smokers from better-off backgrounds are likely to quit in their

twenties, while about three quarters of those from working class backgrounds are likely to carry on and become lifelong smokers.¹⁹

The relationships between deprivation, smoking and ill-health are complex, and it is important to recognise that the visibility of cigarettes at the point of sale is only one of a number of factors that lead many young people to begin smoking. But as part of a range of measures designed to prevent smoking initiation among young people, the removal of tobacco displays can contribute to building a society in which early onset smoking is no longer seen as the default position for many of those growing up in disadvantaged communities.

History of the tobacco advertising ban

The first reported use of tobacco marketing dates from 1789, with the appearance in a New York newspaper of an advertisement depicting a Native American smoking a long clay pipe.^{20 21} Later marketing included the use of cigarette cards, originally used to stiffen packets but later carrying pictures of popular sports personalities, national flags, wildlife and so on. One very popular range depicted young women frequently wearing clothing considered quite revealing for the time,²² an early example of using glamour and sex to sell tobacco. With the advent of cinema and broadcast media in the 20th century, tobacco advertising took to the screen, while maintaining its highly visible presence in local and national newspapers.

Until the highly damaging health impacts of smoking became known in the second half of the century, tobacco was seen very much as any other product or commodity and its advertising and marketing was not regarded as objectionable or controversial. But with a growing awareness of the health risks associated with smoking, the health sector applied pressure to restrict the advertising of cigarettes. In the UK in 1962, the Royal College of Physicians spoke out about the sale and advertising of cigarettes,²³ and in 1965 all television advertising of cigarettes was banned. In the United States a similar process was underway; the Surgeon General's report of 1964²⁴ was followed by the introduction of a TV advertising ban in 1970.

The advertising ban in the UK was extended to commercial radio in 1978 and to cinema in 1986. Further restrictions were applied in 1991 with the banning of TV advertising for cigars and loose tobacco; this was as a result of the European "Television Without Frontiers" Directive.²⁵ In 1997, the Labour government was elected on a manifesto that included a complete tobacco advertising ban, but ran out of the parliamentary time needed to introduce legislation during their first term of office. It wasn't until late in 2002 that a bill banning tobacco advertising received Royal Assent. The implementation of the legislation took a staggered approach, with tobacco advertising in print media and on billboards being outlawed in February 2003, domestic tobacco sponsorships in July 2003, restrictions on advertising at the point of sale being introduced in December 2004 and the ban on international sponsorship (such as Formula 1) coming into force in July 2005.²⁶

The restrictions on advertising on the point of sale that came into force in December 2004 permit a single A5 advertisement (30% of which must consist of an approved health warning) at the point of sale. The display of tobacco at the point of sale, however, remains permitted under the Tobacco Advertising and Promotion (Point of Sale) (Scotland) Regulations 2004.²⁷

Since 1972, the General Household Survey has provided consistent data on adult smoking prevalence in Scotland. Between 1972 and 2005, the proportion of Scottish

adults (aged 16+) smoking daily fell from 47% to 25%.²⁸ While the effect of reduced visibility of tobacco over this period is not the only factor affecting smoking rates, there is little doubt that successive phases of the ban on tobacco advertising have played a significant role in tackling smoking prevalence in Scotland and across the UK.²⁹

Impact of tobacco marketing on new smokers and young people

The tobacco industry has long been adamant that its marketing activities were geared towards enticing existing smokers to change brands, rather than attracting new smokers. This stance places them at odds with virtually every other industry that advertises its products. Yet it is clear that if the tobacco industry is not to face an ever decreasing market, it must attract new smokers to replace those who quit or die each year. When the European Union passed a Europe-wide tobacco advertising ban, the EU Health Commissioner, David Byrne, pointed out that:

*“In the EU alone, Big Tobacco needs to recruit 500,000 new smokers each year to replace the ones who die prematurely due to smoking-related diseases”*³⁰

Figures produced by the Scottish Government indicate that around 15,000 young people between the age of 13 and 24 start smoking each year in Scotland.³¹

A report produced by Clive Smee, the Chief Economic Adviser to the Department of Health, looked into the effect of tobacco advertising on tobacco consumption. The DoH report looked at a number of existing academic studies that sought to establish whether there was a link between advertising and overall consumption of tobacco, rather than merely a switching between brands. In conclusion, the report pointed out that if, as the tobacco industry claims:

*“advertising genuinely has no effect on overall consumption, then the numbers of studies reporting positive and negative results would be much the same; in other words, some studies would show that advertising increases consumption, but others that advertising reduces consumption. In practice this symmetry is not observed: the great majority of results point in the same direction – towards a positive impact. The balance of evidence thus supports the conclusion that advertising does have a positive impact on consumption”*³²

The tobacco companies' defence³³ that their marketing activities do not attract new smokers does not stand up to scrutiny.³⁴ Emerson Foote, the former President of McCaan-Erikson, a major advertising agency that handled large tobacco accounts, famously stated that he was:

*“always amused by the suggestion that advertising, a function that has been shown to increase consumption of virtually every other product, somehow miraculously fails to work for tobacco products”*³⁵

Foote also dismissed the tobacco companies' claims that they seek only to attract smokers from rival brands:

“This is the public position of the tobacco industry but I don't think anyone really believes this. I am not even convinced that competition between brands is the most important purpose of such advertising. I suspect that creating a positive

climate of social acceptability for smoking, which encourages new smokers to join the market, is of greater importance to the industry.”³⁶

Very few smokers switch brands, and even fewer switch to another company's brand; the net market shift between tobacco manufacturers is estimated to be only around 1% of the total market. And many, if not most, of the “new smokers” that Foote was referring to will be young people. Surveys consistently indicate that around two-thirds of smokers began smoking under the age of 18, with over 40% taking up the habit under the age of 16.³⁷ The uptake of smoking, therefore, is primarily an adolescent pursuit.³⁸

The Tobacco Manufacturers' Association is the trade body for tobacco companies that operate in the UK. While the stated policy of their members is to:

“direct their advertising only at adults who have chosen to smoke. They do not direct their advertising at, or design it to be appealing to, anyone under 18 years old,”³⁹

tobacco advertising has historically presented a youthful image of smoking, presenting it as a glamorous lifestyle choice⁴⁰, a “rite of passage”⁴¹ enabling young smokers to identify themselves with an adult activity, an activity that embodies “style, coolness and aspiration”.⁴² The tobacco industry is well aware⁴³ of the benefits to be gained by playing on the emotional needs of image-conscious young people.

There is a wealth of evidence to suggest that, despite the claims of the tobacco industry, children are highly receptive to tobacco advertising and promotion, and that this receptivity is positively linked with smoking susceptibility.⁴⁴ Prior to the introduction of the tobacco advertising ban, teenagers were found to be extremely aware of, and were participating in, tobacco marketing activities, and both the awareness and the participation were associated with smoking status.⁴⁵ In the USA, studies showed that the three most heavily marketed brands of cigarettes have an adolescent market share of 86%; these brands constitute only around one third of the adult cigarette market.⁴⁶ There is strong evidence that perception of advertising is higher among young smokers and that changes in market share resulting from advertising occur mainly in younger smokers.⁴⁷

So irrespective of whether or not the tobacco industry was purposefully targeting children and young people, there is little doubt that tobacco marketing activities have a powerful effect on many young people. The prevalence of tobacco advertising and marketing is just one of a number of factors that lead some young people to become smokers – other factors include peer influence, social background and self-esteem⁴⁸ – but there is strong evidence that exposure to tobacco marketing activities, including exposure to tobacco displays within shops, does increase the likelihood that adolescents will start to smoke.⁴⁹ Furthermore, the highly addictive nature of tobacco, while not being responsible for the first cigarette that a smoker tries, does lead many young people who experiment with smoking to become addicted.⁵⁰ This addiction can develop rapidly: studies have shown that around 40% of new smokers quickly exhibit signs of dependency⁵¹, and although a large proportion of smokers in their late teens do not see themselves as being addicted⁵², other surveys report that around 70% of regular smokers aged between 13 and 15 had already tried – and failed – to give up smoking.⁵³

Policies that restrict the visibility and attractiveness of tobacco products, such as the tobacco advertising bans that have been introduced so far, have contributed to the long term decline in smoking rates in Scotland and across the UK. Tobacco products

can no longer be advertised or promoted on the screen, in the print media, on billboards or on shop fronts. But in shops themselves, tobacco remains highly visible. Children and young people are no longer exposed to tobacco advertising outside shops, but every time they enter a convenience store, a corner shop or a supermarket, they are confronted by a wall of tobacco products. The ban on tobacco advertising cannot be considered to be truly comprehensive while this situation persists.

Impact of in-store displays on youth smoking

It is ironic that while tobacco advertising is now banned in all print and broadcast media, on billboards and on shop fronts, highly visible displays of tobacco are still permitted at the very location where many spending decisions are made – the point of sale.

Just as children and young people have been found to be more susceptible than adults to advertising in general,⁵⁴ there is considerable evidence that young people are disproportionately influenced by displays of tobacco within shops.⁵⁵ The presence of visible displays of tobacco, even in the absence of overt advertising materials, has been found to affect young people's perceptions about ease of access to cigarettes and about brand recall, both factors that increase the risk of taking up smoking. In-store advertising has similar effects and may also weaken young peoples' intentions not to smoke in the future, a measure that strongly predicts smoking uptake.⁵⁶

An American study demonstrated that shops frequented by teenagers had over three times more in-store tobacco marketing of cigarette brands popular with adolescents than other shops in the same communities.⁵⁷ Other studies indicate that adolescents who reported at least weekly exposure to retail tobacco marketing were more likely to have experimented with smoking,⁵⁸ and that teen smokers preferred whichever brand of cigarettes was advertised most heavily in the convenience shop closest to their school.⁵⁹

In addition to having a powerful negative effect on young people, visible displays of tobacco within shops have been shown to act as cues to smoke, including among those not intending to buy cigarettes and those trying to avoid smoking. When shopping for items other than cigarettes, around one quarter of smokers reported buying cigarettes on impulse. Almost two fifths of smokers who had tried to quit in the previous year had experienced an urge to buy cigarettes as a result of seeing the retail tobacco display.⁶⁰

Furthermore, highly visible displays of cigarettes undermine the health messages that the government is striving to get across to children and young people about the dangers of smoking. A government survey carried out in 1983 showed that 44% of smokers agreed with the proposition that "smoking can't really be dangerous, or the government would ban cigarette advertising".⁶¹ It is likely that visible displays of cigarettes and other tobacco products have a similarly negative effect on government health messages. Children accustomed to seeing cigarettes displayed adjacent to sweets, chewing gum and football cards might very well question official health warnings. Only removing tobacco displays from the point of sale will avoid this normalising effect.

Impact on retailers

There is likely to be concern among retailers faced with the prospect of modifying their shops to remove tobacco displays. Small shops which do not enjoy a large turnover, and many of which rely on tobacco sales to increase footfall, could view measures to remove tobacco displays as placing a disproportionate burden on them. In particular, retailers who are scrupulously careful in not selling tobacco to under-age customers may feel that they are being unfairly targeted.

Removing displays of cigarettes, however, is aimed at reducing the visibility, not the availability, of tobacco. Tobacco displays in shops, even those which do not sell cigarettes to children, actively market cigarettes to children. It is not possible to design a tobacco display in a shop to which children have access that will not have an effect on those children. It is the normalising effect of tobacco displays, the constant exposure to tobacco products displayed alongside other everyday items, that has the effect of persuading children that tobacco products are normal and that smoking is normal. So even the most careful retailer, the retailer who always asks for proof of age and who never sells cigarettes to those under the age of 18, is actively – if unconsciously – promoting tobacco products to children if he or she has a cigarette display in his shop.

In Australia, the Tasmanian state government introduced legislation in November 2004 requiring that all displays of tobacco products must be accompanied by a prominently displayed graphic health warning. Following the introduction of this requirement, several retailers – including a major supermarket and a chain of convenience stores – voluntarily removed their tobacco displays. The voluntary nature of these decisions to remove tobacco displays indicates that these retailers did not expect to suffer any significant short term reductions in their sales revenues.⁶² Established smokers will continue to purchase their preferred brand of cigarettes, whether or not these are on display.

ASH Scotland looks forward to working with responsible retailers to find ways to ensure that they are able to carry on their lawful trade without encouraging another generation of children to become smokers.

Other states and jurisdictions with point of sale display bans

Iceland

Iceland, long regarded as a pioneer in the field of tobacco control,⁶³ introduced a total ban on displays of tobacco at the point of sale in 2001 under the Tobacco Control Act. This move, along with other measures including the licensing of all retail tobacco outlets and a comprehensive advertising ban, has led to a reduction in Icelandic smoking rates from 30.9% in 1991 to 20.7% in 2007 for men and from 28.8% in 1991 to 17% in 2007 for women.⁶⁴

Thailand

In Thailand, the Ministry of Public Health and the Department of Disease Control were instrumental in bringing in a ban on all point of sale displays of tobacco. The law came into force in September 2005. The policy was preceded by the King's birthday speech in December 2004, in which he made reference to increasing smoking rates among children and young people. The ban on tobacco displays was initially resisted by a large chain of convenience stores, but in November 2005 the chain finally announced that it would comply with the law.⁶⁵

Canada

Several provinces of Canada have also legislated to ban displays of tobacco products. The first to do so was Saskatchewan, whose Tobacco Control Act came into force in March 2002. A legal challenge by the tobacco industry on the grounds that the legislation breached their freedom of expression and was also incompatible with Canadian federal law led to the Saskatchewan Court of Appeal overturning the law in October 2003.⁶⁶ The Saskatchewan Government referred the case to the Canadian Supreme Court, which ruled unanimously in favour of the display ban in January 2005. Normally, Supreme Court decision take around six months to be announced; in this instance, the court made its decision after only 90 minutes.⁶⁷ It is notable that during the period that the legislation was overturned, up to 40% of retailers continued to comply with the ban, backing up reports from Health Canada enforcement officers that compliance has been achieved at minimal cost to retailers, and that there has been little negative impact on trade.⁶⁸

Other Canadian provinces, including Manitoba and Nunavut, delayed implementing their own point of sale bans until the Supreme Court's announcement of their decision on Saskatchewan's ban. The Supreme Court ruling opened the way for Manitoba and Nunavut to outlaw all displays of tobacco at the point of sale and to introduce comprehensive tobacco advertising bans.⁶⁹ Prince Edward Island and Nova Scotia introduced legislation to outlaw point of sale displays in 2006 and 2007 respectively, and Ontario and Québec are expected to follow suit at the end of May 2008.⁷⁰

Australia

At the present time, no Australian state or territory has legislated to outlaw point of sale displays of tobacco. Tasmania has adopted a half-way house approach; retailers who choose to display tobacco products are also required to display a large graphic health warning. Several retailers, including a large chain of supermarkets, have opted to place their tobacco out of sight in order to avoid the requirement for the health warnings. Significantly, even before the present guidelines were introduced, a number of Tasmanian retailers had already chosen to remove their tobacco displays.⁷¹ A recent government discussion paper recommended that all displays of tobacco be banned.⁷²

Ireland

Ireland passed the Public Health (Tobacco) Act⁷³ in 2002; one of the measures contained in the legislation was a requirement for all tobacco products to be kept in a sealed container and visible only to the retailer. A legal challenge by a group of tobacco companies, including Gallaher (Dublin) Ltd, John Player and Sons Ltd and P.J. O'Carroll and Company Ltd, meant that the point of sale display ban was put on hold pending the outcome of the court action. Although the companies recognised the right of the Irish Government to regulate the marketing of tobacco products, they claimed that the ban on visible displays of tobacco breached their right to freedom of expression. The case was due to be heard in early 2007, but in late December 2006, the tobacco companies withdrew their case and had costs awarded against them. This clears the way for the Office of Tobacco Control to go ahead with implementing the point of sale display ban.

New Zealand

The New Zealand Ministry of Health recently carried out a consultation exercise⁷⁴ on the future of tobacco displays. While the consultation document does not openly advocate any specific policy, it does acknowledge that only a complete ban on tobacco displays is consistent with the intention of the existing Smoke-free Environments Act of 1990, which seeks to prohibit anything that encourages smoking

or advertises the availability of tobacco products. The Ministry of Health is currently (April 2008) analysing responses to the consultation, and aims to report to the Health Minister in May or June of 2008.

Conclusion

Over the past four decades, the ban on cigarette advertising has been extended to cover all print and broadcast media, billboards and displays outside shops. But at the point of sale, the point at which many purchasing decisions are made, cigarettes and other tobacco products are still very much on display, undermining government health messages, weakening the resolve of those attempting to quit smoking, and normalising tobacco in the minds of children. Shops that display tobacco, even those that refuse to sell cigarettes to under-age customers, are actively engaged in marketing tobacco – a uniquely harmful product – to children.

In a country where almost one in four of all deaths are attributable to smoking, where death rates caused by smoking are two to three times higher among the poor than among the rich and in which smokers are disproportionately represented among the most deprived and disadvantaged communities, action to prevent young people from taking up smoking is essential if we are to break a cycle of ill-health and deprivation that contributes to the stark health inequalities that blight modern Scotland.

The most cost-effective way of tackling the health burden imposed by tobacco is to prevent a new generation of children from becoming smokers. This prevention agenda relies on us not only reducing the availability of tobacco to children, but also reducing to an absolute minimum the visibility of tobacco. For Scotland to follow the lead of the other countries and jurisdictions round the world who have successfully removed all displays of tobacco from the point of sale would be an enormous step towards denormalising tobacco in our society, and would make an enormous contribution to our nation's long term health prospects.

Appendix: Use of promotional displays as a marketing tool

With the cumulative restrictions on tobacco marketing imposed by successive implementations of the tobacco advertising ban, in-store marketing has become increasingly important to the tobacco industry. As long ago as 1979, BAT produced an internal document entitled "Guidelines on Communications Restrictions and New Opportunities in Marketing". The document included the following passage:

V. THE NEED FOR IMAGINATIVE MERCHANDISING AND POINT-OF-SALE ACTIVITIES

1. "Under conditions of increasingly restricted communications, and particularly with a total advertising media ban, merchandising at point-of-sale assumes ever increasing importance. The main objectives will be:

- to inform the consumer of the presence of the brand, particularly if it is a new one*
- to obtain recognisable identification of an established brand*
- to generate interest and excitement about the brand via tactical measures (e.g. pricing/pack size options*
- to stimulate trial purchase and re-purchase⁷⁵*

It is notable that the tobacco industry anticipated comprehensive advertising bans several decades before they came into force. The document quoted above talked about a "total advertising media ban" in 1979, almost a quarter of a century before the UK Government passed the legislation that introduced this policy.

Another internal BAT document on merchandising began thus:

Merchandising

What is it?

All activities that feature your product(s) at the point of purchase. It is the final step in ensuring that the consumer sees your product and is tempted to buy it ...

How important is Merchandising?

Very ... very ... very important.

Merchandising is the key to growing and developing sales volume within every distribution outlet.

It is in the outlet that the buying decision is made, so it makes sense to feature and display your product(s) as strongly as you possibly can ...

You must make the product(s) talk to the consumer.⁷⁶

BAT is not the only tobacco company to place great importance on in-store displays. A spokesperson for Gallahers recently stated that:

*"we are looking to develop our products through our merchandising. We're trying to answer the needs of the retailer by communicating to the consumer through the point of sale."*⁷⁷

Imperial Tobacco takes a similar line:

*"I try to gain the maximum amount of space for our products, so they gain the most impact on the gantry",*⁷⁸

said one Imperial sales rep. Philip Morris has a similar view of the opportunity presented by in-store displays:

*"Due to all the restrictions being placed on advertising at point of sale, what we put on the gantry has become very important to us," she says. "We're quite limited as to what we can do, so gantry advertising will be key to selling our brands. We feel there is still an opportunity to do that."*⁷⁹

While the advertising ban has had a dramatic impact on the overall visibility of tobacco products and branding, the loophole that permits cigarettes and other tobacco products to be displayed so prominently is a major weakness of the legislation. As the BAT document on merchandising points out, in-store displays of tobacco permit the products to talk to the customer. This is a loophole that must be closed.

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