

# Wordwide news and comment

## WORLD NO TOBACCO DAY: BAN ADVERTISING, PROMOTION & SPONSORSHIP

The theme for World No Tobacco Day 2013 is 'ban tobacco advertising, promotion and sponsorship' (TAPS). According to the WHO, only 6% of the world's population was fully protected from exposure to tobacco industry advertising, promotion and sponsorship tactics in 2010. A comprehensive ban is required under the WHO Framework Convention on Tobacco Control (FCTC) within 5 years of ratification by Parties. While many countries are making great progress in banning TAPS, the tobacco industry continues to find new ways to promote its products. In this issue we highlight some initiatives by tobacco companies to reach potential new consumers.

## KOREA: JTI TARGETING YOUNG PEOPLE

In November 2012, the fifth Conference of the Parties (COP) for the WHO's FCTC convened in Seoul, Republic of Korea. The COP adopted the protocol to eliminate illicit trade in tobacco products, and finalised a set of guideline principles and recommendations concerning taxation. It also discussed new products such as snus and electronic cigarettes.

Yet among this progress, Article 13: TAPS was barely mentioned. This is surprising at a time when tobacco companies are spending millions on brand stretching, defined in the FCTC as "when a tobacco brand name, emblem, trademark, logo or trade insignia is connected with a non tobacco product or service in such a way that the tobacco product and the non tobacco product or service are likely to be associated".

Many tobacco industry-sponsored events occur under the radar of the tobacco control community, with hundreds of thousands of young adults in various countries regularly attending such events. For example, 10 days before COP5, and only a 5 min drive from the COP location in Seoul, Japan

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Screenshot of the Beyond Creativity website.

Tobacco International (JTI) and Viewcon Marketing Communication Group sponsored an event called Beyond Art. Beyond Art is an extension of Beyond Sound, which is trademarked by JTI. Viewcon Marketing created an umbrella website called Beyond Creativity (<http://www.beyondcreativity.co.kr>), which promotes Beyond Sound's electronic music dance events and Beyond Art shows.

Beyond Creativity created its facebook page in May 2012, but held their first concert on 29 October 2011 at the Club Mansion, Seoul. In the next year Beyond Sound connected with Godskitchen/Angel Group, a promotion company JTI has worked with before to create Urban Wave events. The events typically employ models, who use apple iPads while gathering patrons' personal identification, in exchange for Camel Cigarettes, entrance into VIP sections, fun games and prizes to win. Urban Sound is the most recent



The Beyond Sound Flyer 2012, as shown on the Beyond Creativity website.

incarnation of Urban Wave; this can be seen on hundreds of photos via Beyond Creativity's facebook page (<https://www.facebook.com/BEYONDCREATIVITY>). The event can also be experienced on Beyond Creativity's youtube page (<http://www.youtube.com/user/Futuregods1?feature=watch>).

Since Beyond Sound was established barely a year ago in the Republic of Korea, they have brought internationally renowned DJs including Kid Massive, Sebastian Drums, Goldfish and Blink, Boys Noiz, Gregori Klosman, Genairo Nvilla, Mickey Slim, Feliz Da Housecat, Jidax and most recently a show featuring Knife Party in December 2012. While these names will be unknown to many people in tobacco control, to the demographic of worldwide replacement smokers they are the future 'gods' of music.

The Republic of Korea ratified the FCTC treaty in 2005, and was therefore obligated to enact a comprehensive TAPS within 5 years. The 5-year report for the Republic of Korea on the WHO website states they have 'adopted and implemented, where appropriate, programs instituting a comprehensive ban on all tobacco advertising, promotions and sponsorships'. However the ban does not cover brand stretching and brand sharing, making the Urban Sound events completely legal; and putting the tobacco industry one step ahead of tobacco control.

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## WORLD: TOP DJ'S AND TOBACCO INDUSTRY SPONSORSHIP

Using top DJs to promote tobacco is not confined to events in the Republic of Korea. In recent years, JTI's Camel Urban Wave and Winston Freedom Music brands have held events in Russia, the Ukraine, Mexico, Turkey and Tanzania, among others. A November 2012 article in Rolling Stone magazine listed 'the 25 DJs that rule the earth'. Of the 25 listed, at least 15 have appeared under tobacco industry sponsorship, several on multiple occasions. In Indonesia, an annual event called Djakarta Warehouse Project (DWP) sponsored by Indonesian brand Djarum showcases DJs from around the world. Five of the DJs who appear on the Rolling Stone list have appeared at DWP. Others have appeared for both JTI and British American Tobacco events. It appears that TAPS bans are no impediment to the tobacco industry continuing

its tradition of using music to promote its products.

### EGYPT: JAPAN TOBACCO INC EXPANDS INTO SHISHA

Until November 2012, it was presumed that the cigarette and waterpipe (shisha, hookah, and narghile) industries were antagonistically competing for the same nicotine-seeking customers. That is, until Japan Tobacco Inc (JTI) signed an accord to purchase Al-Nakhla Tobacco Company. Al-Nakhla ('The Date Tree') is one of the major brands in the waterpipe industry, owning a 70% share in Egypt and boasting international distribution lines.

The reasons for JTI to acquire a share of the lucrative shisha market are simple. There is very clear epidemiological data that waterpipe smoking prevalence is on the rise worldwide, and not just among the traditional markets of the Middle East and South Asia. It is not surprising that waterpipe smoking is being described as the tobacco epidemic of the 21st century, even as cigarette consumption is reportedly plateauing or decreasing in many countries. The purchase of Al-Nakhla may be the start of a mutually beneficial alliance between the cigarette and waterpipe markets.

Most current waterpipe smokers are lifetime cigarette smokers, but there are approximately 20% that have never smoked a cigarette. Purchasing Al-Nakhla will enable JTI to expose their marketing materials to part of the non-cigarette smoking population that was previously inaccessible.

The freedom to add flavours is also likely to be attractive. While flavoured cigarettes are banned (excluding menthol cigarettes), this ban has not been extended to waterpipe tobacco; a key reason for its continued appeal. JTI's purchase of Al-Nakhla will provide an opportunity for increased investment in product development, potentially paving the way for new flavours, 'herbal' waterpipe varieties and 'e-hookahs' to compete with the existing 'health-conscious' market.

The marketing potential of this acquisition provides an opportunity to exploit the minimal regulation of the waterpipe industry, particularly in regard to packaging opportunities. It also opens the way to bridging the gap between cigarette and waterpipe use. While the obvious objective of JTI will be to increase sales of Al-Nakhla tobacco, there is worrisome potential that they can use Al-Nakhla to promote the sale of their own cigarettes. Indeed, there are reports

that waterpipe use could be a gateway for future cigarette use. This is something JTI will likely exploit; having been quoted as saying the purchase 'provides a platform for JTI to participate in the sizeable cigarette market in Egypt'.

The purchase underscores a dire need to regulate the waterpipe industry, more so now that the big cigarette companies have entered the fray. JTI's purchase of Al-Nakhla may be the first of many cross-tobacco industry alliances, which will add another dimension to the waterpipe industry not currently in existence. If waterpipe is on the agenda for cigarette companies, then it should certainly be on the agenda for legislators and public health organisations.

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### GERMANY: MENTHOL CAPSULE BAN

Germany has become the second country in the world behind Brazil to ban or restrict menthol in cigarettes. A decision by the Federal Office of Consumer Protection and Food Safety in September 2012 rejected an application by a tobacco company to add menthol capsules in the filter. Known as 'click and roll' technology, the capsule embedded in the filter can be opened by crushing to release the menthol.

The product is approved for sale in France and several other EU countries, and similar products are available in the USA. In declining the application, the

Federal Office was guided by Articles 9 and 10 of the FCTC, which calls for regulation of the contents of tobacco products and tobacco product disclosures. It also referred to compelling reasons of health protection, noting that the capsules are aimed at increasing the attractiveness of cigarettes, particularly among young people.

A case was filed against the decision by the tobacco firm with the Administrative Court. This case was dismissed, with the judges finding that the Federal Office was correct in referring to compelling reasons of health protection. The court also found that existing findings suggest that cigarettes with flavour capsules are more hazardous than conventional cigarettes.

### USA: CIGARETTE PACKS LEGAL TUSSLE

The legal battle over graphic warning labels in the USA is set to head to the Supreme Court, as the US Court of Appeals in the District of Columbia denied a request by the Food and Drug Administration (FDA) to reconsider an August decision to strike down the warnings. The FDA has 90 days to file an appeal.

Meanwhile, the tobacco industry continues to manipulate the cigarette pack like never before. In 2009, tobacco companies were required to change the cigarette pack by eliminating all misleading descriptors, such as lights and ultra lights. As it has done elsewhere, the industry adapted seamlessly by using colours to continuing conveying perceived



Screenshot of the Camel 99<sup>th</sup> birthday website promotion.



Marlboro 'biggest night of the year' pack promotion

strength to consumers. Packaging tactics such as changing the cigarette pack basic brand design to coincide with promotions and printing on the outer cellophane wrapper are also being aggressively used.

Reynolds American first changed the Camel pack to reflect a promotion in summer 2012. The cardboard Camel pack design was changed; and the new Camel pack design included the slogan 'Seize the Hump Day at Camel.com.' Registered consumers can play games and win prizes such as a 25 dollar visa card. The 'Seize the Hump Day' promotion subsequently morphed into the 'Camel's 99th Birthday' promotion. The Camel.com website is currently running contests, creating games and coupon promotions that connect with the Camel pack.

Meanwhile, Philip Morris USA's leading brand Marlboro created a 'Biggest Night of the Year 21 December 2012' marketing campaign, exploiting the apocalyptic idea that the world may end on 21 December 2012. The pack remained the same; however the transparent cellophane wrapper was replaced with a silver wrapper that covered the pack's iconic brand, while creating a second blank surface, which conveyed the 'Biggest Night of the Year' campaign information and the Marlboro website address. Marlboro doubled their surface of

marketing space on the pack with the new tactic.

The pack is a prime piece of marketing real estate wanted by both the public health community and the tobacco industry. As noted by Justice Janice Rogers Brown of the US Court of Appeals, graphic warnings make 'every single pack of cigarettes in the country a mini billboard for the government's anti-smoking message'.

Of course, the opposite is also true—without warnings, but with branding, every single pack is a mini-billboard for the products it contains.

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### AUSTRALIA: PLAIN PACKAGE CIGARETTES 'TASTE WORSE'

Early reports from Australia following the introduction of plain packaging suggest smokers are finding the taste worse. Plain packaging was fully implemented from the 1st of December 2012. Quitlines reported an increase in calls and being inundated with comments from smokers saying their cigarettes 'taste disgusting' and 'lack flavour'. The issue was reported by most media in Australia, with many people questioning if cigarette companies may have changed the ingredients.

While the primary aim of generic packaging was to reduce tobacco's appeal to young people, any impact on existing smokers will be a side effect welcomed by tobacco control advocates. Tobacco companies denied making any changes to cigarettes, and will no doubt be dismayed, if plain packaging turns out to have a much more immediate effect on smoking prevalence by encouraging more smokers to quit.

### FCTC: ILLICIT TOBACCO TRADE PROTOCOL OPEN FOR SIGNING

The Protocol to Eliminate Illicit Trade in Tobacco Products, adopted by the Parties to the WHO FCTC in November 2012, was opened for signature by the Parties on 10 January 2013. It is the first protocol to the WHO FCTC; and an international treaty in itself.

Representatives of 12 Parties from all six WHO regions—China, France, Gabon, Libya, Myanmar, Nicaragua, Panama, Republic of Korea, South Africa, Syrian Arab Republic, Turkey and Uruguay—signed the Protocol during the first signing ceremony at WHO headquarters. The Protocol will remain open for signature at the United Nations Headquarters

in New York until 9 January 2014 and will enter into force 90 days after the 40th Party has ratified it.

The protocol is aimed at combating illegal trade in tobacco products through control of the supply chain and international cooperation. As a key measure, Parties commit to establishing a global tracking and tracing system to reduce and eventually eradicate illicit trade.

Illicit trade undermines global tobacco control by increasing the accessibility and affordability of tobacco products. It severely burdens health systems and leads to significant revenue losses for governments. The elimination of all forms of illicit trade including smuggling and illegal manufacturing is therefore an essential component of tobacco control.

'The protocol gives the world a unique legal instrument for countering and eventually eliminating a sophisticated international criminal activity that costs a lot, especially for health', said WHO Director-General Dr Margaret Chan on the occasion of the signing ceremony.

'The adoption of the Protocol is the result of close cooperation between multiple sectors of government', said Dr Haik Nikogosian, Head of the Secretariat of the WHO FCTC. 'It also shows how a unified stand on a public health subject can benefit important government objectives on health and beyond, such as protecting revenues and countering criminal activities'.

### INDONESIA: TOBACCO CONTROL BILL SIGNED

Indonesia, long a 'rogue' nation when it comes to tobacco control, and one of a handful of holdouts to not sign the FCTC, is set to introduce graphic health warnings. The government regulation, signed by President Susilo Bambang Yudhoyono on 8 January 2013, will require graphic warnings to cover 40% of the front and back of packets. The regulation includes a raft of other measures including smoke free areas; a ban on the use of misleading descriptors such as light, mild, low-tar, slim and special; minimum pack sizes of 20 cigarettes; prohibiting sales to minors, and some advertising restrictions.

The regulation represents significant progress in a country where tobacco companies fiercely oppose any restrictions, and have until now operated largely unhindered. Nonetheless there are several aspects of the regulation that have disappointed tobacco control advocates. Key among them is the failure to include a ban on selling cigarettes by the stick, a

provision which had been included in the first draft of the regulation but did not appear in the final version.

The regulation also has a number of exemptions. While advertising will be restricted, and television, radio and print advertising will be required to allocate 10% of the total advertisement to health warnings, outdoor billboards of up to 72 square metres will continue to be permitted.

Clove cigarettes, which represent the majority of the Indonesian cigarette market, will not be required to comply with the minimum number of sticks per packet. The regulation also does not cover small scale companies, defined as those that produce fewer than 24 million cigarettes per year.

The regulation was strongly opposed by the tobacco industry and farmers and repeatedly delayed since 2010. Although this regulation formally requires compliance from 24 December 2012, an 18-month transition period has been allowed. This means it will take effect from mid 2014, coinciding with the end of President Yudhoyono's term in office. In a country with a male smoking prevalence rate of 67%, implementation will be watched closely.

### CHILE: SMOKE FREE LAW PASSED

Chile's Chamber of Deputies started 2013 with a vote to pass a new tobacco law. The bill passed, with 92 votes in favour and four against on 2 January 2013. Chile has the world's, highest percentage of smokers aged 13–16, and the highest overall smoking rates in Latin America. The bill bans smoking in enclosed public spaces including nightclubs, bars, casinos and stadia, and also restricts media portrayals of smoking.

### WORLD: DYING FOR FREQUENT FLYER MILES

On a number of inter-European, and long haul flights operated by airlines that participate within the 'Miles and More' programme the duty free magazines contain advertising for a wide variety of products that range from electronic equipment to watches, fragrances and jewellery. These can either be purchased duty free, or in exchange for frequent flyer miles as part of the 'Miles and More' programme, the largest traveller loyalty programme in Europe, with 20 million members and the participation of 13 European airlines. Within the 'Enjoyment' section of these magazines,

The advertisement features four packs of Marlboro cigarettes arranged in a 2x2 grid. The top-left pack is Marlboro Gold (400 cigarettes), the top-right is Marlboro Gold (200 cigarettes), the bottom-left is Marlboro Red (400 cigarettes), and the bottom-right is Marlboro Red (200 cigarettes). Each pack is labeled with a number (1-4) and 'SHORT EXPIRES'. To the right of the packs is a list of rewards for frequent flyer miles:

1	10001 CHF 80.- or/oder 18,000 miles Duty Free Exclusion Carton of 400 cigarettes/Stränge à 400 Zigaretten
2	10003 CHF 45.- or/oder 11,000 miles Domestic Market Price 70.- Carton of 200 cigarettes/Stränge à 200 Zigaretten
3	10005 CHF 80.- or/oder 18,000 miles Duty Free Exclusion Carton of 400 cigarettes/Stränge à 400 Zigaretten
4	10004 CHF 45.- or/oder 11,000 miles Domestic Market Price 70.- Carton of 200 cigarettes/Stränge à 200 Zigaretten

Rauchen ist tödlich. Fumer tue. Il fumo uccide.

Image of cigarette advertisement in Lufthansa inflight magazine

cigarettes are advertised with full page advertisements, possibly among the last print advertisements emanating from the European Union.

With 11 000 reward miles, a frequent flyer can receive a carton of Marlboro cigarettes (200 sticks) and for 18 000 reward miles, a double carton of cigarettes (400 sticks), a saving of 2000 miles per carton. For a single Marlboro cigarette only 45 miles are needed. On average, a free domestic flight costs 30 000 reward miles, thus a single domestic flight is approximately equivalent to three cartons of cigarettes (600 sticks).

While many people fear flying, based on the above numbers, it is more likely that a smoker would die from smoking these duty-free cigarettes than in a fatal flight accident while flying the necessary miles to receive 40 pack years of cigarettes. Hypothetically speaking, if 40 pack years would be sufficient to die from smoking, approximately 13.1 million frequent flyer miles would be needed, 80 pack years would still need only slightly more than 26 million frequent flyer miles. Comparably, the 2009 airline fatality rate was 3 per 10 billion air miles flown, which would correspond to more than 900 pack/years.

While it would not be logical for someone to purchase all their cigarettes

through frequent flyer miles, this demonstrates that large airline companies remain a bastion of cigarette print advertising and source of duty free cigarettes to their customers.

If tax avoidance, the promise of cheaper cigarettes and cigarette in-print advertising are driving factors in the continued appearance of illicit products, and optical cues respectively, the promotion of duty-free cigarettes through airline miles reward programs is another instance where tobacco companies actively promote tobacco use. If tax increases at discouraging smoking are to remain effective, regulatory action to discourage these promotional partnerships between tobacco companies and reward programs will be necessary. Without such action, the promotion of duty-free cigarettes and in print advertising will continue to undermine tobacco control measures by offering optical cues and an additional alternative for smokers interested in avoiding local, state and national taxes.

Even if these miles come with a price.

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*Tobacco Control* 2013;22:80–83.

doi:10.1136/tobaccocontrol-2013-050970