

# A Closer Look at WHO FCTC Article 13: Advertising, Promotion, and Sponsorship

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Jonathan James Santos  
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# WHO Framework Convention on Tobacco Control (FCTC)

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- Adapted by WHA, May 2003
- First treaty negotiated under auspices of WHO
- Developed in response to globalization of tobacco epidemic
- Asserts importance of *demand* reduction and supply issues (paradigm shift)
- “Parties...determined to give priority to their right to protect public health”



# WHO FCTC Current Status

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- 168 signatories; 36 parties to Treaty
- Need 40 parties for Treaty to come into force
- 100% WPR Member States signed
- WPR ratifiers: AUS, BRU, COK, FIJ, JPN, MON, NAU, NEZ, PAL, SIN, SOL
- FIJ first to ratify



# WHO Framework Convention on Tobacco Control (FCTC)

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- Comprehensive
- Multi-leveled
- Multi-sectoral
- Evidence-based
- Sustainable



# WHO FCTC Articles

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- Articles 1 to 5: Introduction, Objective, Guiding Principles, General Obligations
- Articles 6 to 14: Tobacco-specific demand reduction provisions
- Articles 15 to 17: Tobacco-specific supply reduction provisions
- Articles 18 to 38: Protection of the Environment; Liability; Scientific and Technical Cooperation and Comm. of Informal; Institutional Arrangement, Financial Resources, Settlement of Disputes, Dev. of the Convention; Final Provisions.



# Key Provisions

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- Article 2(1). Relationship between this Convention and other agreements and legal instruments.  
...Nothing in these instruments shall prevent a Party from imposing stricter requirements that are consistent with their provisions and are in accordance with International law
- Article 3 The objective of this Convention and its Protocols is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke...



## Article 4: Guiding Principles

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- Every person should be informed of the health and social consequences posed by tobacco consumption and exposure to tobacco smoke
- Strong political commitment is necessary
- Comprehensive multisectoral measures for tobacco control are essential
- Importance of technical and financial assistance to aid the economic transition of tobacco growers and workers
- The participation of civil society is essential in achieving the objectives of the Convention and its protocols



# Article 5: General Obligations

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- Parties to develop, implement, and periodically update comprehensive multi-sectoral national tobacco control plans, programmes
- Establish or re-enforce and finance a national coordinating mechanism and Focal Point for tobacco control



# Articles 6 to 14: Demand Reduction

## Provisions

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- Art. 6: Price and tax measures
- Art. 7: Non-price measures to reduce the demand for tobacco
- Art 8: Protection from exposure to tobacco smoke
- Art. 9: Regulation of contents of tobacco products
- Art. 10: Regulation of tobacco product disclosures
- Art. 11: Packaging and labelling of tobacco products
- Art. 12: Education, communication, training and public awareness
- Art. 13: Tobacco advertising, promotion and sponsorship
- Art. 14: Demand reduction measures concerning tobacco dependence and cessation



# Article 13: Tobacco Advertising, Promotion, and Sponsorship

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Requires each Party, “in accordance with its constitutions and constitutional principles,” to “undertake a comprehensive ban of all tobacco advertising, promotion, and sponsorship”

One of two provisions that sets a timeframe for compliance with provisions of the FCTC



## Article 13 (cont)

- Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce consumption
- Each Party is required to, in accordance with its constitution or constitutional principles, undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship
- A Party unable to undertake a comprehensive ban due to its constitution or constitutional principles, shall apply restrictions on all tobacco advertising, promotion, and sponsorship
- Parties are encouraged to implement measures beyond obligations set out in paragraph 3



# Rationale

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- Advertising, Promotion, and Sponsorship influence level of tobacco use in the general population and specific groups
- Promotion specifically associated with smoking initiation with youth



# Curbing the Epidemic (World Bank)

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- Comprehensive restriction/ban = low tobacco use
- Weak restrictions/bans have little or no impact on tobacco use
- Partial Restrictions = difficult to define and enforce, unforeseen loopholes



# Comprehensive Ban

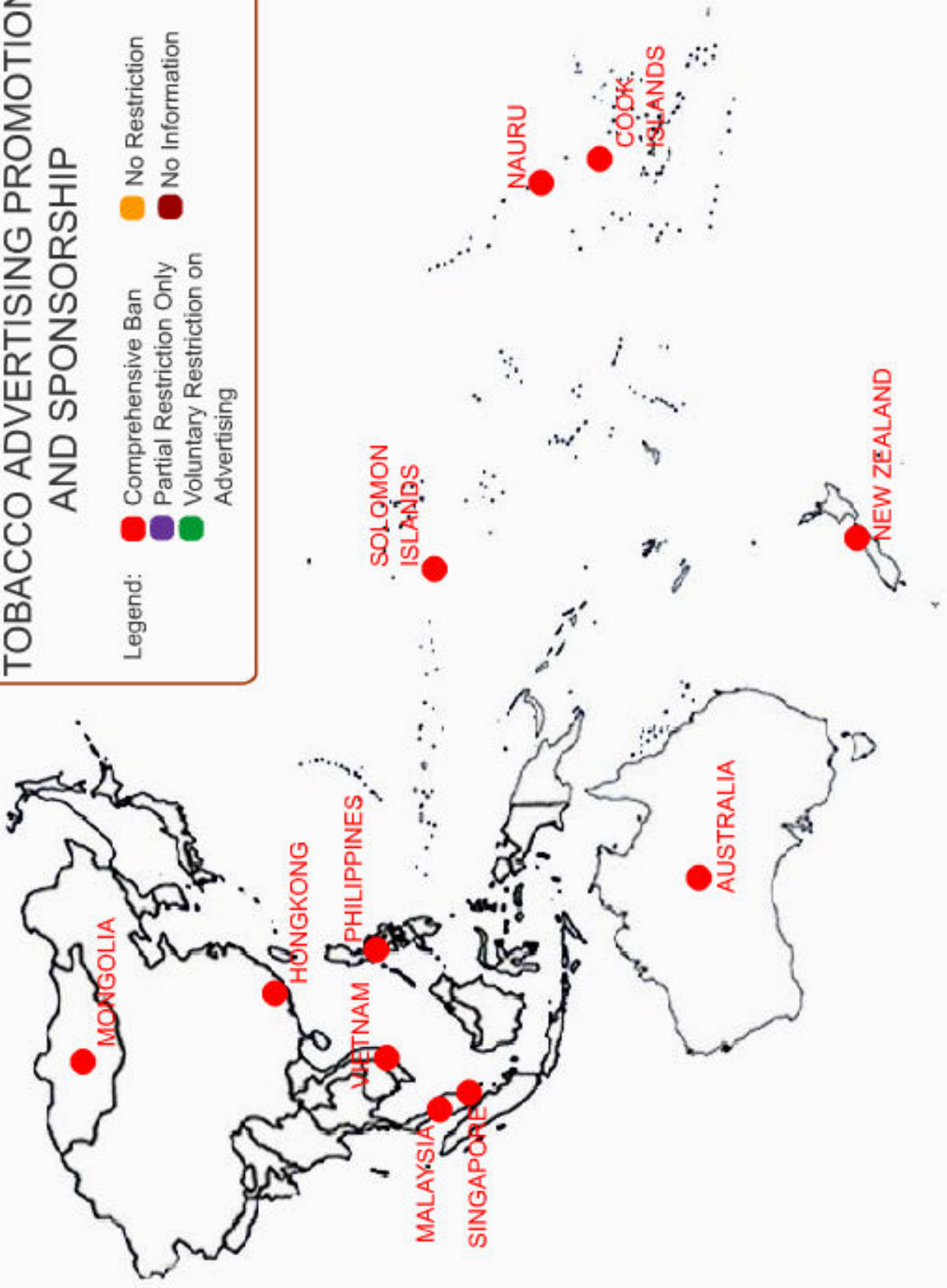
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Countries/territories under this category impose, or have committed to impose, through legislation, a comprehensive ban on cross-border advertising, promotion and sponsorship within the period prescribed in the WHO FCTC



## TOBACCO ADVERTISING PROMOTION AND SPONSORSHIP

- Legend:
- Comprehensive Ban
  - Partial Restriction Only
  - Voluntary Restriction on Advertising
  - No Restriction
  - No Information



# Restriction/Partial Restriction

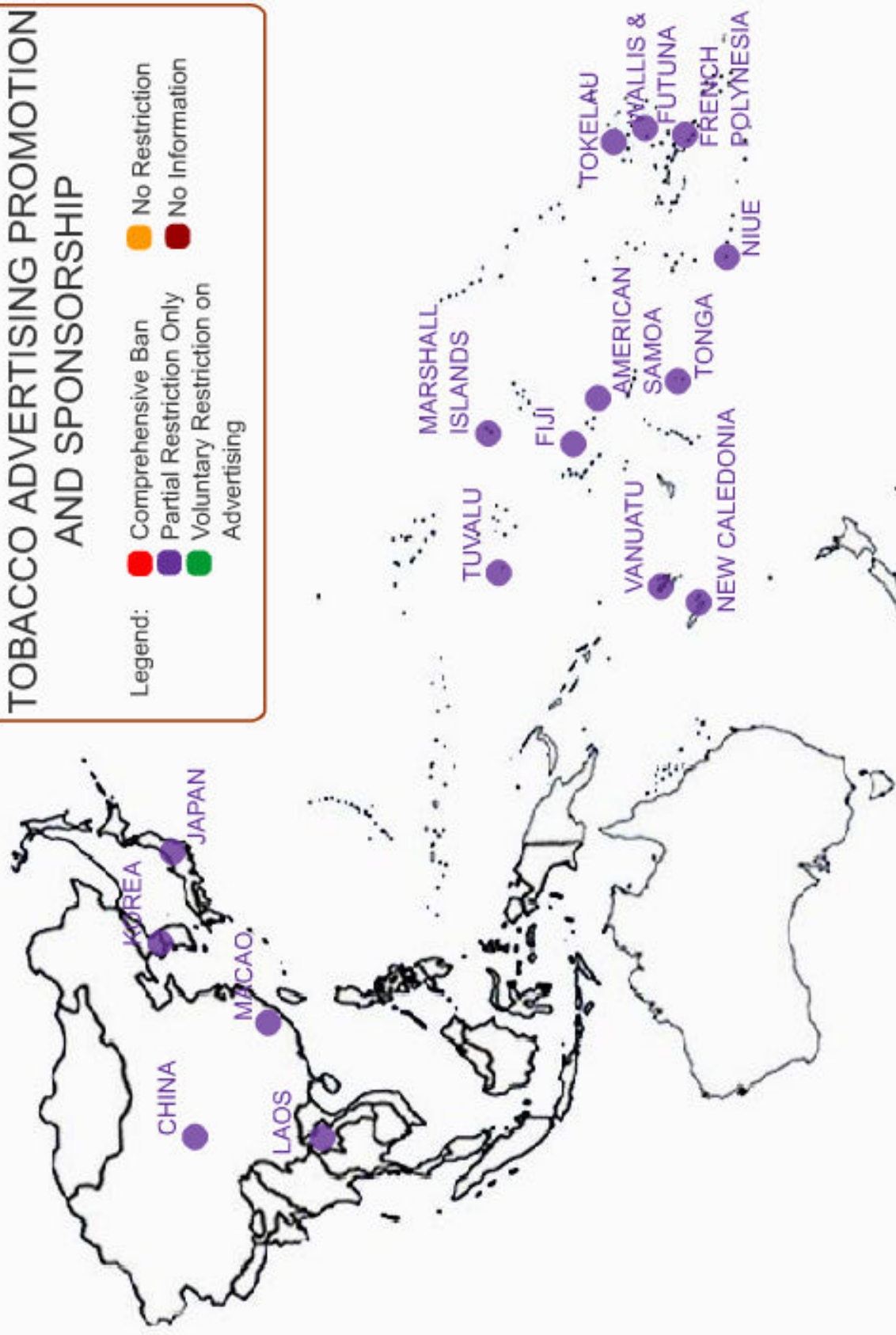
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Governments of countries/territories that have implemented bans on advertising but with some exceptions.



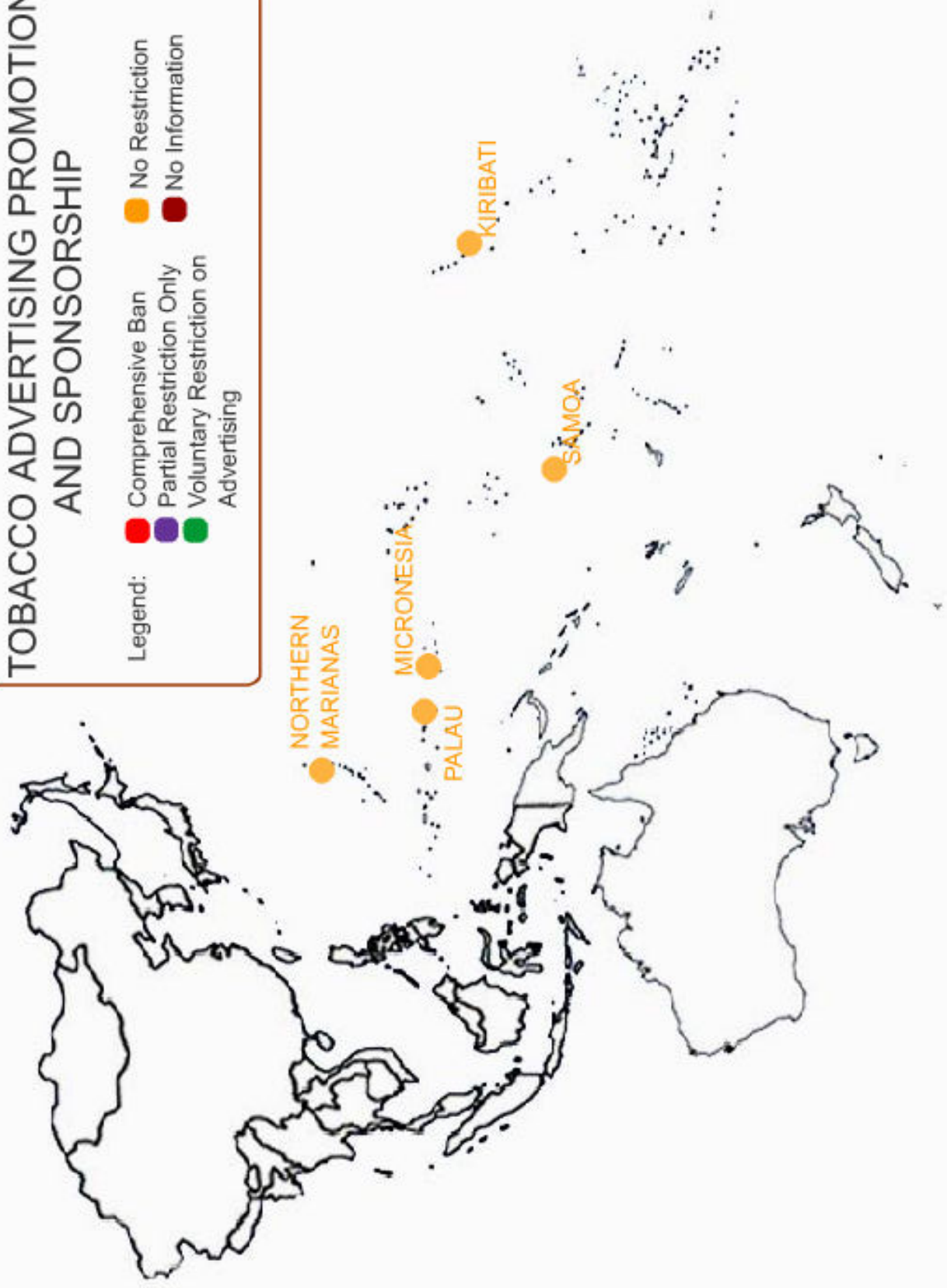
# TOBACCO ADVERTISING PROMOTION AND SPONSORSHIP

- Legend:
- Red circle: Comprehensive Ban
  - Orange circle: No Restriction
  - Green circle: Voluntary Restriction on Advertising
  - Purple circle: Partial Restriction Only
  - Dark red circle: No Information



# TOBACCO ADVERTISING PROMOTION AND SPONSORSHIP

- Legend:
- Comprehensive Ban
  - Partial Restriction Only
  - Voluntary Restriction on Advertising
  - No Restriction
  - No Information



# China

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- Regulations in place but lack enforcement
- Strong Tobacco Industry lobby – Shanghai F1 policy loophole (cars not subject to ban)
- Tobacco law cannot regulate international parties
- Advocate for tobacco-free 2008 Olympics
- Integration of TC with others



# Fiji

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- Fiji Tobacco Control Bill (No. 40 of 1998), took effect 1999
- C1.3, 4, 5, and 15
- Constitutional restrictions – “Freedom of Expression”
- Current issue on Advertisement issues with BAT



# Malaysia

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- Tobacco Control (TC) under Food Act; New Act being developed
- Problems with indirect advertising
- Tobacco tax increase planned start: 2005; fund Health Promotion Board
- Parliamentarians as role models
- Religious action – smoking is a sin



# Philippines

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- Republic Act 9211; Section 14 to 25
- Implementing Rules and Regulations
- Strengthens advertising and promotion restrictions, establish smoke-free policies
- Needs to be fully enforced



# Non Price Measures to Reduce Tobacco Demand

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- Improve consumer information: dissemination of research findings, warning labels, counter advertising
- Comprehensive ban on advertising and promotion
- Restrictions on smoking in public and work places
- Increase support for cessation, NRT



# Many Effective Policy Measure Cost Little or Nothing

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- Advertising Bans
- Clean Indoor Air Policies
- Package Warnings
- Ingredient Disclosure
- Product Regulation



# Conclusion

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- ❑ Bans are an effective way of curbing consumption
- ❑ Requires national policy or legislation
- ❑ Issues on constitutional principles can be addressed through restrictions
- ❑ Bans/restrictions are more effective if general and not specific in nature
- ❑ Protocols to build on current provisions



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# THANK YOU

