



**Bans on tobacco
advertising, promotion
and sponsorship in the
African Region, 2013**



**World Health
Organization**

REGIONAL OFFICE FOR

Africa

Foreword

Banning tobacco advertising, promotion and sponsorship is an obligation under Article 13 of the WHO Framework Convention on Tobacco Control (WHO FCTC). Countries should implement comprehensive measures in order to eliminate tobacco advertising, promotion and sponsorship at both domestic and international levels. The ban should be in national legislation and not a voluntary measure. Countries in the African Region are at different stages in banning tobacco advertising, promotion and sponsorship in 2013.

A comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products. It is proven that a ban on tobacco advertising, promotion and sponsorship is effective only if it has a broad scope. If the ban is not comprehensive, the tobacco industry inevitably shifts its expenditure to other advertising, promotion and sponsorship strategies, including using indirect ways to promote tobacco products and tobacco use.

This document is featuring key information related to effective ban on tobacco advertising, promotion and sponsorship as contained in Article 13 of the WHO FCTC and its guidelines; and also progress in implementation from the WHO Reports on the global tobacco epidemic as well as factsheets on the Global Youth Tobacco Survey.

The information presented in this document is useful to policy-makers, governments and tobacco control advocates, especially for countries in the African Region that have to meet their obligation under Article 13 of the WHO FCTC of developing and enforcing a comprehensive ban on tobacco advertising, promotion and sponsorship.

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Ban tobacco advertising, promotion and sponsorship

Definitions¹:

“Tobacco advertising and promotion” is defined as “any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly”.

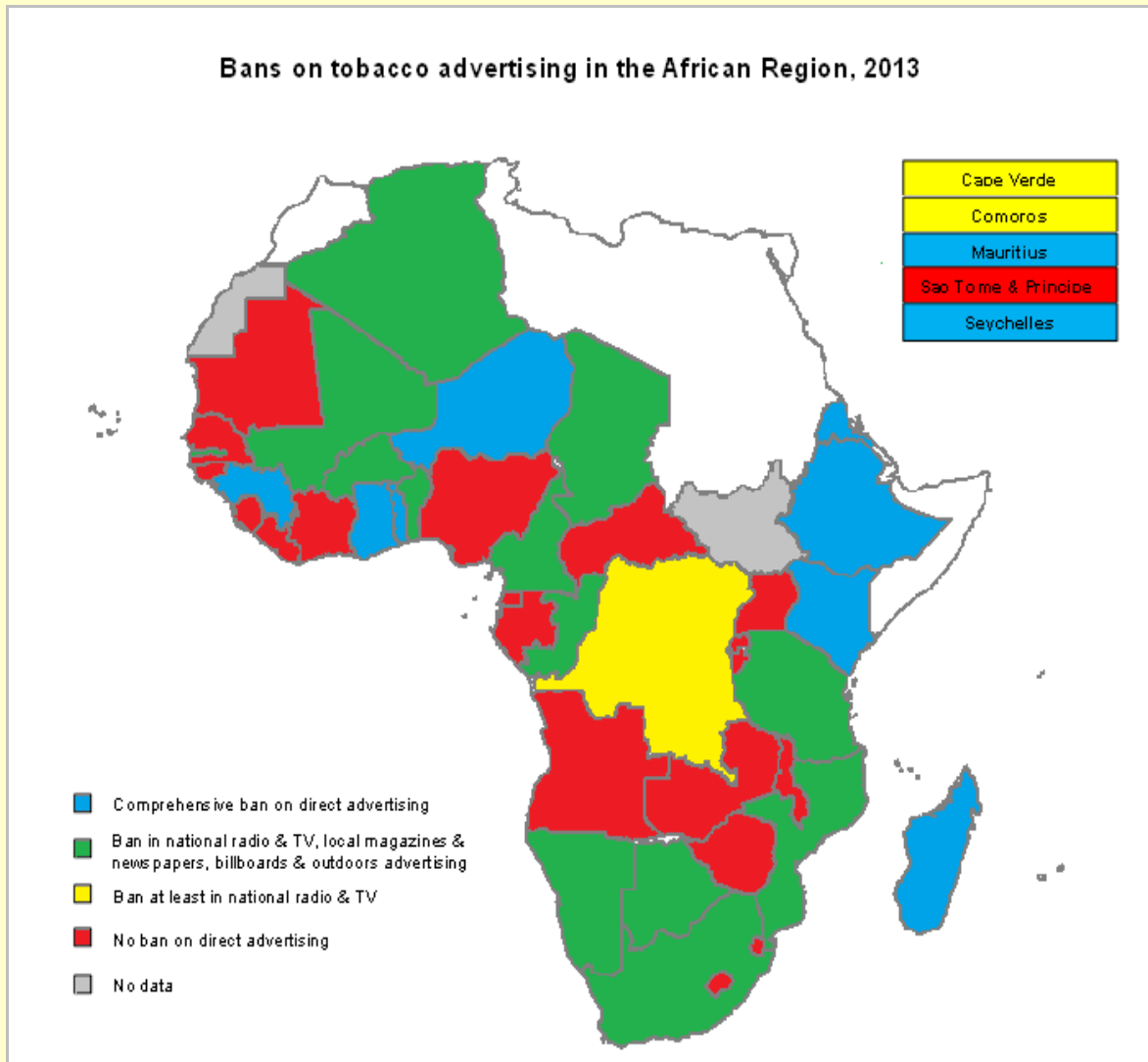
“Tobacco sponsorship” is defined as “any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly”.



The WHO FCTC and its guidelines provide the foundation for countries to implement effective tobacco control policies and save lives.

¹ Article 1 of the WHO Framework Convention on Tobacco Control, World Health Organization, 2003

26 countries in the African Region have a ban on tobacco advertising.



Source: WHO Report on the global tobacco epidemic, 2013

The primary purpose of tobacco advertising, promotion and sponsorship is to increase tobacco sales, which contributes towards killing more people by encouraging current smokers to smoke more and decreasing their motivation to quit.

Ban tobacco advertising, promotion and sponsorship

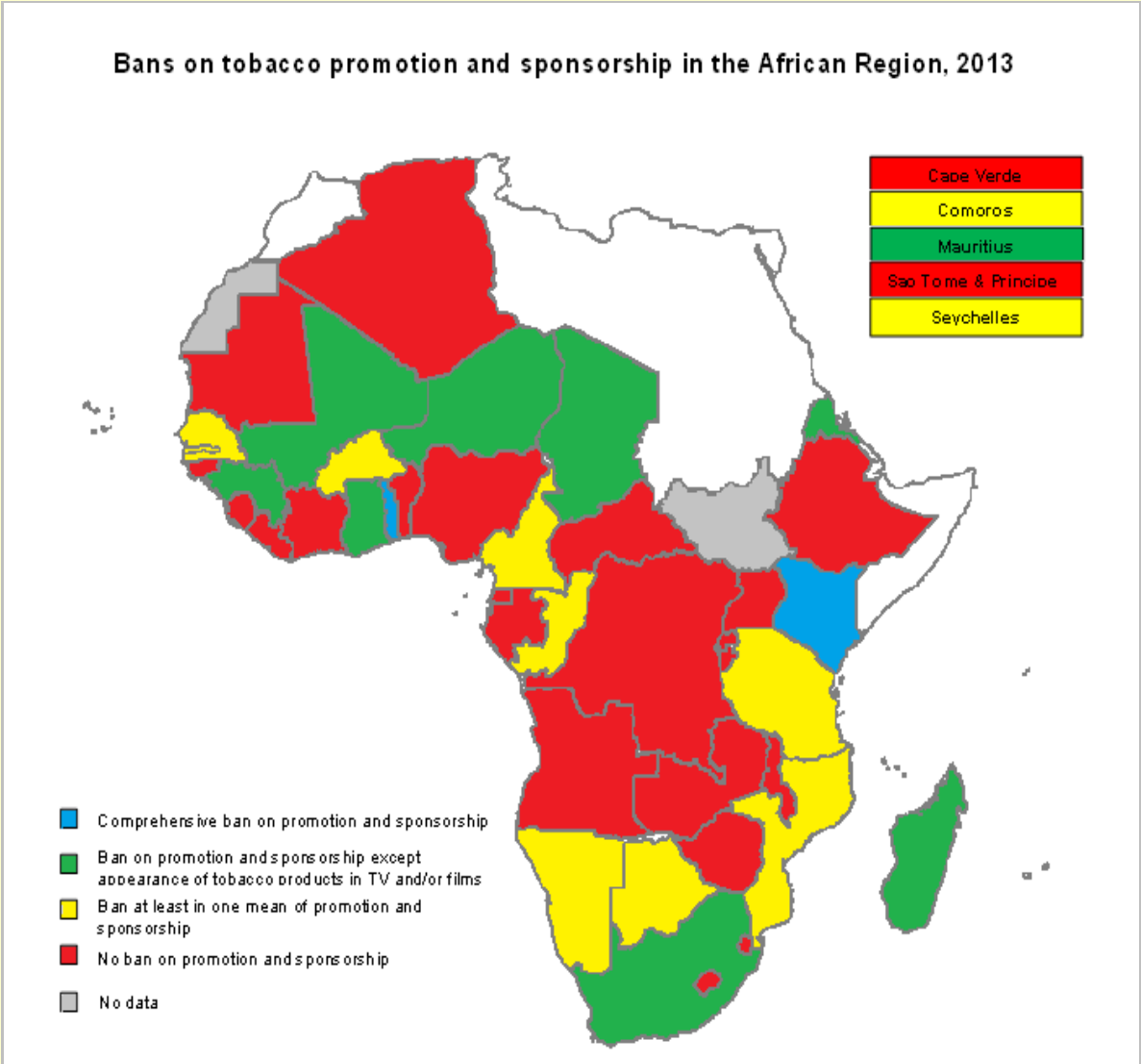
“Each Party shall... undertake a **comprehensive ban** of all tobacco advertising, promotion and sponsorship. This shall include... a comprehensive ban on cross-border advertising, promotion and sponsorship originating from its territory. In this respect, within the **period of five years** after entry into force of this Convention for that Party, each Party shall undertake appropriate legislative, executive, administrative and/or other measures and report accordingly.”²

Parties to the WHO FCTC (as of September 2013)	Ratification, Accession (day-month-year)	Entry into force (day-month-year)
Seychelles	12 November 2003	27 February 2005
Mauritius	17 May 2004	27 February 2005
Kenya	25 June 2004	27 February 2005
Madagascar	22 September 2004	27 February 2005
Ghana	29 November 2004	27 February 2005
Lesotho	14 January 2005	14 April 2005
Senegal	27 January 2005	27 April 2005
Botswana	31 January 2005	01 May 2005
South Africa	19 April 2005	18 July 2005
Niger	25 August 2005	23 November 2005
Equatorial Guinea	17 September 2005	16 December 2005
Cape Verde	04 October 2005	02 January 2006
Mali	19 October 2005	17 January 2006
Rwanda	19 October 2005	17 January 2006
Nigeria	20 October 2005	18 January 2006
Democratic Republic of Congo	28 October 2005	26 January 2006
Mauritania	28 October 2005	26 January 2006
Benin	03 November 2005	01 February 2006
Central African Republic	07 November 2005	05 February 2006
Namibia	07 November 2005	05 February 2006
Togo	15 November 2005	13 February 2006
Burundi	22 November 2005	20 February 2006
Swaziland	13 January 2006	13 April 2006
Comoros	24 January 2006	24 April 2006
Chad	30 January 2006	30 April 2006
Cameroon	03 February 2006	04 May 2006
Sao Tome and Principe	12 April 2006	11 July 2006
Algeria	30 June 2006	28 September 2006
Burkina Faso	31 July 2006	29 October 2006
Congo	06 February 2007	07 May 2007
United Republic of Tanzania	30 April 2007	29 July 2007
Uganda	20 June 2007	18 September 2007
Gambia	18 September 2007	17 December 2007
Angola	20 September 2007	19 December 2007
Guinea	07 November 2007	05 February 2008
Zambia	23 May 2008	21 August 2008
Guinea-Bissau	07 November 2008	05 February 2009
Gabon	20 February 2009	21 May 2009
Sierra Leone	22 May 2009	20 August 2009
Liberia	15 September 2009	14 December 2009
Cote d'Ivoire	13 August 2010	11 November 2010

Forty one countries in the African Region are Parties to the WHO FCTC and have an obligation to ban tobacco advertising, promotion and sponsorship.

² Article 13.2 of the WHO Framework Convention on Tobacco Control, World Health Organization, 2003

22 countries in the African Region have a ban on tobacco promotion and sponsorship.



Source: WHO Report on the global tobacco epidemic, 2013

Banning tobacco advertising, promotion and sponsorship is one of the most powerful tools for effective tobacco control.

Ban tobacco advertising, promotion and sponsorship

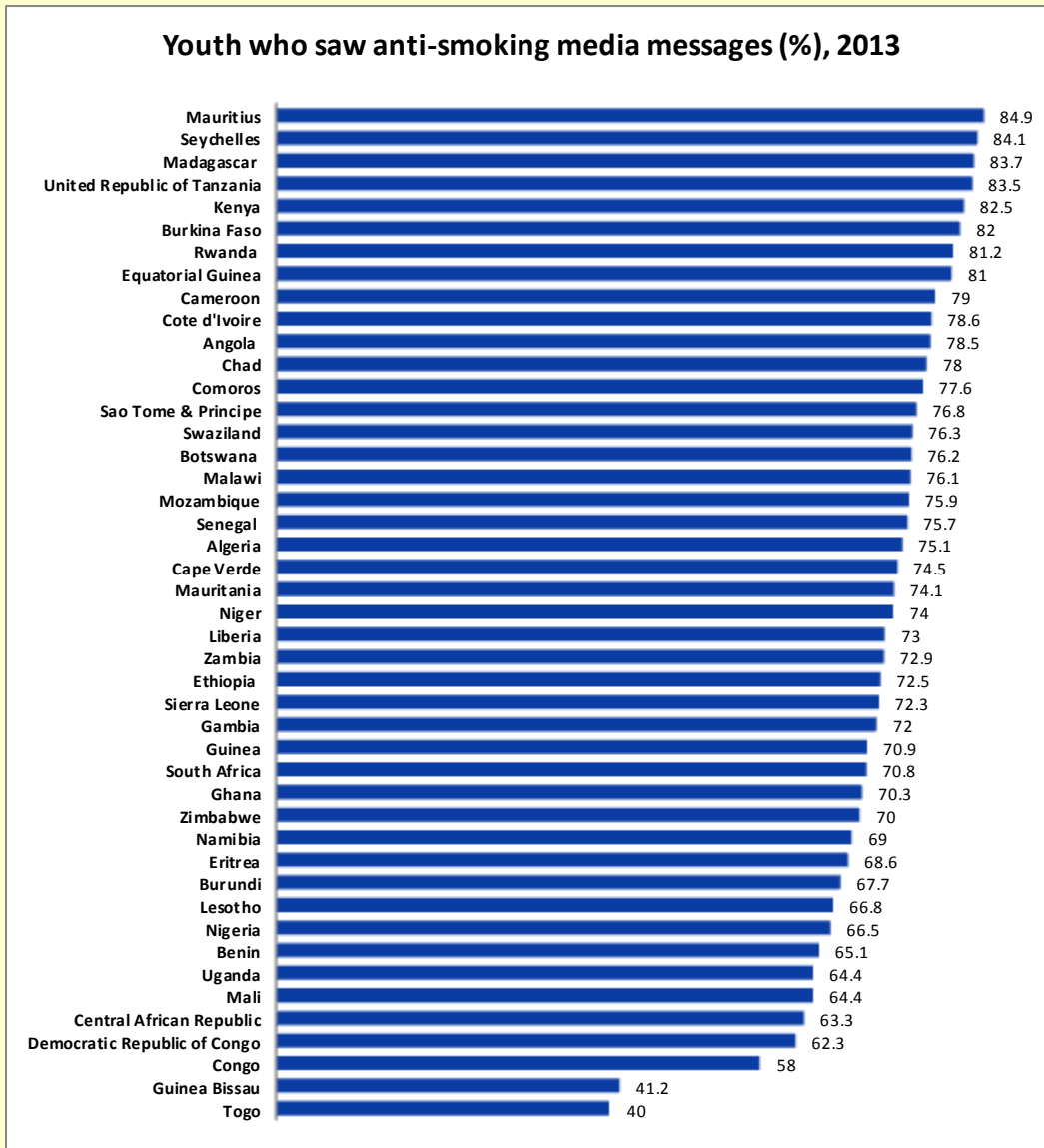
Principles³:

- a) Tobacco advertising, promotion and sponsorship increases tobacco use and comprehensive bans on tobacco advertising, promotion and sponsorship decrease tobacco use.
- b) An effective ban on tobacco advertising, promotion and sponsorship should be *comprehensive* and applicable to *all* tobacco advertising, promotion and sponsorship.
- c) A comprehensive ban on all tobacco advertising, promotion and sponsorship applies to *all* forms of *commercial communication, recommendation or action* and all forms of *contribution* to any event, activity or individual with the *aim, effect, or likely effect* of promoting a tobacco product or tobacco use either *directly or indirectly*.
- d) A comprehensive ban on tobacco advertising, promotion and sponsorship should include *cross-border advertising, promotion and sponsorship*. This includes both out-flowing advertising, promotion and sponsorship (originating from a country's territory) and in-flowing advertising, promotion and sponsorship (entering a country's territory).
- e) To be effective, a comprehensive ban should address *all persons or entities* involved in the production, placement and/or dissemination of tobacco advertising, promotion and sponsorship.
- f) Effective *monitoring, enforcement and sanctions* supported and facilitated by *public education and community awareness programmes* are essential for implementation of a comprehensive ban on tobacco advertising, promotion and sponsorship.

The many forms of tobacco advertising, promotion and sponsorship create an illusion that tobacco is just an ordinary consumer product, rather than a deadly product that kills.

³ WHO Framework Convention on Tobacco Control: guidelines for implementation of Article 13, World Health Organization, 2011, pages 91-92

74% of youth in the African Region saw anti-smoking media messages.



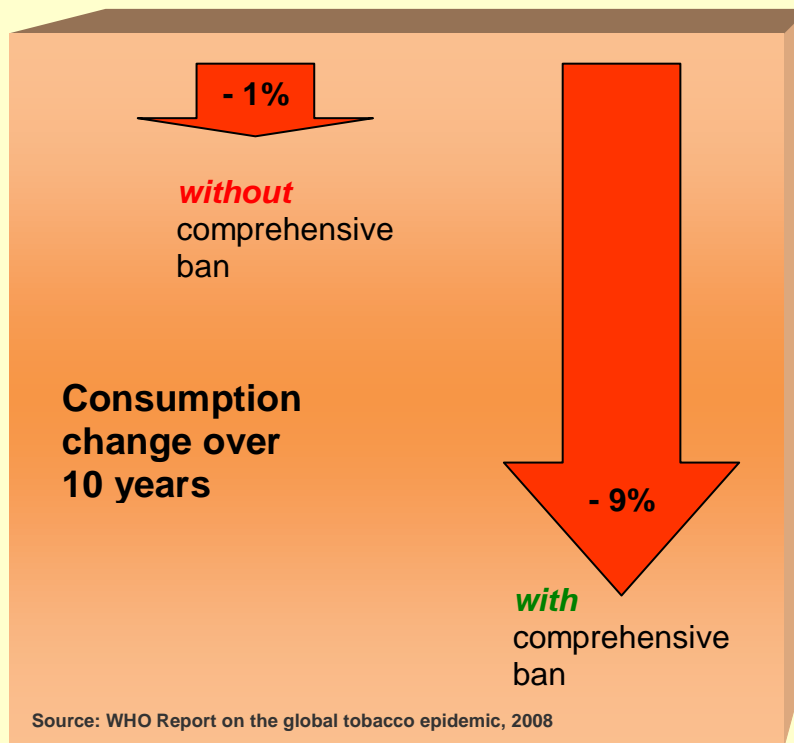
Source: Global Youth Tobacco Survey factsheets, 2003-2011

The WHO FCTC recognizes that effective tobacco control must include the elimination of all forms of tobacco advertising, promotion and sponsorship.

Ban tobacco advertising, promotion and sponsorship

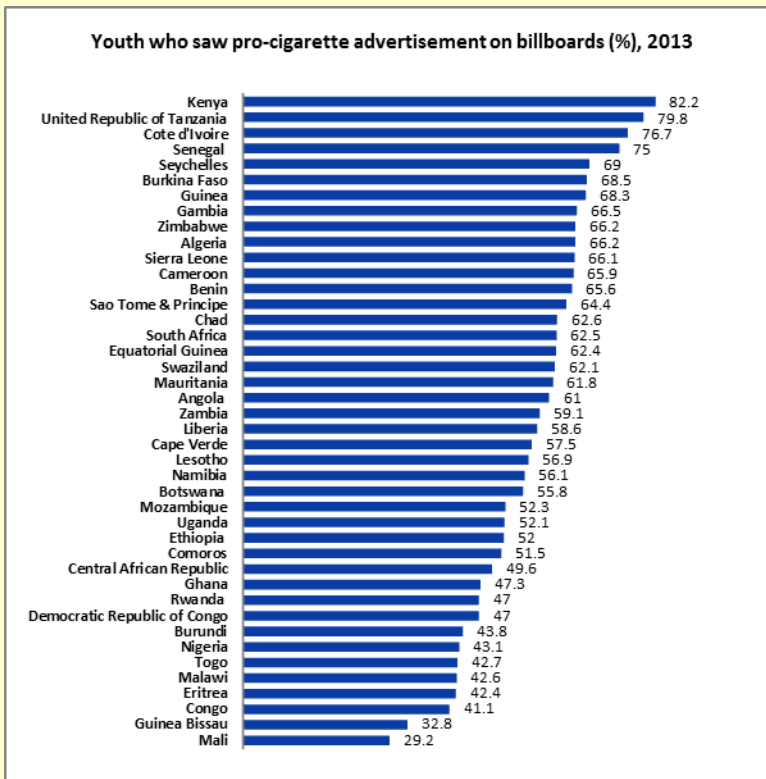
“A comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products.”⁴

Tobacco advertising, promotion and sponsorship leads to increased tobacco consumption and initiation. In fact, tobacco advertising, promotion and sponsorship related activities are intended to expand sales and attract new users; not simply a means of influencing brand choice and fostering market competition among brands for current tobacco users. The primary purpose of tobacco advertising, promotion and sponsorship is to increase tobacco sales, which encourages current smokers to smoke more and decreases their motivation to quit. These activities also lead potential users to try tobacco and become long-term customers.⁵ This translates to more diseases, disabilities and deaths.



⁴ Article 13.1 of the WHO Framework Convention on Tobacco Control, World Health Organization, 2003

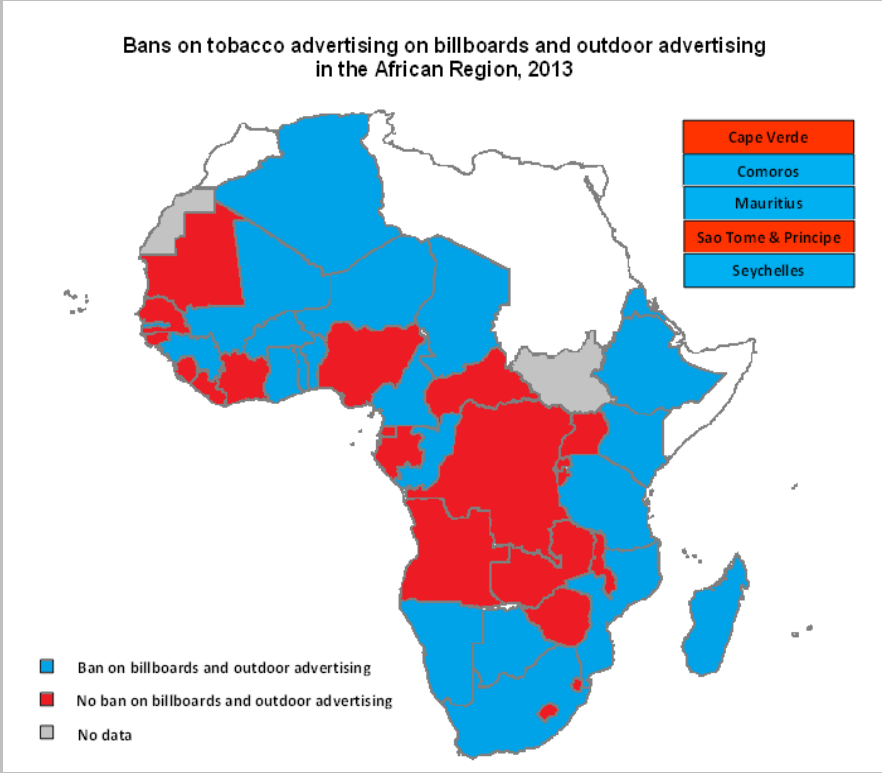
⁵ WHO Report on the global tobacco epidemic, World Health Organization, 2013



58.8% of youth in the African Region saw pro-cigarette advertisement on billboards.

Source: Global Youth Tobacco Survey factsheets, 2003-2011

24 countries in the African Region ban tobacco advertising on billboards and outdoor advertising.



Source: WHO Report on the global tobacco epidemic, 2013

Ban tobacco advertising, promotion and sponsorship

Scope⁶:

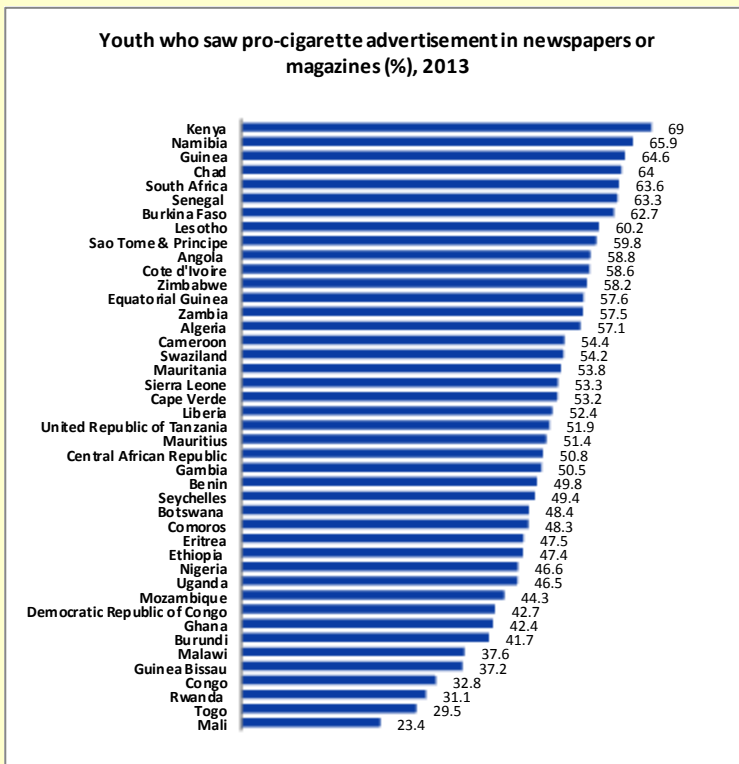
A comprehensive ban on tobacco advertising, promotion and sponsorship, should cover:

- all advertising and promotion, as well as sponsorship, without exemption;
- direct and indirect advertising, promotion and sponsorship;
- acts that aim at promotion and acts that have or are likely to have a promotional effect;
- promotion of tobacco products and the use of tobacco;
- commercial communications and commercial recommendations and actions;
- contribution of any kind to any event, activity or individual;
- advertising and promotion of tobacco brand names and all corporate promotion;
and
- traditional media (print, television and radio) and all media platforms, including Internet, mobile telephones and other new technologies as well as films.

Legislation should not provide lists of prohibited activities that are, or could be understood to be, exhaustive. While it is often useful to provide examples of prohibited activities, when legislation does so, it should make clear that they are only examples and do not cover the full range of prohibited activities. This can be made clear by using terms like “including but not limited to” or catch-all phrases such as “or any other form of tobacco advertising, promotion or sponsorship”.

To be effective in reducing tobacco consumption, bans must be complete and apply to all types of advertising in all media, as well as to all promotion and sponsorship activities, both direct and indirect.

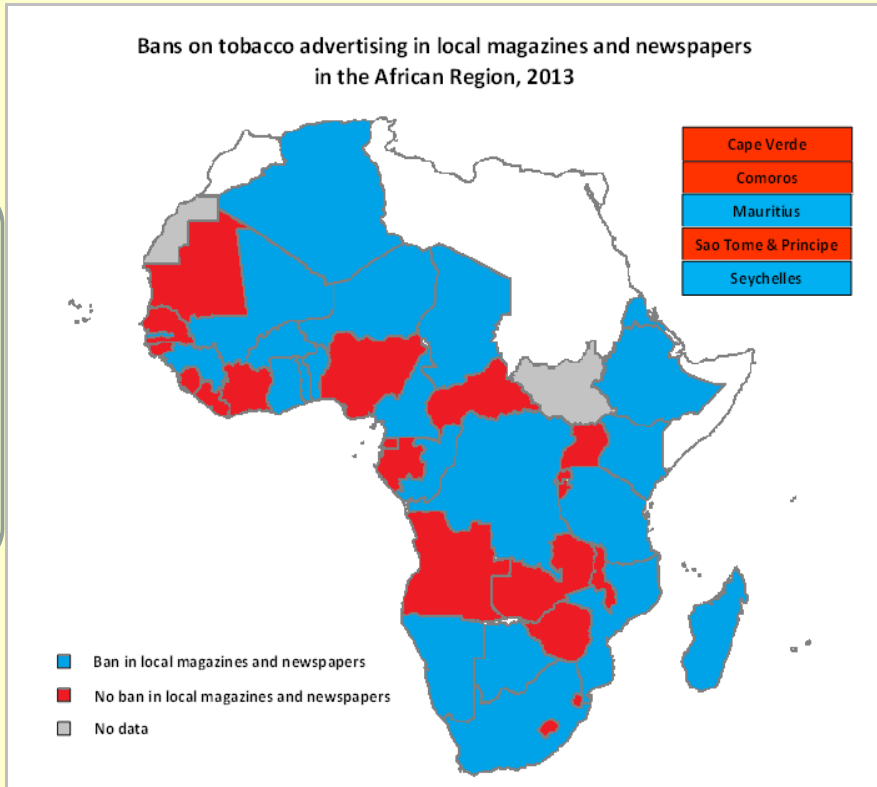
⁶ WHO Framework Convention on Tobacco Control: guidelines for implementation of Article 13, World Health Organization, 2011, pages 93-94



51.9% of youth in the African Region saw pro-cigarette advertisement in newspapers or magazines.

Source: Global Youth Tobacco Survey factsheets, 2003-2011

24 countries in the African Region ban tobacco advertising in local magazines and newspapers.



Source: WHO Report on the global tobacco epidemic, 2013

Ban tobacco advertising, promotion and sponsorship

Recommendations⁷

Article 13.2 of the WHO FCTC states that a comprehensive ban shall include, subject to the legal environment and technical means available to each country, a comprehensive ban on cross-border advertising, promotion and sponsorship originating from its territory.

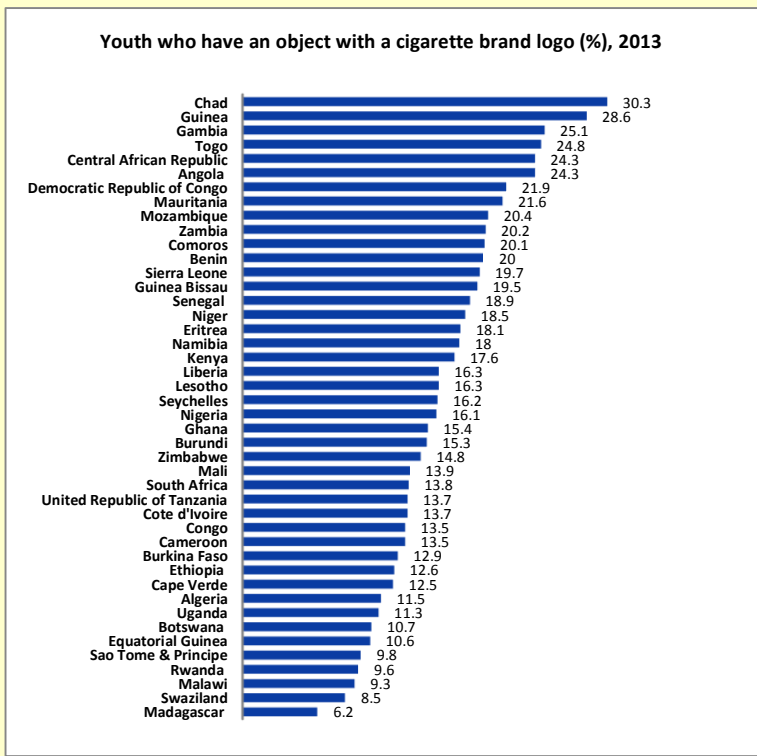
Article 13.7 of the WHO FCTC also states that countries which have a ban on certain forms of tobacco advertising, promotion and sponsorship have the right to ban those entering their territory and to impose equal penalties as those applicable to domestic advertising, promotion and sponsorship.

Countries having a comprehensive ban or restrictions on tobacco advertising, promotion and sponsorship should therefore ensure that any cross-border tobacco advertising, promotion and sponsorship originating from their territory is banned or restricted in the same manner as domestic tobacco advertising, promotion and sponsorship.

Countries should also take effective actions to limit or prevent any cross-border tobacco advertising, promotion and sponsorship entering their territory.

Countries should ban all forms of tobacco advertising, promotion and sponsorship originating from their territory as well as entering their territory.

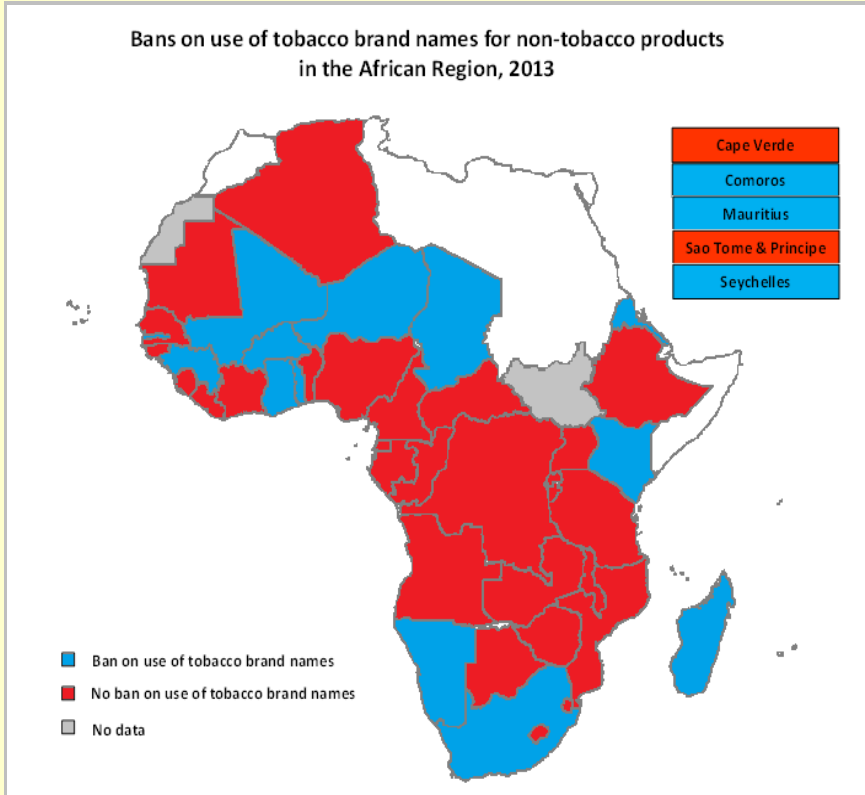
⁷ WHO Framework Convention on Tobacco Control : guidelines for implementation Article 13, World Health Organization, 2011, pages 102-103



16.1% of youth in the African Region have an object with a cigarette brand logo.

Source: Global Youth Tobacco Survey factsheets, 2003-2011

16 countries in the African Region ban use of tobacco brand names for non-tobacco products



Source: WHO Report on the global tobacco epidemic, 2013

Ban tobacco advertising, promotion and sponsorship

Responsible entities⁸

The entities responsible for tobacco advertising, promotion and sponsorship should be defined widely, and the way in which they are held responsible should depend on their role.

Primary responsibility should lie with the initiator of advertising, promotion or sponsorship, usually tobacco manufacturers, wholesale distributors, importers, retailers and their agents and associations.

Persons or entities that produce or publish media content should be banned from including tobacco advertising, promotion and sponsorship in the content they produce or publish. Persons or entities (such as events organizers, sportspeople and celebrities) should be banned from engaging in tobacco advertising, promotion and sponsorship.

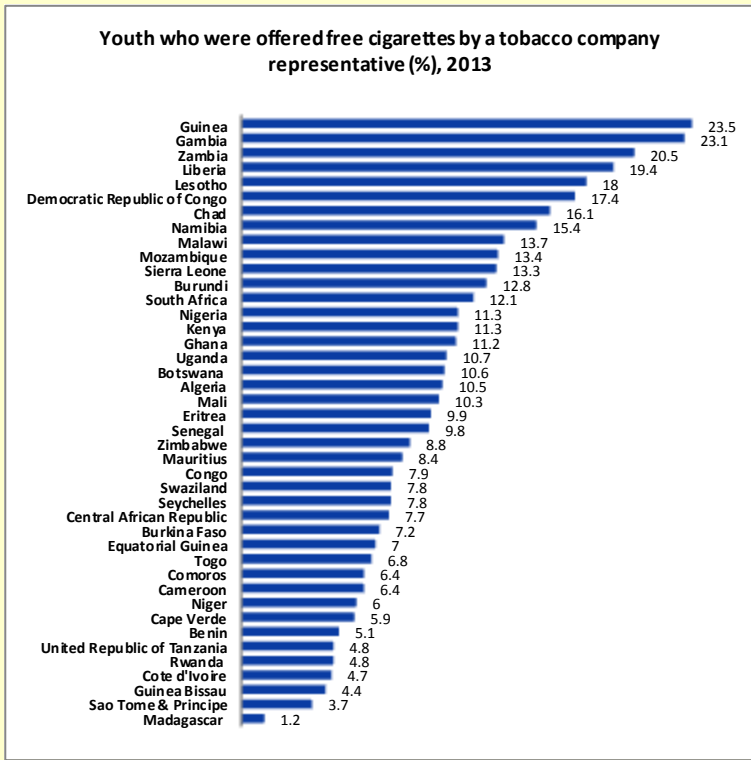
Particular obligations should be applied to entities involved in analogue or digital media after they have been made aware of the ban on tobacco advertising, promotion and sponsorship.

In relation to the Internet, there are five principal categories of responsible entity upon which bans or particular obligations should be imposed:

- *Content producers* are entities that create the content or cause it to be created;
- *Content publishers* are entities that select content before it is made available to Internet users;
- *Content hosts* are entities that control Internet-connected computer servers on which content is stored;
- *Content navigators* are entities that facilitate the location of content by users of communications services;
- *Access providers* are entities that provide end-user access to communications services.

Every aspect of tobacco advertising, promotion and sponsorship must have a clearly defined responsible entity, covering the entire marketing chain.

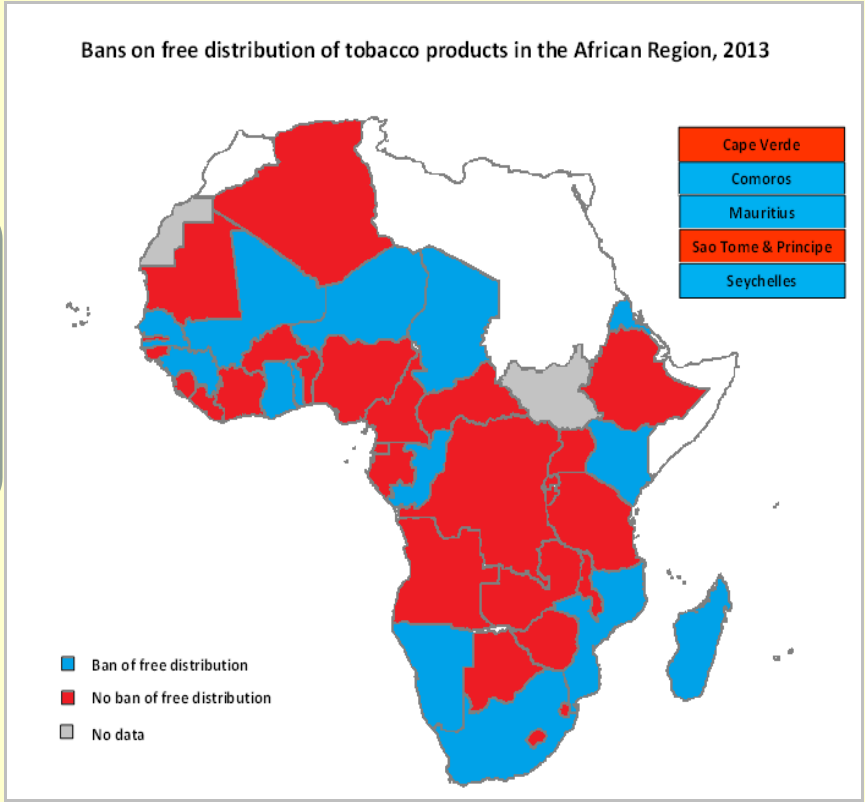
⁸ WHO Framework Convention on Tobacco Control : guidelines for implementation of Article 13, World Health Organization, 2011, pages 103-105



Source: Global Youth Tobacco Survey factsheets, 2003-2011

9.8% of youth in the African Region were offered free cigarettes by a tobacco company representative.

17 countries in the African Region ban free distribution of tobacco products



Source: WHO Report on the global tobacco epidemic, 2013

Ban tobacco advertising, promotion and sponsorship

Enforcement of national legislation on tobacco advertising, promotion and sponsorship⁹

Sanctions

Countries should introduce and apply effective, proportionate and dissuasive penalties (including fines, corrective advertising remedies and licence suspension or cancellation). In order that the penalties imposed be effective deterrents they should be graded and commensurate with the nature and seriousness of the offence(s). The penalties should also outweigh the potential economic benefits to be derived from the advertising, promotion or sponsorship.

Monitoring and enforcement

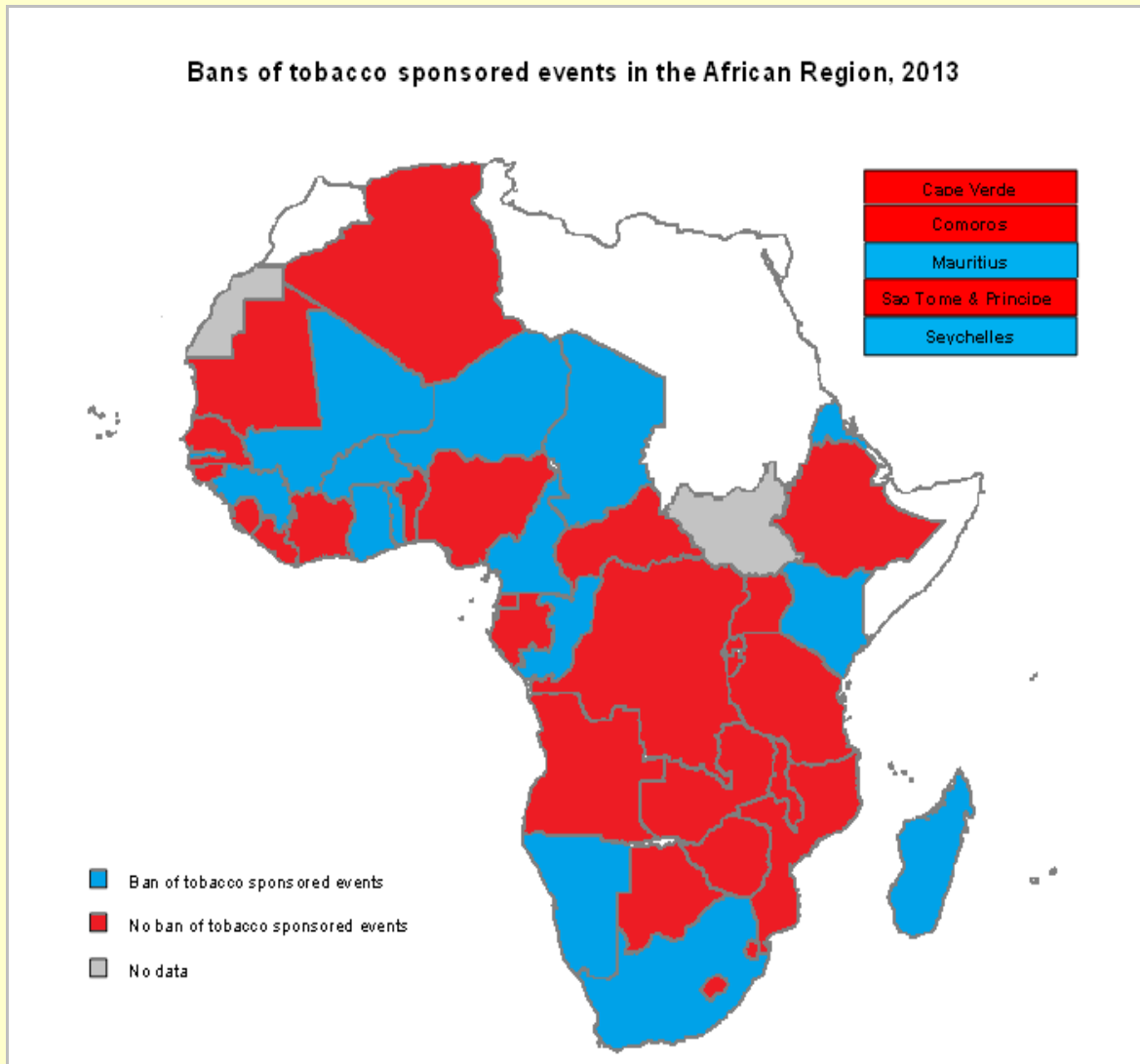
Countries should designate a competent and independent authority to monitor and enforce the legislation and entrust it with the necessary powers and resources. This agency should have the power to investigate complaints, seize unlawful advertising or promotion, and pronounce on complaints and/or initiate appropriate legal proceedings.

Civil society and citizens should be involved in the monitoring and effective enforcement of the ban. Civil society organizations, notably entities such as public health, health care, prevention, youth protection or consumer organizations can be expected to undertake rigorous monitoring. Legislation should specify that members of the public may initiate complaints.

Bans of tobacco advertising, promotion and sponsorship need to be complete and well enforced.

⁹ WHO Framework Convention on Tobacco Control : guidelines for implementation Article 13, World Health Organization, 2011, pages 106-107

17 countries in the African Region ban tobacco sponsored events.



Source: WHO Report on the global tobacco epidemic, 2013

Monitoring and enforcement programmes should cover traditional media and marketing channels, as well as new and emerging advertising and promotional strategies, technologies and social trends (e.g. social networking).

Ban tobacco advertising, promotion and sponsorship

Public education and community awareness¹⁰

Countries should raise public awareness on the need to eliminate tobacco advertising, promotion and sponsorship; the legislation against it; and the ways in which each person can act if the law is broken.

In the spirit of Article 12 of the WHO FCTC, countries should promote and strengthen public awareness of tobacco advertising, promotion and sponsorship in all sectors of society, using all available communication tools. Countries should also adopt appropriate measures to promote broad access to comprehensive public education and awareness programmes that underline the importance of a comprehensive ban, educate the public concerning its necessity and explain why advertising, promotion and sponsorship by the tobacco industry is unacceptable.

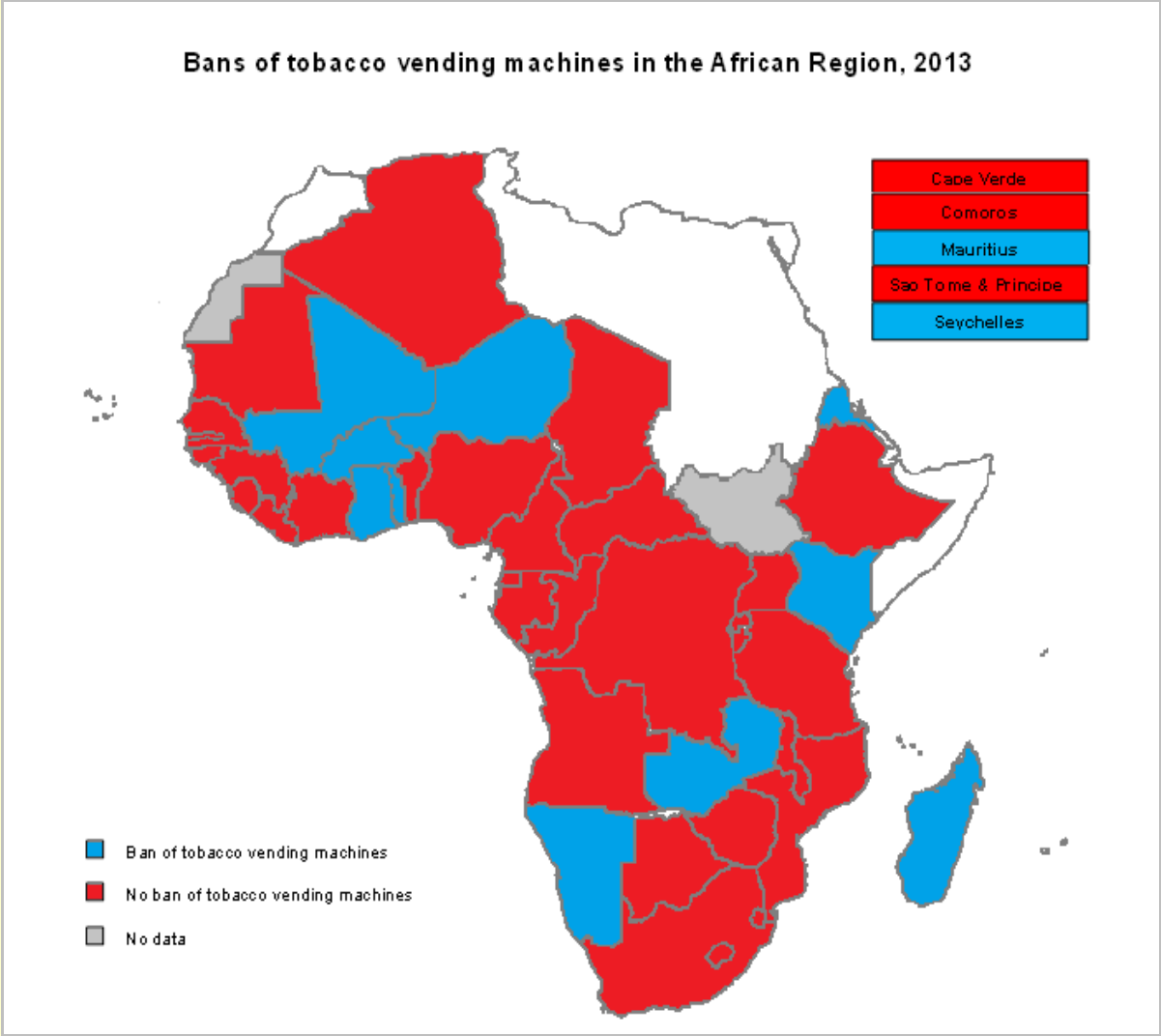
Engaging the support of the community to monitor compliance and report violations of legislation against tobacco advertising, promotion and sponsorship is an essential element of enforcement. In order for members of the community to perform this role, they must be made aware of the problem and understand the legislation and the ways in which they can act on breach of the law.

Countries should therefore implement public education and awareness programmes; inform members of the community about existing legislation on tobacco advertising, promotion and sponsorship; the steps that can be taken to inform the relevant government agency of any advertising, promotion or sponsorship; and the steps that can be taken against a person who has engaged in tobacco advertising, promotion or sponsorship in breach of the law.

We should educate the population on the dangers of tobacco and inform members of the community about existing legislation on tobacco advertising, promotion and sponsorship.

¹⁰ WHO Framework Convention on Tobacco Control: guidelines for implementation Article 13, World Health Organization, 2011, pages 107-108

12 countries in the African Region ban tobacco vending machines.



Source: WHO Report on the global tobacco epidemic, 2013

It is important to ban point-of sale advertising, including product displays and signage, in retail stores.

Appendix

Indicative (non-exhaustive) list of forms of tobacco advertising, promotion and sponsorship within the terms of the WHO FCTC¹¹:

- communication through audio, visual or audio-visual means: print (including newspapers, magazines, pamphlets, leaflets, flyers, letters, billboards, posters, signs), television and radio (including terrestrial and satellite), films, DVDs, videos and CDs, games (computer games, video games or online games), other digital communication platforms (including the Internet and mobile phones) and theatre or other live performance;
- brand-marking, including in entertainment venues and retail outlets and on vehicles and equipment (e.g. by use of brand colours or schemes of colours, logos or trademarks);
- display of tobacco products at points of sale;
- tobacco product vending machines;
- Internet sales of tobacco products;
- brand stretching and brand sharing (product diversification);
- product placement (i.e. the inclusion of, or reference to, a tobacco product, service or trademark in the context of communication (see above), in return for payment or other consideration);
- provision of gifts or discounted products with the purchase of tobacco products (e.g. key rings, T-shirts, baseball hats, cigarette lighters);
- supply of free samples of tobacco products, including in conjunction with marketing surveys and taste testing;
- incentive promotions or loyalty schemes, e.g. redeemable coupons provided with purchase of tobacco products;
- competitions, associated with tobacco products or brand names, whether requiring the purchase of a tobacco product or not;
- direct targeting of individuals with promotional (including informational) material, such as direct mail, telemarketing, “consumer surveys” or “research”;
- promotion of discounted products;
- sale or supply of toys or sweets that resemble tobacco products;
- payments or other contributions to retailers to encourage or induce them to sell products, including retailer incentive programmes (e.g. rewards to retailers for achieving certain sales volumes);
- packaging and product design features;
- payment or other consideration in exchange for the exclusive sale or prominent display of a particular product or particular manufacturer’s product in a retail outlet, at a venue or at an event;
- sale, supply, placement and display of products at educational establishments or at hospitality, sporting, entertainment, music, dance and social venues or events;
- provision of financial or other support to events, activities, individuals or groups (such as sporting or arts events, individual sportspeople or teams, individual artists or artistic groups, welfare organizations, politicians, political candidates or political parties), whether or not in exchange for publicity, including corporate social responsibility activities; and
- provision of financial or other support by the tobacco industry to venue operators (such as pubs, clubs or other recreational venues) in exchange for building or renovating premises to promote tobacco products or the use or provision of awnings and sunshades.

¹¹ WHO Framework Convention on Tobacco Control: guidelines for implementation Article 13, World Health Organization, 2011, pages 109-110