AD WATCH

Phasing out of point-of-sale tobacco advertising in New Zealand

New Zealand has long been in the forefront of nations that have restricted tobacco advertising. Below, Trish Fraser describes the death knell for the last remaining vestiges of tobacco advertising—point-of-sale advertising.—Simon Chapman, deputy editor

For the past 34 years New Zealand has been progressively eliminating tobacco advertising. In 1963 advertisments for tobacco products were withdrawn from radio and television. A decade later (1973) cigarette advertising was banned on billboards and in cinemas, and print media advertising was restricted to half a newspaper page.[1] In 1995 all remaining tobacco advertising and sponsorship was banned except for point-of-sale advertising and some tobacco sponsorship exemptions.[2] Point-of-sale advertising will cease on 11 December 1998.

In 1994 the Smokefree Coalition (a group of non-governmental agencies) was re-established to advocate for the strengthening of the Smoke-free Environments Amendment Bill (No 2) and its accompanying regulations. One of the coalition's objectives was to end point-of-sale tobacco advertising. This was not included in the original bill because it did not have the support of the (then) governing National party, which was largely supportive of the tobacco industry.

The Smokefree Coalition included in its submission to the parliamentary select committee a proposal to regulate to allow price notices limited to visiting card size (90×55 mm) as recommended by the Ministry of Health. That recommendation stated: "It is proposed that regulation 4 of the SFE Regulations be amended to state that price notices shall not include any colour, depictions of tobacco products or tobacco product packaging, or trade marks of tobacco companies but shall instead be simply a notice stating the product available and its price. The intention is that the format and content of the notices will be controlled in this way and that price notices will no longer be able to be used to promote tobacco products or smoking behaviour. Further, it is proposed that the size of the permitted notices be reduced to that of a normal price label (of a size not larger than an average visiting card) such as is used to indicate the price of other products in retail outlets."[3]

The recommendation on point-of-sale tobacco advertising from the Ministry of Health had full support from government and non-governmental agencies. However, in July 1996 the Minister for Health, Jenny Shipley, did not follow the recommendation and with virtually no support from the health sector decided to develop a Code of Practice on

Figure 1 Colour branding for Holiday 25s.

Figure 2 Colour branding for Dunhill cigarettes. Also shown are the larger display units now being used by tobacco companies, with a slightly rounded front to push the cigarette packets into a more prominent position.

Figure 3 Colour branding for the disappearing "Winfield".

Tobacco Product Notices at Points of Sale. This was a Deed of Agreement between the government and the tobacco industry. The code was to provide for further controls over and above those required of the tobacco industry by law.

The code predated the Smoke-free Environments Amendment Bill (No 2) but it was included in the bill to provide statutory recognition. The code was established for a three-year term after which it would be reviewed. At that stage it would be decided whether the code should be given a further term, be revised, or be abandoned. The parliamentary select committee heard representations on the code and recommended that the three-year term for the code be final and stricter. Legislated controls would follow straight after.

The select committee also made recommendations that it should be illegal for the tobacco industry to provide incentives to retailers in relation to: "(i) The purchase or sale of tobacco products by that retailer; or (ii) The advertising of tobacco products inside that retailer's place of business; or The location of tobacco products in a particular part of that retailer's place of business."[3]

This recommendation was accepted and included in the Smokefree Environments Amendment Bill (No 2). The recommendations on the final date for the code and the removal of incentives for retailers from the tobacco industry were accepted and included in the bill.

The Smokefree Coalition advocated that a "sunset clause" be introduced to end the Code of Practice immediately when the Smoke-free Environments Amendment Bill (No 2) was enacted, rather than two to three years later. This unfortunately did not happen but the date was set for point-of-sale tobacco advertising to end as stated in the code on 11 December 1998.

Figure 4 A sales assistant wearing Rothmans colours.

The original Ministry of Health recommendation for tobacco price notices will apply beginning 11 December 1998, with a limit on the area of display, to be restricted to one A4 sheet (29.5×21 cm) in retail premises. The then associate minister of health, Neil Kirton, also accepted advice from the Crown Law Office that changes were required to be made to the new restricted regulations at the expiry of the code.

"Any logo, design, or similar device that is usually associated with that tobacco product and a depiction of the package in which the tobacco product is customarily sold"[4] will be allowed on tobacco product notices. These cannot be in colour and can only be represented on a tobacco price notice the size of a visiting card as originally recommended.

Tobacco product notices will be subject to stricter regulations after 11 December 1998 but the tobacco industry has had enough time to devise methods to continue tobacco advertising after that date. The most obvious strategy the industry has undertaken is colour branding (figures 1–4) This technique enables the tobacco industry to establish the colours of the brand over a period of time. When the code ceases to exist, the colours will have been imprinted in smokers' minds. Although it would have been preferable not to have any colour branding, its impact will be minimal compared with the current blatant advertising. Colour branding will only work for present smokers, not the next generation of smokers who will not have grown up with the original association of colour with brand advertising.

Since the date has been set to end the code, displays of tobacco product packets have become prolific and more prominent. Packets are advertised in different shapes of perspex containers away from the display of the bulk of the cigarettes. They are displayed in several variations of perspex containers, single-packet containers, rotating and static cylindrical containers, and long thin containers (figure 5). All the perspex containers have a colourful price notice attached. A similar strategy has been used in Australia.[5]

There is provision in the Smoke-free Environments Act 1990 to prosecute for visibility of any tobacco products from outside

Figure 5 Cigarette packets displayed prominently in perspex containers (arrowed).

a tobacco retail outlet. In 1995 Hutt Valley Health undertook a tobacco advertising survey in the Wellington region; 600 tobacco retail outlets were visited, and 62% of tobacco retail outlets had tobacco products visible from outside the outlet. The Ministry of Health refused to prosecute the outlets on the basis that they were not blatantly using the tobacco products to advertise—a particularly weak interpretation of this section of the Act at that time.

The display of tobacco products has become more blatant. The tobacco industry is using larger display units, many with a slightly rounded front to push the tobacco packets into a prominent position (figure 2). ASH will be urging the Ministry of Health to take action against those retailers obviously using the packets to advertise tobacco, which are visible from outside the tobacco outlet.

In a painfully slow process, all remnants of tobacco advertising are finally being removed in New Zealand, with the tobacco industry always looking for loopholes to move in a different direction to advertise their product.[2] The government in New Zealand has continually compromised to allow the tobacco industry to keep advertising its products. Point-of-sale tobacco advertising is crucial to the tobacco industry. They are desperate to retain point-of-sale advertising—or in preferred tobacco industry terminology, "tobacco product notices". The tobacco industry realises that it is an extremely effective method of encouraging experimentation by young people. A study on the influences of cigarette marketing on 13 year olds undertaken in 1994 in San Jose, California showed that "seeing [American style] tobacco marketing in stores increased the likelihood of experimenting with tobacco by 38%."[6]

Even when point-of-sale advertising is finally banned in New Zealand there are other examples of tobacco advertising that will still remain. These include the use of tobacco packets as advertisements, exempted tobacco sponsorships, tobacco advertising and sponsorship in imported magazines and on cable television as well as the usual tobacco imagery in movies and television. One step at a time—ASH will tackle these issues in Amendment (No 3).

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