



TOBAKSFAKTA

ÖBEROENDE TANKESMEDIA

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WORKING DRAFT

A Child's Rights Perspective on Article 13 of WHO-FCTC: Tobacco Advertising, Promotion & Sponsorship – A Summary

The guidelines for this article in the WHO Framework Convention on Tobacco Control call upon countries to eventually impose comprehensive bans on tobacco advertising, promotion and sponsorship. Such bans have the effect of decreasing tobacco use. Guidelines for Article 13 also recommend standardized packaging, as well as bans on tobacco advertising at points of purchase in all retail outlets and on “Corporate Social Responsibility” campaigns.

Children comprise the most important target group for tobacco industry marketing. Nine out of ten smokers start before reaching age 18. Studies have shown a clear correlation between increased exposure to tobacco advertising and tobacco use by children.¹ Those who have seen the most advertising smoke the most.²

Although tobacco advertising, promotion and sponsorship are today relatively limited, the industry is constantly developing new marketing methods. Retail outlets and tobacco packages are currently two of the tobacco industry's key marketing points in Sweden. Bans on advertising at points of purchase lead to reductions in tobacco purchases by children.³

Moreover, it is children who are most influenced by standardized packaging. Studies in the United Kingdom and other countries clearly indicate that neutral packages are viewed by young people as less trendy and attractive than today's designer packaging.⁴

It is well documented that smoking in films and TV programmes contributes to positive attitudes toward tobacco use among children.⁵ U.S. studies have found that smoking in films had previously declined but has increased in recent years, especially in films targeted at youth.⁶ Tobacco advertising is increasing in social media, where adult supervision is often limited or non-existent.⁷

What does the Convention on the Rights of the Child state?

Every child has the right to adequate, accurate and appropriate information on how to protect their health and development, and to be taught healthy behaviours. That applies to information about the use of tobacco, alcohol, and other substances.⁸ Mass media have an important role in ensuring that children have access to information materials from a variety of sources which, among other things, are designed to promote their physical and mental health. States should also encourage the development of appropriate guidelines for the protection of children from information and other materials that are injurious to their welfare with regard to the provisions of Articles 13, 17 and 18 of the CRC.

Parties shall protect the child from all forms of exploitation that can harm them in any respect.⁹ The principle of the child's best interest (Article 3) serves as a criterion for evaluating and mediating conflicts between various rights, such as the right to health and protection (Articles 24 and 36) versus the right to partake of mass media and other sources of information (Articles 13–17).

Text from the Committee on the Rights of the Child reasons that: “The Committee on the Rights of the Child understands the concepts of “health and development” more broadly than being strictly limited to the provisions defined in Articles 6 (right to life, survival and development) and 24 (right to health) of the Convention. One of the aims of this general comment is precisely to identify the main human rights that need to be promoted and protected in order to ensure that adolescents do enjoy the highest attainable standard of health, develop in a well-balanced manner, and are adequately prepared to enter adulthood and assume a constructive role in their communities and in society at large.”

Other arguments based on Swedish and international law

Marketing may only occur at points of sale in accordance with the Swedish Tobacco Act, and may not engage, tend to coerce or solicit tobacco use. Trademarks used to promote tobacco products may not be used on other products such as clothing, skis, beach balls and accessories. Direct advertising to children under age 16 is also prohibited under the rules of the Swedish Market Court, as it violates "fair dealing in direct marketing".¹⁰

The way forward

There is a need for clearer political leadership at all levels of government regarding the tobacco issue in order to limit the exposure of children and young people to tobacco products and related promotion. Standardized packaging and a ban on advertising at points of purchase should be introduced in Sweden. Bans on advertising at points of purchase have already been introduced in several countries; follow-up studies, including one in Norway, have found positive results. Australia introduced standardized packaging for tobacco products in December 2013.

Responsible regulatory agencies should increase their commitment and allocate more resources to the supervision of tobacco advertising in support of the rights of the child.

The film industry and other cultural sectors should develop strategies to fulfil their responsibilities regarding the rights of the child and the WHO-FCTC. That means ensuring, to the fullest extent possible, that children are not exposed to tobacco advertising.

Sponsorship by the tobacco industry of tobacco supervision programmes, promotions and similar activities should be prohibited, as they may be perceived as positive for children and serve to promote tobacco products. Municipalities must therefore require sports clubs that receive municipal support to institute tobacco control policies, and must also monitor compliance with such policies.

Notes:

1 Nicotine Tob Res. Jan;11(1):25-35 Jan; 11 (1): 25-35

2 (<http://onlinelibrary.wiley.com/doi/10.1002/14651858.CD003439.pub2/full>) (

3 Cigarette display bans in Canada, Smoking prevalence, Consumption and the Age of initiation, David Hammond, University of Waterloo, Ontario, Canada, mars 2011) Canada, March 2011)

4 Hammond, D., Dockrell, M., Arnott, D., Lee, A., & McNeill, A. (2009). The impact of cigarette pack design on perceptions of risk among UK adult and youth: Evidence in support of plain packaging regulations. *European Journal of Public Health*, 19, 631-637.

5 Lyons, A., McNeill A., & Britton, J. (2013). Lyons, A. McNeill A., & Britton, J. (2013). Tobacco imagery on prime time UK television. *Tobacco Control*, Online: <http://tobaccocontrol.bmj.com/content/early/2013/02/21/tobaccocontrol-2012-050650.full.pdf+html>)

6 Glantz SA, Iaccopucci A, Titus K, Polansky JR, Glantz SA, Iaccopucci A, Titus K, Polansky JR. (2012). Smoking in Top-Grossing US Movies, 2011. *Prev Chronic Dis* 9:120170. Online: http://www.cdc.gov/pcd/issues/2012/pdf/12_0170.pdf)

7 SOU 2013:50 En väg till ökad tillsyn: marknadsföring av e-handel med alkohol och tobak. Stockholm 2013.

8 General comment "Adolescent health and development in relation to the Convention", 2003/4, p 4 <http://tb.ohchr.org/default.aspx?Symbol=CRC/GC/2003/4>

9 The Convention on the Rights of the Child Article 36

10 Konsumentverkets vägledning "Marknadsföring riktad till barn och unga samt minderåriga som avtalsparter" (2006-01-19).