

Scottish Coalition on Tobacco (SCOT) – Submission of written evidence on the Tobacco and Primary Medical Services (Scotland) Bill to the Health and Sport Committee

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Introduction

1. The Tobacco and Primary Medical Services (Scotland) Bill currently under scrutiny offers Scotland the opportunity to take a major step forward in protecting the health of its young people. While the prevalence of smoking among young people has undergone a long-term and steady decline, there are still too many children who become smokers each year. It is clear that there are many factors involved in a young person's decision to begin smoking, but there is little doubt that the easy availability and high visibility of tobacco products play a key role in this process.
2. To assist the work of the committee, SCOT has arranged its written evidence by key subject headings. Further information on all of these issues is available on request.

The impacts of smoking

3. Smoking is the biggest single preventable cause of ill-health and premature death in Scotland, accounting for almost 13,500 deaths every year, nearly one in four of all deaths.¹
4. Among men, 40% of all cancer deaths and 91% of lung cancer deaths are attributable to smoking. For women, the figures are 29% and 88% respectively.²
5. Mortality from heart disease is up to 85% higher in smokers compared with non-smokers.³

Smoking and deprivation

6. Smoking rates among the most deprived decile of the population are almost four times higher than rates among the least deprived decile⁴. Around half of the reduced life expectancy faced by poor communities is accounted for by tobacco use.⁵
7. Among pregnant women, the smoking rates for the most deprived quintile are up to six times higher than for the least deprived quintile.⁶
8. Young smokers from deprived backgrounds are more likely to carry on smoking into adulthood than young smokers from more affluent backgrounds.⁷

Smoking and young people

9. It is estimated that around 15,000 Scots begin smoking each year⁸. Around two thirds of smokers start under the age of 18, and almost 40% under the age of 16.⁹ The uptake of smoking, therefore, is primarily an adolescent pursuit.¹⁰
10. A child who starts smoking at age 14 or younger is five times more likely to die of lung cancer than someone who starts smoking at age 24 or older, and around fifteen times more likely than someone who never smokes.¹¹
11. Around 15% of 15 year olds are regular smokers.¹²
12. Studies show that over 80% of 15 year old smokers, and almost half of 13 year old smokers, report buying their own cigarettes from shops.¹³

The impact of high visibility tobacco displays on young people

13. One of the key policy drivers of the Tobacco Advertising and Promotion Act of 2002¹⁴ was to reduce the visibility of tobacco products to young people. Yet within many shops, at the point at which many purchasing decisions are taken, there remain large, colourful and highly visible displays of cigarettes and other tobacco products. (See Appendix 1)

14. As well as helping to attract new smokers, promotional displays of tobacco also undermine quit attempts by prompting impulse purchases among ex-smokers.¹⁵
15. There is considerable evidence that young people are disproportionately influenced not only by wider tobacco marketing,¹⁶ but also specifically by displays of tobacco within shops.¹⁷
16. Studies have shown that:
 - 16.1. Shops frequented by teenagers had over three times more in-store tobacco marketing of cigarette brands popular with adolescents than other shops in the same communities.¹⁸
 - 16.2. Adolescent smokers were found to prefer whichever brand of cigarettes was advertised most heavily in the convenience shop closest to their school.¹⁹
 - 16.3. Perception of advertising is higher among young smokers, and that changes in market share resulting from advertising occur mainly in younger smokers.²⁰
17. Since the Tobacco Advertising and Promotion Act 2002 (TAPA), in-store tobacco displays have become one of the last remaining marketing opportunities left to the tobacco industry²¹, and there is evidence that the design of both packaging and cigarette display gantries has evolved to make the most of point of sale displays.²²

The impact of tobacco display bans on youth smoking prevalence

18. In Canada where 12 out of 13 provinces will have implemented display bans for all premises accessible to those under the age of 18 by May 2009, surveys show that banning tobacco displays, as part of a range of tobacco control measures, has coincided with a fall in smoking prevalence rates amongst 15 to 19 year olds from 22% in 2002 to 15% in 2007.²³
19. The tobacco display ban in Iceland has contributed to a significant fall in youth smoking; A survey of 10th graders (aged 15-16) has shown that smoking prevalence rates fell from 18.6% in 1999 (two years prior to the cigarette display ban) to 13.6% in 2003 – twice the rate of decline compared with the previous four year period.²⁴
20. Both the Canadian and the Icelandic display bans were introduced as part of a suite of tobacco control measures, so it is difficult to definitively attribute a drop in smoking prevalence to one particular measure. However, it is clear that the reductions in youth smoking in both countries took place in a culture within which tobacco displays were no longer visible in every shop. (See Appendix 2)
21. Between 2002 and 2006, the most recent date for which reliable data are available, the rate of smoking also fell among Scottish 15 year olds, but by a smaller proportion than in either Iceland or Canada.²⁵

The impact of tobacco display bans on small retailers

22. In advance of the introduction of the first Canadian point of sale display ban in the province of Saskatchewan, there were warnings that such a law would fail to address youth smoking, would cause economic hardship to retailers and would cause a safety risk for shop workers.²⁶
23. Since the law came into force in 2002, each of these warnings has been demonstrated to be false: youth smoking rates are down, there have been no reports of economic hardship to retailers resulting from the law, nor any suggestion that workers' safety has been compromised.

24. The display ban in Saskatchewan was suspended for 15 months as a result of a legal challenge by the tobacco industry. During that time, around 40% of retailers chose to keep their tobacco products out of sight.²⁷
25. Representatives of the Canadian convenience store market have been quoted as saying that the display ban has not had an adverse effect on their business: *“Current carton shipments from wholesalers to retail are flat, so I would say the display ban has had little or no negative effect.”*²⁸
26. Even the Canadian tobacco industry candidly accepts that display bans do not harm retailers: *“We do not believe that banning the display of cigarettes will have a negative impact,”* said a manager from JTI-Macdonalds.²⁹
27. A spokesperson for Rothmans Benson & Hedges agreed: *“I do not believe the display ban will have a significant impact on total sales. I would attribute any impact to other factors like taxation or historical decline rates in consumption.”*³⁰
28. That the display ban in Saskatchewan has not resulted in an overall reduction in tobacco sales is consistent with this policy being focussed on tackling youth smoking initiation, not on preventing existing adult smokers from buying their tobacco as normal.
29. Instead of suffering economic hardship as a result of tobacco display bans, retailers in Canada have seen their income from the tobacco industry increase in recent years. Across Canada, tobacco industry marketing payments to retailers have increased by 45% since 2001,^{*} despite the majority of provinces having implemented point of sale display bans during that time.
30. Unlike in Canada, where tobacco companies are required by law to report their marketing costs, there is no information in the public domain about tobacco industry payments to retailers in Scotland. However, it seems highly likely that tobacco retailers in this country receive payments from the tobacco industry, and that these are likely to be contingent on stocking, rather than displaying, tobacco products. Committee members may wish to ask retailers about any financial support that they receive from the tobacco industry.

31. SCOT considers that there is strong evidence to support the removal of all retail and promotional displays of tobacco at the point of sale, and very little evidence that removing such displays will cause disproportionate economic harm to the retail sector.

The easy availability of tobacco to young people, and the need for more effective enforcement of under-age sales

32. Test-purchasing activity routinely demonstrates that between one-third and one-quarter of tobacco retailers are prepared to sell tobacco to under-age customers^{31 32 33}; during a test purchasing exercise in West Renfrewshire in late 2008, 80% of shops tested were willing to sell cigarettes to a 15 year old girl.³⁴
33. In spite of these figures, very few retailers are prosecuted for breaking the law on under-age tobacco sales. Between 2001-02 and 2006-07, there were only 17 prosecutions for selling tobacco to under-age customers.³⁵
34. A system of licensing or registration would enable Trading Standards Officers to enforce the current law on under-age sales of tobacco without recourse to the court system; instead, fixed penalty notices or periods of licence/registration suspension would enable the law to be enforced much more efficiently and cost-effectively.

^{*} Total payments in 2001 were \$74,246,637; by 2007, this figure had risen to \$108,203,683. Figures courtesy of Health Canada.

35. In Tasmania, a system of positive licensing resulted in a compliance rate of 95% when backed up with a period of active enforcement activity.³⁶ Following a reduction in enforcement, the level of compliance fell back to 74%.³⁷
36. Any system of retailer licensing or registration, therefore, is only as good as the enforcement activity backing it up, and should be seen as a means to support more effective enforcement.

37. SCOT considers that all tobacco retailers should be obliged to engage with an active system of licensing or registration, and that such a system has the potential to significantly curtail the availability of tobacco products to young people by improving enforcement intelligence and by offering opportunities for retailers to learn about the law and about their responsibilities.

38. Should the proposed register of tobacco retailers not prove effective in reducing the availability of tobacco products to children and young people, SCOT considers that there should be an automatic move to a more stringent system of positive licensing.

Vending machines

39. Young people make up a disproportionate share of vending machine customers; 10% of 13 and 15 year old regular smokers report accessing cigarettes from vending machines,³⁸ while only 1% of the total tobacco market is accounted for by vending machine sales.³⁹
40. Many cigarette vending machines are situated in locations where they are hard to monitor by bar or hotel staff, making it easy for children and young people to use them.
41. No other age-restricted products, such as knives, alcohol or solvents, are available to buy from potentially unmonitored, self-service vending machines.
42. It is possible that the rise in the minimum purchase age for tobacco from 16 to 18, combined with more effective regulation of retail tobacco sales, could lead to an increase in the proportion of under-age smokers who access tobacco vending machines.

43. SCOT considers that all tobacco vending machines should be removed, and that this will help to reduce the availability of tobacco products to young people.

Conclusion

44. There is strong evidence that the high visibility of tobacco in the retail environment plays a key role in smoking initiation for many young people; likewise, the easy availability of tobacco, demonstrated by the fact that eight out of ten young smokers report buying their own cigarettes from shops, is another important factor that leads 15,000 young Scots to become smokers each year.
45. Measures such as removing retail and promotional displays of tobacco, and requiring tobacco retailers to engage with a licensing or registration scheme, have been shown to help in tackling the rates of smoking among young people. Crucially, there is no evidence that these measures have had an adverse economic impact on small tobacco retailers in other countries.
46. By legislating to make tobacco retailers more aware of their legal responsibilities, and by removing the ubiquitous and highly visible displays of tobacco within many shops, the Scottish Parliament can help to secure a healthier future for our children and young people.

Appendix 1



Tobacco products on display in UK shops. Displays such as these – which represent a massive loophole in the Tobacco Advertising and Promotion Act 2002 – have been shown to have an influence on youth smoking behaviour.

Appendix 2



Overhead cigarette containers used by a shop in Tasmania during a voluntary tobacco display ban
(↑customer view) (↑staff view)



Cigarettes being stored in under-counter drawers, seen in shops in Canada, Tasmania and Iceland (staff view)

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