

Myth: Prohibition of tobacco displays is an attack on freedom and personal choice.

Fact: Adults have the right to choose to smoke as long as they are not harming others, but also have an obligation to protect children from harm.

Adults have the right to choose to smoke as long as they are not harming others.⁷ It was on this basis that the ban on smoking in public places gained strong cross-party political support. Customers who wish to buy a tobacco product will still be able to make their purchases freely. But this same political principle also includes an obligation to protect children from harm.⁸

The protection of children is the primary focus of the proposed measures. It has long been accepted both domestically and internationally⁹ that special safeguards are needed to provide children with the best possible environment in which to grow and develop. The World Health Organisation argues that 'States have a duty to take all necessary legislative and regulatory measures to protect children from tobacco and ensure that the interests of children take precedence over those of the tobacco industry'.¹⁰

For adult smokers trying to quit, these proposals provide a different type of freedom - freedom from marketing that undermines their choice. Over two-thirds of smokers want to quit¹¹ but the nicotine in cigarettes is as addictive as heroin or cocaine.¹² PoS displays can stimulate impulse purchasing amongst those trying to stop.¹³ In an Australian study 31% of smokers reported that the removal of cigarette displays would help them quit.¹⁴

Myth: Tobacco display bans have had no impact on youth smoking rates in other countries.

Fact: Young people are affected by point of sale displays. Evidence suggests that removing them can help reduce youth smoking. Misleading figures are being used by the Tobacco Manufacturers' Association.

The experiences in both Canada and Iceland suggest that bans on PoS displays, when introduced alongside other measures, can help reduce youth uptake. A survey of 10th graders (aged 15-16) in Iceland has shown a significant fall in youth smoking after the implementation of a display ban in 2001. The data show that smoking prevalence rates amongst 10th graders 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 to the previous four year period.¹⁵

Similarly, in Canada where 12 out of 13 provinces will have implemented PoS display bans by May 2009 for all premises accessible to those under the age of 18, surveys show that banning PoS 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 2007.¹⁶

The Tobacco Manufacturers' Association has quoted figures from Saskatchewan, a Canadian province which introduced the measure in 2002, to suggest that there has been no decline in smoking rates. However, these figures refer to smoking among adults, not young people and the data should be used with caution, since at the provincial level the sample size within the 2002-3 Canadian Tobacco Use Monitoring Survey is small.

Myth: Banning displays of tobacco at the point of sale will increase smuggling.

Fact: There is no evidence to support the idea either that those who buy tobacco from shops would seek out illicit sources or that the measure might lead retailers to sell illicit products under the counter.

No evidence has been provided by those who suggest that placing tobacco products out of sight at PoS will increase smuggling. While it has been implied that those who buy tobacco from shops would seek out illicit sources simply because they could not see the products in their usual outlet, this argument has not been validated.

There is also no clear logic behind the suggestion that banning PoS displays might lead to retailers selling illicit products under the counter and there is no evidence from jurisdictions with retail display bans that this would be the case.

The Government has made good progress in tackling tobacco smuggling, with significant reductions in the number of smuggled cigarettes since 2000, and a new strategy published at the end of last year.¹⁷ However, more needs to be done.

Myth: The tobacco advertising ban already strongly restricts advertising at the point of sale.

Fact: Only an A5 poster is meant to be allowed at the point of sale. Yet the whole tobacco display is designed to make tobacco products look attractive to young people.



Examples of tobacco point of sale displays in England. Left-hand photo: Paul Hooper, Regional Tobacco Policy Manager for the West Midlands; right-hand photo: MacGregor report¹⁸

Advertising and promotion of tobacco encourages children to smoke.¹⁹ Since tobacco advertising was banned in 2002, retailers have only been allowed to display an A5 size advertisement at PoS – of which 30% is a health warning. However, the displays themselves have increasingly been designed and paid for by tobacco companies to act as a major channel for promoting their products. PoS displays are placed prominently in shops behind the cashier and typically close to displays of confectionery and chewing gum.²⁰ A Cancer Research UK report²¹ examining the impact of PoS displays through analysing both previous studies as well as new data, concludes that:

- Since the implementation of the Tobacco Advertising and Promotions Act (2002), PoS displays have taken over as the most important source of tobacco marketing for young people. In 2006, almost half (46%) of UK teens were aware of tobacco marketing at the PoS.
- The odds of a young person professing an intention to smoke may increase by 35% with every brand that they can name as having seen advertised at PoS.
- International evidence suggests that removing packs from sight at PoS could reduce adolescents' exposure to cigarette brand impressions in stores by as much as 83%. It would also help adults to quit.

Tobacco packs are themselves a significant form of advertising that is used to build brand relationships with young people.²² Measures allowing packs to remain visible are not sufficient. To effectively ensure that children are given greater protection from tobacco marketing, tobacco products need to be placed out of sight in retail outlets.

Quotes from recent focus group research:

'Things like [cigarette] displays arouse me to buy. Looks cool'
(Female, 14, C2DE, Smoker)

'Have seen this type [shows pack of Mayfair] in shops on the shelves and with my friends in schools. Like, it's cool and fun to smoke' (Male 12, C2DE, Smoker)

'Say you enter into the shop you see this massive display over the counter. In the shops things like this attracts people to smoke' (Male, 11, ABC1, Non-smoker)

Brown, A., & Moodie, C. Adolescents' perceptions of tobacco control measures in the UK. Submitted to *Addiction Research and Theory* (2009)

Myth: Point of sale displays help smokers differentiate between brands.

Fact: The vast majority of smokers do not use displays to choose their cigarettes.

Most adult smokers are brand loyal. Over 90% of smokers have already decided what brand to buy before entering the shop.²³ Retailers will be able to provide a list of all tobacco products available to help inform these purchasing decisions.

Claims that displays help customers to tell the difference between high and low nicotine varieties are misleading, because no types of cigarette are "healthier" than others and it is now illegal for manufacturers to claim that products are low tar, light or less harmful.

Myth: Tobacco vending machines can be made age-restricted.

Fact: Experiences from other countries and alcohol sales in pubs suggest age restrictions will be almost impossible.

Vending machines are disproportionately used by children. 17% of regular smokers aged 11-15 usually buy their cigarettes from vending machines.²⁴ In contrast, in 2008, only 1 in 20 adult daily smokers said they had bought cigarettes from vending machines over the last six months.²⁵

Some countries have tried to make tobacco vending machines 'age proof',²⁶ but it is not clear that these have been effective. In Florida, where proof of age is required via an ID card, a test case compliance study²⁷ showed that one third of attempts by minors to access cigarettes through vending machines were successful. Age verification cards have also been issued in Japan, but evidence shows that underage smokers manage to circumvent the system.²⁸

Age-verification systems, including those using staff-operated infrared remote controls, tokens or ID cards, are certainly not assured to stop underage sales. ID checks are still not being carried out stringently enough for alcohol sales.²⁹ 34% of on-trade venues failed to check for ID from young people during test alcohol purchases in July 2008.³⁰ If a significant number of under-18s are still able to obtain alcohol from pubs and bars, it is highly questionable that an ID-based age verification system will be sufficiently foolproof to stop under-age tobacco sales from vending machines.

Myth: Prohibiting vending machines will create additional problems for pubs.

Fact: Any pubs that still have tobacco vending machines derive very little income from them.

Vending machines account for only 1% of overall cigarette sales and do not create a significant source of income for pubs. Each pub negotiates its own deal with tobacco manufacturers and these deals differ in terms of the (always low level) revenue that pubs receive from sales generated by the vending machines on their premises. Some pubs derive a very small amount of money from a rental agreement, for example, that they make with manufacturers. In general this is a tiny amount compared with the takings from the bar. Paul Waterson, Chief Executive of the Scottish Licensed Trade Association, was questioned by The Sunday Times in November 2008 about the proposal to ban tobacco vending machines in Scotland: "Cigarette vending machines are provided as a service to customers," he said. "There is no profit to be made from them. We are not perturbed about these proposals."³¹

Myth: A ban on vending machines would make it more difficult for adults to purchase a legal product.

Fact: A ban on vending machines would make it more difficult for children and young people to purchase cigarettes and support those adults who are trying to quit smoking.

Adults would still be able to buy cigarettes from a range of outlets, including small convenience stores. This measure would make it harder for the disproportionate number of children and young people who use vending machines to access tobacco, without particularly inconveniencing the adult smoker who can purchase cigarettes freely elsewhere. Small businesses can only benefit from a prohibition on vending machines.

Such machines now tend to be placed in areas where people can no longer smoke due to smokefree legislation but they provide a real temptation to those who are trying to quit, as argued eloquently by a number of Peers during the Health Bill debate in the House of Lords on 9th March 2009. By placing cigarettes out of sight, we assist those who are trying to put them out of mind, whilst protecting children and young people from taking up a dangerous and addictive habit.

For more background information or if you have any questions please contact Tracey Loftis, Public Affairs Manager: e: tracey.loftis@cancer.org.uk; t: 020 7061 8524.

¹ Impact Assessment of prohibiting the display of tobacco at point of sale, for the Health Bill, Department of Health, January 2009. http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_093305. p.17.

² Goddard E. (2008). General Household Survey 2006: Smoking and drinking among adults 2006. Office for National Statistics, Newport.

³ Source: Data provided to ASH by Health Canada.

⁴ General Household Survey: Smoking and drinking among adults 2007, Office for National Statistics. 2008.

http://www.statistics.gov.uk/downloads/theme_compendia/GHS07/GHSSmokingandDrinkingAmongAdults2007.pdf

⁵ BMRB Omnibus Survey, August 2008. Commissioned for Cancer Research UK.

⁶ Convenience Store. (May 30, 2008) p 4.

⁷ However, most smokers start in childhood and are addicted before they are adults.

⁸ JS Mill. (1859) On Liberty.

⁹ For example, the UN Convention on the Rights of the Child (to which the UK is a party) legally obliges the Government to protect children from harm.

¹⁰ World Health Organisation. (2001) Tobacco and the rights of the child. WHO/NMH/TFI 01.3 WHO.

www.who.int/tobacco/resources/publications/rights_child/en/

¹¹ Royal College of Physicians (2000) Nicotine Addiction in Britain. RCP, London.

¹² Since 1988, the U.S. Surgeon General, the Royal Society of Canada, and, most recently, the Royal College of Physicians, have all concluded that nicotine is an addictive substance that, in its addiction and withdrawal, displays similarities to such hard drugs as cocaine and heroin. Nicotine meets all the criteria that are used to define a drug of addiction or dependence.

¹³ Hastings, G et al. (2008) Point of Sale Display of Tobacco Products. The Centre for Tobacco Control Research, University of Stirling.

http://info.cancerresearchuk.org/images/pdfs/tobcon_pointofsalereport1

¹⁴ Wakefield, M. The effect of retail cigarette pack displays on impulse purchases. *Addiction*.103(2); 322 - 328

¹⁵ The European School Survey Project on Alcohol and Other Drugs (ESPAD). www.espad.org/sa/node.asp?node=730

¹⁶ Health Canada. (2007) Canadian Tobacco Use Monitoring Survey 2000-2007. http://www.hc-sc.gc.ca/hl-vs/tobac-tabac/research-recherche/stat/ctums-esutc_2007-eng.php

¹⁷ HMRC/UK Border Agency. (2008) Tackling Tobacco Smuggling Together. The Stationery Office Ltd. ID5978977.

<http://www.hmrc.gov.uk/pbr2008/tobacco-2800.pdf>.

¹⁸ MacGregor, J. (2008) Tobacco Advertising at Point of Sale. Report carried out by trading standards officers for ASH.

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- ¹⁹ Hastings, G et al. (2008) Point of Sale Display of Tobacco Products. The Centre for Tobacco Control Research, University of Stirling. http://info.cancerresearchuk.org/images/pdfs/tobcon_pointofsalereport1
- ²⁰ MacGregor, J. (2006) Tobacco Advertising at the Point of Sale: The trading Standards Experience. MacGregor Consulting Ltd.
- ²¹ Hastings, G et al. (2008) Point of Sale Display of Tobacco Products. The Centre for Tobacco Control Research, University of Stirling. http://info.cancerresearchuk.org/images/pdfs/tobcon_pointofsalereport1
- ²² Ibid.
- ²³ BMRB Omnibus Survey, August 2008. Commissioned for Cancer Research UK.
- ²⁴ National Centre for Social Research. (2007) Drug use, smoking and drinking among young people in England in 2007. <http://www.ic.nhs.uk/pubs/sdd07fullreport>
- ²⁵ Omnibus survey of adults in England. Fieldwork was conducted between January and April 2008, interviews were conducted with 3,426 adults including 822 current and recent smokers. Commissioned by ASH
- ²⁶ For example, requiring smokers to use electronic ID cards as in Germany or getting coins from staff as in Ireland.
- ²⁷ Morbidity and Mortality Weekly Report. (1996) Accessibility to minors of cigarettes from vending machines - Broward County, Florida, 1996. <http://www.ncbi.nlm.nih.gov/pubmed/8965805?dopt=Abstract>
- ²⁸ For example, by borrowing the cards from friends and family or falsifying cards with photos of older people. See article on <http://www.pinktentacle.com/2008/06/magazine-photos-fool-age-verification-cameras/> (accessed 22nd January 2009)
- ²⁹ According to Home Office figures, 22% of 10-17 year olds who had drunk alcohol obtained it from bars and pubs in 2004. Home Office. (2006) Underage drinking: findings from the 2004 Offending, Crime and Justice Survey. <http://www.homeoffice.gov.uk/rds/pdfs06/r277.pdf>
- ³⁰ Serve Legal – quoted in the Morning Advertiser. (4 September 2008). Serve Legal is an independent test purchase service for retailers of age restricted products across the UK to check staff are checking young people for ID. These tests were carried out in 1500 off-trade and on-trade venues across the UK. <http://servelegal.co.uk/press.html>
- ³¹ Sunday Times. (30 November 2008) Smoking blitz set to stub out pub vending machines. <http://www.timesonline.co.uk/tol/news/uk/scotland/article5257974.ece>