Expert Group on tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media

Report by the Expert Group

Purpose of the document

This document provides an overview of the work and recommendations of the Expert Group on Tobacco Advertising, Promotion and Sponsorship: Depiction of Tobacco in Entertainment Media. The Seventh session of the Conference of the Parties (COP7) adopted decision FCTC/COP7(5) that requested the Convention Secretariat to establish this Expert Group to prepare a report for the Eighth session of the Conference of the Parties (COP8). The detailed report of the Expert Group will be available on the Convention Secretariat website.

Action by the Conference of the Parties

The Conference of the Parties (COP) is invited to note this report and consider for adoption the annexed draft decision.

Contribute to the Sustainable Development Goals (SDGs), if applicable: SDG 3, Targets 3.a, 3.4 (strengthened WHO FCTC implementation will contribute to the achievement of many SDGs beyond Good health and well-being).

Link to the workplan and budget item: 2.1(b).

Additional financial implications if not included in the workplan and budget: None.

Author team(s): Development Assistance.

INTRODUCTION

1. A wide range of media outlets, including social media, depict tobacco use. The global entertainment media has substantially changed since the adoption of the Guidelines for implementation (Article 13). Entertainment media is increasingly available on a regional or global level, including through the Internet, which can result in cross-border tobacco advertising, promotion and sponsorship (TAPS). The consequence of this shift in technology is that conventional approaches to controlling TAPS may become insufficient unless further action is taken.

2. Article 13 of the WHO Framework Convention on Tobacco Control (WHO FCTC) addresses TAPS, including cross-border TAPS. Implementation guidelines for Article 13, which include references to cross-border TAPS, were approved by the Third session of the Conference of the Parties (COP3) in November 2008.

3. Article 13 Implementation guidelines were developed in light of the primary available means, at the time, for TAPS. Since the guidelines were adopted, there has been a notable expansion in cross-border digital entertainment media, including wide Internet access, social media, smartphones, and access to free digital video, films and games. There is significant potential for these forms of digital media to be used now for TAPS. Digital media has vast reach, especially for young people. This means that the current Article 13 implementation guidelines no longer comprehensively cover the available means for TAPS.

ESTABLISHMENT OF THE EXPERT GROUP

4. In response to these concerns, the Seventh session of the Conference of the Parties (COP7) considered the current issues relating to TAPS in the entertainment media. A report by the Convention Secretariat was provided for consideration (document FCTC/COP/7/38).

5. COP7 adopted decision FCTC/COP7(5) that requested the Convention Secretariat to establish an Expert Group to consider the depiction of tobacco in entertainment media. The Convention Secretariat was requested to establish an Expert Group with regional representation, in collaboration with the World Health Organization (WHO), to provide recommendations on operationalizing the implementation of Article 13 and its Guidelines on cross-border advertising and TAPS in entertainment media, collect successful national and regional experiences in this regard, and develop a report to be submitted to the Eighth session of the Conference of the Parties (COP8) on suggestions and the way forward, with the Convention Secretariat to coordinate the establishment of the Expert Group and its terms of reference with the Bureau guidance.

6. The Bureau of the Conference of the Parties (COP) provided the following terms of reference for the Expert Group established by COP7:

   (a) review the evidence-base relating to how the depiction of tobacco in the entertainment media can promote tobacco use;

   (b) collect examples of action addressing the depiction of tobacco in the entertainment media at national and regional level;

   (c) provide recommendations on operationalizing the implementation of Article 13 and its Guidelines on cross-border advertising and TAPS in entertainment media; and

   (d) prepare a report for COP8.

7. Under the terms of the decision by COP7 and guidance from the Bureau, one expert was selected from each WHO Region. WHO and a representative from civil society were also invited to participate in the Expert Group as observers. Experts were selected on the basis of relevant experience.
in either undertaking research on the depiction of tobacco use in the entertainment media, or implementing and enforcing policies in this area.

MEETING OF THE EXPERT GROUP

8. The Expert Group met in New Delhi, India, on 26–27 March 2018. The meeting was generously funded by the Government of India. The scope of the meeting included:
   (a) reviewing the terms of reference and expected deliverables;
   (b) developing and agreeing on plans for the development and agreement of the Expert Group’s report to COP8;
   (c) reviewing previous decisions that the COP has made on cross-border TAPS;
   (d) reviewing and distilling relevant evidence and experience on controlling cross-border TAPS and TAPS in the entertainment media to include in the Expert Group’s report to COP8; and
   (e) identifying gaps in knowledge.

REPORT OF THE EXPERT GROUP

9. In accordance with the COP7 decision, the Expert Group has provided a report for consideration during COP8. The report is available at: http://www.who.int/fctc/cop/Document-TAPS_1.pdf

10. The Expert Group’s report highlighted the present-day issues regarding cross-border TAPS and the depiction of tobacco in the entertainment media. The following is a summary of the Expert Group report.

11. The Expert Group considered the relationship between tobacco marketing and smoking behaviour, noting that this has been extensively researched. The accumulated evidence base shows a strong causal relationship between tobacco promotion and increased tobacco use. Young people are particularly vulnerable to the influential effects of media depictions of tobacco use. Reducing youth exposure to depictions of tobacco use embedded in entertainment media is essential to successful tobacco use prevention.

12. Media depictions of tobacco use beyond traditionally paid mass media advertisements have been documented and assessed for their potential to increase youth tobacco uptake and normalize tobacco use. Entertainment media content such as movies, music videos, online videos, television programmes, streaming services, social media posts, video games and mobile phone applications have all been shown to depict and promote tobacco use and tobacco products in ways that may encourage youth smoking uptake. As the majority of this entertainment media content is consumed/viewed through mobile devices and the Internet, it transcends conventional geographical and digital borders. This cross-border digital media consumption provides new and emerging channels through which the tobacco industry can circumvent controls on tobacco advertising or marketing.

13. While continued monitoring of tobacco depictions in entertainment media is both useful and necessary to understanding patterns of youth exposure, the collected body of evidence clearly shows that media tobacco depictions increase youth tobacco uptake. Therefore, policies that reduce youth exposure to entertainment media depictions are required. In order to keep up with these technological advancements and assist Parties with effective policy action, it is necessary to provide further advice to Parties on this topic, possibly through an addendum to the existing Article 13 Implementation guidelines.
14. The Expert Group has made the following recommendations to COP:

(a) It is essential that all Parties fully and comprehensively implement measures as outlined and detailed in the Article 13 Guidelines and work to monitor and evaluate the effectiveness of TAPS polices and regulations. Parties should examine and revise existing TAPS legislation to ensure it includes films, Internet, streaming media, subscription media and digital gaming media. Parties are encouraged to work collaboratively and systemically to monitor cross-border TAPS and TAPS in the entertainment media. Parties should also continue sharing experiences and promising practices in order to maximize implementation of Article 13.

(b) The existing Implementation guidelines for Article 13 remain relevant.

(c) In light of major changes to media consumption, developing additional implementation guidance for Parties, for example an addendum to the existing Article 13 Guidelines, that is reflective of these transformations is recommended. A special focus on social media and other online channels is warranted. The development of additional guidance should reflect lessons learned in other topic areas of online content regulation.

(d) Parties are urged to develop legislation or administrative measures to reduce tobacco depictions in entertainment media such as requiring tobacco industry disclosure of all expenditures associated with TAPS, requiring health and content warnings on material that depicts tobacco, banning tobacco branding from all entertainment media, requiring that any tobacco products shown must include required health warnings and other regulatory requirements relating to packaging (such as plain packaging), and requiring age ratings on entertainment media including music videos and video games. Further, Parties are urged to prohibit tax concessions and subsidies for films that include tobacco promotions.

(e) In addition to legislative action, Parties are encouraged to work with the media industry to reduce tobacco imagery in entertainment media, particularly from content that is consumed by youth and adolescents.

(f) Civil society has a crucial role in ensuring such legislation is upheld, including through its role in monitoring and reporting on tobacco depictions in entertainment media. Parties should provide channels for civil society to raise TAPS policy violations.

(g) Parties are encouraged to report on the adoption of these recommendations in their WHO FCTC implementation reporting.

ACTION BY THE CONFERENCE OF THE PARTIES

15. The Conference of the Parties is invited:

(a) to note the Expert Group’s report

(b) to consider the proposed decision in the attached annex.
Annex

Draft decision

Tobacco advertising, promotion and sponsorship:
Depiction of tobacco in entertainment media

The Conference of the Parties (COP),

Recalling Article 13 of the WHO Framework Convention on Tobacco Control (WHO FCTC),

Recalling the WHO FCTC Guidelines for implementation of Article 13 approved by the Third session of the COP,

Further recalling decision FCTC/COP7(5) on Tobacco advertising, promotion and sponsorship: Depiction of tobacco in entertainment media, through which the COP requested the Convention Secretariat to establish an Expert Group mandated to provide recommendations and to report back to the COP,

Having considered the Report by the Expert Group on Tobacco Advertising, Promotion and Sponsorship: Depiction of Tobacco in Entertainment Media that was established under decision FCTC/COP7(5),

Recalling the proposed actions set out in document FCTC/COP/4/10,

Recognizing the challenge Parties face in addressing and controlling cross-border advertising, including tobacco advertising, promotion and sponsorship (TAPS) in entertainment media,

Acknowledging the need for further guidance to WHO FCTC Parties on how Article 13 of the WHO FCTC and the Article 13 Guidelines can be comprehensively implemented to address both cross-border advertising and TAPS in entertainment media, particularly in light of technological advancements in the way that media is delivered,

Reaffirming the need for international coordination and collaboration to successfully address and control cross-border advertising and TAPS in entertainment media, and the role that South–South and Triangular cooperation might play in advancing the implementation of Article 13 of the WHO FCTC,

Recognizing the importance of addressing cross-border advertising in a comprehensive manner that bridges all existing implementation gaps at the national, regional and global levels,

Mindful that there is a variation among Parties in terms of the existence of cross-border advertising and TAPS in entertainment media,

Recognizing that there are successful national experiences in prohibiting cross-border advertising and TAPS in entertainment media,

Recalling that Article 13.8 of the WHO FCTC provides for Parties to consider the elaboration of a protocol setting out appropriate measures that require international collaboration for a comprehensive ban on cross-border advertising, promotion and sponsorship,
Recalling decisions FCTC/COP1(16) and FCTC/COP2(8) relating to consideration of the elaboration of a protocol setting out appropriate measures that require international collaboration for a comprehensive ban on cross-border advertising, promotion and sponsorship, as set out in WHO FCTC Article 13.8,

1. CALLS ON Parties to consider:
   (a) actions necessary to fully implement Article 13 of the WHO FCTC in accordance with the time-bound obligations under Article 13.2 of the WHO FCTC;
   (b) continuing the implementation of actions in decision FCTC/COP7(5), including monitoring cross-border TAPS and the depiction of tobacco in the entertainment media;
   (c) implementation of the recommendations made by the Expert Group on Tobacco Advertising, Promotion and Sponsorship: Depiction of Tobacco in Entertainment Media in their report referenced in document FCTC/COP/8/7;
   (d) assessing the current situation relating to cross-border TAPS and the depiction of tobacco in the entertainment media and the readiness of the regulatory framework to stop such forms of TAPS within their jurisdictions;
   (e) engaging in South–South and Triangular cooperation to share effective measures to address TAPS, including cross-border TAPS and the depiction of tobacco in the entertainment media; and
   (f) the need for a protocol on cross-border TAPS, with reference to Article 13.8 of the WHO FCTC and decisions FCTC/COP1(16) and FCTC/COP2(8).

2. DECIDES:
   (a) to establish an intersessional Working Group to develop an addendum to the WHO FCTC Guidelines for implementation of Article 13 that were adopted by the Third session of the Conference of the Parties to provide guidance to Parties on effective action to address cross-border TAPS and the depiction of tobacco in the entertainment media in the current environment, taking account of technological advances over the past decade such as the Internet and mobile communications;
   (b) the Working Group shall be composed of up to 12 members, and to ensure regional balance, Parties from each of the six WHO Regions may nominate up to two members from their region and that such regional nominations shall be coordinated by Regional Coordinators;
   (c) priority for membership of the Working Group should be afforded to Parties with specific expertise and appropriate technical experience relevant to the mandate of the Working Group;
   (d) the Convention Secretariat shall invite up to two other international intergovernmental organizations to participate in the Working Group as observers and should also invite the World Health Organization to participate in the Working Group as an observer;
   (e) the Convention Secretariat shall select three additional members of the Working Group to represent civil society organizations that are observers to the COP;
   (f) the Working Group shall work mainly through electronic means, however, the Working Group shall have, subject to financial resources, at least one face-to-face meeting;
the Working Group shall:

i. submit for consideration of the Ninth session of the Conference of the Parties (COP9) a draft text for an addendum to the WHO FCTC Guidelines for implementation of Article 13 for consideration at COP9;

ii. consider the desirability for Parties to negotiate a new protocol on cross-border TAPS and that the Working Group shall provide a separate report on this subject for consideration at COP9.

3. REQUESTS the Convention Secretariat:

(a) to make the necessary arrangements, subject to available budget, for the Working Group to complete its work;

(b) to review the proposals set out in document FCTC/COP/4/10 and make an assessment available to the Working Group on actions that could usefully be carried forward.