Norway: Ban on Advertising and Promotion

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Background

Introduction

Norway constitutes the western part of the Scandinavian peninsula with a population of 4.5 million. The country does not grow tobacco, but has a tobacco industry with a long tradition.

The standard of living is high; unemployment is low representing, in April-June 2002, about 4.0% of the labour force. Price levels and wages are relatively high.

The population’s health is fairly good, with life expectancy figures being one of the highest in the world. The health service and social security system are well developed.

A democratic form of government and a separate judicial system ensure everyone freedom of expression, the right to vote, and protection under law. The welfare state is based on ideals of equality and justice, which are clearly stated in its legislation: everyone has the right to employment, an education, social security and health service.

Tobacco advertising in Norway

Before World War II, Norwegian broadcasting ran programmes with radio advertisements that included tobacco. After the war, radio advertisements for all products were abolished and were not allowed again until the 1990s; the same applied to TV advertisements. Tobacco advertising, however, was prohibited (see later).

Tobacco advertisements began appearing in Norwegian print media in the latter half of the 19th century, first in newspapers and magazines.

The degree of tobacco advertising can be measured by expenditures. In the figure below (figure 1), the trend of advertising activity is presented as annual total sales of tobacco advertisements by Norwegian advertising agencies, 1959 to 1975. Sales are given in Norwegian crowns (NOK) for 1979 prices, VAT not included. During the entire period, the sales tripled. From 1960 to 1970 sales increased by 125% for all media. For magazines, however, the increase was 600% (1).

The tobacco-advertising ban was enforced on 1st July 1975; the obvious reason for the low 1975 figure. The relatively low figure for 1974 may be due to a slowing down of the industry’s marketing activities as the time for ban enforcement approached; it is not explained by a general lowered advertising activity, cf.”Counter attack”.

The extent of tobacco promotion in Norway measured by expenditures was moderate, however, compared with, for example, the United Kingdom and the United States of America (2). For 1974, expenditures per inhabitant on newspaper and magazine advertisements, movies, trade papers and outdoor posters were the equivalent of US$ 0.69 for Norway, US$ 1.00 for the United Kingdom and US$ 1.14 for the United States (all figures given in 1974 values). It should also be remembered that large sums were used in the United Kingdom and the United States for other promotional activities, which did not exist in Norway (gift coupons, sport sponsorship, etc.).

The amount of advertising in printed media can also be measured by area. The total quantity per year of tobacco advertising in two popular weekly family magazines, each with a circulation of more than 300,000 copies per week, was presented in a paper published recently; (see figure 2) (3). As magazines attract female readers in particular, it is interesting to note that the total area of tobacco advertisement increased 12 times in the ten-year period from 1964

1 In 2003, 1 US$ = NOK 6.85
to 1973; an increase much higher than for the total extent of tobacco advertising (figure 1). The share featuring women in the advertisements in the two magazines went up from 33% between 1955 and 1964 to 62% between 1965 and 1975, when 51% of the advertisements showed women smoking, against 31% men. Pre-1964 advertisements primarily contained information to smokers on price, type of tobacco, packaging and country of origin; after 1964 the advertisements developed a more universal appeal, associating smoking with various social situations marked by style, well being and comfort. It is obvious that the industry’s advertising activities focused increasingly on a female market.

Early recognition of the tobacco and health problem

In Norway, nongovernmental organizations (NGOs) play a vital role as pioneers of tobacco control. In the late 1950s, the Norwegian Cancer Society started disseminating information on the harmful effects of tobacco in the schools, and a small but active group, the Norwegian Tobacco and Health Association, started to lobby for an advertising ban, by sending its periodical to the parliamentarians and by visiting key politicians and lobbying for a ban.

At an early stage, prominent medical authorities became concerned with the health consequences of tobacco. Among them was the prominent pathologist Professor Leiv Kreyberg, who published several papers on smoking and lung cancer (4).

In January 1964, the Director General of Health Services released a report on “Cigarette Smoking and Health” (5), i.e. in the same months as the United States Surgeon General’s Committee issued its famous report “Smoking and Health”. Both reports were covered in the Norwegian press.

The Committee for research in smoking habits

Appointment of the committee

As early as February 1964, shortly after the release of the reports by the American and Norwegian health authorities (cf. “Early recognition of the tobacco and health problems”), the tobacco control issue was thoroughly debated in the Norwegian Parliament. A unanimous resolution was passed in which it was stated that:

… the Parliament requests the Government to set up a broadly based committee whose main task should be to plan the campaigns against harmful cigarette smoking.

In February 1965, at the initiative of the Director-General of Health Services, such a committee was set up (the Chair was the chief physician Kjell Bjartveit). The interdisciplinary Committee was given the following terms of reference:

… to submit a report, based on a comprehensive scientific analysis, on what measures can be implemented to counteract the adoption of smoking habits and to encourage the discontinuance of smoking or reduction of tobacco consumption.

The Committee’s report

In September 1967, the Committee’s unanimous report of 245 pages, “Influencing Smoking Behaviour”, was released (6).

The Committee recommended that tobacco control strategy should be based on a combination of information, restrictive measures and cessation activities. Lack of bal-

2 In 1969, the International Union Against Cancer (UICC) published a shortened English version of the report, cf. ref. no 6.

3 In 1971, the National Council on Tobacco and Health was established by Royal Decree.
The restrictive measures included a total ban on tobacco advertising, compulsory health warning on packages, an active price policy, maximum levels of emissions of specific harmful substances, restrictions on smoking in public transportation and indoor public spaces, and prohibition of sales to minors.

The Committee recommended that a permanent multidisciplinary council with a secretariat be established to supervise and coordinate the Government’s smoking control work.³

Since this report concentrates on the advertising ban, it should be strongly emphasized that this measure is only a part of the total programme.

The Committee’s report was covered extensively by the media, which focused almost entirely on the proposal for an advertising ban.

The Committee’s motives for an advertising ban

Although the entire Committee was responsible for its report, the chapter on an ad ban was written by one of its members, Professor Leif Holbæk-Hanssen, Professor of Distribution and Marketing Economics at the Norwegian School of Economics and Business Administration, and the country’s leading expert in this field. The Committee concluded:

… that the volume of tobacco advertising should be restricted as far as possible in the direction of a total ban of advertising as is practically enforceable. Even if advertising may perhaps not strongly affect present consumption, it must be considered that the fact that advertising is permitted may, on a long-term basis, be interpreted as indicating that the harmful effects of smoking have not been proved. The lack of advertising restrictions implies that those authorities that might introduce such restrictive measures do not use their powers. The implicit effect could be that the public consciously or unconsciously believes that smoking cannot be so dangerous, since “responsible” authorities still permit tobacco advertising.

In light of the above, the Committee is of the opinion that the main effect of a prohibition of the advertising of tobacco products is a clear signal of the seriousness with which the authorities regard the situation.

The Committee’s opinion is that the total effect of a prohibition against advertising would be:

— A possible direct and immediate effect on the development of total consumption, essentially by slowing down an expected increase.

— An effect beyond this through changes in attitudes of the public resulted from the well-defined position thus taken by the authorities in the relationship between tobacco smoking and harmful effects. The Committee is of the opinion that this will have an immediate and strongly smoking-negative effect. This immediate effect will decrease over time, but will still be present in a permanently negative labelling of all attempts of smoking-positive influence.

— A certain weakening of the competitive situation of Norwegian manufacturers versus foreign producers.

— A reduction in the advertising income of the press, estimated to be NOK 6-7 mill per year.

The term used by the Committee, “… restricted as far in the direction of a total ban on advertising that is practically enforceable”, was later applied by political bodies that discussed the subject.

Retrospectively, it may be said that the Committee was fairly correct in its predictions of the effect upon consumption (cf. “Effect upon consumption and smoking rates”).

Follow up on the committee’s report

The 1969 political party conventions

Between 1968 and 1969 political parties were engaged in drawing up their party’s public policy declaration ⁴ to be adopted by the party conventions before the General Election for the Parliamentary period 1969 to 1973 (7). In Norway, all nominees throughout the country are committed to their declaration, unless they have publicly reserved the right to their own opinion on a particular issue.

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³ A party’s public policy declaration before an election is a booklet that describes the party’s intentions in all sectors of public life during the forthcoming years. It is binding for the party and its MPs; the party would loose credibility in the electorate if it goes against its own declaration.
Traditionally, public health issues appeal to the electorate; when there is a threat to health, people demand action. This may be why four out of the five parties represented in the Parliament from 1969 to 1973, quite independently included an advertising ban in their public policy declaration. There is reason to believe that the 1967 report from the Committee for Research in Smoking Habits, and the publicity around it, had an influence upon this decision.

Of the five parties, the Conservatives did not include an advertising ban in their public policy declaration; most probably it was never considered. The three medium-sized parties in the centre (the Centre Party, the Christian Democratic Party and the Liberal Party) did so, which was not surprising; considering their ideological basis. Of particular importance, however, was that the same decision was made at the convention of the Labour Party. Here, the proposal came from the party’s women’s organization, and, in fact, was carried through by one dedicated woman, Mrs. Merle Sivertsen, in particular.

This meant that the MPs of the four parties were committed. Since together they formed a majority on the issue, the battle was, to a large extent, already won. In the author’s opinion, those few months prior to the General Election in 1969, were the most important period in the history of the Norwegian tobacco advertising ban.

One may ask where the opponent was, where was the tobacco industry when the political parties were drafting their manifestos? At that time the industry remained fairly silent on the issue. Perhaps the industry failed to see the writing on the wall and the upcoming political conventions. Or perhaps its communication with the international industry was inadequate, so that the threat was not apparent. It also is possible that Norway was looked upon as a remote market of minor importance, so that the snowball-effect on other countries was disregarded. In any case, the industry’s low profile in 1969 is surprising, at least compared with the international industry’s strong attempts today to present the Norwegian law as a failure. And as we shall see in section “Counter attack”, the Norwegian industry’s concern changed markedly shortly after 1969.

The 1969 White paper

In 1969, the Government included the Committee’s report in a White Paper to the Parliament, and in April 1970, the newly elected Parliament discussed it. The Parliament’s Standing Committee on Social Affairs endorsed the White Paper unanimously on all main points, thus marking a milestone. Since 1970 Norway has had an active government tobacco control programme.

Specifically, the Parliamentary Committee recommended working out a draft for an act that would impose as complete a ban on advertising that is possible to enforce in practice.

The legal drafting committee

In July 1970, the Government appointed a Committee to draft the Act proposed by the Parliament (the Chairs: Professor Anders Bratholm and Dr Juris) (8).

The Committee defined advertising as the ‘paid mass communication of information and ideas with the object of publishing the available offers and of creating definite attitudes in the consumers in such a way as to facilitate sale’. To start with, the Committee tried to list all forms of advertising that should be included in the ban. However, the Committee found it impossible to produce a list that would cover the future rapid pace of developments in the field of mass communication and advertising technique. Therefore, the Committee found that the purpose was best served by laying down a general principle in the text of the Act, that the advertising of tobacco products is prohibited. Branding all such activity illegal would give a clear signal that all the various stages in the communication-chain would be compelled to respect.

The Committee recommended that the Act empower the Ministry of Health and Social Affairs to grant dispensation from the fundamental principle in special cases, for example, if at some future date tobacco products can be produced that are not associated with health risks, and in the case of particular forms of advertising which, in practice, are difficult or impossible to control.

The general ban was also to cover tobacco products shown in advertisement of other goods or services. Although it may be held that, strictly speaking, such cases are not advertising of tobacco, the Committee thought that there was no reason to allow this form of advertising. First, it may have considerable smoking-positive influence, especially when it combines smoking with the use of typical status symbols. Second, certain tobacco manufacturers might try to make use of this kind of “sneak-advertising” to circumvent the general ban of tobacco advertising.

In April 1971, after nine months’ work, the Legal Drafting Committee presented its recommendations.
No more advertising of tobacco as from 1st July. No more bad examples to follow.

As from 1st July there will be no more advertising of tobacco in Norway …

The Parliament’s view is as follows: It hopes that the ban on the advertising of tobacco will imply that fewer young people than at present will start smoking. It is also hoped that more people than at present who smoke will stop doing so, or will reduce their consumption.

Tobacco smoking endangers health – no doubt about it. This has been established by research. Nobody believes that a ban on advertising will solve the problem. But it may perhaps contribute to a change in our smoking habits. Efforts to inform the public about smoking will be initiated at the same time as spreading information about the new Act.

We believe that all these elements combined will contribute towards improvement of our smoking habits, and thus to avoidance of serious disease. And that is the whole point.

The proceedings in Parliament

In June 1972, the Bill on the Tobacco Act was introduced by the Government, after gathering comments and opinions from all bodies concerned. To all intents and purposes the Bill was in accordance with the draft prepared by the Legal Drafting Committee.

In 1973, the Bill was debated in Parliament, which now was divided. The minority, the Conservative members, presented alternative proposals, which were much weaker than the Bill. The majority, the other four parties, supported the Bill, and even strengthened it. On 9 March 1973 the Act was sanctioned by the Royal Assent of the King in Council (9).

The two first sections of the Act adopted in 1973 read as follows:

— Section 1: The object of the Act is to limit the damage to health caused by the use of tobacco.
Section 2: Advertising of tobacco products is prohibited. Cigarette paper, cigarette rollers and pipes are regarded as tobacco products.

Tobacco products must not be included in the advertising of other goods and services.

The King may issue regulations concerning exceptions to the first and second paragraph.

Enforcement of the Act

In October 1974, the Ministry of Health and Social Affairs laid down regulations concerning the implementation of the Act, and on 1 July 1975, the Act entered into force. Outdoor advertising signs had to be removed before 1 January 1976.

The regulations defined ‘tobacco products’ to include cigarettes, cigars, smoking tobacco, chewing tobacco, snuff, cigarette paper, cigarette rollers and pipes. The term ‘advertising’ should be understood to include mass media advertising for market promotion purposes, hereunder pictorial representation, advertising signs and similar devices, exhibitions and the like, as well as the distribution to consumers of printed matter and samples etc. The regulations specifically pointed out the following forms of mass media advertising ‘as known today’: Ordinary written material in print, radio and television, film, outdoor advertising, special printed matter and samples, entertainment and gatherings (for example in connection with public performances and concerts), retail outlets and objects (for example, the use of named tobacco brands, pictorial representation and the like on objects such as playing cards, match-boxes, ashtrays, cloakroom tickets etc. intended for public use).

The Act was strongly supported by the public. In 1973 a survey of the population aged 16 to 74 showed that 81% were in favour of the ad ban and the compulsory health labelling.

Nonetheless, the Government found it necessary to introduce the Act to the public through large advertisements in all Norwegian newspapers and in selected magazines, picturing, for example, a small boy in cowboy outfit, staring admiringly at a giant photo of his cowboy hero, a John Wayne-like figure with a cigarette in his mouth, see figure above. The text in English of the advertisements is given in the frame. It shows that the authorities’ expectations as to the effects of the ban were realistic and modest. And again, it was emphasized that the ad ban was only one part of a comprehensive programme.

Procedure in cases of infringements of the Act – the 1970s and 1980s

In general, the introductory phase went smoothly. The tobacco industry and retailers were mainly loyal to the Act. Nevertheless, some attempts were made to exploit uncertainty, to balance on the edge of the law or actually break it.

Staff members of the Ministry and the Council kept an eye on possible infringements in newspapers and other printed material. Also, people’s reaction to such attempts occurred quickly. The health authorities were informed immediately about clear violations of the Act and about borderline cases open to doubt. Most obvious was a case where a traditional cigarette advertisement was printed by pure accident in a small magazine. Telephones began ringing – from the general public and the mass media.

In cases of reported infringements, or doubtful incidents, the following practice was established by the National Council on Tobacco and Health: All cases were sent to one of the Council’s legal members, whose professional reputation has been of the highest standard. Their evaluations were discussed by the Council, and then forwarded to the Directorate of Health for final decision. With rare exceptions, the Directorate agreed with the conclusions of the legal members and the Council. In cases of infringement, the Directorate approached the persons responsible. Its warnings carried various degrees of seriousness; the most significant being that a new offence would be reported to the police.

With very few exceptions in the 1970s and 1980s, this procedure was enough to stop further violation in the particular case.

Professor Asbjørn Kjønstad, Dr Juris, one of the Council’s legal members, and previous Dean of the Faculty of Law at the University of Oslo, published a review of the cases he evaluated during the first eight years, when an average of one case a month was dealt with in the way described. His conclusion is:

So far the Tobacco Act and those who enforced it have been victorious as regards the industry’s advertising drive.

And he gives three explanations for his view:

… First, there is a total ban on tobacco advertising in Norway, and it is therefore virtually impossible for the industry to find any loopholes in the law.
Second, most of the dubious issues have been thoroughly discussed in pre-legislative works. Problems arising in connection with enforcement can nearly always be solved by referring to pre-legislative work.

Third, Norwegian opinion and the National Council on Tobacco and Health have been keeping a watchful eye on the marketing practice of the tobacco industry. The authorities have cracked down on illegal advertising, thus preventing slip-ups.

Procedure in cases of infringements of the Act – recent years

The tobacco industry, however, did not give in. Confronted with the decline in sales since the Act took effect in 1975, (cf. “Effect upon consumption and smoking rates), the tobacco industry tried to circumvent the ban in a variety of ways. Great inventiveness was shown in order to bypass the ban.

In this context it is noteworthy that the tobacco industry’s new attitude occurred at a time when the industry organized a world symposium in Amsterdam in May 1986. One of the main themes of this symposium was “Successful Marketing in a Colder Climate”, and the programme preview said:

Discussions will centre on different ways of combating anti-smoking groups and will include presentations on successful marketing strategies in countries where severe restrictions operate.

In 1992, the National Council on Tobacco or Health published a report about the increasing use of indirect advertising. Brand names that were known as a brand for tobacco products were increasingly used to promote other goods and services. The report outlined the extent of these campaigns, the most widespread being advertising for the clothing brand Marlboro Classics, as well as Camel Boots and the Barclay Racing Experience. This led to a watering down of the total advertising ban that was intended by the existing legislation. Unless a very clear ban on indirect tobacco advertising was adopted, it was feared that in time, the advertising ban would be undermined.

Therefore, the Council proposed amendments of the Act that would make the law even clearer on this point. Not surprisingly, the tobacco industry expressed no need for further amendments. The Government, however, introduced a bill including a new section 2 of the Act, which against a small minority was passed by the Parliament. The amendments went into force on 1 January 1996. Among other things, the word “all” was added in the first sentence of this section of the Act, in order to make it clear that the ban on tobacco advertising was a total one. An additional provision pertaining to indirect advertising was also included. The Act now explicitly forbids this kind of indirect advertising:

The wording of the Act’s Section 2, cf. “The proceedings in Parliament”, is now as follows:

- All forms of advertising of tobacco products are prohibited. The same applies to pipes, cigarette paper and cigarette rollers.
- Tobacco products must not be included in the advertising of other goods or services.
- A brand name or trademark that is mainly familiar as a brand or mark for tobacco products may not be used in the advertising of other goods or services so long as the name or mark in question is used in connection with a tobacco product.
- Tobacco products may not be launched with the aid of brand names or trade marks which are familiar as, or used as, brands or marks for other goods or services.
- All forms of free distribution of tobacco products are prohibited.
- The King may issue regulations concerning exceptions to the provisions in this section.

In order to strengthen the monitoring of the Act, the Council employed a full time legal adviser on its staff in the mid 1990s to review, among other things, the cases concerning the advertising ban. Most of the cases concern minor infringements of the law, but the authorities still review various campaigns initiated by the tobacco industry. It is estimated that the total number of cases is approximately 20 per annum. Since 1990 only two cases have been prosecuted by the police; they were, however, dismissed on the grounds of insufficient evidence, and no cases have so far been brought to court.

5 Since 2002 the Council’s staff has formed a special department for tobacco under the Norwegian Directorate for Health and Social Services.
In addition, the Government has found it instrumental to introduce another enforcement of the Act, stating that those who break the law will be liable to pay enforcement damages to the authorities. In 2002, a Bill on this amendment was introduced to the Parliament, which is expected to be debated in 2003.

**The Parliamentarians’ motives in 1973**

Why did the Norwegian parliamentarians jump in with these restrictive measures? What were their motives and arguments?

*It is noteworthy that the politicians reached their decision without any advance proof of an effect of an advertising ban. And yet the MPs still voted for it.*

Most probably they accepted the reasoning for an advertising ban that had been given by the Committee for Research in Smoking Habits (cf. “The Committee’s motives for an advertising ban”). In addition, they noted that the Act was supported by the health authorities and health institutions, and by the nongovernmental health organizations.

In the debate in Parliament, the Minister of Health and Social Affairs, Mrs. Bergfrid Fjose, stressed that a conflict exists between the health authorities and those who produce and sell tobacco. If less tobacco is used, the result will be less tobacco produced and sold. In this matter the authorities responsible for health have to announce clearly on what side it stands. The opposition’s leading spokes woman, Mrs. Sonja Ludvigsen, emphasized that voluntary arrangements would not provide for effective limitation of the advertising efforts. She had hoped that the tobacco industry, for humanitarian reasons, at least, would refrain loyally from contributing actively to increased consumption. But, on the contrary, the industry had met every information effort and every report with increased and expanded advertising, aimed particularly at young people, most of all at young girls, whom the industry saw as an unexploited market.6

The author of this report followed the procedure in the Parliament closely, and was left with the impression that the parliamentarians’ decision was taken on one or more of the following grounds (11).

— a common sense judgement that the extensive, increasing, suggestive and technically advanced advertisements undoubtedly did have a substantial effect on young people in particular, recruiting them as new smokers;

— a recognition that to support massive campaigns against a dangerous product, and at the same time allow massive sales promotion campaigns for the same product could be looked upon as a double standard, an accusation that would be made by young people in particular;

— a desire to give a clear signal of the problem’s severity, and thereby strengthen the effect of campaign work. On the other hand, if they did not put an end to tobacco advertising, this could be interpreted as a signal that there is still some doubt about the danger, and this would weaken the effect of information campaign;

— the realization that the tobacco industry’s voluntary rules had not led to arresting the alarming increase in tobacco consumption, and that voluntary agreements would be regarded as compromises and half-measures without the clear signal effect that would be achieved by legislative ban;

— and maybe in addition to the arguments above: a pragmatic view that important values would not be lost by a ban and could by no means outweigh the value of positive health effects.

In other words: the ban was considered a matter of ethics. When dealing with an epidemic of such enormous dimensions, it would have been unethical to permit sales promotion for these deadly products to continue regardless of whether the ban would prove to have a substantial effect.

**The counter-attacks**

Resistance to the advertising ban came from organizations in the tobacco trade and in the advertising sector, and from parts of the press. In particular, the tobacco industry appeared strongly in the arena and gave comprehensive statements to the reports from the Committee for Research in Smoking Habits and the Legal Drafting Committee, where they argued vigorously against the ban.

In this work, the Norwegian tobacco industry established close contact with the international tobacco industry. This has been revealed in the so-called “Tobacco Documents”
that includes letters from the Norwegian tobacco industry (J.L. Tiedemanns Tobaksfabrik) to The Tobacco Institute in Washington D.C. (12):

Letter of 15 January 1973:

We have tried to make a last-minute effort to moderate or postpone the law, but under the present political circumstances this is very difficult. With a Prime Minister and the Minister for Social affairs from the Christian Democratic Party the anti-tobacco forces would unfortunately have a very strong backing in the Government.

Letter of 28 February 1973:

For your information, a Tobacco Advertising Ban has again been discussed by the Nordic Council. A working group will be set up with the purpose of establishing similar laws in the Nordic countries. An attempt from our side to postpone a law in Norway until the Nordic alternative had been discussed got unfortunately no response among the politicians.

Letter of 29 August 1973 concerning the regulations to the Act:

As expected, the present Government has followed a very restrictive line in their present draft.

The Tobacco Manufacturers Association of 1901 has set down a working committee to prepare the comments which are asked for in the enclosed letter dated August 16th from the Ministry. As you will see, any remarks should be sent to the Ministry by October 15th, 1973. The writer is a member of this working committee and any comments you might have will be highly appreciated.

Needless to say, the Norwegian tobacco manufacturers will do their utmost to moderate the regulations, but under the present Government this will be a very difficult task. It is doubtful whether the Government will survive the Parliament elections in September, but even with a new labour Government we can hardly expect any major amendments in the regulations”.

What were the opponents’ arguments? The preamble to the Bill summarizes the counter-arguments, and the main points are repeated below, together with some comments on subsequent developments to the specific argument (this overview has been published previously together with graphs or tables which substantiate the conclusions) (1, 11, 13).

The opponents claimed that an ad ban would:

1. weaken the competitive situation of the Norwegian advertising industry
   Subsequent experience:
   There has been a continuous increase in the annual turnover of the advertising agencies, and in the two eight-year periods before and after introduction of the ban, the average increase was 3.6% before, and 4.3% after; it means a higher increase after the ban.

2. weaken the competitive situation of Norwegian manufacturers versus foreign producers.
   Subsequent experience:
   The cigarettes most commonly smoked in Norway are hand rolled. Before the ban, Norwegian brands accounted for about 95% of smoking tobacco used for hand rolled cigarettes. This fraction has been fairly constant over the years since the ban. The market share of Norwegian brands of manufactured cigarettes has declined at the same rate throughout the whole period; it dropped by about two-thirds from 1965 to 75, and by about two-thirds from 1975 to 1985, the ten-year periods before and after enforcement of the ban.

3. cause reduced employment in Norwegian industry.
   Subsequent experience:
   The number of employees in the tobacco industry dropped continuously before and after introduction of the ban. The mean annual change was about the same in the two ten-year periods before and after enforcement, with a 2.7% reduction before and 2.6% reduction after. There is no evidence that the ban has had any influence upon the general employment situation in Norway.

4. worsen the economic situation of the press.
   Subsequent experience:
   From 1967 to 1975, eight years before the ban, sales of advertisements, of all kinds, to Norwegian newspapers increased annually by a mean of 3.9%, as against a 5.6%, annual increase in the eight-year period after enforcement; that is to say a higher increase after the ban.
5. preclude the steering of consumption over to less hazardous products.

Subsequent experience:
Denmark and Norway differ as regards restrictions on advertising; Denmark has never had a ban. In the years following the ban, the average tar content per cigarette sold has decreased as rapidly in Norway as in Denmark, and proportions of cigarettes with tar yields up to 15 milligram increased at least as fast in Norway as in Denmark. Another example: In 1984, one company introduced a new cigarette, claiming that tar delivery was as low as one milligram. This was reported in the press, but there were no advertisements. Nevertheless, within one year the market share of this particular brand increased from 0 to 6%. So, the ad ban has not obstructed a shift to low tar cigarettes.

6. be contradictory to the Constitution’s provision concerning freedom of expression.

Subsequent experience:
A legal expert, Professor Torkel Opsahl, Dr Juris, who was employed by the tobacco industry to evaluate this question, concluded in his report:

In the main I must agree with the Legal Drafting Committee that the protection of the freedom of expression will not be legally affected by the provisions which it proposes.

This conclusion must have come as a disappointment to the tobacco industry, and is not referred to at all in its comments. The Ministry of Justice received Professor Opsahl’s report and the industry’s statement, and said that the Ministry… agrees with the conclusion reached by Professor Opsahl, namely that the proposal cannot be assumed to violate the Constitution’s protection of the freedom of expression.

After enforcement of the ban, the legal opinion of Professor Opsahl and the Ministry of Justice has been generally accepted in Norway.

7. be extremely difficult to implement and would lead to extensive problems for the prosecuting authorities in their enforcement of the Act.

It suffices to refer to the section: “Procedure in cases of infringements of the Act” above, which shows that implementation of the Act, in general, went smoothly. New problems have been dealt with appropriately in order to fulfil the aims of the Act.

8. little effect upon total consumption of tobacco.

This question is discussed in the next chapter of this report. In this context, however, it is remarkable to see that parts of the industry, at the least, have a more nuanced view now upon this problem, which has been disclosed in the Minnesota documents (12). On 27 February 1986 a letter was sent from Philip Morris to the chairman of the Norwegian tobacco manufacturers’ association (NMA). The letter comments upon a draft prepared by the NMA to the Norwegian health authorities:

In the final sentence of the NMA’s conclusion, we suggest that it is misleading to state that the government’s ban on advertising in Norway and other measures introduced by the National Council on Smoking and Health have had no particular influence on smoking habits.

Philip Morris maintains that any objective analysis of research on cigarette consumption is highly complex, that a number of factors impact consumption and that it is very difficult to make generalized statements on the data.

This view may perhaps be based upon a report which at the end of the 1980s was prepared by a Norwegian researcher at the University of Oslo, Professor Jon Hovi. Philip Morris had hired him to carry out an econometric study of the effect of the Norwegian advertising ban. Obviously, Hovi’s results differed from what Philip Morris expected. The report was retained from publicity, and the researcher was bound to secrecy. Nevertheless, Philip Morris sent a statistician from abroad to see Professor Hovi, and this statistician put forward some suggestions concerning methods and control variables. Hovi’s results, however, remained the same (14, 15).

Effect upon consumption and smoking rates

This question has been discussed in details in a special report (1), that is also available on Internet7. Some of the essential points will be summarized below. Problems in measuring the effect of an advertising ban have been taken up elsewhere (14, 16).

7 See: www.kreft.no.
Per capita consumption of tobacco

The figure below shows registered sales of manufactured cigarettes plus smoking tobacco per adult aged 15 and above. Sales per capita rose considerably during the 1950s and 1960s, and reached a peak in the mid-1970s. Since then they have dropped, and are now below the 1950 figures. The actual peak year was 1975, the year when the Act was enforced.

When interpreting the Norwegian sales figures, one must take into account the widespread habit in Norway of “roll-your-owns”, which come out much cheaper than manufactured cigarettes. In 1975, when the advertising ban was introduced, about two-thirds of all cigarettes smoked in Norway were hand rolled. Since then, however, the fraction of hand-rolled cigarettes has decreased substantially, probably due to the population’s greater prosperity.

In order to gain a true picture of the Norwegian scene, one has to calculate Norwegian sales figures in grams, assuming the weight of one manufactured cigarette to be 1 gram (which results, however, in an overestimate of the total consumption for recent years, since the weight of one manufactured cigarette has decreased from about 1 gram in 1975 to about 0.75 gram from the mid-1980s onwards) (1). This gives the following picture of sales trends, calculated as registered sales of grams of tobacco per adult 15+:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufactured cigarettes</td>
<td>561</td>
<td>716</td>
</tr>
<tr>
<td>Smoking tobacco</td>
<td>1 539</td>
<td>550</td>
</tr>
<tr>
<td>Total</td>
<td>2 100</td>
<td>1 266</td>
</tr>
</tbody>
</table>

This positive development may be expected to accelerate in the future, when a lower consumption in the younger generations (see figure 4) will have an increasing impact on total consumption.

Today, lung cancer mortality in Norway is only half that already experienced in countries with a history of longer and heavier smoking like the United Kingdom and Canada (2, 13). Given the new trend of consumption in Norway since 1975, the country will never reach these countries’ high level of mortality. An essential health benefit has been achieved already. As a matter of fact, lung cancer mortality in males culminated between 1985-1990 (17).
Smoking rates in young people

There are reasons to believe that young people are more susceptible to advertising than are adults, hence, an ad ban is presumed to affect smoking incidence rates in the younger age groups more than it affects smoking cessation rates in adults (1). Therefore, it is of interest to compare smoking prevalence among persons who grew up in a climate free of advertising with those of persons who went through their adolescence before the ad ban was introduced.

Schoolchildren

As early as 1957, the Norwegian Cancer Society conducted a nation-wide study of smoking habits among Norwegian school children in the upper grades of compulsory school. The study was carried out in a representative sample of Norwegian schools. The Cancer Society repeated the study in 1963 (1).

From 1975 onwards, the National Council on Tobacco and Health has carried out surveys every fifth year among all schoolchildren in the upper grades of the compulsory school throughout the country, with attendance rates of more than 90%. From this universe (results for more than 150000 students), a representative sample has been drawn and sent to the Council for statistical analysis (1).

The results from these surveys are presented in the figure above. Two features are striking. First, up to the mid-1970s, smoking rates rose considerably in both sexes, particularly among girls, whose smoking rates increased from 1% in 1957 to 17% in 1975. During these years, the tobacco industry ran extensive advertising campaigns aimed especially at a female market, cf. “Tobacco advertising in Norway”. It may be objected that it is not known what happened between 1963 and 1975, and therefore, that the peak year does not necessarily coincide with the enforcement of the advertising ban. However, another series of surveys, carried out annually in the age group 15 to 21 in the cities of Oslo and Bergen, show that the peak was reached in the mid-1970s (18, 19). The highest percentage of daily smokers was found in Oslo in 1974 and in Bergen in 1975.

The second feature from this figure is that in 1975, the Tobacco Act was enforced. By 1980, smoking rates among young people were declining for both sexes, and continued to do so for 20 years. A small increase in the year 2000 gives reason for concern (cf. “Could the results have been better?”).

Young adults

This age group may also have been increasingly influenced by the ad ban.

Since 1973, Statistics Norway has carried out annual surveys of smoking habits in representative samples of the adult Norwegian population aged 16 to 74.

The figure above shows the percentage of daily smokers by age and sex in young adults aged 16 to 24. As a whole, in the years following the enforcement of the advertising ban, there were clear downward trends in both sexes. Since the late 1980s, however, these trends have levelled off.

Smoking rates in the total population

In the series of surveys carried out by Statistics Norway, the figures for the total adult population aged 16 to 74 show, as a whole, a downward trend for men and a fairly stable trend for women. In 2001 the percentages of daily smokers were 30.3 for men and 29.3 for women; for the first time the female rate came under 30%. Mean cigarette consumption in daily smokers was 14.0 per day for men and 11.2 cigarettes per day for women.
However, crude rates for a total population may disguise important developments in different age groups. Broken down by age and sex, smoking rates in males aged 45 to 64 have dropped about 35% since 1973. For females, only small changes are seen, except in the youngest age group, 16 to 24 years. In women aged 55 and over the trend is upward.

When interpreting the data for middle-aged and elderly women, it is necessary to take into account a marked cohort effect, as described elsewhere (1, 20, 21). In previous years, smoking was uncommon in these age groups. After World War II, there was a dramatic increase in smoking among younger women, who maintained their smoking as they grew older. In the individual female birth cohorts, however, there is a distinct drop in smoking prevalence.

The decrease in smoking – other explanations?

As shown, tobacco consumption and young people’s smoking rates have decreased considerably since the mid-1970s. One may ask what the cause is of this marked break in trends. Something new must have happened in the 1970s that had not been experienced before. No data substantiate that this change was due to huge price increases or to restrictions on smoking in public places and at work. The only reasonable explanation is that the ad ban has played an important role in this new trend (1).

A study employing econometric techniques has suggested that the Norwegian Act enforced in 1975 brought about a long-term reduction in tobacco consumption of 9% to 16% (22). It is not possible to quantify exactly how much of this reduction can be attributed to the advertising ban itself, but, in the view of the minor nature of the other provisions of the Act, the ad ban is likely to have accounted for the major part.

Could the results have been better?

The ad ban was intended to be one element of a comprehensive package, which should include the full range of anti-tobacco measures (cf. “The Committee’s report”).

Regrettably, from the mid-1980s this did not turn out as well as hoped for; and thus, the advantage of the ad ban was not fully exploited. Price mechanisms were used to only a minor degree, and the resources for information and education were relatively small. This may explain why the trends regarding young people’s smoking rates have been less favourable in recent years than previously.

From the late 1990s, however, there developed a marked increase in government funding for tobacco control purposes, and new initiatives have been taken in terms of health warnings on packages, on smoke-free indoor environments and on cessation. In light of these latest signals from the authorities, some of the lost ground may be recovered.

Conclusions

In the author’s view, sooner or later Norway would have had an advertising ban. That it was achieved so soon, was brought about by many sectors, among them people from various professions who, with great skill and drive, took the cause from one step to the next. NGOs lobbied actively for the ban. Not the least the 1969 political party conventions played a crucial role. Determined politicians were willing to put the interests of public health before those of the tobacco enterprise, although they did not have any advance proof of the effect of an ad ban.

As a whole, the implementation of the ban has been successful, in spite of heavy resistance from the tobacco industry. The Government has responded by new steps to counteract the industry’s attempts to circumvent the ban.

The industry’s arguments were the same as we run into today in many other countries. Today Norway has 27 years experience with the Act, and all the pessimistic and tragic events the opponents of the Act predicted have not occurred. All difficulties were highly exaggerated. No one has suffered, no values have been lost, and there has been no serious recommendation to return to tobacco advertisements.

A cautious conclusion would also be that the advertising ban, with the concomitant publicity throughout the legislative process, has had an impact on consumption and young people’s smoking, and in combination with the continued educational efforts was a causal factor in the new trend.

This view is also shared in letters from political authorities (1). In June 1997 the former Health Minister, Professor Gudmund Hernes, PhD, made the following statement:

...there is no doubt that the Norwegian advertising ban has had a clear and substantial influence on total consumption in general, and smoking rates among school children in particular. In my view the reduction brought about by the advertising ban will have a positive and marked impact on the future.
incidence of smoking-related diseases, and consequent mortality.

In May 1998 the present Health Minister Mr. Dagfinn Høybråten stated:

I share the view that the ban on advertising of tobacco products has had a marked and beneficial influence upon tobacco consumption and young people’s smoking rates in Norway. In my opinion, however, the effect of legislation could have been even better if the ban had been accompanied by a much more active and offensive use of other smoking control measures, in particular, health information and education. Shortly after I took office, I presented a proposal to increase the grant for such activities. My intention is to maintain a considerably higher involvement in a comprehensive smoking control programme, including legislative measures.

In 1993 the 3rd International Conference on Preventive Cardiology was held in Oslo. In an address to the Conference, the Norwegian Prime Minister Dr Gro Harlem Brundtland brought the advertising ban to a global perspective (23):

Most outrageous is the fact that the tobacco industry, to serve its own interests in developing countries, is taking on the role of a benefactor which encourages the growth of tobacco crops, but at the same time advertises a Western lifestyle with cigarettes as the major symbol…

We can and should put an end to all sales promotion of tobacco. It should not be too much to ask governments to abolish such marketing activities altogether.

References


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