
AMA submission to Commonwealth Department of Health Review of Tobacco Control Legislation

tobaccoreview@health.gov.au

As the peak professional organisation representing medical practitioners in Australia, the Australian Medical Association (AMA) welcomes the opportunity to provide feedback on the Commonwealth Department of Health's Review of Tobacco Control Legislation, specifically the *Tobacco Advertising Prohibition Act 1992* and *Tobacco Plain Packaging Act 2011*.

Tobacco smoking is a leading risk factor for chronic disease and death, including many types of cancer, respiratory disease, and heart disease. Two out of three smokers will die as a result of their smoking.ⁱ Australia is considered a world leader in tobacco control.ⁱⁱ Reducing the rates of tobacco smoking within the Australian community is critical for a healthy and productive nation. The AMA has actively supported a range of legislation, regulation, and other policy measures that seek to reduce smoking rates, including preventing the uptake of smoking among young people. The AMA's Position Statement *Tobacco Smoking and E-cigarettes – 2015* highlights the need for ongoing measures around tobacco control, specifically:

- Continued changes in the social climate so that smoking is no longer viewed as normal, but is regarded as unhealthy and unnecessary;
- Continued changes to the economic and legislative climate so that cigarettes are less readily available, and influences such as advertising and the media that promote smoking are diminishing, and educational programs on the hazards of smoking are supported and reinforced; and
- Multifactorial approaches to assess and support cigarette smokers in quitting, including strategies targeted at individual smokers, use of taxation, and encouraging smoke-free environments.

Despite concerted efforts, Australia fell short of the goals set out in the *National Tobacco Strategy 2012-2018* which aimed to halve the rate of smoking among Aboriginal and Torres Strait Islander people (over the 2009 baseline) and to reduce the rate of smoking in the broader population to 10 per cent.ⁱⁱⁱ Many of the tobacco control measures that have been implemented in Australia have contributed to declines in smoking, but recently these declines have slowed.^{iv} Australia cannot afford to become complacent. Tobacco control measures must be sustained and extended if we wish to see continued declines in smoking.

Tobacco Advertising Prohibition

Under the *Tobacco Advertising Prohibition Act 1992*, tobacco advertising is defined as being:

any writing, still or moving picture, sign, symbol or other visual image that gives publicity to, or otherwise promotes or is intended to promote, smoking or the purchase or use of tobacco products.

Tobacco advertising glamorises smoking. It entices non smokers to try smoking, particularly young people. For smokers it acts as a cue and can reinforce a sense of belonging to a particular social group. Tobacco advertising prohibition legislation and related regulations recognise that it is not appropriate to advertise or promote these addictive and often lethal products. Tobacco advertising prohibition is a key pillar in Australia's tobacco control efforts and there can be little doubt that it has contributed to declines in smoking as well as reducing uptake among the young.

Today Australian's are unlikely to be exposed to overt tobacco product advertising in traditional print or broadcast media, but efforts to reduce exposure to online advertising and promotion have been less successful. While online advertising and promotion is an offence, the international nature of online content makes it inherently difficult to police. Tobacco companies are also becoming more sophisticated in their approaches to advertising. One area of significant concern is the utilisation of social media platforms to increase the visibility of tobacco products and branding. The Tobacco Promotion Impact Study confirms this concern, with 29 per cent of the young participants confirming their exposure to online tobacco advertising and 26 per cent reporting exposure to tobacco branding online. Concerningly, it appears that at least some of the advertising is targeting groups who may be more vulnerable to the pressure to take up smoking (participants who were younger, female and from lower socio-economic backgrounds and never smokers were more likely to report exposure).^v

Recommendation: Tobacco advertising prohibitions must continue with a specific focus on reducing exposure to online advertising, including social media groups that glamorise tobacco brands or products.

Product placement and popular depictions of smoking

Product placement within broadcast media is one way that tobacco companies continue to promote their products. Young people are known to be particularly vulnerable to this kind of advertising.^{vi} The U.S. Surgeon General unequivocally concluded that exposure to onscreen smoking in movies causes young people to start smoking.^{vii} Unfortunately, 6 in every 10 (57 per cent) of PG-13 movies showed smoking or other tobacco use. Further, in youth rated movies the depictions (or incidents) of tobacco of approached historically high levels (n = 34).^{viii} It is safe to assume many Australian children and young people are exposed to the same movies. It is time to recognise that tobacco product placement is another form of advertising and promoting tobacco products. The Australian Government should thoroughly consider the avenues it has available to reduce exposure to this kind of advertising. One potential approach that might be suitable for the Australian context is the addition of a warning at the start of a movie or program that alerts the viewer to the depiction of smoking, in the same way that viewers are alerted to other sensitive content such as drug use, violence and coarse language.

Recommendation: Depictions of tobacco smoking, and tobacco products placement continues to be observed in broadcast media, despite clear evidence that it may encourage young people to take up smoking. The Australian Government must recognise the impact of this kind of advertising and seek to reduce exposure to it, particularly among children and young people.

New products

In the context of well-established evidence that tobacco smoking causes cancer, and the resulting declines in smoking rates, it is not surprising that the tobacco industry has recognised the potential in products that either maintain or establish a nicotine addiction. Nicotine is extremely addictive, a fact the tobacco industry has capitalised on for decades. The growth in smoke-free and e-cigarette products has

provided opportunities for sections of the tobacco industry to rebrand themselves as part of the effort to reduce smoking. Sporting and other organisations may be prone to accepting these sponsorship arrangements with tobacco companies who claim to be marketing these 'newer nicotine products'.

The regulation of e-cigarettes in Australia is complex. While some States and Territories have introduced laws specifically addressing e-cigarettes, in other jurisdictions e-cigarettes are regulated by a number of more general laws relating to poisons and therapeutic goods.

The lack of consistency and small technical loopholes create confusion not only in relation to the availability of e-cigarettes, but also confusion around their safety and efficacy as cessation aids. The AMA would like to see more regulation around the advertising and marketing of e-cigarettes. Specifically, the AMA believes that the same restrictions, as set out in the *Tobacco Advertising Prohibition Act 1992*, should also apply to e-cigarettes. The AMA would also welcome moves to address the inappropriate advertising of e-cigarettes as cessation aids. It is important that all consumers, including those who are considering a quit attempt, are accurately informed about the products available to them.

Recommendation: The marketing and advertising of e-cigarettes should be subject to the same advertising and promotion prohibition as tobacco products such as those contained in the *Tobacco Advertising Prohibition Act 1992* and related regulations.

Plain tobacco packaging

Tobacco packaging has been used to convey social messages around social status, values and character, and there is evidence that it worked. There is also evidence that tobacco packaging was used to promote misperceptions about the risks associated with tobacco smoking including that a particular brand was lower in strength, lower in tar and lower in health risks.

The specific aims of the *Tobacco Plain Packaging Act 2011* are to:

- reduce the appeal of tobacco products to consumers;
- increase the effectiveness of health warnings on retail packaging of tobacco products, and
- reduce the ability of retail packaging of tobacco products to mislead consumers about the harmful effects of smoking.

The legislation and related regulations are another important pillar of tobacco control efforts in Australia. The evidence supporting the implementation of plain tobacco packaging was supported by qualitative and experimental research studies comparing plain packs with branded packs, as well as by several decades of research that established the causal role of tobacco marketing in the initiation of tobacco use and the beneficial impact of tobacco marketing restrictions on reducing tobacco uptake and use.^{ix}

Post-implementation research on plain tobacco packaging in Australia confirmed that the measure succeeded in meeting the intended targets.^x Importantly, young people have been found to be both sensitive to, and supportive of, plain tobacco packaging.^{xi} Plain tobacco packaging also undermines brand loyalty among smokers, and it has also been associated with reduced smoking behaviour and increases in quit intentions and quit attempts.^{xii} This effectiveness of plain tobacco packaging is further reinforced by the extent to which tobacco companies undermine efforts to implement it in other countries.^{xiii}

Recommendation: Plain tobacco packaging is an important and effective component of Australia's tobacco control efforts and the legislative and regulatory requirements should be maintained.

Summary

The AMA supports tobacco advertising prohibitions and plain tobacco packaging. The *Tobacco Advertising Prohibition Act 1992* and the *Tobacco Plain Packaging Act 2011* (and associated regulations) are part of the suite of measures needed to support continued declines in tobacco smoking in Australia. However, tobacco companies continue to pursue avenues for advertising and promotion of tobacco products. The AMA has specific concerns about exposure to online tobacco advertising and promotion, onscreen tobacco product placement and the marketing and promotion of e-cigarettes. Existing legislation may need to be strengthened, or expanded to ensure that Australians continue to be protected from the inappropriate advertising and marketing practice of tobacco companies.

While it is not the focus of this inquiry, it is worth noting the recent expiration of the *National Tobacco Strategy 2012-2018* and the importance of a new comprehensive, and well-funded Strategy to ensure continued declines in smoking and that Australia continues to be a world leader in tobacco control. A new Strategy must include dedicated funding for a comprehensive national counter advertising campaign to ensure that there is no confusion about the health risk associated with tobacco smoking.

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Contact

Josie Hill
Senior Policy Adviser
Public Health Section
Ph: (02) 6270 5446
jhill@ama.com.au

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