E-cigarette marketing in the UK

Evidence from adult and youth surveys and policy compliance studies

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Executive Summary

Background

Electronic cigarettes (e-cigarettes) are battery-powered devices that heat a liquid, usually containing nicotine, to allow users to inhale the vapour. The evidence so far suggests they are far less harmful than smoking and can help people to quit smoking.[1] However, as e-cigarettes are a relatively new product and their long-term effects are unknown, they should not be used by people who have never smoked, particularly young people.

In 2016 and 2017, regulations were introduced to help ensure that e-cigarette advertising is socially responsible. This means protecting young people, minimising conflation between e-cigarettes and tobacco, and preventing uptake of e-cigarettes amongst people who don't smoke or use nicotine.[2] The *Tobacco and Related Products Regulations 2016* (TRPR) set rules on how e-cigarettes can be advertised and prohibited marketing in specific media channels.[3] Subsequently, the UK Advertising Standards Authority (ASA), Committee of Advertising Practice (CAP) Code and Broadcast Committee of Advertising Practice (BCAP) Code, updated in 2017, set out further advertising regulations in CAP Code Rule 22 and BCAP Code Rule 33.[4,5]

The overall aim of this report was to assess compliance with and the impact of the current UK e-cigarette marketing regulations. The UK Government is obliged to review and deliver a report on the TRPR within five years of the legislation being enacted, by May 2021. This report will help to inform the Government's review.

This report brings together two complementary studies to provide a description of e-cigarette advertising spend, advertising content, compliance with advertising regulations, and reported noticing and appeal of e-cigarette marketing. Study A consisted of an analysis of e-cigarette advertising expenditure in the UK in 2019 and a detailed content analysis of a sample of advertising taken from the same year.[6] Study B consisted of an analysis of survey data from the International Tobacco Control Policy Evaluation Project (ITC Project), which measured reported noticing of e-cigarette marketing by young people (16 to 19-year-olds) between 2017 and 2019, and adults (aged 18 and older) between 2016 and 2018 in a broad range of marketing channels.[7,8]

Key Findings

In general, e-cigarette advertising in the UK complies with current regulations

Analysis of e-cigarette advertising expenditure in 2019 showed that 99.9% of spend reported occurred in media channels where e-cigarette advertising was permitted under the TRPR, suggesting good compliance with this aspect of the TRPR. Social media was not included in the expenditure analysis as no data were available.

Detailed content analysis additionally demonstrated good compliance with ASA CAP Code Rule 22 in all channels except for social media (Instagram). All Instagram adverts in the sample were considered in breach of CAP Code Rule 22.12.

Youth noticing of e-cigarette marketing has stabilised in prohibited channels in England

Results from the ITC survey indicate that the TRPR has prevented further increases in youth noticing e-cigarette marketing in prohibited channels in England. In England, between 2017-2019, noticing of e-cigarette marketing amongst youth (aged 16 to 19) was relatively stable in prohibited channels, including websites/social media and television/radio. However, in the US and Canada, where marketing was not uniformly prohibited, youth noticing of e-cigarette marketing in the same channels increased.

Adult noticing of e-cigarette marketing has decreased on television, radio, posters, billboards, newspapers and magazines in England

Among adults (aged 18 and over) who currently or formerly smoked or vaped, there was a significant decrease in noticing e-cigarette marketing on television, radio, posters, billboards, newspapers and magazines between 2016 and 2018 in England, a trend which was not evident in Canada and the US. Under the TRPR, e-cigarette marketing on television, radio, newspapers and magazines was prohibited in England, whereas e-cigarette marketing in those same channels was not uniformly banned in Canada and the US at the time of the surveys. This finding suggests the decrease observed may be a result of TRPR prohibitions. However, as posters and billboards are permitted channels in England and were also included in the measure, it is not possible to conclusively determine whether the overall decrease was attributable to TRPR prohibitions. ITC survey data shows the decrease in noticing e-cigarette marketing observed across these channels in England occurred in adults aged 25 and over, while noticing remained stable in adults aged 18 to 24 in these channels in the same time period.

Young people notice e-cigarette marketing in permitted channels in England, and their overall noticing of e-cigarette marketing has increased

Despite relatively stable levels of noticing e-cigarette marketing in prohibited channels, there was an overall increase in young people reporting noticing things that promote e-cigarettes between 2017 and 2019. The increases were most prominent in youth noticing of marketing on billboards and posters, taxis, buses and public transport, which are permitted channels in England.

Young people generally notice e-cigarette marketing more than adults across almost all channels

Young people generally noticed e-cigarette marketing more than adults across almost all channels, with a particularly stark contrast observed for marketing on billboards (31.4% of young people vs 5.9% of adults reporting noticing). Similarly, young people who had never smoked or vaped reported noticing e-cigarette marketing more than adults who smoke across almost all channels. This is concerning as the intended purpose of UK regulations on e-cigarettes is to minimise promotion to young people, whilst allowing promotion to adults who smoke and vape.

Young people notice e-cigarette marketing on websites/social media, which is challenging to regulate

Noticing of e-cigarette marketing on websites/social media remained stable but high among young people between 2017 and 2019 (41.1– 43.8%). And, as also seen across almost all other channels, young people noticed e-cigarette marketing on websites/social media more than adults (41.1% of young people vs 14.0% of adults in 2018).

Detailed content analysis of Instagram adverts found all Instagram posts in the sample – on both public and private Instagram accounts – to be in breach of the TRPR (CAP Code 22.12). In line with ASA rulings in December 2019, all Instagram posts on public accounts are in breach due to the ability for content to be pushed onto other users without them seeking it out or providing opt-in consent.[9] Private Instagram accounts were deemed to be in violation of the TRPR, as none of the accounts in the sample contained only factual content about a product.

Marketing of e-cigarettes is appealing to more than a third of young people

More than a third of 16 to 19-year-olds believed that e-cigarette marketing made vaping seem either appealing or very appealing, despite the introduction of the CAP Code Rules (22.9 -22.11) to limit appeal to young people and children.

Good compliance was generally observed for the CAP Code Rules aimed at protecting youth. However, ambiguity in the CAP Code meant compliance with some rules was difficult to determine. It was not possible to tell in 34% of adverts if people depicted were aged under 25 (CAP Code 22.10). Additionally, in 62% of adverts it wasn't possible to tell if they were targeted at under 18s (CAP Code 22.11), as no information on the placement of the ad was available. For example, it was not possible to determine whether outdoor adverts appeared in locations where more than 25% of the people seeing the ad would be expected to be under 18s, such as close to schools.

Young people increasingly believe e-cigarette marketing is targeted at people who don't smoke

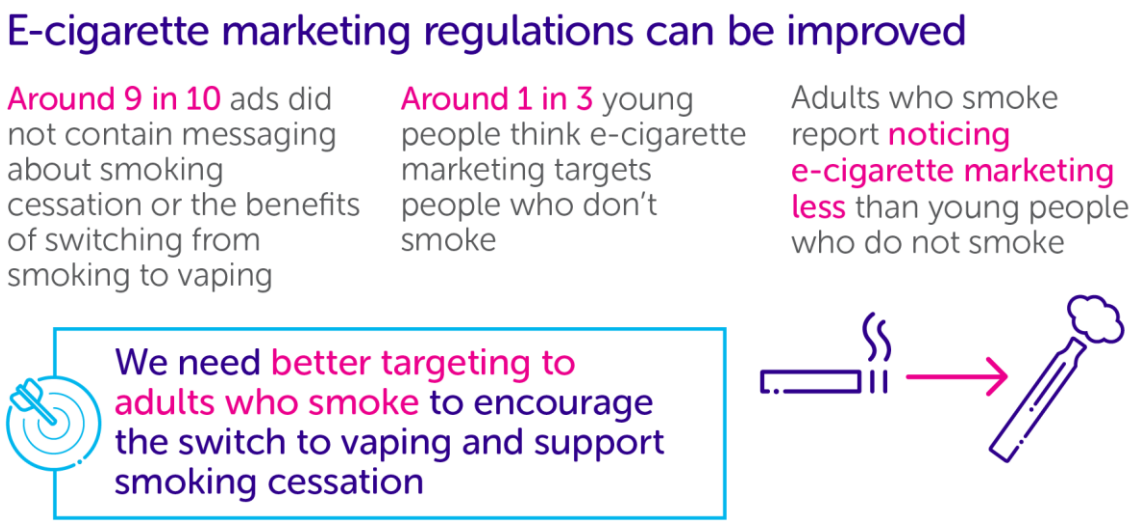
Around a third of young people believe e-cigarette marketing targets people who don't smoke. This proportion has increased from 30.3 % in 2017 to 33.9% in 2019, a small but statistically significant increase.

Detailed content analysis revealed that, for 25% of ads, it could not be determined whether the

advert would encourage e-cigarette use among people who don't smoke or use nicotine products (CAP Code Rule 22.8). These adverts contained imagery or messages that could appeal to a broad range of people and did not explicitly state they were only for people who smoke or vape.

Consistent with current regulations, most e-cigarette advertising does not focus on smoking cessation

Around 90% of adverts did not feature messages relating to smoking cessation or presenting e-cigarettes as an alternative to tobacco. This might be because marketers are cautious of breaching CAP Code Rule 22.5 by making medicinal claims. The ASA advises marketers should not claim or imply that their product can act as a smoking cessation device, unless it is authorised for those purposes by the Medicines and Healthcare Products Regulatory Agency (MHRA). 94% of adverts did not contain any medicinal claims and around one-fifth (21%) of adverts explicitly stated that the product was not a cessation product.



Requirements for consumer protection messages are unclear, and messages are not easy to read when provided

24% of adverts analysed did not contain a nicotine content statement, which is mandatory under CAP Code Rule 22.7 if the product contains nicotine. 5% of adverts without nicotine content statements were for nicotine-containing products and should have included a statement. However, it is not clear whether the remainder of the adverts which did not contain nicotine statements were in breach of Rule 22.7. These adverts either promoted devices (such as e-liquid shortfills) to which nicotine may or may not be added, or were adverts which did not directly refer to a specific product but which indirectly promoted the name of a brand or specialist retailer whose product range included nicotine-containing products.

Where consumer protection messages (including the mandatory statement on nicotine content) were observed, messages were considered to have low visibility, bringing into question how informative they were to consumers. In almost 4 in 10 adverts (38%), consumer protection information occupied less than 1% of the overall ad space. The consumer protection messages were considered to be easy to read in 35% of ads.

What should Government do?

E-cigarette advertising should be primarily targeted at and appealing to people who smoke. It should never target people who have never smoked, especially young people. Regulation on e-cigarette advertising should limit people who neither smoke nor vape, and youth especially, from noticing and being attracted to e-cigarette advertising. It should also allow adverts to effectively target people who smoke to encourage them to quit. Our findings suggest that despite relatively good compliance with the regulations, the current rules may not be sufficiently achieving these aims.

Cancer Research UK is calling on the UK Government to:

Ensure e-cigarette adverts appeal to the intended target audience and are addressing barriers to switching.

The ASA should clarify the CAP/BCAP Rules prohibiting e-cigarette marketing communications from containing unverified medicinal claims.

Proportionate MHRA licensing of e-cigarettes as medicines which are proven to support smoking cessation should be implemented. Research should be conducted to identify and solve the barriers preventing manufacturers from seeking such licensing for their e-cigarette products.

Reduce appeal to youth

More research should be commissioned to better understand what regulations would be most effective at limiting the appeal of e-cigarette adverts to youth. Further guidance on the use of imagery and the depiction of people in e-cigarette adverts is also needed.

Improve consumer protection messages

E-cigarette adverts should be required to specify that e-cigarettes should only be used by current or former smokers as an alternative to smoking.

Non-nicotine containing products with the capability to be used with nicotine

should be required to notify consumers of the potential for the product to be used with nicotine-containing products.

Consumer protection messages on e-cigarette adverts should be consistent in size, formatting and placement.

Better monitor e-cigarette advertising to promote compliance – especially on social media.

The UK Government should implement a statutory regulator for digital advertising and ensure this also applies to e-cigarette advertising.

It should be made explicitly mandatory in the TRPR/ CAP rules that e-cigarette manufacturers and retailers are only permitted to have social media profiles if these are set to private.

Extend the definition of the products under the scope of the TRPR.

The UK Government should ensure that all products or accessories which could be used with nicotine-containing vaping products be included within the TRPR's scope, even if they themselves do not contain nicotine.

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Report

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