

Point of Sale Display of Tobacco Products

August 2008



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About the Report

This report was commissioned by Cancer Research UK to explore the issues around Point of Sale (PoS) tobacco marketing and the promotion of tobacco accessories. The report was written by academics based at the Centre for Tobacco Control Research at the University of Stirling and the Open University. The Centre is core funded by Cancer Research UK's Tobacco Advisory Group.

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Introduction



Tobacco 'powerwalls' have increased the visibility of cigarette packets.

This report covers two issues: Point of Sale (PoS) tobacco marketing and the promotion of tobacco accessories.

PoS marketing concerns all the activity that takes place in the store to promote tobacco. It is the most basic and important task the marketer undertakes: setting out their stall and presenting their products to potential customers. Traditionally tobacco PoS marketing included an array of advertising, such as branded print materials, shop furniture, decor and even staff clothing – along with the core activity of displaying the product. The UK Tobacco Advertising and Promotion Act (TAPA) of 2002 was introduced incrementally from February 2003. The first three phases, the main advertising ban, a ban on promotional activities, and a ban on sponsorship of domestic sporting events were implemented between February and July 2003 (see Section B). Subsequently, restrictions were placed on PoS advertising in December 2004. This limited the amount of tobacco advertising allowed in shops to one A5 sized poster, with 30% of that area taken up with a health message.

However the TAPA did not regulate the display of products and this has become more elaborate and prominent as a result. Sophisticated and stylish gantries dominate most small outlets (where underage smokers typically buy their tobacco) and supermarkets have elaborate booths. These units display to best advantage an array of tobacco products in liveried packs which have been deliberately designed to communicate carefully honed brand values. This turns, the pack, or 'silent salesman', into a small advertisement and the gantry into a big one – and the distinction between promotion and display disappears.

This report reflects this reality and treats PoS display, advertising and promotion as synonyms. It summarises four pieces of research:

- a review of the business literature showing that PoS is a very well established and sophisticated marketing function that is deliberately used to influence consumer behaviour and, in the case of tobacco, benefits the manufacturer far more than the retailer.
- a review of the published evidence on the effects of tobacco PoS showing that it has a clear influence on both youth and adult smoking.
- a new analysis of primary data collected in the Cancer Research UK CTCR survey of adolescents' reactions to tobacco marketing. This shows that since TAPA, PoS has taken over as the most important source of tobacco marketing for young people, and that related marketing tools of posters (which are now only present at PoS), new pack designs and special price offers (which are both displayed at PoS) remain prominent.
- a review of tobacco industry arguments against PoS restrictions in the retail trade press which shows that these do not stand up to scrutiny. It argues that the tobacco control community should do more to engage with this sector.

Finally, looking beyond PoS, a review on the promotion of tobacco accessories (such as lighters, matches and rolling papers) shows that this acts as a form of tobacco promotion and should therefore be prohibited under the terms of TAPA.

1. The Scottish Government has already committed itself to legislating tobacco PoS display restrictions. The Republic of Ireland has passed legislation and implementation starts on July 1, 2009.

Key findings and recommendations

The Business of Point of Sale (PoS)

- PoS is a very well established and sophisticated retail marketing function.
- It is deliberately used in all sectors, including tobacco, to influence both pre-planned and impulsive consumer behaviour. Tobacco is bought in both these ways. Committed smokers will often buy on an habitual basis, but PoS can act as reminder and also stimulate 'opportunistic purchases' if a good deal is being flagged up. Would be quitters, on the other hand, can succumb to the temptation of PoS displays and new smokers can be attracted by a display that makes purchase easier and more attractive.
- Tobacco PoS benefits the manufacturer far more than the retailer. The principle advantage for retailers from selling tobacco is not the direct profit from these sales, but the increased custom it brings from smokers making other purchases during their frequent and regular visits to buy tobacco. PoS display can have no impact on these visits or these collateral sales as it is only visible from inside the shop. For the retailer, then, it is the stocking of tobacco that matters, not its display.

The Published Evidence on PoS Effects on Smoking Behaviour

- Advertising has a dose-response effect on both the onset and continuance of smoking and PoS is a key element of this advertising.
- This is especially true in the UK, where other promotional channels have been restricted. PoS is, therefore, undermining the effectiveness of TAPA (the Tobacco Advertising and Promotions Act).
- Branding also drives smoking, especially amongst the young; carefully designed packs and their display at PoS reinforce and leverage this effect.
- There is clear evidence that tobacco PoS has a direct impact on young people's smoking. The odds of a young person professing an intention to smoke may increase by 35% with every brand that they can name as having seen advertised at PoS.
- Prominent PoS displays coupled with the wide availability of tobacco products can distort perceived smoking norms by making smoking seem a more normal and common activity than it is in reality.
- Amongst established smokers, PoS does not facilitate brand choice as the tobacco industry claims, it stimulates impulse purchases and undermines efforts to quit.
- International evidence suggests that removing packs from sight at PoS could reduce adolescents' exposure to cigarette brand impressions in stores by as much as 83%. It would also help adults to quit.

- It is vital that legislation is carefully drafted to make it comprehensive and avoid any circumvention of controls by the tobacco industry.

Primary Research with UK Adolescents

- Since the implementation of TAPA, PoS has taken over as the most important source of tobacco marketing for young people. In 2006, almost half (46%) of UK teens were aware of tobacco marketing at PoS.
- The related marketing tools of posters (which are now only present at PoS), new pack designs and special price offers (which are both displayed at PoS) remain prominent. They are recalled by between 18% and 27% of UK youngsters.
- Whilst TAPA has successfully reduced overall awareness of tobacco promotion and brands among the young, awareness of new pack design/size has actually increased from 11% to 18%.
- Despite TAPA's success, branding continues to drive adolescent smoking in the UK. PoS display is contributing to this effect. When other risk factors are controlled for, never smokers' susceptibility to smoke increased with greater brand awareness and with greater awareness of tobacco marketing. Furthermore, never smokers' awareness of cigarette brand was positively associated with awareness of tobacco marketing at PoS as well as of new pack designs or new pack sizes.
- Thus the primary research is in line with the literature and confirms that PoS is instrumental in youth smoking.

Retailer Concerns

- PoS is used deliberately by the tobacco industry to build relationships with retailers. Incentives are given for the display of gantry material. Retailers are encouraged to believe that their businesses will suffer if they do not have prominent tobacco displays. The tobacco control community should engage with the retail sector to counter this influence. Very few retailers would object to restrictions if they understood the evidence base which clearly shows that PoS is directly harming children.
- Five types of argument against PoS restrictions are commonly presented in the retail press. Three of these concern the practicalities of implementation: that it will result in economic harm (through reduced sales or increased shop-fitting costs), burdens for staff and increases in shoplifting and illicit sourcing. None of these are supported by evidence from jurisdictions that have already put tobacco out of sight.
- The fourth counter-argument is that PoS restrictions are ineffective. This is contradicted by the evidence base as discussed above. It is also inconsistent with the idea of economic harm.

- The final counter-argument is philosophical: PoS restrictions compromise legitimate commercial freedoms. This ethical dilemma underpins all tobacco control. Swathes of policy decisions from TAPA to smoke free legislation suggest that it is legitimate to prioritise public health over the freedom to market tobacco or affect other people's health.

The Promotion of Tobacco Associated Products

- Lighters and matches are marketed to retailers as "smokers' requisites". These, like Roll Your Own (RYO) cigarette papers, offer the opportunity to promote tobacco use.
- Tobacco associated products make use of a wide variety of marketing devices that are prohibited for the marketing of tobacco and are increasingly targeted, directly or indirectly, at young people:
 - Brand sharing: manufacturers often produce a variety of non-tobacco related products connected to their brand
 - Celebrity endorsement: tobacco associated products have been promoted using sports figures, particularly those from surfing and car-racing, to add associations of glamour and excitement.
 - Event marketing: promotions at youth-oriented events such as music festivals which link the products with music and other fun social activities.
- These activities directly increase sales of tobacco associated products.
- Crucially this will have a direct and indirect effect on tobacco consumption. Thus increasing sales of cigarette papers will both encourage consumption of RYO tobacco and reinforce the notion that smoking is normal and acceptable. Furthermore, it is clear that tobacco associated product manufacturers frequently have commercial links to the tobacco industry. The opportunity to exploit what is effectively a loophole in TAPA is all too apparent.

Recommendations

- Tobacco products should be put completely out of sight at point of sale. There is ample and rigorous evidence that this will a) protect children from tobacco promotion and reduce recruitment to smoking, and b) help current smokers to cut down and quit.
- The advertising of tobacco associated products such as lighters, matches and cigarette papers promotes smoking both directly and indirectly. It should be prohibited under the terms of TAPA.
- In both cases, controls must be comprehensive and tightly defined. It is now firmly established that any dubiety or loopholes will be ruthlessly exploited by the tobacco industry.
- Public health evidence must be actively disseminated to retailers and other stakeholders in an accessible and engaging form to counter misleading pro-tobacco information from the tobacco industry.

A. The business of Point of Sale

I. Introduction

The UK Tobacco Advertising and Promotion Act (TAPA) 2002 set out to eliminate any “advertisement (a) whose purpose is to promote a tobacco product, or (b) whose effect is to do so”². It has been very effective in removing overt promotional activity such as mass media advertising, and brought about a consequent reduction in awareness of tobacco marketing amongst the young. In the same vein, advertising at point of sale has been curtailed to one A5 promotional sign, a step that was strongly endorsed by the English High court: “Given the enormous health risks and economic costs to society caused by smoking tobacco and a substantial weight of expert opinion as to the effects of advertising (including at PoS) upon the levels of consumption, I believe it to have been a responsible and proportionate step to have regulated as the Minister has now done.”

And yet the most fundamental element of point of sale activity, the display of product, has been left untouched; for some reason it has not been included in definitions of tobacco promotion. In reality, however, the marketers' first and most important step is to lay out his or her stall and present their stock to the world. Furthermore, there is a well established business literature which shows that this apparently mundane activity has now become an extremely sophisticated multinational industry which is at the heart of modern marketing.

This first section examines this activity. It discusses the key marketing functions of tobacco PoS display, demonstrates how it is deliberately used to try and influence the behaviour of both current and potential smokers and shows that its principal beneficiary is the tobacco industry not the retailer. It concludes that PoS display is an extremely powerful tool.

2. PoS Display as a Marketing Tool

The American Marketing Association defines marketing as ‘the process of planning and executing the conception, pricing and promotion, and distribution of ideas, goods, services to create exchanges that satisfy individual and organizational goals’. Thus it is much more than selling or advertising: it is about understanding the needs and wants of existing or potential customers and then putting together combinations of the marketing mix (most commonly thought of as product, price, promotion, place, people and processes) that meet those needs and wants. This is important for both new and existing products.

PoS display is a particularly important part of the marketing mix because it comes into play at the place and moment when the actual purchase decision will be made (Liljenwall 2004). For tobacco it is also very important because many other forms of promotion have been prohibited.

It encourages purchase in five ways:

- **Awareness:** first, shoppers have to be made aware that they have some form of unmet need; then they can be shown how a particular product or brand can meet that need. Awareness can be raised through advertising, promotions or public relations and these forms of activity often take place well before a shopper encounters the product in a store. In the case of tobacco however, where these other media or not available, PoS display becomes a vital platform for communicating with potential new customers – typically young people. It also reassures existing smokers that tobacco products are perfectly normal and acceptable, along with the sweets and newspapers that surround their display.
- **Interest:** interest tends to follow if the consumer sees the advertised product as possibly meeting some need. It has been well established that the uptake of smoking is strongly associated with emotional benefits delivered by branding; PoS display presents a great opportunity to present these brands to new customers. It also reminds existing smokers that their favourite brand is available and as attractive as ever.
- **Evaluation:** before an interested shopper is willing to make a purchase, they will often seek information to show why the product would benefit them, how it compares to similar products and so on. Some information can be provided away from the store, through advertisements, brochures, websites, word of mouth and so on, many of which are now blocked to tobacco companies; other information such as brand value, pricing and product innovation is, however, best provided at the point of sale, often on the product's packaging. Display is the perfect channel for this.
- **Trial:** making the first purchase is a key stage and manufacturers and retailers will often try to lower the barriers to get more shoppers to reach this point. For starter smokers, most of whom are under 18, the major barrier is the illicit nature of the purchase. Confidence about what to ask for, its availability and characteristics (eg pack size) is key for the nervous teen chancing his or her arm, and display provides the necessary reassurance. Among established smokers trial can also be a meaningful concept during quit attempts (see below).
- **Adoption:** adoption may lead to further purchases of the same product or brand, or of related products, eg. lower tar variants or roll your own tobacco and accoutrements. The tobacco industry is continuously alert to opportunities of this kind: “Menthol cigarettes are predominantly bought by women, with the increasing sales put down to the perception that they are a transition between full strength and lower tar cigarettes” (THE GROCER 2008). Attempts may also be made to reinforce this process by rewarding adopters for their purchase decision. Tobacco manufacturers used to do

² Tobacco Advertising and Promotion Act 2002 (c. 36). London: The Stationery Office.

³ British American Tobacco UK Ltd & Ors, R (on the application of) v Secretary of State for Health, 2004. [2004] EWHC 2493 (Admin). Case No: CO/1871/2004.



Lambert and Butler's new hologram-effect pack designs increase the impact of the brand on the shelf.

this very overtly through direct mail and loyalty schemes; now it is done more subtly through brand value, economy offerings and packaging, and PoS display is a key channel for communicating these encouragements.

PoS display is, therefore, a major element of the process by which manufacturers and retailers communicate with and encourage shoppers, even in sectors where other forms of promotion are unregulated. For tobacco, where there are tight controls, it is absolutely vital. It compensates for the loss of other channels such as the mass media; it also complements three other remaining tobacco marketing tools: the pack, the brand and a very extensive distribution network.

Product packaging has five basic roles: container, protector, transporter, communicator and instructor/educator. The last two of these are most important to PoS tobacco marketing. The pack design tells the consumer all about the physical and emotional characteristics of the product. In the more restricted marketing environment following TAPA the tobacco industry has been exploiting innovative pack design as a marketing tool and these can be promoted on the pack as "new".

"As tobacco brands have been unable to advertise since 2003, marketing has focused on extensions and innovation such as Benson & Hedges' Silver Slide pack earlier this year and Gallagher's 14-pack of cigarettes –the daily average for a smoker." (THE GROCER, 3RD NOVEMBER 2007, P56)

Tobacco gantries are carefully designed to display these innovations – as well as traditional packs - at eye-level in neat well presented rows often with back lighting and other stylish features to make it as attractive as possible. Spring loading also ensures the unit never looks empty. Thus the brand is presented to best advantage.

Manufacturers maximise the PoS opportunities by engaging in 'category management' with retailers. A major manufacturer uses its expertise in the product category to become a 'category captain,' deploying its market knowledge and information from retailers to determine the best mix of products/brands and PoS tactics for each store. This includes small retailers, such as CTNs, who have long given over the stocking and merchandising of confectionery and tobacco displays to their suppliers in return for the expertise of the supplier. However, the growth of category management has also led to concerns that large manufacturers can limit the access of smaller suppliers to the market (Competition Commission 2008).

Tobacco companies have a detailed strategy for category management, including providing and maintaining tobacco gantries free of charge, offering money off for stocking specific brand ranges and sending out retail representatives who offer face-to-face advice about which brands to stock and monitor compliance with display requirements. Manufacturers also use the retail press to promote their products and views on tobacco control (see Section D for retail counter arguments to PoS restrictions). In addition relationships with retailers are reinforced by sponsoring awards:

"Best Tobacco Merchandising Sponsored by: Imperial Tobacco Imperial Tobacco is proud of its long association with the Convenience Retail Awards having been involved since their inception over 20 years ago. Convenience retailers are extremely important to the UK tobacco market with adult smokers currently spending over £6.1bn per year on their preferred tobacco brands in c-stores. Imperial Tobacco remains hugely committed to the convenience channel and it is extremely rewarding and gratifying to recognise those retailers who provide a first-class service to the public."

(CONVENIENCE STORE 2008A)

PoS display is then a fundamental part of marketing. It tells both potential and existing customers of the products that are available to them; the key attractions of each product, and; provides them with reasons for both trial and adoption. It also enables the tobacco industry to reduce the impact of TAPA and maximise the effectiveness of their other marketing tools – most notably packaging, branding and distribution.

Perhaps more importantly it also enables them to directly address consumer behaviour – that is smoking and potential smoking.

3. Influencing Smoking Behaviour

Purchasing behaviour can be divided into two main categories: decisions made at home or well away from the store (planned purchases) and those made in or around the store (unplanned or impulse purchases). Both are important in the tobacco market, and point of sale play a role in encouraging each of them.

Many tobacco sales are planned purchases – almost to the point of being automatic. An established smoker will visit the same shop and buy the same product and indeed brand day after day. So much so the shop keeper will often have his or her regular customer's usual purchase out of the gantry by the time he or she reaches the counter. Even in these habitual circumstances the display can play a role in reinforcing the acceptability and normalcy of the purchase. Furthermore, notwithstanding the brand loyalty mentioned above, there is also evidence that since TAPA some smokers are 'upgrading' their brands at the weekend – perhaps switching from RYO tobacco to factory-made cigarettes. There is evidence from the retail press that tobacco manufactures are aware of this and aim their brands accordingly – PoS display will play an important part in this strategy.

"Iain Watkins points to the practice of 'duelling' where smokers switch between RYO and factory-made cigarettes. There are lots of people who smoke roll ups for six days of the week but on Saturdays treat themselves to a pack of cigarettes." (FORECOURT TRADER, JANUARY 2008, P42)

However there are also many instances where tobacco purchases are impulsive. It is known, for example, that impulse purchasing is more common among customer groups who are highly involved with the product in question: "Since consumers involved in a product category are more likely to be impulse purchasers, retailers should engage in efforts to attract highly involved customers... managers should carefully choose products to display that appeal to highly involved customers since they are more likely to purchase those items on impulse." (JONES ET AL 2003, P510.) Tobacco, with its nicotine dependence, is certainly a high involvement product. Regular smokers can also be prompted by displays to purchase when they might otherwise have forgotten to do so ('reminder impulse'); or to make an advance purchase if, for instance, a particularly good deal is available (opportunistic impulse). Having pride of place at the till encourages both these inclinations.

Impulsive purchases are also seen as prizes consumers "award" themselves at the end of an ordinary working activity (such as shopping). Furthermore refraining from succumbing takes energy and determination (much like refraining from smoking):

"(...) refraining the impulse to buy is an act of self-control, and self-control requires internal resources that are ultimately depleted as the self-control exercise continues. Consequently, the more an individual refrains from making unplanned or impulse purchases, the more resources are depleted, which diminishes the capacity to refrain from subsequent impulses...In this way unplanned purchases tend to resemble acts of deferred gratifications (ie. "fun after work")." (MASSARA ET AL 2006, P21)

Thus impulse purchasing is likely to increase towards the end of a shopping trip when shoppers typically end up in a queue, waiting to pay for their purchases. In small shops it also the point at which they are assailed by an evocative tobacco gantry.

These impulsive purchases will probably not have much influence on whether people smoke, but they may determine how much they smoke. In other instances PoS stimulated impulses can directly affect smoking status. For example, quit attempts by current and ex-smokers have been shown to be harmed by PoS display. Wakefield et al (2008) found that 38% of smokers who tried to quit in the past 12 months and 34% of recent smokers experienced an urge to buy cigarettes as a result of seeing retail cigarette displays. It is often argued that packs of 10 are used by smokers to reduce their tobacco consumption. The study also found that one in five smokers trying to quit and one in eight recent quitters avoided stores where they usually bought cigarettes in case they might be tempted to purchase them. Around a third (31.4%) of smokers thought that the removal of displays from stores would make it easier for them to quit.

Starter smokers can also be influenced by tempting PoS displays. As noted above they can ease the sometimes fraught illicit purchase process. There is also evidence to suggest that impulse purchase is more likely when:

- there is a "need to bolster self-identity and social status" (SHOPPERCENTRIC 2007, P11).
- "Underlying emotional and psychological drivers" are at work (IBID).
- self concept is important (KACEN AND LEE 2002).
- peers are present (LUO 2005).

All of these are important factors in the uptake of smoking. In addition it has been found that consumers succumb to buying impulses despite being aware of potentially negative consequences, this is especially true when there is "an impulse's urge toward immediate action [which] discourages consideration of the behavior's potential consequences" (ROOK 1987, P195).

4. The Tobacco Industry is the Principal Beneficiary

The benefits of PoS display for the tobacco manufacturers, is therefore all too apparent. It minimises the impact of TAPA, maximises the effectiveness of their remaining marketing tools and enables them to directly influence existing and future smoking. This more than justifies the large scale investment in shop fittings and category management.

For retailers, however, the advantages are much less marked. They do get the category management benefits and some additional impulse buying, but these are marginal compared with the gains that come from what might be termed 'collateral sales'. The key advantage of selling tobacco, especially for small local shops, is that it brings additional customers into the store (or increases "footfall"), typically on a daily basis. These customers will then often buy other things as well as tobacco:

"The 'cigarette shoppers' will visit a store on average 4.7 times a week and spend £8.17 during each visit giving a weekly spend on £38.40. The non-smoker will visit a store on average 3.9 times a week and spend £4.50 giving a a weekly spend of £17.55. Therefore the 'cigarette shopper' is worth an extra £20 per week or just over £ 1,000 per annum."

(CONVENIENCE STORE, AUGUST 2008A, YOUR GUIDE TO CATEGORY MANAGEMENT)

"The tobacco category does drive footfall so there is profit to be made. People come in and buy 20 cigarettes plus some confectionary or a soft drink or a snack. Tobacco is like petrol –the margins are low but it brings people in." (JEREMY BLACKBURN

(GALLAHER'S GROUP TRADE COMMUNICATION MANAGER) QUOTED IN FORECOURT TRADER, JUNE 2007, P49)

Indeed, when the East of England Coop considered stopping the sales of tobacco in their stores for ethical reasons it was the potential loss of these collateral sales that made the option uneconomic (Heart of England Coop Society 2007). (Instead they decided to donate all their profits from tobacco to charity).

PoS display can have no impact on this trade as it only comes into effect once the customer is in the shop; for the retailer it is availability not display that matters. The group who will be hurt by removing PoS display of tobacco will not be retailers but the tobacco manufacturers.

5. Conclusion

This section has shown that the display of tobacco products at PoS is a core marketing function which the tobacco industry uses to a) undermine TAPA and maximise the effective of its key remaining promotional tools, including packaging, branding and distribution b) influence the behaviour of both smokers and potential smokers. Specifically PoS display can encourage additional tobacco purchases by existing smokers, undermine their cessation attempts and facilitate uptake of the habit by young people.

The business literature suggests that the tobacco industry has a powerful tool at its disposal. Studies suggest that, depending on outlet type, somewhere between 51 and 74% of purchase decisions are made in store (POPAl/Meyers Research Center 1987, 1995; Vaughan 2006) and that PoS marketing has a significant if not determining influence on these decisions:

"Shoppers pay attention to displays, signs, coupon dispensers, sampling/ demos, and announcement activity, recall them and are far more likely to make an in-store decision to purchase a product that has PoS support than a product that does not."

(POINT-OF-PURCHASING ADVERTISING INTERNATIONAL (POPAl) 1995)

Sections B and C look in detail at the public health evidence base and show that the industry's efforts are indeed successful and the PoS display of tobacco is having a significant impact on smoking behaviour.

B. The published evidence on PoS effects

Figure B1 - IMPLEMENTATION PHASES OF BANS UNDER THE TAPA

Phase	Implementation date	Focus of ban
I	February 2003	Advertising on billboards, in cinemas, newspapers and magazines
II	May 2003	Direct mailing and on-pack promotions
III	July 2003	Sponsorship of domestic events
IV	December 2004	Restrictions on point of sale advertising (limiting size of in-store advertising to A5)
V	July 2005	Brandsharing and international events sponsorship

In February 2003, the first stage of the UK's Tobacco Advertising and Promotion Act (TAPA) 2002⁴ was introduced with a ban on tobacco advertising and the publication of tobacco advertisements. Further stages have included banning tobacco promotion via direct mail and on-pack promotions and sports sponsorship (excluding global sports) in 2003, regulations on tobacco advertising and promotion at point of sale in 2004, followed by brandsharing regulations⁵ and the end of global sports sponsorship in 2005 (see Figure B1).

The current point of sale regulations in the UK limit tobacco advertising at point of sale to a two-dimensional advert with a maximum surface area equivalent to an A5 sheet of paper. In addition, the advert must contain a prominent (at least 30% of the surface area) health warning (either “Smoking kills” or “Smoking seriously harms you and others around you”) and the NHS Smoking Helpline telephone number. Since 1st October 2007, retailers are also required to display a sign (minimum surface equivalent to an A3 sheet of paper) with the wording “It is illegal to sell tobacco products to anyone under the age of 18”. Advertising on vending machines is no longer permitted, only an image of the product (the size of the pack's largest face) with the health warnings. Specialist tobacconists (those whose business comprises of at least 50% sales of tobacco or tobacco-related products) are permitted to advertise inside the store but must display the same warnings.

Globally, legislation prohibiting advertising and promotion of cigarettes and tobacco at point of sale has occurred in a number of countries. In addition, tobacco products have been removed from sight at the point of sale in Iceland, Thailand, a number of Canadian provinces and Australian states, Singapore, the British Virgin Islands, New Zealand (where it is under consultation for 2009), and with restrictions agreed in the Republic of Ireland (where legislation has been passed and restrictions commence on 1st July 2009) and in Scotland (the Scottish Government has now committed itself to legislation; see Scottish

Government 2008). A consultation is ongoing in England, Wales and Northern Ireland (see Department of Health 2008).

1. Literature Review

The Tobacco Advertising and Promotion (Point of Sale) Regulations 2004⁶ were challenged in the High Court of Justice by a group comprising five tobacco product manufacturers and a vending machine supplier for tobacco products in October 2004. The claimants disputed the Secretary of State for Health's Regulations as disproportionately restrictive of advertising at the point of sale, going far beyond what was required for meeting the Government's objective of promoting health.

The tobacco industry claimants were unsuccessful and the point of sale regulations came into force in December 2004. The presiding judge, Mr Justice McCombe, remarked in his adjudication, “I also bear in mind that the Minister took into account that flexibility and “loopholes” in the rules would be likely to be ruthlessly exploited by the industry: the evidence suggests that he was entirely reasonable in so doing”⁷. Expert Witness Statements for the defendant included submissions from tobacco control experts Professor Richard Pollay⁸ and Professor Gerard Hastings.

This literature review is based on Professor Hastings' Witness Statement from October 2004 (Hastings 2004a, b) which established the following propositions:

1. That tobacco advertising encourages smoking, especially among the young.
2. That PoS is an important channel for this advertising.
3. That children are widely exposed to PoS marketing.
4. That PoS advertising, along with the many other forms of tobacco promotion, influences the smoking attitudes and behaviour of children.
5. That, in order to be effective in reducing the prevalence and frequency of smoking, especially amongst the young, marketing controls must be comprehensive, covering

⁴ Tobacco Advertising and Promotion Act 2002 (c. 36). London: The Stationery Office.

⁵ The brandsharing regulations prohibit the marking of a non-tobacco product or service with tobacco brand names or logos, and prohibit tobacco products being branded with features of a non-tobacco product or service; eg. promoting a make of cigarettes using other products such as clothes or smoking accessories.

⁶ Statutory Instrument 2004 No. 765. The Tobacco Advertising and Promotion (Point of Sale) Regulations 2004. London: The Stationery Office. http://www.opsi.gov.uk/si/si2004/uksti_20040765_en.pdf

⁷ British American Tobacco UK Ltd & Ors, R (on the application of) v Secretary of State for Health, 2004. [2004] EWHC 2493 (Admin). Case No: CO/1871/2004.

⁸ See Pollay 2007 for some of the research Professor Pollay undertook while preparing expert reports for the federal governments of Canada, the UK and the Republic of Ireland.

PoS advertising as well as all the other forms of tobacco promotion.

These propositions have been updated here with the latest academic research published since the court case (up to June 2008) including an additional section on new research on the effect of tobacco displays at PoS on adults, showing that they can stimulate impulse purchases, undermining quitting intent or behaviour and that displays are not integral, as the tobacco industry asserts, to brand choice at PoS.

In order to update the 2004 literature review, appropriate literature databases (eg. Medline, ASSIA, Sociological Abstracts, LexisNexis, Business Source Elite, WARC) were searched using relevant terms (eg. 'point of sale', 'POS', 'point of purchase', 'POP', 'gantry/ies', 'display/s/ed', 'powerwall', 'vending', 'cigarette/s', 'tobacco') with a date restriction of 2004 to the present (searches conducted in June 2008). The same search terms were used for online searches to collect relevant grey literature, and reference lists from the academic and grey literature obtained were checked for further studies.

1.1 Tobacco Advertising Encourages Smoking

It has now been established beyond all reasonable doubt that tobacco advertising encourages people to take up and continue smoking (and is not limited in its effects to influencing the choice of brand of existing smokers, as the tobacco companies contend). A detailed review of the scientific literature conducted in 1992 by the Department of Health found that the great majority of studies, and the balance of evidence overall, supported the conclusion that advertising has a positive effect on the consumption of tobacco, and that advertising bans, which had been enacted in four countries at that time (Norway, Finland, Canada and New Zealand) had been *"followed by a fall in smoking on a scale which cannot reasonably be attributed to other factors"* (DEPARTMENT OF HEALTH 1992, p22). A more recent study of 22 OECD⁹ countries reached the primary conclusion that *"tobacco advertising increases tobacco consumption"* and projected a 7.4% reduction in tobacco use if all OECD countries had enacted comprehensive advertising bans (Saffer & Chaloupka 2000, p1134-5).

Numerous consumer studies, from the UK and elsewhere, have shown that young people who smoke are more likely to be aware of and appreciate tobacco advertising than their non-smoking peers. (Just a few examples are Aitken et al 1987; Arnett & Terhanian 1998, p131-2; Klitzner et al 1991, p296-7; Maziak et al 2003; and Pierce et al 1991, p3157-8.) Adolescent smokers tend to find tobacco adverts more interesting, exciting and eye-catching, than do their non-smoking peers, and identify better with cigarette advertising imagery. The authors of these studies have tended to draw the conclusion that tobacco advertising operates, at least in part, as a stimulus to young people to start smoking.

DiFranza et al's assessment of empirical research on a causal link between exposure to tobacco promotion and the initiation of tobacco use by children found that exposure increases the initiation risk and *"there is a dose-response relationship, with greater exposure resulting in higher risk"* (2006, p1244). Sargent et al (2000) showed the same effect.

The tobacco industry questions the direction of causality in these studies, arguing that children who smoke are more likely to be aware and appreciative of tobacco advertising than are children who do not, because they are buying, consuming and therefore generally more interested in the product. Even if that rationalisation were right, it would not deal with the argument that tobacco advertising is damaging because it helps young smokers (indeed, smokers of all ages) to feel better about their habit, and so reinforces their smoking. (See, for example, the conclusions reached in Potts et al 1986, p199-200 and Aitken & Eadie 1990, p410-1.)

However, the explanation of the industry does not serve to rebut the evidence linking tobacco advertising with the prevalence of smoking amongst the young for a number of reasons. First, it is clear that adolescents, whether smokers or not, are more receptive to tobacco advertising than are adults. For example, one large study found that the level of recognition of one leading brand of cigarette (*Camel*) was inversely proportional to the age of the subject; for another leading brand (*Marlboro*) recognition levels peaked at ages 16-17 years (Pierce et al 1991). Another study concluded that teenagers showed sensitivity to tobacco advertising which was approximately three times greater than adults (measured by comparing relative amounts of advertising for particular brands of cigarette with relative market shares amongst teenagers and adults, and the impact on market shares of changes in advertising intensity) (Pollay et al 1996, p.10-11). These findings are confirmed by other studies which show that the most popular adolescent cigarette brands are those which are most heavily advertised and promoted (See, for example, Arnett & Terhanian 1998, p.131-2 and Pierce et al 1998, p.514.) In the light of the undoubted power of tobacco advertising, it stands to reason that it has an effect in encouraging young people to experiment with smoking and then to smoke regularly, as well as to influence their choice of brand.

Second, it is not only young smokers who appear to be influenced by tobacco advertising. It has been shown that children with greater awareness of tobacco advertising are more likely to hold positive views about smoking. In one study, 12 and 13 year old children who professed to having a favourite cigarette advertisement showed significantly greater support for supposed positive values of smoking such as looking tough, looking grown-up, calming nerves, giving confidence and controlling weight, and the results were the same for smokers and "never-smokers" in both age groups (Charlton 1986, p77-8).

Third, and perhaps most important, the industry's disputation of the causal effects of cigarette advertising is only remotely tenable in relation to cross-sectional or time series studies, which take a "snapshot" of the attitudes of a group of young people at one particular point in time, or different groups at different points in time. It cannot be maintained in response to the increasing body of evidence based on longitudinal studies, which follow the same survey respondents over a period of time, and show that awareness of, and involvement with, tobacco marketing predicts future smoking behaviour among young people. Two major USA studies of young people (12-15 and 12-17 years old at baseline) have found:

"Attending to cigarette advertising and becoming involved in tobacco product promotions by obtaining an item of clothing, a sports bag, or some other piece of gear with a cigarette logo on it precede and reliably predict, progression to established smoking, even when other factors that influence both smoking initiation and receptivity to marketing are controlled for."

(BIENER & SIEGEL 2000, P409).

"...clear evidence that tobacco industry advertising and promotional activities can influence non-susceptible never-smokers to start the process of becoming addicted to cigarettes. The strength of this association is consistent with previous cross-sectional studies and with previous studies that have demonstrated a coincidence of increases in the incidence of addiction with the conduct of effective promotional campaigns. Our data establish that the influence of tobacco promotional activities was present before adolescents showed any susceptibility to become smokers." (PIERCE ET AL 1998, P514)¹⁰

A six-year follow-up which included the Pierce and colleagues' cohort above showed a relationship between receptivity to tobacco advertising and promotions during early adolescence and status as a current established smoker 6 years later (Gilpin et al 2007). Owning or being willing to use a promotional item and having a favourite advertisement increased the chances of being a future established smoker.

An important meta-analysis of longitudinal surveys has been published in the Cochrane Library, which is the internationally recognised principal collator and publisher of reviews of surveys and trials in a wide range of health-related areas. (Lovato et al 2003). The authors asked the question: "is prior exposure to tobacco industry advertising and promotion associated with future smoking among adolescents?" They analysed the outcome of nine longitudinal studies, including the two quoted from above. All nine studies showed "a positive, consistent and specific relationship" between exposure to tobacco advertising and influence upon adolescents to smoke cigarettes. The authors concluded:

"Longitudinal studies suggest that exposure to tobacco advertising and promotion is associated with the likelihood that adolescents will start to smoke. Based on the strength of

this association, the consistency of findings across numerous observational studies, temporality of exposure and smoking behaviours observed, as well as the theoretical plausibility regarding the impact of advertising, we conclude that tobacco advertising and promotion increases the likelihood that adolescents will start to smoke.

From a policy perspective, attempts to eliminate tobacco advertising and promotion should be supported. Programmes to prevent uptake of tobacco use in young people should raise awareness of strategies that the tobacco industry uses to recruit teens to becoming smokers." (LOVATO ET

AL 2003, P10)

The outcome of this meta-analysis is evidence of the highest quality to support the proposition that tobacco advertising encourages young people to smoke. The evidence is disturbing whether or not one accepts the contention of the industry that tobacco advertising is not intentionally targeted at young people.

The relationship between tobacco marketing and youth smoking is perhaps not surprising, as it is strongly in the interests of the tobacco companies to attract new smokers to their brand and, given the demographics of smoking, these new recruits are invariably young: in the UK 83% of smokers start before the age of 20 (Goddard 2006, p38). Furthermore, it has been estimated in a USA survey that half of regular adolescent smokers will continue to smoke for between 16 and 20 years or more (for male and female smokers respectively) (Pierce & Gilpin 1996). As a notorious 1973 planning memo by the tobacco manufacturer RJ Reynolds stated "if our company is to survive and prosper over the long term, we must get our share of the youth market" (CITED IN PIERCE ET AL 1999, P37).

Documents emanating from the UK tobacco industry reveal similar thinking. The House of Commons Health Select Committee enquiry into the UK tobacco industry obtained internal documents from the five main advertising agencies with UK tobacco accounts. As special advisor to the Committee, Professor Hastings was asked to review the documents disclosed and report on their contents (Hastings & MacFadyen 2000a, Hastings & MacFadyen 2000b). Those documents showed that the young are a key target and that brand imagery is the way to reach them. In many instances, care is taken to refer to "young adult smokers", (eg. Rothmans UK 1998) although at other times more general terms such as "young people" (eg. Taylor Nelson Sofres Plc (RSGB) 1996, p48-59; Market Trends Limited 1995, p9, 14, 22-24) and the "youth market" (eg. CDP 1995, p30; M&C Saatchi 1997, p34) are used, and strategy was informed by market research done with people as young as 15 years (Synergy Consulting 1995, p26). The documents disclosed an overwhelming recognition that being "youthful and exciting" (Melanie Haslam and Associates 1997, p37) as well as attracting "new entrants" (Rothmans 1997, p7) (who are disproportionately young) and

¹⁰ A longitudinal survey from the same research centre concluded that tobacco promotion undermined parental attempts to dissuade young "never-smokers" from taking-up smoking (Pierce et al 2002, p78-80).

"gaining a disproportionately large share of new recruits to the market" (CDP 1995, p5) are vital to commercial success. The latter document, relating to the promotion of Hamlet cigars, examined the market in age groups from 16 years upwards, and concluded that *"much of Hamlet's success is based on getting people young"* (CDP 1995, p4).

Accordingly, the lifestyles, motivations and aspirations of young people are all the subject of detailed and continuous market research and everything possible is done to attract and retain them. Specifically, again and again, the conclusion is drawn that young people smoke for emotional reasons and that branding can meet these needs by being aspirational, acting as *"a badge"* and a *"sign of maturity, discernment and independence"* (Benson & Hedges 1995, p11). Ultimately *"if a brand of cigarettes does not convey much in the way of image values, there may well be little reason for a young adult smoker to persist with or adopt the brand"* (Rothmans 1998, p21). Of course, even if the "young adults" referred to are 18 years or over, it is obvious that campaigns pitched (say) at 18 year olds will also have an appeal to those who are (say) 16 and 17 years.

The internal documents disclosed to the Select Committee also show that the tobacco industry's public position that advertising is only concerned to affect, and only does affect, brand share rather than the size of the market, is wholly disingenuous. The documents disclose a recognition that individual brands will gain from *"reinvigoration of the ...market"* (CDP 1998, p10) and therefore deliberate plans are made to encourage the growth (or the slowing of decline) in the market as a whole. Efforts are made to enhance the social acceptability of smoking in general, not just the cachet of particular brands. One such effort aimed to promote the idea that *"smoking can be a delight for everyone if it is done right."* (CDP 1997, p17). Other documents advocated *"active support for smokers' rights"* (Rothmans 1998, p19) (which would be popular amongst "young adult" smokers) and confirmed that *"...as smokers become more and more persecuted, they look to advertising as a friend"* (Mustoe Merriman Herring & Levy 1998, p4).

Further, it is very clear that the industry has sought to increase levels of tobacco consumption more directly, by recruiting new smokers and discouraging existing ones from quitting. New recruits to smoking are seen as a crucial sector and success here is carefully monitored. For example, in relation to *Marlboro Lights*, *Marlboro Medium* and *Silk Cut Ultra* respectively:

"Although it is not unique to Marlboro Lights, the rate of trial among young adult smokers for the brand has fallen heavily. Occasional use has also declined since 1996. The route to main brand usage can be seen as a ladder with a smoker starting with trial, going through occasional usage before finally making the decision to adopt the brand full-time. In order for the supply of smokers available to adopt the brand as their main brand to remain unbroken, it is important for the fall in first time trial to be addressed." (ROTHMANS 1998, p15)

"Marlboro Medium is growing among young adult smokers in terms of main brand and occasional usage as well as first time trial. The challenge is to improve awareness of the variant and therefore drive adoption forward."

(ROTHMANS 1998, p16)

"[Silk Cut] Ultra [Light] has yet to demonstrate a consistent ability to attract new smokers. The key question is 'can we expect the brand to appeal to new entrants or is there a positioning that we can adopt that makes the brand more attractive to entrants?' (sic)" (SILK CUT 1998, p13)

Great importance is also attached to dissuading existing smokers from quitting, as it is recognised that *"the 'threat' to the existing smoker base for the brand seems more likely to come from a desire to give up smoking"* (MARKET TRENDS LTD 1995, p5).

In summary, it is now widely accepted by social scientists and, at least in private, by the tobacco industry itself, that tobacco marketing both reinforces current smoking among young people and delivers new recruits. This has led to comprehensive advertising bans being implemented around the world. The World Health Organization's (WHO) Framework Convention on Tobacco Control (FCTC) came into force on 27th February 2005 having been signed by 168 countries and is legally binding in 157 ratifying countries. It includes *Article 13 Tobacco Advertising, Promotion and Sponsorship*, which requires countries to "undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship" unless their national constitution forbids it (WHO 2003, p.11). According to the WHO's latest figures, 20 countries have a comprehensive advertising policy in place and 45 have moderate policies (WHO 2008, p43).

This literature review will now focus on just one part of the tobacco marketing jigsaw: promotional material displayed at the PoS.

1.2 The Importance of PoS Marketing to the Tobacco Industry

PoS activity is a very useful element of tobacco marketing. Not only does it possess the same features as advertising in general (eg. novelty, colour and imagery) which, as noted above, has been shown to recruit and retain adolescent smokers, but it also possesses several unique features which make this form of marketing particularly likely to put young people at risk:

(1) *Age restrictions are impossible.* Unlike other forms of promotion, children cannot be protected from adverts displayed at PoS in retail outlets and venues they visit. For example, prior to the advertising ban, tobacco adverts in the UK were not allowed in magazines with a high teenage readership; no such mitigating controls are possible with PoS.

(2) *Youth targeting is possible and youth exposure is inevitable.* PoS marketing is intended to yield high frequency exposure (Pollay 2007), and takes place in environments frequented



The use of innovative displays such as the 'Marlboro tower' increase the visibility of particular brands at the PoS. (Paul Hooper, Regional Tobacco Policy Manager for the West Midlands, 2008).

by young people, in particular confectioners, newsagents, corner shops. These are outlets where young people go to spend their pocket money, and as they get older, are the most likely place for them to access tobacco: recent research in England shows that 67% of 15 year old current smokers¹¹ buy their cigarettes in a newsagent, tobacconist or sweetshop (Fuller 2007). A significant proportion buys cigarettes from vending machines (14%, Fuller 2007), which are another prime venue for PoS pack imagery (apparently regardless of the age restrictions often imposed by premises where vending machines are located). The PoS regulations enforced since December 2004 permit an image of the product the size of the pack's largest face, including the health warnings on vending machines. In the USA, the equivalents are convenience stores, which, it has been estimated, are visited by 75% of youth at least once a week (Point-of-Purchase Advertising Institute 1992 cited in Henriksen et al 2004b, p.2081). Henriksen et al's own study (2004b) with a sample of young teenagers from central California found that two thirds of the students paid (at least) weekly visits to a convenience, liquor, or small grocery store on their way to or from school.

(3) *Lots of variety is possible.* PoS tobacco marketing takes many forms which could proliferate if left unregulated; once a form of promotion is banned, other techniques are utilised to continue communicating the brand imagery (Dewhirst 2004, p.209). Prior to the current regulations, apart from signs and notices, tobacco slogans and logos could appear on counters, till-surrounds, change mats, clocks, staff clothing, pens, rugs, stickers, banners, bags, shopping baskets, lampshades, lights, lit panels, window-blinds, window displays. In addition, promotions, such as free gifts, free trial cigarettes, cut-price offers, branded items, competitions and other

such techniques have been used at the PoS. These forms have been removed however the permitted tobacco display gantries remain a powerful marketing and promotion tool. These gantries which use backlighting and brand specific colours on surrounds, are typically placed close to the retail counter to maximize the likelihood of impulse buying and in direct line of sight behind the till, thus in full view of all customers – smokers, non-smokers, young and old (see also (4) below). Innovation is still possible "off-gantry": a Philip Morris cash mat won a UK PoS industry award in 2007. The cash mat holds and dispenses 12 packs of 20 cigarettes, sits on the counter by the till, complies with the current legislation and is targeted at Costcutter and independent retailers (POPAI 2008).

(4) *Controls can be and are circumvented.* Because PoS marketing is so versatile, regulations have to be very tightly drafted. In jurisdictions where overt PoS promotions have been banned, the tobacco industry has responded by increasing the visibility of their cigarette packets themselves at PoS, by, for example, putting more brands on display, as happened in Australia (Cook & Edwards 2000), or by creating "power walls" of tobacco products as happened in Canada (Saskatchewan Coalition for Tobacco Reduction 2002, p.1) where extensive rows of cigarette packs, in quantities far greater than necessary to supply the consumers, were displayed at PoS (Greaves 2003). This is happening to an extent in the UK where some gantries have been designed with curved shelves rather than the traditional horizontal ones to display a sweeping arc of packs using the different pack sizes and cartons in the attention-grabbing design which still complies with current regulations (MacGregor 2006; see p.5-6 for an illustration of Benson & Hedges Gold brand). The packs are "designed to achieve optimum salience when arranged on retail shelves" (WAKEFIELD ET AL 2002C, P176). An Australian audit of retailers showing, for example, that 58% of the outlets audited had powerwalls (most of which could be viewed from outside the store) which undermined the intentions of the the legislation, provided evidence to support the strengthened PoS legislation in Western Australia (Jalleh et al 2006). In Victoria, Australia following the ban on using tobacco trademarks and brands at PoS, British American Tobacco registered and positioned a 'Top Traders' trademark on large signs alongside the tobacco displays (Harper 2006). The "relationship marketing program for retailers" signage is "potentially exploiting a loophole" in the PoS regulations (Harper 2006, p.270).

(5) *It can help build retailer relationships.* Appeals to potential customers, can be coupled with a range of incentives and rewards for compliant retailers. As the main source of cigarettes for smokers, UK retailers are the "target of significant investment from tobacco companies that want to build strong distribution chains" (Anderson et al 2002, p.485). The price to the retailer of the financial inducements offered is that "tobacco companies exert substantial control over the retail environment by requiring retailers to place their products in the most visible locations and to place

¹¹ Current smokers include those who smoke regularly (≥ 1 cigarette per week) or occasionally (< 1 cigarette per week).

specific amounts and types of advertising in certain locations in the store.” (Feighery et al 2003, p.187) When ‘above the line’ tobacco marketing was prohibited, retailers and their premises became “the front line for brand building, absorbing massive resources and being seen as the primary site for sustaining relationships with the consumer” (Carter 2003, piii99).

This is borne out by research conducted by the Centre for Tobacco Control Research with retailers in the UK confirming the importance of incentivising them to promote particular brands. For example, cash rewards of £100 and ‘loyalty scheme points’ were used by Imperial Tobacco for displaying their gantry material (Devlin et al 2003, p.7). Similarly, one newsagent in Wales told researchers:

“Rothmans give bonus points for display, you have to keep a shelf, you have to keep the layout they requested, you sign a contract for 12 months and for that, every month you get bonus points, which means that for 200 points you can buy this, that fax machine and that takes 2 years to acquire, but you can use your points against anything, plane flights, three years ago I bought that little camera which is a CCTV.”

(COOKE ET AL 2000, P5)

And Gallaher’s own research with independent UK retailers found that:

“I used to have Rothmans scattered all over the place in the gantry, and they gave me the incentive [to] put them all together, and they sell better, and I actually profit from it as well by getting the free gifts. I got a new till as an incentive.”

(COGNITION RESEARCH 1999, P10)

(6) These putative relationships are encouraged using both carrots and sticks, as, at the same time, retailers are encouraged to believe that their business will suffer if they do not have prominent tobacco displays. A full-page advert, directed at retailers, was placed by Imperial Tobacco in a tobacco advertising supplement to the UK trade publication *The Grocer* (2003). It states “fact: 46% of smokers will leave your shop if their brand is out of stock” (p.7), conveying the threat that shoppers will buy their groceries elsewhere if they cannot see one of Imperial’s brands (in this case four differently packaged varieties of Lambert & Butler) at PoS. More recently, in another UK retailer trade magazine *Convenience Store*, the figure had inflated: “Research shows that 56% of tobacco consumers will leave a store without purchasing if their brand is out of stock” (BATCHELOR 2008, P45). (See Section D for a full analysis of arguments countering the PoS restrictions from UK retailers’ trade journals.)

(7) *It is highly effective.* The power of PoS advertising to promote unplanned purchases is well documented; in relation to tobacco, Point of Purchase Advertising International (POPAI), the trade association for PoS marketers, has estimated that PoS promotion can boost sales of tobacco products by between 12% and 28% (Figures cited in Feighery et al 2001, p.184). An Australian study by Wakefield et al (2008) found that 25% of adult smokers purchased cigarettes



Tobacco products are often situated in close proximity to sweets and confectionary.

at least sometimes on impulse due to seeing the cigarette PoS display (p322).

These features of PoS marketing, and the amount of money invested in it by tobacco companies, has led to it being described in the USA as “their primary communication channel with smokers and non-smokers alike” (FEIGHERY ET AL 2001, P188).

1.3 Young People’s Exposure to PoS Tobacco Marketing

As mentioned, PoS marketing for tobacco is prevalent in locations frequented by young people. Operation Storefront conducted by the Massachusetts Department of Health tested for PoS advertising which was visible from the street at 3,000 retailers across 125 towns and cities. It found that tobacco advertisements made up 52% of more than 20,000 advertisements, and were most prevalent at convenience stores and petrol stations, where, the majority of youth obtain cigarettes, and at stores situated near schools. On the other hand, stores displaying ‘proof-of-age’ ID requirements, where under-age smokers were less likely to try to obtain cigarettes, had significantly less tobacco advertising (Massachusetts Department of Health 1998). Similarly, a survey in California of 586 stores found that 94% of tobacco retail outlets had some form of PoS tobacco advertising; 50% had advertising below three feet in height (ie. below the line of sight of adult consumers, but clearly visible to minors) and in 23% of stores, tobacco products were located within six inches of sweets (Feighery et al 2001, p.184). A more recent audit of cigarette marketing within 48 stores in a Californian community was combined with data establishing which of the stores were frequented by adolescents (Henrisken et al 2004a). This study found that the three cigarette brands most popular with adolescents had nearly three times more marketing materials and twice as much shelf space in the stores where adolescents shopped more frequently

than other stores in the community. Eliminating only the advertising at PoS would leave a huge quantity of cigarette brand impressions from the shelving displays. According to the authors, simply removing packs from sight at PoS in the stores studied could have reduced the ‘adolescents’ exposure to cigarette brand impressions in stores by as much as 83%” (Henrisken et al 2004a, p318).

There is also evidence from the USA that the tobacco industry devotes greater attention and resources to PoS marketing when other forms of advertising and promotion are restricted. It would appear that the Master Settlement Agreement (MSA) in 1999, which brought an end to the advertising of tobacco on billboards and public transport, resulted in an increase in marketing budgets and a diversion of resources from the prohibited media to other forms of promotion, including PoS in the USA. Total advertising and promotion expenditure increased by \$1.5 billion to \$8.2 billion in 1999, and peaked at \$15.1 billion by 2003 before declining slightly to \$14.1 and \$13.1 billion in 2004 and 2005 respectively (see Tables 2B and 2C of FCT 2007). However the proportion of in-store spend on PoS marketing and price promotions increased to 88% of the 2005 total: expenditure on PoS marketing and promotion (1.4%), price discounts paid to retailers and wholesalers to reduce the consumer price (74.6%), promotional allowances such as payments to retailers and wholesalers for stocking/displaying cigarettes (6.4%), and retail added value costs connected to bonus merchandise, ‘buy one get one free’ offers, for example (5.5%) (FCT 2007, Feighery et al 2008, p.93). A study using retail scanner data collected from grocery store checkouts in the USA before and after the MSA demonstrated that the sales share of cigarettes on promotion (with bonus merchandise or price discounts) increased considerably from 1999 onwards, suggesting a tobacco industry response to MSA advertising restrictions and rapidly increasing state cigarette excise taxes (Loomis et al 2006).

Feighery et al’s 2008 longitudinal study also confirms the increasing importance of retailers to the tobacco industry, particularly since the MSA. Annual observational measures of cigarette advertising in around 600 Californian stores over four years were combined with a measure of sales promotions and census data. Between 2002 and 2005, there was an increase in the mean number of total adverts per store (22.7 to 24.9) and the mean proportion of interior signs and displays with a sales promotion (28% to 32%) (Feighery et al 2008, p.96).

Those figures have been borne out by observational studies. One study of 3,464 retail outlets serving 191 communities across the USA before and after the MSA showed an increase in PoS advertising and ‘functional items’ promoting tobacco (eg. shopping baskets, clocks or change mats). Furthermore the research focused on communities with schools, suggesting that children would be particularly vulnerable to this switch of marketing emphasis (Wakefield et al 2002a). A longitudinal study of retail outlets in Massachusetts during a period spanning the MSA found significant increases in cigarette advertising visible from outside mini-markets and

petrol stations, but a significant decline in such advertising at off-licenses, which have an age requirement of over 21 in Massachusetts. In other words the prevalence of tobacco advertising increased at retail outlets favoured by young people (Celebucki & Diskin 2002, p.ii47).

A recent multi-site study across five Canadian provinces is one of the first to compare promotional and advertising PoS activities in shops within school neighbourhoods (within a one kilometre radius) with school smoking prevalence (Lovato et al 2007). Stores near secondary schools with high smoking prevalence had a significantly lower mean price per cigarette, more in-store promotions (price, gift or bonus promotions) and fewer government-sponsored health warning signs compared to schools with low smoking prevalence. Although the study design disallows inferences regarding direct impact of the PoS activities on school smoking prevalence, it does suggest they are “powerful industry marketing strategies influencing school smoking norms” (p.268).

Similarly, research in Australia on industry documents and with retail outlets showed how PoS advertising increased in importance and sophistication as other media were shut off to tobacco advertisers. The researcher concluded: *“Stringent point of sale marketing restrictions should be included in any comprehensive tobacco control measures”* (CARTER 2003, p.iii95). In-depth analysis of the USA industry documents confirms this. Pollay also calls for regulation of the amount and character of PoS advertising particularly where “it is the predominant mode of sale promotion” (Pollay 2007, p.274). From his research, he concludes that in the retail environment tobacco companies seek “intrusive visibility” at PoS using well researched and well financed “brand images” intended to reassure existing smokers and recruit new ones (Pollay 2007, p.273). Although most of the tobacco company document analyses are on USA documents, as these researchers point out, the industry’s techniques are globally transferrable as it moves to protect the increasingly restricted in-store environment:

“Multinational tobacco companies share their marketing strategies and techniques with their worldwide network of corporate affiliates through a variety of well-organised seminars, conferences, memos, reports, and sales training manuals. As a result, strategies and techniques of subsidiary tobacco companies in other countries are very likely to mirror those developed and practised in the United States, as described in tobacco industry documents.” (LAVACK & TOTH 2006, p383)

In the absence of gantry restrictions or a complete ban on PoS tobacco displays in the UK, it would be reasonable to expect analogous increases in prevalence and volume of industry resources in the aftermath of the prohibition of other forms of advertising by the TAPA. An article in *The Grocer* serves to confirm that similar trends could indeed occur in the UK. It stated that *“the in-store tobacco gantry is likely to play an increasing role in communicating with customers, as posters and billboards finally disappear on Feb 14”* (HUDDLESTON 2003, p2).

The ubiquity of PoS promotion was certainly evident in the UK, as was its capacity to engage young people. A stratified random sample of 629 15 and 16 year olds in the North East of England in 1998 was asked about awareness of different forms of tobacco marketing. As can be seen from Table C1 below, those questioned were familiar with many promotional techniques, and *all* of them, from non smokers to current smokers, had come across PoS marketing (MacFadyen et al 2001).

The literature describes how the display of cigarette packs and PoS promotions can distort perceived smoking norms; in other words distort people's perceptions of how prevalent and acceptable smoking is by, in this case, the perceived availability of tobacco. Wakefield and colleagues (2006) highlight that PoS displays de-emphasise the health consequences of smoking and maybe pre-dispose children to smoking as "advertising strengthens the perceived ease of availability" (p345), particularly if cigarettes are displayed alongside everyday products such as confectionery, drinks or magazines. One of Pollay's (2007) conclusions from his industry documents analysis is that PoS displays "expose all shoppers, regardless of age and smoking status, to what are easily seen as pro-smoking messages and imagery" (p274).

1.4 Effects of Tobacco Marketing at PoS on Young People

The evidence to the effect that tobacco advertising encourages people to smoke, including young people, and that PoS advertising is an important component of tobacco promotion which is present in disproportionate volumes in locations frequented by young people has been summarised above. It is not surprising then that the link between exposure to PoS marketing and adolescent smoking has been apparent for many years.

In a 1994 USA classroom survey, conducted several years before the increase in PoS marketing in that country, researchers found an association between 13 year olds' exposure to cigarette adverts in stores and being a tobacco "experimenter". Sixty-two per cent of the young people who took part reported going into stores and seeing tobacco adverts "sometimes" or "a lot"; those who reported seeing PoS advertising were 38% more likely to have experimented with smoking (Schooler et al 1996, p1220). Another classroom survey conducted with 2,125 Californian teenagers at a middle school in 2003 examined exposure to tobacco marketing in convenience, liquor or small grocery stores and its association with self-reported

Table B1: AWARENESS OF TOBACCO MARKETING BY SMOKING STATUS

Base: All young people	Non-smokers	Tried Smoking	Current smokers	Chi-square test for trend P Value
	199 (%)	234 (%)	185 (%)	
Any Advertising	188 (94)	220 (94)	176 (95)	0.783
• Adverts for cigarettes in newspapers or magazines	104 (52)	136 (58)	116 (63)	0.055
• Adverts for cigarettes on large posters or billboards on the street	180 (90)	207 (88)	172 (93)	0.287
Any Point-of-sale	199 (100)	234 (100)	185 (100)	-
• Cigarette signs / posters on clocks inside shops	76 (38)	91 (39)	93 (50)	0.018
Free gifts when people save coupons or tokens from inside cigarette packs	105 (53)	130 (56)	138 (75)	<0.001
Free gifts when people save parts of the cigarette packs	38 (19)	49 (21)	74 (40)	<0.001
Free gifts showing cigarette brand logos given out at events such as concerts, festivals or sports events	26 (13)	30 (13)	32 (17)	0.410
Free gifts from the shopkeeper when people buy cigarettes	15 (8)	17 (7)	24 (13)	0.114
Special price offers for cigarettes	93 (47)	121 (52)	112 (61)	0.005
Clothing or items with cigarette brand names or logos on them	41 (21)	41 (18)	56 (30)	0.035
Promotional mail from cigarette companies being delivered to people's homes	15 (8)	36 (15)	35 (19)	0.001
Competitions or prize draws linked to cigarettes	28 (14)	36 (15)	36 (19)	0.300
New pack design or size	34 (17)	26 (11)	54 (29)	0.017
Famous people in films / TV with a particular brand of cigarettes	31 (16)	48 (21)	44 (24)	0.132
Internet sites for cigarettes or smoking	8 (4)	14 (6)	7 (4)	0.358
Free trial cigarettes being given out or offers to send away for free cigarettes	8 (4)	18 (8)	21 (11)	0.013
Average number of marketing techniques aware of	6.4	6.7	8.1	<0.001#

One way analysis of variance, F= 15.257, df=2, P<0.001

smoking (Henriksen et al 2004b). The study found that students reporting one or more weekly exposures to retail tobacco marketing was associated with a 50% increase in the odds of ever smoking, having controlled for all other variables in the model. The authors believe this more recent cross-sectional study provides stronger evidence as it controlled for social influence and risk factor confounders (ie. self-reported school grades, risk taking and maternal supervision). Thus the association between the store visits and their smoking behaviour *“appears more likely an effect of advertising exposure than an artefact of ...hanging out with the wrong crowd”* (P2082).

Similar findings arose from research with 3,890 high school smokers across the USA in 1996. In the case of one brand (Marlboro) the amount of PoS advertising in local convenience stores was found to be predictive of youth brand choice: the more PoS advertising there was for Marlboro, the more likely they were to smoke it. The findings were similar for a rival brand (Camel), so far as interior store advertising was concerned, but otherwise inconclusive (Wakefield et al 2002b, p113). A large USA study with 26,301 14, 16 and 18 year olds was the first designed to examine the differential effects of cigarette retail marketing strategies on youth smoking uptake (from experimentation to established smoking) at a national level (Slater et al 2007). Survey data was from February 1999 until June 2003, thus mostly after the MSA. The study found that higher levels of PoS advertising, lower cigarette prices and greater availability of promotions (eg. discounts, gifts) increased the likelihood of smoking at most levels of uptake. In more detail, the results suggest PoS advertising is associated with encouraging young people to try smoking, whereas promotions at PoS are associated with influencing those already experimenting to progress to regular smoking, with established smokers being the most influenced by promotional offers (Slater et al 2007, p443-4).

Research outside the USA has found the same set of relationships between young peoples' brand awareness, under-age smoking and exposure to PoS tobacco marketing. For example, in a study investigating the effect of tobacco sports sponsorship on the levels of brand awareness amongst 366 14 year-olds in New Zealand, the author also controlled for exposure to PoS advertising. He found that, even allowing for the effects of sponsorship, sports interest and gender, the brands with the highest unaided recall levels were those that were prominently shown in PoS displays in stores frequented by the young people (Sparks 1999, p213-4). A study undertaken in Western Australia of 10 to 12 year old children found that PoS advertising increased positive brand imagery. Of the 100 participants in this study, only ten had ever tried smoking and only one had smoked during the previous seven days. This study found that children who were shown adverts used in PoS advertising were more likely to think of a brand's consumers in a positive way, in comparison to children who were only shown a cigarette

pack for either of the two brands used for the research (Donovan et al 2002). In an experimental study conducted in classrooms in Victoria, Australia in 2003 to 2004, 605 14 and 15 year old students were shown one of three digitally manipulated photographs of a convenience store's PoS area with either no cigarettes or a cigarette pack display, or cigarette advertising and a pack display (Wakefield et al 2006). Results from the self-administered student survey that followed found that the presence of cigarettes at PoS increased students' perceptions about ease of purchasing cigarettes and decreased the perceived likelihood of being asked for proof of age from the hypothetical store. The pack displays acted as an effective method for promoting brand recall; and exposure to cigarette advertising and pack displays tended to “weaken student's resolve not to smoke in the following year” (p345). This Australian classroom study confirms the findings of Henriksen and colleagues' USA study (2004b) above, that the frequency of young people's visits to convenience stores was associated with a higher likelihood of experimenting with cigarettes.

Again, it is clear that these findings also apply in the UK. The UK study mentioned above (MacFadyen et al 2001) recorded universal awareness of PoS among 15 and 16 year olds in North East England and went on to examine the impact this might have on future smoking behaviour. A more sensitive measure of PoS awareness was constructed by summing the number of brands which they could recall seeing in this medium. Subsequent logistical regression analysis showed a clear relationship between greater awareness of PoS marketing and future intention to smoke. Other variables, such as friends' and parents' smoking, social class and age were also implicated, but after allowing for all these other factors, the odds of a child professing an intention to smoke increased by 35% with every brand that respondents could name as having seen advertised at PoS (MacFadyen et al 2001, p516; see also Hastings 2003, p11).

Expanding on this North East England study, the Centre for Tobacco Control Research designed a UK-wide long term research project examining the impact of the TAPA's 2003 implementation on young people. Waves of data were collected both before and after the ban using face-to-face interviews and self-completion questionnaires with a cross-sectional sample of over 1,000 11 to 16 year olds across the UK in each wave¹². Data collection continues biennially. A study of the first three waves of data (1999, 2002 and 2004) found significant declines in awareness of tobacco marketing (measures include PoS marketing: signs or posters in shops, free trials, free gifts, special price offers and new pack designs) and perceived peer smoking prevalence both of which are linked to smoking susceptibility (Moodie et al 2008). The odds of a young person's susceptibility to smoke increased by 7% for each form of tobacco marketing they were aware of. Thus the Act is *“successfully protecting young people in the UK from*

¹² Only project literature published pre-June 2008 is covered here. For a full description of the long-term study and analysis of wave 4 data see Section C.

tobacco marketing and reducing perceived prevalence" (p.1). Although the current PoS regulations were not in place at wave 3, the study shows that **partial** bans are ineffective as awareness of unregulated marketing was still very high. Structural equation modelling with data from a sample of 926 respondents from the 2004 wave (wave 3) supports this (Grant et al 2007). Grant and colleagues demonstrate that cigarette brand image and familiarity are powerful predictors of adolescents' intention to smoke – a more significant predictor on future smoking intentions than peer influence even. *"This confirms that the marketing practices of tobacco manufacturers continue to impact on adolescent smoking even after the introduction of advertising bans"* (p.7) and the authors call for the complete removal of product displays at PoS and for generic packaging (p.8) (see also Gray 2008, p329).

MacFadyen and colleagues' study (2001) also demonstrated that current smoking status was associated with heightened awareness of two other forms of tobacco marketing, coupon schemes and brand stretching, thereby confirming previous research which has shown both sponsorship (eg. Piepe et al 1986, p147-8) and merchandising (eg. the cross-sectional study by Feighery et al 1998, and the longitudinal study by Pierce et al 2002) to be related to adolescent smoking. Crucially, the study goes on to show that the more forms of tobacco marketing young people are aware of, the more likely they are to smoke. In other words, tobacco marketing has a dose response effect. Henriksen et al's study (2004b), discussed earlier, found that *"relative to other forms of tobacco marketing, retail marketing exposure was second only to owning a cigarette promotional item in increasing the odds of ever smoking"* (p2082). These findings underline the need for controls on tobacco marketing to be comprehensive if they are to be effective, covering not only PoS, but also every other form of promotion.

1.5 Effects of Tobacco Marketing at PoS on Adults

There is a small but growing evidence base from research conducted in Australia after brand-specific advertising was banned at point of sale (PoS), excluding displays of packs themselves, that cigarette PoS displays are not integral to adult smokers' brand choice decisions.

A study in Victoria, Australia was designed to examine adult smokers' use of the cigarette pack displays at PoS in selecting their cigarette brands (Wakefield & Germain 2006). A sample of 449 adult smokers were asked *"When you go to buy cigarettes, how often do you decide what brand or type of cigarettes you buy, based on the cigarette pack display in the store?"* Ninety per cent indicated that they never used the retail display to decide on which cigarette brand to buy; 1% always used the PoS display to decide. Heavier smokers (≥ 25 cigarettes/day) were more likely to report never being influenced by the PoS display than lighter smokers (< 15 cigarettes/day). This evidence is supported by a study from South Australia which asked adult smokers *"at what point (before entering the shop or at*

the point of purchase) they decide which brand they are going to buy and how often they decide which brand or type based on the display" (HICKLING & MILLER 2008, p.3). Nine out of ten smokers reported deciding on the brand before they entered the shop and only 7% reported making the decision at the point of purchase. Three per cent of smokers reported that they 'always' decided based on the PoS display. As in the Victoria study, 90% of smokers reported 'never' making a brand or variant purchase decision based on the PoS display. When asked for the main factors affecting their preference, more than half indicated they "just purchase their usual brand" and the same proportion indicated taste or strength as factors. Six per cent stated monetary factors, 2% packaging and less than 1% advertising (Hickling & Miller 2008, p.4).

"...the ban on point-of-purchase advertising was minimal on established adult smokers' brand choice, with virtually no smokers reporting having changed the brand they buy as a result of the advertising bans. This reinforces the case that adult smokers are brand loyal and are therefore unlikely to switch brands. These findings negate the argument that advertising at the point of purchase is important to influence brand choice in current smokers." (HICKLING & MILLER 2008, p4).

The tobacco industry maintains publicly that PoS displays and promotions are for the purpose of conveying information to allow brand switching by customers however analysis of the industry's internal documents highlights that this is not the case (Pollay 2007; Lavack & Toth 2006). According to the studies above, brand choice is virtually never made at PoS.

A population survey in Victoria, Australia asked adult smokers (of factory made cigarettes) about the degree to which they notice cigarette pack displays at PoS, whether they experience smoking impulses when faced by the display, and their perception of the display as a hindrance to smoking cessation (Wakefield et al 2008). Over half indicated that they always or often noticed cigarette packs displayed near the cash register. The results suggest that displays "stimulate impulse purchases" among smokers: 25% decided to buy cigarettes at least sometimes as a result of seeing the pack display when shopping for something else. And it suggests that displays "undermine quitting intentions and behaviour among established smokers" (p.325): 38% of smokers who had tried to quit in the last year got the urge to buy cigarettes; 61% of these went on to buy cigarettes (Wakefield et al 2008). As the authors state, PoS displays remind people trying to quit or cut back smoking and can tempt ex-smokers at each store visit with "a profusion of smoking cues" (Wakefield et al 2008, p.322) The study gives an insight into the added difficulties quitters or ex-smokers are faced with when shopping.

Research with adults in the UK has demonstrated that the TAPA has significantly reduced exposure to pro-tobacco marketing (Harris et al 2006). However, despite regulation there are still high levels of pro-smoking cues

as measured by the International Tobacco Control (ITC) Four Country Survey. These could be partially explained by the permitted channels of promotion: PoS, packaging, sponsorship exemptions and incidental promotions (eg. in films) (Harris et al 2006, piii32).

2. Conclusions

From this narrative review of the academic studies covering tobacco marketing at PoS, the following conclusions can be drawn:

1. PoS is a particularly valuable form of marketing for the tobacco industry and it provides a good way of reaching young people, and occurs disproportionately in locations frequented by them. Young people are aware of, appreciate and are influenced by PoS material, just as they are by tobacco advertising in general. Comprehensive regulation of tobacco PoS, including the removal of display, is therefore a necessary way of protecting children from tobacco (and indeed of reducing exposure of older age groups to positive messages regarding tobacco). PoS marketing stimulates impulse purchasing, not brand switching. There is evidence that few adult smokers make a decision on what brand to purchase using the packs displayed at PoS, contrary to the tobacco industry's assertions. Rather displays prompt impulse purchases, undermining quitting intent or behaviour.
2. The prohibition of tobacco advertising and promotion offers a method of reducing uptake of smoking. As advertising and pack displays at PoS have been shown to play a role in smoking uptake, removing them would decrease the number of new smokers, particularly to reduce the number of young people who take up and persist with smoking.
3. There is good evidence to support the imposition of controls which put tobacco completely out of sight at PoS.
4. It is vital that legislation is carefully drafted to make it comprehensive and avoid any circumvention of controls.

In summary, rigorous regulation of PoS tobacco marketing is necessary to bring important benefits to public health.

C. Primary research with UK adolescents

Table C1 - SAMPLE PROFILE

Base: All Respondents	Pre-Ban					Post-Ban			
	1999		2002			2004		2006	
	n	%	n	%		n	%	n	%
Gender									
Male	535	50%	540	48%		549	49%	605	52%
Female	543	50%	581	52%		572	51%	554	48%
Social Class									
ABC1	367	34%	426	38%		405	36%	432	37%
C2DE	708	66%	691	62%		712	64%	727	63%
Age									
11-12	363	34%	372	33%		364	32%	403	35%
13-14	391	36%	415	37%		404	36%	386	33%
15-16	324	30%	334	30%		353	31%	370	32%
Mean age in years	13.07		13.38			13.47		13.43	
(SD)	(1.58)		(1.63)			(1.68)		(1.69)	

This section examines 11 to 16 year olds awareness of tobacco marketing at point of sale (PoS) relative to other forms of tobacco marketing over the period 1999 to 2006, prior to and following implementation of the UK Tobacco Advertising and Promotion Act (TAPA) of 2002. The TAPA has been introduced incrementally with the first three phases, the main advertising ban, a ban on promotional activities, and a ban on sponsorship of domestic sporting events, implemented between February and July 2003 (see Section B). Subsequently, restrictions were placed on PoS advertising in December 2004. This limited the amount of tobacco advertising allowed in shops to one A5 sized poster, with 30% of that area taken up with a health message. A ban on brand-sharing and international sponsorship came into effect in July 2005.

1. Methodology

Data comes from the first four waves of a long-term study examining the impact of the TAPA on young people. The first wave was conducted in Autumn 1999 (more than 3 years before the ban), the second in Summer 2002 (approximately 6 months before the ban), the third in Summer 2004 (approximately 18 months after the ban) and the fourth in Summer 2006 (approximately 3.5 years after the ban). The fieldwork comprised face-to-face interviews conducted in-home, by professional interviewers, accompanied by a self-completion questionnaire to gather more sensitive data on smoking behaviour. Parental permission and participant consent were secured prior to each interview.

At each wave, a cross-sectional sample of 11 to 16 year olds was drawn from households across the UK, using random

location quota sampling. The initial sampling involved a random selection of 92 electoral wards (88 at wave 1), stratified by Government Office Region and ACORN classification (a geo-demographic classification system that describes demographic and lifestyle profiles of small geographic areas) to ensure coverage of a range of geographic areas and socio-demographic backgrounds. All wards covering the islands, areas north of the Caledonian Canal, or with fewer than three urban/sub-urban Enumeration Districts, were excluded from the sampling frame for cost and practicality reasons. Within each of the selected 92 wards a quota sample, balanced across gender and age groups, was obtained. A total of 1078 adolescents participated in wave 1, 1121 in wave 2, 1121 in wave 3 and 1159 in wave 4. Table C1 details the characteristics of participants at each survey wave.

At each survey, the sample was roughly equally distributed between males and females with a minimum of 48% in each gender category. Respondents from working class families comprised the majority of each sample, with a minimum of 62% being from social class C2DE. At each wave the mean age was 13 years.

Percentages presented in the remainder of this section were weighted for age, gender and social class to adjust for slight differences in sample profiles between survey waves.

1.1 Measures

General information: Information on demographics (age, gender), occupation of the breadwinner and smoking by mother, father, siblings (if any) and closest friend was obtained.

Awareness of Tobacco Marketing: Awareness of three broad types of tobacco marketing was assessed: (i) advertising (ii) promotions and (iii) sponsorship (sports/events/shows). For advertising and promotions participants were given a series of 17 cards with examples of different forms of tobacco marketing (see Figure C1) and asked to indicate whether or not they had come across cigarettes being marketed in each of these ways. Item 3 'signs or posters about cigarettes in shops or on shopfronts' was used to assess awareness of tobacco marketing at PoS. For sponsorship (item 18), participants were asked if they could 'think of any sports or games that are sponsored by or connected with any makes or brands of cigarettes'. The number of channels through which participants had noticed marketing was calculated by counting the number of positive responses for each of the 18 channels listed in Figure C1.

Awareness of cigarette brands: Three measures of awareness were collected: (i) participants were asked to name brands of cigarettes (unprompted awareness) (ii) participants were

shown pictures of cigarette brands with the brand name covered and were asked to name the brand (identification) and (iii) they were then shown the picture of the same brands with the name visible and asked whether or not they had seen each before (recognition).

Smoking susceptibility: Never smokers were those who indicated that they had never tried or experimented with smoking, not even a few puffs. Never smokers were further classified as susceptible or nonsusceptible on the basis of their response to the item 'Which of these best describes whether or not you think you will be smoking cigarettes when you are 18 years old?' with the response categories; **when I'm 18**, I definitely will not be smoking, I probably will not be smoking, I probably will be smoking and I definitely will be smoking. Nonsusceptible never smokers were those who indicated that they would 'definitely not' smoke in the future, with susceptible never smokers those whose response was anything other than definitely not.

FIGURE C1: MEASURES OF AWARENESS OF SPECIFIC TOBACCO MARKETING CHANNELS

Adverts	
1	Adverts for cigarettes on large posters or billboards in the street
2	Adverts for cigarettes in newspapers or magazines
3	Signs or posters about cigarettes in shops or on shopfronts <ul style="list-style-type: none"> • on shop windows • on shop doors • on cigarette display units inside shops • on clocks inside shops • on staff aprons or overalls • on signing mats inside shops • some other signs or poster about cigarettes (in shops or on shopfronts)
Promotions	
4	Free trial cigarettes being given out or offers to send away for free cigarettes
5	Free gifts from the shop keeper when people buy cigarettes
6	Free gifts when people save coupons or tokens from inside cigarette packs
7	Free gifts when people save parts of cigarette packs
8	Free gifts showing cigarette brand logos being given out at events such as concerts, festivals or sports events
9	Special price offers for cigarettes
10	Promotional mail, from cigarette companies, being delivered to people's homes
11	Clothing or other items with cigarette brand names or logos on them
12	Competitions or prize draws linked to cigarettes
13	Famous people, in films or on TV, with a particular make or brand of cigarettes
14	New pack design or size
15	Internet sites promoting cigarettes or smoking (do NOT include anti-smoking sites)
16	Email messages or mobile phone text messages promoting cigarettes or smoking (do NOT include anti-smoking messages)
17	Leaflets, notes or information inserted in cigarette packs
Sponsorship (of sports and events)	
18	Can you think of any sports or games that are sponsored by or connected with any makes or brands of cigarettes?

1.2 Analysis

Descriptive data were weighted for age, gender and social class to adjust for slight differences in sample profiles between survey waves. All multivariate analyses were conducted on unweighted data. Logistic regression was used to determine whether any changes occurred, post-ban, in 1) awareness of specific marketing channels and 2) awareness (unprompted) of cigarette brands. The logistic regression also examined whether any association existed between awareness of tobacco marketing at PoS and susceptibility. Multiple regression was used to determine changes, across survey waves, in the number of cigarette brands that young people could name unprompted.

The regression models controlled for age, gender, social class, parental smoking, sibling smoking, close friend smoking, parental presence during the interview and survey wave. We examined changes in awareness of marketing and brands at wave 4 (3.5 years post-ban) relative to wave 2 (6 months pre-ban).

2. Results

The impact of tobacco marketing at PoS is examined in relation to the changes, from 2002 to 2006, in awareness of tobacco marketing, relative salience of PoS tobacco marketing and brands associated with PoS. Changes over time are also examined in relation to awareness of specific brands and overall brand awareness. In addition, the association between

never smokers' susceptibility to smoke and their awareness of tobacco marketing and cigarette brands is examined.

2.1 Awareness of Tobacco Marketing

At the first baseline (more than 3 years prior to the ban) young people displayed familiarity with tobacco marketing. The forms they were most aware of were large posters/billboards (79%), signs/posters in shops or on shopfronts (73%), adverts in the press (52%) and free gifts associated with cigarettes (56%) (see Table C2). Awareness of most forms of marketing declined between the first and second baseline (conducted less than 6 months before the ban), suggesting that marketing activity was being reduced in anticipation of the forthcoming ban. From 2002 to 2006 (approximately 3.5 years post-ban) awareness declined further for most forms, including PoS. PoS adverts in store/shopfronts are now the most salient form of tobacco marketing with almost half (46%) aware of this in 2006. Between 2002 and 2006 there was an increase in the proportion of young people aware of new pack design/size, increasing from 11% at 2002 to 18% in 2006.

2.2 Brands Associated with Different Forms of Tobacco Marketing

Participants who indicated awareness of each form of tobacco marketing were asked to name the brands they had seen associated with each type of marketing. Table C3 shows the

Table C2- AWARENESS OF TOBACCO MARKETING BY SURVEY WAVE

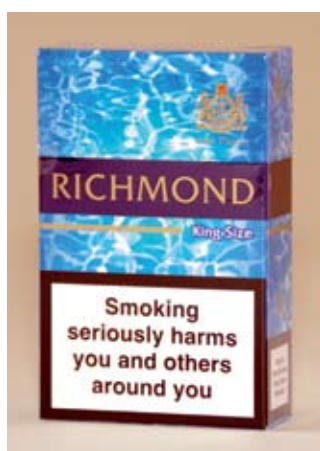
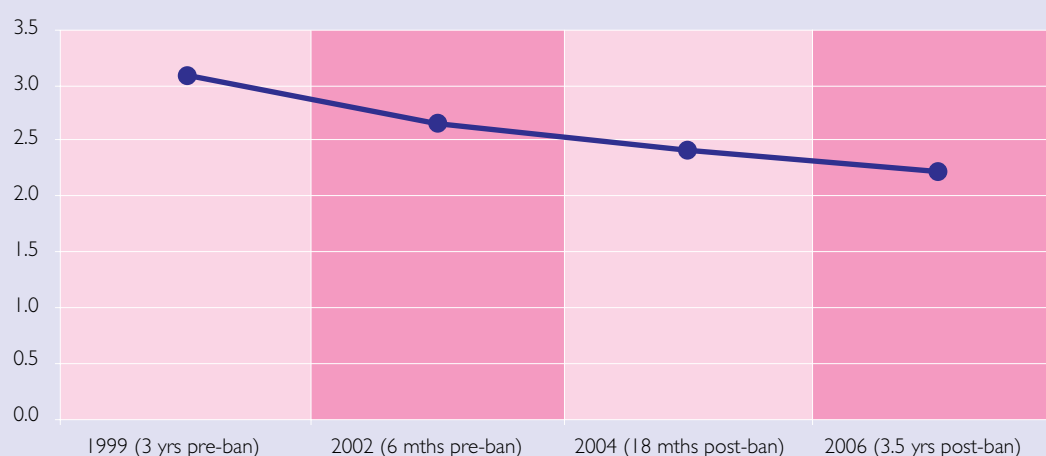
	Wave 1	Wave 2	Wave 3	Wave 4	2006 (Post-ban) v 2002 (Pre-ban)			
Dependent Variable 1 = aware, 0 = not	Pre-ban 1999	Pre-ban 2002	Post-ban 2004	Post-ban 2006	Adj OR	95% CI Lower	95% CI Upper	P
Awareness of advertisements	%	%	%	%				
•Store/shopfronts (R2)	73	60	51	46	.571	.482	.676	<0.001
•Posters/billboards (R)	79	69	48	27	.163	.135	.197	<0.001
•Newspapers/magazines (R)	52	36	29	17	.370	.303	.452	<0.001
Awareness of sponsorship (R2)	%	%	%	%				
•Sports sponsorship (R2)	56	33	17	11	.355	.286	.440	<0.001
Awareness of Promotions	%	%	%	%				
•Free gifts (R)	56	33	17	11	.240	.190	.303	<0.001
•Special price (R)	41	36	25	18	.403	.330	.491	<0.001
•Branded clothing	34	17	17	11	.583	.453	.750	<0.001
•Famous people in films/TV	25	14	13	11	.806	.624	1.042	ns
•New pack design or size	16	11	11	18	1.876	1.464	2.404	<0.001

(OR) Odds Ratio (R) indicates new regulation was introduced between wave 2 and wave 3. (R2) indicates new regulation was introduced between wave 3 and wave 4.

Table C3: BRANDS ASSOCIATED WITH REMAINING FORMS OF TOBACCO MARKETING IN 2006

Base: All respondents % mentioning:	PoS	New Pack Design/Size	Famous People with brand	Branded clothing
Benson & Hedges	5	3	0	3
Embassy	1	0	0	0
Lambert & Butler	11	5	1	0
Mayfair	6	3	0	1
Marlboro	0	0	1	3
Regal	3	0	0	0
Richmond	4	2	0	0
Royals	1	0	0	0
Silk Cut	1	0	0	0
Sovereign	1	0	0	0
Superkings	2	0	0	0

Figure C2: MEAN NUMBER OF CIGARETTE BRANDS MENTIONED (UNPROMPTED)



New pack designs, such as Richmond's, have increased young people's awareness of the brands at the PoS.

brands that participants in 2006 associated with each of the remaining marketing channels. Lambert & Butler appears to have the strongest presence, with 11% of all participants aware of Lambert & Butler at PoS. Mayfair, Benson & Hedges, Richmond and Regal also had presence at PoS with between 3% and 6% of all participants having remembered these being marketed at PoS. Participants were also aware of new pack designs or changes in the sizes of packs for Lambert & Butler, Benson & Hedges, Mayfair and Richmond with between 2% and 5% mentioning these brands.

2.3 Awareness of Cigarette Brands

Participants were asked to name as many brands or makes of cigarettes as they could unprompted. In 1999, participants mentioned an average of 3.09 brands (sd 2.12) and, by 2002 this had decreased to 2.64 (sd 2.12). Following the TAPA brand awareness declined further with an average of 2.24 brands (sd 2.06) mentioned in 2006 (Figure C2).

Table C4: BRAND AWARENESS (UNPROMPTED)

	Wave 1	Wave 2	Wave 3	Wave 4	2006 (Post-ban) v 2002 (Pre-ban)			
Dependent Variable 1 = aware, 0 = not	Pre-ban 1999	Pre-ban 2002	Post-ban 2004	Post-ban 2006	Adj OR	95% CI Lower	95% CI Upper	P
Awareness of:	%	%	%	%				
Benson & Hedges	56	39	32	28	.605	.500	.732	<0.001
Lambert & Butler	40	43	43	37	.796	.664	.954	<0.05
Mayfair	30	25	27	32	1.539	1.266	1.871	<0.001
Superkings	21	20	14	13	.575	.453	.729	<0.001
Regal/Embassy Regal	20	18	16	10	.485	.376	.626	<0.001
Sovereign	19	14	9	9	.592	.445	.788	<0.001
Embassy Filter/Embassy	18	9	9	5	.522	.368	.740	<0.001
Marlboro	17	20	18	14	.625	.493	.792	<0.001
Silk Cut	17	11	12	10	.934	.704	1.240	ns
Berkeley	14	6	5	4	.663	.446	.984	<0.05
Richmond	3	14	18	20	1.791	1.400	2.291	<0.001
Don't know	6	9	11	13	1.389	1.058	1.822	<0.05
Base:	1075	1117	1130	1159				
(OR) Odds Ratio .								

Table C5: CORRECT IDENTIFICATION OF BRANDS BY SURVEY WAVE

	Wave 1	Wave 2	Wave 3	Wave 4	2006 (Post-ban) v 2002 (Pre-ban)			
Dependent Variable 1 = aware, 0 = not	Pre-ban 1999	Pre-ban 2002	Post-ban 2004	Post-ban 2006	Adj OR	95% CI Lower	95% CI Upper	P
Correct identification of:	%	%	%	%				
Benson & Hedges	52	41	35	31	.613	.507	.742	<0.001
Berkeley	21	17	8	7	.332	.246	.448	<0.001
Lambert & Butler	46	54	51	42	.596	.496	.716	<0.001
Marlboro	19	32	21	18	.437	.353	.541	<0.001
(OR) Odds Ratio .								

Unprompted awareness of most brands has decreased since 2002. The exceptions are Richmond and Mayfair which have increased in awareness since 2002 and Silk Cut which has maintained its awareness since 2002 (Table C4). The increased awareness of Richmond and Mayfair is not entirely surprising given their relatively strong presence at PoS and their new pack designs.

It is also encouraging that the percentage of respondents who were unable to name a single brand has risen from 6% to 13%.

2.4 Identification of Cigarette Brands

Participants were shown pictures of four different packs of cigarettes on which brand names had been masked out and were asked to name each brand. The proportion correctly identifying each brand decreased during the period 2002 to 2006. At wave 1 in 1999, Benson & Hedges was the most recognised brand (Table C5). By 2006, Lambert & Butler was the most recognised.

2.5 Recognition of Cigarette Brands

Participants were then shown pictures of each of the brands and asked whether or not they had seen them before. Recognition of each brand decreased during the period 2002 to 2006. However, high levels of recognition were still noted in 2006 for Lambert & Butler (78%), Benson & Hedges (66%) and Marlboro (65%) (Table C6).

2.6 Susceptibility to Smoke

Among never smokers, their susceptibility to smoke increased with greater brand awareness (Odds ratio = 1.09, $p < 0.01$) and awareness of more forms of tobacco marketing (Odds ratio = 1.07, $P < 0.01$) (Table A7).

In the most recent post-ban survey (3.5 years post-ban), never smokers' awareness of cigarette brands was positively associated with awareness of tobacco marketing at PoS.

Among never smokers in the most recent post-ban survey (3.5 years post-ban), multiple regression analysis, controlling

Table C6: PROMPTED AWARENESS OF CIGARETTE BRANDS BY SURVEY WAVE

	Wave 1	Wave 2	Wave 3	Wave 4	2006 (Post-ban) v 2002 (Pre-ban)			
Dependent Variable 1 = aware, 0 = not	Pre-ban 1999	Pre-ban 2002	Post-ban 2004	Post-ban 2006	Adj OR	95% CI Lower	95% CI Upper	P
Awareness of:	%	%	%	%				
Benson & Hedges	91	79	74	66	.500	.410	.611	<0.001
Berkeley	59	55	36	30	.320	.265	.385	<0.001
Lambert & Butler	n/a	85	83	78	.609	.486	.764	<0.001
Marlboro	n/a	71	67	65	.793	.657	.956	<0.001

(OR) Odds Ratio .

Table C7: NEVER SMOKERS' LIKELIHOOD OF BEING SUSCEPTIBLE TO SMOKING

Logistic Regression: Dependent variable = Susceptibility to smoke (1 = susceptible, 0 = non-susceptible)		Odds Ratio		95.0% C.I for Odds Ratio.		Significance
Number of forms of tobacco marketing aware of		1.07		1.03	1.12	0.001
Number cigarette brands aware of		1.09		1.02	1.17	0.009
Sibling smoking						0.000
• No siblings smoke		1.00				
• Any siblings smoke		1.77		1.38	2.27	0.000
• Not sure/not stated		1.86		1.24	2.79	0.003
Peer smoking						0.276
• Majority not smoke		1.00				
• Majority smoke		1.13		0.78	1.64	0.507
• Not sure/not stated		1.24		0.94	1.64	0.129
Parental smoking						0.347
• Neither parent smokes		1.00				
• Only dad smokes		1.06		0.79	1.44	0.684
• Only mum smokes		1.26		0.91	1.74	0.172
• Both parents smoke		1.11		0.84	1.46	0.467
• Not sure/ no mum/ no dad		1.35		0.99	1.84	0.062
Gender						
• Male		1.00				
• Female		1.53		1.27	1.85	0.000
Age		0.92		0.87	0.98	0.012
Social Grade						
• ABC1		1.00				
• C2DE		0.76		0.62	0.92	0.006
Survey Year						0.450
• 2002 (6 months pre-ban)		1.00				
• 1999 (3 years pre-ban)		1.18		0.90	1.55	0.223
• 2004 (18 months post-ban)		1.14		0.87	1.50	0.334
• 2006 (3.5 years post-ban)		1.23		0.94	1.62	0.127

for parental, sibling and peer smoking, gender, age and social grade found that awareness of tobacco marketing at PoS ($t=2.294$, $P<0.05$) and awareness of new pack design/size ($t=3.312$, $P<0.01$) were both positively associated with cigarette brand awareness ($F_{9,673} = 23.288$, $P<0.001$).

3. Conclusions

This study examined youth awareness of tobacco marketing at point of sale (PoS) relative to other forms of tobacco marketing over the period 1999 to 2006, prior to and following implementation of the TAPA. It is clear that the TAPA has led to an overall decrease in awareness of tobacco marketing as well as a decrease in brand recall.

Initial studies of the impact of the TAPA (ie. Moodie et al 2008) were unable to fully explore its impact on smoking susceptibility. Research has indicated a dose-response relationship between exposure to advertising and a higher risk that adolescents will start smoking, even after controlling for known causation factors such as low socioeconomic status, parent and peer smoking (DiFranza et al 2006). This study explored the relationship further. When other risk factors were controlled for, never smokers' susceptibility to smoke increased with greater brand awareness and with greater awareness of tobacco marketing. Furthermore, in the most recent post-ban survey (3.5 years post-ban) never smokers' awareness of cigarette brand was positively associated with awareness of tobacco marketing at PoS as well as of new pack designs or new pack sizes. As a result further regulations on these forms of marketing would serve to reduce brand awareness.

As noted, following the TAPA participants became less aware of brands as indicated by a decrease in number of brands mentioned and poorer identification and recognition of specific brands. However some brands maintained or even increased recall levels such as Silk Cut, Mayfair and Richmond. Pollay's (2007) analysis of tobacco company documents indicates that as tobacco promotion and marketing restrictions are tightened companies are increasingly considering 'eye level' visibility at PoS as key to brand success. It is possible, and quite likely that the brands which maintained or increased in recall levels have utilised 'eye level' positions in tobacco gantries. Young people will remain vulnerable to the display of even a limited number of tobacco brands at PoS.

In conclusion, the TAPA has been successful in reducing the exposure of youth to tobacco marketing, however PoS marketing remains an important avenue for marketing and promotion of tobacco and until this is removed youths will remain susceptible to tobacco promotions.

D. Retailer concerns

I. Introduction

Tobacco is a highly unusual retail product. It is highly addictive and damaging to not only the users' health but also those in the vicinity through passive smoking. However it is sold in the majority of retail environments (ie. convenience stores, off-licences, forecourts, and supermarkets) where it is seen as critical to customer "footfall". Regardless of the value of tobacco to retailing, the harm to health must be prioritised.

The Department of Health's consultation document on the future of tobacco control in the UK proposes to remove tobacco from display in English and Northern Ireland retail outlets. Reviewing how the tobacco industry has sought to counter such regulation in countries such as Iceland, Canada, and Ireland provides a useful overview of both the response which can be expected from the tobacco industry, as well as potential ways of securing a robust legalisation.

The first nation to ban tobacco at PoS was the Republic of Iceland in 2001. Iceland has a long history of tobacco regulation and along with other measures such as the licensing of all retail tobacco outlets the Act on the Prevention of the Use of Tobacco banned the visual display of tobacco. British American Tobacco Nordic challenged the Act on the basis that it violated Iceland's constitution with respect to freedom of expression, the sanctity of property and freedom of enterprise. In October 2003 this was dismissed on technical grounds, but it was resubmitted to the courts in 2004. It has been reported that the Icelandic ban resulted "in the closure of 30% of all convenience retailers" (*THE GROCER*, 19TH APRIL 2008, P12). However there are a number of other factors which are likely to have contributed, such as the slowdown in Iceland's economy from 2000 to 2002 (Jonsson et al 2007). Additionally, Iceland has a very different retail environment from that of the UK, especially considering the state monopoly on the sale of alcohol. As such care must be taken when extrapolating findings from the Icelandic retail sector to the UK.

Canada has one of the most comprehensive coverage of tobacco PoS restrictions, with the majority of Canadian provinces and territories already requiring, or in the process of requiring, tobacco for sale to be stored out of sight. With the Tobacco Control Act, in June 2001, Saskatchewan became the first province to ban tobacco products from display in public areas where young people were permitted access. The tobacco industry responded in two ways to the Saskatchewan proposal of PoS regulations. First, the tobacco industry undertook lobbying of the Legislative Assembly to weaken the legislation. This included the *Saskatchewan Committee for Responsible Tobacco*, a front group for the tobacco industry, urging retailers to contact members of the Legislative Assembly. According to the Canadian Council for Tobacco Control the industry ran similar 'misinformation' campaigns in Ontario and Quebec, primarily based on arguments that

the restrictions would decrease sales and increase thefts. The tobacco control community used evidence from other jurisdictions to show this was unlikely to occur and the legislation was then passed (Canadian Council for Tobacco Control 2008).

Second, the tobacco industry challenged the law in courts. Rothmans Benson & Hedges Inc argued that the proposed provincial tobacco control contradicted the federal tobacco legislation allowing retailers to display tobacco and tobacco related products, and signs indicating availability and price of tobacco products. The display ban was upheld in September 2002 by the Court of Queen's Bench, however the Appeal Court ruled that the federal law should take precedent (Tilson Consulting 2004). The case was appealed to the Supreme Court, and a number of stakeholders applied for intervener status to allow them to argue before the Supreme Court.

- Health agencies: Canadian Cancer Society, the Canadian Lung Association, the Canadian Medical Association and the Heart and Stroke Foundation of Canada
- Retailers: Western Convenience Store Association, whose members include Petro Canada, Husky Energy, 7-Eleven, Mac's Convenience Stores, Imperial Oil and Short Stop Foods
- Federal government and the provincial governments: British Columbia, Manitoba, Ontario, Quebec, Nova Scotia and Prince Edward Island.

The Supreme Court of Canada upheld Saskatchewan's ban on retail displays in any premises accessible to minors under 18 years (OCAT 2008).

Many of the provisional Canadian restrictions have yet to be evaluated. The UK retail press has reported that only half of the 10,000 convenience stores owners in Ontario, Canada were likely to meet the deadline for the province's ban on displaying cigarettes. Of these many were unable to obtain the covers by the deadline, or fund the (equivalent) £300-£2,100 cost¹³ (Convenience Store, 18th April 2008, p8). Similarly the UK press has carried the prediction that

"30% of Canada's small retailers will go out of business in the next five years as a result of the ban on displays."

(CONVENIENCE STORE, 13TH JUNE 2008, P8)

In addition to Canada providing a positive case for the success of tobacco control, it has been used as a warning to UK retailers. In June 2008, President of Canadian Convenience Stores Association David Bryans warned

"Let what happened in Canada be a lesson to UK retailers. You need to take this situation more seriously, start campaigning earlier, and fight for your rights to do legitimate business." (CONVENIENCE STORE, 13TH JUNE 2008, P8)

¹³ In Ontario, the use of "enhancements" (decorative panels and backdrops associated with particular brands of tobacco products; backlit or illuminated panels; promotional lighting; three-dimensional exhibits; or any other device, instrument or enhancement) was restricted in May 2006 and on May 31, 2008 these restrictions were replaced by a total ban on the display of tobacco products at most retail outlets.

Closer to the UK geographically, by cultural background and legal system is the Republic of Ireland. The Irish Public Health (Tobacco) Acts, 2002 and 2004, prohibit retail displays. In 2004, Gallaher Dublin Ltd, PJ Carroll and Company Ltd, John Player and Sons Ltd and five other companies/individuals challenged the ban on the grounds that it was unnecessary since tobacco advertising was already regulated, it was an unjustified infringement of the companies' right of freedom of expression and of their right to communicate information to their consumers. One week before the case was to be heard, the tobacco companies conceded all costs associated with the case (Office of Tobacco Control 2007). The 'point of sale' tobacco advertising and product displays in shops will be finally removed on 1st July 2009 (Office of Tobacco Control 2008).

Objective

The international case studies above demonstrate that it is critical that both the public and retailers are given accurate and accessible information about PoS and that the legislation is both comprehensive and robust. This chapter will review the main counterarguments to PoS restrictions on tobacco in the UK retail press. These were identified through an audit of tobacco-related items in the main tobacco retail press. from January to June 2008 These arguments will be analysed and suggestions offered for ways of gathering support from retailers however this section does not include detailed health-related rebuttals.

2. Methodology

This review draws on an analysis of PoS related articles in paid-for titles in the main tobacco retail press (The Grocer, Off Licence News, Convenience Store and Forecourt Trader) from January to June 2008. These magazines/trade journals represent a suitable overview of the retail media, specially focused on those sectors which sell tobacco products.

The Grocer: published weekly to serve the food and drink retail sector. Its readership includes directors of the large multiples, independent retailers, growers, food processors and manufacturers.

Off Licence News: published fortnightly for the drinks retailing sector; with an audited circulation of 18,493. Its readership includes big retail chains, retail staff, wine merchants, supermarkets, off-licences and convenience stores, and also online businesses.

Convenience Store: published fortnightly for small stores selling the 'convenience mix' aimed primarily at the independent and neighbourhood retailer. Contains industry news, letters and industry specific consumer research.

Forecourt Trader: published monthly and mainly targeted at the independent petrol-retailing sector. Contains news, industry and retailer profiles, as well as scheduled features on all categories of a service station operation, including the shop.

3. Overview of Retail Coverage

The retail press offers a valuable insight into particular arguments used and also the wider context of tobacco legislation. This raises a number of discrete issues which should be mentioned before exploring the specific arguments. These are the construction of the retail media as the voice of retailers, the general trend of tobacco PoS coverage in the retail media, the context of the retail coverage, the impact of tobacco PoS regulation on local and independent retailers, and the question of whether PoS regulation should be national or regional.

3.1 Retail Press as a Voice of Retailers

It is clear that the tobacco industry is heavily present in the retail press. While tobacco adverts are commonplace, the tobacco industry also undertakes a wider range of activities, such as buying specific page space for what is obviously marked as an industry advert. For example Imperial Tobacco's purchase of page space to run info-adverts such as "How 10s can add ££s to your business?" details the possibility of government proposals to limit cigarette pack sizes and directs readers to contact their local MP (Convenience Store, May 2 2008, p43). Tobacco industry spokespeople, often quoted in the retail press are also heavily present at trade shows. For example Convenience Store carried a news item entitled "Tobacco retailers are urged to speak out" which reported a speech given by Jeremy Blackburn, communications manager for Gallaher at the Retailing Show (Convenience Store, 18th April 2008, p8). Under the heading 'Action Points', the article lists six items "that could ensure the future of the independent retailers", the first of which is "Get involved with lobbying on issues such as planning and tobacco". A second article in the same issue notes that, "Retailers attending Gallaher's tobacco marketing update were urged to contribute to the government's consultation on tobacco display restrictions" (Convenience Store, 18th April 2008, p20).

While it is widely recognised that the tobacco industry markets and promotes tobacco to retailers through both advertising and sponsorship of retail awards, it is clear the industry has been a key motivator in the retail press coverage of tobacco PoS. More covert is the appearance of letters in the retail press such as "Cigarette proposals are unacceptable" with the name and address supplied but not listed (The Grocer, 12th April 2008, p26). It is thus problematic to assume that arguments present in the retail press are representative of retailers themselves. Rather it is clear that the retail press play an important role in framing tobacco PoS arguments to retailers.

3.2 General Trend of Tobacco Coverage in the Retail Media

This review covers the period from October 2007 to June 2008, during which time the coverage of government legislation of smoking and tobacco products turned increasingly negative and defensive. For example in January 2008's Forecourt Trader reported "There's no disguising

the government's intent – a crackdown on smoking – but there's still millions of smokers in the UK" (p39). A month later, The Grocer ran an article titled "Tobacco rolls with the blows":

"Tobacco manufactures are being hit by taxes and legislation but are attempting to fight back with premium products and the revitalised roll-your-own sector." (THE GROCER, 23RD FEBRUARY 2008, P47)

By April, Off Licence News reported in its news section that the "ACS [The Association of Convenience Stores] warns thousands will stop selling cigarettes if display ban goes ahead. Legalisation could mean end of road for tobacco retailers" (4th April 2008, p4).

Tobacco retailers include a wide range of business, including forecourts, convenience stores, off-licences and supermarkets. Not only do these differ in terms of their customer base but they will also have different capacities to respond to changing markets. Thus Brooker's Chief Executive Charles Wilson notes,

"We are investing heavily in non-tobacco areas, as frankly that is where the future is." (CONVENIENCE STORE, MAY 30 2008, P4)

Smaller, independent stores and those in economically deprived communities could be expected to have less capacity to invest in these non-tobacco sectors.

3.3 Wider Retail Debates Around Tobacco Legislation

The retail press articles rarely focused exclusively on tobacco PoS restrictions. Rather PoS was mentioned along with the other legislative changes under discussion. For example, a news article in the May 2008 edition of Forecourt Trader covers the anticipated consultation with PoS being mentioned along with restrictions on 10 packs, tobacco vending machines and suggestions for retailer licensing schemes (Forecourt Trader, April 2008, p8). Similarly the front cover of The Grocer on the 12th April 2008 carried the sub-headline "Smoking just got ugly" with the blurb "Graphic picture warnings on cigarette packs will be introduced in October yet already the government wants more. Has it gone too far and will it ever stop." The internal article featured in the 'analysis section' reviews the PoS consultation, cost of fitting new gantries and the issue that tobacco may become illicit (The Grocer, 12th April 2008, p29). It is clear that restricting PoS is not framed as a single concern in the retail press, but rather includes wider issues of increasing government restrictions and 'interference' in retailing.

"Cigarettes, whatever you may think of them on a personal level, are a legal product. Do you think you may soon have to put all the full-fat products on the top shelf to help prevent obesity? Or require a licence to sell crisps and sweets? Obviously, the nanny state is alive and well." (CONVENIENCE STORE, MAY 2 2008, P16)

Often articles will mention alcohol and unhealthy food products as potential targets for similar legislation. For smaller independent retailers these products form the basis of their product range and such legislation is likely to be perceived as a significant threat to their livelihood.

3.4 Differential Impact of Tobacco PoS Restrictions on Local and Independent Retailers

It is clear that tobacco is an important product for retailers, primarily as a 'traffic builder' (Convenience Store, 19th October 2007, p50). For example,

"Kelly McGuire helps run her family's supermarket and news point CTN [confectioner, tobacconist and newsagent] in Manchester and she say if she didn't sell tobacco she'd lose most of her customers, "most customers – probably about 99% – smoke." (CONVENIENCE STORE, 19TH OCTOBER 2007, P49)

Highlighting this point, 53% of total cigarette sales in 2007 were in convenience stores (Iain Watkins, UK trade communication manager for Imperial Tobacco, Convenience Store Supplement, 4th April 2008). It is likely that PoS restrictions will have a greater impact on local and independent retailers, due to tobacco retailing playing a larger role in convenience stores. Indeed tobacco retailers are members of their local community, typically living beside and serving regular customers; 60% of an average independent retailers' tobacco turnover comes from people living within 440 yards of the shop (Convenience Store Supplement, December 2007, p23).

3.5 Tobacco PoS Regulation: National or Regional?

Iceland, Thailand and Ireland are the only three countries to have undertaken national tobacco PoS restrictions, with provincial/state restrictions present in Canada and Australia. A similar situation exists in the UK, with Scotland undertaking its own restrictions. The retail press, which has UK-wide coverage, clearly see this as a UK-wide issue. For example the article entitled 'Tobacco display ban edges closer' notes:

"Plans by the Scottish government to ban the display of tobacco products in stores are likely to pave the way for similar changes south of the border in the next few weeks." (CONVENIENCE STORE, MAY 30 2008, P4)

Additionally it would seem the retail associations would be in favour of UK-wide restrictions, with ACS public affairs manager Shane Brennan suggesting the "Same laws should be applied to both sides of the border" (CONVENIENCE STORE, MAY 30 2008, P4).

4. Counter Arguments to Tobacco PoS Restrictions in the UK

Five categories of counter argument were identified in the retail press. These are product display as a basic right of the retailer and customer, the financial impact on retailers,

burdens for sales staff, crime, and ineffectiveness. Each of these categories contains a number of argument variations which seem tailored to particular types of retailers and contexts.

4.1 Product Display as a Basic Right of Retailer and Customer

It is claimed in a number of articles that product display is a basic right of the retailer and customer.

"People who smoke have the right to see what they are purchasing and decide what products they lawfully wish to purchase." (LETTER TO THE GROCER, 12TH APRIL 2008, P26)

"At the most simple level, restrictions on display of product conflict with a retailer's basic right to show shoppers the range of products that they sell, and their price." (IMPERIAL TOBACCO TRADE COMMUNICATION MANAGER IAIN WATKINS (CONVENIENCE STORE, 18TH APRIL 2008, P8))

There are examples, predominately from provinces in Canada (ie. Ontario), where products such as alcohol are required to be displayed out of sight at retail due to the strong emphasis which society places on their consumption. (http://www.ocat.org/pdf/bans_manitoba.pdf).

For some retailers tobacco is not seen as an impulse purchase, for example Abdul Majid, owner of Spare Bellshill, is quoted as saying:

"The display allows customers to make an informed decision. Cigarettes are not an impulse buy – the customer isn't going to look at the gantry and say 'I like the look of that brand, I'll buy that today'." (CONVENIENCE STORE, 30 MAY 2008, P4)

This indicates that there is a lack of awareness amongst retailers as to the mechanism behind purchasing habits, and spontaneous tobacco purchasing specifically. While this may seem strange to many in tobacco control it should be kept in mind that retailers come into contact predominately with individuals who they recognise as smokers (ie. locals living within 400 yards of the store) and who are unlikely to switch brands. It should be made clear that 'spontaneous purchasing' of tobacco refers to a person who does not intend to purchase any tobacco product during that retail visit, but who does so when at PoS.

4.1.1 Integrity of Tobacco Products/PoS Would be Lost

Related to the idea of product display as a basic retailer right is the argument that restrictions would destroy the integrity of tobacco products.

Current tobacco PoS displays, with their prominent position and visual warnings, have constructed tobacco as an age-restricted product for an adult - an informed individual.

"Products are served off a gantry where customers can see the price. The warnings are well-lit so they can make an informed judgement. It also gives Trading Standards the chance to see that the products for sale are legitimate. But if tobacco retailing is shrouded in secrecy it will become a dirty product." (COLIN FINCH, PRESIDENT OF THE NATIONAL FEDERATION OF RETAIL NEWSAGENTS AND OWNER OF FAIRVIEW NEWS, BLACKWOOD, SOUTH WALES (THE GROCER, 12TH APRIL 2008, P28))

Central to product display is the idea that the consumer is able to rationally select a product they will be satisfied with. This relies on brand recognition, product information on the packaging and general knowledge about the product. This is generally achieved through the inclusion of nutritional information on food items and health warnings on tobacco and alcohol. Clearly, for this information to be used by the consumer they have to be able to see the product prior to purchasing. Thus, as Section D4.5.3 explores, there are often calls for the government to focus on increased education about the health effects of tobacco to ensure people are 'educated and informed consumers'.

It should also be noted that PoS tobacco displays also provides a venue for roll-your-own (RYO) accessories.

"Consumers who came in for just a pouch of tobacco can often be persuaded to leave with rolling papers, a packet of filter tips and even a rolling machine as long as they are able to see a range of accessories merchandised next to one another". (ANDREW HARDIE MARKETING MANAGER AT SWEDISH MATCH UK (THE GROCER, 23RD FEBRUARY 2008, P50))

4.1.2 Limits Fair and Undistorted Competition

The PoS is also seen to play a part in the competition between different tobacco products. For example,

"Display of products is necessary for fair and undistorted competition between manufacturers and between retailers." (CONVENIENCE STORE, 4TH APRIL 2008, P4)

However, the idea of undistorted competition in regard to the manufacturers of tobacco is problematic as Imperial Tobacco owns brands such as Embassy, John Player Special and Lambert & Butler while Gallaher owns Benson & Hedges and Silk Cut. The consumer is not choosing between different products by different companies, but rather between products from the same manufacturer. In addition, competition between retailers on the basis of tobacco is very limited and only occurs on the level of stocked brands. Depending on the exact legislation of a tobacco PoS display ban implemented in England, Wales and Northern Ireland, this is possible as the customer will know which shops stock which brands through noticeboards and on-counter magazines.

4.2 Financial Impact on Retailers

The primary argument for retailers in the retail press is an economic one, highlighted by recent coverage in the 'ACS in action' section of Convenience Store,

"Parliament will have a role to play, and we will be helping retailers to make their voices heard, but this is an argument that will be won and lost on hard economic data. In simple terms, the government has to set out the benefits of the proposal in terms of reduced levels of smoking, particularly reduced take-up by young people. We have to set out the cost of a display ban, particularly in terms of the transition and ongoing cost of staffing and managing a system where tobacco packs are not on view." (CONVENIENCE STORE, 13TH JUNE 2008, P12)

The retail press has included various estimates of the cost of the ban. However, it is not clear what particular items are covered (likely to include cost of refurbishment, cost of insurance, training and potentially loss of footfall). For example in one article the ACS is quoted as estimating the cost of a display ban to be between £1,850 and £4,965 per store and questions this in terms of the ban's likely effectiveness in decreasing smoking up-take, citing the case of Canada where youth levels of smoking are growing (Convenience Store, 13th June 2008, p12).

4.2.1 Refurbishment

The main cost associated with PoS restrictions is refurbishment. The retail press carries various estimations, from £50 million (The Grocer, 26th April 2008, p62) to £252 million for refurbishment (The Grocer, May 31 2008, p10), although the latter estimate also includes staff training. Many have already made stores secure, which was estimated to have cost £4,500. Colin Finch, president of the National Federation of Retail Newsagents and owner of Fairview News, Blackwood, asks, "Why should we be unpaid regulators of a multibillion pound revenue-generating industry for the Treasury?" (The Grocer, 12th April 2008, p28).

Similarly the argument that retailers could continue selling tobacco is questioned by some.

"Refitting the shop would be a very expensive procedure. The profit margins on cigarettes are poor anyway, so it wouldn't be worth it" said Peter Walton, owner of Brows Lane Newsagents in Formby Lancashire, 'Shop owners like me would probably stop stocking cigarettes altogether. We don't sell cigarettes to children anyway, so the idea just doesn't hold water'." (CONVENIENCE STORE, 4TH APRIL 2008, P4)

An argument has been advanced that retailers will incur significant costs in implementing the new legislation, such as through building new cabinets, retrofitting existing displays, etc. However, the same argument was put forward in Saskatchewan, Canada. Retailers have found ways to comply with legislation in ways that best meet their needs: using a curtain, placing sliding doors in front of shelves, putting cigarettes under the counter, putting cigarettes in drawers,

etc. In Saskatchewan, enforcement officers also report that the 98% compliance level was achieved at minimal cost to retailers. They have not observed stores closing or staff being laid off (Blau & Greaves 2005).

It is likely that economic costs of refurbishment in the UK will be dependent on a number of factors including: age and size of gantry, replacement unit etc. However these costs will ultimately depend on the type of changes required by the regulation, and hiding tobacco products from view need not be done in a costly fashion.

4.2.2 Loss to Tobacco Retailers

The retail press often carries articles arguing that the PoS restrictions will result in a loss of footfall and secondary/spontaneous purchases by smokers, particularly for smaller stores.

"The cost implications would damage smaller retailers more than others and the driving underground of tobacco is going to help only the fraudsters." (JOHN MURPHY DIRECTOR GENERAL OF THE FEDERATION OF WHOLESALE DISTRIBUTORS (THE GROCER, MAY 31 2008, P10))

"Our most pressing concern is that the proposed shift to a ban on public display will cost small family-run businesses thousands of pounds in refurbishment and training and have no impact in helping youngsters stop smoking." (COLIN FINCH, PRESIDENT OF THE NATIONAL FEDERATION OF RETAIL NEWSAGENTS (THE GROCER, MAY 31 2008, P10))

While a formal economic evaluation of Saskatchewan's legislation has not been conducted, Health Canada's tobacco enforcement officers reported that compliance appears to have been achieved at minimal cost to retailers plus there have been no media reports of negative economic impact. The Saskatchewan College of Pharmacists has indicated that for their members "There have been no significant problems or failures, economically or otherwise" (CCTC 2008).

It is likely that the impact of UK PoS restrictions on footfall will be dependent on a number of factors including: retailers' capacity to invest in non-tobacco products, consumers' demographics and location. It is clear that smaller, independent retailers are under increased pressure from larger price competitive stores and it is likely that tobacco products play a valuable role in offering a competitive product mix. However the regulations will impact on all stores, regardless of size, and smaller stores will still be able to stock the same range of tobacco.

4.2.3 Smuggled Tobacco

Counterfeit products, and tobacco in particular, is highlighted as a massive problem within the retail press. For example, the article "Suspicious lines" noted "the trade in counterfeit products is reaching epidemic proportions" (Convenience Store, 4th April 2008, p33). In some cases it is argued that government tobacco control legislation has led to an increase in smuggling.

"The recent increase in the minimum age for buying tobacco has provided a massive boost for the illegal market."

(CONVENIENCE STORE, 14TH DECEMBER 2007, P7)

The retail press frequently mentions high levels of smuggled tobacco in the UK. For example the Tobacco Manufacturers' Association estimates that 69% of RYO tobacco smoked in the UK is non-duty paid (The Grocer, 23rd February 2008, p48).

"Shane Brennan ACS public affairs manager estimates one fifth of tobacco smoked in the UK comes from illegitimate sources at a cost of £2bn to the treasury and £500m to retailers. Retailers Against Smuggling, with 16,500 retailers found that one in five independents are considering closing because of tobacco smuggling, and more than a third have considered laying off staff." (THE GROCER, 12TH APRIL 2008, P28)

It is clear that retailers are concerned about smuggled products, primarily due to loss of earnings. In addition smuggling is also often used to argue that the tobacco control efforts of the government are misdirected.

"[James Lowman] also argued that the government had more pressing matters to address. 'One-fifth of all tobacco smoked in the UK is supplied by the black market and the government has to do more to tackle those who sell illegal and counterfeit tobacco.'" (JAMES LOWMAN (CHIEF EXECUTIVE ASSOCIATION OF CONVENIENCE STORES) QUOTED IN FORECOURT TRADER, APRIL 2008, P8)

In the UK features are now incorporated into the tobacco packaging to allow illicit tobacco to be identified by Trading Standards Officers, however to minimise the risk that these features are copied by the counterfeiters the features are not publicly known. Thus the retail press argues that displaying tobacco products in plain sight plays a role in allowing instant visual recognition between legitimate tobacco and counterfeit/smuggled tobacco.

"Ken Parsons, chief executive of the Rural Shops Alliance warned that the measures do nothing to address the 'massive illegal market for tobacco in this country'. He adds that products hidden away could be counterfeit and tobacco gantries behind the counter are there to be seen by the police, Trading Standards Officers and honest customers. 'By reducing the perceived difference between counterfeit or smuggled and the legitimate product, it could make the whole tobacco problem a lot worse,' he said." (THE GROCER, 7TH JUNE 2008, P5)

This view is sometimes extended to argue that removing tobacco from display will impact on smuggling by making the illegal/illicit tobacco market more acceptable.

"Finally, we would like to correct the impression that we believe 'people would simply get used to buying products that were not displayed'. We actually said a ban on the display of tobacco products could make some adults smokers feel their shopping experience was not dissimilar to buying from the illicit trade." (IAIN WATKINS (THE GROCER, 19TH APRIL 2008, P24))

In addition, the tobacco industry has argued that illicit trade would increase as a result of the legislation.

"Later this year, the Government may introduce new legislation restricting how tobacco is displayed within store... Illicit trade in tobacco in your area may rise which may affect your legitimate sales." (CONVENIENCE STORE, 4TH APRIL 2008, P51)

The UK government have one of the most well resourced comprehensive tobacco smuggling strategies in the world, (Joossens & Raw, 2007) and as a result smuggling is likely to decrease in the short to medium term but will continue, irrespective of tobacco prices, and moving tobacco under-the-counter will not hasten a dramatic increase in tobacco smuggling.

4.3 Burden for Sales Staff

Arguments related to tobacco PoS restrictions being a burden for sales staff are often mentioned briefly in retail articles. These generally relate to longer serving times and increased physical movement as sales staff might be required to bend down for tobacco products.

4.3.1 Longer Serving Times

It is clear that the placement of tobacco at the PoS plays an important part in the retail environment and has constructed a particular interaction between customer and retailer.

"Display of products ... is also essential to the efficiency of the retailing process which is increasingly dependent on speeding up the transaction times and reducing the need for extended verbal communications." (CONVENIENCE STORE, 4TH APRIL 2008, P4)

Retailers are likely to be hesitant to any changes to this interaction, especially if changes result in people feeling uncomfortable about asking for and buying tobacco products.

4.4 Crime

The two main crime related arguments in the retail press are:

- Thefts in stores will increase because sales staff have to spend more time with their backs turned.
- Sales staff will be at personal risk because their backs are turned to their customers for longer periods of time.

General retail crime and theft are a staple feature in the retail press, eg. "Quick-footed thieves are everywhere" (Convenience Store, May 30 2008, p15). Most carry a 'news' section which includes crime-related articles. For example in the News page of a June edition of Convenience Store the article covered; a murder of a newsagent, various violent robberies and a 14 year old boy who was arrested for an arson attack on a convenience store in Nottingham (Convenience Store, 13th June 2008, p10). Retailers are also

provided with evidence of violence in the retail environment; a survey carried out by the Scottish Grocers' Federation found that in 553 stores there were 1,269 cases of verbal abuses and 165 incidents of physical violence against staff (Off Licence News, 13th June 2008, p8).

It is in this context that the argument that tobacco PoS restrictions will increase risk of theft and attack should be considered. Perception of crime and risk of crime plays a large role in making people feel safe and as a result it should be considered that the sales staffs' ability to see a person within their personal space is likely to be an important factor in them feeling safe and in control. However there has been little research into the impact of tobacco PoS restrictions on crime and no indication that PoS restrictions have resulted in actual increases in crime. For example, in Saskatchewan an estimated half of retailers kept their display bans in place during the 18 months the law was delayed by the tobacco industry's legal challenge. Some reported doing this because they believed having tobacco products visible increases theft (Canadian Council for Tobacco Control 2008).

4.5 Ineffective

Tobacco PoS restrictions are often argued to be ineffective, particular when the retailer is aware that youngsters can access more harmful products.

"Denis Mils of West Sussex off-licence, 'I have had two people come into this off-licence and when we refused them they said "do you realise it is easier to buy a line of coke in this village that it is to buy cigarettes or alcohol?"' (OFF LICENCE NEWS, 4TH APRIL 2008, P4)

Many articles simply claim that there is no evidence to show that PoS restrictions would be effective. However a number also include related arguments such as restrictions on PoS increasing the view of tobacco as illicit, the lack of regulation of proxy purchasing and the need for more education.

4.5.1 Potential to Make Tobacco More Illicit

There were a number of references in the retail press to the potential for PoS to result in tobacco becoming more illicit,

"A member of the House of Common's cross-party science committee has joined retailers in condemning plans to ban point of sale tobacco displays... Dr Bob Spink MP said the move could make tobacco more illicit. 'I agree that we should consider new ways to stop children from taking up smoking and welcome the new debate and initiatives. However, placing cigarettes under the counter may have the wrong effect, making them even more attractive to youngsters.'" (THE GROCER, 19TH APRIL 2008, P12)

"...hiding tobacco under the counter would make it more illicit, and desirable, to rebellious teenagers." (KATHERINE GRAHAM, CAMPAIGN MANGER AT TOBACCO ALLIANCE (THE GROCER, 12TH APRIL 2008, P28))

"Forcing tobacco under the counter would play into the hands of people who want smoking to grow as it would be shrouded in secrecy." (COLIN FINCH, PRESIDENT OF THE NATIONAL FEDERATION OF

RETAIL NEWSAGENTS AND OWNER FAIRVIEW NEWS, BLACKWOOD, SOUTH WALES (THE GROCER, 12TH APRIL 2008, P28))

Dr Spink's comments are likely to have fed this view and provided this potential negative consequence of PoS restrictions as an argument for the tobacco industry. The main purpose of placing tobacco products out of sight of the customer is to remove the marketing and promotion potential of tobacco packing and gantries. It is clear the industry recognises the power of pack design. For example Imperial Tobacco is reported as launching Gold Leaf "targeting women with its yellow packaging and leaf design" (The Grocer, 23rd February 2008, p50) and in April Imperial Tobacco launched a hologram-effect pack for Lambert & Butler (The Grocer, 26th April 2008, p62). Restricting PoS marketing and promotion in locations where youngsters are allowed is thus clearly in line with the current UK restrictions on marketing and promotion of tobacco products.

4.5.2 Proxy Purchasing

"At the moment you can buy tobacco for someone who is under the age of 18 without facing sanctions. They should make this illegal." (ACS PUBLIC AFFAIRS MANAGER (THE GROCER, 12TH APRIL 2008, P29))

The question of proxy purchasing is often mentioned in the retail press, both in terms of government regulation and test purchasing. Specifically it is noted that a retailer who sells tobacco to a 15 year old in a shop can be fined but if they were on the street there would be no restrictions.

"Even more absurd is the fact that there is no proxy rule at all for tobacco purchasing, meaning that adults can legally sell tobacco to children as long as they are not retailing at the time." (CONVENIENCE STORE, 18TH APRIL 2008, P7)

In April 2008 a London retailer set up an on-line petition on the Downing Street website to change the legislation related to proxy law to bring tobacco in line with alcohol by making it an offence to buy tobacco on behalf of under-18s (The Grocer, 12th April 2008, p12 and Convenience Store, 18th April 2008, p8). The London retailer is quoted as saying

"All the onus is on the retailer... if we make a mistake, we are liable to be prosecuted." (THE GROCER, 12TH APRIL 2008, P12)

In terms of PoS restrictions, the retail press often portray the lack of regulation of proxy purchasing as illustrating a gap in government policy. For example:

"The Association of Convenience Stores (ACS) chief executive James Lowman commented "it is a ridiculous

anomaly that it is not illegal to buy tobacco when underage, neither is it illegal for an adult to buy tobacco on behalf of someone under 18. Unless this consultation addresses these issues, the government will be ignoring fundamental important measures that would target the problem.” (CONVENIENCE STORE, 4TH APRIL 2008, P4)

It is clear that while youths do buy a substantial amount of tobacco from retailers (Fuller 2007) they also gain tobacco from friends and family members. The social acceptability of supplying tobacco to underage youths is clearly an issue which should be tackled through information and health promotion campaigns.

4.5.3 Education

The need for greater education and information has been used in the retail press as a counter argument to PoS regulation. Tobacco is seen as a product for an adult consumer who makes informed choices. David Rees, the editor of the Convenience Store, when talking of the PoS regulation noted,

“A better way is surely to educate consumers to make informed choices, not just about tobacco, but also about alcohol and fatty foods. It’s not easy to do, but nothing worthwhile ever is.” (CONVENIENCE STORE, 13TH JUNE 2008, P7)

The retail press often notes that youths smoke due to a lack of education and poor family guidance. At times non-rigorous research is used to justify this view, for example

“A recent opinion poll by populus revealed that 94% of the public believed that the primary reason for under-18s starting to smoke was the influence of friends and family.” (CONVENIENCE STORE, 13TH JUNE 2008, P9)

It is clear that the retail press does not cover the causes of youth smoking in sufficient depth for the reader to gain a sufficient understanding of the value of PoS restrictions.

5. Conclusions

Tobacco is a highly addictive and damaging, but legal, product. As with many public health issues there is a tension between the rights and responsibilities of different stakeholders. In this case a tension seems to exist between the retailer's and smoker's right for the legal product to be displayed against the public health benefits from not allowing such products to be displayed to the general public. However, as Section A explored, the main beneficiary of tobacco display is the tobacco industry, not the retailer. As mentioned in Section D3.1 the tobacco industry is heavily present in the retail press which frames retail arguments as pro-tobacco, and tobacco as being critical to modern retailing. Indeed the main counter arguments identified in the retail press are that PoS restrictions breach freedom of expression, the sanctity of property and freedom of enterprise. These arguments often also focus on the critical role that tobacco plays in local and independent retailing, portraying the issue as one of increased government regulation on already burdened shop keepers.

Each of the counter-arguments can be countered not least by the overwhelming public health argument, but also by international evidence and economic studies.

The retail press is a powerful tool to influence retailers, understanding of the tobacco display debate. It is clear that the retail press would benefit from greater involvement by the tobacco control community on par with that of the tobacco industry. Firstly, research mentioned in the retail press is often low quality and poorly referenced. PoS coverage in the retail press would clearly benefit from the inclusion of higher quality research and tobacco control groups could facilitate this by supplying research findings in an accessible and suitable manner. Secondly, many of the articles include quotes from “the local retailer” who represents the personal impact of PoS restrictions. This is likely due to the tobacco industry supplying time strapped reporters with pro-tobacco retailers and could be countered by tobacco control lobby groups supplying similar personal stories. Finally, tobacco control lobby groups are generally portrayed as anti-retailer. This is perhaps unavoidable as the articles generally rely on supplying balance as “two opposing views”. However it is likely that a sizable portion of retailers are non-smokers, ex-smokers or individuals who support tobacco control. Thus during the C-Store Champions' Survive and Thrive debate where Jeremy Blackburn Gallaher communication manager spoke, two retailers in the audience responded in support of regulation (Convenience Store, 18th April 2008, p18). It is possible to reclaim the idea of the “responsible” retailer and PoS as a positive move. For example ASH Australia produced a leaflet entitled “tobacco facts for retailers” which stressed the role which retailers play in youth smoking while calming retailers’ fears over loss of revenue (ASH Australia 2004).

While retailers have valid concerns related to PoS regulations, the public health cost of smoking, particularly to the young, means that the government must remove tobacco products from sight of the customer. The government and the tobacco control community will play a vital role in facilitating the implementation of these restrictions.

E. The promotion of tobacco associated products

In 2007 the tobacco accessory market in the UK contributed as much as £112 million annually to retailers (Forecourt Trader, September 2007). While this may seem small in comparison to the UK tobacco market, the 'Roll Your Own' (RYO) tobacco sector is the only one that continues to show growth in sales (Off licence news, 4th April 2008). In an interview to *The Grocery Trader*, Andrew Hardie, Marketing Manager of Swedish Match UK Sales segmented the market as;

"Filters are approximately £37m, papers £110m, lighters £70m and matches £12m. At over £200m and growing, it's a significant category, offering good margins - there are few such categories left in UK retailing." (THE GROCERY TRADER, 4TH APRIL 2008)

Tobacco use involves a variety of products including tobacco cases, pouches, pipes, rolling machines, rolling papers, filter tips, tobacco flavourings, matches and lighters. Products, such as pipes and tobacco flavourings, are generally only available at specialised tobacco retailers, however 'consumer' RYO tobacco accessories such as filter tips and rolling papers are typically sold alongside tobacco at general retailer outlets. It is particularly the consumable RYO tobacco associated products which are seen as playing a vital role in retailer profit. This growth was advertised in the retail press, for example;

"Think future profit, think cutters choice. Offering your consumers more choice in a continuously growing RYO market." (FORECOURT TRADER, DECEMBER 2007).

Little research has been published exploring the branding and promotion of tobacco accessories. What has been carried out has focused on the role of PoS to increase positive brand user imagery directly in the situation where a product purchase can take place, and hence the potential to increase the likelihood of impulse purchasing (ie. Donovan, et al 2002).

Through Europe many countries have undertaken comprehensive regulations of tobacco marketing, removing it from billboards, TV, newspapers and as a sponsor of sports and cultural events. In France there are indications after the French Tobacco Act the advertising shifted to RYO products. For example OCB, a RYO tobacco cigarette paper brand, launched a high profile media campaign featuring famous actors, singers and models (Oddoux and Melihan-Cheinin 2001). These advertisements used humour, impertinence, multicultural openness, provocation, and breaking the law and were directed at teenagers, not only through the placement of the adverts in teen specific magazines, but also through additional promotion at music festivals.

In the UK the tobacco accessory sector is made up of both national brands and subsidiaries of larger multi-national tobacco companies. Many of these RYO cigarette brands have connections to tobacco companies, for example Rizla+ is a subsidiary of Imperial Tobacco. As tobacco promotion

in the UK is highly regulated, the promotion and marketing of tobacco associated products offers tobacco companies a means to promote tobacco use.

The promotion of tobacco through the marketing of lighters and matches seems at first glance less likely. Clearly these are used for a range of activities, including many not connected to tobacco use and as a result are sold in a variety of retail outlets.

"Matches are sold in Europe mainly through supermarkets and tobacconist stores as well as gasoline stations and service stores. Lighters are sold mostly in stores that sell tobacco products, and can also be found in outlets where tobacco is not available, such as grocery stores, in some countries." (SWEDISH MATCH WEBSITE, ACCESSED 7TH JULY 2008)

However as this advert on the back of a Swan matchbox clearly shows, the main use of these products is tobacco related.

Figure E1: Back view of a Swan Safety Match packet



(PHOTOGRAPH TAKEN BY AUTHORS, 2008)

Companies also market these items to retailers as "smokers' requisites". In an interview with the retail magazine *The Grocer* Andrew Hardie, Marketing Manager of Swedish Match UK Sales noted some of the techniques the company suggests to retailers,

"What are your stocking and ranging recommendations to supermarkets and convenience store chains, to help them maximise their profits from smokers' requisites?"

*We recommend using the **bold colours** of the Swan range to **signpost the requisites category**. Placing market-leaders Swan Extra Slim and Swan Slimline filters as **prominently as possible** and stocking the full range will help to maximise profitability. With Swan's 125th anniversary, and Swan Vestas' Golden Match promotion, there are good reasons to **increase the visibility of the brands**. We'd suggest leading the match offering with Swan Vestas. As category leader in lighters all our brands do well in supermarkets, these are Poppell, the entry point brand, Swan refillable and Cricket premium lighters. **It's a good idea to stock smokers' requisites products as 'manager's choice' items, based on local customer demand in individual stores.**"* (THE GROCERY TRADER, 4TH JUNE 2008, EMPHASIS ADDED)

It is clear that products connected to tobacco use such as RYO cigarette papers as well as lighters and matches offer the opportunity to promote tobacco use. The extent to which these products promote tobacco use depends both on the extent to which the products are promoted but also the manner in which they are marketed.

The aim of this chapter is to explore the current promotion of tobacco associated products in the UK. For this purpose four of the leading brands were selected; Rizla+, Swan, Cricket and Zig-Zag.

Rizla+, a subsidiary of Imperial Tobacco, is the most popular RYO rolling paper brand worldwide and has the largest share of the accessories market in the UK (Rizla+ website 2008). Rizla+ manufactures six main types of rolling papers; Regular size papers, Green Regular, Red Regular, King Size papers, King Size Light Blue Slims and King Size Dark Blue.

Swan and Cricket are both subsidiaries of Swedish Match, the largest producer of snus and snuff and which also produces pipe tobacco and cigars. The Swan brand produces RYO cigarette rolling papers, safety matches, lighters, pipe cleaners, rolling machines, flints, lighter gas and fluid. The Cricket brand is only related to lighters.

Zig-Zag is a French brand which sells four variations of cigarette tobacco, filtered cigarettes along with tobacco accessories such as five sizes of RYO cigarette papers (and varieties of these sizes including Liquorice, Water Resistant, Slow Burning and Free Burning), RYO filters, filter cigarette-making machine, and filtered cigarettes.

1. Methodology

This review is not intended to be comprehensive but rather seeks to illustrate the range of activities undertaken by these brands to promote tobacco associated products and tobacco use. A variety of data sources have been used including retail journals, national press and product websites.

Retail Journals

An analysis of PoS related articles in paid-for titles in the main tobacco retail press (The Grocer, Off Licence News, Convenience Store and Forecourt Trader) was carried out. These magazines/trade journals represent a suitable overview of the retail media, specifically focused on those sectors which retail tobacco products.

The Grocer: published weekly to serve the food and drink retail sector. Its readership includes directors of the large multiples, independent retailers, growers, food processors and manufacturers.

Off Licence News: published fortnightly for the drinks retailing sector; with an audited circulation of 18,493. Its readership includes large retail chains, retail staff, wine merchants, supermarkets, off-licences and convenience stores, and also online businesses.

Convenience Store: published fortnightly for small stores selling the 'convenience mix' aimed primarily at the independent and neighbourhood retailer. Contains industry news, letters and industry specific consumer research.

Forecourt Trader: published monthly and mainly targeted at the independent petrol-retailing sector. Contains news, industry and retailer profiles, as well as scheduled features on all categories of a service station operation, including the shop.

National Press

This review also used a selection of national general press. A press audit was conducted in December 2002, January 2003, February 2003 prior to the TAPA and thereafter in June and December each year until June 2007. Titles included the most widely read daily and Sunday tabloids and broadsheets, general weekly and fortnightly magazines, women's weekly, fortnightly and monthly magazines, and men's monthly magazines.

Product Webpages

Targeted searches were carried out of product webpages to build up an overview of the products and brands. These included;

Rizla+	http://www.rizla.com/
Imperial Tobacco	http://www.imperial-tobacco.com/
Swan	http://www.houseofswan.com/
Cricket	http://www.cricketlighters.com/
Swedish Match	http://www.swedishmatch.com/
Zig-Zag	http://www.zigzagpapers.com/index.php

2. Results

2.1 Rizla+

Since 1997, when Imperial Tobacco took over the Rizla+ brand there has been a number of marketing and promotion campaigns.

2.1.1 Advertising

From 2001 onwards Rizla+ has run a number of campaigns mainly on billboards and magazines. Various versions were used including; "switch to manual" (Nov 2001), "roll with it" (Jul 2002), and "twist it" (July 2002). From September 2002 to January 2003 the campaign was based on the tag line; "it's what you make of it" with different advertisements (see Figure E2).

Figure E2: Rizla+ campaign tag lines

“Replace after 50 uses”
It pictured a battery with negative and positive poles and the caption “Rizla+. It’s what you make of it”

“Smoking”
It pictured a Rizla+ box with the logo “Jacket +.” on the back and the caption beneath “Rizla+. It’s what you make of it”

“Turned on a”
It pictured a box of tobacco rolling papers with “Spit+.” and the tag line “Rizla+. It’s what you make of it”. The box of tobacco rolling papers was pictured on a spit above a fire.

Zig-Zag complained to the Advertising Standards Authority on the basis that these advertisements referred to drug use, however this was not upheld. (ASA 2003). Later complaints about advertisements which used the tag line “twist and burn” were upheld as the phrase was seen as referring to smoking cannabis (Billings 2003). A current example of a Rizla+ advert is shown below.

Figure E3: Rizla+ advert from 2008 campaign



Rizla+, by their own admission has targeted these advertisements to the roughly 2.8 million adults aged 18-34 years in the UK who roll their own cigarettes (ASA 2003). Insight into the advertising campaign strategy for Rizla+ is indicated by the super brands review;

“Rizla advertising focuses on powerful and visually arresting images where the pack takes an animated role. Everyday consumer language is used in all marketing communication.”
(SUPERBRANDS 2008)

In 2004, Rizla+ launched the “inspired-by” marketing campaign which involved not only advertising but also sponsorship and promotional activity around the theme. In 2005 a number of events were held such as a photographic exhibition (Rizla+’s inspired-by Faces of frontmen) and music related events (the NME New Music Tour). In 2006 a viral marketing campaign which reportedly involved the consumer

‘passed the parcel’ unwrapping layer by layer to win thousands of Rizla prizes (Precision Marketing 2006).

2.1.2 Sponsorship and Promotion

Rizla+ has run a number of sponsorship and promotion events, both national and international. Since 2002 it has been a sponsor of Suzuki British superbikes and run a number of promotional events and competitions in connection to this sponsorship deal. For example the team appeared in Silver to coincide with launch of new Silver Rizla+ (Rizla Suzuki website 2008). Various competitions offer related prizes such as the “chance to win a Rizla Suzuki GSX-R600 race replica” and a day at Silverstone to meet the riders.

It is clear that the connection between Suzuki and Rizla+ is beneficial to both brands, and both are seen as sharing similar values. Indeed Paul Denning, the team manager noted’

“Rizla is a colourful and exciting brand that fits in well with Suzuki’s racing ethos and identity.” (RIZLA AND SUZUKI JOIN FORCES IN MOTOGP 2006)

Rizla+ has also sponsored other events, directed at more traditional pub goers. For example during the summer of 2003 Rizla+ launched “The Art of Rolling +” tour which included free ten pin bowling sessions at 8 UK cities for over 18’s. However in recent years it would seem these events have become directed at the young, specifically through the sponsorship of music events and festivals, such as the “Invisible Players” launched in 2004.

The “Invisible Players” promoted new bands such as Styz in student unions and music festivals. This involved a van with Rizla+ promotions touring festivals; Bestival (Isle of White) Lovebox (London) and Connect (Scotland). This campaign was reported to have reached 80,000 people, with 24,000 Rizla+ samples distributed (Exposure 2008). In 2008 Rizla+ also sponsored a number of music arena at summer festivals, such as this one at Rockness

“The new 1920’s themed arena with palm trees, new lighting, period cinema style screen and bean bags provided the perfect environment for revellers to kick back and chill during the day and let rip at night.” (RIZLA+ INVISIBLE PLAYERS WEBSITE, ACCESSED 7TH AUGUST 2008)

The music was provided by Heavenly Jukebox, Kid Acne, Radio One’s Annie Nightingale, Billy Woods, Greg Wilson, Maurice Fulton, Autodisco, Graeme Park,

“About 3,000 people danced outside the arena for the duration of his set and ensured that Rizla’s reputation for putting on the best parties was well and truly intact. (...) A great start to the 2008 tour for the Rizla Invisible Players Tour. Once we’ve all recovered we’ll be on the case planning an even bigger party for the next outing – The Big Chill in Herefordshire, 1-3rd August.” (RIZLA+ INVISIBLE PLAYERS WEBSITE, ACCESSED 7TH AUGUST 2008)

It is clear that such events are targeted at youth, and promote the brand Rizla+, and RYO smoking as fashionable and part of youth culture.

2.1.3 Brand Sharing

On-line Rizla+ offers a variety of non-tobacco related products connected to its brand including clothing (connected to Team Rizla Suzuki and music events) as well as Rizla+ branded festival related products (ie. wellington boots and camping equipment) (Rizla+ website 2008).

Like with many other brands of RYO cigarette papers, Rizla+ also entered into deals with tobacco brands. For example in 2003 Golden Virginia were advertising their own brand with a free packet of Rizla+ papers.

2.2 Swan

Swan, a subsidiary of Swedish Match, only has 6.2% market share of RYO papers, but 84% of filters (Swedish Match, the interview 2008). In comparison to Rizla+ the promotion and marketing of the Swan brand is more general, also including matches as well as RYO products.

2.2.1 Advertising

Many of Swan's campaign promotions are connected to marketing of their brand in connection to their safety matches;

"We had a celebration for our employees on January 17 2008 and we're offering commemorative limited edition Swan Vestas collectors' packs in five variants, featuring images of Swan Vestas packs through the years, which are available to the trade now. In July we're also launching a Golden Match promotion, offering 125 prizes of £1,000, with the mechanic being "Strike the match and find the gold head, to claim the prize." Stocks of promotional packs will be available from mid-July." (THE GROCERY TRADER, 4TH JULY 2008)

Swan is typically a product for the older smoker, and in 2004 Styx launched new brands of papers "to smoke out some younger customers", "aimed at a younger market." The launch was based on the Styx Combi Pack, which combines 50 cigarette papers and 50 filters in a flip-top container for ease of use. Natalie Bridge category manager at Swedish Match has described this as

"The Styx Combi pack fulfils all the practical demands and it is contemporary looking, which is key to this image-conscious market." (LANNING 2005)

In 2007 this packaging was also used for the Swan Combi pack, which contained 50 Swan Extra Slim filters and 50 Swan Green papers.

2.2.2 Product Innovation

In 2008 the 'Swan Smooth' filter was launched. This is advertised as

"a totally new concept of filter. With an activated carbon cavity Pop-A-Tip™ filter, Swan Smooth delivers a cooler, smoother smoke than any other filter product currently available on the market." (THE GROCERY TRADER, 4TH JULY 2008)

The company intends to use several promotion and marketing tools to support the launch of this new product,

"We're promoting the launch to our customers with trade press activity, and Swan Smooth will be sampled this summer to consumers at Bennetts British Superbikes events and music festivals, combined with a consumer advertising campaign." (THE GROCERY TRADER, 4TH JULY 2008)

2.2.3 Sponsorship and Promotion

The 2008 Bennetts British Superbike Championship through its 12 UK events (including Thruxton, Oulton Park, Brands Hatch, Donington Park and Silverstone) offers Swan a large coverage. In an interview to The Grocer Andrew Hardie, Marketing Manager of Swedish Match UK Sales has mentioned the tight connection between RYO tobacco users and bike enthusiasts.

"... gives us the chance to sample Swan and other products to bike enthusiasts, who are a major part of our core target audience. Swan Combi is ideal for motorcyclists as it is convenient and a handy size pack, reducing the RYO paraphernalia." (THE GROCERY TRADER, 4TH JULY 2008)

In similarity with Rizla+ it has been reported that Swan will be sponsoring music events in the future (Swedish Match, The interview, 4th June 2008). At the moment they are currently running a competition "Chill out in Ibiza".

"Don't miss your chance of winning 4 tickets to go clubbing in Ibiza with your friends. Swan Green Papers and Swan Pop-A-Tip Filters Range (Extra Slim, Slim and Menthol) have 10 fantastic trips to Ibiza plus 1,500 The best of Café del Mar CD's and 2,500 free entries into UK clubs to be won." (HOUSE OF SWAN WEBSITE (1), ACCESSED 7TH AUGUST 2008)

2.2.4 On-line Merchandising

As with many other companies, Swan also offers on-line merchandising. This is primarily through www.houseofswan.com which also gives details of current promotions as well as a trade section.

2.3 Cricket

Cricket is the primary brand of lighter produced by Swedish Match which has a 22% market share of the UK and European lighter market (House of swan website (2) 2008). Cricket produces a number of lighter designs including those themed as 3D, Illusions, 5 Senses, inspiration, uncorked, and poker.

2.3.1 Sport Sponsorship

Cricket sponsors a range of sports including surfing, cycling, and car racing. Primarily these allow Cricket to brand lighters

with attractive images. For example Kirk Flintoff, a pro surfer sponsored by Cricket has his own series of Cricket Lighters. However as the two examples below show, the sponsorship deals also enable Cricket to promote their lighters as exciting, action packed etc.

Le Tour de France

"...license of Cricket and The Tour De France 2006 result in a dynamic and sportive concept to further build the road of Cricket lighters. Cricket developed two strong series on its Original and Electronic lighter line. The combination of sport action pictures and the admired jerseys are the ingredients to have two lighter series to the imaginary." (CRICKET WEBSITE, ACCESSED 7TH AUGUST 2008)

Le Mans

"If ever there was a benchmark in sports car racing, a measuring stick by which the worlds greatest race teams and drivers could compare their ingenuity, their ability and their desire... If ever there was an arena to showcase elegance and machinery, persistence and passion, finesse and fortitude... it is at Le Mans!" (CRICKET WEBSITE, ACCESSED 7TH AUGUST 2008)

2.4 Zig-Zag

Zig-Zag has less visibility in the UK market, and while it does produce other products only RYO cigarette rolling papers are commonly stocked in UK shops. As a result most of its promotion and marketing is concerned with this product.

2.4.1 Advertising

The main adverting undertaken by Zig-Zag in recent years has been the "smooth skin" and "sticky" campaign. In 2003 a campaign was created comparing Zig-Zag cigarette papers to 'smooth skins'. The ads featured in Front, Viz and Bizarre magazines, used the head and shoulders of a naked woman, who had the words "smooth skins" tattooed on her shoulder. The ASA received complaints from Rizla/Imperial Tobacco as the adds referred to 'skins' which is slang for smoking cannabis and as it used glamorous and attractive female models. The ASA found that the approach

"...linked smoking with admirable qualities, exaggerated the pleasure of smoking and implied that it was glamorous to smoke and therefore breached the Cigarette Code." (ASA 2003)

This campaign was then changed to the "sticky" tag however the photographs can still be found on a connected site called "smooth skins".

"Here are all the shots you will never see. We had difficulty in choosing the right photos. You now have access to everything, at Zig-Zag, that's how we like it! Our brief was to project the quality of the paper used by Zig-Zag, hence the title smooth skins. For the benefit of the Advertising Standard Authority, this is a pun. This may not have occurred to you." (SMOOTH SKIN WEBSITE, ACCESSED 7TH AUGUST 2008)

It is noted in the retail press that RYO view the gum as the primary importance for RYO papers and the "sticky" campaign promotes the gum used on the Zig-Zag papers. This campaign uses a woman's image (Carole) with the tag line "is it sticky enough for you?" and "it is so sticky". These adverts are featured in 'lad mags' such as Maxi, Loaded, Rewind and big issue.

2.4.2 Sports Promotion

Zig-Zag undertakes a variety of promotion and marketing activity including sponsorship of the Zig-Zag Mansell Motorsport Benetton Judd B197 Formula One car at Le Mans. In the United States it also sponsors music events which featured UK bands (Zig Zag live website, accessed 7th August 2008).

3. Conclusions

The marketing campaigns used to promote tobacco associated products, and RYO papers in particular, are reminiscent of tobacco marketing. These involve general advertising, promotions, competitions and sponsorships deals.

The promotion of tobacco associated products has a number of problematic features. First, such promotion increases consumption of tobacco associated products, leading indirectly to an increasing consumption of RYO tobacco. For example Golden Virginia has given free Rizla+ packets with their product. Second, many of the tobacco associated brands have commercial connections to tobacco companies, and thus it is likely that they will seek to promote tobacco products through the associated brands.

Third, it would seem that the ASA as been used in commercial rivalry between Rizla+ and Zig Zag. This may indicate that advertising campaigns do play a role in the competing marketing strategy between different brands; however the campaigns do not make claims related to the qualities of the products. Tag lines such as "smooth skins" or "it's what you make of it" make no reference to product superiority over other brands. These campaigns were aimed at promoting the consumption of the product on the basis of desirability and a positive image of smoking.

This review has offered an initial analysis of tobacco associated products and two main findings are suggested.

Sponsorship of tobacco accessories are used to create a positive image of smoking: The use of sport figures, particularly that of surfing and motor racing seeks to promote the image of tobacco as exciting and glamorous. It is likely that with the gap in tobacco sponsorship this type of sponsorship will increase.

Tobacco accessories marketing is increasingly targeted at promotions to young people: It is clear that the promotion of tobacco accessories such as Rizla+ and other brands of RYO papers at events such as music festivals, and through

youth-oriented promotions, target young people directly and indirectly. This creates an image of tobacco products as compatible with music and other social activities.

To conclude, the TAPA regulations currently governing tobacco advertising should be expanded to include tobacco associated products. If not marketing and promotion of tobacco will increase through this avenue.

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