



SASKATCHEWAN
COALITION
FOR TOBACCO
REDUCTION

June 24, 2008

Mr. David Taylor, MP, and
The All Party Parliamentary Group on Smoking and Health
The House of Commons, London WC1A 0AA

Dear Mr. Taylor and the All Party Parliamentary Group:

The *Saskatchewan Coalition for Tobacco Reduction* congratulates your Government on its consultation on the future of tobacco control and its commitment to a new national tobacco control strategy. These measures will protect children, youth and all citizens from the devastation caused by tobacco addiction, illness and death.

We trust the proposed legislation will contain a ban on point-of-sale displays. Since Saskatchewan, Canada, was the second jurisdiction in the world, after Iceland, to pass this legislation, we would very much appreciate the opportunity to provide you with “lessons learned” as well as help counter any misinformation being provided to you.

A display ban was first recommended by the *All Party Committee on Tobacco Control*, a Committee of the Saskatchewan Legislative Assembly. Legislation was passed unanimously and proclaimed in 2002.

Saskatchewan’s point-of-sale ban legislation has been a success story. The opportunity to ban one of the tobacco industry’s last avenues to promote tobacco products to youth was precedent-setting and, although legally challenged by a tobacco company, was upheld by the Supreme Court of Canada.

Saskatchewan no longer promotes tobacco products to children, and 12 Canadian provinces and territories have passed similar laws!

Ease of Implementation

Saskatchewan’s display ban has been well accepted. Health Canada’s tobacco enforcement officers report the law achieved a very high level of compliance within six months to a year after its proclamation.

Public support is high and includes one group whose support was unexpectedly enthusiastic. Ex-smokers relate it is much easier not to start smoking when they are not faced with tobacco displays in stores!

Lack of Negative Economic Impact

Tobacco enforcement officers also report compliance appears to have been achieved at minimal cost to retailers. No stores have closed and no staff has been laid off.

Mr. Ray Joubert, *Saskatchewan College of Pharmacists*, reports that although there may have been a few transitional issues, implementation have gone “smoothly”. He said “*Compliance is high. There have been no significant problems or failures, economically or otherwise.*” He has not heard of any negative outcomes such as businesses closing or staff being let go.

There have also not been any media reports of negative economic impact due to the point-of-sale ban. In fact, Saskatchewan’s economy is booming.

Increase of ‘point-of-sale’ research

With the passage of point-of-sale bans in Canada, Iceland, Thailand and other jurisdictions, there has been an increase in research around this area. (See attached summary) The literature confirms **the primary purpose of point-of-sale displays is to promote to children and youth**. Banning displays creates an environment where children and youth are protected.

Research says partial bans are not effective given the tobacco industry’s propensity to make the most out of such situations. We encourage you to provide children, youth and ex-smokers with complete protection from tobacco industry promotion.

Detractors

We would be remiss if we didn’t mention there were detractors to the legislation. The *Saskatchewan Committee for Responsible Tobacco Retailing* was formed just prior to the legislation being passed. Although claiming to be ‘poor’ retailers the Committee appeared to have extensive funding to run its campaign.

The Committee mounted a fax campaign to retailers urging them to oppose the legislation by calling their Member of the Legislative Assembly. Retailers were provided with misinformation. Suspicions of links between the retail committee and the tobacco industry were confirmed when a Committee spokesperson admitted it was a sub-committee of the *Canadian Coalition for Responsible Tobacco Retailing*, a tobacco industry coalition with a similar name.

Misinformation

The following misinformation was heard in Saskatchewan and we would like to share the information we have to counter it.

- “*Banning tobacco product displays won’t affect youth smoking.*”
As mentioned, there is considerable research evidence proving that tobacco advertising and promotion increase tobacco use. If such advertising did not work, it is unlikely the tobacco industry would spend millions of dollars on it every year in Canada.
- “*The legislation will cause undue economic hardship*”
There have been no media or other reports of economic losses because of the display ban in Saskatchewan. There may be losses of payments from the tobacco industry to

retailers. However, the *Canadian Cancer Society* has reported that retailers can offset these by increasing the cost of each package by a few pennies. The only business that will suffer is the tobacco industry as fewer and fewer youth become addicted to its products.

- *Saskatchewan retailers have used shower curtains extensively to cover displays of tobacco products.*
No one we know has seen a shower curtain used in this way. The term was coined by the tobacco industry to trivialize the law. The phrase was used by Rothmans Benson & Hedges lawyers in all of their court appearances including the last one at the Supreme Court of Canada.
- *Thefts in stores increased because clerks had to spend more time with their backs turned.*
Such a suggestion is outside the experience of Saskatchewan retailers. In fact, 30% to 40% of retailers continued to keep their display bans in place during the 18 months the law was struck down by the industry's legal challenge. These retailers reported they did this for a number of reasons, one being they believed that **having tobacco products visible increases theft.**

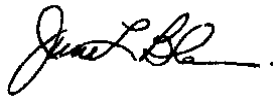
There is further evidence that theft did not increase with point-of-sale bans:

- There have been no media reports of thefts increasing in Saskatchewan.
- Tobacco enforcement officers have not heard of increased thefts.
- According to the *Saskatchewan College of Pharmacists*, many pharmacists in Saskatchewan initially quit selling tobacco because they believed having it in stores increased thefts.
- Testimony was provided to the Standing Committee on Social Development, Prince Edward Island, on March 11, 2004, by Constable Gary Clow who stated that power walls of tobacco products encourage 'break and enters'.
- *Clerks were at personal risk because their backs were turned to their customers for longer periods of time.*
Again, we have not heard anything about this and nothing has been reported in the media in Saskatchewan.

In closing, we encourage your Government to recognize that the tobacco industry and its allies will fight to keep the promotion of its product in front of the next generation of smokers – the children and youth of your country.

We would be pleased to provide any further information or answer any questions.

Yours sincerely,



June Blau
President

RESEARCH STUDIES ASSOCIATED WITH POINT-OF-SALE BANS

- *Evidence and arguments on tobacco retail displays: marketing an addictive drug to children?* George Thomson, Janet Hoek, Richard Edwards, Heather Gifford, Journal of the New Zealand Medical Association, 20-June-2008, Vol 121 No 1276

Arguments against tobacco displays are contradictory, flawed, and unsupported by local and international research evidence, and by the overseas experience of tobacco-free display policies.

- *World's best practice in tobacco control: Tobacco advertising and display of tobacco products at point of sale: Tasmania, Australia* K Barnsley, M Jacobs. Tobacco Control 2000; 9:228-236.

Tobacco product display bans are one of the world's 'best practices' in tobacco control. Displays are recognized as tobacco advertising long recognized to increase sales. To be effective, bans must be comprehensive.

- *Canada: demolishing the power walls* Lynn Greaves. Tobacco Control 2003;12:7-8.
- Saskatchewan's precedent-setting tobacco product display ban reflects the deadly nature of tobacco. The law prevents tobacco companies from displaying tobacco products that encourage people, especially youth, to smoke.**

- *Community mobilization to reduce point of purchase advertising of tobacco products* T Rogers et al. Health Education Quarterly 1995;22: 427-442.

This study found that tobacco impulse purchases increase by as much as 28% when displays are present.

- *Tobacco point of sale advertising increases positive brand user imagery* R J Donovan, J Jancey, S Jones. Tobacco Control 2002;11:191-194.

This study reports that point of sale advertising has the potential to significantly increase positive brand use imagery adding to the likelihood of impulse buying.

- *New frontier, new power: the retail environment in Australia's dark market* S M Carter. Tobacco Control 2003;12:iii95.

This study reviewed tobacco industry documents to determine the industry's role in retail promotion of its products. It describes how, as other avenues for advertising tobacco were banned, the tobacco industry increasingly focused on point-of-sale displays. The study concludes that effective tobacco control measures should include banning tobacco product displays and other retail advertising.

- *Support from retailers for tightening the Western Australian Tobacco Control Act 1990* Crystal L Laurvick, Konrad Jamorzik. Tobacco Control 2001;10:295.

A survey of retailers in Australia determined there was considerable support for removing all indoor (point-of-sale) advertising.

RESEARCH STUDIES ASSOCIATED WITH POINT-OF-SALE BANS (Continued)

- *Phasing out of point-of-sale tobacco advertising in New Zealand* Trish Fraser. Tobacco Control 1998;7:82-84.

This report describes how, over 34 years, New Zealand progressively moved to restrict tobacco advertising. As a result, point-of-sale advertising proliferated. Attempts to ban this advertising in the 1990's failed. The report concludes the tobacco industry realizes it is an extremely effective method of encouraging experimentation by young people.

- *How tobacco companies ensure prime placement of their advertising and products in stores: interviews with retailers about tobacco company incentive programmes* E C Feighery, K M Ribisl, P I Clark, H H Haladjian. Tobacco Control 2003;12:184-188.

Interviews with retailers revealed the tobacco industry exerted substantial control over stores by requiring placements of their products in the most visible locations. Tobacco companies also offered volume based discounts and specials. The paper concludes because the industry is concentrating its marketing dollars at point-of-sale, all shoppers regardless of age or smoking status are exposed to pro-smoking messages.

- *Cigarette advertising and promotional strategies in retail outlets: results of a statewide survey in California* Ellen C Feighery, Kurt M Ribisl, Nina Schleicher, Rebecca E Lee, Sonia Halvorson. Tobacco Control 2001;10:184-188.

Analysis of a random sample of 586 stores that sold cigarettes revealed 94% featured advertising. Twenty-three percent had cigarette product displays next to candy. Point-of-sale displays have been shown to increase average tobacco sales by 12% to 28%. The study concludes tobacco companies are aggressively using stores to market cigarettes.

- *Role of slotting fees and trade promotions in shaping how tobacco is marketed in retail stores* Paul N Bloom. Tobacco Control 2001;10:340-344.

A study of retail stores revealed tobacco companies had been dramatically increasing the volume of slotting fees and trade promotions they paid to retailers, creating a more tobacco friendly retail environment containing self service displays and ample point-of-sale advertising.

- *Tobacco Industry Promotion of Cigarettes and Adolescent Smoking* JP Pierce et al. Journal of the American Medical Association 1998; 279: 511-515.

The study provides evidence tobacco promotional activities can influence non-susceptible never-smokers to start the process of becoming addicted to cigarettes. An estimated 34% of all experimentation in California between 1993 and 1996 has been attributed to tobacco company promotional activities.

- *Restrictions on the Retail Display of Tobacco Products: Policy Analysis* Tilson Consulting. Prepared for Smoke-Free Nova Scotia, August 2004.

The report provides a comprehensive look at point-of-sale displays including evidence from consumer product, tobacco control research and tobacco industry documents. It concludes that since point-of-sale advertising is critical to marketing, governments have a responsibility to ensure retail displays do not normalize tobacco products for youth, promote increased use by current smokers or cue smokers trying to quit.