

Cancer Research UK Briefing: Point of Sale Tobacco Displays

Point of Sale (PoS) displays were removed from large retailers (floor area exceeding 280 sq metres) across the UK between April 2012 and April 2013. From 6 April 2015, the removal of PoS displays will be extended to all retail spaces in the UK.

A growing body of evidence (including from a range of countries that have already implemented PoS display bans) suggests PoS display bans are effective in de-normalising tobacco - especially among young people - and that they tend to be well supported by the public.

Further evidence suggests that a greater number of communities with higher levels of deprivation tend to be exposed to higher levels of PoS marketing. A full PoS display ban is therefore important from the perspective of tackling health inequalities.

Background

In line with World Health Organisation recommendations, and as implemented by countries such as Iceland, the Republic of Ireland, Norway, Thailand and Canada (at provincial level), legislation was passed to put tobacco products out of sight in shops across the UK from 2011 onwards. A review of evidence relating to PoS led by Professor Gerard Hastings was commissioned by Cancer Research UK and published in 2008¹. This report concluded that PoS *'is a particularly valuable form of marketing for the tobacco industry'*, and that *'it provides a good way of reaching young people, and occurs disproportionately in locations frequented by them'*. It argues that comprehensive regulation of tobacco products at PoS, including the removal of displays, *'is therefore a necessary way of protecting children from tobacco'* and that, in contrast to tobacco industry arguments *'PoS marketing stimulates impulse purchasing, not brand switching.'*

Legislation and Legal Challenges

In December 2008, the then Secretary of State for Health, committed to introducing a PoS display ban on tobacco products in England, informed by evidence that displays attract a child's attention and promote smoking². The plan was to require large shops to remove PoS tobacco displays by October 2011, extended to all retailers in 2013³. However, in March 2011, the Coalition Government announced that the deadlines would be pushed back to April 2012 and April 2015 respectively, which followed intense industry lobbying and a legal challenge by the four major tobacco companies (British American Tobacco, Imperial Tobacco, Philip Morris International and Japan Tobacco International)⁴. In December 2011, the four tobacco companies dropped their legal challenge⁵. The regulations also apply in Wales and Northern Ireland, however legislation in Scotland has developed separately.

In January 2010, the Scottish Parliament voted in favour of the Tobacco and Primary Medical Services (Scotland) Bill, which included a measure to remove PoS displays for tobacco in retail outlets in Scotland. Originally, the intention was to implement this in larger retailers in 2011 and smaller retailers in 2013. However, this was delayed due to a legal challenge by Imperial Tobacco, which claimed the Act went beyond the powers devolved to the Scottish Parliament. Following a series of legal appeals, in December 2012 the Supreme Court unanimously dismissed Imperial Tobacco's appeal that PoS legislation went beyond the legislative competence of the Scottish Parliament⁶. In February 2013, the Scottish Government confirmed the date of implementation for the tobacco display ban in large shops would be 29 April 2013, and in small shops 6 April 2015⁷. It is anticipated that the tobacco industry will resist the implementation of PoS display bans in small shops, even though the legislation has already been passed and legal challenges to the legislation (in Scotland) have failed.

Point of Sale Displays and Health Inequalities

There is a strong association between smoking prevalence and socio-economic categories: for instance, people in routine and manual roles are around twice as likely to be smokers as those in professional groups. Reducing health inequalities by tackling smoking should be a key goal for government. A growing body of research suggests that PoS displays may contribute to smoking related health inequalities. Three published studies based on states in the US

suggest low-income and/or minority neighbourhoods experience higher exposure to PoS tobacco advertising^{8,9,10}. Two publications that are about to be submitted by researchers in Scotland suggest this is also an issue in the UK context^{11,12}. These papers demonstrate: (i) the density of tobacco retail outlets in residential neighbourhoods is associated with increased odds of both experimental and established smoking amongst adolescents in Scotland; and (ii) that there is clear evidence of a positive linear relationship between neighbourhood deprivation and tobacco retail outlets (i.e. that less deprived areas have lower density of tobacco retailers and therefore lower exposure to PoS tobacco displays). A qualitative study, also undertaken in Scotland, found that where young people purchase tobacco directly, they tend to do so from smaller retailers¹³. All of this suggests that, if health authorities are committed to reducing health-related inequalities, it is vital to see through the full implementation of the removal of PoS tobacco displays. If the measures remained limited to large retailers, it is likely that people living in more deprived areas would experience greater exposure to tobacco marketing via PoS displays.

Debunking Tobacco Industry Myths

Myth: *'Plans to ban displays of tobacco at the point of sale are not based on sound evidence'*

In 2008, Hastings and colleagues published a review of the evidence relating to PoS display bans which concluded *'There is good evidence to support the imposition of controls which put tobacco completely out of sight at PoS'*¹⁴. Since then, five new studies (one of which is still under review) and a systematic review of the evidence published in 2009 all reinforce this conclusion. Three Australian studies found PoS exposure made it more difficult to quit and stimulated purchases^{15,16,17}. A comparative study of Australia, Canada, the UK and US found implementing PoS tobacco display bans did result in lower exposure to tobacco marketing and less frequent impulse purchasing of cigarettes¹⁸. The systematic review¹⁹ found evidence that images of tobacco packs elicit cravings for cigarettes among smokers and can lead to impulse purchasing and urges to start smoking amongst recent ex-smokers. Finally, a study (which is currently under review) of the PoS ban in Norway suggests that a *'conservative estimate of the effect of the ban in these models is that the ban reduced total sales of cigarettes to retailers by 0.15%'*²⁰. The only study which contrasts with these findings (and claims PoS display bans are associated with an increase in prevalence) was conducted by two authors with long-term tobacco industry associations²¹. Overall, the evidence-base for a ban on tobacco PoS displays, which formed the basis for the decision to legislate in the UK, is now stronger than it was when the legislation was passed in Westminster and Scotland.

Myth: *'PoS displays stimulate brand choice, not new/additional purchases'*

Both Hastings et al's 2008 review²² and a 2009 Australian study²³ indicate that PoS marketing plays only a limited role in brand switching. By contrast, existing evidence suggests that PoS tobacco displays stimulate tobacco purchases²⁴ - including studies which specifically examine the impact of PoS displays on unplanned purchases^{25,26}.

Myth: *'PoS bans have been tried in other parts of the world and youth smoking has increased' and 'it is illegal to sell to anyone under-18, so whether they can see the products or not is irrelevant.'*

Although it is illegal to sell tobacco products to anyone under 18, evidence indicates that tobacco PoS displays are attractive to children and young people²⁷. Indeed, Hasting et al's 2008 review concludes that tobacco marketing at PoS is highly effective and that its role is *'instrumental in youth smoking'*²⁸. The only published study to challenge the impact of PoS display bans on youth smoking was written by two long-term tobacco industry associates²⁹. A 2009 systematic review of available evidence³⁰ and four new studies (one from New Zealand³¹, one from England³², one from the US³³ and one from Norway³⁴) all reinforce Hasting et al's 2008 suggestion that PoS displays are associated with youth smoking. An evaluation of the PoS ban in the Republic of Ireland³⁵ found the law seemed to be effective at de-normalising smoking amongst children and youth, at least in the short term. A further evaluation of the PoS ban in Norway³⁶ found that consumers believed the ban is likely to contribute to preventing smoking initiation among young people. There is therefore strong evidence that PoS bans are an important component of preventing youth smoking and de-normalising tobacco amongst young people.

Myth: *'PoS bans will be difficult and costly to implement in small shops'*

Studies from (Ontario) Canada³⁷, the Republic of Ireland³⁸, Norway³⁹ and (Melbourne) Australia⁴⁰ have all found very high levels of retailer compliance once PoS display removals have been legislated for. There is very little

evidence that implementing PoS bans is costly in small shops. A New Zealand study of retailers who voluntarily removed tobacco displays from site found that removing open tobacco displays did not *'impose a significant financial burden on retailers'*, and that participants *'did not incur high costs'*⁴¹. An evaluation of the Republic of Ireland's PoS display ban found *'that the removal of point of sale promotional displays did not have an immediate impact on cigarette pack sales when underlying trends and seasonality in the data are taken into effect, nor was there an impact on retail closures'*⁴². An Australian study pre- and post- PoS display removals identified very few store closures occurring after the ban⁴³. All this suggests that the disastrous effect that PoS bans could have on small retailers, as predicted by opponents of the legislation, has not materialised in other contexts and is unlikely to materialise in the UK.

Myth: 'PoS display bans will lead to a growth in illicit trade'

An article written by two long-term tobacco industry associates suggests that PoS display bans in the Canadian provinces have led to an increase in illicit trade⁴⁴. However, the article employs very limited data to support this claim. No other studies appear to identify a link between PoS display bans and illicit trade. Moreover, findings in Canada regarding illicit trade are unlikely to be transferable to the UK, in light of: (i) the UK's stronger track record in tackling illicit trade in tobacco⁴⁵; and (ii) the presence of tax-free reserve areas in Canada (for which there is no UK equivalent)^{46,47}. In addition, it should be noted that investigations into previous claims linking Canadian tobacco control measures (e.g. tax increases) to increases in illicit trade levels revealed tobacco industry involvement in the growth in illicit trade^{48,49}. Arguments about a growth in illicit trade based on data from Canada therefore ought to be treated with particular caution.

Myth: 'PoS display bans will increase retrieval time and threaten retailer safety'

Studies both in Saskatchewan, Canada⁵⁰ and New Zealand⁵¹ found evidence that retailers believed removing tobacco displays from view improved security and neither study found any evidence that retailers' in-store security reduced as a result of removing tobacco products from display. Overall, there appears to be no published evidence that PoS display bans threaten retailer safety. Nor do there appear to be any published studies examining how PoS tobacco display bans impact on retailer retrieval time. The tobacco industry has also used claims about product retrieval times against standardised packaging policy in Australia. An empirical study of retrieval times in small stores in Australia following the implementation of standardised packaging found that retrieval time returned to the baseline range *'by the second week of implementation, remaining so several months later'*⁵². This suggests that tobacco retailers quickly adapt to changes in legislation relating to the display of cigarette packs.

Myth: 'PoS display bans will threaten the viability of small shops'

Few studies have analysed the economic impacts of PoS tobacco display bans. Researchers' efforts to ascertain the economic impacts have often been hampered by the fact that PoS display bans were implemented alongside other tobacco control measures, that cigarette sales were already in decline in some places where PoS bans were implemented, and that there are important seasonal variations in tobacco sales. One study by two long-term tobacco industry associates⁵³ claims PoS display bans in Canada had negative economic impacts resulting in widespread store closures and that the impacts in the UK are likely to be greater, although it is unclear on what basis this claim is made. There are several problems with this analysis. For example, there is no clear evidence of a causal association between the closure of shops and the introduction of tobacco display bans and the number of closures reported by Basham and Luik conflict with government statistics which showed no significant fall in shop numbers following the Canadian display bans. On the contrary, the number of convenience stores actually increased by 1.9% in Ontario in 2008, the year of the display ban was implemented⁵⁴. Furthermore, there is no evidence to support the claim that a display ban in the UK would threaten the viability of small shops. The situation in the UK is different from Canada: the phased introduction of display bans means that smokers have had time to adjust to the closed units in supermarkets. This means that when the ban takes effect in small shops, all retail outlets will have display bans making it highly unlikely that smokers who normally purchase their tobacco from small shops will go elsewhere for their cigarettes.

Studies from (Ontario) Canada⁵⁵, the Republic of Ireland⁵⁶, Norway⁵⁷ and (Melbourne) Australia⁵⁸ have all found very high levels of retailer compliance once PoS display removals have been legislated for.

An economic evaluation of the PoS display ban in Norway (under review⁵⁹) concludes that a ‘conservative estimate of the effect of the ban in these models is that the ban reduced total sales of cigarettes to retailers by 0.15%’. This finding suggests: (i) that the PoS display ban was effective in reducing cigarette sales to some degree; and (ii) that this reduction is relatively small (and therefore unlikely to impact on retailer’s profit-margins, which are relatively low for tobacco products in any case, as Hasting et al’s 2008 report makes clear⁶⁰).

A small New Zealand study of retailers who voluntarily removed tobacco displays from site found that removing open tobacco displays did not ‘impose a significant financial burden on retailers’, that participants ‘did not incur high costs,⁶¹. The authors of this study also state that: ‘Most respondents did not suffer a significant decline in trade’ and that ‘any reductions in revenue were small and not difficult to absorb, and tobacco was already declining in importance to their business. Retailers did not report a loss in regular customers and noted that even new customers would ask for tobacco products since they knew what they wanted and did not need to see a brand display to make their choice.’⁶²

Myth: ‘PoS bans are not well-supported by the public/smokers’

A 2010 Cancer Research UK survey found that 73% of the British public supported the removal of tobacco point of sale displays⁶³. Furthermore, research from other high income nations suggests support tends to be high (and growing) amongst the public and smokers (particularly those hoping to quit)^{64,65,66,67,68,69,70,71}.

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