

~~MAYBE~~

YOU'RE THE TARGET

New Global Marlboro Campaign Found to Target Teens



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Acknowledgments

A special thank you to Alianca de Controle do Tabagismo (ACT) Brazil, HealthJustice Philippines, OxyRomandie, Tobacco Control Research Group at the University of Bath (www.tobaccotactics.org) and WhyQuit.com for providing content and photos for this report.



Teenager smoking underneath "Be Marlboro" billboard, Philippines 2014. Source: Campaign for Tobacco-Free Kids.

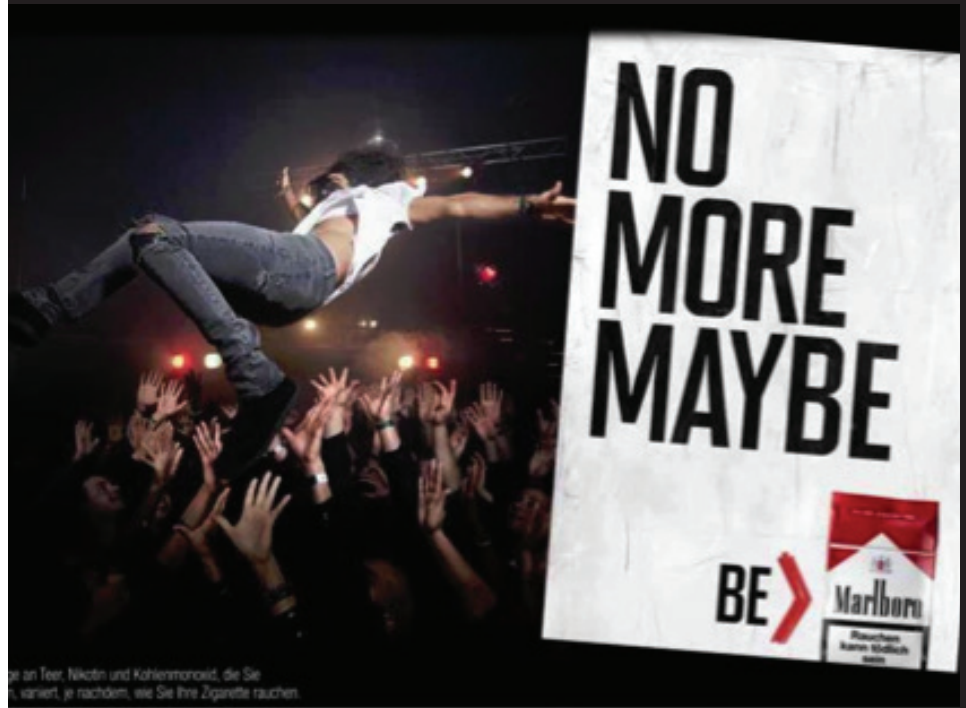
Executive Summary

Tobacco kills nearly 6 million people worldwide every year.¹ To maintain profits, tobacco companies must replace customers who quit or die from tobacco-related diseases with new smokers.² Replacement smokers are often youth who are attracted to tobacco products through expensive marketing campaigns that use images that are highly appealing to young people around the globe.³

While tobacco companies claim publicly that they do not market to youth or design marketing campaigns that target them, a 2013 study conducted in low- and middle-income countries showed that 22 percent of five- and six-year-olds surveyed were able to correctly identify Marlboro cigarettes, the world's best-selling cigarette brand.⁴ Recognition of global cigarette brands by youth is not a coincidence. Volumes of internal industry documents and decades of peer-reviewed research show that tobacco companies target children as young as 13 years of age and such marketing increases youth smoking rates.^{5, 6}

Arguably, no tobacco product's marketing has been more effective in reaching youth than the marketing for Marlboro cigarettes. Historically, Marlboro has been marketed using the iconic Marlboro Man and images of the rugged American West. While the Marlboro Man has been retired in many markets, the effort to appeal to youth continues.

In 2012, Philip Morris International (PMI), the maker of Marlboro and the world's largest publicly traded tobacco company, spent \$US 6.97 billion on marketing its products and related expenses.⁷ At least \$US 62 million



German Advertisement 2012. Source: deWilde Investor Day presentation.¹³

of PMI's 2012 marketing budget was spent on launching new brands and rolling out "Be Marlboro," a global marketing campaign to replace the infamous Marlboro Man.⁸

Using concepts and imagery consistent with the recommendations of findings from previous Philip Morris internal research on marketing to teens,^{9, 10} the "Be Marlboro" campaign draws on youth-oriented images and themes that suggest to young people that they should BE a Marlboro smoker.

Launched in Germany in 2011, "Be Marlboro" has spread to more than 50 countries.¹¹ Although PMI claims that "Be Marlboro" targets only legal-age smokers,¹² campaign advertisements from around the world clearly appeal to minors by featuring young, hip dreamers and doers partying, falling in love, adventure traveling and generally being "cool." In fact, in October of 2013, a German court banned "Be Marlboro" advertisements on the grounds that the campaign is designed

to encourage children as young as 14 years of age to smoke, which is in violation of Germany's advertising law.¹⁴ Although PMI has indicated it will challenge the ruling,¹⁵ the ban on the "Be Marlboro" advertising campaign will remain in place while the case is being litigated.¹⁶

In spite of the German court's finding that "Be Marlboro" advertisements target young teenagers and are in conflict with PMI's own seemingly ineffective code of conduct,¹⁷ PMI continues to aggressively rollout the "Be Marlboro" campaign internationally, including in low- and middle-income countries struggling with the enormous tobacco epidemic. These countries include

- Brazil, where PMI is placing "Be Marlboro" posters at the point of sale (POS), taking advantage of the lack of regulation and inspection to enforce the existing POS advertising ban.



German Advertisement 2012. Source: deWilde Investor Day presentation.¹⁸

- Indonesia, where tobacco advertising laws are weak and where PMI posts massive “Be Marlboro” billboards on the street.
- Philippines, where tobacco companies continually attempt to thwart strong tobacco control policies through the courts.

This report documents the global scope of Marlboro’s multimillion dollar rebranding campaign and how it threatens the health of millions of youth around the world. It also documents how “Be Marlboro” appeals to teens without regard for advertising restrictions aimed at protecting youth in countries including Brazil, Colombia, Germany and Switzerland. The report further emphasizes the ineffectiveness of voluntary marketing codes and partial tobacco advertising, promotion and sponsorship bans at curbing the tobacco industry’s ability to market to youth.

In light of the evidence presented, this report calls on PMI to immediately end all “Be Marlboro” marketing activities worldwide and publish a detailed accounting of “Be Marlboro” activities by country on its corporate website so that governments and public health organizations can assess the damage caused by the campaign.

All governments should comprehensively ban all forms of tobacco advertising, promotion and sponsorship in accordance with the international tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control (FCTC). Only comprehensive bans can prevent PMI and other tobacco companies from initiating similar youth marketing activities in the future.

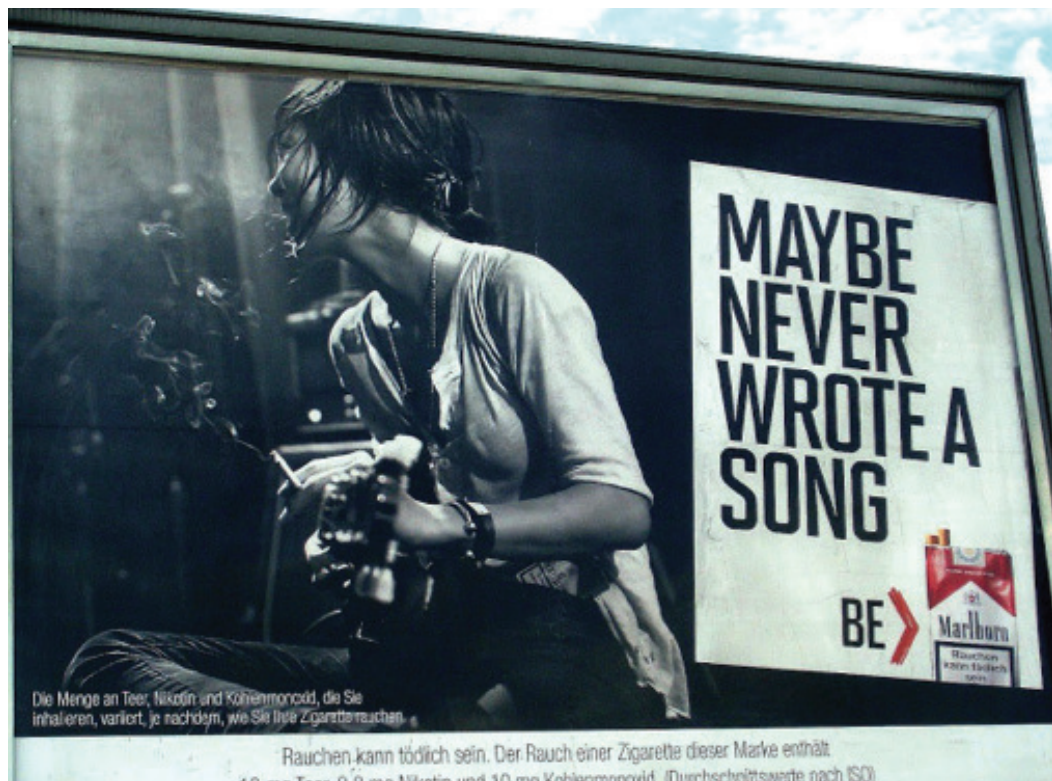


Young girl under “Be Marlboro” billboard, Indonesia 2014. Source: Campaign for Tobacco-Free Kids.

Introduction

Globally, tobacco use is the leading cause of preventable death.¹⁹ Tobacco kills nearly 6 million people annually and, if current trends continue, tobacco will kill more than 8 million people worldwide by 2030.²⁰ The majority of smokers start smoking before the age of 18 and almost one in four smokers begins smoking before the age of 10.²¹ Every day, 80,000 to 100,000 children around the world become addicted to tobacco.²²

Tobacco companies have argued for decades that their marketing efforts do not target youth, while simultaneously acting to prevent strong tobacco marketing bans that protect young people. Some companies, including Philip Morris International (PMI), have even gone so far as to promise in ineffective codes of conduct that they will not market tobacco products to minors.^{23, 24} However, volumes of previously secret internal industry



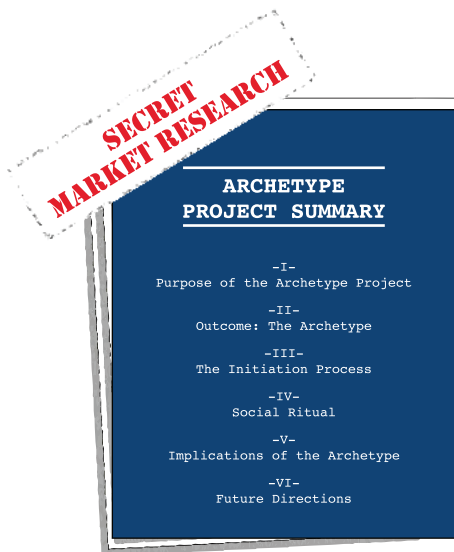
Outdoor Billboard, Germany 2012. Source: WhyQuit.com.

documents publicly released as a result of U.S. litigation settlements and decades of peer-reviewed research show that tobacco companies target children as young as 13 years of age and such marketing increases youth smoking rates.^{25, 26}

In 2012, PMI spent \$US 6.97 billion on marketing and related expenses.²⁷ At least \$US 62 million of PMI's 2012 marketing budget was spent on new brands and the roll out of "Be Marlboro," a global marketing campaign promoting Marlboro cigarettes.²⁸ Using concepts and imagery consistent with the recommendations of previous Philip Morris internal research on marketing to teens,^{29, 30} "Be Marlboro" exploits adolescents' search for identity by suggesting that — in the face of uncertainty — they should **BE** a Marlboro smoker. Although PMI claims that "Be Marlboro" only targets legal-age smokers,³¹ campaign advertisements from around the

world clearly focus on youth-oriented images and themes that appeal to teenagers and feature young, attractive models partying, falling in love, adventure traveling and generally being "cool."

In October 2013, a German court banned "Be Marlboro" advertisements, finding that the campaign encouraged teens as young as 14 years of age to smoke in violation of Germany's advertising laws.³² Although PMI has indicated it will challenge the ruling,³³ the ban on the "Be Marlboro" advertising campaign will remain in place while the case is being litigated.³⁴ In Brazil, CONAR (national council of advertising self-regulation), a non-governmental organization, found that a "Be Marlboro" poster featuring the phrase "I will be independent" targeted a youth audience in violation of the Brazilian Advertising Self-Regulation Code.³⁵ Additionally, a public prosecutor in Brazil recently



Archetype Project Table of Contents. Philip Morris's Archetype Project lays out how to market cigarettes to teenagers. Source: Legacy Tobacco Documents Library, University of California, San Francisco.



Invitation to “Be Marlboro” sponsored concert, Switzerland. Source: OxyRomandie.

demanding PMI and Souza Cruz, a subsidiary of British American Tobacco (BAT), remove all point-of-sale (POS) ads, citing Brazil’s existing federal law banning tobacco advertising. To date, “Be Marlboro” advertisements are still running in Brazil.

In spite of these rulings finding that “Be Marlboro” advertisements are directly aimed at youth, PMI continues to aggressively roll out the “Be Marlboro” campaign internationally, including in countries such as Indonesia and China that suffer from the world’s highest rates of tobacco use.

This report reviews how tobacco companies use marketing campaigns to attract young smokers to replace dying customers and boost company profits. It describes PMI’s “Be Marlboro” campaign and illustrates how, consistent with the findings of the German court,³⁶ the global campaign effectively and strategically targets vulnerable teenagers. The report concludes by demanding that

PMI end all “Be Marlboro” campaign activities and immediately publish a full list of “Be Marlboro” marketing activities by country on its corporate website so that governments and public health organizations can assess the damage caused by the campaign. Recognizing that voluntary regulations and partial advertising, promotion and sponsorship bans are ineffective, the report also calls on governments to ban all forms of tobacco advertising, promotion and sponsorship in accordance with Article 13 of the FCTC to prevent PMI and other tobacco companies from initiating similar marketing activities in the future.³⁷

“[I]f the tobacco companies really stopped marketing to children, the tobacco companies would be out of business in 25 to 30 years because they will not have enough customers to stay in business.”

Bennett LeBow, President and CEO of Vector Tobacco, Inc.³⁸

Recruiting Replacement Smokers — Philip Morris’ history of targeting youth

Up to half of all lifetime smokers die from tobacco-related diseases.³⁹ To maintain profits and ensure their economic future, tobacco companies must attract young smokers to replace smokers that die from tobacco-related illnesses.⁴⁰ Because teenagers are uniquely vulnerable to marketing, the tobacco industry has spent decades and billions of dollars developing marketing tactics that hook teens and addict them for life.^{41, 42}

Internal tobacco industry documents made public through landmark U.S. litigation settlements^{43, 44} reveal that tobacco companies have historically targeted teenagers as young as 13 years of age as a key market, studied the smoking habits of youth and developed marketing campaigns aimed directly at them.^{45, 46}

As early as 1969, Philip Morris understood that teenagers begin “smoking for psychosocial reasons... it signifies adulthood... [and a teenager smokes] to enhance his image in the eyes of his peers.”⁴⁷ A 1984 internal Philip Morris document states that people begin smoking because of 1) “...peer pressure, 2) to rebel/assert independence, 3) to appear grown up [and] 4) to experiment,” and that “products targeted to [the] younger end of spectrum [are] most viable.”⁴⁸



A Snake Sheds its Skin: Still Selling Death

In 2003, after more than a decade of planning, Philip Morris Companies — then the parent company of both Philip Morris USA and Philip Morris International — changed its corporate name to Altria in an effort to improve its negative corporate image and distance itself from the tobacco business.⁴⁹ In 2006, a U.S. federal judge found that Philip Morris and other cigarette manufacturers had violated civil racketeering laws by engaging in a decades-long fraud to deceive the American public about the health risks of smoking.⁵⁰ Two years later, in 2008, Altria spun off PMI, in large part to protect PMI from U.S. regulation and litigation and to give PMI more “freedom to pursue sales growth in emerging markets.”⁵¹ Although PMI and Altria have been legally separate companies since 2008, PMI continues to be led by former Altria employees, including the former CEO of Altria Group.⁵²

A decade later, in 1994, Philip Morris recognized that the “[c]hoice of a ‘starter’ brand [coincides with] [y]outhful conformity/rebellion.”⁵³

One key study conducted by Philip Morris in the 1990s examined the emotional reasons for why people smoke.⁵⁴ Internally called the Archetype Project, the report outlined how an individual’s attitude and impressions about smoking are formed at an early age (between four and nine years of age in some study participants). The study also described smoking as an activity that can be linked to adult initiation rituals, risk taking, bonding with peers and the need for youth to feel like they belong to a group and can partake in an “adult activity.” Among other things, the study recommended that, in order to attract customers, Philip Morris’ marketing department should stress:

- smoking is for adults only, therefore making it more attractive to teenagers;
- smoking is for people who like to take risks, are not afraid of taboos and see life as an adventure in which they prove themselves;
- the popularity of the brand and that choosing it will reinforce the consumer’s identity and integration into a group; and
- using images of an American identity that is “growing, searching and striving” and emphasize the ritualistic elements of smoking (particularly fire and smoke).⁵⁵

Many of the elements outlined in the Archetype Project are reflected in PMI’s “Be Marlboro” campaign.



On April 14, 1994 the Chief Executive Officers of the seven major U.S.-based tobacco companies stated under oath that nicotine is not addictive. Other hearings and subsequent litigation revealed that tobacco companies buried internal research showing nicotine was addictive and that they knew cigarettes caused cancer, heart disease and other serious diseases.

BIG TOBACCO: A PACK OF LIES

In 2006, a U.S. Federal District Court found that several major tobacco companies — including Altria, PMI's parent company at the time of the 2006 ruling⁵⁶ — coordinated efforts in a scheme to defraud the public about the health effects of their products and that they were likely to continue to defraud the public into the future.⁵⁷ The presiding judge stated that:

- “Defendants’ marketing activities are intended to bring new, young, and hopefully long-lived smokers into the market in order to replace those who die (largely from tobacco-caused illnesses) or quit.”⁵⁸
- “Defendants knew that youth were highly susceptible to marketing and advertising appeals, would underestimate the health risks and effects of smoking, would overestimate their ability to stop smoking...”⁵⁹
- “Defendants used their knowledge of young people to create highly sophisticated and appealing marketing campaigns targeted to lure them into starting smoking and later becoming nicotine addicts.”⁶⁰

In her testimony in this case, a former Philip Morris marketing executive acknowledged that, “Philip Morris knows that cigarettes are one of the things that adolescents use in their transition from childhood to adulthood.”⁶¹

‘Don’t Be a Maybe. Be Marlboro’

A global marketing campaign found to target teens⁶²

PMI is the largest publicly traded cigarette company in the world. The company operates in more than 180 countries and reported \$8.6 billion in profits in 2013.^{63, 64} PMI’s Marlboro cigarette is the world’s highest-selling cigarette brand and a key driver of the company’s global strategy to increase profits.^{65, 66} According to Forbes Magazine, Marlboro is the 29th most valuable global brand and is the only tobacco product on the list of the 100 most valuable brands.⁶⁷ Marlboro’s global growth is due in large part to PMI’s aggressive marketing, including the Marlboro Man marketing campaign that for decades used the iconic cowboy and western imagery to convey independence, rebellion and an American life-style.⁶⁸ Globally, the Marlboro brand is highly recognizable among youth. In a 2013 study conducted among five- and six-year-olds in Brazil, China, India, Nigeria, Pakistan and Russia, 22 percent of the children in the study were able to correctly identify Marlboro as a cigarette brand, including 43 percent of Chinese youth.⁶⁹

In 2011, PMI launched “Be Marlboro” in an effort to revamp Marlboro’s image among “young adult smokers” and replace the infamous Marlboro Man.⁷⁰ The “Be Marlboro” campaign was developed by Leo Burnett, PMI’s longtime

advertising agency tasked with being the “guardians of Marlboro” and the agency responsible for creating the Marlboro Man.^{71, 72} In an online video describing the development of the “Be Marlboro” campaign, Leo Burnett explains that to young people, “Freedom and adventure means one thing: a profound desire to find a purpose in life. Unfortunately...the daunting forces of society leave young adult smokers paralyzed with inaction. They have little outside guidance in which to help them move forward in life. They are frozen hiding behind a world of maybes...Thus the idea was born...Marlboro doesn’t believe in Maybes or sitting on the fence watching from the sidelines.”⁷³

Mirroring concepts and recommendations from the Philip Morris Archetype Project conducted in the 1990s concerning the use of smoking by teenagers to transition from childhood to adulthood, the “Be Marlboro” campaign seizes on adolescents’ search for identity by suggesting that, in the face of uncertainty, they should BE a Marlboro smoker. Growing, searching, striving, risk taking, bonding with peers, partaking in adult activities and seeking adventure to prove oneself, all elements recognized decades ago by Philip Morris through its Archetype



Switzerland print ad, 2012. Source: OxyRomandie.

BE GLOBAL

Initially launched in Germany in 2011, PMI’s recent reports to investors indicate “Be Marlboro” has run in more than 50 countries.⁷⁴ To date, “Be Marlboro” marketing and promotion materials have been discovered in Argentina, Brazil, China, Colombia, Germany, Georgia, Latvia, Indonesia, Israel, Japan, the Philippines, Qatar, Russia, Saudi Arabia, Switzerland, Ukraine and the United Kingdom.

Project as appealing to vulnerable teens, play a central role in “Be Marlboro” marketing activities. The campaign’s promotional materials frequently feature young, attractive dreamers and doers partying, falling in love, conquering heights, adventure traveling, playing music and generally being “cool.”

To promote “Be Marlboro” PMI has used a wide range of tactics around the world.

BE MARLBORO ON BILLBOARDS (Outdoor Advertising)

While outdoor advertising of tobacco products has been banned in many countries, including Canada, Brazil, Thailand and much of Europe to prevent youth exposure to tobacco advertising, the practice is still allowed in a number of countries. For example, in Germany, Indonesia and the Philippines, “Be Marlboro” images and slogans have been prominently displayed in areas accessible to teenagers and youth, including bus stops, billboards and outside retail shops.

Young Adult Smokers Marketing Code Words

In the late 1970s, the tobacco industry internally began using the term “young adult smoker” to replace the words “youth” and “young smoker” in an attempt to dodge claims that companies were targeting youth. Despite the shift in language, tobacco companies continued to study the smoking behavior of teenagers under the age of 18 and promote cigarettes to youth.⁷⁵



Outdoor Billboard, Jakarta, Indonesia 2013. Source: Campaign for Tobacco-Free Kids.



Outdoor Billboard, Germany 2012. Source: www.whyquit.com.



Outdoor POS Billboard, Philippines 2013. Source: http://statigr.am/p/506328660312626264_25740548.



POS display by candy, Brazil 2014. Source: Johns Hopkins School of Public Health & ACT Brazil.



Outdoor Billboard, Jakarta, Indonesia 2013. Source: Campaign for Tobacco-Free Kids.

BE MARLBORO IN CONVENIENCE STORES (Point-of-Sale Advertising)

Tobacco products and advertisements are often placed in shops at eye level and near candy where children and adolescents are likely to see them. POS tobacco advertising increases the likelihood that teenagers will begin smoking.⁷⁶ “Be Marlboro” POS advertising is present in many of the countries where the campaign is running, including Brazil, the Philippines and Indonesia.



Young girl exposed to “Be Marlboro” point-of-sale advertisement. Brazil, 2014. Source: ACT Brazil.



Don't be a Maybe” POS display at 7-Eleven, Philippines 2013. Source: HealthJustice Philippines.



“Maybe It's time to explore” POS poster, Indonesia 2013. Source: Campaign for Tobacco-Free Kids.

BE MARLBORO IN SHOPPING MALLS (Interactive booths)

PMI interacts directly with smokers “not only at the point of sale but also where their interests bring them.”⁷⁷ In 2012, PMI set up interactive promotional booths at shopping malls across Ukraine. The booths featured large cigarette pack displays and promotional videos on monitors in areas accessible to youth and teenagers. After buying cigarette packs, customers registered to play interactive games on iPads and win various prizes.⁷⁸

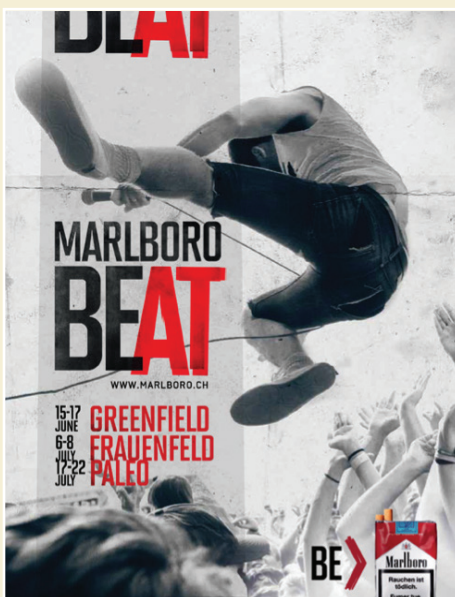


PMI video of “Be Marlboro” promotional booth at public shopping mall in Ukraine featuring a team of young brand promoters recruiting young smokers, playing a Marlboro video game and giving away Marlboro clothing giveaways.⁷⁹

BE MARLBORO SPONSORS MUSIC EVENTS (Concert sponsorships)

Tobacco companies have long reached teenagers by sponsoring concerts featuring popular artists or DJs and by placing cigarette brands on promotional materials.^{80, 81} To promote “Be Marlboro” PMI has sponsored concerts in Switzerland, Germany, Russia and South America.

- In Switzerland, PMI sponsored ‘Marlboro Beat’ lounges at international music festivals attended by young people from around the world.⁸²
- In Russia, events associated with a “No More Maybe” tour featured British dance music artists such as Joel Edwards and Faithless.⁸³
- In Stuttgart, Germany, popular DJs played at a ‘No Maybes Allowed’ event — a secret brand launch event to which 600 people were invited.⁸⁴
- The “Be Marlboro” summer tour in South America featured a performance by the popular DJ, David Guetta.⁸⁵



Marlboro Beat flyer for summer festival series in Switzerland. Source: OxyRomandie.



Marlboro Beat lounge at Paleo music festival, Switzerland. Source: OxyRomandie.



Promotional Video of South America summer tour.⁸⁶

BE MARLBORO USES BEACH EVENTS (Brand Ambassadors)

In Tunisia, “Be Marlboro” used young, attractive spokespersons to go to the beach to interact directly with young people. Using electronic tablets to collect consumer information, people were asked to declare themselves a “yes,” “no” or “maybe.” If “yes” was selected, they were challenged to compete for “Don’t be a Maybe” branded t-shirts and hats.⁸⁷ In Latin America, the “Be Marlboro” summer beach tour invited young people on the beach into the “M Spot” to try different extreme sports, interact with brand promotional staff, collect passes for free drinks and attend concerts and parties. The beach events appear to be “invitation only,” but the only thing separating the attendees from the rest of the beach population, including any teenagers that may have been present, was a rope.⁸⁸



PMI video from promotional activities at popular summer break locations in Tunisia features an attractive team of brand promoters recruiting young smokers, giving away Marlboro clothing and organizing party games.⁸⁹



Be Marlboro summer 2012



Be Marlboro summer 2012



Be Marlboro summer 2012



Be Marlboro summer 2012

PMI video from “Be Marlboro” promotional tour of popular summer break beaches on the Atlantic Coast of Latin America features parties on public beaches, Marlboro models, promotional giveaways and a concert by DJ David Guetta.⁹⁰

BE MARLBORO SPONSORS BREAKDANCE PARTIES (Commercials and Promotional Videos)

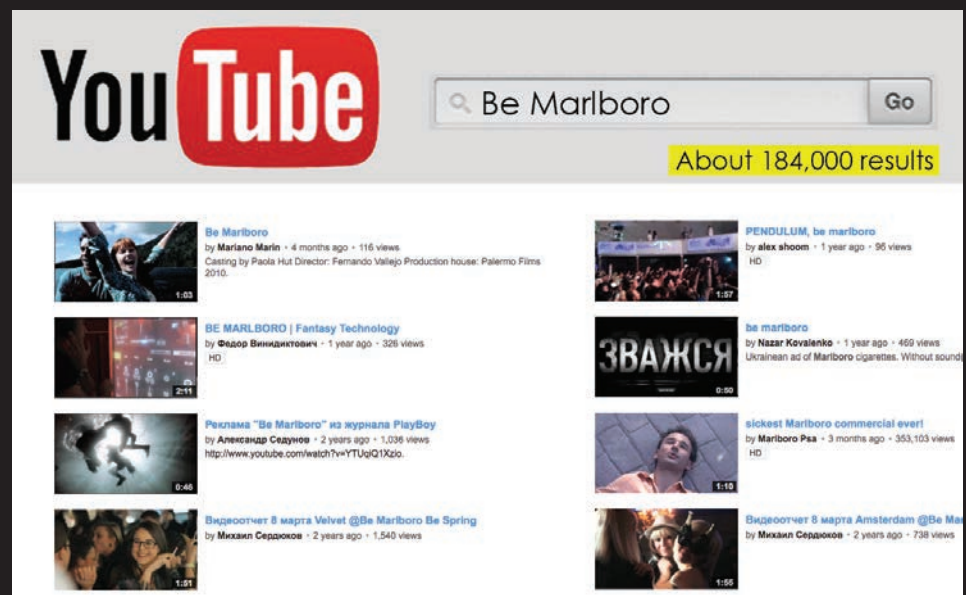
Perhaps the marketing that most directly appeals to teenagers are the numerous commercials and promotional videos that have been developed for the “Be Marlboro” campaign. These videos are widely available online for anyone to see. Many of the images and slogans that appear elsewhere in the campaign are repeated in the videos but they are amplified by clips of young and attractive people partying, breakdancing, kissing, going on adventures and being rebellious. The videos also feature music by Madonna, Nicki Minaj, David Guetta and other popular artists. One such video from Saudi Arabia features young partiers at a hip-hop party called “Express Yourself” and asks attendees to profess their love for Marlboro cigarettes.⁹¹ Another video called “Maybe Stories” personalizes the ‘Don’t Be a Maybe’ message by telling the stories of young people who stop saying “maybe.”⁹²



Promotional video of party in Ryhad, Saudi Arabia featuring DJs, break dancing, and video game booths. The end of the video features a “behind the scenes” segment in which an interviewer asks young Saudis to name their favorite cigarette.⁹³

BE MARLBORO ON THE WEB (Social Media Marketing)

Internet and social networking sites are rapidly becoming a vehicle for tobacco companies to advertise and promote their products.⁹⁴ Searching YouTube alone for ‘Don’t Be a Maybe’ generates videos produced for the campaign and videos of “Be Marlboro” events. Additionally, Marlboro brand websites, such as a site in Ukraine, are supposedly for adults only, but the age requirements for entering the sites do not require verification.⁹⁵



YouTube produced Search 184,000 videos. Accessed January 24, 2014.

A screenshot of a registration form titled 'REGISTER TO PROCEED' in a red banner. The form is set against a background of crumpled paper. It includes fields for: SEX (radio buttons for Men and Female), NAME (two text boxes), DATE OF BIRTH (Day, Month, and Year dropdowns), WHAT CIGARETTES DO YOU SMOKE? (text box), E-MAIL (text box with a note 'Твій E-mail є логіном до веб-сайту'), MOBILE (text box with a '+38' prefix), CITY (text box with a note 'Обери адресу'), and a PASSWORD field (text box with a note 'Не менше 8 символів' and a 'Display password' checkbox).


Social media screen grab, China 2013.



Ukraine brand website- weak age verification.

BE MARLBORO BRAND STRETCHING

Tobacco companies place tobacco brand names, logos or visual brand identities on non-tobacco products, such as clothing or accessories, to promote their products and circumvent traditional tobacco marketing bans. PMI has aggressively promoted the “Be Marlboro” campaign slogans on cigarette lighters, t-shirts, hats and cars in China, the Philippines, Tunisia, Ukraine and other countries.



‘Don’t Be a Maybe’ lighters, Philippines and China. Source: Health Justice/ ThinkTank.



“Be Marlboro” branded t-shirt, Ukraine.⁹⁶



“Be Marlboro” branded Mini Coopers, Philippines. Source: Source; http://statigr.am/p/504279599074370030_47519983.

Don't Be Marlboro — Court Rulings and Legal Challenges

In the face of mounting evidence that PMI's "Be Marlboro" campaign targets teenagers, public health advocates and consumers have filed complaints against the campaign in Germany, Switzerland, Brazil and Colombia.

Germany. In response to the "Be Marlboro" campaign, tobacco control organizations in Germany called on the German Minister for Consumer Protection to take action against the campaign. After officials in Munich launched an investigation, PMI voluntarily agreed to remove some outdoor billboards and cinema advertisements in August 2012, although the company denied any wrongdoing.⁹⁷ PMI, however, continued to run "Be Marlboro" advertisements at the point of sale and in other locations using slightly altered imagery and slogans. In October 2013, a German court banned the marketing campaign, finding that it illegally encouraged teenagers and young adults between the ages of 14 and 21 to smoke.⁹⁸ In its decision, the court stated "the advertising specifically targets risk-taking, rebellious youths"⁹⁹ and found that PMI's argument that the purpose of "Be Marlboro" advertising is to encourage adult smokers to switch to Marlboro cigarettes was not credible based on the fact that "there is already a high degree of brand loyalty in this group of persons."¹⁰⁰ Shortly after the ruling, PMI indicated it would challenge the decision¹⁰¹ and asked the court to allow the "Be Marlboro" campaign to continue while the case was being litigated.¹⁰²

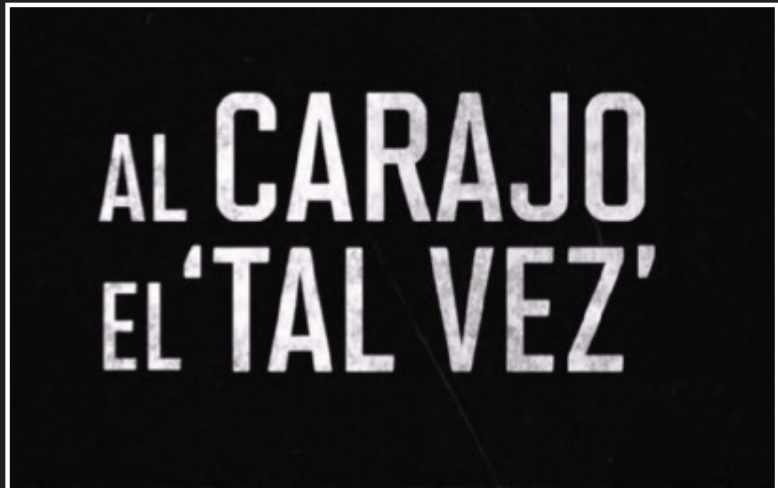
The court denied PMI's request, stating that "the public interest in the protection of youths and health outweighs the economic interests of [PMI] in continuing the campaign."¹⁰³ Therefore, the ban on the "Be Marlboro" advertising campaign will remain in place while the case is being litigated.¹⁰⁴



Don't Be Marlboro — Court Rulings and Legal Challenges (cont.)

Colombia: In January 2014, Corporate Accountability International mobilized advocates to file consumer complaints calling on the Colombian Superintendent of Industry and Commerce to issue a restraining order banning PMI and its advertising agency, Leo Burnett, from conducting “Be Marlboro” promotional and advertising activities in the country. The complaints also call on the Superintendent to investigate and sanction the companies for violating Colombia’s tobacco advertising ban. To date, the Colombian government has not responded to the complaints.

Online commercial from Colombia features young attractive models and slogans like “Fuck Maybe,” “Maybe never wrote a song,” “Maybe never changed the world” and “Maybe isn’t in our dictionary.”¹⁰⁵



Don't Be Marlboro — Court Rulings and Legal Challenges (*cont.*)

Switzerland: After “Be Marlboro” was launched in Switzerland in May 2012, the Swiss tobacco control organization OxyRomandie filed three separate complaints related to the campaign with the self-regulatory body of the Swiss advertising industry, the Swiss Commission for Fairness in Commercial Communication. OxyRomandie’s complaints to the commission assert that “Be Marlboro” advertising and marketing events violate the commission’s advertising code and urge the commission to enforce the code against its member company PMI.¹⁰⁶ To date, the industry-sponsored oversight commission has yet to respond to the complaints.

Brazil: Consumers from the city of São Paulo filed a complaint with CONAR (national council of advertising self-regulation), a non-governmental organization with which PMI and other tobacco companies are affiliated, arguing that a “Be Marlboro” poster violated the Brazilian Advertising Self-Regulation Code. The consumer complaint asserted that a “Be Marlboro” poster linked tobacco product consumption to freedom, independence



“Maybe I will be independent.” POS display, Brazil 2014. Source: ACT Brazil.

and well-being, and targeted a youth audience. The poster featured the phrase “I will be independent” and a photo suggesting a young man moving to another house. The CONAR counselors for the case agreed that the advertisement violated the advertising code. PMI appealed the case, but a panel upheld the decision.¹⁰⁷ Additionally, a Brazilian public prosecutor recently demanded PMI and Souza Cruz, a BAT subsidiary, remove all POS ads,

citing the existing federal law banning tobacco advertising. To date, despite CONAR’s ruling and the public prosecutors order, the “Be Marlboro” campaign is still running in Brazil.

Conclusion and Call to Action

PMI's Code of Conduct promises parents, regulators and the public that the company will not market cigarettes to minors, including the use of images and content with particular appeal to minors.¹⁰⁸ Yet the information presented in this report coupled with the court ruling in Germany, which found that PMI's campaign targeted Germans as young as 14 years of age, show that "Be Marlboro" represents a sophisticated global business strategy aimed at targeting teenagers.

The "Be Marlboro" campaign also demonstrates that partial tobacco advertising, promotion and sponsorship bans and voluntary marketing regulations are not effective in preventing the tobacco industry from targeting youth.

Considering the egregious nature of PMI's "Be Marlboro" campaign and the fact that the campaign threatens the health of millions of teenagers across the world, the Alliance for the Control of Tobacco Use (ACT Brazil), Campaign for Tobacco-Free Kids, Corporate Accountability International, InterAmerican Heart Foundation, Framework Convention Alliance and Southeast Asia Tobacco Control Alliance call on PMI to:

- immediately end all "Be Marlboro" marketing activities, and
- immediately publish a detailed description of "Be Marlboro" marketing activities by country on its corporate website so that governments and public health organizations can make an assessment of the damage caused by PMI's activities.

Governments should act now to prevent PMI and other tobacco companies from pursuing similar youth marketing activities in the future. Parties to the FCTC should fully implement Article 13 of the treaty, which requires them, in accordance with their constitutions and constitutional principles, to undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship within five years of the treaty's entry into force in their country.

Philip Morris International Code of Conduct

PMI's marketing practices are designed to communicate our brands' qualities and characteristics to adult users of tobacco products.

Our marketing practices are guided by three fundamental principles:

- We do not and will not market our products to minors, including the use of images and content with particular appeal to minors;
- Our marketing must contain health warnings whether mandated by Governments or not; and
- Our marketing must respect our global standards of decency as well as the local culture, practices and traditions prevailing in each market.

PMI must market and promote its products only in ways that respect the status of minors, avoiding any marketing activity that might take advantage of a minor's limited ability to process information and make rational choices.

Philip Morris International. The PMI Code of Conduct.¹⁰⁹

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