

EXECUTIVE SUMMARY “BIG TOBACCO TINY TARGETS” Colombia report

The tobacco industry and the impact of the advertising of tobacco products and its derivatives in the areas surrounding schools and other places of interest for children and adolescents: Case study in five departments of the Colombian territory





Executive Summary.

"Big Tobacco Tiny Targets": Colombia Report

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In collaboration with:



Acknowledgements

Coordinators

Corporate Accountability, Latin America program

Authors

Jaime Arcila

Nicolás Parra

Daniela Valdivieso

Daniel Dorado

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About Corporate Accountability

(www.corporateaccountability.org)

Corporate Accountability is a non-governmental organization that prevents transnational corporations from devastating democracy, violating human rights, and destroying our planet.

Contact information:

tobaccocampaign@corporateaccountability.org

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David Esteban Buchelli y Alex Fracisco Audivert



This executive report has been created in order to conclude the project collaboration between Campaign for Tobacco Free Kids and Corporate Accountability.

The whole report that was developed to reflect the findings of this research can be consulted in Spanish, and we have attached it as an annex to this executive report.

INTRODUCTION

This document has been designed to communicate and illustrate a series of investigations carried out during 2021 in five departments of Colombia: Cauca, Valle del Cauca, Risaralda, Bogotá D.C., and Caldas. These were selected for being the capital of Colombia (Bogotá DC); tourist departments and with considerable population density (Valle del Cauca, Caldas and Risaralda); and departments with university cities (Cauca). We conducted work to identify points of sale that exhibited tobacco products or its derivatives in the vicinity of schools and/or places of interest for children and adolescents (specifically a sweep in an area of 200 meters in all directions). For each of these locations, we made a photographic record, accompanied by the location of the respective point of sale and the location of the aforementioned school and/or places of interest, in order to analyze the frequency of exposure to the youth population to the promotion of tobacco products and its derivatives in Colombia.

For the process of obtaining the information, a virtual platform called KOBO TOOLBOX was used, which offers tools for the collection of information and that for the specific case of the present investigation allowed the registration of photographic information. This information was accompanied by its georeferencing location, through which we located schools and/or places of interest for children and adolescents within the selected territories, and subsequently identified each one of the points of sale that exhibited and/or promoted tobacco products or its derivatives.

Despite the extensive evidence that exists on the serious effects of the consumption of tobacco products, the tobacco industry has been using numerous strategies to advertise them. One of the worrying sectors is the exposure of these products to the youth population, for example by displaying these harmful products around educational institutions and other places of interest to children and adolescents.

To understand the level of exposure of minors in Colombia to tobacco advertising, promotion and sponsorship (TAPS), this analysis is carried out considering the legal framework which regulates tobacco control. This framework contains a strong prohibition for more than 10 years, led by Law 1335 of 2009, in which its article 16, establishes a total ban on TAPS. However, it is noteworthy that despite the content of the Order of November 17, 2017 issued by the Council of State, Contentious-Administrative Chamber, First Section, which resolves the appeal filed by the Superintendency of Industry and Commerce (SIC) against the provisional suspension of two circulars issued to regulate the display of tobacco products and derivatives at the point of sale "The Section finds, in this initial stage of the judicial process, that the SUPERINTENDENCE OF INDUSTRY AND COMMERCE, by establishing, in External Circular Letters 005 and 011 of 2012, minimum criteria to be followed by commercial establishments for public display of tobacco and its derivatives, disregards the provisions of

article 13 of the Framework Convention on Tobacco Control, interpreted in accordance with the Guidelines for the application adopted by the Conference of the Parties on November 22, 2008, as well as article 16 of Law 1335, to the extent that the Colombian State is obliged to prohibit the tobacco advertising, promotion and sponsorship, which includes associated activities to the display and visibility of such products". The SIC, which is in charge of carrying out the application of tobacco control regulations (National Government, 2011), in practice, seems not to be abiding by the duty to ensure compliance with the aforementioned provisions, particularly the regulation on the display of tobacco products at points of sale.

CONTEXT

Within the study of the availability of tobacco products and derivatives in the vicinity of schools and/or places of interest for children and adolescents, it is crucial to analyze the promotion of these products. This is one of the most efficient strategies the tobacco industry uses to promote these products, including through points of sale and marketing aimed at generating an increase in the consumption of tobacco products, which advertising is clearly evidenced aggressively, mainly through their promotional display. In this sense, direct exposure to the product is used and even the inclusion of an advertising design and attractive colors in the packaging, to attract their purchase.

The level of disconnection of the SIC with TAPS regulation reaches such a point that, in the context of the exhibition of tobacco products and derivatives, it is allowed to be accompanied by messages alluding to experiences about tobacco consumption, with striking colors and lights and even with recreations of giant-sized cigarette packs and their offer by voluptuous models in the framework of massive events.

A series of investigations have been carried out in order to obtain information about the level of exposure of the youth population to the exhibition of tobacco products and derivatives and, therefore, to its promotion. In the Colombian context, both phenomena occur together, although with greater intensity, in informal commerce—another victim of the manipulation strategies of the tobacco industry—where the absence of facilities and furniture leads vendors to offer the products openly. Therefore, this work is presented in an effort to show the degree of violation of the youth population, despite the fact that, legally, it has reinforced protection in the constitutional context.

The data shows without exception that the whole of the tobacco industry with commercial operations in Colombia use the promotional display of tobacco products and derivatives as an advertising strategy. They are partly shielded by circulars issued by the SIC to regulate the display of tobacco products—the advertising and promotion of these products is completely prohibited—despite the fact that they have been sued before the Council of State and that they were provisionally suspended by this court while making a substantive decision on the matter.

The authorities seem to not have clear protocols for inspection, surveillance, and control. The tobacco industry takes advantage of this to carry out comprehensive advertising and promotion campaigns using both the display of products, as well as the design of their packaging and labels to make them more attractive to young people. In all the scenarios where the field work was carried out—itinerant and stationary points of sale, neighborhood stores, mini-markets and supermarkets—it was found that the display of tobacco products and derivatives is used as a way to promote the brands and brand campaigns of the tobacco companies.



RESULTS

A total of 196 points of sale of tobacco products and its derivatives were identified, and all of them met the condition of being located in the vicinity of the elementary and high school venues and or places of interest to the children near to them. Of these, 42 were found in the territory of Bogotá D.C.; 23 in the department of Caldas; 48 in the department of Cauca; 41 in Risaralda; and 42 in Valle del Cauca.

Among the points of sale identified, it was shown that in 82.14% of the cases, tobacco products and derivatives are sold per unit. This means that they are more accessible to young people, especially considering that the average price of a cigarette in one of these outlets is just 15 cents. Additionally, 66.33% of the points of sale belong to itinerant, street, and kiosk vendors, located in the student environment or areas of interest to minors, exposing them and accustoming them to the promotional practices of the tobacco industry. In 62.24% of the cases, the health warnings were made invisible. 23.47% of small stores in the vicinity of schools or areas of interest to children sell tobacco products. In 96.43% of the cases, the tobacco products were visible at the points of sale.

Additionally, in 55.10% of the cases, the products were exhibited at the level of the youth eyes. Their display was near sweets and treats in 57.65% of the cases. In 12.24% of the cases, the products are found on counters. In 27.04% of the cases, the tobacco products were displayed on a counter identified with their brands. In 35.71% of the reported cases, the cigarettes were in a location that consumers could access them without any intermediation with the seller. Where many of these products were found, they were easily accessible by minors.

In the field work carried out, there was a low presence of new tobacco products and/or derivatives, including Electronic Nicotine Delivery Systems; Electronic Systems Without Nicotine and Heated Tobacco Products. In the case of the first two, there was not a single report, while for Heated Tobacco Products (and in this segment specifically the IQOS-Heets product from PMI), it had a presence rate of 5.10% of the reported records. Despite being a much lower figure than that of the cigarettes, their market share has been growing, as has their apparent targeting of more popular social sectors.

CONCLUSION

Considering Colombia is one of the States Parties to the FCTC/WHO selected for the implementation of the FCTC 2030 project, it is deeply striking that the TAPS policy seems to be being abandoned to the detriment of Article 5.3—an integral part of the implementation of the FCTC 2030 project. International cooperation is key to continue monitoring the implementation of the ban on advertising and promotion of tobacco products in Colombia.

The tobacco industry's promotional display strategy is mainly focused on—but not limited to—cigarettes from its international brands, with packages including large formats and different sizes. It is accompanied by new and emerging products such as heated tobacco and electronic cigarettes. Even in the same scenarios, the industry's promotional strategy contradicts statements that some companies have made on the matter about abandoning the production of cigarettes in the future, and an example is the launch of the Marlboro Vista brand in the country.

Once the results of the investigations carried out in the selected territories have been analyzed, it is possible to obtain a general characterization of the sale of tobacco products and its derivatives in the vicinity of the schools and/or places of interest for children and adolescents. Based on this analysis, it is evident that there is a pattern that covers some of the main cities of Colombia, and that allows us to affirm that there is a constant trend regarding the display of tobacco products and its derivatives around the educational centers where minors attend or frequent. This is exposing an entire generation to the deadly habit of smoking.

The deployment of points of sale around the vicinity of the schools and/or places of interest for children and adolescents has systematic patterns, especially in the most popular sectors, for which it is absolutely necessary to implement public policies and the responsibilities of the authorities in order to respect the space surrounding the places of children's schooling.

On the other hand, in addition to the aforementioned phenomenon, the lack of control and surveillance regarding the promotion of tobacco products and its derivatives worsens the problem, so that youth must travel through places whose context, in addition to being permeated by the sale of tobacco products and its derivatives, invites to its consumption and exhibits it as any desirable product. This is exacerbated by the fact that the tobacco industry has made an enormous effort to make packs more and more attractive and use the same bright and fluorescent colors that are often found in sweets and treats.

It is necessary to denounce the practices used against the rights of minors, since this violation transgresses various aspects of domestic law, even reaching the constitutional level. By virtue of its systematic nature and inaction on the part of authorities, the implementation of mechanisms to protect the rights of children in Colombia is required.

