

New tobacco laws:

Banning of ‘buzz marketing’ and non-branded tobacco advertising

(commencing 1 March 2006)

Background

Research in both Australia and America has shown that children most commonly obtain cigarettes from shops displaying the highest proportion of tobacco advertising. Evidence has also shown that the brands most commonly smoked by youth are those most heavily advertised.

A number of authoritative bodies including the US Surgeon General, the British Government, the World Health Organisation and the World Bank have unanimously agreed that comprehensive bans on tobacco advertising and promotion are significantly more effective than partial bans. The majority of tobacco advertising is already banned in Victoria but alternative marketing methods have been developed to advertise and promote tobacco products and use.

What is the new law?

From 1 March 2006 these ‘buzz marketing’ and ‘non-branded tobacco advertising’ marketing methods will be prohibited. This is because the legal definition of ‘tobacco advertisements’ is being widened to include any writing, still or moving picture, sign, symbol or other visual image, or any audible message, or any combination of those things, that gives publicity to or promotes smoking; tobacco products; trade marks, names and registered designs in respect of tobacco products; and any other words (such as a brand name) or designs that are closely associated with tobacco products.

What is ‘buzz marketing’?

‘Buzz marketing’ is the use of colours, images and props to create an environment consistent with a brand’s identity or reminiscent of previous tobacco advertising. Generally, buzz marketing is undertaken in nightclubs, at dance events, fashion events, or other similar events.

What is ‘non-branded’ tobacco advertising?

Branded tobacco advertising is prohibited in shops that sell tobacco, however many branded advertisements have been replaced with non-branded ‘suggestive’ methods to promote tobacco use. Non-branded tobacco advertising includes backlit posters directly above cigarette displays, depicting images of smoking paraphernalia such as matches and lighters. Although these posters don’t promote a particular brand of tobacco, they are attractive to the eye and may encourage and promote the consumption of tobacco as shown in Figure 1.



Figure 1

Who is responsible for removing 'non-branded' tobacco advertising from retail outlets?

The manager or proprietor is responsible for any breaches of the law that occur in their premises therefore, they are responsible for removing 'non-branded' tobacco advertising from their store.

What is the penalty?

The maximum penalty for a **tobacco company** if they are found guilty is 5000 penalty units.

The maximum penalty for a **tobacco retailer** if they are found guilty is 60 penalty units.

**the value of a penalty unit for 2005/06 is \$104.81 (indexed annually).*

For further information:

Tobacco Information Line: 1300 136 775

www.health.vic.gov.au/tobaccoreforms/

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