



## ***Tobacco Control Update: Advertising and Promotion to Youth, Non-cigarette Tobacco Products Tax, & Moving Forward***

Tobacco Settlement Revenue  
Oversight Committee  
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## ***Tobacco Control Update***

- MSA restrictions
- FDA regulations
- Tobacco Products Tax
- Moving Forward to Combat Tobacco-Related Illness and Death

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## ***MSA Restrictions on Tobacco Manufacturers – Limits on Advertising & Promotion to Youth***

- No cartoon characters in advertising, promotions and marketing;
- No billboards and other outdoor advertising, but allows signs up to 14-squarefeet where tobacco is sold;
- Limits on sponsorships;
- No payments for product placement of branded cigarettes and tobacco products in entertainment media;

Source for MSA information, slides 3-6: Campaign for Tobacco Free Kids:  
<http://www.tobaccofreekids.org/research/factsheets/pdf/0249.pdf>,  
<http://www.tobaccofreekids.org/research/factsheets/pdf/0057.pdf> &  
<http://www.tobaccofreekids.org/research/factsheets/pdf/0058.pdf>

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## ***MSA Restrictions on Tobacco Manufacturers – Limits on Advertising & Promotion to Youth***

- No distribution of brand name merchandise; e.g., t-shirts, caps, backpacks, except in limited circumstances;
- No gifts to youth in return for proofs of purchase;
- No distribution of free samples except in adult-only facilities.

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## ***MSA Restrictions – What's Not Covered?***

The MSA places no specific restrictions on:

- Print Ads
- In-Store Advertising
- Internet Tobacco Ads
- Direct Mail Advertising
- Event Sponsorship under Corporate Names
- Televising of Tobacco Brand-Name Sponsored Events
- Vending Machines
- Self-Service Displays

The MSA states that the tobacco companies cannot “take any action, directly or indirectly, to target youth in the advertising, promotion, or marketing of tobacco products.”

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## ***MSA Restrictions – What's Not Covered?***

The MSA does not require:

- More Effective and Visible Health Warnings on Tobacco Products
- Tobacco Retailer Licensing
- FDA Regulation of Tobacco Products
- Establishment of Comprehensive Tobacco Prevention and Control Programs
- Comprehensive Enforcement of Minimum Age Laws
- Proof of Age for Purchase of Tobacco Products

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## ***FDA Regulation of Tobacco and the Family Smoking Prevention Act***

### **Restricts cigarettes and smokeless tobacco retail sales to youth:**

- Require proof of age to purchase tobacco products
- Require face-to-face sales, with certain exemptions for adult-only facilities
- Ban the sale of packages of fewer than 20 cigarettes

Sources for FDA information, slides 7-10: Campaign for Tobacco Free Kids, FDA.gov, & Tobacco Control Legal Consortium:  
<http://www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/RegsRestrictingSale/UCM265540.pdf>,  
<http://www.tobaccofreekids.org/research/factsheets/pdf/0182.pdf> &  
<http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-fda-summary.pdf>

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## ***FDA Regulation of Tobacco and the Family Smoking Prevention Act***

### **Restricts tobacco product advertising and marketing to youth:**

- Ban free samples of cigarettes and brand-name non-tobacco promotional items
- Ban tobacco product sponsorship of sporting or entertainment events under the brand name of cigarettes or smokeless tobacco
- Require large, graphic warning labels (implementation of specific labels uncertain due to pending litigation)

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## ***FDA Regulation of Tobacco and the Family Smoking Prevention Act***

### **Restricts tobacco product advertising and marketing to youth:**

- Limit color and design of packaging and advertisements (implementation uncertain due to pending litigation)
  - *Print ads must be black text on white background only*
  - *Audio ads must be words only, without music or sound effects*
- Ban misleading descriptors such as “light,” “mild” and “low”.

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## ***FDA Regulation of Tobacco and the Family Smoking Prevention Act***

### **Restricts tobacco product advertising and marketing to youth:**

- Ban fruit, candy, and clove flavored cigarettes.

### **Does not restrict or ban:**

- Fruit, candy, and clove flavors in non-cigarette tobacco products.

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***Increasing the Tobacco Products Tax***  
***What's the difference***  
***between these***                      ***and these?***



**Candy & fruit flavored cigars & smokeless tobacco cause cancer & appeal to kids\***

\*2008 YTS Report: *Flavored Tobacco Products are Tempting to Youth*, [www.itpc.in.gov](http://www.itpc.in.gov)  
Photo credit: US Federal Government, public domain; Campaign for Tobacco Free Kids

***Increasing the Tax on Tobacco Products (Other than Cigarettes)***

- New Mexico has never increased the tax on non-cigarette tobacco products.
- Increasing the unit price decreases consumption, decreasing initiation by youth and increasing quitting.
- Raising the tax on non-cigarette tobacco products to be equivalent to the cigarette tax will generate nearly \$6 million per year.
- Eliminating this loophole saves money. It saves lives. And it puts harmful and highly addictive products a little further out of reach of New Mexico kids.



## ***Moving Forward to Combat Tobacco-Related Illness and Death***

- ✓ Restore funding to tobacco control programming
- ✓ Return to saving 50% of MSA payments in the permanent fund
- ✓ Defend the Dee Johnson Clean Indoor Air Act
- ✓ Increase the tax on non-cigarette tobacco products

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## ***Thank You***



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