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2007 Port of Spain Summit Compliance: Tobacco Advertising to Children

Alissa Wang, June 15, 2015

This report assesses compliance with the commitment below from the 2007 Port of Spain Declaration based on actions taken by the Caribbean countries between 15 September 2007 and 15 September 2008.

Commitment

2007-5: We support the immediate enactment of legislation to ban the advertising [of tobacco products to children]

Compliance

Member	No compliance	Partial compliance	Full compliance
Anguilla	No references		
Antigua and Barbuda	-1		
Bahamas			+1
Barbados	-1		
Belize	-1		
Bermuda	No references		
British Virgin Islands	No references		
Cayman Islands			+1
Dominica	-1		
Grenada	-1		
Guyana	-1		
Haiti	No references		
Jamaica		0	
Montserrat	No references		
Saint Kitts and Nevis	-1		
Saint Lucia	-1		
Saint Vincent and the Grenadines	-1		
Suriname	-1		
Trinidad and Tobago			+1
Turks and Caicos	No references		
Average	-0.50		

Background

On 15 September 2007, the heads of government of the Caribbean Community (CARICOM) attended a summit at Port of Spain, Trinidad and Tobago, focusing on the theme of "Uniting to stop the epidemic of chronic NCDs." Recognizing that the Caribbean region is one of the worst affected regions by NCDs in the Americas, the leaders took on the challenge of preventing and controlling the NCDs of heart disease, stroke, diabetes, hypertension, obesity and cancer by addressing the causal risk factors: lack of physical activity, tobacco use, alcohol abuse and unhealthy diets.¹ Commitments from 2007-02 to 2007-08 cover tobacco use.

Heads of government gave full support to pursuing a legislative agenda in line with the World Health Organization's (WHO) Framework Convention on Tobacco Control (FCTC).² The FCTC is the world's first global health treaty developed in response to the globalized tobacco epidemic. The convention consists of 38 articles divided into the following sections: objectives and guiding principles; demand side reduction measures; supply side reduction measures; protection of the environment; liability; cooperation and communication; institutional arrangements and financial resources; settlement of disputes; development of the convention; and statutory measures.³

Commitment number 2007-05 relates specifically to Article 13 on tobacco advertising, as well as promotion and sponsorship, and requires parties to "undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship." It states: "To be effective, the ban should cover all types of tobacco advertising and promotion as well as any sponsorship conducted by the tobacco industry. The comprehensive ban must be put into effect within five years of entry into force of the Convention for each Party, including of a cross-border advertising ban originating from the Party's territory. Parties that are not in a position to provide for a comprehensive ban due to their constitutional principles must apply restrictions."

Commitment Features

As stated by the FCTC guidelines for Article 13, "An effective ban on tobacco advertising, promotion and sponsorship should, as recognized by Parties to the Convention in Articles 13.1 and 13.2, be comprehensive and applicable to all tobacco advertising, promotion and sponsorship." The commitment applies to "all forms of commercial communication, recommendation or action and all forms of contribution to any event, activity or individual with the aim, effect, or likely effect of promoting a tobacco product or tobacco use either directly or indirectly," including "cross-border advertising, promotion and sponsorship," and addressing "all persons or entities involved in the production, placement and/or dissemination of tobacco advertising, promotion and sponsorship."

¹ Communiqué Issued at the Conclusion of the Regional Summit of Heads of Government of the Caribbean Community (CARICOM) on Chronic Non-Communicable Diseases (NCDs), 15 September 2007, Caribbean Community Secretariat. Date accessed: 6 August 2015

 $http://www.caricom.org/jsp/communications/communiques/chronic_non_communicable_diseases.jsp$

² Press Release, CARICOM. Date accessed: 6 August 2015 http://www.caricom.org/jsp/pressreleases/pres212_07.jsp

³ The WHO Framework Convention on Tobacco Control: an overview, WHO. Date accessed: 6 August 2015 http://www.who.int/fctc/WHO_FCTC_summary_January2015.pdf?ua=1

⁴ The WHO Framework Convention on Tobacco Control: an overview, WHO. Date accessed: 6 August 2015 http://www.who.int/fctc/WHO_FCTC_summary_January2015.pdf?ua=1

⁵ The WHO Framework Convention on Tobacco Control: an overview, WHO. Date accessed: 6 August 2015 http://www.who.int/fctc/WHO_FCTC_summary_January2015.pdf?ua=1

⁶ Guidelines for Implementation of Article 13, WHO FCTC. http://www.who.int/fctc/guidelines/article_13.pdf?ua=1

Guidelines for Implementation of Article 13, WHO FCTC. http://www.who.int/fctc/guidelines/article 13.pdf?ua=1

The specific focus on "advertisement" in this commitment draws attention to direct forms of advertisements including "display and sponsorship of smoking accessories such as cigarette papers, filters and equipment for rolling cigarettes, as well as imitations of tobacco products."8

WHO and PAHO monitor the implementation progress of article 13 as a whole, combining the areas of advertising, promotion and sponsorship. For purposes of clarity, this compliance report defines "promotion" as the broader range of indirect promotional activities. Thus, "advertising" is defined as direct advertisements including on TV, radio, magazines, newspapers, billboards, point of sale and the internet. A "direct ban" on these forms of advertising counts towards compliance.

Although the commitment wording refers to children, the commitment applies more broadly to all kinds of advertisement. This is explained by the PAHO country reports: "Most smokers smoke their first cigarette long before they reach adulthood. That is why the tobacco industry produces colorful and creative ads designed to target young people, sponsors sporting events and pays for tobacco products to appear in movies." Thus, countries do not need to specifically mention or address minors in legislative actions to limit advertising, as it will be assumed that most advertising is aimed at children.

 10 See, for example, Jamaica: Tobacco Control Report 2011, PAHO.

http://www.paho.org/hq/index.php?option=com_docman&task=doc_view&gid=16848&Itemid=

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⁸ Guidelines for Implementation of Article 13, WHO FCTC. http://www.who.int/fctc/guidelines/article_13.pdf?ua=1

⁹ Guidelines for Implementation of Article 13, WHO FCTC. http://www.who.int/fctc/guidelines/article_13.pdf?ua=1

Scoring Rubric

-1	If the country is monitored by WHO and submitted an implementation report within the compliance period: The country did not ban any forms of advertising as defined in commitment features. OR If the country is monitored by PAHO: the country did not ban any of the seven monitored "direct bans." OR If the country is not monitored by PAHO and WHO, no information on government website supports that the country pursued legislative measures to ban direct advertising activities as defined in commitment features.
0	If the country is monitored by WHO and submitted an implementation report within the compliance period: The country banned at least 1 of the 7 direct bans defined above as a form of advertising. OR If the country is monitored by PAHO: the country banned at least 1 of the 7 monitored "direct bans." OR If the country is not monitored by PAHO and WHO, information on government website supports that the country pursued legislative measures to ban direct advertising activities as defined in commitment features.
+1	If the country is monitored by WHO and submitted an implementation report within the compliance period: The country banned at least three of the seven direct bans defined above as a form of advertising. OR If the country is monitored by PAHO: the country banned at least three of the seven monitored "direct bans." OR If the country is not monitored by PAHO and WHO, information on government website supports that the country pursued legislative measures to ban direct forms of advertising as defined in commitment features.

Anguilla: N/A

No references.

(Not monitored by WHO or PAHO, and no available information on the government website.)

Antigua and Barbuda: -1

Antigua and Barbuda did not comply with the commitment to support the immediate enactment of legislation to ban the advertising of tobacco products to children. According to Antigua and Barbuda's WHO implementation report, their PAHO country report and their government website, no legislative measures were implemented.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Antigua and Barbuda has a "complete absence of ban, or a ban that does not cover national television, radio or print media." Antigua and Barbuda did not ban any of the seven monitored forms of direct advertising.

On 28 August 2008, the government of Antigua and Barbuda submitted its "2010 Report" to the WHO FCTC Implementation Database. Under "Article 16: Sales to and by minors," the report showed that the government of Antigua and Barbuda did not prohibit or promote the prohibition of the distribution of free tobacco products to minors. 12 Under "Article 13: Tobacco advertising, promotion and sponsorship," it was reported that Antigua and Barbuda did not institute a comprehensive ban of all tobacco advertising, promotion and sponsorship. 13

During the compliance period, as indicated by Antigua and Barbuda's government website on laws passed between September 2007 and September 2008, the country did not pass legislation regarding tobacco product advertising to minors.¹⁴

Thus, Antigua and Barbuda has been assigned a score of -1 for lack of compliance.

Bahamas: +1

The Bahamas has fully complied with the commitment to ban advertising of tobacco to children. It enacted bans on some types of direct and indirect advertising, but not specifically targeted at children.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, the Bahamas has a ban on national television, local magazines and newspapers, billboards and outdoor advertising, and points of sale. 15 The Bahamas thus implemented legislative measures on at least three of the seven monitored forms of direct advertising.

http://www2.paho.org/hq/dmdocuments/2010/AntiguaandBarbuda CR.pdf

 $http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/antigua_barbuda_report.pdf$

 $http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/antigua_barbuda_report.odf$

http://laws.gov.ag/new/detail_page.php?page=content/statutory.php

http://www2.paho.org/hq/dmdocuments/2010/Bahamas_CR.pdf

¹¹ Antigua and Barbuda Tobacco Control Report, PAHO. 15 June 2015.

¹² 2010 report, WHO FCTC (3 September 2008) 15 June 2015.

¹³ 2010 report, WHO FCTC (3 September 2008) Date accessed: 15 June 2015...

¹⁴ Laws, Government of Antigua and Barbuda. Date accessed: 15 June 2015.

¹⁵ The Bahamas Tobacco Control Report, PAHO. Date accessed: 15 June 2015.

The Bahamas did not submit an implementation report to the WHO FCTC Implementation Database within the compliance period.

Thus, the Bahamas has been assigned a score of +1 for partial compliance.

Barbados: -1

Barbados did not comply with the commitment to support the immediate enactment of legislation to ban the advertising of tobacco products to children. There were no references to legislative measures passed to ban advertising tobacco products to children, and the WHO FCTC Implementation Database report indicated an absence of advertising bans.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Barbados has a "complete absence of ban, or a ban that does not cover national television, radio or print media." Barbados did not ban any of the seven monitored forms of direct advertising.

On 15 July 2008, Barbados submitted its "2009 Report" to the WHO FCTC Implementation Database. Under the question of whether the government is "prohibiting or promoting the prohibition of the distribution of free tobacco products [to minors]," the Barbados reported "no." ¹⁷

No references are provided on the Barbados website regarding legislative measures for public smoking.

Thus, the Barbados has been assigned a score of -1 for lack of compliance.

Belize: -1

Belize did not comply with the commitment to support the immediate enactment of legislation to ban the advertising of tobacco products to children.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Belize has a "complete absence of ban, or a ban that does not cover national television, radio or print media." It did not ban any of the seven forms of direct advertising.

On 9 April 2008, the Ministry of Health submitted its "2009 Report" to the WHO FCTC Implementation Database. Under the section that corresponds to Article 13: Tobacco advertising and sponsorship; the government reported that there were no legislative measures on banning tobacco advertising.¹⁹

Thus, Belize has been assigned a score of -1 for lack of compliance.

Bermuda: N/A

No references.

(Not monitored by WHO or PAHO, and no available information on the government website.)

http://www2.paho.org/hq/dmdocuments/2011/Barbados_CR.pdf

 $http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/barbados_report.pdf\\$

http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/belize report.pdf

 $^{^{16}}$ Barbados Tobacco Control Report, PAHO. Date accessed: 15 June 2015.

¹⁷ 2009 Report, WHO FCTC (15 July 2008). Date accessed: 15 June 2015.

¹⁸ Belize Report, PAHO. Date accessed: 6 August 2015 http://www2.paho.org/hq/dmdocuments/2010/Belize_CR.pdf
¹⁹ 2009 Report, WHO FCTC (9 April 2008). Date accessed: 15 June 2015.

British Virgin Islands: N/A

No references.

(Not monitored by WHO or PAHO, and no available information on the government website.)

Cayman Islands: +1

The Cayman Islands fully complied with the commitment to support the immediate enactment of legislation to ban advertising tobacco products to children. Legislation was enacted on the prohibition of advertisement, but it was not targeted specifically at children.

On 17 September 2008, the Cayman Islands Legislative Assembly published "The Tobacco Bill, 2008." This is "a bill for a law to regulate the labeling, promotion, sale and distribution of tobacco products; to prohibit their use in certain public places; and for incidental and connected purposes." Under section 4, Advertising and Promotion, the bill enacted a comprehensive ban on all advertisement and promotion, asserting that "no person shall promote or cause to be promoted a brand element of a tobacco product, through direct or indirect means." ²¹

Thus, the Cayman Island has been assigned a score of +1 for full compliance.

Dominica: -1

Dominica did not comply with the commitment to support the immediate enactment of legislation to ban advertising tobacco products to children.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Dominica has a "complete absence of ban, or a ban that does not cover national television, radio or print media." It did not ban any of the seven monitored direct forms of advertising.

Dominica did not submit any implementation reports to the WHO FCTC Implementation Database within the compliance period.²³

Thus, Dominica has been assigned a score of -1 for lack of compliance.

Grenada: -1

Grenada did not comply with the commitment to support the immediate enactment of legislation to ban advertising tobacco products to children.

http://www2.paho.org/hq/dmdocuments/2010/Dominica_CR.pdf

http://apps.who.int/fctc/implementation/database/parties/Dominica

²⁰ "A bill for a law to regulate the labeling, promotion, sale and distribution of tobacco products; to prohibit the ruse in certain public places; and for incidental and connected purposes", Cayman Islands legislative assembly (17 September 2008). Date accessed: 15 June 2015.

http://www.legislative assembly.ky/pls/portal/docs/PAGE/LGLHOME/BUSINESS/BUSINESS/BILLS/BILLS20082009/TOBACCOBILL2008.PDF

²¹ "A bill for a law to regulate the labeling, promotion, sale and distribution of tobacco products; to prohibit the ruse in certain public places; and for incidental and connected purposes", Cayman Islands legislative assembly (17 September 2008). Date accessed: 15 June 2015.

http://www.legislative as sembly.ky/pls/portal/docs/PAGE/LGLHOME/BUSINESS/BUSINESS/BILLS/BILLS20082009/TOBACCOBILL2008.PDF

²² Dominica Tobacco Control Report, PAHO. Date accessed: 15 June 2015.

²³ Dominica, WHO FCTC. Date accessed: 15 June 2015.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Grenada has a "complete absence of ban, or a ban that does not cover national television, radio or print media."²⁴ It did not ban any of the seven monitored forms of direct advertising.

Grenada's only report in the WHO FCTC Implementation Database is the 2014 report with reporting period between December 2007 and April 2015. During the compliance cycle, Grenada did not submit or report on any implementation reports to the WHO FCTC Implementation Database.²⁵

According to the government website, Grenada did not pass any legislation on tobacco regulation during the compliance cycle.²⁶

Thus, Grenada has been assigned a score of -1 for lack of compliance.

Guyana: -1

Guyana did not comply with the commitment to support the immediate enactment of legislation to ban advertising tobacco products to children.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Guyana has a "complete absence of ban, or a ban that does not cover national television, radio or print media." Guyana did not ban any of the seven forms of direct advertising.

On 12 December 2007, Guyana submitted its implementation report to the WHO FCTC Implementation Database. Under the section "Tobacco advertising, promotion and sponsorship," no comprehensive bans were reported.

Thus, Guyana has been assigned a score of -1 for partial compliance.

Haiti: N/A

No references.

(Not monitored by WHO or PAHO, and no available information on the government website.)

Jamaica: 0

Jamaica partially complied with the commitment to support the immediate enactment of legislation to ban the advertising of tobacco products to children. Legislative measures were taken to prohibit the distribution of free tobacco products to minors, but there were no legislative measures on banning advertising, promotion and sponsorship.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Jamaica banned advertising on national TV and radio. Jamaica banned one of the seven monitored forms of direct advertising.

http://www2.paho.org/hq/dmdocuments/2010/Grenada CR.pdf

http://apps.who.int/fctc/implementation/database/parties/Grenada

http://www.gov.gd/documents.html

http://www2.paho.org/hq/dmdocuments/2010/Guyana CR.pdf

²⁴ Grenada Tobacco Control Report, PAHO. Date accessed: 15 June 2015.

²⁵ Grenada, WHO FCTC. Date accessed: 15 June 2015.

²⁶ Legislations, Government documents, Government of Grenada. Date accessed: 15 June 2015.

² Guyana Report, PAHO. Date accessed: 6 August 2015

On 18 July 2008, Jamaica submitted its "2009 Report" to the WHO FCTC Implementation Database. Under article 13, no information was reported.

Thus, Jamaica has been assigned a score of 0 for partial compliance.

Montserrat: N/A

No references.

(Not monitored by WHO or PAHO, and no available information on the government website.)

Saint Kitts and Nevis: -1

Saint Kitts and Nevis did not comply with the commitment to support the immediate enactment of legislation to ban advertising tobacco products to children.

Saint Kitts and Nevis did not submit an implementation report to the WHO FCTC Implementation Database within the compliance period.²⁸

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Saint Kitts and Nevis has a "complete absence of ban, or a ban that does not cover national television, radio or print media."²⁹ Saint Kitts and Nevis did not ban any of the seven monitored forms of direct advertising.

Thus, Saint Kitts and Nevis has been assigned a score of -1 for lack of compliance.

Saint Lucia: -1

Saint Lucia did not comply with the commitment to support the immediate enactment of legislation to ban advertising tobacco products to children.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Saint Lucia has a "complete absence of ban, or a ban that does not cover national television, radio or print media." Saint Lucia did not ban any of the seven monitored forms of direct advertising.

Saint Lucia did not submit an implementation report to the WHO FCTC Implementation Database within the compliance period.³¹

Thus, Saint Lucia has been assigned a score of -1 for lack of compliance.

Saint Vincent and the Grenadines: -1

Saint Vincent and the Grenadines did not comply with the commitment to support the immediate enactment of legislation to ban advertising tobacco products to children.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Saint Vincent and the Grenadines has a "complete absence of ban, or ban that does not cover

http://apps.who.int/fctc/implementation/database/parties/Saint%20Kitts%20and%20Nevis

http://apps.who.int/fctc/implementation/database/parties/Saint%20Lucia

²⁸ Saint Kitts and Nevis, WHO FCTC. Date accessed: 15 June 2015.

²⁹ Saint Kitts and Nevis Tobacco Control Report, PAHO. Date accessed: 15 June 2015.

http://www2.paho.org/hq/dmdocuments/2011/StKittsandNevis_CR.pdf

³⁰ Saint Lucia Tobacco Control Report, PAHO. Date accessed: 15 June 2015.

http://www2.paho.org/hq/dmdocuments/2011/SaintLucia_CR.pdf

³¹ Saint Lucia, WHO FCTC. Date accessed: Date accessed: 15 June 2015.

national television, radio or print media."³² Saint Vincent and the Grenadines did not ban any of the seven monitored forms of direct advertisement.

Saint Vincent and the Grenadines did not submit an implementation report to the WHO FCTC Implementation Database within the compliance period.³³

No references were provided in the St. Vincent and the Grenadines' government website regarding legislative measures for tobacco advertisement.

Thus, Saint Vincent and the Grenadines has been assigned a score of -1 for lack of compliance.

Suriname: -1

Suriname did not comply with the commitment to support the immediate enactment of legislation to ban advertising tobacco products to children.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Suriname has a "complete absence of ban, or ban that does not cover national television, radio or print media." Suriname did not ban any of the seven monitored forms of direct advertising.

Suriname did not submit a report to the WHO FCTC during the compliance period.

According to the government website, Suriname's only legislation on tobacco is the Tobacco Act of 2013. No legislative action was taken during the compliance period.³⁵

Thus, Suriname has been assigned a score of -1 for lack of compliance.

Trinidad and Tobago: +1

Trinidad and Tobago fully complied with the commitment to support the immediate enactment of legislation to ban the advertising of tobacco products to children.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Trinidad and Tobago has a "complete absence of ban, or ban that does not cover national television, radio or print media." Trinidad and Tobago did not ban any of the seven monitored forms of direct advertising.

Trinidad and Tobago submitted a country report to the WHO FCTC, with the reporting period between 2007 October to 2010 February. Under the section "Tobacco advertising, promotion and sponsorship," it was reported that the government of Trinidad and Tobago banned the display and visibility of tobacco products at points of sales. However, this ban does not cover the domestic or

http://www2.paho.org/hg/dmdocuments/2011/SaintVinandtheGrenadines CR.pdf

http://www2.paho.org/hq/dmdocuments/2011/Suriname_CR.pdf

http://www2.paho.org/hq/dmdocuments/2011/TrinidadandTobago CR.pdf

³² Saint Vincent and Grenadines Tobacco Control Report, PAHO. Date accessed: 15 June 2015.

³³ Saint Vincent and Grenadines, WHO FCTC. Date accessed: Date accessed: 15 June 2015.

http://apps.who.int/fctc/implementation/database/parties/Saint%20Vincent%20and%20the%20Grenadines

³⁴ Suriname Tobacco Control Report, PAHO. Date accessed: 15 June 2015.

Tobacco Suriname, Ministry of Heath Suriname. Date accessed: 15 June 2015. http://www.gov.sr/ministerie-van-volksgezondheid/publicaties/wetgeving/tabakswet-suriname.aspx

³⁶ Trinidad and Tobago Tobacco Control Report, PAHO. Date accessed: 15 June 2015.

global internet or brand stretching or sharing.³⁷ Trinidad and Tobago thus banned one of the seven monitored forms of direct advertising.

On 22 April 2008, Senator and Minister of Health Jerry Narace introduced the Tobacco Control Bill number 6 of 2008.³⁸ The purpose of this act is "to prevent tobacco use by young people; enhance public awareness of the hazards of tobacco use and ensure that consumers are provided with information to make more fully informed decisions about using tobacco; protect individuals from exposure to tobacco smoke." The bill asserts that "no person shall promote a tobacco product by means of an advertisement that depicts, in whole or in part, a tobacco product" asserts the "confiscation and forfeiture … of any item that contains a tobacco advertisement" and the confiscation and forfeiture of "any tobacco product packaged or labelled in a manner that does not conform to the requirements of this Act, including tobacco product packaging and labelling, or section, wherever they may be located and regardless of the knowledge or intent of the person who owns or possesses such products, and any equipment, machinery, materials, and related items used to evade the requirements of those sections." This act prohibits or restricts at least three forms of direct advertising.

Thus, Trinidad and Tobago has been assigned a score of +1 for partial compliance.

Turks and Caicos: N/A

No references.

(Not monitored by WHO or PAHO, and no available information on the government website)

³⁷ Trinidad and Tobago, WHO FCTC. Date accessed: 15 June 2015.

http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/TTreport.pdf ³⁸ Bills, Parliament of Republic of Trinidad and Tobago. Date accessed: 15 June 2015. http://www.ttparliament.org/publications.php?mid=28&id=184