



Global Health Diplomacy Program

2007 Port of Spain Summit Compliance: Tobacco Promotion to Children

Alissa Wang, August 6, 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

2007-6: We support the immediate enactment of legislation to ban the promotion [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	-1		
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	-0.57		

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 2007-06 relates specifically to Article 13 on tobacco promotion, as well as advertising and sponsorship, and requires parties to “undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship.”⁴ 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.”⁵

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.”⁶ 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,” includes “cross-border advertising, promotion and sponsorship,” and addresses “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

The specific focus on “promotion” in this commitment draws attention to the promotional effects of “the use of words, designs, images, sounds and colours, including brand names, trademarks, logos, names of tobacco manufacturers or importers, and colours or schemes of colours associated with tobacco products, manufacturers or importers, or by the use of a part or parts of words, designs, images and colours.”

WHO and PAHO monitor the implementation progress of article 13 as a whole, combining the areas of advertising, promotion and sponsorship.⁷ For purposes of clarity, this compliance report defines “advertising” as direct advertisements including on TV, radio, magazines, newspapers, billboards, point of sale and internet. “Promotion” thus covers the broader range of promotional activities and indirect promotional activities such as free distribution, promotional discounts, non-tobacco products identified with tobacco brand names, brand name of non-tobacco product used for tobacco product, appearance of tobacco products in TV or films (product placement) and tobacco-sponsored events. A ban on these promotional activities, referred to as an “indirect ban” by PAHO, counts towards compliance.

Although the commitment is worded with a focus on children, the commitment applies more broadly to all kinds of promotional activity. 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.”⁸ Thus, member countries do not need to specifically mention or address minors in legislative actions to limit tobacco promotion, as it will be assumed that most promotional activity is aimed at children and young adults.

Scoring Rubric

-1	<p>If the country is monitored by WHO and submitted an implementation report within the compliance period: The country did not ban any promotional activity as defined in commitment features.</p> <p>OR</p> <p>If the country is monitored by PAHO: the country did not ban any of the six monitored “indirect bans.”</p> <p>OR</p> <p>If the country is not monitored by PAHO and WHO, no information on government website supports that the country pursued legislative measures to ban indirect promotional activities as defined in commitment features.</p>
0	<p>If the country is monitored by WHO and submitted an implementation report within the compliance period: The country banned at least one of the five indirect bans defined above under promotional activities.</p> <p>OR</p> <p>If the country is monitored by PAHO: the country banned at least one of the six monitored “indirect bans.”</p> <p>OR</p> <p>If the country is not monitored by PAHO and WHO, information on government website supports that the country pursued legislative measures to ban indirect promotional activities as defined in commitment features.</p>

⁷ Guidelines for Implementation of Article 13, WHO FCTC. http://www.who.int/fctc/guidelines/article_13.pdf?ua=1

⁸ 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=

+1	<p>If the country is monitored by WHO and submitted an implementation report within the compliance period: The country banned at least three of the five indirect bans defined above under promotional activities.</p> <p>OR</p> <p>If the country is monitored by PAHO: the country banned at least three of the six monitored “indirect bans.”</p> <p>OR</p> <p>If the country is not monitored by PAHO and WHO, information on government website supports that the country pursued legislative measures to ban indirect promotional activities as defined in commitment features.</p>
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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 promotion of tobacco products to children.

On 28 August 2008, the government of Antigua and Barbuda submitted its “2010 Report” to the WHO FCTC Implementation Database. Under “Article 13: Tobacco Advertising, Promotion and Sponsorship,” it was reported that Antigua and Barbuda did not enact bans on any forms of indirect promotion.⁹

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, Antigua and Barbuda did not ban any of the six monitored forms of indirect promotion.¹⁰

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

Bahamas: +1

The Bahamas fully complied with the commitment to support the immediate enactment of legislation to ban the promotion of tobacco products to children.

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

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, the Bahamas banned the free distribution of tobacco by mail or other means, promotional discounts, non-tobacco products identified with tobacco brand names, brand name of non-tobacco products used for tobacco products and tobacco-sponsored events.¹¹ The Bahamas thus implemented legislative measures on at least three of the six monitored forms of direct advertising.

⁹ 2010 report, WHO FCTC (3 September 2008) Date accessed: 6 August 2015.
http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/antigua_barbuda_report.pdf

¹⁰ Antigua and Barbuda Tobacco Control Report, PAHO. 1Date accessed: 6 August 2015
http://www2.paho.org/hq/dmdocuments/2010/AntiguaandBarbuda_CR.pdf

¹¹ The Bahamas Tobacco Control Report, PAHO. Date accessed: 6 August 2015
http://www2.paho.org/hq/dmdocuments/2010/Bahamas_CR.pdf

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

Barbados: -1

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

On 15 July 2008, the government of Barbados submitted its “2009 Report” to the WHO FCTC Implementation Database. Under “Article 13: Tobacco Advertising, Promotion and Sponsorship,” no information was reported.¹²

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, Barbados did not ban any of the six monitored forms of indirect promotion.¹³

Thus, 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 promotion of tobacco products to children.

On 9 April 2008, the government of Belize submitted their “2009 Report” to the WHO FCTC Implementation Database. Under “Article 13: Tobacco Advertising, Promotion and Sponsorship,” it was reported that Belize did not enact bans on any forms of indirect promotion.¹⁴

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, Belize either did not ban, or had no information available to report, on any of the six monitored forms of indirect promotion.¹⁵

No references were provided on the Belize government website regarding legislative measures for public smoking.

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.)

British Virgin Islands: N/A

No references.

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

¹² Barbados Report, WHO FCTC. Date accessed: 6 August 2015
http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/barbados_report.pdf

¹³ Barbados Tobacco Control Report, PAHO. Date accessed: 6 August 2015.
http://www2.paho.org/hq/dmdocuments/2011/Barbados_CR.pdf

¹⁴ 2009 Report, WHO FCTC (9 April 2008). Date accessed: 6 August 2015
http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/belize_report.pdf

¹⁵ Belize Report, PAHO. Date accessed: 6 August 2015 http://www2.paho.org/hq/dmdocuments/2010/Belize_CR.pdf

Cayman Islands: +1

The Cayman Islands fully complied with the commitment to support the immediate enactment of legislation to ban the promotion of tobacco products to children.

On 17 September 2008, the Cayman Islands Legislative Assembly published “The Tobacco Bill, 2008.” According to the legislative document, 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.”¹⁶ Under section IV: 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.”¹⁷

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 the promotion of tobacco products to children.

Dominica did not submit any implementation reports to the WHO FCTC Implementation Database within the compliance period.¹⁸

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, Dominica did not ban any of the six monitored forms of indirect promotional activities.¹⁹

According to the Dominican government website, no legislative measures were passed during the compliance period on the regulation of public smoking.²⁰

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 the promotion of tobacco products to children

During the compliance cycle, Grenada did not submit or report on any implementation reports to the WHO FCTC Implementation Database.²¹

¹⁶ “A bill for a law to regulate the labelling, 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.legislativeassembly.ky/pls/portal/docs/PAGE/LGLHOME/BUSINESS/BUSINESS/BILLS/BILLS20082009/TOBACCOBILL2008.PDF>

¹⁷ “A bill for a law to regulate the labelling, 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.legislativeassembly.ky/pls/portal/docs/PAGE/LGLHOME/BUSINESS/BUSINESS/BILLS/BILLS20082009/TOBACCOBILL2008.PDF>

¹⁸ Dominica, WHO FCTC. Date accessed: 6 August 2015
<http://apps.who.int/fctc/implementation/database/parties/Dominica>

¹⁹ Dominica Tobacco Control Report, PAHO. Date accessed: 6 August 2015
http://www2.paho.org/hq/dmdocuments/2010/Dominica_CR.pdf

²⁰ Laws, Dominica Web Portal. Date accessed: 6 August 2015 <http://www.dominica.gov.dm/laws-of-dominica?page=1>

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Grenada did not ban any of the six monitored forms of promotional activities.²²

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 the promotion of tobacco products to children.

On 12 December 2007, the government of Belize submitted its "2009 Report" to the WHO FCTC Implementation Database. Under "Article 13: Tobacco Advertising, Promotion and Sponsorship," no information was reported.²³

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Guyana did not ban any of the six monitored forms of indirect sponsorship.²⁴

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

Haiti: N/A

No references.

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

Jamaica: -1

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

On 18 July 2008, the government of Jamaica submitted its "2009 Report" to the WHO FCTC Implementation Database. Under "Article 13: Tobacco Advertising, Promotion and Sponsorship," no relevant information was reported.²⁵

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Jamaica did not ban any of the six monitored forms of indirect promotion.²⁶

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

Montserrat: N/A

No references.

²¹ Grenada, WHO FCTC. Date accessed: 6 August 2015

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

²² Grenada Tobacco Control Report, PAHO. Date accessed: 6 August 2015

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

²³ Guyana Report, WHO FCTC. Date accessed: 6 August 2015

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

²⁴ Guyana Report, PAHO. Date accessed: 6 August 2015

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

²⁵ Jamaica Report, WHO FCTC.

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

²⁶ Jamaica Report, PAHO. Date accessed: 6 August 2015

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

(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 the promotion of tobacco products to children.

Saint Kitts and Nevis did not submit an implementation report to the WHO FCTC Implementation Database within the compliance period.²⁷

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Saint Kitts and Nevis did not ban any of the six forms of indirect promotion.²⁸

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 the promotion of tobacco products to children.

Saint Lucia did not submit an implementation report to the WHO FCTC Implementation Database within the compliance period.²⁹

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Saint Lucia did not ban any of the six monitored forms of indirect promotion.³⁰

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 the promotion of tobacco products to children.

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

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Saint Vincent and the Grenadines did not ban any of the six monitored forms of indirect promotion.³²

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

²⁷ Saint Kitts and Nevis, WHO FCTC. Date accessed: 6 August 2015

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

²⁸ Saint Kitts and Nevis Tobacco Control Report, PAHO. Date accessed: 6 August 2015

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

²⁹ Saint Lucia, WHO FCTC. Date accessed: Date accessed: 6 August 2015

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

³⁰ Saint Lucia Tobacco Control Report, PAHO. Date accessed: 6 August 2015

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

³¹ Saint Vincent and Grenadines, WHO FCTC. Date accessed: Date accessed: 6 August 2015.

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

³² Saint Vincent and Grenadines Tobacco Control Report, PAHO. Date accessed: 6 August 2015

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

Suriname: -1

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

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

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Suriname did not ban any of the six monitored forms of indirect promotion.³³

According to the Suriname government website, Suriname's only legislation on tobacco is a Tobacco Act of 2013. No legislative action was taken during the compliance period.³⁴

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 promotion of tobacco products to children.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Trinidad and Tobago did not ban any of the six monitored forms of indirect promotion.

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 product placement as a means of advertising or promotion, the depiction of tobacco or tobacco use in entertainment media products, tobacco sponsorship of international events or activities and/or participants therein, contributions from tobacco companies to any other entity for "socially responsible causes" and/or any other activities implemented under the umbrella of "corporate social responsibility" by the tobacco industry, and cross-border advertising, promotion and sponsorship. Trinidad and Tobago thus banned more than three of the six monitored forms of indirect promotion.

On 22 April 2008, Senator and Minister of Health Jerry Narace introduced the Tobacco Control Bill number 6 of 2008.³⁵ 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."³⁶ The bill asserts that "no person shall sell, display for sale, supply, or advertise any non-tobacco product or service that contains, either on the product, or in any advertisement of the product a depiction of a tobacco product." It also states that "tobacco sponsorships, advertising and other promotion of tobacco sponsorships in which the name of a sponsoring entity is publicised, are prohibited" and that "no person shall offer or provide any direct or indirect consideration for the purchase or use of a tobacco product, including a bonus, premium,

³³ Suriname Tobacco Control Report, PAHO. Date accessed: 6 August 2015.
http://www2.paho.org/hq/dmdocuments/2011/Suriname_CR.pdf

³⁴ Tobacco Suriname, Ministry of Health Suriname. Date accessed: 6 August 2015. <http://www.gov.sr/ministerie-van-volksgezondheid/publicaties/wetgeving/tabakswet-suriname.aspx>

³⁵ Bills, Parliament of Republic of Trinidad and Tobago. Date accessed: 6 August 2015.
<http://www.ttparliament.org/publications.php?mid=28&id=184>

³⁶ Bills, Parliament of Republic of Trinidad and Tobago. Date accessed: 6 August 2015.
<http://www.ttparliament.org/publications.php?mid=28&id=184>

cash rebate or right to participate in a game, lottery or contest, so, however, that nothing in this section shall prohibit the giving of any normal trade discount or normal trade rebate, or providing compensation for monitoring compliance with this Act.” This bill addresses and prohibits at least three different types of indirect promotional activities.

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

Turks and Caicos: N/A

No references.

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