



# INDEX

## TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP IN AFRICA

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A shadow report on the implementation of Article 13 of the WHO Framework Convention on Tobacco Control in Africa

2022

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A shadow report on the implementation of Article 13 of the WHO Framework Convention on Tobacco Control in Africa

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The African Tobacco Control Alliance (ATCA) is a non-profit, non-political Pan-African network of civil society organizations headquartered in Lome, Togo. With membership in 39 countries, ATCA is dedicated to promoting public health and curbing the tobacco epidemic in the continent. The alliance is an Observer to WHO-FCTC Conference of Parties. It has special consultative status with the United Nations Economic and Social Council (ECOSOC) and is certified as equivalent to a US public charity.

[www.atca-africa.org](http://www.atca-africa.org)

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### Disclaimer

This index is a civil society report based on publicly available information gathered by collaborators in their respective countries. If you have information that could strengthen the report, please contact us at: [research@atca-africa.org](mailto:research@atca-africa.org)

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# Executive summary

Marketing is a general action that businesses take for their products to be known and bought by their targeted consumer. Through advertising, promotion, and sponsorship, the tobacco industry markets its products and continues to keep people hooked on nicotine. This report looks at Tobacco Advertising, Promotion and Sponsorship (TAPS) laws and their implementation in African countries. There are 47 countries in the World Health Organization (WHO) AFRO region. Eritrea, Malawi, and South Sudan are the only countries which have not signed the WHO Framework Convention of Tobacco Control (FCTC). This report covered 18 of the 47 countries that are Parties to the WHO FCTC and have enacted laws after their ratification of the convention. The eligibility criteria for inclusion were; having a national law or an amended law post FCTC entry into force (2005) and being past 5 years post ratifying the WHO FCTC which is the expected period for parties to implement TAPS regulations as recommended by the convention. All selected countries in the AFRO region met this deadline (see Table 1). Country laws were assessed based on the eight aspects of a comprehensive TAPS ban as recommended in the guidelines to WHO FCTC Article 13.



**Table 1** : TAPS implementation deadline

Article 13 guidelines																		
	<b>BJ</b>	<b>BW</b>	<b>BF</b>	<b>TD</b>	<b>CI</b>	<b>CD</b>	<b>ET</b>	<b>GA</b>	<b>GM</b>	<b>GH</b>	<b>KE</b>	<b>MR</b>	<b>NG</b>	<b>SN</b>	<b>ZA</b>	<b>TZ</b>	<b>TG</b>	<b>UG</b>
WHO FCTC Ratification	2005	2005	2006	2006	2010	2005	2014	2009	2007	2004	2004	2005	2005	2005	2005	2007	2005	2007
TAPS Ban Deadline	2010	2010	2011	2011	2015	2010	2019	2014	2012	2009	2009	2010	2010	2010	2010	2012	2010	2012

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## Summary of findings

### TAPS laws in African countries

More work needs to be done putting in place laws to regulate TAPS in African countries. Among the 18 countries included in this index, there was no country with a total ban on all eight TAPS components (Table 2).

### Countries leading the way versus those lagging:

Out of the eight components of TAPS, Uganda led the way with total bans in six components and partial bans in two components. It was closely followed by Togo with five total bans and three partial bans, and The Gambia with five total bans and three partial bans and Nigeria with five total bans, two partial bans and one component with no law. Tanzania had no law in three of the eight components of TAPS laws examined, four partial bans and one total ban. Senegal had no law in two of the eight components, five partial bans and one total ban.



## Most popular versus least popular TAPS laws in Africa:

**Corporate Social Responsibility (CSR):** About 67% of the countries (i.e., 12) had a total ban on CSR. Only Cote d'Ivoire did not have a provision in the law regulating CSR. The remaining 28% (i.e., five countries) had a partial ban in place.

**Internet sales:** About 56% of the countries (i.e., 10) had a total ban on internet sales in place. Seven countries (i.e., 39%) did not have a law regulating internet sales while one country had a partial ban.

**Package display:** Fifty percent (i.e., nine) of the countries had a total ban on package display while the remaining 50% had a partial ban.

**Sponsorship:** About 33% of the countries (i.e., 6) had a total ban on sponsorship, 11 countries had a partial ban while it was not particularly clear if Burkina Faso had a law regulating sponsorship.

**Cross boarder:** Cross boarder advertising was the component with the least number of countries having laws regulating it. Only Gambia and Uganda had comprehensive bans on cross boarder advertising for all four items (see Table 10) while Kenya has three out of four (Table 10). Eight of the 18 countries included in this index had no law while seven countries had a partial ban.

**Point of sale (POS):** Four countries (Cote d'Ivoire, Ghana, Senegal, Tanzania) did not have laws regulating advertisement at POS. While three countries (The Gambia, Nigeria, Togo) had a total ban, 11 countries had a partial ban (Table 2).

**Table 2** : Status of TAPS laws in AFRO region

Country	Direct Advertising	Promotion	Product display at POS	Packaging & product design	Internet sales	Sponsorship	CSR	Cross-border
Benin	Yellow	Yellow	Yellow	Yellow	Red	Green	Green	Red
Botswana	Yellow	Yellow	Yellow	Yellow	Green	Yellow	Green	Red
Burkina Faso	Yellow	Yellow	Yellow	Yellow	Green	Grey	Yellow	Yellow
Chad	Yellow	Yellow	Yellow	Green	Red	Green	Green	Red
Côte d'Ivoire	Green	Yellow	Red	Green	Yellow	Yellow	Red	Yellow
Democratic Republic of Congo	Yellow	Yellow	Yellow	Yellow	Red	Green	Green	Yellow
Ethiopia	Yellow	Yellow	Yellow	Yellow	Red	Green	Green	Yellow
Gabon	Yellow	Yellow	Yellow	Yellow	Green	Yellow	Yellow	Red
Gambia (The)	Yellow	Green	Green	Yellow	Green	Yellow	Green	Green
Ghana	Yellow	Yellow	Red	Green	Green	Yellow	Green	Red
Kenya	Yellow	Yellow	Yellow	Green	Red	Yellow	Yellow	Yellow
Mauritania	Yellow	Yellow	Yellow	Green	Green	Green	Green	Red
Nigeria	Yellow	Green	Green	Green	Green	Yellow	Green	Red
Senegal	Yellow	Yellow	Red	Green	Red	Yellow	Yellow	Yellow
South Africa	Yellow	Yellow	Yellow	Green	Green	Yellow	Yellow	Grey
Tanzania	Yellow	Yellow	Red	Yellow	Red	Yellow	Green	Red
Togo	Green	Green	Green	Yellow	Green	Yellow	Green	Yellow
Uganda	Yellow	Green	Yellow	Green	Green	Green	Green	Green
<b>Key to summary Table 2</b>								
<b>Total ban</b>			<b>Partial ban</b>		<b>Uncertain</b>		<b>No ban</b>	



**Africa tobacco  
advertising, promotion  
and sponsorship index**

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## Introduction

Tobacco use is the leading preventable cause of death globally and the tobacco industry has been described as the vector of the tobacco epidemic.<sup>1</sup> The tobacco industry is well known for the strategic marketing of its products. The industry's marketing tactics include targeting vulnerable populations like women, children and young adults as well as minority groups while misleading them through various forms of advertisements.<sup>2</sup> The World Health Organization (WHO) defines, advertising and promotion as “any form of commercial communication, recommendation, or action on behalf of a tobacco product”, and defines sponsorship as “as any form of contribution by the tobacco industry to an event, activity, or individual”.<sup>3,4</sup> The tobacco industry uses tobacco advertising, promotion and sponsorship (TAPS) to boost its sale and expand its markets.<sup>2</sup> Africa remains vulnerable to TAPS due to many factors including legislations which are mostly weakly implemented, industry interference and a growing population of young people, making the tobacco industry to see Africa as a great place to grow their profit.<sup>5</sup>

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## World Health Organization Framework Convention on Tobacco Control (WHO FCTC) Article 13

Aimed at increasing consumption of tobacco use, especially among youth, the tobacco industry spends billions of dollars every year on TAPS.<sup>6</sup> To counter these activities, Article 13 of the WHO Framework Convention on Tobacco Control (FCTC) was put in place to give direction on imposing bans on advertisement and related activities of the industry.<sup>2</sup> All Parties are obliged to “prohibit all forms of tobacco advertising, promotion and sponsorship that promote a tobacco product by any means that are false, misleading or deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions”<sup>7</sup>. The banning of tobacco advertising and promotion is not just restricted to prohibiting communication but also, recommendation is made to include all actions and activities that constitute promotion or advertising.<sup>4</sup> Furthermore, such a ban should include any form of contribution from the tobacco industry be it financial

or otherwise and irrespective of it being made in public or kept private.<sup>4</sup>

Though the tobacco industry is known to use corporate social responsibility (CSR) to entice policymakers and the public, bans on such activities are also recommended to not just decrease tobacco consumption but prevent tobacco use initiation which is the main focus for the aggressive targeting of young people through various forms of TAPS.<sup>2</sup>

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## The MPOWER measures

The MPOWER measures are six key evidence-based WHO-FCTC tobacco control measures which were released in 2008 and have been found to assist countries to better implement the WHO FCTC.<sup>8</sup> The MPOWER measures include: Monitoring tobacco use and tobacco control measures; Protecting people from tobacco smoke; Offering help to quit tobacco use; Warning people about the dangers of tobacco; Enforcing bans on tobacco advertising, promotion and sponsorship and Raising tobacco taxes.<sup>8</sup> Enforcing bans on TAPS is the fifth MPOWER measure derived from WHO FCTC Article 13 and is directly relevant to this study.

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## How does TAPS affect tobacco use?

TAPS can increase tobacco use by glamorizing the behaviour and associating it with being successful and civilized. Since TAPS can entice more people to smoke, a ban on TAPS is expected to decrease tobacco use<sup>4,7</sup> by reducing exposure to such glamorization of tobacco. According to the US Surgeon General, there is positive association between the promotion and advertising efforts of tobacco companies and initiation and progression of tobacco use among the youth.<sup>9</sup> Nine longitudinal studies showed that exposure to tobacco advertising and promotion is associated with the increased likelihood of adolescents' will to start smoking.<sup>10</sup> In Africa, tobacco use is generally low, however, if TAPS exposure stays high, then more youth may find tobacco more acceptable as they grow which can change the current tobacco use prevalence.<sup>11</sup> Therefore, if TAPS is not addressed urgently in Africa there is a likelihood that tobacco use will increase in this region.

A study of six low and middle-income countries (LMIC) including Brazil, China, India, Nigeria, Russia, and Pakistan showed that about 68% of children as young as 5 and 6 years of age, residing in these countries were able to identify cigarette brand logos.<sup>12</sup> In Nigeria, 95% of adolescents reported exposure to TAPS based on the 2008 Global Youth Tobacco Survey for Nigeria, which was

associated with increased odds of current cigarette use.<sup>5</sup>

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## Implementation of TAPS ban in Africa

The implementation of Article 13 is important for tobacco control, therefore effective implementation of this article and the fifth MPOWER target must be adhered to achieve good success in tobacco control.<sup>13</sup> It is vital that Africa employs comprehensive bans on TAPS and not partial bans, as partial bans have proven to not be as effective globally. A case within the continent is Botswana which had a partial anti-TAPS ban (prior to the enactment of their 2021 tobacco law) but did not witness a change in student's exposure to TAPS between 2001 and 2008.<sup>3</sup> LMICs need full support to implement the FCTC and doing this will require constant monitoring of the tobacco industry in order to counter its tactics.<sup>14</sup> Poor implementation of the FCTC is rife in Africa; therefore, more effective implementation is needed and ensuring attainment of comprehensive bans on all forms of TAPS is crucial.<sup>5</sup>

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## TAPS and novel tobacco products

With the increase in the introduction of novel or emerging tobacco products, WHO has recommended that countries extend the scope of advertising to include electronic nicotine delivery systems and other novel tobacco products.<sup>2</sup> Unfortunately, tobacco control laws in most African countries do not cover novel tobacco or nicotine products hence the industry is exploiting this legislative loophole to flout advertising bans especially using social media channels like Facebook, Twitter, Instagram etc. There is need to also know how countries in Africa are keeping up with the pace of the emergence of new tobacco products and new marketing tactics used by the tobacco industry.

To curb the use of tobacco in Africa and move towards achieving a tobacco endgame for the continent, the domestication of Article 13 of the FCTC and effective implementation of such laws are urgently needed. The ATCA AFRO TAPS index showcases the status of the domestication and implementation of Article 13 in 18 African countries.

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## Guidelines for implementation of WHO FCTC Article 13

There are eight categories of TAPS which a comprehensive ban covers. These are recommended by the guidelines for the implementation of Article 13 of the FCTC and are as follows:<sup>15</sup>

1. Advertising in the mass media (print and electronic media such as television and radio)

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2. Promotion of tobacco products

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3. Retail sale and display of tobacco products (including cigarette vending machines)

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4. Tobacco packaging and product design

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5. Sale and promotion on the internet

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6. Tobacco industry related corporate social responsibility and other sponsorship activities

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7. Depiction of tobacco in entertainment media

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8. Cross-border tobacco advertising, promotion, and sponsorship (entering and outflowing a Party's territory).

# Methodology

This study employed a mixed methods research design which involves employing both qualitative and quantitative approaches. This section explains the methodology of the study's two phases.

## Phase one

The first phase involved selecting eligible countries using the inclusion criteria. The inclusion criteria were countries that are Party to the WHO FCTC, countries that have a national law or an embedded law after becoming parties to the FCTC (in 2005) and being past 5 years post ratifying the WHO FCTC which is the expected period for parties to implement TAPS regulations as recommended by the WHO FCTC after becoming a signatory to the treaty. Countries were then selected for this round of assessment based on if they are recipients of a tobacco control capacity building grant by the African Capacity Building Foundation (ACBF) or were included in the Africa Tobacco Industry Interference index (2021). Togo, being the headquarters of ATCA, was included in the index.

Out of the 47 countries in the WHO AFRO region, 18 met inclusion criteria and were therefore selected for this round of assessment. These countries were Benin, Botswana, Burkina Faso, Chad, Cote d'Ivoire, Democratic Republic of Congo, Ethiopia, Gabon, Ghana, The Gambia, Kenya, Mauritania, Nigeria, Uganda, Senegal and South Africa, Tanzania, and Togo. Selected countries were both Anglophone and Francophone. Nine of the countries are Francophone while eight are Anglophone with Ethiopia having Amharic as its first language and English as a second language. All countries' laws were retrieved from the Campaign for Tobacco-Free Kids Global Resources website (<https://www.tobaccofreekids.org/global-resources>) and assessed based on the eight aspects of a comprehensive

TAPS ban as recommended by the guidelines to WHO FCTC Article 13. Three research assistants were engaged to conduct the assessment. A template prepared by Southeast Asia Tobacco Control Alliance (SEATCA) was used for this assessment. A French speaking researcher assessed all French documents and translated the index to French for the francophone countries. Each of these TAPS components were assessed and graded in four possible statuses: total law (when the law fully covers all aspects of the FCTC requirement without exceptions), partial law (when the law covers only some aspects of the FCTC requirement), no law (when no aspect of the law covers the FCTC requirement) and uncertain (when the law was ambiguous and it was a challenge to ascertain whether it covers the FCTC requirements).

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## Phase two

The second phase of the study was the verification by the country partners of the law status and filling in the implementation status of each aspect of the law. A list of individuals from country partners in each selected country was provided by the African Tobacco Control Alliance (ATCA). These individuals are mostly advocates working in Tobacco Control, in various divisions, and have no partnership with the tobacco industry (not employed or funded by the industry). The partners were reached via email and telephonically. They were also asked to review initial assessment of their TAPS laws and make comments where they saw it was necessary to elaborate on the status of the law or implementation. All country partners responded and returned reviewed TAPS index, except Botswana.

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## Data analysis

Data was compiled and analyzed in Microsoft Excel. Analysis (percentages and frequencies) of the different statuses were done for each aspect of TAPS laws and for each country, to yield the results presented in this report.

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## **Ethical consideration**

Due to the nature of this project (review of publicly available legal documents), ethical clearance to conduct this study was not obtained. However, information about the study was communicated to prospective participants. ATCA introduced the researchers to country partners, who were then given extensive information about the study through an informed consent form. No participant was forced to participate, and all participants were informed that this was a voluntary exercise. Anonymity and confidentiality throughout the study and in the publication of data collected during this study was maintained and no country partner's name has been revealed in this report. The information shared in this report was de-identified except for the country name. All data collected are kept in password protected laptops.

## Implementation of article 13 and its guidelines



# 1. Direct and Indirect Advertising in the mass media (print, television, and radio)

**Article 13 Guidelines:** *The Guidelines call for a ban on all forms of direct and indirect advertising in all forms of media.*

Togo is the only African country with total ban in all 11 components of direct and indirect advertising in mass media (Table 3). Togo is closely followed by The Gambia with total bans in 10 components and a partial ban in just one component. The following countries have total bans in 10 components and no law in one component: Cote d'Ivoire, Kenya and Uganda. The DRC has no total ban in all 11 components assessed but has a partial ban in eight components and no law in three components. Burkina Faso and Tanzania have total bans in only five components, one partial ban and no law in five components of advertising. All other countries have total bans in more than 50% of the components of direct and indirect advertising (Table 3).

## LEGEND OF THE TABLES

- ✓ MEANS COMPLETE BAN
- PARTIAL BAN
- ✗ MEANS NO BAN
- MEANS UNCERTAIN OF STATUS

**Table 3** : Status of ban on all forms of direct and indirect advertising in all forms of media

Article 13 guidelines																		
	BJ	BW	BF	TD	CI	CD	ET	GA	GM	GH	KE	MR	NG	SN	ZA	TZ	TG	UG
<b>Direct and indirect advertising through media</b>																		
Audio and visual communication means	✓	✓	✓	✓	✓	○	✓	○	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Print	✓	✓	✓	✓	✓	○	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Television and radio	✓	○	✓	✓	✓	○	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Films, DVDs, videos and CDs	✓	✓	✗	✓	✓	○	✓	○	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Games	✓	✓	✗	✓	✓	○	✓	✓	✓	✓	✓	✓	✓	-	✗	✗	✓	✓
Digital Communication Platforms	✓	✓	✓	✓	✓	○	✓	✓	✓	✓	✓	✓	✓	✓	✗	○	✓	✓
Live performances	✓	✓	✗	✓	✓	○	✗	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓
Brand making	✓	✗	✓	✗	✓	✗	✓	✗	✓	✓	✓	✓	✓	✗	✓	✗	✓	✓
Brand stretching and sharing	✓	✓	✗	✗	✗	✗	✓	✗	✓	✗	✓	✗	-	✗	✗	✗	✓	✓
Depiction of tobacco use in entertainment media	✗	✓	○	✓	✓	○	✗	✓	○	✓	✓	✗	○	✗	✗	✗	✓	✗
Restricting the use of direct or indirect incentives	✗	✗	✗	○	✓	✗	✓	✗	✓	✗	✗	✓	✗	✗	✓	✗	✓	✓



## 2. Promotion of tobacco products

*The promotion of tobacco products is inclusive of giving free samples, gifts, or any form of incentive to encourage the sale of tobacco products by retailers. Competitions and targeting individuals with promotional material are also forms of promotion.*

Of the six components of promotion assessed (Table 4), five countries have total bans in place: Botswana, The Gambia, Nigeria, Togo, and Uganda, while seven countries had total bans in three or more components: Benin, Ethiopia, Gabon, Mauritania, Senegal, South African and Tanzania. Ghana and Burkina Faso each has no law regulating five of six components assessed under promotion. However, Ghana has a total ban in a sixth component (i.e., direct targeting of individuals with promotional materials) while Burkina Faso has a partial ban in a sixth component related to the supply of free samples of tobacco products (Table 4). There were reports by a partner that in Burkina Faso the tobacco industry is at times seen offering customers who buy a pack of cigarettes, another pack for free.

**Table 4** : Status of ban on promotion of tobacco products

Article 13 guidelines																		
	BJ	BW	BF	TD	CI	CD	ET	GA	GM	GH	KE	MR	NG	SN	ZA	TZ	TG	UG
<b>Promotion</b>																		
Gifts or discounted products with the purchase of tobacco products	✓	✗	✗	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✗	✓	✓
Supply of free samples of tobacco products	✓	✗	○	✓	✓	○	✓	✓	✓	✗	✗	✓	✓	✗	✓	○	✓	✓
Incentive promotions or loyalty schemes	✓	✗	✗	✗	✗	✗	✓	✓	✓	✗	✗	✓	✓	✓	✓	✓	✓	✓
Competitions associated with tobacco products or brand names	✗	✗	✗	✗	✗	✗	✗	✗	✓	✗	✓	✗	✓	✓	✓	✗	✓	✓
Direct targeting of individuals with promotional (including informational) material	✗	✗	✗	✗	○	○	✓	✓	✓	✓	✗	✓	✓	✗	✗	✓	✓	✓
Promotion of discounted products	✗	✗	✗	✗	✗	✗	✓	✓	✓	✗	✗	✓	✓	✓	✓	✓	✓	✓

### 3. Product display and promotion at point of sale (POS)

*Making tobacco products visible and putting them on display at point of sale is a form of advertising and promotion. Displaying tobacco products should be banned and therefore, vending machines should be banned as well since these machines are a means of promoting and advertising tobacco products.*

#### **Ban on the product display and promotion at POS**

Four countries: Côte d'Ivoire, Ghana, Senegal, and Tanzania have not banned the display of products at POS. Although Botswana and Ethiopia both passed new laws in 2021, their laws only have a partial ban on product display and promotion at POS. The Gambia, Nigeria and Togo all have a total ban on product display and promotion at POS (Table 5).

#### **Cigarette vending machines**

Ten of the 18 countries have banned the sale of tobacco products via vending machines. South Africa has a partial ban in place (Table 5), where vending machines are expected to be situated in sections of venues not accessible to minors. However, reports from South Africa indicate that, some venues like hotel dining areas still have vending machines within the reach of children.



**Table 5** : Status of ban on product display at retail outlets

Article 13 guidelines																		
	BJ	BW	BF	TD	CI	CD	ET	GA	GM	GH	KE	MR	NG	SN	ZA	TZ	TG	UG
<b>Point of Sale (POS)</b>																		
Display of tobacco products at points of sale (POS)	✓	✓	✓	✓	✗	✓	✗	✗	✓	✗	✓	✗	✓	✗	○	✗	✓	✓
Provision of financial or other support by the tobacco industry to venue operators	✗	✗	✗	✗	✗	✓	✗	✓	✓	✗	✗	✓	✓	✗	-	✗	✓	✓
Retailer incentive programs	✗	✗	✗	✗	✗	✗	✓	✗	✓	✗	✗	✗	✓	✗	✗	✗	✓	✗
Tobacco product vending machines	✓	✓	✓	✗	✓	✗	✗	✗	✓	✓	✗	✓	✓	✗	○	✗	✓	✓



**Table 6** : Status of ban on tobacco packaging and product design

Article 13 guidelines																			
	BJ	BW	BF	TD	CI	CD	ET	GA	GM	GH	KE	MR	NG	SN	ZA	TZ	TG	UG	
<b>Pack and product design</b>																			
Sale or supply of toys or sweets that resemble tobacco products	✗	✗	✗	✓	✓	✗	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓
Packaging and product design features	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Prohibiting any forms of false, misleading and deceptive description	✓	✓	✓	✓	✓	✗	✓	✗	○	✓	✓	✓	✓	✓	✓	✗	✗	✓	



## 5. Internet sales and promotions of tobacco

*The FCTC urges all parties to ban internet sales of tobacco products by removing or disabling access to such sale and advertisement contents on all digital communication platforms (which include internet and mobile phones). Selling products on the internet (through media like Twitter, Instagram, Facebook) has now become a norm and this guideline helps prevent tobacco products to be easily accessible through such channels.*

Ten African countries banned the sale of tobacco products via the internet. Seven countries had no law regulating internet sale of tobacco products. Though Ethiopia had a 2021 law, the law only made provision for a partial ban on sales via the internet (Table 7). There is a need for comprehensive bans on internet sale of tobacco products. Laws banning the sales of tobacco products via the internet are important because the internet has become the 'go-to' advertisement channel for the tobacco industry especially using celebrities to advertise their products.

**Table 7** : Status of ban on internet sales of tobacco products

Article 13 guidelines																		
	BJ	BW	BF	TD	CI	CD	ET	GA	GM	GH	KE	MR	NG	SN	ZA	TZ	TG	UG
<b>Internet</b>																		
Internet sales of tobacco products	✗	✓	✓	✗	○	✗	✗	✓	✓	✓	✗	✓	✓	✗	✓	✗	✓	✓



## 6. Sponsorship

*Sponsorship refers to “any form 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”.<sup>16</sup> Sponsorship can be done in “cash or kind” and should be banned regardless of whether it is disclosed or not to prevent the industry from presenting themselves as providing a good service to the public*

Six of the 18 countries assessed have their laws banning both components of the sponsorship category of TAPS. South Africa has a partial ban on both components suggesting opportunities for the industry to exploit the weakness of the law. Eight countries had total ban in only one component while the remaining countries (Burkina Faso, Senegal, and Tanzania) did not have total bans in either component (Table 8).

**Table 8** : Status of ban on sponsorship

Article 13 guidelines																		
	BJ	BW	BF	TD	CI	CD	ET	GA	GM	GH	KE	MR	NG	SN	ZA	TZ	TG	UG
<b>Point of Sale (POS)</b>																		
Restricting tobacco sponsorship of International/ national events and activities;	✓	○	–	✓	✓	✓	✓	–	○	×	–	✓	×	×	○	○	○	✓
Contribution of any kind to any event, activity or individual	✓	✓	×	✓	×	✓	✓	✓	✓	✓	✓	✓	✓	○	○	×	✓	✓



## 7. Tobacco industry-related corporate social responsibility (CSR) activities

*Any sort of contribution under the guise of “social responsibility” from the tobacco industry should be banned, regardless of the contribution being for a good cause or not. The publicity of CSR activities is usually used to advertise and promote the tobacco industry and as a socially responsible business.*

While most countries had either totally or partially banned CSR activities by the tobacco industry, Côte d'Ivoire's law had no provision banning these CSR activities. Six countries have partially implemented the ban on CSR activities while 11 countries have put in place a total ban (Table 9). Partial regulations are not sufficient as the industry may use these opportunities to enhance their image and influence policy.<sup>17</sup>

**Table 9** : Status of ban on corporate social responsibility (CSR) activities

Article 13 guidelines																		
	BJ	BW	BF	TD	CI	CD	ET	GA	GM	GH	KE	MR	NG	SN	ZA	TZ	TG	UG
<b>CSR activities</b>																		
Provision of financial or other support to events, activities, individuals or groups	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	○	○	○	✓	✓
Contributions from tobacco companies to any other entity for "Socially responsible causes"	✓	✓	-	✓	✗	✓	✓	-	✓	✓	No	✓	✓	○	○	○	✓	✓



## 8. Cross-border tobacco advertising, promotion, and sponsorship

*Any form of cross-border tobacco advertising, promotion and sponsorship should be banned by all Parties to the treaty. Cross-border TAPS entering their territories must be restricted in the very same way as domestic TAPS. Therefore, equal penalties have to be imposed to both advertising originating from within or outside their territories.*

Among the countries investigated, only two; The Gambia and Uganda have banned all forms of cross-border advertising (Table 10). Seven countries do not have any law on all four components of cross border advertising. Côte d'Ivoire, DRC, and Kenya have also banned cross border advertising except for one item each. For Burkina Faso, the law only partially bans cross border advertising since 2010, it is not a surprise that reports show that cross border advertising seems to be “done in a masked way” (Reported by country partner in Burkina Faso).

**Table 10** : Status of ban on cross-border TAPS

Article 13 guidelines																		
	BJ	BW	BF	TD	CI	CD	ET	GA	GM	GH	KE	MR	NG	SN	ZA	TZ	TG	UG
<b>CSR activities</b>																		
Cross-border TAPS originating from your territory	×	×	○	×	✓	✓	✓	×	✓	×	×	×	-	✓	-	×	✓	✓
Cross-border TAPS entering your territory	×	×	○	×	✓	✓	✓	×	✓	×	✓	×	×	×	-	×	✓	✓
Imposing penalties for cross-border advertising	×	×	×	×	✓	✓	×	×	✓	×	✓	×	×	×	-	×	✓	✓
Cooperating with other Parties to develop technologies that facilitate the elimination of cross-border TAPS	×	×	×	×	×	×	×	×	✓	×	✓	×	×	×	×	×	×	✓

# Implementation of TAPS laws in Africa

This section summarizes reports of implementation of TAPS compiled from reports by civil society organizations in the respective countries investigated except for Botswana.

## Implementing countries

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**Best practice:** The Gambia has implemented the most TAPS laws i.e., total implementation of six out of seven TAPS laws. This is followed by Chad and Uganda with total implementation of three TAPS laws each (Table 11).

**Lagging:** Kenya, Nigeria and Togo are each partially implementing all TAPS laws. Tanzania has not implemented the greatest number of TAPS laws (four out of seven).

## Implemented laws

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The most implemented TAPS component was tobacco packaging and product design with six countries. The ban on internet sales was the least implemented TAPS law with five countries reporting no implementation. This was followed by cross boarder advertising with four countries reporting no implementation (Table 11).

**Table 11** : Status of implementation of TAPS laws in AFRO region

Country	Direct Advertising	Promotion	Product display at POS	Packaging & product design	Internet sales	Sponsorship	CSR	Cross-border
Benin	Yellow	Yellow	Yellow	Yellow	Red	Yellow	Yellow	Red
Botswana	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Burkina Faso	Yellow	Yellow	Grey	Yellow	Green	Yellow	Yellow	Yellow
Chad	Yellow	Yellow	Yellow	Green	Grey	Green	Green	Red
Côte d'Ivoire	Yellow	Yellow	Yellow	Green	Red	Yellow	Red	Yellow
Democratic Republic of Congo	Yellow	Yellow	Yellow	Green	Red	Yellow	Yellow	Yellow
Ethiopia	Yellow	Yellow	Yellow	Green	Red	Green	Yellow	Yellow
Gabon	Yellow	Yellow	Yellow	Yellow	Green	Yellow	Green	Yellow
Gambia (The)	Green	Green	Green	Green	Green	Yellow	Green	Green
Ghana	Yellow	Yellow	Grey	Yellow	Green	Green	Green	Grey
Kenya	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
Mauritania	Yellow	Yellow	Grey	Yellow	Yellow	Grey	Yellow	Grey
Nigeria	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
Senegal	Yellow	Yellow	Grey	Yellow	Yellow	Grey	Yellow	Yellow
South Africa	Yellow	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Red
Tanzania	Yellow	Yellow	Red	Yellow	Red	Red	Red	Red
Togo	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
Uganda	Yellow	Yellow	Green	Green	Yellow	Green	Yellow	Yellow
<b>Key to summary Table 11</b>								
<b>Total implementation</b>			<b>Partial implementation</b>		<b>Uncertain implementation status</b>		<b>No implementation</b>	

# Recommendations

African countries need to do more in implementing FCTC Article 13. Overall, Tanzania and Senegal would need to put more comprehensive TAPS policies in place. There is room for countries like Democratic Republic of Congo (DRC) and Tanzania to place more comprehensive bans on pack and product design. Specific recommendations on the eight components of TAPS are detailed below.

## DIRECT AND INDIRECT ADVERTISING

1. TAPS bans should cover all forms of advertising, not just print media and should include brand marking, brand stretching and all sorts of media advertising.
2. Countries should specifically state the various advertisement platforms covered by the ban in the law.

## PROMOTION OF TOBACCO PRODUCTS

3. Six of the 18 countries assessed would need to do more to comply with the requirements of Article 13 on sponsorship. These countries are Burkina Faso, Chad, Cote d'Ivoire, DRC, Ghana and Kenya.
4. There must be total bans on the promotion of tobacco products instead of partial bans to ensure effective implementation.
5. Promoting tobacco products through competitions, loyalty schemes and direct targeting of individuals must be banned in country laws.

## PRODUCTS DISPLAY AND PROMOTION AT POS

6. African governments need to put in place stricter bans on tobacco product display and promotion at POS and on sales via vending machines.
7. Countries should introduce license requirements to sell tobacco products only in specific places to ensure better regulation of hotels and other retail stores so they do not continue selling tobacco products on vending machines.

## TOBACCO PACKAGING AND PRODUCT DESIGN

8. There is need to introduce plain packaging or standardized packaging into the legal framework with which countries control tobacco. If plain packaging is not getting the needed political support, pictorial health warnings covering at least 75% of tobacco packages should be adopted to prevent people being enticed to smoke and to encourage smokers to quit.

## INTERNET SALES OF TOBACCO PRODUCTS

9. While most countries have laws banning sales via the internet, it is important they put in place mechanism to implement the ban by monitoring the internet for violations as this is known to be rampant due to the largely unregulated use of the internet globally.

## SPONSORSHIP

10. Countries that do not have a total ban on sponsorship would need to put this in place especially because the industry uses this tactic to win sympathy and endorsement from the population. The industry also uses media coverage of their sponsorship activities to side-step and undermine laws banning advertisement.
11. A comprehensive ban on sponsorship is the only way to halt the activities of the tobacco industry in Africa.

## TOBACCO INDUSTRY CSR ACTIVITIES

- 12.** All forms of CSR activities by the tobacco industry must be prohibited by parties to the WHO FCTC.
- 13.** The tobacco industry should also be banned from contributing to any entity and the advertising and promotion of tobacco products should be prohibited. Not banning CSR will result in the industry using these activities to launder their image in the public eye and influence policies.

## CROSS-BORDER ADVERTISING

- 14.** A ban on cross-border advertising seems to be quite a challenge for most of the countries assessed but countries should try to put in place more comprehensive bans on cross-border advertising in the African region.
- 15.** Proper systems should be put in place to prevent any form of cross-border advertising. These systems can include the use of technologies that can track and trace the

origin and destination of such activities and research that will continue to monitor any cross-border TAPS activities.

## IMPLEMENTATION OF THE TAPS LAWS

- 16.** Passing a comprehensive law is only the first step in achieving effective tobacco control. The implementation of such laws is as important, if not more important. Countries need to ensure that implementation strategies and milestones are documented in regulations drafted to implement tobacco control laws. Such strategies must take into cognizance the ever-present effort of the tobacco industry to thwart the implementation of the law.





## Conclusion

There is room for countries to place more comprehensive bans on TAPS laws in Africa. This report shows that four countries have comprehensive laws on TAPS (Uganda, Togo, The Gambia and Nigeria) but these countries also need to work hard in implementing all the laws. Cross-border tobacco advertising is the least banned in the region, with only two countries (Uganda and The Gambia) having fully banned it.

There is a need for countries to review their laws to move from partial bans to total bans on all provisions of TAPS as recommended by WHO FCTC Article 13. Partial bans allow the tobacco industry to find loopholes to continue with their agenda of targeting the youthful population in the African region. Kenya, Gabon, and Burkina Faso have the most partial bans (on six components each), and this could lead to weak implementation of such laws.

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