



Status of TAPS in the Southeast Asia region

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SEATCA TAPS Index

- Index provides the status of TAPS ban implementation in 10 ASEAN countries
- Identifies best practices of TAPS ban implementation in ASEAN countries
- Identifies loopholes that need to be plugged at national and sub-national level
- Provides policy recommendations

Key findings: TAPS in the ASEAN



Partial ban is ineffective.

There is room for improvement, particularly in Indonesia and the Philippines.



The tobacco industry uses CSR activities to leverage influence. TI CSR activities are a form of sponsorship and must be banned.



Internet sales must be banned. Tobacco companies are increasingly using online platforms to promote and sell their products.

WHO FCTC recommendations on TAPS

Article 13: Prohibition of all forms of TAPS

- 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”
- Parties are encouraged to implement measures beyond the obligations set out in Article 13.



WHO FCTC recommendations on TAPS

Prohibition on Tobacco Industry CSR Activities:

- Article 13 Guidelines on banning tobacco advertising, sponsorship and promotions recommend:
 - The Parties should **ban contributions** from tobacco companies to any other entity for “socially responsible causes”, as this is a form of sponsorship.
 - **Publicity** given to “socially responsible” business practices of the tobacco industry constitutes advertising and promotion, hence should be **banned**.



TAPS Ban implementation deadline

	BR	KH	LA	MY	MM	PH	SG	TH	VN
WHO FCTC Ratification	3 Jun 2004	15 Nov 2005	6 Sep 2006	16 Sep 2005	21 Apr 2004	6 Jun 2005	14 May 2004	8 Nov 2004	17 Dec 2004
TAPS ban deadline	1 Sep 2009	13 Feb 2011	5 Dec 2011	15 Dec 2010	20 Jul 2009	4 Sep 2010	12 Aug 2009	6 Feb 2010	17 Mar 2010



Status of TAPS ban in the region

	Direct Advertising	Promotion	Sponsorship	Ad at POS	CSR	Pack Display	Cross Border
Brunei	Ban	Ban	Ban	Ban	Partial ban (No CSR)	Ban	Partial ban
Cambodia	Ban	Ban	Ban	Ban	Partial ban (Ban cigarette brand name)	Partial ban (Allow 1 pack per brand)	Ban
Indonesia	No ban	No ban	Partial ban (Ban publicity)	No ban	No ban	No ban	No ban
Lao PDR	Ban	Ban	Ban	Partial ban	Ban	No ban	Ban
Malaysia	Ban	Ban	Ban	Ban	Ban	No ban	Partial ban
Myanmar	Ban	Ban	Ban	No ban	Ban	No ban	Ban
Philippines	Ban	Partial ban (Allow at POS)	Partial ban (Sponsor without cigarette brand)	No ban	No ban	No ban	No ban
Singapore	Ban	Ban	Ban	Ban	Partial ban (Ban publicity)	Ban	Ban
Thailand	Ban	Ban	Ban	Ban	Ban	Ban	Ban
Vietnam	Ban	Ban	Partial ban	Ban	Partial ban (Ban publicity)	Partial ban (Allow 1 pack/ carton per brand)	Partial ban

 Ban

 Partial ban

 No ban



Direct and indirect advertising in mass media

Article 13 Guidelines



BR



KH



ID



LA



MY



MM



PH



SG



TH



VN

Direct and indirect advertising through media

	BR	KH	ID	LA	MY	MM	PH	SG	TH	VN
• Print	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓
• Television and radio	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓
• Films	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓
• Games	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓
• Digital communication	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓
• Live performances	✗	✓	✗	✓	✓	✓	✓	✓	✓	✓
• Brand-marking*	✓	✓	✗	✓	✗	✓	✗	✓	✓	✗
• Brand stretching and sharing	✗	✗	✓	✓	✗	✓	✓	✓	✓	✓
• The depiction of tobacco use in entertainment media	✗	✓	✓	✓	✓	✓	✗	✓	✓	✓
• Restricting the use of direct or indirect incentives	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
• Product placement**	✓	✓	✗	✗	✓	✓	✓	✓	✓	✓

* Examples include use of brand colors or schemes of colors, logos or trademarks in entertainment venues and retail outlets and on vehicles and equipment.

** The inclusion of, or reference to, a tobacco product, service or trademark in the context of communication, in return for payment or other consideration.



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Ban at POS or retail outlets

Article 13 Guidelines



BR



KH



ID



LA



MY



MM



PH



SG



TH



VN

Point-of-sale

- Display of tobacco products at points of sale (POS)



- Financial or other support by the tobacco industry to venue operators



- Retailer incentive programs



- Tobacco product vending machines



Ban relative to tobacco packaging and design

Article 13 Guidelines



BR



KH



ID



LA



MY



MM



PH



SG



TH



VN

Pack and product design

	BR	KH	ID	LA	MY	MM	PH	SG	TH	VN
• 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	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓

Ban on internet sales

Article 13
Guidelines



Internet

• Internet sales of tobacco products



Ban on cross-border TAPS

Article 13
Guidelines



Cross-border TAPS

• 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



Ban on TI CSR activities

Article 13 Guidelines



CSR activities

- Provision of financial or other support to events, activities, individuals or groups
- Contributions from tobacco companies to any other entity for “socially responsible causes”

✓	✗	✗	✓	✓	✓	✗	✗	✓	✗
✗	✗	✗	✓	✓	✓	✗	✗	✓	✗

Tobacco Company	Foundation for CSR Activities
British American Tobacco	BAT Malaysia Foundation
Japan Tobacco Inc.	JTI Foundation
Imperial Brands	Fundacion Altadis
Philip Morris International	American Chamber Foundation Philippines Jaime Ongpin Foundation
Fortune Tobacco Corp.	Tan Yan Kee Foundation
Mighty Corporation	Wong Chu King Foundation
PT HM Sampoerna	Putera Sampoerna Foundation
PT Djarum	Djarum Foundation

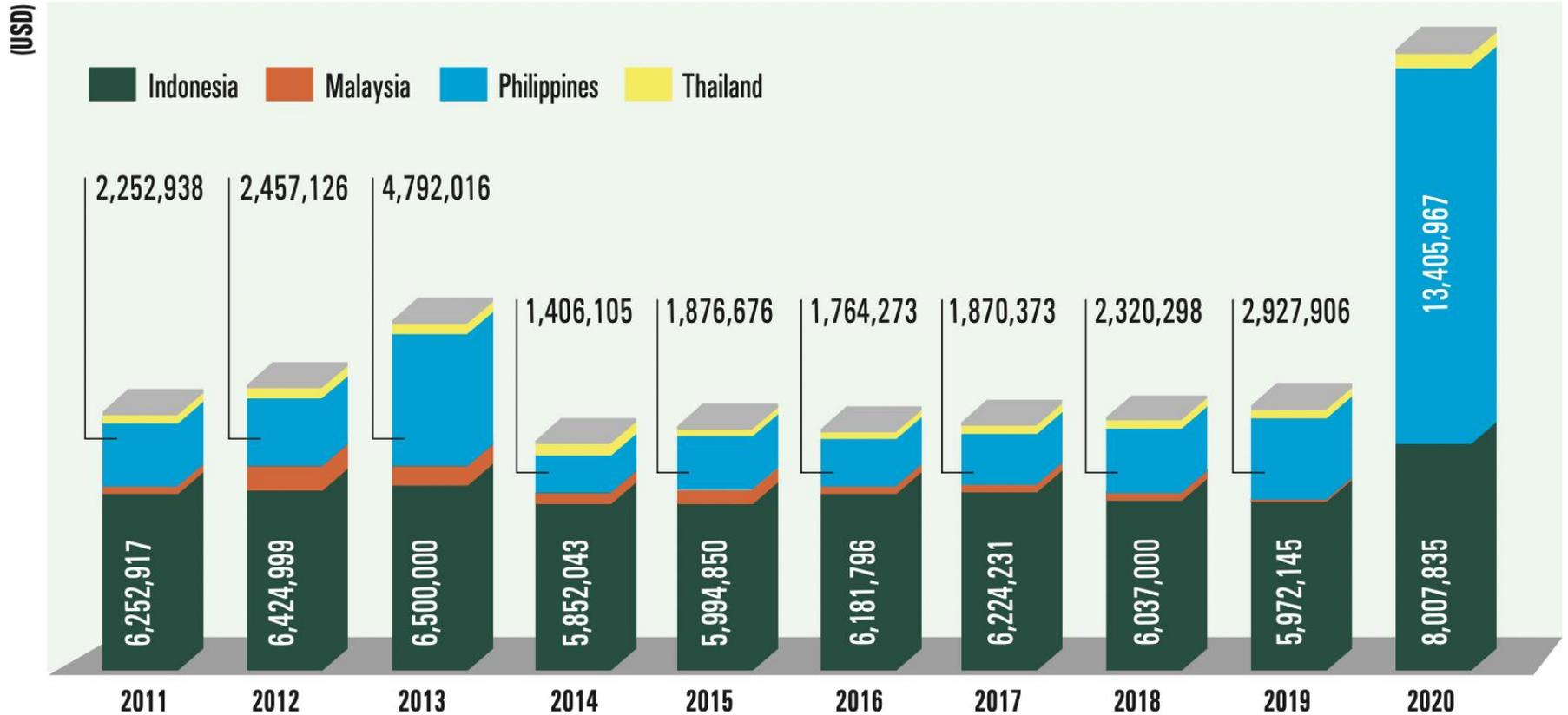
Source: Hijacking 'Sustainability from the SDGs

Review of Tobacco-Related CSR Activities in the ASEAN Region

<https://seatca.org/dmdocuments/TI%20CSR%20Report%20FINAL.pdf>



Top 4 ASEAN countries receiving PMI CSR funding (2011 – 2020)



COVID-19 Pandemic: **Big opportunity for TI** to conduct its CSR activities

The Philippines: Govt officials endorse tobacco related CSR despite the CSC-DOH JMC



Photo 1: JVOFI's donation to the City of Baguio, Baguio-PNP and PNP-National Headquarters

Media coverage from August to September 2020 shows JVOFI conducted 11 CSR activities, either through PMFTC's EMBRACE programme or in collaboration with the LT Group,. Most of them involved donation of medical supplies to government agencies and health sectors, including Philippine Army¹² and healthcare workers in Camiguin¹³ (Photo 2). See appendix 1, for TI-CSR for pandemic in ASEAN in 2020.



Photo 2: JVOFI and PMFTC's Embrace donated personal protective equipment to healthcare workers in Camiguin



Best practice: Thailand

- Thailand is the first ASEAN country to institute a law in 1992 (Tobacco Products Control Act) that included a ban on all forms of direct and indirect tobacco advertisement, sales promotions (i.e. gifts, discounts, distribution of free items).
- Previously, Thailand has banned only the publicity of TI CSR activities. But, in 2017 (Tobacco Product Control Act 2017), it now bans the tobacco industry from conducting CSR activities.



Philip Morris Thailand with Population and Community Development Association (PDA) sponsoring the building of rainwater storage tanks for local community in Roi Et.

Challenges:

- **Strong tobacco industry interference** remains the biggest challenge
 - Lobbying for weak policies, preventing comprehensive bans of TAPS, CSR activities
- ASEAN markets are flooded with **new tobacco and nicotine products (electronic cigarettes, heated tobacco products)**. Promotion of these products mainly via social media and sale via online platforms, making them accessible to the youth.



Takeaways

- All ASEAN countries have taken legislative action towards implement a comprehensive ban on TAPS.
 - Best practices in **Brunei, Singapore, Thailand**
- Partial bans are ineffective. Laws need to be strengthened in some countries to address loopholes in tobacco promotions, prohibiting incentives, marketing strategies at POS, innovative pack designs.
- Tobacco-related CSR activities are avenues for promotion of the companies. TI CSR must be banned.



Takeaways

- There is a need to ban cross-border advertising. Online marketing and sales of tobacco and alternative tobacco products are increasing and the youth remains vulnerable to marketing tactics of the industry.
- There is a need to strengthen cooperation for surveillance, research, and exchange of information of different countries.





Southeast Asia Tobacco Control Alliance



Thank you!