



## Background

Point of sale (POS) promotion includes in-store activities that encourage customers to “buy now”, such as coupons, discounts, special offers, and/or multipack offers. These promotions are important tobacco industry strategies to maintain customers by keeping prices low. POS advertising includes signs and functional items with positive brand imagery. Together, POS promotions and advertising build relationships with consumers. **The tobacco industry spends \$1 million per hour advertising and promoting tobacco products in stores – the vast majority of their advertising and promotions budget -- amounting to \$8.366 billion in 2011.**<sup>1</sup>

## Public Health Concerns

While most tobacco advertising is restricted on TV, radio, and other mediums, tobacco ads are prevalent at the point of sale. Ads often target children and adolescents. Tobacco advertising and promotions still entice far too many young people to start using tobacco.<sup>2</sup> The more young people are exposed to cigarette advertising, product displays and promotional activities, the more likely they are to smoke.<sup>3,4</sup>

**In addition to encouraging youth to begin tobacco use, exposure to tobacco marketing and advertising:**

- Distorts youth perceptions of availability, use and popularity of tobacco use.<sup>4</sup>
- Increases impulse purchases and undermines quit attempts by triggering urges to smoke among former smokers and smokers who are trying to quit.<sup>4</sup>
- Fuels health disparities. Tobacco companies are market and discount their products more often in low-income and minority neighborhoods.<sup>5</sup>



## — Regulatory Options for Communities —

By placing restrictions on tobacco promotions or advertising, communities can reduce the amount of tobacco advertising minors are exposed to and keep tobacco prices high by disallowing the tobacco industry's tactics to undercut tobacco taxes and minimum price laws.

While there are a number of options for communities interested in regulating tobacco advertising or promotions, several of the more common options include:

- Restricting coupon redemption, multi-pack offers and discounts as part of tobacco retailer licensing agreements.
- Restrict all advertising regardless of its content (content-neutral advertising restriction).
- Limit the size, type and/or number of tobacco ads.

*Size: Limit advertisements to a certain percentage of the total window area or frontage of retailer.*

*Type: Prohibit electronic, scrolling, or otherwise dynamic advertising, specify types of materials, colors, or typefaces to be used, or specify a minimum quality of construction.*

*Number: Limit the number of advertisements each business can post.*

- Limit the time, place, and/or manner (but not content) of tobacco advertising.

*Time: Allow tobacco advertising in retail stores to be visible only when youth are in school or under night-time curfews.*

*Place: Prohibit tobacco advertising at stores near schools or within a certain distance (ex. 10 ft) of the cash register.*

*Manner: Prohibit outdoor signage or sandwich-board advertisements.*



### Sources

- 1 Federal Trade Commission. Cigarette Report for 2011. Washington: Federal Trade Commission, 2013.
- 2 U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012.
- 3 National Cancer Institute. The Role of the Media in Promoting and Reducing Tobacco Use. Tobacco Control Monograph No. 19. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute. NIH Pub. No. 07-6242, June 2008.
- 4 Paynter, J. & Edwards, R. The impact of tobacco promotion at the point of sale: a systematic review. (2009). *Nicotine & Tobacco Research*, 11(1), 25-35.
- 5 Barbeau, E.M., Wolin, K.Y., Naumova, E.N., & Balbach E. Tobacco Advertising in Communities: Associations with Race and Class. (2005). *Preventive Medicine*, 40(1), 16-22.

For more information: Tobacco Control Legal Consortium. Restricting Tobacco Advertising. May 2011. Available from, <http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-guide-restricttobadvert-2011.pdf>

FOR MORE INFORMATION ON LOCAL POLICY OPTIONS,  
CONTACT US AT: [NorthlandMN@lung.org](mailto:NorthlandMN@lung.org)

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