

These notes refer to the Tobacco Advertising and Promotion Act 2002 (c.36) which received Royal Assent on 7 November 2002

TOBACCO ADVERTISING AND PROMOTION ACT 2002

EXPLANATORY NOTES

THE ACT

6. The Act defines "tobacco advertisement" as an advertisement whose purpose or whose effect is to promote a tobacco product. The term "advertisement" is not defined and bears its natural meaning. The Act covers direct advertising (for example, posters, billboards and press advertising) and other forms of promotion, such as direct marketing. It also covers so-called brandsharing, a form of indirect advertising whereby non-tobacco products use the branding of a particular tobacco product as a means of promoting that tobacco product (and thereby widen the promotion of the tobacco product) (or vice versa). The Act also covers media other than paper, eg electronic communications (such as the internet) and video. It does not cover television and radio which are already subject to regulation under the Broadcasting Acts 1990 and 1996 or other means.
7. The Act sets out in separate sections prohibitions on tobacco advertising, free distributions (including coupons) and sponsorship and provides for regulations prohibiting brandsharing. The reason for such a comprehensive ban is that anything less far-reaching would leave considerable scope for promotion of tobacco products, as has been demonstrated in other countries.