AD WATCH

Hungary introduces a total ban on tobacco advertising

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Hungary has introduced a total ban on direct and indirect advertising for tobacco products

Although comprehensive tobacco control policy has yet to be adopted in Hungary, a legal framework for tobacco control is in place. The most important regulations on tobacco issues include: the 1997 Act on Advertising,[1] amended by the 2001 Act on Advertising[2]; the Act on the Protection of Non-Smokers and Some Rules of Consumption and Trade of Tobacco Products[3] (smoke-free environments, rules of purchasing tobacco products, minimum age for purchase and smoking), in force since November 1999; and the 36/1996 Interministerial Decree on packaging, warning labels and harmful substance content of cigarettes.

On 19 December 2000 Hungarian tobacco control advocates achieved a glorious victory over the tobacco industry when the Hungarian Parliament voted for an amendment of the 1997 Act on Advertising, which only forbade "tobacco advertising targeted at children and youth", billboards located within 200 m from educational or health establishments, and screening of tobacco ads before 8 pm in cinemas. The amendment introduced a total ban on direct and indirect advertising for tobacco products to take effect by 1 July 2001 for print media and by 1 January 2002 for outdoor posters and billboards.

Despite the general jubilation of tobacco control advocates, this success must not be taken as anything more than a victory in a very important battle, with few doubting that the war still continues. The tobacco industry's disappointment and frustration over events it was unable to influence will force it to dig new tactics from deep inside its international post-ban kitbag to challenge and circumvent the newly introduced measure. Zsolt Jamniczky, PR manager of Reemtsma, the third biggest tobacco company in Hungary, blubbed: "The Parliament accepted this bill and we have to adjust ourselves to it, but we are not happy. The timing is not very good." The "timing" he referred to was undoubtedly the rude interruption in the industry's marketing success which saw smoking prevalence in Hungary increase by 25% among secondary school students between 1995-99,[4] with women's smoking rising by more than one third between 1986 and 2000.[5 6]

This total ban simply restored the 1978 decree of the Ministry of Internal Affairs which also banned all forms of tobacco advertising. The fall of the Berlin Wall and the transition to the market economy offered an excellent opportunity for transnational tobacco companies to jump on the free marketing bandwagon and invade the new market. The new investors immediately recognised the ad ban would severely hamper their ability to attract new consumers. The industry which had told journalists how important "conformance to laws"[7] is for them, disregarded and violated the 1978 regulation as this Philip Morris document clearly states: " . . .competition has taken a very liberal approach in interpreting the law and has conducted massive billboard and similar campaigns . . . some of our marketing activities have been investigated and resulted in a $200,000 fine."[8] Nonetheless, they were eager to change this situation: "In Hungary, we will seek through direct lobbying and action with third party allies to amend obsolete tobacco advertising legislation..."[9]

And they were successful in doing so. The tobacco and advertising industry, with the help of some servile representatives of the then ruling socialist government, succeeded in hastening the birth of the very liberal Act on Advertising in 1997.[10] Young Democrats—now governing in Hungary—championed a stricter act but they were defeated by the ruling socialist party which had had many visible and invisible links to the tobacco manufacturers. The socialist government also tried to delay parliamentary debate of a bill aimed at protecting the rights of non-smokers, while tobacco control advocates and the then health minister, also a socialist, strongly lobbied for the bill. When the government was led by a chain smoker prime minister, who believed "smoking is a question of strength of will . . . nowadays, when smokers are really pursued you need more will-power to keep yourself to it",[11] it was little wonder that his government did not find itself "committed enough" to harm the tobacco industry.

The adoption of this very liberal law, which allowed tobacco advertising in press, cinemas, theatres and on outdoor posters (figs 1, 2, and 3), resulted in the spread of campaigns often targeted at women (fig 1) and youth. Cigarettes were promoted as "friends in everyday life" (fig 2). This situation, along with the introduction of a new European Union (EU) Directive (EC 98/43) on tobacco advertising and sponsorship, energised Hungarian tobacco control advocates. Mr Lajos Pákozdi, an elder statesman in the fight against tobacco, took the lead by approaching the Hungarian Court of Constitution. He argued that tobacco advertising severely endangered the right to health of Hungarians and encouraged children to take up smoking. The court's verdict in November 2000 was ambiguous: on the one part it stated that "with the promulgation of the already in force regulation on tobacco advertisements the government acquitted its duty in protecting life and health. A total ban in tobacco advertising cannot be deduced from the Hungarian

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Figure 1 Hungarian tobacco advertising campaigns were often targeted at women. Photo: Figyelo.

Figure 2 The slogan in this poster says: "Your friend in everyday life." Photo courtesy of Health 21 Hungarian Foundation.

Figure 3 Advertisements even exploited seasonal events, not always in a respectful way to women. Photo courtesy of Health 21 Hungarian Foundation.

Constitution".[12] However, it did not exclude the introduction of stricter regulation, if the government considered it necessary.

With the anticipated annulment of the EU advertising directive in October 2001, the Hungarian Ministry of Economics immediately removed the passages on tobacco marketing from its proposal submitted to the Parliament. The Health 21 Hungarian Foundation mobilised the tobacco control community, convening more than 20 representatives from government based agencies, non-governmental organisations, and the Parliament to take a common stand for much stricter regulation of tobacco promotion. The Foundation helped two MPs develop and submit amendments on further restrictions in tobacco advertising. A newsletter was distributed to MPs and to members of the Parliamentary Committee for Health and Social Affairs as well as to media representatives. Just before the deadline for submitting amendments to the advertising bill Mr Mihály Babák, MP of the ruling party of Young Democrats, submitted his amendment asking for regulation of promotion of tobacco products as strict as the aborted EU Directive. A letter, signed by all the participants of the forum, was sent immediately to all 386 members of the Hungarian Parliament asking to vote in the affirmative for the amendment. It seemed that the letter writing campaign achieved its goal. As Mr Babák put it later in an interview[13]: "If somebody voted against, he or she must have considered this question from other aspects or he cast his vote wrongly". A few days later, on 19 December 2001, the entire advertising act, including the total ban of direct and indirect tobacco advertising, was passed by the Parliament.

Mr Babák stressed that his main argument for the preparation of this submission was to keep the industry away from children: "It is time to start influencing public opinion and make smoking and its advertising unacceptable; children and youth should not be taken in by the messages communicated by tobacco companies: while smoking, the sky is always blue and the air is clean. Smoking is a dirty thing, which takes tar into the lungs of people. The industry is trying to reach new markets so tobacco advertising clearly aims at children and youth. And the individuals of these target groups are taken in since they are not able to take into account all consequences of smoking".

Similar to decision makers' claims in other countries[14] the influence of tobacco control advocates and that of patients' rights organisations were also of great interest to Mr Babák when he took action. Tobacco control advocates should understand that the help of an MP of the ruling party could be more useful for them than an initiative coming from the opposition. Mr Babák put it this way: "I would not say that an amendment coming from the government party is always better, but we have the necessary background institutions which are at our disposal if submissions need to be revised professionally, and perhaps the Government prefers suggestions made by its own representatives."

Péter Dávid, external relations manager at Philip Morris Hungary, said: "I am very disappointed by the law because the Hungarian Government has decided to introduce it without prior consultation". Single amendments do not need to be the subject of formal consultation in Hungary. The industry was unprepared for the change. Timing is crucial. As Mr Babák stated: " . . .there was a tactical step to introduce it [his submission] later, when the tobacco industry would not have any opportunity to remove it. The shorter the time is for external attacks the greater the success in the Parliament. If you proceed in this way than the lobby does not have time enough to overrun all the parliamentarians. If the submission had been introduced earlier it would not have been passed."

Advocates, however, must not be satisfied and feel relieved, even if a new law is passed by the Parliament. All events must be followed continuously and carefully because "accidents" may happen later, especially if the industry's lobbying machinery is activated. In Hungary, the bill comes into force when it is signed by the President. Six pro-tobacco industry organisations, including the Advertising Self-Regulatory Body and the Association of Hungarian Publishers, sent in a petition to the Hungarian President Ferenc Mádl trying to persuade

him not to sign the law. On 2 January 2001 the President's Office called upon Mr Pákozdi to review once again the possible roles and impacts on health of the new legislation. The outcome of the discussion was favourable to pro-health advocates: on 4 January 2001 the new law was proclaimed. The Hungarian media and our public places are now free of deceptive tobacco advertisements. Never ceasing vigilance is further needed as the tobacco industry maximally exploits the current weaknesses of the advertising regulations.[15]

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