



Last Updated: April 27, 2010

RETAIL DISPLAY OF TOBACCO PRODUCTS: MONITORING UPDATE

What Is the Issue?

Retail display refers to the visible presence of tobacco products and accessories at the point of sale. The tobacco industry uses powerwalls, countertop displays, signage and product accessories like brand-name lighters to communicate with customers (Cohen et al. 2008). The impact of retail displays is similar to that of conventional advertising. For example, retail displays encourage adolescent smoking initiation, impulse purchases, relapse among quitters, brand selection and increased tobacco use among smokers (Carter et al. 2009; Thomson et al. 2008). In early 2008, 85% of Ontario adults and 90% of younger adults (aged 18 to 24) said that they had noticed cigarette packs or other tobacco products displayed behind the counter at convenience stores, corner stores or gas stations in the past 30 days.¹ In New Zealand, Quedley et al. (2008) found that a complete ban on tobacco retail displays was more effective than restrictions in terms of encouraging retailer compliance.

Nunavut, Prince Edward Island and Nova Scotia were the first Canadian jurisdictions to have a complete ban on the retail display of tobacco products and brand-name accessories at the point of sale (Table 1). Ontario, Québec and Alberta followed in 2008, New Brunswick and Yukon in 2009, and Newfoundland and Labrador in 2010. A restriction on retail display for premises accessible by youth is in effect in Saskatchewan, Manitoba, British Columbia and the Northwest Territories. Health Canada (2006) has proposed federal restrictions. In 2008, Health Canada reported that less than 3% of retailers in Canada still had point-of-sale advertising (e.g., brand-name signs, promotions or accessories).²

Ontario

Under the *Smoke-Free Ontario Act*, a restriction on point-of-sale promotion began May 31, 2006, though cigarettes were still visible at the point of sale. Within four months, retailer compliance exceeded 95% for each of the six components of the restriction (Dubray et al. 2009). A complete ban on the retail and wholesale display of tobacco products took effect May 31, 2008,³ with exemptions for tobacconists, duty-free retailers and manufacturers. The public had shown support for the ban in 2006, when 83% of Ontario adults agreed tobacco should be kept under the counter out of sight of children (OTRU 2007). In December 2009, the *Smoke-Free Ontario Act* was modified to clarify that tobacco promotion, including retail display, is prohibited not only “in” but also “at” any place where tobacco is sold (see footnote 3). This clarification was especially relevant to some gas stations, which had argued that outside promotion was not “in” the place and therefore not prohibited by the former wording of the *Smoke-Free Ontario Act*.

International Jurisdictions

Iceland (2001) and Thailand (2005) were the first countries to ban the retail display of tobacco products. Retail display bans came into force in Ireland on July 1, 2009 and in the Australian Capital Territory on January 1, 2010. In Australia, similar bans are anticipated in Tasmania and Victoria in 2011. Various restrictions on the retail display of tobacco products are in effect in other international jurisdictions, such as New Zealand, Singapore and South Africa. The Framework Convention on Tobacco Control recommends a complete ban on all forms of direct and indirect tobacco advertising.⁴

¹ 2008 CAMH Monitor Survey, “Panel A” Jan-Jun 2008 ($n = 996$), analysis by OTRU; at the time this survey was in the field, restrictions were in force in Ontario but not a total ban on the retail display of tobacco products

² Overview available at: <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/eval/index-eng.php>

³ With the Dec 2009 amendment of par. 3.1(3), the *Smoke-Free Ontario Act* now states, “No person shall, in or at any place where tobacco products are sold or offered for sale, promote the sale of tobacco products through product association, product enhancement or any type of promotional material.” [http://www.e-laws.gov.on.ca/html/source/statutes/english/2009/elaws_src_s09033_e.htm; scroll down to Schedule 19, Ministry of Health Promotion]

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_94t10_e.htm]

⁴ Canada is a party to the FCTC which came into force Feb 2005 (Health Canada 2006); see also http://www.who.int/tobacco/mpower/mpower_report_global_control_2008.pdf

Table 1: Tobacco Retail Display, by Canadian Provincial, Territorial and Federal Jurisdictions, April 27, 2010

Jurisdiction ^a	Total Ban ^b	Restriction	Year ^c	Comments
Nunavut ^d	Yes		2004	First Canadian jurisdiction to have total ban on tobacco retail displays
Prince Edward Island	Yes		2006	One black and white price sign of prescribed size allowed per till with no reference to brands
Nova Scotia	Yes		2007	Total ban inside and outside premises
ONTARIO	Yes		2008	Total ban on all visible tobacco products, including powerwalls, effective May 31, 2008
Québec	Yes		2008	Total ban on all visible tobacco products, including powerwalls, effective May 31, 2008
Alberta	Yes		2008	Total ban on all visible tobacco products, including powerwalls, effective Jul 1, 2008
New Brunswick	Yes		2009	Total ban effective Jan 1, 2009
Yukon	Yes		2009	Total ban effective May 15, 2009
Newfoundland and Labrador	Yes		2010	Total ban effective Jan 1, 2010
Saskatchewan [§]		Yes	2002	No visible tobacco products, including brand-name accessories, if minors have access; no visible products from outside, regardless of access by minors
Manitoba [§]		Yes	2004	No visible tobacco products, including brand-name accessories, if minors have access
Northwest Territories		Yes	2006	No visible tobacco products, including brand-name accessories, if minors have access
British Columbia		Yes	2008	No visible tobacco products, including brand-name accessories, if minors have access, and no visible products from outside regardless of access by minors, effective Mar 31, 2008
FEDERAL	No	No		The 1997 <i>Tobacco Act</i> allows for regulation of “display of tobacco products and accessories at retail” and forbids self-service; the 2000 Tobacco Reporting Regulations require tobacco manufacturers to disclose amount paid to retailers for displays; in 2006, Health Canada proposed federal restrictions for premises accessible by minors

^a Ordered first by degree of legislation (total ban versus restriction) and then chronologically

^b No visible tobacco products at point of sale regardless of youth access

^c Effective date

^d In response to a tobacco industry challenge, the Supreme Court of Canada upheld the constitutionality of the SK legislation in Jan 2005; thereafter SK and MB began to enforce restrictions and NU began to enforce a total ban on tobacco retail displays

Sources: Government websites, Canadian Cancer Society

Comments and suggestions are welcome and can be sent to lise_anglin@camh.net

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Suggested Citation. Ontario Tobacco Research Unit. The Tobacco Control Environment: Ontario and Beyond. Monitoring and Evaluation Series (Vol. 16, No. 1). Retail Display of Tobacco Products: Monitoring Update. Toronto, ON: Ontario Tobacco Research Unit, April 27, 2010.