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of the Swiss Federal Council's message on the “Tobacco Free Kids” initiative

***Note:** The following text is a faithful extract from the “Message concerning the popular initiative ‘Yes to the protection of children and young people from tobacco advertising (children and young people without tobacco advertising)’” addressed by the Swiss Federal Council (Swiss government) to Parliament on 26 August 2020 (object 20.068 - reference FF 2020 6837). The Swiss people will vote on the Initiative on 13 February 2022.*

The initiative

The initiative is presented in the form of a draft. The Federal Council does not oppose it with a counterproposal.

Validity

The initiative meets the criteria for validity set out in Article 139(3) of the Constitution:

- (a) it complies with the principle of unity of form, since it is entirely in the form of a draft;
- (b) it obeys the principle of unity of subject matter, since there is an intrinsic relationship between its various parts;
- c) it complies with the principle of conformity with the mandatory rules of international law, since it does not contravene any of them.

Current situation: smoking, advertising, and the impact on young people

Smoking is a major burden on society. In Switzerland, the proportion of smokers has remained unchanged over the past 10 years and is stagnant at 27%.

Almost half (46%) of current smokers started smoking daily before the age of 18.

Half of those who smoke regularly die prematurely.

9500 people die every year in Switzerland because of smoking

The annual costs amount to CHF 5.6 billion, of which CHF 1.7 billion is attributable to direct costs (treatment costs) and CHF 3.9 billion to indirect costs (productivity losses)

Tobacco advertising appeals to values that young people aspire to: a taste for independence, risk and adventure, sexual attraction or rebellion.

A large study in Germany showed that adolescents with high exposure to tobacco advertising were 46% more likely to smoke than those with the lowest exposure.

A Swiss study shows that young people are highly exposed to tobacco advertising in the street (posters, ashtrays, kiosks, etc.) even if they are not aware of it.

Since 2003, the Federal Office of Public Health (FOPH) has been studying the population's attitude to the topic of "a comprehensive ban on tobacco advertising except at points of sale". The most recent approval rate, in 2018, was 64% of the population aged 15 and over.

The WHO Framework Convention on Tobacco Control (FCTC)

The WHO Framework Convention on Tobacco Control (FCTC) came into force in 2005. It was developed in response to the sharp increase in tobacco-related disease and death worldwide and reaffirms the right of every human being to the highest attainable standard of health. The FCTC represents a milestone in the improvement of public health and brings a new legal dimension to international health cooperation. It includes a comprehensive package of measures to restrict the negative health and economic consequences of tobacco consumption on a global scale.

The draft Tobacco Product Law of 2018 does not allow for the ratification of the FCTC.

Launch of the initiative

An initiative committee consisting of members of Swiss health organizations launched the popular initiative “Yes to the protection of children and young people from tobacco advertising (Children and young people without tobacco advertising)” on 20 March 2018. More than 40 health organizations in Switzerland support the initiative. In addition to the Swiss Health Alliance, these include Family and Children's Doctors Switzerland, the Swiss Association for Smoking Prevention, the Swiss Cancer League, the Swiss Lung League, the Swiss Medical Association and SwissPharma. The Swiss Council for Youth Activities is also involved.

Aims of the initiative

The aim of the authors of the popular initiative is to protect children and young people from tobacco advertising and to enable them to grow up healthy. To this end, the federal government and the cantons must promote the health of children and young people, and all forms of advertising for tobacco products that “harm” them must be prohibited.

Since young people smoke more often than the rest of the population, advertising plays an important role. Scientific studies show that young people who are frequently exposed to tobacco advertising are more likely to become smokers.

Multinational tobacco companies lure young people with advertising, promotion, and sponsorship. This explains why they are often present at concerts, parties, and festivals. Young people are particularly sensitive to the glamour, the lightness, the success, and the sex appeal of advertising. They perceive these companies as cultural promoters and benevolent actors and develop a positive image of tobacco products. In addition, promotional offers (“three packets of cigarettes for the price of two”) are another way of attracting young people, as they are particularly price sensitive.

The initiators also believe that the regulations on tobacco advertising are too lax and that the 2018 draft of the Tobacco Products Law does not provide for effective measures to prevent smoking. The costs to the community of lost productivity due to illness, unemployment, disability, or early death are extremely high. In addition, the majority of the population would support increased protection and a ban on tobacco industry sponsorship of cultural and sporting events.

Assessment of the initiative

Tobacco use is a recognized public health problem.

Tobacco use is the leading preventable cause of death in Switzerland. As this message explains in detail above, it is a major public health problem.

The initiative aims to ensure that children and young people grow up without tobacco advertising. This would increase their chances of not becoming addicted to tobacco products and nicotine from electronic cigarettes throughout their lives. This would lead to a decrease in the share of smokers in the medium and long term and would contribute to solving the public health problems caused by tobacco consumption and nicotine addiction.

Aims and demands of the initiative

The aim of the popular initiative is to contribute to the healthy development of children and young people.

As almost half of all smokers start smoking daily before the age of 18, the initiative would also improve the health of the adult population in the long term.

The Federal Council supports the general thrust of the popular initiative, as it would contribute to improving public health in Switzerland.

A recent comparative study of 36 European countries (Tobacco Control Scale 2019) has also shown that international standards have changed and that action is needed in Switzerland. Switzerland ranks second to last in the implementation of effective tobacco control measures. One of the reasons for this is that there are few restrictions on tobacco advertising.

Consequences in case of acceptance

The rules proposed by the initiative are expected to result in more radical restrictions on tobacco advertising than those in the Federal Council's 2015 draft. It is therefore reasonable to assume that the positive health and economic consequences would be greater than those calculated in the 2015 Regulatory Impact Analysis (RIA).

Advantages and disadvantages of the initiative

The initiative can clearly be approved from a public health point of view. Indeed, better protection of young people from tobacco advertising is desirable to protect their health. Young people are particularly susceptible to influence and advertising messages. Nearly half (46%) of smokers started smoking every day when they were still under 18. They are also highly exposed to tobacco advertising.

With a comprehensive ban on tobacco advertising, the initiative would have a positive impact not only on the health of minors but also on the health of the whole population. It would also reduce the particularly high costs of smoking.

In addition, the initiative would make the ratification of the FCTC possible, which has been a goal of the Federal Council since its signing in 2004.

As the Regulatory Impact Analysis (RIA) on the first unsuccessful draft of the Tobacco Control Law of 2015 revealed, advertising bans contribute to reducing the number of smokers. The social costs of smoking are reduced by several hundred million francs each year. The present initiative provides for even tighter advertising restrictions than the Tobacco Control Act of 2015 and would thus further reduce the costs of smoking.

Some companies - active in the manufacture, distribution or marketing of tobacco products and electronic cigarettes - would lose revenue. However, according to the Regulatory Impact Analysis (RIA), this could lead to the transfer of jobs from the tobacco sector to other economic sectors, as money not spent on tobacco products would be spent on other consumption purposes (distribution effect).

Compatibility with Switzerland's international obligations

The initiative and the possible new restrictions on advertising, sponsorship and promotion that would result from its acceptance are compatible with Switzerland's obligations under international agreements. The initiative is also in line with Switzerland's commitments to the EU and its European policy objectives.

In particular, the initiative is compatible with the UN Convention of 20 November 1989 on the Rights of the Child approved by the Federal Assembly on 13 December 1996. The Convention was ratified by Switzerland on 24 February 1997 and entered into force on 26 March 1997.

Conclusion

The Federal Council recognizes that the initiative addresses a public health problem. Smoking is responsible for almost 15% of deaths and is thus the leading preventable cause of death in Switzerland. Almost half of all smokers start using tobacco in their teens. Better protection of children and young people from tobacco advertising is therefore desirable.

Measures are also needed in view of the high costs of smoking for both the health system and the economy.

[Recommendation of the Federal Council]

Some companies - active in the manufacture, distribution or marketing of tobacco products and electronic cigarettes - would lose revenue.

The Federal Council has already expressed its willingness to restrict advertising, but only to an extent acceptable to the tobacco industry.

It therefore rejects the initiative.

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