



Japan Society for Tobacco Control

日本禁煙学会

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Mr. Taro Aso, Minister of Finance

Mr. Seiko Noda, Minister for Internal Affairs and Communications

Mr. Taro Kono, Foreign Minister

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Regarding the goals of the Framework Convention on Tobacco Control (WHO FCTC)

Tobacco publicity, advertising should be banned (revisit)

Chronicle

Last year on July 19, Yasuhisa Shiozaki, then the Minister of Health, Labor and Welfare stated that, "In Japan, JT's television commercials are routinely broadcast, which should be a surprising story for the world. And although they do not show tobacco itself, images shown in smoking rooms are effectively the same as tobacco advertisements. I must say that this is a violation of the treaty. The Ministry of Foreign Affairs deals with the treaty, and I must also say this to the Ministry of Finance, the proper regulatory authority of the tobacco industry."

[Source] Business Journal August 18, 2017

http://biz-journal.jp/2017/08/post_20234.html

The Framework Convention on Tobacco Control (FCTC) starts by determining the purpose and general principles, and then determines the details of protocol, annexes and guidelines through consensus, which become legally binding each country. The Japanese government has agreed with these guidelines, and is in concert with the treaty. However, the Ministry of Foreign Affairs has not yet translated the guidelines, suggesting a lack of commitment to the guidelines.

Nations that have agreed to the FCTC, except Japan, generally comply with FCTC guidelines. For example, the guidelines in Article 13 include the following as a comprehensive ban on tobacco advertising, marketing promotion, and sponsored acts by tobacco companies.

- All advertising, marketing promotion, and sponsored acts (exceptions are not allowed)
- Direct and indirect advertising, marketing promotion, sponsored activities
- Acts for the purpose of marketing promotion, and acts that may bring about or might have the

effect of marketing promotion

- Encouraging the use of tobacco and tobacco products
- Communication, promotion and activities for purpose of profit
- All types of donation to any event, activity or individual
- Advertising and promotional activities for selling brand name tobacco and for the tobacco industry itself
- Conventional means to provide information (print · TV · radio) as well as the internet, mobile phones, movies and other means using new technologies

Recently, there has been a serious problem for JT because children are seeing tobacco commercials during the time when children typically watch TV. It might think that publicity and advertising of tobacco companies have only voluntary restrictions, but it is time for the government to prohibit these activities completely. This is what FCTC demands.

The Ministry of Foreign Affairs and the Ministry of Finance assert the legitimacy of current tobacco advertisements as follows.

- Because of constitutional principles, Japan is not in a position where a comprehensive prohibition can be implemented for tobacco advertisements.
- Specifically, Article 22 of the Constitution guarantees "freedom of business" and Article 21 guarantees "freedom of expression".
- Article 13 of the FCTC stipulates that "Parties that are not in a situation to comprehensively prohibit the constitution or constitutional principles of their country will impose restrictions on all tobacco advertising, marketing promotion and sponsorship", so Japan does not need to "comprehensively prohibit" and "imposing restrictions" ought to be good enough.
- Japan "imposes restrictions" regularly.

However, although it is claimed that "imposing restrictions" is sufficient; tobacco advertising, marketing promotion, sponsored activities and other activities are not being completely restricted. The commercials that are currently being broadcast on TV are also violating the Ministry of Finance Notification and Voluntary standards:

① Ministry of Finance Notification

- Violation of "not attracting the attention of minors"
- Violation of "not misleading about the harmful effect of tobacco on health"
- Violation of "no advertisement contents and methods that show smoking in a positive way"
- Violation of "targeting only adults"

② Voluntary standards

- Applicable violation of "evoking specific products and brands":
by saying "do not use fire" or "do not smoke", and also by showing someone holding a "tomorrow" brand device, which is clearly longer than a regular cigarette, in a TV commercial evokes the

specific product "Ploom Tech".

<https://m.youtube.com/watch?feature=share&v=JOiQ7DAUsZ0>

· Through television media, using publicity and advertising as stated above, as well as other activities

As mentioned above, this case is clearly violating the Ministry of Finance Notification · Voluntary standards. Thus, the Tobacco Business Act Article 40, Paragraph 3 "Recommendations" · and Paragraph 4 "Announcements", request administrative recommendations to remedy the situation and prompt, ongoing improvements.

Saying that Japanese tobacco advertisements are "imposing restrictions" is not an accurate statement, and according to the recommendations and announcements of the Tobacco Business Law, such actions are inadequately regulated.

Entrusting only voluntary restrictions can not protect the health and lives of citizens, and according to the goals of the Tobacco Control Framework Convention (FCTC), we should promptly and thoroughly prohibit the publicity and advertising of tobacco.

This letter was sent on August 24th last year, but I send it again.

This is the end.