



COALITION QUÉBÉCOISE POUR LE CONTRÔLE DU TABAC

4126, rue St-Denis, Montréal, Québec H2W 2M5 • Tél. : (514) 598-5533 • Téléc. : (514) 598-5283 • coalition@cqct.qc.ca

CRIMINALIZING THE USE AND POSSESSION OF CIGARETTES AMONG YOUTHS

Many health groups and tobacco control organizations are opposed to this measure. HERE'S WHY:

➔ It puts the blame on children and makes them responsible for the problem.

- This approach holds the victims responsible for smoking rates. Children and teenagers are found "guilty" for falling into the industry's marketing traps... The measure draws attention away from the industry's predatory practices... The real culprits in the tobacco epidemic are adults, i.e. those who produce, sell and promote cigarettes

Attention News Editors: Convenience Store Industry Calls for Ban on Youth Possession and Use of Tobacco... La police dans les écoles pour contrer le tabagisme chez les adolescents... Imperial Tobacco head says youth should be prohibited from possessing tobacco... Les jeunes ne devraient pas pouvoir fumer

➔ The tobacco industry strongly supports this idea.

- The tobacco industry and its allies are relatively isolated with respect to their position recommending that smoking and the possession of cigarettes be prohibited for minors... Not one of the world's most respected tobacco control organizations – including the World Health Organization, the U.S. Surgeon General and the U.S. Center for Disease Control and Prevention – support this measure.

## ➔ It is a public relations scheme.

---

- Calling for a ban on youth possession allows the industry and others who profit from tobacco to “prove” their opposition to tobacco use by children and teenagers, while at the same time pursuing their marketing efforts as well as their political campaigns to reduce taxes, prevent restrictions on promotion and block smoking bans.
- The internal documents of multinational tobacco companies (including B.A.T., owner of Imperial Tobacco) show that if the industry encourages restrictive measures or campaigns targeting young people, it is because they are generally ineffective and counterproductive and because they improve the industry’s image.<sup>1</sup>
- The discussion surrounding criminalization also diverts attention away from genuinely effective measures designed to decrease young people’s *demand* for cigarettes (tax increases, total ban on promotion, industry denormalization) and has the secondary effect of nurturing the public’s illusion that governments have taken care of smoking problems among minors.

## ➔ It makes smoking even more attractive to youths.

---

- The criminalization of smoking reinforces the industry’s marketing strategies designed to portray smoking as a symbolic rite of passage into adulthood. The idea of prohibition reinforces young people’s notion that smoking is “reserved solely for adults.” The only message that gets across is: “You can’t smoke because you aren’t old enough!”
- Making tobacco illegal to minors makes smoking that much more “risky” and “taboo”, which is precisely what attracts teenagers to cigarettes: that is, teenagers that want to rebel against adult authorities and at the same time act like adults.
- Retailer associations and the industry justify the measure with statements such as, “*If it’s illegal for someone under 19 to have a beer, the same rules should apply for cigarettes*”<sup>2</sup>, “*the fact that it is legal for a child to smoke or own cigarettes is unacceptable*,”<sup>3</sup> or, “*the choice to smoke is a choice that should be made by adults only*”<sup>4</sup>. These are obviously very clever positions. They insinuate that “**smoking is socially acceptable for people over 18**,” and that “*people smoke because they like it and not because they are addicted to nicotine*.”

## ➔ It has not worked in the past.

---

- The possession of tobacco by children under the age of 16 was illegal from 1908-1993. During this period, the smoking rate for minors fluctuated irrespectively of the law, rising to over 50% in 1974.<sup>5</sup> If a ban did not work in the past, why would it work today?

<sup>1</sup> “Danger: PR in the playground,” **Action on Smoking and Health** (UK), 2000.

<sup>2</sup> Steve Tennant, **Canadian Convenience Stores Association**, press release, January 21st 2008, <http://www.cnw.ca/fr/releases/archive/January2008/21/c2481.html>

<sup>3</sup> Robert Bexon, **Imperial Tobacco**, Press release, December 11, 2000.

<sup>4</sup> “Notre position: **Imperial Tobacco’s** position on tobacco,” 1999.

<sup>5</sup> “Smoking in Canada: Percentage of Canadians who smoke (on either or occasional basis), federal surveys, 1965-1999,” **Physicians for a Smoke-Free Canada**, 2000.

### ➔ It does not work.

---

- This measure makes no sense from an economic or implementation point of view. There will never be enough inspectors or police officers to enforce the measure. Current surveillance personnel in charge of controlling illegal sales to minors by retailers are already insufficient. It is much easier to focus on retailers selling cigarettes illegally than on the minors themselves. The number of youths that smoke far outnumber the number of points of sale for tobacco (approx. 7 thousand in Quebec). What's more, retailers, as opposed to minors, do not move around, are clearly identified and are licensed.
- In fact, even though the law bans tobacco sales to minors, retailers continue to illegally sell to youth. In Québec for instance, retailers here remain the champions of illegal sales to youth<sup>6</sup>. In 2006 in Quebec, more than a third of underage students who smoked purchased their cigarettes themselves from a retailer, and of these youths 45 % said they were never refused a purchase.<sup>7</sup>
- *“No studies have examined whether the passing or the enforcement of the tobacco possession laws have had a positive impact on the attitude or behaviour of young people regarding smoking.”<sup>8</sup>*
- Smoking rates among young people is a public health issue and not a delinquency issue. (It is hard to imagine the day when police officers will consider it a priority!)

### ➔ It is hypocritical.

---

- We live in a society where governments still allow tobacco advertising<sup>9</sup>, where cigarette are wrapped in pretty packaging with misleading descriptors<sup>10</sup>, at prices that remain at an absurdly low level (in Ontario and Quebec), and that are easily accessible to teenagers (in spite of the law). Governments even allow the addition of candy flavors to tobacco product... Wouldn't it be hypocritical to turn around and punish young people for having espoused the behavior encouraged by an environment that is still too favorable towards smoking?
- Blaming youths is a convenient pretext that allows governments to skirt their responsibilities on this issue. It is up to the government to protect children's health (especially where parents' power is limited) by providing a coherent environment that discourages smoking on all fronts.

### ➔ The tobacco industry will never support measures that reduce smoking rates among youths.

---

- The tobacco industry knows very well that its profits – in other words, its survival – depend on how successfully it recruits minors. The great majority of smokers start smoking when they are young. As long as the industry's primary objective is profit, tobacco manufacturers will always defend positions that protect their own interests, whatever the consequences for the public.

<sup>6</sup> 31,7 % of retailers sell to minors : **Health Canada** « Évaluation du comportement des détaillants face à certaines restrictions de l'accès au tabac chez les jeunes (Rapport final des résultats : 2006) » [http://www.hc-sc.gc.ca/hl-vs/pubs/tobac-tabac/eval-2006/table/table\\_7\\_f.html](http://www.hc-sc.gc.ca/hl-vs/pubs/tobac-tabac/eval-2006/table/table_7_f.html)

<sup>7</sup> **Institut de la statistique du Québec**, « Enquête québécoise sur le tabac, l'alcool, la drogue et le jeu chez les élèves du secondaire, 2006 », p. 78 [http://www.stat.gouv.qc.ca/publications/sante/pdf2007/tabac\\_alcool2006c3.pdf](http://www.stat.gouv.qc.ca/publications/sante/pdf2007/tabac_alcool2006c3.pdf)

<sup>8</sup> RJ DiFranza and NA Rigotti, "State Tobacco Control Policy Briefing Papers: Policies to Reduce Youth Access to Tobacco", Advocacy Institute, 1998.

<sup>9</sup> Voir [http://www.cqct.qc.ca/Communiqués\\_docs/2007/PRSS\\_07\\_12\\_27\\_RestrictionsVaguePublicitaire.htm](http://www.cqct.qc.ca/Communiqués_docs/2007/PRSS_07_12_27_RestrictionsVaguePublicitaire.htm)

<sup>10</sup> [http://www.cqct.qc.ca/Documents\\_docs/DOCU\\_2007/MEMO\\_07\\_10\\_18\\_ReglementationDouceLegereFINAL.pdf](http://www.cqct.qc.ca/Documents_docs/DOCU_2007/MEMO_07_10_18_ReglementationDouceLegereFINAL.pdf)