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# Why did Swiss citizens vote to ban tobacco advertising?

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## ABSTRACT

In February 2022, Swiss citizens agreed to modify the Swiss Constitution to ban tobacco advertising reaching children and adolescents. This case study analyses the arguments used by both opponents and supporters of the constitutional amendment. Opponents argued that the proposed regulation went too far, threatened the economy, restricted personal freedom, was superfluous as the current law already protected youth and that it opened the door to marketing bans of other harmful products. Proponents focused on youth protection and invoked the burden of smoking on public health and the fact that advertising bans are an effective evidence-based measure. A comparison with previous campaigns to ban tobacco advertising that had failed suggests factors accounting for the positive vote in 2022. These include the strategic framing of youth protection, the separation of tobacco from other issues (such as alcohol advertising), the deteriorating image of the tobacco industry and the ability of the proponents to mobilise a broad coalition of health and youth organisations, with improved funding and communication. The lessons may be instructive for other campaigns seeking to regulate commercial determinants of health.

## INTRODUCTION

Tobacco advertising contributes to the spread of the tobacco epidemic. Together with high taxation, health warnings, protection from tobacco smoke, bans on sales to minors and cessation aid, a comprehensive ban of tobacco advertising, promotion and sponsorship is one of the major evidence-based measures from the WHO Framework Convention on Tobacco Control (FCTC). A 2016 analysis of 66 countries with comprehensive tobacco advertising bans estimated that they reduced tobacco consumption by an average of 12%.<sup>1</sup>

To our knowledge, Switzerland—a country that is home to major tobacco companies—is the only country to have held a national vote on banning tobacco advertising. In fact, it has done so three times. In national votes in 1979 and 1993, Swiss citizens rejected such a ban.<sup>2</sup> Previous analyses proposed reasons for the failure in 1993.<sup>3</sup> In February 2022, a new constitutional initiative to ban tobacco advertising reaching children and youth was accepted.<sup>4</sup> The aim of this article is to analyse how this third attempt succeeded.

## BACKGROUND

In Switzerland, the prevalence of tobacco smoking has remained stable at a high level of around 27% of the population (age >15 years) since 2007<sup>5</sup>

## WHAT IS ALREADY KNOWN ON THIS TOPIC

- ⇒ A comprehensive ban on tobacco advertising, promotion and sponsorship is an effective tobacco control measure.
- ⇒ Switzerland has weak tobacco regulations and its citizens previously rejected bans on tobacco advertising in votes held in 1979 and 1993.

## WHAT THIS STUDY ADDS

- ⇒ This study analyses reasons for the success of the 2022 Swiss popular initiative to ban tobacco advertising reaching children and youth.
- ⇒ Success factors include its focus on youth protection, the effectiveness of the measure in other countries and a large coalition.

## HOW THIS STUDY MIGHT AFFECT RESEARCH, PRACTICE OR POLICY

- ⇒ Aiming for what is acceptable to public opinion (youth protection) rather than what is preferable in terms of public health (total advertising ban) was a success factor, notably through a larger coalition.
- ⇒ Involvement of citizens and civil society can help to frame health policies in favour of public interest.

(and may be underestimated<sup>6</sup>). Tobacco products cause 9500 deaths per year, making it the leading preventable cause of death.<sup>7</sup>

Switzerland has notoriously weak tobacco control regulations, ranking 36th out of 37 countries overall and last in terms of advertising bans in a 2021 report.<sup>8</sup> Additionally, the Global Tobacco Industry Interference Index 2021 ranks Switzerland as 79th out of 80 countries assessed.<sup>9</sup> Although the government signed the FCTC in 2004, Switzerland is one of the few countries that have not ratified it.<sup>10</sup> Switzerland's poor performance may be linked to the influence of the tobacco industry.<sup>11 12</sup>

At the national level, tobacco advertising on radio and television is banned. Advertising *aimed specifically* at young people is also prohibited, with almost no impact (as most advertisements can still reach them). The cantons (26 states that constitute the Swiss Confederation) can enact additional local laws. For instance, many cantons prohibit billboard advertising for tobacco products.<sup>13</sup> Overall, there has been no real political will to address the issue of tobacco advertising at the national level.

In 2015, the Swiss government drafted a law on tobacco products, which was more a consequence



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of the need to remove tobacco from food regulations, following their alignment with the European Union. This new tobacco law was minimalist in its treatment of advertising bans, especially after being watered down by parliament.<sup>14</sup> In this context, a federal popular initiative was launched in 2018 by several health and youth organisations, grouped in a broad alliance.<sup>15</sup> The initiative aimed to ban all forms of tobacco advertising *that can reach* children and youth. Advertising that can only be seen by adults (18+) would remain permissible.

A popular initiative is an instrument of Swiss direct democracy<sup>16</sup> that allows constitutional amendments to be put to a national vote if they are supported by the signatures of 100 000 citizens. The aim of many popular initiatives is to press lawmakers to adopt laws that better reflect the will of the people. Popular initiatives that are opposed by the government are usually difficult to win, as they are often seen as a failure of the spirit of compromise that pervades Swiss politics. Indeed, around 90% of them are rejected.<sup>17</sup>

Following the successful collection of signatures by the initiative committee, the government and parliament submitted initiative to a popular vote, with a recommendation to reject it, presenting the minimalist new law as a counter-proposal. In its comments to parliament, the government also expressed 'its willingness to restrict advertising to an extent acceptable to the tobacco industry'.<sup>18</sup>

After a short campaign, on 13 February 2022, the initiative to ban tobacco advertising was approved by 57% of voters.<sup>4</sup> To be adopted, such a constitutional initiative must also be accepted by a majority of the cantons. This second majority was narrowly achieved.<sup>4 19</sup> The minimalist law adopted in October 2021 must therefore be revised by 2025 to incorporate the principles of the initiative.

#### ARGUMENTS OF THE OPPONENTS OF THE INITIATIVE

The opponents of the initiative were mainly economic organisations and conservative parties, as well as members of the tobacco and advertising industries. They formed a coalition and launched a campaign against the initiative, using mainly the following arguments<sup>20</sup>:

- ▶ The initiative is extreme: The protection of young people is important, but the initiative amounts to a total ban on tobacco advertising.
- ▶ The initiative is superfluous: The new law sufficiently regulates advertising and protects young people. In any case, advertising is not what makes young people smoke: it is curiosity, peer pressure and the personal environment.
- ▶ Economic freedom: This freedom, which is enshrined in the constitution, implies that legal products should not be subject to a total ban on advertising.
- ▶ Slippery slope: If the initiative is adopted, other advertising bans will follow for products such as sausages, alcohol, sweets, fatty foods, cars.
- ▶ Nanny state: The initiative is paternalistic. Adults are responsible for their own health and must be free to choose which legal products they consume. A government or its policies should not unduly interfere with personal choices.
- ▶ Economic damages: The initiative will threaten some businesses and the jobs that depend on them, as advertising is a significant source of income for the media, cultural events with tobacco sponsoring and small firms. The initiative will also increase the cost of living: without advertising, newspapers and community events would become more expensive.

- ▶ Hampering innovation: Advertising bans are harmful to innovation. They will prevent companies from advertising potentially less harmful products, that is, from informing people about them.

#### ARGUMENTS SUPPORTING THE INITIATIVE

The proponents of the initiative were mainly the health and youth organisations that were members of the alliance and social-democratic political parties, together with health professionals and organisations supporting it independently. Their main arguments were the following<sup>21</sup>:

- ▶ Youth protection: Tobacco consumption is a major health risk. The earlier a person starts smoking, the more serious the long-term consequences. It is established that most smokers start as minors and that tobacco advertising primarily targets teenagers and young people.
- ▶ Efficacy of tobacco advertising bans: Scientific evidence shows that advertising encourages consumption and that tobacco advertising bans reduce tobacco initiation and consumption.
- ▶ Weakness of Swiss regulation: Switzerland has one of the weakest tobacco control policies in Europe. The new law still allows advertising in newspapers, at festivals, at points of sale and online.
- ▶ Collective responsibility: As a community, we have a responsibility to keep young people smoke-free. We cannot talk about individual responsibility when it comes to children who are targeted by elaborate marketing strategies. Children and adolescents must be protected from the commercial determinants of health, as they are particularly vulnerable to them. This protection takes precedence over corporate interests.
- ▶ Consistency: Since the sale of tobacco to minors is forbidden, it is necessary to prohibit advertising that can reach them.

#### HISTORICAL COMPARISON

A previous analysis examined the reasons for the failure of the earlier 1993 vote,<sup>3</sup> which asked Swiss people to vote on two initiatives (called 'twin initiatives'): one to ban tobacco advertising and the other to ban alcohol advertising. The 2022 initiative focused exclusively on tobacco advertising reaching young people.

If we compare the arguments of 1993 with those of 2022, we note that most of the arguments against the initiative were used on both occasions (economic freedom, economic damages, slippery slope, etc), showing that the tobacco industry and its allies have not evolved much over the last 30 years in the way they deal with regulatory issues.

For their part, the arguments of the proponents have evolved. The fact that the tobacco industry's marketing tactics specifically target young people was known in 1993, but was kept as a background issue. Media labelled the protection of children and youth as an 'emotional argument', citing industry-sponsored surveys purportedly showing that tobacco advertising played virtually no role in youth smoking initiation.<sup>22</sup> By focusing on tobacco advertising reaching children and youth, the 2022 initiative brought this fact to the forefront (figure 1B). The evolution of international norms in tobacco control, notably through the FCTC and the growing concern about non-communicable diseases,<sup>23</sup> of which tobacco use is a main risk factor, also contributed. This shifted the emphasis, from having to justify that the measure would not cause excessive economic loss in 1993, to clearly stating in 2022 that banning tobacco advertising



**Figure 1** (A) Poster used by the opponents. Their message focused on the initiative setting a precedent that would lead to advertising bans of other products, with focus on culturally recognised food items such as sausages or wine ('Now tobacco! Tomorrow sausages? No to the extreme anti-advertising initiative.'). (B) Poster used by the proponents. Their message focused on the fact that tobacco advertising encourages young people to smoke ('Tobacco-free children: yes on 13 February. Tobacco advertising encourages children to smoke'.).

is an important public health measure that saves lives and takes precedence over corporate interests.

### REASONS TO EXPLAIN SUCCESS IN 2022

The reasons for the success of the 2022 initiative can be better explained by contrasting them with the reasons for the failure of 1993, which have already been analysed.<sup>3</sup> These reasons can be divided into two groups: why the arguments and tactics of the opponents failed and why those of the proponents succeeded.

#### Why the opponents failed

##### Slippery slope

In 1993, the strategy used by the opponents of the 'twin initiatives' was to 'keep focus on overall issue of freedom of speech'.<sup>24</sup> This notably appealed to the media and cultural players, across the political spectrum and across all cantons. In 2022, the 'slippery slope' argument, with its image of a sausage (see [figure 1A](#)), lacked credibility. It appears likely that the opponents had given up convincing the majority of the Swiss people (who were supporting the initiative according to the polls) and had resolved instead to target more conservative cantons in central and north-east Switzerland, with the aim of getting a majority of cantons to reject the initiative. This tactic did not work and probably backfired.

##### The initiative is extreme

Unlike the 1993 'twin initiatives', which aimed at a total ban of advertising for tobacco and alcohol, the 2022 initiative focused only on tobacco and specifically on advertising reaching children and youth: it was not a general ban. The initiative was thus aimed at an acceptable objective rather than

at what is optimal in terms of public health. The initiative was also supported by a broad coalition of organisations (see below). The accusation of extremism, used by the opponents (the word 'extreme' appears 38 times in their pamphlet<sup>20</sup>), lacked credibility, given the modest aim of prohibiting advertising from reaching children.

#### Claim of negative economic impact

In both 1993 and 2022, the opponents of the initiatives made extensive use of the economic argument, claiming that a tobacco advertising ban would inflict serious damage on the interests of many economic sectors, such as the media, advertising, sport and culture. In 1993, no mention was made of economic damage caused specifically to the tobacco industry, as the campaign policy was to 'keep primary role of tobacco industry [...] in the background'.<sup>25</sup> In 2022, data on the economic importance of the tobacco sector was provided through a report commissioned by Philip Morris International (PMI),<sup>26</sup> which depicted this industry as a major contributor to the economy. In 1993, the economic argument was seen by the industry as a key success factor in defeating the initiative, notably owing to the unemployment that prevailed at the time.<sup>27</sup> In 2022, however, the economic argument apparently had much less weight, as an analysis of the votes shows: the cantons in which the tobacco industry had headquarters or factories (Geneva, Jura, Neuchâtel and Vaud) voted for the ban with majorities above the national average (except in Lucerne, which rejected the initiative).<sup>28</sup>

#### Claim that advertising bans are ineffective

In 1993 and in 2022, the opponents argued that advertising bans are ineffective, that they do not prevent young people from taking up smoking and do not reduce consumption. While there was evidence in 1993 that advertising bans were effective (for instance, France enacted a law prohibiting tobacco advertising in 1991), further evidence has accumulated since then, to the point that the FCTC implementation guidelines state as their first principle that 'It is well documented that tobacco advertising, promotion and sponsorship increase tobacco use and that comprehensive bans on tobacco advertising, promotion and sponsorship decrease tobacco use'. When opponents repeated in 2022 that 'advertising is not a driver of youth smoking', they repeated a statement that a US Federal Court found to be 'false and misleading'.<sup>29</sup> Although the Swiss public may be unaware of this ruling, a number of unsavoury affairs involving tobacco companies, revealed by previously secret tobacco industry documents,<sup>23 30–33</sup> may have created a general sense of suspicion among the population towards the tobacco industry. When the industry-affiliated opponents say that advertising bans are ineffective and that they only target adult smokers, fewer people believe them now than in 1993.

#### Current regulation offers sufficient protection

As in 1993,<sup>34</sup> the opponents argued that existing legislation combined with the tobacco industry's voluntary advertising code provided sufficient protection to children and youth, making the initiative superfluous. However, the proponents made it clear that their main motivation was to remedy the weakness of the new law and they managed to emphasise this sufficiently in their campaign. As discussed below, the public opinion has evolved towards greater distrust of the tobacco industry; self-regulation has not been convincing either.

## Why the proponents succeeded

### Ethically indisputable objective

The focus on youth—an ethically unquestionable objective—was a major success factor. The primary objective of protecting young people leaves little room for contradictory arguments, such as economic freedom and corporate interests. According to a post-vote survey, 90% of all voters agreed that, as a society, we have an obligation to protect children and youth and to promote their healthy development.<sup>19</sup>

### Broad coalition

The 2022 initiative was supported by a broader coalition than in 1993, bringing on board organisations outside tobacco control. The coalition comprised major Swiss medical, health and public health organisations (eg, Swiss Medical Association). It also included organisations with little or no history of involvement in tobacco control, notably youth and sport organisations (eg, Swiss Olympic), as well as supportive politicians. The coalition provided most of the funding for the campaign. The existence of local initiative committees in the cantons also contributed to the success, by building the alliance and spreading the message to local organisations and media, giving the campaign a grassroots-level character.

### Better communication

The initiative committee met regularly to prepare counterarguments and monitor the campaign. It was supported by a professional communication agency that tested the messages. Not available in 1993, the internet provided a more level playing field for communication. The proponents had on their side public health experts, medical professionals and their respective institutions, whose opinions were considered more authoritative and credible, than the politically charged and obviously self-interested positions of the opponents. This was also reflected in the media coverage, which had a more balanced treatment of the issue than in 1993, although the opponents' coalition included Switzerland's main marketing and communication trade organisations.<sup>35</sup>

### Bad image of the tobacco industry

The Swiss population now has a relatively negative opinion of the tobacco industry. According to the post-vote survey analysis, 73% of voters had little or very little confidence in the tobacco industry.<sup>19</sup> The degradation of the industry's social image was probably reinforced by evolving social norms, such as the smoking ban in public places across the country since 2010,<sup>13 36 37</sup> and by incidents that have generated media outrage, such as the planned sponsorship of the Swiss pavilion at Expo 2020 in Dubai by PMI.<sup>38–40</sup> It is likely that this poor image of the tobacco industry weakened the opponents' argument when they said that 'advertising bans hinder innovation' and 'prevent companies to talk about their new, better and potentially less harmful products'.<sup>20</sup>

### Evidence-based approach

There was strong and consistent scientific evidence that tobacco advertising increases smoking initiation and consumption.<sup>41–44</sup> Evidence from Switzerland also highlighted that tobacco advertising in the country is widespread and extremely sophisticated and primarily targets young people<sup>45 46</sup> (figure 1B). The government also acknowledged the positive economic impact of the initiative (reduced health cost, improved productivity, etc.<sup>18 47</sup>). These facts were regularly cited in the public debates on the

initiative. The official booklet sent to voters, with the recommendation of the government and parliament to reject the initiative, also stated that tobacco advertising increases youth smoking and that most European countries have stronger regulations.<sup>48</sup>

While opposing the initiatives in 1993 and in 2022, the Swiss government acknowledged in its official communication that the proposed advertising bans were effective and good for public health. In 1993:

From a public health perspective, the positive aspect of these initiatives is that they aim to reduce the damage to health caused by excessive consumption of tobacco and alcohol consumption and to promote prevention. [...] The scientific literature also concludes that advertising restrictions, combined with other measures, is the most effective way of reducing overall consumption.<sup>49</sup>

In 2022:

The initiative can clearly be approved from a public health point of view. [...] Young people are particularly susceptible to influence and advertising messages. [...] With a comprehensive tobacco advertising ban, the initiative would have a positive impact not only on the health of minors but also on the health of the population as a whole.<sup>18</sup>

### Public maturity

We hypothesise that a form of public maturity, with improved public health awareness, contributed to this success. In 2021, Swiss citizens had approved two referendums about COVID-19 laws and accepted an initiative to strengthen nursing care.<sup>50 51</sup> Despite opponents' liberticidal rhetoric, these public health policy measures were also well accepted. Elements of the wider context that may also have influenced the vote include the growing concern for public interest issues, as well as social and political responsibility, such as the climate crisis and non-communicable diseases. There are also emerging local movements against commercial advertising on the public domain.

## CONCLUSION AND PERSPECTIVES

The success of this initiative was built on strategic learnings from previous failed battles,<sup>3 36 52</sup> leading to an improved preparation and communication. Key factors appear to have been the strategic framing of the regulation on youth protection, the large coalition and the evidence from other countries. The large coalition and grassroots support were arguably made possible by focusing on the fundamental and consensual goal of youth protection, instead of a total advertising ban. Although the evolution of social norms contributed to the success, the framing of the project has been essential to get support from a majority of voters. While the parliament is strongly influenced by economic interests, bringing consensual proposals to the public through tools of direct democracy is a way to change things. This shows how involvement of civil society can help to frame health policies in favour of public interest. As a side effect, the initiative also introduced the concept of health promotion into the constitution for the first time (although only for children and adolescents).<sup>50</sup>

Despite this major achievement, challenges remain. The general constitutional law has not yet been implemented with a clear and complete definition of advertising. The FCTC requires a comprehensive advertising ban. And its implementation guidelines recommend avoiding lists of prohibited activities that could be understood as exhaustive, as this would inherently allow loopholes to circumvent the legislation.<sup>53</sup> Unfortunately, the draft revised law prepared by the government still falls short of these FCTC requirements. If well implemented, the revised law should nevertheless have a

positive impact on health in Switzerland.<sup>15</sup> However, there is still a risk that the current draft text could be emptied of its substance by parliament and implementation delayed after 2026: despite a clear public mandate, the tobacco lobby remains powerful, and the current political majority is pro-industry.<sup>8 9 11</sup> Moreover, there is no formal mechanism to ensure that laws drafted by legislators comply with the constitution.<sup>54</sup> In the meantime, as in other federal states,<sup>10 55</sup> local laws may close some of the legal gaps.

To achieve full implementation of the public will, further weakening the influence of tobacco companies will likely be necessary. The decline in the number of cigarette sales, employees of tobacco companies and tobacco growers in Switzerland can contribute to this weakening. It could also be undertaken more actively, for instance by exposing deceptive practices of the tobacco industry or increasing the transparency of political and research financing.<sup>56</sup> Limiting advertising, promotion, sponsorship, as well as industry interference can create a virtuous circle by reducing the number of industry allies. While new products spread division in the tobacco control movement, having common political priorities and key messages would be an important success factor.<sup>57</sup>

Finally, the long-term challenge in Switzerland is to fully implement the MPOWER policy package developed by the WHO to help countries implement effective tobacco control interventions contained in the FCTC.<sup>10 23</sup> These include comprehensive advertising bans, tax increases,<sup>58 59</sup> improved warnings such as plain packaging, reimbursement of all evidence-based smoking cessation medications by health insurance, more frequent monitoring of the prevalence of tobacco and nicotine products<sup>60</sup> (currently every 5 years) and ratification of the FCTC. Such measures would help to further denormalise tobacco consumption and prevent related illnesses and deaths. The adoption of the 2022 initiative was the first step in Switzerland's efforts to catch up on its huge backlog in tobacco control. These experiences and lessons could be instructive for other commercial determinants of health.<sup>61 62</sup>

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