

Tobacco advertising restrictions

Board of Health

September 20, 2011



Background

- **Accessory sign:** strictly *incidental* to a lawful use of the premises on which the sign is located.
 - Ex: window advertisements at a corner store.
- **Non-accessory sign:** sign itself is not just incidental to a lawful use of the premises on which the sign is located.
 - Ex: billboard.



Current restrictions

- Some outdoor tobacco signage is already prohibited through the Master Settlement Agreement (MSA)
 - Outdoor advertising of tobacco prohibited unless on retailer property and is 14 sq. ft. or smaller.

- Philadelphia Code currently has rules for accessory signage, but:
 - Window signs are not included (as opposed to wall signs)
 - Methods for determining permitted sign sizes are inconsistent
 - Not to exceed 2 square feet for every linear foot of building width vs. property width
 - Regulations are poorly organized
 - Terms/definitions are conflicting
 - Restrictions on animation, illumination, projections lack clarity

http://zoningmatters.org/sites/zoningmatters.org/files/accessory_signs_info_sheet_1_-_assessment.pdf



Philadelphia process

- City Council sets sign control rules through legislation
- **May 2011** – Zoning Code Commission (ZCC) submitted Zoning Code Proposals to City Council.
 - Little substantive change from current signage control in The Philadelphia Code.
- **Present** – ZCC Sign Controls Working Group working on drafting recommendations to the ZCC for improving sign control rules.
- **2012** – ZCC to propose sign control amendments to Zoning Code.



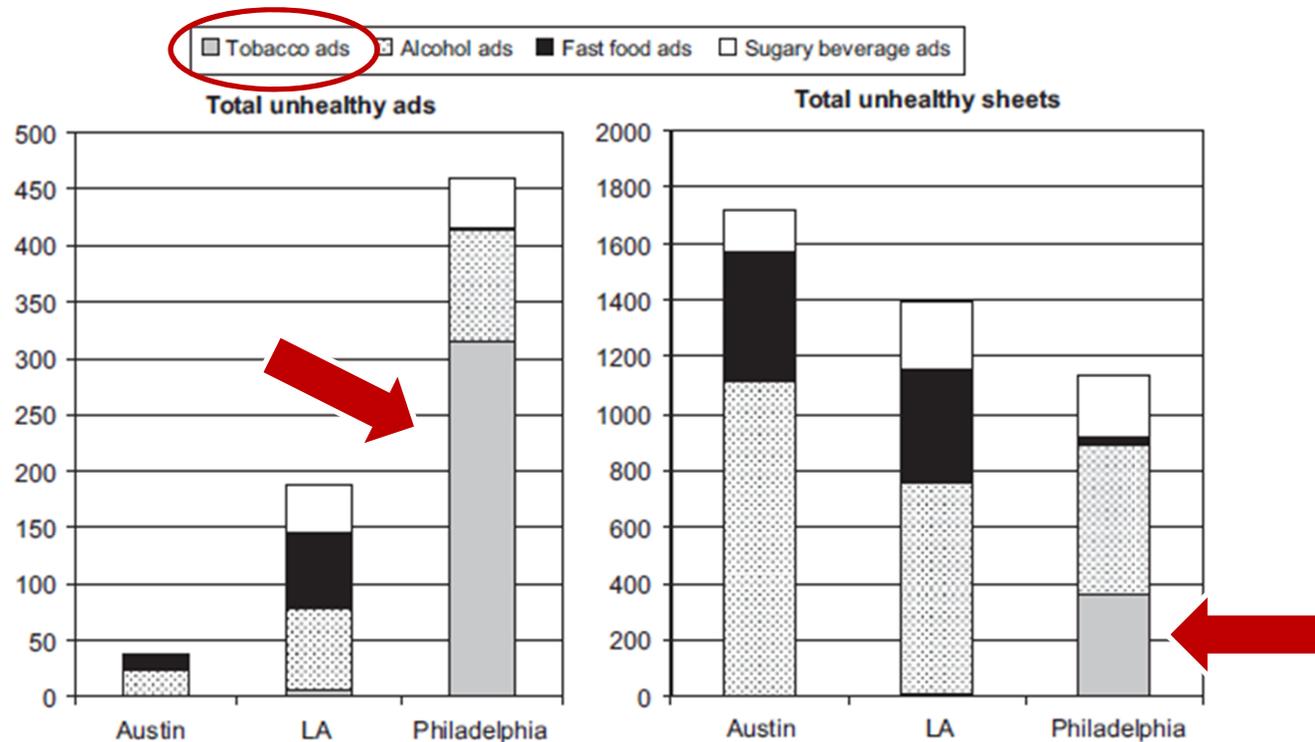
Board of Health's role

- Board of Health would not be directly involved with sign control rules, but can still reach out to: City Council, ZCC and/or its Working Group to discuss issues or suggestions.



Philadelphia outdoor advertising

- Counting ads in a 4-month period in Austin, Los Angeles, and Philadelphia (Hillier et al, Health & Place, 2009):



- “Sheet” is approximately 9 sq. ft.



Philadelphia outdoor advertising

- Ad counting in Philadelphia (Hillier testimony to Board of Health, 9/8/11)
 - Photographs of more than 360 food stores in West and Southwest Philadelphia in Summer 2010.
 - Nearly ½ of stores had at least one ad promoting cigarettes



Family Smoking Prevention and Tobacco Control Act, 2009

- Outdoor advertising near schools
 - FDA authorized to promulgate rule restricting outdoor advertising of tobacco near schools and playgrounds.
 - FDA solicited comments in 2010—has not issued a proposed rule.
- Time, place and manner restrictions
 - “[A] State or locality may enact statutes and promulgate regulations, based on smoking and health . . . Imposing specific bans or restrictions on the time, place and manner, but not content, of the advertising or promotion of any cigarettes.”



Advertising restrictions in Worcester, Massachusetts

- New tobacco advertising law adopted May 2011
- Tobacco advertising prohibited at any location where tobacco advertising can be viewed from the street, a school, or educational institution.
- Lawsuit pending; currently not enforced.



Tobacco product display and advertising ban in Ontario, Canada

- Ontario, Canada
 - May 2006 – restrictions on promotions (powerwall enhancements, countertop displays, most signage)
 - May 2008 – display ban on all tobacco products
- Longitudinal study over 4 years
 - Wave 1 – one year before any restrictions (2005)
 - Wave 2 – one year after restrictions on promotions; before display ban (2007)
 - Wave 3 – three months after display ban on all tobacco products (2008)
 - Wave 4 – one year after display ban (2009)

Cohen et al, AJPH, 2011



Tobacco product display and advertising ban in Ontario, Canada

- 481 stores evaluated (20 cities, approx. 24 stores per city)

TABLE 1—Percentage of Stores With Select Tobacco Promotions Over 4 Waves of Data Collection: Ontario, Canada, 2005–2009

Promotion Type	Wave of Data Collection			
	2005 (n=481), %	2007 (n=433), %	2008 (n=403), %	2009 (n=374), %
Visible cigarettes	100.0	100.0	0.02	0.04
Countertop displays ^a	46.2	0.0	0.0	0.0
Indoor signs ^a	30.8	3.5	0.1	0.2
Side panels on powerwall ^a	14.3	0.5	0.0	0.0
Outdoor signs ^a	20.7	0.7	0.2	0.08

Note. A total of 107 stores shut down at some point during data collection and therefore incomplete data was collected for at least one wave.

^aProhibited as part of the May 2006 restrictions. Note that the “indoor signs” measure does not include the indoor signs that continued to be allowed after the May 2008 total display ban (signs not exceeding maximum size, with black text on white background, not visible from outside the store, with no brand identified, and no more than 3 such signs).

Cohen et al, AJP, 2011