

Time to end Smoking in Nollywood

Introduction

Tobacco is a killer. In fact, it is now globally confirmed as the single, most preventable cause of death in the world. Tobacco use is also the most notable risk factor for multiple non-communicable diseases including cancers, cardiovascular ailments, diabetes mellitus, and chronic respiratory sicknesses.

The World Health Organisation (WHO) confirms that currently about 8 million people die annually from tobacco use, and if nothing is done to reverse or halt the epidemic, tobacco-related deaths could rise to 10 million annually by 2030. Up to 80% of deaths related to tobacco use are projected to be in the developing countries, which are now the prime targets for transnational tobacco companies' market expansion activities.

Movies and entertainment materials are veritable tools for transfer of ideas and promotion of alternative lifestyles. Youths are initiated into using tobacco products through advertising and subliminal promotion of smoking scenes in movies, music videos and product placements.

The tobacco industry exploits movies and music videos to give misleading positive impressions of tobacco use. Such have been identified as a cause of smoking initiation among young persons. Article 13 of the WHO Framework Convention on Tobacco Control (WHO FCTC) requires parties to implement a

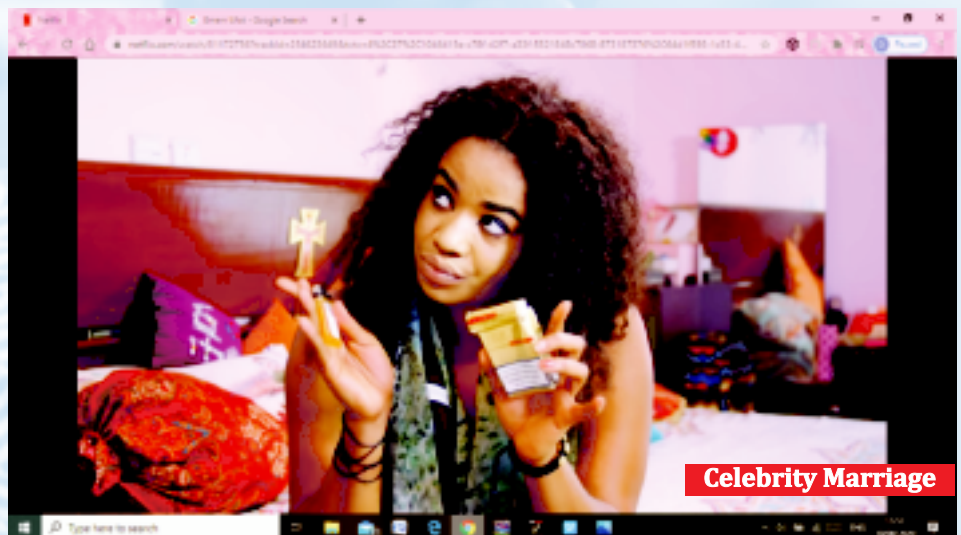
comprehensive ban on tobacco advertising, promotion and sponsorship.

The guidelines for implementation of this Article include a statement that the depiction of tobacco use in films is a form of promotion that influences tobacco use, particularly by young people, and include specific measures, which are addressed more fully in the WHO report.

Smoking in Movies and Youth Addiction

The tobacco industry, acutely aware of the illegality of direct advertising and promotion, uses movies and entertainment outlets as the final promotion frontier. Smoking in movies and placement of tobacco products have increased in the last decade.

In 2008, the United States National Cancer Institute (NCI) reported a strong causal relationship between smoking scenes in movies and initiation into smoking by adolescents.





The United States Surgeon General has concluded that there is a causal relationship between depictions of smoking in the movies and the initiation into smoking among young persons. The more frequently youths see smoking on screens, the more likely they are to start smoking. It is believed that youths who are heavily exposed to on-screen smoking imagery are approximately two to three times more likely to begin smoking than youths who are less exposed.

From 2012 to 2018, 45% of top-grossing movies in the US were rated PG-13. 56% of the PG-13 movies showed smoking or other tobacco use. Tobacco company documents confirm that commercial relationship between the tobacco industry and film studios began in the 1920s and lasted until the 1950s, when advertising dollars began flowing away from movies and into television.

There was a resurgence of tobacco product placements in the movies during the 1970s after cigarette advertising was banned on television.

Global Efforts to Curb Smoking in Movies and Music

Following the 1998 Master Settlement Agreement in the US, the movie and music industry started putting in place policies to check the influence of the tobacco industry in movies and music.

Universal Pictures in 2006 stated that it “presumes that no smoking incidents should appear in any youth-rated film produced by Universal Pictures or any wholly-owned Universal Studios film label and released in the US”.

Sony Pictures Entertainment (SPE) in December 2012 said that it “is committed to reducing depictions of tobacco use in the films produced by the company or any wholly-owned film division. SPE has adopted a standard protocol to identify, and where appropriate and feasible, eliminate portrayals of tobacco use.”

In January 2013, Paramount Pictures issued a statement that it “recognizes the serious health risks

that accompany tobacco use,” and that it “discourages the depiction of smoking or tobacco in youth-rated films”.

In 2005, India banned tobacco product placements or showing of brand names in movies. In exceptional circumstances, the use of tobacco is only allowed after strong representations have been made by producers to the concerned authorities and have to air 30-seconds anti-tobacco spots and at least 20-seconds disclaimers prepared by the Ministry of Health and Family Welfare on the negative effects of tobacco. This is played at the beginning and middle of films and television programmes.

Smoking in Nigerian Movies

In 2007, a screening of 10 randomly selected movies by tobacco control activists in Nigeria showed that the tobacco industry might have been using Nollywood to promote tobacco smoking. The 10 movies screened at the time were Million Dollar Sisters, Fatal Seduction, Battle for Battle, Holy warden, GL2, Virgin Heart, Games Angel Play, War Game, Living in Pain and My Own Share.

Following this discovery, tobacco control activists reported the preponderance of scenes that glamourize smoking. In the screened movies, tobacco smoking was portrayed to be widespread, socially acceptable, desirable and classy. There were instances of brand placements in GL2, Million Dollar Sisters, Virgin Heart, Fatal Seduction, Battle for Battle and War Game where British American Tobacco's Benson and Hedges and London were the culprits.

A study; **“Portrayal of smoking in Nigerian online videos: a medium for tobacco advertising and promotion”**, conducted in 2014 by Adegoke Adelufosi and Olukayode Abayomi shows that smoking and smoking imagery are prevalent in Nigerian movies.

“Of the 60 online videos whose contents were assessed in this study, 26 (43.3%) had scenes with cigarette-smoking imageries. The mean (SD)

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smoking incident was 2.7 (1.6), giving an average of one smoking incident for every 26 to 27 minutes of film. More than half (53.8%) of the films with tobacco use had high smoking imageries. An average of 2 characters per film smoked, mostly in association with acts of criminality or prostitution (57.7%) and alcohol use (57.7%). There were scenes of the main protagonists smoking in 73.1% of the films with scenes of female protagonists smoking (78.9%) more than the male protagonists (21.1%)”.

What the Nigerian Law Says

The National Tobacco Control Act which was passed in 2015 and the National Tobacco Control Regulations 2019 contain provisions prohibiting tobacco advertising, promotion and sponsorships in movies and entertainment, with some exceptions. Though the Advertising Practitioners Council of Nigeria (APCON) is the agency saddled with the implementation of the ban on tobacco advertising, promotion and sponsorships generally, there are a number of government agencies that regulate the entertainment sector, while the entertainment industry has many pressure groups, coalitions, etc.

Sections of the Act relevant to smoking in movies and music videos

Sec. 12(1) of the Act, defines “tobacco advertising and promotion” to include “any form of commercial communication, recommendation, or action with the aim, effect, or likely effect of promoting a tobacco product or tobacco use directly or indirectly.”

Sec. 12(1) of the Act also provides for a comprehensive ban on tobacco advertising and promotion, stating: “no person shall promote or

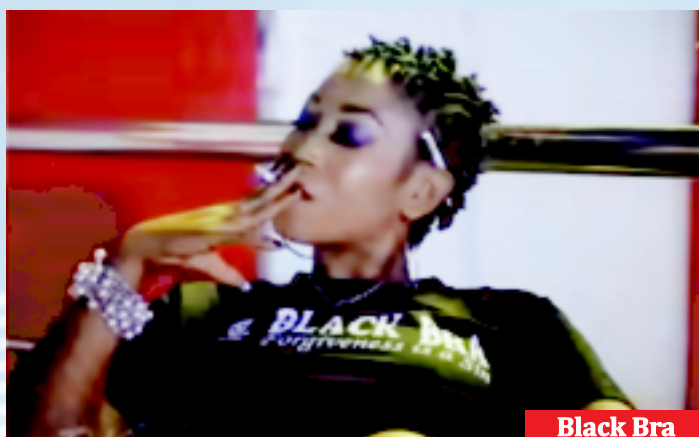
advertise tobacco or tobacco products in any form.” The First Schedule of the Act provides examples of tobacco advertising and promotion that are prohibited (without limiting the application of the ban), including the “product placement, such as inclusion of, or reference to, a tobacco product, service or trademark in the context of communication in return for payment or other consideration.”

Sec. 12(4) of the Act provides for exceptions to the ban on tobacco advertising and promotion for certain types of communications including for depictions of tobacco products or tobacco use in media where (1) the depiction is purely incidental or is justified by reasons of historical accuracy or legitimate journalist or artistic expression, (2) where the depiction is required for education purposes; provided no payment or other consideration was offered or made by a tobacco manufacturer, seller, or any person acting on their behalf or (3) any genuine political, social or scientific commentary about tobacco products or tobacco use; provided no payment or other consideration was offered or made by a tobacco manufacturer, seller, or any other person acting on their behalf.

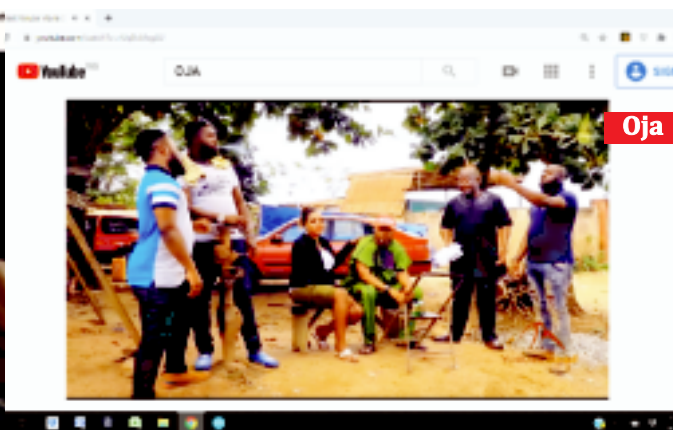
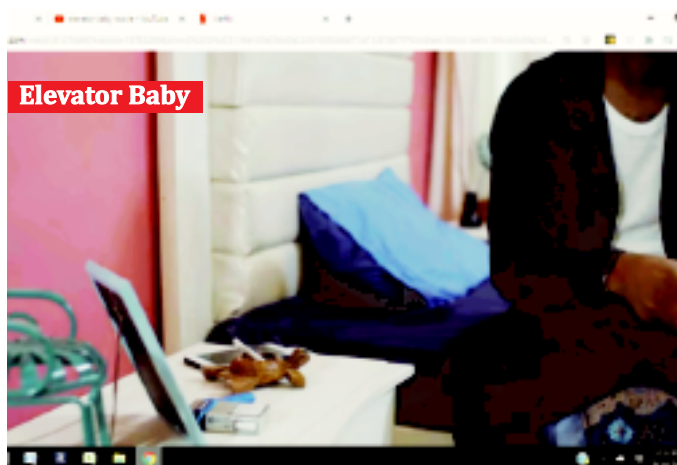
Section 15(6) of the National Tobacco Control Regulations, 2019 provides that “any display or depiction of tobacco or tobacco use in a work of art, video, music, literature, or any other means, that falls within the exceptions in Section 12(4) of the Act shall, in the same scene or page, display in bold easy to read form the warning; **‘TOBACCO USE CAUSES FATAL LUNG CANCER AND OTHER DANGEROUS EFFECTS ON THE HEALTH OF USERS AND THOSE CLOSE TO THEM’**”

These provisions, taken together:

- Ban all paid depictions of tobacco products or tobacco use in the movies and music videos.
- Ban any unpaid depiction of tobacco products or tobacco use, other than for certain



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journalistic, artistic, historical, social or political exceptions set out in Section 12(4) of the Act.

- Require a warning to be displayed in any depiction of tobacco products or tobacco use in movies or music videos that falls under the above exceptions.

Civil and criminal penalties applying to several responsible entities range from a fine of 1 Million Naira to 5 Million Naira, and imprisonment of 1 or 2 years. The breakdown is:

- Tobacco Industry to pay a minimum fine of 5 Million Naira and maximum of 2 years imprisonment for the CEO or owner.
- Person that produces or publishes prohibited content to pay a minimum fine of 3 Million Naira and maximum imprisonment term of 1 year.
- Person that disseminates prohibited content when she/he should reasonably have been aware of its contents and when she/he was in a position to remove the content or disable access to it but failed to do so, shall attract a fine of not less than 1 Million Naira and a term of imprisonment of 1 year; and
- Media or event organizer, celebrity or other participant, as a recipient of any sponsorship contribution, or as an intermediary that facilitates any such contribution, to pay a minimum of 3 Million Naira and a maximum term of imprisonment of 1 year.

Recommendations

- 1. Adult Rating For Films With Smoking Scenes:**
The WHO says the most effective way of protecting children and adolescents from becoming addicted to tobacco is to give an adult rating to movies that contain smoking. One such intervention would be the assignment of an R rating to any movie with smoking or other tobacco-use imagery (unless the portrayal is of actual historical figures who smoked, a documentary, or if the portrayal includes the negative effects of tobacco use)
- 2. Strong Anti-Smoking Adverts:** A requirement on strong anti-smoking advertisements shown before the start of films, TV or online programs containing tobacco products.
- 3. Anti-Smoking Health Warnings:**
Smoking scenes should be required to carry a rolling banner of text health warnings.
- 4. Certify No Pay Offs:**
Certification that no payments have been received by studios or producers for depicting tobacco use in the movies and ending the onscreen depiction of actual tobacco brands.
- 5. Stopping Identification of Tobacco Brands:**
There should neither be tobacco brand identification or the presence of tobacco brand imagery (such as billboards, umbrellas, cars etc) in the background of any movie scenes
- 6. Total Ban on Tobacco Products Placements:**
The WHO-FCTC obligates Parties to implement comprehensive ban on tobacco advertising sponsorships and promotion.

Join the Movement!!

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