Tobacco industry targeting of youth in Nigeria since the 1990s:

An analysis of tobacco industry documents

by

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Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of Master of Science

in the Master of Science Program
Faculty of Health Sciences

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Fall 2017

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<tr>
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Abstract

This study analyses the tactics and strategies used by transnational tobacco companies (TTCs) to target youth in Nigeria since the 1990s. Nigeria is considered by the tobacco industry to be a major emerging market given its population, demographic profile, and growing wealth. The study systematically searched the Truth Tobacco Industry Documents Library, available primary and secondary sources on industry activities in Nigeria, and conducted key informant interviews. It applied the theory of triadic influence as a heuristic framework to analyse the collected data. The findings suggest that TTCs have actively targeted youth in Nigeria, seeking to change behaviour through the biological/personality, and environmental/cultural and social streams. This has taken place against a backdrop of weak tobacco control policy despite Nigeria’s adoption of the Framework Convention on Tobacco Control. The study makes recommendations to strengthening youth protections under the National Tobacco Control Bill adopted into law in 2015.

Keywords

Nigeria, tobacco control, theory of triadic influence, youth, transnational tobacco company, Framework Convention on Tobacco Control
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<tr>
<td>ATL</td>
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<tr>
<td>BAT</td>
<td>British American Tobacco</td>
</tr>
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<td>BATN</td>
<td>British American Tobacco Nigeria</td>
</tr>
<tr>
<td>BATUKE</td>
<td>British American Tobacco United Kingdom and Export</td>
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<td>B&amp;H</td>
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<td>BHGM</td>
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<td>BHKS</td>
<td>Benson &amp; Hedges King Size</td>
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<tr>
<td>BHSF</td>
<td>Benson &amp; Hedges Special Filter</td>
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<td>BSE</td>
<td>Bombay Stock Exchange</td>
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<td>BTL</td>
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<td>CNTC</td>
<td>China National Tobacco Corporation</td>
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<td>CRU</td>
<td>children’s research unit</td>
</tr>
<tr>
<td>CSR</td>
<td>corporate social responsibility</td>
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<td>Environmental Rights Action</td>
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<tr>
<td>FoEN</td>
<td>Friends of the Earth Nigeria</td>
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<tr>
<td>GCS</td>
<td>general customer survey</td>
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<td>GDP</td>
<td>gross domestic product</td>
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<td>HORECA</td>
<td>hotel, restaurants and casinos</td>
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<td>John Player Gold Light</td>
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<td>Philip Morris International</td>
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<td>PR</td>
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<td>Tobacco Free Initiative</td>
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<td>TTC</td>
<td>transnational tobacco company</td>
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<td>Theory of Triadic Influence</td>
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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>US</td>
<td>United States</td>
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<td>WHO</td>
<td>World Health Organization</td>
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<tr>
<td>YAUS</td>
<td>young adult urban smokers</td>
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<tr>
<td>YSP</td>
<td>youth smoking prevention</td>
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<td>year to date</td>
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Chapter 1. Background, Rationale and Objectives

1.1 Introduction

Tobacco use remains the largest preventable cause of death worldwide today, causing around six million deaths annually in 2015 (WHO, 2015). World Health Organization (WHO) predicts that 80% of tobacco-related deaths will occur in low- and middle-income countries (LMICs) by 2030 (WHO, 2008). This predicted burden is due to the shift by transnational tobacco companies (TTCs), amid declining sales in traditional (largely high-income) markets, to so-called emerging markets (Hirschhorn, 2005; Lee et al., 2012). As well as expanding market share among existing users in these emerging markets, given that 50% of regular smokers will eventually die from their habit, there is extensive evidence that TTCs have also pursued new consumers, notably among youth (William, 2008).

To date, analyses of TTC activities in emerging markets have been largely focused on Latin America, Eastern Europe, the Middle East and Asia, given their population size, relatively high rates of tobacco use and rising socioeconomic status (Lee et al., 2012). However, there is need for fuller attention to emerging markets in African countries for at least two reasons. First, economic development in many African countries will make them attractive future targets for existing TTCs in an increasingly competitive world market. There is growing evidence that TTCs perceive African countries as offering "exciting prospects" (Campaign for Tobacco-Free Kids, 2016) for creating a new generation of
smokers (Hirschhorn, 2004). Second, tobacco companies aspiring to become TTCs, such as the China National Tobacco Corporation (CNTC) and the Korean company KT&G, are beginning to expand sales of lower-priced brands in African markets (Lee, Eckhardt, & Holden, 2016).

This thesis analyses tobacco industry-related strategies and activities targeting youth (ages 15 to 24) in Nigeria as existing, but most importantly, future users. Nigeria is selected as the focus of this research because of its targeting since the 1990s by the tobacco industry as a major emerging market. As one key informant put it, “You can't talk about the population of Africa without talking about the population of Nigeria...Nigeria is now fertile. The tobacco industry is growing in Nigeria - there is no doubt about that” (Interview with Nigerian tobacco control researcher, November 2016). With a population of about 180 million people (UN, 2015). Nigeria is the seventh most populous country in the world and Africa’s largest consumer market. With a gross domestic product (GDP) of over US$570 billion in 2014 (World Bank, 2016), and GDP per capita of US$1092 (2014), the country is seen as one of the world’s five leading newly emerging economies. As Euromonitor (2015) reports, “With their growing economies, rising incomes and young, expanding populations, the five emerging markets of Nigeria, Indonesia, Mexico, Philippines and Turkey [NIMPT] offer a wealth of opportunities for marketers facing stagnant demand in developed markets” (Euromonitor International, 2015).

This thesis focuses on the targeting of youth by the tobacco industry for several reasons. First, evidence shows that 80% of adult regular smokers initiate their habit before the age of 18 (Meyer-weitz, 2014; Odukoya, et al., 2013). The attraction of new smokers thus requires tobacco companies to create “starters” below this age. Second,
there is extensive existing evidence of industry targeting of youth in established and some emerging markets, although no detailed analysis of Nigeria to date. Third, the size of the youth population in Nigeria, along with its growing economic wealth, makes it a particularly illustrative example for understanding how the tobacco industry seeks to expand into emerging markets. The United Nations Children's Fund (UNICEF) estimates that about 22% of the Nigerian population is aged between 10 to 19 years (UNICEF, 2013).

Figure 1-1: Nigerian population distribution by sex and age

Finally, Nigeria has adopted relatively weak tobacco control policies to date, compared to other FCTC signatory countries and many African countries, including few protections of youth specifically. In January 2008, the Nigerian government initiated a US$23 billion lawsuit against three TTCs, notably British American Tobacco (BAT) and Philip Morris International (PMI), inspired by similar cases in the US and the first such legal case in the developing world, to cover the health damages caused by their products. The lawsuit was prompted, in large part, by revelations found within internal industry documents on industry activities in the country (McGreal, 2008). However, the case was dropped the following month, with little explanation, although separate cases brought by the states of Kano, Lagos and Gombe in 2007 continued. Efforts by the Nigerian federal government, in conjunction with some states, is reported to have been frustrated by legal technicalities, along with underlying corruption within the judicial system (McGreal, 2008; Sahara Reporters, 2010). Some have questioned the sincerity of the Nigerian federal government in the lawsuits considering their provision of business incentives for the tobacco industry and creation of conducive business environment for the industry to thrive (Emmanuel, 2012). Available reports indicate that at least some of the lawsuits remain ongoing (Physicians for a Smoke-Free Canada, 2015).

An important part of the above legal cases was evidence in internal documents of the targeting of Nigerian youth by TTCs. Despite withdrawing its case, the federal government affirmed its commitment to introduce new measures to protect youth. This includes a ban on the sale of cigarettes to under 18s, curb on advertising aimed at young people, and restrictions on the sale of tobacco products within a kilometre of facilities used by children such as playgrounds, schools, cinemas and hospitals. Today, some of
these measures have been adopted. For example, even though the legal purchasing age for cigarettes in Nigeria is 18 years, there is no legal smoking age. As Euromonitor International (2016a) observes:

Since cigarettes are predominantly sold by the stick and minors are usually asked to buy cigarettes on behalf of adults, frequently in single sticks, in practice the age warning was not effective, with the juvenile smoking rate in the country thought to be relatively high, although official figures are unavailable.

It is in this context that makes Nigeria, among other factors, an especially useful site to better understand, and develop recommendations, for strengthening measures to prevent youth being targeting by the tobacco industry.

1.2 Research Questions

The research questions addressed in this research thesis are: (a) how have tobacco companies been targeting youth in Nigeria? and (b) what measures are needed to strengthen tobacco control in Nigeria to protect youth from industry targeting?

1.3 Purpose and Objectives

The purpose of this research is to analyse how, and to what extent, the tobacco industry has targeted youth in Nigeria since the 1990s and, based on these findings, put forth recommendations for strengthening tobacco control measures to protect youth. The specific objectives of this research will be:

a) to review existing knowledge of tobacco industry strategies and activities targeting youth in Nigeria, other African countries, and other countries;
b) to document and analyse evidence of tobacco industry strategies and activities targeting youth in Nigeria from the 1990s to the present;
c) to identify measures adopted in other countries to prevent industry targeting of youth; and
d) to put forth recommendations for strengthening tobacco control measures to prevent industry targeting of youth in Nigeria, supported by the FCTC.

1.4 The tobacco industry in Nigeria

The tobacco industry in Nigeria consists of leaf farming and processing, product manufacturing, and retail sales. The history of the industry in Nigeria is largely one of foreign ownership, with brief periods of part ownership by the Nigerian government. Leaf farming dates from the early 1900s, located mostly in southwestern Nigeria. British American Tobacco (BAT) first came to Nigeria in 1910 (Environmental Rights Action (ERA)/Friends of the Earth Nigeria (FoEN), 2015), and started buying Nigerian tobacco leaf in 1912 (British American Tobacco Nigeria (BATN), 2013). By 1942, many farmers in Oyo State, southwestern Nigeria began farming tobacco at commercial volumes (ERA/FoEN, 2015). BAT’s first factory, to produce Bicycle brand cigarettes, was established in Oshogbo in 1933 under the colonial administration (BATN, 2013; Cox, 2000). In 1951, the Nigerian Tobacco Company was established. BAT was the majority shareholder with 60% shareholding, with the Nigerian government holding 40% of shares. In 1962, the International Tobacco Corporation (ITC) of Panama established the International Tobacco Company (Nigeria) Limited (ITCN) as a subsidiary. In 1963, the United Africa Company established the Kwara Tobacco Company as a subsidiary of
Unilever, a household products company (Unknown, 1966). Philip Morris (PM) entered the Nigerian market in 1967, taking over the Kwara Tobacco Company and renamed it Philip Morris Nigeria (PMN) (Philip Morris, 1987). By 1978, BAT had established three more factories in Ibadan, Port Harcourt and Zaria (BATN, 2013).

Until the late 1980s, Nigeria offered a favourable operating environment for the tobacco industry to thrive. The government saw the industry as an important source of employment for farmers and manufacturing, along with tax revenues. There were no restrictive regulatory frameworks or tobacco control measures in place at that time (ERA/FoEN, 2015; Nwator & Nwatora, 2012). Despite this setting, however, PM sold its Nigerian subsidiary to the Panamanian-owned ITCN, and then left the Nigerian market in 1996. This appears to have been due to the need for internal restructuring, in response to several cases of US and Nigerian litigations against the company (Philip Morris & Adkins, 1996).

This research focuses on the period from the early 1990s onwards when TTCs sought to expand their operations in Nigeria led by BAT. In 2000, BAT increased its share ownership in the Nigerian Tobacco Company, from 60% to 80%, before incorporating it as subsidiary British American Tobacco Nigeria (BATN) in 2001. After signing a memorandum of understanding with the Nigerian government in 2001, BAT established a US$150 million plant at Ibadan (the biggest in West Africa as the time). During the same period, BATN also took over the indigenous Nigerian Tobacco Industry plant in Zaria (Ademigbuji, 2012). BAT also opened another manufacturing plant in Oyo State in 2003, employing about 900 people. As of 2012, BAT products accounted for over 85% of cigarette sales in Nigeria (BATN, 2013). BAT opened its new US$150 million head office
and factory for West Africa in Lagos in February 2016 (Figure 1-2), and have signalled its plans to expand its regional markets (Arogundade, 2016).

![Figure 1-2: BAT head office and factory in Ibadan, Nigeria](image)


PM returned to Nigeria in December 2014 with the registration of its subsidiary PMINTL Nigeria Limited (Ezeamalu, 2015). In 2015, the company obtained a Standards Organization of Nigeria (SON) certificate for five brands – Marlboro Gold, Marlboro, Chesterfield Blue, Chesterfield Mint Burst, and Bond Street Blue. According to ERA/FoEN, through Philip Morris Manufacturing Senegal Sarl, PMI successfully received approval from the Ministry of Industry and Mines in July 2015 to benefit from the ECOWAS Trade Liberalization Scheme. This was followed in August 2015 by approval from the Ministry of Finance to import the five brands into Nigeria. However, these plans have so
far been hindered by several lawsuits filed in several Nigerian states regarding the company’s alleged involvement in cigarette smuggling (Abiodun, 2016). According to Akinbode Oluwafemi, Deputy Director of ERA/FoEN, PMI is flooding the country with “unlicensed, tax-not-paid cigarettes [as]...a deliberate violation of the National Tobacco Control Act” (Ezeamalu, 2015; Philip Morris International, 2016). These allegations appear to have raised concerns within the Nigerian government about allowing PMI to expand its presence in the country.

Market reports show that ITC held the second largest market share in Nigeria in 2015 at about 16% (with only 2% attributable to its own brands and the balance to its strategic partners Japan Tobacco International [JTI] and PMI) (Euromonitor International, 2016a, 2016b). They also manufacture JTI brands locally as well as producing their own brands. Black Horse Tobacco Company which was incorporated in 2015 does not produce any brand of its own, but sells for JTI and KT&G. Black Horse currently had a 1% market share in 2015. BAT brands however continue to dominate with a current market share of about 79% (Euromonitor International, 2016c). Market reports predict a change in market share distribution with the re-entrance of PMI into the Nigerian market. This is more likely as PMI have made arrangements to start manufacturing cigarettes in Nigeria again before the end of 2016 in partnership with ITC (Uzor, 2016). Euromonitor (2016a) reports growth in cigarette sales by volume from 2001 to 2015 (Figure 1-3), with forecasts for strong future growth to 2020 (Figure 3).
In summary, the history of the tobacco industry in Nigeria is one supported by both Nigerian and foreign interests. Since 2000, Nigerian ownership has waned and TTCs, notably BAT and ITC, have dominated the industry. TTCs have bought out Nigerian
companies and investors, and have expanded their manufacturing and leaf growing interests throughout the country. PMI, JTI and other foreign companies have also sought to expand their interests in the country. These companies appear attracted by the substantial market growth potential offered by Nigeria, as well as the potential to grow regional markets, from a Nigerian base.

1.5 Tobacco consumption in Nigeria

There is limited data on tobacco consumption in Nigeria over time. The available data suggests Nigerians consume about 20 billion sticks of cigarettes annually, a market worth 200 billion naira (about US$1 billion) in 2011 (Ademigbuji, 2012). The Global Adult Tobacco Survey (GATS), which is based on self-reported smoking by individuals aged 15 years and older, estimates smoking prevalence for 2012 at 7.3% for males and 0.4% for females (FMOH, 2012). There is significantly higher adult smoking prevalence reported in northern compared with southern Nigeria (Nwhator & Nwhatora, 2012; Salawu et al., 2009), with the north-central region (consisting of Kogi, Niger, Benue, Kwara, Plateau, Nasarawa and the Federal Capital Territory) having the highest prevalence at about 25%, compared to 7% in the southeastern states (Nwhator & Nwhatora, 2012). The Federal Ministry of Health reports that tobacco consumption increased annually by about 4.7% between 2001 and 2006. Between 2010 and 2011, the annual retail value of cigarettes in Nigeria increased by 18% (FMOH, 2012).

Nigeria is named as one of the countries covered by the Global Youth Tobacco Survey (GYTS) is a school-based survey designed to enhance the capacity of countries to monitor tobacco use among youth and to guide the implementation and evaluation of
tobacco prevention and control programmes. The GYTS uses a standard methodology for constructing the sampling frame, selecting schools and classes, preparing questionnaires, following consistent field procedures, and using consistent data management procedures for data processing and analysis. The information generated from the GYTS can be used to stimulate the development of tobacco control programmes and can serve as a means of assessing progress in meeting programme goals. In addition, GYTS data can be used to monitor seven Articles in the WHO FCTC. (I.-O. A. Ekanem, 2001)

A review of the literature by this research, however, finds that there is no available data on smoking prevalence among Nigerian youth over time. Table 1.1 sets out the key findings of ten existing studies of smoking by youth in Nigeria. This review shows that most of the studies focus on middle and high school students although the specific age of populations surveyed vary. This reflects inconsistencies in how “youth are defined by various bodies. The legal age for cigarette purchase in Nigeria is 18 years. The Global Adult Tobacco Survey (GATS) defines adults as 15 years and above, while the GYTS defines youth as 18 years and under. Another problem is that existing studies survey populations in specific Nigerian states or regions rather than nationally. While a national-level GYTS was announced in 2013, it does not appear to have been conducted for unknown reasons. (Centers for Disease Control and Prevention, 2012) Finally, survey results can lead to underreporting given social stigma associated with underage tobacco use.
<table>
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<th>Average smoking initiation age (years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. (I.-O. A. Ekanem, 2001)</td>
<td>Cross River State, Southeastern Nigeria</td>
<td>2001</td>
<td>2049 students</td>
<td>13-15</td>
<td>9.1% (9.7% boys, 5.7% girls) smoke cigarettes, 22.1% (23.9% boys and 17.0% girls) use tobacco in any form</td>
<td>N/A</td>
</tr>
<tr>
<td>2. (I. A. Ekanem, 2008)</td>
<td>Cross River State, Southeastern Nigeria</td>
<td>2008</td>
<td>349 students</td>
<td>13-15</td>
<td>4.1% (6.8% boys and 1.2% girls) smoke cigarettes, 26.1% (29.6% boys and 18.6% girls) use tobacco in any form</td>
<td>N/A</td>
</tr>
<tr>
<td>3. (I. A. Ekanem, 2008)</td>
<td>Lagos State, Southwestern Nigeria</td>
<td>2008</td>
<td>712 students</td>
<td>13-15</td>
<td>2.6% (2.8% boys and 1.8% girls) smoke cigarettes, 14.6% (14.7% boys and 14.1% girls) use tobacco in any form</td>
<td>N/A</td>
</tr>
<tr>
<td>4. (I. A. Ekanem, 2008)</td>
<td>Abuja, Northcentral Nigeria</td>
<td>2008</td>
<td>580 students</td>
<td>13-15</td>
<td>3.5% (5.6% boys and 1.3% girls) smoke cigarettes, 15.4% (19.2% boys and 11.1% girls) use tobacco in any form</td>
<td>N/A</td>
</tr>
<tr>
<td>5. (I. A. Ekanem, 2008)</td>
<td>Kano, Northwestern Nigeria</td>
<td>2008</td>
<td>420 students</td>
<td>13-15</td>
<td>6.2% (11.4% boys and 0.3% girls) smoke cigarettes, 21.9% (17.2% boys and 27.5% girls) use tobacco in any form</td>
<td>N/A</td>
</tr>
<tr>
<td>6. (Salawu et al., 2009)</td>
<td>Yola, Northeastern Nigeria</td>
<td>2009</td>
<td>171 students</td>
<td>12-17</td>
<td>33.9% (40.4% boys and 22.6% girls) smoke cigarettes</td>
<td>13-15</td>
</tr>
<tr>
<td>7. (Salawu et al., 2009)</td>
<td>Yola, Northeastern Nigeria</td>
<td>2009</td>
<td>171 students</td>
<td>12-17</td>
<td>33.9% (40.4% boys and 22.6% girls) smoke cigarettes</td>
<td>13-15</td>
</tr>
<tr>
<td>8. (Salawu et al., 2009)</td>
<td>Yola, Northeastern Nigeria</td>
<td>2009</td>
<td>171 students</td>
<td>12-17</td>
<td>33.9% (40.4% boys and 22.6% girls) smoke cigarettes</td>
<td>13-15</td>
</tr>
<tr>
<td>9. (Adeyeye, 2011)</td>
<td>Southwestern Nigeria</td>
<td>2010-2011</td>
<td>1174 students</td>
<td>11-20</td>
<td>12.5% (16.1% males and 7.1% for Males: 12.8±2.5</td>
<td></td>
</tr>
</tbody>
</table>
Despite the limitations with the existing data, the studies suggest widespread, and in some regions, substantial rates of smoking prevalence among youth in Nigeria (under 18 years). The studies also suggest an increasing trend of youth smoking in Nigeria from 2001 onwards, exceeding global youth smoking average of about 20% (Meyer-weitz, 2014). Furthermore, research demonstrates that most smokers began smoking regularly in secondary school (12-17 years old) (Agaku, Omaduvie, & Akinyele, 2012; Nwhator & Nwhatora, 2012).
Chapter 2. Conceptual Framework and Methodology

2.1 Introduction

Data sources available to study tobacco industry strategies to target youth in Nigeria remain limited due to the paucity of previous studies; lack of monitoring and reporting by government or civil society organizations; and, perhaps most importantly, the unethical, and even illegal, nature of such practices. Given the size and diversity of the country, participant observation or large-scale surveys were beyond the scope of this research. While occasional media stories and anecdotal evidence report such activities, there remain analytical challenges to systematically identifying and measuring such activities over time.

Given these challenges, four methods were applied to carry out this research: review of secondary literature, analysis of tobacco industry documents (TIDs), semi-structured interviews with key informants, and review of additional primary and secondary sources. These methods were used to address specific objectives of the research as presented in Table 2-1. The main source of primary data was TIDs which were used to identify the strategies and activities of the tobacco industry related to targeting youth in Nigeria to the early 2000s. Semi-structured interviews with key informants, including government officials, (CSOs) engaged in tobacco control advocacy, and teachers in secondary and post-secondary institutions of learning in Nigeria, were used as supplemental sources of primary data. These interviews helped to contextualise the TIDs and provide an indication of their degree of relevance to contemporary times. An analysis of additional primary and secondary sources, such as CSO published and unpublished
papers, media reports, industry reports, scholarly journals, policy documents, and legislation was used to build an historical and thematic narrative. All were used in conjunction to contextualise and triangulate data from TIDs. Each of these methods is described below.

### Table 2-1: Summary of research objectives, methods and data sources

<table>
<thead>
<tr>
<th>OBJECTIVES</th>
<th>METHODS</th>
<th>SOURCES</th>
</tr>
</thead>
</table>
| (a) to review existing knowledge of tobacco industry strategies and activities targeting youth in Nigeria, other African countries, and other countries | ➢ review of secondary literature  
➢ review of additional primary and secondary sources  
➢ analysis of TIDs | ➢ scholarly papers,  
Nigerian government documents,  
WHO FCTC documents  
Online media, Euromonitor’s Passport database, Federal Government of Nigeria and WHO documents  
TID database |
| (b) to document and analyse evidence of tobacco industry strategies and activities targeting youth in Nigeria from the 1990s to the present | ➢ analysis of TIDs  
➢ semi-structured interviews | ➢ TID database  
➢ interviews with key informants |
| (c) to identify measures adopted in other countries to prevent industry targeting of youth | ➢ review of secondary literature  
➢ review of additional primary and secondary sources  
➢ semi-structured interviews  
➢ analysis of TIDs | ➢ scholarly papers,  
Nigerian government documents,  
WHO FCTC documents  
media reports, scholarly journals, official statistics, policy documents, legislation, etc.  
interviews with key informants  
TID database |
(d) to put forth recommendations for strengthening tobacco control measures to prevent industry targeting of youth in Nigeria, supported by the FCTC

Synthesis of all findings  ✔️  Consolidation of all the data

2.2 Review of the secondary literature

A systematic review of the secondary literature was conducted to identify existing knowledge about the tobacco industry in Nigeria and, in particular, its strategies and activities for targeting youth. This review was conducted using EBSCO Host on the databases of Medline (with full text) and Business Source Complete, and the search results are presented in Table 2-1. The contents of the secondary literature identified in these searches inform the background presented in Chapter 1, and the literature review in Chapter 3.

Table 2-2: Nigerian tobacco industry and youth keyword search summary using Medline

<table>
<thead>
<tr>
<th>S/N</th>
<th>Key Words Search</th>
<th>Number of hits</th>
<th>Number of articles downloaded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>tobacco Industry AND target* AND youth OR adolescents OR young people OR teen* OR young adults OR children</td>
<td>153</td>
<td>12</td>
</tr>
<tr>
<td>2</td>
<td>Cigarette* OR tobacco industry AND Nigeria AND youth OR adolescents OR young people OR teen* OR young adults OR children</td>
<td>43</td>
<td>6</td>
</tr>
<tr>
<td>3</td>
<td>target* AND British American Tobacco OR BAT AND youth OR adolescents OR young people OR teen* OR young adults OR children</td>
<td>38</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Tobacco Industry AND Nigeria</td>
<td>13</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>market* OR distribution AND tobacco OR cigarette* AND youth OR adolescents OR young people OR teen* OR young adults OR children AND Nigeria</td>
<td>14</td>
<td>0</td>
</tr>
<tr>
<td>S/N</td>
<td>Key Words Search</td>
<td>Number of hits</td>
<td>Number of articles downloaded</td>
</tr>
<tr>
<td>-----</td>
<td>----------------------------------------------------------------------------------</td>
<td>----------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>tobacco Industry <strong>AND</strong> target* <strong>AND</strong> youth OR adolescents OR young people OR teen* OR young adults OR children</td>
<td>89</td>
<td>8</td>
</tr>
<tr>
<td>2</td>
<td>Cigarette* <strong>OR</strong> tobacco industry <strong>AND</strong> Nigeria <strong>AND</strong> youth OR adolescents OR young people OR teen* OR young adults OR children</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>target* <strong>AND</strong> British American Tobacco OR BAT <strong>AND</strong> youth OR adolescents OR young people OR teen OR young adults OR children</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>Tobacco Industry <strong>AND</strong> Nigeria</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>market* <strong>OR</strong> distribution <strong>AND</strong> tobacco OR cigarette* <strong>AND</strong> youth OR adolescents OR young people OR teen* OR young adults OR children AND Nigeria</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>corporate social responsibility <strong>OR</strong> CSR <strong>AND</strong> tobacco OR cigarette* <strong>AND</strong> youth OR adolescents OR young people OR teen* OR young adults OR children</td>
<td>43</td>
<td>2</td>
</tr>
<tr>
<td>7</td>
<td>tobacco Industry <strong>AND</strong> target* <strong>AND</strong> youth</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>
OR adolescents OR young people OR teen* OR young adults OR children AND Nigeria

<table>
<thead>
<tr>
<th></th>
<th>Tobacco Industry AND smoking initiation AND youth OR adolescents OR young people OR teen* OR young adults OR children AND Nigeria</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tobacco Industry AND target* AND above the line OR ATL AND youth OR adolescents OR young people OR teen* OR young adults OR children</td>
</tr>
<tr>
<td>9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tobacco Industry AND target* AND below the line or BTL AND youth OR adolescents OR young people OR teen* OR young adults OR children</td>
</tr>
<tr>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

Total 150 10

2.3 Tobacco Industry Documents Analysis

2.3.1 Introduction

In 1998, about six million formerly confidential documents from seven tobacco companies and their affiliated institutions became publicly available as a result of successful litigation by former smokers in several states across the US (Hirschhorn & WHO Tobacco Free Initiative, 2005). The affected companies were the American Tobacco Company (ATC), British American Tobacco (BAT), Brown and Williamson (B&W), the Liggett Group, Lorillard Tobacco Company, Philip Morris, and RJ Reynolds. The affiliated industry organizations covered by these legal settlements were the Tobacco Institute and the Council for Tobacco Research. The documents consist of over 35 million pages of reports, emails, letters, memos, faxes and other company documents which, through a variety of efforts, were put into the public domain (Hirschhorn & WHO Tobacco Free Initiative, 2005). These documents are publicly available through the Truth Tobacco Industry Documents (TTID) database (https://www.industrydocumentslibrary.ucsf.edu/tobacco/).
The database (formerly known as the Legacy Tobacco Documents Library) was created in 2002 by the UCSF Library and Center for Knowledge Management. As described by the TTID website, “the archive was built to house and provide permanent access to tobacco industry internal corporate documents produced during litigation between US states and the seven major tobacco industry organizations and other sources. These internal documents give a view into the workings of one of the largest and most influential industries in the United States.” (UCSF, 2017) As of March 2017, the TTID contains 88,921,288 pages in 14,715,743 documents.

2.3.2 Search and analytical strategy

The TTID was systematically searched in this research for documents related to tobacco industry targeting of youth in Nigeria. Table 2-4 outlines the research protocol followed, while Table 2-5 lists the search terms used and the number of hits obtained. All hits were reviewed and documents relevant to this research were identified and organized chronologically. The content of relevant documents was then coded, according to three streams of the theory of triadic influence (TTI) concerning youth and tobacco use (see Chapter 4).
Table 2-4: Tobacco Industry Documents (TIDs) search and analysis flowchart

- Review available literature on tobacco industry targeting youth and use knowledge of the topic, additional primary and secondary data to identify key search terms
- Define relevant key search terms
- Conduct documents searching using TTID website
- Explore new search terms
- Search documents iteratively until no new files are found or until subsequent files repeat content in those earlier found
- End search
- Organise and sort retrieved documentary data along three streams of the theory of triadic influence
- Apply Nvivo Analysis to check for dominant themes using the relevant constructs of the theory of triadic influence (Table 2-6)
- Discuss Results
The initial search returned about 9302 documents which were analysed for content relevant to tobacco industry targeting of youth in Nigeria and 80 of those documents contained direct evidence of tobacco industry targeting youth in Nigeria. Documents which were found to be duplicates of earlier ones were excluded from the final list of 80.

A quantitative analysis of the word “youth” in the tobacco industry documents shows a sharp increase in the 1990s, suggesting increased focus on youth.
2.3.3 Limitations of using tobacco industry documents

There are a number of limitations in the use of tobacco industry documents for public health research purposes. First, although some industry documents date to recent years, most of the available collection dates to the early to mid 2000s. This is due to the original litigation and legal settlement, the Minnesota Consent Judgement (1998) that enabled most of these documents to be made publicly available. To address this limitation in timeframe, this research focuses on analysing industry strategies and activities from the 1990s to mid 2000s. This coincides with when TTCs began to seek to increase their market size in Nigeria. For the period beyond the mid 2000s, given the available documents, it will not be possible to conduct the analysis in comparable depth. Instead, this research uses key informant interviews, and other primary and secondary data sources, to provide an indication of tobacco industry strategies and activities targeting
A second limitation when using TIDs is the need to recognize that the Truth Tobacco Documents Library is not an archive in the traditional sense. Available documents are not a complete record of company operations, but a collection of documents resulting from the legal discovery process during particular US litigation. For example, the collection does not include industry actors who were not party to this legal case. Tobacco companies that were party to the case were R.J. Reynolds, Philip Morris, Lorillard Tobacco, Brown & Williamson Tobacco Corporation, BAT industries and Liggett group. (Belluck, 1998) Also, available documents are largely from the US-based operations of these industry actors, and are not documents from subsidiaries, operating companies or other entities outside of the legal jurisdiction of the US. Further, documents deemed “privileged” or “confidential” under US law have been withheld by the original defendants and thus unavailable for this analysis. Given these limitations in the content and scope of available documents, TIDs should be acknowledged as a partial, albeit unique, record suggestive of tobacco industry activities. Interpretation of available documents must be done with caution, with results triangulated with other data sources wherever possible.

2.4 Key Informant interviews

To support the derivation of findings from TIDs, key informant interviews were conducted with selected policy makers, researchers and representatives of civil society organizations. The interviews provided additional information on the current state of tobacco control in Nigeria. Purposive and then snowball sampling was used to identify
key informants for semi-structured interviews. Interviewees were recruited using document sources, official government and civil service organization (CSO) websites, networks and contacts of the supervisory committee and student researcher.

**Inclusion Criteria:** Any adult 19 years or older currently working in a government, media, or civil society organization associated directly or indirectly with tobacco control policy implementation in Nigeria was eligible to participate in this study.

A total of 12 interviews were conducted with policy-makers, civil society organization representatives and governmental officials concerned with public health and tobacco control. Each participant underwent a 30-minute in-depth individual interview after informed consent had been duly obtained. After the interview, the participant was asked if they could introduce the researcher to anyone else with information relevant to this research. Interviews were conducted until information redundancy was attained and no more new themes could be generated from the interviews. All interviews were recorded and transcribed verbatim. Names of key informants were replaced with codes on the interview transcripts to protect their identity except otherwise agreed with the key informants.

Given that internal documents available from the TTID largely date to the mid 2000s, interviews were used to identify more contemporary activities by the tobacco industry to target youth in Nigeria. More specifically, the interviews explored activities of tobacco industry in Nigeria, level of activity over time, and additional detail about specific activities targeting youth. The interviews also investigated awareness of, and attitudes towards, tobacco industry-supported CSR initiatives by government officials and public health advocates. An interview guide was designed for this purpose and modified after a
pilot interview with one key informant who has knowledge of the tobacco industry but was
not included in the final study. Anonymized quotes from the participants were used to
illustrate underlying themes and provide a comparison with TTID’s evidence on strategies
used by the tobacco industry to target youth in Nigeria.

2.5 Review of additional primary and secondary sources.
In addition to internal documents, additional documentary sources on the tobacco industry
and policy in Nigeria were collected during fieldwork dating from the 1990s onwards. 
These include government (municipal, state and federal) documents, reports by civil
society organizations, media reports, unpublished reports and other grey literature. 
These additional materials, triangulated with other data sources (e.g. internal documents,
key informant interviews, Euromonitor reports and other business sources), were used to
derive understanding of tobacco industry activities targeting youth in Nigeria from the
1990s to the early 2000s, with some evidence of such activity after the mid 2000s.

2.6 Theoretical Framework
2.6.1 Theories of human behaviour
This research begins by drawing on theories to explain human behaviour, notably
consumer buying habits and substance use, referred to as models of persuasion. These
theories are based on Albert Bandura’s theory of social learning (Bandura, 1971) which
suggests that new behaviour can be learned by observing and imitating others, and B.F.
Skinner’s theory of operant conditioning which holds that behaviour is determined by its
consequences, either reinforcements or punishments, making them more or less likely to
occur again (Skinner, 1963).
Ajzen and Fishbein (1980) argue, in their theory of reasoned action, that human behaviour is initiated by subjective norms, as perceived by an individual, as well as attitudes towards the behaviour in question reinforced by previous experiences (Figure 2-2). While this theory acknowledges the autonomy of individuals in making choices, it fails to acknowledge other forces that influence the perception of individuals. Although subjective norms are included in the model, they only influence the individual’s intentions based on the individual’s perception of those norms. Their model suggests that attitudes towards a given behaviour are formed by perceived benefits or outcomes of carrying out such behaviour. In relation to this research, this assumption cannot provide a rational for why people continue to smoke even after they become aware of the negative health consequences of cigarette smoking. Similarly, Skinner’s (1963) theory of operant conditioning suggests that attitude towards a behaviour is strengthened after favourable outcomes or discontinued after unfavourable outcomes. In contrast to Ajzen’s model, Skinner’s theory suggested that an external force or person could induce behaviour by repeatedly presenting favourable incentives. Once the subject gets used to the behaviour, the incentives may be withdrawn but the behaviour continued (operant conditioning). Skinner’s model can be used to explain addiction to cigarette smoking.

Although Skinner’s model is not used directly in this research, it forms a basis for influences in the cultural/environmental stream of the theory for triadic influence as applied to this research (U.S. Surgeon General, 2012). For example, a marketing agent can present favourable incentives alongside cigarettes, such as free chewing gums or lottery tickets to new smokers, and subsequently withdraw them as the individual becomes addicted. Many teenage smokers have been lured into the habit by an initial
process of free product sampling until addiction was sustained (Landman, Ling, & Glantz, 2002; US Surgeon General, 2012). The process of addiction involves a subconscious mental association of cigarette smoking and whatever favourable outcome was initially presented with the cigarette. (Meyer-weitz, 2014) Skinner’s model acknowledges strong external influences on the individual’s behaviour but does not acknowledge the individual’s power to make independent decisions. Conversely, Ajzen’s non-recognition of these external forces in his model makes it unsuitable for analysing buying behaviours and substance use which often involves very influential external forces and individuals such as TTCs and other cigarette marketers. Establishing a connection between external (interpersonal) and intrapersonal factors to initiating or sustaining behaviour is essential in today’s capitalist, market-driven economies as can be observed in Nigeria (Euromonitor International, 2015; MacKenzie & Collin, 2008).

Figure 2-2: The theory of reasoned action
Note: Arrows indicate the direction of influence


Figure 2-3: The theory of planned behaviour


Ajzen modified the theory of reasoned action, to develop the theory of planned behaviour (Figure 2-3), which suggests that individual behaviour also depends on perceived behavioural control (Ajzen, 1991). Perception of control refers to an individual's
perceived ability to repeatedly carry out the behaviour successfully at will and achieve the
desired objectives (Ajzen, 1991, 2010). The perception of control is considered by the
theory’s proponents as more important than actual control in influencing uptake and
sustenance of behaviour. For example, a smoker’s perceived ability to smoke whenever
he wanted, and possibly quit when he no longer wanted to, would be a strong influence
in taking up smoking as a habit. Tobacco companies often claim that smokers are
responsible adults who are able to stop their smoking habit whenever they choose to,
thus leaving the burden of choice solely on the individual (Landman et al., 2002; McDaniel

In summary, the theories of reasoned action and planned behaviour seek to
establish connections of influence between attitudes and behaviour, and how perception
of social situations shape behaviour (Egbe, 2013a; Ogden, 2000). However both models
assume that an individual is in control of decisions, and make decisions based on rational
thinking. These models underplay the role of social context within which decisions are
made, as well as, the role of external factors in shaping this context. This research
examines the role of external factors, notably the role of industry activities, in influencing
youth uptake of tobacco use in Nigeria.

2.6.2 Theory of Triadic Influence

This research analyses tobacco industry targeting of youth in Nigeria using the theory of
triadic influence. This theory, by social psychologists Flay and Petraitis (1994),
synthesizes many theories about health behaviour into a meta theory. The theory
incorporates social, cultural, and environmental factors of the theory of planned
behaviour, and offers a more comprehensive range of influences on individual behaviour (Flay, Snyder, & Petraitis, 2009). One of the concepts driving this theory is Albert Bandura's theory of reciprocal determinism (Bandura, 1978). The theory of reciprocal determinism suggests that an individual's behaviour is influenced by both intrapersonal factors and the social environment. Flay, Petraitis and Hu (1995) apply the theory of reciprocal determinism to show interrelationships between the individual, social situations and environment, thus showing macro level influences on individual behaviour (Figure 2-4).

![Figure 2-4: Three ultimate causes of behaviour: reciprocal determinism](https://ia600406.us.archive.org/16/items/alcoholtobaccofr30fert/alcoholtobaccofr30fert.pdf)

**Figure 2-4: Three ultimate causes of behaviour: reciprocal determinism**


Furthermore, as Figure 2-5 below shows, the three core elements of the theory of planned behaviour: behavioural control, social normative beliefs, and attitudes towards behaviour are incorporated into the theory of triadic influence model of human behaviour. The model
suggests that behavioural control is attributable to intra-personal factors, while social normative beliefs are driven by social situations. The model links attitudes to behaviour within cultural/environmental causes.

Figure 2-5: Basis of the theory of triadic influence: ultimate causes and proximal predictors


In addition, the theory of triadic influence is organized along two dimensions: levels of causation and streams of influence. (Figure 2-7) The levels of causation, in turn, are categorized into ultimate causes which could be social or personal, distal causes resulting from expectancies and evaluation, or cognitions and affect, and proximal predictors based on decisions and experiences. The streams of influence relate to intrapersonal and
interpersonal factors influencing choice and sustenance of behaviour. While the intrapersonal factors depend on individual factors such as genetics and personality, the interpersonal factors relate to connections with family, friends, and the larger society including big business players such as TTCs.

Figure 2-6: The theory of triadic influence

Note: The causal streams are indicated by numbers 1-6, and the inter-stream influences are indicated by letters a-f

Figure 2-7: The theory of triadic influence applied to tobacco use


Egbe (2013) applied the theory of triadic influence to study smoking initiation by Southern Nigerian youth. She adapted the table below from Flay, et al. (1999).
Table 2-6: Matrix of types and levels of influence on smoking

<table>
<thead>
<tr>
<th>Levels of influence</th>
<th>Types of influence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Intra-personal (biology/personality)</td>
</tr>
<tr>
<td><strong>Ultimate</strong></td>
<td>Definitions: Personality traits and intrapersonal characteristics that although beyond the easy control of adolescents, might promote some internal motivation to smoke cigarettes or make them susceptible to the physiological effects of tobacco. <strong>Constructs:</strong> Genetic susceptibility to nicotine; lack of impulse control; external locus of control: aggressiveness; extraversion; sociability; risk-taking; sensation seeking; neuroticism or emotional instability.</td>
</tr>
<tr>
<td><strong>Distal</strong></td>
<td>Definitions: Affective states and general behavioural skills of adolescents that promote some internal motivation to smoke and that undermine their refusal skills. <strong>Constructs:</strong> Low self-esteem; temporary anxiety, stress, or depressed mood; poor coping skills; inadequate social skills; weak academic skills.</td>
</tr>
<tr>
<td><strong>Proximal</strong></td>
<td>Definitions: Beliefs about one’s ability to smoke cigarettes and to avoid smoking. <strong>Constructs:</strong> Refusal skills; determination to smoke; use self-efficacy; refuse self-efficacy.</td>
</tr>
<tr>
<td><strong>Immediate predictors</strong></td>
<td>Decision/intentions</td>
</tr>
</tbody>
</table>

In 1999, Flay applied the theory of triadic influence as a heuristic tool to summarise existing knowledge about youth and tobacco, and demand and supply-side measures to address the problem. He concluded that sociocultural factors such as advertising/promotion, price and access policies have strong influence on youth initiation of tobacco use. He also recommended counter-advertising as a means of reducing tobacco use by exposing the harmful effects of tobacco use to youth using various media (Flay, 1999). In 2012, a report by the US Surgeon-General, Preventing Tobacco Use Among Youth and Young Adults, also used the theory of triadic influence as summarize existing knowledge and approaches (Figure 2-7).

This research applies the theory of triadic influence to classify the types of strategies used by the tobacco industry in Nigeria to target youth using the matrix in Table 2-6 as a framework. This is not to imply that the tobacco industry operated according to this theory, but rather as a heuristic device to identify the types of strategies used. The application of this framework, to categorize the various tobacco industry activities identified through the TIDs according to three streams of influence, was conducted by this researcher and then reviewed by the senior supervisor to improve the accuracy of interpretation. Disagreements in classification were reconciled by checking with the original document, for further information, and activities were reclassified where required. Although the framework in Table 2-6 is very comprehensive, its interpretations may be subject to some degree of situational and interpretational bias. To minimize this bias, the context of each tobacco industry quote is considered alongside its content. The table however proves to be a useful heuristic device for identifying types of tobacco industry activity targeting youth in Nigeria.
2.6.3 Limitations of the theory of triadic influence

Flay, Petraitis and Hu (1999) acknowledged the complexity of the theory of triadic influence and the need for further research to fully understand it. Egbe (2013a) observed the cultural rigidity of Flay’s model making it difficult to apply to non-Western cultural settings where tobacco use may be engrained in certain cultural practices such as traditional festivals in some parts of the Americas (Alderete, et al., 2010). While this limitation does not apply to the Nigerian context, as most cultures do not approve of youth tobacco use (Euromonitor International, 2016a), the theory must still be used with caution as a heuristic framework.

2.7 Analysis of documentary findings and triangulation process

The tobacco industry documents were searched iteratively for documents containing quotations relevant to tobacco industry targeting of youth in Nigeria. Figure 2-8 is a flowchart outlining the protocol used to search and analyse these documents, including criteria for accepting or rejecting documents for the purpose of this research. As described above, 9302 “hits” in the Truth Tobacco Documents Library collection were obtained using the keywords listed (Table 2-5). These “hits” were reviewed and eventually reduced to 80 documents to analyse tobacco industry activities targeting youth.
Figure 2-8: Tobacco industry documents exclusion flowchart
After downloading the 80 documents, all documents were analysed for quotes related to youth. The quotes were categorised as falling within one of the three streams of the theory of triadic influence as described in Figure 2-9.

Figure 2-9: Flowchart for categorizing tobacco industry documents into the three steams of the theory of triadic influence
Figure 2-10 provides further details on how triangulation was carried out to provide understanding of the current state of tobacco control in Nigeria as it affects youth. In general, to validate findings, corroborating evidence of relevant activities was sought from media reports, CSO monitoring activities, and the academic literature. More weight was placed on these sources given their independent from the tobacco industry. Indeed, given that targeting youth is not permitted under Nigerian law, it was expected that the industry would publicly deny such activities. An important exception was the use of industry documents where the intended audience was internal to the industry. These sources were weighed comparably to non-industry evidence of activities targeting youth.
Following the above analytical steps ensured that the findings of this research were reliable and valid.

**2.8 Ethics Approval**

This research involves human subjects in the form of key informant interviews. Ethics approval was obtained on April 18, 2016 from the Office of Research Ethics (ORE), Simon Fraser University under study number 2016s0059.
Chapter 3. Literature Review

3.1 Youth and the Global Tobacco Epidemic

There is substantial evidence that economic globalization, including trade liberalization, privatization and the global restructuring of production (Dicken, 2015) has fundamentally changed the nature of the tobacco industry over the past three decades (Lee et al., 2016). A key aspect of tobacco industry globalization has been the pursuit of, and successful access to, emerging markets worldwide. LMICs with large and growing populations, and rising socioeconomic status, have been particularly targeted as opportunities for growth (Gilmore, et. al., 2015; Stuckler, et al., 2012).

Within emerging markets, while there are varying rates of tobacco use among adult populations, it is youth within these countries that offer the most promise. (Adebiyi et al., 2016; Egbe, Bialous, & Glantz, 2017) Given that half of regular smokers eventually die of their habit, tobacco companies must sustain demand by recruiting new users to replace them (Kreslake, et. al., 2008; Rath, et. al., 2015). WHO estimates that 80,000 to 100,000 teenagers start smoking daily, mostly in LMICs (World Health Organization, 2002). Studies worldwide show that youth who start smoking in secondary school (13-18 years) are at least twice more likely to continue smoking than those who begin smoking after this age (Bernat, Klein, & Forster, 2012; U.S. Surgeon General, 2012). As a PM internal document states, “today’s teenager is tomorrow’s potential regular customer” (Philip Morris USA, 2000).
3.2 Industry strategies targeting youth

This research systematically searched the existing literature using Medline (with Full Text) with the search terms “tobacco industry”, “target*” AND “youth” OR “adolescents” OR “young people” OR “young adults” OR “children”. The search returned 153 hits of which 13 were downloaded as concerning specific strategies used by industry to target youth in LMICs. Out of the thirteen articles, only one related to Nigeria despite Nigeria’s size and growing tobacco market (Nwhator & Nwhatora, 2012). A total of 278 articles from the Medline database were found using the various search criteria (Table 2-2), out of which 32, directly relating to the research questions for this thesis, were downloaded. A second search on the Business Source Complete database produced 150 hits (Table 2-3), out of which 10 articles relevant to the research questions for this thesis were downloaded.

Some of the articles downloaded revealed the use of market research to create a psychographic segmentation of the youth market based on personality traits, interests, values and lifestyles (Berg et al., 2010; Cabriales et al., 2016; Landman et al., 2002; Suragh, et al., 2013). Cabriales et al. (2016) carried out a study on psychographic characteristics, tobacco, and alcohol use in a sample of young adults on the U.S./Mexico border on a population with majority Hispanic young adults (ages 18-25). Study participants were recruited from post-secondary institutions using electronic bulletins and social media. The two main psychographic clusters identified by the authors included “Popular Extroverts” and “Mainstream/Conventionals.” The “Popular Extroverts” were more disposed to trying a cigarette for the first time than the “Mainstream/Conventionals” who were more risk averse. Although the study was limited to cross-sectional data alone, the findings are useful for understanding how the tobacco industry targets youth and
possibly develop health promotion efforts tailored to specific psychographic clusters. In
relation to this research, some themes related to psychographic segmentation used in
analysing tobacco industry documents included “external locus of control”,
“aggressiveness”, “extraversion”, “risk-taking”, and “sensation seeking” (Table 2-6).

Stanton, et al. (2011) carried out a study on the promotion of tobacco through the
“international language” of dance music by British American Tobacco. The study
examined previously confidential documents of British American Tobacco. Some of the
findings indicate tobacco industry partnership with night clubs in London as a means of
enhancing their credibility and relevance among young adults in the United Kingdom. The
study also observed that similar strategies were employed in other less developed
settings such as China and Taiwan. Similarly, Patel et al. (2009) carried out a study on
British American Tobacco’s music sponsorship in sub-Saharan Africa, particularly Nigeria
and South Africa, using analysis of the tobacco industry documents. The authors
observed the efforts of the tobacco industry to undermine health regulations in both
countries and the role of music in strengthening tobacco marketing efforts targeted at
youth.

A summary of other strategies for recruiting youth identified in various articles
studied for this research include:

- recruitment of sporting figures and film actors for marketing (Benoit & Harthcock,
  1999; Braun, et. al., 2008)
- smoking behaviour by cartoon characters to normalize tobacco use such as the
  Flintstones or Joe Camel (Borzekowski & Cohen, 2013; Braun et al., 2008)
- point-of-sale advertising, notably following restrictions on tobacco advertising, near
schools, recreational centres and other places where youth frequent (Dauphinee, et. al., 2013; Henriksen, et. al., 2004; Agaku, et. al., 2014; Henriksen et al., 2004).

- design of packaging of tobacco products to appeal to youth (Henriksen et al., 2004; Pierce et al., 2010)
- use of certain flavourings that appeal to youth (e.g. sweet, fruity) (Agaku et al., 2014)

The literature suggests that, another useful way of classifying industry strategies, is by distinguishing between “above the line” and “below the line” marketing. (Carter, 2003; Nakkash & Lee, 2009; Perez et al., 2012) This distinction, used in the marketing field, is found extensively in internal tobacco industry documents. **Above the line** refers to the use of mass media to promote brands and reach target consumers. These include conventional media such as broadcast and print media, billboards, film, as well as the internet. **Below the line** refers to alternative marketing methods which use non-mainstream media to focus its direct targeting of consumers instead of a mass audience. (Carter, 2003) Examples include direct mail campaigns, competitions, trade shows and catalogs, and targeted search engine marketing. This research will identify the extent to which each type of strategy was used by the tobacco industry, to target youth in Nigeria, have used either above or below the line methods. It is hypothesised that the latter is expected, given restrictions on the former since 2002. However, weak enforcement of the ban on tobacco advertising since adoption of the policy may enable the industry to continue to practice above the line marketing methods. The relative importance of each method, and the implications for tobacco control policy in Nigeria, will be analysed in this research. Table 3-1 provides typical examples of both types of marketing.
Table 3-1 Categorisation of some marketing activities

<table>
<thead>
<tr>
<th>above the line</th>
<th>below the line</th>
</tr>
</thead>
<tbody>
<tr>
<td>• advertisements in newspapers and magazines</td>
<td>• events</td>
</tr>
<tr>
<td>• TV adverts</td>
<td>• point of sale displays</td>
</tr>
<tr>
<td>• radio adverts</td>
<td>• direct marketing</td>
</tr>
<tr>
<td>• billboards</td>
<td>• email promotions</td>
</tr>
<tr>
<td></td>
<td>• text message promotions</td>
</tr>
<tr>
<td></td>
<td>• premiums</td>
</tr>
<tr>
<td></td>
<td>• price reductions</td>
</tr>
<tr>
<td></td>
<td>• public relations activities</td>
</tr>
<tr>
<td></td>
<td>(corporate social responsibility)</td>
</tr>
<tr>
<td></td>
<td>• sponsorship of sporting/music events</td>
</tr>
<tr>
<td></td>
<td>• trade shows and exhibitions</td>
</tr>
<tr>
<td></td>
<td>• sales literature and catalogues</td>
</tr>
<tr>
<td></td>
<td>• distribution of tobacco-branded gifts such as cigarette-branded lighters, pens, etc.</td>
</tr>
</tbody>
</table>

Source: Adapted from Carter (2003) and Euromonitor International (2016c).

3.3 Corporate social responsibility (CSR) initiatives targeted at youth

Following adoption of the WHO FCTC, many countries have strengthened restrictions on direct (above the line) forms of marketing. As describe above, the industry has adapted by turning to alternative methods including strategies for targeting youth (Landman et al., 2002). One key method is corporate social responsibility (CSR) activities. CSR is a widely-used term, embodying a substantial multidisciplinary literature, encompassing varying definitions. Mordi et al. (2012) define CSR as “the moral obligation to promote viable societal values for the generation of a peaceful atmosphere within a given society by the firms carrying out their lawful operations in that society.” The EU’s Green Paper defines CSR as “a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a
There is limited analysis of tobacco-related CSR activities in LMICs. One important study, by McDaniel et al. (2016), describes African media coverage of CSR by the tobacco industry (Table 3-2), many of which target youth. CSR activities specifically targeting youth included funding for youth smoking prevention (YSP) campaigns (Leatherdale, Sparks, & Kirsh, 2006; Sebrie & Glantz, 2007), provision of business grants to young entrepreneurs, participation in poverty-reduction programmes (Lee & Bialous, 2006), donation of sickle cell anaemia screening machines in the democratic republic of Congo (Gilmore et al., 2015), award of scholarship to indigent students, and provision of basic social facilities to rural farming communities (Egbe et al., 2014). BAT Malaysia also sponsored research on adolescent smoking at the Universiti Malaya (Barraclough & Morrow, 2008), raising questions on the researchers’ independence in carrying out their studies.

YSP programs, in particular, have been analysed as attempts by the TTCs to attract more youths to smoke by presenting themselves as socially responsible entities who care about the health of young smokers. In Latin-America, many industry-sponsored youth smoking prevention programs were characterized by complete omissions of vital information such as age-restrictions for smokers (Sebrie & Glantz, 2007). For example, instead of saying “Not for sale to persons below 18 years of age”, they would say something like “for adults only.” This has led to many of the YSP programs having the reverse effect as observed by Leatherdale et al. (2006).
Table 3-2: Tobacco-related CSR activities reported in African media

<table>
<thead>
<tr>
<th>Type of tobacco-related CSR activity</th>
<th>Proportion of reported CSR (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment</td>
<td>26.4</td>
</tr>
<tr>
<td>Education</td>
<td>24</td>
</tr>
<tr>
<td>Community development</td>
<td>23.6</td>
</tr>
<tr>
<td>Arts funding</td>
<td>12.2</td>
</tr>
<tr>
<td>Social/green reporting</td>
<td>10.8</td>
</tr>
<tr>
<td>Disease prevention</td>
<td>7.6</td>
</tr>
<tr>
<td>Job creation</td>
<td>7.3</td>
</tr>
<tr>
<td>Combating child labour</td>
<td>6.6</td>
</tr>
<tr>
<td>Youth smoking prevention</td>
<td>6.6</td>
</tr>
<tr>
<td>CSR-related award/recognition</td>
<td>5.6</td>
</tr>
<tr>
<td>Combating illicit trade</td>
<td>4.2</td>
</tr>
<tr>
<td>Disaster relief</td>
<td>2.1</td>
</tr>
<tr>
<td>Harm reduction</td>
<td>0.7</td>
</tr>
<tr>
<td>Smoking cessation</td>
<td>0.7</td>
</tr>
<tr>
<td>Other CSR activities</td>
<td>17.0</td>
</tr>
</tbody>
</table>


In Nigeria, where twenty percent of young Nigerians smoke, with young female smokers rising dramatically since the 1990s (Ventures Africa, 2012), CSOs report the targeting of youth via CSR. However, there has been limited scholarly analysis of these activities to date. This research will analyse CSR activities in Nigeria in relation to industry strategies to target youth. The thesis will seek to generate new understanding of the breadth and extent of industry targeting, the role of CSR within these efforts, and tobacco control measures needed to address them.

### 3.4 Tobacco control measures adopted in various countries to prevent industry targeting of youth

Many countries in the developed world have adopted some effective strategies to curb tobacco industry targeting of youth in their domains. One strategy that has been adopted
almost universally has been restrictions on above the line advertising. (Nakkash & Lee, 2009; Perez et al., 2012) Tougher regulations currently target reduction or complete bans on below the line advertising which is still very popular in LMICs. Many developed countries have banned the branding of events and items by tobacco companies. (Nagler & Viswanath, 2013; U.S. Surgeon General, 2012) In relation to this thesis, the branding of events and items have been banned by current regulations in Nigeria, but other forms of below the line marketing are analysed as an important component of this thesis.

The use of graphic health warnings on cigarette packaging has been effective in curbing smoking among youth in many developed countries (Borzekowski & Cohen, 2014). Hammond (2011) carried out a systematic review of 16 qualitative studies, 5 with both qualitative and quantitative components and 1 review paper. He observed that the graphic health warnings were a better deterrent to smoking than textual warnings. He also observed that the size and design of the graphic health warnings played an important role in communicating the ill-effects of tobacco use to the consumer. The study concluded that graphic health warnings are effective on both smokers and non-smokers. Adebiyi et al. (2016) carried out a cross-sectional study on the perceived effectiveness of graphic health warnings as a deterrent to smoking initiation among adolescents in selected schools in southwest Nigeria using a sample of 544 senior secondary school students aged 13-17 years. After exposing the participants to a variety of graphic warnings, they observed that the warnings with images of cancer and impotence were the most effective in deterring youth smoking. These findings are significant because graphic health warnings on cigarette packs are not currently being used in Nigeria.

One other measure that has proved effective in curbing youth smoking in other
settings is the ban on menthol or flavoured cigarettes. While flavoured cigarettes give cigarette smoke an appealing aroma, menthol makes smoking easier for new smokers as menthol-flavoured cigarettes are less harsh on the throat, thus aiding quicker addiction to cigarettes. Studies show that most young smokers in African American and Sub-Saharan Africa settings start off on menthol-flavoured cigarettes. (Bach, 2017; Dauphinee et al., 2013; Lewis & Wackowski, 2006) Despite the ban on flavoured cigarettes in a number of countries such as the US, Canada and EU, a full menthol ban is yet to be effected in most countries, thus creating an opportunity for the menthol market to grow. (Cheyne et al., 2014; Tobacco Control Legal Consortium, 2015) Brazil became the first country to ban all tobacco flavoured products including menthol in 2012. (Tobacco Control Legal Consortium, 2015) Canada recently effected a full ban on the sale of menthol products. (Walter, 2017) Other countries with a full ban on menthol cigarettes include Ethiopia (2015), and Chile (legislation still in process). A full menthol ban will be effected in the EU by 2020. (Tobacco Control Legal Consortium, 2015)

Wackowski et al. (2014) carried out a study on young adults’ behavioural intentions surrounding a potential menthol cigarette ban using a sample of 2871 respondents of the 2011 National Young Adult Health Survey which measured current smoking, current menthol smoking and behavioural aspirations in the likely event of a full menthol ban. Among the menthol smokers in the study, 65.7% indicated they would stop smoking if menthol cigarettes were no longer sold, while 16% said they would switch to other tobacco products. The majority of those who signified intentions to quit where African American smokers (79.3%), thus making a strong case for the enforcement of full ban on menthol cigarettes. In relation to this research, this thesis will examine the role of menthol in the
growth of the tobacco industry in Nigeria and identify strategies used by the industry to market menthol products in Nigeria to youth.
Chapter 4. Findings

4.1 Introduction

This chapter sets out the overall finding of this research that the tobacco industry has targeted youth in Nigeria since the 1990s using a variety of strategies and activities. These findings are largely based on a review of TIDs, supported by triangulation using key informant interviews and additional primary and secondary sources. The findings are presented in relation to the three streams of the theory of triadic influence and the various levels of influence: ultimate, distal and proximal. A total of 126 quotes from TIDs were coded, with a distinction drawn between documents intended for internal (industry) and external (outside of industry or public) audiences. A total of 103 internal and 13 external quotes were coded using relevant themes obtained from the constructs set out in Table 2-6.

4.2 The industry’s strategic use of language regarding youth

Before presenting the findings by stream below, it is important to note the industry’s strategic use of language related to youth. The tobacco industry has frequently and publicly stated that it “does not advertise and promote products to children” (INFOTAB, 1990) from the 1990s. Individual tobacco companies, including the leading TTCs in Nigeria, have maintained this stance over many decades as the following quotes illustrate:

*Our Marlboro campaign, like all of our marketing and advertising, is aimed exclusively at adult smokers and is conducted in compliance with local regulations.* (PM as quoted in Stampler (2014))
We believe that tobacco products are only suitable for adult consumers and we do not want children to smoke. (BAT, 2017)

In making these claims, however, the industry uses varying definitions of “adult”, “youth” and other terms denoting age that do not comply with recognised usages. The precise age corresponding with the terms adult, youth, adolescent and child, varies across different fields and disciplines. WHO defines an adult as “a person older than 19 years of age unless national law defines a person as being an adult at an earlier age”, an adolescent as “a person aged 10 to 19 years inclusive,” and child as “a person 19 years or younger unless national law defines a person to be an adult at an earlier age”. The United Nations Convention on the Rights of the Child defines child as "a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier". (UNICEF, 1989) The United Nations defines youth as “those persons between the ages of 15 and 24 as youth without prejudice to other definitions by Member States” (UNDESA, 2014). The Canadian Association of Broadcasters’ Broadcast Code for Advertising to Children (Children’s Code), adopted in 1971, defines children as persons under 12 years of age. (Advertising Standards Canada et al., 2006)

This review, however, finds that the industry has made careful use of particular language, when referring to any activities related to children, adolescents and youth seemingly to obscure intent. First, there has been a strategic use of certain terms to describe, and seemingly obscure, efforts to target youth in Nigeria. While aware of the illegality of selling tobacco products to minors in most jurisdictions, documents suggest the industry carefully worded references to this population, for example, in market research or developing sponsorship opportunities. For example, BAT used the term
“young adults” to refer to older teenagers, some of whom are under the legal age (BAT Industries, 1996; Federal Ministry of Health Nigeria, 2012). One BAT document defines an "adult population is defined as anyone older than 15 years" (Unknown, 2000).

Other industry terms, where the specific age is not explicitly stated or defined, but are likely to include persons under 19 years, are “starters”, “novice smokers,” “new smokers,” “young smokers”, “trialists”, and “young adult urban smokers” (YAUS). For example, in a market research report conducted for BAT Nigeria, interest in tobacco use of persons under 19 years, and as young as 8 years, is set out:

New smokers enter the market at a very early age in many cases, as young as 8 or 9 years seems to be quite common. Most of our respondents had started smoking before they left junior school. However, as smoking before one’s teens/early twenties is unacceptable to parents, novice smokers tend to smoke in secret. 'They (parents) have this traditional belief that a young boy, maybe from age 18 to 20, doesn't have to smoke. But these days you can see a boy of 15, he has already started smoking. Even 10 years, 8 years.' (Younger, Upper Income, Premium Price, Enugu) As in other West African markets, either peer group pressure or the example of parents/older relatives prompts new smokers to try cigarettes. Initially, smoking is motivated by curiosity and a desire to 'look big', but it rapidly becomes a habit and a necessity. (Market Behaviour Limited, 1991b)

Previous studies have recognised the industry’s use of the term “young adult urban smokers” to refer to 15+ year olds, as well as, to conceal activities targeted at minors (Braun et al., 2008; Bump et al., 2009; Stanton et al., 2011).

This research thus recognises the strategic use of language by the industry in its search and analysis of internal documents. What terms are used, and how they are defined, by the industry is an important part of understanding their meaning and interpreting their intent. This research also acknowledges that meaning and intent can vary across different industry actors, and depending on the intended internal or external
audience of a document. Thus, in systematically searching TIDs, this research used the above terms, along with any euphemisms for persons under 19 years, as keywords.

4.3 Industry targeting of youth related to the Biological/ Personality Stream

The biological/personality stream of the theory of triadic influence concerns personality traits and individual characteristics that might provide internal motivation to smoke or increase susceptibility to cigarette smoking addiction. These include refusal skills and self efficacy (Flay, Petraitis & Hu, 1999), focusing on the individual’s susceptibility to nicotine, ability to resist pressures to smoke or control their smoking habit (self-efficacy). These abilities may result from a combination of personality differences, genetic makeup, hormonal differences (males versus females), and other biological/personality factors. For instance, previous research has shown that males are more open to risk-taking behaviours, while females are more open to sensation-seeking behaviour (Flay, Petraitis & Hu, 1999). Table 4-1 sets out the findings from the TIDs regarding industry strategies and activities targeting youth in Nigeria related to this stream.
<table>
<thead>
<tr>
<th>Quotes</th>
<th>Document Title</th>
<th>Author/Year</th>
<th>Constructs</th>
<th>Type of Marketing</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Advertising for these brands targeted a new audience, the teenagers and young adult, who were beginning to make their own purchasing decisions, and emphasized the &quot;sex appeal&quot; of white teeth and fresh breath.&quot;</td>
<td>Letter from JA Eckmann enclosing report on marketing conference</td>
<td>(Eckmann, n.d.)</td>
<td>Ultimate: sensation seeking</td>
<td>ATL</td>
</tr>
<tr>
<td>&quot;Advertising in Kenya is quite liberal and more 'aggressive' than in either the U.K. or the U.S., presenting smoking as a socially desirable custom by showing young, happy people in status roles and by relating smoking to manliness and success.&quot;</td>
<td>Cigarette marketing in the Third World, A study of four countries</td>
<td>(Wickstrom, 1979)</td>
<td>Distal: self-image</td>
<td>ATL</td>
</tr>
<tr>
<td>&quot;Guidelines for Sponsorships 1. Objectives must be very clear and fully documented, for example: • Increase awareness from X to Y in the defined target group. • Improve company/brand image on specific dimensions such as Youthful/Masculine/Progressive, etc. • Establish a clear association with event if it is branded.&quot;</td>
<td>Effective Marketing Without Media Advertising (830000)</td>
<td>(Unknown, 1983)</td>
<td>Distal: self-image</td>
<td>BTL</td>
</tr>
<tr>
<td>&quot;Rothmans, a younger brand in this market and generally regarded as an easier smoke, tends to have a younger user image, It seems that it is regarded by younger smokers as the brand to be seen with, as the popular, fashionable choice. Rothmans Is more fashionable.' (Younger, Upper Income, Premium Price, Lagos)&quot;</td>
<td>The Cigarette Market in Nigeria</td>
<td>(Market Behaviour Limited, 1991b)</td>
<td>Distal: self-image</td>
<td>ATL</td>
</tr>
<tr>
<td>&quot;(Benson and Hedges Gold Mild) BHGM is seen as younger, more</td>
<td>Market Analysis</td>
<td>(BAT (UK and Export)</td>
<td>Distal: self-image</td>
<td>ATL</td>
</tr>
</tbody>
</table>
lively and with a more interesting image than BHSF largely due to the pack's design. BHGM is seen as 'modern', 'classy' and 'business executive' like BHSF but also as 'restrained' and 'mild'."

"As previously mentioned, advertising can also invite trial (Marlboro, BHKS and Rothmans were mentioned by respondents in this context), although not so readily when a brand is new and lacks credentials (e.g. Excel). Smokers generally feel more comfortable with a known and respected name/with endorsement from other smokers. "It is not easy to go for a new product, not unless you have been told how the taste is, if someone persuades you.' (Younger, Current BHKS, Lagos)"

"The packaging of both brands is seen as distinctive and attractive ‘This Rothmans and Benson, the packet attracts people, because people like to have things that are high class.’ (Younger, Upper Income, Medium Price, Kano)"

"The Nigerian market is now dominated by Rothmans in the premium sector...the packaging (predominantly white) supports perception of this brand as than BHKS, which gives it a broader target (women as well as men) and tends to make it more attractive to younger smokers...the singular proposition, with its very rational, product-related basis - 'The best tobacco money can buy', which is very appealing, particularly to young consumers, who are generally more cost-conscious

|--------------------------------|----------------------------------|----------------------------------|-----|
and, also, less experienced/confident and so need more reassurance on brand choice."

"The typical user is envisaged as trendy, rich, but also young - in other words a highly aspirational user image for these smokers." (page 12)

| "Rothmans is seen (especially by the young) as younger, fashionable and unisex." | Project Flicker: Qualitative Assessment of Brand Names, Pack Graphics and Filter Bands for a New Menthol Introduction in Nigeria | (Rodnight, 1991) | Distal: self-image | ATL |
| "A Menthol brand: often tried at the start/early on in a person's smoking career. Menthol brands are perceived as milder and easier to smoke than standard cigarettes." | The Cigarette Market in Nigeria | (Market Behaviour Limited, 1991b) | Distal: self-image | ATL |
| "It's trying to tell us that, if you take a Benson, it sort of sparkles you, makes you feel yourself." (Benson young smoker, Lagos - Nigeria) | Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE | (Market Behaviour Limited, 1992) | Proximal: self-efficacy | N/A |
| "A man is opening the door for him and another is saluting him, which means they are giving the symbol of cigarette respect and the cigarette is associated with class." (Rothmans young smoker, Lagos - Nigeria) | Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE | (Market Behaviour Limited, 1992) | Distal: self-image | ATL |
| "Benson is a harder cigarette than Rothman, so if it will be reduced a little bit lighter than Rothman, slightly, slightly mild than that of Rothman, then it will be alright. Then the younger ones, if they happen to try it, they will go for it." | Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE | (Market Behaviour Limited, 1992) | Proximal: self-efficacy | N/A |
"Building a new image for an existing brand:

Research studies commissioned in 1983 had the following key findings:

a) The brand had an old smokers profile and was perceived as old fashioned.
b) "All red pack had a connotation of danger"
   - Product quality was very poor
   - International advertising was not understood by the target consumer group as the brand was seen to be local.
   - The name John Player was seen as being a valuable attribute.
   - John Player National Disco Championship which was aimed at YAUS was organized for three years consecutively (1984-86).
   Subsequently, ATP rated Lawn Tennis tournament was organized in 1987 'John Player Clay Court Classic'" (page 4)

"A high quality international brand for the aspiring young and mature smoker who loves leisure. The brand offers rich, full smooth taste."

"The St. Moritz smoker was always spontaneously cited to be young men variously described as 15+, teenagers, youths or beginners. St. Moritz subsequently has something of an image of being a brand for young and inexperienced smokers."

"The main thing now, at least, is for a young person, into having a fine car, a good job and things like that, so to also go with it. You need a packet of Benson"

<table>
<thead>
<tr>
<th>Brand</th>
<th>Market</th>
<th>Research Study</th>
<th>Marketing Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>seeking</td>
</tr>
<tr>
<td></td>
<td>Advertising Development</td>
<td></td>
<td>ATL</td>
</tr>
</tbody>
</table>

59
The above quotes were then analysed using NVivo by grouping them into specific

<table>
<thead>
<tr>
<th>(Benson &amp; Hedges smoker, Lagos)</th>
<th>Research - Nigeria</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;However, as soon as smokers become seasoned in the habit, they are able to choose their own regular brand. It was therefore not surprising that most of the participants in all the study locations claimed to have switched to their current brand from a different brand. The switching was therefore necessitated by the need to satisfy their own acquired taste.&quot;</td>
<td>Project School of Cool (Qualitative): RMS Job No: 1622 (Research &amp; Marketing Services Limited, 1997)</td>
</tr>
</tbody>
</table>

| "Addiction was a design criterion of the modern cigarette, achieved through i. manipulation of nicotine levels via technology and blend selection; ii. increasing nicotine in the gas phase and/or free nicotine; iii decreasing particle size through combustion chemistry; iv. increased inhalability through tobacco processing; v. specification of flavors, additives, and smoke chemistry to promote easy inhalability and thus rapid nicotine absorption; vi. development of high-porosity paper, low-pressure drop filtration, rapid burning tobacco, and other characteristics to facilitate rapid and repeated product use; and vii. marketing, advertising, promotion, and packaging to initiate and sustain addictive use patterns in youth and adults." | Written Statement Of Claimant's Witness Pursuant To Order 3 Rule 2(1)(c) Of The High Court Of Lagos State (Civil Procedure) Rules 2004 (William, 2008) | Ultimate: susceptibility to nicotine | N/A |
themes related to biological/personality factors and level of construct (Table 4-2). At the Ultimate level, “sensation seeking” by youth appears to have been a major theme. This relates to the tendency for youth (notably males) to be particularly attracted to behaviours that involve risk taking. There is evidence from diverse settings that this quest for excitement and adventure among youth is a strong explanatory factor for them becoming new smokers (Pollay, 2000; US Surgeon General, 2012). A desire on the part of youth to try new experiences, deemed exciting and risky, can be used by industry to make the initiation of smoking for the first time more attractive. The quotes in Table 4-3 suggest industry often used the theme of “sensation seeking” to appeal to youth.

At the distal level of influence, self-image was found to be the dominant theme. There is evidence that low self-esteem can be a key driver of smoking initiation among youth (Leatherdale et al., 2006; Lorillard Tobacco, 2013; McCool et al., 2014). This is achieved by associating tobacco use with aspirational messages. The TIDs reviewed suggest that the industry in Nigeria projected positive images of smokers as successful people, such as wealthy business executives and successful athletes, to achieve this. As one BAT document on a Benson & Hedges campaign stated, “The main thing now, at least, is for a young person, into having a fine car, a good job and things like that, so to also go with it you need a packet of Benson”. (Market Trends Limited, 1993b) In another document, the campaign is described as follows: “It’s trying to tell us that, if you take a Benson, it sort of sparkles you, makes you feel yourself.” (Market Behaviour Limited, 1992) The major communication tool identified in this stream was above the line (ATL) advertising with about 14 out of 20 quotes portraying this form of advertising, while only 3 quotes portrayed below the line (BTL) advertising.
The dominant theme related to the proximal level was self-efficacy defined as confidence in one's own ability to achieve intended results. The TIDs reviewed suggest that the industry sought to make smoking more attractive to new users by addressing perceptions that smoking behaviour is difficult or problematic. One major challenge, for instance, is the harsh effect of cigarette smoke on the throat of new smokers. The industry thus targeted new smokers in Nigeria with menthol-flavoured cigarettes, such as St. Moritz, to reduce that effect (Euromonitor International, 2016b; Nwhator & Nwhatora, 2012), enhancing the confidence of new smokers in using their product, and increasing the likelihood of continued smoking behaviour:

*The St. Moritz smoker was always spontaneously cited to be young men variously described as 15+, teenagers, youths or beginners. St. Moritz subsequently has something of an image of being a brand for young and inexperienced smokers.*

(Market Trends Limited, 1993c)

*The most noticeable now is the flavoured cigarettes that we now have. Once you pick a stick of cigarette. You just want to keep having more. It is naturally enticing to adults, talk less of kids. A youth might pick up the banana flavour and want to experiment. The industry is being very creative in coming up with these ideas.*

(Philip Jakpor, tobacco control activist, May 6, 2016)

Another quote that deals with self-efficacy relates to a desire by new smokers to decide their own brand choice:

*However, as soon as smokers become seasoned in the habit, they are able to choose their own regular brand. It was therefore not surprising that most of the participants in all the study locations claimed to have switched to their current brand from a different brand. The switching was therefore necessitated by the need to satisfy their own acquired taste.*

(Research & Marketing Services Limited, 1997)

A more direct effort to influence the biology/personality stream, described in the TIDs reviewed, involved industry efforts to manipulate the nicotine content in cigarettes to optimise their addictiveness (See eighth quote in Table 4-3). Existing evidence
suggests that youth are physiologically more susceptible to nicotine addiction, and more likely to become long-term tobacco users, once addiction is established (Bell & Keane, 2012; Dada et al., 2016; Palazzo & Richter, 2011; US Surgeon General, 2012). Other studies on nicotine addiction show increased tobacco use, by volume and length of time, among people who initiated smoking at a younger age. Research also found quitting behaviour more difficult, given stronger withdrawal symptoms, when initiation is at an earlier age (Christensen et al., 2014; Schramm-sapyta et al., 2011).

Table 4-2: Dominant themes in biology/personality stream

<table>
<thead>
<tr>
<th>Construct/theme</th>
<th>Ultimate</th>
<th>Distal</th>
<th>Proximal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self-image</td>
<td>-</td>
<td>11</td>
<td>-</td>
</tr>
<tr>
<td>Self-efficacy</td>
<td>-</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>External Locus of Control</td>
<td>1</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Sensation seeking</td>
<td>3</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Susceptibility to nicotine</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Despite the above evidence, suggesting industry strategies and activities targeting youth were related to the biology/personality stream, Table 4.3 provides examples of industry efforts to deny its ability to influence youth. For example, the industry denied that youth could be susceptible to tobacco advertising. In a public statement on World No Tobacco Day 1990, INFOTAB claimed that youth control their ability to smoke or not, and are not susceptible to the influence of advertising. Another quote claims that "Advertising lacks the power [bold emphasis added] to make people (children or adults) buy products that they do not want; tobacco advertising is no different" (INFOTAB, 1990). In direct contrast to these public statements, however, documents intended for internal audiences suggest the industry was aware of how marketing can lead to smoking.
initiation:

**[Advertising can also invite trial]** (bold emphasis added) (Marlboro, BHKS and Rothmans were mentioned by respondents in this context), although not so readily when a brand is new and lacks credentials (e.g. Excel). Smokers generally feel more comfortable with a known and respected name with endorsement from other smokers. "It is not easy to go for a new product, not unless you have been told how the taste is, if someone persuades you.' (Younger, Current BHKS, Lagos) (Market Behaviour Limited, 1991)

Overall, the documents reviewed suggest that several industry strategies and activities targeting youth in Nigeria were related to the biological/personality stream in the theory of triadic influence.

**Table 4-3: Industry self-defence (Biological/ Personality Stream)**

<table>
<thead>
<tr>
<th>Quotation</th>
<th>Document Title</th>
<th>Author/Year</th>
<th>Type of Marketing</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Advertising lacks the power to make people (children or adults) buy products that they do not want; tobacco advertising is no different.&quot;</td>
<td>WHO World No-Tobacco Day, 31 May 1990 (900531) Growing Up Without Tobacco. The Industry Response</td>
<td>(INFOTAB, 1990)</td>
<td>ATL</td>
</tr>
<tr>
<td>&quot;Although children may recall advertisements for many products, these recollections do not necessarily influence them to want to purchase these products.&quot;</td>
<td>WHO World No-Tobacco Day, 31 May 1990 (900531) Growing Up Without Tobacco. The Industry Response</td>
<td>(INFOTAB, 1990)</td>
<td>ATL</td>
</tr>
<tr>
<td>&quot;Cigarette smoking is not addictive and cannot be equated to hard drug use. Many millions of smokers have been able to quit smoking.&quot;</td>
<td>WHO World No-Tobacco Day, 31 May 1990 (900531) Growing Up</td>
<td>(INFOTAB, 1990)</td>
<td>ATL</td>
</tr>
</tbody>
</table>
4.4 Industry target youth related to the cultural/ environment stream

The cultural/environment stream concerns the role of social institutions, government and school level policies in shaping societal norms concerning tobacco use, and an individual’s beliefs and evaluation of the costs and benefits of tobacco use (Flay, Petraitis and Hu, 1999). As presented in Tables 4-4 and 4-6, the cultural/environment stream appears to have been the most relevant stream in the theory of triadic influence characterising industry targeting of youth in Nigeria. Table 4-4 presents quotes which suggest several industry activities targeting youth in Nigeria related to the cultural/ environment stream.

Table 4-4: Tobacco industry strategies related to the cultural/environmental stream

<table>
<thead>
<tr>
<th>Quotation</th>
<th>Document Title</th>
<th>Author/Year</th>
<th>Construct</th>
<th>Type of Marketing</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Experience also suggests that products will be less culture-bound if they are used by young people whose cultural norms are not ingrained, people who travel in different countries, and ego-driven consumers who can be appealed to through myths and fantasies shared across cultures.”</td>
<td>Letter from JA Eckmann enclosing report on marketing conference</td>
<td>(Eckmann, n.d.)</td>
<td>Distal: tolerance of deviance</td>
<td>BTL</td>
</tr>
<tr>
<td>“7) Focus sampling and promotional activities at YAUS.”</td>
<td>A Case for Marketing Assistance from</td>
<td>(Unknown, n.d.)</td>
<td>Ultimate: cigarette availability</td>
<td>BTL</td>
</tr>
</tbody>
</table>
"The objective of POKER is to gauge consumer interest in products with modified mainstream and/or sidestream aromas. A preliminary study has taken place involving a wide array of different flavour types and levels. This has demonstrated a potential interest in lightly flavoured products for specific market segments. Preferences were shown by young female smokers for certain fruity, spicy and minty characters."

(BATUK R&D Centre Applied Research & Development: Status Review Notes)

In general the JPS packs are seen as attractive and having the character of a cigarette for younger smokers who are individualistic with a discerning and refined taste (because the colours and design are not gaudy and the name is not well known).

(Market Analysis)

It is essential to recognise that the young adult music platform of the B&H label is exactly the type of image enhancement that we need in Nigeria. The potential for music sponsorship activities such as concerts, campus and disco promotions by the TMD B&H label are available to us even when cigarette advertising and promotion are further restricted.

(Nigeria TMD)

"(Speaking of Benson and Hedges Special Filter) The..."
pack is seen as being attractive, mainly due to its gold colour and the crest. It appeals to younger smokers than 55 but is still not thought of as a cigarette for the early 20s group."

"BHSFs strongest franchise is amongst 'Indian' types for whom ostentatious consumption i.e. gold is important. This group show strong loyalty although amongst the young Marlboro is also strong. Similarly the black African residents who are usually at the bottom of the social milieu find BHSF a strong offer."

"(Benson and Hedges marketing strategy) Find sponsorship activity (music would be particularly relevant) which is of strong appeal to younger smokers."

"We will launch Chesterfield using the international campaign to give the brand mystique, and positioning it as the “in” brand for our younger, non-conformist, well educated, and escapist target group."

"The second most successful advertisement overall was the 'Music Group' but the advertisement does have considerable problems. Whilst it was well liked by young people, particularly in Lagos, it aroused serious criticism from older smokers, and smokers in Kano. The criticism suggested

<table>
<thead>
<tr>
<th>Pack</th>
<th>Market Analysis</th>
<th>Ultimate: media and advertising depictions of smoking</th>
<th>Distal: hedonic values and short-term gratification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ultimate: media and advertising depictions of smoking</td>
<td>Distal: tolerance of deviance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Distal: hedonic values and short-term gratification</td>
<td>ATL</td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pack</th>
<th>Project Flicker: Nigeria - Qualitative Report</th>
<th>Distal: hedonic values and short-term gratification</th>
</tr>
</thead>
</table>
that the advertisement would encourage undesirable, irresponsible behaviour amongst young people. Links were made with drugs and prostitution. Although such criticism was dismissed by younger people it seems likely that unless great care was taken with the details of the advertisement it would run the risk of antagonising a substantial segment of the smoking population - especially Moslems."

| "They're listening to music, smoking and talking about the brand." | Project Flicker: Nigeria - Qualitative Report | (BAT(UK & Export) Limited, 1990) | Distal: hedonic values and short-term gratification | ATL |
| "They're enjoying themselves, music, drinking and smoking. It's good, looks interesting." | Project Flicker: Nigeria - Qualitative Report | (BAT(UK & Export) Limited, 1990) | Distal: hedonic values and short-term gratification | ATL |
| "BATCo will focus on the current weaknesses among YAUS smokers, urban-area share of the lights segment, and dynamic areas of trade e.g. HORECAs." | Section 2: BATCo's Marketing Objectives & Brand Strategies | (BATCo, n.d.) | Ultimate: cigarette availability | BTL |
| "The Nigerian market is mainly a stick market: • people buy sticks most of the time, because they do not have the money to buy packets... • street hawkers, who generally have very small stocks, encourage/insist on stick purchase." | The Cigarette Market in Nigeria | (Market Behaviour Limited, 1991b) | Proximal: expected costs and benefits of smoking | BTL |
| "I feel it has to do with the clamp on advertisement on TV, radio. So Benson and Hedges, you don't see any packet of cigarettes, just 'Benson and Hedges' and the musicians - if | The Cigarette Market in Nigeria | (Market Behaviour Limited, 1991b) | Ultimate: media and advertising depictions of smoking | BTL |
music makes you feel fine, why don't you try Benson, putting the two together, a subtle way.  
" (Younger, Current BHKS, Lagos)

<p>| “In the Benson mood. The sun is setting and the sparkle from Benson is lighting the reflection. It is excellent. Romantic” (Rothmans young smoker, Kano - Nigeria) | Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE | (Market Behaviour Limited, 1992) | Ultimate: media and advertising depictions of smoking | ATL |
| &quot;Benson gives you strength. Everyone who takes some exercise can enjoy Benson.&quot; (Benson young smoker, Kano - Nigeria) | Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE | (Market Behaviour Limited, 1992) | Proximal: expected costs and benefits of smoking | ATL |
| “Silk Cut is sometimes also included because it is recognized as a quality cigarette, although considerably cheaper (50 kobo as opposed to N1 per stick). It is generally seen as a milder version of RKS, of particular interest to younger smokers (mildness and low price)...” | Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE | (Market Behaviour Limited, 1992) | Proximal: expected costs and benefits of smoking | N/A |
| “Overall brand smokers saw the introduction of such a revised pack as beneficial to the brand, because they believed that it would appeal to Rothmans users - young smokers would be attracted by the new style pack, older smokers by expected improvements in the product.” | Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE | (Market Behaviour Limited, 1992) | Ultimate: media and advertising depictions of smoking | ATL |
| “There is one advert of Benson that I like best. It shows a white man's hand has offered a packet of Benson to a rich | Strategic Development of Benson and Hedges Pack | (Market Behaviour Limited, 1992) | Ultimate: media and advertising depictions of | ATL |
| Black man’s hand and he wears a gold ring. It shows a kind of relationship, it’s nice to see the combination.” (Rothmans young smoker, Kano - Nigeria) | Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE | Proximal: expected costs and benefits of smoking | ATL |
| Discover Gold’. Gold is something everybody wants to own - that is their marketing strategy.” (Rothmans young smoker, Lagos - Nigeria) | Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE | Proximal: expected costs and benefits of smoking | ATL |
| “It’s telling us gold and Benson are the same thing.” (Benson young smoker, Lagos - Nigeria) | Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE | Proximal: expected costs and benefits of smoking | ATL |
| “B&amp;HSF RKS Older Younger Mature Fashionable Macho Unisex” | Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE | Ultimate: media and advertising depictions of smoking | ATL |
| “Definitely the younger generation would go for this pack, because they would believe it was a new innovation and they’re the ones that copy new trends.” | Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE | Ultimate: media and advertising depictions of smoking | ATL |
| “The shining could be the entrance and the entrance symbolises Benson and if you are coming in, you should accompany yourself with a packet of Benson... it’s a Western place - Italy, London, | Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE | Ultimate: media and advertising depictions of smoking | ATL |</p>
<table>
<thead>
<tr>
<th>America, Paris, it could be anywhere.&quot; (Rothmans young smoker, Lagos - Nigeria)</th>
<th>UAE</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;These people are enjoying themselves - partytime, or a nightclub. Enjoying yourself and smoking Benson goes together.&quot; (Benson young smoker, Kano - Nigeria)</td>
<td>Strategic Development of Benson and Hedges Pack and Advertising Research in Nigeria and UAE (Market Behaviour Limited, 1992)</td>
</tr>
<tr>
<td>&quot;Benson &amp; Hedges Menthol in a good position to attract new young smokers dissatisfied with strong regular brands who perceive they only have choice of St Moritz in menthol category (Consulate — too expensive, Heritage — unavailable, Sweet Menthol, Green Spot — undesirable)&quot;</td>
<td>Benson &amp; Hedges Menthol - Concept Test: Presentation of Findings (British-American Tobacco Company Limited, 1993)</td>
</tr>
<tr>
<td>&quot;For these same reasons the Bar Code pack was cast as serious because &quot;it is the original [i.e. authentic] Benson &amp; Hedges&quot;, and is unusual. It was also considered serious as it was perceived to be foreign... Conversely, some felt the Bar Coded pack was the more fun loving of the two because it was the more prestigious and impressive of the two packs, which could be used to impress others at parties and at special occasions (hence the fun loving associations). In the same light, some considered it would appeal to young smokers who &quot;will want to be seen with it&quot; - this association with youth also gave the pack a fun loving aspect.&quot;</td>
<td>Bar Code and Voluntary Health Warning: Packaging Survey (Market Trends Limited, 1993a)</td>
</tr>
</tbody>
</table>

"On a more positive note, it
could be construed that the advertisement might succeed in attracting the younger smoker, **students in particular**, being pin-pointed as possibly being attracted by the American basketball scene, although again the image connotations were not altogether good and certainly were not those that the current Benson & Hedges smoker would wish to be associated with."

"The guys that will believe in these are 'rapping people', within the age of **15 to 21** - anything that's America has influence on them - you see they ran about, they want to see basketball. Michael Jordan and things like that" (Benson & Hedges smoker, Lagos)

"It will appeal to people that are young people that like music like these and musicians who have music culture" (Rothmans smoker, Kano)

"The obvious corollary was that Benson & Hedges, as presented in this execution, was expected to appeal either to musicians, music-lovers or entertainers or to Americans. Parallel opinion suggested that it was a brand which would appeal (gratifyingly again!) to young people and party-goers - possibly, though, to the
<table>
<thead>
<tr>
<th>Source</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Unknown, 1994)</td>
<td>Ultimate: cigarette availability, media and advertising depictions of smoking</td>
</tr>
<tr>
<td>BATCo 1996 - 1998 Company Plan</td>
<td>Benson &amp; Hedges is the drive brand in the export markets of Africa and the Caribbean. In these regions increased distribution should be specifically addressed. iv) Adapting the new mix to make the Benson &amp; Hedges brand image younger and more dynamic. Specific attributes for improvement are: 'Contemporary', High Quality, 'Golden Mellow Taste', 'International'. v) By using Lights against a younger User profile through targeted Consumer and Trade Marketing.</td>
</tr>
<tr>
<td>(BATco, 1995)</td>
<td>Ultimate: cigarette availability, media and advertising depictions of smoking</td>
</tr>
<tr>
<td>Lucky Strike Plan: Nigeria</td>
<td>* Increase distribution of all relevant brand variants in key export markets (particularly in Africa, the Caribbean and South-East Asia). * Adapt the communications mix to make the brand image younger and more dynamic.</td>
</tr>
<tr>
<td>(Nigerian Tobacco Company Plc; Ideh, 1995)</td>
<td>Ultimate: cigarette availability</td>
</tr>
<tr>
<td>UKIBs 1995 Performance Reviews</td>
<td>1995 also saw the continuation of the Golden Tones campaign in the Caribbean (Antigua), Myanmar, and the two biggest ever Golden Tones concerts in Nigeria, with approximately 15,000 young adults enjoying the December evening event through to dawn the following</td>
</tr>
<tr>
<td>(Unknown, 1995)</td>
<td>Distal: hedonic values and short-term gratification</td>
</tr>
</tbody>
</table>

**ATL**

**BTL**
day, coupled with simultaneous "live broadcasts" on two main regional radio stations...Golden Tones continues to drive the improvement in the B&H key image attributes including:- "quality", "contemporaneity", "for younger adult smokers" and "international" in Nigeria and key Golden Tones markets."

### Communications concepts to incentivise consumers to take a 'fresh look' at JPGL are being developed for qualitative research (July)."

"On the back of the success of the School of Cool radio campaign. We now need to focus our communication on key B&H messages. Role 1: To announce the results of the B&H Menthol Challenge (Phase 1), pointing out the product taste blind preference. In blind taste test, x out of 10 smokers prefer the B&H Menthol taste. Role 2: To motivate people to take the B&H Menthol Challenge (Phase 2), coming their way soon at a local Horeca. Come along to your local Horeca on 00.00.96 and take the B&H Menthol Challenge."

### "An up weighted media schedule ran on all mainstream media throughout the quarter, supporting the thematic subjects and the Golden Tones "Mega Music Shakedown" event scheduled in Kano (Northern Nigeria). 45"

### Ultimate: media and advertising depictions of smoking

<table>
<thead>
<tr>
<th>The Brief: School of Cool, Phase II</th>
<th>Ultimate: media and advertising depictions of smoking</th>
<th>BTL</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Ultimate: media and advertising depictions of smoking</th>
<th>Distal: hedonic values and short-term gratification</th>
<th>BTL</th>
</tr>
</thead>
</table>
and 60" TV trailer spots using footage from the Kano concert went on air the last week of June prior to the scheduled Golden Tones TV Show to be broadcast in July. A new Consumer Sampling programme "scratch and win") was initiated, targeting YAUS HORECA in Kano and Kaduna urban areas."

| "A range of new BTL (below the line) items were developed in Q4 such as lenticular poster with light box, cyber sign, water wall and bubble machine. The objective of these new items was to communicate the brand world and values in a more appealing way in YAUS Horecas." | BAT HOLDINGS MONTHLY REPORT FOR DECEMBER 1996 (BAT, 1996) | Ultimate: media and advertising depictions of smoking | BTL |
| - "Communications - BTL: The potential of the HORECA channel for the development of the Benson & Hedges YAUS franchise is being investigated. A range of guidelines are being prepared to meet the needs of the Horeca channel including special brand architecture, consumer interest promotions and other exploitation opportunities. The same will be ready by end of Qtrl/97." | BAT HOLDINGS MONTHLY REPORT FOR DECEMBER 1996 (BAT, 1996) | Ultimate: media and advertising depictions of smoking | BTL |
| - "As part of our Horeca strategy Virtual Reality game was used around the world. Most of the markets took the opportunity of the 555 Day celebrations to launch their Horeca program." | BAT Holdings Monthly Report for June 1996 (BATco, 1996) | Distal: hedonic values and short-term gratification | BTL |
| - "Barclays share amongst 18-24 years old is significantly below the average consumer share. Activities in horeca and BAT Holdings Monthly Report for June 1996 (BATco, 1996) | Ultimate: media and advertising depictions of smoking | BTL |
“younger” executions in targeted magazines should be developed to attract a younger franchise.”

<table>
<thead>
<tr>
<th>Brand Review (British-American Tobacco Company Limited, 1996a)</th>
<th>Distal: hedonic values and short-term gratification</th>
<th>SPONSORSHIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘Loud in Lagos’ the annual Golden Tones show in Nigeria was held with tremendous success. It attracted a record 50,000 enthusiasts. The pre-event publicity encompassed all media and generated a very high level of awareness. 1.5 million people watched the live broadcast on TV and 4.5 million listened to the music on the radio. The Golden Tones Video Wall Truck reached Lagos in November 1996. It was introduced to the media with a big PR campaign and it was publicly launched at the concert. The truck will travel around Nigeria presenting the Benson and Hedges music. The three markets (Nigeria, Papua New Guinea and Dubai) that used a full exploitation package around concerts have increased market share and YAUS market share during 1996 and Golden Tones can be attributed part of this growth.”</td>
<td></td>
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</tr>
</tbody>
</table>

“This outlook clearly indicates that, given the present economic dispensation, smokers are generally stepping-down to relatively cheaper brands. Viewed from another perspective, the bulk of those patronising the brands are the first “trialists” who take the new brand out of curiosity. However, the fact is that this group of trialists will continue

<table>
<thead>
<tr>
<th>General Consumer Survey - Nigeria: RMS Job No 1454</th>
<th>Proximal: expected costs and benefits of smoking</th>
<th>Distal: hedonic values and short-term gratification</th>
</tr>
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<tbody>
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</tbody>
</table>
to patronise the brand if it meets their taste and is affordable."

<table>
<thead>
<tr>
<th>&quot;How can we sub-segment YAUS?&quot;</th>
<th>Consumer Classification Matrix - Yaus Issues</th>
<th>(BAT Industries, 1996)</th>
<th>Ultimate: Career and academic options</th>
<th>BTL</th>
</tr>
</thead>
<tbody>
<tr>
<td>-Sociodemographic eg sex, income or education level</td>
<td></td>
<td></td>
<td>Distal: rebelliousness</td>
<td></td>
</tr>
<tr>
<td>-Psychographic e.g. conformism vs. rebellion</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>&quot;KEY OPPORTUNITY AREAS FOR FUTURE GROWTH...&quot;</th>
<th>John Player Gold Leaf: 1996 Business Review</th>
<th>(Unknown, 1996a)</th>
<th>Ultimate: (i) media and advertising depictions of smoking, (ii) cigarette availability</th>
<th>BTL</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Increase market share / share of YAUS through continued investment and selective targeting of potential uptraders/ YAUS and the implementation of a JPGL specific Horeca strategy.</td>
<td></td>
<td></td>
<td>Distal: hedonic values and short-term gratification</td>
<td></td>
</tr>
<tr>
<td>6. Reinforcement of internationalism and product quality as key differentiators with local brands.</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>7. Increase the breadth and appeal through the launch and support of line extensions to generate fresh trial / inject a younger franchise. Lights to be available in all key user markets.&quot; (page 9)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>&quot;Continued high objective driven BSE to build Brand Equity in order to achieve a superior image versus (increased international) competition and increase awareness and trial levels among YAUS (primary) and 25-34 (secondary).&quot;</th>
<th>Minutes of B&amp;H 1996 Yauser Conference: 3rd-4th October 1996</th>
<th>(Unknown, 1996b)</th>
<th>Ultimate: cigarette availability</th>
<th>BTL</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Development of Stronger YAUS Franchise - B&amp;H to play a key role as the premium full flavour YAUS brand in driving volume for BAT. The target</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

77
consumer is all international and premium local brand smokers 18-24 years, A, B, C. The psychographic profile definition is specific to each market. In current key markets of Nigeria, Australia, New Zealand the share of YAUS is strongly ahead of share of market. However, the opposite is true for Malaysia and South Africa."

|------------------------------------------------------|-----------------|-------------------------------------------------|-----|

"With its key global role to position One new film to be produced for international use which would have more dynamism and action, conveying big brand feel and showing challenge and reward.

- Six new print ads to be shot in 1997 with activities which are stimulating, exciting, involving and more synergistic with the film material.

Radio development, considering its effectiveness in reaching the YAUS consumer. Development of two radio campaigns, one with brand world and a second to drive impact and relevance.

ACTION: IBG (International Brands Group)"

"BTL ACTION: IBG
The objective for BTL is to grow B&H market share in the YAUS segment through:

- Stimulating trial
- Communication with the consumer in the desired environment.
- Through developing relations with the trade.

The deliverables for 1997 will be:
1. Implementation of the Illusion logo in all BTL based on the Illusion guideline Manual which was despatched earlier this year. All markets addressing in their plans.
ACTION: End markets (Point of sale)

"2a. Development of branding guidelines for:
-HORECA (through a project team led by the IBG and involving TMD as well design consultants FITCH, for developing B&H design guidelines for the superior HORECA outlet).
-Consumer merchandise and incentives targeting YAUS.
-Promotional point of sale.
-Grocery and convenience, including "off the shelf promotion for this channel, and the new Kodak 3D depth imaging material.

ACTION: IBG"

"It was agreed that BTL activities would be the key driver in terms of increasing YAUS share through direct consumer contact wherever possible and through presence in the environment which is frequented by early adopter YAUS, i.e. superior quality HORECA.

HORECA led activities and share of HORECA is key to the brand YAUS share. Share of HORECA can become the market share in ten years.
End market Brand Plans to feature HORECA investment and activity plans.

**ACTION:** End markets

"**GOLDEN TONES:**
Originally starting as concerts performed by indigenous artists presented to International standards has now been developed by several markets into diverse activities related to music. The lead has been taken by Nigeria where research has proved the relevance and importance of Golden Tones in driving up the YAUS share. Music has universal YAUS appeal, and Golden Tones activity would be the leading edge provider of music in each market targeted to the YAUS segment. Golden Tones would positively impact on the image attributes of international, contemporary, vital, fun and appealing to me."

|----------------------------------------------------------|------------------|--------------------------------------------------|

"**PACKAGING.**
The objective of making the brand more contemporary and thus appealing to YAUS to be furthered by packaging development. New pack options have been developed which maintain the intrinsic gold, but develop on the other aspects of the pack. These pack options are currently being researched in the U.K. and will be researched shortly in Malaysia, Nigeria and Australia."

|----------------------------------------------------------|------------------|--------------------------------------------------|

"The impact of YAUS on securing long-term growth

<table>
<thead>
<tr>
<th>Strategy Development</th>
<th>(British-American Tobacco Company)</th>
<th>Proximal: expected costs</th>
<th>BTL</th>
</tr>
</thead>
</table>
(cohort analysis indicates that YAUS share is a key driver for subsequent later "older" market share)."

<table>
<thead>
<tr>
<th>&quot;YAUS - There was common agreement that winning in the YAUS segment needs to be a key feature for British-American Tobacco, both in the developed and developing markets, though this was deemed appropriate only as long as this segment remains the trend setter and long-term retention of these smokers is likely&quot;</th>
<th>Strategy Development Group</th>
<th>(British-American Tobacco Company Limited, 1996b)</th>
<th>Ultimate: cigarette availability</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Kent will play a pivotal role in the BAT Global Lights strategy and will focus upon YAUS smokers through continued refreshment of the ATL Mosaic campaign combined with innovative BTL and Horeca activities. TMD support will be maintained, while product innovation through 'freshness' will also be key activities for 1997.&quot;</td>
<td>British-American Tobacco: Company Plan 1997-1999</td>
<td>(Unknown, 1997b)</td>
<td>Ultimate: (i) media and advertising depictions of smoking</td>
</tr>
<tr>
<td>&quot;A range of BTL items/ideas were developed to communicate the brand world and values in a more appealing way in YAUS HORECAS.&quot;</td>
<td>TMB Quarterly Marketing Report: Quarter 1, 1997</td>
<td>(British-American Tobacco Company Limited; Moser, 1997)</td>
<td>BTL</td>
</tr>
<tr>
<td>&quot;The potential of the HORECA channel for the development of the Benson &amp; Hedges YAUS franchise is being investigated.&quot;</td>
<td>TMB Quarterly Marketing Report: Quarter 1, 1997</td>
<td>(British-American Tobacco Company Limited; Moser, 1997)</td>
<td>BTL</td>
</tr>
<tr>
<td>&quot;Project Raver is under development to introduce &quot;collectors pack&quot; targeted at the YAUS, made available in exclusive HORECAS in Australia and New Zealand.&quot;</td>
<td>TMB Quarterly Marketing Report: Quarter 1, 1997</td>
<td>(British-American Tobacco Company Limited; Moser, 1997)</td>
<td>BTL</td>
</tr>
</tbody>
</table>
“Golden Tones has proved to be a key driver of YAUS share. The YAUS share has increased in Nigeria, Australia, New Zealand where music with its strong YAUS appeal has played a significant role in the marketing mix...Nigeria, the lead Golden Tones market, had two successful concerts. The first at Kano and the second at Lagos. The December concert, "Loud in Lagos" attracted 50,000 people and is easily the most successful concert held to date. It was heavily exploited through TV, Radio, Print, Advertising as well as PR, Outdoor and consumer promotion within HORECAs.”

"D. KEY FACTORS DRIVING RESULTS.

1. Increased exploitation and evolution of the international campaign through the line...
2. The further exploitation of music to increase the image appeal of the brand...
3. Launch of the brand in markets of future growth.
4. Increase focus amongst YAUS:
Increasing YAUS share in Australia, Nigeria and New Zealand reflect the strength of the brand. In Australia, Benson & Hedges has become the second largest YAUS brand overtaking Dunhill. In Nigeria the YAUS share of Benson & Hedges has now become equal to Rothmans although the share of market of Rothmans is much higher than

Benson & Hedges: 1996 Business Review

(Unknown, 1997a)

Ultimate:
cigarette availability

Distal:
Hedonic values and short term gratification

BTL

Ultimate:
(i) media and advertising depictions of smoking
(ii) cigarette availability

BTL
"Driving growth in the Company's key international brands, particularly those in the premium and high-price segments with YAUS appeal."

| British-American Tobacco: Company Plan 1997-1999 | (Unknown, 1997b) | Ultimate: (i) cigarette availability (ii) expected costs and benefits of smoking | BTL |

"In both instances, the key will be to focus upon the YAUS smokers in these segments which are the source of longer-term share growth. Both male and female smokers are critical although the latter have a relevance greater than the overall smoker share. Within these key segments, International Brands will be the focal point for investment in end markets...Although YAUS will be the target for all International Brands, Lucky Strike, Kent and Benson & Hedges will be the three YAUS drive brands."

| British-American Tobacco: Company Plan 1997-1999 | (Unknown, 1997b) | Ultimate: (i) cigarette availability (ii) expected costs and benefits of smoking | BTL |

"A YAUS project is underway to gain a better understanding of YAUS needs and to give BAT a greater insight into how best to communicate more effectively with this key smoker group. Further work will be undertaken during 1997."


"The success of Golden Tones can be attributed to several factors:
1. Golden Tones reinforces and enhances key areas of the B&H brand personality beyond traditional advertising alone.
2. Golden Tones provides a platform via which the consumer can experience the brand"

| Marketing | (Unknown, 1997c) | Ultimate: media and advertising depictions of smoking Proximal: hedonic values and short-term gratification | BTL |
3. Music has YAUS appeal...Anne Njau-Mambo details a Golden Tones case study below, based on the Loud in Lagos concert held on 14 December, 1996. The study demonstrates the impact that Golden Tones has had on the consumer, the contribution it has made to: "top of mind" brand awareness; positive brand image shifts; growth of YAUS share and its effect on overall volume growth."

<table>
<thead>
<tr>
<th>Marketing</th>
<th>Ultimate:</th>
<th>BTL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live concerts</td>
<td>media and advertising depictions of smoking</td>
<td>Ultimate:</td>
</tr>
<tr>
<td>Horeca activity</td>
<td>Proximal: hedonic values and short-term gratification</td>
<td>BTL</td>
</tr>
<tr>
<td>Broadcast sponsorship of a TV or radio programme</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golden Tones News</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golden Tones Roadshow</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
More than 55 events have now been staged worldwide, in South Africa, Myanmar, Malaysia (Light Tones Tour) and The Caribbean."

| "- assess the relevance or otherwise of using the music platform in advertising Benson & Hedges and determine the possible future direction using the music platform (e.g. local artist vs foreign artist) | Project School of Cool (Qualitative): RMS Job No: 1622 | Ultimate: media and advertising depictions of smoking |
| - assess the `School of Cool' platform vis-a-vis the `Golden World' of Benson & Hedges campaign paying particular attention to: | (Research & Marketing Services Limited, 1997) | Distal: hedonic values and short-term gratification |
| - voice over (tone of voice: English or American) - appeal -relevance -clarity -scenario/setting which communicates the core brand positioning attributes of premium quality, contemporary and international | - explore new platform to advertise the brand assess attitude of YAUS towards other radio communications of Benson & Hedges and its impact on brand image attributes of international, contemporary, premium quality, reward and ambition. | BTL |
| -determine whether the campaign has overt `school' connotation which would give a perception of targeting to people under 18." | -smokers of the brand are always full of pride when they come in contact with the advert Project School of Cool (Qualitative): | Ultimate: media and advertising |
| | (Research & Marketing Services Limited, 1997) | ATL |
for Benson & Hedges as the adverts are considered high quality and of international standard."

"Music is definitely an appropriate platform for advertising cigarette as it also relaxes and gives pleasure, benefits which smokers derive from smoking. A combination of local and foreign artiste is considered ideal for this platform."

"The Aspen advert which shows the graduation ceremony was also highly positively perceived by the smokers. Being YAUS, majority of the participants were either undergraduates or recent graduates, hence they were able to identify with the theme used in the advert. In fact, some claimed one would be induced to buy the brand, since that might mean that one would also be a graduate. The advert was also perceived as being targeted to young people."

"Many of the respondents argued that just like music eases stress and gives pleasure, smokers derive similar benefits from smoking cigarettes. Hence, they were of the opinion that Benson & Hedges is right on target with the music platform. Another reason proffered by the smokers interviewed in support of the music platform is that, music appeals greatly to youths, hence any product depictions of smoking

<table>
<thead>
<tr>
<th>Event</th>
<th>RMS Job No: 1622</th>
<th>1997</th>
<th>depictions of smoking</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Music is definitely an appropriate platform for advertising cigarette as it also relaxes and gives pleasure, benefits which smokers derive from smoking. A combination of local and foreign artiste is considered ideal for this platform.&quot;</td>
<td>Project School of Cool (Qualitative): RMS Job No: 1622</td>
<td>(Research &amp; Marketing Services Limited, 1997)</td>
<td>Ultimate: media and advertising depictions of smoking</td>
</tr>
<tr>
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<td>(Research &amp; Marketing Services Limited, 1997)</td>
<td>Ultimate: media and advertising depictions of smoking</td>
</tr>
<tr>
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<td>Project School of Cool (Qualitative): RMS Job No: 1622</td>
<td>(Research &amp; Marketing Services Limited, 1997)</td>
<td>Ultimate: media and advertising depictions of smoking</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Proximal: expected costs and benefits of smoking</td>
</tr>
</tbody>
</table>
being targeted to this category of consumers would be better received by young people, if it is advertised using music platform."

"In support of B&H's premium positioning, end markets will focus activity upon building and reinforcing its YAUS franchise using HORECA programmes and targeted BTL activities. Further research will be undertaken to optimise the packaging design and variant range, and there will be further development of the ATL and BTL mix"

<table>
<thead>
<tr>
<th>Source</th>
<th>Distal: hedonic values and short-term gratification</th>
</tr>
</thead>
</table>

The quotes in Table 4-4 were analysed thematically and by level of influence. At the ultimate level of influence, one major theme is the extensive use of marketing and advertising to portray smoking in culturally appealing ways. A total of 36 quotes out of 72 related to this theme. The use of gold imagery to boost the status of the Benson and Hedges brand appeared in several quotes. Culturally, gold symbolises wealth and status in Nigeria particularly in the southwest. (Decorse, 1992; Nigerian Bulletin, 2016a) Gold is not just highly priced, but it is also used on special occasions such as weddings, coronations, and other big society events (Nigerian Bulletin, 2016b). The use of foreign imagery reflects the desire of young Nigerians to embrace the western, especially American culture. (Patel, Okechukwu, Collin, & Hughes, 2009) Foreign brands have a greater market than local ones for most products in Nigeria due to poor operating environment for local industries making their foreign competitors better able to sell high quality products at a cheaper price. There is a general pessimism of Made-in-Nigeria
goods thus making international imagery a more marketable tool for communication of a brand (Obot, 2000; Okechuku & Onyemah, 1999)

As described in Section 3.2, evidence shows that the industry broadly shifted from ATL to BTL forms of marketing, advertising and sponsorship as countries adopted stronger tobacco control measures under the FCTC. This includes activities targeting youth (Alpert et al., 2008; Benoit & Harthcock, 1999; Nagler & Viswanath, 2013; Pollay, 2000). An analysis of ATL and BTL activities in Table 4-4 shows that 41 of the quotes portrayed BTL advertising styles while 27 portrayed ATL advertising. 3 of the quotes showed both forms of advertising while one quote could not be classified as neither ATL nor BTL. Where permitted, ATL activities have still played a significant role in promoting smoking behaviour among youth (Borzekowski & Cohen, 2013). The findings suggest that the industry followed a similar pattern in Nigeria, engaging in ATL activities during the 1990s amid weak and poorly enforced tobacco control measures.

Table 4-5: Dominant themes in cultural/environment stream

<table>
<thead>
<tr>
<th>Construct/theme</th>
<th>Ultimate</th>
<th>Distal</th>
<th>Proximal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cigarette availability</td>
<td>13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Media and advertising depictions of smoking</td>
<td>36</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hedonic values and short term gratification</td>
<td>-</td>
<td>18</td>
<td>-</td>
</tr>
<tr>
<td>Tolerance of deviance</td>
<td>-</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Expected costs and benefits of smoking</td>
<td>-</td>
<td>-</td>
<td>16</td>
</tr>
</tbody>
</table>

A second theme related to the ultimate level of influence, in the cultural/environment stream, is the enhancing of product availability in locations deemed culturally appropriate or particularly accessible to youth. Documents describe how BAT has sought to improve access to their brands by youth, whom they refer to as offering “key opportunity
areas for future growth” (Unknown, 1996a), by making them available in shops near schools, hotels, restaurants, and event centres. BAT not only prioritised these sales outlets, but also focused on specific areas of Nigeria with large youth population notably urban areas and southern Nigeria:

7) Focus sampling and promotional activities at YAUS.
8) Focus marketing support for the menthol version in the South, traditional market for menthol cigarette.
9) Rapidly establish consumer patronage for JPGL Menthol.” (Unknown, n.d.-a)

The Lucky Strike brand was even “restricted to outlets patronised by YAUS” (Unknown, 1996b). This activity appears to continue to the present day, as described in more recent research on Nigeria which found tobacco companies selling their products near schools and areas where young people are likely to be (Henriksen et al., 2004; Agaku et al., 2014).

It should be noted here that colleges and universities have been a particularly important venue for tobacco companies to engage in activities targeting youth in Nigeria. Students in Nigeria finish secondary school at 15 years old and then enter university at 16 years old (University of Nigeria Nsukka, 2017). This comparatively young age for university entry provides an opportunity for the tobacco industry to target youth from 16 years old through activities that appear to target older youth (19 years and above).

At the distal level of influence in the cultural/environment stream, documents suggest hedonistic values and short-term gratification was a major theme. Documents show that music events were an important strategy for attracting youth to events that were either sponsored by BAT, or where smoking behaviours were promoted. BAT used Golden Tones concerts during the 1990s to promote the Benson & Hedges brand among youth in countries worldwide including almost every major city in Nigeria. Music events were seen as having “strong appeal to younger smokers” (BATUKE, Bottome,
1991), were they could be “listening to music, smoking and talking about the brand” (BATUKE, 1990). In 1995 BAT reported that “two [of the] biggest ever Golden Tones concerts in Nigeria, with approximately 15,000 young adults enjoying the December evening event through to dawn the following day, coupled with simultaneous ‘live broadcasts’ on two main regional radio stations...Golden Tones continues to drive the improvement in the B&H key image attributes...for younger adult smokers” (Unknown, 1995). Importantly, although BAT described the events as intended for “young adults”, documents do not describe age restrictions for admission to the events. Events were also transmitted live on radio, making them accessible to people of all ages. Although, BAT claims to target only smokers/ potential smokers of legal age, their methods have capacity to influence youth below the legal smoking age thus faulting their capacity to enforce age restrictions in marketing media (Patel et al., 2009).

The second dominant theme at the distal level was *tolerance of deviance* or rebelliousness. Previous research shows that the industry previously exploited the youthful desire for greater independence, leading to testing boundaries, challenging rules, and even engagement in substance use associated with adult behaviours (Leatherdale et al., 2006; US Surgeon General, 2012; Yang et al., 2013). PM, for example, positioned the *Chesterfield* brand in ways that appeal to “younger, non-conformist, well educated, and escapist target group” (PM-EEMA, 1989).

*Experience also suggests that products will be less culture-bound if they are used by young people whose cultural norms are not ingrained, people who travel in different countries, and ego-driven consumers who can be appealed to through myths and fantasies shared across cultures.* (Eckmann, n.d.)

At the proximal level of influence, a major theme was affordability of smoking. For
youth, previous research has shown that price level is a major incentive or disincentive for uptake of smoking habits, and that demand by youth is more price elastic than for other age groups (Egbe et al., 2014; Gilmore, Fooks, Rey Drope, et al., 2015; Stuckler et al., 2012). For youth, affordability of a brand plays a relatively more important role. The documents suggest the tobacco industry has been aware of this factor, and have developed a brand “within their purchasing power” to increase demand (Chandos, 1976).

A key informant reaffirms this point in the quote below:

*The argument is that if I am to spend N200 to buy a pack of cigarette and the tax is introduced in, like N1000, I will require an extra N1000 (about CAD$4, emphasis added) to buy a pack of cigarettes, so the man who wants to buy a pack for 1200, when he thinks of what he can do with that amount, he will not decide to buy that.*

*(Philip Jakpor, May 6, 2016)*

One problem we have in Nigeria is that tobacco products are very cheap. Cigarettes particularly are very cheap because the taxes on them are low. Nigeria has the lowest in the ECOWAS (Economic Community of West African States) sub-region. Also, to make it worse, cigarettes are sold in single sticks in Nigeria. With just a little bit of money like 5 naira (less than 2 Canadian cents, emphasis added) you can pick a stick of cigarette and smoke.

*(Tobacco control activist with TFK, November 21, 2016)*

As restrictions on tobacco marketing and advertising were introduced in Nigeria, the documents reviewed describe how the industry developed product features, notably packaging, menthol and lights, to target the youth market. Menthol cigarettes were preferred by many new smokers because it can soothe throat irritation. Youth smoking is also still highly stigmatized in Nigeria, and many find the odour of cigarettes offensive. Menthol cigarettes thus provide an opportunity for smokers to continue their habit in a more socially acceptable way. This finding confirms research on the use of menthol to target the African American market (Bach, 2017).

The above findings challenge claims by the industry that advertising has no impact
on youth as shown in Table 4-4. Like the biology/personality stream, the industry has rejected the claim that advertising leads to increased smoking prevalence. Indeed, the industry has argued that advertising bans lead to higher smoking rates. The table below summarizes the industry’s public comments as related to the cultural/environment stream.

**Table 4-6: Industry self-defence (Cultural/Environment)**

<table>
<thead>
<tr>
<th>Quotation</th>
<th>Document Title</th>
<th>Author/Year</th>
<th>Type of Marketing</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Youth smoking prevention advertising can target young people directly, or support other programmes by targeting retailers, teachers or parents. We are heavily involved in new TV advertising campaigns which will promote powerful images to young teens that they can most definitely be 'cool' without smoking.&quot;</td>
<td>Corporate Responsibility in a Controversial Sector</td>
<td>(British-American Tobacco Company Limited, n.d.)</td>
<td>ATL</td>
</tr>
<tr>
<td>&quot;Studies based on data from Norway, Finland and Sweden have reported that the levels of smoking have actually increased among children, and that per capita consumption among adults has risen even after the introduction of advertising bans and restrictions in those countries.&quot;</td>
<td>WHO World No-Tobacco Day, 31 May 1990 (900531) Growing Up Without Tobacco. The Industry Response:</td>
<td>(INFOTAB, 1990)</td>
<td>ATL</td>
</tr>
<tr>
<td>&quot;The WHO has itself reported no systematic differences in the smoking habits of children in countries with an advertising ban and countries without an advertising ban.&quot;</td>
<td>WHO World No-Tobacco Day, 31 May 1990 (900531) Growing Up Without Tobacco. The Industry Response:</td>
<td>(INFOTAB, 1990)</td>
<td>ATL</td>
</tr>
<tr>
<td>&quot;The tobacco industry does not advertise and promote products to children. The industry regards smoking as an adult pursuit and aims its advertising at adult</td>
<td>WHO World No-Tobacco Day, 31 May 1990 (900531) Growing Up Without Tobacco. The Industry Response:</td>
<td>(INFOTAB, 1990)</td>
<td>ATL</td>
</tr>
</tbody>
</table>
"In many countries, the contents of tobacco advertisements, the media used and the advertising expenditure are strictly controlled, either by regulation or negotiated agreement. Additionally, there are often legal and other measures at the point of sale to safeguard children from purchasing cigarettes."

WHO World No-Tobacco Day, 31 May 1990 (900531)
Growing Up Without Tobacco. The Industry Response:

"Cigarette advertising is directed at adult smokers, reflected in the fact that advertisements use adult models (where allowed) and appear in adult-directed media."

WHO World No-Tobacco Day, 31 May 1990 (900531)
Growing Up Without Tobacco. The Industry Response:

"Philip Morris international, BAT, Japan Tobacco and "several other manufacturers" are reportedly "discussing globally consistent standards" for advertising and marketing their products, including not targeting young people and avoiding using models under age 25 for their advertising. The proposed restrictions also include a ban on ads in publications with less than 75% of the readers at age 18 or over. Critics called the plans attempts to "forestall serious regulation" and convince governments that further restrictions are necessary".

WA_20010815.PDF
(Unknown, 2001)

4.5 Industry targeting of youth related to the social stream

The social stream concerns social support systems of the adolescent smoker, emotional attachments to important others (parents, siblings, friends), perceptions about normative nature of smoking and pressures to smoke from important others. The documents reviewed suggest that the social stream was not a major focus of industry strategies and
activities in Nigeria to target youth. A total of 11 quotes were found to be related to this category. However, these quotes covered the largest number of themes (6). As discussed in Section 1.5, available evidence suggests that smoking prevalence among youth in Nigeria has so far remained relatively low compared to other emerging markets. This appears to be due, in part, to “the social stigma attached to smoking” including among youth (Euromonitor, 2016a).

Table 4-7 presents the results of an Nvivo analysis of the dominant themes in the social stream-related quotes. At three levels of influence, the ultimate level had one major theme, lack of parental warmth, support or supervision. The quote below exemplifies this:

*Again linked to the overall lightness and mildness of the smoking offer, menthol cigarettes were commended for having very little or no odour. Consequently they do not leave a lingering smell on the body or on clothes which can later be detected by peers or family members (particularly important to younger smokers who know their parents would disapprove of their smoking and who prefer not to upset them by letting them know)” (Market Trends Limited, 1993c)*

Previous studies have shown that youth are more likely to smoking if they are able to conceal their habit from their parents. A number of factors could contribute to this including, but not limited to, distrust in parents, lack of parental warmth and love, lack of motivation or encouragement from parents. (Egbe, 2013b; Egbe et al., 2014; Francis, et al., 2007) The tobacco industry strengthens the underage smokers’ ability to hide their habit from their parents by providing them with menthol or flavoured cigarettes. Nigeria is a major menthol market (Agaku et al., 2014; Euromonitor International, 2016b; Market Behaviour Limited, 1991a; Nwhator & Nwhator, 2012). Other countries have controlled youth smoking by banning menthol cigarettes (Lorillard Tobacco, 2013; Philip Morris International, 2016). The expansion of the menthol market in Nigeria thus supports a
sustainable increase in underage smokers. Smaller market operators like the International Tobacco Limited Nigeria are taking advantage of the menthol and flavoured cigarettes market to boost their sales due to social unacceptability of smoking (Euromonitor International, 2016b).

At the distal level of influence, three major themes were identified namely, greater influence by peers than parents, smoking specific attitudes and behaviours of role models, strong attachment to and strong desire to please peers. The influence of peers, in strengthening smoking habits, is supported by previous research (Agaku et al., 2012; Bernat et al., 2012; Yang et al., 2013). The tobacco industry has sought to influence teenagers by involving them and their peers in social activities that will keep them away from home:

*Benson & Hedges and YAUS*

> It was agreed that there is a strong need to understand YAUS and that YAUS is not one homogenous mass of 18-24, but the group itself can be differentiated based on understanding of psychographic segmentation...However, the communication mix is to resolve this issue and certain elements of the mix which increase YAUS appeal (like Golden Tones, BTL activity, some films) to be used in YAUS media channels.

*(Unknown, 1996c)*

The above quote suggests the use of BTL marketing activities to engage youth in various activities aimed at enhancing their smoking habits. The use of films indicates the influence of actors and role models in forming behaviours. In the Nigerian film industry, many films contain prolonged smoking scenes and other adult activity with little or no monitoring. Recent studies analyse the use of films and other entertainment media to promote smoking habits in young Nigerians (Egbe et al., 2014; Environmental Rights Action/Friends of the Earth Nigeria, 2015).

The proximal level of the social stream of influence has two major themes in this
research, namely, beliefs that important others (friends, parents and other role models) encourage smoking, and motivation to comply with other smokers. The quote below exemplifies this.

*Networking/Bonding: Smoking creates a bond between people and, whatever brand a person smokes, other smokers are seen as fellow smokers who share the same culture. There is strong fellow feeling amongst smokers and those who have feel obliged to give to those who have not. Demanding cigarettes from fellow smokers is commonplace and most smokers are familiar with the role of both giver and receiver. Refusal is very rare and would be taken very badly...Being in a position to offer cigarettes gives the individual a certain kudos - he is seen as a 'big man', and sharing one's cigarettes is seen as an expression of friendship.*
(Market Behaviour Limited, 1991)

This quote demonstrates the tobacco industry’s understanding of the power of branding, and how branding can be used to unite consumers from different families and backgrounds, through social interactions such as the Golden Tones concerts for Benson and Hedges, parties branded by a specific cigarette brand, St. Moritz fashion show, Kent Xmas parties (BAT, 1996; Environmental Rights Action/Friends of the Earth Nigeria, 2015), or simply images of street scenes where fellow smokers of the same brand share a cigarette pack. At the same time, the approval of peers means a lot to youth who may have weakening bonds with their parents, thus making peers a growing source of influence (Agaku et al., 2014; Odukoya et al., 2013). The tobacco industry seeks to foster this peer bonding through branding events.

*Apart from free distribution of cigarettes, since tobacco companies can no longer advertise openly in Nigeria, they do a lot of promotions. They are not going to come out and do big shows like they used to have before, but now they hold secret smoking parties, where young people are used to invite other young people and all this is done in secret and they go to secret locations and they hold parties and cigarettes are distributed for free.*
(Interview with tobacco control activist, November 21, 2016)

As observed in the quote above, tobacco companies still secretly organise smoking
initiation parties to recruit young smokers. These are usually carried out through peer-to-peer discussions due to the illegal nature of the activities. The picture below shows an invitation to such a party in September 2010.

![Invitation to secret smoking party](https://goo.gl/images/AeY8Fc)

**Figure 4-1: Invitation to secret smoking party**


The above discussion summarises the tobacco industry strategies in the social stream. The major tool identified is BTL activities, with 7 of 10 quotes fitting this category, suggesting a shift from ATL to BTL to adapt to new regulations.

### Table 4-7: Tobacco industry strategies targeting social stream

<table>
<thead>
<tr>
<th>Quotation</th>
<th>Document Title</th>
<th>Author/Year</th>
<th>Construct</th>
<th>Type of Marketing</th>
</tr>
</thead>
<tbody>
<tr>
<td>“New smokers enter the market at a very early age in many cases, as young as 8 or 9 years seems to be quite common. Most of our respondents had started smoking before they left junior school. However, as smoking before one's teens/early twenties is unacceptable</td>
<td>The Cigarette Market in Nigeria</td>
<td>(Market Behaviour Limited, 1991b)</td>
<td>Distal: greater influence by peers than parents</td>
<td>BTL</td>
</tr>
</tbody>
</table>
to parents, novice smokers tend to smoke in secret. 'They (parents) have this traditional belief that a young boy, maybe from age 18 to 20, doesn't have to smoke. But these days you can see a boy of 15, he has already started smoking. Even 10 years, 8 years.' (Younger, Upper Income, Premium Price, Enugu) As in other West African markets, either peer group pressure or the example of parents/older relatives prompts new smokers to try cigarettes. Initially, smoking is motivated by curiosity and a desire to 'look big', but it rapidly becomes a habit and a necessity.

"young illicit smokers prefer to buy sticks (except when they are going out for the evening), as they can smoke them straight away in the street and avoid the problem of detection."

"Networking/Bonding: Smoking creates a bond between people and, whatever brand a person smokes, other smokers are seen as fellow smokers who share the same culture. There is strong fellow feeling amongst smokers and those who have feel obliged to give to those who have not. Demanding cigarettes from fellow smokers is commonplace and most smokers are familiar with the role of both giver and receiver. Refusal is very rare and would be taken very badly...Being in a position to offer cigarettes gives the individual a certain kudos - he is seen as a 'big man', and sharing one's cigarettes is seen as an expression of friendship."

"A Menthol brand: often tried at the start/early on in a person's smoking
<table>
<thead>
<tr>
<th>Career...The fact that they are less easily detected on the breath is also relevant to their appeal to young (illicit) smokers, as well as socially responsible smokers.&quot;</th>
<th>Benson and Hedges Pack and Advertising Research in Nigeria and UAE Limited, 1992</th>
<th>warmth, support, or supervision</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Again linked to the overall lightness and mildness of the smoking offer, menthol cigarettes were commended for having very little or no odour. Consequently they do not leave a lingering smell on the body or on clothes which can later be detected by peers or family members (particularly important to younger smokers who know their parents would disapprove of their smoking and who prefer not to upset them by letting them know).&quot;</td>
<td>Benson &amp; Hedges Menthol: Concept Test - Nigeria (Market Trends Limited, 1993c)</td>
<td>Ultimate: lack of parental warmth, support, or supervision</td>
</tr>
<tr>
<td>&quot;The issue of portability was frequently illustrated with respondents demonstrating that the pack would indeed not fit into their shirt pockets. For younger respondents this was perceived as a problem because they would not be able to 'hide' the pack from their parents. (This was mentioned not only as a desire to conceal their habit from the family but more as a sign of respect for their parents who would not wish to discover that their son was a regular smoker).&quot;</td>
<td>Benson &amp; Hedges Menthol: Concept Test - Nigeria (Market Trends Limited, 1993c)</td>
<td>Ultimate: lack of parental warmth, support, or supervision</td>
</tr>
<tr>
<td>&quot;Kent Xmas Breakout party attracted more than 2000 participants mainly from the YAUS segment.&quot;</td>
<td>BAT Holdings Monthly Report For December 1996 (BAT, 1996)</td>
<td>Proximal: motivation to comply with other smokers BTL</td>
</tr>
<tr>
<td>&quot;Benson &amp; Hedges and YAUS It was agreed that there is a strong need to understand YAUS and that YAUS is not one homogenous mass of 18-24, but the group itself can be differentiated based on understanding of psycographic segmentation. Hence the need to</td>
<td>Minutes of B&amp;H 1996 Yauser Conference: 3rd-4th October 1996 (Unknown, 1996b)</td>
<td>Distal: smoking-specific attitudes and behaviours of role models BTL</td>
</tr>
</tbody>
</table>
research this group to assist in deciding the appropriate YAUS segment for B&H.

Concern was voiced of alienating the current B&H consumer if all communication is to be targeted at YAUS.

However, the communication mix is to resolve this issue and certain elements of the mix which increase YAUS appeal (like Golden Tones, BTL activity, some films) to be used in YAUS media channels."

| "Influence from external forces, particularly peer group and parents/family is usually responsible for virtually all the smokers interviewed, picking up the smoking habit, hence their tendency to smoke the brand smoked by the influencing party." | Project School of Cool (Qualitative): RMS Job No: 1622 | (Research & Marketing Services Limited, 1997) | Proximal: beliefs that important others (friends, parents and other role models) encourage smoking | BTL |
| "Popular brands, particularly in higher institutions' campuses where majority of the target audience can generally be found, are usually those smoked by these young people who tend to be very concerned about 'fitting in'." | Project School of Cool (Qualitative): RMS Job No: 1622 | (Research & Marketing Services Limited, 1997) | Proximal: motivation to comply with other smokers | BTL |
| "I feel they are trying to get at the young people, like the way I see it, that you are going for a party, young people they like party a lot" (18 - 24 years, Rothmans Smoker, Port Harcourt) | Project School of Cool (Qualitative): RMS Job No: 1622 | (Research & Marketing Services Limited, 1997) | Distal: strong attachment to and strong desire to please peers | BTL |
Table 4-8: Dominant themes in the social stream

<table>
<thead>
<tr>
<th>Construct/theme</th>
<th>Ultimate</th>
<th>Distal</th>
<th>Proximal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of parental warmth, support, or supervision (leading to ability to hide smoking habit from parents)</td>
<td>4</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Greater influence by peers than parents</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Smoking specific attitudes and behaviours of role models</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Strong attachment to and strong desire to please peers</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Beliefs that important others (friends, parents and other role models) encourage smoking</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Motivation to comply with other smokers</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
</tbody>
</table>

Table 4-9 lists quotes illustrating the industry's recognition of the importance of social support systems, but as a means of allaying blame for youth smoking. Instead, the industry argument is that youth smoking is a social problem influenced by the smoking behaviours of parents and peers. This claim is not supported by existing evidence. Parental smoking, even though a strong factor, is not a major cause of smoking initiation among youth in Nigeria as smoking as a habit is not ingrained in societal norms in Nigeria and is thus socially unacceptable (Odukoya et al., 2013).

Table 4-9: Industry self-defence (social stream)

<table>
<thead>
<tr>
<th>S/N</th>
<th>Quotation</th>
<th>Document Title</th>
<th>Author/Year</th>
<th>Type of Marketing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>&quot;For instance, from the studies that has been done around in Lagos and Ibadan, you find that where parents smoke, the children tend to smoke. So that parents as role models should stop smoking. The other group that must stop smoking if we are to reduce the epidemic and control the epidemic would be teachers also.&quot;</td>
<td>Anti-Smoking Campaign</td>
<td>(Nigerian Tobacco Company Limited; Adegbesan, 1984)</td>
<td>N/A</td>
</tr>
<tr>
<td>2</td>
<td>&quot;The three CRU reports which I have introduced and edited have successfully covered six, 10 and 16 countries. They all demonstrate more or less the same thing, namely that advertising plays a negligible</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>CRU/IAA Study &quot;Juvenile Smoking Initiation and Advertising&quot;</td>
<td>(INFOTAB; KING TCH, 1989)</td>
<td>N/A</td>
</tr>
</tbody>
</table>
role, if any, in the initiation of smoking by the young compared with that of personal and social factors, and irrespective of the presence or absence of strict restrictions on tobacco advertising. It is doubtful that further surveys conducted in comparable settings would significantly affect these findings." (Professor Jean Boddewyn)

3 "Recent independent studies indicate there is no significant link between cigarette advertising and children starting to smoke. Those children who start smoking are influenced predominantly by social, family and peer pressures."

4.6 Conclusion

In summary, the theory of triadic influence offers a useful analytical framework for categorising the strategies and activities of the tobacco industry in targeting youth in Nigeria. While it is noted that the industry itself did not work with knowledge of this theory, as a theory developed to understand youth smoking behaviour, a review of internal documents show that industry efforts can be more fully explained through this theoretical framework.

The data obtained from the TID search showed that the tobacco industry in Nigeria influenced youth in all three streams and at all three levels (ultimate, distal and proximal) of each stream. The most common stream of influence observed was the cultural/environment. A number of dominant themes arise under each stream through this analysis notably use of media and advertising to depict smoking behaviours in aspirational ways, ensuring product availability in venues frequented by youth, perceived
cost and benefits of smoking (cultural/environment), messaging to overcome social stigma based on a desire to conform with peers (social); and strategies to enhance self-image through tobacco use behaviours (biology/personality).

In analysing industry documents, making a distinction between the industry’s intent to reach an internal versus external audience was significant. This research analysed a total of 103 internal quotes (20 for biology personality stream, 11 for social stream, and 72 for cultural/environment stream) and 13 external quotes (3 for biology/personality stream, 3 for social stream and 7 for cultural environment). Significantly, there was a clear difference in the content of documents intended for these different audiences. While documents for an internal audience (i.e. company executives, industry actors) clearly described a wide range of activities intended to influence youth which complied with the three triadic streams, documents for an external audience (i.e. public, public health community) denied the intent or effectiveness of such activities. This disconnect in what the industry did, and what it claims to do, must be understood within the context of the unethical, and in many countries, illegal nature of industry activities intended to target youth. Given evidence presented in this chapter of the substantial, and wide-ranging, strategies and activities undertaken by the tobacco industry to target youth in Nigeria since the 1990s, there is a need to evaluate efforts by the public health community to address this problem. Chapter 5 will review tobacco control policies and measures adopted in Nigeria. This will be followed by recommendations for strengthening these policies and measures in Chapter 6.
Chapter 5.  An assessment of tobacco control policies and measures to protect youth in Nigeria

This chapter assesses tobacco control policies and measures in Nigeria specifically related to youth. This includes an understanding of what measures have been adopted over time and the degree to which they are implemented to date. Alongside the findings presented in Chapter 4, this assessment will form the basis for identifying recommendations set out in Chapter 6.

5.1  A brief history of tobacco control in Nigeria

Nigeria’s first tobacco control policy was adopted in 1990 as the Tobacco Smoking (Control) Decree 20 by the military administration of General Ibrahim Badamosi Babangida (FMOH, 2012; Nwhator, 2012; Uguru et al., 2015). The decree later became known as the Tobacco Control Act 1990 upon Nigeria’s return to democracy in 1999. Some of the provisions of the decree included restrictions on smoking in public places such as shopping malls, public transit, sporting venues, schools and hospitals. The decree also required tobacco products to display the amount of tar and nicotine, as well as health warnings (Nwhator, 2012). Since 1990 the Nigerian government has marked WHO World No Tobacco Day (WNTD) to create awareness about the dangers of tobacco use (FMOH, 2012). In 1999, the Obasanjo government established the National Smoking Cessation Committee (FMOH, 2012) which achieved a total ban on tobacco product advertising, by the regulatory body Advertising Practitioners Promotion Council of Nigeria (APCON), in 2002. In 2004, Nigeria became a signatory to the WHO FCTC, ratifying the
agreement on October 20, 2005 (FMOH, 2012). Minister of Health Eyitayo Lambo then followed by establishing a multi-sectoral and inter-ministerial committee to oversee tobacco control activities in Nigeria.

Despite promising commitments by the Nigerian government to tobacco control between 1990 and the mid 2000s, it appears that limited efforts have been made to ensure concrete measures have been adopted or effectively implemented. A 2008 WHO report on the global tobacco epidemic described Nigeria as having limited tobacco control activities, with smoking commonly occurring in public places and availability for purchase of cigarettes despite adopted restrictions (WHO, 2008). The multi-sectoral and inter-ministerial committee to oversee tobacco control activities enjoyed only a brief existence, even then, lacking legislation to give it powers beyond an advisory role.

Given obligations as a party to the FCTC, the Nigerian government introduced a National Tobacco Control Bill in 2009 to comply with the minimum package of measures set out in the FCTC (Appendix E). The bill was adopted by Parliament in 2011 although not formally signed into law (Nwhator, 2012; Uguru et al., 2015). During the legislative process, it was reported by civil society organisations that the government sought input from tobacco companies as stakeholders (Environmental Rights Action/Friends of the Earth Nigeria, 2015). Euromonitor International (2016c) described the bill as follows:

> the National Tobacco Control Bill, which is relatively weak on tobacco control, has been passed is a sign of changing attitudes. The new bill repeals the existing Anti-Tobacco Act from 1990, which anti-tobacco advocates had considered too weak, with proposals that would bring Nigeria closer in-line with the requirements of the WHO Framework Convention Tobacco Convention (FCTC).
In 2015, the administration of President Goodluck Ebele Jonathan finally signed the National Tobacco Control Bill into law before leaving office. At the time of writing, in 2017, the implementation of specific measures in Nigeria under this law remains pending.

In this context of delayed legislation and weak implementation of tobacco control in Nigeria, the Campaign for Tobacco Free Kids (TFK) has warned policy makers of a likely increase in tobacco use given the country’s targeting by TTCs as an important emerging market (Campaign for Tobacco Free Kids, 2016). Similarly, Nwhator (2012) has warned of Nigeria’s “costly complacency”, reflected in “troubling increases, especially among youth”, of smoking prevalence.

5.2 Tobacco control policies and measures aimed at protecting youth

Given that the vast majority of tobacco users begin their habit well before the age of 18 years, the WHO Tobacco Free Initiative sets out a broad range of supply- and demand-side measures to prevent youth from taking up use, and encouraging cessation among existing users. (World Health Organization, 2015) In addition, FCTC Article 16 specifically concerns “Sales to and by minors” and addresses such issues as sale of tobacco products to minors, distribution of free tobacco products (Appendix F).

The measures under the NTCA show a commitment to protecting youth, especially below 18 years of age, from becoming targets of tobacco industry. A keyword search of the NTCA, using the key words “young”, “youth” and “below 18” and other terms related to minors, identified 11 places in the legislation addressing youth. This includes an overall commitment to “discourage smoking initiation, encourage stoppage of tobacco or tobacco product smoking and reduce tobacco or tobacco product consumption through the
measures provided in this Act, including through behaviour and norm changes brought about by smoke-free environments.” This suggests, in principle, government commitment to protecting youth from tobacco use.

However, an analysis of these specific provisions, and the extent to which they have been implemented, leads to a number of concerns. First, Section 38(2) states,

A person or entity working on behalf of or furthering the interests of the tobacco industry shall not be involved in any manner in youth, public education, or other initiatives related to tobacco control or public health, including any funding of such activities. (Section 38(2), NTCA 2015)

While this provision appears to prohibit industry involvement in YSP programmes, Section 15(3) states that retailers must display communication that cigarettes are for individuals 18 years and older.

A retailer of tobacco or tobacco products shall display, in the prescribed form at every place of sales, signage stating that tobacco sales to persons who is below 18 years of age is prohibited. (section 15(3), NTCA 2015)

By doing so, this provision creates opportunities for the industry to use the point of sale as a means of promoting its role in YSP. BAT currently maintains an active youth smoking prevention (YSP) programme, both centrally, and in Nigeria as described on the company website:

Building on these initiatives, our stakeholders believed that we should improve local understanding of the 18+ communication and asked us to translate the 18+ message to local languages.

In response to this expectation, we have translated the 18+ message into Pidgin English and 3 local languages. This should improve understanding of the YSP message and contribute to preventing underage access.

The new communication, which in English reads ‘We do not sell tobacco products to people under 18 years’, was delivered to our retail partners in 2006, during the second phase of the YSP campaign.

(British American Tobacco Nigeria, 2014)
While YSP programmes are a key part of any youth tobacco control strategy, evidence has shown that the motivations for industry-led initiatives are questionable. (Assunta & Chapman, 2004; Landman et al., 2002) Furthermore researchers who have assessed the content and impacts of industry-led YSP messaging found that companies used them as opportunities to achieve the opposite effect, namely to promote tobacco use among youth by, for example, depicting smoking behaviour as attractively rebellious and risky (appealing to youth) or non tobacco use as “uncool”, and using YSP materials as surrogate marketing and advertising activities where such practices are banned such as point of sale and billboards (Assunta & Chapman, 2004; Barraclough & Morrow, 2008; Sebrie & Glantz, 2007). Industry-led YSP in Nigeria has also been used to improve public perceptions of the tobacco industry, as part of CSR initiatives, and enhance point of sale advertising, as illustrated in Figure 5-1. During fieldwork in May 2017, this researcher observed that, while some vendors clearly display the “18+” signage, others do not. It was also observed on this occasion, albeit not systematically, that the vendors did not require formal proof of age as a condition of sale, leaving the opportunity for youth and children access to tobacco products.
Second, Section 15(5) bans the sale of cigarettes in single sticks, in large part, as a measure to prevent access by youth:

“No person shall sell smoked tobacco products except in a package which shall be intact and contain a minimum of 20 sticks.” (Section 15(5), NTCA 2015)

Evidence shows that children and youth are more likely to buy single sticks given limited income. (Egbe et al., 2014; Euromonitor International, 2016c) During fieldwork visit to Benue State, Nigeria in May 2017, this researcher observed the ready availability of single sticks for sale in Makurdi, Benue State, and other major cities in Nigeria, suggesting weak or non-implementation of this provision.

Third, the NTCA contains no measures prohibiting the retail sale of tobacco products near schools or other venues frequented by minors. Research shows that visibility of tobacco products in retail outlets, and ready access, facilitates tobacco use among youth. (Adebiyi et al., 2010; Agaku et al., 2014) Restrictions on sites permitted for retail sales, and point of sale advertising, remain unregulated in Nigeria. Moreover, while
ATL advertising is banned in Nigeria, there are still lots of discrete point of sale adverts and cigarettes are usually openly displayed for sale (Euromonitor International, 2016c; World Health Organization, 2015).

Fourth, the 2015 legislation states that measures must be taken to “prevent or substantially reduce the accessibility of tobacco or tobacco products to young people.” Under Section 9(1), while smoking is banned in elementary and secondary schools, current law does not provide for similar provisions at colleges and universities.

List of public places where smoking is prohibited
1. Clinic, maternity, hospital and other medical facilities.
2. Crèche, primary school, secondary school.
3. College of education, monotechnic, polytechnic, universities and any other educational institution or training centre; except where designated smoking areas are provided.

(Section 9(1) (c), NTCA 2015)

In Nigeria, postsecondary education begins at 16 years and, thus, this oversight means that many students are left unprotected under existing law. Indeed, Chapter 4 describes colleges and universities as venues for many industry strategies and activities targeting youth such as music concerts and smoking parties.

Fifth, the NTCA states that regulations must be adopted to “ensure tobacco or tobacco products are not designed in way that makes them more addictive or attractive, especially to persons who are below 18 years of age, or in ways that may undercut any of the stated objectives of this Act.” This research finds no evidence that such regulations have been adopted in any form to date, while industry documents reviewed describe efforts by industry to develop products with particular appeal to youth. Figure 5-2 and Figure 5-3 provides examples of current cigarette packs in Nigeria.
Figure 5-2: Benson and Hedges Special Filter packaging showing text-only warning label


Figure 5-3: Benson and Hedges “Switch” packaging showing text-only warning label

Finally, Section 40 provides for an evaluation of the impact of tobacco control activities on youth and other vulnerable groups:

(1) *The Minister shall establish appropriate mechanisms for the monitoring and evaluation of the provisions of this Act and ensure the overall effectiveness of the inspection and enforcement provisions provided for this under this Act.*

(2) *Evaluation shall include an assessment of the impact with respect to different population groups and vulnerable groups such as Women, youth and low-income populations.*

*(Section 40, NTCA 2015)*

In 2012, Nigeria undertook its first adult tobacco survey, in partnership with WHO and other partners (FMOH, 2012) to prepare for implementation of the new tobacco control law. However, reliable and comprehensive data over time, of such variables as smoking prevalence among youth, by gender, by regional location, and over time are vital for targeting tobacco control measures and evaluating them over time. As described in Chapter 2, no such data currently exists to support health policy makers. Nigeria’s scheduled participation in the Global Youth Tobacco Survey has not taken place at the time of writing.

Overall, while the NTCA contains at least 11 provisions for protecting youth from tobacco use, aligned with recognized FCTC measures, this research finds the implementation of these provisions in Nigeria to date weak or nonexistent. The delays and weaknesses of current policies, including the lack of commitment to implementing the above measures, explains the evidence presented in this thesis regarding the strategies and activities used by industry to target youth across the three triadic streams. Following a discussion of the ongoing challenges of strengthening tobacco control in Nigeria, Chapter 6 sets out recommendations based on these findings.
5.3 Challenges for strengthening tobacco control in Nigeria

The public health community has waged a long and protracted campaign to strengthen tobacco control in Nigeria beginning in the early 1990s. These efforts have led to the adoption of the NTCA in 2015 but, as described above, there remains much work towards ensuring that national legislation is comprehensive in scope, and that measures are fully and effectively implemented. Towards this end, there remain a number of challenges.

First and foremost, tobacco control in Nigeria remains hindered by powerful vested interests, namely BAT and other TTCs, with close links with key government bodies. The latter continue to view tobacco as a financial benefit to key stakeholders, from leaf farming to retail sales, and have thus demonstrated limited commitment to curtailing this sector. Second, the slow process of legislative enactment has created long delays in implementing tobacco control measures. There appears to be little progress in moving forward the Act towards concrete systems for administration. Indeed, the timeframe for doing so appears to have been well exceeded. The Act states:

\textit{The Chairperson of the Committee shall, within 90 days of the constitution of the Committee convene the first meeting of the committee. (Section 2(3), NTCA 2015)}

\textit{Except otherwise stated in this Act or any other law, a change in any regulation made under this Act relating to the standard, packaging and labelling of tobacco or tobacco related products shall take effect after 18 months from the date of publication of the regulations in the Official Gazette. (Section 22, NTCA 2015)}

These lengthy time lags have enabled the tobacco industry to continue to operate, as it has previously done, with little change. The provision of an 18-month window for industry to implement changes to packaging and design provides an opportunity for the industry to recover their costs while doing more damage to public health especially youth who are
easy targets of tobacco marketing activities. Previous momentum, under the process of FCTC accession or support from the President, appears to have dissipated.

To facilitate the implementation of the act at the federal level, the National Tobacco Control Committee (NATOC), an advisory body working with the Federal Ministry of Health, headed by Professor Ukoli Onawefe (University of Jos), was inaugurated in July 2016 (International Centre for Investigative Reporting, 2016). The committee began working in 2016. However, interviewing of key informants with close contacts to the committee report suggests very slow progress implementing stronger tobacco control measures:

*The National Tobacco Control Act was signed in 2015 and the implementation is supposed to start after the Federal Ministry of Health sends out information regarding it. So that’s what we are waiting for now. The Ministry of Health is involved since tobacco is a health issue first of all before any other thing. The Ministry of Health is now at the stage of putting together regulation.*

 *(Philip Jakpor, tobacco control activist, 6 May 2016)*

*The duty of the National Tobacco Control Committee (NTCC) is to advise the minister of health on matters that have to do with tobacco control and implementation of the act. The act cannot be implemented immediately as regulations have to be enacted, and those regulations have to be approved by the National Assembly (parliament) before implementation so that is what we have currently. The NTCC has been inaugurated. As of this moment, the Ministry of Health is already working on the regulations which would then be approved by the National Assembly before implementation.*

*The most critical issue here is for the Ministry of Health to take its leadership role to ensure that the implementation of the law begins immediately. The Minister of Health has given his word that he is supporting the process, but we want to see some speed to it. For now, it’s very...very slow. The act came into being on the 25th of May 2015. We are coming to the end of 2016 and the implementation has not started. This time lag is one that I know the tobacco industry will naturally exploit and they are exploiting it well. We want some action and some speed so that we can prevent a tobacco epidemic.*

 *(Philip Jakpor, tobacco control activist, 27 November 2016)*

So, what we are doing right now is to support the Ministry of Health (the implementing agency) to ensure effective implementation and the first step in
implementing the act is to develop regulations. That’s where we are now in Nigeria. The unique thing about the Nigerian Tobacco Control Act is that the Ministry of Health cannot issue regulations and implement them without going back to the National Assembly to be approved before the law can be fully implemented. That’s where Nigeria is in terms of the law.

(Tobacco control activist, Campaign for Tobacco Free Kids, 21 November 2016)

The slow pace of strengthening tobacco control in Nigeria is a source of concern to WHO, CSOs and concerned Nigerians (Environmental Rights Action/Friends of the Earth Nigeria, 2015; Nwhator, 2012; World Health Organization, 2015).

Third, NCTA Section 14 sets out relatively weak punitive measures:

Any fine for a violation of this Part shall be applied against any-
(a) Tobacco manufacturer or seller responsible for initiating tobacco advertising, promotion or sponsorship, and shall attract a fine of not less than N5,000,000.00 [about 16,000.00 US dollars, emphasis added] and a term of not more than 2 years for the owner or chief executive officer of the tobacco manufacturing company;

b) person that produces or publishes advertising, promotion, or sponsorship content, and shall attract a fine of not less than N3,000,000 [about 10,000.00 US dollars, emphasis added] and a term of imprisonment of not more than 1 year;

(Section 14, NTCA)

Given the revenues of BAT Nigeria and other industry actors, the fines prescribed are unlikely to be taken as a serious deterrent.

Fourth, the size and decentralised political structure of Nigeria (Figure 4) is a key challenge for tobacco control. Nigeria’s federal government consists of six geopolitical zones, 36 states, a Federal Capital Territory, and 774 local government areas (LGs). The Federal Capital Territory is located in Abuja due to its central location. The Federal Government is headed by a democratically elected president. Other arms of government include the legislature, which is made up of the Senate (Upper House), House of Representatives (Lower House), and judiciary. The Nigerian Constitution
provides each state and local government area with financial and administrative autonomy (FMOH, 2012). In this context, while the adoption of the NTCA (2015) is a major achievement, there are legislative and administrative challenges to its implementation through such a large and decentralised structure.

Figure 5-4: Map of Nigeria’s 36 states and six geopolitical zones


5.4 Conclusion

This chapter reviews the previous and existing tobacco control policies and measures in Nigeria, and specifically, those related to protecting youth. The adoption of the National Tobacco Control Act (2015) marks an important opportunity for Nigeria to comply with the FCTC, by adopting a comprehensive minimum package of measures. In principle, the Act sets out an extensive range of measures which have the potential to substantially address the targeting of youth by industry described in Chapter 4. However, available evidence from secondary sources and key informant interviews suggests that most of
these measures remain weakly or not implemented at the time of writing. This can be explained by a number of challenges to strengthening tobacco control in Nigeria. Chapter 6 sets out recommendations for future public health research and policy.
Chapter 6. Recommendations

This chapter sets out recommendations for public health research and policy arising from the findings of this thesis. These recommendations are organized in relation to tobacco control research and policy.

6.1 Recommendations for tobacco control research

Based on the findings of this research, the following recommendations are put forth to strengthen the quality of tobacco control research in Nigeria and other LMICs in relation to the targeting of youth by the tobacco industry:

i) One of the key challenges, in scoping out this research, was obtaining accurate data on smoking prevalence among youth in Nigeria. While there were a small number of studies presenting data on selected populations, there is currently no national level data available over time. This lack of data makes it impossible to identify trends in tobacco use over time, or to identify populations at particular risk. It is recommended that the Federal Government of Nigeria, through the Ministry of Health and National Bureau of Statistics, in conjunction with the 36 states and local governments, conduct regular surveillance of smoking prevalence among youth. The Global Youth Tobacco Survey (GYTS) was conducted in 2008 but the scheduled repeat of this survey in 2013 does not appear to have been carried out. It is recommended that the GYTS be conducted every five years, expanded to all 36 states, to generate a baseline of key data to inform tobacco control policy related to youth. Conducting these surveys at regular intervals will enable researchers to monitor levels of national, state
and local trends in tobacco use among youth. This is critical for identifying potential impacts of tobacco industry activities targeting youth, as well as, evaluation of any tobacco control measures introduced.

ii) Tobacco industry documents (TIDs) proved to be a valuable and unique data source for conducting this research. Although the currently available documents cover a limited time span (largely before the mid-2000s), triangulating the documents against more recent data sources facilitated a fuller understanding of tobacco industry targeting of youth in Nigeria from both an historical and contemporary perspective. Researchers intending to use the TIDs should understand their limitations, in terms of timeframe covered, scope of the documents, and need for careful interpretation of meaning and intent of the tobacco industry. Nevertheless, the ability to compare the public stance and internal corporate activities through such documents provide a unique insight into the true intentions, and sometimes deceptive practices, of the tobacco industry. **It is recommended that the public health community in Nigeria, and other LMICs, make fuller use of these documents as research data to support stronger tobacco control policy.**

iii) This research found that the theory of triadic influence (TTI) was a useful heuristic framework for understanding tobacco industry strategies targeting youth in Nigeria. It was possible to sort all the quotes from the 80 documents under the three steams of the TTI, suggesting that the framework provides sufficiently broad scope to categorize industry strategies. It is noted that the interpretation of factors under each of the three streams need to take account of different national and cultural contexts. The TTI is based on tobacco use behaviour among youth in the US, and it should be
recognized that the factors shaping youth behaviour will be culturally specific.

Nevertheless, this research finds that the TTI can been applied in different settings. *It is recommended that researchers in Nigeria and other LMICs apply the TTI as a framework for better understanding, and addressing through stronger tobacco control measures, the factors behind tobacco use among youth in their countries.*

iv) This research relied on multiple data sources to analyse tobacco industry activities in Nigeria. Initially, key informant interviews were to play a larger role. However, identifying key informants with substantive knowledge of tobacco industry activities related to youth proved challenging. This may be due to the lack of monitoring of such activities and sensitive nature of the subject matter. The most valuable sources of interview data proved to be civil society activists who were able to provide valuable reports of some specific events or activities, although no systematic account. *It is recommended that external bodies, such as the World Health Organization, Framework Convention Alliance, or Bloomberg Foundation, support capacity building among CSOs in Nigeria and other LMICs to enable them to undertake systematic monitoring of and reporting on tobacco industry activities as a valuable data source for public health research.*

6.2 Recommendations for tobacco control policy

Based on the findings of this research, the following recommendations are put forth to strengthen the quality of tobacco control policy in Nigeria and other LMICs in relation to the targeting of youth by the tobacco industry:

i) The findings of this research suggest that the tobacco industry has been
targeting youth in Nigeria since the 1990s as an emerging market. The limited evidence available suggests that tobacco use among youth in Nigeria remains relatively low, despite these efforts, compared to some emerging markets. The Nigerian federal and state governments appear to have an important opportunity to prevent an increase in youth tobacco use, and thus avoid the substantial burden from tobacco-related disease and death experienced in other emerging markets such as China, India and in the Middle East. **It is recommended that the government give urgent policy attention to tobacco control among youth to prevent an increase in consumption as a priority in implementing the National Tobacco Control Bill signed in 2015.**

ii) This research found that tobacco industry targeting of youth was heavily focused on factors related to the biology/personality stream of the theory of triadic influence, namely targeting of self-efficacy and refusal skills affecting young smokers’ trial and eventual addiction to nicotine. The self-efficacy of the smoker was targeted by the marketing of menthol cigarettes, making it easier for a young smoker to start and continue smoking cigarettes. **It is recommended that, as part of new regulations focused on protecting youth, the federal and state governments enact new regulations banning production, sale or importation of menthol and other flavoured cigarettes in Nigeria.**

iii) This research found that media depictions of cigarette brands, and pricing and availability, were important factors related to the cultural/environment stream in industry efforts to shape tobacco use among youth in Nigeria. The identification of these factors point to tobacco control measures that can be implemented to prevent their impact. To address cigarette availability, the Federal Government should increase taxes on all
cigarette products to the 75% minimum recommended by the WHO and tighten border controls by equipping the Nigerian Custom Service to effectively patrol the borders. Secondly, the Inspector General of Police, state commissioners of police, and state attorney generals should be empowered by the federal and state legislative bodies to prosecute vendors violating the provision of the NTCA on sale of cigarettes in single sticks. To address favourable depictions of cigarettes through packaging, the National Assembly and state house of assembly should adopt new regulations to replace the current attractive packaging for cigarettes with less attractive packaging without colourful labels or emblems, having highly visible graphic health warnings capable of alerting young smokers of the ill-effects of long term smoking. Fourthly, many students below 18 enter colleges and universities in Nigeria, it is therefore imperative for vice-chancellors and heads of institutions to adopt regulations banning the sales of cigarettes on each post-secondary campus while ensuring that smoking designated areas are strictly enforced. The federal and state governments also need to ban all cigarette sales near primary and secondary schools and such bans strictly enforced. It is recommended that the government adopt such measures to reduce the efforts of the tobacco industry to shape factors within the cultural/environmental stream encouraging youth tobacco use.

iv) This research found evidence that the industry targeted factors under the social stream of the theory of triadic influence, namely the ability of young smokers to hide their smoking habits from parents and approval of peers. It is recommended that the design and implementation of tobacco control measures in Nigeria take account of social influences through school-based prevention and cessation
programmes. There is currently no school-based tobacco prevention programme in Nigeria. Specific attention could be paid to parental participation in supporting prevention and quitting, youth education about the health risks from tobacco use.

v) This research found evidence that youth have access to tobacco products through retailers engaged in underage sales, selling single sticks and retail outlets near schools and other locations where youth frequent. While there are some regulations restricting sales to minors, there appears to be an absence of monitoring and enforcement by relevant authorities at the federal, state and local government levels. FCTC Article 16 addresses sales of tobacco products to and by minors. It is recommended that the Nigerian government review current tobacco control measures to ensure compliance with Article 16, and to increase the enforcement of such regulations.

vi) This research found evidence of the targeting of youth by the tobacco industry through CSR activities. Nigeria currently permits the tobacco industry to engage in YSP programmes, such as industry-sponsored YSP messages communicated at the point of sale. This is despite the FCTC Article 5.3 and the NTCA prohibiting all forms of CSR by the industry. YSP should be undertaken exclusively by the federal and state ministries of health, in association with public health organizations. The provision under the NTCA banning industry sponsorship of sports and other youth-related events should be strictly enforced. This should be part of a prohibition on CSR activities, alongside any associations or partnerships with the tobacco industry, by government. It is recommended that the government adopt and implement measures for preventing industry interference in public health policies, based on FCTC Article
5.3 guidelines, including CSR activities purporting to support youth smoking prevention.

vii) This research found that the limited contemporary evidence of tobacco industry activities targeting youth in Nigeria comes from scholars, civil society organizations and media reports of their findings. In view of the slow pace of implementation of the NTCA, these groups have disseminated information to the public on the weak state of tobacco control in Nigeria and the links between government and industry. CSOs have also strengthened implementation of the FCTC. *It is recommended that the role of CSOs and scholars be supported, as key partners in the monitoring of tobacco industry activities in Nigeria including youth targeting, in the absence of government commitment to implementing the NTCA.*
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Appendix A: Consent Form

“A trailblazer for CSR in Africa”: An analysis of Corporate Social responsibility (CSR) initiatives by British American Tobacco Nigeria (BATN) targeting youth

A. WHO IS CONDUCTING THIS STUDY?
Principal Investigator: Ukoabasi Isip, BSc(Ed), MSc
Designation: Masters of Science (MSc) candidate, Faculty of Health Sciences
Email Address: [...]@sfu.ca
Phone Number: [...] (Canada), [...] (Nigeria)

Faculty Supervisor: Kelley Lee, DPhil
Co-Supervisor: Julia Smith, PhD
Designation of Faculty Supervisor: Professor, Faculty of Health Sciences
Email Address: [...]@sfu.ca
Phone Number: [...]  

This research is being conducted as the thesis component of the Master of Science program in the Faculty of Health Sciences, Simon Fraser University.

B. WHO IS FUNDING THIS STUDY?
The study is being funded by a scholarship obtained from SFU Faculty of Health Sciences Dr. Djavad Mowafaghian Child Health Practice and Research Award and the National Cancer Institute, US National Institutes of Health (Grant R01 CA091021), with grant title “Tobacco Companies, Public Policy and Global Health.”

C. WHY SHOULD YOU TAKE PART IN THIS STUDY?
You are being invited to take part in this research study because you are considered a stakeholder in tobacco control policy in Nigeria, and over 19 years of age. We are conducting this study to learn more about what tobacco-related CSR activities are targeting youth in Nigeria. For this study, CSR is defined as company-sponsored projects meant to address environmental, community or other societal needs.

D. YOUR PARTICIPATION IS VOLUNTARY
Your participation is voluntary. You have the right to refuse to participate in this study. If you decide to participate, you may still choose to withdraw from the study at any time without any negative consequences.

You will not be paid for your time or for taking part in this study.

E. WHAT HAPPENS IF YOU SAY, “YES, I WANT TO BE IN THE STUDY?”
If you decide to take part in this research study, you will participate in an in-person interview with Ukoabasi Isip. You will be asked for information, and to reflect on your observations, about tobacco-related CSR activities targeted at youth.
The in-person interview will take approximately 30 minutes. This face-to-face interview will occur at a time and place that is convenient to you. You will have the option of being audio recorded. If you decide to be audio recorded, a portion of the recording will be typed out excluding your name and organization, except if you decide to be identified in the study. If you decide not to be audio recorded, the interviewer will take written notes, without revealing any identifying information in the notes.

F. IS THERE ANY WAY BEING IN THIS STUDY COULD BE HARMFUL TO YOU? 
I do not think there is anything in this study that could harm you or be bad for you. Questions will focus on your perceptions of tobacco related CSR activities, and not include any personal or private information. However, you are not required to answer any questions that make you feel uncomfortable. Feel free to skip any questions, stop answering a question, or take a break at any time. If you reveal any illegal activities during the interview, they will not be associated with your name in any report from this study as a means of ensuring your safety and reputation.

G. WILL BEING IN THIS STUDY HELP YOU IN ANY WAY? 
There are no direct benefits to you for participating in this study. Your participation in this study will help a SFU graduate student complete his thesis. The information collected in this study will improve understanding of tobacco-related CSR activities targeted at youth in Nigeria, and be potentially used to strengthen tobacco control policies to protect and promote public health.

H. HOW WILL YOUR IDENTITY BE PROTECTED? 
You have the option of your name being used openly in this study, or being replaced by a code. If you agree to participate openly, your name and title will be included in the thesis and any resulting publications. Your contact information will not be listed in the thesis or publications, and will not be provided to any third parties.

Note that email and telephone are not considered confidential means of communication and there is a chance of a third party accessing communication by email or telephone between you and the interviewer.

If you decide you would rather not be identified in this study, your name (and any other identifying information) will not be associated with these findings nor will it appear in any documents that are created after the interview completion. Any information about you will have an identification code instead of your actual name.

While in Nigeria, all documents containing identifying information, codes and study materials will be kept in a locked container in a private room. The recording will be transferred to a password protected computer and deleted from the audio recording device immediately after the interview. After the study is completed in Nigeria, any paper documents containing personal information and codes will be kept in a locked cabinet in my supervisor’s office at Simon Fraser University, separate from the rest of the study materials and will be destroyed 2 years after this research project is completed. A partial transcription of your interview will be stored on a password protected computer in a
locked room. The partial transcription and the audio recording will be destroyed 2 years after this research project is completed.

I. WHAT IF I DECIDE TO WITHDRAW MY CONSENT TO PARTICIPATE?
Taking part in this interview is entirely voluntary and you can stop at any time without giving a reason. You can decide not to take part or to stop or to refuse answering any question at any time. If you choose to withdraw from this study at any time, any audio recording with your voice will be destroyed immediately. All other written information from you will also be destroyed immediately if you withdraw your consent. If you have chosen to be non-identified in the study, I will use the code I have assigned to your recording and transcript to ensure the right files are destroyed.

J. ORGANIZATIONAL PERMISSION
Permission to conduct this research study has been obtained from an authorized representative of your organization. Due to the non-experimental nature of this study, ethics approval will not be required by any Nigerian institution or body.

K. STUDY RESULTS
The results of this study will be reported in the principal investigator’s Master of Science thesis. The main findings will also be published in academic journal articles. If you would like to have a copy of the results, it can be sent to you through email.

Kindly indicate below if you would like to have a copy of the results:

YES ___ NO ___

If you indicated ‘Yes’ above, please provide your email address here:
________________________

L. WHO CAN YOU CONTACT IF YOU HAVE QUESTIONS ABOUT THE STUDY?
Should you have any questions regarding the consent process, interview participation and/or data collection, you may contact Ukoabasi Isip, email: […]@sfu.ca or telephone […]. Alternatively, you may contact supervisor: Professor Kelley Lee, email: […]@sfu.ca or telephone […].

M. WHO CAN YOU CONTACT IF YOU HAVE COMPLAINTS OR CONCERNS ABOUT THE STUDY?
If you have any concerns about your rights as a research participant and/or your experiences while participating in this study, you may contact Dr. Jeffrey Toward, Director, Office of Research Ethics, email: […] or telephone: […].

N. FUTURE USE OF PARTICIPANT DATA
There are currently no foreseeable uses for the research data obtained from you other than those already stated in section L above.
O. PARTICIPANT CONSENT AND SIGNATURE PAGE

Taking part in this study is entirely up to you. You have the right to refuse to participate in this study. If you decide to take part, you may choose to pull out of the study at any time without giving a reason and without any negative impact.

- Your signature below indicates that you have received a copy of this consent form for your own records.
- Your signature indicates that you consent to participate in this study.
- You do not waive any of your legal rights by participating in this study.

Please choose one of the two options below:
Do you agree to be acknowledged by name in any research outputs produced by this project?

Or do you prefer all identifying information about me to be replaced with a code:

Do you agree to be audio-recorded? YES ___ NO ___

Print Name of Participant: ________________________________________________

Signature of Participant: ________________________________________________

Date (Day/Month/Year): _______________________
Appendix B: Interview Guide

An analysis of Tobacco Industry Initiatives targeting youth

Interview Preamble:
Thank you for agreeing to be part of this study. As a reminder, this study is about tobacco industry activities targeting youth in Nigeria. I expect that this interview will last about 30 minutes.

I also want to remind you that you can always skip answering a question and you can end the interview at any time.

Now I’m going to turn on the recorder and we’ll get started…

Interview Guide:

Additional probes:
- details on situations
- responses to circumstances
- alternative views or approaches

1. Understanding of tobacco industry and how they operate?
   a) What is your interest in the tobacco industry/ tobacco control in Nigeria?
      [Further probes: Can you tell me a bit about your experience in the sector? Have you observed any local trends in the market?]

2. Observations of Tobacco Industry Activities
   a) How severe is the problem of youth smoking in Nigeria?
   b) What do you consider the most vulnerable age groups to tobacco industry activities in Nigeria?
      [Further probes: Why? In what ways does the tobacco industry target these groups?]
   c) Do you know of any specific ways in which the tobacco industry targets youths in Nigeria?
      [Further probes: What influence has this had on smoking levels?]
   d) How do rate the Nigerian government’s tobacco control efforts at the federal and state levels as it concerns youth?
      [Further probe: Do you think they are effective? What changes do think might improvement government regulation of tobacco industry?]
   e) Are there any civil society or community groups that are talking about tobacco
industry activities targeting youth in Nigeria? [Further probe: What action are they taking (lobbying, media campaigns, etc.)? Are they effective? How can they be improved?]

3. Wrap up
   a) Is there anything else you think I should know?

   Thank you very much for your time.
Appendix C: Modified Interview Guide

Interview Preamble:
Thank you for agreeing to be part of this study. As a reminder, this study is about tobacco-related CSR activities targeting youth in Nigeria. I expect that this interview will last about 30 minutes. If we do seem like we are going to run a little longer than 30 minutes, I will let you know when we’re getting close to 30 minutes so you can decide if you’d like to end the interview or continue.

I also want to remind you that you can always skip answering a question and you can end the interview at any time.

Now I’m going to turn on the recorder and we’ll get started…

A. Interview Guide for Government Officials

1. General Introduction
   a) Can you tell me a little about what you do?

2. Understanding of tobacco industry and how they operate?
   a) What do you think of the tobacco industry in Nigeria?
      [Further probes: Is it growing/diminishing in size and relevance?]

3. Observations of CSR activities
   a) By CSR, we mean company-sponsored projects meant to address environmental, community or other societal needs. Have you noticed tobacco companies implementing initiatives like this?
      [Further probes: Do you have any examples of tobacco industry-sponsored projects near you? How long have you noticed such activities? Are they increasing/decreasing?]
   b) Do you think tobacco sponsored projects are good for development?
      [Further probes: Why? Why not?]
   c) Why do you think tobacco companies implement these initiatives? Do you think these initiatives are targeted at any specific age group? [Further probes: Why?]
   d) Do you know of any regulations on tobacco industry CSR?
      [Further probe: What are they? Do you think they are effective? What changes do you think might improve government regulation of tobacco industry CSR?]

4. Wrap up
   a) Is there anything else you think I should know?

5. Snowball contact question
a) Do you know anyone else that I can interview this study?

Thank you very much for your time.

B. Interview Guide for Civil Service Organizations

1. General Introduction
a) Can you tell me a little about what you do?

2. Understanding of tobacco industry and how they operate?
 a) What do you think of the tobacco industry in Nigeria?
   [Further probes: Is it growing/diminishing in size and relevance?]

3. Observations of CSR activities
 a) By CSR, we mean company-sponsored projects meant to address environmental, community or other societal needs. Have you noticed tobacco companies implementing initiatives like this?
   [Further probes: Do you have any examples of tobacco industry-sponsored projects near you? How long have you noticed such activities? Are they increasing/decreasing?]

b) Why do you think tobacco companies implement these initiatives? Do you think these initiatives are targeted at any specific age group? [Further probes: Why?]

c) Do you know of any regulations on tobacco industry CSR?
   [Further probe: What are they? Do you think they are effective? What changes do you think might improve government regulation of tobacco industry CSR?]

C. Interview Guide for Media officials

1. General Introduction
a) Can you tell me a little about what you do?

2. Understanding of tobacco industry and how they operate?
 a) What do you think of the tobacco industry in Nigeria?
   [Further probes: Is it growing/diminishing in size and relevance?]

3. Observations of CSR activities
 a) By CSR, we mean company-sponsored projects meant to address environmental, community or other societal needs. Has your agency reported any CSR activity?
   [Further probes: How is tobacco-sponsored CSR perceived by the media? How long have you noticed such activities? Are they increasing/decreasing?]

b) Do you think tobacco sponsored projects are good for development?
   [Further probes: Why? Why not?]

c) Why do you think tobacco companies implement these initiatives? Do you think
these initiatives are targeted at any specific age group? [Further probes: Why?]

d) Do you know of any regulations on reporting tobacco industry CSR in the media? [Further probe: What are they? Do you think they are effective? What changes do think might improve government regulation of tobacco industry CSR?]

4. Wrap up
a) Is there anything else you think I should know?

5. Snowball contact question
a) Do you know anyone else I can interview this study?

Thank you very much for your time.
Appendix D: Target Organizations for Key Informant Interviews

1) Abuja:
   a. Federal Ministry of Education
   b. Federal Ministry of Health
   c. Federal Ministry of Agriculture
   d. Federal Ministry of Information
   e. SmokeFree Foundation
   f. Federal Ministry of Trade, Industry and Investment
   g. Nigerian Tobacco Control Alliance

2) Lafia:
   a. Nasarawa State Ministry of Commerce and Industry
   b. Nasarawa State Ministry of Health
   c. Nasarawa State Ministry of Education
   d. Nigerian Television Authority, Lafia

3) Makurdi:
   a. Benue State Ministry of Commerce
   b. Benue State Ministry of Education
   c. Benue State Ministry of Health
   d. Youth Development and Environmental Initiative
   e. Nigerian Television Authority, Makurdi

4) Otukpo:
   a. Joy FM Radio, Otukpo
   b. General Hospital, Otukpo
   c. Otukpo Local Government Secretariat
Appendix E: National Tobacco Control Act 2015

Federal Republic of Nigeria
Official Gazette

No. 70  Lagos - 10th June, 2015  Vol. 102

Government Notice No. 73

The following is published as supplement to this Gazette:

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NATIONAL TOBACCO CONTROL ACT, 2015

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28. Prevention and management of conflicts of interest.

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SCHEDULES
NATIONAL TOBACCO CONTROL ACT, 2015

ACT No. 9

AN ACT TO REGULATE AND CONTROL THE PRODUCTION, MANUFACTURE, SALE, ADVERTISING, PROMOTION AND SPONSORSHIP OF TOBACCO OR TOBACCO PRODUCTS IN NIGERIA; AND FOR RELATED MATTERS.

[26th Day of May, 2015]

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I—OBJECTIVES

1. The objectives of this Act are to—

(a) protect present and future generations of Nigerians and residents of Nigeria from the devastating health, social, economic, and environmental consequences of use of or exposure to tobacco or tobacco products and exposure to, tobacco or tobacco product smoke;

(b) give effect to the obligations to protect citizens against tobacco or tobacco product-related harms in the promotion of health and other human rights that Nigeria as a party to the World Health Organisation (WHO) Framework Convention for Tobacco Control and other related treaties to which Nigeria is a party has agreed to undertake, including the—

(i) Convention on the Rights of the Child,
(ii) International Covenant on Economic, Social and Cultural Rights,
(iii) International Covenant on Civil and Political Rights,
(iv) Convention on the Elimination of all Forms of Discrimination against Women,
(v) African Charter on Human and Peoples’ Rights,
(vi) other relevant regional and international treaties,
(vii) Constitution of the Federal Republic of Nigeria, and
(viii) all other applicable legislations;

(c) promote and protect Nigerians and residents’ rights to health, life, physical integrity, safe and healthy workplaces, and other rights adversely impacted by tobacco or tobacco product smoke exposure;

(d) provide equal protection for all workers in the tobacco or tobacco product industry, regardless of where they work, and all population groups;

(e) discourage smoking initiation, encourage stoppage of tobacco or tobacco product smoking and reduce tobacco or tobacco product consumption through the measures provided in this Act, including through behavior and norm changes brought about by smoke-free environments;
(f) inform consumers of the health consequences, addictive nature, and
mortal threat posed by tobacco or tobacco product consumption and exposure
to tobacco or tobacco product smoke;

(g) build up and make knowledge available to consumers and the populace
at large on the harmful effects, risks and specific harm of tobacco or tobacco
product use and exposure to tobacco or tobacco product smoke;

(h) discourage tobacco or tobacco product use and encourage cessation
among users, including through product packaging and labeling;

(i) prevent or substantially reduce the accessibility of tobacco or tobacco
products to young people;

(j) ensure tobacco or tobacco products are not designed in a way that
makes them more addictive or attractive, especially to persons who are
below 18 years of age, or in ways that may undercut any of the stated
objectives of this Act;

(k) ensure that any designated regulatory authority is adequately
empowered to regulate tobacco or tobacco products and their testing and
to require the disclosure of information about tobacco or tobacco products
to the government in order to effectively exercise regulatory powers;

(l) ensure tobacco or tobacco products, their packaging and labeling do
not mislead consumers, promote tobacco or tobacco product use or use of
the product, or undermine health warning requirements; and

(m) fulfill the State's obligation under Article 5.3 of the WHO Framework
Convention on Tobacco Control aimed at ensuring that tobacco or tobacco
product control policies are implemented over and above any contrary interest
of commercial and other vested interests of the tobacco industry on account
of the inherent and irreconcilable conflict of interests between the goals of
public health policies for tobacco or tobacco product control and the interests
of the tobacco or tobacco product industry, arising from the deadly nature
of tobacco or tobacco products.

PART II—NATIONAL TOBACCO CONTROL COMMITTEE AND
THE TOBACCO CONTROL UNIT

2.—(1) There is established the National Tobacco Control Committee
(in this Act referred to as "the Committee") which shall consist of—

(a) a person appointed, as Chairperson by the Minister, who shall be the
Chief Executive of the Committee;

(b) the Director of Public Health, of the Federal Ministry of Health;

(c) the National Coordinator of National Tobacco Coordinating Desk of
the Federal Ministry of Health;
(d) a representative each of the following, not below the rank of a Director in the Public Service of the Federation—

(i) Justice,
(ii) Environment,
(iii) Agriculture,
(iv) Education,
(v) Nigeria Customs Service,
(vi) National Agency for Food and Drug Administration and Control,
(vii) National Drug Law Enforcement Agency,
(viii) Consumer Protection Council, and
(ix) Standards Organization of Nigeria;

(e) the Director National Centre for Disease Control;

(f) a representative of any tobacco control civil society organization or group appointed by the Minister;

(g) a representative of the Manufacturers Association of Nigeria; and

(h) a person who is appointed on such terms and conditions as may be determined by the Committee, to serve as Secretary to the Committee.

(2) A member of the Committee shall not be affiliated in any manner whatsoever with the tobacco industry or subsidiaries, companies or entities of corporate bodies in the tobacco industry as may be specified in regulations or policy, including any person or entity working on behalf of or to further the interests of the tobacco industry.

(3) The Chairperson of the Committee shall, within 90 days of the constitution of the Committee, convene the first meeting of the Committee.

(4) A member of the Committee other than an ex officio member shall hold office for a period of 3 years, subject to re-appointment for a further term of 3 years.

3. A member of the Committee may—

(a) at any time, resign from office by notice in writing to the Minister;

(b) be removed from office by the Minister if the member is—

(i) absent from 3 consecutive meetings of the Committee without any reasonable excuse or the permission of the Chairperson,
(ii) convicted of an offence involving dishonesty,
(iii) incapacitated by reason of physical or mental illness from performing his or her duties,
(iv) adjudged bankrupt, or
(r) discovered to be directly or indirectly affiliated with the tobacco industry or any subsidiary company of the industry, including any person or entity working on behalf, of or to further the interests of, the tobacco industry.

4.—(1) The quorum at a meeting of the Committee shall be one-third of total members including the Chairperson.

(2) The Chairperson shall preside at every meeting of the Committee provided that in the absence of the Chairperson the members present shall elect one of the members present at that meeting to preside over the meeting.

(3) Unless a unanimous decision is reached, a decision on all matters before the Committee shall be by a majority of the votes of the members present and in the case of equality of votes, the person presiding shall have the deciding vote.

(4) Subject to subsection (3) of this section, proceedings of the Committee shall not be invalidated by reason only of a vacancy among the members.

(5) The Committee shall meet not less than 4 times in every financial year and not more than 3 months shall elapse between the date of one meeting and the date of the next meeting.

(6) The Committee may invite any person to attend its meeting for the purpose of assisting or advising it on any particular matter and such person shall have no right to vote.

(7) Subject to the provisions of this Act and to any general or special direction in writing by the Minister, the Committee shall regulate its own proceedings.

5. The Committee shall—

(a) advise and make recommendations to the Minister, where necessary, on the development and implementation of tobacco control policies, strategies, plans, programmes and projects, in accordance with the WHO Framework Convention for Tobacco Control, its implementing guidelines and protocols;

(b) administer and manage the Fund of the Committee;

(c) screen or process application for licence to manufacture or import or distribute tobacco or tobacco product;

(d) make regulations for the approval of the Minister;

(e) coordinate, support or fund public sensitization campaigns on key provisions of the Act;
(f) coordinate multi-stakeholder national youth smoking prevention programmes involving Ministries, Departments and Agencies (MDAs), faith-based organizations, civil society organizations and other stakeholders;

(g) develop strategies for the counseling and rehabilitation of smokers, particularly those eager to quit smoking;

(h) work with the Federal Ministry of Agriculture and other relevant agencies on alternative cropping for tobacco farmers; and

(i) perform such other functions as may, from time to time, be assigned to it by the Minister.

6.—(1) There is established in the Ministry, the Tobacco Control Unit (in this Act referred to as “the Unit”) charged with carrying out the plans, policies, projects and programmes of the Committee and the Ministry.

(2) The Unit shall comprise of a Chairperson and other staff appointed by the Minister on such terms and conditions as may be determined by the Minister.

7. The functions of the Unit are to—

(a) implement the decisions of the Committee;

(b) co-ordinate the activities of the Ministries, Departments and Agencies responsible for the implementation of this Act;

(c) collate and furnish all required annual or other periodical reports required to be furnished under this Act;

(d) coordinate all enforcement activities under this Act and ensure effective liaison with the police and relevant law enforcement agencies on any violation of the provisions of this Act; and

(e) carry out such other duties and responsibilities as may be assigned by the Minister or the Committee.

PART III—TOBACCO CONTROL FUND

8. (1) There is established the Tobacco Control Fund (in this Act referred to as “the Fund”).

(2) The Fund shall consist of—

(a) monies as may be made available by the Federal Government from annual budgetary allocation approved by the National Assembly;

(b) monies in form of subventions from any of the governments of the Federation to meet the stated objectives of this Act; and

(c) gifts, donations and testamentary dispositions where the objectives of the entities making the gifts, donations or testamentary dispositions are not inconsistent with the objectives of this Act.
PART IV—REGULATION OF SMOKING

9.—(1) Except as otherwise provided in this Act or any other law, no person shall smoke tobacco or tobacco products—

(a) in a residential house co-occupied by a person who is below 18 years of age, except in a room exclusively occupied by the smoker;

(b) in a tricycle, vehicle, aircraft, sea vessel, railway coach, lift or any means of public transportation, except in a vehicle exclusively occupied by the smoker;

(c) in or any enclosed public place listed in the Second Schedule to this Act or any other public place prescribed by the Minister by regulation made under this Act provided the regulation is published in the Official Gazette; and

(d) outdoor in a public place and in an area that smoking is prohibited by the owner, controller or occupant of such public place, who displays the prescribed warning sign, with the permit or approval of the Committee.

(2) Notwithstanding the provisions of subsection (1) of this section, where a person who owns, controls, or occupies a place specified in subsection (1) of this section provides sufficient number of rooms in which smoking is not permitted to accommodate all persons, he or she may designate any area or part of the public place as a designated smoking area.

(3) Without prejudice to the provisions of subsection (2), an owner, occupier or a person in charge of any place specified in subsection (1) may designate a section which shall not be more than 10% of the premises as Designated Smoking Area.

(4) The Designated Smoking Area in accordance with subsection (3), shall—

(a) have good ventilation;

(b) be equipped with state of the art ventilation equipment; and

(c) not compromise those in the Non-Smoking Area.

(5) In addition to any outdoor space that is designated as a non-smoking area by the person who owns, controls or occupies a public place, a person is not permitted to smoke in any outdoor space—

(a) within 5 meters of any doorway, operable window, or air intake mechanism of any public place or workplace;

(b) within 5 meters of any waiting area or queue, including public transport stops;
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(c) anywhere on the premises of any child care facility or educational facility at any level of instruction;

(d) anywhere on the premises of any health care facility;

(e) a playground, amusement park, plaza, public park, or other public gathering space;

(f) a stadium, arena, or any kind of performance space;

(g) a space for the service or consumption of food or drink; and

(h) any other outdoor public place or work space as may be prescribed by the Minister in regulations which shall be published in the Official Gazette.

16. A person who owns, controls or occupies a place or thing specified in section 9 of this Act shall—

(a) display in permanent form in a prominent area in the place or thing the “No Smoking” signage in the way and manner prescribed by this Act or any regulation made under this Act;

(b) implement the provisions of this Act or any of its regulations as they relate to the prohibition of smoking;

(c) take reasonable steps to discourage and stop any person from smoking where it is prohibited, including—

(i) asking the person not to smoke,

(ii) discontinuing service,

(iii) asking the person to leave the premise or public transport vehicle when it is safe to do so, and

(iv) contacting law enforcement or other appropriate authority where necessary, and

(d) investigate complaints and take any necessary action to ensure compliance.

11.—(1) A person who violates the provisions of section 9 of this Act commits an offence and is liable on conviction to a fine of not less than N50,000.00 or a term of imprisonment of not less than 6 months or both.

(2) A person who violates the provisions of section 10 of this Act commits an offence and is liable on conviction to—

(a) in the case of an individual, a fine of not less than N100,000.00 or imprisonment for a term of not less than 2 years or both; and

(b) in the case of a corporate entity, to a fine not exceeding N200,000.00.

(3) A person who smokes where smoking is prohibited, commits an offence and is liable on conviction to a fine of not less than N50,000.00 or a term of imprisonment of 6 months or both.
PART V—PROHIBITION OF TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP

12.—(1) Except otherwise provided in this Act, no person shall—
(a) promote or advertise tobacco or tobacco products in any form;
(b) sponsor or participate in any programme or event which is aimed at wholly or partially promoting or advertising tobacco or tobacco products; or
(c) engage or participate in any tobacco advertising, promotion, or sponsorship as a media or event organizer, celebrity or other participant, as a recipient of any sponsorship contribution, or as an intermediary that facilitates any such contribution.

(2) The provisions of subsection (1) of this section does not apply to communication between—
(a) tobacco manufacturers and wholesalers or retailers and vice versa;
(b) manufacturers, retailers of tobacco or tobacco products and any consenting person who is 18 years of age or above; and
(c) manufacturers, distributors, sellers and tobacco plant farmers.

(3) Without limiting in any way the broad application of the provision of this section, the First Schedule to this Act provides examples of tobacco advertising, promotion, and sponsorship that are prohibited under the Act.

(4) Where the items listed under this subsection may be deemed to have an incidental promotional effect, they shall not be considered tobacco advertisement, promotion, or sponsorship, subject to the provisions of subsections (1) and (2) of this section—
(a) a plain black-and-white only price list made available where tobacco products are legally sold, provided the list contains nothing more than the tobacco product brand name, package, quantity, price, and any government-required or authorised information;
(b) depictions of tobacco products or tobacco use in media where the depiction is purely incidental or is justified by reasons of historical accuracy or legitimate journalistic or artistic expression, or where the depiction is required for educational purposes; provided no payment or other consideration was offered or made by a tobacco manufacturer, seller, or any person acting on their behalf;
(c) 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 person acting on their behalf;
(d) dissemination or reporting of information on tobacco companies’ practices characterized as or likely to be perceived as socially responsible practices, such as sustainable environmental practices or good employment practices that do not involve contributions to other parties, provided the information is necessary for business administration or for required corporate reporting;

(e) product information made accessible to persons within the tobacco trade who need the information for trading decisions, but only to the extent that access is limited to those persons; and

(f) tobacco manufacturers’ newsletters destined for and distributed only to the manufacturers’ employees, contractors, suppliers, and other tobacco-related business partners, and only to the extent their distribution is limited to such persons.

(5) Regulations may require prescribed warnings and other requirements, conditions, or restrictions with respect to any of the items listed in subsection (4) of this section.

13.—(1) For the purpose of monitoring and ensuring compliance with the provisions of this Part, tobacco or tobacco product manufacturers, wholesale distributors and importers, and any other seller as may be prescribed in regulations, shall provide reports required under this subsection to the Minister on a periodic basis, which shall be at least annually, and upon request.

(2) The Minister may, by regulation which shall be published in the Official Gazette, prescribe the formats, contents, time and other requirement of the report referred to in subsection (1) of this section.

(3) Except as otherwise provided by this Act or any other law, the Minister may make information from the reports readily accessible to the public.

14.—(1) A person who violates any of the provisions of this section shall be subject to the penalties specified in subsection (2) of this section provided that the provision of the subsection shall not apply to the items listed in Section 12 (4) of this Act if the requirements of Section 12 (4)(a)-(f) are met.

(2) Any fine for a violation of this Part shall be applied against any—

(a) tobacco manufacturer or seller responsible for initiating tobacco advertising, promotion, or sponsorship, and shall attract a fine of not less than N$5,000,000.00 and a term of imprisonment of not more than 2 years for the owner or chief executive officer of the tobacco manufacturing company;

(b) person that produces or publishes advertising, promotion, or sponsorship content, and shall attract a fine of not less than N$3,000,000.00 and a term of imprisonment of not more than 1 year;
(c) person that disseminates tobacco advertising, promotion, or sponsorship content when it should reasonably have been aware of the content and when it was in a position to remove the content or disable access to it but failed to do so, and shall attract a fine of not less than N1,000,000.00 and a term of imprisonment of 1 year; and

(d) person that engages or participates in tobacco advertising, promotion, or sponsorship as specified in section 12 (1)(c) of this Act, and shall attract a fine of not less than N3,000,000.00 and a term of imprisonment of not more than 1 year.

PART VI—TOBACCO PRODUCT SALES

15.—(1) A person shall not sell tobacco or tobacco products to a person who is below 18 years of age, or employ or use a person who is below 18 years of age to sell or trade in tobacco or tobacco products.

(2) Prior to any tobacco or tobacco product sale or trade, the seller or trader shall verify the age of the purchaser by checking any form of official identification prescribed by law.

(3) A retailer of tobacco or tobacco products shall display, in the prescribed form at every place of sale, signage stating that tobacco sales to persons who is below 18 years of age is prohibited.

(4) A person shall not sell or offer to sell or distribute tobacco or tobacco products through main, internet or other online devices.

(5) No person shall sell smoked tobacco products except in a package which shall be intact and contain a minimum of 20 sticks.

(6) Smokeless tobacco product unit packages shall contain a minimum of 30 grams of smokeless tobacco.

(7) Any tobacco product unit package that does not meet the prescribed requirements shall be subject to confiscation and forfeiture.

16. (1) A person who violates any of the provisions of this Part is liable on conviction to the applicable penalties provided in subsection (2) of this section.

(2) The applicable penalties for the violation of the provisions of this Part are—

(a) where a person fails to post the prescribed signage—

(i) in the case of an individual, a fine of not less than N200,000.00 or a term of imprisonment of not less than 1 year or both, and

(ii) in the case of corporate entity, a fine of not less than N400,000.00; or
(2) Prior to any tobacco or tobacco product sale or trade, the seller or trader shall verify the age of the purchaser by checking any form of official identification prescribed by law.

(3) A retailer of tobacco or tobacco products shall display, in the prescribed form at every place of sales, signage stating that tobacco sales to persons who is below 18 years of age is prohibited.

(4) A person shall not sell or offer to sell or distribute tobacco or tobacco products through mail, internet or other online devices.

(5) No person shall sell smoked tobacco products except in a package which shall be intact and contain a minimum of 20 sticks.

(6) Smokeless tobacco product unit packages shall contain a minimum of 30 grams of smokeless tobacco.

(7) Any tobacco product unit package that does not meet the prescribed requirements shall be subject to confiscation and forfeiture.

16. (1) A person who violates any of the provisions of this Part is liable on conviction to the applicable penalties provided in subsection (2) of this section.

(2) The applicable penalties for the violation of the provisions of this Part are:

(a) where a person fails to post the prescribed signage -

(i) in the case of an individual, a fine of not less than N200,000.00 or a term of imprisonment of not less than 1 year or both, and

(ii) in the case of corporate entity, a fine of not less than N400,000.00; or

(b) where a person violates the provisions of section 15 (1), (3), (5) and (7)

(i) in the case of an individual, a fine of not less than N200,000.00 or a term of imprisonment of not less than 1 year or both, and

(ii) in the case of a corporate entity, a fine of not less than N400,000.00.

PART VII - REGULATION OF TOBACCO PRODUCTS, TOBACCO PRODUCT CONTENTS AND EMISSIONS DISCLOSURES

17. (1) A person shall not manufacture, distribute or sell tobacco or tobacco product that does not conform to approved standard or quantity prescribed.

(2) Any tobacco product that does not conform to approved standard or prescribed quantity shall be confiscated and destroyed by the relevant law enforcement agencies.
18. (1) A person who manufactures or imports tobacco or tobacco products shall submit reports on tobacco or tobacco product contents and emissions as may be prescribed by the Standards Organisation of Nigeria.

(2) Except as otherwise provided by this Act or any other law, the Minister may make information from these reports not accessible to the public.

19. (1) A person who violates any provision of this Part commits an offence and is liable on conviction to the applicable penalty provided in subsection (2) of this section.

(2) Applicable fines and penalties for a violation of the provisions of this Part are-

(a) where the person is a manufacturer or importer -

(i) in the case of an individual, a fine of not less than N200,000.00 or term of imprisonment of not more than 1 year or both; and

(ii) in the case of corporate entity, a fine of not less than N4,000,000.00;

(b) any other seller of tobacco or tobacco products, to a fine of not less than N200,000.00 or a term of imprisonment of not more than one year imprisonment or both.

PART VIII - TOBACCO PRODUCT PACKAGING AND LABELING

20. (1) Every tobacco or tobacco products package shall contain in writing and graphics, every health warning signs prescribed in this Act or any other law which shall cover not less than 50% of the total surface area of the package.

(2) The text of the health warnings and messages shall be in English language.

(3) For subsequent periods, which shall be no more than 24 months each, the Ministry shall prescribe a set of new warnings and messages that shall be used or authorise the use of warnings and messages from previous rotation periods.

(4) For a period of no longer than 150 days from the date new warnings and messages take effect to replace the warnings and messages from a previous period, a unit and outside packaging and labeling already in circulation with the old health warnings and messages may continue to be sold along with unit and outside packaging and labeling with the new warnings and messages.

(5) At the end of the 150 days, in addition to any penalty to which the responsible manufacturer or seller may be subject, any non-compliant packaging and labeling and any product contained therein found in the possession or under the control of a tobacco manufacturer or seller or any person acting on their behalf shall be subject to confiscation and destruction.
(6) In addition to the required health warnings and messages, the unit and outside packaging and labeling of all tobacco products shall provide the descriptive only information on constituents and emissions prescribed in regulations.

21. (1) The unit and outside packaging and labeling, and tobacco product itself, shall not promote the product by any means that are false, misleading, deceptive or likely to create an erroneous impression about the product's characteristics, health effects, hazards or emissions, including using any term, descriptor, trademark, figurative, color, or other sign of any kind that directly or indirectly creates or is likely to create the false impression that a particular tobacco product is less harmful than others.

(2) In this section, "prohibited terms" include, low tar, light, ultra-light or mild, extra, ultra, and other terms in any language that is likely to mislead consumers, including when used as part of a brand name or trademark.

(3) Quantitative information on emissions shall not be displayed anywhere on or inside the product's unit or outside packaging or labeling, or on the product itself, including when used as part of a brand name or trademark.

(a) the use of logos, colors, brand images, and other promotional items or features on, in, or as part of tobacco product packaging and labeling, and on or as part of the product itself, other than brand names and product names displayed in a standard color and font, as may be specified in regulations;

(b) any feature of the retail packaging designed to change after retail sale, including, but not limited to:

(i) heat activated inks;

(ii) inks or embellishments designed to appear gradually over time, including on the product itself;

(iii) inks that appear fluorescent in certain light, including on the product itself;

(iv) panels designed to be scratched or rubbed to reveal an image or text;

(v) removable or hidden tabs or panels; or

(vi) fold-out tables or panels; and

(c) any other misleading or promotional features of the packaging and labeling or product.

22. Except otherwise stated in this Act or any other law, a change in any regulation made under this Act relating to the standard, packaging and labeling of tobacco or tobacco related products shall take effect after 18 months from the date of publication of the
regulations in the Official Gazette.

23. Fulfilling the requirements of this Part does not remove or diminish any duty of a tobacco manufacturer or seller, including the duty to warn consumers about the health hazards arising from tobacco use and exposure to tobacco smoke.

24. (1) A person who violates any provision of this Part commits an offence and is liable to the penalties provided in subsection (2) of this section.

(2) The applicable penalties for violation of this Part are –

(a) against any tobacco manufacturer, importer, or wholesale distributor, a fine of not less than N5,000,000.00 and a term of imprisonment of not more than 2 years; and

(b) against a retailer, a fine of not less than N200,000.00 and a term of imprisonment of not more than 1 year.

25. (1) Interactions between government and the tobacco industry shall be conducted in a transparent manner.

(2) Where an interaction between government and the tobacco industry is necessary for effective regulation, and whenever there is an interaction of any kind or contact between the government and the tobacco industry, regardless of which party initiates it, the appropriate government authority shall ensure transparency of the interaction or the contact.

(3) Transparency shall require at a minimum –

(a) conducting any interaction between the government and the tobacco industry in public, such as through public hearings, unless doing so would jeopardize effective regulation or would not be legally possible, as in the case of inspections or investigations or litigation interactions;

(b) minutes or other documentation of all interactions, whether face-to-face or through some other means of communication, and contacts, that provide sufficient detail to identify, at a minimum –

(i) the parties involved,
(ii) matters discussed or considered,
(iii) any decisions taken,
(iv) any follow-up activity planned or anticipated,
(v) the date, location and method of the interaction or contact, and
(vi) any other detail as may be prescribed in the regulations or policies;

(c) forwarding all documentation to the Ministry within not more than 15 days and making all records of, and documents related to, interactions, communications, and contacts readily accessible to the public, unless the public disclosure would not be legally possible:
provided that timeliness of public accessibility shall be subject to ensuring effective regulation, such as in the case of ongoing investigations; and

(d) any other transparency measure as may be prescribed in the regulations or policies.

(3) Any necessary interaction with the tobacco industry shall be carried out in a manner that avoids the creation of any perception of an unhealthy partnership or collaboration and, in the event such a perception is created, the government shall act promptly to correct it.

26. The Minister shall ensure that a responsible authority of government is made aware of, at a minimum, the addictive and harmful nature of tobacco or tobacco products, the need to protect tobacco control policies from the commercial and other vested interests of the tobacco or tobacco products industry, and of the strategies, tactics, and front groups and other surrogates used, openly or covertly, by the tobacco or tobacco products industry to undermine and subvert the development and implementation of effective tobacco or tobacco products control policies, including by making philanthropic contributions to public and private organizations.

27. No business in the tobacco industry shall -

(a) offer or make, and no government institution, body, board, commission, committee, work group, organ, or other government entity shall accept a voluntary contribution of any kind, financial or otherwise, from the tobacco industry provided that a contribution from the tobacco industry resulting from legal requirements or settlement of litigation shall not be considered a voluntary contribution;

(b) offer or make to any public office holder, and no public office holder shall solicit or accept, a financial or other contribution of any kind, including any gift, favour, or perquisite; or

(c) offer or make to any political party, candidate, or campaign, or any person or entity acting on their behalf, and no political party, candidate, campaign, or any person or entity acting on their behalf, shall solicit or accept, a financial or other contribution of any kind.

28. (1) A person shall, prior to engaging any person to undertake any paid or voluntary work or service of any kind for the government, make appropriate disclosures about any existing or prior affiliation, as specified in subsection (2) (a) – (c) of this section with the tobacco industry.

(2) A person shall not be hired, awarded a contract, or otherwise retained or engaged to work or serve in any capacity with responsibility for tobacco control policy where that person—

(a) is engaged in occupational activity with the tobacco industry, including serving as a member of a board of directors for a business in the tobacco industry;
(5) A public office holder who engaged in significant activity in relation to tobacco control policy during the period of 24 months immediately prior to the termination of the public office holder's government service shall be prohibited from accepting occupational activity, including appointment to a board of directors with any business in the tobacco industry for a period of at least 24 months after leaving government service, and shall be bound by confidentiality with respect to any matter involving tobacco control policy development or implementation.

(6) The relevant authority or authorities in each government, institution, or body shall establish effective directives, policies, procedures, guidelines, or other measures necessary or appropriate for preventing and addressing any tobacco-related conflict of interest pursuant to this section and any regulations made under this Act.

PART X—LICENSING OF TOBACCO DEALER

29.—(1) No person shall manufacture, import or distribute tobacco or tobacco products except the person has obtained a licence or is authorised in writing by the Minister:

Provided that a person who has duly obtained a licence in accordance with the repealed Act is deemed to have obtained such licence under this Act.

(2) The Minister may, by regulation published in the Official Gazette, prescribe the method, conditions for grants and revocation and other requirements for licensing under this Act.

(3) The provision of this section does not apply to a retailer of tobacco or tobacco products.

30.—(1) The responsible authority shall, by regulations, prescribe appropriate measures to prevent illicit trade in tobacco products.

(2) A person who violates any of the provisions of regulations made under this Part shall be subject to any one or a combination of penalties provided in sub-section (3) of this section.

(3) Applicable fine for violation of regulations made under this Part are, in the case of—

(a) a tobacco manufacturer or importer, upon conviction, a fine of not less than N10,000,000.00 and a term of imprisonment of not more than 10 years or both; and

(b) any other person, upon conviction to a fine of not less than N5,000,000.00 and a term of imprisonment of not more than 5 years or both.
PART XI—ENFORCEMENT

31.—(1) The police or any other law enforcement agency of government shall have the duty to inspect and investigate complaints and take appropriate enforcement action under the Act and in regulations made under this Act.

(2) The Minister may designate authorised officers for the purpose of implementation and enforcement of the provisions of this Act.

32.—(1) The police or any authorised officer shall have powers to—

(a) enter the premises of any public place, workplace, means of public transportation, and any business where tobacco is manufactured, tested, sold, transported, received, distributed, supplied, or otherwise found or is likely to be found;

(b) enter such premises as provided in paragraph (a) of this sub-section, to conduct inspections or investigations at any time during business or operating hours or at any other reasonable or necessary time;

(c) examine, open, and test any equipment, tool, material, package or anything the police or any authorised officer reasonably believes is used or capable of being used for the manufacture, packaging and labeling, storage, distribution, or advertising and promotion of tobacco products;

(d) examine any manufacturing operation or process carried out on the premises;

(e) examine and make copies of, or from any, book, document, note, file, including electronic files, or other records the police or the authorised officer reasonably believes might contain information relevant to determining compliance with the provisions of this Act and regulations and any other applicable law, including laws and regulations imposing duties or taxes;

(f) interview any person the police or authorised officer believes may have information relevant to making a compliance determination;

(g) open and take samples of tobacco products or components of products, their packaging and labeling and have them tested;

(h) stop, search, and detain any aircraft, ship, vehicle or other means of transport or storage in which the police or the authorised officer reasonably believes tobacco products are or were contained or conveyed;

(i) seize and detain, or order the storage without removal or alteration of any tobacco product or other thing the authorised officer reasonably believes does not comply with the provisions of this Act or regulations made under this Act and any other applicable law, including laws and regulations imposing duties or taxes;
Provided that the police or authorised officer shall first provide the licensee or owner of the tobacco products or other things, or if the licensee or owner is unavailable, any other person on the premises where the tobacco products or other things are located, with written notice of the seizure and detention and the grounds for it and—

(i) where tobacco product or other thing so seized and detained is determined to meet legal requirements, the product shall be returned to the premises from which it was seized within 7 business days from the date it is determined to meet legal requirements, and

(ii) where any tobacco product or other thing is determined not to meet legal requirements, the product may be confiscated and destroyed or subject to other disposal, as ordered by the adjudicator of the case, subject to any appeal rights that may be applicable; and

(i) take any other action reasonable or necessary for the effective and efficient administration of this Act.

(2) Inspection and investigation reports, and documents collected pursuant to inspections and investigations shall be made readily and publicly accessible once the inspection or investigation has been concluded, subject to exclusion of any information protected by law provided that an exclusion of information and the grounds for exclusion shall be explained in writing.

(3) The police or authorised officer may not enter a dwelling place except with the consent of the occupant or under the authority of a warrant issued under section 35 of this Act.

(4) A person shall not deny, obstruct or hinder, or knowingly make a false or misleading statement to the police or authorized officer who is carrying out duties under this Act.

33.—(1) The Ministry shall have the authority to specify additional requirements and prohibitions to protect tobacco control policies from the commercial and other vested interests of the tobacco industry, and shall have authority to promulgate any regulation necessary or appropriate for achieving the objectives of this Part.

(2) The heads of government institutions, bodies, or other organs shall adopt and periodically monitor and evaluate policies, procedures, codes of conduct, directives, guidelines and standards to ensure proper administration of the provisions of this Part and regulations made under this Act.

34.—(1) A person who violates any of the provisions of this Part commits an offence and is liable on conviction to any one or combination of the penalties provided in subsection (2) of this section.
(2) The applicable fines for any violation of the provision of this Part are, in the case of—

(a) a political candidate, party, or campaign, a fine of not less than ₦10,000,000.00 and a term of imprisonment of not more than 10 years or both;

(b) a business in the tobacco industry, a fine of not less than ₦10,000,000.00 and a term of imprisonment of not more than 12 years;

(c) a public office holder, a fine of no less than ₦500,000.00 and a term of imprisonment of not more than seven years; and

(d) any other person, a fine of not less than ₦500,000.00 and a term of imprisonment of not more than 7 years or both.

35.—(1) Upon an ex-parte application, a Magistrate or Judge of the High Court, may issue a warrant authorising the officer named in the warrant to enter and inspect a dwelling place, subject to any condition specified in the warrant, if the Magistrate or Judge is satisfied by information on oath that—

(a) such a dwelling place is harbouring illegal or substandard tobacco or tobacco products; or

(b) upon reasonable suspicion that, such a dwelling place has become a depot for harbouring illegal or substandard tobacco or tobacco products.

(2) The police or authorised officer executing the warrant shall not use force except the use of force is specifically authorised in the warrant or is necessary.

36. The High Court may order that the tobacco, tobacco product or thing be restored immediately to the applicant if, the court is satisfied that—

(a) the applicant is entitled to possession of the tobacco, tobacco product or thing seized; and

(b) the tobacco, tobacco product or thing seized is not and will not be required as evidence in any proceeding in respect of an offence under this Act.

37. Where—

(a) no application has been made under this Act, or an application has been made but, on the hearing of such application, no order for restoration is made,

(b) a person has been convicted of an offence under this Act in respect of which tobacco, a tobacco product or thing has been seized, or
(c) an officer has seized tobacco, a tobacco-product or thing and the owner or the person in whose possession it was at the time of seizure consents in writing to its forfeiture,

the tobacco, tobacco product or thing is forfeited to the Federal Government and may be destroyed or disposed of by the responsible authority.

**PART XII—EDUCATION, COMMUNICATION, TRAINING AND PUBLIC AWARENESS**

38.—(1) There shall be active promotion and strengthening of public awareness on the health consequences, addictive nature and mortal threat posed by tobacco or tobacco products use and exposure to tobacco or tobacco products smoke and the harmful effects of tobacco or tobacco products growing and handling through a comprehensive Nationwide Education and Information Campaign organized through Ministries, Departments, and Agencies of government in collaboration with civil society organization.

(2) A person or entity working on behalf of or furthering the interests of the tobacco industry shall not be involved in any manner in youth, public education, or other initiatives related to tobacco control or public health, including any funding of such activities.

(3) Application of revenues and fees from the tobacco industry mandated by law shall not be considered funding by the tobacco industry for the purposes of this section.

**PART XIII—MISCELLANEOUS**

39.—(1) In addition to any matter in this Act in which the Minister is authorised to make regulations under this Act, the Minister may make regulation prescribing any manner or thing that is necessary or appropriate to fulfil the objectives of this Act.

(2) Any regulation made by the Minister under this section or any other section of this Act shall be subject to the approval of both Houses of the National Assembly.

40.—(1) The Minister shall establish appropriate mechanisms for the monitoring and evaluation of the provisions of this Act and ensure the overall effectiveness of the inspection and enforcement provisions provided for this under this Act.

(2) Evaluation shall include an assessment of the impact with respect to different population groups and vulnerable groups such as women, youth and low-income populations.
41. No person, business or entity, or any other person shall take any retaliatory action or discriminate against any employee, applicant, contractor, or other person on the ground that such person made a complaint, reported, disclosed, or opposed any conduct, activity, or practice that reasonably could be construed to be a violation of any provision of a policy or any provision of this Act or regulations made under this Act or against any agency or any person who brought a legal action, testified in any proceeding or hearing, or assisted or participated in any way in any investigation brought by virtue of the provisions of this Act.

42. (1) A person who violates any provision of this Act for which no specific penalty is provided in this Act commits an offence and is liable to the applicable penalties specified in sub-section (2) of this section.

(2) The applicable penalties referred to in sub-section (1) of this section are—

(a) a warning, where the person is a first time offender and the violation is unintentional;

(b) suspension of licence or operations for a specified period of time; and

(c) in case of—

(i) individual, a maximum fine of N500,000.00 or a maximum imprisonment of 10 years, and

(ii) corporate entity, a maximum fine of N5,000,000.00.

(3) In the case of a violation by a corporation, partnership, firm or other entity, the managers, directors, officers, and their legal representatives as appropriate, shall bear responsibility for any penalty imposed, for any cost associated with any enforcement or corrective action, and for any term of imprisonment ordered, unless otherwise specified.

43. The Governments of the Federation and their Ministries, Departments and Agencies shall implement tax policies, strategies, programmes, or other fiscal measures which promotes the objectives of this Act and in accordance with Framework Convention for Tobacco Control, its implementing guidelines, and protocols.

44. (1) The Tobacco Smoking (Control) Act, Cap. T6 Laws of the Federation of Nigeria, 2004 is repealed.

45. In this Act—

"Committee" means the National Tobacco Control Committee established under section 2 (1) of this Act.
“conflict of interest” means a conflict between the public duties and private interests of any person working in any capacity in, or on behalf of, government where that person has tobacco-related interests which could improperly influence or could reasonably be perceived as being capable of improperly influencing the performance of the person’s official duties or responsibilities;

“cross-border” with respect to tobacco advertising, promotion, and sponsorship, means an activity relating to the subject matter of this Act which originates within the territory of Nigeria and enters another territory or could be received in another territory, including by means such as placement on the internet or through broadcasts or other communications technologies, as well as that which originates outside Nigeria and enters or is designed to enter Nigeria;

“enclosed” means any space covered by a roof or one or more walls or sides, regardless of the type of material used and regardless of whether the structure is permanent or temporary;

“government” or “government authority” includes any person or entity working on behalf of or to further the interests of government;

“government” includes governmental and semi- or quasi-governmental institutions, bodies, boards, commissions, committees, work groups, or entities, and reference to “government” also refers to the public office holders and other persons representing government;

“health warnings and messages” means prescribed requirements by the Ministry to be displayed on tobacco packaging and labeling conveying the health consequences of tobacco use and exposure to tobacco smoke and any other message as may be prescribed by the Ministry;

“indoor” same as enclosed;

“Minister” means Minister of Health;

“Ministry” means Federal Ministry of Health;

“occupational activity” includes any kind of employment, contract, consulting, or other work, or service activity, whether it is gainful or not, and whether it is full-time, part-time, occasional, temporary, or permanent;

“open space” or “outdoor space” means any space that is not enclosed;

“outside packaging and labeling”, with respect to tobacco products, means packaging and labeling used in the retail sale of the products;

“person” means individual and corporate entity;

“person responsible for the premises” means the owner, manager, or other person in charge of a public place, workplace, or means of public transport;
“public office holder” includes any person or entity working on behalf of, or furthering the interests of, the office held by the person;

“public place” means all public places listed in the Second Schedule and excludes the roads, streets, highways and all outdoors places within the 5 meter rule;

“public transport” means any vehicle used for carriage of members of the public, usually for reward or commercial gain;

“publish” means to make public to one or more persons by any means;

“relevant or related to tobacco control” means any policy, law, regulation, programme, or initiative that affects or is likely to affect the development or implementation of tobacco control policy, such as tax, price, trade, and agricultural policies;

“responsible authority” means the Ministry or Minister, as the case may be, Department or Agency of the Government charged with responsibility for the implementation and enforcement of the provision of this Act;

“responsible for tobacco control”, “responsibility for tobacco control”, or “role in tobacco control” includes being involved in or contributing to, or being in a position to be involved in or contribute to tobacco control policies, or those relevant or related to tobacco control, within any branch of government at the national or sub-national levels;

“subsidiary” means a business in the tobacco industry in which another tobacco corporation has a controlling share and includes any corporation organized and chartered under the laws of another State;

“seller”, with regard to tobacco products, means any person that sells tobacco products at import, wholesale, export, or retail;

“smoking” includes being in possession or control of a lit tobacco product regardless of whether the smoke is being actively inhaled or exhaled;

“tobacco advertising and promotion” means 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;

“tobacco control” means a range of supply, demand, and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke;

“tobacco control policy” includes the formulation, development, implementation, administration, or enforcement of tobacco control policy, law, regulation, programme, or initiative, and any policy, law, programme, or initiative relevant or related to tobacco control;
Appendix F: WHO Framework Convention on Tobacco Control, Article 16 Sales to and by Minors

1. Each Party shall adopt and implement effective legislative, executive, administrative or other measures at the appropriate government level to prohibit the sales of tobacco products to persons under the age set by domestic law, national law or eighteen. These measures may include:
   a. requiring that all sellers of tobacco products place a clear and prominent indicator inside their point of sale about the prohibition of tobacco sales to minors and, in case of doubt, request that each tobacco purchaser provide appropriate evidence of having reached full legal age;
   b. banning the sale of tobacco products in any manner by which they are directly accessible, such as store shelves;
   c. prohibiting the manufacture and sale of sweets, snacks, toys or any other objects in the form of tobacco products which appeal to minors; and
   d. ensuring that tobacco vending machines under its jurisdiction are not accessible to minors and do not promote the sale of tobacco products to minors.

2. Each Party shall prohibit or promote the prohibition of the distribution of free tobacco products to the public and especially minors.

3. Each Party shall endeavour to prohibit the sale of cigarettes individually or in small packets which increase the affordability of such products to minors.

4. The Parties recognize that in order to increase their effectiveness, measures to prevent tobacco product sales to minors should, where appropriate, be implemented in conjunction with other provisions contained in this Convention.

5. When signing, ratifying, accepting, approving or acceding to the Convention or at any time thereafter, a Party may, by means of a binding written declaration, indicate its commitment to prohibit the introduction of tobacco vending machines within its jurisdiction or, as appropriate, to a total ban on tobacco vending machines. The declaration made pursuant to this Article shall be circulated by the Depositary to all Parties to the Convention.

6. Each Party shall adopt and implement effective legislative, executive, administrative or other measures, including penalties against sellers and distributors, in order to ensure compliance with the obligations contained in paragraphs 1-5 of this Article.

7. Each Party should, as appropriate, adopt and implement effective legislative, executive, administrative or other measures to prohibit the sales of tobacco products by persons under the age set by domestic law, national law or eighteen.'

Source: http://www.who.int/tobacco/control/measures_art_16/en/