

# National Institute for Health and Care Excellence

## Centre for Public Health

*Review decision: November 2014*

### **Consideration of an update of the public health guideline on 'Mass media and point-of-sale measures to prevent the uptake of smoking by children and young people' (PH14)**

## **1 Background information**

Guidance issue date: July 2008

First 3 year review: October 2011

Second 3 year review: July 2014

The guideline can be found at: <http://www.nice.org.uk/ph14>

## **2 Process for updating guidance**

Public health guidelines are reviewed every 3 years to determine whether all or part of it should be updated.

The process for updating NICE public health guidelines is as follows:

- NICE convenes an expert group to consider whether any new evidence or significant changes in policy and practice would be likely to lead to substantively different recommendations. The expert group consists of members (including co-optees) of the original committee that developed the guideline, the review team that produced the original evidence reviews or other academics in the field, representatives from practice and representatives of relevant government departments.

- NICE consults with stakeholders on its proposal for updating the guideline.
- NICE may amend its proposal, in light of feedback from stakeholder consultation.
- NICE determines where any guideline update fits within its work programme, alongside other priorities.

### **3 Consideration of the evidence and practice**

The guideline was reviewed by an expert group convened on 17<sup>th</sup> June 2014.

In addition to the members and co-optees from the original committees that developed the guideline, the meeting was also attended by representatives from the CMO's office, the Department of Health, Public Health England and ASH.

The expert group discussed published and ongoing research of relevance to the current recommendations. They also discussed changes to policy, legislation and practice that might affect the recommendations.

#### **Policy Context**

The group highlighted the following as relevant to any update of the guideline:

- General election in May 2015 and its implications for any future government's tobacco control plan
- Outcome of the government's consultation on standard packaging
- Tobacco display restrictions extended to all retailers from April 2015
- Proxy purchasing of tobacco for underage becomes an offence from April 2015
- Potential legislation (and related media campaigns) around smoking in cars with children present

- Any regulations related to the supply and marketing of electronic cigarettes

## **Mass media**

### **Recommendations 1, 2 and 3**

The expert group felt that these recommendations were still applicable to traditional mass media campaigns using TV, radio and billboard formats. However, the recommendations were felt to be outdated given the role that new media – and social media in particular – now plays in communicating messages to large numbers of people and especially young people.

Further, in terms of inequalities, the group noted that traditional mass media campaigns tend to have less impact on the groups who need it most.

Where campaigns are undertaken, the group felt that NICE needed to give stronger guidance about the value of undertaking these at local level compared with the efficiencies that can be achieved through regionally (or nationally) coordinated activities.

The group also discussed the impact that smoking cessation campaigns aimed at adults can have on both cessation and prevention among children and young people. In particular, they felt that campaigns aimed at de-normalising smoking among adults could help deter children from taking up smoking.

There was a brief discussion about whether the marketing of electronic cigarettes might act as a gateway to – or diversion from – cigarette smoking among children and young people. Related to this is the marketing of electronic cigarettes at the point-of-sale (see recommendations 4 and 5).

## **Illegal Sales**

### **Recommendations 4 and 5**

The expert group felt that the current focus on point-of-sale measures was insufficient and that there was a need for recommendations about interventions to reduce proxy sales and illicit tobacco. They noted the potential for recommendations to impact inequalities given that access to illicit tobacco was greatest in more deprived areas.

The group also noted that magistrates are very strongly influenced by sentencing guidelines and so recommendations needed to address these in order to have any real impact.

As with the previous review, there was a brief discussion about the case for licensing cigarette retailers. A review of the relevant evidence would be required if this is to be considered for inclusion in a future update. In addition, clarification would be required over whether primary legislation is needed to enable local authorities to introduce such a scheme.

The current recommendations also require some factual corrections relating to vending machines (illegal since 2011) and the names of some organisations (the Local Better Regulation Office is now called the Delivering Better Regulation Office).

### **Other approaches**

The expert group briefly discussed other approaches to reducing the uptake of smoking by children and young people which have not yet been considered by NICE, e.g. family- and community-based approaches. The group felt there was a role for interventions that aim to change social norms among adults (e.g. smoking in cars and homes) having an impact on the uptake of smoking by children and young people. The group also noted that NICE has not published any guidance on smoking cessation for children and young people.

## **4 Implementation and post publication feedback**

There has been nothing identified through post publication enquiries or implementation feedback that would indicate a need to update the guideline.

## **5 Stakeholder consultation**

In September 2014, a proposal was made to stakeholders that the guideline should be updated, in particular to take account of new evidence relating to the use of new media for changing social norms around smoking, and measures to control proxy and illegal sales of tobacco.

Nineteen stakeholder organisations responded to the consultation on the review proposal, including: Tobacco Free Futures, Action on Smoking and Health (ASH), the Royal College of Paediatrics and Child Health, Johnson & Johnson McNeil, the Association of Convenience Stores, and NHS England.

Half of the respondents were explicitly supportive of NICE's proposal to update the guideline. These included Public Health England, Smokefree South West and the British Thoracic Society. The remaining organisations commented on specific recommendations and did not express a view as to whether the guideline should or should not be updated at this time. None of the stakeholders explicitly stated that the guideline should not be updated. However, the Cochrane Tobacco Addiction group did suggest that there may be a lack of new evidence on mass media campaigns, including new media, since the guideline was originally developed.

In terms of how the guideline should be updated, many stakeholders agreed that new media for changing social norms should be explored, and some commented that the portrayal of smoking in films and social media should also be considered as this could undermine any change to social norms. Several of the stakeholders explicitly supported investigating the impact of smoking cessation campaigns aimed at adults on de-normalising smoking and deterring children from taking up smoking. In particular, Tobacco Free Futures cite several studies which have been published since the guideline was issued

that suggest that adult mass media campaigns can prevent smoking uptake in children.

There was strong support from several stakeholders for examining the evidence on proxy and illegal tobacco sales. This will be particularly important in light of the Children, Schools & Families Act 2014, which will make proxy purchasing of tobacco and nicotine products (including electronic cigarettes) illegal in England in 2015. Some organisations supported a review of the evidence on the licensing of tobacco retailers.

A number of stakeholders also agreed that the policy and legislative context has changed since the guideline was published. This includes: the ban on the sale of tobacco from vending machines (October 2011 in England), the ban on point of sale tobacco displays in large shops (April 2012 in England), and the planned ban on point of sale displays in small shops (due in England in April 2015). As such, they felt that this part of the guideline needs updating.

Over half of the stakeholders expressed a desire for NICE guidance on electronic cigarettes, especially as a gateway to smoking and the effects of electronic cigarette advertising on smoking normalisation.

## **6 Equality and diversity considerations**

There is no evidence to indicate that the guideline does not comply with anti-discrimination and equalities legislation.

## **7 Conclusion**

Stakeholders confirmed the view of the expert group that although the current recommendations were still valid (subject to some factual and terminology corrections), there are a number of areas within the original scope that could now be better addressed by examining the latest evidence.

In particular, the guideline needs to be brought up-to-date with recommendations relating to new media and its potential for changing social norms around smoking. In addition, it needs to consider the evidence on the

impact of smoking cessation campaigns aimed at adults on de-normalising smoking and deterring children from taking up smoking. It will also seek to develop new recommendations relating to proxy sales and the supply of illicit tobacco.

The potential for refining the existing recommendations and development of the new recommendations would require an economic analysis as well as an assessment of evidence of effectiveness.

## 8 Review decision

The guideline will be updated.

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