BMA Scotland welcomes the Tobacco and Primary Medical Services (Scotland) Bill which aims to crack down on the promotion of tobacco products to young people and prevent private provision of NHS GP services.

Smoking rates amongst children remain consistently high in Scotland; more than one in ten 15 year olds are regular smokers.\(^1\) Young people who smoke are at serious risk of developing life-shortening conditions\(^2\) and people who start to smoke at a young age are more likely to suffer tobacco-related mortality and morbidity, and succumb to tobacco-related diseases earlier.\(^3\)

Smoking kills over 13,000 people every year in Scotland, which equates to almost a quarter of all deaths, and the NHS has to allocate vast resources to treating smoking related illness. Smoking causes lung cancer, heart disease and respiratory problems. Everyday, doctors witness the death and despair caused by smoking. The BMA has recently published two reports: Breaking the Cycle of Children’s Exposure to Tobacco (2007) and Forever Cool (2008) that mirror many of the measures proposed in this Bill. This Bill will make tobacco less accessible to young people and help prevent illegal access to tobacco.

**Part 1: Chapter 1: Display of tobacco products**

Cigarette packet displays at the point-of-sale are a form of advertising\(^4\) and promote pro-smoking imagery to young people.\(^5\) In the USA, tobacco companies are known to pay retailers to achieve dominant display of their brands.\(^6\) The display of tobacco products at the point of sale has become more elaborate over recent years in reaction to the Tobacco Advertising and Promotion Act 2002.\(^7\) Now that there is a greater understanding and awareness of the dangers of tobacco, this can not be allowed to continue.

Displays at point of sale normalise tobacco use making cigarettes appear like an innocent commodity such as milk or bread, especially because the packs are placed next to everyday items.\(^8\) For example, a survey in California found that in 23% of stores, tobacco products were located within six inches of sweets.\(^9\)

One study shows that adolescents become more aware of tobacco brands when cigarettes are on display, and that they are more likely to express an interest in trying named brands. School children shown a cigarettes display at point of sale were more likely to perceive that it would be easy for them to buy cigarettes than those who were shown a till point with no cigarette display.\(^10\) Another study found that the gantry in the local shops is the single biggest source of information for children about tobacco.\(^11\)

Children aged 12 and 13 who profess to having a favourite cigarette advertisement are more likely to associate smoking with attributes such as
looking tough, looking grown up, calming nerves, gaining confidence and controlling weight. ¹²

There is international evidence that suggests adolescent exposure to tobacco brands could be reduced by as much as 83% if packs were removed from sight at point of sale. ¹³ The relevance of point of sale displays is widely acknowledged, as the following quote from the trade association Point of Purchase Advertising International highlights:

“Shoppers pay attention to displays, signs, coupon dispensers, sampling/demos, and announcement activity. They recall them and are far more likely to make an in-store decision to purchase a product that has point of sale support than a product that does not.” ¹⁴

American research has found that tobacco brands most popular with adolescents had nearly three times more marketing materials and twice as much shelf space in the stores where young people shopped the most. ¹⁵

The BMA is very pleased that the Government is proposing legislation to ban the display of cigarettes at point of sale. This will help prevent children from starting to smoke. The display of tobacco products at the point-of-sale acts as a form of tobacco advertising that reinforces deceptive notions about the glamour of smoking to young people. Children who smoke face years of tobacco addiction that can lead to life-threatening diseases and premature death.

Part 1: Chapter 2: Prohibition of vending machines for the sale of tobacco products

Cigarette vending machines are an easy source through which young people under the age of 18 buy cigarettes. BMA Scotland therefore welcomes the measures included in this Bill to ban vending machines.

Around one in ten Scottish 13 and 15 year olds who smoked got cigarettes illegally from vending machines. ¹⁶ A survey reporting on test purchases by young people under the supervision of trading standards officers in England found that young people were able to buy cigarettes from coin-operated vending machines on more than four in ten occasions, with a number of councils reporting a 100% successful purchase rate. ¹⁷ Purchasing cigarettes from vending machines was almost twice as successful for youngsters in England compared to other ways tested such as purchasing cigarettes from a newsagent, off licence or petrol station kiosk. ¹⁸

The World Health Organisation recommends a total ban on tobacco vending machines and 22 countries in Europe, including France, Belgium and Norway do not allow tobacco vending machines. ¹⁹

The change in the minimum legal age for tobacco sales from 16 to 18 combined with a renewed focus on the illegal sales of cigarettes in shops make it likely that the proportion of young people who access tobacco from vending machines could rise if they remain in place.
Evidence from countries that have introduced age verification systems for vending machines has shown that it is very difficult to restrict access to over 18s. In Florida, where proof of age is required via an ID card, a test case compliance study showed that one third of attempts by minors to access cigarettes through vending machines were successful.  

BMA Scotland believes a complete ban on cigarette vending machines would cut off one of the major sources of cigarettes for children and create a further barrier to smoking for under-age young people.

Part 1: Chapter 3: Register of tobacco retailers

Among regular smokers, nearly half (47%) of 13 year olds and over three quarters (82%) of 15 year olds reported buying cigarettes from a shop.

Despite widespread evidence that the law on underage sales is being broken, there have been very few prosecutions of retailers. A total of 73 cases were brought in 2004, of which 57 resulted in a guilty verdict. In four out of five cases, guilty retailers are not even fined. Without tough enforcement, the 2007 age increase will fail in its objective to restrict children’s access to tobacco.

In a survey of doctors, conducted by BMA Scotland, 93% of doctors supported calls for retailers to be encouraged to stop selling to underage children by the introduction of a licence to sell cigarettes, which would be removed for persistent offenders.

We therefore support the introduction of a tobacco register to sell tobacco so long as it is properly enforced and persistent offenders are removed from the register should they sell tobacco to those under 18.

Part 2: Primary medical services

When addressing a fringe meeting at the BMA’s Annual Representative Meeting in Edinburgh last summer, Health Secretary Nicola Sturgeon, announced her intention to close the ‘legal loophole’ in the GP contract that could allow private firms to run NHS GP surgeries. This move was welcomed by doctors from across the UK amid concerns about the growing commercialisation agenda in England.

The measures proposed in the primary medical services section of this Bill seek to amend the NHS (Scotland) Act of 1978 to remove the ability of private companies to hold Primary Medical Services contracts. It is this clause which has allowed the rapid expansion of commercially provided NHS GP services in England. These measures reinforce the SNP Government’s commitment to a publicly provided and delivered NHS in Scotland and will protect NHS general practice in the long term.

The BMA welcomes this approach and considers general practice, delivered under the auspices of the NHS will ensure that patient care comes before profit, and that patients can be assured of continuity of care. However, with
this commitment to NHS general practice, the Scottish Government must ensure that it develops and delivers a clear strategy for general practice in partnership with the profession.

Gail Grant
Senior Public Affairs Officer (Scotland)
British Medical Association Scotland
8th April 2009

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Cancer Research UK's Teenage Tobacco Study


Point-of-Purchasing Advertising International (POPAI) 1995


Test Purchasing of Tobacco Products, Results from Local Authority Trading Standards, 1st October 2007 to 31st March 2008: www.lacors.gov.uk. LACORS is the organisation responsible for overseeing local authority regulatory services in the UK.

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