

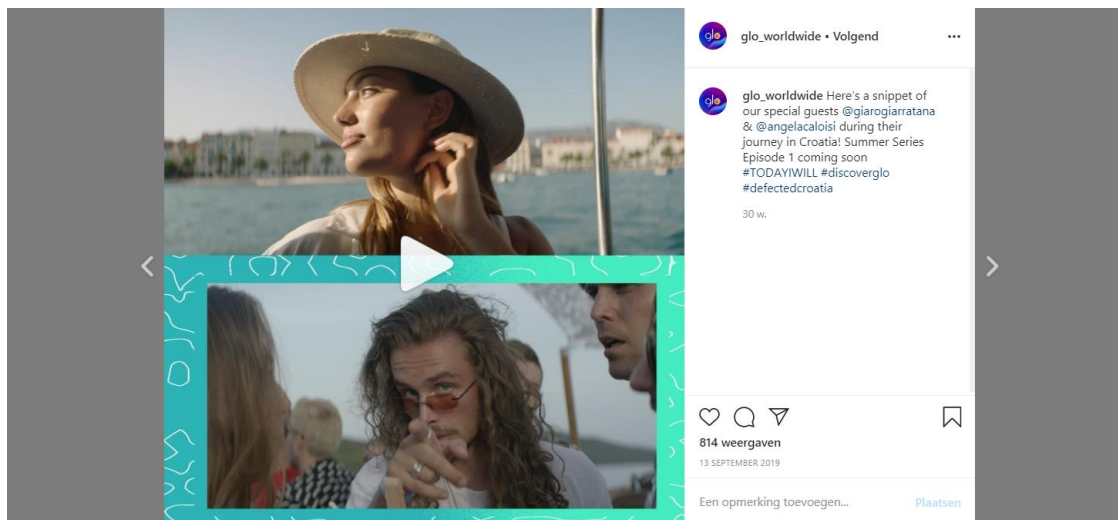
Dutch influencer hired to promote BAT's Glo heated-cigarette on Instagram

Since the summer of 2019, the media have reported about British American Tobacco's marketing campaign for its Glo heated-cigarette, involving paid postings by young influencers on Instagram. The Investigative Desk, a non-profit for investigative journalism in The Netherlands, delved deeper and found that the campaign also paid a Dutch-Italian and seven other European influencers. Despite promises by Instagram and Facebook, last December, to stop cigarette-promotion by Instagrammers, their postings were still online as late as March.

By Nina Eshuis, The Investigative Desk

The first scène. Two persons in their twenties stroll around the sunny city center of Split, Croatia. He has long, curly hair and wears his shirt with the first buttons opened. She wears white lingerie and a fashionable hat. A relaxed, electronic beat serves as background music.

Scène two. The two are on a boat, partying. The sky is blue, just like the sea. The woman elegantly holds a hand fan. The man points provocatively at the camera. Still the same beat on the background. The caption that accompanies the Instagrampost: #TodayIWill.



This could be an ad for a festival, or a clothing brand. Nothing in the video indicates that this is an advertisement for a tobacco product. But it is. It is an ad for Glo, a heat-not-burn product by British American Tobacco, that sells brands like Lucky Strike, Pall Mall and Dunhill.

Big tobacco has discovered new territory to advertise their products on: social media. This is not allowed, according to European directives and the WHO framework convention on tobacco control. But how to enforce these advertising bans on the world wide web?

Influencers

Last summer Glo, a 'heat-not-burn' product by British American Tobacco (BAT), brought together a group of eight influencers. The Instagrammers were invited by Glo

to attend the Defected Croatia festival, where the tobacco brand sponsored a boat party. Together, the Romanian, Russian, Ukrainian, Italian and also Dutch influencers have millions of followers. The man with the long, curly hair is namely [Giario Giarratana](#): a Dutch-Italian Instagrammer from Amsterdam with almost half a million followers.



The influencers posted numerous pictures and videos on their Instagram accounts. The Glo Instagram account also showed the influencers: on the beach, on a boat or strolling through the city. These were nice pictures and video's, with high production quality. Every time the caption read #TodayIWill, Glo's campaign slogan.

The festival in Croatia was not the only element of the Today I Will-campaign. Glo also organized giveaways on their Instagram for parties on Ibiza. The festival and the parties were hosted by Defected Records, a British record label for house music. Together with McLaren, Glo organized giveaways for Formula 1 races and even a 'VIP racing experience' in Abu Dhabi. In order to win, people had to follow the Glo Instagram-account and like the post.



BAT cooperated with McLaren not just to promote the Glo but [every 'potentially reduced risk product'](#) the company launched, including e-cigarettes Vuse and Vype.

The British giant is not the only tobacco company marketing its products on social media. [Research from 2018](#) by Campaign for Tobacco-Free Kids shows that Philip Morris International, Japan Tobacco International and Imperial Brands have done the same. Robert Kozinets, professor and social media researcher at the University of

Southern California, guided the research team of eleven researchers in ten countries. Together, they found over a dozen social media campaigns for tobacco products. Remarkable about the Glo campaign is that the product itself is barely visible on Instagram. What is being showed are partying youngsters. The slogan Today I Will is accompanied with phrases like 'embrace the unexpected', 'be bold' or 'follow my own path'.

Some of the tobacco campaigns are about promoting a certain lifestyle, explains Robert Kozinets. His research team found comparable hashtags, like 'I am on the move', 'decide your flow' and 'my day now'. "For these campaigns, one of the key messages is about living in the moment, being impulsive and taking advantage of the present."



To make sure that influencers use the hashtags, some tobacco companies create parties, events to which they invite the influencers. "For these campaigns, the parties were really about getting those hashtags out there, and about groups of young people having fun. It is really subtle."

Lifestyle advertising is a marketing technique that tobacco companies have been using for ages, according to Kozinets. He refers to Marlboro Man, the character that appeared in Marlboro advertisements since the 1950's. Kozinets: "He too created an image of someone who escapes normal life, lives on the edge, escapes mundane reality with a smoke."

The European Tobacco Advertising Directive, which member states are obliged to implement, bans cross-border advertising of tobacco products in printed media, on radio and television, and on the internet, as well as cross-border sponsorship of events. But enforcement is a grey area, said Anca Toma Friedlaender, director at Smoke Free Partnership. "The internet and especially social media create most of the enforcement uncertainties."

In [a report](#) from 2008 on the implementation of the directive, the European Commission wrote that cross-border advertisement on the internet will be 'the biggest challenge for effective implementation of the EU advertising ban'. The Commission also wrote that it would 'explore the possibility' of a cross-border enforcement mechanism. However, more than ten years later, a mechanism that coordinates enforcement between the member states is still non-existent.

Instagram also has its own responsibility in enforcing the tobacco advertising directive, according to Sybe de Vries, professor of EU Single Market Law & Fundamental Rights at the University of Utrecht, The Netherlands. “The ads become visible for the consumer on Instagram, so the platform could be a starting point.”

Instagram is part of Facebook, which has a subsidiary in Ireland. The ‘country-of-origin-principle’ that is central to the European directives on e-commerce implies that the member state in which the social platform is established, is responsible for their enforcement. “You could take Instagram to court in Ireland”, De Vries explained. The European Commission could also start an infringement procedure against countries which fail to implement the European Law.

Another opening for better enforcement could be the [recent ruling](#) of the European Court of Justice, which said that Facebook could be forced to delete hate speech about an Austrian politician, worldwide, because they violated Austrian law. The ruling could serve as a precedent to force Instagram to ban tobacco marketing from the platform. “But enforcement would still be difficult”, professor De Vries admitted.

Last December, [Facebook and Instagram](#) announced that they would no longer allow branded content concerning vaping and tobacco products would begin enforcement in the ‘coming weeks’.

As late as the end of March, the Glo Instagram account and the posts of the Today I Will-campaigns were still online. The giveaways and posts by influencers have been effective. Stats by Keyhole, a social media analyzing tool, point out that the hashtag #TodayIWill has been viewed more than 28 million times, by more than 8 million Instagram users.

Professor Robert Kozinets questions whether the social media platforms will succeed in keeping their promise. He and his researchers found many social media posts in which influencers did not explicitly state that they were being paid for the post. “That’s why social media are very attractive for advertising and very difficult for regulators to regulate.” How can you determine whether a post is an advertisement? Especially since there are so many accounts. Kozinets: “That requires a huge effort.”

Updating directives

In some EU directives, the internet is overlooked. “They originate from a time before the internet took its big leap”, said Sybe de Vries, Professor of EU Single Market Law at University of Utrecht. Some of the enforcement problems would require updating the directives.

The EU directive on tobacco marketing is largely based on the Framework Convention on Tobacco Control (FCTC) by the World Health Organization, which has been ratified by 181 countries. In this convention too the guidelines do not sufficiently cover social media marketing, the WHO itself [concluded](#) in 2018. Its implementation guidelines on tobacco advertising date back to 2008, before the big rise of cross-border social media.

During the next worldwide convention of the WHO, which will take place in November 2020 in The Netherlands, an expert group will present new guidelines for cross-border marketing of tobacco products.

WHO’s FCTC is legally binding, but the organization does not impose sanctions. Parties can take countries to court based on the convention, the same counts for the European directives.