

When a ban really is not a ban: internet loopholes and Djarum flavoured cigarettes in the USA

INTRODUCTION

Bans on flavoured cigarettes have been enacted in the USA,¹ the EU² and elsewhere. However, little is known about industry and consumer counter reactions. Djarum, which controls 97% of flavoured cigarette sales in the USA, immediately released 'cigars' resembling their banned counterparts and continued to manufacturer

flavoured cigarettes.³ This study describes: (A) online consumer interest⁴ in, and (B) promotion and availability of Djarum cigarettes, and their cigar replacements, before and after the USA banned flavoured cigarettes in 2009.

METHODS

Google searches originating in the USA including 'Djarum' in combination with 'cigarette/s' versus 'Djarum' in combination with 'cigar/s' (eg, 'Djarum cigarettes' would be pooled in the cigarette trend) were monitored (google.com/trends), then regressed on time (eg, 2008–2014).

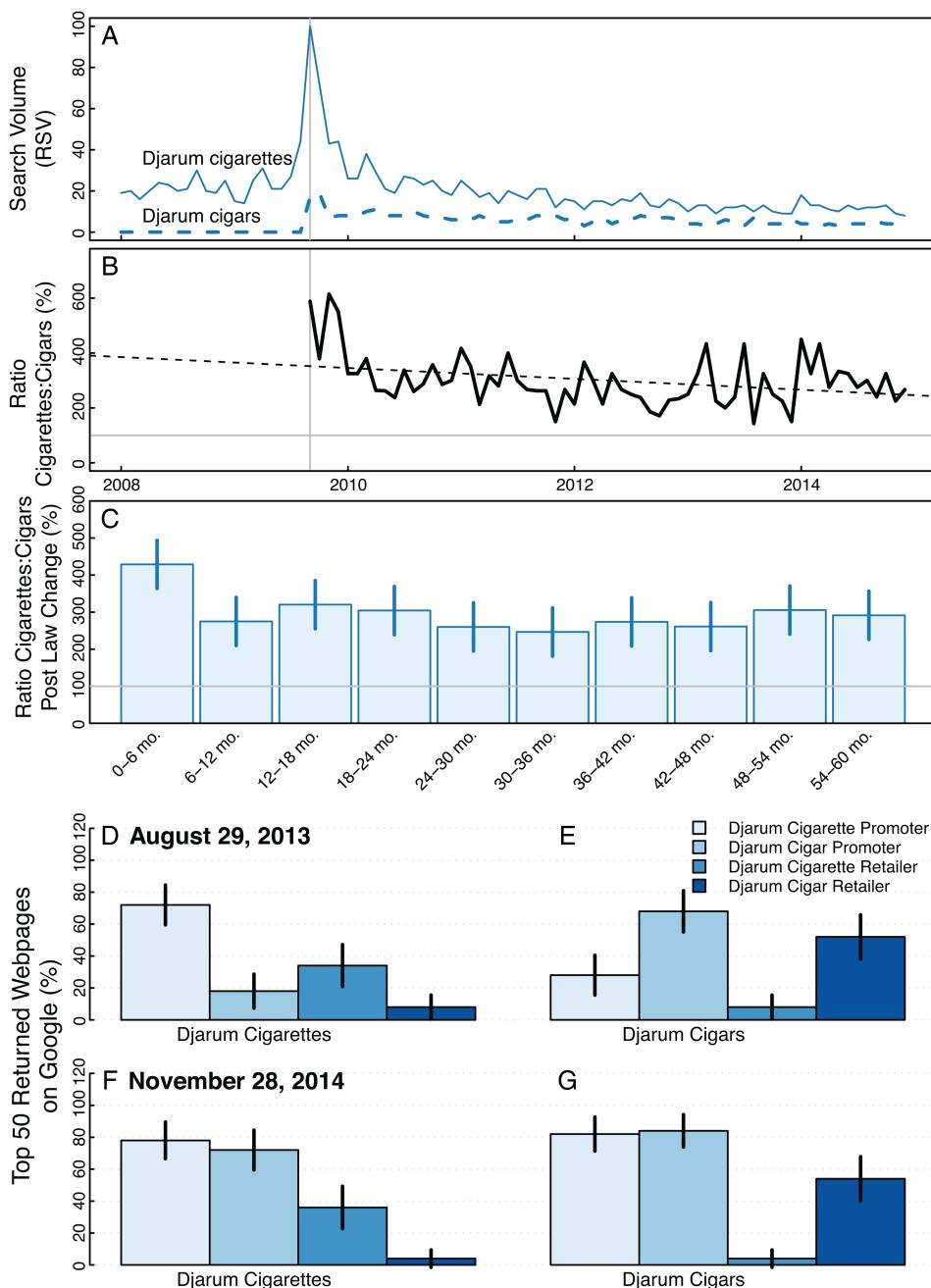
The top 50 Google search results between 29 August 2013 and 28 November

2014 for 'Djarum cigars' and 'Djarum cigarettes' were classified as websites that described Djarum cigarettes or cigars favourably (promotion), and as websites that sold either product (retailing). Two investigators classified the results ($\kappa=0.88$).

RESULTS

Djarum cigarette searches remained as high as the pre-FSPTCA ban (2008) through 2014, and were far more searched than their replacement cigar line (figure 1). For example, cigarette queries were 428% (95% CI 363 to 494) greater than cigar queries 0–6 months and 291% (95% CI 226 to 356) greater 54–60 months after the FSPTCA, with linear projections suggesting

Figure 1 Online Demand and Promotion/Retail For Djarum Cigarettes and Cigars For Google queries in the USA for Djarum cigarettes and cigars around the FSPTCA (A) shows the raw search trends for Djarum cigarette and cigars over the study period, (B) shows the ratio of cigarettes to cigars and (C) shows estimates of the ratio in yearly quarters after FSPTCA. Among the top 50 websites returned for 'Djarum cigarettes' and 'Djarum cigars' Google queries, (D and E) show the coding for promotion and retail for search results on 29 August 2013 and (F and G) on 28 November 2014. Retailer webpages are reported as a proportion of all webpage, but are a subcategory of promotional webpages. Black lines indicate 95% CIs.



Research letter

cigarettes will garner more searches through 2015.

In 2013, among the first 50 search results for 'Djarum cigarettes', 72% (95% CI 60 to 84) promoted and 34% (95% CI 21 to 47) sold Djarum cigarettes. Among the results for 'Djarum cigars', 28% (95% CI 16 to 40) promoted and 8% (95% CI 1 to 15) sold them. In 2014, 56% ('Djarum cigarettes') and 80% ('Djarum cigars') of the top 50 websites were new, but 36% (95% CI 23 to 49) of the first 50 search results for 'Djarum cigarettes' still sold them.

DISCUSSION

Djarum flavoured cigarettes are still sought and promoted/sold online years after being banned in the USA. Research suggests that the Internet can serve as a vehicle for circumventing tobacco regulation,⁵ but this study is among the first⁶ to observe online interest, promotion, and availability of an illicit tobacco product.

Curtailing demand requires persuasive appeals. Google (and others) have banned paid advertising for many cigarette queries, for example, 'Djarum cigarettes' search results did not include any 'pay-per-click' ads. Regulators can partner with search providers to fill this space with messages discouraging interest in banned products and encouraging cessation, as appropriately worded messages reduce prohibited behaviours as much as by 81%.⁷

Curtailing supply of an illegal tobacco product requires enhanced enforcement and levying fines on vendors may be necessary.⁸ Further enforcement is complicated, however, because tobacco vendor websites can be hosted outside the nation where purchases are made.⁹ By working with search providers, regulators can purge websites that promote or sell banned products from search results, as with copyrighted material such as films.¹⁰

Even with the limitations of our study (using a single brand case, search engine, and country), it is evident that flavoured cigarette bans appear to be circumvented online. These online loopholes should be closed.

What this paper adds

What is already known on this subject?

Flavoured cigarettes have been banned in the USA since 2009.

What important gaps in knowledge exist on this topic?

Bans on flavoured cigarettes are being replicated in other countries, but little is known about consumer and industry counter reactions.

What this study adds?

Flavoured cigarettes are still widely sought out and available online years after the ban, indicating that improved enforcement or new measures are needed to eliminate demand and availability of flavoured cigarettes.

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