

**THE SMOKELESS TOBACCO MASTER SETTLEMENT AGREEMENT
(STMSA) AND TOBACCO SPONSORSHIP OF RODEOS:
QUESTIONS AND ANSWERS**

Although the STMSA restricts smokeless tobacco marketing at rodeos, it is not a perfect legal document. The STMSA includes some restrictions on smokeless tobacco marketing at rodeos and other events, but it also has some loopholes that keep it from going far enough to protect children and families.

Smokeless tobacco ads don't belong at rodeos or any sporting event, especially when there are children in the audience. Unlike virtually any other product, there is no safe level of tobacco use. Smokeless tobacco causes cancer and heart disease. According to the Centers for Disease Control and Prevention (CDC), one in every 10 teenage boys uses smokeless tobacco. Studies show that advertising and promotion encourage tobacco use among kids, and that their decision to start using tobacco is influenced more by tobacco marketing than by pressure from their friends.

Do lots of kids attend your rodeo? If you want to protect the health of children who come to your rodeo, it is important that your rodeo committee pass its own voluntary policy to restrict tobacco sponsorship.

Question: Does the STMSA protect children?

Answer: According to the STMSA, advertising, promotions and marketing of smokeless tobacco products may not target children.

Loophole: Children are often present in rodeo and bull riding event audiences, and the STMSA does not stop smokeless tobacco companies from advertising during these events. As of 2007, the U.S. Smokeless Tobacco Company (USSTC) uses the one brand name sponsorship the STMSA allows per year to advertise Copenhagen at Professional Bull Riders, Inc. (PBR) events. At Professional Rodeo Cowboys Association (PRCA), National Intercollegiate Rodeo Association (NIRA), and other rodeo events, USSTC advertises its corporate name on large scoreboards, banners and program ads that are seen by kids in the audience.

Question: Are smokeless tobacco companies permitted to give away free smokeless tobacco samples during rodeo or bull riding events?

Answer: The STMSA does not allow free smokeless tobacco samples to be given away except in an enclosed area where the operator makes sure no one under age 18 can enter or see in.

Loophole: The STMSA does not stop USSTC from setting up an Adult-Only Facility at a rodeo and using one of its brand names to identify it. USSTC has turned the concept of an Adult-Only Facility into a marketing tool with what some describe as an amusement park-like setting, with mechanical bulls and other games and activities, and costumed women giving out free smokeless tobacco samples or discount coupons.

Question: Can tobacco companies use outdoor ads such as banners and scoreboards to promote smokeless tobacco?

Answer: The STMSA restricts outdoor advertising using brand names on billboards, signs and placards in arenas, stadiums, shopping malls, video game arcades and transit advertising.

Loophole: Companies like USSTC can still use their corporate name in outdoor ads, so long as the ads don't depict a brand name or the product.

Question: Does the STMSA restrict brand name sponsorship?

Answer: The STMSA restricts brand name sponsorships to one event or series of events per year. As of 2007, USSTC uses its one brand name sponsorship to advertise Copenhagen at PBR events.

Loophole: The STMSA may restrict brand name sponsorship, but it doesn't restrict sponsorships that use the Copenhagen brand name at PBR events, or corporate names such as USSTC at PRCA, NIRA and other types of rodeos. At tobacco-sponsored bull riding and rodeo events, kids see USSTC's name everywhere – on banners, competitors' clothing, scoreboards, programs and billboards.

Question: How can the loopholes in the STMSA be closed?

Sampling laws: States and local governments can sometimes pass sampling laws that prohibit or regulate the distribution of tobacco samples. California's sampling law currently allows local areas to pass ordinances that are stronger than the state law, but every state is different, and the laws frequently change. The "Legal Resources" tip sheet (see below) describes how to get information about sampling laws in California and elsewhere, and how to find legal technical assistance to help you understand the law.

Voluntary policies are useful in situations where there are political or legal barriers to passing laws. They can be adopted and enforced voluntarily by private rodeo committees, private venues that host rodeos, stock contractors, announcers, clowns and other rodeo organizers and participants. Voluntary policies can restrict tobacco sponsorship, advertising, sampling and/or use. The tip sheet "How to Develop a Policy for Your Local Rodeo" (see below) describes what can be included in a voluntary policy. Sample policies are available on the Buck Tobacco website at www.bucktobacco.org/policy.

Resources

Technical Assistance Legal Center (TALC) model rodeo sponsorship policy:
<http://talc.phi.org>

Sample voluntary policies and sampling ordinances in California and across the country: www.bucktobacco.org/policy

Tip Sheet: *Legal Fact Sheet on Limiting Tobacco Sponsorship at Rodeos*:
http://www.bucktobacco.org/resources/tipsheets/tips05_limiting.pdf

Tip Sheet: *Legal Resources: Where to Find Technical Assistance*:
http://www.bucktobacco.org/resources/tipsheets/tips06_where.pdf

Tip Sheet: *How to Develop a Policy for your Local Rodeo*
http://www.bucktobacco.org/resources/tipsheets/tips10_policy.pdf

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