



Philip Morris fined €900,000 for advertising IQOS

Paris, 9 July 2024 - On 27 June 2024, the Paris Court of Appeal upheld the conviction of Philip Morris France (PMF) and Philip Morris Products (PMP) for propaganda and illegal advertising in favour of tobacco for its heated tobacco device, IQOS. Philip Morris France, a repeat offender, was fined €500,000 and Philip Morris Products €400,000.

Since 2017, Philip Morris France has been marketing its IQOS heated tobacco device in France. The company is deploying an aggressive marketing strategy around this product both online and at tobacconists, even though tobacco advertising – in any medium – is strictly prohibited. Since the product's launch, the Comité national contre le tabagisme [CNCT, French National Committee for Tobacco Control] has continued to identify numerous instances of illegal advertising.

IQOS advertising: a world reminiscent of tobacco

The Paris Court of Appeal thus confirms the decision of the Judicial Court of Paris of 3 December 2021^[1], which clarified the status of IQOS, stating that although the electronic device is not a tobacco product as such, it can only be used with the HEETS tobacco sticks refills. As a result, it falls under the scope of tobacco product regulations, and must under no circumstances be promoted in any way whatsoever, regardless of the medium used.

In its decision, the Court of Appeal points out that the [iqos.com/fr](https://www.iqos.com/fr) website – which sells the electronic device – constantly refers to tobacco: *“The product is presented as an alternative to cigarettes for smokers wishing to continue smoking, in that it heats tobacco instead of burning it”*.

The IQOS trademarks and logos affixed at points-of-sale refer to *“the IQOS kit and, consequently, to the tobacco it enables to be consumed, especially as these trademarks and logos are affixed precisely at tobacconists.”*

Consequently, *“the website, as well as the posters and the appointment, aim to advertise IQOS by creating a website dedicated to the product, widely publicising its advantages over cigarettes, clearly identifying its points-of-sale and helping users to discover the product.”*

A deliberate strategy that is contrary to current legislation

The judges described the illegal advertising operation carried out by PMF and PMP as a *“commercial strategy aimed at circumventing the ban on tobacco advertising by focusing the communication on the IQOS product, which makes it possible to consume tobacco, and not on the HEETS tobacco refills themselves. All of these communications relating to the IQOS device, which inevitably refer to the tobacco that can be consumed with this product, therefore constitute illegal indirect tobacco advertising within the scope of article L.3512-5 of the French Public Health Code.”*

They added that this advertising campaign, which ran for two years and two months, was carried out *“with full knowledge by companies which were perfectly advised and aware of the legislation in force”* and that *“it had a clear impact on tobacco consumption in view of the share of the IQOS product in the group’s sales, i.e. 18.7% in 2021 and 32.1% in 2022”* (worldwide sales).

A decision likely to set a precedent and counter Philip Morris’ global strategy

By taking into account the development of IQOS sales worldwide, the Paris Court of Appeal understands that the marketing strategy developed in France stems from a global strategy with repercussions on consumption and public health. Indeed, since 2014, the manufacturer has been actively communicating its desire to achieve a “smoke-free world” using its “smoke-free products” like heated tobacco and, to a lesser extent, electronic cigarettes. In a context of a global decline in cigarette use, Philip Morris’ real objective is to capture new consumers and keep current smokers locked in their addiction.

The CNCT welcomes the importance of this decision, which is a milestone in the development of solid jurisprudence protecting public health at national and international level. By recalling that the IQOS device is indissociable from a tobacco product, this decision is likely to constitute a precedent for other countries where the IQOS device is actively promoted and undermines the objectives of smoking reduction.

The association also applauds the sanctions imposed by the Court of Appeal on Philip Morris, which has been convicted on several occasions for illegal tobacco advertising, *“with full knowledge of the facts”*.

Contact



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