

Tobacco Industry Profile – Ukraine (July 2009)

Introduction

The tobacco industry is a multibillion dollar industry worldwide. The sheer size of the industry allows tobacco companies to easily use its enormous wealth and influence locally and globally to market its deadly products. Even as advocacy groups and policy makers work to combat the industry's influence, new and manipulative tactics are used by tobacco companies to weaken or avoid tobacco control efforts. It is important for advocates of tobacco control to know which companies are present, how and where they operate, the types and quantity of products sold and the tactics used to market those products. By being informed about all aspects of the tobacco industry within a country, advocates are better equipped to fight the industry on multiple levels.

Market data in particular can be used by advocates in their campaigns to achieve priority policy initiatives contained in the FCTC and its guidelines. We urge the use of this information to educate policy makers about the size of tobacco companies and the strategies they use to promote their products, and to gain influence and credibility with them and the public at large.

This document is intended as background information for the development of presentations, educational and training materials, and for use in media messaging. Feel free to copy directly from this document to materials that you are developing (be sure to maintain citations). You are encouraged to add relevant local information so you have ready facts for these purposes.

It is important to note that this type of data is reported annually by the companies at least several months after the end of the fiscal year. By its nature then the data is one or two years old. Thus, general trends, forecast data, and tobacco industry positioning within the market contained here is the most recent we are able to obtain from Euromonitor and other sources.

Overview of the Tobacco Industry in Ukraine

Retail volume sales have increased by over 50% (51.1%) in the last five years from 81,752 million sticks in 2003 to 123,567 million sticks in 2008.¹

- **The transnational tobacco companies (TTCs) control 99% of the cigarette market in Ukraine.**²

The strong presence and competitive nature of the TTCs in a market threaten public health because the powerful companies' efforts to reach young consumers and emerging female smokers have been shown to increase smoking prevalence in markets where the major corporations operate.³

- As transnational tobacco companies gain control of emerging markets like Ukraine, they drive down cigarette prices and raise advertising and promotional spending, which increases the rate of consumption in a country.⁴
- The TTCs use their immense economic and political influence to weaken tobacco control policies globally.⁵
- Even in the current global financial crisis, the TTCs are considered by analysts as generally recession-resilient,⁶ enabling the companies to continue their competition for a larger share in emerging markets such as Ukraine.

- Each of the major TTCs own and operate tobacco factories in Ukraine. The TTCs can increase profits from streamlining manufacturing, distribution, and marketing processes, which can reduce unit costs for a cigarette,⁷ especially where in-country manufacturing allows access to cheaper labor and transportation costs.⁸

TTCs Market Shares in Ukraine: (% Retail Volume 2003-2008)

- Philip Morris International (PMI) remains the market leader in Ukraine with Japan Tobacco International (JTI) and Imperial Tobacco in the second and third positions, respectively.

	2003	2004	2005	2006	2007	2008
Philip Morris International	24.5	28.1	29.5	32	30.8	31.8
Japan Tobacco International	8.5	8.4	8.1	8.3	25.2	25.1
Gallaher Group Plc (1)	11.6	14.5	16.2	16.7	-	-
Imperial Tobacco Group Plc	21.1	18.7	19.4	20.7	21.8	20.1
Altadis SA (2)	0	0	0	0	0.1	-
Reemtsma Cigarettenfabriken GmbH (3)	-	-	-	-	-	-
British American Tobacco Plc	23.2	20.3	16.2	14.5	13.4	12.8
KT&G Corp	-	-	0	0.1	0.3	0.2
Others	11.2	10	10.6	7.8	8.4	10
Total	100	100	100	100	100	100
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Note: (1) JTI acquired Gallaher Group Plc in 2007. (2) Imperial Tobacco Group Plc acquired Altadis, SA in 2008. (3) Imperial Tobacco Group Plc acquired Reemtsma Cigarettenfabriken GmbH in 2002.

TTCs Leading Cigarette Brands in Ukraine

- In 2008, *Prima* had the largest market share in Ukraine (14%) followed by *Prylucky* (8%) and *L&M* (6%) respectively.
- PMI owns five of the ten top cigarette brands in Ukraine (*L&M*, *Marlboro*, *Next*, *Chesterfield* and *Parliament*).

Ownership of Major Brands

Company	Major Brands ¹
Philip Morris International/ CJSJ Philip Morris Ukraine	L&M (3 rd), Marlboro (4 th), Next (6 th), Chesterfield (7 th), Parliament (10 th), Vatra, Bond Street, Muratti, Virginia Slims, President, Optima, Marlboro Medium
Imperial Tobacco Ukraine/ Altadis SA	Prima (1 st), Classic, Express 20, Slavutich, Boss, West, Style Slims, R1, Davidoff, Stolychni, West Blue, Delta, Gauloises
JTI/ JT International Co Ukraine CJSC/ Liggett-Ducat Ukraine	LD (5 th), Winston (8 th), Camel (9 th), Monte Carlo, Magna, More, Camel Subtle Flavor, Epique, Ronson, Saint George, Toryka, Glamor, Three Kings, Level, City, Sabranie, Sovereign, Dukat, Gold Bond, Klassica, Trussardi
BAT-Prilucky Tobacco Co JSC	Prylucky (2 nd), Kent, Lucky Strike, Vogue, Otaman, Viceroy, Pall Mall, Alliance, Kozak

¹Numbers refer to the brand's market position by retail volume in 2008 (©2009 Euromonitor International)

TTCs aggressively target female consumers

TTCs spend billions of dollars each year on advertising.⁹ The companies target women and girls with aggressive and seductive advertising that exploit ideas of vitality, independence, emancipation, sex appeal and slimness.¹⁰ The tobacco industry understands that “female smokers see their pack as being as much a design accessory as their mobile phone, shoes or handbag” and that they are a primary target for such packaging redesigns.¹¹ Tobacco companies began successfully targeting women in the U.S. in the 1920s,¹² and now they are exporting their marketing expertise across the globe.¹³ In Ukraine, women are being targeted through slim and superslim segments and the bright and shiny packaging re-design on “low tar.”

- Slim/superslims accounted for 30% of new launches in cigarettes during 2007-2008,¹⁴ and in 2008, such products accounted for 12.4% of overall cigarette sales.¹⁵
- From 2004 to 2008, slim cigarettes have increased threefold. Of the 150 brands launched since 2004, over 60 of them were in the slims/superslims cigarette segment.¹⁶
- The makers of *Prima* carried out “brand renewal” or “brand maintenance”, which can be very profitable for the TTCs in Ukraine by “gradually increasing upmarket versions of Prima, taking the brand from the standard Prima Ovals up to Prima Optima and Prima Optima Slims.”¹⁷



- *Virginia Slims Uno*, a premium cigarettes launched in 2008, are sold in packaging that resembles a box of perfume. The pack comes in black or white allowing consumers to purchase based on their “mood”.
 - Women are not only targeted by the pack design but also by the marketing campaign where “innovative programs for *Virginia Slims UNO* extend the brand experience from well established to new, under-exploited venues, such as beauty parlors and nail salons.” - McLoughlin¹⁸

“Light” and “ultralight” cigarettes

TTCs continue to aggressively market “light” and “ultralight” cigarettes after the 2005 law banning such misleading descriptors.

Historically, the TTCs carry out fraud upon the public in markets where they operate. In 2006, a U.S. Federal Court found that the major TTCs fraudulently mislead the U.S. public about the risks and dangers of cigarette smoking by using terms such as “light” and “low” in violation of federal racketeering (RICO) laws.¹⁹ After the tobacco companies appealed the Federal Court’s decisions, a Federal Appeals Court largely affirmed the lower courts’ decision in May 2009.

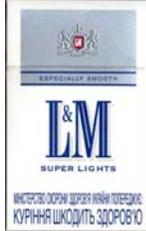
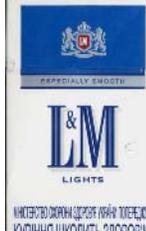
In 2005, Ukraine passed a law prohibiting terms, signs, trade marks, images, symbols or any other signs which may mislead or create a false impression about the properties of tobacco products, their influence on human health, or which directly or indirectly create a false impression that this tobacco product is less harmful than other tobacco products, including such terms as "low tar level", "light", "super light", "ultra light" and their equivalents in other languages.^{20, 21} The law came into effect January 1, 2007. Despite the law, TTCs continue to aggressively launch “light” cigarettes in Ukraine.

- Between 2006 and the middle of 2008, 180 new brand extensions were promoted in Ukraine because “most producers took the law change as an opportunity to breathe new life into old brands.”²²
- From 2007 to 2008, retail sales volume of “low tar” cigarettes (6-8 mg tar) increased by 16% and “ultra low” cigarettes (4 mg tar or less) increased by 15%, whereas “high tar” (10 mg tar or more) cigarettes decreased by 11% and “mid tar” (6-8 mg tar) increased by only 7%.²³
- In just five years, from 2003-2008, “low tar” stick sales volume grew by 123% and “ultra low tar” by 121.1%, whereas high tar stick sales volume fell by about 19%.²⁴ In comparison, during a similar five year period, all cigarettes worldwide that were marketed as having tar content of 10 mg or less increased by 39% in sales from 2001 to 2006.²⁵
- During 2008, PMI selected four Eastern European countries to introduce a new “lower tar” product by taking advantage of its global *Marlboro* brand. The *Marlboro Filter Plus* was introduced in Kazakhstan, Romania, Russia and Ukraine. It is promoted as having a “unique, multi-chamber filter”²⁶ allegedly delivering lower tar levels and a smooth taste.
- In 2008, tobacco industry analysts Euromonitor International forecasted that from 2007 to 2012 retail volume stick sales in “low tar” and “ultra low tar” categories will increase by about 60% and 52%, respectively, and “high tar” and “mid tar” will increase by only 20%, while “high tar” products will decrease by 56%.²⁷
- Reasons for continued growth of “low tar” and “ultra low tar” products include “increased awareness of the health risks associated with the smoking” and “the growth in the female smoking population, since women tend to prefer lower tar cigarettes.”²⁸



The TTCs use a variety of packaging re-design tactics to circumvent the law banning misleading descriptors.

The following chart shows packaging re-design tactics pre and post-implementation of the 2005 law banning misleading descriptors including: (1) replacing misleading terms with colors; (2) replacing misleading terms with prominent numbers to denote tar level; and (3) replacing misleading terms with other descriptive terms.

Before the law (2005-2006)	After the law (2007-2008)	Notes
<p>L&M Super Lights</p> 	<p>L&M Silver Label</p> 	<p>“Super lights” replaced with “Silver Label”</p>
<p>L&M Lights</p> 	<p>L&M Blue Label</p> 	<p>“Lights” replaced with “Blue Label”</p>
<p>Bond Street Super Lights</p> 	<p>Bond Street Fine Selection</p> 	<p>“Super lights” replaced with “Fine Selection”</p>
<p>Bond Street Lights</p> 	<p>Bond Street Special Selection</p> 	<p>“Lights” replaced with “Special Selection”</p>
<p>Priluki Special Lights (Legki)</p> 	<p>Priluki Special Delicious 8 (Vishukani 8)</p> 	<p>“Lights,” or Legki, replaced with “Delicious 8.” The number 8 stands for 8 mg of tar.</p>

Corporate Social Responsibility (CSR)

Tobacco companies maintain CSR programs in an effort to counter negative attention regarding their deadly business. By donating funds to noble causes, the public perception of tobacco companies improves. Tobacco company internal documents reveal the true goals of industry-sponsored programs. These programs:²⁹

- Serve the industry's political interests by preventing effective tobacco control legislation.
- Marginalize public health advocates.
- Preserve the industry's access to youth.
- Create allies and preserve influence for the industry among policymaking and regulatory bodies.
- Defuse opposition from parents and educators.
- Bolster industry credibility.

Tobacco industry analysts, Euromonitor International, reported in 2008 the following outlook on the Ukraine cigarette market in the face of a potential total ban on advertising:

“Advertising experts believe that a total ban on advertising will not significantly damage Ukraine's tobacco market. The largest companies in the market are multinationals that operate in other countries where tobacco advertising bans have been in place for many years, giving them considerable experience in terms of how to adapt. **When billboard advertising is banned in 2009, for example, tobacco companies will most likely direct their advertising budgets towards public relations and below-the-line marketing activities.**”³⁰ [Emphasis added]

Examples of CSR Public Relations Activities in Ukraine

- All the TTCs operating in Ukraine are members of the American Chamber of Commerce in Ukraine. Additionally, **PMI, BAT and JTI** are part of the **American Chamber of Commerce in Ukraine's** Corporate Social Responsibility Committee which is made up of people from leading businesses in Ukraine. The committee's goal is to promote CSR principles and best practices in Ukraine.³¹
 - In the July 2009 committee meeting, Ganna Vasyk of JTI brought up the issue of “CSR activity in case of disputable character of business, [and] how charitable projects ... are perceived by the community, people and journalist,” when discussing the goals and priorities of the committee.³²
- TTC's donate vast amounts of money to charity organizations, disaster relief efforts and educational programs among other activities in an effort to create positive brand recognition.³³
 - In 2008, PMI donated close to half a million dollars to charity groups in Ukraine. The largest total donation (\$202, 977 USD) was made to the Children of Chernobyl Relief and Development Fund

PMI Charitable giving in Ukraine, 2008

Organization	Project Name	USD	Giving Area
The East Europe Foundation	Western Ukraine floods disaster relief	100,000	Disaster Relief
The East Europe Foundation	Rural development and poverty alleviation	100,000	Rural Sustainability
Charitable Fund Community Initiatives	Improvement of medical services in the rural area	21,000	Rural Sustainability
Children of Chernobyl Relief and Development Fund	Chernobyl help project	200,949	Disaster Relief
Charitable Fund Community Initiatives	Disaster relief – Dokuchayev’s University	4,951	Disaster Relief
Children’s Fund of Ukraine	Orphanage Support	14,970	Human/Social Services
Children of Chernobyl Relief and Development Fund	Sponsorship of International Gala Fundraiser	2,028	Human/Social Services
Charitable Fund Community Initiatives	Small grants	9,980	Human/Social Services
Charitable Fund Community Initiatives	Victroy Day Ceremony	4,990	Human/Social Services
Charitable Fund Community Initiatives	Community relief	2,851	Human/Social Services
Public Council on Youth Problems	Support to Program on Healthy Free-time	15,445	Education
TOTAL		477,164	

Source: PMI 2008 charitable giving. Available from <http://www.philipmorrisinternational.com/global/downloads/CI/List%20of%20charitable%20contributions%202008.pdf>

- **Other Examples of CSR**

- In June 2009, Philip Morris Ukraine and East Europe Foundation opened six playgrounds and a children’s play-complex in Kharkiv.³⁴
- JTI is involved in a project spearheaded by USAID to establish an Electronic Library of Ukraine in 2009. JTI paid for a two year subscription to the Springer electronic journal database for Kyiv Mohyla Academy.³⁵
- In April 2009, BAT partnered with Ichnyansky National Natural Park to clean the park, plant trees, and construct spaces for visitors.³⁶
- In September 2008, funded by PMI, Philip Morris Ukraine and East Europe Foundation launched a community development competition for NGOs in partnership with local authorities in Kharkiv Oblast to “support innovative projects that will help solve problems local communities are facing in dealing

with vulnerable populations, the improvement of the medical and education sectors and ecology and energy efficiency.”³⁷

- In 2006, Philip Morris Ukraine and the Eurasia Foundation launched the “Sustainable Solutions for the Needs of Disabled People” initiative in Kharkiv Oblast; the initiative provides services such as job placement, social service and counseling for disabled people. Financial support for the centers was also provided by USAID.³⁸

Ongoing “Below the Line” Marketing Strategies

Tobacco companies sponsor parties, concerts, sports teams, and sporting events that deceptively associate tobacco with desirable places, situations or physical qualities. This tactic weakens tobacco control efforts, because tobacco companies can advertise their products with no requirement for accompanying health warnings.³⁹ Also, they can continue publicizing their products in the presence of existing bans on direct advertising.⁴⁰



Illicit Trade in Ukraine

- **The TTCs are complicit in illicit tobacco trade originating in Ukraine.**
 - In 2008, the TTCs produced 30% more cigarettes than the local market in Ukraine could consume. Between 2003 and 2008, cigarette production increased by one-third – with Philip Morris International (PMI) (increasing its *Marlboro* production by 85%) and Japan Tobacco International (JTI) leading the market. These excess cigarettes feed the illicit tobacco trade out of Ukraine and into the EU, where higher taxes create a profitable price differential for smugglers.⁴¹
 - In 2008, investigative journalists reported that two of the world’s largest TTCs had links to the Baltic Tobacco Factory (BTF) of Kaliningrad, Russia, makers of a black market cigarette sold throughout Europe, Jin Ling. BTF’s factory network in Russia and Ukraine was previously owned and run by JTI subsidiary companies and British American Tobacco’s (BAT) Brazilian subsidiary shipped 21 tons of tobacco leaf directly to one of BTF’s factories.⁴²
 - **Of the TTCs operating in Ukraine, at least one TTC has admitted to aiding cigarette smugglers and others have entered into legal settlements in exchange for immunity from certain smuggling-related claims.**
 - In 2008, Imperial Tobacco’s subsidiary in Canada pled guilty to aiding cigarette smugglers in the late 1980s and early 1990s and are liable for fines and penalties of approximately \$US 1.12 billion.⁴³
 - In July 2004, the EU Commission agreed to drop its lawsuit against Philip Morris Ukraine’s affiliate, PMI, in return for PMI’s agreement to make payments totaling approximately \$US 1.25 billion over 12 years to fund law enforcement efforts against cigarette smuggling and counterfeiting.⁴⁴
 - In 2007, JTI signed a similar agreement with the European Commission in return for legal immunity against certain smuggling claims.⁴⁵

Appendix A – Company Contact Information

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