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BY REGISTERED MAIL AND  
EMAIL

CAMPAIGN FOR TOBACCO-FREE  
KIDS

attn:

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Geneva, Juli 25<sup>rd</sup> 2018

**Re : ECLT FOUNDATION vs CAMPAIGN FOR  
TABACCO-FREE KIDS  
Formal notice before legal proceedings**

Dear 

The ECLT Foundation has entrusted me with the defence of its legal interests in the above captioned matter.

As you may know, the ECLT Foundation is an independent non-profit Swiss organization established under the laws of Switzerland and legally subject to its government oversight. Its purpose is to promote the progressive elimination of child labour in tobacco-growing communities around the world and has had measurable success wherever it operated for over two decades.

It should be made clear that the decision to issue is that of the ECLT Foundation only and has not been instigated in any way by the tobacco industry.

The activities of the ECLT Foundation are compliant with well-established standards and high principles of

transparency, integrity, accountability and sustainability, in particular to all interested sponsors and beneficiaries.

Furthermore, the ECLT Foundation as a dedicated actor and advocate for improved social conditions has shown permanent support to everyone's freedom of expression as it is fundamental for informed debate and legitimate decision-making.

Nevertheless, the ECLT Foundation cannot let unlawful publication of misleading facts, untruths and hearsays jeopardise its reputation and, thus, its genuine efforts to help vulnerable children and families in tobacco-growing communities worldwide.

It came to our attention that an article<sup>1</sup> recently published on the Campaign for Tobacco-Free Kids' website contains unlawful defamatory statements against the ECLT Foundation. The defamation stems from the totality of all statements, which are baseless, untrue and read as follows:

*The governing body cannot continue its existing relationships with the tobacco-industry dominated group, Eliminating Child Labor in Tobacco-Growing (ECLT) [...]*

*The ECLT is a front group for tobacco industry interests under the guise of a corporate social responsibility initiative. ECLT was co-founded by British American Tobacco, the world largest publicly traded tobacco company, and represents an alliance of tobacco companies and growers - led exclusively by members of the tobacco industry.*

The ECLT Foundation strongly rejects these innuendo and deceptive accusations of collusion and of failure to comply with its own Articles of Association. These are mere allegations which may undermine years of diligent ground works.

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<sup>1</sup> [https://www.tobaccofreekids.org/press-releases/2018\\_06\\_08\\_ilo](https://www.tobaccofreekids.org/press-releases/2018_06_08_ilo), 7 June 2018.

We are concerned that an organisation as renowned and serious as yours publishes such untrue and misleading statements without factchecking or even attempting to contact directly the person concerned or generally to conduct any kind of further analysis or investigation.

**Under Swiss law**, these defamatory statements are regarded as infringements of the ECLT Foundation's personality rights and are likely to entail criminal liability for the article's authors, and tort liability for the article's publisher.

In light of the foregoing, the ECLT Foundation formally enjoins hereby the Campaign for Tobacco-Free Kids to immediately delete, erase and stop spreading the following statements (see strikes):

*The governing body cannot continue its existing relationships with ~~the tobacco-industry dominated group,~~ Eliminating Child Labor in Tobacco-Growing (ECLT) [...]*

*~~The ECLT is a front group for tobacco industry interests under the guise of a corporate social responsibility initiative. ECLT was co-founded by British American Tobacco, the world largest publicly traded tobacco company, and represents an alliance of tobacco companies and growers led exclusively by members of the tobacco industry.~~*

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In addition, thereto, the ECLT seeks a public and online apology, respectively rectification, relating to this unlawful publication.

Compliance with this request is to be made **within 48 hours of receipt of this letter** and to be confirmed by email or by fax (capt@cw-avocats.ch; +41 22 346 04 11).

Should you be unable or unwilling to comply, please state your written reasons within the same deadline.

In case of noncompliance, I have been instructed to initiate all legal proceedings necessary to enforce my client's rights.

All rights expressly reserved.

Sincerely yours,

  
Nicolas CAPT, Attorney-at-law