



HOW TOBACCO COMPANIES FIGHT TOBACCO CONTROL

...Tobacco use is unlike other threats to global health. Infectious diseases do not employ multinational public relations firms. There are no front groups to promote the spread of cholera. Mosquitoes have no lobbyists.

—Thomas Zeltner, MD, David A. Kessler, MD, Anke Martiny, PhD, Fazel Randerla, MD¹

The tobacco companies are among the world's most sophisticated and successful marketers. They spend billions of dollars to promote their deadly products, prevent governments from protecting their people and mislead tobacco users and potential tobacco users regardless of the impact on public health. Tobacco use kills about five million people in the world each year and is set to kill one billion people this century.²

The tools exist to reduce tobacco use and the number of people who die from tobacco use. Increased tobacco taxes, smoke-free workplace laws, mass media campaigns, tobacco advertising bans, and large, graphic warning labels have been proven to work when implemented and are endorsed by the World Health Organization's (WHO) Framework Convention on Tobacco Control (FCTC).

The tobacco companies recognize the impact of these approaches and actively fight against these efforts because they curb their sales. Time and time again they have used their resources to kill these policies, water them down when they cannot stop them altogether, and undermine their enforcement when they are passed. Their efforts take many forms.

That is why governments should curtail tobacco companies' involvement in public health policy. Article 5.3 of the FCTC obligates Parties to "protect these [public health] policies from commercial and other vested interests of the tobacco industry." World Health Assembly resolution 54.18, the FCTC preamble and FCTC articles 12(e) and 20.4(c) provide governments with the support of the international community to stand up to interference from the tobacco industry.^{3, 4}

How the Tobacco Industry Influences Policy and Thwarts Effective Regulation:

- Using trade agreements to attack public health measures
- Distorting the science of the health effects of tobacco use, and secondhand smoke
- Challenging ad bans, restrictions on secondhand smoke and tax increases
- Promoting illicit tobacco trade (smuggling)
- Suing or threatening to sue governments
- Demanding a seat at the table in order to prevent consensus
- Drafting and then exploiting tobacco-friendly loophole ridden legislation
- Promoting and funding ineffective “youth smoking prevention” programs
- Interfering with FCTC ratification
- Challenging government timelines for implementing laws
- Influencing legislators with contributions and attempting to bribe legislators
- Gaining favor by bankrolling government health initiatives on other issues in return for inaction on tobacco
- Providing funds directly to government regulatory bodies
- Using PR efforts claiming to be responsible corporations to mask their harmful behavior
- Promoting ineffective voluntary regulation as a substitute for enforceable laws

Stories from Around the World Confirm Big Tobacco’s Tactics

Undermining Tobacco Control, WHO, and FCTC

- In 2000, WHO released a report detailing the tobacco industry’s tactics in obstructing tobacco control policy processes. The report found that the tobacco companies spent vast amounts of money “diverting attention from the public health issues raised by tobacco use, attempting to reduce budgets for the scientific and policy activities carried out by WHO, pitting other UN agencies against WHO, seeking to foster views that WHO’s tobacco control program was a ‘First World’ agenda carried out at the expense of the developing world, distorting the results of important scientific studies on tobacco, and discrediting WHO as an institution.”¹
- A 2002 study exposed internal industry documents showing that in 1997, Philip Morris hired public relations firm Mongoven, Biscoe & Duchin to lobby against the FCTC to weaken its regulations and discredit the WHO officials behind the effort.⁵

Undermining Policy

- In August 2006, U.S. District Court Judge Gladys Kessler ruled that the tobacco companies use of the terms “light” and “low-tar” is false and misleading, and subsequently banned them from using these terms. The major tobacco companies then argued that they should still be allowed to continue to use the terms outside the U.S. In March 2007, Judge Kessler ruled, “The Court sees no justification, either legal or ethical, for concluding that Congress intended to allow defendants to continue to tell the rest of the world that ‘low tar/light’ cigarettes are less harmful to health when they are prohibited from making such fraudulent misrepresentation to the American public.”^{6, 7} Nonetheless, the tobacco companies continue to use these misleading terms both in the U.S. and where not specifically banned elsewhere.

- Three weeks after Mexico ratified the FCTC, Philip Morris and BAT conducted secret negotiations with the Ministry of Health that led to an agreement that prevented the government from raising tobacco taxes if the corporations funded certain unrelated health programs.⁸ This agreement led to the defeat of numerous tobacco control regulations, including tax increases and advertising bans called for by the treaty. When meaningful policies were introduced, policymakers friendly to the tobacco industry argued that the proposals would lead to cuts for these other health programs.⁹ After international uproar about the agreement, Mexico finally refused to renew it in 2006, and the Congress successfully passed annual tobacco tax increases through 2009.¹⁰

Political Influence

- In 2004, tobacco manufacturers, including BAT, spent 7 million in Kenya Shillings (about USD \$87,000) to take Members of Parliament on a luxurious “workshop” to Mombasa to discuss and build support for amendments to weaken the Tobacco Products Control Bill, which would “provide a legal framework for the manufacture, sale, promotion and use of tobacco products,” including banning outdoor tobacco advertisements.^{11, 12} Although a bill requiring large health warnings and banning public smoking passed, BAT then complained that the regulations were untenable because of the company’s lack of involvement in the process and sued the government to delay enforcement.¹³
- In April 2006, Peru’s Congress passed legislation to implement the global tobacco treaty – a giant step forward for tobacco control in Peru. Then, the tobacco industry secured a seat for the National Society of Industries on Peru’s newly-formed Multisector Commission, which was created to implement and monitor tobacco control efforts. In violation of FCTC Article 5.3, the National Society of Industries was represented on the Commission by two BAT employees. Only after national and international outcry, the Minister of Health removed the BAT employees.^{14, 15}
- In 2001, to counter efforts to raise tobacco taxes in the Czech Republic, Philip Morris released a report that touted the “positive effects” that early mortality due to smoking had on the country’s economy. Although Philip Morris issued a public apology after its action was exposed, it was discovered that they paid for similar studies in Poland, Slovakia, Hungary and Slovenia.¹⁶
- According to the industry’s internal documents, Philip Morris executives reported, in 1987, that “Philip Morris and the industry are positively impacting the government decisions of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE through the creative use of market specific studies, position papers, well briefed distributors who lobby, media owners and consultants...”²

Fraudulent Science

- Industry documents show that, since the 1970s, tobacco companies actively sought out scientists in Germany to bolster the industry’s credibility, oppose tobacco control scientists, and improve their image with the government and government officials.¹⁷

- In Germany, tobacco companies influenced science by suppressing research results that could hurt their industry, diluting “genuine” anti-tobacco science with pro-tobacco “science,” producing research on other possible causes of illness rather than smoking, concealing scientists’ ties to industry, and manipulating research presentations or speeches.¹⁷

Influencing Media

- Tobacco companies also seek to develop relationships with journalists, to create positive media coverage of the tobacco industry by the tone and content of their articles. Tobacco companies have sponsored media symposia, training, and offered all-expenses paid trips to promote their company and “discuss” tobacco issues.¹⁸

¹ World Health Organization (WHO). Tobacco Company Strategies to Undermine Tobacco Control Activities at the World Health Organization: Report of the Committee of Experts on Tobacco Industry Documents, July 2000 [monograph on the Internet]. Geneva: World Health Organization. Available from: http://www.who.int/tobacco/en/who_inquiry.pdf.

² Mackay J, Eriksen M, Shafey O. The Tobacco Atlas. 2nd ed. Atlanta: American Cancer Society; 2006.

³ WHO. WHO Framework Convention on Tobacco Control [monograph on the Internet]. Geneva: World Health Organization. Available from: <http://www.who.int/tobacco/framework/download/en/index.html>.

⁴ WHO [page on the Internet]. Geneva: World Health Organization; c2007. World Health Assembly Resolution 54.18. Available from: http://www.who.int/tobacco/framework/wha_eb/wha54_18/en/index.html.

⁵ Carter SM. Mongoven, Biscoe & Duchin: destroying tobacco control activism from the inside. Tobacco Control. 2002; 11(2):112-118. Available from: <http://www.tobaccofreekids.org/pressoffice/mbdpr.pdf>.

⁶ U.S. v. Philip Morris USA, Inc., et al., No. 99-CV-02496GK (U.S. Dist. Ct., D.C.), Final Opinion. August 17, 2006. Available from: <http://www.tobaccofreekids.org/reports/doj/FinalOpinion.pdf>.

⁷ U.S. v. Philip Morris USA, Inc., et al., No. 99-CV-02496GK (U.S. Dist. Ct., D.C.), Memorandum Opinion. March 16, 2006. Available from: <http://www.tobaccofreekids.org/reports/doj/documents/jk.pdf>.

⁸ Sebríe E. Mexico: backroom deal blunts health warnings. Tobacco Control. 2006; 15:348-349.

⁹ Sebríe E, Glantz SA. The tobacco industry in developing countries. British Medical Journal. 2006; 332(7537):313-314.

¹⁰ Santos Gabriel Us Ake. Repudio a nuevos impuestos. Por Esto! 2006 Dec 19.

¹¹ Namunane B. Threat to Tobacco Firms’ Plan. The Nation. 2004 Nov 22.

¹² Riungu C. Tobacco Stakeholders Accused of Bribing Kenyan MPs. East African (Kenya). 2004 Nov 29.

¹³ Kenyan smokers win new court reprieve from public puffing ban. Agence France Presse (AFP). 2006 Jun 30.

¹⁴ Ley General para la prevención y control de los riesgos del consume del tabaco [The General Law on the Prevention and Control of the Risks of Tobacco Consumption], Resolución Ministerial N° 256-2006-PCM, Diario Oficial: El Peruano, viernes 14 de Julio de 2006 [2006 Jul 14].

¹⁵ Alburqueque CF. Peru por el camino correcto [email to CLACCTA listserv]. 2006 Nov 12.

¹⁶ Campaign for Tobacco-Free Kids [page on the Internet]. Washington, DC: Campaign for Tobacco-Free Kids; c2007 [updated 2003 Jul 10]. Special Report: Philip Morris Has Not Changed. Available from: <http://www.tobaccofreekids.org/reports/philipmorris/#czech>.

¹⁷ Grüning T, Gilmore AB, McKee M. Tobacco industry influence on science and scientists in Germany. American Journal of Public Health. 2006; 96(1):20-32.

¹⁸ Pan American Health Organization (PAHO). Profits over People: Tobacco Industry Activities to Market Cigarettes and Undermine Public Health in Latin America and the Caribbean. Washington, DC: Pan American Health Organization; 2002. Available from: http://www.paho.org/English/HPP/HPM/TOH/profits_over_people.pdf.