

# Back to the future: tobacco industry interference, evidence and the Framework Convention on Tobacco Control

Melanie Wakefield,<sup>1</sup> Jonathan Liberman<sup>2</sup>

The publication of a special communication by Ronald Davis in this issue (*see page 211*)<sup>1</sup> about a report on the effect of tobacco advertising bans (“the Boddewyn report”) that was in fact ghost-written by British American Tobacco caused one of us to experience a memory flashback to the mid-1980s. At that time, MW was working as a research officer in a state health department in Adelaide, South Australia. I (MW) distinctly remember being given the Boddewyn report to provide comment on to my health minister’s office. Even though I was then an inexperienced researcher, I could see that the report was seriously flawed. Because it was apparently the work of such a prestigious-sounding individual and organisation, I became deeply concerned that it could actually influence government policy. I prepared several pages of critique pointing out the problems with the report, added a concise summary, and sent it back up to the minister’s office. I received no further requests about the report, but it was the first time I was shocked by the extent of misinformation from sources allied with the tobacco industry. That situation was one of several that drew me more closely into a career in tobacco control research.

While it is no longer new news that the tobacco industry promotes misinformation about tobacco advertising restrictions in order to protect its commercial interests,<sup>2-5</sup> the discovery that a major report on tobacco advertising bans published by the International Advertising Association (IAA) was in fact ghost-written by someone from a tobacco company is truly outrageous, and leads to the question of

what other “expert” reports from advertising association or allied sources might have travelled a similar route. Even now, the website of the IAA features a position statement, issued in September 2007, indicating that it opposes attempts to restrict or ban tobacco advertising, because “experience in countries where the advertising for products has been banned shows that reducing or banning advertising will not reduce rates of consumption. Ad bans do not work...” (<http://www.iaauae.org/en/category/resource-library/position-statements/> (accessed 16 March 2008)). On the contrary, peer-reviewed expert scientific reports conclude that there is robust evidence that tobacco advertising and promotion increase youth smoking uptake and progression to regular tobacco use.<sup>6,7</sup> In addition, carefully conducted peer-reviewed studies and reports demonstrate that comprehensive tobacco advertising bans reduce tobacco consumption, when other important influences such as tobacco price, income and employment are taken into account.<sup>8</sup> However, partial advertising bans have little effect on consumption because companies simply shift marketing expenditures from the banned media to other permitted forms of marketing.<sup>7,8</sup>

Unlike the positions of the tobacco and advertising industries, tobacco control has come a long way since the 1980s. We now have an international treaty, the Framework Convention on Tobacco Control (FCTC),<sup>9</sup> unimaginable 20 years ago when the Boddewyn report was first doing the rounds. The FCTC has become one of the most rapidly embraced treaties in history. As of writing, just over 3 years after coming into force, it had 152 parties signed up. The global community has now well and truly spoken.

The Foreword to the FCTC correctly describes it as an “evidence-based treaty”. Parties to the FCTC, recognizing the evidence, have undertaken legal obligations to adopt the measures that are effective in reducing tobacco consumption,

including taxation (and associated anti-illicit trade measures), protection against second-hand smoke, health warnings, bans on advertising, promotion and sponsorship and public education programs. A junior researcher working in a health department today receiving a piece of tobacco industry propaganda will be in a very different situation from that in which MW found herself in the mid-1980s, because he or she will be able to pick up a copy of the FCTC. On the subject matter of the Boddewyn report, he or she will be able to point immediately to Article 13 of the Convention, which deals with tobacco advertising, promotion and sponsorship, and begins with the statement: “Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products”.

That the global community has spoken so clearly through a text that has binding force in international law does not, of course, mean that the tobacco industry and its allies will stop producing and distributing “Boddewyn-like” reports. But those who have to respond to these reports should now be well armed.

In addition to the text of the FCTC, Parties are in the process of developing guidelines on implementation, which aim to provide advice on the best ways of implementing obligations under the Convention. At the second session of the Conference of the Parties (COP), held in June/July 2007 in Bangkok, Thailand, the COP adopted strong guidelines on Article 8 (protection against exposure to tobacco smoke; [http://www.who.int/gb/fctc/PDF/cop2/FCTC\\_COP2\\_DIV9-en.pdf](http://www.who.int/gb/fctc/PDF/cop2/FCTC_COP2_DIV9-en.pdf)). At the third session of the COP, to be held in South Africa in November 2008, the COP will have before it draft guidelines on Articles 5.3 (protection of tobacco control policies from the commercial and other vested interests of the tobacco industry), 11 (packaging and labelling) and 13 (advertising, promotion and sponsorship).

It is essential for global tobacco control that guidelines on each of these Articles set strong standards for implementation. What governments and tobacco control advocates working towards FCTC implementation need are clear evidence-based guidelines that can be readily implemented, and that can be waved in the face of the tobacco industry when it comes knocking with its obfuscation and misinformation, as it inevitably will. Guidelines on Articles 11 and 13 should assist governments in implementing best practice laws and policies on packaging

<sup>1</sup> Centre for Behavioural Research in Cancer, The Cancer Council Victoria, Melbourne, Australia; <sup>2</sup> VicHealth Centre for Tobacco Control and the Framework Convention Alliance for Tobacco Control, Melbourne, Australia

**Correspondence to:** Melanie Wakefield, Centre for Behavioural Research in Cancer, The Cancer Council Victoria, Melbourne, Australia; [melanie.wakefield@cancerciv.org.au](mailto:melanie.wakefield@cancerciv.org.au)

and labelling, and tobacco advertising, promotion and sponsorship. Guidelines on Article 5.3 should assist governments in implementing best practice laws and policies that will keep the tobacco industry from interfering with tobacco control policy-making and implementation. Effective guidelines on Article 5.3 will help protect governments from the tobacco industry not only when it comes knocking itself, but also when it sends (and invariably pays) others to do its business for it.

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