Worldwide news and comment

TOBACCO INDUSTRY INTERFERENCE: STILL GOING STRONG

Throughout 2012, tobacco industry interference received significant attention from the tobacco control community. It was a prominent focus of the World Conference on Tobacco or Health in Singapore in March 2012, as well as the 2012 World No Tobacco Day theme. While these efforts increased awareness among governments and policy makers about Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC), the industry continues to find new avenues for subverting tobacco control—most notably by placing itself at the heart of policy making. In this issue, we highlight a number of recent examples of tobacco industry interests having access to the highest levels of government, and contrast this with some success stories of low and middle income countries implementing strong measures to resist tobacco industry influence and interference.

PARAGUAY: TOBACCO MANUFACTURER WINS PRESIDENTIAL ELECTION

On 21 April, Horacio Cartes was elected to a 5-year term as president of Paraguay—a country with the dubious distinction as one of the world's top producers of contraband cigarettes. Cartes' win returns to power the conservative Colorado Party following former President Fernando Lugo's impeachment in June 2012. While Cartes' election ends Paraguay's regional isolation caused by Lugo's controversial overthrow, Cartes' alleged criminal past and history as a tobacco manufacturing baron in Paraguay should raise concerns about the global control of the contraband cigarette supply chain.

Cartes is one of the owners and top shareholders of Paraguay's largest cigarette manufacturing companies *Tabacalera del Este* (also known as *Tabesa*). The company was founded in 1994 and is controlled by the conglomerate *Grupo Cartes*, which owns a range of companies involved in

banking, soft drinks, and tobacco. Tabesa markets cigarette brands such as Palermo, San Marino, and Kentucky.

During the election campaign, Cartes faced a number of allegations of links to drug trafficking groups and to the smuggling of cigarettes into neighbouring Brazil. According to InSight Crime, a 2010 US diplomatic cable released by Wikileaks, the US Drug Enforcement Administration identifies Cartes not only as the head of a transnational criminal organisation (<http://wikileaks.org/cable/2010/01/10BUENOSAIRE5.html>) but also revealed his involvement in a money laundering operation.

Whether or not these allegations are true, the link between Paraguay's tobacco companies, cigarette smuggling, drug traffickers, and governmental officials and authorities has been documented extensively in Paraguayan newspapers. Local tobacco companies sell their cigarettes to distributors who in turn smuggle cigarettes by truck, car, plane, boat, or on foot. Low-market cigarettes or tobacco leaf is also brought into Paraguay and then re-manufactured, re-exported, or smuggled into neighbouring countries Brazil, Bolivia and Argentina. It is estimated that Paraguay is the source of 11% of the annual 600 billion cigarette stick worldwide illegal cigarette market.

Paraguay has ratified and signed the FCTC. Given Paraguay's contribution to the global illicit cigarette market, the new Protocol to Eliminate Illicit Trade in Tobacco Products will depend on Paraguay's active participation to be effective. Health advocates in Paraguay

and elsewhere will be watching closely to see what leadership Cartes provides in controlling the sale of contraband cigarettes during his new presidential term.

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NEW ZEALAND: 'MINISTER FOR EVERYTHING' EMPLOYS ADVISOR FROM PHILIP MORRIS

Christopher Bishop, corporate affairs manager for Philip Morris (New Zealand) Ltd, has been appointed to a position as political advisor to high ranking government minister Steven Joyce, also known as the 'Minister for Everything'. Mr Joyce, a broadcasting entrepreneur before entering parliament, is the minister for economic development, minister for science and innovation, and the minister for tertiary education, skills and employment.

Health advocates are concerned that a senior government minister employing a tobacco industry spin doctor as a political advisor undermines the Government's commitment to a smokefree New Zealand.

'This appointment is an insult to the thousands who die every year from tobacco. International agreements dictate that government needs to be free from the influence of tobacco industry lobbying, not invite the tobacco industry into the heart of government. This appointment damages the health of the country, and its reputation as a global leader in tobacco control,' said Action on Smoking and Health director Ben Youdan.

Christopher Bishop as seen in a TV interview screened 20 July 2012. <http://tvnz.co.nz/close-up/smokers-fight-back-video-4978323>

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In 2011 the Government committed to making New Zealand an 'essentially smokefree nation by 2025', meaning less than 5% of the population smoke. With leadership from the government's smaller coalition partner, the Māori Party, New Zealand has enjoyed a renaissance in strong tobacco control policy, with extended availability of subsidised pharmacotherapy, a 7 year programme of tobacco tax increases, a ban on retail display of tobacco products, and a commitment to implementing plain packaging of tobacco products.

In a television interview in June 2012 when the government was seeking submissions on its plain packaging proposals, Bishop said: 'We want to make our views known to the government, and we want to try and convince them that there's no evidence it'll work, but there is a lot of evidence that it will breach intellectual property treaties and trade treaties that New Zealand's subject to.' Philip Morris International has been mobilising opposition to plain packaging around the world, notably in Australia where it has manoeuvred subsidiary Philip Morris Asia to launch investor-state dispute arbitration against the Australian Government under a 1993 bilateral investment treaty between Australia and Hong Kong.

Following public consultation, in February 2013 the New Zealand Government announced it will go ahead with plain packaging of tobacco products, but buried in the government media release were concerns regarding the risk of legal challenges from the tobacco industry, and the government acknowledged that to manage the risks 'the government will wait and see what happens with Australia's legal cases, making it a possibility that if necessary, enactment of New Zealand legislation and/or regulations could be delayed pending those outcomes.'

In early May, news broke that the UK would no longer be announcing its plans to go ahead with plain packaging. There is a real risk that the New Zealand Government could also be reluctant to implement plain packaging. If Australia has legal troubles in the investor state arbitration with Philip Morris Asia and the implementation is delayed past the date of the next general election in New Zealand (scheduled for late 2014) and the Māori Party are no longer needed to be a partner in government, Philip Morris has one of their own embedded at the highest levels of government, ready to provide advice to drop the policy.

The appointment of Christopher Bishop as political advisor to a senior

government minister represents a clear threat to tobacco control policy from the commercial and vested interests of the tobacco industry, and goes against the FCTC, to which New Zealand is a signatory.

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UK: QUESTIONS ABOUT ROLE OF TOBACCO INDUSTRY LOBBYIST

The unexpected omission of an announcement about plain packaging in the UK from the Queen's speech to parliament on 8 May caused a storm of condemnation, particularly given that the policy had been expected for some time. Details of the coverage, including several scathing editorials, are on our website at <http://blogs.bmj.com/tc/2013/05/07/uk-government-condemned-for-bowing-to-tobacco-industry-over-plain-packs/>.

In the days that followed, it emerged that the government had appointed Australian lobbyist Lynton Crosby as a political advisor. Mr Crosby's longstanding links to the tobacco industry through his global public affairs consultancy raise questions about whether the UK government may have breached Article 5.3 of the FCTC. Because Mr Crosby is classed as a political adviser, rather than a lobbyist, his meetings with government ministers, including the prime minister, are not publicly disclosed.

Mr Crosby's company was active in the unsuccessful fight to prevent the introduction of plain packaging in Australia, including being on a retainer from British American Tobacco. While that battle was fought from outside the government, perhaps the tobacco industry has now decided it will have more

success if key allies are appointed to inside political roles. If so, it is a strategy which appears to have paid off in this case—even as it may land the government in hot water for failing to meet its legal obligations under the FCTC.

TURKEY: WORLD TOBACCO EVENT CANCELLED FOLLOWING PRESSURE FROM HEALTH ADVOCATES

In mid 2012, the tobacco industry announced that World Tobacco Turkey (WTT) would be held in Istanbul from 29 to 31 May 2013. The event had been planned and organised by Quartz Business Media, organisers of the 'World Tobacco' events and Konradin Selection (Mainz, Germany), publishers of 'Tobacco Journal International'.

World Tobacco's website announced that Istanbul was chosen as a new destination to provide companies a unique opportunity to access the growing tobacco market of Turkey. Planning the event to coincide with World No Tobacco Day, despite Turkey's strict tobacco advertising, promotion and sponsorship (TAPS) ban and FCTC-based policies, was seen as defiant—if not provocative—by Turkish health organisations.

In September 2012, the Turkish National Coalition on Tobacco or Health (SSUK) wrote formal petitions to public authorities including the office of the prime minister, all relevant ministries, the Tobacco and Alcohol Markets Regulatory Authority (TAPDK), and the Union of Chambers and Commodity Exchanges of Turkey (TOBB), the private sector organisation which authorises international fairs in Turkey. The SSUK petition argued that the event violated the TAPS ban provisions of Turkey's tobacco control legislation and the WHO FCTC.

A screenshot of the WTT 2013 website announcing the event cancellation.

Initially, the WTT organisers argued that the event did not entail any tobacco advertisement and promotion, but it was solely a trade show about machinery. This was supported by a website in Turkish which appeared overnight. It was also argued that trade shows organised with less than 30 companies would not need permission from TOBB, and companies had trade rights which included assembling and making business deals.

All these arguments were rebutted by the legal team and tobacco control advocates of SSUK who used wording and materials from the webpage and brochure of WTT as evidence for its legal non-compliance. SSUK insisted the event was not organised as an exclusive trade event closed to the public, but was advertised as a trade show with wider public appeal.

Exhibitors were to have the opportunity to launch new products, raise awareness of their brands and product portfolios, participate in and benefit from publicity campaigns promoting WTT, and take advantage of a range of sponsorships and other marketing opportunities. The General Assembly of SSUK decided in March 2013 to organise a massive public protest in front of the venue of World Tobacco on WNTD by mobilising the membership of each member organisation, if the event was not cancelled by then.

A technical evaluation by TAPDK agreed with the petitions by the SSUK. As a result, it initiated official procedures between the relevant public institutions (Ministry of Health, Ministry of Economy, Ministry of Food, Agriculture and Livestock, Izmir Chamber of Commerce, Istanbul Governor's Office, Association of Turkish Travel Agencies (TURSAB) to cancel the event.

These carefully designed and persistent NGO interventions finally paid off when TAPDK informed the legal advisor of SSUK on 3 May 2013 that WTT 2013 was cancelled by the venue. The organisers announced its cancellation via their web site (<http://www.worldtobacco.co.uk/turkey/>) on 7 May 2013.

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KOSOVO: NEW TOBACCO CONTROL LAW WITH WORLD'S STRONGEST PROTECTION UNDER FCTC ARTICLE 5.3

While other countries walk a fine line on allowing the tobacco industry and its lobbyists to entwine themselves with government, Kosovo has surged with the

introduction of a comprehensive tobacco control law. Notable among the range of measures are the strongest protections against tobacco industry interference in the world, based on Article 5.3 of the FCTC.

The law is a welcome development in a country with the second highest prevalence of female smoking in the world, at 44%. The level of youth smoking is also high; 47% have tried smoking before turning 18. Although Kosovo had previously passed a weak tobacco control law in 2007, it had struggled with enforcement. Measures in the new law are comprehensive, will apply to the whole of government and enforcement will be the responsibility of the national Anti-Corruption Agency.

Provisions based on article 5.3 include: no unnecessary interactions between government and tobacco industry; full transparency for necessary interactions; prohibition on government partnership with, or support of, the tobacco industry; and prohibition on contributions from tobacco industry to government, political parties and government officials, and to political parties. In addition, there are strong tobacco-related conflict of interest provisions.

The comprehensive range of measures covered under other articles of the FCTC include 100% smoke-free indoor public and workplaces; and a comprehensive advertising, promotion and sponsorship

ban, including retail displays. Other measures include:

- ▶ Graphic health warnings on both sides of the pack and a ban on descriptors such as 'light' and 'low'.
- ▶ Prohibition on sales to and by minors.
- ▶ Ban on sales in health, education, and athletic facilities.
- ▶ Granting power to the Ministry of Health authority to ban ingredients.
- ▶ Constituents and emissions limits with reporting requirements for manufacturers.
- ▶ Cessation and education measures, including 45 minutes each month of mandatory programming on public radio and television.

WORLD/USA: PHILIP MORRIS, IBM & SCIENTIFIC 'RESPECTABILITY'

The tactic of creating a scientific 'cloak of credibility' is alive and well with a collaborative initiative between Philip Morris and IBM. Called 'sbv IMPROVER', for the second year running it provides an enticing award for scientists (sbv IMPROVER stands for Systems Biology Verification combined with Industrial Methodology for Process Verification in Research). Details and analysis of the award are published on our blog at <http://blogs.bmj.com/tc/2013/05/13/philip-morris-ibm-improver-project-downplaying-links-between-smoking-disease/>.

This initiative continues a long tradition of tobacco companies manufacturing

A screenshot from the Philip Morris sbv IMPROVER website <http://www.sbvimprover.com>

credibility by association with scientific researchers and institutions. The website features quotes from Philip Morris scientists alongside endorsements about the value of the initiative from staff of the Harvard School of Public Health, Harvard Medical School, Wayne State University (Michigan, USA) and Dana-Farber Cancer Institute (Boston, USA).

The Wayne State University researcher was one of the winners of the 2012 challenge, in a team that also included the head of the programme for perinatal research at the National Institute of Child Health and Human Development, National Institutes of Health (NIH), USA. The Harvard Medical School, Harvard School of Public Health and Dana-Farber Cancer Institute staff were keynote speakers at the 2012 conference for the IMPROVER initiative, along with the Director of the US Food and Drug Administration's (FDA) Center for Toxicological Research.

In the case of Harvard Medical School and School of Public Health, the involvement of their staff seems against the spirit of policies against accepting tobacco funding, and at odds with each institutions' excellent work in tobacco control. The Dana-Farber Cancer Institute researcher would appear to be in breach of the organisation's own policy on conflict of interest and commitment, which explicitly prohibits engagement with tobacco companies, including participating in outside activities conducted with or on behalf of tobacco companies.

The initiative highlights the need for health and medical research institutions to recognise that the principles in Article 5.3 of the FCTC are relevant to their mission and values. Where they have codes prohibiting interaction with the tobacco industry, vigilance is needed to ensure that staff adhere to both the letter and spirit of such codes. The involvement of FDA and NIH staff—both government agencies with a role in reducing smoking—shows how far the USA lags the rest of the world in some aspects of tobacco control.

JAPAN: NATIONAL BROADCASTER BACKS AWAY FROM APPOINTING TOBACCO INDUSTRY LEADER

Being appointed to government positions is not the only channel open to the tobacco industry to exert its influence. In mid-May, news broke that the former president of Japan Tobacco Company, Mr Katsuhiko Honda, was being considered for appointment by the Japanese parliament as the next Chief Executive Officer

(CEO) of Japan Broadcasting Company (known by the acronym NHK).

The possible appointment was strongly criticised by the Japan Society for Tobacco Control, and would have been an unfortunate precedent under Article 5.3 of the FCTC against conflicts of interest from former tobacco industry executives in government positions.

The move was seen as against being against the mandate of the Japanese Broadcasting Law to 'broadcast in accordance with public welfare', including the urgent public health priority of reducing tobacco use and the 120,000 lives lost to smoking annually in Japan. It also attracted international concern – not only is NHK Japan's national broadcaster, it also has global reach and influence through its international broadcasts in several languages. Japan Tobacco's well-protected home ground already gives it great leeway in its global expansion. Had Katsuhiko Honda gained this powerful position, its base would have been even better guarded.

Following a week of outcry, it was announced that Mr Honda's appointment would not proceed, and the current CEO of NHK would continue. This should be marked down as a clear victory for the FCTC. In lobbying key members of the Japanese parliament, and the various petitions tobacco control advocates in Japan submitted, the talking points focused on FCTC article 5.3 text and guidelines. The international standards that Framework Convention

Alliance members have worked so hard to put into place resonated well in this case.

IN BRIEF: TOBACCO CONTROL NEWS ONLINE

A comprehensive new report to map research questions about tobacco harm reduction – particularly with the emergence of e-cigarettes changing the tobacco control landscape – was launched by Cancer Research UK at the end of May. An article by the report's authors, and a link to the report are available on our blog at <http://blogs.bmj.com/tc/2013/05/29/tobacco-harm-reduction-and-e-cigarettes-setting-a-unified-research-agenda/>.

Ireland has announced it will become the second country in the world to introduce plain packaging, Asia's newest country Timor Leste is in the tobacco industry sights, and the Welsh government has dropped a contested smoking ban exemption proposal to allow cast members to smoke on film and television sets.

To access these and other stories published online between editions go to <http://tobaccocontrol.bmj.com/> and click 'Join the discussion now' under the TC News and Views Online tab. We welcome contributions from our readers – please contact marita.hefler@sydney.edu.au. If you are on Twitter, you can follow us @TC_BMJ.

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The screenshot shows the homepage of the Tobacco Control journal. The layout includes a top navigation bar, a main content area with sections for 'Current issue', 'Editor's choice', and 'TC News and Views Online'. The 'TC News and Views Online' section is highlighted with a red border and contains a link to 'Join the discussion now'.