News analysis

INDIA: ITC'S ENVIRONMENTAL AWARD

Health advocates in India have expressed exasperation that The Energy and Resources Institute–TERI–has made a prestigious award to ITC, the country's largest tobacco producer. TERI's director general is Dr R K Pachauri, who chairs the United Nations Intergovernmental Panel on Climate Change. This most important institution was joint winner of a Nobel Prize in 2007 for its work on global warming and sustainability. Hence the TERI award, for ITC's work on water shed management, carries a great deal of prestige, and will no doubt be added to the growing list of corporate social responsibility honours that the company proudly flags up on its website.

The highly respected Voluntary Health Association of India–VHAI–was among the health agencies which wrote to Dr Pachauri to protest at how inappropriate it was to make the award to a company whose products cause such a massive burden of ill health and premature death. It was well established, wrote VHAI, that health-destroying industries such as the tobacco industry, were trying their best to achieve a corporate makeover, showcasing their work in positive developmental efforts and downplaying the huge profit they make by selling tobacco products. But the reply it received, from the TERI corporate awards staff rather than from Dr Pachauri himself, was all too predictable: the award was given for ITC's sustainability initiative only.

Nevertheless, Indian public opinion is changing, thanks to the tireless efforts of increasing numbers of non-governmental organisations and their volunteers. Together they have raised the country's consciousness to a level that generates spontaneous protest at such news. One particularly appropriate if darkly humorous response to the TERI award came from a cancer surgeon at the famous Tata Memorial hospital in Mumbia, Dr Pankaj Chaturvedi. As skilful on a drawing board as in the operating theatre, he produced a cartoon about the award, combining tobacco and another of India's perennial health and social concerns–population growth. The TERI award must really have been given for population control, the cartoon suggested, referring to the unfortunate effects of ITC's cigarettes.

All articles written by David Simpson unless otherwise attributed. Ideas and items for News Analysis should be sent to: d.simpson@iath.org

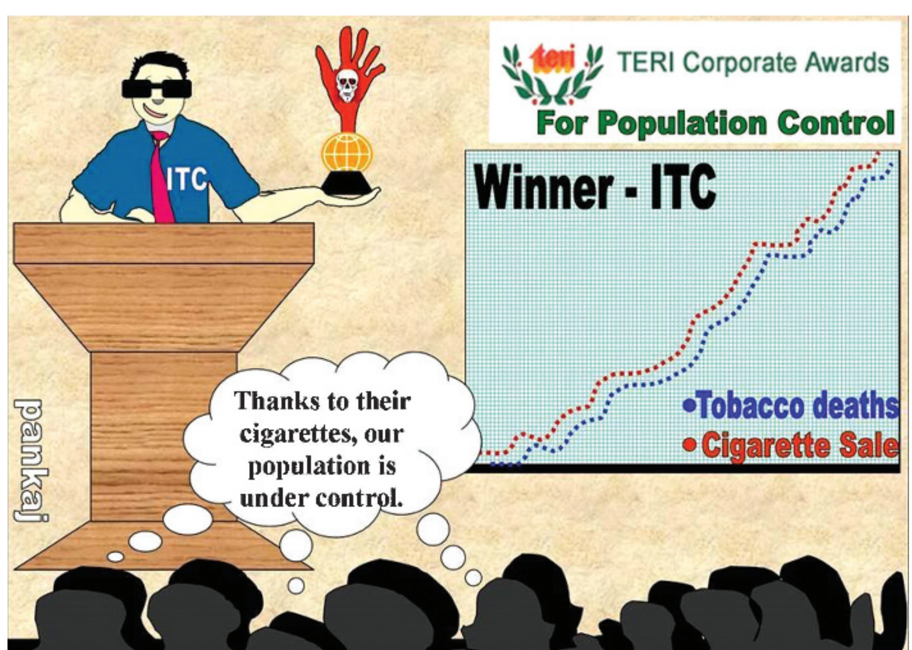
ISRAEL: FREE MEALS FOR SMOKED-OUT DINERS

All over the world, managers of restaurants and other hospitality venues defend their reluctance to introduce smoke-free areas, or fight tooth and nail against proposals for them, due to fears that they will lose profits. The tobacco industry usually does its best to scare them into believing this, often using false information from countries where smoking bans have actually increased business. Although non-smokers often comprise the majority of customers, badly informed or lazy managers have ignored their demands. Unfortunately, even when a total workplace ban has been implemented, many are often still tempted to turn a blind eye when regular customers reach for their cigarettes.

Last year, Israel scored a world first in hitting these non-enforcing managers where it hurts most: in the very same pocket they were trying to protect by letting smokers continue to ruin the meals of the non-smoking majority of their customers. This was the result of a case brought before a court in July 2007 by veteran tobacco control advocate and lawyer Amos Hausner, who represented the interest of diners at a restaurant in Jerusalem that refused to honour its legal obligations to provide a smoke-free environment for its customers.

A lawsuit was filed in the form of a class action, with a suggested remedy of NIS 1,000 compensation (US$300) for each member of the class, which was defined as all the patrons of the restaurant in who were exposed to second-hand smoke (between 15 May to 15 June 2007). The case was mediated by a trial judge and a settlement was reached which specified that first, smoking would be banned in the restaurant, and no service given to those who violated the ban; and second, that all class members–an estimated 4,000 people–be entitled to ten meals in the restaurant at a discount of 60%. Furthermore, every class member will be able to use an additional voucher to invite one or two guests at the same rates, simply presenting the vouchers at the end of the meal.

The definition of the class is very broad, and it includes all people who declare, in an affidavit whose costs have to be paid by the defendants, that they visited the restaurant during the one month period. No written proof will be required and–as the lawyer for the restaurant owners



India: a cartoon suggests why a big tobacco company might win an environmental award.

complained before the court–even people who came to the restaurant "just to change money" or "those who came with people whom they knew would smoke"–are entitled to the compensation. The class even includes people who smoke, but did not smoke at the restaurant in the relevant month. The settlement further imposes personal liability on the restaurant owner for the performance of the settlement, and provides that class members who do not get the discounted meal will still be able to collect its cash value from the defendants.

The settlement came before Judge Yitzhak Inbar of the Jerusalem district court. When approving it, despite the defence brought before him, judge Inbar described the class action as a good mechanism to enforce the country's smoking ban, which was expanded in November 2007. He said that following the court approval, each member of the class would have the necessary legal standing to enforce the ban individually in contempt of court proceedings, meaning that the owner may face arrest or heavy fines if the law is violated. In effect, a person who does not comply with the specifics of the class action decision may be arrested or subject to a heavy fine until full compliance is achieved and that this outcome could be brought about by any one or more of thousands of people.

The official announcements of the settlement to the public, scheduled for 5 September in the national and local press, will enable class members to enjoy the benefits during the following 13 months, until October 2009. The parties estimated the value of the settlement at NIS 2.5 million (US$700,000). On top of all this, the restaurant's owners have also had to bear the legal expenses and the costs of advertising and inspecting the operation of the settlement. It seems more than likely that other restaurants will be sure to leave smoking outside to avoid a similar bill.

LITHUANIA: BRAND SWITCHING LANDS IN COURT

The state tobacco and alcohol control agency recently imposed fines on retailers of two types of goods bearing cigarette brand names–Marlboro Classic clothing and Davidoff perfumes–and ordered their distributors to stop supplying the products in Lithuania. The order was made under Lithuania's tobacco control law, which imposes a total ban on all forms of tobacco promotion. According to health professionals, the reaction of the news media to the move was almost unbelievable, reeking of tobacco industry sophistry, with the state agency's workers being accused of stupidity as if they were unable to see the difference between perfume, clothes and tobacco products.

Apranga Group, which distributes Marlboro clothing, claims to be the leading clothing retailer in the Baltic states, with 60 stores in Lithuania alone. After the initiation of the court process, Apranga's website continued to list Marlboro Classic as one of its brands. The Davidoff distributor expunged from its own website advertisements for the products with probably the most malodorous associations in the world of perfumery.

The international tobacco industry's creation of dozens of products bearing cigarette brand names in order to get round early cigarette advertising bans has caused endless chaos around the world. In theory, a tough, comprehensive ban on all forms of tobacco promotion should enable governments to give cigarette companies a simple choice: either ensure that non-tobacco products with cigarette brand names are removed from the market–which may require buying out the local distributors' licences and paying them compensation–or remove those particular cigarettes from the market. While arguments that the non-tobacco cigarette brands were created for reasons other than to advertise cigarettes–such as capitalising on the "good name" of the brand–would mostly be dishonest but in all cases pathetic, in the light of the unparalleled mortality and morbidity caused by smoking, many countries have allowed the charade to go on too long for a quick and easy solution to be possible.

The result, as health advocates around the world witness every day, is usually a mess of fudges and compromises. In the UK, for example, non-tobacco goods with cigarette names have been able to stay on the market, but their promotional paraphernalia has to use different fonts and logos from those on the cigarette pack, thereby inviting design brinkmanship that inevitably leaves a certain level of continuing promotional power for the cigarettes. If the Lithuanian government were to win the forthcoming court case, it would strike a real blow for industry-proof legislation.

WORLD: THE PACK IS WHERE IT'S AT

During the 1990s, plain packaging of tobacco products was on the policy agenda of leading tobacco control nations. Canada came close to adopting this bold move, but intense tobacco industry lobbying and legal threats saw it fall from the government policy priority plan. With the international advent of graphic health warnings and retail display bans, plain packaging has resumed its rightful place on the advocacy agenda.

Several nations have turned the heat up on this simmering issue. Since May, the UK Department of Health has been conducting a consultation on the future of tobacco control which includes the question, "Do you believe that plain packaging of tobacco products has merit as an initiative to reduce smoking uptake by young people?" In April 2008, the Canadian government undertook public opinion research showing that cigarette packages that were 100% covered in a graphic health warning were not only more effective in communicating the risks of smoking, but also rendered the cigarette package far less attractive. A Canadian tobacco research conference in November 2008 will feature a day long workshop to re-establish the case for plain packaging.

Momentum on generic packs is gathering in Australia, too. In July, in response to the state of New South Wales announcing a tobacco retail display ban, veteran tobacco control advocate and researcher professor Mike Daube, based in Western Australia, said in a radio interview, "It's time that we move to plain packaging of cigarettes. There's a vast amount of evidence now coming through from once confidential tobacco industry documents that for the tobacco companies, even the design of the pack is a really important promotional vehicle."

This plain packaging revival will do more than regulate tobacco branding to the back of the pack: it could see it vanish completely.

Becky Freeman
bfreeman@health.usyd.edu.au
School of Public Health, University of Sydney, Australia

AUSTRALIA: DON'T MENTION THE PRODUCT

Tobacco corporations operating in Australia's "dark market" will exploit any opportunity to promote themselves. The inclusion of a one-page, full-colour promotion in the *Sydney Morning Herald*'s "Employer of Choice" magazine recently by British American Tobacco Australia, the Australian subsidiary of BAT, is a particularly explicit example of such determination. The company was

World: how plain packaging might look, according to researches in Australia.

described as a "rewarding" place to work, and one that delivers on commitments to employees of a work-life balance and support and development. It also promised to make good on broader promises of a "positive community and environmental impact."

The entire supplement was clearly labelled as an advertising feature and BAT's page, "Building Amazing Talent", prominently displayed the company's familiar logo. Company officials and also, presumably, the newspaper's editors would no doubt argue that as the promotion extolled the virtues of working for BAT rather than its products, it was not in contravention of existing legislation.

Not mentioning cigarettes or, for that matter, any aspect of the tobacco industry is, of course, very much in the company's best recruiting interests. Apart from a passing reference to "operating in a sometimes challenging industry" there was no mention of the fact that BAT brands will kill half of their customers, nor was there any allusion to the range of cancers or myriad other illnesses associated with smoking and exposure to second-hand smoke.

BAT employees, however, can expect to benefit from "onsite well-being" and "health and lifestyle memberships" as part of their employment package. Unfortunately, this focus on health is not extended to BAT's customers.

Ross MacKenzie
University of Sydney, Australia rmackenzie@health.usyd.edu.au

Australia: BAT's recruitment ad.

BRAZIL: PFIZER DROPS PM CO-SPONSORSHIP

In June, yet another Philip Morris (PM) attempt to bond with journalists in a developing country was revealed. Especially disturbing was that the pharmaceutical and chemical company Pfizer was co-sponsoring a journalist training programme, to be carried out by Brazil's biggest newspaper, *Folha de S.Paulo*. Logos of Pfizer, PM and a handful of other sponsors, including PM, were displayed in newspaper ads for the programme several times in the weeks leading up to the event.

The unhealthy link between a leading manufacturer of drugs to cure human illness with that of one whose products cause it was quickly ameliorated. When health advocates contacted Pfizer's local office to discuss the issue, they were told that the company had not known the identity of all the other sponsors. However, Pfizer's reaction was immediate and effective: it simply cancelled its sponsorship and promised to take the necessary measures to prevent it from happening again, including careful scrutiny when approached about joint sponsorship deals. The action shows what just a telephone call or two can achieve when the industry tries to get away with a new piece of self-reinvention.

AUSTRALIA: LICENCE TO KILL?

It had to come: in the country that has consumption heading so steadfastly downwards that researchers are beginning to forecast the end of all tobacco use, a politician has dared to say the L-word Health minister Nicola Roxon recently suggested that the government might like to consider licensing smokers. As reactionary commentators dismissed the idea out of hand, health advocates pointed out that as Australians need a license to drive a car, go fishing or own a dog, why was it so outrageous to think of a license to do something that eventually has a one in two chance of killing you?

Cigarettes would not be banned, but access to them via a license would ensure, with participation by the medical professionals who will otherwise have to treat the results, that the industry's customers do at least have some chance of understanding the risks they take and the damage they have probably already done. Tobacco companies are not expected to rush forward to help, despite their oft-repeated desire that consumers have all the information they need to take an adult choice.

UK: GETTING 'EM HOOKED AT WAKESTOCK FESTIVAL

Proving that there is nothing like a summer music festival for making contact with young people, cigarette sales appeared to be booming at the Wakestock festival at Abersoch, Wales in July. Each "porthole" contained a packet of 20 cigarettes, which were being sold at discount prices, promoted by attractive young women. The upper area of the elaborate stand was used as a smoking area. The audience was estimated to be almost exclusively young, aged 16 to 20 years, many of them still at school. British health advocates say they are noticing increased use being made of the loophole in UK legislation that still allows promotion by means of pack displays, which adds further urgency to ban all pack displays and to move to generic packaging (see World: the pack is where it's at, p298).

UK: extensive cigarette display and sales point, with smoking area upstairs, at the Wakestock music festival.

CANADA: LAME SCHOOLS DUCK POLICY

Ask anyone who has undertaken substantial research on school tobacco policies and they will tell you the same: it is really just an extension of what is found with parents–if you do the thing thoroughly, children will take notice. But if you allow exemptions here, and practice "do what I say not what I do" exceptions there, then results are far from rewarding. And so it has proved to be yet again, according to a new study from Canada.

Researchers in the province of British Columbia (BC) found that in several of the 30% of BC school districts do not ban smoking outright on school grounds, smoking was permitted in smoking pits, regardless of school district policy. While evidence suggests that enforcing a tobacco-free environment for students does reduce adolescent smoking rates, safety and discipline problems for school staff and administration may override concerns about student smoking.

The new study used a qualitative approach to explore the meanings that students place on tobacco control policy and the impact that these meanings have on their own smoking behaviours. They found that students were surprised and concerned that smoking was permitted on school property and that it negatively impacted their own tobacco prevention/control/cessation attempts. [Baillie L E, *et al*. Health Educ Res. 2008 Jul 17. (Epub ahead of print)]

PHILIPPINES: BAD YEAR FOR PM'S PR

It has not been the best of years for Philip Morris (PM) in the Philippines. First, in April, the tobacco company that fancies itself as glistening with the shiniest sheen of reinvented squeaky clean tobacco brown found itself ditched from a prestigious business group in the Philippines–for being the tar-brown tobacco company that it is. On top of that, just a few months later, it was rumbled trying to sponsor a superstar musician and youth icon.

Philippine Business for Social Progress (PBSP), a business sector group committed to social development, apparently dropped PM because it considered that the tobacco company had consistently given corporate social responsibility (CSR) a bad name in the international business community. It is encouraging to note that while PM constantly makes public statements about how much it cares for the youth, cancer victims, farmers and the environment, business leaders concerned with CSR programmes realised what it was actually doing. They objected to the way it had distorted the whole concept of CSR globally by using this as a tool for lobbying and influence in many countries around the world.

Then in early August, it emerged that PM was involved with a reunion concert by the popular Filipino band Eraserheads, whose popularity, especially with youth, have led to their being dubbed "the Philippines Beatles". People who wanted tickets for the concert, scheduled for 30 August, were directed to a web site run by PM's Philippines subsidiary, in particular to a "Red List" set up especially for the concert. This required providing personal contact information in order to receive tickets and information, thereby handing PM the opportunity to send them promotional materials for cigarettes.

In July, PM was forced to drop its sponsorship of a concert by world renowned singer Alicia Keys in Indonesia, after it was criticized for engaging in cigarette marketing that appealed to children and more notably, after Keys called for the sponsorship to be withdrawn. Since the Philippines department of health was quoted as telling PM that its involvement with the Eraserhead concert was a violation of the country's tobacco regulations, the health community hoped for a similar, successful outcome.

It is interesting to note how PM can still tout itself as reformed and fit to be considered socially responsible, when at the same time it can be planning an event which even the most hard bitten Manila taxi driver would tell you was strictly for the young. Seventeen per cent of the country's children aged 13 to 15 smoke and some 87,600 Filipinos die each year from smoking-related diseases. If PM has its way, reduction of these unhappy statistics may take a very long time.

SOUTH KOREA: SMOKE ON THE ROADS

As transnational tobacco companies have continued to increase market share in South Korea, Korean Tomorrow & Global (formerly Korean Tobacco & Ginseng) has resorted to ever more creative tactics to stay one step ahead of the competition. The latest showdown has been on the nation's motorways where the former state monopoly has ensured its logo and colours are prominently displayed by donating umbrellas, tables, seating and bins to motorway service areas. The high-tech bins are a particular innovation, composed of ash tray and trashcan, as they light up at night to optimise visibility.

For KT&G, the benefits are three-fold. While emblazoned with the KT&G logo, the facilities are not ostensibly advertising KT&G brands, and thus effectively circumvent current restrictions on tobacco advertising using billboards and the print media. Second, in exchange for these donations, the company has secured the right to sell its cigarette brands exclusively to motorway service users. The arrangement ensures competing brands are excluded from a large number of distribution outlets. Third, KT&G's efforts to portray itself as a socially responsible company are given a substantial boost. Service area donations are part of the company's broader corporate social responsibility programme which supplies equipment to schools, public buildings and social welfare agencies.

All donations have been eagerly received by the Korea Expressway Corporation ("people who build connections of happiness") which is responsible for maintaining the country's road and service amenities. Rapid growth of the economy since the 1980s has been accompanied by a major expansion of the country's transport system, with the development of motorways a key goal in recent years. Growth has also been fuelled by the increased availability of motor vehicles, which has contributed greatly to the mobility of an increasingly affluent population. The expressway company has thus welcomed KT&G's "donations" as part of its goal to provide "top quality expressway services". With around 4,000 kilometres (2,485 miles) of national highways in South Korea by 2010, and over 76,000 kilometres (47,200 miles) of paved roads, KT&G stands to gain much mileage from this captive market.

Sungkyu Lee, Kelley Lee
London School of Hygiene & Tropical Medicine, UK
sungkyu.lee@lshtm.ac.uk

South Korea: KT&G promotion at a motorway service station.