

# News analysis

## WORLD: HEALTH TRIUMPHS AT COP3

In glorious contrast to how things used to go at intergovernmental meetings on tobacco control in the past, for decade upon exasperating decade, genuine public health concerns dominated the latest meeting to set guidelines for implementing the World Health Organization's Framework Convention on Tobacco Control (FCTC). At the third Conference of Parties (CoP3) held in Durban, South Africa in November, a strong pro-health consensus among the large majority of the 160 governments that have both signed and ratified the treaty—the “parties”—defeated efforts to weaken policy guidelines to accommodate tobacco interests. Objectors to some of the decisions included the usual suspects, Japan, Germany and China, but it was the strength and solidarity of the majority that most impressed. Most notably, they specifically addressed the “fundamental and irreconcilable” incompatibility of the tobacco industry's agenda with that of health. In a meeting described by health advocates as “momentous”, this head-on treatment of the insidious efforts of the industry to wreck tobacco control measures was probably the most remarkable of many achievements.

While the guidelines agreed at CoP3 are not legally binding, they can be seen as reasonable indicators of the way things will go in the future and the extent to which the FCTC will fulfil its potential. Their effectiveness can be shown by the rapid increase in the number of countries implementing smoke-free laws since the guidelines on protection from second-hand smoke were adopted at the second CoP in 2007. In 2006, only 16 countries had effective smoke-free laws, but by the end of 2007 that number had almost doubled to 29; and in 2008, an additional 18 countries either passed, or were in the process of passing, smoke-free legislation. The likely impact of the guidelines just agreed in Durban can be judged by that most reliable evaluation of potential effectiveness, the howls of protest they drew from the tobacco industry.

The standards adopted and to be set in official guidelines included measures covering pack warnings, with a recommendation of a minimum of 30 per cent and preferably 50 per cent or more of pack surfaces covered by warnings, including graphic images, to be rotated to prevent their going stale, and a ban on misleading descriptors, such as “Light” and “Mild”. Point of sale display bans were also advocated, and there seems a strong possibility that plain packaging will be a future target. Meanwhile, the guidelines will prescribe a comprehensive ban on all forms of promotion, including a ban on any form of tobacco company sponsorship that may be abused to promote tobacco use; and—the bold new battlefield—measures to try to fire-proof tobacco control policy from industry sabotage.

It is this last area that must be most galling to tobacco executives and may account for the particularly outraged tone of some of their reactions. The headline of the press release put out by British American Tobacco (BAT) began with the words “Extreme regulation” and was followed by seven further mentions of extremism in just two pages of text. Tellingly, the first paragraph told how badly things could go wrong if regulation was “pushed by pressure groups”. Reassuringly, these intended pejoratives are among the same words that BAT habitually employed in the early days of tobacco control to try to marginalise bodies such as the Royal College of Physicians of London, the most eminent medical academic body in its home country, whose leaders, typically late middle-aged, conservative clinicians with white hair and half-moon spectacles, produced the world's first expert report on tobacco and disease, leading directly to the first US Surgeon General's tobacco report more than forty years ago.

In a heartening example of truth and integrity triumphing over lies and spin, the hundreds of millions of dollars spent by tobacco companies in recent years to try to portray themselves as newly responsible and worthy of a place at the tobacco control table seem to have counted for nought. Not only did CoP3 address obvious problems such as continued sponsorship of sporting and cultural events, albeit now toned down compared to the anything-goes era, but it recommended that countries set up special

measures to prevent the industry influencing public health policy and to make any dealings between industry and government transparent. Specifically, partnerships between the tobacco industry and governments on projects related to public health—youth education being an obvious example—should not be allowed, the meeting agreed. The guidelines go further still and activities that the industry loves to bill as “socially responsible” are defined as forms of marketing which should be strictly regulated.

Tobacco interests have been desperate to get into policy making processes flowing from the FCTC, of course, to try to water down policy, divert effort into less important areas, and to use insider knowledge to mount counter-offensives—all tactics used in the bad old days of self-regulation. Having nothing new to contribute, their arguments have sounded pathetically tired and familiar after so many years of repetition. With regard to advertising, tobacco companies still try to pretend that it constitutes a vital opportunity for “communication” with consumers, without explaining how, for example, a sleek white pack against a silky background in a glamorous ad aimed at young women communicates anything at all except a grossly misleading impression about an addictive and lethal product.

When short of a genuine argument, the industry damage limitation handbook must say, make out that everything can be solved if we can only be allowed to develop safe cigarettes; and if that fails, reach for the smuggling card. The first was rolled out in some of the tobacco industry's comments on the CoP3 negotiations, and the second formed a recurring theme of BAT, which illogically claimed that if countries implemented the recommendations, smuggling would greatly increase. Without displaying so much as a flicker of shame about tobacco companies' documented past collusion with smugglers, tobacco industry protests looked even more foolish than usual in view of the decision by CoP3 to continue work on the negotiation of a new protocol designed to eradicate illicit trade in tobacco goods. Other decisions taken in Durban included the preparation of guidelines for the next CoP on education, communication, training, public awareness and cessation, and reports on alternatives to tobacco growing, the protection of the environment, liability and taxation.

Perhaps what tobacco companies find so infuriating is that such marginalisation

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has not only failed, but backfired. It is they that have been well and truly marginalised and what should have always been present—an unbroken link between those who see first hand the human suffering caused by tobacco and those who frame laws and regulations that have some chance of effectively reducing it—has now at last been established. In forging and nurturing this chain, educating and informing politicians, government officials and the media, the member organisations of the Framework Convention Alliance (FCA) and the other associated NGOs all over the world have done an extraordinary job. Those involved in other global public health problems have for some time now been calling for their own version of the FCTC; and now they must all want their own FCA.

Many of those involved in the meeting paid tribute to the South African government's helpfulness, inclusiveness and hospitality, epitomising the model host, as one put it. The next conference of Parties, CoP4, will take place in Montevideo, Uruguay in late 2010. Meanwhile, delegates to CoP3 and tobacco control advocates worldwide will be endeavouring to keep up the momentum and high standards set by CoP3. If the spirit of that meeting is anything to go by, things have never looked more optimistic for tackling the tobacco pandemic. (Further details of the FCTC and FCA can be found at <http://www.who.int/tobacco/> and <http://www.fctc.org/>.)

### LEBANON: PM SPONSORS ARAB WOMEN'S FORUM

The second New Arab Women's forum was held in Beirut, Lebanon in October 2008 under the auspices of the first lady of Lebanon and a number of ministers, members of parliament and other members of society and the intelligentsia. However, one issue worth wondering about is why Philip Morris International (PM) was successful in being the Gold Sponsor of this event?

Those familiar with tobacco industry practices and their use of so-called corporate social responsibility programmes to create goodwill and undermine opponents will understand what a tobacco company gains from such sly sponsorship. However, while tobacco control advocates understand PM's real agenda and what it wants to get out of such sponsorship, it is questionable whether the public is so aware, or whether the first lady and her advisors understand what is really going on. How is it possible that such practices continue to be successfully



وزارة الصحة تحذر المدخنين يؤدي إلى امراض خطيرة وميتة.  
مستوردة مباشرة من سويسرا وموزعة من قبل ادارة حصر التبغ والشبكات اللبنانية.

**Lebanon: *Al Shabaka* magazine is clearly aimed at fashion-conscious young Arab women—apparently the same target that British American Tobacco has in its sights for its Vogue cigarette brand, featured in a full page advertisement inside.**

implemented by the tobacco industry without being questioned or criticised, or the target of strong objections?

Among the themes covered by the meeting were women's leadership and women in business, education, technology and politics. Ironically, the forum called for "banning the exploitation of women as advertising material while creating a new consensus that will encourage more correct treatment of women in the media". Many cigarette brands that are designed specifically to attract women

are available on the market in Lebanon, such as Vogue, La Femme, Virginia Slims, as well as other slim and "light" tobacco products with pastel and feminine designs. The tobacco industry has been targeting women in Lebanon and elsewhere with advertisements depicting freedom, liberation, health, love, fitness, glamour and beauty. Such practices are more successful in lower income countries where tobacco control policies and local grass roots advocacy capacity are weak.

The majority of Arab countries are parties to the Framework Convention on Tobacco Control which in Article 5.3 calls for the protection of public policy from interference by the tobacco industry. The people calling for equality and empowerment of Arab women must be aware that the tobacco industry makes similar and fraudulent calls for the empowerment and freedom of women through the very images and branding it uses to increase women's consumption of tobacco.

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### SWITZERLAND: IMPERIAL'S TENNIS RACKET

The Swiss health group OxyRomandie has filed a complaint about the sponsorship of a major world tennis championship by Davidoff, the premium international cigarette brand owned by Imperial Tobacco. According to OxyRomandie, the sponsors relish using Switzerland, with its weak tobacco control legislation, as host country so they can bypass advertising bans in other European countries. One important mechanism for doing this is the Davidoff Swiss Indoors, notably via television broadcasts of the tennis event, which reach approximately one billion people worldwide with repeated shots of players set against the Davidoff banner, with the collaboration of television channels such as EuroSport. Another mechanism is trademark diversification, and a line of Davidoff non-tobacco products is being marketed as a way to enhance the brand image.

Davidoff recently changed the logo for its non-tobacco products, apparently so as to be able to argue that the Davidoff non-tobacco products have nothing to do with the tobacco products. However, the style of print font used for the tobacco logo and for the non-tobacco product descriptions have simply been switched around.

However, tobacco advertising is banned on television in Switzerland. So OxyRomandie has filed a complaint to the Swiss national television channel,



claiming that the broadcasting of the Davidoff Swiss Indoors was in breach of the law, to which the official television watchdog organisation has to provide a response within 40 days. If the answer is not satisfactory, OxyRomandie will file a complaint to the next highest level.

In response to the complaint, the main organiser and owner of the Davidoff tennis event tournament claimed that the Davidoff brand sponsoring it represented only non-tobacco products. However, in the official programme, as set on the event's website accessible in Switzerland, the link to [www.davidoff.com](http://www.davidoff.com) led to a welcome to a website "exclusively dedicated to information on smokers' items and accessories by Davidoff." The same link accessed in countries such as the United Kingdom, whose tougher tobacco control law activates a country filter, leads to a rather different message: "We are sorry but due to UK legislation we are not allowed anymore [sic] to show you our website [www.davidoff.com](http://www.davidoff.com). Thank you for your understanding."

Davidoff exemplifies the extent to which the perceived brand characteristics of a particular cigarette are almost entirely derived from promotional activities, rather than from any intrinsic feature of the actual product. Even today, perhaps especially today, Davidoff relies on a range of top notch brand associations. In recent years, the brand has changed hands, from the formerly independent German manufacturer Reemtsma, to Imperial, originally dependent largely on its home market, which bought Reemtsma on its way up into the big league. Imperial recently acquired Altadis, the company formed to take over the former state-owned French company SEITA and its Spanish opposite number Tabacalera. It is now the world's fourth largest tobacco company outside



**SWITZERLAND:** Roger Federer as seen on one of many television broadcasts of the annual Davidoff Swiss indoor tennis championships held in Basel.

China, after Philip Morris, British American Tobacco and Japan Tobacco International.

Even when owned by Reemtsma, Davidoff's success in attracting smokers with more money than wisdom was of concern to British American Tobacco (BAT), which watched its rival brand in the international super premium market segment, State Express 555, being overtaken by Davidoff. In 1998, BAT commissioned a market research report on Davidoff which found that Davidoff had gone from holding nine per cent of the segment in 1994 to 24 per cent in 1994, against 555's growth from one per cent to nine per cent in the same period.

For many years, Switzerland has been the poor relation in western Europe in terms of its tobacco control achievements, and some would say that even now, after closing much of the gap, its regulations have as many holes in them as a Swiss cheese. With Swiss help, perhaps Davidoff's impressive rise is set to continue apace.

### HONG KONG, CHINA: SMOKING BAN BOOSTS BUSINESS

After years of suspense and inaction, the government finally announced in November that the much criticised exemptions to its public places smoking ban, which subjected hundreds of staff to continued exposure to environmental tobacco smoke in many bars and other leisure venues, would end on 30 June 2009. Ironically, it appeared to do so not for health reasons—a new report on lung damage in staff at exempted venues was still to be published—but because the only rationale for the exemptions in the first place, that economic damage would result from a total, exemptions-free ban, simply disappeared when new data showed that hospitality venue revenue since the ban had actually gone up, and substantially so.

As reported previously, after six years of political delays, the government enacted its anti-smoking legislation in January 2007 (see Hong Kong, China: sliding backwards. *Tobacco Control* 2008;17:147–148). The major opponent of the smoking legislation was a party whose members appeared to put the interests of big business, including the tobacco industry, before those of the people they represented, winning not only the long delay, but the exemptions for bars, mah jong parlours and other, mainly non-food serving venues allowed to apply for exclusion from the regulations. The usual fears whipped up about the impending financial disaster to the hospitality industry not only proved groundless, but the Hong Kong electorate recently voted out of office many of those who had put business interests first.

The economic data may set a world record for how hospitality venues can actually benefit from a ban. Government statistics on restaurant takings for the period from 2006, before the ban, up to the third quarter of 2008 show takings in 2007 were up 13.4% on 2006, while third quarter takings in 2008 were up 31% on the same quarter in 2006. While some adjustments must be made for factors such as food cost increases, the overall trend seems to provide conclusive evidence that more people have been going out and spending more in non-smoking restaurants since the smoking ban took effect.

It is clear from a lively public debate maintained during the interminably long wait for a government decision that plenty of hospitality industry proprietors and managers will be celebrating the end of exemptions. Many have no doubt seen through tobacco-friendly scaremongering and disinformation campaigns. Certainly, a repeated call has been heard for a level playing field for their businesses, which will at last be established from July 2009.

Meanwhile, the most important piece of the tobacco control jigsaw still missing in Hong Kong remains the total lack of a tobacco tax increase for the past eight years. Hong Kong has been in the unusual situation of not needing the additional revenue that is usually the motivation for governments to raise tobacco tax. However, it is to be hoped that the recent changes in political complexion of its legislative council may end a tax holiday that has resulted in a six per cent rise in smoking among 10–19-year-olds. Perhaps the dark storm clouds overshadowing most countries' economies may have a silver lining in the form of encouraging the government to start raising tobacco tax once more.



**SWITZERLAND:** Imperial Tobacco appears to have almost exactly switched fonts for the logo and product descriptions of its cigarettes and non-tobacco products, apparently so as to be able to argue that the latter have nothing to do with tobacco products.



INDIA: a cartoon by cancer surgeon Dr Pankaj Chaturvedi, linking a tough health warning with politicians who repeatedly delay the implementation of them.

#### INDIA: PACK WARNINGS DELAYED

The story of the planned implementation of pictorial tobacco pack warnings in India, which have been delayed yet again, are beginning to look as ancient as the history of that great country itself. If is hard to remember their origins, it is even more difficult to understand some of the decisions, or cop-outs, along the way. Naturally, a country so diverse, with so many languages and such a range of literacy levels, finding a visual message recognisable to as many people as possible is a challenge; however, the one that health advocates recommended as instantly familiar to most people, from its use on high tension electricity pylons, was the skull and cross bones.

However, after much public debate, and much in private between tobacco interests and politicians, too, it seems, this was dumped, partly on the faintly absurd grounds that it had religious associations to some people, despite the fact that its use on electric poles in thousands of villages around the country had never provoked any protests. In its place, the image of a scorpion was chosen. This is a strange choice and strongly suggests tobacco industry deviousness, for not only will most people, especially children, never have seen a scorpion, but unlike tobacco, the creature is only

dangerous to its prey and when provoked, and furthermore, in much eastern folklore it is invested with some highly admirable and powerful qualities.

Whatever the image, it could not have been more inappropriate that the latest announcement of yet another delay in implementation came just when the Conference of Parties to the Framework Convention on Tobacco Control had agreed on the need for really hard-hitting, large and rotating graphic warnings, and had indicated that plain packaging for tobacco products should be seriously considered in the future.

Who is behind the delay? Most Indian health advocates blame tobacco interests, especially those involved in the country's ubiquitous bidi (small, cheap, hand-rolled cheroots) and oral tobacco products, and a sufficient caucus of politicians ready to do their bidding. So widespread is frustration with politicians that head and neck cancer surgeon Dr Pankaj Chaturvedi, who daily sees the human tragedies caused by these products, designed a warning that he thought most apt. It depicts a national stereotype of a certain type of politician, as instantly recognisable to many Indians as the skull and crossbones would have been. It speaks volumes about the weariness and cynicism many feel about the politicians who have ensured yet again that India does not get the pack warnings it needs.

#### AUSTRALIA: IN-FLIGHT TOBACCO PUSH ENDS AFTER OUTCRY

Australia's national airline Qantas has stopped selling duty-free cigarettes on its international flights after an email advocacy campaign resulted in widespread negative media coverage and a wave of public opposition.

Concerns were first raised by Qantas staff in July when they received letters from management directing them to take part in a three-month trial of "prominent display" of three tobacco brands by stacking them on top of trolleys and wheeling them at eye height past passengers—including children.

Several Qantas employees reported to their Union and to ASH that they were uncomfortable about selling an addictive drug as part of their job. As Qantas had not sold duty free cigarettes on flights for ten years, the policy reversal was seen as a backward step by many crew members and passengers loyal to the airline.

The commercially driven move by Qantas was further criticised as the airline



INDONESIA: This man was photographed recently in the Northern Sulawesi region of Indonesia, which has particularly high tobacco consumption among men. Indonesia, the fourth largest country in the world, has an overall smoking prevalence among adult males of around 65 per cent, with an already large burden of health problems set to increase to levels that are particularly tragic and costly to a low income country. The fact that US tobacco companies are so closely associated with the spread of cigarette smoking around the world does not augur well for Indonesia, whose largest local maker, Sampoerna, is now owned by US manufacturer Phillip Morris. Photo: Mimi Nichter.

was promoting itself as a sponsor of the Catholic Church's World Youth Day and a well-known charity that aimed to reduce cancer in children.

Qantas defended the trial, claiming other airlines including British Airways, Virgin Atlantic and Cathay Pacific sold duty-free tobacco in-flight, and denying that the trial had anything to do with the appointment of former BAT executive Paul Rayner, described in media reports as a "retired tobacco peddler", as a non-executive director of Qantas.

After a strong email advocacy campaign by ASH and a federal government letter of concern to the CEO of Qantas from Senator Jan McLucas, Parliamentary Secretary to the Minister for Health and Ageing, the airline backed down and confirmed that the trial would end on 1 November for "a number of reasons" and that there were "no plans" to reintroduce the promotion.

Ending duty free sales of tobacco is a commitment in the Framework Convention for Tobacco Control (FCTC) and a far more comprehensive solution to the problem, as many other airlines and most airports continue to prominently display and sell duty-free tobacco.

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