

# News analysis

## LEBANON: DIET HOOKAH

Tobacco advertising is still permitted in Lebanon, even though the government ratified the Framework Convention on Tobacco Control in 2005. Cigarette advertising for women is prominent, with numerous campaigns flooding the media every year.

Recently, tobacco water pipe advertising has started to appear. These ads are designed specifically to target women, as smoking a water pipe—also known as hookah or shisha—is becoming increasingly prevalent among this growing segment of the tobacco market. Water pipe smoking is more acceptable for women than cigarette smoking and the new advertisements are adding to the social acceptability of water pipe smoking and encouraging more women to become hooked.

In the summer of 2010, a billboard advertisement appeared around the capital, Beirut, promoting a restaurant that offered the use of a 'Diet Hookah'. This ad was clearly aimed at women, not just to exploit the increasing female market for water pipe smoking, but also to target women concerned about their weight and slimness during the summer season. Many such women will try anything from excessive sports activities and low calorie diets, to near starvation, to maintain a slim figure. In fact, many young women take up water pipe smoking specifically to decrease food intake, especially as it can keep them from eating during an outing to a restaurant. Significantly, the restaurant behind the Diet Hookah ad had also been promoting 'American Grill sandwiches' on similar billboard ads, indicating that teenagers were a key target.

However, despite the fact that some women smoke water pipes as a weight control measure, others think that it actually promotes weight gain, and in



Lebanon: a billboard advertisement in Beirut promoting a restaurant providing customers with "diet hookah" water pipes, clearly aimed at figure-conscious young women.

particular, increases abdominal fat. No doubt this belief is based on the ingredients listed on water pipe tobacco packs, which often include molasses or honey. Hence the Diet Hookah, which is claimed to contain green tea, strongly associated with weight loss, and no sugars, a major source of calories in food. This must be highly attractive to women concerned about their weight who already smoke a water pipe, or are prepared to start. Many are likely to think that the green tea in the tobacco could help them lose weight, in addition to their not ingesting calories from sugars in the tobacco.

In addition, the woman portrayed in the Diet Hookah ad was of a highly sensual appearance, with floating hair and red lipstick, the epitome of a sexy, free woman, conscious of her slim figure. The predominantly white colour was fresh and summery and added glamour to the advertisement.

To protect women from initiating water pipe smoking, as well as to de-normalise it and render it less appealing, tobacco control policies, specifically bans on all types of tobacco advertising and sponsorship, are more necessary than ever. Countrywide implementation of measures against all types of tobacco use and proper enforcement are key to controlling Lebanon's tobacco epidemic.

**JOANNA KHALIL**

American University of Beirut, Lebanon  
joanna.khalil@aub.edu.lb

## GERMANY: VICTORY OF DEMOCRACY OVER TOBACCO

Although experts attest that more than 3000 Germans die every year from passive smoking, smoking is still permitted in many hospitality venues. Over the past 10 years the tobacco companies, together with the hospitality industry, were able

to block several legislative initiatives for smoke-free bars and restaurants. In Bavaria, however, the state government dared to introduce a general smoking ban in January 2008, although there were no provisions for ensuring compliance. After the Bavarian state elections later that year, tobacco industry pressure was so powerful that smoking was once again permitted in small bars and in secondary rooms of other hospitality premises.

The ÖDP—a conservative-Christian split-off of the Green party in Bavaria—did not want to accept this situation and started a petition in favour of a referendum for a smoking ban without exemptions. Within a short time, many institutions joined the initiative, including medical organisations, non-smokers' groups and sports associations, as well as the opposition parties, the Greens and the Social Democrats. By the end of 2009, more than 1.3 million Bavarian voters had signed the petition within a two week period. Never before in Europe had so many people actively engaged in a tobacco control issue. Although the necessary rate of agreement of 10 per cent was by far exceeded, the state government, consisting of Conservatives and Liberals, refused to change the legislation and announced a referendum to be held on 4 July.

Representatives of the tobacco companies declared this date a 'D-Day' for the whole industry in Germany and pledged to counter the referendum with a massive public relations campaign. A strategic alliance was set up, consisting of the tobacco industry, the brewery trade, the hospitality industry, advertising agencies and slot-machine operators. The official budget of the alliance was 615 000 Euros (US\$779 000) and the tobacco industry openly admitted to having donated three-quarters of it. The result was a huge scare campaign to counter the strengthened tobacco control movement.

The main campaign messages were that a smoke-free hospitality industry would lead to mass bankruptcy and the loss of freedom and tolerance. Millions of posters and flyers proclaimed, 'Bavaria says No!' and tobaccoists distributed more than 1.6 million cigarette lighters free, with combative slogans such as, 'Who sleeps in democracy will wake up in dictatorship.' Beyond that, the alliance recruited prominent supporters, including Herta Müller, the Nobel Prize-winning writer, to sign a resolution against the 'extermination of smokers.'

Both sides, opponents and defendants of a smoke-free hospitality industry,



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Germany: this advertisement, used by the tobacco and hospitality industries during the campaign leading up to the referendum in Bavaria in July, proclaimed from the tattoo on the model's back a clear, down to earth message, 'Bans are for the ass.'

focused on mobilising their supporters via the internet social networking site Facebook, which led to a sustained radicalism among many bar owners and smokers. They insulted Sebastian Frankenberger, spokesperson of the alliance for the protection of non-smokers, calling him a 'Nazi' and even sending him death threats.

The massive engagement of the tobacco companies within the Bavaria says No! campaign soon turned out to be a major problem. It was just too obvious that the main reason for their engagement was neither the freedom of individuals nor the well-being of the hospitality industry, but only to protect their financial interests and maintain influence with politicians and governments. The referendum of 4 July ended with a clear vote of 61 per cent in favour of a complete smoking ban in the hospitality industry, with a voter participation of 38 per cent.

The efforts of the tobacco industry to convert a tool of direct democracy into a marketing instrument had failed. As from 1 August, smoking is now banned in bars, restaurants and beer tents, with only the Oktoberfest autumn beer festival being offered a period of grace until next year. However, the Oktoberfest management has already decided that guests who

do not comply with the smoking ban will not be served beer.

The victory in Bavaria has given other initiatives in Austria and Switzerland a boost; and other German states could now face similar referenda as Bavaria.

#### DIETMAR JAZBINSEK

Dieter-Mennekes-Umweltstiftung, Germany

#### FRIEDRICH WIEBEL

Medical Action Group, Germany  
wiebel@globalink.org

#### AUSTRIA: FACEBOOK AND CITIZEN ACTION PUSH CHANGE

Updates about tobacco control in Austria typically make depressing reading, consistently ranking it as one of the least progressive among European countries. Failure to implement public and workplace smoking bans has been a particular blight. Recently however, there has been a breath of fresh air.

Impatient at their government's long intransigence over implementing proper smoking bans, a group of Austrian citizens have taken matters into their own hands. Realising that Austria lags in smoke-free legislation and inspired by the role of social media in the US 2008 election, the group set up a Facebook page in December 2009. Within 10 days, more than 20 000 people had joined. By August 2010, membership exceeded 110 000. According to the founder of the group (who initially had not heard of the Framework Convention on Tobacco Control), the members are not against smoking per se, nor do they share any specific political affiliations; they simply want the same protection from environmental tobacco smoke taken for granted in many other countries. They plan to use provincial elections in September and October to attract public attention to the issue and generate discussion, with the intention of using their numbers to petition the government for a referendum to ban smoking in all public venues and workplaces, with no exceptions. They have support from the Green party, pharmacies, medical groups and a chain of wine bars. (For more information, see: <http://www.nichtraucheninlokalen.at>).

Austria has a smoking ban in place for restaurants, bars and clubs, which came into full effect in July this year. But while venues of more than 80 square metres are required to provide partitioned non-smoking rooms, smaller venues are either exempt or can take advantage of numerous loopholes. There is scant

protection for workers (including minors), no prohibition of children being allowed in smoking areas, and no requirement for smoking areas to be away from those used by all customers, such as thoroughfares or toilets. Some proprietors have reportedly even registered as tobacconists, as smoking is not prohibited in tobacconists or newsagents. In other words, it's the ban you have when you don't have a ban.

Even with such a weak law, enforcement is virtually non-existent. The law provides for fines of 10 000 Euros (US \$12 750)—but no specific agency is charged with enforcement. Complaints need to be generated by customers, who must provide proof such as pictures and the name of the violator. Personal details of complainants are also not confidential. As a result, the process has been known to descend into farce, with examples of proprietors barring customers who have complained, even putting up 'wanted' posters of whistleblowers. At least one person has also been physically attacked as a result of complaining.

The current health minister inherited the ineffective law from his predecessor. He has publicly supported a full ban, and blames strong lobbying from opposition politicians and pro-tobacco groups for the many exemptions and loopholes. Despite this, he has shown little will to make changes, and rejected calls for a referendum. If the petition succeeds, citizen activism and the power of Facebook may take the decision out of the hands of politicians altogether. A proper smoking ban will only be the first tick on a very long and overdue 'To Do' list, which includes raising taxes, pictorial health warnings, banning vending machines and implementing effective awareness campaigns.

If successful, the Austrian petition for a referendum will be a rare case of following a good example from its larger neighbour, Germany.

#### MARITA HEFLER

University of Sydney, Australia  
maritahefler@yahoo.com.au

#### CZECH REPUBLIC: PROTECTION OPTIONAL

In the Czech Republic, smoke-free legislation has been discussed for many years. A law passed in 1989 banned smoking in restaurants 'during meal times'—without specifying what a 'meal time' meant. Mostly this was implemented by ashtrays being removed from around noon until 14:00 in the afternoon, and again from





Czech Republic: the various signs that proprietors of Czech hospitality venues can choose to place at the entrance to their premises, and which customers have to scan to see whether they will have to endure tobacco smoke inside.

around 18:00 until 20:00 in the evening, with smoking being allowed in between these meal times. This law was in force until 2005, when a new law was adopted which allowed smoking in restaurants with no restriction at all, even during 'meal times'. On the other hand, the 2005 law banned smoking at open air public transport 'stops'—but again, its terms were far from clear. There was no explanation how exactly a tram or bus stop was defined (eg, its dimensions or how it was painted or otherwise designated). Needless to say, it heralded a great deal more controversy.

The current smoke-free law has been in force since 1 July 2010. It bans smoking in covered spaces of transport stops (open spaces, but under a roof) and requires restaurants to choose one of three options: smoke-free, smoking or combined. In the case of combined space, the smoking part has to be divided by a wall from the smoke-free part. It is not surprising to find that one of the Senators opposing effective tobacco control measures did public relations work for British American Tobacco before he entered the Senate, and some of the members of the lower house of parliament had help from assistants with tobacco industry connections, working free of charge for them.

In recent months, however, a new government has taken over, so Czech health advocates are hopeful that the new

health minister will be more in favour of health than those who went before: not a single previous minister of health has supported smoke-free restaurants. The latest opinion research shows that around 80 per cent of Czech adults would prefer entirely smoke-free restaurants and more than 115 000 have signed a petition for it on the internet (<http://www.stopkoureni.cz>).

**EVA KRALIKOVA**

Charles University, Prague, Czech Republic  
eva.kralikova@lf1.cuni.cz

### **MALAYSIA: STRANGE BEDFELLOWS**

Big tobacco companies love to have the 'Great and the Good' on their boards in countries where they can still persuade captains of industry, senior government officials, docile politicians and others to become directors. To have them on the board can help a company to make the case that it sits comfortably at the heart of the establishment, just like any other big, successful company, regardless of the unfortunate little matter that it pushes products that kill half their (often fore-shortened) lifetime users. The good and the great like it, too, as it can provide a nice little earner, often adding to a clutch of other, similar directorships to yield a lucrative retirement income.

Usually, a newly recruited non-executive director of a tobacco company may have had little specific cause to ponder on the ethics of the industry he or she is joining. Sometimes, however, that case cannot be made so easily, such as for a lawyer with lengthy professional experience of issues across the full spectrum of national life. In many developing and emerging nations, for example, senior lawyers in private practice and government service must have had to think about ethical and human rights issues and the protection of the vulnerable in society.

In Malaysia, dominant tobacco company British American Tobacco (BAT) no doubt benefits greatly from the service of a distinguished lawyer, Tan Sri Abu Talib bin Othman, on its board. According to the company's website, Talib was trained in the United Kingdom and had a distinguished career as a member of Malaysia's judicial and legal service from 1962 to 1993, bagging the top legal job in the country, Attorney-General, in 1980. Since retiring in 1993, he has held a number of directorships and other prestigious appointments, none more so, perhaps, than being chairman of the country's human rights commission, Suruhanjaya Hak Asasi Manusia, also

known as Suhakam, a shortened version of the full Malay name. He held this important post from 2002 until stepping down earlier this year.

Was there no apparent awareness in Malaysia that there was something inconsistent here? No expression of awkwardness or embarrassment, perhaps? Not overtly, of course, or doubtless one side or the other would have dropped him like a spent cigarette butt. However, sometimes omissions speak louder than words and it is interesting to note that the latest annual report of BAT Malaysia, in English, does not translate the title of the commission from Malay, while that of Suhakam curiously neglects to mention Talib's tobacco connections at all. For Tan Sri Abu Talib himself, though, there was presumably no conflict—after all, while a director of BAT, he also served on the board of an oncology centre.

### **SWITZERLAND: DAVIDOFF LOSES GAME, SET & MATCH**

After a humiliating defeat in a law court in Basel last year (see *Tob Control* 2010;19:5–6), the Davidoff cigarette brand has flung down its tennis racquet and slunk off the court. As chief sponsor of the Swiss Indoors tournament, it had got massive television and other media coverage every year, linking the brand to the healthy image of sport in general, and particularly to the excitement and glamour of first class tennis.

Perhaps it had been a mistake for Davidoff to try to sue OxyRomandie, the health advocacy group which not only persistently pointed out how the sponsorship violated Swiss advertising law, but also set up what might be considered a more accurately named website, Daviddeath, a parody of the Davidoff event's own website. Or perhaps the Davidoff executives did not think too carefully about how their product appeared with health warnings on it: as the judge pointed out last year, death was already overwhelmingly represented on Davidoff packs—a graphic health warning photograph of a dead body appeared on one pack shown to the court—so the Daviddeath spoof logo could hardly be said to denigrate the brand.

A bland statement from the association of male tennis professionals, ATP, issued in August, said only that the tournament would no longer be marketed in Europe under its previous name 'due to advertising restrictions in the tobacco industry', but it is clear that the international campaign coordinated by

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OxyRomandie, with help from ASH UK and ASH Scotland (ATP is based in the UK), having survived a tobacco company's attempt to throttle it in the Swiss courts, had finally won through.

However, the file is still not entirely closed. In France, the health advocacy group Comité National Contre le Tabagisme (CNCT) has launched legal proceedings against the broadcasters involved in televising the tobacco promoting tennis games, Eurosport, and Canal+ and the sponsors of the tournament, which have still to be resolved.

### INDIA: INDUSTRY'S LONG LOVE AFFAIR WITH PACKS

An anecdote from India comes as a timely reminder to anyone who may question whether the plain packs law announced by Australia, and aspired to by other leading tobacco control countries, is likely to be effective. In 1996 the distinguished epidemiologist and tobacco control advocate Dr Prakash Gupta attended a workshop called, 'Should Cigarette Advertising be Banned?' organised by the Indian chapter of International Advertising Association, held at the World Trade Centre building in Mumbai.

Dr Gupta and the late Dr Sharad Vaidya of Goa were the main tobacco control experts invited to speak, with most of the other participants apparently being cigarette company executives, advertising agency staff and industry lawyers. After the two health representatives had spoken, the meeting reportedly became extremely heated. In the ensuing mêlée, one pro-industry executive took hold of the microphone and shouted that the health side could ban advertising as much as they liked, but as long the industry had the pack, it did not matter, as "...that is our main advertisement!"

### USA: AMA BACKS COMMEMORATIVE STAMP

In June, the American Medical Association (AMA) backed a proposal to encourage United States postal authorities to issue a special postage stamp in 2014 to commemorate the 50th anniversary of the first report on smoking of the US Surgeon General. Together with the first smoking report of the Royal College of Physicians of London, published in 1962, the 1964



USA: some of the anti-smoking postage stamps form the collection of Dr Alan Blum. It is hoped that the United States will produce a new one in 2014 to mark the 50th anniversary of the US Surgeon General's first report on smoking.

Surgeon General's report and its successive annual reports thereafter represent much of the scientific foundation on which subsequent national and international tobacco control activity has been built.

The AMA is now preparing a letter, with endorsements by national medical speciality societies, state medical associations and other appropriate health organisations, to send to the Citizens' Stamp Advisory Committee. The AMA heard that 22 state chapters of the AMA and 17 speciality medical societies had already supported the resolution, indicating the weight of medical opinion behind the idea.

Meanwhile, in recent months an exhibition of anti-smoking stamps from around the world, gathered over many years by Dr Alan Blum of Alabama, has been on view at the Lister Hill Library/Alabama Museum of Health Sciences, together with an exhibition on Dr Luther Terry, the Surgeon General who released the landmark report in 1964. In October, the exhibitions are due to be expanded and hosted at the Roswell Park Cancer Center in Buffalo, in New York state.

### INDONESIA: POLICE BOX ADS



Indonesia: this police box in Indonesia is just one of many topped by cigarette advertisements. Tobacco companies pay for the signs, some of which are electronic and feature traffic warning devices. Photo: Mary Assunta.

### UK: DIRECT MARKETING



UK: with few possibilities remaining for the legal promotion of cigarettes, manufacturers are increasingly turning to direct sales using attractive young staff to approach customers in bars and other hospitality venues.

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