

Worldwide news and comment

WORLD: NEW MARLBORO F1 SPONSORSHIP—BUT WHY?

Health advocates around the world could easily have missed what in the past would have been a major news story about tobacco sponsorship of sport recently. Whereas the award of a contract of millions of dollars would have been splashed all over the newspapers in countries directly affected by the news, and many that are not, this year there was little coverage anywhere. Scuderia Ferrari Marlboro, the Formula One (F1) motor racing arm that promotes Marlboro cigarettes, issued just one sentence to say it had extended its collaboration agreement with Philip Morris International (PMI) “to the end of 2015”. No sum was mentioned, though sources in the smoking section reckon it is simply an extension of the previous contract, worth a reputed US\$100 million per annum.

One reason for the apparent reticence is that PMI may not wish to generate publicity about it. If so, could that be because people might ask the entirely reasonable question: seeing that PMI can no longer display its red and white Marlboro chevron logo, with Marlboro printed in its unique font, on the cars, drivers, trackside paraphernalia, merchandise and just about any other available surface at the races it enters (the European Union banned such promotion in 2007, for example), what does it get for its money? Surely this is the same company that conscientiously removed a barcode-like device that for some inexplicable reason had appeared on its racing cars not long ago, when it was pointed out how similar it looked to the Marlboro logo?

Nevertheless, to some, a new phenomenon spotted around the world recently looks awfully like a replacement strategy. Marlboro's F1 team uses cars built by Ferrari. Is there some way that the Ferrari F1 cars could be used to associate the cigarette behind the sponsorship with the glamour, excitement, thrill and danger of the modern, ultra-high speed driver-cowboys? Obviously there would have to

be some visual reminders of the good old red and white chevron days, which would be a major design challenge; but it might just be possible.

Travellers passing through airports in countries as diverse as Tunisia and Malaysia have begun to notice extraordinarily elaborate displays for products they did not know existed, being promoted under the brand names Ferrari and Scuderia Ferrari. In particular, a range of men's fragrances has caught the eye of some, who could not help noticing how the design of expensive-looking boxes containing the perfume bears a striking resemblance to, well, the old Marlboro red and white chevron. Even the typeface in which the name Ferrari appears over a display window at Kuala Lumpur airport looks uncannily like the classic Marlboro font.

Leaving aside the problem of a fragrance being associated with the smell of burnt rubber and motor fuel exhaust, or the high-pitched, eardrum-splitting din of F1 engines—after all, tobacco companies overcame such inconsistencies for years—there are many other products in the Ferrari range that apart from being mainly red, do not bring Marlboro to mind, as the brand's website reveals. Page headings on clothing, accessories, leather goods, sports and games, home and office goods each offer long lists of Ferrari-branded products; but it is the Scuderia section where things get interesting. Under ‘Accessories’, the adventurous surfer can select ‘Fragrances’ and see Scuderia Ferrari perfume, pictured beside a box that is inescapably reminiscent of a Marlboro cigarette pack. True, the top of the underside of the red portion at the top is a gentle, curving crescent, rather than the upturned V-shape of Marlboro's banished chevron, but it is a difference that seems unlikely to inhibit subliminal recall of the glory days of the uninhibited association of all the machismo and glamour of F1 with the cigarette.

Scuderia Ferrari's own logo is a red and white rectangle filled with two diagonally opposed, near-triangular shapes, the red one having a slightly convex curve to its inside edge. When seen on the overalls of the team's mechanics, it resembles half of an old Marlboro chevron. Also, Ferrari is Italian, and since the early 1920s red—or to be precise, racing red (*‘rosso corsa’* in Italian)—has been the colour assigned to Italian cars in international motor sport. Perhaps more relevant is that Banco Santander, the Spanish bank, is the principal sponsor which is actually visible on



A display at Djerba airport, Tunisia, showing advertisements for Marlboro Ferrari Gear (left) and Marlboro cigarettes (right), on Marlboro cartons covered in Formula One images.

the Ferrari's cars and team; and Santander's colours also happen to be red and white. So maybe that's it for the colour connections.

However, the nagging question remains, if Santander is a sponsor which can show its name in return for its money, why would Marlboro, which cannot, put in a hundred million dollars each year? It would be interesting to catch a glimpse of the business plan for the perfume, a product representing only a minute proportion of the Ferrari merchandise range, to see how it could justify spending huge amounts on international airport shop rental and promotional activities. If it is not to establish fragrance packages with a remarkable resemblance to Marlboro, then one would naturally ask, why was one promotional panel seen in 2008 at Djerba airport in Tunisia announcing, ‘Marlboro presents Ferrari gear’ immediately adjacent to one for Marlboro cigarettes in a special F1 motor racing edition? It is hard not to imagine that this could have been part of a transition phase, reinforcing the link between Ferrari and Marlboro, towards establishing certain



Boxes of Scuderia Ferrari men's fragrance resembling Marlboro cigarette packs, displayed at Kuala Lumpur airport, Malaysia, in April.

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Scuderia Ferrari products to serve as a surrogate for Marlboro.

Health advocates everywhere will want to look out for signs of surrogate advertising, involving new promotions for non-tobacco goods which have significant associations with previously overt cigarette brand advertisements. Some international tobacco companies have boasted that they can continue to prosper by peddling their lethal junk for many years to come. If they introduce subtle new methods of trying to get round the near-total bans on promotion that we think we have, they will have to be stopped.

THAILAND: MORE DESCRIPTORS BANNED

Regulations on the use of misleading 'descriptor' words or terms on cigarette packages are to be significantly toughened with effect from 22 December this year. The existing regulations, introduced in 2005, are being extended to ban words or terms which convey attractiveness, such as cool, ice, frost, crisp, fresh, mint, mellow, rich, smooth, natural, special, genuine, luminous, extra, premium, and other terms with similar meanings. The new move comes in response to the proliferation of such terms on cigarette packages in recent years. Thailand banned all forms of tobacco advertising, promotion and sponsorship in 1992.

BRAZIL: INDUSTRY FURY AT NEW PROPOSALS

Brazil has long been on the forefront of global tobacco control and was an important international player in the negotiations and implementation of the WHO's Framework Convention on Tobacco Control (FCTC). An early signatory of the treaty, Brazil ratified it in 2005 and its national intergovernmental commission, CONICQ, has consistently moved the national tobacco control agenda forwards. One of the most notable areas of progress has been on health warnings, especially because a specific legal mandate was given to the health regulatory agency, ANVISA, to regulate tobacco products. As a result, Brazil was the second country in the world to mandate pictorial health warnings and the pioneer in banning misleading descriptors such as 'light' and 'mild'. So far, Brazil has created three successive sets of mandatory and rotational pictorial warnings, in association with INCA, the country's leading tobacco control agency, and with the national cancer institute, and will start the preparation of the fourth set later this year.

Nevertheless, as expected for a tobacco growing, developing country, strong

opposition by the tobacco industry and its front groups poses a constant challenge, especially since consumption is declining and smoking prevalence has fallen by half over the past 20 years.

Earlier this year, ANVISA launched two public consultations on new tobacco control regulations. It is important to note that these were not about a change in the law, but rather consultations about draft resolutions formulated by the board of ANVISA, under its legally enshrined mandate to regulate tobacco. In due course, such resolutions, fine-tuned if necessary in the light of submissions received during the consultations, become, in effect, legally binding without being required to be submitted to parliament for approval.

The first resolution proposes a ban on additives in all tobacco products, under articles 9 and 10 of the FCTC guidelines. The number of brands with flavours on the Brazilian market increased from 21 to 40 between 2007 and 2010, while the number of regular brands decreased from 188 to 144.

The second public consultation concerns a resolution on labelling and health warnings. Besides including more than 33 per cent of the back of the package for a new warning—'Smoking is a disease, you have the right to treatment—call the quitline...'—it would ban the display of tobacco products at the point of sale. It would also extend regulation to include products such as cigars, mini-cigars, bidis, kreteks, water pipes and smokeless tobacco products, which current regulations do not cover thoroughly. In addition, at the point of sale, where marketing is still allowed, 60 per cent of space would be covered by health warnings, as opposed to the current 10 per cent.

The announcement of these proposals has provoked fierce opposition from organisations that collaborate with the tobacco industry. Labour unions and tobacco growers have been mobilised to protest against the additives proposal, claiming that Burley tobacco growing will cease, since sugar would no longer be allowed as an additive to reduce its harshness, increasing contraband and damaging the livelihood of tobacco growers. Public hearings have been held in two tobacco growing states, Rio Grande do Sul and Alagoas, with the participation of parliamentarians and government agriculture officials apparently questioning ANVISA's regulatory mandate and its rights to promote public consultations on tobacco regulation.

Meanwhile, trade associations of the retail and hospitality industries have been mobilised with similar claims about the additives ban leading to contraband increasing, legal cigarette sales falling, and retail outlets closing. A concerted campaign has been promoted on hospitality industry websites and through paid advertisements in Brazil's leading newspapers, focusing on the rights of customers to brand information that would be affected by the proposed point of sale display ban.

As a result of the involvement of all these groups through direct communication and websites, almost 258 000 letters were sent in response to ANVISA's public consultation, more to put pressure on the agency than to contribute to the development of the proposals. Such tactics appear to be aimed at overwhelming ANVISA as it reviews substantive comments received in response to the consultation, delaying a final resolution.

Furthermore, Brazil's leading tobacco company, Souza Cruz, a subsidiary of British American Tobacco (BAT), sponsored a meeting in April under the title 'LIBERTAS 2001: Are you really free?'. Participants included lawyers and government officials and its stated purpose was to discuss the overuse of government and the erosion of freedoms in society. This theme was continued in Souza Cruz newspaper advertisements appearing on World No Tobacco Day, 31 May 2011,



Brazil: an advertisement run in national news media by trade organisations fighting proposals for a point of sale display ban in Brazil, claiming that for smokers, it would be like shopping while blindfolded.

calling for 'freedom' to be an essential element of the free trade of a legal product.

Reassuringly, the aggressive lobbying of the tobacco industry and its allies has caused many sectors of society, including charities and health associations, to come out publicly in support of ANVISA. An opinion poll carried out for the national tobacco control alliance (ACTBR) showed strong backing from the general public for the two proposals. Clearly, a country which already has a well-established tradition of controlling the tobacco epidemic must press ahead and implement the further improvements being proposed by its regulatory agency; and the desperate reaction of those with vested interests in tobacco offers an encouraging evaluation of the proposals' potential effectiveness.

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BOLIVIA: GRAPHIC HEALTH WARNINGS

On World No Tobacco Day, 31 May, the ministry of health and sports of the Plurinational State of Bolivia finally announced the implementation of new health warning labels to be printed on tobacco product packages, starting in December this year. The national tobacco control law, which among other measures mandates the adoption of pictorial-based warnings, was approved in December 2007. Bolivia will become the ninth country in Latin America to implement pictorial warnings, after Brazil, Chile, Colombia, Mexico, Panama, Peru, Uruguay, and Venezuela. The health minister has also made a public commit-



Bolivia: (below left and above) new pictorial warnings that will be printed on packs of cigarettes and other tobacco products from December. These ones warn that smoking can cause premature ageing of the skin, and that when smoking, one inhales arsenic and naphthalene, used against rats and cockroaches.

ment to modify the 2007 law to make Bolivia's public places 100 per cent smoke-free, following the example of other South American countries such as Uruguay, Colombia, Peru, and Venezuela.

The new regulation will require seven pictorial warning labels to be printed in rotation, on the lower 50 per cent of both the main faces of all tobacco packages. The warnings will depict the health consequences of tobacco consumption and exposure to secondhand tobacco smoke. Packs will also give the address of a website containing tips for quitting and other useful information about smoking, for smokers and non-smokers. This public health initiative represents a new achievement in implementing the Framework Convention on Tobacco Control in Bolivia. Health officials are confident that it will help curb an epidemic that affects more than three million smokers and kills 2000 non-smokers per year, according to estimates by the Pan-American Health Organization.

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SPAIN: PICTORIAL WARNINGS

Article 11 of the WHO's Framework Convention on Tobacco Control calls for

large health warnings to be placed on all tobacco product packs. In November 2008, the Conference of the Parties adopted guidelines for implementation of Article 11 and recommended full colour pictures in packaging and labelling. In May this year, after the expiry of a 1-year statutory moratorium of the requirement to implement the new warnings, smokers in Spain have begun to find the first new tobacco packages at tobacconists and licensed points of sale. Following the 2001 Tobacco Products Directive (2001/37/EC) of the European parliament and Council, the Spanish government has chosen to include 14 (<http://bit.ly/PictWarningsES>) of the 42 pictures included in the European library of pictorial health warnings (<http://bit.ly/PictWarningsEU>).

The new Spanish warnings include both the display of a general text warning message covering a minimum of 30 per cent of the front of the pack, and the display of a combined (picture or illustration, plus text) warning covering at least 40 per cent of the reverse side. It is estimated that the introduction of warnings covering at least 30 per cent of the display area should decrease prevalence and initiation rates by 0.5 per cent and increase cessation by 4 per cent. Acceptance of pictorial warnings in Spain has strong public support: 77 per cent of Spaniards, according to the 2009 Eurobarometer survey on tobacco, are in favour of this tobacco control measure.

Spain follows 10 other European countries—Belgium, France, Latvia, Lithuania, Malta, Norway, Poland, Romania, Switzerland, and the UK—that are already using or have approved the use of pictorial warnings. The inclusion of such warnings, as demanded by the Spanish tobacco control movement for many years, complements other tobacco control policies already running in Spain. Together with the 2011 complete smoke-free ban in all enclosed workplaces including bars, restaurants and pubs and some open air



Spain: some of the 14 new pictorial warnings that have been required to be printed in rotation on tobacco packaging since May.



locations (see *Tob Control* 2011;**20**:6–7), legislation increasing the minimum age for sales, and the total ban of tobacco advertising, promotion and sponsorship introduced in 2006 (*Tob Control* 2006; **15**:79–80), as well as recent price increases, the introduction of pictorial health warnings makes an encouraging scenario for tobacco control in Spain.

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LEBANON: SMOKE-FREE PUBLIC BEACH

In June, a public beach in the southern, coastal city of Sidon (also known by its traditional name, Saida City) was declared smoke-free for the summer by the city's mayor, in an opening ceremony attended by prominent Lebanese and Palestinian officials. The pioneering move—it is the first smoke-free public beach in Lebanon—enhances a beach that was already special, not only as it is free and therefore accessible by those unable to afford private beaches, but because of other recent health and environmental improvements.

In addition to a new topcoat of sand, previous problems of untreated water have been solved by new sewage pumping arrangements, and educational billboards erected to raise awareness about the dangers of speeding, drug use and HIV-AIDS. The new arrangement bans all forms of smoking, including water pipes, which previously some visitors were accustomed to bring to the beach. A large and eye-catching sign leaves no doubt as to the authorities' intentions.



Lebanon: the striking sign at the beach in Sidon/Saida City, the first Lebanese public beach to be declared smoke-free. Photo by kind permission of Mohammad Zaatari & *The Daily Star*, Lebanon.

INDIA: CODE OF CONDUCT ON DEALINGS WITH TOBACCO INDUSTRY

Last October, Bengaluru (formerly Bangalore) hosted the Global Tobacco Networking Forum (GTNF 2010), a large-scale tobacco trade event, with the federal ministry of commerce and industry as a sponsor. However, concerted advocacy activities and a ruling by the provincial court as part of a public interest lawsuit initiated by the Institute of Public Health (IPH), a Bengaluru-based non-governmental organisation, led to withdrawal of the government's sponsorship (see India: court bans tobacco board from trade show. *Tob Control* 2010;**13**:439).

In addition to the withdrawal of sponsorship, IPH sought direction from the court to ensure that there would be no further such sponsorship, or participation by the government in any tobacco industry-related events in the future; and that the government formulate, adopt and implement a code of conduct for public officials prescribing standards governing any dealings with the tobacco industry.

Current national tobacco control legislation contains no code or other measures to prevent the industry's negative impact on public health policy, despite specific recommendations stemming from the Framework Convention on Tobacco Control (FCTC), which India ratified in 2004. During the court hearing, the judge explicitly stated that in the absence of a national law, international law would be fully binding. Therefore, article 5.3 of the FCTC, which recommends a code of conduct for dealing with the industry, was the basis of the tobacco control community's demands.

In the course of the litigation, both the state and federal ministries of health and family welfare presented an affidavit assuring their adherence to national tobacco control legislation and to international obligations under the FCTC. Following the favourable finding, IPH submitted to the court a draft code for public officials, which would prevent tobacco industry interference in setting or implementing public health policy and tobacco control programmes. The draft code is the first of its kind in India. It was formulated for use in India by reference to similar policy documents from the Philippines and Australia, and by reference to the relevant literature, and subjected to review by Indian tobacco control agencies.



India: protesters outside the Bengaluru court last year.

In its final hearing on 8 February 2011, the court received an undertaking from counsel acting for the government of India, that the government would consider the draft 'properly' while framing a code. This proposition was placed on record and fulfilled IPH's request, thus bringing the lawsuit to a close.

Although a positive development, the court's order was largely non-directive and suggestive in nature, leaving the government responsible for actually formulating and implementing a code. A recent enquiry to the federal ministry of health and family welfare about subsequent action taken revealed only that the ministry had written a letter and forwarded the draft code to the federal ministry of commerce and industry, suggesting it take further action. With the court case officially closed, the next stage may therefore depend on once again seeking action by the media, government and civil society organisations, whose initial collaboration thwarted the government's support of GTNF. While the litigation opened a new opportunity for tobacco control, it may still be a long time before concrete, favourable policy outcomes are achieved.

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