

# Worldwide news and comment

## CHINA: CITY SMOKE FREE POLICY CHALLENGE HIGHLIGHTS CHINA'S FCTC QUANDARY

As a signatory to the WHO Framework Convention on Tobacco Control (FCTC), China should have issued national policies requiring smoke-free environments to protect people from secondhand smoking in all public spaces long ago. Smoke free legislation also reduces demand by creating barriers to smoking and adds to denormalisation of smoking.

In the absence of both national and provincial level policies, a small number of Chinese cities have initiated local legislation and implementation. Nearly a decade ago, Hangzhou was among the first cities in China to develop legislation for smoke-free public spaces. It introduced a total ban on smoking in ten types of public spaces in November 2009, setting the stage for the city to achieve tobacco policy goals in line with FCTC requirements.

In January 2018, Hangzhou released the first draft of a new policy which increased smoke-free public spaces. However, an updated version of the policy released on April 27th 2018 to solicit public opinion was watered down from the original version, with designated smoking areas to be allowed in smoke-free indoor spaces – a significant backward step in protecting the public from secondhand smoke.

The amendment was met with considerable opposition across the country. Hundreds of news reported it with headlines such as “Tobacco Control Experts Questioned Hangzhou’s new Smoke-free Legislation Policy.” The WHO’s China Office also weighed in; an article on its microblog stated that the economic benefit of tobacco sales should not be prioritised over public health. The Chinese Centre for Disease Control and Prevention and Chinese Association on Tobacco Control also raised objections, gravely concerned that the updated version of the policy would set Hangzhou’s tobacco control legislation back by 10 years and seriously affect the government’s credibility.

The reaction to the amendment boosted confidence among smoke free advocates that the public pressure may force the Hangzhou government to compromise and fully meet Article 8 of the FCTC. They were hoping this might be the first successful bottom-up tobacco control policy advocacy in China. On August 22, the third edition of the policy was issued in response to public expectations.

Although several local media reported favourably on the updated version, a careful comparison reveals that there were only minor changes. The core flaw, of allowing designated smoking areas in smoke-free indoor places remained intact. This disregards the importance of public sentiment and does not address the issue of most concern to experts and the public. Solicitation of public comments should be the most critical time for democratic participation in smoke-free legislation. How did this situation arise?

Smoke-free environment legislation is an “interests game”. “Healthy China 2030” strategy, a national strategy announced by President Xi Jinping, sets an ambitious target that Chinese smoking prevalence should be reduced from 28% in 2015 to 20% by 2030. Meanwhile, China National Tobacco Company has stated that it has a sales growth target of 6.1 billion additional cigarettes per year. China National Tobacco Company (CNTC) belongs to the Chinese State Tobacco Monopoly Administration (STMA), which is a department of the Chinese government. This inherent contradiction complicates meaningful attempts to reduce smoking. While China hopes to make greater progress toward making all public places smoke-free, stakeholders in the tobacco industry are strategically wrestling with every tobacco control measure, supported by their strong economic power.

In Zhejiang province (of which Hangzhou is the capital), China Tobacco Zhejiang Industrial Company Limited, a subsidiary of CNTC, pays the highest taxes among all the enterprises almost every year, far more than the global leading e-commerce giant Alibaba. Nationally, STMA accounts for more than 6% of Chinese government revenue.

Moreover, CNTC itself also possess enormous political power. CNTC and STMA issued a national agreement called ‘Building Civilised Smoking Environment to Promote Beauty China in July.’ This agreement has a seeming function of smoking behaviour regulation, but effectively protects smokers (and the industry) from smoke-free legislation. Provincial Tobacco Administrations must invest in

building smoking rooms to implement this national instruction, and an increasing number of smoking rooms are now under construction. In this context, opposition to a policy that explicitly stipulates no smoking rooms in smoke-free places seems inevitable.

The root cause of the problem is that CNTC and STMA are simultaneously the “referee” and the “player”. Such settings are continually throwing wrenches into the efforts to promote effective Chinese tobacco control, leadership of which must be the responsibility of departments other than CNTC and STMA. Furthermore, limiting the executive power of CNTC and STMA is an urgent issue. They were established as governmental organisations with limited justifiable legitimacy other than revenue creating potential. The power and rights of any state organisation are granted by the will of the public. As a government agency, the health harms created by STMA are tantamount to abusing the health and welfare of the people.

As a dynamic modern country, China ought to recalculate its tobacco gain and loss in the long run. Creating a healthier and more pleasant environment instead of focusing on short-term revenues should be the priority of the Chinese government. The circumstances outlined in this article may be alleviated under the macro control of the central government.

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## WORLD: HUMAN RIGHTS AND TOBACCO FREE WORLD GLOBAL FORUM

The understanding of tobacco as a human rights issue, as well as a public health problem, was the subject of a the Global Forum on Human Rights and a Tobacco-Free World held in March in Romania. The forum was held under the strategic health commitments platform of the Romanian Presidency of the Council of the European Union, and co-organised by Action on Smoking and Health USA (ASH US), the European Network for Smoking and Tobacco Prevention, and the Romania 2035 Tobacco-Free Generation Initiative. The event builds on momentum generated by the Cape Town Declaration, which was adopted at the conclusion of the 17<sup>th</sup> World Conference on Tobacco or Health in 2017.

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**Figure 1** President of the Union for international cancer control Princess Dina Mired of Jordan, speaking at the first global Forum on human rights and a tobacco-free world. Source: <https://ash.org/hrforum/>

Tobacco control and human rights are inextricably linked; fulfilling the fundamental human right of all people to enjoy good health is incompatible with the ongoing commercial availability of cigarettes. As Dr Vytenis Andriukaitis, European Union Commissioner for Health and Food Safety stated: “The FCTC is grounded in the right of everyone to enjoy the highest attainable standard of health. It’s easy to sign an agreement, but we need implementation on the ground. The UN Social Development Goals require a real combination of different modalities.”

Integrating human rights and tobacco control puts responsibility for the harms of tobacco where it belongs: squarely at the feet of the tobacco industry. President of the Union for International Cancer Control, Princess Dina Mired of Jordan noted: “The FCTC shifted the debate from a personal responsibility or lifestyle choice, to where it should be, global governance.” She also highlighted the fact that: “Too often it’s smokers vs non-smokers, not everyone vs the industry. The public is often doing the work of the industry, but the human rights argument helps



**Figure 2** Romanian president Klaus Iohannis and EU health Commissioner Vytenis Andriukaitis at the global Forum on human rights and a tobacco-free world. Source: <https://ash.org/hrforum/>

with that. Where is the tobacco industry when you are sick? It’s criminal what is happening.”

The increasing tendency of the tobacco industry, particularly Philip Morris international, to co-opt the language of public health was bluntly called out by Jose Luis Castro of the International Union Against Tuberculosis and Lung Disease (The Union): “The tobacco industry remains a main obstacle to improving many people’s right of health...Even though the tobacco industry speaks the language of public health, their goal is to weaken the FCTC. What’s good for the tobacco industry is bad for public health.”

Ultimately, fulfilling the right to human health requires moving from a paradigm of tobacco *control* to *elimination* of the most harmful products, as recognised by several speakers:

“There’s only one thing the tobacco industry can do to be helpful: disappear.” Professor Steven Marks, Harvard University.

“The human rights community should work with us to hold the tobacco industry accountable for phasing out the sale of commercial cigarettes.” Jose Luis Castro, The Union.

“Human rights can keep us united. Combustible cigarettes are the Number one killer. Let’s get them off the market.” Laurent Huber, ASH US.

On March 29, the Bucharest Declaration on Human Rights and a Tobacco-Free Europe was adopted. It states, in part: “We agree that the manufacture, marketing and sale of tobacco are incompatible with human rights, in particular, the right to health, the rights of children and women, the right to development, and the right to a healthy environment. We support the position taken by the Committee on Economic, Social and Cultural Rights, in its General Comment No. 14, that the “failure to discourage production, marketing and consumption of tobacco” constitutes a violation of the obligation to protect under Article 12 (the right to health) of the ICESCR. We further affirm that commerce in tobacco products and second-hand smoke, among other priorities in tobacco control, have negative impacts on human rights”. The declaration can be accessed at: <https://ash.org/bucharest-declaration/>.

#### **BANGLADESH: TOBACCO SURVEY SHOWS SMOKING DROPPING, BUT MORE ACTION NEEDED**

The 2017 Global Adult Tobacco Survey (GATS) Bangladesh findings were





**Figure 3** In March 2019, Japan tobacco international and British American were found to be advertising on the jobs website bdjobs.com. The website is the major job-search website for Bangladesh youth, and has a daily visitor count in excess of 100 000. the ads were removed after the anti-tobacco media alliance and PROGGA contacted the website managers and advised them that the advertisements were in breach of Bangladesh tobacco control legislation, which prohibits promotional activities for the tobacco industry. source: <http://bdjobs.com>.

examined at a national conference held in Dhaka on 13 February, jointly organised by PROGGA and Anti-Tobacco Media Alliance, with support from the Campaign for Tobacco Free Kids. Overall tobacco use among adults aged 15 years and over dropped by 18.5% from 2009 to 2017, a significant achievement. However, the figure obscures some important areas of concern, particularly regarding tobacco use among women. While tobacco use fell by 21% among men, the decline was only 11% for women.

Among the most notable achievements, bidi smoking has declined an impressive 55%, from 11% in 2009 to only 5% in 2017. Smokeless tobacco use also declined by 24%, however the decline was much greater among men (39%) than women (11%). Overall, nearly a quarter of adult women use smokeless tobacco. Cigarette smoking remained steady at around 14%, with no major changes by gender. The stalled decrease in the prevalence of cigarette smoking translates to 1.5 million

additional cigarette smokers between the 2009 and 2017 surveys.

Consistent with most countries, it is poorer groups that are disproportionately harmed by tobacco. Tobacco use prevalence is 48% among in the lowest income group in Bangladesh, compared with 24% among the highest income group. The prevalence of tobacco use among people in rural areas is also much higher than urban areas, at 37% compared with 30%.

The survey also highlighted significant shortcomings in smoke-free public spaces and homes. Exposure to passive smoking in the home declined from 51% to 39% between the 2009 and 2017 surveys. While this decline is encouraging, this nonetheless translates into approximately 48 million people who remain exposed to household secondhand smoke. Similarly, exposure to secondhand smoke in workplaces remains unacceptably high. Although it has decreased by 32% overall, and 50% in government office buildings, 8.1 million people continue to be regularly exposed to smoking at work. Secondhand smoke on public transport also continues to be widespread, with almost 25 million adults regularly exposed.

As part of its Sustainable Development Goals, Bangladesh is aiming to be smoke free by 2040. The current rate of decline in smoking is not sufficient to achieve this goal. Tobacco causes around 161 000 deaths in Bangladesh a year, and it has been ranked as the fourth major contributing factor to premature deaths in the country. It has been estimated that the yearly financial losses incurred due to tobacco use exceed BDT 158.6 billion (approximately USD 188 million.) Of particular concern is the impact on child health. Not only is exposure to secondhand smoke unacceptably high, children are a major part of the supply and production chain; one study found that child labourers constitute 50%–70% of bidi factories' workforces.

Advertising remains a key issue to be addressed. While nearly 56% of people reported seeing anti-tobacco information or campaigns in the 30 days preceding the survey, a similar proportion had seen tobacco advertising, highlighting an important weakness in implementing bans on tobacco advertising, promotion and sponsorship.

#### **WORLD: PMI'S CONTINUED SUBLIMINAL PROMOTION OF COMBUSTIBLE PRODUCTS IN F1 MOTOR SPORTS**

Philip Morris International (PMI) has both actively and subliminally advertised



**Figure 4** British American tobacco advertisement on bdjobs.com prior to its removal from bdjobs.com. source: <http://bdjobs.com>.

its Marlboro brand in F1 since the 1970's. Several host countries gradually implemented advertising bans, however at many of these venues, Marlboro-backed teams and drivers raced with chevrons, and chevron-themed track signage were also visible. A 2015 global survey of 130 000 fans by the Grand Prix Drivers Association found that nearly 8 years after the last active display of Marlboro on the Ferrari F1 cars, the brand was still recalled by 24% of participants.

Philip Morris' latest initiative, Mission Winnow, claims that it aims to "...drive change by constantly searching for better ways of doing things" and PMI is "...constantly improving and evolving." However, a review of media releases and statements from the Scuderia Ferrari F1 team (previously Scuderia Ferrari Marlboro until July 2011) from 2010 relating to the former barcode design on Ferrari's F1 cars reveals a striking continuity in the PMI approach. A comparison of the historical language with that used on the current Mission Winnow website suggests that PMI is simply looking to continue subverting existing tobacco advertising laws to keep its Marlboro brand at the forefront of fans' minds, particularly with the ex-CEO of PMI, Louis Camilleri, becoming the Ferrari CEO in July 2018.

PMI owns the copyright for Mission Winnow: the company has registered both the name and logo in Nice class 34 "tobacco products". It is therefore undeniably a tobacco product trademark.

It was recently announced in Australia's *The Age* newspaper that the Australian Department of Health and Victorian state Department of Health and Human Services are investigating whether this latest initiative is in breach of tobacco advertising laws. It has been suggested that the Mission Winnow branding is reminiscent of a cigarette and the chevron-style logo is similar to the Scuderia Ferrari Marlboro logo previously used. The Mission Winnow chevron design is also very similar to that used by PMI during the global 'Be Marlboro' campaign, and six red chevrons can be identified in the Mission Winnow text.

It appears that the Mission Winnow campaign is based on similar arguments relating to the Ferrari barcode design in 2010. Mission Winnow appears to be using the power of persuasion and their history of both active and subliminal advertising of Marlboro in F1 and MotoGP to continue promoting this association. The Mission Winnow campaign highlights yet another failing by the sport's governing body, the FIA, to completely remove tobacco

advertising and sponsorship from international motorsports. Perhaps encouraged by PMI's initiative, British American Tobacco (BAT) and the McLaren F1 team recently announced a new partnership titled "A Better Tomorrow."

The Mission Winnow campaign also emphasises the need for the WHO FCTC signatories (including nearly all host nations of international motorsports) to urgently enforce the treaty guidelines on Article 13, which state that "Promotional effects, both direct and indirect, may be brought about by the use of words, designs, images, sounds and colours, including brand names, trademarks, logos, names of tobacco manufacturers or importers, and colours or schemes of colours associated with tobacco products, manufacturers or importers, or by the use of a part or parts of words, designs, images and colours. Promotion of tobacco companies themselves (sometimes referred to as corporate promotion) is a form of promotion of tobacco products or tobacco use, even without the presentation of brand names or trademarks."

This is an edited extract of an article titled *Chevrons, barcodes and arrows: PMI's continued subliminal promotion of combustible products* published on the Tobacco Control website at <https://blogs.bmj.com/tc/2019/02/16/chevrons-barcodes-and-arrows-pmis-continued-subliminal-promotion-of-combustible-products/>.

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