

# News analysis

## New Zealand: return of tobacco man

Jim Burns, who in 1994 went from working in the office of the then Prime Minister, Jim Bolger, to be corporate affairs manager of Wills New Zealand, part of British American Tobacco (BAT), is once again in a post that has vital implications for tobacco control. Burns went to work abroad for eight years, most recently in the USA, where he was the vice-president, corporate and regulatory affairs at Lane Limited. Lane was part of BAT and became part of Reynolds American in 2004.

Burns is now back in New Zealand, as executive director of the New Zealand United States Council, which is “the principal organisation representing the business sector as part of New Zealand’s initiative to obtain a Free Trade Agreement with the United States and is committed to enhancing the overall relationship between the two countries”. The chairman of the Council is his old boss, former premier Jim Bolger.

One of the long term issues for tobacco control in New Zealand and elsewhere is the threatened use of international intellectual property law to defend the “rights” of tobacco companies to control what is printed on cigarette packs, including health warnings. Action to require better warnings, such as the government is considering, has also been seen by tobacco companies as a “trade barrier”. Both the advantages to business of international intellectual property law, and the issue of “trade barriers”, are of great interest to the New Zealand United States Council.

Burns was active with BAT in the period when the tobacco industry was fighting to have the New Zealand Public Health Commission (PHC) abolished, largely because of the Commission’s advice to government, provided by Dr Murray Laugesen. BAT celebrated when the Commission was closed down. A December 1994 fax from Burns to BAT UK stated:

“Clearly, we can’t take the total credit for its demise and individuals like Dr Laugesen won’t go away but the death of the PHC is a damn fine Christmas present.”

In 1995, Jim Burns was expressing some of the tobacco industry’s

apprehension generated by possible litigation, organised by lawyer David Collins, as can be seen in Burn’s memo of August 1995:

“I remain concerned that Collins and the potential plaintiffs are capturing the media ground on this issue and are managing to make the prospect of possibly taking some action sound like they are actually taking some action and are winning the battle. Occasionally, I have a nightmare that somehow, from somewhere Collins will come up with a million dollars to bankroll a serious challenge.”

Ironically, David Collins is now running New Zealand’s first substantial legal action, for the estate of lung cancer victim Janice Pou. The case is scheduled to finally go to court this year, after several years of delaying tactics by BAT.

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## France: smoking in pregnancy consensus conference

The prevalence of smoking during pregnancy is still high in France despite a favourable regulatory environment (contraindication of nicotine replacement therapy (NRT) for pregnant smokers was abandoned in 1997), and clinical guidelines for smoking cessation mentioning the possibility of using NRT in pregnant smokers (1998). One possible explanation for this is the fear, both from physicians and pregnant smokers, of using NRT during pregnancy. This situation brought us to the conclusion that specific guidelines (for gynaecologists, obstetricians, and midwives) might be needed.

The French Consensus Conference on Pregnancy and Tobacco was held in Lille last October. Five hundred people from

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**New Zealand:** British American Tobacco now has a monthly column in C-Store, a magazine targeted at retail convenience stores in New Zealand, featuring new products and store management information. This is BAT’s first such column and highlights its public position on topics such as youth smoking and legislation. Future columns will apparently include “discussions about the profitability of the category, new regulations, overseas trends and consumer profiles”. Health advocates are aware that in many countries with otherwise tough tobacco control legislation, the lack of inclusion of corporate advertising in definitions of tobacco promotion has proved to be a significant loophole in legislation.

18 countries participated in the two day conference, which was organised by Michel Delcroix from APPRI (Perinatality Prevention Research Information Association) together with the French alliance against tobacco, the European Smoke-free Hospital and Maternity Networks, the French Cancer League, and many other organisations.

This conference was run in compliance with the methodological rules recommended by ANAES, the national agency of health accreditation and assessment. Six questions were selected by the programme committee. Forty six experts presented a review of topics selected by the committee, and a literature search group assisted the conference jury with another report.

Among the conclusions and recommendations drafted by the jury were that tobacco cessation should preferably be obtained before conception, or as early as possible during pregnancy. Total cessation is recommended, and health

professionals must be trained to assist women in smoking cessation, more particularly during pregnancy and after delivery, but without making women feel guilty. The full conclusions and recommendations are in French at <http://www.anaes.fr/ANAES/anaesparametrage.nsf/HomePage?ReadForm>. An English translation of the short version of the recommendations, with an introduction by UK experts, is available at [www.treatobacco.net](http://www.treatobacco.net).

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## China: illegal brand ads pulled

As China's tobacco manufacturers continue to emulate the trade practices of their western counterparts, it is probably inevitable that increasingly there will be attempts to get round health based legislation. Already, some have dipped their corporate toes in the enticing waters of cigarette brand sponsorship of sport. Dismayed health advocates are concerned not only for the direct effects on recruitment and consumption among Chinese people, especially adolescents, but also about the precedent that will be set if sneaky promotion goes unchecked. In that case, if the big western companies achieve their wildest dreams and get into China on an equal footing with local firms, they will be able to join them in making use of any unchecked circumventions, no doubt applying their characteristic talent for exploiting them even more effectively.

It was therefore reassuring to see five television advertisements being banned in February by the Beijing Municipal Administration for Industry and Commerce, the Chinese advertising watchdog body, for including references to cigarette brands when they should have been limited to promoting the firms in general. The ads, one each from five provinces, and each for a different brand, included one from the Baisha Group from Hunan Province in central



A billboard of the Baisha Group, featuring Olympic hurdles gold medallist Liu Xiang. Ads put out by the company early this year were alleged to include references to its cigarette brands.

China, featuring Liu Xiang, the Chinese athlete who won the gold medal for the 110 metre hurdles at the Athens Olympics. This was the second time in recent months that suspicious advertisements were banned for allegedly promoting cigarettes. Interestingly, of the 135 100 advertisements examined by the centre in January alone, on TV, radio, websites and in newspapers, nearly 1700 were suspected of being illegal, of which most were in the medical field. It is to be hoped that vigilance continues, otherwise today's patent medicine ads will be replaced by tomorrow's attempts to reach that irresistible target for tobacco companies, the quarter of the world's smokers who smoke a third of the world's cigarettes.

## Saudi Arabia: Doll and Peto honoured

The potential of the Catholic Church as a proactive force in tobacco control has been in focus recently (*Tobacco Control* 2003;14:78), but an even greater opportunity for bringing about long term improvements in health may be found in the Muslim world. Muslim colleagues argue that not only are there such large numbers of Muslims in the developing world, but the high proportion who attend the mosque every Friday means that if Muslim clerics can be persuaded to have a better understanding of the importance of the tobacco problem, their potential for encouraging cessation and cooperation with other aspects of

tobacco control policy is not to be underestimated.

The award of the prize for medicine, one category in the prestigious King Faisal awards, to two of the world's most distinguished medical research scientists for their work on tobacco, should provide a significant boost for tobacco control not only in the Middle East, but throughout the Muslim world. In January, it was announced that Sir Richard Doll, whose pioneering British Doctors Study with the late Sir Austin Bradford Hill laid the foundations of modern tobacco epidemiology, was to receive the prize in this category, together with his Oxford co-worker and collaborator of more than 30 years, Sir Richard Peto.

The citation said that their research had "unequivocally established the link between tobacco and various diseases, such as vascular diseases and cancers. Indeed, so great has been the impact of their studies that several national health policies have been modified as a result of these findings. The World Health Organization itself changed its position on smoking which culminated in a demonstrable decline in deaths related to cancer and atherosclerotic vascular diseases in several developed countries."

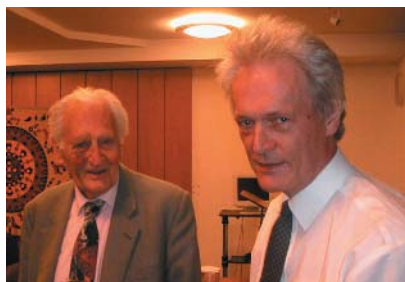
This is the second major international prize for Sir Richard Doll in the past year. Last July, he received the Shaw Prize in Life Science and Medicine from the foundation set up in 2002 by Run Run Shaw, the famous Hong Kong businessman. The stated aim of the Shaw prize is to honour individuals who have achieved significant breakthroughs in academic and scientific research or application, and whose work has resulted in a positive and profound impact on mankind.

Sir Richard Doll is now 92, offering persuasive evidence of one of the findings of the British Doctors Study—that with cessation in good time (at the outset of his tobacco research, he was a smoker, like the majority of male doctors at the time), almost all the risk can be avoided. Despite deciding to cut down his workload this year, he can still



**Thailand: striking new warnings** In compliance with the World Health Organization's Framework Convention on Tobacco Control, regional tobacco control leader Thailand has come up with colour pictures to be printed in rotation on cigarette packs, vying with the new Brazilian warnings for impact (see *Tobacco Control* 2003;13:216). Ten hard hitting Thai warning messages will be introduced to match the pictures, including "Smoking can kill people", "Tobacco smoke hurts babies", "Cigarette smoke causes cancer", and "Cigarettes cause mouth diseases".





Sir Richard Doll (left) and Sir Richard Peto.

be seen climbing two flights of stairs to his office most days, when not speaking at scientific meetings around the world, chairing data monitoring committees of randomised controlled trials, or attending to a wide variety of other work that would be quite enough for someone a generation younger.

## Research Assistance Matching (RAM) Project

During a meeting of the Society for Research on Nicotine and Tobacco in March, in Prague, Czech Republic, an important new scheme was launched, the Research Assistance Matching (RAM) Project. This is an innovative online programme to facilitate tobacco control research collaboration by connecting researchers and providing them with a platform to share and exchange information. The purpose of the project is to enhance the spread and quality of tobacco control research in developing countries by: helping researchers in such countries to increase their access to the expertise and experience of the international tobacco control research community, and assisting international colleagues to identify potential partners in developing countries. RAM is currently supported by the Syrian Centre for Tobacco Studies, the Institute for Global Tobacco Control of the Johns Hopkins School of Public Health, and GLOBALink.

The initial rationale for the project stemmed from the fact that many researchers in developing countries are not integrated within the international research community, are not part of any international collaboration, and lack the required local expertise to support their research activity. When faced with difficult research questions in the past, these researchers have been forced to seek out expert advice by searching the internet and/or relevant scientific publications for expert names and contact information. However, since most experts are already overstretched by their existing workload, many of these

requests for help remained unanswered or were dealt with superficially. However, there are still many experts who are willing to commit some of their time to help a worthy researcher from a developing country, and a recent assessment of over 150 tobacco control researchers found that around 30% were interested in offering mentorship. What has been lacking is a medium to channel credible research assistance seekers in less developed countries to experts willing to help.

The idea of RAM was first suggested in 2000, when one of the current collaborators on the project suggested a science-aid type of programme, indicating the need for an easily accessible system whereby scientists in developing countries can talk to individual experts in more advanced countries. Initial web development began soon afterwards and today the internet based application has been integrated within the Global Tobacco Research Network website ([www.tobaccoresearch.net/ram](http://www.tobaccoresearch.net/ram)). The internet application is designed to facilitate initial contact and matching between assistance seeking and assistance offering counterparts, as well as to provide a platform for continuous collaboration. The application contains personalised project pages, a categorised project directory, an expert directory, participant profiles, the ability to upload files, and direct messaging between up to 10 project collaborators.

Clearly, in order for this resource to reach its full potential, it must be broadly promoted and utilised by researchers in developing countries, as well as by experts. There is no question that many researchers in developing countries will benefit from participation in RAM. However, this project can also benefit experts in developed countries by providing a chance to forge international partnerships, seek international funding, and have the ability to collect data from remote areas and populations at little expense. Experts may need to be assured that they can freely set or change their level of engagement in mentoring relationships within RAM and even withdraw from it without having to give explanations or disclosure of this information. Currently, RAM is designed as a minimum intervention programme, where the collaborating parties are the only ones to

decide on the form and nature of their partnership.

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## Hong Kong, China: fears for health as business dominates

In the early 1980s, Hong Kong was a tobacco marketing executive's paradise. It not only had few effective tobacco control measures, but its comparatively high male smoking prevalence meant sales, its low prevalence among a female population that was clearly becoming more emancipated and economically powerful meant increased future sales, and its proximity to China, to which the territory was soon to be returned, meant the possibility of finding the keys to heaven. It was thus an extraordinary achievement when, in its final years of existence, the British colonial government introduced just about a full house of effective tobacco control laws, albeit recognising that in due course further improvements would be required in areas such as smoking in public places, and health warnings.

Hong Kong's change of status to a Special Administrative Region of China did not see an obvious return to dominance of the tobacco industry, but it was not long before it became apparent that the new generation of government bureaucrats had little idea of how devious the tobacco companies could be. People with tobacco connections started to turn up at senior level on prestigious government committees, in high profile social service operations, and even in the health sector. When increasing publicity based on previously secret internal tobacco industry documents propelled the industry into frantic image reinvention, the Tobacco Institute gave around HK\$18 million (US\$2.3 million) to set up a "youth education" programme, and other tobacco stained characters offered financial support to education and social projects. Like the head of Medusa, as soon as these schemes were exposed and neutralised by the few who appreciated just what was going on, others would appear. Officials in key government departments, who had taken time to learn how vital it was to nip such efforts in the bud, would then be replaced by others lacking such understanding.



The RAM logo.



**Guatemala: cash prize ads** This advertisement displayed recently at convenience stores in Guatemala promoted Payasos (Clowns) cigarettes with an offer of “50,000 chances to win an instant cash prize”, so that “lucky” smokers would hope to find currency bills inside their pack. Photo: Joaquin Barnoya.

Progress continued to be made, but seemingly at much greater cost of time and effort. Whereas just a few years ago everyone knew the industry credentials of the youth education scheme and ensured that self respecting health and educational institutions gave it the appropriate long barge pole treatment, nowadays only a few seem aware of its sinister provenance, or see little difference between it and the genuine article.

Now there is fresh cause for concern. The industry has enjoyed some important victories recently, such as the failure of the finance secretary to increase tobacco tax in the last budget. He said cigarettes were already heavily taxed, that raising tax encouraged smuggling (beginning to sound familiar?), and, almost unbelievably, that he wanted a budget that did not contain tobacco tax increases. Health officials are asking on what grounds he could possibly justify trading off all the benefits of another rise—not only the future health improvement, but an increase in his tobacco revenue—just so he could make the curious boast of no tobacco tax rise this time.

Now there are real fears that a vital new bill may be receiving less than the necessary effort to bring it before the legislative council (LegCo). The bill is supposed to extend the smoking ban to all indoor workplaces, schools, restaurants, bars, and karaoke venues. Mahjong and massage parlours, exempted from the original ban, would be included, too. Despite the experience of countries that have done things properly, the government has been heard repeating the industry line that businesses would be adversely affected

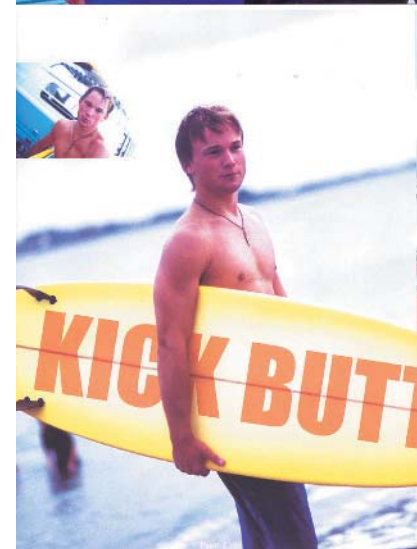
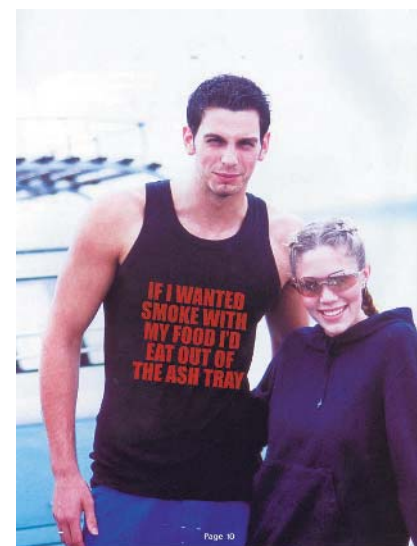
in the long term after a total ban is introduced. Touching faith in the market was shown by a leading member of LegCo, Tommy Cheung, whose background is in the catering industry. He said suggestions that a smoking ban would actually boost restaurant business in the long term were ridiculous: if that was true, businesses would have banned smoking a long time ago.

Meanwhile, Philip Morris executives continue to strain every muscle to try to create a dialogue with leaders of health agencies, and to get themselves on radio and television, admitting everything about the dangers of active smoking, but declining to comment on highly damaging documents of the type so often publicised in *Tobacco Control*, implicating their company in activities for which it is so infamous: “We can’t comment on that – we haven’t seen those documents,” is the standard response. As in so many countries, these activities in Hong Kong, once a flagship market in Asia, are highly disturbing, as they clearly have a pro-tobacco agenda behind them. Even more disturbing are reports from around the world of health organisations whose leaders are naive enough to agree to meetings.

## Guernsey (UK): size doesn't matter

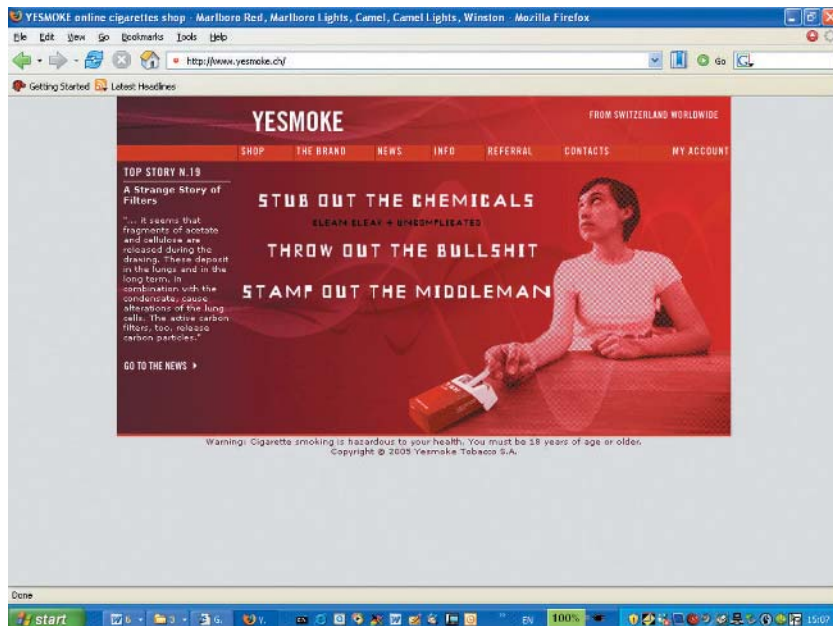
If people had been asked two years ago which western European countries were among the least likely to make their public places smoke-free, many would have put Ireland and Italy near the top of their lists, if only because of the well deserved reputation of those countries’

inhabitants as hospitable and easy going, attributes associated, however unfairly, with relative lack of action on difficult public health issues. Recent developments in both countries have shown the fallacy of such easy stereotypes. However, while they have joined the list of models to which other would-be smoke-free countries are paying close attention, they both have populations in the millions and the administrative infrastructure that goes with such size. At recent conferences, Irish and Italian representatives have met colleagues from much smaller countries whose admiration has been tempered with a touch of “size matters” envy, borne of fear that the inevitable resistance of tobacco interests, and tobacco influenced hospitality trade



These ads produced by GASP (Guernsey Adolescent Smokefree Project), an independent organisation funded through a grant from Guernsey’s government, have been used to put across the non-smoking message to young people. It seems to have been effective in public education, as the smoke-free measures have been well received.





**Switzerland/USA: cutting the bull** In March, a Swiss based internet tobacco sales company, YeSmoke, was ordered by a US court to pay Philip Morris (PM) US\$173 million in damages for trademark infringements when it sold PM cigarette brands in the USA from its old internet site, yesmoke.com, and to hand the site over to PM. YeSmoke, formerly called Oatmedia, continues to operate from a Swiss based website, yesmoke.ch, but presumably steers clear of PM's brands. However, what puzzles health advocates who surf the site, full of righteous indignation about its recent brush with PM's lawyers, is how it justifies some of its claims. "Stub out the chemicals", for example, is easier said than done, when each puff of smoke of any cigarette is reported to contain around 4000 of them; certainly, it would be impossible to make the smoke itself "Clean, clear and uncomplicated", as stated just below the chemicals line. However, the most puzzling slogan on the site must be, "Throw out the bullshit". If that virtual ingredient of cigarette promotion was indeed thrown out, what on earth would be left?

bodies, would simply overwhelm their best efforts.

Step forward the latest European success story, Guernsey. Although it is one of the larger Channel Islands, between the UK and France, Guernsey has a population of only 65 000. It is a British dependency, but has its own legislature, known as the States of Deliberation. At the end of March, the States voted to ban all smoking in enclosed public and work places, with few exemptions. The vote in favour, by 29 members to 12, reflected a massive swing in public and political opinion since the matter was last considered by the States in 2002.

The proposed measures will be based broadly on the Irish law. Public health officials hope to keep exemptions to the minimum for clarity of drafting and ease of enforcement. Exemptions will probably be confined to "residencies",

such as long stay wards, nursing and residential homes, and some hotels may allow smoking in certain rooms. Landlords, hoteliers, and restaurateurs will have a year's notice to prepare non-enclosed outside smoking areas like those used in Ireland, if they wish.

The move builds on Guernsey's established reputation as a leader in tobacco control in small jurisdictions. In 1996, it banned all internal advertising and tobacco promotion, raised the legal age of purchase from 16 to 18 years, and agreed to spend an increasing amount of revenue from cigarette tax on promoting non-smoking among young people and assisting adult smokers to quit through the island's own quitline, with free nicotine patches. The latest validated adult smoking prevalence is 23% for males and 19% for females.

Guernsey's lead is likely to have a knock-on effect: its sister island of

Jersey immediately announced it would like to introduce similar measures, rather than just a ban in premises selling food, as previously agreed by its legislature. And bearing in mind that the Irish law attracted enquiries from island states in the West Indies, perhaps Guernsey's influence will be even more widespread.

## The Internet Archive

Tobacco control advocates the world over will find a wonderful treasure trove in the Internet Archive, a valuable resource of historical films on smoking and tobacco, as well as old cigarette commercials. The archive is a project which aims to prevent internet pages and other digital materials from being irretrievably lost, by building a searchable digital library. Free access is provided to the site's collections of archived web pages, moving images, texts, audio, and software, one of which is the Prelinger Archives. Founded in 1983 by Rick Prelinger, this collection, within the Moving Images section, consists of over 48 000 "ephemeral" films (advertising, educational, industrial, and amateur), and aims to preserve and provide access to films of historic significance that have not previously been collated. Within the collection there are a number of early documentaries on tobacco, such as "Tobacco and the Human Body" (Encyclopaedia Britannica Films, 1954) which demonstrates how much was known about tobacco and its health effects in the 1950s, as well as a variety of television commercials for cigarette brands such as Lucky Strike, Newport, Montclair, and Hit Parade, and a short film from Lucky Strike, "Lucky Strike Means Fine Tobacco" on how the makers selected their tobacco, featuring Frank Sinatra. Another gem is a tobacco industry film, "The Sixth Sense", describing how the American Tobacco Company's research laboratory was tirelessly researching new ways of improving the company's cigarettes with its "Sense of Science"—a partnership with the University of Virginia's medical school to ensure that research "never stops". The Internet Archive is at <http://www.archive.org/>.