

# News analysis



## THAILAND: 'GREATEST TOBACCO SHOW' HAS A NASTY SHOCK

Tabinfo Asia 2009, the tobacco industry exhibition and conference held in Bangkok last November and billed as the 'Greatest Tobacco Industry Show in Asia', was dealt a severe blow by Thai health advocates, further consolidating Thailand's position as a world leader in tobacco control. Tabinfo Asia's promotions had invited participants to 'look forward to a warm welcome' in the 'Land of Smiles', promising that the Thai organisers could 'make problems disappear' and ensure a successful event. They were wrong. This Tabinfo Asia had unprecedented outcomes that will have made tobacco executives do anything but smile.

The tobacco industry is rapidly expanding its markets in Asia and Tabinfo Asia was all about how to expedite that growth and hook more Asians. Its intentions were clearly stated by the organisers: 'If you are involved in the tobacco industry in the Asia Pacific area, it is an event as an exhibitor or visitor that you simply must not miss. It is your chance to go face to face with the major players in one of the world's largest and fastest growing tobacco markets'.

Thailand has been diligent in implementing the Framework Convention on Tobacco Control (FCTC) and it was a bad mistake for the industry to use the country to plan the promotion of tobacco even more aggressively in Asia. The previous Tabinfo 2005, held in Kuala Lumpur, Malaysia, resulted in sleeker tobacco promotions, skinny and flavoured cigarettes and more attractive, colourful packaging designed for Asian women. Currently, around 125 million adults smoke in the 10 nations of Southeast Asia comprising the ASEAN region. Some 2.4 million die annually from tobacco-related diseases in Asia and if successful, Tabinfo 2009 would only worsen the public health nightmare for Asian people, particularly among the most vulnerable.

To counter the event, Thai tobacco control advocates worked together as the Thai Network Against Tabinfo Asia 2009, an alliance of more than 500 organisations from health and educational institutions. Both local and international activities were launched. A website was set up to provide



Thailand: some of the protesters who greeted visitors to Tabinfo 2009 in Bangkok last November.

updates on Tabinfo activities, explaining why it was important to boycott the event and for the Thai government not to support it. A petition was organised locally and over Globalink to gather support to counter the event.

One week before Tabinfo's opening, the Thai Network held a press conference denouncing the event, stating that it directly challenged the FCTC. About 50 000 signatures were submitted to the prime minister's office, urging the government to boycott Tabinfo Asia and to issue an executive order for all government agencies to implement FCTC Article 5.3, requiring the protection of public health policies from commercial and other vested interests of the tobacco industry in accordance with national law. The prime minister's office assured the Thai Network that the government was committed to protecting Thai people.

The ministry of public health then announced that it was against Tabinfo Asia 2009, that as a Party to the FCTC, Thailand had strict tobacco control laws, and that it would be monitoring the event very closely. Furthermore, it had notified the organisers about the laws, and how any attempt to smoke inside the building or to display cigarette packs or other tobacco products would constitute a violation of the law.

After a discussion in cabinet, the prime minister instructed state agencies not to support the event. Being a state-owned organisation, the Thailand Tobacco Monopoly (TTM), the local sponsor, was itself forced to comply. As a result, TTM, which had the biggest booth at the exhibition, made the extraordinary and an unprecedented decision to convert its tobacco booth into a 'tourism booth'.

Delegates arriving for Tabinfo's grand opening on 11 November 2009 were greeted by some 800 protestors outside the venue, shouting, 'Tabinfo, get out!' For 1 h

they drummed, danced, carried anti-Tabinfo banners and waved flags. In addition to Thai health advocates, there were also representatives from other Southeast Asian countries and the 'Grim Reaper', a Canadian colleague in costume, was also there with his message of death. Both local and foreign media covered the protest extensively. Thailand's deputy finance minister had originally agreed to attend, but the cabinet's deliberations ended the prospect of any ministers or other government representatives honouring the event with their presence.

Prior registration was required for entry to Tabinfo and although some international health advocates had successfully registered to attend the exhibition, security people refused most of them entry after their protest. Inside, the exhibition was quiet and subdued. The exhibitors showcased what the industry was doing to expand its business. There was a display of models of future, geometric shaped cigarette packs that if permitted, will pose a significant challenge to regulators when applying prominent health warnings. There was also state-of-the-art, faster equipment to turn out attractive packs. Some counters displayed cigarette packs, prohibited under Thai law.

On the second day of the event, the ministry of public health collaborated with the police department to enforce the pack display ban and the ad ban law. The officials were 'delayed' at the entrance for hours before being allowed entry to the exhibition hall. Several shelves on which packs had been displayed earlier were now empty. However, advertisements with cigarette brands were still on display and organisers were issued with a fine by the police.

The congress included sessions aimed at preparing the industry to step up its tactics to fight, delay and dilute tobacco control legislation. Among other topics, the industry discussed how to 'wipe the regulatory slate clean and start afresh', how to make packaging more creative, and innovations in sustaining addiction through 'nicotine delivery systems'. Delegates used terms such as 'state-sponsored behaviour modification' about government efforts to ban advertising and make public places and workplaces smoke-free. They also discussed how to mobilise front groups and farmers, utilise retailers, and discredit pro-health non-governmental organisations.

Earlier in the year, *Tobacco Asia*, a tobacco trade magazine, had told its readers why it considered that a tobacco products exhibition in Thailand was not a good idea. It said, '[T]he time for a gung-

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ho, bring-it-on bravura of having a show in such an anti-tobacco environment [is] long gone. Sad to say, tobacco in many respects has lost the battle for the hearts and minds of the world. It's best to cut one's losses and operate where the playing field is equal and the legal environment and anti-tobacco activism are at least marginally less antagonistic than they are here'. It also sounded a loud caution that Tabinfo Asia must deeply regret not heeding: 'Warning to Tobacco Products Manufacturers: Give this one a miss'.

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### GERMANY: BAT'S POLITICAL AD

On 28 September, the day after Germany's elections, the influential German weekly news magazine *Der Spiegel* published a special edition, marking and analysing the elections. To the consternation of health advocates, the magazine carried a prominent, full-page advertisement from Stiftung für Zukunftsfragen (SFZ - the Foundation for Future Studies), a 'think tank' operated by British American Tobacco (BAT).

BAT has been funding SFZ for 30 years, using it to nurture high-level political contacts. However, this is the first time in memory that it has taken to running such an advertisement, a move made even more controversial for coming only a month after an important legal judgement against tobacco industry 'image advertisements'. The Federation of German consumer organisations—VZVB—had taken German tobacco company Reemtsma and BAT to court over image ads in *Vorwärts*, the party journal of the Social Democratic Party. The court decided that under German law conforming with EU regulations, the tobacco advertising ban for print media included these kinds of image ads, prompting the theory that the new BAT ad for its think tank was an attempt to test the limits of the Reemtsma judgements.

There are other reasons for BAT's political schmoozing institution to break cover now. While Germany used to be the awkward member of the European family in its refusal to adopt appropriate tobacco control policies, the past few years had seen significant improvements (see Germany: tobacco atlas, at last. *Tob Control*, 2009;18:342–3). However, the recent elections have changed the political landscape, with a new government composed of a more conservative coalition that includes the tobacco industry's favourite



Germany: the advertisement run by BAT's political think tank in the post-election special edition of *Der Spiegel* in September 2009.

political party. So when SFZ said in its *Der Spiegel* ad that the foundation had an eye to the sustainability of society, it seemed to be trumpeting the good news that what it actually had an eye on, and not an unrealistic one, was the sustainability of BAT. Naturally, there was no mention in the ad, or on the SFZ website, of the foundation being funded by products that are totally inconsistent with the sustainability of German people's health.

It is not just the high profile reminder of the sinister presence of SFZ in German political life that has alarmed German health advocates, but the choice of image for the advertisement: a baby carriage. Flying the German and EU flags, it is as offensive for using an association with babies as it is precocious, in terms of the huge amount of money the ad will have cost. Many observers see other, more subtle connotations. In many countries, opponents of action by the state to protect people's health frequently use the derogatory term 'Nanny State' to invoke the reputation of the part nurse, part infant teacher of former generations of children, renowned in popular memory for the stern, over-protective control of her charges. In English speaking countries the tobacco industry and its paid servants have made use of the term for decades and in Germany, the equivalent, 'staatliche Bevormundung'—government paternalism—is used in the same way.

The headline of BAT's ad translates as, 'We investigate what will preoccupy the politicians of the future'. BAT may well be crowing over the recent changes, and reminding readers of what it sees as the nanny state tobacco control developments of Germany and the EU in recent years. It remains to be seen whether the newly constituted government will continue, freeze or even reverse those trends. Never mind the health consequences, the tobacco industry

must be hoping to get back to business as usual, as in the dark days of the past.

### CANADA: BAN ON FLAVOURS

Last October, Canada's parliament approved legislation to ban flavoured cigarettes, little cigars (cigarillos) and blunt wraps (similar to rolling paper, but made of tobacco). Known as Bill C-32, the new legislation to amend the existing tobacco law was adopted with support from all political parties and despite intensive lobbying by Philip Morris International (PMI) and its Canadian subsidiary, Rothmans, Benson & Hedges Inc (RBH). The flavours ban takes effect from 5 July 2010 at the retail level.

An important impetus for action was the stunning increase of sales in Canada of little cigars, a product category that barely existed a decade ago. Little cigar sales increased from 53 million units in 2001 to 469 million in 2008. Virtually all little cigars sold in Canada are flavoured, with flavours such as chocolate, vanilla, mint, strawberry, cherry, and peach, among others. 2008 research found that 9% of young people aged 15–19 had smoked little cigars in the previous 30 days, and that 12% of 20–24-year-olds had done so, compared to only 3% of those aged 25 and over. In terms of experimentation, 31% of 15–19-year-olds and 48% of 20–24-year-olds had ever tried little cigars.

Prior to the introduction of Bill C-32, legislation in two provinces, Ontario and New Brunswick, had been brought forward, though not yet proclaimed into force, to prohibit flavoured little cigars, while a federal private member's bill had been introduced by an opposition member of parliament.

After Bill C-32 had passed from the lower house of parliament to the Senate, in June 2009, PMI launched a sustained misinformation campaign. In an ultimately unsuccessful attempt to weaken the bill, PMI claimed that if it became law, the bill would violate trade agreements, cost US tobacco farm jobs, and threaten closure of PMI's only factory in Canada. PMI did not object to the ban on flavoured little cigars, but strongly opposed the comprehensiveness of the flavour ban for cigarettes.

There is a growing trend to ban or restrict flavours in cigarettes and other tobacco products. Legislation of varying strengths has been adopted in some states in the USA and Australia, and in France. The new Canadian legislation is the toughest in the world in terms of banning flavoured cigarettes. Except for the menthol exemption (2% of cigarettes in Canada are menthol), all flavours are

banned, even in small quantities, and in any part of the cigarette, including the tobacco, paper and filter portions. This goes beyond new US federal legislation which bans 'characterising' flavours, as well as legislation in some Australian states banning or enabling a ban on cigarettes with distinctive fruity, sweet or confectionary-like flavours.

In Canada, most cigarettes are made with flue-cured tobacco; only 0.8 per cent are American-style with burley tobacco in the blend. Yet PMI claimed that Bill C-32 would ban cigarettes containing burley tobacco—a completely false claim. Ads to this effect appeared in US Capitol Hill publications, co-signed by the Burley Tobacco Growers Cooperative Association and other farmers' groups. The ads raised the spectre of trade tensions, as did letters from US tobacco belt politicians to the Canadian government. However, US trade data showed that in 2007 and 2008, there was in fact no burley tobacco exported from the USA to Canada. Thus for burley leaf tobacco there can be no trade issue when there is no trade. Furthermore, cigarettes made in the USA and exported to Canada, whether flavoured or not, represented only a minuscule 0.0006% of the Canadian market in 2008, so could not represent a genuine trade concern.

PMI's threat to close its the Quebec City factory was made even though only about 1–2% of cigarettes manufactured there contained flavours to be banned by Bill C-32. Clearly, PMI's real business concern was the international precedent set by the Canadian legislation. PMI lobbied without success for the Senate to amend Bill C-32 so that only the weaker Australian state or US approach would be followed. The intensity



Canada: part of the front page of a leading newspaper in Quebec City, announcing the threatened closure of a Rothmans factory there.

of PMI's opposition signalled the importance of the stronger Canadian approach.

In addition to bans on flavours, Bill C-32 bans adding caffeine and vitamins to cigarettes (one brand formerly sold in Canada, Vita-Cig, claimed to contain vitamins); coloured cigarette paper (such as brown paper on More cigarettes); and coloured filter overwraps, except imitation cork patterns. The legislation contains regulatory authority to extend the ban on flavours and additives to any other additional tobacco product, and to ban menthol. Bill C-32 also extends Canada's partial advertising restrictions to include a ban on tobacco advertising in newspapers and magazines.

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#### **AUSTRALIA: NO SMOKING IN CARS WITH CHILDREN**

The Australian state of Queensland is the latest jurisdiction to join the worldwide move to protect children from second-hand smoke in cars. It will be illegal to smoke in a motor vehicle carrying a child under 16 in the state from the beginning of 2010.

Six out of eight Australian jurisdictions have now legislated to make cars carrying children smoke-free by law. One more, the Australian Capital Territory, is considering it—making the other, the Northern Territory, the only Australian jurisdiction yet to move on protecting children from smoke exposure in cars.

South Australia was the first to move, its law coming into effect in 2007, with more than 200 fines and warnings issued since then. Queenslanders caught breaking the new law face A\$200 (US\$180) on-the-spot fines.

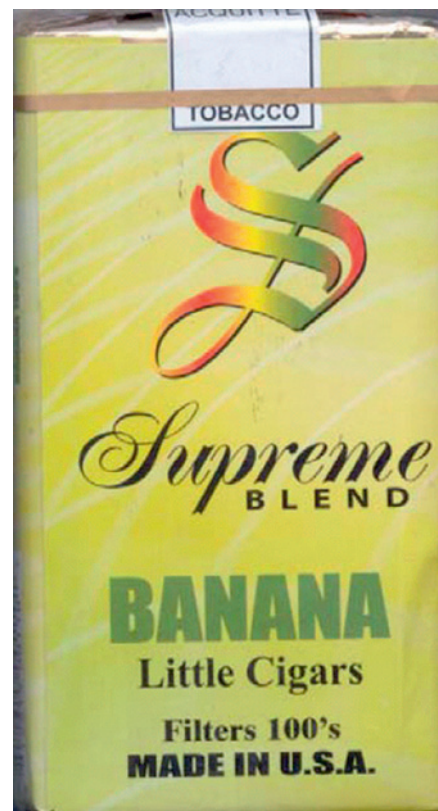
Making cars with child passengers smoke-free has been one of the key targets of Australia's Protecting Children from Tobacco coalition of 40 non-government organisations—the alliance of child welfare, parent, teacher, health, church and other groups also having significant success in getting tobacco products out of sight in shops and making outdoor dining areas, children's playgrounds and patrolled beaches smoke-free. [Further details: [www.ashaust.org.au/lv3/action\\_POS.htm](http://www.ashaust.org.au/lv3/action_POS.htm)]

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#### **SWITZERLAND: HEALTH BEATS DAVIDOFF**

The tobacco industry suffered its first defeat in Switzerland last November when it tried to sue the health advocacy



Canada: an example of a colourful pack of flavoured small cigars, now to be banned.

group OxyRomandie, but had its case dismissed and failed to file an appeal. The case provides a degree of confidence that future tobacco control activities may likewise be protected from attempts to use the law to silence them.

OxyRomandie has long campaigned against Switzerland's weak tobacco control legislation being exploited to bypass advertising bans in the other European countries. In 2008, it complained to Switzerland's national television channel that the broadcasting of the Davidoff Swiss Indoors tennis championship, linking the 'luxury' cigarette brand's name with sport, was in breach of Swiss law (see Switzerland: Imperial's tennis racket. *Tob Control* 2009;18:7–8). The main organiser and owner of the event claimed that the Davidoff brand sponsoring it represented only non-tobacco products, despite links from the event's website to tobacco pages so obvious that a small child could have found them—and quite possibly many did.

The complaint was rejected. Incredibly, when a detailed decision was received almost a year later, it said that young people were used to that kind of advertising since they were regularly confronted with promotional campaigns for alcohol and tobacco, notably during concerts,



Switzerland: this pack of Davidoff cigarettes, purchased on the morning of the Basel court hearing, helped the judge decide that OxyRomandie's spoof Davideath website did not denigrate the Davidoff brand.

festivals and major sport events, which meant that its impact was necessarily reduced. Thus the broadcasting of the Davidoff Swiss Indoors was not likely to be detrimental to the physical, mental, moral or social development of minors.

OxyRomandie vowed to appeal against this decision, but meanwhile, for the 2009 championship, it created a parody of the Davidoff event website, called Davideath. In retaliation, two companies, Davidoff & Cie SA and Oettinger-Imex AG, initiated legal action against OxyRomandie and requested that the Davideath website ([www.davideathswissindoors.ch](http://www.davideathswissindoors.ch)) and OxyRomandie's main website be shut down. Both websites were blocked on 6 November 2009 after a judge in Basel, Davidoff's base and host city to the event, decided that OxyRomandie threatened Davidoff's image and integrity.

The tobacco companies also sued both OxyRomandie and its president, Pascal Diethelm, who were summoned to appear in a Basel court just one week later. The industry was represented by three lawyers from Zurich, headed by a specialist in trademark protection law. The companies' extraordinary claims denying their tennis event's association with tobacco were easily dismissed as absurd when the judge saw Davidoff cigarette packs and other basic documentation. Furthermore, the judge said that since death was already overwhelmingly represented on Davidoff packs, including a graphic health warning photograph of a dead body on one pack, a further reminder of death in a spoof logo such as Davideath could not be said to denigrate the brand.

The judge also noted that Davidoff promoted its brand by associating it with

sport and tennis champions, in situations where the audience was captivated by the action and could not separate it from the advertising message. He considered this advertising method psychologically pernicious, particularly with young audiences and therefore fair game for opposition by equally daring techniques such as the Davideath parody.

Perhaps tobacco companies will be more wary of using Swiss courts to try to silence health protests in future. Ultimately, however, Switzerland will have to adopt tougher legislation and enforce it properly, to stop being what OxyRomandie calls the tobacco 'red light' district of Europe.

#### ORBITUARY: JOHN CROFTON

Professor Sir John Crofton, a pioneer of tobacco control and coordinated, international action on tobacco, has died aged 97. Active until the last, he will be remembered by colleagues around the world as the energetic, courteous optimist who persuaded the World Health Organisation (WHO) in the 1980s to catalyse the formation of an international non-governmental coalition against tobacco. Operated by the International Union Against Tuberculosis and Lung Disease, with which he was active over many decades, it was an early precursor of today's framework convention alliance.

John Crofton studied medicine at Cambridge university and St Thomas's hospital, London, qualifying in 1937. As an army doctor during the second world war, he served in Europe and north Africa, returning to specialise in chest medicine in London. In 1951, he was appointed professor of respiratory diseases and tuberculosis at Edinburgh, where he was to spend the rest of his career and his life. He became dean of the faculty of medicine and then university vice-principal, and was



John Wenman Crofton, 27 March 1912–November 2009. Photo: Murdo Macleod

a renowned president of the Royal College of Physicians of Edinburgh.

In the 1950s, tuberculosis (TB) therapies were notoriously ineffective, but Crofton was a rigorous researcher and an early proponent of evidence based medicine. His team developed a multiple drug therapy with a remarkable success rate, replicated around the world as 'the Edinburgh system'. Like many TB doctors, he later focused on a new scourge, tobacco induced disease. He saw the need for decision makers to take preventative action and helped found Action on Smoking and Health (ASH) in the UK, and Scottish ASH, of which his wife Dr Eileen Crofton became medical director. He was co-author of a major textbook of clinical diseases and wrote a subsidised TB handbook for low income countries. On the eve of his ninetieth birthday, he published a similar, co-authored primer on tobacco control.

In addition to colossal professional achievements, John Crofton was a polymath who loved history, science, literature and the visual arts. Early one morning in Geneva, for example, he enthused about the latest edition of *Scientific American*, devoured late the previous night, especially on exciting developments in super-cooling micro-electrical circuits. In Athens, he described the several modes of music of ancient Greek civilisation, mostly now lost to us. Far from wanting to impress, such offerings were motivated purely by his fascination with the world, its cultural diversity and its cumulative treasury of learning. Despite some ill health in their nineties, the Croftons distributed a Christmas letter paying but fleeting reference to such inconveniences, packed instead with their enthusiasm for art exhibitions they had seen, positive developments in public health, and many friendships renewed during the year.

My own last meetings with John (there continued to be regular telephone calls) were two half days revising our tobacco book in February 2009. We finished just in time to join Eileen to watch something they had been longing to see on television, the inauguration of President Barack Obama. The enthusiasm, energy and sheer joy of this extraordinary couple, combined age around 190, was a joyous spectacle in itself.

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