

News analysis

INDIA: COURT BANS TOBACCO BOARD FROM TRADE SHOW

The Global Tobacco Networking Forum (GTNF) 2010, billed by its organisers as 'The greatest tobacco talk show on Earth', was held in October in the south Indian city of Bengaluru (formerly Bangalore). The popular Indian slogan, 'India shining', encapsulating the optimistic spirit of India's ongoing economic resurgence, might well have been uttered by conference delegates contemplating the country's thriving tobacco market. However, it is in stark contrast to another aspect of India today: around one million people dying from tobacco related illnesses every year.

The conference—the third of its kind, previously held in Brazil and Thailand—offered its delegates (only representatives of the industry) a unique package of experiences. First, a field trip to have a close-up view of tobacco fields, crop varieties, auction platforms, best practices and interaction with tobacco growers. Second, a two-day interactive meeting to present and discuss burning contemporary issues of the industry. The topics at the interaction ranged from routine manufacturing issues ('sustainability', 'ingredients'), to trade regulation and policy ('FCTC: what it is, what it should be', 'taxing to the max'). The event was a closed one where, apart from stringent rules on eligibility to participate, there was also a strict code of conduct limiting note-taking, prohibiting photography and presumably controlling press coverage (which was negligible).

Given the fact that leading Indian and international tobacco companies sponsored the forum, it is reasonable to conclude that much of the agenda—apart from 'networking'—was promotion and celebration of the industry. Unfortunately, the Indian Tobacco Board of India (ITB), a government entity established under the Union (federal) ministry of industry and commerce, was one of the sponsors. By its



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own admission through a right to information (RTI) act reply, ITB committed 326 630 INR (approximately US\$7250) to guide the delegates on the field trip. This was done despite the fact that India ratified the FCTC in 2004 and has a national tobacco control law that prohibits direct or indirect promotion of tobacco in the country.

After spotting the logo of ITB on the GTNF website, civil society organisations mounted concerted advocacy campaigns, including writing to concerned political leaders, gathering signatures, organising a 'walkathon' protest, engaging media and an online petition against the government's sponsorship of this private trade event. Reacting to a question raised in the lower house of parliament, the minister of state for commerce and industry acknowledged concerns expressed by NGOs, but justified the sponsorship in the context of the mandate of ITB to promote Indian tobacco varieties.

With no favourable response from ITB, the Institute of Public Health (IPH), a Bengaluru-based NGO, filed a public interest law suit in the provincial (Karnataka) court. In its third hearing on 17 September, the high court ruled that such sponsorship amounted to indirect promotion of tobacco and hence violated section 5 of the national tobacco control law and article 13 of the WHO's Framework Convention on Tobacco Control (FCTC). The court duly issued an interim order directing ITB to withdraw its sponsorship, its logo and any participation in GTNF 2010.

Although a comprehensive ban on tobacco advertising, promotion and sponsorship is a long way off in India, this verdict is a significant development towards it. It reflects the challenges faced by many countries that have state-owned tobacco operations or a conflicting mandate (controlling and promoting

tobacco at the same time). It also highlights the importance of legal measures—the FCTC and a strong national tobacco control law—as well as the role of vigilant civil society organisations and the judiciary.

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LEBANON: NOW IT'S E-SHISHA

Lebanon began the summer of 2010 with the arrival of the supposedly sugar-free 'Diet Shisha' (see *Tob Control* 2010;19:351) and recently ended it with the 'Healthy Shisha', seemingly the water-pipe equivalent of the electronic cigarette.

This latest arrival has been heralded as a 'unique Lebanese invention', with 'certification from Swiss laboratories' and registration throughout the world. A mass media marketing campaign has been ongoing through television, radio, online and printed media.

A dedicated website with a nature theme (www.healthy-shisha.com) describes it as "a new, smart electronic smoking device which provides you an alternative to traditional tobacco smoking (using) advanced technology to provide the user smoking sensations without any fire, flame, tobacco, tar, carbon-monoxide, cancer causing carcinogens, or offensive secondhand smoke found in tobacco". Seven 'natural' flavours are offered in the form of a liquid solution, with ingredients such as chocolate, bread, perfume, honey, coffee and tea, which is why they claim "we call it Healthy Shisha."

Interestingly, the website also includes a section on the dangers of both shisha and cigarette smoking, much of which has been copied from the website of the US Centers for Disease Control (CDC). Online purchase of various models of 'Healthy Shishas' is also offered, with prices ranging, depending on size, from the equivalent of US\$150 to US\$220, with accessories such as car and solar chargers available. More than 50 individual designs of shishas are advertised in different colours and shapes, including one using soccer balls, seemingly for homes where a sports enthusiast rules the roost.

Lebanese health advocates are concerned that this product is being widely marketed to the public despite the absence of evidence of its harmlessness, and while using deceptive claims. They say it will not only appeal to potential smokers as being harmless to consume,



India: health advocates protesting about the Global Tobacco Networking Forum in Bengaluru (Bangalore) in October.



Lebanon: a scene from one of the television advertisements for the new 'Healthy Shisha' (water-pipe). As in this scene from one of the ads, much of the time of each spot is in split-screen mode, comparing a regular shisha in black and white, with smoke—the child and her mother can be seen trying to wave it away—opposite a 'healthy shisha' in colour and without smoke.

but also that people will be enticed by the manufacturer's claim that they can now have their freedom back to 'smoke' indoors or wherever they want, including in currently smoke-free places. One version of the television advertisements even portrayed a wife and child who were no longer being exposed to secondhand smoke, as the husband used the 'Healthy Shisha.'

The marketing of this product began shortly after a month-long national media campaign against secondhand smoke, clearly playing into the public's increasing awareness of the dangers of tobacco, particularly during the past year, when new tobacco control legislation was debated.

The case is being followed by the National Tobacco Control Program within the Ministry of Public Health, with a possible ban on the 'Healthy Shisha' being sought.

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GERMANY: NEW ACCESSORY OR PARIS CHIC?

In the December 2009 issue of the German edition of *Glamour*, a leading European fashion magazine, a young model demonstrated—under the title 'Rendezvous in Paris'—what style Frenchwomen wear when going out to a party. In three of the 11 pictures readers could see her smoking and in two she was holding a Marlboro cigarette pack in her hand.

However, the series of photographs was not direct tobacco advertising, which has been prohibited in German periodicals, newspapers and magazines since January

2007, under European Union law. Nevertheless, there was clearly more than a whiff of product placement.

First, the tendency of Philip Morris International (PMI), makers of Marlboro, to circumvent regulations is well known from other areas—for example, even though tobacco companies have been legally bound not to pay for product placement in movies since 1998, research shows that Marlboro is still the leading brand on screen in US motion pictures. Second, PMI is notorious for successfully implementing surreptitious advertising in movies as long ago as 1979, in *Superman II*. Why should it not be finding a way to do it, even now, in magazines?

Third, there is strong evidence that PMI continues to conduct detailed research on young adults and their lifestyles, in order to create the most effective promotional strategies. In this connection, it is worth noting that the reasons young females read magazines such as *Glamour*, being highly interested in their appearance and in order to create an up-to-date, stylish image for themselves, are similar to those of girls and women for starting or continuing to smoke, as a perceived status enhancement and as a driving force for staying thin.

It is hard to imagine a better platform than fashion magazines from which to address a young female audience susceptible to promotional messages; reading fashion magazines by adolescents is linked to a higher likelihood of smoking. In



Germany: one of 11 photographs in a special feature in the German edition of *Glamour* fashion magazine, three of which showed the model holding a Marlboro cigarette pack.

addition, the intimate style of presentation of the model in *Glamour's* series of photographs does nothing to dampen suspicion that the Marlboro cigarette packs have not appeared accidentally in her hands: she gives the impression of being dreamy, uninhibited and perhaps almost 'stoned', and more than one of the pictures shows a glimpse of her underwear. The pictures offer conspicuous accommodation of evidence that sexy smoker stereotypes are associated with smoking susceptibility (see *Tob Control* 2004;13:308–14).

On PMI's web home page the company claims that children and adolescents do not belong in the target groups of its marketing strategies and therefore—among other policies—it does not employ models under 25 years old in its advertisements. Also, offers for product placement are also said to be declined. However, one statement can be regarded as true without reservation, namely that 'marketing is one of Philip Morris International's great strengths.'

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INDONESIA: WESTERN BANDS PLAY PIED PIPER AT TOBACCO PROMOTION

From 8–10 October, at Jakarta's Ancol Beach, the Gudang Garam cigarette company was the major sponsor of Java Rockin' Land, one of the largest music festivals ever seen in Asia. Among the line-up supporting the lead act, the Smashing Pumpkins, were Wales' Stereophonics, Australia's Wolfmother and The Vines, and bands from several European countries.

Following calls by tobacco control advocates for the bands to either pull out or demand that the tobacco sponsorship be dropped, Wolfmother's frontman Andrew Stockdale posted a notice on the group's fanpage saying, "With the severity of the issue of smoking in Indonesia, I completely understand that bands playing with promo girls handing out cigarettes isn't going to help kids stop smoking in Indonesia. So it is without hesitation I will now announce that we will be cancelling our headline show ... We are very regretful to miss this opportunity to play to our Indonesian fans, though hopefully in the not too distant future we can do more shows under different terms."

Wolfmother's name disappeared from the festival website for a day but then reappeared after apparent management

intervention: 'This one is for the fans in Indonesia who have parted with their very own cold hard cash to see Wolfmother. We realize their (sic) are sponsors and we neither support or condemn the sponsors affiliated with the festival,' said the new notice.

Had they been born at the time, would the band have played in South Africa 'for the fans' under the then totally legal apartheid? Or would they have played 'for the fans' if they'd have been born in the 19th century and a wealthy, then totally legal slave-trading company had stumped up the sponsorship? But playing to help a totally legal tobacco company promote smoking to a half-price admission for kids gig? Hey ... it's 'for the fans'.

By clicking on the festival website and selecting 'international', the terms and conditions tab showed conditions numbered A–S. The final condition, S, was added in the week the criticism began. It read, "One or some stages are sponsored by tobacco company and therefore audience below 18-years-old or pregnant woman are not allowed to enter the show." But to those who clicked on the Indonesian entry portal, condition S was missing. Western sensibilities about the tobacco sponsored festival being adult entry were thus cynically catered for, but in reality, Indonesian kids were welcome and got half-price tickets.

The bands' decisions to play contrast with the action taken by American singer Alicia Keys who in 2008 refused to play a Jakarta tobacco gig, unless all sponsorship and marketing by Philip Morris' Sampoerna brand was stopped. She got her way, as did American Idol winner Kelly Clarkson earlier this year when she sang there.

Indonesia has over 73 million smokers, 95 per cent of them men. Around 66 per cent of men smoke. The country is one of a handful of which have yet to ratify the WHO's Framework Convention on Tobacco Control (FCTC). Indonesia has virtually no tobacco control policies or significant education programmes. British American Tobacco (Bentol) and Philip Morris (Sampoerna) are both massively engaged in Indonesia, a kind of last frontier of Marlboro Country. Despite repeated unctuous statements from both companies about their corporate social responsibility and not wanting youth to smoke, they are frequent sponsors of youth-oriented music events. Admission often includes free cigarettes.

Earlier this year, pictures of a 2-year-old Indonesian boy, Ardi Rizal, were published around the world—Google shows over

a million hits. My Indonesian public health colleagues were very ambivalent about the publicity. While it focused unprecedented attention on smoking in Indonesia, the global conversation that flowed was all about the boy's irresponsible parents and the need for more education. Rizal was depicted as a freak show, with US network crews dispatched to track him down in his village and get him on film to make the world gasp in disbelief. What was missing in any of the coverage was the role of the tobacco industry in lobbying to keep Indonesia a tobacco industry paradise where publicity for international music acts like Java Rockin' Land wallpapers the country's media.

In an interview last year, Wolfmother's Stockdale reflected on his newborn daughter: "And you look at her and you think, she's four months old. What kind of world is she going to live in when she's, you know, 40? That's a scary thought." The scary thought is that nations like Indonesia can still play open host to massive scale tobacco promotions and that international entertainers are lining up to help the companies sell as much tobacco as possible.

In October, 700 delegates from 41 countries who attended the Asia Pacific Conference on Tobacco or Health (APACT) in Sydney, Australia, denounced Indonesia for being the only Asian country not to have signed the FCTC; and urged foreign musicians and athletes performing in Indonesia to boycott tobacco-sponsored events.

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AMERICAS: WHO WARNS OF INDUSTRY SUBVERSION

Health leaders meeting in September at the Pan American Health Organization (PAHO), the Americas division of the WHO, vowed to counter attempts by the tobacco industry to subvert public health efforts aimed at protecting people from the harmful effects of tobacco use. PAHO's Directing Council, which brings together ministers of health and other high-level delegates from throughout the Americas each year, issued a resolution stating that its members were 'deeply concerned about misinformation campaigns and legal actions' sponsored by cigarette makers and their allies against tobacco control measures. They called on countries to publicise, to the extent legally possible, the activities of the tobacco industry, to expose their strategies and reduce their effectiveness.

The resolution expressed specific support for Uruguay and measures it has implemented that have made it a pioneer in tobacco control in Latin America. Evidence of industry interference in health policy was heard, among other examples, from Uruguay's near neighbour, Paraguay, whose health minister told delegates that tobacco industry opposition was threatening to halt her government's efforts to comply with the WHO's Framework Convention on Tobacco Control (FCTC). She cited recent presidential decrees, banning smoking in enclosed public spaces and regulating labelling and packaging of tobacco, respectively, which had been suspended due to legal injunctions and a challenge to their constitutionality by the tobacco industry, at both the national and international levels.

Twenty-seven countries, three-quarters of all PAHO member countries, have ratified the FCTC. Three—Chile, Cuba and Venezuela—tax tobacco products at 75 per cent of the retail price; nine report that they have national or local laws that cover at least 90 per cent of their populations, with bans on smoking in all enclosed public areas and work places without exception; and 17 countries ban the use of misleading labels and require that warnings occupy more than 30 per cent of the main package surfaces. Colombia and Panama have comprehensive laws banning all forms of tobacco advertising, promotion and sponsorship.

USA: PHARMACY TOBACCO SALES BAN

In September, San Francisco expanded its ban on the sale of cigarettes in pharmacies, turning a judicial setback into a legislative triumph.

In 2008, San Francisco became the first US city to mandate tobacco-free pharmacies, but the law came under challenge. The Walgreens retail pharmacy chain argued that it was being discriminated against because tobacco sales remained legal in grocers with pharmacy counters and in 'big box' stores, huge retail outlets that sell everything from toothpaste to car tyres. In June, the city's First District Court of Appeal sided with Walgreens, agreeing that the big box store exemption was arbitrary and unfair.

Rather than allow sales to resume at all pharmacies, however, the San Francisco Board of Supervisors—the city's governing council—voted 7–3 to expand the ban, thus levelling the playing field. As City Supervisor Eric Mar, a co-sponsor of the legislation, noted, 'Cigarettes and



USA: the satirical exhibit “My Cancer and Drug Store”, highlighting the inappropriateness of tobacco being sold in some US pharmacies, is seen on show in Buffalo, New York State in 2009, with its creator, Dr Alan Blum and a health promotion colleague, Rebecca Murphy-Hoefler.

pharmacies don't mix. Pharmacies should promote healing and protect our health.' Although the margin of the vote was not high enough to be veto-proof, Mayor Gavin Newsom is expected to sign the measure into law—it was his idea in the first place.

Prior to the vote, the Safeway grocery chain revealed candour in expressing its opposition to the ban's expansion. Spokeswoman Susan Houghton argued, “For us it's kind of throwing the baby out with the bath water. We do obviously have healthy foods in our stores, and we do sell products that might be less healthy. For us it's about providing an array of products for our customers.” Might be less healthy? This begs the question of Safeway's next advertising campaign. Will it appeal to customers to “come to us for all your health - and less healthy - needs”?

Even more intriguing will be Walgreens' own reaction. In attempting to rally customers on its side in advance of its successful court challenge, the chain noted, ‘The proposal will force smokers to liquor stores, tobacco shops, gas stations or other retailers that don't carry smoking cessation products and don't have pharmacists available for advice on quitting.’ So, deprived of their tobacco sales, will the company that boasts of offering ‘specialty pharmaceuticals and wellness services’ now drop nicotine replacement therapy (NRT) sales and petulantly instruct its pharmacists to send smokers to gas stations for cessation advice it knows they won't get?

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USA: PHARMACY ITEMS AMONG A MILLION IN COLLECTION

The satirical exhibit “Your cancer and drug store”—see left—is just one manifestation of the career-long passion of Dr Alan Blum, family physician and founder of the US ginger group DoC - Doctors Ought to Care (and first editor of this journal's News Analysis section). In particular, he has long refused to accept the inconsistency between medical, health and other trusted leaders in society who have an ambivalent attitude to tobacco, including pharmacies which profit from serving the interests of health while at the same time selling tobacco products. In the mid-1990s, Blum saw that a convenience store in Hartford, Connecticut was up for sale, complete with a historic collection: the seller had saved virtually all the cigarette advertising displays and other promotional items used in his shop over the previous 20 years. Blum, long noted for his creative use of satire for education about tobacco, purchased the lot. Thus was born the concept of Your Cancer and Drug Store.

However, the pharmacy ephemera comprises but a fraction of the tobacco related promotional material and other associated items, now numbering more than a million, amassed by Blum. The collection ranges from tobacco-branded advertising signs, sports bags, ash trays, fashion accessories, T-shirts, caps, cameras, CDs, mugs and other give-away items distributed by tobacco companies with the purchase of cartons or packs of cigarettes and spitting tobacco, to a Philip Morris Supports the Arts sweat-shirt, an infant-sized Virginia Slims Tennis t-shirt, 1940s get-well cards with a cigarette theme, a Philip Morris sign placed at the bedside of hospital patients reminding them not to smoke in bed, an RJ Reynolds sales representative's book from the 1920s with the same Camel advertisement in more than 50 languages for placement in neighbourhood stores and ethnic newspapers—the list itself is almost an exhibit of the exploitation of a vast galaxy of promotional tactics to try to ensure that the world smoked as much as possible.

It also includes significant publications that chronicle the history of tobacco control, such as original newspaper headlines on the publication of the Royal College of Physicians of London pioneering report in 1962 and the first Surgeon

General's report in 1964. The significance of these early scientific reports is given added context by the collection's magazines from the 1950s and 1960s that include planted articles by tobacco companies debunking the dangers of smoking covered by these early reports. Postage stamps alone, collected from all over the world by Louisiana chest physician Dr Jim Lutschg, form such a large sub-collection that selections have already been exhibited separately (see *Tob Control* 2010;19:354).

Now this unique collection is so large, with attendant access and storage restrictions, that Alan Blum and colleagues are searching for a permanent home for it that will allow it to be used by future generations of tobacco control researchers and advocates, as well as those studying the history of medicine, marketing, tobacco control or any other of the many facets of tobacco and disease history that it illuminates. [Enquiries: ablum@cchs.ua.edu]

PAKISTAN: HEALTH ADS GO BUSSED



Pakistan: this graphic anti-tobacco advertisement has been appearing on the backs and sides of buses on the busy route between the northern city of Rawalpindi and Islamabad, the capital. They are sponsored by the ministry of health, which hopes to obtain more funds so that the campaign can be expanded. Bus travel is the most common form of public transport in Pakistan, and if coverage could be extended to other city routes and to buses plying the long trunk roads in the country, the eye-catching ads could be seen by a significant proportion of tobacco users in both urban and rural environments.

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