

# Worldwide news and comment

## EUROPEAN UNION: THE POLITICAL SHADOW OVER TOBACCO CONTROL

In October 2012, European Union (EU) commissioner for health and consumer policy John Dalli was forced to resign after an investigation by the European Anti Fraud Office (OLAF) connected him with a cash-for-influence scandal involving smokeless tobacco company Swedish Match. However, several questions have been left unanswered about the circumstances of his departure, and Mr Dalli himself has disputed the European Commission version of events. The report of the OLAF investigation has not been released.

In March, the European ombudsman launched an investigation into Dalli's resignation and has requested the European Commission to hand over all files related to the case. However, dissatisfied with the lack of information that has been made available, some European MEPs have pressed for an inquiry into the circumstances of the case, as well as the broader influence of tobacco lobbying on EU decision making.

Six months later, there is still confusion over which rules Dalli had violated. According to European media reports, Commission officials have said that one of the reasons Dalli had to resign was because he held undisclosed meetings with tobacco lobbyists, a violation of Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC). If so, his forced resignation stands in stark contrast to poor adherence to article 5.3 by the European Commission more generally. Investigations by Corporate Europe Observatory have uncovered numerous undisclosed meetings, including with members of President Barroso's cabinet and the office of Commission secretary general Catherine Day. Furthermore, Catherine Day herself emailed Fredrik Peyron of Swedish Match to inform him of Dalli's departure—less than an hour after his resignation.

Meanwhile, complaints about 'revolving door' appointments at the EU involving tobacco industry interests have prompted a separate investigation by the European

Ombudsman. (Revolving door refers to the movement of public sector staff to industry and/or lobby jobs or vice versa).

Michel Petite is a lawyer, who in 2008 went directly from the Commission's legal service to private firm Clifford Chance, where his clients included Phillip Morris International. The EU Commission granted approval for Petite's move to Clifford Change, but instructed him not to deal with cases involving his previous department for 1 year. Since 2009, Petite has been the chair of the Commission's Ad Hoc Ethics committee, which provides advice on conflicts of interest and other ethical issues, including revolving door appointments. One of the criteria for being a member of the Ad Hoc Ethics committee is independence. In December 2012, Petite was re-elected as Chair of that committee. According to Corporate Europe Observatory, Petite's reappointment followed revelations that he had been meeting with former colleagues in the Commission's legal service to present views on contested tobacco legislation while Phillip Morris was his client. The law firm where Michel Petite works, Clifford Chance, has also refused to sign the EU's voluntary lobby register, despite clearly offering lobbying services to corporate clients, including assistance in 'shaping law and policy as it evolves.'

The investigation into his reappointment was sparked by a February 2013 complaint by Lobby Control, Corporate Accountability International and Corporate Europe Observatory. Commission President Barroso has been asked to respond, and has until 30 June 2013 to submit an opinion on the case. The Ombudsman's investigation will advise if the Commission should revoke Michel Petite's reappointment. It may also advise the Commission on proactive transparency around the ad hoc ethical committee, as well as consider longer-term recommendations for improvement.

Updates about investigations into the Dalli and Petite issues are available on our website <http://blogs.bmj.com/tc/>.

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## UK: CANCER CHARITY SENDS CIGARETTE PACKS TO MPS

Cancer Research UK (CR UK), the UK's country's largest health charity, has sent examples of real, widely available cigarette packs to every Member of Parliament (MP). The aim was to show them just how attractively the country's most dangerous consumer product is presented to potential customers, and in particular, how enticing such packaging is to children. The government closed a consultation process on tobacco packaging last August, and a decision has been awaited ever since.

Any parliamentarian doubting just how attractive many children find tobacco packaging may well have been shocked if they watched video clips from research by Cancer Research UK with young schoolchildren (the video can be viewed on the Tobacco Control website at <http://tobaccocontrol.bmj.com/content/current>). Tellingly, a red pack reminded one boy of Ferrari (whose Formula One racing cars are sponsored by Marlboro); two boys likened a bright yellow pack to the sun, one adding, 'it makes you almost happy just by looking at it.' And a girl clearly loved a pink pack so much that she cuddled it, enthusing to her neighbour, 'Pink, pink, pink!'

It was not just these filmed reactions of children that made a big impression, as individual MPs and their researchers told CR UK, often via social networking media, when they had handled the packs. Many voiced considerable surprise and



A selection of cigarette packs sent to UK MPs.

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Screenshot of research video of young children's reactions to cigarette packs.

disapproval at the sophisticated designs and high quality of the packaging, especially when compared to that of other fast moving consumer products.

Significantly, the cost of the packs was sponsored by a public affairs executive, Kevin Craig. It was hoped that his professional judgement about the power of pack designs to attract children, and the importance of legislators understanding that plain packaging would save lives, might strike a chord with another, former public affairs executive, David Cameron, the prime minister. Cameron subsequently referred in a parliamentary speech to this aspect of public health policy being under consideration, but without commitment.

In March, dodging a question from a health advocate, the Health Secretary said it would be wrong to rely on only one or two high profile measures such as packaging or tax rises. Obviously, no one had suggested that; generations of tobacco control experts have been giving the same advice to his predecessors for 40 years. To experienced listeners, it seemed as though intensive industry lobbying of previous months was depressingly near paying off, at least for the remaining two years of the present government.

The following day, however, *The Guardian* newspaper carried a front page exclusive claiming that a plain packs bill would be announced in May, citing 'a senior Whitehall [government] source' but the prime minister's office denied that any decision had been taken. Nevertheless, a particularly sensitive judge of such matters, the London Stock Exchange, saw an immediate fall in UK tobacco company share prices—strange, when a central plank of industry opposition to plain packs has been the assurance that the measure would not affect sales.

In May, the government is to publish its legislative programme for the next session of parliament. No doubt between now and then industry lobbyists will be working overtime.

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### THE NETHERLANDS: TOBACCO CONTROL ATMOSPHERE IMPROVING

By any measure, Dutch tobacco control has been through difficult times in recent years. The government coalition that came to power in 2010 cut all government funding for health education campaigns, stopped funding for the national tobacco control centre STIVORO, and weakened or reversed existing tobacco control policies. However, since the end of 2012, there is a new government coalition and it seems that the political climate for tobacco control is slowly improving.

From October 2010 until November 2012, a minority coalition between the conservative-liberal party VVD (People's Party for Freedom and Democracy) and the Christian democratic party was in power, with support from the populist Freedom Party. The first act of the newly instated Minister of Health Schippers (VVD) was to partially reverse the smoke-free law, allowing smoking in bars of less than 70 m<sup>2</sup> without employees. Following this decision, compliance with the law also decreased in bars that were not exempted, because the risk of getting fined is small.

Since November 2012, the Netherlands has a government coalition between the VVD and the labour party (PvdA). Unlike the previous coalition, the VVD and PvdA coalition did not contain predetermined

agreements about reversing tobacco control. Furthermore, tobacco control is no longer the responsibility of the minister of health, but is now under the deputy minister of Health Van Rijn from PvdA. Moreover, there is now a small majority in parliament that wants to have stronger tobacco control policies. This situation has been used by a MP to call for a vote on the exemption to the smoke-free law for small bars.

On 12 February 2013, a small majority voted for a reinstatement of the smoke-free law for all bars. After a short period in which it was unclear whether this recommendation from parliament would be followed, on 27 February it was confirmed that the government is going to implement the stronger law—however the time frame is unclear. Meanwhile, a court case was brought by the Dutch grassroots organisation Clean Air Nederland against the state. On March 26, the court ruled that the Netherlands has violated the FCTC by allowing smoking in small bars, and that all bars should immediately be made smoke-free.

Although the stronger smoke-free law was heralded by health organisations as a major victory for tobacco control, it remains to be seen whether the new law will work better than the previous law. Compliance was already a problem before the law was partially reversed, with an estimated 20–30% of all bars not complying with the ban from the start. The proposed stronger law might not resolve this issue, because it is still not a comprehensive ban as it allows hospitality venues to have designated smoking rooms. Also, smokers' support for the smoke-free law is still relatively low, likely due to a weak communication strategy which failed to explain the harms of secondhand smoke. It is important that the government educates the Dutch public to generate support for implementation.

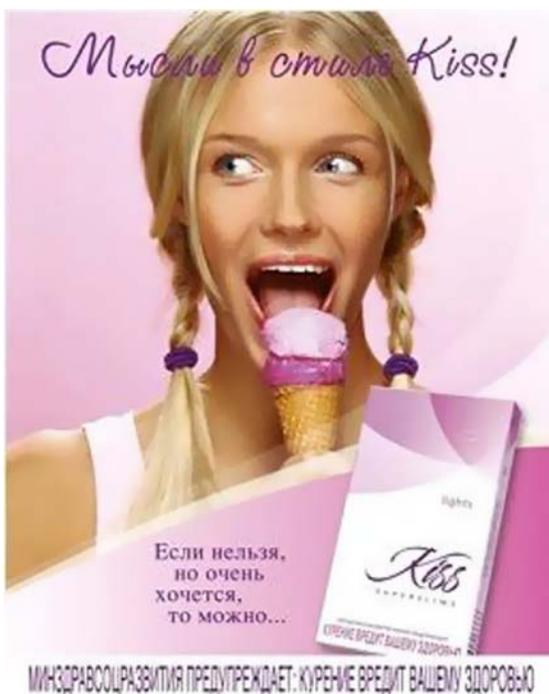
While Dutch tobacco control still has a long way to go, it is slowly again moving in the right direction.

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### RUSSIA: NEW TOBACCO CONTROL LAW SIGNED

Health advocates have warmly welcomed a comprehensive tobacco control law, signed by Russian President Vladimir Putin on 25 February 2013. It includes a suite of measures intended to support



compliance with the FCTC, which Russia ratified in 2008.

In a country with some of the highest rates of smoking in the world, if enforced properly the law has the potential to not only reduce smoking, but reduce second-hand tobacco smoke exposure. From 2013, smoking will be banned in medical facilities, sports and cultural venues and public areas of apartment buildings. The ban will extend to hotels, cafes, bars, shopping areas and public transport from June 2014.

Advertising and promotion will be banned, including free giveaways and brand stretching—a particularly welcome move, given around a quarter of Russian adolescents smoke. This is hardly surprising; Russian tobacco advertising has been among the most aggressive for targeting young people (see pictures) and for large-scale event sponsorship.

With strong implementation of the new law, it is hoped that such blatant targeting of young people will be consigned to history.

#### UK: BAT NOT A BRITISH TAXPAYER

British American Tobacco (BAT), the world's second-biggest maker of cigarettes, recently announced a 24 per cent rise in annual net profit after tax, to £3.84 billion (US\$5.84 billion). To many, it appeared somewhat coy to disclose profits after tax, for two reasons. First, gross profits before tax totalled a massive £5.97 billion—just a fraction under ten billion US dollars.

Second, and probably of greater interest to millions of British taxpayers enduring a lengthy recession, ever-tighter austerity measures and rising costs, one newspaper reported that BAT paid not a single penny of corporation tax on its profits to the British government. BAT claimed that its profits from trading in the UK were cancelled out by the operating costs of its London headquarters and its other British facilities. The largest of these is a plant in Southampton, Hampshire; but while every company must want to receive good press coverage wherever it operates, the newspaper which published the far from favourable story was *The Hampshire Chronicle*. A MP for Southampton and the member of the European parliament for Hampshire expressed exasperation at the seeming unfairness of BAT's and other large transnational companies' tax arrangements.

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Examples of Russian advertising and cigarette packs targeted at young women. With the introduction of the new tobacco control law, it is hoped that these are consigned to history.

## JAPAN: HEALTH MINISTRY SETS NEW TOBACCO CONTROL TARGETS

The Japanese ministry of health announced a new health promotion policy this past July. In this new 10-year national policy titled Kenko Nippon 21, based on the 2002 Health Promotion Act, it also established challenging targets of decreasing smoking rates to 12% and achieving 0% smoking rates among minors and pregnant women. Furthermore, the ministry is attempting to decrease passive smoking rates in restaurants and bars by 15%, government offices, hospitals and clinics to 0% and homes by 3%. These targets were adopted from the new Cancer Control Promotion Plan (2012–2016) based on the 2006 Cancer Control Act. In response to the ministry's actions, Japan Tobacco International (JTI) strongly opposed these new guidelines in their press release, stating that the government should not intervene in an individual's smoking behaviour because tobacco is a legal commodity in Japan.

In the final progress report of the former health promotion policy published in 2011, the ministry also evaluated tobacco control policies over the past ten years. It concluded that all of the five evaluated categories—increased awareness of the health effects of smoking; reduced smoking rates among minors; prevention policies to limit exposure to secondhand smoke; cessation assistance; and reduced smoking rates—could not meet the established targets, but showed improvement compared to those existing ten years ago.

To date, Japan has no national law regarding a comprehensive smoking ban; however, two regional governments, Kanagawa Prefecture and Hyogo Prefecture, which together have roughly 15 million residents, recently enacted an advanced ordinance towards smokefree public spaces. According to the Asahi Shimbun newspaper, three other prefectures have also considered enacting similar ordinances. These regional movements will not only alert the central government of changing attitudes but also further support the new health promotion policy in achieving the targets established for 2022.

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## Sample of 85% GHW to be implemented in Thailand



A sample of the new Thai graphic health warnings.

## THAILAND: WORLD'S LARGEST HEALTH WARNINGS INTRODUCED

Thailand has long been at the forefront of tobacco control in Southeast Asia. On 8 March 2013, it took another step forward when the health minister Dr Pradith Sinthawanarong signed a regulation requiring 85% pictorial (graphic) health warnings on cigarette packs, increased from the current size of 55%.

The regulation is expected to take effect by early October 2013, and will mean Thailand has the largest graphic health warnings in the world. Currently, Australia has the largest total area at 82.5% (75% of front and 90% of back). Uruguay has the largest overall with 80% on the front and back. Sri Lanka is set to also implement 80% warnings, pending regulations. Within the Southeast Asia region Brunei, Singapore and Malaysia also have pictorial health warnings.

The move has been warmly welcomed by tobacco control advocates in the region. Southeast Asia Tobacco Control Alliance (SEATCA) Director Ms Bungon Ritthiphakdee said: 'SEATCA is ecstatic and would like to convey our heartiest congratulations to Thailand for its leadership in tobacco control. Its enactment of rules to put in place the largest graphic health warnings on cigarette packs speaks to its political will and example to safeguard the health of its people.'

With this development, however, SEATCA warned that the tobacco industry and related groups including tobacco farmers will likely lobby to fight the regulation. In February, the Thai Tobacco Trade Association submitted a letter to the Ministry of Health, Thailand, opposing the new health warning policy.

'When countries strengthen their policies, there is no doubt the tobacco industry will challenge the legislation especially measures that reduce tobacco consumption. They have tried to delay tobacco control laws that are stringent, fight tobacco tax increases, and dilute bans on tobacco advertising sponsorship and promotions time and again,' Ms Ritthiphakdee adds.

SEATCA has recently launched a regional campaign to counter tactics of the tobacco industry to create fear and use tobacco farming to create opposition to the introduction of effective tobacco control measures. The campaign website <http://www.saveourfarmer.org> contains information about the economic contribution and costs of tobacco farming, health and environmental hazards, and contribution to government revenue.

## MORE NEWS ONLINE

A review of e-cigarette marketing in the UK; the US FDA goes back to the drawing board on graphic health warnings; health advocates in the Philippines protest Protobex Asia tobacco exhibition; JTI has been given an award for its contribution to Polish society; New Zealand plans to introduce plain packaging; and despite profit increases, sales of BAT products are declining.

These stories and many others are on our website <http://blogs.bmj.com/tc/>. You can also follow us on Twitter@TC\_BMJ or join us on Facebook to keep updated between editions.

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