Worldwide news and comment

WORLD: THE TANGLED WEB OF HIDDEN TOBACCO INDUSTRY INFLUENCE

Recent reports and analyses highlight the many avenues available to the tobacco industry to undermine global tobacco control. While the tobacco industry has a long record of actions to directly undermine Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC), it also continues to cultivate relationships and influence through other channels that can undermine the FCTC both directly and indirectly.

A paper recently published by *Tobacco Control* which analysed the Brussels Declaration, a statement of ethics and principles for science and society policy-making, demonstrated the extent to which tobacco (and alcohol) industry actors were involved in its formulation. A detailed content analysis shows that the Declaration, which has the potential to be highly influential, has significant transparency flaws and appears to be a vehicle for advancing the vested interests of certain corporate sectors. (The full paper, *Brussels Declaration: a vehicle for the advancement of tobacco and alcohol industry interests at the science/policy interface?* is available open access at <https://tobaccocontrol.bmj.com/content/early/2018/05/25/tobaccocontrol-2018-054264>).

In July 2018, a report titled *Highjacking the SDGs? The private sector and sustainable development goals*, was published by a coalition of non-government organisations in Germany. The report (available at <https://www.unfairtobacco.org/en/tobacco-industry-highjacking-the-sdgs/>) includes a case study of how the tobacco industry uses the Sustainable Development Goals (SDGs) in a broad strategy to circumvent regulation, despite the fact that all of the four major transnational tobacco companies (Philip Morris International (PMI), British American Tobacco (BAT), Japan Tobacco International and Imperial Brands) ostensibly support the SDGs and indeed were among the earliest adopters of SDG rhetoric.

As the report notes, tobacco and alcohol are the only two consumer products to be explicitly mentioned in the SDGs (goal 3). While the focus in the SDGs is on tobacco and health, tobacco impacts a broad range of SDGs beyond health including poverty, inequality, education and the environment. The report highlights the fact that the inclusion of the FCTC as a means to achieving the SDGs represents a much more significant threat to the tobacco industry than the FCTC alone, in part because the SDGs embed tobacco control in a broader agenda which involves UN institutions and government departments beyond health ministries.

However, the SDGs also include provision for public-private partnerships, allowing an opportunity for tobacco companies to reclaim the seat at the table denied to them by FCTC Article 5.3. The role of novel nicotine products is particularly noted, in line with PMI's strategy which aims to amplify voices of 'harm reduction'. An example of this is highlighted with recent events in Romania, as outlined in the following story.

Two other reports released in July are likely to be relevant to the tobacco control community. Transparency International published *Moonlighting in Brussels: side jobs and ethics concerns at the European parliament*. It analyses information available about the range of second jobs held by Members of the European Parliament (MEPs), including three with organisations listed in the European Union (EU) lobbying register. Among them is Paul Ruebig, who also holds a position with the Austrian Chamber of Commerce which represents the interests of Austrian businesses. Given the dire state of tobacco control in Austria due to business lobbying, this is a particular concern.

In addition, 49 MEPs have started new activities during their terms, creating a higher risk of conflict of interest. Declarations of outside activities are often vague (for example, 'consultant', 'lawyer' or 'freelancer'), making it difficult to assess conflicts of interests. With many tobacco industry lobbyists known to be present in Brussels, the report is a reminder of the need for scrupulous vigilance. The report is available at <https://transparency.eu/wp-content/uploads/2018/07/TIEU-Moonlighting-in-Brussels-MEP-incomes.pdf>.

Corporate Europe Observatory also released *Accounting for influence: how the Big Four are embedded in EU policy-making on tax avoidance*. It outlines how the Big Four accountancy firms—Deloitte, EY, KPMG and PricewaterhouseCoopers—receive tens of millions of Euros from the

European Commission in public procurement contracts to complete studies on areas of tax avoidance. This is despite the fact that these companies are 'key players in the tax avoidance industry', involved in both lobbying against stricter tax avoidance measures and advising clients on how to avoid tax. Given that several of the Big Four have historical ties with the tobacco industry, the issues covered in the report are likely to have benefited the tobacco industry.

The report also highlights how the Big Four also have driving seats in lobby associations which attempt to influence EU policy responses on tax avoidance. These include the European Business Initiative on Taxation (of which Japan Tobacco International is a member) and the American Chamber of Commerce which has been involved in lobbying on behalf of the tobacco industry in a range of countries. The report is available at https://corporateeurope.org/sites/default/files/attachments/tax-avoidance-industry-lobby-summary-eng_final.pdf

ROMANIA: HARM REDUCTION AND HEATED TOBACCO USED TO UNDERMINE FCTC

Heated tobacco products (HTPs) were introduced in Romania in 2017, led by PMI with IQOS, and followed shortly after by BAT's Glo. Both products have been supported by enormous advertising budgets. Of note, BAT has positioned Romania as a test market for Glo. PMI and BAT recently announced huge investments of €500 and €800 million, respectively, over the next 5 years for heated tobacco production facilities in Romania.

Romania's tobacco product definition, included in 2002 legislation, does not include HTPs. As a result, these products are excluded from most tobacco control regulations, including smoke-free public spaces, advertising and sponsorship restrictions, and tax provisions. Since the beginning of 2018, HTP product advertising has intensified. It includes outdoor and indoor advertising, point of sale advertising, television product placements and multiple events sponsorships.

In spring 2018, the tobacco control movement, comprising more than 350 non-governmental organisations under the umbrella of the 2035 Tobacco-Free Romania Initiative, has brought to policy-makers a proposal to amend the scope of tobacco control regulations to include HTPs. The proposed changes would prohibit use of HTPs in smoke-free areas, ban advertising, promotion and

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sponsorship, and tax the products in the same way as other tobacco products.

PMI and BAT have led what appears to be a coordinated strategy to thwart the proposal. (JTI does not currently have HTPs in the Romanian market and has been silent on the matter.) Central to the strategy has been heavy promotion of the 'harm reduction' concept in the public space. The strategy appears to consist of a number of aspects: discredit the tobacco control movement through media articles and blogs (including paid offers to influential bloggers), influence regulators and policy-makers through debates, letters and meetings with governmental officials, twist public debate on tobacco control towards harm reduction with the clear intent of normalising tobacco use. Also included: inviting bloggers and journalists to the PMI research centre, paid advertising in almost all media outlets, outdoor and indoor advertising and an IQOS-branded 'creative hub' in downtown Bucharest which is offered for a range of events and supports positioning of IQOS as an 'innovative' brand.

There have also been consecutive attempts to gain support from the public health community. This has been difficult, given that most of the public health community is already aggregated and involved in the tobacco-control movement since 2015. In early July, two planned events focused on harm reduction were financed by PMI. Both were planned to be held in the Romanian parliament—an important point, as it shows the ultimate target for influence.

The Romanian public health community managed to block the first event by complaining directly to the Health Commission which had agreed to organise the event without being aware of the financing source. However, the second one was organised on the ninth of July by Intact Media Group, a group with previous strong links to PMI and Antena 3 (a CNN affiliate network and strong supporter of the current governing coalition).

The event, again organised in the Romanian Parliament, and supported by PMI was called Harm Reduction Forum. Although it was originally billed as an alcohol harm reduction event, ultimately the focus was on tobacco. The invitation (original in Romanian) stated that '*Public health is one of the most important and challenging issues in any state. Effective harm reduction strategies can lessen the pressure on public health systems and work efficiently alongside the traditional restrictions imposed on health care policies. Innovation and the development of new technologies*

after years of research have allowed industries to transform and propose alternatives that according to studies pose a lower risk to health. We believe that it is the right time to resume the harm reduction discussion, including tobacco in traditional areas aimed at identifying ways in which risk reduction policies can have a significant impact on the health of the population.'

The event attendees included the minister of health, the head of the National Insurance House, the head of the drugs/medical devices agency, the Romania WHO representative (Dr Rafila), a member of the EU Parliament (Dr Cristian Busoi), the president of the health commission, a representative of the Romanian Harm Reduction Network (the same organisation that tried organising the first event at the Health Commission also with PMI support) and the Vice President of PMI. Also in attendance was a doctor of Romanian origin, currently at Ohio University. One of his presentation slides at the event stated that '*Ending the tobacco epidemic is unrealistic, unachievable and unnecessary*'.

On the same day as the forum was held, PMI met the vice prime minister with messages related to harm reduction and requesting a different tax regimen for HTPs based on the harm reduction concept. The opportunity to present their case directly in this way would not appear to be a coincidence.

As expected, post event coverage from the channels affiliated with the organising media group reflected largely the harm reduction concept; they created an impression of positive association of the attending public health authorities with HTPs and claimed that the health authorities were somehow endorsing or having a dialogue on HTPs as an option for 'safer' smoking.

One media outlet put it this way (translated from Romanian original): '*A controversial topic, which affects millions of Romanians, was intensely debated on Monday. In recent years, tobacco manufacturers have put on the market a number of electronic devices that could replace classic cigarettes. There has been much talk about these alternatives. Health authorities were faced with representatives of the tobacco industry at the forum organized by Intact Group.*'

The article went on to quote Professor Brad Rodu of the University of Louisville in the USA, whom it stated is '*looking for solutions to reduce the risk of tobacco-related diseases*'.

The article went on to quote the journalist-host of the event: '*I do not believe*

in taboo topics, so we have to discuss all of them with pros and cons. That's what we did today!' It also noted that: '*At the same table were for the first time the sanitary authorities in our country and representatives of the tobacco industry. They talked about cigarettes that do not burn.*' It then quoted Moira Gilchrist, PMI Scientific Vice President: '*All studies on these products show that they are a better choice than continuing to use cigarettes,*' and added that '*Sanitary authorities are open to collaboration and dialogue to reduce the risk of smoking-related diseases.*'

The Tobacco Free Romania Initiative is mobilising both national and global levels of the tobacco control community to react to this clear breach of FCTC Article 5.3 provisions.

Harm reduction continues to represent the 'Achilles heel' for tobacco control in Romania. These recent events show that harm reduction will be further used to weaken the tobacco control movement, to block any further regulations attempts or strengthening of the current regulations and to gain favourable tax and other treatment from policy-makers.

Romania risks losing a big part of the achievements we struggled for over the last 3 years. This includes a breakthrough comprehensive smoke-free ban enacted in 2015 which saw Romania jump 12 places on the European tobacco control scale and helped position the country as a tobacco control leader.

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SWITZERLAND: IQOS MARKETING A TROJAN HORSE FOR MARLBORO CIGARETTES?

On May 4 this year, an email was received by a young person in Switzerland from PMI (see figure 1, name redacted). At the bottom of the email, there is an offer for a free trial of IQOS/Heets, the only product which is explicitly mentioned in the message, giving the impression that the email is a promotion of PMI's HTP.

However, a careful examination of the message reveals a striking incoherence. While the branding colours used by PMI to market IQOS are shades of green and blue, the bulk of the message is dominated by two colours: gold and red. These are the colours which are key distinctive marketing components of two Marlboro cigarette brands: The Marlboro Gold and the Marlboro Red.

References to the colour gold appear in various variants: as a colour of the logo

De : Marlboro <Marlboro@email.marlboro.ch>
 Envoyé : vendredi 4 mai 2018 [REDACTED]
 À : [REDACTED]
 Objet : [REDACTED] joue avec Marlboro et tente de gagner un voyage à SYDNEY !

DÉCOUVRE LA PROMO

En cas de problème d'affichage ou de redirection, cliquez ici.

you DECIDE.

Salut [REDACTED]

La nouvelle promotion Marlboro est en ligne !

Nous t'encourageons à partager tes Gold Moments avec l'ensemble de la communauté Marlboro. Sois inventif, créatif et envoie-nous tes plus belles photos.

Chaque Gold Moment complété te permet d'augmenter ta cagnotte de "Golden" Bars et te rapproche d'une expérience fantastique : fêter Nouvel An à Sydney avec la personne de ton choix. Un cadeau en or !

Invite à ton tour tes amis adultes fumeurs à participer. Tu recevras en plus des "Golden Bars" s'ils se joignent à toi.

N'attends plus et plonge-toi dans l'univers MARLBORO sur www.marlboro.ch

Bonne chance !

Ton Team Marlboro

5'000 PARTICIPANTS* EN 2017
 "ADULTES FUMEURS"

Image: Tabacologie pour les fumeurs adultes et non-fumeurs. Garantie de tabac sans nicotine et sans tartrazine. Garantie de tabac sans nicotine et sans tartrazine. Garantie de tabac sans nicotine et sans tartrazine. Garantie de tabac sans nicotine et sans tartrazine.

*Dans la limite des stocks disponibles. "Conditions Générales" sur marlboro.ch.

Merci de ne pas transférer cet email à d'autres personnes, il contient des informations personnelles telles que login et mot de passe. Plus d'infos ? Appelle notre Service clientèle au numéro gratuit 0800 000 707 (du-vu / 9h-17h).

Cet email contient des informations liées au tabac que tu as acceptées de recevoir. Ce message personnel s'adresse exclusivement à toi en tant que fumeur de plus de 18 ans résident en Suisse et ne doit pas être envoyé à quelqu'un d'autre. Cliquez ici, si à l'avenir tu ne souhaites plus être informé(e) des nouveautés Marlboro.

Rauchen ist tödlich. Fumer tue. Il fumo uccide.

En cas de problème d'affichage ou de redirection, cliquez ici.

Figure 1 A promotional email sent to a young person in Switzerland by Philip Morris International.

above 'You DECIDE', as dominant colour of the image on the first page, and as the colour of the title on the second page. In the text, the word 'gold' appears six times, mostly in English ('Share the Gold', your 'Gold Moment', 'Golden Bars') and also in French ('Un cadeau en or').

Also noteworthy is the reference at the top of the message to the You Decide campaign for the Marlboro cigarette which replaced the infamous Be Marlboro ('Don't be a Maybe') campaign (see [figure 2](#)). Finally, the mosaic of pictures in the second part of the message is

Figure 2 The 'You Decide' campaign, which replaced Marlboro's 'Be Marlboro, Don't be a Maybe' advertising campaign.

dominated by the red colour, emblematic of the Marlboro Red cigarette.

In fact, this email essentially promotes two cigarette brands, Marlboro Gold

Figure 3 A Marlboro stand in a Geneva airport duty free shop.

and Marlboro Red, without explicitly showing, or even mentioning, these two products. This seems to be clearly part of a planned marketing effort in Switzerland. [Figure 3](#) shows a prominent Marlboro display in a duty-free point of sale at Geneva airport. We see that the same two brands, with the same combination of colours—gold and red—are carefully put together on a single stand, quite similarly to the way they appear in the email.

Figure 4 Tobacco point of sale display using World Cup imagery in Germany.

Figure 5 A German cigarette packet using World Cup imagery.

PMI marketing techniques are unlikely to leave anything to chance: the similarity between the email and the duty-free Marlboro Gold/Red stand are most likely two manifestations of a common ongoing campaign aimed at promoting these two cigarette brands. However, what is new in the email discussed here is that the IQOS is used as a kind of *vector* to promote the two cigarette brands. This example provides an indication of how PMI may use the promotion of its HTP to place stealth adverts for the Marlboro

cigarette, particularly in countries where regulatory frameworks treat HTPs differently from combustible tobacco. This is a development that needs to be watched very carefully.

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PHILIPPINES: TOBACCO INDUSTRY DUPLICITY LAID BARE

The Southeast Asia Tobacco Control Alliance (SEATCA) has slammed the actions of the Philippine Tobacco Institute (PTI) for filing legal challenges to tobacco-free regulations passed by the small city of Balanga.

PTI is dominated by Philip Morris Fortune Tobacco Corporation. It filed the two court cases on behalf of PMI and other tobacco companies. The action stands in stark contrast to PMI's rhetoric about leading the way to a smoke-free world. The hypocrisy of PMI in suing a small city of 96 000 residents is consistent with its typically aggressive approach when governments at all levels introduce effective strategies to assist people to be smoke free. 'If Philip Morris is genuinely supportive of a smoke-free world, it should be supporting and not opposing Balanga's efforts to protect present and future generations from the harms of tobacco and nicotine addiction, in line with the global health treaty, the WHO Framework Convention on Tobacco Control (FCTC),' noted SEATCA FCTC Program Director Ulysses Dorotheo.

Balanga is a tobacco control leader in the Philippines, with regulations that provide comprehensive measures to protect children and young people. The sale and distribution of tobacco is banned in educational facilities, places of worship and other facilities frequented by minors, with an exclusion zone of 100 m, as well as all government facilities. Balanga is a declared 'University Town', and tobacco sales and smoking areas are also prohibited within the declared area and a 3 km radius surrounding it.

Other measures include strict marketing and advertising restrictions, including point of sale, a ban on any sweets or toys that in any way resemble

tobacco products and a prohibition on government officials (employed in any capacity), participating in or contributing to any activity which may directly or indirectly promote tobacco. It is also the first city in the world to pass a regulation for a tobacco free generation, prohibiting sales to Balanga city residents born on or after 1 January 2000.

GERMANY: TOBACCO COMPANY WORLD CUP PROMOTION

In Germany, the cigarette company Reemtsma, (owned by Imperial Tobacco), used the Football World Cup for a tie-in promotion. The incident demonstrates the weakness in German regulations for tobacco advertising which are among the most lax in Europe. Although the issue was brought to the attention of relevant authorities in Germany, no action was taken.

The governing body of the World Cup, the International Federation of Association Football (FIFA) may be more concerned about the tobacco company's inappropriate promotional use of its flagship event. In a May 2017 statement to announce that the World Cup would be a tobacco-free event (issued on World No Tobacco Day), it reaffirmed its commitment to counter the use of tobacco—dating back to 1986 when it first announced it would not accept tobacco sponsorship (statement here: <https://www.fifa.com/confederationcup/news/y=2017/m=5/news=russian-showpieces-to-be-tobacco-free-events-2890503.html>).

Having worked closely with the WHO and other major health agencies as part of its social responsibility commitment, FIFA would presumably be incensed at the use of the World Cup as a promotional ruse to sell tobacco.

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Tob Control 2018;27:484–487.
doi:10.1136/tobaccocontrol-2018-054631

Figure 6 Indonesian tobacco brand Djarum Super has a history of sponsoring soccer telecasts which continued for the 2018 World Cup. This screenshot shows a promotional offer of a gift worth approximately US\$104 and other souvenirs for viewers of the live telecast. The telecast is sponsored by PT Djarum (and two other sponsors). The cigarette name is not used, but the colours and design are based on the Djarum brand. Cigarette adverts were also screened during the telecast, at 18:30 hours Jakarta time, despite the fact that cigarette advertising is not permitted before 21:30 hours. Djarum Super also released a series of World Cup special cigarette packs. Information provided by Mouhamad Bigwanto, Indonesian Public Health Association.