Worldwide news and comment

SPAIN: CIVIL SOCIETY PRESSES GOVERNMENT FOR TOBACCO ENDGAME BY 2030

More than twenty civil rights associations and public health organisations in Spain have backed a Declaration asking the Spanish Government for a Tobacco Endgame by 2030. The goal is ambitious: to decrease smoking prevalence in Spain to under 5% by 2030. The Declaration outlines a range of measures to protect Spanish citizens' right to health, in line with the government's obligations under the WHO Framework Convention on Tobacco Control (FCTC). These include smoke-free public and private spaces, increased prices and taxation, plain packaging for tobacco products, phasing out commercial tobacco sales, and a fund to redress tobacco harms.

The call for better protection from secondhand smoke includes that both indoor and outdoor areas of bars and restaurants and all university campuses become smoke free, as well as promoting protection from secondhand smoke in private homes. The latter is particularly important for vulnerable people during COVID-19 lockdowns.

Pricing and taxation are essential issues to address in Spain. A cigarette pack costs less than 5 euros, making tobacco products cheaper than in many European countries and easily affordable for youth. As a result, the current age of smoking initiation in Spain is 13.9 years. Increasing prices will not only decrease smoking initiation and reduce smoking prevalence, but will also be a tool to help Spain during its COVID-19 economic recovery period. In addition to being a World Health Organization-identified "best buy" for public health, raising prices and increasing taxes would also ensure the tobacco prevention policies of Spain's neighboring countries are not undermined by visitors to Spain purchasing cheap tobacco products.

Another call included in the Declaration is for Spain to follow the urging of many health professionals to implement plain packaging of tobacco products. This would bring Spain into line with its neighbours in nine European countries, and 18 other countries around the world.

Steps to progressively phase out the commercial sale of tobacco products are also called for, starting with a sharp reduction in sales points. Vending machines should be removed as soon as possible, and tobacco and related products restricted to 'estancos' (regulated tobacco stores) as the only authorise selling points for tobacco and related products, using stronger ID policies to prevent underage youth purchases. Looking ahead, the Declaration goes even further, calling for a progressive phase out of the commercial sale of tobacco products, by not allowing tobacco retailers to sell tobacco products to people born after 2007. In other words, those who turn 18 on or after 2025 would be Spain's first tobacco free generation.

The creation of a fund to redress the harms caused by tobacco is the final point in the Declaration. Based on the "polluter pays principle", the tobacco industry would be subject to new levies, similar to those enacted by France in 2016. Given the negative impact of tobacco on both health and the economy, resources should be allocated for smoking cessation treatments as well as supporting alternative livelihoods for those who currently generate income through tobacco.

The Declaration was formally submitted to the Health Ministry on 29 December 2020. If adopted by the government, it will not only reverse a decade of increasing smoking prevalence, but also put Spain at the forefront of global tobacco control. Currently, tobacco use prevalence is nearly 33%. Smoking prevalence reached a low point around 2010, when smoke-free laws were introduced for all closed public spaces, including bars and restaurants. Unfortunately, since its implementation the law has been under attack with the hospitality sector starting a campaign of civil disobedience, and setting up enclosed outdoor terraces where smoking is allowed. The current situation, in which the hospitality sector feigns compliance while effectively disobeying the law, clearly benefits the tobacco industry, and must end.

A recent survey conducted by Nofumadores.org suggests that anti-smoking laws have wide support in Spain, with two thirds of the population asking for more restrictions, around 60% in favour of plain packaging, and 70% of smokers wanting to quit. Clearly more needs to be done to protect the right to health of Spanish citizens, instead of protecting tobacco industry profits.

Spain must look to a future free from tobacco-induced disease and death. It must accelerate the implementation of the WHO FCTC, and take leadership by implementing novel end game policies aligned with Article 2.1 of the WHO FCTC, which states that "in order to better protect human health, Parties are encouraged to implement measures beyond those required by this Convention and its protocols."

This is an edited extract of an article originally published on the Tobacco Control website. The full article, with links to the Declaration and other references, can be accessed at https://blogs.bmj.com/tc/2021/01/19/spain-civil-rights-and-public-health-organizations-press-government-for-a-tobacco-endgame-by-2030/.

Laurent Huber
Action on Smoking and Health, USA
huberl@ash.org
Ubaldo Cuadrado García de Arboleya, Raquel Fernández Megina & Leonardo Visconti
NoFumadores.org, Spain

MALAYSIA: DID THE TOBACCO INDUSTRY COLLABORATE WITH MEDIA TO DEFEAT TAX INCREASE?

The Malaysian 2021 budget was an opportunity to raise tobacco taxes after 5 years with no increase. Instead, they remained static for the sixth year, following sustained media coverage which was remarkably favourable for the tobacco industry and its arguments opposing tax increases. In addition to aligning with tobacco industry framing, there was a distinct lack of public health voices in the extensive media coverage, as well as evidence of possible editorial interference to delay publication of advocacy in favour of the increase. Taken together, these issues raise questions about potential collaboration between the tobacco industry and media in Malaysia.

Coverage in the New Strait Times of BAT Malaysia's sponsored 'stop the black market' bus campaign. source: https://www.nst.com.my/business/2020/10/629116/bat-malaysia-hits-street-stop-black-market-bus.

All articles written by Marita Hefler and John Baker unless otherwise attributed. Ideas and items for News Analysis should be sent to: marita.hefler@menzies.edu.au.

In addition to TV interviews and webinars, at least 30 articles were published throughout 2020, with several angles about smuggling and the illicit tobacco market. Themes included: that Malaysia has the worst reputation globally as the world's largest tobacco black market, smuggled cigarettes are driving underage smoking, a BAT Malaysia-sponsored survey showing public agreement that high prices feed the black market, smokers are turning to cheaper smuggled cigarettes, COVID-19 is fuelling the illicit market, and small businesses are hurt by the illicit tobacco market.

Green Zebras, a market research company, released infographics, published in the New Straits Times, with the message that the majority of Malaysians supported the government acting on illicit cigarettes. The company did not disclose the client for this work. Several foreign voices also weighed in which supported the tobacco industry's messages, including Retail and Trade Brands Advocacy (RTBA) based in Melbourne, a coalition of business, retailers and trademark holders. Its Managing Director is the former Director of Policy, Government and Corporate Relations at the Australian Retailers Association. The Washington DC-based group, Consumer Choice Centre, a lobbying group which has received tobacco industry funding, was also quoted in the media coverage. BAT Malaysia launched a 'Stop The Black Market' campaign, including a bus which was driven around Kuala Lumpur, including near the Parliament house. The campaign received uncritical media coverage.

In early October, I sent a letter to the opinion page of the New Straits Times protesting BAT's campaign bus, which is a form of sponsorship, and called for a tobacco tax increase. It was briefly published on 7 October but was pulled within several hours. In response to a query to the NST editor, the newspaper said, "We have withdrawn the article temporarily. This has to do with in-house matters. We will re-publish it in a short while." NST's "short while" stretched into 3 weeks before the letter was republished on 29 October 2020.

On 6 November, the Finance Minister announced the 2021 budget. It did not increase tobacco tax, but included indirect measures to tackle illicit tobacco, in line with what had been advocated in preceding media coverage. Both Japan Tobacco International Malaysia and BAT Malaysia welcomed the budget.

Although direct and indirect tobacco advertising is banned in Malaysia, it appears that messages from the tobacco industry and its allies are transmitted by mainstream media, with few dissenting public health perspectives. The Malaysian government must require tobacco companies to report their marketing and promotional budget and sponsored programmes. Similarly, the media must be required to disclose the nature of any collaborations with the tobacco industry. The public deserves to know if collaboration exists and if so, be told the full details.

This is an edited extract of an article first published on the Tobacco Control website at https://blogs.bmj.com/tc/2021/01/26/malaysia-did-the-tobacco-industry-collaborate-with-media-to-defeat-tax-increase. Mary Assunta of the Southeast Asia Tobacco Control Alliance, provided technical input for both versions.

Mohamad Haniki Nik Mohamed
International Islamic University Malaysia
Malaysian Association for Adolescent Health
haniki@iium.edu.my

THE NETHERLANDS: RETAILERS CAUGHT BREACHING TOBACCO DISPLAY & ADVERTISING BANS

In December 2020, the Netherlands Food and Consumer Product Safety Authority (NVWA) published the results of two investigations regarding possible breaches of tobacco regulations. One investigation focused on illegal payments related to product placement agreements from the tobacco industry to supermarkets. Such payments do not align with legislation preventing advertising and sponsorship of tobacco and tobacco-related products in The Netherlands. The second investigation focused on possible breaches of the display ban for tobacco products, which entered into force in supermarkets on 1 July 2020. The display ban entered into force for other tobacco retailers on 1 January 2021. In both investigations the NVWA found breaches of tobacco control regulations.

In 2020 the NVWA investigated whether supermarkets received payments from the tobacco industry that constituted a violation of the advertising and sponsorship ban after illegal payments were uncovered during earlier inspections at tobacconist shops. The NVWA found 51 agreements between the tobacco industry and supermarkets, involving payments to promote the sale of tobacco products. Payments varied from €10 000 to about €2 million per year. For example, supermarkets agreed to let the tobacco industry decide on cabinet layouts, made exclusive deals with a tobacco company, and received bonuses for selling certain volumes of tobacco products. All 51 cases resulted in the NVWA issuing fines, varying from €45 000 to €450 000 for repeat offences.

The Dutch State Secretary of Health, Paul Blokhuis, stated 'It is extremely worrying that supermarket chains are receiving illegal payments from the tobacco industry to promote the sale of tobacco and related products'. In his conversations with supermarkets the main topic has been their responsibility in promoting healthy choices for customers. 'The future is smoke free', Mr Blokhuis added. 'Bonuses to boost tobacco sales are not consistent with this responsibility and will have to become a thing of the past as soon as possible'.

The NVWA also carried out inspections at bigger supermarket chains between July and September 2020. The report found 3% of supermarkets (two stores) did not implement the display ban at all, while almost 50% of sampled supermarkets (33 stores) had implemented the legislation but did not meet all requirements. For example, some supermarkets stored other products next to tobacco products, resulting in the tobacco cabinets being accessed more often than strictly necessary. The NVWA imposed 30 fines and issued 3 official warnings. The fines amount to €450 each and can increase to €4500 for subsequent breaches.

The results from the NVWA reports come after the Dutch Government announced that supermarkets, which make up approximately 55% of all tobacco sales in the country, will not be allowed to sell cigarettes or other tobacco products from 2024. Cigarette vending machine sales will also be banned from 2022. These retail sales bans will reduce tobacco points-of-sale significantly. The Netherlands also introduced plain packaging for tobacco products in October 2020. The introduction of these laws support part of the Dutch government's plans to gradually phase out tobacco sales, where only specialist retailers would be allowed to sell tobacco products.

Daniëlle Arnold
Health Funds for a Smokefree Netherlands
danielle.arnold@gvrv.nl

INDIA: CHANGES TO TOBACCO CONTROL LAWS PROPOSED

In January 2021, the Indian Government announced plans to introduce a number of draft changes to the 'Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Act, 2020.'

The proposed changes include an increase in the minimum sales age for tobacco products from 18 to 21 years. Violation of the minimum sales age laws could lead to a 2 year prison sentence or a fine of up to Rs100,000 (£1002). A second conviction could lead to a prison sentence of up to 5 years or a fine of up to Rs500 000(£5015). The proposal also includes provisions to prohibit smoking zones in hotels, restaurants and airports. The penalty for smoking at restricted areas will increase from Rs200 (£2.00) to Rs2000 (£20.00).

The government has also introduced draft changes to prevent the sale of individual ('loose') cigarettes and bidis through mandating that only sealed packs of tobacco that adhere to the prescribed minimum number of cigarettes can be sold. The proposed changes also aim to prevent and reduce the sale of illicit tobacco products, with a 1 year prison sentence and a fine of Rs50 000 (£501) for those caught selling, while the fine for manufacturing illicit cigarettes could lead to 2 years' imprisonment and a fine of Rs100,000.

Proposed changes have been made to tighten existing tobacco advertising legislation, with the draft laws stating "No person shall directly or indirectly advertise cigarettes or any other tobacco products through any medium and no person shall take part in any advertisement that directly or indirectly promote the use or consumption of cigarettes or any other tobacco products." In 2015, India proposed comprehensive changes to its tobacco control law, but after pressure from the tobacco industry, the proposal was dropped. In 2017, an investigation by Reuters found that Philip Morris International (PMI) was allegedly violating Indian tobacco control laws by deploying marketing tactics, including advertising at kiosks. The Indian Government threatened PMI with "punitive action" and the tobacco advertisements were removed from a number of retailers.

Tobacco industry representatives have already stated they will object to the new proposals through public consultation. The proposed Amendment Bill has also been criticised by Restaurants and Retailers Associations. The Federation of All India Farmers' Associations (FAIFA), a non-profit organisation representing farmers and farm workers of commercial crops across India, claims the amendments would adversely impact the legal cigarette trade while helping the "ever-growing illicit cigarette business in India".

Sanjay Seth, head of tobacco control at non-profit Sambandh Health Foundation, said "It is a much needed proposal as there were some gaps previously. The key is going to be enforcement of the law once passed." It is hoped that these proposed changes will lead to further de-normalisation of tobacco use in India, where nearly 1.35 million people die each year from tobacco-related illnesses and diseases.

Contributors to this article: Prakash Gupta - Healis Sekhsaria Institute of Public Health, Sanjay Seth – Samband Health, Ravi Mehrotra – India Cancer Research Consortium.

The new label required on tobacco products in the EU which contain single use plastics, from July 2021.

WORLD: PHILIP MORRIS AMONG TOP TEN PLASTIC POLLUTERS

Free From Plastic, a global movement working to reduce single use plastic and develop solutions for the plastic pollution crisis, published its third global report on branded plastic pollution in late 2020. The report *Branded Volume III: Demanding Corporate Accountability for Plastic Pollution,* reports on branded plastic waste collected by nearly 14 000 volunteers in 55 countries.

For the second year running, Philip Morris international was identified as a top global polluter, coming eight among the top 10. In the 2019 report, it was ninth. Its products were found in 28 countries. The most common PMI products found were Parliament, Merit and Marlboro. Smoking materials – cigarette butts, lighters and cigar tips - were the second most common product type found in the audit after food packaging and ahead of household products such as personal hygiene and household cleaning product packaging. The report is available at https://www.breakfreefromplastic.org/wp-content/uploads/2020/12/BFFP-2020-Brand-Audit-Report.pdf.

Tobacco product-related plastic waste is unique among those found in the audit as the only products which have no useful or beneficial purpose for humanity. However, new laws in the European Union which will come into effect from 3 July 2021, may go some way towards raising consumer awareness and reducing waste, by requiring all products containing single use plastics to be labelled. The law is designed to inform consumers of the presence of plastic in the product, inform them of the negative impact of littering and ensure appropriate waste disposal.

USA: NEW INDEX HIGHLIGHTS TOBACCO INDUSTRY INTERFERENCE IN POLICY MAKING

Tobacco use remains the leading cause of disease and early death in the U.S., accounting for 480 000 deaths annually, including 41 000 attributable to second-hand smoke. Premature smoking-related death is usually preceded by years of illness, with the CDC claiming "For every American who dies because of smoking, at least 30 are living with a serious smoking-related illness."

The U.S. Tobacco Industry Interference Index 2020 highlights many ongoing tactics employed by the tobacco industry to defeat, weaken, or delay proposed public health measures so as to maintain or increase tobacco use, ensure that tobacco users remain addicted, and protect and increase their profits.

Although the U.S. has signed but not yet ratified the WHO's Framework Convention on Tobacco Control (WHO FCTC), The FCTC is the basis for the U.S. report. FCTC Article 5.3 mandates protection of tobacco control policy from tobacco industry interference.

In the report, the U.S. received an interference score of 66/100, with a higher score demonstrating a higher level of tobacco industry interference. Although the U.S. score improved slightly from 2019 (72/100), this is only a modest improvement. These scores place the U.S. among the worst of the 57 countries participating in the latest global report.

The U.S. stood out as one of the worst performing countries for tobacco industry interference in the category of policy development. For example, the tobacco industry has a constant presence at the federal level in the Food and Drug Administration's Tobacco Products Scientific Advisory Committee, with three non-voting tobacco industry representatives.

The report also highlighted state and local examples of tobacco industry interference, exposing their multi-tiered approach. This is so pervasive in the U.S. that only a small percentage of occurrences could be included in the report.

The tobacco industry successfully litigated to secure state preemption of local tobacco control in Maryland. In 2020, local health officials joined with public health advocates to seek a statewide law prohibiting sales of flavoured tobacco products, an initiative beaten back by the tobacco industry. Local public health leaders and community advocates are now prioritising regaining local authority to curtail industry impact.

Though there have been pockets of progress, all states' tobacco control laws continue to fall short of best practices. Many existing state tobacco control laws were written or heavily influenced by tobacco companies.

Many thousands of lives could have been saved if not for tobacco industry interference in lawmaking. Regular monitoring and reporting of such interference is now a moral imperative. By exposing tobacco industry interference, advocates can help neutralise its impact, thereby reinvigorating stalled tobacco control initiatives and accelerating adoption of effective laws. Norms related to tobacco industry interference will change within legislative bodies only when tobacco companies and their allies are held publicly accountable. The U.S. Tobacco Industry Interference Index 2020 offers eight recommendations to help advance these efforts, scalable and adaptable for every state and community. The time is now.

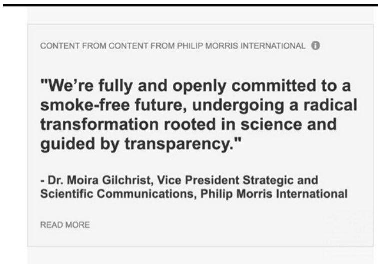
This is an edited version of an article first published on the Tobacco Control website. The full article and link to the report are available at https://blogs.bmj.com/tc/2021/01/20/monitoring-and-exposing-tobacco-industry-interference-in-u-s-public-policy/.

Nichelle Gray
Action on Smoking and Health, USA
grayn@ash.org
Kathleen Hoke
Legal Resource Centre for Public Health Policy & University of Maryland, USA
Doug Matheny
TSET Health Promotion Research Centre, USA

U.S.: PMI'S DIGITAL PR CAMPAIGN TO PROMOTE 'SMOKE-FREE' MESSAGES

Philip Morris International (PMI) has been on a public relations offensive in recent months. Several major US newspapers, including the Washington Post and New York Times, have carried PMI advertisements promoting 'less-risky,' 'smoke-free,' and 'better' alternatives to conventional tobacco products as the solution to a public health catastrophe that it fuels, and from which it continues to reap most of its profits. The ads convey a message of science-based solutions, transformation, transparency and openness. The ads stand in stark contrast to the ubiquitous advertising of PMI's ever-expanding range of cigarette products in 'growth markets' in low and middle income countries such as Indonesia, its contribution to plastic pollution, and its ongoing attempts at public policy interference.

Philip Morris advertisement as shown on the Washington Post website www.washingtonpost.com. Screenshot supplied by Jon Krueger.



Philip Morris advertisement as shown on the Washington Post website www.washingtonpost.com. Screenshot supplied by Jon Krueger.

In April 2019, the U.S. Food and Drug Administration (FDA) approved the sale of IQOS, PMI's heated tobacco product, which is sold in the US by Philip Morris USA under an exclusive licensing agreement with PMI. Although promoted by PMI as a "better alternative" to smoking, the device has not been scientifically shown to reduce overall smoking-related health risks or help smokers quit. In July 2020, the FDA concluded that IQOS does reduce a person's exposure to harmful chemicals, but denied PMI's application to market it as a product that reduces the risk of tobacco-related disease. The FDA stated "…these products are not considered safe nor 'FDA approved'". PMI's marketing in digital advertisements suggests otherwise, stating "…better alternatives, backed by science, are real, and they have the potential to deliver a huge public health opportunity."

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