

Worldwide news and comment

CHILE: ILLICIT TRADE OBSERVATORY OPENS THE DOOR FOR TOBACCO INDUSTRY INFLUENCE

The Global Tobacco Industry Interference Index 2020 revealed that Latin America faces some of the highest rates of industry interference in the world. Partnerships between government and tobacco companies over the illicit tobacco trade have enabled this interference to continue despite longstanding evidence of the tobacco industry's complicity in the illicit tobacco trade.

The illicit tobacco trade benefits tobacco companies by increasing the accessibility of their products, and decreases government revenues that could be used for tobacco control and public health efforts.

In 2016, the Illicit Trade Observatory in Chile was created by the Chilean Chamber of Commerce, as a public-private partnership, "*whose objective is to generate relevant information for the generation of public policies aimed at combating all forms of illegal trade*". The Observatory is composed of 13 public institutions, including the ministry of finance, the Chilean law enforcement agency, and the national customs and border control department, and several private actors such as British American Tobacco and the Chilean Chamber of Commerce. Since its inception, every report published by the Observatory on the illicit tobacco trade has either been conducted or commissioned by British American Tobacco.

Unfortunately, the lack of independent data around illicit trade means governments rely on the statistics and reports prepared by the tobacco industry and its allies. Organisations such as the Transnational Alliance to Combat Illicit Trade, funded by Philip Morris International and the Latin American Alliance against Contraband (ALAC), whose members include transnational tobacco companies, produce reports that tend to overestimate the illicit tobacco trade. In Chile, while independent studies conducted by civil society and academic institutions in 2017

estimated 10.9% of tobacco products were illicit, the tobacco industry reported 22% for 2017 and 24% in their latest report, in 2019.

Chile became a party to the Framework Convention on Tobacco Control in 2005. Since then, the Chilean government has tried to implement the measures proposed therein. However, the creation of the Illicit Trade Observatory goes against the guidelines proposed by Article 5.3 of the FCTC and the 2018 Protocol to Eliminate Illicit Trade in Tobacco Products, which Chile has yet to ratify. In addition to producing reports that over-estimate the scale of the problem, the Observatory promotes unnecessary interactions between the government and the tobacco industry via activities such as training government civil servants, journalists, and media representatives, as well as monitoring and evaluating public policies on track and trace.

Chile is not alone with this type of industry influence. Costa Rica also has a similar entity called the Mixed Commission Against Illicit Trade, which is made up of public and private actors, where the tobacco industry enjoys direct access to government officials. Costa Rica, like Chile, is also a party to the FCTC and subject to Article 5.3.

Chile has a significant history of tobacco industry interference and the Illicit Trade Observatory is perpetuating this influence. Countries that are parties to the Framework Convention on Tobacco Control should seek to progress its implementation, avoiding unnecessary interactions with the tobacco industry, including on tobacco illicit trade issues. The FCTC recommends that countries ratify the Illicit Trade Protocol. Countering tobacco industry interference is a challenge faced by many different countries around the world and should be given priority in tobacco control efforts.

Mercedes Carballo

Tobacco Tactics, Tobacco Control Research Group, University of Bath
Research Partner of the Bloomberg Philanthropies funded STOP project.
M.Carballo@exposetobacco.org

USA: JUUL PAYS SETTLEMENT TO NORTH CAROLINA

In June 2021 e-cigarette manufacturer Juul agreed to settle with the State of North Carolina for unfair and deceptive practices that targeted young people. In May 2021 Superior Court Judge Orlando Hudson stated that Juul, partly-owned by Altria Group, had ignored court orders and destroyed documents, potentially

exposing the company to large fines. Juul will pay US\$40 million over 6 years to North Carolina, which will use the funds to provide e-cigarette cessation and prevention programmes, and for e-cigarette research.

As part of the settlement, the company agreed that it would not advertise to people under 21 years of age through traditional or social media platforms, their products would only be sold behind the counter by retailers that have identification scanners, and the company would limit the quantity of products sold online to those living in the state. In its settlement with North Carolina, the company did not admit intentionally targeting youths.

This is the first settlement of its kind in the US, however since February 2020, 39 other U.S state attorneys have examined Juul's practices and filed lawsuits against the company. There are also a large number of personal injury lawsuits from customers and families of young people claiming they were addicted to or hurt by Juul products.

"Juul sparked and spread a disease-the disease of nicotine addiction. They did it to teenagers across North Carolina and this country simply to make money...(this) court order will go a long way towards ensuring that their e-cigarette product is not in kids' hands, its chemical vapour is out of their lungs, and that the nicotine does not poison or addict their brains." North Carolina Attorney General Josh Stein said.

E-cigarette use among teenagers significantly increased in the US after Juul was launched in 2015, leading the US Food and Drug Administration (FDA) to declare an epidemic of vaping among teenagers in 2018. "The evidence is clear that Juul's high-dose nicotine products caused the youth e-cigarette epidemic," said Matthew Myers from the Campaign for Tobacco-Free Kids.

The US Centres for Disease Control and Prevention stated that e-cigarette use among teenagers dropped significantly between 2019 and 2020, with approximately 20% of high school students stating that they had recently used e-cigarettes in 2020, down from 28% in 2019. Although this decline may be a temporary pandemic-related effect, federal restrictions on e-cigarette flavours and legislation to raise the age limit for tobacco and e-cigarette sales to those aged 21 years and over may have also influenced the reduction in e-cigarette use among youth.

In September 2021, the FDA will determine whether to grant Juul a Premarket Tobacco Product Application (PMTA) as

All articles written by Karen Evans-Reeves and John Baker unless otherwise attributed. Ideas and items for News Analysis should be sent to k.a.evans-reeves@bath.ac.uk

a safer alternative to combustible cigarettes to enable the continued sale of its e-cigarettes. A large number of health and medical organisations, including the American Heart Association, the American Cancer Society's Cancer Action Network, and the American Academy of Paediatrics, have asked the FDA to reject the application.

This article is based on content originally reported by Sheila Kaplan for the New York Times on 28 June 2021.

GLOBAL: TOBACCO INDUSTRY'S TACTICAL RESPONSE TO COVID-19 REVEALED IN NEW DATABASE

Few organisations have done more in opposition to public health than Philip Morris International (PMI), and few industries have killed more customers than the tobacco industry, yet tobacco companies have featured heavily during the COVID-19 Pandemic, harnessing the pandemic as a corporate social responsibility (CSR) opportunity. Now, a new resource from the University of Bath's Tobacco Control Research Group is shining a spotlight on these CSR activities with a new COVID-19 database.

Tobacco companies have donated ventilators, personal protective equipment (PPE), cash, food products and more, to governments struggling under the strain of the pandemic. While observers may view such acts as virtuous, they are variously described as a "Trojan Horse" or "Tax-deductible lobbying" by tobacco control experts who emphasise the fact that these companies continue to market and sell products that kill.

The clearest consensus is that smokers are at greater risk of severe and fatal cases of Coronavirus. Nevertheless, the media have widely reported that smoking may be a protective factor for those contracting the virus. This misinformation originated with studies that are linked with the tobacco industry. The European Respiratory Journal retracted a paper that suggested smokers were at lower risk of COVID-19 because some of the authors had undeclared financial links to the tobacco industry. The journal said "if these conflicts of interest had been disclosed at the point of manuscript submission, the editors would not have considered the article for publication."

Public donations by harmful industries give companies access to policy makers and a chance to improve their public image, while the relatively small sums donated pale in comparison to the huge financial and human costs of tobacco company

operations. Both British American Tobacco (BAT) and PMI have also invested in COVID-19 vaccine programmes, an investment which the companies then use to promote their corporate brands.

To illustrate this point, on December 2, 2020 in Greece (a country which has one of the highest smoking rates in Europe), the country's Prime Minister alongside the Vice President of the US Chamber of Commerce and the CEO of Pfizer and other corporate figures, met to discuss the impact of COVID-19 coming hot off the heels of Pfizer's November 2020 announcement that it had produced a vaccine. Among the participants at this high-level public health discussion, was André Calantzopoulos, then CEO of PMI.

Now, as the pandemic progresses, tobacco companies are now switching to the language of "COVID-19 recovery", in public statements, reports and shareholder meetings. The industry's future tactics are likely to be informed by the desire to appear on the right side of public health. In doing so, tobacco corporations hope to avoid increased taxation of their vast profits to help pay for the costs of the pandemic, profits made at the expense of overburdened healthcare systems.

The TobaccoTactics COVID-19 database reveals pandemic activities by the "Big Four" (PMI, BAT Japan Tobacco International, Imperial Brands) that correlate to well-worn industry tactics that protect profits and challenge the regulation of tobacco products. The database provides data collected by the group and their global partners and is searchable by Tobacco Company, Date, Country and Tactic.

In addition, Tobacco Tactics has created an animated video to explain the disconnect between the real motives of the tobacco industry and their CSR activities.

Louis Laurence

Tobacco Tactics, Tobacco Control Research Group, University of Bath
Research Partner of the Bloomberg Philanthropies funded STOP project.
L.Laurence@exposetobacco.org

NEW ZEALAND: GOVERNMENT PROPOSES WORLD-LEADING ACTION PLAN TO ACHIEVE SMOKEFREE 2025 GOAL

In April 2021 the New Zealand (NZ) government published a discussion document with a proposed action plan for Smokefree 2025. The sponsor is Associate Minister Dr Ayesha Verrall, a physician and newly elected member of Parliament.

The NZ government's commitment to a smokefree goal in 2011 was a response to a recommendation from the Māori Affairs Select Committee of the NZ Parliament. It followed sustained advocacy by Māori (the Indigenous peoples) leaders for the 'Tupeka Kore' goal for the elimination of tobacco products, which were introduced to Māori by colonisation, from NZ.

Smokefree 2025 was defined as minimal prevalence of smoking and minimal availability of tobacco products. However, progress has been slow, and under its 'business as usual' approach, New Zealand was on track to miss the goal by a wide margin, particularly for Māori, Pacific and low-SES populations which have much higher smoking prevalence.

The discussion document sets out a comprehensive strategy to achieve rapid and equitable reductions in smoking. The proposed plan also includes structural changes to strengthen the tobacco control system – most importantly to strengthen Māori governance of the smokefree programme. It includes several world-leading measures, including two 'endgame' measures that could drive the profound reductions in smoking prevalence that are required.

First, the discussion document proposes greatly reducing the retail availability of smoked tobacco products and gradually phasing out sales altogether. Strategies include markedly decreasing the number of stores able to sell these products (to around 5% of the current number), requiring tobacco retailers to have a licence and restricting tobacco sales to specialist stores or community pharmacies. It also puts forward a 'smoke-free generation' policy, where the legal age of purchase for smoked tobacco products would increase by 1 year every year, effectively meaning that future generations will never be able to legally purchase tobacco products and sales would eventually cease.

Second, it proposes removing virtually all the nicotine from cigarettes and tobacco, so these become much less addictive.

Additional measures include banning product design innovations that may appeal to young people, such as flavour 'crushballs' in cigarettes; and banning filters to prevent filters misleading people who smoke about health risks and to greatly reduce the environmental harm caused by cigarettes. The plan also proposes enhancing 'business as usual' approaches such as mass media and social media promotions to promote quitting and deter smoking uptake, increased smoking cessation support for priority

populations, and community-based smokefree interventions.

Other proposed changes include improved research, monitoring and evaluation; and strengthened enforcement and compliance-enhancing activities.

The plan is notable for its comprehensive and ambitious approach, and has attracted global attention due to the inclusion of several innovative policies not yet introduced at country level anywhere else in the world. If implemented in full, it appears to provide a realistic roadmap to Smokefree 2025, which will protect the health of current and future generations of young people by greatly increasing quitting among people who smoke and by minimising the risk that young people will experiment with, and become addicted to, smoking. New Zealand's experience could provide crucial evidence for other jurisdictions wanting to eliminate the health loss, inequity and economic burden caused by the tobacco epidemic.

An initial consultation on the action plan closed on 31 May 2021. Key NGOs and public health organisations in New Zealand have warmly welcomed the plan, as have many international health researchers and public health experts. Local experts, in collaboration with international colleagues, have published a series of blogs commenting on the plan and its specific proposals.

However, not everyone has been so supportive. Indeed, the newly 'transformed' tobacco industry has opposed the plan with their principal argument being that it will boost illicit trade. British American Tobacco has been caught out orchestrating retailer opposition. Philip Morris International (PMI), which has loudly proclaimed its desire to achieve a smokefree world, has been conspicuously silent on a plan that provides a potential roadmap to do just that (PMI NZ does not appear on the list of submitters to the consultation process).

The next steps are that the submissions will be analysed and considered and the Minister will prepare a final version to take to Cabinet. Smokefree advocates are hoping that implementation of some of the key measures will begin in 2022.

Richard Edwards, Janet Hoek, Andrew Waa

ASPIRE 2025 Research Centre, University of Otago, New Zealand
richard.edwards@otago.ac.nz

An earlier version of this article with links and author information was published on the Tobacco Control blog.

CHINA: SMUGGLING NETWORKS LINKED TO CHINA TOBACCO REVEALED IN OCCRP INVESTIGATIVE SERIES

The China National Tobacco Corporation (CNTC) has grown into the world's biggest cigarette company by feeding the addiction of China's approximately 300 million smokers. But now the state-owned giant is ready to take over the rest of the globe.

Since jumping on China's "Belt and Road Initiative" in 2015, CNTC brands have increasingly been found around the world, including in countries where there is no legal market for them.

The Organised Crime and Corruption Reporting Project (OCCRP) and 12 more media outlets recently published "China Tobacco Goes Global," an investigative series revealing how CNTC has pushed into new nations using methods that are ethically dubious, and sometimes outright illegal.

Taking a leaf from the playbook of Transnational tobacco companies that have long dominated the sector internationally, CNTC has been flooding illegal markets with its brands before lobbying governments to legalise them.

Here are some of the stories OCCRP and its partners have published so far:

Latin America: Reporters discovered that CNTC is connected to a network of Panama-based companies that have shipped huge amounts of its cigarettes to Latin American countries where there is no legal market.

One of the firms, Overseas United, had its export permit revoked by Panamanian authorities after its cigarettes were found on the local market. But executives at Overseas United were able to send over 632 tons of Chinese cigarettes abroad using another company in the network, Finta Inc.

Two legal representatives of Finta were also executives of the other two companies in the Panama network exposed in this investigation. In Colombia, they sent cigarettes to a convicted smuggler. In Ecuador, \$34 000 worth of cigarettes were sent to the Chinese embassy, which told reporters the huge shipment was simply "diplomatic material."

The Latin American story was a collaborative effort between OCCRP and the Concolón and Cuestión Pública.

USA: The Panama-based network of companies uncovered by OCCRP is also linked to illegal Chinese cigarettes seized in Texas, according to a paywalled report published in the Houston Chronicle.

Europe: Police records obtained by OCCRP provide evidence tying a CNTC official to organised crime groups in Europe. A high-level executive at CNTC's factory in Romania apparently collaborated with smugglers in pretending to send 17 tons of cigarettes to Libya via Italy, thus avoiding excise taxes. In reality, the shipping container was filled with junk, while the real product was put into an identical container destined for the Italian black market.

The Romanian factory produces CNTC brands like Regina and Marble, which appear to be marketed to European smokers. But reporters also found that the factory also sold cigarettes to companies in conflict zones like Syria, where tracking tobacco products is nearly impossible.

The Romania investigation was a collaborative effort between OCCRP and RISE Romania

Ukraine: CNTC's Romanian factory sold hundreds of millions of cigarettes to Ukrainian companies under investigation for cigarette smuggling. One of its top customers is now co-owned by Vadym Sliusariev, a politically connected former border official.

The Ukraine story was a collaborative effort between OCCRP and the Kyiv Post.

Brazil: China is complying with recommendations under a global treaty to decrease the amount of land under tobacco cultivation—but much of this production has simply shifted overseas. Brazil has become a major supplier, with farmers working under difficult conditions to grow tobacco for Chinese cigarettes. Reporters looked into alleged labour rights abuses in Brazil's tobacco industry tied to tobacco-leaf buyer China Brasil Tabacos Exportadora SA, which doubled its profits in 2020.

The tobacco-leaf buyer was founded by local subsidiaries of CNTC and the U.S. company Pyxus International. Pyxus has been penalised by U.S. government authorities for breaching labour rights, yet, despite being the largest tobacco company in the world, CNTC has avoided such scrutiny.

The Brazil investigation was a collaborative effort between the OCCRP and Intercept Brasil.

OCCRP will publish additional China Tobacco investigations in the coming weeks, which you can follow by subscribing to its weekly newsletter. If you have information about CNTC cigarettes sold in illegal markets, please contact OCCRP journalists at info@occrp.org.

Charles Turner

Organized Crime and Corruption Reporting
Project (OCCRP)
info@occrp.org

GERMANY: A STRATEGY FOR TOBACCO-FREE GERMANY 2040

According to the WHO, Germany is a high burden country regarding tobacco use. Approximately 16 million people are current smokers, and 127 000 people die from the health effects of smoking every year. In addition, Germany has the worst tobacco control policy implementation out of 36 European countries and lags far behind other non-European countries like Australia, New Zealand or Brazil. On World No Tobacco Day 2021, more than 50 public health and civil society organisations published the “Strategy for a Tobacco-Free Germany 2040”. It is a call on the government to implement tobacco control measures that will lead to less than five per cent of adults and less than two per cent of adolescents in Germany using tobacco products, e-cigarettes or other related products by 2040.

The organisations call on legislators and the government to adopt a binding, sustainable tobacco control strategy with a mandatory timeline for the implementation of the following ten measures for a tobacco free Germany 2040:

1. Significantly increase tobacco taxes every year
2. Support smokers in quitting and ensure that the costs of tobacco dependence treatment are covered
3. Completely ban advertising of tobacco and related products and introduce plain packaging (currently in Germany advertising is still permitted in cinema for films 18+, at point of sale and on billboards, the latter will be phased out between 2022 and 2024, sponsorship of national events such as festivals and promotional product brand extensions are also still

- permitted (e.g. branded merchandise such as umbrellas, tote bags etc)
4. Significantly reduce the availability of tobacco and related products
 5. Effectively protect people from secondhand smoke and ensure completely tobacco-free living environments
 6. Consistently implement children’s rights with regard to tobacco and improve the protection of minors
 7. Conduct regular campaigns to raise awareness of the risks of tobacco use, motivate people to quit and make living tobacco-free the norm
 8. Support tobacco control initiatives and alternatives to tobacco cultivation within the framework of development cooperation
 9. Effectively protect political decisions from the influence of manufacturers of tobacco and related products and their associations
 10. Regularly review, adapt and further develop the measures

Rather than individual level interventions which place responsibility on smokers for smoking, the outlined measures focus on political action and population level interventions which aim to change the role of smoking in society to create a tobacco-free Germany. They are based on evidence and on the Framework Convention on Tobacco Control. They aim at largely restricting the tobacco industry’s ability to market its products, to promote cessation and support smokers who want to quit, and to prevent young people from taking up smoking. The strategy covers both tobacco and related products such as heated tobacco products and e-cigarettes because these products are also addictive and harmful to health. The Strategy for a Tobacco-Free Germany 2040 adopts the precautionary principle towards novel products whose risks are not yet fully quantified.

Throughout the strategy, it is emphasised that special attention needs to be

paid to reach marginalised groups with higher smoking rates, such as those at a disadvantage through socio-economic status, immigration, mental health conditions or incarceration.

Tobacco-Free Germany 2040 is synonymous with the recently published Europe’s Beating Cancer Plan that states it would like to achieve a smoking prevalence of less than five per cent across the European Union (EU) by 2040. Without great progress in Germany, the EU will not be able to achieve this.

The development of the strategy was led by the German Cancer Research Centre in collaboration with a working group of experts from academia, public health and civil society for a multidisciplinary approach. It was presented to the public in the days before World No Tobacco Day and achieved overwhelming media coverage. It was sent to federal and state politicians and will support advocacy activities during and after the campaigns for the upcoming federal elections in September 2021.

The strategy was welcomed by several political decision makers and has already been cited in a federal parliamentary debate. The authors hope that it will be the starting point for a profound change in tobacco control in Germany and that the next government will include a strategy for a tobacco-free Germany 2040 into the next governing coalition’s agreement.

Laura Graen and Katrin Schaller
Cancer Prevention Unit, German Cancer
Research Centre

WHO Collaborating Centre for Tobacco Control
laura.graen@dkfz-heidelberg.de

© Author(s) (or their employer(s)) 2021. No commercial re-use. See rights and permissions. Published by BMJ.



Tob Control 2021;**30**:481–484.
doi:10.1136/tobaccocontrol-2021-056941