

Worldwide news and comment

AFRICA

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While global smoking rates decline, Africa is an opportunity for tobacco companies to grow their business

The seventh edition of the global Tobacco Atlas was published on 18th May 2022.

For the first time ever, global smoking prevalence has declined. But there is little room for complacency. There are still 1.3 billion people who smoke worldwide, which means much more tobacco related illness and deaths to come. Also, while many countries are seeing significant declines in smoking prevalence, 63 countries out of the 135 surveyed have reported increases in smoking prevalence in 13–15 year olds. In addition, in Africa, where typically smoking prevalence has been low, smoking is on the rise. According to the Tobacco Atlas this rise is in no small part due to the tobacco industry's aggressive marketing practices on the continent and an increase in the affordability of tobacco products. Such increases in prevalence will undoubtedly increase tobacco related disease, suffering, and death.

The Atlas emphasises the importance of countries implementing evidence-based tobacco control measures, namely, tobacco tax increases, marketing restrictions and counter messaging such as plain packaging and pictorial health warnings, as well as anti-smoking mass media campaigns. While impactful in their own right, these policies are likely to have the most impact when implemented together.

ASIA

Nepal to increase Pictorial Health Warnings after mountainous challenge

In August 2022, the Nepal Supreme Court ruled in favour of mandating printed Pictorial Health Warnings (PHWs) on 90% of all tobacco packaging.

Nepal had originally passed rules to enlarge PHWs from 75% to 90% in 2015; however, tobacco company *Perfect Blend* (which is owned by Surya Nepal Ltd, which is part owned by ITC Limited, India, and British American Tobacco) filed

a petition to Nepal's Supreme Court challenging the introduction of this law.

Action Nepal, a public health advocacy organisation, filed a countersuit against the tobacco industry, appealing for an order to implement the 90% PHWs laws. After over 40 hearings, the Supreme Court dismissed the tobacco industry's petition. The tobacco industry had also unsuccessfully challenged Nepal's introduction of 75% PHWs in December 2013 and interfered throughout the proposal stage for PHWs in Nepal.

The Regional Director of The Union (The International Union Against Tuberculosis and Lung Disease) Asia Pacific, Tara Singh Bam, said the increase in PHWs from 75% to 90% in Nepal "...is a win for public health and evidence of tobacco industry interference." The Union provides Nepal with technical and legal assistance, evidence, and capacity building in tobacco control.

Approximately 29% of adults (48% male and 12% female) aged 15 to 69 years use tobacco products in Nepal. The WHO estimates that tobacco use causes approximately 27 000 deaths each year in Nepal, nearly 15% of all deaths in the country.

PHWs on tobacco product packing are particularly effective where literacy rates are lower or when multiple languages are spoken. The Union reports that PHWs can deter the 20% of young people who smoke in Nepal.

A study conducted on the effectiveness of PHWs on cigarette packaging in Nepal found that approximately 80% of participants believed that PHWs would motivate smoked tobacco users to quit, 83% of participants were scared by the PHWs and 58% of those sampled who were currently smoking intended to quit. Furthermore, the average daily cigarette consumption among those who currently smoked reduced from 11 cigarettes before the 75% warnings were introduced to five cigarettes thereafter.

The latest ruling may bolster Nepal and other countries in the region to go even further in their tobacco control efforts, perhaps giving them the confidence to implement plain packaging for tobacco products.

EUROPE

Spain: 30 new tobacco retail outlets to open along Spanish/French border

In June 2022, the Spanish Ministry of Finance announced that 203 new tobacco retail licenses were to be added to the 13 000 already operating in Spain. Of these new tobaccoconists, 30 will be concentrated

along the French-Spanish border, dramatically increasing the concentration there, with 50 tobaccoconists per 10 000 inhabitants - more than fourteen times higher than the current frequency (approximately 3.4 per 10 000 inhabitants) in the rest of Spain. Furthermore, these new licenses would allow tobacco shops along the French border to be only 25 metres from another tobacco retailer or school while the distance for retailers in the Spanish interior is 150 metres.

The aim of this measure is clear; it is not only to supply local residents with tobacco products, but also to become a "tobacco dealer state" by providing cheap tobacco products to French residents across the border. It has been well established that raising the price of tobacco products is one of the most effective measures to reduce tobacco use, and for this reason France has raised the price of a pack of cigarette to above ten euros, much higher than the average cost of cigarettes in Spain which is under five euros per pack. This price differential will further encourage cross border tobacco purchases and also risks encouraging bootlegging of tobacco products into France and increasing tobacco use in France as well as Spain.

This initiative from the Spanish government will negatively impact the health of Spanish citizens, contradicts the commitments and obligations that Spain has made with Europe and the world by violating European Union (EU) and United Nations (UN) agreements that call for a reduction in cancer rates as well as a decrease in smoking prevalence to achieve health, development and human rights objectives.

As a result, 129 organisations from 42 countries have sent a letter to President Sanchez of Spain denouncing this initiative and requesting that the Spanish government:

1. Cancel the public auction for new tobacco outlets and instead begin phasing out tobacco outlets, a process that could begin with the non-renewal of tobacco retail licenses which are set to expire after 25 years, particularly for establishments close to schools and playgrounds.
2. Increase taxes on all tobacco and nicotine products by harmonising prices with France in order to reduce smoking prevalence and also raise additional fiscal revenue for the State without increasing the number of tobacco retail outlets in Spain.
3. Launch the Comprehensive Smoking Plan 2021-2025 as soon as possible, as well as the legislative modification

of Spanish Law 28/2005 Tobacco Control.

Now is an important moment in public health. The scientific evidence supports that increasing the number of retailers promotes the use and normalisation of tobacco. If the Spanish Government wants to live up to its international commitments to protect “the right to the highest attainable standard of health” and increase fiscal revenue, it must advance the Comprehensive Smoking Plan in Spain and increase taxes on tobacco products and immediately retract the public auction of licenses to increase the number of tobacco retailers. These actions would align with well-established good practices in the area of tobacco control and will foster health, human rights and UN development objectives that will benefit Spain, France, the European Union as well as the world.

Given that the announcement is already published in the Boletín Oficial del Estado it appears unlikely that the government will retract this shameful announcement. However, the letter has received considerable attention in the Spanish, French and even international media as well as within the French government which portrays the Spanish government in a poor light, especially when it is about to take on the Presidency of the European Union in the second half of 2023. It is our hope that the French government will take prompt official bilateral action to block the entry of tobacco products from Spain into France.

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UK: Concerns as vaping rates increase among youth in the UK

New figures from NHS Digital suggest that e-cigarette use among 15-year-old girls has more than doubled between 2018 and 2021 from 10% to 21%.

Overall among 11 to 15 year-olds in England 9% use e-cigarettes. This is a rise

from 6 per cent in 2018 – the last time the figures were published.

These figures sit within a broader policy context in the UK where e-cigarettes are encouraged as smoking cessation devices for those who currently smoke and are subject to fewer restrictions than cigarettes. Point of Sale tobacco displays in retail outlets which were covered in all shops by 2015 are once more colourful and eye-catching, marketing e-cigarettes and other novel nicotine products.

Quoted in *The Independent*, Dr Mike McKean, paediatrician and vice president of policy for the Royal College of Paediatrics and Child Health said: “I am deeply disturbed by the rise of children and young people picking up e-cigarettes. E-cigarettes remain a relatively new product and their long-term effects are still unknown.”

Calls are being made for regulation addressing e-cigarette marketing including prohibiting enticing packaging, flavourings and product names, and the potential for instituting plain packaging of these products to make sure that they are appropriately targeted as smoking cessation devices and not, as Dr McKean stated, “fun and colourful lifestyle products.”

Call to provide financial security to health and tobacco control NGOs

Lack of clarity in relation to funding leaves many health Non-Government Organisations (NGOs) with serious concerns for their long-term sustainability and capacity, with some NGOs scared they may not survive.

In September 2022, fifteen members of the EU4Health Civil Society Alliance called on the European Commission to include Operating Grants for health NGOs to be included in the EU4Health 2023 Work Programme.

Operating Grants are critical for health NGOs, including the European Network for Smoking and Tobacco Prevention (ENSP), to continue to provide an essential role in the European Union’s (EU) policymaking processes. These Operating Grants enable health NGOs to play an independent, constructive, and meaningful role in EU policy processes, and to respond to external developments, while ensuring that the voices of the civil society groups they represent, such as professionals, patients, and citizens, are heard, and preserve the expertise that civil society has built up in the field of public health over the past decades.

Given the prolific engagement of private commercial interests in European policy processes (what we have come to know as

the commercial determinants of health), Operating Grants supporting public interest organisations are key to level the playing field. They are also important to prevent NGOs from seeking other sources of funding, therefore preserving their independence and the democratic legitimacy in the EU’s policy process.

Operating Grants provide financial certainty and sustainability to NGOs, ensuring their capacity to rapidly engage in response to the needs of society and offer their permanent support to citizens during regular and crisis times.

Year-to-year funding creates significant difficulties for NGOs to plan long-term activities. Therefore, many members of the EU4Health Civil Society Alliance argue that health NGOs should be provided with multi-year Operating Grants. A three or year agreement as part of the EU4Health Work Programme 2023 would provide a higher level of certainty and sustainability for NGOs, thus improving outputs and clarifying the necessary resources for health NGOs to focus on and contribute to the EU4Health policy objectives.

It is imperative that the European Commission includes Operating Grants in the 2023 Work Programme and beyond as a financing mechanism to provide a strong foundation for the contribution of health NGOs.

NORTH AMERICA

R J Reynolds allegedly attempts to pay Pastor to speak out against U.S. menthol ban

An investigation by the Bureau of Investigative Journalism (BIJ) has revealed that Detroit Pastor Rev. Horace Sheffield, a prominent Black civil rights activist, was offered as much as \$250 000 to speak out against the proposed federal menthol ban in the United States (U.S.).

Back in May 2022, Rev. Sheffield expressed his support of the Food and Drug Administration’s (FDA) menthol ban saying that it would “stem the tide of preventable disease and death.” Soon afterwards, the pastor was approached by an individual who claimed to be representing R J Reynolds tobacco company. Rev. Sheffield was reportedly told that the tobacco company would like to offer him money to publicly change his opinion and oppose the menthol ban.

This is especially nefarious because a massive 85% of Black people who smoke in the U.S., smoke menthol cigarettes precisely because the tobacco industry has targeted these products at Black

communities for decades by developing ties with virtually every Black leadership group and blanketing Black-majority neighbourhoods with menthol marketing. Nearly half (44%) of Black people who smoke in the U.S. say they would attempt to quit smoking if menthol cigarettes were banned. Approximately 39 000 Black Americans die from tobacco-related cancers each year, a much higher death rate than that of other racial and ethnic groups.

It is also known that Black civil rights organisations receive much less in charitable donations than their white counterparts and are often in dire need of funds to continue their work which makes such organisations vulnerable to exploitative funding offers. In addition, in an attempt to keep selling their popular menthol products, tobacco companies are framing the menthol ban as a Black Lives Matter issue, suggesting that banning menthol is racist. When the FDA first announced the ban, tobacco companies sponsored media content suggesting the ban would lead to further conflict between the police and

the Black community. But it is important to note that the police do not enforce tobacco control legislation.

On learning about the effort to buy this Black faith leader's position, the African American Tobacco Control Leadership Council's (AATCLC) Co-Chair, Dr Philip Gardiner responded:

...the tobacco industry's assault on the Black community continues unrelentingly. The tobacco industry has no shame as they hook and kill millions of Black Americans. Unfortunately, we might never know just how many members of our community are involved in their efforts. With your help, we are fighting back and will bring on a day where no Black lives are lost due to tobacco in this country.

Sheffield alleges that an initial offer of \$80,000 - \$100 000 increased to between \$200 000 and \$250 000 and potentially more if he was willing to say specifically that "I thought about it, I'm on the wrong side." Sheffield turned the offer down. He is now calling on others who are in a similar position to speak out.

This exposé is damning for R J Reynolds. The company has not responded to any requests from the BIJ about whether the person offering the funds is working for R J Reynolds.

The anaesthetic effects of menthol in cigarettes enable those who smoke to inhale cigarette smoke more deeply into the lungs, thereby increasing exposure to the harmful substances in tobacco smoke. Paradoxically, the cool, numbing properties of menthol may contribute to the common, but inaccurate, perception of menthol cigarettes as less harmful than non-menthol cigarettes. This facilitates uptake of smoking and makes it harder to quit. Despite a global decline in smoking, the number of young people smoking menthol cigarettes has not decreased.

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