

Worldwide news and comment

GLOBAL

NEW YEAR, NEW FRAMEWORK CONVENTION ALLIANCE

On November 1, 2022 the Framework Convention Alliance (FCA) officially rebranded as the Global Alliance for Tobacco Control (GATC). The Framework Convention Alliance was originally created in 1999 and was later more formally established in 2003.

Today, the Alliance is the only global network dedicated solely to implementing the WHO Framework Convention on Tobacco Control (WHO FCTC) and serves as the leading voice of civil society in strengthening and accelerating progress. Since its inception, the Alliance has worked diligently alongside hundreds of civil society groups across the world to help develop, ratify, and implement the WHO FCTC.

Over the past 20 years, the FCA has embedded itself in tobacco control networks throughout the world and established relationships with key stakeholders and decision-makers at all levels. Through its network of experts, the Alliance provides leadership and expertise on and to the Conference of the Parties (COP) on the WHO FCTC and to the Meeting of the Parties (MOP) on the Protocol to Eliminate Illicit Trade in Tobacco Products. The Alliance also engages in intersessional COP/MOP priorities that work to accelerate WHO FCTC implementation.

For the past two decades, the FCA has played a major role in monitoring industry interference and working with partners and stakeholders to ensure that the industry's attempts at interfering with tobacco control in international fora like COP/MOP do not succeed. These efforts are important as we know the industry seeks to influence the future direction of global and national tobacco control by securing a seat at the decision-making table.

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

The Alliance has a proven track record of success in guiding and influencing major strategic priorities including *The Global Strategy to Accelerate Tobacco Control 2019–2025*, promoting sustainable financing for tobacco control, and improving the alignment of tobacco control with global health and development.

As the Framework Convention Alliance rebrands to the Global Alliance for Tobacco Control (GATC), in the years to come it will build on its track record of success and strengthen its work on leading issues such as non-communicable diseases, national development, and the United Nations Sustainable Development Goals.

The new name, the Global Alliance for Tobacco Control, was selected as it better communicates the essence of the Alliance and what it does. This is especially important in today's environment as the Alliance seeks to establish relationships with a wider range of partners and stakeholders, especially those outside of the tobacco control community.

The GATC strongly encourages the tobacco control community to review its GATC 2022–2025 Strategic Plan to learn more about the Alliance's future priorities and how its work aligns with *The Global Strategy to Accelerate Tobacco Control 2019–2025*.

The Alliance would like to thank all FCA members for their dedication and support over the past 20 years and looks forward to working alongside all its stakeholders and partners in creating a world in which every person can live a healthy and equitable life that is free from the devastating health, social, economic, and environmental consequences of tobacco.

Leslie Rae-Ferat

Executive Director, Global Alliance for Tobacco Control

Jason Chapman,

Communications and Campaigns Manager for the Global Alliance for Tobacco Control.

chapmanj@fctc.org

GLOBAL PLASTICS TREATY MUST ALIGN WITH GLOBAL TOBACCO CONTROL TREATY

In March 2022, the United Nations Environment Assembly (UNEA) mandated the negotiations of a global plastics treaty which is expected to include Single Use Plastics (SUPs), under which cigarette butts have been

categorised. There is no indication that the tobacco industry is excluded from being a stakeholder in the plastics treaty development process, although such a policy would ensure coherence with existing global tobacco control treaty obligations (WHO Framework Convention on Tobacco Control). Notably, the United Nations (UN) agencies and programmes have consistently excluded tobacco and arms businesses or marked these as 'high risk sectors' due to their conflict with the UN Charters' fundamental human rights goals.

At the national level, over 140 countries have plans to deal with SUPs but only a handful of the over 180 Parties to the WHO FCTC have included cigarette butts or tobacco plastics in their plans, mostly to implement the European Union (EU)'s Single-Use Plastics Directive which adopts the extended producer responsibility (EPR) policy to make tobacco companies pay for managing tobacco product waste and raise awareness about littering and its impact on the environment. However, EPR implementation in some parts of the EU has resulted in undermining tobacco advertising and promotion bans, particularly bans on so-called corporate social responsibility activities (CSR) of the tobacco companies. It has enabled the tobacco industry to partner with governments or to promote itself as a socially responsible actor. Cases of active lobbying by the tobacco industry in the environment sector have also been observed.

Cigarette butts are widely known to be the single most littered item on earth. Cigarette filters, from which cigarette butts are derived, are a deceptive deadly design feature giving smokers the false impression of safety, when in fact they have been associated with more aggressive forms of lung cancers caused by changes in the toxicants during combustion, deeper inhalation of tobacco smoke and plastic fibres falling out of the end of the filter. In addition, cigarette butts contain some of the toxic constituents of tobacco products. According to country and global estimates from Global Centre for Good Governance in Tobacco Control (GGTC)'s Tobacco Toxic Plastics page, cigarette butts and the plastics in tobacco packaging cost governments at least USD 1 billion a year in waste management costs and around USD 20 billion a year in loss of marine ecosystem services. Ecosystem services refer to goods people obtain

from the marine environment such as food, recreation, tourism and pest control.

As part of its Clean Seas Campaign, WHO and the United Nations Environment Programme (UNEP) raised awareness of the dangers of the plastics found in the 4.5 trillion cigarette butts littered annually, along with other environmental harms of tobacco, demonstrating how human health is intrinsically linked to planetary health. For World No Tobacco Day 2022, WHO and civil society groups called for a ban on cigarette filters and sought to hold the tobacco industry accountable for the destruction it causes to health and the environment. These calls would be in vain if the negotiations on the global plastics treaty fail to consider that governments across the world have been trying hard to fulfil the objectives of the global tobacco control treaty, despite tobacco industry interference. The Parties to the WHO FCTC are obligated to protect their policies from 'commercial and other vested interests of the tobacco industry' (WHO FCTC Article 5.3) and accordingly, over 70 countries have adopted policies to exclude the tobacco industry from having a seat at the table or to denormalize the tobacco industry's so-called CSR.

Any measure to address plastics, especially SUPs, should align with the global tobacco control treaty. The calculations from the GGTC's Tobacco Toxic Plastics could be a starting point to account for the harms of filters, noting that this could form part of price/tax measures to reduce tobacco use (WHO FCTC Article 6), and could help countries address the liability of the tobacco industry (WHO FCTC Article 19).

On 28th July 2022, the United Nations General Assembly recognised that everyone on the planet has a right to a healthy environment when it adopted a Resolution calling on countries to increase efforts to ensure access to a 'clean, healthy and sustainable environment'. The impact of tobacco corporations on the environment is in direct conflict with the aims of this Resolution. Furthermore, given the 8 million deaths caused by its products every year, the tobacco industry is deemed incapable of fulfilling any social good. Under no circumstances should it be treated like other stakeholders in plastics policy development.

Debbie Sy

Head of Global Public Policy & Strategies
Global Centre for Good Governance
in Tobacco Control, Thailand

Laurent Huber

Executive Director, Action on Smoking
& Health, USA

huberl@ash.org

EUROPE

SCOTLAND: ADVOCATES ENSURE JAPAN TOBACCO INTERNATIONAL SPONSORED EVENT CANCELLED AT SCOTTISH NATIONALIST PARTY CONFERENCE

The Scottish Nationalist Party (SNP) is a political party which was just one seat short of a majority in the 2021 Scottish Parliament election. The SNP currently runs the administration of the Scottish Government in a cooperation agreement with the Scottish Green Party. ASH Scotland became aware of a proposed fringe event organised at the 2022 SNP party conference on Saturday eighth October which was co-sponsored by JTI (Japan Tobacco International) and Dods, the parent company of Holyrood Communications.

The proposed Dods/JTI event featured a panel of speakers from the Institute of Economic Affairs, the Adam Smith Institute, and the Scottish Grocers Federation, plus a Corporate Affairs Manager from JTI. These organisations are all noted for having previous involvement with the tobacco industry. The University of Bath's Tobacco Tactics website provides information on the tobacco industry links of each of these organisations. The fringe event entitled '*Embracing alternatives to smoking in Scotland*' made reference to the Scottish Government's recent consultation on tightening vaping advertising regulations, and invited delegates to 'Join us as we consider what the industry can do to support the Scottish Government's objectives, particularly to protect children and young people'.

ASH Scotland contacted the SNP's Chief Executive, Holyrood Events and the two parliamentarians named as speakers, to raise concerns that the tobacco industry and its allies are not public health stakeholders and that the event ran counter to the Scottish Government's clear commitment to upholding the WHO FCTC's Article 5.3 to protect health policy in Scotland from tobacco industry interference. Both parliamentarians withdrew, and the event was cancelled by the organisers.

The existence of the FCTC appears to have been a clear deciding factor, as

another fringe event co-sponsored by Coca Cola and Holyrood entitled '*Tackling Obesity: The Role of Scotland's Food and Drink Industry*' went ahead. However, the participating MSP referenced in the conference handbook as Co-Convener of the Scottish Parliament's Cross Party Group on Improving Scotland's Health, read a short statement which made clear on behalf of the Cross Party Group secretariat (ASH Scotland and Alcohol Focus Scotland) that the Group in no way endorsed the event, and operates a strict conflict of interest policy to prevent commercial health-harming industries from influencing health policy discussions.

ASH Scotland is an active member of the NCD (Non-Communicable Disease) Alliance Scotland brought together by the British Heart Foundation Scotland. The NCD Alliance Scotland also supported challenging the JTI/Dods fringe event and continues to work together to drive action on tobacco, alcohol and unhealthy foods.

Sheila Duffy

Chief Executive, ASH Scotland, United Kingdom.

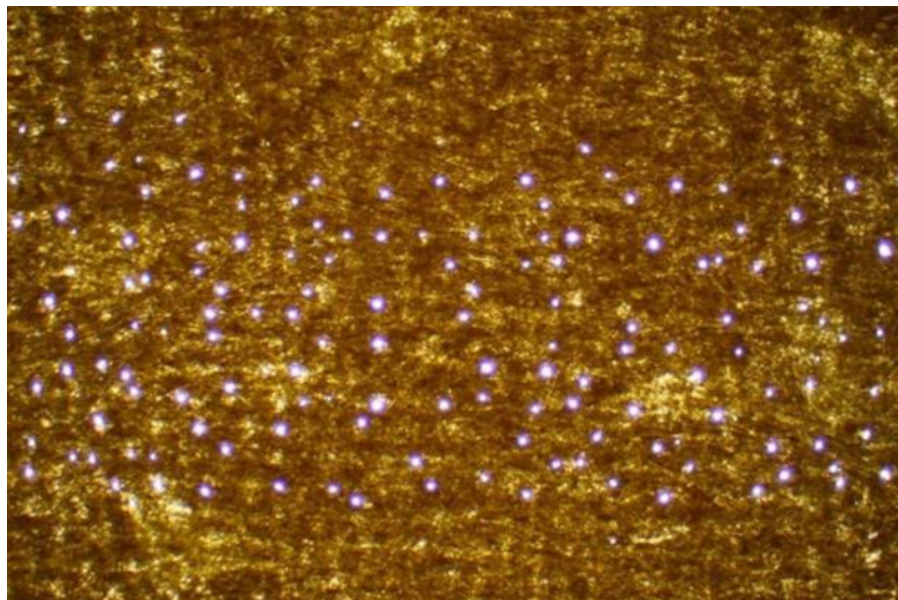
SDuffy@ashscotland.org.uk

NETHERLANDS: DUTCH ENFORCEMENT AGENCY MUST ACT AGAINST 'RIGGED' CIGARETTES

In November 2022, the Rotterdam Court in the Netherlands ruled that it is unlikely filtered cigarettes meet the legally prescribed maximum emission standards for Tar, Nicotine and Carbon Monoxide (TNCO). The court ruled that the Dutch Food and Consumer Product Safety Authority (NVWA) would be required to take enforcement action and withdraw all current filtered cigarettes from the market.

'This is extremely important news, because it means the definitive end to the rigged cigarette. The judge clearly puts an end to the combination of the filter cigarette and a fraudulent measurement method for the emissions of tar, nicotine and carbon monoxide. Through this combination, the tobacco industry has been able to make and keep people addicted for years, but this judgement makes it clear that this practice cannot last. The NVWA must immediately remove all cigarettes from the shelves. And in fact, I can't see why this wouldn't apply to the whole of the European Union' said Wanda de Kanter, chairman of Youth Smoking Prevention Foundation in the Netherlands.

In February 2022, the European Union's Court of Justice gave permission for the Dutch administrative court to review the way that filtered cigarette



Filter perforations in a Marlboro Red cigarette filter [Image courtesy of the Netherlands Cancer Institute]

emissions are measured. In this case, the Dutch Youth Smoking Prevention Foundation requested that the NVWA effectively enforce the maximum emission levels set by EU law for TNCO.

All filtered cigarettes (not only the ones that were previously known as ‘light’ or ‘mild’) have small perforations through which fresh air is drawn in during official measurements, therefore falsely diluting the levels of TNCO. Smokers cover these holes with their mouth and fingers, allowing higher rates of TNCO to be inhaled than legally permissible.

‘The tobacco industry will simply have to make new cigarettes with far fewer carcinogens and nicotine that will comply with the legal maximum emissions

measured with a new measuring method’ said Wanda de Kanter.

In 2018 the Dutch National Institute for Public Health and the Environment researched an alternative measurement method that accurately reflects smoking behaviour (known as the Canadian Intense method), which showed that the TNCO emissions from cigarettes are between 2 to 26 times higher than the legally permitted maximum emissions of 10 mg tar, 1 mg nicotine and 10 mg carbon monoxide during real-life filtered cigarette consumption.

The NVWA initially dismissed this research finding, instead continuing to rely on the International Standard Organisation (ISO) measurement method for TNCO prescribed by law. In 2019, Youth

Smoking Prevention and others asked the court to rule on whether the ISO was a sufficient measurement method for TNCO.

The EU Court of Justice ruled that to uphold the maximum TNCO emissions a measurement method should be used that ‘according to the scientific and technical developments or according to international agreed standards are appropriate to measure the emission levels associated with intended use of a cigarette release, involving a high level of protection of human health, especially for young people, as a basis must be taken.’

‘This ruling by the highest European Court is in fact, as of 22 February 2022, the applicable law in the EU. The Dutch Court rightly followed this judgement, stating that the NVWA has to uphold the maximum emissions using a measuring method in accordance with the criteria prescribed by the EU Court,’ Mr. Phon van den Biesen, lawyer for Youth Smoking Prevention said.

It is unclear whether the European Union plans to adopt the Canadian Intense Method for TNCO to effectively enforce the maximum emission levels set by EU law. Appeal to the judgement by the EU Court is not possible. The NVWA has until mid-December to react on the Dutch court ruling to which an appeal is possible.

Bas van Lier,
TabakNee
redactie@tabaknee.nl

© Author(s) (or their employer(s)) 2023. No commercial re-use. See rights and permissions. Published by BMJ.



Tob Control 2023;**32**:3–5.
doi:10.1136/tc-2022-057887