

Worldwide news and comment

GLOBAL

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How can tobacco control capitalise on national, regional and global plastics treaties

Tobacco Control has frequently referred to the fact that cigarette butts are the most littered item on the planet, with 4.5 trillion discarded annually, leaching toxic chemicals and microplastics into our soils and waterways. The filters do not provide any additional protection for consumers, and the cellulose acetate that makes up cigarette filters can take up to 30 years to degrade. A recent survey of nearly 2 million items of plastic waste across 84 countries found that fewer than 60 multinational companies are responsible for more than half of the world's plastic waste, and products from tobacco companies Altria and Philip Morris International combined made up 2% of the branded plastic litter found.

Following a resolution passed at the fifth session of the UN Environment Assembly, an Intergovernmental Negotiating Conference (INC) was convened to develop an international legally binding treaty on plastic pollution. The INC began its work in the second half of 2022 and plans to conclude negotiations by the end of 2024. In addition, Article 18 of the FCTC addresses the protection of the environment in the tobacco production chain. COP 10 in Panama earlier in 2024 took a historic decision on FCTC article 18 urging Parties to take account of the environmental impacts from the cultivation, manufacture, consumption and waste disposal of tobacco products, identifying that 'plastic cigarette filters are unnecessary, avoidable and problematic, single-use plastics that are widely spread in the environment, killing microorganisms and marine life, as well as polluting oceans'. An alignment of the goals of tobacco control advocates and campaigners against plastic pollution has provided opportunities for collaboration between the two groups.

The Stop Tobacco Pollution Alliance attended the fourth Intergovernmental Negotiating Committee (INC-4) of the

United Nations Treaty to End Plastic Pollution held in Ottawa at the end of April 2024. Campaigners have called on countries to classify cigarette filters as hazardous plastic waste and to include filters in the list of 'Problematic and avoidable plastic products, including short-lived and single-use plastic products' to be banned. Over the course of the INC-4 meeting, the FCTC was recognised in the draft text, and Peru and Panama called for a total ban on plastic cigarette filters. However, petrochemical and other industries continue to obstruct the plastics treaty as a whole, with an analysis by the Center for International Environmental Law finding that national delegations, scientists and indigenous peoples at the negotiations were outnumbered by fossil fuel industry lobbyists. With the INC-5 scheduled to take place in November 2024 in Busan Korea, undoubtedly progress has been made; however, some are concerned about interference from vested interests and that the deadline to finalise the treaty is in jeopardy.

Nonetheless, this reminds us that there are opportunities for multisectoral collaboration between tobacco control and other sectors and areas of advocacy, including social justice, gender equity, child labour and human rights.

OCEANIA

New Zealand: rolling back tobacco control measures

New Zealand, Prime Minister Christopher Luxton's coalition government has followed through on its promise to repeal the world-leading Smokefree Environments and Regulated Products Amendment Act. The prime minister doubled down on well-worn unsubstantiated claims to justify the government's decision, such as concerns about increases in the tobacco illicit market and crime. This is familiar tobacco industry rhetoric which is in direct conflict with repeated refutation of these claims by New Zealand experts, and ignores strong public support for the legislation, including among people who smoke. Māori health experts identified that the government's refusal to consult with Māori leaders regarding the repeal constitutes a breach of its Tiriti o Waitangi obligations, and a Waitangi Tribunal claim was lodged.

Efforts from the New Zealand and global public health community were unsuccessful in diverting the government from its course and the amendment to repeal the legislation was introduced on the 27 of February 2024, and passed the

following night. An unhappy coincidence, 27 February also marks the anniversary of the FCTC coming into effect 19 years ago in 2005. The repeal was a blow for tobacco control and public health advocates worldwide following the successes of COP10 in Panama, where delegates committed to prioritising human rights and the environment over commercial interests, strengthening the regulation of tobacco advertising, promotion and sponsorship and advancing forward-looking tobacco control measures such as those included in the New Zealand plan. The repeal will roll back measures such as the retail reduction scheme, denicotinisation, and the smokefree generation measure.

ASH (Action for Smoking and Health) USA Policy Director Chris Bostic urged the public health community not to lose hope saying "While this is a setback and very troubling, the more than fifteen years of work from our New Zealand colleagues was not for naught. Smokefree Aotearoa has inspired many other countries such as the UK to follow, as well as the COP10 decision on Article 2.1, which would have been inconceivable just a few years ago."

NORTH AMERICA

USA: e-cigarette and cannabis influencer marketing on social media—an ad watch

Cannabis and nicotine are two of the most commonly used substances among youth in the USA. In 2023, 11.4% of eighth graders and 23.2% of 12th graders (15–17 years old) vaped nicotine, while 6.5% of 8th graders and 19.6% of 12th graders vaped cannabis in the past year.

Some evidence suggests that adolescents who use e-cigarettes (vape nicotine) are at risk of progression to cannabis vaping or vice versa or to dual use of e-cigarettes and cannabis products. Those who use both e-cigarettes and cannabis can suffer from negative health effects of both substances. E-cigarette and cannabis use are harmful to adolescents' brain development, can lead to addiction and are linked to depression and other mental health problems.

Several of the world's leading tobacco companies have shown interest in the cannabis business, have invested in cannabis companies and have supported pro-cannabis groups that lobby for cannabis legalisation. For example, Altria and British American Tobacco partially acquired cannabis research groups, and Phillip Morris International invested in a medical cannabis company. It is therefore not surprising that an increasing number of physical and online vape shops sell



Figure 1 Instagram posts from microinfluencers, screen grabbed in April 2024.

both nicotine and cannabis vape products. Marketing (eg, on social media) of cannabis and e-cigarette products side by side has also emerged.

Influencers actively promote e-cigarettes on social media, but comarketing of e-cigarette and cannabis products by influencers has rarely been reported. We found evidence that some micro-influencers (ie, influencers with fewer than 100 000 followers) who promote e-cigarettes on social media also promote cannabis or hemp products (including cannabidiol (CBD) and psychoactive Delta-8 tetrahydrocannabinol (THC) - the two natural compounds found in the cannabis plant). For example, [figure 1](#) and [figure 2](#) feature microinfluencers who promote disposable nicotine e-cigarette devices next to cannabis disposable vape bars ([figure 1](#)) or a Delta-8 flower product ([figure 2](#)) on Instagram and TikTok. Studies show that youth may trust influencers more than direct advertising because influencers' posts may seem more authentic and relatable. Promotion of cannabis and nicotine/tobacco products next to each other may confuse youth about which product (e-cigarette or cannabis) is being promoted in a post. That is because of the strong

resemblance between disposable and cartridge-based nicotine vape products and cannabis vape products ([figures 1 and 2](#)). Such marketing can glamorise vaping both substances, motivate youth to start using them and see such behaviour as normative. Moreover, the cannabis industry may adopt marketing strategies of the tobacco industry, for example, the use of influencers in cannabis product promotion on social media. The lack of legislation (eg, in the USA) related to cannabis marketing restrictions likely exacerbates the issue.

Facebook, Instagram and TikTok prohibit influencers from promoting nicotine/tobacco products and selling or promoting cannabis, but the substances are promoted on these platforms in violation of community guidelines. Our findings show the need for further regulation of social media influencer marketing globally and greater research and policy attention to co-use and comarketing of e-cigarette and cannabis products.

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EUROPE

Netherlands: The Massachusetts Supreme Court upholds Brookline's Tobacco Free Generation Legislation

In March 2024, the Massachusetts Supreme Judicial Court upheld a by-law from 2020 in the town of Brookline permanently banning the sale of tobacco products to anyone born this century. Retailers claimed in their legal challenge that only the state could create a birthdate restriction, not municipalities, and that an ongoing distinction between those born before and after the birthdate violates the Massachusetts state equal protection clause. The Court unanimously sided with the law, holding that it furthers Brookline's legitimate goal of mitigating nicotine use, and that drawing a generational line was grounded on a rational basis, which is the core tenet of equal protection.

Other nearby municipalities in Massachusetts just north of Boston were waiting for resolution of the legal challenge. Within weeks, the towns of Stoneham, Wakefield and Melrose adopted birthdate restrictions, with more expected as other municipalities hold hearings. Internationally, the UK government formally introduced birth year phaseout legislation in March 2024, which passed the second reading in Parliament on April 16 by a 383 to 67 margin. However, following the announcement of the UK General Election scheduled for July 2024, tobacco control legislation plans were halted.

Tobacco is the only consumer product that is highly addictive, kills when used as intended yet can currently be sold legally. We envision a future without tobacco, but the endless harrying tactics of the tobacco industry have stymied this goal. In the USA, the Tobacco-Free Generation (TFG) concept, or more precisely Nicotine-Free Generation (NFG) to include vaping products, is an attractive part of an Endgame strategy to end the tobacco and nicotine epidemic forever. A 2023 Centres for Disease Prevention and Control survey showed that 57% of US adults favour an immediate ban on tobacco sales, with support for NFG even higher. Even most people who smoke support the idea.

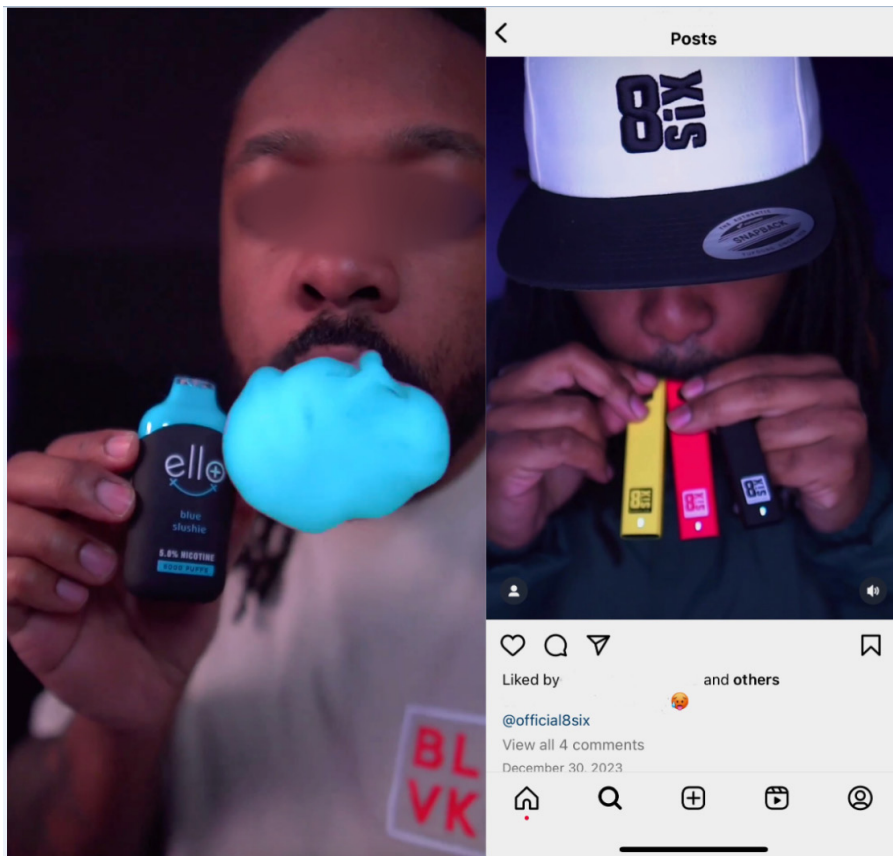


Figure 2 Instagram posts from microinfluencer, screen grabbed April 2024.

People who currently use nicotine products may fear a precipitous removal of a chemical they feel they need. Over 70% of adults who smoke wish they could quit; an even higher number wish they never started. When asked at what age they want their own children to start smoking, the only responsible reply a loving parent (including those who currently smoke) can give is “Never!”

There are a number of ‘Endgame’ policy options that can work concurrently. The TFG/NFG concept is elegant because it doesn’t restrict access to tobacco for existing adults who smoke. Those people need substantial public health commitments, and a strong Endgame package of reforms must include cessation support. TFG/NFG creates a ‘generational fire break’ to keep the epidemic from spreading to younger generations.

Elsewhere in the USA, California has been a leader in tobacco policy for

decades. Five years ago, the California Department of Public Health launched a campaign to assist cities to develop tobacco ‘endgame’ policies. The first two cities worldwide to ban all tobacco sales, Beverly Hills and Manhattan Beach, are in California. In 2023, a TFG bill was introduced by California Assemblyman Damon Connolly, and statewide bills introduced in Nevada and Hawaii also included birth-year phaseouts.

The stage is now set for other jurisdictions nationally to join the TFG/NFG movement, while continuing to support efforts by municipalities seeking to advance the outright bans that Beverly Hills began. Municipalities that would not support a complete ban due either to concern about existing consumers or about retailers might agree to TFG because it allows ongoing purchase by current consumers and won’t end cigarette sales overnight. The gradualism of TFG serves

as a backstop while States ramp up their cessation support, and may reduce resistance to a complete ban in coming years.

In the USA, tobacco is responsible for more than 20% of all deaths. Even at the peak of the pandemic, more people died from tobacco than from COVID. The WHO estimates one billion people will die from tobacco this century. But those deaths are not written in stone, and Brookline has illuminated one path forward for the nation. Adoption by more municipalities in Massachusetts will support the future statewide adoption of the measure, with other states to follow.

We know how to eradicate the tobacco epidemic; what is required is political will. To achieve the Endgame in America, a multipronged strategy spanning local, state and federal action will ultimately be necessary. TFG/NFG is a powerful tool that can play a critical role to incrementally protect an increasing proportion of the population over time, coupling this with robust cessation support to compassionately help those who are already addicted. Instead of aiming merely to control tobacco, we should strive to end the problem.

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