USA: tobacco is a drug—official

At last, after the most action-packed bout of tobacco control activity ever seen in the United States, President Bill Clinton has confirmed his decision to back the Food and Drug Administration's (FDA's) regulation that classifies cigarettes and smokeless tobacco products as drug-delivery devices, thereby allowing control of their sale, distribution, promotion, and advertising. Months of political lobbying, press frenzy, high-level lawsuits (real and threatened), soft-option legislative proposals, disinformation campaigns, and other dirty tricks from the tobacco industry led up to the announcement, at the end of August, of the release of the new FDA rules. The various provisions are scheduled to take effect within six months to two years. However, whether and when they will go into force will depend on the outcome of lawsuits filed by tobacco and advertising interests when the proposed rules were first announced in August 1995.

The final rules have the same focus as those first proposed—restricting cigarette and smokeless tobacco advertising and promotion, and controlling minors' access to those products. An executive summary of the final rules, along with the statement President Clinton made at the time of their release, are reproduced on pages XX—XX of this issue of Tobacco Control. In brief, the rules ban outdoor advertising within 1000 feet (305 metres) of schools and playgrounds; permit black-and-white, text-only advertising in publications with significant youth readership (under age 18); prohibit the sale or giveaway of non-tobacco products such as caps, jackets, or gym bags that carry cigarette or smokeless tobacco brand names or logos; and prohibit brand-name sponsorship of sporting and entertainment events (but allow sponsorship in the corporate name). With regard to youth access to tobacco, the rules require age verification for all over-the-counter sales, limit vending machine sales and self-service displays to places where minors are not allowed (such as certain bars and nightclubs), prohibit the sale of single cigarettes and packs of less than 20 cigarettes, and prohibit free sampling of cigarettes. In a separate rule, the FDA will require the six tobacco companies with significant sales to children to educate young people about the health hazards of tobacco use, in a national, multi-media campaign to be monitored by the FDA for its effectiveness.

The executive summary explains the FDA response to public comments on the original version of the rules. It notes that the proposed rule generated more comment (700 000 pieces of mail) than any other proposed rule “in the history of federal rule making”. Most of the comments were engineered by letter-writing campaigns sponsored by the tobacco industry. The largest campaign, which opposed the rule, generated more than 300 000 pieces of mail, or 42% of all the comments received. (For a summary of the original version of the rules, see Tobacco Control 1995;4:299–309.)

Changes to the proposed rules in response to the public comments were modest. The advertising and marketing restrictions were strengthened slightly by extending the ban on brandname sponsorship of events to individual teams (such as those in motor car racing events). The proposed rules on minors' access were weakened somewhat, replacing a total ban on vending machines with restrictions to adult-only locations, and replacing a ban on mail-order sales with a pledge for FDA monitoring of such sales “to ensure that they do not provide young people with a mechanism for purchasing cigarettes and smokeless tobacco”. Finally, the original rule proposed to require the tobacco industry to contribute $150 million per year to a programme to
educate young people on the hazards of tobacco use; this provision was replaced with the announcement that the agency will require an industry-sponsored educational campaign through a separate rule (with no dollar amount specified yet).

The final FDA rule was released in the midst of the US presidential campaign. The rule, in addition to comments by Republican presidential candidate Bob Dole questioning the dangers and addictiveness of smoking, helped make tobacco a key presidential campaign issue (figure). Veteran tobacco control advocates are unaware of this ever having happened before in any country. This unprecedented episode in the annals of tobacco control will be chronicled in the next issue of the journal.

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Another President speaks out

President Bill Clinton is not the only President to speak out about tobacco, even if he is the best publicised. At the other end of the economic scale from the United States, and with more than its fair share of problems to cope with, Bangladesh is at least fortunate to have in President Abdur Rahman Biswas a leader who recognises tobacco for what it is. In a statement issued on World No-Tobacco Day (31 May), he said tobacco in any form was a poison, and expressed the hope that the world would be freed from it one day.—DS

BAT: business as usual

Shares in tobacco giant BAT Industries may have taken a tumble after the Florida product liability lawsuit verdict against its US subsidiary Brown & Williamson, but in many respects life goes on as normal. In a previous issue of Tobacco Control (1994;3:76–7), we wrote about BAT’s travelling roadshows of “experts” who generate highly misleading press coverage about health and other tobacco issues in countries such as South Africa and Sri Lanka. Tobacco Control has learned that BAT has been at it again. This time journalists from eight African countries (South Africa, Kenya, Uganda, Mauritius, Ghana, Nigeria, Zaire, and Zambia) were invited to a two-day seminar at the Hotel Maritime in Mauritius in early September.

It’s business as usual, too, in the chairman’s office. Carrying on the traditions of BAT’s recently retired chairman, Sir Patrick Sheehy (see Tobacco Control 1996;5:106–7), his successor, Lord Cairns, appears to be even more deeply involved in international relations and development aid. Recent disclosures add to the impression that fostering links with the world of foreign aid is another part of BAT’s policy for its own development in the developing world.

In August, a British Sunday newspaper, The Observer, revealed just how far these links now go. Lord Cairns, who is better known as Lord Chairs: apart from his $277,000-a-year chairmanship of BAT, he is also chairman of the Commonwealth Development Corporation, with an annual budget of $2.2 billion for investment in poor countries, and chairman of the Overseas Development Institute, a think-tank organised by the Foreign Office, which is influential in determining aid policy. Until 1992 he was also chairman of Voluntary Service Overseas (VSO), the leading British organisation sending volunteers to work in developing countries, on which the US Peace Corps was modelled. BAT makes a donation to VSO every year, and also to another aid charity, CARE Britain.

BAT’s aid links do not stop there. The chairman of the British Parliament’s All-Party Group on Overseas Development is a Conservative member of parliament, Sir James Lester MP, who is a paid parliamentary consultant to BAT. Another member of this committee, a Labour party MP, holds an industrial fellowship to study BAT’s financial services operations, paid by a parliamentary trust funded by a group of businesses.

It is hard to believe these connections are not beneficial to BAT, especially in new or sensitive markets. As The Observer noted, the Commonwealth Development Corporation (CDC) is offering aid to Cuba at the same time as BAT is pioneering cigarette operations there; and in Thailand, CDC is funding development projects while BAT tries to open up the market. BAT claims it is simply being “a good corporate citizen in showing an active interest in development in those countries in which we have had a commercial interest for many years”. A company spokesman denied that Lord Cairns’ involvement in development agencies was to further the interests of BAT. But perhaps BAT’s interest in Lord Cairns is a little less unconnected. —DS

Croatia: ads run wild

Taking advantage of an apparent cooling in the government’s previous commitment to controlling tobacco promotion, tobacco companies have been indulging in a spate of aggressive cigarette advertisements. One major campaign for the Triumph brand, made by the Rovinj tobacco factory, and Filter 160 Lights, employed such a barrage of large-scale outdoor posters along major roads that drivers complained that they were a safety hazard. The advertisements, they said, distracted their attention from driving, especially those showing attractive, scantily dressed, young female models. These advertisements were followed by a campaign for another local brand, Writer Wolf, showing a young man with a Porsche car, a symbol of luxury and success available to few in Croatia.

Early this year, a consultant to the Rovinj tobacco factory boasted on a television programme that his company was about to start a major campaign that would demonstrate its power, and make a joke of the health minister’s efforts to control television advertisements. In due course, a series of eight advertisements appeared on the state-owned channel, showing a variety of unrelated scenes linked by a text which, roughly translated, said: “A good product is a good product, even if we cannot mention its name.”

But at the bottom of the screen there appeared the name of one of the company’s brands, Ronhill, accompanied by a symbol indicating that this was a newly formed marketing enterprise. Complaints from the public received a weak response from the television channel, which was apparently unwilling to act in case this “new” Ronhill was indeed a genuine marketing operation, and not a cigarette brand.

Later, television coverage of the Euro 96 soccer championships was saturated by advertisements for “Filter 160 Lights Cosmetic Line”, which struck local health advocates as one of the more absurd associations yet devised for cigarettes, and by York brands mentioned every time there was a goal. One can only hope that such aggressive promotion may increase the determination of the health minister to tighten up the country’s advertising regulations. —DS