

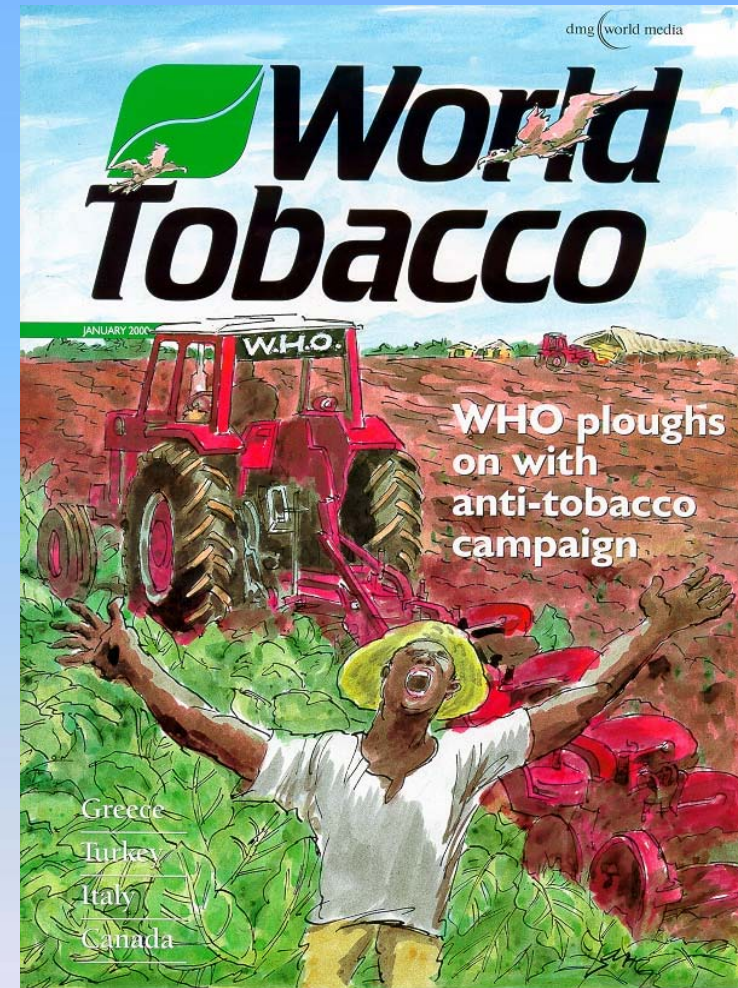
# WHO – Article 5.3 WHO FCTC and the Tobacco Industry

Turkish National Congress on Tobacco or Health  
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World Health Organization

# Introduction

- ▶ Effective tobacco control is antithetical to the economic interests of the tobacco industry
- ▶ When tobacco control succeeds, the tobacco industry fails
- ▶ History tells us that that the industry will do what it can to ensure tobacco control policies fail



# Tobacco industry's goals

“our goal is to help shape regulatory environments that enable our businesses to achieve their objectives ... Our overall approach ... is to fight aggressively with all available resources, against any attempt, from any quarter, to diminish our ability to manufacture our products efficiently, and market them effectively...”

Steve Parrish, then Senior Vice President Worldwide Regulatory Affairs (1

Source: <http://legacy.library.ucsf.edu/tid/jww95a00>



## Tobacco industry strategies to undermine tobacco control activities at the World Health Organization

“the evidence shows that tobacco companies have operated for many years with the deliberate purpose of subverting the efforts of WHO to address tobacco issues. The attempted subversion has been elaborate, well financed, sophisticated and usually invisible... This inquiry adds to the mounting evidence that it is also a struggle against an active, organized and calculating industry.”

Source: World Health Organization committee of experts on tobacco industry documents. Tobacco industry strategies to undermine tobacco control activities at the World Health Organization. 2000. Available from [http://www.who.int/tobacco/en/who\\_inquiry.pdf](http://www.who.int/tobacco/en/who_inquiry.pdf)

# Tobacco industry tactics for resisting effective tobacco control

- ▶ Intelligence gathering
- ▶ Public relations
- ▶ Political funding
- ▶ Lobbying
- ▶ Consultancy programme
- ▶ **Funding and influencing Scientific research**
- ▶ Smokers' rights groups
- ▶ Creating alliances and front groups
- ▶ Intimidation
- ▶ Philanthropy
- ▶ Corporate social responsibility
- ▶ Youth smoking prevention and retailer education programs
- ▶ Litigation
- ▶ Smuggling
- ▶ International treaties and other international instruments
- ▶ Joint manufacturing and licensing agreements and voluntary policy agreements with governments
- ▶ Pre-emption



# US vs PM et al.: Judge Kessler Final Opinion

"the intricate, interlocking, and overlapping web of national and international organizations, committees, affiliations, conferences, research laboratories, funding mechanisms, and repositories for smoking and health information which Defendants established, staffed, and funded in order to accomplish the following goals: counter the growing scientific evidence that smoking causes cancer and other illnesses, avoid liability verdicts in the growing number of plaintiffs' personal injury lawsuits...and ensure the future economic viability of the industry."

Source: Kessler G. Final Opinion: United States of America verses Philip Morris.

Civil Action No. 99-2496 (GK). 2006.

<http://tobacco.neu.edu/litigation/cases/DOJ/20060817KESSLEROPINIONAMENDED.pdf>



World Health  
Organization



# Primary domains of tobacco industry interference

- ▶ **attempts to undermine science and legitimate messages from scientific quarters**
- ▶ the manipulation of the media
- ▶ the industry's public relations efforts
- ▶ tactics designed to gain control of the public agenda
- ▶ lobbying efforts
- ▶ the use of front groups and artificially created grassroots movements
- ▶ intimidation
- ▶ harassment of tobacco control professionals

Source: Fox B, Bialous S, Trochim W, Stillman F and Schmitt CL. Monograph 17: Evaluating ASSIST – A blueprint for understanding state-level tobacco control. Chapter 8. Evaluating tobacco industry tactics as a counterforce to ASSIST. 2006.

[http://cancercontrol.cancer.gov/tcrb/monographs/17/m17\\_complete.pdf](http://cancercontrol.cancer.gov/tcrb/monographs/17/m17_complete.pdf)

# Importance of Tobacco Industry Monitoring

- ▶ Thwarting tobacco industry influence on public health policy development / implementation



- ▶ Public health advocates and Government Officials have recognized this need to retain the integrity of health policy



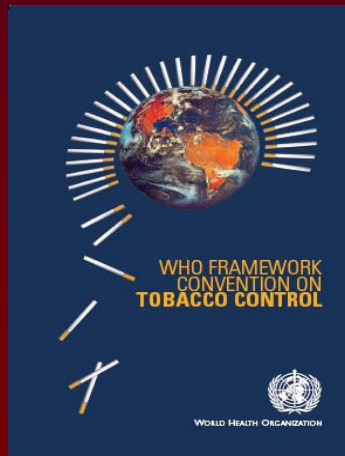
# WHO and Tobacco Industry Interference

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- ▶ **Resolution WHA 54.18 – Transparency in tobacco control**
  - Resolution urges Member States to be alert to any efforts by the tobacco industry to subvert the role of governments and of WHO in implementing public health policies to combat the tobacco epidemic, and to assure the integrity of health policy development in any WHO meeting and in national governments.

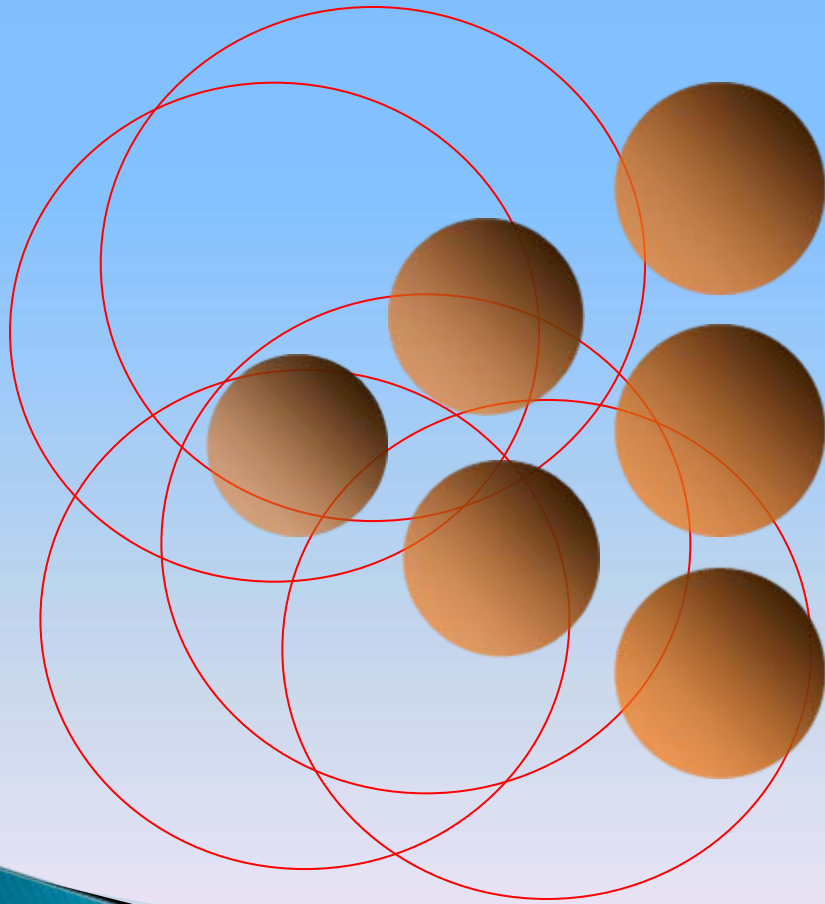
# The WHO FCTC

A dynamic model of global  
standard setting

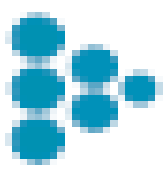




# Bringing in Change – MPOWER strategy

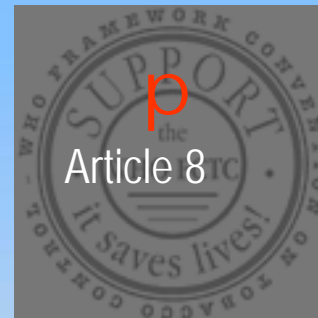
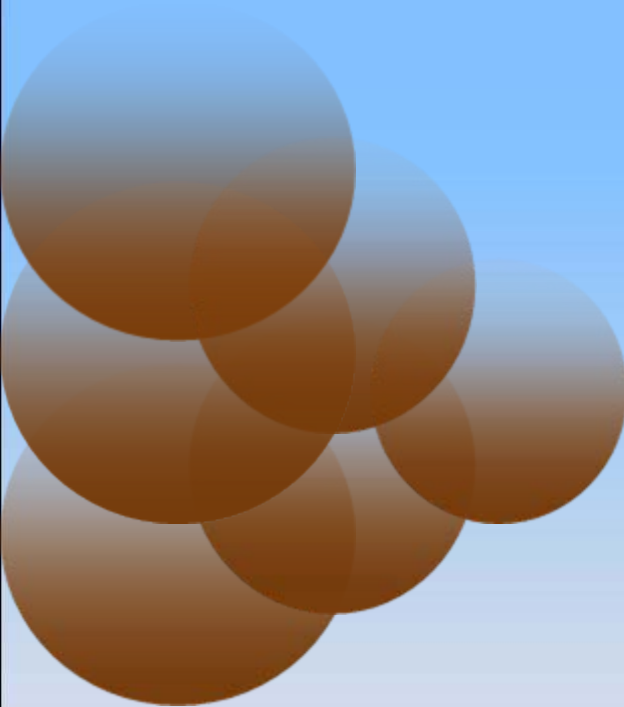


- monitor tobacco use and prevention policies
- protect people from tobacco smoke
- offer help to quit tobacco use
- warn about the dangers of tobacco
- enforce bans on tobacco advertising, promotion and sponsorship
- raise taxes on tobacco



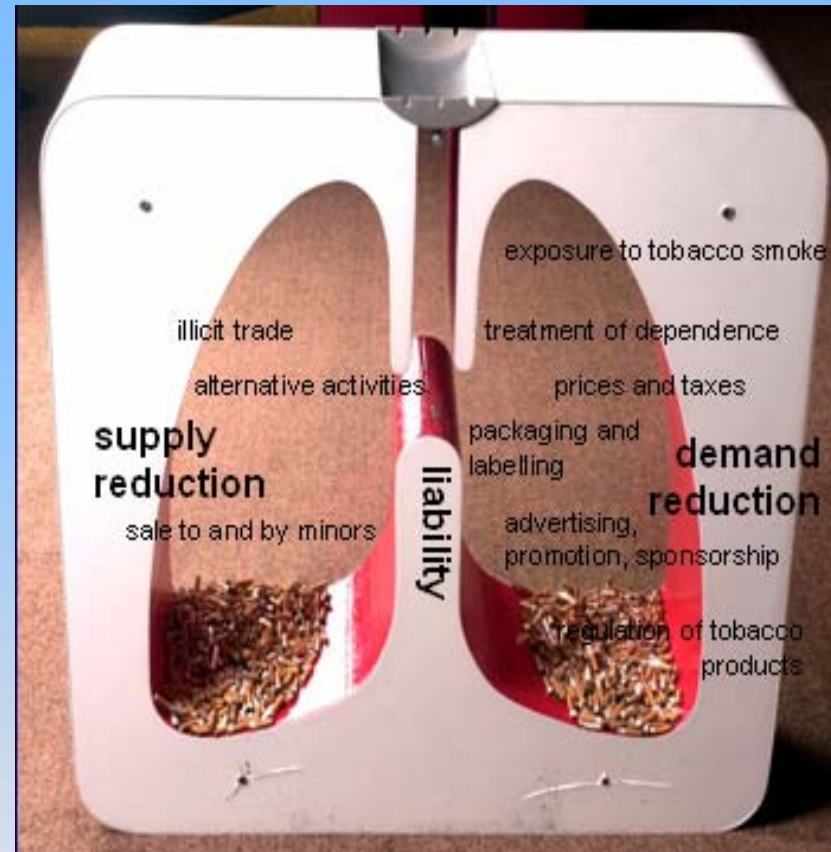
# WHO FCTC and MPOWER

An evidence-based tool for tobacco control (demand and supply side measures)



# Uniqueness of the WHO FCTC

- ▶ The WHO FCTC addresses tobacco control from both the supply-side and demand-side perspectives
- ▶ It impresses upon Parties the **need for comprehensive, multi-sectoral tobacco control measures** at the global, regional and local levels (Article 5, 20 and 22)
- ▶ The only multilateral treaty in which the potential **saboteurs** of its implementation (the tobacco industry) **are specifically identified**





# Tobacco Industry

# The “tobacco industry”

- ▶ A combination of manufacturers, importers, exporters, leaf processors, and other associated businesses.
- ▶ Not a single entity.
- ▶ Defined by the WHO FCTC as “tobacco manufacturers, wholesale distributors and importers of tobacco products”

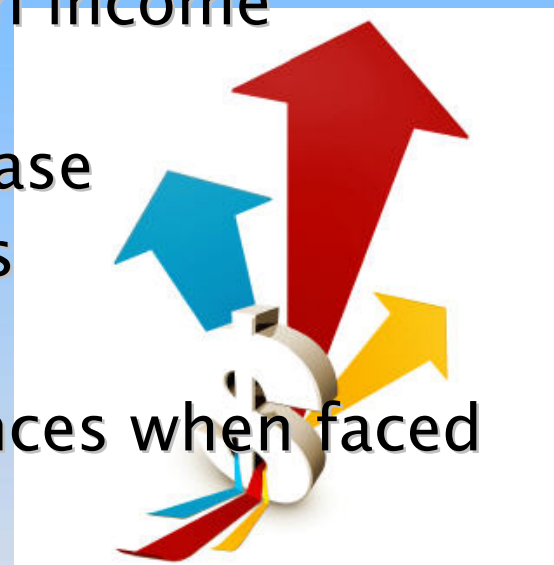
# The “tobacco industry”

- ▶ Largest Manufacturers/sellers of cigarettes
  - China National Tobacco Corporation
  - Philip Morris International and Philip Morris USA
  - British American Tobacco and associates (including ITC and Reynolds American)
  - Japan Tobacco International/Japan Tobacco
  - Imperial Tobacco



# The “tobacco industry”

- ▶ Remains profitable
- ▶ Expanding into low and middle income, but remaining profitable in several high income countries
- ▶ Top of merger and acquisitions phase
- ▶ New products, including smokeless
- ▶ In favor of “reasonable” regulation
- ▶ Differences when competing, alliances when faced with stricter regulatory framework.



# WHO FCTC warns against interference by the Tobacco Industry

- ▶ The preamble of the Framework Convention recognizes the need to be alert to industry efforts to subvert tobacco control policies.
- ▶ Article 5(3) obligates parties to the WHO FCTC to protect their public health policies regarding tobacco control from manipulation by the tobacco industry.
- ▶ The WHO FCTC is the only international convention to explicitly address the danger of an industry subverting the object and purpose of a convention.





# Article 5.3 Guidelines

## GUIDING PRINCIPLES

- ▶ Principle 1: There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests.
- ▶ Principle 2: Parties, when dealing with the tobacco industry or those working to further its interests, should be accountable and transparent.



# Article 5.3 Guidelines

## GUIDING PRINCIPLES

- ▶ Principle 3: Parties should require the tobacco industry and those working to further its interests to operate and act in a manner that is accountable and transparent.
- ▶ Principle 4: Because their products are lethal, the tobacco industry should not be granted incentives to establish or run their businesses.



# Article 5.3 Guidelines

## RECOMMENDATIONS

- ▶ Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.
- ▶ Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.



# Article 5.3 Guidelines

## RECOMMENDATIONS

- ▶ Avoid conflicts of interest
  - Payments, gifts and services, monetary or in-kind, and **research funding** offered by the tobacco industry can create conflicts of interest
  - Parties should not allow any person employed by the tobacco industry to be a member of any body that sets or implements tobacco control policy
  - Parties should not allow any official or employee of government or of any semi/quasi-governmental body to accept payments, gifts or services, monetary or in-kind, from the tobacco industry



# Article 5.3 Guidelines

## RECOMMENDATIONS

- ▶ Do not give preferential treatment to the tobacco industry
- ▶ Denormalize activities described by the tobacco industry as “socially responsible”





# Example of strategies current observed, mostly as “Corporate Social Responsibility”

- ▶ **Memoranda of Understanding**
  - Counterfeit
- ▶ **Stakeholders meetings**
  - “Responsiveness”
  - Social investment
- ▶ **“Reasonable Regulation”**
  - Excludes evidence-based tobacco control
  - “Harm reduction”
- ▶ **Overhaul of marketing**
  - Viral, point of sales promotions, events



# Main Challenge?

- ▶ Dissemination of information to a level where awareness of tobacco industry's CSR strategies and its impact on health, community welfare and sustainable development become integrated in the decision making process of policy makers and opinion leaders, as well as the population

# Tobacco Free Initiative

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....for a tobacco free world

