Tobacco Industry Interference and Tactics – An Introduction

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The Union, a Partner in STOP
It's Time to Shine the Light on the Tobacco Industry

STOP is a partnership between the Tobacco Control Research Group at the University of Bath, the Global Center for Good Governance in Tobacco Control, The Union’s Department of Tobacco Control, and Vital Strategies with funding from Bloomberg Philanthropies.
Tobacco industry = cause and greatest barrier

Tobacco industry interference is still identified as single greatest impediment to progress in reducing tobacco use.

Fundamental and irreconcilable conflict of between tobacco industry and public health interests

Vector of the Epidemic
Tobacco Industry Interference in Policy Passage

Undermine -> Delay, Weaken, Circumvent, Violate, Overturn -> Prevent and Defeat future TC efforts

Crooked Nine: Nine Ways the Tobacco Industry Undermines Health Policy

1. Builds alliances and front groups to represent the “third party technique”
2. Tries to fragment and weaken the public health community
3. Disrupts and suppresses public health information
4. Produces and disseminates misleading research and information
5. Directly lobbies and influences policy-making
6. Influences “upstream” policies, including trade treaties, to make it harder to pass public health regulations
7. Litigates or threatens litigation
8. Facilitates and causes confusion around tobacco smuggling, using it to fight tobacco control
9. Seeks to manage and enhance its own reputation in order to increase its ability to influence policy
Tobacco Industry Interference in Policy Implementation

Undermine -> Delay, Weaken, Circumvent, Violate, Overturn -> Prevent and Defeat future TC efforts

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Tobacco Industry Tactics

- Creates allies of policy makers
- Create division
- Works through front groups and other their parties
- Funds research
- Disseminate misleading information and messaging
- Litigates or threaten litigation
- Becomes part of the process
- Exploits or creates loopholes
Thank you!

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www.exposetobacco.org

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Tobacco Industry Tactics at the Point of Sale

Maria Julian
Executive Director, Counter Tools
About Counter Tools

We work with our partners to advance place-based public health and health equity through policy, systems and environmental changes.

- Consulting
- Training
- Storytelling
- Providing Tech Tools
- Supporting Advocacy Efforts
- Disseminating Science and Best Practices

www.countertools.org

www.countertobacco.org
Industry interference at the POS takes many forms.

- Exploiting loopholes through price discounts, promotional allowances, coupons and more
- Advertisements
- Opposing tobacco control policies
- Litigation against tobacco control policies
Retail is the tobacco industry’s lead marketing channel.

Big Tobacco partners with convenience stores to hook kids and fight life-saving policies.
The industry spent $6.8 Billion on marketing in the US in 2020.

Cigarettes
- POS: 82.6%
- All Other: 17.4%

Smokeless Tobacco
- POS: 66.8%
- All Other: 33.2%

What are they spending on?

Price discounts and promotional allowances paid to retailers
$6.6 billion/year

POS Advertisements: signs, functional items, displays, shelving
$66 million/year

Coupons
$197.6 million/year

Federal Trade Commission Cigarette and Smokeless Reports for 2020
Retailer contracts let tobacco companies define the 4 Ps.

**Product**
What is being sold in the store?

**Promotion**
How are products being advertised?

**Place/Placement**
Where is tobacco being sold? Where is it placed in the store?

**Price**
How much does it cost per unit?
Retailer contracts create both push and pull effects.
Advertising is targeted.

Youth and minority and low-income communities are targeted at the point of sale.
Advertising is misleading.
The industry enlists retailers to oppose tobacco control policies.

NATO: National Association of Tobacco Outlets
NACS: National Association of Convenience Stores

Denver: Stop a BAN on Menthol Cigarettes, Flavored Cigars, and Flavored Dip
Speak out today!

Washington County: Stop BANS on Flavored Tobacco AND Tobacco Coupons!
Speak out today!

DC: Let Lawmakers Know How You Feel About the Tobacco Ban
Speak out today!

TobaccoIssues.com
The industry interferes in policy campaigns.

- Push for PUP laws that set up disparities that persist today
- Lobbying for POS preemption
- Lobbying for reduced taxes on modified risk tobacco products
- Fight tax increases and flavor bans
Stay in touch!

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Tobacco Industry Tactics in Indonesia
Lesson learned: Jakarta - Bogor - Depok city

Bernadette Fellarika Nusarrivera
Program Coordinator
International Union Against Tuberculosis and Lung Disease (The Union), Indonesia
Indonesia’s cigarette market is considered world’s fastest developing market. **30% of the 248 million adult population smoke**, which makes Indonesia the fifth largest market in the world.
Indonesia is a recognized tobacco-friendly market with no smoking bans or other restrictions and regulations in contrast to neighbouring ASEAN countries.

The Asia Pacific region added six million new smokers and will add another 30 million smokers by 2014.
The Journey of Tobacco Control in Jakarta

- Partial Smoke Free Area
- Smoking room was allowed

- Removal of smoking area in public places
- Dissemination 100% smoke free principle

- Implementation & enforcement 100% Smoke Free

- Sustainable funding
- TC system established
- Enforcement Monitoring

- Outdoor tobacco advertising ban
- Indoor tobacco advertising ban
- Tobacco tax for TC program

- SF Implementation Guidelines

- Display ban at the POS

2005

2010

2012

2014-2015

- 2018-2019

- Implementation of the law

2020-2021

Sumber: Smoke Free Jakarta
The Journey of Tobacco Billboard Removal in Jakarta

**Milestones**

- **2013**: Built policy advocacy
- **2013**: Adopted law to ban tobacco ads – August, 2014
- **2015**: Adopted Governor’s regulation to ban tobacco ads outdoor – Jan, 2015
- **2015**: Adopted Governor’s regulation to ban tobacco ads both indoor and outdoor – Dec, 2015

![Graph showing the decline in tobacco ads](image)

- **2013**
- **2014**
- **2015**
- **2016**
Photo: Smoke Free Jakarta
Tobacco ads removal at the POS

Video: Smoke Free Jakarta
No tobacco advertising and display ban signage

Photo: Smoke Free Jakarta
Impact of Tobacco Ads Ban on Regional Revenue in Jakarta

Advertising revenue contribution = 3% of Regional Revenue.

Advertising revenue increased after a ban on tobacco advertising.

Impact of tobacco advertising ban is positive.

Tobacco ads are replaced by other products ads.

Source: Smoke Free Jakarta, Province of DKI Jakarta
BOGOR CITY
Business players, local figures urge revision of smoke-free zone bylaw in Bogor

MAY 13, 2019

A number of traders and small and medium enterprise (SMEs) owners filed a judicial review with the Supreme Court over the bylaw on Dec. 5, 2019. (AFP/Louisa Gouliamaki)
Youth Organisations deliver 1000 letters of support to Mayor Bima during a press conference on Smokefree
Impact of TAPS Ban on Local Revenue in Bogor City

Contribution from tobacco advertising: 0.3 – 2.4%.

Revenue increased 2.6 times in 2016 compared to 2013.

Impact of TAPS ban is positive.

Source: No Tobacco Community, City of Bogor
DEPOK CITY
Random Inspections 2019-2021

The Random Inspection Year 2019-2021

- **2019**: POS 169, Smokefree 258
- **2020**: POS 200, Smokefree 0
- **2021**: POS 443, Smokefree 207

Legend: POS, Smokefree
Level of Compliance to the POS ban 2019-2021

<table>
<thead>
<tr>
<th>Year</th>
<th>Compliance</th>
<th>Non-compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>71</td>
<td>98</td>
</tr>
<tr>
<td>2020</td>
<td>75</td>
<td>125</td>
</tr>
<tr>
<td>2021</td>
<td>310</td>
<td>133</td>
</tr>
</tbody>
</table>
Integration of smokefree into COVID-19 sanitation inspections in Depok city
1. Memakai masker
2. Menjaga jarak
3. Mencuci tangan

Stop penyebaran COVID-19

Ayo terapkan 3M Plus

Stop merokok

Mengalahkan COVID-19:
Ayo lakukan 3M Plus
TEMPAT PENJUALAN INI TELAH DILAKUKAN PENGAWASAN
Perda Kota Depok No.2 Tahun 2020
tentang Perubahan Atas Perda Kota Depok No.3
Tahun 2014 tentang Kawasan Tanpa Rokok

KETENTUAN ADALAH SEBAGAI BERIKUT:
1. Dilarang memperlihatkan secara jelas jenis dan bentuk rokok / produk tembakau.
2. Dilarang meletakkan rokok / produk tembakau secara terbuka/tidak tertutup dan transparan.
3. Dilarang meletakkan rokok / produk tembakau bersebelahan dengan produk bayi dan anak.
4. Dilarang memberikan tanda menjual/menyediakan rokok/produk tembakau.
5. Dilarang menyuruh menjual rokok / produk tembakau kepada anak dibawah usia 18 tahun (menunjukkan bukti identitas diri yang berlaku).
6. Dilarang menjual rokok / produk tembakau kepada perempuan hamil.
7. Dilarang menerima/memberi iklan, promosi, sponsor dan CSR dari perusahaan rokok baik secara langsung maupun tidak langsung.
8. Dilarang menyediakan sarana/ tempat merokok.

HOTLINE PENGADUAN : 08111 23 2222

Pemerintah Kota Depok
#GueKTR
Generasi Unggul dan Eksis yang Keren Tanpa Rokok

Setiap orang dan badan yang menjual rokok kepada anak dibawah usia 18 tahun dan ibu hamil, akan dikenakan sanksi sesuai dengan Perda Kota Depok No 2 Tahun 2020 tentang Perubahan Atas Perda Kota Depok No 3 Tahun 2014 tentang Kawasan Tanpa Rokok

PERINGATAN : ROKOK AKAN MERUSAK HIDUPMU
Generasi Unggul dan Eksis yang Keren Tanpa Rokok

Peringatan: Rokok akan merusak hidupmu

Yuk Ngopi Sambil Berbincang, Sambil Bersama #GueKTR

#GueKTR

1.000
16.000
16 BATANG
Vape product display removal
Impact of TAPS Ban on Local Revenue in Depok City

Revenue increased by 84% in 2017 compared to 2014.

Impact of TAPS ban is positive.

Contribution from tobacco advertising: 0.15%.

Source: No Tobacco Community, City of Depok
Takeaways

• Tobacco industry interference are in every stages of policy development and implementation
• Impact of tobacco advertising ban to the local revenue is positive
• Tobacco ads are replaced by other products ads
• Tobacco control program should be integrated and budgeted within city health development plan and COVID-19 response program
• Whole government approach is needed to enforce and monitor implementation of the law
Thank You
Case Studies of TI tactics at Point of Sales and countering it in Brazil
Legal milestones

**Presidência da República**
**Casa Civil**
**Subchefia para Assuntos Jurídicos**

**LEI Nº 9.294, DE 15 DE JULHO DE 1996.**

Art. 3º É vedada, em todo o território nacional, a propaganda comercial de cigarros, cigarrilhas, charutos, cachimbos ou qualquer outro produto fumígeno, derivado ou não do tabaco, com exceção apenas da exposição dos referidos produtos nos locais de vendas, desde que acompanhada das cláusulas de advertência a que se referem os §§ 2º, 3º e 4º deste artigo e da respectiva tabela de preços, que deve incluir o preço mínimo de venda no varejo de cigarros classificados no código 2402.20.00 da Tipi, vigente à época, conforme estabelecido pelo Poder Executivo. (Redação dada pela Lei nº 12.546, de 2011)

Ministério da Saúde - MS
Agência Nacional de Vigilância Sanitária - ANVISA
RESOLUÇÃO DA DIRETORIA COLEGIADA – RDC Nº 213, DE 23 DE JANEIRO DE 2018
Traditional POS

In restaurants, as a decoration item

Display out of the exhibition place for products with design with movement
Traditional POS

Packages close to candies
Traditional POS

Attractive Packages for different groups
Measures

- training of professionals who carry out inspections on consumer rights
- Advocacy with congressional representatives to approve a bill that establishes the plain packaging
Legal milestones


Art. 2º A rede mundial de computadores (internet) não é considerada local de venda de produtos derivados de tabaco, sendo, portanto, vedada a oferta e venda de quaisquer destes produtos por este meio em todo o território nacional.

Art 8º Quanto à comercialização de produtos fumígenos derivados do tabaco fica proibido:

I- condicionar a venda de outros produtos, em uma mesma embalagem ou não, ou de serviços de qualquer natureza à aquisição de produtos fumígenos derivados do tabaco; II- commercializar produtos fumígenos derivados do tabaco pela internet em todo o território nacional.
Marco Legislativo

Presidência da República
Casa Civil
Subchefia para Assuntos Jurídicos


Art. 3º É vedada, em todo o território nacional, a propaganda comercial de cigarros, cigarrilhas, charutos, cachimbos ou qualquer outro produto fumígeno, derivado ou não do tabaco, com exceção apenas da exposição dos referidos produtos nos locais de vendas, desde que acompanhada das cláusulas de advertência a que se referem os §§ 2º, 3º e 4º deste artigo e da respectiva tabela de preços, que deve incluir o preço mínimo de venda no varejo de cigarros classificados no código 2402.20.00 da Tipi, vigente à época, conforme estabelecido pelo Poder Executivo. (Redação dada pela Lei nº 12.546, de 2011)

Ministério da Saúde - MS
Agência Nacional de Vigilância Sanitária - ANVISA

RESOLUÇÃO DA DIRETORIA COLEGIADA – RDC Nº 46, DE 28 DE AGOSTO DE 2009

Art. 1º Fica proibida a comercialização, a importação e a propaganda de quaisquer dispositivos eletrônicos para fumar, conhecidos como cigarros eletrônicos, e-cigares, e-ciggy, e cigar, entre outros, especialmente os que aleguem substituição de cigarro, cigarrilha, charuto, cachimbo e similares no hábito de fumar ou objetivem alternativa no tratamento do tabagismo.
SUMARIO EJECUTIVO: DEPENDENCIA CON PRONTA ENTREGA
Un ejemplo de la comercialización ilegal de productos de tabaco por medio de apps de delivery.

E-Commerce

Key-words
Results

- Rappi: 7
- Ifood: 34
- Uber Eats: 8
Georeferring results

7 km radius for each Point of Sale (Rio de Janeiro City)
Results indicate that the greater the population's purchasing value, the greater the number of points of sale that have taken over the e-commerce service.
Measures

Partnership between Anvisa and UNDP to enable monitoring of products sold illegally on E-commerce platforms in Brazil
Tobacco Industry Tactics: barriers to effective implementation and enforcement

9 December 2021
Union Webinar

Andrii Skipalskyi,
WHO CO in Ukraine
TI interference highlights 2020-2021

Blockade of TC legislation in the parliament:

- Comprehensive tobacco control bill No. 4358, registered in January 2020 and championed by the representatives of the majority party plus the parliament health committee, underwent various changes and push backs, lost several important TC interventions, and as only voted in June 2021 in the first reading.
- Even though it is fully compliant with the Directive 2014/40/EU (Tobacco Products Directive) that is part of UKR-EU integration agreement, the parliament did not demonstrate any steps towards the second reading, regardless compromised achieved and public political commitments.
TI interference highlights 2020-2021

Undermining tobacco taxation policy:

• Starting January 01, 2021, Ukraine introduced four-times tax increase for HTPs sticks and harmonised them with the cigarette taxation (per stick, not per weight).
• High level politicians actively tried to undermine new regulation by lobbying amendments to decrease taxation - before and after the legislation entered into force.
• TI intensified misleading messages in media about “increased level of illicit tobacco trade”, and “projected increase of illicit market of HTPs due to the increased taxes”.
• By the end of 2021, the parliament/government did not announce any tobacco taxation policy revision.
• However, the work on persuading high officials in the need to revise this policy is being continued and the risk remains of high.
Government interactions with TI is common practice:

• Memorandum between Mineconomics and four transnational tobacco corporations “on the intentions to maintain transparency and competition in the market” followed by the Working Group.
• Government Decree “National operator on the tobacco product market” that “will provide logistical and informational services for the market and the state”. So far was not enacted because it was challenged in court.
• Meetings of high officials (state security, fiscal enforcement) with representatives of tobacco companies and the associations to discuss joint measures to combat illicit trade in tobacco.
Intensive marketing of HTPs beyond any legislative restrictions:

- COVID-19-related donations to local and national authorities.
- Support to NGOs that might be connected to politicians/officials.

Source: https://www.iqos.com.ua/uk/news-list/all-10-heits-tastes
Source: https://yadro.co/ru/case/iqos-promo-in-lavina-mall
Special Case: NGO “Healthy Initiatives”

• In 2021 the affiliation of NGO “Healthy Initiatives” with the Smoke-Free World Foundation became explicitly visible.
• Its leader is former WHO, CTFK and NGO Life affiliated person will definitely use her credentials to pursue SFWF’s agenda.
• Actions were taken to masquerade activities and messages to tobacco control, harm reduction and smoking cessation.
Conclusions

• TI monitoring and activities aimed at increase visibility and transparency are very important and effective.
• Monitoring activities are conducted by NGOs that do not have enough power to turn the information into actions.
• TI learnt its lessons and tries to keep very low profiles at the meetings and thus intensified the work of their lobbyist groups.
• In 2021 many reputable key national Internet news portals had “special projects” funded by TI; this allowed to promote necessary key messages and also create a certain media isolation of NGOs covering this topic.
• Lobbying in the parliament against new comprehensive TC measures remains the key challenge of the current tobacco control in Ukraine.

Source: https://globaltobaccoindex.org/#:~:text=The%20Global%20Tobacco%20Industry%20Interference%20Index%20is%20a%20survey%20to,Tobacco%20Control%20(WHO%20FCTC).