



A GLOBAL  
TOBACCO  
INDUSTRY  
WATCHDOG

# Tobacco Industry Interference and Tactics – An Introduction

**Implementation Hub Webinar – December 9, 2021**

Emma Green – Sr. Program Manager

The Union, a Partner in STOP



A GLOBAL  
TOBACCO  
INDUSTRY  
WATCHDOG

# 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.

Bloomberg  
Philanthropies



Global Center for  
Good Governance  
in Tobacco Control

The Union



UNIVERSITY OF  
**BATH**



Vital  
Strategies

# 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**

# 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 its case—the “third party technique”

2

Tries to fragment and weaken the public health community

3

Disputes 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

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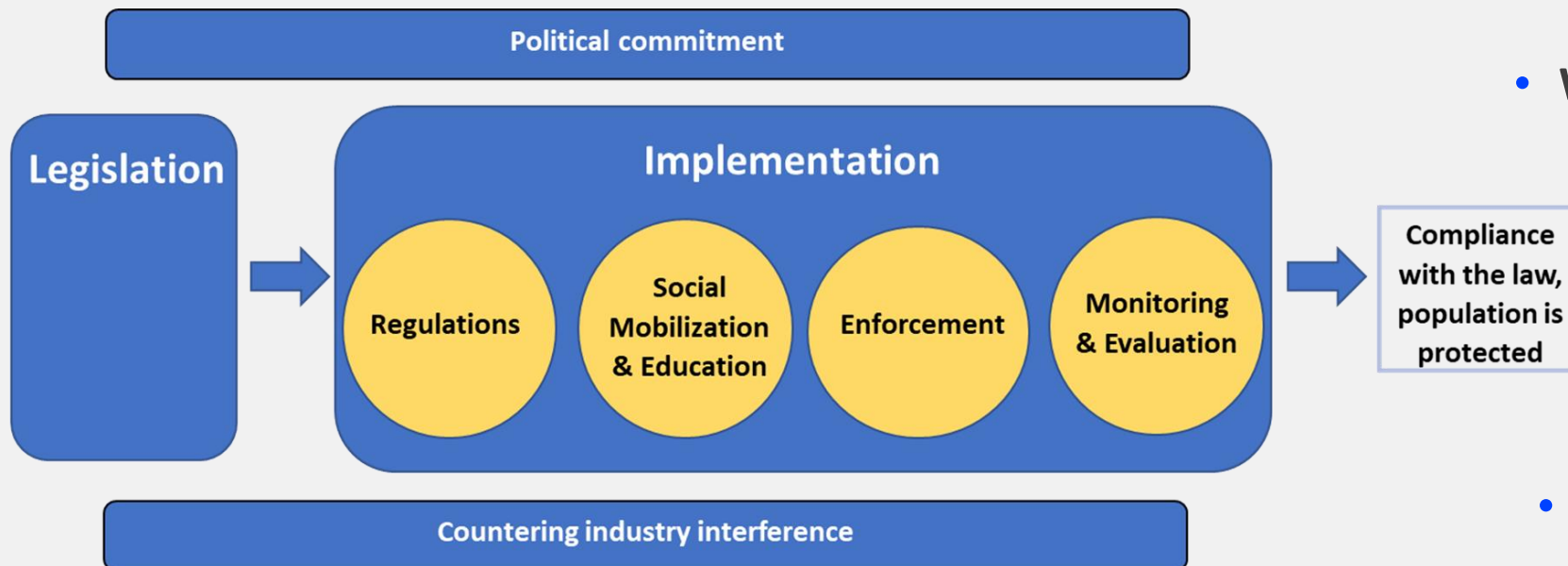
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# Tobacco Industry Tactics



- 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!

[e.green@exposetobacco.org](mailto:e.green@exposetobacco.org)

[www.exposetobacco.org](http://www.exposetobacco.org)

[Facebook](#) | [Twitter](#) | [Instagram](#)



# Tobacco Industry Tactics at the Point of Sale

Maria Julian  
Executive Director, Counter Tools

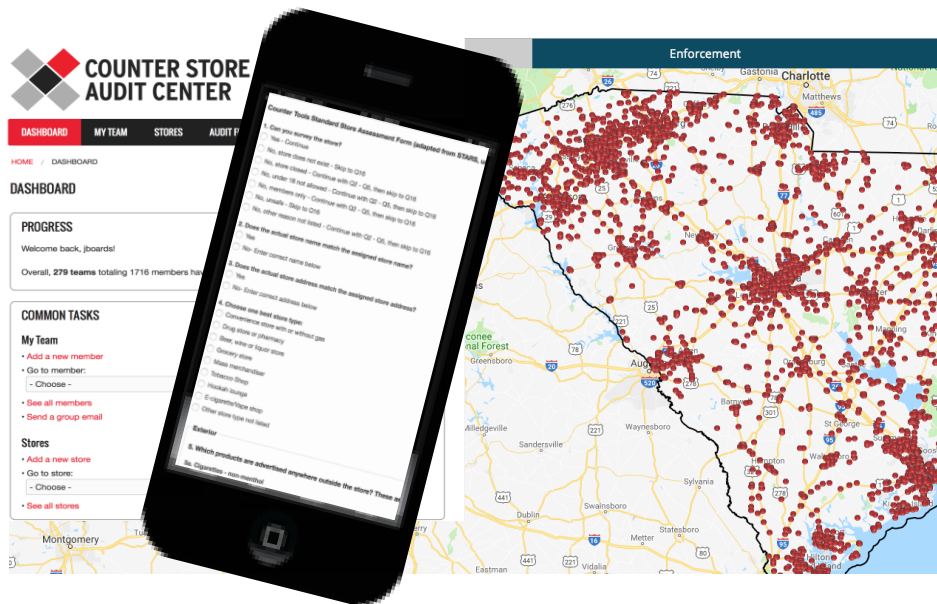




# About Counter Tools

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](http://www.countertools.org)

[www.countertobacco.org](http://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



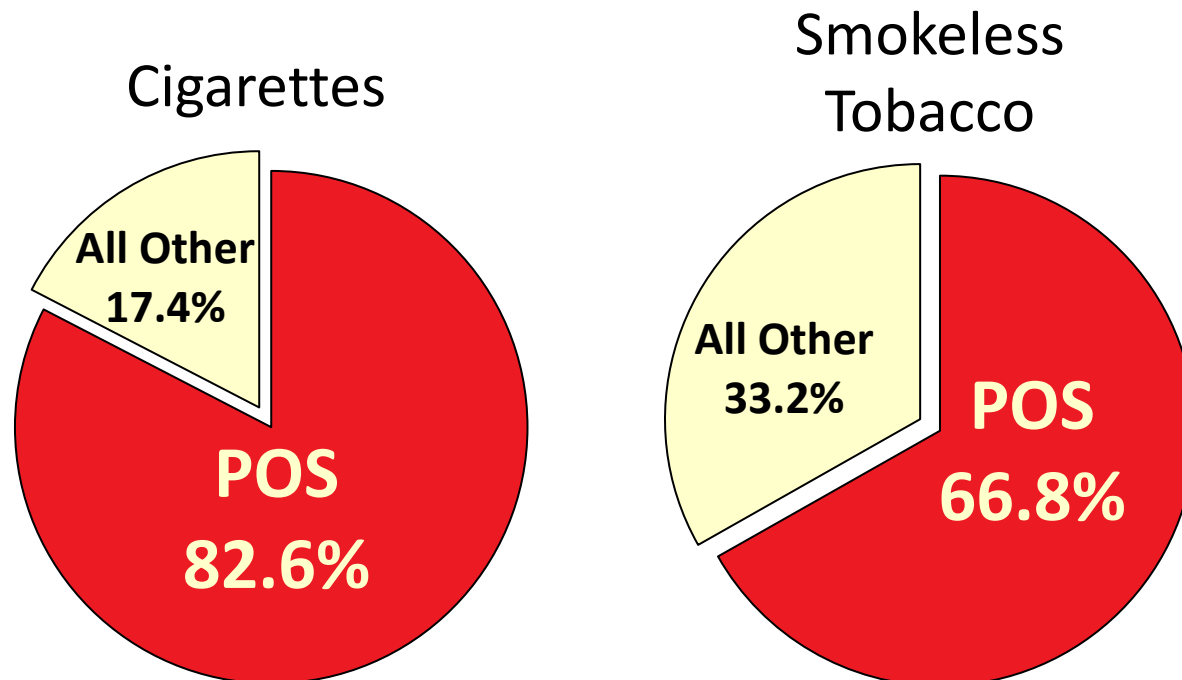
# Retail is the tobacco industry's lead marketing channel.



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.



# 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

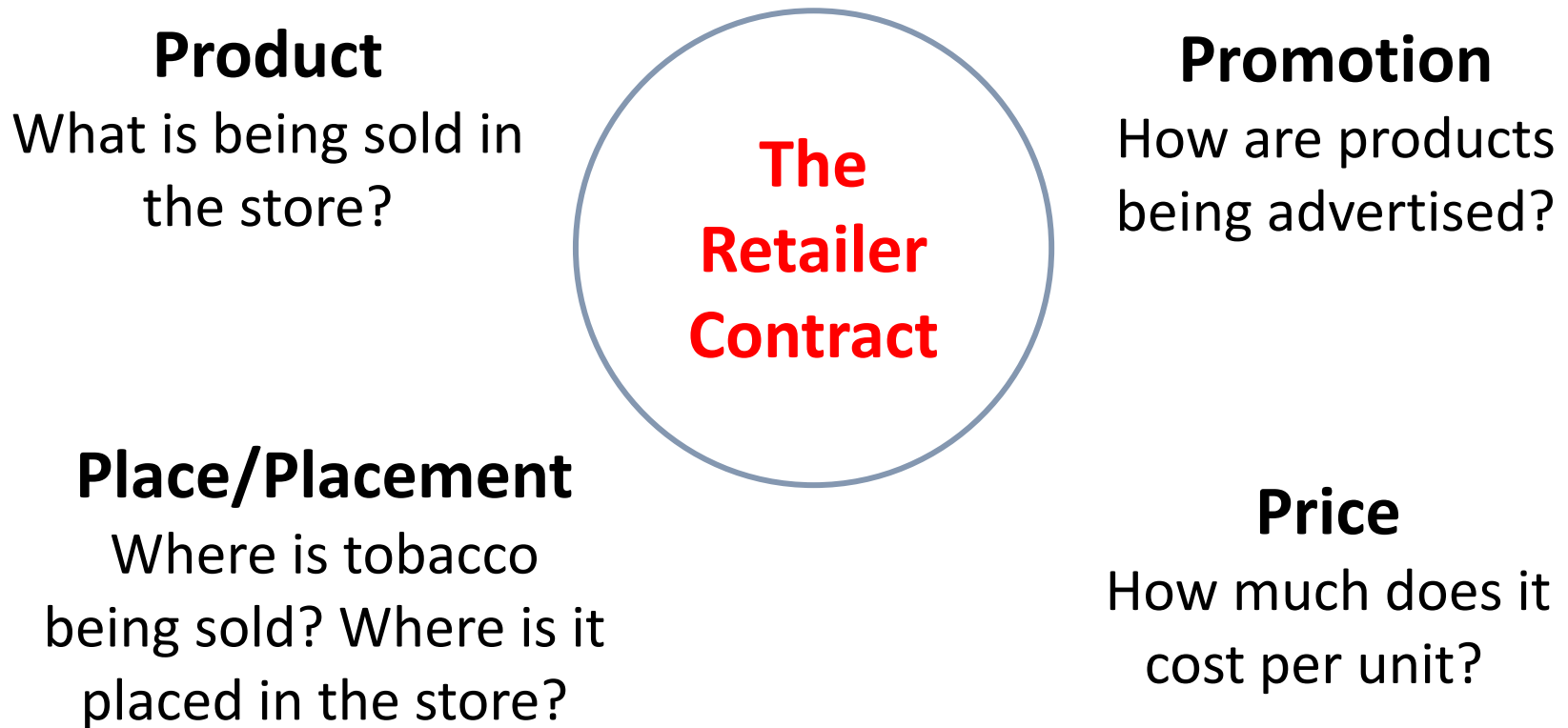


Coupons

\$197.6 million/year



# Retailer contracts let tobacco companies define the 4 Ps.



# 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.



He's one of the busiest men in town. While his door may say *Office Hours 2 to 4*, he's actually on call 24 hours a day.

The doctor is a scientist, a diplomat, and a friendly sympathetic human being all in one, no matter how long and hard his schedule.

According to a recent Nationwide survey:

## MORE DOCTORS SMOKE CAMELS THAN ANY OTHER CIGARETTE

DOCTORS in every branch of medicine—113,977 in all—were queried in this nationwide study of cigarette preference. These leading research organizations made the survey. The gist of the query was—What cigarette do you smoke, Doctor?

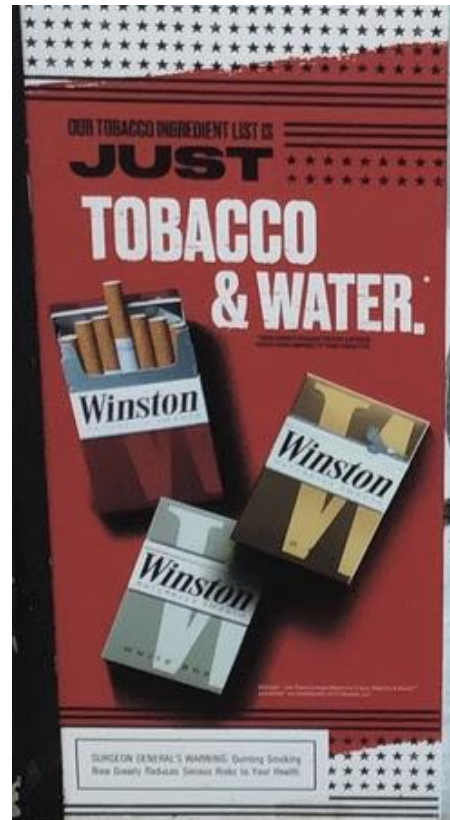
*The brand named most was Camels!*

The rich, full flavor and cool mildness of Camel's superb blend of costlier tobaccos seem to have the same appeal to the smoking tastes of doctors as to millions of other smokers. If you are a Camel smoker, this preference among doctors will hardly surprise you. If you're not—well, try Camels now.

Your "T-Zone" Will Tell You...

T for Taste...  
T for Throat...  
that's your proving ground for any cigarette. See if Camels don't suit your "T-Zone" to a "T."

**CAMELS** Costlier Tobaccos



OUR TOBACCO INGREDIENT LIST IS

## JUST TOBACCO & WATER.

Winston

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer and Complicates Pregnancy and May Complicate Fetal Development



FIND YOUR PROFITS. FIND YOUR FUTURE.

## FIND YOUR ZYN

ZYN TOBACCO-FREE NICOTINE POUCHES

NOW AVAILABLE NATIONWIDE  
CONTACT YOUR SWEDISH MATCH REPRESENTATIVE OR  
CALL 800-367-3677 FOR ADDITIONAL DETAILS

ZYN.COM

Swedish Match.



# 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!

**TAKE ACTION**



**Washington County: Stop  
BANS on Flavored Tobacco  
AND Tobacco Coupons!**

Speak out today!

**TAKE ACTION**



**DC: Let Lawmakers Know How  
You Feel About the Tobacco  
Ban**

Speak out today!

**TAKE ACTION**

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!

# Contact information

[maria@countertools.org](mailto:maria@countertools.org)



**CounterTools.org**

[bit.ly/CounterToolsNewsletter](http://bit.ly/CounterToolsNewsletter)



[Facebook.com/CounterToolsNC](https://Facebook.com/CounterToolsNC)



[@CounterTools](https://twitter.com/CounterTools)



[LinkedIn.com/company/Counter-Tools](https://LinkedIn.com/company/Counter-Tools)



**CounterTobacco.org**

[bit.ly/CounterTobaccoNews](http://bit.ly/CounterTobaccoNews)

[Facebook.com/CounterTobacco](https://Facebook.com/CounterTobacco)

[@CounterTobacco](https://twitter.com/CounterTobacco)





The Union

International Union Against  
Tuberculosis and Lung Disease  
*Health solutions for the poor*

# Tobacco Industry Tactics in Indonesia

## Lesson learned: Jakarta - Bogor - Depok city

Bernadette Fellarika Nusarrivera

Program Coordinator

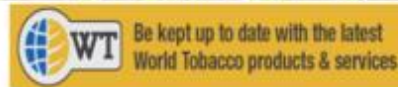
International Union Against Tuberculosis and Lung Disease (The Union), Indonesia

# Indonesia - From the lens of Tobacco industry

The Union

## Eg. tobacco industry interferences in Indonesia

<http://www.worldtobacco.co.uk/asia/>



### World Tobacco Asia 2012

Jakarta will, for the second time, be the host city for World Tobacco Asia 2012 and the perfect location to celebrate World Tobacco's 40th year organising international tobacco events.

World Tobacco Asia 2012 offers the international tobacco industry a forum to build relationships and demonstrate their products and services to the Indonesian, Asia Pacific, and Australian tobacco communities.

#### Fast developing market

Indonesia's cigarette market is considered the world's fastest developing market. 30 percent of the 248 million adult population smokes which makes Indonesia the fifth-largest cigarette market in the world.

Indonesia is a recognized tobacco-friendly market with no smoking bans or other restrictions and regulations in contrast to neighboring ASEAN countries. In 2009, the Asia Pacific region added six million new smokers and will add another 30 million smokers by 2014.

Ensure you take advantage of this growing market by exhibiting at World Tobacco Asia 2012.

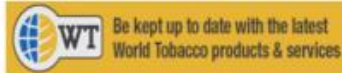
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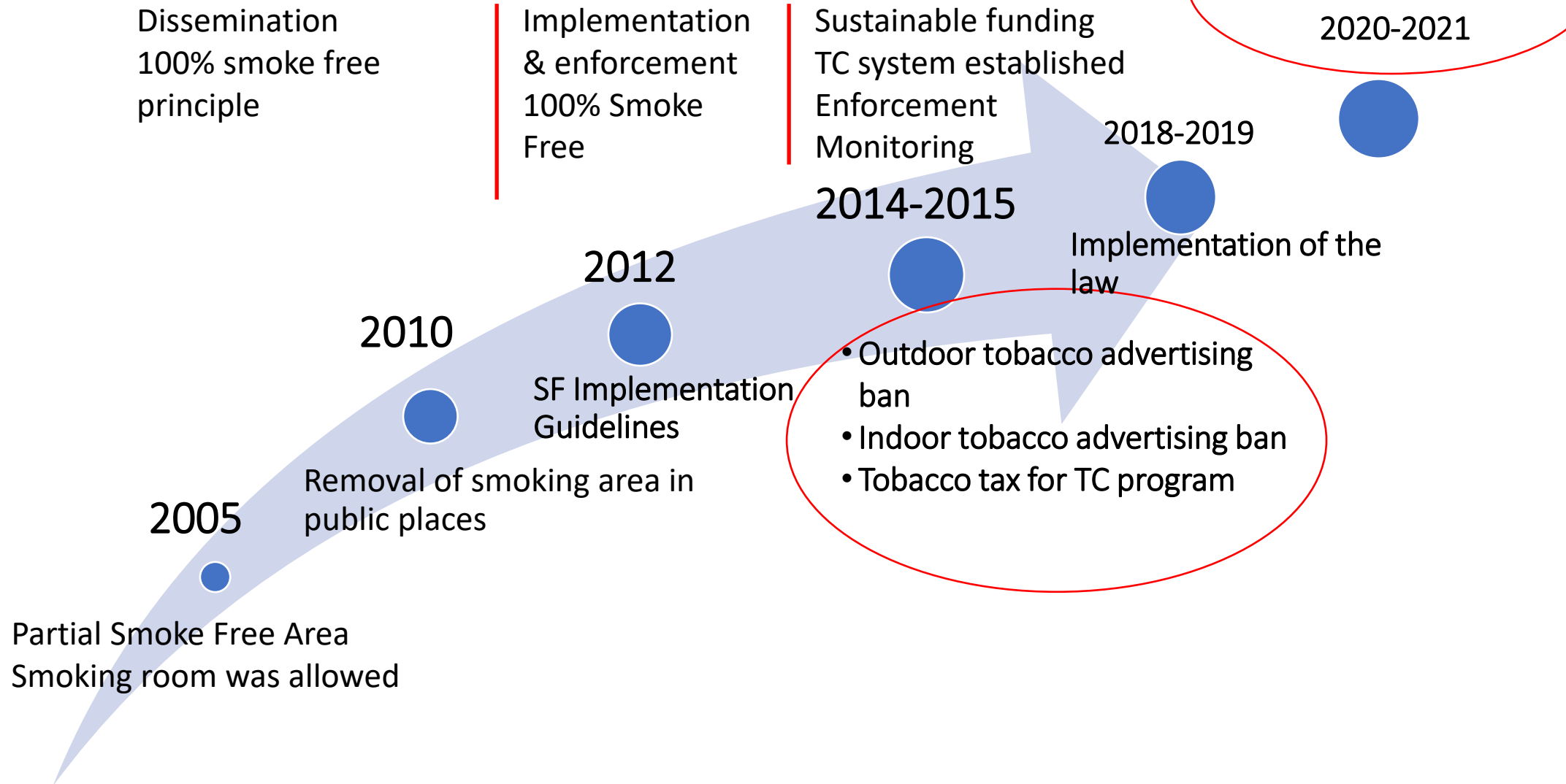
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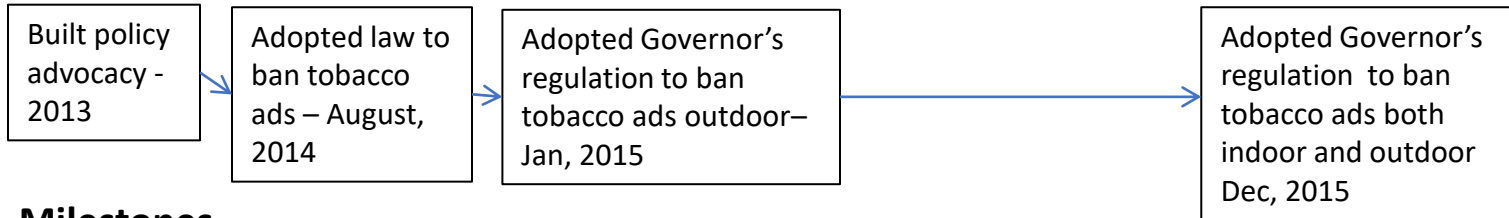


# JAKARTA

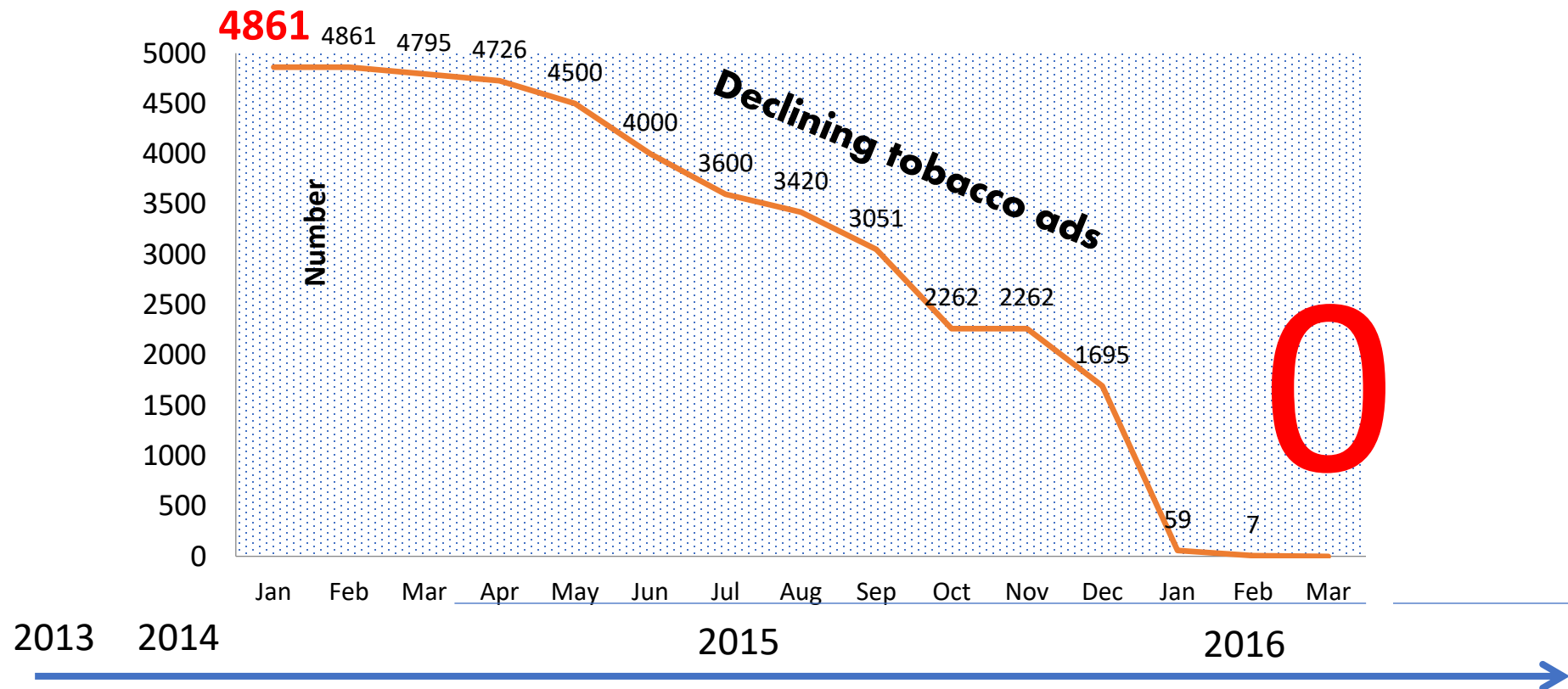
# The Journey of Tobacco Control in Jakarta



# The Journey of Tobacco Billboard Removal in Jakarta



## Milestones



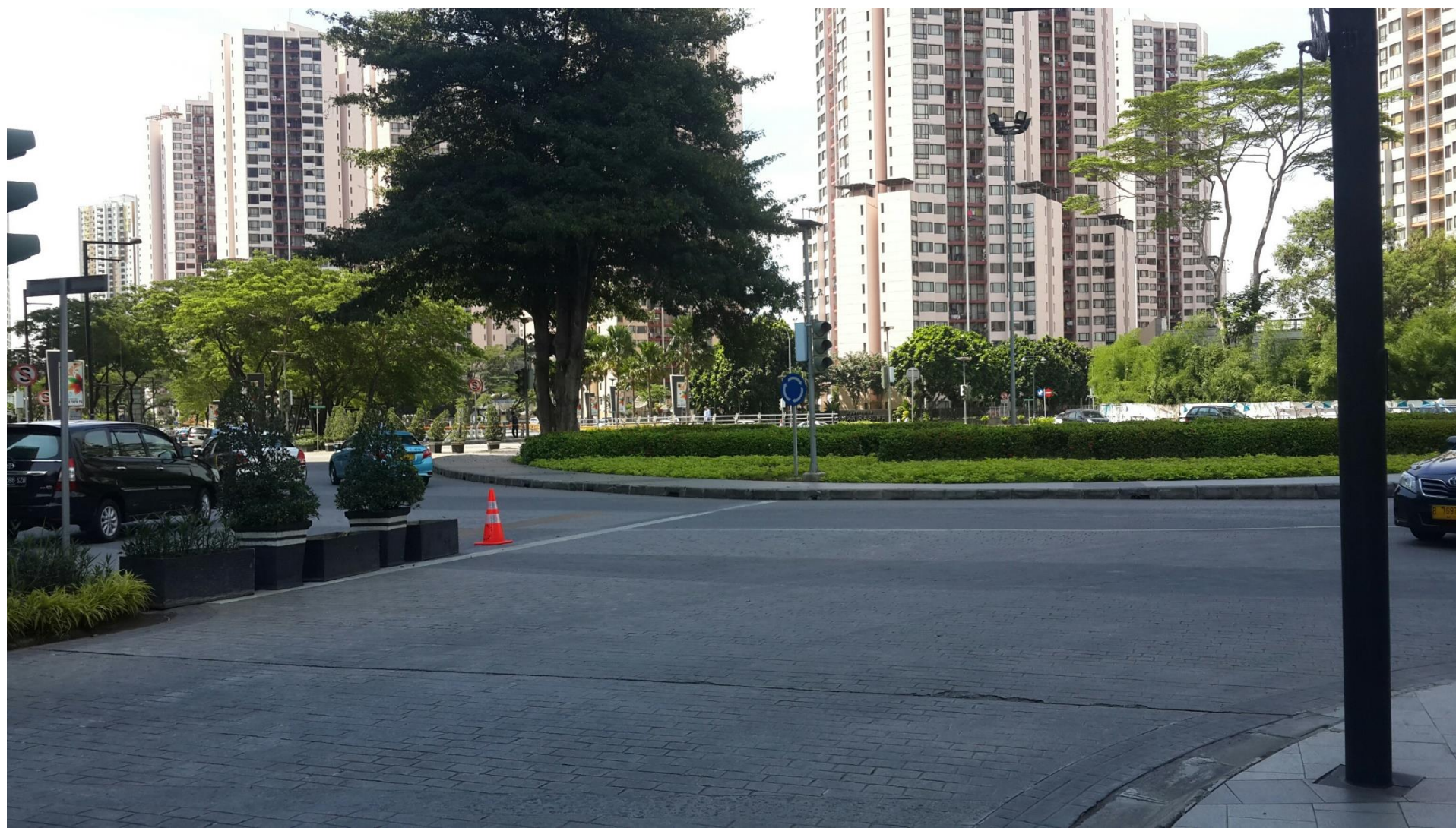














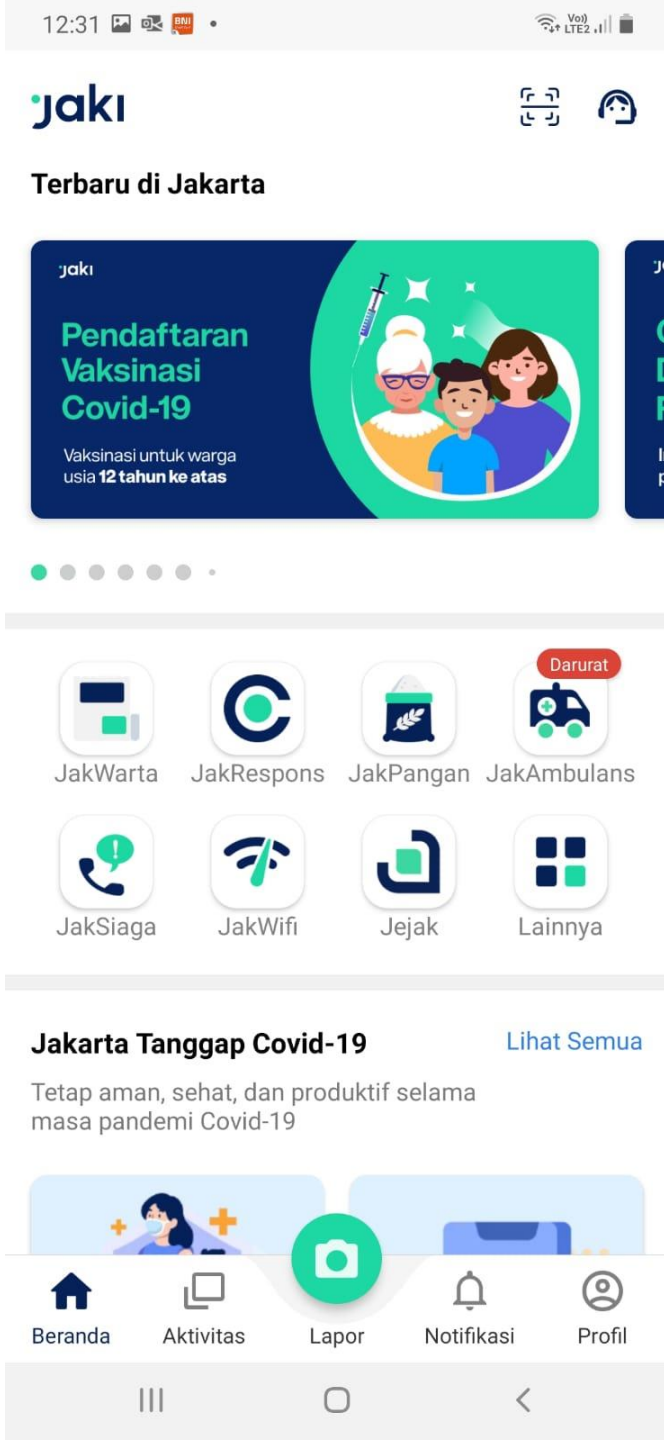
# Tobacco ads removal at the POS

The Union

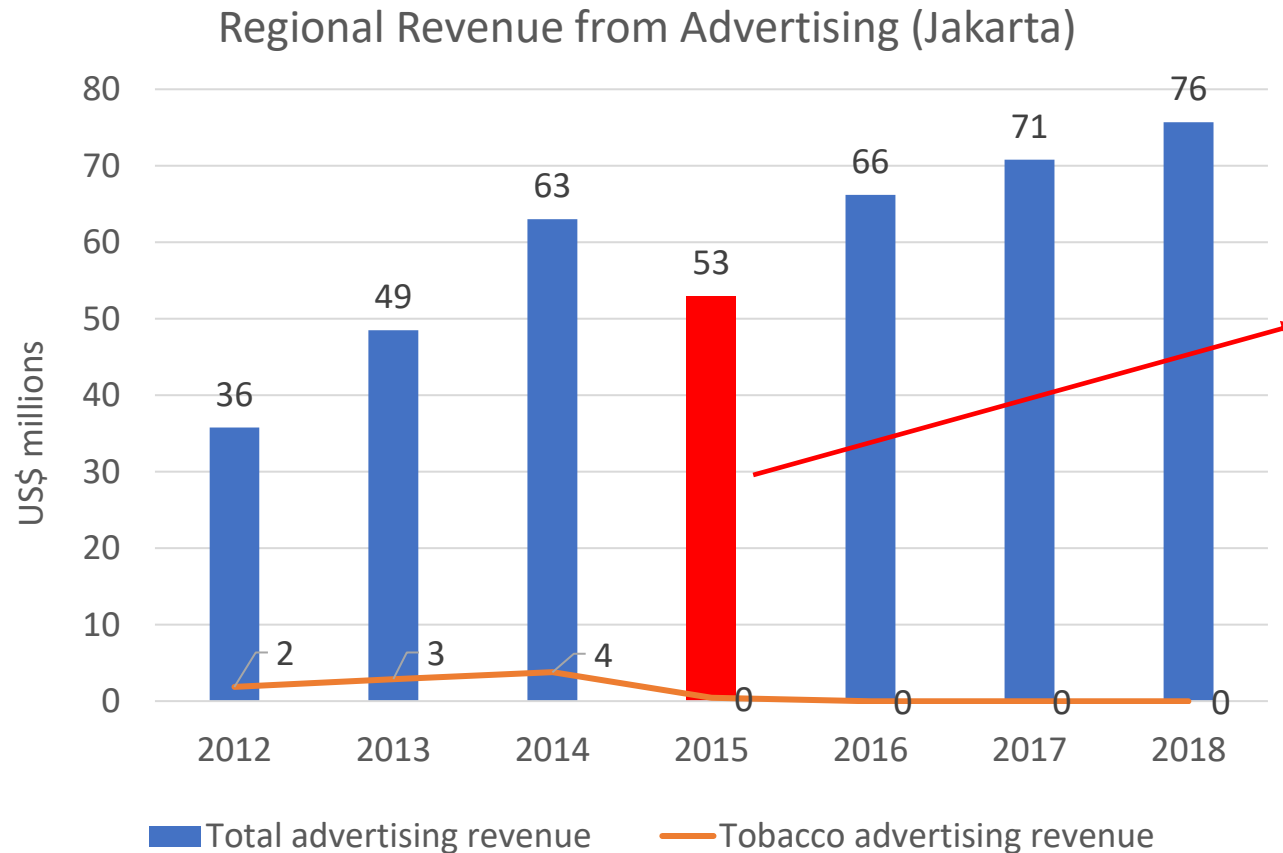


# No tobacco advertising and display ban signage





# 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.



# BOGOR CITY





# Business players, local figures urge revision of smoke-free zone bylaw in Bogor

MAY 13, 2019



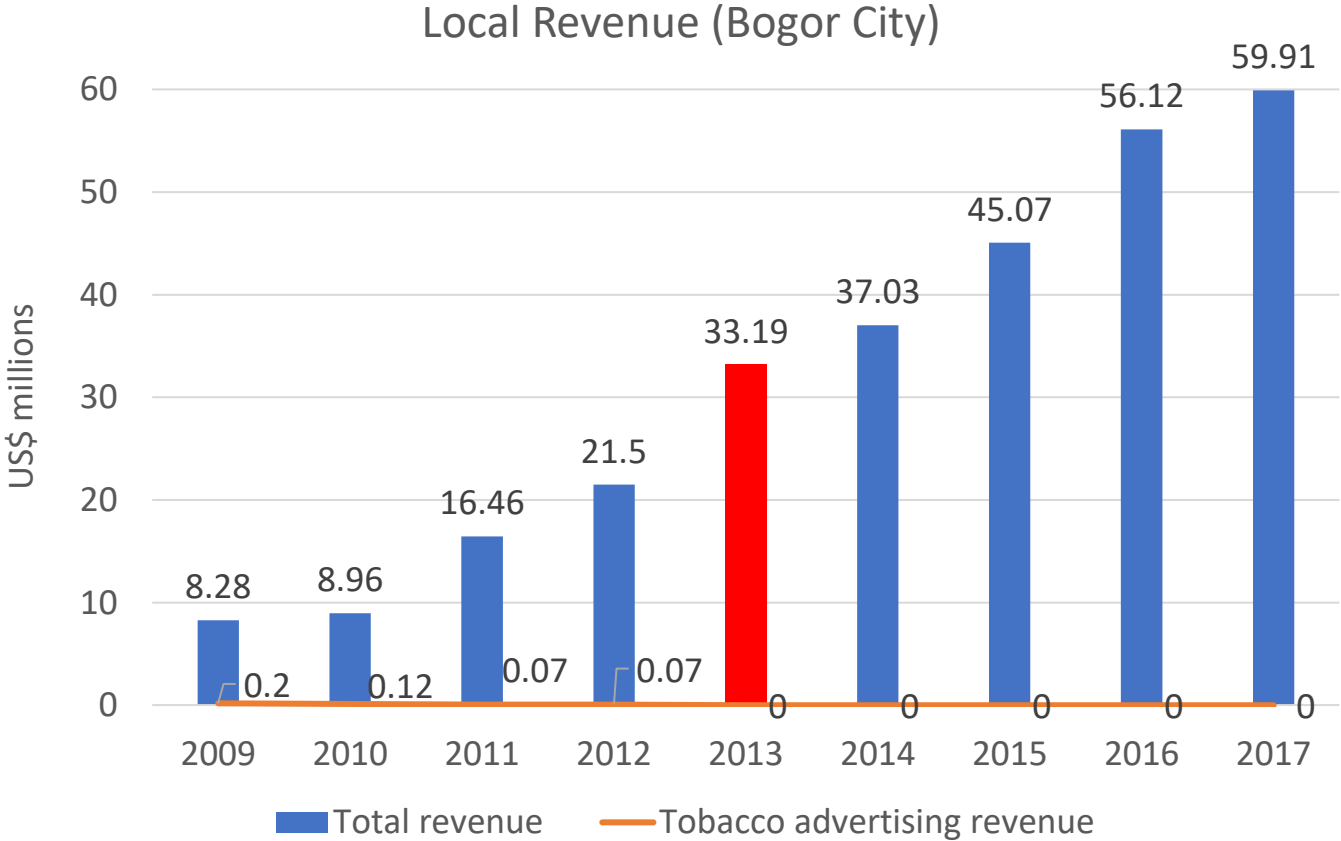
A number of traders and small and medium enterprise (SMEs) owners filed a judicial review with the Supreme Court over the bylaw on Dec. 5, 2019. (AFP/Louisa Gouliamaki)





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.

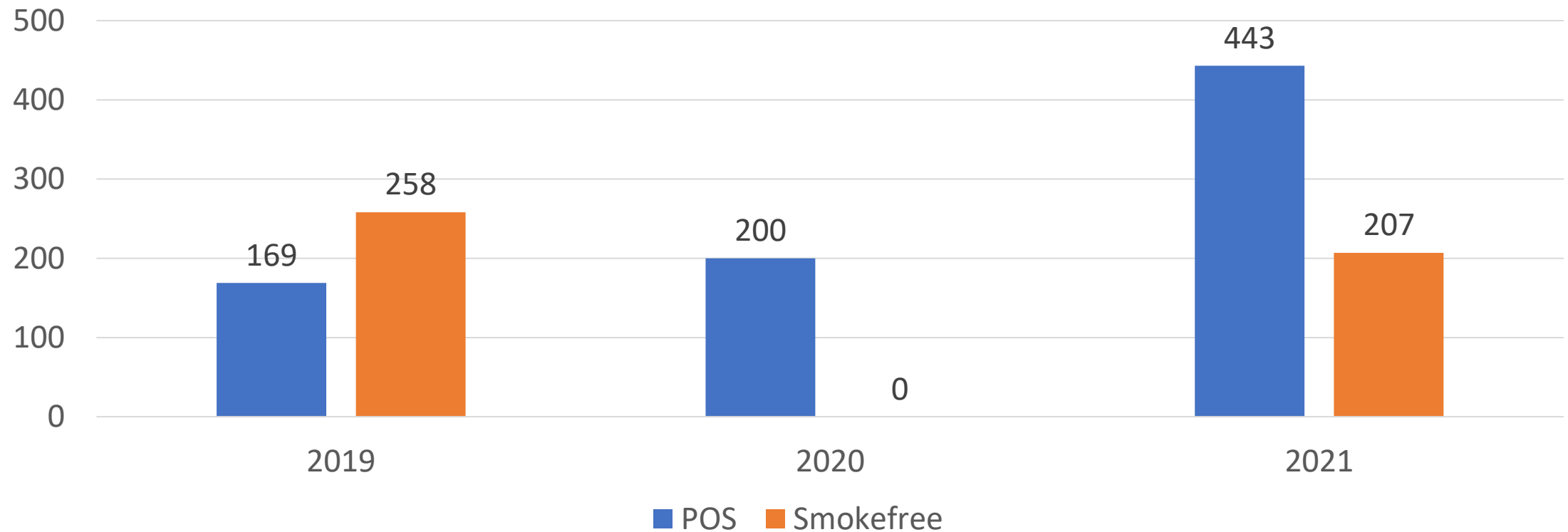
Impact of TAPS ban is positive.

# DEPOK CITY

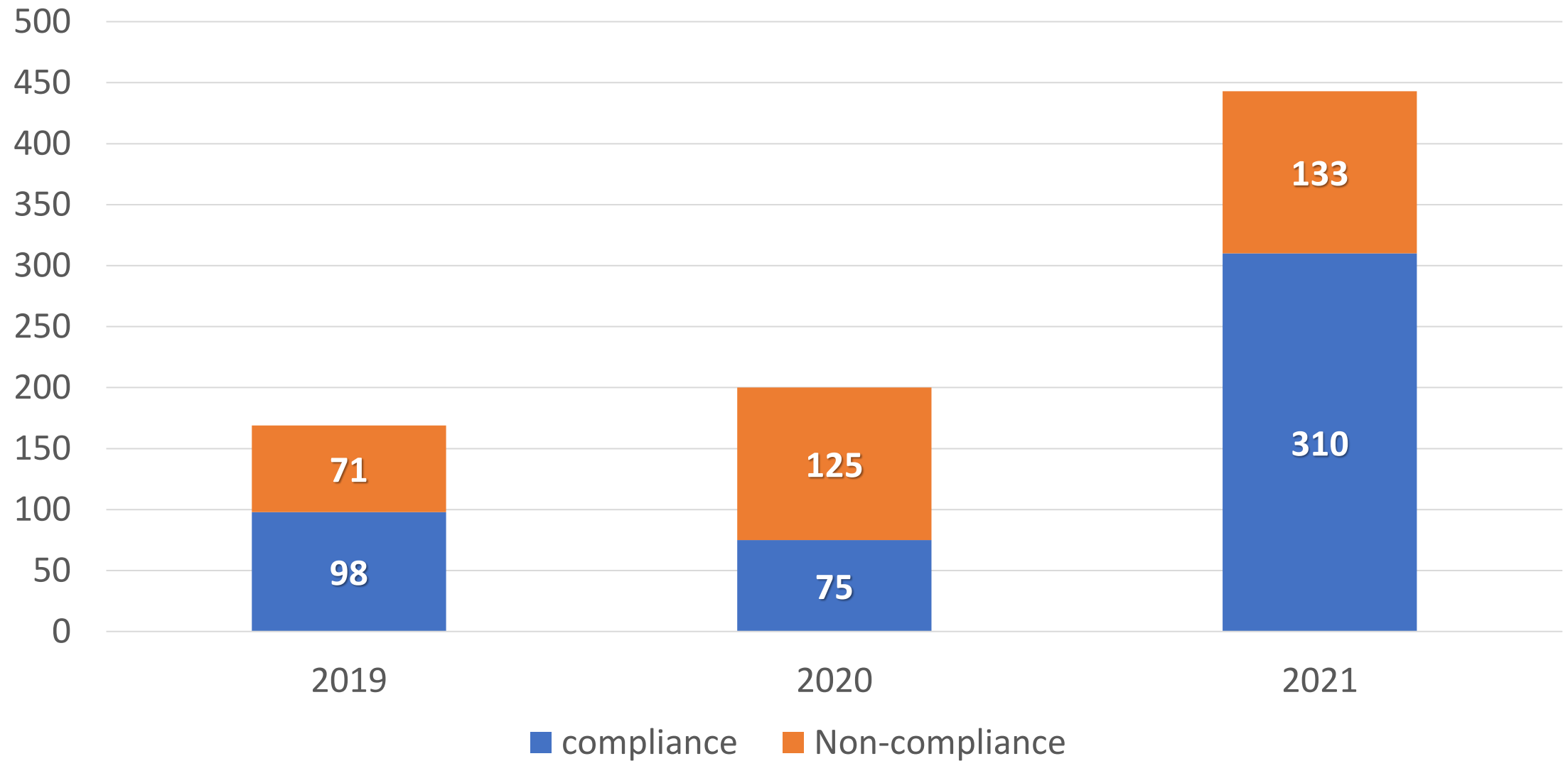


# Random Inspections 2019-2021

The Random Inspection Year 2019-2021

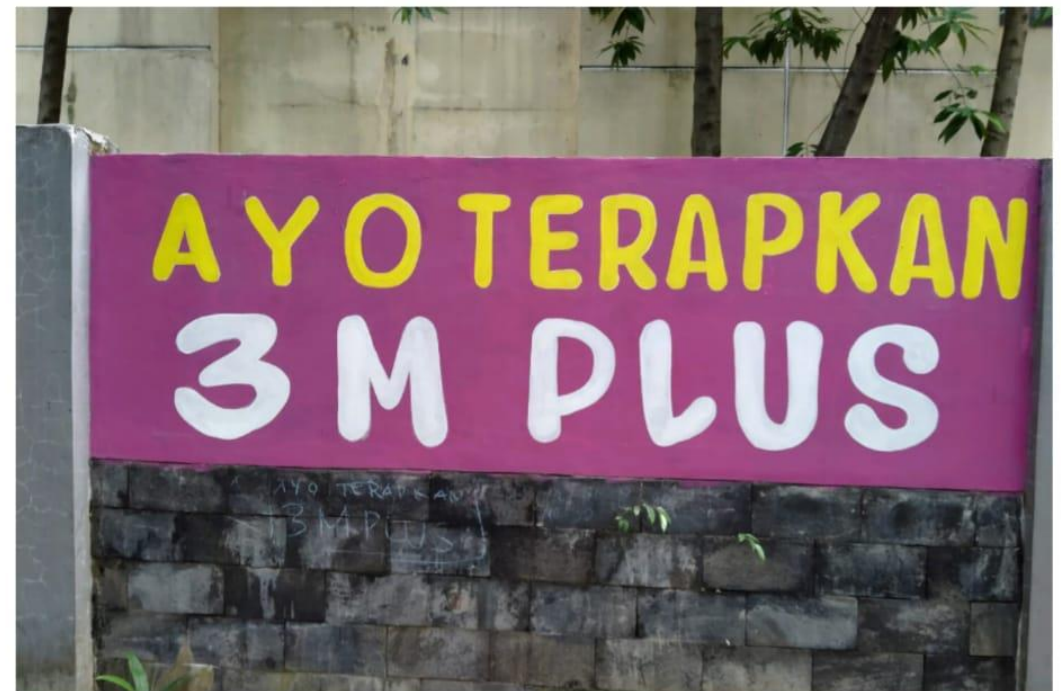


## Level of Compliance to the POS ban 2019-2021



# Integration of smokefree into COVID-19 sanitation inspections in Depok city













PEMERINTAH KOTA DEPOK



# 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**



**Pemerintahan Kota Depok**



DINAS KESEHATAN KOTA DEPOK | PROMOSI KESEHATAN



## 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

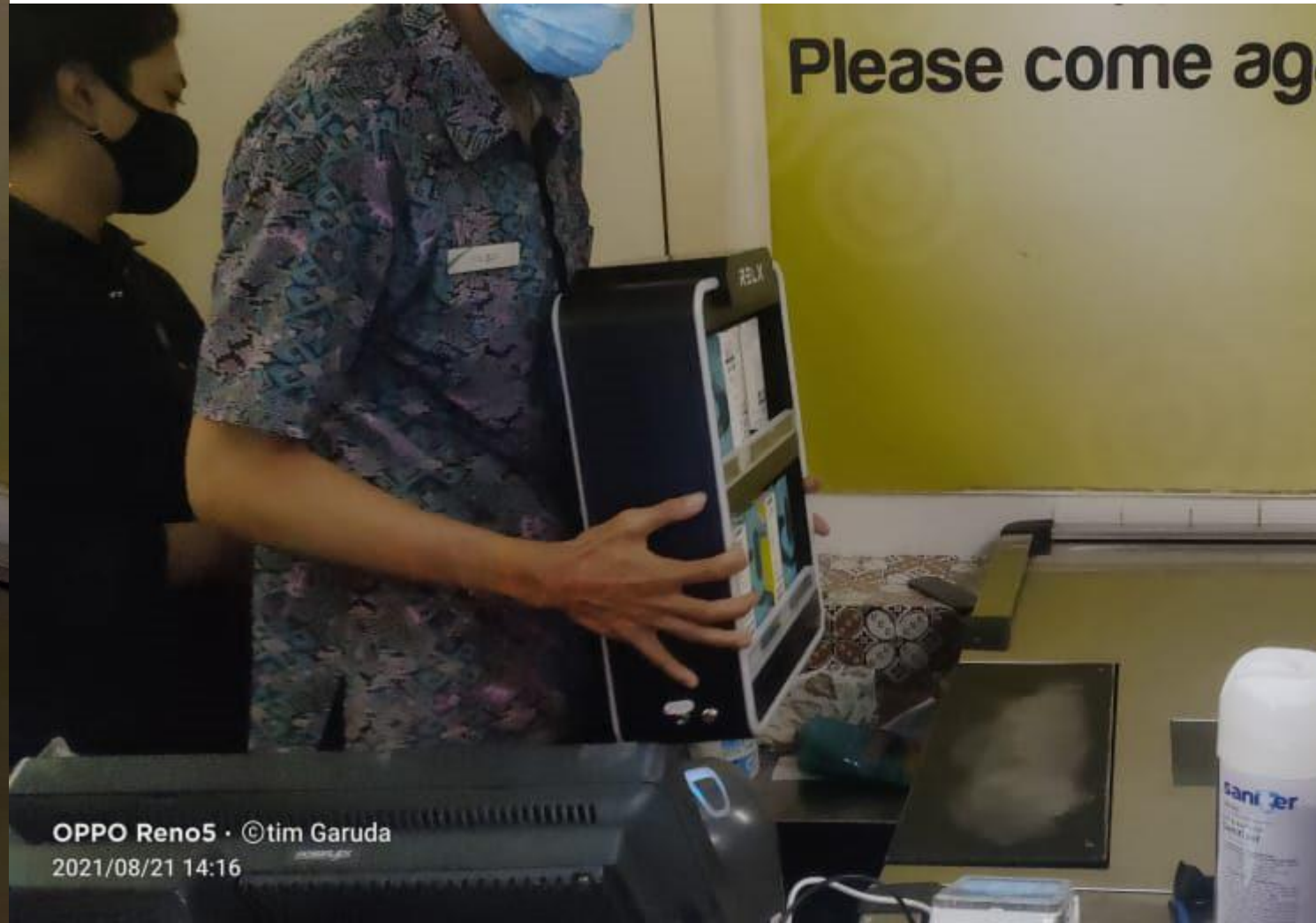
**PERINGATAN : ROKOK AKAN MERUSAK HIDUPMU**





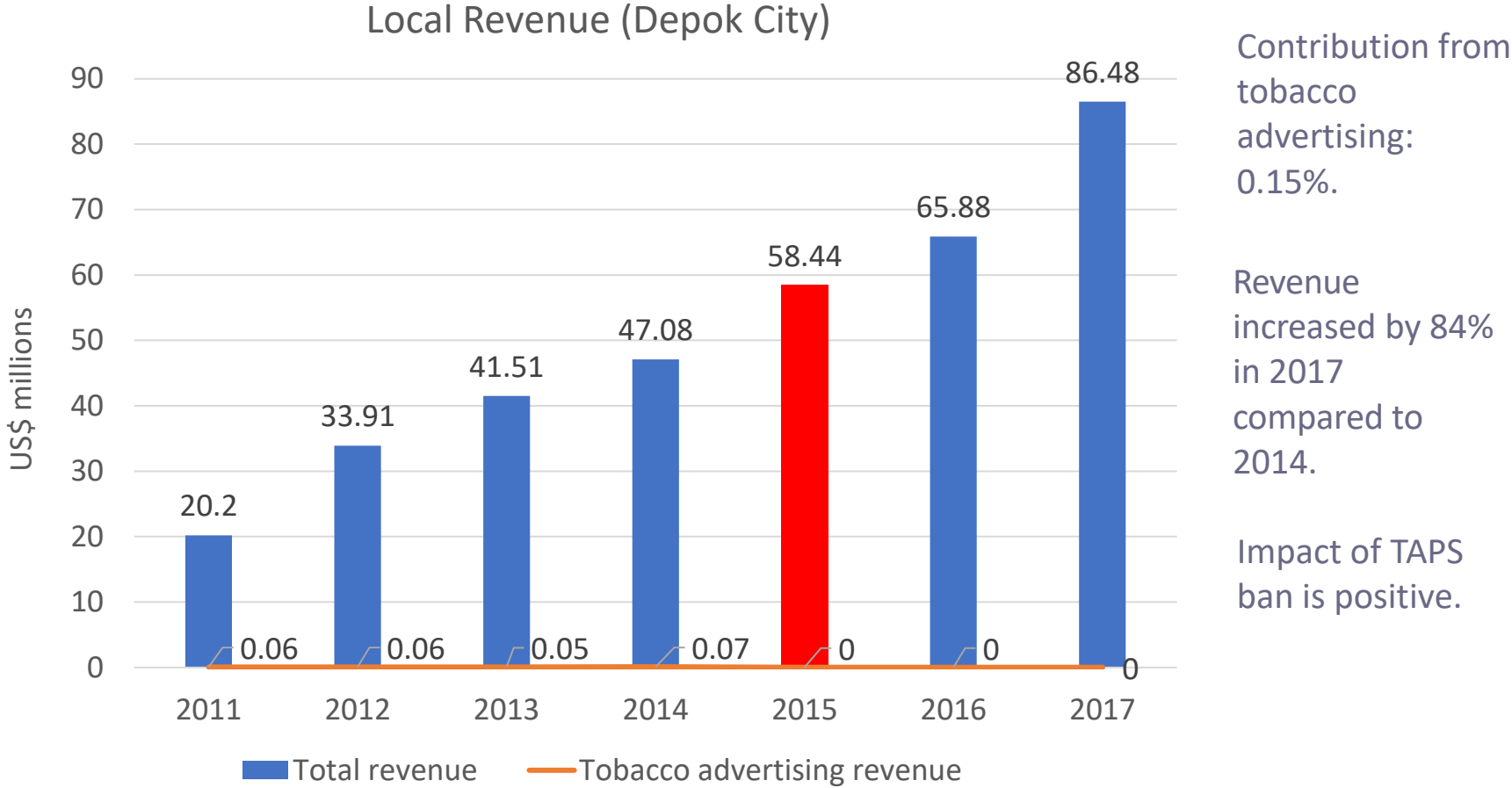


# Vape product display removal





# Impact of TAPS Ban on Local Revenue in Depok City



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

Brazil – (INCA)  
December, 2021



# Legal milestones

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

LEI Nº 9.294, DE 15 DE JULHO DE 1996.

limitations to  
commercial  
advertising

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).

Art. 5º É vedada, em todo território nacional, a propaganda de qualquer produto fumígeno derivado do tabaco, com exceção apenas da exposição dos produtos nos locais de venda por meio do acondicionamento de suas embalagens em expositores ou mostruários, afixados na parte interna do local de venda, desde que acompanhada das advertências sanitárias, da mensagem de proibição de venda a menor de dezoito anos e das respectivas tabelas de preços, conforme dispostas nesta Resolução.



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

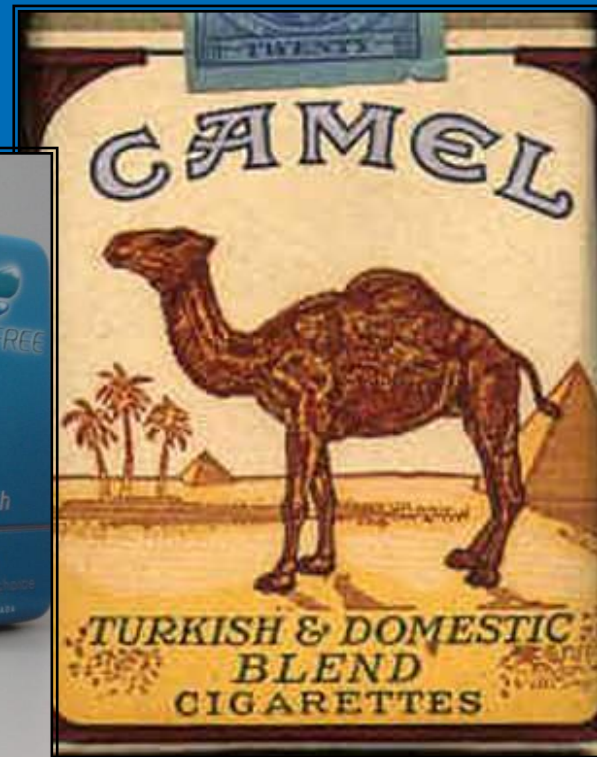


Packages close  
to candies



# 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



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

RESOLUÇÃO DE DIRETORIA COLEGIADA - RDC Nº 15, DE 17 DE JANEIRO DE 2003 (\*)

Prohibition of  
internet sales  
(2003/2018)



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.



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

RESOLUÇÃO DA DIRETORIA COLEGIADA - RDC Nº 213, DE 23 DE JANEIRO DE 2018

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- comercializar produtos fumígenos derivados do tabaco pela internet em todo o território nacional;

# Marco Legislativo

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

LEI Nº 9.294, DE 15 DE JULHO DE 1996.

Proibição de  
propaganda  
comercial



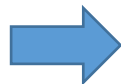
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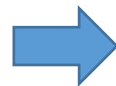
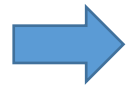
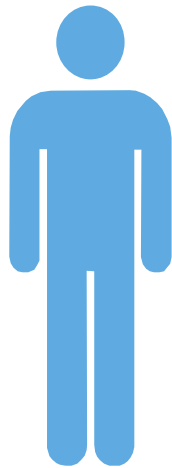
Ministério da Saúde - MS  
Agência Nacional de Vigilância Sanitária - ANVISA

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

Proibição de venda  
e propaganda de  
DEFs



Art. 1º Fica proibida a comercialização, a importação e a propaganda de quaisquer dispositivos eletrônicos para fumar, conhecidos como cigarros eletrônicos, e-cigarettes, e-ciggy, ecigar, 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.



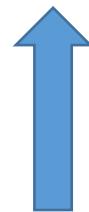
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UBER  
**eats**

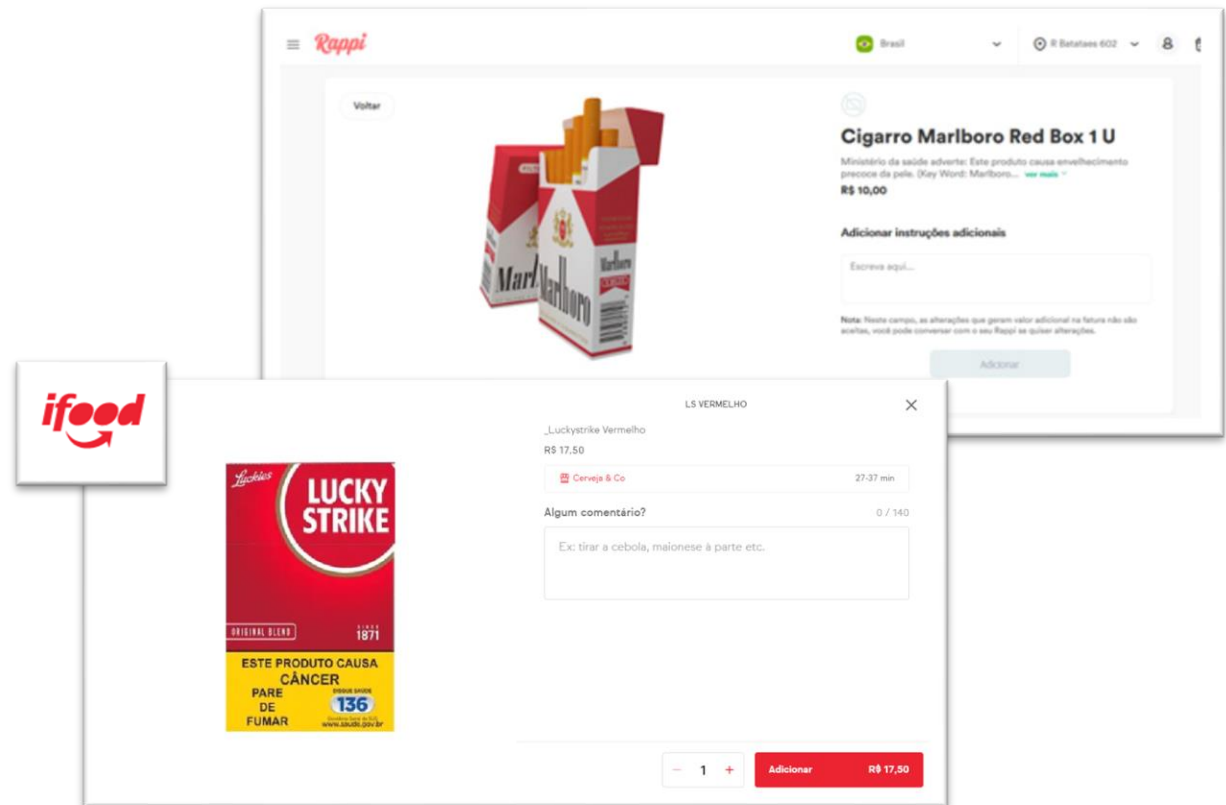
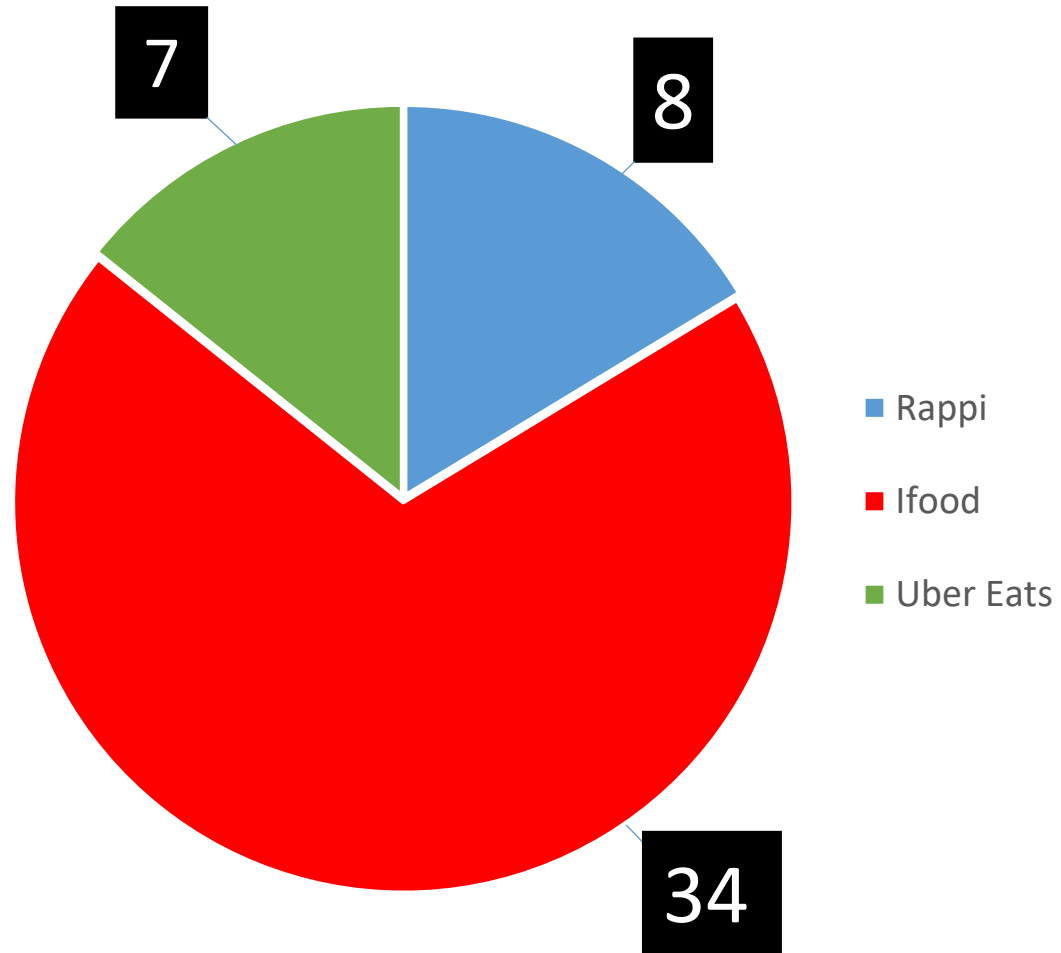
**Rappi**



Key-words



# Results





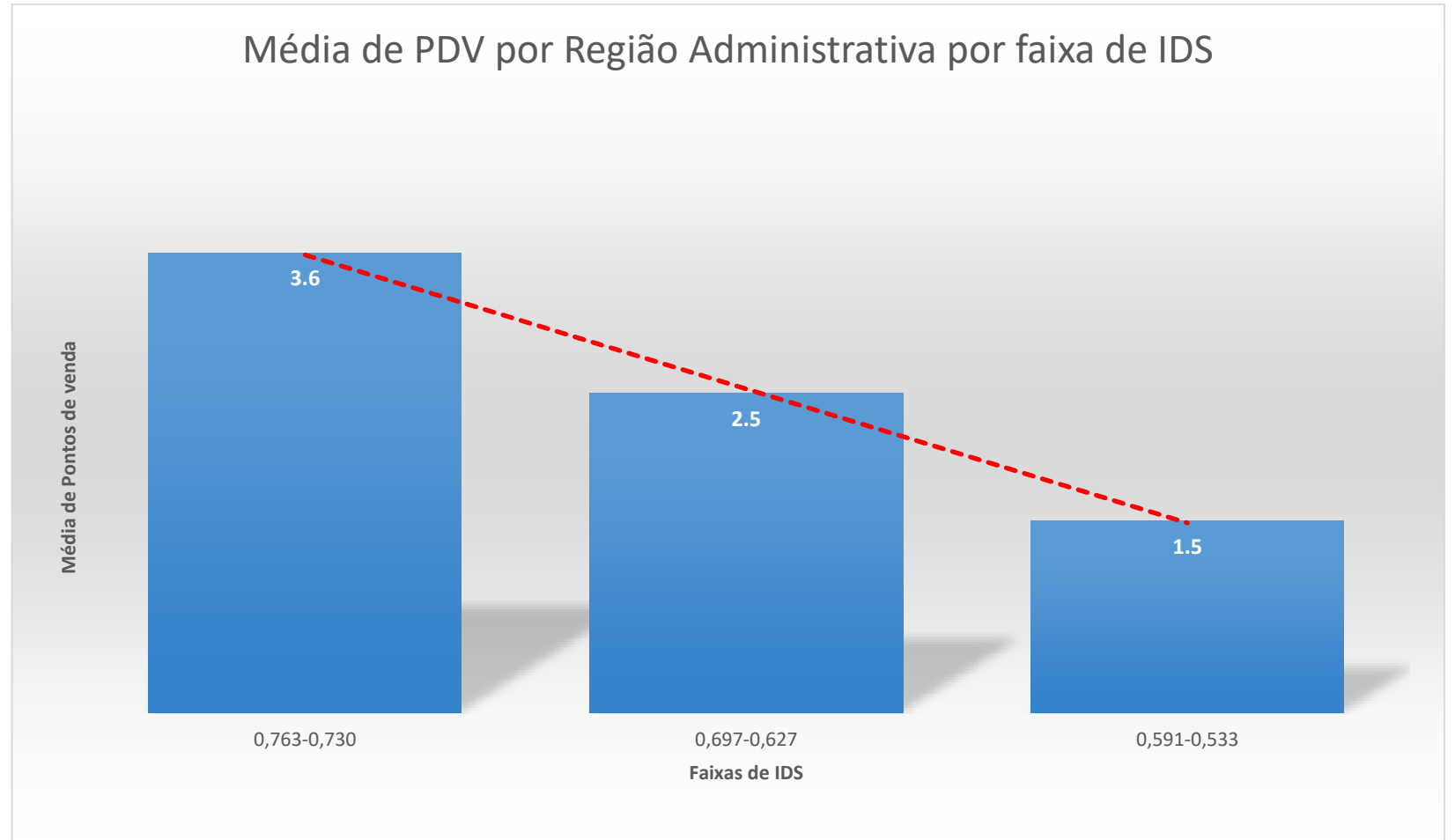
# Georeferencing results

7 km radius for each  
Point of Sale  
(Rio de Janeiro City)

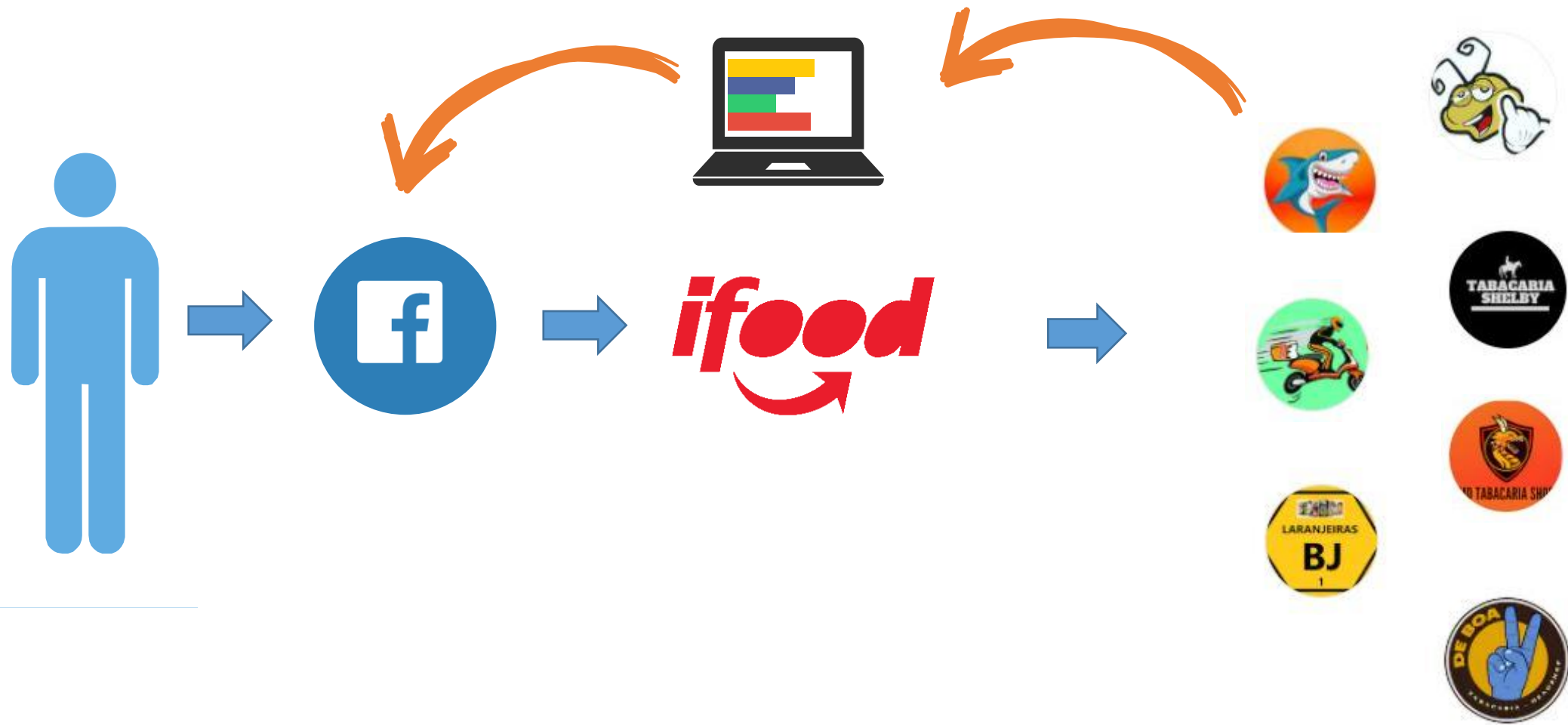


# Results

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



## DYNAMIC ADVERTISING



# Measures

Partnership between Anvisa and UNDP to enable monitoring of products sold illegally on E-commerce platforms in Brazil



The screenshot shows a news article on the gov.br website. The header includes the gov.br logo, the Ministry of Health (Ministério da Saúde), and navigation links for Government Organs, Access to Information, Legislation, Accessibility, and a login button. The main header identifies the site as the Agência Nacional de Vigilância Sanitária - Anvisa. A search bar is present with the placeholder text 'O que você procura?'. The breadcrumb trail reads: Assuntos > Notícias > 2021 > Parceria entre Anvisa e PNUD viabiliza monitoramento de produtos vendidos irregularmente em plataformas E-commerce no Brasil. The article title is 'Parceria entre Anvisa e PNUD viabiliza monitoramento de produtos vendidos irregularmente em plataformas E-commerce no Brasil', categorized under 'PRODUTOS IRREGULARES'. The subtext states: 'Vigentes desde 2010, as atividades realizadas no âmbito do projeto com o PNUD aprimoram as ações de controle e monitoramento de produtos sujeitos à vigilância sanitária.' The publication date is 25/11/2021 17h15 and the update date is 25/11/2021 19h47. Social media sharing icons for Facebook, Twitter, and a general link icon are provided. The article text begins with a large 'N' and describes the initiative as a pilot project between Anvisa and the UNDP to monitor irregularly sold products on Brazilian e-commerce platforms. It mentions that the project aims to monitor products subject to sanitary vigilance that are being sold irregularly on the internet and to act to reduce the irregularities identified by the Agency in this sector. The text further explains that the pilot project is the result of a joint effort between the Cabinet of the Director-President - Gadip (responsible for coordinating the PNUD Project at Anvisa), the Fourth Directorate of the Agency, through its General Directorate of Inspection and Sanitary Fiscalization (GGFIS), and the UNDP, which launched a tender to identify companies that would provide the service. In November 2021, the tendering process was finalized and the winning company was contracted to assist Anvisa in the following steps of the project. The article concludes by stating that the proactive action of the Agency on this topic is another measure to protect the health of the population, bringing security and promoting improvements in the regulatory process in the market of products and services on the web. Additionally, the strengthening of control, monitoring and fiscalization actions of products and services is an strategic objective of Anvisa and is inserted in the Strategic Plan for the years 2020-2023.



# 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.

# TI interference highlights 2020-2021

## 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.

# TI interference highlights 2020-2021

## 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.



СВІЖИЙ  
ТРАВ'ЯНИЙ

Свіжість  
Аромат  
Міцність  
Насиченість

Вам сподобається:

Цей продукт не є цілком  
безпечним і викликає звикання

An advertisement for IQOS HEETS Dimensions. It features a large box of HEETS Dimensions for IQOS on the right. On the left, there are four horizontal bars representing the product's attributes: Свіжість (Freshness), Аромат (Aroma), Міцність (Strength), and Насиченість (Richness). Each bar has a green segment indicating the level of the attribute. Below these bars, there are two smaller boxes of HEETS Dimensions, one labeled 'GREEN ZONE' and the other 'TROPICAL SELECTED'. At the bottom, there is a warning in Ukrainian: 'Цей продукт не є цілком безпечним і викликає звикання' (This product is not completely safe and causes addiction).

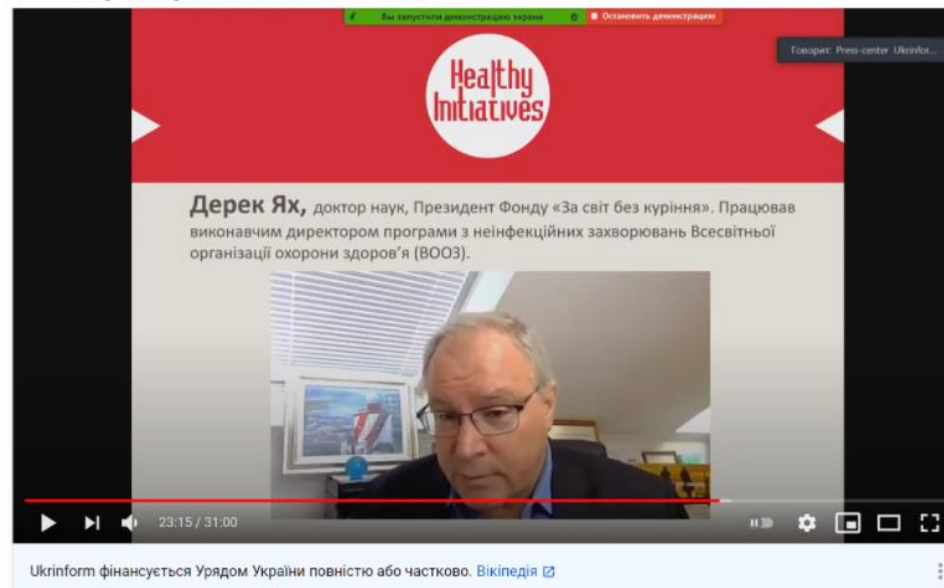
Source: <https://www.iqos.com.ua/uk/news-list/all-10-heets-tastes>

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