

Worldwide news and comment

GLOBAL

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RESULTS OF THE GLOBAL TOBACCO INDUSTRY INTERFERENCE INDEX 2023

The tobacco industry (TI), that peddles harmful and addictive products globally, has intensified its interference to sabotage and undermine public health policy. Many governments succumbed to its influence mainly because they failed to act cohesively when dealing with the industry and its tactics. No country has been spared from the interference and there is a worsening trend as more countries deteriorated in their efforts in 2023 compared with countries that improved.

This is the main finding of the Global Tobacco Industry Interference Index 2023, the fourth in the series, which ranked 90 countries on how they were implementing Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC). Article 5.3 is an obligation in the Convention which requires Parties to protect their tobacco control policies from commercial and other vested interests of the industry. Using the 2014 questionnaire developed by the Southeast Asia Tobacco Control Alliance (SEATCA), this civil society report applies scores based on evidence covering the period 1 April 2021 to 30 March 2023 to a country's performance: the lower the score, the lower the level of interference.

The top five countries that did not cave in to industry meddling in tobacco control policy are Brunei Darussalam, New Zealand, France, the Netherlands and Botswana. Given that these countries are from different regions with varying economic status, suggests it is political will that is needed to protect public health. At the other end of the spectrum are the Dominican Republic, Switzerland, Japan, Indonesia and Georgia who all faced high levels of industry interference. Their high scores indicate they acted in favour of the industry.

Non-health sectors vulnerable to Tobacco industry Lobby

The 2023 Index found the TI used a slew of tactics to overwhelm and undermine protective measures governments have already put in place, while preventing and discouraging other efforts from being adopted. The industry targeted non-health departments, especially finance, commerce and customs, persuaded them with exaggerated claims of its contributions to the economy and convinced them of the narrative that tax increases will worsen illicit trade. These strategies contributed to preventing tax increases in Colombia, Mongolia, Malaysia and Turkey, while in several other countries, there were delays in tax payments.

Applying pictorial health warnings on tobacco packs, a cost-effective measure to educate smokers, promote cessation and dissuade new smokers from starting, were delayed in Chad, Bangladesh, Lao PDR and Nigeria. The implementation of standardised tobacco packaging was undermined by the TI in Georgia, Myanmar and Uruguay.

Uruguay, Egypt and Kenya, succumbed to the industry's lobbying and revoked their bans on e-cigarettes and nicotine pouches.

Accepting tobacco related charity facilitates unnecessary interaction and compromises

The TI's corporate social responsibility (CSR) activities are a form of sponsorship and governments are called to denormalise these CSR activities. When governments accept charity from the industry, they subject themselves to compromise on policies. Many governments accepted charitable handouts which focused on post COVID-19 recovery, contributing to relief efforts in natural disasters, environmental protection such as cigarette butt cleanups or tree-planting.

Government and public institution endorsed industry-led cigarette butt litter clean-ups occurred in at least 15 countries including Brazil, Colombia, Costa Rica, Korea, Malaysia, Sweden, Switzerland and Uruguay.

Article 5.3 calls on governments to limit interaction with the TI to only when strictly needed for regulation. But many countries engaged in various types of unnecessary interactions. High ranking public officers in at least 12 countries, including Korea, Bangladesh, Nepal, Turkey, Lebanon and Japan, gave special recognition to tobacco companies just for paying taxes, doing charity or conducting its business.

In 2014, Parties to the WHO FCTC adopted a decision to strengthen their efforts to protect policies from the TI to include diplomatic missions. The 2023 Index found the diplomatic missions of five countries, namely, China, Germany, Italy, Japan and the UK, were persuaded to promote tobacco companies in other countries.

Policy makers in many countries made themselves vulnerable to industry interference by placing themselves in situations of conflict-of-interest. This happened either through accepting TI donations for political campaigns or through governments investment in the tobacco business.

Transparency and accountability remained a problem across countries as most countries do not have rules for disclosure of meetings with the TI, a register of lobbyists, or policies to require the TI to disclose information on marketing and lobbying. However, Canada, Chile, Mexico, the Netherlands, Poland, and the U.S.A. have a register for lobbyists.

Canada, the EU, New Zealand, and the UK inform about meetings with the TI on their websites.

Some governments took action to halt industry interference

But concrete government action to address industry meddling was registered in several developing countries. In Africa, Botswana, Burkina Faso and Ethiopia stepped-up their efforts to protect public health. Botswana passed its Tobacco Control Act 2021 which incorporated elements of Article 5.3 Guidelines and requires full transparency on any interactions with TI, limited to only when strictly necessary, and prohibits any partnership or contributions from the TI to any public body. The new law was passed despite intimidation by British American Tobacco Botswana (BATB) to the Health Minister that that the regulation was 'excessive and ill thought-out'. Burkina Faso and Cote d'Ivoire have developed draft decrees to protect health policies from industry interference.

In Europe, Bosnia and Herzegovina's new tobacco control law incorporates components of Article 5.3 and limits interactions with the TI and the Netherlands has a protocol for civil servants interacting with the industry and its representatives. The Ukraine registered the biggest improvement by implementing comprehensive policy to reduce tobacco use

and countered industry attempts which continued during the war to delay that law and reverse a ban on tobacco product advertising.

Article 5.3 is a powerful tool that empowers governments to halt TI interference in tobacco control policy. They need to exercise political will and fully utilise it to save lives.

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NORTH AMERICA

USA: Menthol ban stalls as election year looms large

In the United States (US), while the States of California and Massachusetts have banned the sale of menthol cigarettes, a Federal country-wide ban on menthols has been delayed until March 2024 and most likely even longer. White House insiders have suggested that the delay is because of the looming 2024 Presidential Elections.

Former Republican potential Presidential candidate Ron DeSantis said that he would reverse the ban if elected. According to media reports, insiders suggest that President Biden is worried about upsetting voters ahead of the election, particularly African Americans who supported Biden in the last election. Research shows that tobacco companies have disproportionately targeted black communities with menthol advertisements and that this is likely to explain the high levels of consumption with 85% of black people who smoke choosing menthol. Nevertheless, lobbyists are suggesting that banning menthol could upset those who smoke them and damage President Biden's re-election chances. The argument is that banning menthol would further criminalise black people by default. However, this misrepresents the policy, as purveyors not consumers would not be the target of enforcement.

Menthol has already been banned in the European Union and the United Kingdom, as well as in the aforementioned US states.

Menthol enables those who smoke to inhale more deeply while simultaneously providing the misperception that a 'smoother' smoking experience is a healthier one.

Even if Biden were to go ahead with progressing the ban in March 2024, it is expected that it would not come into force for years due to legal challenges. It will be especially interesting to hear the arguments against this menthol ban in cigarettes at a time when all transnational tobacco companies claim that they no longer wish to sell cigarettes.

ASIA

China: China bans Flavoured Vapes for its own citizens but is making billions from exports

More than 90% of the world's vaping devices are manufactured in China, even though domestic sales of vape products in any other flavour other than tobacco are illegal in the country. The government rationalises the flavourings ban using the same health concerns as other governments. However, the Chinese government has a significant conflict of interest as it receives income from tobacco sales from the State-owned China National Tobacco Company. There are an estimated 300 million people in China who smoke (about a third of the world's smoking population) and the Government reportedly receives 8.7% of its tax revenue from tobacco taxes.

Despite these regulations in China, exports of flavoured e-cigarettes to other countries are flourishing. Business tycoon Zhang Shengwei is responsible for exporting the best-selling vape brands in the US and the UK, including disposable products Elf bar and Lost Mary. These products are available in many flavours likely to appeal to youth, including 'blueberry sour raspberry', 'pink lemonade' and 'pink senorita'. Both countries are witnessing a large increase in youth vaping. These disposable products are also causing a significant plastic waste management burden.

A Reuters media report China e-cigarette titan behind 'Elf Bar' floods the US with illegal vapes | Reuters stated that in the United States, Zhang's firm ignored regulations on new products and capitalized on poor enforcement, whilst in the UK, 'Zhang has complied with regulations requiring lower nicotine levels and government registration while building an unmatched distribution network.'

Malaysia: A step towards Generational End Game to prevent sales to those born after 2007?

In Malaysia, the long-awaited Control of Smoking Products for Public Health

Bill 2023 was passed in the parliament's lower house on November 30, and the upper house on December 14. The bill regulates the use and sale of both conventional tobacco products and new tobacco products including Electronic Nicotine Delivery Systems (ENDS) and other novel tobacco products, preventing people under 18 from buying or using these products. In a move which disappointed tobacco control advocates, the Generational End Game (GEG) component of the bill was dropped from the final version voted on by members of parliament. The GEG proposed to prevent the sale of any kind of tobacco products to people born from 2007 onwards. Had the GEG proceeded, Malaysia would have been one of the first countries in the world to introduce this measure, joining countries such as the UK (and New Zealand prior to the u-turn mentioned elsewhere in this news analysis section) where plans are progressing to eliminate sales to the next generation. During a heated debate in the lower house, some MP's questioned whether tobacco industry lobbyists had influenced the government's decision to remove this provision. Nonetheless, tobacco control advocates in Malaysia celebrated success in a hard-won battle, decades in the making, expressing hope that the new bill would be a step towards achieving the GEG.

The health minister Dr Zaliha Mustafa stated that the GEG had been removed following advice from the Attorney General's office about its constitutionality but reiterated her commitment to the GEG. However, in a cabinet reshuffle by Prime Minister Anwar Ibrahim in early December, Dr Mustafa was replaced as minister for health by Dr Dzulkefly Ahmad, former chairman of the parliamentary committee on health which was tasked with fine-tuning the bill and a senior member of one of current government coalition parties, the Parti Amanah Negara. Thus, it fell to Dr Ahmad to present the bill for consideration by the upper house, the Dewan Negara, where it was passed on December 14. He took the opportunity to apologise for the absence of the GEG but stressed nonetheless the importance of the bill and announcing a five-year advocacy plan aimed at discouraging smoking amongst Malaysians born after 2007.

AUSTRALASIA

New Zealand: 'Thank you for smoking': New Aotearoa government back tracks on ground-breaking tobacco control policies
New Zealand has announced it will repeal the country's world-leading smokefree laws.

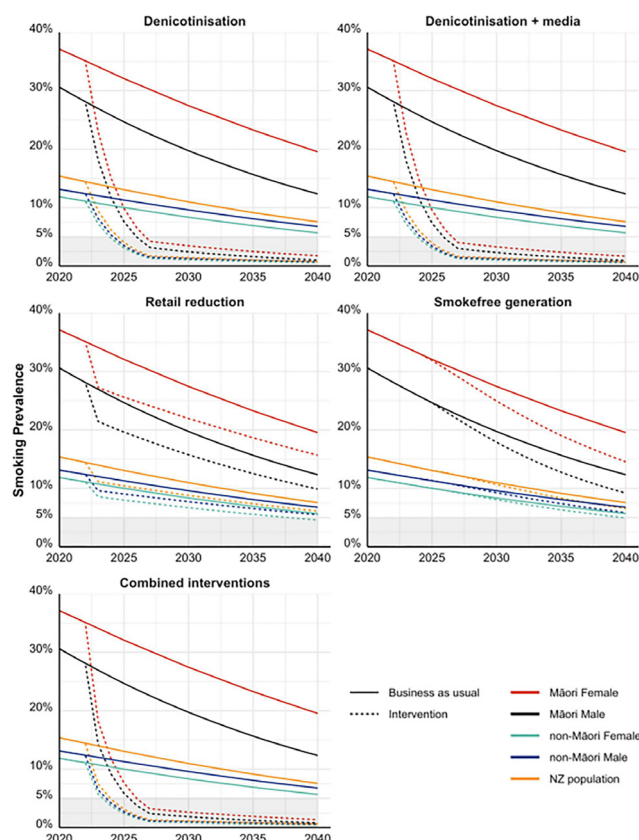


Figure 1 Smoking prevalence (daily, 20+ year population) in Aotearoa New Zealand (NZ) Under business as usual and interventions. Prevalences are not age standardised and are calculated for the projected age structure of each sex by ethnic group in future years.

Faced with a choice between leading a turning point in the global tobacco epidemic or turning back the clock, New Zealand's new incoming coalition government chose the latter.

The new coalition government is made up of right-wing parties, the National party, together with minor parties ACT and NZ First. The coalition agreement between the National party and the ACT party states that the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act 2022 will remove the requirements for denicotinisation and reduction in retail outlets. The smoke-free generation policy will also be repealed.

The incoming finance minister Nicola Willis admitted that tobacco tax revenues would be used to finance tax cuts promised during the election campaign. National's Party leader and new Prime Minister, Christopher Luxton claimed that the new laws would drive the black market, claims which have been effectively debunked by tobacco control academics and advocates.

Public Health advocates have responded to the news with dismay, including Health Coalition Aotearoa and National Māori Public Health Organisation, Hāpai Te Hauora who have called on the new government to reconsider the move.

The decision must privately have Health Minister (and medical doctor) Dr Shane Reti shaking his head at how he will be able to justify the decision, particularly against his previous support for denicotinisation. Public unity is likely to be especially difficult to maintain, given he will have seen the effects of smoking first hand in his early career as a GP, and the incongruity of reversing the biggest cancer prevention strategy in history against causes he has championed as a politician such as lobbying for children with cancer to receive free medicine.

A modelling study published in Tobacco Control earlier this year clearly shows that the Smokefree Aotearoa 2025 plan was likely to achieve its aims to rapidly reduce smoking to negligible levels (figure 1).

Instead, the new government is choosing tax cuts over the health and lives of its citizens.

This article was first published on the Tobacco Control blog at <https://blogs.bmj.com/tc/2023/11/27/thank-you-for-smoking-new-aotearoa-new-zealand-government-ditches-history-making-smoke-free-plan-to-fund-tax-cuts>.

Australia: New regulations set to come into force in April 2024

In 2023, following the release of the National Tobacco Strategy 2023-2030, both houses of the Australian parliament passed the *Public*



Potential graphic health warnings

Figure 2 Proposed new graphic health warnings.

Health (Tobacco and Other Products) Bill 2023 on December 7. Key features of the new legislation include restrictions on advertising of vapes and new tobacco products, restrictions on product names which imply less harm, bans of additives intended to make tobacco products more palatable such as menthol and crush balls, and updated packaging and graphic health warnings, including health messages on individual cigarette sticks. The legislation will also include new health promotion inserts in packs and pouches to support people to quit smoking. In January 2024, the government also undertook a supplementary public consultation on graphic health warnings and health promotion inserts (figures 2–4)

(Figure 2. Proposed new graphic health warnings. Taken from <https://www.health.gov.au/resources/publications/laws-begin-a-new-era-of-tobacco-control-potential-graphic-health-warnings-imagery?language=en>)

(Figure 3. Options for messages for individual cigarette sticks. Taken from <https://www.health.gov.au/resources/publications/laws-begin-a-new-era-of-tobacco-control-potential-graphic-health-warnings-imagery?language=en>)

(Figure 4. Options for health promotion inserts. Taken from <https://www.health.gov.au/resources/publications/>



Figure 3 Options for messages for individual cigarette sticks.

laws-begin-a-new-era-of-tobacco-control-potential-graphic-health-warnings-imagery?language=en)

The new legislation will begin from April 1, 2024, with a transition period of 12 months for industry to comply, and a further 3 months for retailers. The new legislation has been welcomed by groups including the Heart Foundation and the Public Health Association of Australia (PHAA). Heart Foundation CEO, David Lloyd said the new legislation would ‘play a key role in helping to protect a new generation of young Australians from a life sentence of poor heart health’ and PHAA CEO Adjunct Professor Terry Slevin described the new laws as ‘one of the most important moments in Australia’s public health history.’



Health promotion inserts

Figure 4 Options for health promotion inserts.



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