Combatting tobacco industry interference

Tobacco industry interference with tobacco control can be neutralized

Parties to the WHO FCTC have committed to overcoming tobacco industry interference by implementing Article 5.3 of the treaty, which states: "In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law"*(3)*.

Tobacco control historically has been opposed by the tobacco industry, which has systematically employed a wide range of tactics to interfere with tobacco control efforts. Tobacco companies attempted to prevent, delay or derail the process of negotiation of the WHO FCTC. After failing to prevent its adoption by the World Health Assembly in 2003 and ratification by most WHO Member States, the tobacco industry is now concentrating its efforts to prevent comprehensive implementation of the treaty by its Parties. Because the tobacco industry has massive resources, it spends substantial amounts of money on sophisticated product marketing, political lobbying and campaign contributions, financing research favourable to its interests, so-called "social responsibility" and other philanthropic initiatives, and media manipulation to discredit scientific research and influence governments.

Tobacco industry interference takes many forms, but all have the goal of weakening or obstructing strong tobacco control policies. Some activities are conducted openly, while others are more covert. However, all of these attempts at interference can be successfully countered to ensure that tobacco control policies and programmes remain effective at reducing the epidemic of tobacco use.

The tobacco industry has been particularly aggressive in blocking bans on tobacco advertising, promotion and sponsorship (TAPS). TAPS remain essential to attract new tobacco users, who are vital to the industry's ability to continue generating revenues and profits. Consequently, the industry views bans on TAPS activities as one of the biggest threats to its interests and will strongly oppose even the most minimal restrictions (see chapter "Enforce bans on tobacco advertising, promotion and sponsorship" for more detail).

Countering industry tactics

In 2008, the Conference of the Parties of the WHO FCTC adopted guidelines for implementation of Article 5.3 of the Convention. These guidelines aim to assist Parties in meeting their legal obligations under Article 5.3 of the Convention and draw on the best available scientific evidence and the experience of Parties in addressing tobacco industry interference.

They provide a set of recommendations on how Parties can best address efforts of the industry to interfere with tobacco control policy development (*5*). In addition to the obligations under Article 5.3, the WHO FCTC contains several provisions that address protection of tobacco control from tobacco industry interference. The preamble to the treaty recognizes "the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts" *(3)*.

Understanding tobacco industry practices is critical to success in tobacco control. Although the industry attempts to position itself as a legitimate partner and stakeholder in tobacco control, it cannot be allowed to be involved in any way in tobacco control efforts. To prevent such involvement, some countries that recently adopted new tobacco control legislations (Burkina Faso, Djibouti and Namibia) included specific references to measures under Article 5.3 of the WHO FCTC and its respective guidelines.

Research, surveillance and exchange of information are key components of the WHO FCTC (*3*). Surveillance of tobacco industry activities and strategies allows us to know more about tactics used to interfere with tobacco control and provides information about who represents the tobacco industry, including the identity of front groups.

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Tobacco industry tactics to interfere with tobacco control efforts

There are several tactics used by the tobacco industry to interfere with tobacco control efforts *(86)*.

■ *Influencing the political and legislative process.* The industry has been highly resourceful in undermining governments' efforts to protect health by creating and exploiting legal loopholes and hiring lobbyists to influence decision makers and weaken normative texts.

■ *Exaggerating the economic importance of the industry.* The industry often uses economic arguments to suggest that effective tobacco control would nullify the alleged economic benefits of their business to local communities and national economies, but its data exaggerate the economic importance.

■ *Manipulating public opinion to improve the industry's image.* The industry uses a wide range of public relations tactics to manipulate public opinion and improve its image, including so-called "social responsibility" initiatives.

■ *Fabricating support through front groups.* The industry uses affiliated businesses in its own and other industries to create seemingly independent "grassroots" groups that support its interests, but which commonly receive direct tobacco industry funding.

■ *Discrediting proven science.* In order to weaken tobacco control efforts, the industry creates false controversies about the scientific evidence of the harms of tobacco by manipulating standards of scientific proof and distorting evidence.

■ *Intimidating governments with litigation.* Legal action, or even the threat of action, is a popular industry tactic to intimidate governments and dissuade them from introducing effective tobacco control policies.

Legal mechanisms must be in place to support monitoring as well as to set up firewalls between government and the tobacco industry.

WHO and other organizations monitor tobacco industry efforts to undermine global tobacco control, and disseminate this information through reports and databases of tobacco industry activities. This involves monitoring the tobacco industry at national as well as local levels, including review of industry publications and market analyses, monitoring media coverage of industry-related issues, and reviewing communications by legislators and other policy-makers to ascertain their views on tobacco control. Also, the reporting instrument of the WHO FCTC requires Parties to provide information on their progress made in implementation of Article 5.3 and its guidelines *(87)*.

With this information it is possible to implement legislation and regulations that neutralize tobacco industry interference and increase the likelihood of success in tobacco control. Informing and involving the public and civil society will also help counter interference with tobacco control programmes.

Further, legal mechanisms must be in place to support monitoring as well as to set up firewalls between government and the tobacco industry. This helps prevent collaboration and avoid conflicts of interest, especially since some government officials and elected representatives will support tobacco industry positions. A code of conduct for public officials that prescribes standards with which they should comply in their dealings with the tobacco industry would also help avoid conflicts of interest for government officials and employees working in tobacco control.

Transparency and disclosure of tobacco industry conduct and finances, including lobbying activities, campaign contributions and TAPS expenditures, are also important.

A strong tobacco control programme is one of the best defences against tobacco industry interference. Enacting and strictly enforcing comprehensive tobacco control measures, communicating effectively about tobacco control policies and regulations, building strong anti-tobacco coalitions within government and civil society, applying lessons learned from the successes of other countries, and using evidence and enlisting tobacco control "champions" to tell the truth about the harms of tobacco use and refute industry arguments will all serve to counter tobacco industry attempts to interfere with tobacco control.