



16 February 2012

The Honorable Barack H. Obama  
President,  
United States of America  
1600 Pennsylvania Avenue N.W.  
Washington, DC 20500 USA

**RE: CARVE OUT TOBACCO FROM THE TRANS-PACIFIC PARTNERSHIP AGREEMENT**

Dear Mr. President,

We are writing to inform you about our concerns regarding the Trans-Pacific Partnership (TPP) Agreement which is currently being negotiated. We believe it is not enough to have free and fair trade, **safe trade** should be a primary consideration and the tobacco business whose product poses a health risk is certainly not safe.

We are appealing to you to carve out tobacco from the TPP for the following reasons:

- Over 40 countries have pictorial health warnings on cigarette packs, but when these sovereign governments try to protect their public health by increasing the warning size tobacco companies like Philip Morris take them to court using bilateral trade agreements. Your administration is facing a lawsuit by tobacco companies, preventing the FDA from applying pictorial health warnings. What chance do small governments like Uruguay have in the face of wealthy and powerful transnational corporations? We in Southeast Asia have fought hard for our tobacco control measures. We are very concerned that through the TPP, transnational corporations can undo or threaten our governments to roll back what we have accomplished. The tobacco industry is like a chameleon changing its legal identity to suit itself in fighting tobacco control. For example in suing the Uruguay government, Philip Morris is a Swiss company. In suing the Australian government's plain packaging laws Philip Morris is a Hong Kong company. It is impossible for a government to protect public health against this elusiveness on the trade platform like the TPP.
- In the 1980s the US government through the Trade Representative Office pried open Asian markets which resulted in increased tobacco use in Asia. We do not want a repeat performance of the US tobacco business' might upon Asia. Eight out of the nine countries negotiating the TPP are Parties to the WHO Framework Convention on Tobacco Control (FCTC). Through the FCTC the Asia Pacific region has made advancement in tobacco control. It seems logical for the eight countries to exclude tobacco from the TPP. We are appealing to your administration not to block this move. The next round of negotiations is taking place in Melbourne Australia 1-9 March 2012. We hope health is not sidelined at this round by your administration.

Mr. President, you sent a strong message to the world that the US has a firm stand on tobacco control when you signed the *Family Smoking Prevention and Tobacco Control Act* in June 2009. We urge you to continue to reflect that position in the TPP and exclude tobacco in this agreement.

Thank you for your kind consideration.

Sincerely yours,

Ms. Bungon Ritthiphakdee  
SEATCA Director