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The refusal of the overwhelming majority of parties to bow to pressure from the United States to accept weak language on

tobacco advertising has started to show results. Unable to get its way through the revised Chair's text, the US has now produced a new proposal using the princi-

p I e of "differentiated
4 responsibilities".
The proposed

6

text circulated to delegates on Wednesday aternoon actually has no attractive features and is

attractive features and is mainly a reformulation of the Chair's text.

The proposal includes new declaratory language. This is a good idea, if it declares a meaningful finding.

"...[the majority of the US proposal] is just a reformulation of the Chair's revised text... with some extra weaknesses."

> However, this doesn't. It points out that tobacco advertising encourages consumption, which adversely affects public health. This formulation does not rec

ognise that advertising increases consumption, and its grammar is constructed to assert what even Philip Morris acknowledges - the truism that tobacco consumption harms health. Good declaratory language would include a finding that: tobacco advertising creases total consumption, and that comprehensive bans on direct and indirect tobacco advertising, promotion and sponsorship are an effective and important means of reducing tobacco consumption and protecting public health.

The rest of it is just a reformulation of the Chair's revised text, though with

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6 A Total Ad Ban Is Best: Director-General



Since the opening of the first working group for the Framework Convention on Tobacco Control on 25 October 1999,

13,373,424

people have died from tobacco-related diseases. (At 9 am 20 February 2003) Due to concern among delegates over the views of the Director-General of the WHO on the Chair's text, the FCA interviewed Dr Brundtland on this isclarify. sue. To Dr Brundtland finds the Chair's text to be "a good basis for the INB6 negotiations". However, she pointed out that, with so many countries negotiating over two weeks, we should expect that a new

text will emerge that is different from the current Chair's text.

When asked about the hot issue of the moment, tobacco advertising, Dr Brundtland said that: "Based on evidence, we know that [tobacco] advertising bans are amongst the most effective instruments to limit [tobacco] consumption". She added that the other

effective measures are taxation and smoke-free environments.

"All countries are aware of what I have said", she added. "I believe that a total ban is the best. I have no reason to say that I have changed my mind on this."

— Mary Assunta and Sophie Kazan

Today's Weather: Mostly Cloudy High 5 °C Low - 1 °C

Package Warnings - Size is Crucial

Size is critically important to the effectiveness of package warning messages. Overall impact increases as size increases. Larger warnings improve noticeability, readability, perceived importance, and memorability. Larger warnings allow for more information to be communicated.

The FCTC should require that package warnings be at least 50%, on average, of the principal display surfaces of tobacco packages. This would be far better than the current Chair's text, which requires a minimum of only 30%. At INB5, a vast number of countries supported a 50% minimum.

A package warning system is an ongoing educational initiative that is particularly ideal for developing countries, since the tobacco industry pays the cost. Good warnings mean that packages become millions of mobile billboards discouraging smoking among those most in need of hearing the message.

Without a large minimum size, many countries, under industry pressure, will end up choosing a small size, which in turn will dramatically reduce the impact



Examples of Finnish warning labels



of warnings. Having a specific obligation will make it easy for countries to require warnings that are at least 50% in size.

Larger warnings allow for the inclusion of pictures or pictograms, in addition to text. As the saying goes, "A picture is worth a thousand words." Pictures are particularly useful when communicating with illiterate populations. The importance of including pictures is persuasively demonstrated by the fact that the tobacco industry almost always uses pictures in its advertising.

Canada and Brazil already require picture-based warnings that are on average 50% of the front and back of the package (Canada - 50% of both the front and back; Brazil - 100% of either the front or back). Research from Brazil and Canada shows that the new large, picture-based warnings are highly effective at discouraging smoking.

Thailand has officially announced that it will adopt a law to require large picture-based warnings.

Further, the existing European Commu-

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Evidence vs. Emotions: Warnings Must Warn

BAT Malaysia recently dismissed the call by the Framework Convention Alliance for bold, rotational, pictorial health warnings on cigarette packs as being "emotional rather than rational". The FCA recommends that in order for warnings to be effective and to adequately inform consumers on the dangers of smoking, they must be clearly visible.

Health warnings on cigarette packs in Malaysia have to date been miniscule and lost on the side of the packs, and the tobacco industry has lobbied for the warnings to remain there—out of sight and out of mind.

Canada and Brazil have already introduced pictorial warnings on cigarette packs. Malaysia's immediate neighbours, Singapore and Thailand, have prominent warnings appearing on the front of cigarette packs. Meanwhile JTI South East Asia (SEA) also dismissed calls for prominent health warnings in Malaysia, saying there is no evidence that graphic images better inform smokers about the risks of smoking. Their

strong protest against the images suggest that they know very well just how effective they will be.

It appears that BAT Malaysia and JTI SEA do not want Malaysians to know other countries have successfully introduced prominent pictorial warnings without infringing on intellectual property rights. The measures have passed in other countries due to the strong evidence supporting large, pictorial warnings. In dismissing large, rotational, pictorial warnings as simply an emotional, irrational response or as having no evidence in being effective, these two tobacco companies have really been emotional and ignored the evidence.

It must be acknowledged that it is indeed very emotional for the families of the 10,000 Malaysians and the 4.9 million people worldwide who die from tobacco related diseases every year.

— Mary Assunta

Mille Mots

Le droit à l'information est un principe élémentaire du droit des consommateurs. Un produit de consommation, en vente libre, qui contient de la nicotine, une drogue créant plus de dépendance que l'héroïne ou la cocaïne, et qui rend malade et qui tue, doit impérativement avoir une mise en garde, un avertissement sanitaire important et parfaitement compréhensible à tous.

Le monde comp te encore 890 millions d'analphabètes, dont une majorité de femmes qui, avec les enfants, constituent une population cible de l'industrie du tabac. La proportion des fumeurs, parmi cette population, est majoritaire. Un avertissement sanitaire sur des produits du tabac, même

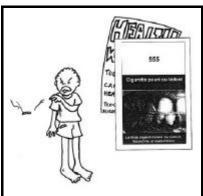
écrit en gros caractères, à l'instar des nouveaux avertissements sanitaires du Royaume Uni et de l'Union Européenne, ne serait, dans ce cas, d'aucune utilité. D'autres cas probants concernent les enfants, les pays ou plusieurs langues sont parlées, ainsi que les produits du tabac destinés à l importation et à l'exportation.

L'utilisation de l'image illustrant les maladies liées au tabac, sur les paquets de cigarettes, est la solution idéale. Sa pertinence n'est plus à démontrer. La compréhension par l'image est claire et immédiate; l'image s'adresse autant à l'intelligence qu'à l'émotion. Cette mesure de santé publique est accessible et prioritaire. Le Canada et le Brésil nous ont montré la voie depuis déjà plusieurs années et ont ainsi considérablement réduit leur taux de tabagisme.

Le message écrit d'avertissement à la santé doit seulement renforcer l'image, comme moyen de communication. Les publicitaires et les cigarettiers l'ont compris depuis longtemps!

— Véronique Le Clézio





In the Industry's Own Words...

"The vital statistics I would like you to bear in mind are 7, 57, 139 and 227...There is no glamour about these figures. They are the death rates per 100,000 per year from cancer of the lung of men who were nonsmokers (they are the 7), men who smoked 1-4 cigarettes daily (they are the 57), men who smoked 15-24 cigarettes daily (they are the 139) and men who smoked 25 or more cigarettes daily (they are the 227)...These four vital statistics are basically the reason why we are here tonight. They are the reason why the tobacco manufacturers in this country have spent over 25m to date on smoking and health research... These vital statistics are really vital. They threaten the life of the tobacco industry in every country of the world."

(From the files of Helmut Wakeham, Director of Research and Development at Philip Morris.)

"John Sandage (State, Office of the Legal Adviser) called me from New York this morning where he is attending meetings at the UN. He had not heard of the SACTPR [Scientific Advisory Committee on Tobacco Product Regulation] but is suspicious that it is yet another WHO secretariat-driven "experts group" organized with the intention of regulating everybodies' lifestyles. (This is a paraphrase. He was even more emphatic. Count him as very open, if not sympathetic, to the industry viewpoint)."

E-mail from James D. Regan, International Business-Government Counsellors to Quentin Browell, Japan Tobacco International, 6 Octber 2000, Bates #522604201-4202; www.rjrtdocs.com

BAT HAS BOUGHT MOÇAMBIQUE

British American Tobacco (BAT) has bought all the tobacco companies in Moçambique and has a monopoly over tobacco activities in the country, including promoting the growth of tobacco, industrial processing, and trade. BAT is not only investing in tobacco production in the country, but also in tobacco advertising, sponsorship and promotion, with the aim of seducing young people to smoke. It is also apparent that in all their dealings, corrupting political figures in the country is key to getting their business accepted.

It is difficult for the Moçambique government to resist the investments of tobacco multi-nationals as the country is an economically undeveloped and poverty stricken country. But although investments bring immediate wealth to the economy, the country will suffer in the future with death in local communities caused by smoking-related diseases.

- Francisco V. Cabo

Photos: BAT billboards used to hook young smokers





BAT in Burma: 'Why?' asks Campaign

Former Tory minister Kenneth Clarke had better get his hard hat on, advises The Express. Opponents of the military regime in Burma have bought shares in British American Tobacco so they can attend the annual meeting on 15 April and harangue the board, which includes Clarke, the deputy chairman.

The campaign leaked a letter he wrote to a constituent last November in which he said he was "uncomfortable" about investing in countries such as Burma – BAT has a factory there.

John Jackson, director of Burma Campaign UK said: "We want to make BAT directors explain to shareholders why they fund this brutal military dictatorship."

Source: The Express, 19 February 2003

Corporate Social Responsibility?

"Along with the pleasures of cigarette smoking come real risks of serious diseases such as lung cancer, respiratory disease, and heart disease. We also recognise that, for many people, it is difficult to quit smoking"

 Dr. Chris Proctor, Head of Science and Regulation, BAT (www.bat.com)

Package Warnings

(Continued from page 2)

nity Directive requires that package warnings (including a border surrounding the warnings) cover, on average, at least 45% of the front and back of the package (40% of the front, 50% of the back). In bilingual and trilingual EC countries, the minimum percentage is even bigger.

Package warnings are one of the key potential deliverables of the FCTC. It is essential that Article 11 on Package and Labelling be as strong as possible.

- Rob Cunningham

Advertising: the Debate Continues

(Continued from page 1)

some extra weaknesses added. The text creates a menu of three options for restrictions on tobacco advertising: a total and immediate ban; a progressive ban using language of the facilitator's text; and estrictions based on the language of the Chair's text (which includes doing nothing or imposing trivial estrictions, such as banning false and misleading advertising). These options were already included in the revised Chair's text, though not written in this listed form.

The problem with this approach is that it doesn't give the greatest emphasis to the only strategy that has a good evidence base and the one supported by the overwhelming majority — a comprehensive ban on direct and indirect tobacco advertising, promotion and sponsorship. A far better approach is to specify a comprehensive ban as the norm and centrepiece of the treaty. In an inversion of the approach proposed by the Chair, those were <u>not</u> committed to this aim could make a declaration to that effect. Declara-

tions could also be made by parties to register progress and their expected date of full compliance.

The listing of the option of an 'immediate and total ban' is vintage American mischief. As we explained in yesterday's bulletin, very few (if any) countries have a *total* ban. Most good legislation is in the form of a *comprehensive* ban – the latter having a number of minor exemptions - for example, allowing advertising within the tobacco trade, display of price lists and some incoming cross-border advertising. Furthermore, the 'immediate' option will be impossible for most countries as they would need time to adopt and apply the necessary legislation or delay ratification. Its aim is to sound as though the US is offering a 'progressive' option in its proposal, but it has been specified so as to be irrelevant for most parties.

Trick or treaty?

— Clive Bates

The FCTC Dilemma: To be for the public good or not to be? What the FCTC Process Can Learn from Tobacco Policy Development in Russia

There is much debate at the moment as to whether a weak FCTC would be better or worse than no FCTC at all. The lesson of Russia may prove helpful in this regard.

In order to address the alarmingly high mortality rates in Russia, the government has attempted for years to pass a comprehensive tobacco control law. The draft law included a ban on advertising, prohibition of smoking in public places, funding for tobacco control, and compensation for health damage from smoking. But the power of the transnational tobacco industry was sufficient to squeeze each measure out of the draft.

Russian legislators decided that it is better to have a weak law than to have no law at all. They believed that it would be possible to introduce amendments into the weak law once it was adopted. Presidential initiatives on promotion of sports and healthy life-

styles have created opportunities for development and implementation of effective tobacco control policy in Russia. After all, strong tobacco control policy would reduce health care costs and lower the death rate, both of which are priorities for the government.

But the weak law has become the main reason for the current stagnation in tobacco control policy in Russia. The law was welcomed by the transnational tobacco industry, which can use it as a shield to protect itself from new initiatives on industry regulation.

The law aggravated the backward position of Russia in world efforts aimed at tobacco control. Politicians are reluctant to offend their smoking constituents, many people consider tobacco and alcohol use as benign behaviours compared to illegal drug use, and governmental agencies and some representatives of the public health community collaborate with the tobacco industry.

The industry presents an image of itself as socially responsible, promoting economic and social development, jobs, charity, arts, and even tobacco control among youth.

The Russian tobacco control story is telling. The FCTC is a tremendous positive opportunity, and must not follow the road of compromise with industry interests. The very countries which are promoting industry interests are themselves likely to refuse to ratify the Convention which was weakened under their pressure.

Countries sincerely interested in public health good should provide strong leadership at this stage of the FCTC development, to avoid a scenario in which well-meaning politicians accept a treaty that is not only weak, but which cripples future efforts at tobacco control as well.

— Professor Andrey K. Demin

NGO Participation — When, How and Why?

It is generally recognized that the participation and support of civil society is necessary for a treaty or other international agreement to reach its fullest potential.

There are several roles that NGOs, as representatives of civil society, play in treaty negotiations and policy development. They offer a wealth of technical assistance, having long been at the forefront of tobacco control research, education, and programs. They are, as Dr. Caleb Otto from Palau said at the Brussels meeting (February 3, 2003), "the voice and conscience of the public."

They can help create support for policies, just as they can cast a critical public eye on questionable textual suggestions or ineffective proposals.

Until INB-6, NGOs were able to offer their advice and information based on a reasonable understanding of the issues being discussed. Access to the negotiations, while not universal, provided the basis for valuable support and information for the negotiators. In addition, their work with the media kept the public informed about the progress of the negotiations, creating awareness and support for

what began as a highly controversial treaty topic.

The FCTC is a public health treaty – there are no commercial secrets; it is not about armaments or national security. It is about the development of public health policy, in which the public has a legitimate interest. If NGOs do not have reasonable access to the regotiation process, the public has no voice and no contribution and in the end, it is the treaty that will suffer

- A. Jenny Foreit

International Treaties the US Has Not Ratified

EXAMPLE 2:

The BASEL CONVENTION Trade in Hazardous Waste

Date Adopted: 1989 Ban Amendment: 1995

153 Countries have ratified the convention; 35 have ratified the amendment.

The United States thwarted consensus on a ban amendment to the Basel Convention which was eventually passed only due to the unified leadership of the G-77 countries joined by Eastern Europe and European countries which stood steadfast against the US and silenced opposition from the European Union.

When the majority of countries are united, opposition from the U.S. can be overcome. Appearement does not work.

Corrigendum:

The Bulletin Editors would like to apologize to the US for the mistake about which children's rights the US fails to respect. We incorrectly stated that the US had ratified the Convention on the Rights of the

Child, but not the Protocol on the Involvement of Children in Armed Conflict. In fact, it is the opposite—apparently the only right the US believes that children should have is not to be involved in armed conflicts.

Orchid Award

China, for supporting the inclusion of health over trade in the Framework Convention



Dirty Ashtray Award

Russia, for opposing the inclusion of health over trade in the Framework Convention



FRAMEWORK CONVENTION ALLIANCE

The Framework Convention Alliance (FCA) is an alliance of NGOs from around the world working to achieve the strongest possible Framework Convention on Tobacco Control. Views expressed in the Alliance Bulletin are those of the writers and do not necessarily represent those of the sponsors. Framework Convention Alliance 46 Ventnor Avenue West Perth, 6005 Australia Tel. 61 8 9212 4333 Fax. 61 8 9212 4334 FCA@globalink.org

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