



INB-6 Monday

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**TUESDAY'S DELEGATE BRIEFING**

**NGO BRIEFING ON THE CHAIR'S TEXT**

**13:00—14:00**  
**Room to be announced**

**Welcome Back, Delegates**

**...let's get back to protecting public health, not the tobacco industry**



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

**13,340,376** people have died from tobacco-related diseases.  
(At 9 am 17 February 2003)

# ALLIANCE BULLETIN

Framework Convention on Tobacco Control

Geneva, Switzerland

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## **Fight for the FCTC – end the 'race to the bottom'**

Many governments were astonished to find that the progressive views of a substantial majority and several key conclusions of the discussion at INB-5 had been sidelined in the new negotiating text. Many developing countries were left wondering how their positions came to be ignored, when it is the developing countries that have been the leaders in the FCTC and that will bear the brunt of the tobacco epidemic.

The reason, it seems, was a desire to achieve consensus at all costs, by including countries that are little more than client states of the tobacco industry. The inevitable result of trying to secure consensus with parties that want only a meaningless text has been a 'race to the bottom'. We wouldn't allow the mosquito to determine policy on malaria – why do we give such an important role to countries that see the cigarette trade as more important than human health?

But there is hope. We should remember that 'consensus' cuts both ways. What happens when pro-health countries decide they will not be part of a consensus that is too

weak? What happens when they withdraw their support until they get a text that more closely reflects their aspirations? But this means some tough negotiating. It means that developing countries and other progressive states must stand up for what they want and refuse to agree to the existing text. It means they should hold out for important concessions and, if necessary, refuse to agree to a flawed text in time for agreement in May.

Let us remember Dr Brundtland's words from 1999:

*"If we do not act decisively today, a hundred years from now our grandchildren will look back and seriously question how people claiming to be committed to public health and social justice allowed the tobacco epidemic to unfold unchecked."*

If current trends continue, in the next hundred years *one billion people* will die from tobacco use. We need tough language in the treaty reflecting the real commitment of most governments to tackle this epidemic, and we need clear evidence that the process will not just grind to a halt once the treaty is signed.

## **Opening Remarks at INB4**

There must be few people in this room who have not lost a relative or a friend to tobacco. Every single one of those four million people who died last year could have lived longer - five years longer, 10 years longer, 20 years longer. None of them needed to have suffered months and years of lingering pain and repeated visits to the hospital, none needed to have coped with dashed hopes and anguished families.

It is these lives and lost years which provide us the answers to those who will speak to you of profits and marketing gains, of special concessions and "reasonable" campaigns. There is nothing

reasonable about tobacco deaths. We can never hope to measure the real cost of these lost moments, of the pain and loss of even a single life needlessly to tobacco....

If we have the will and courage to do what is right, we do have the means. We know what works: a comprehensive international tobacco control plan that includes advertising and sponsorship bans, tax reforms, ending of subsidies, anti-smuggling measures, product regulation, education and cessation support.

— Dr Gro Harlem Brundtland,  
WHO Director-General

**Today's Weather:** Mostly cloudy  
High 0 °C Low -6 °C

# Secondhand Smoke: A Mortal Threat, All But Ignored

The guiding principles of the Framework Convention on Tobacco Control (FCTC) appropriately describe secondhand smoke as a “mortal threat” to nonsmokers. The proposed text unfortunately makes light of that threat. Cigarettes do not just harm the people who smoke them – they also harm the people around them.

The adverse effects of secondhand smoke are both immediate and long-term, and occur are felt by both in both children and adults. Globally, WHO estimates that nearly 700 million, or almost half the world’s children, breathe air polluted by tobacco smoke.

The effects in children include impairment of fetal growth, an increased risk of death from Sudden Infant Death Syndrome, life-long damage to the lungs, the initiation of chronic asthma, and an increase in the incidence of pneumonia, ear infections and bronchitis. Children brought up in an environment where smoking is the norm are also more likely to become smokers themselves.

The effects in adults include an increase in asthma attacks, an increase in the incidence of angina and potentially fatal heart attacks, and an increased incidence of lung cancer. A 1994 study published in the British Medical Journal found that non-smoking women in the Xi’an province of China had an 85% increased incidence if they were exposed to secondhand smoke at work.

In the United States alone, which has only 5% of the world’s population, over 38,000 people die annually from cancer and heart disease due to exposure to secondhand smoke. The International Agency for Research on Cancer (IARC) has concluded that secondhand smoke causes lung cancer and other health problems. The IARC classifies secondhand smoke as a cancer-causing agent in humans.

## **Strong Smokefree Air Policies – The Achilles’ Heel of the Tobacco Epidemic**

Comprehensive policies that ban smoking in public places and workplaces have been proven to be effective not only in reducing exposure to the deadly toxic components of tobacco smoke, but also in encouraging smokers to quit and in discouraging youth from starting to smoke.

A 1999 study found that “requiring all workplaces to be smoke free would reduce smoking prevalence by 10%. Workplace bans have their greatest impact on groups with the highest smoking rates.”

The tobacco industry has long known that comprehensive smokefree air policies decrease smoking. A 1992 Phillip Morris memo highlights the industry’s concern: “Total prohibition of smoking in the workplace strongly affect industry volume. Smokers facing these restrictions consume 11%-15% less

than the average and quit at a rate that is 84% higher than average.”

Faced with growing public pressure for smokefree air laws, Phillip Morris’ strategy has recently changed from outright opposition to all smokefree air laws to pushing for “accommodation” of smokers. This strategy seeks to weaken smokefree air laws by pushing for smoking sections or expensive, ineffectual ventilation systems.

Phillip Morris’ strategy has been likened to trying to chlorinate half a swimming pool – it does not work! There also is no safe threshold for the carcinogens in tobacco smoke. The only effective way to eliminate secondhand smoke in public places and workplaces is to ban it.

## **Chair’s Text: Article 8 – Opportunity to Protect People from Secondhand Smoke**

While recognizing the deadly effects of secondhand smoke, the current Chair’s text fails to include language that would protect people from its dangers.

### **Article 8 “Protection From Involuntary Exposure to Tobacco Smoke” now states:**

*“Each party shall promote the adoption and implementation of effective legislative, executive, administrative or other measures at the appropriate governmental levels, providing for the protection from exposure to tobacco smoke in public places, public transport and indoor workplaces.”*

“As long as anti-smoking forces can maintain a suspicion of risk [of the health effects of ETS], regulatory authorities and the general public are likely to choose to err on the side of caution and support smoking restrictions.”

“The argument against smoking restrictions based on the existence of ‘controversy’ on the ETS health issue also is unlikely to prove persuasive because it is so reminiscent of the industry’s argument on the primary [smoking and] health issue, which virtually no-one outside of the industry accepts. Thus, the industry will have to establish affirmatively that ETS presents no significant health risk to non-smokers.”

– 1988 Philip Morris document

*“Each party shall promote the adoption and implementation of effective legislative, executive, administrative or other measures at the appropriate governmental levels, providing for the protection from exposure to tobacco smoke in public places, public transport and indoor workplaces.”*

The ambiguity of the Chair’s text is found in the call for “protection”. The tobacco industry and its allies would consider separate smoking areas or ventilation as adequate “protection”. All scientific evidence points to a comprehensive smoking ban as the only way to sufficiently protect people from secondhand tobacco smoke.

The Chair’s text should reflect this evidence and be bold in its efforts to protect people from this mortal threat. It should call for states to adopt and implement measures, at the appropriate government levels, that ban secondhand smoke in public places, public transport and workplaces.

This change is crucial if the Framework Convention is to have the desired effect of reducing the death and disease caused by tobacco products. Half-measures in tobacco control do not work and often play into the hands of the tobacco industry.

The Framework Convention should include bold measures that empower states to protect their citizens from tobacco. A total ban on secondhand smoke in public places and workplaces accomplishes this goal.

– Alfred Munzer

## Advertising Restrictions: Getting Them Right Can Help Business

Despite claims by the tobacco industry that bans on promotion and sponsorship will hurt the economy, sports, and the arts, the experience of Brazil indicates the opposite. Brazil has implemented legislation restricting tobacco advertisement and sponsorship as part of a series of other tobacco control measures.

Recent news report discussed how in the areas of arts and entertainment there has been no loss by the withdrawal of cigarette advertising. For example, in several cities, mobile phone companies have occupied the space vacated by tobacco companies. Moreover, because there is more competition among phone companies than cigarette companies (given that BAT's subsidiary Souza Cruz [SC] has approximately 78% share of market), it is expected that the change in sponsorship will be a good thing for the arts and entertainment sectors.

Meanwhile, SC announced that it will sponsor the carnival in Recife, a town in the Northeast of Brazil famous for its street party. SC is spending R \$625,000 (approximately US\$200,000) on the sponsorship. The sponsorship will be in the name of Souza Cruz and not any particular brand. The press report mentioned how intrinsically related to other cultural events SC is, citing events that it can no longer support because of the legislation. The company's logo (the same as BAT's) will be prominently displayed on the streets, stands, and billboards, and its support mentioned on radio broadcasts of the carnival. SC's CEO was quoted as being very pleased with the partnership with the city of Recife.

It seems that there is a loophole in the original legislation that allows for corporate sponsorship. The Brazil experience indicates the importance of

having the most comprehensive possible advertisement restrictions.

Souza Cruz is also a supporter of Brazil's new presidential campaign to eradicate hunger, which is part of its "corporate responsibility" public relations campaign. Recently, one of SC board members repeated the well-know tobacco industry line that if the Brazilian government lowers its cigarette taxes, the smuggling/tax evasion problem would be resolved and the country would collect more taxes that in turn could feed more families. This cynical statement ignores the fact that higher taxes increase revenue while assisting in a decrease of prevalence. It also ignores the involvement of SC in smuggling, as recently reported by the Pan American Health Organization.

This case illustrates several points that can assist the FCTC discussion: comprehensive restrictions of tobacco advertisement and sponsorship (to the maximum extent allowed by each country's constitution) do not necessarily lead to a loss in sponsorship for the arts, sports and entertainment. It is vital that such comprehensive restrictions include corporate as well as product sponsorship, because the industry is known to take advantage of every loophole in order to continue to portray itself as an outstanding and indispensable member of society.

It is also important to remember that in order to maintain its interests (lower prices, marketing freedom and social acceptability of smoking), the tobacco companies will make any argument, no matter how absurd. It is time to craft the final, strong FCTC to stop these cynical practices of the tobacco industry.

— Stella Aguinaga Bialous



"We swear we support a strong FCTC, as long as it doesn't ban advertising, protect non-smokers, give adequate warnings to smokers about the risks of the product, curb smuggling, recognize that health just might be more important than trade, or in any way hurt our business."

# La Fumée Secondaire du Tabac, le Tabagisme Passif et la Convention-Cadre pour la Lutte Antitabac

## **La Fumée Secondaire n'est pas seulement un Désagrément mais un Risque Mortel Pour les Non Fumeurs**

Les principes directeurs de la convention-cadre pour la lutte antitabac décrivent judicieusement l'exposition à la fumée secondaire du tabac en tant qu'un « risque mortel » pour les non fumeurs. Les cigarettes ne nuisent seulement la santé des fumeurs, mais elles nuisent également la santé des gens autour d'eux.

La fumée du tabac a des effets nuisibles immédiats et à long terme pour les enfants ainsi que pour les adultes. L'OMS estime qu'au niveau mondial près de 700 millions, ou presque la moitié des enfants du monde, respirent de l'air pollué par la fumée du tabac. Les effets chez les enfants incluent un affaiblissement de la croissance foetale, une augmentation du risque de la mort subite du nourrisson, des lésions pulmonaires à vie, le déclenchement de l'asthme chronique, une augmentation de l'incidence de la pneumonie, les otites et la bronchite.

Les effets du tabagisme passif chez les adultes incluent une augmentation des attaques d'asthme, une augmentation des cas d'angine de poitrine, des crises cardiaques potentiellement mortelles et une plus grande incidence du cancer du poumon. Une étude a constaté que parmi les femmes non fumeuses de la province de Xi'an en Chine, la fréquence des cancers du poumon augmentait de 85 % si elles étaient exposées à la fumée secondaire du tabac au travail.

Aux États-Unis, qui ont seulement 5 % de la population du monde, plus de 55000 personnes meurent annuellement des maladies cardiaques causées par le tabagisme passif. L'agence internationale pour la recherche sur le Cancer (IARC) a conclu que le tabagisme passif cause le cancer du poumon ainsi que d'autres problèmes de santé. L'IARC classe la fumée secondaire en tant qu'un agent cancérigène chez les humains.

## **Les Politiques Fortes Interdisant de Fumer dans Les Endroits Publics- le Talon d'Achille de l'Épidémie du Tabac**

Les politiques complètes qui interdisent de fumer dans les endroits publics et les lieux de travail se sont avérées efficaces à réduire l'exposition aux composants toxiques et meurtriers de la fumée secondaire du tabac. En plus, elles encouragent les fumeurs de s'arrêter de fumer et découragent les jeunes de

commencer à fumer. Une étude datée de 1999 publiée dans le Journal of Tobacco Control a constaté que « d'exiger que tous les lieux de travail soient sans fumée réduirait la prévalence du tabagisme d'un 10%. Les interdictions de fumer dans les lieux de travail ont le plus grand effet sur les groupes avec les taux de tabagisme les plus élevés. »

Les cigarettiers savent depuis longtemps que les politiques complètes qui interdisent de fumer dans les lieux publics diminuent le tabagisme. Une note de Phillip Morris datée de 1992 souligne la préoccupation de la part de l'industrie: « la prohibition totale de fumer au travail affecte fortement le volume de l'industrie. Les fumeurs qui font face à ces restrictions consomment entre 11%-15% moins de cigarettes que la moyenne des fumeurs et s'arrêtent de fumer à un taux qui est 84% plus haut que la moyenne. »

Face à la croissance de pression de la part du public qui exige des lois interdisant de fumer dans les lieux publics, la stratégie de Phillip Morris a récemment changé de l'opposition directe contre toutes ces lois d'air à « satisfaire » les besoins de fumeurs. Cette stratégie cherche à affaiblir les lois visant la protection des non-fumeurs en encourageant la création de sections fumeurs ou l'utilisation de systèmes de ventilation chers et inefficaces. La stratégie de Phillip Morris a été comparée à l'essai de chloriner la moitié d'une piscine, ce qui ne fonctionne pas! La seule manière efficace d'éliminer la fumée secondaire dans les lieux de travail et les endroits publics est d'interdire de fumer dans les lieux de travail et les lieux publics.

Toute évidence scientifique indique qu'une interdiction complète de fumer dans les endroits publics est la seule manière efficace de protéger les gens contre la fumée secondaire du tabac. Le Texte du Président devrait refléter cette évidence et être audacieux dans ses efforts de protéger les citoyens du monde contre cette menace mortelle.

Des demi-mesures dans la lutte contre le tabac ne fonctionnent pas et sont souvent manipulées par les cigarettiers. La Convention Cadre devrait inclure les mesures audacieuses qui autorisent les états à protéger leurs citoyens contre le tabac. Une interdiction totale de la fumée secondaire du tabac dans les endroits publics et les lieux de travail publics accomplit ce but.

— Alfred Munzer

**WHY THE FTC MUST BAN MISLEADING DESCRIPTORS**

The FTC must ban misleading cigarette descriptors such as “light”, “low tar”, and “mild”. These terms have been used by the industry to convince smokers that there is a safe alternative to quitting. The use of such terms represents one of the deadliest consumer frauds of the 20<sup>th</sup> century. The FTC must also ensure that the flawed ISO “tar and nicotine” testing method not be used. Unfortunately, the revised Chair’s text does not adequately address these issues.

**“Light” and “Low”: Consumer Fraud on a Massive (and Deadly) Scale**

The first scientific studies linking cigarette smoking with lung cancer appeared in the early 1950s. As the public began to understand the link between smoking and disease, cigarette companies, fearing a massive loss in sales, scrambled to develop products that would ease consumers’ fears about the health effects of smoking. This quote from the internal files of BAT’s American subsidiary in 1977 illustrates the industry’s approach:

“All work in this area should be directed towards providing consumer reassurance about cigarettes and the smoking habit. This can be provided in different ways, e.g., by claimed low deliveries, by the perception of low deliveries and by the perception of ‘mildness’.”

To reassure consumers, the companies introduced “low-tar” and “light” cigarettes. Internal tobacco industry documents show the industry deliberately designed these cigarettes to produce low yields of tar when tested by machines, knowing full well that they would be smoked differently by actual smokers seeking to maintain nicotine levels. For health-conscious adults who wanted to quit smoking but were unable to do so because they were addicted, switching to cigarettes with lower tar and nicotine yields seemed an attractive alternative. Industry advertising reinforced this belief.

As a result, over the past twenty years, a majority of consumers in developed countries now smoke “light” and “low-tar” products. As concerns about smoking have risen in developing countries, the industry has begun to aggressively market these brands in poorer countries.

Yet recent research has revealed that these cigarettes are a fraud. While changes in cigarette design have reduced the amount of tar and nicotine measured by machines, these measurements do not accurately show how much tar and nicotine is actually received by the smoker. There is in fact no meaningful difference in exposure from smoking low-tar and regular brands, and therefore no difference in disease risk. That is because smokers smoke low-tar brands differently to obtain the same amount of nicotine. Smokers block ventila-

tion holes; inhale more deeply; take larger, more rapid, or more frequent puffs; or increase the number of cigarettes smoked per day.

**Why the FTC/ISO Testing Method is Flawed and Should Not Be Endorsed in the FTC**

In the mid-1960s, a standardized smoking-machine test method was established by the U.S. Federal Trade Commission (FTC), and was later adopted by International Organization for Standardization (ISO) to measure the amounts of tar and nicotine in cigarette smoke. However, the FTC/ISO method did not accurately measure the behavior of actual smokers, something the tobacco industry was aware of early on. As a 1974 internal document from Philip Morris put it, “People do not smoke like the machine. People smoke cigarettes differently.... Generally people smoke in such a way that they get much more than predicted by machine.”

**Some Countries Have Already Moved to Ban Misleading Descriptors**

Several government entities and states have already taken steps towards banning deceptive labeling on tobacco products:

- In November 2001, Brazil issued prohibited the use of any descriptor on tobacco products that could lead consumers to misinterpret the amount of tar, including a ban on terms such as “light”, “low tar”, or “smooth” on tobacco products.
- After September 2003, the packaging of tobacco products marketed or manufactured in the European Union cannot have any texts, names, trademarks and figurative or other signs that suggest a particular tobacco product is less harmful than another.

**Tobacco Industry Adaptation to Bans on Misleading Descriptors**

Descriptive words are just one of the methods employed by the tobacco industry to convey the “lightness” of products. Cigarette companies are devising ways of getting around bans on misleading descriptors. Alternative marketing is already being practiced in some countries; for example, particular colors are used in cigarette packaging and advertising to denote “light” from regular brands. Blue and white are the most common colors of choice for “light” products.

Therefore, in addition to banning phrases such as “light”, “low”, and “mild”, language should be put in the FTC that would prohibit “text names, trade marks and figurative or other signs suggesting that a particular tobacco product is less harmful than others” from being used on tobacco products, unless governmental agencies with full regulatory authority have explicitly authorized their use.

# NGOS: WE'RE HERE TO HELP MAKE IT WORK

Veteran NGO representatives at UN meetings remember a time, long ago, when it was normal for NGO observers to sit outside in the hope of catching delegates when they left their meeting room for a coffee or...a smoke in the lobby. Hanging around in the lobby was at the time the NGO's best chance to catch up with what was going on at meetings from which they were largely excluded.

In theory at least, things have changed, in particular since the Rio Earth Summit where the role of NGOs was recognised at the highest level in an unprecedented fashion.

Within the INB process, NGOs under the banner of the Framework Convention Alliance have contributed in many ways to the process, through our analysis of draft texts, sharing of reports on a number of issues, lunchtime briefings, and so on. NGOs will continue to contribute at INB-6, and expect to campaign for a speedy entry into force of the Convention after its adoption.

But many observers feel that some of the patterns of NGO "participation" at INB meetings are too reminiscent of the old days when NGOs felt that they were more tolerated than welcome. We urge the Chairman and the Bureau to agree to increase NGO access to the negotiations at INB-6.

The Framework Convention Alliance understands and respects the fact that INB proceedings are treaty

negotiations amongst states, and that it may be inappropriate for NGOs to be present at certain times. However, we trust that the Chairman and the Bureau can agree that, in the interest of transparency, closed-door meetings should be the exception, not the rule.

Whereas in many negotiations where treaties are drafted and adopted, NGOs have to refrain from asking for the floor, it is not a normal practice to exclude them from witnessing the negotiations. A large number of international environmental treaties and conventions, for example, have been negotiated in the presence of, and with input from, NGOs. NGOs have amply demonstrated that we can help facilitate the development of international treaties and laws with our expertise and experience.

We have come to Geneva to contribute to the adoption of a strong and meaningful Convention on Tobacco Control. We look forward to being provided with the means to co-operate with WHO member states and the Secretariat to this end.

— *Remi Parmentier,*  
*Greenpeace*  
*International*  
*political director*

## Tobacco – it's a legal product!

You can usually tell when someone is about to sell out public health and offer justification for a weak and inadequate treaty.

They start by saying, "Well, you have to accept that tobacco is a legal product...".

But the legal status of tobacco has an extremely limited meaning: it means that if you make it, sell it or use it, you are not committing a criminal offence.

It creates no additional fundamental rights that prevent governments regulating it – for example by banning its advertising and misleading branding. Many legal products are subject to exacting legal restrictions – weapons, dangerous chemicals, asbestos, pharmaceuticals, and hazardous wastes to name just a few. "Tobacco is a legal product" is the classic non sequitur rolled out by tobacco apologists everywhere.

— *Clive Bates*

It's a lot easier to sell  
cigarettes around the world

when you have the  
U.S. government on your team.



## 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.

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## Dirty Ashtray Award

**To The Revised Chair's Text** for ignoring the widespread support for an advertising ban that emerged at INB4 and INB5.



## Orchid Award

**To AFRO, SEARO, and the Pacific Islands** for supporting public health over political expediency.

