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EVENTS

13.30 - 14.45:

*Tobacco industry strategies to use
international trade agreements
against WHO FCTC implementation*

Organised by the government of
Uruguay and Mercosur

Room: Montecarlo C

18.30 - 20.15:

*Gender, Women, and the Tobacco
Epidemic - What's New?*

WHO and FCA in partnership
with INWAT

*Best Western La Foret Hotel
(Calle La Foret Y Pascual Gattas,
10 minutes walk from Conrad Hotel)*

DEATH CLOCK

SINCE THE OPENING OF THE
FIRST WORKING GROUP FOR
THE FRAMEWORK CONVENTION
ON TOBACCO CONTROL
ON 29 OCTOBER 1999

50,978,355

PEOPLE HAVE DIED FROM
TOBACCO-RELATED DISEASES
(AS OF 09:00 ON 16 NOVEMBER 2010)

DEATH CLOCK UNVEILED

NGO representatives from the six WHO world regions laid flowers in memory of the more than 50,000,000 people who have died from tobacco-related diseases since the opening of the first working group for the FCTC on 29 October 1999. Currently averaging one death every 5.8 seconds, the annual toll now exceeds 5 million victims but is projected to rise beyond 10 million, with the majority of deaths occurring in developing countries.

**AN EXAMPLE TO FOLLOW
FOR FUNDING TOBACCO
CONTROL AND DEVELOPMENT**

We were pleased to hear yesterday examples of countries like New Zealand that expressed a willingness to 'walk the talk' by committing funds through their development programmes to help other Parties implement tobacco control policies. We hope that more countries will follow this example.

The FCTC has rapidly entered into force and has been joined in almost record time by 172 out of 195 eligible Parties. As many Parties and the Secretariat have expressed, implementation is not yet adequate to fully protect citizens from what the Honourable Minister of Health of Palau termed the "tobacco pandemic".

This challenge is in large part due to lack of funding and resources for adequate and sustainable implementation of the FCTC. That is why New Zealand's statement is so important.

All Parties, wherever they are on the development ladder, must prioritise FCTC implementation within their development programmes. Everyone has a responsibility to make effective implementation of the treaty a reality and this must start now!

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FLAVOURED PRODUCTS ARE A PUBLIC HEALTH ISSUE

ARTICLE 9&10 GUIDELINES SHOULD BE ADOPTED

Should tobacco companies have the unrestricted ability to add chocolate, sugar, licourice, cherry, vanilla and other flavourings to cigarettes? No, of course not. Cigarettes are highly addictive and poisonous, and should not be made more attractive by adding sweeteners, spices and other flavourings.

Why have Philip Morris International and British American Tobacco lobbied so hard against the Articles 9&10 guidelines? Why has the tobacco industry funded the campaign by the International Tobacco Growers Association (ITGA) against the Articles 9&10 guidelines? Big Tobacco's extensive opposition must be because the industry knows that government controls on flavours will reduce overall industry sales. But that is exactly the point.

Flavours can make it easier and more attractive for children to start smoking, and can discourage cessation. If this was not the case, then why is the tobacco industry so opposed to the guidelines? The guidelines are deserving of support and should be adopted without change.

Worldwide, the tobacco industry is increasingly using flavours, and governments are increasingly responding by adopting legislation. Australian states, Canada, France, Lithuania, Thailand and the United States have all adopted legislation on flavours, and restrictions are pending in Singapore. On 24 September 2010, the European Commission launched a public consultation on potential Directive amendments, including new measures to curb flavours.

In addition to being more attractive to young people, flavored products make it easier for new smokers to start smoking by masking the unpleasant flavor of tobacco. Studies have also demonstrated that young people believe that flavored tobacco products are safer than unflavored tobacco products.

Industry documents reveal clear patterns of designing flavored cigarettes to target youth.

US Food and Drug Administration, 2009

INDUSTRY MISINFORMATION CAMPAIGN AGAINST GUIDELINES

Pro-tobacco interests have engaged in a widespread misinformation campaign against the guidelines. It is time to set the record straight.

Myth: The guidelines contain a "prohibition" on flavours and other ingredients.

Fact: The guidelines do not contain a recommendation to "prohibit", but rather that Parties "prohibit or restrict" flavours that may make cigarettes more attractive/palatable.

Myth: US-style cigarettes (e.g. Marlboro, which contain a blend of burley, oriental and Virginia tobacco) cannot be made without flavours, and a ban on flavours would result in a de facto ban on US-style

cigarettes thus putting burley tobacco growers out of work.

Fact: In Canada, where legislation bans flavours in cigarettes, US-style cigarettes continue to be sold, including Marlboro, Winston, Camel, Gauloises and More. In the US, Winston cigarettes (a US-style brand) have for many years been sold without flavours or other additives.

Indeed, US-style cigarettes containing burley tobacco continue to be sold in every country where restrictions on flavours have been implemented.

Myth: Adoption of the Articles 9&10 guidelines would have a devastating impact on growers of burley tobacco.

Fact: Deceptive claims of job losses and that the "sky will fall" have for decades been a tobacco industry strategy to oppose regulation. During the FCTC negotiations in 2000-2003, the tobacco industry/ITGA used similar arguments to oppose strong measures in the FCTC. In fact, Articles 9&10 guidelines do not recommend a ban on burley tobacco, and do not contain recommendations that would result in a ban on cigarettes containing burley tobacco.

CONCLUSION

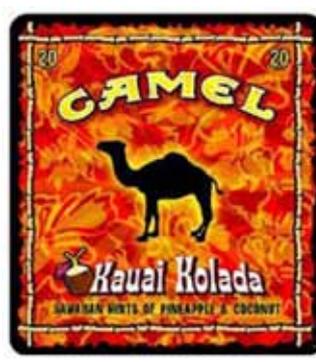
In summary, the draft Articles 9&10 guidelines are sound, and FCA urges all Parties to support their adoption.



Sweet Melon
Philippines



Coffee
Japan



Pineapple and coconut
US



Chocolate
Austria

LA INDUSTRIA TABACALERA ATACA OTRA VEZ: AHORA A PARAGUAY

Paraguay dio interesantes pasos hacia el control del tabaco desde la entrada en vigencia en su territorio del CMCT, en diciembre del 2006. Desde ese año, con la coordinación del Programa Nacional de Control del Tabaquismo se implementaron 23 Ordenanzas Municipales en las principales ciudades incluyendo a la Capital, Asunción, que contemplan entre otros aspectos: ambientes cerrados 100x100 libres de humo, prohibición de venta de tabaco a y por menores, de máquinas expendedoras de productos de tabaco.

En los años 2008/2009 se realizaron las encuestas de tabaquismo GYTS y GSPS que mostraron un sensible descenso en los indicadores de prevalencia de vida, y de consumo habitual de productos de tabaco, con respecto al 2003.

Sin embargo, al llegar el momento de implementar el Artículo 11 del CMCT en el año 2009, la IT se opuso tenazmente a las reglamentaciones del Ministerio de Salud, por medio de un fuerte lobby, y posteriormente por medio de un recurso de inconstitucionalidad contra el decreto, que finalmente les fue aceptado por el Poder Judicial en tiempo récord.

En el año 2010 el Poder Ejecutivo emitió los decretos 4106 y 4174, que reglamentaban las advertencias sanitarias y los ambientes cerrados 100% libres de humo respectivamente. Inmediatamente el Ministerio de Salud pasó la resolución por la cual la Dirección General de Vigilancia Sanitaria controlaría el cumplimiento de ambos Decretos y aplicaría fuertes sanciones a su incumplimiento. Para ello se estipulaba una inscripción obligatoria en un padrón, de las empresas tabacaleras, lo cual les obligaría a formalizar sus documentaciones e informar la ubicación de sus instalaciones, lo que llevaría a ser controlables no sólo por el Ministerio de Salud, sino también por el Ministerio de Hacienda, al cual aportan solamente unos 50 millones de dólares al año. Estas medidas permitirían un control adecuado de este multimillonario negocio, pues no se tienen datos de cuántas son las empresas tabacaleras en Paraguay (se estiman unas 45), ni su producción anual, que en

gran medida termina de contrabando en diferentes partes del mundo, afectando la salud y economía de otros países.

Esto ha generado la reacción de los tabacaleros, tanto nacionales como transnacionales, que por las razones expuestas anteriormente tienen un enorme poder económico y de influencia política, pues sus "favores" van desde apoyo financiero para campañas a políticos de diferentes partidos, préstamo de aviones para el desplazamiento de autoridades, e incluso "donaciones mensuales" a los servicios de salud en su zona de influencia.

Nuevamente por vía judicial, la IT logró bloquear la entrada en vigencia de todas las reglamentaciones mencionadas, y paralelamente presentaron, a través de un exministro de salud, actualmente en el movimiento político del "tabacalero de frontera" más poderoso del país, que está en plena campaña para tomar la Presidencia de la República en el año 2013, un proyecto de ley que contradice totalmente los artículos 8 y 13 del CMCT, y lleva a su mínima expresión las advertencias sanitarias.

A pesar de una masiva movilización de la sociedad civil, liderada por la ONG Libre del Tabaco (LDT), con el apoyo de TFK, y el fuerte apoyo de instituciones públicas como el Ministerio de Educación, el Instituto de Previsión Social, y de Organismos Internacionales como la Organización Panamericana de la Salud, así como de los medios de comunicación masiva, la propuesta tabacalera fue aprobada rápidamente en el Parlamento Nacional, y actualmente, el Senado debe decidir si aceptan las modificaciones de forma realizadas en la Cámara de Diputados.

Ahora, el único camino aceptable para el control del tabaco es la aplicación de un Veto por parte del Poder Ejecutivo, y obtener los votos necesarios en el Parlamento para sostener dicho Veto. Se está trabajando en ese sentido.

ONGs internacionales están apoyando los esfuerzos locales por sostener todos los avances de Paraguay en el control del tabaco, la batalla continuará el año que viene. Sería muy importante que la COP4 introduzca disposiciones que ayuden a los países a enfrentar efectivamente las agresivas actividades de la IT.

A 'VIRAL' FUTURE FOR WHO D-G?

YESTERDAY'S VIDEO SPEECH BY WHO DIRECTOR-GENERAL MARGARET CHAN WAS THE STRONGEST WE'VE SEEN IN YEARS. WE ENCOURAGE WHO TO UPLOAD IT TO YOUTUBE SOON SO IT CAN 'GO VIRAL'.

REPORT HIGHLIGHTS FCTC SUCCESSES, REVEALS SHORTCOMINGS

Despite noteworthy efforts in several countries, the global community as a whole is lagging behind in implementing the FCTC, according to a shadow report published by FCA entitled *Tobacco Watch: Monitoring Countries' Performance on the Global Treaty*. Released yesterday at the Fourth Conference of the Parties, the report focuses on the first 49 Parties to the FCTC, who earlier this year marked five years since joining the Convention.

Several countries have good reason to celebrate. Uruguay, host of COP-4, has seen a drastic reduction in smoking rates as a result of its tobacco control efforts. Smoking is banned in all indoor public areas in Uruguay, and this year the government introduced graphic warning labels for cigarettes that cover 80 per cent of the front and back of the package, the largest in the world. Strong smokefree air laws now protect people in almost 40 countries, and 39 countries mandate graphic warning labels on cigarette packages.



The FCTC is also among the most widely-adopted international treaties, with 172 Parties representing over 87 per cent of the world's population. There

is a growing recognition of the scope of the tobacco epidemic among governments, intergovernmental organisations and funders.

However, the report also demonstrates the necessity of recommitting to the FCTC process. Among the 49 Parties covered by *Tobacco Watch*, there is some alarming news:

- 17 Parties have made little or no progress in protecting their citizens from secondhand tobacco smoke under Article 8;
- 12 Parties are more than two years late in meeting the minimum requirements for warning labels under Article 11;
- less than two-thirds of Parties submitting their phase 2 questionnaires to the Convention Secretariat indicated that they had met the five-year deadline to pass a comprehensive ban on tobacco marketing under Article 13;
- as of late September 2010, 20 Parties were more than five months late in returning their phase 2 questionnaires to the Convention Secretariat. Only 7 Parties submitted their reports on time.

Even where legislation has been passed, enforcement and compliance are also problematic. FCA gathered observational data on tobacco marketing in 34 countries. Of those Parties reporting that a comprehensive ban is in place, print media advertising violations were found in 29 per cent, and outdoor advertising violations in 36 per cent.

There are several overall messages to be taken from *Tobacco Watch*. First, without implementation the FCTC is just paper. Adoption of the FCTC is the first step in combating the death and disease caused by tobacco, not the last. Strong, evidence-based implementation, without exemptions, is mandatory. For many articles, governments can rely on adopted guidelines and examples from other Parties.



Second, without enforcement, laws are just paper. The tobacco industry has demonstrated repeatedly that it will push its products by any means: legally and extra-legally. Legislation should include mechanisms to ensure compliance.

Third, governments need to prioritise tobacco control, and involve all affected ministries and levels of government. Tobacco control policies are not expensive, but they are not free. The benefits, including economic benefits, will far outweigh the costs.

Finally, the global community in general and the FCTC community in particular must recognise the need for greater financial and technical assistance to governments, particularly in developing countries.

Governments earn billions of dollars from tobacco sales but the long-term cost of tobacco is far higher. We should be able to find the relatively tiny amount required to realise the promise of the FCTC.

ILLICIT TRADE WORKING GROUP? PROCEED WITH CAUTION!

During yesterday's plenary session a number of Parties suggested that a Working Group meet during the COP to discuss the progress of negotiations on the Illicit Trade Protocol. FCA believes that this suggestion should be treated with considerable caution.

We have previously argued that the COP is not the place to try to negotiate on the important substantive issues on illicit trade that have yet to be agreed. If this were attempted during plenary sessions or in Committee A, it would divert a great deal of precious time that will be required to make progress on the other critical subjects facing the COP. If it were attempted in a separate working group, it would greatly disadvantage smaller Parties and others who may have sent only one or two representatives to the COP. Also, many representatives at the last Intergovernmental Negotiating Body (INB) who had considerable expertise on illicit trade are not present at COP-4, and their contributions would be greatly missed. Issues such as the important remaining supply chain controls must be negotiated by all Parties; otherwise any decisions will lack credibility and support.

Therefore, before setting up a working group at this COP, Parties need to think carefully about the tasks it could accomplish. The working group would need to confine itself to

discussing the mandate for a future INB (or reconvened COP), its timing, its financing and other technical matters. It would also need to be set up on a basis that is fair to all regions and does not exclude smaller Parties. Its discussions and decisions would need to be open, which requires among other things attendance by civil society representatives as observers. Some issues might need to be discussed again in plenary.

A working group at the COP is fundamentally different from the proposal by FCA for a working group meeting after the COP and reporting to the next INB, involving law enforcement experts, including representatives from the World Customs Organization and the United Nations Office on Drugs and Crime. This could play an important role in ensuring that the protocol does not create unnecessary duplication with existing treaties and agencies. It would be for all Parties to decide whether to accept its recommendations, but they would be likely to carry considerable credibility.

FCA remains committed to a robust and effective Illicit Trade Protocol. We want a clear decision at this COP to hold further negotiations at an INB or reconvened COP next year. But a working group at this COP that tried to discuss issues of substance would be likely to fail and to damage the chances of the protocol finally being agreed.

FLAVOURINGS IN WATERPIPES MUST ALSO BE CONTROLLED

Iran opened a new front in anti-tobacco activities when it signed the Framework Convention on Tobacco Control in 2003. Three years later, the Comprehensive National Tobacco Control Law, which included the main features of the FCTC, was ratified by the Iranian Parliament.

While ratifying this law, almost nobody could imagine the problems, dilemmas, and difficulties in its implementation. Anti-tobacco activists, especially the Iranian Anti-Tobacco Association, tried to facilitate law enforcement. Our idealistic approach, coupled with the realistic approach of officials, has ensured the continuation of activities in this field.

In early 2009, Iran became the 19th country in the world to mandate warning

labels on all cigarette packages, a decisive act. In addition, spurred by the NGO lobby in the Iranian parliament, tobacco taxes have this year been increased to 40 per cent. However, there is news that some tobacco companies are lobbying parliament to encourage representatives to decrease tobacco taxes, using the pretext of an increase in tobacco smuggling.

A growing concern in the Middle East, Europe and other parts of the world is waterpipe use. Perceived as less harmful than cigarette smoking, the practice is gradually being adopted by youths and young women.

The smoking of tobacco in waterpipes deposits unknown additives in smokers' lungs. A study carried out in Tehran's

Masih-Daneshvari Hospital found growth of gram-positive bacteria, especially staphylococcus, in culture media in some tobacco products used in waterpipes.

The lack of a protocol for treating people dependent on waterpipe tobacco is a further problem. The FCTC should insist on a ban on the production and sale of any flavoured tobacco products (in any form and with any content) and should also provide guidance on methods for treatment of waterpipe-dependent persons.

Ali Abdolahinia, M.D., MPH.

Research Manager

Iranian Anti Tobacco Association

DIRTY ASHTRAY AWARD



All Parties who have tobacco industry representatives on their delegations, in violation of Article 5.3 guidelines, recommendations 4.9 and 8.3

ORCHID AWARD



To New Zealand, for calling for financial assistance to low-resource Parties, and for leading by example

Continued from page 1

The FCTC, as Turkey stated, has been the source of many tobacco control success stories at the national level. Also, as noted by the excellent speaker from the Economic and Social Affairs Support Office at the UN Department of Economic and Social Affairs, FCTC implementation must be placed at the centre stage of politics, and at the highest level. For this to happen, the FCTC cannot merely be a global policymaking tool, but must function as a tool of change at the national level.

We encourage Parties to take the FCTC to the highest political level by ensuring that their head of state attends the UN High-Level Summit on Non-Communicable Diseases (NCDs), in September of 2011, and by ensuring that the COP supports as a key goal of the international community the inclusion of full and rapid implementation of measures required under the Convention. This should be fully integrated within the UN development framework and be a key objective of the UN development systems framework.

FCA also hopes that Parties will explore all possible avenues within the UN system to ensure that FCTC implementation is included in successor goals to the Millennium Development Goals (MDGs), and in any subsequent global indicators of development.



The Framework Convention Alliance (FCA) is a global alliance of NGOs working to achieve the strongest possible Framework Convention on Tobacco Control. Views expressed in the Bulletin are those of the writers and do not necessarily represent those of the sponsors.

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GENDER, WOMEN, AND THE TOBACCO EPIDEMIC – WHAT'S NEW?

Around nine per cent of the world's women are smokers, compared to nearly 40 per cent of all men. So why the spotlight on women and tobacco?

Experts, including the authors of the WHO report *Gender, Women, and the Tobacco Epidemic*, will answer that question at a side event tonight, co-sponsored by WHO and FCA in collaboration with the International Network of Women Against Tobacco.

Douglas Bettcher, director of the WHO Tobacco Free Initiative, is convinced that addressing gender and tobacco is key to achieving the targets of the Millennium Development Goals (MDGs) on poverty, maternal and child health and gender equality.

Soon-Young Yoon, co-editor with Jonathan Samet of the WHO report, says many past campaigns have missed the link between tobacco and the MDG on gender equality. "Gender bias affects many health services," she says. "Doctors often ask pregnant women if they smoke, yet the greatest danger

could be from secondhand smoke at home, usually from the father. It's time to consider women's rights to a smoke-free environment as a human right."

WHO reckons that women make up 64 per cent of the 430,000 adult victims from secondhand smoke.

Tonight's side event will report on recent achievements in Asia, Europe and Latin America. Speakers include Mariela Alderete, Vice-Director of the Argentina FIC, Yumiko Kobayashi-Mochizuki of the Japan National Cancer Institute, Susan Mercado from WHO/WPRO, and Margaretha Haglund of INWAT.

*Soon-Young Yoon
co-editor Gender, Women, and the
Tobacco Epidemic*

Delegates are invited to attend. See page 1 events listing for details. Free copies of the 2010 WHO report Gender, Women, and the Tobacco Epidemic will be available. Refreshments provided.