

COMBATING TOBACCO INDUSTRY INTERFERENCE:

Briefing on Article 5.3 FCTC



**Smoke Free
Partnership**
a world without tobacco

This briefing was prepared by the Smoke Free Partnership following the SFP coalition meeting and capacity building workshop on combating tobacco industry interference on 3 March 2016. It agreed during the meeting that information, summaries and references in this briefing that can be used to support advocacy efforts to promote the implementation of Article 5.3 of the Framework Convention on Tobacco Control at national level.

The Smoke Free Partnership is a coalition of NGOs working exclusively on EU policy analysis linked to the implementation of the Framework Convention on Tobacco Control. Since its creation in 2006, SFP has helped lead campaigns on a number of important EU tobacco control policy areas, including smoke-free policies, the EU Tobacco Tax Directive, FCTC Article 5.3 Guidelines, FCTC Article 6 Guidelines, and the revised Tobacco Products Directive. The World Health Organisation recognised the SFP for its tobacco control work by awarding it a World No Tobacco Day Award in 2011. SFP was also awarded the 2015 Luther L. Terry Award for outstanding global achievement and exemplary leadership in Tobacco Control.

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Co-funded by the Health Programme of the European Union

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Summary of the Cancer Research UK survey on policy maker awareness of tobacco industry interference

How the tobacco industry influences staff in the EU institutions: Survey Results

Cancer Research UK commissioned a poll amongst EU institutions staff, MEPs, and Brussels opinion formers. The poll surveyed 249 EU influencers (86 EU Institutions staff, 86 Brussels opinion formers and 77 MEPs) regarding the tobacco industry and how it influences the EU policy process.

The results of the poll showed overall low awareness of the FCTC and of its provisions related to tobacco industry interaction, showing that much is to be done to increase policy-makers' awareness and compliance. However, the results also showed that policy-makers do have reluctance towards engaging with the tobacco industry and little trust in its evidence.

Results showed disappointingly that:

- Awareness of the FCTC is low, with just 26% of all respondents to the poll having heard of it by name. In EU institutions, just 17% of respondents were aware of it, while awareness was higher among MEPs (41%).
- 30% of respondents in EU institutions and 41% of MEPs agree that the tobacco industry is a legitimate stakeholder in the health-related policy process.

- Just 3% of EU institutions staff, and 20% of MEPs engage less with tobacco industry as a result of the FCTC.

Yet on the positive side, results stated:

- 65% of EU Institution staff and 76% of MEPs believe it is important to have guidelines on how policy makers and the tobacco industry interact.
- 71% of EU Institution staff and 76% of MEPs think third party organisations should be obliged to declare tobacco industry funding.
- 57% of MEP's would like more information on Framework Convention on Tobacco Control (FCTC)
- Just 8% of EU Institution staff and 20% of MEPs say they trusted academic research funded by the tobacco industry to be fair and objective.

The complete poll results are available at <http://goo.gl/wAEeyH>.

Cancer Research UK has provided participants with the questionnaire used for this survey. Should your organisation wish to replicate the survey, or for more information on the poll, please contact the SFP team or Catherine Guinard at Catherine.guinard@cancer.org.uk.



Key literature on tobacco industry interference tactics

Important note: There are various methodologies to identify and measure tobacco industry interference in public policy. In this section, and for advocacy purposes, we have attempted to organize the existing literature largely according to the type of policies targeted by tobacco industry interference and documented in the studies. As a result, we hope that advocates reading this will be able to identify instances of tobacco industry interference in specific policies they are currently defending at a national level.

At the same time, a number of articles and literature reviews that cover wider topics on tobacco industry interference are listed. These aim to provide a framework to explaining the mechanisms and tools of tobacco industry interference to policy makers.

Please note that the list of titles below is by no means exhaustive. We tried to include studies focusing on European countries. There also is a large amount of literature documenting tobacco industry tactics in the US as well as in other regions of the world. Furthermore, a full searchable list of published studies based on tobacco industry documents, of over 900 titles, can be found at https://www.industrydocumentslibrary.ucsf.edu/tobacco/biblio/#q=%3A*&subsite=tobacco&cache=true&count=938

Reports, articles and literature reviews on tobacco industry tactics

- WHO (2008), [Tobacco industry interference with tobacco control](#)
- E Savell, A Gilmore, G Fooks (2014) [How does the tobacco industry attempt to influence marketing regulations? A systematic review](#)
- P A McDaniel, E A Smith, R E Malone (2006), [Philip Morris's Project Sunrise: weakening tobacco control by working with it](#)

Tobacco industry vs. art 6 FCTC

- Smith KE, Savell E, Gilmore AB (2013), [What is known about tobacco industry efforts to influence tobacco tax? A systematic review of empirical studies](#)
- Shirane R, Smith K, Ross H, Silver KE, Williams S, Gilmore A. (2012) [Tobacco industry manipulation of tobacco excise and tobacco advertising policies in the Czech Republic: an analysis of tobacco industry documents.](#)
- Krasovsky, K.S. (2010) ["The lobbying strategy is to keep excise as low as possible" - tobacco industry excise taxation policy in Ukraine](#)

- Skafida, V.; Silver, K.E.; Rechel, B.P.; Gilmore, A.B (2012) [Change in tobacco excise policy in Bulgaria: the role of tobacco industry lobbying and smuggling](#)
- Gilmore, B. Tavakoly, G. Taylor, H. Reed, (2013) [Understanding tobacco industry pricing strategy and whether it undermines tobacco tax policy: the example of the UK cigarette market](#)

Tobacco industry vs. Art 8 FCTC

- Bornhauser, A.; McCarthy, J.; Glantz, S. (2006) [German tobacco industry's successful efforts to maintain scientific and political respectability to prevent regulation of secondhand smoke](#)
- Croghan, I.; Muggli, M.; Zaga, V.; Lockhart, N.; Ebbert, J.; Mangiaracina, G.; Hurt, R., (2011) [Lessons learned on the road to a smoke-free Italy](#)
- Gonzalez, M.; Glantz, S.A. (2011), [Failure of policy regarding smoke-free bars in the Netherlands](#)
- Muggli, M.E.; Lockhart, N.J.; Ebbert, J.O.; Jimenez-Ruiz, C.A.; Riesco Miranda, J.A.; Hurt, R.D. (2010) [Legislating tolerance: Spain's national public smoking law](#)
- Schneider, N.K.; Sebrie, E.M.; Fernandez, E. (2011) [The so-called "Spanish model" - Tobacco industry strategies and its impact in Europe and Latin America](#)
- J Barnoya and S Glantz (2002) [Tobacco industry success in preventing regulation of secondhand smoke in Latin America: The "Latin Project"](#)
- Barnes DE, Hanauer P, Slade J, Bero LA, Glantz SA. (1995) [Environmental tobacco smoke: The Brown and Williamson documents](#)
- RL Barnes, SK Hammond, SA Glantz (2006) [The tobacco industry's role in the 16 Cities Study of secondhand tobacco smoke: Do the data support the stated conclusions?](#)
- J Barnoya, SA Glantz (2005) [The tobacco industry's worldwide ETS consultants project: European and Asian components](#)

Tobacco industry vs Art 9&10 FCTC

- Hammond D, Collishaw NE, Callard C. (2006) [Secret science: tobacco industry research on smoking behaviour and cigarette toxicity](#)
- E M Barbeau, G Kelder, S Ahmed (2005) [From strange bedfellows to natural allies: The shifting allegiance of fire service organizations in the push for federal fire-safe cigarette legislation](#)

Tobacco industry vs art 11 and 13 FCTC

- Bitton, MD Neuman, S. Glantz, (2002) [Tobacco Industry Attempts to Subvert European Union Tobacco Advertising Legislation](#)

- Lie, J.L.; Willemsen, M.C.; de Vries, N.K.; Fooks, G. (2015) [The devil is in the detail: tobacco industry political influence in the Dutch implementation of the 2001 EU Tobacco Products Directive](#)
- Szilagyi, T.; Chapman, S. (2004) [Tobacco industry efforts to erode tobacco advertising controls in Hungary](#)
- H. Costa, A. Gilmore, S. Peeters, M. McKee, D. Stuckler, (2014) [Quantifying the influence of the tobacco industry on EU governance: automated content analysis of the EU Tobacco Products Directive](#)
- S. Peeters, H. Costa, D. Stuckler, M. McKee, A. Gilmore, (2016) [The revision of the 2014 European tobacco products directive: an analysis of the tobacco industry's attempts to 'break the health silo'](#)

Tobacco industry vs Article 12 FCTC

- Dorie E. Apollonio, Ruth E. Malone (2009) , [The "We Card" Program: Tobacco Industry "Youth Smoking Prevention" as Industry Self-Preservation](#)

Tobacco industry vs Art 15 FCTC

- L Joossens, A B Gilmore, M Stoklosa, H Ross (2015) [Assessment of the European Union's illicit trade agreements with the four major Transnational Tobacco Companies](#)
- L Joossens, A B Gilmore (2014) [The transnational tobacco companies' strategy to promote Codentify, their inadequate tracking and tracing standard](#)
- Gilmore AB, Rowell A, Gallus S, (2013) [Towards a greater understanding of the illicit tobacco trade in Europe: a review of the PMI funded 'Project Star' report](#)
- A Rowell, K Evans-Reeves, A B Gilmore (2014) [Tobacco industry manipulation of data on and press coverage of the illicit tobacco trade in the UK](#)
- Fooks GJ, Peeters S, Evans-Reeves K (2014) [Illicit trade, tobacco industry-funded studies and policy influence in the EU and UK](#)

Tobacco industry and science

- Lisa A. Bero (2005) [Tobacco industry manipulation of research](#)
- LA Bero, S Glantz, MK Hong (2005) [The limits of competing interest disclosures](#)
- Gruning, D.; Gilmore, A.; McKee, M. (2006) [Tobacco industry influence on science and scientists in Germany](#)

Tobacco industry in agriculture

- Patricia A. McDaniel, Gina Solomon, Ruth E. Malone (2005), [The Tobacco Industry and Pesticide Regulations: Case Studies from Tobacco Industry Archives](#)

Tobacco industry vs Article 5.3 FCTC

- S A Bialous, B J Fox, and S A Glantz (2001) [Tobacco industry allegations of "illegal lobbying" and state tobacco control](#)

- Gilmore, A.; Collin, J.; McKee, M. (2006), [British American Tobacco's erosion of health legislation in Uzbekistan](#)
- Gruning, T.; Weishaar, H.; Collin, J.; Gilmore, A.B. (2011) [Tobacco industry attempts to influence and use the German government to undermine the WHO Framework Convention on Tobacco Control](#)
- Kyriass, T.; Potschke-Langer, M.; Gruning, T. (2008) [The German cigarette industry association--obstructing effective tobacco control in Germany](#)
- Hiilamo, H. (2003) [Tobacco industry strategy to undermine Tobacco Control in Finland](#)
- Hiilamo, H.; Kahl, U.; Lambe, M. (2008) [The Philip Morris Nordic journalist program: Strategies, implementation and outcomes](#)
- A. Gilmore, G. Fooks, J. Drope, S. Bialous, R.R. Jackson, (2015) [Exposing and addressing tobacco industry conduct in low-income and middle-income countries](#)
- K. Smith, G. Fooks, A. Gilmore, J. Collin, H. Weishaar, (2015) [Corporate Coalitions and Policy Making in the European Union: How and Why British American Tobacco Promoted 'Better Regulation'](#)

Enlisting third-party support / front groups / industry groups

- Patricia A McDaniel, Gina Intinarelli, Ruth E Malone (2008), [Tobacco industry issues management organizations: Creating a global corporate network to undermine public health](#)
- Elizabeth A. Smith, Ruth E. Malone (2006), ['We will speak as the smoker': the tobacco industry's smokers' rights groups](#)

Tobacco industry and corporate responsibility

- Laura E. Tesler, PhD and Ruth E. Malone (2008), [Corporate Philanthropy, Lobbying, and Public Health Policy](#)
- G. Fooks, A. Gilmore, (2013) [Corporate philanthropy, political influence, and health policy](#)
- G. Fooks, A. Gilmore, J. Collin, C. Holden, K. Lee, (2013) [The Limits of Corporate Social Responsibility: Techniques of Neutralization, Stakeholder Management and Political CSR](#)
- Patricia A. McDaniel, Ruth E. Malone (2011), [British American Tobacco's partnership with Earthwatch Europe and its implications for public health](#)
- J S Yang, R E Malone (2008), ["Working to shape what society's expectations of us should be": Philip Morris' societal alignment strategy](#)
- Nathaniel Wander, Ruth E Malone (2006), [Making Big Tobacco Give In: You Lose, They Win](#)
- Ling PM, Glantz SA. (2005), [Tobacco industry consumer research on socially acceptable cigarettes](#)

The tobacco industry lobbying footprint: people and money spent on lobbying the EU institutions

Context

In March 2016, SFP conducted an exercise of identifying tobacco interest representatives registered in the EU's Transparency Register. The search aimed to identify human and budget resources invested by the tobacco industry in lobbying the EU institutions.

The search was conducted on the basis of previous research conducted by Corporate Europe Observatory in 2013 (see at <http://corporateeurope.org/lobbycracy/2012/11/mapping-tobacco-lobby-brussels-smoky-business>).

Methodology

The search started with the identification of the resources invested by the transnational tobacco companies and European trade associations in the tobacco sector. From there, SFP cross-referenced this information with membership organisations and associations for these companies, national tobacco industry associations and consultancies with tobacco industry clients. An additional free-text search for the terms "tobacco" and "cigarette" in English, French and German was conducted.

Findings

- In 2014-2015, the tobacco industry and its supporters (manufacturers, retailers, wholesalers, paper/filter manufacturers, growers and processors) declared a combined spending of **between 7 and 8.5 million euros** annually in interest representation.
- Based on the same numbers, the tobacco industry had **85 people (equivalent to 49.5 full-time employees)** employed in lobbying.
- In addition to that, various public affairs consultancies declared budgets of **between 1 and 2 million euros** for representing tobacco clients.

Limitations

- The EU lobby registry is voluntary and therefore may not contain all interests represented.
- There are limited compliance mechanisms to check the accuracy of registrations.
- Law firms are not required to register, and as a result we have no information on lawyers. This is an important caveat as many law firms do lobby on their clients' behalf, but invoke client confidentiality when asked to register.
- There are general organisations of business interests (e.g. chambers of commerce who represent also wider interests) who also work in the interest of the tobacco industry however it is difficult to identify the specific resources linked to their policy involvement. See below a list of all where the four largest tobacco companies disclose their membership.

List of organisations where the four transnational tobacco companies are listed as members

- [AmCham EU \(and national Amchams\)](#)
- American European Community Association (AECA)
- American-Lithuanian Business Council
- Association des Praticiens du Droit des Marques et des Modèles (APRAM)
- Asia Pacific Travel Retail Association (APTRA)
- Ass. Industrial Portuguesa (AIP)
- British Chamber of Commerce (BCCB, Britcham)
- Bund für Lebensmittelrecht & Lebensmittelkunde
- Business Europe
- Center for European Policy Studies (CEPS)
- Centromarca
- CEOE
- Confederation of European Community Cigarette Manufacturers (CECCM) and most of its counterparts in EU Member States (national tobacco manufacturers' associations)
- Economiesuisse
- Europäischer Wirtschaftssenat (EWS)
- European Cigar Manufacturers Association (ECMA)
- European Communities Trade Mark Association (ECTA)
- European Justice Forum
- European Policy Centre (EPC)
- European Risk Forum (ERF)
- European Rolling Papers Association (ERPA)
- European smokeless tobacco manufacturers and distributors (ESTOC)
- European Smoking Tobacco Association (ESTA)
- European Travel Retail Council (ETRC)
- International Trademark Association (INTA)
- Investors' Forum
- Kangaroo Group
- Licensing Executives Society (LES) France
- Lithuanian Confederation of Industrialists
- MARQUES
- Public Affairs Council
- Spanish Tobacco Roundtable
- The American European Community Association (AECA)
- The Kangaroo Group
- Tobacco Industry Platform (TIP)
- Trans-Atlantic Business Council (TABC)
- Unindustria (Confindustria)
- VBO-FBE
- Wirtschaftsbeirat der Union e.V.
- Wirtschaftsrat

Conclusion

The results of this research is just scratching the surface of the existing tobacco industry lobby, but nevertheless still indicates the massive presence of the tobacco industry in lobbying.

Other resources

In another analysis, CEO tracked tobacco industry spending between 2011 and 2015 at <https://lobbyfacts.eu/articles/01-09-2016/2013-was-big-year-tobacco-industry-lobbying>.



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Graphic design: tim@yonnu · Photos by © François de Ribaucourt

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