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Industry Lobbying of the Public Sector and other Tactics

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FREEDOM FROM TOBACCO

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Executive Summary

"*The cigarette industry is peddling a deadly weapon. It is dealing in people's lives for financial gain*." - US Senator Robert Kennedy.

At a time when the annual global death toll from tobacco has reached 4 million, the transnational tobacco companies continue to report increased profits, year-upon-year. The continued profitability of this industry is based upon two factors: the ability to expand its markets in the world's poorest but most populous countries; and the capacity to resist government regulation.

Fundamental to the industry's financial success is a corporate philosophy which puts a commitment to shareholders above any responsibility to its customers. This has led to a dangerously blinkered vision. Anything is acceptable in defence of company profits.

This paper examines the strategies and tactics used by the industry to influence government and public opinion about tobacco and to resist regulation of its product. It analyses once-secret internal industry documents which take us literally into the boardrooms of the US tobacco companies and their co-ordinating centre the Tobacco Institute.

These documents show that the companies engaged in a 50-year long effort to "create doubts" about the scientific evidence against its product, to influence public opinion, and to control public policy. The documents reveal an industry obsessed with efforts to "resist smoking restrictions; restore smoker confidence; and preserve product liability defence."

The tactics used by the industry include public relations; buying scientific and other expertise to create controversy over established facts; funding political parties and hiring lobbyists to influence the policy making process; using front groups and allied industries to oppose tobacco control measures; pre-empting strong legislation by pressing for the adoption of voluntary codes or, if necessary, weaker laws; and corrupting public officials.

Public relations is used extensively by industry to fight its opponents. It takes the form of getting the industry's positions on issues into general news and entertainment media. Specific methods include paid advertising, "cultivated" editorials and news stories, workshops for journalists at holiday resorts and a host of other conventional public relations techniques. At times it also includes intimidation; a South African newspaper was threatened with a loss of advertising revenue for writing am editorial favouring the regulation of tobacco.

A case study of two countries, South Africa and Turkey, is also presented. In South Africa active government support for the industry during the apartheid era was replaced by strong public health laws when the first democratic government was elected. The data show that government attitudes were highly influential in influencing tobacco

consumption levels. A permissive attitude resulted in higher smoking rates and a restrictive environment resulted in marked declines in consumption.

Turkey, on the other hand, provides a look at how an indigenous monopoly was destroyed by the tobacco transnationals as a result of the opening of its markets. After trade liberalization policies were adopted local farmers and exporters were unable to compete with the transnationals. The 59 export companies operating in 1970 had dwindled to 14 by 1996 and seven of these were owned by transnationals. And as local cigarette consumption increased, the amount of Turkish tobacco used in cigarettes decreased with more American tobacco being used. Turkish tobacco farmers are now in a perilous state.

The clear lesson of the past half century is that the industry will not act responsibly. Societal action will be required to prioritise the public good above corporate profits. But governments provide support to the tobacco companies by confronting them in one country at a time. It is time to mount simultaneous action in every country, as is proposed by the WHO's International Framework Convention. If the industry have to spread its resources, their legal teams, their professional consultants and their efforts to 20, 50 or a 100 countries at a time, they are going to lose more encounters than they win. And when they lose, public health wins.

Some recommendations for reducing the political influence of the tobacco industry include:

Every tobacco company in every market must publicly disclose what it knew about the harms and addictiveness of tobacco, when it knew it, and what it did about it.

The industry must be required to assume a responsibility towards its customers by guaranteeing internationally recognised basic consumer rights, including:

- the right to safety for both users and non-users;
- the right to be fully informed including the right not to be misinformed;
- the right to chose including the right to chose to stop using the product (ie., help in overcoming addiction);
- the right to be heard;
- the right to recourse and redress for harms;
- the right to a healthy environment.

Finally, trade associations of the industry and other groupings established to deceive the public about the harms of smoking must disband worldwide. The documents show that the industry colluded by deciding not to compete with each other in producing safer products or in telling the truth about the dangers of smoking. This is clear evidence of a conspiracy by the industry and a violation of anti-trust laws.

These recommendations should be included in the Framework Convention.

I. WHO DECIDES HEALTH POLICY?

Tobacco is a problem for governments for two reasons - it is a major health hazard and it is an important economic commodity. If tobacco were not harmful to health there would be no reason to control its use. On the other hand, if the market for tobacco were small there would be little opposition to the regulation of this trade.

The dilemma for legislators is, how to deal with a highly-addictive and lethal product but which is, nonetheless, legal and highly-profitable. Ministers of Health, Finance, Agriculture, Trade, Industry, Education, Sports and Arts all find themselves entangled in the debate.

Given this conflict of interest between health and corporate wealth, public policy on tobacco has evolved in an *ad hoc* fashion. It has emerged as a product of different pressures, including those of the tobacco industry and the public health lobby.

The tobacco industry has a formidable record in resisting legislation and in developing new markets for its products. Even as its key markets in high income countries were shrinking, it has succeeded in increasing sales in middle- and low-income countries. As a South African newspaper, noted: “It is an unpalatable fact that growth in this industry will take place where governments are least hostile and where populations are least educated about the harmful effects of smoking.”[1]

Four cigarette manufacturers dominate about three quarters of the global market. Three of these, Philip Morris Inc., British American Tobacco (BAT), and Japan Tobacco are transnational companies. The fourth, the China National Tobacco Corporation, is a monopoly which produces around 30% of the world's cigarette output but supplies only the domestic Chinese market.[2]

Between 1986 and 1996, US cigarette exports grew by 260 percent and Philip Morris now makes more profits selling cigarettes abroad than in the United States.[3] Philip Morris announced in 1997 that it would invest $300 million to build the largest cigarette factory in Russia. "We cannot be left out of this market", said Philip Morris' Managing Director in Russia, Kursat Kocdag.[4] Its rival RJ Reynolds sells 50 billion cigarettes a year in the former Soviet Union, whereas five years previously it sold none.[5]

BAT was not allowed to sell cigarettes in Britain - its home base - until 1978, and its major outlets are in Africa, Asia, Latin America and more recently Eastern Europe. A BAT booklet notes: "The 1990s have seen new opportunities for the Group, especially in Central and Eastern Europe and in the Far East, with the opening up of markets previously closed to western tobacco manufacturers.” BAT has acquired factories in Hungary (1992), Ukraine (1993), Russia (1994), Uzbekistan (1994) Poland (1995) and the Czech Republic (1995).[6] BAT's Group Chief Executive, Martin Broughton on a visit to Cambodia, stressed: "Despite the recent economic problems being encountered in the region, we are still entirely committed to Asia-Pacific and I am convinced that these countries still present enormous opportunities to us".[7]

At a time when the annual global death toll from tobacco has reached 4 million, the industry finds itself on the defensive but it has responded aggressively. A Rothmans Tobacco Company manager dismissed the apparent predicament of selling cigarettes in low-income countries by saying: “It would be stupid to ignore a growing market. I can’t answer the moral dilemma. We are in the business of pleasing our shareholders.”[8] This narrow corporate philosophy, demanding exclusive commitment to shareholders rather than accountability to all stakeholders, including customers, has led to a dangerously blinkered vision. Anything is acceptable in defence of company profits.

The tobacco industry have one motive: to sell the maximum number of cigarettes and to eliminate anything that inhibits it from doing so. The cigarette manufacturers have ignored the harms caused by its products and engaged in a vigorous, decades-long effort to quiet critics, distort science, influence public opinion, control public policy and co-ordinate litigation strategy. An insight into their behaviour is provided by the volumes of once-secret internal industry documents that have been released as a result of litigation. These documents, which are available on the Internet, take us literally into the boardrooms of the US tobacco companies and their co-ordinating centre the Tobacco Institute.

II. ENGINEERING CONSENT

In the early 1950s, the US tobacco industry found itself besieged by concerns about the safety of its products as a result of the new medical evidence conclusively linking smoking and cancer. An increasing media and scientific focus on the role of cigarettes in disease, had reduced consumer confidence. A decline in sales combined with the threat of litigation from sick smokers led to what industry documents call the “1954 emergency”.

The industry reacted by mobilising its collective resources to regain control, and “to defended itself on three major fronts-litigation, politics and public opinion”.[9] The heads of all but one of the US cigarette manufacturers met with the public relations company, Hill and Knowlton, in December 1953. A memorandum after the meeting noted: ”We have one essential job - which can be simply said: Stop public panic. ...There is only one problem - confidence, and how to establish it ; public assurance and how to create it.”[10]

The goal was to preserve company profits not to protect the public. It was not to identify and eliminate the harms caused by cigarettes but to calm public fears and re-assure smokers that no change in smoking behaviour was necessary. It was also to avoid government regulation and stave off litigation. A 1962 internal memorandum noted: “[I]t would seem that the 1954 emergency was handled effectively. From this experience there arose a realization by the tobacco industry of a public relations problem that must be solved for the self-preservation of the industry.’[11]
The public relations campaign started in the 1950s continues in full force until today. Faced with evidence that environmental tobacco smoke (ETS) is harmful to nonsmokers, a 1987 memo spelt out almost identical objectives. The industry had to:

“Resist smoking restrictions; restore smoker confidence; and preserve product liability defence. Two sub-objectives considered as pre-requisites are: The reversal of scientific and popular opinion that ETS is harmful to health; and the restoration of the social acceptability of smoking “[12]

MOBILISING CORPORATE RESOURCES.

Among the recommendations of the 1953 meeting was a proposal that the various companies put aside their competitive differences to reach a consensus on issues of legal, political and social importance to the entire industry, and that they jointly establish and fund a centre to promote their general public relations interests.

In 1954, the industry established the Tobacco Industry Research Council (TIRC). Its task was to re-assure the public that the industry could responsibly investigate the smoking and health issue itself, and if it found a problem, correct it. The TIRC’s real role, however, was “to stamp out bush fires as they arose.” Instead of supporting genuine scientific research addressing the problems, it spent millions of dollars publicizing “research purporting to prove tobacco doesn’t cause cancer”.

Its real purpose was to deliberately confuse the public about the risks of smoking . “Doubt is our product,“ proclaimed an internal tobacco industry document in 1969: spread doubt over strong scientific evidence and the public won’t know what to believe.

In 1954 the industry told smokers in a widely publicised advertising campaign: “We believe the products we make are not injurious to health.”   This carefully crafted statement was intended to re-assure smokers that smoking is not harmful but without giving a guarantee that it is safe. The industry was stating an opinion and not a fact that could be challenged in the courts.

The industry has never retracted this statement. When asked if smoking contributed to disease during evidence in a law suit in 1998, Philip Morris CEO, Geoffrey Bible, replied: “I just don’t know.”

The tobacco industry is acknowledged as outstanding for its ability to promote "friendly" research; denigrate any research counter to its interests and to produce and manage uncertainty. Critics are dismissed as well-meaning but misinformed or alternatively as crusaders and health fascists.

The industry's strategy does not require winning the debates it manufactures. It is enough to foster and perpetuate the illusion of controversy in order to " muddy the waters" around scientific findings threatening to the industry. This serves at least two important ends. Firstly, it offers reassurance to smokers, helping them rationalise and repress their health concerns. Secondly, claims of “not proven” resonate with friendly or naive journalists and governments, and provide an excuse for not taking strong government or societal action against tobacco.

Encouraged by success, they've continued to create controversy around the science relevant to almost every aspect of tobacco and its control including: passive smoking; addiction, the medical and societal costs of smoking, and the effects of advertising in encouraging smoking, particularly among the young.

PROJECT WHITECOAT: MANUFACTURING DOUBT

In 1988, a joint meeting of the UK industry held in London, was told by a Philip Morris employee of the company's plans to spend "vast sums of money" to fund research by scientists who would dispute the health risks of passive smoking. The aim was to "coordinate and pay so many scientists on an international basis to keep the environmental tobacco controversy alive."

Dropping any pretence that the research would be objective and neutral, a BAT memo of the meeting states that the scientific proposals "would be 'filtered by lawyers' to eliminate areas of sensitivity. Their idea is that the groups of scientists should be able to produce research or stimulate controversy in such a way that public affairs people in the relevant countries would be able to make use of, or market: the information".[13]

The global campaign was coordinated by the Washington DC law firm Covington & Burling. In a 1990 report of its activities, the firm claims that its highly placed and influential "political and scientific contacts" include: "One consultant is...the adviser to a particularly relevant committee of the [British] House of Commons. One is the executive director of a leading scientific society that considers workplace and related issues. Several are advisers to the European Community on scientific matters. Several have been members of the working groups of the International Agency for Research and Cancer. Those groups " rate" the cancer risks of various substances and products. Through their efforts, for example, we were able to give General Foods considerable information about IARC's evaluation of coffee as a possible cause of cancer. One consultant is a medical adviser to several Middle Eastern governments... Others hold major professorships in the leading universities and technical schools."[14]

The report also claims that one of its consultants was "an editor" of the "very influential British medical journal", *The Lancet,* and that its "consultants have created the world's only learned scientific society of indoor air quality", Indoor Air International. The society was designed to be sympathetic to the industry's position on passive smoking and to shift the blame from tobacco to building design and ventilation as a major course of illness amongst office workers.

The Lancet has denied any knowledge of Covington and Burling's Consultancy Programme and a review of the journals coverage of the passive smoking issue during 1989 and 1990 show that the journal emphasised the harms of ETS. Indoor Air International (IAI) was established in 1989, but was renamed the International Society of the Built Environment in 1995. The society is based in Geneva, and many of its members did not know of the society's secret origins.[15]

These documents reveal a cynical attempt by Philip Morris to infiltrate respected institutions and to subvert the scientific process. The director of Science at Philip Morris Europe boasted about IAI: "No other resource gives the industry any similar access to the scientific community, government and those who make decisions about IAQ [indoor air quality] issues and standards." Covington & Burling concurred claiming that the consultancy programme "continued to provide an important, indeed indispensable, tool for the industry in reaching scientific and governmental audiences."

III. PROTECTING CORPORATE RIGHTS

Public health legislation is the foundation upon which effective tobacco control policies are built. It is a key component of a comprehensive solution to the tobacco epidemic; other elements, of which, include public educational programmes, smoking cessation interventions, research on addiction, economics and social aspects of tobacco use.

Legislation is crucial in establishing official policy towards the manufacture, promotion, sale, and use of tobacco products. It establishes important new rights: the right to a clean smoke-free environment; the right of children to grow-up free from commercial pressure to smoke; and the right to health.

The tobacco companies have used a combination of money, early identification of problem areas, alliances, front groups and classic influence peddling in relentless defence of its political and economic interests. They have not only resisted restrictive legislation in country after country but have sought to realign national and international laws to enlarge their corporate rights and reduce their corporate responsibilities.

Intelligence Gathering

The tobacco companies have developed global networks to scan, monitor and track hostile "external forces". The purpose is to identify, analyse and nullify any group, issue or trend that may impact upon the industry's image, profit or ability to act. An industry document explains: "The bottom line is that if we do not know a local battle is taking place in a timely manner, there is no way in which we can employ our resources to challenge unfair outcomes."[16]

The industry uses its own employees plus distributors in the wholesale and retail trade, as well as allies in the advertising industry and public relations companies to serve as an early warning system. The industry's network is involved in:

(a) pinpointing on a country-by-country basis the leadership of the tobacco control movement and their activities;
(b) monitoring tobacco control conferences and literature to identify the central issues of interest to the movement; and
(c) identifying countries which are considering introducing tobacco control legislation.

The industry has also established think tanks to"look beyond today's major, current scientific/medical concerns" so as to highlight "tomorrow's major research; the "hot spots" and the gaps in knowledge? Long-term where are our industry's major medical/science controversies likely to be."

Controlling the Agenda

Although the industry has invested heavily in creating doubts about the harms of smoking, it recognises that it cannot win the on the health issue. So it has tried to control the public debate by shifting it away from health to other more favourable issues. It has identified public concerns on which it can win support and championed these. So, it portrays itself as a mainstay of the economy, providing jobs and tax revenue. A claim that the public and finance ministers find convincing during times of economic austerity. Philip Morris Vice-President, Dennis Durden sums it up: "Economic contribution arguments form the cornerstone of tobacco industry public affairs. Data from farm incomes, jobs, taxes, balance of trade data, etc., form the catechism of industry lobbyists."16

The industry also champions libertarian ideologies concerning freedom of speech and choice, and derides health protective measures with an anti-"nanny" state theme. "Don't let Big Brother take away any more of our freedoms to choose how we want to live our lives", it argues.

The economic arguments of the industry have been rebuffed by the World Bank. The Bank states that "very few countries would experience job losses as a result of reduced tobacco consumption". The money not spent on tobacco " would be invested in other parts of the economy, generating jobs in other sectors." [17]

Legislators in many countries have also rejected the pseudo-libertarian position of the industry. The right of government protect public health has been held to take precedence over the freedom of an industry to promote harmful products.[18]

Influence Peddling

In September 1999, an editorial in the New York Times observed: "With the tobacco industry under siege in recent years, New York State has offered cigarette manufacturers a legislative safety zone. There have been no extra taxes on cigarettes since 1993, and no extra burdens on tobacco companies that have faced tariffs and controls elsewhere on their hazardous products. Such a smoke-friendly atmosphere does not appear by accident. In fact, the tobacco industry, particularly Philip Morris, has been plying the state's lawmakers with gifts and goodies including dinners and tickets to sports events like the Indianapolis 500. Philip Morris has now been forced to acknowledge that it violated New York State's lobbying law by underreporting (sic) the extent of its gift-giving in Albany. The company's admission might never have been made except that records of New York spending became available in documents released in anti-smoking lawsuits elsewhere in the country."[19]

Nowhere is the importance of political campaign contributions, lobbying and influence over the media by public relations companies more evident than in the United States. In Washington DC, special interest lobbyists outnumber members of congress by 38 to 1. Further, the 170,000 public relations practitioners in the US outstripped actual news reporters by about 40,000. The public relations companies produce fact, opinion pieces, expert analyses, opinion polls, and petitions for its corporate clients. A 1990 study found that almost 40 percent of the news content in a typical US newspaper originates from press releases.[20]

In addition to being fed a diet of industry propaganda, sections of the media are willing accomplices of the industry for reasons of self-interest. Studies show that those media most dependent upon tobacco advertising are also least likely to report adversely upon tobacco issues. "The media like the money they make from our advertisements," says a Philip Morris memo, "and they are an ally that we can and should exploit."[21]

A Phillip Morris document "Veto of Anti-tobacco Law" describes how it used the media to defeat tobacco control legislation in Argentina (Table 1) On September 30 1992, strong tobacco control legislation was passed by the Argentinian Parliament. To prevent the bill from becoming law the industry's only hope was a presidential veto of the bill. On October 5, the industry called a "closed door" meeting of media owners, sports stars and advertising agencies to "create an atmosphere in which presidential veto would be politically acceptable." The result: "129 articles appeared in newspapers and magazines between Oct 1– 15 of which 105 were favourable to the industries arguments. Total estimated cost of coverage if media space in time had been purchased: U$S 2.8 Mm" On October 13, President Menem vetoed the bill. [22]

Table 1. "VETO OF ANTI-TOBACCO LAW. Case Analysis: ARGENTINA."

A. BACKGROUND

- ...Legislation Which Sought to Ban All Tobacco Advertising, Promotion, Sampling and Severely Limit Smoking Public Places Was Submitted to Lower House of Congress by Dr Aldo Neri, Former Minister of Health, on May 24, 1990

-Tobacco Industry Alerted Media and Advertising Communities of Potential Impact of the Bill And, As A Result, Advertising Agencies Formed Alliance to Rally Support Against the Bill

B. SENATE ACTION SEPTEMBER 1992

-The Senate Approved the Bill as Written at 9:44 p.m. on September 30, 1992

C. REACTION

- President Carlos Menem, in Europe on Official Business, Had Ten Working Days in Which to Veto or Approve the Bill

-Industry's Objective Was to Create An Atmosphere in Which Presidential Veto Would Be Politically Acceptable

D. MAIN ACTIONS TAKEN

- Arguments Against the Bill Were Communicated to the Public

- 129 Articles Appeared in Newspapers and Magazines Between Oct 1– 5 of Which 105 Were Favourable to the Industries Arguments

- Total Estimated Cost of Coverage If Media Space in Time Had Been Purchased: U$S 2.8 Mm (sic)

- on Oct 5, Tobacco Industry Organised A Closed Door Working Session with Media Owners, Sport's Figures, Advertising Executives and Other Interested Parties to Initiate A Campaign in Favour of A Presidential Veto

- Letters From Media Associations and Other Groups Around the World Were Sent to President Menem Requesting He Exercise His Veto

- A Public Opinion Poll Was Taken Which Showed Support for A Presidential Veto

E. RESULTS

- President Menem Vetoed the Neri Bill on Oct 13, 1992

Source: Phillip Morris document

Tobacco lobbyists have similarly killed bill after bill in state after state and at the federal level in the US. The tobacco industry reportedly spent more than $43 million, in the first half of 1998, lobbying against federal tobacco legislation sponsored by Senator John McCain, according to a report released by the consumer advocacy group Public Citizen.

The industry sent 192 lobbyists to Capitol Hill during the legislative debate -- one lobbyist for every three members of Congress. These included Washington insiders such as former Texas Governor Ann Richards, former Senate Majority Leader George Mitchell (D-ME), and former White House Chief of Staff Howard Baker (R-TN).

The leading tobacco companies pooled resources and hired the lobbying firms Verner, Liipfert, Bernhard, McPherson and Hand, which was paid $7.2 million; Baker, Donelson, Bearman & Caldwell, which was paid $1.4 million; Covington & Burling, which was paid $880,000; and Barbour, Griffith & Rogers, which was paid about $860,000.

Responding to claims that the lobbying effort against the McCain Bill was a massive abuse of corporate power, Philip Morris spokesperson Darienne Dennis said, "The American political system relies on a free and open exercise of First Amendment freedoms. Philip Morris is an active citizen participating in the political process by expressing our views on issues that affect our businesses."[23]

Television commentator Bill Moyers, on the other hand gave this stark assessment of the First Amendment: “You can say anything you want to say. But if you really want to be heard today, we’re talking big money.”[24]

The industry’s advertising campaign was “the highest amount ever spent in a sustained issue advocacy campaign in the United States” according to the Dean of Communication at the University of Pennsylvania, Kathleen Hall Jamieson. She added that the ads distorted the facts and misled the public about this major piece of legislation. The ads went all but unanswered by health groups on the all-important battleground of television. By using its classical tactic of shifting the debate from health to “big government, big bureaucracy and big taxes”, the industry ensured the defeat of the Bill despite considerable support in Congress and from public opinion.

Table 2. An explanation of its tactics by an industry Working Party.

Basic Countermeasure type #1: Legislative Casework Countermeasures

A. Brief Description

This most traditional type of countermeasure is carried out..as specific pieces of legislation are considered by lawmaking groups. Countermeasures here take the form of lobbying.

B. Objectives and Targets

In this type of countermeasure, the typical objectives are to block, nullify, modify or delay pending legislation. In some more sophisticated situations, the industry takes initiative to have existing legislation, particularly tax legislation, repealed or amended in favor of the industry. The target groups for this type of countermeasure are legislators and their staffs plus the lobbyists of other industries who might be converted into temporary allies for the industry's efforts.

C. Techniques Employed In This Countermeasure Type

This type of countermeasure users all of the tools in the kit of the lobbyist, e.g. testimony, position papers, constituency letters and contacts, plus the most basic tool of face-to-face discussion between industry representatives and legislators.

Basic Countermeasure Type #5: Public Climate Countermeasures

A. Brief Description

This type of countermeasure is likely to become more important in future years because the industry finds itself facing an increasingly hostile climate of general public opinion. To date, the industry has not spoken very much to the general public about smoking issues. However, even the best legislative, regulatory, constituency and electoral campaign efforts can ultimately be doomed to failure if public opinion builds up more and more pressures on the industry's traditional legislative and regulatory "safety valves".

B. Objectives and Targets

In this countermeasure type, some key objectives are to convince the general public that:

1) other people smoking is not hazardous to their health;
2) smoking is a matter of choice;
3) smoking problems are best handled by voluntary private action, not public decrees;
4) smokers constructive members of society;
5) it is the zealotry of anti-smokers that is at the root of any social problems of smoking.

The targets in this area are the segments of the general public who are smokers and non-smokers but not the anti-smokers. Experience has shown that their is little to be hoped for in directing these programmes at anti-smokers.

3. Techniques Employed In This Countermeasure Type

This countermeasure type takes the form of getting the industry's positions on issues into general news entertainment media. In some instances, more specialised media and techniques are used to reach leadership groups in society, the so-called ‘precursors’ who tend to mold public opinion. Specific methods include paid advertising, appearance by industry spokesmen on media, "cultivated" editorials and news stories, press "happenings" and a host of other conventional P.R. techniques.

Source: Phillip Morris. (19)

Voluntary Codes

When pressure for legislation is building and appears unavoidable the industry’s first line of defence is to offer a voluntary agreement to resolve the issue, particularly in the case of tobacco advertising, as it did recently in India. The industry will assert that self-regulation - not government legislation - will suffice.. The industry will give assurances that all manufacturers will abide faithfully by the provisions of the voluntary agreement and that the industry itself will ensure that it is properly enforced. This has the double advantage of seeming to be understanding of the problem and at the same time depicting proponents of the law as well-meaning but misguided.

Such agreements appear attractive to governments, but the voluntary agreements fail time and again for the simple reason that they were never intended to succeed. These agreements are worthless because they have many in-built failings: no one has the authority to enforce them or the penalties for infringements are weak or non existent; the wordings of the agreements appear impressive but in practice allow many interpretations, and these are usually interpreted in the industries favour; the agreement does not cover some of the industry’s worst excesses - so it may ban advertising directed at children but allows the industry to sponsor sports events and rock concerts.[25]

As long ago as 1967 the late Senator Robert Kennedy said about voluntary agreements with the industry: “[W]e have witnessed a charade of purported self-regulation for some years. The codes of self-regulation have been largely ineffective, and I see little hope for change”.[26]

Other Activities

In addition to fighting particular pieces of anti-smoking legislation, the tobacco companies have been pushing an agenda of their own -- backing bills that, for instance, guarantee smokers’ rights or reduce the ability of smokers to mount class-action litigation against the industry.

In 1978 the Roper organisation suggested to the industry that whenever meaningful non-smokers " rights legislation is proposed" and seems likely to be enacted, the industry should lobby for watered down legislation that appears to protect non-smokers but in reality does not.

“In 1989 The Institute was successful in scoring significant advances to protect the rights of smokers by initiating offensive legislative plans. In total we handled 53 pieces of legislation in 28 states”, boasts the Tobacco Institute.[27]

Such bills are designed to “protect the smoker’s right to smoke” by requiring “smoking areas to be provided in publicly-owned buildings” or to make smoking during non-working hours a civil right for employees and to stop local governments passing stronger anti-smoking ordinances. One reason for the industry’s defence of smokers’ rights is spelt out by an RJ Reynolds Scientist, Dr Guy Oldaker III, who said in an internal memo: “ For our industry, the present and future effects of the ETS issue are clear. Smoking restrictions limit the time available for consumers to enjoy our products. Put simply, a cigarette not smoked is a cigarette not sold.”

With great adroitness the industry has also turned regulatory challenges to its own advantage. When warning labels were first demanded in the US (" The Surgeon General Has Determined That Cigarette Smoking is Dangerous to Your Health"), the industry acquiesced after an appropriate struggle. It conceded, in part to avoid more destructive state labelling legislation, but also to gain valuable protection from suits seeking damages for the death or disability of smokers. After all, the label warns smokers that there are risks involved in smoking and thus a smoker can be said to consent to harming his own health if any harm occurs.

When ant-smoking advertisements required of broadcasters under the US Fairness Doctrine began to reduce cigarette sales, the companies voluntarily agreed to withdraw all radio and television advertisements for cigarettes thereby negating both the need for the counter advertisements and much of the depressing effect on sales.

Opening Markets Through Trade Sanctions and Corruption

Historically, the US Government has regarded low-income countries as a valuable export market and has assisted in opening these markets for American cigarettes. This assistance turned into coercion in the 1980s when the US Trade Representative, working in co-operation with the tobacco companies, used the threat of trade of trade sanctions to pry open markets in Japan, South Korea, Taiwan and Thailand.

From 1975 to 1985, the US-based tobacco companies had pressured Japan and other Far East countries to remove trade barriers to foreign cigarette imports but with modest success. Then in 1986, the US government took up cudgels on behalf of its tobacco companies. It threatened retaliatory tariffs against Japanese exports of textiles and automobile parts unless the US cigarette manufacturers were allowed greater excess to Japan’s markets. To protect its exports the Japanese government capitulated and removed the tariffs and other restrictions on foreign cigarettes. The US government achieved in one year what the industry had not been able to do on their own in 10 years. Within a month of Japan's decision both South Korea and Thailand had also opened their markets to US tobacco.[28]

Britain's *The Observer* newspaper disclosed in 1996 how BAT "is acquiring influence over the dispersal of British overseas aid as part of a campaign to protect its lucrative markets in the Third World …an *Observer* investigation has uncovered network of links between the company and official international aid bodies, well-known MPs, aimed at furthering its agenda in the developing world …At the centre of BAT's overseas aid network is its new chairman, Lord Cairns. Last year, he also became chairman of the Commonwealth Development Corporation, a quango that distributes £1.5 billion of investment to poor countries".[29]

The American tobacco companies have also used even more questionable methods to increase its influence overseas. RJ Reynolds has admitted that in the 1970s it paid US$6 million as bribes to minor officials of foreign governments.[30] Philip Morris has similarly admitted to making payments to foreign government employees "for the purpose of expediting administrative action". Internal company documents disclosed that "$16,000 was paid to a Dominican Republic tax officer for a favourable ruling" and "$12,000 was spent some time during the past few years to have a significant law enacted by the legislature". "Contributions to the President's political campaign amounted to $200,000 approximately", however, the latter is legal in the Dominican Republic.[31]

More recently, Philip Morris was involved in a major campaign finance scandal involving the Civic Democratic Alliance, the largest political party in the Czech Republic. In 1998, Phillip Morris together with two Czech companies allegedly funnelled donations to the Alliance through a fictitious company. The environment minister was forced to offer his resignation when the scandal broke.[32]

Corruption is by its nature a secretive and hidden activity. The full extent of corruption will probably be never known and the flashing of a chequebook to convince a state official to be "helpful" is probably one small part of the corrupt practices of corporations. The general excuse used by corporates is that they simply adapted to local ethical standards when bribing officials. In reality they help to undermine the stability of political institutions and the economy in pursuit of their self-interest.

IV. SOUTH AFRICA: MAKING PROGRESS

South Africa is a "lower middle income" country on the world scale. Economic growth after being non-existent in the 1980s has shown a modest improvement in the 1990s. The country's experience with tobacco shows how critical the government's role is in determining the growth or decline in national levels of tobacco consumption.

Rembrandt, the country's leading cigarette manufacturer, was closely associated with the National Party (NP) and benefited directly from state support after the NP came to power in 1948. The directors of Rembrandt were close confidantes and advisers of the apartheid government and subscribed to its world view. Anton Rupert of Rembrandt said in 1981, "After many African countries became free they got dictators like [Idi] Amin's. We have to find a solution that won't end up giving us one man one vote."[33]

With the transition to democracy in 1994, came a new government of national unity dedicated to promoting public health. The senior partner in government, the African National Congress had signalled its support for measures to control tobacco even before it assumed office. Its Reconstruction and Development Programme (RDP) stated: "[M]illions of South Africans abuse alcohol, tobacco, cannabis (dagga), solvents like petrol and glue, and harder drugs....The RDP aims to reduce greatly the present levels of substance abuse and to prevent any increase. Comprehensive strategies to change behaviour must include education programmes, reduction of advertising and increasing the price of tobacco and alcohol." (African National Congress. Reconstruction and Development Programme. Johannesburg, Umanyano Publications. 1994.) In addition, Nelson Mandela had declared his personal support for tobacco control in a statement issued to mark World No-Tobacco Day in 1992.

The policy guideline was translated into action by new Health Minister, Dr Nkosazana Zuma. The new government adopted a vigorous tobacco control policy, which has been singularly successful. This despite intense tobacco industry pressure to forestall legislation.

Situation Analyses

After increasing steadily from 1948 to a peak in 1990, tobacco consumption in South Africa (SA) has fallen for eight consecutive years since 1991. The market for tobacco grew by an average of 3.4% each year between 1975 and 1991, but fell by 4% per annum in the period from 1992 to1997.

Surveys also show a decrease in the prevalence of adult smoking from 34% in 1992 to 28% in 1997. About 47% of men 12% of women currently smoke cigarettes.

Tobacco Manufacturing and Growing : BAT, after its merger with Rothman's International now controls about 95% of the market. RJ Reynolds have 2% of the cigarette market. RJ Reynolds has no local factory. In 1997, it contracted BAT to manufacture its brands in SA. BAT produces about 36 billion cigarettes per annum.

Beyond the manufacturers there are 691 farmers. They produced 26.1 million kilograms of tobacco in 1997, worth about US$50 million. The local growing industry is only the fourth largest in Africa. Domestic consumption runs at approximately 34 million kilograms a year.

Tobacco Control Measures: The first Tobacco Products Control Act was passed in 1993 just before the country's inaugural democratic election. The Act was symbolic of the change that was taking place in the country at that time. Although modest in scope the Act was, nonetheless, the first major dent in the solid wall of vested tobacco interest. It provided for: the control of smoking in enclosed public areas; the labelling of tobacco packages and advertisements with health warnings; and the prohibition of sales to children under 16.

Dr Zuma upon assuming office immediately gave teeth to the Act. The Department of Health passed regulations that mandated eight rotating health warnings covering 15% of the front and 25% of the back of the cigarette pack and 12% of advertisements. Cigars, snuff and pipe tobacco were also required to carry the warnings. The warnings were explicit, foe example: “Danger: Smoking can kill you”. But in addition to warning people about the harms from tobacco it also also stated the benefits of stopping and provided a telephone number which people could ring for further help and advice in quitting.

Tobacco Taxes: Given that the price of cigarettes is the single largest short-term determinant of consumption, the government has used fiscal policy to support its health policy.

Since 1994, tobacco excise taxes have quadrupled from US$0.1 per 20 cigarettes to US$0.41. This has resulted in a doubling of government tobacco tax revenues while at the same time tobacco consumption decreased. In 1997, the state obtained US$0.58 billion in excise taxes and VAT from tobacco (approximately 2.2% of central government revenues). Consumer spending on tobacco amounted to US$1.42 billion.

The tobacco industry warned that the increase would result in an increase in smuggling. It should however be noted that the tobacco companies themselves stand charged of complicity in smuggling. The New York Times reported that Philip Morris cigarette company had accused Rembrandt of turning a blind eye as large quantities of the latter’s Rothmans and Peter Stuyvesant brands were exported from South Africa to neigbouring countries and then smuggled back to avoid taxes and duties. Contraband sales accounted for an estimated 5% of the cigarette market in 1997. The finance ministry is taking steps to control this illegal trade, using the increased excise tax revenues from tobacco sales.

New Legislation: In March 1999, the SA Parliament passed the Tobacco Products Control Amendment Act. Its main purposes are to (a) reduce the pressure on young people to begin a lifelong addiction at age 15 and younger; (b) protect the constitutional right of the non-smoking majority to a smoke free environment; and (c) attempt to reduce the harmfulness of cigarettes for those cannot or will not stop

The new Act prohibits all tobacco advertising, sponsorships and promotions. No advertisement may contain trade marks, logos, brand names or company names used on tobacco products. Nor may these marks be used in association with sporting, cultural or educational activities.

The Act also forbids smoking in all enclosed public places, including the workplace, except in designated smoking areas. Nonsmoking is established as the norm in public places and smoking is only allowed under defined conditions. The Act further permits the Minister, to regulate the maximum amounts of nicotine, tar and other ingredients in cigarettes. The law also bans the free distribution by the trade of tobacco products. Awards or prizes to induce the purchase of tobacco products are also prohibited. Finally, the law requires that vending machines must be supervised so that children under 16 cannot gain access to cigarettes.

Cigarettes are one of the most advertised products in SA. Over the past decade, spending on tobacco advertising has increased almost five-fold from R49 million in 1987 to R250 million in 1997. The industry also disburses about R64 million each year to sports, arts and cultural organizations. In addition, it spends about R163 million advertising and promoting these events. (US$1 = R6.0, in 1999).

Since 1995, after the health warning regulations were enacted, the industry greatly increased its sponsorship activities. Sponsorship messages are not required to carry health warnings and by-pass a ban on tobacco advertising on television.

Tobacco Industry Reaction.

The response of the industry to the Bill was predictable. From Canada to Sri Lanka they have echoed the same standard arguments against legislation: The bill is draconian. They were inadequately consulted. Jobs will be lost. The Bill is an attack on “freedom”. We are becoming a “nanny” state.

Large sections of the media, fearful of a loss of tobacco advertising revenues, adopted these arguments uncritically and mounted fierce partisan attacks on the Minister and the Bill. They did not see the issue as one of consumer protection. The media did not question: What measure of free will and informed consent is a 13-year-old exercising when he or she succumbs to the marketing ploys of the industry?

The industry attempted to delay the parliamentary debate on the bill by seeking a high court injunction requiring the health ministry to make available all the information it used in preparing the bill and requesting time to study this information. The injunction was denied, and a subsequent appeal dismissed.

The industry also built alliances with other business groupings and labour unions. These groups by opposing the bill while claiming to be independent of the tobacco industry, lent ‘independent’ credibility to the industry’s views. A ‘Freedom of Commercial Speech Trust’ was established in 1997 soon after Dr Zuma had announced her decision to regulate tobacco marketing. The Trust was financed by a levy on all tobacco advertising and represents the media and marketing industries, the SA Chamber of Business, the American Chamber of Business and the Council of SA Banks.

The Food and Allied Workers Union, which represents workers employed in cigarette manufacturing, claimed that the bill would result in a loss of 8000 jobs in the industry. On the other hand, the tobacco companies stated that since an advertising ban would not reduce cigarette consumption, the bill would not affect jobs in their industry. The contradiction between these claims clearly reflects the difference between the industry’s public statements and the threats it was making in private to turn workers against the bill.

The industry employed highly credentialed local and international ‘experts’ to give evidence to the Parliamentary Health Committee about the constitutionality of the bill, to question the science behind the bill and to raise doubts about its effectiveness. Recipients of industry “philanthropy” such as sports organizations also testified about the contribution of the industry in developing sport and tourism in SA.

The industry may have used opportunistic and plausible arguments but in tobacco control there is a common belief that science, truth, health and justice will always triumph over greed. Many individuals, the larger health community, including physicians and nurses organizations, economists, researchers and NGO’s defended the bill.

The public remained sceptical of the tobacco industry’s tactics and supported the legislation. A nationwide survey in August, 1998 revealed that 67 per cent of the respondents agreed that smoking in public places and tobacco advertising should be banned. Eleven per cent were undecided on the issue and 22 per cent disagreed with the restrictions.

The guiding hand which firmly kept the bill on course was undeniably that of the Minister of Health and her Department. Good communications between parliamentarians, civil servants and non-governmental organizations ensured that public health triumphed in the end. The new law is probably the most significant development in the history of tobacco control in South Africa.

Table 3. Some key debates in South Africa.

1. **Argument: Jobs will be lost**:

Response: In some ways, the Bill will protect jobs in the South African tobacco industry because advertising restrictions make it difficult for foreign companies to penetrate the South African market.

Further, economists predict that a reduction in tobacco consumption in SA will result in more jobs - not job losses. This is because people who stop smoking will spend their money on other goods and services resulting in an increase in jobs in other sectors of the economy, supplying new consumer demands

In the past decade, about 39 000 jobs have been lost in the tobacco sector. These job losses were caused by SA cigarette manufactures buying tobacco leaf abroad instead of locally. The result has been an outflow of foreign exchange and SA tobacco farmers going out of business. No one ever mentions that.

The main contribution of tobacco to the economy is not jobs and wealth but increased health costs and lost productivity. More working days are lost to SA industry each year due to absenteeism caused by smoking related diseases than from strikes.

2. Argument: The Bill is Unconstitutional

Response: Many people are concerned that a ban on tobacco advertising may be an attack on freedom of speech, and therefore unconstitutional. They say that in opposing such a ban they are not "protecting tobacco but free commercial speech."

Most societies, accept many restrictions on their freedoms: speed limits, prescription only medicines, no drinking and driving, gun laws, bans on child pornography. They do so because they believe these restrictions are for the common good. The freedom of children to grow up healthily, and free from harm and addiction is a common good worth protecting. Many countries with excellent democratic traditions, including France, Australia and Norway, have banned tobacco advertising for just this reason.

It is also important to remember that censorship assumes many forms, one of which is self-censorship. The latter is often more destructive than an outright ban because it is hidden.

Surveys show that self-censorship on tobacco issues by sections of the SA media is common. Magazines, for instance, which carry cigarette advertising are considerably less likely to publish articles on the risks of smoking than are magazines without cigarette advertisements.

The R240 million the industry spends annually on advertising provides a formidable basis for influencing editorial policy, which the industry is not afraid of using.

In November last year, a Rembrandt Group company, R&R Tobacco, withdrew over R1 million of advertising from *The Star* in the wake of an editorial that supported the regulation of tobacco advertising. This was a clear warning to the newspaper that if you oppose tobacco you will lose advertising revenues.

V. TURKEY: FIGHTING OFF THE INVASION

Turkey is a "middle income" country. It spans the divide between Asia and Europe. The country has played a significant part in the popularisation of cigarettes in this century. British Officers who survived the Crimean War took cigarettes back to their regiments and clubs. Turkey provides a look at how an indigenous monopoly was destroyed by the tobacco transnationals.

Before the 1980s

Agriculture is a mainstay of the Turkish economy and tobacco is an important crop. Before 1980 there were 500,000 families working in growing and processing tobacco and 59 local companies exported the leaf. A state monopoly controlled the trade and was one of the most prestigious governmental institutions. It did not advertise or promote its products to women and the young. The protection of the crop from competition and support for the farmers was regulated by a 1961 law (Act No 196). The

Turkish economy was not open to foreign investment, and there were no social and economic relations with Europe or the United States. Parliament debated the use of non-Turkish leaf in cigarettes several times but rejected the idea.[32]

After 1980

Since 1983 the government has liberalised the economy and allowed foreign investment. The parliamentary debate on tobacco was re-opened and the fifth Five--yearly Development Plan in 1984 recommended: " Abolishing the tobacco monopoly, and programming the farming of new types of tobacco leaves". It took two years before this recommendation was quietly slipped into a bill. In 1986, the production, sales, export and taxation of tobacco leaves and tobacco products were regulated 'to prevent smuggling'. Meanwhile, investment in the construction and repair of the Turkish monopoly's (Tekel) cigarette factories was cancelled. Three of these factories had been about to buy new machinery.[33]

A joint venture between Philip Morris and Sabanci Holding - known as Philsa - applied to the State Development Organisation on 8 August 1990 and referred to an informal agreement which promised investors an easing of the rules and regulations regarding the tobacco industry in Turkey. Following this, a decree published on 3 May 1990 stated: "Any brand that produced more than 2 000 tons was given unrestricted rights in pricing, distribution and sales without Tekel's compulsory participation." Philsa, the only company that produced more than 2,000 tons, overwhelmed Tekel's 15% share.

Economic Consequence

The first visible consequence was an increase in tobacco imports. Exports of Turkish tobacco were also negatively affected and gradually many companies exporting Turkish tobacco leaf went out of business. Competition with the international companies was impossible for local farmers and exporters. The 59 export companies operating in 1970 had dwindled to 14 by 1996 and seven of these were owned by transnationals.

As cigarette consumption increased, the amount of Turkish tobacco used in cigarettes decreased with more American tobacco being used. The irrational production policies left Tekel with an excess of tobacco stocks, within a very short space of time. In 1991 there was an excess of more than 329 000 tons of tobacco, which had to be destroyed. As exports did not increase and local use of the leaf decreased, it became obvious that the problem of excess tobacco was not going to be solved. Farmers had to sell their crop at very low prices to the merchants and Turkey's tobacco production would decrease in the future.

Table 4. Cigarette imports to Turkey 1984-1991

	(1000 tons)
1984	1.80
1985	3.89

1986	7.05
1987	9.67
1988	8.90
1989	12.10
1990	15.70
1991	12.40

Turkey consumes an estimated 100 billion cigarettes a year, which is expected to rise to 121 by year 2000. It is now the number one growth market in the world. The consumption is projected to rise 44% between 1994 and 2000.[34]

Social consequences

With the advent of foreign brands, the public were exposed to cigarette advertisements and promotions of all kinds. Foreign cigarettes were welcomed, along with the glamorous lifestyles promised in the advertisements. The tough cowboy image reflected the spirit of the population.

Tobacco control

In 1988, the Minister of Health began an anti-smoking campaign. The first tobacco bill was unanimously passed by Parliament on 9 January 1991. The President, however, vetoed the bill. He found the restrictions of advertising conflicted with " freedom of trade". The health minister's mother was visited by the tobacco industry who wanted her to exert influence over her son. The Minister resigned.

Air Indoor International organized a meeting in collaboration with a reputable university in Ankara in 1992. Foreign 'scientists' stated that the effects of passive smoking were exaggerated by anti-smoking campaigners and assured the audience that "tobacco smoke was just another smoke that hurt the eyes".

At about the same time, health professionals started to become more aware of the hazards of smoking and began collaborating with each other. A second tobacco bill was developed by a member of parliament, who was also a chest physician. The bill was forwarded to the Chairman of the General Assembly on 3 July 1992. He was supported by the newly organized tobacco control advocates. The bill was sent to the Commission of Justice to be reviewed. When tobacco control advocates met with the Chairman of Justice they were surprised to learn that he did not think that there was enough evidence to prove that tobacco is harmful. Tobacco control advocates were informed that pressure was being applied to have the bill abolished. International help was requested and faxes flooded into Parliament blocking fax lines. The bill was passed to a sub-commission known as 'deep freezer' among the public, so as to defeat it.

Margaret Thatcher , then Prime Minister of the UK, visited Turkey on 19 November 1992. The official purpose of her visit was to moderate the business relations of British Gas in the country. The claim that she was representing Philip Morris and helping the company to launch on the Turkish market appeared in a local newspaper, and was not denied, either by the local authorities or herself.

R.J. Reynolds, a multinational that established its factory in 1993 with a capital of 100 million dollars , increased its market share in turkey from 3% in 1993 to 6% in 1994, despite the economic crisis in Turkey. The new General Manager in Turkey, Mr Thomas Reibl, stated at that time: "We have put the locomotive on the right tracks . Now our aim is to speed it up. We will take advantage of this country. Turkey is one of the worlds biggest markets. We have good products, we are working with good people, we have good strategies. Turkey is promising with its young population."

The bill being reviewed by the sub-commission didn't find its way back to the Commission of Justice before 3 may 1995.

Meanwhile, several scientific conferences, press conferences, and World No-Smoking Day activities were organized to increase public and media awareness. Tobacco control advocates also established "The National Committee on Tobacco and Health " Sir John Crofton, Sir Richard Doll, Prof Richard Peto, David Simpson, Robyn Richmond, Nils Billo, Jean-Francois Tessier, Donald Enarson, and Sherif Omar were among the very well known contributors to the fight.

It was declared that the Turkish tobacco monopoly, Tekel. Was nor paying its taxes. One of the Turkish partners of the multinational companies had said that nobody wanted a monopoly in anything in the world any more and that Tekel had to disappear. But on the other hand, it was not made public that the state owed Tekel 50% more than the taxes it was supposed to have to pay.

Suddenly, in 1996 the tobacco bill was brought to Parliament approved by the Commission of Justice. It was 274th on the list to be discussed. With the help of Parliamentarians it was moved to the top of the list , and new articles were added turning it into a very comprehensive bill. The bill was approved by the General Assembly and sent to the President. The Constitution allows the President 3 weeks to sign a bill, otherwise it is vetoed.

There had been a waiting period of more than 2 weeks when the tobacco control advocates started to hear the newspaper bosses who were going to lose advertising revenue, as well as the advertisers, were upset about the bill. The advocates thought the fact that one of the major newspaper owners happened to be a relative of the Turkish partner of the major foreign cigarette company was something to be concerned about.

The advocates once more requested urgent global help and received an immediate response. The Presidential office received faxes from countries they had not heard of. The President met with a small group of advocates and assured them that he was very sensitive to the issue. He signed the bill the next day. On 26 November 1996, Turkey had a tobacco act.

The Act banned all direct and indirect advertising and promotions which used the name and the logo of a cigarette brand, sales under 18 years of age, and smoking in public smoking.

Counter Actions of the Tobacco Industry and Violation of the Law

After the industry was over the first shock , their representatives invited foreign lobbyist to the Turkish parliament arguing that cigarette advertisement should not have been banned.[35]

Fortunately the arguments put toward were in classical industry wording , to which the WHO had supplied ready answers, in a hurry for this parliamentary action. They had written points that were not applicable to Turkey, such as the benefit of announcing the tar and nicotine content in advertisements. Turkey had never had nicotine and tar information on the packs or the advertisements.

The tobacco control advocates organized a press conference to respond to all the arguments of the tobacco industry. This was well attended by the press and yet there was no press coverage. But the message clearly reached the industry. At the conference it was argued that nobody needed a cowboy in the background to learn about price and nicotine content changes. A few weeks later starting with the least popular newspapers, the industry circulated “Price Announcements”. Curiously, most of the announcements stated that prices had not changed. They were, of course, all advertisements and all were illegal .

The companies that had the same logo and brand name with cigarettes still operated and advertised, which was against Turkish law. The number of bag and boot advertisements started increasing heavily after the legislation. They all had to be monitored, and legal action had to be taken .

Mr Marco Terribilim, the new general manager of Philip Morris-Sabanci venture, Philsa, at his introduction meeting in September 1997, openly boasted: ”Turkey is a significant market with major potential ... Only 18% of the population is above 45 years of age ... The Turkish monopoly has to be privatised totally... Philip Morris will play a role under any condition in this privatization .”

No physician who has taken an oath to save lives and has spent sleepless nights to save one person can silently watch the devastation carried out mercilessly by the tobacco industry in low income countries. No conscientious politician can be responsible only for preventing deaths in his own nation and be blind to sales of the same deadly product to other people born at the same in the less fortunate parts of the world. We, the people , need to use our collective power to overcome this scourge.

VI. CONCLUSION

Sometime in the next century, the battle between public health and corporate wealth will be decided in favour of health. The current economic, social and health costs will continue to mount until eventually no government is able to deny or ignore the harms. The tobacco epidemic will then end. The only question is how quickly this will happen and at what cost in human lives.

The means for slowing this epidemic are on hand. The World Bank says that to effectively reduce demand, governments can raise cigarette taxes, ban the advertising and promotion of tobacco products, and provide information on the health risks of smoking. The Bank has urged all countries to adopt these measures and has added that a “comprehensive tobacco control policy is not likely to harm economies”.

But the availability of effective policies is not enough, what it requires is the societal will to implement them. Cash-strapped governments still need to be convinced that sustainable growth and development is inequitable with a policy that promotes jobs and growth at any cost. In countries where the full impact of the epidemic is not yet evident governments need to be persuaded to give priority to prevention of the epidemic.

These are difficult tasks at any time. They are made immensely more difficult by the activities of the tobacco industry. The clear lesson of the past 50 years is that the industry will not act responsibly. Yet, it retains a veneer of respectability. It still presents itself as a source of revenue, the supplier of jobs, the patron of the arts and sport, the defender of freedom and the provider of pleasure. It is not seen as having betrayed its customers trust, a corrupt influence on governments and a purveyor of addiction to children. Open and transparency about the industry’s product and its activities is a necessary prelude to effective tobacco control activities.

Recommendations for reducing the political influence of the tobacco industry:

* The responsibilities the tobacco companies must assume towards its customers include:

1) Public disclosure by every tobacco company in every market of what it knew about the harms and addictiveness of tobacco, when it knew it, and what it did about it.

2) Guaranteeing its customers basic consumer rights. These include:
- the right to safety for both users and non-users;
- the right to be fully informed including the right not to be misinformed;
- the right to chose including the right to chose to stop using the product (ie., help in overcoming addiction);
- the right to be heard;
- the right to recourse and redress for harms;
- the right to a healthy environment.

* Companies must declare all political contributions to political parties and politicians.

* Companies must disclose all amounts paid to lobbyists, consultants and other groups to influence public policy.

* Trade Associations of the industry and other groupings established to deceive the public about the harms of smoking must disband worldwide.

* Governments should strictly enforce smuggling, anti-corruption and anti-trust laws.

* There should be no tax breaks for advocacy advertising, political contributions or the lobbying activities of the industry. These should not be considered as a normal cost of doing business.

* Government missions should not be used to challenge public health regulations on tobacco in other countries.

* Developmental aid should not be used to support increased tobacco production.

* World trade agreements need to ensure that such agreements may not be used to weaken public health regulations regarding tobacco.

These recommendations are not radical. They will, however, remain so many words on paper unless the public health movement becomes as skilled as the industry in political lobbying, working with the media, mastering economic and libertarian arguments, and most importantly, presenting the truth about tobacco and the industry that peddles it to the public. The WHO has a critical role here. It must take the lead in building capacity within countries and in developing a community of tobacco control advocates with complementary expertise.
Finally, governments provide support to the tobacco companies by confronting them in one country at a time. It is time to mount simultaneous action in every country, as is proposed by the International Framework Convention. If the industry have to spread its resources, their legal teams, their professional consultants and their efforts to 20, 50 or a 100 countries at a time, they are going to lose more encounters than they win. And when they lose, public health wins.

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