

Anticipating and Countering Tobacco Industry

Arguments and Tactics



World Health
Organization



International Union
Against Tuberculosis
and Lung Disease

- As with any effective tobacco control policy, the tobacco industry will attempt to weaken, delay or kill effective health warning regulations
- Do not negotiate with the industry but respond firmly and strongly to its tactics
- Common arguments and tactics and how to respond

Arguments

“Warnings don’t work”

- It is true that weak warnings don’t work
- Strong warnings with pictures that have been tested are highly effective, as evidenced by research studies and experience in Brazil, Canada, and Singapore

“Smokers know the risks; all you’re doing is scaring smokers”

- Smokers do not know the nature, magnitude, level or consequences of risks
- Studies have shown that scaring smokers can change their behaviour; fear is an effective motivator
- Smokers should be scared. What else would be a reasonable reaction to a high risk of getting lung cancer, having a heart attack, or having your spouse die because of exposure to your second-hand smoke?

“Strident warnings tempt people to try the forbidden fruit, so warnings might actually lead to more smoking, particularly by youth”

- “If warnings were indeed counterproductive to intentions to dissuade people from smoking, then the tobacco industry would surely have been advocating for the most brazen warnings possible. That it coached its employees in providing the opposite advice can only indicate that it understood that warnings were against its interests - that is, were likely to depress demand.”

– Chapman & Carter, *Tobacco Control* 2003

“We need to educate children in schools”

- School education and package warnings are not mutually exclusive
- School education has not been proved to be as effective as package warnings
- Package warnings reach every smoking adult
- There is no comparable, cost-effective way of informing smokers. A mass media campaign would cost a fortune. (Consider what the tobacco industry spends on advertising and promotion in your country)

“We can’t implement this in such a short time frame”

- Cigarette manufacturers make design changes to their packages on a regular basis so are constantly changing production procedures anyway
- Manufacturers have shown that they can implement picture warnings on packages in as little as six months after regulations are passed

“Large warnings infringe on our trademark rights and our right to free speech”

- This argument has been tested and has lost in the courts
- The falseness of this argument is proved by the fact that numerous countries of many legal traditions have implemented large, graphic warnings

“These warnings will cost us too much money to implement”

- The cost of implementing warnings is minor compared to their benefit and to the comparative costs of other means of informing smokers
- Australia, Canada and the United Kingdom estimate AU\$2 billion, CD\$4 billion and £206billion net benefit, respectively, for implementation of picture warnings

Tactics

Weaken the warnings

- General content, no mention of specific diseases
- Small
- Bottom, back or side of the pack
- No pictures

Voluntary warnings

Use voluntary warnings and threat to withdraw their products from the market

- Usually a hollow threat
- Even in small countries there is too much money to be lost:
 - Example: Jamaica, population 2.6 million; per capita consumption 28.5 packs/year @US\$.50 profit per pack = US\$79.8 million/year

Legal challenges

- Companies may launch legal challenges based on freedom of speech (constitutional challenge) or trademark infringement (trade agreement challenge)
- The European Court of Justice upheld the prohibition on misleading terms in 2002
- The constitutionality of large, graphic health warnings was upheld by the Supreme Court of Canada in June 2007

Summary

- Tobacco companies don't like picture warnings
- They will lobby heavily against them, often behind the scenes and with some success
- Their tactics are predictable and their arguments refutable, but...

BE PREPARED