American Lung Association Comments on the Framework Convention on Tobacco Control and Related Protocols

August 31, 2000

The American Lung Association is the oldest voluntary health agency in the United States, founded in 1904, and for four decades, we have helped lead the fight against tobacco disease and addiction. The mission of the American Lung Association is to prevent lung disease and promote lung health; our vision is a world free of lung disease. The American Lung Association is a constituent member of the International Union Against Tuberculosis and Lung Disease (IUATLD). ALA is funded by contributions from the public, along with gifts and grants from corporations, foundations and government agencies. The American Lung Association does not receive any money from the tobacco transnationals.

The American Lung Association requests an opportunity to present oral comments at the public hearings October 12 and 13 in Geneva. Alfred Munzer, MD, past president of the American Lung Association, will present ALA’s remarks.

The American Lung Association supports an effective and enforceable Framework Convention on Tobacco Control. The World Health Organization has taken a powerful step forward by initiating the first treaty on tobacco control. The WHO recognizes that we are on the verge of a global pandemic of tobacco disease and addiction. The WHO has estimated that by the 2020s, ten million people will die annually of tobacco-related disease, with 70% of the deaths occurring in developing countries. This pandemic is being fueled by the tobacco transnationals, led by U.S.-based Philip Morris. The Framework Convention is a historic opportunity to stop Big Tobacco and halt the pandemic of tobacco disease and addiction by establishing global standards for tobacco control policies.

Tragically, the tobacco transnationals’ campaign to expand into global markets has led to an explosion in tobacco production and use worldwide. The devastating health and economic costs of this global campaign are just starting to be felt in countries around the world. As the tobacco transnationals have been waging a battle to addict the world’s children, they have also been undermining any global tobacco control efforts. Tobacco transnationals have long recognized that a global treaty on tobacco control would be a key threat to their global expansion. In July 2000, the WHO released “Tobacco Company Strategies to Undermine Tobacco Control Activities at the World Health Organization”, the Report of the Committee of Experts on Tobacco Industry Documents, revealing that the tobacco industry has been waging a vast, sophisticated and secret campaign to undermine efforts by the WHO to combat tobacco use around the world.

There is ample evidence to suggest that these efforts have not ceased. The anti-tobacco control structure that was put in place by the transnationals’ over the past two decades...
has been mobilized to derail the upcoming negotiations for the Framework Convention on Tobacco Control.

The conclusion that the Framework Convention will be the tobacco transnationals next target is supported by tobacco industry documents. A global tobacco control effort poses a greater threat to the industry than any lawsuits and settlement agreements in the developed world. An R J Reynolds Company memo shows that the industry is well aware of the dangers: “Analysis [sic] of FAO and WHO 3rd world involvement and its likely effects - they cannot be ‘left for tomorrow to deal with’ since they affect the very basis of raw material supply.”

The American Lung Association urges WHO and member states to stand up to the tobacco transnationals' intimidation and deception by creating a strong and enforceable Framework Convention. To be successful, the Convention must take a comprehensive, multisectoral approach to tobacco control. A single, coordinated global policy will significantly reduce tobacco consumption and the resulting diseases. ALA recommends a comprehensive approach that includes policies banning tobacco advertising/promotion and sponsorship, increasing the price of tobacco products, banning duty-free sales and imports, protecting adults and children from secondhand smoke, regulating tobacco products, holding the tobacco industry accountable, providing for tobacco use prevention and cessation programs, and creating a funding mechanism to ensure that developing countries can implement the treaty.

In order to halt the tobacco pandemic, the Framework Convention needs to counter the root of the problem: the tobacco industry.

**Tobacco Transnationals**

- **ALA opposes tobacco transnational involvement in negotiations.** The tobacco transnationals should not be involved in creating public health policy. They should not be an official party to the negotiations and should not serve on any advisory, scientific advisory, enforcement or implementation bodies of the convention. An industry whose products cause 3.5 million deaths worldwide does not deserve to be a legitimate participant in the process. The July 2000 WHO report on tobacco transnationals' efforts to sabotage tobacco control activities underscores that the tobacco industry will be working in full force to undermine the Framework Convention process. The sheer scale, intensity and volume of the tobacco industry's activities to interfere with international tobacco control as documented in the WHO's report, should be deeply disturbing to member states. Given their track record of dirty tricks and deception, there is no justifiable rationale for providing tobacco transnationals with a seat at the negotiating table for the FCTC. Including the tobacco transnationals in the process is equivalent to having a “fox guard the hen house.” The world should not let the Marlboro Man baby-sit its children.

- **ALA supports measures to eliminate government promotion of the export, marketing or sale of tobacco products.** Tobacco must not be considered as an item for trade negotiations. If we are to reduce tobacco consumption, tobacco's inclusion in trade negotiations must also be addressed. The Framework Convention should protect the use of trade restrictions by states to protect their citizens from tobacco industry market expansion. Further, the Convention should limit states' ability to use retaliatory trade practices to expand tobacco markets. Tobacco profits should not supersede public health in trade negotiations.
♦ **ALA supports monitoring and reporting of tobacco industry activities.** The Convention should include strong monitoring and reporting provisions for country progress on the Convention protocols, including monitoring of tobacco industry practices on advertising and promotion, political contributions and lobbying, joint ventures, acquisitions, revenue and profits, possible links to smuggling activities, interference in public health policy, and misrepresentation of the addictive nature and health effects of tobacco.

♦ **ALA supports full disclosure of tobacco product ingredients.** ALA supports adopting standards for full and independently verified tobacco product disclosures, including all ingredients and additives in all tobacco products and all major toxic constituents in tobacco products and tobacco smoke, using test methods approved by the WHO. This information should be in a format available to the general public. The Framework Convention should ban deceptive labeling practices such as the use of the terms “natural, no additives, mild, light or ultra-light” cigarettes. The implied health claims and marketing of these products by the tobacco industry are designed to misled consumers into believing that these products are a safe alternative to quitting.

**Enforcement**

The ALA supports strict timelines and provisions for binding resolution of disputes between states and penalties for non-compliance. The Framework Convention will only be as effective as its enforcement provisions. It is critical that parties to the Convention understand the need for enforcement and that consensus is forged on this point. ALA opposes a non-binding system of consultation or use of diplomatic channels. These provisions would significantly weaken the Convention. Strong enforcement ensures that the Convention is more than a “paper tiger”.

**Ban on Advertising, Promotion and Sponsorship**

The ALA supports prohibiting advertising, marketing, promotion and sponsorship of tobacco products. Report after report on the effects of tobacco advertising on children indicate that tobacco advertising glamorizes and legitimizes tobacco use, increases social and peer pressure among young people to use tobacco products, and creates a false impression that tobacco products pose no significant health risk. As a result, tobacco advertising and promotion overwhelms the efforts of parents, as well as governments, to educate youth about the health effects of tobacco and prevent tobacco addiction.

The tobacco transnationals, aware of the power of tobacco advertising and promotion, have been spending millions promoting their deadly products outside the United States. They have been aggressively targeting women and children in developing countries. Philip Morris alone spends $813 million annually on advertising outside the United States. The result has been worldwide sales of cigarettes reaching $295.8 billion in 1996.

The industry acknowledges these practices in their own documents, noting that they could come under extreme pressure “[...] for adopting advertising methods in the third world countries which would be totally unacceptable in the western world, e.g. Advertising appealing to the younger generations.”

Methods such as the one described above are precisely the kind, that the Framework Convention must seek to abolish, which is why the tobacco industry is likely to make an all-out effort in opposing advertising regulations.
Big Tobacco must be stopped from marketing its products to another generation of children. Studies have shown that a comprehensive ban on tobacco advertising/promotion and sponsorship can reduce tobacco consumption while partial bans have little effect. In the age of the information super highway, tobacco advertising and promotion does not stop at national boundaries. Only a worldwide ban on tobacco advertising can ensure that children are not inundated by tobacco images when they watch sporting events, read magazines, read the sports page of newspapers and surf the Internet.

**Tobacco Price Increase**

ALA supports tobacco price provisions that: 1) require the excise tax to be at least two-thirds of the package price of all tobacco products, 2) increase the tax rate to keep pace with the rate of inflation and 3) remove tobacco from the consumer price index. ALA supports prohibiting tax-free and duty-free sales and imports of tobacco products.

Raising the price of tobacco products is one of the most effective ways to reduce tobacco use, especially among children. A major price increase on tobacco products will rapidly and significantly reduce the number of children who start smoking and encourage many adults to quit. The Convention should include taxing policies that reduce youth smoking and lead to global harmonization of country-specific taxing strategies.

The World Bank has concluded that significant tobacco tax increases reduce consumption of tobacco, especially among young people. The Bank reported that higher taxes would reduce the demand for tobacco most sharply in low- and middle-income countries.

Economically, tobacco taxes are a source of revenue that helps offset the costs of smoking. The health care costs of tobacco are substantial. The World Bank estimates these costs for most countries at between 0.7 and 2 percent of gross domestic product. Tobacco taxes provide a unique opportunity for governments to save lives and simultaneously raise significant revenue.

The harmonization of tobacco taxes will reduce the problem of smuggling by diminishing the price differences among countries. High tobacco prices globally will result in a decrease in tobacco consumption, leading to a decrease in the high economic and social costs of tobacco disease and addiction.

**Environmental Tobacco Smoke**

ALA supports the adoption of measures to protect the health of non-smokers from environmental tobacco smoke, including prohibiting smoking in public places. The initial focus should be protecting children from ETS exposure by banning smoking in day care centers, schools and public transit.

Environmental tobacco smoke (ETS) is a combination of “side stream smoke” given off by smoldering cigarettes and “mainstream smoke” exhaled by smokers. ETS can be hazardous to the health of all people --even those who do not to smoke. Children are especially powerless to control their exposure to ETS and yet they are the group most adversely affected by it. The WHO estimates that 40 percent of children under the age of 14 worldwide - a total of 710 million children- are exposed to ETS at home. Exposure to ETS early in life while the lungs are still growing can affect normal development and increase the risk for both
acute and chronic respiratory illness. The Framework Convention should take action to reduce exposure of adults and especially children from environmental tobacco smoke.

**Global Tobacco Control Fund**

ALA supports a global tobacco control fund supported by developed countries to enable developing countries to have resources to implement the convention and its protocols.

The American Lung Association recognizes the enormous resource strain many developing countries will face in implementing the Convention and its many protocols. We believe that a global tobacco control fund needs to be established to assist developing countries signing the Convention to fully carry out their obligations. Such a fund should have both bilateral and multilateral funding mechanisms as well as a financing structure secured from a fee assessed all tobacco companies operating in the global marketplace.

The American Lung Association looks forward to working with WHO and its member countries to develop and implement the Framework Convention on Tobacco Control. We will work hard to advocate for a strong enforceable treaty that puts an end to the global expansion of the tobacco transnationals and the addiction and disease that is caused by its products. We will strongly advocate for a treaty that:

- Bans tobacco advertising and promotion
- Requires full disclosure of tobacco industry activities
- Requires full disclosure of tobacco product ingredients
- Raises the price of tobacco products
- Protects people from environmental tobacco smoke
- Bans duty-free sales and imports
- Provides affordable and effective methods for smoking cessation
- Eliminates subsidies and government support of tobacco products
- Puts public health before tobacco transnationals' profits

But to be a successful Convention, Big Tobacco and their allies must be stopped from dominating the negotiations. A weak, general treaty containing no specific obligations will allow the tobacco transnationals to continue to addict our children. We can prevent this and stop this burgeoning global pandemic by creating a treaty with specific obligations and strong enforcement. This is a tremendous opportunity!

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