Countering Opposition
to a comprehensive ban on TAPS
Overview

1. Who are the opponents of banning TAPS?
2. Why do they oppose?
3. How do they oppose bans?
4. What tactics do they use?
5. Lessons learned

Photo: www.sourcewatch.org
Who are the opponents?

Any agent or group with a financial interest in the marketing and selling of tobacco products including:
- manufacturers and growers
- wholesalers and retailers
- parts of the advertising and media industries
- small business representatives, including hospitality industry
- hired academics and lobbyists

- The tobacco industry spends billions of dollars each year marketing its products
- The tobacco industry also devotes considerable resources to opposing effective tobacco control measures.
Why do they oppose bans on TAPS?

Because evidence confirms what they have known for decades:

- TAPS increase tobacco consumption of existing users and attract new users
- Comprehensive bans reduce tobacco consumption, thereby reducing sales and profits
How do they oppose bans on TAPS?

By challenging, discrediting, weakening, obstructing, manipulating and delaying effective legislation, including:

1. Interfering with WHO FCTC ratification
2. Drafting industry friendly legislation for governments to adopt
3. Conducting misinformation campaigns
4. Threatening legal action
5. Offering incentives and study tours abroad for officials, politicians and journalists
How do they oppose bans on TAPS?

6. Citing trade and economic issues as excuses for weak legislation
7. Gaining favour by funding government nontobacco-related initiatives (e.g. nutrition, malaria, disaster relief)
8. Dealing behind closed doors using influential board members (including former politicians)
9. Funding ineffective youth smoking prevention programmes
10. Promoting voluntary agreements in place of enforceable legislation
11. Fostering the image of generous contributors to good causes including charities, research, and environmental programmes

Source: Adapted from *Tobacco industry interference in health policy in ASEAN countries*. SEATCA, 2009
What tactics do they use?

1. Corporate social responsibility (CSR)
   a public relations tool used to sway opinions, gain influence and credibility by:
   - funding charities, education, community projects, cultural events, disaster relief
     E.g. Philip Morris funds drug prevention programmes in Thailand, arts awards in the Philippines, journalism awards in Indonesia, reforestation scholarships in Malaysia (2008-2009)
   - financing youth smoking prevention projects that are ineffective and in some cases have been found to increase tobacco use
2. Economic arguments that:
   - the poor and businesses will suffer
   - jobs will be lost
   - tobacco farmers will revolt
   - smuggling will increase
   - governments will lose revenue if tobacco use declines
3. Legal arguments claiming violations of:

- freedom of speech rights
- intellectual property rights under international trade agreements (trademarks, copyright and patent law)
- company rights to promote “legal” products and communicate with customers
4. Blatant denial that any form of TAPS increases consumption

Tobacco industry also claims that TAPS

- do not attract youth to experiment or target women to take up smoking
- are intended only to influence brand switching among established smokers
However, the evidence is clear

Advertising increases consumption:

- “The balance of evidence thus supports the conclusion that advertising does have a positive effect on consumption” (Smee report)
- “…tobacco advertising not only leads to an increase in consumption but that young people, the source of replacement smokers, are heavily influenced by that advertising” (Hammond, 2000)

Economics demonstrates the fallacy of the industry’s argument

- Less than 10% switch brands – profits do not justify expenditure

Tobacco industry documents confess:
“*Our primary aim is to expand the market for cigarettes*”
“The cigarette industry has been artfully maintaining that cigarette advertising has nothing to do with total sales. This is complete and utter nonsense. The industry knows it is nonsense. I am always amused by the suggestion that advertising, a function that has been shown to increase consumption of virtually every other product, somehow miraculously fails to work for tobacco products”

Emerson Foote, former CEO of McCann-Erickson (advertising agency)
Counter-arguments to tobacco industry myths

- **Myth 1.** Advertising bans will have serious negative economic effects on the advertising industry, media and overall economy.
  - Studies from the EU show that expenditures on TAPS were replaced by publicity from other sectors without revenue or job losses.
  - Studies from the World Bank refute other economic myths showing that:
    - tobacco use imposes costs on non-users, businesses and governments
    - money not spent on tobacco will be spent on other more productive goods and services
Counter-arguments to tobacco industry myths

• **Myth 2.** Tobacco is still a legal product, so companies should be able to advertise it.
  
  > As part of consumer protection laws, many governments ban or restrict advertising of other legal products such as firearms and medications.

• **Myth 3.** CSR such as philanthropy and tobacco industry “youth smoking prevention campaigns” are positive contributions by the industry.
  
  > CSR should be prohibited on the basis that it involves “contributions” when implemented by other parties or represents corporate promotion if conducted by the industry itself.
Other tobacco industry arguments

Tobacco advertising does not lead people to smoke, … no one ever lit up a cigarette because they saw a tobacco advertisement.

> People are never exposed to just one advertisement. As the industry intends, they are exposed to thousands of advertisements and other kinds of TAPS in the form of an "integrated marketing mix." Each kind of TAPS is strategically designed to complement each other.

> Research shows that this constant bombardment of tobacco promotion makes young people more likely to start smoking.

> According to industry documents, another role of TAPS is to make current smokers feel more comfortable so that they do not quit smoking.
Other tobacco industry arguments

Regulations to ban TAPS are not needed and voluntary agreements or codes are sufficient.

> Voluntary codes usually have loopholes, are unenforceable and ignored by the industry. Voluntary codes do not apply to retailer advertising, which is where the majority of TAPS still occur in many countries
CSR is not a form of advertising but simply a way for companies to contribute to the community.

> According to Article 13 guidelines, promotion to the public of such otherwise commendable activities should be prohibited, as their aim, effect or likely effect is to promote a tobacco product or tobacco use either directly or indirectly.

> Tobacco industry public education campaigns, such as “youth smoking prevention campaigns”, should be prohibited on the basis that they involve “contributions” when implemented by other parties or represent corporate promotion if conducted by the industry itself.
Lessons learned

Governments need to strengthen political will and commitment by:

- being vigilant about the identity and tactics of opponents
- limiting interactions with tobacco interest groups and ensuring transparency
- rejecting any partnerships or non-enforceable agreements with tobacco interest groups
- banning donations, funds, gifts, services from tobacco interest groups and inclusion on government committees and advisory bodies involved in tobacco control

Source: WHO FCTC Article 5.3 Guidelines on preventing interference by vested interests in TC policies.
Lessons learned

- Need to use scientific evidence, WHO FCTC and Guidelines to counter opposition
- The tobacco industry and allies use similar arguments and perpetuate similar myths against a ban on TAPS in countries around the world.
- Therefore be ready to:
  - anticipate these arguments and be prepared to respond
  - learn from other countries that have successfully countered these arguments and myths
  - build increased support among current and potential tobacco control allies (including civil society) to advocate for a comprehensive ban on TAPS