

# Indicators of tobacco industry interference

The tobacco industry repeats the same tactics in multiple jurisdictions to interfere with tobacco control. Indicators of the extent of tobacco industry interference include: pro-industry elements in tobacco control policy; government behaviour toward the tobacco industry; and actions of government officials in international meetings.

## Signs of interference

Numerous scientific studies show the various ways by which the tobacco industry interferes in order to undermine tobacco control measures. The following signs can indicate that there is a strong tobacco lobby in a country.

- Pro-tobacco industry policies/weak tobacco control policies:** The World Health Organization Framework Convention on Tobacco Control (WHO FCTC) sets an evidence-based minimum standard for tobacco control policies. Policies that fall short of these standards can be a sign that tobacco industry positions are being accommodated, unless justified by constitutional restrictions. Another indicator is the presence of certain language promoted by the tobacco industry in a draft or adopted policy. In contrast, a high tax rate on tobacco products can signify that industry interference is low. See Table 1 for further examples of policy-related indicators.
- Long grace periods/delays in implementation:** Tobacco control laws can be implemented in a short amount of time, as is evident from many countries. Tobacco companies are known for requesting an unreasonably long period of time to comply with laws (such as smoke-free environments, packaging/labelling regulations, advertising bans, tax increases) – even when the same company has complied with shorter timelines in other countries. The tobacco industry will seek a delay in implementation if, for instance, policy-makers have been lobbied to represent industry interests.
- Seats at the table:** The tobacco industry has consistently demanded “a seat at the table” in an effort to obstruct tobacco control policy. In some instances, the tobacco industry has been allowed a seat at multiagency committees. In other cases, the industry banks on rules requiring stakeholder consultations or the need for risk and impact assessments to promote regulatory coherence.

- **Revolving doors:** Instances where high-level government officials have links to the tobacco industry, or former/retired officials are hired by the industry or those representing its interests, can be a red flag. Since tobacco control involves a wide range of government support, officials involved in revolving-door tactics can also be wide-ranging to include former presidents, justices, attorney generals, trade attachés, ambassadors, and so on.
- **Corporate social responsibility (CSR) initiatives:** Tobacco industry activities that are described as “socially responsible”, including so-called CSR, are recognized as a means to access politicians and influence policy as well as being a reputation-saving measure. When tobacco industry CSR is allowed, access to politicians/policy-makers increases and the risk of policy interference is higher. Similarly, the risk of policy interference is high in places where tobacco industry funding is allowed or is not transparent.
- **Partnerships with the tobacco industry:** Tobacco industry “partnerships” with governments may be evident in tobacco companies’ declarations of their government partners, or in their memoranda of agreement with government bodies. The most common form of partnership is cooperation in combating smuggling.
- **Non-transparent meetings with the tobacco industry:** Given the nature and reputation of the tobacco industry, as well as its conflict of interest with public health goals, government officials have no logical reason to hold non-transparent or covert meetings with the tobacco industry. Unless attributable to sheer ignorance of the tobacco industry’s reputation or their representative, such meetings could suggest the tobacco industry has a strong influence over the government official.
- **Unnecessary meetings with the tobacco industry:** According to WHO FCTC Article 5.3, there should be no interaction with the tobacco industry unless strictly necessary for its regulation. All other meetings, such as attending a tobacco industry event or receiving an industry award, are unnecessary. If such industry events and actions are tolerated by government officials or policy-makers, it suggests easy access to policy-makers and the likelihood of covert meetings to influence policy.
- **Influx of tobacco industry investments:** Large foreign investments in a country typically require some form of assurance from the government with respect to investment protection. Assurance could be in the form of free/preferential trade, investment or tax laws, as well as positive inputs and opinions from sitting officials who welcome the investment. Tobacco industry interference can come through such investments if there are no strong regulations or public interest safeguards in place.
- **Perceived/proclaimed reliance on tobacco as a basis for economic development:** Studies show that tobacco results in overall economic loss to all governments. In countries where policy-makers pronounce tobacco production/exportation to be a tool for economic development, it is likely that tobacco industry interference is very strong.
- **Representation of tobacco industry interest in international meetings:** Representation can range from voicing tobacco industry positions to including tobacco industry consultants in country delegations to international meetings. International meetings might include intergovernmental events, such as the Conference of the Parties (COP) to the WHO FCTC and its subsidiary bodies,

the International Labour Conference, the World Trade Organization (WTO) Ministerial Council, the United Nations General Assembly, or other global or regional events such as the Global Illicit Trade Summit or Asia Tax Forum.

## Signs of interference in government procedures

The Guidelines for implementation of WHO FCTC Article 5.3 provide clear recommendations designed to address the most common tactics used by the tobacco industry. Based on the WHO FCTC Article 5.3 Guidelines, tobacco industry interference in government procedures can be identified using the following indicators.<sup>1</sup>

- **Government allows tobacco industry participation in policy development**
  - Accepts, supports or endorses any **offer for assistance** by or in collaboration with the tobacco industry **or voluntary arrangements** in setting or implementing public health policies in relation to tobacco control (Rec 3.1 and 3.4).
  - Accepts, supports or endorses **policies or legislation or voluntary codes drafted** by or in collaboration with the tobacco industry (Rec 3.3 and 3.4).
  - Allows/invites the tobacco industry to **sit in government body/interagency/multisectoral committee/advisory group** that sets public health policy (Rec 4.8).
  - Nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their **sponsorship for delegates** (Rec 4.9 and 8.3).
- **Government allows so-called CSR activities**
  - The government agencies or their officials endorse, support, form **partnerships with or participate in so-called CSR activities** or initiatives organized by the tobacco industry including allowing public disclosure of the same (Rec 3.2, 6.2 and 6.3).
  - The government (its agencies and officials) **receives contributions**, including so-called CSR contributions (Rec 6.4). Contributions can include political, social, financial, education, community, technical expertise or training to counter smuggling, or any other forms of contributions from the tobacco industry.
- **Government gives benefits and preferential treatment to the tobacco industry**
  - The government grants **preferential treatment**, for example, accommodates requests from the tobacco industry for a **longer time frame for implementation** or postponement of tobacco control law (Rec 7.1).
  - The government gives **privileges, incentives, exemptions or benefits** to the tobacco industry, including tax exemptions (Rec 7.1 and 7.3).
- **Government officials engage in unnecessary interaction with the tobacco industry**
  - Top-level government officials (such as president/prime minister or ministers) **meet with/foster relations** with tobacco companies and officials even when not strictly necessary for regulation, such as attending social functions and other events sponsored or organized by tobacco companies or those furthering their

<sup>1</sup> Adapted from the questionnaire of the South East Asia Tobacco Control Alliance (SEATCA) Tobacco Industry Interference Index.

interests (Rec 2.1). This should apply not only to the officials themselves, but also to the delegates, chief of staff and immediate family members of high-level officials.

- The government **accepts assistance/offers of assistance** from the tobacco industry on enforcement, for example, on tobacco smuggling or enforcing smoke-free policies or no sales to minors (Rec 4.3).
- The government accepts, supports, endorses or **enters into partnerships or agreements** with the tobacco industry (Rec 3.1).

- **Government meetings with the tobacco industry are not transparent**

- The government does **not publicly disclose meetings**/interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation (Rec 2.2).
- The government does **not require rules for the disclosure** or registration of tobacco industry entities, affiliated organizations and individuals acting on their behalf, including lobbyists, and provides **no penalties for false or inaccurate information** (Rec 5.3 and 5.4).
- Government has no policy to avoid conflict of interest.
- The government has **no policy to prohibit contributions** from the tobacco industry or any entity working to further its interests to political parties, candidates or campaigns, or to require full disclosure of such contributions (Rec 4.11).
- **Retired senior government officials** work for the tobacco industry (e.g. former prime minister, minister, attorney general) (Rec 4.4).
- **Current government officials** or relatives hold positions in the tobacco business, including consultancy positions, or **those with previous links to the tobacco industry** are given a role in setting or implementing public health policies concerning tobacco control (Rec 4.5, 4.8 and 4.10).

- **Government does not have preventive measures**

- The government has **no procedure for disclosing the records** of interactions (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives and making those records publicly accessible (Rec 5.1 and 5.5).
- The government has **no code of conduct** for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry (Rec 4.1, 4.2, 4.5 and 4.6).
- The government has **no policy that requires applicants to declare** any past or present occupational activities with the tobacco industry (Rec 4.5).
- The government has **no requirement for the tobacco industry to periodically submit information** on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities (Rec 5.2).
- The government has **no programme/system to raise awareness** within its departments on policies relating to WHO FCTC Article 5.3 Guidelines (Rec 1.1 and 1.2).

- The government has **no policy to disallow the acceptance** of all forms of contributions/gifts from the tobacco industry (monetary or otherwise), including offers of assistance, policy drafts or study visit invitations given or offered to the government, its agencies, officials and their relatives (Rec 3.4).

## Signs of interference in policy

The level of industry interference in policy can be indicated by elements of legislation/policy that favour the tobacco industry. It is particularly evident when a multinational tobacco company receives preferential treatment in one country that is not granted to them in another.

**Table 1.** Tobacco industry efforts to “accommodate” smokers in control policies

Tobacco control policy	Key features promoted by the tobacco industry	Other accommodations
<b>Tax and price</b>	Low rates, multi-tiers, varied tax for different products, gradual increases, tax holidays	Minimum price policy, restrict executive branch's ability to increase tax
<b>Smoke-free environments</b>	Designated smoking areas, unwieldy listing of smoke-free areas, maximizing exceptions (especially in bars, restaurants, hotels), weak enforcement mechanisms	No awareness-raising efforts/resources, or allowing tobacco industry involvement
<b>Labelling</b>	Text warning or graphic warnings not exceeding 30–50% of the pack, warnings in English only (not local language), no restriction on conveying “light”, “mild” or other indication of “less harm”	Long period before updating, long implementation period (more than 90 days)
<b>Packaging</b>	Kiddie sizes, non-uniform packages, promotional material on packaging	—
<b>Sponsorship</b>	So-called CSR is allowed or exceptions to the ban are allowed (e.g. during disasters and emergency situations)	No effective enforcement mechanism, delayed implementation date
<b>Advertising</b>	Point-of-sale advertising is allowed as an exception to advertising bans, no ban on CSR or sponsorships	No effective enforcement mechanism, delayed implementation date
<b>Promotion</b>	Only promotion to minors is prohibited	Enforcement relies on self-policing by establishments and the tobacco industry
<b>Illicit trade</b>	No prohibition on tobacco industry linked track-and-trace systems, voluntary arrangements in enforcing anti-smuggling laws	—

## Further reading

- Assunta M, Dorotheo EU. SEATCA Tobacco Industry Interference Index: a tool for measuring implementation of WHO Framework Convention on Tobacco Control Article 5.3. *Tob Control*. 2016;25:313–8 (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4853530/>).
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- Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control on the protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry. Geneva: World Health Organization; 2008 ([https://www.who.int/fctc/guidelines/article\\_5\\_3.pdf](https://www.who.int/fctc/guidelines/article_5_3.pdf)).
- South East Asia Tobacco Control Alliance (SEATCA) and Health Justice Inc. Toolkit for policymakers and advocates on preventing tobacco industry interference. Bangkok: SEATCA; 2010 (<https://seatca.org/dmddocuments/toolkit%20for%20policy%20makers%20and%20advocates%20preventing%20tobacco%20industry%20interference.pdf>).
- Voice of truth. Second edition. Cairo: WHO Regional Office for the Eastern Mediterranean; 2008 (<http://applications.emro.who.int/dsaf/dsa910.pdf>).

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