

HEALTH IS NOT NEGOTIABLE



Guidelines for understanding,
monitoring and counteracting tobacco
industry interference with public policies.



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Guidelines for understanding, monitoring and counteracting
tobacco industry interference with public policies

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Introduction

The tobacco epidemic is a global problem with devastating health, social, economic and environmental consequences. Today it is responsible for more than 5 million deaths per year, with health and environmental costs that exceed any estimate.

The growing mortality rates attributable to tobacco, the increasing consumption of cigarettes and other tobacco products -particularly in developing countries- the burden of related death and disability, and the costs imposed on the victims' families, the poor, and national health systems, demand that international governments make tobacco control public policies a priority.

The tobacco industry (TI) produces and promotes a product that is addictive and is proven to cause disease, disability, and death. The goals of the TI and the development of effective public health policies are irreconcilable. **When a government supports the tobacco industry as a partner, it could develop policies that protect the profits of transnational tobacco companies at the expense of people's lives and health.**

The TI harms tobacco control policies by:

- Interfering with the enactment and implementation of effective legislation on tobacco control and/or promoting ineffective measures which serve only to protect its business,

- Litigating against tobacco control policies,

- Financing governments and civil society organizations through corporate social responsibility (CSR) programs and marketing strategies in order to legitimize its public image and influence policymakers,

- Taking advantage of front groups to lobby against and delay the adoption of effective health policies,

- Financing scientists to disseminate biased research supportive of its interests.

The TI seeks to block systematically a series of effective measures to reduce the deaths caused by tobacco use and exposure to secondhand smoke. These measures include tax and price increase, 100% smoke-free environments in all indoor public places and workplaces, graphic health warnings on

The goals of the tobacco industry and the development of effective public health policies are irreconcilable.

cigarette packs and bans on tobacco promotion, advertising and sponsorship. These policies are some of the tools recommended by the World Health Organization for producing population-wide reductions in tobacco use, as reflected in the Framework Convention on Tobacco Control (FCTC)¹, the first international public health treaty ratified by more than 170 countries that aims at combating the tobacco epidemic at the global level.

In Article 5.3 and its Guidelines², the FCTC provides an action plan to prevent industry interference in government policymaking concerning tobacco control. These provisions apply to officers, agents, consultants and employees of any national, provincial or municipal government or public institution involved in tobacco control policymaking.

The Guidelines state that governments should:

- Not give preferential treatment to the tobacco industry

- Raise awareness about the addictive and harmful nature of tobacco products, and the seriousness of tobacco industry interference with tobacco control policies

- Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur

- Reject partnerships and agreements with the tobacco industry to avoid conflicts of interest for public officials and employees

- Demand transparency of, and accuracy in, the information provided by the tobacco industry

- De-normalize and, to the extent possible, regulate “socially responsible” activities developed by the industry, including - but not limited to - CSR programs.

Despite all the efforts being made, the TI still seeks and exploits gaps that allow it to contact new consumers and markets, circumventing or blocking health policies.

It is thus necessary for civil society to implement a monitoring system to detect TI interference and respond rapidly to block it effectively and protect the right to health.

This handbook provides guidance for systematic monitoring of TI actions, documenting industry actions, disseminating information about industry interference to key audiences, and developing strategies to counteract interference.

FCTC Article 5.3 and its Guidelines provide a specific action plan to prevent industry interference in government policymaking concerning tobacco control.

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1 The Framework Convention for Tobacco Control of the World Health Organization (FCTC), approved in 2003 and enforced in 2005, is the first international public health treaty. Its main goal, according to what is stated on Article 3, is “to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the Parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke”.

Framework Convention on Tobacco Control, World Health Organization, 2003. Available at: <http://whqlibdoc.who.int/publications/2003/9241591013.pdf> (last accessed: June 2012)

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2 **Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control** (decision FCTC/COP3). Available at: http://www.who.int/fctc/guidelines/article_5_3.pdf (last accessed: June 2012)

02

What is tobacco industry interference and why do we need to monitor it?

2.1

Tobacco industry interference with health policies

The main goal of transnational tobacco companies is to increase their sales. To do this, they have to keep their consumers and generate new ones. In order to achieve this, the TI as a whole has created aggressive advertising and promotion strategies. Also, it has worked intensively to weaken the advances in health policy that seek to reduce tobacco consumption.

Interference is action carried out by the tobacco industry to block a health policy, or actions carried out as part of their institutional strategy to enhance their public image or to pressure different stakeholders to favor their commercial interests and against general rights.

Tobacco industry interference: actions to block the adoption or implementation of health policies.

TI actions to block the adoption and implementation of tobacco control policies include a wide range of activities, such as:

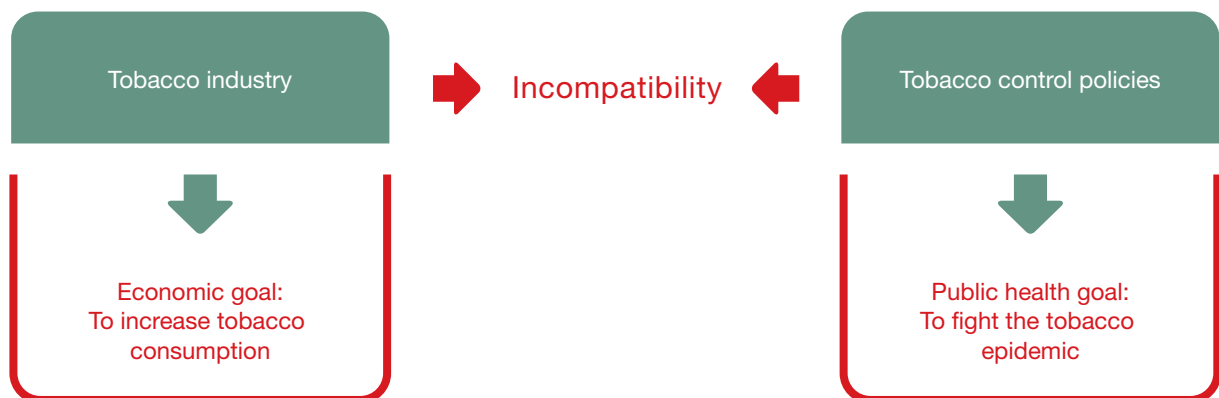
- Demanding to be included at negotiation tables with governments
- Taking advantage of the exceptions and missing elements in the applicable laws
- Promoting voluntary agreements instead of legislation
- Distributing model legislation that favors its business
- Trying to bribe policymakers
- Financing government projects to gain favor or buy silence
- Litigating against laws or regulations
- Intimidating or harassing the government and civil society actors committed to tobacco control

→ Developing strategic alliances with diverse social or economic groups to create “front groups” that defend tobacco industry interests

→ Performing CSR activities that promote the industry as committed to the community’s well-being

Although it sells a product that kills, the tobacco industry is a lawful industry with great economic power and extensive political contacts which regularly participates in public policy debates at many levels in most countries. For these reasons, many of its acts of interference are developed within a legal framework. However, many of its activities are conducted privately, distort information, and involve tactics that are questionable both ethically and legally, since they can involve the violation of human rights or national or international regulatory frameworks.

Today, TI internal documents are public and constitute crucial and unprecedented evidence of interference. This has led national and international organizations to highlight the immediate need for governments to reduce or eliminate such interference. **Despite this evidence, the tobacco industry continues to enjoy a positive reputation in most countries.** This reality makes it necessary to alter the TI’s “socially responsible” profile by exposing its abusive actions and strategies to interfere with public health policies. At the same time, it is necessary to promote the development of a regulatory framework that warrants transparency in public decision-making processes, excluding the TI from the negotiation table when developing tobacco control policies.



Global consensus: the tobacco industry should not participate in the discussion and decision-making of tobacco control policies

- The **World Health Assembly** in its resolution 54.18 in 2001 urges governments, with the support of the international community, to confront tobacco industry interference in health policies and notes that “the tobacco industry has operated for years with the expressed intention of subverting the role of governments and of WHO in implementing public health policies to combat the tobacco epidemic”.¹
- **FCTC’s Article 5.3 and its Guidelines**², approved in 2008, state that public health policies with respect to tobacco control shall be protected from commercial and other tobacco industry interests.
- The **Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases**³ (United Nations A/66/L.1 General Assembly 2011), in Article 38, recognizes the fundamental conflict of interest between the tobacco industry and public health.
- The **United Nations Global Compact (UN Global Compact)**⁴, with the aim of supporting the fight against the tobacco epidemic, excludes tobacco companies from its initiatives and does not accept funding from tobacco companies.

2.2

Tobacco industry strategies and tactics

The tobacco industry’s central goal is to make profits through the sale of its products. Consequently, its main effort is to prevent or diminish the impact of any tobacco control policy that would reduce tobacco use. When a policy that will likely reduce tobacco use is actually implemented, the industry will try to make its enforcement ineffective and weak.

Civil society must be able to recognize TI strategies and tactics in order to raise awareness about them and respond effectively. An exhaustive review of the industry’s internal documents concerning tobacco control policy revealed that tobacco companies have carried out similar strategies around the world⁵. Some of these are listed below⁶:

- **Lobbying:** The TI carries out direct lobbying to interfere with the decision-making and enactment processes of tobacco control policies. If it is not possible to prevent a new law’s passage, the TI will promote legislative

measures to protect its business. Interference after the enactment of laws is also aimed at weakening implementation, by modifying the text of the law through amendment or by promoting weak regulations.

→ **Other mechanisms of political pressure:** Apart from lobbying, the TI carries out other pressure tactics such as financing political campaigns, using international treaties and other commercial instruments to block tobacco control legislation or litigating against it, financing corporate social responsibility programs in collaboration with governments, and promoting voluntary agreements with governments to replace effective tobacco control legislation.

→ **Recruiting scientific consultants and attempting to modify standards:** Around the world the TI has hired scientists, consultants, and even entire universities to disseminate the results of biased investigations to manipulate and distort existing scientific evidence that proves the damage caused by tobacco use and exposure to secondhand smoke. The history of TI-supported research shows that results are manipulated, and that the supposedly “independent” reports that it finances are actually used to block effective tobacco control policies. This kind of strategy has led scientific and academic organizations to establish institutional financing policies that reject funds from tobacco companies and require a declaration on conflict of interests for published studies on tobacco.

→ **Information manipulation:** The TI often spreads false arguments against health policies to avoid their enactment and weaken enforcement of the law. It conducts media campaigns to spread unsubstantiated myths aimed at questioning the proven effectiveness of tobacco control and creating controversy where none exists. At the same time, it exaggerates the importance of its role in regional economies to discourage the governmental measures that threaten their interests.

→ **Using allies and front groups to defend its interests:** The TI creates strategic alliances with existing groups (such as hospitality sector associations, kiosk or billboard owners, gambling industry groups, advertising agencies and tobacco farmers) or finances the creation of new groups (such as “smokers’ rights” groups) to oppose the adoption of tobacco control measures.

→ **Legal strategy:** Litigation is one of the most extreme measures taken by the TI to block legislation, but it is commonly employed. Litigation exposes the TI to public criticism since it must explicitly acknowledge interests that have no widespread support. For this reason, the TI typically will engage front groups to act on its behalf within court systems.

→ **Intimidation of policymakers and harassment of health professionals or tobacco control activists:** The TI uses its legal and economic power to intimidate those who support tobacco control policies, casting suspicion on their motives and discrediting their reputations. This strategy is carried out publicly, often through the media.

→ **Philanthropy and Corporate Social Responsibility:** Philanthropy allows the TI to gain respect from influential sectors of society through its support of artistic, athletic, cultural and humanitarian organizations and endeavors. This earned respect serves the dangerous idea of voluntary self-regulation because of the illusion that tobacco companies are good

“The corporate social responsibility of the tobacco industry is, according to WHO, an inherent contradiction, as industry’s core functions are in conflict with the goals of public health policies with respect to tobacco control”.

Guidelines for implementation of Article 5.3 of the WHO FCTC (decision FCTC/COP3)

corporate citizens who are concerned with health, the environment and education. CSR programs often include financing child labor projects, youth smoking prevention projects, and investment in the infrastructure of tobacco farming areas. None of these activities reduce tobacco use, but instead constitute highly effective marketing strategies that position the TI as a sector concerned about people's welfare.

→ **Smuggling:** On numerous occasions, smuggling is a strategy used by the TI itself to discourage or weaken tax policies and restrictions on marketing.

→ **Violation of the law or use of gaps in the law to maximize the sale of its products:** The TI uses legislative gaps, circumventing the spirit of existing laws, to further promote its products. An example for this is the use of the Internet to violate bans on advertising through websites that are accessible from anywhere in the world and the development of “below-the-radar” advertising through the use of colors and symbols associated with brands in countries with complete bans. In countries where the ban on advertising, promotion and sponsorship of tobacco products is wide but not complete, the TI directs all efforts at taking advantage of exceptions and loopholes through strategies ranging from the maximum exploitation of advertising at points-of-sale to corporate sponsorship of events when brand sponsorship is banned and CSR actions.

Global interference strategies

The tobacco industry has developed a series of strategies and “corporate social responsibility” programs used simultaneously throughout the world that is aimed at building an image of a responsible industry that acts for the benefit of the community. Among these are programs to reduce child labour, programs to promote social tolerance of tobacco, projects to prohibit sales to minors, and youth smoking prevention projects. Evidence shows that these latter programs are ineffective and that they have been designed to position the tobacco industry as socially responsible, impede the implementation of effective tobacco control laws, and consolidate its credibility and influence in the government ambit⁷.

2.3

Arguments used by the tobacco industry to interfere with tobacco control policies

Arguing that the TI engages in a lawful activity, tobacco companies claim their right to intervene in public debate about tobacco control policies. According to their own words, their goal is to propose “balanced

regulation”, centered on a midpoint that enables the achievement of its commercial goals. In their released statements, tobacco companies admit to producing “a controversial product” but emphasize that their marketing strategies are exclusively aimed at adults and, therefore, offer their product to “well-informed” adults⁸. Thus, the language and speech used by the TI seem conciliatory but actually distort information and hide its real goals. The so-called “balanced” regulations are laws that do not reduce tobacco consumption and have no impact on public health. At the same time, there is no “controversy” about their products; there is absolutely no doubt about the devastating consequences of the tobacco epidemic. And in reality, marketing strategies are not only aimed at adults, but also at the youth.

The central argument used by the TI against tobacco control policies is economic in nature. The industry asserts it has a key role in national and local economies and a major place in the regional market. Although these arguments lack valid bases, the TI argues that the regulation of its activity would pose a serious threat to employment and general economic development. The industry has also developed a series of false arguments against each policy that serve as a “workhorse” in any debate. The challenge for the tobacco control movement is to dismantle deceptive strategies with scientific research and proven arguments⁹.

NOTES

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1 World Health Organization. **Resolution 54.18**. 54^o World Health Assembly, 21 May 2001. Available at: http://www.who.int/tobacco/framework/wha_eb/wha54_18/en/index.html (last accessed: June 2012)

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2 **Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control** (decision FCTC/COP3). Available at: http://www.who.int/fctc/guidelines/article_5_3.pdf (last accessed: June 2012)

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3 **Political declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases A/66/L.1** Available at: <http://www.un.org/es/comun/docs/index.asp?symbol=A/66/L.1&referer=/spanish/&Lang=E> (last accessed: June 2012)

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4 United Nations Global Compact: <http://www.unglobalcompact.org> (last accessed: June 2012)

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5 Panamerican Health Organization. **Profits over people. Tobacco Industry Activities to Market Cigarettes and Undermine Public Health in Latin America and the Caribbean**. 2002. Available at: http://www.paho.org/English/DD/PUB/profits_over_people.pdf (last accessed: June 2012)

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6 World Health Organization. **Tobacco industry interference with tobacco control**. 2009. Available at: http://whqlibdoc.who.int/publications/2008/9789241597340_eng.pdf (last accessed: June 2012)

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7 Anne Landman, Pamela M. Ling, and Stanton A. Glantz, **Tobacco Industry Youth Smoking Prevention Programs: Protecting the Industry and Hurting Tobacco Control**. *Am J Public Health*. 2002; p. 917

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8 See arguments used by the TI in www.bat.com.

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9 For further information about the myths promoted by the TI and arguments to refute them, visit www.global.tobaccofreekids.org.

Know the tobacco industry and identify intersections with policy-makers

3.1

Who are we? Who are they?

TI interference in public policymaking begins with the industry understanding how it can influence the opinions of key decision-makers in the policymaking process. For this reason, **health policy advocates must have a solid grasp of the policymaking process, the key stakeholders, and how they relate to the process.** This knowledge will help in establishing an action strategy to defend tobacco control policies.

The first focus when developing an understanding of the TI should be on identifying the TI's characteristics in-country. To do this, identify:

- Local cigarette and other tobacco products brands

- Relationships with leading international brands

- Company or affiliate directories and contact details

- Locations of corporate offices and manufacturing plants

- Tobacco industry market data (distribution, revenues, etc.)

- Number of brands sold

- Company or affiliate positions on tobacco control policies

- Relationships, pacts, negotiations, cooperation agreements and/or other similar arrangements with national, regional or municipal governments.

Following this step, it will be necessary to know the other stakeholders involved who may or may not seek to interfere with the creation or implementation of policies. **Stakeholders are active participants that interact and negotiate with other individuals in support of or against tobacco control policies.** It is critical to know their interests in order to recognize allies and opponents and to establish contact networks. **Mapping should**

Stakeholder mapping enables the identification of key actors, alliances and conflicts among health policy advocates, the TI, and TI allies.

include government officials, legislators, tobacco control activists and TI agents - whether they are front groups or the industry's spokespersons.

A key stakeholder map helps to illustrate the social reality in which advocates will be operating, understand its complexity, provide information to help design monitoring strategies and plan subsequent actions. Key stakeholder mapping also facilitates the identification of community leaders, alliances, conflicts and spokespersons, which then allows advocates to sharpen the focus of monitoring activities by recognizing related actors and building strategies for each one. Although the group of key stakeholders involved in the debates about tobacco control policy usually remains stable, we will have to identify which actors are intervening in each particular case.

3.2 Steps for building a key stakeholder map

A key stakeholder map can be built by following three basic steps.

Step 1 Identify the stakeholders

To monitor industry interference in tobacco control policies we must clarify the roles that institutions, policymakers, tobacco companies, media, organized groups, and individuals play in the adoption or implementation of a specific policy. Specifically, **advocates need to clearly identify different types of stakeholders and specify their roles in policymaking.** We must keep in mind that these stakeholders will vary depending on the tobacco control issue you are addressing:

- 1. The Tobacco Industry:** local and multi-national tobacco companies operating in your country as well as their regional and/or local affiliates.
- 2. Policymakers:** public officers and legislators who influence or have decision-making power when policies are being developed.
- 3. Public authorities:** national, provincial and local government offices (ministers, secretariats, directorates, etc.)
- 4. Public or private institutions:** this group ranges from educational institutions, such as universities, to foundations and political parties. They may be in favor of or against tobacco control policies.
- 5. Tobacco control organizations** and other entities that support or form tobacco control networks or coalitions.
- 6. Local and regional media.**
- 7. Special interest groups, such as unions and chambers of commerce:** they can be allies or opponents depending on the type of tobacco control policy being pursued. For example, hospitality and gambling

sector associations will likely be highly engaged in smoke-free policy debates, while retail sector groups, such as convenience store associations, will likely be engaged in debates about point-of-sale advertising.

8. Social organizations: these include parents and human rights groups, and professional, advertising, and consumer associations that may be sensitive to tobacco control policies, among others.

9. Scientific societies, independent researchers or health professionals.

Step 2 Classify stakeholders according to affinity and intervention power

The purpose of classifying all stakeholders is to understand their roles and to identify the possible actions they can take. Classifying differentiates those supporting the fight against the tobacco epidemic from those who favor TI interests. Three classifications should be considered:

- **In favor:** Stakeholders with whom relationships of trust and collaboration are potentially possible.
- **Undecided/indifferent:** Stakeholders with some degree of potential collaboration but predominantly ambiguous.
- **Against:** Stakeholders with whom collaboration is neither likely nor advisable.

At the same time, we must acknowledge the stakeholder's capacity to limit or facilitate monitoring actions and intervention, considering the following **levels of power:**

- **High:** Having great influence in decision-making,
- **Medium:** Having moderate influence in decision-making,
- **Low:** Having little influence in decision-making or general debate and not able to mobilize other stakeholders.

Step 3 Recognizing relationships between actors

The purpose of this last step is to identify and analyze the kind of relationships or links among the different players as well as their connections with the TI. With this information, we can begin to see points for industry intervention in tobacco control policy development, whether in the debate for the adoption of a new regulation or a favorable decision for tobacco control, the process of enactment, or the regulation and implementation of a tobacco control law.

The information obtained can be organized in a chart like the following:

A key stakeholder map helps to illustrate the social reality in which advocates will be operating, understand its complexity and plan monitoring strategies.

Actor	Role	Dominant Relationship	Hierarchy (actors' capacity to limit or facilitate actions)	Related to...
Name	Functions and goals	<ol style="list-style-type: none"> 1. In favor 2. Indifferent 3. Against 	<ol style="list-style-type: none"> 1. High 2. Medium 3. Low 	

Identifying stakeholders' links with the TI is essential to classifying and analyzing their position on tobacco control legislation. The following set of questions¹, although not exhaustive, can help guide monitoring since it stresses points of conflict that may not be obvious to the general public but should not be invisible to experts:

→ In your own country, have companies publicly expressed their position regarding the FCTC? If so, what is their position? How have they expressed it?

→ Which corporations and organizations (including commercial groups) have publicly declared themselves against the FCTC and/or tobacco control legislation?

→ Does your government hold meetings with tobacco corporations or someone representing their interests? If so, are these meetings public? Is there publicly available information about the meetings?

→ Has the tobacco industry financed political campaigns in your country either directly or indirectly?

→ Do tobacco corporations have any representation in government agencies in charge of public health or tobacco control? If so, identify the government entity and describe its impact on health policies.

→ Has the national or a sub-national government in your country ever hired a former TI executive? If so, do you have any more details?

→ Has the tobacco industry in your country ever hired a former government official or agent? If so, do you have any more details?

→ Has your government signed any voluntary treaty or agreement with tobacco corporations, subsidiaries, affiliates or executives? If so, which government entities and companies are involved? What were the specified aims of such agreements?

→ Is the tobacco industry in your country promoting voluntary self-regulation as an alternative to binding rules? If so, do you have any more details?

→ Does the tobacco industry in your country sponsor corporate social responsibility activities? If so, specify them.

➔ Does the tobacco industry sponsor youth tobacco preventive programs? If so, describe them and provide examples.

As these questions are answered, it is extremely important to record the information source since this is the only way to prove authenticity and provide concrete facts. When the information is obtained from informal sources, the information cannot be made public. In either case, the data obtained can be of great value for health policy advocates to complete their stakeholder map and plan strategies to counteract interference.

Organizing the information about the tobacco industry actions in a chart or database can help with systematizing, monitoring and updating the information as new data becomes available.

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1 Protecting Against Tobacco Industry Interference. 2010 Global Tobacco Treaty Action Guide. Corporate Accountability International, 2010. Available at: http://www.world-heart-federation.org/fileadmin/user_upload/documents/Tobacco/Singapore_Workshop_2012/Resources/CAI_tobacco_industry_interference.pdf (last accessed: June 2012)

Tools to monitor tobacco industry actions against health policies

Civil society organizations that promote public policies to protect people's lives must dedicate their efforts to preventing the TI's commercial interests from taking precedence over public health interests. Thus, civil society must develop a system or continuous process for monitoring, controlling and reporting industry actions that endanger health goals. This system should track interference in different ways, at any level of government, in all branches of government and in different social sectors that participate in corporate social responsibility programs and philanthropic activities. **This is what we call tobacco industry monitoring.**

The industry is constantly interfering in tobacco control policies through a continuous, systematic, and highly sophisticated multi-layer strategy that is regularly updated to respond to new threats. As the main policies to reduce tobacco consumption are increasing the price of cigarettes, implementation of 100% smoke-free environments, bans on tobacco advertising, promotion and sponsorship, and implementation of large graphic warning labels on tobacco products, monitoring should address the legal processes, ministerial and executive resolutions and the judicial interventions that are associated with these policies. Moreover, **monitoring should not be strictly limited to tracking activities specific to health policy but also policy related to national budget-setting, human rights, labor rights, and freedom of expression, since the TI interference occurs not only in the health sector but covers the complete spectrum of the government concerns.**

Therefore, in addition to interacting with the sectors directly related to health, such as Parliamentary Health Committees, Health Ministries and the Executive Branch, it is also critical to monitor each country's tobacco market, including the fees paid by the tobacco companies from the taxes they collect in the pack price. TI relationships with Finance ministries or departments are also important to monitor, as these relationships can influence government policy on tobacco prices and taxation. Similarly, TI relationships with Ministries or Departments of Agriculture are important to monitor since officials in these government agencies can influence the adoption of policies affecting tobacco production and consumption, particularly in tobacco-growing countries.

TI's CSR activities must also be closely monitored. The educational and

social welfare programs on which CSR projects are focused must be carefully analyzed in order to be able to report industry interference and to reveal the inconsistency of these programs. CSR activities are based on the principle that “the companies must strive to profit, comply with the spirit of the law and ethical standards and be good corporate citizens.”¹ Despite the intensive spread of TIs CSR programs, there is an inherent contradiction between the promotion of its products and “social responsibility”: the TI derives revenue through the sale of the only legal product that kills half of its consumers. This fact alone is evidence that there is fundamental incompatibility between the TI and the aim of CSR programs, which is to actively contribute to social, economic and environmental improvement of the places where these CSR programs are applied. Indeed, the World Health Organization has stated that the TI, together with the arms industry, should be excluded as a finance source for any government, non-government, public health, or general community initiative².

It is common for the TI to plot covert strategies with low or no public visibility that only become apparent when they are about to be implemented. Monitoring the TI allows the development of strategies to counteract and prevent the interference when it occurs. Certain events or episodes of interference can be detected before the TI achieves its desired outcome, which can enable advocates to prevent industry interference or, at least, mitigate its effects.

MONITORING:
the strategy of tracking, controlling and denouncing the tobacco industry actions that endanger effective health policies.

4.1 Information sources

Civil society organizations can check different sources to access information about tobacco industry interference. This information falls into two general categories: information that is available to anyone and restricted information. The former, usually disseminated through the Internet, the press, media campaigns or government information releases, is public. Occasionally, it is possible to have first-hand access to information provided by contacts and allies who allow us to quote them as our sources. Restricted information requires people to investigate classified documents, get informants, access information that is not free or complete certain procedures in order to obtain information. Both types of information are useful to planning future actions in anticipation of TI interference.

Regardless of the type of information - public or restricted - and in order to appreciate the scope of TI interference, it is necessary to have a “trained eye” involved in analyzing information so that it can be placed within a broader network of actions and policies. This ability enables the placement of specific examples of TI activity within an overall and much broader picture of TI interference.

A variety of sources provides information about tobacco industry activity. These sources are listed below and, with more detail, in Appendix 6.1.

→ **Websites:** Government websites often show information concerning tobacco control policies, and tobacco company websites may hold useful information such as details on CSR activities.

→ **Mass media:** Daily monitoring of media such as television, newspapers, magazines and radio is key to understanding the debates carried out in the public arena.

→ **Trade magazines:** These are periodic publications released by the TI and aimed at the tobacco and financial sectors and which discuss political positions, marketing strategies, and new products. Some are restricted to subscribers only.

→ **Search engines:** Internet search engines (such as Google) facilitate global access to information from different sectors.

→ **Public government information records:** In many instances, the relationship between the TI and government officials is registered and available, by law, for public access. This information can help reveal links, meetings, agreements, and other activities.

→ **Social Networks:** Social networks can show informal links among government officials and with tobacco companies, and they are increasingly used by the TI as a platform for direct advertising to youth.

→ **Euromonitor International:** Euromonitor provides current and past market data on the tobacco market worldwide and in specific countries, and it can be a valuable source of information on prices, consumption, and sales. Euromonitor is a paid service and access to this information is restricted to subscribers.

→ **Tobacco industry internal documents:** In 1998, six million secret documents from seven American tobacco companies were made publicly available as a result of the Master Settlement Agreement between the companies and state governments. These documents are now accessible through the Legacy Tobacco Documents Library database and provide immense amounts of information on the TI's strategies and internal operations.

→ **Participating in events with the tobacco industry:** NGOs agree not to participate in dialogue with the TI, but they can participate in the forums and meetings in which the TI is present in order to monitor interference actions. Participation in meetings may be restricted to fee-based registration.

→ **Informal information sources:** Informal channels for information-sharing can be established by allying with national or provincial tobacco control representatives, legislators and their advisors, health ministers or secretaries, and others who have access to information on current TI activities and interference in the policymaking process.

→ **In-depth interviews:** In-depth interviews with politicians or industry officials can yield information that may be impossible to obtain from other sources.

NOTES

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1 **Carroll AB. Corporate Social Responsibility: Evolution of a Definitional Construct.** *Business & Society*. 1999; 38(3): p. 268-295.

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2 World Health Organization; Tobacco industry interference with tobacco control; 2009. Available at: <http://www.who.int/tobacco/resources/publications/Tobacco%20Industry%20Interference-FINAL.pdf> (last accessed: June 2012)

Actions in defense of public health

Tobacco industry monitoring must be carried out in a continuous and systematic way for it to be effective. The monitoring findings must be shared with the different stakeholders in this process, such as other social organizations, policymakers and the media, on the basis of an effective dissemination of the information obtained. However, monitoring in and of itself is insufficient. Two additional and essential pieces of an industry monitoring system are:

1. **A clear action plan to follow after detecting TI interference; and**
2. **Clearly defined roles and responsibilities for the persons who will be involved in actions to control and denounce the interference.**

Having these two components in place makes an immediate response possible.

The results of the monitoring must be disseminated among different stakeholders, including other civil society organizations, policymakers and the media in order to increase awareness about TI interference strategies and provide evidence to advocate for effective tobacco control policy and to prevent or neutralize the interference actions. Specific TI interference actions should be expected during the monitoring process, and to counter them, advocates should create an **action and response plan**. It is also important to have an established **work team** to implement the plan effectively and as immediately as possible in order to ensure a successful response.

The action plan will define: procedures for how to address interference; alert systems; notification systems; analyses of monitoring reports; dissemination models for each level or sector and the stakeholders; and the instruments and methodology for evaluating actions taken in response to detected TI activity. This action plan should also include a central political strategy from which communication and, when necessary, legal actions must be derived. The plan will depend on the interference action detected, and should adapt to local context, specific circumstances, and the opportunity for the organization to implement them.

To counter tobacco industry interference actions effectively, an action plan should be developed and a work team established.

Strategic response plan

- Build capacity and strategic alliances to prevent and counteract TI interference.
- Draw mass media attention through lobbying or an advocacy strategy.
- Stimulate policymakers through the provision of evidence of interference, and influence the development of public policy for the prevention of interference actions.
- Achieve the approval of tobacco control laws and effective regulations that comply with the standards set by the FCTC, including the contents of Article 5.3 and its Guidelines.
- De-normalize the image of the TI as a socially responsible company and a valid stakeholder to participate in negotiations.
- Guarantee transparency in the decision-making process.

5.1

Detecting the interference

Given constant TI opposition, tobacco control monitoring should always be current and vigilant. Based on what is learned through monitoring, it then becomes necessary to determine if the TI activity is routine or exceptional. Once this is clear, it is possible to recognize interference patterns and provide a **rapid response**.

To identify an interference action, it is necessary to determine if the activity seeks to:

- **Modify or block the enactment of an effective tobacco control policy**
- **Modify or repeal an existing law**
- **Block or weaken the implementation of a law**
- **Promote the tobacco industry as an industry committed to the community's well-being**
- **Create a positive image of the tobacco industry and strengthen its credibility**
- **Promote a norm which is inconsistent with health standards**
- **Invalidate a recently enacted law**

→ **Promote new relations between the tobacco industry and governmental, civil or scientific organizations which can create threats to existing policies**

→ **Violate an existing law**

Many of these actions are taken in a concealed way, and it will be important to access as many information sources as possible to find them. Also, keep in mind as you engage in monitoring that one of the aims of monitoring is to detect innovative TI strategies and actions. If you come across innovations, be sure to note them as such.

Once interference is detected, it must be promptly responded to through a multi-level strategy. **This multi-level action strategy to stop the TI interference should revolve around political action supported by communication and legal strategies at a local and possibly at national and international levels.**

5.2 Political strategy

To avoid or minimize the damage caused the TI, it is important to define and understand the steps to follow in case of interference. These steps consider the current situation and the projection for tobacco control policy at a local and regional level. These steps will result in a short-term political strategy based on:

- Assessment of the interference's magnitude and the scope of the damage

- Analysis of the map of stakeholders determined by the situation

- Identification of key political audiences

- Identification of current priorities in the public agendas

Once we have evaluated the situation, we can present the goals of our intervention and plan a strategy including the following actions:

- Definition of key messages for different decision-makers

- Meetings with key stakeholders, with special focus on the most influential policymakers in each particular case, in order to get to know their position on tobacco control policy

- Meetings with stakeholders that can provide confidential information

- Meetings with politicians, documenting their position and monitoring their actions

POLITICAL STRATEGY:
specific actions aimed
at policy-makers.

- Dissemination of scientific information among policymakers

- Participation in public hearings and requesting printed transcripts of the hearings

- Technical support for the development of alternative bills or projects

- Preparation and dissemination of clear and succinct materials describing the interference actions detected

- Letter-writing campaigns

- Other advocacy strategies to demand that governments comply with the obligations set out in their constitutions or charters and international treaties

- Hold demonstrations or public events.

5.3 Communication strategy

Every strategy for political action is associated with a communication strategy. Depending on the situation to be addressed, it may be more or less aggressive, have a broad or specific target and carry a tone of accusation, warning or alert, or simply dissemination of information. Communication is a central tool for advocacy, which makes communication planning essential to ensure synergy with other actions.

Communication is commonly associated with the use of mass media. Although the mass media can be a powerful tool for placing an issue before the public and attracting the attention of decision-makers and key stakeholders, it is sometimes necessary to do without it. This is due to the fact that a communication strategy is part of a broader action plan. As a result, it is important to remember that a communications strategy is not necessarily intended to encourage public debate, but to communicate important messages to certain key stakeholders. This strategy can involve criticism of the industry and/or policymakers or dissemination of information about an issue. A communication strategy requires defined goals, key actors and possible actions, and includes the following steps:

1. Define the problem and establish communication goals as part of the political strategy.
2. Identify the stakeholders upon which the possible solution depends.
3. Create key messages that are most likely to resonate.
4. Develop press releases and newsletters, and conduct media interviews.
5. Use of electronic media (such as mass emails, organizations' websites, social networks, etc.) to disseminate monitoring findings.

COMMUNICATION STRATEGY: public actions aimed at a wide sector of the population that seek to denounce or placing an issue before the public in order to influence political decisions.

6. Involve other actors as spokespersons to denounce the interference.

7. Take advantage of current situations, such as public debates about a certain issue related to the subject or the receptivity of politicians during political campaigns.

If using mass media to denounce TI interference **spokespersons must be identified and, if necessary, trained**. Spokespersons can be tobacco control organizations, health organizations, and other allied groups. Strategic alliances can be created among various spokespersons in order to coordinate key messages.

5.4 Legal strategy

Each country has specific legal tools that may be effective when countering TI actions. Each individual case of interference should be assessed to determine whether a legal action may be possible to push a favorable outcome. Note, however, that these strategies may not be applicable in every country. Regardless, **there are two possible legal strategies to counter TI interference: attack or defense.** A legal attack action is the initiation of a process known as strategic litigation against the State or the industry to achieve the implementation of a public policy or to counter the interference through a favorable court ruling. In contrast, a legal defense action involves participating as defendants in complaints initiated by the TI against tobacco control standards.

“Attack” strategy

If there is the possibility of litigating strategically against a violation of tobacco control regulation, it will be important to keep several considerations in mind in each particular case. In this sense, a legal action should include the following fundamental elements for attaining a judicial proceeding:

→ **Identification of a particular case:** In the case of violation of a tobacco control regulation and with the aim of starting a litigation process, it is important to have a “test case” to bring before court. A “test case” is a particular case of an injured party that is used by civil society organizations to take legal action. In the judicial system, each decision applies to the specific case that was submitted to the court. However, when it comes to strategic litigation, a judgment may drive the initiation of similar actions, subsequently generating a new measure. The “test case” could show a de facto violation of a person’s individual right, hence its name. For example, in terms of tobacco control, a test case can involve a person whose health has been damaged by tobacco use. The aim of the action is to show that the State violated its obligation to guarantee the right to health. Should the court issue a favorable ruling, this would serve as precedent for subsequent cases and set the basis to demand the enactment of relevant public tobacco control policy.

→ **Identifying the most effective legal action:** The selection of a legal action will depend on each legal system and on the specific case to be submitted. When considering this, it is also crucial to be clear about the

LEGAL STRATEGY:

legal actions that seek to protect a tobacco control policy

expected outcomes.

Some possible legal resources are:

→ **Appeal for legal protection (“amparo”)**: This is a legal tool used before the imminent violation of a constitutional right, to guarantee its rapid protection. In countries where the right to health is a constitutionally guaranteed right, an appeal for legal protection may be filed when a tobacco control law is not being implemented, in gross violation of a health right.

→ **Administrative appeal**: An administrative appeal can be filed against the State official body that issued an administrative act (ministerial resolution, decree, etc.) that violates a specific right, with the aim of rescinding or modifying it. Once the administrative stages have been exhausted (when the institution does not respond to the appeal or when the response is unsatisfactory), then legal action may be feasible.

→ **Lawsuit against the State**: A lawsuit against the State (that is, national, provincial or local government, depending on the specific case) can be filed in cases of noncompliance with constitutional obligations. When the industry interference results in the lack of implementation of a tobacco control policy, civil society organizations may sue the government; for example, for not complying with its obligation to protect people’s health.

Thus, apart from countering the TI interference, a successful prosecution may also generate the implementation of tobacco control policies.

“Defense” actions

TI interference may be found within the judicial system; for example, by initiating processes that question the validity of a tobacco control policy. In such cases, civil society must be prepared to take action to guarantee the defense of tobacco control standards.

Civil society organizations are entitled to participate in processes initiated by the TI as third parties as well as *amicus curiae* (or a “friend of the court”). Also, in these scenarios civil society may act in coordination with the affected government entity by providing technical support and advice. Defense actions allow experts to submit technical arguments before the court that support and defend the implementation of tobacco control policies questioned by the TI.

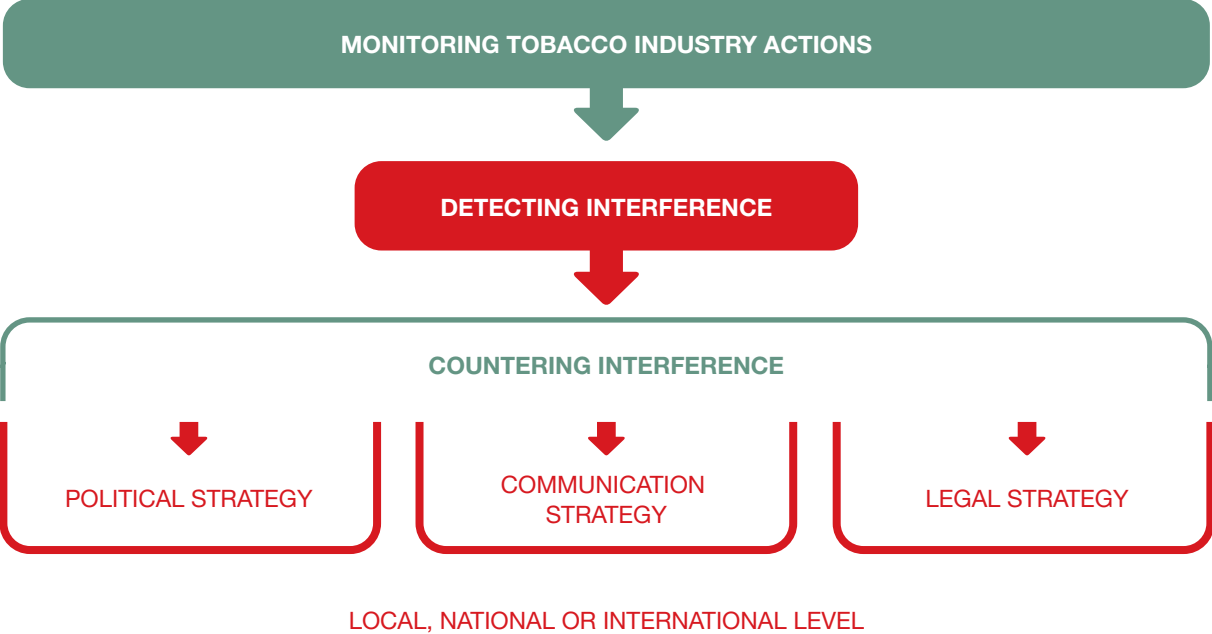


Defining the scope of the strategy: local, national or international

As we know, TI monitoring and actions to reduce interference is ongoing work. According to the detected level of interference, one must define whether the counter actions will have a local, national or international scope. Usually, the level of interference is such that it threatens not only local tobacco control policies, but also regional or global standards. In such cases, networks and alliances with international organizations or other countries’ national organizations will help share experiences and secure international attention and support, thus improving the counter action. (A

list of Latin American tobacco control organizations' websites can be found in Appendix 6.2.)

These networks should be called upon for issues that require major action, and they will be useful to support local organizations' strategies. An international network of organizations can collaborate through letter-writing campaigns, organization and participation in specific tobacco control events, and international media campaigns, to name a few examples. Local teams should be able to expeditiously resolve local cases by assessing the current situation and comparing it with their historical experience in tobacco control.



Appendices

6.1

Sources of information on tobacco industry activities

→ WEBSITES

A vast amount of information about TI activities is available on **domestic and international tobacco company corporate websites**. These sites should be regularly reviewed in order to supplement and update what was known previously about TI actions in order to remain current in understanding. Analysis of section dedicated to CSR programs is essential, since they may contain key information about the industry's relationship with the community, such as through the appearance of, or statement of support from, a government official at a CSR program event. Reviewing websites will also allow access to data about staff, spokespersons, alliances, and market projections.

Apart from the TI websites, **government websites** often show information concerning tobacco control policies. They can also provide access to officials' agendas or to documents which are essential to monitoring certain measures.

→ MASS-MEDIA

Paying attention to what appears in the mass media is key to understanding the debates about tobacco control conducted in the public arena. In many countries, the print media (newspapers and magazines) are the main source for information about public debates and the implementation of new projects or public policies. Monitoring the media can also be helpful in a crisis situation since it enables advocates to quickly modify their strategy based on new information about influential actors, industry actions and other new and/or unforeseen situations.

If more resources are available, **clipping services** provided by media monitoring companies can be hired. Clipping services gather information published in the media using keywords provided by the client. The articles detected are included in a report that also provides relevant data such as the media outlet, article sizes, and location on the page. These services can also assess whether articles are essentially for or against tobacco control.

This information may be very useful for building a stakeholder map by identifying the key actors (and also hidden actors) revealed through the analysis of statements and arguments.

→ TRADE MAGAZINES

A number of periodic TI publications targeted at the tobacco and financial sectors exists. These publications often express political positions and reveal marketing strategies and new products. It is possible to predict interference actions or recognize actions carried out in the past that were not obvious given the context at the time. Article summaries may be available for free on journal websites, but full articles are typically available only to subscribers.

→ PUBLIC GOVERNMENT INFORMATION RECORDS

Although the FCTC determines that it is not appropriate for governments to maintain relations with the TI, the implementation of this recommendation is often very weak. In many countries, the TI maintains some kind of relationship with government officials. Often, the relationship between the TI and government officials is registered. Therefore, by accessing information on government relations with the TI from public sources, tobacco control organizations can deepen their strategies to neutralize the interference. Many countries have **legislation on transparency and access to government information**. While laws vary from country to country, the common denominator is that these laws **regulate the citizens' right to access government information**.

Public government information covers a wide spectrum ranging from the records on public hearings and meetings with public officials and government expenditures to contracts and expert advice solicited and received to scientific studies conducted by government and legislative bills. It also includes information on policies, programs, plans, and projects, information on pending decisions, opportunities for civil society organizations and individuals to provide oral or written comments and expert opinions. While in some cases this information may be available in records published on the Internet, in other cases it is necessary to ask the appropriate institution to share it.

The information obtained through these records may be useful for various purposes, such as: ascertaining whether TI representatives (or their front groups) held meetings with public officials, and the reason for such meetings; obtaining a list of staff engaged in specific tobacco control areas which can then lead to the discovery of connections with tobacco companies; investigating the industry's CSR programs that have some sort of government support or are performed together with the government; and accessing bills related to the TI. All collected data should be compiled in a way that allows the possibility of creating a causal relationships network.

The task of systematizing the process of reviewing public government records will require special attention in order to unravel TI influence and avoid setbacks in tobacco control. The TI is often suspected of corruption to achieve its goals, but such crimes are very difficult to prove. However, extensive research and data matching and reconstruction can help to unmask interference. Those involved in TI monitoring advocates should review the country's legislation to know the scope of the right of citizens to access public information and the systems available to exercise that right.

→ EUROMONITOR INTERNATIONAL

Euromonitor International is a market research firm that provides market information focused by industry, country, company, and consumer lifestyle. In the case of tobacco, Euromonitor generates reports that present a comprehensive “snapshot” of the global tobacco market, and details the situation of the tobacco sector in each country. It provides the latest data on retail sales, allowing for the identification of sectors driving growth, main actors, and the legislative context for tobacco control. Euromonitor also provides information about consumers, leading companies, and main tobacco brands. It allows us to strategically assess key market factors such as the development of new products, packaging innovations, lifestyle and income level influence, pricing, etc. This service is subscription-based and very expensive.

Euromonitor reports provide information on: market trends; leading markets and brands; the competitive business environment; key actors and groups, and tobacco control policy impact evaluations and projections.

It is important to note, however, that Euromonitor International is a market research and analysis firm that works for the business sector. This suggests that Euromonitor works primarily for the industry (in this case, the tobacco industry). Consequently, although Euromonitor provides essential information on tobacco industry’s worldwide trade statistics, litigation, illicit trade volumes and smoking prevalence, it should not be used as the sole source for this type of information.

→ INTERNET SEARCH ENGINES

There are a number of Internet search engines that facilitate global access to information from different sectors. Google (www.google.com) has positioned itself as a major search engine worldwide. Its set of tools includes an alert service. Through a dynamic system, the user defines a search through keywords; when indexing contents that include those keywords, Google sends an email to the user with the news. This allows users to quickly access new content published on the Internet that is related to the user’s search.

Google Alerts allows focusing the search using logical parameters, such as the signs “+” and “-“, and quotation marks to define a phrase search. The key to this tool is to correctly define the word combinations that yield access to the information sought. If the keyword is “tobacco”, the search is likely to be too broad. If we restrict the keywords to “tobacco” + “smokefree environments”, the results will be much more useful and operational. Google Alerts includes a tutorial to guide the new user in a friendly and simple way to complete the process.

→ SOCIAL NETWORKS

In recent years, the use of electronic corporate and personal social networks has expanded, allowing for information exchange in a virtual and informal space. Inquiries on social networks can add data to our monitoring research about “virtual” relationships between TI’s spokespersons and public officials, other corporations’ representatives, social organizations, etc. Although this does not represent concrete evidence of interference, acknowledging these relationships may help to understand some stakeholders’ actions and unravel the power balance in a negotiation.

At the same time, there has been a significant increase of direct marketing campaigns in social networks that generally go against tobacco control policy (especially in countries with bans on advertising, promotion and sponsorship of tobacco products or bans on cigarette sales to minors).

The most popular social networks are:

<p>→ YouTube www.youtube.com</p>	<p>Video-sharing and information-sharing website.</p>
<p>→ Facebook www.facebook.com</p>	<p>The social networking site with the highest number of single users. It is also used by companies to promote products and services. It is the most used site among all countries in the Americas.</p>
<p>→ Twitter www.twitter.com</p>	<p>Microblogging website with a great number of users worldwide.</p>
<p>→ Linkedin www.linkedin.com</p>	<p>A business-related social networking site, aimed mostly at the creation of professional networks.</p>
<p>→ XING (ex OpenBC) www.xing.com</p>	<p>A social software platform for managing and establishing professional contacts.</p>
<p>→ Google+ www.google.com/+</p>	<p>Google's network that combines a great variety of services (instant messaging, videochat, microblogging, photo sharing, videos, links, etc.) and allows the creation of users' circles.</p>
<p>→ Orkut www.orkut.com</p>	<p>A Google network that is the second most popular social network in Brazil, after Facebook.</p>

→ TOBACCO INDUSTRY DOCUMENTS

In 1998, six million secret documents from seven American tobacco companies were released as a result of legal action. These companies were Philip Morris Inc., R.J. Reynolds Tobacco Company, Brown & Williamson Tobacco Corporation, British American Tobacco Industries, Lorillard Tobacco Company, American Tobacco Company, Liggett Group, the Tobacco Institute and the Council for Tobacco Research.

In the case that resulted in the release, the court also determined that, from that date onwards, all documents produced by the TI should be public.

The University of California San Francisco (UCSF) Library received these industry documents and created the Legacy Tobacco Documents Library database (LTDL) to classify, analyze, and allow easy access to the documents. The database includes letters, faxes, memos, e-mails, investigation reports, copies of checks issued, court testimonies, and strategic, political, public relations and operative plans, particularly those regarding the TI action against tobacco control policies such as bans on advertising, promotion and sponsorship, and 100% smoke-free environments. Together with documents written by scientists hired by the companies, consultants, lawyers, senior executives, other employees and external organizations connected with the

TI, the industry documents contain over 35 million pages.

The public availability of these documents changed the history of tobacco control and brought about the unraveling of the sophisticated interference strategy applied globally by the TI to undermine every tobacco control effort.

Since the judgment that ordered the documents' publication, the tobacco industry takes extreme care in written information. However, the documents previously released enable understanding of the logic behind TI actions and allow for the identification of strategies still in force and for carrying out actions to counter them.

What kind of information can be found in the TI documents?

- Recognition by the tobacco industry of the harm caused by tobacco consumption

- Strategies for the development of light, soft, or slim cigarettes

- Research on the degree of nicotine addiction and technologies developed to efficiently increase drug delivery to the smoker

- Research on additives and ingredients added to cigarettes

- Marketing strategies and market segmentation studies

- Research on smokers' psychology

- Political, public relations and economic strategies aimed at blocking or weakening specific tobacco control policies

- Self-regulating proposals to avoid tobacco control policies or litigation

TI websites that publish internal industry documents

TI websites post internal industry documents as a result of litigation :

Company websites:

- Brown & Williamson Tobacco Corporation/ American Tobacco Company (British American Tobacco Company): www.bwdocs.com
- Lorillard Tobacco Company: www.lorillarddocs.com
- Philip Morris Incorporated: www.pmdocs.com
- RJ Reynolds Tobacco Company: www.rjrtdocs.com/rjrtdocs/index.wmt?tab=home
- Tobacco archives (from which documents in all the above websites are accessible): www.tobaccoarchives.com



Tobacco industry organizations:

- The Council for Tobacco Research: www.ctr-usa.org
- The Tobacco Institute: www.tobaccoinstitute.com/tlink.htm

Last accessed: June 2012

Independent sites

Other websites collect and organize the industry internal documents to facilitate public access. These sites have no affiliation with the TI:

→ Legacy Tobacco Documents Library (LTDL):

www.legacy.library.ucsf.edu

Contains more than 13 million internal documents from the most important companies in the world. These documents concern advertising, production, commerce, sales and scientific research strategies.

→ Tobacco Documents Online (TDO):

www.tobaccodocuments.org

Contains TI documents sorted by subject and standardized according to different criteria to facilitate searches.

→ Roswell Park Cancer Institute:

www.roswell.tobaccodocuments.org

Contains industry documents and tobacco advertising collected by Roswell Park Cancer Institute.

→ University of California, San Francisco Library:

www.library.ucsf.edu/tobacco

Contains industry documents sorted by collections, such as the collection of litigation documents and the media articles collection. This site also provides resources such as a bibliography based on industry documents, examples of how the documents were used to assess the TI activities, etc.

Last accessed: June 2012

Handbooks on how to search through the tobacco industry's files

R MacKenzie, J Collin, K Lee. **The tobacco industry documents: An introductory handbook and resource guide for researchers.** Centre on Global Change and Health, London School of Hygiene & Tropical Medicine. 2003. Available at: <http://cgch.lshtm.ac.uk/tobacco/Handbook%2008.07.03.pdf> (last accessed: June 2012)

The tobacco industry documents: What they are, what they tell us, and how to search them. Tobacco Free Initiative, World Health Organization. 2005. Available at: http://www.who.int/tobacco/communications/TI_manual_content.pdf (last accessed: June 2012)

→ PARTICIPATING IN EVENTS WITH THE TI

NGOs generally agree not to participate in dialogue with the TI. However, to monitor TI interference it is necessary to obtain information about their campaigns and to assess their public positions. Organizations should feel free to participate in public forums and meetings in which the TI is present, as long as the industry is not an event sponsor and the TI has no chance of using the meeting or event as institutional endorsement for some activity or position. Another way of obtaining relevant information and learning about new market strategies is to send representatives to events organized by the industry and documenting what happens there, as well as collecting examples of marketing materials and free items such as tobacco product samples. Meetings sponsored by the tobacco industry often carry high registration fees and attendees are often limited to those people who can prove some affiliation with the tobacco industry or media.

Advocates can also attend sponsored events such as bar nights and sign up for contests and promotional activities sponsored by the TI and geared toward youth and journalists.

→ INFORMAL DATA SOURCES

To access certain types of information about political processes, it is necessary to build a trusting and continuous relationship with the policymakers. The creation of strategic alliances and a professional relationship of confidence and mutual respect with policymakers are crucial, not only for the tobacco control organizations to carry out their advocacy activities but also to acquire information about specific developments like debates or a pending regulation and the TI interference with such processes. Civil society advocates for tobacco control should form alliances with national or provincial pro-tobacco control representatives, legislators and their advisers, health ministers or secretaries, etc. Once these links have been established, information about interference with the adoption or implementation of tobacco control policy often emerges through these informal channels. This information will enable civil society to work effectively with government to prevent crises.

In-depth interviews with key informants are another important channel for accessing information that we cannot obtain from other sources. These individuals may be industry officials willing to share data or politicians who can tell us about TI pressure to carry out certain policies. This technique helps to establish relationships among stakeholders, confirm hypotheses, and plan future actions. In-depth interviews are also useful in critical situations to assess confidential or delicate subjects, detect conflicts of interest, and investigate activities discussed by the interviewee and which may be in conflict with the law.

When conducting interviews it is important to secure the informant's permission to record the interview or, at the very minimum, be cited as a source. Always recognize that information obtained from in-depth interviews may compromise the person being interviewed. Sometimes it may be important to the source some degree of confidentiality and create measures that assure the veracity of the statements others (e.g., obtaining a signed document stating that the statements are voluntarily offered and accurate). TI executives, workers, and ex-workers are the most illuminating stakeholders to interview, since they can contribute firsthand information about the industry's interference actions.

Tobacco control organizations in latin america

The following are some of the organizations promoting tobacco control policies in Latin America.

LOCAL ORGANIZATIONS:

- **Fundación InterAmericana del Corazón - Argentina**
(Interamerican Heart Foundation - Argentina) www.ficargentina.org
- **Corporate Accountability International (CAI) - Colombia**
www.stopcorporateabuse.org
- **Aliança de Controle do Tabagismo (ACT) (Brasil)**
(Tobacco Control Alliance) www.actbr.org.br
- **Fundación Interamericana del Corazón - México**
Alianza Nacional para el Control de Tabaco (ALIENTO)
(National Alliance for Tobacco Control) www.ficmexico.org
- **Red Chile Libre de Tabaco**
(Smokefree Chile Network) www.chilelibredetabaco.cl
- **Alianza Libre de Humo de Tabaco Argentina (ALIAR)**
(Smokefree Alliance of Argentina) www.aliarargentina.org
- **Red Nacional Antitabaco (RENATA) (Costa Rica)**
(National Antitobacco Network) www.rednacionalantitabaco.com
- **Fundación Ecuatoriana de Salud Respiratoria (FESAR)**
(Ecuadorian Foundation for Respiratory Health) www.fesar.org
- **Acción para la Promoción de Ambientes Libres de Tabaco (APALTA) (Honduras)**
(Promoting Action for Smokefree Environments) www.apalta.hn
- **Organización Libre del Tabaco (Paraguay)**
(Smokefree Organization) www.libredeltabaco.org
- **Comisión Nacional Permanente de Lucha Antitabáquica (COLAT) (Perú)**
(Permanent National Commission in the Antitobacco Fight) www.colat.pe
- **Centro de Investigación para la Epidemia de Tabaquismo (CIET) (Uruguay)**
(Tobacco Epidemic Research Center) www.cieturuguay.org

REGIONAL ORGANIZATIONS:

- **Campaign for Tobacco Free Kids (CTFK)**
www.tobaccofreekids.org

→ **Interamerican Heart Foundation**

www.interamericanheart.org

→ **Framework Convention Alliance (FCA) – Latinoamérica**

www.fctc.org

→ **Unión Internacional contra la Tuberculosis y Enfermedades Respiratorias (The Union)**

(International Union Against Tuberculosis and Lung Disease)

www.theunion.org

(Last access: June 2012)

“**HEALTH IS NOT NEGOTIABLE. Guidelines for understanding, monitoring and counteracting tobacco industry interference with public policies**” is a document created through the experience of tobacco control advocates who participated in its elaboration, literature cited and the following publications, documents and resources:

Tobacco industry interference with tobacco control. World Health Organization; 2009. Available at: http://whqlibdoc.who.int/publications/2008/9789241597340_eng.pdf

Tobacco industry and corporate responsibility... an inherent contradiction. World Health Organization's Tobacco Free Initiative; 2004. Available at: http://www.who.int/tobacco/publications/industry/CSR_report.pdf

Countering Tobacco Tactics. A guide to identifying, monitoring and preventing tobacco industry interference in public health. ASH Australia: Action on Smoking and Health; 2010. Available at: <http://www.ashaust.org.au/pdfs/TItacticsGuide.pdf>

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