

News analysis

WORLD: DISASTERS ARE 'BRAND AID' OPPORTUNITIES FOR TOBACCO

Philip Morris subsidiary Sampoerna's sponsorship of a rescue camp for evacuees from the slopes of the erupting Mount Merapi in Java highlights how the tragedy-comedy of tobacco industry corporate social responsibility thrives in disaster-hit regions of the world. Sampoerna is reported to have paid for the camp, its aid workers, who wear red and black uniforms with company logos, and the branded four-wheel drive cars and trucks that are parked on its perimeter.

The team is one of several aid efforts organised by large Indonesian corporations in response to Merapi's most violent eruptions for over 80 years. Early reports put the death toll at more than 250 people, with a further 150 000, mainly rural peasant farmers, reported to have been displaced. Aid workers claim that Indonesia's National Disaster Management Agency was unprepared to cope with the large numbers displaced, providing corporate disaster relief teams with an ideal opportunity to augment the government's efforts to house, clothe and feed evacuees.

Representatives of the companies working on the mountain are reported to have said that their efforts are entirely altruistic, and have rejected suggestions that they are blurring the boundaries between aid and marketing. Local residents, however, remain unconvinced and have questioned why the companies can't just use unbranded vehicles and clothes. This is a fitting question in a country where tobacco kills an estimated 200 000 people each year and where three-quarters of Indonesian smokers are thought to start before the age of 19.

Donations for crises help tobacco companies in a number of ways. They can enhance a company's reputation with smokers and non-smokers alike and create goodwill among influential groups, such as journalists and policymakers. Companies



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World: a display at the 2009 Tax Free World Association World Exhibition in Cannes, France, showing the total of funds to be donated by Imperial Tobacco for victims of floods in Pakistan and India. The company pledged to make a donation for every entry into a draw by those attending the exhibition.

in other sectors are on record as saying that they provide a great opportunity to work with non-governmental organizations (NGOs) who would otherwise be opposed to working with business—something the tobacco industry has been trying to do with mixed results for the best part of a decade.

Sampoerna's decision to brand its aid also underlines the emphasis tobacco companies place on getting the highest returns on their CSR investments. In September 2009, Duty Free News International (DFNI) online reported Imperial Tobacco's plans to launch a charity initiative at the 2009 Tax Free World Association World Exhibition in Cannes. Imperial invited suppliers to the stand to enter a draw to win a luggage set, promising €50 (US\$67) to victims of the recent floods in Pakistan and India each time someone took part. DFNI's readers were told of a special wall display which would show the ongoing donation total. Imperial Tobacco director, Graham Bolt, was also given an opportunity to represent his company as a leading philanthropic voice in the exotic world of travel-retail. 'The travel-retail industry', he said, had "always been generous and responsive to people that are affected by natural disasters and we ask all our partners to consider those less fortunate in their time of need." To reassure its readers that this was no scam and that Imperial was paying a fair sum for the publicity, DFNI reported that the company had pledged to donate

a minimum of €10 000 (US\$13 700) to charity—about half the amount the company's chief executive received for his company car and health insurance in 2008.

Another recent example indicates that—with the right scheme—positive publicity can be generated with almost no upfront investment. Swedish Match recently reported a cash donation to The Salvation Army in response to Australia's 2009 wildfire disaster, the worst in a quarter of a century. When asked about the size of the donation, a spokesperson for the Charity reported that they had received Aus \$500 (US\$470) or one ten thousandth of a per cent of the company's operating profit.

In 2001, Philip Morris's spend on advertising its charitable donations was reported to exceed the donations themselves. These recent examples indicate that maximising reputational and political capital from its community investments continues to guide tobacco industry philanthropy.

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USA: NEW HEALTH WARNINGS UNVEILED

After years of lacklustre performance on tobacco control policy at the federal level, the United States has published a collection of proposed graphic health warnings which, if adopted, could bring the country up to speed with others. Unveiling 36



USA: two of the new tobacco health warnings for packaging and advertisements published by the Food and Drug Administration for consultation.

messages with coloured images in November, each with the main message printed in two ways, the Food and Drug Administration (FDA) opened a 2-month period of public comment to help determine which nine would comprise the initial series to be rotated on tobacco packaging and on tobacco advertisements. The final regulations requiring the warnings must be completed by 22 June 2011, with the new health warnings on packages and advertisements 15 months later.

The FDA says that the new warnings, some of which include use photographic images and others cartoon-style artwork, will be the most significant change in more than 25 years once final choices have been made and they are in operation. They are part of a broader strategy to help tobacco users quit and prevent children from starting, which includes, for those in private and public health plans, access to recommended preventive care, such as cessation programmes, at no additional cost. In addition, \$225 million has been allocated to support local, state and national efforts to promote comprehensive tobacco control and expand tobacco 'quitline' cessation help telephone services.

USA: O-BAMA CIGARETTES

There have been cigarettes named after film stars before—French actor Alain Delon was



USA: a pack of the new 'Bama's' cigarettes, with the name set inside the letter 'O' giving the strong impression of an attempt to capitalise on the US President's name.

'honoured' by Cambodia and Egypt's Omar Sharif by South Korea. A fictional heroine also made the grade, with Vladimir Nabokov's Lolita featured on an eye-catching pack in the author's native Russia, home also to the Laika brand, named after the first dog in space. But a Florida man may have set the bar far higher—or lower, depending on one's perspective—with the recent launch of Bama's cigarettes in five states.

The pack design, with the lower-case 'bama's' lodged inside a giant O, leaves little doubt of the cheeky intent to highlight the US President's apparently unresolved nicotine addiction.

Rob Klotzback, one of the brand's three creators, feigns innocence, claiming no political connection, but admits, "Some people get mad and that's their opinion. And some people just get the funniness of it." He argues the name is simply "easy to remember, the packaging is pretty attractive and it's a good smoke."

Klotzback hasn't gone so far as to send a complimentary pack to the US president, but he certainly earned some free publicity by sticking an appealing name—to some—on the same old deadly product.

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FRANCE: TOBACCONISTS SUE TOP HEALTH ADVOCATE

Since the first reliable statistics about tobacco's impact on human health began to appear, public health workers have struggled to convey to smokers, policymakers and the general public just how great is the risk, and how huge the burden of premature death and disease caused by tobacco use. One of their obstacles has been an irony of communication; whereas a single death, complete with personal details, can both tug the heartstrings and galvanise demands for action, the larger the burden, the more difficult it can be to convey.

The creative use of epidemiological data has seen some clever responses to this problem. In the 1980s in Scotland, for example, a health agency broke down mortality and morbidity data by electoral constituency, so that that every elected member of parliament and local councils, as well as health board officials, were confronted with conservative estimates of what was actually happening on their patch. This resulted in unprecedented interest both among the primary targets of the information, and from journalists who went on to ask what the policy-makers were going to do about it.

Against such precedents, copied and adapted around the world, the notional

allocation of tobacco deaths per tobacco retail outlet would seem a natural extension. Indeed, it is an obvious public advocacy tool where national retail associations appear, as in so many countries, to act as a conduit for anti-health propaganda and lobbying on behalf of the big tobacco manufacturers.

In France, however, exactly such an exercise has resulted in a case that has shocked not just public health workers, but campaigners for justice in France and further afield. French healthcare professional Gérard Dubois, professor of public health at Amiens University Hospital and a 2008 recipient of his country's highest civil or military honour, the Legion d'Honneur, was sued in late 2009 by the French tobaccoists' association, Confédération des Buralistes, after stating on television that cigarettes kill two smokers per year for every tobaccoist. Although he won the case, it has been taken to appeal.

Ironically, Professor Dubois received a 'Knowledge for the World' award in the United States from the Johns Hopkins Alumni Association for activities involving exactly the same claim. His tobacco control advocacy has been admired within the international public health community for decades. In 1991, together with four colleagues, he drafted the report that resulted in France's first major anti-tobacco law, the 'Loi Evin,' regulating tobacco advertising and smoking in public places, and excluding tobacco from the retail price index.

While Dubois is defending the libel case appeal with backing from France's leading tobacco control body, the Comité National Contre Le Tabagisme, his university has not chosen to join his defence. To many, this seems extraordinary and shameful, because and shameful at its core is a classic academic activity, the constructive and creative use of scientific data for protecting French people from needless ill health and death.

Gérard Dubois has posted a summary of his situation, and that of a colleague also allegedly ill-treated by the French establishment because of his anti-tobacco activities, on the *Tobacco Control* internet blog at: <http://blogs.bmj.com/tc/>.

JAPAN: I-POD 'DEATH METER'

A small Osaka-based software company, Proge Inc, recently launched an application—or 'app'—called Death Meter, for i-phones and i-pod handheld, touch-screen entertainment devices. Once it has been installed, users enter data on birthday, gender, how long they have been smoking and daily cigarette consumption.



Japan: the figure of death who appears on the new Death Meter i-pod application.

The app has two sections, count down and convert. In the first, the app calculates how many seconds, hours or days users have until they are likely to die. In the convert section, the amount of cigarettes that users have smoked will give conversions into how much money they have spent already on cigarettes, how high the cigarettes which they have already smoked would be if stacked up end to end, the total toxin intake from the cigarettes they have smoked, and the pain they might expect to suffer from possible morbidity based on their risk of suffering from various smoking induced diseases. All the output is calculated by reference to how long the user has been smoking and how many cigarettes they smoke per day.

The company says the app neither supports smoking cessation nor smoking itself, instead listing it as an entertainment program. However, the calculation of the predicted life remaining is accompanied by a message saying, "It's up to you to make this death clock go faster or slower."

The app's central feature is a classic death character, a 'grim reaper' in skeleton form, complete with hooded cloak and scythe. He is the creation of Ashura Benimaru Ito, a Japanese illustrator, video graphics creator, guitar analyst and musician. A veteran artist in the 'manga' (Japanese comic and cartoon) tradition, the 60-year-old is himself a smoker, which may give a clue to his motivation for designing the app. Apple sells a similar app, Smoking Management, aimed specif-

ically at people who want to quit or cut down smoking. While it lacks a scary death figure or equivalent graphic artwork, it is available in both Japanese and English, unlike the Death Meter, which at present is only in Japanese with just key words carrying an English translation.

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AUSTRALIA: BAT'S HOME THREAT TO VICTIM'S SON

The son of a woman who, before her death from tobacco induced disease, sued British American Tobacco (BAT), has accused the company of attempting to bully and intimidate his family. Jamie McCabe, son of the late Rolah McCabe, says he was warned in a letter from the company's lawyers in October that his home could be sold to recover BAT's legal costs. He says that the warning is a fresh attempt to get his family to drop its legal fight.

In 2002, Ms McCabe became the first Australian to successfully sue a tobacco company, winning A\$700 000 (US\$681 000) in compensation after a judge in the state of Victoria found the tobacco company had destroyed potentially relevant documents about the damaging effects of smoking. However, nine months later, the Court of Appeal overturned the judgement and ordered Ms McCabe's estate to repay the compensation as well as the company's substantial legal costs.

In 2006, McCabe family members launched a legal action to obtain documents detailing the conduct of BAT's then lawyers, arguing that the documents should be a part of future legal proceedings. BAT claims they are legally privileged and should remain confidential.

Mr McCabe bought his mother's house in 2004, 2 years after she died. He claims that the property, subject to outstanding loans, would bring only tens of thousands of dollars for BAT if he was forced to sell it.

Simon Chapman, public health professor at the University of Sydney (and former editor of *Tobacco Control*) said the threat to claim and sell Mr McCabe's house was designed to send the message that "...you take on big tobacco at your peril. Do you risk losing your house or do you want to take your lung cancer and go and die alone?"

SPAIN: BEYOND THE 'SPANISH MODEL' TO A TOTAL BAN

Spain was one of the first European countries to implement a tobacco control law. However, the ban of smoking in enclosed

workplaces had an important exception in the hospitality sector—bars, pubs, taverns, restaurant and hotels (*Tob Control* 2006;15:79–80). This type of partial legislation, known from that moment on as the 'Spanish model' (*Tob Control* 2010;19:24–30), allowed smoking in hospitality venues of less than 100 square metres, subject to the decision of the owner. Not surprisingly, this model has been strongly supported by the tobacco industry when lobbying against smoke-free policies. The 'Spanish model' has been advocated, with slight variations, in other European and Latin American countries considering the implementation of smoke-free policies (ie, the recent or forthcoming bans in Portugal, Greece, Germany, Chile and Peru).

Totally smoke-free policies are urged by the WHO's Framework Convention on Tobacco Control (FCTC). The effectiveness of smoke-free policies and their lack of negative effects on hospitality businesses, have been confirmed by research, including a tobacco control report by the International Agency for Research on Cancer. Moreover, three years after the Spanish law entered into force, the evidence generated from its scientific evaluation clearly indicates that the exceptions in bars and restaurants have limited its effectiveness. Several studies have shown that exposure to secondhand smoke in workplaces has reduced (although not disappeared) whereas exposure during leisure—mainly due to exposure in hospitality venues—has not. Moreover, exposure of hospitality workers in venues where smoking continues to be allowed (80 per cent of all venues) has not decreased, but has even increased.

In the context of an increasingly favourable social climate for smoke-free environments (almost 80 per cent of Spaniards agree with smoke-free policies) and the accumulated evidence of the law's failure to protect hospitality workers, the Spanish parliament changed the partial ban to a total ban. From 2 January 2011, the ban on smoking in all enclosed workplaces now includes bars and restaurants, with no exceptions. Moreover, smoking is now banned on the campus of hospitals and in healthcare centres. Thus the 'Spanish model' will no longer be that of a partial and weak ban, but a total one, as recommended by the FCTC.

What happened in Spain clearly illustrates how partial bans, voluntary policies or 'courtesy of choice' programmes, as promoted by the tobacco industry and parts of the hospitality sector, do not protect people against secondhand smoke. Spain has finally become an example of

good practice for those countries aiming to go smoke-free.

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NETHERLANDS: GOING BACKWARDS

While countries which had left exemptions in their smoke-free laws have been busy tightening them to make all workplaces and other public places free of tobacco smoke without exception, the Netherlands has decided to go the other way.

Most workplaces became substantially smoke-free by law from 1 January 2004, but exceptions were allowed for designated, closed-off smoking rooms. In addition, the hospitality industry was exempted, as it was claimed that there was no support for a ban in bars and restaurants. Instead, a stepped plan with self-regulation was supposed to make bars and restaurants smoke-free within a few years. In the stepped approach, to what smoke-free should actually mean remained ill-defined.

As expected, hospitality sector targets were not reached and a new health minister who took office in early 2007 decided that one of his first tasks was to end the smoke-free exemptions for the hospitality sector. Bars and restaurants, he announced, should be smoke-free by 1 July 2008—but still with designated, closed smoking rooms permitted. There was support for the ban (64 per cent); and interestingly, the largest hospitality industry organisation called for a level playing field, rather than for continued exemptions.

The introduction of the new ban was combined with a mass media campaign, but unfortunately this focused on the wrong message: instead of communicating that the bars would be a more pleasant and

now also a healthy place to visit, the message was that the cigarette was no longer welcome, and had been kicked out. A mass media quit campaign was also run, and tobacco tax was increased.

A small but highly active organisation of small cafés and those with just one owner was then set up. It generated substantial media attention, claiming that the ban was killing these smaller businesses. It also claimed, all too successfully, that the smoking ban in bars and restaurants was a 'nannying' rule and that the government should not interfere in such areas of private choice.

In June 2009, one of the country's leading newspapers published an article exposing the fact that the small cafés' organisation had been set up and supported by the tobacco industry and pro-smoking lobby groups.

Some small hospitality establishments decided not to obey the law and so received warnings and some cases, penalties. Penalties are given to the owner, not the smoker, starting at 300 Euros (US\$405) for the first offence, up to 2400 Euros (US\$3250). Two cafés went to court, claiming that they were too small to set up smoking rooms and were experiencing more negative effects from the ban than larger cafés. Initially, they won their cases, but in February 2010, the supreme court overruled these decisions, making clear that the tobacco law was straightforward and fair. Understandably, health advocates thought that the discussion was now over and that finally, two years after the ban, they could focus on other issues. But then the government fell and after a long period of political negotiations, the Netherlands got a new government, a coalition of minority parties.

In the relevant section of the coalition agreement, it was stated that smaller cafés (less than 70 m² in area) would be exempt from the ban. The reasons given were that the ban affected them more than larger premises, and also, it was claimed, because there was no support for the ban in such smaller places. Exactly what this claim was based on is not clear, as economic data show that losses are not related to the ban but to the economic situation, and support for the ban is still high. Recent research even shows that only a minority of the population (29 per cent) supports the exemption, despite 2 years of discussion during which the pro-smoking case was aired extensively.

Nevertheless, in November last year the new minister of health decided to lift the ban for owner-only bars (with no other staff) smaller than 70 m². Fines that had already been issued but not paid were cancelled, and the relevant authorities instructed no longer to inspect such businesses. This exception applies to about 3000 to 4000 small bars which are now free to decide whether or not to be smoke-free. If they are not smoke-free, this must be made clear by signs outside. Larger bars and cafés, as well as all other businesses in the hospitality sector, must remain smoke-free. Significantly, these larger businesses immediately started to oppose the exemptions for small, owner-only cafés.

While the large majority of the hospitality sector remains entirely smoke-free, with the government pledging stricter enforcement of the ban, the reversal of the previous intention is a major setback for public health in the Netherlands. Moreover, it sets a dangerous precedent for the rest of Europe and for countries further afield. No doubt the international tobacco industry is already preparing presentations for use around the world showing how in the Netherlands, famous for its tolerant society, practical common sense has won the day. Huge sums are likely to be spent to try to spread the contagious disease of smoking re-liberalisation. Clearly, the challenge for the public health community is to stand firm and continue to press for the successful model already working so well in many other countries. Where the protection of non-smokers is at stake, 'going Dutch' is simply not an option.

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EUROPE: CONFERENCE DATE

No doubt the contrasting experiences of Spain and the Netherlands (see previous) will be among the topics discussed when European health advocates meet at the 5th European Conference on Tobacco or Health (ECToH), 28–30 March 2011 in Amsterdam, the Netherlands. The conference theme is 'Shape the Future.' More information and registration at <http://www.ectoh.org>.

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Netherlands: a sign produced by a hospitality trade association to designate premises whose owners opt to continue to allow smoking.