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Gianna Gayle H. Amul

Suan Ee Ong

Azrul Mohd Khalib

Joanne Su-Yin Yoong

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Time for tobacco-free generations in the Western Pacific?

Gianna Gayle Herrera Amul,^{a,b,c,*} Suan Ee Ong,^{a,c} Azrul Mohd Khalib,^{c,d} and Joanne Su-Yin Yoong^{a,e}

^aResearch for Impact, Singapore

^bInstitute of Global Health, Faculty of Medicine, University of Geneva, Switzerland

^cSchool of Government, Ateneo de Manila University, Philippines

^dGalen Centre for Health and Social Policy, Kuala Lumpur, Malaysia

^eUSC Dornsife College of Letters, Arts and Sciences, University of Southern California, United States

Malaysia has declared plans to implement a generational smoking ban. What else is needed to ensure future tobacco-free generation policies across the Western Pacific?

In January 2022, after New Zealand announced a lifetime ban from purchasing combustible cigarettes for those born after 2008, Malaysian health minister Khairy Jamaluddin declared that Malaysia would also pursue a tobacco-free generation (TFG) policy.

Although some cities in the Western Pacific have introduced generational tobacco bans, Malaysia is the first country to announce a decisive pathway towards legislation and implementation at the national level, seeking to pass a law this year that would ban smoking and possession of tobacco products for people born after 2005.¹

A generational tobacco ban would be a firm step toward a tobacco-free generation (TFG) in Malaysia and across the Western Pacific. At present, tobacco control measures are implemented to varying degrees across ASEAN member states, with the majority banning sales of cigarettes to minors in compliance with the WHO Framework Convention on Tobacco Control (FCTC).² Advocates have laid out TFG proposals to various governments with strong tobacco control policies, including Malaysia, the Philippines, Singapore, Thailand, and Vietnam.³

However, a TFG is only one of many tobacco end-game proposals.⁴ Policymakers have previously tended to discount this option in the face of potential industry opposition and, in some cases, high revenues from tobacco taxation. A TFG proposal was first mooted in Singapore, which has the most comprehensive minimum legal age requirements, covering the sale, use, possession, and purchasing of tobacco products in the region.² Proponents argued for a long-term but phased approach that did not promote a minimum legal age

requirement serving as a 'rite of passage'.^{5,6} Yet, despite public support, the government instead opted for the less controversial alternative of increasing the minimum legal age requirement to 21.⁷

Even after the introduction of such bans, industry opposition has previously forced reversals. For instance, the local government of Balanga City in the Philippines briefly implemented a TFG policy in 2016, banning the sale, distribution, use, advertising, and promotion of tobacco products and electronic nicotine delivery systems (ENDS) within 3 km of the university town, covering about 95% of Balanga City. It also banned the sale and use of all tobacco products and ENDS to those born or after 1 January 2000. There was evident public support for the policy and adult and youth smoking rates declined.⁸ In response, the industry, represented by the Philippine Tobacco Institute (PTI), brought Balanga City to court for going beyond the provisions of the Philippines' 2003 Tobacco Act and for 'unreasonable' age discrimination and 'interference to' PTI's 'business'.⁸ The courts struck down the city's ability to implement the ban; Balanga City authorities have been appealing this decision since 2018. Other cities in the Philippines have subsequently explored TFG policies but have been held back by the threat of litigation.⁸

If successful, therefore, Malaysia stands to lead the way for TFGs across the region. Policymakers in Singapore, for instance, have already stated their openness to reconsidering a TFG proposal after New Zealand and Malaysia announced their policies.

History however suggests Malaysia will face a tough challenge. Opponents have already brought up potential impacts on illicit tobacco trade and cited controversially-high industry-led estimates, a known tobacco industry tactic that has delayed or weakened tobacco control policies in the region.⁹ Industry opposition is likely to be amplified by the addition of ENDS in the generational ban, further threatening a large e-cigarette market which has recently shrunk following various bans on vaping and nicotine-containing e-liquids and a national fatwa declaring e-cigarettes haram (forbidden).¹⁰

At the same time, regional experience also suggests the way forward for Malaysia and other neighbouring

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*Corresponding author at: Research for Impact, Singapore.
E-mail address: gayle@rforimpact.com (G.G.H. Amul).

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aspirants. First, policymakers need to adequately anticipate strong industry opposition, by comprehensively reviewing current tobacco control legislation for loopholes that enable anti-ban litigation. To further protect existing legislation and support sustainable policy implementation, the FCTC must be recognised as a legally binding international instrument. Second, as with any policy, generational tobacco bans will require effective enforcement of existing policies, including confronting institutional corruption surrounding the illicit tobacco trade. Finally, governments and advocates must pro-actively take an evidence-based stance that acknowledges and pre-empts biased arguments against progressive tobacco control measures, starting with objective, independent research on the need for and impact of the ban. The opportunity to pass a generational ban is an important opening gambit that must be further supported with political will, clear foresight, and pragmatic implementation to successfully realize the goal of TFGs across the Western Pacific in the future.

Contributors

GGHA, SEO, AMK and JSY conceptualized this correspondence. GGHA drafted the initial manuscript. SEO, AMK and JSY substantially revised the manuscript. GGHA, SEO, AMK and JSY approved the final version of the manuscript.

Declaration of interests

The authors declare no conflict of interest.

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