

PATH Canada Briefing Paper: Tobacco Control Law

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I. Background information

The rationale for developing a comprehensive national tobacco control policy is compelling: tobacco is harmful not only to health, but to the economy and the environment as well. The most effective ways to reduce the damage to health, economy, and environment that tobacco causes are to raise taxes on tobacco products and pass strong legislation to control tobacco and introduce effective cessation programs. Experience in various countries reveals that a combination of taxation and legislation is far more effective than education at reducing tobacco use—and can earn the government additional revenue. This section* provides a summary of some of the ways that tobacco use causes harm across many sectors. Bangladesh is used as a case study throughout.

1. *Economics/poverty alleviation*

- The World Bank has demonstrated that tobacco control is highly cost effective, and likely to be especially economically beneficial for all nations that, like Bangladesh, are net importers of tobacco.¹ Even those countries with tobacco-dependent economies, the percentage of the total agricultural labor force engaged full-time in tobacco is minimal—1.29% in Zimbabwe and 1.9% in Brazil.²
- Countries often lose millions of dollars in foreign exchange importing tobacco. In 1997-98, Bangladesh lost over US\$14.4 million from its negative balance of trade (imports exceeding exports) in tobacco.³
- The World Bank estimates that if all domestic tobacco consumption were eliminated in Bangladesh, then a sizeable *increase* in employment would occur, as people spent their money on other products.⁴
- Poor men are usually the most likely to use tobacco, and the least able to afford it. Their expenditures on tobacco instead of on items necessary for survival represent a serious threat to their and their family's wellbeing.
- Households and countries suffer economic losses due to high health care costs and loss of productivity due to tobacco-related illnesses and premature deaths.
- Most of the money spent on tobacco goes to transnational companies, often leaving the country, rather than to local people and businesses. Money spent on local goods and services, such as food, health care, and education would benefit the economy in the short- and long-run, by increasing the well-being of the population and by creating more jobs for Bangladeshi citizens.
- Money spent on tobacco is money not invested in income generation activities.

2. *Environment*

- Cutting down of trees to cure tobacco is a major cause of deforestation in many countries, and accounts for almost a third of deforestation each year in Bangladesh.⁵
- The chemical waste from cigarette production pollutes our land and water.
- Careless smoking causes fires, causing environmental damage and economic costs.
- Disposal of cigarette butts and packs produces huge quantities of trash.

* This section is taken from a manual being produced by PATH Canada that will be available in October 2001.

3. Women

- Women's *smoking* rates are much lower than men's. However, women may have high rates of smokeless tobacco use, so their rates of overall tobacco use may be similar to men's. This means that there is currently an opportunity to avert future health problems for women by taking action to prevent their smoking rates from increasing, as well as to reduce their current rates of oral tobacco use.
- Access to food and other basic goods, for women and their families, is impaired by tobacco expenditures. The potential increase in funds available for family necessities if smoking rates by family members decline can be used as an incentive to reduce tobacco use.
- Women also suffer health effects from active and passive tobacco use, including oral and lung cancer and reproductive problems.

4. Children/adolescents

- Children's desire for independence and urge to rebel are exploited by tobacco company ads, which associate tobacco use with freedom and individuality. Tobacco company materials supposedly aimed at reducing tobacco use among children/adolescents may further contribute to young people's smoking through a similar approach, for instance by encouraging children to make their own decisions rather than listening to adults.
- Children suffer health effects from active and passive tobacco use, including reduced lung capacity, increased asthma and other respiratory problems, and ear infections.
- Children's access to food, education, health care and clothing may be impaired by their and their family's tobacco expenditures.

5. Food security/nutrition

- Tobacco expenditures often represent a major portion of family food budgets.
- In Bangladesh alone, over 10.5 million children could have enough to eat if their parents redirected expenses from tobacco to food.⁶

6. Human rights

- The non-smoking majority has the right to smoke-free air and protection from the many diseases that passive smoking causes.
- Promotion of tobacco, a deadly product, has been ruled a violation of the Constitutional protection for life in Bangladesh.
- Tobacco users have the right to information about the products they use, including health risks and information on quitting.
- Once addicted, smokers cannot make a free decision whether or not to smoke. Thus tobacco companies' arguments that tobacco control violates human rights is incorrect; it is in fact the intensive promotion of an addictive product that violates human rights.

7. Drug use

- Tobacco is the most commonly used addictive drug in Bangladesh.
- Tobacco use is often a gateway to the use of other drugs such as heroin and cocaine.
- Those who use tobacco are far more likely to use illegal drugs, and those who have never used tobacco are very unlikely to use illegal drugs.
- Nicotine as delivered by tobacco products is as addictive as alcohol, heroin and cocaine, and equally or more difficult to give up.

8. *Religion*

Activities harmful to one's body are condemned by Islam. Many Imam have declared tobacco as haram.

9. *Health*

- ❑ One in every two or three long-term tobacco users dies early from tobacco use.
- ❑ Smokers are sick more often, and die much younger, than non-smokers.
- ❑ The risk of contracting many different diseases is increased by smoking. In some the increase in risk may be “only” two or three times greater than for non-users of tobacco; in the case of lung cancer, the risk increases by about 11 times. Tobacco use contributes to the following diseases and health problems:
 - ◆ Cardiovascular diseases (stroke, heart attack)
 - ◆ Cancers (lung, oral cavity, bladder, breast, penis, and others)
 - ◆ TB
 - ◆ Respiratory diseases (emphysema, asthma)
 - ◆ Gastrointestinal disorders
 - ◆ Problems of the oral cavity (teeth and gum)
 - ◆ Reduced physical fitness
 - ◆ Increased risk of osteoporosis and broken bones
 - ◆ Cataracts
 - ◆ Increased time needed to recover from illness
- ❑ Reproductive problems: reduced sperm motility, impotence in men; earlier age at menopause in women.
- ❑ Smokeless tobacco (tobacco chewing) in South Asia alone is estimated to cause 50,000 deaths a year.*

Passive smoking (inhaling others' tobacco smoke) causes or is associated with the following problems^{7 8}:

Childbirth and infancy

- May cause reductions in fetal growth
- May cause low birthweight
- Sudden Infant Death Syndrome, or SIDS
- Miscarriage

Illnesses in children

- Ear infections
- Asthma (made worse and possibly caused by exposure to tobacco smoke)
- Bronchitis
- Pneumonia
- Reduced rates of lung growth
- Adverse impact on learning and behavioral development
- Meningococcal infections
- Cancers and leukemia

Illnesses in adults

- Heart disease

* Smokeless tobacco need not be so deadly. Experience in Sweden indicates that smokeless tobacco can be manufactured in such a way as not to cause cancer.

- Stroke
- Lung cancer
- Nasal cancer
- Cystic fibrosis (worsened)
- Respiratory disease: asthma (worsened), coughing, phlegm production, chest discomfort, decreased lung function
- Cervical cancer
- Tobacco industry workers can be affected by agro-chemicals involved in the tobacco-growing process. Exposure to chemicals can cause damage to eyes, skin and internal organs, as well as causing cancer.⁹
- Green Tobacco Sickness (GTS), nicotine poisoning due to absorption of nicotine through the skin, has been experienced by workers picking tobacco. Symptoms include nausea, vomiting, and difficulty breathing.

II. Suggested objectives of a national tobacco control policy

General objectives

- To reduce tobacco consumption: reduce uptake of tobacco, and increase successful quit attempts.
- To reduce tobacco-related diseases and death.
- To reduce average household tobacco expenditures.
- To protect the health and rights of non-smokers, especially children.

III. Introduction to tobacco control laws and policies

This section discusses a range of possible measures to be included in a comprehensive tobacco control policy. Over the last several years, as the harms of tobacco and the dishonesty of some transnational tobacco companies have become more widely publicized,¹⁰ ¹¹ more and more countries have passed legislation to control tobacco use. This briefing paper is intended for developing countries; the sections “Situation in Bangladesh” should be replaced with information for the relevant country.

A. Creation of a National Steering Committee on Tobacco Control

The World Health Organisation (WHO) recommends that all countries establish a national steering committee to address the issue of tobacco control. The committee should be cross-sectoral, involving agencies not only working on health, but on a range of issues related to tobacco control. The committee should oversee the drafting, passage, and implementation of laws and policies, and serve as a coordination point for national activities in tobacco control. Many countries have already formed such committees. In Vietnam the committee is inter-ministerial, with all ministries being required to participate; this is an improvement over having it sit within the Ministry of Health, which suggests, incorrectly, that tobacco is only a health issue.

B. Tax increases on all tobacco products

1. Background

Increasing the taxes on tobacco products is one of the most effective ways to reduce consumption of tobacco. In addition, tobacco taxes provide an important source of government revenue. Tobacco taxes have the greatest impact on the young and the poor, with tobacco use dropping more quickly than that of other groups when taxes increase.¹² Due to the addictive nature of tobacco, people do not quit tobacco use as quickly as taxes increase, so the government can steadily raise prices while also enjoying an increase in revenue. Tax increases can also be used to offset losses in revenue when smoking rates decline. The only exception comes due to the problem of smuggling; however, measures can be taken to address smuggling that are more effective at reducing the problem, and more in the interests of public health, than keeping tobacco taxes low.

Tobacco taxes have often been labeled “regressive”—that is, harming the poor, who are most likely to use tobacco. That argument ignores a few key points:

- As mentioned above, the poor are highly sensitive to price increases, and thus more likely than other groups to reduce or cease consumption if the price goes up. Since tobacco is a deadly substance, encouraging the poor to cease consumption would benefit them.
- Low prices are an incentive to continue use, and thus continue wasting money on tobacco products that could be better spent elsewhere. Under this perspective, it is low taxes that are regressive, as they encourage the poor to use tobacco.¹³
- In many developing countries, extremely cheap forms of tobacco are and will long continue to be available. The minority of poor smokers who are unable to afford the increased price of manufactured cigarettes and are also unable to quit can switch to a cheaper form of tobacco. Price increases will thus be unlikely to harm them or their families.
- If an increase in tobacco taxes led to an overall decline in tobacco use among the poor, thus saving the poor in general money and improving their health, the overall good to the larger population would outweigh the potential harm to the few individual tobacco users who did not switch to lower-cost products and thus increased their expenditures on tobacco.

2. Examples from other countries

Countries that have raised their tobacco taxes significantly have seen a decrease in consumption accompanied by an increase in government revenue. A rise in tobacco taxes in Canada meant greater government revenue and fewer smokers, while a drop in the tax out of concern over smuggling led to a sharp increase in smoking and a decline in government revenues. South Africa, the United Kingdom, and other countries have found tobacco taxes to be an excellent means of both increasing government revenue and decreasing tobacco consumption. The government of Thailand has instituted several tax increases over the last few years, as much for revenue purposes as for the benefit of public health.

According to the World Bank, cigarette taxes should ideally be modeled on those of “countries with comprehensive and effective tobacco control policies. In such countries, the tax component of the price of a pack of cigarettes is between two-thirds and four-fifths of the total retail cost. These levels can be used as a yardstick for proportionate increases in prices elsewhere.”¹⁴

3. Recommendations

- Establish a mechanism by which tobacco taxes are used to ensure that prices increase above the rate of inflation. The taxes should thus regularly be increased, though the

increases should not be publicized in advance, as that could cause tobacco companies to increase outputs prior to the increases.

- Use a portion of the tax for tobacco control measures (such as counter advertising) and to control smuggling.

Tobacco products that are not packaged, such as leaf that is chewed with areca nut, may escape taxation, but attention should be focused on what is realistic and feasible. Cigarettes and other manufactured tobacco products that already are covered by a taxation system can easily be included in a scheme to raise taxes.

C. Ban on all forms of advertising (including promotion and sponsorship) of tobacco products

1. Background

The purpose of cigarette advertising is to recruit new users to replace those who quit or die. In general, once people have chosen a brand, they are unlikely to switch it. In addition, if tobacco companies did not recruit new users, they would eventually go out of business. An advertising executive called the argument that cigarette advertising is not aimed at attracting new customers “so preposterous it is insulting. ... [It] flies in the face of all advertising knowledge and experience.”¹⁵ Tobacco companies need to recruit new users, and advertising is their mechanism. Some people will of course still start to use tobacco even if they are not exposed to advertising, but the numbers will be much smaller.

Tobacco companies also use advertising to reassure existing users who might otherwise contemplate and try quitting. The healthy, youthful, happy people in ads reassure tobacco users that what they are doing is positive and will not hurt them. Banning advertising would thus be a benefit to existing users who would like to quit tobacco use. Advertising is also likely to cause people to shift from cheaper local products to more expensive, foreign ones, causing an increase in tobacco expenditures that most users can ill afford.

2. Examples from other countries

Countries which have banned tobacco advertising have seen a tremendous decrease in smoking. Examples include¹⁶:

- Norway banned advertising in 1975, and experienced a 9% drop in consumption.
- Finland banned advertising in 1977, and experienced a 6.7% drop.
- New Zealand banned advertising in 1990, and experienced a 5.5% drop.
- China banned all electronic and print tobacco advertising in 1994.
- By 2000, Hong Kong had banned all electronic, print, and outdoor advertising, and banned the placement of tobacco advertisements on Internet
- Singapore banned all advertising decades ago, and has the lowest smoking rates in the world.
- Thailand and South Africa have also banned tobacco advertising, and have seen dramatic results as well.

Financial viability of media does not depend on tobacco advertising. Countries that have banned tobacco ads have quickly discovered that plenty of other companies are happy to buy the ad space.

3. Situation in Bangladesh

Nearly all tobacco advertising in Bangladesh is for cigarettes, though to a much lesser extent there are ads for other tobacco products (particularly bidis). The government has banned tobacco advertising on national TV and radio. However, the companies can still advertise on

private stations such as ETV, and satellite TV stations such as ATN Bangla. Ads are still allowed in newspapers, magazines, and billboards. “Indirect” advertising—use of tobacco logos without the mention of the product—is also common, such as John Player signboards on shops, and Benson & Hedges signs on restaurants and in supermarkets. Sponsorship of rock concerts and some sporting and cultural events by British American Tobacco (BAT) also occurs. Bhorer Kagoj newspaper voluntarily refuses to accept tobacco advertisements, and remains a financially healthy institution, with plenty of other companies willing to pay for front-page color ads.

4. Recommendations

Limited bans on advertising do not work, but countries with comprehensive bans have seen sharp and steady declines in tobacco use.¹⁷ If the ban is limited to certain media or does not include the use of logos, tobacco companies simply switch the media they use, or their form of delivering messages. In Malaysia, tobacco companies put cigarette brand names onto other products and services, then widely advertise those products and services. In Vietnam, Dunhill advertisements are shown on television, with the claim that the ads are for jewelry, when in fact the only Dunhill products available in Vietnam are cigarettes. Advertising bans should be comprehensive, including banning use of logos (such as the “&.” used by Benson & Hedges), as well as sponsorship. Excellent legislation exists in other countries, such as Thailand, which can be used in developing legislation for Bangladesh.

D. Warnings on tobacco products and tobacco product labeling

1. Background

Consumers have the right to know what health effects they may suffer as a result of using tobacco. Other dangerous or potentially dangerous products come with a warning. Pharmaceutical products in many countries are required to specify in great detail the potential problems involved with their use. Tobacco use causes many diseases and health problems, which should be indicated on the package.

Some countries also require the nicotine and tar content to be indicated on cigarette packs; a Thailand and Canada require other constituents of tobacco to be listed. However, labeling tar and nicotine content can be misleading, as the figures apply to cigarettes being smoked by machines, not people. When tar and nicotine levels are lowered, people compensate by inhaling more deeply, so there is no health benefit.

2. Examples from other countries

Various countries have laws that the warnings on cigarette packs must be printed on the front and back, in black letters on a white surface or vice versa, taking up a certain percentage of the surface, and include specific messages such as “Smoking harms your family”, “Smoking causes heart disease”, “Smoking causes cancer”, “Smoking causes impotence”, and “Smoking kills.” Countries requiring strong and large warnings include Singapore, Thailand, and Australia. In Canada and Australia, warnings also include more detailed information on the diseases caused by smoking and advice on how to quit.

New European Union (EU) warnings require a general warning covering not less than 30% of the surface with the messages “Smoking kills/Smoking can kill” or “Smoking seriously harms you and others around you”, and an additional warning covering not less than 40% of the surface. Warnings will need to be printed in black Helvetica bold type on a white background and be surrounded by black borders. Tobacco products for oral use and

smokeless tobacco products have to carry the following warning: "This tobacco product can damage your health and is addictive".

The additional health warnings to be used by the EU are:

- "Smokers die younger."
- "Smoking clogs the arteries and causes heart attacks and strokes."
- "Smoking causes fatal lung cancer."
- "Smoking when pregnant harms your baby."
- "Protect children: don't make them breathe your smoke."
- "Your doctor or your pharmacist can help you stop smoking."
- "Smoking is highly addictive, don't start."
- "Stopping smoking reduces the risk of fatal heart and lung diseases."
- "Smoking can cause a slow and painful death."
- "Get help to stop smoking: (telephone/postal address/internet address/consult your doctor/pharmacist)."
- "Smoking may reduce the blood flow and causes impotence."
- "Smoking causes ageing of the skin."
- "Smoking can damage the sperm and decreases fertility."
- "Smoke contains benzene, nitrosamines, formaldehyde and hydrogen cyanide."

The EU has also banned terms such as "low tar", "ultra light" and "mild" as well as new brand names and designs indicating that a tobacco product is "less harmful" than others. The ban will take effect on 30 September 2003.

In Canada, cigarette packets are now required to carry pictorial warnings, with messages including:

- ◆ "Cigarettes cause lung cancer. Lung cancer kills 8 out of 10 of its victims."
- ◆ "Cigarettes cause mouth diseases. Cigarette smoke causes oral cancer, gum disease and tooth loss."
- ◆ "Cigarettes are highly addictive. Studies have shown that tobacco can be harder to quit than heroin or cocaine."
- ◆ "Idle but deadly. Smoke from a lit cigarette contains toxic substances like hydrogen cyanide, formaldehyde and benzene. Second-hand smoke can cause death from lung cancer and other diseases."
- ◆ "Protect your children's health. Second-hand smoke in homes and cars makes kids sick. Kids get asthma, ear infections, bronchitis and coughs. Every year in Canada over 100 babies die from Sudden Infant Death Syndrome (SIDS or crib death) caused by their parents' cigarette smoke."

The Canadian packs also contain inserts with additional information, as well as messages written on all sides of the pack. Carton warnings occupy 50% of all six surfaces. The Canadian warnings are now considered the world model.

Australian messages include:

- ◆ "Smoking causes heart disease. Tobacco smoking is a major cause of heart disease. It can cause blockages in the body's arteries. These blockages can lead to chest pain and heart attacks. Heart attack is the most common cause of death in Australia. Smokers run a far greater risk of having a heart attack than people who don't smoke. For more information, call 13 2130."
- ◆ "Your smoking can harm others. Tobacco smoke causes cancer and poisons people. People who breathe in your tobacco smoke can be seriously harmed. Your smoking can

increase their risk of lung cancer and heart disease. Children who breathe your smoke may suffer asthma attacks and chest illnesses. For more information, call 13 2130.”

3. Situation in Bangladesh

The existing health warning, “Tobacco is deleterious to health”, is vague. It does not specify what sorts of diseases might occur, or the fact that smoking also harms non-smokers who breathe tobacco smoke. In most cases, the warning is printed in small letters on the side of the pack in marginally contrasting colors, making it difficult to see. No tobacco products other than cigarettes carry a warning.

“Light” cigarettes are sold by BAT, at a higher price than their regular counterparts. Smokers worried about the health effects of smoking may choose light over regular cigarettes, unaware that there is no benefit to them, yet paying more for this choice.

The people of Bangladesh are no less deserving of accurate information than the people of Canada, South Africa, Thailand, and the European Union. Additionally, BAT cigarettes sold in Bangladesh should not be allowed to contain far weaker warnings than the same cigarette sold in England.

4. Recommendations

- The government should introduce several strong and specific warnings, which must be used in rotation. Examples include “Smoking kills”, “Smoking harms your family”, and “Smoking causes heart disease.” Warnings accompanied by color pictures, adapted from Canada’s messages, would be ideal.
- Warnings should appear on the top of the two largest surfaces of the pack (front and back), in black letters on white background, or white letters on black background. The size of the warning (preferably at least 30% of the surface), the font type and font size to be used, should all be specifically legislated.
- A warning system for other tobacco products should be considered. Given the low literacy of many of those using tobacco products, pictorial warnings would be ideal on *all* tobacco products including cigarettes. (Placing the pictorial warnings only on products other than cigarettes would imply that cigarettes are safer than other forms of tobacco.)
- Ban misleading terms such as “light” and “low-tar” from tobacco products.
- If there is objection to the printing of warnings on all tobacco products due to the cost, then the government could instead require generic packaging of all tobacco products; that is, plain packaging with no illustrations allowed, and the font type and font size for allowed written information specifically legislated.

E. Protection of non-smokers

1. Background

Passive smoking—breathing in the smoke from the tobacco products of others—causes a range of serious diseases, as well as physical discomfort. Infants and children are particularly vulnerable, but adults also get serious diseases from passive smoking. The only way to protect people from passive smoking is to ban smoking in public places including workplaces, and to educate people about not smoking at home or in private transport.

2. Examples from other countries

Some countries have established laws that virtually ban smoking in all public places (places where the public gathers, whether privately owned or not). The reason behind this law is mainly to protect those who must otherwise work in smoky environments. In any place in

which people work, if smoking is allowed, workers have a high chance of getting a disease from the tobacco smoke. Generally, countries first ban smoking in selected places, then increase the bans as public acceptance of smoking decreases.

Thailand, South Africa, and Kerala in India all have strong laws protecting the health of non-smokers, as well as many developed countries. When the ban is accompanied by an enforcement mechanism and there is public education about the reasons for the ban, then compliance is high.

3. Situation in Bangladesh

Smoking is banned in health facilities, though the ban is widely ignored. Smoking is banned on all domestic and international flights of the national airline, Biman. Most air-conditioned buses and some restaurants and other businesses voluntarily ban smoking. Smoking is still allowed in most public places. However, a fair number of places have introduced bans, and there is a good opportunity to increase this number, especially if the effects of passive smoking are more widely publicized.

4. Recommendations

- Smoking should be fully banned in a wide range of public places and on public transport. In some cases, the bans may be introduced gradually, for instance, separate carriages on trains for smoking and non-smoking. The laws should emphasize the rights of non-smokers to breathe clean air, rather than the so-called rights of smokers to pollute the air.
- In workplaces, non-smokers should not have to be exposed to the smoke of others. The final goal should be for all workplaces and public places to be non-smoking. As an interim measure, all areas to which the general public has access should be non-smoking, as well as private areas in which non-smokers work. Employers could be allowed, in the short-term, to establish separately-ventilated smoking areas as long as non-smokers do not have to enter those areas.
- Enforcement of non-smoking policies must accompany a ban.
- Information campaigns should educate the public about the existence of, and need for, bans on smoking in public places.

F. Measures to control tobacco smuggling

1. Background

One-third of the cigarettes that are exported each year do not appear in import statistics. While a small portion go to duty-free sales, most are smuggled. This is an enormous and critical issue, and of great concern to governments as they lose massive amounts of revenue from untaxed cigarettes. The availability of cheaper cigarettes through smuggling also has serious health consequences, as it encourages youth and the poor in particular to smoke. The response of tobacco companies is to tell governments to lower taxes, and thus reduce the incentive for smuggling. This ignores a few basic facts:

- In some countries with low taxes, smuggling is a huge problem, while in some countries with high tax, smuggling is minimal.
- Governments stand to lose a lot of money when they reduce taxes; it is the tobacco companies who gain, as they make money both from smuggled cigarettes (and thus have no incentive to solve the problem) and from the increased sales that lower prices bring.
- The tobacco companies themselves have been implicated in smuggling. They may not smuggle cigarettes directly, but they knowingly sell to those who do, they know which routes the smuggled cigarettes take, and they make calculations of profits based on both the legal (tax paid) and illegal (tax unpaid) markets.

In resolving the smuggling problem, it is important to learn from countries that have had success in this area, rather than the very companies which gain from the smuggling.

2. Examples from other countries

France and Singapore require all parties involved in the movement of cigarettes between manufacturer and consumer to be licensed. Hong Kong requires manufacturers to keep better track of the movement of their products, and has a special Anti-tobacco Smuggling Taskforce, with dozens of officers devoted exclusively to dealing with tobacco smuggling. The United Kingdom is investigating BAT's involvement in smuggling, and dedicating significant funds to combating the smuggling of tobacco and alcohol.¹⁸ Poland has succeeded in reducing smuggling by utilizing better tax-paid markings.

3. Situation in Bangladesh

Bangladesh has a sizeable problem with smuggled cigarettes. The smuggled cigarettes are generally transnational brands, including BAT brands. BAT documents mention the use of legal imports to hide large-scale smuggling of their brands, and explain which routes are used to bring the smuggled cigarettes into the country. BAT also used the fact of smuggling to convince the government to keep excise duties on cigarettes low. The documents also refer to the smuggling of cigarettes into Bangladesh, with exact figures on the quantities and prices of different BAT brands smuggled in each month. For example, according to BAT documents, in just one month of 1994, smuggling of Benson & Hedges was 15.3 million.^{*19}

4. Recommendations

Bangladesh cannot solve its smuggling problem single-handedly. It requires the cooperation of its neighbors. This can be achieved in part by supporting strong actions to control smuggling within the Framework Convention on Tobacco Control (FCTC). Local possibilities include:

- Require warnings on packs in Bengali. This makes it easier to distinguish legal from smuggled cigarettes.
- Require tax-paid markings on packs and cartons.
- Make penalties for smuggling more severe, and increase law enforcement.
- Require tobacco products to have clear markings showing when and where produced and to which wholesaler they were shipped. Tobacco companies should be held responsible for ensuring that their products arrive at the intended destination.

G. Health education and counter advertising

1. Background

Some understanding of the harm of tobacco is important for building public support for government policies, and for encouraging people to avoid starting tobacco use and to quit. Health education alone is singularly ineffective in reducing tobacco use, but in combination with laws and tax increases, it can be a useful measure. In order to reach a large segment of the population, including those who are illiterate, it is best to use the mass media (including radio and television). Because these media are expensive, some countries have relied on a couple of mechanisms to finance the work.

One is the "fairness doctrine", which holds that tobacco companies should pay for the government or NGOs to broadcast messages that give information about the harm of tobacco,

* The quote does not make it clear whether the figure indicates packs or cartons.

to balance the companies' advertising. The fairness doctrine has proved highly successful in South Africa. The mechanism generally involves having the tobacco companies pay for an equal amount of counter advertising; they have no control over the messages. This is important because the tobacco companies cannot be trusted to inform the public themselves. Various transnational tobacco companies consistently hide information and lie about the harmfulness of tobacco. The warnings currently used on tobacco packs and in combination with advertising in Bangladesh and many other countries are vague and inadequate.

Counter advertising has been used effectively in several parts of the world, including in North America, Australia, Europe, and Israel.²⁰ The gory TV ads produced to counter the tobacco company ads were so effective in the US that the tobacco companies voluntarily ceased advertising on TV. Counter advertising has also proven quite successful in South Africa, allowing mass education of the public about the harms of tobacco at very little cost to governments and NGOs. Media and ad agencies would potentially be supportive of counter advertising.

Another mechanism is to allocate a portion of the tobacco tax to be used for counter advertising. This has the advantage of being compatible with a comprehensive ban on tobacco promotion, and thus avoids the mixed messages of a dangerous product being allowed to be advertised. This is being used successfully in the United States, Australia, Finland, and Thailand, and allows for significant funding for tobacco control.

School programs, on the other hand, have often been shown to be effective only in the short term, or completely ineffective, at reducing tobacco use. The main reasons may be young people's lack of concern about the future and their tendency to rebel against adults' advice.²¹ It is also difficult for school programs to compete against a social environment that encourages tobacco use with prominent advertising, public smoking, and tobacco company sponsorship of concerts.

2. Situation in Bangladesh

Little effort is being made to educate the public at large about the harms of tobacco. Although most people know that tobacco harms health, they have very little information about the specific diseases that tobacco causes. They may simply believe that tobacco causes coughs, and only in rare cases causes serious disease.

Most health education is being limited to school programs and events for World No Tobacco Day on 31 May each year. These activities are not sufficient to reach the majority of the population, and are particularly inadequate when compared to the tremendous reach of tobacco advertising.

3. Recommendations

- Establish a funding mechanism for health education/counter advertising. Since it is the tobacco companies who are creating the problem, they should fund the solution. This could involve setting aside a fixed portion of the tobacco tax, or establishing an annual operating fee for doing business in Bangladesh, a portion of which would go to fund tobacco control work. (To increase public support, a further and larger portion could go to activities such as providing health services or housing or subsidized food for the poor.)
- Utilize the mass media, particularly radio and television, in order to reach a large portion of the population, including illiterate groups. The messages should be tested, and regularly changed to increase effectiveness.

- Create a mechanism to ensure high quality ads and ensure that their effectiveness is regularly evaluated, preferably by an independent body (attached neither to tobacco companies nor the government).

One law we suggest you avoid:

H. Ban on sales to minors

1. Background

Most people begin tobacco use before the age of 20. Children also lack the concern about the future and general knowledge that is necessary to make an informed choice about tobacco use. It is thus logical to try to prevent children and younger adolescents from being able to purchase tobacco products. Such laws exist in many countries, and are widely supported by the tobacco companies, who claim to want children not to use tobacco. However, such claims by the industry must be treated with suspicion. First, there are many formerly-private industry documents which make clear their interest in recruiting youth smokers as young as age 12.^{22 23} Second, since most people start tobacco use at a young age, if the companies did not recruit youth, they would gradually go out of business, whereas it is clear that the intent of companies is to expand, not shrink.

There are serious problems with a law banning the sale of tobacco to minors. First, it reinforces the idea that tobacco is an adult product, which forms much of the appeal of tobacco to youth. Second, in many contexts, the law is simply unenforceable. This is particularly the case in developing countries such as Bangladesh, where children not only freely purchase tobacco, but often sell it. A law banning sales to minors will only achieve its goal if it is possible to enforce it, and if penalties are used against the sellers, not the buyers. Such a law is simply not practicable at this point in most developing countries, and is likely to have the reverse effect of making tobacco more attractive to young people.

2. Situation in Bangladesh

In Bangladesh, there is currently no law banning the sale of tobacco to (or by) minors. Tobacco is sold mainly by streetside vendors, either stationary or mobile ones, including children. A law banning the sale of tobacco to minors would thus be impossible to enforce.

3. Recommendations

As the goal is to reduce tobacco use among everyone, including youth, effective measures should be enacted. These include bans on all forms of tobacco promotions, and increasing the taxes on tobacco products. Those measures should be swiftly enacted. It would be best not to pass any legislation banning the sale of tobacco by or to minors, until such time as such a measure could be enforced. The one exception would be if vending machines exist. Laws banning the use of all vending machines to sell tobacco could reduce youth access, while not giving the impression that smoking is an adult activity.

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(Add to Bangladesh briefing kit: summary of Voyage case and the Constitutional case for tobacco control)

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- ¹ World Bank, *Curbing the epidemic: Governments and the economics of tobacco control*, 1999.
- ² Campaign for Tobacco-Free Kids Factsheet, "The False Economics of Tobacco Farming".
- ³ Debra Efroymsen and Saifuddin Ahmed, *Hungry for Tobacco: An analysis of the economic impact of tobacco on the poor in Bangladesh*. PATH Canada and Work for a Better Bangladesh, Dhaka: July 2000.
- ⁴ World Bank, 1999.
- ⁵ Helmut J. Geist, "Global assessment of deforestation related to tobacco farming." *Tobacco Control* 1999;8:18-28.
- ⁶ Efroymsen and Ahmed 2000.
- ⁷ 11th World Conference on Tobacco OR Health Tobacco Fact Sheet, "Environmental Tobacco Smoke (ETS)", Aug. 2000.
- ⁸ ASH UK factsheet, "Passive Smoking, summary of new findings", Jan 2000.
- ⁹ Campaign for Tobacco-Free Kids, "Tobacco & The Environment" Factsheet, 2001.
- ¹⁰ World Health Organization, *Cutting through the Smokescreen: An analysis of tobacco industry arguments against tobacco control policies*. New Delhi: April 2000.
- ¹¹ Campaign for Tobacco-Free Kids and Action on Smoking and Health UK, *Trust Us, We're the Tobacco Industry*. Washington DC: 2000.
- ¹² World Bank, 1999.
- ¹³ Efroymsen and Ahmed 2000.
- ¹⁴ World Bank, 1999.
- ¹⁵ A. Dumas, quoted in Robbie Danielle Schwartz, "Exporting Cigarettes: Do Profits Trump Ethics and International Law?" *Vanderbilt Journal of Transnational Law* 1991 Vol. 24:1009-45.
- ¹⁶ UICC Tobacco Control Fact Sheet 1: *The Case for Banning Advertising and Promotion of Tobacco*. UICC: 1993.
- ¹⁷ World Bank, 1999.
- ¹⁸ World Bank 1999.
- ¹⁹ Campaign for Tobacco-Free Kids, *Illegal Pathways to Illegal Profits: The Big Cigarette Companies and International Smuggling*. Washington, DC: 2001.
- ²⁰ World Bank, 1999.
- ²¹ World Bank, 1999.
- ²² World Health Organization, *Cutting through the Smokescreen: An analysis of tobacco industry arguments against tobacco control policies*. New Delhi: April 2000.
- ²³ Campaign for Tobacco-Free Kids and Action on Smoking and Health UK, *Trust Us, We're the Tobacco Industry*. Washington DC: 2000.