Tobacco Control Legal Consortium Webinar Series

• Providing substantive public health policy knowledge, competencies & research in an interactive format

• Covering public health policy topics related to tobacco control

• Tuesdays from 12:00 p.m. to 1:30 p.m. Central Time

• Visit http://publichealthlawcenter.org for more information

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The Tobacco Control Legal Consortium

The legal network supporting the tobacco control movement in the United States.
Presenters

• **Moderator:** Doug Blanke, Tobacco Control Legal Consortium

• **Chris Bostic,** Action on Smoking and Health

• **Monique Muggli,** Campaign for Tobacco-Free Kids’ International Legal Consortium

• **Paula Johns,** Alliance for the Control of Tobacco Use, Brazil
Moderator:

Doug Blanke

Executive Director
Tobacco Control Legal Consortium
Presenter:

Chris Bostic
Deputy Director for Policy
Action on Smoking and Health
Legal Counsel
Framework Convention Alliance
The Tobacco Epidemic and the Global Response

Chris Bostic
Deputy Director for Policy - Action on Smoking and Health
Legal Counsel – Framework Convention Alliance

Sept. 24, 2013
Global tobacco epidemic
Global tobacco epidemic

• 1.2 billion smokers and rising
Global tobacco epidemic

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• 6 million deaths/year and rising
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  –8 million/year by 2030
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  – 8 million/year by 2030
• 20\textsuperscript{th} century toll = 100 million
Global tobacco epidemic

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  – 8 million/year by 2030
• 20\textsuperscript{th} century toll = 100 million
• 21\textsuperscript{st} century toll = 1 billion
Industry strength

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• Marketing: in 2011, $8.37 billion *just in the US*
Industry strength

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  – If a country, this would earn them a spot in the G20
• Marketing: in 2011, $8.37 billion just in the US
• Lobbying: in 2012, $26.6 million in the US
Industry strength

• In 2010, global industry had revenue of $664 billion
  – If a country, this would earn them a spot in the G20

• Marketing: in 2011, $8.37 billion just in the US

• Lobbying: in 2012, $26.6 million in the US

• Political contributions: in 2012, $4.1 million at the federal level
Global response

- WHO Framework Convention on Tobacco Control
Global response

• WHO Framework Convention on Tobacco Control
  – World’s first and only public health treaty
Global response

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  – World’s first and only public health treaty
  – In force as of February 2005
Global response

• WHO Framework Convention on Tobacco Control
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  – 177 Parties
FCTC Ratification

Source: Tobacco Atlas
FCTC obligations

• Tax and price measures
FCTC obligations

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• Smokefree air
FCTC obligations

• Tax and price measures
• Smokefree air
• Ingredients disclosure and regulation
FCTC obligations

- Tax and price measures
- Smokefree air
- Ingredients disclosure and regulation
- Warning labels
FCTC obligations

• Tax and price measures
• Smokefree air
• Ingredients disclosure and regulation
• Warning labels
• Public education
FCTC obligations

- Tax and price measures
- Smokefree air
- Ingredients disclosure and regulation
- Warning labels
- Public education
- Ban on marketing
FCTC implementation - price

At least 165 WHO Member States imposed a tobacco excise tax, and at least 27 of these used a portion of tobacco tax revenue for health purposes as of 2010.

Source: Tobacco Atlas
FCTC implementation - CIA

Source: Global Smokefree Partnership
COUNTRIES/JURISDICTIONS REQUIRING PICTURE WARNINGS ON CIGARETTE PACKAGES

Source: Canadian Cancer Society
FCTC implementation - TAPS

Source: Tobacco Atlas
Presenter:

Monique Muggli

Legal Adviser

Action on Smoking and Health

International Legal Consortium

Campaign for Tobacco-Free Kids
Tobacco Control Laws.org
Explore Tobacco Control Legislation and Litigation from Around the World

Monique Muggli, J.D., M.P.H.
International Legal Consortium
Campaign for Tobacco-Free Kids
About the International Legal Consortium (ILC)

• The ILC seeks to promote strong, evidenced-based tobacco control policies embodied in the WHO FCTC by providing legal assistance to lawyers, legal advocates, civil society, and governments worldwide.

• Between 2007 and 2012, the ILC provided legislative drafting assistance in 50 countries and trained 231 lawyers from 47 countries.

• The ILC provides legal assistance in:
  – legislative analysis and drafting;
  – support for litigation to advance tobacco control policy and defend against legal challenges to tobacco control measures;
  – international policy support;
  – development of legislation and litigation resource materials;
  – tobacco control policy development and implementation workshops; and
  – the development of regional networks of tobacco control lawyers.
ILC Staff Attorneys and Legal Consultants

- Patricia Lambert, B.A. Hons. LL.B. Director
- Catherine Adok, J.D. (Uganda)
- Emmanuelle Béguinot (France)
- Liz Candler, J.D. (United States)
- Juan Carballo, (JD equivalent), LL.M (Argentina)
- Kaitlin Donley, J.D. (United States)
- Ruth Kalnitsky (United States)
- Monique Muggli, M.P.H., J.D. (United States)
- Rose Nathan, M.P.H., J.D. (United States)
- Claudia Oakeshott, LL.B., Masters of Laws (Australia)
- Aaron Schwid, J.D. (United States)
- Lynn Sferrazza, J.D. (United States)
- Patricia Waagstein, LL.M., LL.D. (Indonesia)
- Yu Xiuyan, Masters in Law (China)
Overview of Tobacco Control Laws.org

• **Legislation** (3 key policy areas)
  – Detailed analysis of 53 countries and growing
  – Laws from 190 countries

• **Litigation**
  – 500 decisions from 49 countries

• **Lawyer’s Forum** (Spanish, English, French)
  – 150 lawyers from 52 countries
Beyond Tracking Legislation and Litigation

• Kosovo NGO contacts TCLs.org via Google search
• Political will, but weak draft
• ILC attorneys give year+ of technical assistance
• Most comments incorporated into draft
Parliament Passes Strong Law

• April 12th 2013: Bill passes / Vote: 72-0-2

• 100% Smoke-Free Environments
• Graphic Pack Warnings
• Comprehensive tobacco advertising, promotion and sponsorship ban, including display ban
• Most comprehensive WHO FCTC Art. 5.3 protections in the world to date
Country Details For Kosovo

Summary

Laws

Law on Tobacco Control (2013)

Effective Date of Law: April 18, 2013

Original Language Not Available

English Translation

The material and analysis available on this website are for informational and educational purposes only and not for the purpose of providing legal advice.
Thank you!

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The Tobacco Products Additives’ Ban in Brazil

Paula Johns
Executive Director – ACT Brazil
Structure

- Who we are
- Brazil overview in TC
- Additives ban in Brazil
- Main arguments
- Legal challenges
- Other challenges
- Responses to the challenges
- Current status
• A multisectorial national coalition that goes beyond health
• > 700 members (+ 130 institutions)
• Family farmers, consumers groups, children’s rights groups, legal groups, women's groups, environmental groups, human rights groups, cancer survivors, universities, community-based groups.
• Respond to the multisectoral nature of tobacco control
• Mission: Support the implementation of the FCTC and its protocols in Brazil
What we do

• ADVOCACY
• Research (commission studies, polls, participate in study groups, etc.)
• Propose and monitor public policies (shadow reporting)
• Social mobilization
• Monitor the tobacco industry
• Media advocacy
• Coalition building & networking
• Legal action (amicus curiae, briefs, publications)
Current Tobacco Control Scenario

• New tobacco law (12.546/11)
  Higher taxes and prices ☑
  National 100% smoke-free law ❌
  Ad ban including POS (though allowing for product display) ❌
  30% warning labels on the other side of the pack – from 2016

• Anvisa’s resolution banning additives – from Sep. 2013

• ALL effective measures challenged
Public support

- 90% support SFE
- 86% support tobacco ad ban
- 76% support higher taxes and prices
- 75% support additives ban

Source: Datafolha
ANVISA – regulatory agency (created in 1999)
Mandate to regulate tobacco products
After COP 4 (2010)
Open a public consultation for a draft resolution
Final resolution approved in March 2012
Strong reaction from the industry
Estão acertando 185 mil fumicultores. E o crime organizado agradece.

CADA UM TEM UMA OPINIÃO. NESSE CASO, 150.000 TÊM A MESMA.

Fomos a Brasília exequir nossa cidadania e entregar 150 mil submissões contrárias às consultas públicas 112 e 117 da ANVISA, que propõem mudanças arbitrárias na composição e exposição de produtos derivados de tabaco. Interferências assim podem em risco o sustento de milhares de produtores rurais, terem a livre iniciativa dos comerciantes e a liberdade de escolha dos consumidores. Além disso, pode gerar aumento da ilegalidade, do desemprego e a diminuição na arrecadação de impostos. Temos o direito de ser ouvidos e o dever de nos manifestar contra essas intervenções que representam um retrocesso para a liberdade e para a nossa democracia.
Mulheres aderem mais que homens à previdência

Pela primeira vez, a adesão feminina superou a masculina, segundo a Bradesco Previdência. A inovação de tais novos investimentos de baixo risco e longo prazo é um principal attractivo.

Roberta Fortuno

O percentual de mulheres que participam das inúmeras empreitadas de poupança se elevou significativamente nas últimas semanas, com a empresa de previdência privada liderando o campo.

Dos Leitores

Da escola de taipa em Minas ao império têxtil

Maior de 350 mil assinaturas contra o excesso.

HOJE É O TABACO. AMANHÃ PODE SER VOCÊ.

Foram publicizadas para ANVISA as consultas públicas 112 e 117, que impedem de fato a comunicação e distribuição de produtos de tabaco nos pontos de venda e proíbem a adoção de ingredientes legais na fabricação dos produtos. Uma intervenção nos direitos da propriedade intelectual e inovação na distribuição.

Regulamentação sim, excesso não.

Da escola de taipa em Minas ao império têxtil

Mais de 350 mil assinaturas contra o excesso.

Dos Leitores
Lobby through congresspeople

Conseqüências das consultas públicas da Anvisa preocupam Ministro do Trabalho

Em audiência com representantes do setor, Carlos Lupi ficou sensibilizado com a possível redução de mais de 220 mil postos de trabalho no país.

Ana Amélia 2011
A Senadora que precisa de você

17 de Fevereiro de 2011 - 21:18

Consequências das consultas públicas da Anvisa preocupam Ministro do Trabalho

Em audiência com representantes do setor, Carlos Lupi ficou sensibilizado com a possível redução de mais de 220 mil postos de trabalho no país.
Other tactics

• Bill proposed to overrule Anvisa’s resolution
• Thousands of petitions sent to Anvisa
Buy academic institutions
Front groups’ main arguments

• 50,000 growers of burley tobacco would lose their livelihoods because of the sugar lost in the curing process
• Economic disaster for Brazil
• Anvisa does not have a mandate for that
• Executive power is doing the legislative power job
• Increase in illicit trade
• Approved in March 2012 – open meeting of Anvisa’s BOD
• With a permission to reinsert the sugar lost in the curing process
• Pressure from industry continues....
Legal Challenges:

• In the Supreme Court
• In two local courts (Bahia and Brasília)

Request from industry to permit a list with 145 additives claimed to be indispensable for manufacturing – one more year to look into 121 additives in and independent WG (in accordance with article 5.3).
What’s next

• If the Supreme Court declares the resolution constitutional
• Cigarettes with characterizing flavors are banned from end of 2013 (manufacturer level) – 6 months later (retailer level)

Ban includes menthol and clove
POR QUE OS CIGARROS TÊM SABORES E EMBALAGENS COLORIDAS?
PARA ATRAIR CRIANÇAS E ADOLESCENTES.
#LIMITETABACO

Assine o abaixo-assinado:
LIMITETABACO.ORG.BR

FUNDAÇÃO DO CÂNCER
com você, pela vida

ACTbr
Aliança de Controle do Tabagismo
Thanks!!

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Hot Off the Press

International Tobacco Control Organizations & Resources

According to the World Health Organization, tobacco use is responsible for more than 5 million deaths each year, 80 percent of which occur in low- and middle-income countries. If current trends continue, tobacco use is projected to claim more than 10 million lives each year by 2030. To help curb this trend, a list of leading organizations that work to advance tobacco control efforts worldwide, along with links to several of their most useful resources.

**Organizations Based in the United States**

**Action on Smoking & Health (ASH)**
ASH is a Washington D.C.-based non-governmental organization, founded in 1967, which supports international tobacco control efforts. Working individually and through a large global network, ASH supports industry tactics, pushes for stronger regulations at home and abroad, and ensures that tobacco is on the global agenda for health, trade, development and human rights. Available at [http://www.ash.org](http://www.ash.org).

**American Cancer Society (ACS)**
The Society’s global tobacco control program supports advocacy and research and builds the capacity of leaders and organizations in low- and middle-income countries to counter the tobacco industry’s efforts to undermine tobacco control policies. The program focuses in particular on sub-Saharan Africa, because the African continent is home to the highest increase in the sale of tobacco use in the developing world. Available at [http://www.cancer.org/about/heritagesociety/healthgovernance/globaltobaccocontrol/globaltobaccocontrollanding](http://www.cancer.org/about/heritagesociety/healthgovernance/globaltobaccocontrol/globaltobaccocontrollanding).

**Bloomberg Initiative to Reduce Tobacco Use**
Michael R. Bloomberg, philanthropist and mayor of New York, has launched a $375 million initiative to combat tobacco use in low- and middle-income countries, where tobacco use has been increasing at an alarming rate. The Initiative supports advocacy activities in this initiative, working with governments and non-governmental organizations to implement effective measures to reduce tobacco use. These partner organizations are the Campaign for Tobacco-Free Kids, the Center for Tobacco Control.

Questions?