

ISSUE BRIEF

HOW THE TOBACCO INDUSTRY UNDERMINES CESSATION

The 2021 World No Tobacco Day theme ‘Commit to Quit’ banks on increased interest to quit during the COVID-19 pandemic and the disproportionately low access to tools for cessation.¹

The World Health Organization (WHO) calls on “all governments to ensure their citizens have access to brief advice, toll-free quit lines, mobile and digital cessation services, nicotine replacement therapies and other tools that are proven to help people quit.”²

WHAT IS THE ROLE OF GOVERNMENTS IN SUPPORTING EFFORTS TO QUIT TOBACCO USE?

Governments are obligated to help tobacco users quit through the “promotion of tobacco cessation and tobacco dependence treatment” (cessation) which includes both population and individual level interventions.³ Particularly, the WHO Framework Convention on Tobacco Control (FCTC) mandates that each Party “shall develop and disseminate appropriate, comprehensive and integrated guidelines based on scientific evidence and best practices, taking into account national circumstances and priorities, and shall take effective measures to promote cessation of tobacco use and adequate treatment for tobacco dependence.”⁴ The Article 14 Guidelines emphasize that cessation should, among others:⁵

- » be done synergistically with other tobacco control measures (includes increase in tobacco taxes, product regulation, advertising bans, labeling and packaging restrictions, etc.)
- » be **accessible and affordable**,
- » be based on **best available evidence of effectiveness**,
- » actively involve civil society, and
- » be **protected from “all commercial and vested interests”** including the tobacco industry and all other actual and potential conflicts of interest.

EVIDENCE-BASED APPROACHES

WHO classifies evidence-based cessation approaches as:⁶

Behavioral interventions such as

- » Population level interventions (brief advice, quitlines or mobile texting)
- » Individualized approaches through intensive behavioral support (counselling) and cessation clinics

Pharmacological interventions such as

- » Nicotine replacement therapies
- » Non-nicotine pharmacotherapies to reduce cravings and withdrawal symptoms

NOVEL AND EMERGING NICOTINE AND TOBACCO PRODUCTS (NENTPs)

According to the WHO, as well as the global consensus around the WHO FCTC, novel and emerging nicotine and tobacco products (NENTPs), or what the tobacco industry glamorizes as “next generation products” (NGPs) or “reduced-risk products” (RRPs), **are not to be considered effective population-based cessation strategies.**⁷ Parties that have not done so are urged to regulate (either prohibit or restrict) these products in line with WHO recommendations.⁸

NENTPs include⁹

1. electronic nicotine delivery systems (ENDS) including e-cigarettes, e-hookah, etc.
2. electronic non-nicotine delivery systems (ENNDS) and
3. heated tobacco products (HTPs).

HOW DOES THE TOBACCO INDUSTRY DEFY INTERNATIONALLY-AGREED STRATEGIES TOWARD CESSATION?

The largest tobacco transnationals (Philip Morris International (PMI), British American Tobacco and Japan Tobacco International) are key players in and are poised to dominate the NENTPs market. **(See Annex 1: Key players in NENTP from the tobacco industry)** To promote its new products, the tobacco industry repeats decades-old strategies to undermine evidence-based tobacco control measures **(See Annex 2: Parallel Tactics on Cigarettes and NENTPs)**. The tobacco companies’ conduct in marketing NENTPs undermines efforts towards implementation of Article 14 of the WHO FCTC (cessation).

01.

The tobacco industry misleads the public about what constitutes cessation strategies by promoting “reduced-risk nicotine products”, including NENTPs, as cessation tools.

Tobacco companies promote NENTPs as “safer alternatives” and “smoking cessation aids,”^{10,11} despite the WHO stating that these “cannot be safely recommended for consumption” and have the potential to undermine tobacco tax policies and smoke free environments.¹² With the marketing of “smoke free future” and “a better tomorrow” alongside NENTPs, positioned as “harm reduction” devices,¹³ tobacco companies give a false impression that the best means to help the population quit smoking are NENTPs, despite the lack of evidence.^{14,15} Globally-recognized evidence-based cessation approaches requires synergy with other tobacco control measures such as tobacco tax increases and smoke free environments,¹⁶ and do not include NENTPs.

02.

In the guise of ‘cessation’ or helping smokers quit, the tobacco industry justifies the risks of youth uptake.¹⁷ While it outwardly asserts the importance of regulation to protect the youth, it aggressively markets to the youth,¹⁸ especially through social media.¹⁹

As a response to alarming rates of NENTP use among the youth, the tobacco companies engage in public relations strategies²⁰ but resist flavor bans, which is a key strategy used by the tobacco industry to hook young consumers.^{21,22} Conveying misleading information about product safety also contributes to youth uptake.²³ Despite mounting litigation on youth addiction to the NENTPs,^{24,25} the tobacco companies have resisted accountability: to date, there has been no known payment of compensation for damages.

03.

Tobacco industry disparages the effectiveness of evidence-based cessation approaches and mischaracterizes these as ‘Quit or Die’;²⁶ then claims that failure to recognize NENTPs as cessation tools hampers cessation efforts.²⁷

By promoting unproven potentials of NENTPs and simultaneously amplifying traditional cessation approaches as ineffective, the tobacco industry promotes NENTPs in a manner that effectively discourages governments from implementing Article 14 of the WHO FCTC and adopting evidence-based cessation strategies. Notably, assuming for the sake of argument that NENTPs can become cessation tools, a majority of smokers in the world are impoverished and cannot afford them. Further, assuming them to be affordable, dependence in the highly addictive new NENTPs can drive them deeper into poverty.

04. By resisting tax increases, the tobacco industry interferes with the governments' ability to provide accessible and affordable cessation support. The tobacco industry is known for its efforts to resist taxes,²⁸ even during the COVID-19 pandemic, when it is needed the most,²⁹ not only for better recovery but also for cessation services. Consistent with the polluter pays principle and the right of victims to restitution, a universally accepted principle in human rights,³⁰ the Article 14 Guidelines specify that Parties can “consider placing the cost of cessation support on the tobacco industry and retailers, through such measures as designated tobacco taxes; ... and annual tobacco surveillance/control fees for the tobacco industry and retailers.”³¹ By resisting taxes, the tobacco industry undermines the possibility of sustainably financing cessation efforts as recommended by the Guidelines.

05. By marketing themselves as bearers of “public health solutions” through NENTP marketing, the tobacco companies detract attention from being liable for harms caused by their products. Tobacco continues to kill 8 million people annually; yet the tobacco transnational companies continue to dominate the market. By providing NENTPs as ‘safer’ options, the tobacco companies effectively create an impression that they have already compensated for chronic diseases, deaths, and other related harms caused to smokers. They also expressly put the burden on smokers the choice of opting for the ‘unsafe’ alternatives—an assumption of risk which contributes to tobacco companies’ legal defenses. Notably, since scientists have concluded that there is insufficient evidence to show that e-cigarettes are safer in the long run;³² tobacco companies need to be held liable for future harms, given the high likelihood thereof.

06. The tobacco industry confounds the best available evidence of effectiveness by “manipulating science.”³³ The tobacco industry has a history of funding researchers, including through third parties, and using public relations strategies to promote misinformation.³⁴ Even at the height of the declaration of COVID-19 pandemic, groups funded indirectly through PMI cast doubt on the harms of vaping³⁵ while a scientist with past ties to PMI published a flawed study on protective effects of nicotine and smoking.³⁶ When the U.S. Food and Drug Administration (FDA) authorized the marketing IQOS as a modified risk tobacco product and warned against misleading information because the product does not reduce risk of disease and death when compared to cigarette smoking, PMI widely publicized the decision as a “milestone for public health,” misrepresenting the FDA decision.³⁷

07. By insisting to be part of the policy development directly or indirectly through front groups and tobacco-funded entities, the tobacco companies undermine basic conflict of interest rules found in WHO FCTC Articles 5.3 and 14, and their Guidelines. Article 5.3 provides for protecting tobacco control from the “*commercial and vested interests of the tobacco industry.*” Article 14 Guidelines takes this a notch higher, and recommends that governments, in implementing measures to promote cessation and treat tobacco dependence, must protect the same from “*all commercial and vested interests*” including the tobacco industry and all other actual and potential conflicts of interest. The tobacco industry consistently insists participating in policy discussion, in violation of Article 5.3,³⁸ and tobacco-funded research that are promoted by NENTP proponents, including those funded by the tobacco and related industries, are being inserted into policy discussions.³⁹ The tobacco companies and the groups linked with the PMI-funded Foundation for a Smoke-Free World (FSFW) (**See Annex 3**) actively oppose stringent regulations and bans on novel tobacco products in over 30 countries.⁴⁰

INTERNATIONALLY-AGREED POLICY RECOMMENDATIONS⁴¹ FOR NENTPs

1. Prohibit unproven/deceptive health claims⁴²
2. Ban or regulate,⁴³ including as tobacco products, medicinal products, consumer products, or other categories,⁴⁴ as appropriate, taking into account a high level of protection for human health⁴⁵ (including minimizing health risk to users and regulating contents).
3. Protect non-users from exposure to emissions and explicitly extend smoke-free policies to these products
4. Ban or restrict advertising, promotion and sponsorship
5. Prevent initiation especially among the youth⁴⁶
6. Protect tobacco-control activities from all commercial and other vested interests of the tobacco industry⁴⁷

ANNEX I

TOBACCO COMPANIES AND THE NOVEL AND EMERGING NICOTINE AND TOBACCO PRODUCTS (NENTP) MARKET

Tobacco companies own most recognizable NENTP brands and intends to dominate the NENTP market: Through mergers and acquisitions, the largest tobacco transnationals currently own some of the most recognized brands in NENTPs and are the key players in the industry.⁴⁸ The consumers’ inclination to value global brands,⁴⁹ the tobacco industry’s experience in promoting brands and increasing market growth through mergers and acquisitions,⁵⁰ and the governments’ lack of capacity to regulate mergers,⁵¹ all point to the likelihood of further consolidation of the NENTP sector in the tobacco industry.

The tobacco industry in its reports indicate that this sector is a growth area, with the intent to capture larger market shares therein.⁵² A study has found that this “will merely serve to ‘re-normalize’ an industry that is determined to be seen as a responsible business with a legitimate product,” enabling them to rebuild / rehabilitate their image and regain access to regulators, scientists, public health experts, and policy makers and influence tobacco control policy.⁵³

TABLE I. KEY PLAYERS IN NENTP FROM THE TOBACCO INDUSTRY

TOBACCO INDUSTRY ⁵⁴	ENDS BRANDS	HTP BRANDS	CORPORATE BRANDING	RELATED STRATEGIES/ GLOBAL MARKET PROJECTION
British American Tobacco (BAT) / RJ Reynolds (acquired Lorillard) ⁵⁵	Vype / Vuse	Glo Eclipse / Revo / Neocore	Better Tomorrow (Formula I)	Transforming Tobacco, A Better Tomorrow
Imperial Tobacco (acquired Dragonite, Von Erl, Nerudia, and Cosmic Fog, as well as Lorillard’s blu brand) ⁵⁶ / Fontem Ventures	Blu Jai / Puritane	Pulze		European Citizens Initiative: Let’s demand smarter vaping regulations
Japan Tobacco International (JTI) ⁵⁷	Logic cig-a-like E-lites	Ploom	RETHINK tobacco	It’s time to rethink tobacco #ReThinkMusic
Philip Morris International (PMI) / Altria / Juul Labs Inc. (Juul) ⁵⁸	Juul (via Altria) Nicocigs	IQOS / HEETS	Unsmoke Your World, Smoke Free World / Future, Hold My Light, Mission Winnow (Formula I), #ItsTime	Pmiscience, Foundation for a Smoke-Free World (FSFW)

See: World Health Organization. 2019. Selling addiction: Tobacco industry transition to new products. WHO Regional Office for the Eastern Mediterranean. WHO-EM/TFI/197/E. Available from: <https://applications.emro.who.int/docs/FS-TFI-197-2019-EN.pdf?ua=1> (accessed 8 May 2021).

ANNEX 2

PARALLEL TACTICS ON CIGARETTES AND NOVEL AND EMERGING NICOTINE AND TOBACCO PRODUCTS (NENTPs)

The tobacco industry, directly or through third parties, repeats decade-old tactics to undermine lifesaving tobacco control measures.

TABLE 2. PARALLEL TACTICS ON SMOKING AND VAPING

TACTIC	ON SMOKING AND CIGARETTES	NOW ON NENTPs
Create third parties to fund scientific studies that protect tobacco interests	Tobacco companies established the Tobacco Industry Research Committee (TIRC) to fund research “to deny the harms of smoking and reassure the public.” ⁵⁹	Philip Morris funded the Foundation for Smoke Free World (FSFW) to fund research supporting NENTPs “to reduce harms and deaths from smoking,” ^{60,61} but is actually a “façade” to “peddle its products.” ⁶²
Use front groups to give an impression of “grassroots” support ⁶³	Smokers’ rights group were frequently funded by the tobacco industry to lobby against smoke free laws. ⁶⁴	Vaping groups that are funded or allied with the tobacco industry ⁶⁵ lobbies against bans on and strict regulation of NENTPs, ⁶⁶ in accordance with planned strategy to “find allies that cannot be ignored”. ⁶⁷
Downplay and deny health harms and addictiveness of products	<p>Create doubt about scientific evidence on the harms of tobacco products on users and those exposed to second-hand smoke.</p> <p>Use brand names/ labels that suggest products are safer or safe.⁶⁸</p>	<p>Play up NENTPs as a solution to the tobacco epidemic and downplay harms,⁶⁹ to justify marketing the products.</p> <p>Promote misinformation⁷⁰ about the safety of the product.</p>

ANNEX 3

TOBACCO COMPANIES AND PRO-VAPING GROUPS

The tobacco company, Philip Morris international, has been linked to vaping groups that

1. **Receive / benefit from tobacco industry funding but claim independence or deny the same:** They either fail to disclose that they are receiving funding from tobacco companies” or claim to “not receive the same” or declare to be “independent” but have been found to receive tobacco funds, directly or indirectly, and benefit from platforms established or funded by tobacco companies.⁷¹ Denying tobacco industry links, they claim to be “independent”⁷² to increase credibility and to claim a seat at the table.
2. **Fund forums and groups as “voices” to promote NENTPs** as “harm reduction” products,⁷³ and collectively challenge global tobacco control policy development (COP).⁷⁴
3. **Challenge critics who question their failure to declare interests** / non-transparency, disregard for governance, and challenge institutions for lack of transparency⁷⁵ and lack of independence.⁷⁶

Foundation for a Smoke-Free World (FSFW)

The most well-funded pro-NENTPs organization is the PMI -funded FSFW. In 2017, PMI contributed USD 1 Billion towards the establishment of FSFW. In addition to evidence of FSFW’s actions being aligned with PMI’s corporate affairs strategy, a whistleblower has shown further proof of how FSFW is furthering the interests of PMI.⁷⁷ FSFW also attempted to partner or engage with the WHO⁷⁸ and members of the scientific community.

International Network of Nicotine Consumer Organisations (INNCO)

The largest network of NENTP proponents is INNCO. INNCO receives funding from PMI-funded FSFW but claims to have no ties or funds from the tobacco or vaping industry.^{79,80} It admits that its goals overlap with FSFW’s,⁸¹ having been in fact set up following a meeting held during the 2016 Global Forum on Nicotine. INNCO was denied observer status in the Eighth session of the COP in 2018 due to conflict of interest in view of its ties to the tobacco industry and its front groups.⁸²

Knowledge Action Change (KAC)

A significant amount of FSFW funds go into KAC⁸³ which releases subgrants to smaller organizations and funds conferences. It has also received funding from Nicoventures, which was set up by BAT.⁸⁴ It organizes an annual event, the Global Forum on Nicotine, which is attended by personalities from INNCO, FSFW, PMI and BAT.⁸⁵ KAC was founded by Gerry Stimson who is also a former board member of New Nicotine Alliance (NNA),⁸⁶ a member of the INNCO until July 2019.

¹ WHO. 16 March 2021. The importance of tobacco cessation in the context of the COVID-19 pandemic. Available at: <https://www.who.int/news-room/events/detail/2021/03/16/default-calendar/the-importance-of-tobacco-cessation-in-the-context-of-the-COVID-19-pandemic> (accessed 17 May 2021).

² WHO. 8 December 2021. WHO launches year-long campaign to help 100 million people quit tobacco. Available at: <https://www.who.int/news/item/08-12-2020-who-launches-year-long-campaign-to-help-100-million-people-quit-tobacco> (accessed 17 May 2021).

³ See: WHO FCTC: Guidelines for implementation of Article 14. Available from: <https://fctc.who.int/publications/m/item/guidelines-for-implementation-of-article-14> (accessed 17 May 2021).

⁴ WHO FCTC (2003), art. 14.1. Available at: <https://apps.who.int/iris/bitstream/handle/10665/42811/9241591013.pdf> (accessed 17 May 2021).

⁵ WHO FCTC: Guidelines for implementation of Article 14. Available from: <https://fctc.who.int/publications/m/item/guidelines-for-implementation-of-article-14> (accessed 17 May 2021). – *One of the stated purposes of the Article 14 Guidelines is to “encourage Parties to strengthen a sustainable infrastructure to motivate quitting tobacco use and provide access and to support and to incorporate tobacco dependence treatment into health systems.”*

⁶ WHO Report on the Global Tobacco Epidemic, 2019. Geneva: World Health Organization; 2019. Available from: <https://www.who.int/teams/health-promotion/tobacco-control/who-report-on-the-global-tobacco-epidemic-2019> (accessed 17 May 2021). p. 20.

See also: WHO. Smoking cessation. Available from: https://www.who.int/tobacco/publications/smoking_cessation/en/ (accessed 17 May 2021).

⁷ Gee RE, Boles WR and Smith DG. 13 January 2021. E-cigarettes: A public health threat, not a population health intervention. *American Journal of Public Health*. Available from: <https://ajph.aphapublications.org/doi/10.2105/AJPH.2020.306072> (accessed 18 May 2021).

See also: Decisions of the Conference of the Parties (COP) to the WHO FCTC and Reports of the WHO on NENTPs are available here: WHO. 13 September 2019. The Convention Secretariat calls Parties to remain vigilant towards novel and emerging nicotine and tobacco products. Available from: <https://www.who.int/fctc/mediacentre/news/2019/remain-vigilant-towards-novel-new-nicotine-tobacco-products/en/> (accessed 17 May 2021).

⁸ Decisions of the Conference of the Parties (COP) to the WHO FCTC and Reports of the WHO on NENTPs are available here: WHO. 13 September 2019. The Convention Secretariat calls Parties to remain vigilant towards novel and emerging nicotine and tobacco products. Available from: <https://www.who.int/fctc/mediacentre/news/2019/remain-vigilant-towards-novel-new-nicotine-tobacco-products/en/> (accessed 17 May 2021).

⁹ *Ibid.*

¹⁰ See: Philip Morris International. Unsmoke your mind. Available from: <https://www.pmi.com/our-initiatives/unsmoke-your-mind> (accessed 11 May 2021); Foundation for a Smoke-Free World. Available from: <https://www.smokefreeworld.org/> (accessed 11 May 2021); British American Tobacco. Our purpose and strategy. Available from: https://www.bat.com/group/sites/UK_9D9KCY.nsf/vwPagesWebLive/DO9DEM4L (accessed 13 May 2021); Japan Tobacco International. Reduced-risk products – Our vaping products. Available from: <https://www.jti.com/about-us/what-we-do/our-reduced-risk-products> (accessed 13 May 2021).

See also: WHO. 2019. Selling addiction: Tobacco industry transition to new products. WHO Regional Office for the Eastern Mediterranean. WHO-EM/TFI/197/E. Available from: <https://applications.emro.who.int/docs/FS-TFI-197-2019-EN.pdf?ua=1&ua=1> (accessed 8 May 2021). – Table 1 provides the “transformation messages” promoted by the tobacco industry, some of which are reproduced in Table 1 of the current document, to wit:

1. RJ Reynolds – Transforming Tobacco
2. British American Tobacco – A Better Tomorrow
3. Japan Tobacco – It’s time to rethink tobacco
4. PMI – Smoke-Free Future; Hold My Light; Unsmoke Your World.

Cf. National Academies of Sciences, Engineering, and Medicine; Health and Medicine Division; Board on Population Health and Public Health Practice; Committee on the Review of the Health Effects of Electronic Nicotine Delivery Systems; Eaton DL, Kwan LY, Stratton K, editors. *Public Health Consequences of E-Cigarettes*. Washington (DC): National Academies Press (US); 2018 January 23. 17, Smoking Cessation Among Adults. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK507176/> (accessed 9 May 2021). – “Conclusion 17-1. Overall, there is limited evidence that e-cigarettes may be effective aids to promote smoking cessation.” “Conclusion 17-2. There is moderate evidence from randomized controlled trials that e-cigarettes with nicotine are more effective than e-cigarettes without nicotine for smoking cessation.” “Conclusion 17-3. There is insufficient evidence from randomized controlled trials about the effectiveness of e-cigarettes as cessation aids compared with no treatment or to Food and Drug Administration–approved smoking cessation treatments.”

¹¹ See also: British American Tobacco. Building a better tomorrow. Available from: https://www.bat.com/group/sites/UK_9D9KCY.nsf/vwPagesWebLive/DOBNRDVZ# (accessed 18 May 2021); Philip Morris International. 31 July 2019. Our transformation: Delivering a smoke-free future. Available from: <https://www.pmi.com/our-transformation/delivering-a-smoke-free-future> (accessed 18 May 2021); Japan Tobacco International. Evolution of the tobacco industry: Building a brighter future. Available from: <https://www.jti.com/news-views/building-brighter-future> (accessed 18 May 2021); Japan Tobacco International. Reduced-risk products: How do they fit in the future of JTI? Available from: <https://www.jti.com/news-views/reduced-risk-products-how-do-they-fit-future-jti> (accessed 18 May 2021).

¹² Decisions of the Conference of the Parties (COP) to the WHO FCTC and Reports of the WHO on NENTPs are available here: WHO. 13 September 2019. The Convention Secretariat calls Parties to remain vigilant towards novel and emerging nicotine and tobacco products. Available from: <https://www.who.int/fctc/mediacentre/news/2019/remain-vigilant-towards-novel-new-nicotine-tobacco-products/en/> (accessed 17 May 2021).

¹³ Dewhirst T. 12 August 2020. Co-optation of harm reduction by Big Tobacco. *Tobacco Control*. doi: 10.1136/tobaccocontrol-2020-056059. Available from: <https://tobaccocontrol.bmj.com/content/early/2020/08/11/tobaccocontrol-2020-056059> (accessed 18 May 2021). See also: British American Tobacco. Building a better tomorrow. Available from: <https://www.bat.com/group/sites/UK9D9KCY.nsf/vwPagesWebLive/DOBNRDVZ#> (accessed 18 May 2021); Philip Morris International. 31 July 2019. Our transformation: Delivering a smoke-free future. Available from: <https://www.pmi.com/our-transformation/delivering-a-smoke-free-future> (accessed 18 May 2021); Japan Tobacco International. Evolution of the tobacco industry: Building a brighter future. Available from: <https://www.jti.com/news-views/building-brighter-future> (accessed 18 May 2021); Japan Tobacco International. Reduced-risk products: How do they fit in the future of JTI? Available from: <https://www.jti.com/news-views/reduced-risk-products-how-do-they-fit-future-jti> (accessed 18 May 2021).

¹⁴ Gee RE, Boles WR and Smith DG. 13 January 2021. E-cigarettes: A public health threat, not a population health intervention. *American Journal of Public Health*. Available from: <https://ajph.aphapublications.org/doi/10.2105/AJPH.2020.306072> (accessed 18 May 2021).

¹⁵ WHO. August 2016. Electronic Nicotine Delivery Systems and Electronic Non-Nicotine Delivery Systems (ENDS/ENNDs): Report by WHO. Conference of the Parties to the WHO Framework Convention on Tobacco Control; Seventh session, Delhi, India, 7-12 November 2016. FCTC/COP/7/11. Available at: https://www.who.int/fctc/cop/cop7/FCTC_COP_7_11_EN.pdf?ua=1%22&ua=1 (accessed 8 May 2021). Citing: Levy D, Borland R, Villanti A, Niaura R, Yuan Z, Zhang Y et al. The Application of a Decision-Theoretic Model to Estimate the Public Health Impact of Vaporized Nicotine Product Initiation in the United States. *Nicotine & Tobacco Research*. 2016; Kalkhoran S, Glantz S. Modeling the Health Effects of Expanding e-Cigarette Sales in the United States and United Kingdom. *JAMA Internal Medicine*. 2015;175(10):1671.

- ¹⁶ WHO FCTC: Guidelines for implementation of Article 14. Available from: <https://fctc.who.int/publications/m/item/guidelines-for-implementation-of-article-14> (accessed 17 May 2021).
- ¹⁷ See, for examples: Wells L. 26 February 2019. British American Tobacco tackles youth vaping. Talking Retail. Available from: <https://www.talkingretail.com/news/industry-news/british-american-tobacco-tackles-youth-vaping-26-02-2019/> (accessed 19 May 2021); Philip Morris International. 23 April 2019. Age matters: PMI calls all tobacco and e-cigarette companies to do their part to guard against youth nicotine use. Available from: <https://www.pmi.com/media-center/press-releases/press-release-details?newsId=15586> (accessed 19 May 2021).
- ¹⁸ Campaign for Tobacco Free Kids. 10 May 2019. Philip Morris caught red-handed marketing IQOS to young people on social media. Statement of Matthew L. Myers, President, Campaign for Tobacco-Free Kids. Available from: https://www.tobaccofreekids.org/press-releases/2019_05_10_pmi_iqos_socialmedia_marketing (accessed 19 May 2021).
- ¹⁹ Davies R and Chapman M. 20 February 2021. Tobacco giant bets £1bn on influencers to boost 'more lung-friendly' sales. The Guardian. Available from: <https://www.theguardian.com/business/2021/feb/20/tobacco-giant-bets-1bn-on-social-media-influencers-to-boost-lung-friendlier-sales> (accessed 19 May 2021). See also: Chapman M. 24 February 2021. How British American Tobacco sells nicotine to young people. Campaign. Available from: <https://www.campaignlive.co.uk/article/british-american-tobacco-sells-nicotine-young-people/1708259> (accessed 19 May 2021).
- ²⁰ Wells L. 26 February 2019. British American Tobacco tackles youth vaping. Talking Retail. Available from: <https://www.talkingretail.com/news/industry-news/british-american-tobacco-tackles-youth-vaping-26-02-2019/> (accessed 19 May 2021); Philip Morris International. 23 April 2019. Age matters: PMI calls all tobacco and e-cigarette companies to do their part to guard against youth nicotine use. Available from: <https://www.pmi.com/media-center/press-releases/press-release-details?newsId=15586> (accessed 19 May 2021).
- ²¹ Klausner K. 19 April 2011. Menthol cigarettes and smoking initiation: a tobacco industry perspective. Tobacco Control. 2011;20:ii12-ii19. Available from: https://tobaccocontrol.bmj.com/content/20/Suppl_2/ii12 (accessed 19 May 2021).
- ²² Pepper JK, Ribisl KM, Brewer NT. 17 November 2016. Adolescents' interest in trying flavoured e-cigarettes Tobacco Control 2016;25:ii62-ii66. Available from: https://tobaccocontrol.bmj.com/content/25/Suppl_2/ii62 (accessed 19 May 2021).
- ²³ Tan ASL and Bigman CA. 1 October 2020. Misinformation About Commercial Tobacco Products on Social Media—Implications and Research Opportunities for Reducing Tobacco-Related Health Disparities. American Journal of Public Health. 2020;110(S3):S281-S283. Available at: <https://ajph.aphapublications.org/doi/10.2105/AJPH.2020.305910> (accessed 9 May 2021). — “For example, misinformation from the online marketing of e-cigarettes by manufacturers, retailers, and social media influencers has claimed that e-cigarettes contain only water vapor and are harmless. This misinformation serves to downplay the risks and addictiveness of e-cigarette use and is in part responsible for the youth vaping epidemic of recent years.” See also: WHO. 2019. Selling addiction: Tobacco industry transition to new products. WHO Regional Office for the Eastern Mediterranean. WHO-EM/TFI/197/E. Available from: <https://applications.emro.who.int/docs/FS-TFI-197-2019-EN.pdf?ua=1&ua=1> (accessed 8 May 2021).
- ²⁴ Saiontz & Kirk, P.A. May 2021. JUUL and e-cigarette lawsuits. AboutLawsuits.com. Available from: <https://www.aboutlawsuits.com/e-cig/> (accessed 19 May 2021).
- ²⁵ Iovino N. 21 September 2020. Nicotine giants fight RICO claims in sprawling e-cigarette class action. Courthouse News Service. Available from: <https://www.courthousenews.com/nicotine-giants-fight-rico-claims-in-sprawling-e-cigarette-class-action/> (accessed 19 May 2021).
- ²⁶ Yach D. World No Tobacco Day: It's time to go beyond quit or die. Available from: <https://www.smokefreeworld.org/our-vision/dr-derek-yachs-corner/reflections/> (accessed 19 May 2021); Foundation for a Smoke-Free World Admin. 29 August 2019. “No fire, no smoke”. Available from: <https://www.smokefreeworld.org/reports/no-fire-no-smoke/> (accessed 19 May 2021); Olson J. 27 June 2019. Opening up the echo chamber: One attendee's notes on day 3 of GFN 2019. Available from: <https://www.pmiscience.com/whats-new/GFN-2019-day-3> (accessed 19 May 2021); Noonan AM. 14 August 2019. Philip Morris International's COO explains its new 'smoke-free' direction. RealBusiness. Available from: <https://realbusiness.co.uk/philip-morris-international-smoke-free/> (accessed 19 May 2021); Reyes MA LL. 1 August 2020. A new way of thinking. Hidden Agenda. PhilStar Global. Available from: <https://www.philstar.com/business/2020/08/01/2032048/new-way-thinking> (accessed 19 May 2021). See also: INNCO. Available from: <https://innco.org> (accessed 19 May 2021); Knowledge Action Change. 2019 Policy Address. Available from: [https://kachange.eu/storage/app/uploads/public/KAC%20Submission%20HK%20\(August%202019\).pdf](https://kachange.eu/storage/app/uploads/public/KAC%20Submission%20HK%20(August%202019).pdf) (accessed 19 May 2021); New Nicotine Alliance. 17 August 2018. Today's Science and Technology Committee report is a step change in the UK's approach to harm reduction. Available from: <https://nalliance.org/blog?start=20> (accessed 19 May 2021).
- ²⁷ Foundation for a Smoke-Free World. 23 January 2020. Foundation for a Smoke-Free World's Statement on “Smoking Cessation: A Report of the Surgeon General,” Released on January 23, 2020. Available from: <https://www.prnewswire.com/news-releases/foundation-for-a-smoke-free-worlds-statement-on-smoking-cessation-a-report-of-the-surgeon-general-released-on-january-23-2020-300992331.html> (accessed 19 May 2021).
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- ³¹ WHO FCTC: Guidelines for implementation of Article 14. Available from: <https://fctc.who.int/publications/m/item/guidelines-for-implementation-of-article-14> (accessed 17 May 2021).
- ³² Gotts JE, Jordt S, McConnell R, and Tarran R. 30 September 2019. What are the respiratory effects of e-cigarettes? BMJ. 2019;366:15275. doi:10.1136/bmj.15275. Available at: <https://www.bmj.com/content/366/bmj.15275> (accessed 9 May 2021). — “Studies show measurable adverse biologic effects on organ and cellular health in humans, in animals, and in vitro. The effects of e-cigarettes have similarities to and important differences from those of cigarettes. Decades of chronic smoking are needed for development of lung diseases such as lung cancer or chronic obstructive pulmonary disease, so the population effects of e-cigarette use may not be apparent until the middle of this century. We conclude that current knowledge of these effects is insufficient to determine whether the respiratory health effects of e-cigarette are less than those of combustible tobacco products.”
- ³³ Wikipedia. 6 May 2021. Tobacco industry playbook. Available from: https://en.wikipedia.org/wiki/Tobacco_industry_playbook (accessed 19 May 2021).
- ³⁴ Vital Strategies. September 2019. Crooked Nine: Nine ways the tobacco industry undermines health policy. Available from: <https://>

exposetobacco.org/wp-content/uploads/2019/09/Crooked-9-STOP.pdf (accessed 19 May 2021); STOP. 13 May 2021. How Philip Morris is trying to subvert the ‘Future of Asia’. Available from: <https://exposetobacco.org/news/subvert-future-of-asia/> (accessed 19 May 2021); Evans-Reeves K for STOP. Addiction at any cost: Philip Morris International uncovered. Available from: https://exposetobacco.org/wp-content/uploads/STOP_Report_Addiction-At-Any-Cost.pdf (accessed 19 May 2021); University of Bath Tobacco Control Research Group. 10 November 2020. Harm reduction. Available from: <https://tobaccotactics.org/wiki/harm-reduction/> (accessed 19 May 2021).

³⁵ Kary T. 17 April 2020. Philip Morris is funding pro-vaping virus spin. Bloomberg. Available from: <https://www.bloomberg.com/news/articles/2020-04-17/philip-morris-money-is-funding-pro-vaping-coronavirus-spin> (accessed 19 May 2021).

³⁶ STOP. 28 April 2020. Studies that suggest smoking and nicotine protect against COVID-19 are flawed. Available from: <https://exposetobacco.org/news/flawed-covid-19-studies/> (accessed 19 May 2021).

³⁷ STOP. 15 July 2020. FDA does not rule that IQOS reduces tobacco-related harm. Available from: <https://exposetobacco.org/resource/fda-iqos/> (accessed 21 May 2021). – “Summary: On July 7, 2020, the U.S. Food and Drug Administration (FDA) published the outcome of Philip Morris International’s (PMI) application to market IQOS, its heated tobacco product, as a “modified risk tobacco product” in the U.S. The FDA has two standards for assessing modified risk. It agreed that the data submitted by PMI showed that IQOS may reduce exposure to harmful substances, but that IQOS does not reduce risk of disease and death when compared to cigarette smoking. Nevertheless, PMI immediately launched a global PR campaign, hailing the decision as a “milestone for public health” and encouraging other countries to follow the FDA’s lead. This misrepresents the FDA’s decision. Furthermore, the documents setting out the FDA’s decision reveal concerns about potential youth and non-smoker uptake of IQOS and request more research on the impacts of the product and its use...”

See also: Philip Morris International. 7 July 2020. The U.S. FDA authorizes PMI’s IQOS as a modified risk tobacco product. Available from: <https://www.pmi.com/media-center/news/u.s.-fda-authorizes-pmi-s-iqos-as-a-modified-risk-tobacco-product> (accessed 19 May 2021).

³⁸ Esguerra-Huggins B and Nadate AC for HealthJustice Philippines. Tobacco and e-cigarette industry interference in public health policy in the Philippines. Available from: <http://www.healthjustice.ph/wp-content/uploads/2019/05/Tobacco-and-E-Cigarette-Industry-Interference-in-Public-Health-Policy-in-the-Philippines.pdf> (accessed 21 May 2021). – Vaping industry associations lobbied for favorable regulations on ENDS, attending sessions of local and national legislative bodies regarding the same. They submitted their positions to the Office of the President regarding a proposed national smoking ban. They opposed the regulatory jurisdiction of the Philippines’ Food and Drug Administration (FDA) but welcomed regulation by the Department of Trade and Industry (DTI).

See also: Saldaña N and Rincón S. The hidden links between the tobacco industry and pro-vaping advocates in Mexico. Available from: https://www.ethos.org.mx/wp-content/uploads/2021/03/Tabaco-y-voceros-PDF-WEB_EN.pdf (accessed 21 May 2021). – Civil organizations that advocate vaping (use of e-cigarettes and vaporizers) were found to be closely related to the tobacco industry and to have received funding from the vaping industry and small nicotine retailers, as well as INNCO, an organization indirectly financed by PMI. They were also found to have participated in events sponsored by tobacco companies. Such organizations attended forums, appeared in the media and social media, the Supreme Court of Justice and Congress to promote the idea that vaping is less harmful than smoking tobacco and that it is an alternative to stop smoking cigarettes, while attacking public officials that highlighted the potential harms of their products.

Assunta M. November 2020. Global tobacco industry interference index 2020. Bangkok, Thailand: Global Center for Good Governance in Tobacco Control; 2020. Available

from: <https://globaltobaccoindex.org/upload/assets/OeQLgCFNDGHfy6gBe6BM5xA5Q2CiksfI EjzyWXQzwaDykgKMYJ.pdf> (accessed 19 May 2021), pp.7-10.

³⁹ Esguerra-Huggins B and Nadate AC for HealthJustice Philippines. Tobacco and e-cigarette industry interference in public health policy in the Philippines. Available from: <http://www.healthjustice.ph/wp-content/uploads/2019/05/Tobacco-and-E-Cigarette-Industry-Interference-in-Public-Health-Policy-in-the-Philippines.pdf> (accessed 21 May 2021). – “While the tobacco industry’s e-cigarette products are available in the market, the companies are not visible in public debates on e-cigarettes. Instead, the vaping community is in the forefront championing the issue. Their views are represented by three main groups: the Philippine E-Cigarette Industry Association (PECIA), the Philippine E-Liquid Manufacturers Association, Inc. (PEMA), and The Vapers Philippines (TVP).” These vaping industry associations actively lobby on proposed legislation regarding ENDS, submitting position papers and participating in deliberations. At least one of them has indirect ties to the tobacco industry, TVP being a member of INNCO.

See also: Saldaña N and Rincón S. The hidden links between the tobacco industry and pro-vaping advocates in Mexico. Available from: https://www.ethos.org.mx/wp-content/uploads/2021/03/Tabaco-y-voceros-PDF-WEB_EN.pdf (accessed 21 May 2021). – Similar to the Philippine setting, vaping organizations that advocated vaping as less harmful and a viable alternative to cigarettes were found to have ties to the tobacco industry and to have received funding not only from vaping companies but also from INNCO, an organization indirectly financed by PMI.

Mayuga JL. 9 April 2017. Expert: E-cigarettes effective in fighting nicotine addiction. BusinessMirror. Available from: <https://businessmirror.com.ph/2017/04/09/expert-e-cigarettes-effective-in-fighting-nicotine-addiction/> (accessed 21 May 2021). – The writer advocated NENTPs, citing “more than 1,000 studies proving that vaping or smoking e-cigarettes is less harmful than tobacco or cigarette smoking”, as well as certain experts who were slated to appear as expert resource persons during legislative hearings on the pending bill regulating e-cigarettes.

Assunta M. November 2020. Global tobacco industry interference index 2020. Bangkok, Thailand: Global Center for Good Governance in Tobacco Control; 2020. Available from: <https://globaltobaccoindex.org/upload/assets/OeQLgCFNDGHfy6gBe6BM5xA5Q2CiksfI EjzyWXQzwaDykgKMYJ.pdf> (accessed 19 May 2021).

⁴⁰ GGTC. 24 February 2020. E-cigarette ban and regulation: Global status as of February 2020. Available from: <https://landing.ggtc.world/2020/02/24/e-cigarette-ban-regulation-global-status-as-of-february-2020/> (accessed 21 May 2021).

See also: Assunta M. November 2020. Global tobacco industry interference index 2020. Bangkok, Thailand: Global Center for Good Governance in Tobacco Control; 2020. Available from: <https://globaltobaccoindex.org/upload/assets/OeQLgCFNDGHfy6gBe6BM5xA5Q2CiksfI EjzyWXQzwaDykgKMYJ.pdf> (accessed 19 May 2021).

⁴¹ Decisions of the Conference of the Parties (COP) to the WHO FCTC and Reports of the WHO on NENTPs are available here: WHO. 13 September 2019. The Convention Secretariat calls Parties to remain vigilant towards novel and emerging nicotine and tobacco products. Available from: <https://www.who.int/fctc/mediacentre/news/2019/remain-vigilant-towards-novel-new-nicotine-tobacco-products/en/> (accessed 17 May 2021). – Upon recommendations made by WHO experts, the COP to the WHO FCTC decided on these recommendations to provide flexibility for parties. Notably, WHO recommendations specifically provide for banning products and to regulate if products cannot be banned.”

⁴² The COP has recommended that these products’ health claims should be prohibited until they are scientifically proven. COP6 invited Parties to take measures in relation to ENDS/ENNDS and to consider prohibiting or otherwise regulating them, including as tobacco products, medicinal products, consumer products, or other categories, as appropriate.

See: WHO FCTC COP.6 October 2018. Decision: Novel and emerging tobacco products. Conference of the Parties to the WHO Framework Convention on Tobacco Control; Eighth session. FCTC/COP8(22). Available at: [https://www.who.int/fctc/cop/sessions/cop8/FCTC_COP8\(22\).pdf?%22&ua=1](https://www.who.int/fctc/cop/sessions/cop8/FCTC_COP8(22).pdf?%22&ua=1) (accessed 8 May 2021). - “5. REMINDS Parties about their commitments under the WHO FCTC when addressing the challenges posed by novel and emerging tobacco products such as heated tobacco products and devices designed for consuming such products, and consider prioritizing the following measures in accordance with the WHO FCTC and national law: x. x. x (c) to prevent health claims from being made about novel and emerging tobacco products;”

See also: WHO FCTC COP.18 October 2014. Decision: Electronic nicotine delivery systems and electronic non-nicotine delivery systems. Conference of the Parties to the WHO Framework Convention on Tobacco Control; Sixth session, Moscow, Russian Federation, 13-18 October 2014. FCTC/COP6(9). Available at: [https://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6\(9\)-en.pdf?ua=1](https://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6(9)-en.pdf?ua=1) (accessed 8 May 2021). - “2. INVITES Parties, when addressing the challenge posed by ENDS/ENNDS, to consider taking measures such as those referred to in document FCTC/COP6/10 Rev.1 in order to achieve at least the following objectives, in accordance with national law: x. x. x (c) prevent unproven health claims from being made about ENDS/ENNDS;”

⁴³ The manufacture, importation, distribution, presentation, sale and use of ENDS/ENNDS. COP7 applies this to ENDS / ENNDS. At COP8, HTPs were recognized as tobacco products, subject to all relevant provisions of the WHO FCTC and to the relevant domestic legislation and controls.

See: WHO. August 2016. Electronic Nicotine Delivery Systems and Electronic Non-Nicotine Delivery Systems (ENDS/ENNDS): Report by WHO. Conference of the Parties to the WHO Framework Convention on Tobacco Control; Seventh session, Delhi, India, 7-12 November 2016. FCTC/COP7/11. Available at: https://www.who.int/fctc/cop/cop7/FCTC_COP_7_11_EN.pdf?ua=1%22&ua=1 (accessed 8 May 2021) - “29. Objective: prevent the initiation of ENDS/ENNDS by non-smokers and youth with special attention to vulnerable groups. Although the debate about whether the use of ENDS/ENNDS is a gateway to smoking is unresolved, preventing this eventuality requires making the initiation and persistence of smoking as difficult as possible. Parties that have not banned the importation, sale, and distribution of ENDS/ENNDS may consider the following options: a. Banning the sale and distribution of ENDS/ENNDS to minors;...”

See also: WHO FCTC COP.12 November 2016. Decision: Electronic nicotine delivery systems and electronic non-nicotine delivery systems. Conference of the Parties to the WHO Framework Convention on Tobacco Control; Seventh session. Delhi, India, 7-12 November 2016. FCTC/COP7(9). Available at: https://www.who.int/fctc/cop/cop7/FCTC_COP7_9_EN.pdf?ua=1 (accessed 8 May 2021). - “2. INVITES Parties to consider applying regulatory measures such as those referred to in document FCTC/COP7/11 to prohibit or restrict the manufacture, importation, distribution, presentation, sale and use of ENDS/ENNDS, as appropriate to their national laws and public health objectives;”

See also: WHO FCTC COP.6 October 2018. Decision: Novel and emerging tobacco products. Conference of the Parties to the WHO Framework Convention on Tobacco Control; Eighth session. FCTC/COP8(22). Available at: [https://www.who.int/fctc/cop/sessions/cop8/FCTC_COP8\(22\).pdf?%22&ua=1](https://www.who.int/fctc/cop/sessions/cop8/FCTC_COP8(22).pdf?%22&ua=1) (accessed 8 May 2021). - “5. REMINDS Parties about their commitments under the WHO FCTC when addressing the challenges posed by novel and emerging tobacco products such as heated tobacco products and devices designed for consuming such products, and consider prioritizing the following measures in accordance with the WHO FCTC and national law: x. x. x. (g) to regulate, including restrict, or prohibit, as appropriate, the manufacture, importation, distribution, presentation, sale and use of novel and emerging tobacco products, as appropriate to their national laws, taking into account a high level of protection for human health;”

⁴⁴ Such as: tobacco products; products imitating tobacco; medicinal products; pharmaceutical products; consumer products; poisons or ENDS as a new product category. See: WHO FCTC COP.27 June 2018.

Progress report on regulatory and market developments on electronic nicotine delivery systems (ENDS) and electronic non-nicotine delivery systems (ENNDS): Report by the Convention Secretariat, p.4. FCTC/COP8/10. Conference of the Parties to the WHO FCTC, Eighth session, Geneva, Switzerland, 1-6 October 2018. Available from: https://www.who.int/fctc/cop/sessions/cop8/FCTC_COP_8_10-EN.pdf?ua=1 (accessed 20 May 2021).

⁴⁵ i.e. for those that have not banned the same. Parties to consider prohibiting or regulating ENDS/ENNDS, including as tobacco products, medicinal products, consumer products, or other categories, as appropriate, taking into account a high level of protection for human health.

Ibid. See also: WHO FCTC COP.18 October 2014. Decision: Electronic nicotine delivery systems and electronic non-nicotine delivery systems, p.2. Conference of the Parties to the WHO Framework Convention on Tobacco Control; Sixth session, Moscow, Russian Federation, 13-18 October 2014. FCTC/COP6(9). Available at: [https://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6\(9\)-en.pdf?ua=1](https://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6(9)-en.pdf?ua=1) (accessed 8 May 2021) - “3. INVITES Parties to consider prohibiting or regulating ENDS/ENNDS, including as tobacco products, medicinal products, consumer products, or other categories, as appropriate, taking into account a high level of protection for human health;”

See also: WHO FCTC COP.6 October 2018. Decision: Novel and emerging tobacco products. FCTC/COP8(22). Conference of the Parties to the WHO FCTC, Eighth session, Geneva, Switzerland, 1-6 October 2018. Available from: [https://www.who.int/fctc/cop/sessions/cop8/FCTC_COP8\(22\).pdf?%22&ua=1](https://www.who.int/fctc/cop/sessions/cop8/FCTC_COP8(22).pdf?%22&ua=1) (accessed 20 May 2021). - “5. REMINDS Parties about their commitments under the WHO FCTC when addressing the challenges posed by novel and emerging tobacco products such as heated tobacco products and devices designed for consuming such products, and consider prioritizing the following measures in accordance with the WHO FCTC and national law: x x x (g) to regulate, including restrict, or prohibit, as appropriate, the manufacture, importation, distribution, presentation, sale and use of novel and emerging tobacco products, as appropriate to their national laws, taking into account a high level of protection for human health;”

⁴⁶ Truth Initiative, November 2019. Spinning a new tobacco industry: How Big Tobacco is trying to sell a do-gooder image and what Americans think about it. Available from: https://truthinitiative.org/sites/default/files/media/files/2019/11/Tobacco%20Industry%20Interference%20Report_final111919.pdf (accessed 13 May 2021). p.19

⁴⁷ *Ibid.*, p. 15. See also: Meyer T. 11 September 2019. Juul threw millions of dollars at Washington. It hasn't bought much. Politico. Available from: <https://www.politico.com/story/2019/09/11/juul-vaping-lobbying-washington-1491029> (accessed 13 May 2021).

⁴⁸ Truth Initiative. November 2019. Spinning a new tobacco industry: How Big Tobacco is trying to sell a do-gooder image and what Americans think about it. Available from: https://truthinitiative.org/sites/default/files/media/files/2019/11/Tobacco%20Industry%20Interference%20Report_final111919.pdf (accessed 13 May 2021).

⁴⁹ Holt D, Quelch J, and Taylor EL. 20 September 2004. How Global Brands Compete. Harvard Business Review. Available at: <https://hbr.org/2004/09/how-global-brands-compete> (accessed 8 May 2021). - “Fifty-five percent of respondents, on average, rely on the global success of a company as a signal of quality and innovation.”

⁵⁰ Mathers A, Hawkins B and Lee K. Transnational Tobacco Companies and New Nicotine Delivery Systems. American Journal of Public Health. 2019;109(2):227-235. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6336036/> (accessed 8 May 2021).

⁵¹ OECD. February 2011. Cross-Border Merger Control: Challenges for Developing and Emerging Economies. Global Forum on Competition. Available at: <https://www.oecd.org/daf/competition/mergers/50114086.pdf> (accessed 8 May 2021).

⁵² Philip Morris International. 2020 Annual Report. Available from: https://pmidotcom3-prd.s3.amazonaws.com/docs/default-source/investor_relation/pmi_2020_annualreport.pdf?sfvrsn=402b8eb4_4

(accessed 8 May 2021); British American Tobacco. Annual Report and Form 20-F 2020. Available from: [https://www.bat.com/group/sites/UK_9D9KCY.nsf/vwPagesWebLive/DOAVVWGJT/\\$file/BAT_Annual_Report_and_Form_20-F_2020.pdf](https://www.bat.com/group/sites/UK_9D9KCY.nsf/vwPagesWebLive/DOAVVWGJT/$file/BAT_Annual_Report_and_Form_20-F_2020.pdf) (accessed 8 May 2021); Japan Tobacco Inc. Integrated Report 2020. Available from: <https://www.jti.com/sites/default/files/global-files/documents/jti-annual-reports/integrated-report-2020.pdf> (accessed 8 May 2021); Imperial Brands PLC. Annual Reports and Accounts 2020. Available from: https://www.imperialbrandspc.com/content/dam/imperial-brands/corporate/investors/annual-report-and-accounts/2020/Online-Annual-Report/Annual_Report_2020.pdf (accessed 8 May 2021).

⁵³ University of Bath Tobacco Control Research Group. 2 April 2021. Next Generation Products. Tobacco Tactics. Available from: <https://tobaccotactics.org/wiki/next-generation-products/> (accessed 13 May 2021). Citing: Peeters S, Gilmore AB. Understanding the emergence of the tobacco industry's use of the term tobacco harm reduction in order to inform public health policy. *Tobacco Control*. 2015;24:182-189. Available from: <https://tobaccocontrol.bmj.com/content/24/2/182> (accessed 13 May 2021).

See also: Truth Initiative. November 2019. Spinning a new tobacco industry: How Big Tobacco is trying to sell a do-gooder image and what Americans think about it. Available from: https://truthinitiative.org/sites/default/files/media/files/2019/11/Tobacco%20Industry%20Interference%20Report_final_111919.pdf (accessed 13 May 2021).

⁵⁴ Others mentioned in market reports, such as – Altria Group, Inc.; British American Tobacco; Imperial Brands; International Vapor Group; Japan Tobacco, International; NicQuid; J Nicotek LLC, Njoy Inc JUUL Labs, Inc.; Philip Morris International, Inc.; R.J. Reynolds Vapor Company; Ymr Flavours LLC. Nicquid; Shenzhen IVPS Technology Co., Ltd.; and Shenzhen KangerTech Technology Co., Ltd.

⁵⁵ University of Bath Tobacco Control Research Group. 22 May 2020. RJ Reynolds. Tobacco Tactics. Available from: <https://tobaccotactics.org/wiki/rj-reynolds/> (accessed 8 May 2021); University of Bath Tobacco Control Research Group. 8 June 2020. E-cigarettes: British American Tobacco. Tobacco Tactics. Available from: <https://tobaccotactics.org/wiki/e-cigarettes-british-american-tobacco/> (accessed 11 May 2021).

⁵⁶ University of Bath Tobacco Control Research Group. 23 April 2021. E-Cigarettes: Imperial Tobacco. Tobacco Tactics. Available from: <https://tobaccotactics.org/wiki/e-cigarettes-imperial-tobacco/> (accessed 8 May 2021).

⁵⁷ University of Bath Tobacco Control Research Group. 8 June 2020. E-cigarettes: Japan Tobacco International. Tobacco Tactics. Available from: <https://tobaccotactics.org/wiki/e-cigarettes-japan-tobacco-international/> (accessed 11 May 2021).

⁵⁸ University of Bath Tobacco Control Research Group. 10 July 2020. E-cigarettes: Philip Morris International. Tobacco Tactics. Available from: <https://tobaccotactics.org/wiki/e-cigarettes-philip-morris-international/> (accessed 11 May 2021).

⁵⁹ University of Bath Tobacco Control Research Group. 7 February 2020. Tobacco Industry Research Committee. Tobacco Tactics. Available at: <https://tobaccotactics.org/wiki/tobacco-industry-research-committee/> (accessed 8 May 2021). – “In a 1998 lawsuit “United States Vs Philip Morris” Judge Gladys Kessler stated that the TIRC was: “a sophisticated public relations vehicle based on the premise of conducting independent scientific research – to deny the harms of smoking and reassure the public.””

⁶⁰ WHO. 2019. Tobacco industry: Decades of deception and duplicity. WHO Regional Office for the Eastern Mediterranean. WHO-EM/TFI/198/E. Available from: <https://applications.emro.who.int/docs/FS-TFI-198-2019-EN.pdf?ua=1&ua=1> (accessed 8 May 2021); WHO. 2019. Tobacco industry tactics. WHO Regional Office for the Eastern Mediterranean. WHO-EM/TFI/199/E. Available from: <https://applications.emro.who.int/docs/FS-TFI-199-2019-EN.pdf?ua=1&ua=1> (accessed 8 May 2021); University of Bath Tobacco Control Research Group. 28 April 2021. Foundation for a Smoke-Free World. Available from: <https://tobaccotactics.org/wiki/foundation-for-a-smoke-free-world/> (accessed 8 May 2021).

⁶¹ Assunta M. November 2020. Global tobacco industry interference index 2020. Bangkok, Thailand: Global Center for Good Governance in Tobacco Control; 2020. Available from: <https://globaltobaccoindex.org/upload/assets/OeQLgCFNDGHfy6gBe6BM5xA5Q2CiksfI EjzyWXQzwa DykgKMYJ.pdf> (accessed 19 May 2021). Citing: Junta de Extremadura. The Junta de Extremadura and Philip Morris sign an agreement for technological development and innovation in the tobacco sector. 2017 Jan 24. Available from: <http://www.juntaex.es/comunicacion/noticia?idPub=20973>; Memorandum of Understanding signed between the Ministry of Research, Technology, and Higher Education and PT HM Sampoerna Tbk. 2019 May 22. Available from: <https://bit.ly/2YYkLBP>) – Examples:

1. Spain, 2017: The president of the Junta de Extremadura signed an agreement with PMI to conduct research and development of innovative products with low potential risk.
2. Indonesia, 2019: PMI / PT HM Sampoerna signed an MOU with the government to conduct research on HTPs.

⁶² Ezeamalu B. 16 January 2021. Whistleblower files lawsuit against tobacco foundation. *Premium Times*. Available from: <https://www.premiumtimesng.com/news/top-news/436774-whistleblower-files-lawsuit-against-tobacco-foundation.html> (accessed 19 May 2021). – “The Foundation tries to portray itself as an independent organisation attempting to reduce the consumption of products produced by Big Tobacco,” Ms Liz said in her statement of claim. “This, however, is a mere smokescreen, and the Foundation has become well known as a tool of PMI and Altria, used to peddle their products (particularly vaping products) and push their message from behind a facade of seemingly respectable, supposedly independent science and public health research and policy.”

⁶³ University of Bath Tobacco Control Research Group. 6 February 2020. WHO Definitions of Tobacco Industry Tactics. Tobacco Tactics. Available from: <https://tobaccotactics.org/wiki/who-definitions-of-tobacco-industry-tactics/> (accessed 9 May 2021). – “[Tactic] Smokers’ Rights Groups: [Goal] To create an impression of spontaneous, grassroots public support”.

⁶⁴ WHO. 2008. Tobacco Industry Interference with Tobacco Control. Available at: <https://www.who.int/tobacco/resources/publications/Tobacco%20Industry%20Interference-FINAL.pdf> (accessed 8 May 2021).

⁶⁵ University of Bath Department of Health. 12 November 2020. Vaping advocates critical of global health treaty, linked to tobacco giant. University of Bath. Available from: <https://www.bath.ac.uk/announcements/vaping-advocates-critical-of-global-health-treaty-linked-to-tobacco-giant/> (accessed 9 May 2021).

See also: Robertson L, Joshi A, Legg T, et al. 11 November 2020. Exploring the Twitter activity around the eighth meeting of the Conference of the Parties to the WHO Framework Convention on Tobacco Control. *Tobacco Control*. doi: 10.1136/tobaccocontrol-2020-055889. Available from: <https://tobaccocontrol.bmj.com/content/early/2020/11/06/tobaccocontrol-2020-055889> (accessed 9 May 2021).

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- ⁶⁷ Reuters. 2017. The Philip Morris Files: A Reuters Investigation. Reuters. Available at: <https://www.reuters.com/investigates/section/pmi/> (accessed 9 May 2021).
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- ⁷³ See, for example: Knowledge Action Change. Available from: <https://kachange.eu/#home> (accessed 11 May 2021). In relation to: Global State of Tobacco Harm Reduction. About GSTHR. Available from: <https://gsth.org/about> (accessed 11 May 2021).
- ⁷⁴ University of Bath Department of Health. 12 November 2020. Vaping advocates critical of global health treaty, linked to tobacco giant. University of Bath. Available from: <https://www.bath.ac.uk/announcements/vaping-advocates-critical-of-global-health-treaty-linked-to-tobacco-giant/> (accessed 9 May 2021); Robertson L, Joshi A, Legg T, et al. 11 November 2020. Exploring the Twitter activity around the eighth meeting of the Conference of the Parties to the WHO Framework Convention on Tobacco Control. *Tobacco Control*. doi: 10.1136/tobaccocontrol-2020-055889. Available from: <https://tobaccocontrol.bmj.com/content/early/2020/11/06/tobaccocontrol-2020-055889> (accessed 9 May 2021).
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- ⁷⁹ University of Bath Tobacco Control Research Group. 16 November 2020. Factasia. Tobacco Tactics. Available at: <https://tobaccotactics.org/wiki/factasia/> (accessed 9 May 2021).
- ⁸⁰ INNCO. 2021. Frequently asked questions about INNCO. Available from: <https://innco.org/about-us/#innco-faq> (accessed 9 May 2021). — “Is INNCO linked with the vapour industry? INNCO represents the consumer voice at the international level, separate and distinct from that of industry... INNCO receives no funding from the vapour or tobacco industry. “How is INNCO funded? INNCO was established in 2016, well before seeking funding from our current funder, the Foundation for a Smoke-Free World (the Foundation). The Foundation is at present funded with a 12-year-no-strings-attached grant from Philip Morris International (PMI). Our grant from the Foundation is equally arms-length, to be used to fund work decided by our own independent Governing Board and General Assembly of full members, while overseen by its auditors and other internal working groups.”
- ⁸¹ INNCO. 2021. Frequently asked questions about INNCO. Available from: <https://innco.org/about-us/#innco-faq> (accessed 9 May 2021). — “Isn’t taking a grant from the Foundation the same as being funded by a tobacco company? No. Under its Bylaws and Pledge Agreement with PMI, the Foundation operates independently from PMI and the tobacco industry. The Foundation’s Bylaws also contain a robust conflict of interest policy... Unfortunately, it is common in the THR and anti-smoking space for people to be accused of working with tobacco companies or to be presented as

somehow “tainted”. This is a strategy intended to shut down discussion, nothing more. We appreciate the Foundation’s support. We share many of the same goals, and our visions for the future of nicotine consumption strongly overlap.”

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⁸³ Stockton B, Davies M, Chapman M, and Cave T. 20 March 2020. Public Health England paid group linked to Big Tobacco. The Bureau of Investigative Journalism. Available from: <https://www.thebureauinvestigates.com/stories/2020-03-20/public-health-england-paid-group-linked-to-big-tobacco> (accessed 21 May 2021). – The company has received \$1m and been granted \$2m more.

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See also: Global Forum on Nicotine. Available at: <https://gfn.events/> (accessed 8 May 2021).

⁸⁶ Stockton B, Davies M, Chapman M, and Cave T. 20 March 2020. Public Health England paid group linked to Big Tobacco. The Bureau of Investigative Journalism. Available from: <https://www.thebureauinvestigates.com/stories/2020-03-20/public-health-england-paid-group-linked-to-big-tobacco> (accessed 21 May 2021). – “The NNA’s indirect links to the Philip Morris-funded Foundation are similarly long-term... Although Philip Morris’s offer was rebuffed as unethical by the Department of Health, the NNA “cautiously welcomed” the proposals at the time and said Philip Morris has “potential to deliver genuine benefits”. More recently the NNA seems to have tried to distance itself from the Foundation, after leaving INNCO “due to differences concerning future strategy, including funding arrangements”. Costall and Stimson have resigned from the board. Links to Big Tobacco remain, however, including through the NNA’s chairman Cullip, who campaigned against plain cigarette packs for an industry-backed group in 2014. Cullip joked in 2017 that he had a “pathological hatred of public health and tobacco control”.”

