



“THE RIGHT TO HEALTH AND TOBACCO ADDICTION IN THE AMERICAS”

Hearing before the Inter-American Commission on Human Rights
Washington, DC
April 5 2016

PETITIONING ORGANIZATIONS



LETTERS OF SUPPORT FOR THE HEARING

131 ORGANIZATIONS AND COALITIONS HAVE ENDORSED THE HEARING

90 organizations and coalitions from the Americas

- Argentina
- Brasil
- Bolivia
- Canadá
- Caribe
- Chile
- Colombia
- Costa Rica
- Ecuador
- Estados Unidos
- Honduras
- Jamaica
- México
- Nicaragua
- Panamá
- Perú
- Uruguay
- Venezuela

3 global networks

- FCA
- NCD Alliance
- HRTCN

38 organizations and coalitions from the rest of the world

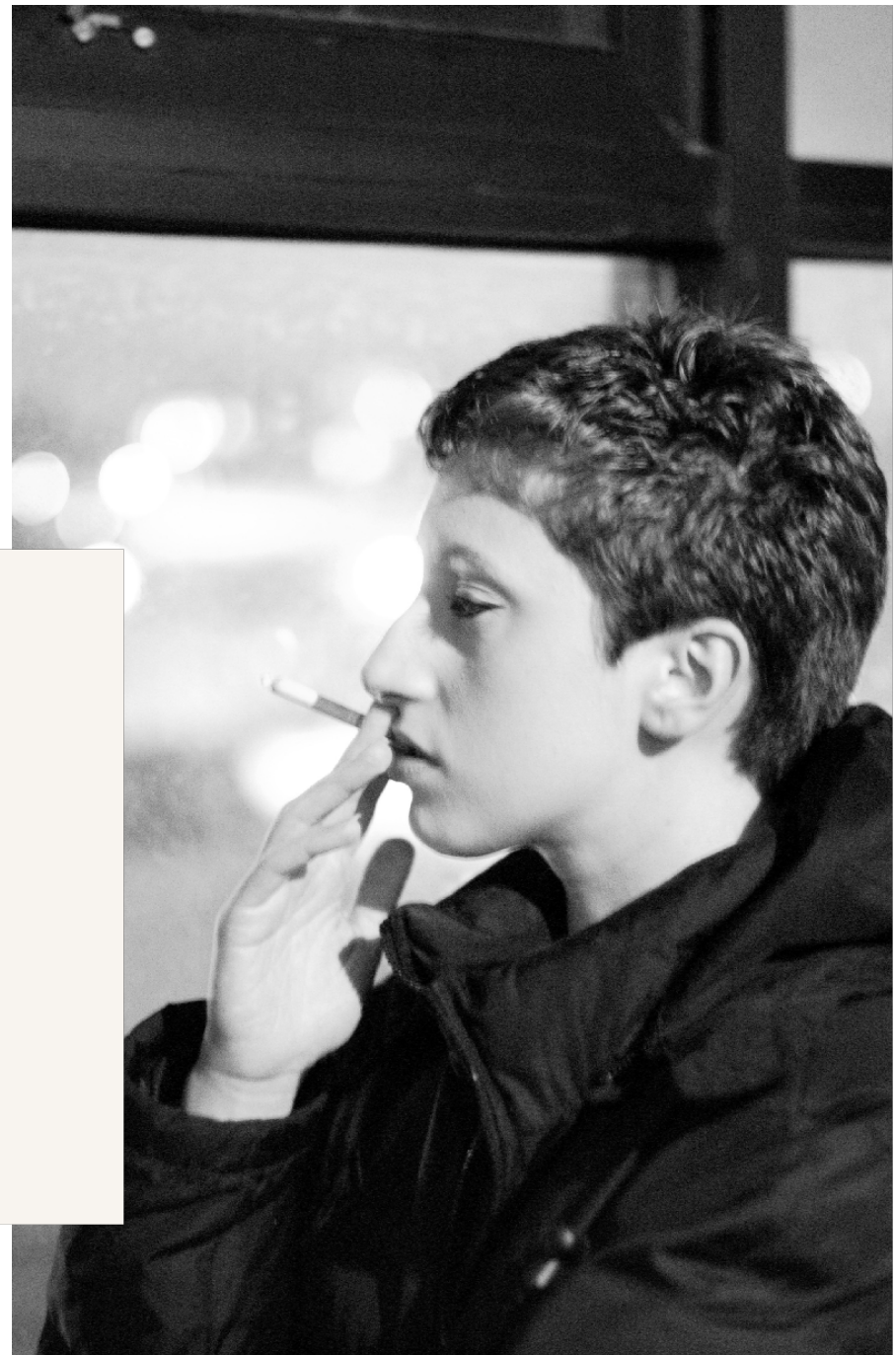
RIGHT TO HEALTH AND LIFE

6 MILLION DEATHS PER YEAR

80% IN DEVELOPING COUNTRIES

**1 MILLION DEATHS PER YEAR IN THE
AMERICAS**

**MORE DEATHS ANNUALLY ARE CAUSED
BY TOBACCO THAN BY AIDS,
TUBERCULOSIS AND MALARIA
TOGETHER**





EL HUMO DE TABACO ENFERMA A TUS HIJOS

EVERY YEAR 600,000 DEATHS OCCUR
FROM EXPOSURE TO SECONDHAND
SMOKE

A QUARTER OF THOSE DEATHS ARE
CHILDREN

Los niños expuestos al humo de tabaco
tienen un riesgo aumentado de sufrir asma,
neumonía, bronquitis e infecciones de oído

THE CIGARETTE, A
UNIQUE
PRODUCT: LEGAL,
ADDICTIVE AND IT
KILLS THE
CONSUMER

CONSUMERS ARE
MISINFORMED:
CIGARETTES
CONTAIN
POISONS, TOXINS
AND
CARCINOGENS

Acetona
(Removedor de esmalte)

Uretano

Cloruro de vinilo

Metanol
(Combustible para cohetes)

Naftilamina

Pireno

Naftaleno
(Naftalina)

Benzopireno

Cadmio
(Usado en baterías para autos)

Dimetiílnitrosamina

Monóxido de carbono
(Gas tóxico en el escape de autos)

SUSTANCIAS PRESENTES EN EL HUMO DE CIGARRILLO

DDT
(Insecticida)

Cianuro de hidrógeno
(Veneno usado en cámaras de gases)

Amoníaco
(Limpiador de pisos)

Toluidine

Tolueno
(Solvente industrial)

Dibenzacridina

Arsénico
(Veneno para hormigas)

Fenol

Butano
(Combustible de lámparas)

Polonio-210

**A través de la publicidad,
las tabacaleras logran que
esto se vea atractivo**

#NoALaPublicidadDeTabaco



RIGHT TO INFORMATION



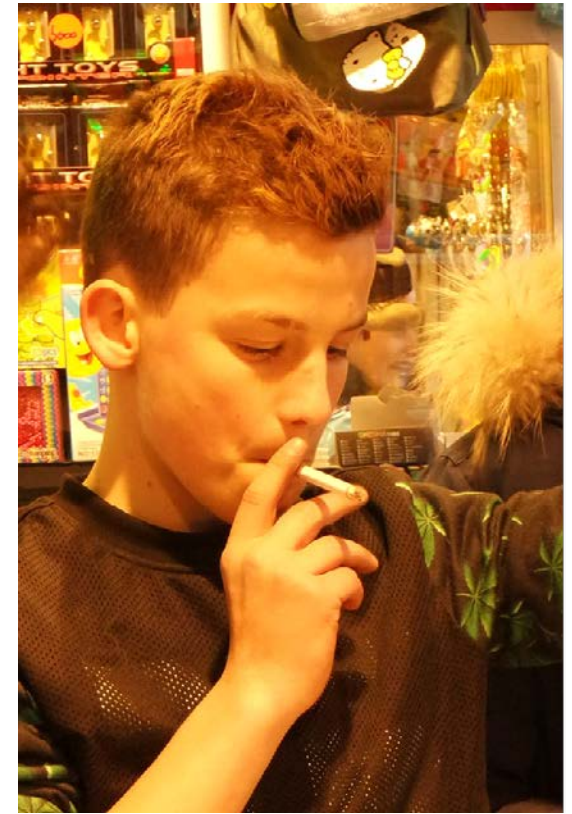
THE TOBACCO EPIDEMIC DEEPENS POVERTY AND HINDERS DEVELOPMENT



WOMEN'S RIGHTS AND THE RIGHT TO HEALTH



THE RIGHT TO HEALTH OF CHILDREN AND ADOLESCENTS



ECONOMIC IMPACT BY COUNTRY: DIRECT COSTS IN HEALTH SYSTEM ATTRIBUTABLE TO TOBACCO



USD 2.938.556.523
Argentina



USD 209.925.968
Bolivia



USD 12.634.852.445
Brasil



USD 2.121.370.199
Chile



USD 2.243.723.865
Colombia



USD 5.004.272.563
México



USD 823.261.812
Perú



USD 7.482.677.323
Otros países
de Latinoamérica

USD 33.458.640.699



**ES EL COSTO
DIRECTO**

**EN EL SISTEMA DE SALUD
ATRIBUIBLE AL TABAQUISMO**
(USD: DÓLARES NORTEAMERICANOS)



A GLOBAL RESPONSE TO A GLOBAL EPIDEMIC

Framework Convention on Tobacco Control (FCTC)-2005

Political Declaration of the UN High-Level Meeting on the
Prevention and Control of Noncommunicable Diseases- 2011 and
the Action Plan- 2013-2020

New Sustainable Development Goals- 2015-2030

THE TOBACCO INDUSTRY IN IT'S OWN WORDS



“We don’t smoke that s***. We just sell it. We just reserve the right to smoke for the young, the poor, the black and stupid.”

*-R.J. Reynolds Executive
Cited in, First Tuesday, ITV 1992*

By 1953, the industry knew the truth- smoking causes lung cancer.

But they continued to lie to the public for decades

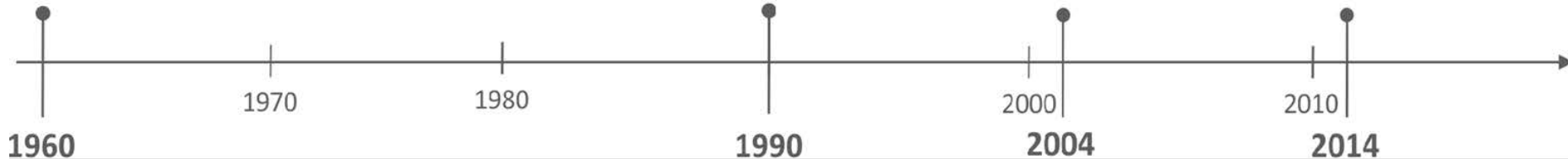
"I believe nicotine is not addictive." — 1994
William Campbell, former president and CEO of
Philip Morris USA;

**"We don't accept the idea that there are
harmful agents in tobacco."** Philip Morris, 1964

**"We don't believe it's ever been established
that smoking is the cause of disease."** M.
Walker, Vice President, Tobacco Institute 1998

“They got lips? We want them”

R.J. Reynolds answer to which young people they were targeting – 13 year olds or even younger? *R.J.Reynolds, 1990*



PROJECT SCUM



BACKGROUND:
During the introduction of Red Kamel, additional opportunities to improve Camel presence became evident in the San Francisco proper.

1. Consumer Subcultures

- Alternative Life Style (Gothic/Leather)
- International Influence
- Rebellious; Generation X
- Street People - More Applicable to Doral

2. Camel has a higher share than in the general Marketplace. This was consistent in calls where we had the elements of presence/distribution and where we didn't

Camel is the only cigarette brand that is sold in the most "alternative" markets.

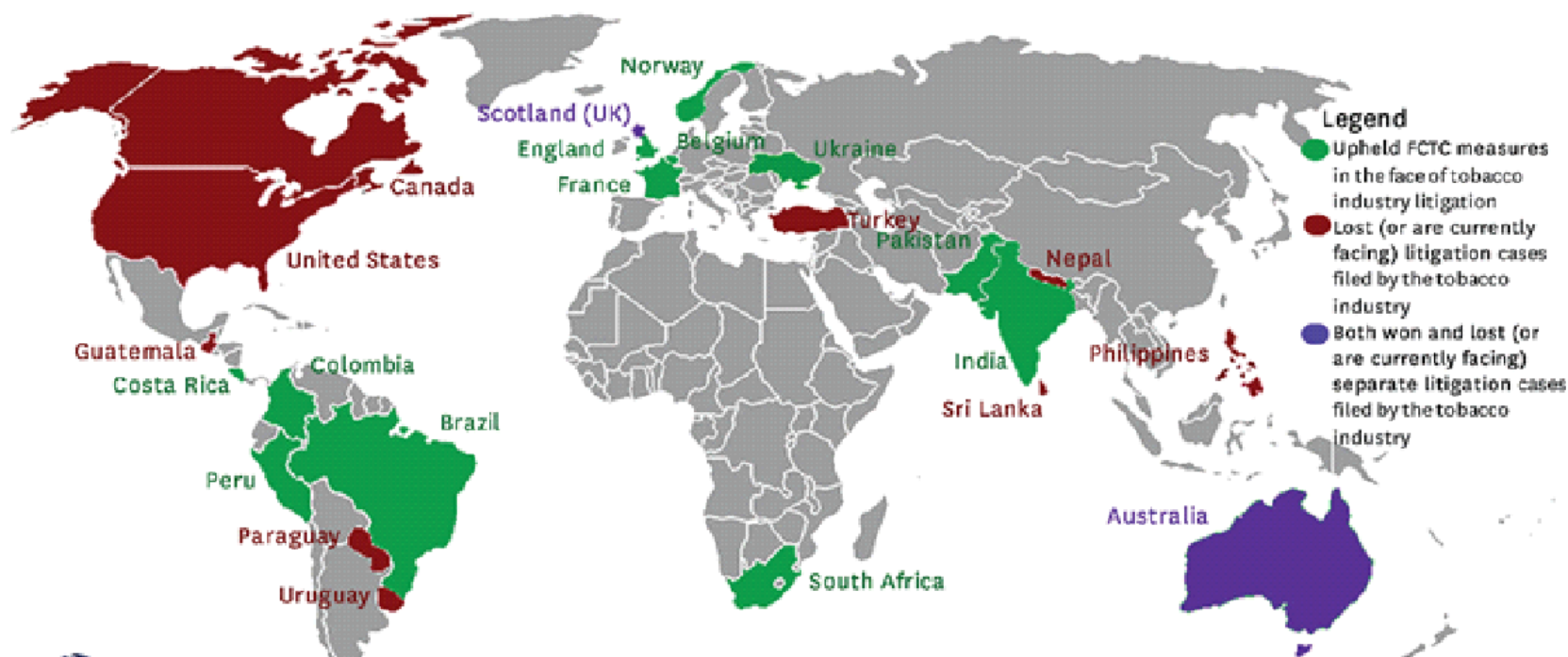
- Haight Ashbury - 22.6% SOM - Not SOC
- Castro - 10.5%
- Downtown Mkt - 7.90%
- Northern California Region - 7.70% (AIM 12/30/95-2/28/96)

© 1995 Wm. W. Brown Co.

Targeted advertising to-

- LGBT community
- "International influence"
- Generation X
- Homeless population

TOBACCO INDUSTRY INTIMIDATION BY LITIGATION 2008-2010



"Big Tobacco can afford to hire the best lawyers and PR firms that money can buy. Big money can speak louder than any moral, ethical or public health argument and can trample even the most damning scientific evidence. I urge all these countries to stand firm together, do not bow to pressure...we must never allow the tobacco industry to get the upper hand."

--Dr. Margaret Chan, Director General of the World Health Organization



INTIMIDATION THROUGH LITIGATION

Typical trade case costs:

US\$ 3-8 million

INTIMIDATION THROUGH LITIGATION

Typical trade case costs:

US\$ 3-8 million

Tobacco trade case costs:

US\$ 50+ million (PMI v Australia)

POLITICAL CORRUPTION

“British American Tobacco
accused of bribing
government officials”

“BBC Panorama alleges BAT
paid officials from three
African countries in effort to
undermine UN anti-smoking
treaty”

The Guardian, November 30, 2015

RESEARCH PAPER

Tobacco industry success in preventing regulation of secondhand smoke in Latin America: the “Latin Project”

J Barnoya, S Glantz

Tobacco Control 2002;11:305–314

See end of article for
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September 2002

Objective: To examine the tobacco industry's strategy to avoid regulations on secondhand smoke exposure in Latin America.

Methods: Systematic search of tobacco industry documents available through the internet. All available materials, including confidential reports regarding research, lobbying, and internal memoranda exchanged between the tobacco industry representatives, tobacco industry lawyers, and key players in Latin America.

Results: In Latin America, Philip Morris International and British American Tobacco, working through the law firm Covington & Burling, developed a network of well placed physicians and scientists through their “Latin Project” to generate scientific arguments minimising secondhand smoke as a health hazard, produce low estimates of exposure, and to lobby against smoke-free workplaces and public places. The tobacco industry's role was not disclosed.

Conclusions: The strategies used by the industry have been successful in hindering development of public health programmes on secondhand smoke. Latin American health professionals need to be aware of this industry involvement and must take steps to counter it to halt the tobacco epidemic in Latin America.

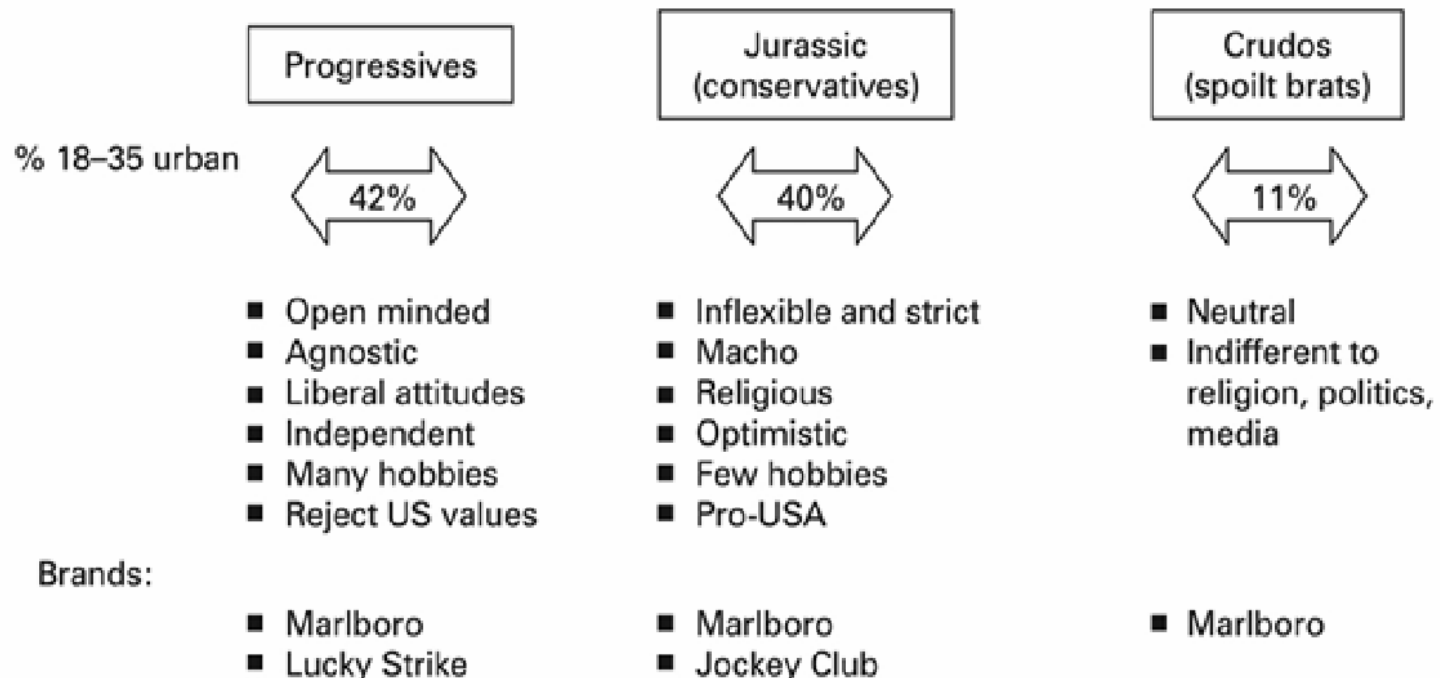
TOBACCO INDUSTRY PRACTICES

The matrix

British American Tobacco

Psychographic segmentation in Argentina

- Marlboro is smoked by all psychographic groups
- Lucky Strike is popular with progressives
- Jockey Club with conservatives



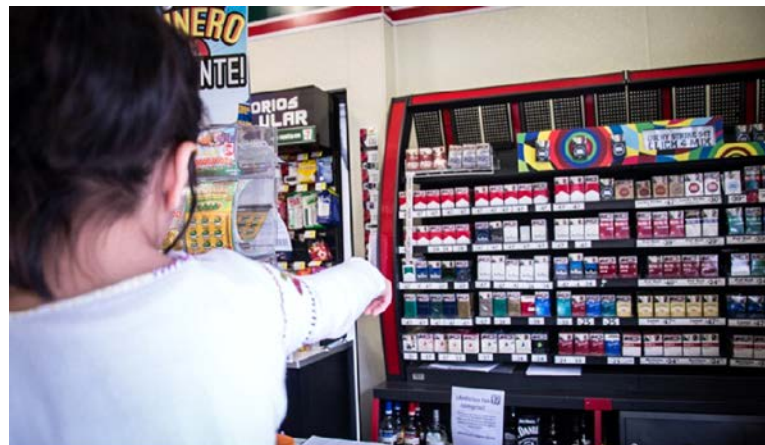
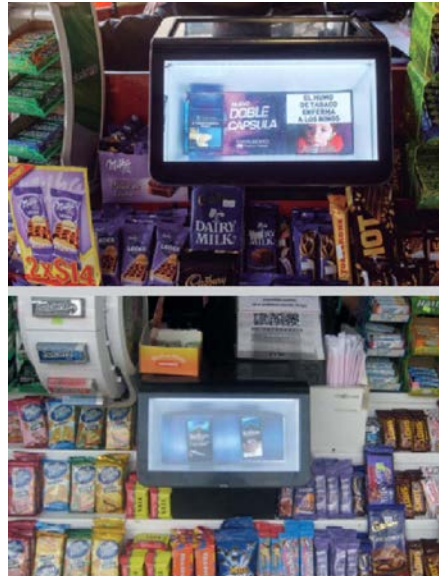
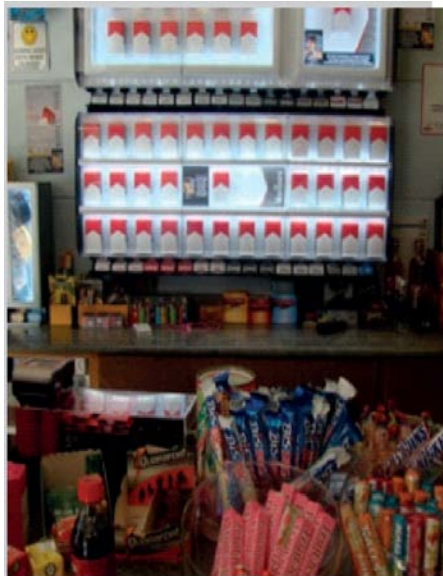
MARKETING CAMPAIGNS AIMED AT CHILDREN AND ADOLESCENTS



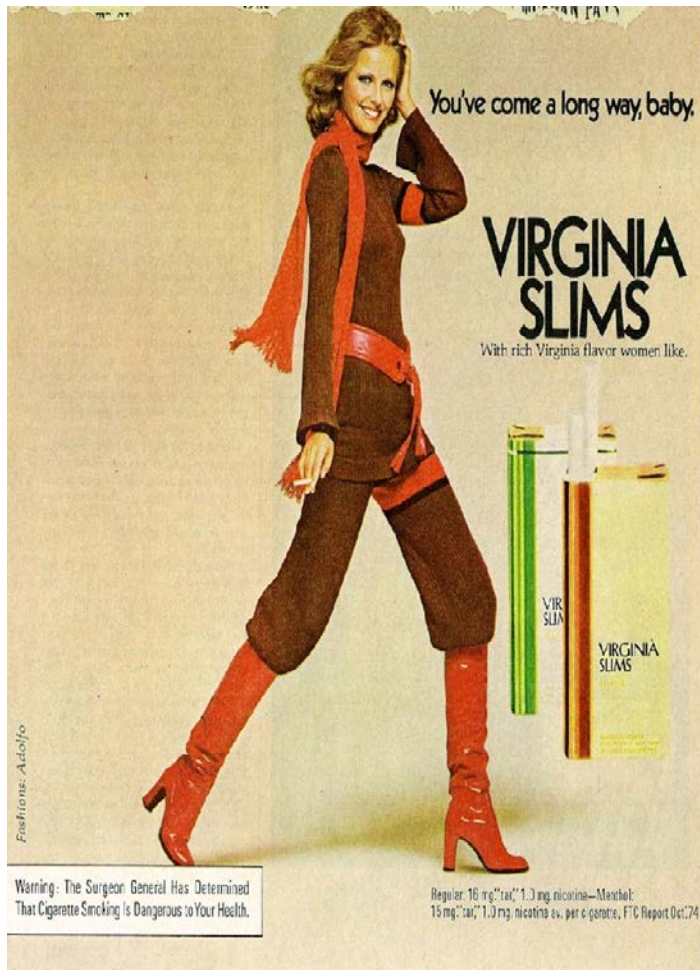
“Today’s teenager is tomorrow’s potential regular customer, and the overwhelming majority of smokers first begin to smoke while still in their teens...The smoking patterns of teenagers are particularly important to Philip Morris.”

(Internal Documents of Philip Morris – 1981)

STRATEGIES FOR RETAILERS TO ATTRACT CHILDREN



MARKETING CAMPAIGNS AIMED AT WOMEN



“A typical Slims smoker wanted to feel confident, successful, and more secure in her femininity” (Leo Burnett Company. *Virginia Slims: Opportunities in Latin America*. Leo Burnett, June 2, 1994)

NON-TRADITIONAL MARKETING STRATEGIES



TOBACCO INDUSTRY IMPEDING HEALTH POLICY



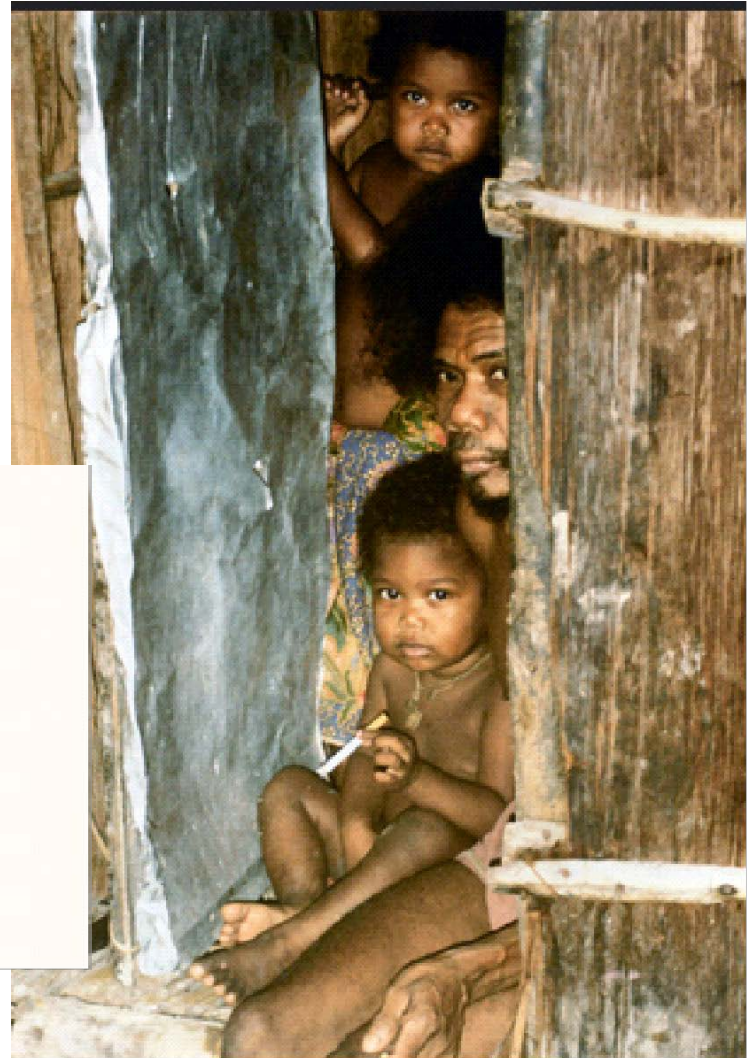
THE INDUSTRY HINDERING HEALTH POLICY IN THE REGION



VIOLATIONS OF HUMAN RIGHTS



**DERECHO
A LA SALUD**



CONVERSION OF THE RIGHT TO HEALTH BY THE TOBACCO INDUSTRY



INFORMAR, NO PROHIBIR

OPINIÓN
DEL DÍA

El Congreso busca aprobar una ley que prohíba la publicidad (en los pocos espacios que aún se permite) y exhibición de productos de tabaco en puntos de venta. Bodegas, grifos y tiendas en general deberán optar por vender los cigarrillos a escondidas o no venderlos. Andrés Choy, presidente de la Asociación de Bodegueros, ha declarado que "esta medida generará pérdidas a más de 150.000 bodegas formales, lo cual no se traducirá en un menor consumo, sino que se trasladarán las ventas hacia la oferta ilegal". Choy tiene razón. La medida muy probablemente no reducirá la demanda, sino que trasladará la oferta del bodeguero formal, cumplidor de la ley y preocupado por su reputación, al "negocio criminal", aquel al que no le preocupa cumplir la ley ni mucho menos mantener un estándar de calidad (tampoco paga impuestos y vende a menores de edad).

La principal razón por la cual la gente consume tabaco no es la publicidad, pues se trata, como di-

Las severas restricciones a la publicidad de tabaco no han reducido su consumo.

Este tipo de medidas son peligrosas porque menosprecian el derecho a elegir del consumidor.

TOBACCO CONTROL AND HUMAN RIGHTS

“...it notes that Brazil has taken important steps to reduce the threat that tobacco represents for life, health, the environment and the general population by ratifying the World Health Organization Framework Convention on Tobacco Control and developing public policies to reduce tobacco use...”

“...notes with concern the widespread use of tobacco among women in Argentina, and the serious impact of tobacco on the health of women...”



TOBACCO CONTROL AND HUMAN RIGHTS

The FCTC "...is a human rights treaty, because although it does not recognize the right to health as a "new right".... It obliges state parties clearly and directly to the adoption of effective measures."

PERÚ

Ciudadanos 5000
v. el artículo 3 de
la Ley N.º 28705



"...a 'passive market', that is the activity is tolerated, so it is legal, but cannot be promoted, so any propaganda for it is not only prohibited or severely restricted, but even the authorities advance public campaigns against such activities."

COLOMBIA

Sentencia C-830/10



"...This is where the issue of public health comes into play and therefore the life of all people, as a constitutional element, that allows the state to establish limitations and restrictions on the exercise of certain rights, which must yield to the common welfare."

PANAMA

British American
Tobacco Panamá v.
Decreto Ejecutivo No. 611



REQUESTS FOR THE COMMISSION

We ask that the Commission:

- 1. Include in the Final Session Report and in the press release:**
 - a. Reference to this hearing**
 - b. Concrete recommendations to States on how to implement the Framework Convention on Tobacco Control**
 - c. Recognize that the tobacco industry has developed aggressive strategies that hinder the effective exercise of the right to health.**
- 2. Collaborate closely with the Pan American Health Organization (PAHO)**
- 3. Take a position on this issue as a violation of human rights on the occasion of World No Tobacco Day (celebrated each year on May 31).**

REQUESTS FOR THE COMMISSION

4.Track and include the issue of tobacco in all lines of work of the Unit of Economic, Social and Cultural Rights.

5.Include the problem of smoking in the Poverty Report which is being prepared by the Unit on Economic, Social and Cultural Rights.

6.Follow the issue of tobacco within all lines of work of the various rapporteurs of the Commission, especially those dealing with the rights of groups that have been historically subjected to discrimination.