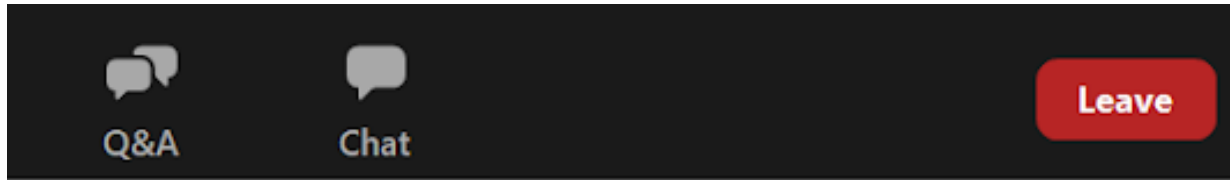


Emerging Opportunities to Watch in 2022



February 10, 2022

Technology



Ask questions through the Q&A box. We will review them to answer at the end.

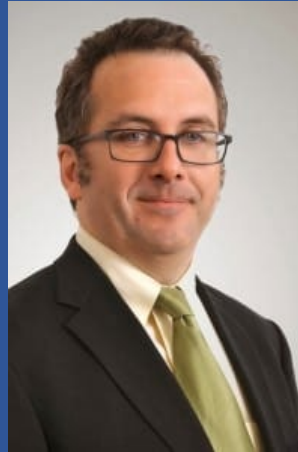
- All PowerPoint slides will be linked in the Thank You email and available at <https://ash.org/webinars>.
- Close other applications and browsers to increase your Zoom bandwidth.
- Please complete the survey when prompted after the webinar ends.

Speakers



Kelsey Romeo-Stuppy

*Managing Attorney, Action
on Smoking and Health*



Chris Bostic

*Policy Director, Action on
Smoking and Health*



Emmanuelle Beguinot

*Director, Comité National
Contre le Tabagisme*

Moderator



Laurent Huber
ASH Executive Director



*Dedicated to **ZERO** Tobacco Deaths*



Proactive Litigation

Examples outside of Tobacco Control

Environmental Law



Opioid Lawsuits



Examples within Tobacco Control

African American Tobacco Control Leadership Council (AATCLC), Action on Smoking and Health (ASH), and the American Medical Association (AMA) vs. The United States Food and Drug Administration (FDA)

Case 3:20-cv-04012 Document 1 Filed 06/17/20 Page 1 of 45

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8 *Counsel for Plaintiffs African American Tobacco*
9 *Control Leadership Council and Action on Smoking*
10 *and Health*

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 AFRICAN AMERICAN TOBACCO)
15 CONTROL LEADERSHIP COUNCIL and)
ACTION ON SMOKING AND HEALTH,)

Plaintiffs,

Case No.:

COMPLAINT
(Administrative Procedure Act Case)

The Netherlands



33493

CAST YOUR VOTE

VOTE

"I do not want my children to fall victim to the tobacco industry like I did. I do not want them to become MY 'replacement-smokers' when I die of lung cancer..."

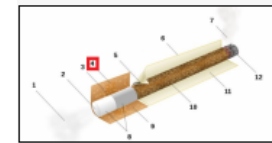


France

*“The directors of companies that manufacture and distribute tobacco in France are **criminally liable** for willfully endangering the person of others...”*

Filtergate : ouverture d’une enquête préliminaire

Publiée vendredi 4 mai



Dans le prolongement du dépôt de plainte par le Comité National Contre le Tabagisme pour mise en danger de la vie d'autrui consécutive à la manipulation des filtres par les fabricants de tabac, une enquête préliminaire vient d'être ouverte.

Paris, le 5 mai 2018 - Le **Filtergate** représente la manipulation des filtres par les fabricants de tabac via la **perforation** de ces filtres et l'existence de minuscules trous destinés à falsifier les tests des caractéristiques des cigarettes. Les fabricants de tabac ont ainsi modifié secrètement les propriétés techniques des cigarettes afin de **tromper les laboratoires agréés en charge de mener les tests requis par le code de santé publique** devant mesurer les taux de goudron, de nicotine, et de monoxyde de carbone contenus dans les émissions des cigarettes fumées.

Il s'ensuit que la mise en place de ce dispositif de micro-orifices dans le filtre des cigarettes empêche les autorités en charge de l'application de la loi de savoir si les seuils de goudron, de nicotine, et de monoxyde de carbone qu'elles ont fixés sont dépassés.

Un tel système de ventilation invisible **trompe les fumeurs** puisqu'ils ignorent l'ampleur réelle du risque qu'ils prennent. Ils croient en effet, à tort, qu'ils inhalent une certaine quantité de produits dangereux alors que les doses qu'ils absorbent sont supérieures à celles qui leurs sont indiquées.

Le CNCT a porté plainte il y quelques mois contre les fabricants de tabac pour mise en danger de la vie d'autrui. Dans le prolongement de ce dépôt de plainte, une enquête préliminaire vient d'être ouverte.

« **Nous nous réjouissons de cette décision**, a indiqué le Pr Yves Martinet, Président du Comité National Contre le Tabagisme, **et espérons qu'un juge d'instruction soit prochainement désigné** ».

[Pour plus de précisions](#)

Contact presse :

Pr Yves Martinet : 01 55 78 85 10

HUMAN RIGHTS LITIGATION



Hurdles, Pitfalls, and Unintended Consequences



Thank you!

Kelsey Romeo-Stuppy
Managing Attorney
Action on Smoking and Health

romeo-stuppyk@ash.org
<https://ash.org>



@ASHOrg



@ASHglobalAction



The solution?

for selling the
ONLY consumer
product that kills
when used AS
INTENDED.

2021 Retrospective

Los Angeles Times

CALIFORNIA

Beverly Hills becomes the first city to end most tobacco sales

 **KSTP.COM**
EYEWITNESS NEWS

News Weather Watch Live Traffic Sports

Live Video:
5 EYEWITNESS NEWS Midday

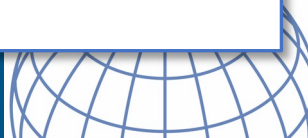
Bloomington to end sales of flavored tobacco, sunset all tobacco licenses

Manhattan Beach Wins World Health Organization Award for Tobacco

TIME

HEALTH

How One Massachusetts Town Could Shape the Future of Tobacco



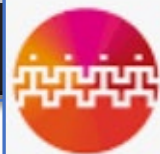
2021 Retrospective

ENDGAME DECLARATION OF TOBACCO IN SPAIN 2030

WORLD CANCER DAY

**Calling for 'tobacco-free generation',
Macron boosts cancer research funds**

**Commission Cancer Plan eyes drastic
cuts in tobacco use by 2040**



COP 9

Geneva, Switzerland

Tobacco control during a global health emergency
8-13 November 2021



Momentum in 2022



Momentum in 2022



Ministry of Health > News Highlights

NUMBER OF SINGAPOREANS WHO HAVE GIVEN UP SMOKING IN PAST TWO YEARS AND PROPOSAL TO CONSIDER TOTAL BAN ON SALE

THE LANCET Oncology

NEWS | ONLINE FIRST

Malaysia to ban tobacco sales to people born after 2005

HSE 'consider ban on the sale of cigarettes' in Ireland after



Another Path to Endgame



The Tobacco industry & the 'polluters pay' principle

Emmanuelle Béguinot
Claire Clément

Le 10/02/2022

Polluter payer / tobacco industry

-Massive damages due to tobacco :

- ✓ Health
- ✓ Development
- ✓ Finance & Social costs
- ✓ Environnement

- Key part played by the tobacco industry in the epidemic
 - + its strong opposition / efficient provisions
 - + a fundamental and irreconcilable conflict between the tobacco

industry's interests and public health policy interests.

⇒ Principle « polluter payer » : to include systematically in tobacco

Environmental damages due to tobacco and its industry

Tobacco growing: massive use of pesticides

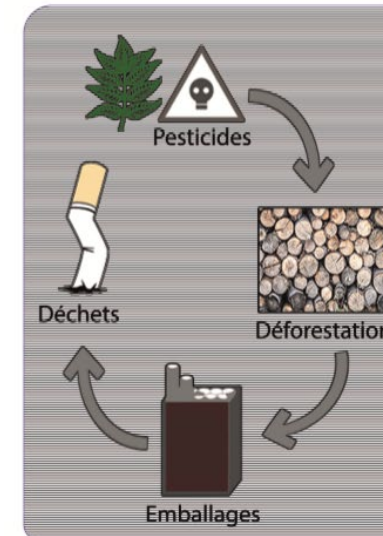
Deforestation: 600 million trees destroyed each year to produce tobacco
2 - 4% global deforestation

Fires

Waste: packaging and cigarette butts

Tabac & Environnement

De la culture du plant de tabac, imprégnés de **produits chimiques**, jusqu'à la gestion des déchets des **mégots** en passant par le **packaging** des cigarettes et la **déforestation**, **l'ensemble du cycle de vie d'une cigarette est nuisible à l'environnement.**



#GénérationSANSStabac

Tabac & Environnement

Quelques chiffres

200 000 hectares de forêts disparaissent chaque année à cause de la culture du tabac.

Dans le monde, **4 300 milliards de mégots de cigarettes sont jetés dans les rues chaque année**, soit **137 000 mégots par seconde**.

Un mégot met **10 à 12 ans**, en moyenne, pour **se dégrader** totalement dans la nature.

Un **mégot** est susceptible, à lui seul, de **polluer 500 litres d'eau**.

Pour fabriquer **300 cigarettes** (soit 15 paquets), **un arbre est détruit**.

Sauvons la planète !



#GénérationSANSStabac

Tobacco control campaign in 90s / environment



LA TERRE
MALADE DU TABAC

CHAQUE FUMEUR DÉTRUIT DEUX ARBRES PAR MOIS; NON SEULEMENT IL ATTAQUE SA SANTÉ, MAIS IL ATTAQUE AUSSI LA SANTÉ DE LA TERRE.
DANS LES PAYS "EN VOIE DE DÉVELOPPEMENT" OÙ SE TROUVENT LA PLUPART DES PLANTATIONS DE TABAC, C'EST SURTOUT EN BRÛLANT DU BOIS QUE L'ON SÈCHE LES FEUILLES DE TABAC.

POUR SÉCHER UN HECTARE DE TABAC, IL FAUT UN HECTARE DE FORÊT.

5 MILLIONS D'HECTARES DE FORÊTS SONT AINSI DÉTRUITS CHAQUE ANNÉE : UN ARBRE POUR 300 CIGARETTES.

ENVIRON 2 ARBRES PAR MOIS POUR UN FUMEUR MOYEN.

SI LA SANTÉ DE VOTRE PLANÈTE VOUS INQUIÈTE, PENSEZ-Y : MOINS DE CIGARETTES FUMÉES, C'EST BON POUR LA TERRE, QUI VOUS REMERCIE.

FUMER NUIT GRAVEMENT À L'ENVIRONNEMENT.

Financé et réalisé pour l'association française "Smoking and Health" par le Comité National Contre le Tabagisme

Comité National Contre le Tabagisme - B.P. 13 - 92310 Sèvres - 3615 TABATEL

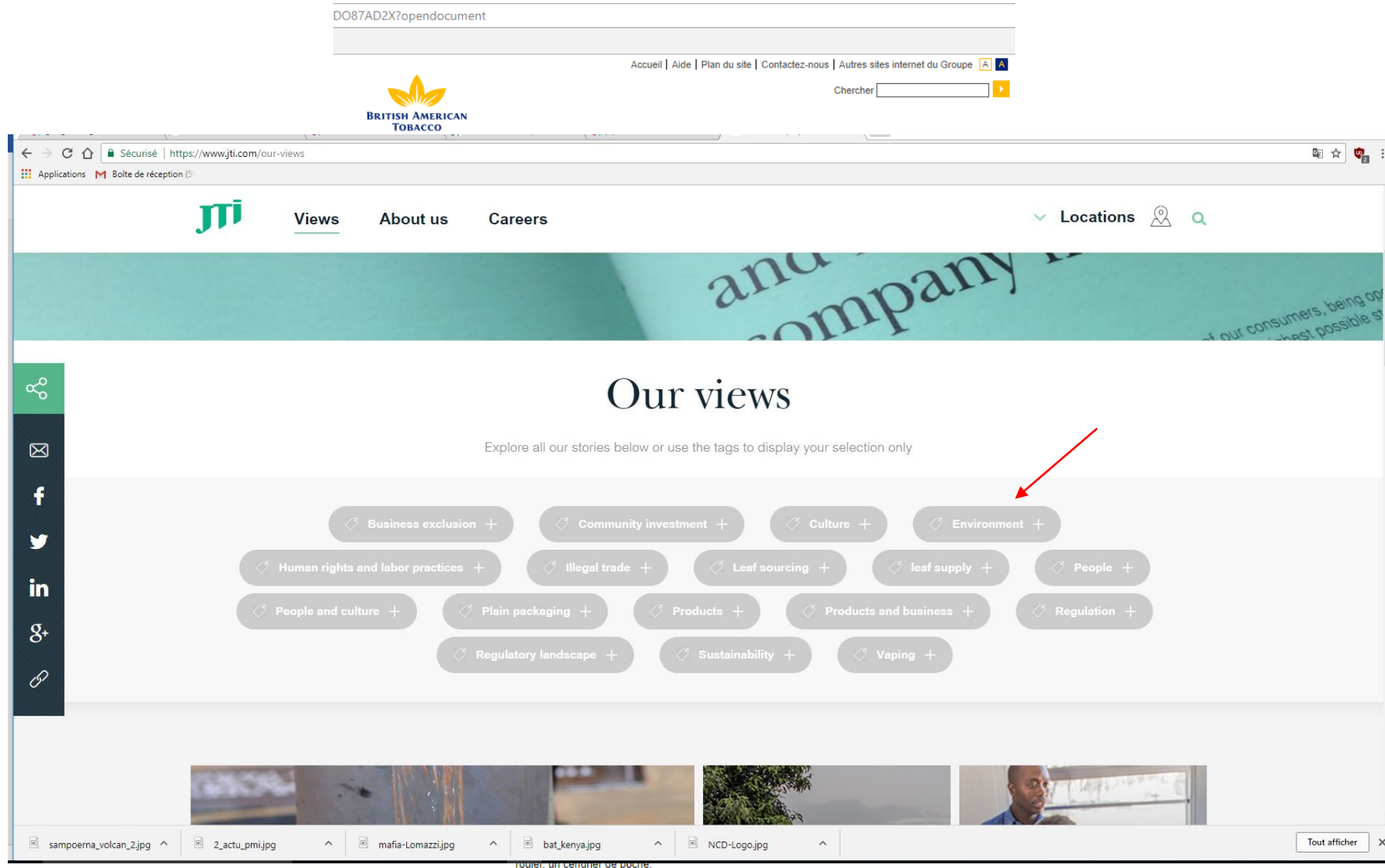


Greenwashing CSR strategy – Ex BAT

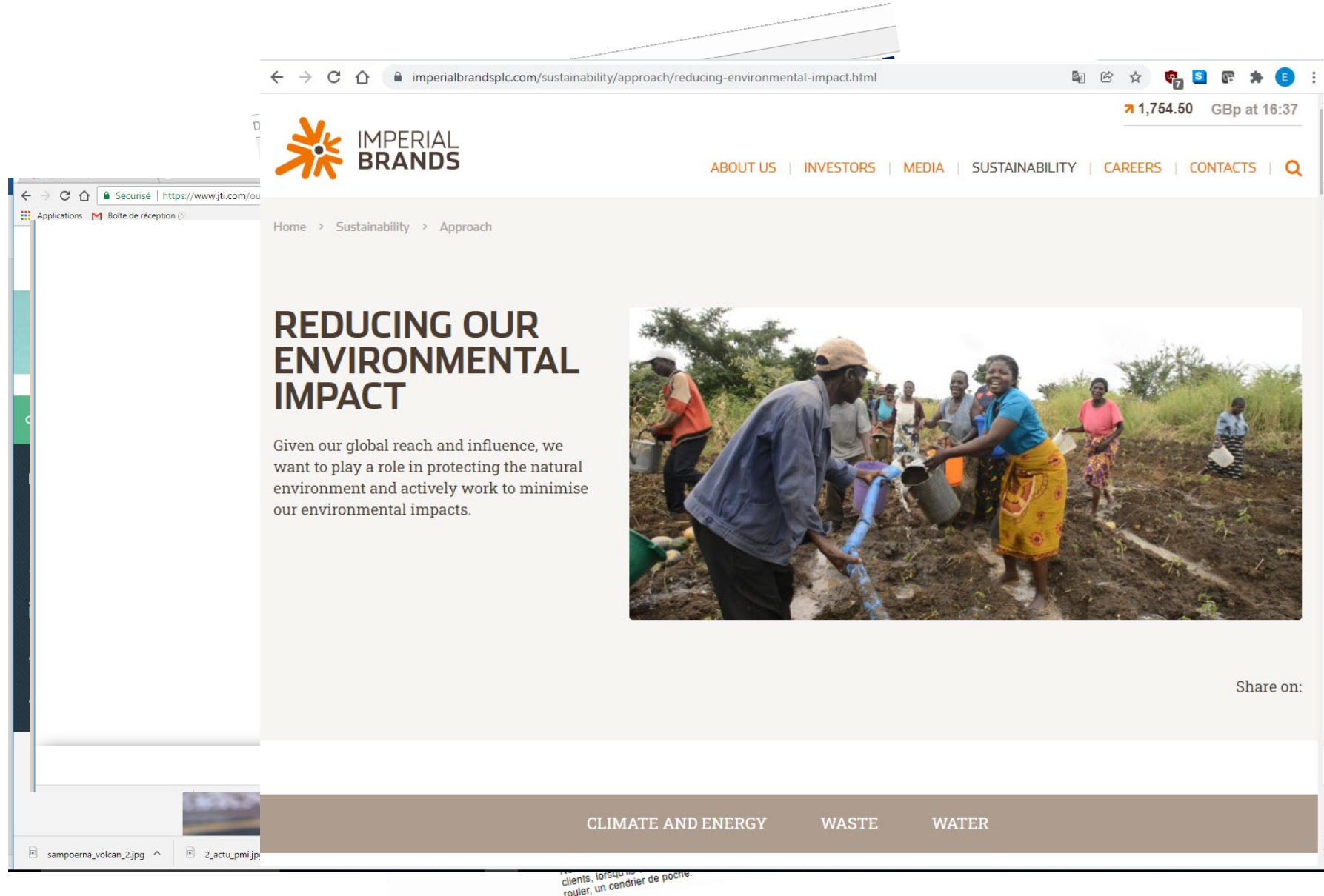
- “Our companies are committed to providing consumers with pleasure through excellent products, and to demonstrating that we are meeting our commercial goals in ways that are consistent with reasonable societal expectations of a responsible tobacco group in the 21st century.”
 - British American Tobacco



Greenwashing CSR strategy Ex JTI



Greenwashing CSR strategy Ex Imperial brands



Greenwashing CSR strategy Ex PMI



PHILIP MORRIS
INTERNATIONAL

The screenshot shows a web browser window with the URL <https://www.jti.com/our-views>. The page features a navigation bar with links: Accueil | Aide | Plan du site | Contactez-nous | Autres sites internet du Groupe. A search bar is also present. The main content area is titled "Our long-term commitment to sustainability" and contains the following text:

We've set ambitious sustainability targets and have made great progress. We're **ranked among the top** fast-moving consumer goods companies in terms of our environmental footprint, starting from the way we source tobacco leaf to how we manufacture and distribute cigarettes. We have gained the recognition of stakeholders for the tangible progress in **tackling complex socio-economic challenges** in tobacco growing communities.

But that's not all. We're now putting our core product at the center of our sustainability efforts by doing something dramatic – **replacing cigarettes** with less harmful alternatives to smoking – to one day eliminate the harm caused by smoking cigarettes. Our sustainability efforts touch on **every aspect of our value chain** – from the farmers who grow tobacco right through to the 150 million consumers who choose our products.

We invite you to read more about the scope and scale of our sustainability programs and our **commitment to a smoke-free world** in our [Sustainability Report](#).

At the bottom of the page, there is a cookie notice: "This site uses cookies. We do this to remember your preferences and compile analytics of visits. By using our site, you agree to our use of all cookies. [Read more](#)". Below the notice is a gallery of images with the following file names: sampoerna_volcan_2.jpg, 2_actu_pmi.jpg, mafia-Lomazzi.jpg, bat_kenya.jpg, and NCD-Logo.jpg. A "Tout afficher" button is also visible.

Environment is becoming part of tobacco control policies

- ✓ A strong increase of publications and scientific researches
 - 1980 – 1989 : less than 100 articles
 - 2010-2019 : several thousands
- ✓ A better media coverage
- ✓ A larger approach not limited to the growing of the products
- ✓ The responsibility of the tobacco industry is analysed
- ✓ 31 May 2022 : theme for the WNTD

Objectives – Key provisions

- **Innovative initiative**
- European legal framework – French transposition
- To reduce the impact of **plastic** in the environment
 - ⇒ Reduce the number of discarded cigarette butts by 40% by 2027
- To disseminate **information** regarding tobacco and environnement
 - ⇒ Awareness campaigns on the environmental impact of cigarette butts
 - ⇒ Environmental warnings to inform consumers
- **Mandatory reports** ⇒ possible comparisons
- Application « **Polluter's payer principle** »
 - ⇒ EPR system
 - ⇒ Covering the costs of cleaning up cigarette butts
 - ⇒ Contribution to city facilities / Horeca sector facilities = Free provision of street / individual ashtrays
 - ⇒ Financial support for R&D projects



Weaknesses of the current system

- Reduction and diversion of objectives due to a **strong interference of the TI**
- **The EPR system has not been adapted** to include particularities regarding the tobacco industry and the enforcement of **article 5.3**
 - ⇒ The tobacco industry's involvement goes far beyond what is strictly necessary
 - ⇒ The responsibility of the tobacco industry is not pointed out in the current communication.
 - ⇒ There is a risk of a moral laundering : Tobacco makers could appear as "responsible" actors in a positive way
- **Problematic provisions**
 - ⇒ Dissemination of individual ashtrays
 - ⇒ Agreement with local public authorities
- A limited scope and **effective provisions** are **not taken into account**
 - ⇒ Implementation of other tobacco control provisions to reduce the consumption and therefore plastic wastes (ex: extension of tobaccofree places)
 - ⇒ Prohibition of filters to reduce butts
 - ⇒ Inclusion of other environmental damages due to tobacco and new nicotine products + new

Initial lessons and recommendations

- **Excellent initiative:** the introduction of the polluter pays principle in the environmental field
 - ⇒ the tobacco industry pays instead of local authorities / taxpayers
 - ⇒ contributes to the implementation of the FCTC & to reach SDG's objectives
 - ⇒ the tobacco industry's strong lobby = a sign

BUT, there is a need to

- **Raise awareness** of the FCTC and the obligations of **Article 5.3** among public environmental authorities
- Define a **governance** structure of the “ecosystem” including only stakeholders independent directly and indirectly from the tobacco industry and its allies
- Adopt **a large approach** regarding **environmental damages** due to tobacco and its industry
- Adopt a large scope of measures including **tobacco control provisions**
- Create **a tax paid by the Tobacco Industry** to finance the « ecosystem »,

Thank you for your attention

cnct@cnct.fr



Sources

- Tobacco and its environmental impact: an overview - World Health Organization 2017:
<https://apps.who.int/iris/bitstream/handle/10665/255574/9789241512497-eng.pdf;jsessionid=59BAB8FB1409757277C6176866CB82A6?sequence=1>
- The Tobacco industry and the environment, STOP juin 2021
<https://exposetobacco.org/wp-content/uploads/TI-and-environment.pdf>
- L'industrie du tabac est une menace pour l'environnement
<https://www.generationsanstabac.org/article/lindustrie-du-tabac-et-environnement/>
- European Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment:
<https://eur-lex.europa.eu/legal-content/fr/TXT/?uri=CELEX:32019L0904>

Stay Involved



Have you seen tobacco industry interference in public health policymaking? Email us the details at info@ash.org!

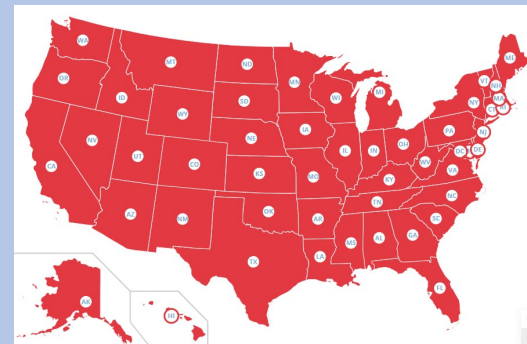
NEXT WEBINAR: March 10th

Environmental Law as a Vehicle for
Protection from Secondhand Smoke

Tools for Advocates

*Tobacco & Human
Rights Hub*

ash.org/hrhub



*U.S. Tobacco Lobbyist &
Lobbying Firm
Registration Tracker*

ash.org/tobacco-money