

**DEPARTMENT OF HEALTH & WORLD HEALTH ORGANISATION
MEETING ON ARTICLE 5.3 OF THE FRAMEWORK CONVENTION
ON TOBACCO CONTROL
WEDNESDAY 11 DECEMBER 2013, LONDON**

Edited version of speech by Paul Burstow chair of the All Party
Parliamentary Group on Smoking and Health

Good morning.

As well as being a Liberal Democrat Member of Parliament and the Chair of the All Party Parliamentary Group on Smoking and Health. I am also a former Minister at the Department of Health, so I have some relevant experience of political lobbying of Governments and of how Government decisions are made.

It is very significant that the Article 5.3 of the Framework Convention on Tobacco Control includes a specific obligation on Parties to exclude the tobacco industry from exercising any influence over public health policy. It is in my view essential.

I want to show why by reference to recent tobacco control debates in the United Kingdom and, briefly, in the European Union.

It is worth noting that UK ranks relatively well in the Transparency International index of corruption: in 2013 the UK ranked 14th out of 177 countries¹ – the higher the ranking the lower the perceived level of corruption in public life.

¹ [Corruption Perceptions Index](#) Transparency International

Since the 1960s evidence of repeated tobacco industry interference in public health policy has come to light.

Much insight has been gained from the archive of internal tobacco industry documents released as part of the US Master Settlement with the industry in 1998.²

It was as a direct consequence of evidence from this archive that Article 5.3 was included in the Framework Convention.³

So the question must be, 'Has that prevented the industry from exercising undue influence over public health policy?'

Well, it has certainly made it more difficult. Gone are the days when the industry can simply turn up when it wants to at the Department of Health, or at No 10, for a private meeting to discuss the latest Government efforts at tobacco control. Now, such meetings are tightly controlled, and when they happen they are ordinarily placed on the public record.

Which leaves the tobacco industry globally with a serious problem. Because it has been found to have lied to and deceived the public and policy makers over many decades on the health consequences of smoking.⁴ Very little that it says has credibility.

² [Legacy Tobacco Documents Library](#)

³ [Guidelines for implementation of Article 5.3](#) WHO

⁴ [Civil Action No.99-2496 \(GK\) USA Plaintiff v. PMI \(USA\) defendant et al. Final judgement 2006](#)

"Over the course of more than 50 years, Defendants lied, misrepresented and deceived the American public, including smokers and the young people they avidly sought as 'replacement' smokers about the devastating health effects of smoking and environmental tobacco smoke." p.1500 US District Court for the District of Columbia.

Plus further quotes from:

http://www.tobaccofreekids.org/content/what_we_do/industry_watch/doj/FinalOpinionSummary.pdf

On the other hand, big tobacco is awash with money – despite the fall in smoking prevalence rates in the UK and other developed countries in the post-war period, the industry remains one of the most profitable in the world.

Such a profitable industry can therefore afford to lavish funds on efforts to undermine and prevent effective tobacco control policy, if it can only find a way of using that money productively.

Turning specifically to the recent debates over the standardised packaging of cigarettes and other tobacco products.

This measure, in my opinion, poses a very serious threat to the future of the industry, particularly because it closes off the last means in the UK by which cigarettes can be advertised and promoted. No wonder that the industry has been determined to resist legislation on standardised packs.

How exactly has it gone about this?

Its primary tactic seems to be to use front groups, surrogates and experts apparently unconnected with the industry.

And it uses these indirect means to promote its commercial objectives. Above all, in recent years, it has sought to use the threat of growth in the illicit trade in tobacco products to deter Governments from tobacco control policies ranging from raising tobacco taxes to implementing standard packs.

So across the UK we have been subject to a systematic effort by the industry to promote this message.

The activities of the self-styled “smokers’ rights” group FOREST are well known. If asked directly in a media interview spokespeople for FOREST do not deny that it gets most of its money from the tobacco industry.⁵

Perhaps less well known is the secondary campaign group “Hands off Our Packs”⁶, set up through FOREST and again of course funded by the industry.

FOREST is in my view a fairly unsavoury organisation, but its purpose and activities are widely understood.

Other public attacks on standardised packaging have come from right-wing and “libertarian” think tanks, the Institute for Economic Affairs and the Adam Smith Institute.

The IEA has been allowed to be a registered charity. But that does not mean that it is transparent about its sources of funds. In fact the IEA simply refuses to publish them.

But, thanks to investigations by ASH we know that British American Tobacco, Philip Morris and Japan Tobacco International have funded the Institute – in BAT's case since 1963. British American Tobacco has admitted that it gave the Institute £20,000 last year and that it was

⁵ [FOREST](#) Wikipedia

⁶ [Hands Off Our Packs](#) Tobacco Tactics

planning to increase its contribution in 2013 and 2014.⁷ We also know that the industry has been funding the Adam Smith Institute.⁸

And of course, there is a very large antipodean elephant in the room, Mr Lynton Crosby and his lobbying firm Crosby Textor.

Mr Crosby's firm signed what was alleged to be a multi-million pound contract with PMI, to oppose standardised packs, shortly after he started working for the Conservative Party.^{9 10} Not long after that, it was reported that legislation on standardised packaging had been dropped.

The Financial Times said that an unnamed source had called this part of the Conservative Party's new determination to drop Government policies that did not directly promote its electoral success in 2015.¹¹ Or as he put it in a phrase straight out of the Crosby playbook scraping the "barnacles off the boat".¹²

That was then and this is now. And as they say a week can be a long time in politics.

As you know the Coalition Government has now signalled a change of heart. A rapid independent review of the public health evidence along with the taking of the necessary regulation making powers in the

⁷ [Institute of Economic Affairs](#) Tobacco Tactics website

⁸ Doward J. [Health groups dismayed by news 'big tobacco' funded rightwing thinktanks](#). The Guardian, 1 June 2013

⁹ [Lynton Crosby](#) Tobacco Tactics website

¹⁰ Doward J. [David Cameron urged to probe claim that aide had £6m tobacco deal](#). The Observer, Saturday 20 July 2013.

¹¹ Pickard J and Stacey K. [Questions raised over Crosby's UK role and business interests](#). Financial Times, 10th May 2013.

¹² Walters S and Carlin B. [Cameron pays 'Wizard of Oz' £500k to win him 2015 election](#). Daily Mail 3 November 2013

Children and Families Bill to pave the way for the introduction of standardised packaging.

All of this making PMI's contract with Crosby Textor probably one of the most expensive and ridiculous own goals in the history of public relations.

Which illustrates a key point, perhaps last learned by Tony Blair after he was perceived to have got too close to Bernie Ecclestone's efforts to exempt Formula 1 from the ban on tobacco advertising, with the accompanying million pound cheque to the Labour Party.¹³

The tobacco industry is rightly, and permanently, politically toxic.

Politicians in the UK who get too close to it risk permanent damage to their personal reputations and the public standing of their Parties. And the reputational risk to officials is just as serious.

My very strong advice to all politicians and officials is this. Next time any individual or organisation approaches you on a matter of relevance to tobacco control, your first question should be "who do you work for, and who is funding you for this work"? And if they won't say, I suggest you terminate the conversation as fast as you can. Otherwise, quite apart from risking breaches of Article 5.3 you may find that you have accidentally entered a pact with the devil that will come back to haunt you in the future.

¹³ Hastings C and Hennessy P. [Revealed: the truth about Tony Blair's role in the Ecclestone Affair.](#) Daily Telegraph. 11th October 2008.

I'm delighted that the Department of Health has convened this meeting to discuss how cross-government, both central and local, can ensure that we protect public health policy in the broadest sense from the commercial and vested interests of the tobacco industry. I'm sure this is the start of what will be a very productive day.

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