

# **Tobacco Industry Interference: Bangladesh Perspective**

Nasim Banu\*

## **Abstract**

The tobacco industry is now a truly global industry, spends billions of dollars each year to market its tobacco products. Despite knowing the harm tobacco causes to human health for decades, the tobacco industry has energetically promoted tobacco sale. In the recent years, the tobacco industries have been shamelessly fuelling its marketing by using several tactics and interfering the in public health policy. Bangladesh has one of the world's highest rates of tobacco use and the rate among young people is particularly high. The tobacco industry in Bangladesh comprising of the multinational companies and the local producers were allowed to market tobacco products. The study attempts to review the revolution of tobacco industry in the world and Bangladesh, Industry interference and their ill tactics to market their death products in Bangladesh. The study also analyzed the practical experiences about the tobacco industry interference at local and national level that collected from different tobacco control activists and organizations in Bangladesh. Study found that the tobacco industry is using different ill tactics including: maneuvering to hijack the political and legislative process, exaggerating the economic importance of the tobacco industry, manipulating public opinion to gain the appearance of respectability, fabricating support through front groups, discrediting proven science, intimidating governments with litigation or the threat of litigation and so on. However Bangladesh government ratified Framework Convention on Tobacco control (FCTC) which is the strong means to challenge all interference of tobacco industry, though Tobacco Control Law of Bangladesh does not have any provision to challenge tobacco industry interference. So to counter the tobacco industry interference strong policy, strategies and steps need to be taken. An effective, strong, continuous and join effort contributes to thwart the interference of industry and ensure the public health.

---

\* Team Leader, Smoke Free Project, YPSA

## Introduction

The tobacco epidemic is having devastating impacts across the globe, with low- and middle-income countries facing a disproportionate burden. Bangladesh is one of the largest tobacco consuming countries in the world, with over 46 million (43.3%) adults consuming cigarettes, bidis, smokeless tobacco, or other tobacco products. 58% of all men and 29% of all women consume some form of tobacco, whether smoked or smokeless. Among them 21.9 million people smoke tobacco and 63% are exposed to second hand smoke at the workplace. People are also exposed to SHS at public transport. Youth tobacco consumption is a source of concern in Bangladesh; nearly 7% of 13-15 age group consume tobacco products. That high rates of tobacco use contribute to a significant number of early deaths and high healthcare costs. Each year, tobacco-related diseases kill over 100,000 people. In Bangladesh, smoking attributable deaths represent about 30% of all deaths from vascular diseases, 38% of all cancer mortality, 35% of pulmonary tuberculosis mortality, and over 24% of deaths from other respiratory diseases. In addition, the economic burden has been calculated as greater than 3% of GDP in 2004. The number of deaths will increase up to 8 million people by 2030, of which 4 out of 5 of these deaths occurring in low- and middle-income countries like Bangladesh.

In an effort to mitigate the impact of tobacco on its population, Bangladesh government ratified the WHO Framework Convention on Tobacco Control (FCTC) in 2004 and passed the "Smoking and Tobacco Products Usage (Control) Act 2005", subsequently updated and supplemented by the "Smoking and Tobacco Products Usage (Control) (Amendment 2013) Act 2005" in 2013 and Rules in 2015. Tobacco smoke bans in all public places and public transport by the law. The law allows for designated smoking areas with very rigid conditions but 10 categories of public places are identified to be 100% smoke-free. Display of vigilance notice is mandatory for all public place and public transport.

The law bans all types of direct and indirect advertisement including point-of-sale & promotion and restricts CSR done by tobacco companies. It is mandatory to print pictorial health warnings on the upper half (50%) of packets of all tobacco products. The law bans sale of tobacco products to and by minors. The law determines the responsibilities of authorities/owners/managers of public place and public transport. The law and rules has included new government and local government officials as authorized

officer. The Law has no specific provision on tobacco tax. The current budget has incorporated 1% 'health development surcharge' on all tobacco products. Now Bangladesh government is working to finalize the National TC policy, Tobacco cultivation control policy and Health development surcharge management policy. However implementation of FCTC is one of the targets of SDG 3. Based on SDG Bangladesh has included TC program in 7th Five years plan. The Prime Minister of Bangladesh, Sheikh Hasina, on January 2016 at the South Asian Speakers' Summit, declared to make the country tobacco-free by 2040 and it points that tobacco use should be reduced under 5 percent. Despite such initiatives, tobacco control activities are moving with a lower speed in the country. Consequently, tobacco use has not been reduced to the desired extent.

### **Tobacco Industry in the World**

Tobacco is a plant that grows natively in North and South America. It is in the same family as the potato, pepper and the poisonous nightshade, a very deadly plant. Any of numerous species of *Nicotiana* or the cured leaves of several of the species that are used after processing in various ways for smoking, snuffing, chewing, and extracting nicotine is called Tobacco. Currently 70 species of Tobacco is cultivated in the world.

It is believed that Tobacco began growing in the Americas about 6,000 B.C. As early as 1 B.C., American Indians began using tobacco in many different ways, such as in religious and medicinal practices. Tobacco was believed to be a cure-all, and was used to dress wounds, as well as a pain killer. Chewing tobacco was believed to relieve the pain of a toothache. Tobacco has been smoked for at least the last three thousand years.

- Tobacco was first used by the peoples of the pre-Columbian Americas. Native Americans apparently cultivated the plant and smoked it in pipes for medicinal and ceremonial purposes.
- Christopher Columbus found it when he landed in the Americas in 1492. On October 15, 1492, Christopher Columbus was offered dried tobacco leaves as a gift from the American Indians that he encountered. Christopher Columbus brought a few tobacco leaves and seeds with him back to Europe, but most Europeans didn't get their first taste of tobacco until the mid-16th century, when adventurers and diplomats like France's Jean Nicot -- for whom nicotine is named -- began to popularize its use. Soon after, sailors

brought tobacco back to Europe, and the plant was being grown all over Europe. The major reason for tobacco's growing popularity in Europe was its supposed healing properties. Europeans believed that tobacco could cure almost anything, from bad breath to cancer. Tobacco was introduced to France in 1556, Portugal in 1558, and Spain in 1559, and England in 1565.

- During the 1600's, tobacco was so popular that it was frequently used as money! Tobacco was literally "as good as gold!"
- This was also a time when some of the dangerous effects of smoking tobacco were being realized by some individuals. In 1610 Sir Francis Bacon noted that trying to quit the bad habit was really hard!
- The first successful commercial crop was cultivated in Virginia in 1612 by Englishman John Rolfe. Within seven years, it was the colony's largest export. Over the next two centuries, the growth of tobacco as a cash crop fueled the demand in North America for slave labor.
- In 1760, Pierre Lorillard established a company in New York City to process tobacco, cigars, and snuff. Today, P. Lorillard is the oldest tobacco company in the U.S.
- In 1776, during the American Revolutionary War, tobacco helped finance the revolution by serving as collateral for loans the Americans borrowed from France!
- Over the years, more and more scientists begin to understand the chemicals in tobacco, as well as the dangerous health effects smoking produces.
- In 1826, the pure form of nicotine is finally discovered. Soon after, scientists conclude that nicotine is a dangerous poison.
- In 1836, New Englander Samuel Green stated that tobacco is an insecticide, a poison, and can kill a man.
- In 1847, the famous Phillip Morris is established, selling hand rolled Turkish cigarettes.
- Cigarettes became popular around this time when soldiers brought it back to England from the Russian and Turkish soldiers.
- Cigarettes in the U.S. were mainly made from scraps left over after the production of other tobacco products, especially chewing tobacco. Chewing tobacco became quite popular at this time with the "cowboys" of the American west.
- In 1852 the matches were introduced. That time the selling and using of cigarettes increased.

- In 1902, British American Tobacco Company formed as a joint venture between the American and British companies.
- Along with the popularity of cigarettes, however, was a small but growing anti-tobacco campaign, with some states proposing a total ban on tobacco.
- The demand for cigarettes grew however, and in 1913 R.J. Reynolds began to market a cigarette brand called Camel and launched a massive campaign for introducing Camel cigarettes. This was the first modern cigarette campaign with national marketing and advertising; by 1923 Camel cigarettes controlled 43% of the US market
- The use of cigarette exploded during World War I (1914-1918), where cigarettes were called the "soldier's smoke".
- In 1920s, Women first become targets of the tobacco companies. In 1924, Phillip Morris begins to market Marlboro as a woman's cigarette that is a "Mild as May"!
- During World War II (1939-1945), cigarette sales are at an all time high. Cigarettes were included in a soldier's C-Rations (like food!). Tobacco companies sent millions of cigarettes to the soldiers for free, and when these soldiers came home, the companies had a steady stream of loyal customers.
- During the 1950's, more and more evidence was surfacing that smoking was linked to lung cancer. Although the tobacco industry denied such health hazards, they promoted new products which were "safer", such as those with lower tar and filtered cigarettes.
- In 1964, the Surgeon General's report on "Smoking and Health" came out. This report assisted in allowing the government to regulate the advertisement and sales of cigarettes. The 1960's in general was a time when much of the health hazards of smoking were reported.
- In 1979, the Surgeon General reports on the Health Consequences of Smoking for Women. This is in light to the increasing number of women who are taking up the bad habit. Some attribute it to the slick ad campaign of the Virginia Slims brand, "You've Come a Long Way Baby!"
- During the 1980's there were many lawsuits filed against the tobacco industry because of the harmful effects of its products. Smoking becomes politically incorrect, with more public places forbidding smoking.

- In 1982, the Surgeon General reports that second hand smoke may cause lung cancer. Smoking in public areas are soon restricted, especially at the workplace.
- In 1985, lung cancer became the #1 killer of women, beating out breast cancer!
- During the 80's and 90's, the tobacco industry starts marketing heavily in areas outside the U.S., especially developing countries in Asia. Marlboro is considered the world's No. 1 most valuable brand of any product with a value over \$30 billion! Over this period, there is a battle between Coca Cola and Marlboro as the No. 1 brand in the world!
- In recent, years, there is growing evidence that the tobacco industry has known all along that cigarettes are harmful, but continued to market and sell them. There is also evidence that they knew that nicotine was addictive and exploited this hidden knowledge to get millions of people hooked on this dangerous habit!

### **Tobacco Industry in Bangladesh**

The tobacco use started in USA first and after that tobacco reached in Asia and Africa through colonial of Spain, Portugal and Europe. It was not clearly known that when the tobacco use started in Bangladesh. But in 16th century, tobacco was imported, cultivated and spread in Bangladesh by Portugal sailors.

The history of tobacco industry is not as old as the tobacco consumption is in Bangladesh. For years, tobacco production and processing were mainly household affairs. Tendu leaf Bidi, hooka and other smokeless tobacco like gul, zarda, sadapata etc. were used as tobacco products and were produced in small scales at the households to be sold at rural markets. There is no concrete information on the institutional history of tobacco industry, it is known that Akij tobacco started its journey in Bangladesh (the then East Pakistan) in 1948 by producing first hand made paper bidi. In 1949, British American Tobacco Company (the then Pakistan Tobacco company-PTC) established their first factory in Faujdarhat in Chittagong. Immediate after the independent in 1972, the company was named "Bangladesh Tobacco Company Limited (BTCL)" and thus started the expansion of the tobacco industry in Bangladesh.

The 'tobacco industry' does not consist only of manufacturers of tobacco products: it also includes those engaged in all aspects of the growing, manufacture, distribution and sales of tobacco, who are likely to be averse to effective tobacco control. The WHO FCTC defines the tobacco industry as "tobacco manufacturers, wholesale distributors and importers of tobacco products". As described below, industry allies and commissioned third parties who benefit from the sale of tobacco products or from tobacco sponsorship can also have interests that compete with those of tobacco control.

Tobacco companies can be either state-owned or national or multinational companies. Tobacco industry in Bangladesh consists of three sub sectors like cigarette, bidi and chewing tobacco (zarda, gul etc). There are 12 cigarette companies, 117 biri factories in Bangladesh. Though no accurate figure is available about the number of smokeless/chewing tobacco product's factories in Bangladesh but 312 zarda factories and 60 gul factories are enlisted under VAT registration of NBR.

In Bangladesh, British American Tobacco Bangladesh (BATB) is the number one tobacco company in tobacco industry of Bangladesh. It has been dominating as the unique market leader for nearly a century. It was only possible because of its effective practices of management processes. Besides BATB, the other companies in the same industries are: Dhaka Tobacco Company, Abul Khair Group, Nasir Tobacco, National Tobacco, Imperial Tobacco etc. Among the Biri factories Akij bidi, Aziz bidi, Abul bidi, Ansar biri, Nasir Bidi, Ali bidi, Amena bidi etc. are notable. In the Bidi factories around 65 thousand workers directly work where women and children are the major portion. There is no accurate estimate no of workers in smokeless tobacco industry. However, a recent study shows that 37 thousand workers in 141 factories work in 35 districts and five thousand of these workers are children.

Tobacco enjoys an important position in Bangladesh economy. British American Tobacco Bangladesh (BATB) has been occupying around half of the cigarettes market in Bangladesh for more than a decade. BATB market share, which was more than 50% in 2000, declined a little in 2010. On the other hand market share of the domestic companies currently is more than half of the market. BATB shows that it has been increasing sharply in five years since 2008 despite a falling market share. BATB profit almost three

folded from Tk. 2.24 billion in 2008 to Tk. 6.50 in 2012. The increasing trend of profit of the tobacco company indicates that more people will consume tobacco causing more disabilities and more deaths.

### **Tobacco Industry Interference : Why and How ?**

The motives of Tobacco industry are increasing profit by any means, Fear of litigation, Protect tobacco from regulation and Concerns about credibility/image of the industry in order to continue and expand their business smoothly.

Jeffrey Wigand said about the motive of Tobacco company "What the [tobacco] industry wants people to believe is that a cigarette is nothing but a natural product grown in the ground, ripped out, stuffed in a piece of paper and served up. It's not. It's a meticulously engineered product. The purpose behind a cigarette . . . is to deliver nicotine-an addictive drug."

Industry documents reveal that the companies carefully study the habits, tastes and desires of their potential customers and use that research to develop products and marketing campaigns. The industry is very effective in enticing new consumers, including youth and women, to start using tobacco, since they are the "replacement smokers" so important to the industry's success. The tobacco industry is now a truly global industry, investing huge sums of money in low-and middle-income countries to increase the social acceptability of tobacco and tobacco companies among both adults and young people. Tobacco industry is constantly changing its marketing tactics to attract new customers and keep tobacco users loyal to particular brands. They take bunch of action in order to obstruct the design and implementation of a health policy or promote policies or positions that uphold it commercial interest which called Industry interference. As part of interference activities, tobacco companies globally always try to diminish the tobacco control initiatives through using different tactics and spend required funds to implement the tactics. Tobacco is the only legal product that kills people. Tobacco companies across the globe are stronger in terms of economy and politics because a vast quarter of the world populations are tobacco consumers. Using the political and economic powers, the tobacco companies interfere and run their business internationally using various tactics including legal battle against the government, influencing the law makers of high government officials, distorting information, finding loopholes of existing laws and using those and many more.



Many strategies used by the industry and its allies to monitor and undermine advances in tobacco control. The diversity of these strategies demonstrates that the mission to thwart tobacco control in global and local level. As transnational companies they repeat the same strategies internationally to impede adoption and implementation of the tobacco control measure in order to uphold their business. Some notable tobacco industry interferences are follows

- ***Intelligence gathering:*** To monitor opponents and social trends in order to anticipate future challenges tobacco company meet with intelligence specially civil society and scholars.
- ***Public relations and using media:*** To mould public opinion, tobacco company uses the media to promote positions favourable to the industry.
- ***Political funding:*** To use campaign contributions to win votes and legislative favours from politicians
- ***Lobbying:*** To make deals and influence political processes, interfere in policy making process, promote pro tobacco policy, encourage formulation of ineffective law.
- ***Funding research:*** To create doubt about evidence of the health effects of tobacco use and publicize biased research findings
- ***Consultancy:*** To recruit supposedly independent experts who are critical of tobacco control measures
- ***Smokers' rights groups:*** To create an impression of spontaneous, grassroots public support as a name of smokers rights
- ***Creating alliances and front groups:*** To mobilize farmers, workers, retailers, advertising agencies, the hospitality industry, grassroots and anti-tax groups with a view to influencing legislation through utilizing them as spokespersons to oppose tobacco control measures like tobacco control law formulation and taxation
- ***Philanthropy:*** To buy friends and social respectability from arts, sports, humanitarian and cultural groups
- ***Intimidation:*** To use legal and economic power as a means of harassing and frightening opponents who support tobacco control
- ***Litigation:*** To challenge laws and intimidate tobacco industry opponents
- ***Joint manufacturing and licensing agreements and voluntary policy agreements with governments:*** To form joint ventures with state

- monopolies and subsequently pressure governments to privatize monopolies
- ***Smuggling:*** To undermine tobacco excise tax policies and marketing and trade restrictions and thereby increase profits
  - ***Corporate social responsibility:*** To promote voluntary measures as an effective way to address tobacco control and create an illusion of being a 'changed' company and to establish partnerships with health interests
  - ***Threatening or harassment of tobacco control professionals:*** To undermine the activities of tobacco control community and create false impression about their work
  - ***Pre-emption:*** To overrule local or state government by removing its power to act

### **III Tactics of Tobacco Industry in Bangladesh**

Tobacco industry interference in public health policy poses the single greatest threat to society realizing the full potentials of the life saving measures of the global treaty and local law. The tobacco industry uses its political and economic influence to weaken, delay and defeat tobacco control legislation. In Bangladesh Tobacco industry interference mainly policy centered that has evolved on the formulation, amendment and enforcement of law and tax imposition.

And the recent years, the tobacco industries have been shamelessly fuelling its marketing by using tactics including: maneuvering to hijack the political and legislative process, exaggerating the economic importance of the tobacco industry, manipulating public opinion to gain the appearance of respectability, fabricating support through front groups, discrediting proven science, intimidating governments with litigation or the threat of litigation.

Tobacco industries have a fundamental and inherent conflict of interest with effective tobacco control legislation. The tobacco industry does not have the right to participate in the development of public health policy. The tobacco industry and its allies continue to attempt to influence tobacco control both the domestic and international level, but WHO resolutions and the global tobacco treaty specially exclude industry participation.

## **Followings are Some Tactics and Strategies on How the Tobacco Industry Interfere and Violate the TC Law**

### **Law Formulation and Amendment Process**

Tobacco industry interferences are mainly policy centered. To expand their business, the tobacco companies are adopting and continuing different ill tactics and aggressive activities across the country and also hampering the formulation and implementation of tobacco control law. Thereby, the desired outcomes of the tobacco control law are not seen and public health is being damaged. Bangladesh government signed on Framework Convention on Tobacco Control (FCTC) in 2003 and to control tobacco production, usages, selling and advertisement, had formulated law in 2005. The law accordingly got amended in 2013 due to some loopholes. Later on, the Rules for the amended law was finalized which has been in effect from March 12, 2015. The tobacco industry applied various ill tactics to delay and hang up the law formulation and amendment process.

During the period, they were able to annul some of the important provisions of the law and Rules and also altered and weaned some provisions. Two important provisions crucial in controlling tobacco use dropped from the final draft of an anti tobacco law following hectic lobbying from tobacco companies. The initial draft contained for not providing farmers with soft loan or subsidy for tobacco cultivation and not keeping designated smoking Area (DSA) in smoke free public place. The process of amendment of the tobacco control law faced various conspiracies and interference by the Tobacco industry. Tobacco companies constantly tried in multiple ways to deter the process of law amendment including weakening of the content and delaying the entire process. At times they engaged influential quarters of the government, MPs, Media or civil society or utilized the innocent workers involved in the process of tobacco production. As a result tobacco industry hung up the law amendment process for one and half years and also delayed the Rules finalization process for almost two years. Tobacco industry mainly BATB met with industry ministry and placed their demands and strong objection about the amendment law. They also sent letter to Finance minister to opposing the law with the arguments of possible revenue loses by the government. The letter delayed the amendment process substantially. As usual, BAT put forward the economic and employment arguments to defend their submission. At last the amendment law passed in the Parliament on 29th April 2013 accommodating the DSA and some other

unjustified demands of the tobacco industry.

Following the enactment of the amended law, the process of Rules formulation started immediately. This process is too delayed due to industries interference. Tobacco companies have issued letter to the Health Secretary for allowing them 18 months instead of the proposed six months for implementing one of the most important section of the amended law pictorial warning and strongly lobbied to change the decision of Health Ministry. They also used media to defend their position in this regards. Unfortunately, there is no such provision in the current law for preventing tobacco industry interference.

### **Put Pressure at the Budget Period**

Every year the tobacco industry takes special initiatives so that tax is not increased on tobacco products. They try to influence the system in such a way that, even if the tax is increases, the interest of the industry remains protected. For example, the industry tries to oppose imposition and increase of indirect tax like 'Supplementary Duty', which really has impact on consumption. Some times Biri Industry workers hold 'Hunger Strike' and rally on the streets to influence the Government so that the tax is not raised on Biri

### **Violation of Law by the Tobacco Industry**

The industry also look for every possible loopholes in the tobacco control law or simply ignore the law taking advantage of weak enforcement. The best example is violation of ban on 'Tobacco Advertisement, Promotion and Sponsorship'. The industry took advantage of a small loophole and used it to advertise their products.

### **Tobacco advertisement, Promotion and Sponsorship**

As per the section 5 of Smoking and Tobacco Products Usage (Control) Act 2005 (Amendment, 2013), all types of advertisement and promotion of tobacco products have been prohibited and sponsorship has been strictly controlled. As per the law, all types of advertisement on print/electronic media or by any other means, distributing tobacco products for free; donation, reward or sponsoring events; advertising on cinema halls or on web pages; using scenes of tobacco product consumption on cinema, drama or documentary, production and distribution of any product similar to tobacco product packet or wrappers and their distribution, advertising tobacco products on point of sales, using tobacco company name, sign,

trademark, symbol against sponsoring corporate social responsibilities etc. are completely prohibited.

However, based on some rules and conditions, tobacco consumption scenes could be used on the older cinemas with the necessity of plot. The Rules have indicated that anti-smoking warning, "Smoking/ tobacco use causes death", should be used on one fifth space of the entire screen by white font on black background. Regarding the case of telecasting cinemas on television, between the two advertisement break, it means after the first advertisement and beginning of the smoking scene and before the second advertisement which refers that after the ending of the part, an anti-smoking warning, "Smoking/ Tobacco Use Causes Death", should be screened on the entire screen for at least 10 seconds. Similarly, if there are smoking scenes on cinema, the same procedure should be followed before the cinema begins, before and after the advertisement and at the end of the cinema and the anti-smoking warning, "Smoking/ Tobacco Use Causes Death" and it should last for 20 seconds in Bengali language. Over all, the explanation of Section 5 has indicated that all the direct and indirect commercial activities is prohibited. But tobacco industry always violated the law and searches loopholes of the law for promoting their death product by advertisement, promotional activities and sponsorship. Some examples are follows -

### **Tobacco Advertisement at Point-of-Sales**

Point-of-sale (POS) advertisements constitute the dominant form of TAPS in Bangladesh although all types of activities to promote sale of tobacco products at the Point of Sale by any forms is completely prohibited, and it is also a punishable offence by Section 5(1) (g) of the TC Act. However, various forms of POS advertising are still widely seen which are clear violation of the law. Tobacco company pay retailers of their products to place cigarettes ads and functional items inside and outside and on the property of convenience stores and other retail sales outlets. Tobacco companies supply vendors with promotional materials including posters, display cases to turn the stores into giant cigarettes advertisement. Tobacco companies are spending thousands of crores of money which is proved on the annual reports of the tobacco companies. Only British American Tobacco Bangladesh (BATB) has spent around TK 330 crores for its branding. Companies advertise use different innovative and creative tactics on point of sale. They decorate the selling points with small posters, hanging small posters before the store, display large or small dummy cigarette packs on the

stores, display boards on the stores with new cigarette brands etc. Point of sale is very powerful marketing tactics and almost all the tobacco companies follow this technique. The law is being violated everywhere including in rural areas, cities and towns, tea stalls to superstores. The shop owners are also being provided with TK 500-600 to display the decorated boards on the stores.

### **Distribute Free Cigarettes**

By the tobacco control law Section 5 Sub-section 1 (b) and (d) distributing of tobacco product for free and advertising of tobacco products on web pages is completely prohibited and it is punishable offence. But tobacco companies always violating the section of the law. They give away free samples of tobacco products. Distributing free tobacco products costs very little and allows the tobacco industry to continue attracting new users and smokers. Especially they invite youth, school students from different region of the country and share the benefit of smoking and give a packet of cigarettes and a food pack covered with the tobacco company levels. Dhaka Tobacco companies used this advertisement in the southern districts of the country to promote their brand - Briton. During the advertisement, who had liked their facebook page were awarded with two packets of cigarettes for free. The kids who attended the program were seen smoking in their way to back home. They also hired girls to hand out their products, encourage people to try new free samples.

### **Arrange Video Shows**

For promoting the brand of Marise cigarette and Abul Biri, the Abul Khaer Tobacco company produced a music video. They made a song with their advertisement messages copying the popular local songs. The representatives of the company show the videos in different public places like hotel, restaurant, point-of-sales and other places using their laptops and DVD sets, and also distribute cigarettes for free to inspire them in consuming the brand. According to the law, tobacco advertisement and promotion are banned and thus tobacco companies are following the innovative ways to advertise for their products which is punishable offence.

### **Mini Billboard Behind Bicycles**

Tobacco company uses mini Billboard to advertise their new products. Java Black and set behind the bicycles of the sales representative. The sales representatives moved in the any area riding on the bicycles to deliver the

cigarettes in the selling stores.

### **Attractive Prize Against Empty Pack**

Sometimes many tobacco companies offer attractive gifts to the smokers for attracting people to buy more cigarettes and Biri and increasing their selling. They displayed posters and leaflet in different places with the slogan of "Submit empty packs and get rewards". The posters contain details of the prizes - for a specific gift like mug, bucket, umbrella or mobile phone etc. how many empty packets need to be provided to the sellers. When any person provides specific numbers of empty packs of cigarettes/biri, he/she receive the selected gifts from the seller

### **Attractive Prizes for Sellers**

Tobacco companies sometimes give a selling target to the sellers. If sellers can reach the specific selling targets, tobacco companies provide them some attractive prizes. They provide wrist watch labeled with cigarette packet, wall clock, mobile phone, radio, desk calendar, lighter, T-shirt and many other attractive prizes.

### **Tobacco Advertisement and Marketing by Youths**

Youth are the major target group of tobacco company they targets them to sell their products through new smokers, and also to marketing their products as front line group. Phillip Morris International (PMI) cigarette brand has added an innovative dimension in its promotional activities. They engaged youths to market the product wearing attires similar to the cigarette brand packets which aims to reach and publicize the brand to the mass people. This attractive look is attracting teenagers and youths seriously. Though such techniques are legally banned after the law, they are found almost everywhere in our country. They also provide training to this youth and provide all materials for promoting their products

### **Smoking scene on drama, cinema, documentary**

As per the Section 5, Sub-section 1 (e) of the tobacco control law, exhibition of the scenes of using tobacco products on drama, cinema or documentary on television, radio, internet, or stage, either produced or made in Bangladesh or abroad is banned and punishable offence. But disobeying the law Drama, cinema and documentaries in electronic media frequently show the smoking scenes which is inspiring the youths of the country to smoke. A study on smoking scenes on television shows that 10 of 76 dramas, aired in a week

(17-23 July, 2015) has shown smoking scenes on leading six private television channels based on Television Rating Point (TRP). The 10 dramas had 52 scenes with smoking and among them, only a single drama shown such scene for 30 times.

### **Cigarette Advertisement in The Name of Job Fair**

To attract the youths in smoking, basically advertisement of tobacco products has been done in some reputed private universities in the name of 'job fair', where they installed decorative help desk and booths. Multinational tobacco company, Phillip Morris International (PMI) applied this strategy to market its new brand Marlboro Gold in Bangladesh. Private universities were target for this promotion which is completely illegal.

### **Advertisement Through Concert and Cultural Events**

To attract the university students and youths, music concert is a popular technique of tobacco industry. This type of concert arranged for a new brand of Benson & Hedges and Marlboro Gold- a PMI brand. BATB organized the show at the Bangabandhu International Conference Center and PMI organized Live -2 Rock City Concert at Ramna Engineers' Institute. On the other side, Akij Group took initiative to popularize its tobacco products among the youths in several districts by arranging concert. But when this information exposed, the local authority void the event and fined them.

### **Arrange Battle of Mind Event**

'Battle of Mind' is an event arranged by British American Tobacco Bangladesh for attracting youth specially university students in the name of provide jobs for them. The death-marketing competition is annually held to promote brands, inspire the youths for smoking. It is important to mention that BATB has secured job for only 100 candidates in the last 12 years (between 2004 - 2015) among the 18,000 applicants by organizing the completion. BATB organized the grand finale of 'Battle of Mind' at renowned hotel Radisson with the participation of students from top 18 universities in Dhaka. To inspire on registering with the campaign, BATB has arranged Roadshows in different university campuses. Though the anti-tobacco activists issued letter demanding the closure of this event to protect the youths, those attempts were canceled

### **Company Advertisement in the Name of Corporate Social Responsibility (CSR)**

Based on the Section 5, Sub-section 3 of the law, tobacco companies cannot use their organizational name, sign, trademark and symbol to run its social



responsibility activities. Basically tobacco companies promote their name, logo, symbol and sign in the name of corporate social responsibility activities (CSR). By fostering the image of a generous contributor to the people, tobacco companies manipulate the public's attitude towards their reputation and send the message that they are looking out for the public's best interest. Through the so called corporate social responsibility activities in order to promote their products while portraying themselves as good corporate citizens. The aim of tobacco companies is to create a positive image on the society and influence the policymakers. Tobacco industry CSR activities include i) solar plan project, ii) pure water plant, iii) tree plantation, iv) eco-friendly oven, v) medial facilities, vi) emergency response etc.

### **Produce and Sell Electronic Devices**

Tobacco companies produce computer speakers, radio, music players and other devices resembling tobacco packets. The devices look like cigarette packets from a distant view. But as per Section 5, Sub section 1 (f) of TC law, production, sale or distribution of products similar to tobacco product packets or containers is completely banned and punishable offence.

### **Ensure Graphical Health Warning**

Tobacco pack warnings are recognized worldwide as a highly cost-effective means of increasing awareness of the detrimental effects of tobacco, and of reducing its usage. It even helps those who cannot read to understand the devastating impact of tobacco usage. The tobacco control law and its rules (2015) made it mandatory to print the GHW covering upper 50% space of all the tobacco packets from March 19, 2016. But before six months of the law implementation deadline, the tobacco companies started ill tactics to extend the GHW implementation date. Tobacco industries also demanded to print the GHW in the lower portion of the packets. Actually, they wanted to delay the GHW implementation through both the Health and Law ministries. Tobacco industries interfered the policy makers, law, health ministry and NBR for delaying the GHW implementation. Consequently ignoring the provision, the Ministry for Law has opined printing the GHW with health warning on lower 50% of the tobacco packets. Some posters produced by tobacco companies were found across the country with the GHW, health warning on lower 50% space of the tobacco packets and with misleading information "The test and price will be same after printing the GHW". Beside that tobacco companies did lobbying with local administrations, additional district magistrate not to conduct mobile court after 19th March 2016 and they also influenced them to

give them more time to purchase all of their tobacco products without GHW. But instead of printing the images on the upper part of the pack as stipulated in the law's provision, tobacco industry lobbies managed the health ministry to print the warning pictures in the bottom of the pack where they attract less attention. But a study found that 51 percent of the tobacco products do not obey the law. At least 92 percent of tobacco producers are selling products without complying the graphic health warning guidelines "fully". Most of the companies are not complying the rules entirely. Local hand-roll cigarettes such as 'bidis' and smokeless tobacco such as 'jorda' which are packed in round or cylindrical packs are also taking the advantage. Due to their pack's size, the picture cannot be displayed properly. It also creates less impact, industries made the law "less effective" at the beginning by convincing the health ministry to print it at the lower half of the packs.

### **Form Front Line Group**

The tobacco industry resorted to fresh "ill tactics" to undermine the implementation of the law, anti-tobacco group. An organisation naming 'Action for Smoking and Health Bangladesh (ASH Bangladesh)' has conducted an anti-tobacco human chain in front of the National Press Club on Feb 18. The organisation has demanded to divest government share from British American Tobacco Bangladesh (BATB) and also underscored the implementation of FCTC Article 5.3 to protect the public health. Initially it appears that the organisation is an anti-tobacco platform, but the entire 'show-off' is done with the assistance of the tobacco company," They filed a petition at the High Court that halted a move to force the tobacco companies print the graphic health warning at the upper part of the pack. It made us clear that they are deployed by the tobacco industries. Industries resort to such kind of tricks in different parts of the world, and now they are doing that in Bangladesh also. Industries are applying fresh ill tactics to undermine the law. Earlier, based on a joint writ petition by anti-tobacco groups a High Court bench on 8 September 2016 issued a rule asking the government why printing the warning on the lower portion of tobacco packets "shall not be declared as illegal and outlawed". Tobacco companies also use tobacco factory's workers and farmers as front groups and these front groups arrange human chain on behalf of tobacco industry for paying attention to the policy makers not to increase their tax and increase their production.

## **Challenging Tobacco Industry Interference**

For generation, the tobacco industry used its political and economical power to prevent effective public health policies and regulations. That all changed when WHO launched negotiations on a global tobacco treaty, the Framework Convention on Tobacco Control (FCTC). The WHO and all the countries are very clear that tobacco industry does not have rights to participate in the development of public health policy as per the treaty. Besides each parties have their own country policy which also support to challenge the tobacco industry interference. Bangladesh government has passed tobacco control law but it does not directly focus any action against the tobacco company interference. However the FCTC is a strong means to challenge all interference done by Tobacco companies as Bangladesh is one the parties.

WHO Framework Convention on Tobacco Control (FCTC) Article 5.3: protect these policies from commercial and other vested interests of the tobacco Industry

The WHO Framework Convention on Tobacco Control (FCTC) is the first evidence- based health treaty that presents a regulatory strategy for reducing both demand and supply of addictive substances "tobacco" for ensuring the right of all people to the highest standard of health. FCTC contains several articles that address the protection of national and international tobacco control from tobacco industry interference. The Preamble of the WHO Framework Convention on Tobacco Control recognized the Parties' "need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts".

Under the treaty's general obligations, the signatories agree to protect tobacco control policies from tobacco industry interference. Specifically, Article 5.3 states: "In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law".

In line with article 5.3, countries can adopt other measures: limit interactions and disclose all meetings with the tobacco industry; reject partnerships and non-binding agreements with the industry; refuse funds and other support, and reject industry endorsement and participation in youth initiatives, etc.

WHO also said that countries should not grant incentives, privileges or benefits to the tobacco industry, such as subsidies or tax exemptions, and should create firewalls against the interference of the tobacco industry in public health, including state-owned tobacco companies.

WHO urged countries to put the fight against tobacco industry interference at the heart of their efforts to control the global tobacco epidemic.

Tobacco industry interference poses the single greatest threat to implementation of the global tobacco treaty. FCTC Article 5.3 obligates ratifies countries to protect public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry in accordance with national law.

In November 2008, parties to the FCTC unanimously adopted specific guidelines to implement Article 5.3 and safeguard public health policies against the tobacco industry. The guideline has the following principles

***Principle 1: There is a Fundamental and Irreconcilable Conflict Between the Tobacco Industry's Interests and Public Health Policy Interests :*** The tobacco industry produces and promotes a product that has been proven scientifically to be addictive, to cause disease and death and to give rise to a variety of social ills, including increased poverty. Therefore, Parties should protect the formulation and implementation of public health policies for tobacco control from the tobacco industry to the greatest extent possible.

***Principle 2: Parties, when dealing with the tobacco industry or those working to further its interests, should be accountable and transparent :*** Parties should ensure that any interaction with the tobacco industry on matters related to tobacco control or public health is accountable and transparent.

***Principle 3: Parties should require the tobacco industry and those working to further its interests to operate and act in a manner that is accountable and transparent :*** The tobacco industry should be required to provide Parties with information for effective implementation of these guidelines.

***Principle 4: Because their products are lethal, the tobacco industry should not be granted incentives to establish or run their businesses:*** Any preferential treatment of the tobacco industry would be in conflict with tobacco control policy.

Besides Article 5.3 some other articles also mention about the tobacco interference. Such as

*Article 12.C* stresses the importance of public education and awareness about tobacco industry activities, and Parties agree to promote "public access, in accordance with national law, to a wide range of information on the tobacco industry as relevant to the objective of this Convention."

*Article 12.E* reiterates the importance of the "participation of public and private agencies and nongovernmental organizations not affiliated with the tobacco industry in developing and implementing intersectoral programs and strategies for tobacco control."

*Article 20.4* states that, in addition to promoting and facilitating the exchange of scientific, technical, socio economic, commercial and legal information, Parties should also exchange "information regarding practices of the tobacco industry and the cultivation of tobacco, which is relevant to this Convention, and in so doing shall take into account and address the special needs of developing country Parties and Parties with economies in transition."

*Article 20.4C* outlines how Parties can best share this information, by endeavoring to "cooperate with competent international organizations to progressively establish and maintain a global system to regularly collect and disseminate information on tobacco production, manufacture and the activities of the tobacco industry which have an impact on the Convention or national tobacco control activities.

### **Recommendations for Countering the Tobacco Industry Interference**

The tobacco industry and its allies are the biggest opponents. However, they are consistent and predictable: they will always try to undermine any tobacco control efforts. So some strategies and steps should be taken. Here are some recommendations for countering the tobacco industry interference:-

- Limit the interactions with the tobacco industry. The Tobacco industry is not and can not be a stakeholder when it come to the public health because of its fundamental conflict of interest with public health goal.
- Formulating regulations to control tobacco industry commercial activity according to the FCTC article 5.3.
- Conduct regular and close monitoring on the tobacco tactics and interference.

- Compile information about tobacco companies in our country: Their size, profits, CSR programs, who is on their boards, locations of corporate headquarters and manufacturing plants, their spokespeople in the media and with governmental bodies, check corporate websites, gather background information, read tobacco company's annual reports etc.
- Gather background information on key players involved in the TI activity - look for points of vulnerability. And use this information to discredit the tobacco industry and create outrage among policy makers and the public to stop their ability to influence policy making.
- Expose the tobacco industry strategies for policy campaigns and publicly link their bad acts to their real goal - to maximize profits. Include the public in order to educate them about industry motives and increase support for tobacco control policies.
- Develop counter arguments and key messages
- Keep close contact with the process of developing any policy, amendments and strategies on Tobacco control
- Develop strategies to counter or weaken industry position: like Keep allies informed and assist them with the development of rebuttals
- Use the media
- Working with groups that share similar goals will help to achieve policy goals
- Build civil society capacity to challenge the Big tobacco
- Campaign for laws and policies to protect against tobacco industry interference in public health
- Advocate for strong tobacco control policies embodied in the FCTC and FCTC Guidelines
- Strong implementation of the law-Enforcing mobile court-Popularizing provisions of the law

## References

ACS, 2009. '*How do you sell death: The framework Convention Alliance and Campaign for Tobacco free Kids Tobacco or Sustainable development*', The American Cancer Society, p. 55

CTFK, 2016. '*Report of Monitoring Compliance on GHW*', Campaign for Tobacco Free Kids, p. 70.

Lisa, B, 2000. *'Implications of the tobacco industry documents for public health and policy'*, Institute for Health Policy Studies, University of California, USA, p. 80.

NATT, 2010. *'Protecting against tobacco Industry interference: 2010 Global Tobacco treaty action guide'*, The Network for Accountability of tobacco Transnationals, p.70.

WHO, 2003. *'WHO Framework Convention on Tobacco control'*, World Health Organization, Geneva, p. 85.

WHO, 2008. *'Guidelines for implementation of Article 5,3 of the WHO Framework Convention on Tobacco control'*, World Health Organization, Geneva, p. 75.

WHO, 2009. *'Global Adult Tobacco Survey, Bangladesh report'*, World Health Organization, Geneva, p. 60.

PROGGA, 2010. *'Public Health on Top'*, PROGGA, p. 60

PROGGA, 2016 "Tobacco or Sustainable Development"

WHO, 2009. *'WHO report on the global tobacco epidemic, Implementing smoke-free environments'* World Health Organization, Geneva, p. 110.

MoL, 2005. *'Smoking and Tobacco products Usage (Control) Law 2005'*, Ministry of Law, The People Republic of Bangladesh.

MoL, 2015. *'Smoking and Tobacco products Usage (Control) Rules 2015'* Ministry of Law, The People Republic of Bangladesh.

WHO, 2008. *'Tobacco Industry interference with tobacco control'*, World Health Organization, Geneva, p. 50.

Jonathan, S, 2010. *'Presentation on Global Tobacco Control: Past, Present and Future'*, *Proceeding* in Global tobacco control leadership program, Johns Hopkins Bloomberg school of Public Health, Baltimore, USA