“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

O’NEILL INSTITUTE FOR NATIONAL & GLOBAL HEALTH LAW

GEORGETOWN LAW

Fundación InterAmericana del Corazón Argentina

ASH ACTION ON SMOKING & HEALTH
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
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

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

#NoALaPublicidadDeTabaco
THE TOBACCO EPIDEMIC DEEPENS POVERTY AND HINDERS DEVELOPMENT
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
“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

Targeted advertising to:
- LGBT community
- "International influence"
- Generation X
- Homeless population

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

1. Consumer Subcultures
   - Alternative Life Style
   - International Influence
   - Subcultures Generation X
   - Street People - More Applicable to Camel "Subclu"es

2. Camel has a higher share than in the general Marketplace. This was consistent in cases where we had the elements of presence/distribution and where we didn’t
   - Haight Ashbury - 22.6% SOM - Not SOC
   - Castro 10.6%
   - Downtown Metro - 7.90%
   - Northern California Region - 7.70% (AIM 12/30/95-2/28/96)
“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)
“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
Psychographic segmentation in Argentina

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

% 18–35 urban

- 42% Progressives
- 40% Jurassic (conservatives)
- 11% Crudos (spoilt brats)

Brands:

- Marlboro
- Lucky Strike
- Marlboro
- Jockey Club
- Marlboro

- Open minded
- Agnostic
- Liberal attitudes
- Independent
- Many hobbies
- Reject US values

- Inflexible and strict
- Macho
- Religious
- Optimistic
- Few hobbies
- Pro-USA

- Neutral
- Indifferent to religion, politics, media
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
“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

ARGENTINA

BRASIL

URUGUAY

MÉXICO

PERÚ
VIOLATIONS OF HUMAN RIGHTS

DERECHO A LA SALUD
CONVERSION OF THE RIGHT TO HEALTH BY THE TOBACCO INDUSTRY

INFORMAR, NO PROHIBIR

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El Congreso busca aprobar una ley que prohíba la publicidad (en los pocos espacios que aún se permiten) 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...
“...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...”
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.”

“...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.”

“...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.”

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

COLOMBIA
Sentencia C-830/10

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.