

10 key issues for global tobacco control and the FCTC

The Framework Convention Alliance (FCA) is an alliance of over 160 non-governmental organisations from around the world that are working to support the development of a strong Framework Convention on Tobacco Control, and related protocols. A strong, credible FCTC will require proper funding, reporting, surveillance, research and co-ordination to form the foundations of the Treaty. The 10 commitments we believe demand the most urgent attention of delegates are the following:

1. **Advertising.** The FCTC should ban all forms of direct and indirect tobacco advertising, promotion, and sponsorship – but with accommodation for those parties where existing, genuine constitutional barriers prevent a complete ban. Each party would prohibit all forms of advertising unless it faced constitutional constraints, in which case it would restrict advertising as far as possible within the tested limits of its constitution.
2. **Smuggling.** One in three internationally traded cigarettes enters the black market, and it is now essential to stop this by introducing effective security measures in the distribution system. Customs authorities must be able to trace the movement of tobacco products retrospectively to identify where diversion to the black market occurred. There are about 10,000 wholesale traders in the world, and these could be built into a licensed system in which they would record movements of tobacco products by scanning pack markings. Technology is available to do this at less than US\$0.02 per pack.
3. **Pack markings.** Produce a clear pack-marking regime – the language is currently confusing. There are up to seven markings requirements to be specified in G1.
 - Rotated health warnings (not merely a bland general warning) - these must cover at least 50% of the pack in line with world best practice
 - Use of pictures for at least some warnings to provide powerful visual communication of risk.
 - Information on ingredients and/or smoke emissions, but only if these provide useful information about the product to consumers. There should be no requirement for listing of tar, nicotine etc. yields on packages (see 6).
 - “For sale only in [market]” marking. This shortens the distribution chain and will help to tackle diversion to the black market.
 - “Not for sale to under-18s” label. The FCA opposes this because it makes tobacco seem more adult – and hence more attractive to kids.
 - Security markings required for tracing – essential for a meaningful counter-smuggling strategy
 - Plain packaging required for parts of package other than where mandatory messages appear.

For all markings, the FCTC should establish a framework of *minimum* standards for size, positioning, and, as appropriate, the use of pictures and rotation. National authorities should specify culturally relevant messages and content for warnings and consumer information, in local languages.
4. **Health before trade.** Change the guiding principles to give higher priority to human life than to commercial interests. The FCTC should be the prime treaty on tobacco and not be subject to challenge under the WTO agreements. The guiding principles must be changed to reflect FCTC supremacy in treaty conflicts relating to tobacco and to take a precautionary approach to evaluating measures intended to protect life. Nothing in the FCTC should prevent parties going further.
5. **Prohibit misleading claims and descriptors.** Ban clearly misleading brand names using words like ‘light’, ‘mild’, and ‘ultra low’ or similarly misleading expressions and symbols. These implied health claims have no scientific basis, and mislead consumers and confuse regulators. The FCTC should also ban any health claim on tobacco products unless approved by the authorities in the country where they are placed on the market.
6. **Abandon the ISO methodology.** The system of measuring tar and nicotine ‘yields’ with a smoking machine does not give useful information about the impact of smoking on health. These machine readings are not, therefore, a useful basis for regulation or comparison of products. The ISO is dominated by the tobacco industry, and should have no more than a strictly subordinate role to the WHO, which must lead in the definition of standards for public health.
7. **Increase taxes.** Tobacco taxes are effective in reducing demand and raising revenue. It will be impossible and undesirable to develop a common tax regime in the FCTC, but each party should commit to raise its tobacco taxes so that tobacco does not become more affordable. This means increasing tobacco taxes at least at the rate of growth of incomes – considerably ahead of inflation. Some fraction of tobacco tax revenue should be dedicated to funding tobacco control and cessation programmes.
8. **Close down duty free.** Duty free is an unjustified tax break to travellers, and opens a back door route to the black market by allowing retail access to tobacco products on which the full duties have not been paid.
9. **The right to smoke-free life.** The FCTC should recognise the right not to breathe second-hand smoke – a toxic and carcinogenic pollutant. The aim of the FCTC must be to eliminate involuntary exposure to tobacco smoke. There is no need to specify vulnerable groups in the text: everyone deserves protection.
10. **End all forms of subsidy to tobacco.** There is no justification for subsidising any part of the production of tobacco. If there are social needs for subsidising communities based on tobacco farming, any support should be for diversification, infrastructure development or activities that produce public goods.

Further reading

- [FCA briefings on Trade, Advertising, Smuggling and Packaging and Labelling](#) – available at www.fctc.org
- [ASH Commentary on the texts for INB-4](#) – available at www.ash.org.uk (The FCA does not necessarily endorse all the positions in this document)
- [FCTC INB -4 Co-chairs' working papers](#) - available at <http://tobacco.who.int>