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#### Abstract

Although Switzerland is a highly developed country which projects in the world the image of human rights champion and defender of humanitarian values, it lags behind most other countries in its tobacco control policy. The Swiss parliament is currently debating on a new tobacco products law which has a surprising objective: to maintain smoking prevalence at the current level for the next 40 years! Swiss legislators admit without embarrassment that they consider it a priority to protect the commercial interests of the tobacco industry over the protection of public health.

The paper discusses the reasons for such a surprising situation, which are linked to the massive presence of the tobacco multinationals in the country and their tactics of influence that take advantage of Switzerland's decentralized political system. To avoid situations as exemplified by Switzerland, it is recommended that countries should fully implement article 5.3 of the World Health Organization Framework Convention on Tobacco Control.

**Key words:** Tobacco control, Tobacco industry tactics, Prevention

#### Öz

İsviçre, dünyada insan hakları ve insani değerlerin savunucusu olma konularında lider bir ülke imajına sahip olmasına rağmen ülkenin tütün kontrol politikası diğer birçok ülkenin gerisinde kalmaktadır. İsviçre parlamentosu halen "şaşırtıcı" bir amacı olan yeni tütün ürünleri ile ilgili yasa üzerinde tartışmaktadır: önümüzdeki 40 yıl boyunca sigara içme sıklığını mevcut seviyede tutmak!

İsviçreli yasa koyucular, tütün endüstrisinin ticari çıkarlarını halk sağlığının korunmasına karşı korumanın bir öncelik olduğunu düşündüklerini kabul etmemektedirler.

Bu makalede, ülkedeki ulusötesi tütün şirketlerinin varlığı ve şirketlerin İsviçre'nin siyasi sisteminden yararlanan taktikleriyle bağlantılı olabilecek bu durumun nedenleri tartışılmaktadır.

Benzeri durumlardan kaçınmak için, ülkelerin Dünya Sağlık Örgütü Tütün Kontrolü Çerçeve Sözleşmesi'nin 5.3 maddesini tam olarak uygulamaları önerilir.

**Anahtar sözcükler:** Tütün kontrolü, Tütün endüstrisi taktikleri, Korunma

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## Introduction

In May 2013, at the World Health Assembly, Switzerland endorsed the WHO Global Action Plan for the Prevention and Control of Non-Communicable Diseases (the Global Plan) (1), adopting it unanimously with the rest of the international community. The country was showing its commitment to contribute to the Global Plan's recommended objectives, among which notably the voluntary target of 30% prevalence reduction in tobacco use in persons aged 15+ years by 2025 and the adoption of tobacco control measures in line with the provisions of the WHO Framework Convention for Tobacco Control (FCTC). The Global Plan also specifically urges countries which have not yet ratified the FCTC to do so without further delay.

The Swiss parliament is currently in the process of examining a new tobacco product law based on a draft (2) which the government submitted to it at the end of November 2018. While one could legitimately expect of this draft law to reflect the objectives of the Global Plan, when reading the explanatory message prepared by the Swiss government (3), one discovers with disbelief that the planned effect of the proposed draft law is rather to *preserve* tobacco prevalence at the current level at least until 2060<sup>1</sup> and that it will prevent Switzerland from ratifying the FCTC (3).

Not only is the draft tobacco product very weak, giving full freedom to the tobacco industry to advertise as their marketing departments wish, with no restriction on promotion and sponsorship, but declarations by majority members of parliament indicate that they consider it goes too far and the likelihood is that they will adopt a weaker version of it.

The international observer might be surprised by this turn of event, which does not correspond to the image Switzerland projects in the world. It is internationally perceived as a health-conscious country which places humanitarian values high on its agenda. In particular, Switzerland hosts the World Health Organization global headquarters, the secretariat of the FCTC, the Human Rights Committee and many international NGOs which were instrumental in the elaboration of the WHO treaty.

It is unconceivable that Switzerland would not support the objective of the FCTC, which is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke. Indeed, the Swiss government publicly repeat its desire to ratify the treaty, while at the same time admitting its inability to do it, because the Swiss parliament systematically opposes the tobacco control measures that would allow it to ratify.

## The massive presence of the tobacco industry

This is where the tobacco industry enters the scene. The Swiss parliament blocks all tobacco control measures because it is, unfortunately, under heavy influence by the tobacco industry. A recent television program on the Swiss public channel covered the issue under the telling title: "CAUTION: This parliament may be hazardous to your health." (4).

Switzerland has been elected by two of the largest tobacco multinationals as their global stronghold. Philip Morris International (PMI) has its operational headquarters in Lausanne, its research center in Neuchâtel, where it has also a large factory. Japan Tobacco International (JTI) is headquartered in Geneva (across the street from the World Trade Organization) and has a large factory in the canton of Luzern. A third tobacco multinational, British American Tobacco (BAT), has offices in Lausanne (next to PMI) and a large factory in the canton of Jura. These three multinationals collectively control more than 99% of the Swiss domestic cigarette market.

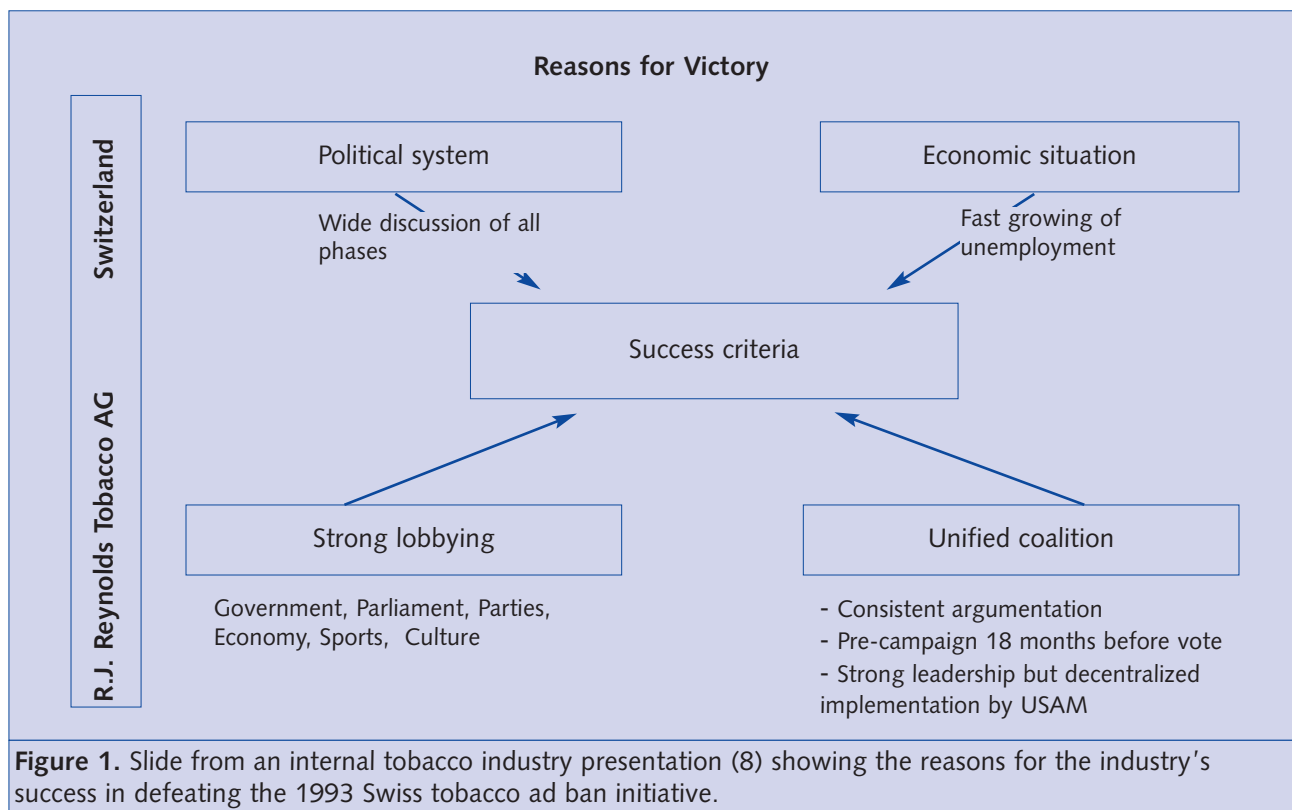
Taking advantage of this strong presence, often operating collectively as one entity via their national association, Swiss Cigarette (5), the three tobacco multinationals miss no opportunity to present themselves to the local and federal authorities as key economic players, important and generous employers, prolific tax payers and key exporters, whose volume of exports they say are comparable to Swiss cheese or Swiss chocolate. They commission companies like KPMG to write reports on the importance of the tobacco sector for the Swiss economy (6), which present this "importance" in a highly distorted way, quantifying only the positive repercussions

of tobacco consumption on the economy while omitting to take into account the direct, indirect (i.e. opportunity) and intangible costs induced by tobacco consumption, which far exceeds its economic benefits (7). The industry's propaganda seems to impress political decision makers, notably those who represents the Swiss cantons where the tobacco companies are heavily implemented.

### A strong pro-tobacco coalition

Through a long history of cooperation with the domestic tobacco companies, until they acquired them and used their facilities and local implementation to develop their own infrastructures, the tobacco multinationals have deep knowledge of the way the Swiss economy works. They have managed to integrate themselves deeply into the economic fabric of Switzerland, notably by making the best use of their membership in economic and trade associations (such as USAM, EconomieSuisse, Gastrosuisse, Communication Switzerland, etc.). This has allowed the tobacco industry to build a strong coalition of supporters that it can mobilize whenever its commercial interests are challenged.

Such a coalition was first formed at the beginning of the 1990s, when Swiss citizen were called to vote on a pair of federal popular initiatives (called the "twin initiatives") proposing to ban tobacco advertising for one, alcohol advertising for the other. While initial opinion surveys indicated that the Swiss people were in favor of the bans, both initiatives were severely defeated by the voters. Figure 1 is extracted from a previously confidential tobacco industry document which was made public following court decisions in the USA (8). This is the slide of an internal presentation by RJ Reynolds Switzerland (now JTI) which discusses the reasons of the industry's victory against the public health initiatives. Four elements are identified: the Swiss political system - which the industry knew well and had deeply infiltrated; the industry's strong lobbying - at all levels of the federal state, which was not only aimed at political decision makers, but also at key stakeholders in the economy, sports and culture; the momentary weakness of the economic situation – the industry did not hesitate to unduly exploit the anxiety caused by the early 1990s recession; and finally, and probably most importantly, the creation of a unified coalition.



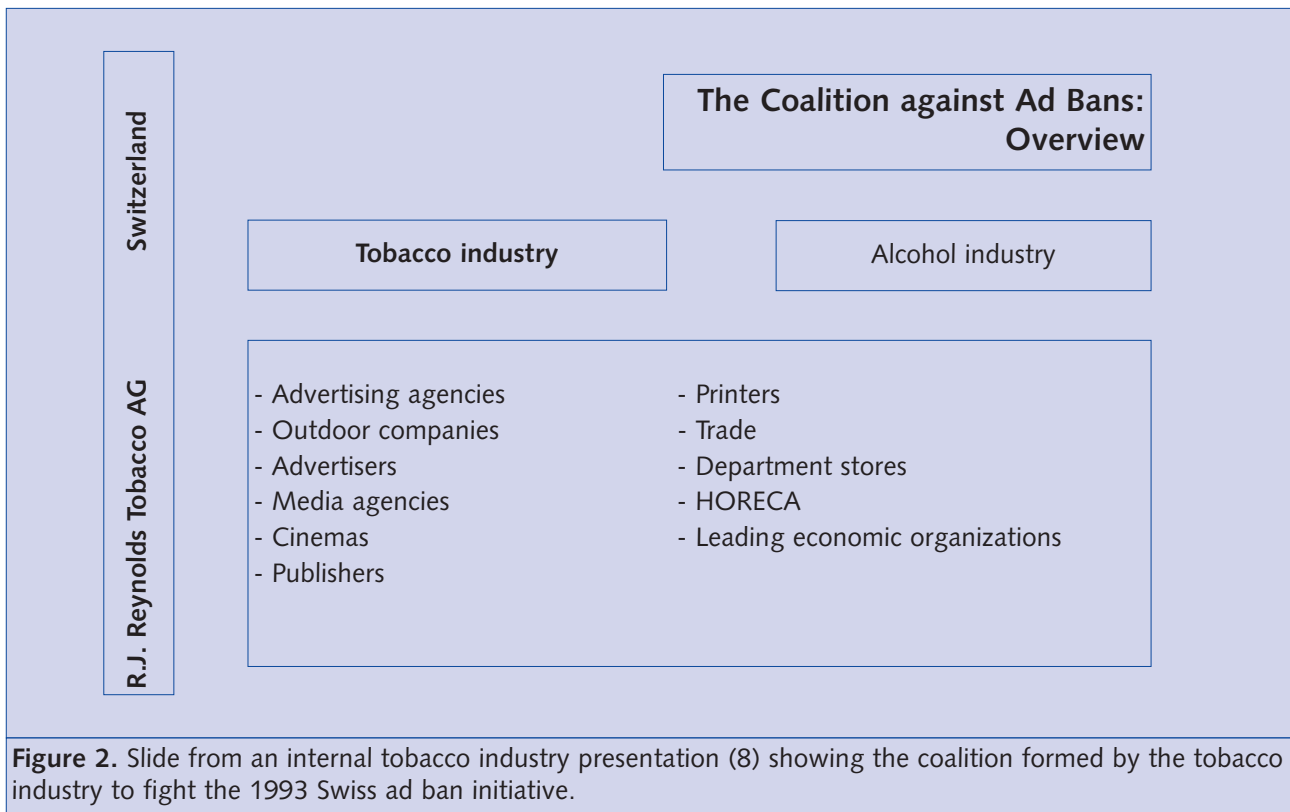


Figure 2 is a slide extracted from the same presentation that shows how wide this coalition was. Besides including the tobacco industry and the alcohol industry (which have always kept close ties, even sharing top executives), the coalition included the advertising and media industries, publishers, the hospitality industry, and leading economic associations, notably the industry's main ally in Switzerland, USAM ("Union Suisse des arts et métiers"), the trade association of small and medium businesses.

This coalition was so successful in helping the industry achieve its goals that that it has maintained it until now. Called today the "Alliance of economic circles for a moderate prevention policy" the coalition is placed under the aegis of USAM (9). Its membership includes the most important economic associations of Switzerland and it has the official support of two of the largest conservative political parties. The goal of the alliance is to promote the notion of "reasonable prevention based on individual responsibility and information;" it opposes any prevention measures which would go against "a free market economy". The fact that such a position is unconstitutional in Switzerland (where public health is considered a fundamental

imperative that takes precedence over commercial freedom) does not seem to bother the alliance.

#### How the coalition works

What makes the coalition created by the tobacco industry so effective is that many of the key leaders of the economic associations are also elected members of the Swiss parliament, often very influential ones. For instance, both the current director of USAM and the chair of its board of directors are members of the National Council. For many years, the chair of the Public Health Committee of the National Council was the director of USAM. This results in a unique situation where tobacco industry lobbyists are elected members of parliament, often occupying key decisional posts. The jargon and arguments of the tobacco industry has permeated the political discourse to such an extent that many Swiss politicians repeat *verbatim* its propaganda without the slightest embarrassment. While the rest of the world has recognized "the fundamental conflict of interest between the tobacco industry and public health," (10) the Swiss doctrine, as expressed by the minister of health, Alain Berset (who is a former president of the Swiss Confederation) in his address to the

National Council on 8 December 2016, is to “establish a subtle balance between the need to protect health and the economic interests of the tobacco industry.” Should these interests be “irreconcilable” as the Guidelines for the Application of Article 5.3 of the FCTC state, then precedence will be given in Switzerland to the interests of the tobacco industry.

Aligning their position on the Alliance of economic circles, the lawmakers rejected a first draft of the tobacco product law in December 2016 arguing that the measures it contained (notably some weak restriction on tobacco advertising) were not compatible with the principles of a free market economy. Ignazio Cassis, a physician specialized in public health, who is currently the Swiss minister of foreign affairs, stated the predominant political view as follows: “If, in a liberal State, we banned everything that is harmful to health, there would be no more liberal State. Freedom - including the freedom to hurt oneself - is considered more important than health (11).” One can see that the tobacco propagandist, with his/her usual fallacious arguments, is not very far behind such words.

### **A public health disaster**

In Switzerland, over 30% of the adult population consumes tobacco products (official prevalence figures are underestimated) (12). The health toll resulting from the addiction to tobacco is high (more than 9'500 annual deaths attributed to tobacco and over 300'000 people afflicted with serious diseases caused by the addiction, for a population of 8.6 million) with no improvement in the foreseeable future. Unfortunately, given the huge influence that the tobacco industry has in the country, the public health community, whose voice is barely audible given the industry's dominance in the media, has no reason to be optimistic. One should face it: the tobacco industry is hugely victorious in Switzerland. It has managed to transform the country into a worldwide haven where it enjoys unprecedented political support and from where it can safely plan its global activities, with guaranteed protection of its secrecy and without judiciary risks - and with comfortable tax privileges. The net result is that we are powerless in witnessing a

public health disaster in the making, well planned and well organized by a cynical industry, whose only objective is to deliver growth in profitability to its shareholders, whatever the human cost. The prospect is bleak.

However, there might be a little light of hope at the end of the tunnel: a popular initiative called “Yes to protect children and youth from tobacco advertising” (13), is currently underway. Its promoters have nearly collected the required 100'000 signatures to allow the Swiss citizens to vote on an amendment to the constitution that would ban all forms of tobacco advertising susceptible of reaching young people. However, this popular initiative is a highly risky move. Indeed, it cannot be excluded that the tobacco industry, given its financial muscle and its ability to mobilize very powerful and influential allies, could manage to defeat it. This would result in a disastrous situation where any progress in tobacco control would be blocked for the next two decades in a country which already belongs to the laggards in this area.

### **Conclusion**

The root of Switzerland's problem in tobacco control can be traced down to its failure to protect its public health policy from commercial and other vested interest of the tobacco industry. The Swiss case illustrates the importance of Article 5.3 of the FCTC and its implementation guidelines (14), which aim at “protecting against interference not only by the tobacco industry but also, as appropriate, by organizations and individuals that work to further the interests of the tobacco industry.”

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### **Footnote**

1. In fact, the government foresees a small prevalence drop of 0.4%; however, as the error margin surrounding the current prevalence estimate is 27%  $\pm$ 0.9%, the predicted prevalence by 2060 will be statistically undistinguishable from the current figure.

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