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Philip Morris International's "*Foundation for a Smoke-Free World*": The More Things Change; The More They Stay the Same

On September 13, 2017, Philip Morris International ("PMI") announced a pledge of \$80 million dollars a year for 12 years beginning in 2018 for the creation of its latest "independent" research effort, the "*Foundation for a Smoke-Free World*" ("FSFW"). If this sounds familiar, it is because it is the same strategy and same tactic that PMI and the other tobacco companies have used for over 60 years.

For years the tobacco industry has claimed to be interested in rigorous independent science, less harmful products and support for respected scientific institutions. Time after time the evidence now demonstrates that tobacco companies have corrupted the science, produced products that they knew were no less hazardous, and found a never ending set of ways to misuse the most credible scientific institutions. It has been part of their game plan since the first reports that cigarettes caused disease were released, beginning with the notorious "Frank Statement" and repeated with false sincerity on a routine and regular basis since then, in the hope that those listening will ignore tobacco companies' previous statements, ignore the already existing strong scientific evidence, and be diverted from the company's aggressive efforts to market its cigarettes and oppose policies already proven to reduce tobacco use.

Never has that strategy been more true than today. The Foundation's website states the goal of the Foundation is to fill "information gaps" and fund research to "provide direction on the fastest ways to reduce smoking," ignoring that the WHO Framework Convention on Tobacco Control ("FCTC") lays out a clear agenda reflecting a scientifically-based global consensus.

The Foundation for a Smoke-Free World is déjà vu all over again. What is needed is not another new research agenda. What is needed is for companies like PMI to stop opposing the full implementation of the FCTC and to stop aggressively marketing its cigarettes.

Here's what you need to know and how you can ensure you do not fall into the trap of helping Philip Morris International divert attention from the fact that it continues to aggressively market its deadliest products and undermine efforts to bring about true fundamental change:

1. This is not the first time a Philip Morris company has claimed to be interested in helping find a solution to the tobacco problem. The tobacco industry, including Philip Morris, has a long history of funding allegedly "independent research" and manipulating research findings to advance its cigarette sales. The tobacco industry established several national and international organizations and committees and recruited a large cadre of scientific experts to counter the growing scientific evidence of an association between smoking and secondhand smoke (which the tobacco companies called "environmental tobacco smoke") and disease. While

these organizations and committees were ostensibly created to support independent scientific research, analysis of tobacco industry documents demonstrates the real purpose of these organizations was to support industry favorable research, create scientific controversy where there was none and discredit scientific research viewed as threatening to the industry.²

A U.S. federal court found that several tobacco companies – including Philip Morris International's then parent company Altria³ – coordinated efforts in a scheme to defraud consumers and the public about the health harms of their products. The Court found that for decades, Philip Morris and other tobacco-related entities sought to establish industry-favorable research via the creation and funding of alleged independent research organizations such as the "Council for Tobacco Research (CTR)" and the "Center for Indoor Air Research (CIAR)" to protect itself against litigation threats and government regulation.⁴

The Court found that the tobacco industry "research groups" -- largely controlled by company lawyers -- were designed as highly sophisticated public relations vehicles and "[v]irtually none of the research funded by [these groups] centered on immediate questions relating to carcinogenesis and tobacco that could resolve the question of the harms brought about by cigarette smoking...[and instead] the major thrust of [CTR] was to emphasize that human cancers were complex processes, difficult to study and difficult to understand, and to focus on the 'need for more research.'"⁵

2. There already is global consensus on how to reduce cigarette use and smoking-related death and disease. The Foundation is an effort to deflect attention from the Framework Convention and PMI's efforts to prevent it from being fully implemented. Public health experts and governments around the world agree on the most effective ways to reduce cigarette smoking and tobacco use globally is to adopt and implement the measures contained in the WHO Framework Convention on Tobacco Control and its implementation guidelines, such as higher tobacco taxes, picture health warnings, smoke-free public places, and bans on tobacco advertising, promotion and sponsorship. New research underwritten by the tobacco industry is not needed – we know what really works.

3. PMI is not part of the solution. It is a large part of the problem. Philip Morris International continues to oppose and undermine policies proven to reduce cigarette use around the world. PMI continues to lobby against effective measures called for by the WHO Framework Convention on Tobacco Control. An investigative report published by Reuters in July 2017 revealed a massive, secret campaign by Philip Morris International to undermine the FCTC, depicting "*a company that has focused its vast global resources on bringing to heel the world's tobacco control treaty.*"⁶

In the past several years, PMI has challenged governments' regulatory efforts aimed at reducing smoking and protecting their citizens against the harms of tobacco use in numerous countries including Australia, Canada, France, Norway, Panama, Uruguay and the United Kingdom.⁷

4. It is the epitome of hypocrisy for PMI to claim it seeks a smoke-free world. PMI continues to aggressively market its cigarette brands around the world, often in ways that appeal to kids and much of it targeting low- and middle-income countries. In many countries, Philip Morris and its subsidiaries have introduced flavored cigarettes that appeal to youth, conducted aggressive marketing near elementary schools, sponsored race cars and concerts, and engaged in other youth-oriented marketing.

5. The new Foundation is not comparable to the *Truth Initiative*. The Truth Initiative was the result of a settlement imposed on the tobacco companies by the Attorneys General of the 50 American states to settle the lawsuits that the states brought against the tobacco companies. The *Foundation for a Smoke-Free World* is part of a PR campaign by one tobacco company seeking to portray itself as a responsible stakeholder without changing any of its wrongful behavior. Previously known as *American Legacy Foundation*, the *Truth Initiative* was created by the Master Settlement Agreement (MSA) to settle litigation brought against the major U.S. tobacco companies to recover health care costs to treat sick and dying smokers. At the same time the MSA created the *Truth Initiative*, it dismantled the tobacco industry's groups aimed at funding alleged 'independent' research such as The Center for Indoor Air Research (CIAR) and The Council for Tobacco Research (CTR).

6. The debate about the Foundation is not a debate about the role of Harm Reduction. While there are different views in the public health community about the role of harm reduction and products like PMI's iQOS, allowing PMI to use its new Foundation to gain credibility as a legitimate stakeholder even while it continues to aggressively market Marlboro, sues countries that adopt plain packaging or large graphic warning labels, opposes tax increases large enough to significantly reduce tobacco use and introduces new versions of its cigarettes with wide spread appeal to youth and other non-smokers, raises entirely different questions.

¹ <http://fortune.com/2017/09/13/philip-morris-billion-smoke-free-foundation/>

² Glantz, Stanton A., et al., *The Cigarette Papers*, University of California Press, 1996. Proctor, Robert N, *Golden Holocaust*, University of California Press, 2011. *U.S. V. Philip Morris USA, Inc., et al.*, No. 99-CV-02496GK, Final Opinion, August 17, 2006, <http://www.tobaccofreekids.org/reports/doj/FinalOpinion.pdf>.

³ While PMI is not a defendant in the case, the Court noted that Defendant Altria, the then parent company of PMI, effectively and actively controlled the activities of all of its subsidiaries, including Defendant Philip Morris USA Inc. and PMI over the period of the Court's findings. (³ U.S. District Court. *U.S. vs. Philip Morris USA, Inc., et. al.*, 99-CV-02396GK, Final Opinion (2006). Para. 792, FN 12. (Defendant Altria, which was originally incorporated in 1985 as Philip Morris Companies Inc., effectively and actively controls the activities of all of its subsidiaries, including Defendant Philip Morris USA Inc., Philip Morris Companies, and Philip Morris International, Inc. ("PM International"). Overall policies on all major aspects of Altria operating companies' operations are set by Altria management, and senior Altria executives, employees, and agents participate in and/or control decisions about how the operating companies implement those policies, through both formal and informal reporting relationships.) Available from: https://www.justice.gov/sites/default/files/civil/legacy/2014/09/11/amended%20opinion_0.pdf.

⁴ U.S. District Court. *U.S. vs. Philip Morris USA, Inc., et. al.*, 99-CV-02396GK, Final Opinion (2006). Available from: https://www.justice.gov/sites/default/files/civil/legacy/2014/09/11/amended%20opinion_0.pdf.

⁵ U.S. District Court. *U.S. vs. Philip Morris USA, Inc., et. al.*, 99-CV-02396GK, Final Opinion (2006). Para. 65. Available from: https://www.justice.gov/sites/default/files/civil/legacy/2014/09/11/amended%20opinion_0.pdf.

⁶ Reuters. [ADITYA KALRA, PARITOSH BANSAL, DUFF WILSON and TOM LASSETER](#). July 13, 2017. [Inside Philip Morris' campaign to subvert the global anti-smoking treaty](#). Online: <https://www.reuters.com/investigates/special-report/pmi-who-fctc/>

⁷ Campaign for Tobacco-Free Kids. International Legal Consortium. Major Tobacco Control Litigation Victories. Available from: http://www.tobaccocontrolaws.org/litigation/major_litigation_decisions.