



OBSERVATÓRIO SOBRE AS ESTRATÉGIAS DA INDÚSTRIA DO TABACO

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Editorial

ADDITIVES IN CIGARETTES, RISK IMMINENT TO HEALTH

The Law 9.782 / 99, which created the National Health Surveillance Agency (Anvisa), included, among its attributions, the control and supervision of “cigarettes, cigarillos, cigars and any product fumigant, derivative or non-tobacco “. Cigarettes and other items from tobacco, however, differ from those regulated through the agency. There is no safe use, no individual or collective benefits associated with smoke products, and the intended regulation reduce the prevalence of smoking and morbidity and mortality associated with their consumption. The smoke retraction in half illustrates the success of regulation, but new measures are necessary to continue to reduce the prevalence of smoking in the country.

The force of the tobacco industry’s reaction is proportional to the expected effectiveness of the regulatory intervention. In Direct Action Unconstitutionality, the National Confederation of Industry (CNI), representing the tobacco sector, questioned the prohibition and the agency’s power to regulate tobacco. According to CNI, Anvisa extrapolated the legal limits of its regulatory competence because additives would not generate “exceptional risks and urgent.”. This argument omits the significant fact (cigarettes cause dependence and therefore are detrimental to health) in order to seek semantic meanders in the text of the law.



To contrary to what CNI captious suggests, Anvisa did not prohibit the use of additives in any and all products, but rather the use of them in cigarettes. Furthermore, the notion of immediate risk, exceptional and urgent applies to the use of additives in cigarettes, unless the consequences of smoking for the smoker, persons close to him and society are accepted as commonplace and assimilable. As the use of additives in cigarettes promotes the initiation and maintenance of smoking (according to the report of the International Expert Working Group that founded the agency's decision), they are important so that there is always a new generation of smokers.

Cigarettes are efficient devices for delivery of the nicotine directly into the blood and brain, whose technology the industry has perfected over the years. Inhaled nicotine is psycho-stimulant and causes addiction, and the smoking action increases considerably the risk of

lung cancer and other locations, pulmonary disease obstructive chronic, cardiovascular diseases and conditions that have a strong impact in the charge of diseases and costs of the public health system.

Additives make nicotine delivery efficient and smoother cigarette, attenuating the roughness of the smoke, relieving the irritation of the airways, improving odor and flavor of the tobacco, making the smoke less apparent. They also allow you to customize the cigarette to serve specific groups of consumers, increasing the purchase of the product. That customization can create flavored cigarettes characteristics (mint, cloves, chocolate, vanilla and others), with strong appeal for children and adolescents, or make them more palatable, enjoyable and attractive to consumers who prefer products with no typical taste.

Francisco Paumgarten
Head of Toxicology Laboratory
of the ENSP/Fiocruz

Article | by *Danielle Barata*

FEDERAL SUPREME COURT POSTPONES, ONCE AGAIN, JUDGMENT ON THE DIRECT ACTION OF UNCONSTITUTIONALITY THAT QUESTIONS NORMATIVE COMPETENCE OF ANVISA

The tobacco industry, through the National Confederation of Industry (CNI), joined in 2012, with Direct Action of Unconstitutionality (ADI) n. 4.874 questioning the law conferring powers to Anvisa to prohibit the manufacture, import, storage, distribution and commercialization of products and inputs, in case violation of the relevant legislation or risk imminent to health (article 7, XV, of Law 9.782 / 99).

The preamble of our Constitution of the Republic, 1988, states that the Democratic State is intended to ensure the exercise of the social rights as supreme values, that is, as human rights. The tobacco industry's strategy

of questioning Anvisa's competence is one of the attempts to prevail economic/private interests in detriment of human/social rights. Elsewhere in the world, the tobacco industry also uses numerous

strategies against tobacco control actions, for example, to resort to International Courts in cases such as Uruguay, which adopted a law to require health warnings in 80% of front and back of packages and only one type for each brand of cigarette.

These measures of tobacco control are adopted by virtue of an international treaty signed

by 180 countries, called the Framework Convention on Tobacco Control (FCTC/WHO), which provides for the need for political support for the establishment of measures to prevent initiation, promoting and supporting cessation and achieving consumption of tobacco in any of its forms (Article 4, item 2, “a” of the FCTC). The Brazil, by ratifying the treaty, undertakes to adopt it as State policy.

The Part III of the FCTC provides for measures to reduce tobacco demand and work the regulation of tobacco products as a powerful tool to contribute in the reduction of diseases and premature deaths attributable to tobacco, by reducing the attractiveness of such products, thereby reducing its potential to cause chemical dependence (susceptibility to dependence) or attenuating its general toxicity (Article 9 of the FCTC and its guidelines). According to the guidelines for its implementation, tobacco products are produced in order

to attract young people to experimentation and initiation. Therefore, there is no justification to allow the use of additives/ingredients, which help make tobacco products a new entrance door to new consumers.

When applying the FCTC in Brazil, by virtue to we have signed and agreed to attend the agreement, our Brazilian juridic ordenament says that we must first follow the dictates of the Constitution. in the part of health, articles 196-200, was attributed to the Unified Health System (SUS) the means to realize the fundamental right the health. SUS is responsible for controlling and supervising procedures, products and substances of interest for health, as well as inspect food, drinks and drinking water intended for human consumption, among other attributions. And the body competent to carry out such competencies in the Union sphere is Anvisa.

The Anvisa is SUS!

Interview



Tibor Szilagyi

Leader of the reports and management of knowledge – WHO FCTC

“IT’S ESSENTIAL TO MONITOR THE STEPS OF INDUSTRY”

On the way to Montevideo, Uruguay, to participate in the Global Conference of the World Health Organization on Chronic Diseases non-transmissible, Tibor Szilagyi, leader of the reporting team and knowledge management Secretariat of the Framework Convention for the Tobacco Control (Framework Convention on Tobacco Control – WHO FCTC), did scale in Brazil in order to know the installations and the team of Observatory on Strategies of the Tobacco Industry at the Oswaldo Foundation Cruz, in Rio de Janeiro.

Held between the 18th and 20th of October 2017, the WHO event aimed to reinforce the

commitment to Agenda 2030 for Development Sustainable and seek of ODS 3.4, which intends to reduce in one-third the premature mortality due to diseases non-communicable diseases through prevention and treatment, as well as promoting mental health and wellbeing by 2030.

In an interview with the Bulletin, the manager highlighted importance of setting up the Observatories on the Tobacco Industry Strategies to world level and praised the performance of the Brazilian platform. Szilagyi said to be fundamental monitor the steps of the industry and commented the new work fronts of the Secretariat. Check out.

The Observatory on Industry Strategies is a useful and versatile tool to demonstrate industry practices. in what way, this platform fulfills the guidelines of Article 5.3 of the FCTC?

Tibor Szilagyi: First of all, it's a pleasure visit them. It's a great occasion to examine the progress in monitoring industry of the tobacco you had here in Brazil.

With regard to the Framework Convention (CQCT), we know to be the tobacco industry one of the most important barriers to implementation of the treaty. And this is what the Parties to the Convention inform us, this is, they are still very worried about the activities of the industry, mainly by the tactics adopted. She tries to divert, delay and dilute any action aimed at the control of smoking. So we, that we work on tobacco control, we need do something about it.

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The FCTC provides us tools about how to act against the tobacco industry and created guidelines, which are being adopted by Conference of the Parties, for implementation the article 5.3, which provides for the protection of of public health policies against the interests of commercial and other interests of tobacco.

What is the importance of the Observatories in this context?

Tibor Szilagyi: We are aware of what we need to do. However, in order to act correctly, we should know how the tobacco industry (IT) is working. And, for this reason, the Observatories – which are promoted by the Secretariat – are important. And Brazil is an excellent example how this tool can and need to function.

The Brazilian Observatory was the first established by the FCTC Secretariat. So, you are leaders not only in tobacco control, but also in efforts to monitor the tobacco industry.

We need to know what IT is doing and how it behaves. We should monitor the way of promoting their positions, the that they use to pressure the decision-makers, in addition, to have been informed about the creation of new markets for their products and how they launch new products of tobacco in society. All this needs accompaniment and regular surveys by the Observatory.

What is the importance of the Brazilian Observatory be hosted at an institution of globally recognized teaching and research like Fiocruz?

Tibor Szilagyi: Tibor Szilagyi: The Observatory is very well located in Fiocruz, a research institute, science and technology. Therefore, there is another specific area on research, surveillance and exchanges of information

contained in Article 20 of the FCTC, that the Observatory fulfills very well. It is exactly what you are doing: conduct surveys on what the industry does, they exchange information with decision-makers and others stakeholders to promote tobacco control in the country.

Other countries are following you, as Sri Lanka and South Africa, which established have Observatories according to the same priorities, experiences and practices. And there are others countries that will follow soon: Egypt and the Russians have just announced that they would like of establish Observatories.

Therefore, Brazil's experience not only will promote stronger tobacco control in national territory, but it is also a very good example of how other Parties should advance towards the implementation of the Article 5.3. This should give them power to invest more in

this work, in order to continue what you are doing, strengthen monitoring, disseminate information within the country, the region, and globally to Parties of the Convention in your totality, so that all who have it ratified to benefit from this.

What are the next steps of the FCTC in actions of tobacco control?

Tibor Szilagyi: As it's already known, now we have another treaty, the Protocol on the Illicit Trade in Tobacco Products. The industry is very keen to enter in this process because they want to demonstrate that are interested in the fight against trade illicit use of tobacco products. You need to show us whether such an effort by industry is real or just another initiative to create an image of good citizens promoting actions in the commercial area.

THE NEW WHO KNOWLEDGE CENTER IN THAILAND FIGHTS INTERFERENCE OF THE TOBACCO INDUSTRY

The Secretariat of the Framework Convention the Tobacco Control (Framework Convention on Tobacco Control -WHO FCTC) launched, in November 2017, in Bangkok, in the School of Global Studies Thammasat, a new Knowledge Center ("Knowledge Hub") for the purpose to track tobacco industry interference in the formulation of public policies.

The Thai initiative joins a world's six other institutions in Australia, Finland, India, Lebanon, South and Uruguay, whose bases are in universities of renown and in

consonance with the FCTC, to assist Parties in specific areas of Convention.

The doctor. Vera Luiza da Costa e Silva, head of the Secretariat of the Convention, by virtue of historical confrontation with the tobacco industry and protection of public health, praised the new Knowledge Center.

<http://www.who.int/fctc/mediacentre/news/2017/knowledge-hub-tobacco-industry-interference/en/>



Especialistas discutem o fortalecimento da implementação do artigo 5.3

BANGKOK TO HOST MEETING ABOUT GOOD GOVERNANCE

More than 50 participants from 17 countries, including 16 Parties to the Convention, of which 10 were Parties to the FCTC2030, met in October, 2017 in Bangkok, Thailand, to discuss issues related to implementation of Article 5 of the Convention. The special focus of the meeting was the implementation of Article 5.3. Participants shared their experiences and exchanged ideas on approaches with a view to strengthening the implementation of Article 5.3 of the Convention. Read in the links below the conclusions of the meeting and the next steps.

<http://www.who.int/fctc/mediacentre/news/2017/meeting-good-governance-tobacco-control/en/>

The 17th World Conference on Tobacco or Health will from March 7 to 9, 2018 in Cape Town, South Africa. Follow the programming at: <http://wctoh.org/>

The Social Security and Family Commissions; it's from Constitution and Justice promoted on November 29, a public hearing to discuss tobacco taxation, suggested by proposals under analysis in the Chamber. PLP 4/2015 and PL 513/1999 were discussed. Cetab / Ensp participated in the hearing.

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Check out all issues of the Newsletter Information from the Commission For Implementation of the WHO Framework Convention on for Tobacco Control (Conicq) http://www.inca.gov.br/wps/wcm/connect/observatory_control_tabaco/site/home/conicq/informative.

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