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## THE TOBACCO INDUSTRY AND ELECTRONIC NICOTINE DELIVERY SYSTEMS (ENDS)

### CONTEXT

Brazil ratified the World Health Organization Framework Convention on Tobacco Control (WHO FCTC)<sup>1</sup> in 2005 and committed to establishing mechanisms to comply with the treaty measures, including Article 5.3, which states that the Parties will act to protect their policies from the commercial and other interests of the tobacco industry in accordance with national law. To comply with this measure, WHO FCTC adopted the Guidelines for the implementation of Article 5.3, which first guiding principle states that “there is a fundamental and irreconcilable conflict between the tobacco industry’s interests and public health policy interests.”<sup>2</sup> By March 2021, 182 countries<sup>3</sup> had ratified the treaty, which covers more than 90% of the world's population.

The Brazilian government has turned WHO FCTC implementation into a state policy<sup>4</sup> and Oswaldo Cruz Foundation, through Sergio Arouca National School of Public Health, created the

<sup>1</sup> Convenção Quadro para o Controle do Tabaco. Texto oficial. Available at: <http://tabaco.ensp.fiocruz.br/pt-br/node/1135>  
Reference: <https://www.inca.gov.br/observatorio-da-politica-nacional-de-controle-do-tabaco/convencao-quadro>

<sup>2</sup> Diretrizes para a implementação do artigo 5.3 da CQCT/OMS. Disponível em: <http://tabaco.ensp.fiocruz.br/pt-br/diretrizes-para-implementacao-do-artigo-53-da-cqctoms>.  
Reference: <https://www.inca.gov.br/sites/ufu.sti.inca.local/files//media/document//diretrizes-para-implementacao-do-artigo-5.3.pdf>

<sup>3</sup> Parties to WHO FCTC – Status. Available at: <https://www.who.int/fctc/cop/en/>

<sup>4</sup> Pontes, Leonardo Henriques et al. A Política de Controle do Tabaco no Brasil: um balanço de 30 anos. Ciênc. saúde coletiva, Rio de Janeiro, v. 23, n. 6, p. 1837-1848, Junho 2018. <http://tabaco.ensp.fiocruz.br/pt-br/politica-de-controle-do-tabaco-no-brasil-um-balanco-de-30-anos>. Available at: [http://www.scielo.br/scielo.php?script=sci\\_arttext&pid=S1413-81232018000601837&lng=en&nrm=iso](http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1413-81232018000601837&lng=en&nrm=iso)

Center for Tobacco and Health Studies in March 2016 to collaborate with this implementation. This center houses the tobacco industry monitoring center (Observatory) in Brazil.<sup>5</sup>

Considering the risks involved in tobacco consumption, several national and international governmental and non-governmental organizations have published technical reports, scientific articles, and other documents to analyze the tactics used by the tobacco industry not to lose its consumers and co-opt new users. Based on these tactics, the Observatory has gathered hundreds of documents on how the tobacco industry has acted to derail or delay public tobacco control policies.

Technical-scientific texts have repeatedly proven that electronic nicotine delivery systems (ENDS) are tobacco products that contain nicotine and cause dependence and illness to those who are voluntarily or unintentionally exposed to them. Based on this evidence, the Brazilian Health Regulatory Agency (Anvisa) published Collegiate Board Resolution No. 46<sup>6</sup> on August 28, 2009, prohibiting these devices' commercialization. However, the tobacco industry has kept the debate against the ban, and this issue has become one of great interest to Brazilian public health. Thus, the Observatory has created a particular page on its website with scientific articles, technical reports, and specific content on the strategies that the tobacco industry has been adopting so that ENDS can be marketed.<sup>7</sup>

Among these publications, we highlight the one prepared by a group of non-governmental organizations from six Latin American countries in July 2020, which shows in detail how the industry has been working not to create space for the commercialization of its products, promoting the sale of electronic products on the Internet<sup>8</sup>. Another essential publication is a statement made by the International Union against Tuberculosis and Lung Disease (The Union), presenting ten arguments for developing countries to prohibit ENDS marketing.<sup>9</sup>

The consumption of ENDS has been a cause of concern for public health specialists in Brazil for a long time. In 2016, the Brazilian National Cancer Institute (INCA) published a critical review on different aspects of the theme<sup>10</sup>, such as types, composition, damage to health, safety, and an analysis of the proclaimed benefits of reducing risks compared to conventional cigarettes. The review concludes ENDS are attractive to young people, not safe, and should not be recommended as substitutes for conventional cigarettes, not even to help with cessation.<sup>11</sup> These conclusions have been corroborated by the recent WHO Europe report in 2020,<sup>12</sup> which demonstrates that ENDS are

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<sup>5</sup> Fundação Oswaldo Cruz - Centro de Estudos sobre Tabaco e Saúde – Tobacco Industry Monitoring Center in Brasil (Observatory). Available at <http://tabaco.ensp.fiocruz.br/pt-br>

<sup>6</sup> RDC Nº 46, DE 28 DE AGOSTO DE 2009 Proíbe a comercialização, a importação e a propaganda de quaisquer dispositivos eletrônicos para fumar, conhecidos como cigarro eletrônico. Available at: <https://pesquisa.in.gov.br/imprensa/jsp/visualiza/index.jsp?data=31/08/2009&jornal=1&pagina=45&totalArquivos=120>

<sup>7</sup> Observatory of Tobacco Industry Strategies in Brazil. Page on ENDS. Available at <http://tabaco.ensp.fiocruz.br/palavras-chave/defs>

<sup>8</sup> Desmascarando a Indústria do Tabaco na América Latina. Available at: <https://actbr.org.br/post/desmascarando-a-industria-do-tabaco-na-america-latina/18550/>

<sup>9</sup> THE UNION. Quando as proibições são eficazes: porque os países em desenvolvimento devem proibir as vendas de cigarros eletrônicos e produtos de tabaco aquecido para verdadeiramente combater o tabagismo. 2020. Available at: <http://tabaco.ensp.fiocruz.br/pt-br/node/1716>

<sup>10</sup> INCA. Dispositivos eletrônicos para fumar. Available at <http://tabaco.ensp.fiocruz.br/pt-br/node/1698>

<sup>11</sup> INCA. Cigarros eletrônicos: o que sabemos? Cigarros Eletrônicos: o que sabemos? INCA, 2016.. Available at <http://tabaco.ensp.fiocruz.br/pt-br/node/1717>

<sup>12</sup> Recomendações para Dispositivos Eletrônicos para Fumar (DEFS) do Escritório Regional OMS-Europa. Available at <http://tabaco.ensp.fiocruz.br/pt-br/recomendacoes-para-defs-do-escritorio-regional-oms-europa-0>

not harmless and that their long-term effects on morbidity and mortality are still unknown. Similar conclusions were obtained by the U.S. Food and Drug Administration (FDA) <sup>13</sup> in 2019 in its analysis of the high prevalence of ENDS users among American students and by Villanti et al. study,<sup>14</sup> which lists the flavor attractiveness as the main reason for young people to try these products.

In opposition, the tobacco industry has promoted the commercialization of these products in Brazil through advertising and marketing campaigns based on market research and using arguments as “freedom of choice” and “the right to privacy.” It has also been lobbying politicians in the three branches of government: executive, legislative, and judiciary.

Historically, the big tobacco companies that sell their products in Brazil have used several groups to develop marketing and public relation strategies to meet their interests. Some examples are *Instituto ETHOS*,<sup>15</sup> which has Philip Morris and Japan Tobacco among its associates, and *Instituto ETCO*,<sup>16</sup> which represents British American Tobacco’s interests.

ENDS are already present in the portfolio of most multinational companies and have the worrying support of new consumers in countries where their marketing was allowed. Despite being allegedly destined to adult smokers, they end up appealing to young people and teenagers. They are advertised as low toxicity products, helpful for smoking cessation, and available in different formats and flavors to increase their attractiveness.<sup>17</sup> However, they are none of these.

For example, Philip Morris International (PMI) seeks the introduction of IQOS, its heated tobacco product, in Brazil. Although it is in the same category as ENDS, it differs because it contains tobacco instead of liquid nicotine. Since its first attempt to legalize IQOS in Brazil in 2017, the company has used several strategies to make its products known. We can even mention its attempt to seal its claims to legalize IQOS before Anvisa with about 350 documents considered by the industry as technical-scientific evidence of its lower risk to the user compared to conventional cigarettes.<sup>18</sup>

Subsequently, PMI held meetings with lawmakers, incessantly looking for support to commercialize heated tobacco products, and published editorials in the media to discuss the issue with the population.<sup>19</sup>

The company also uses the media to gain acceptance of its product. It publishes articles and places advertisements in prominent Brazilian newspapers such as *O Globo*, *Folha de São Paulo*, and

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<sup>13</sup> Tobacco products, Guide and Regulation. Food and Drug Administration (FDA-USA), 2019. Available at: <http://tabaco.ensp.fiocruz.br/pt-br/node/1703>.

<sup>14</sup> Villanti AC, Johnson AL, Ambrose BK, et al. Use of flavored tobacco products among U.S. youth and adults; findings from the first wave of the PATH Study (2013-2014). Available at: <http://tabaco.ensp.fiocruz.br/pt-br/uso-de-produtos-de-tabaco-aromatizado-por-jovens-e-adultos-descobertas-da-primeira-onda-do-estudo>.

<sup>15</sup> Instituto Ethos de Empresas e Responsabilidade Social. Available at <https://www.ethos.org.br/conteudo/associados/>

<sup>16</sup> Instituto Brasileiro de Ética Concorrencial (ETCO). Available at <https://www.etc.org.br/sobre/associados/>

<sup>17</sup> Tobacco Free CA. Identify which products teens are vaping. United States, 4 Apr. 2019. 1aVI. Available at: <http://tabaco.ensp.fiocruz.br/pt-br/identifique-quais-desses-produtos-sao-vapes>.

Original video: [https://www.youtube.com/watch?time\\_continue=2&v=fjDP8rTktWw](https://www.youtube.com/watch?time_continue=2&v=fjDP8rTktWw)

<sup>18</sup> L. Sodr e e Y. Ferreira, [Como a ind ustria do cigarro esconde os perigos do vape para convencer voc e a fumar](#). The Intercept Brasil, 2020. Accessed 12 Mai. 2021

<sup>19</sup> L. Sudr e, [Ind ustria do cigarro quer todas as idades com dispositivos eletr nicos](#). O Joio e o Trigo, 2020. Accessed 4 Mai. 2021

*Estadão*. The most recent one has been the “We Need to Talk” campaign, highlighting the alleged ENDS qualities.<sup>20</sup>

Another company’s ploy is the co-sponsorship of academic events such as the forum “Change of Habits and Harm Reduction”<sup>21</sup> in 2017 and the Brazilian Congress of Cardiology in 2019.<sup>22</sup> In these events, the company gave lectures on the uses of heated tobacco for doctors.

At a global level, aiming at institutional change, Philip Morris has set up a foundation, the Foundation for a Smoke-Free World, which donates millions of dollars annually, funds research grants, and invests in communication and public relations.<sup>23</sup>

To evaluate PMI's advertising strategies, Stanford University (USA) conducted a study<sup>24</sup> of the company’s campaigns in the United States for ten months in a row. It showed that they routinely include brand endorsers, artists, musicians, and media influencers. In addition, the company sponsored 270 events there, such as shows, exhibitions, fashion shows, food festivals, film festivals, and sporting events.

Although ENDS production and marketing are prohibited in Brazil, British American Tobacco (BAT), a tobacco industry giant, also uses several strategies to promote electronic smoking devices. BAT Brazil, former *Souza Cruz*, fights to change tobacco control legislation, claiming it is old, that there is already data supporting the thesis that ENDS are less harmful to health and that there are many other countries in which the legislation is more advanced than in Brazil, such as the United States, Canada, and England.<sup>25</sup>

The company also insists that nothing takes more money from the legal tobacco industry than the illegal market, criticizing the country's high tobacco taxes (about 80% of the product’s price) and the law imposing a minimum price (five *reais*) for a pack of cigarettes.

Japan Tobacco International (JTI) is another giant that has focused its efforts on promoting electronic cigarettes in Brazil. Owner of Camel (cigarette brand), Logic (e-cigarette brand), and Ploom (heated tobacco device brand), JTI has been seeking partnerships to, according to them, “improve ENDS users’ experience.”<sup>26</sup> Among these partnerships, JTI has a technology agreement with Sauber Engineering – a company specializing in developing innovative methods and producing high-quality components. This partnership aims to develop precision engineering projects to increase the performance of the next generation of JT Group products if allowed in Brazil.

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<sup>20</sup> PMI, A company in transformation towards a smoke-free future. PMI.COM, 2020. Accessed 26 Mai, 2021

<sup>21</sup> Folha de São Paulo, [Folha realiza fórum sobre redução de danos de tabaco e álcool](#). 2017. Accessed 24 May, 2021

<sup>22</sup> Olá Jornal, [Philip Morris apresenta ciência do tabaco aquecido em Congresso de Cardiologia](#). 2019. Accessed 18 May, 2021

<sup>23</sup> E Felsted, [Homem do Marlboro quer que deixemos de fumar](#). Exame, 2017. Accessed 21 May, 2021

<sup>24</sup> R. Jackler, [The Philip Morris Campaign to Popularize "Heat Not Burn" Tobacco](#). Stanford Research into the Impact of Tobacco Advertising, 2020. Accessed 11 May, 2021

<sup>25</sup> M. Prado, BAT Brasil (ex-Souza Cruz) cresce em 2020, mas quer mudança para cigarro no país. CNN Brazil, 2021. Accessed 8 May, 2021

<sup>26</sup> A TARDE (2020) , [A JTI amplia a parceria tecnológica com a Sauber Engineering](#). JT International, 2020.

The president of the Tobacco Sector Chamber, who favors changing the legislation on ENDS, criticizes the ban and states that the standoff obliges the illegal trade because these products are already circulating in the illegal market.<sup>27</sup>

On the other hand, credible entities in Brazil, such as the Brazilian Medical Association,<sup>28</sup> have denounced these tactics that the tobacco industry has been using to promote non-existent benefits and force the legalization of the product.

Brazil has been structuring a robust national tobacco control policy based on scientific evidence over the years. The adoption of effective measures to reduce smoking prevalence has made it a role model for the world. Thus, one can clearly understand the tobacco industry's effort and marketing strategies to bring down RDC 46/2009 that prohibits the commercialization of ENDS in Brazil.

So, the Center for Tobacco and Health Studies of the Sergio Arouca National School of Public Health of the Oswaldo Cruz Foundation (CETAB/ENSP/FIOCRUZ), through the Tobacco Industry Strategy Observatory, complied with Note No. 21/2020/SEI/GGTAB/DIRE3/ANVISA, which requests subsidies for the preparation of the regulatory impact assessment (RIA) on the tobacco industry strategies to influence the approval of ENDS commercialization in Brazil. The documents used in this analysis are available at <http://tabaco.ensp.fiocruz.br/palavras-chave/ENDS>, demonstrating how the tobacco industry has promoted a product that contributes nothing to Brazilians' quality of life and health.

## **THE TOBACCO INDUSTRY'S STRATEGIES TO MAKE ENDS LEGAL IN BRAZIL**

The tobacco industry has been working to make ENDS legal since these products were banned in Brazil. This process intensified after multinational tobacco companies incorporated ENDS to their product portfolio. In general, the strategies used by the industry to promote the commercialization of ENDS in Brazil include the ones listed in Chart 1.

### **Chart 1:**

#### **Tobacco industry strategies identified in Brazil to make ENDS legal:**

- 1. CREATING A BUZZ ON SOCIAL MEDIA TO MAKE THEIR PRODUCT "FAMILIAR" TO SOCIETY**
- 2. MAKE DIRECT ADVERTISING, INCLUDING PROMOTIONAL CAMPAIGNS**

<sup>27</sup> GAZ (2021) <https://www.gaz.com.br/anvisa-adia-mais-uma-vez-a-decisao-sobre-cigarros-eletronicos/>

<sup>28</sup> Report of the Brazilian Medical Association on Defs. Available at <http://tabaco.ensp.fiocruz.br/pt-br/relatorio-da-associao-medica-brasileira-sobre-defs>Original text <https://amb.org.br/cigarro-eletronico/>

3. **SUPPORT AND ENABLE THE ILLEGAL ONLINE MARKETING OF ENDS IN BRAZIL**
4. **INFLUENCE DECISION-MAKERS**
5. **EXAGGERATE THE ECONOMIC IMPORTANCE OF THE INDUSTRY**
6. **INFLUENCE SCIENCE, BY FINANCING AND PROMOTING SKEWED STUDIES**

Each of the strategies described can be found in the articles published in the Tobacco Industry Strategy Observatory, listed and described below by category, with the corresponding reference and publication date.

*Note: To prevent the original references indicated in this text from being lost, because the related links were removed or other errors, the Observatory maintains a PDF file next to each reference, for consultation.*

**1. CREATING A BUZZ ON SOCIAL MEDIA TO MAKE THE PRODUCT “FAMILIAR” TO SOCIETY AND FAVOR ENDS COMMERCIALIZATION:** to make the product familiar to Brazilian society, the industry comes public through their representatives’ interviews and “positive” pronouncements, the reproduction of “positive stories” about ENDS initially published in the foreign press and by reporting “positive” experiences of ENDS regulation in other countries. With this, the product gains familiarity, and its promotion is boosted. The industry also uses opportunities such as the COVID-19 pandemic and the 2030 Agenda to reach its goals.

- **Philip Morris, the owner of Marlboro, launches its heated tobacco device in the USA:** due to the growing public health crisis, Philip Morris International opted for a silent debut of its alternative cigarette in the United States, IQOS.

**Reference and document date: 04/10/2019**

<http://tabaco.ensp.fiocruz.br/pt-br/philip-morris-dona-do-marlboro-faz-estreia-com-dispositivo-de-tabaco-aquecido-os-eua-1>

- **For Philip Morris CEO, cigarettes will begin to disappear in a decade:** Philip Morris International has signaled that cigarettes could become obsolete within a decade in some markets as smokers seek alternative nicotine products like ENDS.

**Reference and document date: 30/06/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/para-ceo-da-philip-morris-cigarro-comecara-desaparecer-em-uma-decada>

- **Philip Morris wants to stop selling cigarettes:** seeking acceptability through harm reduction approach, Philip Morris International’s president, in an interview with the electronic magazine FORBES in October 2019, stated that “the plan is to stop selling cigarettes, and our responsibility is to make the smoker exchange them for something “better.” “We want to

transform the industry and reduce the sale of conventional cigarettes.”

**Reference and document date: 18/01/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/node/1611>

- **Philip Morris' balance sheet shows cigarette sales during the Covid-19 pandemic:** Philip Morris' balance sheet showed an increase in tobacco product (conventional cigarettes or ENDS) consumption during the Covid-19 epidemic worldwide. These products have been used as a refuge in times of great nervousness. Philip Morris' expected revenue increase should be driven primarily by the growth in ENDS sales, designed precisely to replace traditional cigarettes.

**Reference and document date: 15/04/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/node/1686>

- **English television will air cigarette commercials after 49 years of ban:** a commercial will make history today on English television: for the first time since 1965, a cigarette advertisement will air. The campaign is from VIP, an e-cigarette company.

**Reference and document date: 11/11/2014**

<http://tabaco.ensp.fiocruz.br/pt-br/televisao-inglesa-ira-exibir-comercial-de-cigarros-apos-49-anos-proibidos>

- **“We are preparing for the future,” said Souza Cruz’s president:** Souza Cruz’s (BAT-Brazil) president says that transforming tobacco is the company’s mission to prepare it for changes in the Brazilian market. He wants to innovate with new products, such as electronic cigarettes.

**Reference and document date: 21/03/2018**

<http://tabaco.ensp.fiocruz.br/pt-br/estamos-nos-preparando-para-o-futuro-afirma-presidente-da-souza-cruz-0>

- **BAT Brazil (former Souza Cruz) grows in 2020 but wants change to cigarettes in the country:** Manufacturer awaits the authorization to market electronic cigarettes in Brazil, tax changes, and repression of smuggling.

**Reference and document date: 14/01/2021**

<http://tabaco.ensp.fiocruz.br/pt-br/bat-brasil-ex-souza-cruz-cresce-em-2020-mas-quer-mudanca-para-cigarro-no-pais>

- **For Philip Morris, cigarettes will begin to disappear in a decade:** seeking acceptability through harm reduction approach, PMI studies alternatives to make its loyal customers stop buying conventional cigarettes and start buying heated tobacco products.

**Reference and document date: 30/06/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/node/1607>

- **Multinational companies reinvent their business model and increase pressure for Brazilian authorities to make electronic cigarettes legal in the country:** in the last decade, a new generation of products has emerged: electronic nicotine delivery systems (ENDS), also called e-cigarette, e-ciggy, e-cigar, and vape. In general, they are battery-powered, have a cigarette holder at the tip and a small internal reservoir into which tobacco, herbs, or liquid capsules, with or without nicotine, are inserted.

**Reference and document date: 19/12/2019**

<http://tabaco.ensp.fiocruz.br/pt-br/multinacionais-tabagistas-miram-novo-modelo-de-negocio-no-brasil>

- **PMI: a company transforming towards the smoke-free future:** the new industry’s strategy is to promote the transition from conventional to smokeless cigarettes



**Reference and document date: 20/01/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/pmi-uma-companhia-em-transformacao-em-direcao-ao-futuro-sem-fumaca>

- **Smoke-free future: Heated tobacco brings down the sale of cigarettes in Japan:** Japan was one of the first countries to authorize the marketing of electronic smoking devices, among them, the heated cigarette. Although 98% of these products consumers are already smokers, the director of external affairs at Philip Morris says that the product is not a gateway for new smokers.

**Reference and document date: 01/11/2019**

<http://tabaco.ensp.fiocruz.br/pt-br/tabaco-aquecido-derruba-venda-de-cigarros-no-japao>

**2. MAKE DIRECT ADVERTISING, INCLUDING PROMOTIONAL CAMPAIGNS TO MAKE ENDS LEGAL:** the industry has launched advertising campaigns to promote alternatives to traditional cigarettes marketed in Brazil, trying to convey the message that the world is moving in this direction and Brazil would not even be discussing the issue. The “If they let me say” campaign uses this strategy associated with health professionals’ images and dates, such as World No Tobacco Day, as the central line of the campaign to make ENDS legal in Brazil, defending the access to the product as the population’s right to have an “alternative” to stop smoking traditional cigarettes.

- **Philip Morris proposes debate on “better” alternatives to cigarettes:** Philip Morris proposes debate on “better” alternatives to cigarettes. It is a *Damasco Filmes*’ production, directed by Fábio Brandão.

**Reference and date of document: 23/10/2019**

<http://tabaco.ensp.fiocruz.br/pt-br/node/1589>

- **Tobacco from Brazil is strategic for Philip Morris' smoke-free future:** Brazilian tobacco is seen as strategic by Philip Morris within its smoke-free future project, replacing cigarettes with heat-not-burn alternatives.

**Reference and date of document: 08/08/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/tabaco-do-brasil-e-estrategico-para-futuro-sem-fumaca-da-philip-morris>

- **Smoke-free future: Knowledge is the greatest ally when it comes to making choices:** for some people, it is not enough to know to make choices. They want to participate in a broader discussion on the use of ENDS. Philip Morris launched the “We Need to Talk” institutional campaign with an eye on this consumer.

**Reference and document date: 2/12/2019**

<https://estudio.folha.uol.com.br/precisamosfalar/2019/12/1988515-conhecimento-e-o-maior-aliado-na-hora-de-fazer-escolhas.shtml>

- **PMI Newsletter: We Need to Talk About Nicotine:** Philip Morris International periodically releases a document on heat-not-burn products to summarize current scientific knowledge about nicotine and address some more common “misconceptions” about them.

**Reference and date of the document:**

<http://tabaco.ensp.fiocruz.br/pt-br/precisamos-falar-sobre-nicotina>

**3. SUPPORT AND ENABLE THE ILLEGAL ONLINE MARKETING OF ENDS IN BRAZIL, SUPPLYING AN ILLEGAL MARKET IN THE COUNTRY:** through a network of online resellers, ENDS are sold illegally in Brazil, generating a demand that promotes a product that

cannot be imported or sold in the country. This market, similarly to smuggling, is supplied with raw materials or products from the tobacco industry. This offer theoretically promotes consumption by regular smokers and new users, which includes minors and non-smokers. These sites that sell and promote ENDS also file petitions to oppose bills of law discussed in Brazilian Congress and post fake news misinforming the population.

- **Juul, a best-selling e-cigarette in the USA, is sold illegally, via delivery, in Brazil:** despite the ban on the marketing, importing, and advertising of electronic smoking devices, this electronic cigarette has been found at parties for young people in Brazil, which increases the debate on the subject in society. Manufacturer Juul Labs, which controls 70% of the U.S. vaporizer market, denies having Brazilian dealers.

**Reference and document date: 23/06/2019**

<http://tabaco.ensp.fiocruz.br/pt-br/cigarro-da-moda-nos-eua-juul-e-vendido-ilegalmente-delivery-no-brasil02>

- **ENDS are prohibited but are still sold:** although ENDS are banned in Brazil, it is possible to buy them on several Internet sites, enabling the illegal market.

**Reference and document date:13/01/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/node/1723>

- **Although it is banned, e-cigarette consumption is growing:** e-cigarette consumption in Brazil is growing. The product can already be easily found in *Maceió* at prices ranging from R\$ 200 to 400 [US\$ 20 - 40], which empowers ENDS illegal market.

**Reference and document date:13/12/2019**

<http://tabaco.ensp.fiocruz.br/pt-br/node/1677>

- **Young people are led to tobacco addiction with e-cigarettes:** the World Health Organization says the tobacco industry marketing is attracting young people to e-cigarettes, which can lead to tobacco addiction, despite claims from some executives who say they want to solve the smoking epidemic.

**Reference and document date: July 31, 2021**

<http://tabaco.ensp.fiocruz.br/pt-br/jovens-estao-sendo-atraididos-para-o-vicio-do-tabaco-com-cigarros-eletronicos-diz-oms>

**4. INFLUENCE DECISION-MAKERS TO LEGALIZE ENDS:** this also happens through direct lobbying, including invitations to visit industry factories. The effort the tobacco industry makes to influence decision-makers in the process of legalizing ENDS is apparent. Besides contacts with authorities and invitations to visits, the industry also promotes debates on the subject with opinion makers in Brazilian society to counter criticism and gain credibility and support to make ENDS legal. The same is observed in the tobacco-growing regions, as shown in the Rio Grande do Sul case. Its front groups and corporate social responsibility strategies keep the topic on the agenda and pressure legislators against laws that regulate ENDS at all levels

- **E-cigarette manufacturers are preparing a debut in the country:** Grant O’Connell, Fontem Ventures’ research department head, lobbied directly on decision-makers and has been in Brazil to try to convince authorities that, for the sake of public health, their devices’ import, production, and sale should be allowed in the domestic market. Fontem Ventures is a Dutch giant and a subsidiary of the Imperial Brands Group, the world's largest manufacturer of electronic cigarettes.

**Reference and document date: 11/09/2019**

<http://tabaco.ensp.fiocruz.br/pt-br/fabricantes-de-cigarros-eletronicos-preparam-estreia-no-pais>

- **Leite tells the region that he supports electronic cigarette sale and manufacture:** Rio Grande do Sul governor, Eduardo Leite (PSDB), visiting Santa Cruz do Sul city, expressed his support for the tobacco companies to produce and sell electronic cigarettes and heated tobacco products in Brazil. According to him, the motto is tax collection and the new jobs that can be generated. However, policies to encourage the production and sale of tobacco neglect the state's high costs for public health.

**Reference and document date: 11/03/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/leite-diz-regiao-que-apoia-venda-e-fabricacao-do-cigarro-eletronico>

- **Governor defends unbiased debate on heated tobacco products:** Rio Grande do Sul governor, Eduardo Leite (PSDB), while visiting the tobacco-growing region, says he recognizes the social and economic importance of the tobacco production chain and has secured political support to the sector in the process of regulating heated tobacco cigarettes, popularly called electronic cigarettes.

**Reference and document date: 12/03/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/governador-defende-debate-sem-preconceito-sobre-os-produtos-de-tabaco-aquecido>

- **E-cigarette manufacturer will have to pay \$40 million for causing a pandemic in the U.S.:** Accused of making a generation of teenagers addicted to nicotine and thereby causing an epidemic in the consumption of electronic cigarettes in the United States, the manufacturer Juul signed an agreement of 40 million dollars to end a lawsuit filed by the Attorney General of the State of North Carolina.

**Reference and document date: 12 July 2021**

<http://tabaco.ensp.fiocruz.br/pt-br/fabricante-de-cigarro-eletronico-tera-que-pagar-u40-milhoes-por-causar-pandemia-nos-eua>

- **The future is smoke-free:** this piece of news deals with the alternatives for conventional cigarettes, presenting the argument that combustion, not nicotine, causes harm to health. At the same time, Philip Morris demonstrates diverse investments in e-cigarette models as a “way” for smoking cessation.

**Reference and document date: 02/08/2021**

<http://tabaco.ensp.fiocruz.br/pt-br/o-futuro-e-sem-fumaca>

- **Check out the forum program on harm reduction – ENDS:** Folha de São Paulo newspaper promoted a forum on harm reduction, and one of the main topics was the debate on the advantages of using ENDS.

**Reference and document date: 04/09/2017**

<http://tabaco.ensp.fiocruz.br/pt-br/confira-programacao-do-forum-sobre-reducao-de-danos>

- **Conflict of interest: cigarette industry targets doctors to legitimize new products:** despite the lack of scientific evidence, heated tobacco devices are sold as less harmful. To convince the population, health professionals are their intense campaign targets.

**Reference and document date: 31/08/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/industria-do-cigarro-mira-medicos-para-legitimar-novo-produto>

- **Currently, 20 bills want to prohibit vaping in Brazil:** the use of vaping as an alternative to conventional cigarettes is promoted while presenting the bills of law related to the prohibition of vaping in Brazil.

**Reference and document date: 13/11/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/atualmente-20-projetos-de-lei-que-querem-acabar-com-o-vaping>

- **Phillip Morris makes a new bet to approve “the cigarette of the future” in Brazil:** PM hired doctor Dérica Serra to be Medical Affairs head. She is responsible for making the interface with the sector and the spokesperson for scientific research that, according to the company, proves IQOS causes less damage than traditional cigarettes.

**Reference and document date: 23/03/2021**

<http://tabaco.ensp.fiocruz.br/pt-br/phillip-morris-faz-nova-aposta-para-aprovar-cigarro-do-futuro-no-brasil>

**5. EXAGGERATE THE ECONOMIC IMPORTANCE OF INDUSTRY TO JUSTIFY THE COMMERCIALIZATION OF ENDS:** the tobacco industry exaggerates the economic importance of its products either by pushing the idea that reducing its commercialization generates unemployment or by applying the concept that taxes on tobacco products are indispensable to the economy at national, state or municipal levels. The use of tobacco growing regions to promote its rebrand can also increase the pressure on decision-makers. The economic perspective also includes promoting ENDS legalization from the myopic perspective of the benefit or the right to an alternative, without considering the costs to society, especially for young people, public health, the economy, and the environment.

- **Imperial Tobacco launches electronic cigarettes to halt the drop in sales:** Imperial Tobacco, Philip Morris International, and British American Tobacco face a drop in sales due to ENDS regulation by governments. In contrast, Imperial Tobacco announces a reduction in operating costs and launches electronic cigarettes to avoid further drops. Imperial's chief executive Alison Cooper says growth will be modest even with these measures.

**Reference and document date: 15/07/2014**

<http://tabaco.ensp.fiocruz.br/pt-br/imperial-tobacco-lanca-cigarro-eletronico-para-conter-quebras>

- **British American Tobacco announces 2,300 layoffs:** cigarette manufacturer British American Tobacco has announced the cutting of 2,300 jobs worldwide, part of its strategy to adapt to changing consumption habits and the growth of e-cigarettes.

**Reference and document date: 30/04/2014**

<http://tabaco.ensp.fiocruz.br/pt-br/british-american-tobacco-anuncia-2300-demissoes>

- **The maker of Marlboro negotiates acquisition of an e-cigarette startup:** Altria negotiates the acquisition of a stake of the e-cigarette startup Juul Labs to expand its market share of ENDS.

**Reference and document date: 29/11/2018**

<http://tabaco.ensp.fiocruz.br/pt-br/empresa-dona-da-marlboro-negocia-aquisicao-de-startup-de-cigarros-eletronicos>

- **Philip Morris' balance sheet shows cigarette sales during the Covid-19 pandemic:** and says that, despite the damage to health, cigarettes can be used as a refuge in times of great nervousness like the current one.

**Reference and document date: 15/04/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/balanco-da-philip-morris-mostra-como-esta-o-cigarro-na-covid-19-0>

- **“We are preparing for the future,” said Souza Cruz president** Liel Miranda during a press conference as part of Afubra's Expoagro program. The executive recalled the company's 115 years of existence, the 100th anniversary of the Integrated Tobacco Production System, and the largest cigarette factory in Latin America in Uberlândia. He stressed that “it is time to celebrate the past and prepare for the future.”

**Reference and document date: 24/03/2018**

<http://tabaco.ensp.fiocruz.br/pt-br/estamos-nos-preparando-para-o-futuro-afirma-presidente-da-souza-cruz-0>

- **How the cigarette industry hides the dangers of vaping to convince you to smoke:** parents and guardians concerned about ENDS use by children say it is difficult to realize it once it is camouflaged in the form of a pen drive or a pen.

**Reference and document date: 31/05/2021**

<http://tabaco.ensp.fiocruz.br/pt-br/como-industria-do-cigarro-esconde-os-perigos-do-vape-to-convince-you-smoking>

## **6. INFLUENCE SCIENCE, FINANCING, AND PROMOTING SKEWED STUDIES THAT ARE USED IN BRAZIL TO CONVINCING THE NEED TO ALLOW ENDS SALES:**

These study results are used in Brazil to convince decision-makers to make ENDS legal. Studies from Stanford University show that PMI, a company that has been promoting its heated tobacco product with outstanding commitment in Brazil as an alternative to cigarette smokers, has a long history of asking scientists to conduct experiments in support of its advertising slogans that claim reduced risk to their brand compared to other cigarettes. BAT reported that 1,500 scientists have published 109 studies on ENDS and registered 3,300 new patents. Tobacco companies continue to submit biased studies as part of their portfolio to make ENDS legal in Brazil.

- **Polosa to the UN General Assembly to talk about smoking:** Polosa also participates in the Assembly as a scientific consultant of INNCO, the global coalition of e-cigarette user associations. He sent an open letter to the World Health Organization submitting the following requests: recognize the use of e-cigarettes as an effective part of the harm reduction strategy; reverse the decision made at COP7 to invite countries to consider more restrictive regulatory measures on the use of ENDS; confirm that electronic cigarettes should be regulated as products other than traditional tobacco products.

**Reference and document date: 27/09/2017**

<http://tabaco.ensp.fiocruz.br/pt-br/polosa-assembleia-geral-da-onu-para-falar-sobre-tabagismo-polosa-un-general-assembly-talk-about>

- **PUC-Rio promotes a free seminar to discuss electronic cigarettes:** the Technical Scientific Center of PUC-Rio held a seminar promoted by the Chemistry Department of CTC/PUC-Rio to discuss the advantages and disadvantages of electronic cigarettes. Dr. Professor Riccardo Polosa, the director of the Institute of Internal and Emergency Medicine of the University of Catania in Italy, is among the confirmed names at the event. He is an Honorary Professor of Medicine at the University of Southampton (UK) and responsible for the University of Catania's Tobacco Research Centre (CPCT).

**Reference and document date: 21/10/2017**

<http://tabaco.ensp.fiocruz.br/pt-br/puc-rio-promove-seminario-gratis-para-discutir-sobre-o-cigarro-eletronico>

- **A study concludes that science-based decisions are a priority for governments and businesses:** to influence decision-makers, Philip Morris International conducted a global survey on ENDS and recommended that decisions should be based on scientific data and be a priority for companies and governments.

**Reference and document date :16/09/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/estudo-conclui-que-decisoes-baseadas-na-ciencia-sao-prioridade-para-governos-e-empresas>

- **Philip Morris scientific communication coordinator visits SLMA:** on August 22, 2018, Nveed Chaudhary, Philip Morris' scientific communication coordinator, and Rafael Bastos, PM's representative in Brazil, visited São Leopoldo Mandic College in Campinas (SP) to learn about the institution's laboratory infrastructure and pedagogical project. Their goal was to propose a partnership for the development of research in the area of harm reduction. The executives were received by the medicine course coordinator, Dr. Guilherme de Menezes Succi, the director of graduate studies and research, Dr. Marcelo Henrique Napimoa, and by professors Thiago Trapé and Giuliano Dimarzio.

**Reference and document date: 22/08/2018.**

<https://www.slmandic.edu.br/2017/08/coordenador-de-comunicacao-cientifica-da-philip-morris-visita-slmandic/>

- **Cycle of Debates on Harm Reduction in Smoking:** the Brazilian Society of Toxicology promoted a cycle of debates about harm reduction in smoking for health professionals in the Maria Aparecida Pourchet Campos Auditorium, Pharmaceutical Sciences College, University of São Paulo.

**Reference and document date: 21/05/2017**

<http://tabaco.ensp.fiocruz.br/pt-br/ciclo-de-debates-sobre-reducao-de-danos-no-tabagismo>

- **Check out the forum program on harm reduction:** Folha de São Paulo newspaper promotes a forum on harm reduction and tobacco use. One of the main topics discussed was the use of ENDS to replace cigarettes. The event, sponsored by Philip Morris, will begin at 8 a.m at the Unibes Cultural theater (2500 Oscar Freire Street), in São Paulo.

**Reference and document date:04/08/2017**

<http://tabaco.ensp.fiocruz.br/pt-br/confira-programacao-do-forum-sobre-reducao-de-danos>

- **Philip Morris' balance sheet shows cigarette sales during the Covid-19 pandemic:** the document refers to a report prepared by the tobacco industry on e-cigarettes and the heated tobacco product market in 2020. It analyzes determining and restrictive factors and presents the industry news, such as mergers, acquisitions, and investments. It also analyzes market share, growth rate by types, applications. It uses qualitative and quantitative methods to make micro and macro predictions in different regions or countries to expand its market share of ENDS.

**Reference and document date: 15/04/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/balanco-da-philip-morris-mostra-como-esta-o-cigarro-na-covid-19-0>

- **According to PMI global research, Brazilians are still confused by information about e-**

**cigarettes and heated tobacco products:** the news is about Philip Morris International's



speech on alternatives to smoking through its white paper entitled “Unsmoke Your Mind: Pragmatic Answers to Tough Questions for a Smoke-Free Future.”

**Reference and document date: 06/02/2020**

<http://tabaco.ensp.fiocruz.br/pt-br/brasileiros-ainda-se-sentem-confusos-com-informacoes-sobre-cigarro-eletronico-e-tabaco-aquecido>

- **79% of the smokers in the northeast of Brazil would change cigarettes:** the news presents research requested by Philip Morris Brazil to provide data to make ENDS legal.

**Reference and document date: 29/11/2018**

<http://tabaco.ensp.fiocruz.br/pt-br/79-dos-fumantes-do-nordeste-trocariam-o-cigarro-por-produtos-de-menor-risco-saude>

- **Electronic cigarettes less harmful than tobacco:** an article produced by the University of Madeira, Portugal, on a national study on the hazards of ENDS compared to traditional cigarettes.

**Reference and document date: 27/05/2021**

<http://tabaco.ensp.fiocruz.br/pt-br/cigarros-eletronicos-menos-nocivos-que-tabaco-0>

- **Smoking can vanish in 20 years:** smoking technology has evolved in recent years, providing the famous vaping, which has led to a drop in traditional cigarette consumption. Keeping in mind these changes and other projections, analysts at Jefferies (an independent U.S. multinational investment bank also focused on financial services) pointed out that no smokers could be left in 10 to 20 years.

**Reference and document date: 01/04/2021**

<http://tabaco.ensp.fiocruz.br/pt-br/tabagismo-pode-deixar-de-existir-em-20-anos-segundo-especialistas>

## CONCLUSION:

It is evident the size of the tobacco industry’s effort to make ENDS legal in Brazil. More than that, the industry tries to make the theme attractive and contemporary, creating familiarity and seeking acceptance to the product to open a new market in the country. Although Anvisa inspects and seizes products sold clandestinely in Brazil, some websites can still be found on the Internet offering different products, including e-liquids produced in the country.

## TOBACCO SHOPS ONLINE THAT TEACH HOW TO USE AND/OR SELL ENDS IN BRAZIL

Vape - Kits for beginners. How should I use my vape to help me quit smoking?

Vape for beginners, know where to start - Cia of Steam. Available at:

<https://www.ciadovapor.com> > page > vape-to-start...

Vape | Learn how to use it - Vaporesso Brasil. Available at:  
<https://www.vapoessobrasil.com/dicas-e-termos-de-garantia/>

Complete guide to buy a vaporizer - Steam Club. Available at:  
<https://www.clubedovapor.com/blog>

Which vape to choose? If you're looking for something for entertainment or to use at parties, your best option is the conventional vaporizer. Lies and Truths About Electronic Cigarette  
<https://saudebrasil.saude.gov.br/eu-quero-parar-de-fumar/mentiras-e-verdades-sobre-o-cigarro-eletronico>

Why use juices without nicotine? Learn about the benefits  
<https://blog.sacivape.com> › 07/2020-20 › juice-without-nic...

I want to compare a juice without nicotine, could you give me a light? Electronic cigarette: how to use, risks and benefits [Saci's Blog](#)  
<https://blog.sacivape.com/2020/07/22/como-usar-cigarro-eletronico/>

After all, how to use electronic cigarette? Looking at all these points, vapes seem to be an excellent alternative to smokers... Vaporizing e-liq without nicotine is safe? Steam Blog

<https://blogdovapor.com/vaporizar-e-liquido-sem-nicotina/#:~:text=Sim%2C%20%C3%A9%20venenoso%20em%20grandes,Europa%2C%20n%C3%A3o%20causam%20nenhum%20dano.>

Marlboro in electronic cigarette format  
<https://www.mundovapor.com/liquido-liqua-para-cigarro-eletronico-marlboro>

**Several ENDS. Elite Smoke** <https://www.elitesmoke.com>

Updated information about the Observatory can be found at: <http://tabaco.ensp.fiocruz.br/pt-br/>