The information for this report was drawn from multiple sources: FCTC reporting mechanism, WHO data and information, snapshot surveys from Parties, non-government organizations and individuals within countries. Reasonable efforts have been made to ensure accuracy at the time of publication. If there are unintentional errors please convey this information to the publisher.

Financial support was provided under a grant from the American Cancer Society, Cancer Research UK, and the Framework Convention Alliance (FCA). All information and views presented in this report do not necessarily represent those of the funding organizations, their staff, or their respective Board of Directors.
The Global Treaty on Tobacco Control

The World Health Organization – Framework Convention on Tobacco Control (WHO-FCTC) was adopted at the 56th World Health Assembly on May 2003. The Convention entered into force on 27 February 2005, 90 days after the fortieth State had acceded, ratified, accepted, or approved it. As of September 2012, 176 countries have ratified and are now Parties to the treaty which includes all countries under the Western Pacific Regional Office (WPRO) of the World Health Organization and all except one country (Indonesia) under the South East Asia Regional Office (SEARO).

While significant tobacco control efforts are taking place in some countries that previously had little or no action on tobacco, other countries have made little progress and often regard tobacco control of lesser priority. Some countries face a challenge in having legislatures that are either dominated by recalcitrant smokers or strongly influenced by tobacco companies. The development and implementation of tobacco control laws and regulations consistent with the evidence-based measures contained in the FCTC continues to be the most significant change.

This report focuses on six key FCTC Articles and is not only an attempt to provide a regional picture of how countries are complying with their FCTC obligations, but also an opportunity to celebrate successes along the way while identifying areas for continued work towards our vision of a healthy, tobacco-free region.

One of the biggest challenges of Parties to the FCTC is to ensure their countries' compliance with the terms of the treaty. A critical key step to progress is the development of a national coordinating mechanism for tobacco control and without coordination at the highest level, many governments will struggle to implement the treaty.

In order to achieve greater success, countries are encouraged to act beyond the minimum requirements. The treaty does not only oblige minimal requirements in certain articles based around the treaty negotiations, but it also encourages Parties to implement measures beyond those required (FCTC Article 2). Following the ratification of 176 countries, there is a need to lift the bar in certain areas of the commonly negotiated treaty as well as extend the coverage to the remaining countries particularly Indonesia.
Denormalizing the Tobacco Industry and Halting its Interference

Dr. Margaret Chan, Director-General of WHO describes the tobacco industry as a “ruthless and devious enemy” whose “tactics aimed at undermining anti-tobacco campaigns, and subverting the Framework Convention, are no longer covert or cloaked by an image of corporate social responsibility. They are out in the open and they are extremely aggressive.”

Tobacco is not like any other product and this industry is not like any other industry. The WHO-Framework Convention on Tobacco Control (FCTC) recognizes that tobacco industry interference poses the single greatest threat to tobacco control. FCTC Article 5.3 warns Parties to “be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts”, hence Parties are called to protect their public health policies from commercial and other vested interests of the tobacco industry.

The FCTC recommends the following activities for addressing tobacco industry interference in public health policies. Parties are encouraged to implement measures beyond those provided for by the guidelines and nothing in the guidelines shall prevent a Party from imposing stricter requirements that are consistent with the recommendations.

1. | Raise awareness about the addictive and harmful nature of tobacco products and about tobacco industry interference with Parties’ tobacco control policies.
   - No tobacco industry-drafted legislation or policy, or voluntary codes as substitutes for legally enforceable measures.
   - No tobacco industry representation on government tobacco control bodies or FCTC delegations.
   - Refuse to treat tobacco corporations as “stakeholders” in public health policy.

2. | Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.

3. | Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry, whether for health or other purposes.

4. | Avoid conflicts of interests for government officials and employees.
   - No contributions by the tobacco industry to governments.
   - No investments in the tobacco industry by government or public officials.

5. | Require that information collected from the tobacco industry be transparent and accurate.

6. | Denormalize and, to the extent possible, regulate activities described as “socially responsible” by the tobacco industry, including but not limited to activities described as “corporate social responsibility”.

7. | Do not give preferential/privileged treatment to the tobacco companies.

8. | Treat State-owned tobacco companies in the same way as any other tobacco industry.

Most governments in the Asia Pacific have made efforts to raise awareness about addiction and the harm caused by tobacco use (Table 1). However, only a few have policies, guidelines or a specific “Code of Conduct” on how government should interact with the tobacco industry.
How the tobacco industry interferes with public health policies in the Asia Pacific

Avoid agreements with the Tobacco Industry

British American Tobacco (BAT) signed a memorandum of understanding (MOU) with the Papua New Guinea Department of Health (DOH) to promote its 5-stick Pall Mall Kiddie packs over its single stick sales between August 2010 and July 2011. After a year of this promotion, BAT reported that the lack of distribution of Pall Mall 5-stick packs forced consumers to find it and it halted the promotion. It then proposed that DOH consider running an awareness programme such as Youth Smoking Prevention, and for DOH and BAT to maintain regular engagement on tobacco regulation—which continues with FCTC Article 5.3. After BAT was exposed, the PNG Health Minister condemned the efforts of the tobacco industry saying, “It has operated for years with the express intention of subverting the role of governments in implementing public health policies to combat the tobacco epidemic.”

Mobilizing Farmers as a Front Group of the Tobacco Industry

Mobilizing farmers in large numbers to apply pressure is a common tactic seen in several countries. Other countries in Asia where farmers have been organized to oppose tobacco control are Indonesia, Malaysia, Philippines, and the Republic of Korea. The International Tobacco Growers Association, an industry front group, has faced some of these protests.

Code of Conduct, Policy or Guidelines

Several countries have drawn up Guidelines or Code of Conduct for officials when dealing with the tobacco industry. These countries include the Philippines (Code of Conduct), Singapore (Guidelines), and Thailand (Guidelines).

Philippines Acts to Curb Interactions

In 2010, the Philippines Department of Health and the Civil Service Commission issued a Joint Memorandum Circular 2010-01 which aims to protect the bureaucracy against tobacco industry interference in accordance with FCTC Article 5.3 Guidelines by limiting interaction with the industry and rejecting partnerships with tobacco companies. The Health Secretary sent letters to government agencies cautioning against partnerships with the tobacco industry. Following this, the Department of Education issued Order No.82/2012 which restricts interaction of its officials with the tobacco industry, including a prohibition of the tobacco industry contributing funds to the department.
Enforcement of the Code of Conduct/policy or guidelines on dealing with the Tobacco Industry.
Transparency in Dealing with the Tobacco Industry

To demonstrate transparency, both Australia and New Zealand publicize their meetings with the tobacco industry by making the relevant information available on their website.

<table>
<thead>
<tr>
<th>Australia</th>
<th>New Zealand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Health and Ageing</td>
<td>Ministry of Health</td>
</tr>
<tr>
<td>Since 2009</td>
<td>Since 2009</td>
</tr>
<tr>
<td>Date of meeting</td>
<td>Date of meeting</td>
</tr>
<tr>
<td>Which company</td>
<td>Which company</td>
</tr>
<tr>
<td>Purpose of meeting</td>
<td>Purpose of meeting</td>
</tr>
<tr>
<td>List of attendees</td>
<td>List of attendees</td>
</tr>
</tbody>
</table>

No Political Donations

The state of New South Wales in Australia has banned direct political donations from the tobacco industry. Countries are urged to adopt measures to require the tobacco industry to periodically submit such information. Demanding this information for purposes of regulation is a mode of asserting the government’s rights and duty to develop and implement public health policies.

Treat State Tobacco Monopolies as Private Companies: Attendance at COP

Article 5.3 Guidelines call upon Parties to treat state tobacco monopolies the same as private companies. This can pose challenges to inter-sectoral, national tobacco control task force. Thailand has demonstrated that although it has a state tobacco monopoly, government’s interaction with the tobacco industry is transparent and there is a policy that rejects any partnerships or non-binding agreements with the tobacco industry. There is also a code of conduct to avoid conflict of interest for government officials and employees with the tobacco industry. Although there are efforts to circumvent the law by the tobacco industry, there is no tobacco industry representation on government committees. Thailand consistently provides information on tobacco industry to the public.

On the other hand, Japan Tobacco (50 percent owned by the Japanese government) is involved in the government committees and decision-making bodies that influence policy and legislation. Representatives of the Tobacco and Salt Industries Office, Financial Bureau, Ministry of Finance are a regular part of the Japanese delegation at the COP sessions. Similarly, the Chinese National Tobacco Corporation was represented in the Chinese delegation at the FCTC negotiations, and at the COP through its role as the State Administration for Tobacco Monopoly.

Recommendations to Parties

- Do not hold any “closed door meeting” with the tobacco industry;
- Enact legislation to prohibit CSR activities by the tobacco industry;
- Reject partnerships and MOUs with the tobacco industry;
- Exclude the tobacco industry as a stakeholder; if meetings are necessary they should be limited and ensure the transparency of those interactions;
- Do not give special privileges or incentives to the tobacco industry such as tax holidays;
- Treat state-owned tobacco industry the same way as any other tobacco industry;
- Require the tobacco industry to disclose all expenditure on marketing and political lobbying activities;
- Require all government officials to declare their interest in the tobacco industry and prohibit officials from working/consulting for the industry within 5 years of leaving the government service.
ARTICLE

5

PRICE AND TAX MEASURES TO REDUCE THE DEMAND FOR TOBACCO

Parties recognize that price and tax measures are effective and important means of reducing tobacco consumption particularly in young persons.

- FCTC Article 6

FCTC Article 6 obligates Parties to adopt pricing and taxation measures to reduce tobacco consumption. When administered correctly, higher tobacco taxes increase tax revenues, which can be used to implement government programs for health and other social services, and enforce other tobacco control measures.

There is an international consensus among experts that a 10% increase in real cigarette prices could reduce cigarette demand by 2-6% in high-income countries and by 2-8% in low- and middle-income countries. Price sensitivity to cigarettes is quite apparent among the youth, low-income smokers and other minority, which are likely to smoke less or eventually quit in response to significant price increases.

While both the World Bank and the World Health Organization recommend at least 70% of the retail price for tobacco products to come from excise taxes. Parties should continue to re-evaluate the power of tax and price increases for both health and fiscal measures. Countries that have implemented tax policies that meet the recommendations of the World Bank are generally doing much better at reducing tobacco consumption. This is best exemplified by countries like Thailand, Republic of Korea, Australia, and Singapore.

Parties to the Convention should re-evaluate the recommendations of the World Bank and other economic reports that show the power of tax and price increases to boost revenues of governments while achieving reductions in tobacco use and at the same time lowering health costs.

- All countries should be aiming for taxes that are at least 70% of the retail price, particularly those countries with less than 50% of the retail price as tax.
- Parties that have agreements with tobacco companies to keep tax minimal are often compromised in their ability to comply with the FCTC and therefore need to seek legislative and legal redress for their current situation.

Thailand - Taxation for Tobacco Control

Thailand is among the few countries in the Asia Pacific that have progressively utilized taxation measures to curb down tobacco consumption and at the same time, added specific tax for its national health policy.

Over the course of 18 years, Thailand has had 10 incidents of excise tax increases for tobacco, having the most recent one taking effect in 2012. The current tax structure is a mixed system. Tobacco tax is calculated on both specific and ad valorem rates and then applying whichever rate generates a higher tax liability. This exemplifies the cigarette tax, which is exclusively computed using the ad valorem rate. In addition to a 7% VAT, the Thai government also charges an additional 2% surcharge that goes to the Thai Health Promotion Foundation, and 1.5% tax for the public TV.

With the Cabinet’s recent approval, the cigarette excise tax has increased from 85% to 87% of the ex-factory price. However, because there are a lot of cheap brands, the total tax rate as a percentage of the retail price remains at 70%.
How are tobacco products being taxed?

Domestic tobacco products are often subjected to the following types of taxes: excise tax, value added tax (VAT) or sales tax or special consumption tax. Excise tax, VAT and import duties, on the other hand, are usually levied on tobacco products coming from abroad.

Excise taxes can either be specific (based on quantity or weight) or ad valorem (based on value). In a mixed system, both specific and ad valorem rates are used in a single excise duty.

However, national governments are highly encouraged to keep the overall taxation system simplified and not allow loopholes that tobacco companies can take advantage of.

Only a number of countries in the region are utilizing their current tax and pricing policies to fund national programs on health promotion. These include Australia, Mongolia, Republic of Korea, Singapore, Thailand, and Tonga.

With the passage of its Tobacco Control Law, Vietnam will also be setting up its own Tobacco Control Fund, as well as Lao PDR, which is awaiting the passage of its Decree on Tobacco Control Fund.

Restrictions on Duty-free Cigarettes

**Brunei Darussalam**

No Duty-Free concession on all tobacco products.

**Hong Kong SAR**

All Hong Kong residents or passengers cannot bring in any tobacco product.

Passengers aged 18 and above are allowed to bring for their own use, the following quantity of tobacco products exempted from duty: 19 cigarettes; or 1 cigar; or 25g of cigar; or 25g of other manufactured tobacco.

**Singapore**

1991 - the importation of duty-free tobacco products was banned.

2009 - the Singapore Duty Paid Cigarette (SDPC) markings are required to be stamped at the cigarette stick level on all cigarettes intended for the domestic market.
The prices of the most popular brand of cigarettes were compared in fifteen countries. Winfield is the most popular brand sold in Australia which sells at USD 16.55 per pack. Holiday is the most popular brand sold in New Zealand which costs USD 12.00. Marlboro is sold in Singapore at USD 8.52 followed by Pall Mall which is the popular brand among coastal regions of Papua New Guinea at USD 8.00. The cheapest brands of cigarettes are being sold in Indonesia. Lao PDR, Cambodia, Viet Nam and Philippines. [Note: The price shown in the countries of the ASEAN is based on the most popular local brand.]

While there are increases in tax rates and retail prices, if the income of smokers are also increasing at the same or even faster than that of tobacco products, the prices of these products will still remain affordable and will not have any effect in curtailing consumption. Thus, countries with fast growing economies, high growth rates for the Gross Domestic Product (GDP) and population income must also look into the affordability of tobacco products in adjusting their tobacco tax rates in order to meet their public health objectives of reducing consumption under the FCTC.
ARTICLE 8

PROTECTION FROM EXPOSURE TO TOBACCO SMOKE

“The duty to protect individuals from tobacco smoke corresponds to an obligation of governments to enact legislation to protect individuals against threats to their fundamental rights and freedoms.”

FCTC Article 8 Guidelines

The Framework Convention on Tobacco Control is a legally-binding treaty designed to reduce diseases and deaths caused by tobacco use. FCTC Article 8 imposes specific obligations on all Parties to protect the public from exposure to second-hand smoke. Parties are obligated to pass measures that provide universal protection from tobacco smoke in all indoor public places, indoor workplaces, and public transport. Designated smoking rooms and ventilated schemes are not permitted. There are no legal or health justifications for exemptions.

Increasing evidence as seen in countries that have successfully implemented smoke-free environments show significant reductions in disease and costs due to smoking. Smoke-free environments must become the norm in all societies. Some countries have yet to take seriously the need to protect the public from exposure to tobacco smoke particularly in indoor public places in spite of strong public support. China, Indonesia, Japan and the Republic of Korea face big challenges in implementing smoke-free indoor public places.
The 7 Principles of FCTC Article 8

**principle 1** Total elimination of smoking and tobacco smoke in a particular space or environment is required to effectively provide protection from exposure to tobacco smoke, as well as to create a 100% smoke-free environment.

**principle 2** All people should be protected from exposure to tobacco smoke. All indoor workplaces and indoor public places should be smoke-free.

**principle 3** Legislation is necessary to protect people from exposure to tobacco smoke. Voluntary smoke-free policies have repeatedly been shown to be ineffective and do not provide adequate protection to people.

**principle 4** Good planning and adequate resources are essential for successful implementation and enforcement of smoke-free legislation.

**principle 5** The civil society has a central and vital role in building support for and ensuring compliance with smoke-free measures. It should be included as an active partner in the process of developing, implementing and enforcing laws.

**principle 6** The implementation, enforcement and impact of smoke-free legislation should be monitored and evaluated. This should include monitoring and responding to the tobacco industry’s activities that weaken the implementation and enforcement of the legislation.

**principle 7** The protection of people from exposure to tobacco smoke should be strengthened and expanded. If necessary, such action may include new or amended legislation, improved enforcement and other measures to reflect new scientific evidence and case-study experiences.
SMOKE-FREE
CATEGORIES FOR EXCELLENCE*

**Smoke-free GOLD**
- 100% smoke-free law
- Designated smoking rooms/areas not permitted by law
- With good implementation nationwide

**Smoke-free Level II**
- Smoke-free law allows the designation of smoking rooms/areas in five or more places/settings; may have standards set for its size and ventilation
- With good implementation nationwide

**Smoke-free SILVER**
- Smoke-free law allows the designation of smoking rooms/areas for less than five places/settings
- With good implementation nationwide

**Smoke-free Level I**
- No national tobacco control law but with smoke-free initiatives
- Several cities have smoke-free policies
- With good implementation

*Adopted from the ASEAN Smoke-free Categories for Excellence*
### TABLE 2:
Categories of Smoke-free Places based on law/policy

<table>
<thead>
<tr>
<th>100% Smoke-Free</th>
<th>Partial (with designated smoking rooms/areas)</th>
<th>Not included in the Law/Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational/Conflict</td>
<td>Healthcare Facility</td>
<td>Government Offices</td>
</tr>
<tr>
<td>Workplace</td>
<td>Indoor Public Places</td>
<td>Restaurants</td>
</tr>
<tr>
<td>Bars and Pubs</td>
<td>Hotels (Match and Veteran Housing)</td>
<td>Public Transportation</td>
</tr>
<tr>
<td>Airports</td>
<td>Outdoor Public Places</td>
<td></td>
</tr>
</tbody>
</table>

|--------|----------|-------|----------|------------|------|-------|--------|--------|---------|---------------|---------------|-----------|---------|-------|--------|-------|---------|--------|---------------|-------------|-----------------|-------|---------|---------|-------|---------|-------|--------|-----------------|

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**STOP SMOKING**

- **Smoke-Free Indoor & Public Places**
- **Task Force**
- **Organizations' Support**
- **Political Will**
- **Strategies**
- **Mass Media Campaign**
- **Outdoor Advertisements**
- **Key Messages**
- **Implementation/Inspection**
- **Never Negotiate with Tobacco Industry**
- **Government Support**

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*Adopted from the lessons learned from Davao City, Philippines*
The Convention states that Parties shall be guided by the principle that every person should be informed of the health consequences, addictive nature, and mortal threat posed by tobacco consumption and exposure to tobacco smoke. (Article 4)

FCTC Article 11 makes explicit the need for clear and effective health warnings and measures that remove false or misleading promotion. A visible health warning on cigarette packs is one of the most encouraging areas of the treaty implementation as countries that previously had smaller and more basic warnings in line with the recommendations of the treaty, while other countries that formerly and no health warnings are now implementing warnings in line with the minimal requirement of the FCTC.

In line with at least the minimal requirements of Article 11, most countries are now implementing health warnings and many are requiring pictorial health warnings. Several countries have begun to take seriously the use of terms, descriptions, trademarks, and other signs that allow for false, deceptive and misleading marketing and promotion. The ability of some countries to use “mild”, “light” and other misleading terms is insidious and deadly. China, Indonesia, Japan, Lao PDR and several other countries are compromised on this issue.

- All countries should note the three-year deadline for compliance with Article 11 and implement large, prominent, strong, and effective health warnings on packaging, as well as prohibit the use of all misleading or deceptive terms, descriptors, trademarks, and other signs on packaging.
- All Parties should consider eventually moving to plain packaging for tobacco products.
<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>TEXT/PICTURES</th>
<th>SIZE/LOCATION OF WARNINGS</th>
<th>FCTC Article 11 Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Pictures and Text</td>
<td>75% 90%</td>
<td>25 January 2008</td>
</tr>
<tr>
<td>Brunei Darussalam</td>
<td>Pictures and Text</td>
<td>75% 75%</td>
<td>01 September 2007</td>
</tr>
<tr>
<td>Cambodia</td>
<td>Text</td>
<td>30% 30%</td>
<td>13 February 2009</td>
</tr>
<tr>
<td>China</td>
<td>Text</td>
<td>30% 30%</td>
<td>09 January 2011</td>
</tr>
<tr>
<td>Hong Kong SAR</td>
<td>Pictures and Text</td>
<td>50% 50%</td>
<td>12 August 2008</td>
</tr>
<tr>
<td>Cook Islands</td>
<td>Pictures and Text</td>
<td>30% 90%</td>
<td></td>
</tr>
<tr>
<td>Fiji</td>
<td>Text</td>
<td>Less than 30%</td>
<td>01 January 2007</td>
</tr>
<tr>
<td>Japan</td>
<td>Text</td>
<td>30% 30%</td>
<td>06 September 2007</td>
</tr>
<tr>
<td>Kiribati</td>
<td>Text</td>
<td>50% X</td>
<td>14 December 2008</td>
</tr>
<tr>
<td>Lao PDR</td>
<td>Text</td>
<td>30% 30%</td>
<td>05 December 2009</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Pictures and Text</td>
<td>40% 60%</td>
<td>15 December 2008</td>
</tr>
<tr>
<td>Marshall Islands</td>
<td>None</td>
<td>X X</td>
<td>08 March 2008</td>
</tr>
<tr>
<td>Micronesia (FS)</td>
<td>None</td>
<td>X X</td>
<td>16 June 2008</td>
</tr>
<tr>
<td>Mongolia</td>
<td>Pictures and Text</td>
<td>33% 33%</td>
<td>26 April 2007</td>
</tr>
<tr>
<td>Myanmar</td>
<td>Text</td>
<td>X X</td>
<td>20 July 2007</td>
</tr>
<tr>
<td>Nauru</td>
<td>Text</td>
<td>30% X</td>
<td>27 September 2007</td>
</tr>
<tr>
<td>New Zealand</td>
<td>Pictures and Text</td>
<td>30% 90%</td>
<td>26 April 2007</td>
</tr>
<tr>
<td>Nue</td>
<td>Pictures and Text</td>
<td>30% 90%</td>
<td>01 September 2008</td>
</tr>
<tr>
<td>Palau</td>
<td>None</td>
<td>X X</td>
<td>12 May 2007</td>
</tr>
<tr>
<td>Papua New Guinea</td>
<td>Pictures and Text</td>
<td>50% 50%</td>
<td>23 August 2009</td>
</tr>
<tr>
<td>Philippines</td>
<td>Text</td>
<td>30% X</td>
<td>04 September 2008</td>
</tr>
<tr>
<td>Republic of Korea</td>
<td>Text</td>
<td>30% 30%</td>
<td>14 August 2008</td>
</tr>
<tr>
<td>Samoa</td>
<td>Pictures and Text</td>
<td>30% 30%</td>
<td>01 February 2009</td>
</tr>
<tr>
<td>Singapore</td>
<td>Pictures and Text</td>
<td>50% 50%</td>
<td>12 August 2007</td>
</tr>
<tr>
<td>Solomon Islands</td>
<td>None</td>
<td>X X</td>
<td>08 November 2007</td>
</tr>
<tr>
<td>Thailand</td>
<td>Pictures and Text</td>
<td>55% 55%</td>
<td>06 February 2008</td>
</tr>
<tr>
<td>Tonga</td>
<td>Text</td>
<td>30% 30%</td>
<td>07 July 2008</td>
</tr>
<tr>
<td>Tuvalu</td>
<td>Pictures or Text</td>
<td>30% 30%</td>
<td>25 December 2008</td>
</tr>
<tr>
<td>Vanuatu</td>
<td>Text</td>
<td>30% 30%</td>
<td>15 December 2008</td>
</tr>
<tr>
<td>Viet Nam</td>
<td>Pictures and Text*</td>
<td>50% 50%</td>
<td>17 March 2008</td>
</tr>
<tr>
<td>Indonesia (Non-Party)</td>
<td>Text</td>
<td>X 19%</td>
<td>Non Party</td>
</tr>
</tbody>
</table>

Legend:

- **Compliant with FCTC Article 11 Guidelines**
  (Health Warnings ≥ 50%)
- **Compliant with minimum FCTC requirements**
  (Health Warnings ≥ 30% to < 50%)
- **Not compliant with FCTC**
  (Health Warnings < 30%)

*Implementation date of Viet Nam on PHW will be on 01 May 2013.
Country Compliance to FCTC Article 11

Pictorial Health Warning
Textual Health Warning
No Health Warning or with Health Warning but not compliant with FCTC requirements

Why use Large Pictorial Health Warnings?

1. More likely to be noticed
2. Better communicate health risks
3. Provoke a greater emotional response
4. Increase the motivation of tobacco users to quit

*Year of Implementation is located at the lower portion of the cigarette pack.
### TABLE 4. Timeline of Implementation of Pictorial Health Warnings

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>Duration Given to the Tobacco Industry to Comply</th>
<th>Date of Approval (Revised Law)</th>
<th>Implementation Date</th>
<th>Size of the PHW</th>
<th>Year of Implementation of the First Law on PHW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>1 year</td>
<td>22 December 2011</td>
<td>01 December 2012</td>
<td>75% 90%</td>
<td>2006</td>
</tr>
<tr>
<td>Brunei</td>
<td>Less than 6 months</td>
<td>13 March 2012</td>
<td>01 September 2012</td>
<td>75% 75%</td>
<td>2008</td>
</tr>
<tr>
<td>Malaysia</td>
<td>4 months</td>
<td>08 September 2008</td>
<td>01 January 2009</td>
<td>40% 60%</td>
<td>2009</td>
</tr>
<tr>
<td>New Zealand</td>
<td>1 year</td>
<td>27 February 2007</td>
<td>26 February 2008</td>
<td>30% 90%</td>
<td>2008</td>
</tr>
<tr>
<td>Singapore</td>
<td>5 months</td>
<td>28 May 2006</td>
<td>30 October 2006</td>
<td>50% 50%</td>
<td>2004</td>
</tr>
<tr>
<td>Thailand</td>
<td>6 months</td>
<td>30 September 2009</td>
<td>31 March 2010</td>
<td>55% 55%</td>
<td>2005</td>
</tr>
</tbody>
</table>

### Developing Effective Packaging and Labelling Requirements

#### Location

Parties shall adopt and implement effective measures to ensure that health warnings and messages are large, clear, visible and legible. The location and layout of health warnings and messages on a package should ensure maximum visibility. It is more visible on the top rather than the bottom of the front and back of packages.

#### Colour

Parties should require full colour (four-colour printing) rather than black and white for pictorial elements of health warnings and messages. Parties should select contrasting colours for the background of the text in order to enhance noticeability and maximize the legibility of text-based elements of health warnings and messages.

#### Size

Parties should consider using health warnings and messages that cover more than 50% of the principal display area and aim to cover as much of the principal display areas as possible. The text of health warnings and messages should be in bold print in an easily legible font size and in a specified style and colour(s) that enhance overall visibility and legibility.

#### Rotation

The Convention specifies that health warnings and messages shall be rotating. Rotation can be implemented by having multiple health warnings and messages appearing concurrently or by setting a date after which the health warning and message content will change.

#### Use of Pictorials

The Convention specifies that health warnings may be in a form of or include pictures or pictograms. Evidence shows that health warnings and messages that contain both pictures and text are far more effective than those that are text-only.

#### Message Content

Health warnings and messages should address different issues related to tobacco use. It is important to convey health warnings and messages in an authoritative and informative but non-judgmental manner.

#### Language

Parties shall require that the warnings shall be in the Party’s principal language or languages.
Best Practices on Pictorial Health warning

AUSTRALIA

Australia’s Plain Packaging:
- Prohibits brand logos and colours
- Requires a standard colour on packages of all brands
- Requires the brand name to appear in a standard font size and style on a specified place on the package
- Standardize the shape and format of packages to eliminate split packs, special tins, 8-sided octagonal packages
- Health warnings can even be larger

BRUNEI

Brunei’s Large Health Warnings:
- Location of health warning: Top portion of the cigarette pack
- Size: 75% of the principal display area (front/back)
- Uses pictorials
- Colour: Full colour [4-colour printing]
- Message content: Addresses different issues related to tobacco use

CAMBODIA, CHINA, INDONESIA, JAPAN

Ineffective Health Warnings on Cigarette Packs

LAO PDR, MYANMAR, PHILIPPINES

Ineffective Health Warnings on Cigarette Packs


Developing Effective Packaging and Labelling Restrictions

↑ Preventing packaging and labelling that is misleading or deceptive

Parties shall adopt and implement effective measures to ensure that tobacco product packaging and labelling do not promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about the product’s characteristics, health effects, hazards or emissions, including any term, descriptor, trademark or figurative or other sign that directly or indirectly creates the false impression that a particular tobacco product is less harmful than others.

Asia-Pacific Countries which have laws or regulations to ban the use of false, misleading or deceptive words or images

AUSTRALIA
CHINA
HONG KONG SAR
COOK ISLANDS
MALAYSIA
MONGOLIA
NAURU
SINGAPORE
THAILAND
TONGA
TUVALU
VANUATU

↑ Plain Packaging

Parties should consider adopting measures to restrict or prohibit the use of logos, colours, brand images or promotional information on packaging other than brand names and product names displayed in a standard colour and font style. (Article 11)

Australia’s Plain Packaging – World’s First

Australia is the first country to implement plain and standardized packaging of cigarette packs, effective 01 December 2012. There are initiatives to work on plain packaging in United Kingdom and New Zealand.

Plain packaging is a highly effective way to counter tobacco industry’s creative packaging designs and marketing tactics that undermine measures to reduce tobacco-related diseases. Parties to the WHO-FCTC are encouraged to adopt plain packaging, i.e. the standardization of cigarette packaging, removal of all product advertising including colors, logos and brand imagery. It enforces restrictions on promotional information on packaging other than brand names and product names displayed in a standard colour, font size and type.
Tobacco Advertising and Promotion

Any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly.

Tobacco Sponsorship

Any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly.

“Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products.”

- FCTC Article 13.1
FCTC ARTICLE 13 RECOMMENDATIONS:

Coverage of a Comprehensive ban on Tobacco Advertising, Promotion and Sponsorship

1. All direct and indirect advertising, promotion and sponsorship without exemption;
2. Acts that aim at promotion and acts that have or are likely to have a promotional effect;
3. Promotion of tobacco products and the use of tobacco;
4. Commercial communications and commercial recommendations and actions;
5. Contribution of any kind to any event, activity or individual;
6. Advertising and promotion of tobacco brand names and all corporate promotion; and
7. Traditional media (print, television and radio) and all media platforms, including Internet, mobile telephones and other new technologies as well as films.

Most countries in the Asia Pacific have enacted legislations to implement a ban on tobacco advertising and sponsorship. These are focused on direct tobacco advertisements and sponsorship of sports and entertainment. Countries that have yet to draw up national legislation to ban tobacco advertising and sponsorship are those with large tobacco industry such as in China, Japan and Indonesia. Implementing Article 13 should focus on achieving comprehensive bans including removing point-of-sale advertisement, banning corporate social responsibility activities by the tobacco industry, dealing with cross-border issues and other non-traditional forms of advertising and promotion.

Best Practices on FCTC Article 13 and Violations of the Tobacco Industry

∴ Tobacco Advertising and Sponsorship

Tobacco companies are still able to resist bans on advertising and sponsorship in a handful of countries. Outdoor advertising such as on billboards, posters, and sponsorship of concerts and sports still persist in China and Japan. The POS advertising, free distribution of cigarettes and promotional items and discounts are allowed in the Philippines, China, and Japan.
Advertising at the Point-of-Sale

Display of tobacco products at the points of sale is a form of advertising and promotion. Only five countries in the Asia Pacific have banned advertising at the points-of-sale (Australia, Brunei, New Zealand, Palau, and Thailand). However, the bulk of countries have not enacted a ban as yet. Thailand, Australia and Palau have shown leadership on this and have applied best practice standards and banned pack display at the points of sale. Thailand became the first country in Asia to institute this ban in 2005. Singapore has banned vending machines. Countries like Japan have major difficulties in overcoming the POS advertising associated with nearly 322,000 tobacco vending machines across the country.

FCTC Article 13 Recommendation: RETAIL SALE AND DISPLAY

Parties should introduce a total ban on any display and on the visibility of tobacco products at points of sale, including fixed retail outlets and street vendors. Only the textual listing of products and their prices without any promotional elements would be allowed. The ban should also apply in ferries, airplanes, ports and airports. Vending machines should also be banned.

Ban on Point of Sale Display

Ban on Cigarette Vending Machines
Corporate Social Responsibility (CSR) Activities

Tobacco companies are resorting to more below-the-line tactics to reach consumers and promote their image and their products. Corporate Social Responsibility (CSR) activities have become one of the key strategies employed by the industry to enhance its image. Only a few countries in the Asia Pacific have banned CSR by tobacco companies. While most countries have prohibited advertising and promotion of cigarette brands, they still have not banned the tobacco companies using their corporate names for promotional activities. This leaves a loophole that the companies can exploit. While countries have taken steps to protect children from tobacco use such as banning smoking among minors and banning sales to and by minors, the giving of support to the education sector and scholarships to students from tobacco growing areas are among the most popular forms of CSR of the tobacco industry.

Japan and Singapore have taken an important step in requiring the tobacco industry to disclose their expenditures on advertising, promotion and sponsorship that are not yet prohibited. This is required under obligations related to Article 13.4 of the Convention, (paragraph 37).

Ban on Cross-border Advertising originating from their countries

Cross-Border Advertising

Article 13 Guidelines recommend a comprehensive ban to include cross-border advertising, promotion and sponsorship. A handful of countries have banned cross-border advertising and promotion originating from their countries.

FCTC Article 13 Recommendation: Cross-border Advertising, Promotion and Sponsorship

Parties should ensure that any cross-border tobacco advertising, promotion and sponsorship originating from their territory is banned or restricted in the same manner as domestic tobacco advertising, promotion, and sponsorship.
Cross-border TAPS from a Non-Party: Djarum Indonesia Open 2012

An international badminton tournament [Indonesia Open], under the auspices of the Badminton World Federation was broadcast to several countries: Hong Kong, Malaysia, Denmark, Singapore and Germany.

Viewers from many countries were exposed to Djarum promotion, an Indonesian tobacco brand, a sponsor of the tournament. This form of in-flowing cross-border TAPS must be banned. The office of the Badminton World Federation located in Kuala Lumpur advertised this tobacco sponsored event on its website.

Parties need to adopt international cooperation mechanisms to deal with cross-border advertising:

a. Cooperation in the development of technologies and other means necessary to facilitate the elimination of cross-border advertising;

b. Cooperation and support for research and surveillance systems and related capacity-building programs;

c. Cooperation in the facilitation of the development, transfer, and acquisition of technology, knowledge, skills, capacity, and expertise related to cross-border advertising.

Promoting Tobacco over Internet

While most governments have focused on banning tobacco advertising and promotion over traditional mass media, a few countries have taken a step further and instituted a ban on tobacco promotion over the Internet - Australia, Japan, Malaysia, New Zealand, Singapore and Thailand.

Studies have shown that internet and social media is increasingly being used to promote tobacco, sometimes portrayed as innocuous chats over Facebook or blogs. Article 13 Guidelines include “digital communication platforms [including the Internet and mobile phones]” within the terms of the Convention.

Monitoring and enforcement may pose a great deal of challenge however it is important for governments to send a strong message that they are serious about enforcement over digital communication such as the Internet. Measures recommended to eliminate cross-border tobacco advertising, promotion and sponsorship, in particular identifying contact points and dealing with notifications from other Parties would help to ensure that domestic enforcement efforts are not undermined.

Malaysia’s Experience

Malaysia’s legislation bans all forms of tobacco advertising, promotion and sponsorship in all media, including the Internet. A review of tobacco promotion over Internet revealed Facebook is a popular social network to promote cigarettes followed by Flickr and Photobucket. BAT’s Dunhill was the leading cigarette brand promoted over social media.

Images were uploaded by individuals (40%) or group (60%) such as the Malaysian Dunhill Smokers’ Association (PPDM). Most were direct promotion of cigarette brands (97%) while others promote non-tobacco items with cigarette brand names. Old tobacco sponsored sports events have also been uploaded recently, after such advertising and promotion were banned.
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ARTICLE 5.3


ARTICLE 6


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ARTICLE 13


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Photo Credits: SIS Project Focal Points, Gornaut, J. Framework Convention Alliance, Philippines [FCAP], Dr. Dorotheo [SEATCA]
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Towards a healthy, tobacco-free ASEAN.

MISSION
Working together to save lives by accelerating effective implementation of the FCTC in the ASEAN.