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SUCCESS STORIES FROM THE ASEAN REGION:

Thailand firm on its vape ban

Despite [strong pressure from the industry](#) to allow Electronic Nicotine Delivery Systems (ENDS) and Heated Tobacco Products (HTPs) in the country, the Thai government stayed firm in continuing the ban of these novel tobacco products. The ban on ENDS and HTPs in Thailand has been in place since 2014.

During the past few months, vaping groups have pushed for the reversal of the prohibition on ENDS and HTPs. There were many news reports, even discussing the [possible regulatory shift](#) for Thailand at a Philippine media conference by the Coalition of Asia Pacific Tobacco Harm Reduction Advocates (CAPHRA).

However, the government announced rejecting the initiative to legalize and regulate nicotine products and that the [ban on ENDS and HTPs will remain](#). Health Minister Kiattipoom Wongrachit stated that the ban is an important measure for the protection of children from addiction and it will help protect non-smokers from health hazards caused by ENDS and other tobacco-related products.

Stricter enforcement of ENDS ban in Cambodia

The Prime Minister of Cambodia has expressed his full support of the implementation of the ban on ENDS and HTPs. [The policy was issued by the National Authority for Combatting Drugs](#) last March 2021.

Complementary to this, the Ministry of Education, Youth, and Sports (MoEYS) also issued a directive to [strictly enforce the ban](#) and protect the youth. The MoEYS also reminded that they prohibit partnership with tobacco manufacturers.

Cambodia Movement for Health (CMH) is supporting the ban and has been helping the government in monitoring the violations. The organization has been sending information to the authorities to assist them in enforcing the policy.

The authorities have been acting on the complaints and have apprehended violators and sharing these efforts on websites and social media to raise awareness. The General Commission of the National Police has ordered the police force to work with local authorities to enforce the ban on ENDS and HTP.

Philippine Supreme Court affirms authority of FDA over tobacco products

The Supreme Court of the Philippines has confirmed that authority of the Department of Health and the Food and Drug Authority to regulate tobacco products.

In 2011, the tobacco industry, through the Philippines Tobacco Institute (PTI), filed a case to [reject the regulatory authority of the FDA and the DOH](#) and prevent these national agencies from including provisions on tobacco control in the Implementing Rules and Regulations (IRR) of the FDA Act of 2009 or Republic Act No. 9711.

PTI argued that the Inter-Agency Committee on Tobacco (IACT) has the exclusive authority to regulate tobacco products. PTI, an organization composed of tobacco companies, is a member of the IAC-T, which is tasked to administer and implement the Tobacco Regulation Act (Republic Act 9211). FDA and DOH countered that the DOH retains full jurisdiction in the field of health and, consequently, in the regulation of all products that affect health, including tobacco products.

In upholding the validity of the IRR, the Supreme Court ruled that tobacco is a “health product” within the definition under the FDA law because of its harmful effects on health and its [regulation is within the ambit of the FDA’s authority](#). The decision further recognized that the WHO Framework Convention on Tobacco Control (FCTC) is part of national law of the country, and the commitments therein must be considered in the exercise of regulatory authority by the Department of Health.

WHAT IS THE TOBACCO/VAPING INDUSTRY UP TO IN THE REGION?

1. Spreading misinformation in the media

Several [articles](#) were published in the Philippines which [promote e-cigarettes and heated tobacco products](#) and its role in providing less harmful alternatives to smoking. These articles quoted Prof. Peter Hajek, Prof. David Swenor, and Prof. Gerry Stimson.

Prof. Hajek has been cited in the State of Vaping Nation developed by the [All-Party Parliamentary Group \(APPG\) for Vaping](#) in the UK. The APPG has been criticized for receiving fund from the UK Vaping Industry Association (UKVIA). From 2016 to 2020, UKVIA is the Secretariat of APPG.¹ Prof. Swenor is known to be an advocate for e-cigarette use and actively participates in tobacco industry-sponsored [Global Tobacco and Nicotine Forum](#). Lastly, Prof. Stimson is the founder and Director of [Knowledge Action Change and has been a board member of the New Nicotine Alliance](#). Knowledge Action Change is funded by the Foundation for a Smoke Free World, which is solely funded by Philip Morris International (PMI).²

The Coalition of Asia Pacific Tobacco Harm Reduction Advocates (CAHRA) continues to disseminate misleading information. In the Philippines, it [criticized youth advocates’ initiative against the Vape Bill](#) as foreign interference and driven by the Bloomberg Philanthropies.

¹ TobaccoTactics, All-Party Parliamentary Group for Vaping. Available at <https://tobaccotactics.org/wiki/all-party-parliamentary-group-appg-for-vaping-e-cigarettes/>

² TobaccoTactics, Gerry Stimson. Available at <https://tobaccotactics.org/wiki/gerry-stimson/>

CAPHRA also criticized the new document by the Australia National Health and Medical Research Council statement on Electronic Cigarettes calling it a “complete joke” and that it contains “false claims.” The document stated that e-cigarettes are not proven safe and effective smoking cessation aids and it was more common for smokers to become dual users than quit if they use e-cigarettes.

CAPHRA is a member of the International Network of Nicotine Consumer Organizations (INNCO), an international network promoting ENDS/HTPs which also received a [grant from the Foundation for a Smoke-Free World](#).

2. Targeting the Malaysia GEG proposal

Early this year, Malaysia announced a proposal to protect the younger generation from tobacco and other related products, aptly called the Generational End Game (GEG) policy. The proposal, through the Tobacco and Smoking Control bill, aims to prohibit those born in 2005 and after from smoking, buying, or possessing any type of smoking product, including electronic cigarettes and vape products. It is set to be tabled in Parliament this July.

Vaping groups have criticized the policy for including ENDS/HTPs in the ban and responded by pushing the government to utilize [vaping as a smoking cessation tool](#) to complement the GEG policy and by [promoting vaping](#) as less harmful and effective means to help smokers quit. A recent opinion poll by the Kantar group claims that nearly half of Malaysian smokers chose vaping to reduce tobacco use. While the Kantar group did not disclose the funder of the opinion poll, [major transnational tobacco companies are among the clients of the Kantar Group](#).

Meanwhile tobacco control advocates have expressed their full support for the GEG. The focus is on parliamentarians to support the bill to [protect minors](#) and to review the [arguments](#) of those opposed the bill.

Health Minister Khairy Jamaluddin stated that the GEG policy aims to bring down the prevalence to less than 5% by 2040 and to reduce the premature deaths, chronic diseases and treatment costs due to tobacco-related diseases that the government has to shoulder.

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