

**CHALLENGING  
BIG TOBACCO**



## **An open letter to Philip Morris International CEO Louis Camilleri**

As government ministers, health professionals, advocates, and lawyers working to end the world's largest preventable health crisis, we demand your corporation stop aggressively litigating against countries' efforts to implement the World Health Organization Framework Convention on Tobacco Control (WHO FCTC).

Every year, tobacco kills six million people and that number is rising. And tobacco corporations like Philip Morris International (PMI) are exporting the epidemic from the wealthiest to the world's most economically disadvantaged people and countries.

That's why the global community is unified behind the WHO FCTC, the first international public health and corporate accountability treaty – a document enshrining the world's most effective tobacco control measures – that will save 200 million lives by 2050 when fully implemented.

The global community voted unanimously to guarantee the treaty included critical corporate accountability provisions that protect public health policy from tobacco industry interference, prioritize public health over trade, hold the tobacco industry liable for its abuses, and establish comprehensive bans on tobacco advertising, promotion and sponsorship.

However, despite such progress to rein in your industry's abuses and PMI's claims to have turned over a new leaf, your corporation continues to use its economic and political clout to prevent internationally-sanctioned tobacco control measures. This interference in the treaty is the single greatest threat to its lifesaving measures.

Today, PMI is mounting aggressive litigation campaigns in countries around the world. For example, PMI is using a bilateral investment treaty between Switzerland (where its corporate headquarters is located) and Uruguay, where its market share is approximately 20%, to intimidate the small country into weakening its strong tobacco control laws— which are among the most protective of public health in the world. PMI's legal challenges send a message to other countries where PMI and its competitors do business that countries' efforts to address the tobacco epidemic will result in protracted legal battles. PMI is currently focusing on Uruguay's law requiring graphic health warnings covering 80 percent of the front and back of tobacco product packages. This law and dozens like it in countries across the globe, are entirely consistent with the WHO FCTC and its implementing guidelines for effective packaging and labeling measures.

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Studies show that well-designed health warnings and messages are a cost-effective means to increase public awareness of the dangers of tobacco use and lead to a reduction in tobacco consumption. Evidence also demonstrates the effectiveness of warnings increases with prominence, particularly in communicating tobacco's implications for health to low-literacy populations, children and young people.

And Uruguay is not alone; Australia, Norway, the UK, Mexico and the Philippines have all faced similar intimidation by litigation.

It is clear, however, that the global community's resolve to stand up to this intimidation is stronger than ever. In November 2010, the Parties to the WHO FCTC once again upheld the principle that public health must be prioritized over vested commercial interests when they unanimously passed a resolution supporting Uruguay as it defends itself against PMI's legal threats and its use of trade agreements to undermine tobacco control. Australia, too, is contesting lawsuits from PM Asia and British American Tobacco (BAT) for implementing plain packaging for cigarettes. The Director of the WHO, Margaret Chan, had harsh words for PMI at a conference in Manila this past December:

"It is horrific to think that an industry known for its dirty tricks and dirty laundry could be allowed to trump what is clearly in the public's best interests. Big Tobacco can afford to hire the best lawyers and PR firms that money can buy. Big money can speak louder than any moral, ethical or public health argument and can trample even the most damning scientific evidence. I urge all these countries to stand firm together, do not bow to pressure... we must never allow the tobacco industry to get the upper hand."

We intend to see to the full enforcement of the treaty, the realization of a vision where *people* make health policy *not executives*, where children are no longer bombarded with tobacco marketing, where rates of disease are a fraction of what they are today.

We are demanding PMI stop its aggressive litigation of WHO FCTC-sanctioned tobacco control measures across the globe. The letter of the law is clear: your business is not to dictate how the public is safeguarded from your products' highly addictive and life threatening effects.

Sincerely,

*The undersigned*