

China-Tobacco <http://www.cbid.com/viewsAnalysis/article/id/86882>

China tobacco giants face first lawsuit

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A court in Beijing is deliberating a lawsuit by a smoker against two state tobacco companies for misinformation and deceiving consumers by saying that low-tar cigarettes reduce the risk to health. This is the first legal action of its kind against the world's richest tobacco firm.

Li Enze (李恩澤) is demanding 250 yuan in compensation from each of the two companies.

It opens a new front in the campaign by those who want to reduce tobacco consumption in the world's biggest market. In the west, the law courts have been a major weapon against the giant cigarette companies.

On March 11, in a Beijing supermarket, Li bought a packet of Black Tiger cigarettes made by the Jinsheng company of Jiangxi province. Two weeks before, he had read on its website that this brand had used high technology to cut drastically the tar content and greatly reduce the harm to human health. It also said that the Chinese Association for the Study of Poisons had confirmed this finding. He found that the Wuyeshen brand of Guangdong had made a similar claim.

Later Li discovered this claim was incorrect and that there is no scientific evidence to support it. It aims to persuade consumers to buy and smoke more, believing that they have reduced the health risk.

Li was contacted by a public health NGO, the Think Tank Research Centre for Health Development, which was set up in 2001 and since 2004 has devoted more than half its time to tobacco control measures.

Its deputy director, Wu Yichun (吴宜群), presented expert scientific evidence at the first hearing of the case on June 15, as did Yang Gonghuan (楊功煥), professor of public health at Beijing Union Medical College and the country's most prominent anti-tobacco campaigner.

One piece of evidence presented by Li's lawyer was a report issued in May 2012 by a committee of 100 specialists invited by the Ministry of Health, entitled 'China's Smoking Endangers Health'; the editor of the

report was the then Health Minister Chen Zhu (陳竺). “Low tar does not reduce the health risk of smoking,” it states.

“The majority of the public has the misconception that low tar equals no harm,” it said. “Three quarters of Chinese are not fully aware of the harm caused by smoking and two thirds do not know about the danger of being exposed to second-hand smoking”. The country has 350 million smokers and 740 million exposed to second-hand smoking.

For its part, the China Society for the Study of Poisons said that it had never issued any such certification for a cigarette brand, as mentioned in the website, nor signed any agreement with a tobacco firm.

The evidence is strongly on Li’s side. But, given the relative strength of the two sides, it would be a modest victory. “It is like a battle between an ant and an elephant,” said Wu. “We are scratching the itch of the tobacco industry.”

In 2012, the China National Tobacco Corp announced a record year of 864.94 billion yuan in taxes and profits, up 16 per cent from 2011.

The debate over low-tar cigarettes has been raging in the China Academy of Engineers (CAE) since it elected Xie Jianping (謝劍平) in December 2011. Deputy head of the Zhengzhou Tobacco Research Institute, he said in his research that lowering the level of tar made cigarettes less harmful.

In May 2012, 103 CAE scholars wrote to the academy asking it to revoke Xie’s title. On March 13 this year, seven health associations wrote a joint letter to the CAE calling for an investigation into what they called ‘academic fraud’ and for his membership to be revoked.

On Weibo, one critic called Xie ‘the killer academician’. “Millions die from smoking each year while the government has become the slave of GDP to finance this misleading research,” he wrote.

The CAE said it would not remove Xie and that it was up to Xie himself to resign; he refuses.

Xie, 54, has devoted his research to the chemistry of tobacco and the research of low-tar cigarettes. He applied to the CAE in 2007 and 2008, before succeeding on the third try in 2011.

The controversy over Xie and the willingness of some media to report it shows that the efforts of Yang, Wu and other tobacco control campaigners are making progress, since China ratified the WHO Framework Convention on Tobacco Control in 2005.

Last December the Ministry of Industry and Information Technology, which regulates the industry, released a China Tobacco Control Programme for 2012-2015. It includes expanding the size of warning labels on packs and the use of colours to warn buyers but stopped short of recommending the graphic images, like skeletons and damaged lungs, used abroad.

On May 18 this year, the National Palace Museum in Beijing announced a complete smoking ban, for the first time in 600 years. Museum director Dan Jixiang (單霽翔) said that, since museum staff smoked, it had never been able to implement a ban. “It will be very difficult but this time we will enforce it. We need the supervision of society and the media. If the media find people smoking, they should report it and expose it with photographs,” he said.

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