



The Federation's Pages

WFPHA: World Federation of Public Health Associations

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In its Global Action Plan for the Prevention and Control of Non-Communicable Diseases [1], the World Health Organization observes that 63% of deaths globally are caused by four categories of diseases: cardiovascular diseases, cancers, chronic respiratory diseases, and diabetes. Most of these deaths are largely preventable by, notably, “influencing public policies in sectors outside health that tackle shared risk factors—namely tobacco use, unhealthy diet, physical inactivity, and the harmful use of alcohol.” To address the first of these four risk factors, tobacco use, the Global Action Plan has set a voluntary target of a 30% relative reduction in prevalence of current tobacco use in persons aged 15+ years by 2025. The Plan also invites WHO Member States to accelerate full implementation of the WHO Framework Convention on Tobacco Control [2] (FCTC), urging those that have not yet become party to the treaty to act in view of its ratification.

Switzerland has adopted the Global Action Plan with the rest of the international community at the World Health Assembly in May 2013, showing its commitment to achieve the recommended objectives and targets. The Swiss government has recently drafted a new tobacco product law [3] which it submitted to the federal parliament at the end of November 2018. The external observer would be justified to expect this law to reflect the voluntary target of 30% prevalence reduction in tobacco use and the adoption of tobacco control measures in line with the provisions of the FCTC. Reading the message [4] that the Swiss government addressed to

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parliament, in which it explains the motivations underlying the draft law, this observer would be in for a big surprise.

Indeed, the Swiss Federal Council declares in its explanatory message that the effect of the proposed draft law will be to *preserve* tobacco prevalence at the current level of 27% of the population aged 15+ at least until 2060. (In fact, the government foresees a small prevalence drop of 0.4%; however, as the error margin surrounding the current prevalence estimate is 0.9%, the predicted prevalence by 2060 will be statistically undistinguishable from the current figure.) Furthermore, the government informs the legislators that the law they will deliberate upon will not allow Switzerland to ratify the FCTC.

Making abstraction of small States such as Andorra and Monaco, Switzerland is the only country of the WHO European Region which has not ratified the WHO tobacco-control treaty. This is surprising, considering that Switzerland has signed the treaty in 2004, indicating its commitment to ratify. Switzerland is internationally perceived as a country which is health-conscious and places humanitarian values high on its agenda. Switzerland hosts the World Health Organization global headquarters, the secretariat of the FCTC, the Human Rights Committee and many international NGOs which were instrumental in the elaboration of the WHO treaty. Nevertheless, if adopted in its current version, the draft law will prevent Switzerland from ratifying the WHO/FCTC for a long time, probably at least for the next 20 years. And the current prospect indicates that parliament might even adopt a weaker version of the tobacco product law, which, in its current version, gives full freedom to the tobacco industry to advertise its products as their marketing departments wish, with no restriction on promotion and sponsorship, while adherence to article 13 of the FCTC requires a comprehensive ban on tobacco advertising, promotion and sponsorship.

The objective of the FCTC is to “to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke.” Looking at the legislative evolution just described, one could think that Switzerland does not support such an objective and has no intention of offering its population the protection that the implementation of the FCTC would provide. This would be, however, a mistaken conclusion. The government keeps mentioning publicly its desire to ratify the treaty, while at the same time admitting its inability to do it. The problem is the Swiss parliament, which systematically opposes any tobacco prevention measure or even any health prevention at all; the Swiss parliament, in its current political configuration, appears to be prevention-phobic.

The reasons behind this situation are multiple but two main characteristics of Switzerland jointly play an instrumental role: the massive presence of the tobacco industry and the Swiss political system in which the legislative power is assumed by a ‘militia parliament’.

Switzerland has been selected by the three biggest tobacco multinationals as their worldwide sanctuary. Philip Morris International (PMI), British American Tobacco (BAT), and Japan Tobacco International (JTI) collectively own more than 99% of the Swiss domestic cigarette market. PMI and JTI have their global headquarters in the country, PMI in Lausanne and JTI in Geneva. In addition, PMI has its research



center in Neuchâtel. All three companies have large factories in Switzerland. Taking advantage of this strong presence, they miss no opportunity to present themselves to the local and federal authorities as key economic players, important and generous employers, prolific tax payers, and key exporters, whose volume of exports they say are comparable to Swiss cheese or Swiss chocolate. These claims are often exaggerated by the tobacco industry, which constantly presents only the side of their business which is in its favor. The industry always omits to mention the negative side: the deleterious health, social and environmental consequences of its activity, which largely surpass the claimed benefits. In macro-economic terms, the net effect of the tobacco business is negative, as was shown by the World Bank in its 2000 report entitled *Curbing the Epidemic* [5]. But the industry's propaganda seems to impress political decision makers, notably those who represent the Swiss cantons where the industry is heavily implemented.

The tobacco multinationals had a long history of cooperation with the domestic tobacco companies, until they acquired them and used their facilities and local implementation to develop their own infrastructures. Philip Morris acquired Fabriques de Tabacs Réunies (FTR) in 1963 and built on its location in Serrières (Neuchâtel) the first Marlboro factory outside the United States, also developing there a large research center and the company's headquarters for the European region. BAT bought well established Swiss tobacco manufacturer F.J. Burrus in Jura, via a merger with Rothmans in 1996. In 1999, Japan Tobacco grabbed the opportunity to acquire R.J. Reynolds International headquartered in Geneva, to become fully international, creating JT International. One important side effect of this grand re-organization of the tobacco industry and the concentration of its non-US operations in Switzerland was to put the industry's international operations under the protection of Swiss law (with access to Swiss taxation arrangements), where they are immune from the investigative power of US courts.

The tobacco industry has deep knowledge of the way the Swiss economy works and has managed to integrate itself deeply in it, notably by making the best use of its membership in economic and trade associations (such as USAM, EconomieSuisse, Gastrosuisse, Communication Switzerland) to build a coalition that it can mobilize whenever the industry feels its commercial interests are threatened. Such a coalition was first formed at the beginning of the 1990s, when Swiss citizens were called to vote on a pair of federal popular initiatives (called the "twin initiatives") proposing to ban tobacco advertising for one, alcohol advertising for the other. While initial polls indicated that the Swiss people were in favor of the bans, both initiatives were severely defeated. In their report [6], Lee and Glantz point to the coalition as a key element that allowed the industry to win:

"Our analysis of tobacco industry documents not only confirms that the tobacco industry was actively fighting the advertising bans. It shows that the tobacco industry was actually the driving force of the entire anti-advertising ban coalition. It also demonstrates how successfully the tobacco industry managed to operate behind the scenes in order to keep a low profile and to avoid the issue of its low credibility as well as the issue of tobacco and health." [6]



The industry was so successful with this coalition that it has maintained it until now. Today, the *Alliance of economic circles for a moderate prevention policy*, placed under the aegis of USAM, the industry's best ally, has a membership consisting of the most important economic associations of Switzerland, and enjoys the support of two of the largest conservative political parties.

It is here that the second characteristic of Switzerland enters into play. What makes the coalition created by the tobacco industry so effective is that many of the key leaders of the economic associations are also elected members of the Swiss parliament, often very influential ones. For instance, both the current director of USAM and the chair of its board of directors are members of the National Council. For many years, the chair of the Public Health Committee of the National Council was the director of USAM. This results in a unique situation where tobacco industry lobbyists are elected members of parliament, often occupying key decisional posts. The jargon and arguments of the tobacco industry have permeated the political discourse to such an extent that many Swiss politicians repeat *verbatim* its propaganda without the slightest embarrassment. While the rest of the world has recognized “the fundamental conflict of interest between the tobacco industry and public health,” [7] the Swiss doctrine, as expressed by Alain Berset, the current president of the Swiss Confederation, in his address to the National Council on 8 December 2016, is to “establish a subtle balance between the need to protect health and the economic interests of the tobacco industry.” Should these interests be “irreconcilable” as the Guidelines for the Application of Article 5.3 of the FCTC state, then precedence will be given in Switzerland to the interests of the tobacco industry. The reason given by lawmakers for the rejection of a first draft of the tobacco product law in December 2016 was that the measures it contained (notably some weak restriction on tobacco advertising) were not compatible with the principles of a market economy. Ignazio Cassis, a physician specialized in public health, who is currently the Swiss minister of foreign affairs, stated the predominant political view as follows: “If, in a liberal State, we banned everything that is harmful to health, there would be no more liberal State. Freedom - including the freedom to hurt oneself—is considered more important than health.” [8] One can see that the tobacco propagandist, with his/her usual fallacious arguments, is not very far behind such words.

In Switzerland, close to 30% of the adult population consumes tobacco products—perhaps more, as this figure is most likely substantially underestimated [9]. The health toll resulting from the addiction to tobacco is high (more than 9500 annual deaths attributed to tobacco and over 300,000 people afflicted with serious diseases caused by the addiction) with no improvement in the foreseeable future. Unfortunately, given the huge influence that the tobacco industry exerts on the country and its political institutions, the public health community, whose voice is barely audible given the industry's dominance in the media, has no reason to be optimistic. One should face it: the tobacco industry is hugely victorious in Switzerland. It has managed to transform the country into a worldwide haven where it enjoys unprecedented political support and from where it can safely plan its global activities, with guaranteed protection of its secrecy and without judiciary risks—and with comfortable tax privileges. The net result is that we are powerless as we



witness a public health disaster in the making, well planned and well organized by a cynical industry, whose only objective is to deliver growth in profitability to its shareholders, whatever the human cost. The only judge left will be history. Unless...

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