

Responsibility in Tobacco Control Policies

doi: <https://doi.org/10.32635/2176-9745.RBC.2023v69n2.4189>

Responsabilidade nas Políticas de Controle do Tabagismo
Responsabilidad en las Políticas de Control del Tabaco

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The World Health Organization (WHO) theme is “Grow food, not tobacco” for the 2023 World No Tobacco Day. This was unimaginable in the 1980’s when efforts to control the use of tobacco in Brazil started, a developing country, a great producer and exporter of tobacco. Besides, tobacco use was seen as a personal choice with unregulated advertising and high social acceptance.

Harvesting the seeds the leaders of tobacco control back then have planted, standing out the always-missed José Rosemberg, it all started in the National Campaigns against Tuberculosis and Fight Against Cancer. First through *Pro-Onco*² in 1986 and later in 1996 as part of the formal structure of the National Cancer Institute (INCA), the National Coordination of Tobacco Control and Primary Prevention of Cancer (Contapp) has grown under the purview of a coordination focused to a primary cancer prevention program, involving Brazilian States and Municipalities through the National Health System (SUS). The actual dimension this initiative would take was yet to be seen, but while early designing a strategic vision of tobacco control actions, creating a development-driven managerial model and embracing a decentralized multidisciplinary approach, the foundations for the success of tobacco control in Brazil have been set³.

The National Commission of Negotiation of the WHO Framework Convention on Tobacco Control (WHO/FCTC)⁴ was created in 1998 through a multisectoral group formed by several government segments which favored an articulated work amidst diversified formations and more often than not, opposed views. It was attempted to devise a shield against the interference of tobacco industries in the decisions of the Brazilian government.

Credit should be granted to Itamaraty’s guideline with the core positions assigned to ambassadors Celso Amorim and Luiz Felipe de Seixas Corrêa, who conducted the negotiations of the international treaty⁵. And to the late José Marcos Nogueira Vianna, as head of the Ministry of Health Advisory International Affairs at the time, strengthening the role of the Brazilian diplomats who eased this pathway⁶.

This process consolidated the importance of INCA – the primary source of cancer control policies and guardian of tobacco control in Brazil – as manager of the National Commission for the Implementation of the WHO Framework Convention on Tobacco Control (Conicq), now the commission of implementation of FCTC⁷ which replaced the Commission of Negotiation soon as Brazil ratified the treaty⁸, legally bound to it.

All the advances counted with committed leadership to the cause as the late Dr. Marcos Moraes⁹, specifically the Board of INCA and of the then *Fundação Ary Frauzino Pereira* who supported the active work of these commissions, critical for one of the major successes of the Brazilian public policy: the expressive reduction of smokers and tobacco-related diseases and deaths in Brazil.

At this institution, stands out the Coordination of Prevention and Surveillance (Conprev) and its Tobacco Control Division, purveyors of the policies involving activities in States and Municipalities in a great national network that allowed smokers to receive care by SUS, tobacco-free environments and schools as promoters of health, among other achievements¹⁰. In addition to INCA, departments of the Ministry of Health as the Superintendency of Health Surveillance (SVS), coordinator of the health surveillance system and the Secretary of Specialized Attention to Health (SAES), responsible for the policy of offering treatment to smokers at SUS. It counted as well with the resilient *Fundação Oswaldo Cruz (Fiocruz)*, through the Center of Studies on Tobacco and Health which produces scientific knowledge about tobacco use and public policies of control, offering specialized skills for SUS and national and international cooperation through the Learning Center of articles 17 and 18 of the treaty.

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The role of the team of the Board of Conicq during the process, led by the sanitarian Tânia Cavalcante and the excellent work of INCA team who joined this movement, in special Pro-Onco, Contapp, Conprev and Conicq Executive Secretary were outstanding.

The tobacco industry has never stopped. Initially with the creation of the Sectoral Chamber of Tobacco of the Agriculture Ministry to use any possible strategy to attack the Brazilian public health and the quasi-immobilization of Conicq¹¹. Later, trying to tamper infamously with the country's position and the Brazilian delegation at the Conferences of the Parties of the Treaty and Meeting of the Parties of the Protocol to Eliminate Illicit Trade in Tobacco Products¹². Additionally, the industry worked relentlessly to disrupt the National Program of Diversification of Tobacco Harvesting Areas¹³, its reinstatement by the Ministry of Land Development and Family Agriculture is crucial to support the farmers who live in a tug-war of submission and resistance the profit-driven industry has dictated. The program counts with grants not to tobacco but to alternative and sustainable farming in the transition towards a healthier life with quality as proposed by the late Dom Ivo Lorscheiter and Sister Lourdes Dill, pioneers in welcoming the weakest link of the tobacco productive chain with the project of solidary economy-based income generation¹⁴.

The great misconception spread intentionally within legislators and the executive power is the belief that cigarettes contraband is the result of the high tax burden. With this, the tax reform discussions about tobacco taxation were shrouded in a blasé-like posture, untoward the policy of taxes and prices from 2011 to 2016 implemented by the Income Revenue Service of the Ministry of Finance which reduced drastically the number of smokers in Brazil in a very short period. These measures must be resumed for the sake of public health and the Treasury as taxes and prices raise needs to continue to abate the use, fuel the public machine and support tobacco farmers in transitioning to other produces that bring food to the Brazilian families and not poison, instead¹⁵.

In parallel, contraband needs to stop – not with the policy of taxes and prices which has already been proven of no avail in Brazil and without partnering with the industry, but with spatial location and follow-up, control of the supply-chain with permits and prevention measures, in addition to the pertinent legal tools, border control and international cooperation¹⁶.

The tobacco industry has also challenged the legitimacy of the National Health Surveillance Agency (Anvisa), undaunted in protecting the Brazilian policy at the Supreme Court, interfering in banning tobacco additives, a scheme to lure new smokers amidst children and adolescents. Nevertheless, it was not possible yet to remove the flavors of the Brazilian cigarettes and to get hold of millions of Reais deposited in court by the industry to pay legitimate fees charged by Anvisa¹⁷.

In addition, the industry has pushed Anvisa to approve the sale of electronic smoking devices (ESD) in Brazil. The use of ESD and dual ESD-cigarettes by adolescents have grown exponentially in countries which approved the use. The United Kingdom has just launched a public call to gather data about the use of ESD by adolescents, joining other countries which are highly concerned with this theme¹⁸. With more than 100 flavors and technological design, the warming of nicotine capsules or tobacco leaves produces vapes which are inhaled and create an army of nicotine dependents, further to being responsible for diseases so far unknown as induced e-cigarette and vaping-associated lung injury – Evali in healthy individuals¹⁹.

It is never too late to affirm that Anvisa was and always will be a corner stone in implementing the treaty in Brazil, it is one of the first independent government agencies in the world to take over the regulation of tobacco products.

The tobacco industry is expected to pay a price for the damages their product has been causing to the country, the Brazilian government through the Attorney's General Office (AGU) filed a lawsuit for reimbursement to SUS by the tobacco industry for costs of tobacco-related diseases. The industry which kills one of two tobacco regular users should be condemned on behalf of the Brazilian society. The lawsuit may create jurisprudence in future actions by other countries where industries producing health-damaging products as the tobacco industry should be held accountable for use-related damages, further to the social, economic and environmental impact they cause. It is not only a society right, but also a human right²⁰.

To go through this journey it is better to have partners, as becomes clear the key role non-governmental organizations as WHO, the FCTC Secretariat, Pan-American Health Organization – PAHO, the United Nations Development Program – UNDP have played. In addition, the influence that the national and international civil society had and continues to have in this initiative as the “*Aliança de Controle de Tabagismo (ACT) Promoção da Saúde*”²¹, and all other NGOs is critical.

The 10th FCTC Conference of the Parties (COP) and the 3rd Meeting of the Parties of the Protocol to Eliminate Illicit Trade in Tobacco Products (MOP 3) are approaching. Discussions among the several government areas should

guide the Brazilian position in these forums based in the Guidelines to implement article 5.3 of the treaty that addresses the interference of the tobacco industry and its front groups²².

It is quite relevant to develop policies to prevent this industry to utilize its usual strategies to dismantle public health across every level and instance. This is the case of “*Revista Brasileira de Cancerologia* (RBC)”, the first Brazilian scientific journal to develop inarguably the policy of rejecting contributions made by the tobacco industry: “RBC, focused to actions of cancer control will not accept tobacco industry-funded manuscripts for publication in any way whatsoever since its products are damaging to the population health”²³. The journal has also created a policy of declaration of competing interests of the authors, stating that: “The journal’s editor will reject any tobacco industry-funded manuscripts. The articles sponsored by the food and/or pharmaceutical industry(ies) must state as funding source any support received”²⁴.

This example follows the line developed by the editorial board of many international journals²⁵⁻²⁷ and can be adopted by the best Brazilian publications.

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Recebido em 23/6/2023
Aprovado em 23/6/2023