



What hinders implementation of the WHO FCTC Article 5.3 in South Korea?

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The VECTOR of tobacco epidemic

- ◆ Tobacco industry plays a key role in the tobacco epidemic.
- ◆ We need to KNOW about the industry to develop effective and feasible tobacco control policies.
- ◆ Main goals of tobacco industry
 - Growth and profit
 - Protect marketing freedoms
 - Protect the industry and the smoker
 - Improve public image

WHO FCTC

◆ The WHO FCTC states

“...alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts...”

WHO FCTC Article 5.3

- ◆ Principle 1: There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests.
- ◆ Principle 2: Parties, when dealing with the tobacco industry or those working to further its interests, should be accountable and transparent.
- ◆ Principle 3: Parties should require the tobacco industry and those working to further its interests to operate and act in a manner that is accountable and transparent.
- ◆ Principle 4: Because their products are lethal, the tobacco industry should not be granted incentives to establish or run their businesses.

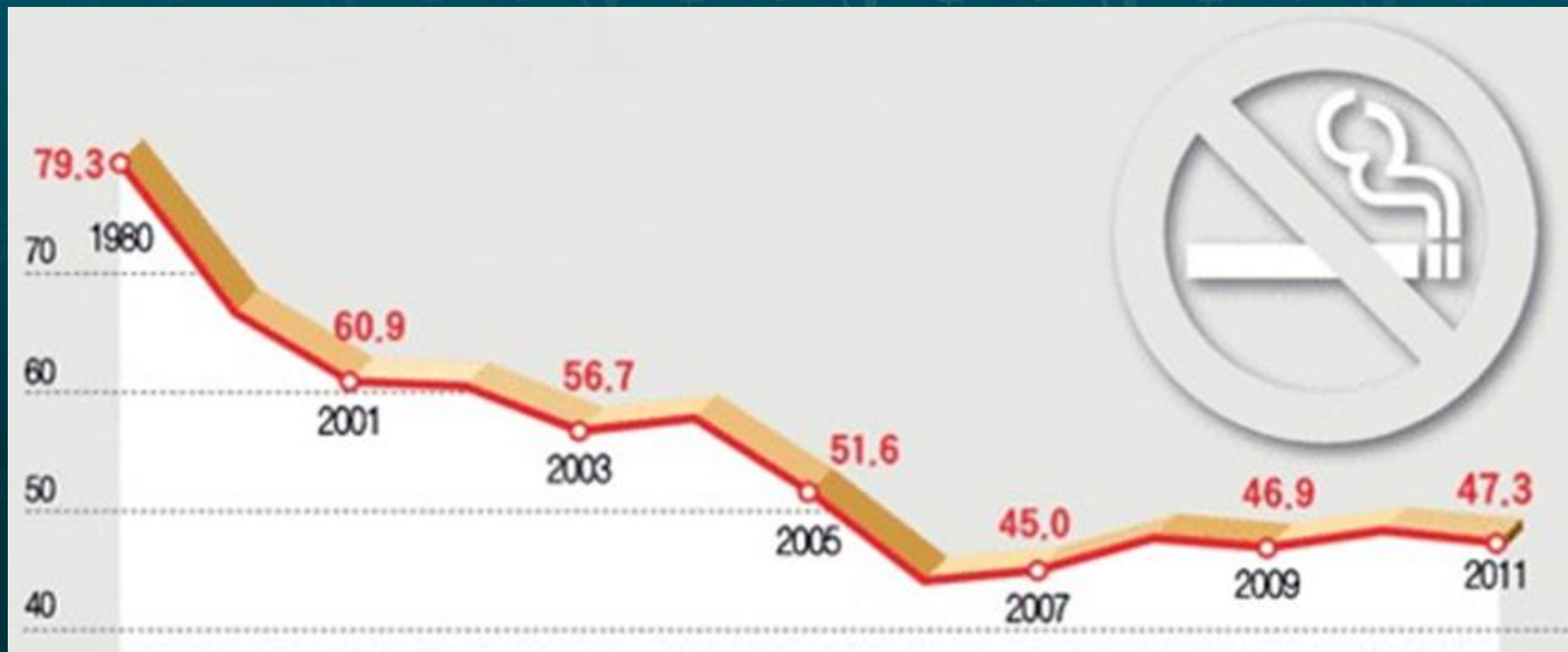
Efforts for tobacco control

Year	Major promotion policies
1996	<ul style="list-style-type: none">• Tobacco Business Act : warnings on tobacco-product packaging and restriction on tobacco advertisements
1995	<ul style="list-style-type: none">• The National Health Promotion Act of 1995 enacted : no-smoking areas designated
1997	<ul style="list-style-type: none">• Health Promotion Fund from surcharge on cigarettes per tobacco pack imposed a 2 Korean Won.
2001	<ul style="list-style-type: none">• The Korea Tobacco and Ginseng Corporation privatised (Currently KT&G)
2002	<ul style="list-style-type: none">• Health Promotion Fund from surcharge on cigarettes per a tobacco pack increased (2 Korean Won → 150 Korean Won)
2003	<ul style="list-style-type: none">• Information on relevant constituents of tobacco products opened : tar, nicotine• Signed the WHO Framework Convention on Tobacco Control(FCTC)• Age-verification devices on automated tobacco vending machines installed
2004	<ul style="list-style-type: none">• No-smoking areas significantly expanded

Efforts for tobacco control

2005	<ul style="list-style-type: none">• Smoking cessation support service expanded• Ratified the WHO Framework Convention on Tobacco Control(FCTC)
2007	<ul style="list-style-type: none">• Compulsory indication of warnings of carcinogenic contents on tobacco-product packaging (Apr 2009)
2009	<ul style="list-style-type: none">• Tax-free tobacco-product for the military abrogated• Smoking cessation support services for the military, riot police and conscripted police commenced
2010	<ul style="list-style-type: none">• Local government to designate no-smoking areas as an ordinance (Aug 2010)
2011	<ul style="list-style-type: none">• The National Health Promotion Act amended<ul style="list-style-type: none">◦ Surcharge from electronic cigarettes imposed (Dec 2011)◦ The number of permitted advertising in newspapers and magazines for tobacco products reduced from 60 times to 10 times (enter into force in Dec 2012)◦ Smoking cessation hotline and health risks associated to smoking habits to be stated on the warnings of tobacco-product packaging (enter into force in Dec 2012)◦ Flavor contents of tobacco products on tobacco-product packaging banned (enter into force in Dec 2012)◦ No-smoking areas expanded and Fines for non-compliance of business owners increased (enter into force in Dec 2012)◦ Internet Café to be designated as no-smoking areas (enter into force in June 2013)

Smoking prevalence among Korean men



Source: Korea Ministry of Health

FCTC vs. National Laws

FCTC Provision	National tobacco-related laws
Article 5.3: Tobacco industry interference	NONE
Article 6: Price and tax measures	National Health Promotion Act
Article 8: exposure to tobacco smoke	National Health Promotion Act
Article 9: the contents of tobacco product	Tobacco Business Act
Article 10: tobacco product disclosures	NONE
Article 11: Packaging and labeling	National Health Promotion Act Tobacco Business Act
Article 12: Education, communication,	National Health Promotion Act
Article 13: TAPS	National Health Promotion Act
Article 14: tobacco dependence and cessation	National Health Promotion Act
Article 15: Illicit trade in tobacco products	Tobacco Business Act
Article 16: Sales to and by minors	Tobacco Business Act
Article 17: support for economically alternatives	National Health Promotion Act

Source: Korea Ministry of Health. Seoul 2012 5th Conference of Party. Korea Ministry of Health. Seoul. 2012

Research purpose

- ◆ Korean government's perception and understanding of FCTC Article 5.3
- ◆ How tobacco industry interferes with tobacco control policies and measures in Korea

Methods

- ◆ Search and analyse the government documents and reports regarding tobacco business and control
- ◆ Request the documents that were sent from tobacco industry and their third party ally to the Ministry of Health
- ◆ Other primary and secondary sources, news articles, etc.

Results: MOH

- ◆ The MOH prized PMK for its CSR activities in 2004 and 2009.



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Results: MOH

- ◆ The MOH has increased its investment in tobacco industry since 2009 using the National Pension Fund.
- ◆ There is no 'Code of Conduct' for the government officers.

Results: TI interference

- ◆ Expansion of HWL (May 2012)
 - Korea Tobacco Association
 - Extend enacting date
 - Exclude Menthol
 - Exclude duty-free tobacco products from displaying the contact number of smoking cessation call centre
 - Japan Tobacco International
 - No data to trust.
 - FCTC does not require the expansion
 - Unfair intervention
 - Violate intellectual property rights

Results: TI interference

- ◆ 100% smoke-free in restaurants (Aug 2012)
- I Love Smoking
 - Violating basic rights of smokers
 - Exclude pubs and café
- Korea Restaurants Association
 - Extend enacting date
 - Exclude small business
- KSA
 - Include a responsibility to install smoking area

Discussion

- ◆ Due to a direct conflict between two tobacco-related laws
 - TBA: designed to promote tobacco business
 - NHPA: designed to promote public health

Tobacco industry interference in public policy making has not been an issue of concern in tobacco control policy making

Discussion

- ◆ The government has not properly understood Article 5.3.
- ◆ The government overlooked the tobacco industry's CSR activities which reduce the effectiveness of tobacco control policies.
- ◆ MOH recognized tobacco industry as an important stakeholder on tobacco control policy, which is the opposite of the FCTC's recommendation.

Conclusions (partial)

- ◆ The government needs to:
 - fully understand Article 5.3;
 - immediately stop their support for tobacco industry's CSR activities;
 - and, stop investment in tobacco industry using the National Pension Fund.