

The law on tobacco products: impacting public health through legislative changes - opportunities and limits

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Currently a new Law on tobacco products is discussed in the Swiss Parliament. How can the stakeholder's community develop a positive lobby and act to improve the law in order to obtain real changes in public health? What are the legislative opportunities and limits in the current Swiss context of tobacco control, including the challenges posed by the arrival of e-cigarettes on the market?

The Guardian

The great vape debate: are e-cigarettes saving smokers or creating new addicts?

The US is cracking down on vaping while the UK is promoting e-cigarettes as an aid to giving up smoking. Where does the truth lie?
By Sarah Boseley

Main image: Photograph: Bloomberg via Getty Images

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GOALS

1. PURSUE PUBLIC HEALTH POLICY GOALS

The public health policy goals for any government regulating e-cigarettes should be to:

- 1.1 Prevent e-cigarette use by non-smokers, particularly youth
- 1.2 Minimize potential health risks to e-cigarette users and non-users
- 1.3 Prevent e-cigarettes from undermining progress in reducing tobacco consumption and nicotine addiction
- 1.4 Protect public health policy from the commercial interests of the tobacco and e-cigarette industries
- 1.5 Assist smokers to quit and avoid dual use



ASSESS

2. ASSESS COUNTRY CIRCUMSTANCES

- 2.1 Current status of tobacco control measures
- 2.2 Trends in smoking rates
- 2.3 Existing market for e-cigarettes



OPTIONS

3. SELECT REGULATORY OPTION

- 3.1 Complete ban
- 3.2 Regulate as medicinal product
- 3.3 Regulate strictly using tobacco control measures



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Cigarettes, e-cigarettes and heat-not-burn devices

Tabelle 1: Schematische Übersicht: E-Zigaretten und erhitzte Tabakprodukte.

	E-Zigaretten («electronic nicotine delivery systems [ENDS])	Erhitzte Tabakprodukte («heat not burn devices»)	Tabakzigaretten
Inhaltstoffe	Nikotinhaltige Flüssigkeit mit Träger-substanz Propylenglycol oder Glycerin und zahlreichen Aromastoffe	Echte Tabakprodukte mit diversen Aroma- und Zusatzstoffen	Echte Tabakprodukte mit diversen Aroma- und Zusatzstoffen
Mechanismus	Verdampfung (Aerosolisierung) bei 100–300 °C	Erhitzung bei 30–350 °C (Verkohlung ab ca. 200 °C)	Verbrennung bei 600–900 °C
Nikotingehalt	20 mg/ml in Liquids*	0,5 mg im Aerosol** (kein legaler Höchstwert festgelegt)	0,4–0,8 mg im Rauch**
Nachgewiesene Substanzen im Aerosol/Rauch	>100 chemische Substanzen im Dampf nachgewiesen (u.a. Nitrosamine, Aldehyde, Toluene), darunter auch Schwermetalle wie Cadmium, Nickel und Blei (von Heizspirale)	Bestandteile des Aerosols ähneln dem von Zigaretten, aber in unterschiedlicher, oft in geringerer Konzentration	Mehr als 4800 Substanzen im Rauch nachgewiesen, davon >250 giftig und >70 karzinogen
Gesundheitliche Langzeitwirkungen	Bisher keine Daten vorhanden	Bisher keine Daten vorhanden	Herz-Kreislauf-Erkrankungen wie Herzinfarkt und Hirnschlag, COPD, Tumoren, etc.
Studien zu Rauchstopp	Wenige Studien mit geringer nachhaltiger Wirkung vorhanden	Als Alternative zum Zigarettenrauchen gedacht	–
Hersteller (Beispiele)	Verschiedene kleinere Firmen (Juul®, Blu™, Smok®, Eleaf®, Vandy Vape®, Logic Vapes etc.)	Tabakindustrie (IQOS™, Glo™, Ploom™)	Tabakindustrie Herkömmliche Tabakzigaretten

COPD: chronische obstruktive Lungenerkrankung

* Höchstwert gemäss EU-Direktive (in den USA bis 50 mg/ml erlaubt).

** Nikotingehalte im Aerosol/Rauch entsprechen den Werten, die in ISO-zertifizierten Rauchmaschinen bzw. analogen Anlagen vom Hersteller gemessen werden. Sie können nicht mit Konzentrationen der E-liquids verglichen werden. Für die Suchtentwicklung ist nicht der Gehalt, sondern in erster Linie die rasche Aufnahme von Nikotin ins Hirngewebe von Bedeutung.

How a Cigarette Is Engineered

The design and content of cigarettes continue to make them attractive, addictive, and deadly.¹ Every day, more than 1,300 people in the United States die because of cigarette use.²

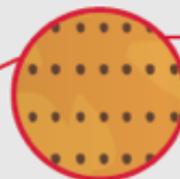
Filter^{3,4,5}

- Typically made from bundles of thin, hair-like fibers.
- Designed to trap smoke, but only stops a small portion of the smoke from being inhaled.
- The filter (and ventilation holes) in most cigarettes may lead smokers to inhale more deeply, pulling dangerous chemicals farther into their lungs.



Tipping paper⁶

- Wraps around the filter, connecting it to the rest of the cigarette.
- **Ventilation holes**, if unblocked, dilute inhaled smoke with air.
- Manufacturers have chosen to place the ventilation holes where they are. The holes are largely ineffective. Because of their location, most smokers unknowingly block them with their fingers or lips.



Cigarette paper³

- Holds the tobacco filler.
- Manufacturers add chemicals to the paper to control how fast the cigarette burns.
- Smokers inhale everything that is burned—the tobacco filler, the paper... everything.

Tobacco filler^{7,8,9}

- Made up of chopped tobacco leaves, stems, reprocessed pieces, and scraps.
- Dangerous chemicals can form in and be deposited on tobacco during the processing of the tobacco leaves.
- Other dangerous chemicals are created when the tobacco filler is burned.



Additives^{10,11,12}

Manufacturers can **add hundreds of ingredients** to a cigarette to make smoking more appealing and to mask the harshness of smoke.



Certain **additives**, like sugars, can form cancer-causing chemicals when they are burned.

Sugar and **flavor*** additives can change the taste of smoke and make it easier to inhale, but no less harmful.



Ammonia and other **chemicals** added to tobacco may increase the absorption of nicotine, which is addictive.

Some additives are **bronchodilators** that could increase the amount of dangerous chemicals absorbed by the lungs.

*In 2009, The Family Smoking Prevention and Tobacco Control Act banned characterizing flavors in cigarettes, except for tobacco and menthol flavors.



ETH zürich



UK: 10,20 £

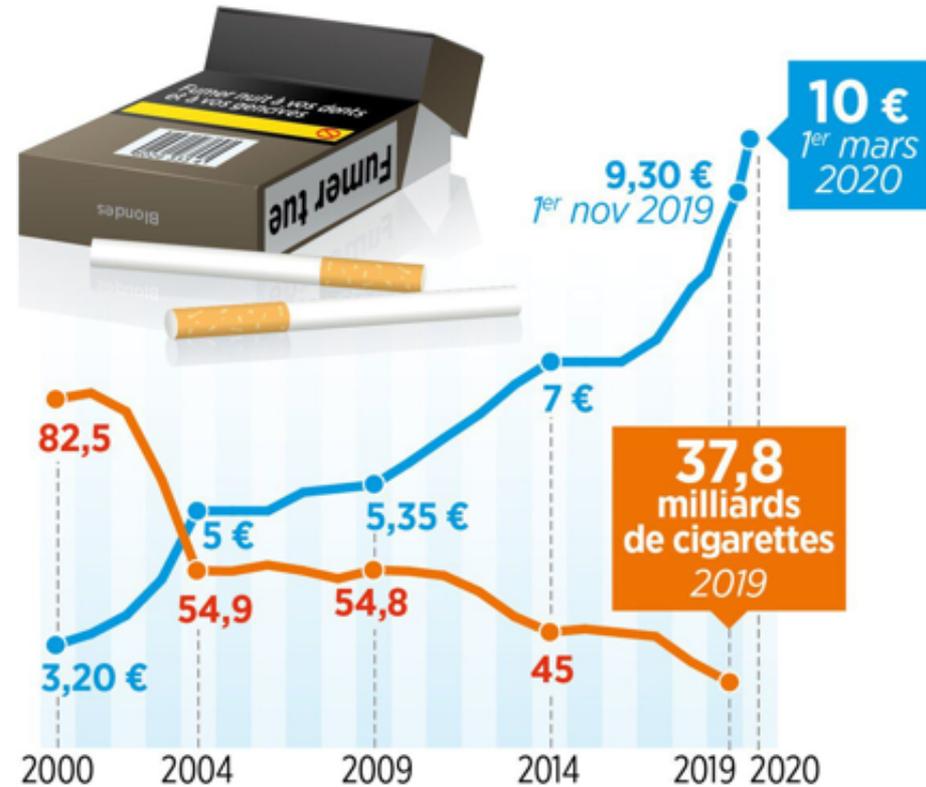
Ireland: 13,50 €

Le prix du paquet va atteindre les 10 €

Le Parisien

— **Prix du paquet de cigarettes** de la marque la plus vendue (en euros)

— **Ventes de cigarettes** en France (en milliards d'unités)



The Price of a Pack of Cigarettes around the World

Selling price for a 20 pack of Marlboro cigarettes in selected countries (Aug 2019)

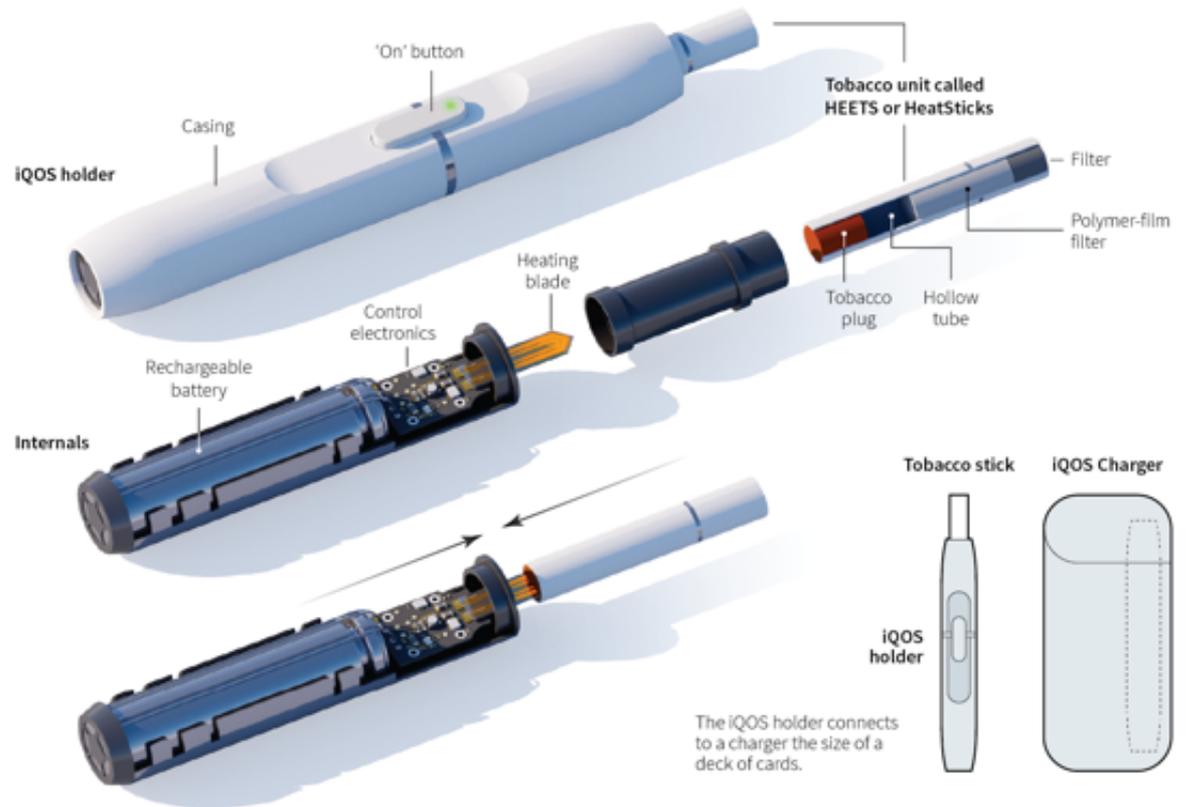


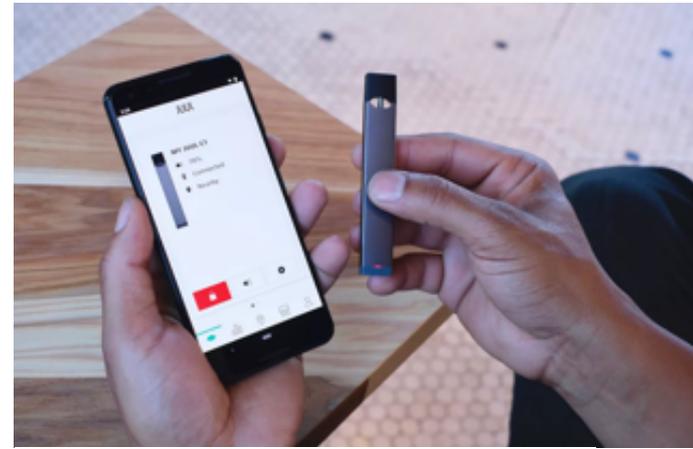
	The Economist Big Mac Index 2019	Standard Cigarette Price
Switzerland (CHF)	6.50	8.60
UK (£)	3.39	10.20



Philip Morris' iQOS

Philip Morris International's iQOS heats tobacco instead of burning it, releasing nicotine-laced vapor. The company says that means the device avoids subjecting smokers to the same levels of carcinogens and other toxic substances found in a regular cigarette.





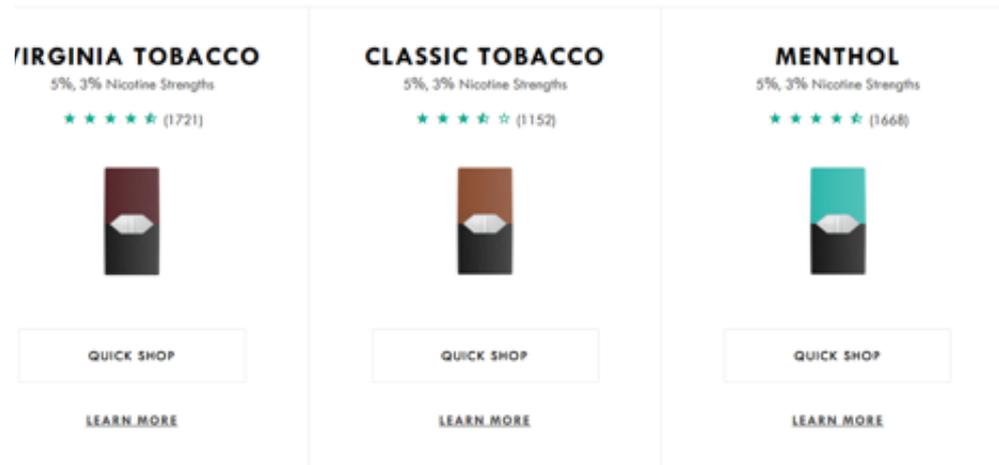
JUUL available flavours Switzerland vs. US

(March 1st, 2020)

In the US, JUUL retired several flavours from the market, because of accusation of addicting youth

FLAVOR GUIDE

1. Mint | 2. Royal Crème | 3. Mango | 4. Berry | 5. Golden Tobacco



The last five years have seen enormous spikes in youth e-cigarette use rates.

- In 2017, 11% of high school students had used an e-cigarette in the past 30 days. By 2018, that number had risen to 21% and, by 2019, 27.5% of high school students had used e-cigarettes in the past month.

- Comparison of 2019 and 2018

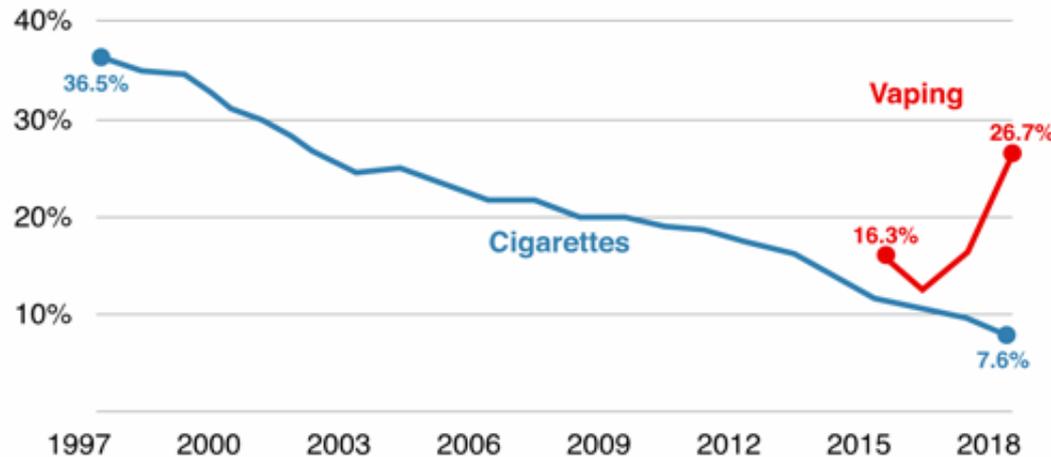
- The current

- Using e-cigarettes among young people may lead to a 4 times greater responsibility for cigarette use

- Many youth study findings similar to use, like

of JUUL users aged 15-21 were not aware the product always contains nicotine.

Teen E-Cigarette Use (Vaping) is Surging
12th Graders – Nearly Two Decades of Improvement Wiped Out



Source: "National Adolescent Drug Trends in 2018," NEJM

in increase
between 2013

2019.

among
its that
U.S. youths
are 4 times
more likely
to use

recent
markets and
products they
two-thirds

	Prix de référence	Coût consommation annuelle (1 pod ou 1 paquet par jour)	Prix de JUUL en pourcentage des cigarettes
1 pod JUUL	4.49	1637.94	
1 paquet (prix moyen, 20 cigarettes)	8.60	3193.00	52.18
1 paquet (entrée de gamme, 20 pcs.)	5.95	2171.75	75.42

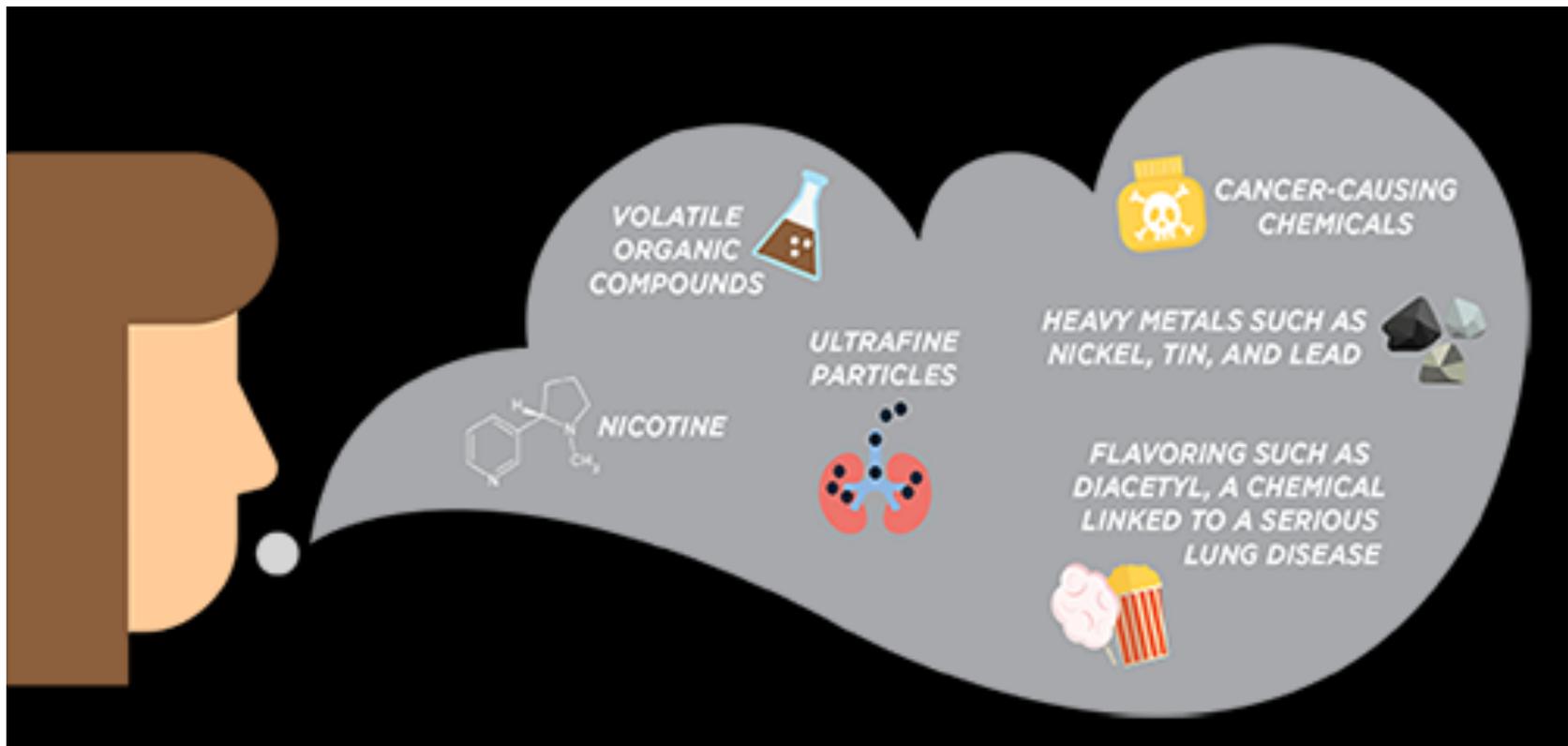
E-cigarettes

Safe?

Safer?

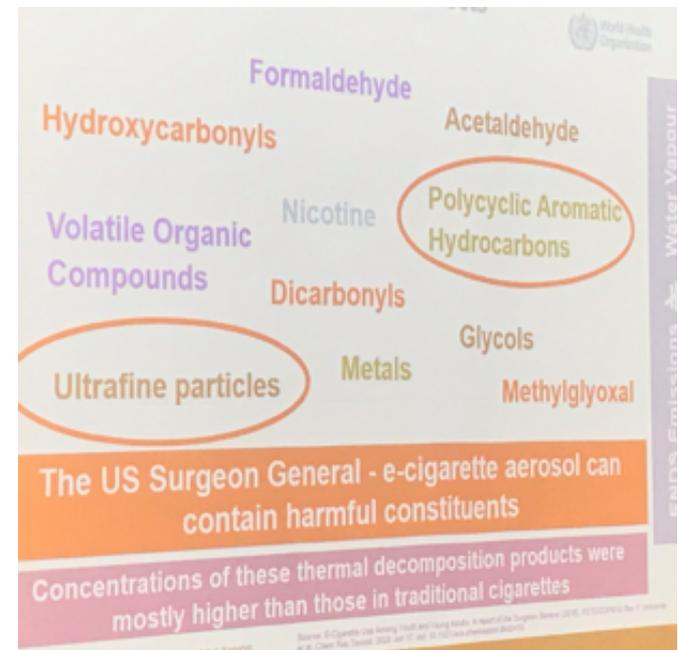
Harm reduction?

What are the health dangers of e-cigarettes?



Toxicants with known health effects

- Formaldehyde
- Acetaldehyde
- Hydroxycarbonyls
- Nicotine
- Volatile organic compounds
- Dicarbonyls
- Polycyclic Aromatic Hydrocarbons
- Glycols
- Metals
- Ultrafine particles
- Methylglyoxal



U.S. Department of Health and Human Services (2016): E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. Atlanta, GA.

Vape weakens the immunosystem

Researches examined 594 genes known to aid in immune system support and fighting off infections in a 3 branches studies (smokers, vapers, non-users of any).

Conclusion: both vape users and cigarette smokers showed signs of diminished activity in these genes, however the vape group in particular exhibited decreased activity in 300 more genes in comparison to regular smoking.

This **evidence suggests that compounds found in the liquid used to create the vapor has an immunosuppressive effect on the body.**

Martin, Elizabeth M.; Clapp, Phillip W.; Rebuli, Meghan E.; Pawlak, Erica A.; Glista-Baker, Ellen; Benowitz, Neal L. et al. (2016): E-cigarette use results in suppression of immune and inflammatory-response genes in nasal epithelial cells similar to cigarette smoke. In American journal of physiology. Lung cellular and molecular physiology 311 (1), L135-44. DOI: 10.1152/ajplung.00170.2016.

Bronchiolitis obliterans

There are > 7,000 e-cigarette flavors currently marketed. Flavoring chemicals gained notoriety in the early 2000s when inhalation exposure of the flavoring chemical diacetyl was found to be associated with a disease that became known as “popcorn lung.” There has been limited research on flavoring chemicals in e-cigarettes.

Objective: to determine if the flavoring chemical diacetyl and two other high-priority flavoring chemicals, 2,3-pentanedione and acetoin are present in e-cigarettes.

Results: At least one flavoring chemical was detected in 47 of 51 unique flavors tested. Diacetyl was detected above the laboratory limit of detection in 39 of the 51 flavors tested, ranging from below the limit of quantification to 239 $\mu\text{g}/\text{e-cigarette}$. 2,3-Pentanedione and acetoin were detected in 23 and 46 of the 51 flavors tested at concentrations up to 64 and 529 $\mu\text{g}/\text{e-cigarette}$, respectively.

Allen, Joseph G.; Flanigan, Skye S.; LeBlanc, Mallory; Vallarino, Jose; MacNaughton, Piers; Stewart, James H.; Christiani, David C. (2016): Flavoring Chemicals in E-Cigarettes: Diacetyl, 2,3-Pentanedione, and Acetoin in a Sample of 51 Products, Including Fruit-, Candy-, and Cocktail-Flavored E-Cigarettes. In *Environmental health perspectives* 124 (6), pp. 733–739. DOI: 10.1289/ehp.1510185.

Study Finds Dangerous Heavy Metals In Some Types Of E-Cigarette Vapors

aluminum, calcium, chromium, copper, iron, lead, magnesium, nickel, silicon, sodium, tin and zinc

The total concentration of elements/metals in the aerosol of tank-style EC (226–6,767 $\mu\text{g}/\text{L}$) **was higher than that found in cigarette smoke**

Tank-style EC have evolved to provide larger puffs, store larger amounts of refill fluid, and allow for more customizability by the consumer. These changes enable operation of products at higher voltage/power, which correlates with increased concentrations of several elements/metals (including lead, nickel, iron, copper) in their aerosols.

Williams, Monique; Li, Jun; Talbot, Prue (2019): Effects of Model, Method of Collection, and Topography on Chemical Elements and Metals in the Aerosol of Tank-Style Electronic Cigarettes. In Scientific reports 9 (1), p. 13969. DOI: 10.1038/s41598-019-50441-4.

Toxicology of E-Cigarette Constituents

Conclusion 5-1. There is **conclusive evidence** that in addition to **nicotine**, most e-cigarette products contain and emit **numerous potentially toxic substances**.

Conclusion 5-2. There is **conclusive evidence** that, other than nicotine, the number, quantity, and characteristics of potentially toxic substances emitted from e-cigarettes are **highly variable** and depend on **product characteristics** (including device and e-liquid characteristics) and **how the device is operated**.

Conclusion 5-3. There is **substantial evidence** that except for nicotine, under typical conditions of use, **exposure to potentially toxic substances from e-cigarettes is significantly lower compared with combustible tobacco cigarettes**.

Conclusion 5-4. There is **substantial evidence** that **e-cigarette aerosol contains metals**. The origin of the metals could be the metallic coil used to heat the e-liquid, other parts of the e-cigarette device, or e-liquids. Product characteristics and use patterns may contribute to differences in the actual metals and metal concentrations measured in e-cigarette aerosol.

Conclusion 5-5. There is **limited evidence** that the **number of metals in e-cigarette aerosol could be greater than the number of metals in combustible tobacco cigarettes**, except for cadmium, which is markedly lower in e-cigarettes compared with combustible tobacco cigarettes.



Toxicity vs. Harm

Toxicity: The degree to which a substance (a toxin or poison) can harm humans or animals.

Harm: physical or other injury or damage

Harm reduction refers to policies, programmes and practices that aim to minimise negative health, social and legal impacts associated with drug use, drug policies and drug laws. Harm reduction is grounded in justice and human rights - it focuses on positive change and on working with people without judgement, coercion, discrimination, or requiring that they stop using drugs as a precondition of support.

<https://www.hri.global/what-is-harm-reduction>

Harm reduction is a range of pragmatic policies, regulations and actions that either reduce health risks by providing safer forms of products or substances, or encourage less risky behaviours. Harm reduction does not focus exclusively on the eradication of products or behaviours. Tobacco harm reduction, using safer nicotine products, offers new choices to millions of people worldwide who want to switch away from smoking, but have been unable to with the options previously available

Goldsmith, Ruth (2020): Tobacco harm reduction and the right to health. Knowledge•Action•Change. London.

Financed by Foundation for a Smoke-Free World (→ PMI)

Comparing definitions

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(Harm Reduction International)

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Tobacco harm reduction, using safer nicotine products, **offers new choices** to millions of people worldwide who want to switch away from smoking, but have been unable to with the options previously available

(PMI)

“E-cigarettes are 95% less harmful than tobacco” ?

McNeill, A.; Brose, L. S.; Calder, R.; Hitchman, S. C.; Hajek, P.; McRobbie, H. (2015): **E-cigarettes: an evidence update**. A report commissioned by Public Health England. Public Health England. Available online at <https://www.gov.uk/government/publications/e-cigarettes-an-evidence-update>.

Nutt, David J.; Phillips, Lawrence D.; Balfour, David; Curran, H. Valerie; Dockrell, Martin; Foulds, Jonathan et al. (2014): **Estimating the harms of nicotine-containing products using the MCDA approach**. In *European addiction research* 20 (5), pp. 218–225. DOI: 10.1159/000360220.

Independent Scientific Committee on Drugs → very controversial, Nutt

First, there was a “**lack of hard evidence for the harms of most products on most of the criteria**”.
Second, “**there was no formal criterion for the recruitment of the experts**”. In other words, the opinions of a small group of individuals with no prespecified expertise in tobacco control were based on an almost total absence of evidence of harm.

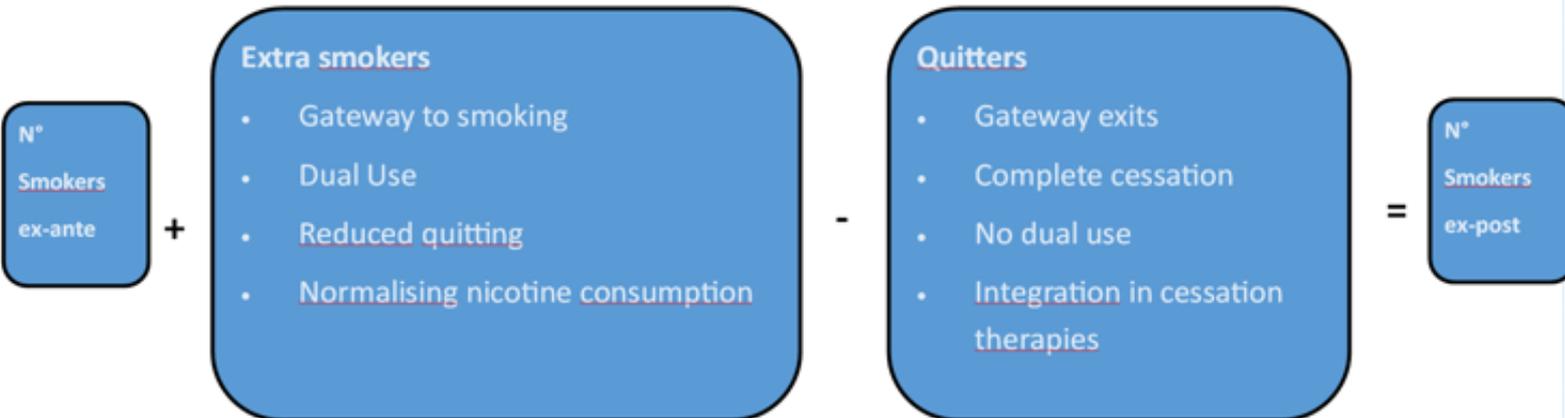
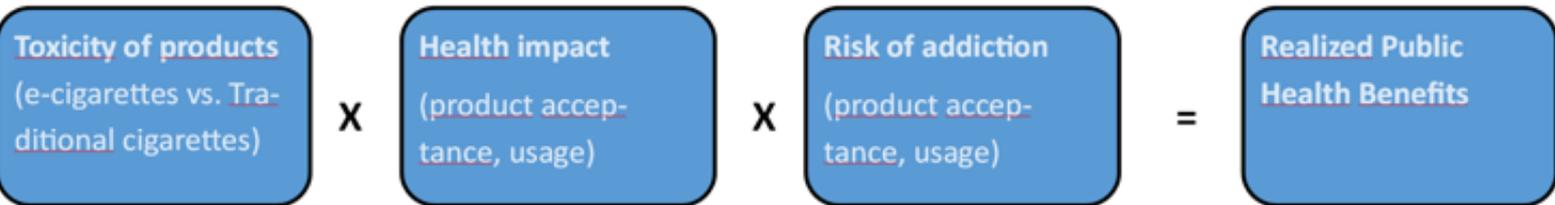
Founded by Euroswiss Health: Delon Human is a South African doctor based in Switzerland where he runs a number of companies / consultancies and charities, predominantly to do with health and tobacco harm reduction. At least two of his companies have taken money from [British American Tobacco](#) (BAT).

“E-cigarettes are 95% less harmful than tobacco” ?

Tobacco is the largest single cause of preventable deaths in England—e-cigarettes may have a part to play to curb tobacco use. But the reliance by PHE on work that the authors themselves accept is **methodologically weak**, and which is made all the more perilous by the **declared conflicts of interest** surrounding its funding, raises serious questions not only about the conclusions of the PHE report, but also about the **quality of the agency's peer review process**. Lancet, The (2015): E-cigarettes: Public Health England's evidence-based confusion. In *The Lancet* 386 (9996), p. 829. DOI: 10.1016/S0140-6736(15)00042-2.

UK commentators are less worried about vaping among children and teenagers because they say there are tighter regulations on advertising and nicotine levels here than in the US. PHE says that while the use of e-cigarettes did rise among young people up to 2015, it has flattened since then.

More worrying, say some, is **disinvestment in UK smoking cessation services**. A recent analysis by *The BMJ* found that overall investment in NHS smoking cessation services fell by 14% in the past three years, from £70.2m in 2016-17 to £60.3m in 2018-19.

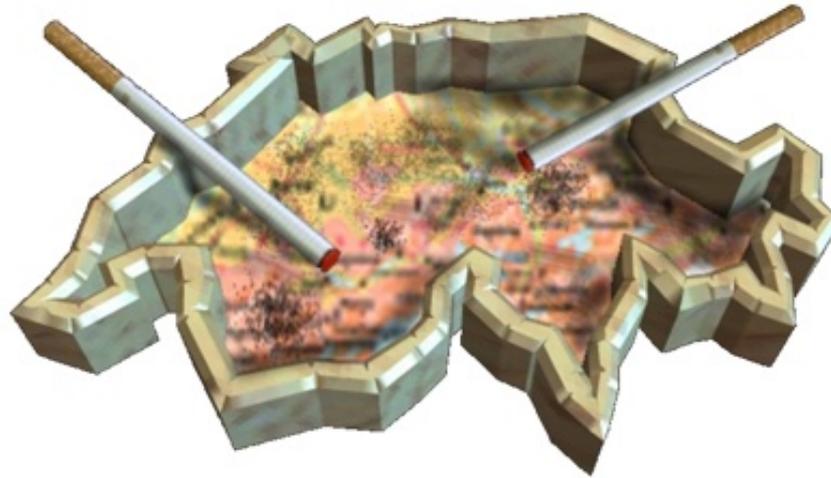




ASSESS

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- 2.1** Current status of tobacco control measures
- 2.2** Trends in smoking rates
- 2.3** Existing market for e-cigarettes



TOBACCO CONTROL SCALE 2019



How does your country rate on tobacco control?

Score	2019 Rank	2016 Rank	Country
80	1	1	United Kingdom
74	2	4	France
73	3	2	Ireland
70	4	3	Iceland
66	5	5	Norway
62	6	6	Finland
61	7	new	Israel
59	8	28	Slovenia
59	8	9	Hungary
58	10	8	Spain
58	10	17	Belgium
57	12	7	Romania
54	13	31	Greece
53	14	9	Netherlands
52	15	9	Sweden
52	15	13	Italy
51	17	9	Turkey
51	17	13	Malta
51	17	23	Croatia
50	20	15	Portugal
50	20	35	Austria
50	20	17	Ukraine
49	23	15	Poland
49	23	26	Latvia
49	23	31	Czechia
49	23	21	Estonia
48	27	19	Bulgaria
48	27	26	Cyprus
47	29	17	Russian Fed.
47	29	28	Lithuania
47	29	23	Denmark
46	32	30	Slovakia
45	33	23	Serbia
44	34	33	Luxembourg
41	35	21	Switzerland
40	36	33	Germany

Joossens L, Fellu A, Fernandez E. The Tobacco Control Scale 2019 in Europe. Brussels: Association of European Cancer Leagues, Catalan Institute of Oncology, 2020.



Rank **35**/36 (2016: **21**/35)

Score **41**^{*}/100 (2016: **46**/100)

*** Switzerland is the only country in this survey which has not ratified the WHO Framework Convention on Tobacco Control (FCTC): minus one point.**

The TCS quantifies the implementation of tobacco control policies at country level, is based on six policies described by the World Bank, which they say should be prioritised in a comprehensive tobacco control programme. Switzerland has no comprehensive tobacco control programme and scores badly in all six policies.

www.at-schweiz.ch

www.tobaccocontrolscale.org

Criteria	CH	Total possible
Price increases through higher taxes on cigarettes and other tobacco products	13	30
Bans/restrictions on smoking in public and workplaces	11	22
Spending on public information campaign, Better consumer information, including public information campaigns, media coverage, and publicising research findings	4	10
Comprehensive bans on the advertising and promotion of all tobacco products, logos and brand names	2	13
Large, direct health warning labels on cigarette boxes and other tobacco products	5	10
Treatment to help dependent smokers stop, including increased access to medications	7	10
Illicit Trade (Ratification of the Protocol to Eliminate the Illicit Trade in Tobacco Products)	0	3
Art. 5.3 FCTC (lack of ratification of the FCTC -1)	-1	2
Total	41	100

35. Switzerland
(21 ▼14).

Switzerland is the homeland for international tobacco companies, has very weak tobacco advertising legislation and is the only country in this survey which has not ratified the WHO Framework Convention on Tobacco Control. Since 2017, the Federal Council (cabinet) has no more the competence to increase cigarette taxes. The last time the Federal Council increased the tax by 10 cents was in 2013. A price increase is only possible when tobacco companies increase their price and thus their profits (16). Switzerland seems to be more interested in the well-being of the tobacco companies than in the health of its citizens (17).

21.02.2020



Bei der Tabakprävention am Schluss

Rauschen: Nur Deutschland tut noch weniger gegen den Tabakkonsum als die drei Länder im europäischen Vergleich auf den vorletzten Platz gefallen. ...

Jean-Martin Bührer: ...

Der Kommentar ist knapp und klar: «Die Schweiz schreitet mehr als Vorkämpferin der Tabakprävention voran als die meisten europäischen Länder. Ihre Gesundheitspolitik ist ein Vorbild für andere Länder.» Damit illustriert die «Tobacco Control Scale 2019» die Tabakpolitik unseres Landes. Tatsächlich haben zwei der drei weltweit größten Tabakfirmen ihre Zentrale in der Schweiz installiert: Philip Morris in Neuenburg und ...



La «patrie des multinationales du tabac» épinglée

Raising awareness → working with media

Penultimi nella lotta al tabacco



Legislazione "troppo debole"



How the U.K. uses science-backed innovation to help cut smoking levels

3 min read

The United Kingdom shows how better alternatives can help deliver a smoke-free future.

Industry in bending the arguments



2017: **27%**

31% men and 23% women (15+ ans)

19% smoke every day

2017:

24% men and 19% women ex-smokers

2007-2017:

average prevalence stable at around 27%

but adult population: 2007: 6.1 mio; 2017: 7 mio =

234'000 ↗

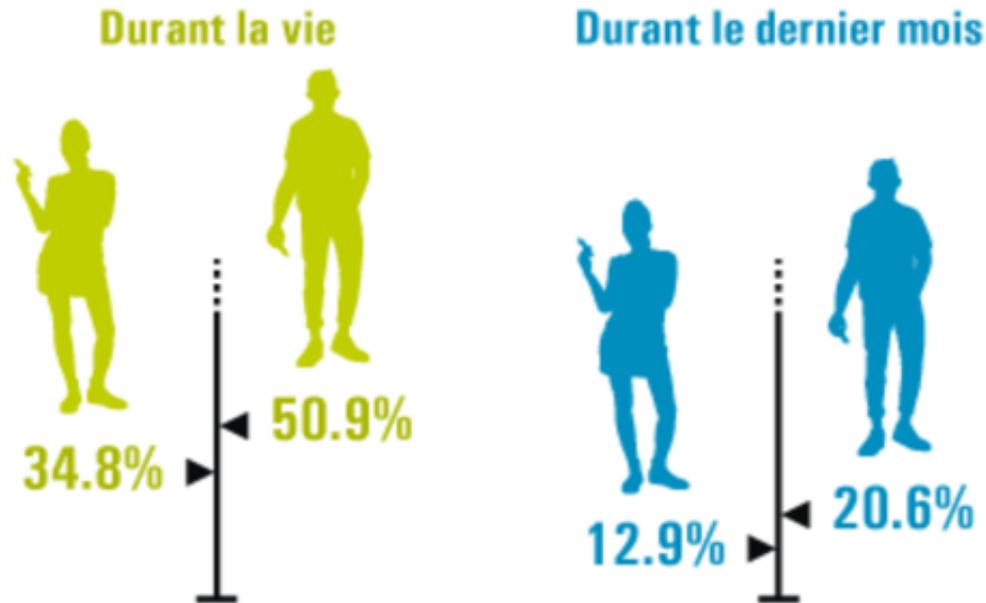
Youth prevalence (15 to 25):

31.6%

(Addiction suisse Kuendig et al. 2017)

Highest prevalence: men 25 to 34 (42%) and women 15 to 34 (30%).

Usage d'e-cigarette chez les jeunes
de 15 ans (2018)



Source: HBSC (Delgrande Jordan et al., 2019)

But JUUL arrived only in December 2018 in Switzerland

Costs of tobacco consumption in Switzerland

Direct medical insurances costs: 3 billions (2015)

Direct costs linked to the treatment of tobacco related pathologies. Cancer treatments: 1,2 billions; cardiovascular diseases: 1 billion; COPD and other pulmonary pathologies: 0,7 billion.

Those 3 billions correspond to **3,9% of the total health expenses in Switzerland in 2015**

Indirect costs: 2 billions (work days lost, or productivity loss) Work absences because of sick days, permanent absence, invalidity or premature death.

Safe heaven for big tobacco



NO ratification of Framework Convention on Tobacco Control of WHO

At what age can you buy cigarettes in Switzerland?

It depends on the Cantons.....

11 Cantons: 18 yo; 12 Cantons: 16 yo; 3 Cantons:
no age limit

Advertisement

Ban in television (Law on television art.10) and
addressing minors (art 18 Ordonnance sur le tabac)

Advertisement is targeting young people:

- point-of-sale
- bar and parties: extremely present
- marketing with presents, competitions (trips),
exclusive parties, free cigarettes
- sponsoring of events (music festivals receives on
average 400-500k per event)
- Printed medias and cinemas (21 Mio in 2013)
- Digital marketing (??)

No ban for e-cigarettes

An der Viehschau rauchen schon die 6-Jährigen



Appenzell, Viehschau, 2018 (ENNIO LEANZA/Keystone)





Umsätze 2017 (CHF):
PMI: 29 Milliarden
BAT: 26 Milliarden
JTI: 18 Milliarden

En Suisse, l'industrie du tabac génère 6,5 milliards de francs par an

Le chiffre d'affaires des exportations de cigarettes helvétiques est comparable à celui dégagé par le fromage suisse



Dank IQOS haben sich in der Schweiz bereits fast **100'000 Raucher von Zigaretten abgewandt**. Es findet ein tiefgreifender Wandel statt.

Wir werden weiterhin alles daran setzen, dass die 1,6 Millionen Frauen und Männer, die in diesem Land rauchen, IQOS entdecken können.

Ein Symbol für dieses Engagement: **die sechs neuen IQOS Boutiquen, die wir bauen**. Eine weitere Initiative, um Zigaretten durch bessere Alternativen zu ersetzen.

Besuchen Sie eine unserer Boutiquen oder try.iqos.ch und probieren Sie IQOS kostenlos.

IQOS Boutique Bern, Theaterplatz 3
(sonntags geschlossen)



Was ist IQOS?
 IQOS erhitzt echten Tabak, anstatt ihn zu verbrennen. Genießen Sie Tabak ohne Asche, Feuer und Zigarettenrauch.

« If it is scientifically demonstrated that a product is less harmful than cigarettes, it is important to be able to communicate this fact to smokers. It makes no sense to have such information without sharing it with adult smokers. ***This is why those new products and cigarettes should be regulated differently.*** »
 Dominique Leroux, CEO de Philip Morris Suisse



In 2016, Switzerland produced 34.6 billion cigarettes – nearly two billion packets. Some 25% were sold on the domestic market. Nearly 75% were exported, providing enough cigarettes for over four million people to smoke a packet a day over the year.

“Export income generated by tobacco products, totalling CHF 561 million, is comparable to that of most Swiss commodity exports, such as cheese (CHF 578 million) or chocolate (CHF 785 million)” *KPMG study published at the end of 2017*

<http://stories.publiceye.ch/tobacco/>



Every year, Switzerland exports almost as many cigarettes as it does chocolate. Exclusive tests show that the tobacco industry has double standards: cigarettes sold in Africa are more toxic than those smoked in Europe.



OPTIONS

3. SELECT REGULATORY OPTION

3.1 Complete ban

3.2 Regulate as medicinal product

3.3 Regulate strictly using tobacco control measures

Important public health laws addressing e-cigarettes

Tobacco tax- “Loi fédérale sur l'imposition du tabac (LTab) (641.31) » (<https://www.admin.ch/opc/fr/classified-compilation/19690056/index.html>)

Heated tobacco products are considered as « other manufactured products » which are taxed to a much lower rate. The taxes on “heated” tobacco products are on average of 12%, while on traditional cigarettes is on average 53%.

Current 12% tax on heated tobacco products; No current tax on e-cigarettes

Switzerland is currently discussing a new Law on Tobacco products that will cover also e-cigarettes.

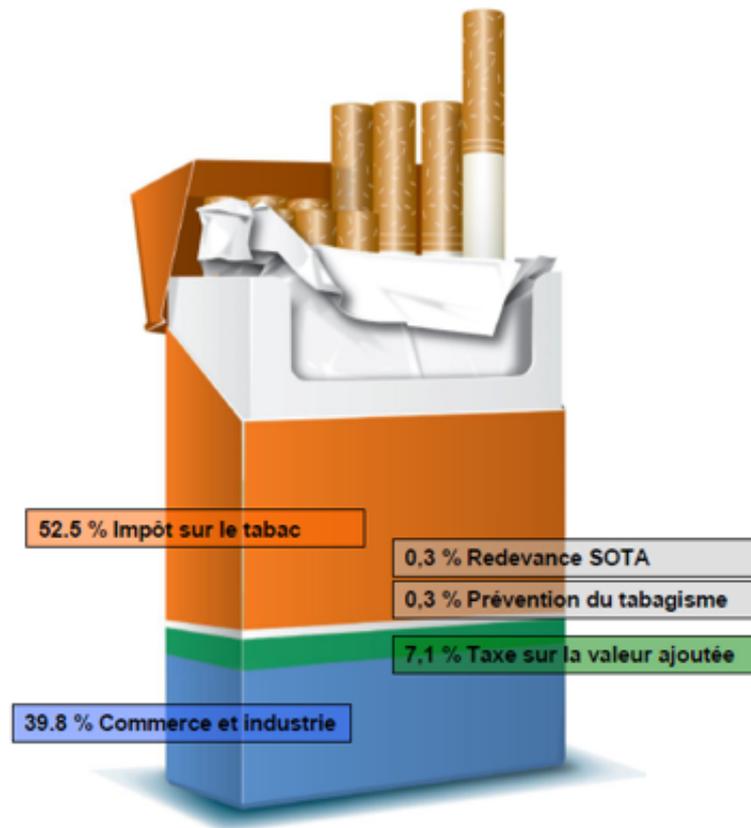
Composition du prix de vente

À l'heure actuelle (avril 2019), le prix de vente d'un paquet de 20 cigarettes de la marque la plus vendue est de 8,60 francs. Il se compose des éléments suivants :

	en francs	%
Impôt sur le tabac	4.516	52,5 %
TVA	0.615	7,20 %*
Fonds de prévention du tabagisme	0.026	0,3 %
Fonds pour la culture du tabac indigène	0.026	0,3 %
Part du fabricant et du commerçant	3.417	39,7 %

* soit 7,7 % du prix de vente sans TVA
État : avril 2019

Part d'impôt mesuré sur le prix de vente au détail de la classe de prix la plus demandée (Fr. 8.60)



- **1964: TV and Radio ban on tobacco advertisement**
- **2004: Creation of a Tobacco prevention fund (OFPT) (641.316)** du 5 mars 2004 (ca. 12-13 millions par an, dont 20-30% pour le sport) (2,6 cts fixe par paquet, soit ca. 0,3% du prix d'un paquet à 8,60)
- **2004: Creation of the SOTA** (Fonds pour la culture du tabac indigène) – subventions pour les cultivateurs suisses de tabac (2004: 354; 2019: 155) (ca- 12-13 millions par an, rien pour le sport) (2,6 cts fixe par paquet, soit ca. 0,3% du prix d'un paquet à 8,60)
- 25.06.2004: Switzerland signs the WHO-FCTC (but still no ratification)
- **2008: Federal Law on Passive Smoke (818.31)** du 3 octobre 2008 (en vigueur depuis 2010)
- 2013: last increase of cigarettes taxes (10 cts)
- 2016: Parlement refuse to allow the CF to increase cigarettes taxes
- 2016: First Project on a Law on Tobacco Products rejected by Parlement

- 2017: New National Strategies « Addictions » and « NCD »
- 2017: novembre: **e-cigarettes are allowed to be sold in Switzerland, no taxation**
- 2018: End of the National Program on tobacco
- **2018: public consultation on a new LPTab and transmission of the project to the Parliament (nov.)**
- **2018: dec.: arrival of JUUL in Switzerland**
- 2019: discussion of the Law in the CSSS-CE and Dubai and Moldavia « affaires »
- 2019 (septembre): success of the Initiative populaire « **Oui à la protection des enfants et des jeunes contre la publicité pour le tabac** » (aim to ban all advertisement for tobacco products that could reach children and youth)
- **2019 (septembre): adoption du projet de LPTab par le Conseil des Etats; adoption de la Mo 19.3958 Imposition des cigarettes électroniques**
- Décembre 2019: disparition de la Commission fédérale pour la lutte contre le tabagisme (CFPT)



POLÉMIQUE

Philip Morris, sponsor du pavillon suisse à Dubaï. Tollé

Pour un montant de 2 millions de francs, le numéro un mondial du tabac s'est payé une place de choix dans la participation suisse à l'Expo 2020 Dubaï. En colère, les milieux antitabac demandent à la Confédération de renoncer à son choix. Même l'Office fédéral de la santé publique s'indigne

4 minutes de lecture

Economie suisse

Ram Etwareea

Publié vendredi 19 juillet 2019 à 20:06, modifié vendredi 9 août 2019 à 18:45



IQOS



July 2019

Eidgenössische Volksinitiative

«JA zum Schutz
der Kinder und
Jugendlichen vor
Tabakwerbung»



Jetzt unter-
schreiben!

Eidgenössische Volksinitiative «Ja zum Schutz der Kinder und Jugendlichen vor Tabakwerbung»

Art. 118 Abs. 2 Bst.

b Er erlässt Vorschriften über:

2 die Bekämpfung übertragbarer, stark verbreiteter oder bösartiger Krankheiten von Menschen und Tieren; **er verbietet namentlich jede Art von Werbung für Tabakprodukte, die Kinder und Jugendliche erreicht;**

Sept. 12th, 2019:
120'000 Unterschriften

- 2020: (21.02): CSSS-CN: adoption of Mo 19.3958 Taxation of e-cigarettes : (20 against 3), but with an amendment: taxation should be applied only after the new LPTab is adopted
- **May 2020: First reading of the LPTab by the CSSS-CN**
- Fin 2020 : Final vote on the LPTab in Parliament
- Early 2021 : Transitory Adaptation of the Law on food products (currently valid for tobacco only until May 1st, 2021).
- 2021 : Elaboration of the Verordnungen (application laws)
- Mid-2022 : LPTab and application laws enter into force

Ways law might be used to address social and behavioural factors

Limit school-aged children's and youth's access to e-cigarettes

- Majority of adolescent e-cigarette users have never smoked cigarettes
- e-Cigarette use was associated with greater risk for subsequent cigarette smoking initiation and past 30-day cigarette smoking (Soneji et al 2017)

Reduce the consumption of nicotine (an addictive product)

Public health objective: to reduce the number of young people smoking any kind of tobacco product

Reference: Soneji S, Barrington-Trimis JL, Wills TA, et al. Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis. *JAMA Pediatr.* 2017;171(8):788–797. doi:10.1001/jamapediatrics.2017.1488

Important political considerations (1)

Traditionally weak regulation of tobacco

Strong Tobacco Industry (TI) lobby against any additional tobacco regulation

Opposition from TI

- TI will push e-cigarettes as a **harm reduction** strategy
- “Divide (public health community) and conquer”

Ban on sales of e-cigarettes with nicotine was overturned by the Swiss Federal Administrative Court (April 2018)

- **TI voluntary sales ban for minors (under 18) from 1 Oct 2018 until a Swiss law comes into effect (industry code of conduct)**
- **RED FLAG: TI pre-empt strong legislation or regulation by pressing for the adoption of voluntary codes or weaker laws (Saloojee and Dagli, 2000)**

Reference: Saloojee Y, Dagli E. (2000). Tobacco industry tactics for resisting public policy on health. *Bulletin of the World Health Organization* 78(7): 902-910

Important political considerations (2)

How e-cigarettes should be taxed in order to reduce consumption among young people?

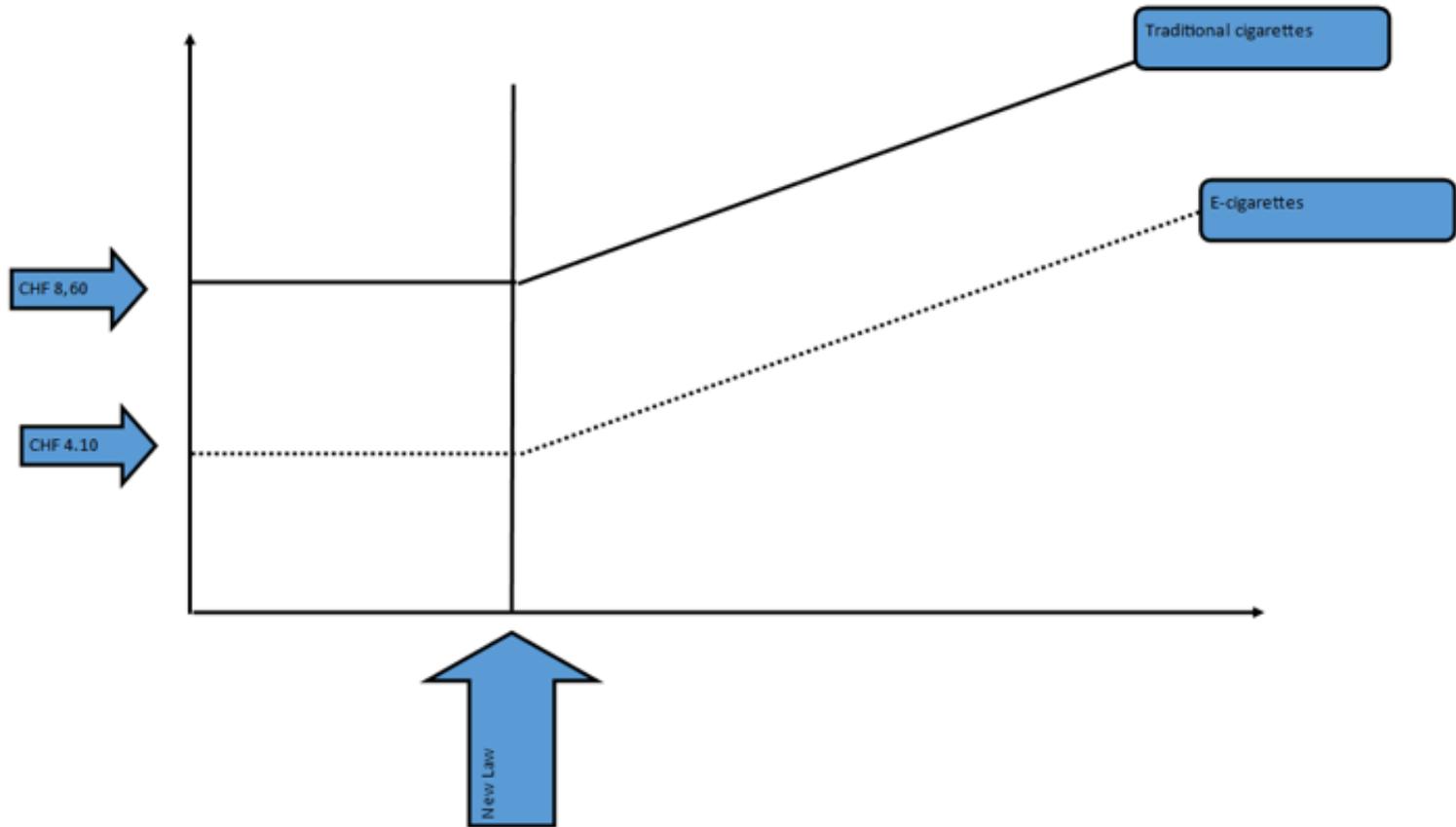
What should be taxed?

1. Amount of nicotine in the product;
2. Volume of usable liquid product regardless of nicotine content;
3. E-cigarette devices or disposable e-cigarettes

To what level tax should be establish? Like traditional cigarettes?

What factors should also be considered in fixing the taxation level?

Which taxation model?



Important political considerations (3): Potential challenges

Impact of taxation: how to measure and evaluate the impact of taxation? Should traditional cigarettes taxation be increased again at the same time?

Resistance from the industry: Tobacco Industry is strongly working to establish e-cigarettes as a “safe” way of smoking. They want no taxation or a taxation so low as possible (95% less?)

Putting forward concrete proposals

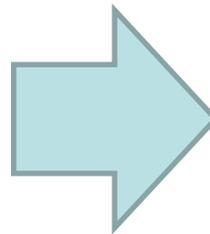
Proposition d'amendement du projet de loi fédérale sur les produits du tabac (P-LPTab)

<p>Préambule</p> <p>¹vu les art. 11, al. 1, 95, al. 1, et 118, al. 2, let. a et b, de la Constitution¹, vu le message du Conseil fédéral du ...²,</p>	<p>Vorwort</p> <p>¹gestützt auf die Artikel 11 Absatz 1, 95 Absatz 1 und 118 Absatz 2 Buchstabe a und b der Bundesverfassung¹, nach Einsicht in die Botschaft des Bundesrates vom ...²,</p>
<p>Art. 1 But</p> <p>La présente loi a pour but de :</p> <ul style="list-style-type: none"> a. protéger l'être humain contre les effets nocifs liés à la consommation des produits du tabac et à l'utilisation des cigarettes électroniques ; b. protéger en particulier les mineurs de la consommation de, et de l'exposition à, ces produits ; c. réduire la consommation de produits du tabac et l'utilisation de cigarettes électroniques. 	<p>Art. 1 Zweck</p> <p>Mit diesem Gesetz :</p> <ul style="list-style-type: none"> a. soll der Mensch vor den schädlichen Auswirkungen des Konsums von Tabakprodukten und der Verwendung elektronischer Zigaretten geschützt werden; b. sollen insbesondere Minderjährige vor dem Konsum und dem Kontakt mit diesen Produkten geschützt werden; c. soll der Verbrauch von Tabakprodukten und elektronischen Zigaretten gesenkt werden.
<p>Art. 14 Mises en garde pour les autres produits</p> <p>¹ Lors de la remise au consommateur, les mises en garde suivantes doivent figurer sur chaque emballage:</p> <p>...</p> <ul style="list-style-type: none"> c. pour les cigarettes électroniques contenant de la nicotine: «Ce produit peut nuire à votre santé et crée une forte dépendance, mais il est moins dangereux que les cigarettes combustibles»; d. pour les cigarettes électroniques ne contenant pas de nicotine: «Ce produit peut nuire à votre santé, mais il est moins dangereux que les cigarettes combustibles». 	<p>Art. 14 Warnhinweise für weitere Produktkategorien</p> <p>¹Jede Verpackung muss bei der Abgabe an die Konsumentinnen und Konsumenten die folgenden Warnhinweise tragen:</p> <p>...</p> <ul style="list-style-type: none"> c. für die nikotinhaltigen elektronischen Zigaretten: «Dieses Produkt kann Ihre Gesundheit schädigen und macht stark abhängig, ist aber weniger gefährlich als herkömmliche Zigaretten». d. für die nikotinfreien elektronischen Zigaretten: «Dieses Produkt kann Ihre Gesundheit schädigen, ist aber weniger gefährlich als herkömmliche Zigaretten».

Putting forward concrete proposals

Art. 1 Zweck

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Analyze interests
Find partners
Build coalitions

 Humbal Ruth PRÉSIDENTE Conseil national Argovie Le groupe du centre, PDC-PEV-PSD, (M-CES)	 Aeschi Thomas Conseil national Zoug Groupe de l'Union démocratique du Centre (U)	 Amadruz Cécile Conseil national Genève Groupe de l'Union démocratique du Centre (U)	 de Courten Thomas Conseil national Bâle-Campagne Groupe de l'Union démocratique du Centre (U)	 Dobler Marcel Conseil national St-Gall Groupe libéral-radical (RL)
 Feri Yvonne Conseil national Argovie Groupe socialiste (S)	 Gloner Andreas Conseil national Argovie Groupe de l'Union démocratique du Centre (U)	 Gysli Barbara Conseil national St-Gall Groupe socialiste (S)	 Herzog Verena Conseil national Thurgovie Groupe de l'Union démocratique du Centre (U)	 Hess Lorenz Conseil national Bâle Le groupe du centre, PDC-PEV-PSD, (M-CES)
 Lehr Christian Conseil national Thurgovie Le groupe du centre, PDC-PEV-PSD, (M-CES)	 Mäder Jörg Conseil national Zurich Groupe vert libéral (GL)	 Mullard Pierre- Yves Conseil national Valais Groupe socialiste (S)	 Mettler Malena Conseil national Bâle Groupe vert libéral (GL)	 Meyer Matten Conseil national Zurich Groupe socialiste (S)
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 Rüsch Albert	 Sauter Regine	 Schöpfer Theres	 Wasserfallen Flavia	 Wüthli-Pizzardi

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Political Strategy

- 1. Clear Target:** Talk to members of parliament using key messages (after an indepth analysis of their mandates and link of interests)
- 2. Simple message:** Repeat key messages wherever you can: PROTECTION OF MINORS by prohibition of ads and (as a consequence) FCTC ratification; regulate e-cigg like traditional cigg
- 3. Coordinate actors:** Emphasize common goals with other public health actors and coordination of activities
- 4. Leverage partners:** health insurance companies, FMH, Pharmasuisse and medical and public health community at large

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Thank you

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