

Dr Bob Elphik Award 2017
Acceptance speech by The Honourable Nicola Roxon
8 December 2017, Perth

(Please note this speeches expresses my personal views – not those of any organization I am a director of, including Bupa and CCA.)

- Her Excellency the Honourable Kerry Sanderson AC, Governor of Western Australia and ACOSH Patron
- Hon Roger Cook MLA, Deputy Premier & Minister for Health; Mental Health
- Mr Mick Elphick, representing Dr Bob Elphick's family
- President, Maurice Swanson, Australian Council on Smoking and Health:

Thank you for bestowing on me the honour of this wonderful award – not only are past recipients a roll call of wonderful anti-tobacco campaigners but this room itself is full of passionate campaigners, former ministers and many activists upon whose shoulders we stood in taking our plain packaging action.

In receiving an award in Dr Elphik's honour is a great privilege, & it is an added delight when colleagues who worked so hard on plain packaging with me (like the indefatigable Mike Daube), former cabinet colleagues (like Stephen Smith) are sharing the room with the next generation who now have the chance to make their own impact: like Roger Cook, WA Health Minister and Deputy Premier, and Ashley Reid, the Cancer Council in WA's new CEO, amongst

many, many others who we look to for the next steps in this long battle against tobacco products and the harm they cause. No pressure!

Dr. Elphick was a great clinician and mentor who led the development of respiratory medicine in Western Australia, but importantly also was one of the early medical leaders to recognised the importance of prevention in general and smoking in particular. He was the Foundation President of ACOSH in 1971, which under his guidance and since has achieved so much both here and nationally. I would especially like to acknowledge Michael Elphick who is here today.

Timely today to reflect both past and forward into the future – given tobacco control is in need of such ongoing, refreshed and persistent pressure. I will talk today about plain packaging, what is happening around the world and why our tobacco control efforts need to continue. I also want to reflect on the tactics used by the industry and being rolled out again in a different context – that are a reminder to us of our need for constant vigilance.

Tobacco is such a terrible product – so addictive and with such a long tail harm. Its worth repeating this obvious statement – because sometimes we almost assume everyone knows this. The evidence has been around for so long, so much action has been taken in Australia that people might be tempted to say “tobacco’s done, what’s next?”

This is far from the truth. Consider the National Cancer Control Indicators recently released, revealing the spike in women undergoing lung cancer surgery today. This flows directly – but very slowly – from the increase in smoking by women in the 80s and 90s. Marketing to women was deliberate strategy to grow the consumption amongst women. Several decades on, people are paying a terrible price for their tobacco consumption and the industry has enjoyed the benefit of decades of committed customers in the meantime. Yet at the time, back in the 80s and 90s, when the industry was promoting and selling to those women, the industry already knew very well about the drastic harm smoking caused.

So how do we ensure the community doesn't make the same mistakes with new trends and claims and products? This is just one of many timely & sobering reminders of why we should be so alert and so alarmed by new developments in the tobacco industry.

So lets go back a bit first – its very topical to celebrate Australia's plain packaging initiative at a time when there is such a groundswell of international support for plain packaging of tobacco products.

When Australia became the first country in the world to remove all colours and logos on tobacco packs in 2011 – recognising their allure to young new smokers – the tobacco industry tried every move in their book to stop us. Lobbying, donations, advertising campaigns, threats, dodgy research, front groups, overblown claims and legal action dominated our political debate for two years. Legal cases that

have, in fact, still not all finished, but they did not prevent implementation here in Australia.

As the impressive impact evidence continues to grow, and legal cases are being won, more barriers are falling by the wayside.

World No Tobacco Day in 2016 had as its tag line “Get ready for plain packaging” and the world’s health ministers did just that. At last count I think we have 8 countries with the measure implemented and 15 plus at various stages of commitment to taking this step. Wow! This is a great reminder of the value of the work you all day – it really matters.

Plain packaging of tobacco products is now truly an international movement. It is an epidemic of the best sort, as countries catch on to its value, purpose and ease of implementation. We will now see its introduction spread like wildfire around the world.

All of which is great news. BUT.

A speech like this always has a but is it really all falling our way?

- The industry remains extremely effective with their delays and threats
- Every day new markets are being pursued for old tobacco and innovative products are being developed for new tobacco
- And we can see the same old misleading tactics being used

I want to truly emphasize this, because we must continue our effort. Tobacco control is not “done” in Australia. It has to be refreshed, renewed, refought.

(So I want to use just a few slides to give you a reminder and refresher of where we are up to)

- what our packs look like
- a few slides to remind everyone of the campaign that was run against us
- and of course ACOSH and others great work revealing the industry funding a front campaign
- and some contrasting slides to show you what some of the rest of the world is facing
 - China gold
 - Canada (lipstick and throwaway packs)
 - East timor (MP3 player)
 - Sweden (including ‘make up’ packs for snus)
 - Japanese “parliament” cigarettes in a street vending machine
- a then and now of cigarette/vaping advertising in the UK
- the “freedom” campaign with vaping and David Hockney art work
- and my favourite photo from the campaign!

I cover all this, even in brief, as it gives you visually the story I am trying to tell – the industry will keep morphing and looking for new angles, new products and new addictions.

You might be interested to know that, although I am terribly proud of our action, plain packaging was not an original idea of mine -- the idea initially came from a Canadian academic. In fact, both Canada and Australia flirted with the idea in the 1990s, but were bullied and lied to by a tobacco industry which convinced them that they would be in breach of their international intellectual property obligations if they took such a step.

We now know, through documents uncovered in other matters, that the industry always had clear advice that there was no breach of such obligations – nevertheless they went ahead arguing what they knew to be false – and bought themselves a further decade or two free from this intervention.

This immoral, misleading, sneaky behaviour from the industry is constantly repeating itself.

Thankfully, academics, tobacco control advocates and health professionals - all of you - persisted and raised the idea again with us a decade later, when we sought advice on preventative health measures the government could implement. But the point I want to emphasize is their past bad behavior is continuing.

Most famously, of course, the industry misled the public and the US congress about the known harms of tobacco for decades. Only this month – 10 years AFTER the litigation was complete - is the industry fulfilling its obligations and running ads setting out, as required by

the court, just how they had misled the public and how dangerous tobacco is. CCWA should be congratulated for running a clever ad off the back of this – it is worthwhile reminding the public again how sneaky Big Tobacco has been and how long they have delayed their time of reckoning.

Its why I argue we should treat with utmost caution and cynicism their questionable views that e-cigarettes are harmless or that the Phillip Morris Foundation will produce independent credible “research”.

Less than a year ago I was in Canada and caught the industry out using exactly the same tactics in Canada. The industry was running ads against the Trudeau government’s plans to introduce plain packs on the basis that “the Australian experiment had failed.” They asserted this in national media and paid advertising, in flagrant disregard for all the credible research showing quite the opposite. I’m sure they didn’t expect a former health minister from half way around the world to be there and call them out! Great relationships across borders would have debunked their arguments – but this was a gift to ensure my visit had an unexpected impact.

How do the industry keep getting away with it?

Aren’t they embarrassed to lie?

Surely they won’t keep litigating when they so often loose?

These are all rational question - but only if you care about, or expect, honesty, decency and truthfulness in public debate.

For the industry, I have come to understand that it is rational for them to do quite the opposite. My considered belief now is that they truly don't care – the staff know they work for a pariah industry so being embarrassed isn't their thing, litigating is mitigating, so each tobacco control measure they can delay, long or short, works for their business model selling an addictive product. Time means more people get hooked, they have lifelong customers and they make more money – whether they win the cases or not.

The long, loyal tail of consumer with such an addictive product is better than most consumer items can ever boast at their peak.

That is why it is rational for the industry to persist with their appalling strategy – and why we'd better get used to fighting these tactics.

And we know all too well that the threat of litigation can have a chilling effect – If any country decided to “wait until the WTO dispute was complete,” the expenditure on lawyers by the industry will have been worth its weight in gold many times over to their business, given the decision is still not released 6 years later.

We need to stop expecting the tobacco industry to play by the rules that the rest of us have to – governments can't and won't go around lying, they won't start legal action just to obtain a delay, peer reviewed researchers can't and won't produce dodgy research, charitable advocacy groups who raise money from the public for

public good aren't going to campaign for crappy interventions or damage their reputations. Trust and respect matters to them all – so we do not fight on an even playing field.

And – now- as the big tobacco industry buys up all the e-cigarette businesses around the world and tell us they are interested in reducing smoking we should all welcome them with open arms?

Give me a break!

Why would we trust big tobacco's opinion rather than, for example, our Therapeutic Goods Administration, especially given the industry's past form and the lack of good evidence to date?

When the tobacco industry argue for an exemption in Scandinavia that "snus" is just a local tradition, but sponsor singers and sports people and other young idols and market it with glamorous packaging, do we really believe that is where it would stay, if it had a chance to export the idea?

Or when the tobacco industry announces "The Phillip Morris Foundation for a smoke-free world," why would we celebrate and welcome their pretend conversion ? Honestly, its gobsmacking, breathtaking even.

WHO made an important statement this September

“ If PMI were truly committed to a smoke-free world, the company would support [tobacco control] policies. Instead, PMI opposes them. PMI engages in large scale lobbying and prolonged and expensive litigation against evidence-based tobacco control policies ... For example, just last year PMI lost a six year investment treaty arbitration with Uruguay, in which the company spent approximately US\$ 24 million to oppose large graphic health warnings and a ban on misleading packaging in a country with fewer than four million inhabitants.

There are many unanswered questions about tobacco harm reduction (3), but the research needed to answer these questions should not be funded by tobacco companies. The tobacco industry and its front groups have misled the public about the risks associated with other tobacco products. This includes promoting so-called light and mild tobacco products as an alternative to quitting, while being fully aware that those products were not less harmful to health. (*hearing any echoes here?*) Such misleading conduct continues today with companies, including PMI, marketing tobacco products in ways that misleadingly suggest that some tobacco products are less harmful than others.

This decades-long history means that research and advocacy funded by tobacco companies and their front groups cannot be accepted at face value. ... Governments should not partner with the Foundation and the public health community should follow this lead.”

To successfully implement measures (or resist new products) against powerful, multinational tobacco interests we must constantly share expertise, warnings and research. And we mustn't forget history.

We need to know all the diversionary tactics and be ready for them. You have the skills and expertise in this very room.

Advocates, governments and policy makers can constantly learn from each other and others – to explore in some detail different national experiences and deepen their knowledge on various topics from intellectual property, trade laws, mass marketing and the WTO, investor disputes and constitutional challenges. Importantly we must step outside our professional areas of expertise to ensure we think about these measures holistically – health, economics, behavioral sciences, trade, property, labour rights and so much more.

There are lots of new issues on the tobacco control agenda – and the industry's fight back.

E-cigarettes worry me terribly, flavoured or chewable products are on the horizon and the seeds are being sown for compromised research to seep into the debate further.

We must be ready to tackle this and constantly look at new and old ideas – we must keep mass media campaigns going, we must work with disadvantaged communities, we can look at age and sale restrictions and work on new approaches like the divestment

strategy of tobacco free portfolio. (as an aside, I know Dr Bronwyn King received this award last year for her work and I am sure would love you all to know that just this week BNP Paribas (world's 7th largest bank) announced tobacco-free at a UN event in Geneva last (no lending, investing or insuring) and Australian Super is now the 41st Australian pension fund to go tobacco-free (making 60% of the superannuation market here tobacco-free).

So, I am no longer in the role to take particular actions – but am here to encourage and:

- urge ongoing and strategic effort
- to remind, with some of these examples, that your efforts have an impact and can and do deliver results
- and to remember to be constantly wary about what the tobacco industry is doing.

And to wish you the best of luck in this important, ongoing fight.

Thank you again for the honor of presenting me with this award.