

GEWERKSCHAFT NAHRUNG GENUSS GASTSTÄTTEN

Statement on Framework Convention on Tobacco Control

The Food and Allied Workers' Union (NGG) represents the interests of 265,000 members being employed in the German food and allied industries as well as in the hotel and catering sector. The NGG is member of the German Federation of Trade Unions (DGB) and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Worker's Associations (IUF). It is funded by membership fees.

NGG submits its comment on the FCTC because some 5,800 of its members are working in the tobacco industry. They will be vitally affected if the convention is adopted.

1. The plan of WHO to control worldwide tobacco consumption by means of legislation and bans is regarded with much concern by the NGG, which is the responsible trade union for the tobacco sector in Germany. Since no union representatives have been involved in the discussions about the FCTC so far it suspects that the proposed measures will be ill-balanced to the detriment of those working in the tobacco industry. Therefore, the NGG demands to let its positions be known not only through this short written submission and oral statement at the hearing from 12-13 October 2000 but also through steady participation in the ongoing process of discussion and negotiation.
2. Nobody denies that tobacco products have inherent risks and that misuse of tobacco poses serious health hazards. However, the NGG holds for true that legislation is not the appropriate means to counter these risks effectively. Tobacco smoking has a long cultural and historical tradition. There are around 100 million smokers in the EU, and another billion worldwide. It is reasonable to assume that there has always been a certain demand for tobacco as for other pleasurable goods and that this will continue. Legally enforced abstinence will only lead to either neglect of the law or its circumvention by use of other substances. Already in 1964 scientists who compiled the first US Surgeon General's report, which was the starting point for a global debate on smoking and health, asked what millions of smokers would do if deprived of tobacco. They suspected that they would turn to use other substances which might have more deleterious health effects than tobacco smoking.
3. The NGG recommends as a first priority to boost research and development for the creation of less hazardous products. Its representatives in the workers' councils of the tobacco industry insisted on such activities to be undertaken. As a result the German manufacturers invested more than two billion Deutschmarks in R & D since the 1960s. This changed the cigarette market in Germany into one of the most advanced markets of the world with regard to cigarette yields. The change happened long before the EU introduced legislation to limit the maximum tar and nicotine content. The average per capita consumption of tar has dropped. Not only increased the percentage of smokers of „light“ brands to some 30 percent but also those who switched brands from „full flavour“ to „low tar“ did not fully compensate for the loss in delivery. According to US studies low tar smoking in conjunction with the predominance of filter cigarettes has lead to a

noticeable reduction in the risk of getting lung cancer. The NGG urges WHO to include such a successful concept of a less hazardous cigarette into its catalogue of actions.

4. Tobacco is a product reserved for adults only and not for kids or young people. This view is held by the whole tobacco sector. The NGG supports all sensible campaigns by health authorities to prevent underage smoking through appropriate means appealing to the target group. The Federal Centre for Health Education which is affiliated to the Federal Health Ministry has focussed its campaigns on the promotion of non-smoking as well as on the strengthening of young people's self-confidence in dealing with pleasurable products. This approach has proved to be more successful than those approaches seeking to warn youngsters by using negative and scaring messages about the consequences of smoking. The result has been over the years a shrinking smoking rate among young people and at the same time a growing rate of never-smokers. Recent informations about a reversal in these trends need scientific analysis as to the possible causes. One can only speculate whether the press bombardement from abroad, comparing tobacco goods to narcotics and depicting smoking as a loathsome habit, might have reinforced lost attraction of the products in the eyes of some of the youngsters. The NGG equally rejects calls for a ban of cigarette vending machines as not appropriate to reduce underage smoking. Rather the trade shall be urged to use existent technical possibilities to make the machines youth-proof and retain this well-established channel of supply for the adult consumer.
5. Whether to smoke or not must be decided by the consumer himself. The free choice of consumption is a basic of modern societies. Of course he has a right to be fully informed about health risks in case of health-related risky products. Opinion polls confirm that at least in Germany smokers know about the risks they are taking when lighting up. They also accept that the responsibility for eventual health consequences lies by themselves. The NGG supports every meaningful improvement of information. It warns, however, to stun the consumer with too much information which he cannot digest anymore or to misuse information for scaring and defaming people. Both is inappropriate to get smokers think about their habit und motivate them to smoke more consciously. Instead of showering the consumer with a multitude of technical details about smoke constituents and additives he should be informed by simple product descriptions like „light“, „medium“, and „full flavour“ to better guide him to chose products with lower risks. Tobacco advertising and promotion made it possible in the past that filter cigarettes and low tar products were accepted by the consumer. It would be counter-productive to ban these means of commercial communication. They must be retained so that the actual trend towards more conscious choice of products can be strengthened.
6. It cannot be denied that there are conflicts between smokers and non-smokers especially at the workplace. They can be solved, given that there is good intention on both sides and that neither plays it ideologically. In Germany there is a legal framework to cope with smoking at work and to negotiate on the spot rules by means of shop agreements. Many shops have made use of it. There are only very few lawsuits concerning smoking at the workplace as compared to the huge number of employments. The German public is overwhelmingly of the opinion that such conflicts should be solved among the parties involved and not by state regulation. Science has to prove that smoking in the presence of a non-smoker represents such an important health hazard that legislation to protect the non-smoker is needed. The problem is that the question of passive smoking often is dealt with under political rather than scientific auspices. WHO's own cancer research institute has done the biggest case-control study in Europe about the correlation between passive smoking and lung cancer risk. It did not find any statistical significant association. This,

regretfully, did not lead WHO to publicly express doubts on the established wisdom about the cancer-causing property of passive smoking. On the contrary it simply reaffirmed it. WHO must be questioned about its neutrality.

7. The NGG fully supports WHO in its endeavour to combat international tobacco smuggling more forcefully. Smuggling jeopardizes jobs in tobacco production and tobacco retailing of those countries hit by this criminal activity. There should be comprehensive and intensive co-operation of all parties involved in legal production and trade including representatives from unions, business and the state. Since smuggling is initiated by too high tax differentials between one state and another an international harmonization of tax rates could be helpful. Realistically, there will be little chance of attaining such harmonization. Fiscal sovereignty is most dear to all states. Even partial limitation would be met with fierce resistance because it decides over tax revenues and, hence, the ability and scope for the state's performance. To ban duty free tobacco sales is no good idea either. It would not reduce consumption because demand would simply switch from duty free shops to the high street. Shrinking profitability through lack of tobacco sales would lead to unnecessary job losses in the duty free sector.
8. Urging member states, as WHO does, to finance national smoking cessation programmes including pharmaceutical aids like nicotine patches or nicotine gums is a strange thing to do. Developing countries where health priorities are much other than smoking but also developed countries where finances of health care systems are strained due to an ageing populace will find it hard to follow suit. While intensely propagating such pharmaceutical aids WHO must be careful not to rise suspicion that it is used as a promotional agency for commercial interests. It is publicly known that WHO's actual campaign for tobacco control is funded to a great deal by those pharmaceutical companies which produce and market these therapeutic aids. Irrespective of these more political aspects it should be noted that the US Surgeon General in his 1982 report conceded that 95 percent of those who chose to give up smoking did so without external help including medical aids. There are similar results in Germany according to reports from the Federal Health Ministry. The NGG warns that smokers be compared to drug addicts and made social outcasts. This is not true by factual evidence and leads only to discrimination of some 30 percent of the adult population in Germany and presents them as criminals including those, who legally manufacture and market tobacco goods.
9. The NGG is prepared to play a constructive part in the ongoing debate about WHO's framework convention. There are fields of co-operation where the NGG is willing to bring in its specific expertise and experience so that progress can be made in matters of common interest. But it has to be clear that in all other matters where there are conflicts the NGG will stand for the interests of its membership. WHO should also be interested to enter into such a constructive but critical dialogue. Any common project, on which mutual agreement has been reached, has a much better chance to pass the German Parliament and be implemented by the German government.

Hamburg, 31st August 2000