

Tobacco Industry's "Corporate Social Responsibility" Ban: Global Status as of June 2024

74 COUNTRIES BAN TOBACCO INDUSTRY'S SO-CALLED CORPORATE SOCIAL RESPONSIBILITY ACTIVITIES (CSR) THEREOF

Algeria	Finland	Mauritania	Slovakia
Antigua and Barbuda	France	Mauritius	Slovenia
Argentina	Gabon	Mexico	Spain
Austria	Gambia	Mongolia	Sudan
Bahrain	Ghana	Myanmar	Suriname
Benin	Guinea	Nepal	Sweden
Bolivia (Plurinational State of)	Guyana	Netherlands (Kingdom of the)	Türkiye
Burkina Faso	Iran (Islamic Republic of)	Niger	Togo
Côte d'Ivoire	Iraq	Nigeria	Turkmenistan
Cabo Verde	Jordan	Niue	Uganda
Congo	Kenya	Norway	Ukraine
		Occupied Palestinian Territory, including east Jerusalem	
Costa Rica	Kiribati	Panama	United Arab Emirates
Croatia	Kyrgyzstan	Paraguay	Uruguay
Cyprus	Lao People's Democratic Republic	Portugal	Venezuela (Bolivarian Republic of)
Democratic Republic of the Congo	Lebanon	Qatar	
Denmark	Libya		

SOURCE:

2022 World Health Organization, 'The Global Health Observatory: [Ban on Corporate Social Responsibility activities \(CSR\)](#).

51 COUNTRIES BAN TOBACCO COMPANIES/THE TOBACCO INDUSTRY FROM ONLY PUBLICIZING THEIR SO-CALLED CORPORATE SOCIAL RESPONSIBILITY (CSR) ACTIVITIES

Afghanistan**	Ecuador	Palau***	Vanuatu
Albania	El Salvador	Papua New Guinea	Viet Nam
Armenia	Georgia	Samoa	Yemen
Azerbaijan	Iceland	Saudi Arabia	
Bangladesh	India	Singapore	
Belgium	Ireland	Solomon Islands	
Bhutan***	Kazakhstan	South Africa	
Brazil	Kuwait	Sri Lanka***	
Brunei	Malaysia***	Syrian Arab Republic	
Darussalam	Maldives	Tajikistan***	
Burundi	Malta*	Thailand	
Cameroon***	Montenegro*	Timor-Leste***	
Canada***	Nauru	Tonga	
Cambodia	New Zealand	Trinidad and Tobago	
Chad*	Nicaragua*	Tunisia	
Colombia	North Macedonia	Tuvalu***	
Cook Islands			

* Included based on the WHO FCTC Secretariat Parties Reports, *Progress made in implementing Article 13*, (2023)

**Included based on the source: *Ban on any form of contribution (financial or other support) to any event, activity or individual*. (Tobacco control: Enforce bans) 2022 World Health Organization, 'The Global Health Observatory.

***Included based on the source: *Banning the publicity of financial or other sponsorship or support by the tobacco industry of events, activities, individuals* (Tobacco control: Enforce bans) 2022 World Health Organization, 'The Global Health Observatory.

SOURCES:

2022 World Health Organization, 'The Global Health Observatory: *Ban on tobacco companies/the tobacco industry publicizing their CSR activities*.

Including the non-tobacco entities publicizing tobacco activities based on the Source: *Ban on entities other than tobacco companies/the tobacco industry publicizing the CSR activities of the tobacco companies/industry* (Tobacco control: Enforce bans), 2022 World Health Organization, 'The Global Health Observatory.

CORPORATE SOCIAL RESPONSIBILITY (CSR)

Tobacco industry's so-called "CSR" falls under TAPS (Tobacco Advertising, Promotion and Sponsorship). Because "a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products," the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) obligates Parties to comprehensively ban these including cross border ones (originating from or coming in to one's own territory). A Party can apply restrictions in lieu of a ban if it is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles.[i] Tobacco industry's contributions, sponsorships, and related activities can fall under or promoted as tobacco industry's so-called socially responsible activities. While many countries have banned such activities, some simply ban the publicity of these activities.

Guidelines for the Implementation of Article 13 of the WHO FCTC (Tobacco Advertising, Promotion and Sponsorship), herein referred to as Guidelines describes tobacco industry "CSR" as follows:

"It is increasingly common for tobacco companies to seek to portray themselves as good corporate citizens by making contributions to deserving causes or by otherwise promoting "socially responsible" elements of their business practices"

Some tobacco companies make financial or in-kind contributions to organizations, such as community, health, welfare or environmental organizations, either directly or through other entities. Such contributions fall within the definition of tobacco sponsorship in Article 1(g) of the Convention and should be prohibited as part of a comprehensive ban, because the aim, effect or likely effect of such a contribution is to promote a tobacco product or tobacco use either directly or indirectly. Tobacco companies may also seek to engage in "socially responsible" business practices (such as good employee–employer relations or environmental stewardship), which do not involve contributions to other parties. Promotion to the public of such otherwise commendable activities should be prohibited, as their aim, effect or likely effect is to promote a tobacco product or tobacco use either directly or indirectly. Public dissemination of such information should be prohibited, except for the purposes of required corporate reporting (such as annual reports) or necessary business administration (e.g. for recruitment purposes and communications with suppliers).

Tobacco industry public education campaigns, such as "youth smoking prevention campaigns" should be prohibited on the basis that they involve "contributions" when implemented by other parties or represent corporate promotion if conducted by the industry itself.

Recommendation

The Parties should ban contributions from tobacco companies to any other entity for "socially responsible causes", as this is a form of sponsorship. Publicity given to "socially responsible" business practices of the tobacco industry should be banned, as it constitutes advertising and promotion."[ii]

THE ANNEX TO THE GUIDELINES ELABORATES ON THE ROLE OF DIGITAL MEDIA ON TOBACCO ACTIVITIES INCLUDING ITS SO-CALLED CORPORATE SOCIAL RESPONSIBILITY:

"1. Digital media-sharing platforms provide the tobacco industry an additional platform for promoting their products and undermining tobacco control strategies. TAPS on these sites include... Corporate and campaign promotions. Tobacco companies, or those working to further their interests, promote a corporate or campaign brand rather than a tobacco product brand and operate social media accounts that promote the corporate or campaign brand. Corporate promotion campaigns and actions portray tobacco companies as innovative performers and socially responsible actors, and often advance novel tobacco products as less harmful alternatives to traditional cigarettes, often despite a lack of independent scientific evidence to support such claims.

2. Tobacco companies and those working to further their interests operate social media accounts and websites with content that is broadcast across borders. These sites are frequently used not solely for legitimate expression, but also to promote the corporate brands of a company, to promote specific products or disseminate brand messaging under the guise of providing information to consumers, or as an exercise in corporate social responsibility. Social networking sites and corporate websites are used by the tobacco industry to reinvent itself as a modern, socially responsible, sustainable industry and dissociate itself from the harm caused by its products." [iii]

TOBACCO EXTENDED PRODUCER RESPONSIBILITY (EPR)

The 10th session of the WHO FCTC Conference of the Parties decided "to urge Parties to counter the so-called corporate social responsibility activities of the tobacco industry, and to ensure that WHO FCTC objectives are not undermined through the industry's implementation of extended producer responsibility systems." [iv]

Acknowledgements and Authorship



This brief was prepared by Deborah Sy, Farah Niazi and Shivam Bose of the Global Center for Good Governance in Tobacco Control (GGTC). Alvin Escritor and Rajika Mahajan are acknowledged for formatting and editorial support. GGTC empowers change-makers with cutting-edge strategies and tools to ensure that the health of millions around the world would not suffer at the hands of the tobacco industry.

REFERENCES

- i. "1. Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products.
2. Each Party shall, in accordance with its constitution or constitutional principles, undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship. This shall include, subject to the legal environment and technical means available to that Party, a comprehensive ban on cross-border advertising, promotion and sponsorship originating from its territory...
3. A Party that is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles shall apply restrictions on all tobacco advertising, promotion and sponsorship. This shall include, ... on advertising, promotion and sponsorship originating from its territory with cross-border effects.
4. As a minimum, and in accordance with its constitution or constitutional principles, each Party shall:
(a) prohibit all forms of tobacco advertising, promotion and sponsorship that promote a tobacco product by any means that are false, misleading or deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions; ...
(d) require, if it does not have a comprehensive ban, the disclosure to relevant governmental authorities of expenditures by the tobacco industry on advertising, promotion and sponsorship not yet prohibited...
(f) prohibit, or in the case of a Party that is not in a position to prohibit due to its constitution or constitutional principles restrict, tobacco sponsorship of international events, activities and/or participants therein.
5. Parties are encouraged to implement measures beyond the obligations set out in paragraph 4.
7. Parties which have a ban on certain forms of tobacco advertising, promotion and sponsorship have the sovereign right to ban those forms of cross-border tobacco advertising, promotion and sponsorship entering their territory and to impose equal penalties as those applicable to domestic advertising, promotion and sponsorship originating from their territory in accordance with their national law...". WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL. Available at: <https://iris.who.int/bitstream/handle/10665/42811/9241591013.pdf;jsessionid=...>
- ii. Guidelines for implementation of Article 13, WHO Framework Convention on Tobacco Control, January 1, 2013. Available at: <https://fctc.who.int/publications/m/item/tobacco-advertising-promotion-and-sponsorship>
- iii. DECISION FCTC/COP10(23) Specific guidelines to address cross-border tobacco advertising, promotion and sponsorship and the depiction of tobacco in entertainment media for implementation of Article 13 (Tobacco advertising, promotion and sponsorship) of the WHO FCTC. Available at: <https://storage.googleapis.com/who-fctc-cop10-source/Decisions/fctc-cop-10-23-en.pdf>
- iv. DECISION FCTC/COP10(14) Implementation of Article 18 of the WHO FCTC. Available at: <https://storage.googleapis.com/who-fctc-cop10-source/Decisions/fctc-cop-10-14-en.pdf>