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Tobacco Industry Dominating National  
Tobacco Policy Making in Argentina,  
1966-2005

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# Tobacco Industry Dominating National Tobacco Policy Making in Argentina, 1966-2005

## Abstract

### EXECUTIVE SUMMARY

Argentina accounts for 15% of total tobacco consumption in Latin America and has made the epidemiological transition to an advanced stage in the tobacco epidemic. The Southern Cone region of the Americas leads the hemisphere in tobacco attributable mortality. Argentina is a developing country with economic interests in tobacco growing and rapidly increasing tobacco use in urban areas. In 2000, smoking prevalence was 40.4% among adults- 46.8% of men and 34% of women- and Buenos Aires urban youth (13 to 15 years old) had a 30.2% 30-day smoking prevalence (27.8% male; 31.8% female) compared to 17.7% (17.8% male; 17.7% female) in the United States. Argentina also has a high smoking prevalence among health professionals (30.3% of physicians, and 36.3% of nurses currently smoke).

Given the limited smoking restrictions in indoor environments the general population is highly exposed to secondhand smoke both in public and private places. In 2000, the percentage of young people aged 13 to 15 years exposed to secondhand smoke in Buenos Aires was 69.6% at home, 87.6%, in public places, and 27.6% from their friends. A multi-country study carried out in seven Latin American cities in 2004 showed that the city of Buenos Aires had the highest airborne nicotine levels inside hospitals, schools, government buildings, airports, and restaurants observed.

According to the National Program on Tobacco Control of the Ministry of Health and Environment of Argentina, tobacco use causes 40,000 deaths per year, including 6,000 due to secondhand smoke. The cost of the treatment of tobacco-related diseases is more than 4,330 million pesos per year, which represents 15.5 % of the total public expenditure on health care. Meanwhile, the

tobacco excise taxes collected by the government are only 3,500 million pesos per year.

The transnational tobacco companies working through their local affiliates dominate production and marketing of cigarettes in Argentina. Philip Morris International and British American Tobacco, as well as other transnational tobacco companies such as Liggett, Reemtsma, Lorillard, and RJ Reynolds International—through their local subsidiaries Massalín-Particulares and Nobleza-Piccardo—have been actively influencing public health policy-making in Argentina since the early 1970s. These transnational tobacco companies have used the same strategies in Argentina as in the United States to block meaningful tobacco control.

## Methods

This report uses three main sources to describe the interference of the tobacco industry in tobacco control efforts in Argentina. First, we examined the tobacco industry documents in the University of California San Francisco Legacy Tobacco Documents Library (<http://legacy.library.ucsf.edu>) and British American Tobacco Documents Archive (<http://bat.library.ucsf.edu>) and in Tobacco Documents Online ([www.tobaccodocuments.org](http://www.tobaccodocuments.org)). We also used internet resources, major Argentinean newspapers (Clarín, La Nación, Página 12, La Prensa), local magazines (Muy Interesante, Revista 23, Somos, Humor, VEA), and the Argentinean National Congress Library for complete texts of the laws, bills and other tobacco control measures. Finally, we conducted face-to-face interviews with congressmen, public health officials, and tobacco control advocates in Buenos Aires during December 2003.

## Results

- In 1966, the first bill on tobacco regulation was introduced in the Argentinean Congress to adopt a mandatory warning label on cigarette packs, but did not pass. In 1970 the government promulgated Law 18.604 that ended cigarette advertising on radio, television, and in movie theaters, and established fines for violators. This law was in effect only for one year.
- In 1973 and 1974, two bills were introduced that would have placed a health warning label on tobacco products and advertisements, but these bills were not approved due to the intervention of the Cámara de la Industria del Tabaco (Chamber of Tobacco Industry), the tobacco industry's national manufacturers' association.
- In 1977, as in the USA and other countries, the Chamber of Tobacco Industry created a weak and ineffective voluntary self-regulating code to avoid strong legislated restrictions on cigarette advertising.

- In 1976 and 1979, the Ministry of Social Welfare drafted two bills to regulate the content of tobacco and alcohol advertisements and to require a warning label on cigarette packages. Tobacco Industry representatives lobbied government officials claiming that the established voluntary industry code was adequate and both bills died.
- In the early 1980s, the Chamber of Tobacco Industry created the “Smoking Controversy Department” to counteract and undermine potential legislation. This department organized “Information Seminars” intended for selective community groups to promote the industry’s position that the causal links between smoking and disease had not been proven. Seminars were aimed at the managers of tobacco production associations, agricultural technicians, physicians, scientists, journalists, tobacco advertising agencies, tobacco products distributors, elected officials, and Ministers of Health. The Smoking Controversy Department also produced and promoted literature arguing the industry’s position.
- During the 1980s, efforts to pass comprehensive tobacco control legislation intensified. These attempts were neutralized by a much better-organized tobacco industry that implemented a public campaign to lobby health authorities and convince journalists and the public that there was a “controversy” about the links between smoking and disease.
- In 1986, the National Congress passed Law 23.344 that essentially codified the tobacco industry’s ineffective voluntary advertising code and placed the weak health warning label “Fumar es perjudicial para la Salud” (Smoking is harmful to health) print on cigarette packs. Industry representatives had meetings with selected influential federal and provincial ministers, governors, and federal senators to water down the original proposal introduced by Representative Lorenzo Pepe in 1984.
- In 1992, the 8th World Conference on Tobacco or Health was held in Buenos Aires. Local tobacco control advocates tried to push for the approval of a new comprehensive tobacco control bill in the Congress introduced by Representative Aldo Neri in 1990. At the same time, Philip Morris International and British American Tobacco worked together to divert the attention of the conference by organizing briefings with friendly journalists to create controversy about secondhand smoke.
- In September 1992, the Neri Bill was approved in the Congress. The tobacco industry rapidly organized and orchestrated a major lobbying and public relations campaign to defeat it with the help of front groups (e.g., the International Advertising Association, the Inter-American Press Association, the Inter-American Society for Freedom of Commercial Speech, and the Argentine Association of Advertising Agencies), “scientific” consultants secretly hired and managed by industry lawyers based in the US, and Congressmen from the tobacco growing provinces. Ten days later, on October 10, President Carlos

Menem vetoed the law.

- Between 1992 and 2000, the tobacco industry supported alternative legislation to write the industry's ineffective voluntary marketing code into law. Even though they were not approved, these bills distracted political and public attention so that all efforts at meaningful tobacco control legislation were neutralized.
- Since the mid-1990s, the tobacco industry has been promoting its "accommodation" program "La Cortesía de Elegir" (The Courtesy of Choice), to avoid legislation to end secondhand smoke exposure in restaurants and bars and to maintain the social acceptability of smoking.
- Since 1997, the tobacco industry has been promoting ineffective "youth smoking prevention" programs (such as "Yo Tengo P.O.D.E.R." [I Have Power] and "Yo NO Vendo Cigarrillos a Menores de 18 Años" [I DO NOT Sell Cigarettes to Minors under 18]) to preempt meaningful anti-tobacco education by the government and to shift the focus away from the industry's responsibility for increasing youth smoking through its advertising and marketing.
- In 2003, the Lower House Public Health Committee drafted a version that consolidated 18 tobacco control bills (including one from Representative Neri) but again, the tobacco industry succeeded in burying the bills.
- In September 2003, President Néstor Kirchner signed the Framework Convention on Tobacco Control, the first international public health treaty negotiated by the 192 countries under the auspices of the World Health Organization. The ratification process in the Argentinean Senate remained bogged down as of September 2005, with limited efforts to ratify it. It appears that the industry is effectively lobbying Argentinean legislators not to ratify the treaty.
- In August 2005, the Ministry of Health and Environment introduced in the Senate a new comprehensive tobacco control bill that follows the minimum standards required by the Framework Convention on Tobacco Control, including the creation of smokefree public places (including bars and restaurants) and workplaces, the end of all types of tobacco advertising (except point-of-sale) and sponsorship, and the placement of rotating health warning labels and images in cigarette packages. It also bans misleading descriptors (such as "light") and requires the placement of maximum levels of nicotine and tar print on packages.

## Recommendations

1. The journalists from print and electronic media, public health advocates, politicians and institutional leaders need to become more aware of how the transnational tobacco industry has manipulated and influenced policy making

in Argentina, which affects the health of the public, and report this information to the public.

2. The national government, through the Ministry of Health and Environment, should implement a comprehensive educational campaign to enhance awareness about the health dangers of secondhand smoke and to promote the enactment of city-wide, provincial and national ordinances that prohibit indoor exposure to secondhand smoke.

3. Argentina should implement the principal provisions of the Framework Convention such as increased taxes, a complete advertising ban, and graphic pictorial warning labels on cigarette packages.

4. The federal government and health care industry need to support effective smoking cessation services, such as quit-lines, at minimal cost to all smokers.

## RESUMEN

Argentina representa el 15% del consumo total de tabaco en América Latina y se encuentra en una fase avanzada de la transición epidemiológica en la epidemia del tabaquismo. La región del Cono Sur de las Américas lidera el hemisferio en mortalidad atribuible por tabaco. Argentina es un país en desarrollo con intereses económicos en el cultivo de tabaco y un alto consumo de tabaco en áreas urbanas. En 2000, la prevalencia del consumo de tabaco en adultos fue del 40.4% (46.8% en varones; 34% en mujeres). El mismo año, la prevalencia del consumo de tabaco en los últimos 30 días, en jóvenes de 13 a 15 años de la ciudad de Buenos Aires, fue del 30.2% (27.8 % en varones; 31.8% en mujeres) comparada con 17.7% (17.8% en varones; 17.7% en mujeres) en los Estados Unidos. Argentina posee también una alta prevalencia de consumo de tabaco entre los profesionales de la salud (30% de los médicos y 36.6% de los enfermeros actualmente fuman).

Debido a las escasas restricciones al consumo de tabaco en ambientes cerrados, la población general está altamente expuesta al humo de tabaco ajeno, tanto en lugares públicos como en privados. En 2000, el porcentaje de jóvenes de 13 a 15 años expuestos al humo de tabaco ajeno en Buenos Aires, fue del 69,6% en sus casas, 87,6% en lugares públicos y 27,6% de sus amigos. Un estudio multicéntrico llevado a cabo en siete ciudades latinoamericanas en 2004, mostró que la ciudad de Buenos Aires tenía la mayor concentración de nicotina ambiental en hospitales, escuelas, edificios gubernamentales, aeropuertos y restaurantes observados.

De acuerdo al Programa Nacional de Control del Tabaco del Ministerio de Salud y Ambiente de la Argentina, el uso de tabaco causa 40.000 muertes anuales, incluyendo 6.000 debido a la exposición al humo de tabaco ajeno. El costo del tratamiento de la enfermedades relacionadas al tabaco es de más de 4.330 mil-

lones de pesos por año, el cual representa el 15,5% del gasto público total en salud. Mientras tanto, los impuestos al tabaco recaudados por el gobierno son sólo 3.500 millones de pesos al año.

Las compañías transnacionales de tabaco, trabajando a través de sus filiales locales, dominan la producción y la comercialización de los cigarrillos en la Argentina. Philip Morris International y British American Tobacco, así como otras compañías transnacionales de tabaco tales como Liggett, Reemtsma, Lorillard y RJ Reynolds International, a través de sus subsidiarias locales Massalín-Particulares y Nobleza-Piccardo, han influenciando activamente las políticas de salud pública en Argentina desde comienzo de los años 1970s. Estas compañías transnacionales de tabaco han utilizado las mismas estrategias en Argentina que en Estados Unidos para bloquear políticas de control del tabaco significativas.

## Métodos

El siguiente reporte utiliza tres fuentes principales para describir la interferencia de la industria del tabaco en los esfuerzos por controlar el tabaco en Argentina. Primero, examinamos los documentos de la industria del tabaco que se encuentran disponibles en la internet en las bibliotecas Legacy Tobacco Documents Library (<http://legacy.library.ucsf.edu>) y British American Tobacco Documents Archive (<http://bat.library.ucsf.edu>) de la Universidad de California en San Francisco, y en Tobacco Documents Online ([www.tobaccodocuments.org](http://www.tobaccodocuments.org)). También utilizamos otras fuentes de información de la internet, los principales periódicos argentinos (Clarín, La Nación, Página 12, La Prensa), revistas locales (Muy Interesante, Revista 23, Somos, Humor, VEA), y la Biblioteca del Congreso de la Nación de la Argentina para ubicar y analizar los textos completos de leyes, proyectos de ley, y otras medidas de control del tabaco. Finalmente, en diciembre de 2003, realizamos entrevistas cara a cara en la ciudad de Buenos Aires, con legisladores, funcionarios de salud pública y activistas para el control del tabaco.

## Resultados

- En 1966 fue introducido en el Congreso Nacional argentino el primer proyecto de ley para la regulación del tabaco. El proyecto, que no fue aprobado, requería la colocación obligatoria de una etiqueta de advertencia sanitaria en todos los paquetes de cigarrillos. En 1970, el gobierno promulgó la Ley 18.604 que ponía fin a la publicidad de los cigarrillos en la radio, la televisión y los cines, y establecía multas para los infractores. Sin embargo, esta ley estuvo en vigencia sólo durante un año.
- En 1973 y 1974 dos proyectos de ley ingresados en el Congreso Nacional requerían la colocación de una etiqueta de advertencia sanitaria en los envases de los productos de tabaco y en su publicidad. Sin embargo, estos proyectos no fueron aprobados debido a la intervención de la Cámara de la Industria del

Tabaco, la asociación nacional de productores de la industria del tabaco.

- En 1977, de la misma manera que en los Estados Unidos y otros países del mundo, la Cámara de la Industria del Tabaco creó voluntariamente un Código de Autorregulación Publicitaria débil e inefectivo para evitar la aprobación de legislación que contemplara fuertes restricciones a la publicidad del tabaco.

- En 1976 y 1979 el Ministerio de Bienestar Social de la Nación preparó dos proyectos de ley para regular el contenido de la publicidad del tabaco y el alcohol y para requerir una etiqueta de advertencia sanitaria en los paquetes de cigarrillos. Representantes de la industria del tabaco ejercieron presión política sobre funcionarios del gobierno reclamando que el ya voluntariamente establecido Código de Autorregulación Publicitaria de la industria era suficiente. Finalmente, ambos proyectos fueron archivados.

- A principios de los años 1980s la Cámara de la Industria del Tabaco creó el “Departamento sobre la Controversia del Tabaco” como una herramienta para contrarrestar y menoscabar una posible futura legislación anti-tabaco. Este departamento organizó “Seminarios de Información” dirigidos a grupos específicos de la comunidad para promocionar la posición de la industria por la cual la relación causal entre tabaco y enfermedad no estaba comprobada. Los seminarios estuvieron dirigidos a gerentes de asociaciones de productores de tabaco, técnicos agricultores, médicos, científicos, periodistas, agencias de publicidad del tabaco, distribuidores de productos del tabaco, Ministros de Salud y otros funcionarios gubernamentales. El “Departamento sobre la Controversia del Tabaco” también editó y promocionó publicaciones exponiendo la posición de la industria del tabaco.

- Durante los años 1980s se intensificaron los esfuerzos para aprobar una legislación amplia para el control del tabaco. Estos intentos fueron neutralizados por una industria del tabaco mucho mejor organizada que orquestó una campaña pública para ejercer presión sobre las autoridades de salud, y convencer a periodistas y al público en general sobre lo que la industria llamó la “controversia” sobre tabaco y salud.

- En 1986 el Congreso Nacional aprobó la Ley 23.344 que esencialmente codificó el inefectivo y voluntario Código de Autorregulación Publicitaria de la industria del tabaco y requirió la colocación de la débil etiqueta de advertencia sanitaria “Fumar es perjudicial para la Salud” en los paquetes de cigarrillos. Representantes de la industria del tabaco tuvieron reuniones con influyentes ministros nacionales y provinciales, gobernadores y senadores nacionales para “suavizar” el proyecto de ley original introducido en 1984 por el Diputado Nacional Lorenzo Pepe.

- En 1992 la 8va Conferencia Mundial sobre Tabaco o Salud se llevó a cabo en la ciudad de Buenos Aires. Activistas locales para el control del tabaco



intentaron presionar para la aprobación en el Congreso de una ley amplia la cual había sido introducida en 1990 por el Diputado Nacional Aldo Neri. Al mismo tiempo, Philip Morris International y British American Tobacco trabajaron juntas para desviar la atención de la conferencia, organizando sesiones informativas con periodistas “amigos” para crear controversia sobre los efectos de la exposición pasiva al humo de tabaco.

- El 30 de septiembre de 1992, la Ley Neri fue aprobada en el Congreso Nacional. Sin embargo, la industria del tabaco rápidamente organizó y orquestó un exitoso plan para derrotarla con la ayuda de grupos de fachada (por ej. la Asociación Internacional de Publicidad, la Asociación de Prensa InterAmericana, la Sociedad InterAmericana para la Libertad de Expresión Comercial, y la Asociación Argentina de Agencias de Publicidad), consultores “científicos” contratados y orientados por la industria y legisladores de las provincias tabacaleras, y montó una gran campaña de relaciones públicas y de presión política. Diez días más tarde, el 10 de octubre, la ley fue vetada por el Presidente Carlos Menem.

- Entre 1992 y 2000, la industria del tabaco apoyó proyectos de ley “alternativos” que estaban en consonancia con su Código de Autorregulación Publicitaria. A pesar de no haber sido aprobados, estos proyectos sirvieron para distraer la atención política y pública y de esa manera, todos los esfuerzos para el control del tabaco fueron neutralizados.

- Desde mediados de los años 1990s la industria del tabaco ha estado promoviendo su programa de “acomodación” conocido como “La Cortesía de Elegir” o “Convivencia en Armonía”, para evitar legislación que ponga fin a la exposición pasiva al humo de tabaco ajeno en restaurantes y bares, y para mantener la aceptación social del consumo de tabaco.

- Desde 1997 la industria del tabaco ha estado promoviendo programas de “prevención del uso de tabaco en jóvenes” inefectivos (tales como “Yo Tengo P.O.D.E.R.” y “Yo NO Vendo Cigarrillos a Menores de 18 Años”) para evitar campañas educativas anti-tabaco por parte del gobierno y para desplazar el foco de atención por la responsabilidad que la industria tiene, a través de la publicidad y comercialización de sus productos, en el incremento del uso de tabaco entre los jóvenes.

- En 2003, la Comisión de Acción Social y Salud Pública de la Cámara de Diputados de la Nación escribió un Dictamen Final que consolidaba 18 proyectos de ley para el control del tabaco (uno de ellos del Diputado Aldo Neri) pero una vez más, la industria del tabaco tuvo éxito en cajonear los mismos.

- En septiembre de 2003, el Presidente Néstor Kirchner firmó el Convenio Marco para el Control del Tabaco, el primer tratado internacional sobre salud pública negociado por 192 países bajo los auspicios de la Organización Mundial de la Salud. Al mes de septiembre de 2005, el proceso de ratificación en el Senado

argentino permanece estancado con pocos esfuerzos para ratificarlo. En vista de los acontecimientos pasados parecería que la industria ha estado ejerciendo presión exitosamente sobre los legisladores argentinos para que no ratifiquen el convenio.

- En agosto de 2005, el Ministerio de Salud y Medio Ambiente introdujo en el Senado de la Nación un nuevo proyecto de ley amplio para el control del tabaco que está en sintonía con los estándares mínimos requeridos por el Convenio Marco para el Control del Tabaco. El proyecto contempla la creación de ambientes públicos y lugares de trabajo libres de humo de tabaco (incluyendo bares y restaurantes), la prohibición de la publicidad (excepto en los lugares de venta) y el patrocinio y la colocación de etiquetas de advertencias sanitarias rotatorias con imágenes, en los paquetes de cigarrillos. También prohíbe la colocación de descriptores engañosos (tales como “suaves”) y requiere los niveles máximos de nicotina y alquitrán impresos en los en los envases de tabaco.

#### Recomendaciones

1. Periodistas tanto de los medios gráficos como electrónicos, activistas de la salud pública y líderes institucionales, deberían tomar conocimiento sobre como las compañías transnacionales del tabaco han manipulado e influenciado las políticas de control del tabaco en la Argentina lo cual afecta la salud de la población, y comunicar esta información a la población general.
2. El gobierno nacional, a través del Ministerio de Salud y Ambiente, debería implementar una amplia campaña educativa para aumentar la conciencia sobre los daños a la salud provocados por la exposición pasiva al humo de tabaco ajeno, y promover la aprobación de legislación local, provincial y nacional que impida la exposición pasiva al humo de tabaco ajeno en lugares cerrados.
3. Argentina debería implementar los estándares principales del Convenio Marco para el Control del Tabaco, tales como el aumento de los impuestos al tabaco, la prohibición total de la publicidad, y la colocación de etiquetas de advertencia sanitarias con imágenes en los paquetes de cigarrillos.
4. El gobierno nacional y el sector privado de la atención de la salud deben apoyar servicios de cesación tabáquica efectivos, tales como las líneas telefónicas de ayuda para dejar de fumar, a un bajo costo para todos los fumadores.

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This report is available on the World Wide Web at <http://repositories.cdlib.org/ctcre/tcpmi/Argentina2005>. This report is one of a series of reports that analyze tobacco industry campaign contributions, lobbying, and other political activity throughout the United States and elsewhere. Other reports on tobacco policy making are available on the World Wide Web at <http://repositories.cdlib.org/ctcre/>



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- Between 1992 and 2000, the tobacco industry supported alternative legislation to write the industry’s ineffective voluntary marketing code into law. Even though they were not approved, these bills distracted political and public attention so that all efforts at meaningful tobacco control legislation were neutralized.
- Since the mid-1990s, the tobacco industry has been promoting its “accommodation” program “La Cortesía de Elegir” (The Courtesy of Choice), to avoid legislation to end secondhand smoke exposure in restaurants and bars and to maintain the social acceptability of smoking.
- Since 1997, the tobacco industry has been promoting ineffective “youth smoking prevention” programs (such as “Yo Tengo P.O.D.E.R.” [I Have Power] and “Yo NO Vendo Cigarrillos a Menores de 18 Años” [I DO NOT Sell Cigarettes to Minors under 18]) to preempt meaningful anti-tobacco education by the government and to shift the focus away from the industry’s responsibility for increasing youth smoking through its advertising and marketing.
- In 2003, the Lower House Public Health Committee drafted a version that consolidated 18 tobacco control bills (including one from Representative Neri) but again, the tobacco industry succeeded in burying the bills.
- In September 2003, President Néstor Kirchner signed the Framework Convention on Tobacco Control, the first international public health treaty negotiated by the 192 countries under the auspices of the World Health Organization. The ratification process in the Argentinean Senate remained bogged down as of September 2005, with limited efforts to ratify it. It appears that the industry is effectively lobbying Argentinean legislators not to ratify the treaty.
- In August 2005, the Ministry of Health and Environment introduced in the Senate a new comprehensive tobacco control bill that follows the minimum standards required by the Framework Convention on Tobacco Control, including the creation of smokefree public



places (including bars and restaurants) and workplaces, the end of all types of tobacco advertising (except point-of-sale) and sponsorship, and the placement of rotating health warning labels and images in cigarette packages. It also bans misleading descriptors (such as “light”) and requires the placement of maximum levels of nicotine and tar print on packages.

## **Recommendations**

1. The journalists from print and electronic media, public health advocates, politicians and institutional leaders need to become more aware of how the transnational tobacco industry has manipulated and influenced policy making in Argentina, which affects the health of the public, and report this information to the public.
2. The national government, through the Ministry of Health and Environment, should implement a comprehensive educational campaign to enhance awareness about the health dangers of secondhand smoke and to promote the enactment of city-wide, provincial and national ordinances that prohibit indoor exposure to secondhand smoke.
3. Argentina should implement the principal provisions of the Framework Convention such as increased taxes, a complete advertising ban, and graphic pictorial warning labels on cigarette packages.
4. The federal government and health care industry need to support effective smoking cessation services, such as quit-lines, at minimal cost to all smokers.

## RESUMEN

Argentina representa el 15% del consumo total de tabaco en América Latina y se encuentra en una fase avanzada de la transición epidemiológica en la epidemia del tabaquismo. La región del Cono Sur de las Américas lidera el hemisferio en mortalidad atribuible por tabaco. Argentina es un país en desarrollo con intereses económicos en el cultivo de tabaco y un alto consumo de tabaco en áreas urbanas. En 2000, la prevalencia del consumo de tabaco en adultos fue del 40.4% (46.8% en varones; 34% en mujeres). El mismo año, la prevalencia del consumo de tabaco en los últimos 30 días, en jóvenes de 13 a 15 años de la ciudad de Buenos Aires, fue del 30.2% (27.8 % en varones; 31.8% en mujeres) comparada con 17.7% (17.8% en varones; 17.7% en mujeres) en los Estados Unidos. Argentina posee también una alta prevalencia de consumo de tabaco entre los profesionales de la salud (30% de los médicos y 36.6% de los enfermeros actualmente fuman).

Debido a las escasas restricciones al consumo de tabaco en ambientes cerrados, la población general está altamente expuesta al humo de tabaco ajeno, tanto en lugares públicos como en privados. En 2000, el porcentaje de jóvenes de 13 a 15 años expuestos al humo de tabaco ajeno en Buenos Aires, fue del 69,6% en sus casas, 87,6% en lugares públicos y 27,6% de sus amigos. Un estudio multicéntrico llevado a cabo en siete ciudades latinoamericanas en 2004, mostró que la ciudad de Buenos Aires tenía la mayor concentración de nicotina ambiental en hospitales, escuelas, edificios gubernamentales, aeropuertos y restaurantes observados.

De acuerdo al Programa Nacional de Control del Tabaco del Ministerio de Salud y Ambiente de la Argentina, el uso de tabaco causa 40.000 muertes anuales, incluyendo 6.000 debido a la exposición al humo de tabaco ajeno. El costo del tratamiento de la enfermedades relacionadas al tabaco es de más de 4.330 millones de pesos por año, el cual representa el 15,5% del gasto público total en salud. Mientras tanto, los impuestos al tabaco recaudados por el gobierno son sólo 3.500 millones de pesos al año.

Las compañías transnacionales de tabaco, trabajando a través de sus filiales locales, dominan la producción y la comercialización de los cigarrillos en la Argentina. Philip Morris International y British American Tobacco, así como otras compañías transnacionales de tabaco tales como Liggett, Reemtsma, Lorillard y RJ Reynolds International, a través de sus subsidiarias locales Massalín-Particulares y Nobleza-Piccardo, han influenciando activamente las políticas de salud pública en Argentina desde comienzo de los años 1970s. Estas compañías transnacionales de tabaco han utilizado las mismas estrategias en Argentina que en Estados Unidos para bloquear políticas de control del tabaco significativas.

## Métodos

El siguiente reporte utiliza tres fuentes principales para describir la interferencia de la industria del tabaco en los esfuerzos por controlar el tabaco en Argentina. Primero, examinamos los documentos de la industria del tabaco que se encuentran disponibles en la internet en las bibliotecas Legacy Tobacco Documents Library (<http://legacy.library.ucsf.edu>) y British American Tobacco Documents Archive (<http://bat.library.ucsf.edu>) de la Universidad de California en San Francisco, y en Tobacco Documents Online ([www.tobaccodocuments.org](http://www.tobaccodocuments.org)).

También utilizamos otras fuentes de información de la internet, los principales periódicos argentinos (*Clarín, La Nación, Página 12, La Prensa*), revistas locales (*Muy Interesante, Revista 23, Somos, Humor, VEA*), y la Biblioteca del Congreso de la Nación de la Argentina para ubicar y analizar los textos completos de leyes, proyectos de ley, y otras medidas de control del tabaco. Finalmente, en diciembre de 2003, realizamos entrevistas cara a cara en la ciudad de Buenos Aires, con legisladores, funcionarios de salud pública y activistas para el control del tabaco.

## Resultados

- En 1966 fue introducido en el Congreso Nacional argentino el primer proyecto de ley para la regulación del tabaco. El proyecto, que no fue aprobado, requería la colocación obligatoria de una etiqueta de advertencia sanitaria en todos los paquetes de cigarrillos. En 1970, el gobierno promulgó la Ley 18.604 que ponía fin a la publicidad de los cigarrillos en la radio, la televisión y los cines, y establecía multas para los infractores. Sin embargo, esta ley estuvo en vigencia sólo durante un año.
- En 1973 y 1974 dos proyectos de ley ingresados en el Congreso Nacional requerían la colocación de una etiqueta de advertencia sanitaria en los envases de los productos de tabaco y en su publicidad. Sin embargo, estos proyectos no fueron aprobados debido a la intervención de la Cámara de la Industria del Tabaco, la asociación nacional de productores de la industria del tabaco.
- En 1977, de la misma manera que en los Estados Unidos y otros países del mundo, la Cámara de la Industria del Tabaco creó voluntariamente un Código de Autorregulación Publicitaria débil e inefectivo para evitar la aprobación de legislación que contemplara fuertes restricciones a la publicidad del tabaco.
- En 1976 y 1979 el Ministerio de Bienestar Social de la Nación preparó dos proyectos de ley para regular el contenido de la publicidad del tabaco y el alcohol y para requerir una etiqueta de advertencia sanitaria en los paquetes de cigarrillos. Representantes de la industria del tabaco ejercieron presión política sobre funcionarios del gobierno reclamando que el ya voluntariamente establecido Código de Autorregulación Publicitaria de la industria era suficiente. Finalmente, ambos proyectos fueron archivados.
- A principios de los años 1980s la Cámara de la Industria del Tabaco creó el “Departamento sobre la Controversia del Tabaco” como una herramienta para contrarrestar y menoscabar una posible futura legislación anti-tabaco. Este departamento organizó “Seminarios de Información” dirigidos a grupos específicos de la comunidad para promocionar la posición de la industria por la cual la relación causal entre tabaco y enfermedad no estaba comprobada. Los seminarios estuvieron dirigidos a gerentes de asociaciones de productores de tabaco, técnicos agricultores, médicos, científicos, periodistas, agencias de publicidad del tabaco, distribuidores de productos del tabaco, Ministros de Salud y otros funcionarios gubernamentales. El “Departamento sobre la Controversia del Tabaco” también editó y promocionó publicaciones exponiendo la posición de la industria del tabaco.

- Durante los años 1980s se intensificaron los esfuerzos para aprobar una legislación amplia para el control del tabaco. Estos intentos fueron neutralizados por una industria del tabaco mucho mejor organizada que orquestó una campaña pública para ejercer presión sobre las autoridades de salud, y convencer a periodistas y al público en general sobre lo que la industria llamó la “controversia” sobre tabaco y salud.
- En 1986 el Congreso Nacional aprobó la Ley 23.344 que esencialmente codificó el inefectivo y voluntario Código de Autorregulación Publicitaria de la industria del tabaco y requirió la colocación de la débil etiqueta de advertencia sanitaria “Fumar es perjudicial para la Salud” en los paquetes de cigarrillos. Representantes de la industria del tabaco tuvieron reuniones con influyentes ministros nacionales y provinciales, gobernadores y senadores nacionales para “suavizar” el proyecto de ley original introducido en 1984 por el Diputado Nacional Lorenzo Pepe.
- En 1992 la 8<sup>va</sup> Conferencia Mundial sobre Tabaco o Salud se llevó a cabo en la ciudad de Buenos Aires. Activistas locales para el control del tabaco intentaron presionar para la aprobación en el Congreso de una ley amplia la cual había sido introducida en 1990 por el Diputado Nacional Aldo Neri. Al mismo tiempo, Philip Morris International y British American Tobacco trabajaron juntas para desviar la atención de la conferencia, organizando sesiones informativas con periodistas “amigos” para crear controversia sobre los efectos de la exposición pasiva al humo de tabaco.
- El 30 de septiembre de 1992, la Ley Neri fue aprobada en el Congreso Nacional. Sin embargo, la industria del tabaco rápidamente organizó y orquestó un exitoso plan para derrotarla con la ayuda de grupos de fachada (por ej. la Asociación Internacional de Publicidad, la Asociación de Prensa InterAmericana, la Sociedad InterAmericana para la Libertad de Expresión Comercial, y la Asociación Argentina de Agencias de Publicidad), consultores “científicos” contratados y orientados por la industria y legisladores de las provincias tabacaleras, y montó una gran campaña de relaciones públicas y de presión política. Diez días más tarde, el 10 de octubre, la ley fue vetada por el Presidente Carlos Menem.
- Entre 1992 y 2000, la industria del tabaco apoyó proyectos de ley “alternativos” que estaban en consonancia con su Código de Autorregulación Publicitaria. A pesar de no haber sido aprobados, estos proyectos sirvieron para distraer la atención política y pública y de esa manera, todos los esfuerzos para el control del tabaco fueron neutralizados.
- Desde mediados de los años 1990s la industria del tabaco ha estado promoviendo su programa de “acomodación” conocido como “La Cortesía de Elegir” o “Convivencia en Armonía”, para evitar legislación que ponga fin a la exposición pasiva al humo de tabaco ajeno en restaurantes y bares, y para mantener la aceptación social del consumo de tabaco.
- Desde 1997 la industria del tabaco ha estado promoviendo programas de “prevención del uso de tabaco en jóvenes” inefectivos (tales como “Yo Tengo P.O.D.E.R.” y “Yo NO Vendo Cigarrillos a Menores de 18 Años”) para evitar campañas educativas anti-tabaco por parte del gobierno y para desplazar el foco de atención por la responsabilidad que la industria tiene, a

través de la publicidad y comercialización de sus productos, en el incremento del uso de tabaco entre los jóvenes.

- En 2003, la Comisión de Acción Social y Salud Pública de la Cámara de Diputados de la Nación escribió un Dictamen Final que consolidaba 18 proyectos de ley para el control del tabaco (uno de ellos del Diputado Aldo Neri) pero una vez más, la industria del tabaco tuvo éxito en cajonear los mismos.
- En septiembre de 2003, el Presidente Néstor Kirchner firmó el Convenio Marco para el Control del Tabaco, el primer tratado internacional sobre salud pública negociado por 192 países bajo los auspicios de la Organización Mundial de la Salud. Al mes de septiembre de 2005, el proceso de ratificación en el Senado argentino permanece estancado con pocos esfuerzos para ratificarlo. En vista de los acontecimientos pasados parecería que la industria ha estado ejerciendo presión exitosamente sobre los legisladores argentinos para que no ratifiquen el convenio.
- En agosto de 2005, el Ministerio de Salud y Medio Ambiente introdujo en el Senado de la Nación un nuevo proyecto de ley amplio para el control del tabaco que está en sintonía con los estándares mínimos requeridos por el Convenio Marco para el Control del Tabaco. El proyecto contempla la creación de ambientes públicos y lugares de trabajo libres de humo de tabaco (incluyendo bares y restaurantes), la prohibición de la publicidad (excepto en los lugares de venta) y el patrocinio y la colocación de etiquetas de advertencias sanitarias rotatorias con imágenes, en los paquetes de cigarrillos. También prohíbe la colocación de descriptores engañosos (tales como “suaves”) y requiere los niveles máximos de nicotina y alquitrán impresos en los en los envases de tabaco.

## **Recomendaciones**

1. Periodistas tanto de los medios gráficos como electrónicos, activistas de la salud pública y líderes institucionales, deberían tomar conocimiento sobre como las compañías transnacionales del tabaco han manipulado e influenciado las políticas de control del tabaco en la Argentina lo cual afecta la salud de la población, y comunicar esta información a la población general.
2. El gobierno nacional, a través del Ministerio de Salud y Ambiente, debería implementar una amplia campaña educativa para aumentar la conciencia sobre los daños a la salud provocados por la exposición pasiva al humo de tabaco ajeno, y promover la aprobación de legislación local, provincial y nacional que impida la exposición pasiva al humo de tabaco ajeno en lugares cerrados.
3. Argentina debería implementar los estándares principales del Convenio Marco para el Control del Tabaco, tales como el aumento de los impuestos al tabaco, la prohibición total de la publicidad, y la colocación de etiquetas de advertencia sanitarias con imágenes en los paquetes de cigarrillos.

4. El gobierno nacional y el sector privado de la atención de la salud deben apoyar servicios de cesación tabáquica efectivos, tales como las líneas telefónicas de ayuda para dejar de fumar, a un bajo costo para todos los fumadores.

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## INTRODUCTION

The Republic of Argentina is located in the very south of South America in the so-called South Cone region (along with Chile and Uruguay). It is the second largest country in area in South America, and covers nearly 3,800,000 square km. In 2003, the total population of the country was 37,869,723 people<sup>1</sup>; almost 90% is urban.

Argentina is a great consumer of tobacco. In 1999, it was the third largest cigarette consumption country of Latin America and the Caribbean region after Brazil and Mexico, and accounted for 15% of total tobacco consumption of the region.<sup>2</sup> Argentina, along with Chile and Uruguay, has made the epidemiological transition to an advanced stage in the tobacco epidemic and the Southern Cone region of the Americas leads the hemisphere in tobacco attributable mortality.<sup>3</sup> Argentina is a developing country with economic interests in tobacco growing and rapidly increasing tobacco use in urban areas. In 2000, smoking prevalence was 40.4% among adults—46.8% of men and 34% of women.<sup>4</sup> The Global Youth Tobacco Survey implemented by the World Health Organization (WHO) and the Centers for Disease Control and Prevention (CDC) was conducted in 2000 in Buenos Aires, and showed that urban youth (13 to 15 years old) had a 30.2% 30-day smoking prevalence (27.8% male; 31.8% female)<sup>5</sup>, compared to 17.7% (17.8% male; 17.7% female) in the United States<sup>6</sup> (US). Argentina also has a high smoking prevalence among health professionals (30.3% of physicians, and 36.3% of nurses currently smoke,<sup>7</sup> compared to 3.3% and 18.3% in the US<sup>7</sup>).

Given the limited smoking restrictions in indoor environments, the general population is highly exposed to secondhand smoke both in public and private places. In 2000, the percentage of young people (aged 13 to 15 years) exposed to secondhand smoke in Buenos Aires was 69.6% at home, 87.6%, in public places, and 27.6% from their friends.<sup>5</sup> A multi-country study carried out in seven Latin American cities in 2004 showed that the city of Buenos Aires had the highest airborne nicotine levels inside hospitals, schools, government buildings, airports, and restaurants observed.<sup>8</sup>

According to the National Program on Tobacco Control of the Ministry of Health and Environment of Argentina, tobacco smoking causes 40,000 deaths per year, of which 6,000 are as a consequence of secondhand smoke. The cost of the treatment of tobacco-related diseases is more than 4,330 million pesos per year, which represents 15.5 % of the total of the public expenditure in health care. Meanwhile, the tobacco excise taxes collected by the government are 3,500 million pesos per year.<sup>9</sup>

The overall state of tobacco control in Argentina presents a challenge typical of Latin America with high or increasing smoking prevalence and few smokefree indoor environments. Working through their local affiliates, the transnational tobacco companies (TTC) have used the same strategies in Argentina as in the US to block meaningful tobacco control.

## Political and Legislative Institutions in Argentina

Argentina is a Federal Republic, divided in 23 Provinces and one Federal District, the city of Buenos Aires. Both the provinces and Buenos Aires (the capital of the country) are

autonomous entities with their own political, administrative, and economic powers. The Provinces are: Buenos Aires; Catamarca; Córdoba; Corrientes; Chaco; Chubut; Entre Ríos; Formosa; Jujuy; La Pampa; La Rioja; Mendoza; Misiones; Neuquén; Río Negro; Salta; San Juan; San Luis; Santa Cruz; Santa Fe; Santiago del Estero; Tucumán; and Tierra del Fuego, Antártida e Islas del Atlántico Sur (Figure 1).

In the last 40 years, Argentina has been politically unstable with periods of military governments and since the return of democracy in 1983, the political process remains tentative. Military governments made laws by decree; democratic governments reintroduced independent branches of government (Executive, Legislative and Judicial). Political power, however, has been concentrated in the presidency (Executive). The National Congress is responsible for passing federal laws that must be signed or vetoed by the president within ten working days. The president usually enacts an executive order to complement or implement a law; ministries and secretaries are responsible for issuing rulings. Table 1 lists the country's presidents for the past 40 years along with their public health officials.<sup>10</sup>

Argentina, along with Brazil, Uruguay, and Paraguay, make up the MERCOSUR, the Southern Common Market. This regional trade alliance, formed in 1991, created a customs union in 1995. Chile and Bolivia became associate members in 1996 and 1997, respectively. The main objective of the MERCOSUR is the establishment of the free circulation of goods, services, and factors of production, achieving unified customs, coordinating fiscal and exchange policies, and setting a common external tariff and trade policy.

## The Tobacco Industry in Argentina

Argentina is the second largest tobacco producer in the Latin America and Caribbean region after Brazil<sup>2</sup>, and the fifth in the world after China, Brazil, India and United States.<sup>11</sup> Seven Provinces located in the north of the country are tobacco growers: Jujuy, Salta, Tucumán, and Catamarca (in the Northwest region); Misiones, Corrientes, and Chaco (in the Northeast region) (Figure 1).

During the early 1970s, five companies shared the cigarette market in Argentina: Compañía Nobleza de Tabacos (British American Tobacco; BAT: 41%), Manufactura de Tabacos Piccardo y Cia. (Liggett & Meyers: 18%), Massalín & Celasco (Philip Morris International; PMI: 17%), Manufactura de Tabacos Imparciales (Reemtsma: 13%), and Manufactura de Tabacos Particulares (Reemtsma: 11%). In 1978, Piccardo consolidated into BAT and formed Nobleza-Piccardo (N-P: ~60%). In 1979, Reemtsma merged with PMI and formed Massalín-Particulares (M-P: ~40%).<sup>12-15</sup>

Other TTCs entered the market in Argentina through licensing agreements. In 1971, Lorillard Tobacco licensed KENT, NEWPORT and KENTON to Imparciales.<sup>15, 16</sup> In 1981, R.J. Reynolds Tobacco International licensed the brand Camel Filters to N-P.<sup>17</sup> By the 2000s, PMI and BAT shared the market roughly 60 and 40%, respectively (Figure 2).

**Table 1: List of Presidents and Public Health Officials, Argentina (1966-2005)**

Period	Political Party	President	Public Health Official
<b>1966- 1973</b>	<b>Military dictatorship</b>		
Jun 1966-1970		Juan Carlos Onganía	Ministers of Social Welfare: Roberto J. Petracca; Julio E. Alvarez; Conrado Bauer; Carlos Consigli
Jun 1970-1971		Roberto Marcelo Levingston	Ministers of Social Welfare: Francisco Manrique; Amadeo R. Frugoli
Mar 1971-1973		Alejandro Agustín Lanusse	Ministers of Social Welfare: Francisco Manrique; Gervasio R. Colombres; Oscar R. Puigross
<b>1973-1976</b>	<b>Democracy</b>		
May- Jul 1973	PJ	Héctor J. Cámpora	Minister of Social Welfare: José Lopez Rega
Oct 1973- Jun 1974	PJ	Juan D. Perón	Minister of Social Welfare: José Lopez Rega
Jul 1974- Mar 1976	PJ	María Estela Martínez de Perón	Ministers of Social Welfare: José Lopez Rega; Carlos A. Villone; Rodolfo A. Roballos; Carlos Emery; Anibal V. Damasco
<b>1976- 1983</b>	<b>Military dictatorship</b>		
Mar 1976-1981		Jorge R. Videla	Ministers of Social Welfare: Julio J. Bardi; Jorge A. Fraga
Mar- Dec 1981		Roberto E. Viola	Minister of Public Health: Amilcar Arguelles
Jan- Jun 1982		Leopoldo F. Galtieri	Minister of Public Health and Environment: Horacio Rodríguez Castells
Jul 1982- Nov 1983		Reynaldo Bignone	Minister of Public Health and Environment: Horacio Rodríguez Castells
<b>1983- 2005</b>	<b>Democracy</b>		
Dec 1983-1989	UCR	Raul R. Alfonsín	Ministers of Health: Aldo Neri ; Conrado Storani; Ricardo Barrios Arrechea; Enrique M. Beveraggi
1989-1995	PJ	Carlos S. Menem	Ministers of Health: Julio C. Corzo; Antonio E. Gonzalez; Eduardo Bauza; Alberto A. Kohan; Avelino J. Porto; Julio C. Araoz; Alberto J. Mazza.
1995-1999	PJ	Carlos S. Menem	Minister of Health: Alberto J. Mazza
1999-2001	Alliance	Fernando De La Rúa	Minister of Health: Héctor Lombardo
Dec 2001-Jan 2002	Congress	Puerta, Rodríguez Saa	-
Jan 2002-Apr 2003	PJ	Eduardo Duhalde	Minister of Health: Ginés González García
May 2003-2007	PJ	Néstor Kirchner	Minister of Health: Ginés González García
<b>PJ: Justicialista Party</b>	<b>UCR: Radical Party</b>	<b>Alliance: Radical Party + Frepaso</b>	

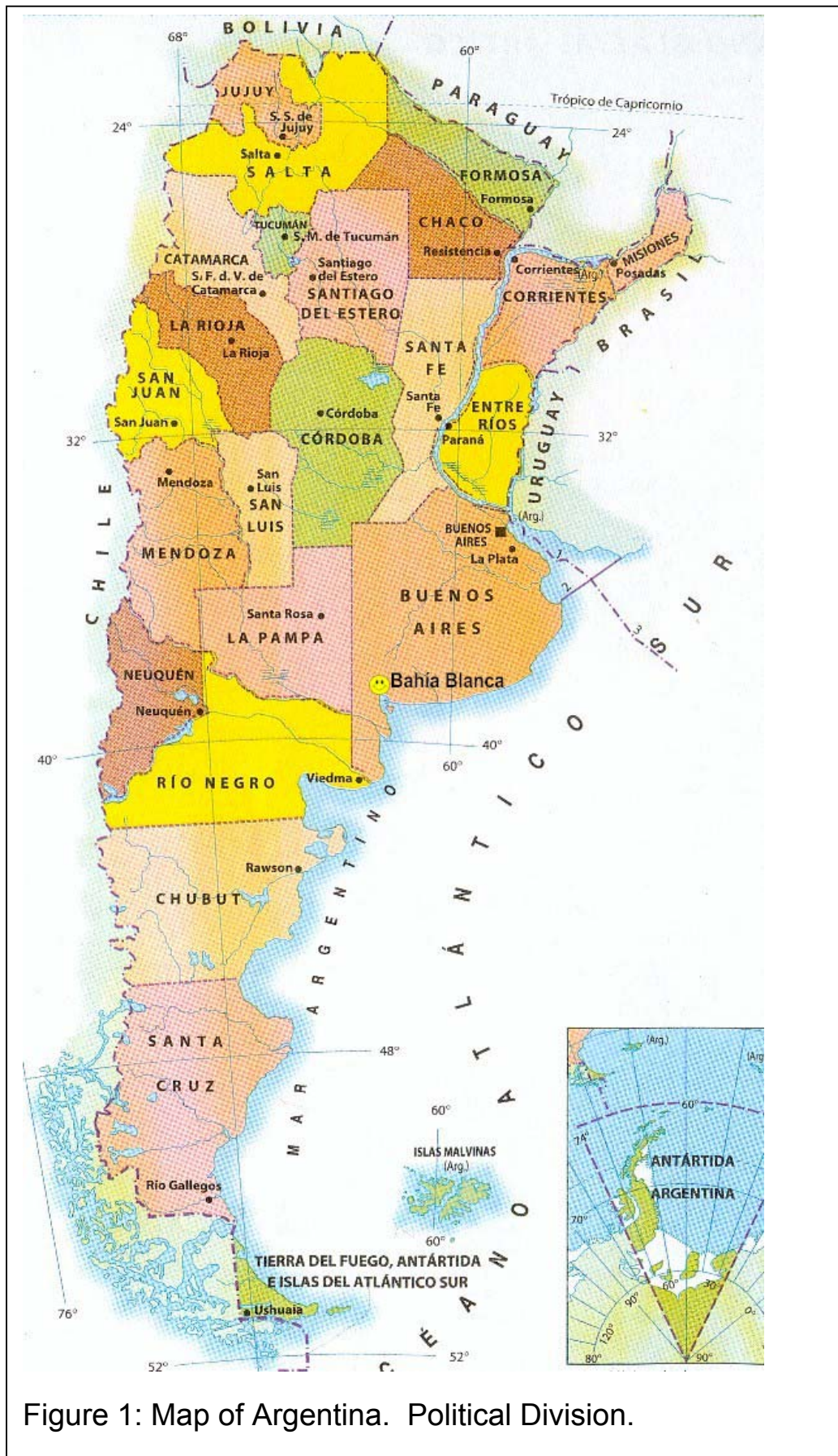
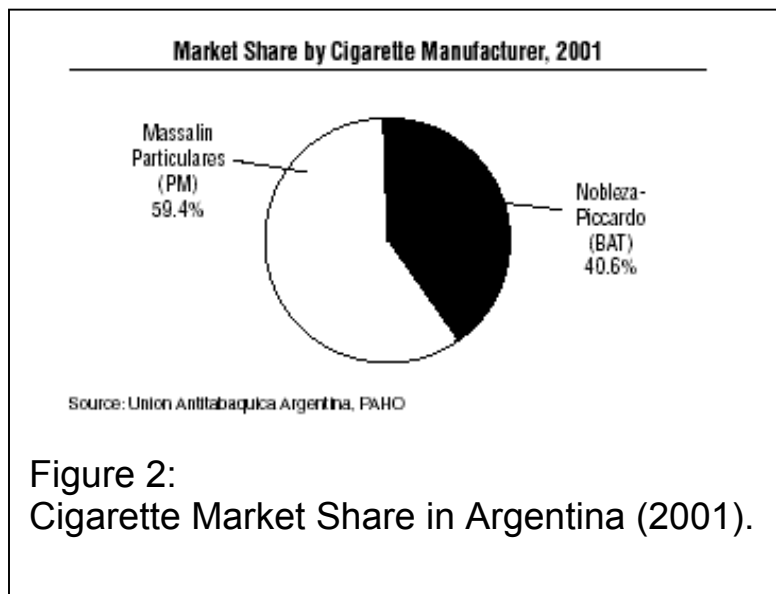


Figure 1: Map of Argentina. Political Division.



## METHODOLOGY

We used three main sources of data in order to re-construct a chronology of events.

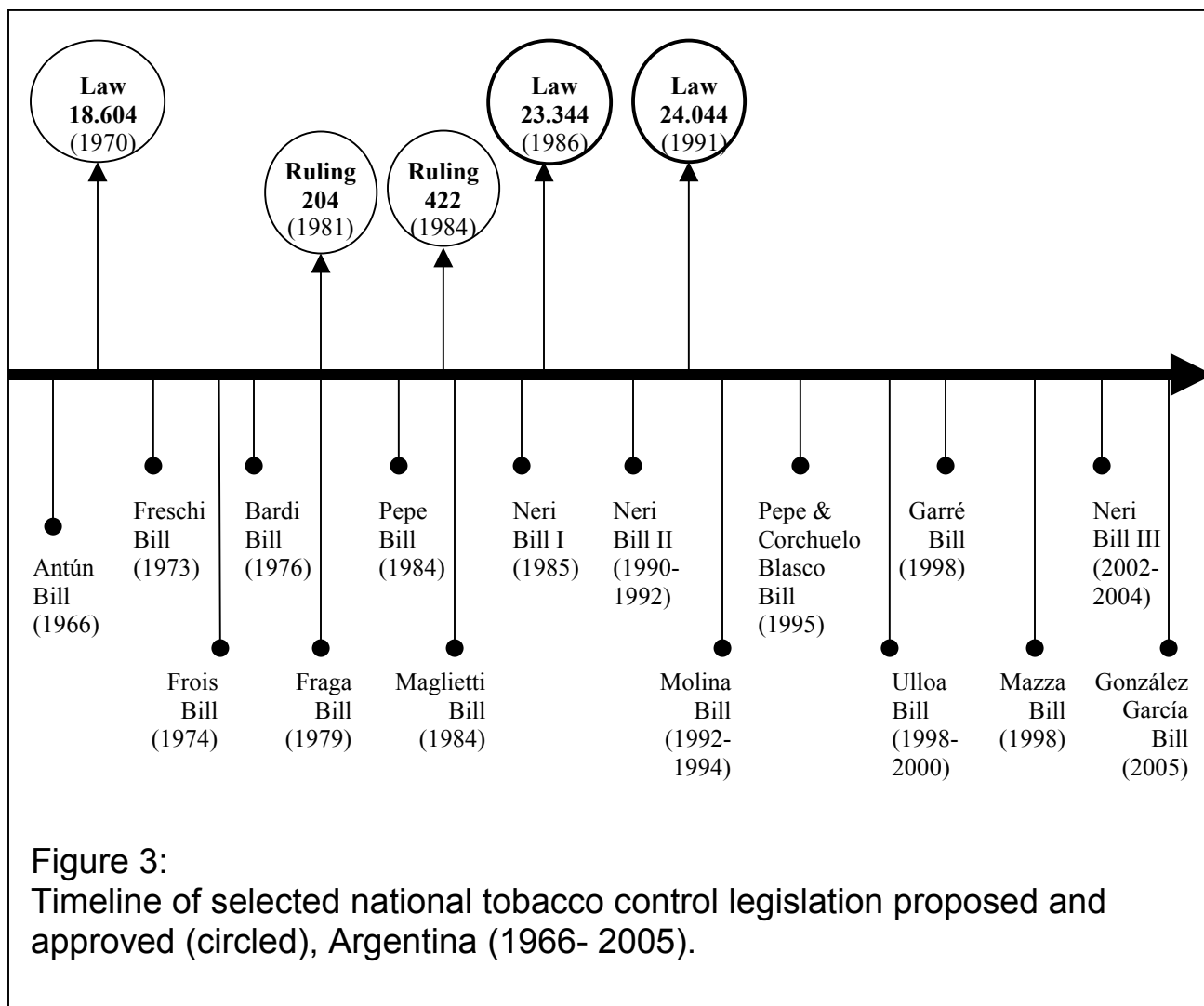
Between October 2003 and August 2005, we searched tobacco industry documents in the University of California San Francisco (UCSF) Legacy Tobacco Documents Library (<http://legacy.library.ucsf.edu>) and British American Tobacco Documents Archive (<http://bat.library.ucsf.edu>), and in Tobacco Documents Online ([www.tobaccodocuments.org](http://www.tobaccodocuments.org)). Initial search terms were geographical names (e.g. Argentina, Latin America, Buenos Aires), Argentinean politicians (e.g., Aldo Neri, Lorenzo Pepe, Pedro Molina, Alberto Mazza, Carlos Menem) and public health leaders (e.g. Carlos Alvarez Herrera), specific dates, tobacco industry subsidiaries, project names, and reference (Bates) numbers near relevant documents. After identifying the first documents or words, we used a snowball strategy to locate new documents. A total of about 250 relevant documents were found.

We also used internet resources (e.g. [google.com.ar](http://google.com.ar), [uata.org.ar](http://uata.org.ar), [noblezapiccardo.com](http://noblezapiccardo.com), etc.), major Argentinean newspapers (e.g. Clarín, La Nación, Página 12, La Prensa, etc.), local magazines (e.g. Muy Interesante, Revista 23, Somos, Humor, VEA, etc.), and the Argentinean National Congress Library for complete texts of the laws, bills and other tobacco control measures.

We conducted face-to-face interviews with congressmen, public health officials, and tobacco control advocates in Buenos Aires during December 2003. Interviews were conducted using a semi-structured format according to a protocol approved by the UCSF Committee on Human Research and were audio taped and transcribed.

## TOBACCO INDUSTRY ACTIVITIES AND TOBACCO CONTROL LEGISLATION AT THE FEDERAL LEVEL IN ARGENTINA

Results are presented described chronologically. A timeline with the most relevant tobacco control legislation proposed and approved in Argentina from 1966 to 2005, is outlined in Figure 3.



### Tobacco Control Legislation During the Late 1960s

During the 1960s emerging scientific evidence generated outside Argentina,<sup>18-21</sup> establishing the causal link between cigarette smoking and lung cancer and cardiovascular disease, prompted the government to begin efforts to regulate tobacco consumption in Argentina.

## The Antún Resca Bill (1966): The First Attempt

In 1965, the US Federal Cigarette Labeling and Advertising Act required the health warning “Cigarette Smoking May Be Hazardous to Your Health” on all packages; about the same time, other countries adopted mandatory warning labels on cigarette packs. Motivated by these actions, on May 12, 1966, Julio Antún Resca (Representative, Córdoba, Unión Popular Party: 1965-1966) and others introduced a bill in the Lower House to place the health warning “Smoking cigarettes can be dangerous for your health” on all cigarette packs. Even though this bill did not pass, it was the first proposal on tobacco regulation to be discussed in the Argentinean Congress.<sup>22</sup>

## **Tobacco Control Legislation During the 1970s**

Increasing evidence continued to appear in the international scientific community during the 1970s<sup>23-28</sup> that continued to stimulate attempts to control tobacco in Argentina.

### Law 18.604 (1970)

On February 6, 1970, the military government promulgated Law 18.604 and the complementary decree 628 to regulate it. It was signed by President Juan Carlos Onganía, and Minister of Economy and Labor José María Dagnino Pastore.<sup>29, 30</sup> The law ended cigarette advertising (both local and foreign brands) on radio, television, and in movie theaters, and established fines for violators.<sup>29-31</sup> Both US health authorities<sup>32</sup> and the tobacco industry<sup>33</sup> recognized that the government was responding to pressure by local tobacco producers to curb the increasing threat of foreign commercial competition, rather than the health dangers caused by tobacco.

In June 1970, the Smoking and Health Programs Around the World Report, issued by the US Public Health Service’s National Clearinghouse for Smoking and Health to “describe government and voluntary anticigarette measures and campaigns in 35 countries”<sup>32</sup>, reported:

Argentina: cigarette advertising on radio, television and in movie shorts was banned on February 13, 1970, for one year. The new law was released without the usual explanations which normally precede all laws issued. In discussing this, the Buenos Aires Herald [local English language newspaper] speculated that ‘local cigarette producers, worried about the mounting costs of their respective advertising campaigns, subscribed to a gentleman’s agreement to cut these campaigns down.’ Foreign as well as domestic cigarettes come under the ban, and the law sets fines of from \$2,857 to \$142,750 for violations.<sup>32</sup>

According to a 1970 Informational Memorandum on International Developments written by William Kloepfer, Jr. (Vice President Public Relations, US Tobacco Institute: 1968-1971):

With reference to the new law prohibiting cigarette advertising on radio and television and in motion picture theatres, a translation of an Argentine newspaper article available

to us indicates that the basis for the law is to help maintain the position of domestic cigarette manufactures against foreign encroachments. There is no indication that the law is based on any health considerations.<sup>33</sup>

Law 18.604 was in effect only for one year.<sup>31, 32, 34</sup>

### The Freschi Bill (1973)

During the democratic period from May 1973 to March 1976, two tobacco control bills were introduced in the Congress. In July 1973, Pedro Freschi (Representative, Chaco, Radical Party: 1973-1976) introduced a bill in the Lower House to require the warning “Harmful to health” on any tobacco product or advertisement as well as a sign at the point of sale stating “Cigarettes and tobacco are harmful to health.” Fines from violators would be used to promote alternative crops and industries to substitute for tobacco.<sup>35</sup> According to an internal N-P history, “the Chamber of Tobacco Industry (CTI) [Cámara de la Industria del Tabaco, the Argentinean national tobacco manufacturers’ association] intervened informally and succeeded in preventing the project from being approved.”<sup>36</sup>

### The Frois Bill (1974)

In April 1974, Domingo Frois (Senator, La Pampa, Justicialista Party: 1973-1976) introduced a bill in the Senate to require a warning label on all packages, advertisements, and on billboards in educational facilities and public offices. The warning label read “Cigarette shortens life, and predisposes to innumerable diseases such as cancer.” The same warning label had to be placed in any type of advertisements, even on the radio, and on signs inside educational facilities and public offices. In addition, the bill established some advertising restrictions. Money collected from fines to violators was to finance an educational campaign against smoking.<sup>37</sup> On September 4, 1974 the bill passed the Senate with modifications that changed the warning label to “Tobacco is dangerous to health and shortens life expectancy.” The bill required the disclosure of tar and nicotine amounts on packs and the creation of the National Health Fund supported by the collected fines.<sup>38</sup> The Frois Bill was monitored by lawyers from Lorillard Tobacco Company in New York and by the law firm Merval & O’Farrell in Buenos Aires.<sup>39-42</sup> On September 18, 1974, Diana Haines, a Lorillard representative in Buenos Aires<sup>43, 44</sup> reported to Joseph Holme (Lorillard, New York):

I have received word from Imparciales [Manufactura de Tabacos Imparciales, Buenos Aires] today, that a new law affecting publicity of cigarettes is being prepared for Congress approval. As a result of this, Imparciales has decided to stop the preliminaries for the filming of the two new Kent commercials, until a final decision on the effectiveness of this law is reached by Congress.<sup>43</sup>

Although the bill introduced by Senator Frois did pass the Senate with some modifications, the Lower House did not approve the bill and it was never considered again.



## The Chamber of Tobacco Industry and the Advertising Code of Practice (1977)

In 1976, the Chamber of Cigarette Industry (later named the Chamber of Tobacco Industry) created the “Smoking and Health Advisory Committee.” Functions of this internal tobacco industry committee included producing the Self Regulated Advertising Code, press articles publicizing industry arguments, and working papers on medical-scientific aspects of tobacco and health<sup>45</sup> designed to support the industry’s position.

In September 1977, the CTI established the “Código de Autorregulación Publicitaria para Alkoholes y Tabaco” (Self Regulated Advertising Code for Alcohol and Tobacco) to implement voluntary “restrictions” on cigarette and alcohol advertisements<sup>46</sup> (Table 2). According to CTI President Alberto Rubio, the code was “sponsored for all commercial activities by the National Advertisers’ Association, [and] was endorsed by the country’s authorities.”<sup>36, 47-49</sup> We were not able to find any public record confirming the endorsement of the code by the Argentinean authorities.

The creation of such a voluntary code has been a common strategy used by the tobacco industry to prevent the enactment of stronger anti-tobacco legislation in many countries (e.g., the Cigarette Advertising Code of 1964 in the US<sup>50</sup>). Such codes are ineffective at reducing tobacco use since even their weak provisions are ignored by the industry itself.<sup>51-56</sup>

In 1978, the CTI published the leaflet “Algunos Interrogantes Sobre el Tabaco” (Some Questions About Tobacco). As the tobacco companies did in the US and elsewhere, in this publication the tobacco industry sought to create controversy about the scientific evidence linking tobacco consumption with disease. The 10 questions raised in the leaflet were “Is tobacco really harmful to health?”, “Is it true the statement that smoking shortens life?”, “Frequently it is said that tobacco causes lung cancer. Is that true?”, “Cardiovascular disease is

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**Table 2: Tobacco Industry Voluntary Advertising Code of Practice (1977)<sup>46</sup>**

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Advertising	Not on TV and radio programs, nor in publications targeted mainly to youth (under 21). Not in cinemas attended by minors (under 18).
Models or images in ads	Shall not appeal to persons under 21. Shall be at least 25 years old and dress accordingly.
Content in ads	Avoid use of sports or athletes in association with tobacco use. Shall not use vocabulary or expressions that do not correspond with the age of the models. Shall not state that smoking is a way to achieve social status, success or sexual attraction. Shall not state that tobacco use produces euphoria, health benefits, comfort, placidity, strength, or antidepressant effects.
New procedures to reduce tar or nicotine content	Restricted to highlight effects that were ascertained.
Sponsorship	Not in youth events (under 21).
Sampling & promotion	Not in educational facilities, events or other activities attended mainly by minors (under 21). Not among athletes.

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attributed to tobacco. Is this supposition true?”, “It is said that tobacco should be included in the same category as drugs and narcotics. Is it true?”, “Is it true that nonsmokers can suffer damage to their health as a consequence of breathing secondhand smoke?”, “What is the economic impact of tobacco in Argentina?”, “Do you know how many sectors participate in the manufacture and sale of cigarettes?”, “Is it true that smoking is decreasing?”, “What are the measures that the tobacco industry has taken due to public attacks against tobacco?”<sup>57</sup> (Figure 4). The answers to these questions were the common arguments that the industry had been using everywhere else, framing the debate in the fact that smoking and health was a controversial issue, with no scientific evidence to conclude that smoking actually could cause any harm to health. Furthermore, the brochure denied that tobacco use could shorten life, or even could cause lung cancer or cardiovascular disease, which should be better attributed to a multifactorial cause. The leaflet denied the addictiveness of tobacco, stating that smoking was a habit. It also denied the dangers to health by the exposure to secondhand smoke. It highlighted the great economic significance that tobacco has had in Argentina, which highly contributed to federal tax revenues. Finally, the industry upheld the principles of “freedom of expression and commercial freedom” by concluding that the “role the government should play is to inform with clarity and objectivity, but allowing, as in any free society, the consumer his right of opinion and election concerning products of legal sale” [translated by the author].<sup>57</sup>

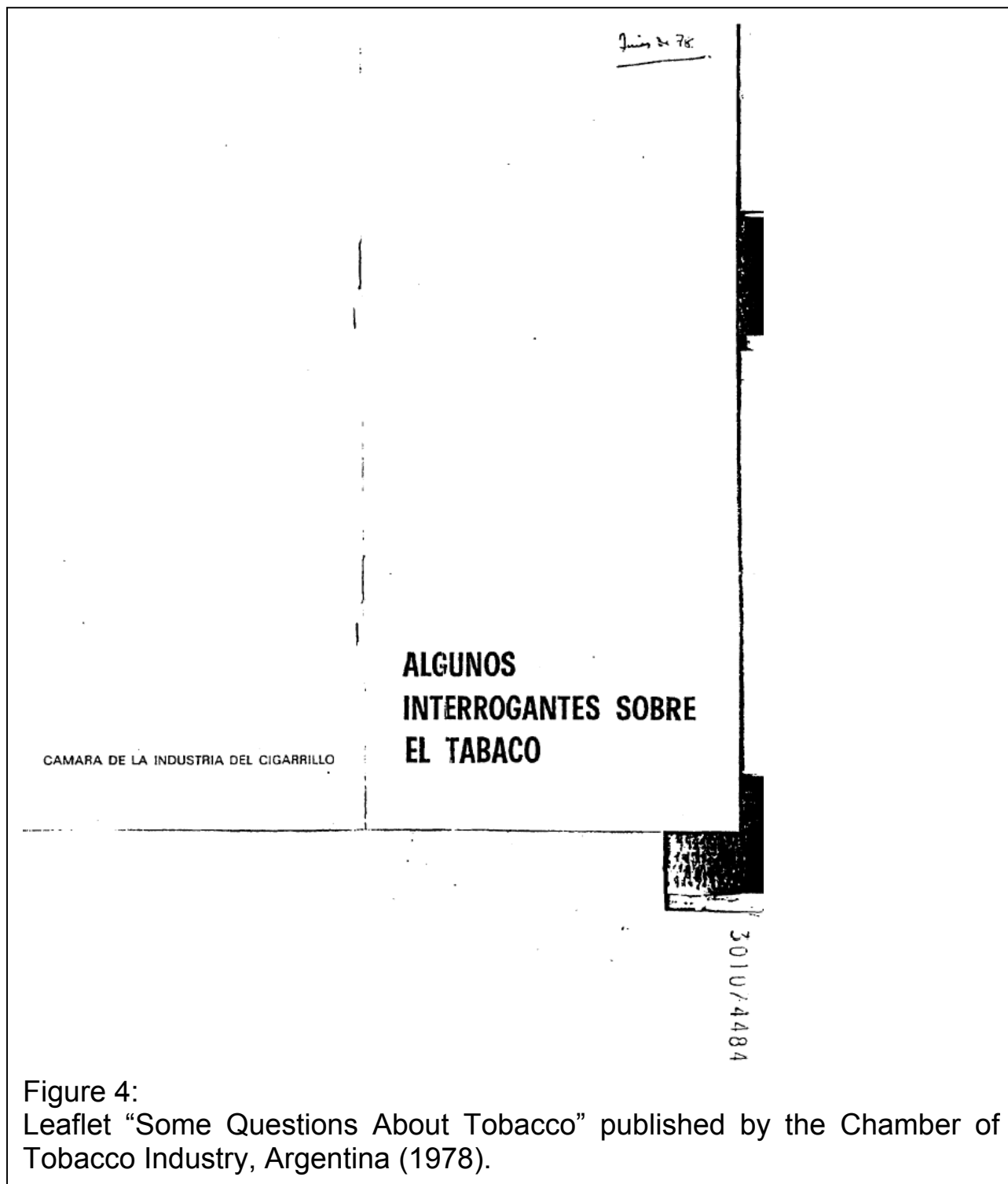
Between 1979 and 1980, the CTI issued the working paper “The Tobacco and Health Problem. Medical and Scientific Aspects.”<sup>58</sup> This “analytical research report”<sup>58</sup> concluded that there was no scientific evidence on the addictiveness of the nicotine, neither to link tobacco consumption with respiratory disease, cardiovascular disease or cancer.<sup>58</sup> According to the report, the CTI:

... has made an objective and realistic diagnosis of the state of the problem on the medical/scientific level, ...[and] ... has made contact with professionals who are specialists in highly controversial subjects, consulted a large number of recently published scientific articles and visited a variety of research centers.<sup>58</sup>

### The Ministry of Social Welfare Bills (1976–1979)

During 1976, Vice Admiral Julio J Bardi (Minister of Social Welfare; March 1976–November 1978) drafted a bill to restrict the content of advertisements (both text and images) for alcohol and tobacco and require a warning label on cigarettes packages and advertising stating, “The national health authority warns that smoking is dangerous to health.” The CTI offered its voluntary code to the national health representatives as an alternative to the bill. Even though the code was not accepted, the CTI’s offer impressed the government and the bill was not approved.<sup>45, 47</sup>

In 1979, Rear Admiral Jorge A Fraga (Minister of Social Welfare; November 1978–March 1981) resumed efforts to pass a law restricting tobacco advertising and placing a warning label on cigarette packs in response to the 1979 WHO’s international “Smoking or Health” campaign. Following Fraga’s efforts, the CTI lobbied government officials, arguing that these several governmental initiatives on the same issue were creating confusion and overlapping the



established voluntary industry code. The bill was not approved.<sup>45, 47</sup>

These experiences were discussed at a 1980 meeting in Frankfurt, Germany of the International Committee on Smoking Issues (ICOSI). This tobacco industry’s organization was the international equivalent of the US Tobacco Institute, formed around 1977 by the TTC to

coordinate their responses to the emerging international tobacco control movement<sup>59</sup> (ICOSI was renamed International Tobacco Information Center [INFOTAB]<sup>60</sup> and, later, the Tobacco Documentation Center [TDC]<sup>61</sup>). CTI's report, "The Situation in Argentina Regarding Attempts to Restrict Publicity," was presented in the session "How do we Prevent Advertising Restrictions?"<sup>47, 62, 63</sup>

## The Emergence of Tobacco Control Advocates (late 1970s)

### **The LALCEC/83 Campaign**

In 1978, the XII International Conference on Cancer was held in Argentina with the support of the Union Internationale Contre le Cancer (UICC, International Union Against Cancer). This event prompted anti-smoking groups to organize a public campaign to raise awareness on the dangers of smoking. Although the Liga Argentina de Lucha Contra El Cáncer (LALCEC, Argentinean League Against Cancer), a non-governmental organization, had existed since 1921, it became the leading tobacco control group in Argentina after the conference. In 1979, LALCEC representatives attended the 4<sup>th</sup> World Conference on Smoking and Health held in Stockholm, Sweden. According to CTI President Rubio this event, "granted the necessary technological and political support to launch an organized campaign."<sup>64</sup>

On December 27, 1978, LALCEC signed a collaborative agreement with the Department of Public Health to launch the LALCEC/83 Campaign "Los Argentinos Luchamos Contra el Cigarrillo" (The Argentinean Struggle Against Cigarettes). This five-year campaign, under the leadership of Dr. Carlos Alvarez Herrera, was announced in July 1979, with the goal of achieving "nuevas generaciones de argentinos no fumadores" (new generations of Argentineans nonsmokers).<sup>65</sup> Strategies to achieve this goal included drafting tobacco control legislation, organizing scientific meetings for health professionals, establishing educational programs in schools, and offering smoking cessation counseling courses.<sup>34, 36, 65-67</sup> During 1981-1982, the campaign included TV and radio antismoking advertising, school educational films, and commercials in cinemas (Figures 5-6).

According to Alvarez Herrera's presentation at the 6<sup>th</sup> World Conference on Smoking and Health in Tokyo, Japan in 1987, the main result of the program was "a 26% decrease in total sales of cigarettes."<sup>68</sup> We have not found any evidence to support this statement of Dr. Alvarez Herrera.

### **Tobacco Control Legislation during the 1980s**

During the 1980s, increasing awareness of health effects due to tobacco use resulted in new governmental initiatives. Among several proposals, it is worthy to highlight three tobacco control bills drafted by Congressmen Maglietti and Pepe, and the Minister of Health. These attempts were neutralized by a much better-organized tobacco industry that orchestrated a public campaign to lobby health authorities and convince journalists and the public about the controversy on tobacco and health. At that time, an incipient tobacco control movement that reorganized, forming the Unión Anti-Tabáquica Argentina (UATA, Argentinean Anti-Tobacco Union), a coalition of non-governmental organizations with international support.



Figure 5: LALCEC Leaflet  
For New Generations of Argentinean Nonsmokers  
Bye Cig Club  
Better not to Start



You can Choose:

Tobacco ...  
or Health



**TABACO O SALUD**  
**31 de Mayo**  
**DIA MUNDIAL SIN**  
**TABACO**

*¡¡¡ No dejes que la vida  
se te haga humo !!!*



**L.A.L.C.E.C.**

*Te brinda la posibilidad de  
dejar de fumar gratuitamente  
los días lunes, miércoles y  
viernes de 20 a 22 horas.*

**Informate en**  
**ARAOZ 2380 – CAP. FED.**  
**4832-7595 / 4832-4800**

TOBACCO OR HEALTH

May 31, World No Tobacco Day  
Don't allow your life to go up in  
smoke!!!

Bye Cig Club

LALCEC

Helps for you to stop smoking on  
Mondays, Wednesdays and Fridays  
from 8 to 10pm.

Get informed

Figure 6:  
LALCEC Brochure and Bookmark publicizing tobacco cessation  
courses.

## New Governmental Initiatives (1981–1983)

On March 24, 1981, Secretary of Transportation and Public Works Federico Camba approved Ruling 204 that prohibited smoking on public transportation under federal jurisdiction. The ruling applied to urban, suburban, medium, and long-distance buses, and required a sign “Smoking is prohibited” placed in the vehicles.<sup>69</sup> It appears that this measure was implemented without much public notice or debate and has been enforced inconsistently.

On November 30, 1983, Minister of Public Health and Environment Horacio Rodríguez Castells approved Ruling 3.115 that mandated the placement, on all tobacco products, of the warning label “The National Health Authority warns that smoking is hazardous to health.” Although approved, the ruling was never enforced.<sup>45, 70, 71</sup>

## Increasing Organization by the Chamber of Tobacco Industry (early 1980s)

During the 1980s, CTI began a campaign to influence the public opinion and gain political support, as CTI President Rubio reported at the 1980 ICOSI meeting:

[CTI] put in motion a nation-wide campaign directed to public opinion including widespread counter-information (consisting of the distribution of comments, articles and scientific papers provided by ICOSI, the [US] Tobacco Institute, the [US] Council of Tobacco Research, our associate manufactures and material prepared by ourselves), an institutional campaign to make known our self-restraint in publicity [the Self Regulated Advertising Code] and another for the sector’s image to achieve a greater political space for our action.<sup>47</sup>

A 1981 PMI internal Corporate Affairs Status Report emphasized the importance of having regular contacts with public officials, the military, and the media to avoid advertising restrictions.

In Argentina, where restrictive legislation was brewing on advertising, Massalín Particulares continued their successful ongoing program of meeting with key figures in the government, military and the media in order to learn their views on smoking and health issues, and present the industry position on the issues.<sup>72</sup>

## **The Smoking Controversy Department (1981)**

In 1981, the Chamber of Tobacco Industry created the “Smoking Controversy Department and Permanent Committee” which started to organize “half-day seminars intended for selective groups of the community”<sup>64</sup> to promote the industry’s position that the links between smoking and disease had not been proven. In December 1982, the first Information Seminar on the Smoking Controversy<sup>73</sup> was held in Buenos Aires, aimed at the managers of tobacco production associations. The meeting was attended by 70 people, including 20 persons from the top team of the companies associated with the CTI. In August 1983, a second seminar was held in Goya, Corrientes (a tobacco growing Province) for agricultural technicians, and in September 1983, a third seminar was held in Buenos Aires for members of the medical and



scientific community.<sup>74</sup> As elsewhere in the world, the CTI communication strategy for the medical community was to attack the scientific evidence on the health dangers of tobacco as flawed. In October 1983, information seminars were planned for journalists, tobacco advertising agencies, tobacco products distributors, candidates for public office, representatives, senators, and Ministers of Health.<sup>74, 75</sup>

During 1982, the CTI drafted a second version of the self-regulation code which, according to CTI President Rubio, was “rewritten in the form of an alternative bill intended to be presented in the case of a new attempt to pass restrictive legislation.”<sup>64</sup>

On November 22, 1983, the Smoking Controversy Department published a Spanish version of the INFOTAB document “Long Term Communications Plan”, which was distributed to other NMAs of Spanish-speaking countries.<sup>76</sup>

At a 1983 INFOTAB Workshop in Washington, DC, CTI President Rubio described the situation of the Argentinean antismoking movement and the possibilities to counteract its activities:

#### SITUATION

- Scarce institutionalization of antismoking groups
- Unsuccessful efforts to pass restrictive legislation
- Good image of the NMA [National Manufacturers' Association, the Chamber of Tobacco Industry] which is taken into account and enjoys credibility because it deals with qualified and objective information

#### POSSIBILITIES

- To use medical-scientific arguments to weaken the campaign foundations [LALCEC]
- To act directly as a sound speaker before authorities and antismoking groups.<sup>74</sup>

A 1983 report by Brown & Williamson Tobacco described the INFOTAB Secretary General's visit to Buenos Aires to meet with BAT, PMI and CTI representatives. Industry representatives were concerned about the new elected government and, specifically, who would be appointed Minister of Health:

The outcome of the election of October [1983] will be equally serious irrespective of which party wins, as the Radical Party is likely to appoint the head of the Anti-Smoking movement [Alvarez Herrera] as health minister and the Peronists (likely winners) have as their spokesman on health a director who leads the way in health education with emphasis on advice against smoking.

Their early problems will be in marketing freedoms [restrictions on advertising] and I [INFOTAB Secretary General Bryan Simpson] explained to them that they were in a better position than others to defend their rights in electronic media, because of the case history material available.<sup>77</sup>

Repeating a strategy that the tobacco industry used in the US and elsewhere, in March 1984, the Smoking Controversy Department published a 4-page leaflet on the economic impact of the tobacco industry in Argentina.<sup>78</sup> The leaflet, entitled “Impacto Económico” (Economic Impact), summarized information of a “wider paper which is being prepared by the industry so



that public opinion shall be aware of the characteristics and magnitude of the sector and its contribution to the national economy.”<sup>79</sup> The leaflet highlighted that “the detailed study of the economic incidence of the tobacco industry produces data that shows the strong significance of the sector within the national socioeconomic context” [translated by the author]<sup>80</sup> and concluded that in Argentina:

- tobacco manufacturing accounts for 1.54 per cent of the gross national product and for 6.85 per cent of the gross industrial product;
- the tobacco industry occupies the first place in ranking by salary compared with other industrial sectors;
- the tobacco sector employs 4.1 per cent of the economically active population, and
- the tobacco industry contributes 13.27 per cent of all tax revenue.<sup>78</sup>

According to CTI, approximately 1,000 copies were widely distributed to all national legislators, journalists from newspapers and magazines published in Buenos Aires and in tobacco growing provinces. They were also sent to selected members of the Armed Forces, selected economists, governors, and provincial ministers and legislators. The leaflet led to sympathetic articles in an Argentine business magazine and a publication for legislators<sup>78, 79</sup> (Figure 7). According to INFOTAB Director of Information Services Antonietta Corti, the CTI’s presentation of this “impressive visual economic impact/taxation analysis”<sup>81</sup> to government officials, “may have contributed to the fact that tobacco was not on the list of products which were submitted to a tax increase from mid-December 1984.”<sup>81</sup>

In 1985, CTI published the comprehensive booklet entitled “Relevancia Económica y Social de la Industria del Tabaco en la República Argentina, 1984” (The Economic and Social Significance of the Tobacco Industry in Argentina).<sup>82, 83</sup>

In 1984, a Philip Morris (PM) visitor to Argentina provided a good summary of the current situation there:

An industry-government committee has been formed to discuss labeling and publication of tar and nicotine numbers. Mario Bugna [Technology Group Director, M-P] is the industry’s representative on this committee and is very well qualified because of his broad technical background. A warning label is forthcoming in about six months under the auspice of the Health Ministry. Tar and nicotine numbers will be generated, however under the Agriculture Ministry. There is some confusion because the National Health Laboratory (equivalent to our Food and Drug Administration) is now under the Public Health Ministry.<sup>84</sup>

During the early 1980s, the tobacco industry reorganized in anticipation of forthcoming new governmental initiatives to control tobacco that were prompted by an increasing tobacco control movement. The CTI created the Smoking Controversy Department as a tool to counteract and undermine potential legislation by producing and publicizing literature with the industry’s position. A summary of some of the functions and activities conducted by the CTI Smoking and Controversy Department is shown in Table 3.

# IMPACTO ECONOMICO

El estudio pormenorizado de la incidencia económica de la industria del tabaco arroja datos que revelan la profunda significación del sector en el contexto socio-económico nacional.\*

**CAMARA DE LA INDUSTRIA DEL TABACO**

L. N. ALEM 1050 - 8° D - (1001) BUENOS AIRES  
TEL. 312-8485/8368

TI0993-0615

Figure 7:  
Leaflet “Economic Impact” published by the Chamber of Tobacco Industry, Argentina (1984).

## New Proposals and Lost Opportunities (1984–1986)

October 1983 marked the return of democracy to Argentina after almost eight years of military dictatorship. The Radical Party won the elections and President Raúl Alfonsín nominated Dr. Aldo Neri as the Minister of Health (1983-1986). Neri appointed Dr. Carlos Alvarez Herrera (Coordinator of the LALCEC/83 campaign) as president of the newly created government agency “Comisión Coordinadora y Asesora sobre Tabaquismo” (Coordinating and Advisory Committee on Smoking).<sup>36</sup>

**Table 3: CTI Smoking and Health Advisory Committee and Smoking Controversy Department: functions and activities**

	Self-regulating Advertising Code	Information Seminars	Publications
1977 1978 1980	1 <sup>st</sup> version		Some Questions About Tobacco (leaflet) “The Tobacco and Health Problem. Medical and Scientific Aspects” (working paper) Presentations and speeches on smoking issues.
1982	2 <sup>nd</sup> version	1 <sup>st</sup> (Buenos Aires)	
1983		2 <sup>nd</sup> (Goya) 3 <sup>rd</sup> (Buenos Aires)	Spanish translation of the INFOTAB document “Long Term Communications Plans”
1984 1985			Economic Impact (leaflet). The Economic and Social Significance of the Tobacco Industry in Argentina, 1984 (booklet). Social and Economic Impact of the tobacco industry in the Argentine Republic (leaflet).

### **Secretary of Commerce Ruling 422 (1984)**

On May 23, 1984, the Secretary of Commerce enacted Ruling 422 that placed some restrictions on tobacco advertising. The ruling banned models younger than 21 years old and advertisements that associated smoking with any type of sports or physical activity.<sup>85</sup> The industry was not concerned about this ruling since it recognized that “most of these restrictions, however, had already been in force de facto since 1977 under the terms of a self-regulation agreement [the industry code].”<sup>86</sup>

By 1984, public health officials began to propose restrictions on tobacco advertising that were dominating television (20% of the time) and targeting young people. As Dr. Alvarez Herrera told a local newspaper, “While such advertising is supposed to be only for brand support, it is in fact intended to attract the younger generation.”<sup>87</sup> Three bills were proposed that concerned the tobacco industry: the Maglietti, the Neri, and the Pepe bills.

### **The Maglietti Bill (1984)**

On June 1984, Alberto Maglietti (Representative, Formosa, Radical Party: 1983-1987) introduced a comprehensive bill in the Lower House to regulate publicity, sale, distribution, and consumption of tobacco products. It placed strong mandatory rotating health warnings on cigarette packs and required tobacco producers to disclose tobacco additives and print the nicotine and tar content on cigarette packs<sup>88</sup> (Table 4).

INFOTAB monitored the bill’s evolution and reported that “company lawyers have jointly written a response to the Maglietti Bill (INFOTAB gave extensive help in gathering relevant material).”<sup>89</sup> Jorge Basso Dastugue, Corporate Affairs Director at N-P, discussed the bill at a 1985 presentation at the INFOTAB Second Latin American Workshop held in Miami.<sup>90</sup>

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**Table 4: Maglietti Bill (1984)<sup>88</sup>**

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Advertising & Sponsorship	Allowed inside point-of-sale only
Health warning labels	Four rotating warnings: “Caution: it has been established that smoking causes lung cancer, emphysema, and it is the main cause of cardiac accidents” “Caution: it has been established that smoking during pregnancy increases the risk of abortion, premature newborn, and low weight in newborn” “Youth: smoking causes addiction. If you never start you will never have to quit” “Smoker: it does not matter how long you have been smoking. To quit is always possible. Ask your doctor”
Constituent disclosure	Nicotine, tar, and other substances on packs Disclosure of tobacco additives to the authorities
Sanctions	Fines to manufactures, sellers, advertising agencies, and to smokers Confiscation
Education	No products publicity or sale National educational campaign
Minor sales ban	Under 16
Smokefree places	Public places

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**DEFEATED**

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His arguments included the unconstitutionality of the bill, freedom of expression, freedom to advertise, individuals’ rights and their limits and regulations, and the government rights. He also stated that there was no scientific evidence between tobacco and disease, and therefore that there was no need to include health warnings as strong as the bill was proposing. The bill was not voted on and died in the Lower House.

**The Minister of Health Bill: the Neri Bill I (1985)**

In 1985, Neri drafted a new tobacco control bill that would ban direct and indirect tobacco advertising (except point of sale advertising) and sponsorship, prohibit cigarettes sale to people under 16 years old, require mandatory warning labels and disclosure of tobacco content on cigarette packs, and end smoking in most public places.<sup>91-93</sup>

An October 1985 article in the US trade newspaper *Advertising Age* described Neri’s proposed bill and the strong opposition of the tobacco companies and the local advertising agencies:

...“If passed, it will be the most severe tobacco law on the planet Earth” said a worried Pablo Galli, Camel’s account director with [advertising agency] McCann Erikson here [Argentina].  
...The bill will hit hardest at 10 ad agencies handling 40 cigaret accounts in the country.

Last year Argentina's two leading cigaret marketers, Nobleza Piccardo (British American Tobacco) and Massalin Particulares (Philip Morris), spent about \$11 million on advertising.

The agencies include Leo Burnett Co., J. Walter Thompson Co. and most of Argentina's top shops.

"We'll try to stop it, but if it gets into congress we will launch a campaign to tell the population there is no direct relation between advertising and cigarette consumption, according to research by the International Advertising Assn..", said Pablo Gowland, president of Gowland Publicidad. The agency handles Nobleza Piccardo's light-cigaret market leader Jockey Suaves, and low-price Conway.<sup>94</sup>

During 1985, the tobacco industry continued to monitor Argentinean legislative projects. A report from RJ Reynolds detailed the situation regarding advertising, promotion, health warning labels, ingredient listing, and smokefree indoor areas in the country, and the proposed legislation.<sup>49</sup> PM monitored the Health Ministry's and public health advocates' efforts to enact the bill, while also noting that the media were willing to accept increasing numbers of cigarette ads.<sup>95-97</sup>

The Neri Bill was never formally introduced in Congress.

### **The Kattan Case**

In 1985, Alberto Kattan, an Argentinean lawyer, filed a lawsuit against the Comité Federal de Radiodifusión (COMFER, Federal Radio Broadcasting Committee), the agency that supervises the content, including advertising, of radio and television broadcasting. The lawsuit argued that tobacco advertising on television was illegal because the norms on radio and television prohibit broadcasting messages harmful to the health of listeners and viewers. Soon after, two advertising agencies, PRAGMA Publicidad (for N-P<sup>98</sup>) and RADIUX Publicidad (for M-P<sup>99</sup>), filed an opposing petition as third parties affected by the lawsuit. On February 5, 1986, the judge ruled in favor of Kattan. COMFER, PRAGMA, and RADIUX immediately appealed the decision, preventing the implementation of the initial ruling.<sup>100-102</sup>

### **The Pepe Bill (1984) and Law 23.344 (1986)**

On August 29, 1986, a bill introduced in 1984 by Lorenzo Pepe (Representative, Buenos Aires, Justicialista Party: 1983-2003) was approved as Law 23.344. The law<sup>103</sup> (Table 5) mandated a health warning label stating "Fumar es perjudicial para la salud" (Smoking is harmful to health) on any tobacco product and placed weak restrictions on tobacco advertising. The law as passed, however, was much weaker than the original proposal<sup>104</sup> (Table 5).

As N-P explained in its history of advertising restrictions: "After intense activities before different Senators, the CIT [*sic* CTI] finally succeeded in having the project modified to practically coincide altogether with the Auto-Regulated Code which had been prepared by Industry."<sup>36</sup> As part of the "strategies to counter the threats faced by the industry"<sup>36</sup> developed through the CTI, industry representatives had meetings with selected public officials of the Executive Branch, such as the Minister of Interior, Minister of Economy, Secretaries of Public Health, Agriculture, Commerce, and Treasury, Governors, and provincial ministers.<sup>36</sup>

**Table 5: Comparison of the Pepe Bill, and Law 23.344 with the Tobacco Industry Voluntary Advertising Code of Practice, Argentina**

	Tobacco Industry Code (2 <sup>nd</sup> version, 1982)	Pepe Bill <sup>104</sup> (1984)	Law 23.344 <sup>103</sup> (1986)
Advertising	No TV or radio advertising between 8 am and 8 pm, in youth publications (under 21), or in cinemas attended by minors.	Restricted to print ads; TV, video, and cinema ads prohibited.	No TV or radio advertising between 8 am and 10 pm, in youth publications (under 18), or in cinemas or theaters attended by minors.
Warning label on ads	None	“Tobacco contains cancerous substances”	None
Models, artists or images in ads	Shall not appeal to persons under 21. Shall be at least 25 years old and dress accordingly.	Not allowed.	No underage artists, whose audience is mostly minors, or who represent minors through makeup or clothes.
Language in ads	Avoid use of sports or athletes in association with the use of tobacco. Shall not show persons smoking excessively. Shall not use vocabulary or expressions that do not correspond with the age of the models. Shall not state that smoking is a way to achieve social status, success or sexual attraction.		No people smoking excessively.  No use of vocabulary or expressions used by minors.
Low tar or nicotine	No promotion as beneficial for health.	Not specified.	No promotion as beneficial for health.
Sponsorship	No in youth events (under 21).	Not specified.	Not specified.
Sampling & promotion	Shall not be carried out in educational facilities, public gatherings, and among athletes.	Not specified.	Not allowed in educational facilities and in public shows for minors.
Package warning label	None	“Tobacco contains cancerous substances”	“Smoking is harmful to health”
Constituent disclosure on packs	None	Nicotine and tar	None
Sanctions	None	Fines (not specified)	None
Education	None	Prevention campaign	None
		DEFEATED	ENACTED

On October 13-16, 1986, Basso Dastugue (N-P) made a presentation in an INFOTAB International Workshop in Brussels entitled “How Argentina developed strategies to get an Advertising Law compatible with their Self-Regulation Code.” He described the industry’s “enemies” (e.g., public health organizations, selected health care institutions) and “allies” (e.g., senators from tobacco growing provinces) and how they “had serious-minded, objective and hard-line senators, who handle a mass of information not available to their peers and were inspired by a powerful wish to show that they were better than their rivals.”<sup>105</sup> Finally, he explained how the Pepe Bill was modified in the Senate to mirror the tobacco industry self-regulatory code (Table 5):

It happened that these circumstantial industry allies were all in the Senate. Therefore we were forced to mark time (which we did very actively!) until the Chamber approved a Bill, to then support in the Senate those whose fundamental ideas coincided with our own, in order to secure the modification of the original Bill, approval in committee, discussion on the Chamber floor and definitive approval as modified.

All this strategy was based on the fact that the points on which legislation was desired had already been included in the self-regulatory code which the industry had been working with for many years.

The final result was the Senate approval of a modified Bill [which] the Chamber later approved without any modification and which follows our self-regulatory code.<sup>105</sup>

According to Antonio Brailovsky, a Professor of Argentinean Natural Resources at the University of Buenos Aires and President of the Argentinean Ecologist Movement in 1987, Law 23.344 was a strategy used by the industry to prevent a ban on tobacco advertising and to avoid other legislation such as the Neri Bill, that could affect tobacco companies’ interests:<sup>106</sup>

Actually there are reasons to suppose that this law is a tactic to defend the tobacco companies’ interests, pretending to fight against them. In fact, law 23.344 when it prohibits tobacco publicity in the “minor protection hours,” actually is allowing it during the remaining hours. That is to say, it is a way to prevent to apply the norms that prohibits broadcast harmful messages to health. On the other hand, minors who go to sleep at 10 pm are at the most 9 or 10 years old, and they do not represent the cigarette market. But for adolescents, this could be an additional reinforcement when getting the advertising in a for-adult hour. For the companies, to focus their advertising in that time, means just a saving of money.<sup>100</sup>

After Law 23.344 was approved, the Court dismissed the lawsuit brought by Kattan against the COMFER and the bill proposed by Neri was shelved.

Several amendments were introduced in Congress to strengthen Law 23.344 (such as penalties for violations), but CTI mobilized successfully to prevent any such improvements.<sup>36</sup>

### Other bills introduced into the Congress during the 1980s

Other bills were introduced into the Congress by policy makers from different political parties during the 1980s (Table 6). None of them passed.

**Table 6: National Tobacco Control Bills, Argentina 1980s.**

	Yamaguchi Bill <sup>107</sup> (1984)	Lazcoz Bill <sup>108</sup> (1984)	Rigatuso Bill <sup>109</sup> (1985)	Mathus Escorihuela Bill <sup>110</sup> (1986)	Soria Arch & Maglietti Bill <sup>111</sup> (1987- 89)	Sammartino Bill <sup>112</sup> (1988)	Jiménez Montilla Bill <sup>113</sup> (1988)
Advertising & Sponsorship	Limited to brand, type of tobacco, price & size. No images allowed	Not specified	Not allowed on TV and radio before 10 pm; No sampling	No ads that encourages tobacco use; No sponsorship	Not specified	“Smoking is harmful for health” on all types of ads.	Not specified
Minor access	Not allowed under 18	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified
Health warning labels	“Tobacco is dangerous for health and shortens life” print on packs	None	“Dangerous substance for health” print on packs	None	None	None	None
Constituents disclosure on packs	Tar and nicotine	None	None	None	None	None	None
Smokefree places	Public offices Public transportation Educational and health facilities Supermarkets	Public offices Educational and health facilities Public transportation	Enclosed public places Public transportation Educational and health facilities Elevators	Public offices, stores, public transportation educational and health facilities Workplaces Restaurants (20% for smokers)	Health facilities, urban public transportation Smoking areas in most public places.	None	Public offices and domestic airlines
Sanctions	Fines	Fines	Fines 30-days imprisonment Closure	None	Fines	None	Fines
Program & educational campaigns	National Committee Against Smoking; Education	None	None	Campaigns in health care & educational facilities	National Permanent Committee on Tobacco and Health; Education	None	None

**NONE WERE ENACTED**

### The Reorganization of the Tobacco Control Advocates during the 1980s

In 1985, the Fundación Salud Pública (Public Health Foundation) was founded as a voluntary non-profit institution to promote community health. Coordinated by Alvarez Herrera, this foundation was a member of UICC and the International Organization of Consumer Unions. It sought to coordinate public, private, voluntary, and scientific institutions, and to advise public health officials and policymakers in tobacco control legislation matters.<sup>68, 114, 115</sup>

In 1987, the Unión Anti-Tabáquica Argentina (UATA, Argentinean Anti-Tobacco Union) was formed as a coalition of public and private institutions (such as LALCEC and the



Public Health Foundation) in response to the recommendations of the 6<sup>th</sup> World Conference on Tobacco or Health held in Tokyo. Its main objectives were to reinforce the national antismoking union, to advocate for the approval of a new tobacco control bill and to promote educational and prevention activities. Alvarez Herrera was the first president of UATA until his death in 1991. One of the most important activities that UATA carried out was the organization of the 8<sup>th</sup> World Conference of Tobacco or Health in 1992 in Argentina, the first time the World Conference was held in a developing country.<sup>67, 114-116</sup>

## **Tobacco Control Legislation during the 1990s**

### **The Environmental Tobacco Smoke (ETS) Consultants: the “Latin Project”**

The “Latin Project” was the Latin American component of a global ETS Consultancy Program carried out during the 1990s and financed by Philip Morris International and British-American Tobacco.<sup>117-119</sup> Similar strategies were developed in Asia and Europe.<sup>120</sup> The project was administered by the law firm Covington and Burling (C&B) based in Washington DC, and managed through its lawyer John P. Rupp. In Latin America, it took place in seven countries: Argentina, Brazil, Costa Rica, Chile, Ecuador, Guatemala, and Venezuela.<sup>117, 119</sup> The main goal of the proactive “Latin Project” was to prevent regulations on secondhand smoke exposure, a forthcoming threat that the tobacco industry identified in the region. To achieve this objective, C&B relied on five strategies:

1. To recruit and train local “independent” consultants with expertise in different fields (such as epidemiology, biochemistry, oncology, and cardiovascular medicine) in the countries participating in the project.
2. To support research projects on indoor air quality (IAQ) to divert the focus from secondhand smoke to other indoor contaminants.
3. To publish articles questioning the association between secondhand smoke and disease.
4. To organize and fund regional symposia for scientists and local and regional press.
5. To lobby government officials to avoid or weaken potential tobacco control legislation in the countries involved.

The selection of the candidates to become consultants was under way in 1991. On March 27, 1991, a first-cut candidate list for the Latin America ETS Consultancy Project was sent by C&B Rupp to Sharon Boyse (Manager, Smoking Issues, and Senior Scientific Advisor, BAT). This list was not intended to be final, but a draft with suggested candidates. In fact, C&B was open to “receive additional recommendations from PM and BAT personnel in Latin America.”<sup>121</sup> Rupp asked representatives from PM and BAT of the target countries:

first that they review the list of candidates from their home country and let us have any information or insights they may be able to share with us, candidate by candidate; and, second, that they add to the list the names of any additional candidates they believe to be appropriate...a few words about the candidate (e.g. how the candidate’s name surfaced, what is known of the candidate, etc.) would be quite helpful.<sup>121</sup>

Also C&B was very careful to not contact the potential candidates until they had a response from the tobacco companies: “we will not contact any candidates, of course, until we have company reactions to the attached list.”<sup>121</sup> Table 7 shows the names of the consultant candidates from Argentina suggested by BAT, along with their specialty, position, and their institution. Of the original BAT list only one candidate was finally selected as consultant for the project. Two more consultants were added later.

In July 24, 1991, C&B Patrick S. Davies sent a memorandum to Philip Morris Latin America (PMLA) Aurora M. González, with the recommendations of three candidates from Argentina based on face-to-face interviews. The candidates were Dr. Carlos Benjamín Alvarez, Dr. Eduardo Gros, and Dr. Osvaldo Fustinoni.

A summary of Davies’ interviews with his impressions of each of the candidates is described in detail in his report<sup>122</sup> (Figure 8):

Candidates Selected: Argentina

Dr. Carlos [Benjamin] Alvarez. Dr. Carlos Alvarez is the Director of a well-known cardiovascular clinic in Buenos Aires. He is also a professor at the University of Buenos Aires Medical School, a member of the American College of Cardiology, and a technical and scientific advisor to Carlos Menem, the President of Argentina. Dr. Alvarez has already consulted for the companies in lawsuits involving allegations of cardiovascular disease from ETS exposure. *Clearly, he shares the industry’s view on this issue.* [emphasis added]. He also has considerable media experience. As far as English is concerned, he claims to read it well, but does not like to speak it. (We spoke in Spanish.)

Dr. Eduardo Gros. Dr. Gros is a Professor of Organic Chemistry at the University of Buenos Aires. He recently spent five months at the National Institute of Health (USA) doing research on ‘frog poison’. He smokes. He thinks governments in Latin America should concentrate on ambient air pollution instead of indoor air contaminants. He is not shy about talking to the press. His English is good. He has sense of humor, and would probably be easy to work with.

Chris Proctor [Christopher J. Proctor, C&B Senior Scientific Advisor BAT] has worked with Dr. Gros in the past, and recommends him.

Dr. Gros is interested in conducting measurements of ETS in buildings, but thinks he may lack some of the necessary equipment.

Dr. Osvaldo Fustinoni. Dr. Fustinoni, a physician, is President of the National Academy of Sciences of Buenos Aires. He presided over the Bariloche symposium. Apparently, he does not believe that ETS poses a major health risk.

Dr. Fustinoni would like to work with us in some capacity, but made it clear that he does not want any direct contact with the companies. Unfortunately, he must be at least eighty years old, and he does not speak any English (he told me he would need interpreters at conferences). But because he is clearly a moderate on the ETS issue, and is so well known and respected in Argentina, we should endeavor to send some work his way.<sup>122</sup>

Each of these three “scientific consultants” was hired and trained by C&B to lobby Argentinean government officials, to influence the local press and, finally, to mold public opinion,<sup>117</sup> while minimizing their public involvement with the tobacco industry.

**Table 7: BAT Candidates List for the Latin Project in Argentina<sup>121</sup>**

<b>Name of the Candidate</b>	<b>Specialty</b>	<b>Position/ Institution</b>	<b>Source</b>
Amilcar E. Arguelles	Pharmacologist	Prof. of Pharmacology, UBA, School of Medicine; Chief of Endocrinology, Air Force Hospital	C&B
Nilton Arnt	Epidemiologist	PAHO/ WHO	C&B
Jorge Bogacz	Medical oncologist		C&B
Victor Luis Boggi	Legal medicine	Prof. of Legal Medicine, UBA, School of Medicine	C&B
Eduardo R Centeno	Immunologist	?	C&B
Maria M de E de Braco	Immunologist	Head, Inmunohematologist Institute (IHEMA), National Academic of Medicine of Buenos Aires	C&B
Osvaldo Fustinoni	Physician	Vice-President of the National Academic of Sciences, Buenos Aires	IAQS SCB
Daniel J Goldstein	Pharmacologist	Prof. Biology, UBA, School of Natural Sciences	C&B
Oscar Gonzalez Carrizo	Epidemiologist	?	C&B
Liliana Licciardi	Epidemiologist	School of Public Health	C&B
Elena Matos	Cancer	Dept. of Research, Roffo Institute, Buenos Aires	C&B
Dora Loria	Epidemiology		
	Cancer	Dept. of Research, Roffo Institute, Buenos Aires	C&B
Domingo Passanante	Epidemiology		
	Physician ?	?	IAQS SCB
Roberto Pupi	Physician ?	?	IAQS SCB
Lucas de Simone	Physician ?	?	IAQS SCB
Jacobo Adrian Tieffenberg	MD, MPH	Pte. of ACINDES (Asoc. de Inv. y Desarrollo en Salud)	IAQS SCB
Marta Vilensky	Cancer	Dept. of Research, Roffo Institute, Buenos Aires	C&B
	Epidemiology		
Mautner	Physician, Cardiologist	Fundación Cardiológica Argentina, Buenos Aires	C&B
Vincente E. Mazzapero	Epidemiologist	?	C&B
Carlos Rodriguez	Occupational Medicine	PAHO, Buenos Aires	C&B
Rodolfo Rothlin	Medical pharmacology	Pharmacology, UBA, School of Medicine	C&B
Maria E. B. Roux	Immunologist	Nutrition and Food Sci., UBA, School of Pharmacy and Biochemistry	C&B
Abraam Sonis	Epidemiologist	?	C&B
Daniel Stambouliau	Physician ?	Director of EPROS (Escuela para Profesionales de la Salud); Head of Infectious Disease, Guemes Hospital, Buenos Aires	C&B
Norberto A Terragno	MD	Pharmacologist, Prof. UBA, School of Medicine	C&B
Joseba K. de Ustarani	Epidemiologist	?	C&B
Norma Vallejo	Chief toxicologist	School of Medicine	C&B
Liliana Vazquez	Pediatrician, epidemiologist	?	C&B
Alejandro Wood	Physician ?	?	IAQS SCB
<b>UBA:</b> University of Buenos Aires		<b>C&amp;B:</b> Covington & Burling	
<b>PAHO:</b> Pan American Health Organization		<b>WHO:</b> World Health Organization	
<b>IAQS SCB:</b> Indoor Air Quality Symposium at San Carlos de Bariloche (Dec. 6-7, 1988) <sup>121</sup>			

Candidates Selected: Argentina

Dr. Carlos Alvarez. Dr. Alvarez is the Director of a well-known cardiovascular clinic in Buenos Aires. He is also a professor at the University of Buenos Aires Medical School, a member of the American College of Cardiology, and a technical and scientific advisor to Carlos Menen, the President of Argentina.

Dr. Alvarez has already consulted for the companies in lawsuits involving allegations of cardiovascular disease from ETS exposure. Clearly, he shares the industry's view on this issue. He also has considerable media experience. As far as English is concerned, he claims to read it well, but does not like to speak it. (We spoke in Spanish.)

Dr. Eduardo Gros. Dr. Gros is a Professor of Organic Chemistry at the University of Buenos Aires. He recently spent five months at the National Institutes of Health (U.S.A.) doing research on "frog poison." He smokes. He thinks governments in Latin America should concentrate on ambient air pollution instead of indoor air contaminants. He is not shy about talking to the press. His English is good. He has a sense of humor, and would probably be easy to work with.

Chris Proctor has worked with Dr. Gros in the past, and recommends him.

Dr. Gros is interested in conducting measurements of ETS in buildings, but thinks he may lack some of the necessary equipment.

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Figure 8:  
Consultant Candidates Selected by the law firm Covington & Burling for Argentina (1991).

Dr. Osvaldo Fustinoni. Dr. Fustinoni, a physician, is President of the National Academy of Sciences of Buenos Aires. He presided over the Bariloche symposium. Apparently, he does not believe that ETS poses a major health risk.

Dr. Fustinoni would like to work with us in some capacity, but made it clear that he does not want any direct contact with the companies. Unfortunately, he must be at least eighty years old, and he does not speak any English (he told me he would need interpreters at conferences). But because he is clearly a moderate on the ETS issue, and is so well known and respected in Argentina, we should endeavor to send some work his way.

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Figure 8 (cont.)

On the other hand, Dr. Amilcar Arguelles (Professor of Pharmacology at the University of Buenos Aires, School of Medicine), and Dr. Lucas de Simone (Physician, attendee at the IAQ Symposium at San Carlos de Bariloche in December 1988), were ruled out as potential candidates for different reasons that were also outlined in Davies' report<sup>123</sup> (Figure 9):

Candidates Not Selected: Argentina

Dr. Amilcar Arguelles. Dr. Arguelles is up in years, and my distinct impression is that he is past his prime. Furthermore, he does not enjoy good health, and cannot travel.

Dr. Lucas de Simone. I did not have the chance to speak with Dr. de Simone privately, because he invited seven of his colleagues from Tornu Hospital to our meeting. He appeared to be a moderate on the ETS issue, but his colleagues were less than enthusiastic about his working with us, and the impression I had was that he needed their approval. Also, I was not impressed with his facilities. For now, I think we should play it safe and stick with Dr. Alvarez for the medical issues in Argentina.<sup>123</sup>

Among other activities, Dr. Carlos B Alvarez participated in a "scientific conference" held in Athens, Greece, in April 28-30, 1992.<sup>124</sup> The conference, "Calidad del Medio Interior" (Indoor Air Quality), on indoor air pollutants and cardiovascular disease was organized by Indoor Air International, an organization founded by the Associates for Research on Indoor Air, a Philip Morris initiative coordinated through its law firm Covington and Burling.<sup>125</sup> On May 14, following the industry recommendations<sup>126, 127</sup>, Dr. Alvarez expounded the results in a mass media conference held in the Alvear Palace Hotel in Buenos Aires, highlighting the great importance of contaminants such as fungus, chemicals, noise, and lighting, as potential risk factors for cardiovascular disease, and minimizing the role of tobacco smoke<sup>124</sup> (Figure 10). A list of the Argentinean journalists and personalities that should have to be invited to the press conference was sent by C&B Patrick Davies to Guillermo González Taboada (Taboada y Asociados de Comunicación, Advertising Agency) who organized it.<sup>128, 129</sup>

In 1993, as part of his paid tasks, Dr. Alvarez wrote an article criticizing the science on the causal relationship between secondhand smoke and cardiovascular disease. The article, entitled "Relación del humo del cigarillo en el medio ambiente con enfermedad coronaria" (Relation between environmental tobacco smoke with coronary disease), was a literature review coauthored with Dr. Bruno B. Burger, the Venezuelan consultant. The authors concluded that there was no scientific evidence ("not conclusive results") on the association between environmental tobacco smoke and coronary disease based on 10 epidemiological studies. This conclusion was supported mainly because of methodological errors such as small sample size, wrong design, lack of control of other factors, misdiagnosis of cardiac disease, misclassification of cases and controls, inconsistent dose-response, and weak association. The paper was published in the *Gaceta Médica de Caracas*, a peer-reviewed journal of the National Academy of Medicine of Venezuela<sup>130</sup> (Figure 11).

Candidates Not Selected: Argentina

Dr. Amilcar Arguelles. Dr. Arguelles is up in years, and my distinct impression is that he is past his prime. Furthermore, he does not enjoy good health, and cannot travel.

Dr. Lucas de Simone. I did not have the chance to speak with Dr. de Simone privately, because he invited seven of his colleagues from Tornu Hospital to our meeting. He appeared to be a moderate on the ETS issue, but his colleagues were less than enthusiastic about his working with us, and the impression I had was that he needed their approval. Also, I was not impressed with his facilities.

For now, I think we should play it safe and stick with Dr. Alvarez for the medical issues in Argentina.

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Figure 9:  
Consultant Candidates Not Selected by the law firm Covington & Burling for Argentina (1991).

## Medio ambiente interior y las enfermedades cardiovasculares

El doctor Carlos Benjamín Álvarez expuso en una conferencia las conclusiones sobre las jornadas de "Calidad del Medio Interior" —realizada entre los días 28, 29 y 30 de abril en Atenas, Grecia—, de las que participó como representante de nuestro país, y donde se trataron temas relacionados específicamente con las enfermedades cardiovasculares y el medio ambiente.

Benjamín Álvarez, director del Instituto de Clínicas Cardiovasculares, explicó que "la mayoría de las personas pasa más del 80% de su tiempo en ambientes interiores y consecuentemente, la exposición a potenciales agentes qui-

micos, físicos y biológicos pueden ser considerablemente perjudiciales para su salud".

Debido a esto, las jornadas sobre medio ambiente interior —que fueron organizadas por Indoor Air International, una sociedad sin fines de lucro fundada en Suiza en 1989—, abarcaron una amplia variedad de disciplinas, y participaron profesionales de medicina, ingeniería, arquitectura, representando a países de Europa, Asia y América.

Los participantes, entre los que se contó incluso con legisladores, se comprometieron a establecer y a mantener la mejor calidad del medio

ambiente interior.

En la conferencia que Benjamín Álvarez brindó a su regreso de Atenas se aseguró que "en las múltiples sesiones se consideró una extensa lista de posibles contaminantes, entre los que se encuentran los materiales de construcción, la atmósfera externa, hongos por exceso de humedad, productos químicos usados en la limpieza, ruidos, mala iluminación, vapores de fotocopiadoras, y otros, que son responsables no sólo de los efectos directos sobre la salud, sino también condicionando situaciones de 'stress'".

"Nuestro país —expresó Álvarez—, según la oficina Panamericana de la salud, tiene el triste privilegio de ser, después de Trinidad Tobago y Guyana, el primero en América en mortalidad por enfermedades cardiovasculares" por lo que sería necesario "tener una actitud activa respecto a los factores de riesgo", expresó el galeno.

Otros de los temas tratados en las jornadas que en los últimos años ha logrado atraer la atención de los especialistas en salud, fue "la presunta relación existente entre la presencia de componentes de humo del cigarrillo y el desarrollo de las enfermedades cardiovasculares", remarcó.

Por último, Benjamín Álvarez explicó que "los representantes de Europa, Asia y América llegaron a la conclusión —algo en lo que concordaron todos— que serán necesarias políticas destinadas al cuidado y la preservación del medio ambiente interior, y a modo de ejemplo se presentaron

las políticas de salud y seguridad de la Comunidad Económica Europea".



El doctor Carlos Benjamín Álvarez expone las conclusiones a las que se arribó en las jornadas realizadas en Atenas sobre medio ambiente interior y su incidencia en las enfermedades cardiovasculares

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Figure 10:

Tobacco Industry Consultant Dr. Carlos B Álvarez' Presentation in the Conference Indoor Air Quality by Indoor Air International, Athens (1992).



## Relación del humo del cigarrillo en el medio ambiente con enfermedad coronaria

Carlos B Alvarez \*, Bruno M Burger \*\*

\* Director del Instituto de Clínicas Cardiovasculares, Buenos Aires, Argentina.

\*\* Jefe del Servicio de Cardiología, Centro Médico Docente La Trinidad, Caracas, Venezuela.

Los principales factores que aumentan el riesgo (factores primarios o mayores) de padecer de enfermedad coronaria aterosclerótica son la hipercolesterolemia, hipertensión arterial sistémica y el hábito de fumar. Existen muchos otros factores que también en menor grado (factores secundarios o menores) favorecen el desarrollo o aceleran esta enfermedad —que es la causa más frecuente de mortalidad en muchos países de América— como son la diabetes mellitus, obesidad, sedentarismo, estrés, hiperuricemia, sexo masculino, etc.

Recientemente se está tratando de implicar al humo del cigarrillo ambiental como factor de riesgo de enfermedad coronaria en el llamado "fumador pasivo". Sin embargo, los estudios científicos no son concluyentes y la mayoría de ellos no pasan de obtener una relación estadística débil y de tener lógicamente una fuerte predisposición o prejuicio hacia lo que la mayoría desea como resultado.

El humo del cigarrillo ambiental es una mezcla compleja y altamente diluida de compuestos químicos y gaseosos muy diferentes en cantidad y calidad a los que inhala el fumador. La mayoría de estos compuestos se encuentran así mismo en el aire ambiental generados por múltiples fuentes de contaminación.

Así mismo, la concentración de algunos de los compuestos específicos (nicotina) dependerá del tipo y número de cigarrillos fumados, el área afectada, el grado de ventilación y la proximidad del cigarrillo quemado. Estudios que han medido niveles de estos compuestos específicos y de otras sustancias y partículas han encontrado, por ejemplo, que en oficinas, restaurantes y lugares públicos, donde se permite fumar, los niveles de nicotina en el aire ambiental están entre 2 y 20  $\mu\text{g}/\text{m}^3$  (microgramos por metro cúbico) y en aviones comerciales se han reportado niveles con rangos entre 1  $\mu\text{g}/\text{m}^3$  en el área de no fumadores y 10  $\mu\text{g}/\text{m}^3$  en el área de fumadores. Un buen número de científicos han declarado que, a los niveles descritos, un no fumador tiene que estar entre 50 y 500 horas en una oficina, restaurante o lugar público para estar expuesto a una cantidad de

nicotina equivalente a lo que se fuma en un cigarrillo; que un pasajero tendría que hacer 11 vuelos ida y vuelta entre Nueva York y Tokio en Boeing 747 antes de estar expuesto a la cantidad de nicotina que se produce al fumar un cigarrillo.

Por lo tanto es muy difícil hablar de exposición específica a los componentes del tabaco, lo cual es una condición indispensable en todo trabajo científico que tenga por objeto establecer una relación etiológica entre el humo del cigarrillo ambiental y la enfermedad coronaria aterosclerótica; teniendo que conformarse la mayoría de los trabajos con estudios epidemiológicos, que por supuesto presentan grandes fallas en su metodología, cuando tienen que sustentarse en cuestionarios, relaciones personales con una continuidad equívoca, en vez de basarse en mediciones de marcadores biológicos específicos para establecer una relación dosis/respuesta y, lo que es más importante, determinar experimental o clínicamente la acción específica del marcador como productor de enfermedad coronaria aterosclerótica. No basta especular, que como fumar cigarrillos es dañino para la salud, también tiene que serlo el humo del cigarrillo en el medio ambiente.

La relación entre humo del cigarrillo en el medio ambiente y enfermedad coronaria ha sido descrita en una serie de trabajos aparecidos en la literatura médica desde hace varios años. El Cuadro I resume estos trabajos y su significación estadística. En 1986, de acuerdo a los resultados de los cuatro de estos estudios que se publicaron anteriormente, la jefatura médica de los EEUU y el Consejo Nacional de Investigación (11,12) reportaron que la relación del humo del cigarrillo en el medio ambiente y la enfermedad coronaria no estaba probada, sobre todo por estar basados en estudios que generan datos epidemiológicos de matrimonios, con todas las posibles debilidades metodológicas de los estudios individuales basados en los hábitos particulares de las parejas. Así mismo por no poder eliminar varias fuentes potenciales de prejuicio y no considerar los otros conocidos factores de riesgo coronario. Sin embargo, en los últimos tres años, se ha tratado de generar una idea contraria, sobre todo en base a un

Figure 11: Paper "Relation between environmental tobacco smoke with coronary disease" published by Tobacco Industry Consultants Dr. Carlos B Alvarez and Dr. Bruno Burger in the Journal *Gaceta Médica de Caracas* (1993).

A 1993 tobacco industry report entitled “Latin America ETS Project: Strategy and Budget Proposal for 1994” described specific initiatives that Dr. Alvarez would be expected to do with a budget of \$50,000.<sup>131</sup>

- a) Respond promptly to media articles misrepresenting the science of ETS or calling for smoking restrictions for scientifically unjustified reasons...
- b) Write two articles for the popular press addressing indoor air quality issues from a medical perspective...
- c) Write one scientific article on the science of ETS, to be published in *Acta Cardiológica*...
- d) Present his views on ETS and indoor air quality issues to the President of the Republic [Carlos Menem] and to other government officials on an informal basis and, should smoking restrictions legislation be reintroduced, to become active in opposing such legislation.<sup>131</sup>

On July 18 1995, Dr. Alvarez (Chairman of the Scientific Committee) along with consultant Dr. Fustinoni (Honorary President) organized the II Simposio Internacional “Nuevos Avances en la Investigación del Medio Ambiente y las Enfermedades Cardiorespiratorias” (Second International Symposium on “New Advances in the Research of the Environment and the Cardio-respiratory Diseases) at the National Academy of Sciences in Buenos Aires.<sup>132, 133</sup> Alvarez’ presentation “Estudio del Medio Ambiente Interior de Buenos Aires (E.M.A.I.B.A.)” (Study on Indoor Air in Buenos Aires) on a study carried out in eight buildings of Buenos Aires to determine the existent chemical, physical, and biological contaminants, shifted the focus away from secondhand smoke to other environmental contaminants.<sup>133</sup>

### The 8th World Conference on Tobacco or Health (1992)

Between March 30<sup>th</sup> and April 3<sup>rd</sup> 1992, the 8<sup>th</sup> World Conference on Tobacco or Health was held in Buenos Aires, Argentina, with the theme “Construyendo un Mundo Libre de Tabaco” (Building a Tobacco-Free World). The conference was organized by UATA<sup>134</sup> (Figure 12), with the sponsorship of the American Cancer Society, the Comité Latinoamericano Coordinador del Control del Tabaquismo (CLACCTA, Latin American Coordinating Committee on Smoking Control). Among the co-sponsors were the WHO, the Pan American Health Organization, the UICC, and the US National Cancer Institute.<sup>135</sup> It was the first world conference organized in a developing country. Previous world conferences were held in United States (1967 and 1975), in United Kingdom (1971), in Sweden (1979), in Canada (1983), in Japan, (1987), and in Australia (1990) (Table 8). The conference focused on four main topics:<sup>135</sup>

- Countering tobacco marketing, advertising, and promotion.
- Preventing tobacco use by children.
- Establishing clean indoor air policies.
- Building support for tobacco control.



8<sup>th</sup> WORLD  
CONFERENCE  
on TOBACCO  
OR HEALTH

Building a Tobacco-Free World

March 30-April 3, 1992  
Buenos Aires, Argentina

640508899

Figure 12:  
Pamphlet on the 8th World Conference on Tobacco or Health  
(1991).

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**Table 8: World Conferences on Tobacco and Health**

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<b>Year</b>	<b>Conference Name</b>	<b>Place</b>
1967	World Conference on Smoking and Health	New York, United States
1971	2 <sup>nd</sup> World Conference on Smoking and Health	London, United Kingdom
1975	3 <sup>rd</sup> World Conference on Smoking and Health	New York, United States
1979	4 <sup>th</sup> World Conference on Smoking and Health	Stockholm, Sweden
1983	5 <sup>th</sup> World Conference on Smoking and Health	Winnipeg, Canada
1987	6 <sup>th</sup> World Conference on Smoking and Health	Tokyo, Japan
1990	7 <sup>th</sup> World Conferences on Tobacco and Health	Perth, Australia
1992	8 <sup>th</sup> World Conferences on Tobacco or Health	Buenos Aires, Argentina

---

Dr. Carlos Alvarez Herrera was elected Chairman of the Conference Planning Committee.<sup>136</sup> However his unanticipated death in November 1991 allowed Dr. Jorge Pilheu (Vice-President of the conference) to take his place. Main attendees included Dr. Antonia Novello (Surgeon General of the US), Dr. Hiroshi Nakajima (Secretary General, WHO), James Grant (UNICEF), President Carlos Menem, and Minister of Health Julio César Aráoz. The Conference was attended by 1,057 delegates.<sup>137</sup>

Working together, PMI and BAT orchestrated a plan to undermine the Conference success and minimize its impact.<sup>138-140</sup> However, some initiatives were taken independently. In June 1991, N-P Basso Dastugue sent a letter to Dr. Sharon Boyse (BAT Public Affairs Department) explaining part of the activities to be developed regarding the conference:

As anticipated, we [N-P] had lunch with Dr. Jorge Pilheu, Vice President of the 8<sup>th</sup> World Conference on Smoking & Health. The most interesting information gleaned was that it appears to be the intention to give this conference a more scientific slant with less politicking ...

With proper press handling we could, for the first time, create a controversy in areas in which public opinion is under the impression that none exists.

This, of course, requires that we are able to achieve the participation of top level scientists or academics, doctors, biostatisticians, with sound reputations in the USA or the UK. Furthermore, they would have the chance of making speeches at the National Academy of Medicine and at the Medical Association of Argentina.

The contact with the Congress Vice President has been a Nobleza-Piccardo initiative ... Dr. Pilheu thinks that it would be most favourable if they [international scientist] were already known for opinions that differ from those of personalities such as [Dr.] Richard Doll or [Dr.] R. Peto.<sup>141</sup>

Basso Dastugue also emphasized the importance of not exposing the tobacco industry and working through front groups, as he stated:

The industry, obviously, can not appear to sponsor the activity nor finance participants trips. That would have to be done through donations to foundations or independent institutions.<sup>141</sup>

In July 1991, representatives from BAT, PMLA, N-P and M-P held a meeting in Buenos Aires to discuss regional and local strategies related to the conference. According to BAT Sharon Boyse, two main regional strategies were agreed upon. First, to hold a media briefing program during the first week of November in Bariloche, Argentina, to create controversy about secondhand smoke and health. Second, to develop Paul Dietrich's (Development Committee, Pan American Health Organization, PAHO) proposal on health priorities for Latin America. Dietrich's plan was to influence the media based on his arguments that Latin America should not be spending money on tobacco programmes due to the necessity of resources in more common preventable infectious diseases.<sup>116, 142-144</sup> Finally, they agreed to train a number of Argentinean journalists "in techniques of dominating press conferences."<sup>142</sup> Other proposals to divert the attention of the conference included the organization of an international football match on a key conference day, the formation of a smokers' rights group, and the infiltration of the conference organization.<sup>142</sup>

A 1991 BAT report summarized the proposed possible actions to take against the Conference:<sup>145</sup>

- 1) FOLLOW UP PREVIOUS ORGANIZATION MEETINGS.  
...
- 2) ATTENDANCE.  
...
- 3) ADVICE ON INDUSTRY'S PARTICIPATION IN THE SEVEN PREVIOUS CONFERENCES.  
...
- 4) HOLDING AN INTERNATIONAL CONGRESS OF TOBACCO MANUFACTURES.  
...
- 5) DEVELOPMENT OF A CULTURAL PROJECT RELATIVE TO THE 500 YEARS SINCE THE DISCOVERY OF AMERICA.  
...
- 6) HOLDING A CONGRESS ON INDOOR AIR QUALITY.  
...
- 7) HOLDING A CONGRESS FOR ARGENTINE REPORTERS.  
...
- 8) JOURNALISTIC COVERAGE OF THE EVENT. OBJECTIVE JOURNALISTIC CRITIC OF THE CONCLUSIONS TO BE REACHED AT THE CONFERENCE FOR NOT HAVING A SCIENTIFIC APPROACH.  
...
- 9) HAVING 2 OR 3 REPORTS CONTAINING OPINIONS CONTRARY TO THE ONES SUPPORTED BY THE ORGANIZERS BE SENT TO THE CONFERENCE.  
...
- 10) TO HAVE GROUPS FIGHTING AGAINST AIDS CLAIM TO THIS CONFERENCE FOR THEIR PRIORITY AS COMPARED TO TOBACCO.  
...
- 11) TO COORDINATE A JOURNALISTIC MEETING OF THE INDUSTRY AND TOBACCO MANUFACTURES.  
...
- 12) VERY IMPORTANT FOOTBALL MATCH ON CLOSING DATE.  
...

A letter sent between two representatives of Massalín-Particulares in October, 1991 compiled other main industry's actions to be taken:

- Follow up of all organizational meetings through third parties.
- Attendance to the conference through third parties.
- Strengthen press contacts to highlight poor scientific level of the conference.
- Spread figures of the WHO budget assigned to infant mortality vs. those assigned to antismoking campaigns and overhead expenses.
- Brief journalists on the smoking and health and other industry related issues;
- Organization of a South American journalists congress with the objective of informing about:
  - o Socioeconomic importance of tobacco industry.
  - o Smoking and health.
  - o Importance of other air pollutants vs. ETS.
  - o Other industry related subjects.<sup>146</sup>

The Tobacco Documentation Center monitored the conference, mounting an Industry Monitoring Center. Monitors were trained to attend all sessions of the conference, and to write and send daily reports to a “coordination/information unit” set up in Buenos Aires.<sup>147-180</sup> The information collected, “properly screened by industry analysts, will then be distributed via fax to the different affiliates in order to alert them to the various issues discussed at the conference.”<sup>181</sup>,<sup>182</sup> In addition, the Chamber of Tobacco Industry issued daily reports.

Local tobacco control advocates saw the conference as a great opportunity to support the Neri Bill that was “waiting” in the Senate (see below section “The Tobacco Control Advocates Bill”) after having passed the Lower House two years before.

## The Tobacco Control Advocates Bill (1990–1992)

### **The Neri Bill II (Lower House, 1990)**

On May 24, 1990, Aldo Neri (Representative, Buenos Aires, Radical Party: 1987-1991) introduced a comprehensive tobacco control bill<sup>183</sup> (Table 9) in the Lower House. The bill was drafted by Dr. Alvarez Herrera with financial support and technical assistance of the WHO while Neri was Minister of Health. On September 27, 1990, the bill passed the Lower House on the last day of the regular legislative session (among nearly 200 other bills) without any amendments and was forwarded to the Senate for its consideration.<sup>184, 185</sup>

### **Law 24.044 (1991)**

In November 1991, Congress passed a law<sup>186</sup> modifying Law 23.344. The initiative had been introduced by Lorenzo Cortese (Representative, Córdoba, Radical Party: 1983-1991) in 1986 and 1988. Law 24.044 established fines for violators, with the money collected to be used to support anti-smoking campaigns and nonsmokers groups; however it is rarely enforced.

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**Table 9: Neri Bill (1985<sup>91-93</sup> & 1990-1992<sup>183</sup>)**

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Advertising	Allowed in point-of-sale only.
Sponsorship	Banned for cultural or sporting events.
Sampling & promotion	Not permitted.
Health warning labels	Rotating warnings on cigarette packs; text not specified, to be determined by health authorities.
Constituent disclosure	Nicotine, tar, CO, and other substances print on packs.
Sanctions	Warnings; fines; closure of retail outlets; no products sale.
Education	Under the Ministry of Health, financed by the Health National Fund.
Minor sales ban	Under 16.
Smokefree places	Enclosed public places with allowances for separate smoking rooms.

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**DEFEATED/ VETOED**

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**The Neri Bill II (Senate, 1992): A Law with Ten Days of Life**

On September 25, 1992, according to PMLA Vice-President César Rodríguez, Provisional President of the Senate Oraldo Britos (Senator, San Luis, Justicialista Party: 1986-1995) “called a surprise meeting with representatives of advertising agencies, the media and the tobacco industry to discuss the disposition of the bill during which he *exerted strong pressures* on those who attended [emphasis added].”<sup>184</sup> According to news reports,<sup>184, 187-190</sup> Britos requested a “contribution” of one million dollars to shelve the bill and, when he did not succeed, scheduled the bill for a Senate vote on September 30, 1992, the last day of the regular legislative session<sup>184</sup> (Figure 13). The bill passed in the Senate despite the strong opposition of former Governor of Corrientes (a tobacco growing area) José Romero Feris (Senator, Corrientes, Autonomista Party: 1987-1995).<sup>191-194</sup>

After Congress passed the Neri Bill, according to PMLA Rodríguez, the tobacco industry worked “to create an atmosphere in which a presidential veto would be politically feasible.”<sup>184</sup> The CTI wrote President Carlos Menem formally requesting a veto and tobacco industry representatives contacted government officials including Minister of Economy Domingo Cavallo. Governors of the tobacco growing provinces, such as Roberto Ulloa (Governor of Salta: 1991-1995), sent letters supporting a presidential veto (Figure 14). Romero Feris appeared in numerous television interviews speaking against the bill.<sup>184</sup>

Call Money  
Oct. 15, 1992

APPENDIX 1

2046436846

Florida 1005 1<sup>o</sup> piso  
Tel. 311-5011/5029 - Int. 994

SEMANARIO DE POLITICA - ECONOMIA

## La historia de una coima

*Britos intentó cobrar un millón de dólares para frenar la "ley del humo". En veloz reacción Menem decidió vetar la ley, evitando un "Swiftgate" de mayores proporciones. El tema era monitoreado desde Washington. Podrían expulsarlo del Partido Justicialista y del senado de la Nación.*

Oraldo Britos, senador por San Luis, es una rémora de las viejas mañas políticas de la Argentina. Pese a su carácter de cofundador del MUSO, y por ende de la renovación, junto a José Luis Manzano -de quien fue su principal aliado en el Senado- sistemáticamente ha frenado o cajoneado leyes claves para la transformación del país, tales como las previsionales o la de empleo. Se dice oficialista, pero hasta ahora no ha hecho más que perjudicar al Presidente y a su política.

Con el proyecto de prohibición de la publicidad de los cigarrillos se excedió y puso al país al borde de un nuevo escándalo internacional, escándalo que sólo pudo evitarse por los rápidos reflejos del doctor Menem, quien decidió vetar el incongruente proyecto. Pero más allá de las debilidades de la norma en cuestión, lo grave es lo que intentó hacer el señor Britos.

En su carácter de senador, convocó a su despacho a un representante de las agencias publicitarias, uno de los medios de comunicación y uno de las empresas tabacaleras, para una reunión a realizarse el 25 de septiembre a las 18 horas. Por las agencias concurrió el doctor Gustavo Kraniasky y por los medios Jorge Posse (mano derecha de Magneto en Clarín), decidiendo las tabacaleras no presentarse.

Esta decisión de los supuestamente más interesados se originó en que "ya habían recibido aprietos", y tenían órdenes precisas de sus sedes externas de "no aceptar un chantaje". El asunto había llegado al Departamento de Estado, donde el poderoso embajador Robert "Bob" Gelbard estaba preparando una protesta oficial para que fuera presentada por Terence Todman, pues el caso, por las características institucionales de sus protagonistas, era para ellos mucho más grave que el "Swiftgate". Piénsese que solamente Philip Morris, que hace 14 años que no invierte en el país, tenía prevista ahora una de alrededor de 100 millones de dólares. También estaba dispuesta a actuar la embajada de Alemania, ya que el 30 por ciento del paquete de Massalin es de una empresa de esa nacionalidad.

Pero la reunión convocada por Britos se hizo con las otras dos patas del triángulo. Y grande fue la sorpresa de Posse y Kraniasky cuando Britos los recibió aclarando que "las llaves de los vestuarios las tengo yo", para solicitar de inmediato una contribución de 1 millón de dólares para que la ley no se tratara y pasara a archivo, o 500 mil antes y 500 mil después si la ley se trataba y no se aprobaba. Sardónico e insolente, el puntano agregó que "a mí no me importa si venden cigarrillos en los colegios, pero si quiere que la ley no salga tienen que morir en mí". Por suerte existe el veto.

Indignados e incrédulos, Posse y Kraniasky informaron a sus superiores, quienes de inmediato comenzaron a mover los hilos. Se dice que Magneto, fuera de sí, lo llamó personalmente a Eduardo Menem para contarle lo ocurrido, y que el senador le dijo que eso "era cosa de Britos" y que iba a hablar con el Presidente.

Lo cierto es que la acción de Britos perjudicó al Presidente (debió apelar al veto para evitar el escándalo), al Senado en su conjunto (de alguna forma comprometió a la institución legislativa en su conjunto) y a su partido, lo que produjo la ira de los hermanos Adolfo y Alberto Rodríguez Sáa, cansados de los manipuleos de su comprovinciano al tiempo que hizo peligrar el frente externo de Cavallo.

Es de esperar, por lo tanto, que los senadores no apelen al peligroso espíritu de cuerpo, que investiguen este hecho (es decir que no hagan lo tradicional de investigar y atacar al denunciante y no al denunciado) y que lo expulsen de la Cámara -y por su puesto de su partido- cuando comprueben la verdad. Sería muy triste que las expulsiones sólo se concreten con diputados caídos en desgracia y condenados por los medios, como fue el caso de Luque. A la democracia, al gobierno y al Presidente les sería muy útil un escarmiento ejemplar, cuando el país entero está harto de los corruptos. □

Figure 13:

Article Published in an Argentinean Newspaper on Senator Oraldo Britos' Role on the Neri Bill (1992).



SALTA, Octubre 08 de 1992.-

APPENDIX 4

SEÑOR MINISTRO DEL INTERIOR:

El Congreso de la Nación ha sancionado una Ley de Control del Tabaquismo.

No escapará al elevado criterio del Señor Ministro, que una Ley de esta naturaleza afecta negativamente a las economías regionales fuertemente ligadas a la producción tabacalera, como en el caso de Salta, en momentos en que aún no se ha producido una franca reactivación económica que genere demanda de mano de obra.

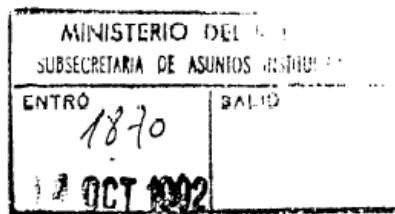
Por esta razón, sugiero que dicha Ley sea observada por el Poder Ejecutivo Nacional.

Sin otro particular saludo al Señor Ministro con mi mayor consideración.



ROBERTO AUGUSTO ULLOA  
GOBERNADOR

Señor  
Ministro del Interior  
DR. JOSE LUIS MANZANO  
SU DESPACHO

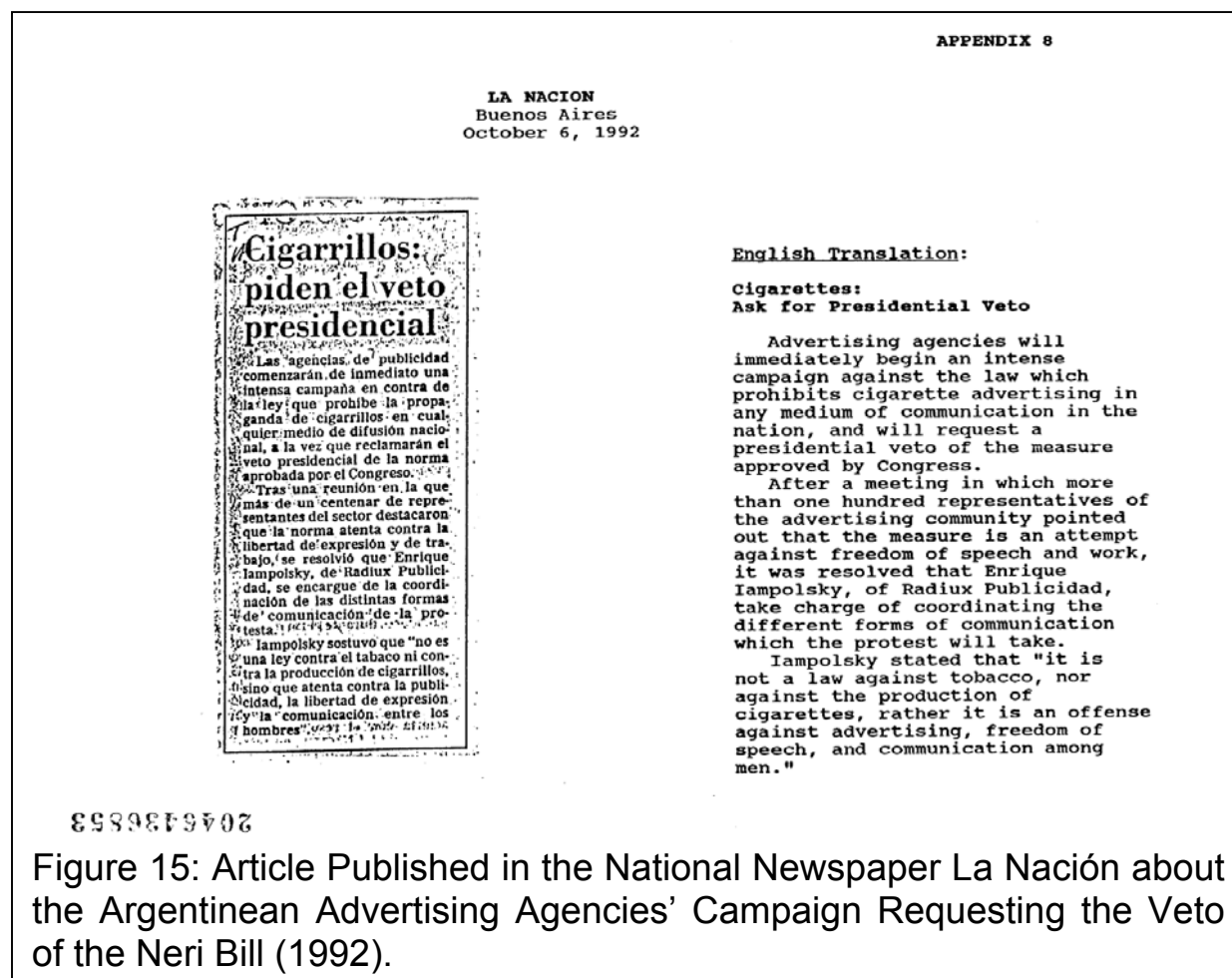


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Figure 14:

Letter from Senator Roberto Ulloa to the Minister of the Interior José L. Manzano, Requesting the Veto of the Neri Bill (1992).

Between October 1 and October 15, as part of the tobacco industry's media strategy, spokesmen for the advertising agencies alliance and the tobacco industry appeared in 44 radio interviews and 32 television news broadcasts. CTI Vice-President Jorge Vives [M-P] alone appeared in 11 interviews on television. One hundred twenty-nine media articles and paid advertisements were published in local newspapers and magazines, most of them (105) favorable to the industry's point of view supporting a Presidential veto<sup>184</sup> (Figures 15- 17).



On October 5, in Buenos Aires PM organized "a closed door working session with the media owners, sports figures, advertising executives, and other interested parties, to initiate a campaign in favor of a presidential veto"<sup>184, 195</sup> of the recently approved law. Letters were sent to President Menem by numerous international media and advertising associations (the International Advertising Association, the Interamerican Press Association, and the Interamerican Society for Freedom of Commercial Speech), and advertising agencies with offices in Argentina, requesting a veto.<sup>184</sup> Repeating arguments the industry used elsewhere in the world against advertising restrictions, the Argentine Association of Advertising Agencies stated that restricting cigarette advertising could begin a cascade of events that would undermine "free expression" regarding other products.<sup>184</sup>

EL CRONISTA COMERCIAL  
BUENOS AIRES  
9 OCT 1992

También apareado en:  
LA NACION -  
AMBITO FINANCIERO

SOLICITADA

ACERCA DE LA LEY SOBRE EL CONTROL DEL TABAQUISMO.

# LA LIBERTAD DE ANUNCIAR EN UN MARCO DE RESPETO Y RESPONSABILIDAD SOCIAL.

Ante la sanción de la ley sobre control del tabaquismo, la Cámara Argentina de Anunciantes se siente en la obligación de expresar sus consideraciones, tal como lo hiciera oportunamente en nota al Honorable Senado de la Nación el 15 de octubre de 1991 y, en fecha reciente, en una carta dirigida al Sr. Presidente de la Nación.

- Es opinión permanente de esta Cámara que cualquier producto que se encuentre legalmente autorizado para su expendio al público, debe contar también con el derecho a ser publicitado.
- Paralelamente, siempre entendimos que aquellos productos cuyos consumos puedan ser inconvenientes para menores de edad, deben contar con un Código de Autorregulación Publicitaria que acote y limite sus mensajes comerciales.
- Basada en esos principios, la Cámara Argentina de Anunciantes impulsó, en 1976, la creación y formación de la Comisión Intersocietaria de Autorregulación Publicitaria, integrada por los anunciantes, las agencias de publicidad y los medios de difusión. Tras redactar su código general, esta Entidad invitó a distintas agrupaciones empresarias a generar sus propios capítulos especiales para su autorregulación publicitaria.
- Asumiendo su responsabilidad, la Cámara de la Industria del Tabaco elaboró su propio Código de Autorregulación Publicitaria que se encuentra en plena vigencia. En él se establece que la comunicación publicitaria no debe propender a un consumo exacerbado del producto; que no se deben pautar anuncios en medios dirigidos principalmente a menores de 21 años; que los modelos utilizados en la publicidad audiovisual deben tener, y aparentar, edades mayores de 25 años; y otras normas que son estrictamente cumplidas por las empresas del sector.
- Por todo lo antedicho, la Cámara Argentina de Anunciantes se solidariza con las noticias que dan cuenta de la intención del Sr. Presidente de vetar la ley recientemente sancionada, **específicamente en lo que hace a nuevas restricciones en materia publicitaria**, revalidando el trascendente rol de la Autorregulación que esta Cámara instituyó como accionar idóneo para preservar la libertad de anunciar en un marco de respeto y responsabilidad social.



CAMARA ARGENTINA  
DE ANUNCIANTES

2046436855

Figure 16:

Paid Advertisement by the Argentinean Chamber of Advertisers, Published in Several National Newspapers Requesting the Veto of the Neri Bill (1992).

# Los ataques a la libertad de expresión pueden transformarse en una mala costumbre.

La libertad de expresión es uno de los derechos fundamentales.

Un sistema económico de libre competencia necesita una herramienta imprescindible: la publicidad. Una profesión imposible de practicar sin libertad de expresión. Los que hacemos publicidad informamos, esa es nuestra libertad.

El público elige. Esa es la suya.

Ejercer el comercio es un derecho constitucional que incluye el de hacer publicidad. No hay ninguna justificación válida para decretar una medida que atente contra ese derecho.

Entre otros productos, hacemos publicidad de cigarrillos, un producto lícito. Si se la prohíbe, se está atacando la libertad de expresión.

Ahora es el cigarrillo. Mañana puede ser otro producto.

Un ataque a la libertad no puede ser sano para nadie. Y lo que es peor, puede transformarse en una mala costumbre que nos perjudique a todos.

Por eso, le pedimos al Sr Presidente que veto esta ley anticonstitucional.



ASOCIACION ARGENTINA  
DE AGENCIAS DE PUBLICIDAD  
Hipólito Yrigoyen 1968. Tel: 951-0575/9630

2046436856

LA NACIÓN -  
12-10-92

Figure 17: Paid advertisement by the Argentinean Chamber of Advertisers, published in the national newspapers La Nación, requesting the veto of the Neri Bill (1992).

On September 30, a public opinion poll in the city of Buenos Aires was commissioned by the tobacco industry and taken by Tele Survey, a marketing firm used by President Menem for his own polls. The poll showed that 71% of 255 respondents “supported” the veto. Poll results were publicized in major Buenos Aires newspapers,<sup>196</sup> television and radio news, and sent to President Menem.<sup>184</sup>

Cardiologist Carlos Alvarez, a professor at the Catholic University of Argentina and Director of the Cardiovascular Clinics Institute at Buenos Aires, was the most prominent tobacco industry ETS consultant in Argentina. Having the strategic position of technical and scientific advisor to President Menem, Alvarez lobbied him to veto the bill.<sup>117, 119</sup> Alvarez wrote C&B’s Rupp in the US requesting \$ 20,000<sup>197-199</sup> for five working days lobbying members of the Senate and President Menem (Figures 18- 19). According to Rupp:

Dr. Alvarez’s activities included conversations with Senators from both parties and a series of conversations with President Menem as well as President Menem’s brother, who serves as President of the Argentine Senate. Dr. Alvarez also provided President Menem with a briefing package and covering letter that pointed out that the smoking restrictions that had been proposed lacked a solid scientific basis.<sup>200</sup>

On October 13, President Menem vetoed the Neri Bill. According to the trade journal *Tobacco International*:

Menem justified his veto by stating that the law would cause a reduction in tobacco production “at a time when we need to produce and maintain sources of employment [in Argentina].”

... Menem has played an active role in the tobacco industry, opening numerous processing plants and visiting cigarette manufacturers.

... Menem insisted that his decision had only been taken after an in-depth analysis and that discussions would begin with the tobacco industry and different sectors of society to draw up amended legislation.<sup>201</sup>

Another factor that Menem may have taken into account in deciding to veto the bill was his previous association with PMI. According to Héctor Ruiz Nuñez, a journalist with the Argentinean magazine *Humor*, Menem may have received money (“una succulenta colaboración”, a substantive collaboration) from PMI during his presidential campaign in 1988-1989.<sup>202</sup>

PMI concluded in its analysis of the Argentina case that “a quick and effective response is facilitated by having a prepared set of arguments, international precedents and legislative proposals.”<sup>184</sup> PMI was also concerned about the consequences that the Argentinean law, if passed, could have had in other countries in the region. PMLA’s Rodríguez distributed a summary of the Argentina case to all PMI representatives of the world, highlighting the “lessons learned”:

The impact of anti-tobacco legislation may have a domino effect in neighboring countries. Congressional approval of restrictions such as those contained in Argentina's Neri Bill can inspire other governments in the region to adopt similar legislation. Similarly a president veto in one country can influence initiatives in nearby countries.

# Instituto de las Clínicas Cardiovasculares

Paraguay 3128 (1425) Buenos Aires - Argentina  
Tel. 963-5186/4197/4210/4211/4218 y 4217 / 423-4216  
Fax: 0054-1-463-4121



Dr. Carlos Benjamín Álvarez  
Director

November 12, 1992

- ASISTENCIA:
  - Clínicas de:
  - Medicina cardiovascular
  - Unidad de atención
  - coronaria
  - Diagnóstico por
  - imagen
  - Fisiología del corazón
  - Arritmias y Marcapasos
  - Hipertensión arterial
  - Hipertensión arterial
  - Intervención cardiaca
  - Aterioesclerosis periférica
  - Hemodinámica invasiva
  - Cirugía cardiovascular

- EDUCACIÓN:
  - Programa de Educación de
  - Postgrado (PEP)

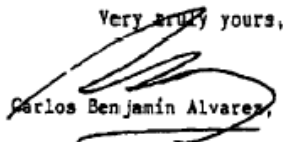
- INVESTIGACION (en el):
  - Arritmias
  - Hipertensión
  - Fisiología coronaria
  - Diagnóstico
  - Intervención cardiaca y
  - shock
  - Enfermedades valvulares
  - revascularización
  - Cardiopatías
  - Asistencia clínica

Dr. John Rupp  
COVINGTON & BURLING  
1201 Pennsylvania Av. N.W.  
Washington D.C. 20004  
U.S.A.

Dear John:

According to our conversation held in Buenos Aires, regarding the work done to establish the scientific arguments of the relation between RTS and diseases which in due course were handed in to the Argentine Executive authorities, I want to inform you that my fees are:.....US\$ 20.000,00

Very truly yours,

  
Carlos Benjamín Álvarez, MD, F.A.C.C.

NOTE: To make a wire transfer my bank Account is No. 606337326 of the Republic Bank of New York.

20 P. 1629299282 ... NOV-25-92 MED 14:31 COVINGTON & BURLING

300543203

Figure 18: Letter from Tobacco Industry Consultant Dr. Carlos B. Alvarez to Covington & Burling John Rupp, Requesting a Fee of 20,000 dollars for his Work on Defeating the Neri Bill (1992).

DEC- 3-92 THU 18:54 C & B

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COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N.W.

P.O. BOX 7566

WASHINGTON, D.C. 20044

(202) 662-6000

PATRICK S. DAVIES

DIRECTOR, NORTH AMERICAN  
AFFAIRS

TELEPHONE: (202) 662-6000  
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NEW YORK OFFICE  
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PARIS OFFICE 100 RUE DE LA  
PAIX  
AMSTERDAM OFFICE 100 RUE DE LA  
PAIX  
TELEPHONE: (020) 492 1000  
TELETYPE: (020) 492 1000

3 diciembre 1992

Mr. Jorge R. Basso Dastugue  
Nobleza-Piccardo  
Buenos Aires, Argentina

Sr. Jorge Vives  
Massalín Particulares  
Buenos Aires, Argentina

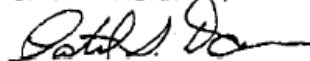
De mi consideración:

Hoy llamé por teléfono a cada uno de Uds. para  
conversar sobre la factura de U.S. \$20,000.00 que Dr. Alvarez  
sometió despues de asistir en derrotar la ley de  
antitabaquismo.

Antes de presentar las propuestas para Argentina a  
Dr. Alvarez, John y yo creemos que es necesario recibir sus  
pensamientos con respeto a la factura.

Estamos a su disposición.

Saludos cordiales,

  
Patrick S. Davies

cc: Dra. Sharon Boyse  
Sra. Aurora Gonzalez

300543199

Figure 19: Letter from Covington & Burling Patrick Davies to Massalín-Particulares Jorge Vives and Nobleza-Piccardo Jorge Basso, Regarding Dr. Carlos B. Alvarez' Fees of 20,000 Dollars for his Assistance in Defeating the Neri Bill (1992).

For example, a longstanding proposal to severely restrict tobacco advertising in Paraguay was rejected by the Senate in the week following President Menem's veto of the Neri Bill. In the same week, a proposal of the same nature in Venezuela's congress was temporarily shelved. Regional economic integration movements, such as MERCOSUR [the Southern Common Market made up by Argentina, Brazil, Uruguay, and Paraguay], can accelerate the domino effect.<sup>184</sup>

PMI was right.

### The Tobacco Industry Alternative Bills

After securing the veto of the Neri Bill, the industry started to prepare new legislation as “a constructive counter-proposal”<sup>184</sup> that served its interests. According to PMLA’s Rodríguez:

[The] tobacco industry maintained frequent contact with Senate Health Committee to discuss alternative proposals which culminated in the preparation of substitute bills by several senators for consideration by the committee.<sup>184</sup>

Three bills seem to have been supported by the tobacco industry: the Molina, the Ulloa, and the Mazza Bills.

#### **The Molina Bill (1992-1994)**

On November 3, 1992, Pedro Molina (Senator, Santa Cruz, Justicialista Party: 1986-1995; President of the Public Health Committee) introduced an “alternative bill” to the Neri Bill in the Senate that was consistent with the industry’s voluntary advertising code and, rather than mandating smokefree environments, established areas for smokers and nonsmokers in public enclosed buildings, public transportation, restaurants, bars, and cafeterias, and promoted the tobacco industry’s ventilation “solution”<sup>203</sup> to “eliminate” tobacco smoke<sup>204</sup> (Table 10). According to a M-P report (Figure 20):

This draft was obtained by consensus with Congress, through the Tobacco Industry Association (PM and BAT) jointly with advertising agencies, media associations and previous PMI advice.

It is consistent with PMI marketing code and tobacco industry’s self regulating principles.

The Molina Law is a positive improvement concerning anti-smoking regulations, marketing freedom and access to media, when compared with the vetoed Neri Law.”<sup>205</sup>

The bill was not voted on and died in March 1994. On May 10, 1994, Molina reintroduced the bill, which passed the Senate in November 1995, and was forwarded to the Lower House.<sup>206</sup>

#### *Competing Pepe & Corcueto Blasco Bill (1995)*

In August, 1995, Representatives Lorenzo Pepe and José Corcueto Blasco (Chubut, Justicialista Party: 1989-2001) introduced another bill in the Lower House requiring mandatory



**Table 10: Comparison of Neri (1985 & 1990) and Molina Bills**

	Neri Bill <sup>91-93/183</sup> (1985 & 1990-1992)	Molina Bill <sup>204</sup> (1992 & 1994)
Advertising	Allowed in point-of-sale only.	Banned on TV and radio between 7 am and 10 pm, in publications, activities or shows intended for people under 18.
Sponsorship	Banned for cultural or sporting events	No association with alcohol, violence or sex. Not specified
Sampling & promotion	Not permitted	Not permitted in educational facilities or other places attended by minors
Health warning labels	Rotating warnings on cigarette packs; text not specified, to be determined by health authorities Not required on ads	“Smoking is harmful to health” on cigarette packs  “Smoking is harmful to health” on ads (TV, movies, radio, newspapers, and magazines)
Constituent disclosure on packs	Nicotine, tar, CO, and other substances .	Nicotine, tar, CO, arsenic, and other substances
Sanctions	Warnings Fines  Closure of retail outlets No products sale	Warnings Fines to manufactures, sellers, advertising agencies, and to smokers Closure of retail outlets Confiscation of the products
Education	Under the Ministry of Health, financed by the Health National Fund	Under the Ministry of Health, financed by the Health National Fund. Educational campaigns in schools and through mass media.
Minor sales ban	Under 16	Under 16
Smokefree places	Enclosed public places with allowances for separate smoking rooms	Areas for smokers and nonsmokers in public enclosed buildings, public transportation, restaurants, bars, and cafeterias Smokefree in other public spaces
DEFEATED/ VETOED		DIED

disclosure of nicotine and tar levels on all tobacco containers.<sup>207</sup> In 1996, the Lower House passed the Pepe & Corchuelo Blasco Bill, which was forwarded to the Senate. At the same time, the Lower House rejected the Molina Bill because of a competition between both bills.

In 1997, the Senate rejected the Pepe & Corchuelo Blasco Bill because it was considered a modified draft of the Molina Bill.<sup>207, 208</sup>

#### *Nobleza-Piccardo Voluntary Disclosure of Tobacco Ingredients (1996)*

While both bills were being considered in the Congress, on October 3, 1996, N-P held a press conference on “Regulatory Framework of Tobacco in Argentina” in Buenos Aires to launch a new cigarette brand with nicotine and tar content disclosure on packs. According to



**GENERAL REMARKS**

- ➔ THIS DRAFT WAS OBTAINED BY CONSENSUS WITH CONGRESS, THROUGH THE TOBACCO INDUSTRY ASSOCIATION (PM AND BAT) JOINTLY WITH ADVERTISING AGENCIES, MEDIA ASSOCIATIONS AND PREVIOUS PMI ADVICE.
- ➔ IT IS CONSISTENT WITH PMI MARKETING CODE AND TOBACCO INDUSTRY'S SELF REGULATING PRINCIPLES.

2065326498



**GENERAL REMARKS**

(CONTINUED)

- ➔ THE MOLINA LAW IS A POSITIVE IMPROVEMENT CONCERNING ANTI-SMOKING REGULATIONS, MARKETING FREEDOM AND ACCESS TO MEDIA, WHEN COMPARED WITH THE VETOED NERI LAW.
- ➔ THE NERI LAW STATED:
  - ◆ ADVERTISING BAN. NO ADS OF ANY TYPE ON TV, CINE, RADIO OR MEDIA.
  - ◆ INDIRECT ADVERTISING BAN.
  - ◆ NO SAMPLING CAMPAIGNS.
  - ◆ NO PROMO CAMPAIGNS.
  - ◆ NO SPONSORING OF CULTURAL OR SPORTING EVENTS.

2065326499

Figure 20:  
Report by Massalín-Particulares Regarding the Molina Bill (1996).

Basso Dastugue (N-P), this unilateral voluntary measure was adopted anticipating possible approval of new tobacco legislation under discussion in the Congress,<sup>209-228</sup> which did not happen. This voluntary action may have been a new tactic of the tobacco industry to block the approval of meaningful tobacco control legislation.<sup>229</sup>

### **The Ulloa Bill (1998-2000)**

In May, 1998 and again in 2000, former Governor of Salta Roberto Ulloa (Senator, Salta, Renovador de Salta Party: 1996-2001) reintroduced the Molina Bill;<sup>230</sup> both attempts failed. This effort seems to have been another attempt by the industry to pass its own regulations, as the Secretary of the Senate Public Health Committee at that time, Ernesto Otálora, commented in an interview in 2003:

One of the Senators at that time was Senator Ulloa, from Salta, who insisted on its approval. The province of Salta, is one of the largest producers of tobacco in the country. I think he was anxious for this [bill] to be passed ... because it was a way to definitively legalize, all tobacco advertising and commerce ... to prevent the Argentinean industry to become susceptible to sanctions like in the US, or lawsuits for civil liability, for cancer deaths, etc., so by having a law tobacco marketing activity was more protected. In fact legally recognized<sup>208</sup> [translated by the author].

### **The Mazza Bill (1998)**

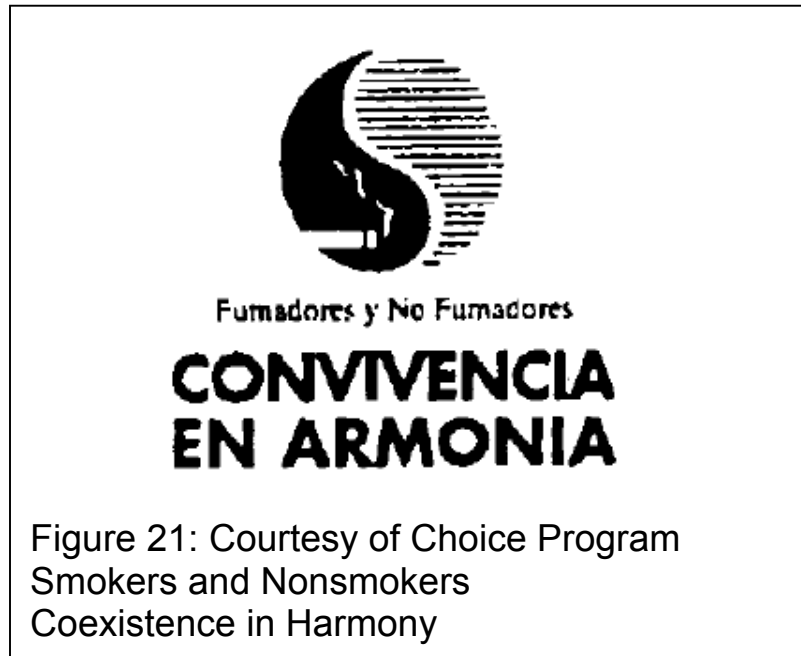
On October 13, 1998, Minister of Health and Social Affairs Dr. Alberto Mazza introduced a new bill in the Senate drafted by the Executive Branch. The Mazza Bill<sup>231</sup> was very similar to the Molina Bill, weak and consistent with the industry's voluntary advertising code.<sup>208, 232, 233</sup> The bill died on February 29, 2000 without being considered in the Senate.

## **Other Efforts to Displace Meaningful Tobacco Control (mid-1990s)**

### **The Program “La Cortesía de Elegir” (The Courtesy of Choice)**

As everywhere else in the world<sup>234</sup>, the tobacco industry promoted voluntary “accommodation” as part of their program to diffuse the secondhand smoke issue, both as a way to avoid legislation, and also in an effort to maintain the social acceptability of smoking. Since the mid-1990s, the regional project “La Cortesía de Elegir” (The Courtesy of Choice), also known as “Convivencia en Armonía” (Coexistence in Harmony), has been developed in Argentina and most Latin America countries to avoid smoking restrictions in the hospitality sector (Figure 21). This proactive industry initiative is the counterpart of the “Accommodation Program” created in the late 1980s in the US.

The Courtesy of Choice promotes smoking and nonsmoking areas in enclosed public places (to “accommodate” both smokers and nonsmokers), with ventilation systems to control secondhand smoke.<sup>203</sup> It is the equivalent of the self-regulation marketing codes created by the industry to avoid advertising restrictions.



The program was a result of an alliance between PM and front groups from the hospitality industry. The International Hotels Association (IHA), which changed its name to the International Hotel and Restaurant Association (IH&RA) in the late 1990s, was the organization used to spread the program worldwide, while permitting the tobacco industry to remain behind the scenes.<sup>234</sup> BAT described the plan as “an effective means of fighting government public restrictions in hotels and restaurants.”<sup>235</sup>

Although the Courtesy of Choice program started as a strategy to be developed within the hospitality sector (restaurants, bars, hotels, casinos, etc.), it rapidly moved on to include workplaces and airports. As a 1997 PM Corporate Affairs report described:

#### Workplace

- Support passage of workplace accommodation legislation.
- Implement accommodation policy in PM buildings throughout region.
- Introduce program in leading companies in key markets.
- Implement “Convivencia en Armonia” program in companies’ cafeterias.

#### Airports

- Assist airport concessionaires and VIP lounge operators to accommodate smokers and non-smokers.
- Pilot a PM Smoking Lounge in an airport of a key market. Identify candidate airports for expansion.<sup>236</sup>

The international airport Ezeiza, at Buenos Aires, opened a lounge in its location for smokers in 2004.

When PMUSA started the accommodation program in the US, they began with a pilot program in Pittsburgh in 1989.<sup>234, 237</sup> Then they expanded it. Likewise, in 1995, the program in Argentina was launched by PM and supported by the IH&RA along with the local Federación Empresaria Hotelera-Gastronómica de la República Argentina (FEHGRA; Argentinean Hospitality Industry); N-P joined efforts in 1997.<sup>238, 239</sup> The public relations campaign was

carried out by PEc S.A, a marketing company based in Buenos Aires. On May 23, 1995, Fermín Bernasconi (Executive Director, PEc S.A.) sent a draft proposal to PMI Aurora González, outlining the important points of the program. Tasks and activities to be performed would start in the city of Buenos Aires and then spread out to the rest of Argentina. The plan was divided into two phases: Phase 1 to introduce the program into a pilot group of hotels and restaurants of the city of Buenos Aires; and Phase 2 to extend the program to the rest of the city and the greater Buenos Aires, and then to other cities of the interior of the country. Phase 1 was supposed to start in September, 1995.

PEc S.A. contacted Jorge Rondelli from the FEHGRA (Argentinean Hospitality Industry) and set up a meeting on June 5, 1995. It also contacted a group of ten establishments, five hotels (Park Hyatt, Sheraton, Park, and Panamericano Crown Plaza) and five restaurants (Catalinas, Gato Dumas, Dolly, La Fornarina, Clo-Clo, and Primavera) to pilot test the program. In addition, they planned to have a cocktail party during September under the auspices of FEHRA and invite the Mayor of Buenos Aires, Councilmen, the new candidates running for Mayor, the press, and hotel and restaurant owners and managers. In coordination with Norlop-Thompson Asociados (an advertising agency based in Quito, Ecuador selected by PM to coordinate the accommodation program in all Latin America countries<sup>240</sup>), PEc S.A. would disseminate material, such as videos and print material, for the program publicity. Also, in each of the ten selected places, PEc S.A. would carry out the following tasks: a ventilation assessment by an expert who will write a final report with his recommendations about air circulation and location of smoking and nonsmoking sectors; a training program for the employees working in the places; and a permanent communication line for answering any queries of the participants. PEc S.A. planned to make and distribute a newsletter of the program to potential future participants, and to establish a bimonthly “Premio a la Cortesía” (Courtesy Award) to the participants that implement the program in a more visible way.<sup>241, 242</sup>

On November 10, 1999, the public relations agency “Ferrari & Asociados” was awarded three Premios EIKON (EIKON Awards) because of the Program “Convivencia en Armonía” that has been run by the agency since the end of 1997. The award is administered by the Argentinean Magazine IMAGEN (Image) and is conceded to companies, institutions, and organizations that conduct public relations campaigns.<sup>243</sup>

According to Nobleza-Piccardo, by 2002 the program was implemented in the main cities of the country: Buenos Aires, Córdoba, Rosario, Mendoza, Mar del Plata, etc. The number of hotels and restaurants affiliated with the program exceeded 413 establishments, of which 98% had received a free study on ventilation conducted by engineers hired by the CTI. In addition, more than 800 people from the hospitality industry received specific training. The program was presented to the Secretary of Tourism to obtain its endorsement by declaring the program of “national tourist interest.”<sup>238</sup>

According to the IH&RA Courtesy of Choice internet website<sup>244</sup>, developed jointly with PM, by April 2005 the program was available in hotels, restaurants, casinos, and other establishments in several locations in Argentina. According to UATA, in 2004 most of the main hotels in the city of Buenos Aires showed signs with the program’s Yin-Yang logo.<sup>245</sup>

As of 2005, the Nobleza-Piccardo web page recognizes that “environmental tobacco smoke can be annoying and can cause concern among nonsmokers.”<sup>246</sup> The proposal by N-P is to “work along with the governments and health institutions to create solutions that encourage the harmonious coexistence between smokers and nonsmokers”<sup>246</sup> promoting “reasonable smoking policies” (for example good ventilation) within public places and workplaces.<sup>246</sup>

### **Tobacco Industry “Youth Smoking Prevention” Programs**

The industry also sought to preempt meaningful anti-tobacco education with its own “youth smoking prevention programs.”<sup>247</sup> By 1997, the PMI’s five-point “Youth Access Prevention & Education Programs” were developed for Latin America<sup>248-258</sup> to shift the focus away from the industry’s advertising and marketing. These programs included local marketing codes, sampling guidelines, minimum age of purchase laws, retailer and educational programs. In order to demonstrate their commitment to fight underage smoking, PMI’s strategy was:

to continue to work very closely with government officials and the competition and to strengthen our relationship with third-parties allies such as retailers and non-governmental education entities<sup>253</sup>

None of these efforts were demonstrated to actually reduce smoking. Indeed, the evidence from America is that efforts to reduce youth access to cigarettes do not affect youth smoking<sup>259-261</sup>

#### Minimum Age of Purchase Laws

PMI supported the implementation of minimum age of purchase laws through Latin America and drafted model legislation in April, 1997 that “prohibits the sale of cigarettes to minors, requires the retailer to check for identification and provides penalties [fines not specified] for non-compliance.”<sup>252</sup>

In Argentina, the city of Buenos Aires and the provinces of Buenos Aires, Córdoba, Formosa, Mendoza, Misiones, San Luis, and Tierra del Fuego<sup>262</sup> passed legislation that banned tobacco sales to minors; no law has been approved at the federal level. In 1994, the city of Buenos Aires passed Ordinance No. 47.668 banning the retail sale and supply of cigarettes or any other tobacco products to minors under 16 years of age. The measure established sanctions for violations (such as warnings and fines), and required the provisions of the ordinance to be displayed in all retail outlets for tobacco products.<sup>263</sup> None of these laws seem to be enforced.

#### Retailer Program

In Argentina, a first version of a retailer program called “MeNOres” (Minors) was developed by PMI and cosponsored by BAT with the endorsement of the “Unión de Kiosqueros de Argentina” (the National Retailer Association). The campaign was launched with posters and stickers distributed to the point-of-sale, with the legend “Aquí no Vendemos Cigarrillos a Menores. Cumplimos con la Ley” (We do not sell cigarettes to minors here. We comply with the law). Initially, the campaign began throughout the city and the Province of Buenos Aires in over 100,000 establishments, and in a second phase was planned to spread out to the rest of the

country.<sup>264</sup> In March 1998, M-P and N-P, under the auspices of the CTI, launched “Yo NO Vendo Cigarillos a Menores de 18 Años” (I Do Not Sell Cigarettes to Minors under 18), a program targeted to convenience stores in the city of Buenos Aires and the Greater Buenos Aires<sup>256</sup> (Figures 22- 24).

These programs are the equivalent to the “We Card” program<sup>247</sup> developed in US in 1995 by the Coalition for Responsible Tobacco Retailing, “a cooperative and dedicated national effort among retailers, wholesalers and manufacturers who believe education and training of retail employees will help prevent underage tobacco sales”<sup>265</sup> (Figure 22). This program has not been demonstrated to actually reduced youth smoking.

### Educational Program

The Latin American youth access “prevention” program “Yo Tengo P.O.D.E.R. (Propósito, Orgullo, Determinación, Entusiasmo, Responsabilidad)” (I Have POWER: Purpose, Pride, Determination, Enthusiasm, Responsibility), was developed as a “broad-based youth education program intended for educators to help children handle peer pressure on a variety of lifestyle decisions and/or customary adult practices.”<sup>256</sup> According to a PMLA “Youth Smoking Prevention 1999-2000” report, the program was:

developed by “Lifetime Learning Systems”, an American company specialized in educational materials, was created for use with students ages 10 to 15, and is designed as a supplement to their social studies, health or social skills curriculum.<sup>257</sup>

It was launched in Argentina in September 1997, under the supervision of CONCIENCIA (Consciousness), a local non-profit educational organization.<sup>266</sup> During the month of July 1997, the program was first piloted in the Province of Buenos Aires with 250 students. Later, it was launched simultaneously in four cities of the country: Buenos Aires, San Juan, Necochea, and Bariloche, and 600 teachers were initially trained.<sup>257, 267</sup>

The tobacco industry has been very successful in promoting its brand of “youth smoking prevention” throughout Argentina. Yo Tengo P.O.D.E.R. was endorsed by the Ministry of Education which requested that “the ... program reach 80% of the nation’s public school students between the ages of 12 and 15.”<sup>257</sup> According to Massalín-Particulares, the UNESCO (United Nations Educational, Scientific and Cultural Organization) recognized the program as “the best educational practice in Argentina” in September 2001 in Geneva.<sup>268</sup> By the year 1999, 3 million students and 50,000 teachers were participating in the program<sup>119, 255, 257, 267</sup> (Figures 25- 26).

### **The Chamber of Tobacco Industry’s New Marketing Code (1997)**

According to the US advertising agency Leo Burnett Company, during early 1997 the tobacco industry’s self-regulation advertising code was being rebuilt in Argentina; “the advertising self-regulatory system is in the early stages of being overhauled by a joint committee of advertisers, advertising agencies, and media.”<sup>269</sup>



UKRA



A.E.R.A.



"I Do NOT Sell Cigarettes To Minors Under 18"  
The Chamber of Tobacco Industry endorses and supports the prohibition of cigarettes sale to minors under 18.



**NO VENDER CIGARRILLOS  
A MENORES ES RESPONSABILIDAD  
DE LOS MAYORES.**

**MASSALIN PARTICULARES EN CONTRA DEL FUMAR EN MENORES.**

CONJUNTAMENTE CON LA UNION KIOSQUEROS DE LA REPUBLICA ARGENTINA Y LA CAMARA DE DISTRIBUIDORES DE TABACOS DE LA REPUBLICA ARGENTINA SUSCRIBE Y APOYA LA LEY DE PROHIBICION DE VENTA DE CIGARRILLOS A MENORES.

Figure 22: Retailer Program "I Do NOT Sell Cigarettes to Minors Under 18", Argentina (1998) and American Retailer Program "We Card".  
Not to Sell Cigarettes to Minors is Responsibility of Adults.  
Massalín-Particulares [PMI] Against Youth Smoking.  
Jointly with the National Retailer Association and the Chamber of Tobacco Distributors endorses and supports a law to ban cigarette sale to minors.



# NO VENDO CIGARRILLOS A MENORES DE 18 AÑOS.

NO VENDER CIGARRILLOS A MENORES  
ES RESPONSABILIDAD DE LOS MAYORES.



**MASSALIN PARTICULARES EN CONTRA DEL FUMAR EN MENORES.**

CONJUNTAMENTE CON LA UNION KIOSQUEROS DE LA REPUBLICA ARGENTINA  
Y LA CAMARA DE DISTRIBUIDORES DE TABACOS DE LA REPUBLICA ARGENTINA SUSCRIBE  
Y APOYA LA LEY DE PROHIBICION DE VENTA DE CIGARRILLOS A MENORES.

Figure 23: Retailer Program  
“I Do NOT Sell Cigarettes to Minors Under 18”, Argentina (1998)

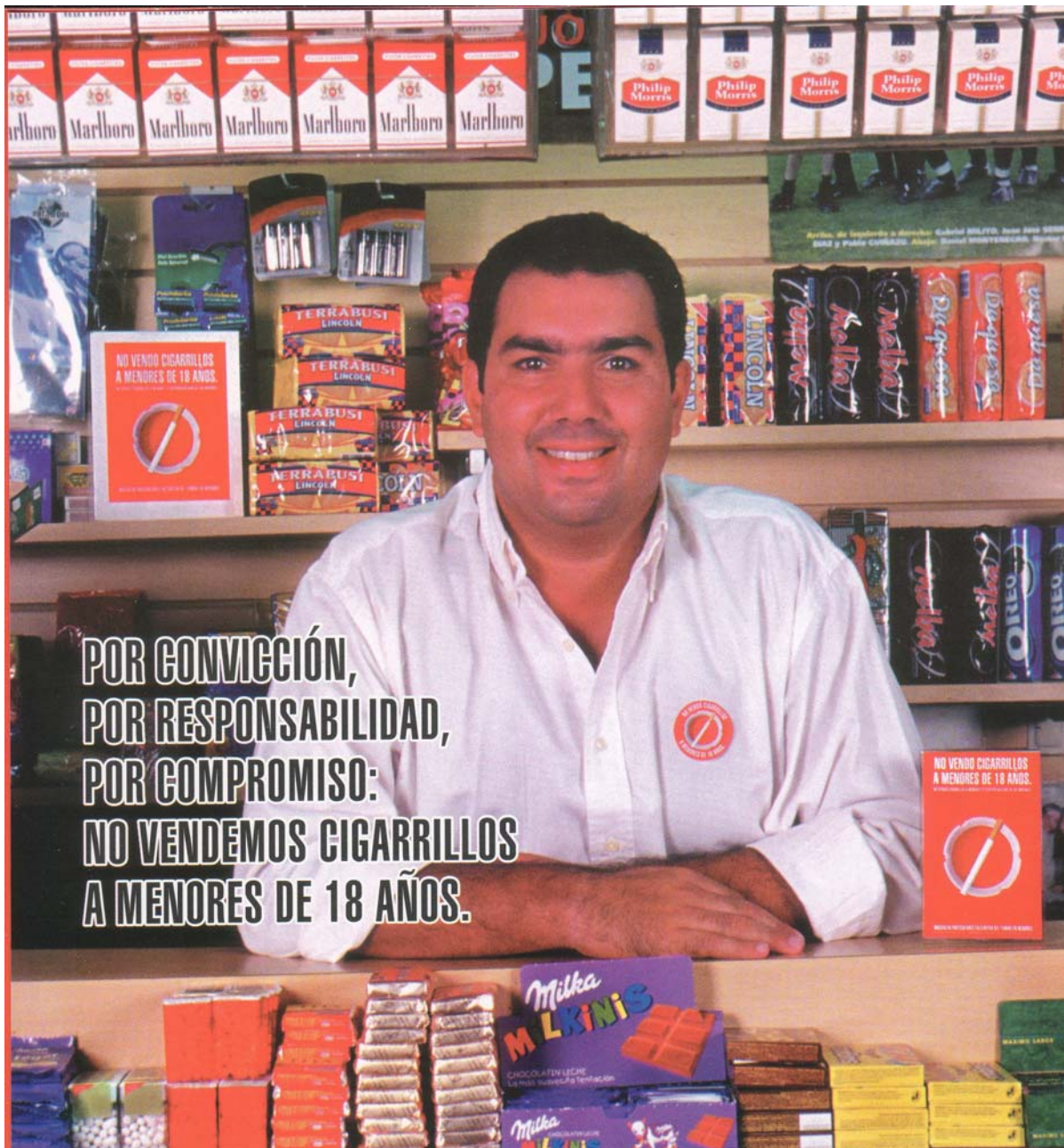


Figure 24: Retailer Program, Argentina (1998).

For Conviction,  
For Responsibility,  
For Commitment:  
We Do Not Sell Cigarettes  
To Minors Under 18.





**CONCIENCIA**  
Florida 633, Piso 3  
Buenas Aires 1005

### **MEMBRESIA GRATIS**

Estoy interesada/o en continuar recibiendo materiales relacionados con el programa "YO TENGO P.O.D.E.R."

Nombre \_\_\_\_\_

Escuela \_\_\_\_\_

Grado \_\_\_\_\_ Número de estudiantes \_\_\_\_\_

Dirección \_\_\_\_\_

\_\_\_\_\_

Su opinión sobre éste programa es muy valiosa para nosotros.

Le agradecemos sus comentarios:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Firma \_\_\_\_\_

Figure 25:  
Educational Program "Yo Tengo P.O.D.E.R.", Argentina (1997).  
Membership

## **Educación: Programa Yo Tengo P.O.D.E.R.**

*Massalín Particulares*

**OBJETIVO:** Educar para prevenir que los menores fumen

✓ Desde '97:

✓ **Auspiciado por el Ministerio de Educación**

- Declarado de interés educativo por el Gobierno en 14 provincias
- Implementado por "Conciencia" (ONG Educativa)
- Participan más de 4 MM de estudiantes por año
- > 50 M formularios de evaluación recibidos

*" Los adolescentes sienten que el Programa amplía su capacidad en la toma de decisiones"*

*" Los profesores perciben cambios positivos en las conductas de sus alumnos"*



**UNESCO reconoció "Yo tengo Poder"**  
**como la mejor práctica educacional en Argentina,**  
**incluyendo a su Worldwide Web Site**  
Sept'01 – Ginebra

**CONCIENCIA: "El compromiso de MP con la comunidad y la educación es destacable"**

Figure 26: Educational Program "Yo Tengo P.O.D.E.R.", Massalín-Particulares, Argentina (2002-2003).

Objective: To educate to prevent youth smoking.

Since 1997:

Under the auspices of the Ministry of Education.

Declared of educational interest by the Government of 14 provinces.

Implemented by "Conciencia" [Consciousness] (Educational NGO).

More than 4 millions students participate per year

More than 50 thousand evaluation forms received.

"The adolescents feel that the Program increases their decision-taking capacity"

"The teachers perceive positive changes in their students' behavior"

UNESCO recognized "Yo Tengo PODER" as the best educational practice in Argentina, including its Worldwide Web Site.

September 2001- Geneva.

CONCIENCIA: "The commitment of MP [Massalín-Particulares] with the community and education is ..."

Mirroring positions taken by PM in the US,<sup>270, 271</sup> and BAT in the UK,<sup>272</sup> the new version of the tobacco industry's code became effective in October, 1997. The code's principles that "smoking is an adult decision; cigarettes are legal products framed within a licit activity; and advertising and promotion of cigarettes are oriented to switching between brands but not to raise consumption between those people that have decided not to smoke."<sup>273</sup> All activities of advertising, promotion, marketing, merchandising, sponsorship, or distribution of samples were not be directed to minors, defined as persons under 18 years old<sup>274-278</sup> (Figure 27).

## A New Initiative to Disclose Tobacco Ingredients and Additives:

### **The Garré Bill (1998)**

In June 1998, Nilda Garré (Representative, Buenos Aires, FREPASO Party: 1995-1999) and others, introduced a bill into the Lower House requiring total disclosure of ingredients and additives in the tobacco products, a placement of strong rotating warning labels on cigarette packs, and indoor smoking restrictions<sup>279</sup> (Table 11).

**Table 11: Garré Bill (1998)<sup>279</sup>**

Advertising & Sponsorship	Allowed inside point-of-sale only
Health warning labels	Rotating warnings: "Smoking causes lung cancer" "Smoking causes heart disease" "Smoking is harmful to babies" "Smoking causes addiction" "Smoking reduces years of life"
Constituent disclosure	Nicotine, tar, CO, and other substances print on packs Disclosure of tobacco ingredients and additives to the authorities
Sanctions	Fines to manufactures, sellers, advertising agencies, and to smokers
Education	None
Minor sales ban	Under 18
Smokefree places	Enclosed public places with allowance for separate smoking rooms; 100% smokefree public transportation, health and educational facilities; areas for smokers in workplaces, bars and restaurants
<b>DEFEATED</b>	



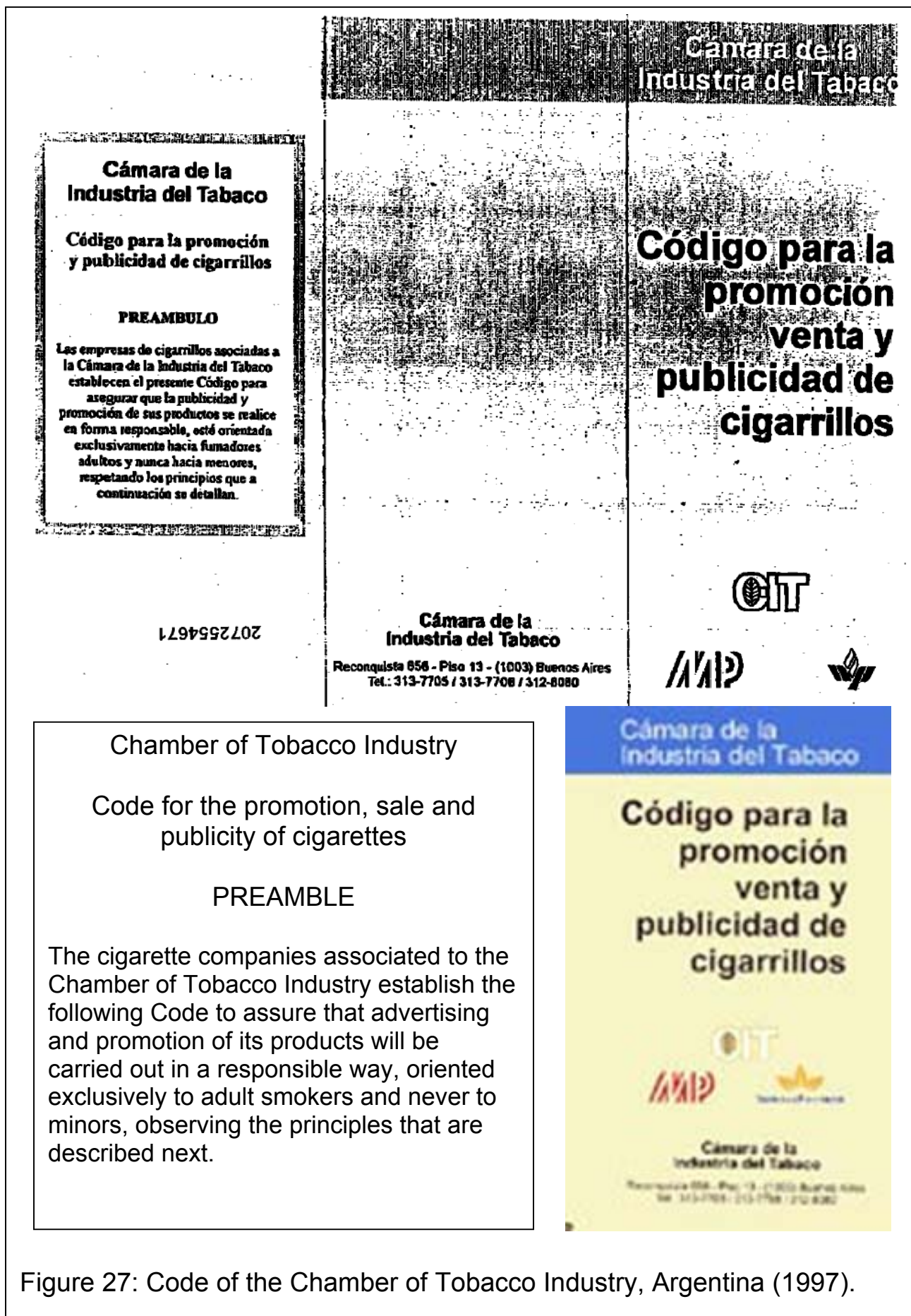


Figure 27: Code of the Chamber of Tobacco Industry, Argentina (1997).

PM was concerned, concluding that “the legislative draft reproduces the most severe arguments related to tobacco issues originated by the WHO and the FDA [US Food and Drug Administration].”<sup>280</sup> PM monitored the bill from New York<sup>281, 282</sup> and sent the “PMI Guidelines on Public Policy Issues” to M-P’s Communications Manager Luis González Esteves in Buenos Aires to use “in devising strategies to address various proposals emanating from policymakers.”<sup>271, 283, 284</sup>

PM in New York prepared a detailed response to the issues addressed by the Garré Bill that mirrored the standard positions taken by the TTC. The company claimed that additives were used mainly as flavorings and that it needs to “preserve the value of its confidential trade secrets so it can distinguish its brands from those of its competitors.”<sup>285, 286</sup> The response to secondhand smoke repeated standard industry rhetoric on “accommodation”<sup>234</sup> and promoted ventilation as an alternative to smokefree areas.<sup>203</sup>

... solutions designed to minimize uncomfortable or annoying exposure to ETS [environmental tobacco smoke] by nonsmokers ... may include ventilation, separation, special lounges, breaks and convenient and comfortable indoor and outdoor smoking areas. ... opposes the imposition of unreasonable smoking restrictions or bans in public places or the workplace. ... enthusiastically supports reasonable voluntary and regulatory measures to accommodate the preferences of both smokers and nonsmokers. ... providing separate smoking and non-smoking areas with adequate ventilation in public settings.<sup>286</sup>

To oppose the Garré Bill, PM in New York also sent M-P González Esteves a copy of the US cigarette labeling law.<sup>287</sup> The US law, while requiring tobacco companies to provide a list of the ingredients added to tobacco in the manufacture of cigarettes to the Secretary of Health and Human Services, did not permit the Secretary to release any of this information to the public.<sup>288-290</sup> In addition, PM sent the “PM USA response to Chairman [of the US House Commerce Committee Tom] Bliley regarding ammonia and the bioavailability”<sup>291</sup> stating that PM adds ammonia compounds as processing aids and flavorings, and denying that this additive could increase the amount of nicotine absorbed or delivered to the smoker’s brain.<sup>292</sup> The bill was not approved.

### Other bills proposed in the Congress during the 1990s

Other bills were introduced into the Congress by representatives from different political parties during the 1990s (Table 12). However, none of them passed.

### **Tobacco Control Legislation during the early 2000s**

#### Tobacco Industry’s Corporate Social Responsibility: a Smoke Screen

As the global tobacco control movement grows, the two most important TTCs in the world, Philip Morris International and British American Tobacco, have joined efforts to undermine any potential tobacco control measures at the international level. As part of these strategies, the major companies established standards to market tobacco products “responsibly

**Table 12: National Tobacco Control Bills, Argentina 1990s**

	Rubeo Bill <sup>293</sup> (1991)	Oudin Bill <sup>294</sup> (1996)	Maglietti Bill <sup>295</sup> (1996)	Rivas Bill <sup>296</sup> (1996)	Maglietti Bill <sup>297</sup> (1997)	Raijer Bill <sup>298</sup> (1999)
Advertising & Sponsorship	Not specified	Same as Law 23.3344 and “Smoking is harmful to health” in ads on TV and print publicity.	Not specified	Not allowed (except in foreign publications) No sponsorship or sampling.	Not specified	Not specified
Minor access	Not specified	Not specified	Not specified	Not allowed under 18.	Not specified	Not specified
Health warning labels	To be determined by the health authorities	“Smoking is harmful to health”	None	“Smoking is harmful to health”	None	None
Constituents disclosure	Print on packs	None	None	None	None	None
Smokefree places	Enclosed public places, delimited smoking areas	None	Public offices of federal jurisdiction, special smoking areas; public transportation	Public places Public transportation Workplaces Delimited smoking areas	Public transportation including domestic airlines	Enclosed public places of federal jurisdiction
Sanctions	Warning Fines Closure	None	Fines	Fines Closure	None	To be determined
Program & educational campaigns	None	None	None	None	None	Federal Institute on Tobacco-related Diseases

**NONE WERE ENACTED**

and exclusively to adults.” At the same time, they committed themselves to help “prevent youth smoking”, to “combat child labor practices”, and to “show sensitivity to environmental issues.” The real TTC intention is to continue to make profits selling their products with as few restrictions as possible, avoiding governmental regulations.

**Nobleza-Piccardo’s Social Report (2001-2003)**

In mid-2000, BAT hired the London-based consulting firm EQ Management to advise it on its social reporting project. Between April 2001 and March 2002, EQ Management selected 14 BAT subsidiaries (from Argentina and 13 other countries) and organized a series of “dialogue skills” training workshops for BAT’s “Social Reporting Project Managers.” These workshops “included hiring actors to play the role of critics challenging BAT’s policies and actions.”<sup>299</sup> Each chosen subsidiary held a stakeholder dialogue meeting with the help of an “independent”



facilitator to oversee the meeting. According to *PR Watch*, a publication of the US non profit organization Center for Media & Democracy,

The company sought to entice wary stakeholders to participate by recruiting facilitators with high personal credibility from professions including “media personalities,” “heads of non-governmental organizations involved in social research” and “religious leaders.”<sup>299</sup>

Following BAT’s instructions, participating subsidiaries adopted core topics for discussion including consumer information, “combating under-age smoking,” “responsible marketing,” the promotion of “sensible” regulations, and demonstrating good “corporate conduct and accountability.”<sup>299</sup>

In Argentina, Nobleza-Piccardo hired the Argentinean neurologist and journalist Dr. Nelson Castro, a “well-known academic and TV/radio commentator,”<sup>299</sup> as well as Fundación Cambio Democrático (Democratic Change Foundation), a nongovernmental organization specializing in conflict resolution.<sup>299</sup> Fundación Cambio Democrático was established in Argentina in 1998 and is a member of the network Partners for Democratic Change, an “international organization committed to building sustainable local capacity to advance civil society and a culture of change and conflict management worldwide.”<sup>300</sup> Since 2001, N-P has been working on the social reporting project and published its Social Reports Cycle 1 (2001-2002) and Cycle 2 (2002-2003).

### **The Tobacco Industry International Marketing Standards (2001)**

Another version of the Chamber of Tobacco Industry’s code was issued in June, 2001 and “all the norms arise by voluntary and joint initiative of the tobacco companies to regulate in a responsible way their commercial activities.”<sup>301</sup> A warning text similar to the one on cigarette packs (the only place required by the 1986 law 23.344), would voluntarily be placed in all type of publicity such as television, radio, cinema, print media, and outdoor billboards. A Self-regulating Committee was created within the CTI to enforce the code and to evaluate and request that companies modify or stop any activity that contradicts the code.<sup>301</sup> We were unable to identify any evidence of enforcement actions.

In September 2001, M-P and N-P adopted the International Marketing Standards for Tobacco Products developed by BAT, PM, and Japan Tobacco. The TTC seek to work with the legislators of the country, to “favor the integral incorporation of these standards into the national laws.”<sup>302</sup>

### **The Neri Bill III: A New Attempt Ten Years After the Veto (2002–2005)**

During 2002-2003 at least 18 tobacco control bills<sup>303-320</sup> were introduced in the Lower House by Representatives from various political parties (Tables 13- 14), including one by Neri (Representative, Buenos Aires, Radical Party: 2001- 2005) on September 26, 2002. This new Neri Bill was similar to the previous Neri Bill, vetoed in 1992. In 2003, the Lower House Public Health Committee drafted a version that consolidated the eighteen bills into one, and forwarded

Table 13: National Tobacco Control Bills, Argentina 2002

	Picazo Bill <sup>304</sup>	Polino Bill <sup>305</sup>	Monteagudo Bill <sup>306</sup>	Parentella Bill <sup>307</sup>	Osorio Bill <sup>308</sup>	Narducci Bill <sup>309</sup>	Pepe Bill <sup>310</sup>
Advertising & Sponsorship	Not specified	Restrictions in TV, radio, and print (same as Law 23.344)	Not specified	Restrictions in TV, radio, and print (same as Law 23.344), no single cigarette sale; no sampling. Only the brand for sponsorship	Not specified	Not specified	Not specified
Minor access	None	None	None	No tobacco sales to minors under 18	None	None	None
Health warning labels	None	“Smoking is harmful to health”	None	Rotary text in packs “Smoking harms health” on TV, movies, radio, billboards, magazines & newspapers	Rotary text	Size and place sufficiently to be visible	None
Constituents disclosure	None	None	None	Nicotine and tar on packs	None	None	None
Smokefree places	Public offices belonging to the three national branches	Enclosed workplaces; health care & educational facilities; public transport; Bars & restaurants (50 % nonsmokers)	Workplaces with specific delimited smoking areas, ventilation system; Signs indicating the smoking place	Federal buildings; smokers’ rooms; public transportation; establishments with minors; educational and health facilities; public elevators	None	None	All places where food is sold or consumed
Sanctions	None	Fines	Fines	Warning Fines Closure Confiscation	None	None	None
Program & educational campaigns	Campaign to educate on secondhand smoke	National Program Against Tobacco; educational campaigns	None	National Program on Tobacco Prevention; educational campaigns	None	None	None

NONE WERE ENACTED

Table 14: National Tobacco Control Bills, Argentina 2003

	Chaya Bill <sup>311</sup>	Bortolozzi de Bogado Bill <sup>312</sup>	Correa Bill <sup>313</sup>	Vazquez & Stolbizer Bill <sup>314</sup>	Roy Bill <sup>315</sup>
Advertising & Sponsorship	Not specified	No advertising or sponsorship of any tobacco products	Not specified	Not specified	No advertising if associated with pleasure, when addressed to minors, or linked with a better physical or intellectual performances, success, prestige, power, or sexuality. No ads on TV in minors' protected hours
Minor access	Not specified	Not specified	Not specified	Not specified	No tobacco sale to minors under 18
Health warning labels	Size not less than 10% of the total surface of the pack. Must change location, color, and size periodically	None	None	On both sides of the packs: 'Tobacco harms health seriously'; 'Smoking causes cancer'. Size at least 25% of each of the surfaces	None
Constituents disclosure	None	None	None	Tar, nicotine, and CO on packs Monitor of chemical constituents by ISO standards; disclosure of all additives	None
Smokefree places	None	None	Federal public places, health & educational facilities	None	None
Sanctions	None	None	Penalties for employees	Fines	Fines
Program & educational campaigns	None	None	None	None	Closure of the stores Committee Against Tobacco Smoking; Tobacco in the curricula of school and universities

NONE WERE ENACTED

**Table 14: National Tobacco Control Bills, Argentina 2003 (cont.)**

	Lofrano Bill <sup>316</sup>	Oviedo Bill <sup>317</sup>	Oviedo II Bill <sup>318</sup>	Correa Bill <sup>319</sup>	Baladron Bill <sup>320</sup>
Advertising & Sponsorship	Not specified	Not specified	No persons smoking on ads; no sampling	No advertising, sponsorship or sampling	Not specified
Health warning labels	None	None	Size not less than 30% of the total surface of packs	“Smoking is harmful for health” print on packs Rotating warnings	None
Constituents disclosure	None	No misleading descriptors (e.g. ‘light’)	None	None	None
Smokefree places	Enclosed public offices; Cafeterias (smokers & nonsmokers areas); ventilation	None	None	None	Public and private places
Sanctions	None	None	violators will have to give free commercial spots to tobacco control organizations	Fines	Fines
Program & educational campaigns	None	None	None	Research & educational campaigns	None

#### **NONE WERE ENACTED**

it to twelve other Congressional Committees. On November 4, 2003, representatives from the 13 Committees, the Minister of Health, public health officials, and representatives of the tobacco subsidiaries (M-P & N-P), were supposed to meet in the Congress to discuss the bills introduced in the Lower House. The Budget and Treasury Committee’s officials “could not participate,” and the meeting was postponed indefinitely;<sup>321</sup> a victory for the tobacco industry that succeeded in tabling the bills.<sup>322</sup>

In July 14, 2004 Neri introduced the bill again<sup>323</sup> (Table 15); as of September 2005, the bill had not been acted on.

#### **The National Program on Tobacco Control (2003)**

Since 2003, under the Ministry of Health and Environment, the National Program on Tobacco Control has conducted several activities to control tobacco. Among its goals to reach in the year 2007 are:

- Raise awareness in the public about the importance of smoking as a public health problem.
- Promote the approval of national and provincial legislation on tobacco control.

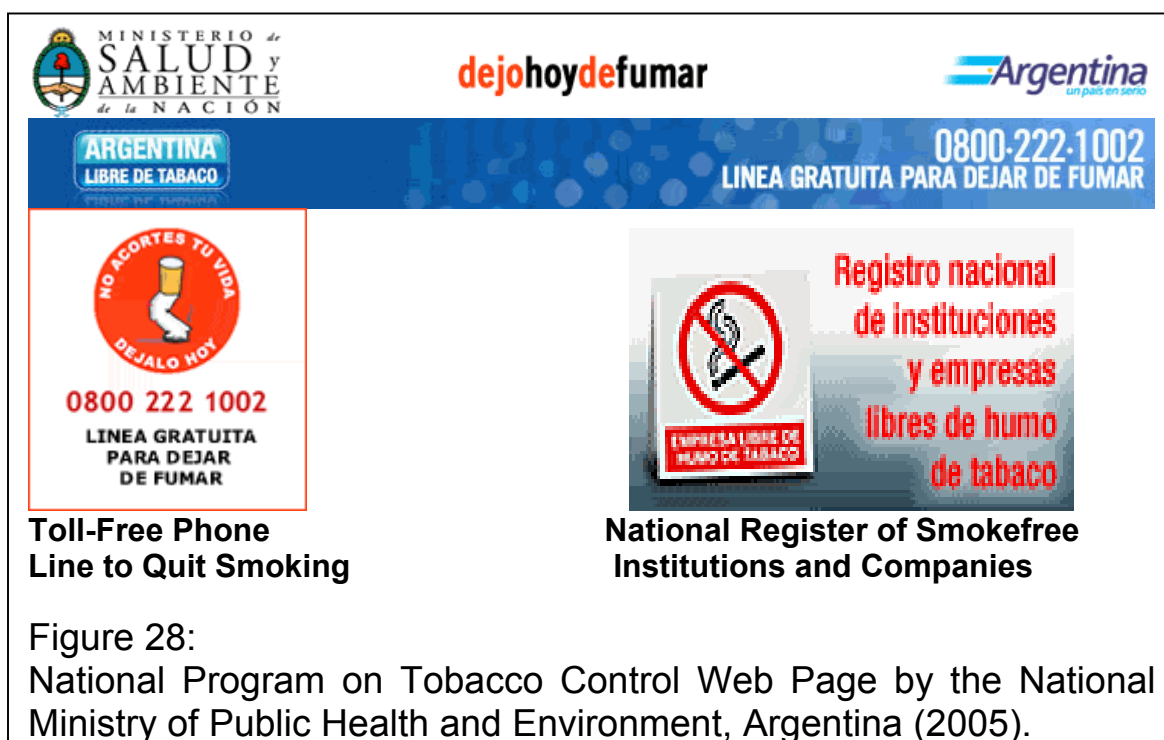
Table 15: Neri Bill III (2004)<sup>323</sup>

Advertising & Sponsorship	Allowed inside point-of-sale only.
Health warning labels	Rotating warnings: “Smoking causes lung cancer” “Smoking causes heart diseases” “Smoking during pregnancy harms your baby” “Smoking causes addiction” “Smoking takes away years of life”
Constituent disclosure	Nicotine and tar print on packs.
Sanctions	Fines & confiscation
Education	Educational campaign
Minor sales ban	Under 18
Smokefree places	Enclosed public places

PENDING (as of September 2005)

- Decrease smoking prevalence by 10%.
- Favor the creation of smokefree environments.
- Creation of a network of smoking cessation services.
- Surveillance (surveys, research).
- Educational activities for schools.
- Social communication campaign.

The program has established a toll-free phone line to help smokers to quit, a voluntary national register of smokefree institutions and companies to promote smokefree workplaces, and launched a mass media campaign on TV, radio, and billboards (Figure 28).



## PROGRAMA NACIONAL DE CONTROL DEL TABACO



**Poster**

**(- Do you mind?  
- No, it makes me sick)**



**Billboard**

**(Today is a good day to quit it)**

**Figure 28 (cont.)**

### **The Ministry of Health and Environment Bill (2005)**

On May 31, 2005, celebrating the No Tobacco World Day, Dr. Ginés González García (Minister of Health: 2002-2005) announced that he would be introducing in Congress a comprehensive bill to control tobacco products in Argentina. According to the Minister, the new national bill “incorporates the most modern and advanced norms of the world.”<sup>324</sup> Following recommendations of the Framework Convention on Tobacco Control (FCTC), the bill establishes the creation of smokefree enclosed public places (including bars and restaurants) and enclosed workplaces and ends all type of tobacco advertising (except point-of-sale), sponsorship, and the tobacco sale to minors under 18 years old. It also requires the placement of rotating health warning labels to be selected by the Minister of Health, that incorporate text on both faces occupying no less than 30% on each one, and images in 70% of one of the faces. Cigarette packages will not have less than 20 units, will be subject to maximum levels of nicotine and tar, and will not allow misleading descriptors (such as “light”). Finally, the law establishes sanctions (e.g. fines from 250 to 1 million of the price of packages) for violators.<sup>325-328</sup>

According to González García, the proposed legislation is part of a “strong” governmental policy to combat smoking. The announcement was done during the “Jornada Nacional de Cesación Tabáquica y Hospitales Libres de Humo (National Conference on Smoking Cessation and Smokefree Hospitals), where the Ministry of Health launched the national guidelines for treatment of tobacco addiction and for the creation of smokefree hospitals.”<sup>324</sup>

The bill was introduced into the Congress through the Senate on August 11, 2005 and was forwarded to six committees to be discussed.<sup>329</sup>

## The Framework Convention on Tobacco Control

Since 1999, international efforts to control tobacco have been focused on the implementation of the FCTC, the first worldwide public health treaty negotiated by the 192 countries under the auspices of the WHO.<sup>330</sup> In May 2003, the treaty was adopted at the World Health Assembly. During 2003 and 2004, efforts were put on the signing and ratification of the treaty. These international efforts have influenced tobacco control in Argentina.

### **The Government's Position**

On February 17, 2003, the Framework Convention Alliance, an international alliance of non-governmental organizations supporting the FCTC, gave the “Dirty Ashtray” Award to Argentina because of the weak support that public officials, under President Duhalde’s administration (2002-2003), had in Geneva during the negotiations<sup>331</sup> (Figures 29- 30). Among the members of the Argentinean delegation in the FCTC negotiations was Eugenio Corradini, a representative of the Secretary of Agriculture, and a “staunch defender of the tobacco producers.”<sup>332, 333</sup>



Figure 29:  
Dirty Ashtray Award given to Argentina by the Framework Convention Alliance, Geneva (February 2003).

### **Public Support for Tobacco Control**

At the same time, a survey conducted in Argentina in 2001 showed strong public support for restrictions on tobacco smoking. The survey was undertaken by Environics Research Group Ltd. of Canada (a public opinion research firm that specializes in public policy research), as part of the Global Issues Monitor (an annual multinational public opinion survey). The tobacco component, financed by the WHO, examined public support in five countries (including Argentina) for the efforts of the WHO to create a set of rules and regulations that would reduce tobacco use, and for specific efforts that countries might take to reduce the use of tobacco.





Figure 30: Cover of National Newspaper Página 12  
 Pure Smoke (photo: former President Duhalde)  
 International anti-tobacco non-governmental organizations blame Argentina for  
 defending tobacco industry interests, which could undermine the first international  
 public health treaty to limit tobacco use.



Between January 8-22, 2001, one thousand citizens 18 years or older were interviewed face-to-face, in Buenos Aires City, Great Buenos Aires, Cordoba City, Rosario, Mendoza City, and San Miguel de Tucumán. The survey was carried out by CEOP-GLOBAL Market Research, a local research institute, and the sample included both genders, different socioeconomic groups, age groups and smokers and non-smokers.

Results showed an overall support of 93% for the international initiative on tobacco control. In addition, five specific tobacco control activities were also strongly supported by the respondents: restrictions against advertising and promotion of tobacco products, strong and visible warning messages on tobacco products, tougher laws to stop tobacco products smuggling, regulation of tobacco chemical constituents, and the creation of smokefree places<sup>334</sup> (Table 16).

**Table 16: Public Support for International Efforts to Control Tobacco.**  
**Survey Results, Argentina (2001)<sup>334</sup>**

	Total	Nonsmokers	Smokers
Overall Support to FCTC	93	96	86
Restrictions against advertising and promotion of tobacco	89	94	82
Warning messages on tobacco products	93	96	88
Laws to stop smuggling tobacco products	92	96	88
Monitor and regulate tobacco chemical constituents	96	97	96
Smoke-free places to avoid secondhand smoke	94	96	89

These results indicate that there is public consensus in support of tobacco control measures in Argentina.

### **A New Administration: A New Scenario on Tobacco Control?**

On August 25- 26, 2003, an International Meeting on Tobacco Control was held at the National Library of Buenos Aires, supported by the Ministry of Health, to discuss the implications of the FCTC in Argentina and the MERCOSUR,<sup>322</sup> highlighting the treaty as “a historical opportunity” to promote tobacco control policies. Attendees of the conference were panelists from WHO, PAHO, World Bank, MERCOSUR, Bolivia, and Chile.<sup>335</sup> On September 25, 2003, President Néstor Kirchner (2003-2007) and Minister of Health González García, signed the FCTC at United Nations headquarters in New York City.

### **FCTC Ratification Process**

Legislators introduced bills to ratify the FCTC in October 2003 (Luis Falcó in the Senate<sup>336</sup> and Silvia Martínez in the Lower House<sup>337</sup>). On June 25, 2004, the Executive Branch introduced a similar bill in the Senate through the Foreign Relations and Culture Committee.<sup>338</sup>

On October 26, 2004, a new bill was introduced in the Senate by Senators Marcelo López Arias (Province of Salta), Guillermo Jeneffes, Federico Puerta (Province of Misiones), and Sonia Escudero (all members of the same above Committee), “to create a commission to follow and control the implementation of the FCTC.”<sup>339</sup> This was seen by the tobacco advocates as a tactic to avoid the ratification of the treaty in the Senate. Both Senators López Arias and Puerta have in the past supported bills that benefited the tobacco industry interests.<sup>340, 341</sup> In addition, according to a 1997 PM memorandum, Puerta (former Governor of Misiones) may have participated in a “Visit of Argentine Officials to USA”<sup>342</sup>, which was organized at the end of 1997 with a group of Governors of Provinces where PM possessed plants. The purpose of that trip was “to visit PMI Plants in the USA, to become familiar with various operations of PMI around the world, [and] to *improve already favourable relationships*”<sup>342</sup> [emphasis added]. The group of Governors that were to be invited also included Juan Carlos Romero (Governor of Salta), Eduardo Duhalde (Governor of Buenos Aires), Adolfo Rodríguez Saá (Governor of San Luis), and Raúl Romero Feris (Governor of Corrientes).<sup>342</sup>

As of September 2005, Congress had not ratified the FCTC.

## CONCLUSIONS AND RECOMMENDATIONS

The tobacco industry has worked successfully for forty years to block tobacco control legislation in Argentina. The alliance of the industry with selected public officials has been the model applied in other countries; the Argentinean case is an example of industry success in Latin America.

During the 1960s and 1970s, none of the tobacco control bills proposed in the Congress were approved and only a one-year military decree restricting advertising was implemented to protect domestic companies from foreign competition. The Chamber of Tobacco Industry was also organized to provide a rapid response to new proposed legislation. As in other countries,<sup>51-56</sup> the industry created a widely ignored self-regulation code, as a tool to avoid meaningful restrictions on tobacco advertising.

Tobacco control advocates also founded organizations to inform the general public about smoking effects and began to pressure public officials to restrict tobacco use. The LALCEC/83 (1978-1983) campaign is one of the most prominent examples of advocacy. During the 1980s, efforts to pass comprehensive tobacco control legislation intensified. However, tobacco control groups were overwhelmed by the well-organized tobacco industry that prevented the passage of such bills. The weakened 1986 Pepe Law is the only federal legislation to this date that established limited restrictions on tobacco advertising, and all it did was codify the industry’s ineffective voluntary code. Legal restrictions on tobacco advertising are actually weaker than those contained in the industry’s code. Furthermore, the industry has voluntarily stopped advertising on Argentinean television since 2003<sup>343, 344</sup> in accordance with the 2001 version of the code and the International Marketing Standards. No measures to regulate secondhand smoke have ever been implemented at the federal level and indoor smoking is widely prevalent in the country.

Our findings complement earlier descriptions of the industry's "Latin Project."<sup>117-119</sup> Tobacco industry representatives, together with their allies, ETS consultants, advertising agencies, and the local press, operated as an efficient and well-coordinated team. The veto of the Neri Bill in 1992 was the most significant success of this project and effectively deterred tobacco control legislation for over a decade. Subsequent to the Neri Bill veto, the industry and its allies proposed alternative weak bills. Even though they were not approved, these bills served to distract political and public attention so that all efforts at tobacco control legislation were neutralized.

In 2004, the major tobacco control issue in Argentina revolved around the FCTC ratification efforts. Although President Kirchner signed the FCTC, the ratification process in the Argentinean Senate remained bogged down as of September 2005 with limited efforts to ratify it. Given the past experience, it appears that the industry was effectively lobbying Argentinean legislators not to ratify the treaty. Although the Argentinean administration had started to address tobacco control through a program by the Ministry of Health with financial support from the World Bank, progress in achieving tobacco control legislation is slow. At the same time, international commercial agreements to invest in the regional tobacco industry may be used to promote a climate whereby tobacco control legislation is viewed as delaying economic progress.<sup>345</sup>

Strong legislation is one of the main components to curb the tobacco epidemic and associated health damage. For example, in California a large tobacco control program financed by a tobacco tax increase, combined with smokefree workplace and public place policies has rapidly reduced cigarette consumption and associated heart disease<sup>346</sup> and lung cancer.<sup>347</sup> As in Argentina, other countries in Latin America have not yet passed strong tobacco control legislation. Brazil, the single exception, has taken the lead in the region and the world. Its success relied on a strong leadership by the federal government through a National Tobacco Control Program, in partnership with a broad network of tobacco control advocates, the media, and professional associations.<sup>348, 349</sup> Federal laws have been passed ending all tobacco advertising except inside point-of-sale<sup>350</sup> (2000) and deceptive descriptors (i.e., "light" and "mild")<sup>351</sup> (2001), and mandating strong rotating health warning labels and images on all cigarette packages<sup>352</sup> (2003).

Public health advocates, policymakers, institutional leaders, and journalists in Argentina - and Latin America -- should be aware of industry's tactics in order to anticipate their moves. They need to develop stronger, more confrontational programs designed to isolate the tobacco industry and to make it more difficult for politicians to support it. Not learning from past experiences will only delay the implementation of effective tobacco control legislation in these countries.

## **CONTRIBUTORS**

This report was written by Dr. Ernesto Sebríe and Dr. Stanton Glantz, and was edited by Dr. Joaquín Barnoya and Dr. Eliseo Pérez-Stable. Interviews and research of the tobacco industry documents and texts of legislation were conducted by Dr. Ernesto M Sebríe.

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## APPENDICES

### Appendix 1: Selection of Acronyms and Abbreviations

BAT:	British American Tobacco
C&B:	Covington and Burling
CTI:	Chamber of Tobacco Industry (National Tobacco Manufacturers' Association)
CLACCTA:	Comité Latinoamericano Coordinador del Control del Tabaquismo (Latin America Coordinating Committee on Smoking Control)
COMFER:	Comité Federal de Radiodifusión (Federal Radio Broadcasting Committee)
ETS:	Environmental Tobacco Smoke
FCTC:	Framework Convention on Tobacco Control
FDA:	Food and Drug Administration
FEHGRA:	Federación Empresaria Hotelera-Gastronómica de la República Argentina (Argentinean Hospitality Industry)
IAQ:	Indoor Air Quality
ICOSI:	International Committee on Smoking Issues
IHA:	International Hotels Association
IH&RA:	International Hotel and Restaurant Association
INFOTAB:	International Tobacco Information Center
LALCEC:	Liga Argentina de Lucha Contra el Cancer (Argentine League Against Cancer)
M-P:	Massalín-Particularres
MERCOSUR:	Southern Common Market
N-P:	Nobleza-Piccardo
PAHO:	Pan American Health Organization

PM:	Philip Morris
PMI:	Philip Morris International
PMLA:	Philip Morris Latin America
PMUSA:	Philip Morris United States
TDC:	Tobacco Documentation Center
TTC:	Transnational Tobacco Companies
UATA	Unión Anti-Tabáquica Argentina (Argentine Anti-Tobacco Union)
UCSF:	University of California San Francisco
UICC:	Union Internationale Contra le Cancer (International Union Against Cancer)
WHO:	World Health Organization

## Appendix 2: Selection of People Cited in the Report

### Tobacco Industry

Sharon Boyse:	Manager, Smoking Issues, British American Tobacco (1990-1994); Senior Scientific Advisor, British American Tobacco (1986-1990)
Patrick S. Davies:	Attorney, Covington & Burling, Counsel for the Tobacco Institute.
Paul Dietrich:	Development Committee, PAHO
Aurora M. González:	Director, Communications, PMLA
Christopher J. Proctor:	C&B Senior Scientific Advisor BAT
César Rodríguez:	Vice-president, PMLA
John P. Rupp:	Attorney, C&B, Counsel for the Tobacco Institute and PMI.

### Tobacco Industry Argentina

Carlos Benjamín Alvarez:	Cardiologist, Professor of Cardiology at the Catholic University of Argentina, Director of the Cardiovascular Clinics Institute at Buenos Aires. Tobacco Industry ETS consultant.
Mario Bugna:	Massalín-Particulares, Technology Group Director
Jorge R. Basso Dastugue:	Nobleza-Piccardo, Director & Corporate Affairs Manager
Luis González Esteves:	Massalín-Particulares, Communications Manager, Corporate Affairs
Osvaldo Fustinoni:	Physician, President of the National Academy of Sciences of Buenos Aires. Tobacco Industry ETS consultant.
Eduardo Gros:	Professor of Organic Chemistry at the University of Buenos Aires. Tobacco Industry ETS consultant
Jorge A. Pilheu:	Physician; Chairman, 8 <sup>th</sup> World Conference on Tobacco or Health (Buenos Aires, 1992)
Alberto Rubio:	President, Chamber of Tobacco Industry (~1977)
Jorge Vives:	Massalín-Particulares, S.A. Director, Corporate Affairs

## Public Officials & Politicians from Argentina

Carlos Alvarez Herrera:	Physician, President of the Public Health Foundation; Founder of the Argentine Anti-Tobacco Union; Advisor of the Minister of Health Aldo Neri.
Julio Antún Resca:	Representative, Córdoba (Unión Popular Party: 1965-1966)
Julio J Bardi:	Vice Admiral; Minister of Social Welfare (March 1976- November 1978)
Oraldo N. Britos:	Senator (Justicialista Party: 1983- 1986; 1986-1995); Provisional President of the Senate (October, 1992)
José Corchuelo Blasco:	Representative, Chubut (Justicialista Party: 1989-2001)
Jorge A Fraga:	Rear Admiral; Minister of Social Welfare (November 1978- March 1981)
Pedro Freschi:	Representative, Chaco (Radical Party: 1973-1976)
Domingo Frois:	Senator, La Pampa (Justicialista Party: 1973-1976)
Nilda Garré:	Representative, Buenos Aires (FREPASO Party: 1995-1999)
Ginés González García:	Minister of Health (2002- 2005).
Néstor Kirchner:	President of Argentina (2003-2007)
Alberto Maglietti:	Representative, Formosa (Radical Party: 1983-1987)
Alberto Mazza:	Minister of Health and Social Affairs (1992- 1999).
Carlos S Menem:	President of Argentina (1989- 1999).
Pedro E. Molina:	Senator, Santa Cruz (Justicialista Party: 1986-1995).
Aldo Neri:	Minister of Health (1983-86); Representative, Buenos Aires (Radical Party: 1987-1991; 2001-2005).
Lorenzo Pepe:	Representative, Buenos Aires (Justicialista Party: 1983-2003)
José Romero Feris:	Senator, Corrientes (Autonomista Party: 1987-1995); Governor of Corrientes (1983-87).

Roberto Ulloa:

Governor of Salta (1991- 95); Senator, Salta (Renovador de Salta Party: 1996-2001)