

Israel

Overall score:

48

Summary of Findings

1. Industry participation in policy development

There are no indications in the public record of the existence of committees or official meetings in government ministries to which representatives of tobacco and smoking companies are invited.

In 2018, during the Knesset Economic Affairs Committee's discussions of the draft bill on Restriction of Advertising and Marketing of Tobacco products Law (Amendment No. 7), 5779-2019, Philip Morris's legal representative proposed the exclusion of e-mail from the blanket ban on advertising.¹ The proposal was accepted and approved by the members of Knesset, provided the email recipients are 21 and older and gave their prior written consent.²

Moreover, the cigar importers' proposal to exclude cigars from plain packaging and emissions reporting requirements was also accepted.³ Tobacco companies requested a year's grace period in order to prepare for the plain packaging and enlarged text warnings requirements.⁴ Their request was accepted and the various sections of the law dealing with plain packaging, enlarged text warnings and store display bans came into force a year after the date of the law's entry into force.⁵

2. Industry CSR activities

No such incidents have been identified for the 2017-2019 period by the government or its agencies or officials.

3. Benefits to the industry

The Health Ministry's initial treatment of heated tobacco products, specifically Philip Morris's IQOS, and their exclusion from the Law Limiting the

Advertising and Marketing of Tobacco Products - 1983, included preferential treatment of one smoking product over others, as noted in petition HCJ 2269/17 submitted by the Dubek Co. to the Supreme Court against the Minister of Health.

Following an order on the taxation of rolling tobacco signed in February 2019, which limits the size of the packs to 30-50 grams,⁶ an application came through the Federation of Israeli Chambers of Commerce's cigarette and rolling tobacco importers forum, for an extension of the deadline for using up inventory in the original packaging from February 2019 to January 2020, until the enactment of the section in the law prohibiting advertising that requires plain packaging.⁷ The extension of the deadline for using up inventories was approved.⁸

4. Unnecessary interaction

Throughout 2018, as part of the regulatory process relating to e-cigarettes, JUUL publicized details of actions it took to prevent the sale of its products to minors in a range of media channels⁹ and even offered to help the Ministry of Health with this issue.¹⁰ The Ministry of Health declined these offers.

5. Transparency

In January 2017, following an investigation that revealed the arrangement of meetings with the Minister of Health and senior Ministry officials in exchange for payments, a new chapter dedicated to reporting meetings (at this stage, only of Health Ministry representatives) with tobacco and smoking industry representatives was added to the Ministry of Health Report on Smoking in Israel, 2016 in its revised version published in February 2018. At the same time, in preparation for a decision on the taxation of heated tobacco products, the economist Arthur Laffer arrived in Israel on behalf of Philip Morris in May 2017, and met with the Director General of the Ministry of Finance. The very

existence of this meeting was only revealed in retrospect, in the media.

The requirement to report meetings with the tobacco industry is limited only to the Ministry of Health and does not apply to other government agencies. There is also no registry of tobacco industry entities, their affiliate organizations or representatives such as lawyers acting on their behalf.

6. Conflict of interest

No such incidents were identified for the 2017-2019 period. However, there is the phenomenon of parliamentary advisers and assistants transitioning to positions in tobacco companies, sometimes without a "cooling off period" after holding a position in government. Nili Brosh, a senior adviser to the Interior Minister, was appointed Corporate Relations Manager at Philip Morris in December 2017, joining Maayan Sarig, a spokeswoman for the Minister of Transportation, who was appointed Director of Communications at Philip Morris, and Adv. Coral Aviram, formerly an advisor to the Minister of Labor and Welfare, who was appointed Manager of Regulatory Affairs.

7. Preventive measures

There are no indications in the public record that a Knesset member is restricted from receiving a draft bill from tobacco and smoking companies.

In November 2018, the Ministry of Health published the "Rules for commercial-related engagements by health institutions: Director General's circular 11/2018,"¹¹ which regulates the issue in general, without specific reference to tobacco and smoking companies.

Under the National Health Insurance Law¹² there is a requirement to report donations in the health care field. Section 40A of the National Health Insurance Law, which deals with the obligation to report contributions in the field, requires every "donor" as defined in the law, who made a contribution in any amount to a health care organization or who contributed a cumulative amount of over NIS 2,500 per year to a physician, pharmacist or researcher in the medical or health field, to report that contribution. In addition, all organizations in the health care field are required to report donations of any amount, and any physician, pharmacist or researcher in the medical or health field who receives a donation over NIS 2,500, is also required to report it. These two procedures only apply to the health care system. So far, there are no reports of providing and/or accepting donations from the tobacco industry.

Recommendations

1. The requirement to report meetings with the tobacco and nicotine industry, currently limited to the Ministry of Health, must be extended to apply to the whole government.
2. A registry of tobacco and nicotine industry entities, their affiliate organizations and representatives must be established.
3. Since there are instances of former government officials moving to the tobacco and nicotine industry, a policy must be put in place which provides a cooling period of at least three years.
4. Rules for commercial-related engagement by health institutions should be extended to apply to the whole government to prevent the tobacco and nicotine industry from approaching non-health sectors.

¹ Knesset Economic Affairs Committee, meeting protocol 863, November 21, 2018, pp. 50-51.

² Knesset Economic Affairs Committee, meeting protocol 892, December 18, 2018, pp. 101-105.

³ Knesset Economic Affairs Committee, meeting protocol 892, December 18, 2018, pp. 40-41, 54-55, 56-58, 80-81.

⁴ Knesset Economic Affairs Committee, meeting protocol 892, December 18, 2018, pp. 94-95.

⁵ Prohibition of Advertising and Restricting of Marketing of Tobacco and Smoking Products Law, 5743-1983.

⁶ Sales Tax Regulations (Goods) (Amendment), 2019. 21 February 2019.

⁷ Federation of Israeli Chambers of Commerce's cigarette and rolling tobacco importers forum, position paper: "Size of Uniform Packaging for Rolling Tobacco," February 2019.

⁸ Tobacco Regulations (Amendment) (Amendment), 2019, June 19, 2019.

⁹ Rotem Elizera, "JUUL's Response to the Order Forbidding Sales of Reduced Nicotine Capsules," YNET, September 2, 2018.

¹⁰ Minutes of November 14, 2018 meeting with representatives of the Federation of Israeli Chambers of Commerce, regarding draft bill on advertising and marketing of tobacco products (Amendment no. 7), 2018.

¹¹ Rules for commercial-related engagements by health institutions: Director General's Circular, November 2018.

¹² National Health Insurance Law, 1994, Section 40a.