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MAURITIUS

**TOBACCO  
INDUSTRY  
INTERFERENCE  
INDEX  
2023**

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## Background and Introduction

Mauritius was among the first countries globally to ratify the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) in 2004, as well as one of the first to impose pictorial health warnings on tobacco packaging in 2008.<sup>1</sup> Mauritius has comprehensive tobacco control legislation which includes a comprehensive ban on tobacco advertising, promotions and sponsorship, smoke-free public places and uniform specific tax which has been increased several times.<sup>2</sup>

About 1,500 Mauritians die each year from tobacco related diseases. According to the Noncommunicable Disease (NCD) survey in 2021, smoking prevalence among men is 35.5% and among women 3.7%.<sup>3</sup> This is an improvement from 2015 when prevalence was 38% among men and 3.9% among women.

Under the power contained in the Public Health Act 1925, the Minister of Health and Wellness issued the Public Health (Restrictions on Tobacco Products) Regulations 2022, which revoked the Public Health (Restrictions on Tobacco Products) Regulations 2008. In addition to the restrictions on smoking in public places; restrictions on tobacco advertising, promotion, and sponsorship; packaging and labeling requirements; and restrictions on cigarette contents, the new regulations impose a ban on the manufacture, import, distribution, and sale of e-cigarettes and heated tobacco products. The amended regulations also carved out exceptions from the packaging and labeling requirements for cigarettes sold in duty-free shops.

In May 2023, Mauritius became the first African country to introduce plain tobacco packaging<sup>4</sup> and received in July 2023 the acknowledgement of being the first in Africa to adopt the WHO full-scale tobacco control measures along with the Netherlands, Brazil, and Turkey.<sup>5</sup> Electronic smoking devices such as e-cigarettes and heated tobacco products will be prohibited.<sup>6</sup> Cigarettes with flavoured capsules and other flavours such as menthol and fruit cigarettes will also be prohibited.

In setting and implementing these public health policies, Mauritius realizes the need to protect these policies from commercial and other vested interests of the tobacco industry in accordance with Article 5.3 of the WHO FCTC. Mauritius is thus embarking in the Global Tobacco Industry Interference survey for the first time.

More than one billion cigarettes were imported into Mauritius in 2022. The main tobacco brands sold in Mauritius belong to British American Tobacco (BAT). BAT closed its manufacturing facility in 2008 and now distributes its cigarettes through TNS Tobacco Company.

The proximity of shops near schools increases access hence the law prohibits the sale of cigarettes within 200 meters radius of schools, and sports and leisure centers. The tobacco industry is interpreting this ban to apply only to new points of sale and not to those whose business started before May 31, 2023.<sup>7</sup>

In the past, the Mauritius Revenue Authority had two memoranda of understanding with BAT (2012 and 2014) and had held joint training workshop on illicit trade in tobacco products.<sup>8</sup>

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance. There are 20 questions based on the Article 5.3 guidelines. Information used in this report is obtained from the public domain only. A scoring system is applied to make the assessment. The score ranges from 0 - 5, where 5 indicates highest level of industry interference, and 1 is low or no interference. Hence the lower the score, the better for the country. The 0 score indicates absence of evidence or not applicable. The report covers information on incidents from January 2021 up to March 2023, but also includes prior incidents that are relevant.

## Summary Findings

### **1 INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT**

There is no evidence of industry participation in policy development. The government does not allow representatives from the tobacco industry in the delegation to the WHO FCTC Conference of Parties.

### **2 INDUSTRY CSR ACTIVITIES**

Tobacco related corporate social responsibility (CSR) activities are banned. There was no partnership with the tobacco industry during the Covid-19 pandemic. No evidence of tobacco related CSR endorsed by government officials in the public domain.

### **3 BENEFITS TO THE INDUSTRY**

In November 2022 an authorization was granted by the Ministry of Commerce for an exceptionally justified importation of 24,025 boxes of "Roll Your Own Cigarette" paper by a private company.

### **4 UNNECESSARY INTERACTION**

No unnecessary interaction has been noted.

### **5 TRANSPARENCY**

The government does not publicly disclose meetings / interactions with the tobacco industry.

### **6 CONFLICT OF INTEREST**

There is no evidence of any conflict of interest with the tobacco industry and government officials.

### **7 PREVENTIVE MEASURES**

The government does not have a program to consistently raise awareness within its departments on policies relating to WHO FCTC Article 5.3 Guidelines.

The government does not accept any contributions or gifts from the tobacco industry or accept any assistance from it.

The government has not put in place a procedure for interaction with the tobacco industry should these interactions become necessary.

## Recommendations

### **RECOMMENDATION I**

Any form of interference from the tobacco industry needs to be discouraged at the highest level of the Ministry of Health.

**RECOMMENDATION 2**

The government needs to implement a code of conduct for public officials, prescribing the policies relating to FCTC Article 5.3 Guidelines.

**RECOMMENDATION 3**

There is need to sensitize government officials that the tobacco industry should receive no benefits as the products they sell are harmful.

**RECOMMENDATION 4**

The government needs to put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives when these interactions are held when strictly necessary.

**RECOMMENDATION 5**

The government needs to consistently raise awareness within its departments on policies relating to WHO FCTC Article 5.3 Guidelines

## Mauritius

# Tobacco Industry Interference Index 2023

## Results and Findings

	0	1	2	3	4	5
<b>INDICATOR 1: Level of Industry Participation in Policy-Development</b>						
1. The government <sup>9</sup> accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests. <sup>10</sup> in setting or implementing public health policies in relation to tobacco control <sup>11</sup> (Rec 3.4)	0					
Article 5.3 of the WHO FCTC is also closely adhered to whereby the vested interest of the Tobacco Industry is being monitored and never allowed to interfere with the policies and tobacco control initiatives of the Ministry. All requests from TI to meet management to discuss matters pertaining to tobacco control policies have been turned down and proposals to set up manufacturing plants on our territory have been turned down. <sup>12</sup>						
2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)	0					
The tobacco industry has not been able to interfere with the policy decision of the Ministry of Health though they tried by all means for instance to have a say in the amendments being brought to the current legislations.						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)		1				
The government does not allow the tobacco industry to sit in the inter-agency body on tobacco control.						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) <sup>13</sup> (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year.		1				
Only representatives of the Ministry of Health and Wellness attended the COP9 in 2021. <sup>14</sup>						
<b>INDICATOR 2: Industry CSR activities</b>						
5. A. Government agencies or their officials endorse, support, form partnerships with or participates in activities of the tobacco industry described as socially responsible. For example, environmental programs. (Rec 6.2)	0					
B. The government (its agencies and officials) receives CSR contributions <sup>15</sup> (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests during the pandemic. (Rec 6.4)						

	0	1	2	3	4	5
<i>NOTE: exclude enforcement activities as this is covered in another question</i>						
Mauritius has a comprehensive ban on tobacco advertising and sponsorship which includes a ban on CSR activities. No evidence of tobacco related CSR activities endorsed by government officials were found in the public domain during the COVID 19 pandemic.						
<b>INDICATOR 3: Benefits to the Tobacco Industry</b>						
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)	0					
There is no evidence of the industry requests for postponement or delay in the enactment of legislation to strengthen tobacco control.						
The new tobacco control regulations (May 2023) for implementation of plain packaging came into force on May 31, 2023.						
7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)				3		
In November 2022, the Ministry of Commerce allowed Zippy Mouse Ltd to import 22 million roll-your-own cigarette papers with a market value of over Rs 460 million. Part of the importation took place after the ban was in place. <sup>16</sup> In March 2022, the company requested the Ministry to allow the importation of the remaining batch of 24,025 boxes of roll your own cigarette paper in one go in order to solve the problem. According to the Minister of Commerce, the decision to allow the company to import was made jointly by the ministry and the Customs Department.						
International travellers can bring duty free into Mauritius 200 cigarettes or 100 cigarillos or 50 cigars or 250g of tobacco. <sup>17</sup>						
<b>INDICATOR 4: Forms of Unnecessary Interaction</b>						
8. Top level government officials (such as President/ Prime Minister or Minister <sup>18</sup> ) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)	0					
There is no evidence of any high-level government official fostering relations with the tobacco industry.						
9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)	0					
Although in the past, the Mauritius Revenue Authority had two memoranda of understanding with BAT (2012 and 2014) <sup>19</sup> and had held joint training workshop on illicit trade in tobacco products however there is no evidence that there is any collaboration now.						



	0	1	2	3	4	5
10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1) <i>NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i>	0					
There is no evidence of any partnership or agreements with the tobacco industry.						
<b>INDICATOR 5: Transparency</b>						
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)						5
The government does not disclose any information in case they have had any meeting with the industry for regulation.						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)						5
There are no rules for the registration of tobacco industry affiliates on organizations acting on their behalf including lobbyists.						
<b>INDICATOR 6: Conflict of Interest</b>						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11) / Never 5 Yes						5
The is no regulation to prohibit contributions from the tobacco industry or those representing its interest.						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0					
No retired senior government officials joint the tobacco industry.						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)	0					
No current government official hold positions in the tobacco business.						
<b>INDICATOR 7: Preventive Measures</b>						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)						5
The government has not put in place a procedure for interaction with the tobacco industry should these interactions become necessary.						

	0	1	2	3	4	5
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2); <i>1 for whole of government code; 2 for Yes but partial if only MOH</i>						5
In the report to the COP, the Ministry of Health reported that Article 5.3 of the WHO FCTC is closely adhered to whereby the vested interest of the tobacco industry is being monitored and never allowed to interfere with the policies and tobacco control initiatives of the Ministry. However, there is no code of conduct for public officials to follow when dealing with the tobacco industry in the event these meetings are strictly necessary.						
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. (5.2)						5
The government does not require the tobacco industry to periodically submit information about its market share, revenue or lobbying or political contributions.						
19. The government has a program / system/ plan to consistently <sup>20</sup> raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)						5
The government does not have a program to consistently raise awareness within its departments on policies relating to WHO FCTC Article 5.3 Guidelines.						
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)		1				
The government does not accept any contributions or gifts from the tobacco industry or accept any assistance from it.						
<b>TOTAL</b>						<b>41</b>

## Annex A: Sources of Information

	<b>TOBACCO COMPANIES IN MAURITIUS</b>	<b>MARKET SHARE</b>	<b>BRANDS</b>	<b>SOURCE</b>
1	<b>BRITISH AMERICAN TOBACCO MAURITIUS</b> [British American Tobacco Indian Ocean Islands Business Unit regroups Reunion, Madagascar, Comores, Mayotte, Seychelles and Mauritius]	More than Rs5.2bns in terms of annual turnover.	Dunhill, State Express 555, Matinée, Embassy, Viceroy, Pall Mall and Matelot.	<a href="https://www.yelo.mu/company/11894/british-american-tobacco-mauritius">https://www.yelo.mu/company/11894/british-american-tobacco-mauritius</a>
2	<b>TNS TOBACCO COMPANY LIMITED</b> [company specialised in cigarette distribution in Mauritius and created from an exclusive agreement with the British American Tobacco in 2009]			<a href="https://aptis.mu/about-us/">https://aptis.mu/about-us/</a>
3	<b>PREMIUM TOBACCO GROUP</b>			<a href="https://premiumtobaccogroup.com/where-we-operate/mauritius/">https://premiumtobaccogroup.com/where-we-operate/mauritius/</a>
4	<b>Zippy Mouse Ltd</b> (importers of roll-your-own cigarette papers)			

	<b>TOP MEDIA/ NEWSPAPERS</b>	<b>SOURCE</b>
1	L'EXPRESS	<a href="https://lexpress.mu/">https://lexpress.mu/</a>
2	LE MAURICIEN	<a href="https://www.lemauricien.com/">https://www.lemauricien.com/</a>
3	LE DEFI MEDIA	<a href="https://defimedia.info/">https://defimedia.info/</a>
4	TOP FM	<a href="https://onlineradiobox.com/mu/topfm/?lang=en">https://onlineradiobox.com/mu/topfm/?lang=en</a>

## REFERENCES

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- <sup>1</sup> Source: World Health Organization (Mauritius). Mauritius is first in Africa to adopt WHO full-scale tobacco control measures. <https://www.afro.who.int/countries/mauritius/news/mauritius-first-africa-adopt-who-full-scale-tobacco-control-measures>.
- <sup>2</sup> Jean Marc Poche. Tax study – Interview of Prof Corne van Walbeek. University of Cape Town South Africa. Le Mauricien. Available from: <https://visa-notobacco.org/tax-study-interview-of-professor-corne-van-walbeek/>
- <sup>3</sup> Bissiere M. Cigarettes: What you need to know about changes in effect from May 31. 2023 May 31. Available from: [https://express-mu.translate.google.com/article/423025/cigarette-ce-que-vous-devez-savoir-sur-changements-en-vigueur-ce-31-mai? x\\_tr\\_sl=fr& x\\_tr\\_tl=en& x\\_tr\\_hl=en& x\\_tr\\_pto=sc](https://express-mu.translate.google.com/article/423025/cigarette-ce-que-vous-devez-savoir-sur-changements-en-vigueur-ce-31-mai? x_tr_sl=fr& x_tr_tl=en& x_tr_hl=en& x_tr_pto=sc)
- <sup>4</sup> Mauricien. From 31 May: Cigarette packs will display neutrality. 2023 Mar 03. Available from: [From 31 May: Cigarette packs to display neutrality | The Mauritian \(lemauricien.com\)](https://www.lemauricien.com/mauritien/31-mai-cigarette-packs-will-display-neutrality)
- <sup>5</sup> World Health Organization Mauritius. Mauritius is first in Africa to adopt WHO full scale tobacco control measures. 2023 Jul 31. Available from: <https://www.afro.who.int/countries/mauritius/news/mauritius-first-africa-adopt-who-full-scale-tobacco-control-measures>
- <sup>6</sup> Generation Sans Tabac. Mauritius acts pioneering tobacco control measure in Africa. 2023 July 18. Available from: [Mauritius acts pioneering tobacco control measures in Africa \(generationsanstabac.org\)](https://www.generationsanstabac.org/mauritius-acts-pioneering-tobacco-control-measures-in-africa)
- <sup>7</sup> Bissiere M. Cigarettes: What you need to know about changes in effect from May 31. 2023 May 31. Available from: [https://express-mu.translate.google.com/article/423025/cigarette-ce-que-vous-devez-savoir-sur-changements-en-vigueur-ce-31-mai? x\\_tr\\_sl=fr& x\\_tr\\_tl=en& x\\_tr\\_hl=en& x\\_tr\\_pto=sc](https://express-mu.translate.google.com/article/423025/cigarette-ce-que-vous-devez-savoir-sur-changements-en-vigueur-ce-31-mai? x_tr_sl=fr& x_tr_tl=en& x_tr_hl=en& x_tr_pto=sc)
- <sup>8</sup> Issue. Mauritius Revenue Authority newsletter. 2014 Available from: [https://issuu.com/mauritiusrevenueauthority/docs/may\\_a](https://issuu.com/mauritiusrevenueauthority/docs/may_a)
- <sup>9</sup> The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority
- <sup>10</sup> The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.
- <sup>11</sup> “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour
- <sup>12</sup> Ministry of Health. Mauritius report to the COP 2020 Available from: [https://untobaccocontrol.org/impldb/wp-content/uploads/Mauritius\\_2020\\_WHOFACTCreport.pdf](https://untobaccocontrol.org/impldb/wp-content/uploads/Mauritius_2020_WHOFACTCreport.pdf)
- <sup>13</sup> Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>
- <sup>14</sup> WHO FCTC/COP/9/DIV/1/ List of Participants <https://fctc.who.int/publications/m/item/cop-9-div-1-list-of-participants>
- <sup>15</sup> political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions
- <sup>16</sup> Le Matinal. PNQ: The Ministry Of Commerce Agreed To The Import Of 22 Million Roll-Your-Cigarette Papers, says Callichurn. 2022 Nov 4. Available from: [PNQ: The Ministry Of Commerce Agreed To The Import Of 22 Million Roll-Your-Cigarette Papers, Says Callichurn \(lematinal.media\)](https://www.lematinal.com/mauritius/pnq-the-ministry-of-commerce-agreed-to-the-import-of-22-million-roll-your-cigarette-papers-says-callichurn)
- <sup>17</sup> <https://www.mra.mu/index.php/customs/travellers/allowances>
- <sup>18</sup> Includes immediate members of the families of the high-level officials
- <sup>19</sup> Issue. Mauritius Revenue Authority newsletter. 2014 Available from: [https://issuu.com/mauritiusrevenueauthority/docs/may\\_a](https://issuu.com/mauritiusrevenueauthority/docs/may_a)
- <sup>20</sup> For purposes of this question, “consistently” means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.