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SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

Between 2023 and 2024, the tobacco industry (TI) intensified interference in key tobacco control policies, particularly on electronic smoking devices (ESDs), excise tax reforms, cigarette minimum pricing, packaging regulations, and COP10 negotiations. The review of Anvisa's RDC No. 46/2009, which ultimately upheld the ESD ban, became a major flashpoint. The TI lobbied heavily to lift the ban through legislative proposals such as Bill 5.008/2023 and heated tobacco product bills, alongside coordinated media campaigns promoting regulation under the guise of harm reduction.

Industry representatives met with ministries, including the Federal Revenue Service, to promote pro-industry positions, and held unregistered meetings with senior tax reform officials, reducing transparency. In the minimum price policy, a delayed increase to BRL 6.50 per pack forced price adjustments for major brands but still failed to match inflation and income growth. The TI also influenced Anvisa's packaging regulation review, which replaced the skull toxicity pictogram with an exclamation mark.

2. Industry CSR Activities

Philip Morris Brazil, Japan Tobacco International, BAT Brazil, and China Brasil Tabacos expanded their corporate social responsibility (CSR) initiatives, projecting an image of environmental and social commitment through partnerships with public agencies, universities, and NGOs. Projects such as Floresta Viva, Conexão Araucária, and ESG Farms, as well as sponsorship of events like the LGBTQIA+ Parade and Carnival, were promoted as supporting sustainability, diversity, and child labor prevention.

These efforts increased during the 2024 floods in Rio Grande do Sul, when companies provided donations, supplies, and volunteer support. While framed as genuine contributions, such actions enhance the TI's public image and risk diverting attention from its harms to health, the environment, and human rights, while also influencing public policy.

3. Benefits to the Industry

The TI in Brazil has repeatedly delayed health policies through legal and political tactics, most notably the 13-year non-implementation of Anvisa's resolution banning flavor and aroma additives in tobacco products. Despite the Supreme Federal Court (STF) confirming the measure's constitutionality, the regulation remains stalled due to ongoing court challenges driven by major companies and allied entities such as CNI and Abifumo. This strategy, often described as "hyperjudicialisation," deliberately overuses the judicial system to create barriers that delay public health measures and keep products on the market.

One case is currently under review by STF Justice Dias Toffoli. Concerns about conflicts of interest arose after STF ministers attended a BAT-sponsored event in London in April 2024. The industry has also benefited from favorable rulings in the Superior Court of Justice, which has consistently avoided holding companies directly liable for health damages, particularly in tobacco-producing states in the south.

4. Unnecessary Interaction

Public authorities at various levels have engaged in unnecessary interactions with tobacco companies through meetings, social events, and corporate visits, particularly in tobacco-producing states like Rio Grande do Sul. High-profile examples include the governor meeting Philip Morris executives and visiting Japan Tobacco International's headquarters, state officials attending BAT Brazil's anniversary, and local leaders participating in Philip Morris events.

Similar cases occurred in Goiás, where the governor promoted an Ignite brand event, and in the Senate, where Senator Soraya Thronicke, who proposed lifting the ESD ban, did so after an industry-funded trip abroad. A partnership between Philip Morris Brazil and the University of São Paulo produced a study on illegal ESD trade that bolstered industry narratives and received significant media coverage.

Additionally, Anvisa's planned visit to BAT's London headquarters, later canceled after public backlash, raised concerns about potential industry influence on regulatory decisions regarding the ESD ban.

5. Transparency

At least 27 meetings between public agents and representatives of the TI took place in 2023 and 2024, especially in the Ministry of Finance, but many were not adequately disclosed. Official records use generic terms and omit agendas, making monitoring and public scrutiny difficult.

Requests made through the Freedom of Information (FOI) mechanism often lack minutes, recordings, or formal documents. Even when meetings are recorded in public agendas, the topics discussed are not detailed. One example is the lack of transparency of the Federal Revenue Service regarding its meetings with the TI.

6. Conflict of Interest

Although corporate donations to election campaigns are prohibited in Brazil, there are still no effective mechanisms to curb the indirect political influence of the TI. The lack of transparency regarding intermediary donors facilitates hidden involvement in electoral processes.

There are also cases of "revolving doors" involving former high-ranking officials. A former legal director of BAT was included in a list of nominees for the Superior Court of Justice (STJ), raising concerns about impartiality in future tobacco-related decisions. A former director of Anvisa, now a consultant for BAT Brazil, publicly promotes arguments supporting legalization of electronic cigarettes at events and in the media.

7. Preventive Measures

Federal executive officials follow general ethical standards, including the Code of Conduct for the Senior Federal Administration. However, these rules do not specifically address interactions with the TI, creating significant gaps in regulating public officials' actions.

Conicq is updating its protocol for interaction with the sector, which represents a potential step forward, and is also developing guidelines on debriefings during COP sessions. This document has not yet been published.

RECOMMENDATIONS

1. Raise awareness of Article 5.3 of the WHO FCTC among government officials.
2. Restrict the use of tax incentives by the TI in CSR activities.
3. Strengthen transparency and prevent conflicts of interest in interactions with the TI.
4. Prohibit tax benefits and strengthen tax policy governing tobacco products.