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TOBACCO
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INDEX

Policy brief

Acknowledgements

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Context: The 2023 UK Tobacco Industry Interference Index (UKTI) forms part of the [Global Tobacco Industry Interference Index](#) (GTI), a global survey of how public health policies are protected from the industry's subversive efforts, and how governments have pushed back against this industry influence. The Tobacco Industry Interference Index (TI) was initiated by the [South East Asian Tobacco Control Alliance](#) (SEATCA) as a regional report with support from Bloomberg Philanthropies and is part of a global publication of the [Global Center for Good Governance in Tobacco Control](#) (GGTC) at the School of Global Studies in Thammasat University, Thailand.

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Key acronyms used in this document

APPG	All-Party Parliamentary Group
CSR	Corporate Social Responsibility
DEFRA	Department for Environment, Food and Rural Affairs
DHSC	Department of Health and Social Care
FCO	Foreign and Commonwealth Office (now the Foreign and Commonwealth Development Office)
FCTC	Framework Convention on Tobacco Control
GTI	Global Tobacco Industry Interference Index
HMRC	His/Her Majesty's Revenue and Customs
PHE	Public Health England (since replaced by the Office for Health Improvement and Disparities and the UK Health Security Agency)
UKTI	United Kingdom Tobacco Industry Interference Index
WHO	World Health Organization

Summary

This is the fourth report examining how effective the UK government is at preventing the tobacco industry from interfering in policy and legislation. It forms part of the GTI, which this year includes 90 countries, up from 80 in the last report. This report, covering the period April 2021-March 2023, found that:

- The UK's score has deteriorated since the last report by 16 points.
- The UK is in the 21st position globally, down from 3rd in the last report.

This decline reflects both the increased tobacco industry and associated organisations' activity and the need for improvement in government response, particularly when it comes to raising awareness of Article 5.3 of the WHO FCTC across different government departments and agencies.

This brief explains the background and context to the UKTI, summarises the key findings, and makes a series of recommendations.

Previous editions of the report, for the years 2019, 2020 and 2021, can be found on the Tobacco Control Research Group [website](#).

Background

Smoking and the tobacco industry in the UK: Smoking is the leading cause of preventable illness and premature death in the UK, accounting for approximately 76,000 deaths every year.¹ Two of the four major transnational tobacco companies have their headquarters in the UK.²

The WHO Framework Convention on Tobacco Control: In 2003, the World Health Organization (WHO) adopted the Framework Convention on Tobacco Control (FCTC), which came into force in 2005.³ Developed in response to the global tobacco epidemic, it reaffirms every person's right to the highest standard of health and provides a legal framework for international health cooperation. It is a landmark public health treaty. In total, there are 183 Parties to the Convention. The Convention sets out specific steps for governments to address tobacco use.

Article 5.3 of the FCTC: As the backbone of the Convention, Article 5.3 and its implementation guidelines provide specific guidance to Parties on how to protect themselves from the interests of the tobacco industry. Specifically, it states that: "In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law."⁴

The GTI: The GTI,⁵ first published in 2019, is a global assessment of how well governments have implemented Article 5.3. The 2023 GTI therefore compares efforts made by governments to tackle industry interference in policy and legislation in 90 countries. Using a scoring system developed by SEATCA, it allocates a score of 0-5 to 20 indicators. The lower the score, the better the implementation of Article 5.3 and the lower the tobacco industry interference.

The UKTI: The UKTI forms part of the GTI and uses the GTI's scoring system to measure tobacco industry interference and how effectively the UK implemented Article 5.3 from April 2021 to March 2023.

In line with the GTI protocol, this document applies the term "government" widely to cover not only the UK government, devolved administrations, and local authorities, but also backbench politicians and political parties. Although these are not technically part of government in the UK, they play an important role in policy development and law-making in the UK's parliamentary system.

This coordinated approach is also necessary to allow comparisons between the countries included in the GTI. Furthermore, the countries included in the GTI are characterised by a range of different political systems and policy structures. This means that international comparisons between countries are difficult and require compromises in the use of certain terms and definitions.

The UKTI is based on publicly available information, supplemented by research and investigation on the industry conducted by the Tobacco Control Research Group at the University of Bath, particularly by the TobaccoTactics team. It is likely that certain covert instances of industry policy interference in the UK have not been identified and are thus missing from this report, as may be the case for other countries in the GTI.

As in previous years, the UKTI covers tobacco companies and associated organisations, while identifying some relevant incidents relating to e-cigarette companies.

The period covered in the UKTI 2023 is from April 2021 to March 2023. Events which occurred after the designated timeframe of this report have been recorded and will provide content for the next edition of the UKTI. Finally, the UK government also published new guidance for government engagement with the tobacco industry in June 2023, including detailed guidelines on implementation of Article 5.3 of the WHO FCTC. These guidelines may be found on the [UK government website](#).

Key findings

The findings below correspond to the seven key themes used in the report to assess how well the UK government has protected its public health policies against tobacco industry interference.

Industry participation in policy development

The tobacco industry and associated organisations are permitted to submit responses to public consultations and officially commissioned policy reviews, including on issues of tobacco control. These included Javed Khan's review of the government's smokefree 2030 objective in England and the Scottish Government's consultation on advertising rules for vaping products. These consultations usually require responses to include a declaration of interest to help establish tobacco industry links and industry responses are usually published with the consultation outcome. Only one consultation – on the tobacco control strategy for Wales – clearly stated that industry responses would not be taken into consideration in policy development.

There was also significant interaction between parliamentarians and the tobacco industry on issues of policy development. For example, the Scottish Parliament lobbying register shows that many of the recorded lobbying meetings related to the consultation on advertising rules for vaping products. This included the lobbying of one parliamentarian who was a government minister at the time. Also in Scotland, three groups with direct tobacco industry connections are represented in departmental and parliamentary groups concerned with tobacco control.

Industry corporate social responsibility (CSR) activities

Tobacco industry activities described as “socially responsible” are not banned in the UK. There were several incidents where members of the All-Party Parliamentary Group (APPG) for Vaping appeared at industry-sponsored or organised events and endorsed industry positions. There were also incidents of legislators in Westminster, the Scottish Parliament and the Welsh Senedd hosting or sponsoring events on the illicit tobacco trade for Japan Tobacco International (JTI). In Northern Ireland, the Gallaher

Trust, a charity with links to JTI, continues to contribute to various causes. JTI also continues to be listed as a corporate supporter of the British Museum. Finally, two members of the House of Lords were identified as directors of an industry-funded company set up to tackle the problem of smoking-related litter. Cigarette filters are the most commonly littered item worldwide, and this initiative comes at a time when many countries are implementing “polluter pays” approaches, charging tobacco companies for the cost of cleaning up smoking-related litter or imposing environmental taxes on packs of cigarettes.⁶

Benefits to the industry

There is no evidence that the UK government or devolved administrations granted specific benefits or exemptions to the tobacco industry. However, there are still no clear rules in place to prevent this from happening.

The major tobacco companies continued to pay very low levels of corporation tax in the UK. Post-Brexit, EU restrictions on single-use plastics have been added to the Northern Ireland Protocol, meaning these regulations now apply in Northern Ireland. The tobacco industry expressed concerns that they may be unable to comply with this change and met with DEFRA to discuss the matter. Northern Ireland failed to meet its deadline of 1 January 2022 to comply with EU regulation – though there is no evidence a specific exemption was granted to the tobacco industry. Finally, though the government has extended the WHO FCTC to the territory of the Cayman Islands,⁷ it has not done the same for the Protocol to Eliminate Illicit Trade in Tobacco Products.

Unnecessary interactions

A wide range of unnecessary interactions with the tobacco industry and associated organisations were recorded. These involved senior ministers, both in the UK Government and the Scottish Government; diplomatic staff, including the British Ambassador to Yemen; and political parties, mostly in the form of industry participation at fringe/side events at party conferences. British American Tobacco (BAT) received government-approved awards and certifications on issues such as disability support and diversity and inclusion, which it publicised in its promotional materials. Some local authorities, particularly trading standards departments, continue to rely on the tobacco industry to tackle illicit trade. Many of these interactions are not proactively made public. Furthermore, in 2021, the UK’s new track and trace system was outsourced by HMRC to a company with links to the tobacco industry. Evidence was also found of several local council pension funds investing in the tobacco industry, principally in BAT.

Transparency

There are still no comprehensive rules on full disclosure of interactions with the tobacco industry and no requirement for the industry and its associates to register with the government. Though a 2015 law requires registration of consultant lobbyists, this only applies to professional lobbyists who are VAT registered. Only in Scotland is there is an official Lobbying Register in which all regulated (i.e. face-to-face) lobbying must be recorded. Freedom of Information requests made during the preparation of this report revealed interactions between public officials and the tobacco industry which had not been made public. DHSC confirmed to the authors of this report that when the government opens consultations that may involve tobacco industry input, a reference to Article 5.3 is included and respondents are formally asked to declare any ties with the tobacco industry.

Conflict of interest

There are general rules in the UK regulating political contributions and the disclosure of such contributions, including a requirement to declare any donation worth over £7,500 to a national political party. However, there is no legislation preventing the tobacco industry from donating to political parties, candidates or campaigns. Several MPs received money or gifts from the tobacco industry and/or its associates, either during or prior to the timeframe under analysis. These include some who occupied senior ministerial posts during the timeframe. While no evidence was found of government officials simultaneously holding positions in the tobacco industry, extensive evidence was found of past involvement of senior government officials with the industry and associated organisations, both directly and indirectly. These include cabinet ministers in the governments of Boris Johnson (December 2019-September 2022), Liz Truss (September 2022-October 2022) and Rishi Sunak (October 2022-present). Similar incidents were recorded involving local councillors and civil servants.

Preventive measures

There are a number of policies across several different government departments which aim to regulate government interactions with the tobacco industry. The 2011 Tobacco Control Plan for England stated that to “ensure further transparency, the Government commits to publishing the details of all policy-related meetings between the tobacco industry and government departments.” This commitment was reinforced in 2017. Likewise, Public Health England (since replaced by the Office for Health Improvement and Disparities and the UK Health Security Agency) issued guidance (Protocol for engagement with stakeholders with links to the tobacco industry).

However, in state agencies and departments other than those concerned with health, such preventive measures are weaker. For example, although HMRC guidance on interaction with the tobacco industry states that meetings on matters related to tobacco control should be accountable and transparent, it grants exemptions for meetings on consumer compliance issues and illicit tobacco. There are also issues around compliance with preventive measures. For instance, although a code of conduct exists for overseas civil servants dealing with the tobacco industry, breaches of this code were identified.

Finally, this report provides multiple examples which highlight the need to raise awareness of Article 5.3 of the WHO FCTC across governments.

Recommendations to government

1. Create and maintain a legally binding and publicly accessible register that covers all lobbying and policy influence activity across UK administrations. Furthermore, make it a legal requirement for organisations involved in policy discussions to register and disclose their funding before lobbying. Ensure that organisations failing to register or fully declare funding are excluded from policy discussions.
2. Require DHSC to regularly update and disseminate, in partnership with devolved administrations, a comprehensive set of rules for public officials, prescribing standards they should comply with in their dealings with the tobacco industry and vested interests, in accordance with the international commitments of the WHO FCTC and associated Conference of Parties decisions. Require better enforcement of existing policies such as the FCO guidelines on dealing with the tobacco industry.
3. Ensure that regulatory consultations are transparent and open to the public or all stakeholders for participation, but with appropriate regard for the irreconcilable conflict of interest between public health and the tobacco industry. Identify, publish, and separate out tobacco industry responses to consultations that relate to public health and tobacco control, and establish measures to ensure that the commercial and other vested interests of the tobacco industry do not influence development of public health policy.
4. Prevent conflicts of interest by prohibiting the tobacco industry and vested interests from making contributions (monetary or otherwise) to political parties and public officials at all levels. The latter would include offers of assistance, policy drafts, study visit invitations, hospitality, and funding. Prohibit public officials from holding positions in, or being seconded to, the industry, or taking up posts with the industry for at least five years after leaving public positions (and vice versa).
5. Prevent the tobacco industry and vested interests from having opportunities to influence official positions by adopting measures such as banning their CSR activities; excluding them from public groups responsible for tobacco control; and ensuring that procedures for publishing details of all meetings with the tobacco industry and vested interests are fully implemented across all government departments and levels, and that these meetings happen only when strictly necessary to effectively regulate the tobacco industry and tobacco products.
6. Ensure that performance at all governance levels is compliant with the UK's obligations as a Party to the WHO FCTC and the Protocol to Eliminate Illicit Trade in Tobacco Products. This includes protecting the implementation of anti-illicit measures from the influence of the tobacco industry.
7. Require the tobacco industry to collect and provide data to government (including on profits, taxes, prices, spending on marketing, research and CSR, and local sales data of all products). Ensure such data are published in a useable format, with breakdowns by devolved nation and local authority, where appropriate.
8. Ensure that there is no preferential tax exemption to the tobacco industry including by removing duty-free concessions for tobacco products. Exempt the tobacco industry from being able to reclaim against corporation tax for marketing and related costs and extend the corporate surcharge to apply to the tobacco industry.

¹ NHS, [What are the health risks of smoking?](#), 2022

² ASH, [The UK Tobacco Industry](#) 2017

³ WHO FCTC, [WHO Framework Convention on Tobacco Control - Overview](#), 2023

⁴ World Health Organization, [Guidelines for implementation of Article 5.3 of the WHO FCTC](#), 2013

⁵ GGTC, [The Global Tobacco Industry Interference Index](#), 2023

⁶ A. Kassam, [Cigarette butts: how the no 1 most littered objects are choking our coasts](#), The Guardian, 18 August 2022, accessed October 2023

⁷ The [Cayman Islands](#) is a British overseas territory of the United Kingdom.

