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Tickets to Glyndebourne or the Oval? Tobacco's bid to woo MPs and peers

To what extent is the tobacco industry able to reach out and influence MPs and peers?

Jonathan Gornall reports

On 27 February, 12 days before the Commons vote on standardised packaging for tobacco products, the industry made a final, direct appeal to all parliamentarians. In a subsequent Lords debate, Labour peer Lord Faulkner denounced as “disgraceful” a wrap-around advert by Imperial Tobacco on the front and back covers of *The House* magazine.

The “monstrous” slogans that greeted readers of the magazine were “Plain packaging: Good for criminals Bad for business” and, on the back, “Plain packaging on top of a display ban is simply unnecessary.”

Several peers had written to the editor and publisher, said Faulkner, “protesting against this disgraceful use of . . . Parliament’s Magazine.”¹

Disgraceful perhaps. But the advert was one of the more transparent methods adopted by the tobacco industry as it fought to sway parliamentarians against standardised packaging.

On 16 March, the Conservative peer Lord Naseby rose in the House of Lords to move an amendment designed to scupper the government’s plans.

The motion to approve the Standardised Pack-

aging of Tobacco Products Regulations 2015 had just been presented by Earl Howe. The health minister told his fellow peers that tobacco use remained “one of our most significant public health challenges.”

The government, he said, had looked carefully at the evidence and it showed that “introducing standardised packaging is highly likely to bring important public health benefits, primarily by reducing the appeal and attractiveness of tobacco packs, especially to children and young people, and improving the salience of health warnings on packets.”

The government knew that the industry was likely to challenge the regulation, but “we cannot let the vested interests of the tobacco industry control the public health agenda.”

Naseby begged to differ, and his main objections to the draft order would have been familiar to anyone who had been following the industry’s arguments against standardised packaging.^{2 3} It had, he claimed, had no effect on the rate of smoking in Australia, where the measure has already been introduced, and it was a “smuggler’s charter” that would increase the size of the counterfeit cigarettes market and lose the Treasury billions of pounds in revenue.



Industry influence?

Naseby reassured his fellow peers that he had “no interests to declare in relation to the tobacco world. I do not smoke, I never have smoked, and I do not own any tobacco shares.”¹

He had, however, overlooked one potential conflict of interest, which he had earlier declared in the register of Lords’ interests.

At first glance, you would not take the bow tie wearing, 78 year old former MP for Northampton South as a likely fan of ’70s rock band the Eagles.

And yet on 16 June last year he was at the O₂ Arena in London for the first night of the band’s UK comeback tour, as a guest of Japan Tobacco International (JTI).

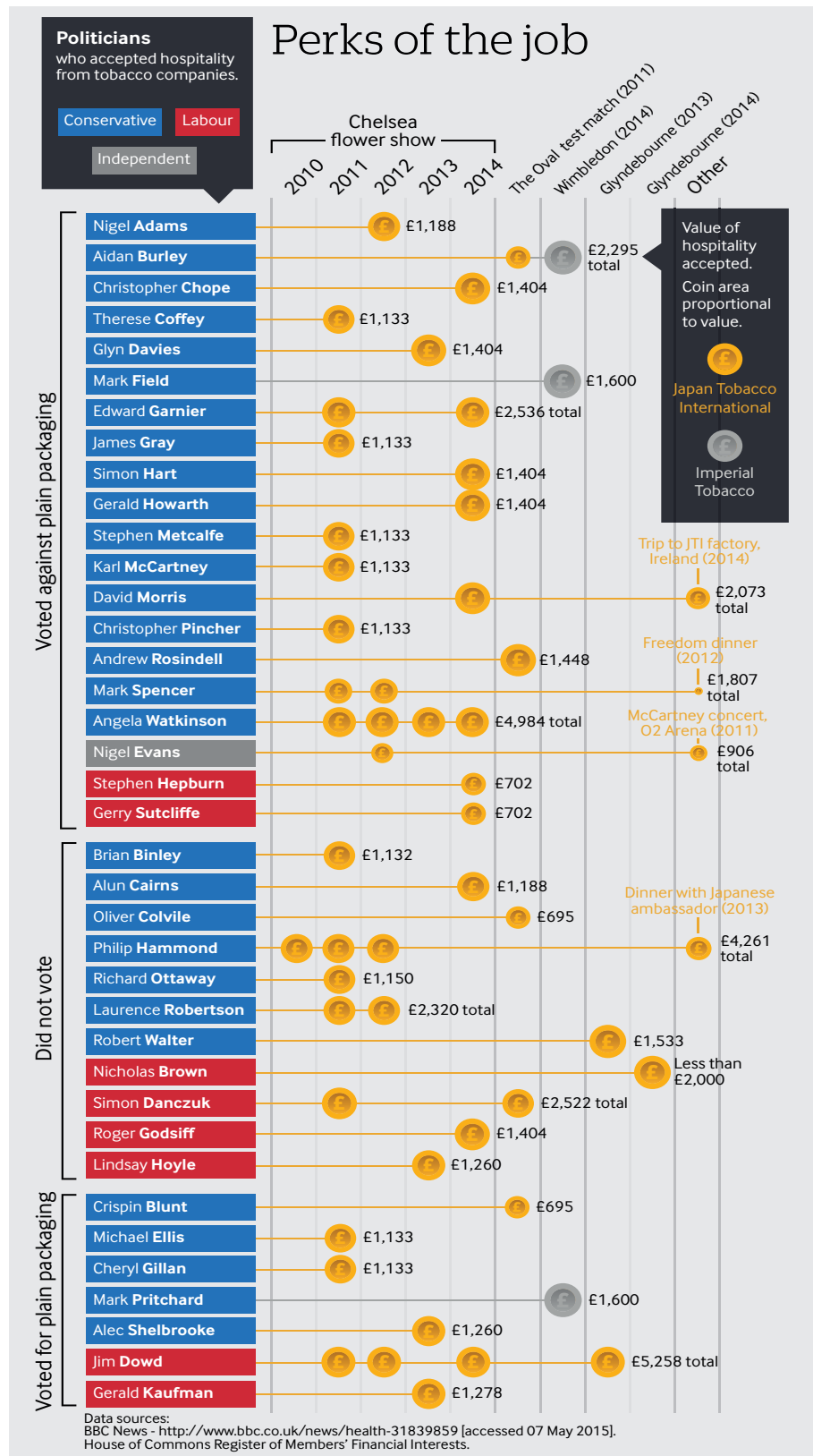
In reality, Naseby’s attempt to derail the legislation was a forlorn hope, as he recognised towards the end of the debate.

But had his impassioned speech on behalf of the industry been in any way influenced by his night at the O₂ Arena?

Naseby told *The BMJ* he thought he had been invited to the concert by JTI because he was supportive but, as a non-smoker, had no vested interest in smoking

At the concert, he said, there had been one representative from JTI and one from the Tobacco Manufacturers’ Association.

Under the terms of the World Health Organization's Framework Convention on Tobacco Control, adopted by the UK in 2003, the tobacco industry is, supposedly, a pariah in the corridors of power



“But to the best of my knowledge we did not discuss standard packaging,” he said. “We didn’t discuss tobacco that night; we were talking about the pop group. It would be entirely inappropriate, wouldn’t it?”

His defence of the tobacco industry, he said, was based on the principles of a career spent in marketing. “I have been brought up in a capitalist world, and if a product is legal there must be the opportunity for the companies involved to trade.”

He admitted he had been briefed by the industry before he gave his speech. About a week before the debate “I sought some material from the trade association on the Australian experiment . . . Who else would I get it from, since the government didn’t seem to understand it?”

JTI, whose brands include Camel, Winston, Benson and Hedges, Silk Cut, Sobranie, and Glamour, is the third largest tobacco company in the world.

Plain packaging, insists JTI, “infringes our fundamental legal rights without reducing smoking.”⁵

After the legislation was passed in the Commons on 11 March, Daniel Torras, managing director at JTI UK, announced, as expected, that if the measure was verified by the Lords the company would challenge it in the courts.

Pending legal challenges aside, the arguments for and against standardised packaging, which will be fully introduced in the UK by May 2017, are now moot. What remains relevant, however, is the extent to which the tobacco industry remains able to reach out and influence parliamentarians.

Lure of corporate entertainment

JTI is no stranger to entertaining MPs. Under the terms of the World Health Organization’s Framework Convention on Tobacco Control, adopted by the UK in 2003, the tobacco industry is, supposedly, a pariah in the corridors of power—parties to the framework “should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products.”⁷ The WHO guidelines on the implementation of article 5.3 of the framework convention, created for “the protection of public health policies . . . from commercial and other vested interests of the tobacco industry,” adds: “Parties should not allow any official or employee of government or any semi/quasi-governmental body to accept payments, gifts or services, monetary or in-kind” from the industry.⁸

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- ▶ How the tobacco industry refuses to die (*BMJ* 2015;350:h2052)
- ▶ Lucas Mevius reports on how public health campaigners in the Netherlands are taking the government to court in an attempt to force it to end what it says is the excessive influence of the tobacco industry on anti-smoking policies (*BMJ* 2015;350:h2509)

There is, however, nothing to stop companies inviting lords and MPs along to the occasional big ticket event, offering hospitality and talking things over in the convivial atmosphere of a private box or lounge at the Chelsea flower show, the Oval cricket ground, or Glyndebourne opera.

There is, of course, no evidence that any of the MPs who accepted industry hospitality discussed issues confronting their hosts. The extraordinary thing, perhaps, is just how many MPs seem to think it is perfectly acceptable to accept such largesse from an industry whose products kill so many of their constituents every year.

Naseby was something of a rarity, in that only two other lords are on record as having accepted JTI hospitality—Lord Trimble and Baroness Wheatcroft, who were treated to two tickets each for a performance of *La Traviata* at Glyndebourne in July 2014.

On the other hand, 18 lords do declare their membership of the Lords and Commons Cigar Club, each with an identical statement recording that they “receive regular hospitality and invitations to events during the course of the calendar year which together amount to more than £140 and all of which are paid for by the Tobacco Manufacturers’ Association.”

Nine peers also declare ownership of shares in tobacco companies, including British American Tobacco, Philip Morris, and Imperial.⁹

Examination of the House of Commons register of members’ financial interests, on the other hand, shows that MPs enjoy a much more active social life courtesy of the tobacco industry.

Since 2010, 38 MPs—29 Conservatives, eight Labour, and one independent—have accepted hospitality from the tobacco industry on 55 occasions, receiving tickets to events worth a total of more than £60 000. More than half of these MPs represented constituencies where the number of smoking

related deaths exceeds the English national average of 289 per 100 000.¹⁰

And not all the declarations are as transparent as they might be. Fifteen MPs list Japan Tobacco International only as JTI, giving the casual reader of the register no clue to the nature of the company’s business.

The most popular destination by far has been the Chelsea flower show, where in

2014 alone 10 MPs were entertained by tobacco industry executives. But MPs have also accepted free tickets to the men’s final at Wimbledon (courtesy of Imperial Tobacco) and, from JTI, test matches at the Oval, opera at Glyndebourne, and a concert by Paul McCartney at the O₂ Arena.

When plain packaging was put to an open vote in the House of Commons on 11 March,

20 of the 38 who had accepted industry hospitality voted against the measure. Only seven supported it, and 11 did not vote (figure, p 16).

The BMJ asked the 20 MPs who voted against the measure why they considered it appropriate to accept hospitality from the tobacco industry; why they had been chosen to receive an invitation; whether any regulatory issues facing the industry had been discussed at the event; and if their relationship with the industry had affected their vote.

Only one chose to respond—Stephen Hepburn, Labour MP for Jarrow, who last year visited the Chelsea flower show as a guest of JTI.

Jarrow is a long way from Chelsea. A predominantly working class area, it also pays a far higher health cost than most for smoking. In fact, of the 38 constituencies whose MPs accepted tobacco hospitality, Jarrow has the second worst incidence of lung cancer (80.9/100 000 population, compared with the national average of 47.7/100 000).¹¹ Nevertheless, Hepburn said he thought it was appropriate to accept hospitality because “I have tobacco interests in my constituency that employ several hundred staff.” In the

past he had “worked closely with them to help them expand and create new jobs,” and this, he believed, was why JTI had invited him.

As to the way he had voted, he was “a long term opponent of plain packaging, having conducted two in-depth inquiries into fraud, counterfeit, and organised crime.”

JTI defended the entertaining of MPs as a “democratic [and] transparent” way of balancing the debate about tobacco. Jeremy Blackburn, head of communications for the company, told *The BMJ*.

The company was “always keen to meet with MPs and give them an opportunity to ask questions and learn more about the tobacco issues they are interested in.” Many had “an active interest in an issue that is relevant to us . . . often from a constituency perspective—such as a high prevalence of illegal tobacco, or a tobacco factory, or a community investment project supported by JTI.”

He defended the industry’s right to engage with MPs as “a crucial part of the democratic process . . . If we did not have the opportunity as a legitimate company to make our views known, the result would be a one-sided debate with only the views of the anti-tobacco lobby.

“We understand this is what some people are trying to achieve,” added Blackburn. “However, we will continue to use our right to engage with politicians ensuring some balance remains in the debate.”

The Tobacco Manufacturers’ Association declined to comment.

For Deborah Arnott, chief executive of ASH, the idea of MPs or lords attending concerts or social events as guests of the tobacco industry is “pathetic.”

Hepburn, or any other MP, she said, “does not have to accept hospitality in order to act on behalf of employees in his constituency.” For one thing, “the jobs are almost non-existent now—and the industry isn’t moving jobs out of the UK because of regulations here but to reduce their production costs.”

More importantly, “he should look at the number of people in his constituency dying every year compared with the number of jobs.”

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