



Cross Party Group on Smoking & Health



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BYTH.**

**NO IFS.
NO BUTTS.**

**THE FIGHT AGAINST
ILLEGAL TOBACCO**

January 2022



At a Cross Party Group meeting on Thursday January 20th, chaired by John Griffiths MS, we heard of the unveiling of the first 'all Wales' approach to the illegal tobacco market and the reporting website to tackle it. The campaign, funded by Welsh Government is being spearheaded by Trading Standards Wales, HMRC and ASH Wales. Wales' illegal tobacco lead, Jacqueline Hotchkiss, a trading standards officer on secondment to Welsh Government, presented the new approach to the CPG.

The meeting also explored international law regarding engagement with the tobacco industry, with a focus on the illegal tobacco market. The presentation was conducted by Dr Raouf Alebshehy, a Global Monitoring Coordinator working for the Tobacco Control Research Group, within the University of Bath.

More than 60 stakeholders from across the UK took part in the event, including: Members of the Senedd and their representatives, HMRC, Welsh Government, Trading Standard teams, third sector public health bodies, NHS Wales, and Welsh Fire and Police representatives.

Background

In 2021 an estimated 2.84 million cigarettes and 404kg pouches of hand-rolling tobacco from the Welsh illegal market. The combined street value of these items was estimated at over £775,000, money that Trading Standards said would have ended up in the hands of criminal operators and gangs¹.

In 2014, ASH Wales commissioned a NEMS survey to assess the scale of the illegal market in Wales, which revealed the following: ²

- Illegal tobacco makes up 15% of the entire tobacco market in Wales.
- 1 in 4 Welsh smokers were classified as 'illicit buyers'.
- Illegal buyers were more likely to come from socially-economically deprived backgrounds.
- Almost half (45%) of current smokers had been offered the sale of illegal tobacco, with 14% of smokers "often" being approached by illegal sellers.

In 2022, ASH Wales will update this study, which will be available on the ASH Wales website.

Why is illegal tobacco a problem in Wales?

To reduce the harms of tobacco, the UK and Welsh Government enact measures to help curb tobacco use within the population. These include; taxation, age restrictions, point of sale display bans and health warnings. Illegal tobacco sales undermine all of these preventative measures and make tobacco more accessible to young people.

A key concern is the sale of illegal tobacco to underage children. Research has shown illegal tobacco purchases can be as high as 55%, for children who smoke³. Furthermore, 73% of children have been offered illicit tobacco within certain regions of the UK⁴.

The illegal trade has strong links with serious organised crime, including terrorism and human-trafficking. The scope for this market to fund other areas of crime is a growing concern.

It is important to note all forms of tobacco are harmful, as tobacco is a product which goes on to kill half its users⁵. Tackling the Illegal tobacco market is just one facet of larger efforts to reduce the harms of tobacco in Wales.

¹ [Illegal tobacco: HMRC and Trading Standards seize one million cigarettes in Wales - BBC News](#)

² [Illegal tobacco report.indd \(ash.wales\)](#)

³ [Illegal tobacco bought by more than half of teenage smokers \(freshne.com\)](#)

⁴ [Illegal tobacco bought by more than half of teenage smokers \(freshne.com\)](#)

⁵ [Tobacco \(who.int\)](#)

‘A robust approach to tackling illegal tobacco in Wales’, Jacqueline Hotchkiss.

Key areas for the illegal tobacco campaign:

- Welsh Government has provided funding for a multi-media communications campaign, to support Operation CeCe, which is a national disruption and enforcement operation to tackle the illegal tobacco market.
- Funding has been provided for training PCSO’s and TSO’s, to understand: what is illegal tobacco, its effects on public health and community, links to other areas of crime, and how to report it.
- Welsh Government has provided funding for the development the Wales Illegal Tobacco Reporting Website, hosted by ASH Wales. Through this site, news and information regarding illegal tobacco will be shared across Wales.

The new campaign has incorporated learnings from previous successful campaigns, notably effective messaging centred around the effects illegal tobacco has on children and young people.

Jacqueline Hotchkiss highlighted there is a coordinated push for the campaign for the beginning of February, with planned output scheduled for the Welsh home matches of the Six Nations. Campaign materials will be distributed in the Principality stadium, railway stations and online throughout Wales to coincide with the rugby fixtures.

There is also targeted output in areas with a significantly higher prevalence of illegal tobacco. The campaign went live in January 2022, with the launch of radio adverts, broadcast in both English and in Welsh.

The social media content is scheduled to be rolled-out in January 2022 and will be an ongoing media pathway of the campaign.

A key element of the campaign is identifying areas where illegal tobacco is most prevalent, to target resources. Intelligence and enforcement activity indicate a clear link between illegal tobacco prevalence and more socio-economically deprived areas of Wales.

A new reporting website has been launched, and this will be the new centralised illegal tobacco reporting system in Wales. Reports can be made anonymously, which will be fed back to Trading Standards who will distribute intelligence to the correct local authority to carry out appropriate action. The website will also relay information around the illegal market, including up-to date news items and case studies.

Jacqueline Hotchkiss highlighted the links between illegal tobacco and serious organised crime. The referenced RUSI report can be found [here](#), and the HMRC report ‘Tackling illicit tobacco: From leaf to light’ can be found [here](#).

Next steps. Jacqueline Hotchkiss relayed there will be a review of tobacco legislation, following the implementation of the Tobacco Products and Security measure (Tobacco Products Duty Act 1979). This measure gives HMRC regulatory powers to introduce tougher and more visible street-level sanctions to tackle tobacco duty evasion. She also outlined the following:

- Welsh Government to continue support for Operation CeCe for the next three years.
- Welsh Government plan to continue to engage with stakeholders to implement the Tobacco Control Delivery Plan, which will aim to reduce smoking prevalence in Wales to 5%, by 2030.

Second Speaker:

Dr Raouf Alebshehy, currently leads on monitoring the tobacco industry for the Tobacco Control Research Group at the University of Bath, the research partner for the global tobacco industry watchdog STOP. TCRG is an internationally recognised research group. It focuses on the commercial sector and its impacts on health, exploring how companies seek to influence science and policy, and evaluating the effectiveness and impact of public health policies.

‘Throughout 2019 we found that tobacco companies actively tried to influence policy, and used illicit cigarette trade and harm-reduction products to approach policy makers...’

-Dr. Mateusz Zatonski

Key points: The tobacco industry;

- Denied that tobacco use was harmful or addictive in the 1950’s-60’s.
- Denied tobaccos link to cancer in the 1970’s
- Denied that second-hand smoke was harmful in the 1980’s.
- Uses the threat of illicit trade to influence policymakers, despite growing evidence that it continues to drive the problem for its own financial gain.
- Has historically funded studies to counteract evidence-based public health measures.

Dr Alebshehy relayed that the tobacco industry’s deception is well documented. Globally governments came together to respond to tobacco industry interference and in 2005, the WHO Framework Convention of Tobacco Control came into force. Subsequently based on Article 15 an additional treaty: The Protocol to Eliminate Illicit Trade in Tobacco Products (2018) also come into force. In effect, there are two international public health treaty's for tobacco, and the tobacco industry.

The UK government is party to both the FCTC and the Protocol, and must comply with the following:

- **WHO FCTC Article 5.3:** “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”. (executive, legislative and judiciary)
- **The Protocol Article 4.2:** “In implementing their obligations under this Protocol, Parties shall ensure the maximum possible transparency with respect to any interactions they may have with the tobacco industry”
- **The Protocol Article 8.12:** “Obligations assigned to a Party shall not be performed by or delegated to the tobacco industry”
- **The Protocol Article 8.13:** “Each Party shall ensure that its competent authorities, in participating in the tracking and tracing regime, interact with the tobacco industry and those representing the interests of the tobacco industry only to the extent strictly necessary in the implementation of this Article.”

Dr Alebshehy highlighted that Article 5.3 should be implemented across all areas of government, and drew attention to the main 5.3 guidelines, and what they mean in practice:

- Raising awareness of the risks of tobacco, and the tactics used by the tobacco industry.
- Rejecting partnerships with the tobacco industry. Limiting interactions to only necessary meetings to regulate the industry and its products.
- Transparency and accuracy when interacting with the tobacco industry.
- No preferential treatment of the tobacco industry.
- Avoid conflict of interests (this includes payment, gifts and services from the industry).
- Do not accept acts of corporate responsibility.

Compliance to the above obligations is measured via two tools. The first is a progress report, submitted by the UK Government, on compliance of the FCTC and The Protocol. The second is the Global Tobacco Index, published by the global tobacco industry watchdog STOP, which is mainly researched and comprised by civil society.

Dr Alebshehy highlighted that despite denials, the tobacco industry profits from the illegal tobacco market, through tax avoidance, increased tobacco sales and undermining key tobacco control measures. For further reading, please click [here](#).

‘The more addiction, the more sales... the more the industry gains’, Dr Alebshehy.

Dr Alebshehy concluded that by the force of international law- Article 36 of the Protocol- that parties may ask the tobacco industry to pay for anti-illicit trade measures, that meet the objectives of the Protocol.

Tobacco Control Research Group has a briefing document outlining recommendations for the UK to better adhere to its international obligations. This will be sent alongside this CPG document.

What we learnt

- Illegal tobacco sales remain a key public health concern, as it undermines efforts to curtail tobacco use.
- Access to cheap illegal tobacco to underaged children is a key concern.
- Illegal tobacco has links to other areas of crime.
- A new illegal tobacco campaign and central online reporting website has been launched in Wales.
- The tobacco industry has historically counteracted public health measures.
- The UK has obligations to follow international laws, intended to counter the tobacco industry and the global tobacco epidemic.
- Article 5.3 is a key element of the WHO Framework Convention of Tobacco Control and should be implemented across all areas of government.

CPG Recommendations

UK Action

- Actively support UK strategies to tackle the illegal tobacco trade including;
 - securing quarterly national and regional figures from Track and Trace Data.
 - support increasing powers for Trading Standards and secure funding for training and resources.
 - an intelligence sharing system across all enforcement agencies on the illegal tobacco trade.
 - support for more severe consequences for sellers, especially if they are found to be regular offenders or selling to children.

Welsh Government Action

- Set and publish quantifiable objectives in the Tobacco Control Action Plan to reduce the demand and market share of illegal cigarettes and HRT.
- Implement methods to reduce access to illegal tobacco by young people including the introduction of a retail register for Wales.
- Increase cross-government working to ensure national strategies to address community safety include activity to tackle illegal tobacco.
- In partnership with local authorities Welsh Government should consider whether a specific strategy is required to deal with the illicit trade in smokeless and shisha tobacco.
- Ensure full adherence by Welsh Government and Local Authorities to WHO Article 5.3 to protect policies from the vested interested of the tobacco industry.
- Article 36 of The Protocol to be implemented, whereby the tobacco industry pays for anti-illicit market measures.

Local Authority Action

- Local Authorities to support a multi-agency approach, utilising platforms across Wales to maximise the reach of the Illegal Tobacco Campaign.
- Extend training on illegal tobacco to traders and the local community.
- Sharing of intelligence from a wider range of partners in order to develop effective enforcement activity, including; police officers; street cleaning teams; schools; housing officers, stop smoking service advisors.
- Task Local Authorities with creating comprehensive tobacco control strategies to be reported to the Public Service Boards.
- Key agencies in work on illicit trade should look to develop regional partnerships between local authorities including; public health, trading standards, environmental health, licensing, and education.

ASH Wales to circulate the following:

**Illegal Tobacco Campaign Partner Pack
TCRG recommendations document**