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Based upon the report

WHO Framework Convention on Tobacco Control (Articles 5.3, 6, 8, 11 & 13):

Compliance of Asia-Pacific Countries

A SNAPSHOT REPORT

Dr. Harley Stanton (2008, 2009)
Dr. Domilyn C. Villareiz (2010)

Prepared for
SOUTHEAST ASIA TOBACCO CONTROL ALLIANCE
Acronyms

BAT  British American Tobacco
CIF  Cost plus Insurance and Freight
CPI  Consumer Price Index
COP  Conference of the Parties
CSR  Corporate Social Responsibility
FCTC  WHO Framework Convention on Tobacco Control
GST  Goods and Services Tax is the same as Value Added Tax (VAT)
MOH  Ministry of Health
NCD  Non-Communicable Disease
PM  Phillip Morris (Altria)
POS  Point of Sale-Advertising or promotion
RYO  Roll Your Own (tobacco)
SEATCA  South East Asia Tobacco Control Alliance
VAT  Value Added Tax is the same as Goods and Services Tax (GST)
WHO  The World Health Organization
WPRO  Western Pacific Regional Office

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The World Health Organization Framework Convention on Tobacco Control (WHO FCTC) was adopted at the 56th World Health Assembly in May 2003. As of September 2010, 171 countries have now been ratified and are Parties to the treaty including those countries under the Western Pacific Regional Office (WPRO) of the WHO and all except Indonesia under the Southeast Asia Regional Office (SEARO).

While significant changes are taking place in some countries that previously had little or no action on tobacco, other countries have made little progress and often regard tobacco control of lesser priority. Some countries face a challenge in having legislatures that are either dominated by recalcitrant smokers or strongly influenced by tobacco companies. The development and implementation of tobacco control laws and regulations consistent with the evidence-based measures contained in the FCTC continues to be the most significant change.

This report focuses on five key FCTC articles and is not only an attempt to provide a regional picture of how countries are complying with their FCTC obligations, but also an opportunity to celebrate successes along the way while identifying areas for continued work towards our vision of a healthy, tobacco-free region.

One of the biggest challenges of member Parties to the FCTC is to ensure their countries’ compliance with the terms of the treaty. A critical key step to progress is the development of national coordinating mechanisms for tobacco control and without coordination at the highest level, many governments will struggle to implement the treaty.

In order to achieve greater success, countries are encouraged to act beyond the minimal requirements. The treaty not only obligates minimal requirements in certain articles based around the treaty negotiations, but it also encourages Parties to implement measures beyond those required (FCTC Article 2). Following the ratification of 171 countries, there is a need to lift the bar in certain areas of the commonly negotiated treaty as well as extend the coverage to the remaining countries particularly Indonesia.
Country Compliance with ARTICLE 5.3

General obligations: Protecting Public Health Policies from the commercial and other vested interests of the Tobacco Industry

“There is a fundamental and irreconcilable conflict between the tobacco industry’s interests and public health policy.” - FCTC ARTICLE 5.3

Unfortunately, five years from the entry into force of the treaty, only a few countries have seriously sought to protect the public from the subversion and deception of the tobacco industry and ensure that their population is fully informed of the harm and addictive effects of tobacco. Although it is clear that the tobacco industry has a powerful influence in delaying, changing, and negating tobacco control policy measures, only a few countries have observed transparency in their interactions with the tobacco industry. Thailand is showing the way in which interests of the tobacco industry are prevented from influencing tobacco control policy. Australia has a website that lists its interactions with the tobacco industry.

All governments should:

1. Raise awareness about the addictive and harmful nature of tobacco products and about tobacco industry interference with Parties’ tobacco control policies.
   - No tobacco industry-drafted legislation or policy, or voluntary codes as substitutes for legally enforceable measures.
   - No tobacco industry representation on government tobacco control bodies or FCTC delegations.
   - Refuse to treat tobacco corporations as “stakeholders” in public health policy.

2. Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.

3. Reject partnerships and non-binding or enforceable agreements with the tobacco industry, whether for health or other purposes.

4. Avoid conflicts of interests for government officials and employees.
   - No contributions by the tobacco industry to governments.
   - No investments in the tobacco industry by government or public officials.

5. Require that information collected from the tobacco industry be transparent and accurate.

6. Denormalize and, to the extent possible, regulate activities described as “socially responsible” by the tobacco industry including but not limited to activities described as “corporate social responsibility”.

7. Do not give privileged treatment to tobacco companies.

8. Treat state-owned tobacco companies in the same way as any other tobacco industry.
AUSTRALIA
Australia has implemented national and state measures to raise public awareness about addiction and harm from tobacco in order to avoid tobacco industry interference in tobacco control policy.

Australia also has a policy that places government contact with the tobacco industry on a public website. Political donations are still accepted and there is no uniform policy in states or territory on tobacco industry contact or donations.

There is no policy to reject partnerships or non-binding agreements. There is no government code of conduct to avoid conflict of interest for government officials and employees.

There is no state-owned tobacco industry.

The tobacco industry does engage in CSR. In the last two years, Philip Morris has opposed implementation of new POS laws; BAT-Australia, Philip Morris and Imperial Tobacco have opposed new legislation; BAT supports “Butt-Free Australia” (formerly “Butt Littering Trust”) and donations have been made to support Victorian Bushfire victims.

BRUNEI DARUSSALAM
Brunei has initiatives to raise public awareness on the addiction and harm from tobacco to avoid tobacco industry interference with tobacco control policies.

There is no existing tobacco industry interference even if there is only a partial policy to reject partnerships or non-binding agreements with the said industry nor is there a government code of conduct to avoid conflict of interest for government officials or employees.

There is no state-owned tobacco industry.

The tobacco industry does not engage in CSR.

CAMBODIA
There are no policies in Cambodia to raise public awareness about the addiction and harm from tobacco.

In this country, there are no policies on tobacco industry transparency on the code of conduct for government employees in relations with the tobacco industry.

There is no state-owned tobacco industry.

There is widespread influence of the tobacco industry with politicians and the business sector, but they engage in CSR activities.

CHINA
There are no government initiatives to raise public awareness about the addiction and harm coming from tobacco. There is no direct effort to reduce tobacco industry interference with tobacco control policy.

There is no policy for transparency with the tobacco industry nor is there a rejection of non-binding agreements. There is also no code of conduct for government officials or employees.

The tobacco industry is state-owned. At the central level is the China National Tobacco Corporation which has a provincial subsidiary. The administrative agency responsible for tobacco monopoly including production, sales, licensing, export and import, is The State Administration for Tobacco Monopoly. The head of the China National Tobacco Corporation is also the head of the State Administration for Tobacco Monopoly.

Both the national tobacco company and international tobacco companies engage in CSR.

Furthermore, since the China National Tobacco Corporation and the State Administration for Tobacco Monopoly belong to the same governing body, the China National Tobacco Corporation is present at the FCTC negotiations and at the COP especially when representatives from the State Administration for Tobacco Monopoly are needed in the Chinese delegation.

An inter-ministerial mechanism consisting of eight administrative agencies including the State Administration for Tobacco Control is responsible for implementing the FCTC. Clearly, there is a conflict of interest for many politicians, the management of the state tobacco monopoly administration, the China National Tobacco Company and the Ministry of Industry and Information Technology. There are even reports of officials giving orders to smoke local brands in the Hubei province, cigarettes being purchased for “hospitality” and gifts that are larger than funds directed to tobacco control.

COOK ISLANDS
Cook Islands has government initiatives that raise awareness on the addiction to and the harmful effects of tobacco. There is no tobacco industry in the Cook Islands, only importers and distributors and there is a government code of conduct on agreements with tobacco importers and distributors. Tobacco industry interference is minimal or nonexistent.

The tobacco industry does not engage in CSR.

FIJI
Fiji has initiatives to raise public awareness about the addictive and harmful effects of tobacco and about the tobacco industry interference with the tobacco control policy. Although there is a government policy to reject partnerships or non-binding agreements with the tobacco industry, there is no code of conduct to avoid conflict of interest for government officials and employees.

There is no state-owned tobacco industry.

The tobacco industry engages in CSR and has produced and promoted sponsorships for education and development.

HONGKONG SAR
There are government initiatives to raise awareness about the addiction to and detrimental effects of tobacco and about tobacco industry interference in tobacco control policies.

The interactions with the tobacco industry are not entirely transparent despite the existence of a general principle to reject partnerships with the tobacco industry as well as a general code of conduct to avoid conflict of interest for government officials and employees.

The tobacco industry engages in CSR with Youth Smoking Prevention programs. Additionally, the Tobacco Association is eligible for constituency election on the Hong Kong SAR Legislative Council.
INDONESIA

There is no government initiative to raise public awareness about the addictive and harmful effects of tobacco and there is no serious effort to avoid tobacco industry interference with the tobacco control policy.

The government interactions with the tobacco industry are not transparent and there is no code of conduct to avoid conflict of interest for government officials and employees. The tobacco industry is initiating an alliance to demand its participation during the preparation of government regulations on tobacco control proposing, their own version which weakens the core provisions of the bill.

No state-owned tobacco company exists. However, political parties are influenced by the privately-owned tobacco industry.

The tobacco industry does engage in CSR. Additionally, they directly engage in community advocacy and promotion of their industry. The tobacco industry offers undergraduate and graduate scholarships and manufacturers of Sampoerna or Philip Morris support green community projects.

JAPAN

Japan has no government initiatives to raise awareness about the addiction to and detrimental effects of tobacco nor does it have any policy to avoid interference from the tobacco industry.

There is no transparency on government interactions with the tobacco industry, no rejection of partnerships or non-binding agreements with the tobacco industry, and there is also no code of conduct to avoid conflict of interest for government officials or employees.

The Japan Tobacco company is a privatized company, but the majority of shares are owned by the government or state. They are treated with special privileges under the Tobacco Business Law of 1984 that gives the tobacco industry the ability to set policies even on health matters such as the warnings on the packs. The tobacco industry engages in CSR including sponsoring sports, art, and community events.

Japan Tobacco is actually involved in the government committees and decision-making bodies that influence policy and legislation. In recent times, it has represented the official health interests of government in WHO meetings.

KIRIBATI

Kiribati has government initiatives that raise awareness concerning the addiction and harm of tobacco as well as information concerning tobacco industry interference with tobacco control.

There are no other initiatives under Article 5.3. The government interactions with importers and distributors or representatives of the tobacco industry are not transparent. There is no policy to reject partnerships or non-binding agreements with the tobacco industry. Likewise, there is no code of conduct for government officials and employees to avoid conflict of interest with the tobacco industry.

Kiribati has no state-owned tobacco industry. The tobacco industry here does not engage in CSR.

KOREA, REPUBLIC OF

Korea has policies to raise public awareness about the addiction and harm caused by tobacco. The Korean government also observes transparency in its interactions with the tobacco industry.

The government rejects partnerships and non-binding agreements with the tobacco industry although there is no code of conduct for government officials and employees to avoid conflict of interest in relation to the tobacco companies.

There is no state-owned tobacco company in Korea. The private tobacco companies engage in CSR including: youth smoking prevention activities; support for social welfare foundations; welfare programs for the elderly; support for repair and innovation of facilities as well as sponsorship of sports, culture, and art events.

LAOS

Laos has a policy to raise awareness concerning the addiction and harm coming from tobacco. This policy has also been made to avoid political interference from the tobacco industry.

Government interactions with the tobacco industry are transparent though some exceptions still occur where policy changes are lobbied by the tobacco industry. Lao PDR has a clear policy to reject partnerships or non-binding agreements with the tobacco industry. This can be seen in its code of conduct for government officials and employees to reject conflict of interest with the tobacco companies.

Lao PDR has a state-owned tobacco company that has different shareholders including: French (Coralma International) 34%; Singapore Tobacco (19%); and Lao government (47%). This mix of state and private ownership is suited to protect the commercial interests of the non-state owners.

The tobacco company provides funds for the alleviation of poverty under government legislation and this lobbying by the Tobacco industry appears to influence policy decisions to strengthen the tobacco control policy.
MALAYSIA
Interactions between the government and the tobacco industry are not transparent and there is no policy to reject partnerships or non-binding agreements with the tobacco industry. There is no code of conduct to avoid conflict of interest for government officials and employees.

There is no state-owned tobacco industry. The tobacco industry in Malaysia does engage in CSR that includes art, culture, operating information and communications technology centres.

MARSHALL ISLANDS
There is some government interest in raising public awareness on the addiction and harm caused by tobacco. There are no tobacco companies, only importers and distributors, and there is no policy on interaction with the tobacco companies.

In the Marshall Islands, there is no code of conduct in avoiding conflict of interest with importers, distributors or those working on behalf of tobacco company interests. There is no state-owned tobacco company. The tobacco industry in these islands engages in CSR through sponsorship of raffles.

MICRONESIA, FEDERATED STATES OF
Micronesia has government initiatives that raise awareness concerning the addiction and harm brought about by tobacco including initiatives concerning tobacco industry interference with tobacco control. Interactions between the tobacco industry and the government are not transparent and there is no policy to reject partnerships or non-binding agreements with the tobacco industry.

There is also no code of conduct to avoid conflict of interest and there is no state-owned tobacco industry. There are only importers and distributors. The tobacco industry in Micronesia, however, does engage in CSR.

MONGOLIA
The government has begun to raise awareness on the addiction and harmful effects of tobacco. There is no transparency on interactions between the government and the tobacco industry although there is some rejection of partnerships with the tobacco industry.

Mongolia has no state-owned tobacco company. The tobacco industry does engage in CSR and they sponsor various sports and cultural activities including the “Mongol Tamhi” Company sponsorship of the popular wrestling competition including the national holiday in the summer of 2009.

NAURU
There is government interest in raising public awareness concerning the addiction and harm coming from tobacco. In Nauru, there are no tobacco companies, only importers and distributors, and there is also no policy regarding interaction with the tobacco industry or their representatives.

There is no code of conduct to avoid conflict of interest for government officials or employees and there are no CSR activities.

NEW ZEALAND
In New Zealand, there are government initiatives to raise public awareness about the addiction and harm caused by tobacco although the government interaction with the tobacco industry is not transparent.

There is no government policy to reject partnerships or non-binding agreements with the tobacco industry even though this is unlikely to occur. Furthermore, there is no code of conduct to avoid conflict of interest for government employees and officials.

New Zealand has no state-owned tobacco industry. The tobacco industry that exists in this country does engage in CSR including: keeping New Zealand Beautiful and the Youth Smoking Prevention (YSP) program. BAT NZ provided information to NZ Customs on the illicit trade of tobacco and sponsored the Standards NZ Committee recommendation to test to Australian reduced ignition propensity. The NZ Commerce Commission negotiated in closed sessions with BAT NZ and Imperial Tobacco for the voluntary approach to use of descriptors such as “light” and “mild.”

NIUE
There is interest in raising public awareness about the addiction and harm brought about by tobacco as well as information concerning tobacco industry interference.

Niue has only importers and distributors. There is no clear policy on transparency with the importers and distributors. There is no code of conduct for government officials or employees to avoid conflict of interest.
PALAU
There are government initiatives to raise public awareness on the addiction and harmful effects of tobacco. There are no efforts to remove interference of the tobacco industry with government policies.

Palau only has importers and distributors, but the interactions of the government with the tobacco industry or their representatives are not transparent. There is no policy to reject partnerships or non-binding agreements with the tobacco industry and there is no code of conduct to avoid conflict of interest for government officials and employees. There are no CSR activities in Palau.

PAPUA NEW GUINEA
There are government initiatives to raise public awareness on the addiction and harm caused by tobacco and efforts to remove interference of the tobacco industry with government policies.

The interactions of the government with the tobacco industry are not fully transparent and there is no policy to reject partnerships or non-binding agreements with the tobacco industry. There is no code of conduct to avoid conflict of interest for government officials and employees.

There is no state-owned tobacco company in Papua New Guinea. The tobacco companies engage in CSR. Though this is legislated against, there is little ability to enforce these measures in PNG. BAT is sponsoring golfing tournaments and donating treated mosquito nets to Rotary for fighting malaria.

PHILIPPINES
The tobacco companies intensified their public relations campaign by engaging in Corporate Social Responsibility activities that were prominently printed in the newspapers. These include partnering with government agencies dealing with children and as such, distribution of school supplies and educational materials in the province have been done by tobacco companies. Even the twin typhoons that ravaged the Philippines in October 2009 gave the tobacco industry an opportunity to highlight in the media their support for the victims of disaster.

The tobacco industry, represented by an umbrella organization called Philippine Tobacco Institute (PTI) exploited its representation in the Inter-Agency Committee on Tobacco (IACT), the agency that was established to oversee the implementation of the Tobacco Regulation Act, a law that covers packaging, access restriction, and advertising of tobacco. PTI used their position in the IACT to influence other areas of policy not related to the Tobacco Regulation Act such as the field of product regulation. PTI sought to have their position heard and insisted that the tobacco industry be consulted in preparation for the working group discussions for FCTC Article 9 and 10, and that DTI should be represented in international fora relating to tobacco control. The DOH rejected the industry’s call for consultations and cited Article 5.3 provision of the FCTC.

To create an illusion of consultations within the country, the tobacco industry convened, with the support of the National Tobacco Administration, various Tripartite Industrial Peace Council meetings to promote their objection to developments on Article 9 and 10, especially in opposition to Canada’s proposed measures, and consequently pressure the government to take their position on the matter. It bears stressing that the first WTO case filed by the Philippines against Thailand is one that would benefit Philip Morris if it should prosper.

People with known ties to the tobacco companies are also being appointed to high positions in government or elected to key positions in government. To promote transparency, accountability, and integrity of public officials, the Civil Service Commission and Department of Health issued the Joint Memorandum Circular 2010-01 to protect the Bureaucracy from Tobacco Industry Interference, in accordance with the FCTC Article 5.3 Guidelines. It provides for the:

• Prohibition of government personnel from interacting with the tobacco industry unless strictly necessary for its regulation, supervision or control. Any such interaction must be done in a transparent manner.
• Additional requirement for government personnel involved in setting and implementing public health policies to inform their respective agencies if they plan to work for the tobacco industry after leaving their posts.
• Requirement of all government agencies to report any interaction or offer of donation from the tobacco industry and to amend their Codes of Conduct according to prescribed provisions in the Order.
• Administrative disciplinary sanction for violations of the policy.

Early this year, the country’s largest tobacco-manufacturing firms, Philip Morris and Fortune Tobacco joined to form a single entity. The new company dubbed as Philip Morris Fortune Tobacco Corp., Inc. controls about 90 percent of the market in the Philippines.

SAMOA
In Samoa, there is a government initiative to raise public awareness about the addiction and harm coming from tobacco in order to avoid industry interference in tobacco control policies. Furthermore, there is transparency in government interaction with tobacco companies.

There is a policy to reject partnerships and non-binding agreements with the tobacco industry although there is no code of conduct to avoid conflict of interest for government officials and employees.

Samoa has no state-owned tobacco company. The tobacco industry conducted CSR activities prior to January 2009 when the new Act came into force. The industry hijacked a “Smoke-Free Rugby Tournament” by giving sponsorship to the rugby union.

SINGAPORE
Singapore has government initiatives that raise public awareness about the addiction and harm of tobacco and rejects tobacco industry interference in tobacco control policy.

The Health Promotion Board which oversees the National Tobacco Control Programme has internal guidelines governing interaction with the tobacco industry and is working towards developing a Code of Conduct for all government dealings with the tobacco industry. There is government policy to reject partnerships or non-binding agreements with the tobacco industry. There is a general code of conduct to avoid conflict of interest for government officials and employees.

There is no state-owned tobacco industry.
SOLOMON ISLANDS
There are no government initiatives to raise public awareness concerning the harm of and addiction for tobacco, and there are also no government initiatives to remove tobacco industry interference in tobacco control policies.

The government interactions with the tobacco industry are not transparent and no code of conduct to avoid conflict of interest for government officials and employees exists in the Solomon Islands.

There is no state-owned tobacco industry. The tobacco industry engages in CSR and appears to be able to influence political decisions and avoid introduction and passage of legislation.

THAILAND
Thailand has strong initiatives that raise public awareness about the addiction and harm from tobacco and about any tobacco industry interference with tobacco control policies.

The government interaction with the tobacco industry is transparent and government policy rejects any partnerships or non-binding agreements with the tobacco industry. There is a code of conduct to avoid conflict of interest for government officials and employees with the tobacco industry. There are efforts to circumvent the law by the tobacco industry, but no tobacco industry representation on government committees.

There is a state-owned tobacco industry and this is the Thailand Tobacco Monopoly (TTM). The TTM is treated as any other tobacco company. The tobacco industry does engage in CSR including: donations to charity support for environment projects, and research.

TONGA
There is a government policy to raise awareness about the addiction and harm from tobacco and remove any tobacco industry interference in public policy.

Government interactions with the tobacco industry is limited to issues that are related to tobacco control. The Tobacco Act clearly states that “Any person who, under a contract, agreement, undertaking or understanding with another person, whether or not legally binding, gives or agrees to give any sponsorship, gift, prize, scholarship or like benefit in exchange for the promotion of, or an agreement to promote, a tobacco product or a name, interest, trademark or brand name of a tobacco product, commits an offence.” On occasion, efforts by the Tobacco Industry to sponsor community activities have been stopped.

Although there is no state-owned tobacco industry, the tobacco industry still does engage in CSR. It is generally accepted that there is no industry interference, conflict of interest or non-compliance with legislation.

TUVALU
There is a government policy to raise awareness about the addiction and harm from tobacco and about any tobacco industry interference in public policy.

There is no tobacco industry in Tuvalu, only importers and distributors. There is also no government policy to reject partnerships or non-binding agreements with the tobacco industry. Likewise, there is no code of conduct for government officials and employees to avoid conflict of interest with the tobacco industry. There is no state-owned tobacco company and there is also no CSR.

VANUATU
There are government initiatives to raise public awareness concerning the addiction and harm from tobacco but, there are no government policies to avoid tobacco industry interference with tobacco control policy.

There is no government policy to reject partnerships or non-binding agreements with the tobacco industry and no code of conduct for government officials and employees to avoid conflict of interest with the tobacco industry. There is transparency in government interactions with the tobacco industry.

There is no state-owned tobacco industry, only importers and distributors, and no CSR.

VIETNAM
There are government initiatives to raise awareness concerning the addiction and harm from tobacco but, there are no government policies to avoid tobacco industry interference with tobacco control policy.

In Vietnam, there is no transparency in government interaction with the tobacco industry and only a partial rejection of partnerships and non-binding agreements with the tobacco industry exists. There is no code of conduct for government officials and employees to avoid conflict of interest with the tobacco industry.

There is a state-owned tobacco company called VINATA which is treated the same as other tobacco companies. VINATA is housed in the Ministry of Industry and Trade. This ministry is a member of the National Steering Committee on Tobacco or Health (VINACOSH). The tobacco industry engages in CSR programs including: poverty alleviation programs, financial support for Agent Orange and other disaster victims.
Price and tax measures to reduce the demand for tobacco

“The Parties recognize that price and tax measures are an effective and important means of reducing tobacco consumption particularly in young persons.”

- FCTC ARTICLE 6

Countries that have implemented tax policies that meet the recommendations of the World Bank are generally doing much better at reducing tobacco consumption. This is best exemplified by countries like Thailand, Korea, Australia, and Singapore.

Parties to the convention should re-evaluate the recommendations of the World Bank and other economic reports that show the power of tax and price increases to boost revenue revenues of governments while achieving reductions in tobacco use and at the same time lowering health costs.

- All countries should be aiming for taxes that are at least 70% of the retail price, particularly those countries with less than 50% of the retail price as tax.
- Parties that have agreements with tobacco companies to keep tax minimal are often compromised in their ability to comply with the FCTC and therefore need to seek legislative and legal redress for their current situation.

The general consensus among experts is that every 10% increase in the real price of cigarettes reduces overall cigarette consumption by approximately 3-5%, reduces the number of young-adult smokers by 3.5%, and reduces the number of kids who smoke by 6 or 7%.

Further assistance is required in providing strong policy recommendations and support to countries in drafting and enacting legislation and regulation that increase tobacco tax.

Philippines: Affordable death sticks (USD 1=P47)
AUSTRALIA
Tax on tobacco was raised by 25% in April 2010. The current tax on tobacco is approximately 66% of retail price.


However, since the latest tax increase, some retailers have recently imported brands (Bayside, Deal, Harvest, Tradition) costing around US$9.62 for a pack of 25.

There is a restriction on the importation of tax/duty free tobacco or cigarettes to one carton (250 cigarettes) or 250 g of tobacco per person over 18 years of age.

BRUNEI DARUSSALAM
The last tax increase in Brunei was in 1984. Taxation on tobacco products is currently being reviewed.

The tax on tobacco products is approximately US$ 42.50 per kilogram. The most popular brand is Pall Mall at approximately US$ 1.50 per pack. The cheapest brand is Saat Extra and Premium Private Blend at approximately US$ 1.20 per pack.

There are restrictions on the sales/importation of tax or duty-free tobacco products by international travelers.

There is no tax or pricing policies contributing to health objectives.

CAMBODIA
Cambodia has low tax rates on tobacco products. It has four tobacco taxes: a 3% public lighting tax on manufacturers that support cigarette lighting in the cities, a 10% VAT on domestic cigarettes with preferential treatment for importers and exclusion for some manufacturers, an excise tax of 10% on all types of cigarettes, and a 7%, 15%, or 35% import duty tax imposed on all imported cigarettes.

The total tax on tobacco products is 20% of the retail price for domestic products and 25% for imported ones. For the last ten years, there has been no real increase in tobacco product tax.

In this country, the most popular cigarettes are the hand-rolled cigarettes followed by Khmer, and ARA brand (BAT) which costs US$ 0.25. Marlboro and 555 continue to be the most expensive brands, both being priced at US$ 1.38. The cheaper products are the Elephant brand Khmer Tobacco and hand-rolled cigarettes costing US$ 0.06 per pack.

CHINA
Tobacco tax in China is complex since this country has a large range of cigarettes with very significant price differentials from less than US$1.00 to more than US$10.00 per pack.

In China, tax is levied on cigarettes as both a consumption tax and a value added tax. The consumption tax is a tiered collection with US$ 21.00 for a standard box of 50,000 sticks with an additional 45% tax for cartons (200 cigarettes) highly priced at US$7.00 or more. This is in effect a luxury cigarette tax. If the price is below US$7 per carton, then tax is only 30% and the VAT is levied at 17%. An import tariff of 25% is placed on cigarettes and cigars from most favored nations. Import restrictions apply based on the limits imposed by the State Council. Tax on a packet of cigarettes is US$ 0.75 per pack. The retail price tax on cigarettes in China is 39%.

There are restrictions on the amount of tobacco or cigarettes that can be imported by international travelers. If such travelers stay for less than six months, two cartons (400 cigarettes) are allowed entry in China. If travelers stay for more than six months, then three cartons are allowed entry. The duty-free allowance for export is four cartons or 800 cigarettes or 800 grams of tobacco.

China does not have tax and pricing policies aimed at contributing to health objectives.

COOK ISLANDS
Though the Cook Islands has imposed high rates of taxation on tobacco products it is not directly linked to health objectives. The import duty is almost 50% and this raises the retail price of a pack of 25 cigarettes to US$ 7.25. In 1998, the price of tobacco has increased from US$ 3.50 per pack of 20s to US$ 7.25 in 2008 for a pack of 25s. The retail price percentage tax is 80%.

There is a limit on sales/importation of tax and duty-free tobacco products, by international travelers.

FIJI
Fiji does not have tobacco tax or pricing policies aimed at contributing to health objectives.

The most popular brands of cigarettes in Fiji are Benson and Hedges and Rothmans priced at US$ 2.65 for a pack of 20s or US$ 1.35 for a pack of 10s.

Fiji has a limitation on imports of two cartons (500 cigarettes) or 250 gms of tobacco or cigars.

HONGKONG SAR
The tax on cigarettes is currently US$ 154.62 for 1000 cigarettes with the tax percentage at close to 60% of the retail price. In the 10 years that elapsed since the year 2000, the tax has increased to 57%. The increase has been from US$ 98.21 in the years 1999-2000 to US$ 154.62 per 1000 cigarettes in the years 2009-2010.

In 2009, the cheapest cigarettes were Winner and Double Happiness at US$ 4.10. The most popular brand is Marlboro priced at US$ 5.00.

There are restrictions on the sales/importations of tax and duty-free cigarettes. From August 2010 onwards, Hong Kong residents and tourists cannot bring in any duty-free tobacco to Hong Kong. A passenger aged 18 or above is allowed to bring into Hong Kong 19 cigarettes, 1 cigar or 25 grams of cigars, or 25 grams of other manufactured tobacco for his own use which could be exempted from duty.

Hong Kong has tax and pricing policies that contribute to health objectives.
TAX LEVEL OF THE RETAIL PRICE OF TOBACCO

**INDONESIA**
The most popular brand in Indonesia is Sampoerna A Mild costs US$ 1.00 per pack. The cheapest brand Yogyakarta costs US$ 0.50. Tax on tobacco and cigarettes in Indonesia ranges from 8% to 48% depending on the retail price. Currently, about 44% of the retail price of tobacco is tax.

There are no restrictions or prohibitions on sales or importation of tax or duty-free tobacco products.

There is no tax or pricing policy aimed at achieving health objectives.

**JAPAN**
Under the 1984 Tobacco Business Law, there is a considerable privilege for the tobacco industry in Japan. The government has been protective of the operations of Japan Tobacco and maintains a control over tobacco regulation from within the Ministry of Finance and Economics that is at odds with the intent of the FCTC.

The current price of a cigarette pack ranges from US$ 3.50 – 3.90, with 63% of the retail price going to tax. There has been almost no change in cigarette tax over the last ten years. However, Democratic Party Japan won the parliament election, and the price of a cigarette pack price will be raised to US$ 5.0 on October 2010.

Import restrictions for duty free cigarettes place a limit of one carton (200 sticks) per person for both domestic and international brands.

**KIRIBATI**
The current tax on tobacco products is 80%. The most popular brand is Rothmans imported from Australia and sells for US$ 5.50. Over the last ten years, taxes on tobacco have increased.

There are no restrictions on sales or importation of tax or duty-free tobacco products by international travelers. No tax and pricing policies that contribute to health objectives.

**KOREA, REPUBLIC OF**
In recent years, Korea has used the effect of tax and pricing policies to significantly reduce tobacco use. Prior to 2000, the tax on tobacco including cigarettes was low. Since 2000, Korea has implemented tax and pricing policies aimed at reducing tobacco use with very significant impacts on use. A significant tax increase occurred again in 2004, but further attempts to increase tax since then have failed.

The average price of a pack of cigarettes varies between US$ 1.40 – 2.45 and the proportion of tax varies from 50% - 76% of the retail price. The tax goes to a number of government allocated programs including excise tax (US$ 0.54); health promotion and education tax (US$ 0.30 and 0.27 respectively) and VAT (US$ 0.20). The manufacturers and vendors have a margin of US$ 0.20.

The cheapest brand is 88 Menthol which sells for US$ 1.40. Esse is the most popular brand and the proportion of retail price as tax is 63%. As a restriction on sales/importation of tax or duty-free tobacco products, there is a limitation of two cartons per person entering the Republic of Korea.

**LAOS**
In 2001, the government entered into a 25-year agreement with the tobacco industry – Government and Tobacco Industry Contract (GTIC) – that restricts the size of tax increases during this period to 15-30% and limits the ability to use taxes to reduce tobacco use. Because of this contract, the rate of tax is only applied at 15% of the product price even though the law actually stipulates 55% of product tax to be levied. This has not been implemented.

The most popular local brand Adeng costs US$ 0.47 per hard pack. The most popular imported brands of Marlboro and 555 cost US$ 1.50 per pack.

There are no restrictions or prohibitions on sales or importations of tax or duty-free tobacco products by international travelers and no current tax and pricing policy aimed at contributing to health objectives.
MALAYSIA

The current rate of taxation is US$0.065 per stick. The price of a pack of cigarettes ranges from US$1.99 for SAAT, the cheapest cigarette to US$2.89 for Dunhill, Marlboro, and Benson and Hedges. The current level of tax is 45% of the retail price of the most popular premium cigarette brand in Malaysia. In 2009 the Control of Tobacco Product Regulation sets a minimum cigarette price of US$0.10 (RM0.32) per stick for cigarettes sold locally.

There is no tax or pricing policy aimed at contributing to health objectives. However, the National Health Promotion Board established in 2006 where allocations are provided from the Government consolidated fund, as well as collection of cess fund provided under the National Kenaf and Tobacco Board Act 2008 can be used for tobacco control.

There is a restriction on sales and importations of duty free to 1 carton (200 cigarettes) or 250 g of tobacco.

MARSHALL ISLANDS

The cheapest local brand is Philip Morris at US$ 2.00 per pack. The most popular brand is Marlboro with a selling price of US$ 3.75. There is a limit on import tax and duty-free cigarettes.

There is no existing tax or pricing policy aimed at contributing to health objectives. No available information on cigarette tax.

MICRONESIA, FEDERATED STATES OF

The current tax on tobacco products is US$ 0.05 cents per stick. There is no information on the price per pack. The most common brand is Doral, which is also the cheapest brand. Tax on cigarettes increases by US$ 0.005 per stick every two years. There are prohibitions or restrictions on sales or importation of tax and duty-free tobacco products by international travellers. It has tax and pricing policies aimed at contributing to health objectives.

MONGOLIA

The price of the most commonly imported brands range from US$ 0.60 – 1.40 per pack. For local cigarettes, price ranges from US$ 0.25 – 0.55. The average price of imported brands is US$ 1.35 with just 10% of this being tax. For the locally manufactured brands, the range is between US$ 0.25 to US$ 0.45 and the tax is 27.5% or US$ 0.125.

The Director’s order No. 24 of the General Custom’s Office endorsed in January 2006 permits tax and duty-free import/export of up to 200 cigarettes, 50 cigars/leaves, and 250 grams of unpacked tobacco for personal use. The excise tax law exempts pipe and snuff tobacco for personal use.

There is a policy in Mongolia implemented through legislation in 2007 that takes 2% of the tobacco excise tax and applies it to a Health Promotion Foundation.

MYANMAR

No updated information on pricing and taxes is available from Myanmar. In 2008, some tax was applied to commercial sales above certain limits. For sales above 240,000 kyats in a year, a tax or 75% is applied to the Tax Inclusive Retail Sale Price (TIRSP). The price of locally produced cigarettes for the four most popular brands (London, Vegas, Duya, and Golden Triangle) ranges from US$ 0.25 – 1.60. There is no information on how much of this is tax.

There are limits on the sales/importation of tobacco products to 200 cigarettes or 225 grams of tobacco for those aged 17 and older.

NAURU

Nauru has implemented a tax on tobacco aimed at reducing tobacco use. In 2006, the government made a regulation to increase the tax on tobacco by 15% every year. This has increased the tax from US$ 23.80 per 1000 cigarettes in 2006 to US$ 47.20 in 2008 with similar increases for tobacco and cigars. The tax on cigarettes in 2008 was US$ 80 per 1000 cigarettes or US$ 4.00 per pack.
The price of a pack (25) of cigarettes is US$ 5.00. A cigarette costs US$ 0.25 cents per stick. The tax on this is 66% of the retail price. Tax and duty-free imports are limited to 250 grams or one carton (250 cigarettes).

NEW ZEALAND
Tax on tobacco is at several levels. Tobacco is taxed at US$280 per kilogram of tobacco with an additional GST at 12.5% (GST will rise to 15% in October 2010). The cheapest brand, Freedom, costs US$ 6.45. The most popular brand, Holiday, costs US$ 7.20 per pack of 20. The cost of Marlboro is US$ 8.35 per pack. The percent of retail price as tax is about 70%.

The excise tax on tobacco products is indexed to the Consumer Price Index(CPI) and adjusted annually. A 10% increase on all tobacco products was introduced in May 2010. Two further 10% tax rises will occur in 2011 and 2012. RYO tobacco was harmonized with manufactured cigarettes. There are restrictions on the import of tax or duty-free cigarettes. There is a partial pricing policy contributing to health objectives.

NIUE
Niue imports all tobacco products from New Zealand. The import duty of 53% applies on cigarettes. There are no other taxes. The price of a pack (25) of cigarettes is US$ 7.15 for Rothmans and Winfield. The retail price is 84% tax. The price of Rothmans now is US$ 7.00 and Winfield is US$ 8.40. There are limits and prohibitions on the sales and importation of duty-free tobacco products. There is no current tax or pricing policies aimed at contributing to health objectives.

PALAU
The price of cigarettes ranges from US$ 2.50 – 5.00 per pack. The cheapest brand is Sonoma which sells for US$ 2.50. The most popular brand is Marlboro Lights 100 with price of US$ 5.00. The tax is US$ 2.00 per pack. There is no data on tax trends. However, there is a limit on imports on tax and duty-free tobacco to two cartons or 400 cigarettes. There is no tax policy aimed at contributing to health objectives.

PAPUA NEW GUINEA
The price of the cheapest locally manufactured cigarettes known as Mutrus is US$ 0.20 per stick. Most are stick sales though these large cigarettes are packaged in boxes of 50. No information on price and tax has been made available over the last 10 years. There are no restrictions on import of tax or duty-free tobacco by international travelers. There are no tax and price measures aimed at contributing to health objectives.

PHILIPPINES
The existing law, Republic Act 9334, is set to implement another adjustment in tobacco taxes in 2011, the last of the six-year tax adjustment prescribed by the law. Currently, tax levels remain very low as more than 95% of the market is dominated by brands that enjoy a privilege, provided by law, of being taxed at a very low level (ranging from PhP 2 – PhP 12). This has remained low for the past 6 years due to the lack of indexation. Hence, the tax burden was continuously eroded. In addition, tax leakages continue to increase. Under the current system, tobacco products do not carry any visible markings to distinguish it from illicitly traded tobacco products. Studies show that the total leakage is almost double the total excise tax actually collected. In an attempt to address this, Switzerland-based SICPA Project Security S.A. submitted a project proposal to the Bureau of Internal Revenue (BIR) to utilize a security stamp system to curb smuggling. However, the tobacco industry and legislators representing its interests ordered the BIR to cease from further negotiations and cited major legal flaws including violation of the Constitution. The Department of Justice (DOJ) eventually issued an opinion that is favorable to the tobacco industry and the BIR is contesting this opinion.

With the assumption of the new Administration of President Benigno Aquino Jr., Philip Morris renewed its proposal for the government to adopt its own technology to trace excise-tax collection of cigarettes and allegedly, to curb smuggling.

SAMOA
The current tax on domestically produced cigarettes is US$ 67 per 1000 sticks or just under US$ 1.20 per pack. Additionally, there is a 15% GST. For imported cigarettes, there is an additional US$ 30 per 1000 sticks or 90% of the CIF value, whichever is greater. The cheapest and the most popular brand is Pall Mall at US$ 3.00 per pack.

There are prohibitions and restrictions on sales/importations of tax, but no details are available. There is currently no tax or pricing measures aimed at achieving health objectives.

SINGAPORE
As part of Singapore’s multi-pronged approach in its National Tobacco Control Programme, Singapore implemented taxation on tobacco products since 1971 and utilized the tobacco taxation strategy since the 1990s to reduce its smoking prevalence.
Since July 2003, cigarettes are taxed by stick and based on the new per stick taxation framework, cigarettes weighing less than 1 gram are subjected to an excise duty of $0.352 (US$ 0.255) per stick and an additional 1 gram or part thereof attracts another $0.352 (US$ 0.255). The price of the most popular priced category of cigarette ranges from $10.60 – $13.60 (US$ 8.30 – 9.75). The cheapest costs $8.60 (US$ 6.20) per pack and the most popular brand is Marlboro. The tax incidence for cigarettes based on the most popular priced category of cigarettes is at 69% of the retail price.

There are prohibitions and restrictions on sales and importation of tax or duty free cigarettes. Singapore banned duty-free imports of tobacco products into Singapore in 1991. In 2009, Singapore implemented the requirement to have the ‘SDPC’ (Singapore Duty Paid Cigarettes) marking on all cigarettes intended for domestic market, to be stamped at the cigarette stick level.

THAILAND
Thailand was one of the first countries to apply added specific tax for health policy. This has resulted in substantial funding for the Thai Health Promotion Foundation.

The cheapest brand is Shooter at US$ 1.10 for a pack. The most popular brand, Krong Thip, sells for US$ 1.50 a pack. The percent of retail price as tax is 70%.

There have been eight increases in tax on cigarettes in the last 13 years. There seems to be a loophole in the tax system that enables the international tobacco industry to under report the cost, insurance, and freight (CIF) that leads to low-priced and undervalued cigarettes. An additional 2% tax is used for the Health Promotion Foundation and there is a 1.5% tax for Thai public TV.

The limit on the amount of tobacco and cigarettes that can be brought into the country is one carton or 250 gms of tobacco.

TONGA
Tonga has implemented tax and pricing policies to achieve health objectives. A Health Promotion Foundation was set up with dedicated funding from the government. The possibility of a hypothecated tobacco tax is currently being explored.

Tax increases over the years have seen the Tobacco Tax go up from about US$ 37.50 per kilo in 1998 to US$ 100 per kg or 1000 rolls in July 2010. In addition, a 15% Consumption Tax has been in place for some years. Prior to the tax increase in July 2010, the price of cigarettes were as follows: Pall Mall at US$ 2.50 per pack, Winfield at US$ 4.50, and Roll Your Own Port Royal at US$ 5.75. Since the raise, these have increased to US$ 3.50, US$ 5.75 and US$ 9.75 respectively.

There are restrictions on the sales and importation of tax and duty-free tobacco products.

TUVALU
Tax has not increased over the last ten years which ranges from 48-60% of the retail price. Based on the CIF, tax is as follows: Import duty of 25%; Excise duty of 10% and a Tuvalu Consumption Tax of 3%. The most popular brands are Rothmans and Pall Mall. Prices range from US$ 2.20 for the cheapest brand to US$ 5.25 for Rothmans, the most popular and most expensive brand. In 2004/5, Tuvalu residents spent 10% of their income on tobacco and alcohol.

Duty-free allowances into Tuvalu are one carton (200 cigarettes) or 250 g of tobacco. There is no outbound sale of duty-free cigarettes. Tuvalu does not have tax or pricing policies aimed at contributing to health objectives.

VANUATU
The most popular brand is Peter Jackson which sells for US$ 8.50 per packet of 30 sticks. There are no prohibitions on tax and duty-free import of tobacco products for international travelers. There is no specific tax and pricing policy aimed at contributing to health objectives.

VIETNAM
Over the last ten years, there have been changes in tax. Before 2006, there were three levels: 65% for foreign imported cigarettes; 45% for partially imported materials for cigarettes; and 25% for cigarettes using local materials. Since 2006, one level was applied at 55% of the manufactured price. In 2008, this was raised to 65% of the manufactured price. The average retail price of a pack of cigarettes ranges from US$ 0.20 to 1.00. The most popular brand is VINATABA which sells for US$ 0.80 and the current tax is 37% of the retail price.
Measures to protect people from exposure to tobacco smoke in indoor workplaces, public transport, and indoor and other public places

“Duty to protect individuals from tobacco smoke corresponds to an obligation of governments to enact legislation to protect individuals against threats to their fundamental rights and freedoms.”

- FCTC ARTICLE 8 GUIDELINES

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Increasing evidence as seen in countries that have successfully implemented smoke-free environments shows significant reductions in disease and costs due to smoking. Smoke-free environments must become the norm in all societies. Some countries have yet to take seriously the need for protection from tobacco smoke particularly in indoor public places such as restaurants, bars, and conference rooms in spite of strong public support. China, Indonesia, Japan, and Korea face big challenges in implementing smoke-free indoor facilities as outlined in the Article 8 Guidelines unanimously adopted by all Parties to the FCTC in 2007. Such Guidelines call for 100% smoke-free environments as the only means of providing adequate protection from exposure to tobacco smoke.
AUSTRALIA
Under a combination of federal and state/territory legislation, smoking is banned in all indoor areas of public places and workplaces, including airplanes and other public transport – with exemptions in some jurisdictions for “premium” or “high roller” areas of casinos.

Some jurisdictions and/or local governments have enacted laws banning smoking in some outdoor and/or partly enclosed settings – including outdoor dining areas, patrolled swimming areas, hospital grounds, school grounds, playgrounds, transport waiting areas, sporting areas, and around public building entrances.

Smoking continues to be permitted in a variety of partly-enclosed and staffed bar and restaurant areas in some jurisdictions, with smoking and non-smoking areas sometimes poorly defined.

Smoking is banned in six jurisdictions in private cars carrying children; another has introduced legislation and the last jurisdiction (Northern Territory) has proposed to do so.

BRUNEI DARUSSALAM
There is a regulation or legislation that provides protection from exposure to tobacco smoke in indoor workplaces, public transport, and indoor public places.

All healthcare, education, and government offices are smoke-free. All public transport including buses, taxis, boats, and airlines are also smoke-free.

All indoor public places are also smoke-free with the exception of the international airport.

There is a clearly enforceable smoke-free legislation. The term “smoke-free” is not defined, though the term “public place” is well-defined.

There is only partial monitoring of smoke-free legislation, but monitoring and further actions are actively taken against those committing offence under the legislation.

The legislation is currently being strengthened.

CAMBODIA
Cambodia has some legislation and regulation providing protection from exposure to tobacco smoke in indoor workplaces. 11 government ministries have implemented indoor smoke-free circulars while advocacy for a policy on smoking bans in all indoor workplaces and public places is still under process.

Declared smoke-free are major hospitals and health centers including military hospitals. Only a partial smoke-free policy for schools and educational facilities exists. This policy covers high schools, universities and an increasing number of non-government organizations. Only a partial regulation for government offices and buildings exists.

No regulation exists to ensure that buses, taxis, trains, and boats are smoke-free. Likewise, no regulation has been made to create smoke-free airlines. However, some airlines have taken the initiative to ensure their fleet airlines are smoke-free.

Not all indoor public places are smoke-free due to the fact that legislation to offer protection from exposure to tobacco smoke is weak. Some indoor public places allow separate smoking rooms, and adjacent smoking and non-smoking areas are allowed.

Clearly, there is no enforceable smoke-free legislation in Cambodia. The terms “smoke-free” and “public place” are not properly defined. In reality, Cambodia offers and implements only a partial smoke-free policy, and is therefore not compliant with the requirements of Article 8.

CHINA
China has laws and regulations that cover the requirements under Article 8 by State, various ministries, provinces and provincial capitals or cities with independent budgets. There is only a partial protection from exposure to tobacco smoke in indoor workplaces, healthcare facilities, educational and government facilities.

In some cities, there is a partial ban. The Ministry of Health aims to introduce a smoke-free policy for all healthcare facilities by 2011. Educational facilities are partially smoke-free while government offices are not smoke-free.

There is no protection from exposure to tobacco smoke in private workplaces. Public transport is only partially smoke-free. Buses, taxis, ferryboats, subways, cable cars, and aircrafts are required to be smoke-free. Trains and ocean liners are required to be partially smoke-free. Some cities have a smoke-free legislation. Areas that do implement a smoke-free policy include public transport waiting rooms, civil airports and airlines, hospital waiting rooms, classrooms, dormitories and activity rooms of schools, libraries, art and other museums. Smoking is only partially banned on the railways and in waiting rooms for road transport. The ferryboats are smoke-free, but the ocean liners are not.

A very notable exception to previous policy was the strong support and promotion given to non-smoking Beijing 2008 Olympic Games venues, facilities and presentation. Some cities enacted new smoke-free legislation after the Olympics and required more public places to be smoke-free.

There is a partial regulation for protection against exposure to tobacco smoke in public transport.
Indoor public places are partially smoke-free. Some indoor public places have separate smoking rooms where adjacent smoking and non-smoking areas are allowed. A clear and enforceable smoke-free legislation only exists in some cities.

The term “smoke-free” is clearly defined while the term “public place” is not well-defined. Clearly, the smoke-free legislation is not well-monitored by the government.

**COOK ISLANDS**

There is a legislation in the Cook Islands that provides for protection in regulating exposure to tobacco smoke. For restaurants and bars/hotels, a smoke-free environment is currently in place with a transitional arrangement where smoking is permitted in not more than 30% of the restaurant premises. Adjacent smoking and non-smoking areas are allowed but there is only a partial separation of smoking and non-smoking areas. However, this existing smoke-free environment in restaurants, bars/hotels need to be closely monitored.

Healthcare facilities are smoke-free while government offices, schools and educational facilities are partially smoke-free. Smoking in public places and workplaces is prohibited, with some exceptions for private workplaces. Currently, some workplaces and other public places are partially smoke-free but they need to be closely monitored for compliance.

**FIJI**

The Tobacco Control Act of Fiji (1998) Section 12 provides for a smoke-free policy. All healthcare and educational facilities, and government offices and facilities are smoke-free. Likewise, all public means of transport including buses, taxis, boats and airplanes are smoke-free. There are no trains in Fiji.

There is a smoke-free policy for public transport including buses and taxis. There are no trains in Cook Islands. While smoking is permitted on boats that commute between the islands, airlines are required to be smoke-free.

In the Cook Islands, there is a clear and enforceable smoke-free legislation and the terms “smoke-free” and “public place” are well defined.

**HONGKONG SAR**

There is a legislation in Hong Kong that offers protection from exposure to tobacco smoke in indoor workplaces. Healthcare facilities, educational facilities as well as government offices are smoke-free.

All forms of public transport are smoke-free.

There is also a regulation for protection against exposure from tobacco smoke in indoor public places. The exception is for smoking rooms with ventilation at the restricted areas of airports. Adjacent smoking and non-smoking areas are not allowed.

There is clear and enforceable legislation on smoke-free areas. The terms “smoke-free” and “public place” are clearly defined and this legislation is well-monitored by the government.

Hong Kong has designated the following as smoke-free:
- Public pleasure grounds, public swimming pools and bathing beaches
- Stadiums
- Hong Kong Wetland Park
- Escalators
- Covered and open-air public transport interchange

INDONESIA

There is a partial policy to provide protection from exposure to tobacco smoking in indoor workplaces, public transport, and indoor public places. The healthcare and educational facilities as well as government offices are partially smoke-free. When it comes to public transport, buses, taxis, trains, and boats are partially smoke-free. Airlines are smoke-free.

There is newly approved health law which has a provision that protects the public from exposure to tobacco smoke in indoor places but still needs an implementing regulation for it to be enforced. There are some local ordinances and policies since decentralisation. A few cities have local regulations banning indoor smoking so establishments and offices are required to provide smoking rooms in compliance with the local ordinances. Mostly, indoor public places are only partially smoke-free.
Adjacent smoking and non-smoking areas are allowed which is only partially enclosed.

There is no clearly enforceable smoke-free legislation. The terms “smoke-free” and “public place” are not clearly defined and this only shows that the smoke-free legislation is not well-monitored by the governing body.

**KOREA, REPUBLIC OF**

There is a clear legislation in Korea to protect the public from exposure to tobacco smoke. All hospitals, clinics and healthcare centres, educational facilities and government offices are smoke-free.

Smoking areas are being designated in certain facilities as follows:
- Buildings with more than 1000 sq m or more floor area
- Sports facilities with more than 1000 seats
- Public baths
- Social welfare facilities

Smoking, however, is prohibited in all elevators, rest rooms, and hallways.

**JAPAN**

There is no uniform regulation or legislation in Japan to protect the public from exposure to tobacco smoke in indoor workplaces.

Healthcare facilities and educational facilities as well as government offices are only partially smoke-free. There is a legislation that protects against exposure to tobacco smoke in nearly all public forms of transport. Public buses are smoke-free. Taxis are smoke-free but trains are partially smoke-free. Boats are not entirely smoke-free but airplanes are smoke-free.

There is a regulation that protects against exposure to tobacco smoke in indoor public places, but this is not mandatory. Indoor public places are only partially smoke-free and separate smoking and non-smoking areas are allowed.

There is no clear and enforceable smoke-free legislation. The term “smoke-free” is defined while the term “public place” is not well defined.

The smoke-free legislation is not strictly monitored by the government of Japan. About 100 cities in Japan now provide smoke-free footpaths. Also, in Kanagawa prefecture (such as the city of Yokohama) passive smoking is prohibited by a local ordinance. However, minority can serve in the smoking area.

**KIRIBATI**

There are no comprehensive measures that offer protection from exposure to tobacco smoke in indoor workplaces, public transport or indoor public places.

The healthcare facilities, educational facilities and government offices are only partially smoke-free. There is no regulation to provide exposure to tobacco smoke in public transport. The buses are smoke-free without regulation. There are no taxis or trains in Kiribati. The boats are not smoke-free but the airlines, however, are smoke-free.

There is no regulation or legislation that protects from exposure to tobacco smoke in indoor public places. All indoor public places are not smoke-free. Indoor public places allow adjacent smoking and non-smoking areas. There is no separation of these smoking and nonsmoking areas, no clearly enforceable smoke-free legislation, and no definition for the terms “smoke-free” and “public place”.

The Kiribati government does not monitor its smoke-free legislation.

There is no clear and enforceable smoke-free legislation. While the term “smoke-free” is defined, the term “public place” is not.

**LAOS**

A comprehensive law approved in December 2009 includes the article to prohibit smoking in indoor workplaces and public places. Workplaces in Laos have already started to implement this but such implementation has started slowly in other public place with poor compliance.

The regulation or legislation that offers protection from exposure to tobacco smoke in indoor public places only exists in the capital city Champasak and in Luang Prabang, a world heritage city where all healthcare and educational facilities are smoke-free. There is a regulation or legislation that gives protection from tobacco smoke exposure in public transport only in the capital city of Champasak. Buses, taxis, boats and airlines are smoke-free. There are no trains in Laos.

There is no clear and enforceable smoke-free legislation. While the term “smoke-free” is defined, the term “public place” is not.
MALAYSIA
Malaysia has a legislation that offers protection from exposure to tobacco smoke in indoor workplaces, public transport, and other public places.

The 2004 Tobacco Control legislation designates 21 smoke-free locations. All healthcare, educational facilities, and government offices are smoke-free.

There is a regulation that protects the public against tobacco smoke exposure in public transport so all buses, taxis, trains, boats, and airlines are smoke-free. Malaysia also has both a regulation and a legislation that partially protects people from exposure to tobacco smoke in indoor public places. Up to one-third of air-conditioned eating places, non-airconditioned public transport terminals, or open air stadiums are allowed to designate smoking areas with display. Smoking is allowed in indoor public places with extraction fans and ventilation systems. Adjacent smoking and non-smoking areas are allowed as long as there is separation of such areas.

There is no clear monitoring of the smoke-free legislation in Malaysia. But there are penalties for non-compliance with the legislation. Proprietors of premises or vehicles must display a ‘no smoking’ sign and are liable to a fine if this is not done. They are also responsible for ensuring that no person smokes in designated non-smoking areas.

MARSHALL ISLANDS
The Marshall Islands has a regulation that protects against tobacco smoke exposure. Healthcare and educational facilities as well as government offices are smoke-free. Most of the public transport like buses, taxis, and airlines are smoke-free. There are no trains and there is no policy for boats.

All indoor public places in the Marshall Islands are only partially smoke-free. Adjacent smoking and non-smoking areas are allowed. However, there is clearly enforceable smoke-free legislation but the existing regulation is not well monitored. The terms “smoke-free” and “public place” are also not well defined. Regulations for Article 8 of the FCTC adopted by Marshall Islands are yet to be approved and enforced.

MICRONESIA, FEDERATED STATES OF
Micronesia recently passed a legislation to ban smoking in all government buildings. There is also a legislation protecting the public from tobacco smoke exposure in indoor workplaces is also. Healthcare facilities, government offices, as well as educational facilities are smoke-free.

There is no legislation or regulation that provides protection from tobacco smoke exposure in buses, taxis, or boats. There are no trains. The airlines are smoke-free because of an external regulation.

There is only a legislation that offers partial protection from exposure to tobacco smoke in indoor public places. Indoor public places are not smoke-free and adjacent smoking and non-smoking areas are allowed. There is no clearly enforceable smoke-free legislation, no definition for the terms “smoke-free” and “public place” and no clear monitoring of the smoke-free legislation. Most outdoor public places are smoking areas.

MONGOLIA
There is a legislation in Mongolia for protection from tobacco smoke exposure in indoor workplaces, public transport, and indoor public places. Designation of smoking areas are allowed in healthcare facilities, educational facilities and government offices. Buses and taxis should be smoke-free, but enforcement is weak. In reality, it is a partial smoke-free policy. On the other hand, trains, boats, and airlines are smoke-free.

There is no regulation that protects against tobacco smoke exposure in indoor public places. The indoor public places are not even completely smoke-free. A separate smoking room is provided at the airport, but it is not fully enclosed. Adjacent smoking and non-smoking areas are allowed in Mongolia.

Mongolia has no clear and enforceable smoke-free regulation or legislation. The terms “smoke-free” and “public place” are not defined.

MYANMAR
In May 2006, Myanmar passed the State Peace and Development Law that contains some key elements in line with the FCTC. Healthcare facilities are designated to be smoke-free. There are partial restrictions on smoking in government buildings and educational facilities. Other indoor areas are not smoke-free and there is no clearly enforceable legislation or monitoring of smoke-free environments.

There is also no information on the terms “smoke-free” and “public place”.

NAURU
Nauru has enacted a legislation that offers protection from exposure to tobacco smoke in indoor workplaces, public transport, and indoor public places. Buses in Nauru are smoke-free. There are no taxis or trains. The boats and airlines are smoke-free.
All the indoor public places are designated as smoke-free. There is also a clear separation of smoking and non-smoking areas. There is a clear, well-monitored, and enforceable smoke-free legislation. The terms “smoke-free” and “public place” are properly defined.

NEW ZEALAND

New Zealand has a policy that protects from exposure to tobacco smoke under the Smoke-free Environments Act 1990 which was amended in 2003 that came into force on 10 December 2003.

Healthcare and educational facilities, and government offices are smoke-free except for some hospital grounds and mental health facilities that constitute a place of residence which may designate smoking areas. There is a smoke-free policy for public transport. Buses, taxis, trains, boats, and airlines are smoke-free.

There is a clear legislation that offers protection from exposure to tobacco smoke in indoor public places. All indoor public places are completely smoke-free. There is no adjacent smoking and non-smoking rooms. Smoking is completely banned in all internal workplaces with the following exemptions: dedicated smoking rooms in hospitals; residential care and rest homes that meet specific ventilation requirements; prisons; motel and hotel rooms; an employer’s home or private home; passenger accommodation on ships and trains; and individual staff accommodation on ships and trains.

Indoor facilities such as restaurants and bars are 100% smoke-free with clearly enforceable legislation. There is a clear, enforceable, and well-monitored smoke-free legislation even though the terms “smoke-free” and “public place” are not clearly defined.

NIUE

Niue has no legislation or regulation on exposure to tobacco smoke in indoor workplaces, public transport, and indoor public places. Legislation has been drafted but is not yet passed. The healthcare and educational facilities, and government offices are smoke-free. There is no public transport on Niue. So policies on buses, taxis, and boats do not exist. The airlines, however, are smoke-free. There is no regulation or legislation that protects from tobacco smoke exposure in indoor public places.

While there is a clear separation of smoking and non-smoking areas, there is no clear, enforceable, and well-monitored smoke-free legislation. The terms “smoke-free” and “public place” are not defined.

PALAU

There is no legislation in Palau that bans exposure to tobacco smoke in indoor public places with the exception of government buildings.

Government healthcare facilities, government schools and educational facilities, and the National government offices are smoke-free by law. Other non-government facilities including schools and educational facilities are voluntarily smoke-free. There is no legislation or regulation that protects from exposure to tobacco smoke in public transport including buses, taxis and boats. There are no trains.

There is a legislation that offers protection from exposure to tobacco smoke in government buildings, but not other public locations or buildings. There is a clearly enforceable smoke-free legislation, but only for government buildings. The terms “smoke-free” and “public place” are not defined. There is no clear monitoring of the smoke-free legislation in Palau.

PAPUA NEW GUINEA

There is some legislation and regulation that provides protection from exposure to tobacco smoke in indoor workplaces, public transport, and indoor workplaces. All healthcare facilities and government offices are smoke-free while schools and educational facilities are partially smoke-free.

Public buses are partially smoke-free. Taxis and airlines are smoke-free. There are no trains. Boats are partially smoke-free.

There is a legislation that partially gives protection from exposure to tobacco smoke in indoor public places. Adjacent smoking and non-smoking areas are allowed provided that there is a partial separation of smoking and non-smoking areas.

The smoke-free legislation is not clearly enforced and monitored. The terms “smoke-free” and “public place” are not defined.

PHILIPPINES

The legislation provides protection in some indoor places, public places and public transport but is not enforced strictly nationwide. The local government units are working on the passage of smoke-free ordinances to improve the implementation of the national law on smoking prohibitions. Republic Act 9211 requires healthcare facilities, schools and educational facilities, and government offices to be smoke-free.

A most important progress in this area is the issuance of the 100% Smoke Free CSC Memorandum in May 2009 that requires 100% smoke-free environment in all government offices. All indoor spaces and most outdoor spaces of the government are required to be 100% Smoke Free. Smoking areas are allowed only in specific outdoor spaces with clear restrictions. Failure to comply with this policy can subject government personnel to administrative sanctions.

Another important milestone in implementing 100% Smoke Free environments is the Land Transportation and Franchising Board (LTFRB) 100% Smoke-Free Memo requiring all public utility vehicles and public land transportation terminals to be smoke-free and for operators to put up visible No Smoking signage. Failure to comply with the provisions can be a ground for revocation or suspension of the franchise.

SAMOA

In Samoa, the Tobacco Control Act of 2008 prohibits smoking in public places but the implementing regulation is still being drafted.

All healthcare and educational facilities, and government offices are smoke-free. There is a legislation that protects against exposure to
tobacco smoke in public transport. The buses, taxis, boats and airlines are smoke-free. There are no trains.

There is a regulation which protects the public from exposure to tobacco smoke in indoor public places. Designated smoking areas are allowed in nightclubs and bars except in areas where food is served. Adjacent smoking and non-smoking rooms are not allowed.

The terms “smoke-free” and “public place” are defined in the legislation. There is still no clear monitoring of the smoke-free legislation.

SINGAPORE

Singapore has a strong smoke-free legislation, implementation, and enforcement of the Smoking (Prohibition on Smoking in Certain Places) Act. Government offices, healthcare facilities, and educational facilities are smoke-free with many private workplaces also implementing a smoke-free policy.

All public buses, taxis, trains, boats, and airlines are smoke-free.

All indoor public places are smoke-free. Some air-conditioned pubs and bars allow separate smoking rooms. Adjacent smoking and non-smoking areas are only allowed al fresco. There is a separation of smoking and non-smoking areas.

Starting 01 January 2009, smoking was prohibited in all children’s playgrounds, exercise areas, markets, underground and multi-storey car parks, ferry terminals and jetties, as well as in non-airconditioned areas in offices, factories, shops, shopping complexes and lift lobbies.

There is a clear smoke-free legislation. The terms “smoke-free” and “public place” are well defined by law.

THAILAND

There is a clear legislation in Thailand that protects from tobacco smoke exposure in indoor workplaces, public transport, and indoor public places.

All healthcare and educational facilities, and government offices are smoke-free. All buses, taxis, trains, boats, and airlines are smoke-free. There is a regulation and a legislation that offer protection from exposure to tobacco smoke.

All indoor workplaces are smoke-free including restaurants and bars. Some outdoor public places like markets, and zoos are smoke-free. Adjacent smoking and non-smoking areas are allowed, but only in non-airconditioned places.

There clearly is an enforceable smoke-free legislation. The terms “smoke-free” and “public place” are defined. There is partial monitoring of the smoke-free legislation and this public self-monitoring system is done by means of a reporting system for violations.

TONGA

Tonga passed legislations in 2000 and 2004 to control tobacco and provide a smoke-free environment.

Smoking is prohibited in certain public places which include amusement centres, theatre or sports arenas at any time when such places are open to the public; hospitals or clinics; schools (including school grounds) during school hours; airport terminal buildings, and office workplaces.

In terms of public areas, bars and restaurants are partially smoke-free and must provide for up to 50% of the area to be smoke-free. Smoking is allowed in places that have separate smoking and non-smoking areas.

The legislation also covers public transport where buses, taxis, and airlines are smoke-free. The boats are partially smoke-free with designated smoking areas. The terms “smoke-free” and “public place” are well-defined and the enforcement and monitoring of compliance with smoke-free legislation has improved over the past few years.

TUVALU

Tuvalu passed the Tobacco Control Act of 2006, but it was only signed by the Governor General in 2008. The Act provides for measures that protect from tobacco smoke exposure in indoor workplaces, public transport, and indoor public places.

All healthcare and educational facilities, and government offices are smoke-free. For public transport, all buses, taxis, boats, and airlines are smoke-free. There are no trains in Tuvalu.

All indoor public places are smoke-free but the legislation provides for a phased introduction to full smoke-free facilities. Adjacent smoking and non-smoking rooms are presently still allowed.

There is clearly an enforceable smoke-free legislation. The terms “smoke-free” and “public place” is defined, but there is no clear monitoring of the “smoke-free” legislation yet.

VANUATU

There are clear measures in the new legislation of 2008 to provide protection from exposure to tobacco smoke in indoor workplaces, public transport, and indoor public places. All healthcare and educational facilities, and government offices are smoke-free.

For public transport, all buses, taxis, boats and airlines are smoke-free. There are no trains.

VIETNAM

Vietnam has a regulation that protects from exposure to tobacco smoke in indoor workplaces, public transport, and indoor public places. All healthcare and educational facilities are smoke-free.

All government offices are designated smoke-free though this is not fully implemented. All buses, taxis, trains, boats, and airlines are smoke-free.

There is a regulation that provides protection from exposure to tobacco smoke in indoor public places. Indoor public places are only partially smoke-free. They are designated as smoke-free, but compliance is poor. There are separate smoking and non-smoking rooms that are adjacent to each other.

Vietnam has a clearly enforceable smoke-free legislation, but it is not fully implemented. The smoke-free policy, therefore, is not well-monitored in Vietnam. The terms “smoke-free” and “public place” are not defined.
<table>
<thead>
<tr>
<th>Country</th>
<th>100% Smoke-free</th>
<th>Partially Smoke-free</th>
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<tbody>
<tr>
<td>Australia</td>
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<td>Brunei Darussalam</td>
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<td>Marshall Islands</td>
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<td>Micronesia, Federated States of</td>
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<td>New Zealand</td>
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<td>Papua New Guinea</td>
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<td>Singapore</td>
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<td>Solomon Islands</td>
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<td>Tonga</td>
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<td>Vanuatu</td>
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<tr>
<td>Vietnam</td>
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</tbody>
</table>

**Legend:**
- health/medical facilities
- educational facilities
- government offices
- public transportation
- indoor restaurants, excluding pubs and bars
- pubs and bars
- other indoor public places
- no information available
Packaging and Labelling of Tobacco Products

Article 11 makes explicit the need for clear and effective health warnings and measures that remove false or misleading promotion. Health warnings is one of the most encouraging areas of treaty implementation as countries that previously had smaller and more basic warnings in line with the recommendations of the treaty, while other countries that formerly had no health warnings are now implementing warnings in line with the minimal requirement of the FCTC.

In line with at least the minimal requirements of Article 11, most countries are now implementing health warnings and many are requiring graphic (visual) warnings. Several countries are now presenting recommendations that will require plain generic packaging for all smoked tobacco products.

Several countries have begun to take seriously the use of terms, descriptions, trademarks, and other signs that allow for false, deceptive and misleading marketing and promotion. The ability of some countries to use “mild”, “light” and other misleading terms is insidious and deadly. China, Indonesia, Japan, Lao PDR and several other countries are compromised on this issue.

• All countries should note the three-year deadline for compliance with Article 11 and implement large, prominent, strong, and effective graphic health warnings on packaging, as well as prohibit the use of all misleading or deceptive terms, descriptors, trademarks, and other signs on packaging.

• All Parties should consider eventually moving to plain packaging for tobacco products.
<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>Date of Ratification</th>
<th>Effective Date</th>
<th>FTC Article 11 Deadline</th>
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<tr>
<td>Brunei Darussalam</td>
<td>03 June 2004</td>
<td>01 September 2004</td>
<td>01 September 2007</td>
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<td>15 November 2005</td>
<td>13 February 2006</td>
<td>13 February 2009</td>
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<td>09 January 2006</td>
<td>09 January 2011</td>
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<td>Indonesia</td>
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<td>Japan</td>
<td>08 June 2004</td>
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<td>05 December 2009</td>
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<td>08 March 2008</td>
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<td>01 September 2005</td>
<td>01 September 2008</td>
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<tr>
<td>Philippines</td>
<td>06 June 2005</td>
<td>04 September 2005</td>
<td>04 September 2008</td>
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<tr>
<td>Samoa</td>
<td>03 November 2005</td>
<td>01 February 2006</td>
<td>01 February 2009</td>
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<tr>
<td>Singapore</td>
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<td>08 November 2007</td>
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<td>06 February 2008</td>
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<tr>
<td>Tonga</td>
<td>08 April 2005</td>
<td>07 July 2005</td>
<td>07 July 2008</td>
</tr>
</tbody>
</table>

**AUSTRALIA**

The Australian Competition and Consumer Commission obtained legally enforceable undertakings from the tobacco industry to remove false, misleading and deceptive descriptors “light” and “mild”. However, the tobacco industry continues to use colour-coding of packs and alternate descriptors such as “smooth” and “fine”.

All tobacco products carry large, visible, and rotating health warnings. The warnings are rotated every year and cover 30% of the front and 90% of the back of the pack. The warnings are graphic and text, coming in 14 variants that are in the principal language of the country.

Mandatory pack health warnings include qualitative information on harmful smoke constituents.

The Federal government has committed to mandate plain packaging of all tobacco products by July 2012.

**BRUNEI DARUSSALAM**

The current legislation is being reviewed to include the removal of false, misleading, or deceptive words or images on cigarette packs.

All tobacco products carry large, clear, visible, legible and rotating health warnings approved by the national authority. These warnings cover 50% of the surface area of the front and back of the package at the top. These warnings have six variants and come in picture and text.

The warnings are in both Malay (the principal language) and English.

Tobacco products contain information on tar and nicotine only.

**CAMBODIA**

No clear legislation or regulation to remove false, misleading or deceptive words or images exists in Cambodia.

It was on only in 20 October 2009 that the Cambodian government approved a sub-standard decree requiring text warnings on cigarette packs to cover 30% of both the front and back covers of tobacco products. This decree only came to force exactly 9 months after the Prime Minister signed it.

There is no information on relevant constituents and emissions as defined by national authorities.

**CHINA**

Under the China National Standards for Cigarettes on Package Labelling, the use of misleading descriptors such as light and mild is not allowed on packages.

There is no legislation or regulation that removes false, misleading or deceptive words or images.

Article 18 of the Tobacco Monopoly Law stipulates that the text “Smoking is harmful to your health” should be written in Chinese on the packaging of cigarettes and cigars. While there is a health warning on tobacco packages, it is not largely written nor is it clear, visible or legible.

The warning is in the principal language of the country, as well as in English.

The tar, nicotine and carbon monoxide levels are required by national regulation to be printed on the packaging as well as on the packets.
COOK ISLANDS

Under Section 27 of the Cook Islands Tobacco Products Control Act of 2007, the use of false, misleading or deceptive words or images is prohibited. “No person shall sell, distribute, display for sale or distribution, import, or export any tobacco products the packaging or labelling of which promotes that tobacco product by any means that give false, misleading, health effects, hazards or emission of the product or which includes any written term, descriptor, trademark, symbol or sign that directly or indirectly creates the false impression that a particular tobacco product is less harmful than other tobacco products.” All tobacco products sold in the Cook Islands are compliant with the Australian and New Zealand package and labelling requirements. All tobacco products are sourced from New Zealand and Australia and both Australia and New Zealand have an agreement for identical packaging and labelling requirements. All packages contain health warnings and such warnings are in English and not in the principal language of the Cook Islands. Some are compliant with New Zealand regulation requiring picture warnings, but some carry only small text health warnings.

The packages, however, do not contain information on relevant constituents and emissions.

FIJI

There is no legislation or regulation that removes false, misleading or deceptive words or images.

There are health warnings that are clear, visible, legible and rotating in text that are approved by the national authority. These cover less than 30% of the principal faces of the包装. The health warnings on cigarette packs are in three principal languages: Fijian, Hindi and English.

There is no requirement concerning the relevant constituents and emissions of the tobacco products.

HONGKONG SAR

Hong Kong has legislation and a regulation that removes false, misleading or deceptive words or images.

All tobacco products contain large, clear, visible, and rotating health warnings. These warnings cover 50% of the surface areas of the front and the back covers of the pack. The warnings are both pictorial and text. There are six variants written in the two principal languages. There are also specific guidelines for how the warnings are to be affixed and placed on the retail container.

All products contain information on relevant constituents and emissions as defined by the national authorities.

INDONESIA

Indonesia does not have any legislation to ban the use of false, misleading or deceptive words or images.

Cigarette packets do not contain large, clear, visible, legible and rotating health warnings. There is only a single text health warning done in small and largely illegible print. This warning is in the principal language of the country appearing at the bottom part of the back of each cigarette pack.

There is only partial information on the relevant constituents and emissions as defined by national authorities.

JAPAN

There is no legislation or regulation that removes false, misleading or deceptive words or images.

All products contain health warnings, but they are not large, clear, visible and legible. The warnings cover 30% of the front and back of the pack. They are in text or character only, the size of which is small. Four or five variants of these warnings are in the principal language of the country. Tobacco products contain information on relevant constituents and emissions as defined by national authorities. These include tar and nicotine concentration measured by ISO regulation.

KIRIBATI

There is no legislation or regulation that bans false, misleading or deceptive words or images. Some packages contain large, clear, visible, legible, and rotating health warnings but this is voluntarily placed. The warnings are in text only on the front and cover 50% of the surface of each cigarette pack. There are three variants of these warnings written in English, which is not the principal language of Kiribati. The packets do not contain information on relevant constituents and emissions as defined by national authorities.

KOREA, REPUBLIC OF

There is no regulation or legislation in Korea that removes false, misleading or deceptive words or images.

All tobacco products carry clear, visible, legible, and rotating health warnings. The health warnings cover more than 30% of the front and back surfaces of cigarette packs. The warnings are in text only with three variants in the principal language of the country. All products contain information on relevant constituents and emissions as defined by national authorities.

LAOS

There is no regulation or legislation in Laos banning the use of false, misleading or deceptive words or images on tobacco products.
The Ministry of Health passed a regulation in 2007 requiring text warnings covering 30% of the pack in Laotian. However, the industry ignores this regulation. Some packages have warnings on them, but not as required by the MOH regulation. The Prime Minister’s office has a draft decree to require pictorial health warnings but it does not exclude those that seem misleading or deceptive. It is still subject to approval as of now.

There is no information on relevant constituents and emissions of tobacco products.

MALAYSIA
There is a regulation in Malaysia that bans the use of false, misleading or deceptive words on tobacco products.

From January 2009, all packages carry large, clear, and rotating health warnings approved by the national authority. The warnings are located at the top of the panels, covering approximately 40% of the front of the pack and 60% of the back.

The warnings are text and pictorial with six variants and in the principal language of the country. There is information on the Quit Line, the number of sticks, the date of manufacture, and importer/manufacturer information.

There is information on the constituent and emission of the tobacco product as defined by the national authorities.

In June 2010 the Government withdrew the administrative exemption given to sales of Kiddie packs (i.e. cigarettes in <20 sticks per pack). A ban on Kiddie packs is provided in the Control of Tobacco Product Regulation 2004.

MARRIION ISLANDS
There is no legislation or regulation that requires the removal of false, misleading, or deceptive words or images on tobacco product packs. Currently, there is also no regulation or legislation that requires the use of large, clear, visible, legible, and rotating health warnings. Current warnings are voluntarily placed by the manufacturer on the cigarette packs. The warnings are only in text and in English. No information is available on any variants of such health warnings. Some packages contain information on the relevant constituents and emissions of the tobacco products.

A new regulation has been promulgated by the RMI Act and at the moment, awaiting approval. This proposed legislation will require pictogram on one side and text message on the other. There will be 8 variants of these warnings. Most cigarettes in the Marshall Islands come from the USA, the Philippines, and Australia.

MICRONESIA, FEDERATED STATES OF
There is no legislation that bans false, misleading, or deceptive words or images on tobacco products. Tobacco products do not carry large, clear, visible, legible, and rotating health warnings approved by a national authority. There is also no requirement relating to relevant information on constituents and emissions of tobacco products.

MONGOLIA
The Tobacco Control Law of 2007 bans the use of false, misleading, or deceptive words or images, but there appears to be some confusion stemming from this law. In February 2008, Mongolia adopted a revised version of the National Standard-General’s technical requirement for cigarettes with six picture health warnings. These warnings are large, clear, visible, legible, and rotating. The warnings cover 30% of the pack and are both text and pictorial. There are six variants in the principal language of Mongolia. This legislation came into effect on 1 January 2010.

Based on the September 2009 resolution issued by the National Council of Standardization and Metrology, all tobacco products that were already available in the market before 1 January 2009 should be sold until the end of June 2010 (without GHW) and tobacco products supplied to the market after 1 January must have graphic health warnings. However, as of today, this regulation is not fully enforced. In the market shops, we can see that tobacco products are being sold without GHW.

There is tar and nicotine content on the tobacco packaging. No other constituent and emission information is required.

MYANMAR
A new legislation in 2006, the State Peace and Development Council Law No: 5/2006 has a requirement for placing a health warning on tobacco in Myanmar language.

No other details are available.

NAURU
There is a legislation and regulation in Nauru that removes false, misleading, or deceptive words or images from tobacco products. All products carry large, clear, visible, legible, and rotating health warnings approved by the national authority. These warnings which come in two variants cover 30% of the front of the cigarette pack. The packs also contain constituent and emissions as defined by the national authorities.

NEW ZEALAND
There is no legislation in New Zealand to ban the use of false, misleading, or deceptive words or images. However, as of mid-October 2008, the use of misleading terms on packs disappeared following a New Zealand Commerce Commission warning to the tobacco companies. All tobacco products carry large, clear, and rotating health warnings approved by the national authority. The warnings cover 30% of the front and 90% of the back of the pack at the top with text and pictorial warnings. There are 14 variants of these warnings that come in English and Te Reo Maori, the principal languages of the country. The National Quit line phone number is also prominently featured. The packs do not contain information on relevant constituents and emissions as defined by national authorities.
NIUE
There is no legislation to ban the use of false, misleading, or deceptive words. All tobacco products carry large, clear, visible, legible, and rotating health warnings, but these are not approved by the local authorities. All tobacco is imported from New Zealand and carries the same health warnings as New Zealand.

PALAU
There is no legislation to ban the use of false, misleading, or deceptive words or images. There is also no requirement for health warnings. Some health warnings are placed voluntarily.

Tobacco products are not required to contain relevant constituent or emission information. Legislation has been proposed to meet the FCTC guidelines but has not been passed by the legislature.

PAPUA NEW GUINEA
There is no legislation that removes false, misleading or deceptive words or images such as “low-tar”, “light”, “ultra-light” or “mild”.

Tobacco products partially carry large, clear, visible, legible, and rotating health warnings. These warnings cover 50% of the front and back of the pack surface. The warnings are in text and pictogram in the English language only which is not the principal language of Papua, New Guinea. The number of health warning variants is not known. Tobacco products in Papua contain information on relevant constituents and emissions. These, however, are not defined by the national authorities.

PHILIPPINES
The Department of Health passed Administrative Order 2010-13 requiring tobacco companies to print graphic health information on tobacco product packages as well as ban misleading descriptors. The issuance was based on the DOH mandate under the Administrative Code, and the Consumer Protection Act, and in compliance with Article 11 of the FCTC which fell due on September 2008.

Although this issuance was backed by the legal community, the tobacco companies filed five cases in five different courts seeking injunction on the implementation of the AO, arguing that the national law on tobacco regulation has curtailed DOH’s authority to require other types of printed warnings and that the DOH itself, under the new FDA Strengthening Act has lost jurisdiction over tobacco. Three injunctions have been granted in different courts but all are being appealed by the government.

While the cases are pending in court, there is no question that Congress can also pass laws to ensure that graphic warnings are in place and/or strengthens the arguments of the DOH.

SAMOA
Samoa has a legislation that partially bans the use of false, misleading, or deceptive words or images. This is to be reviewed in the regulation.

Currently, there is no requirement for large, clear, visible, legible, and rotating health warnings to be enforced. New requirements are currently being implemented requiring a minimum of 30% of the main display areas. These warnings will be on all sides of the pack and should include both text and pictures. The number of variants is not stated but must come in a “range” of messages in the principal languages of the country.

Relevant constituent and emission information will be included on the manufactured product, but not on locally produced tobacco products. There is considerable influence by the tobacco companies to minimise the regulations.

SINGAPORE
The amendments to the Tobacco (Control of Advertisements and Sale) Act which were recently passed in July 2010 ban the use of false or misleading terms used for tobacco products. Subsidiary legislation will specify the actual terms to be banned such “mild” and “light” and this will apply to all trademarks including brand name cigarettes which will no longer be allowed to use those prohibited terms as part of their brand names.

Singapore requires all tobacco packaging to have large, clear, visible, legible and rotating health warnings. These warnings cover 50% of the front and back.
of the pack at the top, and both text and picture warnings coming in six variants. The warnings are in English which is the principal language. The Amendment Bill extends the requirement for all graphic health warnings to be displayed to outer packaging in addition to all individual tobacco packets.

The regulations require the tobacco industry to disclose the tar and nicotine yields of cigarettes and the Amendment Bill has reduced the maximum allowable tar and nicotine yield levels of cigarettes from 15 mg to 10 mg for tar and from 1.3 mg to 1.0 mg for nicotine, which is benchmarked against the standards put forward by the European Union.

THAILAND

Thailand has both a regulation and a legislation that removes false, misleading, or deceptive words or images. The health warnings are large, clear, visible, legible, and rotating covering 50% of the front and back of the pack. The warnings are pictorial and text with seven variants in the principal language of the country. Enhanced health warnings and packaging have been approved for implementation in early 2010. This includes an increase in size to 55%, three additional new health warnings, and inclusion of a Quit line number.

All tobacco products contain information on relevant constituents and emissions as defined by national authorities. This includes information on the six leading toxic and carcinogenic constituents found on the side panels of each package.

TONGA

Tonga has legislation that bans the use of false, misleading or deceptive words or images. Health warnings cover a minimum of 30% on the front and back of the pack. There are text warnings with four variants in the English language.

The constituent information covers only tar and nicotine and has no testing. Relevant information on emissions is not available.

TUVALU

Tuvalu has legislation and regulation that removes false, misleading, or deceptive words or images.

Tobacco products carry large, clear, visible, legible, and rotating health warnings as approved by the national authority. These warnings must cover 30% of the front and back of the pack surface. The warnings can be text, pictures or pictograms. There is no number required, but they must rotate. The warnings are in English which is not the principal language of Tuvalu. It is not also clear in the legislation that they are in Tuvaluan language.

While there is information on the relevant constituents and emissions, they are not defined by Tuvalu authorities. There is a limited capacity for this in Tuvalu.

VANUATU

There is a legislation or regulation that removes false, misleading, or deceptive words or images.

All tobacco products carry large, clear, visible, legible, and rotating health warnings. The health warnings cover 30% of the pack surface and is a text only warning. Picture warnings are being planned in regulations but currently, there are no variants. The warning is in the three languages used by the country.

Tobacco products contain information on relevant constituents and emissions as defined by national authorities. All imported tobacco products intended for sale in Vanuatu must carry a statement of origin.

VIETNAM

Vietnam has a legislation or regulation that removes false, misleading, or deceptive words or images.

From April 2008 and onwards, all tobacco products carry two text warnings that are large, clear, visible, legible, and rotating. The warnings cover 30% of the front and back of the pack. There are two variants of the warnings and are in text only. The two messages are “Smoking can cause lung cancer” or “Smoking can cause COPD” with rotation every two years. The warnings are in the Vietnamese language which is the principal language of the population. There is no information on the relevant constituents or emissions.
Implement comprehensive bans on tobacco advertising, promotion and sponsorship.

“Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products.” (FCTC Article 13.1)

A partial ban on tobacco advertising, promotion, and sponsorship exists in most countries in the WPRO and SEARO regions. Emphasis on Article 13 should focus on achieving comprehensive bans, removing point-of-sale (POS) advertising, and dealing with cross-border and other non-traditional forms of advertising and promotion. Thailand has shown leadership on this, with other countries preparing to also ban retail displays of tobacco. Countries like Japan have major difficulties in overcoming the POS advertising associated with nearly 425,000 tobacco vending machines across the country.

- All countries must move fast in removing any tobacco advertising, promotion, and sponsorship that remain, including advertising at POS, and address cross-border advertising.
- Countries should be alert to non-traditional methods used by the tobacco industry to circumvent advertising bans such as the internet and corporate social responsibility activities.
- The guidelines call for a comprehensive bans on TAPS within five years of joining the FCTC, same as Article 8.
AUSTRALIA
There is a partial ban on tobacco advertising, promotion, and sponsorship. There is also a ban on direct advertising on TV and radio, and in newspapers and magazines, with exemptions for imported and trade magazines.

Most Australian jurisdictions have legislated to ban displays of tobacco products in general retail outlets while others have either introduced legislation or committed to legislate. In some jurisdictions, there are exemptions and/or longer lead times by which deadlines for bans take effect for specialist tobacco retailers.

There is a partial ban on promotions and sponsorships, with exemptions remaining for “incidental” advertising like placing tobacco logos in Formula 500 motorcycle racing which still appear from time to time in media.

There is no ban on cross-border advertising; however the government has made a commitment to curtail tobacco advertising on the internet and legislation is expected to be introduced in 2010.

Health groups have made a major submission to amend the Tobacco Advertising Prohibition Act, which has not kept pace with innovations by the tobacco industry.

BRUNEI DARUSSALAM
Brunei has a comprehensive ban on tobacco advertising, promotion and sponsorship.

There is a ban on direct advertising on television and radio, advertising in newspapers and magazines, and on promotions and sponsorships.

CAMBODIA
Cambodia has no comprehensive ban on tobacco advertising, promotion and sponsorship. It still has widespread advertising for tobacco including advertisements on TV, radio, newspapers, and billboards. However television stations have agreed to stop tobacco advertising on TV. Unfortunately, there is no ban against newspaper and magazine advertisements. In the same way, there is also no ban on promotions or sponsorships, and cross-border advertising.

CHINA
There is a partial ban on advertising, promotion, and sponsorship in China. Article 18 of the Advertising Law of PR China and Article 19 of the Tobacco Monopoly Law prohibit advertising on radio, TV, film and in newspapers and periodicals. Further tobacco advertising is also strictly prohibited in public places such as waiting rooms, cinemas, meeting room halls and sports stadiums.

There are restrictions on content and approval procedures for tobacco advertising that is not prohibited under Article 5 and 6 of the Provisional Methods on Administration of Tobacco Advertisements. Tobacco companies sponsor art, sports, or social events but the advertising has to be approved by the local administration of commerce and industry of the province or region. It is forbidden to advertise the event in the media when names of tobacco products are used or mentioned.

There is no restriction on cross-border advertising through the internet

COOK ISLANDS
The Cook Islands Tobacco Product Control Act 2007 bans all advertising, promotion and sponsorship of tobacco products.

There is a comprehensive ban on all tobacco advertising, promotion and sponsorship including direct advertising on radio or television, newspapers and magazines. There is also a ban on cross-border advertising.

FIJI
The Tobacco Control Act bans all tobacco advertising, promotion and sponsorship. This includes direct advertising on TV, radio, and in newspapers or magazines.

There is no ban on cross border advertising under the current legislation.

HONGKONG SAR
There is a comprehensive ban on tobacco advertising, promotion and sponsorship in Hong Kong including direct advertising in TV and radio, newspapers and magazines. Under the current legislation, it is not possible to restrict brand extension.

There is no ban on cross border advertising.

INDONESIA
There are only restrictions on tobacco advertising, promotions and sponsorships.

Direct advertising on TV and radio is still permitted at certain times, though it must not show smoking scenes or people. There is no ban on advertising in newspapers and magazines, or promotions and sponsorships. Event sponsorship is popular particularly in attracting younger smokers and advertisements for brand cigarettes criticizing the government on issues such as education have been used resulting in sector growth in these brands.

There is no ban on cross-border advertising.

Since decentralization, money has been flowing to the districts from the tobacco industry. This is an impediment to introducing a comprehensive ban on tobacco advertising, promotion and sponsorship. West Java has just banned outdoor tobacco advertising in the province.

JAPAN
There is no comprehensive ban on tobacco advertising, promotion and sponsorship. A voluntary code restricting direct
There is no ban on cross border advertising. The tobacco industry uses Corporate Social Responsibility to market its activities.

**MARSHALL ISLANDS**

There is only a partial ban on tobacco advertising, promotion, and sponsorship. A ban on direct advertising on TV, radio and in local newspapers is in effect, but there is no ban on cross border advertising. RMI is currently promulgating a new legislation to enact a comprehensive ban on advertising, promotion, and sponsorship.

**MICRONESIA, FEDERATED STATES OF**

There is no comprehensive ban on tobacco advertising, sponsorship, and promotion in Micronesia. While there is a ban on advertising on TV, radio, and in print media, there are other venues for promotions and sponsorships for tobacco. Current loopholes in the existing law make any bans difficult to enforce. Some claim freedom of speech issues in opposing proposed new legislation and regulations. There is no ban on cross-border advertising.

**MONGOLIA**

There is a partial ban on all advertising, promotion, and sponsorship in Mongolia. Only a partial ban of advertising on radio and television exists due to the related provisions in the legislation being vague. This also applies to print media advertisements.

**MYANMAR**

The State Peace and Development Council Law No: 5/2006 prohibits all forms of tobacco advertising, promotion, and sponsorship including indirect advertising and sponsorship. There is also a ban on cross-border advertising. Compliance to this legislation has still to be monitored.

**NAURU**

There is a partial ban on tobacco advertising, promotion, and sponsorship in Nauru. There is very little advertising except occasionally at point-of-sale in shops. There is no local radio, TV or newspapers or tobacco company sponsorship and there is no ban on cross border advertising.

**NEW ZEALAND**

New Zealand has a comprehensive ban on all tobacco advertising, promotion, and sponsorship, including radio, TV, magazines, and newspapers. The only exception is display at point-of-sale. The point-of-sale display is yet to be banned. The Associate Minister of Health is currently making a decision after a recent submission process. There is only a partial ban on cross-border advertising.
NIUE
There is no comprehensive ban on tobacco advertising, promotion, and sponsorship. A comprehensive tobacco bill is expected to be introduced into parliament. At the moment, there is no ban on cross border advertising.

PALAU
There is no comprehensive ban on tobacco advertising, promotion, and sponsorship in Palau. There are some voluntary bans on promotion and sponsorships.

No ban on cross border advertising also exists. Proposed legislation advocates a ban on sponsorship, advertising, and promotion but it has yet to be passed by legislature. Strong political will is needed to make this possible.

PAPUA NEW GUINEA
A comprehensive ban on tobacco advertising, promotion, and sponsorship exists since 2004 including direct advertising on TV and radio, in newspapers and magazines, and other forms of promotions and sponsorships. This ban applies also to cross-border advertising and sponsorship.

PHILIPPINES
The Tobacco Regulation Act provides for bans in practically all types of advertising except those found inside the premises of the POS retail establishment. However, a lower court ruling led to some confusion as to the scope of the ban and many were led to believe that outdoor advertising or signage found “outside” the premises of the point of sale but found “within” the premises are allowed. The tobacco industry propagated this misinterpretation through the media around the cases the tobacco companies filed against the IACT to seek clarification on this matter.

Promotional events are restricted to those above 18 years of age while sponsorships for arts, culture, sports, and concerts are banned. Merchandising materials and give-aways with tobacco brands are banned unless these are smoking paraphernalia like ashtray or lighters.

In 2009, the Department of Health instructed its offices not to issue permits to tobacco companies for their promotional activities since these are all in violation of the principle embodied in national law as well as the comprehensive advertising ban envisioned by the FCTC. The tobacco companies protested and decided to push through with its promotional activities without permission from the DOH offices.

SAMOA
Samoa has implemented a comprehensive ban on all forms of advertising, promotion, and sponsorship, including TV, radio, newspapers, and magazines.

There is no ban on cross border advertising.

SINGAPORE
Singapore has implemented a comprehensive ban on all forms of advertising, promotion and sponsorship including TV, radio, newspaper and magazines.

The Tobacco (Control of Advertisements and Sale) Bill removes the exemption for tobacco companies to sponsor arts and cultural events. As such, Singapore will be implementing a fully comprehensive ban on all forms of tobacco advertising, promotion, and sponsorship.

There is no ban on cross border advertising.

THAILAND
Thailand has a comprehensive ban on all forms of advertising, promotion and sponsorship, including TV, radio, and print media. In television, smoking scenes are censored or cut. Also, point of sales display is banned. There are exceptions to newspapers and magazines originating outside Thailand. The tobacco companies are still conducting CSR activities using company names, but using brand names is not allowed.

The ban on advertising applies to some but not to all cross-border advertising.

TONGA
Tonga has a comprehensive ban on all forms of advertising, promotion, and sponsorship on TV, radio, and print media. There is no ban on cross border advertising.

TUVALU
There is a comprehensive ban on all forms of advertising, promotion, and sponsorship in Tuvalu. This ban does not apply to cross border advertising.

There is no tobacco industry advertising, promotion, or sponsorship in the country.

VANUATU
There is a comprehensive ban on all forms of advertising, promotion, and sponsorship. However, this does not apply to cross border advertising.

VIETNAM
Vietnam has a complete ban on tobacco advertising, promotion, and sponsorship. In addition, there is a ban on any domestic organization receiving sponsorship from tobacco companies for cultural, art or sporting events related to tobacco advertising. Compliance with this legislation is good except at point-of-sale.

No information is available on cross border advertising.
Tobacco Control Legislation by Country


**Brunei Darussalam**: Tobacco Order 2005 (S49/05) and Tobacco (Labelling) Regulations 2007.

**Cambodia**: Comprehensive tobacco control legislation in Cambodia has been drafted but not yet approved.

**China**: There are a number of legislative measures on tobacco within China including the following: Provisional Regulations on Value Added Tax; Provisional Regulations on Consumption Tax; Import and Export Tariff Regulations; Law on the Protection of Minors; Regulations on Hygienic Administration; Regulations on Prohibition of Smoking in Means of Public Transport and its Waiting Rooms; Regulations on Prohibition of Smoking in Civil Airports and Civil Airlines; Product Quality Law; Tobacco Monopoly Law; and China National Standards for Cigarettes of the People’s Republic of China.


**Japan**: Tobacco Business Act and Health Japan 2010 legislation.

**Kiribati**: No Tobacco Control Act passed yet.

**Korea**: Tobacco Business Act and Health Promotion Law. Coexisting legislation.

**Lao PDR**: There are some existing regulations on smoke-free. Comprehensive legislation in Lao PDR was passed by the National Assembly in November 2009.


**Micronesia, Federated States of**: Legislation banning smoking in buildings.


Niue: Niue Tobacco Control Bill 2007 has been passed but requires accompanying regulations.

Palau: Senate Bill 7-65 2008 aiming for comprehensive tobacco control failed to pass in the National Congress due to insufficient support in 2008; however, various new pieces of legislation have been introduced in 2009 to complement existing legislation.


Philippines: Tobacco Regulation Act 2003 (Republic Act 9211)
http://www.doh.gov.ph/ra/ra9211

Samoa: Tobacco Control Act 2008 (http://www.parliament.gov.ws/legislations.cfm). This act came into effect on 1 Jan 2009; regulations are pending.


Tuvalu: Tobacco Control Act (TCA) 2008.


Vietnam: Vietnam has effective regulation by the decree of the Prime Minister. In August 2000 the PM signed Resolution 12 to develop a “National Tobacco Control Policy.” In October 2001 the government issued Decree 76 to restrict tobacco manufacturing activities and in May 2007 the Directive 12-Decree 119 implemented smoke-free workplaces. Comprehensive tobacco control law has been drafted.
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<td>THAILAND</td>
<td>Ms. Bungon Rithiphakdee (SEATCA), Dr. Prakit Vathesalogkit (ASH Thailand)</td>
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<td>TONGA</td>
<td>Dr. Paula Silatolu Vivili (Ministry of Health)</td>
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<td>TUVALU</td>
<td>Ms. Avanoa Paetale (Ministry of Health)</td>
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<td>VANUATU</td>
<td>Mr. Len Tarivonda (Ministry of Health)</td>
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<td>VIETNAM</td>
<td>Dr. Pham Hoang Ahn (HealthBridge)</td>
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**ASIA-PACIFIC ASSOCIATION FOR THE CONTROL OF TOBACCO**

| Dr. Harley Stanton |

**SOUTHEAST ASIA TOBACCO CONTROL ALLIANCE**

| Ms. Bungon Rithiphakdee, Dr. Ulysses Dorotheo |
| Dr. Mary Assunta, Ms. Tan Yen Lian |