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Successful countering of tobacco industry efforts to overturn Thailand's ENDS ban

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Abstract

Background—After Thailand enacted laws to ban the import and sale of all types of electronic nicotine delivery systems (ENDS, including e-cigarettes and heated tobacco products (HTPs)) in 2015, pro-ENDS advocacy groups pressured the government to lift the ban, particularly after Philip Morris International (PMI) started promoting its HTP IQOS in 2017.

Methods—We reviewed information related to ENDS in Thailand between 2014 and 2019 from Thai newspaper articles, meeting minutes and letters submitted to government agencies, websites and social media platforms of pro-ENDS networks and Thai tobacco control organisations.

Results—The tobacco industry and the pro-ENDS groups used five tactics to try to reverse the Thai ban on ENDS: creating front groups, lobbying decision-makers, running public relations campaigns, seeking to discredit tobacco control advocates and funding pro-tobacco harm reduction research. ENDS Cigarette Smoking Thailand (ECST), a pro-ENDS group in Thailand, worked in parallel with Philip Morris Thailand Limited (PMTL) to oppose the ban. The group connected with international coalitions that promote harm reduction through the PMI-funded Foundation for a Smoke-Free World.

Conclusion—Although ECST and PMTL continuously worked to revoke the ban since 2017, the government still kept ENDS illegal as of October 2020. This decision resulted from the strong commitment and collaboration among Thai tobacco control organisations and their shared vision to protect the public's health from harmful tobacco products. The linkages between the

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pro-ENDS movement in Thailand and the tobacco companies could inform health advocates and policy-makers in other low and middle income countries facing pressure to market ENDS.

INTRODUCTION

Electronic nicotine delivery systems (ENDS) were introduced in 2004, entered the Europe and the USA in 2006–2007¹ and Thailand in 2010.² When ENDS were first introduced, the pro-vaping movement to influence policies consisted of ENDS users and retailers working independently of transnational tobacco companies (TTCs).³ By 2014, the tobacco companies started selling ENDS and these ENDS advocacy groups had amalgamated with TTCs and tactics used to undermine government's tobacco regulatory efforts resembled the tobacco industry (TI) playbook that promoted combustible cigarettes.³

Thailand was among 25 countries that had banned the sale of ENDS as of October 2016.⁴ Unlike the situation in countries where e-cigarettes were marketed legally and ENDS advocacy coalitions worked to block ENDS regulations,³ in Thailand and countries that do not allow legal sale of ENDS, ENDS advocacy groups must revoke this prohibition.

In May 2020, the International Union Against Tuberculosis and Lung Disease (The Union) supported ENDS bans, particularly in low and middle income countries (LMICs), 'In an abundance of caution, the sale of these products [e-cigarettes and HTP] should be banned in LMICs; similarly, they should not be manufactured, imported or exported and should also be subject to TAPS (Tobacco Advertising, Promotion, and Sponsorship) bans and smokefree legislations'.⁵ This paper uses Thailand to address the two questions: (1) What are tactics that the TI and pro-ENDS advocacy groups have employed to pressure the government to overturn the ENDS ban? (2) How has public health successfully countered these tactics?

METHODS

We retrieved news relevant to ENDS between January 2014 and November 2019 from iQNews-Clip, a newspaper database covering over 30 Thai newspapers (Thai and English languages) through the Mahidol University Library e-database service using English and Thai keyword 'บุหรี่ไฟฟ้า' (e-cigarette: defined as all ENDS in Thailand) and the names of relevant actors beginning with 'Philip Morris' (PM), ENDS Cigarette Smoking Thailand (ECST) and ECST's members. We reviewed all posts from ECST's Facebook page from when the page was created (October 2014) to November 2019. We then did snowball searches of relevant reports, online information from websites and social media platforms (LINE, Facebook and Twitter) of Thai pro-ENDS and tobacco control groups.

Searches were conducted from October 2019 to November 2019. Results were grouped into five domains of TI tactics (creating front groups, using public relation to promote ENDS, lobbying decision-makers, seeking to discredit tobacco control advocates and funding research to promote ENDS), which were adapted from the eight domains suggested by WHO⁶ and Fox *et al.*⁷

There were 1108 newspaper articles related to e-cigarettes in Thailand between January 2014 and November 2019. There were 1112 posts on ECST's Facebook page between October 2014 (when the page was created) and November 2019.

RESULTS

Regulation of ENDS in Thailand

All ENDS are called 'e-cigarettes' in Thailand, which include 'liquid e-cigarettes' and 'dry e-cigarettes' (heated tobacco products (HTPs)). Beginning in 2010, major media outlets reported widespread sale of liquid e-cigarettes on the internet and teen use, which raised concerns among the Thai government, tobacco control communities and parents.²⁸ The survey of e-cigarette use among Thai teens in 2015 found 5.4% of youth (7.7% of boys and 3% of girls) aged 13–15 years had tried e-cigarettes and 3.3% (4.7% of boys and 1.9% of girls) were current (past 30-day) users.⁹ Current use was high compared with other countries (eg, Mexico: 1%¹⁰; China: 1.2%¹¹ and Greece: 2.8%).¹² As of August 2020, no subsequent survey of e-cigarette use among youth in Thailand has been conducted.

Liquid e-cigarettes do not contain tobacco leaf so were not tobacco products under Thailand's 1992 Tobacco Products Control Act (TPCA),¹³ leaving their legal status unclear.¹⁴ In 2011, the Ministry of Public Health (MOPH) Bureau of Tobacco Control (BOT) planned to expand the definition of tobacco products to any products that contained nicotine in a proposed new TPCA,¹³¹⁵ which the TI was opposing.

In early 2014, BOT started working with the Ministry of Commerce (MOC) to issue an administrative order prohibiting importing ENDS and the Office of the Consumer Protection Board (OCPB) to issue an order banning sales. Progress was slow until the prime minister expressed concern about ENDS in a speech during the 'Return Happiness to the People Programme' in August 2014¹⁶ because he saw many teens using them. MOC responded¹⁷ with strong support from BOT's legal team in December 2014, issuing a ministerial notification under the Export and Import of Goods Act prohibiting import of hookahs, electronic hookahs and e-cigarettes.¹⁸¹⁹ Violators faced up to a 10-year jail sentence and a fine five times the price of imported goods.¹⁹ In February 2015, OCPB issued an order banning ENDS sales.²⁰ Violators faced up to 5 years in jail and a fine up to 500 000 THB (US\$16 500).²⁰

Parliament approved the new TPCA in 2016 that defined ENDS as tobacco products, which prevented their use in public areas where conventional cigarettes were prohibited.²¹

Thai tobacco control organisations

Major tobacco control nongovernmental organizations (NGOs) in Thailand that oppose ENDS are Action on Smoking and Health Thailand (ASH), Thai Health Promotion Foundation (ThaiHealth) and Tobacco Control Research and Knowledge Management Centre (TRC) (a tobacco research grant-making organisations and knowledge hub established in 2005 and funded by ThaiHealth).²²²³ ASH monitors the pro-ENDS network, plans communication media, informs policy-makers and disseminates information on the adverse effects of ENDS to the public. TRC funds research on e-cigarettes and distributes

findings to NGOs. ThaiHealth is a government-supervised funding agency whose board is chaired by the prime minister.²⁴ Tobacco control is one of ThaiHealth's priorities.²⁵ ThaiHealth provides funding and technical support to ASH, TRC and other tobacco control organisations, and runs antitobacco mass media communication campaigns.

TI tactics

Thai pro-ENDS organisations—Shortly after the new TCPA took effect in early 2017, ECST, the only pro-ENDS group in Thailand that appeared in Thai media and newspapers, and PMI's Thai subsidiary PM Thailand started campaigning against the ban.^{26,27}

In 2019, ECST claimed it represented more than 400 000 Thai ENDS users²⁸ while denying any relationship with the TI.²⁹ In 2017, however, ECST partnered with international ENDS advocacy networks,³⁰ including the International Network of Nicotine Consumer Organisations (INNCO), which describes itself as 'represent[ing] consumers of low-risk, alternative nicotine products and to promote Tobacco Harm Reduction on the global stage'.³¹ Asa Saligupta, ECST's director, was on the INNCO board.³²

INNCO, established in 2017, has relationships with other pro-ENDS advocacy groups and industry-funded organisations. The US Consumer Advocates for Smoke-free Alternatives Association (CASAA) is a founding member of INNCO.³³ Julie Woessner, INNCO's president, was CASAA's president (2014–2018³⁴). At least two former CASAA board members, Brad Rodu (2014–2015)^{35,36} and Carl Phillips (2012–2014),^{35,37} had been funded by US Smokeless Tobacco, British American Tobacco (BAT), PM or RJ Reynolds.^{33,38,39} Several CASAA advisors worked with tobacco companies, including Riccardo Polosa, who received funding from PMI and its Foundation for a Smoke-Free World (FSFW) and consulted for BAT.⁴⁰ Gregory Conley, CASAA's advisor and former legislative director, is a research fellow at the Heartland Institute and president of the American Vaping Association (AVA); both organisations have been linked to the TI and fought US tobacco and e-cigarette control.^{34,41} In 1999, Heartland's president wrote PM requesting \$30 000 for operational support, 'Heartland does many things that benefit Philip Morris' bottom line, things that no other organization does...'.⁴² Heartland received money from Altria, PM's owner, in 2011, and annually from 2013 to 2016.⁴¹ AVA was sponsored by many e-cigarette companies, including NicQuid, AltSmoke, Hoosier E-cig and Smokeless Image.⁴³ INNCO received a 2018 \$100 000 grant from FSFW.^{44,45} Recognising INNCO's longstanding ties to the TI, the WHO rejected its petition for observer status to the Eighth Conference of the Parties of the Framework Convention on Tobacco Control (FCTC) in 2018.⁴⁶

Using public relations to promote ENDS—ECST used Facebook as its primary platform to connect with ENDS users in Thailand. (In 2018, Bangkok was the city with the most active Facebook accounts and Thailand ranked eighth globally in Facebook users.⁴⁷) ECST's Facebook page 'What is E-cig' was created in October 2014⁴⁸ and by 2019 had 85 000 followers.^{49,50} It presented five themes: (1) sharing ECST's activities such as meeting with policy-makers and attending public events, (2) sharing selected news promoting ENDS, (3) disseminating research findings promoting ENDS, (4) countering information on the

adverse effects of ENDS provided by the tobacco control community and (5) broadcasting on Facebook live to communicate with their followers.

PMI prominently promoted ENDS in Thailand. In December, 2016, the Thai newspaper, *Krungthep Turakij*, reported the launch of PMI's HTP IQOS in the UK.⁵¹ Two weeks later, the PMI Thailand director of corporate affairs took Thai reporters to visit tobacco plantations in Nan province and briefed them about PMI's new 'reduced-risk products'.⁵² In March 2017, he announced PMI's new English-language website (pmi.com) to provide information on IQOS, claiming IQOS was less harmful than combustible cigarettes.²⁶ PMI Thailand also proposed working with the Thai government to reach PMI's 'smoke-free society' goal,²⁶ which was part of PMI's IQOS marketing campaign.^{53,54} Coincidentally, in June 2017, PMI Asia's president announced plans to launch IQOS in more Asian countries based on its success in Japan and Korea because more than 60% of smokers worldwide were in Asia.⁵⁵ Between 2017 and 2019, at least 10 Thai newspapers (Thai and English languages) wrote about PMI's 'reduced risk' products and messages from PMI's representatives (online supplemental table S1). Common messages ECST and PMI used promoted ENDS as 'less harmful', 'effective smoking cessation' and 'no impact on youth smoking'.

Lobbying decision-makers—Between 2017 and 2019, ECST and PMI Thailand lobbied government to lift the ENDS ban (table 1). These activities violated TPCA section 35, which prohibits any lobbying activities and sponsorships by the industry that could affect tobacco control policy, advertise tobacco products or promote consumption.²¹ The industry succeeded with non-health government agencies, including the Ministry of Finance's Excise Department, Ministry of Commerce Department of Foreign Trade, Ministry of Sport and Tourism, and National Legislative Assembly, which tried to get the import ban reconsidered.

Seeking to discredit tobacco control advocates—ECST employed standard industry tactics in efforts to discredit tobacco control researchers and advocates and undermine policy-relevant research^{56–61}: criticise tobacco control advocates in the press, attack advocates on its Facebook page, submit complaint letters against tobacco control researchers to government agencies and use third parties, including physicians and researchers to attack tobacco control advocates' claims^{28,62–69} (online supplemental table S2). For example, ECST launched a campaign 'We don't accept TRC' on Change.org to discredit TRC and oppose it leading a study on the appropriate ENDS control policy for Thailand.⁶³

Funding research to promote ENDS—There were at least six conferences during 2017–2019 to promote ENDS in Thailand that included speakers with relationships to the TI (online supplemental table S3). In 2019, the University of the Thai Chamber of Commerce and Rangsit University, two private universities, accepted undisclosed grants from PMI Impact, a global PMI initiative nominally established to combat illegal tobacco trade.⁷⁰ Coincidentally, in March 2019, Rangsit University held a seminar on 'Illicit Economy, Law, and ENDS'.⁷¹ We do not know if this event was sponsored by the TI, but the topic aligned with the PMI grant. Both founders of ECST, Asa Saligupta and Maris Karanyawat, spoke at the seminar.⁷¹ Aunkung Lim, a professor in economics with a long relationship with ECST who received research funding from PM in 2006, was another speaker.⁷² The seminar

rarely discussed illicit tobacco products, and instead focused on the disadvantages of the ENDS ban and concluded with a recommendation to the government that it withdraw ban and regulate them.⁷³ Following the seminar, BOT warned the universities that accepting TI research grants could violate the TPCA, and both stopped accepting PMI funding.⁷⁰

The Foundation for a Smoke-Free World—The establishment of FSFW in 2017 fueled a strong connection among pro-ENDS networks globally. The 2018 FSFW's tax return listed 28 grantees in 13 countries,⁴⁴⁴⁵ including several with additional tobacco links. For example, INNCO's members included 31 pro-e-cigarette organisations in 28 countries, including ECST in Thailand.³³ Knowledge Action Change Limited (KAC), another FSFW grantee, organised the Global Forum on Nicotine (GFN), the annual global conference of pro-ENDS researchers and advocates, with most speakers from industry-linked harm reduction and ENDS organisations.⁷⁴ ECST and INCCO were regular participants of GFN. Asa Salipgupta, ECST's director, spoke at GFN in 2018 and 2019.⁷⁵⁷⁶ In September 2018, FSFW launched its 'Tobacco Transformation Index' to measure tobacco companies' shift from conventional cigarettes towards so-called smoke-free products⁷⁷⁻⁷⁹ (ie, IQOS and other HTPs).

In July 2019, FSFW planned to hold 'smoke-free dialogues' in Thailand.⁸⁰⁸¹ In response, ASH, TRC, WHO, Thai Health Professionals Alliance Against Tobacco and the Global Centre for Good Governance in Tobacco Control held a press conference to expose the relationship between FSFW and PMI and argue that the workshop was a PMI tactic to promote IQOS.⁸² They convinced all invitees not to participate and advised the government to employ its authority to block the workshop because it violated TPCA section 35 and FCTC Article 5.3.⁸² The workshop was cancelled.⁸³ PMI issued a press release to Thai newspapers claiming it was not involved in any FSFW's activities.⁸⁴

DISCUSSION

Thailand has been dealing with the TI's tactics since the 1980s; dealing with the TI's past tactics has strengthened Thai tobacco control communities and allowed them to anticipate the activities of pro-ENDS groups. First, the industry attempted to establish their business in Thailand through joint ventures and licensing agreements,⁸⁵ sports sponsorship and monitoring smuggling cigarettes.⁸⁶⁸⁷ The industry prevailed in 1990 when the United States used the General Agreement on Tariffs and Trade to force open the Thai market.⁸⁸ Since then, the industry kept interfering Thai tobacco control policy to maximise their market shares such as preventing ingredient disclosure,⁸⁹ interfering with scientific research,⁹⁰ challenging plain packs,⁹¹ using trade treaties to pressure the government,⁹² funding allies and support groups,²² and delaying tobacco control legislation.²²

Similar to these earlier battles since market opening in 1992, the 'money' ministries remained important TI allies. Building on experience from these earlier battles, government health authorities and advocates successfully defended Thailand's ban on ENDS despite pressure from the industry and its allies by educating the public and policy-makers on ENDS' dangers and actively exposing the links between PMI and the nominally independent pro-ENDS organisation, ECST (table 2).

The Thai government prohibited ENDS before they were widely marketed. This situation differed from the USA and several countries that allowed ENDS, but was somewhat similar to Australia where ENDS could only be imported for personal use, and not sold or marketed. As a result, rather than working to block the enactment of regulations to control ENDS, the Thai vaping advocacy network worked to overturn the existing ban (similar to the Australian Tobacco Harm Reduction Association, which has a close link with the vaping industry).⁹³ ECST began campaigning against the Thai ban in early 2017, the same time PMI began promoting IQOS in Thailand. Since then, ECST worked in parallel with PMI to promote ENDS legalisation. Although it denied any financial relationship with the tobacco industry, ECST was linked to PMI through INNCO and FSFW.⁴⁴

Legalising ENDS could also boost PMI's market shares in Thailand over the Tobacco Authority of Thailand (TOAT, the state-run Tobacco Monopoly), which had not yet engaged in ENDS business because of concern over the ENDS legislation.⁹⁴ Between 2010 and 2017, the domestic market shares of TOAT and PMI were steady (62%–68% for TOAT and 25%–29% for PMI).⁹⁵ PMI's share has doubled since 2017 as a result of the change in cigarette excise tax structure.⁹² If PMI manages to legalise ENDS, it could dominate the Thai market.

Claims frequently used by ECST and PMI in efforts to persuade the Thai government and public to revoke the ENDS ban resembled claims pro-ENDS advocacy groups used elsewhere, including that ENDS provide harm reduction and promote cigarette cessation.³ Both ECST and PMI aggressively promoted Public Health England's statement that e-cigarettes are 95% less harmful than combustible cigarettes⁹⁶⁹⁷ that is based on a paper by Nutt and colleagues⁹⁸ that has been heavily discredited by the public health community.⁹⁹¹⁰⁰ This study was supported by Euroswiss Health and Lega Italiana Anti Fumo,⁹⁸ whose chief scientific advisor, Riccardo Polosa, was a tobacco industry grantee and consultant,¹⁰¹¹⁰² and coauthor of the Nutt paper.⁹⁸ Karl Fagerstrom, another coauthor, was an advisory board of Swedish Match tobacco company and received consulting fees from Nicoventures, BAT's e-cigarette company,¹⁰³ partly for lobbying the Australia on the benefits of e-cigarettes.¹⁰²¹⁰⁴ ECST and PMI's reliance on the discredited 95% figure suggest that they had no real evidence to back their reduced risk claims.

The tobacco industry's use of third parties to discredit its opponents is not new.^{57–60} For example, PM's 1995 'Action Plan: Scientists' said, 'We must not only watch [scientists and researchers], we must react publicly. When appropriate, we must raise the issue of their credibility and their integrity. We must also become more proactive, utilizing credible third parties more effectively'.⁵⁶⁵⁹ ECST employed this strategy to attack TRC's credibility and pressure the government to not have TRC coordinate ENDS policy research for the government's decision on whether to repeal the ban. ECST also used well-known doctors and researchers, including a former professor in medicine at Siriraj Medical School, Thailand's oldest medical school, to boost its credibility and attack its opponents. TTCs' reliance on renowned people and organisations had also occurred in Thailand a decade ago when PM established a connection with the Chulabhorn Research Institute, a WHO collaborating centre in environmental toxicology in Thailand to influence public perception about the risk of second-hand smoke.⁹⁰ This tactic was also recommended by BAT's Project Viking, which worked to counter pressure for smoke-free environments by 'find[ing] a

sympathetic doctor who can be demonstrated to take a largely independent stance [and advocate for the industry position]'.¹⁰⁵

Non-health government agencies and ministries remain susceptible to the tobacco industry in Thailand. Only MOPH adopted an Article 5.3 code of conduct under TPCA.¹⁰⁶ Non-health government agencies accepted ECST as a consumer group and held meetings to discuss ECST's requests and allowed it to participate in formal and informal discussions. The link between ECST and PMI confirms that actions taken by ECST and PMI to intervene in the ENDS ban violated TPCA section 35 and FCTC Article 5.3. Health authorities in the Thai government need to instruct these agencies to implement Article 5.3 just as they promptly responded to have the University of the Thai Chamber of Commerce and Rangsit University withdraw the funding from PMI when they received evidence from tobacco control advocates.

As of March 2020, 29 countries had banned the sale of liquid e-cigarettes, 6 banned the sale of nicotine-containing liquid e-cigarettes,¹⁰⁷ and at least 7 countries banned the sale of HTPs.¹⁰⁸¹⁰⁹ Although prior research indicates that countries with e-cigarette bans have lower prevalence of awareness, trial and current use than countries that allow marketing and sales of e-cigarettes,¹⁰ e-cigarette awareness is likely to increase, particularly among young people.¹¹⁰

India banned all types of e-cigarettes, including HTPs, in September 2019.¹⁰⁸ Not surprisingly, pro-ENDS groups responded immediately. Plume Vapour and Woke Vapours, two e-cigarette importers, challenged the law before the Indian High Court.¹⁰⁸ Samrat Chowdhery, Association of Vapers India and INNCO's Vice President,³³ argued that the law should exclude personal use.¹¹¹ Because of the strong commitment to ban ENDS, Parliament approved the Prohibition of Electronic Cigarettes Act in December 2019.¹¹²

In July 2020, Australia tightened its ENDS regulation that previously allowed the product for personal use to ban import of all ENDS and nicotine-containing refills unless on prescription from a doctor.¹¹³ Pro-ENDS groups responded against the ban immediately with a 'Legalise Vaping Australia' campaign that made arguments similar to those in Thailand¹¹⁴¹¹⁵ and the health minister postponed the ban for 6 months.¹¹⁶

Lessons learnt from the tobacco industry tactics on manipulating regulatory frameworks to enhance ENDS markets in Thailand can inform public health efforts in other countries to defend current policies that make ENDS illegal, particularly by illuminating how the tobacco companies use third parties, often tied to the FSFW, to mobilise public pressure to open the market to ENDS. Understanding these networks has become even more important since April 2019, when the US Food and Drug Administration (FDA) misapplied the public health standard in the US law and authorised PM to market IQOS in the USA.¹¹⁷ PMI then started using FDA's marketing authorisation, including quoting FDA's Centre for Tobacco Products, director Mitch Zeller, to advertise that FDA had determined that IQOS was 'appropriate for the protection of the public health'.¹¹⁷ This situation was aggravated in July 2020, when the FDA authorised PM to advertise that IQOS reduces exposure to some toxic chemicals compared with cigarettes.¹¹⁸ (Significantly, FDA specifically refused

to authorise PM to make its requested reduced health risk claims. Nevertheless, PMI is already using the FDA authorisation to claim that IQOS reduces risk.) The Thai experience highlights the importance of public health advocates and health ministries being proactive in anticipating and heading off these claims, including by stressing that the US law governing FDA decisions does not apply in other countries and that the USA is not a party to the FCTC.

The Thai experience also provides practical lessons for implementing the union's recommendation to ban e-cigarettes and HTPs in LMICs¹¹⁹ in part because 'LMICs lack both the resources and the enforcement mechanisms required to fully support comprehensive e-cigarette and HTP regulations'⁵ similar to what the FDA is trying to implement in the USA.

The Thai experience also reinforces the importance of the public and policy-makers being alert to tobacco industry activities in other alternative markets such as marijuana, a common product used with ENDS, and tobacco industry-created nicotine replacement therapy, which many smokers use in combination with cigarettes.¹²⁰ (The cigarette companies were considering entering the marijuana business as far back as the 1970s.¹²¹) Tobacco product innovation, alternatives and market locations may change over time, but the tobacco industry tactics and strategies remain unchanged. A whole-of-government approach should be applied in tobacco control and the government should fully comply with FCTC Article 5.3 to prevent tobacco industry interference in public health policies.

Limitations

This study relied on publicly available information such as newspaper articles, online information and information on social media. We were unable to identify if there was a direct financial relationship between ECST and PMI or if ECST was a formal part of PMI's IQOS marketing strategy.

CONCLUSION

Tactics employed by PMI and allied pro-ENDS advocates in Thailand to repeal Thailand's ENDS ban and open the Thai market to HTPs, including PMI's IQOS repeated the TTCs' playbook to expand markets for their conventional products. Creating front groups, running public relations campaigns, lobbying decision-makers, seeking to discredit health authorities and funding pro-tobacco harm reduction research were tobacco industry tactics used by Thai ENDS advocacy groups. Although ECST and PMI Thailand have continuously worked to revoke the ban since 2017, the government had kept ENDS illegal as of October 2020. The government's decision resulted from the strong commitment and collaboration among Thai tobacco control organisations and their shared vision to protect the public's health from tobacco products. The linkages between the pro-ENDS movement in Thailand could inform health advocates and policy-makers in other countries where there are INNCO members and funding from FSFW Tobacco control advocates can use the Thai experience to anticipate and counter industry efforts to expand the ENDS market.

Supplementary Material

Refer to Web version on PubMed Central for supplementary material.

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Data availability statement

All data relevant to the study are included in the article or uploaded as supplementary information. All data used to prepare this paper are available from the cited sources.

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ทางองค์กร incco

ที่เป็นองค์กรเกี่ยวกับกลุ่มผู้บริโภคนิโคตินในระดับโลก ได้

ให้การรับรองพวกเรา และได้ให้เข้าร่วมเป็น 1 ในสมาชิกขององค์กรนี้,
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What this paper adds

- Philip Morris Thailand and allied Thai's electronic nicotine delivery systems (ENDS) advocates followed the same tactics the tobacco industry used decades ago in their unsuccessful efforts to reverse Thailand's ENDS ban to open the Thai market to heated tobacco products, including Philip Morris International's IQOS.
- Strong commitment, good collaboration and prompt responses of Thai tobacco control advocates were fundamental keys to successful countering tobacco industry efforts to overturn the ENDS ban.
- The Thai experience can inform other countries where ENDS are illegal on tactics the industry would use to legalise ENDS and how to counter these industry tactics.

Table 1

TI lobbying activities to lift the ban on e-cigarettes and actions of TC advocates between January 2017 and November 2019

Date	Advocacy group	Government agencies TI approached	TI activities	TC activities
January 2017	ECST	Office of the Prime Minister Ministry of Finance Ministry of Industry Ministry of Science and Technology MOC MOPH	ECST wrote and sought meetings seeking to lift ENDS ban, claiming ENDS were less harmful than combustible cigarettes and good alternatives for current smokers. ¹²²	ASH and BOT held a public seminar 'E-cigarettes are more dangerous than you think' that warned public about the new HTPs. TTCs were marketing outside of Thailand, and predicted TTCs would fight Thailand's ban. ¹²³
April 2017	PMI	Ministry of Finance MOPH Tobacco Authority of Thailand	PMI announced it was pleased to present its research findings about HTP to these agencies for Thailand to achieve a smoke-free society. ⁹⁶	
August 2017	ECST	MOPH	ECST made a public proposal to MOPH to legalise ENDS. ²⁷	
October 2017	ECST	Thai government	ECST launched a petition campaign on Change.org to change the status of ENDS from a banned to a controlled product. ¹²⁴	
November 2017	ECST	Committee on Commerce, Industry and Labour of the National Legislative Assembly	ECST submitted its Change.org petition with 17 000 signatures asking for the right to use less harmful products than traditional cigarettes. ^{125,126} As a result, in December 2017, the Commerce Subcommittee held two formal meetings with MOC, MOPH and ECST to review the ban on ENDS. ¹²⁷ In March 2018, Committee Chair General Singasuk Singpai suggested the government to consider both the risks and benefits of ENDS and recommended six options to control them. ¹²⁸ <ol style="list-style-type: none"> 1. The government should adopt a clear policy on the import and use of ENDS and may use ENDS as an alternative cessation tool. 2. Ministry of Industry should set industrial standard conditions for ENDS devices. 3. Thai FDA should set standards for the safety and quality of ENDS and refill containers. All sales and imports must be authorised by FDA and the products should be considered as drugs or medical devices. 4. ENDS should be sold only at healthcare facilities and drug stores. 5. The government should set up a registration system for smokers who are willing to quit and allow them to access ENDS. 6. ENDS should be controlled, taxed and restricted similar to alcohol or cigarette products. ECST publicly declared that the Committee was convinced that ENDS should be controlled rather than banned, and mobilised support from its members to pressure General Singasuk Singpai. ¹²⁹	In January 2018, ASH issued a press release urging the National Legislative Assembly not to revoke the ban. ¹³⁰ ASH director Dr. Prakit Vathesatogkit informed the public that the claim e-cigarettes were 95% less harmful was unreliable. ¹³⁰
September 2018	ECST	Office of Ombudsman Ministry of Sport and Tourism MOC	ECST submitted its Change.org petition with 40 000 signatures asserting that ENDS laws violated the rights of consumers to a less harmful product and claimed the ban would negatively affect tourism. ¹³¹ MOC called a stakeholders' meeting on 31 October 2018 to consider ECST's issues. ¹³² Participants included 54 representatives from 19 organisations, including 2 members from ECST and 4 TC advocates from ASH, TRC and Thai Health. ¹³³ ECST (Asha Saligupta and Maris Karanyawat), the director of the government's	At the MOC 31 October 2018 meeting, ASH, TRC and ThaiHealth presented information to convince MOC and other agencies to continue the ENDS ban and opposed ECST's participation in the MOC meeting on the grounds that it violated WHO FCTC Article 5.3, which commits parties to insulating public health policy decisions from the TI. ¹³³

Date	Advocacy group	Government agencies TI approached	TI activities	TC activities
November 2018	ECST	Excise Department	<p>ECST met with the director (Patchara Anuntasilpa) to support legalisation of e-cigarettes.¹³⁴</p> <p>The director announced, 'The Excise Department is ready to tax ENDS to be a legitimate product because they are not a drug, not a weapon of war. However, in the past, MOC banned imports as proposed by MOPH that did not want people to use ENDS. This causes problems for both consumers in countries that smuggled these products for personal use. Importantly, it affects tourists who carry ENDS with them. This is becoming a bigger problem'.¹³⁵</p>	<p>The meeting concluded with a recommendation to form a working group to review the current laws on e-cigarettes.¹³³</p> <p>The working group consisted of MOC, MOPH, Ministry of Sport and Tourism, Excise Department, Custom Department, Consumer Protection Board, Office of the Narcotics Control Board, Royal Thai Police, Chamber of Commerce and Board of Trade of Thailand and Tobacco Authority of Thailand.¹³³</p> <p>This was a victory for TC advocates who blocked ECST's attempt to repeal the ban.</p>
March 2019	ECST	Political parties: Bhumjaithai, Chart Pattana, Democrat, Thai Liberal and Thai Local Power	<p>ECST met and submitted its Change.org petition supporting legalisation of e-cigarettes to parties' representatives.^{136/137}</p> <p>At least three candidates for the Thai House from three political parties (Chart Pattana, Thai Liberal, Thai Local Power) appeared on ECST's Facebook pledging to revoke the ban if elected.¹³⁸⁻¹⁴⁰</p>	
July 2019	PMI	MOC Excise Department	<p>PMI met with these agencies and recommended revoking the ban claiming that its ENDS products would help Thailand tremendously reduce smoking rates.¹⁴¹</p>	<p>In August 2019, ThaiHealth held its first executive board meeting under new chair, Anutin Charnvirakul, the newly appointed Minister of Public Health. ThaiHealth and ASH planned to have ASH director Dr Prakrit Vathesatogkit inform the new chair on e-cigarettes' risks and problems in Thailand. After the meeting, the Minister announced he did not intend to lift the ban because e-cigarettes were harmful to youth.¹⁴² The next day, the prime minister also vowed to retain the ban on ENDS; he said, 'Making decisions on this matter, the government cannot simply consider the economic impact. ENDS will also impact people's health and an extra burden on healthcare budget'.¹⁴³ The prime minister also ordered MOPH to educate people about ENDS' harm and crack down illegal sale of ENDS.¹⁴³</p>
August 2019	ECST	Pheu Thai Party (as a core member of the seven opposition parties)	<p>ECST submitted a letter opposing the ban after the prime minister and Minister of Public Health vowed to retain the ban.¹⁴⁴</p>	
September 2019	PMI	Prime Minister and 10 Thai government representatives (Don Pramudwinai, Minister	<p>PMI co-hosted a reception for Thai PM and representatives during the United Nations General Assembly (UNGA) in New York.¹⁴⁶ PMI announced on its website that it wanted to engage UNGA's participants to share its vision of a</p>	<p>Public health communities issued a press release thanking the Minister of Public Health for supporting the ban.¹⁴⁵</p>

Date	Advocacy group	Government agencies TI approached	TI activities	TC activities
		<p>of Foreign Affairs; Varawut Silpa-archa, Minister of Natural Resources and Environment; Thani Thongphakdi, Ambassador to the United States; Viavas Srivilhok, Ambassador and Permanent Nations; Distat Hotrakitya, secretary-general to the prime minister; Busaya Mathelin, Permanent Secretary of Foreign Affairs; Narumon Pinyosinwat, Government Spokesperson; Witchu Vejajiva, Director General, Department of American and South Pacific Affairs; Vorawan Norasucha, Director, Thailand Board of Investment, New York Office; and Alongkorn Poonlabat, Senior Advisor to the Minister of Agriculture and Cooperatives).¹⁴⁶</p>	<p>smoke-free society (ie, promote IQOS and harm reduction) and its scientific findings about its HTP.¹⁴⁷ We do not know if there was a discussion about PMI's plan to introduce IQOS to Thailand.</p>	

ASH, Action on Smoking and Health Thailand; BOT, Bureau of Tobacco Control; ECST, ENDS Cigarette Smoking Thailand; ENDS, electronic nicotine delivery systems; FCTC, Framework Convention on Tobacco Control; FDA, Food and Drug Administration; HTPs, Heated tobacco products; MOC, Ministry of Commerce; MOPH, Ministry of Public Health; PMI, Philip Morris International; TC, tobacco control; ThaiHealth, Thai Health Promotion Foundation; TI, tobacco industry; TRC, Tobacco Control Research and Knowledge Management Center; TTCs, transnational tobacco companies.

Table 2

Summary of tobacco control actions on ENDS ban in Thailand

Objectives	Key actors	Actions
Advocate for specific laws to ban ENDS	ASH BOT	<ul style="list-style-type: none"> ▶ Updated the definition of tobacco control products in the TPCA. ▶ Worked with MOC to issue a ministerial notification banning the import of e-cigarettes. ▶ Worked with OCPB to issue an administrative order banning the sale of ENDS.
Educate public and policy-makers on danger of ENDS	ASH TRC THPAAT ThaiHealth	<ul style="list-style-type: none"> ▶ Provided updated information about the risk of ENDS via social media, newspapers, television, radio, conferences and meetings. ▶ Targeted key policy-makers. ▶ Addressed three key issues: ENDS are harmful, not approved as effective quitting tools and raise initiation among teens.
Counteract pro-ENDS advocates	ASH TRC	<ul style="list-style-type: none"> ▶ Opposed ENDS advocates serving on the government established working group or committee to consider e-cigarette policy. ▶ Blocked TI research funding to Thai researchers. ▶ Disclosed relationship between ENDS advocates and the TI. ▶ Supported policy-makers to keep the ban.

ASH, Action on Smoking and Health Thailand; BOT, Bureau of Tobacco Control; ENDS, electronic nicotine delivery systems; MOC, Ministry of Commerce; OCPB, Office of the Consumer Protection Board; ThaiHealth, Thai Health Promotion Foundation; THPAAT, Thai Health Professionals Alliance Against Tobacco; TI, tobacco industry; TPCA, Tobacco Products Control Act; TRC, Tobacco Control Research and Knowledge Management Center.