Youth Smoking Prevention Foundation
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PRESS RELEASE

Criminal complaint against Philip Morris for sickening deception and prohibited advertising

The Dutch Youth Smoking Prevention Foundation is going to file a complaint against Philip Morris in the Netherlands. The tobacco company systematically violates rules and misleads consumers about the dangers of its products. Countless previous fines and settlements have not stopped the company from continuing its misleading practices. For this reason, the use of criminal law is appropriate.

The criminal complaint, which was drawn up by lawyers Bénédicte Ficq (Ficq & Partners) and Sjoerd Lopik and Lisette van der Linde (De Roos Coöperatief), will be handed over to the Public Prosecution Service in two weeks. The complaint focuses on misleading marketing practices by Philip Morris around its new heated tobacco product.[1]

Philip Morris has already achieved a solid market position with this product in several countries. In The Netherlands too, Philip Morris is trying to make its heated tobacco product more popular. According to the Youth Smoking Prevention Foundation, this involves prohibited advertising, illegal practices, and criminal deception—all with the aim of making a new generation addicted to nicotine.

The criminal complaint is supported by the Antoni van Leeuwenhoek Netherlands Cancer Institute, Foundation Lung Cancer Netherlands, the Dutch Journal of Medicine (NTvG), the Dutch Association of Physicians for Respiratory Diseases and Tuberculosis, KWF Cancer Relief, the Lung Fund, the Heart Foundation and The School for Moral Ambition.

Wanda de Kanter, chair of Youth Smoking Prevention: *"After 100 years of unbridled deception of citizens and policymakers by Philip Morris, this must now put to an end."*

Bénédicte Ficq: *"This criminal complaint is intended to avoid always playing catch-up, and instead to intervene while it is still possible to do so."*

Sjoerd Lopik: *"Since fines from regulators and settlements with surviving relatives do not prevent Philip Morris to commit new violations, it is now up to criminal law."*

Fraudulent practices

Fraudulent practices have been part of Philip Morris' core business for decades. At the time of the introduction of the cigarette, the dangers of this were downplayed and it was even stated that smoking would be good for your health. In the following decades, the filter cigarette and light cigarette were introduced. And every time Philip Morris claimed that these products would be less harmful, while this was never the case. In doing so, the company took care of generations of addicts.

Philip Morris is currently pursuing a similar strategy of false information provision for its so-called alternative tobacco products. Once again, the company claims to be part of the solution of their self-created problem, but in reality, it wants to get as many people as possible addicted to nicotine.

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[1] To avoid unintentional advertising of the product, we do not mention a brand name here.

In these deceptive campaigns Philip Morris uses data that is largely composed by the company itself. Disturbing facts from the scientific literature are concealed. Youth Smoking Prevention therefore considers this data misleading, as a result of which Philip Morris commits crimes, such as forgery and fraud.

Violations of advertising ban

The Netherlands has a total ban on advertising nicotine products. This ban has a central role in the Dutch policy to combat nicotine addiction. The ban ensures that young people are not exposed to the promotion of nicotine products, thereby protecting them from the marketing strategies of the tobacco industry. Philip Morris systematically violates this prohibition, which for instance led to a recent conviction by the Dutch Advertising Code Committee (link).

Youth Smoking Prevention has come across many violations, which are included in the indictment. Over the past few years, Philip Morris has already received several sanctions from the Netherlands Food and Consumer Product Safety Authority (NVWA) for similar violations (example link). Nevertheless, the company continues with this prohibited form of marketing. Since these sanctions apparently are ineffective, the use of criminal law is appropriate.

Relationship to previous criminal complaint

Youth Smoking Prevention already filed a complaint against several tobacco manufacturers in 2016, including Philip Morris. This did not lead to prosecution, because the judge ruled that regulation of the tobacco industry belongs to the government. The new report is in line with this view of the judge, because the new complaint is based on existing regulation. Government clearly has stated that tobacco advertising and misleading consumers are not permitted. The report is intended to ensure enforcement of these standards.

Launch of the STOP PHILIP M. campaign

The complaint against Philip Morris is accompanied by the public campaign STOP PHILIP M. In the campaign website, all details about the indictment and its progress are shared. On the website anyone who wants to join this initiative and support the complaint can sign the official petition as from today.

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Not for publication:

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Images of the STOP PHILIP M. campaign are available at www.stopphilipm.nu/press.