

4. Train and engage media practitioners, social media professionals, and digital influencers to raise awareness of the dangers of TAPS on the internet and play crucial roles in safeguarding the virtual platforms from TI manipulation.
5. Strengthen collaboration among relevant MDAs to perform oversight functions including, actively monitor and flag infractions of tobacco policies on the internet by the tobacco industry.
6. Enforce penalties for TAPS and tobacco control violations in compliance and accordance with national tobacco control and policy.
7. Strengthen collaboration among relevant MDAs to perform oversight functions including, actively monitor and flag infractions of tobacco policies on the internet by the tobacco industry.
8. Revoke all Ministries Departments and Agencies' collaboration with the Tobacco Industry and their front groups.
9. Enforce penalties for TAPS and tobacco control violations in compliance and accordance with national tobacco control and policy.

About CAPPAA

Corporate Accountability and Public Participation Africa (CAPPAA) is a Pan- African non-governmental organisation that works to advance human rights, challenge corporate abuse of natural resources and build community power for inclusive development and participatory governance.

CAPPAA is passionately devoted to working with African communities to build partnerships with them towards taking collective social action for the promotion and defense of the rights of peoples. It challenges the abuse of natural resources, the environment and local people by corporate entities and state policies and practices.

The CAPPAA team comprises dedicated staff, working with community volunteers, coalitions, and various networks. CAPPAA is committed to policies and actions that would help redress the inequality crises in Nigeria and across Africa and enable a socially just and equitable human civilization on the continent of Africa.

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POLICY BRIEF ON

TOBACCO INDUSTRY CAPTURE OF THE VIRTUAL SPACE IN NIGERIA



Introduction

With over 109.2 million internet users at the start of January 2022, the increasing usage of the internet in Nigeria bolstered by its burgeoning young demographic, comprising more than 70 percent of its over 200 million population, makes it a highly desirable market for the tobacco industry.

Investigative research by the Corporate Accountability and Public Participation Africa (CAPPAA) on the Tobacco Industry Capture of the Virtual Space in Nigeria sheds light into how potentially huge the presence of the industry is in this largely unregulated space. The research findings which cover the period between 2016 and 2021 showed an uptick in the tobacco industry's use of online platforms such as Facebook, Twitter and Youtube to visibilize their CSR activities, market tobacco products and merchandise. The rise of tobacco industry activities on the internet is largely due to the fact that social media platforms warehouse millions of active daily users, and provide opportunities for the industry to carry out overreaching activities where there is minimal regulation by the agencies charged with enforcing tobacco control laws in Nigeria.

The research categorized the tobacco industry activities observed in the virtual space into specifics and in order of frequency to better explain and understand the scenarios. For example, the investigation drew out **Tobacco industry preferred social networking channels of the tobacco industry,**

Preferred social networking channels per tobacco company/vendor, Tobacco Advertising Promotion and Sponsorships (TAPS) and other visibility activities on the internet, Years with the highest documentation of tobacco industry visibility actions, Sectors captured by the tobacco industry's CSR initiatives, Regions and States in the country most targeted, and Tobacco Industry Entities, Allies, and Partners. The investigation flagged 226 visibility activities of the tobacco industry in the period under review. They are categorized under the following:

- **Tobacco Industry Preferred Social Networking Channels:** In terms of the most exploited digital and internet channels where the tobacco industry activities were most visibilized, Facebook recorded (40%), Twitter (36%), and YouTube (14%). This was followed by Instagram (5%), Blog/Website (3%), and LinkedIn (2%).
- **Preferred Social Networking Channels Per Tobacco Company/Vendor:** Tobacco companies such as British American Tobacco Nigeria (BATN) and Philip Morris International Nigeria Limited (PMINL) rely on the use of their (company) social media channels such as Twitter, and Facebook to remain visible online. News items aired or published by independent media also promoted their content. They use these platforms to strategically showcase their

CSR activities and celebrate partnerships with state governments to portray the legitimacy of their engagements.

- **Tobacco Advertising Promotion and Sponsorships (TAPS) and other visibility activities on the internet:** Between 2016 and 2021, publicized activities of the tobacco industry on internet platforms that are documented in this report are 226. These activities are categorized under CSR, promotions, recognition, endorsement, partnerships, advertising, and sponsorships.

Tobacco industry promotional activities were 33%, CSR activities were 27%, partnerships 27%, and sponsorships 5%. Industry recognitions were 5%, endorsements 2%, and advertising on the internet 1%. Tobacco distributors and vendors like Smokeboxng and Dasmokehub leverage their digital platforms to make outright sales of tobacco products and promote smoke lifestyle in contravention of the ban on tobacco advertising promotion and sponsorships.

- **Years with the Highest Documentation of Tobacco Industry Visibility Actions:** This report establishes that between 2016 - 2021, the years 2018 and 2021 had the highest number of online tobacco industry visibility content, Nigeria-focused tobacco industry news and CSR initiatives performed by tobacco companies in the country. The uptick in dissemination of tobacco news online may not be totally unconnected with the fact that during the years identified, Nigeria was on the verge of passing its National Tobacco Control Regulations, 2019, a legislation which gave life to the National Tobacco Control Act, 2015.
- **Sectors Captured by Tobacco Industry CSR Initiatives:** As part of its public relations and image burnishing campaign, the tobacco industry has also embedded itself in certain key sectors of the Nigerian economy where youths and adults are most concentrated and active. This research reveals that the tobacco industry's CSR activities in Nigeria are mostly concentrated in the agriculture (70%) and education (19%) sectors. This is followed by manufacturing (6%), entertainment (3%), and

health (1%). This is not accidental - in Nigeria, as with other low and middle-income countries, the tobacco industry has a long history of undermining tobacco control measures through predatory and innovative strategies that target impressionable young adults in such a way and manner that the lines are blurred between the image of the industry and the harmful effects of its products.

These schemes are much more pronounced in Nigeria where the tobacco industry deploys grants and scholarships to boost agricultural entrepreneurship and celebrates token support of educational initiatives in rural and urban centers across the country rebranded as contributing to the economy and improving the standard of living.

When reports of these activities are captured on internet channels and fed to the unsuspecting netizens, they transform into stealth image laundering for an industry whose products have been flagged by decades of research and compelling scientific evidence to be responsible for diminishing the quality of life, over 8 million deaths annually and environmental degradation.

Unfortunately, recipients of tobacco CSR, especially naive and impressionable young persons may decide to try out tobacco products as a way of engaging tobacco grantors otherwise they gain a positive-false perception of a deadly industry.

Summary of Findings

It was observed that tobacco companies whilst embarking on their CSR activities, deploy different strategies to gain the affection of policymakers. Through CSR and other visibility activities, tobacco companies reflect partnerships and collaboration with state institutions and organizations that ultimately help them build good public ratings.

For instance, the BATN through its so-called charity arm - British American Tobacco Nigeria Foundation (BATNF) enjoys a cozy relationship with the Lagos State government. Every year since 2018, BATNF in collaboration with the Lagos state government organizes an elaborate farm fair to mark the World

Food Day commemorated every October 16. Although a physical event, news of the farm fair and collaboration between the tobacco company and Lagos state government is always published on the social media and online platforms of both the Lagos State government and BATNF including veritable newspapers that command strong readership and viewership online and offline.

This is also the same for similar relationships that exist between BATNF and the Oyo, Ogun and other state governments who inadvertently or deliberately endorse and promote tobacco companies' activities in contravention of Nigeria's legislation on tobacco.

The research also found out that tobacco vendors and distributors such as Smokehubng and Dasmokehub, use their social media platforms to aggressively promote sales of tobacco products and smoking culture. The phenomenon of celebrity-endorsed tobacco promotions was identified in this research as a creative marketing strategy employed by tobacco vendors to sell tobacco products. For instance, a series of Instagram posts updated by Smokehubng on their Instagram and Facebook handles show popular Nigerian music entertainers such as Burna Boy, Davido and Naira Marley puffing smoke, celebrating, and endorsing Backwood tobacco products and other smoke merchandise.

What the Law Says

Whereas Section 18 (A) of the National Tobacco Control Regulations 2019, expressly asks public authorities in Nigeria to *"not accept, support, or endorse partnerships, sponsorships, services and any monetary or non-monetary assistance from the tobacco industry except for compensations due to legal settlements or as mandated by applicable law"*, some tobacco companies in Nigeria regularly court the partnerships of state authorities and corporate institutions to execute their CSR initiatives.

Furthermore, Section 15 (4) of the National Tobacco Control Regulations, 2019 prohibits the use of "social media" to promote tobacco sales while Section 15 (4) of the National Tobacco Control Act, 2015, restricts a person from selling tobacco or tobacco related products via mail, internet, or online devices as a way of reducing tobacco consumption.

Conclusions

The research established that the tobacco industry in Nigeria is very much active on the virtual space and continues to carry out virtual activities that undermine national tobacco control policies and efforts in ways that manifest in the: **normalization of the tobacco industry and its products, unchecked advertising, promotions, and sponsorships, unrestricted sales of tobacco products to minors, and increased harm to public health among other perils.** The implications of these observations are that the tobacco industry is strategically using the new media and internet to connect and attract millions of users while readily accepting strict advertising bans in traditional media.

Although Nigeria's national tobacco control policies put up a strong defence against tobacco consumption and promotion and in particular, Part IV, Section 15 (4) of the National Tobacco Control Regulations, 2019 prohibits the use of "social media" to promote tobacco sales while Section 15 (4) of the National Tobacco Control Act, 2015, restricts a person from selling tobacco or tobacco related products via mail, internet or online devices as a way of reducing tobacco consumption, it was found that the internet remains most unregulated for TAPS thus undermining the purpose of those restraints.

Despite the seeming comprehensive nature of Nigeria's tobacco control policies, they contain some loopholes and vague provisions that offer leeway to the tobacco industry to carry on business as usual.

CAPPA Recommendations to the Nigerian government are:

1. Protect public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry in line with Article 5.3 of the WHO-FCTC.
2. Strictly enforce Section 12 of the National Tobacco Control Act 2015 which prohibits all forms of TAPS including CSR that advertise or promote the "tobacco industry"
3. Review and expunge legal provisions and terms in national tobacco control policies that are vague, without interpretation, and likely to be subjectively interpreted by the tobacco industry and its allies.