



FOR IMMEDIATE Release

Kenya Joins Growing List of African Countries That Repel Tobacco Industry Litigation To Protect Public Health

New York, (November 27, 2019) — Global tobacco industry watchdog [STOP \(Stopping Tobacco Organizations and Products\)](#) welcomes a decision by Kenya's Supreme Court to reject an appeal from British American Tobacco (BAT) Kenya against the country's tobacco control regulations. The following is a statement from Sandra Mullin, Senior Vice President at Vital Strategies and a partner in STOP:

“Tobacco companies have African consumers in their sights and are increasing their use of litigation to undermine health policy. They have deep pockets to pursue these spurious legal challenges, which also are designed to have a chilling effect in neighbouring countries. The good news is that those efforts are failing.

Kenya now joins Burkina Faso and Uganda in comprehensively rejecting tobacco company litigation. Asserting the importance of public health policy over tobacco industry profits sets an example to other countries that face similar industry threats.

We congratulate the government of Kenya for its resolve to protect public health and Kenyan tobacco control advocates for their unwavering support. The people of Kenya are the real winners.”

BAT's legal strategy and tobacco control in Kenya

Since 2015, BAT has repeatedly tried to challenge the constitutionality of Kenya's 2014 Tobacco Control Regulations. BAT lost in the High Court and the Court of Appeal before turning to the Supreme Court, where its final appeal has now been rejected. The decision allows Kenya's government to finally implement regulations designed to protect health, including:

- pictorial health warnings on all tobacco packaging
- strengthened protections for smoke-free public places
- provisions to protect tobacco control policies from tobacco industry interference, and
- the establishment of a tobacco control fund, which BAT will be obliged to pay an annual fee towards to help pay for the health burdens of tobacco use.

The economic [cost of smoking in Kenya was 3 billion KES in 2012, including the cost of tobacco-related disease and death](#). A recent report from Tax Justice Network found the company may [be underpaying the government of Kenya millions of dollars per year](#) by routing dividend payments via tax haven countries like the Netherlands. Payments to the tobacco control fund will start to redress some of that imbalance.

BAT is facing its own legal challenges related to Africa. The company is currently under investigation by the [Serious Fraud Office in the United Kingdom](#) and in Kenya for alleged bribery of government officials



STOPPING TOBACCO
ORGANIZATIONS & PRODUCTS

in multiple African countries. In addition, the company is facing a potential legal suit in London from tobacco farming families in Malawi, regarding exploitative labor practises and child labor.

STOP's [Global Tobacco Industry Interference Index](#), published in October, found that Kenya ranked fourth of 33 countries in its ability to protect health policy from meddling by tobacco companies. Countries are more successful in reducing tobacco use when they protect policy from tobacco industry influence. The precedent set by the Supreme Court's decision will likely serve to provide additional protection for future policy decisions related to tobacco use by the Kenyan government.

STOP monitors and exposes the activities of tobacco companies around the world and published a report on the "[Crooked Nine](#)" strategies, including litigation, tobacco companies use to meddle in tobacco control around the world.

Please contact the [STOP press office](#) for more information or to speak to a STOP spokesperson.

About STOP (Stopping Tobacco Organizations and Products)

STOP is a global tobacco industry watchdog whose mission is to expose the tobacco industry strategies and tactics that undermine public health. STOP is a partnership between The Tobacco Control Research Group at the [University of Bath](#), [The Global Center for Good Governance in Tobacco Control](#), [International Union Against Tuberculosis and Lung Disease](#), and [Vital Strategies](#). Learn more at exposetobacco.org.