



How Philip Morris International Used EU Trade Channels to Challenge Mexico's Heated Tobacco Product Ban

Mexico is among the most advanced countries in Latin America in tobacco and nicotine regulation. But the tobacco industry is working hard to undo this progress.

Mexico has taken some of the most important steps to reduce tobacco use and protect young people from the tobacco industry's tactics.¹ Among its accomplishments, the government has banned heated tobacco products (HTPs) and e-cigarettes; instituted 100% smoke-free indoor public spaces; prohibited tobacco advertising, promotion and sponsorships; required graphic health warnings on cigarette packaging and more.

Despite this progress, smoking still kills more than 170 people in Mexico per day, or about 63,200 people annually.² Addressing this burden remains challenging, as the tobacco industry continues to persistently oppose tobacco control efforts in Mexico that could save countless lives.

The industry is using its global playbook in Mexico

Tobacco companies use a playbook of tactics to try to undermine health policy around the world. Its goal: Influence regulations to be favorable to sales, not public health.

One of its tactics is to lobby to weaken or overturn health-protective measures, such as Mexico's ban on HTPs and e-cigarettes. Sometimes the industry and its allies, including business and trade associations such as COPARMEX, lobby directly to policymakers; other times, they try to influence "upstream" policies, such as trade agreements that could block the implementation of health policies.³ Recent evidence reveals that Mexico's HTP ban has been a key target of this lobbying.

Countering health policy by framing it as a trade barrier

According to recently published industry documents, Philip Morris International (PMI) appears to have tried to use the European Commission (EC)'s Directorate-General for Trade (DG TRADE) as a lever to overturn Mexico's HTP ban.

How the Tobacco Industry Tries to Interfere in Policy Around the World

- Directly lobbies to policymakers
- Tries to influence "upstream" policies, such as trade treaties, to block tobacco control regulations
- Uses front groups and third parties to advocate for its interests
- Produces and promotes misleading research
- Disputes public health information
- Litigates or threatens litigation against governments
- Tries to enhance its reputation in order to appear credible and wield greater influence

Since there have been important developments in the HTP sector in the last months we would like to use this opportunity to update you on trade barriers of different nature (such as import bans, local content requirements and discriminatory regulatory frameworks) that EU manufactured HTPs are facing in important third markets, that can have a negative impact on exports.

Specifically, we'd be glad to discuss possible next steps in Mexico, and alternatives to address discriminatory measures -that would not be consistent with WTO obligations or existing FTAs- in Taiwan, Singapore, Turkey, Argentina, Vietnam and Japan.

Analysis of nearly 50 documents, released via freedom of information requests, revealed detailed interactions between PMI and DG TRADE.⁵ The documents show that, as early as 2023, PMI:

Excerpt from an email from PMI to DG TRADE, Sept. 2023⁴

- Presented Mexico's HTP ban to the EC as a trade barrier
- Expressed desire for DG TRADE to discuss the ban with Mexican authorities to "ultimately lift the importation and commercialization prohibition"
- Asked for support from DG TRADE with the new administration that took office in October 2024
- Communicated extensively to the EC about an "Unconstitutionality Action" filed by Mexican senators in 2022, along with detailed information about how the Supreme Court functions

Considering the above we would appreciate if you could consider including Trade Barrier number 17442 in your discussions with Mexican authorities, in the context that you would deem appropriate, with a view to transmit this concern and ultimately lift the importation and commercialization prohibition of Heated Tobacco Products (HTPs).

The Mexican government has been steadfast in upholding the HTP ban, despite the industry's attempted influence.

Excerpt from an email from PMI to DG TRADE, Oct. 2023⁶

In fact, Mexico's regulatory framework has only grown stronger since PMI began engaging DG TRADE. The reforms that explicitly banned the distribution, sale, promotion and importation of e-cigarettes in 2022 were reinforced by amendments to the Constitution in 2024/2025 which solidified the bans.* COFEPRIS has a clear legal mandate for enforcement of the bans and has since exercised this authority through seizures of illegal products and sanctions against non-compliant actors—the very enforcement that PMI's correspondence with DG TRADE appeared to seek to undo.

*Interpretation is mixed as to whether HTPs were covered in the Constitutional amendment of 2024/2025.

Why PMI is focusing on Mexico's HTP ban

PMI leads the tobacco market in Mexico, claiming over 60% market share.⁷ Smoking rates, however, have declined since Mexico ratified the global health treaty, the WHO Framework Convention on Tobacco Control, in 2004.⁸ Since then, PMI appears to have taken action to ensure as many of its addictive products are on the market as possible, despite existing bans.

This appears to be part of a global strategy. The industry has been heavily promoting HTPs as part of its “reduced risk” offerings, bolstering its narrative that tobacco companies are providing a solution to the smoking epidemic—while continuing to make and sell trillions of cigarettes.

The Mexican government must keep the industry out of policymaking

The HTP ban isn't the tobacco industry's only target in Mexico. Tobacco companies and their allies have filed more than 2,500 lawsuits challenging tobacco control regulations like advertising bans and smoke-free spaces.⁹

To protect these hard-won policies, policymakers in Mexico must uphold Article 5.3 of the WHO FCTC and reject industry influence over its laws. This includes documenting and publicly disclosing any contact from trade delegations or third-party intermediaries acting on behalf of tobacco companies, and coordinating with the Ministry of Economy (Secretaría de Economía) to ensure that trade negotiations do not undermine Mexico's sovereign health regulations.

Endnotes

¹ Tobacco Control Laws. Mexico: tobacco control policies. Campaign for Tobacco-Free Kids. 2023 Jan 23. Available from: <https://www.tobaccocontrolaws.org/legislation/policy-fact-sheets/mexico/summary>

² Instituto Nacional de Salud Pública. Paquete de impuestos saludables para México: tabaco, alcohol y bebidas azucaradas (Healthy tax package for Mexico: tobacco, alcohol and sugary drinks). Available from: <https://portal.insp.mx/control-tabaco/reportes/paquete-de-impuestos-saludables-para-mexico-tabaco-alcohol-y-bebidas-azucarada>

³ STOP. Confederación Patronal de la República Mexicana (COPARMEX). Available from: <https://exposetobacco.org/tobacco-allies/confederacion-patronal-de-la-republica-mexicana-coparmex/>

⁴ European Commission. 09 Email exchange Philip Morris DG TRADE Trade barriers for EU Heated Tobacco Products meeting request Redacted.pdf. Available from: https://www.asktheeu.org/request/contacts_of_dg_trade_with_the_to/response/54628/attach/html/11/09%20Email%20exchange%20Philip%20Morris%20DG%20TRADE%20Trade%20barriers%20for%20EU%20Heated%20Tobacco%20Products%20meeting%20request%20Redacted.pdf.html

⁵ STOP. Behind closed doors: how the tobacco lobby influences the European Union and beyond. 2025 Dec 15. Available from: <https://exposetobacco.org/resource/tobacco-lobbying-influence-in-the-eu/>

⁶ European Commission. 15 Email from Philip Morris Trade barriers for EU HTPs exports Redacted.pdf. Available from: https://www.asktheeu.org/request/contacts_of_dg_trade_with_the_to/response/54628/attach/html/17/15%20Email%20from%20Philip%20Morris%20Trade%20barriers%20for%20EU%20HTPs%20exports%20Redacted.pdf.html

⁷ Tobacco Tactics. Mexico country profile. 2024 May 10. Available from: <https://www.tobaccotactics.org/article/mexico-country-profile/>

⁸ Comisión Nacional de Salud Mental y Adicciones, Instituto Nacional de Psiquiatría Ramón de la Fuente Muñiz e Instituto Nacional de Salud Pública. Encuesta Nacional de Consumo de Drogas, Alcohol y Tabaco ENCODAT 2025. Secretaría de Salud/ Instituto Nacional de Salud Pública. México. Available from: https://www.gob.mx/cms/uploads/attachment/file/1044513/ENCODAT_-_COMPLETO.pdf

⁹ Crosbie E, Perez S, Rojas Barreto K, Rocha Camarena A, Ochoa V, Bolanos Casarin A, et al. Identifying key barriers and facilitators to implementing a WHO Framework Convention on Tobacco Control-guided tobacco control policy in Mexico. Tob Control [Internet]. 2025;tc-2024-059068. Available from: <http://dx.doi.org/10.1136/tc-2024-059068> https://www.researchgate.net/publication/392048274_Identifying_key_barriers_and_facilitators_to_implementing_a_WHO_Framework_Convention_on_Tobacco_Control-guided_tobacco_control_policy_in_Mexico

Mexico's Obligations Under the WHO FCTC

Mexico was the first country in Latin America to ratify the global health treaty, the WHO Framework Convention on Tobacco Control (FCTC) in 2004. As a Party to the treaty, Mexico is obligated to uphold Article 5.3, which calls on governments to protect public health policies from tobacco industry interference. In order to protect health policy from industry influence, the Article calls on governments to:

- Limit interactions with the tobacco industry to only when strictly necessary for regulation, and to conduct such interactions transparently and publicly
- Reject all partnerships and offers of assistance from the tobacco industry



About STOP (Stopping Tobacco Organizations and Products)

STOP is a global tobacco industry watchdog whose mission is to expose the tobacco industry tactics that undermine public health. Comprised of a network of academic and public health organizations, STOP researches and monitors the tobacco industry, shares intelligence to counter its tactics, and exposes its misdeeds to a global audience. STOP is funded by Bloomberg Philanthropies as part of the [Bloomberg Initiative to Reduce Tobacco Use](https://www.bloomberg.com/philanthropy/initiative-to-reduce-tobacco-use/). For more information, visit exposetobacco.org.