



EDITED BY
ANDREW D. MITCHELL
TANIA VOON

THE GLOBAL TOBACCO EPIDEMIC AND THE LAW



The Global Tobacco Epidemic and the Law

Edited by

Andrew D. Mitchell

*Professor and Australian Research Council Future Fellow,
Melbourne Law School, University of Melbourne, Australia*

Tania Voon

*Professor, Melbourne Law School, University of Melbourne,
Australia*

Edward Elgar

Cheltenham, UK • Northampton, MA, USA

© The Editors and Contributors Severally 2014

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical or photocopying, recording, or otherwise without the prior permission of the publisher.

Published by
Edward Elgar Publishing Limited
The Lypiatts
15 Lansdown Road
Cheltenham
Glos GL50 2JA
UK

Edward Elgar Publishing, Inc.
William Pratt House
9 Dewey Court
Northampton
Massachusetts 01060
USA

A catalogue record for this book
is available from the British Library

Library of Congress Control Number: 2014932600

This book is available electronically in the ElgarOnline.com
Law Subject Collection, E-ISBN 978 1 78347 152 2



ISBN 978 1 78347 151 5

Typeset by Columns Design XML Ltd, Reading
Printed and bound in Great Britain by T.J. International Ltd, Padstow

Contributors

Neil Boister

Professor, University of Waikato, Hamilton, New Zealand

Neil Boister is a Professor of Criminal Law, International Criminal Law and Transnational Criminal Law. His principal research interest for the last 15 years has been the suppression of transnational crime through international law. Neil's PhD from the University of Nottingham under the supervision of Professor David Harris was on the international drug conventions and resulted in the publication of *Penal Aspects of the UN Drug Conventions* (The Hague: Kluwer Law International, 2001). Since then he has broadened his interests to all forms of transnational crime. His book, entitled *An Introduction to Transnational Criminal Law*, was published by Oxford University Press in September 2012. He works as a consultant for NGOs in the area of the legal regulation of transnational crime and was involved in the development of the *Protocol to Eliminate Illicit Trade in Tobacco Products*. Finally, he is the author of a number of pieces in mainstream international criminal law including *The Tokyo International Military Tribunal, A Reappraisal* (Oxford University Press, 2008) and *Documents on the Tokyo International Military Tribunal* (both together with Professor Robert Cryer of the University of Birmingham).

Oscar A Cabrera

Executive Director, O'Neill Institute for National and Global Health Law; Visiting Professor of Law at Georgetown University Law Center, Washington, DC, United States

Oscar Cabrera is the Executive Director of the O'Neill Institute for National and Global Health Law and a Visiting Professor of Law at Georgetown University Law Center. He earned his law degree in his home country of Venezuela (Universidad Católica Andrés Bello) and his Master of Laws (LLM), with concentration in Health Law and Policy, at the University of Toronto. Before starting his master's degree program, Oscar worked as an Associate at a Venezuelan law firm (d'Empaire Reyna Bermúdez). Oscar has worked on projects with the World Health Organization, the Centers for Disease Control and Prevention, and the Campaign for Tobacco-Free Kids, among other organisations. He has

studied and is interested in various health-law-related fields, such as health and human rights, sexual and reproductive rights, global tobacco litigation, and health systems law and policy.

Juan Carballo

PhD Candidate, National University of Córdoba, Córdoba, Argentina

Juan Carballo is currently a PhD candidate on Law and Social Sciences at the National University of Córdoba, Argentina, with a thesis under development on non-communicable diseases regulation from a human rights perspective. Carballo was a Law Fellow at the O'Neill Institute from 2009–11. He earned his law degree in his home country of Argentina at the National University of Córdoba, and his Master of Laws (LLM) at Georgetown University Law Center, sponsored by the Fulbright Commission. He has written papers and book chapters on constitutional law, environmental law and human rights, with a focus on the right to health.

Rob Cunningham

Senior Policy Analyst, Canadian Cancer Society, Ottawa, Canada

Rob Cunningham is a Senior Policy Analyst with the Canadian Cancer Society based in Ottawa. He has worked in tobacco control since 1988. He is the author of the book, *Smoke and Mirrors: The Canadian Tobacco War* (International Development Research Centre) and has been a contributor to numerous initiatives supporting the adoption of tobacco control legislation in Canada and internationally. Rob has appeared as a lawyer in cases concerning tobacco control, including in cases before the Supreme Court of Canada. In his capacity as a representative of an NGO, Rob has also participated in negotiations for the *WHO Framework Convention on Tobacco Control*.

Mark Davison

Professor, Monash Law School, Monash University, Melbourne, Australia

Mark Davison is Professor in the Faculty of Law at Monash University, special counsel with Knightsbridge Lawyers, and a member of the Australian Government's Expert Advisory Group on Plain Packaging of Tobacco Products. He is also a member of the Intellectual Property Committee of the Law Council of Australia. Mark is the author of all three editions of Shanahan's *Australian Law of Trade Marks and Passing Off* that have been published since the 1995 trademarks legislation was passed. Additionally, he has published *The Legal Protection of Databases* and two editions of *Australian Intellectual Property Law*, both of which

were published by Cambridge University Press. Mark has also authored several casebooks and editions of those casebooks dealing with intellectual property and Australian trade practices law. In addition, he has written a number of book chapters and articles relating to plain packaging of tobacco.

Katherine DeLand

Managing Director and CEO, DeLand Associates, LLC, California, United States

Katherine DeLand founded DeLand Associates in 2011 to fill a growing niche for independent, flexible, highly trained and responsive consulting, advising and project management in international law, health and public policy. She focuses on multilateral negotiations, large-scale public health project management and donor relationships, and sustainable health and development policy design and implementation. She has worked in Switzerland, Kenya, Australia and the United States for organisations as diverse as the World Health Organization, the L'Etval Foundation, the World Bank, the US Centers for Disease Control and Prevention, and the University of Sydney. She holds degrees in law, public health and biochemistry.

Lukasz Gruszczynski

Assistant Professor, Institute of Law Studies, Polish Academy of Sciences, Warsaw, Poland

Lukasz Gruszczynski is Assistant Professor of International Law at the Institute of Law Studies, Polish Academy of Sciences. He earned his PhD from the European University Institute in Florence in 2008. During his PhD studies, Lukasz was also a visiting researcher at the University of Michigan Law School and an intern at the Legal Affairs Division of the World Trade Organization. In 2010, he published *Regulating Health and Environmental Risks under WTO Law: A Critical Analysis of the SPS Agreement* with Oxford University Press. Lukasz's current research focuses on food safety, international trade law, including technical barriers to trade, and the regulation of tobacco products. His most recent book, edited with Wouter Werner (*Deference in International Courts and Tribunals: Standard of Review and the Margin of Appreciation*), will also be published by Oxford University Press and is expected in the second half of 2014. Lukasz is a managing editor of the *Polish Yearbook of International Law* and a correspondent editor of the *European Journal of Risk Regulation*.

Peter K Henning

Law Clerk, Appellate Court of Düsseldorf, Düsseldorf, Germany

Peter Henning is a Law Clerk at the Appellate Court of Düsseldorf. He studied law at the Heinrich-Heine-University of Düsseldorf (Dipl iur) focusing on international law and litigation. He is currently working on his doctoral thesis, dealing with *Advertising Bans for Tobacco Products in International, European and German Law*, with the Chair of German and Foreign Public Law, European Law and Public International Law, Professor Dr Ralph Alexander Lorz at the Heinrich-Heine-University of Düsseldorf. During his studies and doctoral studies, he has interned inter alia with the Corporate Group of Freshfields Bruckhaus Deringer LLP in Hamburg and Düsseldorf, Germany, and the Litigation Group of Noerr LLP in Berlin, Germany. He was previously the Executive Director at the Friends of the Düsseldorf Faculty of Law, the Alumni and Network Association of the Düsseldorf Faculty of Law, Germany.

Locknie Hsu

Associate Professor, School of Law, Singapore Management University, Singapore

Locknie Hsu is an Associate Professor and former Associate Dean at the School of Law, Singapore Management University (SMU). Her specialisations are in international trade and investment law, ASEAN integration law and dispute settlement, and she has published extensively on various issues in these fields. She received her LLB degree from the National University of Singapore (NUS) and her LLM degree from Harvard University. She is an Advocate and Solicitor of the Singapore Bar and practised commercial law until she joined the Faculty of Law, NUS. In early 2007, Locknie was appointed the first Singapore Academic Co-ordinator of the World Trade Organization-NUS *Regional Trade Policy Course* for Asia-Pacific government officials, in which she also co-taught WTO dispute settlement with WTO officers. Since joining the SMU School of Law in 2007, she has won three teaching awards for outstanding teaching. Locknie has worked with various government agencies and international organisations, including the Singapore Mission to the United Nations in Geneva, as well as the ICC International Court of Arbitration. She has conducted training sessions on trade law and policy, trade and health regulation, dispute settlement and negotiations and has undertaken consulting work with various agencies, such as the World Bank, during Vietnam's WTO accession process.

Jonathan Liberman

Director, McCabe Centre for Law and Cancer, Melbourne, Australia

Jonathan Liberman is Director of the McCabe Centre for Law and Cancer, a joint initiative of the Cancer Council Victoria and the Union for International Cancer Control. The McCabe Centre's mission is to contribute to the effective use of the law for cancer prevention, treatment, supportive care and research. Jonathan is a lawyer with 15 years' experience in legal and policy research, advice and advocacy on issues relating to cancer control at both domestic and global levels. Pursuant to an arrangement between the Secretariat to the *WHO Framework Convention on Tobacco Control* (WHO FCTC) and the Union for International Cancer Control, the McCabe Centre performs the functions of a WHO FCTC knowledge hub on matters within the Centre's expertise, in particular legal challenges to implementation of the WHO FCTC. In this role, the McCabe Centre supports the Convention Secretariat in facilitating the exchange of information and cooperation between parties to the WHO FCTC in relation to these matters. Jonathan is a member of the Australian government's expert advisory group on plain packaging and of the Standing Committee on Tobacco of the Inter-Governmental Committee on Drugs. He is a Senior Fellow of Melbourne Law School.

Gemma Lien

Legal Corporate Secretary, Public Health England, London, United Kingdom

Gemma Lien is the Legal Corporate Secretary of Public Health England, an executive agency of the Department of Health. Her prior experience includes time as a staff lawyer with the Convention Secretariat, *WHO Framework Convention on Tobacco Control*; consultant for the Tobacco Free Initiative, World Health Organization; and illegal-drug-use trend analyst with the Merseyside Police Department (United Kingdom). She has coordinated multilateral working groups and negotiations, drafted national legislation and policy and liaised with government ministries, diplomatic missions and intergovernmental and non-governmental organisations. She holds degrees in law, public international law and international relations (LLB, LLM, MA) and a postgraduate certificate in corporate governance and business ethics (PGCert).

Tsai-yu Lin

Professor, National Taiwan University College of Law, Taipei, Taiwan

Tsai-yu Lin is Professor of Law at National Taiwan University College of Law and the Director of the Asian Center for WTO and International

Health Law and Policy (ACWH) at National Taiwan University. Tsai-yu undertook her LLM at Edinburgh University (United Kingdom) and her PhD in Law at National Chengchi University (Taiwan). She has actively published books and articles in the areas of WTO laws, international investment law and international health law. Recent publications include 'Systemic Reflection on the *EC-IT Product Case*: Establishing an "Understanding" on Maintaining the Product Coverage of the Current Information Technology Agreement in the Face of Technological Change' (*Journal of World Trade*, 2011) and 'The Forgotten Role of WHO/International Health Regulations in Trade Responses to 2009 A/H1N1 Influenza Outbreak' (*Journal of World Trade*, 2010). She is also the commissioner of the International Trade Commission, Ministry of Economic Affairs, Taiwan; a member of the Editorial Committee of the *Asian Journal of WTO & International Health Law and Policy*; and a member of the Indicative List of Governmental and Non-Governmental Panellists for resolving WTO disputes. Tsai-yu currently advises the Taiwan Government on trade and related health law and policy issues.

Chang-fa Lo

Justice of the Constitutional Court, Taipei, Taiwan

Chang-fa Lo was appointed Justice of the Constitutional Court in Taiwan in October 2011 and is a part-time Professor at the National Taiwan University. Prior to his current position, Chang-fa was Chair Professor and Lifetime Distinguished Professor at National Taiwan University (NTU), Dean of the NTU College of Law, Director of the Asian Center for WTO and International Health Law and Policy of NTU College of Law (ACWH), Director of the Center for Ethics, Law and Society in Biomedicine and Technology of NTU, Commissioner of Taiwan's Fair Trade Commission (in charge of the competition law in Taiwan), Commissioner of Taiwan's International Trade Commission, and legal advisor for Taiwan's GATT/WTO accession negotiations. In his capacity as the Director of ACWH, Chang-fa launched two English-language journals: *Asian Journal of WTO and International Health Law and Policy* and *Contemporary Asia Arbitration Journal* in 2006 and 2008 respectively. In his capacity as Dean of NTU College of Law, he also launched an English-language journal, *NTU Law Review*. Prior to his teaching career, he practised law in Taipei. He received his SJD degree from Harvard University Law School in 1989. He was appointed by the WTO as a panellist for the case *Brazil – Retreaded Tyres* in 2006 and as a member of the Permanent Group of Experts under the Agreement on Subsidies and Countervailing Measures in 2008. He is author of 12 books, editor of four books, and author of about 70 journal papers.

Andrew D Mitchell

Professor, Melbourne Law School, University of Melbourne, Melbourne, Australia

Andrew Mitchell joined the faculty at Melbourne Law School in 2006 and is currently an Australian Research Council Future Fellow, Director of the Global Economic Law Network, and Assistant Director Research at the Melbourne School of Government. In 2007, following a nomination by the Australian Government, the WTO's Dispute Settlement Body added him to the Indicative List of Governmental and Non-Governmental Panellists to hear WTO disputes. He has law degrees from Melbourne Law School, Harvard Law School and the University of Cambridge. His previous employers include the International Monetary Fund, the Organisation for Economic Co-operation and Development, Davis Polk & Wardwell, and Allens Arthur Robinson (now Allens Linklaters). Andrew also consults for the private sector and governmental and non-governmental organisations including Telstra and the World Health Organization. He has over 80 academic publications and has taught at numerous other law schools in Canada, the US and Australia.

Leonid Shmatenko

Junior Research Fellow, Teaching Assistant and Doctoral Candidate, Heinrich-Heine-University, Düsseldorf, Germany; Law Clerk, Appellate Court of Düsseldorf, Düsseldorf, Germany

Leonid Shmatenko studied law at the Heinrich-Heine-University of Düsseldorf, Germany (Dipl iur), focusing on international law and arbitration. In 2008–09 he was part of the Heinrich-Heine-University of Düsseldorf Team to the 16th Willem C Vis International Commercial Arbitration Moot, which was awarded an honourable mention for its written submissions. Currently, Leonid Shmatenko is a Junior Research Fellow, Teaching Assistant and Doctoral candidate with the Chair of German and Foreign Public Law, European Law and Public International Law of Professor Dr Ralph Alexander Lorz at the Heinrich-Heine-University of Düsseldorf, Germany. His doctoral thesis deals with investment law and investor–state arbitration in Eastern Europe. During his studies, he has interned with the International Arbitration Groups of Freshfields Bruckhaus Deringer LLP in Paris (France), Clayton Utz in Sydney (Australia) and Orrick Hölters & Elsing in Düsseldorf (Germany). His research work focuses on the market of the Commonwealth of Independent States, international arbitration, investment law and international economic law. He has recently published numerous scholarly works on international arbitration.

Deepti Singh

Legal Consultant, Public Health Foundation of India, New Delhi, India

Deepti Singh is a Legal Adviser and public health policy specialist, having worked in the area of health policy and advocacy for more than five years. She has a Master's in Laws (Human Rights) from the National Law School of India University, Bangalore, India. She is working with the Public Health Foundation of India as a Legal Consultant and works closely with the Ministry of Health on the country's national tobacco control programme. Deepti provides legal aid to the Advocacy Forum for Tobacco Control, a coalition of 65 Indian NGOs and individuals working in the area of tobacco control in India. She is a member of the District-level Monitoring Committee on Tobacco Control formulated by the Directorate of Health and Family Welfare, Government of the National Capital Territory, Delhi to facilitate the enforcement of complaints related to an advertising ban of tobacco products under the Indian *Tobacco Control Act 2003*. She is also a nominated member and acting Director of Policy and Programmes for the Indian Centre for Alcohol Studies. Deepti has presented several papers on health policies in various global health and policy conferences and participated as a legal specialist in a number of talk shows on health policies. Her major areas of interest are public health policies; consumer activism; tobacco and alcohol control policy research and analysis, litigation; and integration of tobacco and alcohol control into other health and development programmes.

Jamie Strawbridge

Former Managing Editor, Inside US Trade, Washington, DC, United States

From 2008 through July 2013, Jamie Strawbridge served as the Managing Editor of *Inside US Trade*, a Washington-based journal that provides exclusive news on US trade issues for an expert audience. In that capacity, Jamie oversaw all news stories and analyses related to legal issues arising under the World Trade Organization and US free trade agreements, as well as all issues related to the intersection of trade disciplines and tobacco control efforts. From September 2012 through July 2013, he concurrently served as Chief Editor of *Inside US-China Trade*, a separate weekly publication focused on US-China trade and investment issues. Jamie has covered trade policy issues in Washington since 2006, and his work has been featured in media outlets ranging from the *Wall Street Journal* to Comedy Central's the *Colbert Report*. He has been called upon to deliver impartial analysis of trade policy developments, including on C-SPAN's *Washington Journal* and in conferences

organised by business representatives. Jamie received his undergraduate degree in English from Williams College in 2004. He is currently pursuing his Juris Doctor degree from Georgetown University.

Todd Tucker

Gates Scholar, University of Cambridge, Cambridge, United Kingdom

Todd Tucker is a writer and researcher on global governance issues. His work has been cited in the *New York Times*, on CNN, and in many other press outlets and academic publications. From 2004 through mid-July 2012, Todd directed research on trade issues for the non-profit consumer group Public Citizen, where he edited the *Eyes on Trade* blog. Before that, he wrote on Latin American issues for the Center for Economic and Policy Research. In 2012, he was awarded a Gates Scholarship for the University of Cambridge, where he is writing on international investment arbitration from a social science perspective.

Tania Voon

Professor and Associate Dean (Research), Melbourne Law School, University of Melbourne, Melbourne, Australia

Tania Voon is Professor and Associate Dean (Research) at Melbourne Law School. She is a former Legal Officer of the Appellate Body Secretariat of the World Trade Organization (WTO) and has previously practised law with Mallesons Stephen Jaques (now King & Wood Mallesons) and the Australian Government Solicitor, and taught law at Georgetown University, the University of Western Ontario, the Australian National University, Monash University, and Bond University. Tania undertook her Master of Laws at Harvard Law School and her PhD in Law at the University of Cambridge. She has published widely in the areas of public international law and international economic law. She is the author of *Cultural Products and the World Trade Organization* (Cambridge: Cambridge University Press, 2007), a member of the Editorial Board of the *Journal of International Economic Law*, and a member of the Indicative List of Governmental and Non-Governmental Panellists for resolving WTO disputes. Tania has provided expert advice and training to entities such as Telstra, the Australian Department of Foreign Affairs and Trade, the WTO, and the World Health Organization, and NGOs such as Cancer Council Victoria.

Heather Wipfli

Associate Director, USC Institute for Global Health; Assistant Professor of Preventive Medicine and International Relations, University of Southern California, Los Angeles, United States

Heather Wipfli is the Associate Director of the USC Institute for Global Health and an Assistant Professor of Preventive Medicine and International Relations at the University of Southern California (USC). Her principal research interest over the past 15 years has been the global control and prevention of non-communicable disease. Heather received her PhD from the Graduate Institute of International and Development Studies at the University of Geneva, Switzerland. Prior to joining USC she served as a technical officer at the World Health Organization in the Tobacco Free Initiative and as Project Director at the Institute for Global Tobacco Control at the Johns Hopkins Bloomberg School of Public Health. She has published extensively on global tobacco control, capacity-building in low- and middle-income countries, global policy diffusion, and innovative global health curriculum. She has a forthcoming book on the development and implementation of the *WHO Framework Convention on Tobacco Control* published by Johns Hopkins University Press.

Chuan-Feng Wu

Assistant Research Professor, Institutum Iurisprudentiae Academia Sinica, Taipei, Taiwan

Chuan-Feng Wu serves as an Assistant Research Professor at Institutum Iurisprudentiae, Academia Sinica and has a joint appointment as Assistant Professor at the Institute of Health and Welfare Policy, National Yang-Ming University. He received his JSD from the University of California, Berkeley, and LLM from Harvard Law School. In addition to degrees in law, Chuan-Feng also holds a master's degree in Health and Welfare Policy. His specialty fields of study include healthcare laws and ethics, international human rights and the right to health, and healthcare distributive justice. Chuan-Feng's recent works include 'State Responsibility for Tobacco Control: The Right to Health Perspective', 'Transnational Pharmaceutical Corporations' Legal and Moral Human Rights Responsibilities in Relation to Access to Medicines', 'Can Compulsory Health Insurance Be Justified? An Examination of Taiwan's National Health Insurance', 'An Appraisal of the Global Pharmaceutical Intellectual Property Framework from the Right to Health Perspective' (in Chinese), and 'Benefits with Boundaries: Healthcare Distribution and Medical Technology Development' (in Chinese).

Amit Yadav

Legal Consultant, Public Health Foundation of India, New Delhi, India

Amit Yadav is a registered advocate with the Bar Council of India and a member of the Delhi and Saket Bar Associations in New Delhi. He works as a Legal Consultant at the Public Health Foundation of India and as a Manager-Legal at HRIDAY (Health-Related Information Dissemination Amongst Youth). As part of his work, Amit has undertaken various advocacy and capacity-building efforts in tobacco control, including preparation of policy briefs and interaction with key policymakers, corporate leaders and parliamentarians alike. Amit guides policy research on health issues and provides legal inputs on all policy-related outcomes and activities, including preparation of policy briefs and policy recommendations based on the project results. He has a keen interest in various aspects of public health, having handled a wide range of legal research on public health laws and policies including the *WHO Framework Convention on Tobacco Control*, the *Cigarettes and Other Tobacco Products Act*, the *Right to Information Act*, the *Consumer Protection Act*, the *National Health Bill*, and the *Alternative Reproduction Treatment Bill*. Amit holds an LLM (with two Gold Medals) and an MPhil degree from the National Law School of India University, Bangalore. He has written more than 20 publications, including manuscripts, reports, monographs and abstracts on various issues related to tobacco control, public health law and other developmental issues. Amit is a member of the Institutional Review Boards of the Indian Institute of Public Health, New Delhi and the Centre for Chronic Disease Control, New Delhi.

Acknowledgments

We gratefully acknowledge the funds provided for independent research by the Australian National Preventive Health Agency (Grant ID 203MIT2011) and the Australian Research Council pursuant to the Linkage Project scheme (project number LP120200028), which assisted in various aspects of the production of this volume. We also appreciate the support provided by Melbourne Law School and the University of Melbourne.

We are especially grateful to Devon Whittle for his helpful research and editorial assistance with numerous chapters, and for similar assistance we thank Georgina Dimopoulos, Caroline Henckels, Stephen Lloyd and Shawn Rajanayagam. Thank you also to Catherine Gascoigne for assistance in the initial stages of conception of this volume, and to Thijs De Jong for compilation of the bibliography. Jessica Casben shepherded the proofs through the final stages and compiled the index, along with Mariela Maidana-Eletti.

Several chapters in this volume (Chapters 6, 7, 9, 10 and 11) developed from papers first published as part of the *Transnational Dispute Management* special issue we edited on 'Legal Issues in Tobacco Control' (volume 9, issue 5) in November 2012, available at www.transnational-dispute-management.com, and are incorporated with the kind permission of Anton Hoenson.

The opinions expressed in each chapter are those of the relevant authors and are not necessarily shared by any employer or other entity.

Contents

<i>List of contributors</i>	vii
<i>Acknowledgments</i>	xviii
1 Introduction <i>Andrew D Mitchell and Tania Voon</i>	1
PART I TOBACCO CONTROL IN THE CONTEXT OF THE WORLD HEALTH ORGANIZATION	
2 The WHO Framework Convention on Tobacco Control and the Tobacco Free Initiative <i>Katherine DeLand, Gemma Lien and Heather Wipfli</i>	11
3 Guidelines and protocols under the framework convention <i>Chang-fa Lo</i>	32
4 The power of the WHO FCTC: understanding its legal status and weight <i>Jonathan Liberman</i>	48
5 The European Anti-Fraud Office and the Protocol to Eliminate Illicit Trade in Tobacco Products <i>Neil Boister</i>	64
PART II TOBACCO CONTROL IN THE CONTEXT OF INTERNATIONAL TRADE AND INVESTMENT	
6 The WTO ruling on the United States' flavoured cigarettes ban <i>Todd Tucker</i>	87
7 The WHO FCTC as an international standard under the WTO Agreement on Technical Barriers to Trade <i>Lukasz Gruszczynski</i>	105
8 Disputes regarding tobacco control measures under investor-state arbitration <i>Tsai-yu Lin</i>	126
9 Tobacco control in ASEAN <i>Locknie Hsu</i>	142

- 10 International trade policy and tobacco products under the
Obama administration 166
Jamie Strawbridge

PART III TOBACCO CONTROL AROUND THE WORLD

- 11 Tobacco control in Europe: the potential for plain packaging 187
Peter K Henning and Leonid Shmatenko
- 12 Tobacco control in Canada 209
Rob Cunningham
- 13 Tobacco control in Latin America 235
Oscar A Cabrera and Juan Carballo
- 14 Tobacco control in Australia: the High Court challenge to plain
packaging 258
Mark Davison
- 15 Tobacco control in Taiwan 279
Chuan-Feng Wu
- 16 Tobacco control in India 302
Amit Yadav and Deepti Singh

- Bibliography* 319
- Index* 333