



TOBACCO INDUSTRY CAPTURE OF THE VIRTUAL SPACE IN NIGERIA



**Corporate
Accountability &
Public
Participation
Africa**



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By: Corporate Accountability and
Public Participation Africa

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WATCHDOG

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ACRONYMS AND ABBREVIATIONS

BAT:	British American Tobacco
BATN:	British American Tobacco Nigeria
BATNF:	British American Tobacco Nigeria Foundation
CAPPA:	Corporate Accountability and Public Participation Africa
CSR:	Corporate Social Responsibility
FCTC:	Framework Convention on Tobacco Control
FCT:	Federal Capital Territory
FMOH:	Federal Ministry of Health
GDP:	Gross Domestic Product
ITC:	International Tobacco Company
ICT:	Information Communication Technology
MDAs:	Ministries Departments and Agencies
NTC Act:	National Tobacco Control Act

NTC Regulations:	National Tobacco Control Regulations
NYSC	National Youth Service Corps
PMINL:	Philip Morris International Nigeria Limited
WHO:	World Health Organization
WHO-FCTC:	World Health Organization Framework Convention on Tobacco Control

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EXECUTIVE SUMMARY

This report builds evidence of the **Tobacco Industry Capture of the Virtual Space in Nigeria** by exposing how tobacco companies utilize social networking platforms and news sites to publicize their Corporate Social Responsibility (CSR) activities in ways that burnish their image, distance them from the harms of their products and attract favourable comments on the internet.

With over 109.2 million internet users at the start of January 2022¹, the increasing usage of the internet in Nigeria bolstered by its burgeoning young demographic, comprising more than 70 percent of its over 200 million² population, makes it a highly desirable market for the tobacco industry.

This investigative research on the internet presence of the tobacco industry in Nigeria flagged 226 activities between 2016 and 2021, involving tobacco companies and their allies in Nigeria. While this figure does not by any means represent an exhaustive presence of the tobacco industry, it gives some insight into how potentially huge the presence of the industry is in this largely unregulated space. In our analysis, we categorized the tobacco industry activities observed into specifics and in order of frequency so as to better explain and understand the scenarios. For example, the report drew out

¹ <https://datareportal.com/reports/digital-2022-nigeria>

² <https://nationalpopulation.gov.ng/statistics/>

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.

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 on 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 some sort of legitimacy.

Tobacco distributors and vendors like **Smokeboxng** and **Dasmokehub** leverage their digital platforms to promote smoking lifestyle and outright sale of tobacco products in contravention of the ban on Tobacco Advertising Promotion and Sponsorships as captured in the National Tobacco Control Act 2015

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%.

A noteworthy observation is how 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. 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 law³, Some tobacco companies in Nigeria regularly court the partnerships of state authorities and corporate institutions to execute their corporate social responsibility. For instance, the British American Tobacco Nigeria 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 farmfair⁴ 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

³ National Tobacco Control Regulations, 2019 (NTCR) s.18 (NIG) Retrieved from <https://www.tobaccocontrollaws.org/files/live/Nigeria/Nigeria%20-%202019%20Regulations%20-%20national.pdf> Accessed June 04, 2022

⁴ Gbenga Akinfewa. (2018, October 21) World Food Day: Farmers showcase produce at maiden Lagos Farm Fair. *The Guardian*. Retrieved from <https://guardian.ng/features/agro-care/2018-world-food-day-farmers-showcase-produce-at-maiden-lagos-farm-fair/> Accessed June 10, 2022

BATNF⁵⁶⁷ including veritable newspapers⁸ 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 in Nigeria who inadvertently or deliberately endorse and promote tobacco companies activities in contravention of Nigeria's legislation on tobacco.^{9 10}

This 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

⁵The Lagos State Government. (2020, November 26). LSADA PARTNERS BATN FOUNDATION TO TRAIN 200 CATFISH FARMERS ON BEST PRACTICES. (Images attached) (Status Update) Retrieved from https://web.facebook.com/492378324116772/posts/lsada-partners-batn-foundation-to-train-200-catfish-farmers-on-best-practicesthe/3697461946941711/?_rdc=1&_rdr

⁶ British American Tobacco Nigeria Foundation (2019, October 11). Still haven't made up your mind about attending one of the biggest Farm Fair in Nigeria?... (Image attached) (Status Update) https://web.facebook.com/BATNFoundation/photos/a.218960711811334/906914419682623/?type=3&_rdc=1&_rdr

⁷ Ibid

⁸ Wale Olapade. (2019, October 21) Sanwo-Olu, BATN Foundation Laud Farmer's Role in Food Security. *Nigerian Tribune*. Retrieved from <https://tribuneonline.ng/sanwo-olu-batn-foundation-laud-farmers-role-in-food-security/#>

⁹ Daniel Obi (2022, May 17) BATN, government agencies move to concretise relationship for economy's benefit. *Business Day*. Retrieved from <https://businessday.ng/brands-advertising/article/batn-government-agencies-move-to-concretise-relationship-for-economys-benefit/>

¹⁰ Daniel Kanu (2021, December 5) Makinde commends BATN Investment. *The Sun*. Retrieved from <https://www.sunnewsonline.com/makinde-commends-batn-investment/>

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 articles marketed by Smokeboxng.¹¹¹²¹³

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.

¹¹ @smokeboxng, “No Dulling snatch your backwoods Now. Original Backwoods WhatsApp/call 08097700116”. *Instagram video*. November 3, 2021. Accessed June 10, 2022. <https://www.instagram.com/p/CV0c5zGog33/?hl=en>

¹² @smokeboxng, “You still ain’t updated”. *Instagram Video*. June 29, 2021. Retrieved from <https://www.instagram.com/p/CQtFbCvI686/>

¹³ @smokeboxng, “It ain’t a Friday night Without a box of woods”. *Instagram Video*. June 18, 2021. Retrieved from <https://www.instagram.com/p/CQQ9H45I3Gk/?hl=en>

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 netizens¹⁴, they transform into stealth image laundering for an industry whose products have been flagged

¹⁴ a user of the internet, especially a habitual or keen one. Definition from Oxford Languages. <https://languages.oup.com/google-dictionary-en/>

by decades of research and compelling scientific evidence to be responsible for diminishing the quality of life and responsible for 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.

Epilogue

This research notes that the online activities of the tobacco industry in Nigeria threaten tobacco control and undermine tobacco control laws. These threats include the *normalisation 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, analyses of our research findings reveal that the internet remains most unregulated for tobacco advertising, promotion and sponsorship thus undermining the purpose of those restraints.

In addition, we also note that 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. For instance, Nigeria's tobacco laws prohibit tobacco advertising and promotion except tobacco manufacturers and retailers are permitted to promote and advertise tobacco products to "consenting adults" reflected in the tobacco legislation as persons who are 18 years of age and above.

The final part of this report, therefore, concludes with pathways for holding the tobacco industry accountable for its activities, and recommendations that will reinvigorate state authorities' determination to monitor and hold the tobacco industry accountable offline and online.

Some of the recommendations are:

The Nigerian government must:

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.
4. Fully enforce the provisions of national tobacco control policies.
5. 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.
6. 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.

7. Enforce penalties for TAPS and tobacco control violations in compliance and accordance with national tobacco control and policy.

Civil society organisations must equally:

1. Raise public awareness of the dangers of tobacco products, including the violative activities of the tobacco industry in the virtual space and offline.
2. Call out and hold the tobacco industry accountable for activities that violate the NTC Act 2015 and the NTC Regulations 2019.
3. Continually urge the Nigerian government to strictly enforce and implement provisions of the NTC Act 2015, and the NTC Regulations 2019 that regulate and monitor the activities of the tobacco industry in the virtual and non-virtual space.
4. Provide constant feedback on the impacts of tobacco control policies on the people including emerging strategies adopted by the TI to subvert and circumvent the intentions of the regulations.

The Media must:

1. Assist in shaping public narratives on the dangers of tobacco use.
2. Institute internal mechanisms to monitor and sieve out media reports, releases, and news items that advance or promote the business of TI in the virtual space.
3. Engage in media advocacy to strengthen the effectiveness of tobacco control policies and laws.

INTRODUCTION

Sitting atop as Africa's largest economy with a population of over 200 million people, Nigeria is one of the five main tobacco production hubs and market in Africa.¹⁵ With more than 18 billion cigarettes sold annually costing Nigerians over US\$931 million¹⁶ the country is home to some of the world's largest transnational tobacco companies such as British American Tobacco Nigeria (BATN), Philip Morris International Nigeria Limited (PMINL), International Tobacco Company (ITC) Limited, Black Horse Tobacco Company Limited, Leaf Tobacco & Commodities Nigeria, and Imperial Tobacco Limited.

A recent report indicates that BATN controls 78.6% of Nigeria's tobacco market share while ITC Limited controls 16.5%, Black Horse Tobacco Company Limited 3%, PMINL controls 1.1% and others constitute about 0.8%.¹⁷ While there is a lack of comprehensive national data on tobacco prevalence and use in Nigeria, the American Cancer Society's Tobacco Atlas estimated that more than seven million adults

¹⁵ <https://tobaccoatlas.org/country/nigeria/>

¹⁶ Adedoye, D., Auta, A., Fawibe, A. *et al.* Current prevalence pattern of tobacco smoking in Nigeria: a systematic review and meta-analysis. *BMC Public Health* 19, 1719 (2019). <https://doi.org/10.1186/s12889-019-8010-8>. Accessed June 7, 2022

¹⁷ <https://www.euromonitor.com/>

in Nigeria were daily smokers as at 2015, with more than 300 deaths per week traceable to smoking.¹⁸

The Nigerian state's effort to address growing tobacco use and its attendant health challenges to citizens began in the 1970s but unfortunately, these efforts were undermined by the tobacco industry.¹⁹ Nigeria's first tobacco control law, **Tobacco Smoking (Control) Decree 20**, was enacted in 1990 under General Ibrahim Babangida's administration but was ineffective in regulating the activities of tobacco companies. A major defect in the decree was that it was fraught with the tobacco industry proposed language.^{20 21}

In 2004, Nigeria signed the **World Health Organisation - Framework Convention on Tobacco Control (WHO-FCTC)** which it ratified on October 20, 2005. The Treaty entered into force on 18 January 2006, following which,

¹⁸ <https://tobaccoatlas.org/country/nigeria/>

¹⁹ Egbe, C. O., Bialous, S. A., & Glantz, S. A. (2017). Avoiding "A Massive Spin-Off Effect in West Africa and Beyond": The Tobacco Industry Stymies Tobacco Control in Nigeria. *Nicotine & tobacco research : official journal of the Society for Research on Nicotine and Tobacco*, 19(7), 877–887. <https://doi.org/10.1093/ntr/ntx037> Accessed June 9, 2022

²⁰ A bill for an act to repeal the tobacco (control) act 1990 cap.T16 laws of the federation and to enact the national tobacco control bill 2012 to provide for the regulation or control of production, manufacture, sale, advertising, promotion and sponsorship of tobacco or tobacco products in Nigeria and for other related matters 2012. Retrieved from <http://ntcang.org/wp-content/uploads/2014/08/Senate-Bill-Oct-2012bd.pdf>. Accessed May 30, 2022

²¹ Egbe, C. O., Bialous, S. A., & Glantz, S. (2019). Framework Convention on Tobacco Control Implementation in Nigeria: Lessons for Low- and Middle-Income Countries. *Nicotine & tobacco research : official journal of the Society for Research on Nicotine and Tobacco*, 21(8), 1122–1130. <https://doi.org/10.1093/ntr/nty069>. Accessed May 30, 2022

Nigeria started the process of its domestication. Nigeria finally domesticated the treaty on June 10, 2015, with the enactment of the **National Tobacco Control Act, 2015**, which regulates all aspects of tobacco including smoking in public places, prohibition of tobacco advertising, promotion and sponsorship also known as **TAPS**, regulation of tobacco products, contents and product packaging, licensing, and protection from tobacco industry interference among others. The **National Tobacco Control Regulation, 2019** which came into force four years after, serves to strengthen the implementation of provisions of the Act.

Although the National Tobacco Control Act 2015, prohibits advertising, promotion and sponsorship activities, tobacco manufacturers and retailers are allowed to promote and advertise products to “any consenting person who is 18 years of age and above”. Similarly, the legislative provisions against tobacco advertising, promotion and sponsorship inadvertently limit its broad application with the use of vague language, and certain exceptions such as Section 12(4) that make allowances for instances of “**incidental promotional effect**”.

For instance, even though, Part V, Section 12 (1)(a)(b)(c) of the National Tobacco Control Act restricts tobacco companies and related entities and persons from - “*the provision of financial or other support to events, activities, individuals or groups, such as sporting or arts events,*

*individual sports people or teams, individual artists or artistic groups, welfare and other public interest organisations, government institutions or organisations, politicians, and political candidates or political parties, whether or not in exchange for attribution, acknowledgement or publicity, including **corporate social responsibility** activities of any kind” including the promotion of “tobacco or tobacco products in any form” - it, however, notes under Section 12 (4) (d) that “dissemination or reporting or information of tobacco industry’s practices characterised as or likely to be perceived as socially responsible practices...” shall not be considered as tobacco advertising, promotion and sponsorship.*

This is problematic as it allows the tobacco industry to subjectively interpret loopholes in the law to exploit loosely regulated internet channels by using targeted online mechanisms or well-drafted communication of their activities to sway public perception, promote tobacco merchandise and benefit their business interests.

This report establishes that while the industry has been active in the virtual space since 2016, the years 2018 and 2021 had the highest number of tobacco industry content related to CSR initiatives in the virtual space. The uptick in the tobacco industry’s use of online platforms to visibilize their CSR activities may not be totally unconnected with the fact that during the years identified, the Federal Competition and

Consumer Protection Commission (FCCPC) commenced the active enforcement of the existing ban on TAPS and other tobacco industry activities connected to marketing in 2021. The implementation and enforcement of tobacco control policies in the years with the highest tobacco online presence may have pushed tobacco companies in Nigeria to embrace social media platforms that warehouse millions of active daily users to carry out overreaching activities where there is minimal regulation.

Tobacco content sharing on social media and the internet remains largely unregulated by the agencies charged with enforcing Nigeria's tobacco control laws. This lack of regulation provides opportunities for the tobacco industry to operate outside the prescribed limits of the law.

NIGERIA'S DIGITAL MEDIA OUTLOOK

Globalisation has emerged as a phenomenon substantially driving commerce, investments, communication and the ultimate interconnectedness of individuals across various parts of the world.

Of particular importance is how the internet revolution is fueling globalisation and human interaction in ways that would have been difficult to imagine a decade earlier.

While access to the internet is still patchy across the African continent, the last decade has seen great strides in internet penetration in the region, especially in Nigeria. As at January 2022, Nigeria accounted for 82% of Africa's information communication technology market and 29 % of continental internet usage being the fastest growing region for ICT adoption.²² There were 109.2 million internet users in the country as at January 2022. This figure is projected to grow to 143.26 million internet users in 2026.²³

²² Guardian Nigeria (2022, January 26) Nigeria Accounts for 82% of Africa's ICT market. *The Guardian*. Retrieved from <https://guardian.ng/technology/telecoms/nigeria-accounts-for-82-of-africas-ict-market/>

²³ Joseph Johnson (2021, September 29) Nigeria: number of online users 2017-2026. Statista. Retrieved from <https://www.statista.com/statistics/183849/internet-users-nigeria/>

The internet penetration rate stood at 51.0 percent of the total population at the start of 2022 and is set to reach 59.92 percent in 2026.^{24,25} The growth of the internet particularly fired by the country's youth bulge has laid the foundation for huge user engagements on social media platforms and dynamic virtual networks such as Tiktok, Facebook, Twitter, Instagram, LinkedIn, et cetera that are facilitating the rapid sharing of information and ideas, content creation, and most especially commerce. According to one report, Nigerians spend an average of 3 hours and 41 minutes on social media everyday which is significantly higher than the global average of 2 hours 22 minutes.²⁶ The most popular social media platforms used in Nigeria are WhatsApp, Facebook, YouTube, Instagram, Facebook Messenger, Twitter, Telegram, and LinkedIn.²⁷

In fact, sales by e-commerce in Nigeria peaked at a revenue of US\$ 7 billion in 2021, placing Nigeria as the 33rd largest market for e-business in the world. With an increase of 30%,

²⁴ **Joseph Johnson (2021, October 26)** Internet user penetration in Nigeria from 2016 to 2026. Statista. Retrieved from <https://www.statista.com/statistics/484918/internet-user-reach-nigeria/>

²⁵ Simon Kemp (2022, February 15) DIGITAL 2022: NIGERIA. *DataReportal*. Retrieved from <https://datareportal.com/reports/digital-2022-nigeria>

²⁶ Jacob Jacob (2021, December 6) Uses and Abuses: How increased social media usage threatens Nigeria democracy. *Premium Times*. Retrieved from <https://www.premiumtimesng.com/news/headlines/499276-uses-and-abuses-how-increased-social-media-usage-threatens-nigerias-democracy.htm>

²⁷ Doris Dakua Sasu (2021, May 17) **Most used social media platforms in Nigeria as of the 3rd quarter of 2021**. Statista. Retrieved from <https://www.statista.com/statistics/1176101/leading-social-media-platforms-nigeria/>

Nigerian e-commerce contributed to the worldwide growth rate of 29% in 2021²⁸. Ecommerce in Nigeria is bursting with revenues with new markets emerging and prospects for even more growth for existing markets. The tobacco industry is not unmindful of the power of the internet and is working assiduously, tapping from the rich resources of the internet as our research findings in the next chapter will show.

²⁸ E-COMMERCE MARKET ANALYSIS. The eCommerce market in Nigeria. eCommerceDB. Retrieved from <https://ecommercedb.com/en/markets/ng/all>

METHODOLOGY

An online monitoring team comprising ten (10) Social Media Monitors were trained by the CAPPA Project Team to identify and document tobacco industry CSR and other activities on social media platforms and news sites between 2016 and 2021. Between January and March 2022, the monitors gathered evidence by conducting extensive desk research and tracking tobacco industry news and promotional activities on social media platforms such as Facebook, Twitter, Instagram, YouTube, LinkedIn, and other relevant online platforms.

The monitors used keywords such as **“British American Tobacco Nigeria” “Tobacco partnerships”, Tobacco grants in Nigeria” “Farmers” CSR** and other related phrases to search virtual platforms and spaces for information on the operations of tobacco companies and related entities. Evidence of observed activities of the tobacco industry was captured in a structured template that was categorised into location, year, type of activity, source, etc.

After three months of data collection and scanning, the monitors presented a rich pool of 391 visibility engagements of the tobacco industry in Nigeria which was subsequently trimmed down to 226 after an extensive review process to eliminate duplication. The CAPPA project team further

subjected the total information submitted by monitors to rigorous analyses to ensure consistency in data gathering using a predefined guideline to interrogate findings as they relate to research focus and objectives. Preliminary findings of the research were also presented to independent reviewers, tobacco control experts, and advocates who offered further technical guidance on the categorisation of data gathered. CAPPA subsequently synthesised all the information and contributions into a common report.

SUMMARY OF FINDINGS

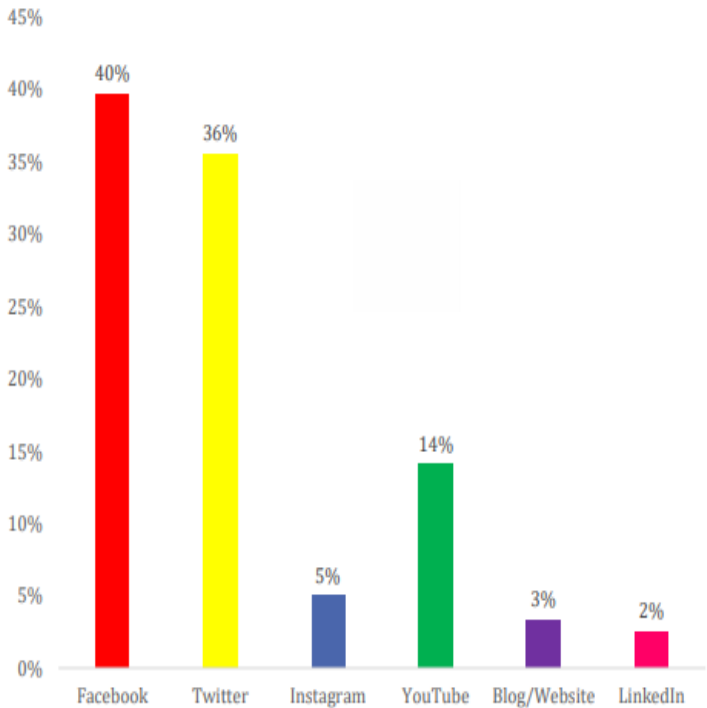
This section provides information on the activities of the tobacco industry promoted in the virtual space including in the form of but not limited to the following: CSR, TAPS, endorsements, and corporate communication. We further described how these activities threaten the integrity of national tobacco control programmes.

2.1 Preferred Social Networking Channels of the Tobacco Industry:

In terms of the most exploited social networking channels, our research findings recorded **Facebook (40%), Twitter (36%), and Youtube (14%)** as the most leveraged by the tobacco industry to engage digital audiences.

This is followed by **Instagram (5%), Blog/Website (3%), and LinkedIn (2%).**

Chart showing the virtual platforms adopted by the tobacco companies



With the strict enforcement of the prohibition of advertising and promotion of tobacco products on television, radio, and newspapers in Nigeria, the tobacco industry is diverting attention to social media. The popularity of Facebook and Twitter as the tobacco industry's preferred social media platforms are not unconnected with the fact that these platforms encase huge populations, and are equipped with interactive mechanisms and unique algorithms that help tobacco companies target a huge organic market. Facebook is the second largest social media platform used by Nigerians with Twitter as the fifth.²⁹

As of April 2021, there were 34, 170, 000 Facebook users in Nigeria which account for 15% of the country's population with people aged 18-24 identified as the largest Nigerian user demographic on the platform (11, 300 00).³⁰ With more and more persons embracing the use of social media in Nigeria, the reality of the commercial potential for the tobacco industry without putting their business at any significant risk of being implicated in violating any laws has never been more obvious.

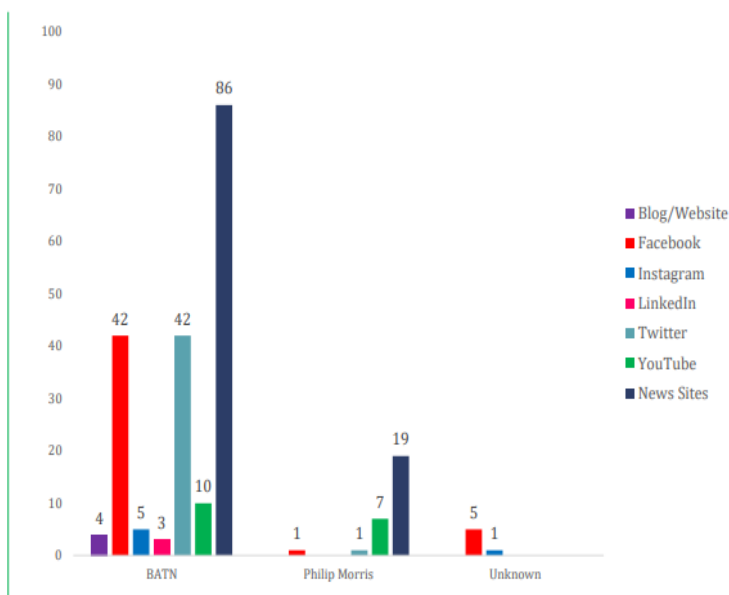
²⁹ Doris Dakua Sasu (2021, May 17) **Most used social media platforms in Nigeria as of the 3rd quarter of 2021**. Statista. Retrieved from <https://www.statista.com/statistics/1176101/leading-social-media-platforms-nigeria/>

³⁰ NapoleonCat (April 2021) Facebook users in Nigeria. NapoleonCat. Retrieved from <https://napoleonicat.com/stats/facebook-users-in-nigeria/2021/04/>

2.2 Preferred Digital Channels of the Tobacco Industry/Vendors

Our research findings flagged BATN as the tobacco company with the most content and information online followed by PMI. Even though we found other pro-tobacco content, we were unable to identify the tobacco companies behind them. The information (individuals sharing pictures or videos of themselves smoking unbranded cigarettes) was spotted on the profile pages of social media users. Thus, they were classified as unknown.

Chart showing tobacco company adopting the virtual platforms



The research identified the most BATN content on newspapers with digital presence, and corporate websites (86), Facebook(42), Twitter (42), Youtube (10), Instagram (5) Blog (4), and LinkedIn (3) whilst content on Phillip Morris International were found on news-sites (19), Youtube (7), Twitter (1), Facebook (1). Tobacco vendors such as Smokeboxng (distributor of Backwood tobacco), Da Smokehub, and social media users updated content advertising tobacco products using Facebook and Instagram.

A content analysis of the research revealed that tobacco industry activities identified with BATN and PMI bordered on news reports of their CSR initiatives on digital channels, and corporate communication of their CSR programmes publicized on their organisational social media platforms. Media items of the tobacco companies' CSR activities are often associated with positive coverage.^{31 32}

³¹ Fikayo Owwoeye. (2018, December 13) The Nigeria Cigarette Market has only one winner. *Nairametrics*. Retrieved from <https://nairametrics.com/2018/12/13/product-review-the-nigerian-cigarette-market-has-only-one-winner/>

³² Harriet Anibena. (2021, March 19) BATN Foundation Empowers Agric Entrepreneurs. *This Day*. Retrieved from <https://www.thisdaylive.com/index.php/2021/03/19/batn-foundation-empowers-agric-entrepreneurs/>



A BATNF Tweet of its CSR initiative in partnership with the Lagos State Government



A Newspaper review of the Tobacco Market in Nigeria

2.3 TAPS and Other Activities on the Internet:

Between 2016 and 2021, the research spotted activities and content on internet platforms that fall within tobacco **advertising (1%), promotions (11%) and sponsorships (6%)** as well as **recognition (6%), endorsement (3%), CSR (47%), partnerships (27%)**.

2.3 (i) Tobacco Industry CSR Initiatives Promoted in the Virtual Space:

Though tobacco companies produce products that are injurious to public health, they deploy CSR to distance themselves from the harms of their products on human health and the environment. Analysis of our findings show that tobacco companies' CSR initiatives are usually undertaken in partnership with state authorities.

The partnerships are initiated in order to gain legitimacy and garner positive ratings in the public. Posts on both tobacco companies' branded accounts and that of the recipients of their so-called empowerment initiatives serve the same purpose as direct advertising. They reflect how the tobacco industry is using corporate communications to create the illusion of an industry that is concerned about public health and society.


2.3 (ii) Partnerships, Recognitions, Endorsements, and Interference in Public Policy

Cozy relationships between the tobacco industry and public officials allows the industry to interfere in decision-making and implementation of public health policies with respect to tobacco control.³³ Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC) seeks to protect tobacco control policies from the influence of the tobacco industry. It mandates Parties “to protect their public health policies related to tobacco control from the commercial and other vested interests of the tobacco industry.

To prevent industry interference, Section 18 (a)(b)(c)(d) of Nigeria’s National Tobacco Control Regulations, 2019, expressly prohibits public authorities from endorsing partnerships, and accepting support from tobacco industry. However, our research findings flagged reports of well-celebrated and publicized partnership activities between tobacco companies and Nigerian state authorities in contravention of the Regulations and the National Tobacco Control Act.³⁴

³³ Law Insider. Tobacco Industry Interference Definition | Law Insider. Retrieved from www.lawinsider.com/dictionary/tobacco-industry-interference

³⁴ Eromosele Abiodun. (2016, April 18) Custom Comptroller general Lauds BATN on Revenue Generation. *This Day*. Retrieved from <https://www.thisdaylive.com/index.php/2016/04/18/customs-comptroller-general-lauds-batn-on-revenue-generation>



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










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Gov. Makinde lauds BATN investment in the state

...As BATN announces transformation

38

When state authorities recognise and extol tobacco companies, and media organisations report stories of partnerships between public institutions and tobacco companies in positive light, they provide goodwill for the tobacco industry directly or indirectly in the eyes and mind of the public. Such fraternities water down the powers of government and the fourth estate of the realm to demand accountability from the industry.

Our research found reports of state and federal authorities celebrating partnerships with the tobacco industry. For instance, the Lagos³⁵ and Oyo State³⁶ governments have on several occasions lauded their partnerships and collaborations with BATN. The Comptroller General of the Nigeria Customs Service (NCS), Hammed Ibrahim Ali (Rtd)³⁷ and the National Youth Service Corps (NYSC)³⁸ have also publicly praised and recognised the BATN for its so-called contributions to the economy of Nigeria. According to the Africa Regional Tobacco Industry Interference Index,

³⁵ Daniel Kanu (2021, December 4) Governor. Makinde Lauds BATN Investment in the State. *The Sun*. Retrieved from <https://www.sunnewsonline.com/gov-makinde-lauds-batn-investment-in-the-state/>

³⁶ Ibid

³⁷ Eromosele Abiodun. (2016, April 18) Custom Comptroller general Lauds BATN on Revenue Generation. *This Day*. Retrieved from <https://www.thisdaylive.com/index.php/2016/04/18/customs-comptroller-general-lauds-batn-on-revenue-generation>

³⁸ Modestus Anaesoronye (2021, December 21) BATN Foundation gets NYSC recognition for youth's empowerment. *Business Day*. Retrieved from <https://businessday.ng/news/article/batn-foundation-gets-nysc-recognition-for-youths-empowerment/>

2021 Report, Nigeria is one of the countries with the highest level of tobacco industry interference out of 14 countries examined.³⁹

2.3 (iii) Tobacco Advertisements Platforms on the Internet:

This research found that tobacco vendors and distributors also use their social media platforms to aggressively promote tobacco products and a smoking culture. In particular, **Smokeboxng**, the official distributor of Backwood cigarettes in Nigeria, and DaSmoke Hub, a tobacco paraphernalia retail shop, use their social media platforms to indiscriminately advertise Backwood cigarettes and tobacco products.

The tobacco vendors also utilize their social media pages to promote smoking culture and tobacco sales by showcasing Nigerian music celebrities such as **Burna Boy**, **Wizkid**, **Naira Marley** and **David** usually captured on camera either smoking or endorsing tobacco products.

³⁹ Africa Regional Tobacco Industry Interference Industry (First Edition, October 21)
Retrieved from
<https://globaltobaccoindex.org/upload/assets/L7oZVHOWjnQ42s0ndDBOSiemCH6luEL4wXckQONkiOobkhdEyM.pdf>



Caption: Popular music entertainer, Davido captured on a video posted on the Instagram page of Smokebox, advertising the tobacco vendor's smoke leaves

A particular post updated on the Instagram platform⁴⁰ of Smokeboxng showed a video of popular music entertainer, Davido promoting the vendor's tobacco leaves and product. The video engagement reflected a positive user engagement of **1, 768 likes, 16, 256 views and 9 comments.**^{41 42 43}

⁴⁰ <https://www.instagram.com/smokeboxng/>

⁴¹ Ibid

⁴² Ibid. Picture shows popular music entertainer Davido promoting SmokeBox Leaves.

⁴³ Picture shows videos of celebrity musicians Naira Marley and Burna Boy endorsing tobacco articles from SmokeBox.
<https://www.instagram.com/smokeboxng/>



caption: picture shows videos of celebrity musicians

caption: picture shows v musicians Naira Marley and Burna Boy endorsing tobacco articles the Twitter page of Da Smoke Hub, an online from SmokeBox. <https://www.instagram.com/smokeboxng> tobacco retail shop.

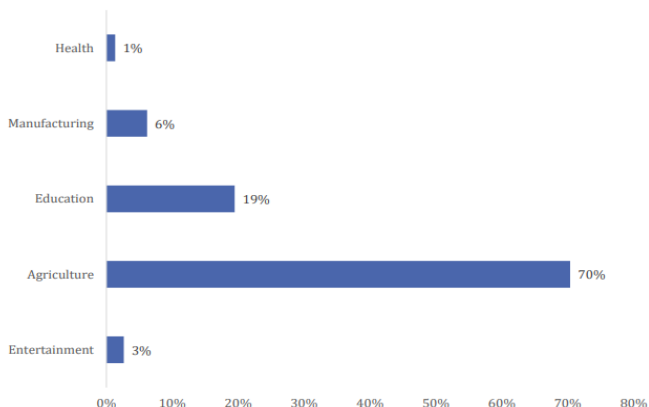


2.4 Sectors Captured by the Tobacco Industry:

These research findings show that the tobacco industry's CSR initiatives are heavily vested in the agriculture (70%) and education (19%) sectors followed by the manufacturing (6%), entertainment (3%), and health (1%) sectors.

TOBACCO INDUSTRY CAPTURE OF THE VIRTUAL SPACE IN NIGERIA

Chart showing sectors that tobacco industry is involved



FOUR NYSC MEMBERS WIN N16.5M BATN GRANT FOR YOUNG FARMERS

Posted by AgriBiz Reporter | May 26, 2022 | AgriNews | 0 □ □ □ □ □

Four National Youth Service Corps (NYSC) members have benefited from a grant sum of N16.5 million in cash and technical support for emerging winners at the Farmers for the Future Grant competition organised by the British American Tobacco Nigeria Foundation (BATNF) recently.

The foundation, in a statement obtained by AgroNigeria, explained that one of the beneficiaries, Victoria Emmanuel, CEO of Sokvikia Enterprises, a catfish processing firm located in Kogi State, emerged the overall winner and was awarded the prize of ₦3 million.

Also, BATN said the first runner-up prize of ₦2 million was awarded to Chidinma Ezeh, CEO of FarmCAS, an agricultural human resources service organisation, while Paul Ugorji of Swift Fish Farm received the sum of ₦1 million for finishing third.

"The winners were among the six finalists earlier selected from over 20,000 participants who registered for the competition sponsored by the BATN Foundation."

A news report on British American Tobacco Nigeria's CSR initiative

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. Their social media platforms and websites are used to update carefully crafted communications and images that buy public support and present the industry as a “stakeholder” in economic development.

2.5: Region/States with the Most Tobacco Industry Activities Posted Online:

This research takes into cognizance the fact that Nigeria is a federal republic divided roughly in half into two regions - the North and Southern region. Northern Nigeria comprises three geopolitical zones namely: Northeast, Northwest, and the North-Central while the South is made up of three zones, namely: South West, South East, and South-South.

Together the two regions share 36 states and the Federal Capital Territory (FCT), Abuja which is the country's capital. A review of the research shows that 71% of the tobacco industry activities updated on the virtual space happened in the southern region whilst 11% occurred in the north. Meanwhile, activities of tobacco companies carried out simultaneously in the two regions during the period under review stood at 18%.

TOBACCO INDUSTRY CAPTURE OF THE VIRTUAL SPACE IN NIGERIA

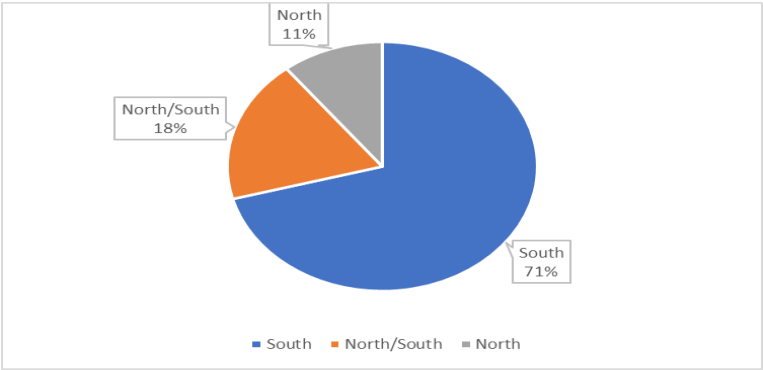


Chart showing tobacco industry activities across regions

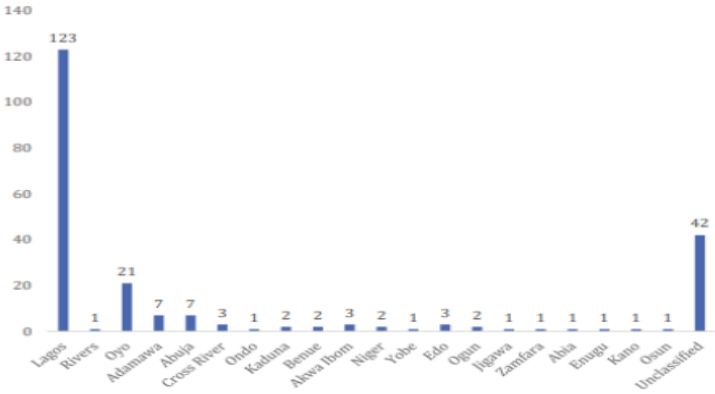


Chart showing tobacco industry’s activities across states which were published on the internet

In relation to states, the findings show that Lagos with 123 recorded tobacco industry visibility events linked to it, hosted the most tobacco industry activity on social networking sites, followed by Oyo state (21). The federal capital territory - Abuja and Adamawa state with 7 each, share the same spot as third most targeted states in Nigeria. It is not unusual to find Lagos as the recipient of the highest number of visibility events of the tobacco industry promoted on the internet. Asides from the fact that the state is dubbed the entertainment, news, and economic hub of Nigeria, it has a teeming population estimated at 22 million people,⁴⁴ which provides a ready market and allure for so many businesses including the tobacco industry.

Most tobacco news updates on internet channels such as their CSR programmes are offline events that happened in different states in the regions of Nigeria. Usually, reports of these events are developed into short posts and stories published on news sites and subsequently shared on social media.

2.5: Rate of TAPs and Visibility Activities in Years Under Review:

This study establishes that between 2018 and 2021 the highest number of online CSR and TAPS content were depicted. It also had the highest number of tobacco-related

⁴⁴<http://www.702.co.za/articles/350778/lagos-to-become-the-world-s-largest-city-with-a-population-of-100-million>

news and CSR reports by the media. One of the most prominent reports was the 2021 recognition that BATN received from the NYSC which was widely reported on news platforms in the virtual space.⁴⁵

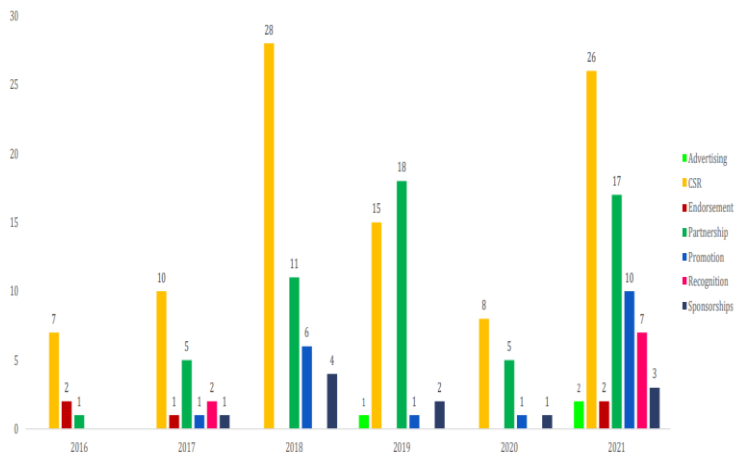


Chart showing the rate of TAPs and Visibility Activities in Years Under Review

2.6: Tobacco Industry Entities, Allies, and Partners

The research shows that tobacco companies are consciously involved in self-promotion (55% of data obtained) on their social media channels. BATN through its charity arm, BATNF, regularly published content promoting the company's CSR initiatives on its Twitter platforms. Tobacco vendors, distributors, and retail shops such as Smokeboxng

⁴⁵ <https://businessday.ng/news/article/batn-foundation-gets-nysc-recognition-for-youths-empowerment/>

and Dasmokehub also published pro-tobacco content on their Instagram, Facebook, and Twitter pages.

Promotion of tobacco industry activities was also carried out by industry partners (19%) such as Lagos and Oyo states. The NYSC which is a federal scheme and a host of public entities also collaborated with tobacco companies to execute so-called empowerment and support initiatives. These public institutions provided news content by openly announcing partnerships with the tobacco industry, lauding and recognising their supposed philanthropic contributions.

The findings also identified pro-tobacco content and news of CSR initiatives promoted and published online by tobacco industry allies (13%), Front groups (3%), and inadvertently by media organisations through their online channels (9%).

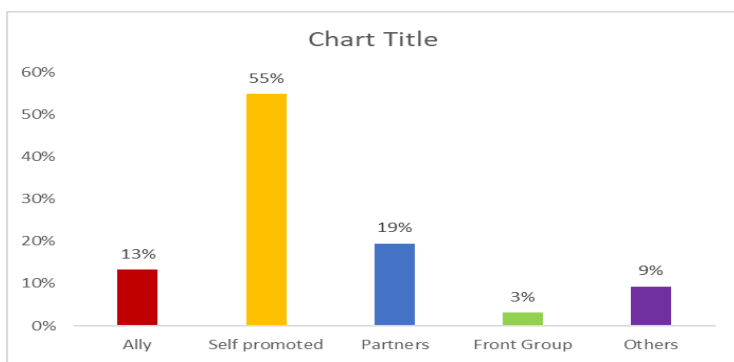


Chart showing the rate of operations of tobacco industry entities, allies, and partners on the internet

RECOMMENDATIONS

While Nigeria has made some enviable strides in regulating the activities of the tobacco industry since the implementation of the NTC Act 2015 and NTC Regulations 2019 began, it is evident that a lot still needs to be done in monitoring and regulating their activities in the virtual space. The presence of many young persons and adults alike on social networking sites has heralded unanticipated opportunities for the industry to shape how they craft their messages and use iconic images to negotiate a positive perception in the minds of Nigerians.

There are no elaborate safeguards in the National Tobacco Control Act 2015 and National Tobacco Control Regulations 2019 in relation to tobacco industry activity in the virtual space. The tobacco industry in Nigeria continues to skillfully exploit and circumvent the gaps in the law to operate almost without supervision in the virtual space.

It is thus important for tobacco control advocates, policymakers, and state authorities in Nigeria to note these emerging challenges and realities in order to counter and expose the tobacco industry's dominance of the virtual space.

To address these concerns;

The Nigerian government must therefore urgently do the following:

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 and commit to implementing these measures across all branches of government that may have an interest in, or the capacity to, affect public health policies with respect to tobacco control.
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 legal provisions and terms in the National Tobacco Control Act, 2015, that are vague, without interpretation, and likely to be subjectively interpreted by the tobacco industry and its allies. For instance, Part VI, Section 15 (4) of the National Tobacco Control Act 2015, restricts the distribution or **Sales of Tobacco Products** via mail, internet, and online devices yet under **Section 45**, the Act's *Interpretive Note*, tobacco products are defined as '*products entirely or partly made of the leaf tobacco as raw materials which are manufactured to be used for smoking, sucking,*

chewing or snuffing.’ This definition is limiting as it excludes tobacco products or paraphernalia such as smoke crushers, e-cigarettes, and cigarette wrapping papers which are tobacco-related items marketed aggressively on the internet by tobacco vendors.

4. Review the National Tobacco Control Act, 2015 and National Tobacco Control Regulation, 2019 to provide clear definitions of terms such as “internet”, “mail”, “online”, and “social media” that address TAPS in the virtual space.
5. Strictly enforce **Section 25** of the National Tobacco Control Act 2015 which stipulates transparency, openness, and publicly available records of meetings and all interactions with the tobacco industry.
6. Institute inter-ministerial mechanisms that will invest in public sensitisation on the dangers of TI activities on the internet, including mainstream tobacco control in the virtual space as a cross-cutting issue.
7. Train and engage the media, 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.

8. 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.
9. Revoke all Ministries Departments and Agencies' collaboration with the Tobacco Industry and their front groups.
10. Enforce penalties for TAPS and tobacco control violations in compliance and accordance with national tobacco control and policy.

Civil society organisations must equally:

1. Sensitize the public on provisions of the national tobacco control policy.
2. Raise public awareness of the dangers of tobacco products, including the violative activities of the tobacco industry in the virtual space.
3. Call out and hold the tobacco industry accountable for activities that violate the NTC Act 2015 and the NTC Regulations 2019.
4. Continually urge the Nigerian government to strictly enforce and implement provisions of the NTC Act 2015, and the NTC Regulations 2019 that regulate and

monitor the activities of the tobacco industry in the virtual and non-virtual space.

5. Provide constant feedback on the impacts of tobacco control policies on the people including emerging strategies adopted by the TI to subvert and circumvent the intentions of the regulations.
6. Prevail on relevant state actors and institutions to put public safety and health above profits.

The Media must:

1. Assist in shaping public narratives on the dangers of tobacco use.
2. Institute internal mechanisms that monitor and sieve out media reports, releases, and news items that advance or promote the business of TI in the virtual space.
3. Engage in media advocacy to strengthen the effectiveness of tobacco control policies and laws.

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