



The UZH - PMI affair

SCIENCE FOR PROFIT

How the University of Zurich sacrificed academic freedom for the benefit of a tobacco company

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In brief

A recent disclosure finally makes it possible to understand the explosive ties between Philip Morris International (PMI) and the University of Zurich (UZH).

Let us recall the international context of tensions for the tobacco industry that arose some 10 years ago. In 2011, Australia decided to introduce plain packaging for cigarettes. Immediately afterwards, the multinational tobacco companies launched an extensive campaign to oppose this measure. They initiated a series of litigations against Australia and other countries planning to introduce plain packaging (in particular the United Kingdom). In order to win these lawsuits and prevent plain packaging from spreading to other countries through «contagion», the tobacco industry set out to «prove» that this measure was not effective and would not reduce tobacco consumption.

In the midst of this highly sensitive context, the University of Zurich agreed to sign a contract with Philip Morris for a research project on the impact of plain packaging on the prevalence of smoking in Australia. Signed in 2013, the contract involved one of its prominent faculty members, Professor Michael Wolf. Two articles, not peer-reviewed^a, presented as “demonstrating” the ineffectiveness of plain packaging, were produced by Wolf and a co-author. Despite the criticisms immediately expressed by the scientific community, the University's Rectorate denied that Philip Morris had had any involvement (other than financial) in the research process. The University of Zurich thus provided Philip Morris with the “scientific credibility” which it needed in its attempt to make Australia reverse its decision and prevent the adoption of plain packaging by other countries.

As numerous preliminary studies suggested at the time, the effectiveness of plain packaging in reducing tobacco consumption has now been firmly established and the measure has been or is in the process of being introduced in 42 countries and territories.

Today, ten years after the signing of the contract, the facts are undeniable. With the aid of a recently disclosed Annex to the research contract, Pascal Diethelm, president of the tobacco control association OxySuisse, has shown that the UZH sacrificed its academic independence to the tobacco company, seriously compromising its scientific integrity and research ethics. The revival of interest in this affair should prompt the University to finally retract the offending articles published on its website and to conduct a proper inquiry.

This affair shows once again that any collaboration with the tobacco industry fundamentally runs counter to academic values and the protection of public health.

^a It should be noted that the author of this IPE press release was Ryan Sparrow, then Head of Regulatory Communications (Global) at Philip Morris International in Lausanne.

Researchers, rectorate and tobacco industry: a fraudulent system

On 16 July 2013, Philip Morris International (PMI) and the University of Zurich (UZH) signed a research contract in which UZH undertook to carry out a study concerning the effects of plain packaging on the prevalence of smoking in Australia.¹ This measure had been implemented in that country since December 2012, despite the protests of PMI and the tobacco industry in general.

The study resulted in two articles, published on the UZH website in 2014.^{2,3} The two authors – Michael Wolf and Ashok Kaul – concluded that their analysis could not find any evidence of a plain packaging effect on smoking prevalence. These two articles were immediately cited by PMI as evidence of the ineffectiveness of plain packaging.^{4,5,b}

Following the publication of these two articles online, their methodology and ethics were sharply criticised by various public health bodies.^{6,7} The methodological errors were subsequently described in various independent studies,⁸⁻¹⁰ notably those published in 2015 and 2017 by the researchers Pascal Diethelm and Timothy Farley, whose reanalysis of the Australian data showed that plain packaging did in fact have an effect on smoking prevalence.^{11,12}

Two prominent professors at the service of the tobacco industry

The UZH study was led by two researchers, Michael Wolf, professor of econometrics and applied statistics at the Department of Economics at UZH and Ashok Kaul, professor of economics at Saarland University (Germany). PMI proclaimed that prominent professors at prestigious universities had demonstrated the ineffectiveness of plain packaging.¹³ The results of the study were widely disseminated by PMI and other cigarette makers.

These two professors, as well as the two other members of the research team, worked for the Institute for Policy Evaluation (IPE), a consultancy based in Germany, of which Kaul was the director. According to a document which remained confidential until May 2023,¹⁴ this firm was the main contributor to the research project: it received two thirds of the budget.

Why did the role of this firm remain undisclosed? IPE played a considerable part in the legal proceedings against Australia, during which various actors claimed that this country's introduction of plain packaging was in breach of World Trade Organization (WTO) agreements. IPE was, in particular, engaged by one of the complainants^c to produce reports supporting its complaint, also written by Kaul and Wolf. It turned out that, in this action, the complainant had received financial support from PMI.¹⁵⁻¹⁷ It may thus be assumed that IPE had been engaged, directly or indirectly, by PMI to provide the necessary expertise.

A conflict of interests covered up by the Rectorate

In 2015, Pascal Diethelm called on Professor Michael Hengartner, Rector of UZH, to retract the two articles published on the institution's website, on the grounds that they were problematic in several respects.¹⁸⁻²⁰ However, UZH failed to recognise its responsibilities. It merely commissioned an external expert to evaluate the articles by the two professors, without pro-

^a It should be noted that the author of this IPE press release was Ryan Sparrow, then Head of Regulatory Communications (Global) at Philip Morris International in Lausanne.

^c The Dominican Republic.

viding access to the underlying documents and excluding questions of (research) ethics from the expert review.

Following the publication of the external expert report,²¹ UZH stated: “For the University of Zurich, the accusations that the working papers^d are flawed have thus been refuted. Based on the expert’s recommendation, the university management has decided to leave the working papers on the website of the Department of Economics[...].”^{e,22}

Suspecting interference by PMI in the research process, Pascal Diethelm then requested access to the contract signed between UZH and PMI. The contract itself was supplied,²³ but an Annex mentioned therein was missing. Despite a further request, access to the latter was not granted:

“The Annex is simply the research proposal. We do not hand out research proposals from our professors, as they contain trade secrets, including for example their research plans for the coming years. Please note that this is a standard policy that is shared by essentially all (perhaps even all – I do not know of any exception) institutions of higher learning.” (Professor Michael Hengartner, Rector of the University of Zurich).

In March 2023, commissioned by the Tobacco Control Fund to document the affair, Pascal Diethelm wrote to UZH, seeking to obtain all the documents available. In May 2023 – almost ten years after the start of the affair – he was surprised to note that, among the documents sent to him by UZH was the Annex to which he had previously been denied access.²⁴ This document¹⁴ turned out to be explosive: it showed that PMI had complete control over the research project, thus blatantly violating the principle of academic freedom.

Damning facts

The main criticisms made of the UZH study are summarised below.

Adverse impact on public health policies

Carried out within an international context of tensions for the tobacco industry, the study needed to “demonstrate” that plain packaging was ineffective in Australia, in order to win the various legal actions undertaken and to avoid other countries following Australia’s example.

- In 2011, Philip Morris Asia took legal action against the Australian government, arguing that the introduction of plain packaging violated a bilateral investment treaty between Hong Kong and Australia, damaging the investments of Philip Morris Asia and undermining intellectual property rights.
- In 2012, the UK launched a consultation to assess whether plain packaging could be an effective way of combating tobacco use. However, no decision was made following the consultation, and on 12 July 2013 – four days before UZH signed its contract with PMI – the British government announced that it would await the outcomes of plain packaging in Australia before proceeding with legislation.ⁱ

^d “Für die Universität Zürich sind damit die Vorwürfe, die Working Papers seien fehlerhaft, entkräftet. Basierend auf der Empfehlung des Experten hat die Universitätsleitung beschlossen, die Working Papers auf der Website des Instituts für Volkswirtschaftslehre zu belassen [...]”

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ⁱ In 2015, British MPs finally voted in favour of plain packaging. Following this decision, PMI, British American Tobacco and Japan Tobacco International sued the British government for expected loss of revenue, violation of intellectual property rights and violation of British and European law. The UZH studies were key components of their

- In the same year, three countries supported by the tobacco industry (Ukraine, Honduras and the Dominican Republic, later followed by Cuba and Indonesia) initiated a WTO dispute resolution process against Australia, arguing that plain packaging violated WTO treaties and claiming that this measure undermined intellectual property and trademark rights and constituted an illegal barrier to trade.

By signing the research contract with PMI and thus affording it the “scientific credibility” which it required, UZH allied itself with the tobacco industry in these procedures. It supported the industry’s tactic of denying the effectiveness of plain packaging with the aim of sabotaging the implementation of this measure in countries eager to follow the recommendations of international health authorities.^g

PMI had complete control over the research

The Annex to the contract between UZH and PMI clearly shows that the tobacco multinational had established mechanisms to ensure that it had a tight control over the research project (excerpts from the contract and from the Annex are shown between quotation marks):

- **Regular meetings are to be held between the researchers and PMI.** The research work includes “regular meetings of PMI team members and our team members, regular conference calls, and frequent email communication [which] is inevitable for reaching our project goals.”
- Of greater concern, the researchers indicate that the long-term strategic goals of the research will be defined according to the following criteria:
 - “Which directions for future research are worth pursuing from a PMI point of view?”
 - “Which developments in the tobacco control research on plain packaging (in Australia) pose a threat to the interest of PMI?”
- **In addition, PMI will decide whether or not the results are to be published and in what format:** “Depending on the internal assessment of PMI, it will have to be determined whether and in which format the results of the analysis should be presented to a broader audience”; moreover, “whether the document will eventually be published and in which form shall be decided by PMI.” In addition, it is specified that, at each phase of the study, a report “will be compiled for PMI internal use only”.
- **In the contract, it is also specified that UZH is bound to secrecy.** The university is not authorised to disclose “the existence or terms of this Agreement or any other aspect of the relationship between the Parties” without the advance written agreement of PMI, nor to respond to media enquiries without its agreement: If contacted by any news organization, UZH is not allowed to answer questions related to the project and must notify PMI of the contact.^h

The researchers indicate that the long-term strategic goals of the research will be defined according to the following criteria:

“Which developments in the tobacco control research on plain packaging (in Australia) pose a threat to the interest of PMI?”

case.

^g In the end, the tobacco industry lost all its lawsuits, but the countries sued were forced to engage in lengthy and costly procedures, which acted as a deterrent to other countries considering the adoption of plain packaging.

^h “If at any time either Party or either Party’s Personnel is contacted by a third party, including any news organization, concerning the Services provided under this Agreement, such Party and/or such Party’s Personnel shall make no comment, notify the other Party of the third party contact, and refer the third party to such other Party and/or coordinate the information provided to the third party with such other Party.”

The researchers concerned have always denied any interference by PMI in their research. On 26 December 2014, for example, the Neue Zürcher Zeitung (NZZ) published an interview with Professor Wolf headed "Philip Morris did not exert any influence on the content".^{i,25} In this article, Wolf emphasises that PMI never had access to the data, that the researchers enjoyed complete scientific freedom, and that they always respected transparency. He states that "there is nothing wrong, in my view, with obtaining third-party funds from companies directly affected by the research, so long as both the transparency of funding and the independence of research are guaranteed."^{j,25}

Researchers' conflicting interests were not declared

The researchers were subject to a conflict of interests, but this was not clearly indicated in any of the documents which were made public. It is known, as mentioned above, that Kaul was the Director of the IPE, the consulting firm which partnered with PMI, and that Wolf was a member of its research network.²⁶ The secret Annex indicates that the IPE was the main contributor to this project, with a third of the budget going to UZH and two thirds to the IPE. It may thus be assumed that there was a separate contract between PMI and the IPE for this second (majority) engagement.

The second conflict of interests is more fundamental: it is impossible to accept an assignment from a tobacco company concerning a question of public health without – inevitably – being subject to a conflict of interests. There is an essential incompatibility between the mission of the two professors, which is to defend scientific knowledge and to assume responsibilities towards society, and defending the interests of a tobacco multinational.

On this question, the position of the United Nations and the World Health Organization (WHO) is clear: "There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests."²⁷⁻²⁹

UZH sacrificed its scientific independence by lending its name to the project

The fact that the entire research team was actually working for the IPE and that two thirds of the budget was allocated to this firm indicates that UZH was simply lending its name so as to endow the research project with a degree of credibility. The Annex, moreover, concludes with the following statement:

"In the unlikely event that UZH is not willing to contract with PMI, IPE will take over all services described in this proposal. The staffing and project work as well as the total fee budget would be unaffected in this case." The IPE was thus prepared to take on the entire project, with the same budget and staffing.

If PMI had simply commissioned the IPE to conduct this research, the results would have been regarded as just one more study produced by an organisation in the pay of the industry, with virtually no scientific credibility.

PMI thus had a pressing need to create the impression that the study had been conducted by serious and independent researchers. The fact that UZH, a major international academic institution,^k agreed to collaborate on this project was thus a godsend to PMI, which did not fail to exploit the prestige of UZH in its communications. This is illustrated by an excerpt from a letter PMI sent to Michael Moore, CEO of the Public Health Association of Australia, in 2014:

ⁱ "Philip Morris hat keinen Einfluss auf die Inhalte genommen."

^j "Es spricht meiner Meinung nach nichts dagegen, Drittmittel von Firmen zu beziehen, die direkt von der Forschung betroffen sind, solange sowohl Transparenz der Finanzierung als auch Unabhängigkeit der Forschung gewährleistet sind."

^k UZH is regularly ranked among the world's top 100 universities.

"Perhaps you missed that paper when it was published in the prestigious University of Zurich Department of Economics Working Paper Series [...]. Had you seen this publicly available report, you would know that [...] the experts could find no evidence of a plain packaging effect."³⁰

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Excerpt from a letter sent by PMI to Michael Moore, CEO of the Public Health Association of Australia, in 2014.

Among the fundamental values of a university, however, are scientific integrity, transparency and a commitment to society. All of these were compromised by the partnership between PMI and UZH.

Also to be noted is the fact that the research proposal was submitted to PMI by UZH less than three months after a group of eminent academics and writers had published the Zürcher Appell ("International Appeal for the protection of academic independence"). The 27 signatories to this document emphasised the importance of protecting the academic ethos: "It is self-evident that a public university should neither cooperate with nor accept sponsorship from institutions associated with public scandal or unethical conduct. That is damaging to the academic reputation of any university. And it impinges upon the independence of the scholars concerned, particularly those directly funded by such institutions, undermining their status as guarantors of independence and ethically-minded scholarship."³¹

The two articles have not been published in a peer-reviewed journal

The articles were published on the UZH website without having been examined by independent experts. Independent peer review is, however, standard academic practice, attesting to the serious nature of an article.

When Kaul and Wolf were interviewed in March 2014 by representatives of the UK Chantler Review, the aim of which was to assess the state of knowledge on the effectiveness of plain packaging, they stated that their results would be published in a peer-reviewed journal: "We have published all our papers in peer-reviewed journals so there's no reason to stop here."³² So why have these articles not been published in such a journal? The authors have never communicated the precise reasons for their failure to do so.

The study includes (numerous) methodological flaws

Omission of explanatory variables

In the Annex to the contract, the researchers state: "It is crucial to thoroughly describe the regulation under consideration and other relevant policy measures in the past. If policy interventions are combined, it is desirable to disentangle the effects of each measure. As part of phase 2 we would therefore - based on PMI material and information - document regulatory interventions in order to identify significant changes to the regulatory environment in prior years, including tax and price increases as well as changes in tobacco control policies. These regulatory changes would then be coded in a way that the relevant information can be included in a statistical analysis."

However, these variables were not taken into account in the final statistical model, with no explanation being given for this omission, even though the authors subsequently acknowledged the weaknesses of such an approach.

Farley and Diethelm, for their part, reanalysed the same data, taking into account the three other main regulatory measures adopted in Australia – increasing the price of cigarettes, banning smoking in public places, and using graphic images on packets. Their model clearly refutes the findings of Wolf and Kaul, showing a statistically significant plain packaging effect. Their results were published in the peer-reviewed journal *Tobacco Prevention & Cessation* in 2015 and 2017.^{33,34} They were used as the main reference in a 2017 Cochrane Systematic Review on “Tobacco packaging design for reducing tobacco use”, which excluded the Wolf and Kaul studies for methodological reasons.³⁵

Wolf and Kaul did not follow their research protocol, even though it was perfectly reasonable. Had they done so, they would have obtained results contrary to the interests of their funder: this provides a plausible explanation for their change of strategy.

Lack of self-criticism

The authors of the two articles never call into question the methodology employed in their study, even though it includes numerous flaws, but on the contrary represent it as the best possible approach. The deficiencies should at least have been discussed in the two articles, as is standard practice in any high-quality scientific publication.

Unsuitable statistical model

The researchers base their analysis on the assumption that the reduction in smoking prevalence follows a linear time trend. This assumption is, however, invalid, as shown by other studies, such as those of Wakefield et al. published in 2008 and 2014.^{36,37}

Low statistical power

The model used by the two researchers is severely lacking in what statisticians call “power”: their analyses were not capable of detecting a significant plain packaging effect,³⁸⁻⁴⁰ making their claim that they found no evidence of a plain packaging effect meaningless.

Will the University of Zurich acknowledge its errors?

The events reported are serious and incompatible with the fundamental principles of research ethics and scientific integrity. The tobacco industry once again demonstrated that it would stop at nothing to defend its commercial interests. Institutions remain susceptible to its manipulations. The question now is whether the UZH will assume its responsibilities and agree to acknowledge its errors. This affair reminds us of the need to remain vigilant – and that measures must be taken urgently to protect institutions from interference by industry, and the tobacco industry in particular. The articles should be removed from the UZH website, as they are in fact products of PMI, which used the institution to provide a veneer of respectability for its publications.

The affair of the contract between UZH and PMI is another example of the tobacco industry's sustained and intense efforts to corrupt scientific knowledge, to sow doubts about the risks of tobacco use and to call into question the effectiveness of public health measures.

This affair unfortunately illustrates the fragility of institutions in the face of harmful private interests and calls for debate and decisions on the part of the university authorities.

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SCIENCE FOR PROFIT

How the University of Zurich sacrificed academic freedom for the benefit of a tobacco company

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