



# ROUCOS E SUFOCADOS

## TOBACCO INDUSTRY LIVES AND KILLS

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Executive Summary

### Introduction

Brazil has been the world's largest leaf tobacco exporter for 25 years. Belgium, China, U.S.A and Italy are the main yearly buyers of almost half a million tons of the product, which accounts for around one third of global trade and approximately 1% of Brazilian foreign sales.<sup>1</sup> Tobacco is one of the main products on the trade balance of the states responsible for the plantations, concentrated in Brazil's Southern Region.

Despite seeing a sharp fall in tobacco consumption since the 1990s,<sup>2</sup> the position of major exporter makes Brazil a key element for the corporations in the sector – almost 90% of production is sold to other countries. There are around 150 thousand families directly involved in cultivation, according to the Tobacco Growers' Association of Brazil (Associação dos Fumicultores do Brasil - Afubra), and almost 700 thousand people connected to the companies.

Souza Cruz, a subsidiary of British American Tobacco, one of the world's five largest companies, created the so-called “integrated production system” over a century ago. Under this format, industry defines how, how much and when farmers will plant tobacco. In addition to providing all the necessary inputs, the private sector defines the final price of the product at the time of purchase.

That is one of the reasons for the explosion in tobacco production that took place in the 1990s, and has since then been maintained with the

help of public financing, as a response to a fall in production in richer countries. According to the 2015 Tobacco Atlas, the plant was grown in 124 countries, but with an increased concentration (92%) in low- and middle income countries: a trend occurring since the 1970s, especially in the last twenty years, in a search for less regulated markets and governments that show more willingness to grant concessions. Brazil burst through with total strength in this strategy, being targeted for demand formerly directed at the United States.

Vale do Rio Pardo, in the state of Rio Grande do Sul, becomes stronger as an administrative and productive center for the sector. The informal capital of this region is Santa Cruz do Sul, a town of 127 thousand inhabitants, which offers a unique view of the control exercised by the private sector. There is intense articulation to consolidate the interests of producers, companies, politicians, Judiciary Branch, teaching institutions and Third Sector Organizations. This connection got stronger after the creation of the Framework Convention on Tobacco Control, ratified in 181 countries, proposed at the World Health Organization and in force since 2005.

### Methodology

We decided to systematically approach the formation of the tobacco industry's strategic network in Brazil – and the arguments that bring into the public debate arena the various social players who indirectly establish the defense

of the companies so they themselves do not have to publicly attend. We must be empowered with knowledge, that is the first journalistic task to promote this nationwide systemization.

After the publication of a report about the living conditions of tobacco farmers in Brazil's Southern region, we noticed a vast network of voices defending the cigarette industry. We then started to review articles, institutional webpages and official documents in order to map and classify these voices.

Brazil has one of the tightest agendas in terms of antitobacco policies, dating back to the 1990s. In order to oppose regulatory measures, companies made various adjustments to their operating strategies. The focus on the idea of a "network Society" ("sociedade em rede")<sup>3</sup> helps to understand such changes, which end up reaching the symbolic and concrete areas of operation at stake.

The large amount of families producing tobacco leaves guarantees the tobacco corporations a strong element of mobilization against the regulatory agenda and to favor the election of parliamentary members directly connected to the cigarette industry.

The tobacco sector also made the transition from the industrial to the information age with extreme competence, moving from symbolic mass production system to a flexible symbolic production system, thus guaranteeing an organizational transformation as a response to the need to deal with a fragmented and everchanging environment.

In order to compile our work, we read and researched scientific books and articles, reports, and court rulings, as well as in loco observation. On three occasions, between 2015 and 2017, we visited rural Rio Grande do Sul, the state responsible for the largest export volume, and spoketoproducers, politicians, traders, employees from the large companies, union members, health sector technicians, researchers, leaders of civil society organizations, businesspersons, lawyers and judges, among others

## Discussion

The main point of our research is the sistemization of a feedback cycle between the voices involved in the staunch defense of the tobacco industry.

- Organizations claiming to defend producers;
- mayors, congressmen and senators;
- the media, especially those in the exporting states;
- third sector institutions, particularly those bringing up the problem of smuggling and taxes;
- false social network profiles.

The key question is the integration system. Every year, farmers visited by tobacco company employees calling themselves "counsellors", make tobacco leaf sales agreements, shaping a service arrangement deal in which there is no room for negotiation. It is like a readymade application document, in which the blanks to be filled in are to specify the type of tobacco, the size of the plantation area, the species of seed and the amount of tobacco, in kilos, to be delivered.

As a rule, the labor is manual, carried out on small properties. There is no mechanization to assist producers with the harder tasks. Usually in May, in the case of Vale do Rio Pardo, the seedbeds start to be formed, which lasts until June. From July to September, thousands of seedlings are planted, one by one. Following this period comes the maintenance cycle and the application of pesticides. Harvesting takes place between October and January, which is done in stages.

In very hot weather conditions, farmers meticulously pick the leaves in order to guarantee good quality and appearance. At night and during the early hours, plants are taken to greenhouses to dry. Firewood keeps the temperature high, which affords quality to the curing process. Farmers must wake up frequently to check the heat from the furnace, which depending on the time, varies between 90 and 170 degrees Celsius. Time off for breaks or resting is minimal. Sirens are set up in order to ensure farmers don't miss important time deadlines or oversleep.

At the end of the harvesting period, the crops are sold directly to the company with whom

the producer signed the contract. The amount is defined by the corporation. There is a classification chart that, in theory, establishes clear criteria with regard to the price to be paid for the tobacco. All those involved in the production chain, however, are clear about one thing: the fundamental element is the international demand for the product.

The chart thus serves to provide the corporate employees with a wide margin of interpretation. The most widely sold tobacco in the country can be fit into 41 different categories, with values ranging from US\$ 0.17 to US\$ 2.9 per kilo. The leaves which have more than half their surface covered by a “light brown to dark brown” color will be worth a certain amount. But if the evaluation concludes that the color orange is predominant, we move on to another level. It is still necessary to check if the product possesses or not elasticity and to what degree. Also to be assessed are the presence of greenish, pale, greyish or reddish spots.

Tânia Cavalcante, who heads the National Commission for the Implementation of the Framework Convention in Brazil (Conicq), considers that the industry uses the rural producers as “objects of manipulation” (“massa de manobra”) in an attempt to interfere in control policies.

*“The tobacco production chain is perfect from an agribusiness point of view. I’m not saying that it is good for producers, but as a business model. It is a model of total discipline. The level of commitment is very high.”<sup>4</sup>*

### **Type of contract**

In 2007, the Labor Court filed a series of lawsuits in order for the companies to acknowledge a relationship of employment with the producers. The private sector, however, alleges that there is just a service agreement contract held between the two parties.

*“Everything has a high impact. They talk about this contract of integration as if it were something very common, as if there was nothing illegal about it. It’s very naturalized”, says prosecutor Margaret*

Matos de Carvalho.<sup>5</sup>

The Labor Ministry opened up an investigation in 1998 to ascertain whether there was the use of child labor in the plantations – at the time, 80 thousand children were estimated to be involved in the cultivation areas. The main discovery was that the producers were the victims, and not the responsible party, since they ended up being forced to rely on their childrens’ work in order to meet the conditions stipulated in the clauses imposed by the companies.

But the organization that congregates the corporations was able to move the procedure to the nation’s capital, Brasília, where in a only a few days an agreement was reached which laid full responsibility on the farmers.

At the time, the Tobacco Growers’ Association of Brazil (Afubra) was deemed to be jointly responsible for the problem. Created in the 1950’s, Afubra came forward as a major representative for the farmers. There are however no records of any action going against the companies’ interests.

The entity sells an insurance policy to protect plantations against potential damage brought on by weather phenomena. It was the British American Tobacco subsidiary made moves in order for all producers in Southern Brazil to take on this insurance.

Afubra was essential towards disseminating and improving the discourse currently repeated ad nauseum in the plantation regions. Basically, the line that separates the interests of producers and the corporations is erased, thus electing a common enemy: the fight against smoking. The Framework Convention for Tobacco Control is the catalyst for the reactive positions. It strengthened the idea that any criticism aimed at the companies constitutes a threat to the farmers’ livelihood.

It’s common to hear soundbites, based on feeble arguments. As a rule, they emphasize a supposed advantage of income from tobacco over all other types of agriculture and a form of plotting against small farmers in favor of hidden interests.

In the 1980’s the Tobacco Sector Workers’ Union

(Sintrafumo), which tried to unify factory workers and producers. In 1989, a joint strike was held for the first time, with roadblocks and factory gate picket lines. Immediately after that the organization started to come under legal challenges and subject to fines by local public authorities. The companies never accepted the union as part of negotiations, and it ceased to exist.

As time went by, class associations were called to take part in negotiations and reduced their resistance. These days, there are no unions or associations in the producing regions willing to put pressure on corporations for them to improve the producers' situation.

A local union representative came out in adamant defense of child labor.

*"Today, our children don't work. If they're going to help, they pick a few leaves that fall on the ground. Parents' main concern is to take the kids to school. If this ever did happen [child labor] it was a long time ago, but even so, the children who helped out on the plantations learned a trade. We're creating a generation of layabouts who have nothing but schooling, who think they can't work anymore. And what kind of a generation will that be, in the future?"<sup>6</sup>*

In 2016 she was elected councillor in Venâncio Aires, the second largest town in the do Vale do Rio Pardo Region, and in 2018 became president of the local Legislative Branch.

## Numbers

We made an analysis of the figures most frequently repeated by the direct and indirect representatives of the tobacco industry. The idea that this is a highly profitable production chain has become one of the main hindrances for action by public authorities with regard to anti-smoking policies and support for farmers to find alternatives.

Starting with a general balance, a study calculated at approximately US\$ 15 billion<sup>7</sup> the annual losses caused by cigarette smoking in Brazil, including deaths, public health system expenditure and productivity problems at work.<sup>8</sup> Medical costs are

equivalent to almost 10% of the general health budget. Meanwhile, tax revenues from tobacco byproducts stand at US\$ 3.5 billion.

We then went on to try to understand if cigarettes are so profitable for the producers as organizations in defense of the sector claim. We based ourselves on studies carried out at the request or with the support of the association that assembles the major companies. One of them conducted a field survey with 381 producers. Findings reveal that average income through tobacco stood at US\$ 9 thousand/year, but net income dropped below US\$ 4 thousand. 13% of farmers declared a loss and a further 13% showed a maximum annual income of US\$ 1.6 thousand, in addition to 17% whose income was between US\$ 1.7 thousand and US\$ 2.5 thousand.<sup>9</sup>

In 2016, a study commissioned to the Federal University of Rio Grande do Sul found that 35.8% of producers declared they did not lead financially stable lives. Almost half of those interviewed said they made use of public financing to support the crops.<sup>10</sup>

This is a particularly important aspect because it contrasts with the discourse that states that this is a highly profitable and non-government dependent culture. We carried out a survey and saw that the cigarette boom coincides with the use of resources from a family farming national loan programme. On many occasions the federal government considered putting a definite end to tobacco financing through this project, but always came under pressure from congressmen and women who had been on the receiving end of resources given by these companies during election periods.

This situation shows the fragility of the projects to create alternatives to tobacco crop farming, usually carried out by non-government organizations, despite facing difficulties. Brazil reached the point of having almost 200 thousand producer families in 2005; today this number is 150 thousand.<sup>11</sup> The project aimed at fomenting other forms of crop farming was never over US\$ 250 thousand per year, according to a document we obtained through the law that allows public data access. In 2015, this initiative received around US\$ 50 thousand, followed by the budget

being slashed to zero.

The successful experiences in tobacco-producing regions enhanced collective solutions, working exactly on what is the great advantage of the tobacco industry: the crop purchase guarantee. Organic and agroecological initiatives are no longer able to meet the growing demand for fresh food.

Vera Luiza da Costa e Silva, who since 2014 heads the Framework Convention Secretariat, located in Geneva, understands that the federal government should undertake an agenda disconnected from corporate arguments.

*“Industry ends up wanting to go against the treaty, when in actual fact diversification needs to happen. It is inevitable that measures be thought up to provide support to these tobacco farmers. Industry is not in the least bit concerned about tobacco farmers. The farmers have a subjection-resistance relationship. Tobacco growing is a culture where the shots are called and assurances are given or taken away by the industry.”<sup>12</sup>*

A character that is paramount to the success of the “integrated system” in Brazil is the company counsellor. We’re talking about the employee who circulates around the towns bringing and collecting information in real time. He is the one who guarantees that the companies get an extremely accurate pre-survey regarding the amount of tobacco that will be produced; that technological innovations be quickly incorporated by all the producing families; and that the discourse between companies and farmers be quickly unified, as at the time of the legislative discussion of the Framework Convention.

It is common for people and projects that attempt to come up with solutions be discredited by the actions of the counsellors. Dom Sinésio Bohn, once a Bishop in the town of Santa Cruz do Sul, tried to work along those lines.

*“I used to walk through the communities feeling totally at ease, but all of a sudden I started to be treated with hostility in some places. I was even threatened at one point. There were people playing the farmers against me, saying that I wanted to put an end to their livelihood, that I was a communist agent.”<sup>13</sup>*

## Tobacco caucus

It is difficult to find, in producing regions, mayors, councillors, congressmen and senators putting up any opposition to these companies. Rio Grande do Sul state has a “tobacco caucus”, formed directly by five members (10% of the state Legislative branch) and capable of engaging many other State Representatives.

Different to the agribusiness caucus, which directly controls one third of the Brazilian Legislative Branch and presents many projects, the tobacco caucus has few propositions. In general, its members work mainly on defending the industry than on promoting a specific agenda. The essential angle is pressure, in and out of Congress, in ministries and in the Judiciary Branch. We found no proposals by these members of parliament that favor growers directly.

Up until 2014, Brazilian legislation allowed companies to finance electoral campaigns. Philip Morris stated that they had invested the equivalent to US\$ 435 thousand, Alliance One deposited US\$ 200 thousand and China Brasil Tabacos, US\$ 50 thousand. Souza Cruz, the domestic market leader, has no donations on records, but has their interests publicly defended. The companies show no preference for any party: donations are spread among various party acronyms.

The tobacco caucus members promote the liaison between the tobacco industry and judges and the Judiciary Branch. A key moment is the pressure regarding the Brazilian government’s proposals for the Framework Convention Party Conference (COP), a biennial meeting that brings together the global treaty signatories.

Adolfo Brito, a congressman from Rio Grande do Sul, tells us how the liaison between parliament members took place during the COP held in 2014.

*“We requested that the Ministry of Agriculture forward us the agenda for the meetings. We had a meeting scheduled for the morning and the afternoon in order to see everything that had been discussed. We would offer our opinion. I was in contact with the federal caucus from Rio Grande do Sul in the Lower House and in the Senate. I would*

*then convey our position in order to persuade for the necessary changes.”<sup>14</sup>*

Vera Luiza da Costa e Silva told us that this type of liaison among the companies, trying to use indirect representatives in order to influence the COP negotiations, has led to tension between transparency and interference. The COP7 report in India in 2016 shows that organizations from the health sector and representing the producers were barred, in some cases due to financial relations with the companies.<sup>15</sup>

*“It is becoming more and more difficult to open and not have full public participation. You end up having to jeopardize transparency in order not to accept an interference”*

## Success

The narrative regarding the success of the region finds an essential element in German colonization. The core idea is that the Vale do Rio Pardo region was developed by orderly and hardworking people. Historian Mateus da Silva Skolaude considers this an essential cultural milestone for the tobacco industry, especially from the 1970's, in liaison with the political powers with regard to assuring the German identity.<sup>16</sup>

All the time, the successful image of an organized, predominantly white society is used; a society imbued with a colonizing spirit and drawing the attention of one of the most powerful and influent economic sectors in the world, capable of financing and benefiting from this *status quo*.

In Santa Cruz do Sul, however, 13.2% of the population declared itself as black (negro) in the 2010 Demographic Census (fifteen thousand people). Among the black population, 90% earned a monthly wage of up to two minimum salaries (equivalent to US\$ 500, according to updated data), compared to 68% among the white population.

The presumed German “thoroughness” is also seen as the cause for an uncomfortable situation in a region that tries to convey success ideals. In addition to being the “tobacco capital of the world”, Santa Cruz do Sul is one of the top 10 suicide sites in Brazil – the town recorded

the seventh highest general rate in 2012 and was ranked 29th considering only the young population. Neighboring town Venâncio Aires ranked 5th in terms of suicide rates among youths and 15th considering the general population.<sup>17</sup>

In 1995 a survey associated for the first time the suicide rated to tobacco growing.<sup>18</sup> The alleged reason is the large scale use of pesticides. In that year, when the figures in Venâncio Aires achieved a record high, growers applied one hundred kilos of poison per hectare, brought on by a drought which increased pest attacks on plantations.

In 2014, the Mapa da Violência (Violence Map) showed that out of the Top 20 most violent municipalities in Brazil, eleven are in Rio Grande do Sul. Three in the production region: Santa Cruz do Sul, Venâncio Aires and Encruzilhada do Sul.

Vale do Rio Pardo is so relevant among these statistics that the region was selected for a pilot project by the Observatório de Análise de Situação do Suicídio no Rio Grande do Sul (Rio Grande do Sul Suicide Situation Analysis Observatory), elaborated precisely in order to understand the causes of so many deaths. The creators of the initiative explain the reason:

*The strong German influence and the tobacco monoculture really stand out, which puts farmers in a position of dependency in relation to the tobacco industry, one of the region's main economic sources. Of the 343,858 inhabitants, 33.6% live in rural areas and are more exposed to the harmful effects of the indiscriminate use of pesticides, especially organophosphates, that can cause Central Nervous System alterations, among which are mood swings, as shown by various studies.<sup>19</sup>*

A group of researchers from the National Cancer Institute ran a study in a tobacco-producing municipality.<sup>20</sup> The idea was to assess the correlation between pesticides, mental confusion and agrochemicals through questionnaires with 869 people between 2011 and 2012. It was discovered that people who reported as suffering from depression had a higher exposure to poisons and that the rate was considerably higher among those who had had contact with these substances before and during adolescence.

In another town in Rio Grande do Sul, researchers from a federal university heard 2,400 tobacco growers.<sup>21</sup> The interviews exposed the hardships of this culture. 64% said the activity is exhausting and 46.7% reported hard labor between four and seven months of the year. During the harvest, most worked for over twelve hours a day.

The use of pesticides took place on practically all properties. Researchers analyzed many types of exposure to these poisons: in application, cleaning equipment, on clothes, transport, in contact with the leave. 66% had direct contact with these substances in the twelve months previous to the interview. Those who had been exposed to at least seven situations had an 88% higher chance of suffering from psychological disorders. The study also found a connection between this problem and being in debt and exhausting labor. From the total sample, 12.7% had at least one suicide case in the family.

Researcher Guilherme Eidt Gonçalves de Almeida, a health law specialist, draws attention to the connection between the months of heavier use of pesticides in tobacco plantations – October, November and December – and the period with the highest number of suicides. The month of April, which also shows a high rate, coincides with the seedbed preparation period by the planters.<sup>22</sup>

## Smuggling

The illegal market is one of the tobacco industry's most frequent arguments in many countries to avoid higher taxes and other tobacco control measures. For a few years, tax increases on cigarette packs in Brazil were held back because the Internal Revenue Service was concerned about encouraging smugglers.

Francisco Assis, Undersecretary for the IRS Inspection services, says that this is one of the most active economic sectors.

*“When we started, in 2009, to act in a more consistent and aligned manner in accordance with Article 6 of the Framework Convention, we started to collect more taxes and saw a fall in consumption. In all the meetings that we took part, Industry comes forward with the three classic arguments which I'm sure you must know: the budget argument, the health argument and the [tax] regression argument.*

In other words, the idea that the government will lose revenue if they raise taxes, expose citizens to products without health control and punish the poor, who will have to use more of their income in order to keep on smoking. Brazil, however, continues to charge a relatively low price for a pack of cigarettes. According to Atlas do Tabaco 2015, Brazilians spend, on average, between 2.5% and 5% of average income on this product. In Uruguay, in Peru and in Venezuela, it stands between 7.5% and 10%, and in Ecuador over 10% of one's income is spent on tobacco. The updated version of the Tobacco Atlas, in 2018, estimated the tax rate on the sale price at 31.8%, whereas the official recommendation is 70%. According to Instituto Nacional de Cancer (Inca), the total percentage of tax varies from 69% to 83%.<sup>24</sup>

We found four institutes directly financed by the cigarette industry with smuggling-related actions: The Associação Brasileira de Combate à Falsificação (Brazilian Anti-Forgery Association) has close ties to the police forces; Instituto Brasileiro de Ética Concorrencial (Brazilian Competitive Ethics Institute) and the Frente de Combate à Pirataria e à Ilegalidade (Anti-Piracy and anti-illegality Front) focus on liaisons with the Legislative, Executive and Judiciary Branches; and the Instituto de Desenvolvimento Econômico e Social de Fronteira (Border Social and Economic Development Institute) are involved with studies that aim to influence the public powers.

The numbers shown by these organizations are skyrocketing and show up unceremoniously in the media. In 2013, losses due to smuggling and forgery, generally speaking, were reported to add up to US\$ 10.5 billion. In the following year, it had already reached US\$ 25 billion. In 2016, US\$ 31 billion. In 2017, US\$ 37 billion. Since the reports showing calculations in detail are not publicly presented, it is impossible to ascertain the accuracy of the figures.

The Brazilian IRS had to make their own estimates, after years depending on figures conveyed by company-financed institutes. The conclusion is that the underground market is around 30%. During a public hearing summoned by a corporate-financed congressman, the Customs representative stated that the numbers evoked by the institutes were an exaggeration: they represent one third of consumption by every

Brazilian family.

Parliamentary Inquiry Commissions (CPIs, in the acronym in Portuguese) are investigation tools frequently used in the Legislative Branch. The president of the Associação Brasileira de Combate à Falsificação (Brazilian Anti-Forgery Association) told us himself that the investigations made under the anti-Piracy CPI, between 2003 and 2004, were carried out by the organization. At the end, in addition to jailing a person alleged to be the “King Smuggler”, investigations resulted in two legally operating companies being closed down. These companies were showing upward growth, reaching an 8% market share.

The allegation was that they owed the IRS, a fundamental issue for the Instituto Brasileiro de Ética Concorrencial, accepted as *amicus curiae* at the Federal Supreme Court. In one of the lawsuits where the Highest Court in Brazil debated whether tax debts should lead to companies being closed down, the institute presented as a document the final report from the Anti-piracy CPI (CPI da Pirataria).

In 2015 the Centro de Cidadania Fiscal (Center for Fiscal Citizenship) was created, comprising a former head of the Inland Revenue Service, Bernard Appy and a former Minister of Planning, Nelson Machado. Despite being shown as an independent think tank, the institute has Souza Cruz as one of its sponsors. In 2017, it gained media relevance by postulating a tax reform that carried out an all-round tax burden reduction.

The revolving door is a common practice in the sector. The advisory Board from the Instituto Brasileiro de Ética Concorrencial as well its counterpart at Souza Cruz have included important members. Former heads of the Internal Revenue Service, former Federal Supreme Court Judges, former Executive Branch ministers and researchers from public institutions have been on this list.

The action/discourse relations also include the media. The advertising ban did not exhaust the tobacco industry’s media reach completely. Be it through institutional texts published in wide-circulation newspapers crying out against cigarette smuggling, or in other themes from

the economic sphere that can yield notes and articles signed by unions and associations hiding the true authors, the sector participates and influences the daily lives of the country’s main periodicals.

Philip Morris sponsor professional training for young journalists at both major Brazilian newspapers, Folha de S. Paulo and O Estado de S. Paulo. In the second semester of 2017, Folha de S. Paulo organized a joint seminar with the corporation to discuss heated tobacco, the next big gamble from this corporate sector. Cooption of local communication media, especially in tobacco growing regions, is even more evident.

## Conclusion

Our research shows intense liaisons on behalf of indirect representatives of the cigarette industry. The success of anti-smoking policies in Brazil and the large number of producers led to a re-articulation of the discourse. The main idea is the unification of the “production chain” around a single interest: to maintain this agroexport system, with no room for criticism for corporate posture and a better standard of living for family farmers.

Future projects may further develop research about the impact of this network on specific public policies, for those already implemented as well as those that weren’t. Our systemization also reinforces the need for a liaison in the opposite direction, that operates with press entities and political actors to provide clarification and prevention with regard to indirect corporate representatives. Public agencies can reinforce preventive measures of conflicts of interest.

Rural producers should merit the special attention of public policies. Our work strengthens the need to reinforce strategies for dialog and practices which expose the possibility for migration to other cultures and oppose the distorted figures provided by the direct and indirect corporate representatives. However, the current trend towards undermining diversification campaigns creates more difficulty for civil society to act.



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# ROUCOS E SUFOCADOS

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