



« Le droit de respirer un air de qualité non pollué par les émanations toxiques du tabac est aussi légitime que celui de disposer d'une eau potable. »

Prof. Dr. Michael Hengartner
Rector
University of Zürich
Künstlergasse 15
8001 Zürich

Geneva, 14 December 2015

Dear Prof. Dr Hengartner,

I refer to OxyRomandie's request for retraction of two working papers published on the website of the University of Zürich which deny the effectiveness of plain packaging as a tobacco control measure in Australia (cf. our letter to you of 29 January and its Annex), which you had decided to have assessed by an external expert.

In April of this year, you kindly sent me a copy of the expert's report, asking me to treat it with confidentiality, which I did. You also indicated that the University of Zürich would soon release a media statement to communicate your comments to the journalists who had covered this topic.

We have patiently waited for this statement to be issued, respecting our commitment of confidentiality. A few weeks ago, it was brought to our attention that a link to the expert's report had been discreetly added on the pages of the two working papers on the UZH website.¹ Furthermore, we also learnt that a press release had been posted on the website of *IPE Institut für Politikevaluation* on 5 August, which makes a distorted presentation of the expert's evaluation.

We are disappointed about the way the University of Zürich has communicated on this issue. We were expecting better, particularly as you indicated in your email of 5 May to me that the University had "a duty to inform, as previously promised, the media of what the external expert found."

We also observe that *IPE Institut für Politikevaluation*, where the two professors work, is continuing the collaboration with Philip Morris and has just issued a new report commissioned by the tobacco multinational, perpetuating the denial of the effectiveness of plain packaging (essentially deriving its claim from the two UZH working papers.)² We are glad that at least this collaboration with the tobacco multinational no longer implicates the University of Zürich.

We should like for our part to provide you with our views on the expert's report. Please see attached the following two documents:

- OxyRomandie's comments on the expert's report
- Copy of recently published paper by P. Diethelm and T.M. Farley, entitled "Refuting tobacco-industry funded research: empirical data shows decline in smoking prevalence following introduction of plain packaging in Australia"³

¹ The working papers are found at addresses <http://www.econ.uzh.ch/static/workingpapers.php?id=828> and <http://www.econ.uzh.ch/static/workingpapers.php?id=844>.

² See <http://www.ipe-saarland.de/deutsch/news/>.

³ Note that unlike the two UZH working papers, which have not been submitted to peer review, this paper has been published in a peer-reviewed journal.

After having carefully read the expert's evaluation, we consider that the essential part of our critique remains unchallenged. We persist in our assessment that the two working papers suffer from serious flaws and design misconception that are collectively damning and make them defective beyond repair.

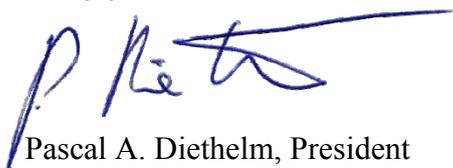
In spite of our reservations, we agree with the expert's conclusion that the University of Zürich "add a note on the website providing the working papers or directly within the working papers) stating that these studies have been discussed controversially (including references to relevant documents)." The note should also draw the readers' attention to their defective nature and to the misleading character of their conclusions. As of today, no such note has been added. This needs to be done as a matter of urgency.⁴ Furthermore, we respectfully request that, as part of the "references to relevant documents", a link be included to a copy of our comments on the expert's report, together with a link to the Diethelm-Farley article, which refutes the working papers. We also ask that the announcement of such additions be made on the homepage of the UZH website.

We still think it of crucial importance that the University of Zürich take its distance with respect to the use made by the tobacco sponsor of the two defective working papers and publicly denounce the misrepresentation of their results, notably in the tobacco multinational's submission to the UK government in response to the 2014 consultation on plain packaging. The contract that links the University to Philip Morris International gives the University the right to do so.

Failing to assume its responsibility, the University of Zürich would set an extremely worrying precedent, institutionalizing the complicity of an academic establishment in the manipulation of science by a corporate sponsor. This would imply that as long as the corporate sponsor pays, he owns the results of the studies produced by the university, which are considered purely as deliverables, and this ownership extends to the point of being able to distort and misrepresent the findings, without the university feeling any obligation or responsibility to intervene to prevent or stop the disinformation. Such an approach to partnership between the private sector and the university would wide open the door to all kind of abuses and would inevitably undermine public confidence in academic research.

We trust the University of Zürich will not let the science it produces become the prey of the tobacco industry, an inherently immoral industry. We again urge you to take the necessary corrective action.

Sincerely yours,



Pascal A. Diethelm, President

Attachments:

- 1) Comments on Professor Ben Jann's Methodological Report. OxyRomandie, 14 December 2015
- 2) Copy of paper Diethelm P and Farley TM. Refuting tobacco-industry funded research: empirical data shows decline in smoking prevalence following introduction of plain packaging in Australia. *Tob. Prev. Cessation* 2015;1(November):6 doi: 10.18332/tpc/60650

Copy to: Members of OxyRomandie (via OxyRomandie's website)

⁴ As you probably know, tobacco multinationals are currently waging large lawsuits against several countries, attacking their decisions to introduce plain packaging. They use the working papers of the University of Zürich as "proof" of the ineffectiveness of the measure.