The Tobacco Industry and Children’s Rights

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The manufacture, use, and marketing of tobacco present a serious threat to children’s right to health. This makes the Convention on the Rights of the Child a potentially powerful tobacco-control tool and the United Nations Children’s Fund (UNICEF), which oversees the convention’s implementation, a potential leader in tobacco control. UNICEF actively supported tobacco control initiatives in the late 1990s, but since the early 2000s UNICEF’s role in tobacco control has been minimal. Using the Truth Tobacco Industry Documents library, an online collection of previously secret tobacco industry documents, we sought to uncover information on the tobacco industry’s ties with UNICEF. We found that from 1997 to 2000, when UNICEF was actively promoting tobacco control to support children’s rights, the tobacco industry saw children’s rights and UNICEF as potentially powerful threats to business that needed to be closely monitored and neutralized. The industry then positioned itself as a partner with UNICEF on youth smoking prevention initiatives as a way to avoid meaningful tobacco control measures that could save children’s lives. After UNICEF’s corporate engagement guidelines were loosened in 2003, tobacco companies successfully engaged with UNICEF directly and via front groups, including the Eliminating Child Labour in Tobacco Growing Foundation. This was part of an overall tobacco industry strategy to improve its corporate image, infiltrate the United Nations, and weaken global tobacco-control efforts. As part of its mission to protect children’s rights, UNICEF should end all partnerships with the tobacco industry and its front groups.

The Convention on the Rights of the Child (CRC), which was adopted by the United Nations (UN) in 1989, is the most widely ratified human rights treaty in history: all 197 UN countries except the United States are parties.¹ The CRC establishes the rights of children, emphasizing children’s rights to life (article 6), health (article 24), education (articles 28 and 29), and protection from the use of harmful drugs (article 33) and exploitative activities that harm their wellbeing (article 36).² The serious and widespread impact of tobacco use on children’s health, the tobacco industry’s exploitative marketing practices, and the use of child labor in tobacco growing³ make the CRC a potentially powerful tobacco control tool, as acknowledged by several public health and human-rights advocates.⁴–⁶ The CRC also complements the 2005 World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC), which is the UN tobacco control treaty.⁷

The FCTC was negotiated from 1999 to 2003 by the WHO⁸ and its member states. At that time, the United Nations Children’s Fund (UNICEF), which is the world’s leading authority on CRC implementation, was working with the WHO to promote tobacco control from a children’s rights perspective, and was involved in FCTC negotiations. In

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the late 1990s, UNICEF saw its role in tobacco control as a children’s rights obligation and called for tobacco advertising bans,9,10 raising tobacco taxes, and health education11 and initiated joint youth smoking prevention (YSP) projects with the WHO.12,13 Children’s rights were a theme in international tobacco-control meetings,14–18 and in 2001, the WHO and UNICEF published a joint report on tobacco and children’s rights in which they emphasized the need to protect children from smoking initiation, secondhand smoke exposure, tobacco marketing, and labor on tobacco farms.3 Since the FCTC entered into force in 2005, however, UNICEF has maintained a low profile in tobacco control,19 although tobacco is a well-established cause of low birth weight, prematurity, and other risks to child survival20 and a substantial contributor to child poverty, food insecurity, and preventable diseases and deaths.20–21, also, most smokers initiate in youth as a result of targeted tobacco advertising.22

Starting in the late 1990s, tobacco companies executed an elaborate strategy to infiltrate the UN, discredit the WHO, and weaken global tobacco-control movements23–25 by presenting themselves as reasonable partners.26 Tobacco companies hired Mongoven, Biscoe, and Duchin (MBD), which is a firm that specializes in breaking down advocacy campaigns.27 MBD advised the industry to participate in the FCTC treaty process and cultivate alliances with nongovernmental organizations (NGOs).25 UN agencies (eg, the Economic and Social Council, International Labour Organization, and the United Nations Global Compact (UNGC)),26,28 and UN officials then use these alliances and access to gain influence, information, and an image of credibility.26,29 The industry also sought to refocus the FCTC on YSP.24,29 Tobacco industry–funded YSP initiatives30–32 are ineffective at reducing smoking prevalence30–33 because they portray smoking as an adult choice while providing tobacco companies with good publicity, access to policymakers,33 and opportunities to undermine tobacco regulations.34

We show how the tobacco industry engaged with UNICEF and children’s rights from 1997 to 2016 in an attempt to neutralize UNICEF’s antitobacco advocacy and infiltrate the UN as part of the industry’s strategy to weaken the FCTC.

METHODS

We searched internal tobacco industry documents in the Truth Tobacco Industry Documents library (https://www.industrydocuments.library.ucsf.edu/tobacco/), which is a publicly accessible, online library of previously secret tobacco industry documents that were mostly released through litigation against tobacco companies, from January 2017 through April 2017 using standard snowball search techniques,34 starting with the search terms “Convention on the Rights of the Child” and “UNICEF.” We conducted follow-up searches with adjacent documents (by Bates numbers) and names of individuals, organizations, and events mentioned in the documents. We retrieved 2555 documents. Filtering out duplicates and irrelevant documents, such as unrelated news articles citing UNICEF studies, yielded 25 unique documents for this analysis.

We conducted additional searches in news archives (eg, NewsBank and Google News) using the search terms “UNICEF AND tobacco” and “UNICEF AND Philip Morris” on the Web sites of Philip Morris International (PMI), Japan Tobacco International (JT), British American Tobacco (BAT), and the Eliminating Child Labour in Tobacco Growing Foundation (ECLT) using the search terms “UNICEF” and “child rights” and on the UNICEF Web site using the search term “tobacco.”

RESULTS

Ideas for a “Youth Treaty”

Alternative to the WHO FCTC, 1997–1998

In a November 1997 report prepared for Philip Morris International (PMI), an MBD employee35 (Table 1) discussed how the WHO had finished its preparations for negotiating the FCTC and how, according to MBD, a FCTC treaty was “virtually inevitable.” In the report, a strategy was described for delaying the crafting and adoption of the FCTC, which would include PMI positioning itself as a partner with the WHO on YSP. MBD35 recommended that “it would be in the company’s interest to have the treaty focus entirely on protecting children and leaving adult choice protected.” In a May 1998 e-mail to Denise Keane (general counsel at PMI), David Bushong (of corporate affairs at PMI) discussed these ideas further:

*It appears increasingly likely that we could overtly promote a global level playing field to protect kids. That could amplify/multiply our [Kazakh]-style youth programs...[and] work with those staffers and member states who...might want to moderate the scope of any [FCTC]-type action.*37

The Kazakh-style youth program was a YSP program, Right Decisions Right Now, that PMI was running in South Kazakhstan in May 1998.36 The program was part of a joint YSP initiative between PMI, British American Tobacco (BAT), Japan Tobacco International (JT), and RJ Reynolds International31 in regions such as the Americas to counter more effective youth access and tobacco marketing restrictions.33,52 Tobacco industry reports and presentations reveal that tobacco companies were also planning to use the Kazakh program to establish connections.
with UNICEF and local NGOs in Kazakhstan.\textsuperscript{31,53,54}

In a June 1998 report, Bushong\textsuperscript{38} further discussed how PMI could “get a seat at – or as close as possible – to the [FCTC negotiations] table” and “foster the perception among others at the table that we are a credible, committed player” by pushing its agenda on protecting children. Bushong\textsuperscript{48} argued that “making the youth arguments… engenders rationality, slows the pace and moderates the content of any WHO action.” In a July 1998 e-mail to his colleagues at PMI, Bushong\textsuperscript{40} also suggested that as part of PMI’s strategy for undermining the FCTC, “we could further develop the feasibility/efficacy of drafting a ‘youth treaty’ alternative to the [FCTC],” although he recognized that this idea would be risky because it might become “a floor from which the WHO et al negotiate upward.”


Meanwhile, MBD warned PMI of the risk posed by UNICEF’s substantial potential to boost global tobacco-control efforts. In a July 1998 memorandum to Matthew Winokur (public affairs director at PMI) and Bushong, Jack Mongoven (of MBD) wrote:

> …the [CRC] holds the potential for becoming a vehicle for international and domestic anti-tobacco activists and international agencies…to impose severe restrictions on the tobacco industry in the name of children. It is one more weapon in the anti-tobacco activists’ [armamentarium] and should be monitored closely.\textsuperscript{39}

In a 1998 report on the CRC prepared for PMI, those at MBD further discussed how tobacco-control advocates might “exploit” provisions in the CRC covering children’s health and child exploitation and advised those at PMI to monitor the activities of the NGOs involved in “education and health issues, which could be broadly applied in specific areas of tobacco control through [the] regulation of advertising and other restrictions.”\textsuperscript{55} In An August 1998 memorandum to Winokur and Bushong, Mongoven further detailed the role of UNICEF in facilitating the implementation of the CRC. Those at MBD\textsuperscript{41} described UNICEF as the leading authority over CRC implementation, with “significant power and influence over policy formulation in many countries” and “substantial standing with communications media worldwide.” Mongoven advised:

> UNICEF should be monitored closely as the move for a [FCTC] advances… Given its history and current activities on anti-tobacco programs, it appears more than likely that UNICEF will see a chance to enhance its world role by involving itself as a major promoter in the framework convention process by citing its authority under [the] CRC.\textsuperscript{41}

Those at MBD\textsuperscript{41} also stressed that, given UNICEF’s role in local initiatives, “it is vital to understand the role of the country offices and national committees.”

Bushong\textsuperscript{40} concluded that the CRC was “both a potential opportunity and complication.” In a September
1998 memorandum to Keane and David Greenberg (vice president of government affairs at PMI), Winokur discussed how the FCTC developments could provide an opportunity for PMI to promote its YSP agenda as a “common ground” between the WHO and PMI by using the CRC as “an avenue to engage in dialogue on means to prevent underage smoking.”42 A note in the PMI records (no identified author or date) reveals that those at PMI planned to first survey attitudes about the FCTC among “staff of key stakeholders in UN system,” which included entities such as UNICEF, “with an interest in [the] rights of the child and which might take away our common ground approach to advance their own agenda.”43 We could not determine whether the survey was implemented.

**Plans to Engage With the WHO and Other Stakeholders, 1999–2000**

In a February 1999 presentation, a PMI employee (unknown author) outlined a plan to write a letter to then-WHO Director General Dr Gro Harlem Brundtland to promote a “common ground” on YSP between the WHO and PMI. Brundtland was a driving force for the FCTC negotiations and had a strong antitobacco industry stance, so tobacco companies considered her a significant threat.19 In a March 1999 report located in PMI records (no identified author), it was further detailed how the WHO relied on the perception of the tobacco industry as “uncompromising, ruthless, unreasonable and predatory” to justify stronger FCTC measures, so PMI’s approach was to engage with the WHO on YSP to position itself as a reasonable partner.

Those at PMI expected that engaging with the WHO would also complement its ongoing YSP programs and afford opportunities to openly disagree with certain restrictions proposed in the WHO FCTC: “our legitimate viewpoints could be paid more attention to on a national level due to our active, committed stance and cooperation for example in the area of underage smoking prevention.”45 However, the real objective of those at PMI was “to see that any tobacco control treaty, if adopted, secures a level playing field.”46 Those at PMI46,57 sent a letter, together with formal public comments, to Brundtland in August 2000 offering to engage with the WHO on minimum-age laws and marketing restrictions to protect children while preserving the “adult choice” to smoke.

Those at the BAT also saw the value of engaging with UN agencies, NGOs, and other stakeholders on YSP. In a September 2000 report for public discussion on YSP, a BAT employee46 (unknown author) asserted that YSP was a common ground between the BAT and public health advocates and that they should “put aside politics and preconceived opinion, and take that brave step and co-operate.” The BAT employee46 quoted children’s rights obligations under CRC articles 17 (children’s right to information) and 18 (parental duties to protect children’s best interests) to argue that these obligations meant children <18 years old should not smoke and that governments, public health groups, and the BAT should work together on YSP. In the report, the BAT employee46 also claimed that it had worked with UNICEF in Africa and South America on child labor–prevention programs. We could not find evidence of a direct collaboration between the BAT and UNICEF at the time, although the BAT may have established a connection with UNICEF in these regions via the industry's Eliminating Child Labour in Tobacco Growing Foundation (ECLT).

**Tobacco Industry Engagement With UNICEF via ECLT, 2003–2016**

BAT established the ECLT49 in 2000 and recruited 13 tobacco companies, including JTI, BAT, and PMI, to fund it. The ECLT50 is well networked with NGOs, such as Save the Children, and UN agencies, such as the International Labour Organization, and is a member of the UNGC.60

The ECLT47 has engaged with UNICEF on child labor since at least 2003. From 2003 to 2005, the ECLT funded a program nominally to prevent child labor in tobacco growing in the Philippines, with UNICEF performing an advisory function.61 In a 2005 child labor resource guide, the United Kingdom Committee for UNICEF, which supports and raises money for UNICEF there, listed the ECLT as an organization to contact about combating child labor, revealing the possibility that this committee viewed the ECLT as a credible source of information.62 A 2006 UNICEF Mozambique63 report featured a case study conducted and prepared by the ECLT on child labor in tobacco farms, which reveals that the ECLT was perceived as a legitimate source of information by UNICEF’s Mozambique country office.

Authors of ECLT news releases from 2013 to 2016 boast about the ECLT’s support of children’s rights64 and detail how the ECLT engaged with UNICEF and other UN agencies and children’s rights groups. The ECLT65,66 was listed participating in the second annual UN Forum on Business and Human Rights (December 2013 in Geneva), the CRC’s 25-year anniversary (November 2014), and the first session of the Specialized Technical Committee on Social Development, Labor and Employment of the African Union Commission (April 2015 in Addis Ababa).67 ECLT68 also attended events in Uganda to celebrate the July 2016 World Day Against Child Labor. We do not know the outcome of these engagements.

**Direct Tobacco Industry Engagement With UNICEF, 2010–2015**

In 2010, the UNICEF Kazakhstan69 country office accepted $2 million
As of December 2017, UNICEF and fighting child labor on issues that tobacco companies partner with UNICEF and focusing threats by positioning itself as an industry aimed to neutralize this movement and the FCTC to bolster global tobacco-control efforts because of their potential UNICEF and the CRC as important The tobacco industry considered the UNICEF’s role in helping businesses support children’s rights in the context of business activities and relationships.

**DISCUSSION**

The tobacco industry considered UNICEF and the CRC as important threats because of their potential to bolster global tobacco-control movements and the FCTC. The industry aimed to neutralize this threat by positioning itself as a partner with UNICEF and focusing on issues that tobacco companies could nominally support: notably, YSP and fighting child labor. These corporate social responsibility initiatives are not genuine attempts at ethical business practice but political tools to improve the tobacco industry’s credibility, gain allies and access to policymakers, and avoid the isolation of tobacco companies from policy decisions. Tobacco industry–funded YSP programs do not meaningfully address youth smoking. Tobacco companies have also failed to take meaningful steps to prevent child labor, such as enforcing a policy to not purchase tobacco grown by using child labor or having third parties perform audits on farms from which they buy tobacco leaves. Instead, they have invested in projects that only marginally address the issue, such as building schools and wells. In this case, they were also used by the industry as part of efforts to engage with the UN, weaken the FCTC into a “youth treaty,” and ultimately, undermine global tobacco control.

The tobacco industry targets children in its marketing and works to undermine the FCTC and thereby violates children’s rights to life (CRC article 6), health (CRC article 24), and protection from the use of harmful drugs (CRC article 33) and exploitation (CRC article 36). In advertising their support of children’s rights, tobacco companies focus on YSP and child labor, which distracts attention from the tobacco industry’s responsibility to comply with effective tobacco control measures. This distraction tactic may partly explain why the CRC is not used more often to promote tobacco control and why UNICEF’s involvement in tobacco control has been minimal since the early 2000s.

In 2012, UNICEF launched its Children’s Rights and Business Principles to increase the visibility of children’s rights in business practices. The principles were intended to give businesses indications on how to minimize negative impacts on children wrought by their practices. Tobacco companies inherently violate these principles because their business depends on selling tobacco, which is a deadly and addictive product, and on resisting policies that save children’s lives, including smoke-free laws, marketing restrictions, and tobacco taxation.

Other UN agencies are limiting their partnerships with tobacco companies. In 2017, the UNGC excluded all tobacco companies from participation, and the FCTC secretariat warned member states to avoid all partnerships with the Foundation for a Smoke-Free World, which is a nonprofit set up with a $1 billion fund from PMI. UNICEF, in acknowledging that tobacco business fundamentally conflicts with UNICEF’s core principles, should revise its corporate engagement guidelines to exclude all interaction with the tobacco industry, including its third parties and front groups. NGOs and the public health community should highlight the issue and put pressure on UNICEF, as they have done with other UN agencies and organizations that work with them, to cease its partnerships with the tobacco industry and take a more proactive approach to protecting children from tobacco. They should also encourage the use of the CRC as a tobacco-control tool.

Organizations working closely with UNICEF to protect children’s rights should also cease all interactions with tobacco companies. The Danish Institute for Human Rights (DIHR), for example, collaborated with UNICEF from 2013 to 2015 on projects to align business practices with children’s rights. In 2016, the DIHR started a joint project with PMI, but the DIHR ended its engagement with PMI in 2017 after it was criticized by the public health community. The DIHR in articulating its reasons for ending its engagement with PMI, stated that “the production and marketing of tobacco is irreconcilable with the human right to health” and that respecting the UN’s principles on
business and human rights would require the cessation of all tobacco marketing and production.

The main data source for this article was the Truth Tobacco Industry Documents library, which is an incomplete collection based on documents produced through litigations against tobacco companies. Information was particularly incomplete on events after 2003, including tobacco industry attempts to reach out to UNICEF and whether the PMI strategy described was part of a broader initiative involving other tobacco companies (e.g., Project Cerberus). To address these limitations, information was also sourced from news Web sites, tobacco industry Web sites, and UNICEF’s Web site. We did not conduct interviews with current or past UNICEF staff or tobacco industry staff.

CONCLUSIONS

From 2003 to 2016, tobacco companies successfully engaged with UNICEF on children’s rights issues, during which time UNICEF stopped promoting children’s rights as a justification for tobacco control. This engagement followed UNICEF weakening its corporate engagement guidelines, which created opportunities for tobacco companies to partner with UNICEF. On the surface, tobacco companies promote themselves as champions of children’s rights, whereas in internal communications, the tobacco industry viewed any meaningful promotion of children’s rights as a threat to its business and UNICEF as a potentially powerful opponent that needed to be monitored closely and neutralized. UNICEF and organizations working closely with UNICEF should cease any partnerships with the tobacco industry or its front groups.

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ABBREVIATIONS

BAT: British American Tobacco
CRC: Convention on the Rights of the Child
DIHR: Danish Institute for Human Rights
ECLT: Eliminating Child Labour in Tobacco Growing Foundation
FCTC: Framework Convention on Tobacco Control
JTI: Japan Tobacco International
MBD: Mongoven, Biscoe, and Duchin
NGO: nongovernmental organization
PMI: Philip Morris International
UN: United Nations
UNGC: United Nations Global Compact
UNICEF: United Nations Children’s Fund
WHO: World Health Organization
YSP: youth smoking prevention

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