

UNITED KINGDOM

2019

**TOBACCO INDUSTRY
INTERFERENCE INDEX**

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Context The 2019 *UK Tobacco Industry Interference Index*, forms part of the *Global Tobacco Industry Interference Index*, a global survey of how public-health policies are protected from the industry's subversive efforts, and how governments have pushed back against this influence. The *Tobacco Industry Interference Index* was initiated by SEATCA as a regional report with support from Bloomberg Philanthropies and is part of a global publication of the Global Center for Good Governance in Tobacco Control (GGTC) at the School of Global Studies in Thammasat University, Thailand.

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Design Tobacco Control Research Group, University of Bath

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BACKGROUND

This report measures the intensity, frequency, and severity of incidents of Tobacco Industry Interferences (TII) reported in the United Kingdom (UK) between January 2017 and December 2018. It does so using the Southeast Asia Tobacco Control Alliance's (SEATCA) Tobacco Industry Interference (TII) Index and scoring guidelines. The scoring range for most questions is from 1 to 5. The lower the score, the better the compliance with the Framework Convention on Tobacco Control (FCTC) Article 5.3 it suggests. For details on scoring, please see <https://seatca.org/>.

To complete the SEATCA TII Index of 20 indicators under seven key themes for the United Kingdom, an expert consultation was conducted with several of the UK's leading public health and tobacco control specialists. This was supplemented by a scoping review of the academic literature, publicly available evidence, including UK media websites, UK government websites, and the Tobacco Tactics resource.

Two reviewers separately searched for evidence and agreed on the scoring together. To avoid subjectivity, regular communication was maintained with SEATCA team to ensure that each indicator was well understood by the reviewers and the scoring was done with accuracy.

NB: The Index uses the term 'government' for simplicity, but this is to be interpreted widely. In this instance it is used to cover not only government and public officials but also backbench politicians and political parties which are private organisations. Although these are not technically part of 'government', they play an important role in policy and lawmaking in the UK's parliamentary system.

INDICATORS	0	1	2	3	4	5
Level of Industry Participation in Policy-Development						
<p>1. The governmentⁱ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industryⁱⁱ in setting or implementing public health policies in relation to tobacco controlⁱⁱⁱ (Rec 3.1)</p>		X				
<p>There is no evidence of tobacco industry involvement in government groups and agencies directly setting public health policy. However, in 2017-2018 there have been instances of tobacco industry representatives, or tobacco industry-affiliated organisations participating in informal cross-party parliamentary groups which have no official status.</p> <p>An All-Party Parliamentary Group (APPG) for E-cigarettes was set up in 2014.^{iv} Its stated purpose is to ‘explore the most appropriate parliamentary and regulatory response to e-cigarettes and to raise education and literacy amongst policy makers regarding e-cigarettes and related public policy questions.’^v Since 2017, the APPG’s Secretariat has been based at the UK Vaping Industry Association (UKVIA). The UKVIA has also contributed between £18,001 and £19,500 to the APPG.^{vi} The UKVIA’s membership includes tobacco manufacturers Japan Tobacco International (JTI), Imperial Brands, Philip Morris International (PMI), and British American Tobacco (BAT). The list of APPG officers includes (largely backbench) MPs and Lords from both the UK’s leading parties (Conservative and Labour) and includes MPs with a history of accepting tobacco industry hospitality.^{vii}</p> <p>The UK House of Commons Science and Technology Committee as a Select Committee performs a specific scrutiny role and the government is expected to respond to any recommendations that are made. Between 2017 and 2018 it conducted an inquiry into the ‘impact of electronic cigarettes on human health, the suitability of regulations guiding their use, and the financial implications of a growing market on both business and the NHS.’^{viii} Representatives of the tobacco industry, including JTI, BAT, Philip Morris Limited, and Fontem Ventures (a subsidiary of Imperial Brands) were invited to give evidence to the Committee.^{ix} The inquiry concluded with a report published by the Committee in August 2018, calling for the liberalization on restrictions on e-cigarette use.^x However, these calls were not acted on by the government.</p>						
<p>2. The government accepts, supports or endorses policies or legislation drafted by or in collaboration with the tobacco industry. (Rec 3.4)</p>	X					
<p>No such incidents have been identified for the 2017-2018 period.</p>						

INDICATORS	0	1	2	3	4	5
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)	X					
No such incidents have been identified for the 2017-2018 period.						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) ^{xi} (Rec 4.9 & 8.3)		X				
No such incidents have been identified for the 2017-2018 period.						
So-called CSR activities						
5. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in so-called CSR activities organized by the tobacco industry. (Rec 6.2) B. The government (its agencies and officials) receives contributions ^{xii} (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)		X				
<p>No such incidents have been identified for the 2017-2018 period by the government, its agencies or officials.</p> <p>However, in October 2017, PMI was allowed to promote its new ‘smoke-free narrative’ at the annual conference of the British Conservative Party.^{xiii} A large, prominent promotional stand was set up in which the heat-not-burn device IQOS was showcased.^{xiv} The conference was attended by Kate Marley, Head of Government Affairs at Philip Morris UK & Ireland, and a former Special Adviser to UK Prime Minister David Cameron.^{xv}</p> <p>In July 2017, the backbench Member of the Scottish Parliament Richard Lyle accepted tobacco industry hospitality to be briefed about PMI’s heated tobacco products.^{xvi} He travelled on an overnight visit to Switzerland, during which he visited the PMI Research and Development facility. PMI paid for Lyle’s travel, accommodation, food and refreshments, and transfers to a total of £815.84, as declared by Lyle.^{xvii} There is some evidence of continued engagement of Lyle with the tobacco industry, as in 2018 he was involved in an ultimately unsuccessful attempt by PMI and the tobacco-funded Scottish Grocers’ Federation to set up a Scottish Parliamentary Cross-Party Group on Harm Reduction.^{xviii}</p>						

INDICATORS	0	1	2	3	4	5
Benefits to the Tobacco Industry						
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)	N/A					
No such incidents have been identified for the 2017-2018 period.						
7. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)		X				
<p>There is no evidence of exemptions being granted to the tobacco industry by the government. The Foreign and Commonwealth Office guidelines stipulating that support should be given to British tobacco companies operating abroad only 'in cases where local policies could be considered protectionist or discriminatory'.^{xix} However, there are no clear rules mandating that the government does not provide preferential tax exemption to the tobacco industry. An audit of the HMRC conduct on this matter would be advisable for greater transparency. The major tobacco companies pay very low levels of corporation tax in the UK, although low levels of corporate tax payments are not unique to the tobacco industry.^{xx}</p> <p>The UK as part of the EU has to apply duty-free allowances on tobacco products brought from outside the European Union but applies the upper rather than lower limits of 200 cigarettes or 100 cigarillos or 50 cigars or 250g tobacco.^{xxi}</p>						
Forms of Unnecessary Interaction						
8. Top-level government officials (such as President/ Prime Minister or Minister ^{xxii}) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)		X				
<p>In 2013 the Foreign and Commonwealth Office issued guidelines to its staff stating that officials must not 'engage with foreign governments on behalf of the tobacco industry, except in cases where local policies could be considered protectionist or discriminatory'.^{xxiii} Despite this, several incidents involving relations between British diplomats and the tobacco industry in low-and middle-income countries have been identified in 2017 and 2018.</p> <p>In August 2017 Alison Blake, the British high commissioner to Bangladesh, wrote a letter to the Bangladeshi government lobbying on behalf of BAT after the country's revenue authorities brought a £170m claim for unpaid VAT against the company's local subsidiary BATB.^{xxiv} Foreign Office and Department for International Trade staff met with BAT representatives multiple times, exchanged e-mails and phone calls to discuss the company's dispute with the Bangladesh government.^{xxv} The Foreign Office defended the</p>						

INDICATORS	0	1	2	3	4	5
<p>commissioner, stating that it 'is entirely appropriate that the UK government supports British business overseas. Our actions were in line with guidelines [...]'^{xxvi}</p> <p>In 2017 the British high commission in Malaysia gave \$94,324 to a local think tank, the Institute for Democracy and Economic Affairs (Ideas) lobbying against tobacco control legislation in Malaysia. At the same time, ideas received funding from Philip Morris Singapore, Philip Morris Malaysia, and Japan Tobacco International. In response to criticism the Foreign Office stated that all its 'programmes follow the standards set out by HM Treasury. They receive robust scrutiny to ensure that all spend represents value for money for UK taxpayers and advances the UN's sustainable development goals and our foreign policy objectives.'^{xxvii}</p> <p>Also in 2017, a Freedom of Information request revealed repeated contact between UK embassy staff and diplomats in Burundi and Pacific Tobacco International, an independent tobacco company based in Zimbabwe, in relation with the company's claim against the government of Burundi.^{xxviii} One meeting in Bujumbura in August 2017 involved the British Ambassador to Burundi, the PTI Burundi Director General, and the Senior Advisor of the President of Burundi, 'to discuss resolution options for [the] dispute'.^{xxix}</p> <p>In March 2017 the backbench Conservative Member of Parliament Nigel (Martin) Evans hosted a reception for PMI.^{xxx} According to Peter Nixon, the managing director of Philip Morris Limited, the goal of the meeting was to 'explain our company's smoke free goals and our plans to develop less harmful alternatives to cigarettes.'^{xxxi}</p> <p>In July 2017 JTI hosted an anti-illicit tobacco event in a Dining Room at Parliament, co-hosted by three Members of Parliament: Ian Paisley, Stephen Hepburn, and David Morris.^{xxxii} Among the attendees of the event were the Shadow Northern Ireland Secretary Owen Smith, Labour former frontbencher Toby Perkins and ex-Conservative minister John Whittingdale.^{xxxiii}</p> <p>In October 2017 three backbench Members of Parliament, Nigel (Martin) Evans, Craig Mackinlay, and Gareth Johnson attended a drinks party hosted by the TI-funded smokers' rights group Forest and the Tobacco Manufacturers' Association at the Conservative Party Conference in Manchester.^{xxxiv}</p>						
<p>9. The government accepts assistance/offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)</p>		X				
<p>Local authority departments, known as Trading Standards, that enforce consumer protection legislation, have the policy of limited engagement with the tobacco industry if they 'feel it is beneficial for tackling counterfeit tobacco'.^{xxxv} In the past, but before the 2017-2018 period reported here, there have also been cases of Members of Parliament attending illicit tobacco raids.^{xxxvi} There have been some sporadic examples of local authorities and police forces working with private companies commissioned by the tobacco industry to conduct illicit tobacco raids. For example, the private investigation company TM Eye brought eight criminal prosecutions on the last three months of 2018 for JTI, including from a raid which involved officers from the Greater Manchester Police.^{xxxvii}</p>						

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INDICATORS	0	1	2	3	4	5
However, beyond the local level, the UK government, and the National Health Service, have repeatedly rejected offers of assistance on enforcement and smoking cessation from the tobacco industry. ^{xxxviii}						
10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1)	X					
No such incidents have been identified for the 2017-2018 period.						
Transparency						
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)	X					
In July 2017 the Department of Health & Social Care (DHSC) issued a report entitled 'Towards a Smokefree Generation: A Tobacco Control Plan for England', incorporating the guidelines for implementation of Article 5.3 of the WHO FCTC. ^{xxxix} In the report the government recommits to uphold its obligations in the area of transparency by continuing to publish information on all meetings with the tobacco industry, with the exception for commercially or operationally sensitive information, and encourages local authorities to follow government lead in this. ^{xl} No instances of meetings or interactions that have not been disclosed have been identified for the 2017-2018 period.						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists.					X	
There is no existing requirement for tobacco industry and affiliated entities to register with the government. A voluntary lobbying register has existed in the UK since 2011. ^{xli} The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act, which came into force on 1 April 2015, requires any person (corporate or natural) who carries on 'the business of consultant lobbying' to be entered in the Register of Consultant Lobbyists. ^{xlii} The act only requires the registration of consultant (professional) lobbyists who are VAT-registered. ^{xliii}						
Conflict of Interest						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11)					X	
There are general rules regulating political contributions, and the disclosure of such contributions. Donations worth over £7,500 to national political parties must be declared. ^{xliv} However, there is no						

INDICATORS	0	1	2	3	4	5
legislation specifically prohibiting tobacco industry from donating to political parties, candidates, or campaigns.						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)		X				
No such incidents have been identified for the 2017-2018 period. The only known case of a politician who has been previously a tobacco industry executive related to an individual whose relationship with the industry has ended over a decade ago. ^{xlv}						
15. Current government officials and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)	X					
No such incidents have been identified for the 2017-2018 period.						
Preventive Measures						
<i>SCORING for this section: 1. Yes, 2. Yes but partial only, 3. Policy/ Program being developed 4. Committed to develop such a policy/ program 5. None</i>						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)			X			
<p>The UK government has put in place a procedure for disclosing the records of interaction with the tobacco industry, but this has only been implemented partially in the 2017-2018 period.</p> <p>The 2011 government tobacco control plan for England stated that in order to ‘ensure further transparency, the Government commits to publishing the details of all policy-related meetings between the tobacco industry and government departments’ (with exceptions made for meetings discussing operational matters to reduce illicit tobacco trade and bilateral meetings between tobacco manufacturers and HM Revenue & Customs).^{xlvi} This has been reiterated in the 2017 Tobacco Control Plan for England, which committed to the continued publication of information on all meetings with the tobacco industry,^{xlvii} and its Delivery Plan, in which a commitment was made to ‘routinely liaise with DH and cross-government officials to publish meetings with industry.’^{xlviii}</p> <p>However, despite this strong pledge, the implementation of this policy appears to have been partial. Some government departments and agencies have been publishing transparency data regularly, including the 2017-2018 period. These include the HM Revenue & Customs (although the data includes very little detail on the meetings beyond the general topic of discussion),^{xlix} and Public Health England (publishing all minutes of meetings with stakeholders with links to the tobacco and nicotine industries).^l Some departments seem to have been reporting the meetings regularly for a period, and then stopped – the Treasury published a list of its meetings and topics of discussion with the tobacco industry until March</p>						

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INDICATORS	0	1	2	3	4	5
<p>2013, but appears not to have released similar data since.^{li} Other departments, including the DHSC, have been publishing its records of interaction with the industry online as Freedom of Information releases (although there are none for the 2017-2018 period).^{lii} For other government departments and agencies information on meetings with the tobacco industry and its representatives seems not to be easily available online.</p>						
<p>17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2)</p>				X		
<p>The DHSC in its 2017 Tobacco Control Plan for England formulates the need to limit ‘direct contact with the tobacco industry to that necessary to discuss the implementation of regulatory provisions or operational matters’, and encourages tobacco companies to engage with government in writing rather than face to face.^{liii} Beyond the need to report meetings with the industry, however, no comprehensive set of rules exists for public officials within the UK on regulating their interaction with the tobacco industry. However, a more detailed code of conduct, issued by the DHSC in 2013, exists for overseas civil servants dealing with the tobacco industry, emphasising the need for transparency and limiting what support should be given to the tobacco industry by UK posts.^{liv}</p>						
<p>18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. (5.2)</p>			X			
<p>The UK government requirements focus on the tobacco industry obligation to report in detail the data on ingredients and emissions of tobacco products.^{lv} The EU Tobacco Products Directive of 2016 imposed further reporting requirements on the tobacco industry in those areas.^{lvi} The HM Revenue & Customs and the DHSC also collect data from tobacco manufacturers on profits, taxes paid, product prices, marketing and research spending, and local data on sales of all products.^{lvii} However, unlike the data on emissions and ingredients, the government is not allowed to publish the sales and marketing data.^{lviii} Pressure has been exerted by civil society organisations and charities, including the Action on Smoking and Health, to increase transparency in this regard, and in April 2019 a Bill has been introduced to parliament requiring that these data be made public.^{lix}</p>						
<p>19. The government has a program / system/ plan to consistently^{lx} raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)</p>			X			
<p>In its 2017 Tobacco Control Plan Delivery Plan 2017-2022 report the DHSC committed to issuing active reminders in the officials and delivery groups to limit contact with the tobacco industry.^{lxi} However, no information was found detailing a comprehensive or systematic strategy for raising awareness on this issue. In February 2019 the All Party Parliamentary Group on Smoking and Health recommended that the DHSC ‘should provide all parts of Government [...] with advice on their responsibilities to protect public health</p>						

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INDICATORS	0	1	2	3	4	5
policy from the commercial and vested interests of the tobacco industry based on the WHO FCTC Article 5.3 guidelines. ^{lxii}						
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)			X			
No specific policy to disallow contributions from the tobacco industry exists. However, such interactions are governed by the UK's broader anti-corruption regulation. ^{lxiii}						
TOTAL SCORE 26						

ENDNOTES

- ⁱ The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority
- ⁱⁱ The term, “tobacco industry’ includes those representing its interests or working to further its interests, including the State-owned tobacco industry.
- ⁱⁱⁱ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour
- ^{iv} Pawsey, M. *Mark sets up new group in Parliament to support e-cigarette users*, **Mark Pawsey MP website**, 28 November 2014, accessed April 2018
- ^v Register of All-Party Parliamentary Groups (as at 26 April 2018): E-Cigarettes, **UK Parliament website**, accessed April 2019
- ^{vi} Register of All-Party Parliamentary Groups (as at 26 April 2018): E-Cigarettes, **UK Parliament website**, accessed April 2019
- ^{vii} All-Party Parliamentary Group (APPG) for E-Cigarettes, Tobacco Tactics, 15 February 2018, accessed April 2019
- ^{viii} E-cigarettes inquiry, Science and Technology Committee (Commons), UK Parliament website, accessed April 2019
- ^{ix} Oral evidence: E-cigarettes, HC 505, UK Parliament website, 27 February 2018, accessed April 2019
- ^x House of Commons Science and Technology Committee, E-cigarettes: Seventh Report of Session 2017-19, UK Parliament website, 16 July 2018, accessed April 2019;
- Knapton, S. Let e-cigarette users vape in offices and buses, say MPs in controversial report, *The Telegraph*, 17 August 2018, accessed April 2019
- ^{xi} Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>
- ^{xii} political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions
- ^{xiii} Kate Marley, Tobacco Tactics, 12 December 2018, accessed April 2019
- ^{xiv} James, S.B. Policy calls, a hire from No. 10, free vapes: ‘alt tobacco’ lobby lights up Tory conference, *PR Week*, 3 October 2017, accessed April 2019
- ^{xv} Kate Marley, Tobacco Tactics, 12 December 2018, accessed April 2019
- ^{xvi} Richard Lyle, Tobacco Tactics, 21 August 2018, accessed April 2019
- ^{xvii} Whitaker, A. 'I let Big Tobacco pay for my jaunt to Switzerland because I want to quit smoking', says MSP, *The Herald*, 20 August 2017, accessed April 2019
- ^{xviii} Scottish Grocers’ Federation, Tobacco Tactics, 17 September 2018, accessed April 2019
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- ^{xx} Branston, J.R., & Gilmore, A. (2019). The Failure of the UK to Tax Adequately Tobacco Company Profits. *Journal of Public Health (United Kingdom)*. <https://doi.org/10.1093/pubmed/fdz004>
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- ^{xxii} include immediate members of the families of the high-level officials.
- ^{xxiii} United Kingdom’s revised guidelines for overseas posts on support to the tobacco industry, Department of Health and the Foreign & Commonwealth Office, UK Government website, December 2013, accessed April 2019
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- xxx Nigel Evans, Tobacco Tactics, 26 January 2018, accessed April 2019;
- Stephen Hepburn, Tobacco Tactics, 7 August 2018, accessed April 2019
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- xl Department of Health & Social Care, Towards a Smokefree Generation: A Tobacco Control Plan for England, UK Government website, July 2017, accessed April 2019
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- xlvii Department of Health & Social Care, Towards a Smokefree Generation: A Tobacco Control Plan for England, UK Government website, July 2017, accessed April 2019
- xlviii Department of Health & Social Care, Tobacco Control Plan Delivery Plan 2017-2022, UK Government website, June 2018, accessed April 2019
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- l Public Health England, Protocol for engagement with tobacco and nicotine producers, UK Government website, 29 March 2018, accessed April 2019
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- lviii Action on Smoking and Health, Tobacco Companies Transparency Bill, ASH website, 26 April 2019, accessed April 2019
- lix Tobacco Companies (Transparency) Bill 2017-2019, UK Parliament website, accessed April 2019
- lx For purposes of this question, "consistently" means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.
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