Opponents and Their Tactics

“If this is such a good idea, why is it so hard to do?”
Key resources

• “What to expect from the tobacco industry” – Americans for Nonsmokers’ Rights

• Regional studies on tobacco industry efforts to combat smoking restrictions:
  - Asia: Care and feeding, Assunta et al.
  - Latin America: Latin project, Barnoya et al.; Profits over people, chapter 3, PAHO
  - Europe/Asia: ETS consultants’ project, Barnoya et al.
  - Middle East: Voices of truth, Hammond et al.
WHY they act: Industry feels threatened

- Declining social acceptability of smoking threatens profits
- Knowledge of harmfulness reduces acceptability
- Bans on smoking directly decrease consumption and reduce acceptability
- Traditional industry arguments of “smokers’ rights” and “individual freedom” are less effective
Smoke-free environments: The tobacco industry’s view

“The most dangerous development to the viability of the tobacco industry that has yet occurred.”

Roper Organization, 1978

“It is our opinion that the single most important issue facing our industry is the erosion of social acceptability of smoking.”

Philip Morris, 1994
Source: Smoke & Mirrors by Rob Cunningham http://www.idrc.ca/en/ev-28825-201-1-DO_TOPIC.htm
Smoke-free environments mean lower revenue for tobacco companies

“The Tobacco Merchants Association took a look at smoking restriction legislation and cigarette consumption between 1961 and 1982…restrictive smoking laws accounted for 21 percent of the variation in cigarette consumption from state to state during that time …

[this] means nearly 7 billion fewer cigarettes smoked each year because of workplace smoking restrictions. That’s 350 million packs of cigarettes. At a dollar a pack even the lightest of workplaces smoking restrictions is costing this industry 233 million dollars a year in revenue.”

Tobacco Institute (USA), undated

“The Accommodation Program serves as link between PM and the hospitality industry. Our ability to interact effectively with the hospitality industry is critical to our ultimate objective, which is to maintain the ability for our consumers to enjoy our products in public venues such as restaurants, hotels, bowling centers, and shopping malls. This relationship becomes even more important as legislative threats continue to mount at local, state, and federal levels.”

Philip Morris

Source: Tob Control 2002;11:i73-i80 doi:10.1136/tc.11.suppl_1.i73. http://tobaccocontrol.bmi.com/content/11/suppl_1/i73.full?sid=bb81b324-2f4d-4541-89b7-e6904c1d96d9
Industry strategies and tactics

- Attack the scientific evidence, particularly on health
- Present false solutions, like ventilation or "accommodation"
- Water down or delay restrictions
- Mobilize opposition and use front groups
Attacking scientific evidence

The tobacco industry launched:

- Court action against a 1992 US Environmental Protection Agency report (EPA won, but was tied up in courts for a decade)
- A public relations campaign against a 1998 International Agency for Research on Cancer report (clarified in 2002, but industry still casts doubt)
- A “Junk Science” campaign against other research
Environmental Tobacco Smoke

There are claims that environmental tobacco smoke (ETS), sometimes called ‘passive-smoking’, is a cause of various diseases. We believe, however, that the claim that ETS exposure has been shown to be a cause of chronic disease is not supported by the science that has developed over the past twenty years or so. According to our understanding, it has not been established that ETS exposure genuinely increases the risk of non-smokers developing lung cancer, heart disease or chronic obstructive pulmonary disease.

What is ETS?
Technically, it is an ‘aged’, diluted mixture of sidestream smoke (from smouldering tobacco) and exhaled mainstream smoke (from smokers puffing).

The WHO study
The largest study on ETS and lung cancer, undertaken by the World Health Organisation (WHO), found no meaningful increase in lung cancer risk for growing up, living, working, travelling or socialising with a smoker. The WHO claimed that this study was consistent with an increased risk from passive-smoking, a claim that is hard to make on the basis of their research findings.

In 2002, researchers from the WHO combined the results of 51 different studies of exposure to ETS and lung cancer and estimated that non-smokers who live with smokers have a statistically significant risk of lung cancer which is 1.25 times the risk of non-smokers who do not live with smokers. This type of study is called a meta-analysis and it tries to overcome the need to study very large populations in order to estimate a small risk. This methodology has been criticised in the past because it not only combines the results of the studies, but it can also combine the errors and biases in those studies. In our opinion, meta-analyses are no replacement for well designed epidemiological studies of

* China, Taiwan
Promoting false “solutions”: ventilation and “accommodation”

“We support initiatives that aim to reduce exposure to ETS while at the same time reasonably accommodate smokers. We believe that voluntary approaches that encourage the provision within public venues of non smoking areas, supported by good ventilation, are the sensible and practical way forward.”

British American Tobacco, 2002

13th May 2004 (Session 2), Health Committee.
Evidence Received for The Prohibition of Smoking in Regulated Areas (Scotland) Bill.
SUBMISSION BY BRITISH AMERICAN TOBACCO
Promoting false “solutions”: ventilation and “accommodation”

- Focus on voluntary measures
- Focus on shared spaces, not smoke-free environments
- Treats second-hand smoke as an annoyance, not a health problem
- Promotes idea that there are scientific standards of ventilation for controlling second-hand smoke
Public place smoking

We know many people don’t want to breathe second-hand smoke, dislike the smell of tobacco smoke and avoid smoky places. That’s why we support restrictions on smoking in indoor public places including offices, restaurants and bars.

A few countries have adopted strong measures, banning all indoor smoking in work and public places. We believe these go too far. There are ways to reduce the smoke but not banish smokers – and not leave people who smoke feeling discriminated against.

We believe that governments, employers, the hospitality industry, the tobacco industry, consumers and others can work together on practical initiatives. These include providing separate smoking and non-smoking areas and ventilation to reduce involuntary exposure to second-hand smoke.

Air filtration systems can also make a room more comfortable, although they too cannot completely remove the smoke. They do offer a relatively inexpensive alternative where built-in fresh air ventilation systems are less feasible, perhaps because of the size and complexity of a building.

For example, in Rome’s Fiumicino airport, British American Tobacco has provided comfortable enclosed smoking lounges with air filtration to demonstrate what can be done. Feedback from smokers has been very good.

Many of our companies also support a Respecting Choices campaign which aims to help the hospitality industry accommodate all its customers in restaurants, convention centres, cafes, bars, clubs and hotels, and involves technical analysis of ventilation and owners allocating flexible smoking and non-smoking areas.

Read our views on second-hand smoke and health.
Weakening and delaying legislation

Weaken:

- Exemptions for some businesses (bars)
- Red light/green light businesses
- Time-of-day restrictions

Delay/override:

- Referendum
- Pre-emptive legislation
Mobilizing front groups

- Smokers’ rights groups
- Other industry groups
  - i.e. hospitality, ventilation engineering
- Think-tanks
  - i.e. Fraser Institute, Cato Institute, JunkScience
- Tobacco-funded research institutes and scientists
  - CIAR, Oak Ridge Laboratories
Smokers’ rights groups

- FOREST (Freedom Organization for the Right to Enjoy Smoking Tobacco)
- FORCES International (Fight Ordinances and Restrictions to Control and Eliminate Smoking)
- United Pro-Choice Smokers Rights
- Mychoice / Monchoix
- RIACT (Rights of Informed Adult Consumers of Tobacco), which actively participates in BAT Kenya corporate social responsibility meetings
- TICAP (The International Coalition Against Prohibition), which held a January 2009 conference featuring tobacco industry; he spoke on the “passive smoking fraud.”
- Other smokers’ rights groups or chapters of international groups exist in Germany, Italy, Denmark, the Netherlands, and the United Kingdom
Industry-organized protesters in São Paulo

T-shirts that say ‘Enough’ – ‘Basta’

Campaign for Tobacco Free Kids. International Resource Center. Tobacco Industry Tactics Used to Undermine Smoke-free Policies
Public relations “accommodation” programs run by tobacco companies or their allies in the hospitality sector

<table>
<thead>
<tr>
<th>Program Name</th>
<th>Company/Origin</th>
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<th>Organization/Location</th>
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</thead>
<tbody>
<tr>
<td>“The Accommodation Program”</td>
<td>Philip Morris, United States</td>
<td>“AtmospherePlus”</td>
<td>National Licensed Beverage Association and the Licensed Beverage Industry, United States</td>
</tr>
<tr>
<td>“Options”</td>
<td>Philip Morris, United States</td>
<td>“Atmosphere Improves Results” (AIR)</td>
<td>Association of Licensed Multiple Retailers, United Kingdom</td>
</tr>
<tr>
<td>“Places Program”</td>
<td>Philip Morris, United States</td>
<td>“Preserve our Traditions”</td>
<td>HoReCa, International, including France, Spain and Finland</td>
</tr>
<tr>
<td>“Peaceful Coexistence”</td>
<td>R.J. Reynolds, United States</td>
<td>“Traditional Hospitality”</td>
<td>International Hotel &amp; Restaurant Association</td>
</tr>
<tr>
<td>“Respecting Choices”</td>
<td>BAT, International</td>
<td>“Courtesy of Choice”</td>
<td>Public relations program of the International Hotel and Restaurant Association, which operated in over 50 different countries and was translated into at least 17 languages.</td>
</tr>
<tr>
<td>“Working it Out Together”</td>
<td>R.J. Reynolds, United States</td>
<td>“Living in Harmony”</td>
<td>International Hotel Association, Latin America</td>
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Restaurants as the target

- **In Serbia**, the restaurant industry launched an initiative called "Protection instead of Prohibition" in 2009.

- **In Kenya**, BAT reported that it was continuing to push one global program – "Courtesey of Choice" campaign - on the hospitality industry in 2008.

- **In Guatemala**, after a smoke-free law was introduced in Congress in 2005, legislators were sent letters from the Industry and Commerce Chambers and American Chamber of Commerce urging that "Coexistence in Harmony" programs should be implemented and arguing that the law would negatively affect the income of restaurants.

Tactics after measures in place

- Exaggerate noncompliance
  - to give the impression that smoke-free places are unpopular and unworkable

- Use the courts
  - to threaten and challenge laws

- Try to get the law repealed
  - using write-in campaigns, referenda, etc.
Countering industry tactics

- Be prepared: anticipate tactics and plan for them in your campaign
- Get your own allies together
- Expose the industry through the media
- Know industry arguments — and your own — and be prepared to respond
Five categories of argument

- Faulty health and scientific evidence
- “Nanny state” or similar anti-regulatory
- “The sky will fall”: will not work, or severe negative repercussions (including economic ruin)
- Other, “more reasonable” responses
- Other air quality problems are far more serious
Faulty health and scientific evidence

- "Epidemiology is junk science"
- "The risks of SHS are trivial, especially compared to other public health issues"
- "Other environmental issues are much more important"
There is no debate on the scientific and health issues

- Epidemiology is the basis for all public health interventions. If it’s good enough for malaria, TB and AIDS, isn’t it good enough for tobacco?

- Exposure to SHS causes heart attacks, lung cancer, asthma, and many other health problems, and hundreds of thousands of people are exposed to it at work and in their homes. Should we ask the non-smoking casino workers developing emphysema if they think the risks are trivial?

- SHS is the chief source of indoor air pollution in many countries. Just because we can’t solve all environmental problems, does that mean we shouldn’t solve one of the most resolvable ones?
“You want to take away the right of people to make their own decisions.”

“Smoking bans are unfair government restrictions on business.”

“Tobacco is a legal product. What’s next?”
Good, responsible government protects rights

- There is no right to smoke, but there is a right to life, and a right to a safe workplace. Smoking around others threatens other peoples’ lives.

- Should we let restaurants sell food that has gone bad? Do we allow people to drink and drive? Do we allow pharmaceuticals to be sold without warnings?
“Business should have the right to choose”

- Businesses do not have the right to harm public health.
- Businesses cannot choose to have dirty kitchens, or to sell unsafe products. Nor should they be able to choose to keep unhealthy air.
The sky will fall

- It can never be enforced
- People will never obey the law
- Businesses will lose money
But the sky is still, well, in the sky, in England, Ireland, New Zealand, Uruguay...

- Smoke-free laws are popular and self-enforcing. Compliance rates are usually over 95%.
- Repeated experience, based on actual sales data, has shown that smoke-free laws are good for business, including bars and restaurants.
- The industry funds flawed studies to create fears of economic harm.
- The only studies showing economic harm are those funded by the tobacco industry.
...other “more reasonable” solutions will work...

- Voluntary measures protect a tiny proportion of the public and do not guarantee equal protection.
- Ventilation may diminish odours and visible smoke, but does not remove harmful chemicals.
- Ventilation may address comfort issues (eye irritation) but does not eliminate health problems.
- Ventilation systems are expensive, difficult to monitor, and impractical: “small hurricane”.
- “Accommodation” means sharing polluted air.
Other air quality problems

- SHS exposure is the leading cause of indoor air pollution in North America, and an important source in many other countries.
- In the United States, SHS is estimated to cause 3000 lung cancer deaths – 30 times the number of lung cancer deaths estimated from all forms of outdoor air pollution.
- Indoor levels of air pollutants are often higher than outdoor levels.
- Many people spend most of their time indoors.
- The causes of outdoor air pollution are sometimes very difficult to resolve; eliminating tobacco smoke indoors is very easy.
Summary

- The tobacco industry and its allies and front groups are the main obstacles to smoke-free laws
- Tobacco industry strategies and arguments are standard, well-known, and documented
- Your campaign needs to be prepared to counter these strategies and respond to arguments
- You can win!