

#10060

Controlling Globally Acting Locally

Multinational Tobacco Companies and Legislation to Protect
Workers and the Public From Second Hand Smoke

Submission to the Workers' Compensation Board of British Columbia

June 2000



PHYSICIANS FOR A SMOKE-FREE CANADA
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Tab A

Tobacco companies work together to defeat health legislation

In the developed world (and increasingly in the developing world), the tobacco market is controlled by an oligopoly of tobacco companies. These are:

- RJR-Nabisco
- Japan Tobacco
- Philip Morris
- British American Tobacco
- Reemstra

While the companies appear to compete fiercely for local market-share, they collaborate on public issues. They collaborate in lobbying, presentations to legislatures, media campaigns as well as public issues campaigns.

Recently released tobacco industry reveals a consistent strategy to alter public perceptions of the health consequences of smoking, to dilute public support for health legislation and to counter political advances in public health measures against tobacco use.

see:

- British Columbia Ministry of Health and Ministry Responsible for Seniors: Fact Sheets June 1997
- Glantz et al. The Cigarette Papers

Why the tobacco companies care:

A report prepared for the tobacco industry by the Roper Organization as long ago as 1977 identified the passive smoking issue as the most dangerous threat to the tobacco industry that had yet occurred. In 1994 the threat was being taken very, very seriously. The handwritten notes of a high level meeting of Philip Morris executives sets out clearly what is to be done and how it is to be accomplished.

"Shift argument to indoor air quality and accommodation as an effective approach.

1. Discredit EPA and reconsider
2. Hold off ban
3. Promote accommodation
4. Preclude small local units from passing bans"

And then we learn why.

"Smoking bans are the biggest challenge we have ever faced. Quit rate goes from 5% to 21% when smokers work in non-smoking environments."

See

- Philip Morris, ETS World Conference
[2054893642/3656, see pages 2054893644-5]
- Philip Morris, ETS World Conference
2028399931-202839938

Tab B

Strategy 1: Create Doubt About Scientific Proof That Tobacco Smoke is harmful.

From the very beginning of scientific conclusions about the health consequences of smoking and health consequences of environmental tobacco smoke, the tobacco companies have sought to create doubt in the public mind about the validity of the conclusions.

To achieve this, they employ several tactics:

1. **They deny and refute** in public what they internally acknowledge: that both smoking and environmental tobacco smoke cause disease and death. Experiments conducted in the Montreal Laboratories of Imperial Tobacco in 1988 demonstrated that second-hand smoke was as biologically active (likely to cause cancer) as mainstream smoke.

Vast sums of money are often spent challenging mainstream science. The report of the U.S. Environmental Protection Agency was challenged in court at significant expense. Two million U.S. dollars were spent to undermine the IARC review of lung cancer and second-hand smoke. Hundreds of millions of dollars were spent through the "special projects" funds of the Tobacco Institute to refute the work of publicly-funded and publicly-minded scientists.

Tobacco industry public statements fly in the face of mainstream science and hundreds of published papers and reviews of the effect of second hand smoke. This year, the U.S. National Toxicology Program, in its 9th report, listed Environmental Tobacco Smoke as a known human carcinogen.

See

- British American Tobacco: ETS Strategy Document, 1991
[5032288745 - 503228813]
- Philip Morris, Corporate Affairs Work Plan, Spain and Portugal, 1990
[2501026750-2501026761, see page 25010026753]
- Barnes et al., "Environmental Tobacco Smoke: The Brown & Williamson Documents." JAMA, July 19, 1995, Vol. 274, no. 3
- Hirschhorn, "Shameful Science: Three Decades of the Tobacco Industry's Hidden Research on Smoking and Health," unpublished
- Hirschhorn, N. "The continuing saga of suppression of research on smoking and health by the Tobacco Industry," unpublished.

- S. Lantos. "Strategy of Deception: Second-hand smoke research and policies inside the British American Tobacco Company."
Physicians for a Smoke-Free Canada, unpublished.
- John Luik: "Toronto Smoking Debate Fogged by Junk Science"
Financial Post.
- The Guardian: \$2 m plot to discredit smoking study exposed.
April 7, 2000
- ITL Canada: Ames Mutagenicity of Mainstream and Sidestream Smoke Condensates
682633408 – 682633414
- 9th Report on Carcinogens, U.S. National Toxicology Program, 2000
Slide courtesy of James Repace

Tab C

2. They hire academics to prepare and publish critiques of established science. Because these critiques are often flawed in ways apparent to reviewers of scientific journals, they present them at symposia, where the publications standards are lower. Not only researchers, but editors of scientific publications were drawn into the net. Readers of the leading British medical journal, the Lancet, were stunned to discover in 1998 that one of the Lancet's editors was a consultant to Philip Morris through its law firm, Covington and Burling.

See:

- Philip Morris, Worldwide Strategy and Plan (1996)
[2060577530-2060577564, see especially page 2060577549]
- PM: The Whitecoat project
[2501474262-2501474265]

Tab D

3. They deflect attention away from tobacco smoke and towards other possible causes of ill health. Sick-building syndrome and Indoor Air Quality problems caused by carpets, photocopiers, fungus or bacterial contamination are examples of the deflect-strategy employed with second-hand smoke.

As a Philip Morris strategy document described it: "We should refocus our efforts against smoking restriction legislation and regulation to a general promotion of comprehensive indoor air quality review and improvement. This is analagous to our effort on the "self-extinguishing" cigarette to focus on overall fire prevention and isolate its supporters as anti-smoking."

This strategy of deflect was strongly employed by the tobacco companies when the House of Commons was proposing to protect federally-regulated workers from second-hand smoke, Theodore Sterling was paid by the tobacco companies to testify that the science about second-hand smoke was inconclusive, and that the "main problem is the quality of indoor air." Theodore Sterling also testified that he believed that not a single Canadian died from second-hand smoke.

The tobacco companies created the **Centre for Indoor Air Research** to allow for an "corporate organization with its own staff and an increased research budget." to "broaden research in the field of indoor air quality generally and expand interest beyond the misplaced emphasis solely on environmental tobacco smoke." [TIMN0014391].

Healthy Buildings International (HBI) was charged by U.S. government officials after it was discovered that they had conducted air quality inspections of federal buildings while "concealing a secret agenda of exonerating tobacco smoke as an indoor pollution cause" under contract to the tobacco industry. Gray Robertson, who headed HBI and was paid by tobacco companies to deflect attention away from cigarette-smoke to other "sick building syndrome," also consulted with the Canadian government and testified to the House of Commons during its review of smoke-free federal work-places. HBI was charged by U.S. agencies under the "False Claims Act," and settled out of court. Healthy Buildings International continues to carry out work for the tobacco industry in the developing world. In 1992, HBI's president, Gray Robertson, charged the tobacco companies U.S. \$1,250/day for his consulting services.

See

- Philip Morris: Indoor Air Quality: Alternative Strategy [2025818970 citation]
- House of Commons Standing Committee on Health. Minutes of Proceedings, Tuesday October 27, 1987
- Tobacco Institute: Minutes of Meeting of the Executive Committee December 10, 1987. TIMN 0014390
- Philip Morris: IAQ Goals 2023328022
- Los Angeles Times: Indoor Air Consultant Settles Whistle-Blower Suit Courts: Ex-executive claimed Healthy Buildings International was Front for Tobacco Companies July 2, 1998
- Verified Complaint. United States District Court for the District of Columbia (Jeffrey Seckler vs. Healthy Buildings International) 2024522920-2024522946
- China Daily: Indoor Study Finds Serious Air Pollution 21 December 1998

- South China Morning Post: Air Study Linked to Tobacco Firms
January 18, 1999
- Invoice from Healthy Buildings International, May 31, 1992
2024526323

Tab E

Case Study: Theodore and Elia Sterlings: BC's contribution to global misinformation

The Sterling family dynasty, statistician father Theodore and ventilation "expert" son Elia have been shilling for the tobacco industry around the world for decades. Earlier reference was made to money paid up to 1990. The payouts continue. As recently as 1997, Philip Morris paid Elia Sterling US \$87,000 for work to be performed by Theodore Sterling.

No one should doubt that the tobacco industry is intimately involved with current so-called "ventilation solutions" being authored by Elia Sterling. The WCB received a report on October 30, 1998 from something called the Hospitality Industry Standing Committee on Indoor Air Quality. The committee has seven hospitality industry associations as members. The tobacco industry is not a member, or more correctly it is not a visible member.

But how could the hospitality industry Standing Committee afford to pay for the risk assessment and air quality studies in its report?

To me, one likely explanation is that the tobacco industry is the puppeteer, pulling the strings on the Hospitality Industry Standing Committee. Is there another explanation for the fact that an exact copy of Appendix A to their report is to be found in Philip Morris's files, on Philip Morris's website as document number 2502212116/2183? The report in question is co-authored by none other than Elia Sterling.

See

- In how many documents do the names of E. Sterling and T. Sterling appear?
PSC summary
- Philip Morris USA Voucher
- Letter from Richard Carchman to Elia Sterling, August 7, 1997
2063653949
- Estimating Hospitality Industry Workers' Exposure to and Health Risks from
Environmental Tobacco Smoke Under the Hospitality Industry of British Columbia's
Proposed Indoor Air Quality Ventilation Plan
2502212116
- Hospitality Industry Standing Committee on Indoor Air Quality. Report to the Workers
Compensation Board of British Columbia, October 30, 1998

- Proposal from Theodor Sterling to Ted Lattanzio
2063606773-2063606780
- Restaurant Study
2057783440
- Northeast Asian Indoor Air Quality Code Development Project
2063653858
- Letter from Elia M. Sterling to Theodor D. Sterling and Associates
2063654133
- Roger Walk to Elia Sterling, March 10, 1998
2063600483
- Theodor Sterling to Richard Carchman, December 10, 1997
2963653812
- Survey of Indoor Air Quality in Vancouver Hospitality Establishments
November 1995
- Assessment of Non-Smokers' Exposure to Environmental Tobacco Smoke Using
Personal-Exposure and Fixed Location Monitoring
- Patrick Sirridge to Thomas Ahrensfieldm November 20, 1981
521932673
- Patrick M. Sirridge to Josia Murray, January 23, 1984
521932576
- From Elia to Ted, May 26, 1989
2021000488
- Presentation to the Tri Cities Councils of Coquitlam, Port Coquitlam and Port Moody
By Elia Sterling
- "Good Air Quality is Good Business,"
Western Hotelier
- Ernie Pepples to Pat Sirridge, January 24, 1984
521032585
- Does Smoking Kill Workers or Working Kill Smokers, International Journal of Health
Services, November 1978
- CV of Theodor D. Sterling
2024978657
- Elia Sterling to Frank Coda, 1991
2023856067
- Donald Hoel to Alexander Holtzman, February 18, 1986
20150047161

- Elia Sterling to Don Hoel, Jul 12, 1991
2023856062
- Non-Smokers Exposure to Environmental Tobacco Smoke in Two Office buildings in Richmond, Virginia
2029236398
- Letter from George Chrysonillides to Elia Sterling
2502395153 and accompanying material about Cosmos Pacific
- Shook, Hardy and Bacon Special Account, March 31, 1987
2015015193

Tab F

Strategy 2: Shift Debate from Health to Economics

The tobacco companies have artfully played on social ambivalence about the trade-offs between quality of life and standard of living. They know that many in the community values "jobs" more than "health." One of the first rebuttals that every public health measure involving tobacco policy can expect is that it will "cost jobs." Job losses to farmers, to industrial workers, to cultural and sporting events, to retailers and to hospitality sector are cited around the world.

The absence of a solid economic grounding to this argument does not seem to affect the volume with which it is offered to the media and politicians..

Recent examples in Canada (in addition to the current WCB ruling) include:

- Review of proposed **tobacco warning labels** (May 2000). The majority of the testimony presented in opposition to the new health warnings involved the potential loss of 450 printing jobs in Canadian printing plants. At first the tobacco companies said that the new warnings could not be printed in Canada. After the Minister of Health arranged for them to be printed, they altered their argument and said they would not allow them to be printed in Canada with the technology used by the Minister's printer. The net result of the argument was the same: 450 jobs were being held ransom against the proposed health measure.

The parliamentary committee reviewing this proposal saw through this argument, and unanimously approved the health warnings.

- Review of **ban on advertising** (1988). A significant amount of testimony presented to parliament during its review of bill C-204 and C-51 in 1986-1988 involved the potential job loss as a result of the advertising ban and work-place smoking ban. Parliamentarians were told that Canadian carriers (especially the airlines) would lose business to their international competitors. The billboard companies said they would lose 30% of their revenues, and the job losses would be heavy.

The parliamentary committee amended these provisions only slightly. In subsequent years, the Outdoor advertising association acknowledged that moving away from tobacco

billboards had ultimately been very good for the industry; Canadian airline traffic increased following the smoking-ban.

- **Bans on pharmacy sales of cigarettes** (in Ontario and Quebec). During both reviews, large pharmacy chains complained that pharmacies would lose money and go out of business if they were not able to sell cigarettes. They cited this concern as their motive for launching court actions against these proposals (the actions were not successful). The number of pharmacies increased in Ontario following the ban on pharmacy-sales of cigarettes; the Quebec pharmacist who originally challenged the measure admitted within 6 months of the ban that business had not suffered and that he should have done it before.
- **Review of ban on bill-board advertising** (1988). A significant amount of testimony presented to parliament during its review of bill C-204 and C-51 in 1986-1988 involved the potential job loss as a result of the advertising ban and work-place smoking ban. Parliamentarians were told that Canadian carriers (especially the airlines) would lose business to their international competitors. The billboard companies said they would lose 30% of their revenues, and the job losses would be heavy.

The economic arguments are often more persuasive than they are well-founded. Restaurant and bar owners were told (and they in turn told the public and politicians) that they would lose 30% of their business. In fact, subsequent studies have shown that there is no deleterious economic effect on the hospitality sector, as illustrated by "California Restaurant and Bar sales before and after smoke-free laws."

See:

- Smoke-free restaurant ordinances do not affect restaurant business. Period
- Tourism and Hotel Revenues Before and After Passage of Smoke-Free Restaurant Ordinances
JAMA, May 26, 1999
- California Restaurant and Bar Sales Before and After Smoke-Free Laws
James Repace and Associates

Tab G

Strategy 3: Present false solutions (ventilate the cigarette, ventilate the room)

The most obvious and effective solution to the health and economic consequences of tobacco use is to prevent and reduce smoking. The tobacco companies prefer to offer alternative solutions, to allow smokers and society a "third option" between the status quo and the evident public health answer.

In the case of smoking, the effective third option was the introduction of "light" cigarettes, which gave smokers an alternative to quitting. Light cigarettes are cigarettes which give lower readings of smoke to smoking machines, but which provide satisfactory levels of nicotine to smokers. This is accomplished by diluting the air received by the smoking machine by

ventilating the cigarette through the introduction of "holes" or "vents" in the filter, and by using more porous paper to allow greater air leakage.

Light cigarettes were introduced in the 1970s, and today virtually 100% of cigarettes sold are ventilated. At first governments thought that light cigarettes were an improvement and that they would reduce the harm from smoking.

It took 20 years for public health officials to learn what tobacco companies knew from the very beginning of the use of light cigarettes. Because smokers compensate for the light brands by inhaling more deeply and more often, they expose the more delicate lining in the far reaches of their lungs to the carcinogens in tobacco smoke. Adenocarcinoma of the lung (one of the most lethal forms of lung cancer) has increased since the introduction of light cigarettes, and is the most frequent cause of lung cancer deaths among Canadian women.

Ventilated cigarettes are now viewed as a public health policy disaster.

Similar 'false-solutions' have been proposed in other areas of healthy-public policy: The tobacco company's "Operation ID" presents retailer-education as an alternative to fines or suspension of retail privileges for retailers (who collectively sell 50 million packages of cigarettes to Canadian children each year. Tobacco industry allies proposed "education" programs for young Canadians instead of graphic health warnings during the recent parliamentary review of Health Canada's new health warnings.

Tobacco companies are now proposing two false solutions to the problems of second-hand smoke.

- **Accommodation.** Courtesy of Choice and other similar programs are promoted to falsely suggest that the desire of smokers to smoke indoors can co-exist with the provision of clean air to the public and workers.
- **Ventilation.** Air circulation and air cleaning methods are proposed to falsely suggest that it is possible to remove the toxins from tobacco smoke to a level acceptable by established occupational health and public health standards.

Both strategies are evident in Canada and in British Columbia. The tobacco-industry initiated *Courtesy of Choice* Program operates in 145 countries and 200,000 hospitality establishments - including several in Canada. Vancouver and Toronto are witnesses one of the world's most vociferous campaigns for ventilation.

One of the objectives of the industry is to see adoption of false-solutions as a legislative or regulatory template. For this reason, they try to promote pre-emptive or model legislation for imposition or adoption by jurisdictions. An example is provided when David Laundry told broadcaster Joe Easingwood that "I have talked with the people that we have worked with and they are very adamant and they have made presentations to Health Canada and to a number of municipal authorities across the country on this issue and in fact the ventilation system answer has been adopted in a number of ..."

See:

- Tobacco Institute: Ventilation Legislation [TIMNS 0016669-TIMS 0016672]
- International Hotel and Restaurant Association: What is Courtesy of Choice all about www.ih-ra.com
- Robert Parker . Testimony before the Saskatchewan Special Committee on Tobacco Control regarding Courtesy of Choice www.legassembly.sk.ca. (p. 26)
- Mark Von Schellwitz. Testimony before the Saskatchewan Special Committee on Tobacco Control regarding Ventilation www.legassembly.sk.ca. (p. 84)
- ANR Update, Spring 2000. Ventilation Standards: Smoke & Mirrors
- Transcript of interview with Dave Laundry and Joe Easingwood.

Tab H

Strategy 4: Create Pseudo-Science; Hire Pseudo-Scientists

The tobacco company's initiatives to hire experts to refute the findings of publicly-funded researchers has been well-documented, and continues to play out in current public debates in Canada. The infusion of money to develop alternative viewpoints to counter public health arguments is consistent with the strategy of creating doubt about public health findings, but also serves to establish spokespeople who are viewed as independent of the companies by policy makers and other members of the community.

A handful of Canadians have been a part of this global strategy, including John Luik (who argues against restrictions on promotion or packaging) and Theodore and Elia Sterling (who argue against the health evidence and in favour of ventilation solutions).

As a note from a U.K. meeting of all the companies described it: "They are proposing, in key countries, to set up a team of scientists organized by one national coordinating scientist and American lawyers , to review scientific literature or carry out work on ETS to keep the controversy alive."

As well as supporting individual scientists, the companies also set up pseudo-scientific and other agencies to advance their perspective. One of these was the Centre for Indoor Air Research, another was the Indoor Air International (renamed International Society of the Built Environment).

See:

- Note on the U.K. Industry on Environmental Tobacco Smoke 401247331-401247336, citation at 401247331]

- Covington and Burling: Report on the European Consultancy Programme [2500048956-2500048969]
- Barnes and Bero, "Why Review Articles on the Health Effects of Passive Smoking Reach Different Conclusions," JAMA, May 20, 1998.
- Bero, "Sponsored Symposia on Environmental Tobacco Smoke," JAMA, February 23, 1994
- Bero. "Lawyer Control of the Tobacco Industry's External Research Program JAMA, July 19, 1995
- Tobacco Institute: "Public Smoking Programs of the Tobacco Institute TIDN0025948-TIDN0025957
- New Scientist: "Their Learned Friends: Was a scientific society really a front for one of the world's biggest tobacco firms.?" 16 May 1998

Tab I

Strategy 5: Infiltrate and Influence Regulatory Processes

Governments may impose standards, but they often leave the establishment of standards to professional and regulatory agencies (like ASHRAE, the American Society of Heating, Refrigerating and Air-Conditioning Engineers). In addition to establishing its own scientific advisory groups, the tobacco companies attempt to influence these established agencies from both inside and outside.

Case: BOMA B.C., Elia Sterling & the Tobacco Institute

The Building Owners and Managers' Association is not normally viewed as a front-group for the tobacco industry. Yet documents show that Elia Sterling acted as a conduit between the B.C. BOMA and the U.S. Tobacco Institute, providing the tobacco companies with the addresses of BOMA members. The Tobacco Institute was mobilizing a campaign against proposals under review by Washington State's Joint Administrative Rules Review Committee in 1994. They wanted to find "two or three members of BOMA who would be willing to send a letter to their fellow members informing them of the JARRC hearing. Along with the letter, I would like to include the results of a IAQ study conducted by Elia Sterling in Seattle, Washington that shows little or no traces of ETS with proper ventilation in the workplace environment."

Elia Sterling was a member of BOMA's committee to review indoor air quality, and "assisted in the preparation of BOMA's submission to the public hearings for the Draft [WCB] Regulations." It's not clear whether BOMA's B.C. was supportive and aware of Sterling's role in mobilizing opposition to clean-air regulations in Washington State.

Earlier, in 1993, Elia Sterling indicated to Philip Morris that had access to BOMA members and was willing to use this information in the service of Philip Morris.

"The opportunity of access to BOMA members has been provided through our local BOMA organization."

Case: Health Canada Workshop on ETS

When Health Canada conducted a workshop on Environmental Tobacco Smoke in the Workplace in March and September, 1995, the tobacco companies were heavily involved - albeit indirectly. Among the participants were:

- Robin Garrett, director of Research and Communications, Canadian Restaurant and Foodservices Association. Robin Garrett was a lobbyist for the tobacco companies during the parliamentary review of Bill C-204, which protected federally-regulated workers from ETS.
- Dr. Larry Holcomb, from the U.S. Holcomb Environmental Services Inc. presented his view that ETS did not present a health risk. He did not disclose that his billing rate for consultancy with the Tobacco Institute to promote this view was US \$ 225/hour.

The Health Canada workshops were "consensus-building" exercises aimed at eliciting policy recommendations rather than scientific rationale. They employed 'break-out' sessions to facilitate small-group discussion. Many may criticize this model as one to build evidence-based regulations. These workshops produced very different - even conflicting - recommendations. The one held in Vancouver was the only one where the ventilation solution was clearly pushed in the workshops, emerging as a final recommendation.

Case: OSHA Projects

When the U.S. OSHA was set to review work-place exposure to ETS in 1992, the industry developed a number of projects aimed to "encourage adoption of a ventilation standard and to discourage adoption for a smoking ban or of a standard that require separate ventilation for areas where smoking is allowed."

These projects included the authority of a number of studies with specific research objectives. They included, among others, "projects addressing the feasibility of a ventilation standard). Among those hired for this purpose were to be "Sterling" (whether it was Elia or Ted Sterling is not mentioned).

Case: INvironment publication

One way of influencing decisions is providing disinformation to participants. In the February 2000 edition of the Chelsea Group's magazine INvironment, an article appears on the ability of ventilation to make indoor air quality "comparable to non-smoking."

"I look forward to seeing you at the ASHRAE meeting in Dallas," writes editor George Benda to the 30,000 recipients of the magazine. He did not mention to them he was paid by Philip Morris

to develop a way to reach "organizations seeking help from Philip Morris to accommodate smokers"

Case: ASHRAE

Elia Sterling actively follows meetings of ASHRAE. He was an observer at a meeting in 1995. In 1998, he and Bruce Clark presented information on "Indoor Air Quality for the Hospitality Industry of British Columbia to an ASHRAE meeting

Astonishingly, the tobacco industry tries to influence ASHRAE to do its bidding and it recruits people from BC to help do the dirty work. Bruce Clark, apparently on behalf of the BC Neighbourhood Pub Owners Association, travelled to Atlanta, Georgia in 1999 to plead with ASHRAE to continue to allow smoking indoors in its ventilation standard revision. ASHRAE listened to Mr. Clark, was not impressed and modified its standard to disallow ventilation as a viable solution for eliminating tobacco smoke a known carcinogen.

ASHRAE sets standards and based on the best scientific information available and relied on epidemiological findings and the recommendations of OSHA to reach its conclusions. Given that there is no safe level of exposure to a human carcinogen like second hand smoke, it is instructive to note OSHA's comments on various ventilation options:

"A panel of ventilation experts assembled by OSHA and ACGIH concluded that dilution ventilation used in virtually all mechanically ventilated buildings will not control second hand smoke in the hospitality industry. The panelists asserted that a new and unproved technology, displacement ventilation, offered the potential for up to 90% reductions in ETS levels relative to dilution technology. Air cleaning was judged to be somewhere in between, depending on the level of maintenance."

Case: World Health Organization

The tobacco industry does not stop at infiltration of mere national organizations. For decades they have feared the potential of the global credibility of the World Health Organization being unleashed strongly in favour of global tobacco control measures. They have deliberately sought to weaken the effectiveness, not only of WHO's anti-tobacco efforts but also of WHO itself.

On Sunday March 8, 1998, the following headline appeared in the Sunday Telegraph in London.

"Passive smoking doesn't cause cancer - official"

It referred to a report by WHO's sister organization, the International Agency for Research on Cancer, and completely misrepresented the findings of the study. The story had been planted by the tobacco industry. I was in charge of WHO's Tobacco or Health Program at the time and was livid at the irresponsible reporting of our work. WHO issued a strong press release the next day, titled

"Passive smoking does cause lung cancer, do not let them fool you"

But the next day was too late. The tobacco industry propaganda machine went into high gear and the headline from the Guardian had been spread around the world. Within a few days the IARC findings were being misrepresented by tobacco industry propaganda all around the world. The strong rejoinder was barely noticed by the press and willfully ignored by the tobacco industry and its surrogates. An example of misinformation distributed by the tobacco industry in Portuguese to journalists in Brazil in the spring of 1998 is included in the attached documentation.

Tobacco industry dissembly continues on this issue, two years later. A paid advertisement in the Tri-City News in December 1999, stated untruthfully:

"The World Health Organization concluded that there was no evidence that second-hand smoke caused cancer, despite a seven year seven country study."

Recently, researchers from California have used the tobacco industry documents to probe deeply into this issue. Astonishingly, they discovered that the tobacco companies had a multiyear programme to subvert the conduct of the study and the reporting of its results. Philip Morris spent more to subvert and discredit the study than IARC spent to carry it out. IARC spent US\$2 million to do the study. Philip Morris planned to spend US\$6 million to subvert the study and counter the anticipated findings.

The objectives of the Philip Morris counterattack were very clear:

- "Delay the progress and/or release of the study.
- Affect the wording of its conclusions and official statement of results.
- Neutralize possible negative results of the study, particularly as a regulatory tool.
- Counteract the potential impact of the study on government policy, public opinion, and actions by private employers and proprietors."

See:

- Tobacco Institute Memo: Washington State BOMA Members 2062516218
- Philip Morris: Transition Year Umbrella Grant Discussion, prepared by TDSA (Elia Sterling, Researcher Architect), Document 2024699783/9808.
- Health Canada's Workshops on Environmental Tobacco Smoke ETS in the Workplace, March 17, 1995 (Regina), March 23 (Montreal), September 8 (1995).

- Holcomb Environmental Services. Invoices to Tobacco Institute, February 8, 1993 and August 2, 1991.
- Invironment Newsletter, February 2000
- Philip Morris: Draft Strategic Technical Support System overview; Telex inviting PM employees to presentation of STS project by George Benda; Invoice from George Benda for STS project; record of materials from Benda going to 3,000 businesses. 2024207175-177; 20255231258; 2024207284; 2025371059
- OSHA projects.
2025481028 – 2025481031
- Draft minutes: ASHRAE Standing Standards Project Committee (SSPC) 62: Ventilation for Acceptable Indoor Air Quality. January 1995. www.pmdocs.com. Document # 2046204330/4372.
- 1998 ASHRAE Winter Meetings Technical Program
- ASHRAE: Appeals Panel Recommendation – Addendum e to ANSI/ASHRAE Standard 62-1989
- ASHRAE Publishes Updated IAQ Standard. ASHRAE News Release, September 17, 1999
- Addendum 62e to ASHRAE Standard 62.
- ASHRAE: Interpretation IC 62-1999-06 OF ASHRAE STANDARD 62-1999, VENTILATION FOR ACCEPTABLE INDOOR AIR QUALITY, April 5, 2000
- Repace J., Kawachi I. Glantz S. Fact Sheet on Secondhand Smoke, September, 1999. www.repace.com.
- World Health Organization: Passive Smoking DOES Cause Lung Cancer. Do Not Let Them Fool You. Press Release WHO/29, 9 March 1998.
- Collishaw, Neil. Tracking down tobacco industry disinformation. 1996.
- Souza Cruz. Fumaça ambiental de cigarros. Brazil.1998.
- Tri-city News. Advertisement, 1999.
- Ong EK, Glantz SA. Tobacco industry efforts subverting International Agency for Research on Cancer's second hand smoke study. *The Lancet*. Vol. 355, No. 9211: pp. 1253-1259. Saturday, April 8, 2000.

Tab J

Strategy 6: Mobilize Third Parties

The tobacco companies know that they are held in very low esteem by the general public, including the 6 million Canadian smokers who use their products daily. As a result, they try to

recruit other agencies to make their arguments on their behalf. Often, they use existing agencies where there is an established common-interest. On other occasions, they establish agencies to make third-party arguments.

These third party agencies come in several categories:

- **smokers' rights groups** (seemingly grass-roots organizations, like Canada's Smokers' Freedom Society),
- **like-minded organizations** (organizations that philosophically support the tobacco industry, like the Fraser Institute)
- **trade unions** (preferably the labour centrals, like the B.C. Federation of Labour, but if they are not willing, then union locals)
- **affected parties** (those with a perceived common economic concern, like established hospitality agencies)
- **stooges** (those motivated by psychic and tangible rewards to promote the industry line, like newly created hospitality agencies, presidents of trade union locals, etc)

1. Smokers' Rights Groups and other 'grass-roots' organizations. During the federal debate on Bill C-204, which provided smoke-free workplaces to federally-regulated workers, the tobacco companies established the Smokers' Freedom Society. A similar agency has surfaced in Quebec this spring, as the Quebec government begins to impose regulations to provide smoke-free public places.

See:

- Non-Smokers' Rights Association: "Tobacco Industry Front Groups in Canada" together with Philip Morris: Memo to Board of Directors, December 17, 1986
2025431401-2500014902
- William Marsden. "Tobacco Firms Behind Tax Protest"
The Gazette, 17 January 2000
and
BAT "Boston Tea Party Project,"
600525024-600525046

2. Like-Minded Organizations. There are few organizations willing to stand shoulder-to-shoulder with the tobacco companies, but the Canadian operations of the multinational companies have found apparent allies in the prominent Fraser Institute. This institute is now the professional home for John Luik, one of Canada's most active publicists for the tobacco companies. Luik was:

- spokesperson for "Coalition 51", a tobacco industry front group created to oppose the Tobacco Products Control Act (C-51) in 1998.

- opponent of federal legislation on tobacco (including Bill C-71, S-13 and C-42).
- paid directly by the tobacco companies to publish a book refuting the evidence that supported plain packaging of cigarettes,
- author of a book promoted by the Fraser Institute to refute the EPA's conclusion that second-hand smoke was a class A carcinogen.

See:

- Non-Smoker's Rights Association. The Fraser Institute: Economic Think Tank or Front for the Tobacco Industry, April 1999
www.nsra-adnf.ca

3. Trade unions. One of the favourite targets of the tobacco companies is the trade union movement. A U.S. document describes how articles were written for the Bakery, Confectionery and Tobacco Workers Union to have signed by labor officials and placed in appropriate labour publications. In Canada, we recently saw Gordon Wilson, former head of the Ontario Federation of Labour and current consultant to the Bakery, Confectionery and Tobacco Workers union lobby union leaders and governments across Canada. Philip Morris worked to gain AFL-CIO support for ventilation instead of smoking bans." [2023328022]

The Printers' unions were used in 1994 to oppose plain packaging (the printing would be too simple, and the jobs would disappear to the United States, the printers complained) and again in 2000 to oppose illustrations on health warnings (the printing would be too cumbersome, and the jobs would disappear to the United States, the printers complained without apparently seeing the irony of their reversed position).

Similarly, Local 40 of the HEU has taken the lead opposition role to WCB regulations to protect its workers from second-hand smoke.

See:

- BAT: Talking Points. The Campaign To Date
502563246-502563253
- Workplace Smoking Restrictions: Communications and Lobbying Support Program, February 1984
[03555858 - 03555886, citation at 03555879]

4. Affected Parties. The most common spokespeople used by the tobacco companies to oppose health legislation are those who feel vulnerable to the impact of the measures.

- The airlines and VIA rail protested strongly against the Canadian parliamentary proposal in 1986-88 to protect airline attendants from second-hand smoke.

- The outdoor advertising association protested against the federal ban on tobacco advertising.
- The owners of some B.C. bars, taverns and hospitality businesses are protesting the WCB regulations that would protect their workers (and customers) from second-hand smoke.

U.S. documents have shown that the tobacco companies often paid for these agencies to oppose public measures. The New York Tavern and Restaurant Association was revealed to have been paid over one-half million dollars (Cdn) to campaign against smoking restrictions.

Where there are not willing existing agencies, the tobacco companies will support or create new agencies to carry their message. In California, for example, Philip Morris sought to "create and manage the California Tavern Association" [2044325929]

Coalitions, as well as individual agencies, are established by tobacco companies.

"Building a coalition against restrictions

Although it varies from state to state, such coalitions are generally made up of those affected by the legislation (e.g. tobacco workers, restaurants, grocery stores, hotel/motel and other tourist industries, chambers of commerce, public employees, police, bowling alleys, etc). Institute materials are used to demonstrate that restrictions are unnecessary, unfair and not in the groups' best interest." [03555879]

A tried and true method of getting the tobacco industry message across in the United States was to work through statewide restaurant associations. But on the west coast, more sophisticated tactics would have to be employed too.

"In the normal course of things, the state restaurant association can be counted to oppose smoking bans and restrictions - but as we all know, California is not a normal state. Although the restaurant association in California opposes local smoking bans and restrictions, they favour a statewide smoking ban."

"The bottom line is, once you put a coalition together - or have a business voice in place on the ground - we can help you maximize its impact and visibility through VNRs and other tools such as letters to the editor, op-eds, testimony, position papers and advertising. This holds true whether you are lucky enough to have the traditional trade associations behind you or whether you have to create your own, the way David and Tracey have been doing in California." (2041183775)

Truth was no impediment to getting the message across.

"Also the economic arguments often used by the industry to scare off smoking ban activity were no longer working, if indeed they ever did. These arguments simply had no credibility with the public, which isn't surprising when you consider that our dire predictions in the past rarely came true." (PM, 2041183751/3790, p. 2041183778)

See:

- Samuels & Glantz. "The Politics of Local Tobacco Control."
JAMA, October 16, 1991.
- California Action Plan.
[2044325927-2044325936]
- Philip Morris. CAC Presentation #4. Document # 2041183751/3790.
- Tavern Association's Tobacco Ties Uncovered in New York
Americans for Non-Smoker's Rights, newsletter

5. Recruiting supporters who are motivated by money (stooges) is a tactic of tobacco companies that is difficult to document, especially when payments for political support can be masked by payments for more legal services. Retailers have long been paid display allowances by tobacco companies for giving prominent place to their brands, products and promotional items. (A retailer may receive up to \$1,000 a month to display a clock beside the chocolate bars at the front cash). These same retailers are later asked to send letters to politicians to protest against tobacco control measures. It is very difficult to establish whether any 'consideration' is given in return for political action.

In the United States, tobacco companies have engaged actively in promoting cigarettes in bars, paying bar owners \$2,000 - \$3,000 for advertising space.

Benson and Hedges has recently started a "National Bar Program" which pays for the placement of vending machines in restaurants. Many of these have recently been placed in Vancouver restaurants, even though there is no smoking allowed in Vancouver restaurants, and thus little on-site demand for cigarettes. These vending machines may likely be illegal, as the federal Tobacco Act specifies:

12. No person shall furnish or permit the furnishing of a tobacco product by means of a device that dispenses tobacco products except where the device is in
(a) a place to which the public does not reasonably have access; or
(b) a bar, tavern or beverage room and has a prescribed security mechanism.

Whatever their legality, providing bar owners with signing bonuses (rumored to be several thousand dollars) during a time when smoking restrictions are under regulatory review could be seen as a way of the industry "buying friends."

See:

- Letter from tobacco companies to Canadian retailers
January 1999
- Seattle Times: Tobacco companies bankroll their own
December 10, 1997

- Benson & Hedges National Bar Program: In Bar Placement Agreement