

Tobacco Industry Tactics Used to Undermine Smoke-free Policies

Secondhand smoke (SHS) is a proven cause of death, disease, and disability. Also called environmental tobacco smoke (ETS), it has almost 70 known or probable human carcinogens.¹ A growing number of countries have implemented some form of smoke-free legislation, but the World Health Organization (WHO) estimates that “only 5% of the global population is protected by comprehensive smoke-free legislation.”²

For years, the tobacco industry has attacked and attempted to undermine policies to protect people from SHS. People who care about public health must be vigilant against the tobacco industry’s misinformation campaigns, which ultimately violate an individual’s right to breathe clean air.³

The Tobacco Industry Consistently Denies the Full Extent to which SHS Causes Disease and Death.

- For nearly three decades, the tobacco industry has recognized internally that SHS is hazardous to nonsmokers. But it has publicly denied this important fact.⁴
- On their corporate websites, all of the major tobacco companies continue to deny to the public the full extent to which SHS exposure causes disease and death.

U.S.-based tobacco manufacturers state merely that “public health officials have concluded that secondhand smoke from cigarettes causes disease”⁵ and that “individuals should rely on the conclusions of the U.S. Surgeon General, the Centers for Disease Control and other public health and medical officials when making decisions regarding smoking.”⁶ U.K.-based British American Tobacco (BAT) similarly deflects culpability and goes on to discredit scientific methods used in decades of credible health research.⁷ Japan Tobacco International (JTI) denies outright the hazards of SHS and instead labels it as simply “annoying.”⁸

The Tobacco Industry Opposes Smoke-free Initiatives because it Fears a Negative Impact on Profits.

- The tobacco industry recognizes that smoke-free policies are disastrous for its profits because these policies reduce cigarette consumption⁹ and could ultimately “lead to the virtual elimination of cigarette smoking.”¹⁰

In January 2009, BAT reported that cigarette sales in France decreased by 2.3% from 2007 in part because of smoke-free legislation.¹¹ In 2003, a tobacco trade journal commented:

“We are afraid of the measures regarding protection from exposure to tobacco smoke... The idea of [regulating] passive smoke—which is still unproven to be hazardous... —is the most dangerous for the [tobacco] sector...”¹²

The Tobacco Industry Seeks to Create Bogus Science and Discredit the Evidence that SHS is Hazardous.

- The tobacco industry has undertaken a decades-long global effort to create a cadre of consultants to discredit scientific evidence about the hazards of SHS.

The tobacco industry's scientific consultants have acted in the following ways to promote the tobacco industry's message that SHS is not a health hazard^{13 14 15 16 17 18}:

- published research in academic journals and books;
- lobbied against smoke-free policies and give testimony before legislative bodies, while purporting to provide a neutral voice;
- developed political contacts for the tobacco industry;
- conducted press briefings and interviews and write letters and editors for newspapers;
- organized, attend, and address conferences and symposia;
- prepared and submit affidavits and offers of proof in legal actions involving SHS claims;
- provided supposed credibility in a targeted country by recruiting scientists from that country;
- undermined the credibility of health agencies and key public health reports.

In 2007, epidemiologist Gio Batta Gori, a former full-time tobacco industry consultant¹⁹ continued to deny the full extent to which SHS causes disease and death.²⁰ Likewise, a study published in 2003 in the *British Medical Journal* and written by two industry consultants (James Enstrom and Geoffrey Kabat) reported no significant links between SHS exposure and tobacco-related mortality. The tobacco industry partially funded their study.²¹

- The tobacco industry has manipulated the media to divert public attention from proposed smoke-free initiatives.

A key part of the tobacco industry's media strategy is to promote its consultants' research to sympathetic journalists. Philip Morris, for example, recruited a network of journalists and financially backed a journalism school, the National Journalism Center (NJC), to help ensure future placement of journalists sympathetic to the tobacco industry's position.²²

“As a direct result of our [PM] support we have been able to [generate]. . . about 15 years worth of journalists at print and visual media throughout the country . . . to get across our side of the story . . . which has resulted in numerous pieces consistent with our point of view.”²³

To promote their operations and “discuss” tobacco issues, the tobacco companies have also given all-expense-paid trips to journalists.²⁴

The Tobacco Industry Creates, Influences and Mobilizes Front Groups to Oppose Smoke-free Protections.

- The tobacco industry has aggressively recruited, funded and created hospitality associations, such as restaurant, bar and hotel associations “to serve as the tobacco industry's surrogate in fighting against smoke-free environments.”²⁵

Beginning in the early 1980s, tobacco manufacturers financially backed existing hospitality groups and even created them where none had existed²⁶ in order to lend them an appearance of

independence.²⁷ The tobacco industry's manipulation of hospitality owners is based on smoke and mirrors. As one BAT internal document describes:

“When entering into deals with restaurant/club owners we try to first convince them of the [air] filters [sic] capability by demonstrating a ‘mini’ unit which we fill with smoke, switch on, and watch the smoke disappear in a few seconds – an attention grabber. We point out that by imposing a smoking ban in their outlet they may suffer a loss of (smoking) customers and maybe their non-smoking friends too. By introducing filtration systems (at their or our own expense) smoking and non-smoking customers can more easily socialize in the better quality air – indeed such systems may help to increase the number of customers overall. The ‘penalty’ that the restaurant owner may have to bear could be exclusive trade marketing for our brands. Essentially everyone benefits!”²⁸

The following major international hospitality organizations have been linked to the tobacco industry:

- HoReCA – the International Association of Hotels, Restaurants and Cafes
- IHA – the International Hotel Association (later called the International Hotel and Restaurant Association)
- HOTREC – a lobbying office for 12 national restaurant associations in the European Union.

The tobacco industry's decades-long influence on the hospitality industry appears to be evident today. The following are instances of how the hospitality industry has acted to undermine smoke-free initiatives:

- **In Brazil**, protesters ostensibly from the hospitality industry disrupted a public hearing on a smoke-free law in São Paulo in 2008, claiming that there would be job losses if the law were implemented.²⁹
- **In Hong Kong**, the Hong Kong Catering Industry Association commissioned a report from the Hong Kong Polytechnic University; the report claimed that Hong Kong restaurants were hard hit by a recent smoke-free law.³⁰ However, this claim was not based on such objective sales data as audited accounts or tax receipts,³¹ as is typical for studies by tobacco industry allies. Lobbying by the tobacco industry and allies in Hong Kong has resulted in weak smoke-free legislation that exempts establishments restricted to people over age 18.³²
- **In Mexico**, hospitality industry members have actively generated articles about smoking points called “islands for smokers”³³ and have spotlighted their own alleged loss of sales from new smoking restrictions.³⁴
- **In Slovenia**, the hospitality industry threatened to thwart implementation of new smoke-free legislation by staging a one-day strike to protest diminished earnings supposedly caused by the new law.³⁵ The hospitality sector proposed that a decision “be left to the discretion of the owner of the business...whether to permit smoking”³⁶ and that adequate ventilation be provided. Despite behind-the-scenes lobbying by tobacco industry allies, the legislation remained intact.



Industry-organized protesters in São Paulo. T-shirts that say ‘Enough’ – ‘Basta’³⁷

- The tobacco industry has organized, created, and funded “smokers’ rights groups” around the world in an effort to delay or defeat smoke-free legislation to keep smoking socially acceptable. A review of internal tobacco industry documents showed that the tobacco industry has created or planned smokers rights groups (SRGs) in at least 26 countries over the last 30 years. The tobacco industry has financially supported SRGs through various manufacturer’s associations and by directly funding such groups. Many SRGs have not been representative of smokers and leadership of some SRGs were controlled by the tobacco industry.³⁸ Smokers’ rights groups currently in operation include:

- FOREST (Freedom Organisation for the Right to Enjoy Smoking Tobacco)³⁹
- FORCES International (Fight Ordinances and Restrictions to Control and Eliminate Smoking)⁴⁰
- United Pro-Choice Smokers Rights⁴¹
- Mychoice/Monchoix⁴²
- RIACT (Rights of Informed Adult Consumers of Tobacco), which actively participates in BAT Kenya corporate social responsibility meetings⁴³
- TICAP (The International Coalition Against Prohibition), which held a January 2009 conference featuring tobacco industry consultant Gio Gori; he spoke on the “passive smoking fraud.”⁴⁴
- Other smokers’ rights groups or chapters of international groups exist in Germany, Italy, Denmark, the Netherlands, and the United Kingdom (including Scotland).⁴⁵

To Avoid 100% Smoke-free Laws, the Tobacco Industry and its Allies Aggressively Promotes Ineffective Measures that do not Protect People from SHS Exposure..

- Tobacco industry-created “accommodation” public relations programs have operated globally for decades and are used by the industry and its allies to lobby policy makers to oppose 100% smoke-free laws.⁴⁶

The tobacco industry promotes so-called “accommodation” policies. In fact, they are public relations ploys. They call for the “separation” of smoking and non-smoking sections, use of ventilation and air filtration technologies, and designated smoking areas particularly in hospitality venues. The industry argues that such measures can add “comfort” in a smoke-filled

room.⁴⁷ Scientific evidence, however, shows these compromises do not effectively protect people from SHS⁴⁸ and such measures do not comply with Article 8 and Article 8 Guidelines.

In general, the “accommodation” programs provide hospitality management with guidelines for setting up smoking and non-smoking areas and emphasize ventilation to accomplish “comfort”.⁴⁹ The main parts of these programs include:

- communications material for proprietors of hospitality venues to use with their customers;
- "how-to" guides for staff training, including smoking and non-smoking seating arrangements;
- information or access to information about appropriate ventilation technologies.⁵⁰

Public relations “accommodation” programs run by tobacco companies or their allies in the hospitality sector include:

“The Accommodation Program”	Philip Morris, United States	“AtmospherePlus”	National Licensed Beverage Association and the Licensed Beverage Industry, United States
“Options”	Philip Morris, United States	“Atmosphere Improves Results” (AIR)	Association of Licensed Multiple Retailers, United Kingdom
“Places Program”	Philip Morris, United States	“Preserve our Traditions”	HoReCa, International, including France, Spain and Finland
“Peaceful Coexistence”	R.J. Reynolds, United States	“Traditional Hospitality”	International Hotel & Restaurant Association
“Respecting Choices”	BAT, International	“Courtesy of Choice”	Public relations program of the International Hotel and Restaurant Association, which operated in over 50 different countries ⁵¹ ⁵² and was translated into at least 17 languages. ⁵³
“Working it Out Together”	R.J. Reynolds, United States	“Living in Harmony”	International Hotel Association, Latin America

Using old and new names for the same “Accommodation” programs, these public relations initiatives are currently being launched throughout the world.

In Serbia, the restaurant industry launched an initiative called "Protection instead of Prohibition" in 2009.⁵⁴

In Kenya, BAT reported that it was continuing to push one global program – “Courtesy of Choice” campaign - on the hospitality industry in 2008.⁵⁵

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 Commerce⁵⁶ urging that “Coexistence in Harmony” programs should be implemented and arguing that the law would negatively affect the income of restaurants. Public

relations communications from a restaurant association that publicly opposed the law was also apparent.⁵⁷

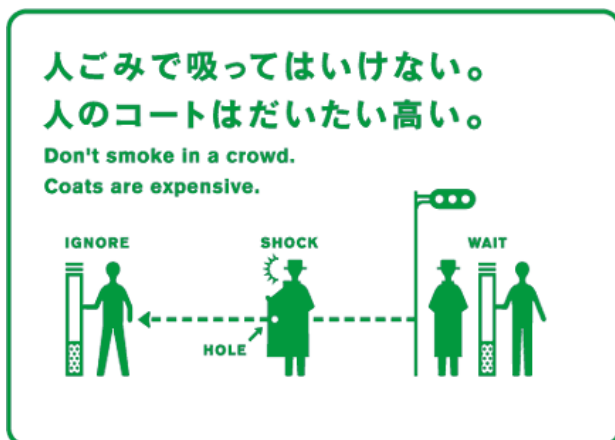


Logos for the original Philip Morris Accommodation Program and the IHA's Courtesy of Choice Program; both use the yin/yang symbol to connote harmony.

Wherever an accommodation program was set up, a public relations firm was hired to promote the program to the hospitality sector, which in turn promoted it to the public.⁵⁸ The tobacco industry also promoted the same accommodation approach in its own cigarette brand advertisements⁵⁹ and with investors, in hopes of appearing socially responsible.⁶⁰

These are some examples from the tobacco industry and hospitality industry public relations language for encouraging “accommodation” and “good manners” for smoking:

“Smokers and non-smokers; working together to work it out.”	English, used in the USA, Philip Morris campaign, 1993	“Todos los gustos tienen asiento.”	Spanish, used in Latin America, 1997
“Fumer ou pas, la courtoisie c’est plus sympa”	French, used in Europe, 2001	“Some of us smoke, others don’t. Courtesy keeps everyone happy.”	English, used in Mauritius, 2004
“Don’t smoke in a crowd. Coats are expensive.”	English translation, used in Japan, Japan Tobacco International (JTI) “Manners” campaign, 2009		



To encourage non-smokers to accommodate smoking behavior, JTI has developed its “Manners” campaign, illustrated in this ad.

- The tobacco industry aggressively promotes ineffective ventilation and air filtration technologies in hospitality venues.

Despite acknowledging internally that ventilation, air cleaning and filtration technologies are ineffective at removing harmful constituents of SHS, the tobacco companies continue to promote

these technologies to the hospitality industry, citing “comfort” as the reason.⁶¹ As BAT currently states on its website,

“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.”⁶² [emphasis added]

Mechanical air-exchange technologies promoted by the tobacco industry and its allies include room ventilation systems, “smoking points” – where there is a ventilated smokers’ stand in an otherwise smoke-free area--and smoking tables.



BAT’s “Smoking point” in Brazil, 2004.⁶³



Smoking point from BAT’s website.

In 2007, JTI “set up more than 200 glass outdoor smoking lounges – complete with attendants, restrooms and ashtrays”⁶⁴--and, by the end of 2008, the company planned to introduce ventilated smoking areas “in 15 international airports with 46 lounges, 70 smoking cabins and over 60 smoking stations.”⁶⁵ JTI has promoted smoking rooms in the Narita International Airport (2006),⁶⁶ Shin-Chitose Airport, in Japan’s Hokkaido province (2003)⁶⁷ and Haneda, Japan’s busiest airport (2007).⁶⁸ In Japan, Philip Morris also directly communicated with a Japanese ventilation maker to apparently evaluate ventilation systems.⁶⁹



Smoking point at Haneda, Japan’s busiest airport (2007)⁷⁰

Another approach employs a device known as a “smoking table,” designed to “suck tobacco smoke down through a filter and recirculate the partially filtered smoke out into the room again.”⁷¹ BAT set up a “smoking table” in Birmingham International Airport.⁷² Nevertheless, the airport voluntarily banned smoking outright in all of its buildings in September 2006, before smoke-free public places legislation took effect in the U.K.⁷³

- The tobacco industry has manipulated scientific consideration of ventilation technologies and international standards.

Over the last two decades, the tobacco industry developed a global network of ventilation “experts” on its payroll.⁷⁴ Through its consultants, the tobacco industry has interfered with the process for developing ventilation standards⁷⁵ including processes at the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) and European Committee for Standardisation (CEN).⁷⁶ In Latin America, Philip Morris organized an air quality research laboratory in El Salvador, which, after winning international certification, the tobacco industry’s consultants could then send air samples from its research to the industry-financed laboratory.⁷⁷

- With local governments, the tobacco industry pushes for voluntary agreements that circumvent smoke-free laws and do not protect people from tobacco smoke

In 2009, BAT, Egypt signed a memorandum of understanding with a local government for separate seating for smokers and non-smokers in hospitality venues. As part of BAT’s global “Respecting Choices” public relations campaign, BAT is to train nearly 200 hospitality staff in its initiative.⁷⁸ More than a decade earlier, Philip Morris signed a similar agreement with local government in Spain for the purpose of “replac[ing] a draft law that would have banned smoking.”⁷⁹ ⁸⁰

The Tobacco Industry Challenges Smoke-free Laws Primarily to Delay Implementation.

Globally, the tobacco industry has a track record of challenging implementation of smoke-free laws. In Kenya, in 2008, Mastermind Tobacco and BAT Kenya won suspension of a smoke-free law because “the provisions of the rules were unrealistic and denied them their constitutional right to make a living.”⁸¹ In Sri Lanka, in 2006, the Ceylon Tobacco Company and three hotels challenged smoke-free regulations on the basis that the law was ambiguous and it would criminalize hotel guests.⁸² ⁸³ The tobacco industry and its allies in the U.S. have mounted unfounded legal challenges generally based on the following arguments:⁸⁴

- Smoking is a fundamental right;
- Local regulatory bodies or even governments do not have legal authority to pass smoke-free laws;
- Smokers and business owners are not getting “equal protection”;
- Procedural due process has not been met, e.g., if the public was not notified of hearings on a regulation;
- A business owner is entitled to compensation because a regulation renders his or her business unviable;
- In private clubs, rights of members are violated by regulation of smoking;
- Smoke-free laws are difficult to enforce.

The vast majority of such cases do not succeed, but they often delay implementation of SHS policies and cast doubt in the minds of policy-makers elsewhere.⁸⁵

- The tobacco industry tries to influence proposed smoke-free legislation by suggesting amendments to weaken the law.

The tobacco industry has long sought to weaken legislation through political donations and lobbying efforts.⁸⁶ Currently, the tobacco companies have also submitted comments that are aimed at weakening proposed smoke-free legislation.

- In 2008, Philip Morris International's (PMI) Guatemalan affiliate suggested legislative amendments to eliminate a five-meter smoke-free entrance area to establishments where smoking is prohibited. PMI also suggested that the proposed law allow the government to provide for smoke-free regulation based on reduced sidestream smoke products, arguing that such cigarettes--if developed--would release less toxic compounds into the air and therefore should be an exception under the law.⁸⁷
- Currently, the tobacco industry is promoting Spain's ineffective and confusing smoke-free legislation in other countries. Spain's smoke-free law has been heavily criticized, in part, because it allows for separate seating sections and ventilation options based on the amount of "useful surface for clients" (i.e., service area).^{88 89}
- In certain ASEAN countries, the tobacco industry has even proposed to draft legislation for the government.⁹⁰

Key Messages

FCTC Article 8 Guidelines provide that the only effective measure to protect people from deadly SHS exposure is to create 100% smoke-free environments. Separate smoking rooms and air filtration or ventilation measures – as supported by the tobacco industry and its allies- do not effectively protect people from SHS.

- **Governments should pass and implement national laws aimed at protecting all people from SHS exposure that are aligned with the official FCTC Article 8 Guidelines.**

As Parties to the FCTC agree, there is a fundamental and irreconcilable conflict between public health and the tobacco industry's interest in maximizing profits through smokers lighting up in workplaces and public places. Article 5.3 Guidelines of the FCTC elaborate on effective measures to implement Article 5.3 for addressing tobacco industry interference in public health policies. Parties are strongly urged to enact measures beyond those set forth in the Guidelines. In order to protect public health policies aimed at protecting people from SHS exposure from interference by the tobacco industry and its allies, governments should:

- **Raise awareness that SHS causes disease, disability and death.** (FCTC Article 5.3 Guidelines, Rec. 1.1)

- **Disseminate knowledge of the tobacco industry’s tactics of using individuals, front groups, and affiliated organizations to weaken, delay or circumvent smoke-free policies.** (FCTC Article 5.3 Guidelines, Rec. 1.2)
- **Limit interactions with the tobacco industry to only those necessary to effectively regulate the tobacco industry and tobacco products. But, when interactions with the tobacco industry are necessary, they should be conducted transparently in public through hearings, notices of interactions, and disclosure of records, e.g. public hearings transcripts, meeting notes, correspondence, notes of conversations.** (FCTC Article 5.3 Guidelines, Rec. 2.2)
- **Reject any partnerships, non-binding or non-enforceable agreements and any voluntary arrangement put forth by the tobacco industry or its allies, e.g. memoranda of understanding with the tobacco industry to provide for so-called accommodation measures.** (FCTC Article 5.3 Guidelines, Rec. 3.1 and 3.3)
- **Reject any offer for assistance or proposed tobacco control legislation or policy drafted by or in collaboration with the tobacco industry.** (FCTC Article 5.3 Guidelines, Rec. 3.4)
- **Prohibit tobacco industry representatives, or any entity acting to further the tobacco industry’s interests, from being a member of any government body, committee, or advisory group that sets or implements public health policy, e.g. stop the revolving door of industry-supported IAQ consultants and other tobacco industry consultants.** (FCTC Article 5.3 Guidelines, Rec. 4.8)
- **Require the tobacco industry to report activities and practices** such as payments to scientists and journalists for the purposes of conducting research and conferences.(FCTC Article 5.3 Guidelines, Rec. 5.2)
- **Resist compromising on tobacco control measures when threatened with legal challenges mounted by the tobacco industry.**

Additional Resources

Global Smokefree Partnership - <http://www.globalSmokefree.com/gsp/index.php>.

Ventilation Technology does not Protect People from Secondhand Tobacco Smoke, Campaign for Tobacco-Free Kids, 2008 - <http://www.tobaccofreekids.org/research/factsheets/pdf/0145.pdf>.

Americans for Nonsmokers’ Rights - <http://www.no-smoke.org/>.

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