Tobacco industry tactics for resisting public policy on health*

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The tactics used by the tobacco industry to resist government regulation of its products include conducting public relations campaigns, buying scientific and other expertise to create controversy about established facts, funding political parties, hiring lobbyists to influence policy, using front groups and allied industries to oppose tobacco control measures, pre-empting strong legislation by pressing for the adoption of voluntary codes or weaker laws, and corrupting public officials. Formerly secret internal tobacco industry documents provide evidence of a 50-year conspiracy to "resist smoking restrictions, restore smoker confidence and preserve product liability defence". The documents reveal industry-wide collusion on legal, political and socially important issues to the tobacco industry and clearly demonstrate that the industry is not disposed to act ethically or responsibly. Societal action is therefore required to ensure that the public health takes precedence over corporate profits. Recommendations for reducing the political influence of the tobacco industry include the following. Every tobacco company in every market should publicly disclose what it knew about the addictiveness and harm caused by tobacco, when it obtained this information, and what it did about it. The industry should be required to guarantee internationally recognized basic consumer rights to its customers. Trade associations and other industry groupings established to deceive the public should be disbanded. These recommendations should be incorporated into WHO's Framework Convention on Tobacco Control.

Keywords: tobacco industry, legislation; public policy; health policy; persuasive communication; mass media; propaganda; public relations; treaties.

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Who decides health policy?

Tobacco is a major health hazard and an important economic commodity. If it were not harmful to health there would be no reason to control its use. On the other hand, if the market for tobacco were small there would be little opposition to the regulation of this trade. As a result of the conflict of interest between health and corporate wealth, public policy on tobacco has evolved in an ad hoc fashion. It has emerged as a product of different pressures, including those of the tobacco industry and the public health lobby.

The tobacco industry has a formidable record of resistance to legislation and of developing new markets for its products. Even as its key markets in high-income countries were shrinking it succeeded in increasing sales in middle-income and low-income countries. As was noted in a South African newspaper: "It is an unpalatable fact that growth in this industry will take place where governments are least

Four cigarette manufacturers dominate about three-quarters of the global market: Philip Morris, British American Tobacco (BAT) and Japan Tobacco are transnational companies; the China National Tobacco Corporation is a monopoly, producing about 30% of the world's cigarettes but mainly supplying its domestic market (2). China is, however, preparing to become a major exporter of tobacco.

The future of the tobacco industry lies in the world's developing countries. Between 1986 and 1996, cigarette exports from the United States grew by 260%. Philip Morris now makes more profit selling cigarettes abroad than in the United States (3). BAT sells about 70% of its cigarettes in Africa, Asia, Latin America, and Eastern Europe. A BAT booklet notes: "The 1990s have seen new opportunities for the Group, especially in Central and Eastern Europe and in the Far East, with the opening up of markets previously closed to Western tobacco manufacturers". BAT has acquired factories in Hungary (1992), Ukraine (1993), the Russian Federation (1994), Uzbekistan (1994), Poland (1995), and the Czech Republic (1995) (4).

Questioned about the ethics of targeting the world's poor, a manager at Rothmans Export Ltd (now part of BAT) replied: "It would be stupid to ignore a growing market. I can't answer the moral dilemma. We are in the business of pleasing our shareholders" (5). This narrow corporate philosophy,

Ref. No. 00-0628

hostile and where populations are least educated about the harmful effects of smoking" (1).

^{*} This article is based on a paper presented at the WHO International Conference on Tobacco and Law, New Delhi, 7–9 January 2000.

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involving an exclusive commitment to shareholders rather than accountability to all stakeholders, including customers, means that anything is acceptable in defence of company profits.

The tobacco industry has one aim: to sell the maximum number of cigarettes. In order to achieve this it is prepared to crush any obstacle. The manufacturers have ignored the harm caused by cigarettes and for decades they have engaged in a vigorous effort to silence critics, distort science, influence public opinion, control public policy and coordinate their strategy on litigation.

An insight into their behaviour is provided by the millions of pages of formerly secret internal documents that have been made public because of litigation. These documents, which are available on the Internet, take one into the boardrooms of the United States tobacco companies and their coordinating centre, the Tobacco Institute.

Engineering consent

In the early 1950s the United States tobacco industry found itself besieged by concerns about the safety of its products as a result of new medical evidence conclusively linking smoking and cancer (6). Increasing concern in the media and the scientific community about the role of cigarettes in causing disease had reduced consumer confidence. A decline in sales combined with the threat of litigation from ailing smokers led to what was referred to in industry documents as the "1954 emergency".

The industry reacted by mobilizing its collective resources to regain control and to defend itself on three major fronts, namely litigation, politics and public opinion (7). In December 1953 the heads of all but one of the cigarette manufacturers in the United States consulted Hill and Knowlton, a public relations company. A memorandum after this meeting noted that the one essential job was to stop public panic and that the only problem was to establish public confidence and create public assurance (8).

The goal was to preserve company profits, not to protect the public. It was not to identify and eliminate the harm caused by cigarettes but to calm public fears and reassure smokers that no change in smoking behaviour was necessary. It was also to prevent government regulation and to avoid litigation. In 1962 an internal memorandum noted that the 1954 emergency appeared to have been handled effectively and that this experience had given rise to a realization by the tobacco industry of a public relations problem that had to be solved in the interest of self-preservation (9). The public relations campaign that was initiated in the 1950s continues in full force today. In response to evidence that environmental tobacco smoke was harmful to non-smokers, a 1987 memorandum declared that the industry had to resist smoking restrictions, restore smoker confidence and preserve product liability defence. There were two prerequisites: the reversal of scientific and popular opinion that environmental tobacco smoke was harmful to health, and the restoration of the social acceptability of smoking (10).

Mobilizing corporate resources

The 1953 meeting proposed that the tobacco companies should put aside their competitive differences and agree on issues of legal, political and social importance to the entire industry, and that they should jointly establish and fund a centre to promote their general public relations interests.

In 1954 the industry established the Tobacco Industry Research Council. Its task was to reassure the public that the industry could responsibly investigate the smoking and health issue and that it could resolve any problems that were uncovered. The Council's real role, however, was "to stamp out bush fires as they arose". Instead of supporting genuine scientific research into the problems, it spent millions of dollars publicizing research purporting to prove that tobacco did not cause cancer. Its true purpose was to deliberately confuse the public about the risks of smoking. "Doubt is our product," proclaimed an internal tobacco industry document in 1969. "Spread doubt over strong scientific evidence and the public won't know what to believe."

By the late 1950s most of the industry already accepted that smoking caused lung cancer: in 1958 three British scientists, after meeting leading officials and scientists of the United States tobacco industry, reported: "With one exception the individuals whom we met believed that smoking caused lung cancer"; in April 1970 an internal memorandum in Gallaher Limited, a British tobacco company, commenting on studies conducted on dogs that developed cancer after being exposed to tobacco smoke, reported: "Auerbach's work proves beyond all reasonable doubt the causation of lung cancer by smoke" (11).

Yet in 1969 the following advertising copy was developed for the Brown & Williamson Tobacco corporation. "Ten years ago there was a cancer scare over the wax in milk cartons. And over using iodine to get a suntan. These theories were about as valid as the one that says toads cause warts. And they're about as valid as today's scare tactics surrounding cigarettes. Because no one has been able to produce conclusive proof that cigarette smoking causes cancer. Scientific, biological, clinical, or any other kind."

The industry's strategy does not require winning the debates it manufactures. It is enough to foster and perpetuate the illusion of controversy in order to muddy the waters around scientific findings that threaten the industry. Thus it offers reassurance to smokers, helping them to rationalize and repress their health concerns. Furthermore, claims of "not proven" resonate with friendly or naive journalists and governments, and provide an excuse for not taking strong governmental or societal action against tobacco.

The tobacco industry has an outstanding ability to promote research that is favourable, to denigrate

research that threatens its interests, and to produce and manage uncertainty. Critics are dismissed as well-meaning but misinformed or alternatively as crusaders and health fascists. The industry continues to create controversy around the science relevant to almost every aspect of tobacco and its control, including passive smoking, addiction, the medical and societal costs of smoking, and the encouragement of smoking by advertising.

Manufacturing doubt

In 1988 a meeting of the United Kingdom tobacco industry was told of plans by Philip Morris to spend "vast sums of money" on research by scientists who would dispute the health risks of passive smoking. The aim was to "coordinate and pay scientists on an international basis to keep the environmental tobacco smoke controversy alive". Dropping any pretence that the research would be objective and neutral, a BAT memorandum stated that the scientific proposals would be filtered by lawyers to eliminate areas of sensitivity. The idea was that groups of scientists should produce research or stimulate controversy in such a way that public affairs people in the relevant countries would be able to make use of, or market, the information (12).

The global campaign was coordinated by Covington & Burling, a law firm in Washington, DC. In 1990 the firm claimed that its political and scientific contacts included an adviser to a committee of the House of Commons in the United Kingdom, an executive director of a leading scientific society concerned with workplace and related issues, advisers to the European Community, and former members of working groups of the International Agency for Research on Cancer. The latter groups assessed the cancer risks associated with various substances and products, and through their efforts the firm was able to give General Foods considerable information about the International Agency for Research on Cancer's evaluation of coffee as a possible cause of cancer. One consultant was a medical adviser to several Middle Eastern governments. Others held major professorships in leading universities and technical schools (13). The report also claimed that one consultant was an editor of The Lancet, and that the firm's consultants had created the world's only learned scientific society concerned with indoor air quality, Indoor Air International. This body was designed to be sympathetic to the industry's position on passive smoking and to endeavour to shift the blame for illness among office workers from tobacco to building design and ventilation. After investigating the allegation, The Lancet refuted Covington & Burling's suggestion that any of its editors acted as consultants to the industry. Indoor Air International was renamed the International Society of the Built Environment in 1995. Many of its members did not know of its secret origins (14). The documents reveal a cynical attempt by Philip

Morris to infiltrate respected institutions and to subvert the scientific process. Referring to Indoor Air International, the Director of Science at Philip Morris Europe boasted that no other resource gave the industry comparable access to the scientific community, government and those who made decisions about indoor air quality issues and standards.

Protecting corporate rights

The tobacco industry has used a combination of money, early identification of potential problem areas, alliances, front groups and the peddling of influence in a relentless defence of its economic interests (Box 1). It has not only resisted restrictive legislation but has also sought to realign national and international laws so as to enlarge its corporate rights and reduce its corporate responsibilities.

Box 1. Tobacco industry tactics	
Tactic	Goal
Intelligence gathering	To monitor opponents and social trends in order to anticipate future challenges
Public relations	To mould public opinion, using the media to promote positions favourable to the industry
Political funding	To use campaign contributions to win votes and legislative favours from politicians
Lobbying	To make deals and influence political processes
Consultancy programme	To recruit supposedly independent experts critical of tobacco control measures
Smokers' rights groups	To create an impression of sponta- neous, grass-roots public support
Creating alliances	To mobilize farmers, retailers and advertising agencies with a view to influencing legislation
Intimidation	To use legal and economic power as a means of harassing and frightening opponents
Philanthropy	To buy friends and social respect- ability from arts, sports and cultural groups
Litigation	To challenge laws
Bribery	To corrupt political systems so that the industry can bypass the law
Smuggling	To undermine tobacco excise tax policies and thereby increase profits
International treaties	To use trade agreements to force entry into closed markets
Joint manufacturing	To form joint ventures with state
agreements	monopolies and subsequently
<i>y</i>	pressurize governments to
	privatize monopolies

Intelligence gathering

The tobacco companies have developed global networks to scan, monitor and track hostile external forces. The purpose is to identify, analyse and nullify any group, issue or trend that may adversely affect the industry's image, profit or ability to act. "The bottom line is that if we do not know a local battle is taking place in a timely manner there is no way in which we can employ our resources to challenge unfair outcomes" (15).

The industry's early warning system is made up of its own employees, its distributors in the wholesale and retail trade, and its allies in the advertising industry and public relations companies. This network is involved in: pinpointing in each country the leadership of the tobacco control movement and its activities; monitoring tobacco control conferences and literature in order to identify the central issues of interest to the movement; identifying countries that are considering the introduction of tobacco control legislation.

The industry has also established think-tanks to look beyond today's scientific and medical concerns and to highlight tomorrow's major research trends. The aim is to determine what the industry's main medical and scientific challenges are likely to be in the future.

Controlling the agenda

Even as the industry invested heavily in creating doubts about the harm of smoking, it recognized that it could not ultimately prevail on the health issue. It has therefore tried to control the public debate by shifting it away from health to more favourable terrain. It has identified public concerns on which it can win support and has championed them. Thus it portrays itself as a mainstay of the economy by providing jobs and tax revenue. This is a claim that finance ministers and the public find convincing during times of economic austerity. Philip Morris's Vice President summed it up: "Economic contribution arguments form the cornerstone of tobacco industry public affairs. Data from farm incomes, jobs, taxes, balance of trade data, etc., form the catechism of industry lobbyists". The industry also champions libertarian ideologies concerning freedom of speech and choice, and uses the theme of rejection of the nanny state to deride health protection measures.

The economic arguments of the industry have been rebuffed by the World Bank, which has stated that very few countries would experience job losses as a result of reduced tobacco consumption. Money not spent on tobacco could be invested elsewhere to create jobs in other sectors of the economy (16).

Legislators in many countries have also rejected the pseudo-libertarian position of the industry. The right of governments to protect public health has been held to take precedence over the freedom to promote harmful products (17).

The peddling of influence

In September 1999 an editorial in the New York Times made the following observations. "With the tobacco industry under siege in recent years, New York State has offered cigarette manufacturers a legislative safety zone. There have been no extra taxes on cigarettes since 1993 and no extra burdens on tobacco companies that have faced tariffs and controls elsewhere on their hazardous products. Such a smoke-friendly atmosphere does not appear by accident. In fact, the tobacco industry, particularly Philip Morris, has been plying the state's law-makers with gifts and goodies including dinners and tickets to sports events like the Indianapolis 500. Philip Morris has now been forced to acknowledge that it violated New York State's lobbying law by underreporting (sic) the extent of its gift-giving in Albany. The company's admission might never have been made except that records of New York spending became available in documents released in anti-smoking lawsuits elsewhere in the country". (18)

Nowhere is the importance of political campaign contributions, lobbying and influence over the media by public relations companies more evident than in the United States. In Washington DC, special interest lobbyists outnumber members of congress by 38 to 1 (19). Furthermore, the 170 000 public relations practitioners in the United States outnumber news reporters by about 40 000. The public relations companies produce fact, opinion pieces, expert analyses, opinion polls, and petitions for their corporate clients. A 1990 study found that almost 40% of the news content in a typical United States newspaper originated from press releases (20).

In addition to being fed a diet of industry propaganda, sections of the media are willing accomplices of the industry for reasons of self-interest. Those media most dependent on tobacco advertising are the least likely to report on tobacco issues adversely. "The media like the money they make from our advertisements," says a Philip Morris memorandum, "and they are an ally that we can and should exploit." (21)

A case study of how Philip Morris used the media to defeat tobacco control legislation is provided by Argentina. On 30 September 1992, legislation banning tobacco advertising and restricting smoking in public places was passed by the Argentinian Parliament. On 5 October, however, the industry called a closed-door working session with media owners, sports figures, advertising executives and other interested parties to create an atmosphere in which a presidential veto would be politically acceptable. The result was that 129 articles appeared in newspapers and magazines between 1 October and 15 October, 105 of them favourable to the industry's arguments. President Menem vetoed the bill on 13 October (22).

When self-interest is not sufficient to obtain favourable media coverage the industry is not afraid of using coercion. In 1996, R&R Tobacco, South Africa's largest cigarette manufacturer, withdrew all its advertising from *The Star* newspaper in the wake of an editorial that supported the regulation of tobacco advertising. This was a clear warning to the media not to oppose tobacco interests.

The industry has also used its financial muscle to kill legislation. In the United States during the first half of 1998 it reportedly spent more than US\$ 43 million on lobbying against federal tobacco legislation sponsored by Senator John McCain. The industry's advertising campaign against the bill was, according to the Dean of Communication at the University of Pennsylvania, Kathleen Hall Jamieson, the highest amount ever spent in a sustained issue advocacy campaign in the United States. She added that the advertisements distorted the facts and misled the public. They were virtually unanswered by health groups on the all-important battleground of television. By using its classic tactic of shifting the debate from health to big government, big bureaucracy and big taxes, the industry ensured the defeat of the bill despite considerable support for it in Congress and among the general public.

Responding to claims that the lobbying effort against the McCain Bill was a massive abuse of corporate power, a spokesperson for Philip Morris said: "The American political system relies on a free and open exercise of First Amendment freedoms. Philip Morris is an active citizen participating in the political process by expressing our views on issues that affect our businesses" (23). On the other hand a television commentator gave this stark assessment of the First Amendment: "You can say anything you want to say. But if you really want to be heard today, we're talking big money" (24).

A candid exposition of the objectives and techniques used by the industry to counter its opponents is given in an industry document reproduced in Box 2.

Voluntary codes and pre-emptive legislation

When pressure is building up and legislation appears unavoidable the industry's first line of defence is to offer a voluntary agreement, particularly where tobacco advertising is concerned. The industry asserts that self-regulation, rather than government legislation, will suffice, and gives assurances that all manufacturers will abide faithfully by the provisions of the voluntary agreement and that the industry itself will ensure that it is properly enforced. This has the double advantage of making the industry seem to understand the problem and of depicting proponents of the law as well-meaning but misguided.

Such agreements appear attractive to governments but repeatedly fail for the simple reason that they are not intended to succeed. Penalties for infringements are weak or absent. The wordings of the agreements appear impressive but in practice allow interpretations that favour the industry. The

Box 2. An explanation of tactics given by an industry working party (15)

Basic countermeasure type 1: legislative casework countermeasures

Brief description

This most traditional type of countermeasure is carried out as specific pieces of legislation are considered by law-making groups. Countermeasures take the form of lobbying.

Objectives and targets

The typical objectives are to block, nullify, modify or delay pending legislation. In some more sophisticated situations the industry takes initiatives to have legislation, particularly tax legislation, repealed or amended in favour of the industry. The target groups for this type of countermeasure are legislators and their staffs, and the lobbyists of other industries who might be converted into temporary allies of the tobacco industry.

Techniques employed

All the tools in the kit of the lobbyist are used, e.g. testimony, position papers, constituency letters and contacts, and the most basic tool of face-to-face discussion between industry representatives and legislators.

Basic countermeasure type 5: public climate countermeasures

Brief description

This type of countermeasure is likely to become more important in future years because the industry faces an increasingly hostile climate of general public opinion. To date the industry has not spoken very much to the general public about smoking issues. However, even the best legislative, regulatory, constituency and electoral campaign efforts can ultimately be doomed to failure if public opinion builds up more and more pressures on the industry's traditional legislative and regulatory safety valves.

Objectives and targets

Some of the key objectives are to convince the general public that:

- its health is not threatened by other people's smoking;
- smoking is a matter of choice;
- smoking problems are best handled by voluntary private action, not public decrees;
- smokers are constructive members of society;
- the zealotry of anti-smokers is at the root of the social problems of smoking.

The targets in this area are the segments of the general public who are smokers and non-smokers, but not antismokers. Experience has shown that there is little to be gained by targeting anti-smokers.

Techniques employed

The industry's positions on issues are insinuated into the general news and entertainment media. In some instances more specialized media and techniques are used to reach leadership groups in society, the so-called precursors who tend to mould public opinion. Specific methods include the use of paid advertising, appearances by industry spokesmen in the media, cultivated editorials and news stories, press happenings and many other conventional public relations techniques.

agreements do not cover some of the industry's worst excesses. for example, they may ban advertising directed at children but allow sports events and rock concerts to be sponsored (25).

In 1967 Senator Robert Kennedy made the following comment on voluntary agreements with the industry. "We have witnessed a charade of purported self-regulation for some years. The codes of self-regulation have been largely ineffective, and I see little hope for change" (26).

The industry also lobbies for pre-emptive legislation that protects its own interests. The Tobacco Institute boasted that in 1989 it had promoted 53 pieces of legislation in 28 states protecting the rights of smokers. In total it handled 53 pieces of legislation in 28 states protecting the rights of smokers (27).

Such bills are designed to protect smokers' rights by requiring smoking areas to be provided in publicly owned buildings, making smoking during non-working hours a civil right for employees, and preventing local governments from passing stronger anti-smoking ordinances. One reason for the industry's defence of smokers' rights was spelt out by an RJ Reynolds scientist in an internal memorandum: "For our industry the present and future effects of the environmental tobacco smoke issue are clear. Smoking restrictions limit the time available for consumers to enjoy our products. Put simply, a cigarette not smoked is a cigarette not sold."

With great adroitness the industry has also turned regulatory challenges to its own advantage. The industry eventually acquiesced in the introduction of warning labels on cigarette packets in the United States. It did so partly to avoid more destructive state labelling legislation but also to gain protection from lawsuits seeking damages for the death or disability of smokers. The labels warn of the risks involved in smoking and thus smokers can be said to consent to damaging their own health if any harm occurs.

Opening markets through trade sanctions and corruption

Historically, the United States has regarded lowincome countries as a valuable export market and has assisted in opening these markets for American cigarettes. This assistance took the form of coercion in the 1980s when the threat of trade sanctions was used to pry open markets in China (Province of Taiwan), Japan, Republic of Korea, and Thailand (28). From 1975 to 1985 the tobacco companies based in the United States pressured Japan and other countries in the Western Pacific Region to remove trade barriers to foreign cigarette imports, but with only modest success. In 1986 the United States Government took up this matter at the behest of the tobacco industry. It threatened retaliatory tariffs against Japanese exports of textiles and automobile parts unless the cigarette manufacturers in the

United States were allowed greater access to Japan's markets. To protect its exports the Japanese government capitulated and removed the tariffs and other restrictions on foreign cigarettes. In one year the United States Government achieved what the industry had not been able to do in ten years. Within a month of Japan's decision both the Republic of Korea and Thailand opened their markets to tobacco from the United States (28).

In the United Kingdom *The Observer* disclosed in 1996 that BAT was acquiring influence over the dispersal of British overseas aid as part of a campaign to protect its lucrative markets in developing countries. An *Observer* investigation uncovered a network of links between the company, official international aid bodies and well-known Members of Parliament, aimed at furthering the company's purposes in the developing world. At the centre of BAT's overseas aid network was its new chairman, Lord Cairns. The previous year he had become Chairman of the Commonwealth Development Corporation, a body distributing US\$ 1.5 000 million of investment to poor countries (29).

The American tobacco companies have used even more questionable methods to increase their influence overseas. In the 1970s RJ Reynolds paid US\$ 6 million as bribes to minor officials of foreign governments (30). Philip Morris has admitted making payments to foreign government employees "for the purpose of expediting administrative action". Internal company documents disclosed that US\$16 000 were paid to a Dominican Republic tax officer for a favourable ruling and that US\$ 12 000 were spent during the past few years in order to have a significant law enacted. Legal contributions to the President's political campaign amounted to approximately US\$ 200 000 (31).

More recently, Philip Morris was involved in a major campaign finance scandal involving the Civic Democratic Alliance, the largest political party in the Czech Republic. In 1998, Philip Morris and two Czech companies allegedly funnelled donations to the Alliance through a fictitious company. The environment minister was forced to offer his resignation when the scandal broke (32).

The full extent of corruption will probably be never known. The general excuse used by corporate entities is that they adapt to local ethical standards when bribing officials. In reality they help to undermine the stability of political institutions and the economy in pursuit of their self-interest.

The forthcoming battle with the World Health Organization

In May 1999 the World Health Assembly unanimously authorized WHO to proceed with the Framework Convention on Tobacco Control (FCTC). This will be the world's first public health treaty and could have a historic impact on tobacco use globally.

Although not expected to be adopted until at least 2003, the FCTC has already come under attack from the tobacco companies. They consider it to be an unprecedented challenge to the industry's freedom to continue doing business. Their predictable opening salvoes were as follows: (1) "The tobacco industry has not been consulted." The call for dialogue makes the industry appear responsible, accommodating and understanding. However, the industry's goal is to resist regulation of its products. It seeks dialogue in order to promote inaction and reduce the effectiveness of the proposed measures. (2) "The real agenda is to ban tobacco products." The FCTC does not envisage banning tobacco yet the industry raises the spectre of prohibition. An industry document advises that the rhetoric of prohibition is an effective tool in resisting anti-smoking measures. The intention is to paint WHO as fanatical, when in fact WHO is proposing responsible limits on the marketing, sale and distribution of a product that kills four million people annually. (3) "WHO is creating an additional layer of bureaucracy and regulation in a policy area where national governments are competent to act." Although the transnationals have developed a common industry-wide approach to resisting government legislation and regulation, they are opposed to WHO formulating an international response to an international problem.

Conclusion

At some time in the 21st century the battle between public health and corporate wealth should be decided in favour of health. Economic, social and health costs can be expected to continue increasing until no government is able to deny or ignore the harm being caused. When this happens the tobacco epidemic should end. The question remains as to how quickly this will occur and at what cost in human lives.

The means for combating the epidemic are on hand. According to the World Bank, governments can raise cigarette taxes, ban the advertising and promotion of tobacco products, and provide information on the health risks of smoking in order to reduce demand effectively. The Bank has urged all countries to adopt these measures and has indicated that a comprehensive tobacco control policy is not likely to harm economies.

However, the availability of effective policies is not enough: the societal will to implement them is essential. Governments with limited financial resources have to be convinced that tobacco control policies will lead to sustainable growth and development. Governments also need to be persuaded to give priority to the prevention of the epidemic in countries where its full impact is not yet evident.

The difficulty of these tasks is exacerbated by the activities of the tobacco industry. The clear lesson of the past 50 years is that the industry is not disposed to act responsibly. Yet it retains a veneer of respectability. It presents itself as a source of revenue, supplier of jobs, patron of the arts and sport, defender of freedom and provider of pleasure. It is not seen as having betrayed its customers' trust, as being a corrupt influence on governments and as a purveyor of addiction to children. Openness and transparency about the industry's product and its activities are necessary before effective tobacco control activities can be implemented.

The following conditions should be imposed on tobacco companies. (1) Public disclosure should be made in every market of what the companies knew about the harm and addictiveness of tobacco, when they acquired this knowledge, and how they responded to it. (2) Internationally recognized basic consumer rights should be guaranteed to smokers, including the following: the right to safety for both users and non-users; although no safe cigarette exists, a harm reduction strategy, involving the greatest possible reduction in the toxicity of tobacco products, should be pursued; the right to be fully informed, including the right not to be misinformed; the right to choose, including the right to choose to stop using the product (i.e., help in overcoming addiction); the right to be heard; the right to compensation for harm; the right to a healthy environment. (3) All contributions to political parties and politicians should be declared, and all amounts paid to lobbyists, consultants and other groups with a view to influencing public policy should be disclosed. (4) Trade associations of the industry and other groupings established in order to deceive the public about the harm of smoking should be disbanded. (5) Anti-corruption and anti-trust laws should be enforced. (6) No tax breaks should be available for advocacy, advertising, political contributions or lobbying; these activities should not be considered as a normal cost of doing business. (7) Government missions should not be used to challenge other countries' public health regulations on tobacco. (8) Development aid should not be used to support increased tobacco production. (9) World trade agreements should not be used to make it possible to weaken public health regulation on tobacco.

Résumé

Comment l'industrie du tabac résiste aux politiques de santé publique

Alors que la mortalité mondiale liée au tabac a atteint la barre des quatre millions, les multinationales du tabac continuent d'afficher des profits en constante augmentation. Cette croissance régulière tient à plusieurs facteurs, parmi lesquels l'expansion des marchés dans les pays les plus pauvres et les plus peuplés du monde, et la capacité des industriels du tabac à contourner les réglementations gouvernementales. Le présent article examine les stratégies et tactiques employées par l'industrie du tabac pour influencer les gouvernements et l'opinion publique et pour résister aux efforts de réglementation de ses produits. Il analyse des documents internes, jusqu'alors tenus secrets par l'industrie du tabac, qui révèlent que, durant un demi-siècle, les compagnies ont mené une vaste campagne de désinformation et de manipulation de l'opinion afin de discréditer les preuves scientifiques de la nocivité du tabac et d'influer sur les politiques publiques. A travers ces textes, on découvre une industrie obsédée par la volonté de résister aux mesures visant à restreindre la consommation de ses produits, de restaurer à tout prix la confiance des fumeurs et de ne pas être tenue responsable des effets du tabac.

Elle s'est efforcée de parvenir à ses fins à travers des opérations de relations publiques, en achetant les services de scientifiques et autres experts pour mettre en doute des faits établis, en finançant des partis politiques et en recrutant des groupes de pression afin d'influer sur les orientations politiques, en recourant à des groupes-écrans et à des alliances avec d'autres secteurs industriels pour combattre les mesures de lutte antitabac, en militant pour l'adoption de codes de conduite non contraignants ou de législations indulgentes afin d'éviter des législations plus rigoureuses, voire en corrompant des fonctionnaires publics.

Pour combattre leurs opposants, les industriels du tabac font un usage intensif de la propagande. Ils instillent méthodiquement leurs positions dans les médias d'information et de divertissement, par le biais de publicités payées, mais aussi d'éditoriaux et d'articles, de séminaires pour journalistes dans des lieux de villégiature, et de bien d'autres techniques de relations publiques conventionnelles ou non — y compris l'intimidation. En Afrique du Sud, un cigarettier a retiré d'un journal toutes ses publicités pour le tabac parce que ce journal publiait un éditorial favorable à sa réglementation.

L'expérience des 50 dernières années montre à l'évidence que les industriels du tabac ne sont pas disposés à agir de façon responsable. Il est donc indispensable de mobiliser la collectivité afin que la santé publique l'emporte sur les intérêts corporatistes et de mettre en œuvre certaines mesures susceptibles de réduire l'influence politique de l'industrie du tabac. Ainsi, il conviendrait de rendre publiques les informations que possédaient les compagnies concernant l'accoutumance au tabac et sa nocivité, en précisant à quel moment elles ont acquis ces connaissances et quel usage elles en ont fait. Bien que la cigarette sans danger n'existe pas, il conviendrait également de mettre en oeuvre une stratégie visant à réduire au maximum le degré de toxicité des produits du tabac. Les droits fondamentaux des consommateurs devraient être garantis, y compris le droit à la sécurité des fumeurs comme des non-fumeurs ; le droit à l'information (ce qui inclut la protection contre la désinformation); le droit de choisir, y compris de cesser de consommer un produit néfaste (ce qui comporte une aide à la désintoxication) ; le droit de se faire entendre ; le droit d'obtenir un dédommagement pour les torts subis ; le droit à un environnement sain. Enfin, les groupements commerciaux et autres entités constituées à seule fin d'abuser le public sur les dangers du tabac devraient être dissous.

Les documents examinés attestent que l'industrie du tabac s'est rendue coupable d'entente délictueuse, dans la mesure où les différents membres de la corporation ont délibérément convenu de n'entreprendre aucune action pour élaborer des produits moins nocifs et de ne pas divulguer les informations dont ils disposaient concernant la nocivité du tabac. Le délit de collusion et de violation des lois anti-trust est clairement établi. Les recommandations ci-dessus devraient être intégrées dans la convention-cadre de l'OMS pour la lutte antitabac.

Resumen

Tácticas de la industria tabacalera contra las políticas de salud pública

En un momento en que el tabaco ha llegado a cobrarse a nivel mundial un tributo anual de cuatro millones de defunciones, las empresas tabacaleras transnacionales siguen informando de crecientes beneficios. Esta continua rentabilidad se debe a varios factores, en particular a la capacidad de esas empresas para ampliar sus mercados a los países más pobres y más poblados del mundo y para oponerse a las medidas de regulación adoptadas por los gobiernos.

En el presente artículo se examinan las estrategias y las tácticas utilizadas por esa industria para influir en el gobierno y en la opinión pública y para hacer frente a las medidas de regulación de sus productos. Se analizan documentos internos antes secretos de la industria tabacalera que revelan que las empresas del sector han impulsado durante medio siglo una campaña destinada a cuestionar los datos científicos acumulados sobre sus productos. Las grandes compañías han manipulado la opinión pública y la información para controlar las

políticas públicas. Los documentos ponen de manifiesto la obsesión de esas empresas por oponer resistencia a las medidas de restricción del tabaco, restablecer la confianza de los fumadores y seguir exenta de toda responsabilidad por sus productos.

Las tácticas empleadas por la industria incluyen campañas de relaciones públicas, la compra de la opinión de personal especializado o de otro tipo para crear controversia en torno a resultados bien establecidos, la financiación de partidos políticos y la contratación de grupos de presión para influir en la formulación de políticas, el uso de grupos «tapadera» e industrias conexas para oponerse a las medidas de lucha antitabáquica, las presiones ejercidas para evitar que en lugar de medidas legislativas enérgicas se adopten códigos voluntarios o leyes más laxas, y la corrupción de funcionarios públicos.

Las relaciones públicas son un arma ampliamente utilizada por la industria tabacalera contra sus adversa-

rios. La industria instila sus mensajes en los medios de comunicación general y en los programas de entretenimiento. Esos métodos adoptan concretamente la forma de publicidad pagada, editoriales y noticias tendenciosos, organización de talleres para periodistas en centros turísticos y otras técnicas tradicionales de relaciones públicas. También se ha recurrido a maniobras de intimidación: por ejemplo, en Sudáfrica un fabricante de cigarrillos retiró todos sus anuncios de un periódico que había insertado un editorial favorable a la regulación de ese producto.

Lo sucedido en los últimos 50 años demuestra convincentemente que la industria no está dispuesta a actuar de manera responsable. Es necesario algún tipo de intervención social a fin de que la salud pública prevalezca sobre los intereses empresariales. Para reducir la influencia política de la industria tabacalera se le deben imponer diversas condiciones, entre ellas las siguientes. En todos los mercados se debe informar sobre lo que sabían las compañías acerca de la nocividad y el poder adictivo del tabaco, así como sobre el momento en que se obtuvo esa información y sobre la manera en que se respondió a ella. Deben garantizarse los derechos básicos de los consumidores, en particular el derecho a la

inocuidad de los productos para ambos, usuarios y no usuarios (aunque no existe el cigarrillo inocuo, debe aplicarse una estrategia de reducción de los daños procurando limitar al máximo la toxicidad de los productos del tabaco); el derecho a estar plenamente informado, incluido el derecho a no recibir información mendaz; el derecho a elegir, incluido el derecho a abandonar el consumo del producto (es decir, a recibir ayuda para superar la adicción); el derecho a ser escuchado; el derecho a ser indemnizado por los daños sufridos; y el derecho a un medio ambiente saludable. Por último, deben disolverse las asociaciones comerciales establecidas por la industria y otros grupos al objeto de engañar al público respecto a los perjuicios causados por el tabaco.

Los documentos estudiados muestran que la industria incurrió en colusión, por cuanto las empresas decidieron no competir entre ellas para fabricar productos menos perjudiciales y no reconocer la peligrosidad del tabaco. Ello constituye una prueba fehaciente de que la industria conspiró e infringió la legislación antimonopolio. Las recomendaciones anteriores deberían figurar en el Convenio Marco de la OMS para la Lucha Antitabáquica.

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