

Pubs and clubs - real smoking bans increase jobs and sales

Employment in the Tasmanian hotel industry has increased since the State's smoking ban came into force on January 1, according to recent Australian Bureau of Statistics data. "The ABS data shows a 10% increase in employment in Tasmanian pubs and clubs in the May quarter of 2006 compared with the same quarter in the previous year," SmokeFree Tasmania convenor Kathy Barnsley said.

"The Commissioner for Licensing has also advised SmokeFree Tasmania that he has seen no evidence of pub licenses being handed in or significant bankruptcies in the hotel industry since the introduction of the smoking bans," Ms Barnsley said.

Similarly, Canada's national statistics agency Statistics Canada has issued sales figures for the hospitality sectors in the provinces of Quebec and Ontario respectively. Both provinces, which together account for 62% of Canada's population, banned smoking in all workplaces including restaurants and bars on May 31. During the first month of the bans, sales figures rose. See <http://www.statcan.ca/Daily/English/060829/d060829d.htm>

Meanwhile in Ireland, a year after the implementation of a total ban on smoking in Irish workplaces (including pubs and other licensed premises), the ban has been hailed as a huge success. Only 38 out of 35,043 premises inspected by the Office of Tobacco Control were prosecuted for breaches of the legislation (Irish Examiner, 29 March 2006). ☹



Puffs of Smoke

The New York Daily News reports on a survey of female high school students conducted by the New York City Health Department in which virtually everyone of the girls who smoked said that the TV series *Sex and the City* influenced their decision to smoke. As one of the students stated "Whenever I think of how to smoke, it's the way Sarah Jessica Parker exhales, and I'm like obsessed ... I love her, and the way she exhales is very memorable. She kind of ... elongates her neck and exhales into the air. (New York City Times, 10 August 2006 - <http://www.nydailynews.com/.../442280p-372464c.html>).

Killer quotes from the tobacco industry archives

"The teenage years are the most important because those are the years during which most smokers begin to smoke, the years in which initial brand selections are made and the period in the life-cycle in which conformity to peer-group norms is greatest ... Marlboro's phenomenal growth rate in the past has been attributable in large part to our high market penetration among our younger smokers ... " From a 1975 internal Philip Morris memo describing the importance of youth smoking uptake for the success of the Marlboro brand.

"I have reviewed the article and I find it to be an excellent piece of work which could be very damaging to our business. There are several things which can be done to minimise its impact ... " From a 1980 memo written by Philip Morris R&D head, James L. Charles, discussing how to discredit a report on health effects from second-hand smoke exposure.

Life saving quotes

"We were young, strong, in our 20's, and the idea of illness, let alone death, was a far off, hypothetical concept. Almost nothing can kill you in your 20's except your own stupidity." Journalist Ken Gray in The Ottawa Citizen newspaper, 21 April 2006.

"The Ontario Convenience Stores Association says the anti-smoking legislation will kill corner stores. Better the stores than the people." Ken Gray again, this time commenting on convenience store reaction to bans on point-of-sale tobacco advertising.

TAGlines



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News updates for the Tobacco Action Group

Tobacco industry found guilty of racketeering

IN a landmark legal decision, the major US tobacco companies have been found guilty of a 5 decade-long conspiracy to deceive and defraud the public about the health risks of smoking. To quote from the judgement of US District Court Judge Gladys Kessler,

... over the course of more than 50 years, (the) defendants lied, misrepresented, and deceived the American public, including smokers and the young people they avidly sought as 'replacement smokers,' about the devastating health effects of smoking and environmental tobacco smoke, they suppressed research, they destroyed documents, they manipulated the use of nicotine so as to increase and perpetuate addiction, they distorted the truth about low-tar and light cigarettes so as to discourage smokers from quitting, and they abused the legal system in order to achieve their goal - to make money with little, if any, regard for individual suffering, soaring health costs, or the integrity of the legal system.

Judge Kessler also didn't mince words about the tobacco industry lawyers who played an essential role in perpetuating the deception, concluding her comments with:

What a sad and disquieting chapter in the history of an honourable and often courageous profession.

The case against the companies was launched in 1999 by the US Clinton administration under the Racketeering Influenced Corrupt Organisations (RICO) statute. This statute has often been applied to Mafia organisations.

In her ruling Judge Kessler expressed regret at the inability of the Court to impose a number of strong remedies due to a separate Appeals Court decision (brought by Philip Morris) that disallowed

penalties for past conduct (see <http://www.washingtonpost.com/wp-dyn/articles/A9450-2005Feb8.html>). The Government's Department of Justice (DOJ), who brought the RICO action, had originally proposed a \$280 billion penalty.

The penalties that will be imposed include an order for the companies to mount corrective advertising campaigns

on tobacco's health impacts and an end to the use of misleading cigarette descriptors such as "light" and "mild". The companies will also be required to continue to make internal documents publicly available for an additional 10 years beyond 2008, the year beyond which a previous legal decision had allowed the industry to end this public disclosure.

The Kessler decision will do much to expose Big Tobacco's past behaviour and undermine current disingenuous attempts to portray itself as a socially responsible industry. On the other hand, the absence of strong financial penalties resulting from this enormously expensive and 7 year-long legal case is disappointing. This outcome highlights the uncertainties and shortcomings of litigation as an effective approach to controlling the tobacco industry. Despite such uncertainties however, and given the legislature's ongoing abrogation of the responsibility to protect public health, the RICO prosecution was necessary. But the need for effective legislation remains clear. As a New York Times editorial put it:

The prospects for reining in this rogue industry seem limited unless Congress finds the gumption to crack down - or top tobacco executives develop a conscience and decide to get out of the death-dealing business.

Read the Kessler judgement at <http://www.tobaccofreekids.org/reports/doj/FinalOpinion.pdf> ☹

rack-et-eeer rāk'ī -tīr'
A person who commits crimes such as fraud, extortion, bribery, to aid in running a shady or illegal business.

TAGlines is a newsletter for the NSW Tobacco Action Group (TAG). TAG is made up of concerned members of the community who support The Cancer Council's efforts to reduce tobacco's burden of death and disease.

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What about an Australian case?

IN the wake of the Kessler judgement in the US, the Victorian Centre for Tobacco Control (VCTC) has suggested the need for the Australian tobacco industry to be similarly held accountable for its actions.

In 2004 the Australian Competition and Consumer Commission (ACCC) told a Senate Committee that it did not have the resources to investigate the wide range of allegations that had been made about the behaviour of the tobacco industry.

“The failure to investigate the conduct of the tobacco industry in Australia has meant that it

has so far avoided any responsibility for the same kind of behaviour that has led to the finding of racketeering in the US”, VCTC Director of Law and Regulation, Jonathan Liberman said.

“The Australian Government should resource the ACCC to fully investigate the behaviour of the Australian tobacco industry to hold it accountable for its behaviour.”

“The tobacco industry’s behaviour has caused hundreds of thousands of deaths, and cost the taxpayer millions and millions of dollars in health care expenditure.” ☹

Tobacco industry youth campaigns exposed:

The pinnacle of cynicism - Pro-smoking messages disguised as youth smoking prevention

In delivering her decision in the RICO lawsuit, Judge Kessler was highly critical of the tobacco industry’s so-called “Youth Smoking Prevention” (YSP) campaigns. These campaigns have been the centrepiece of the Corporate Social Responsibility public relations programs implemented by the major tobacco companies during the last decade.

Among other things, Kessler found that the YSP programs “are not designed to effectively prevent youth smoking”. The judgement cited the example of the Lorillard tobacco company’s advertising campaign “Tobacco Is Whacko – If You’re a Teen”. An internal Lorillard report on focus group testing of 10 to 15 year olds found the group participants considered the ad to be “cheesy” and that it unjustifiably singled out young people. Their overall response to the ad was negative. Despite these results, Lorillard persisted with the “Whacko” campaign.



A poster from the ineffective “Whacko” campaign.

Kessler also found that the YSP programs were minimally funded and staffed by people without appropriate qualifications. Philip Morris’s former YSP Director Carolyn Levy was

said to have been “unaware of even the basic prevention journals relied upon by prevention experts”.

Judge Kessler also referred to the schools components of YSP programs. One of the hallmarks of the YSP campaigns is the virtual absence of information on the health effects and addictiveness of tobacco. A series of videos, produced by the RJ Reynolds company for distribution to schools as part of its “Right decisions, Right Now” campaign, was no exception to this. However in this case, the company went one step further in the cynicism stakes.

In one of the videos a female student who substitutes cigarettes for food as a way of losing weight, defends her smoking by talking about supermodels and how they stay so “skinny” and “totally hot” by smoking. “If the supermodels are doing it, it’s not such a big deal”, she says. In the guise of education about non-smoking approaches to weight control - conveyed by

somewhat uncool fellow students - the five-minute video is replete with repetitive messages linking smoking to weight control.

Given that most smokers begin smoking as youths, one might reasonably ponder how tobacco companies can establish their youth smoking prevention campaigns in the knowledge that the future economic viability of the industry depends on the recruitment of young people to smoking.

The answer may lie in a revealing document recently uncovered from the tobacco industry archives. The document shows that in 1991 Philip Morris (PM) Marketing Research Department staffer Carolyn Levy (more recently head of PM’s Youth Smoking Prevention Campaign) commissioned US research company Rapaille Associates to interview people about their initiation to smoking. The resultant study stated:

The first imprinting of smoking is that adults do it, and I’m excluded... A critical element at this stage is the fact that the individual is on the ‘outside,’ excluded...

Rapaille Associate’s marketing recommendations to PM included the following:

Stress that smoking is for adults only. Make it difficult for minors to obtain cigarettes. Continue having smoking perceived as a legitimate, albeit morally ambiguous adult activity. Smoking should occupy the middle ground between activities that everyone can partake in vs. activities that only the fringe of society embraces. Stress that smoking is dangerous. Smoking is for people who like to take risks, who are not afraid of taboos, who take life as an adventure to prove themselves. Emphasise the ritualistic elements of smoking, particularly fire and smoke. Emphasise the individualism/conformity dichotomy. Stress the popularity of a brand, that choosing it will reinforce your identity AND your integration into the group.

In other words, the more that tobacco can be portrayed as an adults-only forbidden fruit (as the industry’s YSP campaigns invariably do), the more attractive it will be to children.

As Judge Kessler recognised, the industry’s YSP programs appear to be designed to fail in preventing youth smoking. The real aim appears to be to gain political and public relations advantage (see discussion of a revealing internal industry document at <http://tobaccodocuments.org/landman/507746564-6567.html>). ☹

US Surgeon General Report on Second Hand Smoke

The United States Surgeon General recently released his 2006 report *The Health Consequences of Involuntary Exposure to Tobacco Smoke*. The report reviewed the scientific evidence and, consistent with other major health authorities, concluded that second hand smoke (SHS) can cause heart disease and lung cancer in non-smoking adults and is a known cause of sudden infant death syndrome, respiratory problems, ear infections, and asthma attacks in infants and children.

In the light of the Surgeon General’s conclusions it is interesting to look at the tobacco companies’ various positions on SHS. While the Imperial Tobacco web site denies that SHS exposure can cause disease, Philip Morris cautiously acknowledges that “the public should be guided by the conclusions of public health officials regarding the health effects of second hand smoke”.

Imperial Tobacco’s position on this matter is reminiscent of misleading statements made by the now defunct Tobacco Institute of Australia (TIA) in a series of newspaper advertisements in 1986. The TIA claimed in the ads:

... there is little evidence and nothing which proves scientifically that cigarette smoking causes disease in non-smokers.

For their trouble, the Institute was prosecuted under the Trade Practices Act for making this misleading and deceptive statement. Imperial Tobacco, take note!

The full report of the Surgeon General can be accessed at http://www.cdc.gov/tobacco/sgr/sgr_2006/index.htm.

