Public Health Policy Change Series

KNOWING THE ENEMY: TOBACCO INDUSTRY TACTICS
Public Health Policy Change Webinar Series

• Providing substantive public health policy knowledge, competencies & research in an interactive format

• Covering public health policy topics surrounding Tobacco, Obesity, School and Worksite Wellness, and more

• Monthly from 12:00 p.m. to 1:30 p.m. Central Time

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Upcoming Webinars in the Series

**Paid Sick Leave Laws**
Thursday, February 21, 12:00 p.m. – 1:30 p.m. CST

Visit [www.publichealthlawcenter.org](http://www.publichealthlawcenter.org) for more information.
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All participants are muted. Type a question into the Q & A panel for our panelists to answer. Send your questions in at any time.

This webinar is being recorded. If you arrive late, miss details or would like to share it, we will send you a link to this recording after the session has ended.
Today’s Agenda

• Introduction (Desmond Jenson)

• Tobacco Industry Interference: Then and Now (Bronson Frick)

• Tobacco Industry Tactics: Building Credibility and Undermining Tobacco Control (Patricia McDaniel, PhD)

• Q&A/Feedback from you (moderated by Desmond Jenson)
“Defendants attempted to and, at times, did prevent/stop ongoing research, hide existing research, and destroy sensitive documents in order to protect their public positions on smoking and health, avoid or limit liability for smoking and health related claims in litigation, and prevent regulatory limitations on the cigarette industry”
U.S. v. Philip Morris

“Cigarette smoking causes disease, suffering, and death. Despite internal recognition of this fact, Defendants have publicly denied, distorted, and minimized the hazards of smoking for decades. The scientific and medical community’s knowledge of the relationship of smoking and disease evolved through the 1950s and achieved consensus in 1964. However, even after 1964, Defendants continued to deny both the existence of such consensus and the overwhelming evidence on which it was based.”
Tobacco Industry Interference

Then

And now?
Tobacco Industry Interference Tactics in the 1990s (A.K.A.- What’s Old is New Again)

**Policy Diversion**
- Ventilation “solutions”
- Weak policy language intended to give the appearance of “doing something” to address the problem of smoke- without actually making places smokefree
- Diverting the policy debate away from health

**Propaganda machine**
- Economic scare info—sales, jobs, tourism
- Attacks on science through 3\textsuperscript{rd} party front groups and allies
- Individual rights/anti-bureaucracy/anti-government

**After-Enactment Tactics**
- Litigation
- Procedural maneuvers (efforts to repeal, rescind)
- Electoral activity – council races, referenda, initiative
- Preemption
PROPAGANDA MACHINE

- Misinform Businesses
- Misinform Elected Officials
- Discredit Economic Impact Studies
- Attack The Science
- PR Blitz
Early 2000’s

Register To Vote (click here)

TAKE ACTION!

- Have you wanted to contact your elected officials but didn’t know how to go about it?
- Are you interested in protecting your hard-earned money from additional smoker taxes?
- Do you want to hear about smoking issues in your area?
- Are you tired of fighting the fight alone?

Well, step inside! Click Here to register on mysmokersright.com, and you’ll have access to your own personalized page, with contact information for your state and federal representatives. And we’ll keep you informed of issues affecting smokers in your area.

Select a state below to view tobacco taxes, Master Settlement Agreement (MSA) and other state settlement payments to date, and links to other state-specific legislative information.
Spending for, against Prop. 29

The measure would impose an additional excise tax of $1 a pack on cigarettes and commensurate amounts for other tobacco products. Money would fund research on cancer and other tobacco-related illnesses, and smoking-cessation programs.

**YES ON 29**

1. American Cancer Society $1,623,191
2. Lance Armstrong Foundation $1,500,000
3. American Heart Association $533,659
4. American Lung Association $406,086
5. Voters Organized for Community Empowerment $152,188
6. Tobacco-free Kids Action Fund $65,000
7. UCSF Foundation $50,000
8. T. Gary Rogers $25,000
9. Cedars-Sinai Medical Center $25,000
10. National Dialogue on Cancer Foundation $15,000

**TOTAL FUNDING** $4.7 million

**NO ON 29**

1. Philip Morris (Altria) $23,643,202
2. R.J. Reynolds Tobacco Co. (Reynolds American Inc.) $9,574,750
3. U.S. Smokeless Tobacco (Altria) $1,617,980
4. American Snuff Co. (Reynolds American Inc.) $1,510,000
5. UST LLC (Altria) $1,021,038
6. Santa Fe Natural Tobacco Co. (Reynolds American Inc.) $984,000
7. John Middleton Co. (Altria) $640,001
8. California Republican Party $695,234
9. Californians Against Unaccountable Taxes $47,744
10. International Premium Cigar & Pipe Retailers Association $40,000

Source: maplight.org
PM action alerts to oppose tobacco-free pharmacy laws, smokefree multi-unit housing policies, display bans, local/state tax, flavor bans, and more.

“Early adopter” cities met with intense industry opposition
Why Public Policy Issues Matter to You and Your Business

Stay Informed and Make Your Voice Heard!

The past few years have seen a significant amount of legislative and regulatory activity affecting the tobacco industry – and those who sell its products. These government actions can have a big impact on the retail trade, and on your bottom line. As Federal, State and Local policymakers take up new legislation in 2011, it is very important for you to stay informed on these issues and make sure your voice is heard!

**Tax Increases**: States are still facing record-high budget deficits and more proposals to increase tobacco excise taxes are likely in 2011.

**Retail Sales Bans and Restrictions**: San Francisco and Boston have enacted bans on tobacco sales in certain retail outlets. Other state and local governments are considering similar measures.

**Increased Advertising and Other Regulatory Actions**: Local and state governments have proposed new regulations on tobacco products and how they are sold, including bans on tobacco products with characterizing flavors, regulations on advertising and restrictions on retail displays.

Watch the below video to hear from retailers like you who face these very issues and what they've done to make their voice heard.
Big Tobacco didn’t go away - or tire of the fight

- National Governors Assn
- National Council of State Legislators (NCSL)
- FDA TPSAC

Tobacco Industry is everywhere tobacco products are sold
Position on smoking restrictions

Business owners – particularly owners of restaurants and bars – are most familiar with how to accommodate the needs of their patrons and should have the opportunity and flexibility to determine their own smoking policy. The public can then choose whether or not to frequent places where smoking is permitted.

In indoor public places where smoking is permitted, business owners should have the flexibility to decide how best to address the preferences of non-smokers and smokers through separation, separate rooms and/or high quality ventilation.

In private residences and in other private places, the individual owner should determine the smoking policy for that particular location.
We support reasonable exemptions to smoking restrictions that allow owners of adult-only, age-restricted facilities like bars and taverns to set their own smoking policies, but we do not oppose legislative or voluntary proposals to ban smoking in offices, shopping centers, restaurants and other unrestricted areas. We believe that the owner of an age-restricted venue where adults gather to enjoy age-restricted products, like alcohol, should have the choice to allow adults to enjoy other age-restricted products, like tobacco, in their establishment.
Harm Reduction (from RJR website):

Reducing the diseases and deaths associated with the use of cigarettes serves public health goals and is in the best interest of consumers, manufacturers and society. Harm reduction should be the critical element of any comprehensive public policy surrounding the health consequences of tobacco use.
Back Then…Tobacco Needed Front Groups and Allies

Because:

• Smokefree policies increasingly popular
• Smoking quit rates on the rise
• Big Tobacco lacks public credibility

**MUNICIPALITIES with CLEAN INDOOR AIR ORDINANCES**
Cumulative Number Effective* By Year: 1985 - 2003

![Graph showing the cumulative number of municipalities with clean indoor air ordinances from 1985 to 2003.](image-url)
Tobacco Industry created front groups and cultivated key allies

“We need to build a strong and relevant partnership with the hospitality industry…. This requires that we are able to pursue every opportunity to promote common ground and vested interest.”

Tobacco STILL Needs Front Groups & Allies

- National Association of Tobacco Outlets (NATO)
- The International Premium Cigar & Pipe Retailers Association
- Convenience Stores, etc who make big $ from tobacco
- Chain Pharmacies
- Heartland Institute – “research,” talking points, etc
- Smokers Club and other “smokers rights” networks
- Bloggers – Dare to Post!
- Lobbyists, campaign contributions, and much more

National Restaurant Assn, American Gaming Association, other former tobacco allies now “neutral” on smokefree.
Lorillard bought e-cigarette company Blu. RJ Reynolds reportedly creating own e-cig brands. Big Tobacco marketing tactics crossing over?

### E-Cigarette Flavor Cartridges

- No tobacco smoke, no ash, no smell!
- Great vapor production and consistency replicates an actual cigarette.
- Various nicotine levels to suit all smokers.
- Last for up to 250 puffs, or roughly one pack of cigarettes.
- All smoke juice flavors made in the USA exclusively for blu by Johnson Creek.
- blu electronic cigarette cartridges have a 1-piece design and are easy to use.
- Propylene glycol-free.

*Flavors Made in the USA*
In Their Own Words…Big Tobacco’s Objective

- Create a body of opinion which makes government authorities very wary of smoking restrictions

- Create a social climate where smoking is securely anchored within society despite the health concerns

We deplore the growing social unacceptability of smokers but we can hardly rescue them if we're not acceptable ourselves — acceptable in the sense of a respect and a credibility which we can earn. We will not earn those things simply by continuing to criticize other people's ideas, and leaving an impression that we put self-interest above public interest. We've got to take some actions, then communicate them to the proper, targeted audience, and then measure the results to assure a return on the effort. And we can do this without intolerable risks to our principles or our legal protections.
Hospitality Industry

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

New Directions
1981-1985
(Tobacco Institute)

Social Acceptability Program
1992
(PM)

The Accommodation Program
1993-1996
(PM)

Media Relations Plan
1997-1998
(PM)

Options
1999-2003
(PM)

HCIAQ
1999-2000’s
(PM)
STRATEGY #1:

Blame the Victim
II. Demonstrate that far from being victims, restaurant workers pose a serious public health problem.

COMMENT: Since restaurant workers are largely incapable of speaking out for themselves, we believe the only way that the "restaurant workers as victims of ETS" issue can grow is if the anti-smokers can generate sympathy for them. But, given the public health problems reportedly caused by restaurant workers, it is ironic that restaurant workers could ever be seen as victims of any sort.

The best way of countering the antis, is to encourage third parties to increase public awareness of the public health threat posed by restaurant workers. It may be hard to generate public concern over restaurant worker exposure to ETS, when the public is more concerned about contracting rare, Central American strains of tuberculosis from restaurant workers.
STRATEGY #2: Change the narrative
III. Strengthen ties to state and national restaurant associations; advise association staff on proper management of this issue.

D. Produce a Los Angeles "case study" to document losses of restaurants there.

This situation is somewhat different -- restaurants in adjoining communities would be able to attract smokers away from restaurants required to ban smoking. Nevertheless, our first priority should be to discourage restaurant associations from "going south" on tobacco.

Our second priority should be to increase the importance of smoking bans among all issues faced by restaurants. If that can be done, association members will be better able to withstand the best lines of defense.

IV. Portray restaurant smoking bans as hitting the "little guy" by focusing the issue on down-scale restaurants.

COMMENT: Banning smoking to protect public health is a less attractive issue when it becomes a case of upper middle class political activists telling blue-collar workers whether they can smoke a cigarette with their beer and hamburger platter.
How does Tobacco do this?

- Portray smokefree policies as hurting the "little guy"
- Patron Scare
  - Restaurant patrons will go elsewhere to dine
- Fake economics
  - 30% Myth

SAMPLE TACTICS:

A. Identify institute state and local lobbyists who also represent restaurant chains and associations. Seek their help in identifying themes and means of reaching restaurant executives.

B. Update restaurant ventilation information.

C. Share data generated under Strategy I.

D. Produce a Los Angeles "case study" to document losses of restaurants there.

IV. Portray restaurant smoking bans as hitting the "little guy" by focusing the issue on down-scale restaurants.

COMMENT: Banning smoking to protect public health is a less attractive issue when it becomes a case of upper-middle class political activists telling blue-collar workers whether they can smoke a cigarette with their beer and hamburger platter.
Cooking the Books

- Fake economics
  - “Not scientific”
  - Predictions
  - Perceptions
  - Instantaneous
  - Public relations

- Real economics
  - Are based on sales tax receipts
  - Take trends in the national economy, that effect retail industry sales, into account
  - Measure the full business cycle’s data
  - Are conducted by an impartial body (Board of Equalization)
STRATEGY #3: Get buy In
Since we are reliant on the industry to be out in front fighting on this issue, it is important that we are able to forge a strong and relevant relationship with members of the industry. We must be a player if we expect to carry any weight. This requires that we are able to pursue every opportunity to promote common ground (shared customer base) and vested interest. And that we are able to invest in supporting the industry. Sponsorship opportunities allow us to get on the agenda, build critical relationships and make our issue a priority where it otherwise might not be one. In order to do this, we need to be visible, credible, and carry a strong reputation in support of the industry. The alcoholic beverage and credit card companies have done so, and done so well.
1. As trade shows are the largest revenue generators for associations, attendance allows the program to support its coalition partners and advance relationships with them.

2. In addition, attending association trade shows enables the program to build relationships with associations where they do not currently exist. Attendance also can be used as a way to encourage an association to support the program and/or distribute a mailing to their members.

3. Trade shows build our base of Accommodation Program participants and are useful in.

5. By attending trade shows within target venues, new opportunities within the industry can be identified for the program. For example, shows allow accommodation team members to be where the decision makers are, meet industry leaders, learn about industry issues, and discover new products and/or services that may be useful in advancing the concept of accommodation.

Trade shows served as an effective marketing tool for The Accommodation Program during 1994. Based on tracking data through the end of August, approximately 15 percent of all program participants and 80 percent of spokespersons were signed on as a result of trade show attendance. Several state associations were encouraged to participate in the program and distribute a mailing because of show attendance, including Nevada, Indiana, Iowa, Kentucky and Virginia.
Tobacco Buys Its Way In

- **Trade show sponsorships**
  - **1993:**
    - PM spent $100,000-$225,000 on National Restaurant Association (NRA) Hotel-Motel Show
  - **1994:**
    - PM allocated $485,000-$600,000 for attending and sponsoring hospitality industry trade shows and conferences
  - **2001:**
    - PM proposed funding $350,000 worth of promotions for its *Options* program to the NRA
    - $40,000 ventilation door prize
Tobacco Buys Its Way In

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American Non smokers Rights Foundation
Production of an NRA best practices book and its distribution. $50,000.00

2. They recognize the need to have their own economic impact studies on smoking bans, the last one they did internally was in 1994. While other 3rd party studies have been helpful, they feel a study from the NRA will have more credibility than the others out there. I think it would be beneficial to us and to them if we provide insights on how they can conduct such a study based on feedback we have gotten from Marlow. The NRA believes that while the attention of policy makers has been somewhat shifted due to recent events, with the ballot nearing in Florida as well as other local activities, smoking bans will be soon be a very hot topic and as such, there is a strong need for a new national data set that will provide for new studies on accommodation and smoking ban issues. NRA feels that such a national study could then be converted for regional use with the state associations.

To help support them the NRA is asking for $200.0M to fund different grants which we have in our 2001 budget.

Restaurant industry research on economic impact of smoking bans. $75,000.00
Speaking on Tobacco’s Behalf

- Position statements

Statement of the National Restaurant Association with respect to smoking in restaurants

The National Restaurant Association opposes the enactment of laws and ordinances that would prohibit smoking in restaurants, or compel the establishment of no smoking areas in restaurants, for the following reasons:
To ASHRAE Members:

The Hospitality Industry seeks your support for the attached Membership Petition. Because ASHRAE standards are crucial to the professional engineers who design, construct and operate ventilation systems for our facilities, it is very important to AGA and others in the Hospitality Industry that ASHRAE focus on the particular challenges the Hospitality Industry faces and produce standards to address them.

The Hospitality Industry

The Hospitality Industry is very diverse, but is unified by the central business objective of attracting, entertaining and satisfying customers. We are petitioning ASHRAE to create a separate Standard Project Committee to develop ventilation standards specifically for the Hospitality Industry. Currently, standards for the Hospitality Industry come from ASHRAE 62-2001, which is under continuous maintenance.

ASHRAE’s Standard 62-2001

The Standing Standard Project Committee (SSPC 621) is overwhelmed with its standard-development workload. There are so many variations of indoor spaces for which the Committee must create ventilation standards that it is difficult to reach consensus or to address all the issues of concern for affected industries. To cite one example, the Committee has been considering changes to the ventilation standard for smoking spaces for almost a decade, but has been unable to reach consensus. The result is that 62-2001 currently offers no guidance to the industry on this subject. Moisture, mold and mildew are indoor air quality problems that are of particular concern to Hospitality businesses, but the 62.1 Committee has not been able to spend much time on these issues. Indeed, because of the need to develop standards that apply widely across all types of buildings, some of the Committee’s proposed changes to current standards could actually exacerbate moisture problems in Hospitality Industry venues. It is extremely important that ASHRAE develop design standards relating to the specific needs of the Hospitality Industry.

How an ASHRAE Petition Works:

Under ASHRAE Bylaws, a petition raised in a petition signed by 100 ASHRAE members (not more than 150 of which may be from one chapter area) must be submitted to the entire ASHRAE membership for a vote. A majority vote of those voting members present in person or by proxy at a regular or special meeting of ASHRAE is required to prevail.

Please lend us your support for this important matter. Please sign the petition and return us using one of the following options:

- Mail, via first class mail, to Laurie McKay, MGN, Inc., 101 Constitution Avenue, NW, Suite 800, Washington, D.C. 20001.
- If you have questions or want further information, please call Laurie McKay at 202-742-4290.

Pursuant to section 4.3 of the ASHRAE Bylaws, the undersigned individuals (see attached signature pages), at least 300 of which are members in good standing of ASHRAE and not more than 150 of which are from the same ASHRAE chapter area, petition the ASHRAE Membership:

1. To establish a new Standard Project Committee for design of buildings in the Hospitality Industry (the "Hospitality Building SPC"), and
2. To direct that the Committee:

a. Develop ventilation standards intended to achieve acceptable indoor air quality;
b. Include members with technical and operational expertise and substantial experience designing, building and operating ventilation systems for diverse types of buildings within the Hospitality Industry;
c. Be led by a Chairperson who is an ASHRAE Member and who has technical and operational expertise and substantial experience designing, building and operating ventilation systems within the Hospitality Industry;
d. Be balanced, as required by ASHRAE rules and policy;
e. Be instructed to develop an agenda, subcommittees, and a proposed standard or standards as quickly as possible for committee consideration and public review and comment, consistent with the need to adopt scientifically and technically sound standards that can meet the procedural and substantive requirements of ASHRAE and the American National Standards Institute (“ANSI”), and
f. Identify the unique design challenges in the Hospitality Industry that impede achievement of acceptable indoor air quality through ventilation, and propose standards and guidance intended to resolve such design challenges, to the extent feasible.

Ballot

I endorse the above-stated petition.

Date ______________________ 2003

Signature

Print Name and ASHRAE Chapter
Tobacco Solution = “Accommodation”

New Directions
1981-1985
(Tobacco Institute)

Social Acceptability Program
1992
(PM)

The Accommodation Program
1993-1996
(PM)

Media Relations Plan
1997-1998
(PM)

Options
1999-2003
(PM)

HCIAQ
1999-present
(PM)
STRATEGY #5: Ventilation
Big Tobacco’s Objective

- Defeat smokefree policies
- Encourage ventilation standards into legislation

Objectives

1. To defeat mandatory and voluntary smoking restrictions.
2. To slow the decline of social acceptability of smoking.
In Their Own Words…

Indoor Air Quality: Alternative Strategy

New Focus

The central argument ACVA Atlantic Inc. (a firm specializing on indoor air quality) makes is that indoor smoke is merely a symptom of a larger problem: inadequate ventilation. Inadequate ventilation causes several serious problems including fungus and bacterial contamination. These pollutants often cause illness and discomfort which are then blamed on cigarette smoke — a more visible and socially acceptable object of attack. Although banning or restricting smoking may provide some psychological relief, it fails to address the basic cause of indoor pollution nor resolve the physiological impact of non-smoke pollutants.

Strategy

1. Mobilize all scientific studies of indoor air quality (e.g., radon, wood stoves, gas stoves, formaldehyde, asbestos, etc.) into a general indictment of the air we breathe indoors. Use a scientific front — especially some liberal Nader group.

2. Use this material to fuel PR offensive on poor indoor air quality.

3. Create a model indoor air quality bill to be added to suggested state legislation book published annually. Model bill would focus on ventilation, filters, inspections, etc. Smoking would not be dealt with directly.

To execute this program would require money, staff time and a first-rate PR firm.
Tactical Programs

A. Legislation

1. Standard lobbying and support operations.* & **

Oppose legislative, regulatory, and administrative efforts to restrict smokers’ use of tobacco products in public and private places, utilizing existing programs and new tactics as necessary. Look for opportunities to repeal or modify (roll back) existing legislative, regulatory, administrative or judicial mandates restricting smokers’ use of tobacco products in public places.

D. Public Relations

1. Workplace restrictions: Corporate assistance.

Retain independent management consulting firm to help businesses deal fairly with both smokers and nonsmokers. Aggressively promote availability of service.

2. Workplace restrictions: Individual smoker assistance.

Redirect The Tobacco Institute’s corporate program to serve individual employees seeking advice on how to influence or respond to workplace restrictions. Coordinate with Tactic C-1 above.

3. Promotion of need for ventilation.**

Promote the need for ventilation standards through news media, advertising, direct mail, videos, print materials, and coalitions.
Tobacco Solution = Ventilation

- Seeks to downplay secondhand smoke’s (SHS) unique dangers by treating it as a minor factor in general indoor air quality

- Protects cigarette sales from declining; safe-guarding Big Tobacco’s “bottom-line”

- Redirects legal liability away from the tobacco industry to hospitality
The central argument ACVA Atlantic Inc. (a firm specializing on indoor air quality) makes is that indoor smoke is merely a symptom of a larger problem: inadequate ventilation. Inadequate ventilation causes several serious problems including fungus and bacterial contamination. These pollutants often cause illness and discomfort which are then blamed on cigarette smoke -- a more visible and socially acceptable object of attack. Although banning or restricting smoking may provide some psychological relief, it fails to address the basic cause of indoor pollution nor resolve the physiological impact of

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 analogous to our effort on the "self-extinguishing" cigarette to focus on overall fire prevention and isolate its supporters as anti-smoking.

5. Organize firms like ACVA into a travelling road show to hark their wares to government and businesses much like the anti sell their advice to business

Make presentations to all trade associations (USC of C, NMA, API, etc.) on the real indoor air quality issue.
Philip Morris: *Options, USA*

*Options, Philip Morris U.S.A.'s goal is to help businesses that choose to allow smoking find effective, practical ways to provide comfort for both non-smoking and smoking customers. These tools will help you create comfortable environments, improve ventilation and learn more about industry trends.*
Big Tobacco’s Ventilation Consultants and Fronts – including airport smoking rooms

- Chelsea Group
  - George Benda
- Sterling and Associates
  - Elia Sterling
- Healthy Buildings International
- Oak Ridge Laboratory
  - Roger Jenkins
- National Energy Management Institute (NEMI)
- Sheet Metal Workers’ International Association
- Sheet Metal and Air Conditioning Contractors’ National Association Trusts
“While not shown to address the health effects of secondhand smoke, ventilation can help improve the air quality of an establishment by reducing the sight and smell and by controlling smoke drift.”

In Their Own Words…

Options Launch – Draft Media Plan
National Restaurant Association Convention
Chicago, May 20, 2000

Creating Fertile Ground Before the Options Launch

Pre-Launch Media Activities

- Identify hospitality industry leadership
- Provide key messages/train spokesmen/women
- Identify key trade publications
- Work with a journalist on the Options launch

To lay the ground work for the launch, we recommend, identifying industry leaders who can deliver the accommodation message to hospitality trade publications approximately a month prior to the Options launch at the National Restaurant Association show May 20 to 23.

Industry leadership who could deliver the options message:
- Deb Leach, Rick Berman, Steve Grover, Howard Nusbaum, Scott Roberts, Deane Gross

This team of industry leaders would be prepared with key messages and trained to deliver those messages.
January 31, 2000

Mr. Steven Grover
Co-Chairman
Hospitality Coalition on Indoor Air Quality
c/o National Restaurant Association
1200 17th Street, NW
Washington, D.C. 20006

Dear Steve:

On behalf of Philip Morris USA, allow me to extend our deepest commitment to participate in and support the HCIAQ and its programs and activities through December 2001.

We believe initiatives such as the HCIAQ, which supports partnership among labor, management and technical service interests, can help make a significant difference in enhancing the accommodation environment in hospitality establishments and in improving indoor air quality overall. Enclosed please find a contribution of $250,000 on behalf of Options FM USA to help support the HCIAQ and its programs and activities through December 2001.

Steve, we look forward to working with you and Erik Emblem as Co-Chairmen of the HCIAQ, as

Elizabeth Culley
Director, Corporate Affairs

cc: Erik Emblem, National Energy Management Institute
Charles Merri, Black, Kelly, Schrage, & Healey
Philip Morris, FM USA
Rockelle Goldstein, FM USA
Deane Gross, FM USA

Finding balance and comfort for both non-smokers and smokers.
Americans for Nonsmokers Rights

Bronson Frick, Associate Director

Bronson.frick@no-smoke.org

510-841-3032

www.no-smoke.org
Tobacco Industry Tactics: Building Credibility and Undermining Tobacco Control

Patricia A. McDaniel, Ph.D.
University of California, San Francisco
School of Nursing
Department of Social and Behavioral Sciences
"Beyond Any Doubt"

For cigarette smokers, famed Surgeon Evans A. Graham of St. Louis had news last week.

"Dr. Ernest L. Wynder and I have reproduced cancer experimentally in mice by using merely the tar from tobacco smoke. This shows conclusively that there is something in cigarette smoke which can produce cancer. This is no longer merely a possibility. Our experiments have proved it beyond any doubt."

What Dr. Graham stated as proven fact had long been suspected. Beginning in the 1920s, medical statisticians noticed an unusual rise in the number of cases of lung cancer. Part of the apparent increase the idea gathered more data and reversed themselves.

But no cancer-causing agent was known in tobacco smoke, so medical researchers were careful not to fall into the error of arguing post hoc, ergo propter hoc. For a long time, their scientific caution would let them say no more than that there must be a "correlation" between heavy, continued cigarette smoking and lung cancer.

Working with Research Assistant Adele B. Croninger, Drs. Graham and Wynder obtained tar from a machine which "smokes" thousands of cigarettes, then painted the tar on the backs of mice. It produced scores of cancers. While these skin cancers are not identical with lung cancer in man, they are so similar that...
We accept an interest in people’s health as a basic responsibility. … We always have and always will cooperate closely with those whose task it is to safeguard the public health.

We are pledging aid and assistance to the research effort into all phases of tobacco use and health.
A Digital Library of Tobacco Documents

The Legacy Tobacco Documents Library (LTDL) contains more than 14 million documents (80+ million pages) created by major tobacco companies related to their advertising, manufacturing, marketing, sales, and scientific research activities.

Search the Documents

[Search]

Search Help | Advanced | Expert

Getting Started:

- Popular Documents
  - Marketing to Youth
  - Marketing to Women
  - Secondhand Smoke...

- Collection Highlights

- Tobacco Documents Bibliography

- Research Examples

- Podcasts and Videos

Questions or Comments?
The tobacco industry's credibility problem

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Why credibility matters

- Lack of credibility interferes with
  - opposition to tobacco control
  - social acceptability of smoking
  - access to media & lawmakers
  - litigation outcomes
  - participation in regulatory proceedings
  - new product introductions
THAT THE PUBLIC IS FORGIVING. IF IT APPEARS THAT A "LOW CREDIBILITY SOURCE" HAS CHANGED ITS WAYS ... AND IS ACTING DIFFERENTLY THAN IN THE PAST ... THEN CREDIBILITY MAY BE ENHANCED.
Credibility project themes

• Undermine tobacco control advocates

• Frame tobacco companies as reasonable & responsible
Undermine critics: Project Sunrise/Fair Play

SUNRISE: DAWN OF A NEW DAY

Draft 2
April 15, 1997

TEMPLATE FOR A PLAN: PROJECT FAIR PLAY
L. Overview

To coin a phrase, the anti-tobacco industry "is not your father's Oldsmobile." Within the last ten years, the anti-tobacco industry has evolved from a disjointed movement of grassroots organizations and advocates with limited funding and access to the policy process to become a cohesive, well-organized industry that has obtained ample financial resources from government, private and charitable sources. The industry is now also capable of sustaining media campaigns and influencing the political and regulatory processes at the federal, state and local levels.

The activist core of the anti-tobacco industry has also succeeded in expanded its base of alliances beyond traditional health advocates to include the plaintiff's bar, HMOs and other sectors of the business community. Moreover, in terms of the policy process, the anti-tobacco industry has also demonstrated an ability to adapt its strategies to respond to the strengths of the tobacco industry. Where the tobacco industry continues to have access to federal and state elected officials, the anti-tobacco industry has developed strong ties to regulatory agencies and state attorneys general. The anti-tobacco industry is also actively seeking to tarnish elected officials, public policy groups and trade associations that have relationships with the tobacco industry.

The rapid growth in resources, membership and successes, has created a sense of invincibility within the anti-tobacco industry that may blind organizations to carefully orchestrated efforts by the tobacco industry and its allies to accelerate turf wars and exacerbate philosophical schisms (smoking and ETS, vs. youth and marketing).

2) The anti-tobacco industry's primary financial strength is supported by federal and state funding - these funds are subject to a variety of auditing and minority bidding requirements, as well as use restrictions on federal, state and local lobbying. Abuses in publicly funded anti-tobacco programs can be subjected to public scrutiny which may in turn create the opportunity to eliminate or redirect programs through the legislative appropriations process. The anti-tobacco industry may also be vulnerable to attempts by other social stakeholders to redirect public funds away from anti-tobacco programs to other worthwhile causes.

3) The anti-tobacco industry's ties to the plaintiff's bar, HMO's and other industries offers an opportunity to create distrust and motivation questions among the media and the general public.

4) Voluntary health organizations and other non-profit anti-tobacco groups are subject to strict tax guidelines - lobbying abuses make anti-smoking groups vulnerable to financial penalties and ultimately the loss of non-profit tax status.

DRAFT ATTORNEY CLIENT WORK PRODUCT, PAGE 2, DECEMBER 12, 1996.
III. STRATEGIES

To successfully counter the anti-tobacco industry, this plan proposes four strategies that will require a long-term commitment. It will be important to prioritize activities that can be undertaken during the first year, as well as longer-term objectives. The first phase of the plan focuses on an enhanced research program designed to identify ATI funding, analyze key leadership and monitor organization activities. This effort will be critical to the success of the other elements of the plan:

1. **Intensify research** on the composition, objectives and initiatives of the anti-tobacco industry — build on existing information and establish new channels of information

2. **Build relationships** with potentially moderate anti-tobacco groups to exacerbate conflicts within the movement and define extremists

3. **Diminish funding** sources available to the ATI

4. **Weaken credibility** of anti-tobacco groups and individuals (with an emphasis on their leadership)
STRATEGY 2: BUILD RELATIONSHIPS

Form relationships with anti-tobacco groups that are the most amenable to this company's positions in order to enhance our credibility by demonstrating our ability to seek realistic solutions on tobacco-related issues. In addition, build relationships with so-called “moderate” anti-tobacco groups in order to disrupt the ATI's cohesion and create opportunities to focus attention on prohibitionists. This strategy
Reach out directly to state tobacco-control coalitions with the offer of funding, or joint partnerships designed to enhance responsible tobacco retailing activities. If the effort to establish a relationship succeeds we have an opportunity to publicize our mutual cooperation. If the effort fails, we have an opportunity to question the true agenda of tobacco control advocates.
Jerome is looking for a sign.

The “Under 18, No Tobacco. We Card” sign, that is. As a major sponsor of the “We Card” program, Philip Morris U.S.A. sales managers like Jerome Norris help provide retailers with the tools and training they need to spot fake IDs and uphold the law. “We Card” is a part of Philip Morris U.S.A.’s comprehensive effort to help prevent youth smoking. To learn more, visit philippemorrisusa.com/ypy. Working to make a difference.

THE PEOPLE OF THE PHILIP MORRIS COMPANIES

Source: trinketsandtrash.org
The Alaska Department of Health and Human Services is promoting WE CARD to retailers across the state. A mailing sent to retailers by the agency’s commissioner and state attorney general in early 1998 included WE CARD materials and encouraged retailers to use the program to help prevent underage tobacco sales. WE CARD materials are also being used in meetings held by the Department and other state partners for retailers who fail compliance checks.

The Director of the Michigan Department of Community Health expressed his support for the WE CARD program in 1997 in an open letter to retailers which encouraged retailer participation in WE CARD. The Department has also expressed an interest in integrating the WE CARD program in their department’s efforts to meet Synar Amendment requirements for sales compliance.

The Hawaii Department of Health has asked for a text copy of the WE CARD video that is being used by the department in a statewide media campaign designed to educate retailers about Missouri’s law prohibiting the sale of tobacco products to minors. The Missouri Division of Liquor Control attended WE CARD training sessions and spoke to retailers.

The Wyoming Department of Health has supported WE CARD coalition efforts for training seminars around the state. The state director participated in public awareness efforts in conjunction with 1997 training.
The “WE CARD” commercials are widely seen and have an extremely positive influence on attitudes toward the tobacco industry generally and PM specifically. In fact, in some groups—Denver general population and Dallas opinion leader—all 8 to 11 participants claimed to have seen the ad. Exposure to this ad greatly helps in the sale of the responsible-marketing-only-to-adults message and reducing positive response to the ads vilifying the company.
WORKING to make a DIFFERENCE.
The people of PHILIP MORRIS.

Making charitable contributions to worthy causes for more than 40 years.
[4] We know we are perceived as a tobacco company and that puts us in a special class. But we can be seen as a different kind of tobacco company - one that is reasonable and responsible . . . offering reasonable solutions . . . a company worthy of a seat at the table, expressing a point of view worth hearing.
Our aim is to build an audience in the middle, a constituency for reason that will create the political and social environment for policies that give us the freedom to prosper.
Our objective is to marginalize them as a political force, have them increasingly understood to be extremists/prohibitionists and to make clear that Philip Morris, while a tobacco company, is reasonable and moderate and is as responsible and as trustworthy as any tobacco company can be.

2. OVERALL STRATEGIES:

2.1 Pre-empt problems by offering reasonable solutions:

- Following up on our recent youth initiatives, the company will regularly be coming forward with reasonable approaches to reasonable concerns that people have with the industry, with smoking, and with smokers.

- Some of these solutions will be legislative/regulatory, some will be social in nature (eg. courteous smoking, accommodation) and some will involve how we talk about our basic issues.
"I've been a victim of domestic violence. And I know that hope survives."

As someone who survived a violent and abusive relationship, Cynthia Gonzalez knows the pain and fear that go hand in hand. For women like Cynthia, the chance for a brighter future becomes a reality through Doors of Hope — our initiative in partnership with the National Network to End Domestic Violence Fund. Through this major network of state-wide domestic violence organizations, Doors of Hope is helping battered women and their children build better lives for themselves. Providing direct assistance in the form of food, clothing, shelter and counseling. Offering long-term support through community outreach and job training. And helping them to see that when caring makes a difference between despair and hope.

The Philip Morris family of companies is working to overcome new barriers in the struggle to end domestic violence. Through our collaboration with the National Network to End Domestic Violence Fund, Doors of Hope is just a part of our commitment to helping others in need, and our legacy of community support that's been making a difference for more than forty years.

For more information, call today:
Doors of Hope Initiative
National Network to End Domestic Violence Fund
(202) 347-9010
www.nnedv.org

Sharing the commitment. Building the solution.

PHILIP MORRIS COMPANIES INC.
KRAFT FOODS, INC. | MILLER BREWING COMPANY | PHILIP MORRIS CAPITAL CORPORATION
PHILIP MORRIS INTERNATIONAL INC. | PHILIP MORRIS U.S.A.
Audience Analysis: Women’s Mindsets

“PM seems more open and responsible.... Even though they make products that concern me, they're doing good things around Domestic Violence... Domestic Violence is such a prevalent problem ... I get the feeling that PM really cares about it.”
A number of women in Dallas and Atlanta concluded that Philip Morris “was a good company.” One woman said, “They are doing all the right things, except making cigarettes.”
March 22, 2001

FDA & TOBACCO

Why Philip Morris U.S.A. Supports Passage of

Legislation in the 107th Congress

Granting FDA Regulatory Authority over Tobacco Products
**Bottom Line: Impact of FDA Regulation Support on PM Image Rating**

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Total Unfavorable 50 35 -15
Good afternoon.

From a Corporate Affairs perspective, our objective over the plan period is to shape a political, regulatory and attitudinal environment around the world, particularly in the United States, that allows our businesses to flourish and increases the flexibility we have in using our assets to enhance shareholder value.

“…we must attain a much greater degree of … ‘corporate normalcy.’ … Our goal is to be seen as a normal corporation. … We must be given permission by society to exist and to prosper.”

legal, regulatory and public opinion challenges to be sure, but with challenges that are manageable and do not threaten the legitimacy and even the survival of the Company. In other words, we must be given permission by society to exist and to prosper.

(PAUSE)
Tobacco Control Act

The Family Smoking Prevention and Tobacco Control Act, commonly referred to as the Tobacco Control Act gives FDA authority to regulate the manufacture, distribution, and marketing of tobacco products to protect public health.

It was signed on June 22, 2009, ushering in a new era of tobacco control by recognizing that almost all new users of tobacco products are under age 18 – the minimum legal age to purchase.

The Tobacco Control Act aims to curb the trend of new users becoming addicted before they are old enough to understand the risks and ultimately dying too young of tobacco-related diseases.

Full Tobacco Control Act and Summary

- Read an overview of the Tobacco Control Act, which plainly outlines what the act does, what it does not do and how FDA oversees the implementation of the act.
- Download the complete Family Smoking Prevention and Tobacco Control Act (PDF).

Search the Act

Use the Searchable Tobacco Control Act to help you easily find and access specific information from the law:

- Search by Audience, Type of Tobacco, and Topics. Each search results page provides a link to the full act for complete.

Interactive Timelines

Download Infographic Timeline with key deliverables, images, and the act’s public health rationale.

Scrolling Timeline: FDA has prepared an interactive timeline to help you

Read an overview of the Tobacco Control Act, which plainly outlines what the act does, what it does not do and how FDA oversees the implementation of the act.

Download the complete Family Smoking Prevention and Tobacco Control Act (PDF).

Search by Audience, Type of Tobacco, and Topics. Each search results page provides a link to the full act for complete.
How Philip Morris, Tobacco Foes Tied the Knot

By: Brody Mullins
Roll Call Staff
Oct. 5, 2004, Midnight

Moments after lawmakers unveiled landmark legislation last spring to impose the most sweeping regulations on cigarettes in history, two of the people most closely involved in the momentous compromise bumped into each other leaving a press conference on the deal.

Though they were just a few steps from each other outside the Senate’s television studio, Matt Myers and Mark Berlind didn’t shake hands, embrace or even say hello. Instead, they moved silently past each other, carefully avoiding eye contact.

Myers and Berlind may be the biggest winners if Congress approves the tobacco bill this week. But they’re about as comfortable as boys and girls at a sixth-grade dance.

It’s easy to see why: Myers is the president of Campaign for Tobacco Free Kids, a group dedicated to outlawing smoking. Berlind is the chief legislative counsel for Atria Group, the parent of Philip Morris USA, the nation’s leading cigarette maker.

But the awkward encounter that day belies an uncomfortable alliance between the two men and their organizations that has helped to move the tobacco bill closer than ever before to its final destination: the White House.

The unspoken truce was struck after Myers and Berlind realized they had very little to lose from working together.

The new bill, which is expected to pass this week, is aimed at restricting advertising and restricting access to cigarettes. It also would create a $245 billion fund to pay for health care for future generations.

Myers and Berlind, however, have been at odds over the fund’s impact on children and the public’s health. Their organizations have been on opposite sides of the debate for years.

But in the end, they both knew that the nation’s tobacco industry was in the crosshairs. A strong bill would be a victory for the nation’s children, they told each other.

And so they agreed to work together and to back the legislation, even though it meant they had to sit in the same room at the same conference. The alliance is a testament to the power of politics.

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Today at a Glance

An overview of today’s Congressional schedules.

Latest version

Newsletters

Roll Call content delivered to your inbox.

SIGN UP

Click here for important tips.
PM USA agrees with the overwhelming medical and scientific consensus that cigarette smoking causes lung cancer, heart disease, emphysema and other serious diseases in smokers. Smokers are far more likely to develop serious diseases, like lung cancer, than non-smokers. There is no safe cigarette.
Cigarette smoking is a leading cause of preventable deaths in the United States. Cigarette smoking significantly increases the risk of developing lung cancer, heart disease, chronic bronchitis, emphysema and other serious diseases and adverse health conditions.
Percent of public that regards tobacco companies as honest and trustworthy:

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Source: Harris Polls
Objective:
Demonstrate that PM USA is responsibly addressing the complex issues related to its business

Why:
For the sustainability and success of the business
Implications

• Tobacco industry interests fundamentally incompatible with public health
What if cigarette ads told the Truth?
PM Public Opinion Data
United States, 2004

Wish there was some way to eliminate cigarettes 68%

Right and responsible thing to do… go out of business 59%
Resources

UCSF - Legacy Tobacco Documents Library
http://legacy.library.ucsf.edu/

ANR - Tobacco Industry Tracking Database
http://www.tidatabase.org/

The Center for Media and Democracy - SourceWatch
http://www.sourcwatch.org/

National Institute on Money in State Politics - Follow the Money
http://www.followthemoney.org/

GuideStar
http://www.guidestar.org/
U.S. v. Philip Morris

- The Hazards of Smoking
- Addiction
- Nicotine Levels
- Light Cigarettes
- Marketing to Youth
- Secondhand Smoke
- Suppression of Information

The Verdict Is In:
Findings from United States v. Philip Morris

Tobacco Control Legal Consortium

Law, Health, Justice
QUESTIONS?