Combatting Tobacco Industry Interference Before, During, & After the Age of COVID-19

May 28, 2020
SPEAKERS

Dr. Mary Assunta
Head of Global Research and Advocacy at the Global Center for Good Governance in Tobacco Control (GGTC) and Senior Policy Advisor at the Southeast Asia Tobacco Control Alliance (SEATCA)

Nichelle Gray
Program Coordinator for Action on Smoking and Health

Doug Matheny
Programs and Initiatives Manager for State and Local Policy at the Oklahoma Health Promotion Research Center

Dr. Kerstin Schotte
Medical Officer, No Tobacco Unit, World Health Organization

MODERATOR

Laurent Huber
ASH Executive Director
• U.S. negotiated, was a part of the unanimous adoption, and signed
• Highly-embraced treaty (181 Parties)
• Guidelines for most demand reduction articles in the FCTC and a first Protocol
• The FCTC Conference of the Parties (COP), the only global government body devoted solely to tobacco control
This report is the first to use a standardized index to quantify tobacco industry interference in public policy in the United States.
Level of Participation in Policy Development
Industry-Related CSR Activities
Benefits to the Tobacco Industry
Forms of Unnecessary Interaction
Transparency
Conflict of Interest
Preventive Measures
“The tobacco industry has been lurking in the shadows of U.S. public health policy for decades. They not only sell deadly products, they fight lawmakers’ efforts to save lives. This first U.S. Interference Index shines a light on their meddling behind closed doors and gives states and localities new tools needed to protect their citizens from the predatory tobacco industry.”

3 FACTS FOR CONTEXT

1. Tobacco use is the leading cause of disease and early death because of the industries involvement in the manufacture and marketing of their products.

2. The most effective tool for reducing tobacco use is public policy

3. The greatest barrier to enacting public policy is tobacco industry interference
U.S. Tobacco Industry Interference

- Tobacco companies have led efforts to defeat a broad range of proposed tobacco control laws in all 50 states
- When they cannot kill a bill, the companies seek to delay or weaken it, often drafting the final language
- Tobacco companies wrote or heavily influenced many tobacco-related laws still in effect today
- All 50 states have at least one lobbyist registered to represent a tobacco company
- In 2017, Altria had at least 409 state-level lobbyists; Reynolds had at least 257
- Juul increased its lobbying force from 16 in 2017 to at least 40 in 2018
In 2006, a federal court ruled that Altria, Philip Morris USA, R.J. Reynolds, and other tobacco companies had committed at least 145 violations of the Racketeer Influenced and Corrupt Organizations Act (RICO).

The court found that the companies would likely continue to commit fraud.

After 11 years of legal appeals, the tobacco companies began publishing court-ordered corrective statements in November 2017.

The federal RICO case is still active, with tobacco companies now fighting to avoid placement of the corrective statements at retail points-of-sale.
“Public opinion and media coverage are only important insofar as they affect the government – we will never be liked and what we want is to be ignored.”

Tobacco Industry Tools & Tactics

- Doubt & Controversy
- Control at the Top
- Boots on the Ground
- Contributions & Gifts
- Front Groups
- Proactive Legislation
Doubt & Controversy

“Doubt is our product since it is the best means of competing with the ‘body of fact’ that exists in the mind of the general public. It is also the means of establishing a controversy.”

“Legislative support assistance is available from State Activities staff on virtually every issue in the states. Staff are available for bill/amendment drafting, position papers, expert witness assistance, clearance of legal documents, attendance at strategy sessions and other needs and documents. All are based in the Washington office and may be reached through the toll-free number (1/800-424-9876) or on their direct lines.”

“Ken Nance has done an outstanding job for the Tobacco Institute. Under his leadership, pre-emption was passed in 1986 and privacy was passed in 1991. Nance and the other members of the tobacco team in Oklahoma work extremely well together and appear to have a considerable amount of strength in the political process there.”

“The $50,000 paid as Nance’s retainer to be the TI lead lobbyist in 1990 is only marginally competitive in Oklahoma. Inasmuch as that state allows no corporate contributions to political campaigns, all successful Oklahoma lobbyists must invest heavily in the campaigns of desirable candidates. Ken Nance is no exception.”

Front Groups

“The goal of the group is to establish relationships with credible, independent outside groups with the ability to relay ideas and establish an echo chamber for PM messages/responses addressing major issues facing the company.”

“The industry's own efforts to promote legislation favorable to its consumers also produced more state bills. These efforts were particularly successful in... preempting local governments' ability to enact more stringent smoking restrictions than provided by state law.”

“If a tobacco-related law was written or influenced by a tobacco company or a tobacco company lobbyist, what do you think lawmakers should do?”

U.S. Adults (n = 1006)

- Leave the law as it is: 3.3%
- Revise the law: 31.4%
- Remove the law and start over: 36.3%
- Not sure: 27.5%

*Tobacco Regulatory Science, Volume 5, Number 3, May 2019, pp. 206-228(23)*
“If a tobacco-related law was written or influenced by a tobacco company or a tobacco company lobbyist, what do you think lawmakers should do?”

State and Local Lawmakers  
(n = 436)

- Leave the law as it is: 6.0%
- Revise the law: 41.3%
- Remove the law and start over: 20.0%
- Not sure: 32.7%
Attitudes toward Tobacco Industry Interference

State and Local Lawmakers
(n = 436)

- Lawmakers should trust tobacco companies as much as they trust other companies:
  - Agree: 17.5%
  - Disagree: 77.6%
  - Not Sure: 4.9%

- Lawmakers should trust tobacco company lobbyists to provide accurate information on tobacco issues:
  - Agree: 22.3%
  - Disagree: 70.8%
  - Not Sure: 6.9%

- Lawmakers should allow tobacco companies or tobacco company lobbyists to help write laws:
  - Agree: 18.4%
  - Disagree: 75.4%
  - Not Sure: 6.2%
“How much more or less likely are you to support the adoption of stronger tobacco-related laws after reading the corrective statements and court findings?”

- More Likely: 35.1%
- Less Likely: 1.0%
- Neutral: 28.3%
**Implications & Opportunities for Policy and Advocacy**

- The tobacco industry continues to aggressively use its political influence to protect its business interests, support policy makers that do its bidding and block efforts that seek an end to the tobacco epidemic.

- The tobacco industry actively tries to discredit the public health community and position itself as the solution to end smoking.

- Documenting & raising awareness of tobacco industry interference can leverage public opinion to help advance effective tobacco control policies & defeat proactive legislation sought by the tobacco industry
  - Highlight past & present tobacco industry misinformation/interference
  - Provide lawmakers with public opinion results and relevant quotes from tobacco industry documents
  - Seek other opportunities to raise awareness among the lawmakers & the public (media events, legislative resolutions, etc.)

- Regardless of whether the U.S. ever ratifies the treaty, the FCTC still provides excellent lessons and examples that federal, state, and local governments can adopt in order to further protect the health of the U.S. population.
The secret’s out.

If your product killed 8 million people each year, you’d also target a new generation.
Smoking on screen...

...kills in real life.

In 2018, at least half of tobacco-contaminated movies were youth-rated.

Speak out. #TobaccoExposed
Create-your-own
World No Tobacco Day
Workshop

World No Tobacco Day (WNTD) 2020 aims to protect children and adolescents from industry manipulation and prevent them from nicotine and tobacco use. This campaign toolkit includes various activities that can be implemented by teachers in the classroom setting – whether virtual or in person – or by parents at home. These activities will serve to expose tobacco and related industry tactics to hook youth on nicotine and tobacco products and empower youth to refuse industry manipulation and join the tobacco-free generation.
THANK YOU!

who.int/news-room/campaigns/world-no-tobacco-day/world-no-tobacco-day-2020
ADDITIONAL RESOURCES

• ASH

• STOP (Stopping Tobacco Organizations and Products) launched and funded by Bloomberg Philanthropies, Global Tobacco Industry Interference Index: https://exposetobacco.org/global-index/

• WHO World No Tobacco Day 2020 Resources:
  ➢ Campaign website https://www.who.int/news-room/campaigns/world-no-tobacco-day/world-no-tobacco-day-2020
  ➢ Campaign materials https://www.who.int/news-room/campaigns/world-no-tobacco-day/world-no-tobacco-day-2020/campaign-materials
  ➢ Social media materials https://www.who.int/news-room/campaigns/world-no-tobacco-day/world-no-tobacco-day-2020/social-media-materials
  ➢ WNTD Q&A https://www.who.int/news-room/q-a-detail/tobacco-related-industry-tactics-to-attract-generations
  ➢ School toolkit https://www.who.int/news-room/campaigns/world-no-tobacco-day/world-no-tobacco-day-2020/workshop-toolkit
Stay Involved

Twitter @ASHorg @LaurentHuber

Facebook @ASHglobalAction

Instagram @ASHorg

Info@ash.org

Recordings from previous webinars and Live Chats on social media, under “Resources from ASH” here:

ash.org/coronavirus-update

Toolkit for Advocates

Talking with government and media about the COVID-19 and tobacco use co-morbidity and policies to protect the health of everyone during the pandemic.

ash.org/covid19

NEXT WEBINAR: Tobacco Policy and Enforcement During COVID-19 Shutdowns

Thursday, June 4th | 12:00 pm ET

With Jessica Grosz and Rachel Callanan from the Public Health Law Center

Registration link in Thank You email.