

PREFACE

“Australia is one of the darkest markets in the world”: the global importance of Australian tobacco control

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“Australia is one of the darkest markets in the world... it probably is the darkest, I mean ourselves and Canada fight every month for who’s got the darkest conditions to do tobacco manufacturing and marketing. And one of the things we can offer the world is what we do best, which is how to work, maximize, proactively drive our market position in a market that’s completely dark. Now that takes a different skillset... a different type of learning. We need to export that... we know we have a lot of expatriates who come down to Australia for learning... they can come here and learn these techniques and take them back to Europe or Latin America or to the United States or to Africa... But the other thing that is really good for us is that we are also a huge net exporter of Australian talent... about 30 or 40 people currently off-shore... We do things really differently here than most other BAT organizations.” *David Crowe, Marketing Director, British American Tobacco (BAT) Australia*¹



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Despite being a relatively small nation, Australia (population circa 20 million) has long been in the vanguard of international tobacco control. In the course of the project that has produced this supplement to *Tobacco Control*, many industry comments have been located which describe its awareness of Australia's global importance:

- “Australia has one of the best organised, best financed, most politically savvy and well connected anti-smoking movements in the world. They are aggressive and have been able to use the levers of power very effectively to propose and pass draconian legislation. ...The implications of Australian anti-smoking activity are significant outside Australia because Australia serves as a seedbed for anti-smoking programs around the world.”²
- “In Australasia, I think everyone here will know that there we have perhaps the most virulent and nasty-edged anti-tobacco lobbies to be found anywhere in the world. There is nothing less than a battle raging in Australia and New Zealand, and all the guns are out, on both sides... they have seen it all down there, and there is more of that to come. It is a bear garden. It is a zoo, and aggression, political infighting, dirty tricks by the opposition, and all manner of hassle and public argument is a feature of the business in Australasia.”³
- “Australia is a laboratory for the global anti-smoking network. Both anti-smoking policies and the individuals who promote them are exported from Australia and stimulate anti-smoking activities worldwide.”⁴
- “Within this group [the leadership of the international tobacco control activist movement] the Australians play a prominent role.”⁵

In 1994, BAT named Australia as one of six nations and regions that were “driving tobacco control”⁶ and in 1997 RJ Reynolds referred to likely regulatory developments in the USA as “an outgrowth of what was put in place in other countries” naming Australia.⁷

In the past three decades, Australian tobacco control has made significant gains in the following areas:

• Australia was among the first nations to test tar and nicotine content of cigarettes and to publicly advocate the potential significance of tobacco yield data for harm reduction.⁸

• Australia was one of the first democracies to ban all forms of tobacco advertising and sponsorship.

• Along with Brazil, Canada, New Zealand, Poland, South Africa and Thailand, Australia was among the first nations to introduce large and disease explicit pack warnings.⁹ The introduction of these warnings saw prolonged periods of fierce lobbying by the industry against their implementation, fearing an international domino effect.

• Commencing in the late 1970s, Australia was one of the first nations to run large scale, state sponsored mass reach national public awareness anti-smoking campaigns.^{10–12} These campaigns were attacked by the tobacco industry and some were removed by an industry dominated self regulatory process.¹³ Australia was the first nation to experience widespread civil disobedience against the tobacco industry in the form of a five year campaign where doctors and other health workers put graffiti on tobacco billboards.¹⁴ There is considerable animated discussion of this in the industry's documents.

• Australia has long had a highly networked national tobacco control advocacy movement and their track record of achievement stands as a model for other nations in how to reduce tobacco use.¹⁵ Daily smoking prevalence for

Australians aged 14 and over is currently 19.5%, one of the lowest in the world.¹⁶

- In 1986, the state of South Australia was the first nation to ban small “kiddie” packs (< 20 sticks).¹⁷ This ban subsequently went national.
- Australia has relatively high tobacco tax by international standards,¹⁸ with there being many episodes of industry lobbying to restrain further rises.
- The Australian state of Victoria pioneered the use of tobacco tax hypothecation to enable the buy-out of tobacco sponsorships¹⁹—something which then proliferated internationally and which the industry said “must [be] stop[ped]”.²⁰

INDUSTRY DOCUMENTS

The inside history of industry reaction and opposition to each of these—and many more—issues is covered extensively in the industry documents released since 1998 under the terms of the Master Settlement Agreement (MSA).²¹ Our application to the US National Cancer Institute and the Australian National Health and Medical Research Council for funding for this project stressed the importance of passing knowledge to public health workers in other nations about the tobacco industry’s conduct in seeking to delay and defeat effective tobacco control. To be forewarned is to be forearmed, and we hope the light we have thrown on a wide range of industry conduct will be useful in derailing such conduct in other nations. Because Australia was feared by the industry to be a bellwether²² or “lead domino” nation in a potentially unstoppable cascade toward tobacco control, it was accorded high priority by the industry’s transnational headquarters. Our paper on the panic to stop strong health warnings being accepted in Australia⁹ is a particularly strong illustration of this.

We also produced the supplement to help a particular Australian readership: sick and dying litigants and their lawyers seeking chronicles of mendacious industry conduct designed to reassure smokers that they need not seriously consider stopping smoking and governments that they should not introduce controls on tobacco. One person who inspired us greatly during this project was the late Rolah McCabe (1950–2002), the gravely ill woman shown in fig 1. Rolah commenced smoking at the age of 14 and in 2002 while she was dying from lung cancer 30 years before the average life expectancy she might have enjoyed for a woman of her age, sued BAT Australia for misleading and deceptive conduct. The trial judge found evidence of wholesale



Figure 1 Rolah McCabe (1950–2002).

document destruction within the company, which he argued prevented Ms McCabe from obtaining a fair trial.^{23 24}

Rolah McCabe stated on many occasions that her primary motivation in taking BAT to court was to set a legal precedent in Australia that would bring justice to thousands of others like her who, as children, had taken up smoking in eras when the industry ran riot with both advertising and denial of harm campaigns. In the last months of her life, Rolah showed astonishing bravery and leadership in taking the action she did.

HOW WE FOUND THE DOCUMENTS

The documents cited in these papers were located from searches conducted on the MSA websites of Philip Morris, RJ Reynolds, Lorillard, The Tobacco Institute, The Council for Tobacco Research, Brown & Williamson, and the American Tobacco Company between May 2001 and January 2003.

To facilitate systematic document analysis, the preliminary search strategy focused on retrieving documents using key Australian geographic terms such as Australia, Australian cities and tobacco manufacturing sites (see http://tobacco.health.usyd.edu.au/site/gateway/docs/pdf/Aust_Search_Strategy.pdf).

Documents retrieved by these searches were sorted into broad topic areas and evaluated by the research group according to their perceived degree of importance. Researchers maintained an Excel workbook divided into 20 thematic worksheets to record interpretive information (see http://tobacco.health.usyd.edu.au/site/gateway/docs/pdf/Aust_Search_Strategy.pdf).

Throughout the evaluation process, the metadata for documents considered to be of high value were screened for further clues to conduct subsequent searches. Opportunistic searches were conducted on both the primary MSA websites and secondary document collections (Tobacco Documents Online and other sites providing access to BAT documents) based on themes identified as critical. Search words incorporated synonymous terms representative of the concept, acronyms, abbreviations, and variations of spelling.²⁵ (see http://tobacco.health.usyd.edu.au/site/gateway/docs/pdf/Aust_Search_Strategy.pdf).

LIMITATIONS

There are three main limitations of research undertaken for this project:

- Of the volume of documents released via the MSA only a small proportion were documents created in Australia. Those thus located are not assumed to be a complete representation of all Australian documents.
- Limited access to BAT documents. The MSA website provision did not apply to BAT and only a small subset of documents has so far been made available on the internet by researchers who have requested documents direct from the Guildford Depository and digitised them.
- Document destruction. Because of large scale document destruction, the documents available represent an unknown cross section of all documents ever written and circulated within the tobacco industry. In 1992, BAT’s head of group security wrote about document destruction throughout the company: “in determining whether a redundant document contains sensitive information holders should apply the rule of thumb of whether the contents would harm or embarrass the Company or an individual if they were to be made public or to reach the competition.”²⁶ When asked “And one of the benefits of limiting such retention was that documents would not fall into the hands of plaintiffs or the public or the newspapers, right?” a former lawyer for BAT’s US affiliate Brown & Williamson stated in a deposition to the US

Department of Justice in August 2002: "That was the... purpose of the mental copy rule and the program as a whole."²⁷ Philip Morris also had a major document destruction programme.²⁸

Missing documents

When searching the documents, it has been very common to locate a small number of documents describing particular events and concerns in Australia, but which when followed up in document searching based on the issues being discussed or individuals named then "dry up", with only fragmentary pictures emerging of more complete episodes. Whether through deliberate, strategic document destruction programmes or through more innocent "housekeeping" practices, many documents are plainly missing.

Like us, readers will sometimes want to ask more about an episode being described. Where possible, we have located the fragments available within the contexts provided by other sources and our own experience of events where we lived through the events being described. In this, our accounts differ little from any historical record where incomplete documentation is available.

AVAILABILITY OF DOCUMENTS

Researcher's annotations and the accompanying documents are available for searching on the Tobacco Control Supersite at <http://tobacco.health.usyd.edu.au/site/gateway/docs/search.htm>.

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