Blaming tobacco’s victims

S Chapman

People who develop diseases as a result of smoking are victims of the tobacco industry’s tactics, and do not deserve to be blamed for their “own misdeeds”.

The devastating judgment in the Supreme Court of Victoria against British American Tobacco (Australia)1 following evidence of its 17 year programme of document destruction seems destined to become a milestone in the pursuit of justice for the tobacco industry’s millions of victims. However, although Liberman points out in this issue2 that the legal implications of the case may be momentous, public discussion of the case in Australia provides sobering reminders of the power of victim blaming to undermine what otherwise would be unequivocally good news.

Fifty one year old Rolah McCabe, the woman who brought the case against BAT, was in every respect a typical tobacco victim. She started smoking at 12, rapidly developed a dependency on nicotine, and by middle age was diagnosed with lung cancer. If she dies within the next year as predicted, she will lose 30 years off the lifespan that the average Australian woman can expect today. Over 4200 Australians aged less than 65 died each year from diseases caused by tobacco.3

People who sue tobacco companies often have to run a public gauntlet of criticism. Critics argue “no one forced them to smoke” and mockingly taunt “Hello! Was this person living on Mars for the last 40 years? Everyone knows smoking is dangerous, so those who smoke voluntarily assume the risks.” They point to the millions of ex-smokers who have quit unaided—the subtext being that those who whine that they couldn’t stop didn’t really try. Parents of children suffering from horrendous idiopathic diseases like childhood cancers note that they can’t sue anyone, so why should someone who consciously elected to smoke be thus “rewarded”? These popular accounts can frame powerfully issues of blame, responsibility, and justice and hold potential to influence jurors in such cases. They therefore deserve careful analysis and strategic responses by tobacco control advocates.

UNDERMINING VICTIM BLAMING

There are three cornerstones that can together work both legally and rhetorically to undermine the powerful victim blaming frame. The first is the Pied Piper metaphor. For all the sanctimonious rebirthings that has taken place in the tobacco industry (tobacco now “causes” disease—see News Analysis p 172), it is significant that the industry has resolutely clung to its public position that it does not want children to smoke. It knows that all societies revile those who would seduce and harm children, exploiting their innocence. It is thus inconceivable that the industry might ever swallow the truth: “addiction” on pack warnings, and its desperate efforts to resist addiction—just as the tobacco industry’s tactics, and do not deserve to be blamed for their “own misdeeds”.

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The industry’s second bête noir is addiction. As a now infamous 1980 Tobacco Institute memo expressed so plainly: “Shook, Hardy and Bacon [the tobacco industry’s lawyers] reminds us... that the entire matter of addiction is the most potent weapon a prosecuting attorney can have in a lung cancer/cigarette case. We can’t defend continued smoking as ‘free choice’ if the person was addicted.” The acres of documentary evidence now available on industry nicotine manipulation (for example, Philip Morris Australia arranging to have Marlboro reformulated: “our aim is to make Red and Special Mild as close as possible to the USA blend and thus make it harder for existing smokers to leave the product”) evoke nothing less than imagery of scheming industrial chemists setting out to maximise addiction.

Finally, there is the sordid 40 year history now being painstakingly unearthed by tobacco control’s document archaeologists who have found pharaohs’ tombs full of private acknowledgement about tobacco causing disease, overlain by massive international programmes of public obfuscation and reassurance, and tame scientist dissembling. For every newspaper report that smoking was harmful, there were dozens of advertisements whose entire choreography said...
“forget all that! This is what smoking means!” And sprinkled liberally throughout the bad news on smoking were hundreds of carefully orchestrated stories placed by the industry’s PR machine about air pollution causing all the cancer, confounders like diet and pet bird keeping, and apparent anomalies of low lung cancer in high smoking populations. The industry built lists of everyday concerns which had ever been the subject of news reports, and distributed these to its spokespeople so that they could put it to audiences that “scientists” warned us. Brussels sprouts, bubble bath, and tobacco were dangerous too . . . so what were we to make of their claims that smoking was harmful? Stock phrases like “the jury is still out” and “only a statistical association” that fed the ordinary person’s scepticism about science were we to make of their claims that smoking was harmful? Stock phrases like “the jury is still out” and “only a statistical association” that fed the ordinary person’s scepticism about science were grist to the same mill.

The victim blamers would have it that if, like Rolah McCabe, you were a 12 year old girl, awkward about your identity, and reassured by advertising that promised friendship and togetherness from smoking (Rolah McCabe smoked Escort, advertised with the cheery ditty “Join the Club”), you were to blame. If your nicotine receptors became rapidly primed via the best nicotine pharmacology that the industry’s scientists could secrete without any warning into their chemical cocktails, again, it was your fault that you became addicted. And if you were stupid enough to have ever fallen for any of the scientific denials peddled by credentialed industry scientific stooges (“Light up, drink up and stay healthy! That’s the good news from American expert Dr Carl Seltzer who claims that smoking is not related to heart disease . . . The Harvard University lecturer says he’s never been challenged by the medical profession . . . Dr Seltzer’s word must be taken very seriously. After all, he is the doctor of Harvard University””), then you deserved what was coming to you.

All over the world, smoking and the diseases it causes are increasingly becoming the providence of nations’ poorest and least educated subpopulations. Such people are the least able to assess the complexities of conflicting epidemiological evidence. They are also the very same people for whom aspirational brand names like Hope, Holiday, and Longbeach and the ad campaigns that accompany them are named by the cynical interpreters of tobacco industry smoker focus groups.

The mass document shredding uncovered in the McCabe case adds another potent element to the discourse about tobacco industry culpability. It is difficult to conceive of any industry other than criminal enterprises who would feel so ashamed and vulnerable about their work as to systematically destroy evidence about their core activity. Ordinary people like the citizen who makes up a jury knows that this is what the guilty do when they know they are in the wrong. While the evidence from destroyed internal documents is damning enough, one can only begin to imagine the contents of the material that went into the shredders.

Tobacco Control has secured support from the Robert Wood Johnson Foundation to provide sets of PowerPoint slides on most of the leading topics in contemporary tobacco control. We have commissioned 20 different topics from some of the leading researchers in our field. These will be placed on the Tobacco Control website over the next six months. Among these will be slide sets showing the “worst of” the tobacco industry documents. We believe these powerful tools will greatly assist advocates around the world to shame the industry, to bring justice to its victims, and to inspire governments to exert further control over the industry’s activities.

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