We've heard some extremely harsh words about the industry recently. Nothing unusual about that. What is noteworthy is the virulence of the comments—and their sources.—GB

“IT's my goal to literally destroy (tobacco companies).”

“Nicotine consumption in Nicaragua is like a permanent Hurricane Mitch plague on the society of our country.”

“We are in a war . . . I'm getting sick and tired of going to funerals for Latinos who are dying of lung cancer.”
Rev. Sam Geli, a La Raza workshop speaker. (La Raza is the largest Latino advocacy group in the United States.) Source: At conference, mixed messages on tobacco. “Philadelphia Inquirer” 1998 Jul 23.

“These people are cunning, deliberate and premeditated child killers. The killing might take 20 or 30 years but it is killing, plain and simple.”
Unidentified source close to British Health Secretary Frank Dobson. Source: War on tobacco as 450 children a day start smoking. “Sunday Mirror” 1998 Dec 6.

“Smoking kills.”

“Smoking Kills.”
Name of Mike Sawyer’s Amateur Athletic Union baseball team in the tobacco-growing state of Kentucky. Source: Smoking foe wants school bus campaign. “Lexington (Kentucky) Herald Leader” 1998 Jun 29.

“Ka mate koe i te kai hikareti” (‘Smoking kills’)


“Cigarettes don’t kill people. Smoking kills people”
RJR’s new slogan, according to satirist Arthur Hoppe, suggesting the syntax of the National Rifle Association’s time-honoured “Guns don’t kill people, people kill people”. Source: Pity the poor tobacco execs. “San Francisco Chronicle” 1998 Apr 15.

The recent United States attorneys general settlement (going to press, agreed upon by all the attorney generals involved, but has yet to be officially approved by the required number of states) has generated a veritable cornucopia of noteworthy remarks—herewith, a selection.

“It’s a great day for attorneys general.”

“The largest civil settlement in history just passed without a hearing.”

“The breadth and ambiguities of these definitions raise a question as to whether the attorney general alone has the sufficient scope of authority to release all past and future claims [by other government and quasi-government entities].”

“It is another one of those sleight-of-hand deals. The industry is getting a lot more than anyone bargained for.”

* * *

“The potential for violations and litigation is significant . . . because of the generality of the requirements.”

**United States District Judge Dee Benson declines to approve Utah’s attorneys general settlement, setting a new hearing for 7 January 1999. Source: Judge concerned about 25-year tobacco pact. “Salt Lake Tribune” 1998 Dec 8.**

* * *

“The industry did a great job of stampeding them. But they are going to wake up soon and realize that they are the bride of Frankenstein.”

**Professor Stanton Glantz (University of California at San Francisco). Source: Tobacco suit settled for $206 billion. 46 States to split cash in deal “too big to fail”. “San Francisco Chronicle” 1998 Nov 21.**

* * *

“To those who say it is not enough, I say we simply couldn’t afford to come away with nothing.”


* * *

“It’s going to be a real food fight in every state.”

**Bill Novelli of the Campaign for Tobacco-Free Kids, on tobacco settlement funds. Source: Clinton sets own agenda for tobacco settlement. Associated Press, 5 December 1998.**

* * *

“We initially joined this lawsuit to try to stop the tobacco industry from marketing its deadly products to young people. The settlement is a far cry from what we envisioned, and withdrawing from the lawsuit before the settlement is finalized is one way we can demonstrate how strenuously we object.”

**Thomas Fogel, president of the the California division of the American Cancer Society. Source: Health groups want out of Calif. tobacco lawsuit. Reuters, 9 December 1998.**

* * *

Four states had already come to multi-billion-dollar settlements with the industry: Mississippi, Florida, Texas, and Minnesota, in that order. Attorneys’ fees, to be paid by the industry, remained a tricky problem. A three-member panel arbitrated fees for three states—Mississippi, Florida, and Texas. After hearing arguments, the panel determined that the lawyers involved deserved a total of $8.2 billion.

“It’s going to be a very merry Christmas for all. We can go Christmas shopping at Brooks Brothers instead of Wal-Mart.”


* * *

“It was ugly.”

**Unidentified participant in the New York City arbitration hearing, on the reaction of tobacco industry lawyers to Texas Attorney General Morales’ request for $1.5 billion for Mark Murr. Source: Little-known Texas lawyer may submit a hefty bill. “Wall Street Journal” 1998 Dec 10.**

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“If ‘zoo’ is not the right word, then I would certainly describe it as a three-ring circus. . . . We’re talking about extremely high stakes and huge egos.”

**Unidentified lawyer at the New York City arbitration hearing, on the reaction of tobacco industry lawyers to Texas Attorney General Morales’ request for $1.5 billion for Mark Murr. Source: Little-known Texas lawyer may submit a hefty bill. “Wall Street Journal” 1998 Dec 10.**

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“This was an intensive process requiring the best skills, talent and judgment of us all. We worked very hard to make a determination of what was full, fair and reasonable compensation taking into account the totality of the circumstances of these extraordinary cases.”

**Tobacco fee arbitration panel chairman John Calhoun Wells. Source: Tobacco fee arbitration panel announces first decisions. PR Newswire, 11 December 1998.**

* * *

“[W]e need to be mindful that these excessive fees will undermine public confidence in this arbitration, in our profession and in our civil justice system.”

**Dissenting statement of Charles B Renfrew. Source: Tobacco fee arbitration panel announces first decisions. PR Newswire, 11 December 1998.**

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“[T]hese figures are beyond human comprehension.”


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“[F]ee awards of this magnitude are nothing less than obscene. . . . We believe that such mind-boggling fee awards have a corrupting effect on the entire legal system.”

**Source: B&W calls $8.1 billion legal fees award ‘obscene’ and not a precedent for other states.PR Newswire 11 December 1998.**

* * *

Meanwhile, in an asbestos settlement case, several United States Supreme Court justices seemed to indicate they would not look favourably if any of these suits appeared before them.

“This is excluding people who are not yet born, who have not yet been injured, who were not represented.”—Sandra Day O’Connor
“Most of the people who will be affected don’t yet know that they will be affected.” —Ruth Bader Ginsburg


OTHER LAWSUITS

“We’re suing the tobacco industry because it seems to us the only way to make it understand anything.” —Marcel Belanger, director of the Quebec Council on Health. Source: Anti-smoking group seeks to sue cigarette makers. “Toronto (Ontario) Sun” 1998 Nov 19.

“The Marshall Islands’ ruling is a first. . . . Never before has the US tobacco industry been ordered to defend itself in court against charges that it has aggressively targeted the people of developing world nations with fraudulent claims about the health effects and addictiveness of mass-marketed cigarettes.”

Statement of Don R Riddle, Esquire regarding the court’s decision in the Marshall Islands’ lawsuit against the US cigarette industry. Source: Tobacco BBS, 7 December 1998.

“Many, many people either have a fixed opinion on smoking or have a relative who has died from smoking. That’s slowing things down.”


“One of the things to keep in mind is that whenever we have been able to take our case to a jury . . . we win.”


In this quarter, there were a surprising number of developments on the retail front.

“When I bought this store in February, I talked to the tobacco companies and told them I was very concerned about the cigarette displays on the counters. . . . One manufacturer told me, ‘You’re going to lose money,’ but if the cigarettes aren’t there for the kids to steal, I’m ahead. It’s not about how many cigarettes you sell, it’s about the kids.”


“You cannot in good conscience be a pharmacist and dispense medications from one hand and cigarettes from the other.”

Janine Matte, president of the Order of Pharmacists at the Jean Coutu press conference.


“It is wrong to have a pharmacy in a supermarket where you can also buy tobacco, it produces a bad image for public health.”

Humphrey George, president of the Pharmacy Guild of Australia. Australia’s pharmacists, who have a no-tobacco policy, are fighting food chain Woolworths’ bid to open in-store pharmacies. Source: Woolies bid for in-store pharmacies (Adelaide, South Australia) “Sunday Mail” 1998 Jul 12.

“I don’t want to tell them (Rite-Aid Drugstores) how to run a drugstore business. But when they start introducing drugs into the community, that’s my business.” —Richard Kibbey, president of the (Lansing, Michigan) Eastside Neighborhood Organization.


“It is crazy that it’s harder to get a dog license than a cigarette license in this city.”


It is interesting to ruminate on young people and marketing in the light of Philip Morris’ new American anti-smoking campaign. They must know a lot about kids and smoking. Their campaign certainly should be the most powerful yet!

“We are doing a lot of research and study on youth smoking prevention to identify the right message and the right programs.”


“We don’t want kids to smoke. . . . I really don’t care if we get any publicity about it at all. . . . From my point of view, you do these things because they are the right things to do, not as PR campaigns.”


“Think. Don’t smoke.”


“But the ads and their geeky teenagers deftly fail to mention the fact that smoking makes
you die young, with bad breath—two arguments that are proven deterrents to teen smoking.”


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Now that the industry can study kids openly, let’s look at what some previous industry documents had to say.

“[T]here are sharp, perhaps exploitable, differences between pre-smokers, ‘learners’ and confirmed smokers—in terms of what they expect or derive from smoking. Let us examine these differences.”


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“The studies reported on youngsters’ motivation for starting, their brand preferences, etc., as well as the starting behavior of children as young as 5 years old. . . . The studies examined examination [sic] of young smokers’ attitudes towards ‘addiction,’ and contain multiple references to how very young smokers at first believe they cannot become addicted, only to later discover, to their regret, that they are.”


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“It is the case that most of those who become smokers do so in their teens, but this is by no means to say that the teen years are when young people first try cigarettes. In fact, many, the males in particular, dabble at smoking well before adolescence. That very first smoke, in a number of cases, took place between the ages of 9 and 12 or 13.”


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“The adolescent seeks to display his new urge for independence with a symbol, and cigarettes are such a symbol since they are associated with adulthood and at the same time adults seek to deny them to the young.”


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“We are not suggesting that the effect of nicotine is responsible for the initiation of the habit. . . . Smoking a cigarette for the beginner is a symbolic act. . . . I am no longer my mother’s child, I’m tough, I am an adventurer, I’m not square.’ Whatever the individual intent, the act of smoking remains a symbolic declaration of personal identity. . . . As the force from the psychological symbolism subsides, the pharmacological effect takes over to sustain the habit.”


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“It is hypothesized that very young starter smokers choose Export ‘A’ because it provides them with an instant badge of masculinity, appeals to their rebellious nature and establishes their position amongst their peers.”


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“Since how the beginning smoker feels today has implications for the future of the industry, it follows that a study of this area would be of much interest. Project 16 was designed to do exactly that—learn everything there was to learn about how smoking begins, how high school students feel about being smokers, and how they foresee their use of tobacco in the future.”


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“Consider also that in 1967, for one dollar, a teen-ager could buy two gallons of gasoline and a pack of cigarettes. . . . This was no longer possible for the 1979 teen-ager, and the 1980 teen-ager could not even afford the two gallons of gasoline. I think it is more than coincidental that the sharpest declines in smoking prevalence among teen-age males occurred in 1979 and 1980, the years in which the price of gasoline rose most sharply. When it comes to a choice between smoking cigarettes or cruising around in his car, the average teen-age male would probably choose the latter.”


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“The lower age limit for the profile of young smokers is to remain at 14.”


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“Many manufacturers have ‘studied’ the 14–20 market in hopes of uncovering the ‘secret’ of the instant popularity some brands enjoy to the almost complete exclusion of others.”

Play it again

A key finding is that younger adult males are highly sensitive to price. This suggests that the steep rise in prices expected in the coming months could threaten the long term vitality of the industry, by drying up the supply of new/younger adult smokers entering the market.

Source: 1982 RJ Reynolds correspondence from the Marketing Development Department, “Marketing implications of the NBER models”. Minnesota trial exhibit 12 682.

Teens and younger adult males are highly price sensitive.

Source: 1982 RJ Reynolds correspondence from the Marketing Development Department, “NBER models of price sensitivity by age/sex.” Minnesota trial exhibit 12 683. [This document includes charts with data on teenagers aged 12–17.]

“Kool’s stake in the 16- to 25-year-old population segment is such that the value of this audience should be accurately weighted and reflected in current media programs. As a result, all magazines will be reviewed to see how efficiently they reach this group and other groups as well.”


The teen-age years are also 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.


“The base of our business is the high school student. ... It is the ‘in’ brand to smoke if you want to be one of the group.”


Overall, Camel advertising will be directed toward using peer acceptance/influence to provide the motivation for target smokers to select Camel.


[Advertising should] create the perception that Camel smokers are non-conformist, self-confident and project a cool attitude which is admired by their peers.... This approach will capitalize on the ubiquitous nature of Marlboro by repositioning it as the epitome of conformity, versus Camel the smoke of the cool/in-group.”


Excitement/Fun is Success: Younger adults center their lives on having fun in every way possible and at every time possible. Their definition of success is ‘enjoying today’ which differentiates them from older smokers. Advertising which incorporates an ‘exciting’, ‘fun’, ‘humorous’ theme provides a way for these smokers to ‘feel good’ about the message.”


“To ignore the impudence of the Camel could also be gambling with the entry level smoker and the future of the Marlboro franchise.”


“[A]ny desired additional nicotine ‘kick’ could be easily obtained through pH regulation.”

Source: 1973 RJ Reynolds scientist’s memo entitled “Cigarette concept to assure RJR a larger segment of the youth market.” Minnesota trial exhibit No TE 12 464.

“To desire to quit seems to come earlier now than ever before, even prior to the end of high school. In fact, it often seems to take hold as soon as the recent starter admits to himself that he is hooked on smoking. However the desire to quit and actually carrying it out, are two quite different things, as the would-be quitter soon learns.”


Unlike Califano, the industry does not know whether or not smoke harms kids. . . . The industry does not . . . concede that cigarettes are unreasonably dangerous to anyone, young or old. The position in effect merely says that, out of a decent respect for the opinions of persons concerned about children taking up controversial habits, the industry does not direct cigarette promotions at people under 21.”
Source: BAT memo from senior vice president and general counsel Ernest Popples (date not identified). Source: Youth smoking risk was doubted. “St Paul (Minnesota) Pioneer Press” 1998 Apr 24.

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“We’ve found that what works with kids are very graphic, hard-hitting ads that show the Marlboro Man dying of cancer. . . . Ideally, Philip Morris should be running ads for everybody, including adults, telling them if you smoke, you die of lung cancer.”


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And while we’re on the subject—


“Kids learn to smoke and learn all about smoking long before they puff on a cigarette.”

Christine Jackson, assistant professor at the School of Public Health at the University of North Carolina, and lead researcher of a study that found certain children aged 8–10 years are at special risk of starting to smoke. United Press International, 6 July 1998.

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“The industry associates its product with an image that kids want. How do you counter that image? We don’t really know, because nobody’s gotten there yet.”


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MOLE ALERT

Above, we dealt briefly with the problem of “moles”, people with apparently undisclosed ties to the industry who are accepted with little scrutiny by the media as “independent” observers. Let’s track the work of one such person, a Dr John Luik, author of “Pandora’s box—the dangers of politically corrupted science for democratic public policy”, which was published in the Winter 1993/1994 issue of “Bostonia Magazine”. Luik’s article provided seemingly independent ammunition for pro-smoking advocates. In 1994, it was even posted on CompuServe, with the following introduction.

“The following article tells how the US Environmental Protection Agency [EPA] corrupted science, scientific review processes, and its own risk assessment guidelines to conclude falsely that “second-hand smoke” poses a health risk to nonsmokers. . . . The article originally appeared in the Winter 1993–94 BOSTONIA, a magazine published by Boston University, Brookline, Massachusetts. It was posted on CompuServe by Pete Petrakis with the permission of both the publisher and the author. The author, Dr John C Luik, is a Senior Associate of the Niagara Institute, Ontario, Canada. Dr Luik is a nonsmoker.”

Although I asked questions on CompuServe and AOL (the major online service providers at the time, who provided the scenes of many debates), no one professes to having heard of Luik or the Niagara Institute before. “Pandora’s box” was presented and discussed as if it were a totally independent attack on the EPA report. Thus it carried weight. But according to recently released documents, Luik was in constant contact with John Legere, chairman of the Confederation of European Community Cigarette Manufacturers, who apparently corresponded at length with Luik about the content and journal placement of this paper. Legere’s correspondence about Luik and the paper were either addressed to, or copied to the European offices of virtually every major tobacco manufacturer, and were often accompanied by revisions of the paper for “comments and suggestions”. On 19 March 1993, Legere wrote the following letter directly to compatriots at RJ Reynolds, Gallaher, GFCC, RIE-Amsterdam, BAT, TAC, CDIT [French tobacco industry organisation], Fedetab [federation of the tobacco industry of Belgium and Luxembourg], CIPA, Tobaksindustrien (Denmark), Philip Morris, ITMAC, Vdc [Verband der Zigarettenindustrie, Germany], SSI [federation of the Dutch cigarette industry], RJT, Imperial Tobacco Ltd, ESKEE, and Reemtsma.

“Please find enclosed a copy of John Luik’s penultimate draft paper, he would appreciate our comments and suggestions before finalizing it.”

BATES Nos 2501139663-64.

On 22 June 1993, Legere wrote:

“[O]n 9 June 1993, I contacted John Luik to invite his comments on the two options for publication that are now open to us: . . . I reiterated our reservation that the full paper may be too long, either to attract commitment to publication from an appropriate publisher or for optimum impact upon publication.

“In his reply, Luik expresses a strong preference nevertheless for attempting to have the full paper published as one piece in a respected journal. . . . Luik would not be averse to our exploring alternative ways of ensuring publication in a suitable European Journal. . . . I would be grateful for your comments by next Monday, 29 June 1993, please at the latest. Unless I receive contrary advice from any of you by then, I propose to contact Luik, agreeing that he should proceed with the attempt to achieve publication of his full paper in any of the first three journals which he has suggested, but neither of the last two listed. . . . Luik has still not sent me the revised penultimate
version of his full paper. I have again asked him to send it to us for our final comments.”
  BATES Nos 2501139682-83.

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On 28 June 1993, Legere wrote:

“[H]erewith is a copy of the revised penultimate version of John Luik’s full paper. . . .
Please let me have your final detailed comments on this paper in Dublin by next Friday, 2 July 1993, at the latest. Unless I hear from you by then, I shall take it that the paper in the form herewith meets with your appeal.”
BATES Nos 2501139577.

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Luik’s first choice of publication was the “Philosophy and Public Affairs Journal”.
At first, all seemed in order. On 9 September 1993, Legere wrote:

“Further to yesterday’s meeting of our Working Group, please find enclosed for information a copy of the text of John Luik’s article, as submitted for publication to the Philosophy and Public Affairs Journal.

“We expect to receive confirmation of acceptance of the article early in 1994; until that is formally received, members should NOT make use of the article for external lobbying purposes. Only when we have received written confirmation of acceptance for publication will members be at liberty to deploy the article externally on a ‘pending publication’ basis.”
  BATES No 2025495388-89.

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But now, with the industry ready to “deploy” the article, there was a major stumbling block. On 9 November 1993, Legere wrote:

“John Luik has informed me that he has received a preliminary reply from the Philosophy and Public Affairs Journal, asking him to consider certain changes in his paper.

“One of these, i.e., the only one of concern, arises from the assertion by the Journal’s reviewer, who is evidently a scientist, apparently with some reasonably detailed knowledge about the EPA process and decision, that Luik’s claim (on page 10 of this paper) that the EPA used BOTH a 90% confidence interval and a one-tailed test is ‘manifestly false’. John Luik regards this as important to his argument and he finds the objection to his claim ‘disturbing’.

“John Luik has therefore asked for our comments and suggestion as to how to proceed, as soon as possible.

“I am therefore asking the three of you to liaise in considering the reviewer’s objection and to agree on a fairly urgent reply to John Luik on our behalf.”
  Bates No 2024215189-90.

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Dr David Rowland apparently made some suggestions for revision, but then suddenly, to the surprise of all but Luik,

“Bostonia” picked up the paper. On 17 December 1993, Legere told the tale:

“Please find enclosed a copy of JC Luik’s article, as published in the current issue (Winter 93–94 edition) of Bostonia magazine, to which Jacqueline Smithson has drawn my attention.

“I understand that Luik met the editor of Bostonia, Keith Botsford, during the ARISE Conference in Brussels last September. I surmise therefore that Luik must have mentioned his Pandora’s Box paper to Botsford, that Botsford must have offered to publish it in the next issue of Bostonia and that Luik took up that offer on the hop.

“Luik did not forewarn me that publication in Bostonia rather than in the Philosophy and Public Affairs Journal for which we had indicated a preference, was under consideration, nor has he to date informed me that the article has been published. Although it would have been helpful if Luik had communicated with me, I consider that he has acted in our best interest, probably at short notice, particularly because formal acceptance of the article for publication in the Philosophy and Public Affairs Journal was still in doubt.

“If you compare the published article with the text of Luik’s full paper, which I circulated on 9 September 1993 as originally submitted to the Philosophy and Public Affairs Journal, you will find that the text of the published article up to the top of the penultimate page, corresponds, with only minor textual changes, with the first pages of Luik’s original paper (i.e. up to the top of page 19 thereof). The last two pages of the published article replace and summarize the last twelve pages of his original paper.

“Suggested amendments to the last paragraph on the fourth page of the published article (page 53) concerning the EPA’s use of 90% confidence to a one-tailed test of the null I hypothesis at a 5% level of significance, which David Rowland faxed to Luik on 29 November 1993, have not been made in the published text. Presumably, they reached Luik too late to amend the published text. Luik has however included an explanatory foot-note on two-tailed tests in the published text, which addresses this issue. I hope that none of our corporate members finds sufficient objection to it to dissuade us on that account from making use of the published article for our lobbying purposes.

“Meanwhile, I shall explore the possibility of obtaining a supply of offprints of the article from Bostonia and shall let you know the result of that enquiry in due course.”
  BATES Nos 2025495237-39.

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ADDENDA
In July 1996, Professor Stanton Glantz went on a speaking tour of Australia sponsored by the National Heart Foundation. He was preceded by Dr Luik, who had just criss-crossed the country describing the campaign against passive
smoking as a “dangerous mix of science and propaganda”. (The showdown on public smoking, “The Weekend Australian” 1996 Aug 17.)

In 1997, Luik presented evidence to Hong Kong’s Legislative Council’s Bills Committee. He claimed the work of Dr David Hill showed that advertising did not cause people to start smoking. Dr Hill himself, however, wrote to the board saying the report in question had been misrepresented. (Academic accuses pro-tobacco lobby of misrepresenting his work. “South China Morning Post” 1997 Jun 7.)

The following is a press release dated 23 September 1998, from PR Newswire, as posted online at <www.bloomberg.com>

WHOEVER SAID SECOND-HAND SMOKE KILLS... WAS WRONG, according to Dr. John Luik (Lewick) Rhodes scholar, philosophy and political science professor, author and international policy consultant to governments and corporations.

WHY? A recent federal judge’s decision overturning second-hand smoke regulation because EPA findings are scientifically invalid. EPA even ignored a National Cancer Institute (NIH)-funded study that found non-smokers have no increased risk of lung cancer despite exposure to second-hand smoke during childhood, in the workplace or from living with a pack-a-day smoker for as many as 40 years!

Dr. Luik is a highly vocal advocate for accuracy in all scientific data used in setting government policy and influencing court decisions. Recent examples include: second-hand smoke: 1993 EPA study reached a conclusion and set Federal policy on the basis of a small group of studies that supported their political position, and ignored a much larger group of studies that showed exactly the opposite results. Even salt intake: USDA [United States Department of Agriculture] guidelines are not based on any accepted studies connecting salt intake to coronary disease. Even eggs: eggs are good for you, in moderation, and supply health benefits and good (LDL [low density lipoprotein]) cholesterol.

And more!

Dr. John Luik, scientist, author and policy expert, will be available for interviews on Tuesday, October 6th from 7 a.m. to 12 p.m. EDT. To schedule an interview, please call the contacts below.


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Note that the press release lists the originating company only as “Dr John Luik”—who would seem to have at least three people working for him. In fact, all three of the listed contacts work at Ruder Finn’s Planned TV Arts division. Ruder Finn is a large public relations agency. Philip Morris has been a client since 1963. Early in its history, Ruder Finn recognised that ethical behaviour is not something that can be decreed but rather requires continuous self-examination. As a result, Ruder Finn established an ethics committee to consult with outside scholars to study the ethical aspects of issues which arise in the course of the practice of public relations. Source: Ruder Finn web site <http://www.ruderfinn.com/a_who/aa5.htm>, downloaded 23 December 1998.