

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

SPEAKERS



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MODERATOR



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ASH Executive Director



Global action for *everyone's* health.



- 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

U.S. TOBACCO INDUSTRY INTERFERENCE INDEX 2019

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Dedicated to WHO Tobacco Goals

Global Tobacco Industry
Interference Index 2019



United States of America

Overall score:

72

I. Industry participation in policy development

In the USA, the tobacco industry operates at the federal, state and local levels. Industry, for example, has been successful in pushing for the Food and Drug Administration (FDA) regulatory approach to tobacco and e-cigarettes. The FDA Tobacco Products Scientific Advisory Committee is composed of 13 members, seven who have an affiliation with the tobacco industry including manufacturing (large industry) and retail (small and growing).

Nationwide all 50 states have at least one lobbyist registered to represent a tobacco company. The industry spent over \$200 million in federal lobbying between 2017 and 2018 and around \$100 million in state lobbying. The industry and multiple front groups to threat state and local legislatures, including having the age of purchase for e-cigarettes raised in many states, essential and has led the industry also continued its trend of lobbying multiple legislatures with government agencies (e.g. ensuring the right of non-governmental to state private regulation and ensuring non-smoking state and tobacco action and authority).

II. Tobacco industry-related CSR activities

The industry has used a variety of means to exert influence on the government and its agencies. For example, the industry has used its political connections to lobby for the passage of the 2018 Farm Bill, which includes provisions for the industry to continue to receive federal subsidies for tobacco production. The industry has also used its political connections to lobby for the passage of the 2018 Farm Bill, which includes provisions for the industry to continue to receive federal subsidies for tobacco production.

III. Transparency interaction with the tobacco industry

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IV. Avoiding conflicts of interest

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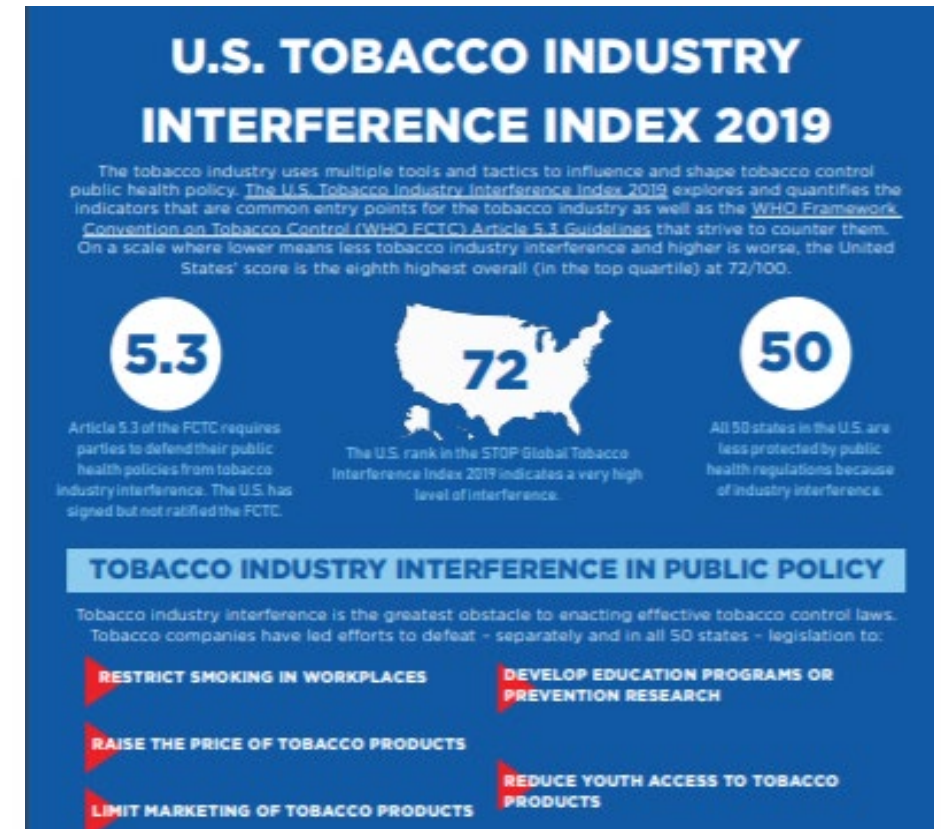
This report is the first to use a standardized index to quantify tobacco industry interference in public policy in the United States.

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U.S. INDEX INDICATORS

- 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



Federal Racketeering Verdict & Court-Ordered Corrective Statements

- 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



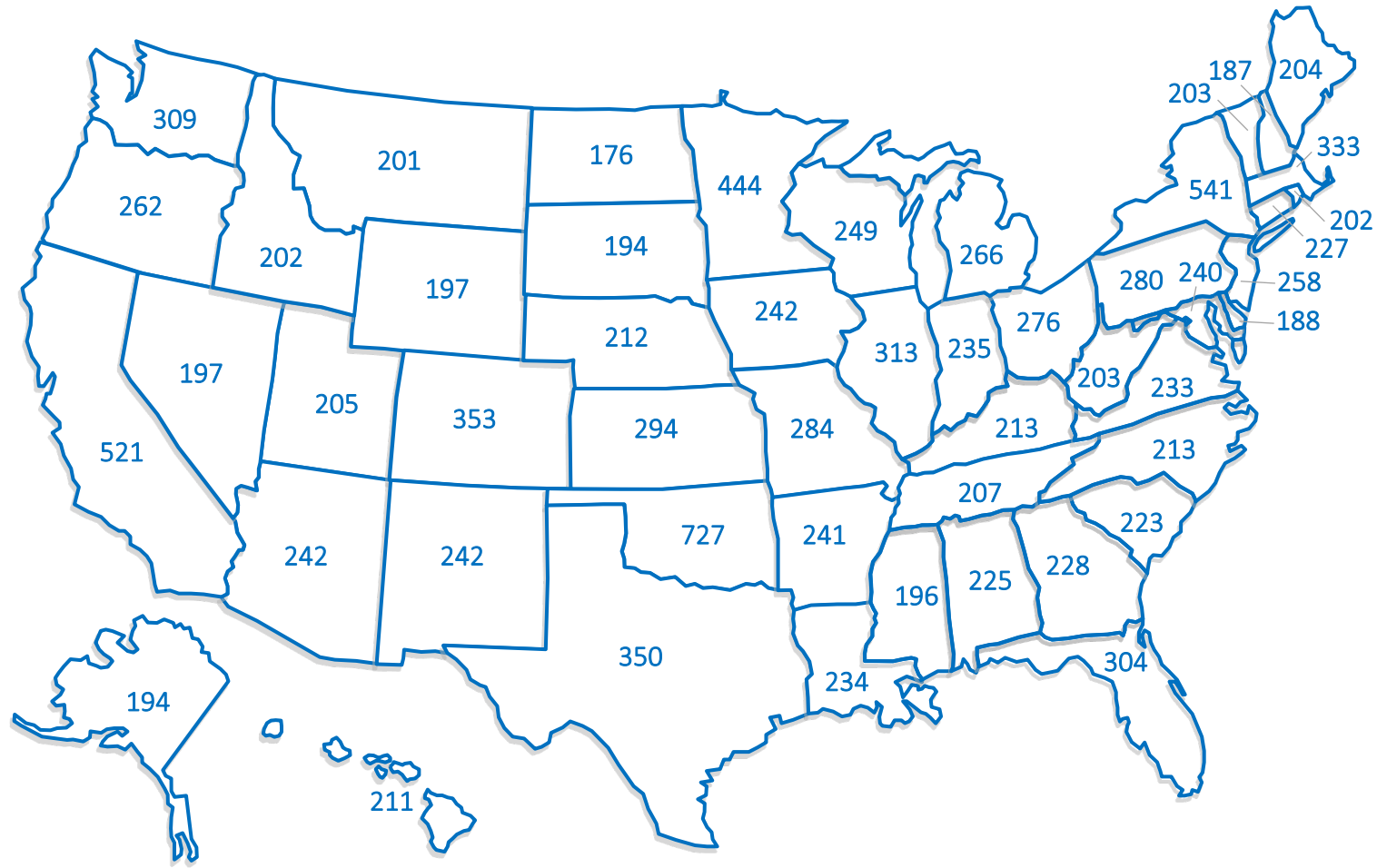
Tobacco Industry Focus on Public Policy

“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.”

Philip Morris. Goals For 2000. February 4, 1992. Bates
#2024705949-2024705981

Truth Tobacco Industry Documents Library at UCSF

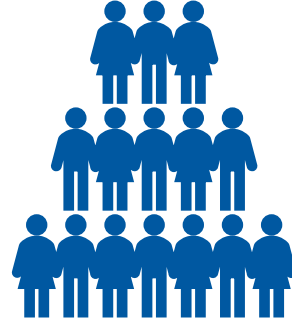
Topical Collection: Tobacco Industry Influence in Public Policy



Tobacco Industry Tools & Tactics



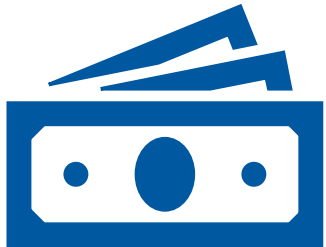
Doubt & Controversy



Control at the Top



Boots on the Ground



Contributions & Gifts



Front Groups



Proactive Legislation

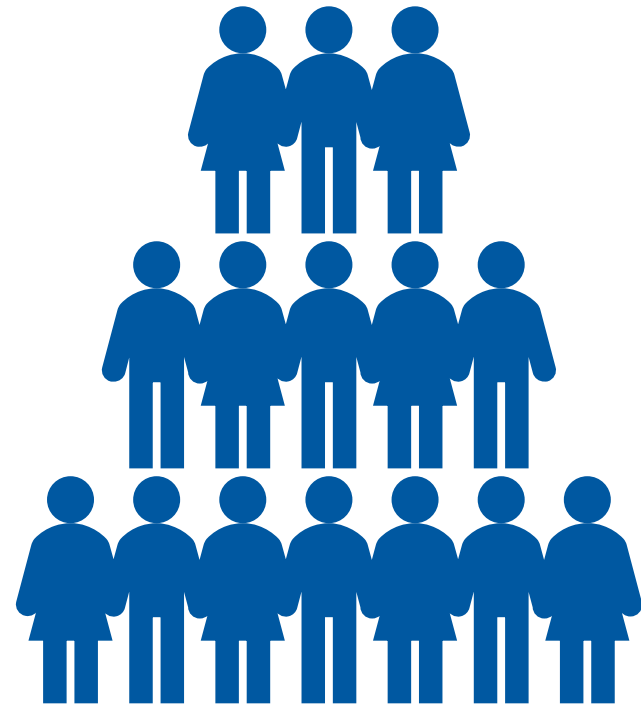
Doubt & Controversy

“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.”

Brown & Williamson, 1969, transcript of presentation to the B&W Executive Committee. Bates #690010951-690010959.



Control at the Top



“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.”

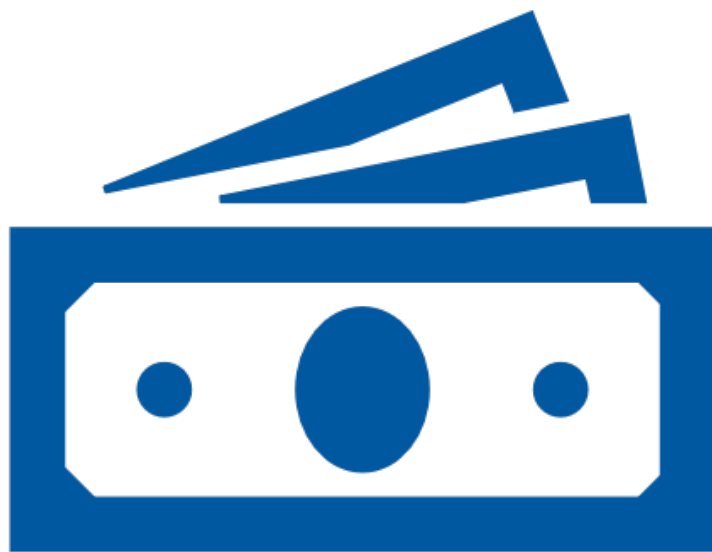
Tobacco Institute. 1993 RVP Briefing Book. April 22, 1993.
Bates #TI14272241.

Boots on the Ground

“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.”

Oklahoma Ken Nance 1993 Evaluation – 1994 Recommendations Region VIII Legislative Counsel. 1993. Bates #TIOK0029028-TIOK0029030.





Contributions & Gifts

“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.”

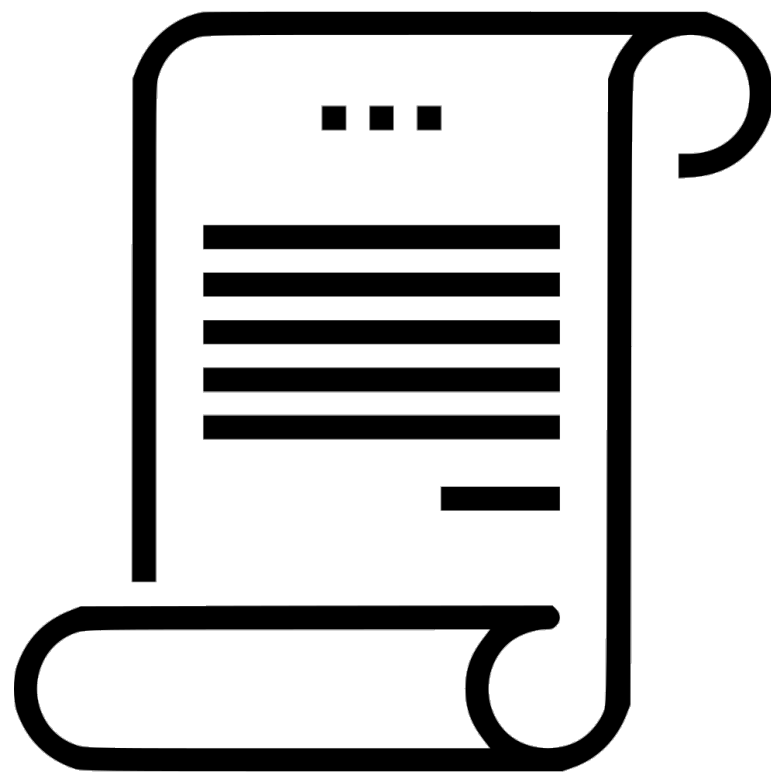
Tobacco Institute. 1990 Evaluations - 1991 Recommendations.
Bates #TIOK0026979-TIOK0026980

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.”

Philip Morris. Proposed Plan for Policy Outreach Group. May 4, 1995.
Bates #2046563764-2046563777.



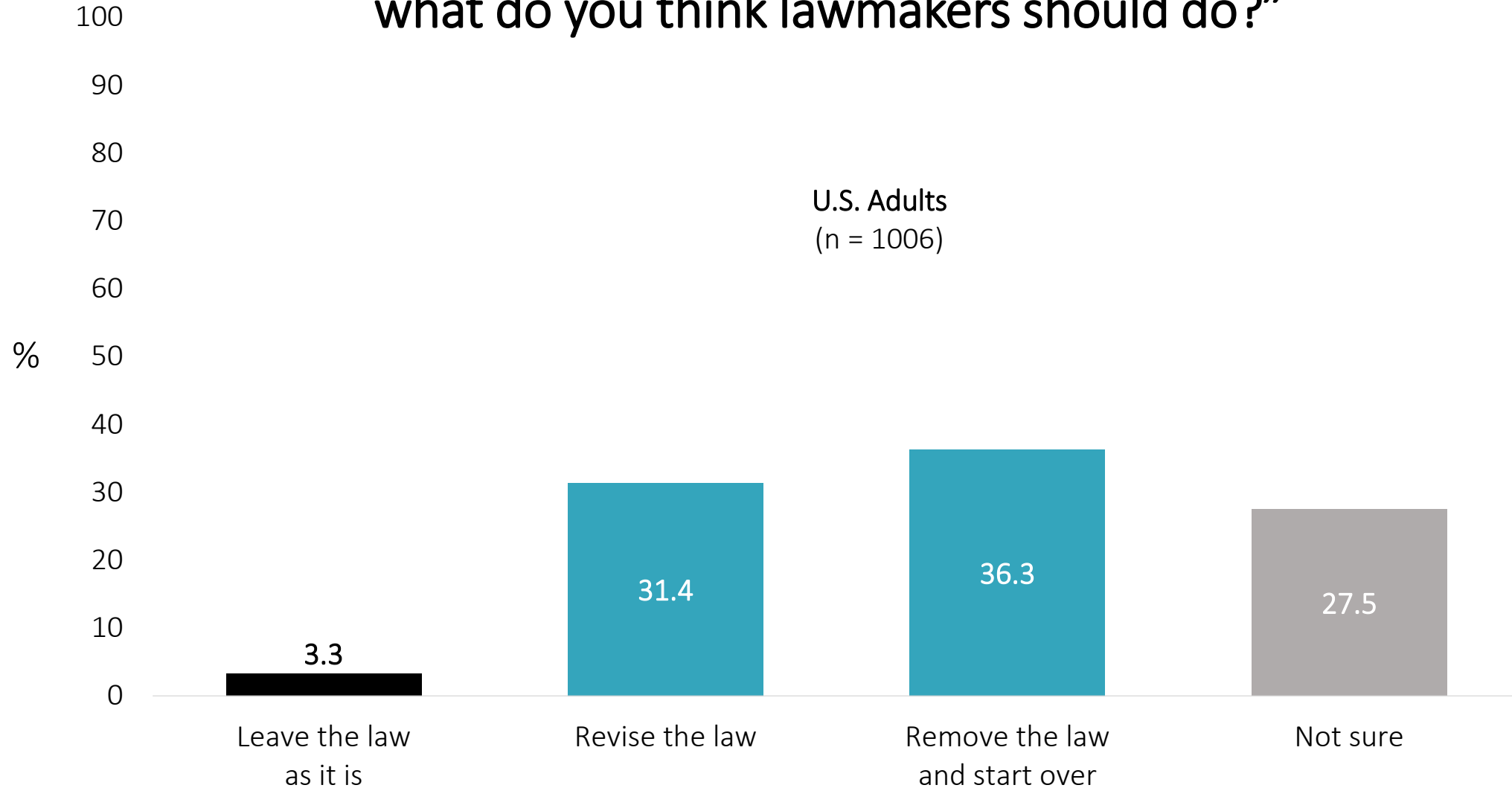


Proactive Legislation

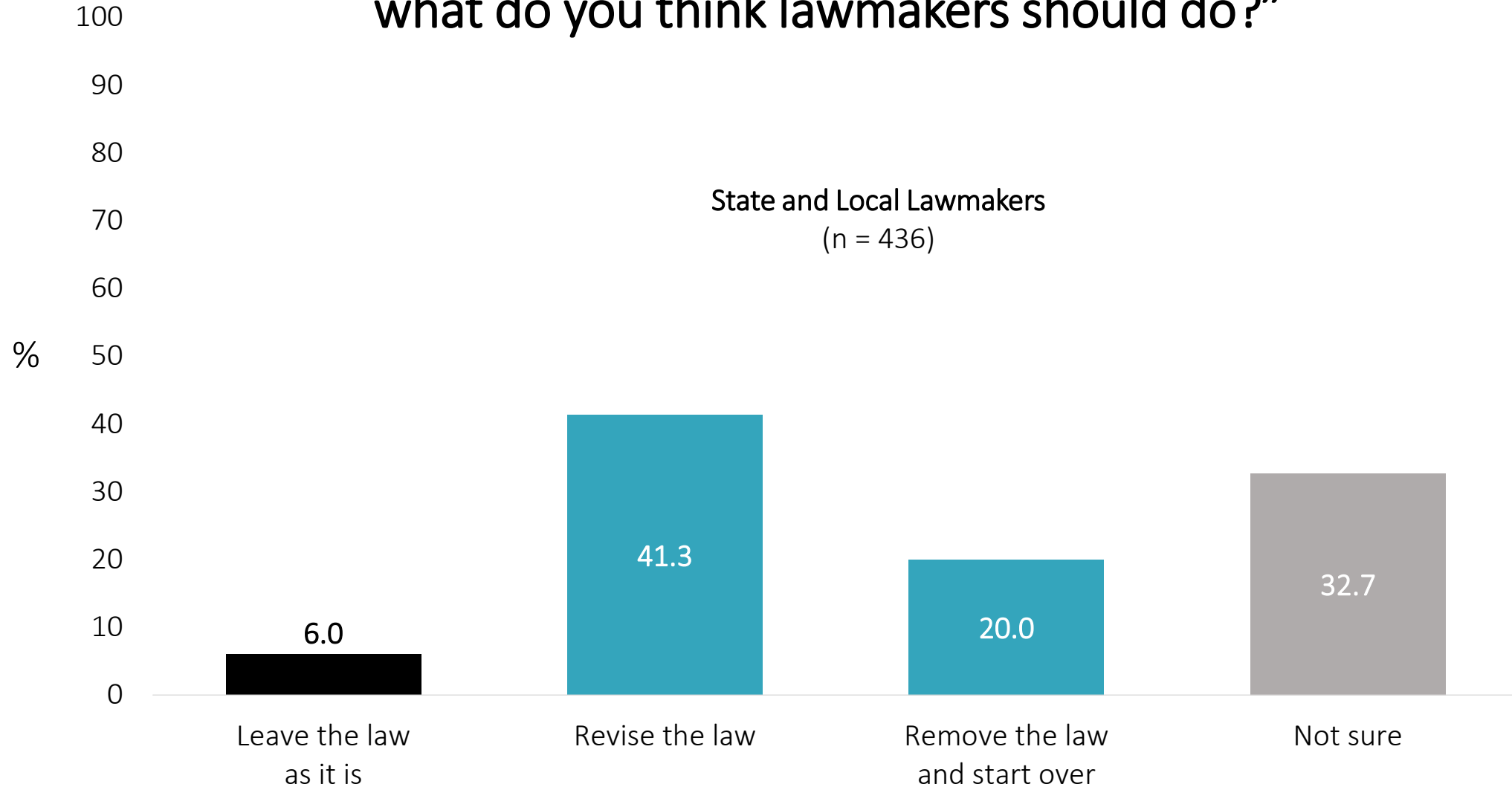
“The industry's own efforts to promote legislation favorable to its consumers also produced more state bills. These efforts were particularly successful in... preempting local governments' ability to enact more stringent smoking restrictions than provided by state law.”

Tobacco Institute. Legislative Report 1990 Final Summary.
Bates #TI25780001-TI25782139.

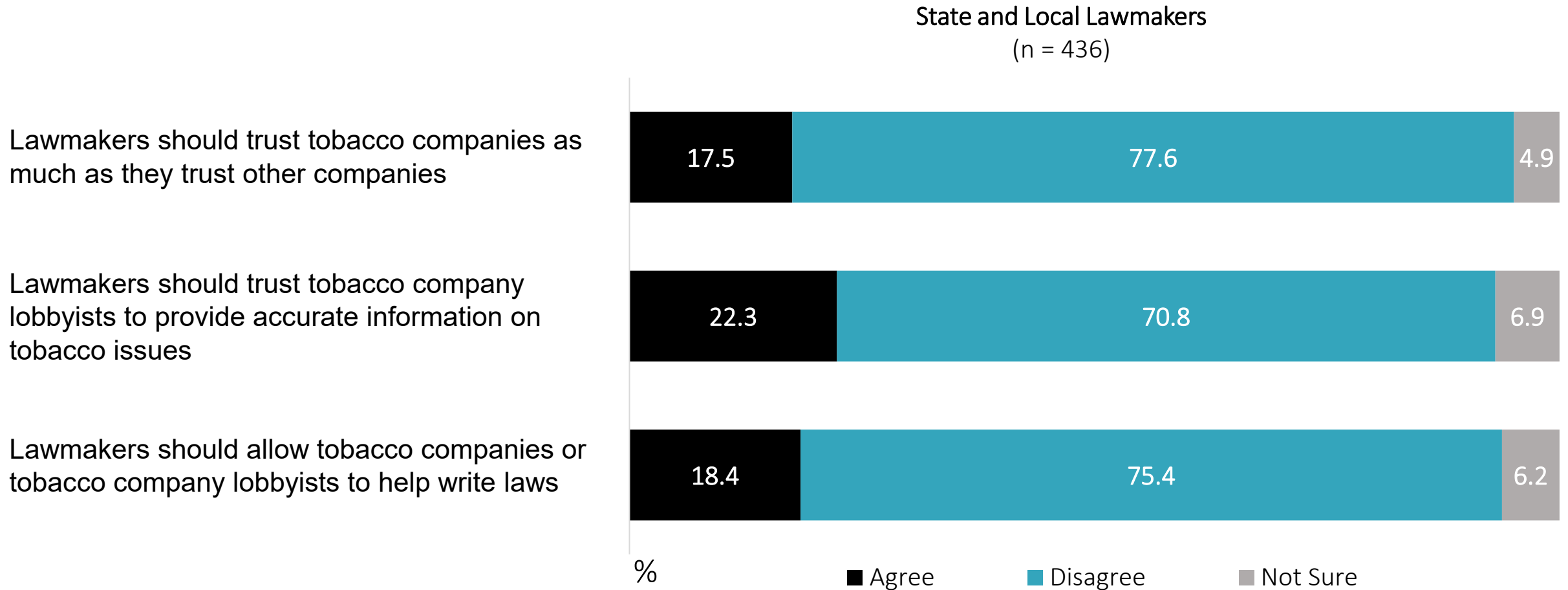
“If a tobacco-related law was written or influenced by a tobacco company or a tobacco company lobbyist, what do you think lawmakers should do?”



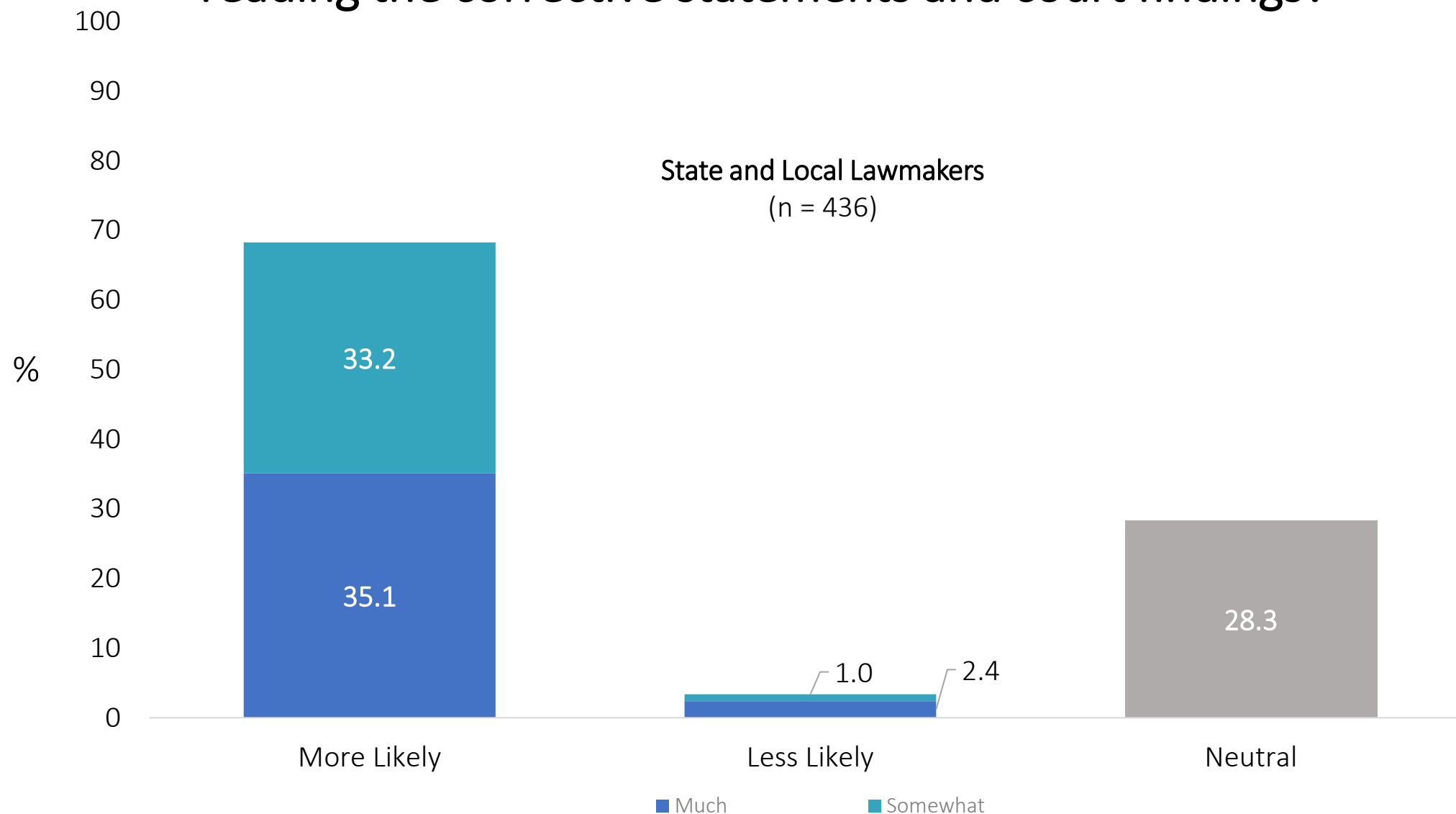
“If a tobacco-related law was written or influenced by a tobacco company or a tobacco company lobbyist, what do you think lawmakers should do?”



Attitudes toward Tobacco Industry Interference



“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?”



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.

31 MAY | WORLD NO TOBACCO DAY
SPEAK OUT #TobaccoExposed



World Health
Organization



FCTC
WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL
SECRETARIAT



A photograph of two children, a boy and a girl, seen from behind, sitting on the floor and watching a television. The television screen displays the text "Smoking on screen..." in white. The room is dimly lit, with light coming from the screen and a window in the background.

**Smoking on
screen...**

...kills in real life.

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

Speak out. #TobaccoExposed

 World Health
Organization

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**
 - **U.S. Tobacco Industry Interference Index 2019:** https://2bark924ef5o2dk1z21reqtf-wpengine.netdna-ssl.com/wp-content/uploads/2019/10/U.S.-TI-Index-2019_FINAL.pdf
 - **The WHO Framework Convention on Tobacco Control: An Implementation Guide for U.S. State and Local Officials**
https://2bark924ef5o2dk1z21reqtf-wpengine.netdna-ssl.com/wp-content/uploads/2014/09/Implementation-Guide_Final.pdf
- **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



Instagram
@ASHorg



Facebook
@ASHglobalAction



Info@ash.org



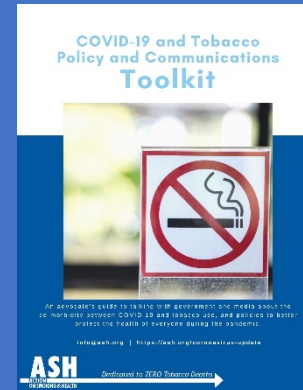
Recordings from previous webinars
and Live Chats on social media, under
“Resources from ASH” here:
ash.org/coronavirus-update

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.



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