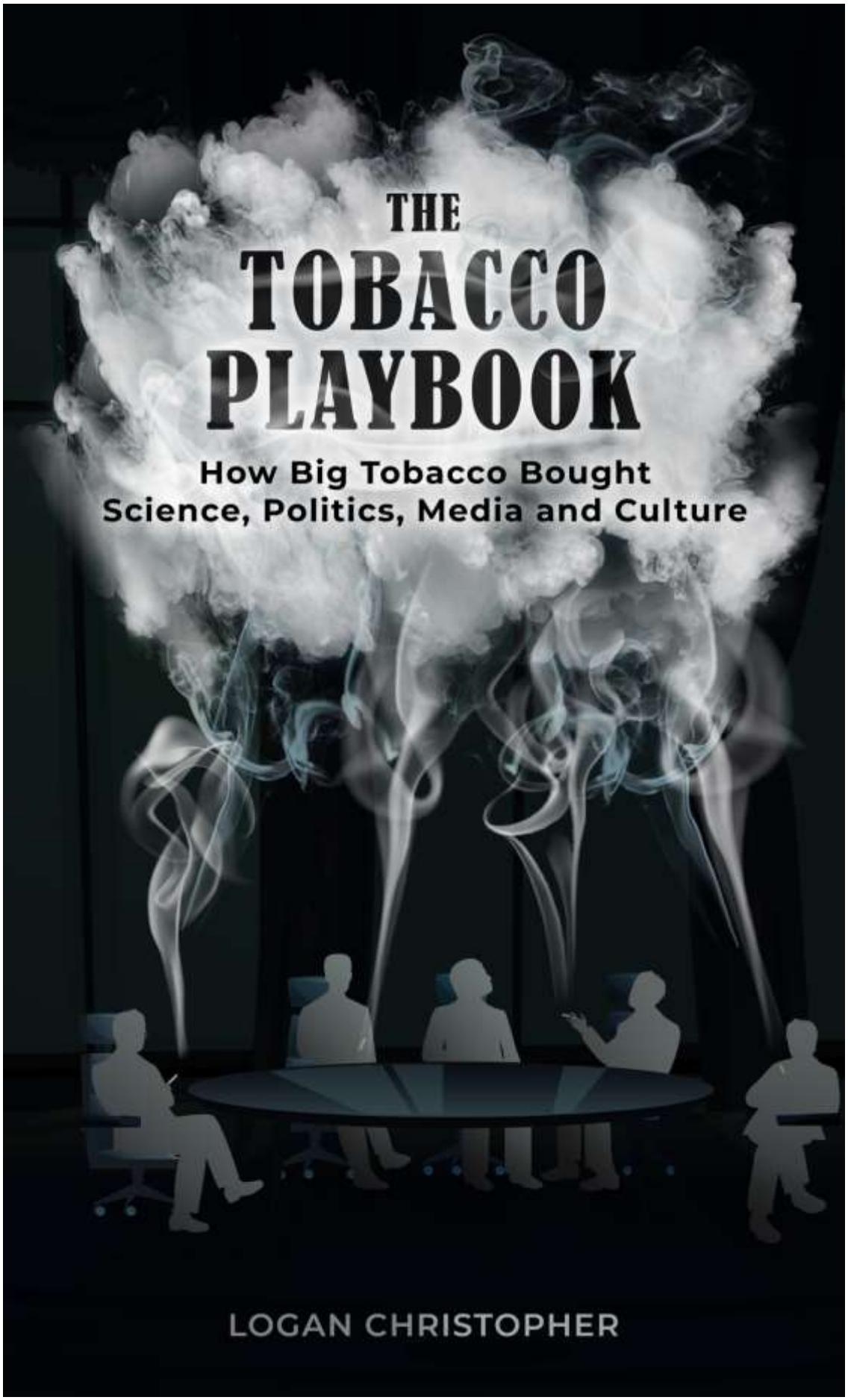
THE
TOBACCO
PLAYBOOK
How Big Tobacco Bought
Science, Politics, Media and Culture
LOGAN CHRISTOPHER

The Tobacco Playbook

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The Tobacco Playbook: How Big Tobacco Bought Science, Politics, Media and Culture

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Preface

Speaking about Big Tobacco, Judge Haddon Lee Sarokin stated, “A jury might reasonably conclude that defendants in particular, and the industry in general, intentionally and willfully ignored the known health consequences to consumers from the sale of their products; that their so-called investigation into the risks was not to find the truth and inform their consumers but merely an effort to determine if they could refute the adverse reports and maintain their sales. Defendants were confronted with a choice between the health and lives of the consumers and profits and the jury could reasonably conclude that the industry chose profits. Health of consumers does not receive even passing mention in the internal documents of the defendants, except as to the advantage to be gained by expressing such concern publicly.”

“The evidence presented also permits the jury to find a tobacco industry conspiracy, vast in its scope, devious in its purpose and devastating in its results,” continued Sarokin. “The jury may reasonably conclude that defendants were members of and engaged in that conspiracy with full knowledge and disregard for the illness and death it would cause.”

A conspiracy vast in its scope and devious in its purpose. That is what this book is about.

Those who do not learn history are doomed to repeat it. We’ve all heard this phrase. But as it’s become somewhat cliché, few really aim to understand history, especially what I would call its seedy underbelly.

If history is written by the victors, you must dig below the surface, past the whitewashing and PR spin that the victors engage in.

Large corporations, such as those companies that make up Big Tobacco, make tons of money. I’ve got no problems with that, owning for-profit companies myself though far smaller in scale. Profits are used to secure more profits. Again, this is no real indictment yet.

While advertising is one such tool, and easily seen, it is the behind-the-scenes strategies that are far more powerful. This “marketing” of science, legality, journalism, and influence at the highest levels of government is ultimately far more important to their bottom line than ads on billboards, magazines and TV.

And this is where I say the line is crossed.

In the world of mega-corporations, especially publicly owned, it is simply a matter of cost-benefit analysis. It would be unprofitable and unwise to not engage in such

tactics. In fact, it would be illegal because of their fiduciary responsibility to shareholders to maximize profits.

When cutting corners and shady practices pay, you can bet that we'll see more of those. And that is exactly what we've seen over the decades.

When actual criminal activity pays, you can bet that we'll see more crime. It would be logical and profitable to engage in crime if you get away with it time and time again. Or be punished with a fee less than the profits made. That makes it just a business expense.

With more profits, you have more money by which to do even more. These ill-gotten gains give their possessors more power to continue further down the same route. Not to mention, once you've made one step in the direction of lying, cheating, and covering up, the next step is more obvious.

For these reasons, we've seen an expansion of the industry playbook over time rather than a shrinking of it. The strategies are more numerous. The plays are done even bigger in scale.

Everyone I know is vaguely aware of what Big Tobacco did in peddling cigarettes. VAGUELY being the key word.

Ask yourself how did they get away with being hugely profitable for decades and decades once the science was clear about the risks?

I would argue you must understand the details. Why? Not because you're likely to get tricked by Big Tobacco in the future (though as we'll see later the youth of today are being tricked by the exact same industry). Instead, my aim is not for you to just understand Big Tobacco, but because these same strategies and tactics are used by industry after industry.

Many industries are successfully using the exact same methods today and most people are none the wiser.

The average person has not learned THIS history. It's certainly not being taught in schools.

While Big Tobacco has lost some of its once triumphant power, we must understand how the system operated and still operates. There is no doubt that Big Tobacco did lose key battles. Just like a military at war, some learned from such loses.

The PR firms that Big Tobacco worked with learned. The lawyers learned. Those that would control scientific opinion learned. Those that would buy politicians and regulators learned.

This is why “a conspiracy vast in its scope, devious in its purpose” appears to be going on. Like a disease of corruption, it has spread and infected the top businesses and echelons of power the world over.

It’s not one big conspiracy, but a bunch of smaller ones, because the problem is systemic. To dismiss such as conspiracy theories as is often done is foolish. Such a tactic of labeling things that way is in fact used by those in power.

That’s why I wrote The Tobacco Playbook. It is a user’s manual for the public of those tactics and strategies that are used to influence how they see the world. A worldview that protects and increases big companies’ bottom lines, often while sacrificing health and wellbeing of the public at large.

Their goal is to steer science. Their goal is to steer regulation. Their goal is to steer legislation. Their goal is to steer not just public opinion, but professional opinion as well, as that is the key to steering the rest.

Big companies have accomplished these goals far more than they have failed at them.

The goal of The Tobacco Playbook, as I’ve laid it out here, is to give you details on the exact plays as pioneered by Big Tobacco, with a few other examples included.

Or better yet, with this exposure, to become immune to them.

Education of the populace is ultimately what is necessary for such methods to stop working. If everyone could call out such tactics on first sight, they would lose effectiveness. If we all laughed at the blatant PR spin, the obvious industry misled science, the recognizable political favors, some of these wrongs could be righted.

Too many people have an unthinkability bias when it comes to this stuff. They can’t even imagine the state of our world is as bad as it truly is. I feel that is for two reasons. First, most people don’t see how it could be done, and that’s for lack of understanding how the playbook works.

Make no mistake, the methods described herein have been worth trillions of dollars.

Secondly, most people being good-natured, this kind of evil is unthinkable. I use the word evil purposefully. When you put profit above human misery, lying to do so, that qualifies as evil in my book. So I say it is only by looking evil in the eye and not blinking that we can hope to transform it.

The evidence is dark. But the evidence is there, and all you need to do is scratch below the shiny façade to find it.

There’s a saying that the greatest trick the Devil ever pulled was convincing the world he didn't exist. Industry after industry would have you believe these strategies didn’t exist, that they were being above-board with everything they say and do.

But the evidence is more often than not to the contrary. So much so that the default position of skepticism for anything said by big business, it’s PR people and all the journalists, scientists, and politicians influenced by them, is the best route to go.

Corruption is a systemic problem that gives rise to crimes against humanity. This book will show you how and why.

I’ve designed this book with skimmers in mind. In our world of social media and short attention spans, I’ve done the best I can to summarize the findings here. Each chapter concludes with a short section on Key Takeaways.

Even if you plan to read to the whole thing, I’d recommend the following. Read once through all the key takeaways before reading the rest of the book. This will give you the big picture framework and insight to see how all the sections fit together. It’ll help you to understand even better when you dive deeper into the details.

Part 1
The Playbook Strategies

Chapter 1 - Big Tobacco's Crimes and the Playbook Metaphor

RICO stands for Racketeer Influenced and Corrupt Organizations. This was a major part of the US Organized Crime Control Act passed in 1970. While it was designed to be able to take down the mafia, RICO has since been used against big businesses.

Sadly, many big businesses operate similarly as organized crime. It is organized. And it is criminal. Big Tobacco was no different. The defendants in this case included the companies, Philip Morris, R. J. Reynolds, Brown and Williamson, Lorillard, Liggett, American Tobacco, Altria, and British American Tobacco. The defendants also include the Council for Tobacco Research and the Tobacco Institute which were essentially an industry PR/Scientific front group and lobbying group respectively.

Judge Gladys Kessler oversaw the RICO case. In 2003 she issued her decision in the RICO case finding in a 1,683-page opinion.

"[O]ver the course of 50 years, defendants lied, misrepresented, and deceived the American public, including smokers and the young people they avidly sought as 'replacement smokers,' about the devastating health effects of smoking and environmental tobacco smoke."

The companies "suppressed research, they destroyed documents, they manipulated the use of nicotine so as to increase and perpetuate addiction…and they abused the legal system in order to achieve their goal—to make money with little if any regard for individual illness or suffering, soaring health care costs, or the integrity of the legal system."

There is a 68-page report from Tobacco Control Legal Consortium summarizing these findings. This gives you a 50,000 ft. overview of the crimes, most of which we'll dive into the details of in this part of the book. I've summarized the key seven areas.

Armed with this knowledge we can then dive into the set of strategies and tactics described often as the "Tobacco Playbook" from which this section of the book takes its name. Quite simply, this was because Big Tobacco were the ones that pioneered many of the methods.

The Union of Concerned Scientists, the group that I first saw sharing that this practice was engaged in widely, instead refers to it as the "Disinformation Playbook." That's because one of the main overall strategies involved, to put out information with intent to deceive.

But it does go beyond disinformation, which is why I've gone with the term industry playbook. Why do industries use it? Simply because this playbook is profitable. Despite some awareness of the strategies in the playbook, they still continue to work.

It is also because it is not a static playbook. Strategies that don't work are thrown out. Strategies that do work are used again and again. Furthermore, they are updated for new technology.

Just think, all of Big Tobacco's crimes as covered in the RICO case came from pretty much exclusively in the pre-internet world.

Besides profits for the companies, what are the results of this? The stat is a bit old from 1995, but relevant. "[T]he number of people killed by tobacco in the United States was 502,000 of whom 214,000 were aged between thirty-five and sixty-nine. On average, each of these could have expected to live twenty-three years longer. In view of these alarming numbers, it seems to me that the still-prospering tobacco industry poses a proven threat to health and life that is many thousand times greater than the potential of bio-terrorism," said Max F. Perutz, a Nobel prize winner in chemistry.

A 2014 US Department of Human Health and Services report shared that 20,830,000 people were killed prematurely by tobacco related disease in the fifty years since the Surgeon General's original report on tobacco. The annual costs of smoking on disease are estimated around $300 billion.

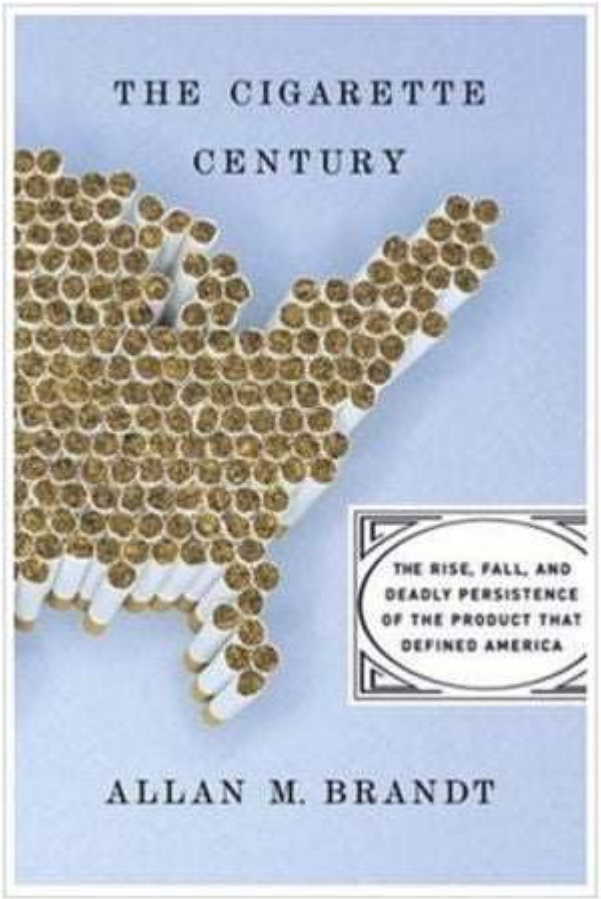
Only with more knowledge and awareness can these strategies possibly stop working. Closing legal loopholes and more will be discussed later as well but in any case, it is more awareness and knowledge that would lead to such possible changes.

In this first part, I'll discuss the following areas, including how they overlap:

1. Monopoly Power
2. Advertising
3. Public Relations
4. Smear Campaigns
5. Weaponization of Values
6. Advocacy Front Groups

7. Infiltrating Institutions
8. Influencing Science
9. Ideological Allies
10. Destroying Evidence
11. Lobbying and Buying Politicians
12. Controlling Regulation
13. Legal Defense
14. Influencing Journalism
15. Going Worldwide
16. Leverage through Diversification
17. Up to Old (and New) Tricks

The vast majority of this section of this book is based on *The Cigarette Century* by Allan M. Brandt, a Pulitzer Prize finalist. The Times Literary Supplement called this, "A masterpiece of medical history." It features a whopping 1550 references and thus is a very deep look into what is one of the most important case studies of history.



I highly recommend reading *The Cigarette Century* if you'd like to go even deeper. While the purpose of Brandt's book is to cover the entire history of the cigarette industry up until it was published in 2007, our purposes here are somewhat different.

The aim here is not just to cover the history, though you'll get plenty of that, but show you how these strategies and tactics are purposefully used. Some of the dates and events that occurred will be repeated across chapters as those are relevant to different playbook strategies. Understanding their genesis with Big Tobacco helps you to spot them used everywhere else.

Key Takeaways on Big Tobacco's Crimes and The Playbook Metaphor

- The tobacco companies, including their industry fronts, lost a RICO case meaning that they functioned as organized crime, similar to the mafia.
- For over fifty years the tobacco companies denied, distorted and minimized the health consequences, that their own research showed existed.
- They attacked and discredited scientific links between cigarettes and disease.
- For over forty years they were aware of tobacco's addictiveness due to nicotine, but they denied cigarette smoking was addictive.
- Not only did they downplay nicotine's addictiveness, but they were manipulating nicotine levels through a variety of means, while lying saying they did no such thing.
- They promoted light and low tar cigarettes as healthier options with false and misleading claims.
- They specifically targeted young people through a variety of marketing campaigns as these were a highly sought-after demographic.
- Their research showed that secondhand smoke, also known as environmental tobacco smoke (ETS), was hazardous to non-smokers. They suppressed and undermined this research.
- They even destroyed documents, or shielding documents through legal means, to protect their profits and PR agenda.
- Over fifty years, throughout which Big Tobacco denied and distorted harms, an estimated 20 million people died prematurely from tobacco-related diseases.
- The playbook is a metaphor that is used to describe the plays that an industry engages in to disinform, protect profits, and obtain more power. In the coming pages seventeen specific strategies are described.

Chapter 2 - Monopoly Power

The Sherman Anti-Trust Act was passed in the US in 1890. The purpose of this was to reign in the power of companies that became too powerful. With that power they could stop competitors in unfair ways. The government meant to be a check against the excesses of the marketplace.

The ironic thing is that monopoly power ultimately is used to manipulate anti-monopoly legislation and even judicial power. In other words, the power that comes with profits influences those that would seek to check it.

(And it is useful to understand that the size and reach of monopolies back then is dwarfed by multinational companies today, wherever monopoly power is discussed.)

In 1890, James Buchanan Duke forced the other four major tobacco producers to join a group called the American Tobacco Company. Duke led this $25 million capitalized consortium. This was known as the “Tobacco Trust” and claimed 90% of cigarette sales in the US.

Further, in 1901, Duke joined with Imperial Tobacco in the UK creating British American Tobacco to cement worldwide tobacco control.

It was these companies joining that led to the Department of Justice indicting American Tobacco in violation of the Sherman Antitrust Act in 1907.

But understand that around this time the Tobacco Trust now had $350 million in assets. What do you do with that kind of money? You wield it to prevent others from taking the power you have obtained as you gobble up even more.

After four years in the courts, in May of 1911, the Supreme Court found American Tobacco was in violation of the Antitrust Act. They ordered the trust dissolved. This led to negotiations on exactly how this would be done over the following months.

Journalist Louis Brandeis closely followed the case. He wrote that American Tobacco was to be divided into “three parts to be owned by the same persons in the same proportions and to be controlled by the same individuals who the Supreme Court held to have combined in violation of the [anti-trust] law…It is inconceivable that even a decision rendered by able and upright judges can make the American people believe that such a ‘disintegration’ will restore ‘honest’ competition.” He wrote that this was, “An illegal trust legalized.”

Prices of cigarettes did not change. The only thing that really changed was that advertising by the cigarette companies exploded upwards. That is covered in the next section.

But let's fast forward in time. In 1941, Big Tobacco was found in violation of the Sherman Antitrust Act again for price fixing.

This is an important element to recognize. While competition is very apparent with advertising, there is cooperation going on in other aspects. Price fixing, where the companies agree not to compete on price, as it would cause a race to the bottom, is one common area. But there are others cooperative areas crucial to the Big Tobacco story.

In December of 1953, as science showing harms of smoking was solidifying, tobacco company executives met at the Plaza Hotel in New York City to discuss actions to counteract this scientific evidence. As a group, they hired public relations firm Hill & Knowlton, the most influential PR firm in the USA.

Hill & Knowlton led to the publishing in January 1954 of "A Frank Statement to Cigarette Smokers" in 448 newspapers across 258 cities. This PR piece assured people that Big Tobacco was taking the research seriously and would thoroughly investigate it. For this, they announced the creation of the Tobacco Industry Research Committee (TIRC).

As Brandt wrote, "Even as the companies continued to vie for market share among their respective brands, it was imperative that their in-house public relations offices present a united front in the critical domain of health and science."

And this is the official start of Big Tobacco seeking control over scientific opinion. They operated as a monopoly in this area. As a monopoly is often thought of as a single company, and here we had a group of them, the term cartel might be a better fit. This plan continued with a wide variety of other joint organizations, such as the Tobacco Institute, a lobbying organization established in 1958.

Another example from 1981 is when Philip Morris, R.J. Reynolds and Brown & Williamson joined together to form the Cigarette Export Association, a non-profit trade association "to improve the competitive position" in foreign markets.

Yes, there was competition in advertising and getting people to pick brands. But cooperation in all other endeavors that would expand the overall

marketplace. This was not merely providing the desired supply but manufacturing demand.

There certainly were many challenges along the way. In 1964, the FTC was going against Big Tobacco regarding their advertising. At this time, Big Tobacco executives agreed to let attorney Thomas Austern of Covington & Burling represent them all in the case.

Here we see another place that cooperation reigned, within the legal realm. This was equal to science in the amount of teamwork seen from this cartel.

With that threat against them, in April of 1964, Big Tobacco announced self-regulation of their advertising with The Cigarette Advertising Code. The monopoly watched itself! As you might guess, this had little impact on changing commercials and other advertisements.

In 1965 the FTC required label on packages saying "Caution: cigarette smoking is dangerous to health and may cause death from cancer and other diseases." This was from the passage of the Federal Cigarette Labeling and Advertising Act of 1965, heavily lobbied for by Big Tobacco. This act was actually in their favor. More on why and how that worked for them will be explored later. For now, understand that monopoly cooperation was used in lobbying and both the fighting and passing of legislation.

In 1995, Big Tobacco contributed a then record $4.1 million to congressional campaigns. Monopoly cooperation in putting politicians in their pockets.

Despite all this, their crimes did eventually catch up with them, even if they only got a slap on the wrist for it.

In 1999, the DOJ announced civil litigation against Big Tobacco charging them with violating the RICO Act. In 2004, *United States v. Philip Morris et al.* wrapped up with $280 billion in fines for the criminal enterprise. And in August of 2006, Judge Kessler issued her decision in the RICO case already mentioned.

"[I]t is critically significant that a federal court has now conclusively found that the industry engaged in a racketeering conspiracy to defraud the American public about the mortal dangers of their product, and that it continues to do so," writes Brandt.

So you might ask, if the companies were found guilty of being a criminal organization, why are they still around? The answer is monopoly power. In other words, the racket was too big to fail.

To sum up, the idea behind the Sherman Anti-Trust Act was that companies can become too powerful, making it unfair for competition. The RICO Act held that powerful leaders of organizations could insulate themselves from committing any crime themselves, while the organizations they head engage in plenty of criminal activity. Big Tobacco was guilty of both.

Cooperation between a few, the elite insiders, on the important stuff is always going to be more helpful than total competition. This allows you to gain more power and better fight off those that would take it from you.

It goes far beyond competing in a marketplace. When you have the funds to influence science, journalism, law, regulation and therefore, the culture at large, you are playing in a field different from what most people even know exists.

It's not a level playing field, not even close. You're playing soccer, kicking the ball along, and they're playing football, picking up the ball and running with it into the goal. Despite this, their moves are invisible to most. Why? Because they can do things in the shadows and have the money and power to largely keep it that way.

I started with this section because it is ultimately monopoly power that allows those other strategies of the playbook to work. Indeed, it may even be required in some cases. If there were real competition among the big companies, the competitors would expose each other's ill deeds. But it is better, meaning more profitable, to collude.

Key Takeaways on Monopoly Power

- A monopoly is often thought of as a single company holding all the power, but many times it is a group of companies that cooperate, and thus the term cartel may better function.
- Monopoly power is so potent that it can in fact defy and influence government anti-monopoly action. Despite being found guilty of the Sherman Anti-Trust Act twice, Big Tobacco continued to act as a monopoly.
- Competition can occur on one level, such as advertising for brand loyalty, but cooperation on another level, such as price fixing and a united PR, scientific, legal, and lobbying front.
- The companies that made up Big Tobacco were found guilty of the RICO Act, stating there was a fifty-year conspiracy between them. This means they functionally operated as organized crime, like the mafia, for decades.
- Some monopolies ultimately become too big to fail, meaning they've accumulated enough power and connections to prevent themselves from going under no matter the criminal activity they've engaged in.

- Compare the power of a monopoly or cartel against the power of the average individual. It is not a level playing field which gives such Industry Playbook strategies even more power.

Chapter 3 - Advertising

When I say the word Marlboro what comes to mind? Is it that iconic cowboy, the Marlboro Man? Even though I personally only caught a minimum of tobacco advertising being born in 1985, as it slowly dwindled away, those ads are imprinted in my mind.

But did you know that Marlboro was originally a woman's cigarette line?

"The transformation of Marlboro from a luxury women's cigarette to a macho smoke is a testament to the sophistication of the mass marketing and promotion techniques largely invented by the tobacco industry early in the twentieth century," writes Brandt.

Looking at tobacco ads over the span of time is a great way to understand the power (and abuse) of marketing. It gives you perspective on advertisements seen today.

Within this section you'll find ads that touch on culture, science, sex, celebrity and so much more.

As mentioned in the previous section, it was when the "Tobacco Trust" was originally broken up that advertising exploded upwards. Back in the early part of the 1900's is when advertising ballooned across the nation.

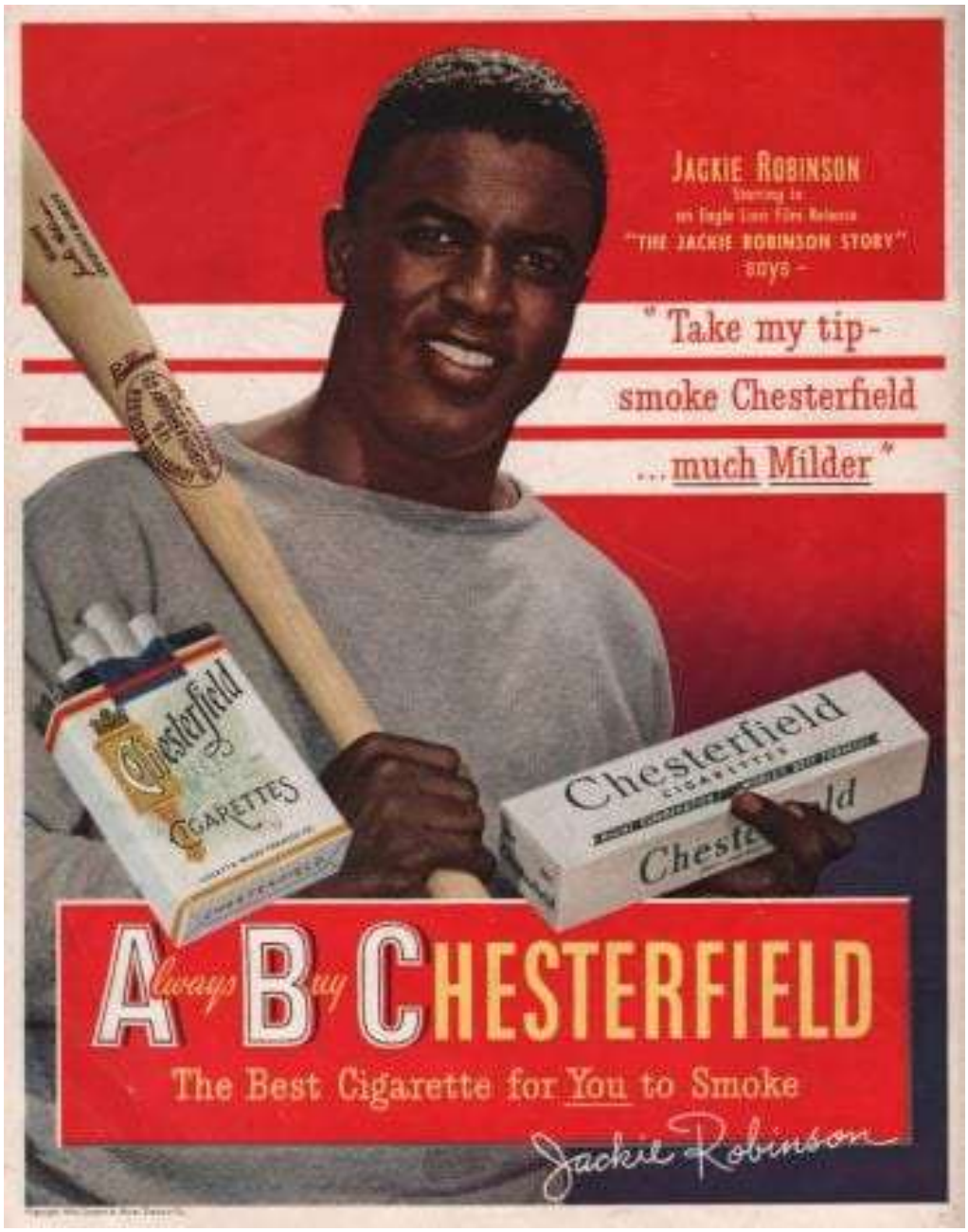
For example, in 1916 Lucky Strike cigarettes were introduced by American Tobacco Company. Over $100 million was spent on advertising these in their first decade alone. The other top brands spent similar amounts.

And remember $100 million back then was worth a lot more, inflated to approximately $2.4 billion to 2021.

The art and science of advertising was built up when cigarette companies were coming to dominate.

Certain ads that wouldn't work today (especially today's cancel culture) for a wide variety of reasons, may have been hugely successful in the past.

Witness some early tobacco advertising over the next few pages...



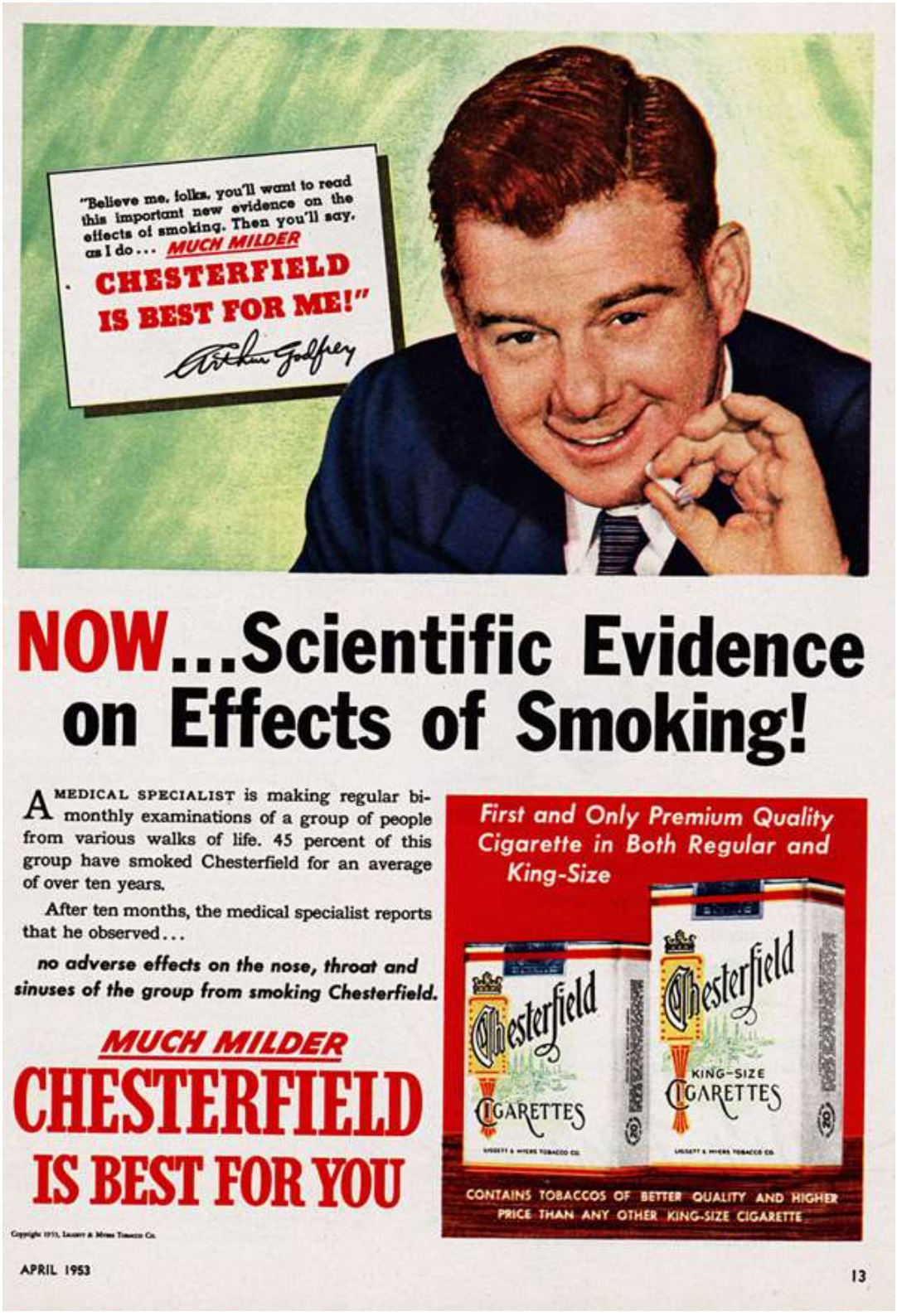
Tobacco advertisers were pioneers in the celebrity endorsement field. This is a relatively straightforward advertisement. Essentially, Jackie Robinson says you should smoke Chesterfields.

Here's a good example of a cringe-worthy ad for Marlboro's back when they were a woman's cigarette. This ad implies that you can't smoke too many, and that it is fine to do so around your baby, even that you'd be a better parent to do so!

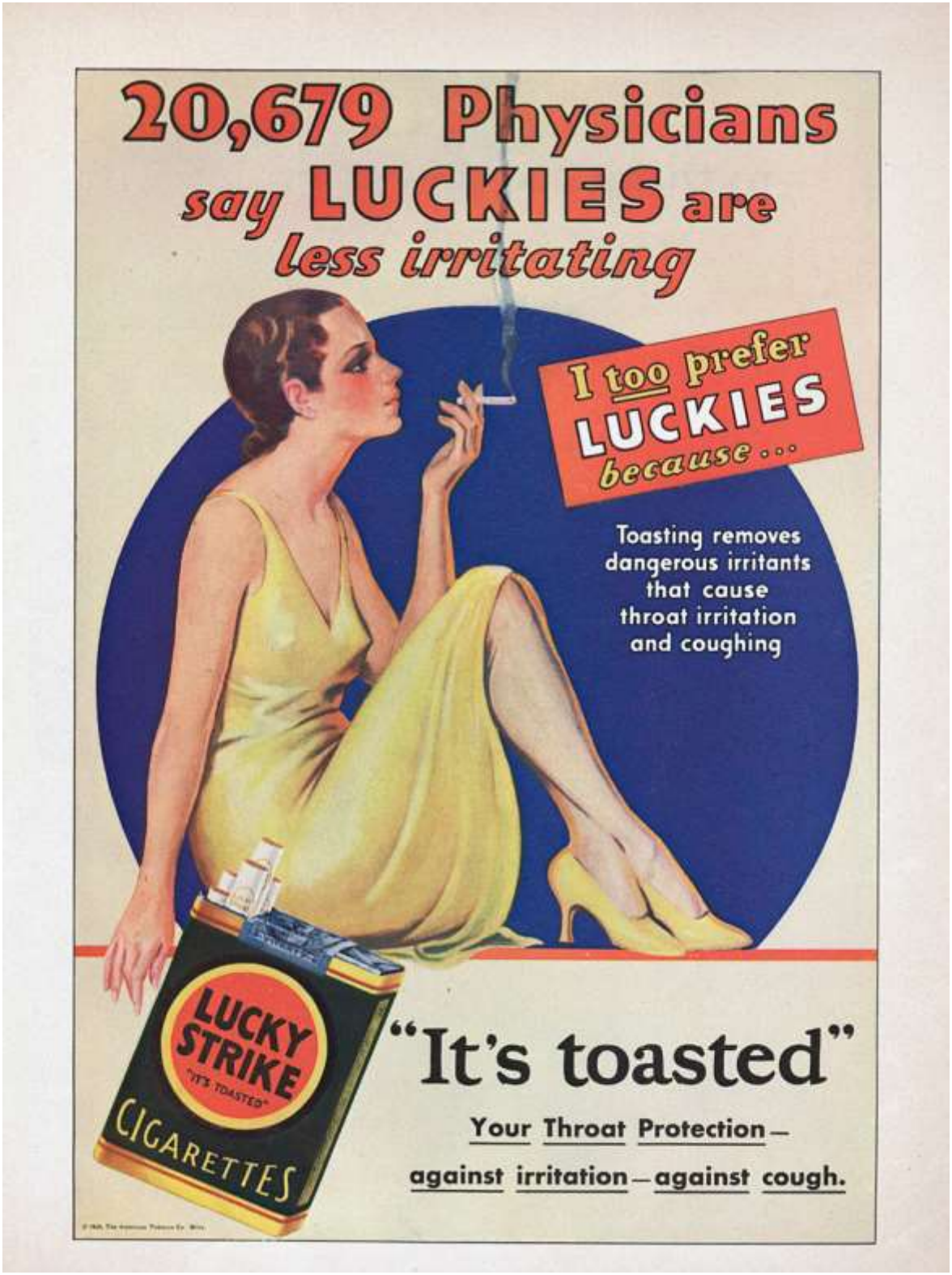
Note the double chin in the shadow. Back when cigarettes were sold as a weight loss aid even though they say they "do not represent" that. The language in here is a good example of double-speak.

In 1931, movie star Constance Talmadge endorsed Lucky Strikes with ads stating, "Light a Lucky and you'll never miss sweets that make you fat." The candy companies got mad at the tobacco companies for running these ads. They had their own propaganda saying that candy wouldn't make you fat, similar to what soda companies have done in recent years funding science that said the same thing.

Camels ran this successful advertising campaign for quite some time in the mid 40's with many varieties. Here they try to take the credibility from "magical penicillin" and everything doctors and scientists engage in to link it to Camel cigarettes. The "T-Zone" for taste and throat is meaningless but meant to look scientific.



"Science" was used in a wide variety of ways in advertising, almost none of which actually scientific, to sell cigarettes.



Over 20,000 physicians couldn't be wrong could they? Where did they actually derive that number? Looking through all these competing brands, notice how they're basically all arguing for the same thing. Competition amongst brands, but unification in the overall propaganda push.

This ad combines spurious claims about the filter, lent credibility from doctors and celebrity endorsement.

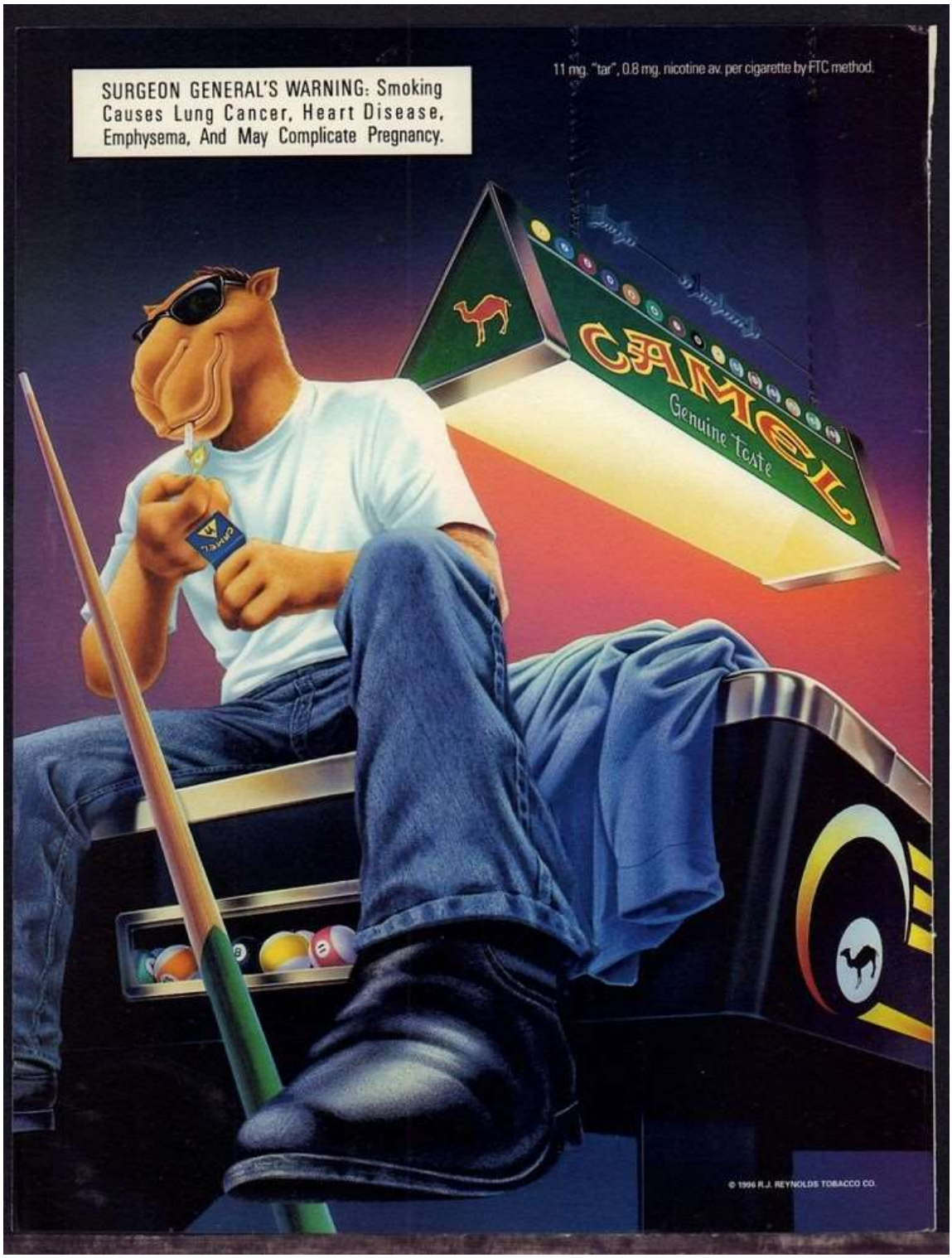
Kent's Micronite Filter was advertised to lower nicotine and tar, thus making it a safer cigarette to smoke. Filtered cigarettes made up only 10% of market share in 1954. The number approached 90% by the mid-70's. Too bad that they didn't actually lower nicotine or tar. Too bad that Micronite in its original form also contained cancer causing asbestos.

Sex sells. And this Tipalet advertisement goes after it aggressively. As text became less used, and imagery more so over the years, sex would play a role with more and more frequency.

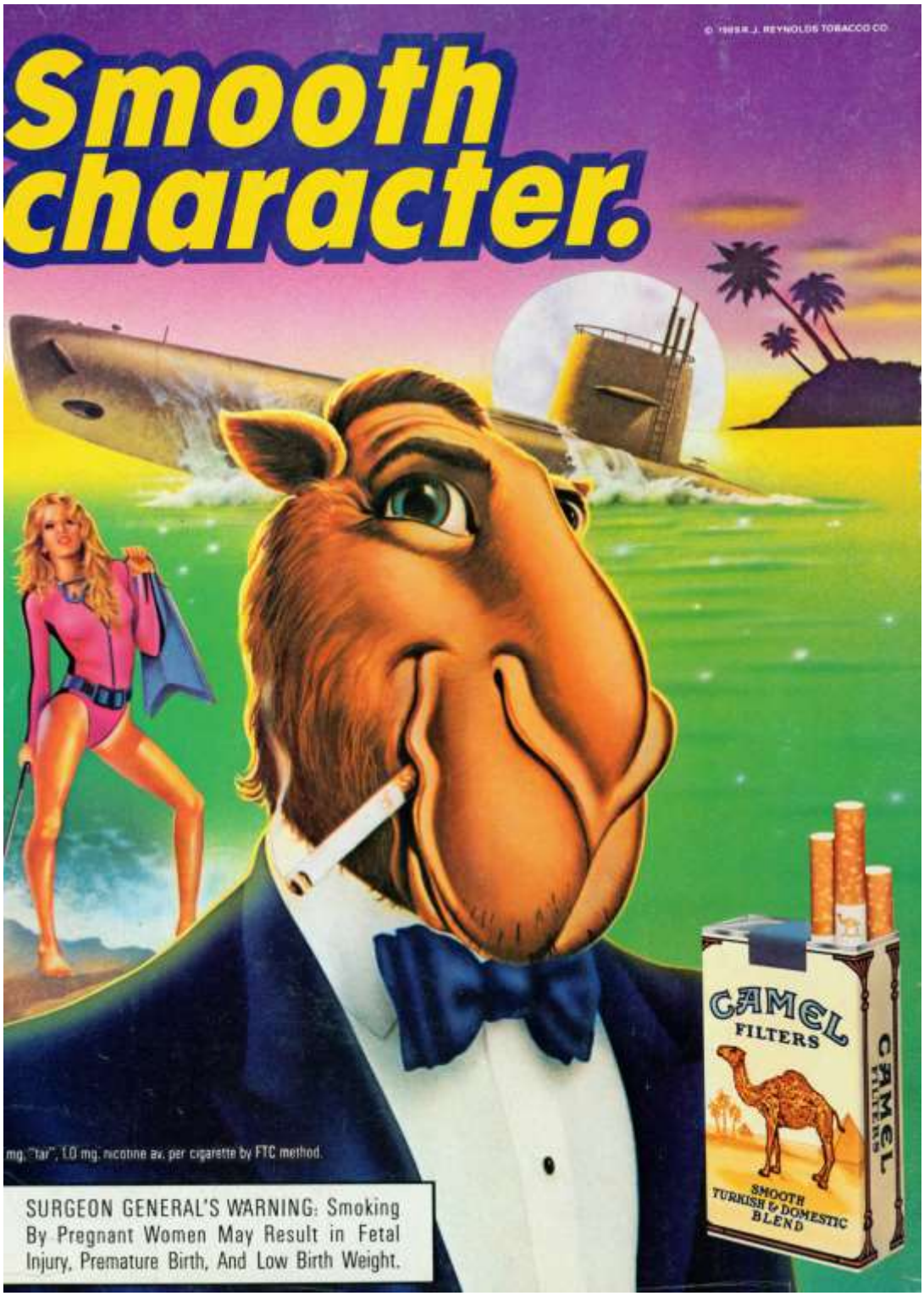
More sex appeal. Notice how “They Satisfy!” And here you get a claim about air softening, some feature loosely made into a benefit.

A bunch of claims that would later be deemed illegal and unproven. Note that the name of the brand FACT itself was an attempt at imparting truthiness to the claims.

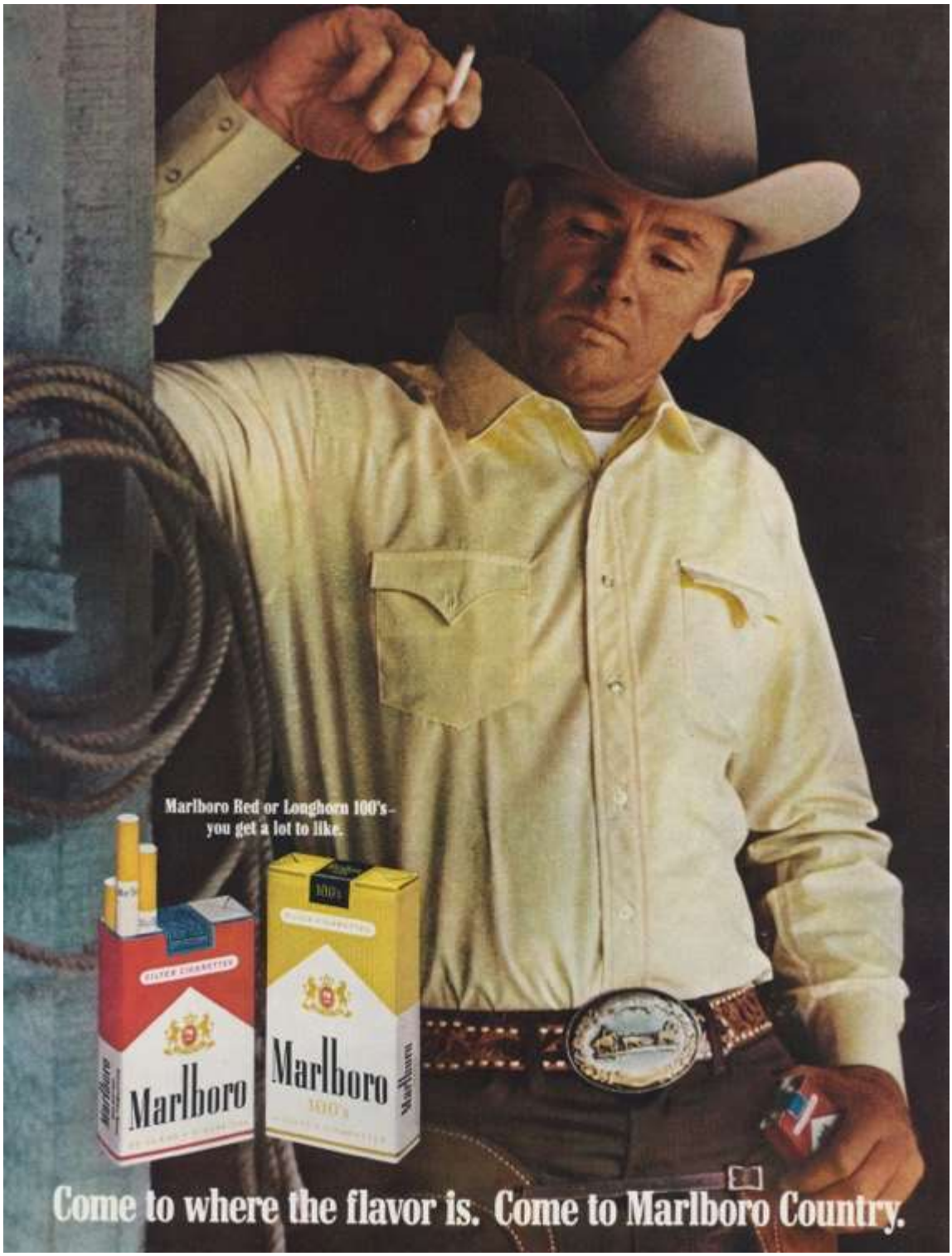
The claims about low tar, and low nicotine were used to convince people it was okay to smoke these cigarettes rather than quit smoking all together. Advertising shifted as using science, and denying science, became harder for people to believe.



Joe Camel debuted in 1987 by R.J. Reynolds. The 80's brought no more text outside the brand name and slogan. Just cool Joe Camel. Studies found that Joe Camel had the same recognition in kids aged three to six as that of Mickey Mouse. It would come out in legal discovery that the cartoon character was used to target youth specifically.



Joe Camel took on many cool roles. Here we see him taking on a James Bond like appearance, including a Bond girl, submarine and more. R.J. Reynolds' share of the underage market grew from 0.5% to 32.8% because of the Joe Camel campaign. The illegal underage market was worth $476 million per year in the USA.



You too can be a rugged, individualistic man if you smoke our brand. A picture is worth 1000 words. Big Tobacco were innovators in the image advertising. Part of this was because they became bound to be able to say less and less.

In 1933, Philip Morris entered the market with its namesake brand. It sought to become the cigarette of the American medical profession and ran ads advising “Ask Your Doctor about a Light Smoke.” The 30’s through early 50’s were the decades of doctors and science in advertising.

Almost all of these claims were false. For example, in 1934, Camel advertised “Get a Lift” which read, “The effect continues for approximately half an hour, when the percentage of blood sugar again goes back to the previous level. However, the smoking of another Camel will again increase the blood sugar concentration.”

Perhaps more important than the advertising itself, was the influence that came with paying millions of dollars to publishers.

For example, in 1934, *Hygeia*, the American Medical Association’s magazine for the public, concludes, “smoking by mothers is in all probability, not an important factor” in infant mortality. This was not in an ad but in editorial. Would this statement have been made without the cigarette advertising money that flooded the AMA?

Eventually the FTC sought to crack down especially on such “scientific” advertisements. In 1955 they issued voluntary guidelines for cigarette makers to avoid making unsubstantiated claims about nicotine or tar content of cigarettes. Five years later, these were mandated.

On TV, it was the FCC’s jurisdiction. After coming up against the FCC several times, in April of 1964, Big Tobacco announced self-regulation of their advertising with The Cigarette Advertising Code. This had little impact on changing commercials and other advertisements.

What did ultimately change television advertising? John Banzhaf, a lawyer, asked the FCC to apply the “fairness doctrine” to cigarette advertising in 1967. This FCC policy required broadcasters to present both sides of controversial issues of public importance in a manner that was deemed honest, equitable, and balanced. The FCC granted a mandate of one antismoking message for every three TV commercials.

These ads proved to lower cigarette consumption. Big Tobacco did not like this and sought to stop it from happening. But they couldn’t. In February of 1969, the FCC issued a public notice that it would seek a ban on all broadcast cigarette advertising.

And in January of 1971, Big Tobacco pulled all advertising off television. The previous year they had bought 8% of all TV advertising, spending $230 million (equivalent of $1.485 billion today). Much of this money got transferred into print media and point-of-sale promotion. Advertising in these other places still proved effective.

Along with the type of ads, Big Tobacco would find out how to target demographics. For example, in 1987 a survey revealed that black neighborhoods had three times as many cigarette billboards as white neighborhoods as this was a highly sought demographic.

A researcher for Camel wrote, "Advertising will be developed with the objective of convincing target smokers that by selecting CAMEL as their usual brand they will enhance their acceptance among peers…Aspiration to be perceived as cool/a member of the in-group is one of the strongest influences affecting the behavior of younger adult smokers. 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."

The company behind Camel cigarettes, R.J. Reynolds, used its advertising budget for promotions and premiums. My father was pretty much a lifelong smoker quitting many times only to restart later. I asked him why he smoked Camels. When he was younger, they gave away free packs at a stockcar racing event he was at. In my father's case this free giveaway earned a lifelong customer.

I also remember as a kid the "Camel Cash" that my dad collected. This could be redeemed for items from a catalog. I remember looking through the catalog myself, and the various branded goods we had like a big beach towel, cups, hats and more.

Overall, advertising by itself was not what made Big Tobacco what they were. In fact, it was one of the minor pieces involved.

Key Takeaways on Advertising

- Big Tobacco were pioneers in celebrity endorsements, appeals to authority, image advertising and much more in the field.
- Almost all of these ads would later be seen as morally repugnant, full of deceit or in many cases actually become illegal. Over time Big Tobacco became extremely restricted in what they could advertise and where they could do it.
- All the scientific claims used in cigarette advertising were dubious. This shouldn't come as a big surprise based on their manipulation of science. In

advertising, science was used not to share the truth but because it could help peddle cigarettes.

- R.J. Reynolds, the company behind Camel cigarettes, would later be found guilty of targeting children with their Joe Camel ads. They weren't the only ones. The underage smoker was the most highly coveted smoker despite being illegal because many smokers would be lifelong.
- Advertising is not just about advertising, but the influence it gains by spending large amounts of money. Journals, magazines, news programs would all come under influence in their editorial content due to Big Tobacco's advertising budget.

Chapter 4 - Public Relations

Advertising is just one of a multi-pronged strategy to influence people. And of that it is considered the lowest, and possibly least impactful ways by propagandists such as Edward Bernays. He wrote in his book, *Propaganda*:

"The conscious and intelligent manipulation of the organized habits and opinions of the masses is an important element in democratic society. Those who manipulate this unseen mechanism of society constitute an invisible government which is the true ruling power of our country. We are governed, our minds are molded, our tastes formed, and our ideas suggested, largely by men we have never heard of.... It is they who pull the wires that control the public mind."

This is because people know that companies that advertise want to influence them. Meanwhile, PR is purposefully more covert. It aims to influence, and does so best, by being hidden behind-the-scenes and thus keeping your defenses down.

PR is where the majority of the Tobacco Playbook lies because of how it successfully influences the opinions of people in covert ways.

It was in the 1920s that Liggett & Myers, followed by American Tobacco, hired Bernays. He worked for them for many years. The "Reach for a Lucky Instead of a Sweet" campaign was spearheaded by Bernays.

In 1929, Bernays proposed the Tobacco Information Service Bureau, a PR arm for American Tobacco. Finding that it was mostly only men that smoked, Bernays sought to increase the female market. He launched the "torches of freedom" campaign in order to get women to smoke in public. How so? By tying cigarettes to women's liberation. In the Eastern Day Parade Bernays made sure photographers were there to capture women smoking.

He expected controversy from the campaign, which he then used to get more publicity. The result was that women began to smoke almost as much as men.

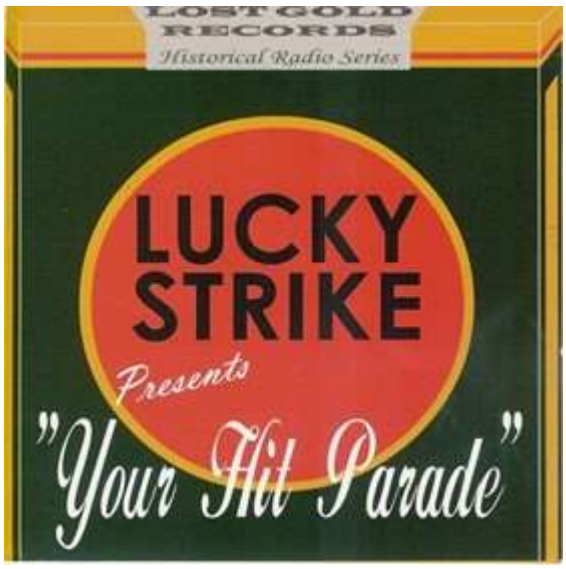
Bernays would use surveys not just to measure public opinion, but artfully to shape it. He led the charge of getting cigarettes used in film.

“Persuasion, by its definition, is subtle,” says a PR executive quoted in *Toxic Sludge is Good for You*. “The best PR ends up looking like news. You never know when a PR agency is being effective; you’ll just find your views slowly shifting.”

Just how far can propaganda go? In 1934, Lucky Strikes were packaged in green, which as a color was out of fashion. Bernays set out on a six-month campaign to make green the fashionable color.

While it is tougher to gauge the success of this campaign, the fact that such a thing was even attempted shows the power of propaganda. Based on previous successes, Bernays had the audacity to attempt such a thing. Look at the thinking behind this. We’re going to make green a more fashionable color…to unconsciously sell more Lucky Strike cigarettes that come in a green package.

In 1935, American Tobacco developed the legendary musical variety show, *Your Hit Parade*. This show had a 24-year run on the radio, and a ten-year run on TV in the 50’s. The whole time, it was sponsored by Lucky Strike Cigarettes.



Influencing the public at large was only part of the effort. As negative science started to come to light it became more important to focus propaganda on doctors and scientists.

In 1947, the American Medical Association convention had doctors forming long lines to get free cigarettes. Big Tobacco's cozy relationship would go on for many years. This Camel advertisement was in the 1950 issue of the Journal of the American Medical Association (JAMA). Part of the purpose of advertising was to incentivize useful editorial as we saw before.

Former president and CEO of Hill & Knowlton, Robert Dilenschneider admitted "the notion that business and editorial decisions in the press and media are totally separate is largely a myth."

Once again it was December of 1953 when the Big Tobacco executives got together in New York to discuss the pressing situation. President of Brown & Williamson, T.V. Hartnett, wrote a memo regarding this secretive meeting of their aims. "Cancer research, while certainly getting our every support, can be *only half an answer*...The other side of the coin is *public relations*...Finally, one of the roughest hurdles which must be anticipated is how to handle significantly negative research results, if, as, and when they develop." And this is when the PR firm Hill & Knowlton was hired by the group.

At the start of the next year, Hill & Knowlton published "A Frank Statement to Cigarette Smokers" in 448 newspapers across 258 cities on behalf of their clients. This was purely a PR piece, to shape the minds of the public that Big Tobacco was on their side and would get to the bottom of the science. And doing so garnered a positive response.

This statement announced the creation Tobacco Industry Research Committee (TIRC). While engaged in science, this really was nothing more than a wing of

the PR firm. Throughout 1954, the TIRC budget was almost $1 million. Almost all of this money went to Hill & Knowlton, specifically media ads and administrative costs. Very little went to research.

In April of 1954, the TIRC issued a white paper titled *A Scientific Perspective on the Cigarette Controversy* which is eighteen pages of quotes from doctors and scientists doubting the link between cancer and cigarettes. Over 200,000 copies were distributed to doctors and media.

A 1966 internal memo specifically said that the TIRC "was set up as an industry shield." This memo goes on to say that "special projects were instituted at Washington University, Harvard University, and UCLA. Bill Shinn noted that the industry received a major public relations 'plus' when monies were given to Harvard Medical School."

Brandt writes, "Each time the TIRC issued a press release, the Hill & Knowlton organization had initiated 'personal contact.' The firm systematically documented the courtship of newspapers and magazines where it could urge 'balance and fairness' to the industry. Hill & Knowlton staff, for instance, assisted Donald Cooley in preparing an article entitled 'Smoke Without Fear' for the July 1954 issue of *True Magazine* and then distributed more than 350,000 reprints to journalists throughout the country."

Dr. Clarence Cook Little would head the Scientific Advisory Board (SAB) of the TIRC. In 1955, Hill & Knowlton focused on building up his and his works' credibility. "Hill & Knowlton operatives made Little available to editors, journalists, and others in the media. Most of these people, lacking much scientific sophistication, eagerly portrayed both sides of this 'controversy.' The controversy, after all, made it a story," shares Brandt.

The SAB would complain later on. A number of these scientists warned that they were "disturbed by a misunderstanding of the relationship between the TIRC and the SAB." That they were being used as an endorsement of everything the TIRC said. These scientists didn't know that that was the whole point! PR came first. Science came second.

Controversy was a PR win because they could claim over and over again the science was unclear. In 1955, Edward Murrow covered the tobacco controversy in two consecutive broadcasts at CBS. Hill worked hard to make sure the coverage was a "balanced one".

In 1958, the TIRC drafted "Another Frank Statement to Smokers." Although science had progressed, the PR organization continued to spread doubt and

skepticism regarding the science. They wrote “The cause of cancer remains as much a mystery as ever.” (Note that this line is used by many other industries today when and where their products are specifically implicated.)

By 1960, the “scientific controversy” about tobacco causing cancer was now widely debated in the media and by the public. Later on, we’ll show how clear the science actually was by this point.

Changing names of institutes is part of the PR game, once a name has bad associations. This occurred in 1964 when the TIRC became Center for Tobacco Research (CTR). In 1966, a Special Projects program of the CTR established “expert scientific witnesses who will testify on behalf of the Industry in legislative halls, in litigations, at scientific meetings, and before the press and public.”

In April 1968, Hill & Knowlton ceased working for Big Tobacco, ending it’s 15 years of running public relations. A long line of other PR firms would be worked with over the coming years.

The propaganda message, that the science was unclear, was used for decades. A 1969 memo from Brown & Williamson (B&W) reads, “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.” How do you sell doubt? Public relations.

A wide range of organizations would be used for this. Another B&W internal memo reads, “Obviously, care must be exercised not to ‘over-commercialize’ the agreement of B&W’s association with the NAACP. However, if managed with sensitivity, this association can be linked positively to the minority buying public…Clearly, the sole reason for B&W’s interest in the black and Hispanic communities is the actual and potential sales of B&W products within these communities and the profitability of these sales.”

In other words, they give money for the advancement of minorities, but they don’t actually care about minorities. Instead, it is a PR play with the “sole reason” aimed at generating sales and customers.

The term public relations may not be the most useful. That’s because the target is not just the public but often times even more so professionals. When we see PR we need to think “professional relations” as well. As Bernays clearly stated, “If you can influence the leaders, either with or without their conscious cooperation, you automatically influence the group which they sway.”

These are all targets of a Big Tobacco’s PR over the years.

- The public at large
- Journalists
- Doctors
- Scientists
- Lawmakers/Politicians
- Organizations
- Schools

That's one of the things that most people miss. Authority figures, such as journalists, scientists and doctors, are not above being propagandized. In fact, they often make even better targets than just the public themselves because of their authority. Successful PR to these professionals will further spread the message using their authority to do so to the rest of the public.

A great PR strategy is multi-pronged relying on a wide variety of tactics targeting a wide variety of people. When you have lots of money like Big Tobacco did you can afford such efforts. The fact that so much of the PR was successful would only mean they'd have more money to spend even more on it.

For a video presentation of this you can watch the movie *Thank You For Smoking*. The protagonist is a tobacco PR man played by Aaron Eckhart. This shows the art of spin at it's very best.

Key Takeaways on Public Relations

- Edward Bernays, the father of propaganda, was hired by Big Tobacco, where many of the PR methods were put to use. This included the famous "torches of freedom" campaign which made women smoking publicly okay culturally and the "in" thing to do.
- PR is not just public relations but professional relations. A key quote from Brandt is "For Bernays, expertise was but a commodity for the PR expert to purchase and exploit."
- PR tactics include:
    - Using public opinion surveys not just to measure public opinion, but to shape it.
    - Deny and debate scientific facts everywhere you possibly can.
    - Having PR work alongside advertising efforts.
    - Formation of organizations with helpful sounding names, such as Bureau of Scientific Information and Tobacco Industry Research Committee, that are typically nothing more than outlets of propaganda.
    - Changing the name of those organizations when they've acquired a poor reputation.
    - Giving money to schools and other organizations for good PR, but also to influence behavior of members of those organizations.
    - Establishing and utilizing a network of journalists that would give favorable coverage. Every bit of favorable coverage or press releases would be spread far and wide throughout the PR firm's network.
    - Boosting the credibility and supporting authority figures, such as Dr. Little, that would spread their propaganda.
    - Making sure that no criticism or threat went unanswered.
    - Utilizing your advertising budget to influence editorial coverage.
    - Getting cigarettes used in film and elsewhere in culture.

Chapter 5 - Influencing Science

Science has basically become a religion in the modern age. In many ways science has come to replace any form of deity as the arbiter of truth. Getting into all the implications, for good or ill, of what this means is beyond the scope of this chapter. Rather I point this out to show that “religious belief” in science itself exists.

This area is subject to fundamentalism as much as religions themselves. What’s worse is that scientists and skeptics tend to be even more blind than religious zealots due to thinking that they are completely rational, and therefore above and beyond such things.

Science needs to be debatable. What we’re seeing right now is more censorship of what real scientific debate should be. And that is largely because corporate controls of science have become even stronger than back in Big Tobacco’s day.

There absolutely was a time when the harms of smoking tobacco were not known scientifically. But the fact that Big Tobacco could weaponize natural and healthy scientific skepticism, twisting it into constant denial while knowing the truth of the matter is a big problem.

Conducting high quality science is difficult enough without the profit motive intervening! But when we add that to the mix, well, that is how we arrive where we are today.

Brandt writes “The tobacco industry’s PR campaign permanently changed both science and public culture.” Think about that for a minute. The culture at large. Science at large. Recognize the impacts were not just regarding tobacco but setting precedent for every other big industry. Anyone with the money and power to do so could similarly seek to control scientific opinion. And so they did.

The aim of this chapter is two-fold. First is to give you a clear idea of the science that was coming out that showed the harms of tobacco smoke and how early this occurred. Secondly, is to show that the tobacco companies recognized these truths but fought against it tooth and nail. This is clearly shown from their own private internal research juxtaposed with their public positions.

This may read like a laundry list of science, but I feel it is necessary to give you enough of an overview of how the science developed and was influenced.

There were signs of the dangers of tobacco smoke scientifically as early as 1928 when a *New England Journal of Medicine* study found a 27% increase of overall cancer rates among heavy smokers.

In 1930, an Argentinian scientist, Ángel Roffo, found polycyclic aromatic hydrocarbons, known carcinogens, in tobacco tar.

Dr. James J. Walsh summarized the current medical opinion in 1937 that once rare diseases were becoming fairly common.

Then in 1938, Raymond Pearl, an eminent John Hopkins biologist, found, "the smoking of tobacco was statistically associated with the impairment of life duration, and the amount of this impairment increased as the habitual amount of smoking increased." This was the first science showing dose-dependent detrimental health effects.

In 1940, scientists found tobacco smoke exposure lowered birth weight and hindered growth and development in pregnant rats.

None of these studies conclusively "proved" tobacco smoke was harmful. But the case was being built.

In 1950, the science really started to solidify. In May of that year, *JAMA* published a paper by Wynder and Graham, "Tobacco Smoking as a Possible Etiologic Factor in Bronchiogenic Carcinoma: A Study of 684 Proved Cases." Then in September, Doll and Hill published in the *BMJ*, "Smoking and Carcinoma of the Lung: Preliminary Report," the first ever retrospective study. They calculated a statistical significance of 0.00000064 that smoking caused lung cancer, that is their findings had less than one in a million chance of being random.

Brandt writes, "[M]odern epidemiology was constructed around the problem of determining the harms of smoking…As more studies accrued, so too did medical and public confidence in the conclusion. This aggregative process marked a significant difference in scientific epistemology from the traditional notions of individual investigators 'making' scientific 'discoveries.' In epidemiology, discovery and proof were iterative, as no specific experimental situation could be precisely replicated. Researchers now sought to take advantage of this variability; 'consistency' across multiple studies would become another criterion for defining causality."

In February 1953, a R.J. Reynolds scientist, Claude Teague, wrote in an internal memo, “Studies of clinical data tend to confirm the relationship between heavy and prolonged tobacco smoking and incidence of cancer of the lung.” Later that year, in December, Wynder, Graham and Croninger published mouse experiments in *Cancer Research* giving strong biological plausibility for smoking causing cancer.

This is when Big Tobacco came together to mount a defense. They formed the Tobacco Industry Research Committee (TIRC). As previously mentioned they released a paper titled *A Scientific Perspective on the Cigarette Controversy.* The thing is this paper didn’t actually contain any new science, instead being just eighteen pages of quotes from doctors and scientists doubting the link.

Part of the TIRC was the Scientific Advisory Board (SAB). Clarence Cook Little was elected to its chair. He was a eugenicist who believed cancer was exclusively hereditary. In other words, he had an ideological position that cigarettes couldn’t be the cause. To him cigarettes were innocent and could never be proven guilty. Therefore, he was the perfect scientific front man for Big Tobacco.

In November of 1954, the first grants from the TIRC went out to scientists. These mostly focused on trying to find how cancer was linked to anything besides tobacco smoke.

The TIRC pointed their scientific lens where it would benefit them. Cancer was looked at via genetics or other environmental risks. No statistical or epidemiological science was done. Almost no direct research looked at cigarettes.

In 1970, Helmut Wakeham, director of R&D at Philip Morris, would explain it as such, “Let’s face it. We are interested in evidence which we believe denies the allegation that cigarette smoking causes disease.”

With cigarettes and cancer, it wasn’t easy to see a cause-and-effect relationship. You don’t smoke a single cigarette and get cancer. Instead, the science became solidified over time because of clinical observations, population studies and laboratory experiments. All of these were different layers of evidence. Yet, Big Tobacco dismissed it all as mere statistics. They smeared the science itself.

Still more scientific evidence continued to mount. In 1956, Doll and Hill published “Lung Cancer and Other Causes of Death in Relation to Smoking: A

Second Report on the Mortality of British Doctors." This found smokers had death rates 24 times higher than nonsmokers.

In 1957, pathologist Oscar Auerbach published research in the *NEJM* looking at precancerous changes to lung tissue in autopsies of 30,000 deceased patients with smoking histories.

That same year, scientists from American Cancer Society, American Heart Association, National Cancer Institute, and the National Heart Institute looked at the data and concluded: "The sum total of scientific evidence establishes beyond reasonable doubt that cigarette smoking is a causative factor in the rapidly increasing incidence of human epidermoid carcinoma of the lung...The evidence of a cause-effect relationship is adequate for considering the initiation of public health measures."

To this, Dr. Little responded, "The Scientific Advisory Board questions the existence of sufficient definitive evidence to establish a simple cause-and-effect explanation of the complex problem of lung cancer." This is no explanation instead just explaining the evidence away.

Big Tobacco continued to fight against the science. That same year, internal documents at British American Tobacco referred to cancer only in code words. "Tobacco smoke contains a substance or substances which may cause ZEPHYR." They didn't even dare use its name internally for fear of the documents getting out as they eventually did.

In 1958, members from the Tobacco Manufacturers Standing Committee, the British counterpart to the TIRC, visited the US to look at industry-related science. They wrote, "The majority of individuals whom we met accepted that beyond all reasonable doubt cigarette smoke most probably acts as a direct though very weak carcinogen on the human lung. The opinion was given that in view of its chemical composition it would indeed be surprising if cigarette smoke were *not* carcinogenic. This undoubtedly represents the majority but by no means the unanimous opinion of scientists in the U.S.A." That same year, the TIRC drafted "Another Frank Statement to Smokers." Despite the internal scientific conclusions, the PR firm wrote "The cause of cancer remains as much a mystery as ever."

The PR campaign worked wonderfully. By 1960, the "scientific controversy" about tobacco causing cancer was widely debated in the media and by the public.

Again, all we have to do is compare what they were talking about internally with their external messaging. For example, in 1961, Philip Morris director of research and development, Helmut Wakeham listed 15 carcinogens and 24 "tumor promoters" in cigarette smoke. He also found, of the more than 400 compounds in cigarette smoke, 84% of them are present in secondhand smoke. Meanwhile TIRC was putting out statements saying, "Chemical tests have not found any substance in tobacco smoke known to cause human cancer."

In 1963, James C. Bowling, vice president and director of Philip Morris, said "We believe there is no connection or we wouldn't be in the business."

In 1964, the Surgeon General's report was released stating, "No reasonable person should dispute that cigarette smoking is a serious health hazard." This was after two years of investigation from a committee under Surgeon General Luther Terry.

"Without these efforts [to control the scientific narrative], the harms of smoking would have been uniformly accepted by medical science long before the 1964 surgeon general's report," Brandt writes. "Given the definitive findings of the surgeon general's report, the cigarette companies were forced to redouble their efforts to maintain the smoke screen of 'scientific controversy' and 'uncertainty.' They quickly developed a policy, developed by their legal staffs, to neither deny nor confirm the findings. In public, they continued to insist on the need for more research; the 'merely statistical' nature of the surgeon general's conclusion."

Fortunately, their public messaging began to get weaker in those regards. The public began to see through their tricks and accepted the cancer link. But the scientific and PR battlefront moved elsewhere, mostly to secondhand smoke, as well as the addictiveness of cigarettes.

Their internal researchers knew about the dangers of secondhand smoke before anyone in the public was talking about it too.

In 1967, Philip Abelson, editor of *Science*, implicated cigarette smoke as "a serious contributor to air pollution" which can affect not just the smoker but those nearby.

In 1981, epidemiologist Takeshi Hirayama of the Tokyo National Cancer Research Institute found that wives of smokers and ex-smokers had increased rates of lung cancer in a dose-response relationship to exposure. That same

year, the National Academy of Sciences committee on indoor air pollutants directed attention to indoor cigarette smoke.

In 1983, a legal memo from a law firm working for Philip Morris quotes researchers Victor DeNoble and Paul Mele in their paper “Nicotine as a Positive Reinforcer in Rats” that “their overall results are extremely unfavorable” that “research such as this strengthens the adverse case against nicotine as an addictive drug.”

In 1986, a National Academy of Sciences report showed that children of smokers were twice as likely to suffer from respiratory infections, pneumonia, and bronchitis as children of non-smokers. This report estimated that environmental tobacco smoke (ETS) caused between 2,500 and 8,400 lung cancer deaths per year.

Big Tobacco criticized these findings and got to work. In 1988 the tobacco companies formed Center for Indoor Air Research (CIAR) a front group to deflect blame from secondhand smoke onto other indoor air pollutants.

In 1993, Philip Morris, along with PR Firm APCO Associations, established a “sound science” coalition aimed at improving science by rooting out “junk science”. This included aims to revise the standards of scientific proof, so that harms of secondhand smoke were impossible to prove as causative.

Another Surgeon General’s report, released in May 1988, focused on the addictiveness of smoking, specifically from nicotine.

In 1994, ABC’s *Day One* news program featured “Deep Cough” a whistleblower from R.J. Reynolds saying that tobacco companies knowingly added more nicotine to cigarettes to increase addictiveness. Yet Big Tobacco continued to deny anything negative about their product.

In April of 1994, chief executives of the top seven tobacco companies appeared before a Congressional subcommittee headed by Henry Waxman. They all stated that tobacco was not addictive nor that they manipulated nicotine levels in cigarettes. Lorillard CEO Andrew Tisch said, “We have looked at the data and the data that we have been able to see has all been statistical data that has not convinced me that smoking causes death.” R.J. Reynolds CEO James W. Johnston said, “Cigarette smoking is no more addictive than coffee, tea or Twinkies.”

The New York Times

NEW YORK, FRIDAY, APRIL 15, 1994

Tobacco Chiefs Say Cigarettes Aren't Addictive

Top executives from seven tobacco companies, at a hearing on smoking. They are identified on page A20.

This was not an exhaustive list of all the science that came out, nor all the efforts of tobacco to fight against it. But it should be sufficient to show that science was heavily influenced, maybe not in the minds of many of the experts themselves, but certainly in the public battlefield.

What were the results of this seeking to control of science? How many deaths are directly attributable to this manipulation of science, year after year, decade after decade?

That would be a hard number to calculate. An easier number to find is the millions upon millions in profits for the tobacco companies for acting in this way. Science clearly can be bought, if not completely, at least to a large enough degree to matter.

Key Takeaways on Influencing Science

- There absolutely was a time when the dangers of smoking weren't knowing scientifically. But the first hints began in 1928 and the evidence was very compelling by the early 50's.
- The full picture is grasped when you compare what Big Tobacco's internal research documentation showed as opposed to their public opinions. With that you know the difference between science and PR.
- Internal research in the tobacco companies was often ahead of public research. For instance, Big Tobacco scientists knew about the dangers of secondhand smoke before anyone else was talking about it.
- When scientific proof of the dangers of smoking was overwhelming, Big Tobacco's policy changed to neither confirming nor denying it, while they

continued to deny the science of secondhand smoke dangers and addictiveness of nicotine.

- Tactics of influencing science involve:
    - Smearing the scientists that come out with research implicating tobacco
    - Smearing the science itself as merely statistical or insufficient evidence
    - Not publishing any internal science you've conducted that would be damaging
    - Doing research in areas that can't possibly hurt your agenda, such as studying other causes of cancer
    - Publishing any science that fits the agenda, then promoting it far and wide through the network of media contacts
    - Influencing journalism by always insisting there are two sides
    - Utilizing front groups and networks at institutions to push the agenda forward

Chapter 6 - Smear Campaigns

In addition to promoting your own science and agenda via all the available avenues of PR, it is important to play defense. A huge part of this defense is to smear or discredit anyone that has a message contrary to your own. This is one of the major strategies involved in public relations as it skews how the public (and professionals) see those that stand up against industry.

If you can't bully the facts, you can at least bully the person that shares those facts. This technique is so common that it is hard not to see it.

Of course, some people should not have credit, thus looking at any case, it can be tough to sort through purposeful and illegitimate smears vs. legitimate criticism. And that is exactly why this technique works so well. (A helpful hint to tell the difference is that smears target the person while good criticism targets the facts and logic presented instead.)

Back in 1933, tobacco researcher Emil Bogen argued, "Any substance so widely and commonly used as the cigarette cannot be as dangerous and deleterious as the propaganda of the more fanatical 'no-tobacco' advocates might lead one to infer."

This was early on but notice that anyone against the pro-tobacco position was engaged in "propaganda" and "fanatical." This kind of name calling is common. Labelling your enemy with negative terms helps to control the perspective. It puts them in a box with a tag on it.

It's also a case of projection because they often say the exact opposite of what is true.

Here's an example of this. Brandt writes, "Perhaps the most notorious known case was that of pathologist Freddy Homburger, whose Cambridge-based Microbiological Associates had been retained to conduct experiments on hamsters exposed to smoke. Homburger and his colleagues found precancerous lesions similar to earlier research conducted by pathologist Oscar Auerbach on beagles. But when he submitted the draft paper to CTR [Center for Tobacco Research], Hockett raised a series of objections, requesting that he substitute medical euphemisms to describe the characteristic malignant lesions; Hockett advised that he use the term *pseudoepithieliomatous hyperplasia*. When Homburger refused, he was notified that CTR would no longer fund his work. Further, they enlisted

publicist Leonard Zahn (formerly of Hill & Knowlton) to attempt to discredit him."

Think of it like this for any industry funded science:

1. Pay for science, get the results you want. This may be true or it may be from designing the scientific trial for success in the first place. Obviously, this is the ideal outcome for industry.
2. If the science doesn't suit your agenda, then at least you can erase, downplay, somehow obfuscate the findings. In many cases this uses the "file drawer effect", meaning the science isn't published just put into the file drawer. Many scientists will play along with this as you're paying them, and they might not have the power to get it published themselves. This is not great for industry, but it is also not damaging.
3. Some scientists, those with strong ethics that can't be bought like Homburger, will not play along. That's where threats and action come in for damage control. You fire them. You smear them.

There is a key point of number three that goes beyond damage control. This action reinforces numbers one and two for other scientists. Big Tobacco discussed the power of their smears so much themselves.

In 1987, Philip Morris held a conference known as Project Down Under. One theme discussed at the conference was **"Make It Hurt."** Noted in the conference minutes was, **"Let pols know down side of anti activity. To do this, we take on vulnerable candidates, beat him/her, let people know we did it."**

Let me reiterate, we beat people and let others know we did it! There is a downside to going up against power. Everyone knows this. And that is why few people actually do it.

In the 80's and 90's Big Tobacco was battling the idea that secondhand smoke (known as environmental tobacco smoke or ETS) was dangerous. According to *The Verdict is In,* Big Tobacco had "the ETS Consultancy Program to attack and discredit the scientific consensus and underlying evidence."

In the words of Brown & Williamson counsel Kendrick Wells: "The consultants groups' operation is essentially a public relations program, not a scientific operation."

One of the biggest whistleblowers of Big Tobacco, executive and scientist Jeffrey Wigand was put through the ringer. A 500-page dossier that Brown & Williamson had private investigators put together sought to discredit Wigand

when he testified in court and on camera for *60 Minutes*. This is also known as "opposition research."

Many news organizations ran with this "intel". *The Wall Street Journal* dug in deeper finding that "many of the serious allegations against Mr. Wigand are backed by scant or contradictory evidence. Some of the charges — including that he pleaded guilty to shoplifting — are demonstrably untrue."

PR executive Pamela Whitney said, "the key to winning anything is opposition research." And that is why smearing and discrediting is a key play in the Tobacco Playbook. The idea is to boost up your positive messages, while downplaying anything that runs counter to your message. This is war and you better make sure there are casualties on the other side. Make it hurt!

Key Takeaways on Smear Campaigns

- In science you will have a body of competing ideas. PR involves the boosting up of your own "pro" message while downplaying the "anti" message. This is not how the ideal of science works, that is following the evidence. But it is exactly how the game of PR is played.
- Industry funded research would often find the results they were looking for. Or at least poor results could be erased or downplayed. Only in a few instances did such scientists stand up against their employers where they would be fired and smeared.
- Smearing people not only discredits them but helps to keep others in line because they're made aware of what will happen if they stand up against power. The more they "make it hurt" the more they can bully others into submission.
- Opposition research is one of the main components of the Industry Playbook as it is key to any smear campaign.

Chapter 7 - Advocacy Front Groups

One of the key strategies is to propagate information that suits your agenda while making it appear to come from independent and authoritative sources. That is what front groups are for. It is a tried-and-true PR method, which is why you must always follow the money.

To properly show this power imagine an organization says that tobacco doesn't cause disease.

1. If the tobacco companies said it themselves, you would see it as self-serving immediately.
2. If there was a standalone organization you might consider the message, even if it was funded by Big Tobacco, because you might not know how deep the conflicts go.
3. If that organization was truly independent, then you would rightfully consider the message.

The tricky part is that the funding is very often obfuscated. And it can quickly become complicated to hide such connections. The PR effort is always to appear truly independent, especially today. But remember, Big Tobacco were pioneers in this method. Early on it was quite a bit more direct.

In November of 1953 R.J. Reynolds formed a "Bureau of Scientific Information" to "combat the propaganda which is being directed at the tobacco industry." Two months later, the industry announced the creation of the Tobacco Industry Research Committee (TIRC). Hill & Knowlton recognized that a joint effort would work better.

Notice the names of these organizations. Bureau of Scientific Information. Tobacco Industry Research Committee. Science was really coming into its own around this time. These organizations used the authority of science within the names of the organization. This was a way of seizing credibility just from the name itself.

Imagine if one of these organizations had been named the Tobacco Industry Propaganda Committee. This would be more accurate to what they did, which is exactly why it would never be named as such.

Science is just one of the areas where a group can advocate for. In 1964 the TIRC changed its name to the Council for Tobacco Research (CTR). And in 1966 CTR had a Special Projects program. This included establishing "expert

scientific witnesses who will testify on behalf of the industry in legislative halls, in litigations, at scientific meetings, and before the press and public." In other words, those front groups require front people.

These advocacy front groups can be used in a multitude of ways. For instance, "Philip Morris helped fund the National Smokers' Alliance (NSA), a 'grassroots' organization created with the assistance of the PR firm Burson-Marsteller (BM) to advocate smokers' rights and oppose smoking restrictions," writes Brandt. "Claiming some three million members, NSA sought to promote a pro-smoking agenda 'unlinked' to the industry. But it soon became clear that the NSA was a front for industry interests."

BM ran newspapers ads to recruit members. They setup a toll-free number. They paid telemarketers and canvassers. And they published a member's newsletter. In 1995 the NSA claimed a membership of 3 million people. However, less than 1% of it's funding came from members. The rest came from BM via Big Tobacco. In fact, the NSA was headed up by a vice president of BM.

This is what is known as astroturf, as in fake grassroots. The power of a grassroots organization, where there are real people that are passionate about something and try to change legislation and the like can sometimes make real change. For instance, in 1973, campaigning by real grassroots organization Arizonans Concerned About Smoking, founded by Betty Carnes, led to Arizona being the first state within the USA to pass a law restricting smoking in public places.

Recognizing this, Big Tobacco and others have weaponized the idea of grassroots by building and funding front groups of this nature.

Campaigns & Elections magazine described astroturf as "grassroots program that involves the instant manufacturing of public support for a point of view in which either uninformed activists are recruited or means of deception are used to recruit them."

"The whole point of astroturf is to try to give the impression there's widespread support for or against an agenda when there's not. Astroturf seeks to manipulate you into changing your opinion by making you feel as if you're an outlier when you're not," says award winning investigative journalist Sharyl Attkisson.

The key to good astroturf is to make it appear independent and real. In fact, PR agencies will talk about real grassroots, when all they mean by that is

astroturf that appears real. Sometimes they rope people in through the weaponization of values discussed earlier.

In 1988, the tobacco companies were up against a new threat, secondhand smoke. So, they formed the Center for Indoor Air Research (CIAR) to deflect blame from secondhand smoke onto other indoor air pollutants. A memo mentions this strategy:

1. Mobilize all scientific studies of indoor air quality (i.e., radon, wood stoves, gas stoves, formaldehyde, asbestos, etc.) into a general indictment of the air we breathe indoors. Use a scientific front—especially some liberal Nader group.
2. Use this material to fuel PR offensive on poor indoor air quality.

When they talk specifically about "scientific fronts" you can be sure it's about advancing an agenda, not actually doing real science. Reflect on how this amounts to pollution of the scientific commons.

Brandt writes, "In a review of more than one hundred scientific review articles about ETS [environmental tobacco smoke] that appeared between 1980 and 1995, researchers found that 37 percent concluded that ETS was not a risk to human health. Three-quarters of these articles were authored by scientists with ties to the tobacco industry, many through CIAR."

You may not be able to completely control the scientific conversation, but you definitely can influence it and muddy the waters.

Philip Morris, along with PR Firm APCO Associations, established a "sound science" coalition aimed at improving science by rooting out "junk science". This included aims to revise the standards of scientific proof, so that harms of secondhand smoke were impossible to prove as causative. They initiated a campaign, "Good Epidemiological Practices." An internal memo said this was "to impede adverse legislation."

Notice that they tried to influence how science itself was conducted to benefit themselves.

Also note these words. Sound science. Junk science. These are nothing more than PR labels that are thrown about in order to control what paid attention to and what should not. This goes back to smear campaigns. In this case they smear the science itself in addition to the person. Sadly, these labels do work on many.

If a scientist, “skeptic”, or politician is saying we have sound science here and any other science that says the opposite is junk, you might just flip that around. Invert it because it is often a case of projection.

These are just some of the front groups established by Big Tobacco to control the messaging. And forming new groups is only part of the strategy. The other part involves the influence of those organizations that already exist, which we turn to next.

Key Takeaways on Advocacy Front Groups

- Just like you shouldn’t judge a book by its cover, you shouldn’t judge an organization by its name. First and foremost, the names of such front groups are created to look and sound credible to assist in PR efforts.
- An astroturf organization is one that is specifically meant to look like it is grassroots, meaning that the public started it and is being active in its efforts to cause change. But setting up astroturf is something that PR firms specialize in because the method works.
- The power of such front groups comes from them looking like independent and grassroots efforts, while having the bankrolling of industry. Compare this to real grassroots that typically are bootstrapped and funding only by donations.
- Front groups require front people. These people are utilized in the media, in courts, in politics, in science and anywhere they can be useful, with the support of the groups behind them.
- Front groups are used to hire scientists and promote science that is helpful to the industry’s agenda. Sadly, the phrases “sound science” and “junk science” are nothing more than PR labels thrown around to lend credibility to industry science and smear any opposition.
- When looking at any group you need to look at the funding of it. Sometimes it is hidden away and you can’t even find details. Sometimes it is mostly upfront. Still more times it is hidden in a web of multiple front groups to obfuscate where the money starts from.

Chapter 8 - Infiltrating Institutions

By infiltrating existing institutions, Big Tobacco was able to spread its message through them. In some cases, this involved borrowing the credibility and authority of such places. Or at the very least Big Tobacco would aim to slow down institutions from taking harsher positions against them.

Let's start with the American Medical Association (AMA). As we've already seen, Big Tobacco advertised heavily within the Journal of the American Medical Association (JAMA). Yes, the advertisements were there to influence the doctors and scientists that read the journal. But even more important was to establish the financial relationship between Big Tobacco and the AMA. This wasn't just about advertising but gaining influence over editorial content.

Morris Fishbein singlehandedly led the AMA for many years. Robert N. Proctor, professor at Stanford, wrote about such connections. "Dr Morris Fishbein of Chicago was another prominent defender of the industry. As iron-fisted editor of JAMA, Fishbein helped stave off efforts to have the journal refuse tobacco ads and, in the mid 1950s, received about $100000 from Lorillard to write industry-friendly articles on smoking and health. Fishbein also helped place ads for Kent cigarettes in medical magazines…the man should also be remembered as author of a 1954 review of tobacco and health hazards, contracted by Doubleday with financial backing from Lorillard. The makers of Kent cigarettes—with its 'micronite' asbestos filter—paid Fishbein tens of thousands of dollars to write [a] book."

It was this cozy relationship that eventually forced Fishbein out. "Fishbein was actually booted from his position as JAMA editor a year after his editorial, partly for his refusal to limit cigarette ads in the pages of JAMA…In 1953 JAMA's new editors announced that they would no longer publish tobacco ads of any kind, by which time Fishbein was receiving tens of thousands of dollars per year to front for the industry."

Through the revolving door Fishbein went. In the 60's and 70's he continued to work for Lorillard.

That shows what one man, holding sway over one large institution can do. And even though they stopped advertising, that doesn't mean the AMA came out strong against tobacco. Even as late at 1965, one year after the Surgeon General's report, the AMA resisted taking a position against smoking.

CEO of the AMA, F.J.L. Blasingame stated, “it is our opinion that the answer that will do most to protect the public health lies not in labeling…but in research.” The phrase “more research is needed” was the exact PR message of Big Tobacco.

They finally took a stand, launching a war against smoking, in 1972. Not exactly on the forefront of the biggest medical killer out there from the most powerful medical organization, at the time, in the world.

Part of the reason that institutional infiltration worked had to do with the size of such organizations. Brandt writes, “The fight for tobacco control ordinances demonstrated the possibilities of grassroots public health advocacy. Single-issue advocacy groups were in a far better position to take up the fight than the traditional voluntary health organizations like the American Cancer Society and the American Heart Association. The latter had complex constituencies and philanthropic and educational missions that led to an inherent conservatism; they sought to avoid political controversy that could alienate not only smokers, but donors from tobacco-growing states. The new organizations reveled in controversy, deliberately seeking media attention to sustain their cause.”

For instance, in 1957, scientists from American Cancer Society, American Heart Association, National Cancer Institute, and the National Heart Institute looked at the data and concluded: “The sum total of scientific evidence establishes beyond reasonable doubt that cigarette smoking is a causative factor in the rapidly increasing incidence of human epidermoid carcinoma of the lung…The evidence of a cause-effect relationship is adequate for considering the initiation of public health measures.”

But these scientific positions didn’t always translate into policy, based on the controversy, constituency and funding involved. (In a bit of irony, the American Heart Association would hire Hill & Knowlton in 2004 and received tremendous backlash for the PR firm’s role in tobacco which causes heart disease.)

Some of the institutional outreach was more defense than offense, seeking to do damage control and soften anti-tobacco positions. In 1963, Little and the TIRC attempted to shape the Surgeon General’s Advisory Committee through the committee’s medical coordinator, Peter Hamill. They were ultimately unsuccessful in doing this, but they tried.

I think the World Health Organization (WHO) provides one of the best examples of institutional infiltration. In 1995, the World Health Assembly,

WHO's governing body, began looking into the possibility of an international treaty on tobacco control. In May of 1996, the World Health Assembly unanimously passed a resolution for the director-general of the WHO to develop a framework convention, a type of multilateral treaty, for tobacco control.

And finally, in May 2003, the 192 member nations of the WHO unanimously adopt the FCTC (Framework Convention of Tobacco Control), which was the WHO's first ever multilateral treaty. More on the effects of that later.

When I was doing research on the history of the WHO, I found a document called *Tobacco Company Strategies to Undermine Tobacco Control Activities at the World Health Organization*.

This was put together internally at the WHO by the Committee of Experts on Tobacco Industry Documents in July 2000.

This 260-page report is extremely revealing, sharing how the WHO was infiltrated and influenced by Big Tobacco. Here are just a few quotes from inside:

- "Evidence from tobacco industry documents reveals that tobacco companies have operated for many years with the deliberate purpose of subverting the efforts of the World Health Organization (WHO) to control tobacco use. The attempted subversion has been elaborate, well financed, sophisticated, and usually invisible."
- "In one of their most significant strategies for influencing WHO's tobacco control activities, tobacco companies developed and maintained relationships with current or former WHO staff, consultants and advisors. In some cases, tobacco companies hired or offered future employment to former WHO or UN officials in order to indirectly gain valuable contacts within these organizations that might assist in its goal of influencing WHO activities. Of greatest concern, tobacco companies have, in some cases, had their own consultants in positions at WHO, paying them to serve the goals of tobacco companies while working for WHO. Some of these cases raise serious questions about whether the integrity of WHO decision making has been compromised."
- "In several cases, tobacco companies have attempted to undermine WHO tobacco control activities by putting pressure on relevant WHO budgets. Tobacco companies have also used their resources to gain favor or particular outcomes by making well placed contributions."
- "Documents in this study illustrate that tobacco companies utilized a number of outside organizations to lobby against and influence tobacco control activities at WHO including trade unions, tobacco company created front groups and tobacco companies' own affiliated food companies."

- “Much of the Boca Raton Action Plan [created at a secretive Big Tobacco meeting] involved the creation or manipulation of seemingly independent organizations with strong tobacco company ties. The documents show that some of these organizations such as LIBERTAD, the New York Society for International Affairs, the America-European Community Association and the Institute for International Health and Development, were used successfully to gain access to dozens of national and world leaders, health ministers, WHO and other United Nations agency delegates.”

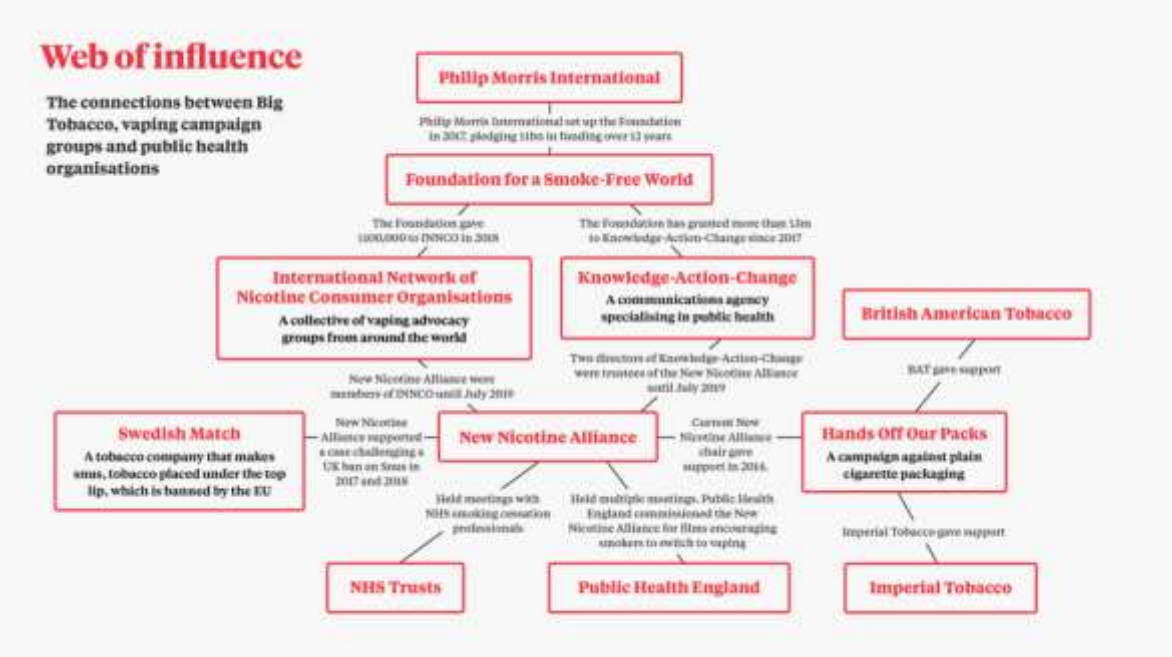
Once again, propaganda and influence are actually less about influencing the public directly but instead through all manner of professionals. This includes influencing organizations to make use of their authority ideally to advance your agenda. If that doesn’t work then seeking out to undermine their authority instead.

By necessity, this complicates matters significantly. Yet it is exactly a group like Big Tobacco, who has the necessary money and people, that is able to afford to play this game. The complicated web they weave involves front organizations, consultants, donations and so much more involved.

Because this is more complicated most people are not able to see it happening. The WHO had to look deep at themselves in this area to come to terms with the specifics of how they were infiltrated. That’s a rare thing! (Unfortunately, these same exact tactics are used even more successfully by other industries with the WHO and other large organizations.)

These same tactics of infiltrating institutions and setting up front groups are still being used to this day. A 2020 article by The Bureau of Investigative Journalism shows how Phillip Morris, British American Tobacco and others were able to use front groups to ultimately influence NHS and Public Health England.

A picture is worth a thousand words. Here you see the combination of advocacy front groups being used to infiltrate bigger and more powerful scientific and public health institutions. Webs of influence are a main method of the playbook.



Key Takeaways on Infiltrating Institutions

- Advertising, whether in journals, on TV, or elsewhere is a useful step in gaining some influence over editorial content.
- The largest and most powerful medical association, the AMA, was firmly under the financial influence of Big Tobacco for decades. They promoted cigarettes, and even when that stopped, refused to stand against them, echoing the PR line of Big Tobacco. They only came out against smoking in 1972, hardly at the forefront of the science.
- Even when large organizations took scientific stands, it often didn't translate into policy due to complex reasons of constituencies, politics, and influence.
- Big Tobacco attempted to influence the Surgeon General's committee through Peter Hamill. While this attempt was unsuccessful, it was just one of many such attempts.
- The FDA tried hard to put tobacco under its jurisdiction in 1996, but Big Tobacco was able to delay this regulation until 2007.
- A report from the WHO looked at how they were infiltrated and subverted by Big Tobacco including by paying consultants, advisors and other officials that worked for or with the WHO, by the use of political pressure, lobbying and more.
- The Boca Raton Action Plan, created at a secretive Big Tobacco meeting, relied primarily on using various advocacy front groups to help influence and infiltrate institutions. These complicated "webs of influence" are an industry playbook mainstay.

Chapter 9 - Ideological Allies

This chapter is different than most. It covers an area I've never really seen covered in discussions of the industry playbook. Yes, it is well known that science can and will bend the knee to industry. But how does it happen? I'm guessing there are some sociopaths in science that are there just for power and money. But these can't be the majority. Not by a long shot.

People are great at rationalizing their behaviors. Tobacco executives didn't think of what they were doing as evil. No tobacco friendly research scientist thought that they were killing people. The truth was that their PR was not just external but internal. At least early on, they honestly convinced themselves that there was no link between health and smoking.

This chapter explores what it means to have other rigidly held beliefs that would stop someone from seeing such a link because of underlying assumptions. That some "fact" was assumed true regardless of actual validity and independent of observation.

We can see this ideological positioning clearly in an early survey. In 1955, a survey of doctors found that for heavy smokers only 31% agreed with "Heavy smoking may lead to lung cancer." For non-smokers, more than 65% agreed with this statement.

Those that smoked didn't want to believe it was bad for them because they'd have to own up to their behavior. This would unconsciously change how they viewed evidence, whose side they would take, which arguments they would find more appealing. This is human nature, and it affects authority figures like doctors and scientists just as well as laymen. Perhaps even more so because of their believing in the superiority of their rationality!

Evarts Graham wrote in 1954, "it has not been universally accepted and there are still many cigarette addicts among the medical profession who demand absolute proof…The obstinacy of many of them in refusing to accept the existing evidence compels me to conclude that it is their own addiction to this drug habit which blinds them. They have eyes to see but they see not because of their unwillingness or inability to give up smoking…I have never encountered any non-smoker who makes light of the evidence or is skeptical of the association between excessive smoking and lung cancer."

In essence, this position boiled down to “I smoke, therefore it can’t be harmful.”

As the scientific evidence of dangers began to mount, there were opponents. Two of these were Joseph Berkson, head of Biometry and Medical Statistics of the Mayo Clinic and Sir Ronald Fisher, leading biometrician and geneticist at University College London and Cambridge University. These two were skeptics of the tobacco-cancer link.

Brandt writes, “While Fisher and Berkson raised important questions, their critiques were no match for the overwhelming evidence of repeated studies. Nonethelesss, the industry broadcast and rebroadcast these attacks and ultimately hired both Fisher and Berkson as paid consultants. Although both men identified themselves as ‘independent’ skeptics, they brought both *a priori* assumptions and, later, conflicts of interest to their unrelenting critiques.”

These men didn’t believe that smoking could cause cancer. They believed this because they had other beliefs about health and how the world worked, that essentially didn’t give room for this possibility. Big Tobacco found willing allies here. And that relationship only strengthened when money began to flow towards it.

This reminds me of Upton Sinclair saying, “It is difficult to get a man to understand something, when his salary depends upon his not understanding it.”

Of course, this wasn’t everyone. Many scientists started off skeptical of the link. But based on the mounting evidence some changed their positions. Some of these scientists quit smoking in light of the evidence. This is how science ideally works, if you’re not paid to look the other way or wrapped up in ideology.

We’ll now turn to Dr. Clarence Cook Little who was elected to head the Scientific Advisory Board of the TIRC.

“Little’s personal commitments and *a priori* assumptions about cancer causality made him the ideal proponent of the industry’s singular goal of maintaining a ‘controversy’ regarding smoking and health.,” writes Brandt. “His scientific beliefs about cancer corresponded directly to his belief in the importance of heredity for understanding the causes of disease. From his earliest scientific training, Little had been deeply committed to hereditarian notions of cancer and society. In 1936, as president of the American Birth

Control League, he decried the 'ill-advised and unsound policies of economic relief employed in this country,' which he maintained would only lead to the further propagation of the unfit, and he offered gratitude to 'the gentlemen who rule Italy, Japan, and Germany for demonstrating that a program of stimulating population is a program of war." Little's eugenic science was closely tied to his politics. 'Our political and sociological premise in America is based on the false premise that all persons are born free and equal. This is an absolute absurdity,' he wrote in 1936. 'We must segregate men according to their standing.' Little also became a founding director of the National Society for the Legalization of Euthanasia and the Race Betterment Congress. He vigorously defended compulsory sterilization, urging the expansion of legislation mandating such policies."

While few people call themselves eugenicists today, these ideas have only slightly changed among many scientists. For many decades all health was attributed to genetics. The Human Genome Project promised to end all disease, and we're still waiting. That genetics would solve all health problems is always on the horizon, even now using CRISPR, machine learning, gene therapies and more.

These assumptions about what causes disease and what does not, are very helpful to any industry that wants to point the blame away from their cancer and other disease-causing products.

Brandt continues, "Given Little's personal rigidities and conceit, no epidemiological findings could possibly unsettle such deeply held convictions…Once Little became the scientific director of the TIRC, he demonstrated a complete unwillingness to be swayed from the positions he took in 1954. No new evidence ever convinced him of the relationship of smoking to disease. Little had no respect for clinical and field observations. He brought these unbending views to his work for the industry and structured its research program accordingly."

Understand what this means. No amount of evidence would ever convince Little. Why? Because it wasn't just about cigarettes causing cancer. For that to be admitted, his entire worldview would have to shift. His beliefs about race, economics, politics, heredity, health and more would all have to significantly change for him to see that cigarettes caused cancer. Therefore, it was all of these other things that ultimately held that single belief in place. It was the foundation on which his world view was built.

The ideal scientist is one who is dispassionately observing facts and brings no belief to the table to simply observe what is. But scientists are human. And deeply held beliefs, and *a priori* assumptions, are not always easy to observe.

Brandt concludes, "Was Little disingenuous in his skepticism? Did he dissemble on behalf of his employer? The evidence on this question remains indeterminate. What we do know is that Little, by self-proclamation deeply committed to science and rationality, lost all capacity to evaluate his own biases as he assessed the question. Fiercely independent throughout his career, he failed to comprehend the corrosive social and psychological mechanisms of conflicts of interest. Colleagues and friends came to question his judgment and rectitude: he had sold his science to industry."

Clarence Little said as late as 1969, "There is no demonstrated causal relationship between smoking or any disease. The gaps in knowledge are so great that those who dogmatically assert otherwise – whether they state that there is or is not such a causal relationship – are premature in judgment. If anything, the pure biological evidence is pointing away from, not toward, the causal hypothesis." He retired from the Scientific Advisory Board that year. A smoker himself, he died in 1971 of a heart attack.

Yes, there are scientists that have their price. But more often than not, the best industry strategy is finding ideological allies, those that already believe what you want believed for any other reason.

And while we focused on scientists here, ideology is certainly not exclusive to them. Journalists, politicians, lawyers, regulators and more can all become allied in the same way.

Key Takeaways on Ideological Allies

- The ideal of science is to objectively look at the data and form beliefs solely based on that. Many people confuse this ideal with what happens in scientific reality.
- Science in practice is done by human beings which bring *a priori* assumptions, beliefs and values to their experiments and their viewing of data. This can and does skew opinions. Like with Dr. Little, no evidence of smoking causing cancer could ever shift his worldview of cancer being solely hereditary.
- For industry it is best to find those people that have underlying assumptions about what causes disease and what does not that are friendly to your products and position. You don't need to convince them, for one reason or another they're already convinced.
- In addition to ideological positions, financial conflicts of interest can further sway scientists and other allies. Often one step leads to the next.

Chapter 10 - Weaponization of Values

This topic is not often mentioned, yet a critically important aspect of a successful PR campaign. If you want to steer the public or professionals towards your agenda, how do you do it? You can't simply say we want to make more profit so you should listen to us. No one would embrace your agenda if you did that.

Instead, you must hook into genuine values that people already hold. The stronger the values the better. This is key for good PR to work.

Months ago, I mentioned the crimes of Big Tobacco in an email I sent out to subscribers, and I received this reply from Michael:

"Thanks for this. While I understand the opinion, I'm a big believer in the Constitution and personal responsibility. Poor diet's impact I'd say is over a billion [deaths per year]. The same could be said about unhealthy food, it's a person's free choice. Can't blame McDonald's if you're obese and diabetic."

First of all, I am big on personal responsibility too. I largely agree with this.

But these are exactly the values that Big Tobacco, not to mention other industries such as fast food, use against us. It's called spin for a reason.

Big Tobacco successfully avoided legislation and continually won court cases based on using this idea of individual responsibility. As it fits in the American individualistic view, it was especially useful.

Brandt writes about this in the book. "Widely shared libertarian attitudes about both the role of the state and the behavior of individuals constrained the future of campaigns against tobacco. The American individualist credo, 'It's my body and I'll do as a I please," cast a net over further antismoking initiatives…The tobacco companies and the Tobacco Institute had aggressively and effectively presented the case for smoking as a *voluntary* risk…The industry and its political allies frequently invoked Big Brother or the Prohibition debacle to point out how paternalistic government interventions offended the basic American values of independence, autonomy, and the right to take risks. Dictating other people's behavior, even in the name of health, was portrayed as un-American."

Big Brother is absolutely something to be worried about. Prohibition was a spectacular failure. Independence is a great thing. I agree with all of these. And

I certainly wish we enforced the Constitution much more than we do these days.

Yet, understand that these are not the full picture. The truth is messier. These same exact values can be twisted. They are spun in order to abdicate any responsibility from the companies involved.

Again, I am in total favor of people being personally responsible. Too few people become radically self-responsible. And we must talk about corporate responsibility too. Corporations used to have a social responsibility, not just a fiduciary one (that's the responsibility to make as much profit as possible for their stakeholders).

Corporations have lots of benefits, in being treated as persons, so why not an equal playing field of responsibilities too? Responsibilities should actually be more important to big business, not less, because of the outsized power they have as compared to individuals.

Furthermore, we can't think of free choice as an all-or-nothing thing. There are shades of grey involved. Many studies have shown just how swayable our thoughts and feelings are. One that sticks out in my mind is covered in Brian Wansink's *Mindless Eating*. Giving a free bottle of wine to restaurant guests altered their outlook and behavior. If the label said California (a place known for good wine), compared to North Dakota (not at all known for wine), the differences were stark. With the California wine people stayed longer, tipped bigger and rated enjoyment of their food higher. And they said the wine had nothing to do with it.

I'm not saying we're stimulus-response automatons. But neither is free choice absolute. There are shades of gray in all things. This is a large function of why propaganda, advertising and public relations exist. So much money is spent in these areas because they work.

So our question can transform a bit more into reflecting how much is free will? How much is choice overtly or covertly swayed?

How much is it an individual's free choice when we're talking about an underage child taking up smoking because of advertising specifically pointed at them? Take into consideration that R.J. Reynolds knew that Joe Camel targeted youths, and that's just one example of many.

Is the adult still capable of free choice if they became addicted as a teenager when their brain is still developing?

Furthermore, how much is free choice when Big Tobacco claimed cigarettes were not addictive when they were specifically and purposefully engineering the cigarettes to be more addictive?

Where is the responsibility behind what a May 1994, *New York Times* piece shared featuring leaked documents from Merrell Williams? This included "the executives of the…Brown & Williamson Tobacco Corporation chose to remain silent, to keep their research results secret, to stop work on a safer cigarette and to pursue a legal and public relations strategy of admitting nothing."

Such actions directly affect your autonomy because information is not only withheld but disinformation purposefully spread. How can you make a free choice, choose to smoke with informed consent, when the information necessary to do so is withheld from you and your perspective distorted?

"It is ironic that the impact of smoking on nonsmokers, rather than on smokers themselves, is what finally transformed the regulation and cultural perception of the cigarette," writes Brandt. Why was it this that changed everything? Because this had to do with the same values of liberty and autonomy.

In 1986, a National Academy of Sciences report showed that children of smokers were twice as likely to suffer from respiratory infections, pneumonia, and bronchitis as children of non-smokers. This report estimates that ETS caused between 2,500 and 8,400 lung cancer deaths per year.

In 1974, Surgeon General Jesse Steinfeld said, "Nonsmokers have as much right to clean air and wholesome air as smokers have to their so-called right to smoke, which I would redefine as a 'right to pollute.'…It is time that we interpret the Bill of Rights for the Nonsmoker as well as the smoker."

You'd be hard-pressed to believe that this was free choice and personal responsibility of the children. But then again, that was argued for! In 1996, Charles Harper, the CEO of R.J. Reynolds, stated, "If children don't like to be in a smoky room, they'll leave."

You can say it's the parent's responsibility. Again, I agree in part, but what if that parent became a smoker because their parents before them were addicted? And that parent didn't think it was important to quit because Big Tobacco lied about the dangers, the addictiveness, and grasped their values of independence, coolness, and manliness with the Marlboro man.

Upon careful reflection, values most often cut both ways. And it is important to recognize that rights go hand in hand with responsibilities. This is true, or at least ought to be, for individuals as well as companies.

Be aware of when industry uses your closely held values to manipulate you into believing and acting on their bidding. John Stauber and Sheldon Ramptom wrote in *Toxic Sludge is Good For You!*, "If the PR industry were *only* based on 'lies and damn lies,' it might be easier to see through its deceptions. But PR's cunning half-truths and 'spins' appeal to us and work on us because they come *from* us, from the constant plumbing of the public mind by surveys, opinion polls, focus groups, and information gathered as we apply for bank loans, purchase goods with credit cards, place birth announcements in newspapers, vote and make phone calls. Every day we as individuals are leaving behind the electronic equivalent of fingerprints and DNA samples that marketing and PR firms lift from the commercial landscape, and refine for their use in their efforts to manipulate our minds."

And keep in mind that this was all before social media even existed! This is the art of spin.

Key Takeaways on Weaponization of Values

- When it comes to PR, outright lies aren't nearly as effective as half-truths spun in a way to hook onto values you hold near and dear.
- The common industry line is to place the blame on the individual, while abdicating any real responsibility for the companies involved. Notice where the blame is placed.
- Corporations have lots of rights legally, they ought to have greater responsibilities too. This is especially the case when you acknowledge they have outsized power as compared to individual people.
- Free choice nor stimulus-response are black and white. We must see these with shades of grey to properly navigate the world.

Chapter 11 - Destroying Evidence

Nowadays, there over 14 million documents from tobacco companies online. Just one place where they can be found is the UCSF website, along with documents from other industries.

It could take many lifetimes to go through all this. And this is more than enough evidence to prove everything that is shared in this report.

But the facts are likely even worse than what is proven here because of the topic of this chapter.

The Verdict is In, summarizes this as such. “Defendants attempted to and, at times, did prevent/stop ongoing research, hide existing research, and destroy sensitive documents in order to protect their public positions on smoking and health, avoid or limit liability for smoking and health related claims in litigation, and prevent regulatory limitations on the cigarette industry.”

Judge Fitzpatrick ruled that Philip Morris had engaged “in an egregious attempt to hide information.”’ This included not just having lawyers review industry materials for the very purpose of claiming privilege, but the destruction of documents as well.

We can see a couple of examples from other companies. In the 1960’s R.J. Reynolds established a research facility nicknamed the Mouse House to do research on the health effects of smoking.

In 1970, Philip Morris’ president complained to R.J. Reynolds about this work. So R.J. Reynold’s closed the Mouse House, fired all 26 scientists working there, and destroyed all the research. They didn’t want it to possibly get out.

Another document from Thomas Osdene, Philip Morris’ director of research, stated, “Ship all documents to Cologne…Keep in Cologne. OK to phone and telex (these will be destroyed)…We will monitor in person every 2-3 months. If important letters have to be sent please send to home—I will act on them and destroy.”

Ironically there was documentation of the destroying of documentation.

Internal correspondence from British American Tobacco (BAT) showed just how far this destruction of evidence went. It became policy! “[M]embers of the BAT Group, in furtherance of the Policy’s purposes, destroyed documents,

routed them from one country or BAT facility to another, erased a useful litigation database as well as the fact that the documents it contained had ever existed as soon as the pre-existing judicial hold was lifted, and constantly exhorted their many employees to avoid putting anything in writing. All these activities were taken for one overriding purpose — to prevent disclosure of evidence in litigation."

Here's an example of one of their memos from June 1992, regarding another front group Healthy Buildings International (HBI).

"Please also note, more importantly, that this [is] an extremely sensitive document! HBI are [sic] currently under a considerable amount of investigation in the US about their connections with the industry. All references to companies in the quote has [sic] therefore been removed. Please do not copy or circulate this in any way and please destroy this fax cover sheet after reading! I know this sounds a little like James Bond, but this is an extremely serious issue for HBI."

So yes, we have tons of evidence. But the facts are we are likely missing the worst of the worst!

Just think about it for a moment. If they're not capturing information in the first place, or go on to destroy any and all records, it will very often be the most incriminating stuff.

What are the things you don't dare to put on paper, but only discuss behind closed doors?

Furthermore, if your policy involves destroying evidence, you know you're doing immoral or illegal things. And you're specifically seeking to cover it up.

What that means is as bad as we know Big Tobacco acted, it is likely even worse.

Key Takeaways on Destroying Evidence

- Although there is plenty of damning evidence of what Big Tobacco did, the most damning of all evidence was likely destroyed never to see the light of day.
- Hiding and destroying research and evidence was actually the policy of many of the companies.
- If your policy involves destroying evidence, you know you're doing immoral or illegal things. Is the cover up worse than the original crime?

- The fact that so much evidence has come out in court cases against Big Tobacco and other industries means that the amount of evidence destroyed by others has likely gone up. Or the most sensitive matters are discussed without any record at all ever existing. Learning from this history would lead to more conspiring behind closed doors off the record.

Chapter 12 - Lobbying and Buying Politicians

Public relations are not just about the public but about professionals. Seeing as politicians have influence over laws that could either benefit or cripple industry aims, a huge part of the playbook is to influence the politicians and thus, the laws they create.

In the USA, there are three branches of government, the executive, legislative and judicial. These checks and balances were meant to keep government honest. In this chapter most of the focus is on the legislative branch, however influence is not exclusive to that branch.

Back around the turn of the 20th century, well before the dangers of cigarettes were known, there was discussion of laws prohibiting sales of tobacco. Brandt writes, “As dozens of states debated such laws [prohibiting sales of cigarettes], rumors flew that Tobacco Trust representatives were liberally dispensing bribes among state legislators to fight the restrictions.”

It is one of the monopoly or cartel powers, to be able to influence those who make the laws.

There are illegal bribes and then there are legal bribes. Big Tobacco were some of the biggest spenders when it came to political campaigns, something that is legal to do.

Most of the spending went to politicians of the south where tobacco was grown. As such 80% of funding went to Republican candidates.

This led to statements such as this among politicians. “The Surgeon General is entitled to draw his own conclusions,” said Senator Sam J. Evans, Jr. in 1965. “He is treading on questionable ground, however, when he begins to impose these opinions on the public, without acknowledging the fact that this matter is in controversy among scientists.” This was the PR line of the tobacco companies used inside the Senate.

In 1965, the Federal Trade Commission required a label on packages saying “Caution: cigarette smoking is dangerous to health and may cause death from cancer and other diseases.” This was a result of the passage of the Federal Cigarette Labeling and Advertising Act of 1965.

Brandt writes, “[T]he industry sought legislation that would explicitly preempt any state and local regulations about labeling and advertising in favor of a congressional mandated—and heavily lobbied—federal act…The legislation *was* aggressively regulatory in this one respect: it clipped the wings of the FTC, which was legally *banned* from taking regulatory actions against tobacco for four years.”

Despite the warning, passage of this act was actually in Big Tobacco’s favor. This is because with the warning, they would argue in court repeatedly, and successfully for decades, that people were made aware of the dangers and thus the companies were not responsible. This warning label would also help them in tort litigation over the coming decades, as the consumers were now warned of the dangers.

Not every politician is influenced by money, though this unfortunately seems to be a minority. Before the passage of the act, Congressman John Blatnik and seven other congressmen and senators wrote to President Johnson asking him to veto the bill saying it “protects only the cigarette industry.”

Behind most of this was the Tobacco Institute. *Public Relations Journal* described the Institute as one of the “most formidable public relations/lobbying machines in history.”

Former state legislator Ron Faucheux said, “In the modern world, few major issues are merely *lobbied* anymore. Most of them are now *managed*, using a triad of public relations, grassroots mobilization and lobbyists.” Because of these strategies we would see examples of favorable legislation being enacted over and over again in the following years.

In 1966, The Fair Labeling and Packaging Act was passed. It explicitly did not cover tobacco thanks to the Tobacco Institute’s lobbying.

The “Federal Cigarette Labeling and Advertising Act marks one of American history’s most impressive examples of the power of special interests to shape congressional action,” wrote Brandt. “The industry increasingly utilized legitimate antitobacco legislation as a ‘vehicle’ for inserting preemptive clauses. Given that such bills often originated with public health advocates and their allies, the addition of preemption clauses sometimes had the effect of dividing antitobacco coalitions, as they found themselves forced to decide whether to accept valuable public health interventions at the cost of conceding preemption of local controls.”

In 1969, The Public Health Cigarette Smoking Act passed, mandating the warning on cigarette packages read, “Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous To Your Health.” Note that this did not change much of anything.

In 1970, The Controlled Substances Act was passed. It explicitly did not cover tobacco thanks to Tobacco’s lobbying efforts.

In 1972, The Consumer Product Safety Act was passed. Guess what products it didn’t cover once again? This led the *Wall Street Journal* to say that the Tobacco Institute had shown its power in “turning a series of imminent disasters into near victories.”

In 1974, Senator Frank Moss of Utah submitted a petition to Consumer Product Safety Commission (CPSC) to ban high-tar cigarettes. The next year in October of 1975, Congress passed HR 644, the CPSC Amendments Bill. This specifically excluded tobacco products from the jurisdiction of the CPSC.

In 1981, the FTC conceded that it’s warning labels on ads and packages were ineffective. Yet three years later, Congress passed the Comprehensive Smoking Prevention Education Act. A part of the bill changed the cigarette package labels to four in rotation, still active today.

Senator John McCain led a bill in 1998 to curtail Big Tobacco. As a result, they spent $40 million on radio and television ads within a two-month period talking about how the bill would increase taxes. One such ad stated, “Washington wants to raise the price of cigarettes so high there’ll be a black market in cigarettes with unregulated access to kids.”

In addition, tobacco lobbyists loaded it up with amendments that had nothing to do with tobacco. Then they opposed it on the grounds that it is was no longer a tobacco bill. This was another tactic in the political game. The bill was killed.

Understand that legislation could have been passed in these years that actually would have affected Big Tobacco’s impact on human health. But since they had the money to fund lobbyists, astroturfers, front organizations and the politicians themselves, they would be able to steer the laws in their favor.

Looking at the results of this legislation we can confidently say that Congress was effectively bought on the subject of tobacco for decades.

Yet the battleground wasn’t only there. It also existed in the states.

In 1973 we saw campaigning by a real grassroots organization Arizonans Concerned About Smoking, founded by Betty Carnes. This led to Arizona being the first state within the USA to pass a law restricting smoking in public places.

In 1975, Minnesota passed the Clean Indoor Air Act, banning smoking in most public places unless specifically allowed.

Big Tobacco aimed to curtail these laws too. For example, in 1978, they spent $6.5 million to kill a referendum in California, Proposition 5, which aimed at statewide restrictions on smoking. This proposition was effectively defeated.

Still, in this case with the tide of public opinion turning especially regarding secondhand smoke, by

1981, thirty-six states had some form of restriction on smoking in public.

The deceptive tactics used only grew over time. In 1994, Philip Morris hired PR agency Dolphin, who setup a front group called "Californians for Statewide Smoking Restrictions." Along with the National Smokers Alliance, they were able to gather enough signatures to put Proposition 188 on the ballot. Billboards promoted "Yes on 188—Tough Statewide Smoking Restrictions—The Right Choice."

The facts were that this referendum would aid Big Tobacco, despite the anti-tobacco messaging they advertised it with. It would have undermined 270 local restrictions and state-wide smoke free work laws. The funding and the ploy came to light and this referendum was not passed by the public.

Total lobbying has decline in recent years, but it hasn't gone away. "In 1998, the tobacco industry spent a total of almost $73 million on federal lobbying and employed over 200 lobbyists who advocated on its behalf. In 2014, total lobbying expenditures from the industry had dropped to around $22.2 million, with fewer lobbyists as well," writes Alex Lazar of the Center for Responsive Politics.

Key Takeaways on Lobbying and Buying Politicians

- There are illegal bribes and legal bribes. Contributing to the campaigns of politicians is an effective way to influence how politicians will vote. Most funding went to Republicans, due to tobacco being grown in red states and their affinity for bigger businesses and less government.
- If we look at the track record it is clear that Big Tobacco was effectively ably to buy Congress on the topic of tobacco for decades.

- Any legislation that was passed did not cover tobacco, or when it did, was actually in favor of the tobacco companies.
- This came despite people and other legislators aiming to constrain the power of the tobacco companies. Bills were altered or amended. Bills were stuff full of other things.
- Any truly detrimental legislation would have the full power of the playbook thrown against it. Not just lobbying, but astroturf, front organizations, calling in favors, advertising, PR campaigns, smears and more.
- The biggest fights happened on the Federal level. But these fights also took place on the state and local levels too.
- Big Tobacco and their PR firm allies were not above deception such as the case of Proposition 188 in California shows. This pro-tobacco bill advertised anti-tobacco messaging to attempt to sway people to mistakenly vote for it.
- While the power of Big Tobacco has gone in recent year they still are active in the lobbying game today.

Chapter 13 - Controlling Regulation

Tobacco is an interesting case as it became a monopoly power before any of our big regulatory agencies were even created.

“As food and drug regulation was created in 1906 and stiffened in 1938, tobacco products were viewed within the Food and Drug Administration as neither food nor drug and, thus, outside the agency’s mandate,” writes Brandt. “The industry successfully avoided any requirements for reporting ingredients or evaluating the safety of the product. There was virtually no governmental oversight of the manufacturing process.”

This is in stark contrast to other industries where a revolving door of regulators moving to and from industry is critically important in benefiting the industry as will be described in other chapters. For Big Tobacco it was a matter of staying free from regulation and they were able to do that for a long time. Defying any kind of regulation is just one form of controlling it.

The Tobacco Institute could take credit for this. As legislation occurred, the industry aimed to make sure that state or local level regulations could not pass. They did so by pre-empting such regulations with federally approved legislation. A Congressional act would require labels to be put on cigarette packages and ads but wouldn’t allow states to pass any other regulation.

“The Federal Cigarette Labeling and Advertising Act of 1865 (FCLAA) is a classic demonstration of how efforts to regulate can be turned 180 degrees—given enormous clout in Congress and a successful strategy, implemented with great tactical skill and military precision,” writes Brandt.

Journalist Elizabeth Drow wrote about the FCLAA that “It is an unabashed act to protect private industry from government regulation.”

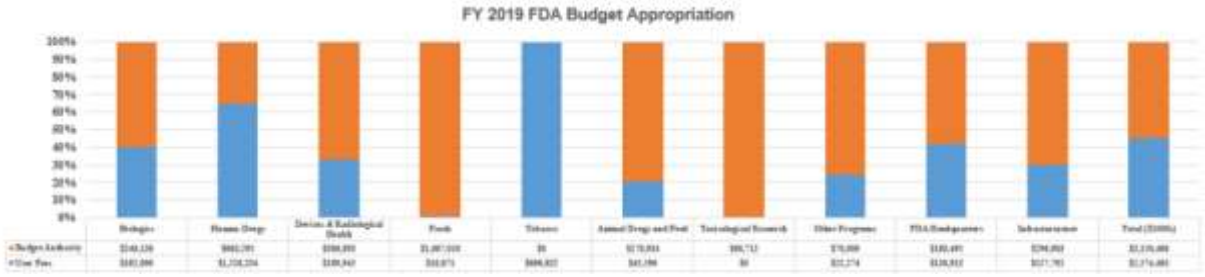
In 1992, the EPA declared that tobacco smoke is a Class A human carcinogen. This action did not carry any policy change though.

In August of 1996, FDA Commissioner David Kessler announced they’d regulate nicotine-containing tobacco products as medical devices and restrict youth access and advertising. They asserted that tobacco did fall under its jurisdiction. “Whatever the challenges, the industry cannot be left to peacefully reap billions of dollars in profits, totally unrepentant, and without thought to the pain caused in the process. For that remains its intent,” said Kessler.

However, the industry immediately sued to stop this. And they did. The courts taking a long time through motions and appeals, it was not until March of 2000, that the Supreme Court ruled 5-4 that the FDA did not have jurisdiction to regulate tobacco.

But that wasn't the end of the fight either. Ultimately, the FDA was successful, with the passage of the Family Smoking Prevention and Tobacco Control Act by Congress in 2009. This granted the FDA regulatory power over tobacco.

Big Tobacco now pays for a significant portion of the FDA's budget for this regulation. In 2019, tobacco user fees, paid by manufacturers and importers, made up $666 million of the $3.15 billion total budget. That means that Big Tobacco pays roughly a quarter of the FDA's budget.



Key Takeaways on Controlling Regulation

- Tobacco products were around before any regulatory agency that should oversee them was. With this they were sort of grandfathered in to not being regulated.
- Big Tobacco was able to stop regulation at a state or local level by pre-empting any such regulation with passage of a federal act that did nothing more than label cigarettes.
- The FDA sought to regulate tobacco in 1996. Due to Big Tobacco fighting it, it didn't come to pass until 2009, thirteen years later. Big Tobacco pays approximately one quarter of the FDA's total budget.

Chapter 14 - Legal Defense and Offense

It is not just the army of scientists, PR spinsters, politicians and lobbyists. Without an army of lawyers, the industry playbook would be far from complete.

People started suing the cigarette companies as early as the 1950's. In 1964, over 30 lawsuits had been filed against Big Tobacco accusing them of negligence and other crimes. The majority were dismissed or dropped. Others failed.

One of the main legal strategies was to do all kinds of maneuvers designed to maximize costs for the plaintiffs. Big Tobacco had deep pockets, meanwhile their victims, and the lawyers they worked with, simply couldn't compete economically.

R.J. Reynolds attorney J. Michael Jordan specified, "The aggressive posture we have taken regarding depositions and discovery in general continues to make these cases extremely burdensome and expensive for plaintiffs' lawyers...to paraphrase General Patton, the way we won all of these cases was not by spending all of [R.J. Reynolds'] money, but by making the other son of a bitch spend all his."

It wasn't until 1988 when a jury awarded Antonio Cipollone $400,000 in damages that we saw the first judgment against any tobacco company. Still, this was later overturned. It was estimated that the firm representing Cipollone had spent close to $10 million and a decade of 3,000 hours per year on this case.

The first actual payment of any damages didn't occur until 1996 when lung cancer victim Grady Carter was awarded $750,000 in damages from Brown & Williamson.

That's almost fifty years of a flawless legal defense! How were they able to do this?

Understand that this was often a use of monopoly power once again. In 1964 all the Big Tobacco executives agreed to let attorney Thomas Austern of Covington & Burling represent them all when they went up against the FTC.

Like there was a united front of PR by working with Hill & Knowlton, there would be a predominately united legal front too. In this case, it was defense against the FTC in regulation of ads, but the same strategy would be used elsewhere. This is summed up by an attorney with Brown & Williamson, J. Kendrick Wells. He said, “direct lawyer involvement is needed in all activities pertaining to smoking and health.”

The principle legal defense used against the people was that they were warned of the dangers with the FTC required warning labels. A law that was meant to help people against Big Tobacco’s excesses, in turn actually helped them out.

“Once the purchaser is informed of a danger, the burden of any injuries incurred from that danger would shift to him,” argued David Hardy, a partner at Shook, Hardy & Bacon. This Kansas City law firm helped shape the overall legal strategy that worked against plaintiffs.

They would also argue that even if cigarettes did cause cancer that they couldn’t prove it did so in any individual case of cancer. Epidemiologically that cigarettes caused cancer was clear. But in individual cases the causality was difficult to pin down.

One helpful strategy included the use of scientific experts, this time extended to the courtroom. Brandt writes, “In 1966, CTR had established, under the guidance of its Committee of Counsel, a ‘special projects’ program to undertake specific research projects and to prepare scientific witnesses for trials and congressional testimony. Special Projects offer the lawyers considerably more control to direct the research and to withhold negative findings. This was overseen by Ed Jacobs of the firm Jacob, Medinger, Finnegan & Hart. As one former R.J. Reynolds employee explained, ‘As soon as Mr. Jacob funded [a scientific study] it was a privileged communication and it couldn’t come into court.’”

This is how science is used to influence not just the body of scientific research and the public, but how law is both made and enforced.

One of the most useful legal defense strategies was to claim client-attorney privilege. By running research papers and other memos through their paid lawyers, Big Tobacco would state that these did not need to be disclosed.

This strategy worked for many decades, but eventually many of these privileged documents were leaked or disclosed. One example came from 1983. A legal memo from a law firm working for Philip Morris quotes

researchers Victor DeNoble and Paul Mele in their paper “Nicotine as a Positive Reinforcer in Rats” that “their overall results are extremely unfavorable” and that “research such as this strengthens the adverse case against nicotine as an addictive drug.” Note that this was in a legal memo that eventually came out. There was no earlier record of this damning science showing that the tobacco companies knew about the addictiveness of nicotine while publicly admitting nothing.

Shook, Hardy & Bacon wrote to Philip Morris, “Research engaged in, as well as some possibly under consideration, by Philip Morris, has undesirable and dangerous implications for litigation positions the industry takes in regard to smoking behavior…the performing and publishing of nicotine research clearly seems ill-advised from a litigation point of view.”

The lawyers did not approve of this research. What does law have to do with scientific fact? Sadly, it seems to lead what can and should be investigated and what should not.

Even when laws have been breached, that doesn’t mean the playbook has run out of strategies. In 1994, Congressman Marty Meehan requested the DOJ investigate the tobacco companies for perjury and criminal conduct. Despite five years investigation by a task force the DOJ did not file any charges. Even Judge Kessler, who found the companies guilty in the RICO case, said “perhaps it suggests that additional influences have been brought to bear on what the government’s case is.”

I can’t say for sure why this was, but many people think the law and those involved, especially judges, are beyond reproach. Some of them, maybe even most of them. But that doesn’t mean that all are. This is conjecture, but various backroom deals are absolutely possible in this realm as well.

In *Horton v. American Tobacco*, the end result had been a hung jury with claims of jury tampering. Seeing everything else these lawyers and executives involved in, would you put that past them?

And just like Big Tobacco was able to steer much legislation in its favor, they would sometimes pull this off in losing legal battles too! In 1997 over 30 US states banded together to sue Big Tobacco for public health costs. In June that year, Attorney General Moore announced a “global settlement” with tobacco industry. They agreed to pay $365.5 billion to the states over the next 25 years.

By November 1998, this master settlement agreement, MSA, was negotiated. The amount was whittled down. Five major tobacco companies agreed to pay $206 billion to 46 states over 25 years. This also included funding a national foundation devoted to public health and some restrictions to advertising.

The bad guys had to pay. Sounds good right? Regarding this settlement, “It’s a terrible deal,” said UCSF health economist Dorothy Rice. She estimated California had $8.7 billion in costs related to cigarette illness but would receive only $500 million per year.

The settlement made it so that the governments would assure Big Tobacco was successful enough to keep making these payments. Brandt writes, “In Illinois, where Philip Morris lost a class-action suit with a judgment of $10.1 billion, more than thirty attorneys general filed an amicus brief warning that bankruptcy to the company would cause dire harm to the states. It was a remarkable turnabout to have the attorneys general *defending* the industry and its economic well-being…The MSA proved to be one of the industry’s most surprising victories in its long history of combat with the public health forces.”

So here we see a way to not just put Congress in your pockets through lobbying, but the state’s legal departments through good lawyering!

Big Tobacco was amazingly successful in the court room. But the truth did eventually come out. It was in the courtroom where many battles were eventually won. That will be covered in the upcoming chapter Discovery and Litigation.

Key Takeaways on Legal Defense

- Court cases against Big Tobacco began in the 1950’s. Due to an army of lawyers and a wide range of legal strategies, they didn’t lose a case until 1988, and paid nothing until 1996.
- Making cases difficult, long and expensive for anyone that came against them was the first key legal strategy.
- Like the united PR strategy, a united legal strategy was agreed on by the tobacco companies in many areas.
- A law meant to help people, by putting warning labels of cigarettes themselves, was a key defense strategy in saying that people had been warned.
- The lawyers became directly involved in science itself, directed what studies were done, what was withheld, all of it becoming client-attorney privileged communication and thus not open to the public.

- Despite criminal conduct and a successful RICO case, the DOJ never filed any charges against the tobacco companies. This raises the question of what larger influence they used.
- In at least one court case, there were accusations of jury tampering.
- Even a settlement made between the tobacco companies and the states, often trumpeted as a big win against Big Tobacco, would end up supporting the criminal companies. This made the states reliant on tobacco revenues which stopped further regulation or court battles.

Chapter 15 - Influencing Journalism

Recall all the power of public relations that has been discussed in these various strategies. Now understand that in the USA there are more than four and a half PR people for every reporter. This number has grown over the years, but PR people have outnumbered journalists since 1980.

The majority of those PR people started out as journalists themselves. Why? The pay is better and there are a lot more jobs available. But it was a long road to this position we find ourselves in today. Big Tobacco helped to pave that road.

One of the biggest plays of public relations is to get stories out to the public. If you can influence what is covered in the news and what is not you can influence the public at large.

This started as early as the 20's, when Bernays proposed the Tobacco Information Service Bureau, a PR arm for American Tobacco. He launched the "torches of freedom" campaign in order to get women to smoke in public. One of his main goals was getting journalists to cover events, getting photos taken of women smoking cigarettes publicly. This stirred up controversy that he used to get even more press.

Fast forward to 1954 when The *Frank Statement to Smokers* was released. This was a PR masterstroke as it generated a massive amount of favorable press. Hill & Knowlton ran opinion research after it was released. They found that 65% of coverage of the TIRC was favorable. Only 9% was critical.

No PR campaign ends with a single ad. This was followed by the TIRC paper, *A Scientific Perspective on the Cigarette Controversy*. This featured eighteen pages of quotes from doctors and scientists doubting the link of cancer and cigarettes. Over 200,000 copies are distributed to doctors and media. That year the TIRC's budget was almost $1 million which almost exclusively went to Hill & Knowlton for media ads and administrative costs.

What was this money for if not for influencing how journalists covered the topic? Journalists are taught to cover both sides of an argument. Hill & Knowlton, through the TIRC, made sure their side was out there and ever present.

"Every time the TIRC issued a press release, the Hill & Knowlton organization had initiated 'personal contact,'" wrote Brandt. "The firm systematically

documented the courtship of newspapers and magazines where it could urge 'balance and fairness' to the industry. Hill & Knowlton staff, for instance, assisted Donald Cooley in preparing an article entitled 'Smoke Without Fear' for the July 1954 issue of *True Magazine* and then distributed more than 350,000 reprints to journalists throughout the country."

We can see this in 1955 when Edward Murrow covered the tobacco controversy in two consecutive broadcasts at CBS. Hill himself made sure that the coverage was a "balanced one".

Dick Darrow of Hill & Knowlton directed his staff in 1955 to focus on the "stature-building attention on Dr. Little and his own work." They made Little, their front man, available to journalists and the media as much as possible.

The PR defense was always ready. They sought to know about scientific findings before they were published so they could attack them as soon as they were released. Carl Thompson explained, "One policy that we have long followed is to let no major unwarranted attack go unanswered. And that we would make every effort to have an answer in the same day—not the next day or next edition. This calls for knowing what is going to come out both in publications and meetings." Sometimes they even preemptively rebutted new science.

When the defense of "we need more research" began to fade, there were other tactics available. In the last chapter we covered the legal defense of big tobacco. Legal action, including just the threats of lawsuits, were more arrows in the quiver of Big Tobacco to control others including journalists.

ABC's Day One program featured a whistleblower from R.J. Reynold's in February of 1994. Philip Morris sued for libel. "This lawsuit was never about libel. It was about intimidation and discouraging other news organizations from covering them," said Jane Kirtley, executive director of the Reporters Committee for Freedom of the Press.

The Tyndall Report was a journalism newsletter which tracked and analyzed nightly newscasts since 1987. The editor, Andrew Tyndall said, "In the first six months of 1994, before Philip Morris sued ABC for libel, the three broadcast networks devoted 177 minutes to the tobacco story. In the second half of 1994, after the lawsuit was filed that May, the coverage dropped to 43 minutes…There definitely was a chilling effect of the lawsuit."

While legal action was one tactic, it wasn't the only one. Another tactic can be used simultaneously for more leverage. This includes threatening to pull

advertising. Even though at this time cigarettes weren't advertising on TV, they still had a card to play. Philip Morris has bought brands such as Kraft Foods and Miller Beer. They were able to threaten to pull advertising on these which amounted to more than $100 million a year.

Journalism pays its bills through advertising. The threat of pulling millions of dollars per year in advertising is a powerful stick that Big Tobacco was absolutely willing to wield.

A memo between tobacco defense lawyers stated, "Through a studied investment of its advertising dollars, the industry both coerced the print media to avoid coverage of anti-smoking stories and enlisted the media's support in opposition to proposed restrictions on print advertising."

Ultimately, because of the lawsuit, ABC went on to apologize for their coverage in a carefully worded broadcast. They had to pay between $15 million in legal fees to Philip Morris. "Many saw the apology as an example of powerful corporate interests trumping journalistic practice," writes Brandt. "It soon became clear that executives at Walt Disney Company, on the verge of acquiring ABC, wanted the case settled before the purchase went into effect."

These same tactics sometimes proactively killed other news before it aired, as occurred with CBS' *60 Minutes* program featuring another whistleblower, tobacco executive and lead research at Brown & Williamson, Jeffrey Wigand.

The threat of "tortious interference" was enough to get CBS to not air the program, where they could possibly be liable for damages in Wigand breaking his confidentiality agreement. If not for producer Lowell Bergman leaking out the transcript of this interview to other news outlets it may never have seen light of day.

Brown and Williamson also went on the offensive against Wigand. They hired private investigators to dig up any and all dirt they could on him creating a 500-page dossier that included sub-headings such as "Wigand's Lies About His Residence," "Wigand's Lies Under Oath" and "Other Lies By Wigand."

Many news organizations used this dossier to run what amounted to hit pieces on Wigand's credibility. Further checking on the stories, as *The Wall Street Journal* found that "many of the serious allegations against Mr. Wigand are backed by scant or contradictory evidence. Some of the charges — including that he pleaded guilty to shoplifting — are demonstrably untrue."

Interestingly enough it turns out the CBS Chairman was Laurence Tisch and his son, Andrew Tisch, was CEO of Lorillard tobacco. All of the CEO's, at that time, were under investigation from the justice department for committing perjury in front of Congress. Whether or not this played any role in CBS' decision I cannot say for sure, though relationships such as this should be looked at with a skeptical eye.

What was clearer was how money influenced such decisions. Like ABC being sold to Disney, CBS was looking to be acquired by Westinghouse Electric Corporation for a sum of $5.4 billion. The possibilities of a huge lawsuit could be enough to stop the sale. The general counsel for CBS, Ellen Kaden, who argued against airing the program, was set to receive $1.2 million from the sale herself.

The New York Times reported, "Without putting up a fight, CBS has managed to create an ugly precedent. 'Tortious interference with contract' has now been added to the legal armory of enemies of the press without so much as a single decision endorsing it." They also wrote, "The most troubling part of CBS's decision is that it was made not by news executives but by corporate officers who may have their minds on money rather than public service these days."

Another tactic useful for influencing journalism is paying high profile people that can make news for you in opinion pieces and such.

British philosopher Roger Scruton criticized the Framework Convention on Tobacco Control put forth by the WHO (which will be explained more in the next chapter), saying "It cannot be the function of a health bureaucracy to cure us of such self-imposed risks…to classify as a dangerous disease what is in fact, a voluntary activity and a source of pleasure, the risk of which falls entirely on the smoker…Big tobacco is an easily demonized opponent, and one currently as defenceless as a chained and baited bear."

It turns out Scruton was working for Japan Tobacco International, one of the world's biggest producers and exporters. Leaked emails were revealed by The Guardian. Scruton sought to get a £1,000 raise on his existing £4,500 monthly fee because he was providing "good value for money."

"We would aim to place an article every two months in one or other of the WSJ [Wall Street Journal], the Times, the Telegraph, the Spectator, the Financial Times, the Economist, the Independent or the New Statesman," says an email from 2001, from Sophie, Scruton's wife and business partner. "While one or more of these articles might be written by RS, we would do our best to get other journalists to join in."

Lastly, you can go straight after the journalists themselves. Philip Morris paid a CBS TV anchor to do a mock TV show at one of their conventions. Later, she co-hosted a newsmagazine segment on tobacco taxes. This segment contained factual errors and prominently featured an interview with a paid consultant to the Canadian Tobacco Manufacturers Council. This conflict of interest was not disclosed in the program.

Influencing journalism is a mainstay strategy that involves a wide variety of tactics. The sad fact is that today, with heavy consolidation and links across industries, journalism has suffered far more from these tactics than in Big Tobacco's zenith.

Key Takeaways on Influencing Journalism

- There are more PR people than journalists, who receive higher pay for their duties.
- The overall journalism strategy involves to get more favorable coverage and downplay or squash any negative coverage. Getting more favorable coverage includes:
    - Staging PR events that push your agenda forward
    - Distributing positive coverage in one media source to other media sources.
    - Using a network of media contacts to get coverage far and wide.
    - Using opinion polling to gauge your effectiveness, and tweaking campaigns from there.
    - Building up the credibility of your front people and their research or other efforts.
    - Pay to have high-profile people write puff pieces about you.
    - Pay journalists themselves through consulting, speaking fees, etc.
- Downplay or squash any negative coverage includes tactics such as:
    - Being aware of science or other negative threats before they're published so they could be attacked right away or even preemptively.
    - Lawsuits for libel, tortious interference and more, including just the threat of lawsuits.
    - Pulling advertising dollars, including the threat of pulling advertising.
    - Opposition research to smear opponents.
- Relationships among industry executives and news executives might be used to influence media coverage. This becomes even more likely with greater business consolidation.

Chapter 16 - Going Worldwide

Thus far, this book has mostly focused on the USA. That's where most of the Big Tobacco companies were based and where so many events took place. But the USA is not isolated from the world, especially as globalization ramped up after World War II.

While legal, scientific and cultural wars did eventually turn the tide against Big Tobacco within the USA, it is important to understand what happened across the world because of this. A not-often discussed strategy of the industry playbook is to take your money and influence elsewhere.

Burson-Marsteller, PR firm for Philip Morris, stated "despite the lingering tobacco liability cases and the drop in cigarette consumption in the United States, the tobacco companies themselves have never been healthier…foreign consumption of American cigarettes continues to grow dramatically."

Never been healthier! That's the result of playing this country arbitrage game. Regulation, lawsuits or other events may dampen your abilities in one country. But there are hundreds of countries that are not equal playing fields. What's more is that the money of big industry often trumps the money of nation states many times over. This gives you further outsized power.

That's why exports from Philip Morris, R.J. Reynolds, and Brown & Williamson went from about 50 billion cigarettes to 220 billion between 1975 to 1994. In 2018, cigarette exports from the USA totaled a value of $1.07 billion US dollars.

A tobacco industry executive honestly explained the overall strategy as such: "Demographically, the population explosion in many underdeveloped countries ensures a large potential market for cigarettes. Culturally, demand will increase with the continuing emancipation of women and the linkage in the minds of many consumers of smoking manufactured cigarettes with modernization, sophistication, wealth, and success—a connection encouraged by much of the advertising for cigarettes throughout the world. Politically, increased cigarettes sales can bring benefits to the government of an underdeveloped country that are hard to resist."

Indeed, we can see that Big Tobacco sought this sort of influence and control outside the USA using all the other strategies already covered, not just locally

but globally. Those benefits to government sometimes took the form of bribes to politicians and other influence peddlers as we'll explore in a later chapter.

In 1981, Philip Morris, R.J. Reynolds and Brown & Williamson joined together to form the Cigarette Export Association (CEA), a non-profit trade association "to improve the competitive position" in foreign markets. The CEA would petition the U.S. Trade Representative to open restricted foreign markets to American cigarettes. It's no surprise that, pulling political strings with lobbying and funding, they were successful in doing this. And we can see the results of this strategy playing out.

In China, Marlboro was the fourth largest advertiser in 1984. "The rise in smoking in China, where per capita consumption of cigarettes more than doubled between 1965 and 1990, mirrors what happened some forty years earlier in the United States," wrote Brandt. "The tobacco companies bring a century of marketing savvy, intelligence, and doublespeak to their promotional efforts in these developing nations."

In other words, the people of these developing nations didn't stand a chance. The battle-hardened messaging, learning from successes and failures within the states, would be unleashed elsewhere.

That's what led Surgeon General Koop to say, "I think the most shameful thing this country did was to export disease, disability and death by selling our cigarettes to the world…What the companies did was shocking, but even more appalling was the fact that our government helped make it possible."

Enter the supranational political body, the World Health Organization. Some of the well-intentioned people there aimed to curb the abuses of Big Tobacco. In 1995, the World Health Assembly, WHO's governing body, began looking into the possibility of an international treaty regarding tobacco.

Then in May 1996, the World Health Assembly unanimously passed a resolution for the director-general of the WHO to develop a framework convention, a type of treaty for tobacco control.

It wasn't until 2003 when the 192 member nations of the WHO unanimously adopt the Framework Convention of Tobacco Control (FCTC), which was the WHO's first ever multilateral treaty.

The WHO to the rescue, except not so much as you might guess by this point. We saw earlier regarding institutions that the WHO was heavily influenced and infiltrated by agents of Big Tobacco. This treaty was no different.

Specifically, Philip Morris hired PR firm Mongoven, Biscoe & Duchin (MBD) to help make sure the FCTC wouldn't hurt them. Summing up MBD's strategy Brandt writes that "Philip Morris should remain an engaged participant in the process so as to co-opt and weaken the treaty" and "to inhibit consensus and disrupt the negotiations."

The final version of the treaty was called "feeble" and "meaningless." Just one more step in defying and even defining regulation, this time on a global stage. Brandt writes, "While WHO sought to develop transnational regulatory initiatives, the multinational companies insisted that tobacco policies must be handled at the discretion of individual governments." It's interesting to see the mirror of "individual" governments responsibilities, much as Big Tobacco talked about individual people's responsibility. Whatever would ultimately help their bottom line was their talking points.

What are the results of such global action?

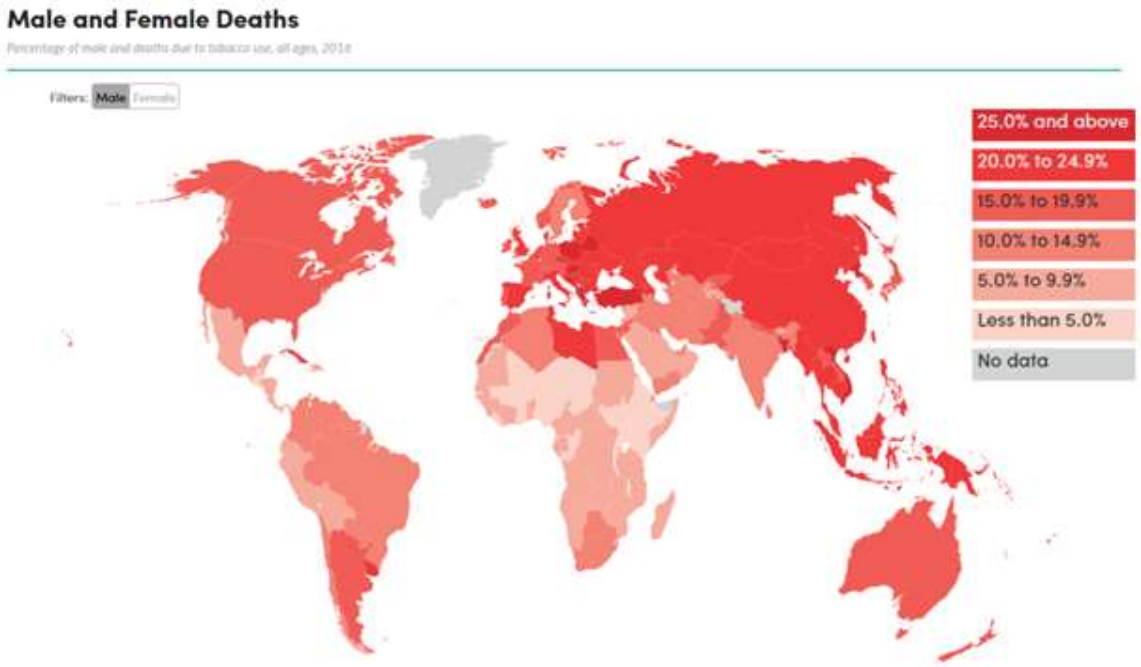
Based on recent events, the following line in Brandt's book really stood out to me. "In this century, in which we have known tobacco's health effects from the first day, the death toll is predicted to be one billion. This is a pandemic."

That's over the course of a century, which means that ten million people every year die from tobacco related diseases.

I know, I know, it was a common tobacco defense that people have individual self-responsibility to smoke or not smoke. Are these kids making a conscious decision?

The marketing, the propaganda, strikes people hard especially at a young age, after all youth is what so much is targeted at. The cultural influence, which is predicated on these things, influences us all.

The latest stat I could find was over 7.1 million deaths in 2016. A whopping 884,000 not from smoking itself, but secondhand smoke. In many paces over 20% of deaths are a result of tobacco related diseases.



Again, do we have our health priorities straight? Or are such priorities really reflective of industry desires and leverage?

More examples of this country arbitrage game are described in the next few chapters.

Key Takeaways on Going Worldwide

- While most of the strategies and their effects described in this book focus on the USA, the playbook is used all across the world.
- The influence, power and money of Big Tobacco ultimately outmatched many countries. You've seen how much influence they had in the states, just imagine when a company's revenue is bigger than the GDP of a country.
- Lobbying and political influence was used to make "free" trade possible across borders, supporting the market growth of Big Tobacco.
- Big Tobacco was able to stall, inhibit and disrupt the WHO from developing a powerful multilateral treaty. What they did pass was called "feeble" and "meaningless".

Chapter 17 – Bribery

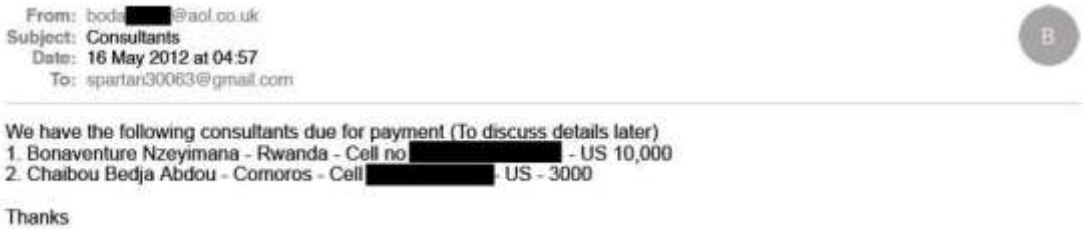
Legal bribes in the form of political contributions were mentioned in an earlier chapter. That is one form of it. For scientists. it can come in the way of grants. For regulators and lobbyists in the form of employment. And for pretty much anyone, it can come in the form of consultancy deals. That can all be legally done, thus making up a significant part of the industry playbook.

But legal bribes are just one part of it. We can see examples of illegal bribes too. Certainly, with everything we've seen Big Tobacco do, it shouldn't come as a surprise that this is a utilized strategy.

Brandt doesn't cover this subject much beyond the rumors of the early 20th century Tobacco Trust bribing state legislators. So for this chapter we turn to 21st century examples, most of which are done by British American Tobacco (BAT).

"BAT is bribing people, and I'm facilitating it," said whistleblower Paul Hopkins, who leaked internal documents. "The reality is if…they have to break the rules, they will break the rules." Hopkins worked for BAT in Kenya for 13 years.

Emails revealed by Hopkins shows that they made payments to members of the WHO's FCTC, undoubtedly for assistance in undermine the health treaty.

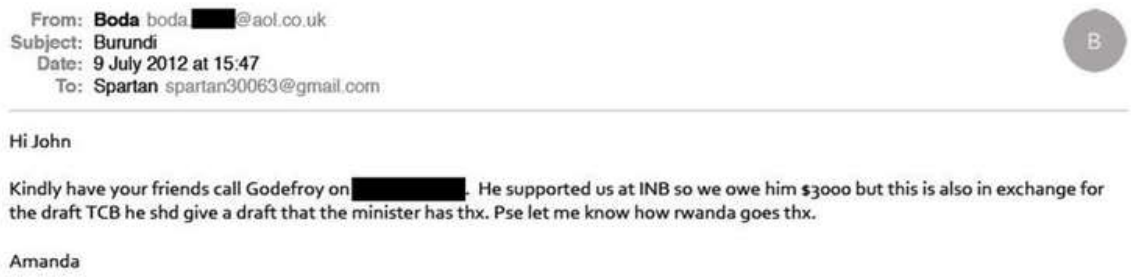

From: bod[redacted]@aol.co.uk
Subject: Consultants
Date: 16 May 2012 at 04:57
To: spartan30063@gmail.com

We have the following consultants due for payment (To discuss details later)
1. Bonaventure Nzeyimana - Rwanda - Cell no [redacted] - US 10,000
2. Chaibou Bedja Abdou - Comoros - Cell [redacted] - US - 3000

Thanks

In an article from the BBC they write, "[A]n email from a contractor working for BAT says Mr Kamwenubusa would be able to 'accommodate any amendments before the president signs'." That means that the bribe was effectively buying specific wording on policy.

Of course, BAT categorically denies such actions, stating "The truth is that we do not and will not tolerate corruption, no matter where it takes place." But when you dig deeper BAT even described some payments to three public officials in Rwanda, Burundi and the Comoros Islands as "unlawful bribes" in one document.



From: **Boda** boda[redacted]@aol.co.uk
Subject: **Burundi**
Date: **9 July 2012 at 15:47**
To: **Spartan** spartan30063@gmail.com

Hi John

Kindly have your friends call Godefroy on [redacted]. He supported us at INB so we owe him $3000 but this is also in exchange for the draft TCB he shd give a draft that the minister has thx. Pse let me know how rwanda goes thx.

Amanda

The INB is the FCTC's Intergovernmental Negotiating Body. The TCB is the Tobacco Control Bill. This bribe was for supporting them at the meeting as well as providing the draft of the document.

The BBC lists additional cases. "Former BAT lobbyist Solomon Muyita was fired by BAT in Uganda in 2013 after he was accused of giving cash gifts to 50 people, including seven MPs. He says he was following company orders and is suing BAT for wrongful dismissal. The company says Muyita is lying."

BAT funded a South African private security company called Forensic Security Services (FSS). They were officially tasked with fighting the black-market cigarette trade. But that is not all they did. Internal documents showed how their staff were instructed to close down three cigarette companies owned by BAT's competitors. Bribes were dispersed in covering up when illegal surveillance was caught.

"I had to make it clear that they're going to expect a nice thick envelope of notes," a whistleblower said. "I would be given a lump sum of money as an operational budget and out of that I would always give a handshake and a nice wodge of cash to the principals just to warm them to the idea."

This went all the way up to Robert Mugabe, the brutal dictator of Zimbabwe. Documents show that his Zanu-PF party was possibly paid between $300,000 and $500,000 by BAT in 2014.

These documents made their way to the Serious Fraud Office of the UK government where the case was investigated. On January 15th, 2021 they found that the "evidence in this case did not meet the evidential test for prosecution."

This is pure conjecture, but is it possible additional bribes were paid to help make that go away?

As corruption is stronger in many countries than the USA, we see this as an added benefit of going worldwide. "These large tobacco merchants used secret payments to improperly win business and curry favor with foreign

government officials around the globe," said Christopher Conte, Associate Director in the SEC's Division of Enforcement.

The SEC went after two companies. Universal paid $800,000 in bribes to officials of the government-owned Thailand Tobacco Monopoly for securing approximately $11.5 million in sales contracts for its subsidiaries. Alliance One paid $1.2 million for $18.3 in sales contracts.

That was in Thailand. The SEC also alleged bribery in China, Greece, Indonesia, Kyrgyzstan, Malawi and Mazambique.

These bribes don't just go to politicians. In an even more recent case journalists were similarly influenced or at least attempted to.

Edwin Okoth was working with The Bureau of Investigative Journalism, looking into Kenya's advertising described in the following chapter. A Kenyan PR agency, Engage BCW, was working for BAT. Here is a text message between Okoth and an employee from Engage.

Engage BCW said that this is against their rules, that their employees undergo anti-bribery training and the employee was suspended.

“Offering a bribe to a journalist isn’t just an attempt to undermine honest reporting and journalistic integrity, the very offer of a bribe is a crime in most jurisdictions,” said Rory Donaldson, programme manager at Transparency International, an anti-corruption charity organization. “Corporations should be aware of the activities of third parties acting on their behalf such as PR agencies. When undertaking internal investigations corporations must ensure the investigation is not a whitewash. Bringing in external investigators can help mitigate this risk.”

These are just a few examples of what has been caught. Imagine all the bribes that they have gotten away with over the years.

Key Takeaways on Bribery

- There are illegal bribes and legal bribes. Both make their way into the industry playbook.
- Bribery works well with the tactic of going worldwide, where in many places corruption is more rampant, and thus bribery is easier to do and get away with.
- Internal documents reveal how British American Tobacco was able to influence politicians drafting the WHO’s treaty on tobacco control.
- Whistleblowers reveal examples and documentation of bribery, while the companies deny any such claims always stating how ethical they are despite the evidence.
- Examples show not just politicians and law enforcement, but also journalists too. Any professional worth influencing is capable of being targeted.

Chapter 18 - Up to Old and New Tricks

The majority of this book has covered events in the 20th century extending a bit into the 21st with occasional exceptions. You might want to believe that based on losing the RICO case, finally getting under FDA regulation, the culture wars that ensued, and more that Big Tobacco reformed their ways. If that is the case, you would be mistaken. What you'll see here is that the playbook is still working fine.

In recent years, vaping has become popular. Kids today are getting hooked on it. Very likely the history of Big Tobacco is being completely lost on them.

An article at The Bureau of Investigative Journalism by Matthew Chapman reported in 2021, "BAT [British American Tobacco] has told regulators around the world that its new products, including heated tobacco and oral nicotine, are for current adult smokers. But…it has launched an aggressive £1bn marketing campaign that leans heavily on social media, concerts and sporting events, which could have the effect of encouraging young people to pick up a potentially deadly tobacco habit that still kills 8 million people a year, notwithstanding long-established rules aimed at preventing this."

BAT said, "All marketing activity for our products will only be directed towards adult consumers and is not designed to engage or appeal to youth…All our marketing is done responsibly, in strict accordance with our International Marketing Principles, local laws, legislation and platform policie …We only use influencers in some countries where it's permitted, and social media platform policies allow."

This shows the power of the country arbitrage game. In addition, you see them saying one thing in their public relations, while doing the opposite.

- Their products are presented as cool and aspirational in youth-focused advertising campaigns
- Even though nicotine is not allowed to be promoted on Instagram, they've paid influencers to do just that
- Glo, BAT's new heated tobacco product, was the sponsor of concerts for bands that are popular among teenagers.
- BAT also sponsored an e-sports tournament
- Use of free samples, that according to sources, have been given to underage boys and girls.

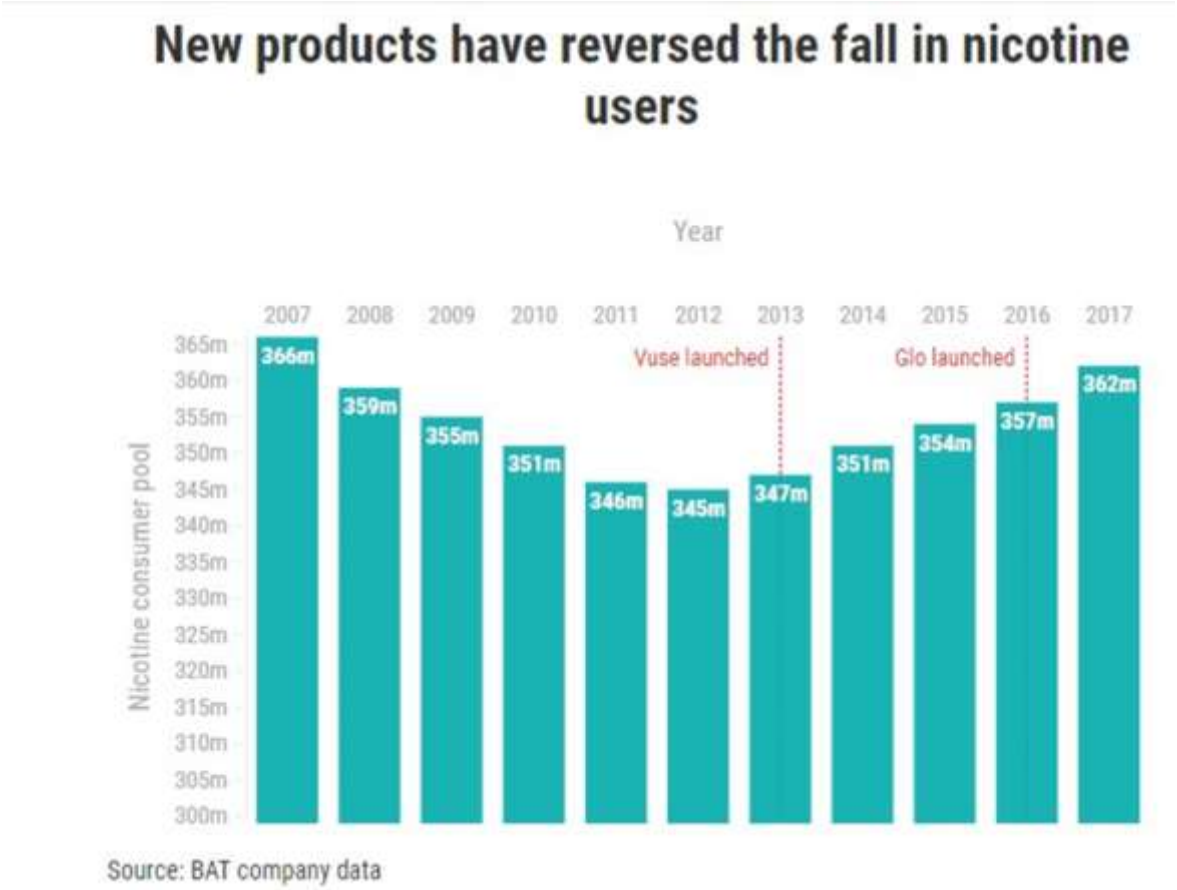
Big Tobacco has updated it's advertising for the digital age. Velo, also called Lyft in some markets, are nicotine pouches you put in your mouth. A data analysis by the Campaign for Tobacco-Free Kids showed that Facebook and Instagram posts regarding Velo:

- 40 influencers used Velo hashtags
- Viewed 13.1 million times
- Potential audience of 181 million

An example of an Instagram influencer paid promotional post for Velo nicotine pouches in Pakistan.

An influencer's post in Kenya with #LYFT.

They also advertised on TikTok with an #OpenTheCan ad campaign. Interestingly, since the pouches fly under the radar of most countries tobacco laws and advertising regulations. This is because they only contain nicotine, and not tobacco itself.



These stats don't lie. What BAT is doing is clearly working is bringing new customers in.

Let's switch gears to look at how governments are fighting against this influence. In June 2019, the WHO assessed the results of the FCTC, the Framework Convention on Tobacco Control, the multilateral treaty that had been adopted in 2003. While they claim some successes in helping smaller countries especially, it is interesting to note some of their findings.

"Since the FCTC's entry into force, the tobacco industry has initiated and supported litigation challenging various tobacco control measures around the world. Stakeholders in Brazil noted that every legal tobacco control measure taken towards protecting the health of its population has been challenged in court."

Every measure challenged in court! In other words, they don't let a single attack go undefended. They don't concede a single inch of ground. When you understand that regulations hurt their profits, it makes sense that the lawyers are the biggest defense.

This report discusses tobacco industry influence so much so that they abbreviate it TII. They admit that in Bangladesh, "provisions of the [Smoking and Usage of Tobacco Products Control] Act were diluted due to TII." Or in Sri Lanka that although legislation was drafted in 1999, it wasn't passed until 2006 due to TII.

They state, "TII continues to be a major obstacle to progress on global tobacco control."

Big Tobacco is still up to their old game using mostly the same old tricks but updated for the 21st century. Their best bet is for no one to remember this history. Forget what happened. Forget these tactics.

Robert Proctor, a historian who worked for the DOJ case, said the industry "used to control the science and now they're trying to control the history."

Add this to their diversification into other products, covered next, and you'll see why Big Tobacco hasn't gone anywhere.

Key Takeaways on Up to Old and New Tricks

- Big Tobacco is still advertising to youth, especially with tobacco-free but nicotine containing products that skirt around tobacco advertising laws.
- They've updated their marketing to include social media campaigns from Instagram to TikTok, paying influencers, and marketing at concerts and sporting events.
- These tactics are hooking a new generation of youth many of which never learned about what Big Tobacco had done in the past.
- Despite the WHO's treaty, the tobacco industry continues to fight at every single turn, in many cases quite successfully.

Chapter 19 - Diversification

This subject was first hinted at in an earlier chapter. After ABC's *Day One* program featured a whistleblower in February of 1994, Philip Morris sued for libel. They also threatened to pull advertising. Had they just been in the cigarette business at the time, they wouldn't have been able to do this as cigarettes were no longer advertised on TV. Yet Philip Morris had this power because they had diversified beyond cigarettes. They owned other brands such as Kraft Foods and Miller Beer, whose advertising budget was over $100 million per year.

By consolidating power, in buying up other products, they could wield more influence than had the giant corporation stuck just to cigarettes. This diversification was useful across product lines because it gave them additional leverage. Here we see just one example of how that assisted them.

Philip Morris changed their name to the Altria Group in 2003 as part of their public relations. Their spin was that this was because they had moved beyond cigarettes into a consumer-packaged goods company. But primarily it was a deflection of the bad PR they were getting. Recall that name changes are common for PR efforts.

Nowadays, Altria is "Moving Beyond Smoking™". They're still primarily in the tobacco business, not just cigarettes, but chew, cigars, pipes, nicotine pouches, and vape products. They hold a 10% stake in Anheuser-Busch, the world's largest brewer.

But they're elsewhere too that you wouldn't necessarily expect them to be. Philip Morris Capital Corporation "is an investment company that manages a portfolio of leased assets including domestic and international aircraft, power plants and real estate."

The following is the strangest case of diversification I've come across. Both flu and Covid-19 vaccines are being developed by British American Tobacco (BAT), through their US based subsidiary Kentucky BioProcessing (KBP).

BAT was the one that wouldn't dare mention the word cancer internally, so they used the code word ZEPHYR. BAT denied science behind cancer, nicotine's addiction and secondhand smoke. BAT was caught red-handed destroying damaging documents. BAT was found guilty in the RICO case. But they're still going strong.

PR allows for great whitewashing. Or perhaps the term greenwashing is more at play here. It appears that BAT, as part of the ESG targets (Environmental, Social, and Governance) plans to be using 100% renewable energy by 2030 and carbon neutral across their entire value chain by 2050.

In fact, in 2020, BAT was nominated as one of the top three ESG-rated companies in the top 100 largest publicly traded companies in the United Kingdom. In other words, they're currently winning awards for their commitment to the environment and people.

What better way to do this then to jump into healthcare? "KBP has been exploring alternative uses of the tobacco plant for some time. One such alternative use is the development of plant-based vaccines," says Dr. David O'Reilly, the director of scientific research at BAT.

It's a plant-based vaccine so it must be better for you, right? Would you like a plant-based vaccine to go with your plant-based diet? That's some marketing language for you there.

The facts are that this is nothing native to tobacco. But instead, scientists inserted viral genes into the tobacco plant to grow antigens and extract them out.

This genetic engineering of tobacco plants isn't all that new. Research conducted by Brown & Williamson decades earlier had sought to use genetic engineering to double the levels of nicotine in the plants.

"Moving into human trials with both our Covid-19 and seasonal flu vaccine candidates is a significant milestone and reflects our considerable efforts to accelerate the development of our emerging biologicals portfolio," said O'Reilly.

U.S health regulators have given them the greenlight. Phase 3 clinical trials are currently in progress at the time of writing.

Based on our "warp speed" timelines these could hit the market early 2022. Do you trust Big Tobacco is 100% above the board when it comes to their vaccines?

Nor is this the only Big Tobacco move into healthcare. Philip Morris International recently bought several biotech companies, including products that treat heart attacks and respiratory conditions. "Philip Morris's attempted takeover of a key player in lung health products beggars belief," said Jonathan Ashworth, Labour's shadow health secretary.

Sadly, it only sounds extraordinary if you're not familiar with the industry playbook. For a company, why not profit on both the cause and effects of their products? It won't be the only time we see it happening.

Key Takeaways on Leverage

- Owning food brands gave the tobacco companies leverage to threaten to pull advertising on television programs.
- Companies such as Philip Morris, named Altria now, are still in the tobacco business but also in alcoholic beverages, aircrafts, power plants, real estate and more.
- Big Tobacco companies are diversifying into a wide range of other businesses, including:
    - COVID-19 and flu vaccines that involve the genetic engineering of tobacco plants to produce plant-based vaccines
    - Healthcare that involves treating some of the diseases that tobacco causes
- BAT is currently winning awards and acclaim for their commitment to ESG targets such as renewable energy and carbon reduction.

Part 2
Breaking Free of Big Tobacco

Chapter 20 – Introduction to Breaking Free

In the previous part, we detailed the many strategies from the Tobacco Playbook. I contend that overall Big Tobacco did win the overall war. After all, they're still around and still very profitable. But without a doubt, they did lose some key battles especially within the USA. How did this occur? In this section I detail out four specific areas.

Let me state that the war cannot be won by science alone. While that piece is important and was largely the reason for the war in the first place, that's just a starting point.

Beyond science, it is through the methods described herein that the dangers became publicly known and widely accepted.

- Whistleblowers and Media Coverage
- Discovery & Litigation
- Real Grassroots Organization
- Culture Shift

The foregoing chapters explain what we the people were up against when it came to Big Tobacco. It explains the many strategies and tactics inside of the Industry Playbook that are used to promote and protect profits, even at the cost of human lives.

Awareness of these tactics is useful for you personally. Collectively, understanding what led to that success is critical. Again, it is not just so that we understand what happened in Big Tobacco, but we can collectively aim at the same things against those that commit crimes against humanity today while utilizing the Industry Playbook all the same.

The following chapters are broken up over four sections.

Whistleblowers are instrumental. These are the insider's that leak documentation or share what is really going on. Generally, without whistleblowers, there is no breaking free. Because of the power of insiders, you must understand the smear campaigns and worse that comes from Big Tobacco against them. This includes not just whistleblowers but how it effectively stops would-be whistleblowers. We'll see the role that whistleblowers play, particular with their interfacing with the media.

While the justice system is not without its flaws and corruption, it may be the least economically influenced of the three branches of government in the USA! The legal process allows for discovery and litigation in a process that was essential for these truths coming to light. The courts are where so many battles were fought. While Big Tobacco had total victory for a long time, this eventually did shift. With each shift cracks in their defenses grew and grew. As you'll see, it was the discovery of internal documents that proved Big Tobacco's crimes for the world to see.

We've seen how Big Tobacco captured politics to work in its favor. However, especially on a real grassroots and local level, the battles were easier to fight by the people, instituting change on this smaller but still immensely useful level.

Ultimately, it was the science, the whistleblowers, and the court cases predominately that led to a cultural shift. This is the most important step, yet in many ways the most difficult one to achieve. The fact is that people could withdraw their funding from any company, and it would collapse quickly. But getting to that mass action is not easy, so how a culture shifts is analyzed here.

Key Takeaways on Introduction to Breaking Free

- Correct and accurate science is insufficient to overcome the power of industry. While it is crucial, it is not enough without other levers to get it out in the open.
- Whistleblowers are the key part of revelation as these insider's come from the industry itself to show wrongdoing. Thus, bringing to light their information can be enough to turn the tide of war. And for this reason, industry uses many strategies to overcome any would-be whistleblower.
- The discovery process in litigation is crucial for showing the lies of industry. While their PR spin says one thing, internal documentation can show what they knew when.
- The political power of industry can be immense able to capture the highest levels. Ironically, it is the local level of politics that becomes that much more difficult to sway showing the real grassroots organization can be successful.
- Ultimately, this is a culture war. Every strategy and tactic can shift the dominant viewpoint of the culture which can best be seen by zooming out over the arc of history.

Chapter 21 - Whistleblowers and Media Coverage

If it weren't for whistleblowers, we may never had learned the truth about Big Tobacco. Legally, a whistleblower is an insider of a business or political body that reveals crime. In the popular culture, it has come to mean any insider that shows wrongdoing whether illegal or just immoral. Big Tobacco had many whistleblowers over the years.

James Mold was a research scientist at Liggett. He had worked on the XA cigarette which was designed to be safer. As one of the first whistleblowers to come out, a deposition showed him testifying that Liggett had suppressed this safer cigarette even though it worked. Why? To roll out a safer cigarette would be to acknowledge the truth about the lack of safety of their other products.

Because of the size of the companies that make up Big Tobacco it is not like any one whistleblower can reveal the whole truth. Instead, each one may just reveal certain documents, one piece of the puzzle.

In February 1994, ABC's *Day One* news program featured an anonymous whistle blower nicknamed "Deep Cough" from R.J. Reynolds. He revealed that tobacco companies knowingly added more nicotine to cigarettes to increase addictiveness.

It was this that got the attention of the FDA and Congress. During this program, former Surgeon General Everett Koop said, "I would think that if I were the administrator of FDA and I learned that nicotine was being added to cigarettes to increase the amount of nicotine present that I would view that cigarette as a delivery device for the use of nicotine which is, under ordinary circumstances, a prescription drug. And I would think that demanded regulation."

Merrell Williams was a paralegal at Wyatt, Tarrant & Combs who had been working for Brown & Williamson from 1988 to 1992 when he was laid off. He went through quintuple bypass surgery, likely a result of being a lifelong smoker. He would go on to become a whistleblower revealing a treasure trove of documents, more than 4,000 pages containing damning materials, from Brown & Williamson. And this was not easy to do.

Brandt writes, “Williams and [his attorney] Scruggs had each pushed the margins of law and ethics in their efforts to get the [documents] into the public domain…They had conspired to break a remarkable conspiracy…In retrospect, the documents might very well have remained locked within the fortress of Big Tobacco; so much of what we have come to know about the history of the tobacco industry might have remained cloaked by attorney-client privilege.”

In 1994, The New York Times published “Tobacco Company Was Silent on Hazards” which featured some of the leaked documents from Merrell Williams. This news piece said, “the executives of the…Brown & Williamson Tobacco Corporation chose to remain silent, to keep their research results secret, to stop work on a safer cigarette and to pursue a legal and public relations strategy of admitting nothing.”

The Cigarette Papers, as they came to be called where placed online in June 1995 by University of California in San Francisco. These can still be found online along with many other industry documents.

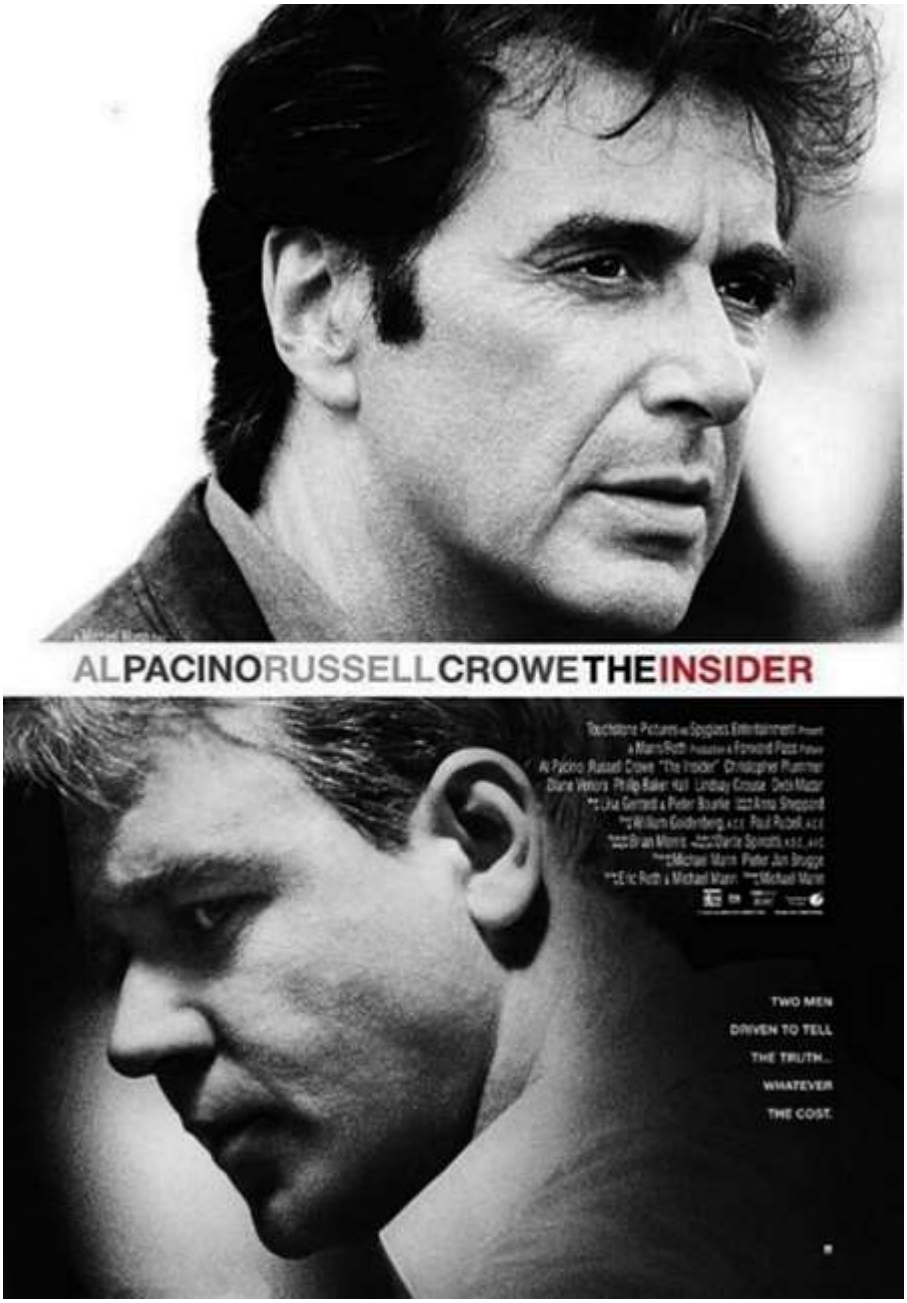
As a result of this, the following month, a series of five peer-reviewed articles appear in JAMA detailing what Big Tobacco knew and did. The whistleblower leaks helped to bolster scientific fact.

Brown & Williamson senior research scientist Jeffrey Wigand became a principal informant to the FDA. He shared nicotine delivery was enhanced with the use of ammonia-based compounds. He shared how different tobacco plants were blended together to ensure high enough nicotine content. He even shared how genetic engineering was being used to increase nicotine levels.

In August 1995, Wigand was interviewed by Mike Wallace for CBS’ *60 Minutes*. Unfortunately, Big Tobacco was able to put tremendous pressure on CBS not to air this. In October, CBS decided to cancel the *60 Minutes* broadcast featuring Wigand. Daniel Schoor of CBS said, “The tobacco industry…has apparently settled on the threat of lawsuit as a key weapon in its defense against an increasingly unfavorable press. “

But more leaking helped this to get this story out. In 1996, CBS’ Wigand interview got leaked to the *New York Daily News* and *Wall Street Journal* which published parts of the transcript. With the threat of legal action reduced *60 Minutes* issues a revised version of its original story. You can watch that here: https://www.youtube.com/watch?v=1_-Vu8LrUDk

This story is beautifully told by the movie, *The Insider.* This features Jeffrey Wigand, played by Russell Crowe and *60 Minutes* producer Lowell Bergman, played by Al Pacino. This story not only covers the threats and smearing that comes with being a whistleblower, but a look at the threats that come with daring to cover the truth in a news program.



This story fairly accurately portrays just how close Big Tobacco came to stopping the revelations of Wigand through their multi-pronged attack.

There were plenty of others. Some Philip Morris scientist whistleblowers included William Farone, Victor DeNoble, and Paul Mele.

While most of the whistleblowers were scientists, we do see others involved, such as the paralegal Williams. We can even see a CEO step into this role.

Bennett LeBow, CEO of the Liggett Group, was a leverage buyout entrepreneur. In other words, he didn't rise up withing Big Tobacco like other executives did. He took a different track than the rest of Big Tobacco, including settling cases with the states while other tobacco companies fought against them.

LeBow signed an agreement for immunity in exchange for turning over Liggett and other company documents. He even publicly admitted tobacco caused cancer and that companies had knowingly marketed to children. It is telling to contrast this position to that of every other tobacco CEO.

We can see that whistleblowers were many of the key positions in the fight against Big Tobacco regarding science, but even more so in the courts and the courts of public opinion, mediated primarily through journalists.

We know about these examples because Big Tobacco wasn't able to stop them. Unfortunately, there is a chilling thought about all this. How many would-be whistleblowers that were successfully stopped by Big Tobacco's reach when they saw what Wigand and others went through?

Key Takeaways on Whistleblowers and the Media

- Several whistleblowers were the ones to reveal the science that Big Tobacco kept under lock and key, including how they added nicotine to cigarettes, had made a safer cigarette and more.
- Getting internal documents into the public domain was key to having the mass media give them coverage further getting the information out to the public.
- Even a CEO could act as a whistleblower, working in opposition to the rest of Big Tobacco.
- Big Tobacco would pull out every stop to dissuade and silence whistleblowers and stop them from being able to get favorable coverage in the news. While they were unsuccessful with those detailed in this chapter, there may be many more we don't know about where they were successful for one reason or another.

Chapter 22 - Discovery and Litigation

An earlier chapter covered the army of lawyers used by Big Tobacco in mounting a solid legal defense against any threat. And this defense was very successful.

But lawyers aren't all bad. There are also lawyers on the other side who were fighting for the truth to come out. "For all the significant political objections to judicial activism and the public disparagement of trial lawyers, it seems important to recognize that the legal process serves certain social ends that the legislative process is poorly structured to address," writes Brandt. "The courts possess a highly articulated set of procedures for the production and evaluation of evidence on behalf of the public adjudication of responsibility for harms. Demonstrating these harms, within institutional structure that are relatively insulated from the pressures of political and economic interests, serves a critical social good. It is because they brought such facts into public view that the courts have offered such a crucial civic arena for pursuing the control of tobacco."

We previously saw how legal counsel came to dominate overall strategy for Big Tobacco. However, it was also through the legal process that discovery happens, that is what the tobacco companies knew and when they knew it that could be revealed. Ultimately, it was in the courts the key cases were eventually won.

Understand that this was how the science was really settled, in that we'd see Big Tobacco talking internally about the risks and dangers of their product, separate from their PR campaigns.

Big Tobacco was able to defy regulation due to their influence. Thus, "Tort law became a tool for indirect regulatory policy," states Brandt. "Between 1994 and 1997, more lawsuits were filed against tobacco firms than in the previous thirty years."

In one case the judge Kenneth J. Fitzpatrick ruled that Philip Morris had engaged "in an egregious attempt to hide information." There was proof that they destroyed documents. Here he found that the lawyers had explicitly reviewed industry materials, such as scientific studies, for the purpose of claiming privilege.

Special Master Mark W. Gehan reviewed privileged documents of Big Tobacco in the 90's. He found that the attorney-client privilege had been abused. Brandt writes, "His ruling implicated the attorneys as not 'representing' the legal interests of their clients but as full-fledged participants in a decades-long conspiracy."

Attorney Mike Ciresi had argued "that counsel for the tobacco industry advised the industry to conceal documents and research harmful to the industry by depositing documents with counsel, by routing correspondence through the industry counsel, by naming damning research projects as 'special projects' purportedly ordered by counsel, etc., to cover potentially dangerous materials under a blanket of attorney-client privilege protection, and Plaintiffs wish to tear this blanket away."

The legal process was necessary to showcase Big Tobacco's lawyers as conspirators. Again, it was discovery of internal documentation that proved this publicly.

One court case builds upon the next. With discovery out in the open and rulings in place, the next court case could often be a little more successful.

Such was the case for the *Cipollone* case. The lawyer for the plaintiff, Marc Edell, had amassed 300,000 internal tobacco documents. Although Edell won the case, he never received damages for his clients.

This case was appealed up to the Supreme Court, but they refused to hear it. Accordingly, these industry documents were made public. Attorney Richard Daynard said these documents would "provide a firm foundation for future plaintiffs to build a convincing case of fraud and conspiracy against the tobacco industry."

In the last chapter we covered the paralegal who became a whistleblower, Merrell Williams and his leaking of what became known as the 'Cigarette Papers'. While a huge milestone that was just one piece of the action.

Through discovery, there are now over 40,000,000 pages of tobacco documents available online.

The proof is all available there. But it is a massive amount! (Burying the opponents in useless paperwork being another tactic of a strong legal defense. You must disclose some things but sometimes you can hide it, in volume, especially if your opponent is short-staffed.)

The legal process, especially through the component of discovery, is key to unveiling conspiracies. We'll see this time and time again in industry after industry.

Key Takeaways on Discovery and Litigation

- The judicial system, specifically tort law, was a critical area where the truth of Big Tobacco came to light through the discovery process.
- While Big Tobacco was successful in any and all civil lawsuits for many years, the tide eventually turned against them.
- Each successful discovery of proof of Big Tobacco's deceit, each successful court case, was a stepping stone for the next. The internal documentation revealed in one case could be used to build the following one.
- It was shown in court cases that the lawyers for Big Tobacco were not only representing their clients, but part of the conspiracy in covering up criminal activity, abusing the attorney-client privilege.

Chapter 23 - Real Grassroots Organization

Earlier we covered astroturf, that is fake grassroots. The influence of this PR strategy is that there is genuine power behind grassroots organizations. This is where there are real people that are passionate about something. In many cases they try and succeed in changing legislation or make other impact

In 1966, Betty Carnes, whose son had died from lung cancer, started Arizonans Concerned About Smoking, one of the first nonsmokers' rights groups. They sent out thousands of "Thank you for not smoking" signs. They lobbied their state legislatures.

Ultimately, they were successful. In 1973, due to their campaigning, Arizona became the first state within the USA to pass a law restricting smoking in public places.

In 1970, Clara Gouin started up a group in Maryland, Group Against Smoking Pollution (GASP). They started small, removing ashtrays from their homes. Against the threat of being seen as bad hostesses, they made this action with the support of each other. Within a year they had sent out 500 chapter kits to groups around the country, the movement growing organically.

A former Minnesota state senator, Edward Brandt, founded a local chapter of the Association for Non-Smokers' Rights in 1973. Through similar lobbying and grassroots campaigning, Minnesota passed the Clean Indoor Air Act in 1975, which banned smoking in most public places.

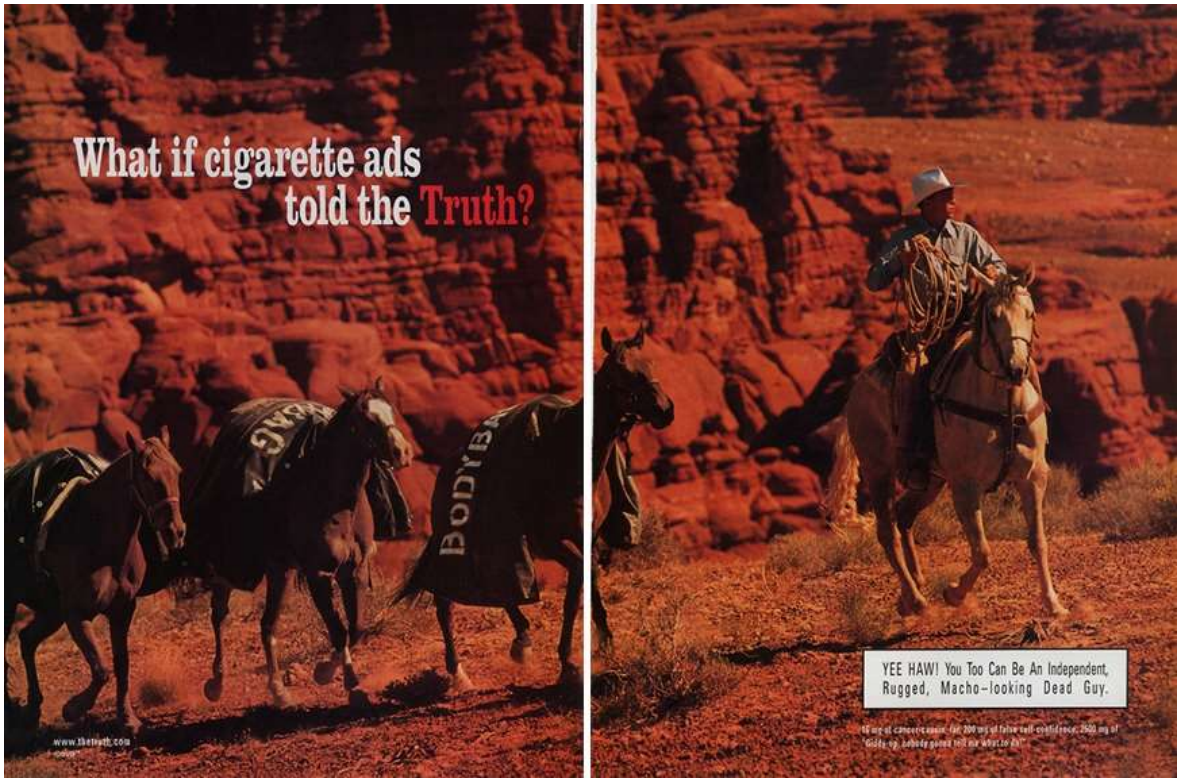
It is critical to understand that these grassroots groups focused on smaller, more local governments. They helped San Francisco pass restrictions on public smoking in 1983. Big Tobacco's powerful reach was less effective within cities, counties and sometimes states, than it was at the federal level.

In 1974, Tobacco Institute president Horace Kornegay stated that the "relative calm in Washington" disguised "stormy weather out in the states." Over time, 41 states and 1,354 cities would enact smoking laws, while the federal government never did.

Sadly, it was after a few initial real grassroots wins that Big Tobacco got more serious about using astroturf organizations and mounting solid defenses

against such local organization. California tried to follow suit with these other states, with Proposition 5, but Big Tobacco was able to defeat this in 1978 by spending $6.5 million.

The American Legacy Foundation, which later was renamed the Truth Initiative, ran a campaign around the idea of "What if cigarette ads told the Truth?" Here is a two page spread from a magazine.



Unfortunately, it is much harder to find information about all these smaller groups. There is no one centralized organization to match CTR or the Tobacco Institute. Instead, it is the results of hundreds of smaller organizations and non-profits.

These many actions led to legislation, but also were important in helping to shift the culture, as is covered in the next chapter.

Key Takeaways on Real Grassroots Organization

- It is easier for corporations such as Big Tobacco to influence politics at the federal level. It is harder to influence politics at a state and local level. Therefore, grassroots organization at the smaller levels was ultimately more successful.
- Public smoking bans started with single cities and states, and within a couple of decades, some forms of restriction were in place in most areas.

- No one group was able to match the power of Big Tobacco. But real people fighting for real change could cause real world effects to happen.

Chapter 24 - Culture Shift

What ultimately led to Big Tobacco losing some power? The legal battles were important. The overwhelming scientific facts eventually became self-evident. The whistleblowers definitely helped. The solid journalism that covered all of the above was critical. And it was all these things that coalesced into shifting culture.

For a moment stop thinking of yourself as an individual, but awash in a sea of humanity. So many of your thoughts, feelings, beliefs, and values come about because of the culture we're surrounded with. Yes, you can consciously change these things, but most things are formed or at the very least influenced from the culture you live in.

In this chapter I will re-examine many of the events that previously were covered. However, this is done through the lens of how it shifted the overall culture.

Brandt writes, "In 1926, Chesterfield, then the nation's number one cigarette, ran its famous advertisement in which a woman asks a man smoking nearby to 'Blow Some My Way.' From the perspective of the late twentieth century, this ad is a strikingly ironic indication of the radical shift in the nature of smoking and risk."

Reflect on that for a moment. This successful ad campaign came before there was even a shred of an idea that secondhand smoke was dangerous. It speaks to outdated male and female roles that have similarly changed in our culture.

Recall in 1929 that chief propagandist Edward Bernays launched the “torches of freedom” campaign in order to get women to smoke in public. This campaign allied itself with a cultural movement (women’s liberation) that was already strongly in force. You could say it was co-opted by Bernays and Big Tobacco in order to sell more cigarettes. And remember, this was a successful PR campaign. It was no longer “blow some my way” but women smoke for yourselves.

What steers culture? Advertising does to a degree. Public relations far more so. And the professional relations (doctors, scientists, journalists, politicians, etc.) is the more critical part of that happening. This is true in Big Tobacco steering the culture where they want it, for reasons of profit. But it is equally true of public health advocates, anti-smokers, etc. that wanted to steer the culture the opposite way.

Culture is by and large steered through the media. In 1952, a popular article, “Cancer by the Carton” was republished in Reader’s Digest gaining wide circulation. The next year Time magazine published an article about titled, “Beyond Any Doubt.” These were some of the earlier pieces in major media publications that began the shift in the view of tobacco.

Yet, this was matched a short time later by Big Tobacco’s “A Frank Statement to Cigarette Smokers.” It wasn’t in a single major media publication but instead went out in 448 newspapers across 258 cities. This in turn won more media promotion from journalists congratulating Big Tobacco on doing the right thing in researching the risks of tobacco.

Now we had a cultural war on our hands. The scientific evidence coming to light about the risks of tobacco which would naturally work to lower consumption. And the warring side was Big Tobacco defending against this, seeking to promote cigarettes even more.

Television coverage is a place where culture is steered by and large especially back then due to the limit of media choices. At CBS Edward Murrow covered the tobacco controversy in two consecutive broadcasts at CBS. The head of Hill & Knowlton worked hard to make sure the coverage was a “balanced one” thus bringing the culture war over tobacco to the forefront. This controversy would continue for another decade at least. Some of the culture believed the science about the risks. Others in the culture believed Big Tobacco’s stance that the risks weren’t proven.

In 1961, 488 billion cigarettes were sold. Per capita consumption was 4,025 cigarettes. “From a business standpoint the tobacco industry has weathered

this latest spate of health attacks on its products," celebrated Hill &Knowlton. In other words, they were successfully "managing" the culture.

In 1967, John Banzhaf, a lawyer, asked the FCC to apply the "fairness doctrine" to cigarette advertising. The FCC granted a mandate of one antismoking message for every three TV commercials. These ads proved to lower cigarette consumption. This impact on culture led Big Tobacco to stop advertising on TV completely. While they continued to advertise elsewhere, this was a major big blow to their influence.

Imagine if this had not happened. There's a good chance, with continued TV advertising they would have had more influence on journalism then they did. (Just look at Big Pharma's every-other-commercial advertising onslaught in the USA on major news programs today.)

In 1978, Roper Organization, working under the direction of the Tobacco Institute, conducted a survey reporting, "Nearly six out of ten believe the smoking is hazardous to the non-smoker's health, up sharply over the last four years. More than two-thirds of non-smokers believe it and nearly one-half of all smokers believe it. This we see as the most dangerous development to the viability of the tobacco industry that has yet occurred." In other words, the cultural tide was turning.

"Many observers in the media and among tobacco interests predicted a war between smokers and nonsmokers, but it never happened," writes Brandt. "As public restrictions on smoking became more aggressive in the 1980s and early 1990s, compliance remained remarkably high despite little or no official enforcement…The thousands of smoking regulations enacted during this period were only a step ahead of changing social conventions, and they did not cause conflict so much as help legitimate the new norms…What was fragrant became foul; what was attractive became repulsive; a public behavior became virtually private."

If the culture, meaning the public at large, wasn't ready for such laws there would have been more pushback on them. But the public was ready. The culture was ahead of the laws being enacted because of science and media.

You can see this even more clearly on flights. In 1988, smoking was banned on flights of two hours or less. Northwest Airlines announced a total ban on smoking which they heavily advertised and were successful with. More and more people, the culture at large, wanted smokeless flights. Culture is going to affect business decisions such as this. This wouldn't have happened in the 50's

or 60's. An airline that advertised smokeless flights back then almost assuredly would have flopped. In 1990, smoking was banned on all domestic flights.

A big cultural marker was in April 1994 when the CEO's of the top seven tobacco companies appeared before Congress and all stated under oath that tobacco was not addictive nor that they manipulated nicotine levels in cigarettes.

By this point and time, most of American culture saw through the deceit of Big Tobacco. In fact, within the following year every one of those CEO's had been replaced. I guess lying to Congress was not seen as good leadership, or at least good PR.

The cultural tide turning led to even more revelations coming out. The 90's were largely the decade of the tobacco whistleblower. This led to big media coverage despite all of Big Tobacco's efforts to keep whistleblowers under wraps. In included the leaked documents from Merrell Williams, the revelations of Jeffrey Wigand and others.

Entertainment, as a subset of media, is a big part of culture. So when Wigand's story got promoted further through 1999's *The Insider* starring Al Pacino and Russell Crowe it further shaped culture. This movie was nominated for seven academy awards. It received lots of attention.

I remember watching this movie when I was a teenager. Without fully grasping the context, and having nowhere near the understanding I currently possess, this movie still imprinted some of these basics on me. If I hadn't seen this

movie then, would I still be writing this book? Maybe or maybe not, it's impossible to say for sure. Yet that I even can pose that question shows the influence of cultural impacts.

Brandt writes, "As the social and political status of the industry deteriorated, a number of institutions took actions to reduce the influence of the companies. Some universities, pension funds, and state governments divested their holdings in tobacco stocks. And a number of universities developed new policies to ban the acceptance of tobacco research funding—acknowledgement that the industry had historically used such grants to gain status and legitimacy, while distorting scientific progress."

These are only steps that could happen when enough of the culture is aware of and believes in the goodness of such actions. And yet there is also individual action. Who started up the conversation at the first university to do so? Who took the steps that would lead the culture moving forward in that direction?

Now, you might think that Big Tobacco losing a RICO case in 2006 would be the final nail in the coffin of them having any cultural influence, but alas that is not the case. It is in the industry's best interest for all these lessons to be forgotten. We saw how they target the youth of today in much the same way as previously. However, without the cultural influence that I and many others grew up in, such lessons are lost on many.

Of course, it's not just the tobacco industry alone that wants this stuff forgotten. The PR firms, lawyers, politicians and others that benefit from the use of the Industry Playbook strategies don't want the culture at large to know them.

Education is important to keep these lessons top of mind for every person. That's why I wrote this, in the hopes that it can steer the culture, even just slightly, in a positive way.

Key Takeaways on Culture Shift

- Culture both influences and is influenced by everything that occurs especially popular media whether that is news coverage or entertainment, as these are the main ways most people interact with scientific, legal, political or other fronts.
- Culture can be steered in ways that are both for good and ill.
- The co-opting of a cultural movement already under way, as we saw with Bernays' "Torches of Freedom" campaign allying itself to women's liberation,

can be a PR masterstroke. Attaching yourself to a cultural movement in action is easier than starting one from scratch.

- What effectively steers the culture, such as a successful advertising or PR campaign, must be matched to the times. Any other time it could flop. The culture is the environment in which all things take place.
- For laws to take effect it often must mean that the culture is ahead of the legislation being passed and enacted.
- Culture effects business decisions such as making smokeless flights available, institutions divesting of tobacco stocks and more. These can be seen as both cultural movements on a collective level, as well as the individual decisions and actions involved.

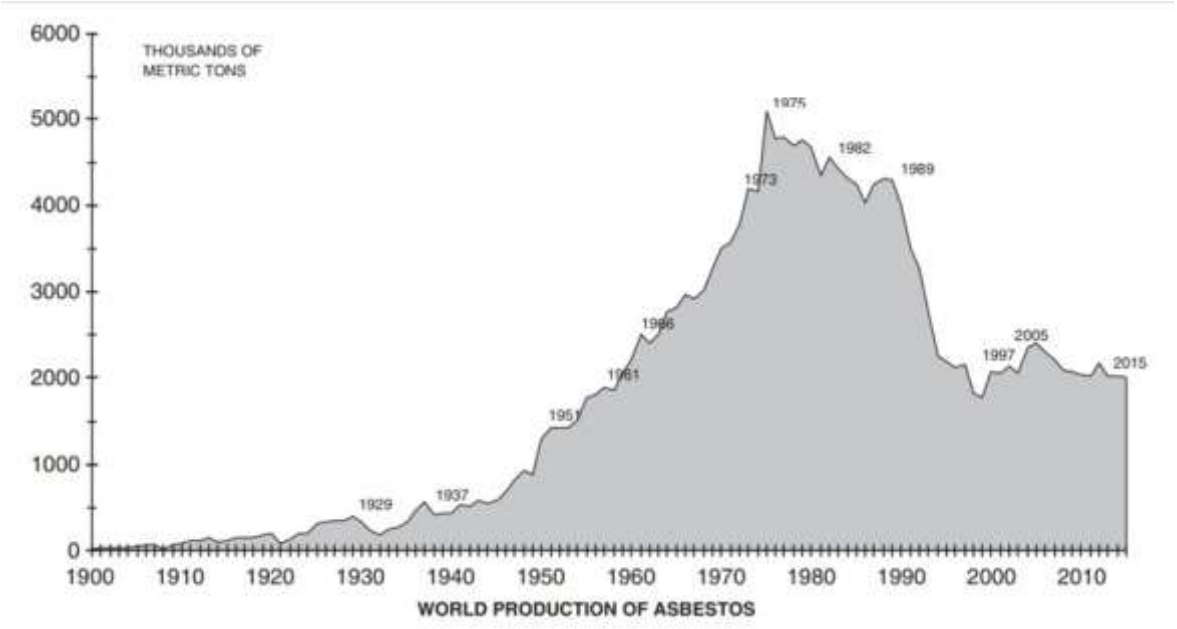
Part 3
Other Industry Examples

The following is a very limited selection of other industries showing the playbook strategies are the same or even sometimes further expanded.

Chapter 25 - The Asbestos Industry

If you're like me, you might recall commercials on TV about mesothelioma and lawsuits you can join. That and the idea that asbestos causes cancer was pretty much the extent of my knowledge about this industry.

You might also think that with the link so clear that asbestos is no longer use. As this chart shows, while it is down from its peak, asbestos production is certainly still strong.



Asbestos is a fibrous mineral that causes cancer, specifically the predominant form linked to it, mesothelioma. Just like tobacco, this is not the only disease linked to asbestos, the other main ones being asbestosis as well as lung cancer.

Barry Castleman, writes in Criminality and Asbestos in Industry, "Dominant companies in the asbestos industry have knowingly and recklessly endangered the health of their workers, their customers, and whole communities in the pursuit of profits since the 1930s. The fact of such business practices being so pervasive, often involving conspiracy in addition to misconduct by individual enterprizes, stands as an indictment of the social order. This documented breadth of misconduct throughout an industry points to a consistent legal, ethical, and corporate failure, not an aberrant one."

There's that conspiracy word again! That gives a quick overview, but now let's dive into the specifics and the playbook strategies you should be familiar with by this point. Note that the time line of the asbestos industry is very close to that of tobacco.

Asbestos was used in industry because the fibers were strong, durable and resistant to fire, while also being flexible. Asbestos was widely using in buildings, automobiles, shipyards, and other areas, most notably as an insulating material that is heat resistant.

This picture from 1941 shows a nurse laying an asbestos blanket over an electric heater to warm a patient.

By Ministry of Information Photo Division Photographer

The biggest asbestos mining and manufacturing companies included Johns-Manville in the US and Cape Asbestos and Turner & Newall (T&N) in the UK. These companies, known as the "Big Three," dominated the industry.

Here is a couple of ads from Johns-Manville showing some common places asbestos was used in the home.

Internal Science Kept Under Wraps

As with tobacco, the industrial scientists were the first to know about harms. That they knew all along was revealed through the discovery process brought on by litigation.

There was a 1947 report by W.C.L. Hemeon who was the head engineer of the Industrial Hygiene Foundation of America. This document showed that 20 percent of the workforce at two facilities developed asbestosis. It reported that the current safety standards were insufficient and did not protect workers.

Another case in 1995 led to discovery of internal documentation from Turner & Newell, one of the big three. This internal study found that only 17 or 108 men, and 3 of 18 women, that worked in mines were free of asbestosis. This damning information from 1929 was of course not published.

Johns-Manville company doctors monitored the health of their mine workers. The company doctors told miners their health problems were their own fault because of smoking or other causes, while telling their bosses the true cause. After deaths their lungs were autopsied to be studied. But none of this information was brought to light until court discovery decades later.

In 1948, company executives met to discuss their own science showing asbestos causing cancer in rats. They ordered all reference to cancer and tumors be removed before publishing a report.

The Public Science Builds

Dr. E.R.A. Mereweather published the first epidemiological study of asbestosis in 1930. He found that the average age of workers dying was 41.

"If only the slightest exposure to the dust results ultimately in death, then the scope of the necessary preventive measures is summed up in one word—prohibition—for, practically speaking, it is impossible to prevent such exposure," he said in 1933.

In 1955, Richard Doll from the Statistical Research Unit, Medical Research Council, in London, showed the first epidemiological evidence of asbestos causing lung cancer among textile workers.

J.C. Wagner's 1960 study was the first to find an association between mesotheliomas and those living near an asbestos mine in South Africa. This showed the workers weren't the only ones in danger, but those living close by.

In the USA, the marking point for the science came in 1964. Dr. Irving Selikoff published research establishing a link between asbestos and disease. Note how this turning point of the science was roughly around the same time as tobacco, as 1964 was when the Surgeon General's report came out.

The National Institute for Occupational Safety and Health stated in 1980 that, "All levels of asbestos exposure studied to date have demonstrated asbestos-related disease…there is no level of exposure below which clinical effects do not occur."

The Attacks on Dr. Selikoff

Dr. Selikoff was involved in a conference at Mount Sinai Hospital. After this he was contacted by the attorneys of the Asbestos Textile Institute. In 1964 their lawyers threatened that they "urge caution in the discussion of these activities to avoid providing the basis for possibly damaging and misleading news stories. The right to study and to discuss these subjects is clear, of course. But the gravity of the subject matter and the consequences implicitly involved impose upon any who exercise those rights a very high degree of responsibility for their actions."

A 2007 article in the International Journal of Health Services details the smear campaign that would ramp up. “Selikoff was consistently demonized as a media zealot who exaggerated the risks of asbestos on the back of bogus medical qualifications and flawed science. Since his death, the criticism has become even more vituperative and claims have persisted that he was malicious or a medical fraud. However, most of the attacks on Selikoff were inspired by the asbestos industry or its sympathizers, and for much of his career he was the victim of a sustained and orchestrated campaign to discredit him. The most serious criticisms usually more accurately describe his detractors than Selikoff himself.”

One such attack came from P.W.J. Bartrip titled, “Irving John Selikoff and the strange case of the missing medical degrees.” They accused him of not having a medical degree. He did, though the journal that published the attack refused to publish the degree or retract the article.

Unsurprisingly, internal documentation from the companies included titles such as “Discredit Selikoff.” Selikoff was the main target, but by no means the only one.

The Science Debate Shifts

Recall how the scientific/PR defense of Big Tobacco moved away from saying that smoking didn’t cause disease once that battle was fully lost. They shifted gears to saying tobacco wasn’t addictive, that secondhand smoke wasn’t a problem, that filters worked and more.

And so we see with the asbestos industry a similar shift.

Asbestos is found in six different naturally occurring minerals. These include brown asbestos, blue asbestos and white asbestos.

Once they could no longer hide it, the industry argued that most forms of asbestos were dangerous, but that white asbestos was safe. In the end this turned out to be nothing more than PR spin. And it also was very beneficial to the industry as white asbestos was the vast majority of what was mined.

Paul Cullinan, Professor of Occupational and Environmental Respiratory Disease at the National Heart and Lung Institute, Imperial College London, said, “It’s probably the case that white asbestos is less toxic in respect to mesothelioma than the amphiboles. The industry tries to argue that you can take precautions so that white asbestos can be used safely, but in practice, in the real world, that is not what is going to happen.”

Front Organizations and Institution Infiltration

Groups such as the Asbestos Research Council and the Asbestos Information Committee were formed and used to prop up the PR front.

Dr. Crump worked as a consultant for the Asbestos Information Association. He testified against OSHA regulation in 1984. In the early 2000's he was contracted by the EPA to develop a mathematical model for risks of asbestos. His model found that white asbestos was not a threat. His model relied on a dose-response analysis done by J.C. McDonald, another industry-funded researcher.

The Institute of Occupational & Environmental Health at McGill University was funded by the Quebec asbestos mining industry. Jock McCulloch, a historian at the Royal Melbourne Institute of Technology University, wrote, "As the crisis over mesothelioma deepened, the Canadian and South African governments sided uncritically with industry. In 1984, the Asbestos Institute (AI) was formed in Quebec. From its inception, the AI has been dedicated to the 'safe use of chrysotile asbestos,' through conferences, public relations initiatives, and the dissemination of scientific information. AI, which describes itself as a 'non-profit' organization, has been subsidised by Canadian governments. By 1999 it had received in excess of $40 million in sponsorship."

Litigation Bankrupts Some but Not All

The first asbestos-related lawsuit in the US was filed in Texas in 1966. As already mentioned, it was the discovery process that led to the revelations about just how much the industry was aware of the problems.

One unique thing about the story of asbestos, is that this litigation did drive many of the asbestos companies into bankruptcy. Their power was not on the level of Big Tobacco, and thus, for the most part, they weren't able to stop the turn of tide against them.

Asbestos liabilities led to at least 70 companies going bankrupt since 1976. But that was the smaller producers. The bigger companies were able to survive through underhanded means.

McCulloch wrote, "The tide of litigation that began in the mid 1970s saw the major U.S. producers, including Johns Manville and Raybestos-Manhattan, take refuge in bankruptcy and subsequently re-invent themselves as non-asbestos companies. Simultaneously, the industry shifted offshore to the developing world, where despite the known dangers, more than 2 million tons of

chrysotile were used during 2004. The industry's survival has been due largely to its success in keeping alive the fiction that asbestos can be used safely. Arguably its most potent weapons have been the suppression of evidence about the hazards of asbestos and even the corruption of science to promote doubt about the mineral's toxicity."

Here you find the tactic of going worldwide used once again. But also a new tactic of "Beneficial Bankruptcies" that we'll see play out elsewhere across industries. Bankruptcy can actually be used in certain ways to protect the guilty companies by restructuring assets and striving to use one jurisdiction that is more helpful than another.

"No executive in the United States asbestos mining and manufacturing industry has ever been charged with a crime related to asbestos, despite an impressive record of knowledge and cover-up revealed since the 1970s in civil litigation," writes Barry Castleman in Criminality and Asbestos in Industry.

In an article for the Journal of Environmental and Occupational Health Policy Castleman details some attempts to charge those responsible in the USA. But the judges in these cases appeared to be on the side of the industry executives that were charged with willful and wanton endangerment.

The Strange Case of Schmidheiny

But I will detail a fascinating case from Italy described that sought to hold an owner responsible. Stephan Schmidheiny inherited Eternit, an asbestos-cement company with many mines and factories. Criminal charges were brought against Schmidheiny that resulted in a court case ending in 2011. Castleman writes, "In its eight hundred-page explanation of its verdict ("Motivation"), the appeal court found that Schmidheiny had directed a cover-up that delayed the ban of asbestos in Italy by ten years. The court concluded that Schmidheiny personally ordered a campaign of disinformation from 1976 on, in order to protect his fortune."

"In reinventing himself as a "green" businessman in the 1990s, Stephan Schmidheiny created the World Business Council for Sustainable Development and began donating money to South American Conservation groups. He wrote several books saying business needed to conserve energy and manage resources sustainably, which was not yet a standard theme of corporate image advertizing. He was among the business leaders attending the Earth Summit in Rio de Janeiro in 1992. There, the billionaire was able to find help in his rebranding effort."

We'll see more examples of this greenwashing elsewhere.

Further appeal to the Italian Supreme Court had this overturned in 2014, saying his was guilty but that the statute of limitations had passed.

The prosecutors didn't give up. In May 2019, Schmidheiny was once again sentenced to jail for four years over the deaths of two workers that had no statute of limitations. This is being appealed and is the last update I could find.

EPA and OSHA Formed to Fight Asbestos

The EPA, the Environmental Protection Agency, was formed in 1970. OSHA, the Occupational Safety and Health Administration, was formed in 1971.

These were formed in part due to asbestos and the need to regulate it. The Clean Air Act of 1970 classified asbestos as an air pollutant. It gave the EPA the power to regulate use and disposal of asbestos. The Toxic Substances Control Act, in 1976, gave the EPA authority to place restrictions on certain chemicals including asbestos.

In 1986, the Asbestos Hazard Emergency Response Act had the EPA establish guidelines for removal of asbestos from schools.

In 1989, the EPA issued the Asbestos Ban and Phase-Out Rule. This aimed to fully ban the manufacturing, importing and sale of asbestos-containing products. However, the industry fought back. After appeal, *Corrosion Proof Fittings v. Environmental Protection Agency*, overturned the ban in 1991.

The Asbestos Information Association (AIA) was formed by the industry. The director was Matthew Swetonic, who explained what they were able to accomplish in fighting against these regulations. "I think it is a gauge of the effectiveness of the total industry involvement in this most crucial matter that of eleven main requirements in the [OSHA] standards, the industry position was accepted totally by OSHA on nine of the eleven, about fifty percent on a tenth, and totally rejected on only one. The struggle is far from over. We must not only continue but indeed expand our activities and the various areas of concern."

More attempts were introduced to complete ban asbestos. Such as the Ban Asbestos in American Act in 2002. In 2007, this bill passed the Senate but not the House.

The United Kingdom, Australia, Canada, and all of the European Union, at least 50 countries in total, have all banned asbestos use. The United States has not.

Use has gone way down, but it is still used in certain applications. In 2018, 750 metric tons were imported into the US. An estimated 10,000 people per year die in the United States from asbestos related disease.

A report from the WHO in 2018 found that about 125 million people in the world were exposed to asbestos in the workplace. And a whopping half of all deaths from occupational cancer come about because of asbestos.

Hill & Knowlton Strikes Again

Would it surprise you at all to learn that the asbestos industry worked with the PR Firm, Hill & Knowlton (H&K) the principle party behind Big Tobacco's initiative to control the scientific debate?

In 1968, T&N had a five-point plan from H&K that stated in capital letters, "NEVER BE THE FIRST TO RAISE THE HEALTH QUESTION." The points including emphasizing rarity and stressing the safety controls were effective.

Another front organization (are you keeping track of all these?) the Asbestos Information Centre shared offices with H&K. Again, just like the TIRC did.

In the early 1980's U.S. Gypsum Company hired H&K to help with public schools seeking compensation for removal of asbestos. More companies joined with the firm, forming an industry coalition to face the threat together.

H&K's strategy involved forming a "third-party panel of independent experts to be available for testimony, commentary and technical support in appropriate markets and forums."

They also said, "the spread of media coverage must be stopped at the local level and as soon as possible."

It was yet another Scientific Advisory Board. While the experts would be "independent" the funding would come from the industry itself.

In 1984, H&K formed the Safe Buildings Alliance (SBA) which could "could also act to deflect attention away from affected companies" and "take the heat from activist industry critics." A court later found that "Due to the financial and operational control that the [asbestos manufacturers] exercise over the SBA, the SBA is merely the alter ego of the [asbestos manufacturers]."

Sounds quite similar to the National Smokers' Alliance or Center for Indoor Air Research, run by Big Tobacco's PR firms to me.

Big Names and Politicians On Your Side

A memo between two asbestos plant managers were noted as saying, "In tackling a problem of this nature [mesothelioma] one should either be completely frank with everyone or maintain complete secrecy – it is the latter that [Professor Archie Cochrane, director of epidemiology at the Medical Research Council] feels is best at the moment."

A leader of public health and science was telling them to keep silent on the dangers. This was the man by which the Cochrane Collaboration was named. He is considered one of the fathers of clinical epidemiology and evidence-based medicine.

If he could be swayed to take the industry's side, is any science safe at all?

In the UK, member of Parliament Cyril Smith, was also shareholder in one of the big three, T&N. Regarding regulation by the government, he had at least one speech he delivered in the House, drafted by T&N.

And it turns out Smith was also a serial child sexual abuser which came to light much later. If you're willing to abuse children, taking money from an industry and lying about it is not nearly as bad, right? Why wouldn't you do that if you're committing much greater crimes? After all it would help you to accumulate money and power which would be useful in being able to abuse more, while getting away with it.

We'll unfortunately see examples of pedophile politicians come up again.

Conclusion

Of course, there are far more details available. I've tried to cover in a single chapter what it took me twenty chapters to do with Big Tobacco. And this pattern will mostly continue. It was a brief overview, showing just a few of the specifics involved in a century long industry.

The big picture I hope you can see is that it was almost exactly the same playbook in use, including one of the exact same players involved, Hill & Knowlton.

In the next chapter we look at the problems of asbestos in one of the world's most famous products and the lies and coverup involved.

Key Takeaways on The Asbestos Industry

- Internal science from as early as the 1920's was showing that asbestos was dangerous. The industry covered this up.
- As public science came out showing the dangers, the industry went on the defensive smearing and attacking such scientists.
- The industry hired PR Firms, including Hill & Knowlton to basically run the exact same PR strategy as Big Tobacco did.
- The EPA and OSHA were both created in part to offer protection against asbestos. Their powers were influenced by the industry even from early on. Front organizations were successful in stalling the scientific truth and keeping regulations, such as those from OSHA, at bay.
- Litigation bankrupted some of the smaller companies, but many of the bigger one's continued to thrive by utilizing bankruptcy loopholes or going more worldwide. No executive was held liable except possibly one in Italy where ongoing court cases are still occurring from events that occurred in the 80's.
- Despite the near unanimous recognition of asbestos dangers at any level, it is still produced in many countries and only banned in some.

Chapter 26 - Johnson & Johnson's Asbestos Baby Powder

Since we just covered the topic of asbestos, I figured it was worth discussing a more contemporary example that involves such.

Johnson & Johnson is a big company. They were ranked 36 in 2021 on the Fortune 500 list, as one of the largest US corporations.

In addition, J&J has been held up as one of the most honest corporations. Back in 1982, Tylenol was its biggest seller, representing one third of its profit. When someone replaced capsules inside the bottle with one's laced with cyanide in Chicago, seven people died.

J&J immediately went to the media to tell people to stop taking their product. They issued a nationwide recall to determine the extent of the problem. This is regarded as one of the great cases of a corporation doing the right thing, at tremendous cost to itself. They acted to save the public and they bounced back quickly because of doing so. Plus, to prevent future problems tamper-proof bottles were invented and rolled out.

I applaud the leadership in charge at that time. However, that doesn't mean everything they do or did was squeaky clean. In fact, you'll see that while that event went on, they were busy covering up another deadly crime, just one with a longer time horizon.

J&J's baby powder was launched in 1894. Late in 2019, J&J recalled 33,000 bottles of its baby powder. The FDA found asbestos inside. J&J claimed they had stringent tests, never found asbestos, and that it was safe. Here's a PR piece put out in newspapers after some of the initial lawsuits against them for this gained traction in 2018.

Some of the blatant lies, as you'll come to see from court discovery reads:

- "It doesn't contain asbestos and never will."
- "The FDA has tested Johnson's talc since the '70's and has confirmed – every single time – that it did not contain asbestos."
- "We did not hide anything. Ever."
- "We have always acted with the utmost transparency in this matter."
- "There is irrefutable scientific evidence that our talc is safe and beneficial to use."

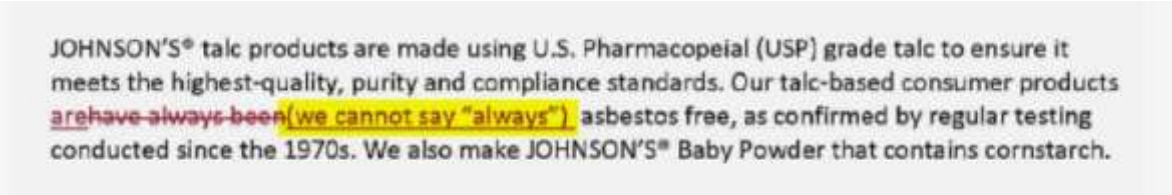
The PR website FactsAboutTalc.com continues the spin.

After all, if you're giving babies cancer that won't be developed for many years, lying about it is easy enough to do.

Here are the actual facts. Concerns had been raised back as early as 1971 and many times since.

New York Times reported "An executive at Johnson & Johnson…recommended to senior staff in 1971 that the company 'upgrade' its quality control of talc. Two years later, another executive raised a red flag, saying the company should no longer assume that its talc mines were asbestos-free…In hundreds of pages of memos, executives worried about a potential government ban of talc, the safety of the product and a public backlash over Johnson's Baby Powder, a brand built on a reputation for trustworthiness and health."

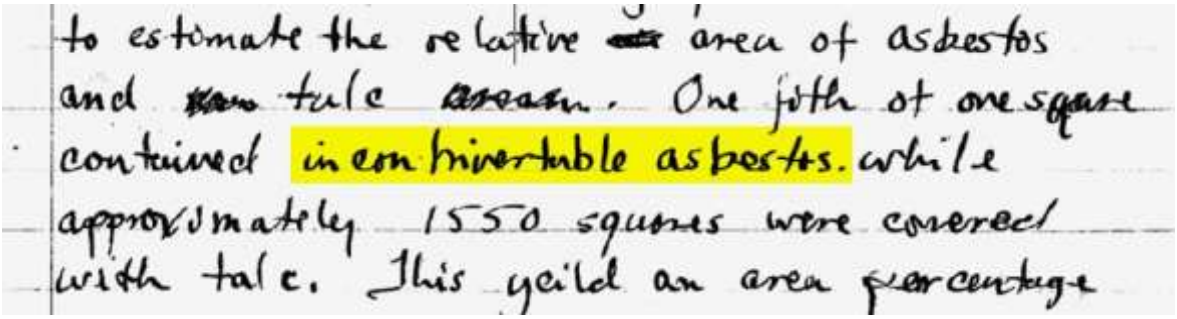
Discovery from civil litigation showed what was known and when.


JOHNSON'S® talc products are made using U.S. Pharmacopeial (USP) grade talc to ensure it meets the highest-quality, purity and compliance standards. Our talc-based consumer products ~~are have always been~~ (we cannot say "always") asbestos free, as confirmed by regular testing conducted since the 1970s. We also make JOHNSON'S® Baby Powder that contains cornstarch.

In this case, they covered it up every possibly way they could. In 1976, Arthur Langer at the Mount Sinai Medical Center found asbestos in talcum powders. The president of Mount Sinai issued a news release to say that these were older powders and new ones were safe, though that wasn't the case.

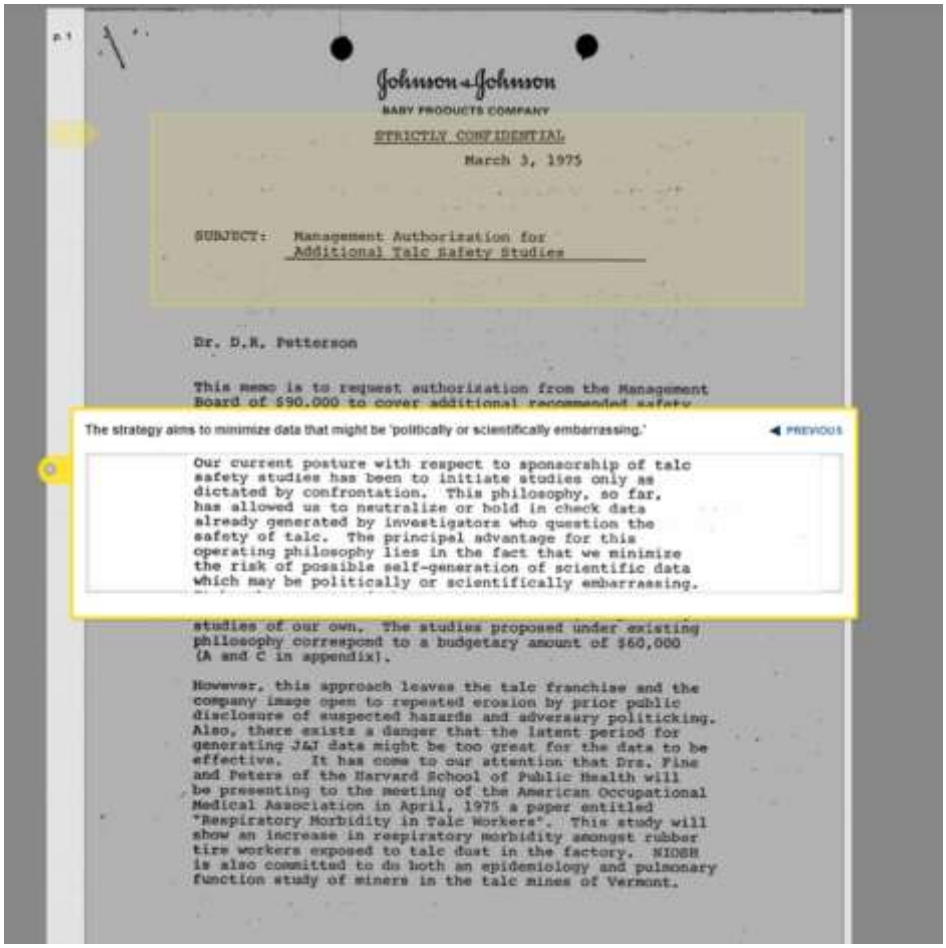
Why did the president do this? Mount Sinai received funding from the Robert Wood Johnson Foundation, started in the early 1970's with $1.2 billion of J&J stock. J&J CEO Philip Hofmann also served on the foundation board. Philanthropy obviously can be used for good…and philanthropy can also be used for power and control to protect profits. This is another industry playbook tactic that we'll dive deeper into later.

J&J put pressure on the FDA to not release what it deemed "untrue information". This despite scientists reporting "incontrovertible asbestos," or asbestos fiber counts that "seemed rather high." They pressed the FDA to use a subpar method that wouldn't detect amounts under 1%, which FDA officials were okay with. Controlling regulation is straight out of the playbook too.


to estimate the relative area of asbestos and talc areas. One fifth of one square contained [highlighted] incontrovertible asbestos. while approximately 1550 squares were covered with talc. This yeild an area percentage

In 1974, Johnson & Johnson told the FDA that, "...if the results of any scientific studies show any question of safety of talc, Johnson & Johnson will not hesitate to take it off the market." This was a lie to the regulators.

An internal J&J memo, marked strictly confidential, from a research director, says how science was to be handled. "Our current posture with respect to sponsorship of talc safety studies has been to initiate studies only as dictated by confrontation. This philosophy, so far, has allowed us to neutralize or hold in check data already generated by investigators who question the safety of talc. The principal advantage for this operating philosophy lies in the fact that we minimize the risk of possible self-generation of scientific data which may be politically or scientifically embarrassing."


Johnson & Johnson
BABY PRODUCTS COMPANY

STRICTLY CONFIDENTIAL

March 3, 1975

SUBJECT: Management Authorization for Additional Talc Safety Studies

Dr. D.R. Petterson

This memo is to request authorization from the Management Board of $90,000 to cover additional recommended safety

The strategy aims to minimize data that might be 'politically or scientifically embarrassing.' ◀ PREVIOUS

Our current posture with respect to sponsorship of talc safety studies has been to initiate studies only as dictated by confrontation. This philosophy, so far, has allowed us to neutralize or hold in check data already generated by investigators who question the safety of talc. The principal advantage for this operating philosophy lies in the fact that we minimize the risk of possible self-generation of scientific data which may be politically or scientifically embarrassing.

studies of our own. The studies proposed under existing philosophy correspond to a budgetary amount of $60,000 (A and C in appendix).

However, this approach leaves the talc franchise and the company image open to repeated erosion by prior public disclosure of suspected hazards and adversary politicking. Also, there exists a danger that the latent period for generating J&J data might be too great for the data to be effective. It has come to our attention that Drs. Fine and Peters of the Harvard School of Public Health will be presenting to the meeting of the American Occupational Medical Association in April, 1975 a paper entitled "Respiratory Morbidity in Talc Workers". This study will show an increase in respiratory morbidity amongst rubber tire workers exposed to talc dust in the factory. NIOSH is also committed to do both an epidemiology and pulmonary function study of miners in the talc mines of Vermont.

The facts were that the earliest reports come from 1957 and 1958. An Italian mine which J&J used for production was found to contain 1 to 3 percent contamination.

This coverup continued. Reuters reported, “An early 1970s study of 1,992 Italian talc miners shows how it worked: J&J commissioned and paid for the study, told the researchers the results it wanted, and hired a ghostwriter to redraft the article that presented the findings in a journal.”

Some of their own scientists proposed a simple solution. Switch from talc to corn starch. Why didn’t they? Talc was cheaper.

This was just a small sampling of the 60 plus year conspiracy and coverup of known but subtle dangers by one of the largest and most successful companies around. We’ll see more of J&J’s crimes, specifically surrounding the opioid epidemic, later on in the section on pharmaceuticals.

How have these court cases ended?

Johnson & Johnson has stopped selling its talc powder. But only in the USA and Canada. Other countries will continue to receive it. That’s the going worldwide strategy once again.

The company decided to stop selling “in large part to changes in consumer habits and fueled by misinformation around the safety of the product and a constant barrage of litigation advertising.” They claim misinformation while their internal documents show that their PR campaigns are the ones that are misinforming.

The Supreme Court rejected an appeal from J&J to undo $2.1 billion in damages awarded to plaintiffs.

As a result of this, J&J created a new subsidiary, LTL Management LLC, to shield itself from tens of thousands of lawsuits. J&J moved $2 billion in settlement money to this subsidiary, then filed for Chapter 11 bankruptcy. By doing this they’re holding a limited amount of assets to handle the court cases while protecting the bigger company. LTL’s liabilities are estimated between $1 and $10 billion. This legal maneuver was used widely by asbestos companies facing litigation.

Key Takeaways on Johnson & Johnson's Asbestos Talc Powder

- Johnson and Johnson has been held up as one of the most ethical companies due to their handling of the poisoning of Tylenol and how they recalled these in 1982.
- But even while that event came and passed, J&J was already lying about and covering up that their baby powder, made of talc, was contaminated with asbestos. They've known about this, and internally debated it, for at least five decades.
- Scientific research as early as 1957 showed the contamination of talc by asbestos. Internal research and documentation makes this abundantly clear.
- Their own scientists advised switching to corn starch, but talc was cheaper and profit was the bottom line.
- J&J was able to influence the FDA to use a less powerful test that wouldn't find the asbestos contamination.
- Their influence extended through philanthropic giving and company executives also sitting on foundation boards.
- J&J's public relations shows outright lies. They spread misinformation while stating that the other side is doing so in a classic case of projection.
- J&J is using bankruptcy protection methods, isolating the liability to a subsidiary setup for such, to make sure this doesn't do bigger harm to the main company.

Chapter 27 - The Leaded Gasoline Industry

The story of leaded gasoline is far worse than that of cigarettes. But fewer people seem to be aware of any of the details of this escapade of big industry. You and I have lead still in our bones to this day because of the actions of the people shown here.

In 1921, Thomas Midgley Jr., an engineer working at General Motors (GM), discovered that adding tetraethyl lead (TEL) to gasoline improved engine performance by having an anti-knock effect.

Midgley's boss was Charles Kettering, the head of research at GM. The president and CEO was Alfred P. Sloan. Their names would go on to be best known today as being on the Memorial Sloan-Kettering Cancer Center. (What goes on there and in the wider cancer industry will be discussed later.)

It wasn't just GM involved. By 1920, the du Pont family owned more than 35 percent of GM shares. So Du Pont was intimately involved from the beginning. We'll also hear more about Du Pont in a later chapter.

Standard Oil of New Jersey was also involved. They merged with Standard Oil of New York becoming what is known today as Exxon, the largest player of the original monopoly of Standard Oil that had been broken up.

These companies and their researchers said that the lead from gasoline wouldn't harm anyone. Some of them probably believed that was the case. The common refrain, that the amounts used would be too small to hurt anyone, was the company line.

The result was that massive amounts of lead were spread across the entire world through the use of cars and other vehicles.

Jamie Lincoln Kitman won an investigative reporting award for his Nation article on leaded gasoline, which much of this chapter stems from. He will be quoted throughout.

Dangers of Lead

The dangers of lead were already known back when they started using it. Even the ancient Greeks thousands of years ago where aware of what lead could do.

Lead is linked to lower IQ, heart disease, cancer, many other diseases, and even rises in violent crime and other behavioral issues.

It easily contaminants the air, water and soil. This leads to bioaccumulation as it does not break down, being one of the periodic elements. The estimated 7 million tons of lead burned in gasoline are now spread throughout the environment. A 1983 report by Britain's Royal Commission on Environmental Pollution stated that "it is doubtful whether any part of the earth's surface or any form of life remains uncontaminated by anthropogenic lead."

A 1985 EPA study estimated 5,000 Americans died annually from lead-related heart disease before the phase-out occurred.

Leaded gasoline's eventual USA banning lead to a drop in mean blood-lead levels of 75 percent. Understand that between 1927 and 1987 every single person was exposed to toxic levels of lead. This was most damaging to children, including babies in the womb.

But other countries continued to use it longer. Venezuela sold only leaded gasoline until 1999. Sixty-three percent of newborn children contained levels of lead in excess of the safe levels established by the government there.

An estimated 90% of the lead in the atmosphere is from gasoline. Other areas like mining and lead based paints contribute a minor amount in comparison.

All these dangers were denied and covered up by industry from the very beginning.

They Knew the Dangers of Lead When They Started Using TEL

Tetraethyl lead was first discovered by a German Chemist in 1854. It wasn't used commercially because of "its known deadliness." For over sixty years, it had no use until Midgley found one for it.

In March 1922, a Du Pont executive, Pierre du Pont described TEL as "a colorless liquid of sweetish odor, very poisonous if absorbed through the skin, resulting in lead poisoning almost immediately."

William Mansfield Clark, lab director in the US Public Health Service, had written the assistant Surgeon General A.M. Stimson when Du Pont's production first got underway. He said TEL was a "serious menace to public health" and that reports were coming in that "several very serious cases of lead poisoning have resulted" from the plant's production.

In turn, the US Surgeon General, H.S. Cumming wrote to Pierre du Pont in December 1922, "Inasmuch as it is understood that when employed in gasoline engines, this substance will add a finely divided and nondiffusible form of lead to exhaust gases, and furthermore, since lead poisoning in human beings is of the cumulative type resulting frequently from the daily intake of minute quantities, it seems pertinent to inquire whether there might not be a decided health hazard associated with the extensive use of lead tetraethyl in engines."

Midgley himself was suffering from lead poisoning in 1923. "After about a year's work in organic lead I find that my lungs have been affected and that it is necessary to drop all work and get a large supply of fresh air," he wrote.

Leaded Gasoline was Never Needed, in fact Inferior from the Very Beginning

Not only were the dangers known, but the benefits weren't even that great. Other additives to gasoline functioned in much the same way, in fact many are superior. Ethanol, better known as alcohol, is used instead of lead today.

Ethanol could be used back then. An article in Scientific American said in 1918 that, "It is now definitely established that alcohol can be blended with gasoline to produce a suitable motor fuel."

Unfortunately, ethanol had a fatal flaw as far as industry was concerned. It couldn't be patented. This and other additives were suppressed and smeared by the industry.

In fact, ethanol might have been used to power cars completely without oil involved at all! Kitman wrote, "In 1907 and 1908 the US Geological Survey and the Navy performed 2,000 tests on alcohol and gasoline engines in Norfolk, Virginia, and St. Louis, concluding that higher engine compression could be achieved with alcohol than with gasoline. They noted a complete absence of smoke and disagreeable odors."

Henry Ford's Model A car could be adjusted from the dashboard to run on gasoline or ethanol. But this simply wouldn't do for the growing oil industry.

In 1920, Midgley filed a patent for alcohol and cracked gasoline as antiknock fuel. He told a meeting of the Society of Automative Engineers, “Alcohol has tremendous advantages and minor disadvantages.” The benefits included “clean burning and freedom from any carbon deposit…[and] tremendously high compression under which alcohol will operate without knocking…Because of the possible high compression, the available horsepower is much greater with alcohol than with gasoline.”

Although this process was patented, ethanol itself could not be. Despite its earlier discovery, TEL could be patented, and it would be owned by GM.

That Midgley has earlier patented an alcohol gasoline process would later be denied. In August 1925, Midgley lied to a meeting of scientists, “So far as science knows at the present time, tetraethyl lead is the only material available which can bring about these [antiknock] results, which are of vital importance to the continued economic use by the general public of all automotive equipment, and unless a grave and inescapable hazard rests in the manufacture of tetraethyl lead, its abandonment cannot be justified.” This lie helped to protect the cash cow that TEL became.

TEL was marketed as Ethyl with no mention of lead at all. This is because of the negative connotations that lead justifiably carried. And this named happened to be curiously close to ethanol.

Standard Oil of New Jersey Gets in on the Game

Leaded gasoline swept the nation. So much so that GM couldn’t keep up with production.

In 1924, Standard Oil of New Jersey developed and patented a better manufacturing technology for TEL. They formed a joint venture with GM called the Ethyl Gasoline Corporation.

August of that year, they began production at its Bayway plant in Elizabeth, New Jersey. Du Pont engineers had expressed serious

concerns about the safety of this facility. Yet this information was not acted on.

Kitman writes, “On October 26, 1924, the first of five workers who would die in quick succession at Standard Oil’s Bayway TEL works perished, after wrenching fits of violent insanity; thirty-five other workers would experience tremors, hallucinations, severe palsies and other serious neurological symptoms of organic lead poisoning. In total, more than 80 percent of the Bayway staff would die or suffer severe poisoning. News of these deaths was the first that many Americans heard of leaded gasoline–although it would take a few days, as the New York City papers and wire services rushed to cover a mysterious industrial disaster that Standard stonewalled and GM declined to delve into.”

Some other deaths and incidents had occurred at other TEL plants as well earlier, but these were more successfully covered up from public knowledge.

Standard’s medical consultant, J. Gilman Thompson helped to cover it up stating that, “Although there is lead in the compound, these acute symptoms are wholly unlike those of chronic lead poisoning such as painters often have…There is no obscurity whatever about the effects of the poison and characterizing the substance as ‘mystery gas’ or ‘insanity gas’ is grossly misleading.”

These events led to Philadelphia, Pittsburgh and all of New Jersey banning leaded gasoline. Meanwhile, it continued to be sold elsewhere.

Regulating the Regulators

To help with the coverup, GM contracted the US Bureau of Mines to investigate the deaths. “Even by the lax standards of its day, the bureau was a docile corporate servant, with not an adversarial bone in its body. It saw itself as in the mining promotion business, with much of its scientific work undertaken in collaboration with industry,” writes Kitman.

The Ethyl Gasoline Corporation had veto power over what this agency wrote, the contract stating, “before publication of any papers or articles by your Bureau, they should be submitted to them for comment, criticism, and approval.”

In November 1924, the Bureau of Mines report was released. It only contained limited animal testing which found no problems with TEL.

The New York Times ran with the front-page headline “No Peril to Public Seen in Ethyl Gas/Bureau of Mines Reports after Long Experiments with Motor Exhausts/More Deaths Unlikely.”

This report and the surrounding press not only helped to allay fears of dangers to workers, but the overall danger of leaded gasoline.

Yandell Henderson of Yale attacked the report quite presciently. That while they had “investigated the danger to the public of acute lead poisoning,” they had, “failed even to take into account the possibility that the atmosphere might be polluted to such an extent along automobile thoroughfares that those who worked or lived along such streets would gradually absorb lead in sufficient quantities to poison them in the course of months.” Eventually, “conditions will grow worse so gradually and the development of lead poisoning will come on so insidiously (for this is the nature of the disease) that leaded gasoline will be in nearly universal use and large numbers of cars will have been sold that can run only on that fuel before the public and the Government awaken to the situation.” In a summation that describes American policy quite well he wrote, “This is probably the greatest single question in the field of public health that has ever faced the American public. It is the question whether scientific experts are to be consulted, and the action of Government guided by their advice, or whether, on the contrary, commercial interests are to be allowed to subordinate every other consideration to that of profit.”

Still, such incidents led to the voluntary withdrawal of Ethyl for a limited time in May 1925. But this may have been part of its public relations strategy and nothing more.

Further investigation would take place. Charles Kettering himself, as well as executives from Standard and Du Pont paid a private visit in 1924 to Surgeon General Hugh Smith Cumming. They requested the Public Health Service investigate TEL, holding private hearings.

This special committee found “no good grounds” for prohibiting leaded gasoline in January 1926. Their report found, “So far as the committee could ascertain all the reported cases of fatalities and serious injuries in connection with the use of tetraethyl lead have occurred either in the process of manufacture of this substance or in the procedures of blending and ethylizing.”

The New York Times once again helped to spread this corporate-friendly message with a headline, “Report: No Danger in Ethyl Gasoline.”

But to actually dive into the report you would find more troubling details, echoing what Henderson had said earlier. “It remains possible that if the use of leaded gasolines becomes widespread, conditions may arise very different from those studied by us which would render its use more of a hazard than would appear to be the case from this investigation. Longer experience may show that even such slight storage of lead…may lead eventually in susceptible individuals to recognizable or to chronic degenerative diseases of a less obvious character… In view of such possibilities the committee feels that the investigation begun under their direction must not be allowed to lapse…The vast increase in the number of automobiles throughout the country makes the study of all such questions a matter of real importance from the standpoint of public health, and the committee urges strongly that a suitable appropriation be requested from Congress for the continuance of these investigations under the supervision of the Surgeon General of the Public Health Service.”

With this the committee passed a resolution calling for further studies. However, no further studies were conducted. The Surgeon General never asked Congress for more money. For the next forty years all research was exclusively conducted by the industry. And TEL production began once again.

The Surgeon General would continue to act in favorable ways to the industry. “Foreshadowing years of sterling service on behalf of Ethyl, the Surgeon General, the nation’s highest-ranking medical officer, would put pen to paper again in 1928, encouraging New York City sanitary officials to lift the city’s ban on the use of TEL-laced gasoline,” writes Kitman. “In 1931 Cumming would further assist Ethyl’s overseas marketing efforts…the Surgeon General would busy himself writing letters of introduction for Ethyl officials to public health counterparts in foreign countries.”

No direct financial links were mentioned in Kitman’s writing or other sources that were looked at, but the chances are that they were there. By his actions the Surgeon General was clearly allied to the industry rather than public health.

The FTC Restrains…the Competition

In 1936, TEL dominated 90 percent of the gasoline market. Yet, Cushing Gasoline started advertising their TEL free gasoline with ads that read, “It stands on its own merits and needs no dangerous chemicals–hence you can offer it to your customers without doubt or fear.”

As a result of this, and whatever backroom deals that must surely have taken place, the Federal Trade Commission stepped in to help Ethyl continue to

monopolize. They issued a restraining order to prevent competitors from criticizing leaded gasoline in their advertising.

Their order read that Ethyl gasoline, “is entirely safe to the health of motorists and the public…and is not a narcotic in its effect, a poisonous dope, or dangerous to the life or health of a customer, purchaser, user or the general public.”

The FTC’s mission is to protect consumers from misleading advertising. Yet here we see them do exactly the opposite in protecting monopoly interests.

Lead Science

The top lead industry scientist was a man named Robert Kehoe. He was appointed as the chief medical consultant of the Ethyl Corporation in 1925. He worked there until he retired in 1958. That’s 33 years of dedicated industrial science. He was also appointed as the director of the Kettering Laboratory, funded by GM, Du Pont and Ethyl.

At a Senate committee in 1966, Kehoe said, “at present, this Laboratory is the only source of new information on this subject [occupational and public health standards for lead] and its conclusions have a wide influence in this country and abroad in shaping the point of view and the activities, with respect to this question, of those who are responsible for industrial and public hygiene.”

He further told them that they “had been looking for 30 years for evidence of bad effects from leaded gasoline in the general population and had found none.”

His findings were backed by some of the top authorities like the American Public Health Association and the American Medical Association.

After the Surgeon General’s committee, zero public science was done. The leaded gasoline industry not only had a monopoly on the product, but also a complete monopoly on the science at this point, all of it running through Kehoe’s lab. And it was shoddy industry science with a pre-conceived outcome.

Kitman writes, “In fact, independent researchers later realized, Kehoe’s control patients–the ones who wouldn’t be exposed to leaded gas in his studies–were invariably already saturated with lead, which had the effect of making exposed persons’ high lead load appear less worrisome.” These uncontrolled controls

would be a mainstay of industry science. It's a great way to show that whatever you're looking at has no impact.

Other industry-funded associations would help to propagate such industry-friendly research. These groups included the Lead Industries Association and the International Lead Zinc Research Organization.

Leveraged Buyout

TEL's patents expired in 1947. Yet the profits were large enough to be spread by all the top players in the industry.

In 1963, the Ethyl corporation's annual report stated, "today, lead alkyl antiknock compounds are used in more than 98 percent of all gasoline sold in the United States and in billions of gallons more sold in the rest of the world. Leaded gasoline is available at 200,000 service stations in this country and thousands of others around the globe."

Yet GM had decided to get out of the leaded gasoline business. This may have been due to antitrust issues that were being looked at. More likely this had to do with much debated at the time air pollution regulation that they saw coming.

Kitman writes, "American auto makers saw the threat that air pollution posed to their business. In the mid-fifties they'd concluded a formal but secret agreement among themselves to license pollution-control technologies jointly and not publicize discoveries in the area without prior approval of all the signatories, a pre-emptive strike against those who would pressure them to install costly emissions controls."

So in 1962, GM and Standard Oil sold off Ethyl Gasoline Corporation, their leaded gasoline subsidiary, to Albemarle Paper.

After that they turned against their former product that had made them rich. A biographer for GM would write, "Here was General Motors, which had fathered the additive, calling for its demise! And it struck some people as incongruous–not to use a harsher word–for General Motors to sell half of what was essentially a lead additive firm for many millions and then to advocate annihilation of the lead antiknock business."

In 1969, the Justice Department accused the four major auto companies, including GM, their trade association, and seven other manufacturers of

conspiracy for the above-mentioned secret agreement. There's that conspiracy word again. This suit was settled that September.

Anti-Lead Science Strengthened and the Ensuing Bribes, Threats and Actions

Meanwhile, the science regarding the dangers of lead was growing ever stronger.

Dr. Clair Patterson, a California Institute of Technology geochemist, had worked on the Manhattan Project and was widely credited with estimating the earth's age of 4.55 billion years. He was considered a scientist beyond reproach.

In 1965 he published, "Contaminated and Natural Lead Environments of Man," in the Archives of Environmental Health. This detailed how industry had raised lead levels 100 times in the earth and 1000 times in the atmosphere." While lead was natural, it's widespread dispersal had been caused by man.

Patterson said, "It is not just a mistake for public health agencies to cooperate and collaborate with industries in investigating and deciding whether public health is endangered–it is a direct abrogation and violation of the duties and responsibilities of those public health organizations."

Ethyl sent representatives who according to Patterson, tried to "buy me out through research support that would yield results favorable to their cause."

The pushback is always multi-pronged. His longstanding contract with the Public Health Service was not renewed. The American Petroleum Institute also failed to renew a contract Patterson had with them.

Kitman writes, "Members of the board of trustees at Cal Tech leaned on the chairman of his department to fire him. Others have alleged that Ethyl offered to endow a chair at Cal Tech if Patterson was sent packing."

Phasing Out Lead in Gasoline in the USA

Interestingly enough, it wasn't the health issues that caused it to go away, but tailpipe emissions. The Clean Air Act of 1970 led to catalytic converters being required for strict emission regulations. Lead damaged catalytic converters.

Within the USA, the EPA acted in 1973 to phase out leaded gasoline. New vehicles were designed to run on unleaded gasoline.

When this was announced the EPA was sued by Ethyl and Du Pont, that they were deprived of their property rights. The US Court of Appeals for the District of Columbia said that the EPA's lead regulations were "arbitrary and capricious."

Up the chain of courts it went. In 1976, this decision was overturned because of the "significant risk" involved. Ethyl, Du Pont, Nalco and PPG, as well as the National Petroleum Refiners Association and four oil companies appealed to the Supreme Court but they refused to hear it. (Interestingly enough, Supreme Court Justice Lewis Powell had been an Ethyl director.)

An intensive lobbying campaign was launched to delay the lead phaseout. This was led by Du Pont, Monsanto and Dow.

With all of this industry-led pushback, as with most regulation when it occurs, it was a slow-moving plan.

California led the way banning leaded gas in 1992. Leaded gasoline wasn't fully banned within the USA until 1996 for passenger cars.

Increasing Lead Worldwide

By 1979 Ethyl found, “It is worth noting that during the second half of 1979, for the first time, Ethyl’s foreign sales of lead antiknock compounds exceeded domestic sales.” With increasing regulation in the USA, the strategy of going worldwide would become more prevalent.

When the USA had finally banned leaded gasoline in all passenger cars in 1996, other countries were far behind. The percentage of leaded gasoline sold included:

- 93% Africa
- 94% Middle East
- 30% Asia
- 35% Latin America

Not only that, but additional steps would be taken to ensure that profits remained high. In other countries the industry would help to get even more lead added to gasoline. This was of no benefit except to their bottom line. India more than doubled how much lead was in its gasoline, from 0.22 to 0.56 grams per liter.

Another big leaded gasoline company was Octel. They reported in a 1998 SEC filing, “From 1989 to 1995, the Company was able to substantially offset the financial effects of the declining demand for TEL through higher TEL pricing. The magnitude of these price increases reflected the cost effectiveness of TEL as an octane enhancer as well as the high cost of converting refineries to produce higher octane grades of fuel.”

Certain imports and exports only made sense in light of profit motives. “Ironically, in the nineties the Venezuelan state oil company, Petroleos de Venezuela, exported unleaded gasoline. But it was importing TEL and adding it to all gasoline sold for domestic use,” reports Kitman. “By way of explanation, it is perhaps not unhelpful to know that several high-ranking officials of the state oil company held consultancies with companies that sell lead additives to the country.”

Phasing Out Lead Worldwide

In 2002, the United Nations Environment Programme launched an effort to stop worldwide use of leaded gasoline. Most countries started on this immediately, but some countries did not. This included Algeria, Afghanistan, Iraq, Yemen, Myanmar, and North Korea.

Rob de Jong, the head of UNEP's sustainable transport unit, said "In some of these countries, officials were bribed by the chemical industry that was producing these additives…They were bribed to buy large stockpiles."

Finally, in 2021 lead in gasoline was banned and phased out completely for passenger vehicles across the world. Algeria was the final country to stop using it.

However, while leaded gasoline is no longer used worldwide for passenger cars, it is still used for other vehicles, including some aircraft, motorsports, farm equipment, marine engines and off-road vehicles. This includes in the USA.

Diversification

Despite the problems, Ethyl continued to thrive. By 1983 they had become the world's largest producer of organo-metallic chemicals. In addition to expansion into the petroleum industry, they would expand into specialty chemicals, plastics, aluminum, oil, gas, coal, pharmaceuticals, biotech research, semiconductors and life insurance.

Ethyl's 1996 annual report shared their "long-running strategy: namely, using Ethyl's significant cash flow from lead antiknocks to build a self-supporting major business and earnings stream in the petroleum additives industry."

Ethyl Corporation, as a subsidiary of NewMarket Corporation, is still going strong. They're making total revenues of over $2 billion per year.

Erik Millstone of the Science and Technology Policy Research Unit at Sussex University reviewed all the scientific evidence on lead exposure in 1997. He found that children where four to five times as susceptible to the effects of lead as adults.

The good news is that lead levels fell rapidly when leaded gasoline was no longer used.

Still, these dangerous effects wouldn't be completely eliminated. A 1992 article in The New England Journal of Medicine compared pre-Columbian inhabitants of North America to those living in the present day. The authors found that the average blood-lead levels were 625 times lower earlier in history.

Rabinowitz in an article for Environmental Health Perspectives, states "Bone lead levels generally increase with age at rates dependent on the skeletal site

and lead exposure. The slow decline in blood lead, a 5- to 19-year half-life, reflects the long skeletal half-life."

What this means is that because of leaded gasoline in the past, you and I still have lead in our bones. The sins of the fathers…

Key Takeaways on The Leaded Gasoline Industry

- Lead was used in gasoline for its antiknock effects. It was already known to be poisonous at the time, and there already were better alternatives, especially ethanol. But it had a fatal flaw for the industry, it wasn't patentable.
- Leaded gasoline would aerolize lead getting it in the air, soil and water. Their pollution affected every single man, woman and child the world over causing cancer, neurodegeneration, cardiovascular problems and more. It is especially dangerous to developing children. No one was immune.
- The companies behind these actions were General Motors, Du Pont, and the various Standard Oil spin offs (nowadays ExxonMobil).
- The man who invented tertraethyl lead's use in gasoline himself suffered from lead poisoning. To prove its safety, he would literally rub it into his skin at exhibitions. He had previously patented an ethanol gasoline method but this wasn't as profitable so GM never used it and would later claim there were no alternatives.
- The US Surgeon General Hugh S. Cumming was effectively in the pocket of the industry. He helped to cover up deaths from lead poisoning, expanding the reach of the industry to the worldwide market, and doing no further research on the risks of lead gasoline. With no research the industry could claim there was no research to show it had risks.
- There were other friends in high places. The FTC put a restraining order on competitors saying leaded gasoline "is entirely safe to the health of motorists and the public." No competitors could bring up the health dangers.
- The New York Times, for one reason or another provided cover for the industry including the front-page headline: "Report: No Danger in Ethyl Gasoline," even though the report discussed the need for more research and longer term potential issues.
- Robert Kehoe was the chief medical consultant of the Ethyl Corporation (formed by GM and Standard Oil). In front of Congress in 1966 he said that he "had been looking for 30 years for evidence of bad effects from leaded gasoline in the general population and had found none." In his research his control patients already had lead exposure thus leading to the outcomes desired by the industry.
- Dr. Clair Patterson, a California Institute of Technology geochemist, onetime member of the Manhattan Project published in 1965 "Contaminated and Natural Lead Environments of Man." This found how industry had raised his lead burden 100 times and levels of atmospheric lead 1,000 times. The industry attempted to buy him out, had other scientific contracts canceled and tried to get him fired.

- Many countries began banning leaded gasoline. The USA started in the 1980's. The last country in the world, Algeria, finally did so in 2021.
- However, leaded gasoline is only banned in passenger cars. Leaded gasoline is still used in some aircraft, motorsports, farm equipment, marine engines and off-road vehicles including in the USA.

Conclusion

I originally started this project just as a plan to dive into Big Tobacco and their shady tactics, as a means to understand the history for what we see in other industries today. (And a big shout out to those donors who funded me to kick start the idea!)

Fortunately, or unfortunately depending on how you look at it, I tend to be thorough. And so, this project grew and grew. I felt it was necessary for people to understand to breadth and depth of these strategies across industries.

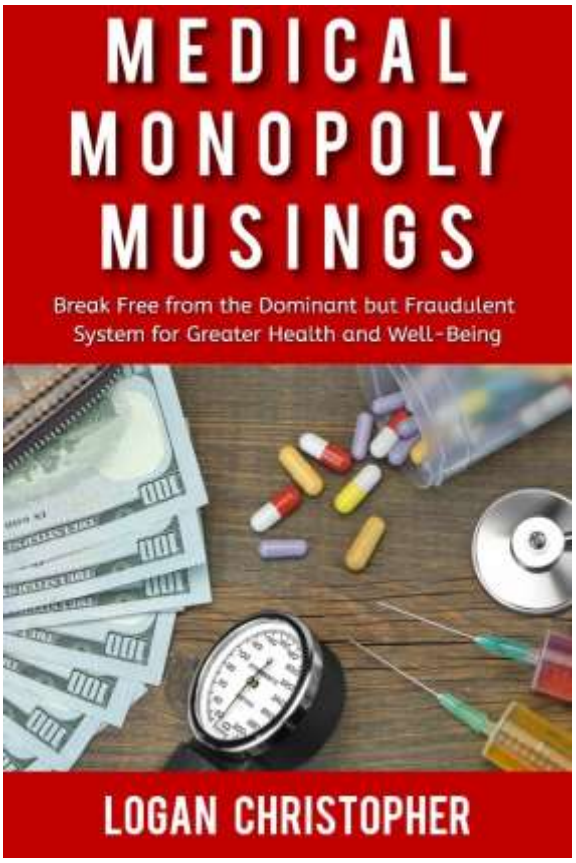
To have a narrow lens and see just a bit of this picture can stop you from seeing how the game is truly played. As such, the plan grew to the following divided across seven parts.

- Part 1 – The Tobacco Playbook
- Part 2 – Breaking Free of Big Tobacco
- Part 3 – Other Industry Examples
- Part 4 – The Monsanto Playbook
- Part 5 – The Pharma Playbook
- Part 6 – The BIG Players
- Part 7 – The People's Playbook

You've seen the complete part one and two. You saw about one third of what was planned for Part 3. The plan included industries such as water fluoridation, various chemicals and pesticides, good, telecom, oil and more.

Part 4 was going to focus on Monsanto, which was frequently rated the evilest corporation in the world. Their nickname of Monsatan was quite well earned. With this deeper dive you'll find how the playbook has specifically been updated for the 21st century and use of the internet.

Part 5 was to cover the pharmaceutical industry. This part was to be the largest in the book and is based on much of an earlier project I engaged in called Medical Monopoly Musings. Several books can and have been published on this topic alone. The industry has been around a long time so many examples from the past will be shown. But there is also a focus on more contemporary examples, including the COVID pandemic, with the playbook used at an even larger scale. Big Tobacco lost power eventually. Big Pharma has continued to gain.



This ebook can be found for free at https://healthsovereign.com/mmm

Then in part 6, the plan was to switch gears. There's a question worth asking. Why does industry after industry use the same playbook? Here we explain the profit motive and sociopathic systems at play. And we dive deeper into the main players, those who move between industries, the PR firms, the lawyers and the lobbyists. If we liken the playbook to football, these big players are the coaches and quarterbacks. It is every bit as important as understanding the plays, to understand the players.

This section would also dive into the regulators, those that supposedly protect the people from nefarious industry efforts. Unfortunately, you'll find the revolving door in full operation leading to these being predominately captured agencies.

Finally, in part 7, I was to continue the work only started in part 2. I call this The People's Playbook. It is not enough to know what the industries engage in. It is not enough to be able to point to the players. We must accurately perceive what is ultimately successful in fighting against them. What actually works? And who is currently doing good work?

Unfortunately, due to life events this complete project has been sidelined for the time. I put together what was complete at this time to put out as you know have available.

This project may be continued at a later date, or it may only stand this incomplete. Only time will tell.

In either case, this is more than enough to understand The Industry Playbook as a whole and how these games are played.

About the Author

Born without genetic gifts, a weak and scrawny Logan Christopher sought out the best training information in his pursuit of super strength, mind power and radiant health. Nowadays, he's known for his famous feats of pulling an 8,800 lb. firetruck by his hair, juggling flaming kettlebells, and supporting half a ton in the wrestler's bridge. Called the "Physical Culture Renaissance Man" his typical workouts might include backflips, freestanding handstand pushups, tearing phonebooks in half, bending steel, deadlifting a heavy barbell, or lifting rocks overhead.

Far from being all brawn and no brain Logan has sought optimal performance with mental training and sports psychology which he has explored in depth, becoming an NLP Trainer, certified hypnotist, EFT practitioner and more. That's also how he got started in the field of health and nutrition which inevitably led to Chinese, Ayurvedic and Western herbalism.

His personal philosophy is to bring together the best movement skill, health information, and mental training to achieve peak performance. He is the author of many books and video programs to help people increase their strength, skills, health, and mental performance. Discover how you too can become super strong, both mentally and physically, at www.LegendaryStrength.com and find the superior herbs to support all aspects of your performance at www.LostEmpireHerbs.com.