

## What the environmental illness community can learn from Big Tobacco



**Tobacco killed about 600,000 Americans every year. But politics and money was much more important to Congress, government agencies and the American Medical Association. This story brings a chilling lesson to anyone who hopes that one day public health officials will start helping people with MCS and EHS**

*Keywords: MCS, multiple chemical sensitivity, EHS, civil rights, regulation, politics, lessons learned, Cigarette Century, Allan Brandt*

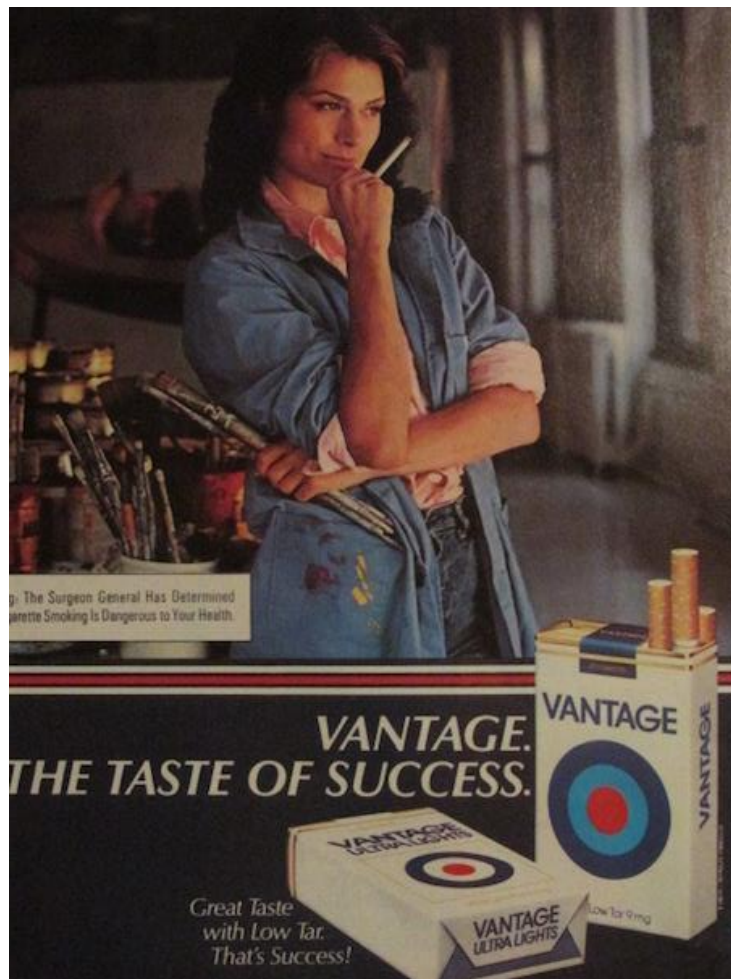
### **Documenting the tobacco war**

There are several books about the shenanigans of the big American tobacco companies. The most detailed and thorough account we have found is *The Cigarette Century*, by Allan M. Brandt who is professor of History of Medicine at Harvard University.

In the following we highlight some of the events that offer important teaching lessons for the MCS and EHS communities, and anyone else who hopes that the authorities will eventually “do the right thing when enough science is available” to prove the dangers from the many chemicals and wireless devices sold today. Throughout, we list the chapters in Allan Brandt’s book covering the events in much more detail.

### **Uncertainty and dubious health claims**

Smoking started to become popular in the 1920s and consumption grew decade by decade. The peak was in the 1970s where about 70% of adult Americans were smokers.



*A 1983 cigarette ad promoting the idea that successful women smoked.*

It often takes 30 or 40 years of smoking before the major health effects show up. This long delay made it much less obvious how deadly tobacco was and made it easier to ignore. It also meant the science took a lot longer time to become available.

In the late 1940s physicians started to be concerned about the health effects they could see in their patients, but the science was not available yet.

The tobacco industry calmed these concerns in various misleading ways. In the 1950s they used a lot of doctors in their advertising (ch 4). Then they fiddled with the nicotine and tar contents, and advertised some brands to be “low tar” or “mild,” even though this actually didn’t mean anything (ch 8).

The most effective charade was the introduction of filter cigarettes. The “filters” didn’t actually lessen the health effects, it was just another marketing ploy. They even had the audacity to design the filters so they changed color a little when smoked, to fool the smoker into believing they were effective (ch 8).

The gimmick worked. By the mid-1970s nearly 90% of all cigarettes sold had a “filter” on it (ch 8).

Of course, the tobacco companies kept maintaining that there was really no need for such “protection,” they were just responding to what their customers wanted, they said.

### **The Surgeon General’s report**

By 1957 there were sixteen studies of cigarette health effects, which all found them to be deadly. More studies were underway (ch 7).

The U.S. Surgeon General is the highest ranking public health official in the United States. Cigarettes were clearly a major health threat that needed to be addressed. But how?

The tobacco industry had virtually unlimited resources to fight any scientific study and advertise their point of view in the media. The Surgeon General did not have the budget to cut through the tobacco campaigns and educate the public about the dangers.

The industry also had a lot of clout in Congress. A Congress that controlled the Surgeon General’s budget.

And then there was the American Medical Association, which was very conscious about anyone stepping on their turf. The AMA was not interested in campaigning against cigarettes (ch 8).

Careful innovation was needed. It came in the form of a consensus committee to evaluate all evidence. Ten highly regarded scientists covering a broad range of

expertise were appointed by the Surgeon General. Five were smokers, five were non-smokers. None of them had studied tobacco health before. The tobacco industry could veto any candidate it wished (it blocked two). (ch 7)

It would be hard to later claim this was a biased committee. The committee was to answer a single question: is smoking harmful?

It was a large undertaking. The committee worked for more than a year analyzing hundreds of scientific reports and critiques. The final report came out in 1964 and was unanimous. And it was devastating for the tobacco industry. It found smoking caused serious risk of lung cancer, coronary heart disease, bronchitis and emphysema (ch 7).

This was actually “game over” scientifically, already in 1964. But politically, that was quite another matter. Of course, the tobacco industry didn’t accept the report’s findings and for decades after worked to sow doubt, despite the ever-increasing mountain of evidence.

### **Federal agencies try to restrict tobacco**

With full scientific clarity that smoking was dangerous to health, several federal agencies tried to do something for the public health. They were all stymied by Big Tobacco’s ability to control Congress.

The first attempt was by the Federal Trade Commission (FTC), which reacted within days of the Surgeon General’s report. It wanted to require warning labels on all cigarette packs and advertising. Tobacco’s friends in Congress forbade the FTC from regulating tobacco advertising, while they did require a small and weak warning label on the cigarette packs (larger labels came much later). (ch 8)

The industry actually *wanted* that tiny label, so they could later use it as defense against lawsuits. Now they could say that smokers had been warned, so they could not sue when they got sick. But at the time they claimed it was a concession, of course (ch 8).

The industry agreed to a voluntary Advertising Code, which was not really enforced and quietly abandoned a few years later. It was all just for show (ch 8).

A list of other agencies also tried to restrict tobacco, such as OSHA, FCC, CPSC, EPA and others. Each time Congress acted to shut them down (ch 8).

One would think that at least the American Medical Association would finally issue a warning against smoking and support regulation, but not so. According to this book (ch 8):

*AMA was eager not to alienate those tobacco-state congressmen and senators whose votes would be needed in their efforts to defeat Medicare and Medicaid.*

(This was in 1965 when health care reform was being debated, and Medicare/Medicaid was created. The AMA was concerned that doctors' fees might be curbed.)

Noting that 80 percent of smokers started to smoke regularly before they turned 18 years old, the Food and Drug Administration (FDA) attempted in 1996 to prevent underage smoking. They wanted to ban cigarette sales to children, prohibit vending machines, billboards and other advertising targeting minors.

The tobacco industry very much *needed* teenagers to smoke, as “replacement” smokers for those who died. They knew that once people got older they rarely started smoking.

The tobacco industry sued the FDA, The case went all the way to the Supreme Court, which ruled that the FDA did not have jurisdiction to restrict tobacco (ch 11).

Measures to limit teenage smoking came later through court actions.

### **Lawsuits fail**

Several lawsuits were filed against the tobacco companies by people who got cancer, or by the deceaseds' families. They did not succeed.

The industry each time successfully argued that the smoker had voluntarily taken on the risk, and they could simply had quit smoking. The arguments about the addictiveness of the cigarettes and that people often got hooked as a minor did not work.

Juries and judges simply saw smoking as a personal responsibility (ch 10).

### **Secondhand smoking finally worked against Big Tobacco**

The one thing that finally worked against the tobacco industry was secondhand smoking. Innocent bystanders were involuntarily hurt by someone else's actions.

Nonsmokers could not be accused of accepting responsibility for a hazard imposed upon them (ch 9).

Following the 1964 Surgeon General's report, it was reasonable to assume that secondhand smoke was hazardous too. That perception became common during the 1970s, and people started to ask for smoke-free areas in restaurants and workplaces (ch 9).

For decades nonsmokers had complained about cigarette smoke, but it was simply considered a sort of "allergy" that only affected a small group of individuals (ch 9). Small groups do not count.

Proving "real" health effects in nonsmokers was difficult and took time. Results started appearing during the 1980s.

The tobacco industry defended itself by saying the secondhand smoking studies were "inconsistent" and "unconvincing."

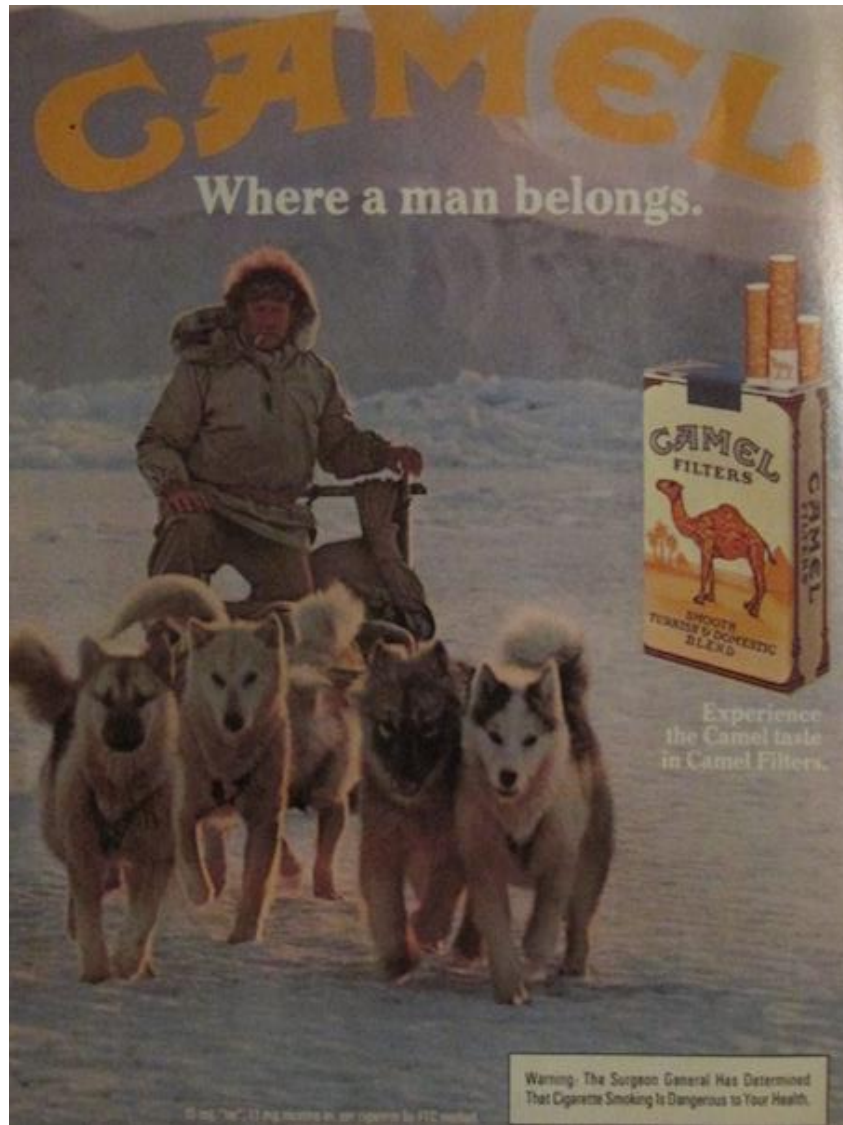
In 1986 the Surgeon General Stated:

*The right of the smoker to smoke stops at the point where his or her smoking increases the disease risk in those occupying the same environment (ch 9).*

In 1992 the Environmental Protection Agency estimated that 3000 Americans died each year from lung cancer caused by secondhand smoking (ch 9).

The tobacco industry fought back by funding their own "science."

A review of more than a hundred scientific papers found that 37 percent concluded that secondhand smoke was not a health risk. Three-quarters of these articles came from scientists with financial ties to the tobacco industry (ch 9). (Decades later, Swiss researchers found similar relations for studies on cell phone health effects.)



*Cigarette ads often showed “manly men,” like this one from 1983.*

In the 1980s workplaces started to restrict smoking. In part this was due to concerns that they could be sued by nonsmoking employees who contracted smoke-related illnesses. Other benefits were lower health-care costs, fewer sick days and less cleaning costs (ch 9).

Individual states began to restrict smoking in public places in the late 1990s.

### **The airline smoking ban**

Airlines tried to accommodate nonsmokers by placing the smokers in the back of the plane, but it didn’t really reduce the smoke problem. A ban was clearly needed to protect the health of nonsmokers and the flight attendants (ch 9).



Banning cigarettes in airplanes was the first time smokers were forced to not smoke for a period of time. The tobacco industry fought hard, as they were afraid smokers might discover that they did well without smoking for a few hours.

The flight attendants' unions supported the ban, as their members were forced to inhale smoke for hours every day inside a poorly ventilated airplane.

The airlines were fearful of losing business and opposed the measure.

The compromise was to ban smoking on flights up to two hours. It took effect in 1988. One airline extended the ban to all their flights and discovered it was popular with their customers.

The smoking ban was so popular Congress banned smoking on all flights in 1990 (ch 9).

### **Smokers' rights**

With so many calls for smoke-free workplaces and transportation, the tobacco industry fought back by launching a "smokers' rights" campaign (ch 9).

They said it was un-American to put restrictions on people's right to smoke wherever they pleased. One ad stated (ch 9):

*The smell of cigarette smoke annoys me. But not as much as the government telling me what to do.*

They published a Smokers' Bill of Rights, and launched the National Smokers Alliance, which was supposedly a grassroots smokers' group, but in reality it was an industry front.

When smoking bans on airlines were considered, the tobacco industry fought especially hard for "smokers' rights" and got it initially limited to shorter flights, as they claimed smokers couldn't go any longer without smoking.

### **Congress tries to act**

Not all of Congress was beholden to Big Tobacco. The House of Representatives held hearings on tobacco after whistleblowers revealed the industry intentionally made cigarettes even more addictive (ch 11).





*Tobacco executives taking the oath in 1994, before telling a congressional committee that they did not believe tobacco was addictive or harmful. Photo credit: John Duricka, AP News*

The highlight of the hearings was when the chief executives from seven tobacco companies testified under oath. They all stated they did not believe cigarettes were dangerous or addictive (ch 11).

The hearings were a public humiliation for the tobacco industry with many damaging revelations. But still Congress refused to do anything.

### **Winning lawsuits**

Lawsuits against the tobacco companies finally got traction when suing on behalf of nonsmokers hurt by tobacco smoke. The courts were much more sympathetic to innocent people harmed by cigarettes than to those who harmed themselves.

The first success was when a union sued on behalf of their 60,000 flight attendants, who were forced to breathe tobacco smoke all day inside airplanes (ch 12).

This lawsuit was instrumental in restricting smoking on flights.

The lawsuit with the biggest impact was when thirty-five state attorneys general joined together in 1997. They sued the tobacco industry for medical expenses treating the tobacco victims. The industry settled out of court.

The amount of money recovered was very large, hundreds of billions, though in the end it didn't cover the actual medical costs. And the tobacco companies were able to pay less than first expected. They put it all on their prices, so it didn't even dent their profits.

An important part of the settlement was that the industry had to put much larger and better warning labels on their packages and restrict their advertising. They finally had to stop recruiting underage smokers – the cartoon figure Joe Camel had to go. Billboards had to go too (ch 12).



*Anti-smoking billboard in 1998*

Some of the money went to tobacco education programs, including television ads and billboards.

In return, the industry got protection from further lawsuits which otherwise might have destroyed them. Destroying what now had become a cash cow was not in the interest of the states.

### **Anti-tobacco activists**

There were surprisingly few activists trying to stop tobacco from killing the smokers. Nobody marched in the streets or held rallies, despite cigarettes killed up to 600,000 Americans every year.

The American Lung Association and American Cancer Society issued pamphlets, but did not aggressively try to promote the science. They had many other

programs and were concerned about alienating members and donors who were smokers. Established environmental organizations stayed on the sideline. It was really up to new organizations dedicated to this one issue.

In the 1960s cigarette commercials dominated television. There was no way any sort of public health campaign could compete with that. Then one lone activist got a brilliant idea. In those days it was the law that television stations must provide balanced viewpoints on contentious issues (the law was repealed in the 1980s, which opened the airwaves to highly partisan television and radio stations).

This one activist, who also was a lawyer, convinced the Federal Communications Commission to force the TV stations to bring free public health announcements about tobacco. They were highly effective, the sales of tobacco went down each of the four years the anti-tobacco ads were aired. The tobacco industry was unable to stop them. They realized the only way to stop them was to stop their own TV advertising, which they did (ch 8).

When second-hand smoking became less acceptable, there were more activists. They made “nonsmokers’ rights” a civil rights issue. The main advocacy group was called GASP (ch 9).

One slogan was “we all share the same air.”

When tobacco giant Philip Morris sponsored a national essay contest, a small anti-smoking group launched a spoof contest. The question they asked was: “Are tobacco company executives criminally liable for the deaths, diseases and fires that their products cause?” They had only a small advertising budget, but the media picked up the story (ch 9).

The tobacco industry had many friends in Congress, especially those from the tobacco states. The lavish campaign contributions also helped. Doing the bidding of Big Tobacco was truly bi-partisan.

Surprisingly, this sordid state of affairs was not called out much. Apparently the only time a politician was lambasted for his close ties to the tobacco industry was when Bob Dole ran for president in 1996.

One lone man made Dole’s connections to the tobacco industry a campaign issue. He showed up at many of his campaign rallies wearing a cigarette costume and heckling Dole. Dole claimed innocence to the reporters, but he received \$477,000 from the industry and flew 38 times on their corporate jets. When asked about cigarettes he always followed Big Tobacco’s talking points (ch 11).

## **The federal government helps selling tobacco in other countries**

Despite knowing that cigarettes were deadly, the federal government used its muscle to help Big Tobacco sell their products in other countries.

Several Asian countries had government tobacco monopolies, which sold cigarettes at high prices and didn't advertise much. This limited tobacco use and its consequences.

As cigarette sales declined in the United States, the tobacco industry looked to other countries for increased sales.

During the 1980s, the U.S. State Department put pressure on Taiwan, South Korea, Japan and Thailand to let American tobacco in. Thailand still refused and called it "tobacco colonization." The United States took Thailand to court and convinced the judges that Thailand was simply restricting trade. Even though the World Health Organization testified in support of Thailand, Big Tobacco won (ch 13).

## **Was Big Tobacco uniquely evil?**

The tobacco industry may be the worst of the worst, but not truly unique in terms of corporate behavior. There are several other industries who knowingly harmed many people for pure profit. Here are some examples:

The asbestos industry fought their own injured workers for many decades.

The oil industry fought climate change for many years. The eventual harm may overshadow the tobacco industry. Volkswagen programmed their diesel cars to cheat on emissions tests.

Workers poisoned by radioactive radium were told they had syphilis and anxiety and were denied compensation.

When health effects from the use of mobile phones became a question in the 1990s, the industry set up their own research program. When the results showed red flags, they cancelled the program and fired the director. The director then wrote a tell-all book about it (Carlo, 2001).

Thousands of people were killed by a toxic cloud from a pesticide factory in Bhopal, India. Those responsible fled the country and were sheltered by the U.S. government so they did not have to face justice.

There are whole books with such stories, including several written by university-affiliated scientists: (Davis 2002, 2010; Oreskes 2010; McGarity 2008; Michaels 2008, 2020)

### **Lessons to learn**

History is a great teacher. Even though the main battles of the tobacco wars are decades behind us, human nature has not changed.

Future battles for the civil rights of people with environmental sensitivities and disabilities will be different since the tools available are different. But the underlying issues have not changed much.

The following are the lessons this writer subjectively see as important to learn from the tobacco war.

#### **Lesson: involuntary exposure is the strongest tool**

Forget about helping those who voluntarily expose themselves to dangerous products, even if they are not fully aware. History shows that the courts, politicians and public opinion is much more sympathetic to those who are forced to be exposed to dangerous products.

The tobacco industry actively worked to discredit people with MCS in the 1990s, as they claimed to be hurt by second-hand smoke.

#### **Lesson: civic organizations will not help**

Organizations focused on the environment, civil rights and public health issues will probably not help. They have a broader base of supporters which they do not want to antagonize, as many of them may not agree that there are problems with the toxic and wireless lifestyles.

#### **Lesson: the politicians will lead from behind.**

Politicians will never get out in front. They will only help once there has been a change in public opinion, or if they are forced by the courts. If they can't act on their own when cigarettes kill 600.000 Americans a year, when will they?

#### **Lesson: government agencies won't help**

Government agencies will rarely help. They are very political and have to choose their battles wisely.

And then there is the “revolving door” where senior agency managers get cushy industry jobs if they have been “helpful” while leading an agency.

Despite loud rhetoric, agencies such as EPA and OSHA are not really allowed to follow the science in setting exposure standards (Michaels, 2008).

**Lesson: corporations will never “see the light”**

When major product sales are threatened, and possible lawsuits lurk, a corporation really has little choice than to double down and fight the truth. The CEO’s top responsibility is always to the shareholders.

**Lesson: some scientists will never concede**

Scientists who have financial conflicts of interest will rarely concede anything. Even some who have staked their reputation on a point of view may not. They will continue to criticize studies and call the body of evidence “inconsistent” and “unconvincing,” which is especially common words used in these years about research into wireless devices, despite the mounting evidence.

**Lesson: money talks**

Corporations buy influence in many ways. Their lobbyists can be persuasive on their own, and then there is the money they donate, the lavish dinners, corporate jets, and other perks. Politicians and their top staff who have been “helpful” are often offered highly paid cushy jobs in the industry once they leave politics (the infamous “revolving door”).

If a targeted industry has a lot of employees and contractors, they may also pressure their politicians.

**Lesson: the courts**

As several sources have stated: the only thing a corporation fears is a jury.

Again and again, the courts were the ones to gradually restrict Big Tobacco.

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### **More information**

More articles about environmental illnesses (MCS/EHS) on [www.eiwellspring.org/intromenu.html](http://www.eiwellspring.org/intromenu.html)