

Milestones in 45-year movement

CALIFORNIA'S Prop. 99 got the city's Tobacco Free Project and Tobacco Free Coalition off the ground in 1990, but a major tobacco-control "event" 10 years later — the Tobacco Master Settlement Agreement — brought long-term support. Its history, greatly compressed here, is a primer in the clash between public health campaigns and as well-financed, entrenched industry trying to protect its products.

The U.S. surgeon general released a report in 1964 that linked smoking and increased death rates, especially from lung cancer. A year later, Congress began requiring a health warning on cigarette packages. Cigarette advertising was banned on radio and television in 1970. By 1972, the surgeon general was proposing a government ban on smoking in public places and a year later identified secondhand smoke as a health risk. Arizona restricted smoking in public places, followed two years later by Minnesota. The military dropped cigarettes from K-rations and C-rations in 1975.

The tobacco industry fought every control effort. It denied connections between smoking and cancer, and insisted that tobacco was not addictive.

In a 1978 congressional hearing, Oregon Sen. Ron Wyden asked seven tobacco company reps lined up at a long table, "Do you believe nicotine is not addictive?" In turn, each of the seven leaned into the microphone and said, "I believe nicotine is not addictive" — a little bit of theater that now can be viewed on YouTube ([youtube.com/watch?v=txYH8RCCQk&url=http://www.mahalo.com](http://www.youtube.com/watch?v=txYH8RCCQk&url=http://www.mahalo.com)).

During the 1980s and 1990s, more and more state attorneys general filed lawsuits against tobacco companies. The tobacco industry, insisting that most smokers knew smoking was dangerous before lighting up, managed to parry most legal thrusts.

Mississippi became the first state to successfully sue the tobacco industry on behalf of taxpayers, charging the industry with the medical costs of sick tobacco users who received Medicaid. The 1994 suit was settled three years later: \$3.4 billion to the state for 25 years.

Insiders' leaks put the industry on edge. In 1994, Dr. Stanton Glantz, U.C. at San Francisco, who was already a national champion in the anti-smoking movement, received two boxes in his office. Inside, from "Mr. Butts," were the "Pentagon Papers" of the nation's war on tobacco: 4,000 pages of leaked, internal Brown & Williamson Tobacco Co. documents that described the company's 30 years of marketing and scientific research, including the addictive effects of nicotine. In his book, "The Cigarette Papers," Glantz documented what the company knew and covered up about tobacco, and how it manipulated public information.

Also in 1994 — 30 years after the surgeon general's report that triggered the anti-tobacco movement — a confidential Philip

Morris memo leaked to the Wall Street Journal likened nicotine to cocaine and morphine. It said "the primary reason" people smoke is "to deliver nicotine into their bodies," and conceded that smokers use nicotine to "change psychological states." Scientific proof of addiction poured in. The FDA declared cigarettes "drug delivery devices" in 1995 and imposed marketing restrictions. Cases of industry obfuscation mounted. Lawsuits escalated. Tobacco companies began looking for a way to staunch the financial bleeding.

The result was the 1998 Tobacco Master Settlement Agreement: Top manufacturers Brown & Williamson, Lorillard, Philip Morris, R.J. Reynolds and Commonwealth agreed to a laundry list of restrictions. They were prohibited from targeting youth in their advertising, marketing and promotions, and had to commit to discouraging youth tobacco use. And they had to pay the states \$206 billion over 25 years, with funding beginning in 2000.

In exchange for the largess from the settlement, state attorneys general agreed to drop pending suits and file no future suits. But individual and class-action lawsuits continue. In 2000, a jury in California ordered Philip Morris to pay \$51.5 million to a woman who said her inoperable lung cancer was due to smoking. That year, as many as 125 class-action suits were pending across the country.

In 2006, a new surgeon general report definitively linked secondhand smoke to lung cancer and heart disease in non-smoking adults as well as to sudden infant death syndrome, low birth weight, acute respiratory infections, ear infections and asthma attacks in infants and children. The report spurred a flurry of legislative action especially by local governments.

On June 11, the Senate passed SB 982, a bill Sen. Ted Kennedy sponsored that gives the FDA primary authority over tobacco's manufacture, marketing and distribution. Listing of ingredients on product packages, regulation of tar and nicotine levels, a mandate to disclose all research findings, a ban on using "light" and "mild," and other restrictions on tobacco advertising are some of its provisions, which will be phased in over the next two years. Graphic warning labels must be on products by July 11, but candy-flavored cigarettes will have to be off the shelves by October of this year.

Tobacco companies won't give in easily: Even as the Senate was passing SB 982, R.J. Reynolds was beginning to test-market dissolvable, high-nicotine options to cigarettes for places where you can't light up and that might be especially appealing to young people: lozenge-shaped Camel Orbs, toothpick-size Camel Sticks and filmstrip-like Camel Strips. An amendment added to SB 982 bans this "tobacco candy." ■

—MARJORIE BEGGS



Secondhand smoke law may be gaining support

► CONTINUED FROM PAGE 6

children who will be spared a lifetime of addiction and premature death."

Others feel that the slow, steady, persistent efforts of advocates have already changed how most people feel about smoking. In a May 13 interview on NPR's "Fresh Air," former FDA Commissioner and dean of Yale and UC San Francisco medical schools David Kessler called tobacco control one of "the great public health successes." Kessler's topic that day was the detrimental effects of excess sugar, fat and salt, and government's role in regulating them to improve especially children's health.

"If you look at tobacco, if you look at seat belts, how did we win those battles?" Kessler asked, rhetorically. His answer was "government control. In the end, we've changed the way we look at tobacco. And if I get in a car, I don't feel normal unless I put on that seat belt."

Smoking as "abnormal"?

If you're a San Franciscan of a certain age — say, over 50 — you remember when you could smoke at your desk in your office, have an after-lunch cigarette at your table in your favorite restaurant, light up on a flight from SFO to LAX, puff away at movie theaters, in courtrooms, on buses, in college classrooms, in doctor's offices and hospital rooms.

Smoking was ubiquitous. Those who didn't smoke sometimes complained if the vapor wafted into their face. More likely, they just moved away, if they could, with nary a word.

If you're under 50, you may not believe that.

Tobacco Free's 20 years of work has helped move smoking from acceptable toward "not normal." However, it still has Philip Morris' appeal hanging over it, an artifact of its dismissed lawsuit against the city over banning tobacco in pharmacies. The ban, claimed the suit, "unfairly deprives adult consumers of the opportunity to buy tobacco products from legitimate, licensed retail businesses."

The local work goes on and on. Just two weeks after the FDA bill passed, Hrushow got an email from the American Lung Association. The alert asked local advocates to shoot off letters opposing an executive order by Gov. Schwarzenegger that might ax several Prop 99-funded contracts that are part of the California Tobacco Control Program. Among them is one that funds efforts to increase penalties for retailers who sell to minors and another that gives advocates, health professionals and elected officials access to free legal advice about tobacco control. The Lung Association alert said the Tobacco Control Program has saved more than a million lives and \$86 billion in personal health care costs since its inception in 1988.

And the city's secondhand smoke ordinance? As tobacco topics continue to capture headlines nationwide, Daly aide Tom Jackson says two formerly uncommitted supervisors may be ready to approve the ordinance.

"The supervisor cares about this issue and supports the changes," Jackson says, "but mostly he's giving the coalition advo-

cates the room to move this forward. It's their baby."

Postscript: Efforts to control smoking are nothing new. The world's first smoking ban was a 1590 papal bull by Pope Urban VII — he threatened to excommunicate anyone who chewed, sniffed or smoked tobacco in a pipe inside a church or on a church's "porchway." ■

San Francisco Study Center, publisher of *Central City Extra*, is fiscal sponsor of the Tobacco Free Project and the LGBT Tobacco Education Partnership.

10 p.m., Sept. 30, 2008: Cigarette shelves are bare at the 825 Market St. Walgreens two hours before the ban on selling tobacco products in pharmacies takes effect.



PHOTO BY BOB GORDON